

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES- December 15, 2020**

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

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, Borough Attorney Vincent Nuzzi, and OEM Director Mark Guiliano.

STATEMENT OF COMPLIANCE

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

December 1, 2020

Moved by Councilman Lace and seconded by Council President Schmidt. Upon a roll call vote, all voted in the affirmative. Minutes approved on 12/15/2020.

PRESENTATION

N/A

COVID-19 Update

- Mark Giuliano
 - COVID
 - Spike in numbers which is partly due to more testing
 - Distribution of Vaccine began today
 - Storm
 - PD is ready, DPW is ready, WEFAS is ready, Fire will be on standby
 - 12-18inches possible
 - High winds
 - Possible rain snow mix

- Betty Sullivan- President of the Board of Health
 - Health Officer updates
 - 30 active cases
 - Numbers are increasing rapidly
 - Vaccine is being distributed in NJ today
 - Continue to Social distance even when masked
 - Maintain good Hygiene
 - Essex County testing 6 days a week
 - Essex COVID.org or call 973-877-8456
 - New appointments open a week in advance
 - COVID Alert App
 - CDC requests that holiday gatherings be limited
 - Caldwell Food Pantry is still collecting food
 - Santa will be coming to town again this year

Mayor Kelley spoke about the County's request for volunteers for the COVID Vaccine sites. The letter will be posted on

REPORT OF COUNTY LIASON

Patricia Keenan

N/A

OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC

Eva Ogens, 29 Hatfield Street, Food Pantry Drive. Is anyone still collecting toys?

Mark Guiliano said that the Police Department was collecting toys

Council President Schmidt suggested that Ms. Ogens touch base with Maria Burak, as she may still be collecting for the Giving Tree.

ORDINANCES FOR FINAL READING

ORDINANCE #1392-20 ORDINANCE TO AMEND THE ORDINANCE REGULATING SIGNAGE WITHIN THE BOROUGH OF CALDWELL

Councilman Lace asked what the Notes that are mentioned in the columns are, and if they are in the document provided. Council President Schmidt said that there were issues with formatting so that may be the issue

Councilman Gates: What were the Planning Board Notes. Council President Schmidt responded that they Planning Board asked to change the title and verbiage in Section 12.4, and add detail regarding the approval process in Section 3.3.1.

A motion to change the word township to Borough throughout the document, was made by Councilman Lace and seconded by Councilman Gates. Upon a roll call vote, all voted in the affirmative.

A motion to adopt Ordinance #1392-20, as amended, was made by Councilman Lace and seconded by Councilman Cole. Upon a roll call vote, all voted in the affirmative. Ordinance passed 12/15/2020.

ORDINANCE #1393-20 AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY DESIGNATED AS BLOCK 23, LOT 9.02 ON THE TAX MAPS OF THE BOROUGH OF CALDWELL, NEW JERSEY, ALSO KNOWN AS 16 PARK AVENUE FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$675,000)

Christine Corliss, 72 Smull Ave, what are the plans if we don't move town hall? What is the decision process?

Mayor Kelley responded by saying that if we do not move Borough Hall; we can certainly put the properties back on the market. There are no definitive plans at this time. The Administrator, Engineer, and DPW did walk the current Borough Hall to determine the failings of the current building. Ms. Corliss asked what would be done with the current Borough Hall if we don't move. Mayor Kelley responded saying that that scenario has not be discussed yet.

MaryAnn Campion, 53 Arlington Avenue, asked if there were any grant monies for the Post Office.

Mayor Kelley responded saying that we are currently in negotiations so we cannot discuss the details. Ms. Campione asked if it is a done deal after tonight. Mayo Kelley said that it is.

Eva Ogens, 29 Hatfield St., asked what kind of Zoning would be in that area?

Mayor Kelley responded saying that question is a little off topic as we are discussing the acquisition of the property

A motion to pass Ordinance #1393-20 was made by Councilman Lace and seconded by Councilman Rodgers. Upon a roll call vote, all voted in the affirmative. Ordinance passed 12/15/2020.

ORDINANCE #1394-20 ORDINANCE ADOPTING THE BOROUGH OF CALDWELL REDEVELOPMENT PLAN IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 et seq.)

