

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE SPECIAL MEETING  
MINUTES – March 24, 2020**

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The Council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:23PM.

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

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

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**

March 3, 2020

Moved by Councilman Rodgers,, seconded by Council President Schmidt. No Discussion. On roll call, all voted in the affirmative. Minutes approved 03/24/2020.

**PRESENTATION**

Health Announcement on COVID 19 Virus.

1. The Mayor thanked residents, local business owners, and Caldwell's COVID 19 Task Team (Mark Guiliano, Chief Bongiorno, Maria Burak) for their concerted efforts to minimize the COVID 19 impact on the Borough of Caldwell. He stated that he had been in contact with Governor Murphy's Office, Senator Menendez, and Senator Booker for updates on action the State was taking to combat the virus.
2. OEM Officer, Mark Guiliano, provided an update. The Borough held an LEPC (Local Emergency Planning Committee) Meeting on Friday, March 13<sup>th</sup> at the Caldwell Firehouse and a Department Head Conference Call on Thursday, March 19<sup>th</sup>, to discuss contingency plans and to implement a protocol to address the health emergency, while continuing to provide services. Daily meetings are taking place between Mark, Maria Burak, and Chief Bongiorno, to discuss any daily concerns. Essex County OEM has been providing updates twice daily for the number of COVID 19 cases and deaths in the County. Mike Fitzpatrick, our Health Officer provides daily reports as well.
3. Chief Bongiorno reported that the Borough has been extremely supportive in acquiring and providing supplies. Daily operations of the Caldwell Police Department are continuing and officers are taking precautions by wearing protective gear. Social distancing has been working because there is evidence of less cars on the roads in Caldwell. The Chief had been informed about possible scams where homeowners were asked to confirm personal information over the phone to receive government checks, however, there were no instances reported in town. Councilman Lace asked about enforcing Governor Murphy's Stay At Home Order. The Chief explained that the Police Department was enforcing through warnings at this time, but will be taking further action if necessary in the future.
4. Maria Burak, Director of Human Services, reported that as to date, there were four confirmed COVID 19 cases in town. She reminded everyone that it is flu and allergy season as well. The COVID 19 Virus has a 1-14 day incubation period. Residents that have no symptoms should not be tested for the virus. Residents with mild symptoms should call their doctor, stay at home, and socially isolate themselves from other household members. Only residents with a fever over 104 degrees and difficulty breathing should be looking to go to the emergency room. Practice social distancing, good hygiene, good respiratory hygiene, and wash your hands. She instructed that additional information is available on the COVID19.nj.gov website and by phone at 1-800-962-1253 (or 211). The Food Pantry would be open on Wednesday, March 25<sup>th</sup>, from 11:00am-1:00pm, during which time bags of food supplies would be distributed to all present.

Chief Bongiorno stated that a 5<sup>th</sup> Coronavirus case had been just recently reported, bringing the townwide total cases to five.

**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*

*Claudine Lombardo, 8 Westbrook Drive, relayed her concerns regarding flooding issues in her backyard. She wanted to know if the pipes were cleaned out. Mr. Banker explained that a "t.v." had been done to the water detention system, the clogged pipe and ditch behind the PSE&G substation on Roseland Avenue had been cleaned out, and that the property owner of 80 Roseland Avenue had installed a new storm drain system that will help alleviate some of the flooding concerns. Mr. Banker explained that Public Service would also be relocating gas*

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*mains along part of Roseland Avenue to install a larger drain pipe, however, it would take them approximately two months to relocate gas lines before reinstalling a new pipe. Mr. Banker also suggested that there may be a collapse in the storm drain behind Ms. Lombardo's house and that the town had scheduled a "t.v." of the pipe to investigate.*

**INTRODUCTION OF AN ORDINANCE**

**ORDINANCE #1383-20:** AN ORDINANCE AMENDING CHAPTER 250 OF THE CODE OF THE BOROUGH OF CALDWELL, VARIOUS SECTIONS OF SAME PURSUANT TO THE 1999-2025 HOUSING ELEMENT AND FAIR SHARE PLAN (80 ROSELAND AVENUE).

