

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – September 28, 2010**

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

PRESENT: Mayor Gartland, Councilman Murray, Hauser, Dassing Slattery, Norton and Piazza

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

ABSENT:

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.

APPROVAL OF MINUTES: June 22, 2010
July 13, 2010

Moved by Councilman Hauser, seconded by Councilman Murray. Discussions Ensued. On roll call, Councilman Murray, Hauser, Dassing, Slattery and Norton voted in the affirmative. Councilman Piazza abstained. Minutes approved 09/28/10.

PRESENTATION: Polizia di Stato (Italian State Police) – October visit to the United States – By: Chief Anthony Grenci – Caldwell Fire Department
William Agnellino – EHIAC

INTRODUCTION OF ORDINANCES:

ORDINANCE #1223-10 – AN ORDINANCE AMENDING ARTICLE VIII, CHAPTER 190 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION GOVERNING SEWER CONNECTIONS

Moved by Councilman Hauser, seconded by Councilman Murray. Discussions Ensued. On roll call, all members present voted in the affirmative. Ordinance introduced on 09/28/10

ORDINANCE #1224-10 - AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CALDWELL, BY AMENDING CHAPTER "STORMWATER MANAGEMENT" BY ADDING SECTION 206-6C "PRIVATE STORM DRAIN INLET RETROFITTING" TO COMPLY WITH THE NPDES MUNICIPAL STORMWATER REGULATIONS PROGRAM

Moved by Councilman Norton, seconded by Councilman Hauser. Discussions Ensued. On roll call, all members present voted in the affirmative. Ordinance introduced on 09/28/10

RESOLUTIONS:

9-198 RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF 2010 TAXES FOR BLOCK 71.01, LOT 11, 22 GLADDING ROAD, CALDWELL, NJ 07006 IN THE AMOUNT OF \$393.67

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Moved by Councilman Murray, seconded by Councilman Norton. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 09/28/10

9-199 AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE APPLICAN AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – 50/50 Raffle / October 17, 2010 / Caldwell Downtown Alliance

Moved by Councilman Norton, seconded by Councilman Slattery. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 09/28/10

9-200 AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Tricky Tray Raffle / October 17, 2010 / Caldwell Downtown Alliance

Moved by Councilman Norton, seconded by Councilman Slattery. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 09/28/10

9-201 AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECK FOR THE PERIOD THROUGH SEPTEMBER 28, 2010 FOR 2010 BILLS IN THE TOTAL AMOUNT OF \$1,628,282.54

Moved by Councilman Slattery, seconded by Councilman Hauser. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted 09/28/10

9-202 -RESOLUTION AUTHORIZING THE SETTLEMENT OF THE UNFAIR PRACTICE CHARGE FILED APRIL 16, 2010 BY TEAMSTERS LOCAL 97 WHERE THE BOROUGH OF CALDWELL SHALL REIMBURSE THE OUT OF POCKET EXPENSES INCURRED BY UNIT MEMBERS THAT EXCEED SUCH EXPENSES UNDER THE PREVIOUS MEDICAL BENEFIT PLAN

Moved by Councilman Slattery, seconded by Councilman Dassing. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted 09/28/10

9-203 -RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO HIRE CERTIFIED VALUATIONS TO PERFORM AN APPRAISAL OF THE PROPERTY AT 14 PARK AVENUE, CALDWELL UNDER A PROFESSIONAL SERVICES CONTRACT

Moved by Councilman Murray, seconded by Councilman Hauser. Discussions Ensued. On roll call, Councilman Murray, Hauser, Dassing, Norton and Piazza voted in the affirmative. Councilman Slattery abstained. Resolution adopted 09/28/10

9-204 -RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO HIRE LABOR ATTORNEY ARTHUR R. THIBAUT, JR. TO NEGOTIATE THE PBA CONTRACT UNDER A PROFESSIONAL SERVICES CONTRACT AT A RATE OF \$160.00 PER HOUR

