

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – December 6, 2022**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order at 7:17 PM.

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

ALSO PRESENT: Deputy Clerk Kim Conlon, Borough Engineer, Glenn Beckmeyer, and Borough Attorney Mary Kate Serratelli

ABSENT: Borough Administrator, Thomas Banker

STATEMENT OF COMPLIANCE

Adequate notice of this Council Business/Conference Meeting was given on January 20, 2022. Notice was posted on the bulletin board of the first floor of Borough Hall, 24 Smull Avenue, 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

October 25, 2022

A motion to approve the minutes was made by Councilwoman DePalma-Iozzi and seconded by Councilwoman Buechner. Upon a roll call vote, all members present voted in the affirmative. Minutes approved 11/1/2022.

The Borough Attorney has advised that Council President Gates and Councilman Lace that they should recuse themselves from the presentation on the Redevelopment Application Presentation by The Manor at Caldwell, LLC and from the vote on Resolution 12-253

- Both recused themselves and left the meeting for the duration of the presentation.

PRESENTATION

1. Redevelopment Application Presentation by The Manor at Caldwell, LLC
2. Environmental Commission Sustainable Jersey Awards
3. Jason Bittel – Lantern Flies

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

Mr. Banker was absent due to a medical procedure and didn't give a report.

REPORT OF COUNTY LIAISON

Patricia Keenan

Patricia Keenan Reported:

- Holiday:
 - 5-9pm at turtle back zoo. Closed 24th and 25th.
 - Kipps castle is open Thursday - Sunday
 - December 20th - holiday food distribution at south mountain recreation
- COVID
 - Vaccines for 6 and older at mobile sites
 - Newark Tuesday
 - Bloomfield on Wednesday
 - Irvington on Thursday
 - EssexCovid.org

Mayor Kelley offered his congratulation to the Mayor Elect and Councilmen Elect on their win in the election

Congratulated the JCHS Football team for winning the state championship for the second time in a row. Alonso said he reached out to the BOE Director regarding a parade for the football team. Once we have more information, we will share it and spread the word.

OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC

Keith Cimera, 8 Orchard Square. On December 14, 2021 there was a tax abatement adopted by the Mayor and Council. Who approves or denies the tax abatement. My application was denied. Denied by George Librizzi because he said that the CO was received after I actually received it.

The Borough Attorney advised that if it is awaiting litigation, it can't be discussed in public. Suggests that Mr. Cimera submit it in writing.

Sue Marrinucci, 32 Ravine Avenue asked about the agreement that was made with Calandra's. Mayor Kelley said that it was a cross easement and it was approved in public

Luana Pace, 412 Bloomfield Avenue, Since February 28th I have been harassed and discriminated on by my landlord. She has kicked me and my high school aged son out, and I have 30 days to get out. My son has a disability, but this lady is causing nothing but stress and problems for me and my son.

Council President Gates asked if the eviction has gone to the courts on this issue? Have you contacted the Police Department?

Ms. Pace said that she did go to the police department and the North Caldwell Police Department were brought into it by her landlord.

Mayor Kelley said that this forum might not be as productive as it does not pertain to the items on the agenda. Maybe our Borough Attorney and Council President Gates can help. I will give you my contact information to try to help you out in this situation

Kristen Gerard, 28 Smull Ave. in march I sent an email to the Council regarding my concerns with the property that the Trailers were going to be put on, and the flooding that occurs. The lot now slopes down towards my property when it rains and I am in the risk of having my property flooded. Brought pictures to show the Council. I have asked for Glenn Beckmeyer's information and will be paid a visit on Thursday. I have had people parking in our driveway, and I have had citizens come to my house asking about pay check and leaf collection. Have been emailing since march regarding privacy fence that I was promised.

Mayor Kelley said that Mario, Glenn, and a fence contractor regarding a privacy fence. The Borough is working on it and our Engineer does need to address the flooding that you are experiencing.

Ms. Gerard said that he heard from one contractor and is waiting to hear back from others, as he needed to get other quotes. What about trees and arbors to block the light

Mr. Bifalco, Director of DPW, said that we have spoken to Ms. Gerard and her husband regarding this. We need to get more estimates on the fence. There was an issue with the gate not being where she has wanted it. I also spoke with a landscaper about transplanting some of our greenery to use to create a privacy screen.

Nick Corrielli, 27 Westville Avenue. Asked if there will be updates on any of the items listed on the agenda.

Mayor Kelley said that our Borough Administrator had surgery this morning and wasn't able to make it.

Mr. Corrielli said that he was disappointed to hear that an update was not given.

Mayor Kelley said that Mr. Banker was planning on being here all day, but was not able to make it.

Dana Cimera, 21 Kirkwood Place. Would the Council be open to and reopening the Cannabis discussion.

Council President Gates said that in the beginning of the year we worked on getting information on the retail Cannabis industry. We have had a lot of citizens come forward and speak out against retail cannabis in Caldwell. I would say that right now, based of community feedback, there is more support NOT to have cannabis then to bring it into town.

