

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE SPECIAL MEETING
MINUTES – June 2, 2020**

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The Council Business meeting of the Borough Council of the Borough of Caldwell was called to order on Zoom at 7:18PM.

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

ALSO PRESENT: Deputy Clerks Brittany Heun and Kim Conlon, Borough Administrator, Thomas Banker, Borough Attorney, Vincent Nuzzi, County Liaison Patricia Keenan, Health Officer Mike Fitzpatrick

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 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 ALLIGENCE

Moment of Silence for COVID-19

Moment of Silence for George Floyd

Mayor Read a statement by him and by Police Chief James Bongiorno:

From Mayor Kelley: The Borough of Caldwell strives to be a welcoming, inclusive and just community. The Borough of Caldwell, represented by the governing body, denounces the actions of the four Minneapolis Police officers and decries George Floyd's murder as a tragedy. As mayor of Caldwell and resident of the state of New Jersey, I recognize that police brutality is a manifestation of the systemic racism to which Black Americans - Mr. Floyd, Breonna Taylor, and Ahmaud Arbery, among countless others - fall victim each day. The Borough of Caldwell, affirms that accountability is essential for all public services, including policing. The death of George Floyd should be cause for sorrow and anger for all Americans. These historic times are pivotal in our nations's history. The Borough of Caldwell stands in solidarity with those who fight for a more just world.

From Chief Bongiorno: First and foremost my thoughts and prayers are with George Floyd and his family and friends. As a law enforcement officer, it is our job to protect and serve, and as I watched that horrendous video of Mr. Floyd being murdered I was disgusted and angered at what had happened. Law Enforcement failed at their job and it resulted in an unacceptable ending. I was also extremely disgusted with the other officers on scene who did nothing and completely failed at their job; as stated earlier police officers protect and serve, and they failed horribly at their job and need to be held accountable for their inaction. Law Enforcement is held to a higher standard where we are trained to treat everyone with dignity and respect at all times, no matter the circumstances, no matter the person, as all lives matter. Leaders in law enforcement need to work to ensure this never happens again as we work to earn the trust of the community we serve; trust is earned and not just expected because we wear a badge. A step towards regaining trust is for police leaders to question and denounce actions that are wrong and hold those officers accountable to ensure they do not happen again. As the Chief of the Caldwell Police Department, I can assure you that every police officer will continue to be guided by the three initiatives associated with Excellence in Policing, Professionalism, Accountability, and Transparency.

Councilwoman DePalma-Iozzi read a statement:

Tonight, citizens from the Borough of Caldwell and the Township of West Caldwell are joining together to stand up against brutality, and ultimately, against the racial divide that has plagued us. And this injustice has resulted (thinking of just some events in my lifetime) in:

- the redlining of black veterans of World War II
- the "conversation" that black parents must have with their sons
- author Michelle Alexander's look at mass incarceration
- and the victims-just some names from the recent past:

Amadou Diallo

Patrick Dorismond

17 year-old Trayvon Martin

Rodney King... etc etc... and now George Floyd.

Mayor Kelley and Chief Bongiorno released earnest and sincere statements, with which I concur-as does, I am sure, this entire council. The council tonight also approved a resolution to "condemn systemic injustice against racial minorities."

My spirit is with the "march" tonight. And let us hope that we are at the tipping point ... between acknowledging these awful deeds and actively changing the social contract.

Councilman Lace Read a Statement:

The asphyxiation of George Floyd on May 25th at the hands of 4 police officers in Minneapolis was an all-too familiar failure of justice for Americans because of the color of their skin. The racist attitudes that give rise to that injustice are, sadly, evident among a very small number of people in our community. Over the past 3 years, I have spoken previously on the record about my friends' children in Caldwell being bullied in our schools, about a neighbor being accused of being a "terrorist" because of the color of his skin, and about swastikas on local playground equipment. I have drafted, introduced, and voted in support of resolutions that make a point that cannot be overemphasized and about which I want to be absolutely clear: racism has no place in our Borough or in our Country. Americans have struggled with racism since our founding, being seen in the 3/5 compromise in in own Constitution. The moral arc in America has indeed been long, but it has slowly bent towards justice and a more perfect Union, even if doing so in crooked lines at times. Americans are rightly indignant and outraged at racism and the injustice it perpetrates as seen in the death of George Floyd along with numerous others, and scores of Americans have protested against it. Many of these protests have been civil and non-

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violent. However, many of these protests, which should be aimed at the restoration of justice, have inflicted the exact opposite by resorting to violence against innocent civilians, damaging and looting both private and government property, and intentionally provoking law enforcement personnel and pushing their resources to the limit. They are making life harder for all Americans. They are hurting, not helping.

