

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE SPECIAL MEETING
MINUTES – June 16, 2020**

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The Council Business meeting of the Borough Council of the Borough of Caldwell was called to order via Zoom video Conferencing at 7:15 PM.

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

ALSO PRESENT: Deputy Clerk, Kim Conlon, Borough Administrator, Thomas Banker & Borough Attorney, Vincent Nuzzi, County Liaison Patricia Keenan, OEM Officer Mark Guiliano, Chief of Police James Bongiorno, Fire Chief Andrew Pollara

Adequate notice of this Council Business/Conference meeting was given on January 1, 2020. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey. Official newspapers of the Borough were notified of this meeting by mail. Notice was posted and all persons requesting notice were sent same.

PLEDGE OF ALLIGENCE

APPROVAL OF MINUTES

June 2, 2020

Moved by Councilman Lace, and seconded by Councilwoman DePalma-Iozzi. No Discussion. On roll call, all voted in the affirmative. Minutes approved 06/02/2020.

COVID-19 UPDATE

- OEM Officer Mark Guiliano
 - Updates daily still from Essex County OEM
 - Numbers are trending lower
 - Continue to follow protocols; take proper precautions
 - Thanked the “team” for all their work
 - We are at week 13
 - OEM is keeping track of all the state updates and information
 - Storm season is coming – be prepared
 - Link to OEM website with information on how to prepare for summer storms.
 - Hoping and planning for town wide testing. Will post information when we have it.
 - Under Governor directives to help restaurants and bars in town; Kim is the person to contact for the permit process
 - Trying to kick start our Downtown.

- Chief Bongiorno
 - Emergencies alerts on Social media as well as Code Red Alerts
 - Residents can register for Code Red Alerts by texting the word “Caldwell” to 99411
 - If you do not have the ability to register this way, contact the Chief & the Police Department
 - Governor Executive Order #152
 - Indoor gatherings 25% or 50 people
 - Outside up to 100 people
 - Motor Vehicles – Drop Off/Pick-Up service
 - We now have curbside Library drop-off/pick-up
 - Restaurants scan now offer outside dining under state guidelines – Executive Order #150
 - Child Care can open – must follow state guidelines
 - Car Washes can open
 - Next Week:
 - Salons open
 - Barbershops open
 - Non-contact sports begin
 - July 6th – Outdoor Graduations and events with a max of 500 people
 - COVID-19 Website has lots of information and updates as they are available
 - Thank you to all the agencies that helped to make the March successful 2 weeks ago.
 - The March was to support the Black Lives Matter movement and a vigil for George Floyd
 - The event was very peaceful and was a great platform to share their message.

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- Fire Chief Pollara
 - Caldwell Fire Department is back to full response as well as full operations, including drills

- Mayor Kelley
 - Working on barriers
 - Thank you to Paul Milani, Mario Bifalco, and Sgt Mike Pellegrino for all their work in mapping out this project
 - Thank you to the COVID-19 team! They have all worked so well together in a short period of time.
 - Thank you to the Caldwell Police Department for their efforts to make the demonstration a success.

OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC

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

Barbara Buechner, 7 Park Lane – Primary Election is in July. Will there be a polling location?

Mayor Kelley Responded: Yes it will be Grover Cleveland Middle School, but most votes will be mailed in
Patricia Keenan Responded: The County is encouraging mail-in voting.

Barbara Buechner, 7 Park Lane- New Executive Order, can the Chief weigh in. The executive order is to release the names of officers who have been disciplined. (Daughter of a Police Officer)

Chief Bongiorno Responded: Attorney General Grewal – Looking for transparencies and daily warning signs. Reporting through Internal Affairs offices – any serious discipline (Not effective yet)

- 10 day suspension or greater
 - Names – but must be publicly posted
 - Lowering threshold down to 5 day suspensions
 - Name attached to it
- Does not think the Attorney General would do anything that would hurt the officer*

OPEN PUBLIC COMMENTS ON RESOLUTIONS

All items listed on the Consent Agenda are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council request specific items to be removed for separate action.

