

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES- March 9, 2021**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order on Zoom at 7:21 PM.

PRESENT: Mayor Kelley, Council President Schmidt, 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

February 23, 2021

Moved by Council President Schmidt and seconded by Councilwoman DePalma-Iozzi. Upon a roll call vote, all voted in the affirmative. Minutes approved 3/09/2021

COVID-19/OEM COMMUNITY UPDATE

Mark Giuliano

- Cases numbers holding steady
- 0 cases for the last 3 days.
- PD and First Aid Squad still responding to COVID positive calls
- County is still leading the way with vaccine roll out
- Governor is rolling back some restrictions

Councilman Lace asked about the CDC Guidelines regarding mask wearing for those who are vaccinated. Mark said that he understands that if you have been vaccinated, you can be in private spaces without a mask, but still must wear it in public

Mark reminded folks to check the County COVID Website for any updates

REPORT OF COUNTY LIASON

Patricia Keenan

Patricia Keenan Reported

- After 2 weeks after vaccination, you can be in a private setting with other family without a mask on.
- 8am or so, there are a couple hundred appointments available a day.
- County continues with the emergency food distribution events.
 - It will be in West Orange this week'
- Email her with any problems with getting appointments
- Always check the EssexCovid.org website for new information.

Councilman Gates asked about locations in the state that have waitlist for possible extra doses, of the deep freeze vaccines so they do not go to waste

The county is not utilizing that because the County is using Moderna, which does not require the deep freeze.

OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC

Lou Gallup, use of pain killers after the COVID-19 Vaccine. CDC advocates for no use of pain killers after getting the COVID-19 Vaccine, is that still accurate.

Patricia- guidelines have not changes. Doctors do not prescribe it pre/post vaccine. Recommended if you have a fever or feel ill, but if you do not feel those symptoms do not take pain killers.

Anthony Marotta, 13 Westover Ave. What is the status of the ordinance to help with the issues surrounding Westover?

Mayor Kelley clarified the ordinances are about noise and shopping carts

Tom Banker said that they are in the process of installing security cameras in the area to monitor the nuisances that are occurring. Tickets are not in for cable until the courts can see the actions taking place. There has been a review, by Mark and the Borough Attorney, of the current ordinances to see how they can be informed, and if they need to be tweaked. Goal is to identify perpetrators with video, and serve perpetrators with summons, so they can be prosecuted. Courts say that going against the apartment owners, etc., are not enforceable.

Mayor Kelley said that he spoke with Jack's and they are sending someone out every morning to collect any carts that were out on the streets. Garbage cam at Quarter to 6 on this past Saturday morning.

Mr. Marotta stated that he understands that there is no noise ordinance regarding garbage?

Mark Giuliano said that the Noise Ordinance is there but it is weak. There was an issue in the court about 7 years ago. We would only have to change a couple of lines in our current ordinance, and our prosecutor has said that it would hold up in court. Camera installation should be done in the next couple of weeks.

Mayor Kelley said that the noise complaints with the garbage is happening in other parts of town and need to be addressed as well.

Barbara Buechner, asked about the presentation for the 9-story building, as the redevelopment plan allows for 5? Has this been proposed by a developer? If so, why would we be appropriating money for an architect, if not, where is the proposal?

Mayor Kelley said that there was no presentation for a 9-story building. All we did was approve a resolution regarding for professional services with an architect.

ORDINANCE FOR SECOND READING AND ADOPTION

ORDINANCE NO. 1403-21 ORDINANCE TO ESTABLISH SALARIES FOR THE MAYOR AND COUNCIL OF THE BOROUGH OF CALDWELL NEW JERSEY

Moved by Councilman Lace and seconded by Councilman Gates. On a roll call vote, all voted in the affirmative. Ordinance passed on 03/09/2021.

ORDINANCE NO. 1404-21 ORDINANCE ESTABLISHING THE LEVEL OF COMPENSATION TO BE PAID TO UNIFORM POLICE PERSONNEL WHEN THEY ARE ENGAGED IN OUTSIDE EMPLOYMENT

Moved by Councilman Lace and seconded by Councilman Cole, On a roll call vote, all voted in the affirmative. Ordinance passed on 03/09/2021.

