

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES- June 22, 2021**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order on Zoom at 7:15 PM.

**PRESENT:** Mayor Kelley, Council President Schmidt (joined 7:16 after Roll Call), Councilman Rodgers, Councilman Cole, Councilman Lace, Councilwoman DePalma-Iozzi, and Councilman Gates.

**ALSO PRESENT:** Deputy Clerk Brittany Heun, Deputy Clerk Kim Conlon, Borough Administrator Tom Banker, and Borough Attorney Vincent Nuzzi

**STATEMENT OF COMPLIANCE**

Adequate notice of this Council Business/Conference Meeting was given on January 22, 2021. 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 1, 2021

Moved by Councilman Lace and seconded by Council President Schmidt. Upon a roll call vote, all voted in the affirmative. Minutes approved 6/22/2021

**EXECUTIVE SESSION**

*Closed Session*

**Motion to revise original agenda and entertain the Supplemental Agenda items 6-155 -6-158 was made by Councilman Rodgers and seconded by Councilman Lace. Upon a voice vote, all voted in the affirmative.**

**POLICE PROMOTIONS:**

**Resolution 6-155** RESOLUTION AUTHORIZING THE PROMOTION OF ACTING SERGEANT GLENN SIMMONS TO SERGEANT WITHTHIN THE BOROUGH OF CALDWELL POLICE DEPARTMENT

*A motion to approve resolution 6-155 was made by Council President Schmidt and seconded by Councilman Lace. No Discussion. Upon a roll call vote all voted in the affirmative. Resolution passed 6/22/2021*

**Resolutions 6-156** RESOLUTION AUTHORIZING THE PROMOTION OF DETECTIVE ANDREW APICELLA TO SERGEANT WITHTHIN THE BOROUGH OF CALDWELL POLICE DEPARTMENT

*A motion to approve resolution 6-156 was made by Councilman Lace and seconded by Councilman Rodgers. No Discussion. Upon a roll call vote all voted in the affirmative. Resolution passed 6/22/2021*

**Resolution 6-157** RESOLUTION AUTHORIZING THE PROMOTION OF ACTING SERGEANT CANDICE MARINARO TO SERGEANT WITHTHIN THE BOROUGH OF CALDWELL POLICE DEPARTMENT

*A motion to approve resolution 6-157 was made by Councilman Rodgers and seconded by Council President Schmidt. No Discussion. Upon a roll call vote all voted in the affirmative. Resolution passed 6/22/2021*

**Resolution 6-158** RESOLUTION APPOINTING MATTHEW DEANGELO AS THE CAPTAIN OF THE CALDWELL POLICE DEPARTMENT EFFECTIVE JULY 01, 2021

*A motion to approve resolution 6-158 was made by Councilman Rodgers and seconded by Councilwoman DePalma-Iozzi. No Discussion. Upon a roll call vote all voted in the affirmative. Resolution passed 6/22/2021*

A motion to return to the original agenda was made by Councilman Lace and seconded by Councilman Gates. No discussion. Upon a voice vote, all voted in the affirmative.

**PRESENTATIONS**

**1.14 Park Ave**

- Tom Banker introduced the project, as well as the parties involved
- Maria Burak expressed her gratitude and excitement for this new facility
- Bob Cozzarelli, Architect & Eliot Goldstein Architect gave the presentation

**2. Presentation for New Borough Hall Concept Plan**

- Tom Introduced the project, as well as the parties involved
- Chief Bongiorno thanked the Borough Administrator and the Borough Engineer, and architects for allowing the PD for being so involved in the process. Looking forward to having the new facilities and moving the Caldwell Police Department forward.
- Bob Cozzarelli, Architect & Eliot Goldstein Architect gave the presentation

**3. CCC Advisory Board**

- Peter Byrne updated the Mayor and Council on their work.

- International Yoga Day event on Father's Day that was a great success.
- New website <https://www.caldwellcc.org>
- Reactivated Twitter and will use that platform, among other to send out updates
- Council President Schmidt said that the community engagement was great, and it showed that there are still a lot of people interested in getting back into the center.

