

**BOROUGH OF CALDWELL
COUNCIL CONFERENCE/BUSINESS MEETING
Regular Meeting- July 23, 2024**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order at the gymnasium of St. Aloysius Church, 219 Bloomfield Avenue, Caldwell, NJ at 7:11pm.

PRESENT: Councilman Jurgensen, Councilman Alonso, Council President Brown, Councilwoman Rodeffer, Councilwoman Buechner, and Mayor Jones.

ABSENT: Councilman Daniolowicz

ALSO PRESENT: Deputy Clerk, Brittany Heun, Borough Administrator, Alex Palumbo, Borough Attorney, Craig Bossong.

STATEMENT OF COMPLIANCE:

Adequate notice of this Council Business/Conference Organizational Meeting was given on January 11, 2024. Notice was posted in 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 to the Flag

Prayer/Moment of Silence

- Mayor Jones asked for a moment of silence for death of Fire Chief in PA, and assassination attempt of Former President Trump. Moment of silence for the families and communities it effected.

APPROVAL OF MINUTES

June 11, 2024

A motion to approve the June 11, 2024 Business Council Meeting minutes was made by Councilwoman Buechner and seconded by Councilman Alonso. Upon a roll call vote, all members present voted in the affirmative.

June 21, 2024 – Oversight Committee Meeting Minutes

A motion to approve the June 21, 2024 Oversight Committee Meeting minutes was made by Council President Brown and seconded by Councilwoman Buechner. Upon a roll call vote, all members present voted in the affirmative.

PRESENTATION

REPORT OF COUNTY LIAISON

Patricia Keenan

Family fun nights on Wednesday and Thursday in July and August. Movies on Wednesday in July.

- Wednesday 7/31 Danny V's at Grover Cleveland Park
- Vaccines and health screenings through mobile health clinic.
- Thursday 7/25 COVID Vaccines and Hepatitis education 1:30-5:30 in Cedar Grove (O'Toole Center)

Mayor noted: Next scheduled borough meeting will be on August 13th at 7pm

- Asked that, if possible, keep comments to a minimum so everyone a chance to speak. Please remember to give names and address, except for law enforcement. Please just state department.
- Being Mayor for the last 18 months has been an amazing experience. We have worked with many great teams, and have accomplished many things. Today I stand alongside a council that has the fortitude to do what we feel is best for Caldwell. We have stood in unison on decisions in my tenure. The Police Department has suffered from poor management in the past, and has not had a succession plan. Captain DeAngelo attended the Chief of Police Course. Lt. Henderson will be attending the FBI Training academy. I have asked Councilwoman Buechner to head up a task force for advancing education and trainings for all of our officers. That is our plans as we move forward. We look forward to hearing from everyone

PUBLIC COMMENTS

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

No Comments

INTRODUCTION OF ORDINANCES

ORDINANCE NO. 1465-24

AN ORDINANCE TO AMEND ORDINANCE 1446-23 ESTABLISHING SALARIES OR WAGES OF OFFICIALS AND EMPLOYEES OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX

A motion to introduce Ordinance 1465-24 was made by Council President Brown, and seconded by Councilman Alonso. Upon a roll call vote, all members present voted in the affirmative. Ordinance 1465-24 was introduced 7/23/2024.

ORDINANCES FOR SECOND READING

ORDINANCE NO. 1464-24

AN ORDINANCE AMENDING ORDINANCE 81-3 ENTITLED FEES TO EXEMPT DISABLED RESIDENTS AND 100% DISABLED VETERANS FROM CONSTRUCTION PERMIT FEES FOR WORK PERFORMED ON THEIR OWN RESIDENCES

A motion to open the public hearing on Ordinance 1464-24 was made by Councilman Alonso and seconded by Councilwoman Buechner. Upon a voice vote, all members present voted in the affirmative, and the meeting was opened for public comments on the Ordinance. There being no comments on the Ordinance, a motion to close the public hearing was made by Councilwoman Buechner and seconded by Councilman Alonso. Upon a voice vote, all members present voted in the affirmative.

A motion to adopt Ordinance 1464-24 was made by Councilman Alonso and seconded by Councilman Jurgensen. Upon a roll call vote, all members present voted in the affirmative. Ordinance 1464-24 was adopted on 7/23/2024.

ORDINANCE NO. 1466-24

AN ORDINANCE OF THE BOROUGH OF CALDWELL IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, AMENDING CHAPTER 41 ENTITLED "POLICE DEPARTMENT"

Councilwoman Buechner explained that she is supporting the ordinance only because it is a temporary measure. Feels this gives the best opportunity for Caldwell, to have our excellent police officers get the training that can bridge the gap between police training and administrative training. Fully intend to promote from within.

Mayor Jones said he fully supports what Councilwoman Buechner said.

A motion to open the public hearing on Ordinance 1466-24 was made by Council President Brown and seconded by Councilwoman Buechner. Upon a voice vote, all members present voted in the affirmative, and the meeting was opened for public comments on the Ordinance.

