



***BOROUGH OF CALDWELL  
NEW JERSEY***



***COUNCIL BUSINESS / CONFERENCE MEETING***

***May 4, 2021***

Borough of Caldwell  
1 Provost Square  
Caldwell, New Jersey 07006  
7:15PM



# Borough of Caldwell Council Business Meeting

## AGENDA

Phone: (973) 226-6100

Website: [www.caldwell-nj.com](http://www.caldwell-nj.com)

May 4, 2021 / 7:15PM

MAYOR  
John Kelley

BOROUGH COUNCIL  
Christine Schmidt - President  
Francis Rodgers  
Henderson Cole  
Jonathan Lace  
Frances DePalma-Iozzi  
Jeffrey Gates

Council Chambers  
1 Provost Square Caldwell, NJ

### CALL TO ORDER

*Honorable John Kelley, Mayor of the Borough of Caldwell Presiding*

Roll Call  
Statement of Compliance w/ Open Public Meetings Act  
Pledge of Allegiance to the Flag

### APPROVAL OF MINUTES

March 23, 2021  
April 20, 2021

### COVID-19/OEM COMMUNITY UPDATE

### REPORT OF COUNTY LIAISON

*Patricia Keenan*

### OPEN PUBLIC MEETING - COMMENTS ON RESOLUTIONS OR ANY TOPIC

*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*

### ORDINANCE FOR SECOND READING AND ADOPTION

**ORD #1410-21** Amendments to the Redevelopment plan

### 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.*

5-121	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD FROM 04/20/2021 THROUGH 05/03/2021
5-122	RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of May 4, 2021
5-123	RESOLUTION AUTHORIZING THE APPOINTMENT OF SIGNAGE COMMITTEE MEMBERS
5-124	RESOLUTION AUTHORIZING THE ISSUANCE OF CALDWELL COMMUNITY CENTER REFUND IN THE TOTAL AMOUNT OF \$450 TO INGRID BONAPACE



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5-125	RESOLUTION TO APPROVE THE BOROUGH OF CALDWELL'S LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CONTRIBUTION OF \$17,250 FOR THE YEAR 2020 FOR THE CALDWELL VOLUNTEER FIRE DEPARTMENT
5-126	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 – Coney Island Wood Fired Pizza
5-127	RESOLUTION AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #17-00009, BLOCK 41, LOT 10.04, 62-64 PARK TERRACE NORTH, CALDWELL, NJ 07006
5-128	RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS IN THE TAX OFFICE
5-129	RESOLUTION AUTHORIZING CONTRACTS WITH BECKMEYER ENGINEERING FOR ENGINEERING SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS WITHIN THE BOROUGH OF CALDWELL

### NEW BUSINESS

### COUNCIL COMMITTEE REPORTS

*Borough Council Members*

1. Councilman Cole – Local Assistance Board
2. Councilman Lace – Grover Cleveland Birthplace Memorial Association/ Caldwell University

### REPORT OF MAYOR

*Mayor Kelley*

### REPORT OF BOROUGH ADMINISTRATOR

*Thomas Banker*

### REPORT OF BOROUGH ATTORNEY

*Vincent Nuzzi*

### 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.*



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### MAYOR

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Council Chambers

1 Provost Square Caldwell, NJ

### ADJOURNMENT

Additional items may be added to this agenda. Final action may be taken on all matters listed or added to this agenda. This agenda was prepared as of 04/30/2021 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 04/30/2021 in compliance with P. L. 1975, c 213

Brittany Heun, Deputy Clerk

Kim Conlon, Deputy Clerk

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES- March 23, 2021**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order on Zoom at 7:18 PM.

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

**ALSO PRESENT:** Deputy Clerk Brittany Heun, 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**

March 9, 2021

Moved by Councilman Lace and seconded by Councilman Gates. Upon a roll call vote, all voted in the affirmative. Minutes approved 3/23/2021

**PRESENTATIONS**

1. Caldwell Fire Department - Chief Andrew Pollara
  - a. March 8th = Official 120th Year
  - b. Will be posting on the FB post historical documents, pictures, and facts about the fire department
  - c. Councilman Rodgers made a statement and read a proclamation
  - d. Councilman Gates, Lace, Councilwoman DePalma-Iozzi offered thank thanks and gratitude for the service of the Caldwell Fire Department. Council President Schmidt asked all citizens of Caldwell to consider Donating to the Caldwell Volunteer Fire Department
2. Women's Community Impact Award
  - a. Council President Schmidt introduced the winner
    - i. Irene Gibbons - posthumous winner
      1. First female Mayor of Caldwell and 9-year term on the Council, First female Kiwanians
      2. Award Accepted by Carol Dunham, Ms. Gibbons' Daughter
    - ii. Lori Brown-
      1. Been a part of Dress for Success for the past 4 years, volunteered to serve on the Community Center Task Force, and the Community Center Advisory Board.
      2. Ms. Brown thanked the Mayor and Council for the award and for recognizing Dress for Success.
    - iii. Ann Marchioni - Co-chair on the Environmental Commission, Member of the Essex County Environmental Committee
      1. Ann Marchioni thanked the Mayor and Council for the award and for all of their support.
      2. Thanked all of the volunteers that have helped over the years, as well as the Mayor and Council, and Borough Staff
3. Presentation regarding Lave Avenue - Thomas Scrivo, esq.
  - . Mr. Scrivo gave a background on what the next steps are for this project and why there are before the Council today. He also gave a brief background as to Mr. Meka and his past experience both in Caldwell and outside of Caldwell.
  - a. Mr. Banker noted that there will not be any action taken tonight, this is an informational presentation. The goal is to have a Redevelopment Agreement, between the Borough and S&S Caldwell Village, presented to the Governing Body at the next meeting.
  - b. Phil Abramson spoke to the compliance of this project with the Redevelopment Plan. He also asked Mr. Scrivo to confirm some of the information that of the project.
    - . Council President Schmidt asked questions regarding the height of the building, the amount of Affordable Housing units, and the project's storm water management. - Mr. Abramson answered the question regarding the Affordable Housing. Mr. Scrivo answered Council President's Question regarding storm water concerns. Borough Engineer, Glenn Beckmeyer addressed the questions regarding the Storm Water Plan, as did Mr. Banker.
    - i. Councilwoman DePalma-Iozzi asked about maintenance of the Storm Water retention system. Mr. Scrivo answered her question, speaking to the measures that will be taken.
    - ii. Councilman Cole asked about protection against storm water run-off before the project is completed. - Mr. Scrivo said that they will absolutely protect against that when the project begins. Mr. Banker said that the Redevelopment Agreement will cover this as well. Mr. Beckmeyer addressed the soil erosion concerns.
    - iii. Councilman Gates asked about residents' concerns regarding drainage system at Mr. Meka's site adjacent to this property.
    - iv. Council President Schmidt asked about soil erosion protection plan. - Mr. Scrivo said that is something that they will address, but it is a Planning Board issue and will be addressed more thoroughly with them. Mr. Beckmeyer also addressed the County's involvement in that process.

