

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – August 10, 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:** Mayor Gartland, Councilman Murray, Dassing Slattery,  
Norton

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

**ABSENT:** Councilman Hauser

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.

**INTRODUCTION OF ORDINANCES:**

**ORDINANCE #1222-10 – AN ORDINANCE TO AMEND THE BOROUGH  
CODE, CHAPTER 230, TRAFFIC AND VEHICLES,  
SECTION 230-57 SCHEDULE III OF THE BOROUGH  
CODE ENTITLED, “ONE-WAY STREETS”.**

Moved by Councilman Murray, seconded by Councilman  
Norton. Discussions Ensued. On roll call, all members  
present voted in the affirmative. Ordinance introduced on  
8/10/10

**PUBLIC HEARING AND ADOPTION OF ORDINANCES:**

Mr. Dwyer, 36 Arlington Avenue – I was asked by Councilman Hauser to make this presentation. I happen to think the four way stop signs is not a good idea. I have lived in Caldwell for 44 years and I have seen people go over the speed limit up and down Arlington. All our yards are huge and children play in those backyards not the front yards. Maybe a better idea would be speed bumps. Various Discussions Ensued.

Mr. Campanello, 35 Arlington Avenue – also feels that the four way stop signs will not be a good idea. His suggestion was grooves in the roadway.

Diane Lilly, Forest Avenue – a little boy was running down the hill on Crane into traffic when the crossing guard was able to stop him before he was hit. Having the Four way stop would have stopped the car.

Trish White, 34 Crane Street – responded that the crossing guard saved the little boy not a stop sign. Also, she feels that the four way stop signs will not work. Her suggestion would be limited parking at the intersections.

Jim Poncek, 53 Arlington Avenue, feels that the grooves would be too noisy for the residents and that the four way stop signs are the safest way. Various Discussions Ensued.

William Edge, 36 Cleveland Road, I know that all the members of this council share in public safety, speeding and traffic. I haven’t heard what the traffic committee has to say about the four way stop signs. Various Discussions Ensued.

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**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 Slattery voted negative. Ordinance adopted on 8/10/10

**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”

Moved by Councilman Norton, seconded by Councilman Murray. Discussions Ensued. On roll call, Councilman Murray, Dassing and Norton voted in the affirmative. Councilman Slattery voted negative. Ordinance adopted on 8/10/10

**RESOLUTIONS:**

Maureen Durr, 35 Forest Avenue, Resolution 8-170 what is this resolution for Forest Avenue? Paul Carelli, Borough Administrator responded that it's to submit a grant application for NJDOT for Paving. The other Resolution 8-180 should read Part-time instead of temporary.

**8-168** - AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Caldwell Merchants Association

Moved by Councilman Murray, seconded by Councilman Norton. Discussions Ensued. On roll call, Councilman Murray, Slattery and Norton voted in the affirmative. Councilman Dassing abstained. Resolution adopted 08/10/10

**8-169** - AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE - Caldwell Merchants Association

Moved by Councilman Murray, seconded by Councilman Norton. Discussions Ensued. On roll call, Councilman Murray, Slattery and Norton voted in the affirmative. Councilman Dassing abstained. Resolution adopted 08/10/10

**8-170** - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FOREST AVENUE PROJECT

Moved by Councilman Murray, seconded by Councilman Norton. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 08/10/10

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- 8-171 -** AUTHORIZING THE APPOINTMENT OF STEPHEN SALDUTTO AS A JUNIOR FIREMEN'S AUXILIARY IN THE CALDWELL VOLUNTEER FIRE DEPARTMENT  
Moved by Councilman Murray, seconded by Councilman Norton. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 08/10/10
- 8-172 -** AUTHORIZING ROB PATERSON TO EXECUTE AN AGREEMENT WITH PARISI SPEED SCHOOL FOR PARISI'S USE OF THE COMMUNITY CENTER  
Moved by Councilman Norton, seconded by Councilman Murray. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted 08/10/10
- 8-173 -** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH AUGUST 10, 2010 FOR 2009 BILLS IN THE TOTAL AMOUNT OF \$881.20  
Moved by Councilman Norton, seconded by Councilman Dassing. Discussions Ensued. On roll call, Councilman Dassing, Slattery and Norton voted in the affirmative. Councilman Murray abstained. Resolution adopted 08/10/10
- 8-174 -** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH AUGUST 10, 2010 FOR 2010 BILLS IN THE TOTAL AMOUNT OF \$2,320,297.59  
Moved by Councilman Norton, seconded by Councilman Murray. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted 08/10/10
- 8-175 -** RESOLUTION AUTHORIZING KIWANIS OVAL IMPROVEMENT AGREEMENT WITH THE TOWNSHIP OF WEST CALDWELL  
Moved by Councilman Noton, seconded by Councilman Murray. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted 08/10/10
- 8-176 -** RESOLUTION AUTHORIZING KIWANIS OVAL LEASE AGREEMENT WITH THE TOWNSHIP OF WEST CALDWELL  
Moved by Councilman Murray, seconded by Councilman Slattery. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted 08/10/10
- 8-178 -** RESOLUTION AUTHORIZING AN AMOUNT NOT TO EXCEED \$500 FOR A 4-WAY STOP SIGN TRAFFIC STUDY INITIATED BY THE BOROUGH OF WEST CALDWELL FOR THE INTERSECTION OF RAVINE AVENUE AND WESTOVER AVENUE  
Moved by Councilman Norton, seconded by Councilman Murray. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted 08/10/10

