

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – March 15, 2022**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order on Zoom at 7:00 PM.

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

**ALSO PRESENT:** Deputy Clerk Kim Conlon, Borough Administrator Tom Banker, and Borough Attorney Brian Block

**ABSENT:**

**STATEMENT OF COMPLIANCE**

Adequate notice of this Council Business/Conference Meeting was given on January 20, 2022. Notice was posted on the bulletin board of the first floor of Borough Hall, One Provost Square, Caldwell, New Jersey. Official newspapers of the Borough were notified of this meeting by mail. Notice was posted and all persons requesting notice were sent the same.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

March 1, 2022

**A motion to approve the minutes was made by Councilman Lace and seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative. Minutes approved 3/15/2022.**

**PRESENTATION**

1. Environmental Commission
  - Environmental Commission Co-Chairwoman Ann Marchioni presented the Borough's Bronze Certification from Sustainable Jersey.

**REPORT OF COUNTY LIASON**

Patricia Keenan

**OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC**

*Mayor Kelley, Councilwoman DePalma-Iozzi, and Mr. Banker addressed concerns regarding Lane Avenue Issues.*

**Carrie Reinhardt, Klimback Court.** Ms. Reinhardt brought up concerns regarding increased runoff from the Lane Avenue site, damage to homes around the site. Asked why there was no response to their concerns earlier.

**Kristen Gerard & James Philbin, 28 Smull Ave.** Have 6 pages of signatures protesting the trailers on proposed trailers on Smull Ave. Concerned about having activity on the site 24/7 and with the possibility of more flooding issues. Why was there no notice sent out to neighbors?

Mayor Kelley responded says that there was a dialogue regarding acquiring the property as well as appraisals done 2 years ago. With this being government property, everything gets discussed at open public meetings. They are working on plans to ensure privacy for neighbors.

**Tom O'Neill, 24 Lane Avenue 1B.** Next door to the Lane Avenue site, and has issues with the project. He has sustained significant erosion to his driveway and would like to know what is going to be done for homeowners who sustained damage to their properties because of the construction work.

Mayor Kelley said that the redevelopment contracts the developer signed will work with West Caldwell and Caldwell Residents.

Mr. Banker said that the Redevelopment agreement, signed by the developer, says that the developer must be responsible and remedy and damage claims for development.

Councilwoman DePalma-Iozzi mentioned that this issue was brought up at her meeting with the Borough Engineer.

**Michelle Banano, 5 Klimback Court.** Has documented damages to her home, caused by the vibrating hammers. She was informed that there was no liability through the town and that she needed to go through her private insurance. Her homeowner's insurance does not cover vibrating hammers, and the developer's engineers will not communicate with her.

Mr. Banker said that he will arrange a meeting with her to discuss this further.

**Barbara Soloman, 16 Klimback Court.** Asked how often a member of the team is on-site, when will there be a public forum, and if the retaining wall has been checked.

Mr. Banker said that the Borough Code does provide schedules for inspections of the site. He also mentioned that the retaining wall has been inspected.

**Carlos Melian, 29 Lane Avenue.** Stated that they received damages caused by the vibrations, while they already have flooding issues. Their calls have been ignored, the engineer ignored their concerns, and their insurance won't cover the damages.

**Christine Guerrere, 26 Welshman Court.** Asked if the roads are to be repaved this year, as Miller St. in in bad shape. Asked about the New Borough Hall project and if a town hall meeting was had for redevelopment plan.

Councilman Alonso agreed that Miller and Welshman are in bad shape. He has investigated it with Councilman Lace and discussed with Mario.

Mr. Banker said that the scheduling for paving should be on the website, and that he would provide the information to be posted. The design for the new Borough Hall has not changed.

Councilman Lace asked for assurance that the roads will be paved by July.

Mr. Banker said that the roads will be paved by April 6<sup>th</sup>, no assurances. He will be asking the Mayor and Council to approve what is necessary for those 2 roads.

**Joan Hillman, 58 Smull Ave. Had no idea that temporary office trailers were going up on her street. Would like to know details such as # of trailers, and what the traffic will be like.**

Mr. Banker said that last week's meeting discussed the trailers. They are for 20 people total, all municipal employees.

**Theresa Napolitano, 19 Lane Ave. Last summer she had her dining room ceiling crack and fall in, and now she has cracks on all of her ceilings. How will everyone be notified about this meeting?**

Mr. Banker said we will work with Ms. Reinhardt about the meeting. People will be notified by mail, email, and it will be posted on the Borough website. Will organize something for the week of March 29<sup>th</sup>, and will find a sufficient location to hold the meeting.