- v. Council President Schmidt asked about the Traffic Study that was presented to the Council, and asked why the number seems low. With that being the only road to James Caldwell High School, is that traffic included in the report - Mr. Staiger said that it is an hourly rate and that it does tend to span a few hours. They did use counts from April 2015 as well as current DOT plans, and did address the school traffic.
- vi. Council President Schmidt did address the historical aspect of 14 Lane Avenue. She asked that the historic building be recognized in the new building either via plaque or photo in the lobby. - Mr. Scrivo said that his client would be more than happy to memorialize the history of the structure with the new building.
- vii. Councilwoman DePalma-Iozzi asked green practices and lighting on the surface lots. -
- viii. Councilman Lace asked about the traffic on Lane because many of the residents on Lane are very concerned about the traffic on Lane Ave. Witnessed traffic accidents while out on Lane Avenue this afternoon. - Mr. Staiger addressed what makes Lane Avenue a collector Road and what that means for Caldwell
- ix. Councilman Cole asked if there would be a way to get Police Department accident reports for Lane Avenue. - Mr. Staiger said that that information is available to anyway via OPRA
- x. Councilman Gates asked Chief Pollara if the fire department has reviewed the plans and if he believes that this can be compliant with responding to any emergencies on the property. - Chief Pollara said that yes, the Fire Department has had a chance to review and have submitted plans to the Planning Board. They have mapped out the plans to determine the accessibility to emergency services.
- xi. Councilman Gates asked specifically regarding 12 Lane Avenue property, Mr. Scrivo referred to as a 2-family, it is currently set up as a 2-family to be redesigned as a 4-family with 4 apartments. What is the zoning of that property currently zoned as? Is it currently zoned as a 2-family property or is it zoned for something different? Mr. Abramson responded saying that property is in the redevelopment area and that redevelopment is superseding the current zoning, so I at this very moment tell you what the zoning was prior to that, but there was obviously a site plan approval either by the zoning board or the planning board I think in the early 2000's based on the records that I looked at. I have no reason to believe that it is not a lawfully existing structure, right now a multi-family is permitted there and the permitted density is 4 units an acre. Councilman Gates clarified that the reason he is heading in that direction is there is a letter from Mr. Meka that was sent us about this project and refers to that property as a 2-family there is currently 2 units that exist there, Mr. Scrivo said in this meeting tonight that 2 units exist there, but I know someone who lives in that building who, when I saw this today, I reached out to them. And right before the meeting I asked them how many units are that building, because it looks like it could fit more than 2 units, and she told me that she believes there are 4 units in that building as of right now, and she lives in the building. Mr. Abramson said that one of the things that they did request, he did not want to get into the minutia this meeting but, we did request confirmation as built plans as part of this, and I think that they should be attached just like the other plans were, given the uniqueness of this circumstance. So, I appreciate your concern, I did try to uncover this through public sources myself, and wasn't able to. You found private sources to get the data, so I certainly think it is worth considering, or researching and confirming when we come back to you. Here and now, they've said 2 units are in that building, to me that building looks large for 2 units, but we absolutely should and can confirm the floor plans in all these building, because given the fact that they are doing this reverse subdivision merger, aggregating the density, so it becomes incredibly important how many units are in those existing structures. Councilman Gates thanked Mr. Abramson and asked if Mr. Scrivo or Mr. Meka have any comments, as he is just trying to get to the bottom of why he is getting conflicting information on the number of apartments. Mr. Scrivo said that it is obviously a 2-family structure, and they will certainly provide the as builds requested by Mr. Abramson, and will report back to the Governing Body on the existing conditions and the future plans. Mr. Beckmeyer added that his review to the Planning Board did request those existing floor plans as well.
- xii. Councilman Rodgers asked about the view from Highview, the lighting, and if there will be a retaining wall at the back of the site. - Mr. Scrivo said that there will be 2 retaining walls on the back of the Property. - Mr. Beckmeyer said that there are 12-foot light poles and said that the light poles are about 14 feet below the ground level of Highview.
- xiii. Mayor Kelley asked about green screen for neighboring properties? - Mr. Scrivo said that Mr. Meka would be open and willing to address any concerns regarding green screen around the property.
- xiv. Councilwoman DePalma-Iozzi asked how it will affect the Sewer System - Mayor Kelley said that it is not a concern for our Sewer System at this time.

## COVID-19/OEM COMMUNITY UPDATE

### Mark Guiliano

- Thanked for the recognition of the 120 anniversary of the CFP and Chief Pollara for all of his work especially during COVID
- COVID Numbers in Caldwell and the County our numbers are on the rise.
- We are up 8% in the past few weeks
- NJ goal is 70% vaccinations by May
- Essex County is currently at 30% vaccinated.

## Patricia Keenan Reported

- Testing is now Tuesdays in Newark and Saturday in Cedar Grove.
- Mobile Outreach into different communities.
- Weekly food distribution event is this Thursday at 9am in Belleville.
- Parks are open as well as golf courses and the Zoo
- Be sure to maintain Social Distancing while partaking in outdoor activities

Mayor Kelley Announced that he will be creating an Ad Hoc committee to address best Practices. Council President Schmidt, Councilman Rodgers, Mayor Kelley, and Tom Banker will be on the committee. This will start in April.

Mayor Kelley thanked the media outlets that attend our Council Meeting.

Mayor Kelley remarked on a statement he had made last meeting regarding the 9-story building and an article in the Tap Into WestEssex, and apologized for any

## OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC

**Charles Albert, 17 Lane Avenue, West Caldwell asked why the Lane Avenue Project was set to appear at the March 10th and then pulled and then put back on the agenda on March 24th.**

Mr. Banker said that the Lane Avenue project was pulled from the Planning Board meeting after it was determined that the project was not ready to appear before the planning board and the Redevelopment agreement hadn't been completed.

**Mr. Alberta asked about the Sewer Impact statement and the impact that this project will have on it.**

Mayor Kelley did say that there is enough capacity for this new project. Mr. Banker said that the Sewer Plant will be able to accommodate the project

**Brain Zaorski, 13 Lane Avenue, West Caldwell. Addressed the questions the Councilman Gates raised about the 2 family house on Lane Avenue. He did say that the building is zoned as a two-family residence, but it had 4 mailboxes, 4 doorbells, etc. Has a letter regarding a 100 year storm plan, and asked about that plan. Asked if there will be a play area for children or at least a safe area for them to go. Asked about lighting on the structure and its impact on the existing residence.**

Mr. Scrivo said that he will be happy to address those concerns further through the Planning Board. The Borough Engineer does have a copy of the lighting plan and is reviewing it and can bring any of those concerns to them as well.

**Tom Cocchiola, Here on behalf of the Kiwanis Street Fair. They are seeking guidance from the Governing Body on whether or not they should even be planning a street fair this year.**

Mayor Kelley said that at this time he is not sure if it will be possible this year. Right now, numbers are up but it is hard to tell what the numbers will look like in October. Mr. Banker said that it is hard to plan a long-range event under the assumption that an event will take place

**Pete Nancoz, 45 Birkenhead Road, Caldwell. President of the First Aid Squad. Asked if the First Aid Squad will be able to review the plans to determine if the property will accommodate their equipment.**

Mr. Banker said that they absolutely can review the plans and bring any comments on those plans.

**Don Giorgio, 51 Hillside Avenue. Is the Lane Avenue project a definite yes?**

Mr. Banekr said that not decision has been made at this time. The Council will decide at the April 6th Meeting to execute a redevelopment agreement to not.

**Mr. Giorgio, asked about the number of units and where that number comes from.**

Mr. Banker said that the number of units is determined by property density that is outlined in the Redevelopment Plan

**Mr. Giorgio asked about construction deadlines**

Mr. Banker said that there will be a schedule in place due to the Redevelopment Agreement. The Redevelopment Agreement will outline and sort of fees or fines for not complying.

**Barbara Buechner, 7 Park Lane. Asked about the 9-story plan that was addressed last meeting.**

Mayor Kelley said that the Borough of Caldwell is not building and constructing a 9-story building on the site.

