

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES- May 4, 2021**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order on Zoom at 7:15 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

March 23, 2021

Moved by Councilman Lace and seconded by Councilman Gates. Upon a roll call vote, all voted in the affirmative. Minutes approved 5/4/2021

April 20, 2021

Moved by Councilwoman DePalma-Iozzi and seconded by Councilman Cole. Upon a roll call vote, all voted in the affirmative with Councilman Lace abstaining. Minutes approved 5/4/2021.

Mayor Kelley announced that he has meet with Kiwanis and the Rotary, and they are planning on proceeding with the October 2021 Street Fair. They have gotten approval from the County, and they encourage the community to get vaccinated so we can have events like the Street Fair again.

COVID-19/OEM COMMUNITY UPDATE

Mark Giuliano

- Numbers are going down, only 7 new cases this week.
- Transmission rate is down to .57
- Over 53% of New Jersey Residents have their first dose of the vaccine
- Governor has been relaxing many of the restrictions that have been in place
- Please continue to be respectful and vigilant

REPORT OF COUNTY LIASON

Patricia Keenan

Patricia Keenan Reported

- The County is closing 3 of their vaccination sites due to a decrease in need for the vaccinations
- Johnson & Johnson is being offered by the County again
- Testing sites are still in operation
- COVID Call center will be reaching out to individuals who did not put their insurance information when signing up for the vaccine. If you do not have insurance, that is fine, but they will be billing those with insurance
- Turtleback Zoo is open at this time.
 - County is looking to do some special events, so check the website for updates

Councilman Gates asked if there are any stats on the % of people in Caldwell that have received the vaccine through the County? Patricia suggested reaching out to the Health officer or the Caldwell Specific numbers from the State. Mark Guilliano said that he has been checking in on this with Mike Fitzpatrick, and he is working on getting those number.

Councilman Lace asked when the sites are closing? Patricia said that they are no longer offering 1st doses, only 2nd doses. Should be closed by the end of May.

OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC

Robert DeRosa, 24 Hanford Place. Concerned about the parking meters in front of the homes on Hanford. The residents often get ticketed parking in front of their own homes, and their guests get ticked as well. One solution that had been raised was for parking permits, but these permits have personal information that he is not comfortable having out in the open. Each home only gets 1 parking card, which is not ideal when many households have more than one residents and more than one car. There must be a better solution to this issue. We want to have the same parking abilities as our neighbors on surrounding streets.

Mayor Kelley said that there will be parking issues being brought up during New Business tonight. Looking into new technology to replace parking meters, and solutions to allow residents to park on their streets without incurring parking costs.

Charles Marisca, 24 Dorset Circle. Representing the Fells Manor Condominium Association. Process began with the previous administration and continues today. Concerns with the infrastructure and drainage issues on Beekman Hill Road, and do not feel like we should be responsibility of its' upkeep. Dorset Circle, and Fells Manor Road are completely

taken care of by the condominium association. Prepared to share the work that must be done, and to meet with Mayor and Council regarding what needs to be done.

Mayor Kelley said that there is a resolution for engineering services to identify the work and costs associated with repairs on Beekman Hill Road. Hoping to have a short call on Thursday to discuss Thursday.

Tom Banker said that both Glenn Beckmeyer and Mario Bifalco went to inspect hose catch basins on Beekman Hill Rd. They found them to be much deeper than most municipal catch basins. Repairs will require excavation, and much more work due to the unique depth.

Mr. Marisca asked if they could be covered in the meantime so that someone doesn't fall in them?

Tom Banker said that he would consult with Mario in the morning.

ORDINANCE FOR SECOND READING AND ADOPTION

ORD #1410-21 AN ORDINANCE AMENDING THE BOROUGH OF CALDWELL REDEVELOPMENT PLAN IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL REDEVELOPMENT AND HOUSING LAW

Mr. Banker briefly went over the amendments saying:

1. The municipal improvements that are contemplated for the Borough, i.e. borough hall, ccc improvements, etc, would allow for them to be financed through redevelopment process.
2. Codify the ability to have non-residential uses on the side streets of downtown Caldwell. Conforming to the existing boundaries. Would allow for the Mayor and Council to determine if future shops wish to go in on those side streets within those boundaries.

