

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – October 12, 2010**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:06 P.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 – July 27, 2010**

Moved by Councilman Murray, seconded by Councilman Hauser. Discussions Ensued. On roll call, Councilman Murray, Hauser, Dassing, Slattery voted in the affirmative. Councilman Norton and Piazza abstained. Minutes approved 10/12/10.

**INTRODUCTION OF ORDINANCES:**

**SUPPLEMENTAL DEBT STATEMENT – 10/12/2010**

**ORDINANCE #1225-10 – Table**

**PUBLIC HEARING AND ADOPTION 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 adopted on 10/12/10

**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 Hauser, seconded by Councilman Norton. Discussions Ensued. On roll call, all members present voted in the affirmative. Ordinance adopted on 10/12/10

**RESOLUTIONS:**

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**10-210** -AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH BOSWELL ENGINEERING FOR PROVIDING THE PREPARATION OF CONSTRUCTION PLANS AND SPECIFICATIONS AND PROVIDING CONSTRUCTION INSPECTION FOR THE OAK GROVE ROAD CONSTRUCTION FOR A LUMP SUM FEE OF \$9500.00 FOR THE DESIGN PHASE AND \$10,500.00 FOR THE CONSTRUCTION PHASE.

Moved by Councilman Norton, seconded by Councilman Piazza. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 10/12/10

**10-211** -RESOLUTION AUTHORIZING A REFUND IN THE AMOUNT OF \$57.42 TO KEVIN AND FRANCES KELLY AND HOWARD FEUERSTACHE PURSUANT TO THE TERMS OF AN ESSEX COUNTY TAX BOARD JUDGMENT

Moved by Councilman Norton, seconded by Councilman Hauser. No Discussions. On roll call, all members present voted in the affirmative. Resolution adopted on 10/12/10

**10-212** -AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE AND APPROPRIATION – CHAPTER 159 - SFY2010 State Body Armor Grant

Moved by Councilman Murray, seconded by Councilman Hauser. No Discussions. On roll call, all members present voted in the affirmative. Resolution adopted on 10/12/10

**10-213** - AUTHORIZING THE EXTENSION OF THE APPOINTMENT OF LISA O'NEILL AS THE ACTING BOROUGH CLERK FROM OCTOBER 13, 2010 UNTIL DECEMBER 31, 2010 AND UNTIL HER SUCCESSOR IS APPOINTED AND QUALIFIED WITH A STIPEND OF \$2,000 PER MONTH

Moved by Councilman Slattery, seconded by Councilman Norton. No Discussions. On roll call, all members present voted in the affirmative. Resolution adopted on 10/12/10

**10-214** - AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH OCTOBER 12, 2010 FOR 2010 BILLS IN THE TOTAL AMOUNT OF \$2,747,959.49.

Moved by Councilman Hauser, seconded by Councilman Dassing. No Discussions. On roll call, all members present voted in the affirmative. Resolution adopted on 10/12/10

**10-215** - RESOLUTION AUTHORIZING A REFUND IN THE AMOUNT OF \$244.09 TO MARY ROBERTSHAW AND SUSAN RENKA PURSUANT TO THE TERMS OF AN ESSEX COUNTY TAX BOARD JUDGMENT

Moved by Councilman Murray, seconded by Councilman Piazza. No Discussions. On roll call, all members present voted in the affirmative. Resolution adopted on 10/12/10

**10-216** -RESOLUTION AUTHORIZING HATCH MOTT MACDONALD TO ENTER INTO A CONTRACT WITH RAPID PUMP AND METER SERVICE COMPANY FOR THE RENOVATION OF SIX (6) SAND FILTER CELLS AT THE CALDWELL WASTE WATER TREATMENT FACILITY IN THE AMOUNT OF \$457,890.00

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Moved by Councilman Hauser, seconded by Councilman Slattery. Discussions Ensued. On roll call, Councilman Murray, Hauser, Slattery, Norton and Piazza voted in the affirmative. Councilman Dassing voted abstained. Resolution adopted on 10/12/10

**10-217 -RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDERS ONE (1) THROUGH TWENTY-TWO (22) FOR THE KIWANIS OVAL IMPROVEMENT PROJECT IN THE AMOUNT OF \$106,638.29 AS REQUIRED BY THE KIWANIS OVAL IMPROVEMENT AGREEMENT**

Moved by Councilman Hauser, seconded by Councilman Norton. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 10/12/10

**10-218 - RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE CALDWELL/WEST CALDWELL MUNICIPAL ALLIANCE GRANT FOR CALENDAR YEAR 2011 IN THE AMOUNT OF \$102,750.**

Moved by Councilman Slattery, seconded by Councilman Murray. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 10/12/10

**OLD BUSINESS:**

Councilman Hauser spoke about the 4 way stop signs on Cleveland and Brookside. Paul Carelli, Borough Administrator responded that all signs and posts are in and they will be putting them up by intersections. There will be a stop sign on Cleveland and one on Bowers. Various Discussions Ensued.

