

**COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – June 14, 2011**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:04 PM

**PRESENT:** Mayor Dassing, Councilman, Murray, Hauser, and Piazza

**ALSO PRESENT:** Borough Administrator, Paul Carelli, Acting Borough Clerk, Lisa O’Neill and Borough Attorney, Greg Mascera, Esq.

**ABSENT:** Councilman Coyle, Councilman O’Donnell  
Councilman Norton absent on Roll call

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:**

May 24, 2011

Moved by Councilman Piazza, seconded by Councilman Murray. Discussions Ensued. On roll call, Councilman Murray, Hauser, and Piazza voted in the affirmative. Councilman Norton, Coyle and O’Donnell absent. Minutes approved 06/14/11.

**ORDINANCE RE-VOTE:**

**ORDINANCE #1232-11 – BOND ORDINANCE PROVIDING FOR ROADWAY IMPROVEMENTS TO FOREST AVENUE IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$410,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$410,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

Moved by Councilman Piazza, seconded by Councilman Hauser. No Discussion. On roll call, all presented voted in the affirmative. Adoption of ordinance was approved on 6/14/11.

**PUBLIC HEARING AND ADOPTION OF ORDINANCES:**

**Robert Dubenezic, 40 Roseland Avenue –** asked if the OPRA fees were included in this ordinance. Paul Carelli responded that all the fees were corrected.

**Councilman Norton arrived at 7:12PM**

**ORDINANCE #1234-11 AN ORDINANCE AMENDING CHAPTER A270-1 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SCHEDULE OF FEES CHARGED BY THE BOROUGH, SO AS TO MODIFY THE AMOUNT OF FEES CHARGED FOR CERTAIN BOROUGH SERVICES.**

Moved by Councilman Murray, seconded by Councilman Hauser. No Discussion. On roll call, all presented voted in the affirmative. Adoption of Ordinance was approved on 06/14/11.

**ORDINANCE #1235-11 - AN ORDINANCE TO AMEND SECTION 41 OF THE BOROUGH OF CALDWELL GENERAL ORDINANCES TO ADD SECTION 41-41 ENTITLED “OUTSIDE EMPLOYMENT OF OFF-DUTY POLICE OFFICERS”**

Moved by Councilman Murray, seconded by Councilman Hauser. No Discussion. On roll call, all presented voted in the affirmative. Adoption of Ordinance was approved on 06/14/11.

**ORDINANCE #1236-11 - AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2011**

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Moved by Councilman Murray, seconded by Councilman Hauser. No Discussions. On roll call, all presented voted in the affirmative. Adoption of Ordinance was approved on 06/14/11.

**OPEN PUBLIC COMMENTS ON RESOLUTIONS:**

6-146: AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH JUNE 14, 2011 FOR 2011 BILLS IN THE TOTAL AMOUNT OF \$3,272,447.54

6-147: RESOLUTION AUTHORIZING A CONTRACT MODIFICATION CM-005 TO THE WASTEWATER TREATMENT PLANT UPGRADES, CONTRACT NO. 2007-1 – ADDITIONAL AMOUNT \$183,020.32 – NEW TOTAL AMOUNT \$12,125,470.52.

6-148: AUTHORIZING AN EAGLE SCOUT LEADERSHIP SERVICE PROJECT BY ANDREW FRANCIS DOWNEY OF 144 SMULL AVENUE, WEST CALDWELL, N.J. FOR THE DESIGN AND CONSTRUCTION OF A GARDEN / SITTING AREA BEHIND THE CALDWELL PUBLIC LIBRARY

6-149: AUTHORIZING THE REFUND OF A TAX OVERPAYMENT PAYABLE TO MASON & STEPHANIE KIRSCH

6-150: AUTHORIZING THE REFUND OF A TAX OVERPAYMENT PAYABLE TO BRIAN P. WILSON

6-151: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Kiwanis Club of Caldwell-West Essex / On Premise –50/50 Raffle / October 2, 2011 – 11:30AM – 5:00PM

6-152: RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION Block 8.01, Lot 7, NORTH CALDWELL, NJ TO JOHN BURGIO.

6-153: RESOLUTION AUTHORIZING THE SALE OF OBSOLETE COMPUTER EQUIPMENT THROUGH THE INTERNET SITE GOVDEALS.COM

6-154: PULLED

**CONSENT**

Moved by Councilman Murray, seconded by Councilman Piazza. No Discussion. On roll call, all present voted in the affirmative. Resolution approved 06/14/11.

