

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE SPECIAL MEETING  
MINUTES – August 18, 2020**

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The Council Business meeting of the Borough Council of the Borough of Caldwell was called to order via Zoom video Conferencing at 7:20 PM.

**PRESENT:** Mayor Kelley, Council President Schmidt, Councilman Rodgers, Councilman Cole, Councilman Lace, Councilwoman DePalma-Iozzi & Councilman Gates

**ALSO PRESENT:** Deputy Clerk, Kim Conlon, Borough Administrator, Thomas Banker, Borough Attorney, Vincent Nuzzi, OEM Officer Mark Guiliano, Chief of Police James Bongiorno,

Adequate notice of this Council Business/Conference meeting was given on January 1, 2020. 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**

July 28, 2020

Moved by Councilman Lace, and seconded by Councilman Cole. No Discussion. On roll call, all voted in the affirmative. Minutes approved 08/18/2020.

**Mayor Kelley read a Proclamation sent to Council President Schmidt from Mickie Sherrill in honor of the 100<sup>th</sup> Anniversary of the 19<sup>th</sup> Amendment.**

**PRESENTATIONS**

1. Robert Kaplan – Chair of the Historic Preservation Committee / Proclamation

**COVID-19 UPDATE**

- Director of Health and Human Services, Maria Burak
  - Thanked the Mayor and Councilman Lace for doing the weekly updates
  - Working on having all establishments in compliance with wearing masks, social distancing, and following all guidelines
  - Essex County Testing on Thursday in Essex Fells
    - Check [essexcovid.org](http://essexcovid.org) for updates on testing sites, dates, and appointments
  - Food Panty
    - serves 55 Households a week
    - Donations can be dropped off in the lobby Tuesday, Wednesday, and Thursday from 9 am- 4:30 pm.
  - Welfare Fund is accepting Donations to help with bills, rent, etc.
    - Checks can be made out to the “Caldwell Welfare Fund” and sent/dropped off at Borough Hall
- Police Chief James Bongiorno
  - Reminders to Residents
    - Grover Cleveland Park is a County park and you must wear a face mask while in the park
    - 25 People is the max for indoor gatherings
    - 25% maximum capacity
    - 100 People for Weddings and Funerals (25% Capacity)
    - Outdoor Gatherings = 500 people with social distancing
    - There is no limit for social protests and religious gatherings
- Councilman Cole asked residents to remember not to discard used gloves and masks on the ground

**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*

**No Comments**

**OPEN PUBLIC COMMENTS ON RESOLUTIONS**

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*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.*

8-167 PULLED

8-168 PULLED

8-169 RESOLUTION AUTHORIZING AN AGREEMENT BY AND AMONG CALDWELL, WEST CLDWELL, AND CALDWELL UNIVERSITY FOR THE USE OF THE KIWANIS OVAL  
(Condition added to get more information)

8-170 PULLED

8-171 RESOLUTION IN SUPPORT OF ANTIRACISM

Resolution was read by Mayor Kelley. The mayor also commented saying that systemic racism is not a political statement, but a social justice issue.

Council President Schmidt read the following statement:

*Before coming to Caldwell, we lived in my childhood home in another predominantly white town. My Black friends hesitated to visit because it was known to be a town they could not peacefully drive through without being pulled over. When we moved to Caldwell, my image of this town was that it would be better, more open, and accepting. We were hoping that it would be better for our daughters.*

*Both my daughters are people of color. They are Asian and have only known a privileged suburban life. Despite our efforts, we have not been able to protect them from the sting of racism. Being a multiracial family, I can never say "I don't see color". Their color is their identity, their history and yes, their struggle. All the times they were excluded or simply felt out of place, my husband and I could never say, "I know how you feel". There's no way I could say "Your hurt is the same as mine". Their lives matter in a different way than mine. We are also fully aware that being Black is even harder.*

*Many people say "All Lives Matter" but that is like saying, "I know how you feel" or "Your hurt is the same as mine". There is no way for a White person to understand the hurt of being Black in America. Why is it so hard for us to acknowledge that we have an entire population in our country that is struggling because of the color of their skin? We've said the names of the victims. We've seen the terrible images of systemic brutality. What harm comes from being part of a solution and seeking change for the betterment of our entire society? What harm comes from saying "We are here for you." or "You will be safe in our town." or even, "Let's see if we can make things better."? When a person comes to you hurting, you don't say, "Everybody hurts." and walk away. You don't say their pain is contrived or for personal or political gain. If you have one iota of compassion, at least you listen and then maybe even try to find a way to understand what is happening.*

Councilwoman DePalma-Iozzi made a statement saying that Black Lives Matter does not only mean the Black Lives Matter. There is a crisis. She gave an example of when there was a Save the Whales Campaign – it did not mean that we didn't care about all sea creatures. She then quoted Robert Kennedy.

