

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – November 20, 2012**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:06 PM

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

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

**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:**

**November 8, 2012**

Moved by Councilman Kelley, seconded by Councilman Rodgers. No Discussion. On roll call, Councilman Rodgers, O'Donnell, Hauser, and Kelley voted in the affirmative. Councilman Murray abstained and Councilman Coyle absent. Minutes approved 11/20/12.

**OPEN PUBLIC COMMENTS ON RESOLUTION:**

**RESOLUTIONS – CONSENT AGENDA**

**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 THE POSITIONS IN THE BOROUGH OF CALDWELL

**CONSENT**

Moved by Councilman Murray, seconded by Councilman Hauser. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 11/20/12.

**Councilman Rodgers** reported that he would like to set a meeting up with the Personnel Committee to go over the evaluation forms for the employees. He thanked the Mayor for a very successful event for the Library.

**Councilman Murray** asked the Chief if he had anything he would like to talk about.

**Chief Bongiorno** reported that the Saturday after Thanksgiving the Patch will be supplying free parking Saturday for all the merchants from 10AM to 2PM. The Patch will pay the Borough for what it would cost per meter for four (4) hours.

**Councilman Kelley** also spoke about the wonderful job that the Mayor did at the Gala.

**Mayor Dassing** thanked everyone who attended the Mayors Legacy for Literacy including the table of staff. We appreciate everyone's support it was a very nice evening. The synergy between Governor Kean and Governor Cody was something that you don't see everyday between that and seeing our youth singing it was a very memorable evening. The Library Director said she feels that the library staff, the library board and the library foundation all know how important that the

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Library means to the Community but to hear Governor Kean say it in such an eloquent manner helped us to reaffirm that what we were doing was the right thing.

The Park Avenue application is in and it has been received I have confirmation from the Federal Government. They are reviewing it and hopefully we answered all the questions correctly. I did see Stan Brown who runs the Bridge today and they are very appreciative, the Bridge, which we have gone to bat to keep the building.

The Caldwell Merchants Association is running a holiday treasure hunt on the Saturday after Thanksgiving the 24<sup>th</sup>. The guest is to find the Holiday gnome. There are tally sheets at Caldwell Flowerland from 10AM – 2PM. Once you find all eight gnomes you go to the little hut on the corner of Park and Bloomfield to receive a holiday prize.

**Councilman Coyle arrived at 7:14PM.**

**REPORT OF ADMINISTRATOR:**

**Paul Carrelli** handed out pictures to the Council of the water main break Friday morning at Caldwell College. This is the 12" water main that we have spoken about and this was one of the main reasons we were doing the Brookside job to close the loop of water. They were able to fix it without turning off the water if that was required 80% of the town would have been without water. This is a temporary fix and Bill Frint is working up a proposal he does not want to wait for the Brookside interconnect. **Councilman Coyle** asked what is the target date for completing this fix, permanently. Paul responded he has not given a time frame and he will find out. In the month of December we place bags over the meter and I am looking for direction for time frame. Suggestion was made that the bags that are bought say three (3) hour parking.

Paul will touring with Hunter from Broheimer to look at the Elm Road property and Faloni property. We currently have \$4,000 in our shade tree budget that I can use to take care of the trees. I would like to get a proposal to do everything and be done once and for all. We are able to use our Open Space Trust Fund and I would like to utilize that as well. Discussions Ensued.

**11-247: RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO UTILIZE FUNDS FROM THE BOROUGH OF CALDWELL OPEN SPACE TRUST FUND IN AN AMOUNT NOT TO EXCEED \$7,500 FOR EMERGENCY TREE REMOVAL ON THE ELM ROAD AND FALONI OPEN SPACE PROPERTIES**

Moved by Councilman Coyle, seconded by Councilman O'Donnell. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 11/20/12.

Paul spoke about the Recycling contract. The current contract we pay is around \$105,000 for pickup and we get money back so the net cost for recycling is in the neighborhood of \$65,000 per year. Glen Beckmeyer has been doing some research and he wants to do a change order for our garbage contract. Typically if you stay at 20% of the total amount you can do that. Greg Mascara responded that there would be an amendment to the existing contract. It has to be in the scope of the original service. Discussions Ensued.

We did an RFP on Financial services and we received three quotes. It will require a meeting with the committee. We had our auditor in last week and we went over budget and she was pleased with everything. They will be coming in on December 14 and 17th to start doing the year end.