Councilman Cole said that he would hope that while the Council has the power to allow businesses to move onto the side streets, they would determine all factors like noise and of Bloomfield Ave business on the side streets.

Phil Abramson said that these would require redevelopment projects, and would allow for a new and usage. Redevelopment project would mean significant upgrades, to an existing project.

Councilman Lace read a memo he received from the Planning Board Attorney, regarding their review of the Redevelopment Amendment Ordinance. Can you speak to those comments that you had made at the Planning Board?

Phil Abramson said that his comments were a longer version of what Mr. Banker already said. The Board was tied and Mr. Trembulak did what he could to get a resolution to their decision. This is a case-by-case scenario, and allows for the Mayor and Council to take it as such. The Master Plan does not have to specifically spell out every possible scenario that may arise, and it cannot possibly function that may.

Tom Banker said that there is a difference between specific opinions rather than net opinions. This memo seems to say what the opinions of the board was, but not the reasons behind their options. The Governing Body needs to get the input from the Planning Board, but they do not need to follow it. They can accept it, deny it, or modify it.

Councilman asked about the distinction between retail and professional planning? What would be your definition of corridor?

Phil Abramson said that commercial is a broader subset of real property, and retail in a subset of commercial. Commercial is a broader term for non-residential uses, while retail is much narrower. Retail has certainly changed in the last 18 months and is less limiting now. Certain uses would be possible and would be beneficial to Caldwell.

Councilman Lace asked about comments made in the summary that Topology had submitted earlier. Would adopting this provision prevent us from 100% impervious coverages for certain areas.

Phil Abramson said that the Mayor and Council would not be prevented from going forward with any parking projects because it is a principal use.

Councilman Gates most of this stems from a bike shop wanting to move into the lower section of 16 Park Ave. When you say significant upgrades, would this be upgrades to the inside or the outside of the building. That property specifically is around a couple industrial looking buildings, but it is a residential looking building.

Mayor Kelley said that the site plans would come before the Mayor and Council so those decision would be made at this level first, correct Phil?

Phil Abramson said that in Caldwell we allowed the overlay in specific situations, so the local owners wouldn't have to go through the whole redevelopment process to simply change a sign on their building. The standard that we used, is already in place. Minor changes do not require a site plan, i.e. signage or façade improvements. Did not want to deter business to changing their existing building due to the redevelopment process. A redevelopment project would be if someone were to demolish a building and put a new and improved building

Council President Schmidt asked if Phil could give an example of other towns that have done this side street changes in the area.

Phil said that there certainly are places all over where there are retail stores, or café, scattered amongst residential areas. There are many multi commercial corridors in towns around Caldwell and further out.

Councilwoman DePalma-Iozzi said that as a resident of one of these side streets she has been trying to get a picture of what this could look like. Maybe we could recommend what we would not allow to go onto these side streets. There has always been a little deli, flower shop, and a cleaner just a few houses down, and we have always used them.

Phil Abramson said that it allows for a quaint little addition to the neighborhood.

Councilman Lace said that this would allow for something that he has always wanted to see in Caldwell, which is a Bed & Breakfast to support tourism in town.

Mayor Kelley said that we have a great responsibility to our tax payers to make these decisions in to better the Borough.

Motion to adopt Ordinance 1410-21 was made by Council President Schmidt and seconded by Councilman Rodgers. Upon a roll call vote, all voted in the affirmative. Ordinance adopted 5/4/2021.

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.