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.

- 3-74** AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 2/23/2021 THROUGH 3/05/2021 IN THE AMOUNT OF \$1,065,059.44
- 3-75** RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of March 9, 2021
- 3-76** RESOLUTION AUTHORIZING THE APPOINTMENT OF A PLANNING BOARD MEMBER
- 3-77** RESOLUTION AUTHORIZING THE EXTENSION OF THE TIME FOR OUTSIDE DINING IN THE BOROUGH OF CALDWELL
- 3-78** RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO SUBMIT THE ANNUAL RECYCLING TONNAGE REPORT TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PERIOD OF JANUARY 1, 2020 THROUGH DECEMBER 31, 2020
- 3-79** AUTHORIZING THE ISSUANCE OF A PERMIT FOR PEDDLER LICENSE OR IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – The Empanada Lady
- 3-80** AUTHORIZING THE ISSUANCE OF LICENSE FOR MOTOR VEHICLE LOT LICENSE IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT, CONSTRUCTION DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – Amer Choudhry, 95 Bloomfield Avenue, Caldwell
- 3-81** RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS IN THE TAX OFFICE
- 3-82** RESOLUTION ESTABLISHING THE ANNUAL CALDWELL WOMEN'S COMMUNITY IMPACT AWARD
Read by Council President Schmidt
- 3-83** RESOLUTION AUTHORIZING THE RELEASE OF THE CASH BOND AND ESCROW FOR THE ROAD OPENING AT THE 80 FOREST AVENUE SUBDIVISION SITE, CONSISTING OF THE PROPERTIES NOW KNOWN AS 74 FOREST AVENUE, 76 FOREST AVENUE, AND 2 HARRISON STREET, MMC CONSTRUCTION LLC.
- 3-84** RESOLUTION AUTHORIZING THE SALE OF THE OBSOLETE POLICE DEPARTMENT VEHICLE THROUGH THE INTERNET SITE GOVDEALS.COM
- 3-85** RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR THE PURCHASE OF POLICE VEHICLES
- 3-86** RESOLUTION AUTHORIZING THE PURCHASE OF 2 2020 POLICE INTERCEPTOR SUVs FROM BEYER FORD, 170 RIDGEDALE AVE, MORRISTOWN, NJ 07960 FOR THE CALDWELL POLICE DEPARTMENT FOR AN AMOUNT OF \$95,655.50 THROUGH CRANFORD COOPERATIVE CONTRACT # 47-CPCPS
- 3-87** RESOLUTION AUTHORIZING THE PURCHASE A 2021 FORD EXPLORER FROM GENTILINI FORD, 555 JOHN S PENN BLVD, WOODBINE, NJ 08270 FOR THE CALDWELL POLICE DEPARTMENT FOR AN AMOUNT OF \$29,174.97 THROUGH NJ STATE CONTRACT 20-FLEET-01393
- 3-88** RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –Caldwell College Alumni Association– Off Premise – Merchandise Raffle – June 21, 2021 – 10AM-5PM
- 3-89** Resolution Designating S & S Caldwell Village, LLC As Redeveloper For Certain Properties Located On Lane Avenue Within The Redevelopment Area In The Borough Of Caldwell
- 3-90** RESOLUTION AWARDDING A CONTRACT TO D.L.S. CONTRACTING, INC., 36 MONTESANO ROAD, FAIRFIELD, NJ 07004 VARIOUS STREETS-2019-CALDWELL (CRANE STREET, HARRISON STREET AND HILLSIDE AVENUE)

- 3-91 RESOLUTION AWARDING A CONTRACT TO TWO BROTHERS CONTRACTING, INC., 11 VREELAND AVENUE, TOTOWA, NJ 07512 FOR THE BOROUGH PROJECT ENTITLED THE PARK DECK DEMOLITION
- 3-92 RESOLUTION AWARDING A CONTRACT TO FRANK CYRWUS, INC., 227 HAMBURG TPKE, UNIT 8, POMPTON LAKES, NJ 07442 FOR THE BOROUGH PROJECT ENTITLED THE COMMUNITY CENTER ROOF REPLACEMENT
- 3-93 RESOLUTION AWARDING A CONTRACT TO HANNA'S MECHANICAL CONTRACTORS, INC., 44 NORTH MAIN STREET, MILLTOWN, NJ 08850 FOR THE BOROUGH PROJECT ENTITLED THE COMMUNITY CENTER HVAC ROOFTOP UNITS

Councilman Lace asked about the bid Specs being posted online and the Advertisements in paper.

