

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – December 14, 2010**

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

**PRESENT:** Mayor Gartland, Councilman Murray, Hauser, Dassing, Norton, and Slattery

**ALSO PRESENT:** Borough Administrator, Paul Carelli, Acting Borough Clerk, Lisa O'Neill and Borough Attorney, Greg Mascera, Esq.

**ABSENT:** Councilman Piazza absent on roll call

Adequate notice of this Council Business/Conference meeting was given on January 1, 2010. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey on January 1, 2010. Four official newspapers of the Borough were notified of this meeting by mail on January 1, 2010. Notice was posted and all persons requesting notice were sent same.

**APPROVAL OF MINUTES – October 26, 2010**

Moved by Councilman Murray, seconded by Councilman Norton. Discussions Ensued. On roll call, all members present voted in the affirmative. Minutes approved 12/14/10.

**November 9, 2010**

Moved by Councilman Norton, seconded by Councilman Murray. No Discussion. On roll call, all members present voted in the affirmative. Minutes approved 12/14/10.

**November 23, 2010**

Moved by Councilman Hauser, seconded by Councilman Dassing. Discussions Ensued. On roll call, all members present voted in the affirmative. Minutes approved 12/14/10.

**PRESENTATION: Caldwell Environmental Commission Awards**

Presented by: Ann Marchioni – Caldwell Environmental Commission  
Mr. & Mrs. Basta  
Carpet Cottage  
Minute Press

**INTRODUCTION OF ORDINANCES**

**SUPPLEMENTAL DEBT STATEMENT – December 14, 2010**

**ORDINANCE #1226-10 - BOND ORDINANCE PROVIDING FOR CAPITAL IMPROVEMENTS TO THE MUNICIPAL PARKING FACILITY IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$328,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$311,600 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

Moved by Councilman Murray, seconded by Councilman Dassing. Discussions Ensued. On roll call, all members present voted in the affirmative. Ordinance introduced on 12/14/10

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**RESOLUTIONS**

**12-245** -AUTHORIZING ISSUANCE OF TWO (2) TAXICAB LICENSES TO CYC, INC., 60 ROSELAND AVENUE, CALDWELL, NEW JERSEY 07006.  
APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS

Moved by Councilman Hauser, seconded by Councilman Murray. Discussions Ensued.  
On roll call, all members present voted in the affirmative. Resolution adopted on 12/14/10

**12-246** - AUTHORIZING THE APPOINTMENT OF DAVE EUCKER AS JUNIOR FIREMEN'S AUXILIARY IN THE CALDWELL VOLUNTEER FIRE DEPARTMENT

Moved by Councilman Slattery, seconded by Councilman Hauser. Discussions Ensued.  
On roll call, all members present voted in the affirmative. Resolution adopted on 12/14/10

**12-247** - AUTHORIZING THE AWARD OF A CONTRACT FOR SMULL AVENUE ROADWAY IMPROVEMENTS, NJDOT TRUST FUNDS OF \$353,000.00 TO D&L PAVING CONTRACTORS, INC., 185 HIGH STREET, NUTLEY, NEW JERSEY 07010

Moved by Councilman Hauser, seconded by Councilman Norton. Discussions Ensued.  
On roll call, all members present voted in the affirmative. Resolution adopted on 12/14/10

**12-248** - PULLED

**Councilman Piazza arrived at 7:35PM**

**12-249** - AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE AND APPROPRIATION – CHAPTER 159 – Capital Improvement Fund – Kiwanis Oval

Moved by Councilman Hauser, seconded by Councilman Dassing. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 12/14/10

**12-251** – RESOLUTION OF SUPPORT FROM LOCAL GOVERNING BODY AUTHORIZING THE APPLICATION FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT UNDER THE PROVISIONS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT

Moved by Councilman Slattery, seconded by Councilman Norton. Discussions Ensued.  
On roll call, all members present voted in the affirmative. Resolution adopted on 12/14/10

**12-252** – AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE AND APPROPRIATION CHAPTER 159 – Division of Senior Services – Preventative Health Grant

Moved by Councilman Murray, seconded by Councilman Hauser. Discussions Ensued.  
On roll call, all members present voted in the affirmative. Resolution adopted on 12/14/10

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**12-253 – AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH DECEMBER 14, 2010 FOR 2010 BILLS IN THE TOTAL AMOUNT OF \$2,302,562.85**

Moved by Councilman Murray, seconded by Councilman Hauser. Discussions Ensued.

