

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE SPECIAL MEETING  
MINUTES – September 17, 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 O'Donnell, Cole, Lace & Schmidt

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

ABSENT: Councilman Capozzoli

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**

September 3, 2019

Moved by Councilman Cole, seconded by Council President Rodgers. No Discussion. On roll call, Council President Rodgers, Councilman Lace, Cole and Schmidt voted in the affirmative. Councilman O'Donnell abstained. Minutes approved 09/17/19.

**PRESENTATION**

1. Historic Preservation Commission / Affordable Housing and Redevelopment
2. Phil Abramson / Topology – Rehabilitation

**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*

**Residents voiced their concerns with Ordinance 1365-19:**

***Theresa Politano, 19 Lane Avenue, West Caldwell***

***Brian Zaorski, 13 Lane Avenue, West Caldwell***

***Sue Ann Penna, 13 Parkway West, Caldwell***

***Charles Alberta, 15 Lane Avenue, West Caldwell***

***Kathleen Furly, Lane Avenue***

***Al Metzger, Roseland Avenue***

***Dave, 21 Lane Avenue, West Caldwell***

***Madalee, Daughter of Theresa Politano, 19 Lane Avenue, West Caldwell***

***Richard Toli, Highview Road***

***Ed Glasspool, 21 Highview Road***

***John Atora, 35 Lane Avenue, West Caldwell***

***Kerry Rheinhardt, 8 Klimback Court, West Caldwell***

***Barbara Salamone, Klimback Court, West Caldwell***

***Bonnie Schnitta, Sound Sense in regards to 9 Hawthorne Road for noise disturbance.***

***Ms. Vefer, 9 Hawthorne Road, spoke about ordinances 1370-19 & 1371-19***

***Kathy Wasserman, 41 Park Avenue is upset about the tree in front of her home that branches were cut down by the DPW worker.***

**PUBLIC HEARING AND ADOPTION OF ORDINANCE**

**ORDINANCE #1365-19:** AN ORDINANCE OF THE BOROUGH OF CALDWELL AMENDING CHAPTER 250 OF THE CODE OF THE BOROUGH OF CALDWELL, ENTITLED "CALDWELL BOROUGH ZONING ORDINANCE" BY AMENDING VARIOUS SECTIONS OF SAME PURSUANT TO THE 1999-2025 HOUSING ELEMENT AND FAIR SHARE PLAN

Moved by Council President Rodgers, seconded by Councilman O'Donnell. Discussions Ensued. On roll call, Council President Rodgers, Councilman O'Donnell and Cole voted in the affirmative. Councilman Lace & Councilwoman Schmidt abstained. Ordinance Adopted 09/17/19.

**ORDINANCE #1369-19:** BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE SEWER UTILITY IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX,

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NEW JERSEY, APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE  
ISSUANCE OF \$1,000,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE  
COST THEREOF

Moved by Councilwoman Schmidt, seconded by Councilman Lace. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Adopted 09/17/19.

*Ms. Vefer, 9 Hawthorne Road, discussed the ordinances 1370-19 & 1371-19.  
After discussion both ordinances were pulled until October 1<sup>st</sup> meeting.*

**ORDINANCE #1370-19: PULLED**

**ORDINANCE #1371-19: PULLED**

**RESOLUTION – For Discussion**

*Resolution to be discussed prior to consideration*

**OPEN PUBLIC COMMENTS ON RESOLUTIONS**

- 9-205:** RESOLUTION OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF CALDWELL, NEW JERSEY AUTHORIZING THE BOROUGH PLANNING BOARD TO CONSIDER WHETHER THE BOROUGH OF CALDWELL IN ITS ENTIRETY QUALIFIES AS AN “AREA IN NEED OF REHABILITATION” UNDER THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.
- 9-206:** AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FOR THE BROWNSTONES AT 4-10 CENTRAL AVENUE PROJECT
- 9-207:** AUTHORIZING THE APPOINTMENT OF CECELIA T. SCOTT AS SUBSTITUTE CROSSING GUARD IN THE BOROUGH OF CALDWELL EFFECTIVE IMMEDIATELY AT AN HOURLY RATE OF \$16.00 PER HOUR
- 9-208:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – The Volunteer Fire Company of the Borough of Caldwell – On Premise/ Tricky Tray Raffle – December 7, 2019 – 5:00PM – 9:00PM
- 9-209:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – The Volunteer Fire Company of the Borough of Caldwell – Off Premise/ 50/50 Raffle – December 7, 2019 – 6:30PM

**CONSENT**

Moved by Councilman O’Donnell, seconded by Council President Rodgers. Discussion Ensued. On roll call, all voted in the affirmative. Resolutions approved 09/17/19.