- 5-121 AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD FROM 04/20/2021 THROUGH 05/03/2021
- 5-122 RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of May 4, 2021
- 5-123 RESOLUTION AUTHORIZING THE APPOINTMENT OF SIGNAGE COMMITTEE MEMBERS
- 5-124 RESOLUTION AUTHORIZING THE ISSUANCE OF CALDWELL COMMUNITY CENTER REFUND IN THE TOTAL AMOUNT OF \$450 TO INGRID BONAPACE
- 5-125 RESOLUTION TO APPROVE THE BOROUGH OF CALDWELL'S LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CONTRIBUTION OF \$17,250 FOR THE YEAR 2020 FOR THE CALDWELL VOLUNTEER FIRE DEPARTMENT
- 5-126 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 AUTHORIZING THE ISSUANCE OF A PERMIT FOR PEDDLER LICENSE OR IN ACCORDANCE WITH APPLICATION BOROUGH CLERK'S OFFICE - Coney Island Wood Fired Pizza
- 5-127 RESOLUTION AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #17-00009, BLOCK 41, LOT 10.04, 62-64 PARK TERRACE NORTH, CALDWELL, NJ 07006
- 5-128 RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS IN THE TAX OFFICE
- 5-129 RESOLUTION AUTHORIZING CONTRACTS WITH BECKMEYER ENGINEERING FOR ENGINEERING SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS WITHIN THE BOROUGH OF CALDWELL
Mr. Banker spoke to Resolution 5-129
Councilman Gates asked if the stimulus will go towards any of these infrastructure projects. Tom Banker said that the infrastructure plan actually gets approved, we will be prepared to ask for assistance for these projects.
- 5-130 RESOLUTION TO AUTHORIZING SUPPLEMENTAL TEMPORARY APPROPRIATIONS FOR CALENDAR YEAR 2021

Motion to vote on the consent agenda was made by Councilman Gates and seconded by Councilman Rodgers. Discussion ensued. Upon a roll call vote, all voted in the affirmative. Resolutions in the consent agenda passed 5/04/2021.

RESOLUTION

- 5-131 RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH BECKMEYER ENGINEERING, P.C. FOR EXAMINATION OF CONDITIONS AT FELLS MANOR

Motion to adopt 5-131

1st: Gates's 2nd: Cole

Discussion

Councilman Gates brought up the history of the property in question. He mentioned a statute of limitation for when the homeowner's association could possibly sue the builder, which is 6 years. When a new property is built there are typically performance bonds that are done, and those records may not still be available. Asked if there are any outstanding performance bonds that can be used to finance this or if there is a way to find out if there are any outstanding bonds?

Tom Banker said that if there was a bond posted, we would have records between the Finance and Building departments, and I would bet there is not bond. Because it was substandard, the professionals and Mayor and Council of that time told the builder they would not accept it. The builder wanted to go through with this when Caldwell would not allow for the sewer connection, so theirs is sent to Verona. Caldwell then pays a fee to have their sewer get processed through Verona. The developer did those things, but then offloaded the responsibilities to the individual purchases over the last 35 years. The current owners are looking for the Borough of Caldwell to help them undo what was put in place 35 years ago. The borough can do a Special Assessment for improvements, where the individuals would help to cover the costs over time.

Council President Schmidt asked what would happen if we otherwise Glen to do all this work and the Homeowners Association decide not to go through with this, would we be able to get the funds back.

Tom Banker said that should that scenario take place; we certainly could request to get those funds back.

Mayor Kelley read the resolution into the record.

Motion to adopt resolution 5-131 was made by Council President Schmidt and seconded by Councilman Gates. Upon a roll call vote, all voted in the affirmative. Resolution adopted 5/4/2021

NEW BUSINESS

Mayor Kelley - Hanford Place Parking

- Bag the meters on Hanford Place and put in place 3-hour parking on that section. Parking would be enforced during the day and would not be enforced after 6pm.
- Councilman Gates asked if this was only taking place in front of the Residential homes, which Mayor Kelley confirmed
- Council President Schmidt asked what the status of parking enforcement. Tom Banker said

