

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES- February 23, 2021**

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

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, and Borough Attorney Vincent Nuzzi

STATEMENT OF COMPLIANCE

Adequate notice of this Council Business/Conference Meeting was given on January 22, 2021. 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

February 9, 2021

Moved by Councilman Lace and seconded by Council President Schmidt. Upon a roll call vote, all voted in the affirmative. Minutes approved 2/23/2021

PRESENTATION

Presentation by Tom Banker, Borough Administrator

- Sewer Updates
- Budget is forthcoming
- Parking Plan is underway
- Explanation of Redevelopment Plan
- New Projects
 - 14 Park Renovation
 - Demolition of Parking Deck
 - New Borough Hall & Police Headquarters
 - Improvements to the Caldwell Community Center

Mayor Kelley commented on how this new Police Headquarters is a plan to invest in the future of the Caldwell Police Department, after the shared Police Services with W. Caldwell didn't work out.

COVID-19/OEM COMMUNITY UPDATE

Mark Giuliano

- Caldwell has 424 total cases
- Our numbers are increasing but they are slowing down
- Gov. Is releasing some restrictions like Restaurant capacity, participants in Religious Service, and increase in numbers for sporting events
- Our West Essex First Aid Squad remain active and encourage people to still call for emergencies
- Caldwell University and Mount Saint Dominic have resumed classes
- Thanked the rest of Borough Staff for all of their work
- OEM
 - Winter storms have been hard these past few weeks
 - Thank you to the DPW and Police Department for all of their work during these storms

Council President Schmidt asked how the Snow Ordinance passed last year has worked for him this year. Mark has said that it has been great, he has seen a big difference.

REPORT OF COUNTY LIASON

Patricia Keenan

Patricia Keenan Reported

- Testing is still being offered 3 days a week
- Vaccine appointments come up everyday
- Essex County Covid Website has been updated a bit and is a bit more user friendly
- Received 28,000 doses yesterday

Councilman Gates asked if volunteers are still needed? Patricia did say that yes, the county is looking for volunteers. If there are extra doses at the end of the day, they do give it to the volunteers.

OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC

Ann Marchioni, commended the county for their vaccine program She had all of their shots and everything went so well. Thanked the DPW for all their work with the snow removal.

Mr. Meglio typed in the Q&A box asking if Tom could describe the Redevelopment Project

Mr. Banker said that there is a redevelopment project presented by Mr. Meka that will be on Lane Ave. It will fulfill part of COAH obligations and redevelopment.

ORDINANCE FOR SECOND READING AND ADOPTION

ORDINANCE #1398-21 AN ORDINANCE ADDRESSING THE REQUIREMENTS OF THE FAIR SHARE HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

Moved by Councilman Rodgers and seconded by Councilman Lace. On a roll call vote, all voted in the affirmative. Ordinance passed on 02/23/2021

ORDINANCE #1399-21 AN ORDINANCE ADDING SECTION 31 TO CHAPTER 250 (ZONING), BOROUGH OF CALDWELL CODE, WHICH WILL BE ENTITLED "AFFORDABLE HOUSING MANDATORY SET-ASIDE"

Moved by Councilman Lace and seconded by Councilman Rodgers, On a roll call vote, all voted in the affirmative. Ordinance passed on 2/23/2021.

ORDINANCE #1400-21 AN ORDINANCE ADDING CHAPTER 252 "DEVELOPMENT FEES" OF THE BOROUGH OF CALDWELL TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT

Moved by Councilman Lace and seconded by Councilwoman Depalma-Iozzi. Upon a roll call vote, all voted in the affirmative. Ordinance passed on 02/23/2021.

ORDINANCE #1401-21 AN ORDINANCE TO AMEND THE ORDINANCE GOVERNING SIGNS

Moved by Councilman Lace and seconded by Councilman Rodgers. Upon a roll call vote, all voted in the affirmative. Ordinance passed 02/23/2021.

ORDINANCE #1402-21 AN ORDINANCE RESCINDING ORDINANCE 1393-20

Moved by Councilman Lace and seconded by Council President Schmidt. Upon a roll call vote, all voted in the affirmative. Ordinance passed 02/23/2021.

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.

