

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – April 19, 2022**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order on Zoom at 7:15 PM.

PRESENT: Mayor Kelley, Councilman Cole, Councilman Lace, Councilwoman DePalma-Iozzi, Councilwoman Buechner, Council President Gates, and Councilman Alonso (joined at 7:22pm).

ALSO PRESENT: Deputy Clerk Kim Conlon, Borough Administrator Tom Banker, and Borough Attorney Brian Block

ABSENT:

STATEMENT OF COMPLIANCE

Adequate notice of this Council Business/Conference Meeting was given on January 20, 2022. Notice was posted on the bulletin board of the first floor of 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 the same.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

March 29, 2022

A motion to approve the minutes was made by Council President Gates and seconded by Councilwoman Buechner. Upon a roll call vote, all members present voted in the affirmative, with Councilman Gates abstaining from the vote. Minutes approved 4/19/2022.

April 5, 2022

A motion to approve the minutes was made by Councilwoman DePalma-Iozzi and seconded by Council President Gates. Upon a roll call vote, all members voted in the affirmative, with Councilman Lace voting no to the cite for Resolution 4-101. Motion to approve the minutes was approved 4/19/2022.

A motion to amend the minutes was made by Councilwoman Buechner and seconded by Council President Gates. Upon a roll call vote, all members present voted in the affirmative. A motion to amend the minutes to reflect that Councilman Gates abstained from the vote on Resolution 4-101, was approved 4/19/2022.

EXECUTIVE SESSION #1

Closed Session

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.

A motion to go into executive session, was made by Councilwoman Buechner and seconded by Council President Gates. Discussion ensued. Upon a voice vote, all members voted in the affirmative. The Meeting was closed to the public at 7:23pm.

A motion to close executive session was made by Councilwoman Buechner and seconded by Councilman Cole. Upon a voice vote, all members voted in the affirmative. Public session resumed at 7:50pm.

A motion to correct the dates on resolutions that are listed as February 19th, to April 19th was made by Councilman Lace and seconded by Councilman Alonso. Upon a voice vote, all members voted in the affirmative.

A motion to move up Resolution 4-121 & Resolution 4-122 on the agenda, was made by Councilwoman Buechner, and seconded by Council President Gates. Upon a voice vote, all members voted in the affirmative.

A motion to adopt resolution 4-121 was made by Councilman Lace and seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative. Resolution 4-121 was adopted on 4/19/2022.

A motion to adopt resolution 4-122 was made by Councilwoman Buechner and seconded by Councilman Alonso. Upon a roll call vote, all members voted in the affirmative. Resolution adopted on 4/19/2022.

PRESENTATION

1. Arbor Day Proclamation
 - Mr. Banker read the Arbor Day proclamation
2. Status Report from Mott McDonald regarding the Storm Water Management Study
 - John Dening gave a presentation on the Storm Water Management Study being performed by Mott MacDonald

REPORT OF COUNTY LIASON

Patricia Keenan

Christine Guerriere, Welshman Court. Asked if the County is involved in the redesign of Bloomfield Ave and if they have provided any feedback. At the last meeting the planners said that Hanford Place and Brookside Ave would be changed to 2-way streets. Wouldn't that illuminate parking on those 2 streets? Is the Parking Deck on Smull still being proposed?

Mayor Kelley said that they have met with the County and have received positive feedback from them. We will be meeting with them again. This is just a concept plan, not definitive plan. We are looking for public feedback in public meetings and will address parking in those meetings as well.

Council President Gates said that they have been in touch with Donald Payne's office, as he will be our new Congressional Representative with the new redistricting. He has worked on projects similar to this before.

Councilman Cole clarified that the elevated parking deck on Smull Ave is no longer on the table. We are acquiring additional real estate to add parking.

Councilwoman Buechner reminded everyone that the Mayor and Council will have to vote on any thing moving forward with this project. They will need to authorize any further expenses along with the idea/project.

Jim Hammill, 22 Brookside Ave. He would be affected by the changing of Brookside Ave from a 1-way to a 2-way Street. Parking is a serious issue on Brookside Ave. what motivated this idea? Will ask at the public forum.

Mayor Kelley said that a resident of Brookside Ave wrote a letter to support the changes to the Bloomfield Ave Corridor.

Nick Conforti, Owner of Angeloni's at 6 Brookside Ave. Changing Brookside Ave would impact their business significantly. Where would their customers park? Is there additional parking proposed near Brookside Ave?

Mayor Kelley said that a parking plan will be presented at a later date.