Councilman Murray spoke about the Small Avenue paving job and he knows that it is in the process of being approved by NIDOT along with a portion of Hatfield to install some sewer. In the past month it overflowed down there twice especially with the rain from last night. I reached out to Mr. Beckmeyer and Mr. Carelli and asked that they reach out to the DOT to see where we are with that because we can't go out to bid. Paul Carelli responded that he did reach out to Glenn today and he told him that he was going to follow up with the DOT. Various Discussions Ensued.

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

Councilman Murray reported that he met with the Chief on October 1<sup>st</sup> and they spoke about a lot of things that were originally brought up in January. They addressed the Auxiliary Police, and Motor Vehicle stops. The State comes in and does the Motor Vehicle stops and we supply the Police Officers. We are losing money when the State comes in. Mayor Garland responded that we supply the officers and are not properly reimbursed. Councilman Murray responded that we talked about stopping it. Various Discussions Ensued.

Councilman Hauser reported that regarding the Recreation Committee things have come up since the Kiwanis Oval. I met with Gabe DiMassi and Dominick Aiello. Some of the issues include the parking. This needs to be addressed. Mayor Garland responded that she spoke to Councilman Murray and Paul before the meeting that on Saturday while she was here at the Oval she witnessed the traffic. There are no signs that indicate where St. Al's parking is to the different towns coming to the Oval. What we said possibly is putting signs out, that I don't think the Borough should be purchasing, but have them posted when there is an event at the Oval. Various Discussions Ensued.

Councilman Dassing reported that in regards to the Caldwell Community Center they will be starting the teen night again on November 6<sup>th</sup> for ages 11-15 sponsored by the Caldwell Physical Therapy. This will be held the first Saturday of every month from 7-10PM and is

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free to these kids. There will be beverages, food and the biggest game of Twister. Come in a costume and be in a contest. The Birthday parties are booked now until November at the Community Center. They have found a sponsor for the rock climbing wall and I will announce that once the contracts are signed. Councilman Dassing reported that Greg Seaman and herself met with Gillio Sage Company their specialty is solar on Wastewater Treatment Plants. They took a look at our sewer plant and they looked at the Community Center. They have written up a project profile with significant savings, accumulative savings over the life of the contract. We will pay for the equipment through the savings with the solar panels. Various Discussions Ensued.

Councilman Slattery reported on the Board of Health will be having there flu clinic on October 20<sup>th</sup> at 9:30-11:00AM at the Community Center. They will accept only Medicare otherwise the flu shot is \$25.00. I have given the shared agreement for Bloomfield and Animal Control for Greg to look over and make any changes if necessary. Betty Sullivan has drawn this picture and they will put it in digital to send out to everyone so you can get their dog license in Caldwell. Caldwell Life this Thursday, October 14<sup>th</sup>, 9:30 – 12:00 at Agudath Israel a free program Taste of Wellness for Senior Citizens. On Monday, October 25<sup>th</sup> at the Community Center at 1:30PM how to organize the clutter in your life free to seniors.

Councilman Norton reported on the Finance Committee we invited Lakeland Bank in to make a product and capability presentation. The meeting went very well there were a lot of issues that came to life in regards to the Boroughs current finances that the committee needs to discuss further at length. We will be bringing in possibly another bank, Wachovia Bank for a capability presentation. We will take all the information, analyze it, and make a full presentation or recommendation back to the entire Council for a review. There was an October 1<sup>st</sup> deadline to notify the State of New Jersey that the Borough wants to go out and shop the property and casualty insurance for the Borough. Currently we are with the Garden State Joint Insurance Fund which expires at the end of the year. Our current broker, Fairview Insurance, is working on getting us quotes. We also asked Fairview Insurance to look at options for 2011 for the Borough's Health care for any modifications to the plans. This past weekend was the Street Fair and it was a huge success. Councilman Norton thanked the Kiwanis and the Rotary for all their hard work. He thanked the Police Department for their team effort in putting the process together to make it a huge success. This weekend is the Fall Festival which is sponsored by the CMA and that will take place on the Borough Green and at Ace Hardware. We are down to three more weeks for the Farmers Market so please get out and attend. Our next Downtown Committee meeting is scheduled for this Thursday at Borough Hall and on the agenda is just one item which is the Restoration of the Historic Borough Green. I can give you a little teaser that we are looking into a decorative brown stone wall and the stone will match the First Presbyterian Church. It is possibly coming from the County Jail. Mayor Gartland asked the question as to whether the Rotary clock is still an option. Councilman Norton responded that if the Borough is still interested then if they could get a letter to the President of the rotary stating those intentions. Various Discussions Ensued.

