

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE SPECIAL MEETING
MINUTES – November 19, 2019**

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The Council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:15PM.

PRESENT: Mayor Kelley, Council President Rodgers, Councilman Cole, Lace & Schmidt

ALSO PRESENT: Deputy Clerk, Lisa O'Neill, Borough Administrator, Thomas Banker & Borough Attorney, Vincent Nuzzi

ABSENT: Councilman O'Donnell and Councilman Capozzoli

Adequate notice of this Council Business/Conference meeting was given on January 1, 2019. Notice was posted on the bulletin board on the first floor of the 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 same.

PLEDGE OF ALLIGENCE

APPROVAL OF MINUTES

October 15, 2019

Moved by Council President Rodgers, seconded by Councilwoman Schmidt. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 11/19/19.

PRESENTATION

1. Mackenzie Courtright/Garden bed project at the library.
2. Golda Speyer / Topology- Redevelopment
3. Thomas Banker / Parking Plan

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

***Louis Galup, 24 Smull Avenue**, has concerns with the Community Center parking and he is disappointed that a multiple level structure is something that is not being considered today. It's a great location and it's central. There are evening games and what are they going to do for parking and there not members of the Community Center and they will not be able to park in that single level parking. He asked why we are allowing Commercial Vehicles to park in the lots and he has concerns with the Smull lot and a larger garage.*

***Robert Sullivan, 6 Parkway West**, his concerns are we no longer have the tools to enforce three hour parking and it's causing people to park all day taking away parking spaces from shoppers. He spoke about the height of a parking deck and are there considerations for Fire Trucks and First Aid Squads.*

***Hilda Moore, 23 Personette Street**, would like the Mayor to come by so she can speak to him on Saturday. She is not happy with a parking garage on Smull there will be no privacy for her.*

***Francis Larkey, 30 Park Terrace North**, she thinks the parking lot that is at the Community Center has a lot of activities and there is always a high volume of cars and that should be considered especially for the seniors things that can be considered during the planning.*

INTRODUCTION OF ORDINANCE

ORDINANCE #1375-19: AN ORDINANCE TO AMEND CHAPTER 230 OF THE CODE OF THE BOROUGH OF CALDWELL, THE CHAPTER TITLED "VEHICLES AND TRAFFIC" ARTICLE VII SCHEDULES TO ADD TO SECTION 230-56 SCHEDULE II TITLED "SPEED LIMITS"

Moved by Council President Rodgers, seconded by Councilwoman Lace. No Discussion. On roll call, all voted in the affirmative. Ordinance Introduced 11/19/19.

ORDINANCE #1376-19: AN ORDINANCE TO AMEND CHAPTER 230 OF THE CODE OF THE BOROUGH OF CALDWELL, THE CHAPTER TITLED "VEHICLES AND TRAFFIC" ARTICLE VII SCHEDULES TO ADD TO SECTION 230-66 SCHEDULE XII TITLED "TRUCKS OVER CERTAIN WEIGHTS EXCLUDED"

Moved by Council President Rodgers, seconded by Councilman Schmidt. No Discussion. On roll call, all voted in the affirmative. Ordinance Introduced 11/19/19.

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ORDINANCE #1377-19: AN ORDINANCE TO AMEND CHAPTER 230-56 OF THE CODE OF THE BOROUGH OF CALDWELL, THE CHAPTER TITLED "SCHEDULE II: SPEED LIMITS" TO ADD A 25 MPH SPEED LIMIT TO CENTRAL AVENUE

Moved by Councilman Lace, seconded by Councilwoman Cole. No Discussion. On roll call, all voted in the affirmative. Ordinance Introduced 11/19/19.

ORDINANCE #1378-19: AN ORDINANCE TO AMEND CHAPTER 207 OF THE CODE OF THE BOROUGH OF CALDWELL, THE CHAPTER TITLED "STREETS AND SIDEWALKS", ARTICLE I "SIDEWALKS AND CURBS TO ADD TO SECTION 207-8 TITLED "REMOVAL OF SNOW AND ICE; TIME LIMIT" AMEND ITEM B, ADD C, D, E & F. AMEND SECTION 207-10 TITLED "REFUSAL OF OWNER OR TENANT; ASSESSMENT OF COSTS". AMEND SECTION 207-11 TITLED "VIOLATIONS AND PENALTIES" AMEND SECTION A NUMBERS 1, 2 & 3 AND SECTION B

Moved by Council President Rodgers, seconded by Councilman Cole. No Discussion. On roll call, all voted in the affirmative. Ordinance Introduced 11/19/19.

