

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – July 17, 2012**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:07 PM

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

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

**ABSENT:**

Adequate notice of this Council Business/Conference meeting was given on January 1, 2012. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey on January 1, 2012. Four official newspapers of the Borough were notified of this meeting by mail on January 1, 2012. Notice was posted and all persons requesting notice were sent same.

**APPROVAL OF MINUTES:**

June 19, 2012

Moved by Councilman Hauser, seconded by Councilman Murray. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 06/19/12.

**INTRODUCTION OF ORDINANCES**

**ORDINANCE# 1259-12:** AN ORDINANCE AMENDING CHAPTER 214 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION REGULATING PRIVATE SWIMMING POOLS

Moved by Councilman Coyle, seconded by Councilman Rodgers to pull this ordinance. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Pulled on 07/17/12.

**ORDINANCE# 1260-12:** AN ORDINANCE AMENDING CHAPTER 51 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION REGULATING ALARM SYSTEMS

Moved by Councilman Kelley seconded by Councilman Coyle. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced on 07/17/12.

**ORDINANCE# 1261-12:** AN ORDINANCE ESTABLISHING THE BOROUGH OF CALDWELL EMPLOYEE EFFICIENCY INCENTIVE PLAN

Moved by Councilman Kelley, seconded by Councilman Rodgers. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced on 07/17/12.

**ORDINANCE# 1262-12:** AN ORDINANCE AMENDING CHAPTER 175 OF THE CODE OF THE BOROUGH OF CALDWELL TITLED PROPERTY MAINTENANCE

Moved by Councilman Murray seconded by Councilman Coyle. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced on 07/17/12.

**PUBLIC HEARING AND ADOPTION OF ORDINANCES**

**ORDINANCE# 1253-12:** 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 SET THE FEES AND THE ESCROW REQUIREMENTS FOR APPLICATIONS TO THE ZONING BOARD OF ADJUSTMENT AND TO THE PLANNING BOARD IN ACCORDANCE WITH CHAPTER 26 OF THE BOROUGH CODE

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Moved by Councilman Coyle, seconded by Councilman Murray. Discussion Ensued.  
On roll call, all present voted in the affirmative. Ordinance Adopted on 07/17/12.

**ORDINANCE# 1254-12:** AN ORDINANCE AMENDING CHAPTER 250-8 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION TITLED DEFINITONS AND WORD USAGE – (MOBILE TEMPORARY STORAGE CONTAINERS)

Moved by Councilman Murray, seconded by Councilman Hauser. Discussion Ensued.  
On roll call, all present voted in the affirmative. Ordinance Introduced on 07/17/12.

**ORDINANCE# 1255-12:** AN ORDINANCE AMENDING CHAPTER 250-8 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION TITLED GENERAL REGULATIONS (MOBILE TEMPORARY STORAGE CONTAINERS)

Moved by Councilman Murray, seconded by Councilman Hauser. Discussion Ensued.  
On roll call, all present voted in the affirmative. Ordinance Introduced on 07/17/12.

**ORDINANCE# 1256-12:** AN ORDINANCE AMENDING CHAPTER 250-7 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION TITLED “WORD USAGE (FENCES)

Moved by Councilman Murray, seconded by Councilman Kelley. Discussion Ensued.  
On roll call, all present voted in the affirmative. Ordinance Introduced on 07/17/12.

**ORDINANCE# 1257-12:** AN ORDINANCE AMENDING CHAPTER 250-8 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION REGULATING THE SIZE AND PLACEMENT OF FENCES

Moved by Councilman Murray, seconded by Councilman Hauser. Discussion Ensued.  
On roll call, Councilman O’Donnell, Murray, Hauser and Coyle voted in the affirmative.  
Councilman Rodgers voted in the negative. Councilman Kelley abstained. Ordinance Introduced on 06/07/12.

