

**BOROUGH OF CALDWELL
BUSINESS/CONFERENCE MEETING
MINUTES- November 9, 2021**

The Special Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order via Zoom Meetings at 7:18pm.

PRESENT: Mayor Kelley, Councilman Rodgers, Councilwoman DePalma-Iozzi, Councilman Lace, Councilman Cole, and Councilman Gates.

ABSENT: Council President Schmidt

ALSO PRESENT: Borough Administrator Tom Banker, Borough Attorney Vince Nuzzi, Deputy Clerk Kim Conlon, and Deputy Clerk Brittany Heun

STATEMENT OF COMPLIANCE

Adequate notice of this Council Business/Conference Meeting was given on January 7, 2021. 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 ALLEGIANCE

APPROVAL OF MINUTES

October 12, 2021

Moved by Councilman Cole and seconded by Councilman Gates. Upon a roll call vote, all voted in the affirmative. Minutes approved on 11/9/2021

OPEN PUBLIC MEETING-OPEN TO PUBLIC

Valerie DePiro, Fells Manor Condo Association, looking for an update on the road improvement report. Essex Fells was doing work on Beekman Hill Road, has anyone spoken with him regarding their work on the retention pond?

Mayor Kelley mentioned that the Borough Engineer was out for a few weeks so I believe he is just getting back into it.

Mr. Banker said he was contacted by Essex Fells, and he did go out there today to take a look. Essex Fells did a dredging of the detention basin, which was built in 1986 and had never been cleaned or dredged. Essex Fells hired a contractor who came out and cleaned up the overgrown foliage and cleaning up the drainage.

Ms. DePiro noted that a study was done in 2018 or 2019 on the flow from Fells Road, Beekman Hill Rd, and Marian Manor. The water from this basin does flow down to the creek that is in front of Calandra's.

David Cowell, 29 Brookside Ave, asked about the purchase of a Fire Engine, the contract with the Grant Writer and why we do not use someone in-house for grant writing.

Mayor Kelley said that we are looking contract with Millennium as they are experts in grant writing and specifically will be helping with grants for a new fire engine.

Mr. Banker said we will be using 2 services from Millennium. One is for screening and the other is for hourly services to assist with the grant writing and perfecting the application. Most of the actual applying for the grant, that will be down in house. Main objective is to identify grant opportunities for fire equipment.

Pamela Rudden, 31 Francis Place, Expressed concern over the sewer charge billing. Many homeowners received a much higher 3rd quarter bill, and believe it to be done because of the sewer rate charges. Requests for the Borough Council do look at the changes in the sewer charges.

Mr. Banker said there is an allowance in the billing for the summer months. We can look at the adjustment and how it would change the distribution when applied to only the summer months. Will look into it and report back to the Council with other possible changes in charging.

Ms. Rudden Thanked Mr. Banker for looking into this, and noted that she is aware of the 7% charge.

Mr. Banker hopes to have more information on other options in the next couple of weeks

Kevin Hersh, 22 Leaycraft Lane, thanked the Council President Schmidt and Councilman Rodgers for their service during their time Council. Thanked the rest of the Council and the Mayor for their service to the community. October 7th I first approached the Council regarding the sick leave and pay for the

Crossing Guards. Asked what the status is of the Crossing Guards pay rate, sick days, administrative days, etc.

Mayor Kelley said Chief Bongiorno did provide information after the last meeting Tom said that Chief Bongiorno has been conducting a review of this matter currently. I have not met with him yet, to discuss his finding. I can suggest we meet before the Nov. 24th meeting. Councilwoman DePalma-Iozzi noted that Council President Schmidt, Councilman Rodgers, and myself have been polling other towns to gather more information as well. We are looking to meet to discuss.

Councilman Rodgers mentioned that there was a pay guide for the crossing guards, and there was a pay cut for folks at the top of the list. That has to be addressed as the new hires received a pay boost.

Mr. Hersh - said that there is a disparity between us and West Caldwell. Last week we got paid for 4 hours, and thanksgiving break we will not get paid at all. Thanked the Council for their work on researching this matter.

Doug Piazza, 24 Erwin Place, maintains a vegetable garden on his yard, and was shocked to get a bill that was 7 times larger than in the past. We know some changes were made a couple of years ago. Did receive the letter that was sent out, but would like to know why were we not notified when the changes in the calculations were put in place. It was suggested that I could put in another meter to monitor the vegetation. What is the meter flow system and how can I get one? Would like information on the sewer dispute resolution committee? Who is on it and how can I submit complaints to it? Feels that the new charges discriminate against those that do maintains their lawn or gardens.