Councilman Lace made a statement saying that the Council has spoken in the past against individual acts of racism in our community. He gave an example of why they need to do this. That example was the 2017 swastikas on a community playground. He then proceeded to single out some instances of racism in town.

Councilman Gates made a statement saying that some people try to make these issues not to be political issues, but I believe they are human rights issues.

8-172 RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED  
For the Meeting of August 18, 2020

8-173 RESOLUTION AUTHORIZING INCLUSION IN THE ESSEX COUNTY URBAN COUNTY COMMUNITY  
DEVELOPMENT PROGRAM FOR THE PROGRAM YEARS 2021-2023

8-174 AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD  
7/25/2020 through 8/14/2020 IN THE AMOUNT OF \$7,379,911.24

8-175 RESOLUTION AUTHORIZING THE SALE OF THE OBSOLETE POLICE DEPARTMENT VEHICLE  
THROUGH THE INTERNET SITE GOVDEALS.COM

8-176 RESOLUTION AUTHORIZING THE ISSUANCE OF RENEWAL LIQUOR LICENSES FOR THE PERIOD July  
1, 2020 THROUGH June 30, 2021. APPLICATIONS AND APPLICANTS HAVE BEEN APPROVED BY  
APPROPRIATE MUNICIPAL DEPARTMENTS

8-177 RESOLUTION AUTHORIZING AN APPOINTMENT TO THE HISTORIC PRESERVATION  
COMMISSION

8-178 RESOLUTION AUTHORIZING THE HISTORIC PRESERVATION COMMISSION TO CREATE AND  
MAINTAIN A FACEBOOK PAGE

8-179 RESOLUTION APPOINTING ANNUAL CD REPRESENTATIVES FOR THE BOROUGH OF CALDWELL

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- 8-180 AUTHORIZING THE AMENDED LICENSE FOR A RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Parent Faculty Association of Mount Saint Dominic Academy – On Premise/ 50/50 Raffle – June 7, 2021 – 8:00PM
- 8-181 AUTHORIZING ADOPTION OF SUPPLEMENTAL TEMPORARY BUDGET FOR THE YEAR 2020
- 8-182 RESOLUTION TO APPROVE AWARDDING THE PROPOSAL TO RELOCATE THE U/V CONTROL SYSTEMS FOR THE CALDWELL SEWER TREATMENT FACILITY TO NEXTGEN ELECTRIC, LLC., CALDWELL, NJ, FOR AN AMOUNT NOT TO EXCEED \$22, 389.88

A motion was made to adopt Consent Agenda by Councilman Lace and Seconded by Councilwoman DePalma-Iozzi. Discussion ensued. Upon a roll call vote, all voted to pass the consent agenda with Councilman Lace abstaining from resolution 8-182.

**COUNCIL COMMITTEE REPORTS**

*Borough Council Members*

***Council President Schmidt***

- ***Councilwoman DePalma-Iozzi***
  - *Environmental Commission*
    - *Determining start date on the Rain Garden*
    - *Zoom Plastics Workshop*
    - *Thanked the Volunteers helping at the Pollinator Garden on Personette Street*
    - *Thank the DPW for cutting the grass at the Pollinator Garden*
    - *Request to save the tree by the post office- add the use of permeable pavement for the bid as part of the language*
    -
- ***Council President Schmidt***
  - ***Library***

*I am happy to announce that our library has been participating in zoom youth book clubs as part of a joint program with a few other local libraries; West Orange, Ridgefield, and West Caldwell. In keeping with our theme of antiracism, the next middle grade book club on 8/20 will feature a visit with writer, editor, and publisher Cheryl Willis Hudson. Ms. Hudson's credits include editing the book We Rise, Resist, We Raise Our Voices which. The book features contributions from such notable POC authors as Kwame Alexander, Jason Reynolds, and Jacqueline Woodson.*

