

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – December 4, 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, Coyle, Kelley and Rodgers

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

ABSENT:

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 20, 2012

Moved by Councilman Murray, seconded by Councilman Kelley. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 12/04/12.

PRESENTATIONS:

1. **Crew Engineering – Borough of Caldwell Water Improvement Projects**
Presented by: Alec Mittiga/Project Engineer
2. **William Frint – Caldwell College Water Main Emergency Repair (as a result of water main break 11-16-2012)**

INTRODUCTION OF ORDINANCES:

ORDINANCE# 1269-12: AN ORDINANCE AMENDING CHAPTER 20, THE CHAPTER ESTABLISH THE CODE OF ETHICS, OF THE CODE OF THE BOROUGH OF CALDWELL

Moved by Councilman Kelley, seconded by Councilman Hauser. Discussions Ensued. On roll call, Councilman Rodgers, Murray, Hauser, Kelley voted in the affirmative. Councilman Coyle voted in the negative. Councilman O'Donnell abstained. Ordinance Introduced 12/04/12.

ORDINANCE# 1270-12: AN ORDINANCE AMENDING CHAPTER 37, THE CHAPTER GOVERNING PERSONNEL POLICIES, OF THE CODE OF THE BOROUGH OF CALDWELL

Councilman O'Donnell responded that this ordinance was brought out by a political hatchet job and was unleashed by Councilman Kelley. This Council has done some good things and we have done some good work. In the beginning of the year we reached out to Councilman Kelley and invited him to breakfast, we said we wanted to work together we extended ourselves and he chose to take a different route. This is garbage. We get to meet a couple of hours every couple of weeks we do a lot of work outside the Borough Hall, we earn \$20 a day. I have a real job, I have a family, I have a daughter who is lying in a hospital bed in Italy for nine days and I have to deal with this garbage. Murray and Hauser conduct themselves like gentlemen since I have been here. Last year's campaign they campaigned cleanly and stuck to the issues. The other side didn't. This year we conducted ourselves as professionals. I'm running next year I'm not going to play by those rules; I'm going to smash him every time he gets out of line. Let it be known that whoever tries to run against me I anticipate attacks coming from Councilman Kelley and I'm going to smash people before, during and after the election. If that's how they want to play the game they are going to play by my rules. So as far as this ordinance is concerned I'm voting no. I'm going to use my Borough email address when I campaign next year. I'm not going to put up with this nonsense its garbage. Nothing that Mr. Kelley has been involved with has been of any substance or import to

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – December 4, 2012**

2 of 4

this Borough. He has a history, he has a track record. Everything he has campaigned on he hasn't even attempted to do but he has attacked others and he has questioned others. He is an embarrassment and I vote no.

Moved by Councilman Kelley, seconded by Councilman Rodgers. Discussions Ensued. On roll call, Councilman Hauser, Kelley and Rodgers voted in the affirmative. Councilman Murray, O'Donnell and Coyle voted in the negative. Mayor Dassing voted in the negative.

ORDINANCE# 1271-12: AN ORDINANCE AMENDING CHAPTER 37, THE CHAPTER GOVERNING PERSONNEL POLICIES, OF THE CODE OF THE BOROUGH OF CALDWELL

Moved by Councilman Murray, seconded by Councilman O'Donnell. Discussions Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced 12/04/12.

OPEN PUBLIC COMMENTS ON RESOLUTION:

RESOLUTIONS – CONSENT AGENDA

11-252: AUTHORIZING THE REFUND OF A TAX OVERPAYMENT PAYABLE TO: CURTIS GEIB

11-253: AUTHORIZING THE REFUND OF A TAX OVERPAYMENT PAYABLE TO: DAVID TANGO

11-254: AUTHORIZING THE REFUND OF A TAX OVERPAYMENT PAYABLE TO: WELLS FARGO REAL ESTATE TAX SERVICE

11-255: AUTHORIZING THE REFUND OF A TAX SALE CERTIFICATE 11-00006 PAYABLE TO: US BANK CUST. FOR PHOENIX FUNDING

CONSENT

Moved by Councilman Coyle, seconded by Councilman Kelley. No Discussion. On roll call, all present voted in the affirmative. Resolutions approved 12/04/12.

Councilman Murray thanked the Fire Department for the tree lighting and bringing Santa Clause. Their tricky tray which is always a big fundraiser and I know the turnout for that was very good. We also got a delivery of the new incident command vehicle. They are very happy and very appreciative. The fire department will be bringing Santa around for Christmas I don't have that date yet but will let everyone know at the next meeting.

