

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – November 24, 2009**

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: Councilman Lawshe, Slattery, Dassing, Curley, Norton,  
Brennan and Mayor Gartland

ALSO PRESENT: Borough Administrator, Maureen Ruane, Borough Attorney, Stuart  
Koenig, Esq.

ABSENT ON ROLL CALL:

Adequate notice of this Council Business/Conference meeting was given on January 15, 2009. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey on January 15, 2009. Four official newspapers of the Borough were notified of this meeting by mail on January 15, 2009. Notice was posted and all persons requesting notice were sent same.

PRESENTATIONS: None

INTRODUCTION OF ORDINANCES: None

PUBLIC HEARINGS: None

RECEIVING OF BIDS: None

APPROVAL OF MINUTES: None

Open Public Comment on Resolutions:

Peter Murray, 61 Arlington Avenue, asked about Resolutions 11-194 & 11-195 are the shared service agreements for 2009. Ms. Ruane responded that yes they are for 2009 but they are normally signed in the beginning of the year.

RESOLUTIONS:

11-194 Authorizing extension of interlocal service agreement for welfare services between the Borough of Caldwell and the Borough of Essex Fells through December 31, 2009

Moved by Councilman Slattery, seconded by Councilman Brennan. No Discussion. On roll call vote, all voted in the affirmative. Resolution adopted 11/24/09.

11-195 Authorizing the extension of an interlocal service agreement for Library Services between the Borough of Caldwell and the Borough of Essex Fells through December 31, 2009

Moved by Councilman Slattery, seconded by Councilman Brennan. No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 11/10/09.

11-196 Authorizing redemption of tax lien certificate #07-00018, Block 58.01, Lot 1, 2-6 Oak Grove Road, Caldwell, NJ 07006, Lew, Lup F.

**BOROUGH OF CALDWELL, N.J.**  
**COUNCIL BUSINESS/CONFERENCE MEETING**  
**MINUTES – November 24, 2009**

2 of 5

Moved by Councilman Curley, seconded by Councilman Brennan. No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 11/24/09.

- 11-197 Authorizing the issuing of license for raffle to Caldwell Merchant Association, Off-Premise – Tricky Tray Raffle, December 5, 2009 – 5:30PM – 9:00PM

A motion was made by Councilman Norton, seconded by Councilman Brennan. No Discussion. On roll call vote, Councilman Lawshe, Slattery, Curley, Norton and Brennan affirmative. Councilman Dassing abstained. Resolution adopted 11/24/09.

- 11-198 Authorizing the issuing of license for raffle to Lincoln School HSA, On-Premise – Merchandise Raffle, December 2, 2009, December 3, 2009 – 3:00PM – 8:00PM

Moved by Councilman Slattery, seconded by Councilman Brennan. No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 11/24/09.

- 11-199 Authorizing a professional service agreement with Boswell Engineering for providing the preparation of construction plans and specifications and providing construction inspection for the Parkway East and Parkway West construction for a lump sum fee of \$17,000.00 for the design phase and \$20,000.00 for the construction phase.

Moved by Councilman Slattery, seconded by Councilman Brennan. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 11/24/09.

- 11-200 Authorizing the Borough Administrator to apply for the 2009 Business Stimulus Fund Grant which is replacing the standard Community Stewardship Incentive program for the 2009 calendar year

Moved by Councilman Slattery, seconded by Councilman Brennan. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 11/24/09.

- 11-201 Authorizing payment of bills and the issuance of checks for the period through November 24, 2009 in the total amount of \$2,029,234.09

Moved by Councilman Slattery, seconded by Councilman Brennan. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 11/24/09.

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – November 24, 2009**

**3 of 5**

**OLD BUSINESS:**

Councilman Slattery wanted to discuss the status of emailing as a council, and if it is breaking the sunshine law. The council had discussed something at a council meeting and then received an email which stated a different position and because it affected her she did not like it. Her point is if the e-mail is distributed among all of the council people it should be read into the record and should be made public since it was discussing public business. Stuart Koenig, Borough Attorney responded that he did not know the issue she was referring to, but electronic communications can be construed as a meeting. If e-mails are going back and forth among a majority of the council and business is being discussed that can be construed as a meeting. Various discussions ensued.