Moved by Councilman Lace, seconded by Councilman Rodgers. No discussion. On roll call, all voted in the affirmative. Ordinance introduced 3/24/20.

**ORDINANCE 1384-20:** AN ORDINANCE OF THE BOROUGH OF CALDWELL AMENDING CHAPTER 250 OF THE BOROUGH OF CALDWELL, VARIOUS SECTIONS OF SAME PURSUANT TO THE 1999-2025 HOUSING ELEMENT AND FAIR SHARE PLAN (30 SMULL AVENUE).

Moved by Councilman Rodgers, seconded by Councilman Lace. On roll call, Councilman Lace, Councilman Gates, Councilman Rodgers, Councilwoman DePalma-Iozzi, and Councilman Cole all voted yes; Council President Schmidt voted no. Ordinance adopted 3/24/20.

**ORDINANCE #1385-20.:** AN ORDINANCE OF THE BOROUGH OF CALDWELL AMENDING CHAPTER 250 OF THE BOROUGH OF CALDWELL, VARIOUS SECTIONS OF SAME PURSUANT TO THE 1999-2025 HOUSING ELEMENT AND FAIR SHARE PLAN (459 BLOOMFIELD AVENUE).

Moved by Councilman Lace, seconded by Council President Schmidt. No discussion. On roll call, all voted in the affirmative. Ordinance introduced 3/24/20.

**ORDINANCE #1386-20:** AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY DESIGNATED AS BLOCK 22, LOT 9 ON THE TAX MAPS OF THE BOROUGH OF CALDWELL, NEW JERSEY, ALSO KNOWN AS 26 SMULL AVENUE, FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000).

Moved by Councilwoman DePalma-Iozzi, seconded by Councilman Gates. Mr. Banker briefly explained this Ordinance. In 2019 the Council had considered the idea to design a parking deck and had hired a company to do a parking study. The Borough has rescinded that offer and has decided to increase the amount of surface parking area instead. The property owners at 26 Smull Avenue were willing to sell their property and a fair price was negotiated. The Borough hopes to close on the property in late April or early May 2020. On roll call, all voted in the affirmative. Ordinance introduced 3/24/20.

**ORDINANCE 1387-20:** BOND ORDINANCE PROVIDING FOR WATER MAIN REPLACEMENTS WITHIN THE WATER UTILITY IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY., APPROPRIATING \$2,400,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$2,400,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.

Mr. Banker gave a brief description to the Council detailing the Ordinance. After the 2016 Orchard Square fire, a review was done by Crew Engineers of Caldwell's water mains, ranking in priority order ones that needed attention. A 6-7 year plan was implemented to replace water mains, in which bids would be accepted in three installments or phases. Each street on the list would have water main replacements, resurfacing, if need be Belgian blocking/curbing/sidewalks, and lastly repaving. The streets would be done in stages with the approximate goal of all streets being completed by the end of 2021. Councilwoman DePalma-Iozzi asked if PSE&G could be notified of the Borough's timeline as to not have newly paved streets excavated for PSE&G projects. Mr. Banker response was that the Borough would make all possible attempts to inform PSE&G and work in coordination with them. Mr. Banker announced that the amount indicated in the Ordinance needed to be amended from \$2,400,000 to \$2,700,000. A motion to amend the amount was made by Councilwoman Depalma-Iozzi, seconded by Council President Schmidt. The ordinance was then moved by Councilman Lace, seconded by Councilman Rodgers. On roll call, all voted in the affirmative, except for Councilman Cole who abstained. Ordinance was introduced 3/24/20.

**ORDINANCE 1388-20:** BOND ORDINANCE PROVIDING FOR SEWER UTILITY IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$2,000,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OR NOTES OF THE BOROUGH OF FINANCE THE COST OF THEREOF.

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Moved by Councilman Lace, seconded by Councilman Gates. Mr. Banker related to the Council that the optimal goal is to expand the sewer capacity of Caldwell's Sewer Treatment Plant, to be shared in cost by all the member communities and municipalities. On roll call, all voted in the affirmative, except for Councilman Cole, who abstained. Ordinance was introduced 3/24/20.

