

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – July 18, 2023**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order in-person and on Zoom at 7:03pm 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 Administrator, Alex Palumbo, 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/ Moment of Silence**

Father Lynx led a prayer

**APPROVAL OF MINUTES**

June 20, 2023

A motion to approve the June 20, 2023 minutes was made by Councilman Daniolowicz, and seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative. Minutes approved 7/18/2023.

**PRESENTATION**

1. A Proclamation of for National Night Out
  - a. Mayor Jones read the Proclamation

**REPORT OF COUNTY LIASON**

Patricia Keenan

Patricia Keenan reported:

- Events:
  - Wed. 26th Here's Elton at GCP
  - Concerts throughout the summer
  - Spirit of Essex 2023 Booklet
  - July 22 10-12noon home improvement seminar
- Tennis and Pickleball Court project is complete
- COVID Boosters still offered via mobile clinic
  - Hours based on location
  - County website for details
  - Mobile testing can be offered at the Caldwell Street Fair

**OPEN PUBLIC COMMENTS ON ITEMS ON THE AGENDA**

*Members of the public are invited to comment at this time on items listed on the agenda*

**Jeff Gates, 8 Ward Place - Ordinance 1446-23 (salary) Minimum and maximum salaries for Mayor and Council. Does this require all council members to collect a salary or could they opt out of the Salary.**

Mr. Palumbo said that the Salary ranges have been adjusted for a range that will hold for years. Any elected official can turn it down.

**Mr. Gates asked about resolution 7-202 (Mandelbaum) Ending contract? Is that lawsuit finalized? Is there a need for representation. 7-208 hiring of another law firm**

Mr. Bossong said the Carelli lawsuits is completely finished. This is releasing the funds so they can go back to the budget. 7-208 will be pulled

**Ann Marchioni - Brookside Ave (Co-chair of EC) Clean energy have offered to discuss clean energy solutions with the Borough. Previous work with PSE&G would allow for us to possibly get Solar Panels on the Roof of the CCC**

**Martha Azzolini, 51 Cleveland Street. (Presented photos to the Council) Project approved at neighboring property has built a massive structure on their property that has affected the view from her home. Asking for this issue to be addressed, as this has been an issue for months. Have spoken with Mr. Milani about it as well.**

Mayor Jones said that we will address your comments during the second Public Comments section, as the first is reserved for items on the agenda only.

**INTRODUCTION OF ORDINANCES**

**ORDINANCE 1443-23** AN ORDINANCE AMENDING CHAPTER 230 – ARTICLE V OF THE CODE OF THE BOROUGH OF CALDWELL, TRAFFIC REGULATIONS

Mr. Bossong gave a brief background on the Ordinance.

A resolution to introduce Ordinance 1443-23 was made by Council President Alonso and seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative. Ordinance 1443-23 was introduced on 7/18/2023.

**ORDINANCE 1444-23**

AN ORDINANCE AMENDING ARTICLE II OF THE ADMINISTRATIVE CODE OF THE BOROUGH OF CALDWELL, ARTICLE II, SECTION 31-8 THROUGH SECTION 31-19.

Councilman Cole explained the reasoning he brought this Ordinance to the Mayor and Council. Councilman Cole read the Ordinance in full.

Councilman Daniolowicz asked for clarification on what is being asked for. Worry is putting the liability all on one person. Councilman Lace asked if this Ordinance passes all legal criteria.

A resolution to Introduce Ordinance 1444-23 was made by Council President Alonso and seconded by Councilman Cole. Upon a roll call vote, all members voted in the affirmative. Ordinance 1444-23 was introduced on 7/18/2023.

**ORDINANCE 1445-23**

AN ORDINANCE TO ADD FEE FOR INSUFFICIENT FUNDS TO SECTION A270-1 ENTITLED "INSUFFICIENT FUNDS FEE FOR ALL PAYMENTS"

Craig gave background to Ordinance. Request from Tax Collector - point to recoup finds that the bank charges. Council President Alonso said most towns have this in place, correct. Mr. Bossong said that is correct.

