



BOROUGH OF CALDWELL
NEW JERSEY

REGULAR BOROUGH COUNCIL MEETING
April 19, 2022

Borough of Caldwell
1 Provost Square
Caldwell, New Jersey 07006
7:15pm

- WHEREAS,** in 1949 the legislature set aside the last Friday of April as Arbor Day to promote the planting of trees and to encourage the protection of our forests from fires and pests that destroy the beauty and usefulness of our woodlands; and
- WHEREAS,** half of New Jersey's total land area is forested or tree covered; and
- WHEREAS,** trees play an important role in the ecosystem in which we live, and reduce the erosion of our precious topsoil caused by wind and water, clean the air we breath and the water we drink, produce oxygen, provide habitat for birds and wildlife and reduce heating and cooling costs by moderating temperature; and
- WHEREAS,** trees are a renewable resource giving us paper for fine literature, wood for homes, fuel for fires, and countless other wood products; and
- WHEREAS,** trees provide increased property value, enhanced economic viability, and pleasing, aesthetic qualities along streets and properties in municipalities; and
- WHEREAS,** tree planting in yards and farms, in school yards and parks, and along streets and highways creates an enduring heritage for generations that follow; and

NOW, THEREFORE, BE IT RESOLVED, I John Kelley, Mayor of the Borough of Caldwell, do hereby proclaim May 7, 2022

ARBOR DAY

in the Borough of Caldwell and urge all citizens to support efforts to protect our trees and woodlands to support our Borough's urban forestry program, and

FURTHER, I urge all citizens to plant trees to gladden hearts and promote the well being of present and future generations.

John Kelley

Mayor John Kelley



**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 4-102
Date of Adoption: April 19, 2022

TITLE:

**RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED
For the Meeting of April 19, 2022**

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, The Borough of Caldwell (the "Borough" or the "public body" has been duly created and is validly existing as a public body corporate and politic of the State of New Jersey pursuant to applicable laws of the State of New Jersey; and

WHEREAS, The Borough constitutes a "public body" as such term is defined in the New Jersey Open Public Meetings Act, constituting Chapter 231 of the Pamphlet Laws of 1975 of the State of New Jersey, N.J.S.A. 10:4-6 et seq. and the acts amendatory thereof and supplemental thereto (the "Open Public Meetings Act"); and

WHEREAS, the Open Public Meetings Act permits a public body, as such term is defined therein, to exclude members of the public from portions of any "meeting", as such term is defined therein including N.J.S.A. 10:4-12(b) et seq., under certain limited circumstances which include, but are not limited to, (a) a discussion of pending or anticipated litigation in which the public body is or may become a party, or (b) a discussion of any matters which fall within the attorney-client privilege, or (c) a discussion of a collective bargaining agreement including the negotiation of the terms and conditions thereof, or (d) a discussion regarding the purchase, acquisition or lease of real property with public funds or (e) a discussion of involving the employment, appointment or termination of employment of an existing or prospective public officer or employee; and

WHEREAS, the governing body of the Borough has determined that and is of the opinion that such circumstances presently exist that permit the governing body of the Borough to discuss the matters set forth in this Resolution in executive session; and

WHEREAS, the matters set forth in this Resolution are within the exceptions and the limited circumstances set forth in N.J.S.A. 10:4-12(b) et seq., the governing body of the Borough desires to conduct a portion of the meeting in an executive session from which members of the public will be excluded.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CALDWELL, in accordance with the provisions of The Open Public Meetings Act, that the governing body of the Borough hereby determines to conduct a portion of the meeting in an executive session from which members of the public will be excluded in accordance with the provisions of Open Public Meetings Act; and

BE IT FURTHER RESOLVED, that the aforementioned executive session will be limited to matters relating to the following items and which matters involve, as applicable, pending and anticipated litigation involving or expected to involve the Borough, matters which fall within the attorney-client privilege, matters regarding the discussion of a collective bargaining agreement, matters relating to purchase, acquisition or lease of real property with public funds or matters relating to personnel.

BE IT FURTHER RESOLVED, that the minutes of each executive session will be prepared and maintained by the Borough and with regard to each of the matters discussed in executive session; and

BE IT FURTHER RESOLVED, that the minutes relating to a particular matter discussed will be made available to members of the public - (a) at such time as the matter no longer requires confidentiality as permitted by applicable laws, (b) upon the completion of a pending or anticipated litigation, or (c) upon such matter no longer falling within the attorney-client privilege, (d) upon the completion of a collective bargaining agreement including the negotiation of the terms and conditions thereof, or (e) upon the completion of a purchase, acquisition or lease of real property with public funds, or (f) as such disclosure may otherwise may be required by the Open Public Meetings Act.

It is hereby certified that at a regular meeting of the Mayor and Council of the Borough of Caldwell, New Jersey being held on the date of April 19, 2022, the foregoing Resolution was duly adopted.

Borough Deputy Clerk

The foregoing Resolution, having been duly presented to me on April 19, 2022 I hereby approve the same.

Mayor

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

DePalma-Iozzi						Lace				
Gates						Buechner				
Cole						Alonso				

Brittany Heun, Deputy Clerk

John Kelley, Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 4-105
Date of Adoption: April 19, 2022

TITLE:

**RESOLUTION AUTHORIZING APPOINTMENT OF JAMES V. POMACO, ESQ. AS
PUBLIC DEFENDER FOR THE YEAR 2022**

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

BE IT RESOLVED that James V. Pomaco, Esq. be and is hereby appointed as Public Defender for the term of one year from January 1, 2022 to December 31, 2022 and until his successor is appointed and qualified, and subject to agreements to be approved and signed at a salary of \$6,000.00 per annum.

A copy of this resolution and signed retainer agreement will be on file in the Office of the Clerk and will be available for public inspection.

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

COUNCIL MEMBER Yes No Absent Abstain COUNCILMEMBER Yes No Absent Abstain

Buechner					Lace				
Alonso					DePalma-Iozzi				
Cole					Gates				

Brittany Heun, Deputy Clerk

John Kelley, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 1-407

Date of Adoption: January 25, 2022

TITLE:

**AUTHORIZING THE RELEASE OF THE REMAINING ESCROW FEES PAID BY THE APPLICANT,
Christopher Petrillo, RESIDENT AT 18 Orchard Square, FOR HIS APPLICATION TO THE CALDWELL
ZONING BOARD OF ADJUSTMENTS, APPLICATION Z21-001 FILED ON 11/2/2020.**

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, the Caldwell Zoning Board of Engineer, Glenn Beckmeyer, in an email dated April 14, 2022 recommends the release of the remaining escrow funds for Application Z21-001 filed on 11/2/2020 by Christopher Petrillo, resident of 18 Orchard Square, and heard by the Caldwell Zoning Board of Adjustment in February 2021, in the amount of \$281.75; and

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that they do hereby authorize the release of the remaining escrow funds for Application Z21-001, Christopher Petrillo, 18 Orchard Square, in the amount of \$281.75.

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

DePalma-Iozzi						Lace				
Gates						Buechner				
Cole						Alonso				

Brittany Heun, Deputy Clerk

John Kelley, Mayor

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