Michael Freeman: NJ State PBA, Vice President (written comments are attached to the minutes) Vehement opposition. Even in a temporary is against the public safety of the Borough of Caldwell. TAG was awarded a contract for a comprehensive report of the police Department. It should be of great concern that the governing body is attempting to disagree the recommendation. Every recommendation has been skewed and the Governing body has refused to address and explain. " TAG recommends the addition of an addition Captain. This would divide into two division" Any Council member should be able to explain why they support any or all of the conditions. Seems legally sufficient, except for Title 40A. The entire section was stricken years ago. You are flying blind of this. I requested documents, and my request was denied. I have subsequently filed a report with the Government Records Council stating that TAG is a Vendor and not a consultant. Every case when a Police Director was appointed it went to a phony. This all needs to be explained, this is de-funding the police.

John Russo: Rutherford police department. President of NJ state association of Chiefs of police. Respectfully request that you hold the ordinance that is on second reading tonight and the search for Police Director. We advocate for the Position of the Chiefs police. We have no skin in the game. We solely represent the position itself. It is a vital police department just based on how law enforcement head is run. They are the conduit between the department and the GB, Residents, PBAS, State and Federal agencies. Collaboration and line of communication that cannot exist with a police director. Most important aspect of the job. All personnel, criminal investigation issues, Police Director cannot be involved in. It is really a pointless position. Dedication you time to figuring out who your police chief is. We as an association can assist you with it. It will be better in the long run for residents and the department. We are in unique times. We are very progressive law enforcement industry in NJ. Just getting into licensing. I was speaking in Trenton yesterday, and they all know that this first round will end in litigation. It sounds like you won't have licking issues in Caldwell. With a Police Director in the helm, you will be in chaos. Need security at the top. Police Chief in Rutherford. I have lived through what you are going through now. In 2007-2008 state Chiefs' association, PBA, county association, were telling the mayor and council how this was going to happen. Everything happened as they said. It was terrible and embarrassing. The council that was for this Director, the training never happened. By the nature of the position, the town will get bogged down in litigation and law suits. My experience was unbelievable. We did not have a chief from 2007-2013 for the most part. Director was constantly fighting with outside Police organization. The Police Department eventually became an election issue. This should never be the case for local elections. Eventually they brought back the Police Chief position. I was not taught anything, I had to figure it all out by myself, with the help of the PBA and State organization. I did not see until this, the cost to the Borough, by having a police director. No one was promoted, no one had cars, building maintenance was not done. This is how it is going to end, and it is not the goal of your department or union to create issues, it is the nature of the beat. I respectfully request that this is pulled. I have an open-door policy and will extend that to you. You can see the result for yourself, the damage. Please reconsider, and have respect for your officer. Promote from within

Dan Moran: Detective with Fairfield. President of Local 81. Thanked for the opportunity to speak and for the support from local 81. Today I will explain why appointing a police director is a misguided approach. First the appointment can lead to a break in leadership and cohesion in the department. This disconnect can result in poor moral and a break down between police force and community. Police Director appointment often comes with Political appointments. More about pleasing political allies, then implanting Police policies. Impartiality and accountability become an issue. A Police Director may not have the same level of accountability to the community they serve which can affect the community concerns. Can erode the trust in the Police and residents. Clear district roles are needed for proper Police Department structure. Director can create confusion to the structure. While the intend may be to bring a fresh perspective. But this can lead to a disconnect, reduce accountability. Must prioritize leader who have risen through the ranks. As local 81, the State Chiefs Association and PBA, try to uncover the truth behind these Ambrose Report. We know that money was spent on these audits. These members speaking have decades of experience that is all free of cost, and is will ingot be shared.

Lee Sutherland: state delegate with PBA 183. State Police Dept. Is the FBI academy the gold standard for Police Chief? I see plenty of viable candidates. This is sending the wrong message to the men and women who put that uniform on and help the residents in their time of need. The message that is continuing to be sent is unacceptable. Have you spoken to you staff and command level staff? I think the answer is no. You have the candidates; they deserve the chance to serve. Speak to your men and women that protect your town day in and day out.

Kamiko Woods: Essex County PBA Conference. We believe that this is not in the best needs to for department. This could slow down the decision making, reduce department working, and reduce effectiveness. Allocated funds for this position could differ money from critical areas in the department. In the time when many communities face budget restraints it is import to allocate funds paper or Italy. Disconnect between rank and file of the department. New leadership role can disrupt the dynamics and cause confusion. Current police leadership is more than capable of addressing the challenges without the need of a Police Director. You can work together to create a stronger community. Advocate for the appointment of chief. Hopefully you will find a social union that best serves the interests of the community.