**Phyllis Kent, 61 Cleveland Rd. Asked about the high-water bills.**

Mr. Banker said that years ago there was a discount for heavy water users, which the courts said couldn't be done. Water billing has to be uniform, and certain user groups cannot be charged more. If you use more, you pay more.

**Sharon Farrell, 15 Arlington Ave. Asked why the Historical Commission was not included in the planning meetings for the last 2 years, and if they will be included now. Bob Cozzarelli has preserved facades with other libraries, and has the information on his website.**

Mayor Kelley said that it is not too late to include and listen to the commission.

**David Occhino, 21 Lane Ave. There has been a lack of accountability from both townships, and no oversight. Action needs to be taken to help the citizens surrounding the constructions site.**

**Richard & Sharon Hammerman, 20 A Lane Avenue. Driveway, that is shared with 8 townhomes, sank and then repaired without notice.**

Councilwoman DePalma-Iozzi said that there is a lot of interest in keeping the communication open, especially after speaking with the developer's engineer.

Mr. Banker said that there will be a neighborhood meeting with the Construction Official and both the Borough's engineer and the Developers engineer.

**Delaney Lima, 25 Smull Ave. Concerned about the lack of privacy and traffic that will be caused by the office trailers being moved to Smull Avenue. Asked why the neighbors were not notified of this plan. Concerned about what will happen when 24 Smull Ave gets torn down and more blacktop goes up. Drainage problems will increase when addition blacktop gets put in place.**

Mr. Banker said that the Caldwell Police Department is a small department, so there will not be as much traffic because of that. They will also be using existing entrances and exits.

**Brian Zaorski, 13 Lane Ave. Asked about the Sewer System and its current status.**

Mayor Kelley said that the DEP monitors is quarterly, and applications are accepted depending on the capacity levels. We must increase the capacity of our Sewer, as Caldwell, and our neighboring towns are developing.

**Mr. Zaorski added that his driveway is blocked by idling trucks every day.**

Councilwoman DePalma-Iozzi said that there was a slow leak the preceded the project. Water Leaking was acerbated by the constructions.

**Mr. Zaorski also asked about Caldwell drinking water being unsafe.**

Mayor Kelley assured him that the Caldwell drinking water is safe to use and drink.

**Nicole Occhina, 21 Lane Ave. W. Caldwell. Currently working from home, and have noticed a lot of dust and debris in the air. Were the houses tests for asbestos?**

Mr. Banker said that they were tested and all approvals came from the State.

**Ms. Occhina asked for a copy of those test results. She also noted that OSHA requires that a foreman is on site, and asked if that was the case.**

Mr. Banker said that those regulations are enforced on State and Federal levels, not on local levels.

**Ms. Occhina stated that the work has begun earlier that allowed by Town Ordinance, which states that work cannot begin until 7am. She has called the police for times that they start early, at which time the trucks were asked to move, and not issued a summons.**

Frank Godlewski, Historic Preservation Commission, asked that a demolition permit not be issued until they have a chance to meet.

Mayor Kelley agreed to that.

**Bev Crifasi, Chair of Historic Preservation Commission. Chapter 130 of the Borough Code states that the Historic Preservation Commission must be consulted in situations like this.**

Mayor Kelley said that a meeting will be set up.

**Anthony Ramirez, 22A Lane Ave. Structure started to collapse and then was repaired. Then, there was a water leak so the structure has to be repaired again. How well has this project gone?**

Councilman Lace stated that he was advised last year, and recused from Lane Avenue for the appearance of impropriety.

Council President Gates said that he recused himself as well on advice of legal counsel.

Mayor Kelley said that there are problems with big projects, but the builder is interested in satisfying their neighbors.

Councilman Alonso stated that when he was previously on the Zoning Board, they voted this project down, but the Court overruled them. He appreciates the concerns of the neighbors and would like to help in any way we can.

Councilman Lace states the Borough emails should be used for public correspondence, not personal emails.

