

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – September 19, 2023**

The Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order in-person and on Zoom at 7:00pm PM.

PRESENT: Councilwoman Buechner, Councilman Lace, Council President Alonso, Councilman Brown, Councilman Daniolowicz, Councilman Cole, and Mayor Jones

ALSO PRESENT: Deputy Clerk Brittany Heun, Chief Financial Officer, Chris Battaglia, Borough Administrator, Alex Palumbo, Borough Attorney, Craig Bossong, esq.

ABSENT: Deputy Clerk Kim Conlon, and County Liaison, Patricia Keenan

STATEMENT OF COMPLIANCE

Adequate notice of this Council Business/Conference Meeting was given on January 11, 2023. Notice was posted on the bulletin board of the first floor of Borough Hall, 24 Small Avenue, 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

PRAYER/ Moment of Silence

A Moment of Silence was had for Adam Shakor

APPROVAL OF MINUTES

September 5, 2023

A motion to approve the September 5, 2023 minutes was made by Councilwoman Buechner, and seconded by Council President Alonso. Upon a roll call vote, all members voted in the affirmative, with Councilman Lace Abstaining. Minutes approved 9/19/2023.

PRESENTATION

1. OEM Coordinator, Mark Guiliano
 - September is National Preparedness month
 - Take Control 123 (1. Know your risks, 2. Make a Plan, and 3. Take Action)
 - Safe place to meet during an emergency, charged device, food on hand, drinking water, keep
 - Ready.gov - Disasters - "Are you Ready?"

REPORT OF COUNTY LIAISON

Patricia Keenan

No Report

OPEN PUBLIC COMMENTS ON ITEMS ON THE AGENDA

No Public Comments on the Agenda

INTRODUCTION OF ORDINANCES

ORDINANCE 1449-23 AN ORDINANCE AMENDING THE BOROUGH OF CALDWELL REDEVELOPMENT PLAN IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL REDEVELOPMENT AND HOUSING LAW AND AMENDING THE BOROUGH OF CALDWELL'S MUNICIPAL CODE CHAPTERS 250 – ZONING

A motion to introduce Ordinance 1449-23 was made by Council President Alonso and seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative. Ordinance 1449-23 was introduced 9/19/2023.

Golda Speyer of Topology presented the Redevelopment Plan to the Mayor and Council

ORDINANCES FOR SECOND READING

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.

9-248	RESOLUTION AUTHORIZING THE APPOINTMENT OF CHRISTINE ZIELINSKI AS A CROSSING GUARD IN THE BOROUGH OF CALDWELL EFFECTIVE IMMEDIATELY
9-249	RESOLUTION AUTHORIZING A PURCHASE FOR A LEAF CHUTE FROM SANITATION EQUIPMENT CORP., 80 FURLER ST., TOTOWA, NJ 07512 FOR THE CALDWELL DEPARTMENT OF PUBLIC WORKS UNDER STATE CO-OP #65MVESCCPS FOR AN AMOUNT NOT TO EXCEED \$8,360.00
9-250	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –Volunteer Fire Company of the Borough of Caldwell - Off-Premise 50/50 Cash Raffle
9-251	RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO SUBMIT AN AWARD EXTENSION REQUEST FOR LA-2022 MA CALDWELL BOROUGH ESPY ROAD, HILLCREST ROAD, AND WESTOVER ANVENUE – 2022 – CALDWELL 07 TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

9-252	RESOLUTION AWARDING A CONTRACT TO RICHARD DEFRANK COMPANY, LLC., 59 DISTLER AVENUE, WEST CALDWELL, NJ 07006, FOR PAVING OF THE 14 PARK AVENUE PARKING LOT
9-254	RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL TO PARTICIPATE IN AN ELECTRONIC TAX SALE
9-255	RESOLUTION CANCELLING THE GRANT AGREEMENT FOR THE 2022 NJUCF STEWARDSHIP GRANT FOR RESILIENCY PLANNING FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, GRANT IDENTIFIER: UCF-2022-020
9-256	RESOLUTION CANCELLING THE GRANT AGREEMENT FOR THE CLEAN ENERGY VEHICLE TOURISM GRANT, GRANT AWARD #22EVT018
9-257	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD OF 09/02/2023 THROUGH 09/15/2023
9-261	RESOLUTION AUTHORIZING THE INCREASE IN THE PART-TIME SALARIED ELECTRICAL SUBCODE INSPECTOR, LOUIS ROSELLE, EFFECTIVE SEPTEMBER 20, 2023

Councilman Cole asked why we are cancelling grant agreement with resolutions 9-255 and Resolution 9-256. Mr. Palumbo explained that both grants would have the Borough paying a cost that we cannot afford this year. They can be reconvened next year, should we have the funds to support them.

A motion to adopt the consent agenda was made by Councilwoman Buechner and seconded by Council President Alonso. Upon a roll call vote, all members were voted in the affirmative. The consent agenda was approved on 9/19/2023.