ORDINANCE #1379-19: AN ORDINANCE TO AMEND CHAPTER 190 OF THE CODE OF THE BOROUGH OF CALDWELL, THE CHAPTER TITLED "SEWERS", ARTICLE II "HOUSE CONNECTIONS" TO AMEND TO SECTION 190-23 TITLED "CONNECTING CESSPOOLS, ETC., WITH SEWER SYSTEM PROHIBITED"

Moved by Councilman Cole, seconded by Councilman Lace. No Discussion. On roll call, all voted in the affirmative. Ordinance Introduced 11/19/19.

ORDINANCE #1380-19: AN ORDINANCE OF THE BOROUGH OF CALDWELL AMENDING CHAPTER 250 OF THE CODE OF THE BOROUGH OF CALDWELL, ENTITLED "CALDWELL BOROUGH ZONING ORDINANCE" BY AMENDING VARIOUS SECTIONS OF SAME PURSUANT TO THE 1999-2025 HOUSING ELEMENT AND FAIR SHARE PLAN

Moved by Council President Rodgers, seconded by Councilman Cole. No Discussion. On roll call, Council President Rodgers, Councilman Cole and Lace voted in the affirmative. Councilwoman voted in the negative. Ordinance Introduced, 11/19/19.

PUBLIC HEARING AND ADOPTION OF ORDINANCE

ORDINANCE #1370-19: AN ORDINANCE AMENDING THE BOROUGH CODE, CHAPTER 250 ZONING SECTION 250-11 ITEM C, CONDITIONING USES, OF THE BOROUGH CODE ENTITLED, "RAA RESIDENTIAL DISTRICT"

Moved by Councilwoman Schmidt, seconded by Council President Rodgers. No Discussion. On roll call, Council President Rodgers, Councilman Cole & Schmidt voted in the affirmative. Councilman Lace abstained. Ordinance Adopted 11/19/19.

Mr. Veffer, 9 Hawthorne Road, asked about changing the ordinance to include eight foot fencing so the sound barrier can be included in the opening next year.

ORDINANCE #1371-19: AN ORDINANCE TO AMEND CHAPTER 214 OF THE CODE OF THE BOROUGH OF CALDWELL, THE CHAPTER TITLED "SWIMMING POOLS" TO ADD SECTION 214-1 UNDER DEFINITIONS TITLED "PUBLIC SWIMMING POOL" SECTION 214-2 TITLED "PERMIT REQUIRED; COMPLIANCE WITH CHAPTER" ITEM A & B ADD "OR PUBLIC SWIMMING POOL" SECTION 214-4 TITLED "APPROVAL" ITEM B ADD "OR PUBLIC SWIMMING POOL" SECTION 214-10 TITLED "DISCHARGE OF SYSTEM" ADD "OR PUBLIC SWIMMING POOL" SECTION 214-11 TITLED "DISINFECTION, FILTRATION, RECIRCULATION AND BACTERIOLOGICAL STANDARDS" ITEM B ADD "OR PUBLIC SWIMMING POOL" SECTION 214-14 TITLED "ENCLOSURE" ADD "OR PUBLIC SWIMMING POOL" SECTION 214-15 TITLED "EVENING AND NIGHTTIME USE" ADD "OR PUBLIC SWIMMING POOL"

Moved by Councilwoman Schmidt, seconded by Council President Rodgers. Discussions Ensued. On roll call, Council President Rodgers, Councilman Cole & Schmidt voted in the affirmative. Councilman Lace abstained. Ordinance Adopted 11/19/19.

ORDINANCE 1374-19: AN ORDINANCE AMENDING CHAPTER 45-1 OF THE CODE OF THE BOROUGH OF CALDWELL SO AS TO UPDATE THE OFFICIAL SEAL OF THE BOROUGH OF CALDWELL

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Moved by Councilman Lace, seconded by Councilwoman Schmidt. Discussions Ensued. On roll call, Councilman Lace, Cole & Schmidt voted in the affirmative. Council President Rodgers voted in the negative. Ordinance Adopted 11/19/19.

OPEN PUBLIC COMMENTS ON RESOLUTIONS

11-234: RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION FOR Glenview Realty, LLC, 4 Squire Hill Road, North Caldwell, NJ

Moved by Councilman Lace, seconded by Councilman Cole. No Discussion. On roll call, Council President Rodgers, Councilman Cole & Schmidt voted in affirmative. Councilman Lace abstained. Resolutions approved 11/19/19.

11-235: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – St. Aloysius Roman Catholic Church – Off Premise/ Calendar Raffle – January 15, 2020, February 15, March 15, April 15, May 15, June 15, July 15, August 15, September 15, October 15, November 15 & December 15, 2020 – 1:00PM

11-236: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – HSA Trinity Academy – On Premise/ Merchandise Raffle – December 15, 2019 – 12:00PM

11-237: RESOLUTION AUTHORIZING A REDUCTION OF THE CASH PORTION OF THE BOND FOR THE BROWNSTONES AT CALDWELL 4-10 CENTRAL AVENUE TO AN AMOUNT OF \$5,000.00 WITH A REFUND OF \$11,106.39

11-238: TABLED

Moved by Councilman Lace, seconded by Councilwoman Schmidt. Discussions Ensued. On roll call, all present voted to table resolution. Resolution tabled 11/19/19.

