

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – July 19, 2022**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order at the Trinity Academy Gymnasium at 7:15 PM.

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

ALSO PRESENT: Deputy Clerk Kim Conlon, Deputy Clerk, Brittany Heun Borough Administrator Tom Banker, Borough Attorney Mary Kate Serratelli, and Police Chief James Bongiorno, Police Captain DeAngelo.

ABSENT:

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, 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

June 28, 2022

A motion to amend the minutes was made by Councilwoman DePalma-Iozzi and seconded by Councilman Lace. Discussion ensued. Upon a roll call vote, all members present voted in the affirmative, with Councilman Cole and Councilman Lace abstaining from the vote. Minutes amended 7/19/2022.

A motion to adopt the amended minutes was made by Councilwoman Buechner, and seconded by Councilman Alonso. Discussion ensued. Upon a roll call vote, all members voted in the affirmative, with Councilman Cole and Councilman Lace abstaining from the vote. The amended minutes were adopted 7/19/2022.

PRESENTATION

1. Public Swearing in of Police Officers
 - a. Chief Bongiorno gave a few remarks about each officer and thanked all members of the Caldwell Police Department for their work.
 - b. Chief Bongiorno recognized Msgr. Emery who is the Caldwell Police Chaplin and thanked him for his work. Msgr. Emery made a brief statement and offered a word of prayer.
 - c. Sgt. Henderson and Sgt. Williams were sworn in as Sergeants of the Caldwell Police Department.
 - d. Officer Nicoletti and Officer Rafferty were sworn in as new Patrolmen of the Caldwell Police Department.

REPORT OF COUNTY LIAISON

Patricia Keenan

Patricia Keenan Reported

- COVID-19
 - County Sites have vaccines and testing for all ages
 - Sears site is Tuesday & Thursday 2-7 and Saturday 8am-2pm.
 - 6 months – 5-year-olds vaccinations require appointments.
- County Events
 - August 2nd concert at Grover Cleveland Park
 - Turtle Back Zoo extended hours on Wednesdays along with a movie under the stars
 - Art show
 - Golfing at Essex County courses is open

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

1. 24 Small Avenue Adaptive Reuse for Health Department.
 - a. *Full occupation of the building*
2. Temporary Trailer Installation.
 - a. *Verizon will hopefully be removing the wire and pole by Friday.*
 - b. *Glenn is dealing with issues raised by the NJ DEP and Hudson Soils*
 - c. *After public service comes in, PSEG will be installing electric*
3. 14 Park Ave Rehabilitation.
 - a. Received a grant from the County, and since then have received the contract. We can now proceed with the project
 - b. Asbestos removal should be completed this week, and then construction can begin.
 - c. Working on a formal agreement with the post office for use of parking lot behind 14 Park Ave

4. Community Center Reconstruction.
 - a. *New drawings will be disused further this week at facilities*
 - b. *Hopeful to get these documents out to bid in the month of August.*
 - c. *Demolition award on tonight's agenda*
 - d. *Presentation tentatively at the next meeting*
5. Municipal Building Construction.
 - a. *Demo bid on agenda tonight*
 - b. *Hopeful to have a presentation at the next meeting*
6. Water Distribution; Storm Sewer Collection and Road Projects.
 - a. *We have gone into the culvert under the Municipal building, and have determined that there is significant damage that needs to be prepared.*
 - b. *We have a contract for preliminary exploration.*
 - c. *We are going out to bid for repair and clean out of the culvert, as the work will likely exceed the bid limitations.*
 - d. *Repair should be done by the end of August, around Labor Day. When the culvert is repaired the gravel in the parking lot will be able to be moved.*
7. Stormwater Management Study.
 - a. *Expectations that the report will be finalized and reported on in September.*
8. Wastewater Treatment Plant Projects.
 - a. *In litigation, but essentially, we are seeking to have the court help us get 5 contracts with our customer communities.*
 - b. *In negotiations with 3 towns now*
9. Property Acquisitions.
 - a. *Positive feedback from 22 Smull Ave*
 - b. *Should be able to finalize at the August meeting*
 - c. *Goal is to add to the Smull Ave parking lot*
 - d. *Will be meeting with Sister of Saint Dominic and Caldwell University to further discuss the acquisitions of land*
10. Public Parking Plan.
 - a. *All parking meters are fully functional and operational*
 - b. *All parking regulations are in force and effect, and will be enforced by the Caldwell Police Department.*
 - c. *3rd quarter permits are for sale*
11. Bloomfield Avenue Realignment Project.
 - a. *We have not scheduled the educational sessions pending a meeting with the County which is scheduled in August.*
 - b. *That feedback will be used in educational meeting moving forward.*

