

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – November 17, 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 7:22PM.

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

ALSO PRESENT: Deputy Clerk Kim Conlon, Borough Administrator Thomas Banker, Borough Attorney Vincent Nuzzi, OEM Director Mark Guiliano, and Police Chief James Bongiorno.

STATEMENT OF COMPLIANCE

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

October 20, 2020

Moved by Councilman Lace and seconded by Councilman Cole. Upon a roll call vote, all voted in the affirmative. Minutes approved on 11/17/2020

PRESENTATION

1. Environmental Commission Presentation

- Councilwoman DePalma-Iozzi gave an introduction
- Chairwoman Ann Marchioni gave a presentation on the Achievement award the Environmental Commission and Borough Council received.
- Outstanding Accomplishment Award for “Nature’s Best Hope” webinar by Dr. Doug Tallamy.
- Recognized James Haas (W. Caldwell Counterpart), Joanne Dickson of Kiwanis,
- Councilman Lace and Councilwoman DePalma-Iozzi both thanked Ann for all of her passion for make Caldwell a greener place.
- Councilman Gates commented that he and his neighbor are planning to do a project for the land they share

COVID-19 Update

- Mark Guiliano
 - Numbers are on the rise in NJ
 - Caldwell is increasing steadily
 - Dave Black- gave his thanks on behalf of the First Aid Squad
 - First Aid squad has had more Transports lately
 - Transport many Sick people who waited until they are too sick
 - 181 Cases and 22 Active cases in Caldwell
 - Keep practicing social distancing and wear a mask
 - The Borough is actively seeking FEMA grants and CARES grants
 - County Programs
 - Mortgage assistance
 - Food Banks giving out Thanksgiving Baskets on the 19th
 - Borough Staff sets an example for how they interact with the Residents

Councilman Gates mentioned that the First Aid Squad is a volunteer organization and that they can always use donations.

Council President Schmidt said that her and her husband got tested at a County site. Their system worked beautifully. Her husband tested positive but is asymptomatic. Said suggested that you treat everyone you meet as if they have COVID.

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

Ann Masterangelo, 104 Hatfield Street, expressed concerns over new policy regarding trees with sidewalk installation. Ms. Masterangelo said that the Liability of homeowner will discourage people’s concern over trees and will also affect real estate.

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- *Tom Banker responded that the policy is based on trees that have created a nuisance and are overrunning curbs, and lifting sidewalks and roads. This creates a liability and exposure. The town is trying to protect from liability. Roadwork funding may have restrictions/requirements for ADA compliance. If the town thinks a tree needs to be removed, but a homeowner does not, heroic measures are taken to keep the tree.*

Ann Masterangelo, 104 Hatfield Street, for a homeowner, tree removal is a whole production with applying for a permit and the approval process.

- Mayor Kelley said that road improvements often make it a huge expense to keep a tree.

Christine Corliss, 72 Small Avenue, commented on the length of the redevelopment plan. Expressed the need to get the message out to the town and give more information. What is the cost to repair Borough Hall vs. the new Borough Hall? Concerned about the # of multiple dwelling units and our already overcrowded schools. Ms. Corliss said there will be traffic issues as it is a major thoroughfare. Caldwell will never be a Montclair, because there is no train station in Caldwell, and sometimes tax revenue is not the only issue. What is the time frame and how many years will the plan take? Ms. Corliss also thanked Ann Marchioni for her work.

- Mayor Kelley said that the Redevelopment Plan is up for first hearing tonight. Then will appear before the Planning Board on December 9th, then before the Council again on 12/15 public hearing and adoption. Those are the opportunities for residents to voice their concerns.

Leonard Cohen, 10 Magnolia Lane, said that zoom meetings are not a great venue to get information about the redevelopment plan because there is no transparency. Mr. Cohen feels that a letter should be sent out to residents, especially with all these land purchases.

- Mayor Kelley said that everything was posted on the website and that there will be opportunities to participate in discussions.

Barbara Buechner, 7 Park Lane, said that we tend to think that everyone is online and connected but a lot of people do not use computer services, older people especially.

- Mayor Kelley said that it is an unusual time, but hopefully we will have good attendance for the Planning Board
- Tom Banker said that copies will be available for the public to peruse at Borough Hall. It is accessible online as well. We are following the process that the state requires to provide public notice
- Councilman Cole suggested putting 50 copies at Borough Hall that people can pick up due to COVID.
- Council President Schmidt said that the Library as computers that people can use
- Councilman Lace said that the letter to residents would have the link to access the plan online.

Suzy Von Lengerke, 28 Leaycraft Lane, Asked about the Giving Tree and if that will still be happening this year.

- Councilman Cole said that he will be reporting on that late in the meeting.

Mark Guiliano said that the tree on the Green will be decorated but there will be no lighting ceremony.