Councilman Gates asked about the bids not being on the website, and when the projects were announced.

- Tom Banker said that the bid process was public, the bids were picked up in person before the public bid opening.

Councilman Lace asked what is being done with parking while the Demo happens.

- Mayor Kelley said that he has been in contact with Calandra's and Saint Aloysius Church about utilizing their parking.

Council President Schmidt gave a statement regarding Resolution 3-82:

March is Women's History month and Councilwoman DePalma-Iozzi and I have been working together to find a valuable way to make a tribute to women in our community.

Marian Wright Edelman, an advocate for disadvantaged Americans, founder and President of the Children's Defense Fund so aptly stated, "You can't be who you can't see."

With this thought in mind, we feel it is important to recognize women in our community for their accomplishments and contributions so that women and girls here in Caldwell can be seen and inspire through example.

Councilwoman DePalma-Iozzi and I are proud to present what we hope will be an annual Caldwell tradition during Women's History month for many years to come.

Mr. Banker clarified Resolution 3-80 for Councilwoman DePalma-Iozzi.

Motion to vote on the consent agenda was made by Councilman Lace and seconded by Councilman Rodgers. Discussion ensued. Upon a roll call vote, all voted in the affirmative, with Councilman Lace & Gates voting no on Resolution 3-91. Resolutions in the consent agenda passed 03/09/2021.

NEW BUSINESS

- Council President Schmidt
 - Ryan, the owner of Cloverleaf Tavern emailed her about renaming Hanford Place to "Clover Leaf Way"
 - Normally street name changes are for veterans?
 - Tom Banker said that typically it's an honorary name change, so that you do not have to change people's postal addresses.
 - Jeff suggested maybe changing the name of the parking lot behind the Clover Leaf to be "Clover Leaf Parking Lot"
- Councilman Gates
 - Resident had approached the Councilman regarding a fire inspection that she had paid \$35 for. Worked with Mark and Council President Schmidt to look at the Ordinance and get to the bottom of this.
 - Change of tenants is not necessarily a change of occupancy, so they typically do a fire inspection.
 - Mark Guiliano said that a Change of Occupancy inspection, \$35, is done when there is a change in tenancy. Different then when a property sells and we do a \$100 certificate of occupancy. Change of Compliance is another one that is done with rentals
 - Tom Banker suggested that we conduct an off-line discussion on what is the uniform process for inspection frequency, detail, and pricing for certificates issued.
- Councilman Lace: motion to defer implementing resolution 2-72 until we have further time discuss in executive
 - 1st: Lace 2nd: Gates
 - Gates asked for a repeat of the motion and an explanation or reasoning by lace
 - Councilman Lace said that Resolution 2-72 contains some items that he believes make it difficult to proceed with
 - Tom Banker reminded the Mayor and Council that they Previously adopted 2-72. This action would stop the implementation of the resolution.
 - Vince Nuzzi it would be inappropriate to have this conversation in executive, it would appropriate to discuss the motion in public
 - Mayor Kelley said that 2-72 does regard a contract so that part can be discussed in contract. But this motion is requesting a hold on the execution of the contract that was voted on in person

- Council President Schmidt believes that we made a commitment and we should follow through
-

Mayor Kelley Caldwell Volunteer Fire Department has some requests regarding capital appropriation for the budget

- Tom Banker said that he is happy to meet with Mayor Kelley and the Chief to discuss these appropriations
- Caldwell Volunteer Fire Department has been a volunteer fire department for 120 years

-Mayor Kelley has been invited to attend a Shared services meeting. One item that will be discussed is the Harrison Field turf field, and is looking for Council opinions.

