

Mayor and Council Conference Meeting – March 12, 2024

The Conference Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, March 12, 2024. The meeting began at 6:32p.m. at Borough Hall and via tele/video-conference.

Mayor Raymond called the meeting to order announcing that notice was provided in accordance with the requirements of Chapter 231, P.L. 1975. He provided a statement regarding the conduct of the teleconference which would allow members of the public to participate and be heard during public comment.

Roll Call indicated the following:

Present: Mayor Joshua H. Raymond, Council President Anthony Floria-Callori, Councilman Matthew Atlas, Councilman Robert Kessler, Councilman Arthur Rees, Councilman Kenneth Tilton, Councilman Stephen Weinstein.

Also present were: Glenn Domenick, Borough Administrator; Jarrod Kantor, Borough Counsel; Karl Strodtzoff, Police Chief; and Tami Michelotti, Borough Clerk.

Mayor Raymond asked Fire Chief Scott Stellfox to lead the Pledge of Allegiance.

Councilman Rees asked Mayor Raymond to address the North Caldwell Fire Department members. He acknowledged making a statement before checking facts. He apologized to the department and noted that they are doing a great job. He hoped to move forward and offered to speak with any department members. He offered an apology and noted that their support for the department was evident by their presence that evening.

Citizens to be Heard – Agenda Items Only

On a motion by Council President Floria-Callori, seconded by Council Kessler____, public comment was opened. Said motion was unanimously approved.

Mr. Robert Gaccione of Gaccione Pomaco, PC was present on behalf of his client, owner of 707 Main Street. He stated that he and his client were present regarding the Hillside Avenue parking discussion item and offered that they were available for any questions during the discussion later in the meeting.

Nehir Jariwala, 4 Arbor Road - Mr. Jariwala requested clarification regarding the scope of work assigned to VComm by the Borough. He referred to VComm's statement from the March 6, 2024 Cell Tower Construction Meeting during which VComm stated that the scope of work was to provide a solution and not build towers. He referenced inconsistencies in timelines of studies performed regarding cellular service. He noted that other solutions such as small cell technology do offer multicarrier solutions and that backup power for small cell solutions is available, contrary to information presented at the Cell Tower meeting.

Catherine Fink, 2 Skyline Drive – Mrs. Fink stated that residents from her neighborhood reviewed information from the Cell Tower Construction meeting. She requested clarification of revenues to be generated by the cell towers. Mrs. Fink stated that no residents from the Skyline Drive or Brookside Terrace voiced examples of inadequate coverage during meetings in the fall of 2023. She questioned the timing of some of the studies presented by VComm at the Cell Tower meeting. She stated that the Skyline neighborhood is already overburdened by utilities and now faces five (5) additional generators to be added to the site from four (4) potential cellular carriers and the water tower generator. She added that the Mountain Avenue site would have three (3) generators. Mrs. Fink stated that VComm's description of a potential collapse of a cell tower was misleading method in that there is no predictability that towers will collapse upon themselves. She referred to factors in a collapse documented by the National Tower Erectors Association. She stated that monopoles fatigue at the base where the collapse begins. She added that 5 to 20 mile per hour winds can be enough to create a vortex with an increase in vibrating frequency. She expressed concern that the tower could collapse on the Skyline water tower which holds 1.3 million gallons of water. She added that electrical fires can also cause monopoles to collapse. Mrs. Fink stated that the promise of co-locators on the towers is vague and non-descript. She encouraged the Council to explore alternatives such as locations in other towns, small cell technology, water tower placement and cancellation of the project.

Tom Fink, 2 Skyline Drive – Mr. Fink stated that the cell tower construction site should conform to commercial property rules. He noted that the tree ordinance requires a buffer on three (3) sides of a commercial structure which would apply to both tower sites. He added that the Skyline site has many trees and their removal would cause stormwater retention and erosion problems due to the rock earth. Mr. Fink noted that runoff management was not addressed in the lease agreement but should be addressed by the Planning Board during the site application hearing. Mr. Fink asked if the North Caldwell Fire Department had the means to respond to a fire on the tower should the monopole catch fire. He offered to share his interpretation of the issue regarding responsibility for removal of the tower with the Borough Attorney.