Chief Anthony Mana of Fairfield Police Department: The State Chiefs have sent 2 letters to you, and I extended an invitation to speak with our association. Proud FBI NA graduate. I learned to become a Chief through experience and mentoring from other Chiefs. FBI is great but does not give you day to day experience. Chief Russo said it eloquently. One thing that I have noticed is that it is a reality that the State PBA and State Chiefs association agree on something. What does that say to you?> You are elected official of Caldwell, and have been elected to do what is best for the community. It is my understanding that this was going to be the administration of transparency, yet reports are not being released to the public. There are one 3 GRC complaints against the borough on this topic. Wanted to end the lawsuits in the Borough, but how confident are you that this action will not cause up to 3 law suits. You have independent minds and votes tonight. There is no shame in changing your mind to do what is best for your community. People of all communities look to schools, public safety when deciding where to live. Elections have consequences and so do decisions. You can be assured that it will because of what you did or didn't do tonight.

Pat Paparo: Labor Relations with state PBA: as an elected official, I know how it feels to put yourself out there. I commend you for that. This is a terrible choice. We all have our own choices to make. 1888 coming to vote in November. If you take one of ours November 3rd, we are taking out 2 of yours.

Joanne Pollara, 28 Espy Road. Why are those OPRA requests denied, and why the reports aren't released. Why are you not being transparent with those. Police Director is not able to perform all the duties of a police Chief. That concerns me, as a tax payer. Will pay for resources and mentorship. As a former school principal, I have been involved with Departments in the past. A police Director is just another political addition of bureaucracy. Please invest the money in our police department and not add another layer that we do not need. Give us what we need.

- Craig Bossong: can address the Legal question. GRC and OPRA Act does have expeditions. There are certain things that cannot be released, just as the PD has every right to not disclose things in their investigations. Large ports of the report contain personnel information that cannot be released. Those recommendation in the first report have been implemented by this Council others cannot be implemented until more concise leadership at the top. It is not that the recommendations are being ignored, but will be addressed and implemented when there is appropriate leadership.

A motion to close the public hearing was made by Councilwoman Buechner and seconded by Councilman Alonso. Upon a voice vote, all members present voted in the affirmative.

A motion to adopt Ordinance 1466-24 was made by Council President Brown and seconded by Councilwoman Buechner. Upon a roll call vote, all members presented voted in the affirmative. Ordinance 1466-24 was adopted on 7/23/2024.

ORDINANCE NO. 1467-24

AN ORDINANCE OF THE BOROUGH OF CALDWELL IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, AMENDING CHAPTER 182 ENTITLED "RENT CONTROL"

A motion to open the public hearing on Ordinance 1467-24 was made by Councilwoman Buechner and seconded by Council President Brown. Upon a voice vote, all members present voted in the affirmative, and the meeting was opened for public comments on the Ordinance.

David Legow: (Letter submitted for record) Owner Manager of Parkview Gardens and Carlyle towers. We have provided booklets of the work that has been done on the buildings. We understand that the council is considering dropping the standard increase. Montclair enacted a similar discount for seniors, and Caldwell is following suite. We care about our seniors and want to continue to provide safe and quality housing. This will cause a decrease in our operating income, and will benefit no one in the long run. Total operating costs have increased. Improvements have been made to the properties over the years since we acquired the buildings. The cost per month for each improvement respectively. Parkview commons 2,300 increase = \$64. Reduction in allowable increase bring to \$41. Carlyle= 1,936. Increase \$53. Reduction for seniors would be 34 per month per apartment raise. Our customers move into our buildings because we provide good services and improve over the years. If revenues are cut down, that will hinder our capability to make projects. One major project at Carlyle is to replace coils and piping. We had to stop the project to make other repairs. The price for fan coils has now doubled. We estimate about 3.5 million costs to complete project. As owner managers, we feel we have no choice but to finish the job for our residents. Rust from pipes and pinhole leaks in the pipes have caused issues. We do not want the equality of our housing to diminish. Rent control needs to be changed, related not tightened. Annual increase between 4-6% in most towns. Also have vacancy decontrol. We are limited to a 25% increase when a unit is vacated. Only improvement that would qualify would be for a new pool that was not there before. When we applied for assistance the Board once before. Owners will not spend the money to improve their buildings. Subsidizing seniors rent may not be constitutional. Shut down in North Bergen, by the courts. It is also impractical. How do we handle 2 applicants who live together and one is a senior and another is not. This is also unfair. Market rents are 2,000+. Is rent control appropriate at this price. Our residents must make at least 100,000 to live in the units. Urge the council to vote no on this proposal to change the Rent Control Ordinance. Apartments owners in town will be happy to be in dialogue with council over the best solution for Rent Control. A degraded housing stock will hurt the residents of Caldwell. Detrimental to town. We are, invested in Caldwell

Councilman Jurgensen: I reviewed your letter and had questions. You indicated decrease in income. Have you made the calculations?

