

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – January 17, 2023**

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 Jones, Councilwoman Buechner, Councilman Lace, Council President Alonso, Councilman Brown, Councilman Daniolowicz, and Councilman Cole

ALSO PRESENT: Deputy Clerk Brittany Heun, Deputy Clerk Kim Conlon, Borough Interim Administrative Consultant Thomas Tucci, and Borough Attorney Craig Bossong

ABSENT:

STATEMENT OF COMPLIANCE

Adequate notice of this Council Business/Conference Meeting was given on January 11, 2023. 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

PRAYER

APPROVAL OF MINUTES

January 1, 2023

A motion to approve the minutes was made by Councilman Lace and seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative. Minutes approved 1/17/2023

PRESENTATION

1. Councilman Cole will have Comments on Resolution 12-269: A RESOLUTION TO TEMPORARILY DELAY THE DEMOLITION OF THE CALDWELL TOWN HALL AND LIBRARY

REPORT OF COUNTY LIASON

Patricia Keenan

Patricia Keenan Reported

- Events:
 - Deer Management program has begun
 - Parks & rec for more information
- COVID:
 - Moderna Vaccines for 6-year-old and older
 - 2-6pm mobile testing
 - First Friday - infant vaccine for 6 months - 5 years at turtle back 2-6pm. Appointments required
 - EssexCovid.org

OPEN PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Maria Lopez, 63 crane street. Comments on Library and the need for the Public Library. Importance of a library in a community for children and for adults, and also for educators. Educational opportunities offered at the library.

John Donovan, 9 Orchard Square - Library President. Resolution 1-32 library board appointments. The 2 members that were up for reappointment desired to remain on the board, Edith LeChac and Ruth Jaffe. Distressed that we were not consulted that they were going to be replaced. Would hate to see the board potentially be politicized with these 2 new appointments.

Councilman Brown said that resolutions for appointments will be tabled. We are working through communications as the new Council Members. We were getting lists of names and are willing to make sure we have the right folks.

Mayor Jones said that we just received the names this week and we didn't have communication to my office about the members.

Jeff Gates, 8 Ward Place. Congratulated the new Mayor and Councilman for their election on the Board. Spoke about the importance of the library for the community. Resolution 1-17 (Rent Review Board) asked about the rent board attorney Josh Levine. There is a Josh Levine who donated to the Campaign fund for Jones, Brown, and Daniolowicz. Just wanted to know if that is a conflict or not and if it is setting a precedent.

Mayor Jones said that they will table that matter until February to see if that is indeed the same person.

Carla Marras, 7 Ashland Street. Agree with 45-day delay of the demolition of the Borough Hall and Library. Believe that the Community Center is not going to make the money people think it will. Idea of Put the Borough Hall, and Library in the place of the Community Center.

Mathew Fox, 6 Lockward Road. Congratulated new Mayor and Council on being elected. Trailers are an opportunity to examine the plans, and include the people of Caldwell. Opportunity to include our feedback in the decision making.

Ruth Jaffa, 61 Overlook Road. Long serving member of the Caldwell Library Board of Trustees. Passionate about the need to for everyone in this community's need to read. Disappointed about finding out about my non-appointment in an email that was forwarded by the Library Director

Edith LaChac, 53 Crane Street, Long service member of the Library Board of Trustees, and professional Librarian. Supporter of our Library as well, and can provide research about the importance of a library in a community. Very surprised by item 1-32 and not being reappointed to the board.

Nancy Caplin 29, Birkendene Road. Pas president of Library Board of Trustees and current member of the Library Board foundation. Purpose of the library from a business standpoint. Library needs to be in the center of town and walkable. It adds to the appeal of the library.

Joe DeBellis, 16 Gould Place. Police officer in Caldwell for 26 years, and have lived most of my young adult life at that Town Hall. The Town hall was always taken care of and always clean when I was in there. It had everything you needed, when I was there, including the Firing range and Police Garage. I was the 24th police officer hired in 1974. Police Officer's job is on the road, not in that building. I do not understand why it has to be knocked down. Basement used to be an air fade shelter. The building was neglected, which is why it is in the shape it is in now.

June Cowell, 29 Brookside. Resolution 1-28 mentions Local Assistance Fund. It is a trust account which it looks like you will be tying up. We have a person needing assistance, but we have not had our board members appointed yet, so we cannot act. Hoping this can be tabled.

