

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – August 16, 2022**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order at the Trinity Academy Gymnasium at 7:18 PM.

**PRESENT:** Mayor Kelley, Councilwoman DePalma-Iozzi, Councilwoman Buechner, Council President Gates, Councilman Alonso, Councilman Lace and Councilman Cole

**ALSO PRESENT:** Deputy Clerk, Brittany Heun Borough Administrator Tom Banker, Borough Attorney Mary Kate Serratelli, and Police Chief James Bongiorno, Police Captain DeAngelo.

**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**

July 19, 2022

**A motion to adopt the amended minutes was made by Councilman Lace, and seconded by Councilman Alonso. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. The minutes were approved 8/16/2022.**

**PRESENTATION**

1. Presentation Regarding the Municipal Complex and Borough Hall
  - a. Presented by architects Bob Cozzarelli and Eli Goldstein

**REPORT OF BOROUGH ADMINISTRATOR**

*Thomas Banker*

1. 24 Smull Avenue Adaptive Reuse for Health Department.
  - a. *Health Department is in 24 Smull Avenue as well as the Food Pantry*
2. Temporary Trailer Installation.
  - a. *Final trailer is scheduled to be put in place on Monday 8/22*
  - b. *Verizon relocated the pole that delayed this*
  - c. *Public service will install their services once the trailers are set*
  - d. *Hoping to open after Labor Day*
3. 14 Park Ave Rehabilitation.
  - a. *Completed the required remediation*
4. Community Center Reconstruction.
  - a. *Presentation tonight*
  - b. *Finalizing designs soon*
5. Municipal Building Construction.
  - a. *Presentation tonight*
6. Water Distribution; Storm Sewer Collection and Road Projects.
  - a. *Sewer work was done last week on Birkendene and the cedars*
  - b. *The sewer work has to settle for a week or so before paving*
  - c. *Engaged Morris County Coop contractor to do the paving on miller and Welshman*
  - d. *Water distribution: finished all of the current upgrades. Going out to bid on the last remaining project, which will complete projects A-E*
7. Stormwater Management Study.
  - a. *Survey work is done*
  - b. *Ready for the Council by the end of the month or early September*
8. Wastewater Treatment Plant Projects.
  - a. *In litigation with Roseland and West Caldwell over billing*
  - b. *Plans for wastewater upgrades that will not be entertained until all customers are willing to bear their fair share of the costs*
9. Property Acquisitions.
  - a. *Caldwell University and Sister of Saint Dominic final meeting in process*
  - b. *22 Smull Avenue, waiting on formal response*

10. Public Parking Plan.
  - a. *Expect a formal presentation in September*
  - b. *Equipment is on hand*
  - c. *On tonight's agenda is the hiring of a full-time parking enforcement officer*
11. Bloomfield Avenue Realignment Project.
  - a. *Met with the County and will not be moving forward with the project.*

### POLICE DEPARTMENT UPDATE

*Chief Bongiorno*

Chief Bongiorno Reported:

- Small Avenue speed study Results
  - 16,000 vehicles averaged at 28 mph
- Continue to enforce with our traffic details
- Reminder to residents about auto theft. Has gone up 22% in the recent year
- New technology of plate reading technology has helped greatly
- State averages 45 stolen cars a day
- Please stay vigilant
- Keep fob far away from vehicle even when the fob is indoors
- Thanked the community for coming out to our National Night Out

Captain DeAngelo:

- Thanked business owners, DPW, CU, Mayor and Council as well as community for coming out.

### REPORT OF COUNTY LIAISON

*Patricia Keenan*

Patricia Keenan Reported

- Events:
  - Summer concerts
  - Wednesday and Thursday extended hours at Turtle Back Zoo
  - Visit the county website Essex County just.org for my info
  - Tuesday 8/23 6-8pm 8/27 -10am-12 home improvement seminars
- COVID
  - Vaccines and testing at sears
  - Thursday and Friday and Saturday.
  - Essexcovid.org

### PUBLIC COMMENTS (FIRST SESSION RESTRICTED TO 7 SPEAKERS)

*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*

**Carla Maras, Ashland St. – Asked for Rent Board contact. Marion Manor had an issue where there was no way to get into the building at 2:30am Can the police talk to Marion Manor about getting access into that front door.**

Chief Bongiorno said that we have fobs, but we will look into this issue.