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**8-179 - RESOLUTION AUTHORIZING AN AMOUNT NOT TO EXCEED \$3,376 FOR THE REMOVAL AND OF THE T1 LINE FROM CALDWELL TO WEST CALDWELL AND REPLACED WITH DUAL INTERNET AND FIREWALL SERVICE WHEN TECHNICALLY FEASIBLE**

Moved by Councilman Murray, seconded by Councilman Norton. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted 08/10/10

**8-180 - AUTHORIZING THE BOROUGH OF CALDWELL ADMINISTRATOR TO HIRE A TEMPORARY CERTIFIED TAX COLLECTOR.**

Moved by Councilman Murray, seconded by Councilman Norton. Discussions Ensued. On roll call, Councilman Murray, Dassing and Norton voted in the affirmative. Councilman Slattery voted in the negative. Resolution adopted 08/10/10

**8-181 - Table**

**8-182 - Table**

**8-183 - AUTHORIZING THE BOROUGH ADMINISTRATOR TO HIRE A TAX / UTILITY CONSULTANT AT AN HOURLY RATE NOT TO EXCEED \$35.00 PER HOUR AND 14 HOURS PER WEEK.**

Moved by Councilman Dassing, seconded by Councilman Norton. Discussions Ensued. On roll call, all present voted in the affirmative. Resolution adopted 08/10/10

**PUBLIC HEARING ON REVISED BUDGET AMENDMENT 2010**

Margaret Cherone, CFO – The surplus anticipated is \$359,115 - \$399,115 take out its proceeds sale of Fire truck of \$40,000. General appropriation – Electric and Gas \$92,000 - \$89,932.00. Telephone \$38,500 - \$37,000. Insurance \$1,113,830. increase \$1,115,030. Medicare Part B for an employee - \$2,367.30. Revised Community Center and other expenses \$427,400 - \$421,900. Included public and private programs (Grant programs) Municipal Alliance cash match \$0 - \$5,500. General appropriation did not change \$11,809,280.00 Budget year 2010. Water Utility operating fund we changed the dedicated revenues from water utility under miscellaneous category \$5,990 - \$17,200. Added under the appropriations for water utility dept service for a reduction in the Bond anticipation note principals \$11,300. Total amount of amended of Budget.

Jeff Curley, 110 Central Avenue – was the amended Budget advertised in both newspapers? Marge Cherone, CFO responded just in the Star Ledger.

William Edge, Cleveland Road – Police overtime in 2008 was \$166,000 in 2009 \$165,000 in 2010 \$100,000. How much is appropriated for the Budget in 2010? Councilman Slattery responded \$100,000. As of July 27<sup>th</sup> the overtime is \$61,155.33 and I am very concerned since \$100,000 was allotted for 2010. He also asked if someone can explain the tax rate including municipal, county and open space. Paul Carelli, Borough Administrator responded that the tax rate was 2.219 now 2.243. Municipal was .672 now .680, County was .441 now .447 with a 1.4% increase, and open space was 1.096 now 1.106.

Bob Christensen, 3 Ravine Avenue, there are people in this Borough that have received a raise, the attorney is \$20,000 more, and the CFO is making \$55,000. Were did we get this additional money from in the Budget. Councilman Norton responded that the dollar amount for the Attorney is \$27,000 less than what was expended on our previous attorney. Various Discussions Ensued.

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**8-184 -RESOLUTION TO ADOPT THE 2010 MUNICIPAL BUDGET**

Councilman Slattery has some concerns about not having enough in some line items, one being the Police overtime. The revenues are down in quite a few areas. Interest on investments, municipal costs, court costs, search fees, tax search fees, sewer usage charges, and fees and permits. My concern is that there would be a short fall based on appropriations of the budget as it stands.

Moved by Councilman Murray, seconded by Councilman Norton. Discussions Ensued. On roll call, Councilman Murray, Dassing and Norton voted in the affirmative. Councilman Slattery voted in the negative. Resolution adopted 08/10/10

**REPORT OF COUNCIL COMMITTEE CHAIRMEN AND MEMBERS:**

Councilman Murray – reported on the DPW that they have removed tree branches from property on Erwin that complaints came from.

Councilman Dassing – reported on Camp Caldwell. Mr. Kinney who served on a ship in WWII brought a model in and spoke about it to the kids. The camp is full producing the highest revenue to date according to Rob Paterson. The kids have been canvassing the Community making pizza at Forte’s, cupcakes at Calandra’s, free ice cream at Gelotti’s, they made meatloaf to give to the homeless in Newark the meat was donated by Villa meats, they made sandwiches for Irvington soup kitchen donated by Jack’s and 500 cans collected for our soup kitchen. The pool’s numbers are up 18% for the last few months. We are now the home of the Parisi’s Speed School facility.

