

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – October 11, 2022**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order at the Trinity Academy Gymnasium at 7:15 PM.

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

ALSO PRESENT: Deputy Clerk, Kim Conlon, Borough Administrator Tom Banker, 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

September 6, 2022

A motion to adopt the minutes was made by Councilman Alonso, and seconded by Council President Gates. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. The minutes were approved 10/11/2022.

A moment of Silence was observed.

PRESENTATION

1. Community Center Advisory Board Presentation
 - Presentation given by Chairman of the Community Center Advisory Board, Peter Byrne
2. Proclamation for the 30th Rotary/Kiwanis Caldwell Street Fair
 - Councilwoman Buechner presented the Proclamation to Garrett Jones,
3. 358 Bloomfield Ave, LLC

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 Councilman Alonso and seconded by Councilman President Gates. Upon a voice vote, all member present voted in the affirmative. The Council left the public meeting an entered executive session at 7:45pm.

A motion to leave executive session and open the meeting to the public, was made by Councilwoman DePalma-Iozzi and seconded by Councilman Alonso. Upon a voice vote, all member present voted in the affirmative. The Council left the executive session an resumed the public meeting at 8:15pm.

REPORT OF BOROUGH ADMINISTRATOR

Thomas Banker

1. 24 Smull Avenue Adaptive Reuse for Health Department.
 - *In Full Use*
2. Temporary Trailer Installation.
 - *Waiting on the last 2 items that need to be completed.*
 - *Electrical service from PSEG*
 - *Permeable pavement installation*
3. 14 Park Ave Rehabilitation.
 - *Moving materials into the trailers*
 - *Federal Government happy with progress*
 - *Early 2023 move-in/reopening*
4. Community Center Reconstruction.
 - *Selective Demo after the demo of Borough Hall and Library*
5. Municipal Building Construction.
 - *On hold until demolition is complete*
6. Water Distribution; Storm Sewer Collection and Road Projects.
 - *Completed 3 of 5 phases of water improvements*

- Last 2 will be completed in 2023
- 7. Stormwater Management Study.
 - Close circuit tv inspection concludes next week
 - Draft report to follow
 - Formal report before December 1st.
- 8. Wastewater Treatment Plant Projects.
 - Done all we can do that are not burdened by lawsuits
 - Functioning at 100% of its full capacity
 - Explore expansion after litigation concludes
 - Waiting on final contracts with neighboring towns
- 9. Property Acquisitions.
 - 22 Smull is on the agenda tonight
- 10. Public Parking Plan.
 - Expect draft plan to circulate to Mayor and Council by the end of October
 - November meeting it will be presented to the public
 - Parking enforcement officer has been hired.

REPORT OF COUNTY LIAISON

Patricia Keenan

Patricia Keenan Reported:

- Events:
 - Spooky Story Time – Oct. 23rd, 29th & 30th Iris Garden
 - Struct your Mut – 10/30 at Grover Cleveland Park
 - Safe Halloween at 300 – 10/31 4-8pm
 - Electronics Recycling – 10/15 9am-3pm
 - Senior Wellness Day - 10/18
- COVID
 - Vaccines available at Sears, in Livingston Thursday, Friday, & Saturday
 - Appointments needed for children 6mo. – 5yrs.
 - Testing is no longer offered
 - Closing 10/29

PUBLIC COMMENTS (FIRST SESSION RESTRICTED TO 7 SPEAKERS)

Max Time: 3min per speaker

Members of the public are invited to comment at this time on ANY issues, whether or not on the agenda

Carla Maras, Ashland St. Asked about parking for the 358 Bloomfield Ave project, and about the Flyer that went out.

Council President Gates said that the flyer was paid for by their campaign, which it states on the flyer.

Mathew Fox, 6 Lockward Road. Asked why the referendum didn't go through, and said the fundamental rights of citizens are not included in discussions. Why are we moving forward with the Community Center if it failed? Communication with citizens is not clear. No due process regarding the library.