Council President Gates said that he is the liaison for the Rent Board so I can reach out and get information.

Chief Bongiorno confirmed that every patrol has a fob. The Police Department still look into this and find out why they didn't have access to the building.

**Beverly Crifasi, Verona resident, Historic Preservation Commission Chair. It has been frustrating to hear the development of this plan, because we were never involved. The Ordinance states that we are to be consulted if a designated building is set to be worked on. There are some problems with how this whole thing is being managed. Ordinance can only be repealed or amended by another Ordinance. The resolution at the meeting tonight will not meet those requirements, and we would like to work with the Town on this.**

Mayor Kelley said that when we started the plans, the library was not included. Once the flooding occurred the plans changed to incorporate the library. We are saving part of the façade of the building, and we do have legislation on the agenda for that tonight.

Ms. Crifasi said You have already started the project and are not including us in the Planning Project. There are a lot of mixed messages coming in from all sides

**MaryAnn 60 Crane Street, Thank you to Mayor and Council for all of their hard work. These are all things that we love and I am so glad to see the facilities change. The infrastructure has been deteriorating and I am happy to see my taxpayer dollars going into repairing them**

**Rita Whetton 17 Park Lane. 10 years ago in the aftermath of hurricane sandy, we sought refuge at the library and community center for shelter. Caldwell is currently in another time of crisis. We must come together as a community. Quoted President Kennedy's inaugural address. The members of the Council have heeded that call to serve the town. Encourage everyone to support and uplift the town rather than denigrating others.**

**Doug Piazza, 24 Erwin Place 1) introduction of sewer charge ordinance last meeting. Would like clarification as to the method that is described.**

Mr. Banker said that the new ordinance says that we will use the water consumption in the 1st quarter and 4th quarter of the prior year as the bases. Going to use a factor of 90% of the average and bill at 7.50 per thousand

**Mr. Piazza: 2) new sewer ordinance regarding the Community Center. Why is the sewer portion of the CCC not being billed to the Community Center if we want it to be self-sustaining?**

Mr. Banker said that they will discuss that going forward. If it is being treated as an enterprise it should be treated that way. That portion is a carry-over from a previous form. We will address it within the 8–9-month time before the center opens.

Mr. Piazza 3) Vote to potentially look at doing the deer haul again, I think it is something that needs to be done. We have such a huge problem with the deer around here. 17 fawns were born in my backyard this year. Are we doing this and is there some other type of assistance or relief for people who are experiencing damage?

Patricia Keenan said she will follow up with him about this.

Christine Gurriere, 26 Welshman. Please stop gas lighting the sewer plant regarding the litigation about the Sewer Plant. Would recommend that everyone reads the most recent TAP article which has more details. The Community Center was never self-sufficient, and we have yet to see a funding plan for that in the future. 30% of residents of Caldwell were members of the center. How can you appropriate 9 million dollars for that?

Mayor Kelley said that there is no gas lighting regarding the sewer plant. We are operating with 1&1/2 capacity and we have neighboring towns who don't want to do anything about capital plant expansion. We worked with the residents and the task force for the Community Center. The resident voice was heard, when they wanted to save the Community Center. Our goal in remodeling is to make the Center operable. The Task force is working on the operating plans for the Center  
Gurrirere said that at the last Sewer meeting, you asked Tom Banker how it will affect Redevelopment. That implies that you did it deliberately

Tracy Voca, 90 Hatfield Street, Thank you to Council and Mayor for their work to tackle big projects for the Community. Thank you for hearing the voice of the constituents. No big project is ever straight forward. As a resident who has observed many of the goings on of Caldwell, I am dismayed by the negative information in town. The misinformation and there are many people who voice negative opinions onto our elected officials. We can work together towards common goals with a common set of facts. Approach elected officials with civility. Some of the constituents may not be onboard with everything that happens, but that often happens. There is no call for the nasty tenor out there. Why not embrace a more constructive approach.

## INTRODUCTION OF ORDINANCES

**ORDINANCE 1432-22** CALENDAR YEAR 2022 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

A motion to introduce Ordinance 1432-22 was made by Councilwoman Buechner and seconded by Councilwoman DePalma-Iozzi. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Ordinance 1432-22 was introduced 8/16/2022.