Mr. Legow said it is very hard to make those calculations. But to have 1/3 of your profits cut down, it will make an impact. I need money to work with to make these changes. We can't work on a shoe string. Essentially our tenants on average get a reduction of 19-23\$. We have done a lot of improvements to the building and a lot of work still to do. We have a very narrow window to do this work, which makes this difficult, and we need the money to do it. The work we are doing is complicated.

Councilman Jurgensen said that he did go to Mr. Legow's building last week, to see the projects. With the capital projects, are you able to take a depreciation reduction.

Mr. Legow said roughly 1.34%, which is a big tax hit. Once it is in service, we get it 3.4% the next year Councilman Jurgensen asked if the tenants pay for utilities

Mr. Legow said that we pay for everything

Councilman Jurgensen said the new chillers installed; will this new equipment be more energy efficient than our older ones?

Mr. Legow said yes, we saved a little. We have done a lot improvements to be efficient

Councilman Jurgensen said the parking deck was in great condition, which I appreciated. The building is cared for very well. No indication for tax saving or write offs for improvements. Do you get them?

Mr. LeGow said yes, we get them

Councilman Jurgensen asked about turnover rates.

Mr. Legow said about 25% in Carlyle Towers, 15-18% in Parkview. Roughly. Industry standard is about 1/3

Councilman Jurgensen said he did an analysis of the impact of a 2.75% rent increase over 23-years. Compared that with the published COLA rates for same years. If you compound the rate increase every year and apply COLA, the numbers almost matched.

Mr. Legow said that hasn't been our experience Inflation has been really bad the past few years.

Councilman Jurgensen said other years it has been 0%.

Mayor Jones said we can't focus on what was done in the past. Appreciate the information you have given. Rent Board Chairman Frank Galante, Councilman Jurgensen, and Mayor Jones were at the building walk through with Mr. LeGow.

Jackie Pogano, Carlyle towers resident. Going on 3rd lease. Born and raised in Caldwell. Went to Caldwell College for women. Married here. I used to sled down the hill where Carlyle towers is when I was young. 40 years at Claridge House. School teacher in Verona, professor at the College. Very upset about the things that are happening with the Police Department, they have been great. What these people are trying to do in Carlyle Towers, has made me think. I am going to need a two-bedroom apartment which I am on a waiting list for. I do not want to move, though I can afford to. These managers deserve a raise, as they have been a good help to residents. The building needs work. Give some consideration to what they need. It is a quite building, but they do a good job.

Micheal Goldberg: Owns Mary Ann apartments, 40, 48, 178 Roseland Ave. Total of 183 apartments. Offices in West Caldwell. We are very generational and plan to hold onto these buildings for as long as possible. Give us a fair return. We know that a lot of things have increased. Our insurance has gone up without any loss ratios. Living wage, not a fair wage through employers. We want to maintain what a good apartment is. Anything

below the 2 3/4% is a disservice. We want to create a place for people to live comfortably so we can maintain our buildings at a high level

Alan Hammer: Brach Eichler attorney. Live in Livingston. Represent David and Michael and their families. Operate numerous buildings in town. Bout most buildings 40-45 years ago. We own in Caldwell and West Caldwell. In W. Caldwell we get 5^{1/2}% vacancy de-control with no discount for senior. We are in Verona and Montclair too. Montclair just passed its first rent control ordinance. 4% with 2.5 for seniors. Complete vacancy decontrol. Bloomfield for over 50 years. 3% or CPI or which I ever is greater. West Orange. 3% with decontrol S. Orange 5.5% with vacancy decontrol. With \$20 increases you cannot pay for improvements. I do not have any tax appeals in Caldwell. We have some of the nicest apartments in town. We take great pride in our properties. Multi-generational owners. Been involved in Rent Control for 50 years. To reduce the allowable increase to 1 3/4% is not good. We have a low turnover in our buildings. You don't need to hit us so hard. 2 3/4% is lower than any town in the Bloomfield Avenue strip, but we haven't come to meeting asking for an increase in that. I do not want to serve notice on my tenants, seeking increase to rent for improvements.

Councilman Jurgensen suggested to table vote and give the Rent Board an opportunity to review Mr. Legow's letter.

Mayor Jones agreed. Would prefer to kick this back to the Rent Board and have them discuss, thanked Chairman Galante for being at this meeting and listening to the building owners. We appreciate your longevity and appreciate you being here. Encourage you to attend the Rent Board hearing so you can give your expert advice to the board

A motion to close the public hearing and table the vote on Ordinance 1467 was made by Councilman Jurgensen and seconded by Councilman Alonso. Upon a roll call vote, all members present voted in the affirmative. Ordinance has been tabled, as of 7/23/2024.

ORDINANCE NO. 1468-24

AN ORDINANCE OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF CALDWELL AND APPROPRIATING \$1,568,768 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$863,000 IN BONDS OR NOTES OF THE BOROUGH OF CALDWELL TO FINANCE THE SAME

A motion to open the public hearing on Ordinance 1468-24 was made by Council President Brown and seconded by Councilman Alonso. Upon a voice vote, all members present voted in the affirmative, and the meeting was opened for public comments on the Ordinance. There being no comments on the Ordinance, a motion to close the public hearing was made by Councilwoman Buechner and seconded by Council President Brown. Upon a voice vote, all members present voted in the affirmative.