6-155: RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH PHOENIX ADVISORS, LLC FOR A FINANCIAL ADVISORY SERVICES CONSULTANT FOR THE BOROUGH OF CALDWELL

6-156: RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$3,519,000 IN PRINCIPAL AMOUNT

6-157: RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$4,329,000 GENERAL OBLIGATION BONDS, CONSISTING OF \$3,519,000 GENERAL IMPROVEMENT BONDS AND \$810,000 WATER UTILITY BONDS OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY AND PROVIDING FOR THEIR SALE

Moved by Councilman Murray, seconded by Councilman Piazza. Discussions Ensued.

On roll call, Councilman Norton, Murray and Piazza voted in the affirmative.

Councilman Hauser voted in the negative. Resolution approved 06/14/11.

**OLD BUSINESS:**

**CDBG Grant – Project Determination**

Paul Carelli reported that there were three submissions for a CDBG grant. One grant was for the elevator in the Borough Hall approximately 200,000, second option was a

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joint project with West Caldwell to refurbish the field house for approximately \$125,000. West Caldwell also put there own grant for the same thing to supplement that. Our third option was for a street Grove Street. The Federal Government has significantly cut funding for Community Development grants and typically Caldwell sees about \$82,000 a year for our projects. We received a letter that they have authorized \$70,000 to be used for one of the three items we submitted.

**6-158: Authorizing the Borough Administrator to submit a letter to the County saying we would like to use the funds to pave Grove Street.**

Moved by Councilman Hauser, seconded by Councilman Norton. Discussions Ensued. On roll call, all present voted in the affirmative. Resolution approved 06/14/11.

**Councilman Norton** reported that they are arranging a meeting for Community Relations and our next council meeting will have a full report on numerous items that we will be touching on.

**Councilman Piazza** reported that a senior transportation meeting was cancelled and he wanted to pay his respects to Manny Ferrara who passed away on June 1<sup>st</sup>. Manny was the Chairperson for the Mayor Senior advisory committee vice-chair of the Caldwell, West Caldwell, Roseland transportation committee he served on each of those committee's for many, many years. We had a long range meeting yesterday to go over several different items we were reviewing our plans for the technology upgrades for the Borough which we are slowly but steadily moving forward on. We also have had some discussion with Comcast which will include some live feeds in the Borough. The draft includes a nice technology payment if you would, its some funds to help pay for all the equipment that will be necessary in order to implement this. We have been talking a long time to have our council meetings on television and with these funds we will be able to do this now.

**Councilman Hauser** reported that the Senior Center has tentatively moved to the Woman's Club. There is an event on Monday, June 20<sup>th</sup> to welcome everyone to the Woman's Club. In regards to the Library the last meeting with the Library board trustees there was discussion around looking at ways to work on lower proposed library funding. There is a draft that I reviewed this evening that this draft will be going out with the tax bills. Basically the library piece of it would be talking about the breakout on the tax bill of the mandated 1/3 mil piece that will be different this year.

**Councilman Murray** reported that the Fire Department's truck has been sold. I would like to say that I received a phone call from a resident saying that the Fire Department actually goes out and buys their own fire trucks. It has been reported that the donation that the Fire Department made back to the town. That is not actually the case. It is a town asset, if we sell a Police car or if we sell a DPW truck or a fire engine, that does not become a donation back to the town it's just an asset to recoup cost. I will say that the Fire Department played a key roll in getting this sold. As far as the Police Department I want to say that the Police Department has done an unbelievable job in enforcement with the stop signs on Hatfield. They had a plan and they enacted the plan. The feed back that I have received has been very good. I also know the enforcement that they have been doing in other areas of the town they have been doing strategic places of it including motor vehicle stops and I think the plan that the chief has put together is going really well.