**Ms. Buechner asked about the 9-story building that was explained in the Architects letter**

Mr. Banker said that they are investigating as to what the best uses are for property that is owned by the Borough of Caldwell. This is just an investigation trying to look at what might be in the interest of the citizens of Caldwell

**Anthony Banano, 5 Klimback Court. Post construction, what protections will there be for the residents surrounding this project**

Mr. Scrivo said that the project will systems in place to maintain and monitor the storm water.

**Mr, Banano asked how long is the storm water retention good for. What recourse do they have?**

Mr. Banker said that NJ has a very elaborate set of regulations that have to be satisfied before the projects can even start. All of those regulations will need to be satisfied by this project as well. There will also be requirements in the Redevelopment Plan to impose finance. They will build in compliance and maintain compliance.

**Mr. Banano asked if this is maintained indefinitely.**

Mr. Banker said that yes it will be indefinitely.

**Mr. Banano has expressed his views regarding the optics of this process**

**Chip Gardner, 55 Crane St. asked why the plan is going before the Council before the Planning Board. Expressed is concerns about this meeting not being held in-person and in public.**

Mayor Kelley explained the process to Mr. Gardner and why the Council is hearing this before the Planning Board. The Site application is will be heard before the planning board. At this time, it will not be responsible to hold an open public meeting.

Councilwoman DePalma-Iozzi responded to Mr. Gardner concerns about public meetings and expressed her appreciation to open public meetings due to health concerns.

**Bev Crifasi, spoke about historic documents that are being stored in Borough Hall and about preserving those documents. Spoke about looking into getting grants to maybe digitize the records that are there.**

**Councilman Rodgers said that this can be discussed during the next Historic Preservation Meeting.**

Mr. Banker said that Mario and DPW have been instructed to create a special area in the community center gym to temporarily house the documents and work on getting a permanent house for them in the new Borough Hall.

**Ms. Crifasi asked that the historic committee be present when these documents are moved so that they can be aware of where everything is going**

Mr. Banker said that they can absolutely accommodate that

**Rich Ruotolo, 15 Highview Road expressed concerns about his property value dropping with this project going in behind his house.**

Mayor Kelley said that maybe George Librizzi, the Tax assessor may have some idea, but his tax knowledge will be different then the real estate value

**Mr. Ruotolo, expressed his disappointment in the scope of their project. He was hoping for more smaller projects like other ones that were presented.**

Mayor Kelley said that the Affordable Housing requirements do drive the numbers a bit higher.

**Mr. Ruotolo asked if this project will fulfill the requirements?**

Mr. Banker said that this project does not meet all of the requirements. This project meets about one quarter of our affordable housing requirements

**Mr. Ruotolo did say that he would like the opportunity to meet with the developer about the impact on his property.**

**June Cowell, Brookside Ave. Questions about the architectural plans proposed for the Provost Square. It will not be possible to house both the senior services and the food pantry in the same building that it is in now. The food pantry is already full up in the small area that it is in now. How can you expand the services of the Community Center while cutting the building in half?**

Mayor Kelley did say that they have a lot of plans for 14 Park Avenue that will accommodate both the Food Pantry and Senior Services

**Carrie Reinhardt, 8 Klimback Court, W. Caldwell. Would like to defer her 3 minutes to Charlie Alberta**

**Madeline Brown, 13 Birkenhead Road. How will these redevelopment plan projects impact the schools?**

Mayor Kelley said that many of the units in the redevelopment plan are single bedroom or 3-bedroom units to help minimize the impact on the School District.

**Ms. Brown, if there is a burden of overcrowding of schools due to these buildings, does that fall on the builder?**

Mayor Kelley did say that the builder does have a financially burden due to paying multiple taxes in the County and municipality.

**Mr. Brown asked if there is a layout of the number of units and their make up?**

Mr. Banker said that at this time there is not breakdown of the unit types. The Borough Council will have the opportunity to adopt a Redevelopment agreement that can outline these issues

**Christopher Dooley, Lane Avenue, W. Caldwell. Mr. Dooley stated that he has witnessed many multiple accidents on Lane avenue and fire in apartments that the fire department could not get to.**

**Michelle Bananno 5 Clinback Court, w. Caldwell. Expressed her concerns for this big building coming into Lane Avenue. Why can't this be built smaller? Concerned about the schools and possible overcrowding. Concerned about construction equipment being put on their street for the duration on the project.**

**Pat Alliotta, 8 Highview Road. How many affordable units are needed in Caldwell? How many do we have?**

Mr. Banker said we need 80 total units in addition to what we have now.

**Ms. Alliotta asked why the traffic engineer said that Lane Avenue is 2 lanes on each road.**

Mayor Kelley did say that he believes Mr. Staiger misspoke. Yes, it is a 1 lane on each side, and that is reflected in the written report.

**Ms. Alliotta said that this building is not aesthetically pleasing and believes that other buildings done in town are much more pleasing to the eye. Has concerned with the way the builder treated her neighbor when the last building was placed.**

**Charles Alberta, why are there 2 lots with 98 units, with a large amount of impervious coverage. 32 units per 1 acre that is outlined in the Redevelopment Ave. there is still another development planned for 30 Lane which is just a few lots down. This is going to be out of character for Caldwell.**

Mayor Kelley said that the Redevelopment plan provided an incentive to merge plans to increase the density. Increased density will provide for more units to satisfy our COAH obligations.

**Dave Cowell, supported the points raised by Bev Crifasi regarding preserving the documents. Offered the idea of allowing someone to purchase the historic building a moving it, as has been done in the past in Caldwell.**

## INTRODUCTION OF ORDINANCES

**ORD #1407-21** BOROUGH OF CALDWELL STORM WATER ORDINANCE

Mr. Banker spoke to the Ordinance

Councilman Lace asked if Redevelopment Projects would fall under the category of "Major Developments" that is mentioned in this Ordinance? Mr. Banker said that they would.



**A motion to introduce Ordinance 1407-21 was made by Councilman Lace and seconded by Council President Schmidt. Upon a roll call vote, all voted in the affirmative. Ordinance introduced 3/23/2021.**

**ORD #1408-21** BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF SPORT UTILITY VEHICLES FOR THE POLICE DEPARTMENT IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.  
*Councilman Lace asked if it would be possible to have a conversation with the Police Department about purchasing hybrid or electric vehicles in the future, instead of full gas vehicles.  
Mr. banker said that is something that can be looked into, or done with a written directive in the form of a resolution.*

**A motion to introduce Ordinance 1408-21 was made by Councilman Lace and seconded by Council President Schmidt. Upon a roll call vote, all voted in the affirmative. Ordinance introduced 3/23/2021**

**ORD #1409-21** BOND ORDINANCE PROVIDING FOR VARIOUS WATER UTILITY IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.

