

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – November 1, 2022**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order at 7:16 PM.

**PRESENT:** Mayor Kelley, Councilman Cole, Councilman Lace, Councilwoman DePalma-Iozzi, Councilwoman Buechner, Councilman Alonso, and Council President Gates.

**ALSO PRESENT:** Deputy Clerk Kim Conlon, Borough Administrator Tom Banker, Borough Engineer, Glenn Beckmeyer, 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**

October 25, 2022

**A motion to approve the minutes was made by Councilwoman DePalma-Iozzi and seconded by Councilwoman Buechner. Upon a roll call vote, all members present voted in the affirmative. Minutes approved 11/1/2022.**

**PRESENTATION**

1. Status report from Mott MacDonald regarding the storm water management study
  - John Dening of Mott MacDonald gave a presentation on the Storm water Management Study
2. Update on plans for New Borough Hall Campus Improvements
  - Presentation by Eli Goldstein and Bob Cozzarelli

**REPORT OF BOROUGH ADMINISTRATOR**

*Thomas Banker*

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

1. 24 Smull Avenue Adaptive Reuse for Health Department.
  - a. *Fully operational*
2. Temporary Trailer Installation.
  - a. *Electric meters should be in this week*
  - b. *Library has moved in to the trailers*
3. 14 Park Ave Rehabilitation.
  - a. *Rehab process underway.*
  - b. *Interior has been framed out*
4. Community Center Reconstruction.
  - a. *Selective Interior Demo started*
  - b. *Disconnected electric effected the firehouse but is being fixed.*
5. Municipal Building Construction.
  - a. *Presentation tonight*
  - b. *Abatement of Library*
6. Water Distribution; Storm Sewer Collection and Road Projects.
  - a. *2022 Road Projects all completed.*
  - b. *Some additional are in design and are out to bid*
7. Stormwater Management Study.
  - a. *Presentation tonight*
8. Wastewater Treatment Plant Projects.
  - a. *Continue with litigation*
  - b. *Special Engineering Master – Mr. Cosgrove.*
  - c. *Advised all towns his bills have not been paid by anyone but Caldwell.*
9. Property Acquisitions.
  - a. *The blue areas in John Dening's maps showed properties in negotiation.*
  - b. *22 Smull Ave is on the agenda tonight.*
10. Public Parking Plan.
  - a. *Should be a presentation on the new parking plan at the November 15, 2022 Meeting.*

Patricia Keenan Reported:

- Events:
  - o Roseland Smores Hike 11/2 & Hot Chocolate Hike 11/17
  - o Art Show in Livingston 11/5 – 11/6
  - o Light Show at Turtle Back Zoo 11/18
  - o County Shredding Event this Saturday, 11/5
  
- COVID:
  - o Sears site is closed
  - o Vaccines still offered by the County, by Appointment only.
  - o No Testing available
  - o Essexcovid.org

#### OPEN PUBLIC COMMENTS ON RESOLUTIONS OR ANY TOPIC

**Monique Wilson, 12 Elizabeth Street.** Spoke out regarding an incident with neighbor, Gordon Lawshe, where police were called on her 9-year-old daughter. "racism, intentional or not, is racism." Incidents like this can be disastrous for little kids like her daughter. Concerned and outraged that this happened in Caldwell, but says this can be a "teachable" moment for Caldwell. All children should feel safe in their neighborhoods. Mayor Kelley apologized for what transpired, and expressed gratitude for sharing their story.

**Hadey Wilson, 12 Elizabeth Street.** Spoke up on behalf of her sister regarding the incident with their neighbor. Stated that her sister was just trying to kill Spotted Lantern flies using a spray she learned about. Instead of asking her sister what she was doing, their neighbor called the police. The experience is very traumatizing for her sister. She did nothing wrong.

*Councilwoman DePalma-Iozzi asked what formula her sister was using.*

*Council President Gates thanked Ms. Wilson for speaking tonight, and to let them know if anything is needed.*

**Robert Sullivan, 6 Parkway West,** inquired about the line striping and Forest Ave repair.

*Mr. Beckmeyer said that it was excavated for utility service and it is their responsibility to come back and do repairs and paint.*

**June Cowell, 29 Brookside Avenue.** Asked if the plaque honoring veterans that is on Borough Hall will be preserved?

*Mr. Banker said yes, but her defers to Governing Body for plans to do so.*

**Carla Maras, Ashland Street.** Shocked to hear about the story that the first speaker brought up. Have lived in Caldwell for years and has an interracial marriage and a biracial daughter. Doesn't think this issue should have been brought up at a Council meeting, as it is a civil matter.