Councilman Dassing reported about the budget's expenses and revenues. Mayor Gartland asked that a portion of December 1<sup>st</sup> meeting be devoted to a discussion and will give us the opportunity to get additional information. A portion of that meeting will be to discuss revenue and anticipated short falls. Councilman Dassing requested that updated spread sheets be given to the council weekly. Mayor Gartland requested that a special meeting be advertised for 6:00PM on December 1, 2009 to discuss these issues further.

**REPORT OF COMMITTEE CHAIRMEN AND MEMBERS:**

Councilman Lawshe asked if there had been any correspondence from the Kiwanis Rotary Street Fair. Ms. Ruane responded yes, and that it had been distributed to the council.

Councilman Slattery reported that on Friday, December 11<sup>th</sup> at 10:00, at the Caldwell Public Library, 973-403-0972 there will be a program entitled JVS Home Maintenance which is a part of the Caldwell Live Program open to anyone 60 and above. Councilman Slattery commended Ms. Maria Burak and staff on their very hard work on this program. Caldwell Live provides really great programs and the goal is to help older citizens find ways to stay in the community.

Councilman Dassing reported that the Local Board of Assistance is sponsoring a holiday giving tree in the lobby of Community Center. If anyone would like to donate gifts they should be brought back by December 18<sup>th</sup>. It will benefit all local children and families who had been offered a basket at Thanksgiving.

Councilman Brennan reported that the bathroom renovations in the Police Department are proceeding and will be completed by next week. Councilman Brennan also reported that leaf pick-up is ahead of schedule. Councilman Brennan also reported a little bit of bad news. He was informed that the salters are going on the trucks next week. Councilman Brennan also reported that the paving of Park Terrace North has been completed.

Mayor Gartland informed the council about Eagle Scout Trevor Raymond Heun who has obtained his Eagle Scout Court of Honor for his project to rejuvenate a long dormant memorial butterfly garden at Grover Cleveland Middle School. The Mayor congratulated Trevor Raymond Heun on his project. Mayor Gartland also congratulated the new college President Dr. Nancy Blattner. Mayor Gartland said that it was a beautiful inauguration and mass. Mayor Gartland also reported on the ecumenical event that Councilman Dassing and she attended today held by the Kiwanis and Rotary Clubs was a lovely day for reflection prior to the Thanksgiving holiday and it is a nice way to prepare for the holidays coming up. Mayor Gartland also reported that the Holiday Tree Lighting will be held on December 5<sup>th</sup>. Mayor Gartland also reminded everyone that if one of the gifts you purchase this holiday is from the downtown it will be helpful for our stores.

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – November 24, 2009**

**Page 4 of 5**

**REPORT OF ADMINISTRATOR/CLERK:**

Maureen Ruane – Councilman Norton and Ms. Ruane attended a CDBG meeting and reported it is time for the annual CDBG Grant application for 2010. The next street that is set for road reconstruction is Oak Grove Road. Councilman Norton responded about taking the CDBG map and see if we can go back and try to find other areas in town that would qualify along the Bloomfield Avenue corridor. Ms. Ruane spoke about the Tax Assessor Agreement with Essex Fells and stated that it would be put on the agenda for council consideration at the December 1, 2009 meeting.

**REPORT OF ATTORNEY:**

Mr. Koenig spoke about an e-mail that was sent to the council regarding the status of litigation and the possible settlement that would require an ordinance for towing. The Police Department is on board with draft we have, I am fine tuning some of the language. The plaintiff's attorney is in agreement in the adoption of ordinance and this would end to the litigation. If the governing body wants to move forward on introduction I put out the question, do you want to do this now or next year because you can not introduce and then split into a new council. It would need to be introduced and adopted this year or introduced and adopted next year. Councilman Norton asked when the ordinance would be ready. Stuart responded by next week. Councilman Lawshe when they would proceed with the new ordinances. Various discussions ensued.

