

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – May 3, 2022**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order on Zoom at 7:17 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, Deputy Clerk, Brittany Heun Borough Administrator Tom Banker, and Borough Attorney Mary Kate Serratelli

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

April 19, 2022

A motion to approve the minutes was made by Council President Gates and seconded by Councilwoman DePalma-Iozzi. Upon a roll call vote, all members present voted in the affirmative. Minutes approved 5/3/2022.

PRESENTATION

1. Reggie Bledsoe – Director of Essex County Office of LGBTQ Affairs (rbledsoe@essexcountynj.com)
 - Spoke to his coalition, Mayor’s Against LGBTQ Discrimination
 - Council President Gates asked if there was any official action that the Borough can take to support this coalition.

2. Ann Marchioni – Earth Day Presentation and Announcements
 - Ann Marchioni - Co-Chair of the Environmental Commission
 - Shred Event 5/7 from 10am-2pm.
 - Bag Ban begins tomorrow
 - Doug Tallamy “nature of Oakes” Zoom webinar 5/9 at 7pm. Registration required

REPORT OF COUNTY LIASON

Patricia Keenan

Patricia Keenan Reported:

- Covid Update
- Vaccination and testing
 - Kmart - Friday’s and Saturday’s
 - Newark, Orange, Irvington, and East Orange throughout the week
 - Mobile Site available for COVID Testing and health related screenings
- May 7th 8:30-4pm Hazardous Waste collection
- May 21st 9-3pm is computer/electronics recycling
- Fishing Derby at Grover Cleveland Park
- Grover Cleveland Park Picnic area was redone as an Eagle Scout project.

Mayor Kelley read resolution 5-131 in full. A motion to amend the agenda to allow for the report of the Borough Administrator to occur before the Open Public Comments, was made by Councilman Cole and seconded by Council President Gates.

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

Mr. Banker gave an update on the projects listed below.

1. 24 Small Avenue Adaptive Reuse for Health Department.
 - a. *Occupied by health department, food pantry in the middle of May.*

2. Temporary Trailer Installation.
 - a. *Trailers should be onsite next week. Underground infrastructure is done. Waiting on Public Service for electric*

3. 14 Park Ave Rehabilitation.
 - a. *new public home for Health and Human Services and Senior Services. Goal is to have it occupied by the end of 2022*

4. Community Center Reconstruction.
 - a. *Roof repaired, a/c replaced, Dehumidification unit being installed, concept plans approved. Going forward with design*

5. Municipal Building Construction.

- a. *Concept plans approved at the last meeting. Going forward with design*
6. **Water Distribution; Storm Sewer Collection and Road Projects.**
 - a. *23 roads that have been paved or will be paved by the end of the year. 13 water mains have been replaced. 8 others in design to be replaced*
7. **Stormwater Management Study.**
 - a. *Currently underway in data collection phase*
8. **Wastewater Treatment Plant Projects.**
 - a. *Currently in litigation on this*
9. **Property Acquisitions.**
 - a. *acquired 24 & 26 Smull. In negotiations with 28 and 22 Smull.*
 - b. *In negotiations with 5 Hanford for parking.*
 - c. *In negotiations with Caldwell university and sisters of Saint Dominic for land to help with stormwater mitigation*
10. **Public Parking Plan.**
 - a. *Hopefully will be presented at the next Council meeting. Spearheaded by Cpt. DeAngelo*
11. **Bloomfield Avenue Realignment Project.**
 - a. *Met today with Rotary to present the concept plan. Arterial and Dynamic have created a list of 9 other meetings which they believe should be held to educate the public on the ideas of the Bloomfield Ave realignment*

OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC

Jim Hammill and family, 22 Brookside Ave. I understand the flood damage to library and water damage to borough hall is a cause for a new building. There is property all around the current site that the Town owns, is there consideration for building and expanding the current site. The new site being put on the green, will take away from the beauty of the green. The building will be an eye sore when put on the green, no matter how beautiful the building will be. Mr. Hammill's mother-in-law - I enjoy the time I have to sit outside of my house on Brookside and interact with the public. If Brookside becomes a two-way street we will be adversely affected. We would lose the ability to connect with our neighbors who gather around that area.

Mayor Kelley thanked Jim and his Mother-in-Law for their comments.

