

BOROUGH OF CALDWELL

COUNCIL BUSINESS/CONFERENCE SPECIAL MEETING MINUTES

December 14, 2021

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

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

ALSO PRESENT: Borough Administrator Thomas Banker and Deputy Clerk Kim Conlon.

Adequate notice of this Special/Business Conference Meeting December 10, 2021. 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 the same.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

November 12, 2021

Moved by Councilman Cole, seconded by Councilman Rodgers. No discussion. On roll call, all present voted in the affirmative. Minutes approved 12/14/2021.

PRESENTATION

1. Proclamation to Coach Lamont and the James Caldwell High School Football Team.
Councilman Rodgers read the Proclamation and the Mayor and Council extended their congratulations to Coach Lamont and the James Caldwell High School Football Team.
Coach Lamont said a few words about the season for the football team.
2. State of NJ Contract 83909-Motorola Procurement Proposal Presented by Chief Bongiorno and Ray Sullivan.
Chief Bongiorno and Ray Sullivan articulated to the Mayor and Council the benefits of switching the Caldwell Police Department Radio System to the NJICS State Radio System, which will provide more efficient communication with neighboring towns by participating in a one network radio system that is Shared by all police agencies in the State.

REPORT OF COUNTY LIAISON

Patricia Keenan, the Borough of Caldwell's County Representative reported that there is an increase in COVID cases for Essex County. Testing sites are still set up at the old Sears building in Livingston and at the old Kmart Building in West Orange. Vaccines and Booster Shots are being offered for anyone from ages 5- adulthood. The Sites are open Monday – Saturday and Essex County residents are encouraged to make appointments. The Holiday Lights are open at Turtle Back Zoo and a Food Distribution Event is scheduled for 12/21 in Newark. More details are available on the Essex County Website.

OPEN PUBLIC MEETING-COMMENTS ON RESOLUTIONS OR ANY TOPIC

1. **Valerie DePiro-Fells Manor Association** asked for an update for the Engineering Report regarding Fells Manor.
Mr. Banker stated that it would be presented as soon as possible and that the study was delayed due to the Engineer undergoing some health issues.
2. **Barbara Buechner, 7 Park Lane** asked for updates regarding the rock pile on Roseland Avenue, the 14 Park Avenue interior demolition, the status of applying for grants for a new fire truck for the Fire Dept., and inquired why the presentation regarding the changes for sewer charges for residents in the Borough was not on the Agenda.
Mr. Banker stated that the contract for 14 Park Avenue was awarded, with the expectation that work would commence in 5-10 days. The rock pile will be utilized in the construction of the Borough Hall as it is good "fill" material. Mark Guiliano is working with Millennium on preparing to file the grant application.
The Mayor stated that Brad Taylor in the Tax/Water Office would be coordinating with Phil LiVecchi from the Caldwell Sewer Treatment Plant to review possible changes to the methodology for billing for sewer services.
3. **John Taylor, 9 Leaycraft Lane** reported to the Mayor and Council that his water and sewer charges this year were significantly higher than previous years and was surprised that a letter was not sent out to detail any new changes in billing for sewer charges.

4. **Pamela Rudden, 31 Francis Place** asked if the Governing Body would be issuing rebates to residents for any excessive third quarter billings.
Mayor Kelley stated that they were not considering rebates at this time.
5. **Kevin Hirsch, 22 Leaycraft Lane** asked if there were any updates regarding changes to the payrates and sick/vacation time paid to the Borough of Caldwell crossing guards.

INTRODUCTION OF AN ORDINANCE

ORDINANCE #1424-21 AN ORDINANCE AMENDING THE BOROUGH CODE, CHAPTER 41, POLICE DEPARTMENT, SECTION 41-2 OF THE BOROUGH CODE ENTITLED, "MEMBERS".

Councilman Lace clarified that the Ordinance defines the structure of the Police Department by establishing a maximum limit for positions within the Department; no minimums.
Moved by Councilman Rodgers, seconded by Councilman Gates. On roll call, all voted in the affirmative.

ORDINANCE FOR A SECOND READING

ORDINANCE #1420-21 AN ORDINANCE OF THE BOROUGH OF CALDWELL, COUNTY OF ESSEX, AUTHORIZING AND APPROVING AN AMENDED AND EXTENDED TAX ABATEMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF CALDWELL AND RALF ASHLAND URBAN RENEWAL LLC PURSUANT TO N.J.S.A. 40A:20-1 et seq FOR THE PROPERTY LOCATED AT 7 ASHLAND STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 65, LOT 1.30 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF CALDWELL.

Council President Schmidt stated that there were edits that needed to be made in the language of the Ordinance: all areas in the document that state "City" need to be changed to "Borough", in #1, paragraph 5, the document needs to state that the initial agreement from 2016 becomes "null and void" upon adoption of this Ordinance, and the date of execution should be for 30 years through December 31, 2051. Council President Schmidt made a motion to amend Ordinance #1420-21 to reflect the above-stated changes, seconded by Councilwoman DePalma-lozzi. All voted in the affirmative for the amendments. Councilman Gates motioned to close and adopt the Ordinance, as amended, seconded by Council President Schmidt. All voted in the affirmative.