*Council President Schmidt did note that there is a chart on the website regarding the status of the water projects.  
Councilman Cole asked about previous discussions about alternate water sources.  
Mr. Banker said that that is an option this is still being explored.*

**A motion to introduce Ordinance 1409-21 was made by Councilman Lace and seconded by Council President Schmidt. Upon a roll call vote, all voted in the affirmative. Ordinance introduced on 3/23/2021.**

## 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.*

**Mr. Banker advised that the Council take the late addition of Resolution 3-104 separate, and not add it to the Consent agenda.**

- 3-94** AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 3/6/2021 THROUGH 3/22/2021
- 3-95** RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of March 23, 2021
- 3-96** 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 - The Towne Scoop
- 3-97** RESOLUTION AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #20-00005, Block 41.01, Lot 32, 18 HIGHVIEW ROAD CALDWELL, NJ 07006
- 3-98** RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE -Sisters of Saint Dominic -Off Premise - Calendar Raffle - 8/31/21,9/7/21, 9/14/21, 9/21/21, 9/28/21, 10/5/21, 10/12/21, 10/19/21, 10/26/21, 11/2/21, 11/9/21, 11/16/21, 11/23/21 - 2 PM
- 3-99** RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH TOPOLOGY NJ LLC IN AN AMOUNT NO TO EXCEED \$50,000
- 3-100** RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH TOPOLOGY NJ LLC IN AN AMOUNT NOT TO EXCEED \$15,250.
- 3-101** RESOLUTION AUTHORIZING THE PURCHASE OF A 2021 SINGLE AXLE HOOK LOADER, CONTAINER BODY FROM TONY SANCHEZ LTD., 1685 U.S. ROUTE 46, LEDGEWOOD, NJ 07852 FOR THE CALDWELL DEPARTMENT OF PUBLIC WORKS UNDER THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL FOR AN AMOUNT OF \$135,340.52
- 3-102** AUTHORIZING THE ISSUING OF CANVASSER AND/OR SOLICITOR PERMIT. APPLICANTS AND APPLICATION HAVE BEEN APPROVED BY THE APPROPRIATE MUNICIPAL DEPARTMENTS-Power Home Remodeling, 2147 Route 27 South, Edison, NJ 08817
- 3-103** RESOLUTION AUTHORIZING 2021 APPROPRIATION RESERVE TRANSFERS

*Councilman Lace asked about resolutions 3-99 and 3-100 and Mr. Banker explained the reasoning for those resolutions. Councilman Lace asked if they amendments would allow for the change of any height restrictions. Mr. Banker said that now, it would not allow us to change any height requirements*

**A motion to pass the consent agenda was made by Councilman Cole and seconded by Council President Schmidt. Upon a roll call vote, all voted in the affirmative with Councilwoman DePalma-Iozzi abstaining from resolution 3-100. Resolutions passed 3/23/2021.**

## RESOLUTION

- 3-104** RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH AZZOLINA & FEURY ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED \$60,000

Mr. Banker explained the reasoning behind this resolution

*Councilman Lace asked if this is valid regardless of what we do with Borough Hall. Mr. Banker confirmed that it would be valid regardless.*

*Council President Schmidt asked if it will include the Library. Mr. Banker said that it will include the Library.*

*Councilman Gates asked how they built the Community Center without a survey? Mr. Banker said that he didn't know.*

*A motion to pass resolution 3-104 was made by Councilwoman DePalma-Iozzi and seconded by Councilman Lace. Upon a roll call vote, all voted in the affirmative. Resolution passed 3/23/2021.*

## NEW BUSINESS

Council President Schmidt:

Two follow-ups from the March 9th meeting

- 1) Where are we on the shopping cart problem?
- 2) Where are we on the revision of the Certificate of Occupancy ordinance?

### One new item

*Today, we saw the brutal shooting in Boulder Colorado, it's a sorry state of affairs when we, as a nation, become numb to this kind of tragedy. Thoughts and prayers are not enough.*

*Just last week 8 were killed in Atlanta and I would just like to say a few words about this recent killing of 8 people in Atlanta - 6 of whom were Asian American. To me, this shooting was particularly disturbing. First of all, there was the ease with which the murderer purchased and used his weapon on the same day. If that wasn't enough, he targeted Asians.*

*Here in Caldwell we may say, there are not many people of color in our community so what's the big deal? Being a mother of two Asian-American daughters, I can say the hate and distrust towards Asians has a long history but it has become very real ever since the corona virus came to these shores and it has been exacerbated by the racist rhetoric used by the previous US administration. The Atlanta shooting has put this simmering anti-Asian sentiment onto the headlines. My daughters and their friends have all experienced the distrustful sideways glances whenever they go out. My older daughter who lives in Manhattan felt compelled to buy mace and personal defense items because the number of assaults there has been rising and only now is it actually being reported as hate.*

*Many say they are tired of hearing about racism, but think for a moment of how people are tired of experiencing it. We as a community can all start by becoming allies. We can start by making people of color - not just Asian-Americans feel safe and accepted in our own community and workplaces because I can tell you from personal experience that Asian Americans are currently living in fear and people of color are indeed very tired of racism.*

## COUNCIL COMMITTEE REPORTS

*Borough Council Members*

### 1. Councilman Lace

- Shared Services
  - Meeting on Monday
  - Two items discussed were the turf field at Harrison - 1.9 million dollars
  - Major Building Plans in Caldwell and West Caldwell

### 2. Council President Schmidt

- Library
  - Survey on the Library homepage
  - Currently working with the Borough Administrator to work out parking during the Parking Deck Demolition

### 3. Councilman Gates

- Camp Wyanokie
  - Camp is open
  - Dam in the lake that will need major repairs in the next few years.
  - Research is being done as to what can be done to repair it.

### 4. Councilman Cole

- Board of Health
  - Radon Kits are available

## REPORT OF MAYOR

*John Kelley*

## REPORT OF BOROUGH ADMINISTRATOR

*Thomas Banker*

## 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 Lace and seconded by Councilman Cole. Upon a voice vote, all voted in the affirmative. The Borough Council Meeting adjourned the public meeting and went into Executive Session at 11:30pm.

A motion was made by Councilman Gates 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 11:51PM.

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

\_\_\_\_\_  
DATE

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES- April 20, 2021**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order on Zoom at 7:02 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**

April 1, 2021

Moved by Council President Schmidt and seconded by Councilman Cole. Upon a roll call vote, all present voted in the affirmative, with Councilman Rodgers abstaining from the vote. Minutes approved 4/20/2021

April 3, 2021

Moved by Councilwoman DePalma-Iozzi and seconded by Council President Schmidt. Upon a roll call vote, all present voted in the affirmative, with Councilman Cole abstaining from the vote. Minutes approved 4/20/2021.

April 6, 2021

Moved by Council President Schmidt and seconded by Councilman Rodgers. Upon a roll call vote, all present voted in the affirmative. Minutes approved 4/20/2021

**PRESENTATIONS**

1. Arbor day
  - a. Traditionally the last Friday in April
  - b. 23 states still celebrate Arbor Day
  - c. Superseded by Earth Day
  - d. Mr. Banker's father, Harry Banker, wrote the legislation for Arbor Day
  
2. Farewell to Brian
  - a. Brian Maclay, our Fire Inspector / Deputy Emergency Management Coordinator/ Code Enforcement Officer is leaving the Borough
  - b. Mark Guliano and Councilman Rodgers said a few words about Brian and his work over the last 4 years, with the Borough of Caldwell
  - c. Brian is training to become a Jersey City Fire Fighter

**COVID-19/OEM COMMUNITY UPDATE**

Mark Guiliano

- 5 cases as of today; 599 cases total
- Numbers are flattening statewide as well
- .92% transmission rate
- People are not getting as sick anymore, and sick people are waiting too long to seek treatment

Council President Schmidt asked if the vaccines are open to people 18 and older?

Patricia Keenan said that they are administering the Moderna vaccine for people 18 and older now at the County.

Mark Guiliano said that there is a push to get Spanish Speaking residents vaccinated as well.

Mayor Kelley welcomes Maria Burak back to work after her leave.