Councilwoman DePalma-Iozzi said she doesn't think there is one person on the Council who agrees with the change of Brookside. The green will actually be enlarged if this plan proceeds, and will be squared off. Parking in conceptually going to go where the current borough hall is, so if a new building goes on that current site, then there would be no parking.

Council President Gates said he understand people's concerns with a building this size in the proposed new site. Park of the reasoning is that the parking would go behind the building where the current borough hall is. If a new municipal complex goes where the current one is, there would not be parking for the community center, field, and new borough hall complex. Out town has a history of having parking behind buildings to take it off of Bloomfield Ave.

Councilman Alonso agrees that there should be a plan for the new borough hall

Councilman Lace said that at our last meeting the motion to explore an alternate option for borough hall, which was defeated

Pamela Rudden, 31 Francis Place, support the idea of having the public more involved in the planning of the New Borough Hall. Looking for an update on the new Water billing methodology.

Mayor Kelley said the reason for not implementing the new methodology is because of the litigation with Roseland and west Caldwell. This litigation is impacting the Municipal Budget and possible rate increase to make up the deficit caused by the lack of payment from West Caldwell and Roseland.

Doug Piazza, 24 Erwin place. Concerned about the response to the Pamela's comments. The idea that the residents of Caldwell will be paying for the deficit that those towns are not paying their bill. Will the folks that water their garden or fill pools be affected in this new rate increase.

Mayor Kelley said that Caldwell will not be the only one to bear the burden. All of the communities which we service will be bearing that deficit

Mr. Piazza asked why not make the change now that prohibits or prevents other folks like myself to be penalized. We have paid tremendously more than others who don't garden or have pools. That should be fixed before the price increase, as it has been on the table for 6 months. Encourage the Council to not approve the sale of Cannabis in Caldwell. Question regarding the Nixle system. The past few days Hatfield and Erwin have been shut down because

PSE&G have been digging up the streets. Why don't I get alerts for Caldwell residents more frequently, when I get alerts for all other towns? Why are we not getting updates?

Mayor Kelley said that a Nixle alert went out today for milling, and I do not know why the alerts have not gone out for the other alerts.

Christine Gurriere, 26 Welshman court, thank you for those statements regarding having a conversation with the residents on the Bloomfield Ave project. Back in January in 2020 I had sent an email to the mayor and council about a presentation about the redevelopment plan and concerns I had for it. Why is the Council all the sudden concerned about hearing from the residents?

Councilwoman DePalma-Iozzi said the redevelopment plan was just presented to us. We contract out to experts to get information on projects. We heard the presentation for the first time when the public was.

Ms. Gurriere said she has had a very hard time getting their feedback heard by the Mayor and Council on numerous occasions. Only head feedback from their neighbor, Councilman Lace, who has been very helpful. Have listened to all presentations and have legitimate concerns about the traffic and redevelopment plan. We have been paying for all of these studies and should have had responses before this.

Mayor Kelley asked if Ms. Gurriere feedback from Councilman Lace

Council President Gates - Just want to clarify that the Redevelopment Plan email from 2020 and the Realignment of Bloomfield Ave are 2 separate things, that I think are being referred to in this conversation. In 2020 the Bloomfield Ave project was not being discussed that early.

Ms. Gurriere said that the realignment was mentioned during the redevelopment process in 2020.

Council President Gates said that it is important to note that we were forced into doing something to respond to the 2015 Council's failure to file paperwork with the state. Because of that we have obligations that have to be met one way or another. We had to settle the builders remedy lawsuits and make a plan to meet the town's affordable housing requirements. Redevelopment allows for the town to control developments.

Jack Gordon, Council for Calandra's at 34 Bloomfield Ave. I understand within the next couple of weeks there will be a presentation about the demolition plan for at least a portion of the Community Center. Is that going forward without community input.

Mayor Kelley said that bid specs are going out to bid and will be approved by the Council when ready. I doubt they will be presented for the Borough Hall and Library at the next meeting.

Councilwoman Buechner said that the community center is a selective demolition, mostly interior.

Mr. Banker said he hopes to present selective demolition contract to the council at the next council meeting. It is not knocking down the community center. Sometime after would be a total demolition or the Borough Hall and Library buildings.