A motion to adopt Ordinance 1468-24 was made by Councilwoman Buechner and seconded by Councilwoman Rodeffer. Upon a roll call vote, all members presented voted in the affirmative. Ordinance 1468-24 was adopted on 7/23/2024.

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.

7-186	AUTHORIZING THE CHANGE OF STATUS FROM PROBATIONARY POLICE OFFICER TO FULL POLICE OFFICER IN THE CALDWELL POLICE DEPARTMENT FOR CHRISTOPHER BERNARD HIRED ON JULY 18, 2023
7-187	RESOLUTION APPROVING CHANGE ORDER NO. 1 FOR THE MILLING, PAVING, AND CURBING OF A PORTION OF THE SMULL AVENUE PARKING LOT INCLUDING THE INGRESS AND EGRESS DRIVEWAYS AND CURB AREAS
7-188	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE - Vero Amici for Charity - Off-Premise - 50/50 Cash Raffle
7-189	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE - Rotary/Kiwanis Caldwell Street Fair, Inc - Off-Premise - 50/50 Cash Raffle
7-190	RESOLUTION AUTHORIZING A SIX (6) MONTH LEASE EXTENSION WITH ARIES BUILDING SYSTEMS, LLC FOR THE TEMPORARY OFFICE TRAILERS LOCATED AT 24 SMULL AVENUE
7-191	RESOLUTION AUTHORIZING A CONTRACT WITH THE SEMERARO & FAHRNEY, LLC, TO CONDUCT A REVIEW OF THE BOROUGH EMPLOYEE'S SALARIES IN AN AMOUNT NOT TO EXCEED \$5,000.00

7-192	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS
7-193	RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO PUMPING SERVICES, INC FOR REPAIRS AT THE CALDWELL SEWER PLANT ON AN EMERGENCY BASIS
7-194	RESOLUTION APPROVING THE APPOINTMENT OF CHRISTOPHER DEPRENDA AS A JUNIOR FIREFIGHTER OF THE CALDWELL VOLUNTEER FIRE DEPARTMENT
7-195	APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2025 CALDWELL ROAD IMPROVEMENTS PROJECT

A motion to approve the consent agenda was made by Council President Brown and seconded by Councilwoman Buechner. Upon a roll call vote, all members present voted in the affirmative. All resolutions on the consent agenda were approved on 7/23/2024.

NEW BUSINESS

COUNCIL COMMITTEE REPORTS

Borough Council Members

1. Councilwoman Buechner: Grover Cleveland Birth Place/ Board of Health/ Senior Advisory
 - Grover Cleveland July 4th social was very successful
 - Carriage house construction is just about done
 - Activities in the fall and possible soft opening.
 - BOH
 - Monthly newsletter on the website, with good information.
 - July is chronic disease awareness month
 - Senior:
 - New Human Services Director has been working on a lot of ideas. Hoping for things to pick up in the fall.
2. Council President Brown;
 1. Environmental Commission
 - a. Invites all to visit the pollinator garden
 - b. Thanked the Caldwell Council and residents for support
 2. Shared Services:
 - a. Councilman Daniolowicz and I met with W. Caldwell
 - b. Discussed shared services with their gas pumps
 - c. Working on contractual details in that.
 - d. We appreciate and thank them for support
3. Councilwoman Rodeffer:
 1. Local Assistance Board
 - a. First time meeting with our new director
 - b. 40 clients reported to use pantry each week
 - c. Coming up with some new material to recruit more volunteers to increase hours
 - d. Set up food drives for the fall
 - e. November- the Women's Club will be collecting
 - f. Container behind the building at 14 Park Ave for donations
 - g. Initiative with local parishes to visit the pantry and encourage donation. Parishes to have emergency bags for anyone in need

REPORT OF MAYOR

Mayor Jones

Mayor Jones reported:

- No Report

REPORT OF BOROUGH ADMINISTRATOR

Alex Palumbo

- BA for West Caldwell did contact me. In process of drafting agreement
- Mobile DMV unit was yesterday and all booked up. We will try to get them back in town next year
- Environmental cleanup of old pistol range in the coming weeks
- Will be paving the footprint of old borough hall area.

REPORT OF BOROUGH ATTORNEY

Craig Bossong

- Most tenants are out of 80 Bloomfield Ave
 - Spoke to better life. They have their new space but are renovating a bathroom, which should be done in 2 weeks. Once that is done, they can apply for state inspection and move out in end of August.

Mayor Jones asked Mr. Bossong that we be gentle with the owners of the Better Life company. It is a substance abuse rehab center started by people affected by the overdose of a loved one. They have been good tenants and a good business to have in town.

Mr. Bossong agrees, this is a resource and recover organization. We are trying to work with them in this process, as much as we can.

