

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – March 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 7:18PM.

**PRESENT:** Mayor Kelley, Council President Rodgers, Councilman O'Donnell, Capozzoli, Lace, Cole and Councilwoman 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:  
March 5, 2019**

Moved by Councilman Lace, seconded by Councilman Cole. No Discussion. On roll call, Council President Rodgers, Lace, Cole and Schmidt voted in the affirmative. Councilman O'Donnell and Capozzoli abstained. Minutes approved 03/19/19.

<b>OPEN PUBLIC MEETING – ANY TOPIC</b>	<b>Max Time: 3min per speaker</b>
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*Members of the public are invited to comment at this time on ANY issues, whether or not on the agenda*

*David & Rita Whetton, 17 Park Lane, they are the 2019 volunteer walk chairs for the Essex, Hudson and Union walk for Alzheimer's. They are asking for Council's help in rallying the entire Caldwell Community around a cure for this disease. They would like the Council to be the inspiration for this day of awareness by declaring June 15 Caldwell goes purple for Alzheimer's Day. A proclamation from the Council and the Mayor would make this a true community effort. He and his wife will be starting a support group on Wednesday the 27<sup>th</sup> of March at the First Presbyterian Church in Caldwell at 7PM and this will be a monthly meeting specifically for caregivers of those with Alzheimer's.*

<b>OPEN PUBLIC COMMENTS ON RESOLUTIONS</b>
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Moved by Council President Rodgers, seconded by Councilman Lace to open meeting to the Public.

*Councilman Lace discussed Resolution 3-90.  
Mr. Banker would like to defer action on Resolution 3-92. He would like to discuss in Executive Session the mix of professionals to be retained to undertake Caldwell's activities.  
Councilman Cole asked about Resolution 3-101.*

**RESOLUTIONS – CONSENT AGENDA**

- 3-96:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Caldwell University Alumni Board – Off Premise/ 50/50 Raffle – April 28, 2019 – 12:00PM – 2:00PM
  
- 3-97:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Coalition for Animals – Off Premise/ Tricky Tray Raffle – May 9, 2019 – 3:00PM – 7:00PM
  
- 3-98:** AUTHORIZING ISSUANCE OF ONE (1) TAXICAB LICENSE TO Vincent Coccoziello, Alliance Limousine & Car Service, Inc, 46 Ravine Avenue, Caldwell, NJ APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS
  
- 3-99:** AUTHORIZING ISSUANCE OF TWO (2) TAXICAB LICENSES TO Sezai Gurses, Metropolitan Limo, 806 Murray Street, Avenel, NJ APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS
  
- 3-100:** A RESOLUTION TO CHANGE A BOROUGH COUNCIL MEETING DATES FROM APRIL 2, 2019 TO APRIL 8, 2019
  
- 3-101:** AUTHORIZING THE ISSUANCE OF A NEW LIQUOR LICENSE FOR FAILURE TO TIMELY RENEW PURSUANT TO N.J.S.A. 33:1-12.18 SPECIAL RULING GRANTED BY DIRECTOR FOR THE PERIOD FEBRUARY 20, 2019 THROUGH JUNE 30, 2019. APPLICATIONS AND APPLICANTS HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS

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**3-102:** RESOLUTION AUTHORIZING 2018 APPROPRIATION RESERVE TRANSFERS

**3-103:** ESTABLISHING A NEW PETTY CASH FUND

**3-104:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #18-00005, Block 29, Lot 22,  
45 CLEVELAND STREET, CALDWELL, NJ 07006

**3-105:** AUTHORIZING THE ISSUANCE OF LICENSE FOR MOTOR VEHICLE LOT LICENSE IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT, CONSTRUCTION DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – Amer Choudhry, 95 Bloomfield Avenue, Caldwell

**3-106:** RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED  
For the Meeting of March 19, 2019

**CONSENT**

Moved by Council President Rodgers, seconded by Councilman Capozzoli. Discussions Ensued. On roll call, all voted in the affirmative. Resolutions approved 03/19/19.

**3-107:** RESOLUTION AUTHORIZING THE APPOINTMENT OF DAVID M. PARIS, ESQ. AS AN INDEPENDENT HEARING OFFICER

Moved by Council President Rodgers, seconded by Councilman Capozzoli. Discussions Ensued. On roll call, Council President Rodgers, Councilman Capozzoli, Lace, Cole and Schmidt voted in the affirmative. Councilman O'Donnell abstained. Resolution approved 03/19/19.