**REPORT OF COUNTY LIASON**

**Patricia Keenan**

Patricia Keenan Reported

- Testing is still taking place on Tuesdays in Newark and Saturdays in Cedar Grove

- Vaccine appointments are readily available on the Essex Covid website
  - 2,963 people have gotten their first dose through Essex County
  - 2,316 people have gotten their second dose through Essex County
  - 5,279 people have received the Moderna Vaccine through the County
  - 190 J&J Vaccines have been administered
- Food Distribution on April 22 in Newark
- County Recycling events
  - May 1<sup>st</sup> – Hazardous Waste recycling in Cedar Grove from 8:30am -4pm
  - May 15<sup>th</sup> – Electronic Recycling in Cedar Grove from 9am-3pm
  - County offices will be fully open on May 3<sup>rd</sup>

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

**John Castano, 92 Hatfield Street.** Back of their property extends to Orchard Square. The brook lacks maintenance and increased development causes not infrequent flooding. Their neighbors' driveways need replacing, and their property is suffering erosion, loss of plants, fence bent away from the base; moved a railroad tie. Cement base of fence is compromised from the water. Plows often push snow against their back fence and when the snow melts, it adds to the erosion. Requests a meeting with Mr. Banker to discuss this situation and possible solutions.

Mr. Banker said that Mr. Castano's comments accurately reflect the situation. Mario and Glenn have both been out to visit the site. Caldwell has a number of streams which all have impact on the neighboring properties. Suggested having a separate meeting to discuss how to address and to decipher what the Borough is responsible for and what private owners are responsible for. Mayor Kelley said that we need to determine who is responsible for what. DEP should also be included in those conversations.

Mr. Banker agreed and also said that the County Public Works and engineering department should be included as well.

**Susan Rubright, Attorney is Roseland,** Represents West Caldwell Care Center and requested a more detailed meeting. They have sewer connection issues, for which Bowman Consulting provided Mr. Banker with information. Asked Caldwell to redirect pumps for health issues, due to the problematic pump system. In January 2021 they asked for a meeting with the Mayor and Council and addressed Mr. Banker. Have tried to follow up with Mr. Banker to respectfully request a meeting. The sewer backs up in the basement of the Care Center, where there is a Dialysis Center. Connection runs from 2 Bridges to the Care Center and has for 20-40 years now. 2 Bridges not cutting off connection, so they are first looking to redirect or have a discussion

Mayor Kelley said that they will try to schedule something.

#### ORDINANCES FOR SECOND READING AND ADOPTION

##### ORD #1407-21 BOROUGH OF CALDWELL STORM WATER ORDINANCE

Moved by Council President Schmidt and seconded by Councilman Rodgers. On a roll call vote, all present voted in the affirmative. Ordinance adopted on 04/20/2021.

##### ORD #1408-21 BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF SPORT UTILITY VEHICLES FOR THE POLICE DEPARTMENT IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Council President Schmidt asked how many vehicles this bond provides for, and if we are selling any vehicles? Mr. Banker said the bond allows for the purchase of 3 vehicles along with all of the specialty equipment.

Moved by Councilman Rodgers and seconded by Councilman Gates. Upon a roll call vote, all present voted in the affirmative. Ordinance adopted on 04/20/2021

##### ORD #1409-21 BOND ORDINANCE PROVIDING FOR VARIOUS WATER UTILITY IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.

Mr. Banker spoke to the Ordinance

Moved by Councilman Gates and seconded by Councilman Rodgers. Upon a roll call vote, all present voted in the affirmative. Ordinance adopted 04/20/2021.

#### 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.*

##### 4-114 AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 04/06/2021 THROUGH 04/19/2021

- 4-115 RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of April 20, 2021
- 4-116 RESOLUTION OF THE COUNCIL OF THE BOROUGH OF CALDWELL REQUESTING THE COURT TO REVIEW AND APPROVE THE BOROUGH'S SPENDING PLAN
- 4-117 RESOLUTION AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #19-00010 Block 41.01, Lot 48, 42 HIGHVIEW ROAD CALDWELL, NJ 07006
- 4-118 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 – Aroy-D The Thai Elephant
- 4-119 RESOLUTION AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #20-00003 Block 36.01, Lot4.01, 44 DOMESSINA LANE, UNIT D1 CALDWELL, NJ 07006
- 4-120 RESOLUTION AUTHORIZING THE APPOINTMENT OF Zakelina Batemits AS A CROSSING GUARD IN THE BOROUGH OF CALDWELL EFFECTIVE IMMEDIATELY AT AN HOURLY RATE OF \$16.50 PER HOUR

Councilman Gates asked about Resolution 4-116 and where it sites that people may need to be relocated by developing. Mr. Banker said that any person that needs to be relocated by redevelopment will have the cost paid by the person causing the redevelopment, which in this case would be the developer. There are maximums over-riding obligation.

**A motion to pass the consent agenda was made by Councilman Cole and seconded by Council President Schmidt. Upon a roll call vote, all present voted in the affirmative. Consent agenda passed 4/20/2021.**

## NEW BUSINESS

### Councilman Gates

- New Water Bills – there are 2 sections that say where to may a check out to. One says “Caldwell Water Department” and the other says “Borough of Caldwell”

### Councilwoman DePalma-Iozzi

- Asked about the Water Bank, and said she is trying to get us on priority list. Possible funding for water improvements.

*Mr. Banker said that Environment Infrastructure Banks/Trust is about 35 years old, and channels federal money given to New Jersey, to municipalities. It takes a long time to make decisions as they pick 2-3 projects a year and everything is ranked. Must qualify. The money is nor free money, it's a low interest rate loan, which was attractive when interest rates were high. Now that rates are low, it is not really worth the trouble with long delays, and larger projects tend to get picked more often. Sewer Treatment Plan Project would be a large enough project.*

- PSE&G made a mess of the roads with terrible patching.  
*Mr. Banker said that before paving they contacted PSE&G to see if they have any planned work in that location. They are not cooperating; they respond to our inquiries bit are imperfect. Mayor Kelley said that our rep, Karen is responsible and communicative in Caldwell.*

### Council President Schmidt

- Inquiring about the Crossing Guard at Lane and Bloomfield Ave.
- Reached out to the Police Department and found out that their original time was 7:45am but now they report at 8am. The first school bell goes off at 8:05am.
  - Mayor Kelley asked Det. D'Angelo to bring this up to the Chief.

## COUNCIL COMMITTEE REPORTS

### Borough Council Members

#### 1. Councilman Cole

- Food Pantry
  - i. The Food Pantry has moved temporarily to Caldwell Community Center
  - ii. Food bag pick up will be on Wednesdays from 11-1pm at the front door of the Center
  - iii. Drop off donation in the box at Borough Hall
  - iv. Large donations – call Maria at 973-403-4623 to arrange a drop off time
- Senior Services
  - i. Transportation to vaccination site for residents 60 years and older
  - ii. Tuesdays and Thursday mornings, for Moderna shot only.
  - iii. Have the capacity to bring 10 seniors each trip
  - iv. Call Maria to set up. No cost
- Free Radon Kits are still available at Borough Hall

Mr. Banker thank Mario and his crew for all their work moving the Food pantry to the Community Center. Parking Deck Demolition started on Monday – Duration is 3 weeks

- Council President Schmidt asked about Library signage and Parking
- Mr. banker said that he needs to discuss with Robin. They have approval from Saint Aloysius and Bob Silver to use the Forest Ave entrance and parking lot, for Library patrons.

2. Councilwoman DePalma-Iozzi

- Environmental Commission
  - i. Shredding event this Saturday from 10am-1pm, sponsored by the JCHS Scholarship Committee
  - ii. April 29<sup>th</sup> 7pm dr. Obrupta from Rutgers will be giving a presentation on Rain Gardens.
  - iii. Registration link is up on the website.