Mr. Tucci said that cash management plan is just a plan. IT is liquid money and the money is available. This is just a plan that the state requires you to put in place, and the funds will be available.

Mayor Jones said in regards to the member of the boards. We did not get lists until after January 1, so check with Maria.

Ms. Cowell: I spoke with Maria before the meeting, and she said it has not been put in place. So we won't be able to act until February.

Mr. Tucci said current members are holdovers until new appointment on the Boards, except Planning and Zoning.

Frank Godlewski 241 Runnymede Essex Fells. I heard discussion of the library has been postponed until another meeting. Landmarking progress with The State Is moving forward. Nomination process takes over a year

Dave Bulka, 24 Park owner. Pastor at First Baptist Church. Believes that we should have a library, and agrees with the suggestion of putting all the departments in the Community Center, even if an addition is put on. Believes that an open forum will allow you to pull from a wealth of knowledge of the community.

ORDINANCE FOR SECOND READING

ORDINANCE 1437-23

AN ORDINANCE TO ADD SECTION 1 ENTITLED "LIABILITY INSURANCE AND ANNUAL REGISTRATION REQUIREMENTS FOR BUSINESSES AND OWNERS OF A RENTAL UNIT OR UNITS" TO CHAPTER 128 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CALDWELL ENTITLED "GENERAL LICENSING"

A motion to introduce Ordinance 1437-23 was made by Council President Alonso and seconded by Councilman Brown. Upon a roll call vote, all members voted in the affirmative. Ordinance 1437-23 was introduced 1/17/2023.

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.

1-17	RESOLUTION AUTHORIZING THE APPOINTMENT OF RENT REVIEW BOARD MEMBERS
1-18	RESOLUTION AUTHORIZING THE APPOINTMENT OF THE CALDWELL VOLUNTEER FIRE DEPARTMENT OFFICERS FOR YEAR 2023
1-19	RESOLUTION AUTHORIZING THE ANNUAL SCHEDULE OF REGULAR COUNCIL BUSINESS MEETINGS FOR THE CALENDAR YEAR 2023
1-20	RESOLUTION DESIGNATING TIMES, DATES AND CONDUCT OF MEETINGS FOR THE YEAR 2023
1-21	RESOLUTION DESIGNATING OFFICIAL HOLIDAYS FOR THE 2023 CALENDAR YEAR
1-22	RESOLUTION AUTHORIZING INTEREST FOR NON-PAYMENT OF TAXES OR ASSESSMENTS
1-23	RESOLUTION AUTHORIZING THE BOROUGH INTERIM TRANSITION ADMINISTRATIVE CONSULTANT TO ADVERTISE FOR THE POSITION OF PROFESSIONAL TOWN PLANNER FOR THE BOROUGH OF CALDWELL.
1-24	RESOLUTION AUTHORIZING THE APPOINTMENT OF GLENN BECKMEYER AS STORM WATER MANAGER FOR THE YEAR 2023.
1-25	RESOLUTION APPROVING A TOW OPERATOR'S LICENSE FOR AJACO TOWING, INC. IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09
1-26	RESOLUTION APPROVING A TOW OPERATOR'S LICENSE FOR CAMP AUTO AND TRUCK PARTS IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09