**ORDINANCE# 1258-12:** AN ORDINANCE AMENDING SECTION 17 OF CHAPTER 182 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION TITLED “MAINTENANCE OF SERVICES” (RENT CONTROL)

**Suzanne Penrick, 512 Bloomfield Avenue,** that the Rent Board and the Council for considering this revision. It has been a section of the ordinance that has troubled the Rent Board for a long time because the wording was such that the landlord’s must maintain the same services as existed before the enactment of the ordinance and that went back to 1984.

**Donald Legow, 160 S. Livingston Avenue, Livingston, Carlyle Towers,** He has been running 512 Bloomfield Avenue for over 20 years. Mr. Legow was not in favor of the change in the ordinance. Discussions Ensued.

**Councilman Murray** responded that there are really no major changes in the existing ordinance.

**Joanne Zascone, 512 Bloomfield Avenue,** spoke about things that have been happening in the building. In addition to individual tenants with individual apartment issues above and beyond issues that affect the entire building.

Moved by Councilman Murray, seconded by Councilman Kelley. Discussion Ensued.  
On roll call, all present voted in the affirmative. Ordinance Introduced on 07/17/12.

**Mayor Dassing** thanked Councilman Murray, Lisa O’Neil and the Rent Board for their work on this. It certainly will be an improvement and will help the Rent Board be more affective. Also, thank you to Ms. Joan Pransky.

**OPEN PUBLIC COMMENTS ON RESOLUTION:**

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**RESOLUTIONS – CONSENT AGENDA**

- 7-150: AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 11-00008 PAYABLE TO RICHARD VENTOLA 11
- 7-151: AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 11-00010 PAYABLE TO ROBERT PALMISANO
- 7-152: AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 11-00014 PAYABLE TO ROBERT PALMISANO
- 7-153: AUTHORIZING THE ISSUING OF A SPECIAL LIQUOR PERMIT. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE CLERK'S OFFICE -- ACAP (Academy of Clinical & Applied Psychoanalysis)
- 7-154: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE -- Saint Aloysius Roman Catholic Church / Off Premise -- 50/50 Raffle / September 16, 2012 -- 4:00PM
- 7-155: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE -- Grover Cleveland Park Conservancy / Off Premise -- 50/50 Raffle / August 1, 2012 -- 6:00PM -- 10:00PM
- 7-156: DISPOSAL OF OBSOLETE BOROUGH OF CALDWELL VEHICLES
- 7-157: RESOLUTION AUTHORIZING AN AWARD OF CONTRACT WITH BEYER-WARNOCK FLEET FOR A 2013 FORD EXPLORER BASE 4-DOOR 4x4 SPORT UTILITY VEHICLE AS APPROPRIATED IN CAPITAL ORDINANCE #1252-12 FOR THE CALDWELL FIRE DEPARTMENT FOR AN AMOUNT OF \$34,012.94 UNDER STATE CONTRACT # A78762
- 7-158: AUTHORIZING THE APPOINTMENT OF Trislan Oesterle AS A JUNIOR FIREFIGHTER IN THE CALDWELL VOLUNTEER FIRE DEPARTMENT
- 7-159: AUTHORIZING THE APPOINTMENT OF MEMBERS FOR HISTORICAL PRESERVATION COMMISSION COMMITTEE -- James Vere
- 7-160: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE -- Parents & Friends Association of Mount Saint Dominic Academy / Off Premise -- 50/50 Raffle / September 16, 2012 -- 12:00PM -- 4:00PM
- 7-161: 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 -- Charles B. Garrity, Power Home Remolding Group, 6 Commerce Drive, Cranford, NJ.
- 7-162: RESOLUTION MEMORIALIZING CLERICAL CHANGES TO ORDINANCE # 1251-12 TITLED "AN ORDINANCE AMENDING CHAPTER 230 -- ARTICLE V OF THE CODE OF THE BOROUGH OF CALDWELL, TRAFFIC REGULATIONS
- 7-163: AUTHORIZING AN AWARD OF A PROFESSIONAL SERVICES CONTRACT TO THE LAND CONSERVANCY OF NEW JERSEY IN THE BOROUGH OF CALDWELL
- 7-164: AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH JULY 17, 2012 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$1,942,279.74
- 7-165: PULLED
- 7-166: AUTHORIZING THE AWARD OF A CONTRACT FOR A 200 KILOWATT, DIESEL FUELED, STANDBY GENERATOR AT THE CALDWELL COMMUNITY CENTER TO AES-NI COGEN CO, INC, 4 DEER TRAIL, KINNELON, NEW JERSEY 07405, IN THE AMOUNT OF \$126,000.00, BEING FUNDED BY CAPITAL ORDINANCE #1185-08 IN THE AMOUNT OF \$60,000 AND CAPITAL ORDINANCE #1252-12 IN THE AMOUNT OF \$70,000