**REPORT OF MAYOR**

*John Kelley*

Mayor Kelley asked the residents to be patient with all the change going on in Caldwell

**REPORT OF BOROUGH ADMINISTRATOR**

*Thomas Banker*

Tom Banker Reported:

- Parking Deck Demolition has begun
- Contract for Rooftop work on the Community Center has been awarded, and will start in May
- The Community Center's A/C work will be awarded and begin soon, before the end of July
- Community Center Dehumidification System is out to Bid
- Commissioned facilities committee
- 14 Park Ave will be gutted in mat with improvements being done during the Summer
- Design process for the New Borough Hall and New PD Headquarters
- Bond Ordinances will be on for first reading at the next Council meeting
- Hoping to introduce the 2021 municipal budget at the May 18<sup>th</sup> meeting
- 26 Smull ave will demo in the next 2 weeks
- 24 Smull – will take possession of in the end of April
- Present a design for expanded parking lot in either May or June

Councilman gates said that he has been approached by a constituent on Smull Ave that would like to be involved in the design process. Mr. Banker said that he has received emails as well. Glenn Beckmeyer' s firm will provide a draft of design to be resented to the Mayor and Council. The big concern is for the entrance and exit for cars. The Mayor and Council will have the opportunity to view design before the presentation, and can choose to hold a public meeting for input and discussion.

Councilman Cole said that we should take into account the issues heard tonight regarding water, and build in water retention in the parking deck. Mr. Banker said that the lot does abut a stream so we are sensitive to affecting that waterway and stormwater issues.

Councilwoman Depalma-Iozzi suggested considering pervious pavement. Mr. Banker said they will consider it.

**REPORT OF BOROUGH ATTORNEY**

*Vincent Nuzzi*

Mr. Nuzzi said that the closing for 24 Smull Ave is set for April 30<sup>th</sup>.

**ADJOURNMENT**

A motion to adjourn was made by Councilman Rodgers and seconded by Councilwoman DePalma-Iozzi. Upon a voice vote, all present voted in the affirmative. There being no business being voted on in the public. the meeting was adjourned at 8:42pm.

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

4/28/2021  
DATE



## BOROUGH OF CALDWELL

Resolution No: 5-122

Date of Adoption: May 4, 2021

**TITLE:**

**RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED  
For the Meeting of May 4, 2021**

Recommended for approval by:

Approved as to form and legality by:

\_\_\_\_\_  
Thomas Banker, Administrator

\_\_\_\_\_  
Title:

**WHEREAS**, The Borough of Caldwell (the "Borough" or the "public body" has been duly created and is validly existing as a public body corporate and politic of the State of New Jersey pursuant to applicable laws of the State of New Jersey; and

**WHEREAS**, The Borough constitutes a "public body" as such term is defined in the New Jersey Open Public Meetings Act, constituting Chapter 231 of the Pamphlet Laws of 1975 of the State of New Jersey, N.J.S.A. 10:4-6 et seq. and the acts amendatory thereof and supplemental thereto (the "Open Public Meetings Act"); and

**WHEREAS**, the Open Public Meetings Act permits a public body, as such term is defined therein, to exclude members of the public from portions of any "meeting", as such term is defined therein including N.J.S.A. 10:4-12(b) et seq., under certain limited circumstances which include, but are not limited to, (a) a discussion of pending or anticipated litigation in which the public body is or may become a party, or (b) a discussion of any matters which fall within the attorney-client privilege, or (c) a discussion of a collective bargaining agreement including the negotiation of the terms and conditions thereof, or (d) a discussion regarding the purchase, acquisition or lease of real property with public funds or (e) a discussion of involving the employment, appointment or termination of employment of an existing or prospective public officer or employee; and

**WHEREAS**, the governing body of the Borough has determined that and is of the opinion that such circumstances presently exist that permit the governing body of the Borough to discuss the matters set forth in this Resolution in executive session; and

**WHEREAS**, the matters set forth in this Resolution are within the exceptions and the limited circumstances set forth in N.J.S.A. 10:4-12(b) et seq., the governing body of the Borough desires to conduct a portion of the meeting in an executive session from which members of the public will be excluded.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CALDWELL**, in accordance with the provisions of The Open Public Meetings Act, that the governing body of the Borough hereby determines to conduct a portion of the meeting in an executive session from which members of the public will be excluded in accordance with the provisions of Open Public Meetings Act; and

**BE IT FURTHER RESOLVED**, that the aforementioned executive session will be limited to matters relating to the following items and which matters involve, as applicable, pending and anticipated litigation involving or expected to involve the Borough, matters which fall within the attorney-client privilege, matters regarding the discussion of a collective bargaining agreement, matters relating to purchase, acquisition or lease of real property with public funds or matters relating to personnel.

**BE IT FURTHER RESOLVED**, that the minutes of each executive session will be prepared and maintained by the Township and with regard to each of the matters discussed in executive session; and

**BE IT FURTHER RESOLVED**, that the minutes relating to a particular matter discussed will be made available to members of the public – (a) at such time as the matter no longer requires confidentiality as permitted by applicable laws, (b) upon the completion of a pending or anticipated litigation, or (c) upon such matter no longer falling within the attorney-client privilege, (d) upon the completion of a collective bargaining agreement including the negotiation of the terms and conditions thereof, or (e) upon the completion of a purchase, acquisition or lease of real property with public funds, or (f) as such disclosure may otherwise may be required by the Open Public Meetings Act.



It is hereby certified that at a regular meeting of the Mayor and Council of the Borough of Caldwell, New Jersey being held on the date of May 4, 2021, the foregoing Resolution was duly adopted.

\_\_\_\_\_  
Borough Deputy Clerk

The foregoing Resolution, having been duly presented to me on May 4, 2021 I hereby approve the same.

\_\_\_\_\_  
Mayor

**RECORD OF COUNCIL VOTE**

\_\_\_\_\_ presented the following resolution - Seconded by \_\_\_\_\_

COUNCILMAN    Yes    No    Absent    Abstain    COUNCILMAN    Yes    No    Absent    Abstain

Schmidt						Lace				
Rodgers						DePalma-Iozzi				
Cole						Gates				

\_\_\_\_\_  
**Brittany Heun, Deputy Clerk**

\_\_\_\_\_  
**John Kelley, Mayor**

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF CALDWELL**

Resolution No: 4-123

Date of Adoption: May 4, 2021

**TITLE:**

**RESOLUTION AUTHORIZING THE APPOINTMENT OF SIGNAGE COMMITTEE MEMBERS**

Recommended for approval by:

Approved as to form and legality by:

\_\_\_\_\_  
Thomas Banker, Administrator

\_\_\_\_\_  
Title:

**BE IT RESOLVED** by Mayor John Kelley hereby appoints the following persons to the Signage Committee for the terms set forth below. Mayor Kelley has requested the consent of the Council, that they do hereby authorize the appointment of the following Signage Committee Members:

<b>NAME</b>	<b>MEMBER TYPE</b>	<b>TERM EXPIRATION DATE</b>
Councilwoman DePalma-Iozi	Governing Body Member	December 31, 2021
Council President Schmidt	Governing Body Member	December 31, 2021
Peter Mescia	Planning Board Member	December 31, 2021
Alan Ryan	Project Main Street Member	December 31, 2021
Paul Milani	Zoning Official	December 31, 2021
Mike Gueriero	Merchant Member	December 31, 2021
Patrese Lattimer	Real Estate Member	December 31, 2021
Lou Iozzi	Resident Member (President)	December 31, 2021

