

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – February 19, 2019**

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The Council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:16PM.

PRESENT: Mayor Kelley, Council President Rodgers, Councilman O'Donnell, Capozzoli, Lace, Cole and Schmidt

ALSO PRESENT: Deputy Clerk, Lisa O'Neill, Borough Administrator, Thomas Banker & Borough Attorney, Vincent Nuzzi

Adequate notice of this Council Business/Conference meeting was given on January 1, 2019. 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.

PLEDGE OF ALLIGENCE

**APPROVAL OF MINUTES:
February 5, 2019**

Moved by Council President Rodgers, seconded by Councilman Lace. No Discussion. On roll call, Council President Rodgers, Lace, Cole and Schmidt voted in the affirmative. Councilman O'Donnell and Capozzoli abstained. Minutes approved 02/15/19.

OPEN PUBLIC MEETING – ANY TOPIC

Max Time: 3min per speaker

Members of the public are invited to comment at this time on ANY issues, whether or not on the agenda

Mr. Clint Alvine, West Caldwell, spoke about the Knollwood Tennis Courts and how they are looking to keep the club going. The Knollwood Tennis Courts is privately owned and there are 25 shareholders. After discussion Mr. Alvine will be contacting the Borough Administrator to discuss further.

OPEN PUBLIC COMMENTS ON RESOLUTIONS

Moved by Councilman Capozzoli, seconded by Councilwoman Schmidt to open meeting to the Public.

RESOLUTIONS – CONSENT AGENDA

- 2-74:** AUTHORIZING THE BOROUGH ADMINISTRATOR TO SUBMIT THE ANNUAL RECYCLING TONNAGE REPORT TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PERIOD JANUARY 1, 2018 THROUGH JANUARY 31, 2018
- 2-75:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Caldwell Public Library – Off Premise/ 50/50 Raffle – May 9, 2019 – 9:00PM
- 2-76:** RESOLUTION AUTHORIZING 2018 APPROPRIATION RESERVE TRANSFERS
- 2-77:** RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of February 19, 2019
- 2-78:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH FEBRUARY 15, 2019 FOR 2019/2018 BILLS IN THE TOTAL AMOUNT OF \$1,274,880.39
- 2-79:** RESOLUTION FOR THE CREATION MUNICIPAL INTERNSHIP PROGRAM IN PARTNERSHIP WITH CALDWELL UNIVERSITY

CONSENT

Moved by Council President Rodgers, seconded by Councilwoman Schmidt. No Discussion. On roll call, all voted in the affirmative. Resolutions approved 02/19/19.

COUNCIL COMMITTEE REPORTS:

Councilwoman Schmidt reported on the first meeting of the Senior Advisory and the new members Grace Kerrigan, Erin Mossberg, Tracey Voca and Steven Modica were sworn in. The Senior Advisory meets quarterly and they manage the budget for the Grover Cleveland Senior Center. It also helps organize activities for our seniors and on an average there are 25 to 30 seniors who take advantage of the center every day. Some activities that are offered are fitness classes, knitting and Blood Pressure clinic which are done in partnership with the Caldwell University Nursing students. They also help organize events such as a holiday party and a Thanksgiving dinner where Police and Fire Fighters help serve. There next event will be a spring fling in May. There will be a Casino Bus trip on Wednesday, March 27th cost is \$30.00 for bus ride and a \$25.00 slot play

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voucher. A resolution was passed to cash a certificate of deposit that matured this past November and those funds will be deposited and used towards the senior centers supplies and activities.

The Library has new 21 smoke detectors that were replaced tested and are operating normally. Ann Marchioni, Environmental Commission attended the Library Board Trustees meeting and she informed the Board that the Commission works with Sustainable Jersey and their storm water grant application and she hopes that the Library can support efforts in education about green infrastructure initiatives and the Library Director has written a letter in support for the grant application. The Library will need to update their computers Microsoft will no longer support windows 7 as of January, 2020 and the PALS plus consortium is saying that all member Libraries will have to upgrade to windows 10 by yearend. The computers that are being used were purchased by the foundation in 2015 and the PALS plus director is looking for discounts for the Library to do a group purchase from Dell and receive discount. They are continuing to find flood damage as they are unpacking the boxes from storage. Phones were discovered that had missing wires and there are public computers that have rusted also. The library has reached out to the Insurance carrier and they will be able to request insurance for these additional items that were not included in the initial claim. The Library foundation has two upcoming events The Murder Mystery fundraiser and on May 9th Wine Tasting tickets are available on line or you can purchase them at the door. The Grand Re-opening of the Children's Room is set for June 1st it will be an all-day event with activities for all ages.

Councilman Lace introduced Jack Flood from Spatial Data Logic and his presentation will be on a potential new website for the Borough.

PRESENTATION

1. SDL / Mr. Flood

Mr. Flood gave a presentation on what Spatial Data Logic is capable of doing for the Borough.