## 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.*

- 3-71 RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of March 15, 2022
- 3-72 AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS
- 3-73 RESOLUTION AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT FOR PLANT WATERING BETWEEN THE BOROUGH OF CALDWELL AND THE TOWNSHIP OF VERONA.
- 3-74 RESOLUTION AUTHORIZING THE APPOINTMENT OF JAMES HOFFMAN AS PLUMBING SUBCODE OFFICIAL/Inspector and BUILDING INSPECTOR EFFECTIVE MARCH 7, 2022
- 3-75 RESOLUTION FOR GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE July 2022 – June 2023
- 3-76 RESOLUTION AUTHORIZING EMERGENCY INSPECTION AND REPAIR A 6-INCH CALDWELL SEWER PIPE CROSSING 192 RUNNYMEDE ROAD IN WEST CALDWELL
- 3-77 RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT WITH G20 TECHNOLOGIES, LLC FOR THE CALENDAR YEAR 2022.
- 3-78 RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT WITH ATLANTIC COAST POLYMERS, INC FOR THE CALENDAR YEAR 2022
- 3-79 RESOLUTION AUTHORIZING 2022 APPROPRIATION RESERVE TRANSFERS
- 3-80 RESOLUTION AMENDING RESOLUTION 9-213 AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH AZZOLINA & FEURY, INC. IN AN AMOUNT NOT TO EXCEED \$5,000.00
- 3-81 RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –SISTERS OF SAINT DOMINIC OFF –PREMISE- CALENDAR RAFFLE
- 3-82 RESOLUTION AUTHORIZING THE SALE OF THE OBSOLETE POLICE DEPARTMENT VEHICLE THROUGH THE INTERNET SITE GOVDEALS.COM

*A motion to pull resolution 3-82 from the consent agenda was made by Council President Gates and seconded by Councilman Lace. Upon a voice vote, all members voted in the affirmative. Motion pulled from consent agenda 3/15/2022.*

*A motion to approve the consent agenda was made by Council President Gates and seconded by Councilman Alonso. Discussion ensued. Upon a roll call vote, all members present voted in the affirmative. Consent agenda passed 3/15/2022*

## RESOLUTIONS

- 3-82 RESOLUTION AUTHORIZING THE SALE OF THE OBSOLETE POLICE DEPARTMENT VEHICLE THROUGH THE INTERNET SITE GOVDEALS.COM

*A motion was made to approve Resolution 3-82, was made by Councilwoman Buechner, and seconded by Councilwoman DePalma-Iozzi. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Resolution 3-82 passed on 3/15/22.*



## NEW BUSINESS

- Councilman Gates
  - Caldwell Bagels water bill
    - Mayor Kelley said a resolution is needed
    - Mr. Banker is working with the Borough Attorney too see what our options are
- Councilwoman DePalma-Iozzi
  - Women's Community Impact Award
    - Honorees:
      - Carol DeFrance
      - Sarah Solie
      - Barbara Burchac
      - Daneille D'Accampo
      - Jane Kinkle
      - Sister Ann John O'Loughlin
    - Awards to be presented April 5<sup>th</sup>
  - Newsletter goes out Tomorrow
  - Grover Cleveland Birthday Week
    - [www.presidentcleveland.org](http://www.presidentcleveland.org)
    - Councilman Lace read a proclamation he wrote, from a few years ago
- Councilman Gates
  - Crossing Guards
  - Having a meeting with Chief Bongiorno and Councilwoman Buechner to discuss.
- Councilman Alonso made a motion to have 1 representative from the Historic Preservation Commission attend the weekly facilities team meetings. The motion was seconded by Councilwoman DePalma-Iozzi, and discussion ensued. Upon a roll call vote, all members voted in the affirmative. Motion approved 3/15/2022
- Councilman Cole made a motion to have 1 representative from the Environmental Commission attend the weekly facilities team meetings. The motion was seconded by Councilman Alonso, and discussion ensued. Upon a roll call vote, all members voted in the affirmative. Motion approved 3/15/2022.

## COUNCIL COMMITTEE REPORTS

Councilman Lace: Camp Wyanokie/Senior Transportation

- Reported on the Reorganization meeting.
- Senior Transportation ridership is at 2,738
  - Their next 2 meetings are on April 4<sup>th</sup> and May 2<sup>nd</sup>.

## REPORT OF MAYOR

*John Kelley*

## REPORT OF BOROUGH ADMINISTRATOR

*Thomas Banker*

## REPORT OF BOROUGH ATTORNEY

*Brian Block*

## EXECUTIVE SESSION

**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 Contracts Potential Litigation

A motion to go into executive session was made by Councilman Lace, and seconded by Councilwoman DePalma-Iozzi. Upon a voice vote, all voted in favor. Council left the public meeting and entered executive session at 10:22pm.

## ADJOURNMENT

There being no additional business to be conducted, a motion to close executive session and adjourn the meeting was made by Councilwoman Buechner and Seconded by Councilman Alonso. Upon a voice vote, all voted in favor and the meeting was adjourned at 11:22pm.

Prepared by: *Brittany Heun*  
Brittany Heun, Deputy Borough Clerk

3/29/2021  
DATE