PUBLIC COMMENTS (FIRST SESSION RESTRICTED TO 7 SPEAKERS)

Max Time: 3min per speaker

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

Gregory Mascera, attorney representing 16 Brookside Avenue resident. Asked if the Planning Board sent notice to residents regarding the Redevelopment Plan. Asked if the proper demolition process will be followed.

Mayor Kelley responded that he does not believe a notice was sent out.

Jack Gordon, Representing Calandra's Italian village, 7-174 authorizing a contract for demolition. Is the intent of the Council to authorize the contract before the footprint for the new facility has been set?

Mayor Kelley said that the design is not finished. Tonight, we are meeting with the Council to discuss further. We will work with the properties near Borough Hall to ensure that there is egress for traffic in the area.

Mr. Gordon stated that it would make sense to know what is going on the property before demolition

Mayor Kelley said that we have trailers to relocate Borough employees. We also need the space to work on the rehab of the Community Center.

Mr. Gordon asked what has the Council decided with respect to the Historical Commission and the Carnegie façade.

Mayor Kelley said that was part of the design spec and did go out with the Bid specs.

Tim Lally, 24 Brookside Avenue, when will the educational meetings will take place. I understand it will take place after the meeting with the County. I have talked with some of the first responders regarding the realignment of Bloomfield Avenue. Councilman Gates said that many of the Council are not in favor, but we are still moving forward with the County.

Councilman Cole responded that he has said previously that he feels that there is nothing wrong with asking professionals about options. He does not see a problem with asking the County what their opinions are and what ideas they may have. He would agree with Council President

Mr. Lally asked why not make a resolution to keep Brookside a one-way tonight? A lot of the issues going on now were not present when the Council was voted in. People are concerned about these issues, and I wish the people could vote on that.

Council President Gates said Dispensaries were legalized by the State, so the Council felt it was something we should have a discussion on. I can tell you right now, based on the current Council, there are not enough votes to move a dispensary forward.

Mr. Lally said he drove by the one in Bloomfield and saw that there were 2 police officers outside and traffic was very difficult

32 Ravine Avenue Resident, It appears to me that too many things are being done, and residents cannot even focus on what is going on. Why not look into renovating the current buildings. The residents need better answers, but we are getting the run-around. Is using Calandra's in and out been approved by the County yet?

Mayor said that we are meeting with the County in August.

Resident: we want answers for these questions. There is a lot of speeding around this town that needs to be addressed, especially on Ravine.

Nick Corelli, 27 Westville Avenue. It would be reprehensible to put a dispensary in. I wish we would put the realignment of Bloomfield Ave to bed, and not go through the County. There is not a lot of level in trust, which is why a lot of us are coming to these meetings. I don't think anything should be demolition until there are complete designs ready. Renderings should be shared with the public, and floor plans should be available. This would be in good faith; we shouldn't have to ask for this. Implore that you all have visuals when presenting, which would be a lot easier when presenting ideas to residents. Take the opportunity to try and get us excited about this.

Mayor Kelley said that architect provided renderings which were provided to us on a Dropbox link, that is on the website.

