

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – November 6, 2014**

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The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:08PM

PRESENT: Mayor Dassing, Council President Hauser, Councilman O'Donnell, Kelley, Rodgers, Durkin, and Capozzoli

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

Adequate notice of this Council Business/Conference meeting was given on January 1, 2014. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey. Official newspapers of the Borough were notified of this meeting by mail. Notice was posted and all persons requesting notice were sent same.

PLEDGE OF ALLIGENCE

APPROVAL OF MINUTES:
October 21, 2014 – Tabled

PRESENTATION:
Surrogate Theodore N. Stephens, II / Annual Update

INTRODUCTION OF ORDINANCE:

ORDINANCE #1300-14: AN ORDINANCE AMENDING CHAPTER 207 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION REGULATING STREETS AND SIDEWALKS

Moved by Councilman O'Donnell, seconded by Councilman Kelley. Discussions Ensued. On roll call, Councilman O'Donnell, Kelley, Rodgers, Durkin and Capozzoli voted in the affirmative. Council President voted in the negative. Ordinance approved 11/06/14.

PUBLIC HEARING AND ADOPTION OF ORDINANCE:

ORDINANCE #1299-14: BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$310,000 FOR VARIOUS WATER MAIN IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$310,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF

Moved by Councilman Kelley, seconded by Councilman Rodgers. No Discussion. On roll call, all present voted in the affirmative. Ordinance adopted 11/06/14.

OPEN PUBLIC COMMENTS ON RESOLUTIONS:

Moved by Councilman O'Donnell, seconded by Councilman Capozzoli to open to the Public for Consent Agenda

Ann Marchioni, Environmental Commission

RESOLUTIONS – CONSENT AGENDA

11-225: AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #13-00017 BLOCK 54, LOT 20

11-226: RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION Block 51, Lot 6, Russell Serpe, 3 Ford Lane, Roseland, NJ 07068

11-227: RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO PROCEED WITH THE DEVELOPMENT OF AN RFQ TO INSTALL A GRID-TIED PHOTOVOLTAIC SYSTEM AT THE CALDWELL WASTEWATER TREATMENT FACILITY

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11-228: AUTHORIZING THE 2014 EQUIVALENT CONNECTION CHARGE OF \$346.73 PER EQUIVALENT CONNECTION, BASED ON THE NUMBER OF EQUIVALENT CONNECTIONS AND THE APPLICATION OF THE SEWER USER AGREEMENTS BETWEEN THE BOROUGH OF CALDWELL AND THE SEWER USER MUNICIPALITIES OF WEST CALDWELL, NORTH CALDWELL, ESSEX FIELDS, FAIRFIELD AND ROSELAND

11-229: AUTHORIZING THE APPOINTMENT OF Nicolas Trukmen AS A JUNIOR FIREFIGHTER IN THE CALDWELL VOLUNTEER FIRE DEPARTMENT

11-230: RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH REVALUATION ADVISORY SERVICES, LLC FOR PREPARATION OF BID SPECIFICATIONS, REVALUATION CONTRACT, AND A PROPOSAL WEIGHTING CHECKLIST FOR THE BOROUGH OF CALDWELL

11-231: RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH VANTAGE WASTE & RECYCLING, INC FOR WASTE REMOVAL SERVICES OF GRITS AND SCREENINGS AT THE CALDWELL WASTEWATER TREATMENT PLANT

11-232: RESOLUTION NAMING THE ROAD BETWEEN BLOOMFIELD AVENUE AND THE CALDWELL UNIVERSITY CAMPUS DRIVEWAY "UNIVERSITY DRIVE"

CONSENT

Moved by Councilman O'Donnell, seconded by Councilman Capozzoli. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 11/06/14.

COUNCIL COMMITTEE REPORTS:

Councilman Capozzoli reported that fire prevention month is over and he met with our Fire Inspector Mr. Guliano to discuss some of the programs that were started under his leadership. The Successful day of Caldwell University residents that was held at the Bergen Fire Academy back in December was a great opportunity for residents to see the dangers that they could face up close and personal. Mr. Guliano has also been working with Caldwell University's new director of campus security on not only improved fire safety but also on fire education. Grover Cleveland Middle School will be starting web base family fire safety course in their 8th grade curriculum this month. In the words of the great Benjamin Franklin once said "an investment in knowledge pays the best interest". Naming Mr. Guliano as our Fire Inspector has been a great investment for Caldwell. Councilman Capozzoli has spoken to Chief Bongiorno on the new CodeRed System which is used to send critical communications to residents from evacuation notices to missing child alerts. You must be registered to participate and you can do so by visiting the town website and click on the link and follow the directions. They also had a discussion on putting camera's in the police cars.