11-239: RESOLUTION RECOGNIZING THE SATURDAY FOLLOWING THANKSGIVING AS "SMALL BUSINESS SATURDAY" AND SUPPORTING CALDWELL'S LOCALLY OWNED SMALL BUSINESSES

11-240: AMENDING RESOLUTION FOR GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2020 TO JUNE 2025

11-241: RESOLUTION AUTHORIZING THE BAGGING OF CALDWELL PARKING METERS FOR THE HOLIDAY SEASON FROM NOVEMBER 29, 2019 TO JANUARY 1, 2020

11-242: FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 – "*Click it or Ticket*"

11-243: FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 "*NJHCN – CALDWELL HEALTH INITIATIVE*"

11-244: AUTHORIZING REFUND OF OVERPAYMENT, BLOCK 65, LOT 1.15, 15 Fells Manor Road, Caldwell, NJ

11-245: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – HSA Trinity Academy – On Premise/ 50/50 Raffle – December 7, 2019 – 12:00PM

11-246: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – HSA Grover Cleveland Middle School – Off Premise/ 50/50 Raffle – March 13, 2020 – 7:00PM

11-247: AUTHORIZING REFUND OF OVERPAYMENT, BLOCK 41, LOT 44.11, 41 Highview Road, Caldwell, NJ - \$230.87

11-248: AUTHORIZING REFUND OF OVERPAYMENT, BLOCK 41, LOT 44.11, 41 Highview Road, Caldwell, NJ - \$3,134.44

11-249: AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD OCTOBER 12, 2019 THROUGH DECEMBER 31, 2019 FOR 2019 BILLS IN THE TOTAL AMOUNT OF \$1,814,644.57

11-250: RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED

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CONSENT

Moved by Councilman Lace, seconded by Councilman Cole. Discussions Ensued. On roll call, all voted in the affirmative. Resolutions approved 11/19/19.

11-251: TABLED

Moved by Councilman Lace, seconded by Councilwoman Schmidt. Discussions Ensued. On roll call, all present voted to table resolution. Resolution tabled 11/19/19.

11-252: RESOLUTION DECLAIRING AN EMERGENCY FOR PURPOSES OF PURCHASING A GENERATOR AT THE SEWER PLANT

Moved by Council President Rodgers, seconded by Councilman Cole. Discussions Ensued. On roll call, all present voted in the affirmative. Resolution approved 11/19/19.

COUNCIL COMMITTEE REPORTS

Borough Council Members

Councilman Cole reported that this Saturday, November 23rd from 10AM to noon is the drop-off of Thanksgiving non-perishable items including frozen turkeys at the Caldwell Food Pantry at 14 Park Avenue. This makes a huge contribution to the Community. There is a giving tree at the Community Center and there are tags for children in Caldwell and West Caldwell to receive gifts for the Holiday season. Please pick a tag and return an unwrapped gift to Maria Burak by December 7th.

Councilman Lace reported the middle school coffee house at the Community Center has been a huge success so far. The Community Center staff would like to thank everyone who has participated in that. A new Gym curtain has been installed with the new CC log. The Community Center continues to be profitable for the year. Also, the Community Center has implemented a program for any individual that is suffering from Parkinson's disease and the fee to members is free and \$90.00 for non-members.

The Environmental Commission received over 1,000 signatures on the ban of single use bag petition at the Street Fair and distributed over 500 re-usable shopping bags. They would like to thank Shop Rite, Whole Foods, Food Town, Stop & Shop and the Essex County Department of Public Works for donating the bags. The Environmental Commission did a presentation on single use bags to Trinity Academy 6th, 7th & 8th graders and students wrote letters to Senator Codey, Senator Smith and Assemblyman McKeon to voice their support for state wide single use bag ban. The Environmental Commission participated in a mini green fair at the Caldwell Public Library in coordination with the West Essex Ministerial Association and did a display Nature and you perfect together. The Commission assisted in a presentation of the Update Open Space Plan to the Planning Board.

The Planning Board met to hear a presentation from the Land Conservancy and the Board voted to approve the plan and decided to recommend to the Borough at its December meeting.

The Grover Cleveland Birthplace Memorial met and Author Linda Barth gave a presentation on the history of invention in the State of New Jersey. President Dave Cowell reported that approval to begin the bid process has begun for the Visitors Center and hopes to break ground sometime in the first half of next year.

The new website is done and completely operational and updated. The one final move before we go live for residents is transferring the domain.

Councilwoman Schmidt reported on the Library and they are still in the process of filing the Library Director position. In addition, our Youth Services librarian is expecting and will be out for maternity leave starting in December. The library is already planning coverage as well as programming during Kristen's absence.