On roll call, Councilman Murray, Hauser, Dassing, Slattery and Norton voted in the affirmative. Councilman Piazza abstained. Resolution adopted on 12/14/10

Greg Seaman, Sewer Director, Hatch Mott McDonald had provided an original scope of services with a cost for finishing the project and instruction management on the project. The project has passed its finish date for several reasons. Due to the extended time frame Hatch Mott has exhausted the amount of their original allocation which was approved by the Council they are requesting an additional amount which will take them into final completion date estimated as August 2011. The Contractor has provided, which I believe is a comprehensive schedule moving forward which identified a more realistic schedule. We had requested more man power allocation on site and it appears to have a more comprehensive plan in moving through the completion of some specific items to rap up some basic components in the project. We are 95% complete with the biologic process. We are looking to start up the head works facility which is the main building in front of the plant. As of Friday we were literally hooking up some drains as a dry test schedule for each of the vendors.

**OLD BUSINESS:**

Councilman Hauser reported that there has been some damage to the Kivwanis Oval since the fence has been opened. He asked that since we are on our third project manager and there are some punch list items that have not been resolved and it is his suggestion that if there are any payments that need to be made he suggested that we hold those payments until this items are resolved. Councilman Hauser also asked why school crossing guards are under the Borough's Budget and not the Board of Education. Councilman Slattery responded that years ago part of the reasoning was that there were frequent times when coverage was not there and they would have to ask the Police Departments to cover for a missing crossing guard. Mayor Gartland asked if the Board of Education ever paid for the crossing guards. Councilman Slattery responded that she didn't think so. Greg Mascera responded that it is a public safety issue that would fall under the Borough's responsibility. Councilman Hauser asked the question to the Borough Administrator as to where do we stand on addressing the items on the Auditors report. Paul Carelli, responded that Marge is preparing the summary for the Finance Committee and we are addressing it. Councilman Hauser responded that he thinks this should be shared with the entire Council.

Councilman Slattery reported that Bowers Road which she has brought up several times and at the last meeting, there is a drain that has been reported over a year and I know that because I was the one who reported it. After eight months I dragged down a DPW guy who put a large cone over the hole so that no one could fall into that hole. I was complaining at the last meeting and nothing has been done since. I actually left the last meeting and drove up to it and took the cone out of the drain. The reason I am bringing it up again is because now directly in the center of the road lined with the sewer the manhole cover is sinking to a point that if you drive over it, it can damage your car. If you continue to the other side of Bowers Road directly in line with this sewer drain there is another drain and that now is developing a sink hole. My point is that if it had been fixed over a year ago it would have been fixed.

Now we have a whole section of the road that obviously is running a problem there and it is seriously wrong there. Nothing has been done no one has said a word and nothing has been done. It is a dangerous situation. Mayor Gartland asked if this is something that our DPW will handle. Paul Carelli responded that our Borough Engineer will have to go out and take a look at it and determine what the issue is. Councilman Slattery responded that the diameter of this hole is this big and look down and if I stepped into it you would go down.

Councilman Slattery reported about the stop sign on Overlook and Oak Ridge, I asked you about that and you told me that there use to be one a long time ago and they just replaced it. A long time ago has to be at least 50 years ago. I would like to see the ordinance that

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that stop sign or I would like to see it taken down and put up properly if it requires that would like before next meeting to see the ordinance that authorizes that stop sign. Councilman Dassing responded that a while ago we authorized capital money to fix a couple of catch basins around the Borough. Various Discussions Ensued.

Tony Greci, Chief Fire Department – spoke about clothing bins that would be placed in parking lots and how this benefits the Fire Department. There is no ordinance in town that states that you can't have these bins in town. I decided not to surprise anyone with this; it would be a fundraiser for the Fire Department. Various Discussions Ensued.

