

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE SPECIAL MEETING
MINUTES – October 1, 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 & 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

September 17, 2019

Moved by Council President Rodgers, seconded by Councilman Lace. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 10/1/19.

PRESENTATION

1. Women's Club of Caldwell / Bullying Prevention Campaign
2. Carolynn O'Brien / Municipal Seal
3. Dave Whetton / Alzheimer's Walk

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 Marchioni, Co-Chair Environmental Commission, we are now a Certified Wildlife Habitat and we will be getting a sign for the Pollinator Garden. We had a wonderful donation of a bench for the garden by Jack DiGangi in honor of his Mom and Dad Christine Prestifilipo DiGangi and Franco DiGangi. The Caldwell University students helped with the garden on last Friday and they were very thankful. On October 12th from 10AM – 11AM at Borough Hall in Council Chambers there will be A Tree Day and Michael Falcicola, Bartlett Tree will be discussing Climate Change.

Phyllis Kent, 61 Cleveland Road, discussed the garden at the triangle on Westville. They donated to 25 families milkweed that was overgrown there. She also stated that she would be very happy if the Council would look into banning single use plastic bags.

INTRODUCTION OF ORDINANCE

Ms. Veffler, 9 Hawthorne Road, asked to add the times in the ordinance. After discussion the time will be added.

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 to amend the ordinance adding the times, seconded by Council President Rodgers. Discussions Ensued. On roll call, all present voted in the affirmative. Ordinance Amended 10/01/19.

Moved by Councilman Lace, seconded by Councilman Cole. No Discussion. On roll call, all present voted in the affirmative. Ordinance Introduced 10/01/19.

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PUBLIC HEARING AND ADOPTION OF ORDINANCE

ORDINANCE #1372-19: 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 Councilman Lace, seconded by Councilwoman Schmidt. Discussions Ensued. On roll call, all voted in the affirmative. Ordinance Adopted 10/01/19.

ORDINANCE #1373-19: BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE SEWER UTILITY IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF

Moved by Councilman Lace, seconded by Councilman Cole. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Adopted 10/01/19.

OPEN PUBLIC COMMENTS ON RESOLUTIONS

10-218: RESOLUTION SUPPORTING *PUT THE BRAKES ON FATALITIES DAY*, OCTOBER 10, 2019. October 10, 2019 has been declared *Put the Brakes On Fatalities Day* by the BOROUGH OF CALDWELL AND THE CALDWELL POLICE DEPARTMENT

Moved by Councilman Cole, seconded by Councilwoman Schmidt. No Discussion. On roll call, all present voted in the affirmative. Resolution approved 10/01/19.

10-219: RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION FOR Glenview Realty, LLC, 4 Squire Hill Road, North Caldwell, NJ

Moved to table by Councilman Cole, seconded by Councilwoman Schmidt. Discussions Ensued. On roll call, all present voted in the affirmative. Resolution tabled 10/01/19.

10-220: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Religious Science of Montclair – On Premise/ Tricky Tray Raffle – October 18, 2019 – 6:00PM – 12:00AM

10-221: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – The Volunteer Fire Company of the Borough of Caldwell – On Premise/ Tricky Tray Raffle – December 7, 2019 – 5:00PM – 9:00PM

10-222: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – The Volunteer Fire Company of the Borough of Caldwell – Off Premise/ 50/50 Raffle – December 7, 2019 – 6:30PM

10-223: RESOLUTION OF THE BOROUGH OF CALDWELL APPROVING A SETTLEMENT AGREEMENT WITH LANDMARK

CONSENT

Moved by Councilman Cole, seconded by Councilwoman Schmidt. Discussions Ensued. On roll call, all voted in the affirmative. Resolutions approved 10/01/19.

10-224: A RESOLUTION PROVIDING TEN PERMITS FOR NON-ADVOCACY, 501 (c)3 & 501 (c)4 NON-PROFIT ORGANIZATIONS ON THE CALDWELL GREEN FOR SUNDAY, OCTOBER 6TH, FROM 12PM TO 5PM

Moved by Councilman Cole, seconded by Councilwoman Schmidt. No Discussion. On roll call, Council President Rodgers, Councilman Cole and Schmidt voted in the affirmative. Councilman Lace abstained. Resolution approved 10/01/19

COUNCIL COMMITTEE REPORTS

Borough Council Members

Councilman Cole reported on the Local Assistance Board and the Food Pantry and he would like to thank the Kiwanis Club of Caldwell West Essex for running a food drive on Saturday, September 21st to benefit the Caldwell Food Pantry. It was coordinated by Mildred Fitzburgh and included members of the Kiwanis as well as Circle K Key club, Caldwell University, James Caldwell High School and Mount Saint Dominic High School. There were

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over 35 carts of food were collected. This is a great community partnership and he thanked the Kiwanis for spearheading it and thank you everyone who donated to this event.

