

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE SPECIAL MEETING  
MINUTES – October 15, 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 Capozzoli, Cole, Lace & Schmidt

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

**ABSENT:** Councilman O'Donnell

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 1, 2019  
October 1, 2019 - Executive

Moved by Council President Rodgers, seconded by Councilman Lace. No Discussion. On roll call, Council President Rodgers, Councilman Cole, Lace and Schmidt, voted in the affirmative. Councilman Capozzoli abstained. Minutes approved 10/15/19.

**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*

*Jeff Gates, 8 Ward Place, asked about when the paving would be done on Ward, Wakefield and Gould Place. Tom Banker will get back to Mr. Gates by the next meeting as to when it will be scheduled.*

*Hilda Moore, 23 Personette Street, asked when her sidewalk and the roots from the town tree will be taken care of.*

**INTRODUCTION OF ORDINANCE**

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

Moved by Councilman Lace, seconded by Councilwoman Schmidt. No Discussion. On roll call, Council President Rodgers, Councilman Lace, Cole and Schmidt voted in the affirmative. Councilman Capozzoli voted in the negative. Ordinance Introduced 10/15/19.

**OPEN PUBLIC COMMENTS ON RESOLUTIONS**

**10-228:** RESOLUTION APPROVING AN INTERLOCAL SERVICE AGREEMENT BETWEEN THE BOROUGH OF CALDWELL AND THE CALDWELL-WEST CALDWELL BOARD OF EDUCATION

**10-229:** RESOLUTION APPROVING AN INTERLOCAL SERVICE AGREEMENT BETWEEN THE BOROUGH OF CALDWELL AND THE WEST ESSEX REGIONAL SCHOOL DISTRICT

**10-230:** RESOLUTION APPROVING AN INTERLOCAL SERVICE AGREEMENT BETWEEN THE BOROUGH OF CALDWELL AND THE VERONA SCHOOL DISTRICT

**10-231:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD SEPTEMBER 28, 2019 THROUGH OCTOBER 11, 2019 FOR 2019 BILLS IN THE TOTAL AMOUNT OF \$1,994,675.38

**10-232:** RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED  
For the Meeting of October 15, 2019

**10-233:** PROCLAMATION DECLARING OCTOBER AS BREAST CANCER AWARENESS MONTH AND OCTOBER 18th AS NATIONAL MAMMOGRAPHY DAY

**CONSENT**

Moved by Councilman Capozzoli, seconded by Councilwoman Lace. Discussions Ensued. On roll call, all voted in the affirmative. Resolutions approved 10/15/19.

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**COUNCIL COMMITTEE REPORTS**

*Borough Council Members*

**Councilman Lace** reported that the Environmental Commission encourages all residents to either leave your leaves in a compost pile or bag your leaves to prevent from causing public safety hazards and unnecessary nitrate runoff into our local water supplies.

He had the honor of swearing in David Whetton as a new member with the Senior Transportation Advisory Board and he brings a strong record of volunteerism to the Board and he looks forward to working with him. On Friday, October 25<sup>th</sup> there will be a flu clinic from 1:00 – 2:30PM at the Community Center. There is Tai Chi classes on Wednesday's at 11:15AM and the cost is \$35.00. Pizza and Bingo will be on November 17<sup>th</sup> and November 31<sup>st</sup> and the cost is \$4.00. Bus Magnets are still available. Recently the bus needed new brakes and a repair to the exhaust system and those repairs were over \$3500.00 however the bus is operational again. The Community Center is hosting Caldwell open house on Saturday, October 19<sup>th</sup> from 9:30AM – 11:30AM. On October 24<sup>th</sup> there will be a Candidates Forum at the Community Center hosted by the Community Center and the Progress; residents will have a chance to meet local candidates for Borough Council and Board of Education. On Saturday, October 26<sup>th</sup> there will be a Halloween Party from 3:00PM – 5:00PM. Lastly, the Grover Cleveland Birthplace is hosting their annual Ghost Walk on Friday, October 25<sup>th</sup> and the rain date is October 26<sup>th</sup>. Tickets are \$15.00 and the tour starts at 5PM at the Birthplace and tickets must be obtained in advance. For more information please call 973-226-0001.