**Report of Council Committee Chairmen and Members:**

Councilman Murray reported that the Fire committee had a meeting with the Fire chief last week. On December 19<sup>th</sup> is their Santa drive. They had their officer elections and Chief Greci, Sam and Gary 1<sup>st</sup> and 2<sup>nd</sup> assistants voted by the department. We discussed the two to three year capital plan which we will sit down in the beginning of January to go over. The Fire truck is with Gov deals and we are up to nine bids. We were supposed to meet with Chief Dombrowski but he had a police matter that he had to deal with. We did speak to the administrator about ticket analysis, radar stops, stop sign enforcement, and Volunteer auxiliary police. We are still looking for the opportunity to sit down with the Chief. As far as the DPW there have been some repairs and my understanding is that the salt truck is on its last leg and there has been some welding that has been done to the leaf claw.

Councilman Hauser reported that the personnel committee met with our Borough Administrator to discuss not so much dollars but head count and people needs for the future. Paul gave us some of his preliminary thoughts on that. In regards to the recreation agreement we will be having some discussions on that tonight.

Councilman Dassing reported that we are looking into the shared services draft that Mr. Mascera put together for us in regards to the Roseland construction office and our shared services with them for those services. I guess we are the lead agency on that and we will be providing the service to Roseland. It's a win; win for everyone, it's a little bit of Revenue that comes into the Borough and Roseland has some savings on their side also.

Councilman Slattery reported that the senior committee evidently Kurt Dombrowski gave a safety demonstration to the seniors and it was well received. When I say safety it has to do with how not to become scanned. They also need someone to work in the senior program it will be hired by the county and funded by the county. Our need is for Monday, Wednesday and Friday 9:30 – 1:30. If interested please contact Maria Burak 973-403-4623. They are having their senior holiday lunch on the 16<sup>th</sup> and are expecting a great turn out. As far as the Board of Health they need something fairly soon on that grease trap issue. I gave Greg a copy of that last meeting. Greg Mascera responded that he will have to look at it and he will contact Maria by email. As far as the Municipal Alliance we talked about providing funding and partnering with the Caldwell Live program to provide some special programs for seniors. This time of the year we have a lot of seniors who experience depression so they will be working together.

Councilman Norton reported on the Downtown committee we haven't been able to schedule any meetings. I am still waiting to hear from K. Hovanian about the stone for the green project possibly in 2011. As far as the Finance committee we had a meeting scheduled for tomorrow some things have come up and we need to reschedule that as soon as possible.

Councilman Piazza apologized to Mayor and Council for being late.

Mayor Gartland reported that there is a wonderful reception this Friday night at the Caldwell Library. It is actually before and after pictures of stores in town of the Gene Collard collection. One of his sons will be here on Friday. It is an opportunity to have a little holiday celebration. It starts at 6:30pm and I hope all members of the Council will be able to drop in.

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**Report of the Administrator:**

Paul Carelli reported on the Parking deck that they were on schedule. At this point the decking is down and they will be pouring the concrete by the end of the week and the beginning of next week. Councilman Slattery asked the question as to whether they ever made a determination as to what may or may not have gone wrong or what happened. Paul Carelli, responded that he thinks it is still under review. The consensus is that water seeped into parts of the deck and corroded the actually decking materials. The repairs are going well. The actual quote did come in at \$228,000 originally when we applied for the grant we were thinking \$325,000 so it is a lot less. There will be a pre-construction meeting on Thursday at 10:00am for the Smull Avenue improvements. Council Murray talked a little about the Police meeting last week and on that note some of the things that I shared with the committee which I think was pretty significant was our overtime analysis year to date we are down about 38% in hours of overtime over last year. Primarily a significant reduction is in the court were it has been reduced 69%. Since March we have only had 55 hours in overtime for court. Right now year to date we are at 105,000 in overtime costs we are a little bit over we are expecting reimbursement for overtime from FEMA money. The Chief and I had a presentation from E-ticketing program. E-ticketing is an automated method of issuing tickets for police. They set up their lap tops the soft wear is on the lap tops in the car and once they put the information which is literally a statue and all they do is put in the license plate and it fills out the whole ticket and prints out the ticket on the machine which has a printer in the car. It's already to the state and to our court system downstairs. It is very efficient and I sent it to the Police committee. Because of the efficiency you will see an increase in tickets as well. There pricing is structured on the amount of tickets you write. I will be sending to the Council a light duty policy that was given to me by the Chief. The light duty policy is that if someone is injured and can't come back to full capacity but is not able to come back perhaps to sit at a desk to answer phones or do administrative work this will allow them to do that. Councilman Hauser responded that shouldn't this be something that should be across the board whether it is the Community Center, DPW or someone else. Paul Carelli responded that yes it would be. Councilman Murray talked about Gov deals we put the Fire Truck on the site a week ago and we do have a reserve amount that we put in and we started the bidding at \$5000 just to generate some activity we have ten bids and we are up to \$10,000. Last week we put in for three CDBG grants and one was for an elevator in this building. Paul reported that he met with Garden State Jiff and I am waiting to get other quotes from other providers next week. Our premiums are around \$300,000 a year and next year we will see an increase of \$2000 which is about a .6% increase which is very good. As of 2010 all our sewer users are paid in full. Our next meeting is scheduled for December 28<sup>th</sup> we would like to start that meeting at 6:00pm. I also think we should schedule another meeting to close out the year any last things the CFO may have.