Mayor Kelley said that we will be looking into this further to get to the bottom of this. We will take a look at it and see if there is a way to change the water billing for high water users.

Mr. Banker said that sewer meters can be installed to measure the water going out of the home. It means that a meter is put in the line directly outside where the sanitary sewer outflow leaves the proper. It measures exactly the quantity going out. That option is always available. You would be charged for exactly what is going into the sewer system. The adjustments for the average user, will not address the heavy users. Our public works department can meet with Doug to let him know what meter they could use. This would also be a useful tool for pool owners as well, because it would guarantee that they would not be charged for sewage that is not going directly into out sewer system.

Mr. Piazza asked about the Sewer Dispute Committee

Mr. Banker said you would have to file a written complaint. 2 weeks from now, we will include, in our report, how that committee is intended to function and what the process is to submit a complaint.

Shawn Rudden, 31 Francis Place, expressed concerns about the curbing process for Francis Place. We last heard from the Mayor in October, and Mario was out on the street a few weeks ago. Without the tree, the sidewalk is buckling even further. Where are we at with the bid process, and with the overall process?

Mayor Kelley said that the last he heard that Glenn was trying to get the former contract back, and also looking into getting another contractor on site.

Mr. Banker said we have been pursuing 2 avenues. One was having the original contractor back to complete the work. The other was utilizing the Morris County Coop to finish the work. Glen has been out for the last few weeks for health concerns, and returned to work today, and I do apologize on his behalf for that disruption.

Mayor Kelley will touch base with Glenn tomorrow to get answers

Barbara Buechner, 7 Park Lane, in the budget, there is anticipated revenue for the Community Center which does not make sense since the building is closed.

Mayor Kelley said that a lot of that has to do with the previous revenue the Center would receive.

Mr. Banker said that we also did receive revenue front he Swim Team uses of the pool this year. NJ has a very complex system for budget allocations, and especially during gratis COVID year. We would expect that CCC Revenue in years ahead will not be like this year.

Mayor Kelley said membership revenue was for last year then, correct?

Mr. Banker said that there may be some from this year from reimbursements and credits from when the center closed.

Ms. Buechner - asked that the intent is to still open the CCC?

Mr. Banker said that he cannot presume actions of the Governing Body that have not yet happened

Ann Marchioni, Chair of the Environmental Commission, bronze letter recertification of Sustainable New Jersey. Did receive complaints regarding leaf blowers and our committee has decided to take that on.

Gavin McCabe, Member of the Environmental Commission, been getting complaints of Gasoline powered leaf blowers being used at all hours. Landscaping crews that use gasoline powered machines for hours on end, is extremely noisy and pollutes our air. Many commercial users do not use proper protective equipment. We have looked at what surrounding towns have done to limit their use, and not ban them. Seasonal limits, would allow for gas powered mowers to be used for 2 months in the fall and 2 months in the spring. Limiting their use, may also encourage landscape companies to utilize electric leaf blowers. Using leaf blowers in the summer for grass clippings is also not good for the environment and an Ordinance to regulate this would help preserve the environment.

Councilwoman DePalma-Iozzi asked if this ordinance would be for commercial use and not residential, correct?

Mr. McCabe said that it can be used however you would like it to be. It can regulate commercial use more than residential, or be for strictly commercial. Did we circulate this to the entire Council?

Mayor Kelley said that he will make sure it gets circulate.

Councilman Cole said that if we were to adopt an ordinance like that, we also need to determine who would enforce it and what kind of fees it would generate.

Christine Gurriere, 26 Welshman Court, would like an update on the stormwater study that is being done in town. Following up on an email from July for the redevelopment plan, and the cost for the company that was hired. Traffic flow questions as well. Why was money paid for a redevelopment plan, before the stormwater study was done? Stormwater has been an issue for many years.

Mayor Kelley said that Tom has met with Mott MacDonald for an initial meeting

Mr. Banker said that we have engaged Mott MacDonald to do a comprehensive study of the entire Borough. Have asked them to identify any smaller issues that can be addressed in the interim, as the full study will take about a year. The study is already underway, people are already out taking measurements. We should get our first report in December, regarding the smaller projects that can be addressed readily. The Beekman hill road basin, is an example of something that can be addressed while the study is taking place. We should be able to present monthly updates on the Study.

Ms. Gurriere asked how will those updates be given to residents?