Chief Bongiorno reported that this holiday season the police department will be participating in the Toys for Tots program and we are one of the drop off sites. This Thursday we are having a crossing guard appreciation breakfast at 9:15am. **Councilman Murray** responded that the bags for the meters will be in tomorrow. When you are reporting this please remind the residents that it is not a free 24 hour parking there is a 3 hour limit.

Councilman Hauser reported that there is a Library Board meeting this Thursday evening.

Mayor Dassing thanked the Caldwell Presbyterian church choir and the youth choir. They were both there on Saturday night as Santa arrived. Santa has a beautiful voice and so does the choir it helped so that the Mayor and Council didn't have to sing Christmas carols. Joe Garamella our DJ was great at keeping things going and thank you to the Kiwanis who gave out candy canes. It was a real feel good night it's a nice tradition. Thank you to Tamara Bross for putting together the tricky tray this was her 17th year of doing it. She thanked Greg Mascara and Paul Carelli for working very diligently to come to an agreement with Harch Mott McDonald which I signed this week in regards to working out the details of finishing the plant and coming to an agreement on that.

REPORT OF ADMINISTRATOR:

Paul Carelli reported that they had a meeting with one of the firms that submitted and RFP for financial management services which we will discuss in executive. He asked about the Re-org meeting and the Mayor responded that they were thinking January 1st at noon. There was discussion about moving the venue to the Community Center. Paul continued with his report. He

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – December 4, 2012**

3 of 4

received the bid specs for the recycling and he gave a copy to Councilman Coyle. There was discussion with Jim Jorgensen about the tipping fees. The contractor did come out and look at the trees and I had him break up the quote to the immediate safety issues which were \$4850.00 which I am authorizing him to take care of that. The complete clean-up to the Elm Road property was about \$12,000. All of the computers have been delivered and will be installed. The Mayor and I along with the Borough Engineer walked over to the library he is in the midst of designing the ramp from the parking deck down to the side of the library and we are looking to expand the scope of that project to fixing the front porch of the library and the sidewalk in front of the library. Paul reported that he has been in contact with Matt Jessup our bond counsel and Bill Frint and has gone over with the finances of this work. We are working up a number and Matt suggested borrowing enough to get through the next six months. The bond sale will be on December 14th. It would be enough to cover the Brookside water man and the completion of the interconnection.

OLD BUSINESS:

Councilman O'Donnell spoke about the resident that asked him what Councilman Kelley has done to secure funding at the Oval that was one of his campaign promises. I asked the Councilman what he has done and I reported back to the resident your response that you have done nothing. The resident then asked me is Councilman Kelley going to move forward on his promise to secure funding for the Oval. Councilman O'Donnell asked Councilman Kelley if he had an answer. **Councilman Kelley** responded Councilman O'Donnell you can ask all the questions you want, you won't speak to me outside the council meeting I have no desire to entertain any questions, dialog or questions with you whatsoever. We are well aware of your views Councilman O'Donnell. I don't desire to get down to your level. Councilman O'Donnell asked Councilman Kelley are you going to fulfill your promise of the Oval. It's a simple yes or no, you campaigned on it. You spend time attacking people.

NEW BUSINESS:

1. Draft Ordinance – Tax Appeals (by Greg Mascera)

Greg reported that he started drafting the ordinance and he still needs to make some changes to the ordinance.

Councilman O'Donnell spoke about subject of nepotism another issue that Councilman Kelley ran on. "It is nepotism in any form what we really want from a council person" Mr. Kelley went next door after five months into office and requested that a family member be given a position. Can you explain that? **Councilman Kelley** responded that I don't know what you are talking about. Councilman O'Donnell you will have to clarify that. **Councilman O'Donnell** responded that he wants to look further into it with the assistance of the Borough Attorney. My impression is that possibly if you make oppression to an employee of the Borough to hire someone in your family and if that's the case then I'm going to call for you to resign. **Councilman Kelley** responded that you don't have the facts Councilman O'Donnell. **Councilman O'Donnell** responded we will get the facts. **Councilman Kelley** responded we are glad that you are running for election next year Councilman O'Donnell it will be a welcome campaign.

OPEN PUBLIC MEETING:

James Jorgensen, Liaison for Essex County spoke about the Essex County Holiday Lights Spectacular the nights still available are the 7th, 8th & 9th and then from December 14th – January 1st.

Bob Christensen, 3 Ravine Avenue, spoke about the storm and how there was a live wire in front of his house and how he did not feel safe. He contacted the Police and Fire Department because the live wire took off and lit up. They stayed until PSE&G came. He felt very safe with the departments hanging out and Sgt. Pellegrino came to the door to tell him he could go back to bed. Mr. Christensen thanked Mr. Jorgensen for a great job on Central Avenue.

On a motion made by Councilman Coyle and seconded by Councilman Murray, unanimously affirmed, the Council moved into Executive Session at 8:29PM.