Kathy Lally, 24 Brookside Avenue. There is a lot of frustration with the public and no answers from the Council, and the public does not feel heard. When the referendum came up that would give us a voice, only Gates explained his reasoning for why he was against. We are capable of making education and informed decisions, especially on things that are beneficial to our community. A certified engineer would have been required to deem the current Borough Hall building condemnable. We should have discussed options and vote for the projects, instead of having decisions made without public representation. Asked Councilwomen DePalma-Iozzi and Buechner why they voted the resolution down.

Councilwoman Buechner doesn't recall a resolution. Referendum if something costs a certain dollar amount. Councilman Cole said anyone is able to tour town hall. The building does not satisfy the needs of the town, and has not had proper maintenance for 20 years. Councilwoman DePalma-Iozzi said they have been working with professional engineer for 2 years. The current building is sinking, and the Police Department is having water issues. Caldwell is not a town hall form of government.

Christine Gurriere, 26 Welshman Court. 2018 bid to rehab Borough Hall from Rapid Recover was less than \$700,000. This was a perfect bid right before the Mayor and Administrator came on board.

Mayor Kelley said that the bid was never proposed to the Council. The bid was to stop water coming in the walls, and would not have been well spent money.

Ms. Gurriere asked the Borough Administrator about the payments for the trailers. You said we have not paid one dime so then why is there a \$156,000 check reconciled in June.

Mr. Banker said that he said there was no obligation to pay until we moved in. There are 4 pieces to the financing of the project. 1. Install costs, which we paid, 2) occupation, 3) removal, and 4) extensions.

Tom Stille, Smull Avenue, West Caldwell. Spoke about an idea to acquire the movie theater and make it the main entrance to a new parking lot. Would add 12-14 new spaces on either side. Could make it really beautiful with cork to hold back water and drain out naturally. Could slow down traffic with a light or stop sign.

Mr. Banker said that he shared this idea with John Denning regarding our efforts with flooding. Referred for their consideration and is worth exploring.

Kathy Swift, Caldwell Progress. Announced that Wednesday October 12th there will be a debate between the 5 candidates for the School Board.

Council President Gates asked about the Candidate forum. Ms. Swift said invites were sent and not accepted by everyone.

Meryl King, 17 Birkendene Road. Asked if the Final Borough Hall plans are on the website.

Mr. Banker said the presentation from the architect should be on there. We will confirm. Councilman Alonso said that 358 Bloomfield Ave presented to us, so we don't pay for them to be here. Mr. Banker said that the redevelopment plan addressed downtown Caldwell.

INTRODUCTION OF ORDINANCES

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

Ms. Seratelli spoke to the Ordinance.

A motion to introduce Ordinance 1435-22 was made by Councilman Alonso and seconded by Council President Gates. Discussion ensued. Upon a roll call vote, all members voted in the affirmative with Councilman Alonso voting against and Councilman Lace abstaining from the vote. Ordinance 1435-22 was introduced 10/11/2022.

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 to introduce Ordinance 1436-22 was made by Councilman Alonso and seconded by Councilwoman DePalma-Iozzi. Discussion ensued. Upon a roll call vote, all members voted in the affirmative, with Councilman Lace voting against. Ordinance 1436-22 was introduced on 10/11/2022.

ORDINANCES FOR SECOND READING

ORDINANCE 1432-22 CALENDAR YEAR 2022 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

A motion to open the public hearing on Ordinance 1432-22 was made by Councilman Alonso and seconded by Councilwoman DePalma-Iozzi. There being no public comments, the motion to close the public hearing and adopt Ordinance 1432-22 was made by Councilman Alonso and seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative. Ordinance 1432-22 was adopted on 10/11/2022.

ORDINANCE 1434-22 AN ORDINANCE TO AMEND THE ORDINANCE GOVERNING SEWER SERVICE CHARGES AND THE COMPUTATION THEREOF

A motion to open the public hearing on Ordinance 1434-22, was made by Councilman Cole and seconded by Councilman Alonso. There being no public comments, a motion to close the public hearing and adopt Ordinance 1434-22 was made by Councilman Alonso and seconded by Council President Gates. Upon a roll call vote, all members voted in the affirmative. Ordinance 1434-22 was adopted on 10/11/2022.