**PUBLIC HEARING AND ADOPTION OF AN ORDINANCE**

**ORDINANCE #1381-19:** ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF THE BOROUGH OF CALDWELL, THE CHAPTER TITLED "THE FLOOD DAMAGE PREVENTION ORDINANCE".

Moved by Councilman Gates, seconded by Councilman Lace. No discussion. On roll call, all vote In the affirmative. Ordinance introduced 3/24/20.

**OPEN PUBLIC COMMENTS OF RESOLUTIONS**

**3-91:** PULLED.

**3-92:** PULLED.

**3-93:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE; Sisters of Saint Dominic-On Premise Calendar Raffle-9/1/20, 9/8, 9/15, 9/22, 9/29, 10/6, 10/13, 10/20, 10/27, 11/3, 11/10, 11/17, 11/24 -2;00pm. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE.

Moved by Councilman Lace, seconded by Council President Schmidt. No discussion. On roll call, all voted in the affirmative. Resolution approved 3/24/20.

**3-94:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE, Grover Cleveland Conservancy- On Premise 50/50 Merchandise Raffle- May 2, 2020 4:00-7:00pm. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE.

Moved by Councilman Lace, seconded by Council President Schmidt. No discussion. On roll call, all voted in the affirmative. Resolution approved 3/24/20.

**3-95:** AUTHORIZING THE ISSUANCE OF LICENSE FOR RAFFLE, Grover Cleveland Conservancy-On Premise 50/50 Raffle- May 2, 2020, 4:00-7:00pm. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE.

Moved by Councilman Lace, seconded by Council President Schmidt. No discussion. On roll call, all voted in the affirmative. Resolution approved 03/24/2020.

**3-96:** PULLED.

**3-97:** AUTHORIZING THE APPOINTMENT OF Dave Cowell, 29 Brookside Avenue, Caldwell, NJ, AS THE TOWN HISTORIAN FOR THE BOROUGH OF CALDWELL.

Moved by Councilman Lace, seconded by Council President Schmidt. Discussions Ensued. On roll call, all voted in the affirmative. Resolution approved 03/24/2020.

**3-98:** AUTHORIZING THE BOROUGH ADMINISTRATOR TO APPOINT ROSEMARIE M. SUTHERLIN AS THE DIRECTOR OF THE CALDWELL COMMUNITY CENTER EFFECTIVE JANUARY 1, 2020 TO DECEMBER 31, 2021 WITH A SALARY OF \$85,000.

Moved by Councilman Lace, seconded by Council President Schmidt. On roll call, all voted in the affirmative. Resolution approved 03/24/2020.

**3-99:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #19-00003, Block 7.01, Lot 1.01, 56 Mountain Avenue, Caldwell, NJ 07006.

Moved by Councilman Lace, seconded by Council President Schmidt. On roll call, all voted in the affirmative. Resolution approved 03/24/2020.

**3-100:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH FEBRUARY 29, 2020-MARCH 13, 2020, WITH A TOTAL OF \$968,409.80.

Moved by Councilman Lace, seconded by Council President Schmidt. On roll call, all voted in the affirmative. Resolution approved 03/24/2020.

**3-101:** PULLED.

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**3-102:** AUTHORIZING THE SUSPENSION OF WATER SHUT-OFFS FOR THE DURATION OF THE COVID-19 OUTBREAK, IN ACCORDANCE WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GUIDELINES.

Moved by Councilman Lace, seconded by Council President Schmidt. Mr. Banker reported to the Council that this Resolution was in compliance with a statewide request for water service providers to have a moratorium on water service disconnections. On roll call, all voted in the affirmative. Resolution approved 03/24/2020.

**3-103:** RESOLUTION RESCINDING THE CONTRACT WITH DESMAN, INC. FOR DESIGN SERVICES REQUIRED IN CONJUNCTION WITH A NEW PARKING FACILITY ON SMULL AVENUE.

Moved by Councilman Lace, seconded by Council President Schmidt. Discussions Ensued. On roll call, Council Rodgers, Councilman Gates, Council President Schmidt, Councilman Cole, and Councilwoman DePalma-Iozzi all voted in the affirmative. Councilman Lace abstained. Resolution approved 03/24/2020.

