



***BOROUGH OF CALDWELL  
NEW JERSEY***



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**COUNCIL BUSINESS MEETING  
November 20, 2012**

Borough Hall Council Chambers  
1 Provost Square  
Caldwell, New Jersey 07006  
7:00pm



Council Chambers  
1 Provost Square Caldwell, NJ

# Borough of Caldwell Council Business Meeting

## AGENDA

Phone: (973) 226-6100  
Website: [www.caldwell-nj.com](http://www.caldwell-nj.com)

November 20, 2012

MAYOR  
Ann Dassing

BOROUGH COUNCIL  
Richard Hauser – President / Finance  
Peter Murray / Public Safety  
John Coyle / Public Works  
Thomas O'Donnell / Community Center  
John Kelley / Community Relations  
Frank Rodgers / Personnel

### CALL TO ORDER

*Honorable Ann Dassing, Mayor of the Borough of Caldwell Presiding*

Roll Call  
Statement of Compliance w/ Open Public Meetings Act  
Pledge of Allegiance to the Flag

### APPROVAL OF MINUTES

November 8, 2012

### OPEN PUBLIC COMMENTS ON RESOLUTIONS

*Members of the public are invited to comment at this time on any resolution.*

### RESOLUTIONS - CONSENT AGENDA

*All items listed on the Consent Agenda are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council request specific items to be removed for separate action.*

- 11-243:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH NOVEMBER 20, 2012 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$4,185,517.92
- 11-244:** RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION Block 29, Lot 40.01, 32 Wakefield Place, Caldwell, NJ to DEV DERVAN
- 11-245:** AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE AND APPROPRIATION – CHAPTER 159 - 2012 Body Armor Replacement Grant
- 11-246:** RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE FOR POSITIONS IN THE MUNICIPAL COURT OF THE BOROUGH OF CALDWELL

### COUNCIL COMMITTEE REPORTS

*Borough Council Members*

*Members of the Borough Council may choose to report on their respective committees.*

### REPORT OF MAYOR

*Mayor Dassing*

### REPORT OF ADMINISTRATOR

*Paul M. Carelli*

Administrator Report – November 20, 2012



Council Chambers  
1 Provost Square Caldwell, NJ

# Borough of Caldwell Council Business Meeting

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November 20, 2012

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Frank Rodgers / Personnel

### REPORT OF ATTORNEY

*Gregory Mascera*

### OLD BUSINESS

1. Draft Ordinance Proposal – Employee Politics
2. FinCredit “Shop Caldwell” Proposal

### NEW BUSINESS

*Members of the Governing Body may choose to bring up new items at this time.*

### OPEN PUBLIC MEETING

*Members of the public are invited to comment at this time on any issues, whether or not on the agenda*

### EXECUTIVE SESSION

*Closed Session*

*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.*

1. Personnel – Police Matters

### ADJOURNMENT

Additional items may be added to this agenda. Final action may be taken on all matters listed or added to this agenda. This agenda was prepared as of 11/16/2012 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 11/16/2012 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk.

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – November 8, 2012**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:04 PM

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

**ALSO PRESENT:** Lisa O'Neill, Deputy Clerk, and Paul Carelli, Borough Administrator and Gregory Mascara, Borough Attorney

**ABSENT:** Councilman Murray

**ABSENT ON ROLL CALL:** Councilman Coyle

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:  
October 16, 2012**

Moved by Councilman Kelley, seconded by Councilman Rodgers. No Discussion. On roll call, all present, voted in the affirmative with revision from Councilman O'Donnell. Minutes approved 11/08/12.

**Councilman Coyle arrived at 7:07PM**

**PRESENTATION:**

1. Fincredit Inc. – presented by: Nick Campanella, Managing Director / Carmine De Falco, Managing Director
2. Murol Energy Solutions, Inc - presented by: Tim Hahn / Howard Hulin

**OPEN PUBLIC COMMENTS ON RESOLUTION:**

**RESOLUTIONS – CONSENT AGENDA**

**11-238** 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 / April 26, 2013 – 11:00PM

**11-239** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – HSA Lincoln School / Off Premise –Merchandise Raffle / December 5<sup>th</sup> & December 6<sup>th</sup> – 3:00PM – 6:00PM

**11-240** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – St. Aloysius Roman Catholic Church / Off Premise –Calendar Raffle / January 15, 2013, February 15th, March 15th, April 15th, May 15th, June 15th, July 15th, August 15th, September 15th, October 15th, November 15th & December 15, 2013. 1:00PM