- Councilman Gates asked what time the meeting is on Monday.
 - March 15th at 5pm
- Councilman Cole said we used the money for another purchase correct?
 - Tom Banker said yes, we are using the funds for open space funds. The county agreed to use the money for that alternate purpose
 - Is the shared services meeting for additional money?
 - Mayor Kelley thinks it will be new money requested
 - Tom- total cost 3 - 5 hundred thousand. Numbers may have changes
- Councilman Gates - Partial to a grass field, and would like to hear the other perspectives, figures, and benefits.
- Council President Schmidt - How many turf fields do communities usually have. We have 2 in our community.
 - Councilman Rodgers said that Essex valley field is also turf
 - We currently have 3 turf fields for Caldwell - West Caldwell rec.
 - Believes that recreation goes a lot farther than just sports and would like to see programs for "girls who code" robotics, etc.
- Councilman Cole would like to use that money for other purchases like saving rural land, then add a synthetic field.
- Councilman Rodgers said that while he does prefer grass field, the amount of usage that our fields get, make upkeep of a grass field. Turf fields can sustain more wear and tear, and would like to hear what they have to say about this.
- Councilman Cole said in the 1960s when the railroad tracks were torn up, the mayor and council passed on purchasing the right of way. Was a terrible mistake. Let's try to not make a similar decision
- Councilwoman DePalma-Iozzi asked what percentage of children from Caldwell use the fields?
- Councilman Lace said understands the desire to have another turf field, but is looking for some hard data and written information on the field

COUNCIL COMMITTEE REPORTS

Borough Council Members

1. Councilman Lace

- Grover Cleveland Birthplace Memorial Association
 - Grover Cleveland's birthday will still be celebrated on March 18th
 - The Center is currently closed due to the building of a visitor center and pandemic.
 - Grover Cleveland Week celebration From March 14 - 20th

2. Council President Schmidt

- Library
 - Obtained Digital New York Times, which should be going live tomorrow
 - Library Director would like to be included in that parking conversation while the deck gets demolished.
 - Women's History months events coming up
- Project Mainstreet
 - Couple of exciting events coming up
 - Councilman Gates suggested a Scavenger Hunt throughout town
 - Councilman Lace brought up the idea of a Porchfest event.
 - Possible September Event

3. Councilwoman DePalma-Iozzi

- Environmental Commission
 - Sent documents to the Mayor and Council and well as Mr. Banker regarding some of the projects happening around town
 - Ann Marchioni joined the meeting to discuss
 - The commissioner has the opportunity to review site plans and has a few comments and concerns regarding the upcoming Lane Avenue Projects
 - Offered a few of these items and has sent her comments to the Planning Board

Councilman Cole:

- Encourage and expect the Borough to implant Crossing Guards if we are going to be utilizing parking other than the Parking Deck

REPORT OF MAYOR*John Kelley***REPORT OF BOROUGH ADMINISTRATOR***Thomas Banker*

Thomas Banker reported:

- We are going to try to get a budget introduced before the end of march
- We are working on the Capital plan
- Waiting to see how the new \$1.9 trillion plan effects municipal government
- Waiting to see what the Murphy budget does for Municipal Assistance.
- Will try to keep the Mayor and Council informed about the Layout of the budget but does want to know we can expect for State and Federal aid.

Councilman Lace asked about an update on the I/I study

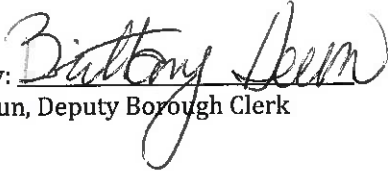
Tom Banker said that he did received a draft of the report, but was unable to read through it due to health issues. He will try to read through it before now and our next council meeting, so we can at least release it for Mayor and Council review.

REPORT OF BOROUGH ATTORNEY*Vincent Nuzzi*

- Hope to have more information on ongoing litigation for next Council meeting

ADJOURNMENT

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Lace seconded by Councilwoman DePalma-Iozzi, and unanimously affirmed by all members present. The meeting was adjourned at 9:16PM.

Prepared by: 
Brittany Heun, Deputy Borough Clerk

3/10/2021
DATE