

**BOROUGH OF CALDWELL, N.J.**  
**COUNCIL BUSINESS/CONFERENCE MEETING**  
**MINUTES – September 22, 2009**

The Council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:04 P.M.

PRESENT: Mayor Gartland, Councilman Lawshe, Slattery, Curley, and Brennan

ALSO PRESENT: Borough Administrator, Maureen Ruane, Borough Attorney, Stuart Koenig, Esq., Deputy Clerk, Beth Bush Telepan

ABSENT ON ROLL CALL: Councilman Dassing, Councilman Norton

Adequate notice of this Council Business/Conference meeting was given on January 15, 2009. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey on January 15, 2009. Four official newspapers of the Borough were notified of this meeting by mail on January 15, 2009. Notice was posted and all persons requesting notice were sent same.

PRESENTATIONS: John Scheri, Hatch Mott MacDonald presentation of the Waste Water Treatment Plant Upgrade

Councilman Norton arrived at 7:16 P.M.

Kiwanis and Rotary Club presentation on insurance for the Street Fair.

Councilman Dassing arrived at 7:30 P.M.

INTRODUCTION OF ORDINANCES: None

PUBLIC HEARINGS: None

RECEIVING OF BIDS: None

APPROVAL OF MINUTES: None

Mayor Gartland opened the meeting to the public at 7:35 P.M. for public comment on resolutions. Dan Flynn of 24 Westville Avenue had questions regarding resolution number 9-164. Various discussion ensued regarding the Pine Brook. The council requested that Engineer, Anthony Marucci attend the next council meeting to discuss the Pine Brook. Councilman Slattery also requested that Anthony Marucci address paving of Knollwood Terrace, Gladding Road and Cedars Road. Councilman Slattery said that the roads are dangerous. Carla Marras of Wakefield Place reported that she has been to many meeting where the Auditor was discussed. Ms Marras said that in the last three years at least something is not right with his accounting. This is hurting the taxpayers in this town. Ms. Marras said that if the council does not vote that he no longer has a job in this town that there is something wrong. Seeing no one else from the public wishing to be heard, Mayor Garland closed the public comment on resolutions at 7:56 P.M.

RESOLUTIONS:

9-161 Governing Body Certification of the Annual Audit

Moved by Councilman Slattery, seconded by Councilman Brennan. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 9/22/09.

9-162 Authorizing redemption of tax lien certificate #08-00019, Block 63, Lot 2.01, 19 Grove Street, Caldwell, New Jersey 07006, Dave Ruas

Moved by Councilman Slattery, seconded by Councilman Curley. No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 9/22/09.

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- 9-163 Authorizing redemption of tax lien certificate #08-00010, Block 29, Lot 22, 45 Cleveland Street, Caldwell, New Jersey 07006, Andrea & Christine Depaola

Moved by Councilman Slattery, seconded by Councilman Norton. No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 9/22/09.

- 9-164 Authorizing a professional service agreement with CMX Engineering for engineering services for proposed synthetic turf field for a lump sum fee of \$8,150.00 for Phase I, existing conditions and permitting, \$36,800.00 - \$40,450.00 for Phase II, engineer design and bid documents, \$500.00 for Phase III, miscellaneous services and \$29,900.00 for Phase IV, project management and closeout phase.

A motion was made by Councilman Slattery to amend the resolution subject to an agreement with West Caldwell that they will reimburse 50% of the cost, seconded by Councilman Curley. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 9/22/09.

- 9-165 Authorizing the award of a contract for Prospect Street, Highview Road, and Hawthorne Road roadway improvements, NJDOT Trust Funds of \$260,000.00 and CDBG Funds in the amount of \$82,450.00 and the balance of \$152,241.00 to be paid by General Capital Funds to Two Brothers Contracting, Inc., 250 Rutherford Boulevard, Clifton, New Jersey 07014

Moved by Councilman Curley, seconded by Councilman Norton. No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 9/22/09.

- 9-166 Authorizing the issuing of a permit for canvasser/solicitor to Bruce Chavez and Walter Fernando of New American Construction, 527 Prospect Place, Lyndhurst, New Jersey 07071

Moved by Councilman Lawshe, seconded by Councilman Curley. Discussion ensued. On roll call vote, Councilman Lawshe, Dassing, Curley, and Norton voted in the affirmative. Councilman Slattery and Brennan voted in the negative. Resolution adopted 9/22/09.

