

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE SPECIAL MEETING
MINUTES – July 16, 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 7:15PM.

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

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

ABSENT: Councilman Cole

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

June 18, 2019

Moved by Council President Rodgers, seconded by Councilwoman Schmidt. No Discussion. On roll call, all voted in the affirmative. Councilman O'Donnell abstained. Minutes approved 07/16/19.

June 25, 2019

Moved by Council President Rodgers, seconded by Councilman Lace. No Discussion. On roll call, all voted in the affirmative. Councilman Capozzoli abstained. Minutes approved 07/16/19.

PRESENTATION

1. Certificate of Appreciation / Barsha Khatiwada

OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC

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

Richard Hauser, 33 Arlington Avenue, he is very much against the bagging of leaves, the cost of the bags and the amount of time it takes to put in the bags with a tremendous amount of trees. He spoke about transparency and information about what is going on and there is not a single video for the entire year on the website. The minutes are not on the website since May. He spoke about the budget and the taxes being raised.

Greg Madison, 130 Orton Road, West Caldwell, spoke about the bagging of leaves and he supports that.

Jeffrey Gates, 8 Ward Place, spoke about the ordinances and the cost of the charges and he asks that the fees are reviewed because of the different sizes of homes.

Hilda Moore, 23 Personette Street, spoke about bagging the leaves and we really need to start bagging the leaves.

Ann Marchioni, Co-Chair Environmental Commission read a statement on why the leaves should be bagged.

PUBLIC HEARING AND ADOPTION OF ORDINANCES

Tom Banker discussed the ordinances.

Sue Ann Penna, 13 Parkway West, asked if someone is in compliance why should they have to pay the fee. Discussion Ensued.

ORDINANCE #1363-19: AN ORDINANCE TO AMEND CHAPTER 131 OF THE CODE OF THE BOROUGH OF CALDWELL, THE CHAPTER TITLED "HOUSING" TO ADD SECTION 131-25 UNDER ARTICLE III TITLED "CERTIFICATE OF CONTINUED OCCUPANCY"

Moved by Councilman Capozzoli, seconded by Councilman O'Donnell. Discussions Ensued. On roll call, all voted in the affirmative. Ordinance Adopted 07/16/19.

ORDINANCE #1364-19: AN ORDINANCE TO AMENDING CHAPTER A270-1 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SCHEDULE OF FEES CHARGED BY THE BOROUGH, SO AS TO MODIFY THE AMOUNT OF FEES CHARGED FOR CERTAIN BOROUGH SERVICES

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Moved by Council President Rodgers, seconded by Councilwoman Schmidt. No Discussions . On roll call, all voted in the affirmative. Ordinance Adopted 07/16/19.

RESOLUTION – For Discussion

Resolution to be discussed prior to consideration

Maura Lincoln, West Caldwell, she has lived in West Caldwell many years and there was a death and the kid was playing in the leaves and the child was killed. She was very hurt by a Council person a year ago who completely dismissed that and made it like that is nothing and she would like to get on the record that it's nothing until it happens again.

Rob Edelstein, 30 Bowers Road, Co-chair Environmental Commission, he believes in the importance of this subject and the safety of it.

Jane Kinkle, 26 Elizabeth Street, she feels bagging our leaves is an action that time has come with climate change & crazy weather.

Mayor & Council discussed this resolution and tabled for future discussion.

7-181: RESOLUTION TO AMEND THE MUNICIPAL CODE OF THE BOROUGH OF CALDWELL TO REQUIRE BAGGED LEAVES FOR MUNICIPAL PICKUP

OPEN PUBLIC COMMENTS ON RESOLUTIONS

Moved by Councilman Lace seconded by Councilman Capozzoli to open meeting to the Public.

7-175: AUTHORIZING THE ISSUING OF LICENSE FOR AMUSEMENTS. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Rotary/Kiwanis Street Fair, Inc/On Premise-Amusement (4 Games) – October 6, 2019 – 11:00AM – 5:00PM

7-176: AUTHORIZING THE APPOINTMENT OF LOCAL ASSISTANCE BOARD MEMBER LISA KERRIGAN

7-177: AUTHORIZING THE APPOINTMENT OF SENIOR TRANSPORTATION BOARD DAVE WHETTON

7-178: AUTHORIZING THE TAX COLLECTOR TO PREPARE AND ISSUE ESTIMATED TAX BILLS FOR 3RD QUARTER 2019 TAXES

7-179: AUTHORIZING DESMAN DESIGN MANAGEMENT TO PERFORM A PRELIMINARY SITE FEASIBILITY STUDY FOR PERSONETTE STREET/SMULL AVENUE PARKING GARAGE FOR AN AMOUNT NOT TO EXCEED \$17,500.00

7-180: AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH July 12, 2019 FOR 2019 BILLS IN THE TOTAL AMOUNT OF \$4,788,771.11

7-181: Discussion only.

