

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – September 4, 2012**

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

August 7, 2012

Moved by Councilman Murray, seconded by Councilman Kelley. No Discussion. On roll call, Councilman Rodgers, O'Donnell, Murray, Kelley and Coyle all present voted in the affirmative. Council President Hauser abstained. Minutes approved 09/04/12.

PRESENTATION:

1. Rich Basta – Caldwell Historic Commission / Certified Local Government Status
2. Ann Marchioni – Caldwell Environmental Commission / Anti-Idling Program

OPEN PUBLIC COMMENTS ON RESOLUTION:

RESOLUTIONS – CONSENT AGENDA

- 9-192:** RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION Block 21, Lot 10, 121-123 Harrison Avenue, Roseland, NJ to LYSAR JKH ROSELAND, LLC.
- 9-193:** AUTHORIZING THE REFUND OF A TAX OVERPAYMENT PAYABLE TO: CHASE REFUND DEPARTMENT C/O CORE LOGIC
- 9-194:** AUTHORIZING THE REFUND OF A TAX OVERPAYMENT PAYABLE TO: MANNELL MATTHEW & LAURA
- 9-195:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Trinity Academy HSA / Off Premise – 50/50 Raffle / December 1, 2012 – 8:00AM – 5:00PM
- 9-196:** AUTHORIZING THE ISSUING OF A SPECIAL LIQUOR AND CATERING PERMIT. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE CLERKS OFFICE – 117 KTP HOLDING CO INC. DBA PETE'S RESTAURANT AND PUB
- 9-197:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 09-00008 PAYABLE TO GARDEN STATE TAX LIENS, LLC.
- 9-198:** RESOLUTION AUTHORIZING THE AMENDMENT TO THE AGREEMENT ENTERED INTO BETWEEN THE BOROUGH OF ESSEX FELLS AND THE BOROUGH OF CALDWELL DATED FEBRUARY 1, 2005 FOR THE PURCHASE OF WHOLESAL WATER
- 9-199:** AUTHORIZING AWARD OF A PROFESSIONAL SERVICES CONTRACT TO CREW ENGINEERS, INC. FOR ENGINEERING CONSTRUCTION SERVICES FOR THE BROOKSIDE AVENUE WATER MAIN REPLACEMENT PROJECT

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9-200: RESOLUTION AUTHORIZING THE CALDWELL HISTORIC COMMISSION TO APPLY FOR CERTIFIED LOCAL GOVERNMENT STATUS BY THE NEW JERSEY HISTORIC PRESERVATION OFFICE (HPO)

9-201: RESOLUTION STATING THE BOROUGH OF CALDWELL WILL SUPPORT AND MAINTAIN DOWNTOWN STREETSCAPE PROJECTS RECEIVING GRANT MONEY FROM THE NIDOT

CONSENT

Moved by Councilman Hauser, seconded by Councilman Coyle. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 09/04/12

Councilman Murray reported that there is an advertisement on the website for Crossing Guards. We are advertising for more Crossing Guards and please contact the Police Department. The Police Department has come aware of a program called Vial for Life. It is for the elderly and single homeowners. We have 1000 free kits to offer to our residents of Caldwell. It is on our website now.

Councilman O'Donnell reported that the molding is going down in the Aerobics Room. The pool is filled back with water, downstairs is coming along and the Men's and Ladies locker rooms have been gutted and ripped out. Everything seems to be on schedule and the vendors are doing a wonderful job. He thanked Mr. Paterson and the residents in Caldwell.

Mayor Dassing reported that there is a vacancy on the Planning Board and the Open Space Board. Sadly, Chris Esposito will be moving out of Caldwell. We offer 50% off membership to the newly renovated Community Center if you wish to serve on any of those boards. The Mayor wanted to thank Lieutenant Marc Driggs for his help the other night. We had a power outage in half of our house and when she contacted Marc he literally had PSE&G within 4 minutes in front of my house. Within about 10 minutes they identified the problem and it was up and down Linwood Terrace in addition to our house. I received a message from the County that they are going to be paving Elm Road next year because it's a County Road. Chief Bongiorno responded that Sgt. Pellegrino did call and they said they do have it down as a route number but they didn't have any paperwork backing it up as a County Road they will investigate it further and let us know tomorrow.