Councilman Cole asked if Mr. Gordon is concerned about traffic during the demo period or impact on the facility.

Mr. Gordon said that he is concerned about, on behalf of client, the unfettered ingress and egress to Calandra's during each process. My client has the right to go through Mascari Lane onto Provost so that customers can access Bloomfield Avenue. Opposed to any plan that would prohibit residents from visiting Calandra's Italian village and exiting comfortably westward on Bloomfield.

Mayor Kelley said that we have committed to you or Anthony Calandra that we will reach a happy median to solve this issue, which will probably involve allowing for traffic to be directed on both directions on Bloomfield Ave

Mr. Gordon just wanted to make it clear to the Council and the residents that Calandra's is a very pro Caldwell Business and wants to make sure his business is not negatively impacted though this process.

Mayor Kelley said that we absolutely are thankful to Anthony Calandra and his family for their support of the Borough of Caldwell, and want to maintain their support and commitment to Caldwell.

Councilman Lace commented on Ms. Gurriere's prior comment, stating that her email was sent on January 16, 2020 and he did respond that same day.

Nick Correale, 27 Westville Avenue. Concerns about the traffic realignment and commends those on Brookside Avenue who voiced their concerns. Taking the left turn away on Westville would be very inconvenient and would cause concern. A lot is happening at once. The new proposed building seems very big and would be best suited to sit back a little further of Bloomfield Ave. How dramatically is this going to impact taxes, and by how much will our taxes be going up. Happy to see meetings will resume in person.

Mayor Kelley said the square footage of existing is 8,802 library 6,540. Proposed municipal complex is 27,000. Attic of roughly 26,000 sq ft. on the proposed building. The new proposed building would meet the required square footage for this building type and all the necessary capabilities.

Mr. Correale understands the new ADA compliance that the building will happen, but don't see why it has to be dramatically larger. I don't understand why the library and offices need 2 floors. Understand that the police need their space. Are you doing anything to build this as a green building? I mostly care about how this is going to impact taxes and our family's ability to continue to thrive in Caldwell.

Councilman Lace said that he does not think we have gotten a figure as to what the property tax will be. We know the interest rates that were locked in when the Borough borrowed.

Councilwoman DePalma-Iozzi said the architects we have hired are going to incorporate as many environmentally friendly processes as possible without calling us a Leeds building

Council President Gates said that interest rates are rising this year, and from a financial perspective we are actually saving the borough money by borrowing when we did, had we waited it would have cost more.

Shep Wescott, 33 Brookside Avenue. Did you investigate building the new town hall where the old parking lot was. I have reached out regarding the brook culvert in front of my house. My front yard is sinking because of the water coming in there. The town is looking to buy property for catch basins. Are you going to do anything to alleviate the flooding issue on Brookside Ave.?

Mayor Kelley said that the parking lot was ruled out. Detention system at Smull is definitely part of the plan once we relocate to the new borough hall. The problem you are experiencing, we need to get our engineer and DPW out there to determine whether or not you are compromised

Mr. Wescott said that he has reached out about that at the last storm and nothing was done.

Mayor Kelley said we will get the Borough Engineer and DPW Director to get over there this week.

Councilman Cole asked Mr. Wescott to send the Council his contact information so we can be in touch

Shawn Rudden, 31 Francis Place, follow up on a question regarding the sewer billing. When were we going to be notified that there was no update to when the new methodology would be put in place? Many of the points made about the banks are irrelevant. Paper is needed in the marketplace. Essex County is of more interest than Caldwell, to outsiders. I would ask that you are careful as to how we are going to borrow money. Pitfalls in communication with the Council and Administration. Must communicate better. Why are we now looking for public's opinion on these projects? We are not being informed in a timely fashion, regardless of the project. Communication must improve regardless of who is in charge.

Mayor Kelley said that the plan was to discuss the sewer billing this evening.

Councilman Lace said that he plans to bring a motion to the council in new business to address the communication.

Councilwoman DePalma-Iozzi mentioned that the newsletter is a source of information. Will have a resolution addressing communication

Councilwoman Buechner reminded everyone that the newsletter is also on the website if you do not get it in your email

Christine Corliss, 72 Smull Ave. agree with all the previous callers. Why are we demolishing the buildings before we have approved plans? Why are we cutting all of the trees down now? 1.18 square mile town why do we need such a big and expensive building? Why are we even talking about the realignment of Bloomfield Ave with everything else we have going?

