

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – December 17, 2013**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at **7:05PM**

PRESENT: Mayor Dassing, Council President Hauser, Rodgers and Durkin

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

ABSENT: Councilman Coyle and Councilman O'Donnell

ABSENT AT ROLL CALL: Councilman Kelley

Adequate notice of this Council Business/Conference meeting was given on January 1, 2013. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey. Official newspapers of the Borough were notified of this meeting by mail. Notice was posted and all persons requesting notice were sent same.

APPROVAL OF MINUTES:
December 3, 2013

Moved by Councilman Hauser, seconded by Councilman Durkin. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 12/17/13.

PUBLIC HEARING AND ADOPTION OF ORDINANCE:

ORDINANCE # 1283-13: BOND ORDINANCE OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY AMENDING SECTION 3(a) OF BOND ORDINANCE #1248-12, AS AMENDED BY ORDINANCE #1278-13, FINALLY ADOPTED MAY 15, 2012, AS AMENDED SEPTEMBER 3, 2013, PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$143,000 FOR VARIOUS STREET IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF \$135,850 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION

Moved by Councilman Hauser, seconded by Councilman Durkin. No Discussions Ensued. On roll call, all present voted in the affirmative. Ordinance adopted 12/17/13.

OPEN PUBLIC COMMENTS ON RESOLUTIONS:

Moved by Councilman Hauser, seconded by Councilman Durkin to open to the Public for Consent Agenda

RESOLUTIONS – CONSENT AGENDA

12-285: AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 12-00001, Block 3, Lot 1.01

12-286: AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 11-0001, Block 3, Lot 1.01

12-287: RESOLUTION TO CANCEL RESERVE BALANCES

12-288: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Hadassah Caldwell, Inc./ Off Premise – Merchandise Raffle, April 1, 2014 – 7:30PM – 10:00PM.

12-289: RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION CHAPTER 159 – 2013 Green Communities - NJS 40A-4-87

12-290: AUTHORIZING THE APPOINTMENT OF JOSEPH DEBELLIS AS A CROSSING GUARD IN THE BOROUGH OF CALDWELL FOR THE 2013-2014 SCHOOL YEAR AT AN ANNUAL RATE OF \$5,720.00 EFFECTIVE DECEMBER 6, 2013

12-291: AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE AND RECEIVE PROPOSALS FOR CLEANING SERVICES FOR THE CALDWELL COMMUNITY CENTER

12-292: RESOLUTION AUTHORIZING BUDGET TRANSFERS FOR CALENDAR YEAR 2013

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12-293: AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH DECEMBER 17, 2013 FOR 2013 BILLS IN THE TOTAL AMOUNT OF \$2,982,993.88

CONSENT

Moved by Councilman Durkin, seconded by Councilman Rodgers. No Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 12/17/13.

RESOLUTIONS:

12-294: RESOLUTION AWARDING PROFESSIONAL SERVICE AGREEMENT TO SUPERIOR SERVICES, LLC FOR SERVICES IN CONNECTION WITH THE OPERATION OF THE BOROUGH OF CALDWELL WATER

Moved by Councilman Durkin, seconded by Councilman Hauser. No Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 12/17/13.

12-295: RESOLUTION TO REJOIN THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND AND AUTHORIZE THE BOROUGH ADMINISTRATOR TO EXECUTE THE INDEMNITY AND TRUST AGREEMENT

Moved by Councilman Hauser, seconded by Councilman Durkin. No Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 12/17/13.

12-296: RESOLUTION APPOINTING PAUL M. CARELLI AS FUND COMMISSIONER AND JAMES BONGIORNO ALTERNATE FUND COMMISSIONER FOR THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND

Moved by Councilman Hauser, seconded by Councilman Durkin. No Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 12/17/13.

12-297: AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN FAIRVIEW INSURANCE AND THE BOROUGH OF CALDWELL FOR PROFESSIONAL RISK MANAGEMENT CONSULTING SERVICES JANUARY 1, 2014 THROUGH DECEMBER 31, 2016

Moved by Councilman Hauser, seconded by Councilman Durkin. No Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 12/17/13.