Kristen Gerard, 28 Smull Avenue. Speeding down Smull avenue. The north caldwell side has speed signs on Smull avenue, but people are still driving 60 down the Smull and other side streets. Trees were removed directly next door to me. Councilwoman DePalma-Iozzi said for every tree removed 3 more would go in their place. From Brookside to Bloomfield there are about 2 trees. What has been done nest to my property on 24 & 26 is disgusting. The least that can be done would be to plant trees to make it look presentable. On August 1st everyone will be in the trailers, which is good because

Mayor Kelley said that we will discuss patrolling with the Police on Smull Avenue and speeding. We have discussed doing a tree screen between your property with you and your husband. Typically, trees are planted after the curbing and road work has finished. Once we are certain PSEG has done their job, we will put an announcement on the website with exact move dates.

Mr. Banker said that our Architect Bob Cozzarelli is out of commission for medical reasons, and our Engineer just returned from vacation. Once both are available, I had promised that we would meet with Kristen and her husband to discuss the privacy screen. That is still planned but I would like to have the engineer and architect with me. We can take a look to see if the tree lawn on Smull can accommodate trees between Bloomfield Ave and Ward Place, independent of road work.

Chief Bongiorno said that we are going to have the portable speed sign put out on Smull Avenue.

Councilman Alonso said that we did put a radar detector on Smull Avenue, previously. What were the results of that?

Chief Bongiorno said that the study said that there were not many vehicles that exceeded 35 mph, but we will start enforcement on secondary streets like Smull Avenue, Ravine Avenue, etc.

Ms. Gerard asked if the speed sign can be put up for more long term? Last time it was up for a short period.

Chief Bongiorno said that we will certainly have it out for an extended period of time.

Ms. Gerard said that Personette St. and the Wilson building have special hybrid trees that would be appropriate to use for the tree screen between her property.

Ann Mastrangelo, 104 Hatfield Street. Asked what are we basing the demolition on?

Mayor Kelley said that our Borough Engineer did a walk through to make a determination.

Ms. Mastrangelo asked if we are moving Borough Hall, then why couldn't we use it while the new building is being built instead of using trailers? Have you yet involved the historical society in this discussion?

Mayor Kelley said that the spec for the demolition bids have taken into consideration pieces of the and/or the full façade.

Ms. Mastrangelo said that before you start knocking things down, let's have a clear plan for what is happening and set priorities. We do need some improvements and I know that you are working with things that were kicked down the road.

Council DePalma-Iozzi said she has been a part of the facilities meetings for the last 2 years. We need a borough hall, our has been deteriorating for some time now. We need all this and parking for the Community Center. All of this has to go in the land that we own, which is Provost Square. The most obvious place for parking is where the current Borough Hall. Years ago, there was a plan to put a multi-level lot on Smull.

Ms. Mastrangelo agreed that it would be a good idea to put parking in the Borough Hall area if that is how it goes.

Councilwoman DePalma-Iozzi said that the land being purchased at Caldwell University is wetlands and cannot be developed. Which is why we are using it as stormwater management.

Council President Gates said that we agree about permeable surfaces, and did have a presentation on that last year, and that is on our radar for the plans.

INTRODUCTION OF ORDINANCES

ORDINANCE 1430-22 AN ORDINANCE AUTHORIZING THE ADJUSTMENT OF NUMBERING IN THE BOROUGH CODE, FOR CHAPTER 252 ALSO KNOWN AS "DEVELOPMENT FEES" TO CHAPTER 85, TO MAINTAIN PROPER ORDER

A motion to introduce Ordinance 1430-22 was made by Councilwoman Buchner and seconded by Council President Gates. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Ordinance 1430-22 was introduced 7/19/2022.

ORDINANCE 1431-22 AN ORDINANCE TO AMEND THE ORDINANCE GOVERNING SEWER SERVICE CHARGES AND THE COMPUTATION THEROF

A motion to introduce Ordinance 1431-22 was made by Councilman Alonso and seconded by Councilwoman Buchner. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Ordinance 1431-22 was introduced 7/19/2022.