**ORDINANCE 1433-22** AN ORDINANCE AUTHORIZING THE AMENDMENT OF ORDINANCE 1349-18, HISTORIC SITES AND DISTRICTS

A motion to introduce Ordinance 1433-22 was made by Councilwoman DePalma-Iozzi and seconded by Councilman Alonso. Discussion ensued. Upon a roll call vote, all members voted in the affirmative with Councilman Lace and Councilman Alonso voting no. Ordinance 1433-22 was introduced 8/16/2022.

## ORDINANCES FOR SECOND READING

**ORDINANCE 1430-22** AN ORDINANCE AUTHORIZING THE ADJUSTMENT OF NUMBERING IN THE BOROUGH CODE, FOR CHAPTER 252 ALSO KNOWN AS "DEVELOPMENT FEES" TO CHAPTER 85, TO MAINTAIN PROPER ORDER

A motion to close public hearing and adopt Ordinance 1430-22, was made by Councilman Alonso and seconded by Councilwoman Buechner. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Ordinance 1430-22 was adopted 8/16/2022.

**ORDINANCE 1431-22** AN ORDINANCE TO AMEND THE ORDINANCE GOVERNING SEWER SERVICE CHARGES AND THE COMPUTATION THEROF

A motion to close the public hearing and adopt Ordinance 1431-22 was made by Councilman Lace and seconded by Councilwoman Buechner. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Ordinance 1431-22 was adopted 8/16/2022.

## RESOLUTIONS FOR INDIVIDUAL CONSIDERATION

8-176	A RESOLUTION AUTHORIZING AN OFFER TO ACQUIRE THE PROPERTY LOCATED AT 22 SMULL AVENUE, CALDWELL, NJ 07006
8-177	RESOLUTION RESCINDING RESOLUTION 11-208 DESIGNATING THE CALDWELL PUBLIC LIBRARY AS A LOCAL HISTORIC STRUCTURE
8-178	RESOLUTION TO AUTHOIZE THE PRESERVATION OF A SPECIFIC PORTION OF THE CALDWELL LIBRARY FAÇADE AS WELL THE LIBRARY BRICKS TO INETERESTED RESIDENTS

A motion to adopt resolution 8-176 was made by Councilman Alonso and seconded by Council President Gates. Discussion ensued. Upon a roll call vote, all members voted in the affirmative with Councilman Lace abstaining from the vote. Resolution 8-176 passed on 8/16/2022.

A motion to adopt resolution 8-177 was made by Councilman Alonso and seconded by Councilwoman DePalma-Iozzi. Discussion ensued. Upon a roll call vote, all members voted in the affirmative, with Council man Alonso and Councilman Lace voting no. Resolution 8-177 passed on 8/16/2022.

A motion to defer resolution 8-178 to September, was made by Councilwoman Buechner and seconded by Councilman Alonso. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Resolution 8-178 was deferred on 8/16/2022.

### 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.*

8-179	RESOLUTION AUTHORIZING THE APPOINTMENT OF VINCENT MARCIANO AS ELECTRICAL SUBCODE OFFICIAL INSPECTOR EFFECTIVE AUGUST 8, 2022
8-180	RESOLUTION AUTHORIZING THE APPLICATION FOR THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS AMERICAN RESCUE PLAN FIREFIGHTER 2022 GRANT
8-181	RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL TO PARTICIPATE IN AN ELECTRONIC TAX SALE
8-182	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –MOUNT SAINT DOMINIC ACADEMY
8-183	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR BINGO. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –Mount Saint Dominic Academy ON –PREMISE- BINGO, OCTOBER 14, 2022 – 6pm - 10PM
8-184	RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of August 16, 2022
8-185	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS
8-186	RESOLUTION TO HIRE RYAN GAFFNEY AS A LABOURER FOR THE DEPARTMENT OF PUBLIC WORKS EFFECTIVE SEPTEMBER 6, 2022
8-187	RESOLUTION TO HIRE ANDREW BENNET AS A LABORER FOR THE DEPARTMENT OF PUBLIC WORKS EFFECTIVE SEPTEMBER 6, 2022
8-188	RESOLUTION AUTHORIZING THE APPOINTMENT OF LIBRARY BOARD OF TRUSTEES
8-189	A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE
8-190	A RESOLUTION PROVIDING PERMITS FOR NON-PROFIT ORGANIZATIONS FROM THE CORNER OF PARK AND BLOOMFIELD TO THE CORNER OF PARK AND WHITFIELD FOR SUNDAY, OCTOBER 3RD, FROM 12PM TO 5PM
8-191	RESOLUTION TO HIRE JOSEPH NAPOLITANO AS THE PARKING ENFORCEMENT OFFICER FOR THE CALDWELL POLICE DEPARTMENT

A motion to amend Resolution 8-190 was made by Councilman Lace and seconded by Councilman Alonso. Discussion ensued. Upon a roll call vote, all members voted in the affirmative.

