

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – August 7, 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, 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:** Council President Hauser

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:**

July 17, 2012

Moved by Councilman Coyle, seconded by Councilman Kelley. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 08/07/12.

**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 Murray seconded by Councilman Coyle. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced on 08/07/12.

**ORDINANCE# 1263-12:** AN ORDINANCE AMENDING CHAPTER 250 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE CHAPTER TITLED "ZONING"; TO ADD SECTION 8.1 TITLED "BUILDINGS, IDENTIFICATION"

Moved by Councilman Murray seconded by Councilman Coyle. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced on 08/07/12.

**ORDINANCE# 1264-12:** AN ORDINANCE TO AMEND THE BOROUGH CODE, CHAPTER 230, TRAFFIC AND VEHICLES, SECTION 230-62 SCHEDULE VIII OF THE BOROUGH CODE ENTITLED, "STOP INTERSECTIONS"

Moved by Councilman Coyle seconded by Councilman O'Donnell. Discussion Ensued. On roll call, Councilman O'Donnell, Murray and Coyle voted in the affirmative. Councilman Rodgers and Kelley voted in the negative. Ordinance Introduced on 08/07/12.

**ORDINANCE# 1265-12:** AN ORDINANCE TO AMEND THE BOROUGH CODE, CHAPTER 230, TRAFFIC AND VEHICLES, SECTION 230-9 SCHEDULE VIII OF THE BOROUGH CODE ENTITLED, "THROUGH STREETS"

Moved by Councilman Coyle seconded by Councilman O'Donnell. Discussion Ensued. On roll call, Councilman O'Donnell, Murray and Coyle voted in the affirmative. Councilman Rodgers and Kelley voted in the negative. Ordinance Introduced on 08/07/12.

**ORDINANCE# 1266-12:** AN ORDINANCE AMENDING CHAPTER 164 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION TITLED PEACE AND GOOD ORDER

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Moved by Councilman Murray seconded by Councilman Kelley. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced on 08/07/12.

**ORDINANCE# 1267-12:** AN ORDINANCE AMENDING CHAPTER 167 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE CHAPTER TITLED "PEDDLING AND SOLICITING", TO ADD SECTION 4.1 TITLED "FINGERPRINTS"

Moved by Councilman Kelley seconded by Councilman Coyle. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced on 08/07/12.

**PUBLIC HEARING AND ADOPTION OF ORDINANCES**

**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 Rodgers. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Adopted on 08/07/12.

**ORDINANCE# 1261-12: Re-Introduce 9/4/2012 - AN ORDINANCE ESTABLISHING THE BOROUGH OF CALDWELL EMPLOYEE EFFICIENCY INCENTIVE PLAN**  
Motion to withdraw Ordinance #1261-12

Moved by Councilman Coyle seconded by Councilman Kelley. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance withdraw on 08/07/12

**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 Adopted on 07/17/12.

**OPEN PUBLIC COMMENTS ON RESOLUTION:**

**RESOLUTIONS – CONSENT AGENDA**

**8-170:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 10-00002 PAYABLE TO US BANK CUST, FOR PRO-CAPITAL 1, LLC

**8-171:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 11-00004 PAYABLE TO US BANK CUST, FOR ATR NJ CAP ONE

**8-172:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 10-00001 PAYABLE TO STONEFIELD INVESTMENT FUND 1, LLC.

**8-173:** AUTHORIZING THE REFUND OF A TAX OVERPAYMENT PAYABLE TO: LI JIANDONG & ZHANG HONGPING

**8-174:** AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE AND RECEIVE SEALED BIDS FOR INSTALLATION AND REPAIR SERVICES OF THE WATER DISTRIBUTION SYSTEM IN THE BOROUGH OF CALDWELL