PUBLIC COMMENTS

Henderson Cole - 63 Crane Street. 6-174 purchase of AST fuel tank was passed last meeting. I recently retired after 40+ years. Given the discussion with West Caldwell, I would request that we put a hold on it or rescind the resolution. That \$400,000 could be used for other purposes.

EXECUTIVE SESSION

Closed Session

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 matter; Contract Negotiations; 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.

7-196

RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of July 23, 2024

A motion to go into executive session was made by Councilman Alonso, and seconded by Councilwoman Buechner. Upon a voice vote, all members present voted in the affirmative. The Council went into executive session at 8:58pm.

A motion to close the executive session and open the public session, was made by Councilman Alonso and seconded by Council President Brown. Upon a voice vote, all members present voted in the affirmative. The public meeting was reopened at 9:52pm.

ADJOURNMENT

There being no additional business to be conducted, a motion to adjourn the public meeting was made by Councilman Alonso and seconded by Council President Brown. Upon voice vote, all members present voted in the affirmative.

The meeting adjourned at 9:55pm.

Prepared by:

Brittany Heun, Borough Clerk

8/14/2024

DATE

Mayor & Council,

My name is Michael Freeman. I am the Executive Vice President of the NJ State Policemen's Benevolent Association, a labor union that represents nearly 32,000 active law enforcement officers in every county in the state, including the officers of the Caldwell Police Department, who are members of West Essex PBA, Local #81.

I am here to speak out in vehement opposition to Borough Ordinance NO. 1466-24. The proposed amendments contain flaws that cannot be overlooked and the effect of amending the ordinance is in direct contrast to the public safety needs of Caldwell residents. The preamble indicates The Ambrose Group, LLC (TAG) played a vital role in this determination.

"WHEREAS, the Borough previously awarded a contract to The Ambrose Group ("TAG") to evaluate the entire Borough of Caldwell Police Department as well as the review and evaluate the Executive Positions of the Police Department; and WHEREAS, the Borough in consultation with TAG and legal counsel, has determined that it is most appropriate that the "appropriate authority" should be a Police Director who shall serve for a term of at least two years"

TAG was awarded a \$15,000 contract and submitted a comprehensive report of their findings to the governing body. During this review, an assessment of the CPD was conducted through data collection and a comprehensive review of furnished materials; interviews with the Chief of Police, as well as other supervisory personnel; on-site visit and observations; research; reviews of relevant literature, statutes, regulations and state and nationally accepted standards of police organizations; an ongoing exchange of information with CPD leadership; and the extensive cumulative experience of TAG personnel.

It should be of great concern to everyone in Caldwell that the governing body is attempting to disregard the clearly explained recommendations from the professional assessment that the taxpayers paid for. Every recommendation regarding staffing by the independent consultants focused on providing adequate public safety through proper allocation of police resources. Every recommendation has been eschewed and the governing body refuses to explain why their alternative solution will better address the safety and security of the residents of Caldwell. Excerpts from the report include:

- ...based upon our staffing analysis as detailed above, as well as additional information presented below, we feel the staffing indicated in the Ordinance is insufficient,
- Based upon a review of the operations and structure of the CPD, Interviews with the CPD Chief of Police, and a review of the agency's calls for service (which reflected a trending increase in total number and average time spent on calls), we have assessed that the agency needs an increase in staffing of sworn personnel and organizational restructuring to more effectively address the operational needs of the agency.
- Accordingly, the CPD's current staffing levels were not deemed appropriate for the agency's current workload.

- TAG recommends the addition of an additional Captain or Lieutenant position to provide better organizational flow of accountability. With this additional Captain, the agency would be divided into two (2) separate divisions: the Operations Division and the Support Services Division.
- In addition, TAG strongly recommends that the CPD assign a Superior Officer to the Internal Affairs function with 75% of the Superior Officer's function being compliance of agency SOPs, Attorney General Directives and Guidelines, and State /Federal regulations. This Superior Officer shall report directly to the Chief of Police. Please note that this recommendation is based upon the added responsibilities and accountability that were mandated by Attorney General Directives and Guidelines over the last few years for all law enforcement agencies, particularly referencing the current Internal Affairs Policy and Procedures, which was revamped in 2020 (A.G. Directive 2020-7) and revised in 2022 (A.G. Directive 2022-14).
- It should be noted that the recommendation for a second Captain position may cause a ripple effect requiring additional promotions and hiring of police personnel. Additionally, we recommend increasing the CPD total number of sworn personnel to accommodate a total of (3) Police Officers on each Patrol squad, along with a Sergeant.
- A restructuring model is suggested by TAG for consideration. In this model, (2) Divisions (Operations and Support Services) would report to the Chief of Police and each commanded by a Captain or a Lieutenant.
- The rationale supporting the recommendation of another Captain/lieutenant position is the documented increase in calls for service from the public to the CPO, particularly in the Patrol Division (this was expounded upon previously in this assessment), as well as anticipated increases in calls for service (also delineated elsewhere in this assessment).