**11-241** AUTHORIZING THE APPOINTMENT OF OPEN SPACE COMMITTEE MEMBER – DAVID PRESCOTT

**Councilman Kelley** asked the question as to whether Greg had draft any resolutions that were passed on the motions that I raised. **Paul Carelli** responded that he did. We drafted the resolution now I guess it's the matter of drafting the ordinances. **Greg Mascara** responded that one of the proposals would not be consistent with what's permitted within the law. I will not be drafting an ordinance which violates state law. My recommendation to the Council is you can not prohibit a town employee from participating in a municipal election the law is clear. **Councilman**

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – November 8, 2012**

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**Kelley** asked the question can you craft the ordinance to affect that the controls over that employee in terms of management and monitoring for the protection of the employee and the Council in terms of their involvement of the work day. I think the ruling is during the work day, they cannot, but during their own free time they are allowed too. Isn't that the state law? The state law is the employer employee can do whatever they want after work. If you are proposing a different ordinance now on what an employee can do at work, that would be a different resolution and different ordinance that would be something that would come in the Employee handbook or you can do that by ordinance as well.

**CONSENT**

Moved by Councilman Hauser, seconded by Councilman Coyle. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 11/08/12.

**11-242** AUTHORIZING THE AWARD OF A CONTRACT FOR THE BROOKSIDE AVENUE WATER MAIN REPLACEMENT PROJECT TO MATINA & SON, 148 ENGLISH STREET, HACKENSACK, NJ 07601 IN THE AMOUNT OF \$566,600.00

Moved by Councilman Coyle, seconded by Councilman O'Donnell. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 11/08/12.

**COUNCIL COMMITTEE REPORTS:**

**Councilman O'Donnell** thanked the Community Center and their staff, as you know we were open as a warming center and we were serving hot lunches and anonymous donors who were sending food. We had restaurants donating food and it was nice to see people coming in to help those in need. The OEM people, Chief Bongiorno, Chief Garamella, Tony Greci, Gerard Greci, Dave Black from WEFAS, Councilman Murray and of course the Mayor. We had at least five (5) to six (6) OEM meetings and Dave Black mentioned that they service six (6) communities and Caldwell was the only one who was meeting regularly and had a plan. They were sleeping in cots around the clock to be available. The WEFAS were sleeping in the cold they do not have a generator. I would like to discuss with various towns of contributing dollars so that we can purchase a generator. Councilman Murray provided an 800 number for those who could not travel for the meeting and of course Mr. Carelli was there every step of the way keeping us calm. John McManis from PSE&G took his beating like a man and I would like to thank him as well.

**Councilman Coyle** wanted to add and acknowledge Mario Bifalco and the folks at the DPW who also joined in with the discussions with the OEM folks during this storm. He asked the question to Mr. Seaman that he understood we loss power to the sewer plant sometime during the storm. Greg responded that he had met with the operators prior to the storm and everything came off very well.

**Councilman O'Donnell** responded that he would like to apologize for not mentioning the DPW and Councilman Coyle was with us through these meetings I do apologize it has been a rough week. We were running out of diesel and somehow Mario came over with 1500 gallons we didn't ask and we just thanked him.

**Mayor Dassing** thanked everyone from the bottom of her heart to everyone who came out to help us I felt like we were in very, very good hands. We were well prepared and I know it got really crazy and scary for our Fireman and our Construction official. Just the upmost in bravery in a volunteer capacity it is totally amazing how everyone keeps coming out and keeping us safe. I had a meeting with the President of PSE&G and probably twelve Mayors in the room Senator Cody set that up and I would like to thank Senator Cody for shortening the amount of time for the last circuit that they were working on. Basically the main concern was communication and specific communication was so that the mayor and administration of each town is equipped to talk to the residents about when the power is coming back on. We were fully restored in eight days and we originally were told seven to ten days.