A resolution to introduce Ordinance 1445-23 was made by Council President Alonso and seconded by Councilman Brown. Upon a roll call vote, all members voted in the affirmative. Ordinance 1445-23 was introduced on 7/18/2023

**ORDINANCE 1446-23**

AN ORDINANCE TO FIX SALARIES AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF CALDWELL FOR THE YEAR 2023

Mr. Bossong gave background on the Ordinance, stating it is an annual requirement.

A resolution to introduce Ordinance 1446-23 was made by Council President Alonso and seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative. Ordinance 1446-23 was introduced on 7/18/2023.

**ORDINANCES FOR SECOND READING****ORDINANCE 1442-23**

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"

Mr. Bossong gave background on the Ordinance.

A motion to open the public hearing on Ordinance 1442-23, was made by Council President Alonso and seconded by Councilwoman Buechner. Upon a voice vote, all members voted in the affirmative. There being no public comments, the public hearing was closed on a motion by Council President Alonso and seconded by Councilwoman Buechner. Upon a voice vote all members voted in the affirmative.

A motion to adopt Ordinance 1442-23 was made by Councilwoman Buechner and seconded by Councilman Brown. Upon a roll call vote, all members voted in the affirmative. Ordinance 1442-23 was adopted on 7/18/2023.

**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.*

7-197	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE -UNICO of Fairfield- On-Premise 50/50 Cash Raffle
7-198	RESOLUTION AUTHORIZING THE PURCHASE OF A 2023 SINGLE AXLE HOOK LOADER, CONTAINER BODY FROM TONY SANCHEZ LTD., 1685 U.S. ROUTE 46, LEDGEWOOD, NJ 07852 FOR THE CALDWELL DEPARTMENT OF PUBLIC WORKS UNDER THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY CO-OP AN AMOUNT OF \$153,750.00
7-199	A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE
7-200	RESOLUTION AUTHORIZING A PURCHASE OF METERS FROM TRAFFIC AND PARKING CONTROL CO., INC., 5100 WEST BROWN DEER ROAD, BROWN DEER, WI 53223, AS PART OF OMNIA PARTNERS PURCHASING CO-OP CONTRACT 2020-200 IN AN AMOUNT NOT TO EXCEED \$55,323.18
7-201	RESOLUTION AUTHORIZING THE AWARD OF A NONFAIR AND OPEN CONTRACT WITH A&D INDUSTRIAL PUMP REPAIR CO. INC. FOR VALVE ACTUATOR
7-202	RESOLUTION AMENDING RESOLUTION 2-70 WHICH WAS TO AUTHORIZE MANDELBAUM BARRETT PC TO CONTINUE REPRESENTING THE BOROUGH BEFORE THE SUPREME COURT OF NEW JERSEY IN THE CASE CAPTIONED CARELLI v. BOROUGH OF CALDWELL TO END THE CONTRACT WITH MANDEBAUM BARRETT PC AND RELEASE THE UNUSED FUNDS
7-203	RESOLUTION TO RESCIND RESOLUTION 3-106 WHICH WAS TO ENTER INTO A LEASE AGREEMENT WITH PITNEY BOWES FOR FOLDING EQUIPMENT AND SERVICES UNDER GENERAL SERVICES ADMINISTRATION (GSA) COOPERATIVE CONTRACT #GSA-PBI001 FOR A MONTHLY LEASE PAYMENT OF \$357.00 AND A TERM OF SIXTY (60) MONTHS
7-204	A RESOLUTION TO RESCIND RESOLUTION 1-6, A RESOLUTION AUTHORIZING THE APPOINTMENT OF ROBERT COSGROVE, ESQ. AS MUNICIPAL PROSECTUOR FOR THE YEAR 2023