ORDINANCES FOR SECOND READING

ORDINANCE NO. 1428-22 AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A SHARED DRIVEWAY EASEMENT ON CERTAIN REAL PROPERTY WITHIN THE BOROUGH OF CALDWELL IDENTIFIED AS BLOCK 23, LOTS 9.01 AND 9.02, COMMONLY KNOWN AS 14 AND 16 PARK AVENUE

A motion to open discussion on Ordinance 1428-22 to the public was made by Council President Gates and seconded by Councilman Alonso. Discussion ensued. Upon a roll call vote, all members voted in the affirmative.

No Public Comments.

A motion to close public comments and adopt Ordinance 1428-22 was made by Councilman Lace and seconded by Council President Gates. No discussion ensued. Upon a roll call vote, all members present voted in the affirmative. Ordinance 1428-22 was adopted 7/19/2022.

ORDINANCE NO. 1429-22 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$2,998,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,948,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

A motion to open discussion on Ordinance 1429-22 to the public was made by Council President Gates and seconded by Councilman Alonso. Discussion ensued. Upon a roll call vote, all members voted in the affirmative.

No Public Comments.

A motion to close public comments and adopt Ordinance 1429-22 was made by Councilman Alonso and seconded by Council President Gates. No discussion ensued. Upon a roll call vote, all members present voted in the affirmative. Ordinance 1429-22 was adopted 7/19/2022.

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.

7-166	RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED	For the Meeting of July 19, 2022
7-167	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS	
7-168	DISPOSAL OF AN OBSOLETE BOROUGH OF CALDWELL PUBLIC WORKS VEHICLE	
7-169	RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH PEARLMAN & MIRANDA, LLC IN AN AMOUNT NOT TO EXCEED \$30,000	
7-170	APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BOROUGH OF CALDWELL, CHESTNUT STREET, ELLA ROAD, OAK GROVE ROAD, PARK AVENUE, PARK LANE, SEYMOUR STREET AND WHITE BIRCH TERRACE- 2023 VARIOUS STREETS.	
7-171	RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL TO ISSUE A PURCHASE ORDER TO TROJAN UV TO PURCHASE A HYDRAULIC SYSTEM CENTRE REPLACEMENT FOR THE CALDWELL WASTEWATER TREATMENT PLANT.	
7-172	Pulled from Consent	

7-173	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
7-174	Pulled from Consent Agenda
7-175	Pulled from Consent Agenda

A motion to remove resolutions 7-172, 7-174, and 7-175 from the consent agenda and consider separately, was made by Council President Gates and seconded by Councilman Alonso. Upon a roll call vote, all members voted in the affirmative.

A motion to approve all resolutions under the consent agenda was made by Councilman Alonso and seconded by Council President Gates. No discussion. Upon a roll call vote, all members present voted in the affirmative, with Councilman Lace voting no on resolution 7-169. The consent agenda was approved 7/19/2022.

RESOLUTIONS

7-172 RESOLUTION TO MOVE THE PARKING GARAGE GRAVEL PILE; AND PROVIDE ADDITIONAL GROUND LEVEL PARKING SPACES TO ALLEVIATE PARKING CONSTRAINTS IN THE BOROUGH

A motion to approve resolution 7-172 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 7-172 approved on 7/19/2022.

7-174 RESOLUTION AUTHORIZING CONTRACT FOR BOROUGH HALL AND LIBRARY DEMOLITION

A motion to approve resolution 7-174 was made by Councilwoman DePalma-Iozzi and seconded by Councilman Lace. Discussion ensued. Upon a roll call vote, all members voted in the affirmative with Councilman Lace and Councilman Alonso voting no. Resolution approved 7/19/2022.

7-175 RESOLUTION AWARDING A CONTRACT TO TWO BROTHERS CONTRACTING, INC., 11 VREELAND AVENUE, TOTOWA, NJ 07512 FOR THE BOROUGH PROJECT ENTITLED "SELECT INTERIOR DEMOLITION OF THE CALDWELL COMMUNITY CENTER, 1 PROVOST SQUARE, CALDWELL, NEW JERSEY 07006"

A motion to approve resolution 7-175 was made by Councilwoman Buechner and seconded by Councilman Gates. Discussion ensued. Upon a roll call vote, all members voted in the affirmative, with Councilman Lace abstaining from the vote. Resolution passed 7/19/2022.