Councilman Lace reported on the Environmental Commission and Ann Marchioni discussed the film conference with members of the Environmental Commission that were present that day with Dr. Christopher Obropta extension specialists in Water Resources Program with Rutgers. It was a call concerning the Commissions application for sustainable Jersey grant for \$25,000 in funding to support sustainability initiatives in Municipalities. The grant application was submitted by the February 18th deadline and the Commission would like to thank Mayor Kelley, Claudine Pascale, Library Director, Dr. Amy Roe and Assemblyman John McKeon for their letters of support. On April 27th there will be a movie called Plastic Ocean and this event will take place at the Caldwell Public Library 8:30AM and 1:30PM in the West Caldwell Public Library. On May 18th there will be a pollinator patch workshop at 10AM in Caldwell and 1PM in West Caldwell. The Planning Board had their meeting and Peter Mescia was sworn in as a new member and the Board discussed plans in the reexamination report to include an analysis of the impact of the Borough's storm water management plan as required by State Law. The 2017 Storm water management report has been sent to Phil Abramson from Topology as well as the Planning Board Engineer William England. The 2018 flood was discussed as well as the impact of development in North Caldwell flooding. He attended an event at Mikie Sherrill's office for a Mayors roundtable and he specifically told Congresswoman Sherrill that even though the County as a whole failed to qualify for FEMA relief. Caldwell was really impacted in a very negative way over 1.2 million dollars just in Borough property alone and private homes that were damaged as well. We requested that the congresswoman explore legislation that would amend FEMA regulations to allow individual municipalities to qualify for FEMA relief.

Councilman Cole responded that a lot of towns that were present were riverside towns which Caldwell is not so a lot of the discussion was about cleaning rivers and banks so the water would flow easily. He did bring up that towns like ours are impacted by towns above us we are sort of on a hill but there are hills higher.

Mr. Banker responded that after that meeting he took a walk to look at our Brook and the Co-chair of the Environmental Commission contacted him about the obstructions in the Brook and she was right. A suggestion that was discussed at the meeting was creating an alternate path for the oversight of flood related improvements.

PRESENTATION

Sgt. Michael Pellegrino/Speed Summary

Chief Bongiorno reported that he wanted to update the Mayor and Council on some of the traffic concerns that were received specifically on Ravine Avenue. Sgt. Pellegrino had set up a speed study which he will share the results within the last 2 weeks. He has spoken to Chief Paris in West Caldwell and they are going to have a community wide enforcement detail commission in place.

NEW BUSINESS:

1. Discussion of Certificates of Occupancy for all Home Sales

Councilman Lace reported that Caldwell currently does not have an ordinance that requires certificates of occupancy for home sales and he has had a discussion with the administrator. He just wants to raise this as an item for the Council to consider because there are potential benefits for a town to have this. Mr. Banker

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responded that first of all the idea of requiring a certificate of occupancy or what some towns call a certificate of continued occupancy it's the same rules an inspection that is done by the town as a condition for closing on a sale. Discussions Ensued.

REPORT OF THE MAYOR:

John Kelley reported that on Saturday Councilwoman Schmidt, Councilman Cole, Borough Administrator and himself are attending a meeting with Dr. Blattner at Caldwell University to discuss and plan our Council meeting that will be at Caldwell University in early April. We will also be discussing the Caldwell Athletic teams and the use of the Oval.

REPORT OF BOROUGH ADMINISTRATOR:

Thomas Banker reported:

- *He now has access to email and he thinks a discussion is needed about archiving emails and policies.*
- *Recommending special counsel for COAH situation to resolve the existing builders remedy suits but also more affirmatively to protect ourselves with a plan to move forward.*
- *Sewer plant issues that are significant in size and scope. He has met with the Mayor and Phil LiVecchi and the issues are how to dispose of our sludge.*
- *We have a capacity issue because we are regional our capacity issue is everyone's capacity issue and there are a number of development proposals in other towns that are moving along.*
- *He has started an initiative with parking and he has asked Sgt. Pellegrino to conduct an inventory of all of the parking resources available in Caldwell including public and private facilities. He has also asked the Sergeant and maybe accompanied by Councilwoman Schmidt to tour other regional urban centers as to their parking policies and parking practices.*
- *He has been communicating with someone he worked with about the technology of parking so we look at what our options are to better manage parking.*
- *He feels we don't have a parking supply problem we have a parking management problem.*
- *Tim Tracey from Desmond Associates will be coming to inspect our deck on February 26th at 1PM along with our town Engineer.*
- *The survey was ordered for the Post Office parking and we are waiting for that to move forward.*
- *We are moving forward with an internship with Caldwell University and he has other ideas with Caldwell University.*
- *Next week he will be holding budget discussions with each department individually. His goal is to be able to have an initial report not fully detailed to the Council at the next Council meeting and then have a budget for introduction at the following Council meeting.*

REPORT OF THE BOROUGH ATTORNEY:

Vince Nuzzi reported that he has been spending time looking for COAH Counsel and he would like to hire Jeffrey R. Surenian & Michael Edwards and he will forward their resumes by email. He spoke with the vice chair of the Environmental Commission and she showed him photographs of the Brook and it looks like a wall fell down across the Brook. As far as Foodtown parking lot he spoke to the attorney on Monday and the owners of the property do not want to consent into an negotiation with us and he told him that he has a landlocked piece of property and let him know what they want to do and then we will let you know what the Council wants to do.

On a motion made by Council President Rodgers, seconded by Councilman Cole unanimously affirmed, the Council moved into Executive Session at 9:15P.M.

Mayor Kelley 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 Contracts and Builders Remedy.

The Executive Session was adjourned and upon a motion by Councilman Lace, seconded by Councilwoman Schmidt the Council Business Conference Meeting was opened to the public and the press at 10:05PM.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Cole, seconded by Councilman Lace unanimously affirmed by all members present, the meeting was adjourned at 10:05PM.

Prepared by: _____
Lisa O'Neill, Deputy Borough Clerk

DATE