Upcoming events - on November 23 @ 11 am – Public Speaking Workshop- The goal of this workshop is to offer participants effective strategies, techniques and insights to enhance their communication skills. Use your body, voice and message to increase stage presence, build confidence, and achieve success. On December 14th, the library will host a Philippine holiday concert and celebration starting at 2:00. Please call the library to reserve.

Human Services: Safe routes to School: On October 29th, Maria Burak, our Director of Human Services and I attended an awards recognition event for the NJ Safe Routes to School Program. This is a federal, state and local effort to make walking, and biking to school safe and to encourage children to walk or bicycle to school.

I'm pleased to announce that we received the Silver Level which was achieved by effectuating Crossing Guard Training and holding a walkability and bike-ability survey last spring. We are hoping to have the reports from the survey in the near future. We are currently working towards achieving the Gold level with hopes to establish a Complete Streets policy that can be integrated with our Borough redevelopment.

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Last Thursday, November 14th, the Grover Cleveland Senior Center hosted their annual Thanksgiving dinner. It was a very successful event. Many thanks to all our volunteers from the Community center, the police and our DPW who helped serve up close to 90 hot meals.

Tree Lighting is Dec. 7th at 4:30 PM on Caldwell Green. Santa will arrive in a fire truck with his helpers. Caldwell Volunteer Fire Department Annual Tricky Tray immediately following in the firehouse. Take a chance on some beautiful prizes, enjoy hot chocolate and holiday cookies. All proceeds benefit the CVFD.

NEW BUSINESS:

1. FY2018/SFY2019 Best Practices Worksheet – copies distributed to the Governing Body
Mayor and Council received the Best Practices Worksheet.

2. Rapid Recovery Services
Thomas Banker reported that there have been concerns about water intrusion and there was an effort to staunch the flow of the water and Rapid Recovery is the firm that is engaged by the JIF to undertake remedial action on Insurance claims. There are issues in the Community Center that is not related to the flood.

REPORT OF COUNTY LIAISON

Patricia Keenan

Patricia Keenan reminded everyone to take advantage of the exciting events with your families and she recommends going during the week.

REPORT OF MAYOR

Mayor Kelley

Mayor Kelley reported that the residents on Westover Avenue are patiently waiting as to when their street will be paved. Tom Banker responded that the Engineer and DPW Director have indicated that they will be operating out of sequence and the time frame is, he won't promise before the end of winter, but should be in a position in late March. What is the status of the heater for the Community Center and the structural integrity of the parking deck and Tom responded that we have engaged with a mechanical engineer who is looking at two issues in the Community Center, the replacement of the Dectron, which not only heats but Dehumidifies and also conditions the air and water in the pool area. The second issue is the main compressor in the HVAC system for the Community Center generally it failed which does not prevent us from heating the building but it will prevent us from cooling the building. The Mechanical Engineer is drafting specifications to go out to bid for both the replacement of the Dectron and the replacement of the HVAC System. As far as the deck Glenn Beckmeyer has a structural engineer on his staff that previously reported that it was structurally sound. Tom has asked that he comes out this week, he needs that decision in writing as soon as possible so that we can feel comfortable setting the time frame with the continued use of the deck while we are awaiting for the rest of the parking deck rehabilitation.

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

Thomas Banker reported that he plans to talk to Mayor and Council during executive session about personnel matters including the situation with retirement of the tax collector including as the question to labor relations to those that are representative to labor relations and those that are not representative. He has no progress report on the police merger other than they are continuing to pursue it. We have received both appraisals for 14 Park and 10 Park and we are in discussion with GSA about 14 Park and the Mayor has initiated the discussion with the Postal Service about 10 Park.

On a motion made by Councilman Lace, seconded by Council President Rodgers unanimously affirmed, the Council moved into Executive Session at 9:10P.M.

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. The Executive Session will be discussion of and Personnel and litigation or potential litigation.

The Executive Session was adjourned and upon a motion by Councilwoman Schmidt, seconded by Councilman Cole the Council Business Conference Meeting was opened to the public and the press at 10:05PM.

11-253: RESOLUTION AUTHORIZING AN INCREASE OF \$5,000.00 PER YEAR FOR DEPARTMENT HEADS ROSEMARIE SUTHERLIN, MARIO BIFALCO, PAUL MILANI AND DONALD GARSON

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Moved by Councilman Lace, seconded by Councilman Cole. Discussions Ensued. On roll call, all present voted in the affirmative. Resolution approved 11/19/19.

There being no additional business to be conducted a motion to adjourn the meeting was made by Council President Rodgers, seconded by Councilman Cole unanimously affirmed by all members present, the meeting was adjourned at 10:10PM.

Prepared by: _____
Lisa O'Neill, Deputy Borough Clerk

DATE