**RECORD OF COUNCIL VOTE**

\_\_\_\_\_ presented the following resolution - Seconded by: \_\_\_\_\_

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Schmidt					Lace				
Rodgers					DePalma-Iozzi				
Cole					Gates				

\_\_\_\_\_  
**Brittany Heun, Deputy Clerk**

\_\_\_\_\_  
**John Kelley, Mayor**

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF CALDWELL**

Resolution No: 5-124

Date of Adoption: May 4, 2021

**TITLE:**

**RESOLUTION AUTHORIZING THE ISSUANCE OF CALDWELL COMMUNITY CENTER REFUND IN THE TOTAL AMOUNT OF \$450.00 TO INGRID BONAPACE**

Recommended for approval by:

Approved as to form and legality by:

\_\_\_\_\_  
Thomas Banker, Administrator

\_\_\_\_\_  
Title:

**Whereas**, The Borough of Caldwell has closed the Caldwell Community Center for the remainder of the Coronavirus Pandemic; and

**Whereas**, Ingrid Bonapace had previously paid for lifeguard certification classes from the Caldwell Community Center in July of 2016, which were not utilized at that time due to a doctor's note stating the registrant could not participate; and

**Whereas**, per Caldwell Community Center policy, no refund was given but a credit was issued to that account to be used for another lifeguard class that was offered; and

**Whereas**, due to the closure of the Caldwell Community Center the services will not be received; and

**Whereas**, the Borough wishes to refund all moneys paid to the Caldwell Community Center for which services will not be provided; and

**Now Therefore Be It Resolved** By The Mayor And Council Of The Borough Of Caldwell, New Jersey That:

1. The actions of the Borough Administrator and the Chief Financial Officer in generating refund payments due to the Ingrid Bonapace in the amount of \$450.00 is hereby ratified; and
2. The Borough Administrator and the Chief Financial Officer are hereby authorized to generate a purchase order and to enter such purchase orders into the borough's accounts payable system in order to refund such amount due to Ms. Bonapace in the amount of \$450.00; and
3. In the processing of the purchase order for the purpose of providing the refund, the recipient of the refund shall not be required to sign the purchase order as a condition of payment in order to expedite the refund process; and
4. The Borough Administrator and the Chief Financial Officer are further authorized to issue a check in the amount determined without further action by the Mayor and Council; and
5. The Borough Administrator and the Chief Financial Officer shall report to the Mayor and Council after the issuance of the check is generated pursuant to this resolution as to the exact amount and the recipient thereof as have been paid pursuant to this resolution.

**RECORD OF COUNCIL VOTE**

\_\_\_\_\_ presented the following resolution - Seconded by: \_\_\_\_\_

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Schmidt						Lace				
Rodgers						DePalma-Iozzi				
Cole						Gates				

\_\_\_\_\_  
**Brittany Heun, Deputy Clerk**

\_\_\_\_\_  
**John Kelley, Mayor**

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



BOROUGH OF CALDWELL

Resolution No: 5-125

Date of Adoption: May 4, 2021

TITLE:

RESOLUTION TO APPROVE THE BOROUGH OF CALDWELL'S LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CONTRIBUTION OF \$17,250 FOR THE YEAR 2020.

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, the Borough of Caldwell established a Length of Service Program (LOSAP), in accordance with Chapter 388 of the Laws of 1997 N.J.S.A 40:14-183; and

WHEREAS, the goal of the Borough of Caldwell's LOSAP Program is to encourage the retention of existing volunteers and to provide incentives for recruiting new volunteer firefighter members; and

WHEREAS, according to Chapter 28-7 of the Code of the Borough of Caldwell, the town budgets annually \$40,000 a year for regular annual LOSAP services; and

WHEREAS, the Borough of Caldwell has had an executed service agreement with the Lincoln Financial Group to administer the investment of the town's LOSAP Awards; and

WHEREAS, the Lincoln Financial Group annually determines the Borough of Caldwell's contributions as the Employer Sponsor of the Program; and

WHEREAS, the Lincoln Financial Group has calculated the Borough of Caldwell's 2020 municipal contribution to the Caldwell Volunteer Fire Department LOSAP Program to be \$17,250.00, accounting for a \$1,150.00 contribution to each qualifying Volunteer Fire Department Member;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Caldwell authorize the payment of \$17,250.00 to the Lincoln Financial Group for Caldwell's 2020 Contribution to the Length of Service Award Program (LOSAP) for the qualifying Caldwell Volunteer Fire Department Members.

RECORD OF COUNCIL VOTE

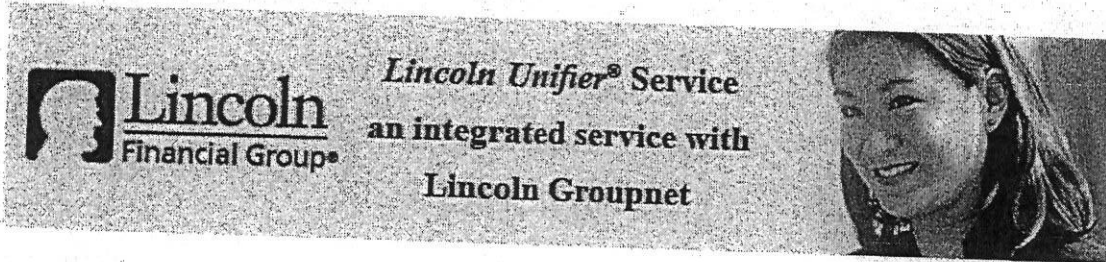
presented the following resolution - Seconded by:

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Table with 4 columns for Yes, No, Absent, Abstain and 3 rows for Council Members: Schmidt, Rodgers, Cole and Lace, DePalma-lozzi, Gates.

Brittany Heun, Deputy Clerk

John Kelley, Mayor



## Contribution Records Sent

### General Information...

<b>Contract Name:</b> CALDWELL	<b>Contract Number:</b> CR33454
<b>Company Name:</b> Lincoln Financial Advisors	<b>Payroll Period Ending:</b> 4/13/2021
<b>Your Name:</b> Bruce Linger, Sy Green, Anne Gordon	<b>E-mail Address:</b> anne.gordon@lfg.com,
<b>Phone Number:</b> 201-556-4570/201-556-4564	<b>Fax Number:</b> 201-368-5161
<b>Tracking Number:</b> aglfa20210413132913000001016	

### Contribution Information...

Contract Number	Total Records	Total Contributions	Total Remittance	Payment Method
<input checked="" type="checkbox"/> CR33454	36	\$ 17,250.00	\$ 17,250.00	Check
<b>Employer Totals:</b>				
Employer Program Sponsor Contributions:			\$ 17,250.00	\$ 17,250.00
Employer Program Sponsor Contributions (negative):			\$ 0.00	
<b>Total Contributions:</b>				\$ 17,250.00
Forfeiture Account/Amount:				\$ (0.00)
<b>Total Remittance Amount:</b>				\$ 17,250.00

### Paying by Check

Total amount of check(s):	\$ 17,250.00
Number of check(s) enclosed:	1
Check number(s):	

### US Mail

The Lincoln National Life Insurance Company  
 Employer Services (5H-26)  
 Attn: Groupnet Processing  
 PO Box 7864  
 Fort Wayne IN 46801-7864

### Express Mail

The Lincoln National Life Insurance Company  
 Employer Services (5H-26)  
 Attn: Groupnet Processing  
 1300 South Clinton Street  
 Fort Wayne IN 46802

<b>Grand Totals:</b>	<b>36</b>	<b>\$ 17,250.00</b>	<b>\$ 17,250.00</b>	<b>Check</b>
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**BOROUGH OF CALDWELL**

Resolution No: 5-126

Date of Adoption: May 4, 2021

**TITLE:**

**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 - Coney Island Wood Fired Pizza**

Recommended for approval by:

Approved as to form and legality by:

\_\_\_\_\_  
Thomas Banker, Administrator

\_\_\_\_\_  
Title:

**BE IT RESOLVED** by the Borough Council of the Borough of Caldwell, New Jersey that they do hereby approve the application for the issuance of a peddler license permit to Coney Island Wood Fired Pizza, 40 Hamburg Turnpike, Riverdale, NJ 07457 in accordance with the application filed. Applicant and application have been investigated and approved by the Police Department and the Borough Clerk's Office.