6-145: RESOLUTION DESIGNATING THE MONTH OF JUNE AS “LGBTQ PRIDE MONTH” IN THE BOROUGH OF CALDWELL

- **Councilman Gates read Resolution 6-145**

Councilman Gates stated “I am a proud member of this Council and raising of the LGBTQ Flag” Caldwell is developing a pattern of being welcoming to all who wish

Councilman Lace read a statement:

Are all Americans equal before the law? There have been various moments in the history of our country in which that question has been vigorously debated, whether it be in the context of native Americans and their claims to land, women and their fight for suffrage, or the descendants of former slaves and their struggle for civil rights. And at every one of those moments there have been those who have opposed them. Some have done so based on deeply held beliefs, but all too often, many have done so by demonizing and dehumanizing their fellow citizens. For most of American history, LGBTQ persons and their relationships have been viewed as criminal due to their sexual orientation and/or gender identity. Science, reason, and personal experience have demonstrated otherwise. Everyone agrees that these matters should be private, but when they are made the basis for public discrimination, government has a role to play in building a more perfect union. The Stonewall Uprising on June 28th, 1969 in New York City was the catalyst for what has become known as Pride Month, a time for recognizing and celebrating the dignity and equality of all persons under the law. This resolution does not speak to any philosophical or religious perspectives. Instead, for the first time, it recognizes historical injustices and lets our LGBTQ residents and neighbors know that we know that they have an equal claim on the promise of America, and that they are always welcome here in Caldwell.

Motion was made by Councilman Lace and seconded by Councilwoman DePalma-Iozzi. Discussion ensued. Roll call vote resulted in a unanimous affirmative vote. Resolution Passed 6/16/2020.

6-146: RESOLUTION AUTHORIZING THE PURCHASE OF A STREET SWEEPER FROM THE NORTHEAST SWEEPER AND RENTALS IN FAIRFIELD, NJ FOR THE CALDWELL DEPARTMENT OF PUBLIC WORKS, UNDER THE KEYSTONE PURCHASING NETWORK COOPERATIVE CONTRACT #KPN2015-03 FOR AN AMOUNT OF \$270, 633.42

Motion was made by Councilman Lace and seconded by Councilman Rodgers. Discussion ensued. Roll call vote resulted in a unanimous affirmative vote. Resolution passed 6/16/2020.

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6-147: AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD
5/31/2020 – 6/12/2020

Motion was made by Councilman Lace and seconded by Councilwoman DePalma-Iozzi. Roll call vote resulted in a unanimous affirmative vote. Resolution passed on 6/16/2020

6-148: PULLED

Motion was made to pull Resolution 6-148 from the docket, as an executive session was deemed unnecessary. The motion was made by Councilman Lace and seconded by Councilman Gates. Roll call resulted in a unanimous affirmative vote. Resolution was pulled on 6/16/2020.

6-149: RESOLUTION AUTHORIZING EMERGENCY REGULATIONS REGARDING OUTSIDE DINING AND
OUTSIDE SERVING OF ALCOHOLIC BEVERAGES IN THE BOROUGH OF CALDWELL

Motion to amend to waive fees was made by Councilman Lace and seconded by Councilman Gates. Upon a roll call, Councilman Lace, Councilman Gates, Councilman Rodgers, Councilwoman DePalma-Iozzi all voted affirmative. Councilman Cole and Council President Schmidt voted in the negative.

Motion was made to pass the amended resolution, by Councilman Lace and seconded by Councilman Gates. Roll Call vote resulted in a unanimous affirmative vote. Resolution passed on 6/16/2020.

6-150: RESOLUTION AUTHORIZING SUBMISSION OF A REQUEST TO THE COUNTY OF ESSEX FOR
APPROVAL OF THE EMERGENCY REALIGNMENT OF BLOOMFIELD AVE RIGHT-OF-WAY TO
FACILITATE COMPLIANCE WITH THE STATE REGULATIONS REGARDING THE RE-OPENING OF
CERTAIN BUSINESSES

Motion was made by Councilman Lace and seconded by Council President Schmidt. Discussion ensued. Roll call vote resulted in a unanimous affirmative vote. Resolution passed 6/12/2020.

6-151: RESOLUTION AUTHORIZING EMERGENCY REGULATIONS REGARDING THE OPERATION OF “NON-
ESSENTIAL” BUSINESSES IN THE BOROUGH OF CALDWELL

Motion was made by Councilman Lace and seconded by Council President Schmidt. Discussion ensued. Roll call vote resulted in a unanimous affirmative vote. Resolution passed 6/12/2020.