ORDINANCE #1421-21 AN ORDINANCE OF THE BOROUGH OF CALDWELL, COUNTY OF ESSEX, STATE OF NEW JERSEY, PROVIDING FOR THE IMPLEMENTATION OF THE "FIVE YEAR TAX EXEMPTION AND ABATEMENT LAW" PURSUANT TO N.J.S.A 40a:21-1, ET SEQ.

No discussion. Moved for adoption by Councilwoman DePalma-lozzi and seconded by Council President. All voted in the affirmative.

ORDINANCE #1422-21 AN ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$6,500,000 FOR AID TO THE DOWNTOWN CALDWELL REDEVELOPMENT PROJECT LOCATED IN THE DOWNTOWN CALDWELL REDEVELOPMENT AREA IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$6,500,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Barbara Buechner, 7 Park Lane asked the Mayor and Council why the amount was being increased for municipal capital improvements.

Mr. Banker stated that the purpose of the Ordinance is to allocate funds, not to a commitment to spend. His expectation is that most of the cost for these projects will be offset.

Councilman Cole motioned to adopt the Ordinance, seconded by Council President Schmidt. All voted in the affirmative.

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.

12-264	RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of December 14, 2021
12-265	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 11/23/2021 THROUGH 12/13/2021 IN THE AMOUNT OF \$4,184,065.88
12-266	RESOLUTION AUTHORIZING THE APPOINTMENT OF ANTHONY PALLANTE AS A CROSSING GUARD IN THE BOROUGH OF CALDWELL EFFECTIVE IMMEDIATELY AT AN HOURLY RATE OF \$17.00 PER HOUR
12-267	RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 –BODY WORN CAMERA GRANT
12-268	RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 – 2020 NJ DOT GRANT

12-269	RESOLUTION AUTHORIZING BUDGET TRANSFERS FOR CALENDAR YEAR 2021
12-270	RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL TO ISSUE A PURCHASE ORDER TO REINER PUMP SERVICES TO PROVIDE REPLACEMENTS FOR THE INOPERABLE SEWER PUMPS
12-271	RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TAX COLLECTION SERVICES FOR THE CALENDAR YEAR 2022
12-272	RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR FINANCIAL MANAGEMENT SERVICES FOR THE CALENDAR YEAR 2022
12-273	RESOLUTION AUTHORIZING THE APPROVAL OF A TREATMENT WORKS APPLICATION TO PERMIT CONNECTION OF THE SANITARY SEWER FOR THE PROPERTY LOCATED DESIGNATED AS BLOCK 41 LOTS 2, 3, 3.01, AND 4 IN THE BOROUGH OF CALDWELL TO THE CALDWELL WASTEWATER TREATMENT PLANT
12-274	RESOLUTION AUTHORIZING THE APPROVAL OF A TREATMENT WORKS APPLICATION TO PERMIT CONNECTION OF THE SANITARY SEWER FOR THE PROPERTY LOCATED DESIGNATED AS BLOCK 1500. LOT 13 IN THE TOWNSHIP OF WEST CALDWELL TO THE CALDWELL WASTEWATER TREATMENT PLANT

A motion was made by Council President Schmidt, seconded by Councilwoman DePalma-Iozzi to adopt the Consent Agenda.

Councilman Rodgers and Council President Schmidt voted yes on all the Consent Agenda. Councilman Lace and Councilman Gates voted yes on all the Consent Agenda, except they both abstained for Resolution 12-273. Councilwoman DePalma-Iozzi and Councilman Cole voted yes for all the Consent Agenda, except for Resolution 12-274, in which they both voted no.

Council Committee Reports

Councilman Gates reported that Camp Wyanokie is closed for the winter and that their Budget was approved by the Board at their last meeting, which included a small increase for the Borough of Caldwell of 10%.

Councilman Lace reported that the Shared Services Letter for the Stormwater Study was met with interest from neighboring towns who are interested in holding a summit to discuss stormwater findings and issues.

New Business

Councilman Cole brought up a discussion with the Mayor and Council about the state of the bricks on Bloomfield Avenue and Westville Avenue and their need for repair.

There were no reports from the Mayor, the Borough Administrator, or the Borough Attorney.

Mr. Banker stated that the Governing Body needed to vote to authorize the Borough Administrator to have the bricks along Bloomfield Avenue and Westville Avenue repaired.

Councilman Cole made a motion to authorize the Borough Administrator to have the bricks repaired, seconded by Councilwoman DePalma-Iozzi. All voted in the affirmative.

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.

Councilman Gates made a motion for the Mayor and Council to enter into Executive Session, seconded by Councilwoman DePalma-Iozzi. The Mayor stated that there would be no further legal action taken after Executive Session.

The Mayor and Council entered into Executive Session at 9:11PM.

Prepared by: Kim Conlon
Kim Conlon- Deputy Clerk

December 15, 2021
DATE