**REPORT OF ADMINISTRATOR:**

**Paul Carelli** reported that he had the pleasure of being in the office everyday with our Deputy Clerk, Lisa O'Neill who might have been the last one in Caldwell to have her power turned on and it was very pleasant working with her last week as well as the Mayor. The residents don't see this too often but our Mayor was here pretty much all day into the night calling whoever she could to get the power back on as limited emails came in or phone calls from cell phones she was calling back residents

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
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individually trying to be a voice of support and to let them know that she was working as hard as she could to get the power on. The residents should be happy that they have someone like you here. I did post an RFP for Financial Management Services Councilman Hauser, Councilman Rodgers and myself met with one of the consultant firms and went over the RFP on Friday and fine tuned it to our needs. The RFP is due back next Friday on November 16<sup>th</sup> and I hope there is some type of decision for next meeting. We did advertise for CFO on the League of Municipality. I spoke to our Auditor Heidi and she will be coming in to review our Budget and to get some guidance. Our Police and Fire radios are in. We installed two touch screen monitors for dispatch we had an issue with those so they were delivered. Our back up generator ran for 196 hours eight days straight. I thought our communication was good amongst ourselves the residents, it got a little dicey because when people's power went out you can't call them on the phone. We are looking at some text messaging where we can have more people sign up. This would be something I or the Mayor can send from a cell phone. I issued to the Police committee this evening our October police report and the police department continues to do a great job our enforcement as far as summons is up 46% year to date, our revenue is up 67% from last year. The Chief has been doing a great job managing overtime which is now 62% our overtime cost. I know you thanked the Chief in all his work in OEM but a lot of his officers spent a lot of time standing out on Bloomfield Avenue directing traffic into gas stations which wasn't very pleasant. They broke up some altercations and I would like to acknowledge them as well. **Councilman Hauser** asked Mr. Carelli if he received any recommendations from ADP. Mr. Carelli responded no and he has not followed up with that. **Mayor Dassing** asked about the trees that need to come down and broken limbs. **Mr. Carelli** responded that he would like to do an RFP for tree cutting service and he believes that the Morris County Co-op has that. He would also like to do an RFP for a carpentry or handy man service.

**REPORT OF ATTORNEY:**

**Greg Mascara** reported that the swim contract with West Essex Board of Education has been drafted and is circulating waiting for Rob Patterson's review of the numbers and I believe the swim season starts on November 15<sup>th</sup>. As your honor knows I received an email from the gentleman from West Essex so hopefully that will all be in place and it looks like everything is finished except the execution of that contract. Mr. Carelli, I and Mr. Seaman had a very long productive meeting with a gentleman from Hatch Mott I was expecting a draft of an agreement on the Friday before the storm and the agreement did not come until yesterday. I need to through it more thoroughly with Mr. Seaman and then I think it would be productive to discuss with the Mayor and Council. **Councilman O'Donnell** asked if there was any update on the Knights. **Greg** responded that he spoke to their attorney on a few occasions the Land Conservancy was still without power as of yesterday. The Conservancy did hire the sub contractors that we had talked about. **Mayor Dassing** reported that in the realm of the legal world I spoke to the Federal Government on 14 Park Avenue application and we have until the 16<sup>th</sup> of November. I think we need to have this faxed out to them on the 15<sup>th</sup>.

**OLD BUSINESS:**

**Councilman O'Donnell** would like to make a statement that last meeting was the low point of my twenty-three months absolutely the lowest statement that Councilman Kelley read as described by one member in the audience as a mugging it was obviously politically motivated it was distracting at best and I was just very disappointed.

**NEW BUSINESS:**

**Councilman O'Donnell** spoke about a resident that had a question about the Oval and I will direct this to Councilman Kelley. What have you done to date securing funding from the College and Calandra's? When you campaigned you said that these issues were critical and this resident wants to know what efforts have been made to secure the funding. **Councilman Kelley** responded that he was not sure what his question was. **Councilman O'Donnell** responded that one of your pieces of campaign literature mention that below your outline of critical issues it is vital to the citizens of Caldwell and one of many is the Oval's long term funding. "The window of opportunity to secure long term funding agreements with Caldwell College and Calandra's has been greatly compromised due to the poor management by the present Caldwell Council. With the potential loss of revenue from these two funding sources the Governing Body will need to look to tax payers to fill this budget gap. We will work to secure the long term funding for the Oval so you the tax payer do not have to fund this project for the next ten years". This resident asked me "Tom what has Councilman Kelley done in this regard". **Councilman Kelley** responded that if he is not mistaken

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – November 8, 2012**

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Councilman Hauser has secured the agreements with West Caldwell, Calandra's and Caldwell College. **Councilman Hauser** responded that there is nothing from Calandra's just Caldwell College. **Councilman O'Donnell** asked Councilman Kelley what has he done with Calandra's? **Councilman Kelley** responded that he thought Calandra's was responsible for funding part of the \$200,000 per year. **Greg Mascara** responded that is not correct. In the documents it clearly does not say that anywhere. **Councilman O'Donnell** asked if there is anything that he can bring back to this resident. **Councilman Kelley** responded not at this time. **Councilman O'Donnell** responded so you are here eleven months okay thank you. **Councilman Kelley** responded your welcome. **Councilman O'Donnell** responded we will discuss other issues next week.