PUBLIC HEARING ON THE 2023 MUNICIPAL BUDGET

Members of the public are invited to comment at this time on the 2023 Municipal Budget

There Were No Public Comments on the Budget

ADOPTION OF THE 2023 MUNICIPAL BUDGET

9-258	RESOLUTION APPROVING THE ADOPTION OF THE BOROUGH OF CALDWELL MUNICIPAL BUDGET FOR THE YEAR 2023
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A motion to approve the consent agenda was made by Councilman Daniolowicz and seconded by Council President Alonso. Upon a roll call vote, all members present voted in the affirmative. The 2023 Budget was adopted on 9/19/2023.

RESOLUTIONS

9-246	RESOLUTION REQUIRING THAT ALL COMMUNICATIONS BETWEEN THE BOROUGH AND ARCHITECTS, ENGINEERS, OR OTHER PROFESSIONALS BE IN WRITING TO BE SHARED WITH ALL ELECTED OFFICIALS AND ARCHIVED BY THE BOROUGH CLERK, AND MADE AVAILABLE ONLINE TO ALL RESIDENTS
9-253	RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION CHAPTER 159 - "2022 American Rescue Plan Firefighter Grant"
9-259	RESOLUTION AUTHORIZING A PURCHASE OF TURNOUT GEAR FROM FIREFIGHTER ONE, 34 WILSON DRIVE, SPARTA NJ, 07871 FOR THE CALDWELL VOLUNTEER FIRE DEPARTMENT UNDER STATE CONTRACT #T-0790 FOR AN AMOUNT OF \$26,264.40

A motion to table resolution 9-246 was made by Councilman Lace and seconded by Council President Alonso. Discussion ensued. Upon a roll call vote, all members voted in the affirmative. Resolution 9-246 was tabled 9/19/2023.

A motion to approve resolution 9-253 was made by Council President Alonso, and seconded by Councilwoman Buechner. Upon a roll call agenda, all members voted in the affirmative. Resolution 9-253 was approved 9/19/2023.

A motion to approve resolution 9-259 was made by Council President Alonso and seconded by Councilwoman Buechner. Upon a roll call vote, all members voted in the affirmative.

NEW BUSINESS

COUNCIL COMMITTEE REPORTS

1. Councilman Daniolowicz: Downtown
 - a. September 10th - Vigil on the green for 9/11
 - i. Thanked all the Council Members in attendance
 - ii. Thanked the American Legion, the Fire Department, Cpt. DeAngelo of the PD
 - iii. Thanked the Mayor for his work with the ceremony

- b. Porchfest
 - i. Was held on the rain date
 - ii. Thanked the DPW for all of their work putting out extra barriers and helping to make sure all drafty concerns were addressed
 - iii. Thanked the PD Capt. DeAngelo and Sgt. Pellegrino
 - iv. Thanked all of the volunteers

Council President Alonso: thanked the Caldwell University attendees

2. Councilman Cole:
 - a. The Caldwell Food Pantry is running low and could really use donations
 - b. Please consider dropping off donations to 24 Smull Avenue, on the front porch
 - c. Flyers in the back with information

REPORT OF MAYOR

Mayor Jones

Mayor Jones Reported:

- Our 9/11 Vigil on Sunday went very well thanks to the numerous folks that came out to help
 - Thanked all who came out to participate and also be witness to the event
- Tuesday 9/12 a safe driving presentation and Ice Cream Social was done at Mario Manor for residents
- Thanked Councilman Daniolowicz for volunteering with Porchfest and thanked all the volunteers and those that lent their porches
 - Thanked the Police for their work ensuring the safety of the participants
- Main Lobby grand opening ribbon cutting at 1pm on Saturday 9/23
- Saturday 9/23 Homecoming and reunion weekend at Caldwell University 3-6pm
- Essex County College West Essex grand opening 9/29 at 11am
- Friday evening, JCHS against West Essex football game. At 1/2 time we will be honoring our First Responders.
 - Councilman Daniolowicz: I believe kick off is at 7pm
- Caldwell Street Fair 10/1 on the first Sunday of October. Nixle Alerts and Code Reds will be sent out to alert of the traffic and road closings. Thank the Kiwanis and Rotary clubs for putting this one

REPORT OF THE BOROUGH ADMINISTRATOR

Alex Palumbo

Alex Palumbo reported:

- 9/14 Bid Opening for Architectural and Civil Engineering services. Will be reviewing in the upcoming days
- Signed contracts for the 2021 DOT road way projects. Pre-con meeting 9/28
- Essex County CDBG Grant award for Caton Terrace work that needs to be done.
- 14 Park Ave is moving along. Parking lot renovation has been completed.

REPORT OF BOROUGH ATTORNEY

Craig Bossong

Craig Bossong Reported:

- Transition is underway between the New Sewer Plant Operators. Officially taking over October 1st.
- Some items on litigation for closed session

OPEN PUBLIC COMMENTS ON ANY ITEMS

Steve Flack, 25 Hillside Avenue. Have not received an answer to my question that I asked about a month ago.