12-298: AUTHORIZING THE AWARD OF CONTRACT FOR CURBSIDE RECYCLING SERVICES TO CALI CARTING INC. P.O. BOX 440, 450 BERGEN AVENUE, KEARNY, NEW JERSEY 07032 FOR THE AMOUNT OF THEIR LOW BID OF \$297,000.00 FOR DUAL STREAM / CONTRACTOR OWNERSHIP AND AUTHORIZING THE EXECUTION OF A CONTRACT AND OTHER DOCUMENTS

Moved by Councilman Hauser, seconded by Councilman Durkin. No Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 12/17/13.

COUNCIL COMMITTEE REPORTS:

Councilman Durkin reported that there was a finance committee meeting last week. He congratulated Caldwell College for becoming Caldwell University. He attended Christmas tree lighting with Councilman Rodgers and Mayor Dassing. He congratulated Chief Bramhall from West Caldwell today marks 25 years of service.

Councilman Hauser reported that Cindy Kellenberger from the Library Board is stepping down after 18 years. She is the Board of Education Liaison to the Library Board. The Superintendent will be selecting someone else for the Board. At the last Board meeting they went through Budget information that came from Chris and many of the expenses are where they should be and it was good to have it.

Mayor Dassing reported that she attended an Essex County Transportation advisory Board meeting at Verona Department of Public Works we were updated on the comprehensive transportation plan that the County is working on and has put into place. There complete streets implementation plan was discussed at length we talked about bringing the trolley back to the center of Bloomfield Avenue. She thinks the Environmental Commission will be working hard on that complete streets ordinance for us in 2014. The Mayor congratulated Caldwell College, Caldwell University she knows there was a lot of work that went

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into the application and they also will be celebrating their 75th Anniversary in 2014. She will be applying for a grant from NJDEP to hopefully help us with the stream erosion problem that we have.

REPORT OF ATTORNEY:

Greg Mascera reported that the RFP for the sewer plant has been completed. He also wanted to remind the Council that things are discussed in closed session need to remain in closed session. It has gotten back to him details that a vendor is aware of precise details of what happened in closed session in regards to contracts and RFP's things that the vendor should not know.

REPORT OF POLICE CHIEF:

James Bongiorno reported that they had their 2nd annual crossing guard appreciation breakfast. Lt. Geary did a great job with it. It's great to have all the crossing guards together and it's not very often that they can be thanked and let them know how appreciative we are of them. We also were able to honor Elaine Chonco after 16 years of service she will be retiring. They are participating in Drive Sober or Get Pulled Over holiday Grant. This past Friday night coordinated by Sgt. Pellegrino and Lt. Andrinopoulos they made a DWI check point from 10PM to 3AM. During that five hour period they stopped 280 vehicles of those vehicles 12 were pulled for further investigation out of those 12, there were 5 arrests, two (2) for DWI and three (3) with drugs. He commented the officers for a fabulous job. He reminded the residents that there is no parking on snow covered roads ordinance 230-37. He thanked Councilman Coyle for not only his service to Caldwell and his support that he has given to the Chief in the past two (2) years for the Police Department and he knows without his support they would not have accomplished what they have done.

Councilman Kelley spoke about a resident of West Caldwell that had reached out to him by email and had called him and it was pertaining to an event that occurred Friday night. He was coming down Bloomfield and he zigs and zags through the cut streets and he was followed very closely by another vehicle for a good mile and he was scared and pulled over and the vehicle was a white unmarked police car that passed him and stopped about 100 yards ahead of him. Chief responded that if he has a concerned it should definitely be reported to the Police Department so it can be investigated. Councilman Kelley said he will forward the email and he can call him and he told him to reach out to Chief Bramhall because he knows that Chief Bongiorno speaks to Chief Bramhall. He said it did have the appearance of intimidation or threatening to the resident.

OLD BUSINESS:

Councilman Hauser asked about the Energy auction status. Paul responded that would have to be discussed in closed session. He also asked about the status of the triangle on Brookside and Westville Avenue. Paul responded that Glenn had gone out and he hasn't seen the drawings yet but he did go out and measure things and he has an idea on how to correct that.

