

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – October 20, 2020**

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The Council Business meeting of the Borough Council of the Borough of Caldwell was called to order on Zoom at 7:22PM.

**PRESENT:** Mayor Kelley, Council President Schmidt, Councilman Rodgers, Councilman Cole, Councilman Lace, Councilwoman DePalma-Iozzi, and Councilman Gates

**ALSO PRESENT:** Deputy Clerk Kim Conlon, Borough Administrator Thomas Banker, Borough Attorney Vincent Nuzzi, OEM Director Mark Guliano, and Police Chief James Bongiorno.

**STATEMENT OF COMPLIANCE**

Adequate notice of this Council Business/Conference meeting was given on January 1, 2020. Notice was posted on the bulletin board on 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 ALLIGENCE**

**APPROVAL OF MINUTES**

October 6, 2020

Moved by Councilman Lace and seconded by Councilwoman DePalma-Iozzi. Upon a roll call vote, all voted in the affirmative. Minutes approved on 10/20/2020

**PRESENTATION**

1. Raising funds and awareness for Alzheimer's Disease – Dave Whetton
  - a) Mr. Whetton spoke about his personal struggles with Alzheimer's when he watched his father-in-law struggle with the disease
  - b) Gave a presentation on Alzheimer's Disease and how to donate to the help find a cure
  - c) Councilman Lace asked about the Virtual Event
    - Mr. Whetton said it will be between Thanksgiving and Christmas
  - d) Mayor Kelley & Council President Schmidt thanked Mr. Whetton for giving the presentation and for all he does for this Cause
  - e) Mayor Kelly announced he will match any donations made by the Council Members

**COVID-19 Update**

- Mark Guliano
  - Uptick in cases recently
    - Caldwell went up 3% in the last 7 days
    - West Caldwell up 3%
    - Verona up 8%
    - Fairfield up 11%
    - North Caldwell up 12.5%
    - Essex County up 4%
  - Councilman Lace said that there is a lot of skepticism about the effectiveness of masks
    - Mark reiterated the importance of masks
- Maria Burak
  - Safety Protocols
    - Wear a mask (Over the nose & Mouth)
    - Wash your hands
    - Stay 6ft apart
  - Reiterated the importance of the tools listed above
  - Contact tracing is very important – make sure to give information when needed to that we can stop the spread of COVID-19
  - NJ Health Department has a new app
  - COVID Testing: [essexcovid.org](https://essexcovid.org) to schedule
  - Senior Bus is still running – Call 973-226-5708 to reserve a spot
  - October is Breast Cancer Screening Month
    - Very important to maintain women's health, and only takes a few minutes to do.
- Chief Bongiorno
  - When you are outside, please wear a mask if you cannot maintain a 6ft distance
  - Do not leave disposable masks on the ground
- Mayor Kelley

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- CCC – Reverse 911 from the Mayor
  - Survey went out, to get the input from the community
  - No Decision has been made regarding the CCC
  - Thanked Peter Byrne, Councilman Cole, Mr. Banker, and Council President Schmidt for their work on the survey
  - Task Force meeting next Thursday to discuss the results of the Survey

**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*

**Eline Maxwell** – 44 Smull Avenue, Question about the water and sewer bill, and how the bill has drastically increased. What will be the standard going forward?

Tom Banker responded saying:

- Water historically is billed on the current consumption (lowest in Winter/fall and highest in the summer)
- Borough did increase from \$7.50 to \$9.00 per 1,000 gallons.
- All fees have been denoted to improving water system.
- Moved from a tax based system to a fee based system in the beginning of 2020.
- Increase in October 2020 bill is probably due to increased consumption.

**Suzy von Lengerke** – 28 Leaycraft Lane, Did not receive reverse 911 call regarding the Caldwell Community Center Survey, and felt the survey was biased. Had to answer survey questions that did not pertain to her and felt that many of the questions were biased and unrealistic.

- *Mayor Kelley* said that the Task Force was trying to be very transparent with the community regarding costs of the Caldwell Community Center. Encouraged everyone to wait for the results of the surveys.
- *Council President Schmidt* said there are many rumors circulating so they have tried very hard to be transparent. On her Facebook page are all the Tap Into articles regarding the Caldwell Community Center Task Force Meetings.

**Alexis Diaz**, Oak Grove Road, 15% unaccounted for where people live. The towns listed in the letter add up to 85% not 100%

- *Tom Banker responded* saying 10% of membership is from outside of the local immediate area.
- Ms. Diaz responded that it is her understanding that the Caldwell Community Center did not have a budget.
- *Tom Banker responded* saying that the Community Center had a separate budget which provided for most of the cost of the Center, except for capital costs for debt for loans for building.
- *Ms. Diaz asked* how Police and DPW were allocated in the budget.
- *Tom Banker responded* saying that budget allocations were made for Police, DPW, and Administration for their services. An example would be an allocation for time/services for Public Works to clean and maintain the Center.