**8-175:** AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH BOSWELL ENGINEERING FOR PROVIDING THE PREPARATION OF CONSTRUCTION PLANS AND SPECIFICATIONS AND PROVIDING CONSTRUCTION INSPECTION FOR THE BROOKSIDE AVENUE CONSTRUCTION FOR A LUMP SUM FEE OF \$32,000 (\$12,500 FOR THE DESIGN PHASE AND \$19,500 FOR THE CONSTRUCTION PHASE)

**8-176:** AUTHORIZING THE AWARD OF A 24 MONTH CONTRACT FOR PAYROLL SERVICES TO AUTOMATIC DATA PROCESSING, INC., 1 ADP BOULEVARD ROSELAND, NJ 07068 EFFECTIVE JULY 30, 2012

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- 8-177: RESOLUTION AUTHORIZING THE TRANSFER OF THE CASH BALANCE ON HAND IN PNC BANK ACCOUNT XX-XXXX-2775 FOR THE MANAGEMENT OF THE CALDWELL- WEST CALDWELL MUNICIPAL ALLIANCE GRANT PROGRAM TO THE TOWNSHIP OF WEST CALDWELL, FORMERLY MANAGED BY THE BOROUGH OF CALDWELL
- 8-178: AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH AUGUST 7, 2012 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$3,024,091.21
- 8-179: AUTHORIZING THE AWARD OF A CONTRACT FOR THE ESSEX PELTS WATER SUPPLY INTERCONNECTION METER FACILITY TO REIVAX CONTRACTING CORP, 46 WASHINGTON STREET, HARRISON, NJ 07029 IN THE AMOUNT OF \$352,704.00
- 8-180: RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH GREG SEAMAN, LLC FOR THE MANAGEMENT AND OVERSIGHT OF THE COMPLETION OF CONSTRUCTION AT THE CALDWELL WASTEWATER TREATMENT PLANT
- 8-181: DISPOSAL OF OBSOLETE BOROUGH OF CALDWELL VEHICLES
- 8-182: RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE GOVERNING BODY HAVE REVIEWED, AT A MINIMUM, THE GENERAL COMMENTS AND RECOMMENDATIONS SECTIONS OF THE FISCAL YEAR 2011 ANNUAL AUDIT
- 8-183: RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE FISCAL YEAR 2011 AUDIT REPORT
- 8-184: Pending - AUTHORIZING THE AWARD OF A CONTRACT FOR THE CALDWELL COMMUNITY CENTER – FITNESS ROOM MODIFICATIONS
- 8-185: AUTHORIZING THE AWARD OF A CONTRACT FOR RENOVATION OF THE CALDWELL COMMUNITY CENTER LOCKER ROOMS TO PAKIS TILE CONTRACTORS, INC. P.O. BOX 1464 WEST CALDWELL, NEW JERSEY 07007 IN THE AMOUNT OF \$140,000.00

**CONSENT**

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

On roll call, all present voted in the affirmative. Resolutions approved 08/07/12

- 8-186: AUTHORIZING THE AWARD OF A CONTRACT FOR THE REMOVAL OF LEAF COMPOST TO NORTH CREEK LLC, 11 PLEASANTVILLE ROAD, BASKING RIDGE, NEW JERSEY 07920 FOR AN ANNUAL REVENUE OF \$3,960.00

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

On roll call, Councilman Rodgers, O'Donnell, Murray and Coyle voted in the affirmative. Councilman Kelley abstained. Resolution approved 08/07/12.

**Councilman Murray** responded that he was going to defer to Chief Bongiorno and Sergeant Pellegrino

**Chief Bongiono** thanked Sergeant Pellegrino and the Borough Attorney for working on all the ordinances.

**Sergeant Pellegrino** spoke about the changes of crossing guards. Each school will get a copy of the map that he has handed out. It will have a walking route to go to school. He explained that a crossing guard will be moved to Central, Ravine and Whitfield. Majority of the kids reside in the West side of Town. He spoke about the pick up and drop off at Jefferson School. He proposed that on the South side of Highway to post no parking on school days 8am – 4pm. There was discussion on the bus stop. Councilman Murray made a motion for Resolution 8-187.