7-182: RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO ENTER INTO A CONTRACT WITH GOVOFFICE, LLC FOR PURPOSES OF WEBSITE DEVELOPMENT & MAINTENANCE NOT TO EXCEED 11,545.00

7-183: RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of July 16, 2019

CONSENT AGENDA

Moved by Councilman Capozzoli, seconded by Council President Rodgers. Discussions Ensued. On roll call, all voted in the affirmative. Resolutions approved 07/16/19.

COUNCIL COMMITTEE REPORTS

Borough Council Members

Councilwoman Schmidt reported the Senior Advisory Council is planning a barbeque for our seniors on September 19th. The Caregiver Support Group Our Caregiver Support group had its first meeting on July 12th. This is collaboration with Unity Eldercare and the Alzheimer's Association. There were only 2 people in attendance and it was extremely helpful for those who did go. The next meeting will be on August 9th at the Caldwell Firehouse at 10:00 AM. Please spread the word to friends and family who are caring for loved ones with dementia or Alzheimer's.

There are two vacancies that have been filled on the Local Assistance Board. This board provides essential support to families in need and manages the food pantry.

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The Essex County Department of Senior Services will be processing vouchers for the Senior Farmer's Market Program on Thursday, July 18th from 10-2. Seniors who qualify receive 4 \$5 vouchers to be used at a farm stand. If seniors use their vouchers at the City Green Veggie Mobile on Thursdays in front of Borough Hall, they will be doubled. Therefore, a \$5 voucher will buy \$10 worth of fruit and Veggies.

As you may recall, we declared "Caldwell goes Purple for Alzheimer's for the month of June. We have a wonderful, generous community. The collection can donations came out to \$988, and there was an additional \$400 collected through the Rock n Joe's music trivia event. Many thanks to all those who participated and contributed.

Looking forward, a very important event is coming up in our community. I would like to encourage our council members, staff and friends to take part and represent Caldwell this year. On Sunday, October 20 from 1:30 to 3:30 p.m., the American Foundation for Suicide Prevention will hold its West Essex fundraising walk in Verona Park to fight suicide. [People can register to walk as individuals or teams](#). I will be posting information on our Borough website and reaching out to our schools as well.

The Community Center is teaming up with our Police to organize our National Night Out event on August 6th from 5:00 - 9:00 PM

The library board met on June 12th. One of the key items of discussion was a new personnel policy. A few changes were suggested and it will be brought before the board again during their next meeting in September.

One June 26th the summer reading kickoff event was held on Wednesday, June 26th at 6:00 p.m. This year's summer reading theme is "A Universe of Stories". Even if you were not there for the official sign-up, families may join the program at any time. Also ongoing is a Story Time in Grover Cleveland Park on Fridays at 9:30 AM. It is held in the Children's House and will take place every Friday through August 16th.

Those are just a few of the many programs going on. Please check their website; there are programs for residents of all ages. For example, just one of their exciting events coming up is the celebration of the 50th Anniversary of the Apollo 11 Moon Landing, they're having an astronomer who is a former consultant with NASA, give an "Astronomy for Everyone" presentation on Monday, July 29th at 2:00 p.m.

The latest news is that our director, Claudine Pascale has just submitted her resignation. She will be with us until August 30th. The Library Board will be meeting to consider possible candidates for her replacement. Claudine has done an extraordinary job at the library, especially with the post storm recovery. She has been a dynamic leader and has overseen many improvements to our library. She will be sorely missed.

Councilman Lace reported *the Environmental Commission is seeking volunteers for the Pollinator Garden on Personette Street. The Environmental Commission encourages the Council to adopt the bag leaves resolution.*

The Planning Board met and passed a resolution to the new zoning ordinance and recognizes that it will satisfy the Borough's affordable housing obligation at least until 2025. The board will begin the process of including an evaluation of storm water management in the master plan re-exam report.

The office of Emergency Management sent a message the forecast of upcoming several days are for temperatures in the mid 90's that will feel 100 degrees or higher. The Borough's designated primary cooling center is the Community Center with the Library as back up during regular business hours after hours we have the option of opening and managing facilities or referring residents to 24 hour town facilities.