**RECORD OF COUNCIL VOTE**

\_\_\_\_\_ presented the following resolution - Seconded by: \_\_\_\_\_

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Schmidt						Lace				
Rodgers						DePalma-Iozzi				
Cole						Gates				

\_\_\_\_\_  
**Brittany Heun, Deputy Clerk**

\_\_\_\_\_  
**John Kelley, Mayor**

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.

**BOROUGH OF CALDWELL  
OFFICE OF THE ADMINISTRATOR**

**April 28, 2021**

**To: Honorable Mayor and Borough Council**

**From: Brittany Heun, Deputy Clerk**

**Subject: Application for Peddler's License**

Attached please find a copy of an Application for a Peddler's License from Coney Island Wood Fired Pizza, 40 Hamburg Turnpike, Riverdale, NJ 07457. A copy of this application has been forwarded to the Police Department for their review and report.

The applicant and application have been approved by the Clerks office and the Police Department. I will include a resolution on the agenda of the Council Business meeting on May 4, 2021

If you have any questions or require additional information do not hesitate to contact my office.

**CALDWELL POLICE DEPARTMENT**  
**1 PROVOST SQUARE • CALDWELL, NJ 07006**  
**(973) 226-2602 • FAX (973) 364-0511**



**James H. Bongiorno**  
*Chief of Police*

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TO: Brittany Heun, Deputy Borough Clerk

FROM: Sergeant Michael Pellegrino #442

REFERENCE: Application for Peddler License  
Robert DeCarlo Jr. Coney Island Wood Fired Pizza  
114 Revere Court 40 Hamburg Turnpike  
Montville, NJ 07045 Riverdale, NJ 07457

DATE: April 28, 2021

As per your request, regarding the above referenced matter, I have conducted an investigation into the company in question. The investigation of the proprietor listed produced no questionable findings and all licensed drivers and vehicles contained within the application are properly licensed, registered and insured. Therefore, I find no reason as to why this application should not be approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sgt. Pellegrino #442".

Sergeant Michael Pellegrino #442





**BOROUGH OF CALDWELL**

Resolution No: 5-127

Date of Adoption: May 4, 2021

**TITLE:**

**RESOLUTION AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #17-00009, BLOCK 41, LOT 10.04, 62-64 PARK TERRACE NORTH, CALDWELL, NJ 07006**

Recommended for approval by:

Approved as to form and legality by:

\_\_\_\_\_  
Thomas Banker, Administrator

\_\_\_\_\_  
Title:

**BOROUGH OF CALDWELL**

**RESOLUTION**

RESOLUTION # 5-127

DATE OF AOPTION May 4, 2021

REDEMPTION OF TAX TITLE LIEN # 17-00009

**WHEREAS**, at the Borough of Caldwell Tax sale held on 12/20/2017 a lien was sold on Block 41 Lot 10.04, The Tax Collector's Office has received payment for redemption of Tax Title Lien # 17-00009 on Block 41 Lot 10.04 known as: 62-64 Park Terr North in the name of D'uva, Gabriel & Mary

**WHEREAS**, the Homeowner has effected redeemed the certificate # 17-00009 in the amount of 92,226.70 With a Premium amount of 43,500.00 to also be returned to the Lien Holder.

**WHEREAS**, reimbursements are now required to be made to the following Lien Holder:

Christiana C/F CE1/First Trust  
P.O. Box 5021  
Philadelphia, PA 19111

From Tax Lien Redemption Account, Lien, Penalty, Interest and Costs:

<b>PRINCIPAL</b>	<b>\$ 92,161.70</b>
<b>RECORDING FEE</b>	<b>\$ 65.00</b>
<b>PREMIUM</b>	<b>\$ 43,500.00</b>
<b>TOTAL REDEMPTION</b>	<b>\$ 135,726.70</b>

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Caldwell, County of Essex, State of New Jersey that the borough Treasurer is authorized to prepare a check in the amount of \$135,726.70 made payable to:

**"ABOVE LIEN HOLDER"**

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Township Treasurer.

**I HEREBY CERTIFY** the above to be a true copy of the Resolution adopted by the Borough Council of the Borough of Caldwell at a duly convened meeting held on 5-4-2021

RECORD OF COUNCIL VOTE

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\_\_\_\_\_ presented the following resolution - Seconded by: \_\_\_\_\_

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Schmidt						Lace				
Rodgers						DePalma-Iozzi				
Cole						Gates				

\_\_\_\_\_  
**Brittany Heun, Deputy Clerk**

\_\_\_\_\_  
**John Kelley, Mayor**

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF CALDWELL**

Resolution No: 5-128

Date of Adoption: May 4, 2021

**TITLE:**

**RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS IN THE TAX OFFICE**

Recommended for approval by:

Approved as to form and legality by:

\_\_\_\_\_  
Thomas Banker, Administrator

\_\_\_\_\_  
Title:

**RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS  
IN THE TAX OFFICE**

WHEREAS, there appears on the tax records overpayments or otherwise as shown below; and

WHEREAS, the overpayments were created by the reasons indicated below, and the Collector of Taxes recommends the refund or transfers of such overpayments;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Caldwell that the proper officers be and they are hereby authorized and directed to transfer funds or issue checks refunding such overpayments as hereafter shown below:

**CODE OF REASONS**

- |   |   |
|---|---|
| 1. Incorrect Payment-Refund                       | 8. Overpayment-Refund                                   |
| 2. Duplicate Payment-Refund                       | 9. Tax Title Lien Redemption                            |
| 3. Vets, Senior Citizen, Exempt Prop Refund/Allow | 10. Homestead Rebate/NJ Saver                           |
| 4. Apply Overpayment to Next Year                 | 11. Apply Overpayment to Current Year                   |
| 5. Cancellation of Balance of Less than \$10.00   | 12. Cancellation of Credit of Less than \$10.00         |
| 6. Assessment Changes                             | 13. Cancellation of Taxes                               |
| 7. Tax Appeal                                     | 14. Other - Cancellation of Credit Balance over \$10.00 |

<u>Block</u>	<u>Lot</u>	<u>Qual</u>	<u>Owner Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
22	9		BOROUGH OF CALDWELL 26 SMULL AVE- HOMESTEAD CREDIT RETURN TO STATE	503.72	2021-2 <sup>nd</sup> QTR	10

**REFUND AMOUNT - \$ 503.72**

**SEND PAYMENT TO:**

NJ DIVISION OF TAXATION  
3 JOHN FITCH WAY  
PO BOX 269  
TRENTON, NJ 08625  
ATTN: PAULINE NIJANDER

**RECORD OF COUNCIL VOTE**

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\_\_\_\_\_ presented the following resolution - Seconded by: \_\_\_\_\_

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Schmidt						Lace				
Rodgers						DePalma-Iozzi				
Cole						Gates				

\_\_\_\_\_  
**Brittany Heun, Deputy Clerk**

\_\_\_\_\_  
**John Kelley, Mayor**

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.