RESOLUTIONS - FOR INDIVIDUAL CONSIDERATION

10-221	RESOLUTION DESIGNATING 358 BLOOMFIELD AVENUE LLC AS REDEVELOPER FOR A REDEVELOPMENT PROJECT TO BE LOCATED ON LOT 25.01 IN BLOCK 52 IN THE BOROUGH OF CALDWELL, NJ AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT BETWEEN 358 BLOOMFIELD AVENUE, LLC AND THE BOROUGH REGARDING THAT PROJECT.
10-224	RESOLUTION AUTHORIZING THE EXECUTION OF A NON-DISTURBANCE AGREEMENT WITH CALDWELL PLAZA, INC. AND ACLC, INC. RELATED TO THE DEMOLITION AND CONSTRUCTION OF MUNICIPAL FACILITIES

After discussion, a motion to table resolution 10-221 was made by Councilman Alonso and seconded by Council President Gates. Upon a roll call vote, all members voted in the affirmative. Resolution 10-221 has been tabled until the next meeting.

A motion to adopt resolution 10-224 was made by Councilwoman DePalma-Iozzi and seconded by Council President Gates. Discussion ensued. Upon a roll call vote, all members voted in the affirmative with Councilman Alonso voting against and Councilman Lace abstaining from the vote. Resolution 10-224 was adopted on 10/11/2022.

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.

10-209	RESOLUTION TO AMEND RESOLUTION 1-30 TO INCREASE THE MAXIMUM AMOUNT TO BE PAID TO MARAZITI FALCON TO \$400,000
10-210	RESOLUTION AUTHORIZING THE APPOINTMENT OF DEBRA LYNCH AS A CROSSING GUARD IN THE BOROUGH OF CALDWELL EFFECTIVE IMMEDIATELY AT AN HOURLY RATE OF \$17.00 PER HOUR
10-211	RESOLUTION TO HIRE SANDRA BINKIEWICZ AS THE PARKING ENFORCEMENT OFFICER FOR THE CALDWELL POLICE DEPARTMENT
10-212	PULLED
10-213	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 9/7/2022 THROUGH 10/11/2022 IN THE AMOUNT OF \$3,792,818.81
10-214	RESOLUTION AUTHORIZING THE APPOINTMENT OF LIBRARY BOARD OF TRUSTEES MEMBERS
10-215	RESOLUTION APPROVING THE APPOINTMENT OF IRSON RAMOS VEGA AS A FIREFIGHTER FOR THE CALDWELL VOLUNTEER FIRE DEPARTMENT
10-216	RESOLUTION APPROVING THE APPOINTMENT OF CHRISTOPHER BOECKEL AS A FIREFIGHTER FOR THE CALDWELL VOLUNTEER FIRE DEPARTMENT
10-217	RESOLUTION AUTHORIZING THE CONTINUANCE OF OUTSIDE DINING IN THE BOROUGH OF CALDWELL IN COMPLIANCE WITH NEW JERSEY Legislation Bill No. S-2364.
10-218	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE -NJ LIONS CHARITABLE FOUNDATION, INC. - OFF-PERMISE 50/50 CASH RAFFLE
10-219	AUTHORIZING THE EXECUTION OF THE INDEMNITY & TRUST AGREEMENT WITH THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND FOR THE PERIOD JANUARY 1, 2023 THROUGH DECEMBER 31, 2025
10-220	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE -SAINT ALOYSIUS ROMAN CATHOLIC CHURCH- OFF-PERMISE CALENDAR RAFFLE
10-222	RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH HENDRICKS APPRAISAL COMPANY, LLC FOR ADDED ASSESSMENT SERVICES
10-223	RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDERS (#1) FOR 14 PARK AVENUE MODIFYING THE SCOPE OF THE PROJECT TO ADDRESS A STRUCTURAL CORRECTION
10-225	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE-CALDWELL COLLEGE ALUMNI ASSOCIATION, ON-PREMISE- 50/50 CASH RAFFLE-OCTOBER 3, 2022- 10am-5pm

A motion to approve the consent agenda was made by Councilman Alonso and seconded by Councilwoman DePalma-Iozzi. No discussion ensued. Upon a roll call vote all members voted to approve with Councilman Lace voting no on Resolutions 10-209 and 10-222.