Council President Gates said that it is my belief that those buildings should not be demolished until there is a final plan in place, my voting record should go for that. Would not vote for the demo of library or borough hall until we have a final plan. Tree issue, sympathize. We do have to acknowledge the trees do not always have a positive impact on the underground infrastructure like water and sewer lines. Part of our plan is to replace trees that are taken down.

Ms. Corliss - have we identified that they are causing issues or anticipating the issues.

Mayor Kelley asked if she was talking about the ones on Smull those needed to come down. The trees on Hillside and Crane are compromising the sidewalks, and roads and need to come down. We did send out letters to all properties in the affected area, and sent out the tree policy. Gives residents the opportunity for the Borough to plant a tree inside their property to replace the ones being removed. The vote at the last Council meeting was for the design of the new buildings. Once the bids are received, the Council will then vote on the demolition of the current Borough Hall.

Councilwoman DePalma-Iozzi said that exactly half of the building is police requirements, that they must have to bring them up to date. Caldwell Police has failed previous reviews of the building. Library is on 2 floors, the 3rd floor is the Court Room, and the 4th floor is for municipal offices. This will be a state-of-the-art building for this town. The Court also has requirements that we do not meet now, but will be able to meet in this new building.

Councilman Lace said that there are areas in town where trees uproot the sidewalks to a fairly dangerous level. The paving of our streets can't be impeded by large trees that were planted in between the sidewalks and the streets. The Council simply does not know if we can get by with a smaller building or a building at an alternate location.

Ms. Corliss asked Update on the land swap

Mayor Kelley said that there is no update because we are still waiting to hear from them.

Tim Lally, 21 Brookside Ave. thank you for reading my letter. Essex county has 22 communities and we are the smallest in size. We are 17 out of 22 in population wise. What is the cost of the new building? Soft costs 10-20 million I have heard. Did the traffic surveyors contact the fire department in regards to what their response will look like with this new alignment?

Mayor Kelley said that he doesn't believe the final cost has been stated until we have final designs.

Mr. Banker said there is no site plan documents at this time.

Mayor Kelley said we do not have a final cost at this time. In regards to the fire department, Dynamic traffic has to study that aspect and report on how that will be affected.

Mr. Banker said a successful plan would absolutely have criteria to preserve emergency vehicle access.

Councilman Lace said he agree with those criteria.

June Cowell, 29 Brookside Avenue. Back when the storm in September raised our sidewalks and eroded the ground underneath. I never did hear a response back and would like to have more information on that. How would we go about making them aware of this damage?

Mr. Banker said that Mott MacDonald is our consultant on this, and John Dening is leading that. If June and John can get in touch, and review this scenario.

Mayor Kelley said that he will send June, John, Mario, and Shep and email about this so we can get started.

Councilwoman DePalma-Iozzi said that she has spoken with 2 other citizens who have photos and videos from orchard square. Can you send me information on how they can get their photos to Mott MacDonald.

RESOLUTIONS – 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.

5-124	RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of April 19, 2022
5-125	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 04/19/2022 THROUGH 5/2/2022 IN THE AMOUNT OF \$ 710,672.46
5-126	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –GROVER CLEVELAND PARK CONSERVANCY- OFF –PREMISE-MERCHANDISE RAFFLE
5-127	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –GROVER CLEVELAND PARK CONSERVANCY- OFF –PREMISE-MERCHANDISE RAFFLE
5-128	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –GROVER CLEVELAND PARK CONSERVANCY- OFF –PREMISE- CASH RAFFLE
5-129	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –GROVER CLEVELAND MIDDLE SCHOOL HSA - OFF –PREMISE- CASH RAFFLE
5-130	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –FIRST PRESBYTERIAN CHURCH AT CALDWELL- ON –PREMISE-CASH RAFFLE
5-131	A RESOLUTION TO SET THE BLOOMFIELD AVENUE REDESIGN PROJECT IN DATA GATHERING AND PROPOSAL STATUS

