

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES- June August 17, 2021**

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, Council President Schmidt, Councilman Rodgers, Councilman Cole, Councilwoman DePalma-Iozzi, and Councilman Gates

**ABSENT:** Councilman Lace

**ALSO PRESENT:** Deputy Clerk Kim Conlon, Borough Administrator Tom Banker, and Borough Attorney Vincent Nuzzi

**STATEMENT OF COMPLIANCE**

Adequate notice of this Council Business/Conference Meeting was given on January 22, 2021. 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 13, 2021

Moved by Councilwoman DePalma-Iozzi and seconded by Councilman Cole. Upon a roll call vote, all voted in the affirmative with Councilman Gates abstaining from the vote. Minutes approved 8/17/2021

**PRESENTATIONS**

1. "Intro to Pervious Pavement" by Matthew Leconey  
Mathew Leconey is from Rutgers University Water and Resources Program, and assisted the Environmental Commission with their Rain Garden projects. Mr. Leconey gave a brief presentation on Previous Pavements and the benefits they have for storm water management. The presentation was followed by a question-and-answer segment for the Council and the Public.

**REPORT OF COUNTY LIASON**

**Patricia Keenan**

Patricia Keenan Reported

- COVID-19 numbers are increasing
- Caldwell has 2 new cases today and 641 total positive cases
- Saturday from 9-5 there will be Booster shots available at Essex County College and Kmart in West Orange.
- Mobile vaccine sites are moving around the county still
- Mayor Kelley asked if there could be a county vehicle available for testing and vaccinates at the Street fair on October 3<sup>rd</sup>.

**OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC**

*Pamela Rudden, 31 Francis Place, Roadwork was completed on their street on May 26<sup>th</sup>, they received a letter on the same day stating that their tree must come down. The sidewalk and curb is now a mess and they want to know that date that will be fixed.*

Mayor Kelley said that they can't bring a contractor in just for this issue due to the costs. Our Borough Engineer is out sick, so we do not have a specific date yet

*Ms. Rudden said that the resolution for tonight has 2022 dates not dollar amounts. The town called in a tree contract which cost money and the contractor was allowed to delay the project. Their tree could have stayed.*

Mayor Kelley said that the town will definitely take care of the sidewalk/curb. Our prices factor in availability of the contractors.

*Ms. Rudden said that she would like a commitment, and wants to know when the next fully funded project will be.*

**INTRODUCTION OF ORDINANCES**

**ORDINANCE 1415-21** AN ORDINANCE AMENDING THE BOROUGH CODE, CHAPTER 41, POLICE DEPARTMENT, SECTION 41-45 OF THE BOROUGH CODE ENTITLED, "POLICE CHAPLIN".

Tom Banker introduced the Ordinance. Said that the introduction would be subject to condition that some typographical errors will be corrected. Ordinance will allow for multiple Chaplains. Will be published after modifications are made.

**A motion to introduce Ordinance 1414-21 subject to modifications, was made by Council President Schmidt and seconded by Councilwoman DePalma-Iozzi. Discussion ensued. Upon a roll call vote, all voted in favor. Ordinance Introduced 8/17/2021.**

**ORDINANCE 1416-21** AN ORDINANCE AMENDING THE BOROUGH CODE, CHAPTER 49 ARTICLE 1 (AFFORDABLE HOUSING REGULATIONS), SECTION 10 OF THE BOROUGH CODE ENTITLED, "CONTROL PERIODS FOR RESTRICTED OWNERSHIP UNITS AND ENFORCEMENT MECHANISMS".

**A motion to introduce Ordinance 1416-21 was made Councilman Gates and seconded by Council President Schmidt. Discussion ensued. Upon a roll all vote, all voted in the affirmative. Ordinance introduced 8/17/2021.**

**ORDINANCES FOR SECOND READING**

**ORDINANCE 1414-21** AN ORDINANCE BY CALDWELL BOROUGH IN ESSEX COUNTY, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 250 OF THE BOROUGH OF CALDWELL'S ZONING CODE.

**A motion to close the public hearing and adopt Ordinance 1411-21 was made by Councilman Rodgers and seconded by Councilman Gates. Discussion ensued. Upon a roll call vote, all voted in the affirmative. Ordinance adopted 8/17/2021.**