**3:108:** RESOLUTION DENYING THE ISSUANCE OF A PERMIT FOR CANVASSER/SOLICITOR IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN DENIED BY THE POLICE DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – Constantino Statiroudis, 1203 New Brunswick Avenue, South Plainfield, NJ, Michael Mesaros, 211 Greenbrook Road, Green Brook, NJ, Steve Mondelus, 319 Trinity Place, Hillside, NJ, Stafon Kendrick, 180 South Orange, Apt. 410, Newark, NJ, John Phelan, 781 Chimney Rock Road, Martinsville, NJ, Jeizel Hernandez, 27 Foy Drive Hamilton, NJ, Kyle Lewis, 212 Patricia Avenue, Colonia, NJ and Michael Marrero, 400 Frederick Avenue, South Plainfield, NJ from Renewal by Anderson

**3:109:** AUTHORIZING ISSUANCE OF THREE (3) TAXICAB LICENSES TO Caldwell Taxi, 570 Bloomfield Avenue, Bloomfield, NJ 07003. APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS

**3:110:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MARCH 15, 2019 FOR 2019/2018 BILLS IN THE TOTAL AMOUNT OF \$880,517.44

**CONSENT**

Moved by Council President Rodgers, seconded by Councilman Capozzoli. Discussions Ensued. On roll call, all voted in the affirmative. Resolutions approved 03/19/19.

**3:111:** RESOLUTION SUPPORTING EXPLORATION OF A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF WEST CALDWELL FOR POLICE AND SHARED SERVICES

Moved by Council President Rodgers, seconded by Councilman Capozzoli. Discussions Ensued. On roll call, Council President Rodgers, Councilman Capozzoli, Lace, Cole and Schmidt voted in the affirmative. Councilman O'Donnell abstained. Resolution approved 03/19/19.

**3:112:** AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH BECKMEYER ENGINEERING FOR PROVIDING DESIGN AND CONSTRUCTION OBSERVATION SERVICES FOR THE FRANCIS PLACE, CENTRAL PLACE, OVERLOOK ROAD AND KIRKWOOD PLACE ROAD IMPROVEMENTS FOR A FEE NOT TO EXCEED \$28,800.00 FOR THE DESIGN PHASE AND \$26,000.00 FOR THE CONSTRUCTION PHASE

**3:113:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MARCH 16, 2019 FOR 2019/2018 BILLS IN THE TOTAL AMOUNT OF \$233,030.30

**3:114:** RESOLUTION AUTHORIZING THE EXECUTION OF A THREE YEAR INTER-LOCAL AGREEMENT WITH THE TOWNSHIP OF WEST CALDWELL AND THE BOROUGH OF ROSELAND FOR THE SENIOR TRANSPORTATION PROGRAM FOR 2019 - 2021

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**CONSENT**

Moved by Council President Rodgers, seconded by Councilman Capozzoli. Discussions Ensued. On roll call, all voted in the affirmative. Resolutions approved 03/19/19.

**COUNCIL COMMITTEE REPORTS:**

**Council President Rodgers** reported that the Historic Preservation Commission asked him to convey that if any resident is interested in having their homes looked at for Historic significant or value you can email [frdgers@caldwell-nj.com](mailto:frdgers@caldwell-nj.com) the commission would be more than willing to come out and take a look at your home. There is an ongoing survey Historic Preservation Site Survey update the first one since 1986 the purpose is to identify any potential Historic Districts and structures and to do an inventory of the existing sites from the last survey. They have also requested that Mr. Banker could get them an email address so people can contact them. They also are thinking of forming Historic District committee's to look at different areas in Caldwell and to get the residents involved as to whether they would be interested or not interested in having their area sited as a Historical District. They asked if they could be contacted if there are any issues with a Historic Site for affordable housing and they asked since the Library is 50% a Historic site that they be involved with any discussions involving the parking deck. Discussions Ensued on the Parking.

**Councilman Lace** reported on the Environmental Commission and Steve Flack the liaison for the Zoning Board presented an overview of the Open Space and Land Conservancy walk through tour with Barbara Davis. They are concerned about the destruction of two remaining trees on 30 Smull Avenue a Cedar and a Spruce if these trees can be protected until additional action is approved the Environmental Commission would be appreciative. The Commission is currently reviewing the Sustainable Jersey Green Business Program which would incentivize merchants to participate in a certification criterion for environmentally friendly practices in exchange for promotion by the Borough. They would like to ask the Council to hold off on the development of 20 Personette Street until grant money is available for Open Space development. There are three days this year in celebration of Earth Day on April 27<sup>th</sup> the movie A Plastic Ocean will be showing at the Caldwell Public Library starting at 10:30AM and also at 1PM at the West Caldwell Public Library. There will be a shredding event at the Municipal Building provided by Cali Carting on that same day and proceeds will benefit Caldwell/West Caldwell Scholarship Fund and it runs from 10AM to 1PM. On May 18<sup>th</sup> there will be a Pollinator Friendly Garden workshop presented on Saturday, May 18<sup>th</sup> at 10AM in the Council Chambers and 1PM at the West Caldwell Library. On Friday, June 7<sup>th</sup> a presentation on Bats will be given at the Center for Spiritual Living at 7PM followed by a Bat hike.