Council President Hauser reported on the Senior Transportation Committee meeting and being that there was not a quorum they could not vote but they did have a discussion about a committee being formed and the intent is for each of the three towns Roseland, West Caldwell and Caldwell to get approximately \$20,000 of the CDBG to cover the cost of a new bus. Paul responded that the grant application is due in December and he will be doing the grant for the three towns and the grant only covers 75% of the cost of the bus. Councilman Hauser said that part of the discussion was to include Mario on that conversation because part of the decision process is diesel vs gas and what makes sense.

REPORT OF MAYOR:

Mayor Dassing reported that on November 4th Mrs. Jane Kinkel from the Middle School and twenty 4-H students showed up to plant over 300 daffodil bulbs in the Town and the police helped them with the median strip planting and she thanked everyone for our support and she sent a collage. There were letters sent to local churches and the synagogue and Caldwell University suggesting that they plant bulbs and to Merchants that have planters in front of their stores suggesting the same and they are hoping for a mild winter to give those bulbs a chance to bloom. Maybe we will have a daffodil festival in the spring.

BOROUGH ADMINISTRATOR:

Paul Carelli reported on the following:

- Opening bids on 11/19 for Elizabeth and Academy Street Water Main Improvement project.
- They met with the Lighting consultant for the Community Center for the Pool area and he sent a drawing which has numbers all over it and he made a recommendation for a wall mounted LED lights waiting for proposal and will probably have to go out to bid. We are waiting for a proposal on the parking deck underneath.

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- He has received two quotes for the video cameras for Police vehicle and both of them are State contract and the lower quote was \$62,000 this is part of our three year capital plan. He would like to have it on the Agenda for the next meeting.
- UV Treatment system is in at the Community Center.
- Demo is completed at Personette Street.
- He has looked into getting iPad's for Council and is waiting for proposal. The Mayor has suggested that he meet with the Board of Education and their IT people to see if they can do better.
- The Tax Collector asked him to remind everyone that taxes, water and sewer bills are due Monday the 10th and tax sale list will start on 11/11.
- He spoke with the CFO in regards to the sewer plant upgrade and where we are finalizing the numbers, the plant is essential done, and the DEP has signed off. For the next meeting he will have a final change order which is a negative change order for a \$179,000. In 2006 or 2007 there was an ordinance done for 16 million dollars for the upgrade at the sewer plant and we are at about \$15,859,000 what that means is he has to pay another bill of \$250,000 we would go over that 16 million and the CFO is only authorized to pay 16 million. At the next meeting there will be a supplemental ordinance where we may need to add \$200,000 or \$250,000.

REPORT OF BOROUGH ATTORNEY:

Greg Mascera reported that we had defeated Mr. Ingris in the Appellate division so Mr. Ingris has decided to go to the Supreme Court. He received notice today that the Supreme Court has rejected his application and unfortunately they directed him to go back to superior court with a Prerogative Writ application and he has now filed suit against Judge Lombardi. As of now this case has been dismissed and he has the right to bring it back. He has been in touched with Millennium in regards to the contract for the improvement district and he has made some suggestive modifications and waiting to hear back from them about executing that contract. He will have the ordinance for the Historic Commission at the next meeting.

NEW BUSINESS:

1. Police Department Overtime

Councilman O'Donnell reported that Senator Booker was in town on the 24th of October and there were costs associated with a run that he performed and his question is are we billing his campaign for this Police overtime. Paul responded that he wasn't at this time he thinks that was part of why there was a discussion. **Councilman O'Donnell** responded that his understanding was that it was a campaigning event and he doesn't feel that the tax payers should be paying for that cost. **Mayor Dassing** responded that we have precedence already set in that we had the Governor here for a campaign event and we incurred about the same amount in overtime and that was a campaign invent as well. **Councilman O'Donnell** responded then we will send the Governor a bill as well. The Mayor responded that she would like a policy in place with the increase in runs our Police department gets involved and she thinks in the past the Police have helped out and we have picked up that tab. **Greg Mascera** responded that what he can recall he thinks it was two or three years ago that we put a policy in place and it was represented in the ordinance that was modified and drafted the parade ordinance incorporates and includes gatherings, events, and walks it is very, very specific. Councilman O'Donnell had asked him whether he thought Senator Booker needed a permit for the walk and it was his opinion that he definitely did need a permit for the walk and should have made application based on just the literal reading of the ordinance. He thinks the ordinance covers events such as Senator Bookers run whether the run was political or not. **Mayor Dassing** responded that she thinks in the context of this discussion for the police department overtime I think it needs to be modified to say we need a fee in there. **Greg Mascera** responded it is. **Mayor Dassing** responded the permit fee is in there and Greg responded and it also includes the cost for the police department in the fee schedule the verbiage includes the cost for police. Paul responded how do you distinguish between what is Borough property. Greg responded that it talks about gathering event or whatever and Paul responds on Borough property and Greg responds that runs through Borough streets, so it's clear and in his view whether it was political or not, which brings a whole different thing which he doesn't think that they need to get into this evening, it's clear that it says through a Borough street. You have a parade that goes down a street not necessarily on Borough property and a parade needs a permit. The way the ordinance is written incorporates all types of events. **Councilman Kelley** asks if Trinity Academy got a permit for their run a month ago. Paul responded no and Councilman Kelley asked if the Police were there and Paul responded yes, there has been a run and he has not... Greg responds this is the first he is hearing and Councilman O'Donnell was the first one to ask. **Councilman Kelley** asked what was the overtime charge and the Mayor responded about \$900. **Councilman**

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Capozzoli responds that his point on it is we can argue left and right on this we didn't get adequate notice, we have auxiliary police officers that can be used if we have adequate notice. He has no problem using auxiliary officers and that's why we have them in place. However, we decided to bypass our rules by not getting a permit and last minute the chief has to make efforts to get the police out there. We have auxiliary police officers for this reason so instead of taking the police officers away from the street protecting our citizens there protecting Cory Booker and we didn't get adequate notice and that's how it should have been handled. **Councilman Kelley** responded that we should use the auxiliary police for the trinity academy run and the... **Councilman Capozzoli** responded that we are not talking about the trinity academy run I can only talk about this, trinity is already done and I am agreeing with you... **Councilman Kelley** continued that's a great use for the auxiliary police... **Councilman Capozzoli** responded that's why we got them they get the experience and it relieves our police officers to protect our town... **Councilman Kelley** continues that is a great idea Councilman Capozzoli. **Mayor Dassing** responded then I think we should, if we have the ability to delineate we should send bills to both campaign accounts. **Councilman Durkin** responded anytime a dignitary comes into the town of Caldwell we should have auxiliary police who are not armed at the... **Councilman Capozzoli** responds well to be fair I don't know Cory Booker but I'm sure he has his own security detail and we already know that so let's not worry about that we can say all we want about little plastic guns and water guns you damn well know any dignitary comes into town has their own security detail so that's a non-issue. The police were not there to protect Cory Booker our police were there for our citizens not to mention the kids that were in school that day so that's here or there our cops are no match for Cory Booker's detail or any other dignitary... **Councilman Durkin** continued that he is glad this is in public the one professional in town hall took care of this with great ease and great professionalism was Chief Bongiorno he took care of the whole thing... **Councilman Capozzoli** responded and he should that's his job... **Councilman Durkin** continues there was no political agenda there, he said Councilman Durkin I will take care of it just like I took care of Governor Christie a few times. **Councilman Capozzoli** responded so why would he not that's his job as the police chief to protect our streets so if he said no then I would have a big problem. No doubt he gives Chief Bongiorno nothing but high regards and I expect him to say nothing but yes however, we did not get adequate notice to do what we were supposed to do. He had no problem with the run adequate notice wasn't there to get everything in place and it wouldn't have cost us in overtime. **Councilman Kelley** responded that he thinks when Governor Christie came I think the notice was maybe 48 hours and I think the overtime that was consumed for his visit not just by police but by a number of Borough employees was extensive, adequate notice certainly wasn't provided there but I think the thing we have to remind ourselves is Caldwell needs to encourage visits by Governor Christie, Senator Booker, Congressman Frelinghuysen and I don't think we want to go down the path... **Councilman Capozzoli** responded Councilman... **Councilman Kelley** continues I don't think we want to go down the path of being petty I think your ideas Councilman Capozzoli are great to use, the auxiliary police, but I think we want to be a friendly community to our dignitaries that are coming to visit us and that's all I want to comment on. **Councilman Capozzoli** responded I am actually in agreement with you all I ask is for adequate notice so we can do things right so we can save us money. He is all for it anyone can come into town but we need adequate notice so everything can be done right and we don't live the town paying those bills that don't need to be paid. He can't comment on Christie because he wasn't there during that and I won't I can only comment on this and all he wants is adequate notice and again kudos to the Police Chief I expect nothing less of him however, adequate notice will get things done right and save money on it. **Councilman Durkin** responded so this doesn't happen again what do you think would be adequate notice. **Greg Mascera** responded that it is supposed to be 45 days before but Mr. Carelli, under his discretion if it had warranted it can be accelerated or the time constraints can be made as long as he has the time to plan for the event. **Councilman Durkin** responded 45 days and Greg responds yes 45 days but Mr. Carelli has the discretion to close the gap if he can find it is acceptable to get everything in order. **Councilman Durkin** thanked Paul for making the decision it was great for the town and he knows that the owner of Gelotti's was really happy and he appreciated the business on a cold Friday night in town and he was impressed seeing a sitting US Senator running down the Avenue and pointing out Calandra's saying it looks beautiful and he will be going there. He would like to commend our newly elected Council candidates for being there it showed class and character that they are there and he was glad to share that moment with them as well. **Greg Mascera** responded that Mr. Durkin it was improper for you as a Councilman and I'm saying this as a professional Borough Attorney, it was improper and this is for advice for everyone else for you as a Councilman to promote a political event during a council meeting. That was improper and it was also improper that when I asked you whether it was a political event you said no, no it's not... **Councilman Durkin** responded no it wasn't Greg continued it was on Mr. Rodgers and whoever he ran with website political event it was on the run with Cory political event, it was on the Facebook page that you liked it said Cory Booker for Senate. You sat on that date and you lied to me in public you said it was not a political event... **Councilman Durkin** asks if he was there, Greg continues it was improper for you as a Councilman... **Councilman Durkin** asks again where you there... Greg continues, to promote a political event... **Councilman Durkin** asks again where you there... Greg asks why does that matter Councilman was it promoted as a political event and Councilman Durkin responds

