

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE SPECIAL MEETING
MINUTES – May 5, 2020**

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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, Council President Schmidt, Councilman Rodgers, Councilman Cole, Councilman Lace, Councilwoman DePalma-Iozzi & Councilman Gates

ALSO PRESENT: Deputy Clerks Brittany Heun and Kim Conlon, Borough Administrator, Thomas Banker, Borough Attorney, Vincent Nuzzi, Police Chief James Bongiorno, Fire Chief Andrew Pollara, Health Officer Mike Fitzpatrick, Director of Health and Human Services, Maria Burak, OEM Officer Mark Guiliano,

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 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 ALLIGENCE

APPROVAL OF MINUTES

April 21, 2020

Moved by Councilman Lace, seconded by Councilman Rodgers. No Discussion. On roll call, all voted in the affirmative. Minutes approved 05/05/2020.

COVID-19 Update

Mayor Kelley reminds residents to please dispose of protective gloves and masks properly

- OEM Officer Mark Guiliano
 - It is has been 50 days since Caldwell issued an emergency declaration
 - Gathering Data, Tracking the disease
 - Caldwell has 100 Positive cases and 7 Deaths
 - Tried is continuing to trend downward
 - West Essex First Aid Squad Captain Dave Black, has said that for the first time things are starting to slow down for the Squad
 - Please be aware that mental health crisis may will start to increase
 - Social distancing
 - Wear a face mask when out in the community
- Councilman Lace
 - Asked Mark to address what an emergency declaration means to the public who may not know exactly what it entails.
- Mike Fitzpatrick - Caldwell Health Officer, serving and also working in Bloomfield as well as Caldwell
 - Him and his staff have been working with Maria and the Health Department for about 11 years
 - Spoke about what the Health Department does
- Maria
 - Thanks to Mike and Bloomfield for all their help
 - Encourage people to use masks and gloves and be vigilant
 - Food Pantry has received \$7,000 in donations and a lot of food donations
 - Gave out 55 bags of food
 - Thank you to everyone for helping the food pantry and supporting it at this time
- Chief Bongiorno
 - Grover Cleveland Park
 - Park reopened past Saturday
 - Face covering and social distancing still needs to be used
 - Passive recreation only
 - Town
 - Please do not use the streets to avoid other pedestrians
 - Vehicle Traffic
 - Increased vehicle travel
 - 90,000 this past week, the prior week was 72,000
 - Face masks and gloves need to be disposed of properly
 - Littering
 - Unnecessary exposure
 - Smith Center for Infectious Disease
 - Free COVID-19 Testing
 - First responder test
 - DPW and Borough Employees were also tested
- Chief Pollara
 - Thanks for allowing the fire department to participating in the free COVID testing

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- Calls have been down a bit
- Chief officers going on general calls

Caldwell Community Center Comments

- Mayor Kelley has read the statement sent out on April 28th.
- CCC Task Force:
 - Mayor Kelley, Council President Schmidt, Mr. Banker
 - Town Hall meeting for the CCC on May 21 at 7pm
 - Encourages the public to join that meeting to voice any and all opinions and thoughts
- Council President Schmidt

I've spent the better part of last week responding to many emails regarding the closing of the Community Center. Unfortunately, and with poor judgement, many rumors were spread and an email was sent to members via Community Pass on April 27. They were not 100% factual, did not express the reasoning behind the decision and created a great deal of stress and anger in our community at an already stressful time. The Borough has worked hard this past week to communicate to members and to the community via our website and social media. Hopefully this information has helped create a better, more accurate understanding.

There may be many people attending this meeting in response to that. Please be aware that there will be a Town Hall on May 21. We will continue to answer questions you send us via email. Please understand that we have many regulations surrounding our activities on Facebook. If you have questions, the best way to reach out is email.

The many emails I have received could be broken down into several areas: those who want refunds (the majority), those who have swimmers and are concerned about their options, summer camp participants, long time members who consider the CCC a home away from home. Regarding memberships, we are working on refunds for programs, membership will be prorated and will take a bit longer to figure out. Those were the easy questions. For all the others the best I could say is we're working on it and we are working on a solution.