6-152: RESOLUTION AUTHORIZING A CONTRACT WITH Hendricks Appraisal Company LLC, FOR
APPRAISAL SERVICES REQUIRED IN CONJUNCTION WITH THE BOROUGH HALL, PARKING
EXPANSION AND REDEVELOPMENT PLAN PROJECTS

Motion was made by Councilman Cole and seconded by Councilman Rodgers. Discussion ensued. Roll call vote resulted in Councilman Gates, Councilman Rodgers, Councilwoman DePalma-Iozzi, and Councilman Cole voting in the affirmative. Councilman Lace and Council President Schmidt abstained from the vote. Resolution passed on 6/12/2020.

6-153: RESOLUTION AUTHORIZING EXECUTION OF A LETTER OF INTENT WITH The United States Postal
Service REGARDING THE ACQUISITION OF THE PROPERTY LOCATED AT 10 Park Avenue in
Caldwell, NJ AND THE PAYMENT OF \$25,000 IN CONNECTION THEREWITH

Motion was made by Councilman Lace and seconded by Councilwoman DePalma-Iozzi. Discussion ensued. Roll call vote resulted in a unanimous affirmative vote. Resolution passed on 6/12/2020.

6-154: RESOLUTION AUTHORIZING ADJUSTMENTS TO THE CONTRACT WITH Mott McDonald FOR
OPERATION AND MAINTENANCE OF THE CALDWELL WASTEWATER TREATMENT PLANT AND
THE PAYMENT OF EXPENSES ASSOCIATED THEREWITH

Motion was made by Councilman Lace and seconded by Councilman Rodgers. Discussion ensued. Roll call vote resulted in a unanimous affirmative vote. Resolution passed on 6/12/2020.

6-155: RESOLUTION AUTHORIZING THE PAYMENT OF COBRA HEALTH BENEFITS FOR CERTAIN FORMER
EMPLOYEES OF THE CALDWELL COMMUNITY CENTER DUE TO A CHANGE IN POLICIES OF THE NJ
STATE HEALTH BENEFITS PROGRAM

Motion was made by Councilman Lace and seconded by Council President Schmidt. No discussion. Roll call vote resulted in a unanimous affirmative vote. Resolution passed 6/12/2020.

6-156: RESOLUTION AUTHORIZING THE REFUND OF PAYMENT TO Ms. Sue Ann Penna of 13 Parkway West,
Caldwell, NJ FOR TWO (2) RECYCLING STICKERS

Motion was made by Councilman Lace and seconded by Council President Schmidt. No Discussion. Roll call vote resulted in a unanimous affirmative vote. Resolution passed 6/12/2020.

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COUNCIL COMMITTEE REPORTS

Borough Council Members

Councilwoman DePalma-Iozzi reported:

- *Environmental Commission*
 - *July 31st there will be a presentation from Rutgers*
 - *Green infrastructure practices (manage storm water run-off)*
 - *Plans from 5-20 years*
 - *Design and implement 2 projects*
 - *Rain gardens – one will be at the First Presbyterian Church at Caldwell*
 - *Council Meeting on July 21st will include a presentation by Rutgers*
 - *Webinar on Clean energy Program from the NJ Clean Energy Program.*
 - *Statewide rebate program*
 - *June 30th 6 – 7 pm*
 - *Will be posted on the website*

Council President Schmidt

- *The library will be doing limited curbside pickup.*

Here's how:

- *Place your hold online - limit 10 items either*
- *Online through pals plus www.palsplus.org*
- *Email to librarian@caldwellpl.org*
- *Call the library 973-226-2837*
- *The library will call with a pick up time when the holds are ready & provide a pick up time*
- *Go to the upper level of the parking deck near the library - near the book drop and call the library - stay in your car & the library staff will bring you your materials*
- *Return materials to the drop box*
-
- *The library is following strict precautions & guidelines regarding quarantining and cleaning of materials.*
- *The proposed signage ordinance has been sent to our Attorney for review. This ordinance is very similar to what already is in the books in towns like Madison, Summit & Westfield. Current existing signs will be grandfathered in. Much of the scope is to streamline the approval process while creating clear, enforceable guidelines.*
- *This morning - 2 calls County weekly update & Congresswoman Sherrill*
 - *The County had updates regarding its mobile testing sites. If you are interested in free testing go to essexcovid.org to sign up for an appointment. It is free to Essex County residents*
 - *The County has also been doing weekly food distribution events, the next one will be in West Orange on Thursday, 6/18*
 - *Congresswoman Sherrill has been very busy working on legislation. Some of the bills she's working on - most of which are bipartisan - include the Great American Outdoors Act, Invest in America Act (transportation including the Gateway project) a Youth Study Abroad program for high school students to study in Normandy, France and learn about the heroism of D-Day*
 - *Also business centered recovery legislation in the works include the SMART Act which includes assistance for small businesses. Her office is there for our business community.*
- *Other notes - get your Census completed if you haven't already and please continue to follow CDC guidelines. People need to feel safe and our numbers have to keep going down in order to get out there and revitalize the economy*