**Councilman Coyle** asked about the recycling contract there has been no pickup for the past two recycling days. **Mayor Dassing** responded that Bob Bellasalma did call the Occupational Center and they did have some trouble getting to certain streets. The streets that didn't have trees down they did pick up the recycling.

**OPEN PUBLIC MEETING:**

**Robert Moss, Bloomfield**, spoke about assembly bill A2586. New Jersey League of Municipalities is opposing it and I urge you to contact NJLM. The bill exempts non public institutions of higher education from all provisions of Municipal land use law. Discussions Ensued.

**Douglas Piazza, 24 Erwin Place**, spoke about one year ago that the Council had passed an ordinance approving the completion of which I worked really hard on last year of setting up televise Council meetings. We successfully negotiated with Comcast to foot the bill we put together a proposal we went out to bid received bids that we approved and we could not complete it last year because we did not get the money. My understanding is the money was paid to the Borough of Caldwell from Comcast back in March of this year yet we still do not have it televised. I would like to know why we are not televised at this point. **Mayor Dassing** responded that we visit and we talk to Ray Sullivan. We have a new cabinet that will host some of that equipment which we didn't have back in March. **Paul Carelli** responded that we will have to do another RFP. Mayor Dassing said she was glad he brought this up and this will be put on our project list.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Coyle, seconded by Councilman Kelley, unanimously affirmed by all members present, the meeting was adjourned at 8:42P.M.

Prepared by: \_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

\_\_\_\_\_  
DATE



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 11-243

Date of Adoption: November 20, 2012

**TITLE:**

**AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH NOVEMBER 20, 2012 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$4,185,517.92**

**BE IT RESOLVED** by the Borough Council of the Borough of Caldwell, New Jersey that,

**WHEREAS**, certain bills which are contained on the bills list which is annexed hereto and incorporated herein have been submitted to the Borough of Caldwell for payment, and;

**WHEREAS**, pursuant to N.J.S.A. 40A:5:16, it has been certified to the governing body that the goods or services for which said bills were submitted have been received by or rendered to the Borough of Caldwell, and;

**WHEREAS**, the Director of Finance of the Borough of Caldwell has certified to the governing body that there are funds legally appropriated and available in the current operating budget for the payment of said bills and that the said payment will not result in the disbursement of public monies or in the encumbering of same in excess of the 2011 and/or 2012 appropriation for said purpose;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Caldwell that the, Borough Administrator and Deputy Clerk be and are hereby authorized to sign checks in payment of the bills set forth in the annexed schedule.

**RECORD OF COUNCIL VOTE**

Councilman: \_\_\_\_\_ presented the following resolution - Seconded by Councilman: \_\_\_\_\_

COUNCILMAN    Yes    No    Absent    Abstain    COUNCILMAN    Yes    No    Absent    Abstain

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|--------|--|--|--|--|--|-----------|--|--|--|--|
| Hauser |  |  |  |  |  | O'Donnell |  |  |  |  |
| Murray |  |  |  |  |  | Kelley    |  |  |  |  |
| Coyle  |  |  |  |  |  | Rodgers   |  |  |  |  |

\_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

\_\_\_\_\_  
Ann Dassing, Mayor





BOROUGH OF CALDWELL
NEW JERSEY



Resolution No: 11-244

Date of Adoption: November 20, 2012

TITLE:

RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION Block 29, Lot 40.01, 32 Wakefield Place, Caldwell, NJ to DEV DERVAN

WHEREAS, Dev Dervan., ("Applicant") requires approval from the Borough of Caldwell Sewer Utility for a SANITARY SEWER INCREASE IN FLOW to service property known as B29, Lot 40.01; and

WHEREAS, the project is more specifically known as 32 Wakefield Place, Caldwell, New Jersey; and

WHEREAS, the applicant is proposing 1 new equivalent dwelling units; and

WHEREAS, the connection fee for this project is calculated as follows: 1 EDU x \$3600/EDU = \$3,600.00

WHEREAS, the Sewer Utility Director recommends approval in accordance with the Authority's Rules and Regulations and payment of the above referenced connection fees;

NOW THEREFORE BE IT RESOLVED by the Borough of Caldwell that the Sewer Director be and hereby approves this application, in accordance with the recommendations.