The Community Center is offering Life Guard Certification from the American Red Cross for anyone ages 15 and over. Participants must pass a required swim test and the course includes Life Guarding skills, CPR and First Aid by a Certified Red Cross Instructors. The packet can be found on the Community Center website and the fees are for members \$250.00 for non-members \$300.00. They are also offering a recertification class and that can be found on the Community Center website. The cost is members \$200.00 and non-members \$225.00. Councilman Lace attended National League of Cities Congressional Cities Conference in Washington, DC. The National League of Cities advocates for local Municipalities at the Federal level it is to the Nation what the League of Municipalities to New Jersey. Discussion Ensued. Councilman Lace thanked Mikie Sherrill for showing up at the Grover Cleveland Birthplace. Tomorrow night at 7PM at Rock N Joe Councilman Lace will be hosting a coffee with Grover in celebration of Grover Cleveland week.

**Councilwoman Schmidt** welcomed our first Caldwell University Intern Brooke McPherson helping Bob with our streaming and Brooke has offered to do this on a volunteer basis. The Library Board of Trustees met and it was held in the new conference room and she is happy to report new furniture has been delivered not only to the conference room but also to the Library Director's office as well as the staff office. In the children's room the new circular desk has been installed and insurance has covered the cost of new Public computers. The library is looking to purchasing a digital microfilm reader which will make the microfilm collection more accessible. The Library Director is hoping to hire a full-time assistant to her staff and she is also requested the installation of security cameras on the inside and outside of the Library. Also, they are in the process of requesting to purchasing hand dryers for the bathrooms. The Library had a very successful event hosting our Congresswoman Mikie Sherrill for Monday's with Mikie event for our Community. The Library was happy to provide their space giving our residents an opportunity to meet their elective representative. She would like to compliment the Library staff as well as the police department for making this event successful and safe. The Grover Cleveland Senior Center is having a trip to the Sands Casino Resort on Wednesday, March 27<sup>th</sup> there is still room on the bus so please sign up. On April 6<sup>th</sup> the Library Foundation fundraiser is a Murder Mystery at Mount St. Dominic Academy and the theme is Hollywood Glamor and in May there will be a Wine tasting event and you can sign up for either one at the Library.

**Councilman Cole** reported that in terms of the downtown he would like to compliment Bob Silver for the creation of the Grover House and it's the most sensitive adaptations of an existing historic building. We had a severe issue with the bricks last year and we changed the ordinance to allow concrete to look like bricks and no one has taken advantage of this and it is still a danger to pedestrians.

**OLD BUSINESS:**

1. Issues on Westover Avenue / Council President Rodgers

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**Council President Rodgers** has contacted Chief Bongiorno and Sgt. Pellegrino with respect in putting that speed data collection sign on Westover Avenue and they have agreed to do so. He did receive an email this morning that the study is complete on Forest. There was a discussion on the moving truck that was parked in front of Mr. Marotta's home and the ordinance states the time limit is 15 days and Vince will take a look at the ordinance. The two catch basins on Westover Avenue are being discussed with Glenn Beckmeyer. Mr. Banker responded that they will have a schedule at the next meeting of all the sewer, road and water work.

2. Foul Balls at Oval / Council President Rodgers

**Council President Rodgers** there has been issues with the foul balls and every year we have this problem. Caldwell University is allowed to practice on the Oval without the nets being up so the concern is because there still is a possibility of snow they are afraid the nets will get damaged. He suggests that in the future there should be no one practicing until the nets are up. Discussion Ensued.

3. Clarification of Ordinance 207, sections 10 & 11 / Councilman Lace

**Councilman Lace** reported that at the last meeting he had raised a question about residents who have medical handicap and the issue of them getting violations for snow removal. He asked for clarification on the ordinance 207 and he would like to know the time threshold for the Borough to intervene and clear the accumulation of the sidewalk. Vince responded that section 207-8 sets the time limits for commercial and residential.