**Report of Attorney:**

Greg Mascera reported that he was contacted by a representative of the Union for the DPW in regards to the expiration of their contract. I have reached out to the Representative and we will be meeting and going forward. I have a letter here that was just handed to me by Paul which is basically addressed to the Mayor and Council. Mr. Carelli responded that a resident next door who owns a business gave me this letter and asked that I bring it up to the Mayor and Council. His water meter is below grade on first floor and it was leaking for months and he received a pretty high water bill. The DPW found the leak and fixed it. I told him that I don't have the authority to make an adjustment like that and he insisted on sending the letter to the Mayor and Council.

**New Business:**

Councilman Hauser asked the question as to what is the process of the response on the League of Municipalities positions on various topics. We probably get two to four emails from Lisa a week suggesting that we take them and I know many of them ask for support of various things. I am wondering are we suppose to act as a Council or are we suppose to act as an individual. Mayor Gartland responded that it's information and if you care to respond then yes. Greg Mascera responded that it's a question for Paul and if the Council does care to respond then the Council will respond collectively that the Borough feels this about this

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legislation and we would like the League to act in such a manner. Councilman Hauser responded that then the process should be we discuss it a Council meeting and then determine what your position is on it and how you respond. A perfect example is the tool kit. Mayor Gartland responded that she did sign something that said that we were in support of the tool kit.

**Open Public Meeting:**

**Ann Marchioni, 85 Brookside Avenue,** I would like to know who will be paying for the law suit from Faloni how does that work. One question I have that has never been answered did you ever have the additional evaluation on the property and what were those results and how much was it. Greg Mascera responded that since it is a subject of litigation the only thing I can tell you is any matter can be settled out of court other than that I think the details have to remain in private because of the fact that a complaint was filed.

**Warren Marchioni, 85 Brookside Avenue,** I spent a lot of hours sitting here along with a lot of other people from the Cedars. That was the best candidate for Open Space. If one kid was to wonder into that property and dig down 10' and eat enough dirt to take chlordan and led into there body and sue the town. This doesn't make sense to me and I would like to see this resolved.

**Jim Jorgensen, Liaison to Essex County,** I think you made have received a letter from the Essex County staff regarding the Essex County Solid Waste Advisory Council. I have a draft that was not sent to anyone specific it is an important Council and that if there is a designate to be appointed. Mayor Gartland said that she brought this up to the Administrator and it said that the two individuals that were attending the meetings were not voting members and are not approved by the Council. There was a resolution passed two years ago designating those two Mario Bifalco, Director of Public Works and John Hamer, Forman of Public Works as the designees to serve on the Essex County Solid Waste Advisory for two years, which concludes at the end of this year. Jim Jorgensen wished everyone a very Merry Christmas, Happy Hanukah and a prosperous New Year from the County Executive and all of us from the County.

Mayor Gartland 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 the PBA Contract, personnel/litigation in regards to Bill Payne, Faloni litigation, shared service agreement with Roseland and shared service agreement in regards to the Caldwell/West Caldwell Recreation Department.

On a motion made by Councilman Slattery, and seconded by Councilman Piazza, unanimously affirmed, the Council moved into Executive Session at 10:16P.M.

The Executive Session was adjourned and upon a motion by Councilman Hauser, seconded by Councilman Norton the Council Business Conference Meeting was opened to the public and the press at 11:56P.M.