**Councilman Hauser** asked if we had a figure on the FEMA dollars. Paul responded the last calculation was \$85,000.

**REPORT OF ATTORNEY:**

**Greg Mascara** reported that there is an ordinance that is not on the agenda. I spoke with Chief Bongiorno and he advised me that we got the approvals back from the County in regards to the fines and one of the fine schedules has \$35.00 as a minimum. We had to amend the ordinance because of the way it was written it stated a \$50.00 minimum, so we replaced it with \$35.00. The second thing that is on Old Business is a draft ordinance that I was asked to prepare in regards to prohibiting Borough Employees from using the Borough email system or equipment for political purposes. With regard to the property on Kirkwood that was torn down because it was demolished there is an issue with the tax lien that had been on the property. So what the Borough has to do is buy that lien back. The good news it can be sold at the next tax sale in December. Ida has

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indicated that she has received a lot of interest in that sale. We are making progress on the Sewer agreement and there is no substance that needs to be brought to executive session. In regards to the progress of the Knights property, we are continuing to move along we did have to get a second appraiser. The good news is it appraised for too much but the bad news is because it was appraised for more than \$200,000 the Green Acres requires a second appraisal. The other good news is there is a chance we will get reimbursed for 50% of the appraised amount not just 50% of the contract amount. We are hoping to close by the end of the year. In regards to resolution 11-246, I met with Judge O'Connor and there is a rather strict procedure before a Court clerk can be hired. The person has to be approved by the County before the Borough can approve that person. Discussions Ensued.

**Councilman Hauser** asked the question to Greg Mascara, what is the next step for this ordinance that you drafted. **Greg** responded that we drafted this ordinance so there can be a discussion prior to the first night of introduction so this was provided for discussion. **Councilman Hauser** asked Councilman Kelley if he was still looking to push for this. **Councilman Kelley** in terms of Borough email and Borough assets, yes I would hope we are all in agreement to it; it's something we should be doing. **Councilman Hauser** asked Councilman Rodgers what are your thoughts, are you in favor of pushing forward with this. **Councilman Rodgers** responded sure. **Councilman Hauser** asked Greg Mascara the question; since the two gentlemen are in favor of pushing this forward would it be appropriate to add to this that town property should not be used for furthering political interest as well. **Greg** responded that we can do that as well. **Councilman Hauser** responded just to be clear Kiwanis Oval and property on that would fall under that jurisdiction correct? **Greg Mascara** responded absolutely. **Councilman Hauser** responded that I think that is important that we include that. I have some pictures of Councilman Rodgers having signage up on the sheds of the last couple of years pushing for his election. I find it a bit ironic that this was presented with that left out of the mix. I think it is appropriate that town property be added in the mix. **Greg Mascara** responded that Mr. Hauser in the personnel section that probably is a violation. There is a section D2 that states an employee shall not engage in political activities during work hours. There was something else I was looking for that an employee or officer should not use Borough property for their own gain or benefit. I think that might be covered and it might be a violation of the policies that we have. **Councilman Hauser** responded that if it is appropriate to add it I would suggest adding it. **Greg** responded that if it is a violation of policy then I would address it with Councilman Rodgers. **Councilman Hauser** responded that I believe it has been rectified I have some pictures of that signage that is up if the media or anyone else that is interested. **Councilman Rodgers** responded I believe it was an old sign two elections ago and it was upside down and it was placed there by one of my helpers to block the window. **Councilman Hauser** responded it's not upside down or sideways. **Councilman Rodgers** responded just like the Norton Piazza sign that was in the Community Center window perhaps. **Councilman Hauser** responded Frank I didn't bring this up. **Councilman Rodgers** responded at least that one was from two elections ago and it was never up there during election. **Councilman Hauser** responded if you live in glass house don't throw stones Frank. **Councilman Rodgers** responded who said I threw stones. **Councilman Hauser** responded who said you don't throw stones? The whole fiasco that the two of you brought up a month ago is what started this whole thing, its ridiculous. **Councilman Rodgers** responded using the Borough email on your campaign website. **Councilman Hauser** responded Frank you used the Borough shed on your campaign so how is that different. **Councilman Rodgers** responded that you went ahead to the Cedars after the meeting so you really don't care about it anyway. Like I said that sign was not up during the election. **Councilman Hauser** responded great even better it was up for several years, even better. **Councilman Rodgers** responded it was not up for several years it probably went up last spring and like I said I didn't put it there it was a left over. Is it there now? **Councilman Hauser** responded ironically it was taken down shortly after the whole fiasco was brought up. **Mayor Dassing** responded Greg you are going to take a look at the use of town property for political signage and we will add that so we are thoroughly complete with this ordinance.