**OLD BUSINESS:**

**Mayor Kelley** reported that he had missed an email from Glenn Beckmeyer on the proposals of the speed study and the crosswalk study on Central Avenue. Mr. Banker responded that he doesn't know the details but the crosswalk in question the County unilaterally went ahead and striped it which is not appropriate according to the uniform traffic safety signal manual. We will now need to man it with a Crossing Guard because it appears to be a crosswalk.

**NEW BUSINESS:**

1. Crosswalk at the Intersection of Hatfield and Mountain Avenue / Council President Rodgers

**Council President Rodgers** reported that he was contacted via email by a resident who has some concerns regarding residents crossing Mountain Avenue from Hatfield and she is looking to possibly having a crosswalk there. This will be on the agenda for the public safety meeting which is going to be next Wednesday at 7:15PM. There are some hurdles it is a County Road and it is a 35mph speed limit there.

**OPEN PUBLIC:**

**Steve Galante, Galante Funeral Home**, he is there because of all the foul balls that are coming over to his property and the property of the tenants on Roseland Avenue.

**REPORT OF THE MAYOR:**

*John Kelley reported that the study that was conducted on Forest we do have the results North and South and he did ask Chief Bongiorno about presenting it in tonight's Council meeting but he feels its best that it is reviewed in a public safety meeting with Sgt. Pellegrino. The Mayor thanked Mikie Sherrill who is a great representative for New Jersey and we welcome her back but we requested that we put her in a larger setting because it was packed. There was a Saturday night event at the Grover House and Bob Silver and Rhonda Silver from Bravatis had a grand opening and ribbon cutting and was well attended and Congresswoman Sherrill attended as well it's a real gift to Caldwell. Bob Silver is also working on the Wilson House and we are thrilled with that as well for our Community and Downtown. We are working towards some things on the Avenue and such as flowers along Bloomfield Avenue and some others that will help beautify the Avenue.*

**REPORT OF BOROUGH ADMINISTRATOR:**

**Thomas Banker** reported:

- He is hoping to introduce the Municipal Budget at the next Council meeting.
- The operating Budget will not be as much of an issue as the capital situation.
- He hopes to present a five year history of what spending has been like on both the operating and capital side.
- He has a number of really good meetings the last couple of weeks.
- He has a good understanding of what was previously planned in terms of water improvement, sewer improvements what wasn't planned.
- We have roofing inspections going on virtually every roof has leaks.
- Mario is drilling the essentially a core boring in this building to determine the nature of the siding.
- We have a good water main improvement program a five year plan in place.
- We do not have a similar plan for sewer hopefully that will arise out of I & I study which should be before the Council at the next meeting.
- As well as authorization for longer term contracts with Mott McDonald for their role as the operator.
- He met with Glenn Beckmeyer who has a number of items that were planned never acted on and he will share with him in the coming week including his design solution for the deck which maybe the most appropriate and most economical.
- The generator is going to be fixed or replaced.

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- Grant application that Mark Guiliano is working on for a new ladder for the fire department.
- Capital acquisition some equipment for Mario and some equipment for the Police Department underway.
- The parking study we have gotten drone pictures of all the parking. We have an initial set of counts.
- The 2<sup>nd</sup> intern from Caldwell University will be starting on Friday and his first assignment is to assist him in analyzing the data about the parking and also validating that data. He will also be creating the data base for that effort.
- Paul Milani has worked on some recommended changes to our inspection program. A more extensive vacant apartment inspection, more extensive annual fire prevention inspections so all of these will give us better insight into what's going on in the buildings.
- There is a meeting on Friday with our new COAH Counsel to get a fast track COAH plan to reduce our vulnerability.
- There are three builders remedy suits and the old bank on Central Avenue, Smull Avenue & Lane Avenue.
- He is exploring for consideration to the Council considering the entirety of the Borough of Caldwell area in need of rehabilitation which is permitted under the Redevelopment and Housing Law. This would allow us to adopt redevelopment plans for some or all parts of the Borough to achieve a particular result and it's a shorter root to the rezoning of targeted areas. Discussions Ensued.

On a motion made by Councilman Capozzoli, seconded by Councilwoman Schmidt unanimously affirmed, the Council moved into Executive Session at 8:47P.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 was adjourned and upon a motion by Councilman Capozzoli, seconded by Councilwoman Schmidt the Council Business Conference Meeting was opened to the public and the press at 9:07PM.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Capozzoli, seconded by Councilman Lace unanimously affirmed by all members present, the meeting was adjourned at 9:07PM.

Prepared by: \_\_\_\_\_  
Lisa O'Neill, Deputy Borough Clerk

\_\_\_\_\_  
DATE