

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – July 27, 2010**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:05 P.M.

PRESENT: Councilman Murray, Hauser, Dassing Slattery,
Norton

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

ABSENT: Mayor Gartland and Councilman Lawshe

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.

OPEN PUBLIC MEETING

Bob Colaizzo, Hatfield Street – commented on stop signs at Arlington. He stated that it seems like a simple solution since there was a traffic study done in 2007 early 2008 that the Police presented. Could the Engineer maybe take a look at this study? Councilman Dassing responded that the Engineer already has that study. He also commented on the count down traffic for Pedestrians.

Caroline Mescia, 6 Bowers Road – supports the three way stop signs on Bowers, Cleveland and Gould. This is a heavy pedestrian thorough fair with lots of people coming from neighborhoods in cars and the speed limit on Brookside is 40.

Jason Dickinson, 107 Brookside Avenue – is very much in support of the stop signs and appreciates the Council doing this.

Jerry Smith, 358 Bloomfield Avenue – commended the Council for taking the initiative on pedestrian safety. Councilman Dassing commended Jerry on the beautiful flowers and flags on the Avenue.

INTRODUCTION OF ORDINANCES:

ORDINANCE #1218-10 – AN ORDINANCE TO AMEND THE BOROUGH CODE, CHAPTER 230, TRAFFIC AND VEHICLES, SECTION 230-62 SCHEDULE VII OF THE BOROUGH CODE ENTITLED, “STOP INTERSECTIONS”.

Moved by Councilman Norton, seconded by Councilman Murray. Discussions Ensued. On roll call, Councilman Murray, Dassing and Norton voted in the affirmative. Councilman Hauser and Slattery voted in the negative. Ordinance introduced on 7/27/10

ORDINANCE #1219-10 – AN ORDINANCE TO AMEND THE BOROUGH CODE, CHAPTER 230, TRAFFIC AND VEHICLES, SECTION 230-61 SCHEDULE VII OF THE BOROUGH CODE ENTITLED, “THROUGH STREETS”

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Moved by Councilman Norton, seconded by Councilman Murray. Discussions Ensued. On roll call, all members present voted in the affirmative. Ordinance introduced on 7/27/10

RESOLUTIONS:

7-157 - AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE - St. Aloysius Roman Catholic Church

Moved by Councilman Slattery, seconded by Councilman Murray. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 07/27/10

7-158 - AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE - St. Aloysius Roman Catholic Church

Moved by Councilman Slattery, seconded by Councilman Murray. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 07/27/10

7-159 - AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE - St. Aloysius Roman Catholic Church

Moved by Councilman Slattery, seconded by Councilman Murray. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 07/27/10

7-160 - AUTHORIZING THE APPOINTMENT OF BOARD OF HEALTH MEMBERS

Moved by Councilman Slattery seconded by Councilman Murray. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted 07/27/10

7-161 - PULLED

7-162 - AUTHORIZING THE APPOINTMENT OF JARED HONOLICK AS A JUNIOR FIREMEN'S AUXILIARY IN THE CALDWELL VOLUNTER FIRE DEPARTMENT

Moved by Councilman Murray, seconded by Councilman Norton. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 07/27/10

7-163 - AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH JULY 27, 2010 FOR 2010 BILLS IN THE TOTAL AMOUNT OF \$423,199.89.

Moved by Councilman Slattery, seconded by Councilman Hauser. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 07/27/10

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7-164 - AUTHORIZING ADOPTION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR THE YEAR 2010.

Moved by Councilman Hauser, seconded by Councilman Norton. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted 07/27/10

7-165 - Table

7-166 - AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXTEND AN OFFER OF EMPLOYMENT TO GORDON LAWSHE AS THE SPORTS PROGRAMS/MEMBERSHIP DIRECTOR OF THE CALDWELL COMMUNITY CENTER AT AN ANNUAL SALARY OF FORTY-NINE THOUSAND DOLLARS.

Moved by Councilman Murray, seconded by Councilman Hauser. Discussions Ensued. On roll call, Councilman Murray, Hauser, Dassing and Norton voted in the affirmative. Councilman Slattery voted in the negative. Resolution adopted 07/27/10

OLD BUSINESS:

Councilman Slattery - asked the question about Greener Corners. She had missed the presentation and wanted to know if the Council had made a decision. Councilman Norton responded that we thought it best for Greener Corners to come to a Downtown Committee meeting to continue the discussion of his presentation. There was an additional Company that contacted the Borough and is interested as well. We have a full agenda for our meeting on August 12th so we will try to squeeze one or two presentations in.

Councilman Hauser – asked the question as to what types of positions are appropriate for the Personnel Committee for interviewing for and what is not. His opinion is that the committee does not need to meet for every hire the Borough makes. Greg Mascera, Borough Attorney responded that his suggestion would be for the Council to come up with a procedure and then modify that procedure with an ordinance. For the Council to decide if it's a department head or an outside professional you would set the parameters and I can draft to meet those parameters. Various Discussions Ensued.