7-205	RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL TO ISSUE A CONTRACT TO SPECTRASERV INC. TO PROVIDE HAULING AND DISPOSAL SERVICES FOR GRIT AND SCREENINGS GENERATED AT THE CALDWELL WASTEWATER TREATMENT PLANT.
7-206	RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL TO ISSUE A CONTRACT TO SPECTRASERV INC. TO PROVIDE HAULING SERVICES FOR BIOSOLIDS GENERATED AT THE CALDWELL WASTEWATER TREATMENT PLANT.
7-207	RESOLUTION TO CHANGE THE "NO TURN ON RED" AT RYERSON AVENUE AND BLOOMFIELD AVENUE TO ADD "ONLY WHEN CHILDREN ARE PRESENT"
7-209	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD OF 06/17/2023 THROUGH 07/14/2023

A motion to adopt the consent agenda was made by Council President Alonso and seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative. The Consent Agenda was approved on 7/18/2023.

## RESOLUTIONS

7-210	A RESOLUTION TO REQUEST THAT THE ARCHITECTS PREPARE AND PRESENT A ONE BUILDING PLAN, WITHIN THE BUDGET, TO THE TAX PAYERS AND RESIDENTS OF CALDWELL
7-208	RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH GREGORY MASCERA OF THE LAW FIRM BANNON, RAWDING, MCDONALD, & MASCERA, P.A. FOR MATTERS REPRESENTING THE BOROUGH OF CALDWELL

Councilman Cole read resolution 7-210 into the record.

A motion to approve Resolution 7-210 was made by Councilwoman Buechner and seconded by Councilman Brown. Discussion ensued. Upon a roll call vote, all members voted in the negative, with Council Cole voting in the affirmative. Resolution 7-210 was not approved.

A motion to pull resolution 7-208 was made by Councilman Lace and seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative. Resolution 7-208 was pulled from the agenda.

## NEW BUSINESS

## COUNCIL COMMITTEE REPORTS

1. Councilwoman Buechner: Grover Cleveland Birth Place Memorial Association
  - a. Very Successful Ice Cream Social in spite of the weather.
  - b. Very good attendance and moved indoors due to rain
2. Alonso:
  - a. County stated that DMV inspection on Cleveland St. The Police Department will announce the next time they come to town. (Within 2 months of inspection)

## REPORT OF MAYOR

*Mayor Jones*

### Mayor Jones Reported:

- 24 Small Avenue, 2nd floor bathroom does not work. Theresa and Betty both work up there, so I would like to get that working.
- Swore in a new police officer today, officer Christopher Bernard. Resident of Caldwell coming from the Newark Police Dept. On patrol next week, welcome

## REPORT OF THE BOROUGH ADMINISTRATOR

*Alex Palumbo*

### Alex Palumbo reported:

- Added 14 additional parking spaces at 24 Small Ave, will be striped next week
- Cleaned up the Roseland Ave parking lot and will be restriping there. Additional 14 spaces will be added
- Pine Brook storage owner stated that a potential prospect could rent one space. If that is the case, we will vacate the one unit to free up that cost
- Alonso: Exhaust fan for 14 Park
  - Working on lowering the price

## REPORT OF BOROUGH ATTORNEY

*Craig Bossong*

### Craig Bossong Reported:

- No public
- 2 litigation items for closed session

## OPEN PUBLIC COMMENTS ON ANY ITEMS

### Susan Gartland- Brookside- Did Bob silver advise on a second floor if the bottom floor will be closed off?

Mayor Jones said that Mr. Silver brought in several professionals and had conversations regarding the basement and adding a second floor. We did not get into cost.

**Ms. Gartland Library board of trustees would love to meet with Mr. Silver to hear what his ideas are. What is presented is 1/2 the size of the current library. Mr. Silver did build an additional floor to his buildings. I have heard that the current structure cannot support a second floor.**

**Martha Azzolini - Cleveland St. I was told that the gentleman that is building the structure in his year will be putting up shrubs. I cannot imagine that that structure was approved, as that the huge building. How was I not able to get a CO for a spindle that was too high, but he got this structure approved. I do not know how to proceed with this. I have spoken to Kim and Mr. Milani in the Building Dept. I beg for you to do something in this situation.**

Ms. Conlon gave the Mayor and Council background on the project.