Councilman Gates

- *N.J. Municipal Reimbursement Act*
 - *Parkside Gardens came to his attention – Outstanding money we are going to owe associations for expenses they incur providing.*
 - *Ex: Parkside Gardens is waiting for 2018 reimbursement. refused removal services*
 - *Mr. Banker responded says that he has reached out to Brian Block and Vince. Brian had sent his response to this afternoon.*

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- *The town routinely provides or is obliged to provide to multi-residential properties: snow plowing, trash collections, recycling, etc.*
- *The Act requires there to be an agreement between the town and the association.*
- *Fees based on what it would cost for the town to provide those services – not what it costs solely the condo association.*
- *No one seems to be able to find any contractual agreements with any of the multi-residential condo associations.*
 - *Parkside Gardens*
 - *Magnolia Lane*
 - *Carlyle Towers*
- *These agreements tend to be complicated and contentious to negotiate*
- *Should meet with each condo association*
- *Town should evaluate what costs should be for the town to provide that service*
 - *Mayor Kelley asked, Do we know that these associations don't have these agreements?*
 - *Mr. Banker said that he will look into this.*
 - *Councilman Gates asked if there will be action on this by next Council Meeting*
 - *Mr. Banker said that is a fair timeline*

A motion was made to prepare a draft contract for the next Council Meeting. The motion was made by Councilman Gates, and seconded by Councilwoman DePalma-Iozzi. Affirmative voice vote was unanimous.

REPORT OF MAYOR

John Kelley

REPORT OF COUNTY LIAISON

Patricia Keenan

Patricia Keenan thanked Caldwell for participating in the county wide meeting, and stressed the importance of getting tested for COVID-19.

The Federal CARES ACT is up to \$10,000 per grant from County- to help local businesses.

Reminded the residents to complete the Census Survey

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

Thomas Banker reported:

- *Thank you to Mark Guiliano, for submitting the 1st CARES ACT reimbursements*
 - *Refunds – Thank you to Brittany and Kim and the rest of the folding team. There has been a low complaint rate from the members.*
 - *Excited to see that we are finally getting the street sweeper*
 - *In regard to road repairs: Morris County Co-Op better prices for milling and paving/ Belgian bricks*
 - *Preparing a package for public bid for roadwork that can't be completed by the co-op.*
 - *Lists of streets will be determined soon- there is a lot of work going on around town.*
- Council President Schmidt asked about Westover***
- Mr. Banker responded:***
- *Culvert first; then complete repaving*
 - *Had a successful CCC task force meeting- next one will be next Thursday via Zoom and it will be on Aquatics*
 - *Today's paper reported bankruptcy filings of 24 Hour Fitness (Gold's Gym and New York Fitness). Keeping an eye on what's going on in the industry.*
 - *Away until Monday p.m.*

REPORT OF BOROUGH ATTORNEY

Vince Nuzzi

Vince Nuzzi reported:

- *Copy Statutes – will send to Council re: reimbursements/condos. Hopefully they will have a copy of the agreements.*
- *In the middle of multiple litigations*
- *Have seen the Sign Ordinance*

Mayor Kelley asked about the 26 Small closing date. To that Vince said that he needs the signed and notarized copy of the Contract of Sale.

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Closing Remarks:

- *Councilman Lace had a note on last meeting's minutes*
- *Council President Schmidt noted that there will be an 8pm clap-out for all graduates, Please take a moment to congratulate all graduates*
 - *Councilman Cole remarked that this is his family's final graduation*
- *Councilwoman DePalma-Iozzi noted all the hard work that the Council is doing for the Town*

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Lace, seconded by Councilwoman DePalma-Iozzi unanimously affirmed by all members present, the meeting was adjourned at 9:48PM.

Prepared by: _____
Brittany Heun, Deputy Borough Clerk

DATE