Tuen Deuling - Topology

Golda Speyer - Topology

Borough Planner Phil Abramson

- Gave a presentation on the Redevelopment Plan

PUBLIC

Maryann Champion, 53 Arlington Ave, we do not have to accept lowest bids for projects that come up for the Redevelopment areas

- Phil - yes, that is correct. Relaxation of public contracting laws
- **Maryann** - Who votes on the individual project
- Phil - The Governing Body will have the final say and final vote. The Planning Board will do the technical aspects like site plan review
- **MaryAnn**- will there be an opportunity to create parking?
- Phil - Projects will carry their own weight for parking. Shared parking allows for parking to be used around the clock, off-site parking, and parking is required for projects
- **Maryann**- Create a separate team for this

Bob Silver, Builders behind the Wilson and the Grover House. Discussed why his company has found Caldwell the perfect place to invest in. Offered a few suggestions for resurrection of the Downtown Caldwell area. Expressed the importance of making investments in the properties in Downtown.

Alan Schindler, Hatfield Street, Project Main Street President and Member. Said that the presented Plan is consistent with the goals of Project Main Street and he is extremely happy with Phil's presentation. Believes this will be a good tool to create a more vibrant Downtown

BJ Kurus, 38 Thomas Street, Zoning Board Chairman.

- Is there any safeguard for Historic Structures downtown? Historic district?
- Phil- The Redevelopment Process does allow for a framework. The conversations around historic buildings can and will be had when individual projects come up
- BJ - There is nothing to safeguard the old buildings
- Phil - No, at this moment there is nothing to safeguard them right now. After the plan is adopted, the process can be used to prevent tearing down historic buildings.
- BJ- Can there be a process set up so that the Historic Preservation Commission has to be involved if a historic building comes up through Redevelopment
- Phil- the redevelopment process will help give the Council the ability to turn down or approve projects that may impact historic sights
- Mayor - Yes, Council will be the gatekeepers
- BJ - What about parking for the new projects. Adding height to some of these developments. Will the storefronts have enough parking to thrive?
- Phil - Towns were built over the year without parking. Parking usually falls on the Municipalities. Buildings that come in the future will need to provide sufficient parking. Existing parking facilities, good on street parking.
- Mr. Banker - The Borough is in the process of expanding municipal parking, partly to help the Redevelopment Plan, and also to ease the need to parking that exists in Caldwell
- BJ - asked about Site Consolidation
- Phil - current Fragmented ownership can be a detriment to a town like Caldwell. Older Buildings in town will not be able to support modern business. Borough Support will be key to this process with developer
- BJ - asked about Sewer Capacity and how that may restrict the redevelopment
- Phil - No, does not have that information
- BJ - Asked about the Town Green. If the municipality moves buildings there, is there a plan to create a new town green or community meeting place?
- Phil - The green is protected through Open Space. Does not believe that site will be touched as part of any project, due to all the red tape
- BJ - If the Post Office is used for the Borough Hall, will there be a "new green" in that area as Town Hall and Town Green often go hand-in -hand
- Phil - Does not believe that has been accounted for ye. If that were to transpire, this Redevelopment plan puts the municipality in a good position to move forward.
- BJ - How do these densities fit with surrounding densities and how do they compare to other surrounding towns.
- Phil - Sometimes small buildings can wind up with many more units than anticipated.
- BJ - Are Roof Decks occupiable spaces
- Phil - Roof Decks are permitted as accessory

Barbara Buechner, 7 Park Lane, Bike Storage has been mentioned in the plan but there is nothing about Bike Paths that Council President Schmidt has mentioned on other occasions

- Phil - IF the Borough wants to go ahead with an offsite plan. It can certainly be visited when individual projects come before the Mayor and Council.

Christine Corliss, 72 Smull Ave, appreciated the revised report from what was presented to the Planning Board.

How come the parking garage cannot be fixed as a parking garage but can be reconnected for residential use

- Mr. Banker - the culvert goes diagonally under the parking garage. The culvert did compromise the engineering of the site. If the parking garage is torn down, then anything going back up must respect the culvert. Building over water is always a bad idea. The redevelopment plan doesn't design what can go there in the future.
- **Ms. Corliss** - One of the biggest concerns is having buildings 4 or 5 stories, for instance the area on Smull Ave is marked as possible 4-5 stories. Can that be changed to 2-3 stories instead of 4-5 stories. Is there a reason that it is set a 4-5 stories?
- Mayor Kelley - it is not all areas of Downtown Caldwell that is eligible for 4-5 stories. That decision will be in the hands of the Mayor and Council.