I'm not going to waste time rehashing what has already been published to our website and posted on the Borough FB page. What I will stress is that this was not any kind of backroom deal as some have gone so far to assert. The decision to close was an administrative one similar to the many difficult choices we've had to face such as closing Borough Hall to the public or finding a way to keep the Borough at work while maintaining social distancing. The difference with the CCC closing is that this one impacts many of our residents as well as people from our surrounding communities. What they have in common is that we are trying to follow public health requirements.

Many people have reached out questioning the January date. None of us have a crystal ball to tell us when it will be safe to open. There are still so many unknowns and nobody in this room can claim to say they have vast experience in dealing with pandemics. We have to act in a measured way, working with parameters such as:

- *The guidelines and restrictions from the state and federal governments regarding physical distancing*
- *New guidelines and restrictions from the state and federal government regarding fitness facilities*
These guidelines will most likely be driven by
- *The existence of effective therapies for COVID-19 and when they will be available*
- *The reliability and availability of testing, along with effective tracking and tracing*
- *Ensuring we have the ability to run this kind of business model while maintaining physical distancing.*

In addition to these important health and safety issues, we are also facing major financial problems at the Community Center. The Task Force is being formed in order to review the questions I just brought forth as well as the future financial viability of the Center.

As for myself, I want to get back into the pool and back to the classes at the CCC. I want to thank the staff of the CCC for their dedication. I look forward to working with the task force and will not hide my intention which is to do all I can to see it come back while respecting hard earned tax dollars.

- Councilman Lace

The Caldwell Community Center (CCC) holds both tangible and intangible value for Caldwell, our area schools, and surrounding communities. It has added so much to the quality of life in our Borough since its opening in 2001. As members, my family and I also have a first-hand appreciation of its importance. The original decision to close the CCC on March 13th was based on public health restrictions established by the Executive Order of the Governor. The administrative decision to extend that closing until January 1, 2021 was based on the forecasted budgetary impact of those restrictions on its financial health and the municipal budget.

The CCC was originally designed primarily to be a self-sustaining utility with a majority of its funding coming from membership fees, not tax dollars. Therefore, it is not like other taxfinanced services such as public schools, public works, and police & fire departments, none of which require additional membership fees in order for taxpayers to receive their benefits. There are some services the CCC offers to all taxpayers such as a public meeting place, a space for polling locations, and the hosting of senior services, but these are a small percentage of its overall operations. Ideally, the funding

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formula of the CCC should reflect the percentages of these categorical differences. For example, if 90% of CCC operations require a paid membership and 10% are free to the public, then 90% of CCC funding should derive from membership fees and 10% should derive from the municipal budget.

However, the original bonds for the CCC are still outstanding and have been refinanced twice. More recently, the balance of funding for the CCC has not kept pace with the financial demands of necessary maintenance. For example, in June of 2018, the Borough Council passed Ordinance 1353-18, which appropriated \$300,000 of taxpayer money for improvements to the heating, ventilation and air-conditioning systems and the replacement of the pool heating unit. This was unfortunately necessary because those costs could not be funded from user fees. However, later that same year, the mere rumor of an increase in member fees enough to inspire an entire group of members to publicly oppose any increase at the October 2nd Council meeting. Such imbalances in funding are not fair to the taxpayers of Caldwell nor sustainable for the long-term success of the CCC as a utility.