1-27	RESOLUTION APPROVING A TOW OPERATOR'S LICENSE FOR J & M TOWING, INC. IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09
1-28	RESOLUTION ADOPTING THE CASH MANAGEMENT PLAN OF THE BOROUGH OF CALDWELL, COUNTY OF ESSEX FOR 2023
1-29	RESOLUTION AUTHORIZING THE RELEASE OF BOND FEES PAID BY MARTIN CONTRACTING, 49 COMMERCE STREET, VERONA, FOR A ROAD OPENING PERMIT ISSUED FOR SEWER REPAIR AT 33 HATFIELD STREET, CALDWELL
1-30	RESOLUTION AUTHORIZING THE BOROUGH INTERIM TRANSITION ADMINISTRATIVE CONSULTANT TO ADVERTISE FOR THE POSITION OF STRUCTURAL ENGINEER FOR THE BOROUGH OF CALDWELL
1-31	RESOLUTION APPROVING THE APPOINTMENT OF CASEY WESCOTT AS A JUNIOR FIREFIGHTER FOR THE CALDWELL VOLUNTEER FIRE DEPARTMENT
1-32	RESOLUTION AUTHORIZING THE APPOINTMENT OF LIBRARY BOARD OF TRUSTEES
1-33	RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH HEYER, GRUEL & ASSOCIATES FOR PROFESSIONAL SERVICES AS ADMINISTRATIVE AGENT FOR ALL COAH PROJECTS
1-34	RESOLUTION AWARDDING A CONTRACT TO MONTANA CONSTRUCTION INC., 80 CONTANT AVENUE, LODI, NEW JERSEY, FOR CLEANING AND TELEVISIONING STORM AND SANITARY SEWER FOR BOWERS ROAD, CATON TERRACE, GROVER LANE, ORCHARD SQUARE AND PERSONNETTE STREET, FOR THE 2021 ROADWAY PROJECT.
1-35	RESOLUTION AWARDDING A CONTRACT TO MARTIN CONTRACTING LLC, 49 COMMERCE STREET, VERONA, NJ 07044, FOR REPLACEMENT OF THE SEWER SERVICE AT 14 PARK AVENUE IN AN AMOUNT NO TO EXCEED \$18,550.00.
1-36	RESOLUTION AWARDDING A CONTRACT TO TEDCO LLC, 60 HILLCREST ROAD, WEST CALDWELL, NJ 07006, FOR INSTALLATION OF A FENCE BETWEEN THE MUNICIPAL COMPLEX AT 22 SMULL AVENUE AND THE PROPERTY AT 28 SMULL AVENUE, IN AN AMOUNT NO TO EXCEED \$31,660.00
1-37	RESOLUTION AUTHORIZING THE BOROUGH INTERIM TRANSITION ADMINISTRATIVE CONSULTANT TO ADVERTISE FOR THE POSITION OF BOROUGH ADMINISTRATOR OF THE BOROUGH OF CALDWELL
1-38	RESOLUTION AUTHORIZING THE BOROUGH INTERIM TRANSITION ADMINISTRATIVE CONSULTANT TO EXECUTE A CONTRACT EXTENSION WITH MOTT MACDONALD OPERATING SERVICES FOR A NINETY (90) DAY EXTENSION
1-39	RESOLUTION AUTHORIZING THE BOROUGH INTERIM TRANSITION ADMINISTRATIVE CONSULTANT TO ADVERTISE FOR THE MAINTENANCE AND OPERATION OF THE CALDWELL WASTE WATER TREATMENT PLANT
1-40	A RESOLUTION TO TEMPORARILY DELAY THE DEMOLITION OF THE CALDWELL TOWN HALL AND LIBRARY FOR AN ADDITIONAL 45 DAYS
1-41	RESOLUTION AMENDING RESOLUTION 1-3 FOR THE APPOINTMENT OF ZONING BOARD OF ADJUSTMENT MEMBERS
1-42	RESOLUTION AUTHORIZING THE BOROUGH INTERIM TRANSITION ADMINISTRATIVE TO RENEW A LEASE AGREEMENT WITH PITNEY BOWES FOR MAILING EQUIPMENT AND SERVICES FOR A MONTHLY LEASE PAYMENT OF \$330.51 AND A TERM OF SIXTY (60) MONTHS
1-43	RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION 12-265 WHICH AUTHORIZED PAYMENT TO RAYMOND SULLIVAN FOR TECHNICAL SERVICES, INCREASING THE NOT TO EXCEED AMOUNT BY \$5,070.00
1-44	RESOLUTION AUTHORIZING THE BOROUGH INTERIM TRANSITION ADMINISTRATIVE CONSULTANT TO ADVERTISE FOR THE POSITION OF PROFESSIONAL FORENSIC ACCOUNTANT FOR THE BOROUGH OF CALDWELL.
1-45	RESOLUTION AUTHORIZING THE BOROUGH INTERIM TRANSITION ADMINISTRATIVE CONSULTANT TO ADVERTISE FOR THE POSITION OF CONFLICT'S COUNSEL FOR THE BOROUGH OF CALDWELL
1-46	RESOLUTION AUTHORIZING THE BOROUGH INTERIM TRANSITION ADMINISTRATIVE CONSULTANT TO ADVERTISE FOR THE POSITION OF PROFESSIONAL ENGINEER FOR THE BOROUGH OF CALDWELL
1-47	RESOLUTION AUTHORIZING THE BOROUGH TO HIRE JUDGE REDDIN OF THE LAW FIRM HALL, BOOTH, AND SMITH, P.C. FOR THE PURPOSE OF PERFORMING AN INDEPENDENT REPORT ON POLICE MATTERS
1-48	RESOLUTION AUTHORIZING THE BOROUGH INTERIM TRANSITION ADMINISTRATIVE CONSULTANT TO ADVERTISE FOR THE POSITION OF BOND COUNSEL OF THE BOROUGH OF CALDWELL