A motion to pass Ordinance #1394-20 was made by Councilman Lace and seconded by Councilman Rodgers. Discussion ensued.

Councilman Lace remarked on the affordable housing obligation as well as the ways that this redevelopment plan can help with this Depressed Economy that we are in due to the current Health Crisis. Thanked Phil for his work

Councilman Gates: emphasized the remarks on the COAH obligations. Discussed that property owners are not being required to change the aesthetics of their properties.

Council President Schmidt: Commended Phil for his efforts here tonight. Voice support on how this plan can be a solution to many issues the town is facing. This can allow for revitalization of our Downtown, and looking forward to seeing that happen

Councilman Cole: Proud of the Council making this step.

Councilman Lace: received a letter from Mr. Crowell and asks that it be added to the records from this meeting

Upon a roll call vote, all voted in the affirmative. Ordinance passed 12/15/2020.

ORDINANCE #1395-20 ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$765,182, OR SUCH OTHER AMOUNT CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY

A motion was made by Councilman Lace and Seconded by Council President Schmidt. No Discussion. Upon a roll call vote, all voted in the affirmative. Ordinance passed 12/15/2020.

ORDINANCE #1396-20 AN ORDINANCE TO AMEND THE ORDINANCE GOVERNING SEWER SERVICES CHARGES AND THE COMPUTATION THEREOF

A motion was made by Councilman Lace and seconded by Councilman Cole. Discussion ensued.

Councilman Lace asked about the rational for the change. Is it assumed or projected that the surrender fees are not enough to cover the costs of maintenance of the sewer ordinance? Mr. Banker addressed the questions and said that it is a correction of methodology problem. The ordinance originally adopted created an inequity, which this ordinance corrects.

Upon a roll call vote, all voted in the affirmative. Ordinance passed 12/15/2020.

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.

- 12-242** RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL EMERGENCY NOTES IN AN AMOUNT EQUAL TO THE SPECIAL EMERGENCY APPROPRIATION MADE FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY
- 12-243** AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 12/1/2020 through 12/14/2020 IN THE AMOUNT OF \$3,802,437.77
- 12-244** RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED, For the Meeting of December 15, 2020
- 12-245** RESOLUTION AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #19-00013, Block 54, Lot 1, Qualifier c00g2, 71 Roseland Avenue, CALDWELL, NJ 07006
- 12-246** RESOLUTION AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #19-00002, Block 5, Lot 4.10, 103 Bloomfield Avenue, CALDWELL, NJ 07006
- 12-247** RESOLUTION AUTHORIZING BUDGET TRANSFERS FOR CALENDAR YEAR 2020
- 12-248** RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL THROUGH THE ESSEX COUNTY/ CALDWELL POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE CALDWELL POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT
- 12-249** RESOLUTION AUTHORIZING THE PURCHASE OF A HAULER TRUCK FROM HUDSON COUNTY MOTORS, 290 Secaucus Road, Secaucus, NJ 07094 FOR THE CALDWELL DEPARTMENT OF PUBLIC WORKS FOR AN AMOUNT OF \$105,469.00
- 12-250** WITHDRAWN

Motion to vote on the consent agenda was made by Councilman Rodgers and seconded by Councilman President Schmidt. Upon a roll call vote, all voted in the affirmative. Resolutions in the consent agenda passed 12/15/2020.

NEW BUSINESS

N/A

COUNCIL COMMITTEE REPORTS

Borough Council Members

Council President Schmidt

- Caldwell Community Center
 - Advisory Board team has been set up and there will be a resolution on the re-organization meeting

REPORT OF MAYOR

John Kelley

Essex County is looking for volunteers from each town to help with the Vaccination Centers. More information will be going out in the website this week.

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

Thomas Banker reported:

- 12/29 meeting will be considering the year end transactions, the PBA contract, and the Non-union salaries and wages resolution

REPORT OF BOROUGH ATTORNEY

Vincent Nuzzi

N/A

On a motion made by Councilman Lace, seconded by Councilman Cole. Upon a voice vote it was unanimously affirmed. The Council moved into Executive Session at 9:42P.M.

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 Council President Schmidt, seconded by Councilwoman DePalma-Iozzi unanimously affirmed by all members present, the meeting was adjourned.

Prepared by: _____
Brittany Heun, Deputy Borough Clerk

DATE