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absolutely not. **Councilman Kelley** responds excuse me Borough Attorney can you please refrain from your lecture during the public session. **Mayor Dassing** proceeded to bang her gavel to stop the arguing and responds that was the first time I ever used this gavel and it didn't feel good. Discussion continued and Council decided to table it for another meeting.

OPEN PUBLIC MEETING:

Moved by Councilman O'Donnell, seconded by Councilman Capozzoli to open meeting to the Public.

Hilda Moore, 23 Personette Street, she is happy that the knights building is down but the bull dozer shook her house and knocked down her deck and broke her china cabinet. Her telephone is out and Verizon won't come back until the job is done. Paul responded that if she can get him the list of damages and he would get them to the contractor.

Greg Mascera reported that there are two ordinances section 101-1 which is the older part of the ordinance requires 45 days for an application for a gathering etc. and event. His recollection is that 101 was put into place long before we were here and that's the reason for 101-1. That requires 45 days. 101-6 says "In addition to the requirements set forth in any other section of this chapter, no person shall conduct any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, etc. etc., in or upon any street, park or other public place in the Borough without first obtaining a parade permit from the Borough Administrator" that is what he relied upon. If there is going to be a further discussion as to what is permitted and what is not. It says all applications and there is a list and the list says the date of the parade, the assembly area, the starting point, and the ending. Despite anything contained in this chapter to the contrary, no parade permit shall be granted to any applicant if the primary purpose of the parade is to advertise any product, goods or if the parade is to be held solely for private profit. So you are not allowed to issue a parade permit if it's to advertise a product, goods etc. etc. etc. **Mayor Dassing** responded that she would like to see in that ordinance are the actual definitions of race, walk, and parade. Discussion Ensued.

Ann Marchioni, Environmental Commission, She thanked the high school students for helping at the Jack's parking lot and their names are Christina Proano, Ha Nguyen, and Nick Robins

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Capozzoli, seconded by Councilman O'Donnell unanimously affirmed by all members present, the meeting was adjourned at 8:25P.M.

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

DATE