Councilwoman Buchner asked who provides the notice to the surrounding residents.

Ms. Conlon said that the applicant is obligated to notify the property owners, via certified mail, within the 200 ft radius list.

Mr. Bossong said that the law is written so that it is the emailing and not recipes because you can refuse it.

Councilman Daniolowicz said if we can reach out to the homeowner, we can see what he is looking at for shrubbery or design.

**Ms. Azzolini said that she does not want to start an argument with the neighbor**

Councilwoman Buechner said maybe we can verify that the setbacks can be verified by Mr. Milani

Mr. Bossong said that the residential compliance that is done by the Engineer or Zoning Official

**Ruth Jaffe, 61 Overlook Road- Clarify comment regarding discussion with Library staff. I would urge that the Board of trustees is kept in the loop regarding the ongoing discussions with the architect. It is the Board that makes decisions about the library, not the Staff. Thanked Councilman Cole of bringing forward the possible option of one building.**

**Nick Correale- 27 Westville - Ordinance that Councilman Cole introduced. I had questions regarding the timing. When are budgets formed**

Alex: Budget will be introduced in August and subsequently meeting.

Craig: In a typical year the budgets process begins in January with an introduction in May or April.

**Nick: I'm budgeting now for 2024 in the cooperate world. Trying to understand why October, and not sooner in the year. If you have a report, you need time to review and move forward. Could become politicized**

Mr. Bossong said that every dollar in a municipal budget gets counted for. The report in October gives adequate time for the budget in the following year. If a report was received in June, those funds won't be allocated in the current year, so the idea is to allocate that in the next year.

Councilman Cole said the Municipal budget timeline is just different

Council President Alonso said this is also help keep emergencies from coming up. Cooperate would operates much differently. This brings accountability to the maintenance.

**Mr. Correale said I do believe this is well intended, I just didn't understand the timing, coming from the corporate world. I also don't want this to become politicized. I did look at the drawings from the Town Hall after the meeting. The aesthetics in the proposed drawings were not good enough.**

Councilwoman Buechner said the first rendering, no really aesthetics. I don't believe they were trying to make it fit the CCC but the buildings in the community. The town hall was not really an opportunity for create input. It was all about the figures and not the designs. What I saw, left a lot to be desired.

Councilman Brown said there are a lot designs to work through. The idea was to bring ideas and option to the public.

**Richard Basta: 21 Washburn Place - Longtime resident. Registered architect licensed in 1/2 dozen states. Do you know what these plans have? I have heard a bunch of numbers and schemes. Is there a jail?**

Mayor Jones said yes there will be 2 on the lower level

**Mr. Basta asked Have you visited the programs for these buildings and reducing that?**

Councilman Brown said he was assured that the architects has developed the architectural programs that would be included

**Mr. Basta asked Do you know how big this stuff is?**

Councilman Brown said when we saw the plans in December, we had discussed the programs and designs. The questions were asked. That is the intent to reduce the cost where possible

**Mr. Basta said I think you guys are ahead of yourself. You need a program and a budget to back that up. Need to make a decision on the CCC. Decisions that are made without plans. I would recommend you take a step back and look at the programs and align it with the budget. I see nothing wrong with recusing the CCC for other uses or for current uses. I do believe the flooding situation with the Library has can be worked around.**

**An engineer needs to be on the architecture team,**

Mark Giuliano said that he had made the suggestion to the Mayor and Council regarding the flooding. we have suffered many floods and to be honest the building was never properly flood proofed.

Council President Alonso asked if he is referring to flood doors and windows. The Library flooded because we did not have flood grades windows in place

**Mathew Fox - 6 Lockward road - I think the idea to maintain our properties was great, Councilman Cole. The prior administration has a credibility problem. It is a good idea to maintain our assets. We are here because the last administration did not want to include or inform the community**

**Robert Sullivan - 6 Parkway West- all for repurposing the CCC because it will never be self-sustaining. Will need to have parking to accommodate the use of the center**

Mayor Jones said parking will be where current town hall is. Primarily a parking Lot as well as the parking lot on Roseland.