Moved by Councilman Murray, seconded by Councilman Hauser. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted 09/28/10

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9-205 - AUTHORIZING THE CALDWELL COMMUNITY CENTER TO ACCEPT FEES THROUGH THE USE OF DEBIT CARDS, BANK CARDS, OR OTHER CREDIT CARDS

Moved by Councilman Dassing, seconded by Councilman Murray. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted 09/28/10

9-206 - RESOLUTION AUTHORIZING REDEMPTION OF TAX LIEN CERTIFICATE #09-00003, BLOCK 15, LOT 2, 54 FOREST AVENUE, CALDWELL, NJ 07006, JOHN & STEPHANIE STEVENS

Moved by Councilman Hauser, seconded by Councilman Murray. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 09/28/10

9-207 - RESOLUTION AUTHORIZING REDEMPTION OF TAX LIEN CERTIFICATE #09-00012, BLOCK 41.01, LOT 19, 51 GROVER LANE, CALDWELL, NJ 07006, EDGAR & ANNA MONTANEZ

Moved by Councilman Slattery, seconded by Councilman Hauser. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 09/28/10

9-208 - RESOLUTION AUTHORIZING REDEMPTION OF TAX LIEN CERTIFICATE #09-00015, BLOCK 57.01, LOT 1.08, 12 PARKWAY WEST, CALDWELL, NJ 07006, MICHELLE LODATO

Moved by Councilman Slattery, seconded by Councilman Hauser. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 09/28/10

9-209 AUTHORIZING THE APPOINTMENT OF BRIAN MACLAY AS A JUNIOR FIREMEN'S AUXILIARY IN THE CALDWELL VOLUNTEER FIRE DEPARTMENT

Moved by Councilman Murray, seconded by Councilman Slattery. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 09/28/10

OLD BUSINESS

Greg Mascera, Borough Attorney spoke about the Kiwanis Oval Shared Service Agreement. We are 98% in the final form. Paul, the Mayor and I met with individuals from the College, Mr. Calandra, individuals from West Caldwell and Councilman Hauser. As a result of that meeting Mr. Lott has put together a participation agreement a three party agreement between the Borough, Caldwell College and Mr. Calandra. West Caldwell will be holding third party beneficiary to the contract. Mr. Bruno the Caldwell College Council has to take back to the trustee's of the College. Mr. Lott is trying to find out how many hours the college will be able to use the field. Also, how many hours is the college willing to use its facility, Gymnasium, fields etc. and make them available to the Recreation Department. Mr. Lott indicated that he wanted to be the drafter and unfortunately he hasn't heard back from Mr. Bruno about getting this in final form. Various Discussions Ensued.

Councilman Hauser – Mr. Christensen has talked a number of times to us about the no parking signs on Ravine. They have painted the yellow lines on the ground. Paul Carelli, Borough Administrator responded that we are putting the yellow lines down for no parking. Mario has the signs but he doesn't have the posts so we are waiting for the posts.

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REPORT OF COUNCIL COMMITTEE CHAIRMEN AND MEMBERS:

Councilman Murray – reported that the Ladder truck has been out of service. We have contacted Absolute Fire who is Certified Vendor and they fixed it for free. They have given us a check list and we are reviewing it now. Ray Sullivan and the Chief had mentioned to me something that I was not aware of. In 2012 the frequency changes with radio's will occur and that's just not Caldwell it's all of Essex County. We could be looking at \$25,000 without any base station. Various Discussions Ensued.

Councilman Dassing – reported that she has flyers for scarecrow decorations if interested you can pick up your scarecrow kits. They will be up on the light post after the street fair. This year we are going to have all people in the town judge. There will be ballot boxes in all the stores and restaurants. The Fall Festival will be on October 16th from 12-4:00 and it has been expanded down to Ace Hardware.