- 9-210:** RESOLUTION OF THE BOROUGH OF CALDWELL APPROVING A SETTLEMENT AGREEMENT WITH LANDMARK

Moved by Councilman O’Donnell, seconded by Council President Rodgers. Discussion Ensued. On roll call, Council President Rodgers, Councilman O’Donnell and Councilman Cole voted in the affirmative. Councilman Lace and Councilwoman Schmidt abstained. Resolution approved 09/17/19.

- 9-211:** RESOLUTION AUTHORIZING THE BOROUGH TO DEFEND AND INDEMNIFY MAYOR JOHN KELLEY IN THE LAWSUIT CAPTIONED CARELLI v. BOROUGH OF CALDWELL AND JOHN KELLEY, ESX-L-5938-19, AND TO HIRE MANDELBAUM SALSBURG P.C. AS COUNSEL FOR THE MAYOR UNDER A PROFESSIONAL SERVICES CONTRACT AT A RATE OF \$140.00/HOUR
- 9-212:** RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of September 17, 2019
- 9-213:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD AUGUST 31, 2019 THROUGH SEPTEMBER 13, 2019 FOR 2019 BILLS IN THE TOTAL AMOUNT OF \$761,185.24
- 9-214:** RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR WASTEWATER TREATMENT PLANT OPERATIONS
- 9-215:** AUTHORIZING HENDRICKS APPRAISAL COMPANY, LLC TO PERFORM AN APPRAISAL SERVICE FOR GROVER CLEVELAND CENTER FOR SENIOR CITIZENS AT 14 PARK AVENUE FOR AN AMOUNT NOT TO EXCEED \$3,500.00

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**9-216:** AUTHORIZING HENDRICKS APPRAISAL COMPANY, LLC TO PERFORM AN APPRAISAL SERVICE FOR U.S. POST OFFICE FACILITY AT 10 PARK AVENUE FOR AN AMOUNT NOT TO EXCEED \$3,500.00

**9-217:** RESOLUTION EXTENDING A CONTRACT WITH THE BANKER GROUP LLC FOR SERVICES AS ACTING BOROUGH ADMINISTRATOR UNTIL DECEMBER 31, 2019

**CONSENT**

Moved by Councilman O'Donnell, seconded by Council President Rodgers. Discussions Ensued. On roll call, all voted in the affirmative. Resolutions approved 09/17/19

**COUNCIL COMMITTEE REPORTS**

*Borough Council Members*

**Councilman Lace** reported that today is Constitution Day and it was signed on this day in 1787. Environmental Commission is continuing to review the updated Open Space Plan. There will be a tree day on October 12<sup>th</sup> and the topic is climate change with the recent weather patterns having an impact on plants. Bartlett Trees will be giving away native plants and that event will be at Borough Hall from 10-11AM. Mr. Michael Falciola, Bartlett Arborist will be at the presentation. The Planning Board agreed with the assessment with Topology for a rehabilitation and approved the resolution with a recommendation that the Borough conduct a public awareness campaign to inform residents what the designation does and does not entail. The Grover Cleveland Birthplace memorial will be having a upcoming Ghost Tour on October 25<sup>th</sup>, opening at the Birthplace with free pumpkin ice-cream from Geloti's and will end at Clover Leaf for a complimentary drink. The Tickets will be on sale at Library's, some stories and the Street Fair. There was more funding in the budget and passed for the new proposed visit center. The Community Center was closed from September 4<sup>th</sup> – September 10<sup>th</sup> for much needed upgrades. He would like to extend a special thanks to Mario and his DPW crew. On October 4<sup>th</sup> the Community Center will be hosting a coffee house series which is a free program for GCMS and Trinity Academy middle school students to attend twice a month Friday nights from 7PM – 10PM. There will be music, basketball, fitness trainers and other enjoyable things for students to do. Lastly, the website contract transfer is completed which is about three months ahead of schedule and the last step is the approval of the municipal seal which should be done in the next month.