**Christine Corliss**, 72 Smull Avenue, stated that her water bill has gone up. Private use of the Caldwell Community Center was mentioned, but why not keep it for our town, even if it is used for other purposes? As we increase the buildings in town, the need is increasing in already crowded schools. What about the kids using oval field, where will they park if the building is sold? Consider the impact on the town.

- *Mayor Kelley reminded everyone that the affordable housing on Central Avenue, Smull Avenue, and Roseland Avenue are court mandated. They were awarded settlements by a previous administration, and we have no control over it. We are trying to control development and types of projects for the future.*

**Barbara Buchner**, 7 Park Lane, asked about personnel allocations in the Caldwell Community Center Budget. Similar thing was done to the Library and other town facilities.

- *Mayor Kelley said that a similar system was previously used at the Waste Water Treatment Plant, but has since changed.*
- *Tom Banker responded saying that the Library is an independent agency and is funded by State Statute. Borough does not provide services to the Library, only little services by Public Works, but not allocated at this time. Finance does payroll for the Library as well.*
- Ms. Buchner also noted that outsiders pay more for their memberships. Taxes are not going to go down if the building is sold.
- *Council President Schmidt reminded people to watch all of the task force meetings.*
- *Mayor Kelley said that 2020 closure of the Community Center and all of the refunds that were issued impacted our taxes this year.*

**Leonard Cohen**, 10 Magnolia Lane, Asked about the acquisition of the Post Office.

- *Tom Banker responded saying that the Borough is investigating options for the future home of Borough Hall. Investigating the possibility of moving Borough Hall to Park Avenue. Post Office has expressed a willingness to move into a smaller space.*
- Mr. Cohen asked if it will not exceed \$2,000,000 more than once.
- *Tom Banker responded saying it is too early to discuss numbers, as none of this has been spent; just appropriated.*

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**Christine Guerriere**, 26 Welshman Court, thanked everyone for the survey as she was a Charter Member of the Community Center. Felt that 95% of the survey was bogus, and was upset that there was no comments section on the survey. If simply relying on data that was filled out, then you are not really getting good valid input.

- *Mayor Kelley noted that they survey was not perfect, but it was the best that they could come up with, while trying to be transparent.*

**Ann Finnegan**, 25 Hatfield Street, Has been a member of the Caldwell Community Center for many years and feels that it is a great asset to the town. Ms. Finnegan stated that town land should stay town land, and that they will never have the opportunity to have another center like this one. If the survey states that you are considering selling the Center, than it is not a rumor. Without a comments section, the survey does not have much value.

- *Mayor Kelley asked if it would be better to not include the possibility of selling it. The Caldwell Community Center will be a burden to Caldwell residents if it runs on deficits. The Governing Body will make the final decision, and there have been no talks with developers to sell the property at all.*

**Francine Hauri**, 10 Lockward Road, Water charge \$7.50 to \$9.00, completely put on residents? When will the Capital Improvements? The Caldwell Community Center will be a loss.

- *Tom Banker said that the dirt takes a while to settle, which is why we patch first, wait, and then complete repaving. All water/sewer replacement streets will get complete repaving. Many will have to wait until late this year, or early next year because the asphalt plant closes in December.*

**Ann Masterangelo**, 104 Hatfield Street, Did not like the survey, but suggested perhaps a higher differential for out of town members of the Community Center. What is the purpose of moving town hall?

- *Tom Banker responded that there are a lot of things that go into this idea. Borough Halls needs to be demolished, but also continue to operate. It would be logistically easier to move to another location. The Post Office is a historic building; this would make use of it. The current Borough Hall would be more valuable if used another way. At this time we are only exploring the issue, no decision has been made at this time.*

**Alexis Diaz**, Doesn't like the wording of the survey, specifically the use of the word "burden" and the bias that implies. Thinks that the survey should be redone.