INTRODUCTION OF ORDINANCES

ORDINANCE #1393-20

AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY DESIGNATED AS BLOCK 23, LOT 9.02 ON THE TAX MAPS OF THE BOROUGH OF CALDWELL, NEW JERSEY, ALSO KNOWN AS 16 PARK AVENUE FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$675,000)

Mr. Banker introduced the Ordinance. A motion to introduce was made by Councilman Lace and seconded by Councilman Cole. Discussion ensued. Upon a roll call vote, all voted in the affirmative. Ordinance introduced on 11/17/2020

ORDINANCE #1394-20

ORDINANCE ADOPTING THE BOROUGH OF CALDWELL REDEVELOPMENT PLAN IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 et seq.)

Mr. Banker introduced the Ordinance. A motion to introduce was made by Councilman Lace and seconded by Council President Schmidt. Discussion ensued. Upon a roll call vote, all voted in the affirmative. Ordinance introduced 11/17/2020

ORDINANCE #1395-20

ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$765,182, OR SUCH OTHER AMOUNT CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY

Mr. Banker introduced the Ordinance. A motion to introduce was made by Councilman Lace and seconded by Councilman Gates. Discussion ensued. Upon a roll call vote, all voted in the affirmative. Ordinance introduced on 11/17/2020

ORDINANCE #1396-20

AN ORDINANCE TO AMEND THE ORDINANCE GOVERNING SEWER SERVICES CHARGES AND THE COMPUTATION THEREOF

Mr. Banker introduced the Ordinance. A motion to introduce was made by Council President Schmidt, and seconded by Councilman Cole. Discussion ensued. Upon a roll call vote, all voted in the affirmative. Ordinance introduced 11/17/2020

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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.

- 11-224** AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 10/20/2020 through 11/17/2020 IN THE AMOUNT OF \$4,891,896.22
- 11-225** RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of November 17, 2020
- 11-226** RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJSA 40A:4-87
- 11-227** RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE GOVERNING BODY HAVE REVIEWED, AT MINIMUM, THE GENERAL COMMENTS AND RECOMMENDATIONS SECTIONS OF THE FISCAL YEAR 2019 ANNUAL AUDIT
- 11-228** RESOLUTION APPROVING THE CORECTIVE ACTION PLAN FOR THE FISCAL YEAR 2019 AUDIT REPORT
- 11-229** RESOLUTION APPROVING THE APPOINTMENT OF Vincenzo Fano AS A FIREFIGHTER FOR THE CALDWELL VOLUNTEER FIRE DEPARTMENT
- 11-230** RESOLUTION AUTHORIZING BUDGET TRANSFERS FOR THE CALENDAR YEAR 2020
- 11-231** RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO ENTER INTO AGREEMENTS WITH THE QUALIFIED PRIVATE COMMUNITIES LOCATED IN CALDWELL FOR THE PROVISIONS OF THE MUNICIPAL SERVICES ACT
- 11-232** RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY TO SUBMIT AN APPLICATION TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR APPROVAL OF A SPECIAL EMERGENCY IN THE AMOUNT OF \$ \$765,182, OR SUCH OTHER AMOUNT CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES, FOR THE PURPOSES SET FORTH IN NJSA 40A:4-53(L) AND/OR NJSA 40A:4-53(M)
- 11-233** RESOLUTION AUTHORIZING THE TAX AND UTILITY COLLECTOR TO REVERSE FEES OR PENALTIES FOR THE MAY 2020 PAYMENT FROM 24 WSHBURN PLACE, CALDWELL, NJ 07006
- 11-234** RESOLUTION AUTHORIZING A COLLECTIVE BARGANING AGREEMENT WITH Teamsters Industrial and Allied Workers – Local 97 FOR THE PERIOD OF JANUARY 1, 2020 THROUGH DECEMBER 31, 2023.
- 11-235** REMOVED FROM CONESENT AGENDA
A motion to remove Resolution 11-235 from the consent agenda was made by Councilman Lace and seconded by Councilwoman DePalma-Iozzi. Upon a roll call vote, all voted in the affirmative. Resolution 11-235 has been removed from the consent agenda on 11/24/2020
- 11-236** RESOLUTION AUTHORIZING THE REMOVAL OF TEMPORARY BARRIERS FROM BLOOMFILED AVENUE
- 11-237** RESOLUTION AUTHORIZING THE SUSPENSION OF METERED PARKING PAYMENTS FOR THE HOLIDAY SEASON
- 11-238** RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION AND ACTIVITIES RELATED THERETO FOR THE USE OF ESSEX COUNTY OPEN SPACE TRUST FUND PAYMENTS FOR THE YEAR 2020

Discussion ensued. Motion to vote on the consent agenda was made by Councilwoman DePalma-Iozzi and seconded by Councilman President Schmidt. Upon a roll call vote, all voted in the affirmative, with Councilman Lace and Council President Schmidt abstaining from Resolution 11-228. Resolutions in the consent agenda passed 11/17/2020.