Peggy Ann Reinhardt – 36 Ravine Avenue. Had connection issues, was not able to be heard.

Brian Bambrick, 48 Washburn Place. Asked when in-person meetings will resume.

Mayor Kelley said that they do not have a set location or date yet. Councilwoman DePalma-Iozzi said the Council is looking into it.

Mr. Bambrick suggested the VOTECH school in West Caldwell. Asked about leasing Trinity instead of trailers?

Mayor Kelley said the they have looked into it, and it was not ADA compliant. Councilman Alonso said that they have looked into locations, and he has sent contracts to Council Members.

Pamela Rudden, 31 Francis Place. Asked if there are no alternative options for New Borough Hall. Asked what the square footage of the current Borough Hall and Library are, and what the square footage of the new building will be? What is the status of the land swap with First Pres?

Mayor Kelley said the they have a meeting tonight. We an provide info on the website.

Kathleen Lally, 24 Brookside Ave. Why would you change Brookside Ave into a 2-way street? Is it needed to ease traffic on Bloomfield Ave? Why is there a concern about the traffic flow? Why would you eliminate the parking?

Council President Gates said that the Council made a decision to hire these companies to explore ways to increase functionality and aesthetics of downtown, as a way to improve the town. This is only recommendation at this time. The grand plan would have to include parking too.

Councilman Alonso expressed concern about the streets off Bloomfield Ave. Councilwoman DePalma-Iozzi said that most traffic goes through town, so she imagines that this plan will have further revisions to present other possibilities.

Sharon Farrell, 15 Arlington Ave. Expressed concern of historic preservation in Caldwell. NJ Economic Historic Authority funding available, and hopes to see more consideration for historic preservation moving forward.

Councilman Alonso mentioned that overnight parking has been brought up before, and that there are safety concerns around it. Chief Bongiorno confirmed that. He stated that a majority of the citizens were against overnight parking.

Councilman Lace agrees with Ms. Farrell that Caldwell is a historic town.

June Cowell, Brookside Ave. Expressed concerns with there being no traffic lights on the South side to the west of town, in the proposed traffic plan. This will divert a lot of traffic to the side streets.

Phyllis Kent, 61 Cleveland Rd. Expressed the same concerns as Ms. Cowell. This proposed plan forced everyone to use the little side streets or have people make a lot of U-turns to go in the directions the really want to go.

Madeline Brown, 13 Birkendene Road. What is the timeframe for public discussions?

Mayor Kelley stated that it should be in May or June. A Survey of residents is also planned for during the public forums.

John Finnegan, 25 Hatfield Street. Stated that Brookside should never be a 2-way street, and asked if people living on brookside were surveyed at all. He asked who is in charge of Pine Brook? There is a lot of trash and repairs that need to be done.

Mayor Kelley said that they intend to do the surveying. We will be having discussions with the Sisters of Saint Dominic regarding the bridge over Pine Brook, near the Borough Hall and Forte's area. The DEP needs to authorize some clean-ups in that area.

Mr. Banker said that brook maintenance is not the municipality's responsibility. Property owners are responsible for keeping the brooks on their properties clean and clear. That is the legal reality of maintaining brooks.

Councilman Lace asked what the DEP's role is, and if the Borough has any measures to compel property owners to clear any brooks on their properties.

Mr. Banker said there are no DEP Regulations on bodies of water. We generally cannot do more than what our own ordinances allow.

Councilman Cole said the parking study should be presented at a public meeting as well. Suggested a special notification go out to residents to notify them and eliminate any surprises.

Mr. Banker agreed that we should maximize notice provisions.

Councilwoman DePalma-Iozzi also reminded people to sign up for the Town newsletter.

Nick Correale, 27 Westville Avenue. Lives next to the old women's center, and said if the left turn at Westville is eliminated, it will push a lot of traffic down Westville. 2-way traffic on Brookside Ave is a bad idea, as it pushed traffic onto the side streets.

Ann Finnegan, 25 Hatfield Street. Clarified the stream debris issue. Property owners need to clean up after storms, but the town has the right to clean up other times if they can't compel the residents to do it themselves.

Frank Godlewski, 249 Runnymede Rd, Essex Fells. Historical Preservation Committee. The DEP has jurisdiction on 50ft right-of-way on either side of central brook. Can't build or obstruct water flow. Thanked Sharron Farrell for mentioning funding available for municipalities.

Councilman Cole said he did research on having volunteer go into brooks and water ways to clean them, and it is very tricky with insurance.