PUBLIC HEARING ON THE 2022 MUNICIPAL BUDGET

Members of the public are invited to comment at this time on the 2022 Municipal Budget

No Public Comments

ADOPTION OF THE 2022 MUNICIPAL BUDGET

9-218	RESOLUTION APPROVING THE ADOPTION OF THE BOROUGH OF CALDWELL MUNICIPAL BUDGET FOR THE YEAR 2022
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A motion to adopt resolution 10-226 was made by Council President Gates and seconded by Councilman Alonso. Upon a roll call vote all members voted in the affirmative, with Councilman Lacey voting against. Resolution 10-226 was adopted 10/11/2022.

NEW BUSINESS

COUNCIL COMMITTEE REPORTS *Borough Council Members*

1. Councilwoman DePalma-Iozzi – Grover Cleveland Birthplace Memorial Association
 - Bizzare Bloomfield Ave Tours
 - 10/21 Walking tours going from 6-7:30pm. Starts at the Grover Cleveland Birthplace
 - \$18 per ticket.

2. Councilwoman Buechner – Board of Health
 - Flu Clinic & Moderna COVID Booster
 - 10/18 at the Caldwell firehouse from 2-4pm
 - Free for adults 18 and over

3. Councilman Cole – Environmental Commission
 - Fall Earth Day
 - October 15th from 9-11am at the Pollinator Garden
 - Free Seeds and Native Shrubs

4. Council President Gates – Rent Review Board
 - 9/28 there was a hearing for an Adequate Return Increase Application
 - 1st in 10 years

REPORT OF THE MAYOR *John Kelley*

Mayor Kelley reported:

- Borough Newsletter and Sewer Letter will be mailed to residents
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REPORT OF BOROUGH ATTORNEY *Mary Kate Serratelli*

PUBLIC COMMENTS (SECOND SESSION) *Max Time: 3min per speaker*

Members of the public are invited to comment at this time on ANY issues, whether or not on the agenda

Mathew Fox, 6 Lockward Road. Asked if you need a smart phone to park.

Mr. Banker said that we use traditional coin meters, but you also have the capability to pay using the ParkMobile App on your phone.

Mr. Fox asked if there will be demolition before the elections.

Mayor Kelley said that we need to move into the trailers first. Tentative date for the is before elections.

Mr. Fox asked about the Community Center Demolition.

Councilman Cole said that there are 2 parts to the Community Center Demolition.

Mr. Fox asked if any alternatives are going to happen.

Mayor Kelley said that is correct.

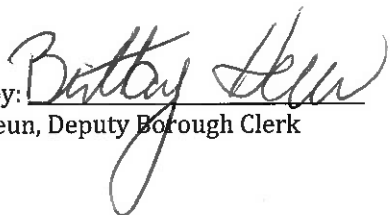
Councilman Alonso made a statement on behalf of the Historic Preservation Commission.

Councilman Alonso asked about that Fire engine and Department Equipment.

Mr. Banker said that we are actively pursuing grants for those purchases. If there is no real chance of obtaining a grant, the Mayor and Council can choose to add to the Capital Budget to fund it. Because of our Sewer Litigation we are technically over our CAP budget.

ADJOURNMENT

With there being no other business, a motion to adjourn the meeting was made by Councilwoman Buechner and seconded by Councilman Alonso. Upon a voice vote, all members present voted in the affirmative. Meeting was adjourned at 9:57pm.

Prepared by: 
 Brittany Heun, Deputy Borough Clerk


 DATE