**Mayor Dassing** reported that the Caldwell Merchants Association and Project Main Street met today in an effort for better communications between the two. Councilman Hauser contacted me this afternoon about a communication remedy possibly for when we have discussions in our committee meeting the Borough Administrator and I came up with a good solution. What I would request from this point forward when you have your

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committee meetings if there are a couple of key points that come out of the meeting of action items that you would want to see we, are going to be creating a committee worksheet. Paul Carelli responded that when we complete a committee meeting the committee will put those things on paper so everyone is aware and we can distribute. Councilman Hauser requested that it would go out as soon as possible. Also, I wanted to let everyone know that the Open House on the 20<sup>th</sup> for the Senior Center at the Woman's Club includes a free lunch. Mr. Pio Costa did a wonderful job in renovating. In Addition the Montclair Senior Advisory Board will be coming up on June 20<sup>th</sup>. They do not have any senior programs in Montclair and with the Woman's Club being a bigger facility it may offer some opportunity for them to have some summer programs and socialize with some of our seniors up here as well. Mayor Fried is very appreciative of that and we may have a shared service agreement.

Paul Carelli responded that we have to add another resolution to sign the lease with Pio Costa for eleven weeks to utilize Woman's Club from June 20<sup>th</sup> – September 2<sup>nd</sup> for \$7500.00.

**6-159 Resolution Authorizing the Borough Administrator to sign the lease with Pio Costa for eleven weeks to utilize Woman's Club from June 20<sup>th</sup> – September 2<sup>nd</sup> for \$7500.00**

Moved by Councilman Hauser, seconded by Councilman Norton. Discussions Ensued. On roll call, all present voted in the affirmative. Resolution approved 06/14/11.

The Mayor is attending the Essex County Energy Initiative Program on June 16<sup>th</sup> at 8:15am. The Essex County Improvement Authority with charge of Joseph DiVincenzo with the task of exploring renewable energy and energy efficient programs that will allow us to achieve our goals including our environment. They have been exploring shared services with all the towns they would like to purchase power for all the towns. Discussions were made on the Kiwanis Oval with discussion on telephone polls, netting and brackets.

**Chief Kurt Dombrowski** reported that e-ticketing on June 23<sup>rd</sup> will be up and running. The State AOC needs to certify us before we can go actively. There are no mistakes that can be made with e-ticketing. In the past we have received ballistic shields from the Sheriff Department in grants. We have several hundred dollars worth of ballistic shields; we have a tactical tool backpack that we keep in one of our SUV's at all times. I received an email today from the Sheriff's Department we are also now going to get a one-man battery ram so we can kick in doors so much easier. Most recently there was a restaurant in town that was burglarized and our Detective Sgt. Tony Marta, who is a one man show down there and he does his job very, very well. We were able to get back the property that these people lost in this burglary.

**REPORT OF ADMINISTRATOR:**

**Paul Carelli** reported that a resolution for the estimated tax bills will be on the 28<sup>th</sup> meeting. There will be a modified fixed asset resolution and we are still scheduled to adopt our budget on July 12<sup>th</sup>. Also, on June 28<sup>th</sup> is our next scheduled sewer meeting at 6:00PM. There was a meeting yesterday with the Mayor, Sgt. Pellegrino, the contractor for Lane Avenue, our water operator, Bill Frint we went over our plan for scheduling and how we were going to handle the traffic. The contractor is looking at anywhere from eight to eleven days. Sgt. Pellegrino is putting together a detour plan the road will be closed most of the day. They are looking at possibly two officers a day at our new off duty rate. The estimate right now is anywhere from 8 to 15,000 for the overtime. Discussions Ensued.

**Mayor Dassing** reported that the Planning Board approved an additional parking lot in front of Mr. Calandra's Village which is now a drainage ditch.

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**REPORT OF ATTORNEY:**

Greg Mascera reported that there is an on going disagreement between the condominium association at Lion Gate and the Zoning Board. I have referred the matter to the Zoning Board Attorney, Liz Durkin; hopefully it will resolve some buffer issues and some planting issues.

**NEW BUSINESS:**

**Councilman Piazza** reported that the Caldwell Farmers' Market is coming back. On June 24<sup>th</sup> Friday, 2:00-7:00PM will start its third year. Most of our vendors will be returning from last season and we also have some new and exciting vendors who will be participating as well. The Farmers' Market will once again be held in the Small Avenue Parking Lot behind the Caldwell Cinema. The Master Gardeners will be setting up a table with us.

**Councilman Hauser**, spoke about the 911 service. Verizon has provided a service with Freedom past and the cost is estimated somewhere around \$216,000 to \$280,000 a year that's now going to be charged. I think we should start looking into what our options are. Councilman Piazza responded that he thinks one of the things we should consider as a Council is possibly try to reach out to some of the organizations and the County and the State to try and actually stop them from doing it. Discussions Ensued.