*In addition, the library now has a Tab on its homepage with resources on addressing racial injustice which will provide resources that will allow library patrons to delve into this topic.*

*Because of the cooperation of our patrons, the library is now able to slowly expand our services and hours in a way that keeps you and our staff safe.*

*As of Monday, August 17th, Monday and Wednesdays now have extended hours for the public. The library will be open from 12:00 noon to 5:00 PM. Appointments for browsing and computer use are still highly recommended. The doors will remain locked to control limited occupancy. Curbside is always available for your convenience.*

*In order to understand how best to serve the community with students returning to school this fall and many adults continuing to work from home our library would like to hear from parents, caretakers, and students as to what they will need, whether it be in services, materials, resources, or programming. We have a survey for families on our website and we encourage all families with children to provide their input and share it with their neighbors.*

- ***Councilman Cole***
  - *Thanked the Residents on the CCC Task Force*
  - *All Zoom sessions are available online*
  - *In the near future they hope to have a survey distributed to residents & neighboring community participants*

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**Councilman Gates**

- *There was a press release sent out by PSE&G*
- *Reimbursements for food/medicine lost due to the Tropical Storm Isaias*
- *Link in on the website*

**REPORT OF MAYOR**

*John Kelley*

**REPORT OF COUNTY LIAISON**

*Patricia Keenan*

*Patricia Kennan Reported*

- Thank you to the mayor for his continued participation in County Mayor Discussions
- COVID Testing on a weekly basis
- Weekly food distribution
  - Thursday at the Bloomfield Public Library @ 9:00 am
- New Dates for Recycling Collections
  - Hazardous Waste- October 1-3 @ 8:30 am – 4:30 pm at Bradford Ave Location
  - Electronics – October 15-17 @ 9:00 am – 3:00 pm at Bradford Ave Location
  - Face Masks are required while dropping things off at these events.
  - Keep Items in your trunk
- *Councilman Laced asked if TV's were included in the list of items – Ms. Keenan said Yes they are.*
- *Council President Schmidt asked if electronics were recycled anywhere else in Essex County – Ms. Kennan said they are not.*
- *Tom Banker asked if Batteries could be recycled – Ms. Kennan said that household batteries cannot, but car batteries can be recycled at these events.*

**REPORT OF BOROUGH ADMINISTRATOR**

*Thomas Banker*

*Thomas Banker reported:*

- The budget is being reviewed now
- Draft Redevelopment Plan was circulated to Mayor & Council
- Studies for Sewer treatment capacity –interim report coming in September
- One Smull Ave property sale has closed and the other is in the process of closing.
- Acquisition of property for new Borough Hall (10 & 14 Park Ave) in process or “talks”
- Water main Replacement Projects
  - Closures of roads to do upgrades to water system
  - Curb and street replacements
- Statements regarding tree removal and replacements distributed today to the Mayor & Council
- Street Sweeper is up and running including on Bloomfield Ave
- Significant event happened 2 weeks ago. Thanks to the Police, Fire and DPW for cleaning up after the storm

Councilwoman DePalma-Iozzi thanked Mr. Banker for the list of things going on in town.

**REPORT OF BOROUGH ATTORNEY**

*Vince Nuzzi*

*Vince Nuzzi Reported*

- *Borough now owns 26 Smull Ave*
- *He needs to discuss 24 Smull Ave with Mr. Banker*
- *Geary appeal is scheduled for Oral arguments later this month*
- *Diligent & Hard working with Schmidt on the Sign Ordinance*

*Councilman Lace asked when the rest of Gould will be paved – Mr. Banker replied that Gould is on the list, but will have to wait until all subsurface work is done*

*Mayor Kelley asked why there was a hold off on the letters to the residents on Francis Place - Mr. Banker responded that the trees are older and considerations were different years ago. Felt it would be more beneficial to develop a tree plan for the town. Sent out to Mayor and Council a tree policy for discussion today. Mr. Banker is looking for guidance on the draft of the tree policy that was distributed*

*Mayor Kelley asked if this Tree Policy has to be adopted by Ordinance – Mr. Banker said that will not be necessary.*

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**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 of Potential litigation.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Lace, seconded by Council President Schmidt and unanimously affirmed by all members present. The meeting was adjourned at 9:00 PM.

Prepared by: \_\_\_\_\_  
Brittany Heun, Deputy Borough Clerk

\_\_\_\_\_  
DATE