5-132	RESOLUTION TO ESCHEAT TAX SALE PREMIUM CERT #17-00013
5-133	RESOLUTION AUTHORIZING TAX COLLECTOR TO PREPARE AND ISSUE ESTIMATED TAX BILLS FOR 3RD QUARTER 2022 TAXES
5-134	RESOLUTION FOR RECONSIDERATION OF RESOLUTION 4-108 REGARDING THE ISSUE OF RECREATION CANNABIS SALES IN THE BOROUGH OF CALDWELL
5-135	RESOLUTION TO AMEND RESOLUTION 6-154 TO INCREASE THE MAXIMUM AMOUNT TO \$41,500
5-136	RESOLUTION TO AMEND RESOLUTION 9-213 TO INCREASE THE MAXIMUM AMOUNT TO \$40,750
5-137	RESOLUTION TO AMEND RESOLUTION 1-30 TO INCREASE THE MAXIMUM AMOUNT TO \$200,000

A motion to remove resolution 5-131, 5-134, & 5-137 from the consent agenda for separate consideration, was made by Council President Gates and seconded by Councilman Lace. Upon a voice vote, all members voted in the affirmative. Resolutions removed from consent agenda 5/3/2022.

A motion to approve the consent agenda as amended, was made by Councilman Cole and seconded by Councilwoman Buechner. Upon a voice vote, all members voted in the affirmative, with Councilman Lace voting no on resolutions 5-135 & 5-136). Consent agenda passed 5/3/2022.

A motion to approve resolution 5-131 was made by Councilman Cole and seconded by Councilman Lace. Discussion ensued. Upon a roll call vote, all members voted in the affirmative with Councilman Alonso voting no. Resolution 5-131 passed 5/3/2022.

A motion to open discussion on resolution 5-134 was made by Councilman Gates and seconded by Councilwoman Buechner. Discussion ensued. A motion to table resolution 5-134 was then made by Councilwoman Buechner and seconded by Council President Gates. Upon a roll call vote, all members voted in the affirmative. Resolution 5-134 was tabled 5/3/2022.

A motion to approve resolution 5-137 was made by Councilman Buechner and seconded by Council President Gates. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Resolution 5-137 was approved 5/3/2022.

NEW BUSINESS

1. Councilman Lace – Communication Policy

A motion to approve the proposed communications resolution was made by Councilman Lace and seconded by Councilman Alonso. Discussion ensued. Upon a roll Call vote, all members voted in the affirmative with Councilwoman DePalma-lozzi abstaining from the vote and Councilman Cole voting no. Resolution passed 5/3/2022.

COUNCIL COMMITTEE REPORTS

Borough Council Members

1. Councilwoman Buechner- Senior Services

- The Grover Cleveland senior center will have a viewing area of the memorial parade, in front of the Methodist Church
- Board of Health received a flyer on the Plastic Bag Ban, which is up on the Caldwell website.

Councilman Alonso- Communication issue

- If you look at our past meetings you hear from residents asking for governing body members to respond to them. This is not addressing the wonderful staff of the Borough Hall employees.
- Cole then we passed the wrong resolution and the resolution should have been addressed to us and not the Borough employees.
- Lace - goal was to establish a process that would be equal accords the board.

Councilman Lace Thanked all the organizers of the Caldwell Restaurant week.

Councilman Alonso asked Mr. Banker about the status of paving Miller Street.

Mr. Banker said that Miller Street is in the schedule to be paved in the next few weeks. Milling tomorrow of Harrison, Hillside and crane. Within the next two weeks Miller and a couple other streets will be done as well.

Councilman Alonso asked if there is a list we can provide?

Mr. Banker said that there is a list, and it is based on the status of where the sidewalk and curb work.

Councilman Lace said that the list on website under Municipal Documents

REPORT OF THE MAYOR

John Kelley

ADJOURNMENT

EXECUTIVE SESSION

Closed Session

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.

A motion to go into executive session was made by Councilwoman Buechner and Councilman Alonso. Upon a voice vote, all member votes in the affirmative. The Council left the public meeting and entered executive session at 10:13pm.

There being no additional business to be conducted, a motion to close executive session and adjourn the public meeting was made by Councilman Alonso and seconded by Councilman Cole. Upon a voice vote, all members voted in the affirmative. Meeting adjourned at 11:03pm.

Prepared by: Brittany Heun
Brittany Heun, Deputy Borough Clerk

5/4/2022
DATE