- Our parking enforcement officer was furloughed during COVID and chose not to come back when asked. The Police do monitor the parking, but it is not as rigorous as it has been in the past.
- We will have to take a look at parking and parking enforcement as the Governor loosens restrictions.
- **Council President suggested revisiting the parking permit option for certain areas which could include Hanford Place**
 - Tom Banker said that he feels that the entirety of our municipally managed parking needs to be overhauled. October 1st would be a start date of the new parking system.
- **Councilman Lace asked if it would be prudent to bag all meters in front of residential homes until the new parking plan is in place**
 - Tom Banker said that because of COVID parking has not been a top priority.
 - Mayor Kelley said that it does make sense at this time, and think it is a great idea
 - Councilman Lace thanked Mr. DeRosa for bringing this to his attention, and for staying on top of this issue.
 - Mayor Kelley said that we do need to do something about the parking pass in the window, that needs to change.
- **Motion to adopt a resolution that says metered parking only in front of homes will have bags placed on them until at least January 1, 2022 and in place there will 3-hour parking put in place Moved by Councilman Lace and seconded by Councilwoman DePalma-Iozzi. Upon a roll call vote, all voted in the affirmative.**

**Councilman Cole -
Hatfield Street Stream**

- Took a look at the stream along Hatfield Street and has concerns about those streams and damages done from other projects. Catch Basins were not done properly.
- Council President Schmidt would agree with the desire to investigate this further with North Caldwell and the County.
- Tom Banker said that we had discussed this with North Caldwell in the past and were assured that the issue would be fixed, but that has not yet happened. The paving just needs to be finished, and then the drainage issues should be fixed.

Frequent Robo Calls from Social Security

- Weekly calls
- Reached out to Chief Bongiorno to see what kind of warning or procedures he would recommend. Councilman Cole read Chief Bongiorno's advice. An official agency would not call an individual to get this information. Any official business would be done through mail. Any resident that has concerns about a call they receive, they are encouraged to get all information possible about the caller, and relay that information to the Police Department. The Detective Bureau can investigate the callers.

Councilwoman DePalma-Iozzi

- The Rain Garden Webinar that was given last week offers a solution to collecting rain water.

COUNCIL COMMITTEE REPORTS

Borough Council Members

Councilman Cole – Local Assistance Board

- Local Assistance Board
 - Thanked Maria Burak for adding new information to the Caldwell Website, which can be found on the News & Notices section of the website.
 - The Welfare Fund is separate from the Caldwell Food Pantry
 - Please consider making a donation

2. Councilman Lace – Grover Cleveland Birthplace Memorial Association/ Caldwell University

- Grover Cleveland Birthplace Memorial Association
 - Construction on the visitor center is about 97% complete
 - Hoping to open in late July
- Caldwell University
 - Meeting hosted by President Whelan to share the University's vision for the future

3. Councilman Gates - Camp Wyanoke

- Camp Wyanoke
 - The lake has been stocked and is ready for fishing
 - It is open for hiking, cabin rentals, etc.

REPORT OF MAYOR

John Kelley

We are moving forward with the planning of the Caldwell Street Fair, with the Rotary and Kiwanis for October 2021.

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

Thomas Banker reported:

- The parking deck has come down
- Meeting with CFO to go over budgetary predictions.
 - Hopefully will be able to introduce at the next meeting or the meeting after that
- Bond Ordinances will be coming regarding the redevelopment amendments that was approved tonight.
- Survey activity around provost square is underway.

Mayor Kelley mentioned the flower watering services with Verona will be taking place again this year. Tom Banker said there will be a resolution on the next agenda approving this

Vince Nuzzi reported:

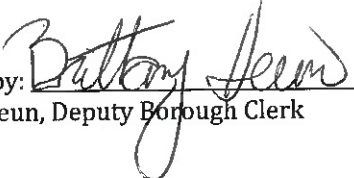
- We have not purchased 24 Smull Ave
- Geary matter is still underway
- PBA Litigation was today

Councilman Gates asked if the residents are out of 24 Smull. Mr. Nuzzi said that yes, the previous owners are out of the residence.

ADJOURNMENT

Councilwoman DePalma-Iozzi gave a shout out to the Caldwell - West Caldwell teachers this Teacher Appreciation week.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilwoman DePalma-Iozzi and seconded by Councilman Gates, and unanimously affirmed by all members present. The meeting was adjourned at 9:39PM.

Prepared by: 
Brittany Heun, Deputy Borough Clerk


DATE