**Councilwoman Schmidt** reported that the senior advisory is excited about the renovations at the Community Center and the beautiful new senior center which is open from 9AM – 4PM Monday – Friday. The Grover Cleveland Senior Center will be holding a Luau on September 26<sup>th</sup> at 11:30AM and the cost is \$8.00. The food pantry is always in need of food located at 14 Park Avenue and at this time what is needed are kid's snacks, can foods, pasta sauce anyone who wants to donate can drop off at the foyer of the food pantry Tuesday – Thursday from 9AM – 5:30PM. The Library has advertised the position of a Library Director and have received a number of resumes. The Rotary Club has donated a Telescope to Caldwell/West Caldwell Libraries. Also, Mackenzie Courtright a Caldwell resident has planned and will build a pathway with planter benches in the garden area behind the library and she is completing this for her Summit project. Heavy rain on August 7<sup>th</sup> caused water to enter the library at the doors of the children's room most of the water stayed in the vestibule. Ray Sullivan has suggested that we install a water sensor on the ground floor.

**REPORT OF MAYOR**

*Mayor Kelley*

**Mayor Kelley read a statement:**

I have been receiving calls and emails over the last month from residents regarding a number of activities and initiatives which the borough has undertaken and I'd like to share them with the public this evening.

1<sup>st</sup> of these are the hanging baskets of flowers which the borough takes credit for. Early this year, several of us met to discuss some plans for the downtown and came up with a quick fix which we believed would provide a much needed and also requested visual improvement to the downtown. Although there have been volunteer groups in years past, the borough never participated in the hanging baskets. One of these previous volunteer groups (The Caldwell Merchants Association) has gone dormant and have closed their books according to the organizer. The other group, The Downtown Alliance is reviving their 501 c 3 status and we have met with three of the leaders, Alan Schindler, Christy Berg, and Peter Mescia. They joined us in our meetings for downtown and provided wonderful insight and ideas. Once their 501c3 is reinstated we look to actively work with them and assist where needed. One of the suggestions provided was to use the baskets which were still available and to order flowers from Pat and his family at Hillcrest Farms in Verona. Great idea! We received compliments on the quality of the flowers from more than 2 dozen residents and taxpayers in town. The success of this plan was to make certain these flower baskets would receive watering on a regular basis. Again, another idea from this core group of volunteers was to turn to Verona. The suggestion was to look into shared services. We already do shared services with street sweeping with Verona so I decided to reach out and inquire. They would water from end of May until Labor Day. This would consist of every morning (7 days a week). The time of watering is between 4am and 7am and thus they avoid traffic and parked cars. We are very happy with the success of the hanging baskets. The best part of this plan was that we would be able to do this and find money in our budget that would satisfy this expense without incurring

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additional tax dollars. Tom Banker suggested that we terminate a landscaper contract that was put into place by the previous administration which was costing the borough right at \$28,000 dollars a year. The services this landscaper had been providing would instead be taken care of by our own workforce from DPW led by Mario Bifalco.

Flower cost: \$ 2,733.48

Verona shared services watering (May 27<sup>th</sup> approx., until Sept 2<sup>nd</sup>): \$ 6,750.00

Total hanging basket cost for 2019: \$ 9,483.48, right at 9500 dollars

Savings from cancellation of landscaping: \$ 28,000, utilized \$ 9,500 for hanging baskets, still leaving a net savings to the borough of \$ 18,516.52.

We have plans to expand this hanging basket initiative for 2020 and expect to partner with the Downtown Alliance where possible. There are many ideas being discussed which include flower pots and benches. We were late at removing the plants and so they looked rather beaten up the first week of September but we will be more diligent next year.

