

**BOROUGH OF CALDWELL  
BUSINESS/CONFERENCE MEETING  
MINUTES- September 28, 2021**

The Special Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order via Zoom Meetings at 7:18pm.

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

**ALSO PRESENT:** Borough Administrator Tom Banker, Borough Attorney Vince Nuzzi, Deputy Clerk Kim Conlon, and Deputy Clerk Brittany Heun

**STATEMENT OF COMPLIANCE**

Adequate notice of this Council Business/Conference Meeting was given on January 7, 2021. 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 ALLEGIANCE**

**APPROVAL OF MINUTES**

September 14, 2021

Moved by Councilman Cole and seconded by Councilwoman DePalma-Iozzi. Upon a roll call vote, all voted in the affirmative. Minutes approved on 9/28/2021

**ANNOUNCEMENTS:**

- Mayor Kelley read from the letter from Mayr Davis of Essex Fells, regarding the drinking water contamination. Residents can be assured that they can absolutely drink the water in their homes without harmful effects.
  - Councilman Cole asked if household filtration system would reduce the containment levels. Mayor Kelley said that they do not reduce the levels of contamination
  - Councilman Gates reminded residents to consult with their doctors if they have concerns.

**REPORT OF COUNTY LIAISON**

*Patricia Keenan*

**Patricia Keenan Reported**

- Call center is open 6 days a week
- Mobile sites are throughout the county
  - Will be at the Street Fair
- Hazardous waste - Saturday Oct. 2 8:30-4
- Computer & electronics -
- Halloween events
  - 4-8pm trickier streaming station at Turtle Back Zoo

Tom Banker asked if you can now choose which vaccine you wish to have, is that correct?

Mayor Kelley asked about the event happening at Grover Cleveland Park.

- Patricia said that it is the Struct your Mutt event at the Grover Cleveland Park

**OPEN PUBLIC MEETING-OPEN TO PUBLIC**

***Barbara Buechner, 7 Park Lane - Do we still have the architects working on a conceptual plan for the 9-story building that we do not yet own? Do we own it? Are we in negotiations? How many units are being built on the old peelers lot, and how many parking spaces? When new buildings come before the council, will those approval/denial be held in public meetings?***

Tom Banker said that the architect has not done anything regarding the design of that possible building. The Borough does not own the private building which is the Jostens building. The Borough does own Borough Hall site, which would be the site of the possible development. The Jostens building has been appraised, but we do not own it. The former Peeler's project is a 24 unit building with I believe 5 units being affordable housing. The project should be completed shortly. All redevelopment projects require approval by the governing body at a public meeting. There will be multiple opportunities for public comments during the redevelopment process, both before the Planning Board and on the Council Level.

**Ms. Buechner asked about the parking at the Roseland Ave building.**

Tom said that the parking plan was approved by the Planning Board, and I believe it was no more than 1 spot per unit. It appears that there is enough parking on site, when I have visited to check on the progress

**Valerie DePiro, Fells Manor, asking about the progress of the Engineer study for the Fells Manor sewer and water systems.**

Tom said that the Borough Engineer has done the field work, and a report should be forthcoming, I expect to receive it shortly and release it for public view after we receive it.

**Joan Buckley, asked about the Hillside paving project. Have the trees been marked?**

Tom Banker said that there was an initial marking of the trees that was not done with the support of the Borough. The Borough Engineer will be marking out the tree removal that has been authorized by both a tree expert and the Borough. Physical mark out of the trees should be coming in the next few days. Options for tree replacement will be sent out, but generally will not be on the Tree lawn, as that portion is not wide enough. The only trees to be removed, are those that are already causing structural damage to the sidewalks, and roadways.

**Ms. Buckley said that she sent in the tree replacement form to the borough when it was initially sent to us. Are you now saying that no trees will be planted at all?**

Tom said that generally, the tree lawns are not big enough to sustain trees being planted there. There will not be any forest trees being provided as to avoid damaging the streets and sidewalks.