**NEW BUSINESS:**

Councilman Lawshe – reported that he saw that the Christmas decorations were put up and it's a nice look in the town. Councilman Lawshe also spoke about road paving in regards to Gladding Road and the problems there. This is something that we need to take a hard look at. Mr. Mario Bifalco, Director of Public Works has patched it but like anything else it wears. Mayor Gartland responded that rather than look at it just for the paving she believe there are some water issues. Mr. Bifalco has said that over the years there has been something undermining this road and this is the reason there are potholes. Councilman Brennan commented that there are leaking pipes and do we want to pave over them and then dig them up six months later. Curbing is apparently very instrumental in retarding the drainage issue and any repaving will last longer. Mayor Gartland is suggesting that the Engineer and the Water Operator look into these issues before we look into paving that street. Various discussions ensued.

Councilman Lawshe is requesting a proclamation for Bob Morsell the owner of Caldwell Confectionary and is retiring and selling his store after 36 years.

**OPEN PUBLIC MEETING:**

Ms. Carla Marris, from Wakefield Place, wanted to inform the Council that she would like to thank the DPW for the great job that they did in her area with the leaves. Councilman Elect Rich Hauser, 33 Arlington Avenue, asked what is the status of the oval project. Mayor Gartland responded that CMX has done the design and has applied to DEP for an understanding as to whether we would need an DEP approval for a small piece of land at the back of the property. CMX felt it was safer to go out early for a permit than waiting for someone to come back later stating that we needed a permit. Mayor Gartland had spoken with the County Executive today regarding that issue and he told her to get back in touch with his staff if he could make any phone calls to assist us

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – November 24, 2009**

**5 of 5**

with this project. Councilman Lawshe commented that we have met with the engineer and West Caldwell and we will be going out for bid shortly. Mayor Gartland responded that we are waiting for DEP approval. Various discussions ensued. Ms. Tamara Bross, wanted to acknowledge that the senior center cooked and served 123 meals on Thursday for the annual Thanksgiving Feast and would like to acknowledge Chief Dombrowski, Jessica and the Fire Department for their assistance in serving the food that day. It was a great day and very successful. Ms. Tamara Bross reported that the Holiday Tree Lighting event would be on December 5<sup>th</sup>. Councilman Elect Peter Murray, reported that the Caldwell Chiefs C team won the super bowl. Mayor Gartland responded by asking for the names of each player to make proclamations for them. Mr. William Edge, 32 Cleveland Road, spoke about the speeding on Cleveland Road. He was very glad that the Police Department had monitors set up. Mr. Edge reported the he and Mr. and Mrs. Marchioni would be traveling to the Newark Museum for the celebration of Porch Light and the awarding of volunteers throughout the State. Mr. Edge asked questions about the funding of the oval project. Mayor Gartland responded that the grant award from the County was \$300,000 which was \$150,000 for Caldwell and \$150,000 for West Caldwell. Both towns are required to raise matching funds of \$150,000 each. Various discussions ensued. Mrs. Lisa O'Neill, 19 Parkway West had a question about parking once the field is complete. Mayor Gartland responded that it will have to be addressed once the field is complete.

**EXECUTIVE SESSION:**

Mr. Stuart Koenig, Borough Attorney spoke with Councilman Lawshe about an executive session matter which involved two borough employees. Mr. Koenig stated that before you can go into executive session about employees you need to provide them with a Rice Notice. Mr. Koenig explained that if the governing body wishes to discuss the matter in executive session the borough would be required to provide the employees the Rice Notice and then the council can schedule an executive session for a subsequent council meeting. Mr. Koenig stated it is at the pleasure of the governing body as to whether you would want me to give the employees a Rice Notice. Councilman Lawshe responded that yes the borough would need to. Councilman Slattery asked in order to provide the employees with a Rice Notice we the council would need to know who the employees are and what we will be discussing. Mr. Koenig stated that the employees are Ms. Maureen Ruane and Ms. Beth Bush regarding Fed Ex charges. Mayor Gartland called for a roll call vote as to whether or not the council wanted a Rice Notice served to the two employees. Councilman Slattery voted yes, Councilman Dassing voted yes, Councilman Curley voted yes, Councilman Norton voted yes, Councilman Brennan voted yes. Mr. Koenig advised the council that he would provide a the Rice Notice to the employees for the December 8<sup>th</sup> meeting.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Slattery, seconded by Councilman Brennan, unanimously affirmed by all members present, the meeting was adjourned at 8:06 P.M

Prepared by:

\_\_\_\_\_  
Maureen Ruane  
Registered Municipal Clerk

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Date