Councilman Slattery – reported that there was a Municipal Alliance Committee meeting and I was actually very excited that we have new people on the committee and a new Dare officer that is very excited. The County has a new mini golf course by the Turtle Back Zoo it's based on the African Congo, Sahara Dessert and the African Grassland. The County will also have its Household Hazardous Waste on October 2nd and on October 16th is recycling for computers and electronics at 99 West Bradford Avenue in Cedar Grove. Essex County Senior Wellness Day was on the 21st.

Councilman Norton – reported that the Finance and Budget Committee was suppose to have a meeting but was postponed. On Thursday, September 30th at 8:00am we will be having a meeting for a product and capability presentation with one of our banks. Downtown Committee had a meeting on September 20th at that meeting were representatives from the Caldwell Merchants Association Project Main street, Street Fair Committee, Kiwanis Rotary, Police Department and the Fire Department. All final plans were approved and reviewed by the Borough Administrator in concert with the Fire Department and Police Department for the Street Fair. The new process and the PUPPA permits were issued by the Borough Administrator. This past Saturday was Beautification Day sponsored by Project Main Street. They did a fabulous job in the Downtown. The Rotary donated and volunteers had painted the Bus Stop. There were about 90 volunteers. This Sunday will be the Street Fair.

Councilman Piazza – reported that his has been appointed with some of the committee's. I have something's lined up this week with some people. I am looking forward to getting some good hard work done. Mayor Gartland asked the question, when does the Farmers Market end? Councilman Piazza responded that the Farmers Market ends on October 29th with a big Halloween blowout.

Mayor Gartland – reported on the Beautification Day. I participated in it and Councilman Piazza and Councilman Hauser participated. So many good people helped with the Beautification. We had the Grand Opening of the store Smith & Co. I would like to thank the landscapers for coming early in the morning and worked so hard. Paul if you could get me a list I would like to send them thank you. The green looks spectacular and Councilman Piazza worked on that. Councilman Hauser responded that he would like to add that the volunteerism that was involved was very moving for him. When 100 people give up time its tremendous to see them all out there. Mayor Gartland would like to wish Smith & Co. the very best of everything and are thrilled to finally have them open. There are a number of stores that have opened from our \$5 pizza which I have seen a numerous amount of people. We need to support the Restaurants and stories in our community.

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REPORT OF ADMINISTRATOR:

Paul Carelli gave an update on the Oval. The rain set us back today but we are so close to being completed. The fence should be done at some point tomorrow. There is still some infield that needs to be placed on the field. The Contractor needs one dry day and he will be able to do that. I spoke to Mario Iannelli and he said that the Turf and the lighting should be signed off before Wednesday of next week. One thing we will be looking at the steps coming down from Calandra's to the field. There is a railing that is there now but it's really not sufficient now that it will be a main thoroughfare so we are going to have the Engineer's look at it so we can provide a secure area. At the last meeting there was a little concern about the gas smell over on Hatfield Street. I met with Everton Scott from PSEG to see what their game plan was. They were very responsive and at the meeting I was there, the Chief, Councilman Norton and Mario. PSE&G had five representatives. I have the minutes to that meeting and I will hand them out. Various Discussions Ensued.

REPORT OF ATTORNEY:

NEW BUSINESS:

Councilman Hauser made a suggestion that he would like to look into migrating something electronic because of all the duplication of papers that the Council receives either by delivery of Police Department, in their mailboxes or email. He has spoken to Councilman Piazza about this thinking he would be the person on the Technology Committee. He suggested notebooks, they are relatively inexpensive and the Council should consider this to move forward into the twentieth century. 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 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 Shared Services contract, grievance filed by the Police Department and the PBA Contract.

On a motion made by Councilman Murray, and seconded by Councilman Norton, unanimously affirmed, the Council moved into Executive Session at 8:43 P.M.

The Executive Session was adjourned and upon a motion by Councilman Slattery, seconded by Councilman Murray the Council Business Conference Meeting was opened to the public and the press at 10:23 P.M.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Hauser, seconded by Councilman Murray, unanimously affirmed by all members present, the meeting was adjourned at 10:23 P.M.

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

_____ Date