ADMINISTRATOR'S REPORT:

Paul Carelli reported that Rob Paterson and I are pleased with the Contractors and the Community Center. There was something wet inside the shower which we were not planning on. I believe the change order is around \$1500.00. The canopy's have been purchased for the back and will be put up by the end of the week. We did start the emergency generator back up system. This will provide power to the whole Borough complex; provide heat to the Fire Department. The fire and police radios have been ordered. We should be getting the radios in about four weeks. The file servers for the Borough and Police Department have been ordered and should be in within two weeks. As far as the Parking Deck they are going to be caulking and re-sealing it. We have also contracted the stairs to be replaced and the steps are being fabricated.

REPORT OF ATTORNEY:

Greg Mascara reported that Ingris vs. Caldwell case was won this past Friday. There is an Ingris 2 that will be discussed in Executive Session. The Gleason one case was officially withdrawn. There is a Gleason 2 case that will be discussed in Executive Session. The contract for the compost facility is completed and I have provided it to Paul. The Sewer issues I will go into more details in Executive Session but we are proceeding. The Personette Street potential acquisition we will discuss in more detail in Executive Session.

OLD BUSINESS:

Councilman Hauser asked in the minutes of last meeting Ordinance #1261-12 was withdrawn and that had to do with the employee incentive plan. Greg Mascara responded that when he first drafted there was language that you and Council thought was not necessary. The language is necessary under the statute.

Councilman Kelley spoke about a neighbor having a guest over and not being able to park on the street. Chief Bongiorno responded that there are cars that are granted permission each night. Councilman Kelley asked the chief what the status was in regards to the Motorcycle. Chief Bongiorno stated that the Motorcycle has been ordered and unfortunately during training the officer

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was injured. Councilman Kelley asked if the chief had any reservations in regards to getting the Motorcycle on the force and do you think this is something we should not consider. Chief Bongiorno said it was an unfortunate accident and feels sorry for the officer but he does not think that they should.

Councilman Hauser asked if we followed up on the process changes with payroll. At the last Council meeting it was voted to move forward with the ADP Contract. Part of that was to have their team work with our team to improve some of the things we had discovered. Paul Carelli responded that they met with ADP and part of the plan was to come in and do Payroll with Antoinette one day. We scheduled a date but because we did not have the contract we had to postpone. Mr. Carelli will reschedule for the next payroll.

NEW BUSINESS:

Councilman Hauser spoke about the CFO position. I reached out to Heidi at Nisivoccia and there is a list of things that the Council has received that need to be done. I like to get the process going and whether we are looking for a part-time or full-time CFO. Discussion was on having a temporary consultant and to get approval from Local Government Services.
OPEN PUBLIC MEETING:

Ann Marchioni, 85 Brookside Avenue, spoke about the gravel that washes down to her property from Cedars Road. Paul Carelli responded that he and Mario will take a look at the property.

Gary Flynn, 22 Hillside Avenue, asked the question on how we came to the decision on crossing guards at the corner of Hatfield and Hillside. When less than two years ago Hatfield was so dangerous we had to install a four way stop sign. Chief Bongiorno responded that the route was changed to go down to the crossing guard on Forest and Hatfield and they walk Forest Avenue. Councilman Kelley responded to the Chief that he will be re-routing children down to a much busier Street along Forest. Hillside is a much safer street than Forest in terms of traffic and it is a more direct route to Lincoln School. Discussions Ensued.

On a motion made by Councilman Coyle and seconded by Councilman O'Donnell, unanimously affirmed, the Council moved into Executive Session at 8:27PM.

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 Gleason 2 Litigation, Ingris 2 Litigation, Sewer Contracts, Hassan potential Litigation and Personette Street, Knights' of Columbus.

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 9:27P.M.

9-202: RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR OR
MAYOR TO EXECUTE THE CONTRACT FOR THE PURCHASE OF THE
PROPERTY LOCATED AT 27 PERSONETTE STREET

Moved by Councilman O'Donnell, seconded by Councilman Murray. Discussions Ensued. On roll call, Councilman Rodgers, O'Donnell, Murray, Hauser and Coyle voted in the affirmative. Councilman Kelley abstained. Resolutions approved 09/04/12

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There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Hauser, seconded by Councilman Kelley, unanimously affirmed by all members present, the meeting was adjourned at 9:31P.M.

Prepared by: _____
Lisa O'Neill, Deputy Clerk

DATE