And let us not forget that all of this is happening in the midst of an ongoing and lethal pandemic. Over the past 2 months, various levels of government have taken steps to limit the spread of COVID-19. Executive Order 148, signed by Governor Phil Murphy on May 22nd, prohibits outdoor gatherings of 25 people or more even with appropriate social distancing. The virus does not distinguish between the purposes of parades or protests.

Tonight, the Council will lodge its own form protest. Indeed, it is the only official one we have as a Governing Body. We will go on the record with a resolution that condemns racism and systemic injustice. We will add our voice to those to speak out against racism and systemic injustice. We will stand with those who seek a better borough and a better nation.

On April 4, 1968, Robert F. Kennedy address a crowd of protestors in Indianapolis who had just learned of the assassination of Dr. Martin Luther King. His words have never been more relevant:

“In this difficult day, in this difficult time for the United States, it is perhaps well to ask what kind of a nation we are and what direction we want to move in...What we need in the United States is not division; what we need in the United States is not hatred; what we need in the United States is not violence or lawlessness; but love and wisdom, and compassion toward one another, and a feeling of justice toward those who still suffer within our country..the vast majority of white people and the vast majority of black people in this country want to live together, want to improve the quality of our life, and want justice for all human beings who abide in our land. Let us dedicate ourselves to what the Greeks wrote so many years ago: to tame the savageness of man and make gentle the life of this world. Let us dedicate ourselves to that, and say a prayer for our country and for our people.”

APPROVAL OF MINUTES

May 19 2020

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

COVID-19 Update

- Health Officer Mike Fitzpatrick
 - Numbers have very recently have fallen
 - Executive order 148 and others: Governor has started opening things like outdoor recreation, outdoor dining, etc
 - Phase plan with progressive moves even within the phases
 - Caldwell and other Essex County towns have seen very few positive cases and very little deaths.
 - Might see a tiny rise as things open, but not a spike in cases
 - As we start opening things, be sure to still maintain those social distancing rules
 - **Councilman Gates: Are there any recommendations about what people should be doing to avoid transmission?**
 - *Mike Fitzpatrick: Weather is going to be a help, as warm weather, sun light, and UV light wipe out the virus much faster*
 - *Being outside in the sunlight can really help naturally fight the virus*
 - *Reasonable level of care with the use of masks, washing hands on a regular basis, cleanliness and careful hygiene will help us further decrease the spread*
 - **Councilman Gates: as the summer opens up, are BBQ's safe for folks? Do you still wear masks?**
 - *Mike Fitzpatrick: Elderly and those with a predisposition should wear masks when in close proximity and in groups*
 - *Others should maintain the 6 ft, and be prepared with mask if necessary*
 - **Council President Schmidt: Will each type of business get a set of standard safe practice guidelines as things start to open?**
 - *Mike Fitzpatrick: Yes, there will be guidelines, but they will be in more general terms.*
 - *Grouping I.E. - beauty & Barber, restaurants, camp, houses of worship, recreation, etc*
 - *Basic principles should be starting to be released this week*

PRESENTATIONS

Councilwoman DePalma-Iozzi begun the Presentation on Gun Violence Awareness

- Guests Emily Goldberg & Stefanie Swanson
- Emily Goldberg : Moms Demand Action
 - Since 2015 they have partnered with local councils
 - First Friday in June

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- In honor and memory of Chicago girl (Hadia Pendleton)
- Gun violence, can and must be prevented with education
- Caldwell has enacted a proclamation for 2 years about this
- Proclamation read by Councilwoman DePalma-Iozzi
- Stefanie Swanson
 - Moms Demand Action Member
 - Thanks the Mayor and Council for
 - Due to the shelter in place order - gun violence has greatly increased
 - Virtual “wear orange” event (wearorange.org)?

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

Caren Fryer, PSE&G- Greatly appreciate the support from the Borough council and staff

Councilwoman DePalma-Iozzi: Can you briefly describe?

Tom Banker Responded: PSE&G is restringing the wires behind our treatment facility. Not constructing towers, not changing the right-of-way. Caldwell is one of many municipalities participating. Resulting in more efficiency for PSE&G

Councilman Gates asked: Are any trees involved/having to be taken down?