It is clear to me that the CCC requires an extensive public discussion so that residents can better understand its purpose, funding history, and current challenges, and so the Council can arrive at a consensus for the best way to secure its future. To that end, the Borough Council is planning to host a Virtual Town Hall in the next few weeks to allow residents to learn more about the financial realities of the CCC and its future challenges. In addition, a CCC Task Force will soon be appointed by the Mayor and will be providing input by June. I will request that the Task Force take the following actions:

- 2) Examine the original financial model of the CCC as a self-sustaining utility, the degree to which it has been historically implemented, and the current and projected feasibility of that model.*
- 3) Develop a funding formula that is consistent with the percentages of its categorical services offered as described above, including the development of published standards and thresholds for future maintenance and operations, as well as contingency plans should those standards not be met and those thresholds exceeded.*
- 4) Draft essential language for an ordinance to be voted on by the Borough Council that explicitly establishes the CCC as a utility and includes the aforementioned funding formula, published standards & thresholds, and contingency plans for amendment to the Caldwell Municipal Code because, unlike the sewer utility, there is no explicit authorization of the CCC in any form currently in the Municipal Code.*

The Council must address these issues, and we will. Whether it is swimming, aerobics, senior services, summer camp, birthday parties, public meetings, or any other of the many activities it provides, the CCC is vital to its members and the Caldwell experience. I will do everything I can to ensure that the CCC reopens as soon as possible before 1/1/2021 in a way that prioritizes public health, is fiscally responsible to the taxpayers of Caldwell, and sustainable for all its members.

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- Councilman Cole
 - As a Charter Member it has been very important to me and look forward to the day the CCC reopens in a way that is safe and fair.
 - Reviewing the candidates for the CCC Task Force
 - To represent the diversity of the residents of Caldwell
- Councilman Gates
 - Finance Committee member
 - There have been discussions to lower property taxes
 - COVID-19 has been a bit of a hindrance to the Borough Budget
 - Trying to take as many burdens off the shoulders of our residents
- Councilman Rodgers
 - As a non-member I recognize the importance of the CCC and am confident the CCC Task force will come to a decision that we all can get behind
- Councilwoman DePalma-Iozzi
 - The Task Force is a good idea to figure this all out
 - Have been in contact with many residence
- Mayor Kelley
 - As a long time member he understands the importance of the community center
 - Thank you to the CCC Staff : Rosemarie Sutherland, Joanne VanDien, Theresa Camilleri, Shannon Corinne, and Gordon Lawshe

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- Mr. Banker
 - Refund Process
 - Summer Camp refunds are top priority
 - By end of day today we were able to identify and prepare the refunds to all those registered for the summer camp and for those whose memberships were specifically made for camp
 - Hopefully the checks will be sent out by May 12th

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

- **Robert Colaizzo**, asked if the tax deadline will be extended immediately. The Mayor said that it will be put into immediate effect
- **Barbara Beuchner, 7 Park Lane**, asked Chief Bongiorno if you have to wear a facemask while jogging. How can you run while wearing a face mask? The Chief said that face coverings are a requirement in all of the country and state parks. Ms. Beuchner also commented on problems with the Zoom link that was posted. The mayor apologized for issues with the Zoom link, but we are still ironing out the details of Zoom. Ms. Beuchner would also like to know if there will be a hone call-in number for the Community Center Town Hall Meeting. Mayor Kelley responded by telling her that there will be a call in number for residents as well as the video link. Ms. Beuchner also asked about polling locations since the community center has often been one of our polling places. The Mayor said that the CCC hasn't been a polling location in the last couple elections, so we will continue to operate with it not being a polling place. Mail-in Ballots are also another options for the elections.

INTRODUCTION OF ORDINANCE

ORDINANCE #1389-20 BOND ORDINANCE AUTHORIZING GENERAL CAPITAL PROJECTS IN THE AMOUNT OF \$6,640,000/\$6,645,000.

Mr. Banker gave a brief description on the ordinance. It was decided that a motion should be made to amend the Ordinance to read "Parking Facility" instead of "Parking Garage." Motion to amend was made by Councilwoman DePalma-Iozzi and Seconded by Council President Schmidt. Roll Call vote was unanimous.

Motion to adopt the ordinance on first reading was then made by Council President Schmidt and seconded by councilwoman DePalma-Iozzi. Roll Call vote: Affirmative Votes: Councilman Lace, Councilman Gates, Council President Schmidt, Councilman Rodgers, Councilwoman DePalma-Iozzi. Councilman Cole Abstained.