**Matthew Fox, 6 Lockward Road,** spoke about the 2 letters that went out, and his belief that the Council prevented the democratic process. Spoke to the lack of referendum and how it was said that it would set a "bad precedent" and slow things down. Said the Governing Body has not done a good job managing the town's assets.

**Christine Schmidt, Wakefield Place.** Spoke on behalf of the Community Center Advisory Board. Said that at the October 8<sup>th</sup> Meeting, Peter Byrne gave a presentation regarding the Community Center. At this time, we can't know the cost because we do not have as-built designs. It will be of critical importance that there is sufficient parking. It is not feasible to rebuild the deck where it was.

Mr. Beckmeyer said that to rebuild a deck, the material would affect the cost. New garages are being built with all concrete instead of steel. It would be cheaper to build a concrete deck at another location. It would not be advantageous to have parking where the new building is being planned, due to the shape of the lot.

#### ORDINANCES FOR SECOND READING

**ORDINANCE 1435-22** AUTHORIZING THE ACCEPTANCE OF A RECIPROCAL EASEMENT AGREEMENT ON CERTAIN REAL PROPERTY WITHIN THE BOROUGH OF CALDWELL IDENTIFIED AS BLOCK 56, LOTS 10.13, 15 AND 16 COMMONLY KNOWN AS PROVOST SQUARE, AND BLOCK 56, LOT 12, COMMONLY KNOWN AS 240 BLOOMFIELD AVENUE.

*A motion was made Councilwoman DePalma-Iozzi and seconded by Councilman Lace, to the public hearing for Ordinance 1435-22. Upon a voice vote, the public hearing was opened. There being no comments, a motion to close the public hearing and adopt Ordinance 1435-22 was made by Councilwoman Buechner and seconded by Councilman Lace. Upon a roll call vote, all members voted in the affirmative, with Councilman Alonso voting no, and Councilman Lace Abstaining from the vote. Ordinance 1435-22 was adopted on 11/1/2022.*

**ORDINANCE 1436-22** AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY DESIGNATED AS BLOCK 22, LOT 11 ON THE TAX MAPS OF THE BOROUGH OF CALDWELL, NEW JERSEY, ALSO KNOWN AS 22 SMULL AVENUE FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$575,000)



A motion was made Councilman Lace and seconded by Councilman Alonso, to the public hearing for Ordinance 1436-22. Upon a voice vote, the public hearing was opened.

**Giovanni Lina, 25 Smull Ave, asked if the lot was purchased. Council President Gates explained that the ordinance needs to be adopted first before the final steps of the purchase can take place. Councilman Alonso asked who will maintain the property, and Mr. Banker answered saying that the Borough will maintain as the landlords.**

A motion to close the public hearing and adopt Ordinance 1436-22 was made by Councilman Lace and seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative, with Councilman Lace voting no. Ordinance 1436-22 was adopted on 11/1/2022.

### 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.*

11-236	RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of November 1, 2022
11-237	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 10/25/2022 THROUGH 10/31/2022 IN THE AMOUNT OF \$ 1,290,249.27
11-238	RESOLUTION FOR THE GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
11-239	RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL TO ADJUST THE SEWER BILLING FOR BLOCK 46, LOT 9.02 FOR 15 CEDARS RD
11-240	RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO CAUSE PAYMENTS TO BE MADE TO CERTAIN QUALIFIED PRIVATE COMMUNITIES LOCATED IN CALDWELL PURSUANT TO THE PROVISIONS OF THE MUNICIPAL SERVICES ACT
11-241	RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL TO ISSUE A CONTRACT TO COLONNELLI BROTHERS, INC. TO PROVIDE VARIOUS CULVERT CLEANING AND MINOR REPAIRS- IF AND WHERE DIRECTED.
11-242	AUTHORIZATION OF LOSAP INCREASES FOR THE CALDWELL VOLUNTEER FIRE DEPARTMENT

A motion to approve the consent agenda was made by Councilman Lace, and seconded by Councilman Alonso. Upon a roll call vote, all members voted in the affirmative. The Consent agenda passed 11/1/2022.

### NEW BUSINESS

Councilman Cole reminded everyone that the Turkey Drive will be on November 19<sup>th</sup> from 10am – 12 Noon, at the Food Pantry which is located at 24 Smull Avenue.