RESOLUTIONS - FOR INDIVIDUAL CONSIDERATION

4-102 RESOLUTION AUTHORIZING NEGOTIATIONS FOR THE ACQUISITION OF PORTIONS OF BLOCK 57, LOT 5 AND BLOCK 60, LOT 3.01

A motion to approve resolution 4-102 was made by Councilman Lace and seconded by Council President Gates.

Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Resolution passed 4/19/2022

4-103 RESOLUTION AUTHORIZING NEGOTIATIONS FOR THE ACQUISITION OF BLOCK 26, LOT 11.02 AKA 6 HANFORD PLACE

A motion to approve resolution 4-103 was made by Councilwoman Buechner and seconded by Council President Gates.

Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Resolution passed 4/19/2022.

4-104 RESOLUTION AUTHORIZING NEGOTIATIONS FOR THE ACQUISITION OF BLOCK 22, LOT 8 AKA 28 SMULL AVENUE

A motion to approve resolution 4-104 was made by Councilwoman Buechner and seconded by Councilwoman DePalma-Iozzi. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Resolution passed 4/19/2022.

4-105 RESOLUTION AUTHORIZING NEGOTIATIONS FOR THE ACQUISITION OF BLOCK 22, LOT 11 AKA 22 SMULL AVENUE

A motion to approve resolution 4-105 was made by Councilwoman Buechner and seconded by Council President Gates.

Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Resolution passed 4/19/2022.

4-106 RESOLUTION APPROVING THE CONCEPT PLANS FOR THE RENOVATION OF THE CALDWELL COMMUNITY CENTER

A motion to approve resolution 4-106 was made by Councilwoman Buechner and seconded by Councilman Cole.

Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Resolution passed 4/19/2022.

4-107 RESOLUTION APPROVING THE CONCEPT PLANS FOR THE CONSTRUCTION OF THE NEW MUNICIPAL LIBRARY, POLICE HEADQUARTERS AND BOROUGH HALL BUILDING

A motion to table resolution 4-107 was made by Councilman Lace and Councilman Alonso. Discussion ensued. Upon a roll call vote Council members Lace, Alonso, and Buchner voted in favor and Council Members Cole, DePalma-Iozzi, and Council President Gates voted against. Mayor Kelley voted against the motion. Motion to table was defeated 4/19/2022.

A motion to approve resolution 4-107 was made by Councilman Cole and seconded by Councilwoman DePalma-Iozzi.

Discussion ensued. Upon a roll call vote, Council Members Lace and Alonso voted against and Council Members Buechner, Cole, DePalma-Iozzi, and Council President Gates voted in favor. Resolution passed 4/19/2022.

4-108 RESOLUTION PROVIDING CONCEPTUAL APPROVAL OF RECREATIONAL CANNABIS SALES AND AUTHORIZING THE DETERMINATION OF OPTIMAL LOCATIONS FOR SUCH ACTIVITIES

A motion to approve resolution 4-108 was made by Councilman Alonso and seconded by Councilman Cole. Discussion ensued. Upon a roll call vote, Council Members Lace and Alonso voted against, and Council Members Buechner, Cole, DePalma-Iozzi and Council President Gates voted in the affirmative. Resolution passed 4/19/2022.

4-109 RESOLUTION AWARDED A CONTRACT TO TNS CONSTRUCTION, LLC, 1294 WATERLOO RD, STANHOPE, NEW JERSEY 07874 FOR THE BOROUGH PROJECT ENTITLED CALDWELL HEALTH AND HUMAN SERVICES BUILDING RECONSTRUCTION REHAB

A motion to approve resolution 4-109 was made by Council President Gates, and seconded by Councilwoman Buechner. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Resolution approved 4/19/2022.

RESOLUTIONS – CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council request specific items to be removed for separate action.