**Ms. Buckley- Doesn't not like the idea of no trees being planted along the street.**

Mayor Kelley said that there are some smaller trees already planted that have caused damage to the sidewalk and streets

## INTRODUCTION OF ORDINANCES

**ORDINANCE 1419-21** BOND ORDINANCE PROVIDING FOR A STORMWATER SYSTEM CAPITAL IMPROVEMENT PLAN IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$570,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

*A motion to introduce Ordinance 1419-21 was made by Councilman Gates and seconded by Councilwoman DePalma-Iozzi. Discussion ensued. Upon a roll call vote, all voted in the affirmative. Ordinance introduced 9/28/2021.*

## ORDINANCE FOR SECOND READING AND ADOPTION

**ORDINANCE 1415-21** AN ORDINANCE AMENDING THE BOROUGH CODE, CHAPTER 41, POLICE DEPARTMENT, SECTION 41-45 OF THE BOROUGH CODE ENTITLED, "POLICE CHAPLAIN".

*A motion to close the public hearing and adopt Ordinance 1415-21 was made by Councilman Lace and seconded by Council President Schmidt. No discussion. Upon a roll call vote, all voted in the affirmative. Ordinance adopted 9/28/2021.*

**ORDINANCE 1417-21** BOND ORDINANCE PROVIDING FOR VARIOUS ROAD AND SIDEWALK IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

*A motion to close the public hearing and adopt Ordinance 1417-21 was made by Councilman Lace and seconded by Councilman Gates. No discussion. Upon a roll call vote, all voted in the affirmative. Ordinance adopted 9/28/2021.*

**ORDINANCE 1418-21** CALENDAR YEAR 2021 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 close the public hearing and adopt Ordinance 1417-21 was made by Council President Schmidt and seconded by Councilman Gates. No discussion. Upon a roll call vote, all voted in the affirmative. Ordinance adopted 9/28/2021.*

## 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.*

9-215	RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of September 28, 2021
9-216	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 9/14/2021 THROUGH 9/27/2021
9-217	RESOLUTION AMENDING RESOLUTION 7-171 AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON LLP FOR LEGAL SERVICES REGARDING THE CALDWELL SEWER UTILITY
9-218	RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE FISCAL YEAR 2019 AUDIT REPORT
9-219	RESOLUTION AUTHORIZING THE LOCAL ASSISTANCE BOARD TO APPROVE EXPENDITURES FROM THE FOOD PANTRY TRUST FUND
9-220	RESOLUTION APPOINTING A POLICE CHAPLAIN
9-221	RESOLUTION AUTHORIZING THE VERO AMICI JUNIOR LEAGUE TO DECORATE THE GREEN AS PART OF A FUNDRAISER
9-222	AUTHORIZING THE ISSUING OF CANVASSER AND/OR SOLICITOR PERMIT. APPLICANTS AND APPLICATION HAVE BEEN APPROVED BY THE APPROPRIATE MUNICIPAL DEPARTMENTS- Power Home Remodeling, 2147 Route 27 South, Edison, NJ 08817
9-223	A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR AN AFFORDABLE HOUSING TRUST FUND REQUIRED BY NJSA 40A:12A-3 et seq.
9-224	A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DONATIONS – ENVIRONMENTAL COMMISSION REQUIRED BY N.J.S.A 40A:5-29
9-225	RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH HEYER, GRUEL & ASSOCIATES FOR PROFESSIONAL SERVICES AS ADMINISTRATIVE AGENT FOR ALL COAH PROJECTS

Mayor Kelley read Resolution 9-220, and asked Monsignor Emery and Police Chief Bongiorno to speak to the resolution.

A motion to amend resolution 9-221 to include that no signage is allowed on the green, but the Borough will post any information regarding sponsorship on the Borough website. The motion was made by Councilman Rodgers and seconded by Council President Schmidt. Upon a voice vote, all voted in favor. Motion passed 9/28/2021.