### COUNCIL COMMITTEE REPORTS

*Borough Council Members*

### REPORT OF BOROUGH ENGINEER

*Glenn Beckmeyer*

- Hanlon Road/ Cleveland Road

Mr. Beckmeyer stated that in his time working for the Borough he has looked into this issue on 3 separate occasions. The dirt road is up to specification by Ordinance for new roads. Not at a point of doing designs, no survey has been done. Currently there are 3 poles in the way, so we would have to get the costs for PSE&G to move them. Would have to go out to bid for the paving, install a Belgium block curb with depressed Belgium block in front of each driveway. Sidewalks would not be needed. Curb to curb dimensions would be 28 feet. Water boxes would need to be moved, rough grading and some fill would be needed. Need 6 inches base stone material underneath. Milling will need to go about ½ way down Cleveland and Bowers, and reform both intersections. Have to check the drainage as well and make sure we don't make it any worse. Estimated about 5-7 catch basins on Bowers with 400 ft. of piping. 8 trees by curb line will need to be removed. A rough estimate, not including the costs for bidding, designing and surveying, would be about \$375,000.00.

Council President Gates asked why it was never paved before? Mr. Beckmeyer said he would have to research the subdivision to answer that question. Mayor Kelley asked why it was stalled before. Mr. Beckmeyer said that he doesn't know what the previous discussions were. Councilman Cole asked if there is another option, like gravel, that would address flooding issues? Mr. Beckmeyer said that it appears to be a low spot. Piping without paving will cause the catch basins to lower after a while. Need topography done to really thoroughly answer questions. Councilman Lace asked if there would be any DOT grants that would apply to this kind of project. Mr. Beckmeyer said that every year we put in for funding for improving paved roads, but he would have to check to see if there would be any grants that would work for this type of project. Councilman Lace also asked about the Stormwater Study, and if it would give us data on this area. Mr. Banker said that Mott MacDonald has been asked to include this area in their study.

**John Auriemma, 29 Cleveland Road. He was not aware of this situation when he moved into his home. His basement, garage, and driveway floods every time it rains. Asked if John Denning was looking into this.**

Mr. Banker said yes, John Denning is an expert in stormwater management as is investigating this area.

### OPEN PUBLIC COMMENTS-Second Portion ON ANY RESOLUTIONS OR TOPICS

**Nick Correale, 27 Westville Avenue.** Asked about the New Municipal Complex and expressed his concerns that it will push water down Bloomfield Ave and Westville Ave. Asked about it going from 3 stories to 4, and the projected cost of the building.

Mr. Banker said that it has the same square footage as it did when the plan reflected a 3-story building. The building is taller not larger. The cost is about \$500 per square foot, so the approximate cost would be \$10,500,00.00. We are going to be seeking recovery from FEMA to offset the costs. FEMA's latest numbers are \$1,000,00.00 and we are also going to be seeking proceeds from Insurance.

**Hilda Moore, Personette Street.** Said she was told her street would be repaired in fall 2022, but in the letter, she received, it states 2023. Why are Kirkwood Place and Forest Ave being done and not Personette? Asked when the work with trailers will be done.

Mr. Beckmeyer said that Kirkwood Place and Forest Ave had watermain projects that needed to be done, and were paved after the repairs to the watermain were done. We put in a grant to pave Personette, and were just approved for it. We had a pre-bid meeting today for the project, which include drainage on Orchard Square. For the trailers, we are just waiting on electric meters from PES&G, and need fencing, landscaping, and striping.

**John Auriemma, 29 Cleveland Road.** Asked what the next step is in the process for Hanlon Road flooding.

Mr. Banker said that the Council has asked to pursue funding options. Councilman Lace asked about public safety aspect of the project. Mr. Beckmeyer said that in order to put a retention basin, like an open pool, in we would need a lot of property. Even a basin without piping would require a much larger design and build, which would also require a lot of property. Mayor Kelley asked if temporary measure would affect eligibility for future funding for paving the road. Mr. Beckmeyer said that it would affect our ability to put a paved road there. Mr. Banker said the issue is really a money issue. We can't put a bandaid on it. We would need to spend about \$400,000 on the project.

**Jeanette DePalma, 180 Runnymede Road, W. Caldwell.** Said that Birkendene has been causing a lot of run off onto Runnymede. During the last storm, her driveway was lifted.

Mr. Banker asked for her to leave her contact information and our Engineer and Public Works will investigate the matter.

#### REPORT OF THE MAYOR

*John Kelley*

No Report.

#### REPORT OF THE BOROUGH ATTORNEY

*Mary Kate Serratelli*

No report

#### 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 seconded by Councilman President Gates. Upon a voice vote, all member present voted in the affirmative. The Council left the public meeting and entered executive session at 10:03pm.

#### ADJOURNMENT

There being no additional business to be conducted, a motion to leave executive session and adjourn the meeting was made by Councilwoman DePalma-Iozzi and seconded by Councilman Alonso. Upon a voice vote, all members voted in the affirmative. Meeting adjourned at 10:27pm.

Prepared by: *Brittany Heun*  
Brittany Heun, Deputy Borough Clerk

12/6/2022  
DATE