This is a great example of using the ideas of an experienced borough administrator to find money in an existing budget and squeeze savings and yet improve services. Although a very minor success, it is a visual one which the residents of Caldwell have complimented us on and they needed to learn just how successful this has been.

2<sup>nd</sup> initiative which is currently ongoing and much more material is the Police shared services. Just as Tom mentioned before we are working with the State of NJ experts who have completed their study in “draft form”. I repeat, “draft form”. But Tom’s preliminary estimates of achieved savings is still to the magnitude of \$ 1 million dollars a year in savings. This savings will be realized once we achieve the headcount in which the experts from the State of NJ have quantified. This may take 2 to 3 years to reach that manpower level but the process has to begin. Once the time is right, there will be a presentation. I have been receiving communication from current and retired police chiefs. In those discussions I have made it clear that the taxpayers are voicing their concerns about the “out of control” labor costs for law enforcement in our community. The average cost of a police officer is nearly \$ 200,000 with all loaded costs. To develop a solution it requires the type of analysis and strategic initiatives underway for police shared services. The good news is that Caldwell and West Caldwell are still talking and working out more of the details. I feel very, very positive about where this is headed. Mayor Tempesta is truly a leader in West Essex and brings a vast wealth of experience and insight into how to accomplish this goal. Plus he has a very cohesive group of council members. And of course, Caldwell has our wonderful council and also, Tom Banker. So who is this Tom Banker.

First of all, Tom Banker is a resident of West Caldwell and lives 5 minutes from borough hall. He has lived and raised his family in our community for nearly 30 years. He knows the two towns. He understands the dynamics, the strengths and weaknesses of both. He seems to know everyone and although shy, he can navigate conversations with most of the residents and business owners which is important to maintaining an open door policy. Tom Banker our acting borough administrator came to this job equipped to do the job because he brought with him over 35 years of municipal government experience. Unlike the previous borough administrator who lived in another county nearly 25 miles away and who learned on the job because he had no municipal government experience, Tom Banker is a seasoned veteran in municipal government and lives in our community. Let me share his experience:

Tom is a Regis High School graduate from a previous decade.

He graduated from Newark College of Engineering, again in a previous decade.

He earned a Masters in Communication (big surprise) from Rensselaer Polytechnic Institute, again in an earlier decade.

Here is our acting administrators work experience:

Consultant to the Council for Higher Education in Newark, NJ School of Architecture, and City of Newark

Hired by Newark in role of Manager of Information Systems managing staff of 10 before the age of 25

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Hired by City of Newark to be the Budget Director. 300+ million annual budget, advising Mayor and Business Admin for Newark

Hired to be assistant city business administrator for the city of Newark, age 27. Second in command of the administration for the City. Assisted in the direction of 97 municipal agencies and grant programs, annual expenditure approaching \$ 350 million. Coordinated city efforts in land assembly and property mgmt. to encourage economic and housing development. Represented the city to various Federal and state organizations and to business and commercial interests. Coordinated the city's overall labor relations.

Tom remained in this role for over a decade and following this he has performed independent consulting throughout the state of NJ but was engaged to work as the Executive Director of the Essex County Improvement Authority. Tom developed and implemented a 10 year business plan which made the agency financially self-sufficient. I repeat self-sufficient (please remember this as it relates to Caldwell). The plan implemented by Tom at the Essex County Improvement Authority:

- Rehabilitation of the Essex County Airport (the one in Fairfield on Passaic Rd).
- Expansion of public parking business(keep in mind Caldwell)
- Establishment of significant role as conduit financier of public and non-profit capital projects with \$ 700 million in bonds issued during tenure, and increased use of powers as redevelopment agency.
- Other significant projects Tom Banker has planned, financed and/or implemented :
  - Cass Gilbert office bldg. conversion to house 18 courtrooms
  - \$ 44.5 million dollar redevelopment of 600 acre "Hilltop" property.
  - \$ 44 million dollar Sportsplex project, including construction of 6,000 seat minor league baseball stadium and 9 acre riverfront park
  - \$ 200 million dollar, 2800 County Jail project

Here are some other positions Tom has held prior to accepting his role as acting borough administrator of Caldwell:

Deputy Administrator for Essex County

Township Manager for Belleville, NJ

I do this not because it's required of me in his contract with the borough, nor the fact that we will be soon extending his contract(but possibly for that reason) but I do this so this to remind the taxpayers of Caldwell that we brought in an expert. He is the authority for everything we are wanting to do in Caldwell to improve our municipal government and our downtown and residential areas.