BE IT FURTHER RESOLVED that this approval is further subject to compliance by the Applicant with the Rules and Regulations of the Borough of Caldwell Sewer Utility and other applicable regulatory agencies.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE BOROUGH OF CALDWELL, ESSEX COUNTY, NEW JERSEY, AT A REGULAR MEETING HELD ON NOVEMBER 20, 2012.

Lisa O'Neill, Deputy Clerk

RECORD OF COUNCIL VOTE

Councilman: presented the following resolution - Seconded by Councilman:

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Table with 10 columns for councilman names and voting options (Yes, No, Absent, Abstain). Rows include Hauser, Murray, Coyle, O'Donnell, Kelley, and Rodgers.

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 11-245

Date of Adoption: November 20, 2012

**TITLE:**

**AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE AND APPROPRIATION – CHAPTER 159 - 2012 Body Armor Replacement Grant**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough of Caldwell has been awarded \$2,338.88 from the State of New Jersey and wishes to amend its 2012 Budget to include this amount as revenue;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Caldwell, hereby requests the Director of the Division of Local Government Services to approve insertion of an item of revenue in the Budget of the year 2012 in the sum of \$2,338.88, which is now available as a revenue from:

- Miscellaneous Revenues:
- Special Items of General Revenue Anticipated with Prior Written Consent Of the Director of Local Government Services:
- Public and Private Revenues Offset with Appropriations:
- 2012 Body Armor Replacement Grant

**BE IT FURTHER RESOLVED** that a like sum of \$2,338.88 be and is hereby appropriated under the caption of:

- General Appropriations
- (a) Operations Excluded from "CAPS"
- Public and Private Programs Offset by Revenues:
- 2012 Body Armor Replacement Grant - Other Expense

**RECORD OF COUNCIL VOTE**

Councilman: \_\_\_\_\_ presented the following resolution - Seconded by Councilman: \_\_\_\_\_

COUNCILMAN    Yes    No    Absent    Abstain    COUNCILMAN    Yes    No    Absent    Abstain

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| Hauser |  |  |  |  |  | O'Donnell |  |  |  |  |
| Murray |  |  |  |  |  | Kelley    |  |  |  |  |
| Coyle  |  |  |  |  |  | Rodgers   |  |  |  |  |

\_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

\_\_\_\_\_  
Ann Dassing, Mayor



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 11-246

Date of Adoption: November 20, 2012

**TITLE:**

**RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE  
FOR POSITIONS IN THE MUNICIPAL COURT OF THE BOROUGH OF CALDWELL**

**BE IT RESOLVED** by the Borough Council of the Borough of Caldwell, New Jersey, that they do hereby authorize the Borough Administrator to advertise for the following positions in the Borough of Caldwell.

Municipal Court Administrator  
Deputy Municipal Court Administrator

**RECORD OF COUNCIL VOTE**

Councilman: \_\_\_\_\_ presented the following resolution - Seconded by Councilman: \_\_\_\_\_

COUNCILMAN    Yes    No    Absent    Abstain    COUNCILMAN    Yes    No    Absent    Abstain

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| Hauser |  |  |  |  |  | O'Donnell |  |  |  |  |
| Murray |  |  |  |  |  | Kelley    |  |  |  |  |
| Coyle  |  |  |  |  |  | Rodgers   |  |  |  |  |

\_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

\_\_\_\_\_  
Ann Dassing, Mayor

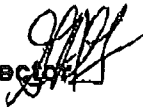


Administrative Office of the Courts

GLENN A. GRANT, J.A.D.  
Acting Administrative Director of the Courts

www.njcourts.com • phone: 609-984-0275 • fax: 609-984-6968

**To:** Assignment Judges


**From:** Glenn A. Grant, Acting Administrative Director 

**Subj: Municipal Courts -- Implementation of the Working Group Report on the Professionalism and Qualifications of Municipal Court Directors, Administrators, and Deputy Administrators**

**Date:** September 16, 2011

On September 13, 2011, the Supreme Court adopted the attached amendments to the Rules of Court to implement the major recommendations made in the "Report of the Working Group on the Professionalism and Qualifications of Municipal Court Directors, Administrators, and Deputy Administrators" ("Report on Professionalism").