NEW BUSINESS:

Modifications on Rent Board Ordinance

Greg Mascera reported that when the Rent Ordinance was drafted it required the Rent Board too basically almost supervise the construction code office, when there is a vacancy and for inspections and also to conduct a hearing in the event there is any claim against the landlord. Councilman Kelley contacted me and suggested that we remove two sections of the ordinance to a different part of our general section. There is a section titled housing that was vacant so the logical solution was to move these two sections over to housing. We deleted them from Rent control and added to the housing section. Being that there is a change in council the ordinance will be introduced at the next meeting.

Councilman Hauser reported that someone brought to his attention that on Hanford the parking lot entrance the sidewalk is a mess. Are there any plans to fix that? Paul Carelli responded that at this point it will be towards the spring. There are still things that need to be done and it is on a list. Councilman Hauser asked about a letter he received from John Taylor about some road work. He doesn't recall the names of the Streets but asked if that is on a three year or five year plan or a shorter term. Paul responded that he does have a list of streets in the town and a priority associated with that and that was a collaboration between our Engineer, the Mayor, himself, Mario and Bill Print. It might be something we could do but we have a priority list that we will stick to. Paul asked our Borough Engineer to update the list that we have because we have done a lot of infrastructure improvements and he would like to put that up on our website.

OPEN PUBLIC MEETING:

Moved by Councilman Hauser, seconded by Councilman Durkin to Open Public Meeting.

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Ann Marchioni, Environmental Commission reported that we have received 30 points on Sustainable New Jersey. She thanked Christine Corliss from the Board of Education, she was instrumental in helping us with our Recycling. Mrs. Kinkle from the Middle School, the Middle School students and the High School students, Mr. Linson, Arborist and the Owl from the zoo.

Tom Tevlin, 79 Roseland Avenue, stated that his scientific survey has shown that the flow of traffic has greatly improved. He had a request that a sign be put up saying that there is going to be a split in traffic by the Fire House. He wished everyone a Healthy Happy Holiday and said “when everybody is on the same page Government can and will work for everybody”.

Mayor Dassing reported that there will be stickers placed on the 300 meters and CERT Volunteers will no longer have to bag the meters. They say “Meter parking from 8AM-6PM, free parking is every Sunday and the first Saturday of every month”. She thanked the CERT Volunteers and Police Department who bagged all the meters for the last year.

On a motion made by Councilman Hauser and seconded by Councilman Durkin, unanimously affirmed, the Council moved into Executive Session at 9:12PM.

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. The Executive Session will be discussion of Police Dispatch, Board of Health, Electric Auction, Pool Engineering, Sewer, and Public Works Contract.

The Executive Session was adjourned and upon a motion by Councilman Hauser seconded by Councilman Durkin, the Council Business Conference Meeting was opened to the public and the press at 9:55PM

12-299: RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF WEST CALDWELL FOR JOINT DISPATCH SERVICES

Moved by Councilman Rodgers, 2nd by Councilman Kelley. No Discussion Ensued. On roll call, all present voted in the affirmative. Resolution approved 12/17/13.

12-300: AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT FOR HEALTH SERVICES BETWEEN THE TOWNSHIP OF BLOOMFIELD AND THE BOROUGH OF CALDWELL EFFECTIVE JANUARY 1, 2014 THROUGH DECEMBER 31, 2018

Moved by Councilman Hauser, 2nd by Councilman Rodgers. No Discussion Ensued. On roll call, all present voted in the affirmative. Resolution approved 12/17/13.

12-301: AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT FOR ANIMAL CONTROL SERVICES BETWEEN THE TOWNSHIP OF BLOOMFIELD AND THE BOROUGH OF CALDWELL EFFECTIVE JANUARY 1, 2014 THROUGH DECEMBER 31, 2018

Moved by Councilman Kelley, 2nd by Councilman Rodgers. No Discussion Ensued. On roll call, all present voted in the affirmative. Resolution approved 12/17/13.

12-302: AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE AN AGGREGATED ENERGY PURCHASING CONTRACTING SERVICE – ELECTRICITY FOR THE BOROUGH OF CALDWELL

Moved by Councilman Kelley, 2nd by Councilman Durkin. No Discussion Ensued. On roll call, all present voted in the affirmative. Resolution approved 12/17/13.