REPORT OF COUNCIL COMMITTEE CHAIRMEN AND MEMBERS:

Councilman Murray – reported that the Police Committee had a meeting with Paul Carelli, Borough Administrator and we gave Paul a list of items which we have discussed with the Chief also and asked Paul to act on them and take a progressive roll.

Councilman Slattery – reported that the Board of Education supports a bill that is in the Assembly which requires all Board Members to have a background check. They are in support of the background check but not the cost of each candidate. Also, the Board of Education is re-bidding there services to therapy for the special needs children. They have received bids but the Company who has provided there business for over 13 years was not the lowest bidder. They will be rejecting the bids and re-bidding. Councilman Slattery reported on the Board of Health that with the new member that was approved this evening and the letter that we have I can be assured will be approved also; will now have a full compliment of members.

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Councilman Norton – reported on the Downtown Committee. There next meeting will be on August 12th at 7:00PM. He also reported on the Finance Committee there meeting of July 20th was a budget presentation as a committee.

Councilman Dassing – wished to commend Kevin Maeken and his committee on a terrific golf outing for the Scholarship fund of the Volunteer Fireman. Thank you to everyone for their efforts. On a personal note, I would like to extend my condolences to Audrey Gates and her family for the loss of her husband and Father. Mr. Gates and I have had many spirited talks and he will be missed.

REPORT OF ADMINISTRATOR:

Paul Carelli gave an update on the tax bills. They have arrived and will be going in the mail by Friday. The residents will have until August 25th to pay. We have had some changes in our phones this week. Lisa made a suggestion that the main number go into a message which then lists the departments. This allows each department to have there phones directed to them. The second progress reports were submitted on the Oval. Things are progressing well.

REPORT OF THE ATTORNEY:

Greg Mascera gave a report on the Green Acres. He received a response in regards to pass funding from Green Acres of the Oval Field in 1970 and 1980. In 1980 the playground, basketball courts and some other equipment were under the obsolescent provision in that agreement so there is absolutely no problem designating that equipment after 30 years as obsolete. The 1970 funding had to do with the lighting and the only condition of the lighting is that the property continues to be used for outdoor recreation. The second oval issue we are in final stages in agreement with Caldwell College. I would like someone to attend a meeting either Friday or Monday. Councilman Hauser will be able to attend if the meeting is on Friday and Mr. Carelli can attend. At the meeting we will be discussing the College use with the oval involving dates and times.

NEW BUSINESS:

OPEN PUBLIC MEETING:

Ann Marchioni, Brookside Avenue – spoke about the Green Fair last year when Caldwell Downtown Alliance and the Environmental Commission partnered up and had \$800.00 for Recycling bins. She asked if the Council had a plan as to what they were thinking for Recycling. Councilman Murray responded that he would like each vendor to give us one recycling bin so we could see how it looks. This way we can determine whether it is the right size or not. Ann Marchioni also thanked Jacks Foodtown for the garden that was put in the spring. The Environmental Commission members have been watering. The Green Fair is on October 17th from 12:00 – 4:00PM at Caldwell College. Mrs. Marchioni asked what the status was for the Faloni Property. Greg Mascera, Borough Attorney responded that litigation is foreseen. I know that Mr. Faloni is in the process of applying to the Planning Board for approval of three units. I heard this from Mr. Trembulak the board attorney for the Planning Board.

Francis Larkey, Caldwell Public Library – spoke about the Star Wars characters on the Green. The Library had Star War characters for the kids for the summer reading program. This was a very exciting event for our Community.

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Carla Maris, Wakefield Place – spoke about the Resolution 7-166 hiring Gordon Lawshe as the sports director. If Mr. Lawshe accepts this position will he resign affective immediately as a Councilman? What is the time frame? Councilman Murray responded that the County Committee has thirty (30) days to submit three (3) candidates to Council for approval or disapproval.

Council President Ann 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, Borough Attorney responds that the Executive Session will be discussion of litigation in regards to Mr. Toscano, Faloni Property as it relates to hiring of a Environmental Company, contract matters dealing with Teamsters and with regards to Park Street and the Bridge Property.

On a motion made by Councilman Norton, and seconded by Councilman Murray, unanimously affirmed, the Council moved into Executive Session at 8:31 P.M.

The Executive Session was adjourned and upon a motion by Councilman Slattery, seconded by Councilman Norton the Council Business Conference Meeting was opened to the public and the press at 9:16 P.M

RESOLUTION:

7-167 AUTHORIZING SETTLEMENT TO PATRICK TOSCANO FOR AN HOURLY RATE OF \$295.00 FOR 22.7 HOURS FOR A SETTLEMENT OF \$6,696.50

Moved by Councilman Slattery, seconded by Councilman Hauser. Discussions Ensued. On roll call, Councilman Murray, Hauser, Dassing and Slattery voted in the affirmative. Councilman Norton voted in the negative. Resolution adopted 07/27/10

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Slattery, seconded by Councilman Norton, unanimously affirmed by all members present, the meeting was adjourned at 9:19 P.M.

Prepared by: _____
Lisa O'Neill, Acting Borough Clerk

_____ Date