Councilwoman Schmidt reported that Human Services had a Luau for the seniors and it was very successful. There will be a new Tai Chi class on Wednesday's at 11:15AM starting on October 9th running through November 13th and it is \$35.00 for six classes. Also, coming up the Human Services Grover Cleveland Senior Center is hosting a care givers support group on Friday, October 18th at the senior center at 10AM. It's a nice way to find out resources for those who are caring for a loved one. On October 5th the Library will have the book talk from 11AM to noon and the author of the book "I don't want to be like you" will be there. On October 18th there will be an art exhibit featuring five Italian American artists including painters and photographers and the reception will be at 6:30PM.

REPORT OF COUNTY LIAISON:

Patricia Keenan reported that on October 5th there is the Household Hazardous Waste Collection Day and on October 19th Computer & Electronics Recycling at Cedar Grove Public Works. She did address the Tennis Courts and the maintenance has not started and she will follow up on that.

REPORT OF MAYOR

Mayor Kelley

Mayor Kelley reported that he attended a meeting on the Street Fair and everyone is excited and the Kiwanis and Rotary were in attendance. Mark Guiliano was the driver of the meeting and it was very productive in terms of just checking in and identifying everyone's role. Chief Bongiorno was there along with others who will be helping insure the success of the Street Fair coming up this Sunday.

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

Tom Banker reported:

- We have asked Mott MacDonald to conduct a high level survey of available alternative water supplies which may or may not require interconnection pumping issues.
- We have until next year that our contract with Essex Fells will expire. We are somewhat captive in our current contract we have a sole source of water the current terms of the contract provide for a direct path as to a 4% annual increase which is not necessarily warranted by the cost which we owe to our water users to see if there is a better deal out there so we are pursuing it.
- He has advised the Mayor that by the end of October he will be presenting a comprehensive parking study that will incorporate existing lots, potential property acquisitions and the effect of both technology and garage concept and integrated into one big massive plan.
- He has two alternative designs for the new parking structure for Smull Avenue with initial budgetary and basically on the shape of the garage and how much we would intrude on the yards that are essentially part of the existing Smull Avenue properties. He will be discussing with Council in executive session because they do involve property acquisitions which involves negotiations and potential litigations.

Councilman Cole asked if there were provisions in the contract for solar panels and electric charging stations and Tom responded that at this level of the design it's basically the shape and the size. What you put on top of it and what you put in side of it are decisions that happen after you have agreed is the right size and shape.

Councilman Lace asked the ordinance that was recently adopted for 1.25 million part of that was dedicated to a parking study how does that relate to what you will be presenting at the end of October and Tom responded that was a down payment not so much on the study the study is not that expensive the money that it is for is there will be some land acquisition involved even if it is easement rights. Discussion Ensued.

- Parking demolition specs are expected to be advertised for bid and are returnable on October 15th. At the next council meeting we will award the demolition bids.
- He has spoken to Glenn and Mario and we will not issue a notice to proceed until they have fully arranged the satisfaction of Paul Milani, Construction Official, that all ADA and fire exit requirements will be met both during and after the demolishing.

Mayor Kelley reported that the polling locations will be changed District 1 & 2 will be at Lincoln School, District 3, 4, 5 & 6 will be at Grover Cleveland Middle School and District 7 will be at Caldwell University.

- I/I study has been presented and they would like to present to the Mayor and Council publically.
- The Mayor and Tom have continued to attend Police Share Service Meetings. There is no commitment by the Borough or others.
- The Council authorized appraisals for 14 Park and the Post Office building and we will have the appraisal by the next Council meeting.

On a motion made by Councilman Lace, seconded by Council President Rodgers unanimously affirmed, the Council moved into Executive Session at 8:41P.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

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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 Councilman Cole, seconded by Council President Rodgers the Council Business Conference Meeting was opened to the public and the press at 9:30PM.

10-225:RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH CANDICE MARINARO

Moved by Council President Rodgers, seconded by Councilwoman Schmidt. No Discussion. On roll call, Council President Rodgers, Councilman Cole and Schmidt voted in the affirmative. Councilman Lace voted in the negative. Resolution approved 10/01/19.

10-226:RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH JESSICA LUSZCZ

Moved by Council President Rodgers, seconded by Councilwoman Schmidt. No Discussion. On roll call, Council President Rodgers, Councilman Cole and Schmidt voted in the affirmative. Councilman Lace voted in the negative. Resolution approved 10/01/19.

10-227:RESOLUTION AUTHORIZING THE TEMPORARY APPOINTMENT OF TWO PATROL OFFICERS GLENN SIMMONS AND NATALIE MARINARO TO ACT AS SERGEANTS FOR THE CALDWELL POLICE DEPARTMENT FOR NOT MORE THAN THE NEXT THREE MONTHS

Moved by Council President Rodgers, seconded by Councilwoman Schmidt. No Discussion. On roll call, all present voted in the affirmative. Resolution approved 10/01/19.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Lace, seconded by Councilwoman Schmidt unanimously affirmed by all members present, the meeting was adjourned at 9:37PM.

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

DATE