*Mr. Banker gave an update on the Redevelopment Projects. Two redevelopment proposals have been submitted and commented on by our professions. One is the "Bike Land project", at 16 Park Avenue. Action needs to be taken, but not tonight. The other is the Lane Avenue project. The professionals have given their comments, and the next step is to determine if the Mayor and Council are ready to proceed with the agreement with these new submissions. They should either be considered on July 13th or at a Special Meeting for the redevelopment projects*

## COVID-19/OEM COMMUNITY UPDATE

Mark Guiliano

- Police, Fire, and EMS continue to take safety precautions

Maria said that if anyone is interested in being immunized, or having their companies to be immunized please give her a call. Chief Bongiorno said that in order to enroll you can see the Borough website has links to do that. Council President Schmidt clarified that it is on the Police Department page. Chief Bongiorno said that "CodeRed" link should be used for the reverse 9-1-1 calls

## REPORT OF COUNTY LIASON

Patricia Keenan

Patricia Keenan Reported

- Call Center is still opened
- Saturday June 26th - if you go to the Turtleback Zoo, you can get free admission if you get vaccinated that day at that site
- Visited the County website for the latest news and activities hosted by the County
- Summer music series is underway

## OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC

**Barbara Buechner, 7 Park Lane, on Essex Road there is a no parking from here to the corner that is in excess of 50ft. What is the reasoning behind this?**

*Chief Bongiorno said that the issue was with the Elementary School there, and parents parking on the street there in front of residences.*

*Ms. Buechner said that sign might just need to move to be more appropriate.*

*Chief Bongiorno said he will look into this further*

**Michael Sang, 24 Wakefield Place, what is the process going forward for the new construction projects.**

*Tom said that there are no hard cost estimates at this time. When we get to the next level of design, we will be able to get the cost estimates and what those estimates would mean going forward. There are a number of potential offsets, such as Community Center being able to charge fees, the Borough possibly selling property, etc. we are not quite at the point where we can discuss the costs specifically. Ultimately the cost will be determined by a public bidding process to do the work.*

**Shawn Rudden, 31 Francis Place, received a letter regarding the continued work on Francis Place regarding the tree removal, paving, and curbing. Broheimer then came and took down the tree in front of my house, an nothing has been done since to remove the stump or move forward.**

*Tom Banker said that the Borough Engineer has conducted a detailed review of all of the tree stuff that has happened over the last year. He indicated that the tree could not remain in order to continue the work. He submitted a report at 5pm this evening regarding the tree replacements. The tree lawns on Francis Place were too small for the larger trees that were planted. We are going to remove the stump, and complete the sidewalk work. We will be giving you the option to replant a tree, and will determine which trees are appropriate for the size of the tree lawn. The tree replanting that has taken place already did not follow the policy so I will review that report to see what happened.*

## INTRODUCTION OF ORDINANCES

**ORDINANCE 1413-21** AN ORDINANCE AMENDING THE BOROUGH CODE, CHAPTER 230, TRAFFIC AND VEHICLES, SECTION 230-33 OF THE BOROUGH CODE ENTITLED, "HANDICAPPED PARKING".

*A motion to introduce Ordinance 1413-21 was made by Councilwoman DePalma-Iozzi and seconded by Council President Schmidt. Upon a roll call vote, all voted in the affirmative. Ordinance introduced 6/22/2021.*

## ORDINANCES FOR SECOND READING

**ORDINANCE NO. 1411-21** BOND ORDINANCE PROVIDING FOR AID TO THE DOWNTOWN CALDWELL REDEVELOPMENT PROJECT LOCATED IN THE DOWNTOWN CALDWELL REDEVELOPMENT AREA IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$17,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$17,000,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.

*A motion to close the public hearing and adopt Ordinance 1411-21 was made by Council President Schmidt and seconded by Councilman Rodgers. Discussion ensued. Upon a roll call vote, all voted in the affirmative, with Councilman Lace voting against.. Ordinance adopted 6/22/2021.*

**ORDINANCE 1412-21** AN ORDINANCE TO AMEND CHAPTER 131 OF THE CODE OF THE BOROUGH OF CALDWELL, THE CHAPTER TITLED "HOUSING" TO ADD SECTION 131-25 UNDER ARTICLE III TITLED "CERTIFICATE OF CONTINUED OCCUPANCY"

*A motion to close the public hearing and adopt Ordinance 1412-21 was made by Council Gates and seconded by Council President Schmidt. Discussion ensued. Upon a roll call vote, all voted in the affirmative. Ordinance adopted 6/22/2021.*