- 8-187: AUTHORIZING SERGEANT PELLEGRINO IN THE MOVEMENT OF THE BUS STOP DOT PUTTING ON THE BOROUGH PROPERTY WITH A SHELTER TO BE INSTALLED

Moved by Councilman Coyle, seconded by Councilman O'Donnell. Discussions Ensued.  
On roll call, all present voted in the affirmative. Resolutions approved 08/07/12

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**Councilman Murray** spoke about the purchase of a motorcycle and he asked the Chief to talk about moving forward with the Motorcycle and then Paul can you discuss the financing.

**Chief Bongiorno** spoke about Officer Kraynanski approaching him about a Motorcycle and thanked him for doing a great job with the leg work. He spoke about Essex Fells started a Motorcycle Unit about two years ago and the training was very successful and it's popular in the Community. They see a huge savings in fuel and it helps to generate revenue for traffic enforcement. He spoke about using it for Community Police and events, the schools, and traffic enforcement. In addition we can get in and out of the Park. There have been some problems in the park that we have been working on so obviously a Motorcycle will help with that as well.

**Paul Carelli** reported that we have \$18,000 to \$20,000 in our Budget for these types of vehicles and basically we have been paying them three payments over three years. This year we have just one payment that we made, that was made for \$10,360.00 and we budgeted for \$20,000. Mr. Carelli spoke about different scenarios. After this year our budget will be \$8,000 and will stay flat for the next three years.

**8-188: AUTHORIZING THE LEASE PURCHASE OF A MOTORCYCLE BASED ON THE 4 YEAR LEASE SCENARIO PRESENTED BY THE BOROUGH ADMINISTRATOR FOR AN ANNUAL LEASE PAYMENT OF \$5,559.04**

Moved by Councilman O'Donnell, seconded by Councilman Coyle. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 08/07/12

**Councilman Murray** asked the Borough Administrator about the computers. Paul Carelli responded that we will be purchasing all the equipment under State Contract. The retired vehicle was the old expedition and it may need a battery or it may need brakes. If we could get a cost by next meeting so we can make a decision. He asked about the netting for the cars. Mr. Carelli responded that a car port is what they were leaning towards. Councilman Murray thanked Sgt. Pellegrino and spoke about the Overtime, enforcement as the department he would like to congratulate the Chief and the whole department.

**Councilman O'Donnell** reported that we are looking forward to the renovations at the Community Center. He asked the administrator about the aerobics room and the babysitting room. Mr. Carelli responded that the carpet will be installed this week. Mayor Dassing responded that she spoke to a couple members that they said they never seen it cleaner. I would like to thank Sammy Calamito he is really making a difference.

**Councilman Rodgers** reported that Mayor Dassing, Paul Carelli and himself met with representatives from Roseland and West Caldwell we are looking into alternatives for the Senior Transportation for the coming year.

**Mayor Dassing** reported that she was pleased that they held a shared service meeting with the Board of Ed President, Vice-president, the new Superintendent and the new Business Administrator, West Caldwell Mayor and a couple Council people from West Caldwell, myself and Councilman Murray we discussed share services opportunities with the philosophy that taxes come from the same pocket. We talked about maybe purchasing things together maybe in bulk and save money etc...The main point of the meeting was in regards to the Caldwell-West Caldwell Recreation agreement that we have with the Board of Ed for field maintenance and the use of their gymnasiums' and things of that nature. Very happily the Board of Ed has agreed to send two members to our next recreation committee meeting to focus on this agreement which has been a couple of years in the making trying to get it written and signed. The Mayor thanked the Board of Ed for hosting the meeting.

The Mayor's Legacy for Literacy committee has met twice since our last Council meeting and we will meet again next Friday at 8AM if anyone is interested in being a volunteer for this event sponsor kits have been mailed and the next thing we will be working on is the ad journal and the invitations to the event which is November 15<sup>th</sup> to honor former Governor Thomas Kean.