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7-167: RESOLUTION FOR THE BOROUGH OF CALDWELL TO SUPPORT AND PARTICIPATE IN THE VOLUNTEER TUITION CREDIT PROGRAM (P.L. 1998, c. 145)

7-168: AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE AND RECEIVE SEALED BIDS FOR THE CONSTRUCTION OF THE ESSEX FIELDS WATER SUPPLY INTERCONNECTION METER FACILITY PROJECT

Motion to hold checks for Community Center Aerobics room and babysitting room.

Moved by Councilman O'Donnell, seconded by Councilman Coyle. On roll call, all present voted in the affirmative.

**CONSENT**

Moved by Councilman Coyle, seconded by Councilman Murray. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 07/17/12.

**Council President Hauser** reported that he has a list of activities that he would like the Council to review and asked Lisa to forward to the Council.

**Councilman Murray** reported that the defibrillator has been installed in Fire House. He congratulated our new Junior Volunteer Fireman, Tristan Oesterle. There will be a bike rodeo at the Farmers Market. The officers are reviewing our crossing guards.

**Chief Bongiorno** asked that the Oval be secured after hours. While patrolling the officers are noticing that the bathrooms are still unlocked. Councilman Hauser responded that he will contact the Recreation Director. Greg Mascara responded that he did provide the ordinance for Bikes and skateboarding. Councilman Murray asked that Greg Mascara provides a house number ordinance. As far as the Auxiliary Police we are still waiting for the class which will be in September. Everyone that was advised is still in the loop.

**Councilman O'Donnell** reported that camp is up and running. The members love the new aerobics room. The babysitting room needs to be addressed.

**Councilman Rodgers** reported that the Board of Health and Senior Transportation do not meet in the summer. The seniors have a dinner and a movie on July 26<sup>th</sup> at 4:00PM in the Fire House. The cost is \$4.00 and reservations are required.

**Mayor Dassing** reported on the article that appeared in the progress in regards to the senior busing. Roseland would like to meet with us, the transportation service will continue and we may look to restructure things. There will be a fundraiser for the Library on November 15<sup>th</sup> its called the Mayors Legacy for Literacy it is brought to you by myself and Mayor Susan Gartland. We are working together to raise money for the Library. The event will be at the Green Brook Country Club we are honoring Governor Thomas Kean. I like to thank Governor Kean for agreeing and Mayor Gartland for assisting me as well. In addition today, I have submitted a grant to the NJ Department of Transportation for 2.3 million dollars to support our new streetscape initiative in the downtown. She thanked Glen Beckmeyer, Town Engineer and Paul Carelli, Borough Administrator for their help. If we get the money we will be re-doing all the sidewalks in the downtown, we will re-doing and unifying all the lights, decorative lamp posts will be updated and we would like to put some decorative touches into the downtown.