Mayor and Council Conference Meeting – March 12, 2024

Elliott Sommer, 143 Four Seasons Drive – Mr. Sommer asked for clarification regarding the possibility of placing cellular antennas on structures holding high tension wires. He noted that the utility poles near Livingston mall have antennas affixed.

On a motion by Councilman Weinstein, seconded by Councilman Kessler, public comment was closed. Said motion was unanimously approved.

Items for Discussion

Cell Tower Meeting Review – Mayor Raymond acknowledged the public attendance and participation at the Cell Tower Construction meeting held the week prior. He stated that the Council would further explore alternative options to the towers which may or may not result in a change to the current plan. He committed to the governing body's continued evaluation. Councilman Weinstein expressed appreciation for the public's input on the emotional topic and committed to providing thorough answers to questions.

Hillside Avenue Parking Limit – Mr. Domenick presented a request from the owner of 707 Main Street for an extension of the current limit for the temporary parking spaces delineated within the first 100 feet on the south side Hillside Avenue. The request for a 90-minute parking limit would allow clients of the beauty services business to park while receiving services that take 90 minutes. Concern for clients parking across Main Street was presented due to the volume of vehicular traffic. The request was reviewed by the North Caldwell Police Department which suggested the parking limit be extended to 2 (two) hours to be consistent with other temporary parking locations in the Borough. No public safety issues were anticipated. Council President Floria-Callori requested that residents on Hillside Avenue and in the vicinity be noticed regarding the potential change as parking on Hillside Avenue was an issue in the past.

Mr. Gaccione, attorney for the property owner, stated that the current use of the commercial storefront requires a longer stay than the current 10-minute designation. He noted that parking on Hillside provides greater safety for clients of the beauty business than parking across the street. Mayor Raymond asked if other businesses along that portion of Main Street would be disadvantaged by the longer parking time.

Ms. Maria Pereira, owner of 707 Main Street, described her tenant as a skin care business offering skin care services which require at least one (1) hour appointments. Mrs. Pereira stated that she spoke with the neighboring property owner who agreed with the expanded parking limit. Council President Floria-Callori noted the Hillside Avenue residents' concern for parking brought forward in the past and stated that they should be alerted to the potential change. Mayor Raymond stated that the change would be required by ordinance which could be amended for introduction at the next meeting.

Water Rates – Councilman Weinstein noted the increase in water purchase rates from the Borough's suppliers. He announced that a portion of the increase would be passed to residents in a 3% rate increase from the current \$6.85 per thousand gallons to \$7.00. He added that the Water Utility will subsidize the rest of the suppliers' rate increases. Mayor Raymond provided the \$0.50 rate increase history since 2020 and noted that North Caldwell rates are lower than Caldwell and West Caldwell.

Legalized Games of Chance Operations on Sunday – Mr. Domenick presented a request from the North Caldwell Fire Department to allow that games of chance be permitted on Sundays. The practice, prohibited by the State of New Jersey, can be permitted by the municipality's adoption of an ordinance. Allowing games of chance on Sundays would permit the NCFD to offer a 50/50 raffle at the annual Pancake Breakfast which is traditionally held on the first Sunday in June. Councilman Atlas noted that adoption of such an ordinance would permit games of chance on Sundays for all entities. Mr. Kantor noted that each application is approved on its own merits so approvals for games of chance on Sundays would require the same review as all raffle license applications. The Council agreed to have an ordinance prepared for consideration at the next meeting.

Recyclables Collection/Delivery Bid and Recyclables Marketing RFP – Mr. Domenick requested that this item be considered in Executive Session under Attorney/Client Privilege and Contract Negotiations.

Local Recreation Improvement Grant Application Deadline Extension – Mr. Domenick reviewed the grant application and the deadline extension which requires a resolution of support from the governing body. He stated that the resolution was prepared and will be considered later in the meeting.

Spring Tennis Clinic EUS Contracts – Mr. Domenick presented proposed contracts for youth and adult tennis clinics for the spring. Resolutions would be prepared for the next meeting.

Recreation Basketball - Additional Trainers and Referees – Mr. Domenick stated that applicants for basketball staff have been added as background checks are completed. A resolution authorizing the staff members would be prepared for the next meeting.

Mayor and Council Conference Meeting – March 12, 2024

2Q2024 Community Newsletter – Councilman Kessler requested suggestions for the first quarter newsletter. The newsletter would be posted to the Borough website upon completion.

