

BOROUGH OF CALDWELL

COUNCIL BUSINESS/CONFERENCE MEETING MINUTES

December 28, 2021

The Council Business Meeting of the Borough of Caldwell was called to order via Zoom Webinar at 7:23PM.

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

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

Adequate notice of this Business/Conference Meeting was given on January 22, 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

December 14, 2021

Moved by Council President Schmidt, seconded by Councilman Cole. No discussion. On roll call, all present voted in the affirmative. Minutes approved 12/28/2021.

EXECUTIVE SESSION

A motion was made by Councilwoman DePalma-Iozzi and seconded by Councilman Gates. The Governing Body entered into Executive Session at 7:25pm after stating to the public that they would be returning to continue the rest of meeting and vote on legislation.

At 7:35pm, a motion was made by Council President Schmidt to leave Executive Session and return to the Public Meeting, seconded by Councilwoman DePalma-Iozzi.

The Mayor and Council resumed the Public Meeting at 7:40pm.

Council President Schmidt made a motion to change the order of business in order to vote on Resolution #12-281 separate from the Consent Agenda. Councilman Rodgers seconded the motion and all members of the Council voted in the affirmative.

12-281

RESOLUTION AUTHORIZING THE PROMOTION OF A SERGEANT FROM THE BOROUGH OF CALDWELL POLICE DEPARTMENT TO THE POSITION OF LIEUTENANT EFFECIVE JANUARY 1,2022

Councilwoman DePalma-Iozzi made a motion to adopt Resolution #12-281, seconded by Councilman Rodgers. Upon roll call, all members voted in the affirmative.

PRESENTATION

1. **Sustainable New Jersey Awards** presented by Ann Marchioni, co-chair of the Caldwell Environmental Commission. The following organizations were recognized for their support of the Borough's "Last Child in the Woods-Why Nature is Important for our Health" Presentation by Richard Louv:
The New Jersey Audobon, Alliance for NJ Environmental Educators, Watchung Booksellers, Bergen County Audubon Society, Caldwell Public Library, Grover Cleveland Park Conservancy, and the Kiwanis of Caldwell

and West Essex. Several individuals were recognized as well: Ann Martin, Robert Edelstein, Jane Kinkle, Councilwoman DePalma-Iozzi, Kenneth Mihalik, John Cali, and Sister Gerarda Panek.

2. **Results of Sewer Capacity and I and I Study Presentation** by John Sheri from Mott McDonald.

Mr. Sheri reported on the results of 18 months of study on the Caldwell Sewer System/Treatment Plant and problems with infiltration of stormwater into the system.

Background Information was provided: Caldwell Sewer Treatment System covers 133 miles of public sewers, one waste treatment plant, serves a population of 31,808, and has sewer pipes that are 8-24 inches in diameter.

Reported result findings:

- While looking at drainage basins with high flow areas, found 3 basins highly responsive to wet weather.
- Identified defective manholes and selected more areas to investigate.
- Divided 3 problem basins into 21 mini-basins; conducted flow metering and smoke testing to check for leaks; CCTV explorations were conducted.
- 6 mini-basins were found to be leaky
- Extraneous infiltration areas were broken down based on which towns they were located in: Caldwell 27.7%, West Caldwell 30.7%, North Caldwell 41.1%, and Essex Fells 0.3%.
- Synopsis: Hard to find a huge source for the excessive infiltration and will more than likely be a long-term program approach to reduce infiltration.
- Statistics were offered on capacity of the Treatment Facility:
Treatment plant permitted flow – 4.5 million gallons per day “MGD”
Peak flow capacity – 15 MGD
Dry weather with no groundwater – 3.28 MGD
12 month rolling average – 5.39 MGD
Maximum monthly – 5.76 MGD

Conclusions:

- I and I is present
- US EPA considers extraneous infiltration anything over 1,92 MGD. Anything lower is considered typical. Caldwell Treatment Facility not too far off from that range.
- Focus should be made on future investigation of the mini-basins and the interceptor on Passaic Avenue; need to address private sewer connection issues, which account for ½ of the infiltration; need to confirm capacity future needs with participating neighboring towns; select which of the 3 options for increasing capacity and evaluate funding options and timetables; initiate applications for NJDEP approvals.