4-110	RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of April 19, 2022
4-111	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS
4-112	AUTHORIZING THE REAPPOINTMENT OF GEORGE F. LIBRIZZI, 105 STEPHANIE DRIVE, NORTH CALDWELL, NEW JERSEY 07006 TO THE POSITION OF TAX ASSESSOR FOR A SECOND TERM IN ACCORDANCE WITH N.J.S.A.40A:9-148 EFFECTIVE JULY 1, 2022
4-113	RESOLUTION AUTHORIZING APPOINTMENT OF JAMES V. POMACO, ESQ. AS PUBLIC DEFENDER FOR THE YEAR 2022
4-114	RESOLUTION AMENDING RESOLUTION 4-100 TO CORRECT THE NAME OF THE VENDOR FROM GENERAC POWER SYSTEMS TO MODERN HANDLING EQUIPMENT - NJ
4-115	AUTHORIZING THE RELEASE OF THE REMAINING ESCROW FEES PAID BY THE APPLICANT, Christopher Petrillo, RESIDENT AT 18 Orchard Square, FOR HIS APPLICATION TO THE CALDWELL ZONING BOARD OF ADJUSTMENTS, APPLICATION Z21-001 FILED ON 11/2/2020.
4-116	RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR BOROUGH ENGINEER SERVICES FOR THE CALENDAR YEAR 2022.
4-117	AUTHORIZING THE APPOINTMENT OF GLENN BECKMEYER AS STORM WATER MANAGER FOR THE YEAR 2022
4-118	AUTHORIZING THE APPOINTMENT OF GLENN BECKMEYER AS PLANNING AND ZONING BOARD ENGINEER FOR THE YEAR 2022
4-119	AUTHORIZING THE ISSUANCE OF A PERMIT FOR PEDDLER LICENSE OR IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – GLAZED AND CONFUSED
4-120	RESOLUTION AUTHORIZING THE ACQUISITION OF LICENSE PLATE READERS FOR USE BY THE CALDWELL POLICE DEPARTMENT
4-121	RESOLUTION AUTHORIZING THE PROMOTION OF A UNIFORMED PERSONNEL WITHIN THE CALDWELL POLICE DEPARTMENT TO THE POSITION OF SERGEANT
4-122	RESOLUTION AUTHORIZING THE PROMOTION OF A DETECTIVE WITHIN THE CALDWELL POLICE DEPARTMENT TO THE POSITION OF SERGEANT

A motion to adopt the consent agenda was made by Councilman Lace and seconded by Councilwoman Buechner. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Consent agenda approved 4/19/2022.

NEW BUSINESS

1. Councilman Lace – Plan B for Borough Hall
 - a. A motion to approve Councilman Lace's Plan B for Borough Hall was made by Councilman Lace and seconded by Councilman Alonso. Discussion ensued. Upon a roll call vote, Council Members Lace and Alonso voted in the affirmative and Council Members Buechner, Cole, DePalma-Iozzi, and Council President Gates, voted against. Motion defeated 4/19/2022.
2. Councilman Alonso – Review of contract for Harrison School
 - a. Discussion on having meeting in a school that is physically located in Caldwell or other locations in Caldwell, took place.

COUNCIL COMMITTEE REPORTS

1. Councilwoman Buechner – Board of Health
 - a. County Testing sites still in operation. (K-Mart, Site in Newark)
 - i. 4/21, 4/22, 4/28, & 4/29 they are open 2-7pm.
 - ii. 4/23 and 4/30 they are open 8am-2pm.
 - iii. Appointments for vaccines, but not for testing.
2. Councilman Cole
 - a. Environmental Commission
 - i. Earth Day
 1. Shredding event 5/7 10am -1pm
 2. Dog Tallamy "Nature of Oakes" webinar 5/9 7pm on Zoom.

3. Councilwoman DePalma-Iozzi
 - a. Restaurant week will be the week of April 24th

REPORT OF THE MAYOR

John Kelley

- No second Executive Session.

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

Mr. Banker gave an update on the projects listed below.

1. 24 Smull Avenue Adaptive Reuse for Health Department.
 - a. *Waiting for the installation of Fire Alarms*
2. Temporary Trailer Installation.
 - a. *Trailers on site next week. Waiting on connection with PSE&G*
3. 14 Park Ave Rehabilitation.
 - a. *Moving forward*
4. Community Center Reconstruction. & Municipal Building Construction.
 - a. *Advancement of Design*
5. Water Distribution; Storm Sewer Collection and Road Projects.
6. Stormwater Management Study.
7. Wastewater Treatment Plant Projects.
 - a. *4 Lawsuits*
8. Property Acquisitions.
9. Public Parking Plan.
10. Bloomfield Avenue Realignment Project.

REPORT OF BOROUGH ATTORNEY

Mary Kate Serratelli

ADJOURNMENT

There being no additional business to be conducted, a motion to adjourn was made by Councilman Alonso and seconded by Councilman Lace. Upon a voice vote, all members voted in the affirmative. Meeting adjourned at 11:21pm.

Prepared by: *Brittany Heun*
Brittany Heun, Deputy Borough Clerk

5/3/2022
DATE