- 9-167 Authorizing the issuing of license for raffle to Caldwell Merchant Association, Off-Premise Calendar Raffle, October 24, 2009 – Noon, November 21, 2009 – Noon, December 19, 2009 – Noon, January 1, 2010 – 3:00 P.M.

Moved by Councilman Curley, seconded by Councilman Brennan. Discussion ensued. On roll call vote, Councilman Lawshe, Slattery, Curley, Norton and Brennan voted in the affirmative. Councilman Dassing abstained. Resolution adopted 9/22/09.

- 9-168 Authorizing payment of bills and the issuance of checks for the period through September 22, 2009 in the total amount of \$1,395,520.81

Moved by Councilman Slattery, seconded by Councilman Brennan. Discussion ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 9/22/09.

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9-169 Resolution terminating the contract and services of the Municipal Auditor

Moved by Councilman Lawshe, seconded by Councilman Norton. Discussion Ensued. On roll call vote, Councilman Lawshe, Dassing and Norton voted in the affirmative. Councilman Slattery, Curley, Brennan and Mayor Gartland voted in the negative. Motion did not carry.

**REPORT OF COMMITTEE CHAIRMEN AND MEMBERS:**

Councilman Lawshe – Reported on the Police Committee Meeting, where we had a meeting with the Chief and the topic of excessive speeding on Bloomfield Avenue was discussed. Our revenue from tickets is down this year and the Chief will be looking into getting some enforcement on Bloomfield Avenue.

Councilman Slattery – Reported that the Borough will be administering regular flu shots on October 7<sup>th</sup> from 1:00 P.M. to 2:30 P.M. at the Caldwell Community Center. Medicare cards are accepted, no HMO's and a cash payment of \$25.00. You do not need an appointment. Shots will also be administered at Marion Manor on October 7<sup>th</sup> from 3:00 P.M. to 4:00 P.M. For information please call 973-403-4637 if you would like to go to Marion Manor. Two registered nurses will be administering the shots. Councilman Slattery also reported that the Senior Advisory Committee and the Caldwell Live Program have agreed to publish a senior guide for our town. It will have all kinds of information in it for senior citizens. Councilman Slattery said that maybe we should consider being a Council as a whole and eliminating all sub-committees. No one ever seems to be happy with the report of the sub-committee or the information sharing.

Councilman Dassing – Reported that the Caldwell Community Center is open again, all the upgrades were completed. I had a very nice tour given by Maureen and Beth on September 11, 2009. We have 25 new pieces of strength and cardio equipment in the fitness center. The pool area and the pool are shiny and beautiful. We have new lockers in the mens and ladies locker rooms and upgrades in the changing areas and shower areas. The children's babysitting room has new carpeting and toys. To quote Jim, every wall, floor, rug, countertop was washed, waxed, polished and painted. The gym floor was refurbished. Councilman Dassing reported that there is still room on the swim team. Please go to [caldwellcyclones.com](http://caldwellcyclones.com). Councilman Dassing reported that the Aquatic and Camp revenue goals have already been realized.

Councilman Curley – Reported that the New Jersey Clean Energy will be doing a presentation at the Caldwell Library on October 14, 2009 from 7:00 to 8:00 P.M. It is about current rebates and who is eligible for them. These are rebates not tax rebates, but rather actual checks you receive back if you buy the Energy Star equipment. Councilman Curley commended Chief Dombrowski and the Police Department, for the third year that Caldwell has been designated as the safest town in Essex County. Chief Dombrowski asked for permission to read a statement he prepared for the Council regarding the reduced crime rate in Caldwell. We are the lowest crime rate per capita in Essex County. Chief Dombrowski thanked the administration for their continued support of the Police Department. Chief Dombrowski also reported on the reduction in overtime. Chief Dombrowski also reported on the various training classes the police officers attend. Chief Dombrowski stated that the Caldwell Police Department has received three new bicycles in the past year for their bicycle patrol.

Councilman Norton – Thanked the Caldwell Police Department for their quick response on the vehicle going 60 MPH on Hatfield Street. The Caldwell Police caught up with the car on Hillside Avenue. The driver of the car was placed under arrest for outstanding warrants. Councilman Norton said it made him and his family feel safer that evening. Councilman Norton reported on the Traffic Committee Poster contest winner signs. Councilman Norton requested that we have the contest winners come to our Council Meeting on October 6,

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2009. Councilman Norton also requested that Dan Gerardi come to the Council Meeting on October 6, 2009. Councilman Norton also requested that a Budget Committee Meeting be scheduled for October 15, 2009 at 9:00 A.M. to start working on the 2010 budget.