#### 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.*

- 8-173** AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 7/10/2021 THROUGH 8/16/2021
- 8-174** RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of August 17, 2021
- 8-175** RESOLUTION AUTHORIZING THE APPOINTMENT OF SIGNAGE COMMITTEE MEMBER
- 8-176** RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –Parents Faculty Association of Mount St. Dominic Academy on –Premise-Tricky Tray October 16, 2021
- 8-177** RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –Parents Faculty Association of Mount St. Dominic Academy on –Premise-50/50 Cash Raffle October 16, 2021
- 8-178** RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –Caldwell Parents Faculty Association of Mount St. Dominic Academy off –Premise-50/50 Cash Raffle December 4, 2021
- 8-179** RESOLUTION APPROVING THE APPOINTMENT OF ROBERT SPAGNUOLOAS A FIREFIGHTER FOR THE CALDWELL VOLUNTEER FIRE DEPARTMENT
- 8-180** RESOLUTION FOR THE GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
- 8-181** RESOLUTION AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #18-00010, BLOCK 58.01, LOT 1, 126 ROSELAND AVENUE, CALDWELL, NJ 07006
- 8-182** RESOLUTION AUTHORIZING CONSTRUCTION CHANGE ORDER NO. 1 TO FRANK CYRWUS, INC., 227 HAMBURG TPKE, UNIT 8, POMPTON LAKES, NJ 07442 FOR THE BOROUGH PROJECT ENTITLED THE COMMUNITY CENTER ROOF REPLACEMENT
- 8-183** RESOLUTION AWARDDING A CONTRACT IN LIEU OF PUBLIC BIDDING TO SCHIFANO CONSTRUCTION CORP., ONE SMALLEY AVENUE, P.O. BOX 288, MIDDLESEX, NEW JERSEY 08846, FOR PLACE, 2020 MORRIS COUNTY CO-OP ROAD PROGRAM
- 8-184** RESOLUTION APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BOROUGH OF CALDWELL, ESPY ROAD, HILLCREST ROAD AND WESTOVER AVENUE – 2022 VARIOUS STREETS.
- 8-185** RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A CONTRACT EXTENSION WITH SPECTRASERV, INC FOR A NINETY (90) DAY EXTENSION
- 8-186** RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A CONTRACT EXTENSION WITH WUESTCO WASTE SOLUTIONS LLC FOR A NINETY (90) DAY EXTENSION
- 8-187** RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL TO EXECUTE THE CONTRACT FOR THE STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY, OFFICE OF THE ATTORNEY GENERAL, FOR BODY-WARN CAMERA GRANT PROGRAM
- 8-188** Pulled
- 8-189** Pulled
- 8-190** RESOLUTION APPOINTING BRAD TAYLOR AS THE TAX COLLECTOR AND SETTING THE SALARY THEREFORE
- 8-191** RESOLUTION AUTHORIZING THE RENEWAL OF THE BOROUGH OF CALDWELL WEBSITE DOMAIN FOR A PERIOD OF 5 YEARS AT A COST NOT TO EXCEED \$220.00
- 8-192** PULLES

*A motion to pass the Resolutions 8-173 through 8-191, with the exception of Resolutions 8-188 and Resolution 1-189, was made by Council President Schmidt and seconded by Councilwoman DePalma-Iozzi. Upon a roll call vote, all voted in the affirmative. Consent Agenda, with the exception of Resolution 8-188 & 8-189 passed 8/17/2021.*

*For record keeping purposes, resolutions 8-192 and resolutions 8-193 were tabled and will be discussed at a future meeting.*

#### RESOLUTIONS

- 8-193** PULLED

*For record keeping purposes, resolutions 8-192 and resolutions 8-193 were tabled and will be discussed at a future meeting.*

#### NEW BUSINESS

Council President Schmidt:

- Working on having civic organizations representation at the Caldwell Street Fair. Will have a resolution for this at a later date.

#### COUNCIL COMMITTEE REPORTS

*Borough Council Members*

**Library Committee Report**

Library: The library experienced some minor flooding caused by the July micro-burst storm that swept through the area. Luckily, the damage was not as significant as during 2018, thanks to the door. Rapid Recovery came right away to inspect the damage. No books were affected and while the Children's Room is still closed, our librarians are able to pull books for patrons when requested. Once the floor is repaired and cleaned, the Children's room will be reopened. We are looking at next week.

The Library Foundation continues to look for volunteers. This is the fundraising arm of the library and its work helps support many of its programs. Please reach out to our Library Director, Robin Rockman to find out more.

**Signage Committee:**

The Signage Committee held its first meeting in order to review a proposed sign at Bel-Con Construction, a new company moving onto Roseland Avenue. We will continue to work on a Signage Design guide to ease the process for new businesses coming to town and we still need to determine whether or not we need to make changes to the new ordinance to include Subdistrict IV side streets. We intend to work with our Construction official, Paul Milani as well as our planners, Topology.

**Communications Committee:**

Our first online newsletter went out on August 2nd and it was well received. We are working on our second one which we hope to send out by Friday next week. We had one resident ask us to use the email list for meeting announcements, but I don't feel that should be the scope of the email list as this information is already readily available on the Borough website either on the calendar or the banner. So far, we have 422 people signed up. If you are interested, the link can be found on the Borough Website, under News & Notices

Bulk Pick-up has been rescheduled for August 25, 2021

Councilwoman DePalma-Iozzi

- National Night Out
  - Event took place on August 3, 2021 at the Caldwell University Parking Lot
  - There was free food, a bounce house for kids, gifts, dunk tank and a drone demo

Councilman Gates;

- Camp Wyanokie
  - Located in West Milford and Co-owned by Caldwell

Councilman Gates: asked for an update on the Parking Lot Demo and why there is still a pile of stones in the lot.

Tom Banker said that our Borough Engineer has been out, but the contractor is on notice to remove the pile of stone. At the next meeting or 2 we will be discussing with the Council, interim parking solutions.

**REPORT OF MAYOR**

*John Kelley*

**REPORT OF BOROUGH ADMINISTRATOR**

*Thomas Banker*

Tom Banker Reported:

- Congratulated Brad Taylor and officially being appointed the Tax Collector after passing the state exam
- Presented the Bloomfield Ave redesign ideas to the County.

**REPORT OF BOROUGH ATTORNEY**

*Vincent Nuzzi*

**ADJOURNMENT**

**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 Personnel rice notice Borough Administrator, Attorney/Client Privileges, Potential Litigation, and Sewer Operator.

A motion to enter into executive Session was made by Councilman Gates and seconded by Councilwoman DePalma-Iozzi. Upon a voice vote, all voted in the affirmative. The Borough Council Meeting adjourned the public meeting and went into Executive Session at 9:00pm.

A motion was made by Councilwoman DePalma-Iozzi seconded by Council President Schmidt. Upon a voice vote, all voted in the affirmative. There being no business being voted on in the public. the meeting was adjourned at 9:36pm.

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

*8/20/2021*  
DATE