Mr. Banker said that they will definitely be presented at Council Meetings, and adding written updates to the Newsletter is a good additional option. That is a relatively new means of communication that we can utilize. We will also post updates on the website. Only a limited amount has been negatively affected by stormwater. The redevelopment plan is a way to increase investment, increase tax base, etc. so stormwater is a small part of this, so it will be informed by the redevelopment plan.

Ms. Gurriere noted that these past few storms, Bloomfield Ave has been a raging river. I believe that it is impacted by stormwater.

Mr. Banker said that we are aware of the last few storm events, and that flooding is taken into effect with each new project.

Don Giorgio, 51 Hillside Ave, not a fan of any prohibitions of leaf blowers in town. I wouldn't mind an ordinance about sound on Sundays, but I think it is going to be hard to enforce. Is Hillside Ave being repaved?

Mayor Kelley said that Hillside Ave will be paved in 2022.

Mr. Banker said that the contract has been awarded; the tree removal phase should be taking place shortly.

Mr. Giorgio asked if there is there a height limitation for buildings in town?

Mayor Kelley said that there are height restrictions. It is a product of the builder's remedy lawsuit

Mr. Banker said that the building on Roseland Ave is a 4-story building, with the tallest building permitted by the redevelopment project being 5 stories. There are existing building down Bloomfield Ave towards West Caldwell that are 7-8 stories.

Mr. Giorgio - asked about how to stay informed with the redevelopment plan

Mayor Kelley said that the redevelopment plan has been adopted. We have a newsletter that you can subscribe to, to stay informed with what is happening in town.

Mr. Banker said that the redevelopment plan is on the website, and was adopted about a year ago.

Ryan McGarry, 123 Brookside Ave, Bowers was just paved, but not the full street.

Mayor Kelley said that Bowers was a one-off to improve the conditions of the road.

Mr. Banker said that we essentially did a temporary fix. They will be paved fully in 2022.

Ms. McGarry asked about updates on the PFOA

Mayor Kelley said that the Mayor of Essex Fells did release an update that the levels are below what they were. The update is up on the website.

Ms. McGarry asked if there will be any reimbursements to residents for extra costs because of this?

Mayor Kelley said that there is will not be reimbursements to residents, related to the PFOA contamination.

INTRODUCTION OF ORDINANCES

ORDINANCE 1420-21 ORDINANCE OF THE BOROUGH OF CALDWELL, COUNTY OF ESSEX AUTHORIZING AND APPROVING AN AMENDED AND EXTENDED TAX ABATEMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF CALDWELL AND RALF ASHLAND URBAN RENEWAL LLC PURSUANT TO N.J.S.A. 40A:20-1 et seq. FOR THE PROPERTY LOCATED AT 7 ASHLAND STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 65, LOT 1.30 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF CALDWELL

A motion to introduce ordinance 1420-21 was made by Councilman Gates and seconded by Councilman Lace. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Ordinance introduced 11/9/2021

ORDINANCE 1421-21 AN ORDINANCE OF THE BOROUGH OF CALDWELL, COUNTY OF ESSEX, STATE OF NEW JERSEY, PROVIDING FOR THE IMPLEMENTATION OF THE "FIVE YEAR TAX EXEMPTION AND ABATEMENT LAW" PURSUANT TO N.J.S.A. 40A:21-1, ET SEQ.

A motion to introduce ordinance 1421-21 was made by Councilman Lace and seconded by Councilman Cole. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Ordinance introduced 11/9/2021.

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.