Any member of the Caldwell governing body that votes in favor of this amendment should be forced to explain why they disagree with any, if not all, of the recommendations listed above.

Needing further explanation is the legal basis that grants a police director their powers and duties. "The Police Director shall assume and be vested with all powers and duties allowable under this article and to the fullest extent permissibly delegable to them under NJSA 40A:14-11 and any and all judicial decisions interpreting this statute." On its face, this paragraph seems to be legally sufficient to appoint a Police Director in Caldwell, except for the fact that Title 40A does not contain a Section 11 in Chapter 14. The entire section was stricken from the law years ago, and I defy any council member making this decision to describe what that law said.

Moreover, there appears to be a gross misunderstanding of how a police department functions ... "the 'Detective Bureau,' including a Bureau of Identification and Records, which shall be under the administrative supervision of the Police Director and in the absence of a Police Director the Chief of Police, with police officers with the title of "Detective" as may from time to time be assigned to detective duty..." Administrative supervision of a detective requires assignment of investigations, approval of investigative reports and

effective allocation of resources based on the needs of each investigation. That can only be determined by reading the initial investigation reports, which a civilian police director is forbidden from seeing. The representatives from the NJ Association of Chiefs of Police can better explain all the prohibitions placed on a civilian to ensure law enforcement officers, subject to the accountability that is guaranteed for the equal protection of all citizens. The law has established a list of restrictions placed on civilians, including:

- Refrain from directing investigation of criminal activity (Unless specifically directed by County Prosecutor)
- No access to criminal investigative reports
- No access to criminal history reports
- No access to Internal Affairs files absent a court order
- Cannot access confidential police reports or documents
- Cannot access the police departments NCIC Terminal
- Cannot operate a vehicle equipped with a police radio

I submitted a request for documentation from TAG that supports the creation of a police director position in Caldwell, as well as invoices associated with the "Evaluation of Current Personnel and/or Other Personnel that was allegedly performed by TAG and forms the basis for a police director. That request was "DENIED due to 'inter-agency' or 'intra-agency' advisory, consultative, or deliberative material which is not a governmental record and therefore exempt from disclosure." I subsequently filed a complaint with the Government Records Council taking the position that The Ambrose Group is a vendor, not a government agency qualifying for exemption. Tax dollars are used to pay for vendors consultations, unlike consultations with the various government agencies that advise police department personnel and governing bodies.

It is interesting to note that the denial claimed that TAG did not bill Caldwell for the 2024 evaluation that directly contradicts the 2023 assessment. I can only speculate, but the Mayor and Council can confirm that the reason there was no charge for a report that must remain completely secret is because there is no actual report submitted by TAG, to substantiate the move that this governing body is contemplating. In every case where a civilian police director has been hired to replace a Police Chief, the job has been handed to a crony of a politician. Whether that was done as a local government funded payoff for favors already granted, or in anticipation of influence that politician expects to receive. Public Safety should be the guiding principle that creates positions in a police department. The Ambrose Group told you how to do that, but today you are considering going in a completely different direction. This all needs to be explained to the people that you are putting at risk!

LEGOW MANAGEMENT COMPANY, LLC

P. O. BOX 43

LIVINGSTON, N. J. 07039-0043

Telephone (973) 992-8200

July 18, 2024

To Mayor Garrett Jones and Council President Kris Brown:

We are the Owners and Managers of Carlyle Towers, LLC and Parkview Commons Apartments LLC. We acquired Carlyle Towers in 1979 and Parkview Commons Apartments in 1998.

We understand that the Council is considering a proposal to drop the standard annual increase from 2.75% to 1.75% for senior citizens who are 65 years and older. Montclair recently enacted a similar discount for senior citizens, and it appears that Caldwell is following suit. This is a bad idea!

Up to 40% of our residents at both Carlyle Towers and Parkview Commons are seniors. We care about them and want to continue providing them with safe, comfortable, quality housing. Should this proposal pass, it would result in a significant decrease in our operating income, that will make it impossible for us to maintain the high quality of our properties and will benefit no one in the long run.

At Parkview Commons, built in the 1990s, our total operating expenses such as payroll, insurance, utilities and taxes have increased 37% on average or \$84 a month per rentable apartment over a five-year period for the years 2019-2023. At Carlyle Towers, an older high rise built in the 1960s, we have been spending substantial sums investing in our infrastructure which was at the end of its useful life. They are as follows:

Parking Deck	2018-2019	\$502,755
Elevators	2021	\$665,742
Cooling Tower	2021	\$83,466
Chiller	2022	\$280,418
Boiler	2024	\$706,000 (not completed)

The cost per month per rentable apartment for each of the above improvements respectively is \$407, \$539, \$68, \$227, and \$571 when the boiler installation is finished and paid for in a few weeks.