### Summary of the Rule Amendments

 **Rule 1:34-3 (new)** – This new rule provides in part that the Assignment Judge shall have the discretion to review the resumés, interview the final candidate, and accept or reject the final candidate for the positions of municipal court director, municipal court administrator, or deputy municipal court administrator. This rule also requires that the interview panel for these three positions include the chief municipal court judge and the municipal division manager, and for the municipal court administrator and deputy administrator positions also include a municipal court administrator selected by the vicinage.

**Rule 1:41-1 (amended)** – The amendment expands the membership of the Municipal Court Administrator Certification Board ("Board") to include a member of the Conference of Assignment Judges.

**Rule 1:41-3 (new)** – This new rule creates a requirement that all noncertified municipal court directors, municipal court administrators, and deputy municipal court administrators must obtain certification, conditional accreditation or accreditation before performing the quasi-judicial or managerial duties of their position, with certain limited exceptions. In order to obtain conditional accreditation or accreditation, employees in these three positions must complete the educational requirements established by the Supreme Court and the Board. The requirements for conditional accreditation must be

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completed within six months of the effective date of the rule or six months of hire, as applicable. The requirements for accreditation must be completed within three years of the effective date of the rule or three years of hire, as applicable.

**Rule 1:41-4 (amended)** – A new subsection of this rule authorizes the Assignment Judge, pending action by the Board, to temporarily suspend the certification, conditional accreditation, or accreditation of a municipal court director, municipal court administrator, or deputy municipal court administrator when there are credible allegations that he or she has committed a serious offense or has engaged in serious misconduct. The temporarily suspended employee is entitled to a hearing before the Board.

**Rule 1:41-6 (new)** – This new rule provides that the Board may stay its decision to suspend or revoke a certification, conditional accreditation or accreditation when the employee has filed a notice of petition for review to the Supreme Court.

In the attached rule amendments, new text is shown as underscored, deleted text is bracketed. The amendments were effective immediately.

Any questions or comments regarding these amendments may be directed to Debra Jenkins, Assistant Director, Municipal Court Services Division, at 609-984-8241.

G.A.G.

#### Attachments

cc: Chief Justice Stuart Rabner  
Vicinage Municipal Court Presiding Judges  
Municipal Court Judges  
Steven D. Bonville, Chief of Staff  
AOC Directors and Assistant Directors  
Trial Court Administrators  
Municipal Division Managers  
Municipal Court Directors  
Municipal Court Administrators  
Deputy Municipal Court Administrators  
Gurpreet M. Singh, Special Assistant  
Steven Somogyi, Chief, Mun. Ct. Services  
Carol A. Welsch, Acting Chief, Mun. Ct. Services

1:34-3. Hiring Process for Municipal Court Directors, Municipal Court Administrators and Deputy Municipal Court Administrators

(a) Open Recruitment by Municipality: Screening Resumes. A municipality, as the hiring authority, shall fill vacancies for the positions of municipal court director, municipal court administrator, and deputy municipal court administrator through an open recruitment process with broad outreach and shall screen the resumes received to determine which candidates meet the minimum qualifications of the positions.

(b) Assignment Judge Review of Resumes. The Assignment Judge of the vicinage shall have the discretion to review the resumes of the candidates that meet the minimum qualifications for the positions of municipal court director, municipal court administrator, and deputy municipal court administrator.

(c) Interview Panel. The qualified candidates for the position of municipal court director, municipal court administrator, and deputy municipal court administrator shall be interviewed by a panel comprised of the municipal court judge, or, if there is more than one judge, the chief municipal court judge, or designee; the vicinage municipal division manager or designee; a municipal court administrator selected by the vicinage (when hiring a municipal court administrator or a deputy municipal court administrator), and two representatives of the municipality, who are not members of the local police department.

(d) Assignment Judge Interview: Assignment Judge Approval of Selected Candidate. The Assignment Judge of the vicinage shall have the discretion to

interview the final candidate selected for the position of municipal court director, municipal court administrator, or deputy municipal court administrator and has the authority to approve or to reject that selected candidate.

Note: Source ~ R.R. 1:29-2. Cf. N.J.S. 2A:68-1, as amended. Deleted July 12, 2002 to be effective September 3, 2002. New Rule adopted September 13, 2011 to be effective immediately.