**Councilman Capozzoli** reported that the Caldwell Health Department announces the 2019 Flu Immunization Clinic on Friday, October 25<sup>th</sup> from 1PM – 3PM no appointments are necessary. It will be held at the Caldwell Community Center in the senior activities room. Medicare Cards are accepted \$25 for non-Medicare participants. For more information please call the Health Department at 973-403-4623 and it's for adults 18 years and older.

**Councilwoman Schmidt** reported that there are a number of programs coming up at the library. Our Children's events continue to be very well attended. The Anti-bullying event last Saturday was well attended, and well received. Tomorrow, October 16<sup>th</sup> from 4PM – 5:30PM the library will be holding its second annual Fall Fest for Kids! There will be a number of fall themed crafts, and activities. Even though registration has closed, walk-ins are welcome to the program, but craft activities are while supplies last. Program planned and presented by the Youth Services Department and the Library's Teen Action Committee.

There is a special origin of Halloween event for the adults scheduled for Wednesday, October 30<sup>th</sup> at 6:30PM with a speaker presenting the history of Halloween.

There will be three different book groups which we host, but do not run, which are doing very well and continue to add people to their numbers.

Regarding the search for a new library director, it is moving forward and they have found some very promising candidates.

We now have the water sensors and the installation went well and was very straightforward.

For her venturing Summit Project JCHS senior Mackenzie Courtright along with her team of volunteers completed the construction of four waist-high garden beds and two benches for the Caldwell Public Library grounds. Construction of the beds and benches took place this weekend. This new garden can be used by seniors for not only the harvested produce but for gardening activities as well. She would like to request that Jane Kinkle and Mackenzie come to a Council meeting so they can speak about this project which enhances our library as well as our seniors' quality of life.

The Alzheimer's Caregivers Support Group is on Friday, October 18<sup>th</sup> at 10:00AM in the Grover Cleveland Senior Center within the Community Center.

The Borough will be rolling out our new website which will represent considerable cost savings. The previous website budget was \$15,000 per year. The new website cost which includes site development and maintenance for the last year is \$11,545. Every year following the cost will be \$2,800 at a savings of \$12,200 per year for the Borough. In addition, the site will be ADA compliant which is required for government sites.

The Borough is working on a number of major projects because many of them have become critical. The Communication Committee is hoping to issue some information documents so residents can better understand what's happening at Borough Hall. Residents should feel comfortable reaching out to their Council members if they have concerns.

**Facts to clarify:**

The role of the Borough Administrator does not have the "power" of elected officials. He is the one to do all the practical work needed to exercise the policies of the Mayor and Council. To give an analogy, he would be like the General Contractor for a renovation project. The homeowners have the vision (Mayor and Council) and the GC does the work to achieve that. He may also suggest solutions to problems he discovers along the way. He does not make policy but applies his knowledge of municipal management to get the job done. We are lucky to have Tom Banker bring his years of expertise to the Borough. He is helping us repair and rebuild much of our infrastructure. These are just a few of the projects:

**COAH** – This is state-required Affordable Housing which is not the same as low income housing.

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**LEAVES** – A recent FB rumor has spread and I want to confirm that we are picking up leaves this year. If you haven't received a schedule please pick one up here at Borough Hall or it is available on our website.

**Infrastructure Repairs:**

*Parking Deck: We have looked at multiple alternatives with structural engineers and the repair options were far more costly than tearing it down. Now, we are looking at numerous issues involved with the parking deck and the new lot. The schedule may change because we want to make a lasting improvement that may address some of the storm water issues we are facing. We are aware of the challenges that this poses for CCC members and we are working closely with the director to minimize the inconvenience to members as well as library patrons. As we move forward we will share details about parking alternatives during the work.*

*I know residents are concerned about the many changes that are taking place. I cannot stress enough that residents should feel comfortable reaching out to their Council Members or even reading local print and online press so they can obtain accurate information.*

**Mayor Kelley** responded that from the Communications committee having that kind of information on a regular basis is very helpful for the residents that clarify a number of things.