## 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.*

- 6-148 AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 05/29/2021 – 06/21/2021
- 6-149 RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of June 22, 2021
- 6-150 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 – October 3, 2021
- 6-151 RESOLUTION FOR GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE July 2021 – June 2022
- 6-152 RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH ZL LAND SURVEYING, LLC. FOR SMULL AVENUE PROPERTY BOUNDARY AND TOPOGRAPHIC SURVEYS FOR 24 SMULL AVENUE, 26 SMULL AVENUE, AND THE EXISTING SMULL PARKING LOT AND ADJACENT STREAM, INCLUDING 8 CORNER POINTS DETERMINED BY THE BOROUGH ENGINEER, WITH A TOTAL COST NOT TO EXCEED \$17,500.
- 6-153 RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH ZL LAND SURVEYING, LLC. FOR PARK AVENUE PROPERTY BOUNDARY AND TOPOGRAPHIC SURVEYS FOR 1 PARK AVENUE, 10 PARK AVENUE, AND, 14 PARK AVENUE, INCLUDING 8 CORNER POINTS DETERMINED BY THE BOROUGH ENGINEER AT \$125.00 PER CORNER, FOR AN AMOUNT NOT TO EXCEED \$8,000.00.
- 6-154 RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH Sandra Scanlon, LLC FOR THE DEMOLITION OF 26 SMULL AVENUE IN CALDWELL IN AN AMOUNT NOT TO EXCEED \$27,500.

*A motion was made to add Resolution 6-159, which is a RESOLUTION AUTHORIZING THE ISSUANCE OF RENEWAL LIQUOR LICENSES FOR THE PERIOD July 1, 2021 THROUGH June 30, 2022. APPLICATIONS AND APPLICANTS HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS, to the consent agenda. Motion was made by Councilwoman DePalma-Iozzi and seconded by Council President Schmidt. Motion passed 6/22/2021*

*A motion to pass the consent agenda was made by Councilman Lace and seconded by Council President Schmidt. Upon a roll call vote, all voted in the affirmative, with Councilman Gates abstaining from Resolution 6-150. Resolutions 6-148 – 6-159 passed 6/22/2021.*

## RESOLUTIONS

- 6-160 RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH MICHAEL GEARY

*A motion to pass resolution 6-160 was made by Councilman Lace and seconded by Councilman Cole. Upon a roll call vote, all voted in the affirmative. Resolutions 6-160 passed 6/22/2021.*

## NEW BUSINESS

### Councilman Lace

- DCA Neighborhood Preservation Program - Councilman Lace
  - DCA no accepting applications for this program
  - The entire northern half of Downtown Caldwell is eligible.
    - Council President Schmidt said that if a non-for profit is needed, Project Mainstreet was pretty much brought back for this purpose

### Council President Schmidt

- Honorary Sign Policy - NEW BUSINESS
  - The sign policy has been amended to include parking lots. In an email dated June 12th, I sent the Council the changes that I made together with Councilman Gates for review. Seeing no comments, this policy is ready to post on the Borough website as it was approved on the June 1 Council meeting.
  - In the definition paragraph:
  - Where applicable, Borough owned parking lots may qualify for an honorary designation.
  - Under description:
  - Parking lot signs shall be determined on a case-by-case basis.
- Constant Contact - NEW BUSINESS
  - As part of my work on the Communications Committee, I have set up a Constant Contact account for news about the Borough. I am hoping that members of our governing body will be able to submit reports for our news updates in addition to general updates about the work of the governing body. This will not replace our emergency NIXLE alerts. The sign-up page is on our website, under News & Notices. In the meantime, we are working on sending a letter to all residents to get the word out.

## COUNCIL COMMITTEE REPORTS

*Borough Council Members*

### Council President Schmidt

#### Library Committee Report

On June 16th, I attended the Library Board meeting.

- Sign Ups for Summer Reading is now open. Readers (and pre-readers) of all ages are encouraged to participate and earn rewards.
- Save the Date: Saturday, July 17th at 12:00 noon, the Library will have an energetic drum concert on the Green outside the library. Hang out with neighbors and friends and celebrate the library's extended hours!
- The library has a full schedule of programs and events this summer for all ages and interests. Please check their website at <http://www.caldwellpl.org> for more information and to get email updates.
- Summer Reading and all summer events are made possible thanks to the Caldwell Public Library Foundation.