1-49	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 1/1/2023 THROUGH 1/17/2023 IN THE AMOUNT OF \$ 915,927.01
1-50	RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of January 17, 2023
1-51	RESOLUTION AUTHORIZING THE APPOINTMENT OF BOARD OF HEALTH MEMBERS

A motion to approve the consent agenda was made by Councilman Brown and seconded by Council President Alonso. Discussion ensued. Upon a roll call vote, all members present voted in the affirmative with Councilman Daniolowicz abstaining from resolution 1-34. Consent agenda passed 1/17/2023.

A resolution to table resolutions 1-17, 1-32, and 1-51, was made by Councilman Lace an seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative. Resolutions tabled on 1/17/2023.

NEW BUSINESS

COUNCIL COMMITTEE REPORTS

Councilwoman Buechner:

- Board of Health
 - Rabies Clinic on January 28, 2023 from 1pm-3pm at the Caldwell Fire House
 - Free for Caldwell residents and residents of residents from outside Caldwell
 - Caldwell Health Department has an Instagram account now.

REPORT OF MAYOR Mayor Jones

Mayor Jones Reported:

- Introduced our New Borough Attorney Craig Bossong
- Introduced Borough Interim Transition Administrative Consultant Tom Tucci
- Our team has spend the last few weeks getting up to speed, reviewing finance, bond debt, department needs
- Working with attorneys to get a firm grasp on the sewer utility litigation and visited the facility
- An emergency repair in the amount of \$30,000 to a pump at the Sewer Plan
- Misquote: do you Miss the Community Center and do you miss the library?"
- Board of Health President emailed on 1/16 about expiring board members. Reappointed because they Board President Reached out. New member Carla Marras.

REPORT OF INTERIM TRANSITION ADMINISTRATIVE CONSULTANT Thomas Tucci

Thomas Tucci reported:

- Each council member has a print out of the financial position. Had a meeting with out CFO to go over the Borough's financial position. Bonging of about \$40 Million
- The Borough has exceeded it's bonding capacity at this point, which means you cannot borrow any money without filing a a petition with the Local Board of Finance
- Meeting with Fire Chief about the need to purchase a new ladder truck for the Fire Department
- Affects functionality of the community
- \$24 million borrowed for redevelopment. Debt Service comes due in this calendar year. Interest payment on the first year.
- 14 Park Avenue parking situation - unfortunately the post office owns all of the parking there. We are going to have to enter into an agreement with that issue. 14 Park is only the building and driveway.
- Culvert Issue by the Old Borough Hall and Library: looks like we will be reimbursed by FEMA for substantial dollars. Mott MacDonald did not do a structural integrity report, which is why we are looking for a structural engineer. We will get funded for the culvert, as far as maintains it. Contingency dollars to prevent damage down the road
- Tomorrow morning, I will be meeting with the Fire Chief, regarding their needs, particularly with equipment. ISO rating is an insurance rating agency.
- Received a report from the arborist today.
- Executive - police personnel matter

REPORT OF BOROUGH ATTORNEY Brian Block

Craig Bossong Reported:

- Thanked for introduction.
- Working on a report outlining who is working on what

OPEN PUBLIC COMMENTS ON ANY ITEMS

Nick Correale , 27 Westville Ave. Encourages including members of the public while doing your due diligence. Previous administration was not forth coming, so we ask that this administration is. Extending 45 days, I employee you to take 90 days if necessary. Suggested an open forum. Requests that a transparent moment of what has been spend and what will be spent moving forward.

Alonso: trying to gather as much information as we can. Going to be very transparent with our numbers. We want to make sure everyone is involved.

Mr. Correale said a lot of professionals in the community would like to contribute.

Council President Alonso said that the Mayor has expressed the desire to hold town hall meeting in the future

June Cowell, 29 Brookside. Brookside Avenue and water management, Erosion under the sidewalk from the Culvert on Brookside Avenue. Had a meeting last may but never heard anything after that. Sidewalk is sinking, 33 Brookside

sidewalk has sunk and parts of the sidewalk has washed away. The manhole blew six feet in the air at one point. We suspect the culvert has broken in many places, as it is very old. Brookside and Westville corner is sinking as well.

