

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE SPECIAL MEETING  
MINUTES – February 4, 2020**

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The Council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:15PM.

**PRESENT:** Mayor Kelley, Council President Schmidt, Councilman Rodgers, Cole, Lace, DePalma-Iozzi & Gates

**ALSO PRESENT:** Deputy Clerk, Lisa O'Neill, Borough Administrator, Thomas Banker & Borough Attorney, Vincent Nuzzi

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

**PLEDGE OF ALLIGENCE**

**APPROVAL OF MINUTES**

January 1, 2020

Moved by Councilman Lace, seconded by Council President Schmidt. No Discussion. On roll call, all voted in the affirmative. Minutes approved 02/04/2020.

January 14, 2020

Moved by Councilman Lace, seconded by Council President Schmidt. No Discussion. On roll call, all voted in the affirmative. Minutes approved 02/04/2020.

**PRESENTATION**

1. Proclamations / James Conti and Nicolas Ricci in recognition for their Eagle Scout awards
2. Historic Preservation Commission / Downton & Development.

**OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC**

*Members of the public are invited to comment at this time on ANY issues, whether or not on the agenda*

***Sue Ann Penna, 13 Parkway West**, she would like a clear designation on the areas whether they are rehabilitation or redevelopment. She spoke about residents who need to get approval from the town and their neighbors before they are allowed to do anything to their private property. They are putting together a petition to initiate an ordinance that the town cannot bond money for the parking deck without voter approval.*

***Bob Colaizzo, 7 Hatfield Street** thanked and complimented the excellent service provided by the Police Department and Fire Department.*

***Michael Deniz, 15 Personette Street**, asked when the minutes are put on the website. He also wanted to know when Personette Street will be paved.*

***Councilwoman DePalma-Iozzi**, spoke about what goes on behind the scenes in the Town. She is so impressed with the people that are working behind the scenes.*

**PUBLIC HEARING AND ADOPTION OF ORDINANCE**

**ORDINANCE #1382-20:** AN ORDINANCE AMENDING ARTICLE II OF THE ADMINISTRATIVE CODE OF THE BOROUGH OF CALDWELL, SECTION 31-13

Moved by Councilwoman DePalma-Iozzi, seconded by Councilman Cole. Discussions Ensued. On roll call, Council President Schmidt, Councilman Rodgers, Cole, DePalma-Iozzi & Gates voted in the affirmative. Councilman Lace abstained. Ordinance Adopted 02/04/2020.

**OPEN PUBLIC COMMENTS ON RESOLUTIONS**

*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.*

***Councilman Gates** read the resolution 2-62.*

- 2-45:** AUTHORIZING THE TAX LIEN REDEMPTION OF CERTIFICATE #19-00014, BLOCK 54, LOT 3.43, 87 ROSELAND AVENUE, UNIT 97, CALDWELL, NJ

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- 2-46:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – HSA Trinity Academy – On Premise/ Merchandise Raffle – February 7, 2020 – 6:00PM – 11:00PM
- 2-47:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – HSA Trinity Academy – On Premise/ 50/50 Raffle – February 7, 2020 – 6:00PM – 11:00PM
- 2-48:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – HSA Trinity Academy – On Premise/ Tricky Tray Raffle – February 7, 2020 – 6:00PM – 11:00PM
- 2-49:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Hadassah Caldwell, Inc. – Off Premise/ Merchandise Raffle – March 25, 2020 – 6:30PM – 9:00PM

Moved by Council President Schmidt, seconded by Councilman Cole. Discussions Ensued. On roll call, Council President Schmidt, Councilman Rodgers, Cole, DePalma-Iozzi & Gates voted in the affirmative. Councilman Lace abstained. Resolutions approved 02/04/2020.