Councilman Piazza reported that the Farmers Market has three more days left. We are ending on the 29<sup>th</sup> with our big Halloween bash. We are looking to tie that whole event in with trick-or-treating that will be going on at the Avenue sponsored with the Caldwell Merchants Association. We will be having another event that was contacted by the Essex County Cancer that is looking to hand out free Radon kit and do a Radon test in their home. On Technology I have been meeting with Paul regarding a lot of contracts and

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agreements that we have in town. I am reviewing a lot of these and I am looking to see what we can do to stream line these, start implementing these, and reevaluating some of these. I know it was brought up about the T1 line. We simply can't just turn off the T1 line we need to have the communication and additional systems put into place. There was a proposal that was put out which I am going to be discussing with the Company because I want them to clarify why they are looking to do it in the matter that they are doing and not taking advantage of some of the other communication lines that we already have in place at the Borough and the Police Department. Councilman Piazza reported that he had a meeting with Paul Milani regarding the code enforcement and building code stuff. I let him know that I was the Chairperson and we could start putting together some quick ideas to move forward.

Mayor Gartland reported that the Board of Public Utilities has notified us that Comcast of New Jersey have received an application of renewal of the Municipal consent to construction operated cable television system in the Borough of Caldwell. We need to hold a public hearing from the time they make their application. We have 60 to 90 days to schedule a hearing. Various Discussions Ensued. Mayor Gartland thanked the Rotary and Kiwanis for a lovely day. The food was outstanding. We had a new restaurant that opened in Caldwell called Hog Wild and the food was amazing. Congratulations to Smith & Co. which opened the day of the Street Fair and had to limit the people coming in. All of the Restaurants were well represented. Councilman Murray reported that he would like to thank the Fire Department and Police Department for a wonderful night at Calandra's for the Italian Police. Mayor Gartland responded that the Italian State Police were brought in by the UNICO of East Hanover and the Fire Department accompanied them from Mr. Calandra's place in Fairfield up to Caldwell. We had proclamations for the individuals that came and talk about a small world the gentleman that came over and asked to help me with some of the names was my son's Italian teacher at Seton Hall Prep and my son went on a trip with him to Italy many years ago. Everyone was gracious and wonderful. Calandra's had a nice buffet afterwards and that was a fun thing that we get to participate in and was a really nice evening.

**REPORT OF THE ADMINISTRATOR:**

Paul Carelli reported that we will be having a Department Head meeting. Marge and I will be going over instructions for preparing budgets for 2011. Next week we will be meeting with each department head doing the preliminary things for the Budget prior to us meeting with the Finance Committee. I should have our parking deck structural evaluation by the end of the week the Engineer is currently writing the report. I will tell you that we will have to address some issues. I will be reaching out tomorrow to the Personnel Committee to schedule an interview for a tax collector. We have had some help in the Tax department over the last month, Dale Mathews with over 30 years of experience as a tax collector, and Mike Apicella who was able to get the tax bills out and bring us up to date in the tax office. Councilman Norton spoke to Paul Carelli in regards to the department head meeting for the last two budget years we have had the directive from the committee to please come in flat or lower. Paul responded that he would like to in power the people that are actually working in the departments to come up with realistic things that they need then from there it doesn't mean you will get everything you need. Councilman Norton responded that he doesn't want it to go back to the wish list. Various Discussions Ensued.

**REPORT OF ATTORNEY:**

Greg Mascera reported that the DPW grievance has been settled. Rob Paterson has been pursuing businesses that have agreed to have banners fly at the Community Center. He has asked me to do an agreement that he needs by tomorrow. There are some issues about taking advertising funds from different establishments. Councilman Hauser asked

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the question as to were will the banners be. Greg responded the banners will be inside the Community Center which is buying advertisement space. There are also agreements for outside vendors that need to be drafted. There is a Food town issue that is floating around apparently there is a dispute with the union because Food town has decided to change one of the entities it deals with a supplier. They will be picketing on Bloomfield Avenue and the issue will be whether the picketers are allowed to do this on private property. Greg spoke about the meeting he had with Arthur Thibault and Paul Carelli which we will talk about in Executive Session.

**OPEN PUBLIC MEETING:**

Mr. Abbaleo, County Liaison, reported that the Roseland Avenue project was advertised this morning for bids to be in by October 20<sup>th</sup>. Depending on the amount of bidders they should be moving along. He also wanted to remind everyone that the electronic recycling was this Saturday.

Bob Colaizzo, 12 Hatfield Street, reported that he took a walk around the oval on Friday. He would like to see the gate open so the kids are able to use the field.

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 the PBA Grievance with English Paving, PBA Contract, contractual agreements between Caldwell College and West Caldwell, West Caldwell Recreation Agreement and in regards to a former employee and benefits that employee is entitled to.

On a motion made by Councilman Norton, and seconded by Councilman Piazza, unanimously affirmed, the Council moved into Executive Session at 9:29 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 10:30 P.M.

**10-219 - DEDICATION BY RIDER - OUTSIDE EMPLOYMENT OF OFF DUTY  
POLICE OFFICERS**

Moved by Councilman Murray, seconded by Councilman Norton. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 10/14/10

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 10:35 P.M.

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

\_\_\_\_\_  
Date