Councilman Brennan – Reported that the personnel committee is in the process of going over the employee handbook, it delineates such items as anti discrimination policies, anti harassment policies, hours of work and the like, it is quite comprehensive. We need to schedule a Personnel Committee meeting within the next two weeks to work on this handbook.

Mayor Gartland - Reported that the Construction Code Ordinance Committee is meeting tomorrow night.

Administrator – Maureen Ruane reported on the Green Acres Grant. Ms. Ruane asked for a consensus for a resolution to be put on the meeting of the 13<sup>th</sup>. The Council voted yes.

Attorney Stuart Koenig – Reported that there is a piece of litigation that has been started against the municipalities regarding towing. I know the Police Department has been working on an ordinance for the Council to consider. Attorney Stuart Koenig asked for the council's approval to file an answer to the litigation. The council agreed.

New Business – Councilman Lawshe, reported that this weekend he was approached by a resident in Caldwell regarding a problem at 554 Bloomfield Avenue with contamination of soil. I have documents from a resident of Caldwell 554 Bloomfield Avenue is the new building right across from 7/11. The letter that I was given states that this property has contaminated soil of very high levels of toxics, Benzene and Ethyl Benzene. My concern is whether the residents of Caldwell that live in that building were notified. The letter states that the Borough of Caldwell has information on this by request. A resident asked Councilman Lawshe if the environmental company was doing any vapor intrusions. Evidently, this is an ongoing problem. I have not had time to call the DEP yet. Not to get anyone confused 7/11 was the original owner of this property even though 7/11 is across the street. My concern now is I do not know how the building was built if the soil was contaminated then and is contaminated now. I think this is something we should look at. I was told that anyone that is within 200 feet had to be notified of this. Obviously, we need to be concerned about the safety of the people in town. Mayor Gartland requested that a copy of the report from AECOM Environmental be distributed to the Mayor and Council. Councilman Norton requested that the Caldwell/West Caldwell Recreation Department be put on the Caldwell website. Councilman Norton requested that it be a separate tag on our website.

OPEN MEETING: Mayor Gartland opened the meeting to the public at 9:24 PM. Bob Christensen of Ravine Avenue. Mr. Christensen said he read the Progress. He had a concern about what he read. He said we do not need a partisan council. We need a council that can work together and to create a Caldwell that he can remember when he moved here. Mr. Christensen said he has never come to a council meeting and felt like he did not want to be here and this is one of them. He has seen things tonight he has never seen before and he does not like it. This council should be formed to work for people. Mr. Christensen was upset about what he read in The Progress. Mr. Christensen said the Budget Amendment was approved by the Council. When it came time to approve the Budget it was three – three and the Mayor had to vote to approve it. Why were three against it when they approved the amendment. Mr. Christensen said he thinks it is time to get together and be a bipartisan council to work for him and all the people in this town. Carla Marras of 20 Wakefield Place, I come bearing gifts. I am on the domestic violence team, I had a victim that was very upset, not only could I not give her water from a machine that is gone. There was not a tissue in the place, we had to give her a roll of toilet paper. Not only was I embarrassed but the Officer who gave it to her was also embarrassed. Ms. Marras also had questions regarding what the status of the State Audit was. Ms. Ruane responded that the State came in and all information was given to them that was requested. Mr. Abaleo reported on the Essex County Hazardous Waste pick up. Mr. Abaleo also reported on the Gibbons exhibit at Turtle Back Zoo. John Castano of 90 Hatfield reported that one of the senior citizens on the Atlantic City

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Bus trip won \$100,000. Mr. Castano also thanked many of the Borough Employees who volunteered their time to clean up the Community Center. Mr. Castano congratulated the Chief for the three straight years as the safest town in Essex County. Seeing no one else from the public wishing to be heard the Mayor closed the Open Public portion of the meeting at 9:34 P.M.

On a motion made by Councilman Brennan, and seconded by Councilman Curley, unanimously affirmed, the Council moved into Executive Session in order to discuss a matter of potential litigation and personnel. Said motion was unanimously approved and the Council went into Executive Session at 9:45 P.M.

The Executive Session was adjourned and upon motion by Councilman Slattery, seconded by Councilman Brennan the Council Business Conference Meeting was opened to the public and the press at 10:30 P.M. All those previously in attendance were present.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Brennan, seconded by Councilman Norton, unanimously affirmed by all members present, the meeting was adjourned at 10:30 PM.

Prepared by:

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Beth Bush Telepan  
Deputy Clerk

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Date