A motion to adopt the consent agenda was made by Councilman Lace and seconded by Councilman Alonso. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Resolutions in the consent agenda were adopted on 8/16/2022.

### BUDGET INTRODUCTION

8-192	RESOLUTION OF APPROVING THE INTRODUCTION OF THE 2022 MUNICIPAL BUDGET AND SETTING THE TIME AND PLACE FOR THE PUBLIC HEARING AND FINAL ADOPTION OF THE BUDGET
-------	--

A motion to approve resolution 8-192 was made by Councilman Lace and seconded by Councilman Alonso. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Resolution 8-192 passed on 8/16/2022.

### NEW BUSINESS

Council President Gates asked about the new Lead paint laws and how it can be enforced in town. Ms. Seratelli said that her firm is aware and are looking into it for other clients as well. We can definitely do research and report back to the Council

Councilman Alonso made a motion to have a Referendum on the November ballot that will give the citizens to vote yes or no on the municipal building that has been brought before us tonight.

The Motion was made by Councilman Alonso and seconded by Councilman Lace. Discussion ensued. Upon a roll call vote, Councilman Alonso and Councilman Lace voted in the affirmative, with Councilman Cole, Council President Gates, Councilwoman DePalma-Iozzi, and Councilwoman Buechner voting no. 2-4 vote, motion does not carry.

**COUNCIL COMMITTEE REPORTS***Borough Council Members*

Councilman Cole – Environmental Commission

- Caldwell environmental Commission would like to invite everyone to the Pollinator Garden on Personette Street

**REPORT OF THE MAYOR***John Kelley***REPORT OF BOROUGH ATTORNEY***Mary Kate Serratelli*

No report

**PUBLIC COMMENTS (SECOND SESSION)***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***Tim Lally – 24 Brookside Ave, what has happened to the resolution regarding suspending Bloomfield Ave project**

Mayor Kelley said that we later learned that we do not need to pass the resolution. We have informed the professionals that we are not moving forward with the project.

**Mr. Lally asks that things are thought through more and not just jumping in**

**Nick Correale, Brookside Avenue, looks like the plans have changed and the traffic pattern has changed. Why can't we just go forward and do a study? If we had enough time to account for the right-of-way that Calandra's paid for. We are paying for plans where we don't have an absolute plan forward. It is disappointing not to have a voice. We wait hours to only have 3 minutes to try to voice all of our opinions and questions. I did have questions about the CCC. I understand that it has not been open, and that we don't have a director. Why are we pouring money into a building that we don't have a plan for. What were our membership rates like before we shut down? What are the membership rates required to be profitable? If we sell it, what is the profit for it?**

Councilwoman Buechner said that the advisory board has been meeting for quite a while. They have had several ideas on the table. You can't hire a director without a plan for the building. They have surveyed for membership at other like centers. They have not meet much recently because they have not seen the progress they have wanted. We thought we would be hiring a director in June, but that was pushed back. There are plans but they are not ready for prime time.

**Mr. Correale asked when is work starting at the ccc**

Councilman Cole said that there was roof work, air conditioning, and Detron work done.

**Mr. Correale asked that we have some transparency for the next meeting on the Community Center history and possible future? I don't want it to fail but I don't want it to become a tax burden.**

Mayor Kelley said I think we need to have the advisory on board at a future meeting to discuss and present their plans and ideas.

**Mr. Correale asked if we can do that in September?**

Mayor Kelley said we will get in touch with the Chairman in regards of his availability.

Councilwoman Buechner said we know that they were not losing money in the beginning.