**NEW BUSINESS:**

**Councilman Lace** responded that he encourages residents if you live near a storm drain with all the rain that is anticipated you may want to make sure the storm drain is clear.

**REPORT OF MAYOR**

**Mayor Kelley**

**Mayor Kelley** reported that the issue with the parking deck for the Caldwell Community Center it is a hot topic and it is something that we are pressing forward on. We have had the opportunity to pull up and evaluate and we have the good fortune to consider the use of the space where the parking deck is for the purpose of a detention base and we have spoken with an engineer with regards to that. There are several different options and it can help us with the water flow on Bloomfield Avenue as well as maintaining and controlling the water flow down Pine Brook and more importantly it will help with the flooding around Provost Square, the library and the Community Center. We are going to slow down the process take that into consideration and evaluate.

**REPORT OF BOROUGH ADMINISTRATOR**

**Thomas Banker**

**Tom Banker reported:**

- In regards to our COAH obligations we met today with the one project that has not been approved by this Council the Central Avenue and Bloomfield Avenue project. We have reached an agreement and on October 25<sup>th</sup> we are appearing before the court for a fairness hearing which will basically conclude our negotiations and would put the Borough in a position that we would be in compliance with our COAH obligation.
- Parking demolition of the existing lot the only change is the idea that after we demolish the parking structure that we utilize the site as a storm water detention basin.
- He met with the Town Planner, Topology, they will be presenting at the council meeting on November 19<sup>th</sup> a proposed re-development map which will set out the proposed new overlay zoning and the definitions of those zones. We are addressing the Bloomfield Avenue Corridor and the main corridor within one block north and south, a portion of Lane, Central, Smull, Park and Roseland Avenue will be the properties initially included in the Redevelopment plan.
- The concept is to permit larger scale more dense development while preserving the street walk and the retail character of the downtown Caldwell but encouraging residency development for increased activity on Bloomfield Avenue and Commercial activity on Bloomfield Avenue.
- There will be a draft ordinance produced for the creation of the five year tax abatement program for the benefit of existing residential property owners and new development but would essentially allow existing property owners to reinvest in the properties without incurring immediately significant tax increase.
- In executive session he has provided the Mayor and Council with a four year analysis of the handling of personnel and non-union personnel.
- He has been notified by the union representatives who is police and teamsters (DPW) that the contracts end at the end of this year and they want to start negotiations.
- Our tax collector will be retiring and we have a search underway as to how we will handle the replacement of our tax collector.
- Regarding the parking plan we have received two alternative designs for the parking structure on the Smull Avenue site. Between now and November 19<sup>th</sup> you will receive a detailed comprehensive plan that incorporates not just the intension for a garage but also the operation of all existing public parking in Downtown Caldwell and the potential to incorporate the use of underutilize accessory parking all of which will be presented live and in color on November 19<sup>th</sup>.

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**REPORT OF BOROUGH ATTORNEY**

*Vincent Nuzzi reported that the hearing officer will render his decision within the next couple of weeks on the Internal Affairs investigation.*

*Councilman Cole asked if any progress has been made of the contracts with various towns regarding sewer authority and Tom responded that we have a sewer board meeting on November 14th and those contracts have been circulated to the other towns and communication has been given to them that at that meeting there will be a meaningful discussion as to their willingness to accede to those contracts so that planning for the capital investment and operating activities in 2020 can proceed in a meaningful way.*

On a motion made by Councilman Lace, seconded by Council President Rodgers unanimously affirmed, the Council moved into Executive Session at 7:52P.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 Council President Rodgers, seconded by Councilman Cole the Council Business Conference Meeting was opened to the public and the press at 8:45PM.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Capozzoli, seconded by Councilman Lace unanimously affirmed by all members present, the meeting was adjourned at 8:45PM.

Prepared by: \_\_\_\_\_  
Lisa O'Neill, Deputy Borough Clerk

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DATE