

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES- December 1, 2020**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order on Zoom at 7:16PM.

**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**

November 17, 2020

Moved by Councilman Lace and seconded by Council President Schmidt. Upon a roll call vote, all voted in the affirmative. Minutes approved on 12/1/2020.

**PRESENTATION**

1. Announcement by the Mayor on the passing of Kay Slattery, former Borough of Council Member. Tributes to Mrs. Slattery were given by Council President Schmidt, Councilman Lace, and former Borough of Caldwell Mayor, Susan Gartland.
2. Presentation on Findings and Determinations from Sewer Capacity Study
  - Tom Banker Introduced the Presentation
  - John Scheri from Mott McDonald gave a presentation to update the Mayor & Council on the status of the Treatment Plant
  - After the presentation, it was opened to Council Questions
3. Environmental Commission Sustainability Awards
  - Councilwoman DePalma-Iozzi introduced the presentation
  - Ann Marchioni presented the 2020 Sustainability Awards from the Environmental Commission
4. Library Presentation
  - Council President Schmidt Introduced the presentation
  - President of the Caldwell Library Foundation - Susan Gartland
  - Library Director - Robin Rockman

**COVID-19 Update**

Mark Guiliano, OEM Director Reported:

- Second Wave of positive cases- 208 cases, 28 in the last week
- Hospitals are getting overcrowded
- Vaccine distribution for Essex County will be at the airport
- Sunday December 20th - Fire Department will be escorting Santa through the Borough

**REPORT OF COUNTY LIASON**

**Patricia Keenan**

Patricia Kennan Reported:

- County Vaccine Program is being rolled out
- Nasal Swab Testing
- Monday - West Orange
- Tuesday- Newark
- Wednesday- Cedar Grove.

- Thursday- Newark
- Friday- West Orange
- Food Distribution in Orange
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#### OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC

No Comments

#### 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.*

- 12-239** AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 11/18/2020 through 11/30/2020
- 12-240** RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of December 1, 2020
- 12-241** RESOLUTION AUTHORIZING THE REVERSAL OF ANY FEES OR PENALTIES ACCRUED FOR THE FOURTH QUARTER TAXES FOR THE PROPERTY LOCATED AT 26 SMULL AVENUE, CALDWELL, NJ 07006

*Discussion ensued. Motion to vote on the consent agenda was made by Councilman Lace and seconded by Councilman President Schmidt. Upon a roll call vote, all voted in the affirmative. Resolutions in the consent agenda passed 12/1/2020.*

#### NEW BUSINESS

*Councilman Lace reminded residents to make sure the storm drains are clear of leaves before a storm, to prevent flooding during heavy rainstorms.*

#### COUNCIL COMMITTEE REPORTS

*Borough Council Members*

Councilman Cole

- read a statement from Maria Burak:
  - 121 baskets were given to residents
  - Thanked the CWCBOE for their food drives dedicated to Mr. Brown, as well as the Rotary, Boy Scouts, Pia Costa, Landscaping Companies, Shop Rite and Local Turkeys.
  - Please check out the Virtual Giving Tree. Gifts are due on December 13<sup>th</sup>

Councilman Gates

- Rent Review Board
  - Outdated Ordinance
  - Rent Review Board has been discussing ways to bring the Rental Ordinance up to date.
  - Updated the council on motions made at the Rent Review Meeting
    - Councilwoman DePalma-Iozzi asked if maybe during Pandemic times, we should hold off on changing the Ordinance and raising rental rates.
  - Working with Vince Nuzzi on updating the Ordinance
    - Tom Banker suggested that the Mayor appoint an ad hoc committee to discuss and make recommendations to an overall change of the Ordinance. Further Study is needed before the Mayor and Council are asked to make a decision on a new Ordinance. Committee of no more than 3 people (specialists)
    - Mayor Kelley said that he would be happy to put something together

Council President Schmidt

- Community Center
  - Advisory Committee search deadline is December 10<sup>th</sup>

#### REPORT OF MAYOR

*John Kelley*

- Thanks to Mario and the DPW for their work on getting the town decorated
- Tree will be lit on Saturday

**REPORT OF BOROUGH ADMINISTRATOR***Thomas Banker**Thomas Banker reported:*

- Open Space Grant was submitted and the Open Space Committee has agreed to recommend our application for the Open Space
- December 15th will be a big meeting with

**REPORT OF BOROUGH ATTORNEY***Vincent Nuzzi*

N/A

On a motion made by Councilman Lace, seconded by Council President Schmidt unanimously affirmed, the Council moved into Executive Session at 9:14P.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