REPORT OF COUNTY LIAISON

Patricia Keenan *reminded the Mayor and Council to take full advantage of the Counties website for summer activities and events especially the summer music concert series that are taking place throughout the County.*

NEW BUSINESS:

Councilman Lace *received an email from Chief Bongiorno who sent a letter from the County regarding crosswalks along Bloomfield Avenue that extends between St. Al's and Dunkin Donuts. The letter from the County says "to help abate these potential crossings the County of Essex asks the Borough of Caldwell to eradicate as soon as possible this existing crosswalk to avoid any mishaps". This letter is dated December 28, 2006.*

REPORT OF MAYOR

John Kelley *reported that in regards to the parking deck we have plans to put out for bid the demolition and that will impact the election. He has reached out to the board of elections and received a response schools are closed this year for the General Elections so there will be changes and some news shared with the public. As far as the police department our meeting was held yesterday with Rick Cadella and Eileen from the State. The next steps for us in the evaluation and the review of it are to receive the report back from Rick Cadella and we will be having a meeting on July 30th. The plan is by Labor Day having something inked and an agreement in place and implemented by January 1st but there are still some things that need to be ironed out and worked through. It's a*

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significant savings and in our Budget we incurred an increase over \$300,000 in labor cost and we had the potential of over two to three year period to reduce that to have a savings upward of over \$800,000 to \$1,000,000. Lastly, two employees of the Borough had a granddaughter, Mima here and Rosemarie Sutherlin at the Community Center we want to congratulate you and welcome Olivia into our Borough.

REPORT OF BOROUGH ADMINISTRATOR

Tom Banker reported:

- *Ward street potholes we are doing temporary patching. Ward Place will be paved this year.*
- *Mario is looking at the other three or four streets that we have been receiving complaints about.*
- *Both Mario and Glenn asked that I reinforce to the Council that we have adhered pretty strictly for the past three years that we will not go and pave a street if we have water and sewer work scheduled.*
- *He will be meeting with Glenn and he has asked him to provide a detail schedule for water and sewer so the Mayor and Council can be informed.*
- *The Council voted tonight on the Parking Study.*
- *We have generated sewer bills based on our proposed budget.*
- *Rosemarie has presented to him proposed rates for the swim team and we are basically proposing uniform rates and for the hours not to interfere with the members. It will be the same on the per hour basis.*
- *He is happy to announce that the Generator works again. The lease has been terminated and they were advised to pick it up. The generator was fixed for less than \$10,000 and we are spending \$3,000 a month to rent one.*
- *Glenn has advised him that he has given the engineer for Forest Avenue and Harrison development site. Essentially an ultimatum that he has to agree to in order let the stop work order proceeds. Most of the work is properly detailed on the plans now but there needs to be a written agreement to a permanent easement so that any subsequent purchaser in the uphill lot will not have the right to remove or curtail the operation of the remedial fixtures.*
- *He will be meeting with Phil Abramson next week to discuss the study for the area in need of rehabilitation and the declaration of the municipal lot and he doesn't think it will be ready for the August 6th meeting but will get this on the September meeting. Discussion Ensued.*
- *As far as the police merger July 31st is the expected date for us to meet with West Caldwell and the State and depending on the outcome of that meeting there could be discussions with the Council at the August 6th meeting the goal is to have a button up package available for actual consideration and vote at the first meeting in September. Discussion Ensued.*
- *We have negotiated an appraisal activity for several properties including the post office on Park, 14 Park Avenue and all of the parking properties were we are operating but the Borough does not own them. We are attempting to establish what the actual value is of those properties so we can negotiate on how we will act going forward.*
- *We will be meeting with Box Car on July 30th they will be presenting an inventory of all the private and public parking that they believe can be made available to service downtown Caldwell. They will also be providing their perspective on street parking both meter and overnight street parking and whether or not the Borough should consider altering its ordinances governing such activity. Discussion Ensued.*
- *The pool at Caldwell University is operating the fence is in the landscaping is done. We will be asking the Council to amend the zoning that governs Caldwell University to clarify a question of the use of a private pool and we will make it so that what they are doing there is clearly conforming not non-conforming.*

REPORT OF BOROUGH ATTORNEY

Vince Nuzzi reported that they will be proposing an ordinance which changes private pool to public pool. He already has the definition that is utilized throughout the State it fits ours and the University's needs. We will amend the current ordinance as an accessory use of a swimming pool instead of a private swimming pool.

On a motion made by Councilman Capozzoli, seconded by Council President Rodgers unanimously affirmed, the Council moved into Executive Session at 8:38P.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 Litigation and Personnel matters.

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 8:55PM.

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There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Capozzoli, seconded by Councilwoman Schmidt unanimously affirmed by all members present, the meeting was adjourned at 8:55PM.

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

DATE