Mr. Banker stated that the Caldwell Treatment Facility does not have enough capacity to address the COAH needs of the Borough or the COAH obligations of the neighboring towns. Caldwell will need to expand the existing plant to increase capacity or have one of the existing neighboring customers connect to another Waste Water Treatment Facility.

Councilman Gates asked if capacity would be increased if some of the existing sewer pipes were repaired or replaced?

Mr. Sheri stated that it would be costly to repair the pipes and that it would not free up enough extra capacity to make it a worthy investment.

OPEN PUBLIC MEETING-COMMENTS ON RESOLUTIONS OR ANY TOPIC

1. **Stephen Modica, 153 Westville Avenue** offered his appreciation and thanks to Council President Schmidt and Councilman Rodgers for their dedication and service to the Borough of Caldwell.
2. **Barbara Buechner, 7 Park Lane** wanted to wish the Mayor and Council a Happy New Year.

ORDINANCE FOR A SECOND READING AND ADOPTION

ORDINANCE 1423-21 AN ORDINANCE AMENDING THE BOROUGH OF CALDWELL REDEVELOPMENT PLAN IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL REDEVELOPMENT AND HOUSING LAW

PUBLIC COMMENTS

1. **Michael Rubin, 77 Brookside Avenue** expressed his disappointment that Topology would not be present to explain the amendments proposed. He stated that he considered the amendments not to be consistent with the Borough of Caldwell Master Plan. He expressed his concern that Councilman Gates had introduced the Ordinance when he believed that part of the amendments pertained to the Lane Avenue Development Site.

Council President Schmidt made a motion to close the open public discussion and adopt Ordinance 1423-21, seconded by Councilman Rodgers. All voted in the affirmative, except for Councilman Lace and Councilman Gates, who both abstained from voting.

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

NO PUBLIC COMMENTS

Councilwoman DePalma-Iozzi made a motion to adopt Ordinance 1424-21, seconded by Councilman Cole. 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.

12-275	RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of December 28, 2021
12-276	RESOLUTION AUTHORIZING PAYMENT OF THE BILLS AND ISSUANCE OF CHECKS FOR THE PERIOD 12/14/21 THROUGHOUT 12/27/21 IN THE AMOUNT OF \$2,605,809.11
12-277	RESOLUTION AUTHORIZING THROUGH NJ STATE CONTRACT NO.17-FLEET-00793 FOR THE PURCHASE OF BODY WORN CAMERAS AND RELATED EQUIPMENT FOR THE POLICE DEPT. IN AN AMOUNT NOT TO EXCEED \$41,414.
12-278	RESOLUTION AUTHORIZING THE EXECUTION OF THE INDEMNITY AND TRUST AGREEMENT WITH THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND For the period January1,2022 through December31,2024
12-279	RESOLUTION AUTHORIZING AN ANNUAL RAISE FOR THE NON-UNION EMPLOYEES OF THE BOROUGH OF CALDWELL
12-280	RESOLUTION AUTHORIZING THE ISSUANCE OF A YEARLY STIPEND OF \$200.00 TO BE AWARDED TO THE DESIGNATED SECRETARY OF THE CALDWELL ENVIRONMENTAL COMMISSION BY THE BOROUGH OF CALDWELL
12-282	RESOLUTION AUTHORIZING BUDGET TRANSFERS FOR CALENDAR YEAR 2021
12-283	RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATION IN THE TAX OFFICE
12-284	RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATION IN THE TAX OFFICE

12-285	RESOLUTION AMENDING THE TOTAL AMOUNT OF ANNUAL FEES AWARDED FOR A NON-FAIR AND OPEN CONTRACT FOR BOROUGH AUDITOR SERVICES FOR THE CALENDAR YEAR 2021
12-286	RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$40,068,000 GENERAL OBLIGATION BONDS, SERIES 2021, CONSISTING OF \$10,350,000 GENERAL IMPROVEMENT BONDS, \$20,000,000 REDEVELOPMENT BONDS, \$6,089,000 WATER UTILITY BONDS AND \$3,629,000 SEWER UTILITY BONDS OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$40,068,000 IN PRINCIPAL AMOUNT
12-287	RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF SEWER UTILITY BONDS OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$3,629,000 IN PRINCIPAL AMOUNT
12-288	RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$10,350,000 IN PRINCIPAL AMOUNT.
12-289	RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF WATER UTILITY BONDS OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$6,089,000 IN PRINCIPAL AMOUNT
12-290	RESOLUTION AUTHORIZING THE CREATION OF THE POSITION OF ADMINISTRATIVE ASSISTANT IN THE CONSTRUCTION DEPARTMENT AND AUTHORIZING THE APPOINTMENT OF CHRISTINA BURGHARDT TO THAT POSITION