At the present time at Parkview Commons Apartments the average leased rent is \$2,339. A 2.75% increase equals \$64 per month per apartment and does not keep up with the cost of our expenses for the period 2019-2023. Reducing the allowable annual increase to 1.75% brings the monthly increase to \$41 and will put us further behind.

At Carlyle Towers the average leased rent is \$1,936. A 2.75% increase on this number amounts to \$53 a month per apartment and is nowhere adequate to cover the enormous improvements we have been making. Reducing the annual percentage to 1.75% results in a \$34 per month per apartment raise and will really hurt us.

Our customers move into our buildings because we provide good service and stay for years because we make the necessary improvements to make their stay enjoyable. Invariably if our revenue is cut down, we will not have the ability to provide the same level of service our residents are entitled to. This is true not just for our senior residents but for all our residents, including their families.

One major project coming up at Carlyle Towers is the replacement of the old fan coil units and existing piping in the walls that deliver heat and air conditioning to the apartments. At the current time we have only completed approximately 15% of the job. We had to stop because we had to upgrade the parking deck, cooling tower, chiller, elevators and boiler first.

During this hiatus the price to do the fan coil project has doubled from approximately \$6,000 per fan coil to approximately \$12,000 per fan coil unit. We average three fan coil units per apartment. We estimate that it will now cost about \$3,500,000 to complete this project at today's prices.

As owner-managers who care about our residents, we feel we have no choice but to finish this job because the piping in the walls is deteriorating and causing pin hole leaks to emerge where hot or cold water shoots out of the pipe destroying the hardwood floors and damaging the building. Rust from pipes causes condensation drain pans to clog and overflow. Condensation on pipes with failing insulation soaks the plaster walls. We do not want the quality of our housing stock to be degraded. Neither should the Township of Caldwell.

The Rent Control ordinance needs to be changed. But it needs to be relaxed not tightened. Most rent ordinances throughout New Jersey provide for an annual increase of somewhere between 4% and 6%. Many have vacancy decontrol where an owner can raise the rent to market on a turnover and then that unit is subsequently recontrolled. Caldwell does not have vacancy decontrol and we are limited to an increase of 25% higher than what the previous resident was paying. In addition, we essentially have no ability to obtain a capital improvement for these large expenditures referenced above, because the only improvement that would qualify as a capital improvement under the ordinance is a new pool on the roof that was not there before.

When we applied for hardship increase, the Rent Board came up with a new category called a "capital expense" that neither qualifies as a capital improvement or a hardship expense. Not providing a reasonable annual increase or any mechanism to recoup these types of investments in our infrastructure will cause the housing stock in Town to fall apart as owners simply will not spend the money. This is a result nobody wants, not the residents, not the owners, and not the Township.

The two-tiered nature of the proposed change in the ordinance is also problematic. Subsidizing senior citizens 65 and over may also be unconstitutional. It was struck down in *Property Owners Association v Township of North Bergen*, 74 N.J. 327 (1977) and the Court noted that "compelled subsidization by landlords or by tenants who happen to live in an apartment building with senior citizens is an improper and unconstitutional method of solving the problem."

LEGOW MANAGEMENT COMPANY, LLC

P.O. BOX 43

LIVINGSTON, N. J. 07039-0043

Telephone (973) 992-8200

It is also impractical. How do we handle two applicants who live together and apply for an apartment where one is a senior 65 and older and the other is not? This seems to be an unworkable situation that will cause nothing but confusion and delay.

Most importantly, it is unfair. At the current time our average market rents at Parkview Commons are \$2,688 and at Carlyle \$2,176. One should really question whether rent control is appropriate at this price point. Our residents must make approximately \$100,000 a year to afford to live in our apartments and are people of means. Keeping rents artificially low benefits the lucky not the needy. At both of our locations in Caldwell many of our seniors are retiring on incomes higher than our residents who are still working, and this does not seem to be fair or equitable to them.

For the reasons stated herein, we urge the Council to vote no on this proposal to change the annual percentage increase under the ordinance from 2.75% to 1.75% for seniors 65 and older.

The apartment owners in Town will be glad to begin a dialogue with Municipal officials to come up with more reasonable changes to the Rent Control Ordinance. These should include an annual increase that more closely covers our operating costs or the rate of inflation in the economy, a phase out of rental control for rents over \$2,500, a fair market rent on a turnover, and a capital improvement surcharge for these enormous expenditures we are incurring for older buildings in need of substantial renovation.

A degraded housing stock will hurt the residents of Caldwell, both in apartments and homeowners. Decreased property values will wreak havoc on tax revenues and kick off a vicious cycle that will be detrimental to the Town. We are longtime members of the community, literally invested in Caldwell, and care very much about its future.

We are available at any time should you wish to discuss the Rent Control Ordinance in greater detail and work out a satisfactory solution.

Very truly yours,

Carlyle Towers, LLC and
Parkview Commons Apartments, LLC



David L. Legow

DLL/pct