Ms. Fryer: In Caldwell there will be no trees involved

Ann Mastrangelo, 104 Hatfield Avenue Questions on Resolution 1384-20. How do I find out more information on what the Borough Hall plan will be?

Mayor Kelly:

- Acquisition of 10 and 14 Park - relocation of Borough Hall into the historic pot office
- Ordinance will provide money for rehabilitation of 10 park to fit our purposes and to rebuild 14 Park to house the Police Department
- Existing Borough hall will then be open for sale to possibly offset some of the cost for the new Borough Hall Project

Ann Mastrangelo- Are there plans yet?

Tom Banker:

- No architectural plans at this time
- Parking behind the building

What will happen to Post Office?

- Plan to relocate somewhere along Bloomfield Ave
- Working on exact locations (possibly 15-20 possible locations)
- Post office would like to downsize and do not need the large building that they currently are in

Barbara Beuchner, 7 Park Lane- The Fairfield community center is funded almost entirely with grants. Wants to recommend the CCC Task Force look into something like that.

INTRODUCTION OF ORDINANCES

ORDINANCE # 1390-20

ORDINANCE AUTHORIZING THE PURCHASE OF 24 SMULL AVENUE FOR AN AMOUNT NOT TO EXCEED \$700,000

Moved by Council President Schmidt and seconded by Councilwoman DePalma-Iozzi. Discussion ensued. On roll call Councilman Lace, Councilman Gates, Councilman Rodgers, Council President Schmidt, and Councilman Cole all voted in the affirmative. Councilwoman DePalma-Iozzi abstained.

PUBLIC HEARING AND ADOPTION OF ORDINANCES

ORDINANCE # 1389-20

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$6,640,000 THEREFORE, AND AUTHORIZING THE ISSUANCE OF \$6,445,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Moved by Councilman Lace and seconded by Councilwoman DePalma-Iozzi. No discussion. On roll call Councilman Lace (yes to all except letter B), Councilman Gates, Councilman Rodgers, Council President Schmidt, and Councilwoman DePalma-Iozzi voted affirmative. Councilman Cole abstained.

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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.

6-135: PULLED

6-136: RESOLUTION AUTHORIZING THE PAYMENT OF THE BILLS AND ISSUANCE OF CHECKS FOR THE PERIOD OF 5/17/2020 – 5/29/2020

6-137: RESOLUTION AUTHORIZING TEMPORARY ACCESS AGREEMENT WITH PSE&G AND THE BOROUGH OF CALDWELL

6-138: AUTHORIZING THE ADOPTION OF THE 2020 ESSEX COUNTY, NEW JERSEY HAZARD MITIGATION PLAN UPDATE

6-139: RESOLUTION AWARDED A CONTRACT TO CIFELLI & SONS GENERAL CONTRACTING INC., 81 FRANKLIN AVENUE, NUTLEY, NEW JERSEY 07110, FOR VARIOUS STREETS – 2018- CALDWELL CENTRAL PLACE, FRANCIS PLACE, KIRKWOOD PLACE, OVERLOOK ROAD, AND WESTOVER AVENUE

6-140: RESOLUTION AWARDED A CONTRACT TO MATTINA & SON. INC., 146 ENGLISH STREET, HACKENSACK, NJ 07601, FOR PROJECT A WATER MAIN IMPROVEMENTS WITHIN THE BOROUGH OF CALDWELL

6-141: RESOLUTION AWARDED A CONTRACT TO M.S.P. CONSTRUCTION, 1250 ROUTE 28/EASTON TURNPIKE ,SUITE 305, BRANCHBURG, NJ 08876 FOR PROJECT B WATER MAIN IMPROVEMENTS WITHIN THE BOROUGH OF CALDWELL

6-142: RESOLUTION AWARDED A CONTRACT TO JOHN GARCIA CONSTRUCTION, 183 FRIAR LANE, CLIFTON, NJ 07013 FOR PROJECT C WATER MAIN IMPROVEMENTS WITHIN THE BOROUGH OF CALDWELL

6-143: RESOLUTION RATIFYING THE ISSUANCE OF CALDWELL COMMUNITY CENTER REFUNDS IN THE TOTAL AMOUNT OF \$188,990.41 AND AUTHORIZING ADDITIONAL REFUNDS FOR THE CALDWELL COMMUNITY CENTER IN THE AMOUNT OF \$159,253.35.