- *Mayor Kelley responded saying that they will get over 800 responses that have come in and discuss at the Task Force meeting next week. There is an expense involved in putting out the survey, and it is not a perfect survey.*

**Sylvanie Domingues** Why was the survey not reissued? They never received the survey.

**OPEN PUBLIC COMMENTS ON RESOLUTIONS**

*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.*

- 10-214** RESOLUTION REGARDING TRICK-OR-TREATING ALONG BLOOMFIELD AVENUE IN THE BOROUGH OF CALDWELL  
*Councilman Lace made an amendment to change the wording in the last paragraph from "must" to "should". Councilman Cole seconded the motion, and upon a voice vote, all Council members voted to amend resolution 10-214*
- 10-215** AUTHORIZING THE PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD OF 10/03/2020 THROUGH 10/19/2020 IN THE AMOUNT OF \$971,610.00
- 10-216** RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED, FOR THE MEETING OF OCTOBER 20, 2020
- 10-217** RESOLUTION AUTHORIZING A REFUND OF A CONSTRUCTION PERMIT TO Air Group, LLC
- 10-218** RESOLUTION AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #16-00015, Block 36.01, Lot 4.01, 4 Domessina Lane, Unit D1, CALDWELL, NJ 07006
- 10-219** AUTHORIZING THE ISSUANCE OF A PERMIT FOR PEDDLER LICENSE OR IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – Coney Island Wood Fired Pizza
- 10-220** RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL TO ENTER INTO AN AGREEMENT WITH Edmunds GovTech FOR CLOUD BASED SERVICES
- 10-221** AUTHORIZING THE ISSUANCE OF A PERMIT FOR PEDDLER LICENSE OR IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – Aroy-D The Thai Elephant
- 10-222** RESOLUTION DECLARING OCTOBER 22, 2020 AS "Lights on AfterSchool Day" IN THE BOROUGH OF CALDWELL, NEW JERSEY  
*Chief Bongiorno spoke about resolution 10-222 and the importance of investing in quality after school programing to help increase the safety of children*

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**10-223**      *AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE, APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Saint Aloysius Roman Catholic Church- 1/15/2021, 2/15/2021, 3/15/2021, 4/15/2021, 5/15/2021, 6/15/2021, 7/15/2021, 8/15/2021, 9/15/2021, 10/15/2021, 11/15/2021, 12/15/2021– 2pm*

*Discussion ensued. Motion to vote on the consent agenda was made by Councilman Lace and seconded by Councilman Cole. Upon a roll call vote, all voted in the affirmative, with Councilman Rodgers abstaining from Resolution 10-223.. Resolutions in the consent agenda passed 10/6/2020.*

**NEW BUSINESS**

**COUNCIL COMMITTEE REPORTS**

*Borough Council Members*

Councilman Lace commented on the previous comments regarding the Caldwell Community Center Survey.

Councilwoman DePalma-Iozzi

- Environmental Commission
  - Ban Plastic bags legislation is on the Governor's desk
  - Pollinator Bill is being discussed by the State government.
  - Environmental Commission chairwoman Ann Marchioni, will be speaking at the Oct. 30<sup>th</sup> ANJEC meeting at noon.

**REPORT OF COUNTY LIASON**

**Patricia Keenan**

*Patricia Keenan Reported:*

- COVID Updates
  - Food Distribution Thursday 10/22 in East Orange
    - Tomorrow in Nutley
    - 10/27 Branchburg Park
      - Council President Schmidt commended the County workers who worked during the Recycling event. It was a successful event

**REPORT OF MAYOR**

*John Kelley*

- Caldwell Community Center Survey
  - If we need to send it back out it will be emailed and we will have to the number of people its sent to.

**REPORT OF BOROUGH ADMINISTRATOR**

*Thomas Banker*

*Thomas Banker reported:*

- Morris County Coop Projects – Before the end of the month
  - Ryerson
  - Ravine
  - Ashland
  - Part of Gould
- Water Mains B&C – underway for the next 6 weeks
- Adopted a budget
- Sent out tax bills and final sewer bills to partner communities
- 11/10 Meeting will have a report from the sewer utility consultant
- CCC Task Force results for Council Action

Councilman Gates asked Mr. Banker if there is an update on the Condo Association contract negotiations

- Mr. Banker responded saying no responses have been received

Mayor Kelley reminded people of the recent vehicle break-ins on Mountain Ave, Hatfield St., and Arlington Ave. Emphasized the importance of locking vehicles overnight. Mayor Kelley also reminded residents that there is a Ballot Drop Box in front of Borough Hall.

**REPORT OF BOROUGH ATTORNEY**

**Vincent Nuzzi**

n/a

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**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.

*A motion to enter into executive session was made by Council President Schmidt, and seconded by Councilman Lace. The Council Business Conference Meeting was closed to the public at 9:12pm.*

*The Executive Session was adjourned upon a motion by Councilman Lace, and seconded by Council President Schmidt. Upon a unanimous Voice Vote the Executive Session was concluded at 10:15pm*

*A motion to adjourn the Borough Council Meeting was made by Councilman Lace and seconded by Councilman Cole. Upon a unanimous voice vote, the meeting was adjourned.*

The Borough Council meeting was adjourned at 10:16PM.

Prepared by: \_\_\_\_\_  
Brittany Heun, Deputy Borough Clerk

\_\_\_\_\_  
DATE