Christine Gurriere, 26 Welshman Court. Filed an OPRA in September to look at the check register. I am not understanding why we have Mott MacDonald and Beckmeyer who are being paid a ton of money from the same fund in a 6-month period of time. Mott MacDonald 1.6 million. What are their responsibilities. Mr. Banker was supposed to give an update on parking. The bill list has an item for Police Vehicle parking

Mayor Kelley said that Glenn Beckmeyer is the Borough Engineer and Mott MacDonald is our Sewer Operator.

Ms. Gurriere asked if both are being paid out of the Sewer Fund

Mayor Kelley said that we will get you the information you are requesting

ORDINANCES FOR SECOND READING

RESOLUTIONS

12-253	RESOLUTION DESIGNATING Manor AT Caldwell, LLC AS REDEVELOPER FOR A REDEVELOPMENT PROJECT AT LOT 7 IN BLOCK 41 IN THE BOROUGH OF CALDWELL, NEW JERSEY AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT
12-268	RESOLUTION TO REJECT ALL BIDS FOR THE FOUNDATIONS AND SUPERSTRUCTURE CONTRACT FOR THE NEW MUNICIPAL BUILDING COMPLEX

Council President Gates and Councilman Lace recued themselves from the vote, and left the room.

A motion to approve resolution 12-253 was made by Councilwoman DePalma-Iozzi and seconded by Councilman Cole. Discussion ensued. Upon a roll call vote, all members present voted in the affirmative with Councilman Alonso voting no. Resolution approved 12/6/2022.

A motion to approve resolution 12-268 was made by Council President Gates and seconded by Councilman Cole. Discussion ensued. Upon a roll call vote, all members present voted in the affirmative with Councilman Alonso voting no. Resolution approved 12/6/2022.

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.

12-243	RESOLUTION APPOINTING BRITTANY HEUN AS FUND COMMISSIONER AND JAMES BONGIORNO AS ALTERNATE FUND COMMISSIONER FOR THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND
12-244	RESOLUTION AWARDED PROFESSIONAL SERVICE AGREEMENT TO BECKMEYER ENGINEERING, PC FOR DESIGN SERVICES IN CONNECTION WITH THE RENOVATION OF THE CALDWELL COMMUNITY CENTER. CALDWELL WATER SYSTEM IN AN AMOUNT NOT TO EXCEED \$149,000.00.
12-245	RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE FISCAL YEAR 2021 AUDIT REPORT
12-246	RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of December 6, 2022
12-247	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS
12-248	RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL TO ADJUST THE SEWER BILLING FOR BLOCK 38, LOT 6.01 FOR 22 WESTOVER AVENUE
12-249	RESOLUTION AWARDED PROFESSIONAL SERVICE AGREEMENT TO BECKMEYER ENGINEERING, PC FOR DESIGN AND CONSTRUCTION OBSERVATION SERVICES IN CONNECTION WITH THE 2022 MORRIS COUNTY CO-OP PROGRAM.
12-250	RESOLUTION AWARDED PROFESSIONAL SERVICE AGREEMENT TO BECKMEYER ENGINEERING, PC FOR DESIGN AND CONSTRUCTION OBSERVATION SERVICES IN CONNECTION WITH THE 2022 ROADWAY PROGRAM.
12-251	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE -Mount Saint Dominic Academy- OFF-PERMISE 50/50 RAFFLE
12-252	RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH CIVIL SOLUTIONS FOR PROFESSIONAL SERVICES FOR BOROUGH TAX MAP MAINTENANCE
12-254	RESOLUTION APPROVING THE APPOINTMENT OF CAELAN COOK AS A JUNIOR FIREFIGHTER FOR THE CALDWELL VOLUNTEER FIRE DEPARTMENT
12-255	RESOLUTION TO HIRE SHANNON JORN AS THE ASSISTANT FOR THE CONSTRUCTION DEPARTMENT AND ADMINISTRATIVE OFFICE
12-256	RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR FINANCIAL MANAGEMENT SERVICES FOR THE CALENDAR YEAR 2023
12-257	RESOLUTION AWARDED A CONTRACT TO CIFELLI & SON GENERAL CONTRACTING, INC., 81 FRANKLIN AVENUE, NUTLEY, N.J. 07110 FOR VARIOUS STREETS-2021-CALDWELL BOWERS ROAD, CATON TERRACE, GROVER LANE, ORCHARD SQUARE & PERSONETTE STREET
12-258	RESOLUTION AWARDED A CONTRACT TO RICHARD DEFRANK COMPANY, LLC., 59 DISTLER AVENUE, WEST CALDWELL, NJ 07006, FOR SITE PREPARATION AND INSTALLMENT OF WALKWAYS AT THE 26 SMULL AVENUE MUNICIPAL FACILITY.
12-259	RESOLUTION AWARDED A CONTRACT TO SMITH-SONDY ASPHALT CONSTRUCTION COMPANY, INC., 150 ANDERSON AVENUE, WALLINGTON, NEW JERSEY 07057, FOR PLACEMENT OF "PERMEABLE SURFACE" AT THE 26 SMULL AVENUE MUNICIPAL FACILITY.
12-260	RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO APPLY FOR THE 2022 NJUCF STEWARDSHIP GRANT-RESILIENCY PLANNING, GRANT IDENTIFIER: UCF-2022-020
12-261	RESOLUTION OF THE BOROUGH OF CALDWELL SUPPORTING FEDERAL LEGISLATION TO ESTABLISH A GRANT PROGRAM TO FUND STATE AND LOCAL LAW ENFORCEMENT EFFORTS TO COMBAT AUTO THEFTS
12-262	RESOLUTION AUTHORIZING THE SUSPENSION OF METERED PARKING PAYMENTS FOR THE HOLIDAY SEASON
12-263	RESOLUTION AUTHORIZING THE BOROUGH TO HIRE MANDELBAUM BARRETT PC UNDER A PROFESSIONAL SERVICES CONTRACT TO CONTINUE REPRESENTING THE BOROUGH BEFORE THE SUPREME COURT OF NEW JERSEY IN THE CASE CAPTIONED CARELLI v. BOROUGH OF CALDWELL.