OPEN PUBLIC COMMENTS ON RESOLUTIONS

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.

- 5-119 RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED – for the Meeting of May 5, 2020.
- 5-120 RESOLUTION AUTHORIZING THE PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH 04/18/2020 through 05/01/2020
- 5-121 RESOLUTION AUTHORIZING THE DEFERRAL OF REAL PROPERTY TAXATION PAYMENTS PREVIOUSLY DUE ON MAY 1, 2020 UNTIL JUNE 1, 2020.
- 5-122 RESOLUTION DECLARING MAY AS NATIONAL BIKE MONTH IN CALDWELL, NJ
- 5-123 RESOLUTION AUTHORIZING AN ALTERNATE BASIS FOR SEWER CHARGES FOR TOWNE LAUNDROMAT, located At 309 Bloomfield Avenue, Caldwell.
- 5-124 RESOLUTION ESTABLISHING THE MINIMUM VALUE FOR ASSETS TO BE INCLUDED WITHIN THE BOROUGH OF CALDWELL'S FIXED ASSET INVENTORY.
- 5-125 RESOLUTION EXPRESSING THE APPRECIATION OF THE BOROUGH OF CALDWELL TO THE SMITH CENTER FOR INFECTIOUS DISEASE FOR THE TESTING OF BOROUGH EMPLOYEES FOR COVID-19.
- 5-126 Withdrawn.

Councilman Lace read Resolution 5-122

Discussion ensued. Motion to vote on the consent agenda was made by Councilman Lace and seconded by Councilwoman DePalma-Iozzi. Roll call vote taken was unanimous. Resolutions passed 5/5/2020.

Motion to have the Administrator and CFO issue Caldwell Community Center Summer Camp Refunds was made by Councilman Gates and seconded by Council President Schmidt. Roll Call vote was unanimous, Motion passed 5/5/2020.

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COUNCIL COMMITTEE REPORTS

Borough Council Members

Councilman Lace

- The Grover Cleveland Birthplace Memorial association says that the Grover Cleveland Museum will remain closed until they are told it is safe to reopen.
- Virtual Tour of the Museum can be found on the National State Parks, Forests and Historic Sites Facebook Page.

Councilwoman DePalma-Iozzi

- Environmental Commission
 - Grant called "Nature and You"
 - Create a nature walking path
 - May 20, 2020 - Zoom Webinar with Dr. Tallomy
 - Webinar on ecology in our own backyards
 - "Nature's Best Hope" is a the title

Councilman Cole

- Thank you to the Rotary Club of the Caldwells for your generous donation to the Caldwell Food Pantry

Councilman Gates

- 2020 Census is still going on and everyone is still able to complete it
- Caldwell has 66.2% of households have responded to the census
- Ahead of the state as a whole
- What is effected by the Census -asked by Councilwoman DePalma-Iozzi
 - Our # of house representatives is effected
 - Funding for hospitals, schools, senior citizens homes

REPORT OF MAYOR

John Kelley

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

Thomas Banker reported:

- Officially Pneumonia free!
- Working on a major sewer blockage
 - Sewer runs parallel to west vile ave (Lane to Passaic)
- Sewer Capacity study is proceeding
- With the approval of the water and sewer capital we will be seeing increased construction work for that
- Budget
 - Been waiting for guidance form the state of New Jersey regarding on rules and adjustments
 - Hopefully this will come before the end of May
 - Budget will be present before the end of June

REPORT OF BOROUGH ATTORNEY

Vincent Nuzzi

REPORT OF COUNTY LIASON

Patricia Keenan

On a motion made by Councilman Lace, seconded by Councilwoman DePalma-Iozzi unanimously affirmed, the Council moved into Executive Session at 8:43PM.

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.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Lace, seconded by Councilman Cole unanimously affirmed by all members present, the meeting was adjourned at 8:57PM.

Prepared by: _____
Brittany Heun, Deputy Borough Clerk

DATE

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