11-238	RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of November 9, 2021
11-239	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 10/09/2021 THROUGH 11/08/2021 IN THE AMOUNT OF \$1,711,590.60
11-240	RESOLUTION AUTHORIZING THE APPOINTMENT OF GARY GARAMELLA AS A PART-TIME FIRE INSPECTOR IN THE BOROUGH OF CALDWELL AT A RATE OF \$21.00 PER HOUR FOR 20 HOURS PER WEEK
11-241	RESOLUTION AUTHORIZING AND ADOPTING THE 'FOR-SALE OPERATING MANUAL' and the 'RENTAL OPERATING MANUAL'
11-242	RESOLUTION BOROUGH OF CALDWELL, COUNTY OF ESSEX, STATE OF NEW JERSEY ADOPTING THE 'AFFIRMATIVE MARKETING PLAN' FOR THE BOROUGH OF CALDWELL
11-243	RESOLUTION AUTHORIZING THE APPOINTMENT OF CLAUDIA CAPUTO AS A CROSSING GUARD IN THE BOROUGH OF CALDWELL EFFECTIVE IMMEDIATELY AT AN HOURLY RATE OF \$17.00 PER HOUR
11-244	RESOLUTION AUTHORIZING A ONE YEAR EXTENSION OF THE INTER-LOCAL SERVICE AGREEMENT WITH THE TOWNSHIP OF WEST CALDWELL AND THE BOROUGH OF ROSELAND FOR THE SENIOR TRANSPORTATION PROGREAM FOR 2019-2021
11-245	A RESOLUTION AUTHORIZING THE REGISTRATION BY THE BOROUGH OF CALDWELL FOR THE "RECYCLE COACH" PHONE APP SERVICE THROUGH THE RECYCLE COACH SOFTWARE COMPANY, 50 CARROLL STREET SUITE 111, TORONTO, ON MAM 363, CANADA.
11-246	RESOLUTION IN SUPPORT OF NEW JERSEY LEGISLATIVE BILLS S1016/A2070: BANS MOST OUTDOOR, NON-AGRICULTURAL USE OF NEONICOTINOID PESTICIDES AND DIRECTS DEP TO DESIGNATE NEONICOTINOID AS RESTRICTED USE PESTICIDES.

A motion to pass the consent agenda was made by Councilman Lace and seconded by Councilman Cole. Discussion Ensued. Upon a roll call vote, all members voted in the affirmative. Resolutions passed 11/9/2021.

RESOLUTIONS

11-247	RESOLUTION AUTHORIZING A CONTRACT WITH MILLENNIUM STRATEGIES, LLC FOR GRANTSMANSHIP SERVICES
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A motion to pass resolution 11-247 was made by Councilwoman DePalma-Iozzi and seconded by Councilman Rodgers. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Resolution passed 11/9/2021.

Mr. Brought a couple of late items to the floor for Council to vote on.

Award of contract for 2020 Various Streets.

Councilman Gates expressed concerns with the lowest bidder being a company that he does not feel satisfied with. They still not have completed the first contract with us. At what point do we say that Cifelli is not being responsible?

Vince - There are previous concerns about Cifelli not completing his job on the last contract. He would like some time to do his own legal research on this matter to address these concerns.

Tom- Candidly, we will forfeit the state funding if we wait until the meeting on Nov. 23rd to award the contract. Assuming that the Mayor Calls a Special Meeting before the deadline for the state funds, we will place both of these matters on that Agenda.

Award of Contract for Demolition of 14 Park Ave

Vince would feel more comfortable is this was not voted on tonight, as he is still reviewing some concerns regarding the lowest bidder. The attorney for the second lowest bidder did write him a letter which he is in the process of reviewing.

NEW BUSINESS

COUNCIL COMMITTEE REPORTS

Borough Council Members

1. Councilman Lace- Senior Transportation/ Board of Education/Grover Cleveland Birthplace Memorial Association/ Caldwell University
 - Board of Education
 - Marie Lanfrank passed away last week, after serving for the last 7 years.
 - CWC district is conducting a Children's book drive. Donation boxes at all Elementary Schools in Caldwell West Caldwell
 - Transportation
 - Thank you for approving the contract extension.
 - Searching for a temporary cover of the bus
 - GCBMA
 - Certificate of Occupancy is not issued yet, but we are slowly moving artifacts out of storage
 - Next stop for opening is the Carriage House
 - Caldwell University
 - President Mathew Whellan was sworn in, and Councilwoman DePalma-Iozzi presented a proclamation to him.
 - Caldwell University working on a new initiative to make Caldwell University a more affordable university.
2. Councilman Cole
 - Food Pantry
 - Turkey Drive will be on Saturday, Nov. 20th from 10am -1pm.
 - Located at the Caldwell Community Center
 - Contact Maria Burak for more information
3. Councilman Rodgers:
 - Made a public statement apologizing to Councilman Lace for his comments at the last Council Meeting. He apologizes for any insults and hurt feelings.
 - Councilman Lace commended him for this hard work and dedication.

REPORT OF MAYOR

Mayor Kelley

Mayor Kelley Reported:

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

Tom Banker Reported:

REPORT OF BOROUGH ATTORNEY

Vincent Nuzzi

Vince Nuzzi reported:

ADJOURNMENT

There being no additional business to be conducted, a motion to adjourn the meeting was made by Councilman Lace and seconded by Councilwoman DePalma-Iozzi. Upon a voice vote, all voted in the affirmative. The meeting adjourned at 9:24 PM.

Prepared by:

Brittany Heun

Brittany Heun, Deputy Borough Clerk

11/10/2021

DATE