**ADMINISTRATOR'S REPORT:**

**Paul Carelli** reported that the tax bills have been printed and stuffed into envelopes and will be mailed tomorrow. Mayor Dassing thanked Lisa O'Neill and Colette Hassan for helping with the tax bills. I should have a quote for the added camera at the oval. The Chief and I have been working on the protective netting we contacted the company that put the net up. We have been looking at portable type canopies as well. We did an inventory on all the computers that we need for Borough and Police Department we definitely need a file server for the Borough and Police Department. As discussed earlier we did an RFP for the management of the Compost facility and received one bid today. We budgeted roughly \$20,000 for leasing vehicles in the Police Department. In 2011 we made the third payment for the 2008 lease payment therefore this year we are only making one payment so we will have about \$9,600.00 available in this year's budget. He will be meeting with Paul Mazzeo who will be the next Municipal Alliance Coordinator.

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**REPORT OF ATTORNEY:**

Greg Mascara reported that with the help of Chief Bongiorno for his detail, Sgt. Arnold and Sgt. Pellegrino for their help with the Stop Sign Ordinance, the Through Street Ordinance and the Parking Ordinance the input of the officers and the Chief are always welcome and most helpful and appreciated.

**OLD BUSINESS:**

**Brookside Water Project**

Paul Carelli reported that tonight we authorized for the construction we will be advertising on the 26<sup>th</sup> and we would like to award that contract at the next meeting for the work on the Interconnection. The design work, Crew is finishing up for the Water Main itself and that one will be authorized at the next meeting to go out to bid and we would like to award that one on September 4<sup>th</sup>. The actual paving we will have a resolution to authorize the design work to Boswell they did prepare the grant for Brookside Avenue. That bid package should be completed by September 18<sup>th</sup> advertise for that contract is for October.

**Community Center BID status (Councilman O'Donnell)**

Paul Carelli reported that we have advertised and three contractors have picked up the bid packages. Those bids will be opened on the 24<sup>th</sup> of July. We will award on August 7<sup>th</sup>. Councilman Murray would like to set up a committee meeting he would like to know the plan when the Community Center is closed.

**NEW BUSINESS:**

**Open Space Acquisitions (Councilman O'Donnell)**

Councilman O'Donnell spoke about purchasing the Knights of Columbus Building and removing building and making that property Open Space. Mayor Dassing spoke about why the building is for sale. The property was built in the 1930's and it has an oil tank that was pulled out, soil that needs to be remediated. Decision was to discuss in closed session.

**Licensing for Canvasser/Soliciting (Chief Bongiorno)**

Chief Bongiorno spoke about the ordinance, Lisa O'Neill brought up this idea for the application process to start having the canvasser and or solicitor being finger printed. Lisa also checked with West Caldwell and North Caldwell and part of their application process they do have them finger printed.

Paul Carelli spoke about the one bid that was received today for the compost. I forward to Council for review. Greg Mascera responded that if you decide to reject it, even if it is proper you will need a Resolution to do that. It would have to be a material change in the criteria. Discussions Ensued.

**OPEN PUBLIC MEETING:**

Hilda Moore, 3 Personett Street, asked what the criteria are for Open Space. Mayor Dassing responded that Open Space is a committee that is appointed each year made up from the Mayor and Council. They meet at a regular basis and you are welcome to come. She has a petition from her neighbors petitioning the Borough of Caldwell Mayor and Council to initiate an ordinance that prohibits the sale or rental on any religious congregation including church, synagogue or any other name given to a building used for church purposes and also entertainment business commercial purpose within this residential neighborhood. She is concerned about the parking on her street.

Rosa Granada, 28 Personette Street, spoke about the money that is used for a building whether it is Open Space or Green Acres. She asked about the ordinance and if it was being changed. Greg Mascara responded that it is almost impossible to draft an ordinance that would comply with the requirements of the law. Discussions Ensued.

Stacey Docteroff, 69 Ravine Avenue, West Caldwell, spoke about how she was up here in October in 2010 because of a curbing issue. West Caldwell has informed her that her curbing is in Caldwell. Mayor Dassing responded that she had the Tax Assessor pull the tax maps and he said we own a sliver. Our portion of Westover begins at your corner and goes south. Councilman Murray stated that he spoke to Councilman O'Hern and Mayor Tempesta basically you have no curbing, debris and crusty curb and good curb. Councilman O'Hern said that he had been down