**OLD BUSINESS:**

**FinCredit "Shop Caldwell"**

**Mayor Dassing** reported that she had sent a video out of the shop Marlboro we had a presentation here. Paul Carelli responded that he went on the websites and one town charges a reservation fee to the merchants. Discussions Ensued.

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**INTRODUCTION TO ORDINANCE:**

**1268-12:** AN ORDINANCE AMENDING CHAPTER 230 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION GOVERNING VEHICLES AND TRAFFIC

Moved by Councilman Hausser, seconded by Councilman Kelley. Discussions Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced 11/20/12.

**NEW BUSINESS:**

Councilman Murray reported that he would like the Council to consider offering the West Essex First Aid Squad a discount on the Caldwell Community Center membership fee. I think if we did it according to the rules we have on members of boards that we extend those same benefits to any active member.

**11-248:** RESOLUTION AUTHORIZING THE CALDWELL COMMUNITY CENTER TO EXTEND THE CALDWELL BOARD MEMBER VOLUNTEER DISCOUNT TO MEMBERS OF THE WEST ESSEX FIRST AID SQUAD

Moved by Councilman O'Donnell, seconded by Councilman Coyle. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 11/20/12.

**Greg Mascara** reported that while he was preparing the draft ordinance for the email system and the Borough equipment he came across something that he believes may have been discussed a while back filling of a vacancy in any position in the Borough right now has to be done by the Mayor and Council. I am not sure that is what the practice has been and what is attended. 37:3B says the Mayor and Council must approve by resolution the filling of any vacancy in any previously established position before the initiation of any action to do so. The resolution shall include the job title, job description, salary range etc. The Mayor and Council typically do not participate in the hiring and firing of people below department heads. I believe this is something that should be addressed and I will put it on my too do list.

**OPEN PUBLIC MEETING:**

**James Jorgensen, Liaison Essex County**, he spoke about the upcoming holiday festivities. The holiday lights spectacular still has free admission from 5PM – 9PM on November 23<sup>rd</sup>, 24<sup>th</sup>, 25<sup>th</sup> and 30<sup>th</sup> and again on Dec. 1<sup>st</sup>, 2<sup>nd</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> and then the 14<sup>th</sup> to January 1<sup>st</sup>.

On a motion made by Councilman Coyle and seconded by Councilman O'Donnell, unanimously affirmed, the Council moved into Executive Session at 8:14PM.

Mayor Dassing 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 Police personnel matters and personnel contract matters in general.

The Executive Session was adjourned and upon a motion by Councilman Coyle, seconded by Councilman Murray, the Council Business Conference Meeting was opened to the public and the press at 8:49P.M.

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**11-249:** RESOLUTION AUTHORIZING STIPENDS OF 1.5% OF SALARY FOR CERTAIN NON-CONTRATUAL FULL-TIME AND PERMANENT PART-TIME EMPLOYEES IN THE BOROUGH OF CALDWELL FOR THE CALENDAR YEAR 2012

Moved by Councilman Rodgers, seconded by Councilman Murray. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 11/20/12.

**11-250:** AUTHORIZING THE BOROUGH ADMINISTRATOR TO POST OR ADVERTISE FOR PROBATIONARY POLICE OFFICERS IN THE CALDWELL POLICE DEPARTMENT

Moved by Councilman Murray, seconded by Councilman O'Donnell. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 11/20/12.

**11-251:** AUTHORIZING THE CALDWELL POLICE DEPARTMENT TO INCREASE PERSONNEL FROM 21 TO 22 OFFICERS EFFECTIVE NOVEMBER 1, 2013

Moved by Councilman O'Donnell, seconded by Councilman Coyle. Discussions Ensued. On roll call, Councilman Murray, Coyle, O'Donnell and Rodgers voted in the affirmative. Councilman Hauser and Kelley voted in the negative. Resolutions approved 11/20/12.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman, seconded by Councilman, unanimously affirmed by all members present, the meeting was adjourned at 9:11PM.

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

\_\_\_\_\_  
DATE