12-264	RESOLUTION CONFIRMING 2022 SALARY ADJUSTMENTS FOR NONUNION EMPLOYEES
12-265	RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL TO ISSUE A PURCHASE ORDER TO RAYMOND SULLIVAN, FOR VARIOUS TECHNOLOGICAL SERVICES FOR THE BOROUGH OF CALDWELL
12-266	RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL TO ISSUE A PURCHASE ORDER TO PSE&G, FOR THEIR WORK IN PRINGING POWER TO THE HEALTH AND HUMAN SERVICES BUILDING LOCATED AT 14 PARK AVENUE, CALDWELL, NJ 07006.
12-267	RESOLUTION AUTHORIZING AMENDMENT OF THE PROFESSIONAL SERVICE CONTRACT WITH COZZERELLI CIRMINIELLO ARCHITECTS, LLC FOR THE RENOVATION OF THE CALDWELL COMMUNITY CENTER, INCREASING THE MAXIMUM AMOUNT BY \$650,000.00

A motion was made to pull resolutions 12-244, 12-250, and 12-252 from the consent agenda to consider separately. The motion was made by Councilman Alonso and seconded by Councilman Lace. Upon a roll call vote, all members present voted in the affirmative. Motion carries.

A motion was made to table resolution 12-244 until January 2023. The motion was made by Councilman Alonso and seconded by Councilman Lace. Discussion ensued. Upon a roll call vote, all members present voted in the affirmative. Resolution 12-244 has been tabled until January 2023.

A motion to table resolution 12-250 until January 2023, was made by Councilman Alonso and seconded by Councilman Cole. Upon discussion, a motion to amend the motion to vote on and approve resolution 12-250 tonight, was made by Councilman Alonso and seconded by Council President Gates. Upon a roll call vote the motion was approved on 12/6/2022.

A motion was made to table resolution 12-252 until January 2023. The motion was made by Councilman Alonso and seconded by Council President Gates. Discussion ensued. Upon a roll call vote, all members present voted in the affirmative. Resolution 12-252 has been tabled until January 2023.

A motion to approve the consent agenda was made by Councilwoman DePalma-Iozzi, and seconded by Councilman Alonso. Upon a roll call vote, all members voted in the affirmative, with Councilman Lace voting no to resolutions 12-258, 12-259, and 12-267. The Consent agenda passed 12/6/2022.

A motion to introduce a new resolution, resolution 12-269, was made by Councilman Cole and seconded by Councilwoman DePalma-Iozzi. Councilman Cole read the resolution aloud. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Resolution approved 12-265.

NEW BUSINESS

Best Practices Inventory

COUNCIL COMMITTEE REPORTS

Borough Council Members

- Councilwoman DePalma-Iozzi
 - Read a letter from the Roseland Public Library about rejoining the library co-op system

OPEN PUBLIC COMMENTS-Second Portion ON ANY RESOLUTIONS OR TOPICS

Reinhardt West Caldwell Resident, speaking on behalf of residents of Klimback Court and lane avenue. This project has caused many problems for Klimback court and lane avenue, so what will happen with the new project? Residents in West Caldwell have been impacted, and so these other residents should be consulted and not just the townhouses. Residents outside of the town houses have not been not had their concerns met.

Councilwoman DePalma-Iozzi said that this has to go before the planning board, where it will be looked at closer.

Ann Mastrangelo, 104 Hatfield Street, thank you for giving the new mayor and council the 45 days so we can all join together to determine what's best.

Mathew Fox, 6 Lockward Road thanked the mayor and council for the delay of the demolition.

REPORT OF THE MAYOR

John Kelley

No Report.

REPORT OF THE BOROUGH ATTORNEY

Mary Kate Serratelli

No report

ADJOURNMENT

There being no additional business to be conducted, a motion to adjourn the meeting was made by Councilwoman Buechner and seconded by Councilman Alonso. Upon a voice vote, all members voted in the affirmative. Meeting adjourned at 9:31pm.

Prepared by: 
Brittany Heun, Deputy Borough Clerk


DATE