**3-104:** RESOLUTION AUTHORIZING THE ACTING BOROUGH ADMINISTRATOR TO CAUSE SUCH REDUCTIONS IN FORCE AND OTHER ECONOMIES AS ARE NECESSARY TO MINIMIZE THE FINANCIAL IMPACT ON THE BOROUGH OF CALDWELL DUE TO THE EFFECTS OF THE CORONAVIRUS PANDEMIC.

Moved by Councilman Lace, seconded by Council President Schmidt. Discussions Ensued. On roll call, all voted in the affirmative. Resolution approved 03/24/2020.

**3-105:** RESOLUTION MAKING TEMPORARY EMERGENCY APPROPRIATIONS TO EXTEND THE TEMPORARY BUDGET FOR THE BOROUGH AND ITS UTILITIES THROUGH MAY 30, 2020.

A brief explanation of the Resolution was given by Mr. Banker, illustrating that this Resolution would allow the Borough to extend it's temporary budget for three more months. Councilwoman DePalma-Iozzi noted that a three month extension should be through June 30, 2020. A motion was made by Councilwoman DePalma-Iozzi to amend the Resolution to reflect the date of June 30,2020. It was seconded by Councilman Gates. On roll call, all voted in the affirmative. Resolution approved 03/24/2020.

**COUNCIL COMMITTEE REPORTS**

*Borough Council Members*

*Council President Schmidt reported on the Senior Advisory Committee and Grover Cleveland Senior Center. All activities and events have been cancelled until further notice. Seniors at risk need to stay at home. The library is closed until further notice, bu they have been very active building their digital offerings, including fun art projects with "Miss Chris". Hold onto overdue books. Fines will be waived. The Caldwell Community Center is also closed until further notice, however staff have been posting free workouts on Facebook. Joanne's Yoga Class had over 3,000 views. Like or Follow their page to get all their latest updates.*

*Councilman Cole reminded residents to compete their U.S. Census Forms.*

*Councilman Gates reported that the Borough of Caldwell received a "Complete Count Committee" Grant from the County Government to set up table kiosks to encourage residents to fill out and submit their census information, however, due to the COVID-19 Outbreak and social distancing practices, no plan can be implemented at this time.*

*Councilman Lace issued a reminder that the Caldwell Website is continuously updated with pertinent and useful information regarding COVID-19. A Caldwell resident is currently working on a database of all businesses in town. Anyone that has a skill that may provide help/relief to local businesses, should reach out to Councilmembers.*

**REPORT OF MAYOR**

*John Kelley*

*Mayor Kelley expressed that it is a difficult time for the Borough of Caldwell and extended his appreciation on behalf of the Council and residents to all the part-time Community Center Staff and Crossing Guards. The town thanks them for all their dedication and service. As a follow-up to the earlier reports regarding the Coronavirus, the Mayor encouraged residents to please have other people respect their personal space and to please stay at home when possible.*

**REPORT OF BOROUGH ADMINISTRATOR**

*Thomas Banker*

*Thomas Banker reported:*

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- The 2020 Budget will hopefully be introduced at the next Council Meeting, April 7<sup>th</sup>, but no later than the Council Meeting scheduled for April 21<sup>st</sup>.
- The Capital Plan was distributed to all Councilmembers by the Borough Administrator. The first part has already been voted on by the Council. The second part, focusing on properly equipping the Public Works Department and Road Paving Projects, still needs to be voted on.
- Reports have come back regarding the plan to relocate Borough Hall. The Borough Administrator is continuing to work on the Relocation Project.

**REPORT OF BOROUGH ATTORNEY**

***Vincent Nuzzi***

***Mr. Nuzzi reported*** that the judicial system is still in flux. His business office is closed, but if Councilmembers or staff need to contact him he can be reached by cell phone.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Lace, seconded by Councilman Gates unanimously affirmed by all members present, the meeting was adjourned at 8:54PM.

Prepared by: \_\_\_\_\_  
Kim Conlon, Deputy Borough Clerk

\_\_\_\_\_  
DATE