- 2-50:** RESOLUTION AUTHORIZING AWARD OF A CONTRACT WITH TOPOLOGY NJ LLC FOR DEVELOPMENT OF REDEVOLPMENT PLANS FOR MULTIPLE SITES IN CALDWELL, NJ
- 2-51:** AUTHORIZING THE APPOINTMENT OF HISTORIC PRESERVATION COMMITTEE MEMBER
- 2-52:** AUTHORIZING THE APPOINTMENT OF ZONING BOARD OF ADJUSTMENT MEMBERS
- 2-53:** AUTHORIZING THE RELEASE OF AN APPLICATION FEE FOR A ZONING APPLICATION AT 6 PROVOST SQUARE, MANCHUR ENTERPRISES
- 2-54:** RESOLUTION SUPPORTING THE CALDWELL ENVIRONMENTAL COMMISSION AS THE OFFICIAL GREEN TEAM FOR THE SUSTAINABLE JERSEY MUNICIPAL PROGRAM
- 2-55:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD JANUARY 14, 2020 THROUGH JANUARY 31, 2020 FOR 2020 BILLS IN THE TOTAL AMOUNT OF \$1,392,075.63
- 2-56:** RESOLUTION AMENDING 4-127 AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH FLOW ASSESSMENT SERVICES FOR PROVIDING FLOW METER INSTALLATION FOR AN INCREASE FEE OF \$3,710.00 AND NOT TO EXCEED \$38,390.000
- 2-57:** RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED  
For the Meeting of February 4, 2020
- 2-58:** RESOLUTION APPROVING TO SUBMIT A GRANT APPLICATION TO THE ESSEX COUNTY RECREATION AND OPEN SPACE TRUST FUND 2020 OPEN SPACE LOCAL AID PROGRAM FOR THE HARRISON SCHOOL FIELD IMPROVEMENTS PROJECT
- 2-59:** RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TAX COLLECTION SERVICES FOR THE CALENDAR YEAR 2020
- 2-60:** RESOLUTION APPROVING THE APPOINTMENT OF TAX COLLECTOR
- 2-61:** RESOLUTION AMENDING 12-261 A PURCHASE FOR A 2019 FORD F-350 PICKUP TRUCK 4WD FROM ROUTE 23 AUTO MALL AS APPROPRIATED IN CAPITAL ORDINANCE #1353-18 FOR THE CALDWELL DEPARTMENT OF PUBLIC WORKS UNDER STATE CONTRACT #T-2959 FOR AN AMOUNT OF \$43,122.43
- 2-62:** RESOLUTION DECLARING FEBRUARY BLACK HISTORY MONTH
- 2-63:** RESOLUTION AMENDING 1-39 IN ITS ENTIRETY A PROFESSIONAL SERVICES CONTRACT WITH DOLAN & DEAN ENGINEERS LLC FOR THE PERFORMANCE OF A PARKING STUDY IN DOWNTOWN CALDWELL IN AN AMOUNT NOT TO EXCEED \$25,000.00 PLUS REIMBURSABLE EXPENSES
- 2-64:** RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR AS THE SIGNATOR OF THE TREATMENT WORKS APPROVAL

**CONSENT**

Moved by Council President Schmidt, seconded by Councilman Cole. Discussions Ensued. On roll call, all voted in the affirmative. Resolutions approved 02/04/2020.

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**COUNCIL COMMITTEE REPORTS**

***Borough Council Members***

**Councilman Gates** reported that the Rent Review Board have been discussing that the text in the ordinance is outdated and hasn't been updated since the 80's. There may be some recommendations by this Board within this year to modify some of that language in the ordinance. He attended an event for the New Jersey 2020 Census and he will be taking the lead in Caldwell which is called the complete Town Committee. He will be looking for Volunteers to help with setting up and manning tables around town.

**Patricia Keenan** responded that the County has grant money for the 2020 census and the proposals are due by February 14<sup>th</sup>.