About a week ago we received a letter from Government Services with regard to the Park Avenue property. They have given us 45 days to get out of this building. I wrote to Congressman Frelinghuysen and he has reached out to GSA requesting an extension for us to allow the Borough adequate time to locate the Food Pantry and the Bridge to locate new office space.

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**James Jorgensen, Liaison of Essex County**, spoke about the bond rating list program for Small Business Organization. It's the opportunity for small, minority or Woman owned businesses is a program on how to get bonded to do other things in business like Government.

**ADMINISTRATOR'S REPORT:**

**Paul Carelli** reported that the Community Center renovations have been awarded and we are ready to start. The Street Sweeper the body work is all done its just being painted and I will have that back early next week. He will be meeting with Ray to get the generator going. During the shut down we will be caulking and sealing the parking deck. Glen Beckmeyer spoke to me about a new coating that's in the neighborhood of about \$20,000 that will totally seal the parking lot. We will be replacing the steps as well. We are ready to order the radios. The road repairs on Westbrook Road will be done. The Air Conditioning at the Community Center has been fixed a new coil has been put in. As far as Brookside we are basically on schedule getting the design work done, going out to bid. We awarded the interconnection work this evening. The goal is to have Brookside done, paved, water main interconnection done and the five streets we wanted to do by the end of this year.

**REPORT OF ATTORNEY:**

**Greg Mascara** reported that the new litigation Ingis vs. Caldwell and some Police Officers, it is being covered by the Garden State JIFF he cannot discuss anymore other than in executive session.

**OLD BUSINESS:**

**Open Space Acquisitions**

**Councilman O'Donnell** asked where we stand with negotiations on the Knights of Columbus property. **Greg Mascara** responded that his recommendation would be to reserve it for executive session in terms of substance. The Mayor has met with members with the Knights of Columbus and has tried to open the negotiations and anything beyond that because it is subject to contract negotiations it should be talked in executive session.

**NEW BUSINESS:**

**OPEN PUBLIC MEETING:**

**Bob Christensen, 3 Ravine Avenue**, he thanked Mike Pellegrino and the Chief for a great job on the crossing guards. He talked about how the newspapers never write about the dangers of the children in crosswalks.

**Hilda Moore, 23 Personette Street**, asked if a crosswalk can be placed on Personette Street. Sgt. Pellegrino responded that he would take a look at that.

**Marta Azzollini, 51 Cleveland Street**, she is having a problem with paying taxes. She asked why Caldwell, West Caldwell work together. The Mayor responded that she can appeal her taxes, also, once you reach a certain age you can freeze your taxes. The Mayor told her that Ida in the tax office can help her through the process.

On a motion made by Councilman Rodgers and seconded by Councilman O'Donnell, unanimously affirmed, the Council moved into Executive Session at 8:49PM.

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 Mascara** responds that the Executive Session will be discussion of contract issues in regards to talking about the situation at the Sewer Plant and hopefully finishing up the Construction, and a potential purchase of property known as the Knights of Columbus Property.

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The Executive Session was adjourned and upon a motion by Councilman Coyle, seconded by Councilman Kelley, the Council Business Conference Meeting was opened to the public and the press at 9:47P.M.

**8:189: RESOLUTION AUTHORIZING COUNCILMAN O'DONNELL TO PURSUE THE POTENTIAL PURCHASE OF THE KNIGHTS OF COLUMBUS PROPERTY ON BEHALF OF MAYOR DASSING**

Moved by Councilman Coyle, seconded by Councilman Rodgers. Discussions Ensued. On roll call, Councilman Rodgers, O'Donnell, Murray and Coyle voted in the affirmative. Councilman Kelley abstained. Resolutions approved 08/07/12

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Coyle, seconded by Councilman Kelley, unanimously affirmed by all members present, the meeting was adjourned at 9:55P.M.

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

\_\_\_\_\_  
DATE