- The Foundation is currently raising money to bring back museum passes. So far, thanks to the generosity of the Foundation and community donors, the library will be adding The Intrepid, Storm King Art Center, Montclair Art Museum, and Morris Museum. They are now looking to add the Children's Museum of Manhattan and Imagine That! Children's Museum in Florham Park. If people would like to support this effort, there is a "Donate" link on their website. The website is [\[//www.caldwellpl.org\]](http://www.caldwellpl.org)[www.caldwellpl.org](http://www.caldwellpl.org). If anyone would like to get involved with the Foundation as a volunteer, please email the library director, Robin, at [rockman@caldwellpl.org](mailto:rockman@caldwellpl.org).

Councilwoman DePalma-Iozzi

- Environmental Commission
  - Ann Marchioni and the Environmental Commission gave an inspiration webinar on children and nature
  - Reached a global audience
  - Made possible by their generous sponsors:

Councilman Cole

- Board of Health
  - Working on a way to help those who have not been vaccinated yet
    - Possibly doing something at the Street Fair, possibly
  - Maria Burak said that we are close to 70% of Caldwell being vaccinated

Councilman Lace

- Grover Cleveland Birthplace Memorial Association
  - Visitor center is essentially built
  - GCBMA is working on finishing touches
  - Open approximately around July 31st pending State approval

**REPORT OF MAYOR**

*John Kelley*

**REPORT OF BOROUGH ADMINISTRATOR**

*Thomas Banker*

Tom Banker Reported:

- Asked Glenn about the Central Ave cross walk
  - Glenn said that the second contract was sent out to the traffic engineer to do his report. Once the report is done, we can send that out to the county. Glenn will follow up with the traffic engineer as to his status
    - Lace asked if it is possible to find out why one section is 25mph and the other is 35mph?
    - It is a county road so all speed limit changes would have to be approved by the county. He would have to find out why the changes were made.
    - Tom asked if we can ask the traffic engineer what the criteria should be and whether or not it has been followed.
  - Councilman Cole asked about the update on the Pulte paving
    - Glenn reached out to the business administrator and the engineer. He was not able to contact him and will be reaching out again to stress the importance of getting this done.
  - Councilwoman DePalma-Iozzi asked if Glenn has received a revised stormwater report for Lane Ave
    - Glenn said that he has not received that
  - Mayor Kelley asked about the buckled sidewalk on Gould
    - Tom said that Mario engaged John Martin Contracting to do the work, so we just need to get the contractor out there to do the work

Tom: Goal is to introduce the budget at the July 13th meeting. Meeting with Auditor and CFO this Friday to finish the process.

**REPORT OF BOROUGH ATTORNEY**

*Vincent Nuzzi*

**ADJOURNMENT**

**Mayor Kelley** read the following statement: BE IT HEREBY RESOLVED in accordance with the provisions of N.J.S.A. 10:12 and 13, the public shall be excluded from the Executive Session of the Governing Body which is being held for the discussion of the following subject matters: 1. Pending or anticipated litigation or contract negotiation; 2. Personnel matters; 3. This Executive Session shall continue for an indefinite period of time and upon termination of the Executive Session, the Governing Body may choose to resume the public portion of the meeting. The discussion, which shall be conducted in closed session, shall be disclosed upon termination of litigation or contractual matter, upon resolution of the personnel matter with consent of said person or persons and as provided by N.J.S.A. 4-12 but in no case later than two (2) years from this date. These minutes shall be available as soon as the matter is resolved or not later than two years hence. The Executive Session will be discussion Personnel rice notice Borough Administrator, Attorney/Client Privileges, Potential Litigation, and Sewer Operator.

A motion to enter into executive Session was made by Council President Schmidt and seconded by Councilman Lace. Upon a voice vote, all voted in the affirmative. The Borough Council Meeting adjourned the public meeting and went into Executive Session at 10:36.

A motion was made by Councilman Lace seconded by Councilwoman DePalma-Iozzi. Upon a voice vote, all voted in the affirmative. There being no business being voted on in the public. the meeting was adjourned at 11:30.

Prepared by:   
Brittany Heun, Deputy Borough Clerk

6/29/2021  
DATE