Mr. Tucci said If you give me your address, I will take a ride out there.

Ms. Cowell said it is at 33 Brookside

Mayor Jones said people will have access to everything except for executive

David Bulka, Pastor at First Baptist. Elected Officials, Employees, etc. Give more of a heart for this type of thinking. By opening the citizen up to the Council, we are going to win as a community. Would like for us to be creative with ways to save money. We don't have our own water source, yet we have streams flowing through Caldwell. I spoke with Rich, from the water dept. he said caldwell uses about 2 million gallons a day. I'd love to see if there is a chance we can tap and use our own water.

Mathew Fox, 6 Lockward Road. Question about the extension. That will be in place for another 45 days?
Council President Alonso said that is correct.

Jeff Gates, 8 Ward Place. 3 min rule, was that voted on tonight?

Mr. Tucci said the resolution was amended to remove the 3 mins.

Mr. Gates sincerely congratulated Mayor Jones, Councilman Brown, and Councilman Daniolowicz. I noticed that a lot of former Council people leave the Council and take their resources with them. I do not believe we are enemies and would like to offer to help provide any information if needed. Ms. Marras suggested using the CCC for Borough Hall, Library, etc. Councilman Alonso and I had a conversation about that in December. I believe the CCC can be used for some things, but I don't think the Police Department can be there due to their standards that need to be upheld. I think the other viable option would be in the Provost Square area, and if you put the Police Department or other functions there, you are going to lose Parking opportunity there. The Culvert prevents the footing of a parking deck being in the location on Roseland Ave. I believe Doug Steinhart was part of the transition team, and the reason I bring this up is Mr. Steinhart was a mayor of his own town. There is nothing on the books that have candidates to participate in public forums, but I would point out that there are 4 elected officials on the Governing Body that did participate in such a public forum. If you believe that is in the best interest of the Borough, I would ask that you consider having an ordinance requiring some type of standards for candidates to participate in that

Mayor Jones said there is a difference between government and politics and I don't think government should be involved in Politics. The Municipal Complex that was first introduced incorporated the Police as part of that structure. Having everything in one building means that the code has to meet the Police Standards. That increase the costs to build.

Mr. Gates said yes, but on the other side, if you have 2 buildings which will be an additional cost.

Mayor Jones said he got that information from the architects and the substantial increased. That's important information for the public

Mr. Gates said I am not going to be one of those elected officials you never see again, I plan on being here for the long term. Mayor Jones, I appreciate that you have an excellent relationship with Mayor Tempesta and want to improve the relationship between Caldwell and West Caldwell. Last year, Mayor West Caldwell's fund donated towards your campaign, as did a Councilman. I believe this is totally legal, but I believe it presents ethical issues. My question would be, is there any need for recusal or abstention from Mayor Jones, Councilman Daniolowicz, and Councilman Brown, regarding issues pertaining to West Caldwell because of this. Ask to consider the ethical issue on this.

Mr. Bossong said In regards to any potential issues, you as the mayor only vote in the case of a tie. There is no prohibition in representing their town or taking action regarding neighboring town.

Mayor Jones said no financial gain from Mayor Tempesta donation through Friends of Mayor Tempesta Fund to the campaign
Mr. Bossong said this is all purely hypothetical

Mr. Tucci said I don't have the total number but I will have them.

Mr. Gates said we sued them first because they did not pay their bills

Anthony Carsillo 36 Cedar Road. Hanlon Road flooding, what is the status on this?

Councilman Brown said that he lives a block away so he is aware of this issue and will be working on it.

EXECUTIVE SESSION

Deputy Clerk Heun 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 Contracts Potential Litigation

A motion to go into executive session was made by Councilwoman Buechner, and seconded by Councilman Brown. Upon a voice vote, all voted in favor. Council left the public meeting and entered executive session at 9:12pm.

A motion to close executive and return to the public meeting was made by Councilman Lace and seconded by Council President Alonso. Upon a voice vote, all members present voted in the affirmative. Open public meeting resumed at 9:24pm.

ADJOURNMENT

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Lace and seconded by Council President Alonso, and unanimously affirmed by all members present. The meeting was adjourned at 9:30PM.

Prepared by: Brittany Heun
Brittany Heun, Deputy Borough Clerk

2/24/2023
DATE