Councilman Brown: Is this the Math Questions? We have not yet assigned this to the CFO at this time. Is your question that this Council would do the exact same thing. If this is an interest rate only question, we can thank the previous council for taking the money at a low rate, but not for how they spent it. I don't feel that this Council would do the exact same thing.

Councilman Daniolowicz: At the end of the day this is a mathematical question, and I am not sure how it effects the governing of the Council

Mr. Flack said this council keeps referring to the borrowing as a burden

Councilman Brown said the Burden is really based on the way the money was spent and the fact that the burden on tax payers is facing now.

Mr. Flack said if you look at interest rates now, it would be a big difference.

Councilman Brown said maybe we can talk to the CFO, now that the Borough has been passed, to take a look at this. The interest rate is going to be higher, that's the answer to your questions

Mayor Jones said I did do some research on this. There are some numbers and dates that we will post on the website for public view.

Council President Alonso said the Municipal bonding is at around 4.5% currently.

Mr. Flack said if you know the rates are going up in the future, wouldn't it be smart to borrow at the lower rates?

Councilman Daniolowicz said that at the end of the day, this is not a issue that effects the governing.

Mayor Jones said why don't we use "Historical Debt" rather than Burden

Councilman Lace said it would it cost more for the borough to borrow the Money we did in 2021, then it would now? Yes, there is no question it would cost more now. I think the reason the word "burden" is being used is because our saving has been depleted because of the borrowing. I don't think we would have saw it fit to borrow 40 million. The sheet that was sent around has soft and hard costs, and the hard cost is 10% on every item, and that is something that I never got an explanation for.

Mr. Flack said you are still using the maximum amount of money remaining to build new buildings.

Councilman Lace said we are building it at lower costs then original.

Mayor Jones said redevelopment Money was spent for other reasons. We are having 3rd party forensic accounting which I hope to have the results for later.

Councilman Lace said I don't mind using the word Burden, because I think it was a bad idea then, and a bad idea now. It is a burden on the tax payers

Robin Rockman, Caldwell Public Library Director. September is library card month. All residents are, students, and employees are eligible for cards, we have dog tales, where children read to therapy dogs, tween scene crochet, virtual tour of Cuba, diamond art painting. Updates on Facebook and Instagram, and on our website, Caldwellpl.com

Ms. Moore, Personette Street, Flooring event earlier this year, which has caused many problems for me. I was told that this was because pipes burst in my house, but pipes did not burst in my house., The pipes burst in the adjacent Borough property. I also need help with a tree that was cut down on my property, and get the roots removed. The environmental garden next door, there are people coming in at night, and throw their animals excrement on my property. I don't feel this garden should not have been put in our neighborhood. A garbage can was supposed to be put in there

Councilman Daniolowicz said is as told a garbage can was there, but I can double check that it is in there.

Councilman Brown said we are working on getting a better camera on site, as we have had incidents in that garden. We are working to increase security in the garden. I don't think the current camera is the proper camera for our purposes.

Ms. Moore said the chair is very close to my property line and I want to know if that can be moved?

Councilman Brown said I will discuss that with the commission

Ms. Moore asked for a Paving update?

Mr. Palumbo said preconstruction meeting on 9/28 so we will be able to begin working on that area shortly after. Will work on getting the brown sidewalk and trees worked on.

Ms. More said there has been constant issues with the traffic and traffic signals on Bloomfield Ave intersection with Roseland.

Mayor Jones said we are working with the County to get that fixed.

Ms. Moore Thanked Mark for his presentation. Suggested writing that up and either mailing it out or getting it out

Alexis Diaz, 1 Oak Grove Road: I have asked for a garbage can be put on Roseland Ave towards the intersection of Oak Grove Road. There are often torn up lottery tickets, empty alcohol bottle. The bulk of it is by the fenced in area with all the electrical wires. I also walk by kid through the area from school

Councilman Daniolowicz said I will talk to DPW to see if we can get garbage cans along Roseland

Mayor Jones said reach out to PSEG to clen it up

EXECUTIVE SESSION

Closed Session

BE IT HEREBY RESOLVED in accordance with the provisions of N.J.S.A. 10:4-12 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.10: 4-14.

9-260

RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED

A motion to go into executive session was made by Councilwoman Buechner and seconded by Council President Alonso. Upon a unanimous voice vote, the Council entered executive session at 8:45pm.

The Council will not be taking action after executive session.

ADJOURNMENT

There being no additional business to be conducted a motion to adjourn the public meeting was made by Councilwoman Buchner and seconded by Councilman President Alonso, and unanimously affirmed by all members. The meeting was adjourned at 9:28pm.

Prepared by: Brittany Heun
Brittany Heun, Deputy Borough Clerk

10/4/2023
DATE