Agenda

- 11-235** RESOLUTION EXPRESSING THE INTENT OF THE BOROUGH OF CALDWELL TO SERVE AS A HOST MUNICIPALITY OF LEGAL CANNABIS OPERATIONS AS AUTHORIZED BY THE NEW JERSEY STATE REFERENDUM APPROVED ON NOVEMBER 3, 2020.

Discussion ensued. A motion to vote on Resolution 11-235 was made by Council President Schmidt and seconded by Councilman Cole. Upon a roll call vote, Councilman Gates, Council President Schmidt, Councilwoman DePalma-Iozzi, and Councilman Cole all voted in the affirmative. Councilman Lace and Councilman Rodgers voted No. Resolution passed on 11/17/2020.

Accompanying the minutes is a statement from Councilman Lace, as well as correspondences that was submitted.

COUNCIL COMMITTEE REPORTS

Borough Council Members

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Councilwoman DePalma-Iozzi

- Environmental Commission
 - Single use plastic bag ban was passed in NJ and will be effective May 2022
 - Exceptions for meat packing containers, effective 2024.
 - Money is available for education and Reusable bags support
 - A-270 Speaker Koffin (732-855-7441)- Green Development Checklist for Sustainable Buildings
 - Pollinator Garden
 - 2nd Rain Garden – 2021 (No volunteers – not safe during COVID)

Council President Schmidt

- Library Board
 - Next Meeting is 11/18/2020
 - No appointment needed
 - Check website for schedule reading buddies
 - 2 new services
 - Brain Fuse (Study Guides)
 - News Bank (Digital Star Ledger)
- Senior Advisory Board
 - Hard to engage with Seniors
 - 50 Autumn goody bags distributed by Maria and Betty.
 - Trying to keep them in touch and engaged – isolated
 - Pen pal ideas
- CCC Task Force
 - Completed
 - Setting up advisory board
 - Letter will go out to residents regarding setting up the advisory board
 - Looking for wide range of practical knowledge and experience – Caldwell residents
 - 5-7 people on the board
 - If you are interested, email volunteer@caldwell-nj.com

Councilman Cole

- Board of Health
 - Looking for 2 new members, applications are on the website
 - Food Pantry
 - Turkey Drive 11/21 from 10am-12pm
 - Virtual Giving Tree
 - Bring toys to Borough Hall

Councilman Gates

- Rent Review Board
 - Reviewing the Rent Control Ordinance
 - 1982 was the last time it was updated
 - Looking into changing pricing tiers, tying the increases to CPI or taxes
 - Next meeting is 1pm on 11/18

Councilman Rodgers

- Historical Commission
 - Looking for 1 new member. Email Councilman Rodgers if interested.
 - Generate a report of structures in downtown, which met a tight deadline.
 - Thanks to Bev and Frank

Mount Saint Dominic Raindeer run will be a virtual event with a drawing on 11/15.

REPORT OF COUNTY LIASON

Patricia Keenan

Patricia Keenan Reported:

- COVID Updates
 - Testing now 6 days a week, Monday through Saturday.
 - 500 tests at each site
 - 11/18 – Essex County College in Newark
 - 11/19 – Seaton Hall
 - 11/20 – Newark
 - 11/21 – West Orange
 - 11/23 – Branchburg
 - 11/26 – Essex County Airport
 - Food Distribution
 - 11/19 - West Orange
 - 11/24 – Branchburg Park: Holiday boxes & Turkeys
 - Mortgage assistance program is on the County Website
 - \$150,000 awarded to Caldwell from the County. Presentation tomorrow in front of Borough Hall
 - Small Business rental assistance - \$9,000 & 1500 Applicants

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- Might happen again.

REPORT OF MAYOR

John Kelley

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

Thomas Banker reported:

- Culmination of 1 & ½ ears of projects in the works
- December 1st – presentation and findings on sewer capacity expansion study. The work is contingent on other municipalities cooperation
- This is the end of a difficult year. We will need to deal with the budget and be dependent on rules of engagement hat the State imposes. He will advise of as new information comes in. Caldwell is well positioned to have a reasonable and favorable budget next year.
- Thanked the Council for their support for many long term initiatives put forward.

REPORT OF BOROUGH ATTORNEY

Vincent Nuzzi

Vince Nuzzi reported:

- Impressed by depositions of Mayor Kelley and Councilman Lace
- Sgt. Henderson has withdrawn from hearing on Thursday and accepted disciplinary charges; no hearing
- Judge Moore has not given his opinion in that case.
- 24 Smull Avenue – Owners and Sellers agreed to a new contract and will be able to close on the Title by the end of the week.

A motion to adjourn the Borough Council Meeting was made by Councilman Lace and seconded by Councilman Cole. Upon a unanimous voice vote, the meeting was adjourned.

The Borough Council meeting was adjourned at 9:37PM.

Prepared by: _____
Brittany Heun, Deputy Borough Clerk

DATE