Councilman Slattery – reported that on October 20<sup>th</sup> is Feel Good Friday. The seniors will be writing a personal memoir at the Caldwell Public Library. There is no fee but you are asked to make a reservation at 973-403-0972.

Councilman Norton – reported that the Finance and Budget Committee will be meeting the week of August 16<sup>th</sup>. The Down Town Committee meeting is scheduled for August 12<sup>th</sup> at 7:00PM location to be determined.

Mayor Gartland – read a letter from McKeon’s office in regards to the 2% property tax cap. She also read a letter from the Board of Education in regards to Karen Klemp-Lembo thanking her for another successful Big Read. Mayor Gartland read a letter from Sally Garson of the Environmental Commission she has resigned. She thanked Sally for many years of service. Mayor Gartland reported that there was a traffic meeting and many topics were discussed. Sgt. Pellegrino was unable to attend but if he could get the list that he had for signage in Town that is being blocked by shrubbery so we can get this taken care of.

**REPORT OF ATTORNEY:**

Greg Mascera reported that what was discussed in executive session with regards to Marc Driggs and Toscano law firm. We have the stipulation of dismissal and Mr. Toscano will be paid \$6,696.50 as discussed in executive and can now be made public.

**NEW BUSINESS:**

Mayor Gartland reads a letter from the Caldwell Republican Committee submitting names to fill the term of Mr. Lawshe. These names are Kathleen Martin, Doug Piazza and Leonard Cohen. Councilman Dassing made a motion to nominate Doug Piazza to the Caldwell Council to fill in the time of Mr. Lawshe’s term up until a new Councilman is

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sworn in at the General Election on November 2<sup>nd</sup> Election. Councilman Norton 2<sup>nd</sup>. On roll call, Councilman Murray, Dassing and Norton voted in the affirmative. Councilman Slattery abstained.

Mayor Gartland introduced Heidi Wohlleb, from Nisivoccia & Company who has done the Audit for 2009 and submitted information with corrective action plan.

Councilman Dassing asks the question to Heidi whether they ever found out about the \$120,000 transfer that was made 12/31/08 and actually the payroll was cut on 1/2/09. Heidi Wohlleb responded that they never received an informative answer so we moved on. We made some adjustments. Councilman Norton responded that technically \$120,000 cannot be identified. The information you can't obtain is from the prior auditor who no longer is with us. Greg Mascera responded that Mr. McEnerney had assured him that they would provide any information that they could and that was done. The question is does it now become a reason to think that it was misappropriated? Heidi responded that she didn't get any indication that it was missing or any kind of wrong doing. I think it's just the way it was accounted for. Marge Cherone, CFO responded that if there is no explanation and personnel cannot figure out were the money is then her suggestion would be a forensic auditor. Councilman Norton responded that we owe it to the taxpayers that we make sure all money is accountable. Various Discussions Ensued.

Councilman Dassing would like to thank Lauren from Caldwell College. She has been here since February every Council meeting.

**OPEN PUBLIC PORTION OF THE MEETING:**

Anthony Grecni, Chief of Fire Department, I am here to give the Council good news that in March we had a heavy rain storm in April we declared Emergency by FEMA. In the middle of May Chief Dombrowski, Mario Bifalco, Geard Grecni, Gary Garamello and myself, working numerous meetings with FEMA trying to get money back for Caldwell. We had eight meetings, numerous phone calls, and numerous emails and last week we received an email from FEMA that four projects in the amount of \$47,643.90 will be given back to us. Various Discussions Ensued.

William Edge, 36 Cleveland Road, talking about how the Council did the hiring of Rob Paterson. Various Discussions Ensued.

Steve LaMonico, Westville Avenue, asked the question on who was in the Tax Department working part-time or full-time. Paul Carelli responded that Diane Horvath is filling in the afternoon and Rachel was in there as summer help answering phones and helping people at the counter.

Jeff Curly, 110 Central Avenue, talking about the hiring of Rob Paterson as Community Center Director. The position I believe is a good position and should have been created by this governing body as directed by ordinance. Resolutions were not done as to where we advertise which should be in the Star Ledger and Progress not on websites. Personnel Committee should meet and the Council should be reviewing anyone that is making over \$50,000. Various Discussions Ensued.

Mayor Gartland 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

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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, grievance Borough police, shared services agreement and notice of claim Title 59. On a motion made by Councilman Murray, and seconded by Councilman Norton, unanimously affirmed, the Council moved into Executive Session at 11:32 P.M.

The Executive Session was adjourned and upon a motion by Councilman Murray, seconded by Councilman Norton the Council Business Conference Meeting was opened to the public and the press at 12:28 A.M.

A Special Meeting for August 25, 2010 at 7:00PM on Wednesday for Budget, Audit, introduction of Ordinance, swearing in of new Council member.

Moved by Councilman Murray seconded by Councilman Dassing. No Discussion. On roll call, all present voted in the affirmative.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Murray, seconded by Councilman Dassing, unanimously affirmed by all members present, the meeting was adjourned at 12:30A.M.

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

\_\_\_\_\_ Date \_\_\_\_\_