The 3<sup>rd</sup> initiative which Caldwell has introduced in our last council meeting is the restructuring of the borough's Sewer costs that have historically been part of the tax levy each year. As everyone knows Caldwell operates a Wastewater treatment plant for 5 towns (Caldwell, West Caldwell, Roseland, Essex Fells, North Caldwell, and a small part of Fairfield). There are two cost components. The treatment plant costs which are shared by all user communities and the collection system costs. The collection system costs are within the boundaries of our borough. These two cost components have been allocated and distributed to the taxpayers in the form of property taxes. But, there have been some users who are nontaxable and thus have not been sharing the fully loaded share of their waste water treatment of collection system costs. With Tom Banker and our plant operator Mott McDonald we have now parsed those treatment and collection system costs and derived a fair and reasonable formula for billing those costs to the taxpayers (including non-profits) based upon water usage. This has the direct benefit of reducing these costs that were passed to taxpayers in years past and will begin in 2020.

Let me repeat because this is significant and very material.

We have reduced the cost that taxpayers have historically paid for waste water treatment and collection by billing those separate from the property tax bill and this is due to the increased pool of users that are sharing those expenses. We have pulled the non-profits into this pool. The by-product of this action of billing these separately will be a reduced property tax for next year.

Again, let me repeat myself. We expect to be able to reduce property taxes for all taxpayers in our budget next year due to this action.

A related initiative to the waste water treatment plant that is underway is the signing of contracts with the 4 other user communities that are customers to the Caldwell Waste Water treatment plant. We have a meeting scheduled tomorrow that should bring us closer to getting this done.

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I want to commend our Community Center Director Rose Marie Sutherland also. She and her team which also includes DPW have worked miracles on the improvements completed. She will be presenting at the October 1<sup>st</sup> meeting.

I want to share that I attended the 6<sup>th</sup> annual Caroline Fund 5k that took place this past Saturday. I had the pleasure of meeting Mary Vandermark and her daughter Eileen. Their family lost Caroline to cancer but with friends and family have built a local fundraiser for cancer awareness and delivered approximately \$ 300,000 to the Hackensack Medical Center for cancer research and treatment. I also ran the 5k although some would suggest it was a fast walk.

Lisa was able to verify that the polling locations for the general election will not be at the community center but instead will be at the schools. The locations for each district will be shared as they are each year by mail but the borough will be very proactive in identifying the locations in advance of the general election.

The borough of Caldwell would like to congratulate Dr. Nancy Blattner on her recent appointment as president of Fontbonne University in St. Louis where she will be returning after June 30, 2020. Caldwell University thrived under her leadership and we applaud her success and wish her the very best at her new appointment.

Lastly, Tom Banker and I went on a tour with Bob Silver in his new project The Wilson House. I didn't think it was possible but I believe he has outdone The Grover House. He shared that The Wilson house is 90 % leased and is on target to open March 1<sup>st</sup>.

**REPORT OF BOROUGH ADMINISTRATOR**

**Thomas Banker**

**Tom Banker reported:**

- *The I/I study was received from Mott MacDonald and will be reviewed.*
- *The initial high level concept plan for the parking garage from Tim Tracey at Desmond. Early next week he will have cost estimates for design decisions.*
- *He has received initial draft specifications for removal of the existing parking deck for the Community Center.*

On a motion made by Council President Rodgers, seconded by Councilwoman Schmidt unanimously affirmed, the Council moved into Executive Session at 10:55P.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 was adjourned and upon a motion by Councilman Lace, seconded by Councilwoman Schmidt the Council Business Conference Meeting was opened to the public and the press at 11:20PM.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Lace, seconded by Councilwoman Schmidt unanimously affirmed by all members present, the meeting was adjourned at 11:20PM.

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

\_\_\_\_\_  
DATE