6-144: A RESOLUTION TO CONDEMN SYSTEMIC INJUSTICE AGAINST RACIAL MINORITIES

Mayor Kelley read Resolution 6-144

Discussion ensued. Motion to vote on the consent agenda was made by Councilwoman DePalma-Iozzi and seconded by Council President Schmidt. On roll call, all voted affirmative, with Councilman Lace, Councilman Gates, Council President Schmidt, and Councilman Cole all abstaining from their individual portions of 6-143 and its effect on their families. Resolutions passed 6/2/2020.

COUNCIL COMMITTEE REPORTS

Borough Council Members

Councilman Cole

CCC Task Force

- Members: 9 members
- Each task force meeting will have different topic
- Advisory Board will be made up of not just Caldwell residents
- Topics;
 - Historical perspective
 - Aquatics
 - Fitness & Facilities
 - Finance
 - Marketing and fundraising
- All residents will be able to attend the meetings
- At least 1 more town hall meeting to continue the conversation
- Thank you to all who applied

June 11, 2020 at 7pm is the first CCC Task Force meeting

Council President Schmidt

- Library
 - Book drop is now open

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- Fines will not be going into effect until the end of July
- Ms. Kris is adding teen books constantly
- Local business have been invited to add their favorite books to the list
- Library website updated all the time
- Art for Local Heros
- Summer Reading Program for kids and adults
- Survey on their website
 - Can always be done again if circumstances have changed
- If you want to educate yourselves on matter of race check in with the library
- Signage Committee
 - Making final edits to the Ordinance
 - May need to create a permanent committee

Councilman Lace

- Grover Cleveland Birthplace
 - GCBMA will create a virtual Ice Cream Social
 - Entire event will be up on the website and FB
 - Public Announcement for the Visitor Center Project when all is ready
 - Many donations have been made in honor of Alice W. Gibson

Councilwoman DePalma-Iozzi

- Environmental Commission
 - Ann Marchioni thanks the Mayor and Bob Colazzio for their IT help
 - Over 1,000 people
 - WC Environmental Commission, Morgan Farm, Kiwanis
 - Questions to Tom
 - Will Dr. Tallamy be paid soon?

REPORT OF COUNTY LIASON

Patricia Keenan

Patricia Keenan expressed her thanks to Mayor Kelley for his participation in the County Mayor Calls. The County has been very busy and reported that the County Office of emergency Management has fielded 300 equipment requests. They have been actively involved in the COVID-19 testing. Symptomatic and Asymptomatic persons are welcome to be tested at the County test sites. Next week there will be a pop-up testing site in Maplewood. They County has a Food Distribution program that will run out of the Richard J. Codey arena.

Mayor Kelley asked if there was any indication as to when the Turtle Back Zoo may be reopening.

Ms. Kennan Responded: The County will be issuing their own reopening plan, which will be advertised when finalized.

REPORT OF MAYOR

John Kelley

Mayor Kelley Reported:

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

Thomas Banker reported:

- Busy summer with lots of work on water mains and streets
- Protest/March today-hopefully it has all gone well
- Based on what the governor has said, we should consider are budget in July
 - Submitting recommendation
- Adopt a budget before the end of July
- State fiscal year has moved to the end of September

Mayor Kelley asked about the opening of Borough Hall

- Many municipalities have started to open
- June 15th time frame to possibly reopen Borough Hall
- We can do business through transaction windows
- Working with OEM Officer Mark Guiliano
- Revised schedule to bring staff back to Borough hall
- Target to Reopen Borough Hall for the week of June 15th

Councilman Lace asked about the status of the redevelopment plan and the 5 year tax abatement

- Draft of the redevelopment terms will be submitted to me later this week
- Asked for the 5 year tax abatement ordinance to be submitted prior to the next Council Meeting

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- Ordinance available for first reading by June 15th if that is the case
- In effect more or less by Labor Day

Councilman Gates asked about paving on?

- The contracts we awarded tonight for :..
- Waiting for the Morris County Co-op for schedule of paving

REPORT OF BOROUGH ATTORNEY

Vincent Nuzzi

Vincent Nuzzi noted that the Mayor, the Administrator, the Council President, and the Chief of Police did an excellent job getting everything in order for the protest tonight. Mr. Nuzzi also reported that the closing for 26 Smull Avenue is coming along and should be done soon.

A motion to adjourn the meeting was made by Councilman Gates, seconded by Councilwoman DePalma-Iozzi. On voice vote, all members present unanimously voted in the affirmative, and the meeting was adjourned at 8:53PM.

Prepared by: _____
Brittany Heun, Deputy Borough Clerk

DATE