Councilman Rodgers asked if a Resolution could be added to the Consent Agenda to make adjustments in the salaries for the Borough of Caldwell Crossing Guards. After some discussion, a decision was made to wait until the first meeting in January 2022 to address adjustments to the salaries for Crossing Guards.

Mr. Banker provided some details regarding Resolutions #12-286, #12-287, #12-288, and #12-289. He stated that there are three steps to capital spending: authorize the project, fund the project by borrowing the funds, and spend the funds by authorizing a contract. There are \$18,000,000 of notes coming due in March and April. These Ordinances allow the Borough to roll over the small debt of \$18,000,000 and borrow an additional \$22,000,000 to fund capital improvements. Council Members will still have the ability to vote no on any specific project because the funds are not spent until a contract for services/goods is approved by the Mayor and Council.

Councilman Lace expressed his concern over the total amount of borrowing and asked if a property tax impact statement could be provided..

Mr. Banker stated that he had provided in the packet a Bond Sale Explanation. He stated that there will be offsets to counter the costs and that it was making an investment in the Borough of Caldwell with projects that will generate income.

Councilman Rodgers made a motion to add an additional Resolution (Resolution #12-291) to the Agenda, seconded by Councilwoman DePalma-Iozzi. The Mayor explained that Resolution #12-291 was to authorize the

-5-

purchase of the Motorola Solutions Communication System for the Caldwell Police Department for a total of \$177,576.00. All voted in the affirmative to add Resolution #12-291 to the Consent Agenda.

Councilman Rodgers made a motion to amend the amount for Resolution #12-291 to \$198,000.00 to reflect the authorization of Motorola radios for the Caldwell Fire Department as well. The motion was seconded by Councilman Cole. All voted in the affirmative to amend the authorized total amount to \$198,000.00.

Councilman Rodgers made a motion to remove Resolutions #12-286, #12-287, #12-288, and #12-289 from the Consent Agenda to vote on separately, seconded by Councilman Cole.

Council President Schmidt made a motion to vote on the Consent Agenda, as modified with the addition of Resolution #12-291, and with Resolutions #12-286, #12-287, #12-288, and #12-289 to voted on collectively with a separate vote. The motion was seconded by Councilwoman DePalma-Iozzi. All members voted in the affirmative to approve.

Councilman Rodgers made a motion to vote on Resolutions #12-286, #12-287, #12-288, and #12-289, seconded by Councilman Cole. Councilman Lace voted no. All other members voted in affirmative.

Councilman Cole inquired if there were any reports or updates from the Borough Engineer regarding the Lane Avenue Project?

The Mayor responded by stating that the Engineer reported that the total underground basin storage for stormwater on the Lane Avenue Project Site was 15,700-20,000 cubic ft and that the water table appears to be much lower than the retaining wall.

Councilman Cole stated that he was pleased to see that the developer had taken extra steps to prevent stormwater issues.

REPORT OF MAYOR

Mayor Kelley

Mayor Kelley expressed his thanks and commended Councilman Rodgers and Council President Schmidt for their dedication to service to the Borough of Caldwell.

Councilman Rodgers thanked his colleagues and the residents of the Borough of Caldwell and reflected that his years on the Council were a great experience.

Council President Schmidt expressed her thanks to her colleagues, the Borough of Caldwell employees, Mr. Nuzzi, the Caldwell Police Department and First Responders.

No Report from the Borough Administrator.

No Report from the Borough Attorney.

Council President Schmidt made a motion to adjourn the meeting at 10:00pm, seconded by Councilman Rodgers.

The Meeting Adjourned at 10:00pm.

Prepared by: _____
Kim Conlon, Deputy Clerk

Date: _____