NEW BUSINESS

COUNCIL COMMITTEE REPORTS

Borough Council Members

1. Councilwoman DePalma-Iozzi: Library/ National Night Out
 - a. Library Director weighed in:
 - i. List of summer programs, in-person story times at the park, volunteer opportunities for teens and programs for the adults. Visit our website for a full list of the programs.
 - b. National Night Out
 - i. Councilwoman DePalma-Iozzi said the event is on August 2nd, at the Caldwell University parking lot 5-7pm. Events for kids, safety instruction, food and ice cream provided.

REPORT OF THE MAYOR

John Kelley

REPORT OF BOROUGH ATTORNEY

Mary Kate Serratelli

No report

PUBLIC COMMENTS (SECOND SESSION)

Max Time: 3min per speaker

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

Carla Marta's, Ashland Street. Is the Library going in the trailer? What is the Board meeting in West Caldwell that Caldwell is requesting

Robin Rockman, Director of the Caldwell Public Library responded saying, Caldwell is part is of a cooperative system. We are requesting that the West Caldwell Public Library enter back into the cooperative group, and a secondary request was for our student population and getting them the resources that they need. They currently will not let us use their library.

Ms. Maras thanked Councilman Lace for his bipartisan comments. I think the main problem is that you have jumped on all of these problems. How would you all feel if you were going through what the residents around the trailers are going through?

Councilman Lace reiterated that everyone on this Council care about the town. Whether they are with each other or not, we all want what we think is best for Caldwell.

Councilman Buchner said that we care and attend these meeting and other meetings throughout the week. There is a lot of hours, we are not just showing up on a Tuesday night.

Council President Gates said that in our town, all of us have voted on something that didn't pass. We do not have unanimous votes on everything, we have elected officials with differing opinions. We respect each other even when we don't agree.

James Marinucci, 32 Ravine Avenue, Responding to Councilman Lace's comments. I didn't call out DePalma-Iozzi, I called out the whole Council for meeting on zoom for 2 years. Yes, I am calling you out for hiding out and for hypocrisy

Council President Gates said that when we were doing meeting on Zoom, there were typically 60-80 people attending our meeting. Years ago, when I attended the meetings in Borough Hall, there were maybe 20 people in attendance. Over the last couple of years, we would have 3-4-hour meetings with 60 people in attendance.

Marinucci asked the Chief how many officers he has?

Chief Bongiorno said we have 20 officers. Our numbers were down due to the exploration for of combing with West Caldwell.

Jack Gordon, representing Calandra's. Calandra way is a private drive owned by Calandra's. Calandra paid for an easement on Mascari Lane, and at no time during the demolition should either of those rights be impinged about. There have been a lot of talk tonight about conversations that Calandra's has had with the Borough, and the idea of Calandra's paying for parking is not accurate. If the Borough were to build a parking garage, Calandra would be willing to have a conversation regarding paying for a second level for their customers to use.

EXECUTIVE SESSION

Closed Session

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.

A motion to go into executive session was made by Councilman Alonso and seconded by Councilwoman Buechner. Upon a voice vote, all member present voted in the affirmative. The Council left the public meeting an entered executive session at 10:38pm.

A motion to close the executive portion and return to public session was made by Council President Gates and seconded by Councilwoman Buechner. Upon a voice vote, all members present voted in the affirmative. At 11:02pm the executive Session ended and the meeting was opened to the public.

ADJOURNMENT

There being no additional business to be conducted, a motion to adjourn the meeting was made by Councilwoman Buechner and seconded by Council President Gates. Upon a voice vote, all members present voted in the affirmative. Meeting adjourned at 11:05pm.

Prepared by: Brittany Heun
Brittany Heun, Deputy Borough Clerk

8/12/2022

DATE