- 2-60** AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 1/26/2021 THROUGH 2/22/2021
Councilman Lace mentioned *for the record: Microsoft Office is listed under website maintenance when it should be listed elsewhere.*
- 2-61** RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of February 23, 2021
- 2-62** RESOLUTION AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #20-00006, Block 44.01, Lot 2.01, 130 WESTVILLE AVENUE CALDWELL, NJ 07006
- 2-63** RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Caldwell West Essex Kiwanis Foundation, INC– Off Premise – Calendar Raffle – March 1, 2021- 8PM
- 2-64** RESOLUTION SUPPORTING THE CALDWELL ENVIRONMENTAL COMMISSION AS THE OFFICIAL GREEN TEAM FOR THE SUSTAINABLE JERSEY MUNICIPAL PROGRAM
- 2-65** RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS IN THE TAX OFFICE
- 2-66** RESOLUTION AWARDED A CONTRACT IN LIEU OF PUBLIC BIDDING TO SCHIFANO CONSTRUCTION CORP., ONE SMALLEY AVENUE, P.O. BOX 288, MIDDLESEX, NEW JERSEY 08846, FOR PLACE, 2020 MORRIS COUNTY CO-OP ROAD PROGRAM
- 2-67** RESOLUTION APPROVING THE APPOINTMENT OF TAX COLLECTOR
- 2-68** RESOLUTION TO AWARD CONTRACT TO PRIMEPOINT, LLC FOR PAYROLL MANAGEMENT SYSTEM SERVICES
- 2-69** RESOLUTION AUTHORIZING 2021 APPROPRIATION RESERVE TRANSFERS
- 2-70** RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR LICENSED SEWER OPERATOR SERVICES FOR THE CALENDAR YEAR 2021
- 2-71** RESOLUTION APPROVING THE DISPOSAL OF A CALDWELL PUBLIC WORKS VEHICLE
- 2-72** PULLED

2-73 PULLED

A motion was made by Council President Schmidt and seconded by Councilwoman DePalma-Iozzi to pull Resolutions 2-72 and 2-73 from the consent agenda. Upon a voice vote, all voted in favor. Resolutions pulled from the consent agenda 2/23/2021.

Motion to vote on the consent agenda was made by Councilman Lace and seconded by Councilman Cole. Discussion ensued. Upon a roll call vote, all voted in the affirmative, with Councilman Gates abstaining from Resolution 2-63. Resolutions in the consent agenda passed 02/23/2021.

COUNCIL COMMITTEE REPORTS

Borough Council Members

Council President Schmidt:

- Library
 - Automatic Renewals through PALS PLUS
 - Fines over \$2.50 can be paid online with a credit card
 - The Black History Month Poetry Reading with Caldwell University was very successful
 - Resources to help those in the Job Market and other adult help tools
- Women’s Club is doing Blizzard Bags that will be donated to the Food Pantry. Thanked them for their effort

Councilwoman DePalma-Iozzi

- Thanked Council President Schmidt for her assistance filling in at the Environmental Commission
- Caldwell has reached Sustainable New Jersey Bronze level
- Received many grants to help programs in Caldwell
- Rain Garden at the Caldwell Community Center

Councilman Cole

- Radon Awareness
 - Stop by Borough Hall to pick up a free Radon kit

Councilman Gates

- Announced that there is a vacancy on the Board of Health

REPORT OF MAYOR

John Kelley

Announced that we are investing in the Community Center, and not just planning for 2 years but for the foreseeable future

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

Thomas Banker reported:

Very proud of our Public Works Department for all of their work this winter. They have done a tremendous job clearing all of the snow we have gotten. Thanked them for all of their work.

Very proud of the entire Borough workforce for their work this year. Especially with getting the Caldwell Community Center up and running for the swim teams. Commended the employees for all of their work especially when half the Borough staff was out with COVID

REPORT OF BOROUGH ATTORNEY

Vincent Nuzzi

Councilman Lace emailed the Chief regarding the State’s legislature Marajuana bill and an effect that it has had on the PBA. Thanked Councilman Lace for bringing this to his attention

Councilman Lace spoke to this comment regarding the PBA Statement that was released. Part of the new legislation does say that an officer doesn’t have probably cause to search if marijuana is seems in plain sight.

ADJOURNMENT

On a motion made by Councilman Lace, seconded by Councilwoman DePalma-Iozzi. Upon a voice vote it was unanimously affirmed. The Council moved into executive session at 8:38pm.

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 Personnel rice notice Borough Administrator, Attorney/Client Privileges, Potential Litigation, and Sewer Operator.

The Executive Session was adjourned and upon a motion by Councilwoman DePalma-Iozzi seconded by Council President Schmidt the Council Business Conference Meeting was opened to the public and the press at 10:15PM.

2-72: Resolution Authorizing a Professional Service Contract with Cozzarelli Cirminiello Architects, LLC in an Amount Not to Exceed \$225,000

Moved by Councilwoman DePalma-Iozzi, seconded by Councilman Cole. No Discussion. On roll call, Council President Schmidt, Councilman Cole, Rodgers & DePalma-Iozzi voted in the affirmative. Councilman Lace & Gates voted against. Resolutions approved 2/23/2021.

2-73: Resolution Authorizing a Professional Service Contract with Dynamic Traffic, LLC Architects, LLC in an Amount Not to Exceed \$50,000

Moved by Council President Schmidt, seconded by Councilman Rodgers. No Discussion. On roll call, Council President Schmidt, Councilman Gates, Cole, Rodgers, & DePalma-Iozzi voted in the affirmative and Councilman Lace abstained. Resolutions approved 2/23/2021.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Lace seconded by Councilman Cole, and unanimously affirmed by all members present. The meeting was adjourned at 10:20PM.

Prepared by: 
Brittany Heun, Deputy Borough Clerk


DATE