***A motion to approve the consent agenda was made by Councilman Lace and seconded by Council President Schmidt. Discussion ensued. Upon a roll call vote, all voted in the affirmative. Resolutions passed on 9/28/2021.***

## NEW BUSINESS

**Councilman Rodgers** - Crossing Guards were on a Salary bases, being paid bi-weekly. Asked what their current hours?

- Chief Bongiorno said that they are back to working 2 hours per day, once in the morning and once in the afternoon.
  - Last year they were crossing 4 - 5 hours a day because of the COVID hybrid schooling schedule.
  - We have kept them hourly, in case there is any change due to COVID again.
- Councilman Rodgers asked about sick time for crossing guards.
- Chief Bongiorno said they used to have 10 sick days. With the hourly rate they do not have the sick time.
- Councilman Rodgers said that he has spoken with many crossing guards and they are very unhappy with how things are currently running. They are being paid less than other towns, and now do not have sick time. Would recommend giving them an increase in hourly rate and reinstate some of their sick time, as it is only fair.

- Chief Bongiorno did commend the crossing guards for all of their hard work They do a terrific job for us.
- Tom said that he will happily look into this and have a recommendation at the October 12th meeting

Councilman Gates - Meters are full in some parts of town. We used to have someone on staff that was designated as the collection officer. Is this something that crossing guards could take on.

- Tom said that this is something that is being addressed with the parking plans. Parking meter maintenance will be a key part as well. Suggests making a committee to address the parking concerns. Tom said that he will meet with Mario and the Chief to create a 2 person pair to go around and collect and asses the parking meters. We were not pushing parking meter enforcement due to COVID.

## COUNCIL COMMITTEE REPORTS

*Borough Council Members*

### 1. Council President Schmidt

- Porchfest
  - Tremendous success. Thanked for all those that showed up, and thanked the Project Mainstreet folks for their hard work.
  - Thanked the Police Department for their work protecting those involved and those who came out to support.
  - Thanked DPW for their hard work setting up everything.
- Communications
  - Up to 500 people signed up for the newsletter.
  - Aiming for twice a month
  - Addressed a correction in the current newsletter
- Library
  - Electrician has been in to do work on moving the electric box upstairs
  - Looking into the possibility of moving the library to 24 Smull
  - Historic documents and books are being put aside and they are working on restoration.

### 2. Councilman Lace/ Senior Transportation

- Senior Transportation Board
  - The Senior Bus no longer has a cover for the winter months, since it can no longer be parked under the parking garage

Commended the Police Department for the work on the incident on September 8th.

## REPORT OF MAYOR

*Mayor Kelley*

## REPORT OF BOROUGH ADMINISTRATOR

*Thomas Banker*

Tom Banker Reported:

- Mott MacDonald Proposal will be sent out the Council for consideration
- Proposal from Dynamic Traffic for the engineering aspects of the Bloomfield Avenue project, which will be presented at the next Council Meeting
  - Councilman Cole asked about the final I/I study
  - Tom said that they did get the draft, however he has asked that the draft be updated, as it did not consider one of the alternatives that was part of the scope of the study. The Governing Body will be the recipient of the report. You can choose to invite the Costumers to attend any and all meeting of the Caldwell Governing Body. They do not have any rights to be included in any specific meeting regarding the Sewer Utility.

## REPORT OF BOROUGH ATTORNEY

*Vincent Nuzzi*

Vince Nuzzi reported:

- Courts have scheduled oral arguments on the Carelli vs. Caldwell for mid-October.

**Councilman Gates made amotion to reopen the meeting for public comment, which was seconded by Councilwoman DePalma-Iozzi.**

*Kevin Hersch, 22 Leaycraft Lane, is a crossing guard for the Borough of Caldwell, and thanked Councilman Lace for bring up their concerns tonight. We are here to serve the town and our community. When comparing ourselves to surrounding towns, we do make a significant amount less than and receive less benefits. I*

encourage the Mayor and Council members to read the letter that I had sent to Council President Schmidt.

- **Council President Schmidt said that she did send the letter to Councilman Rodgers and Councilwoman DePalma-Iozzi. They will be doing research into what our neighbors charge to come up with a range of what's comparable. We do not have the wealth of some of our neighboring towns, but we will do our best to do what's fair.**

## ADJOURNMENT

There being no additional business to be conducted, a motion to adjourn the meeting was made by Councilman Gates and seconded by Council President Schmidt. Upon a voice vote, all voted in the affirmative.

The meeting adjourned at 9:39 PM.

Prepared by:

Brittany Heun  
Brittany Heun, Deputy Borough Clerk

9/30/2021

DATE