**Mr. Correale said when I was purchasing my home, I thought it was a given that I'd join the center. I did not join because I didn't see the value in the provided amenities. People want the options****Carla Maras, Ashland Street: 8-193 can you tell me if this passes when this would take effect?**

Mayor Kelley said January 1, 2023

**Hilda Moore, 23 Personette Street. The slideshow, I disagree with the Police Department and Police Department being in the same building, I think they should have their own private spaces and respect. We have a good Police Department and I want it to remain that way. There are a lot of safety issues that should be addressed. I live next door to the Environmental Garden. Why can't we get a garbage can there. People throw their garbage into my yard. Why was it put there in the first place without asking the residents?**

Mayor Kelley asked Councilman Cole if we can take a look at getting one in there, and work with the Environmental Commission.

Councilman Cole said I don't see why we can't solve that problem

**Ms. Moore: When will our water problem be solved. Why were we not at least given water to drink.**

Mayor Kelley said that the water is drinkable. This was a legislative change that caused this. They have got it under control in Essex Fells.

Councilwoman Buchner said that Essex Fells shut down the wells that were effective

**Ms. Moore asked when is someone going to come back out to look at the broken sidewalk and the tree stump. The roots are still growing in my yard**

Mayor Kelley said I will send someone from DPW to take a look at the issue

**Mathew Fox, 6 Lockward Road. I am not sure why asking the voters is a problem? A lot of this is democracy. It is a community, and you are here to listen. For whatever reason we were out of the loop, and I like the idea of putting something on the ballot because people have reservations and concerns. It seems reasonable to include it on the ballot. We have to do something, and the people felt that this was excessive and excluded. Caldwell in the past has been a closely divided. It seems like there is no way forward. People object and you have to go back and figure something else out. It is your responsibility. It sounds like you're making up the rules as you go. If you told her she would be included, and then didn't include her, that is wrong. I listen to your reasoning and it is hard to follow. The voter is not the enemy or the burden.**

**Jack Gordon, Calandra's Enterprises Attorney, there has been a lot of talk about Calandra's so I want to ensure the Council and the Public that Calandra is a responsible citizen and is Pro Caldwell. Calandra's is willing to enter into an agreement with the Borough. The Demo of the Municipal Building and the Library should wait until an agreement is reached. As of the last information we have, that demo could start as early as this week, but it is not going too. Until we have an agreement regarding ingress and egress, we should not commence demolition.**

Mayor Kelley said that we will get together to discuss

**EXECUTIVE SESSION***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 DePalma-Iozzi and seconded by Councilman Alonso. Upon a voice vote, all member present voted in the affirmative. The Council left the public meeting and entered executive session at 10:36pm.

A motion to close the executive portion and return to public session was made by Councilwoman Buechner and seconded by Councilwoman Alonso. Upon a voice vote, all members present voted in the affirmative. At 11:28pm the executive Session ended and the meeting was opened to the public.

**RESOLUTION**

<b>8-193</b>	RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT WITH THE BOROUGH OF NORTH CALDWELL FOR ENHANCED 9-1-1 SERVICES
<b>8-194</b>	RESOLUTION AUTHORIZING EXECUTION OF A 2022 AMENDED AND RESTATED CUSTOMER SERVICE CONTRACT WITH THE BOROUGH OF NORTH CALDWELL FOR SANITARY SEWAGE TREATMENT AND DISPOSAL
<b>8-195</b>	RESOLUTION AUTHORIZING EXECUTION OF A 2022 AMENDED AND RESTATED CUSTOMER SERVICE CONTRACT WITH THE BOROUGH OF ESSEX FELLS FOR SANITARY SEWAGE TREATMENT AND DISPOSAL
<b>8-196</b>	RESOLUTION AUTHORIZING EXECUTION OF A WATER SUPPLY AGREEMENT WITH THE BOROUGH OF ESSEX FELLS

A motion to consider resolutions 8-193 through 8-196 together was made by Councilman Lace and seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative.

A motion to adopt resolutions 8-193 through 8-196 was made by Councilman Lace and seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative. Resolution 8-193 through 8-196 passed 8/16/2022.

**ADJOURNMENT**

There being no additional business to be conducted, a motion to adjourn the meeting was made by Councilman Lace and seconded by Councilwoman Buechner. Upon a voice vote, all members present voted in the affirmative. Meeting adjourned at 11:30pm.

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

*9/1/2022*  
DATE