**Councilman Murray** let the Council know that Councilman Joe Cecere's Dad passed away. He was a very big part of the community as well as Joe and his brothers and families. All of us up here and this Town send our condolences to them.

**OPEN PUBLIC MEETING:**

**Tom Kelly, 48 Roseland Avenue**, asked the question on how high are the aluminum poles that are out there now. You can say that you are doing things and I appreciate what you're doing but the fact is we are still subject to harm. He wants to know why the Governing Body can not stop this from happening. He wants the games to stop.

**Robert Dubenezic, 40 Roseland Avenue**, he doesn't sense that there is urgency to the ball field. I read that in the Caldwell Patch you are willing to compensate people after their cars are hit. Why these games can't be stopped. Also, regarding the Police Department, I would like to ask Councilman Murray what he is basing his comment on the Police are doing a great job? From what I see it is a complete opposite. When I am outside I see car after car running the red light and I did have a meeting with Chief Dombrowski and nothing has happened. The three things I am most concerned about is the lack of enforcement of crosswalks, red lights and speeding. Discussions Ensued.

**Hilda Moore, 23 Personette Street**, was upset about what was said about the Police Department. The chief and I don't always agree but he is always there for me. I have lived in Caldwell all my life and anytime my family or I called they were always there. She spoke about the winter and if the DPW could not plow her driveway in. Mayor Dassing responded that maybe she can talk to someone and have a Boy Scout troop or some young person to help. She asked Councilman Piazza if the Farmers' Market could be moved because there are people walking through her yard and throwing garbage in her brook. Councilman Piazza responded that he is on site from the moment it opens until the moment it closes. If it happens again to please seek him out and he will be happy to take care of it and prevent it from happening again. As far as the location that location was chosen because it is the largest in Town. We have been looking for a new home for the Market. Ms. Moore spoke about the speeding on Personette and is it possible to put speed humps and the parking is a problem. Discussions Ensued.

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**Leesha Keen, 40 Roseland Avenue**, spoke about the issue with the balls at the Kiwanis Oval. She has a problem with the disrespect from the coaches and the parents.

**Mr. & Mrs. Way, 40 Roseland Avenue**, spoke about the balls that are coming over and the abuse they are getting from the coaches and parents.

**Dick Deandra, 40 Roseland Avenue**, spoke about the balls and how nothing has changed since the last time he was there.

**Donna Pfisterer, 40 Roseland Avenue**, spoke about how her car was hit by a ball and her concern she has with the way the coaches and players speak.

**John Kelley, Hillside Avenue**, in reference to the meeting of June 10, 2011. Councilman O'Donnell mentioned he would be introducing the Budget on the June 24<sup>th</sup> meeting. Mayor Dassing spoke about a special Budget Meeting on May 17<sup>th</sup> at 6:00PM. There was no mention to the fact that the Mayor & Council were going to review the budget in closed session. Paul Carelli stated that the basis for closed session was contracts and agreements to be discussed to go along with this budget. The New Jersey Open Public Meeting Act legislates that the method by which public meetings are conducted. The title 10 chapter 4 of New Jersey code defines the law. As instructed to me by the Division of Local Government Services there is a four part budget process. There is a meeting open to the public for the purpose of reviewing the preparation of the budget which will typically happen prior to the introduction. The meeting the Mayor and Council have for the purpose for reviewing the preparation of the budget with the Attorney, Administrator and CFO was closed to the people of Caldwell. Discussions Ensued.

**Bob Christensen, 3 Ravine Avenue**, asked if the Borough Administrator would look at the audience when he talks. He also stated that he was curious as to why the engineer who did the Kiwanis didn't use computer simulation to see what would happen if someone hit that ball.

On a motion made by Councilman Hauser, and seconded by Councilman Murray, unanimously affirmed, the Council moved into Executive Session at 10:15P.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, PBA Contract, Faloni Litigation Gleason Litigation, DPW Contract and tax appeal.

The Executive Session was adjourned and upon a motion by Councilman Hauser, seconded by Councilman Norton, the Council Business Conference Meeting was opened to the public and the press at 11:20P.M.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Murray, seconded by Councilman Piazza, unanimously affirmed by all members present, the meeting was adjourned at 11:25 P.M.

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

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DATE