**Ken Jurgenson- 41 Ravine Ave- I thought the town hall last week was a great first step. I would like to see better explanation of the 40-million-dollar bond will be on the tax payers. I've done a lot of research on the budget and where our tax money is going.**

Mr. Palumbo said that the budget will be introduced next month, so that would be a good time to explain that. Initially it was closer to 500 per household

Mayor Jones said that the next town meeting will be about budget.

**Mr. Jurgenson said it would be great if a handout can be made for next month to explain. A lot of the things said last week made sense, but there was no schematic drawing for the Library. I couldn't quite see the Police plans. There were no handouts of the plan for the public to follow.**

Mayor Jones said he was disappointed by the presentation last week, but we will do better next time.

**Mr. Jurgenson: Encouraged to hear money was put aside to remediate the flooding. I think it should be included as a line item in the budget.**

Council President Alonso said we have an operational budget we are working on as well as the debt.

**Mr. Jurgenson- the general obligation bonds are like the equity line of credit.**

Councilman Lace said my point was if I don't have plans, the line of credit makes more sense. But the problem is that we borrowed the money without plans.

**Bob Mortoglio - Grover Lane- Agreement regarding shared service for PD between the towns previously. There was a synergy of the towns to co-exist. I was told that this would save both towns about 1 million. Has there been any consideration regarding a shared service agreement for Police with any of the surrounding towns. \$4 million just on structural build of PD building. We can't afford to build the infrastructure for all of this.**

Councilman Lace said in 2018-2019. The study was performed by the state. My understanding is that those numbers were shared with West Caldwell. For various reasons, the idea fell apart. I thin Caldwell's number was 15. I do not know why those discussions ended.

**Mr. Martoglio said we could get to the point when the state forces something like this on us.**

Mayor Jones said in 2021 I OPRA' d the study, and I thought it was a viable study. I am open to shared services as a citizen, and I think they make sense. If we give up the safety of our citizens and drop to 15 police officers for Caldwell. We are supposed to have 23 officers for Caldwell. Safety is very important to me.

**Mr. Martoglio said I think that has always been a scare tactic. If the issue of safety is because of head count. I think we are still a 1 sq. Mile town. We go from generation to generation of Council, but we are always facing the same problems. Maybe the reality is we can't exist surrounded by larger small towns.**

**Richard Basta, 21 Washburn Place - It is so important to make a decision on whether or not a police station will be town**

**Betty Sullivan - 49 Birkendene Road - At the town hall meeting, it was stated that FEMA gave 1.5 million for the library to be restored or worked on. Can it be on a different location**

Mr. Guiliano said it has to be used on that building. Our portion would be 900,000 towards mitigation of the Library building.

## EXECUTIVE SESSION

*BE IT HEREBY RESOLVED in accordance with the provisions of N.J.S.A. 10:4-12 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.10: 4-14.*

7-211	RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED
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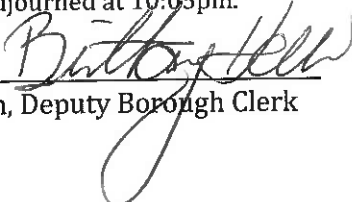
A motion to go into executive session was made by Councilman Daniolwoicz and seconded by Councilman Brown. Upon a roll call, all members voted in the affirmative. The Council left the public session and entered executive session at 9:33pm.

There will be no action taken after executive session.

Mayor Jones read the Executive Session 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; 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.

## ADJOURNMENT

There being no additional business to be conducted a motion to close the executive session and adjourn the public meeting was made by Councilman Daniolowicz and seconded by Councilwoman Buechner, and unanimously affirmed by all members. The meeting was adjourned at 10:05pm.

Prepared by:   
Brittany Heun, Deputy Borough Clerk

  
DATE