**Councilwoman Lace** reported as the liaison to the Grover Cleveland Memorial Birthplace Association he would like to take a moment to thank Governor Murphy for signing Senate Bill S4312. This bill will appropriate 36 million dollars from the NJ Corporate Business Tax Revenue to the New Jersey Department of Environmental Protection for capital and park Development programs. A portion of this funding will allow the Grover Cleveland Birthplace Memorial Association to begin the bidding process for the much needed Library and Visitors Center at the Birthplace of our Nation's 22 and 24<sup>th</sup> President right here in Caldwell. He thanked Assemblyman Thomas Giblin for all his work on behalf of the birthplace in helping to make this funding a reality. He also thanked Governor Richard Codey, Assemblyman John McKeon and Assemblywoman Mila Jasey for supporting this legislation. Finally, he would like to thank David Cowell who is here tonight along with his wife June and the entire Board of the GCBMA and all the volunteers at the Birthplace for their tireless efforts on behalf of this project. He was informed that Assembly Joint Resolution 79 was introduced on Monday, January 27<sup>th</sup> and Governor Codey plans to introduce the same resolution into the Senate.

**Council President Schmidt** reported that our new Library Director, Robin Rockman is very excited about all the programs and events at the Library. In a recent communication she has reminded us that the library is a great destination for all generations of Caldwell residents during the winter months. If you can't make it to the library there are digital resources through apps such as hoopla and canopy and all events are on their website. Some upcoming events on Thursday, February 6<sup>th</sup> from 3:00 – 5:00 there will be representatives from the US Census Bureau to answer any questions. On February 14<sup>th</sup>, Valentine's Day, starting at noon while supplies last stop by at the Library for blind date with a book and a free book will be wrapped. The Caldwell Community Center will be having their very successful summer camp open house weekend this Saturday and Sunday from 1:00-3:00.

**REPORT OF COUNTY LIAISON**

***Patricia Keenan***

**Patricia Keenan** reported that the Police Department had concerns of the trees in Grover Cleveland Park and she has spoken to the county and they will be addressing them by the end of the week assessing and addressing any of those issues.

**REPORT OF BOROUGH ADMINISTRATOR**

***Thomas Banker***

**Thomas Banker** reported:

- There have been complaints about foul balls striking cars nearby. We are looking into tall fencing (netting) which you will see at driving ranges. The proposal we received was wooden post in the low \$100,000 range and aluminum post in the low \$200,000 range for fencing and netting that would extend down basically the entire right field line.
- He met with EZ Ride and they are in the business of doing turnkey arrangements including filing grant applications. Currently the Federal Government has programs that will subsidize the first three years of a Jitney operation. At the end of those three years it becomes an obligation. You need at least a year to build partnership to make people aware of it. You will need a second year to find out what the payment is and your third year you make the judgement as to, is this really working and is it working well enough. We would service West Caldwell, Caldwell & Verona and would require three vehicles to be operated during morning hours and three vehicles operating in afternoon hours. The order of magnitude for the service is about \$400,000 for a three vehicle service. Discussions Ensued.
- He has the spec for the pool dectron and we will be going out to bid for that.
- He has the updated assessment of conditions of which we consider acceptance of the right of way of Fells Manor.
- Council authorized Rapid Recovery to do some exploratory work in the Community Center regarding the leaks. They did that work and they discovered what we expected which was a lack of certain construction elements. They are assessing the condition of the roof. He has been told that the Community Center will not get through the summer with the existing air conditioner. All the heating, ventilation and Air Conditioning infrastructure at the Community Center all died in the same year.
- 459 Bloomfield Avenue was supposed to be on this meeting but it will be on the February 18<sup>th</sup> meeting. This is a settlement of the Builder's remedy matter.
- Sewer bills will be going out and we have incorporated a notice with the bill to explain how we are transitioning from a tax based sewer system to a fee based sewer system.

**REPORT OF BOROUGH ATTORNEY**

***Vincent Nuzzi***

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*Vince Nuzzi reported that there will be mediation on Carelli vs. Caldwell which the Mayor and he will attend.*

On a motion made by Councilman Lace, seconded by Councilman Gates unanimously affirmed, the Council moved into Executive Session at 8:50P.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.

The Executive Session was adjourned and upon a motion by Councilman Lace, seconded by Council President Schmidt the Council Business Conference Meeting was opened to the public and the press at 10:11PM.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Lace, seconded by Councilwoman DePalma-Iozzi unanimously affirmed by all members present, the meeting was adjourned at 10:11PM.

Prepared by: \_\_\_\_\_  
Lisa O'Neill, Deputy Borough Clerk

\_\_\_\_\_  
DATE