Zoning and Election District Map Updates – Ms. Michelotti presented the updated Zoning Map and Election District map. Mr. Kantor confirmed that each was eligible for immediate release. Mayor Raymond noted that the public will find an additional voting district at the usual polling place at Notre Dame Church for all future elections.

Ordinances for Public Hearing/Second Reading

Bond Ordinance BO-1-2024: Councilman Weinstein made a motion to open the public hearing for Bond Ordinance BO-1-2024 A Bond Ordinance Amending Bond Ordinance #BO-2-2023 Finally Adopted by the Borough Council of the Borough of North Caldwell on May 23, 2023 (regarding Tennis, Pickleball, All-Purpose Courts), seconded by Council President Floria-Callori. Said motion was carried unanimously.

No one came forward.

Council President Floria-Callori made a motion to close the public hearing for Bond Ordinance BO-1-2024 A Bond Ordinance Amending Bond Ordinance #BO-2-2023 Finally Adopted by the Borough Council of the Borough of North Caldwell on May 23, 2023 (regarding Tennis, Pickleball, All-Purpose Courts), seconded by Councilman Atlas. Said motion was carried unanimously.

Council President Floria-Callori stated that the ordinance provided financing for recreational improvements. Councilman Weinstein noted that the Borough would bond for the improvements with the anticipation that the developers of Green Brook Country Club would provide funds to the Borough toward the project. Councilman Kessler clarified that the Borough would borrow the money in anticipation of funding from the country club developers which was not guaranteed. Mayor Raymond added that the Borough would not receive funding from the country club developer if they do not develop the property. Councilman Weinstein noted the disrepair of the courts which require improvements despite the anticipated funding.

Councilman Weinstein made a motion to adopt Bond Ordinance BO-1-2024 A Bond Ordinance Amending Bond Ordinance #BO-2-2023 Finally Adopted by the Borough Council of the Borough of North Caldwell on May 23, 2023 (regarding Tennis, Pickleball, All-Purpose Courts), seconded by Council President Floria-Callori. Said motion was carried unanimously with six (6) affirmative votes.

Ordinance O-1-2024 Council President Floria-Callori made a motion to open the public hearing for Ordinance O-1-2024 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank for Calendar Year 2024, seconded by Councilman Atlas. Said motion was carried unanimously.

No one came forward.

Council President Floria-Callori made a motion to close the public hearing for Ordinance O-1-2024 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank for Calendar Year 2024, seconded by Councilman Tilton. Said motion was carried unanimously.

Councilman Weinstein reviewed the purpose of the ordinance.

Councilman Weinstein made a motion to adopt Ordinance O-1-2024 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank for Calendar Year 2024, seconded by Councilman Tilton. Said motion was carried unanimously with six (6) affirmative votes.

Action to be Taken – Consent Agenda

Councilman Weinstein made a motion, seconded by Councilman Atlas, to approve all remaining items listed below as a Consent Agenda.

- Resolution R-60-2024 A Resolution Approving the Payment of Bills
- Resolution R-61-2024 A Resolution Fixing Water Rates Pursuant to Ordinance O-1-09
- Resolution R-62-2024 A Resolution Authorizing for Redemption and Cancellation of Record of – Block 606, Lot 8
- Resolution R-63-2024 A Resolution Authorizing Compensation to Borough Clerk for North Caldwell Board of Education Referendum Election Services
- Resolution R-64-2024 A Resolution Authorizing an Application to the New Jersey Department of Community Affairs for the 2024 Local Recreation Improvement Grant

Said motion was carried unanimously with six (6) affirmative votes.

Citizens to be Heard - Any Subject Matter

On a motion by Councilman Council President Floria-Callori, seconded by Councilman Kessler, public comment was opened. Said motion was carried unanimously.

Elliott Sommer, 143 Four Seasons Drive – Mr. Sommer presented the repaving project anticipated in May 2024 at Four Seasons. He requested access from Mountain Avenue, through the Magnusson Field parking area, which was currently obstructed by PSE&G contractors. Chief Strodthoff stated that the PSE&G line replacement project completion date was still to be determined. Mr. Sommer requested that the Magnusson Field parking area be made available to Four Seasons residents during their paving project which would include sealing of cracks and relining of parking spaces. He added that May was the optimal time to perform the project due to ground temperatures. Council President Floria-Callori suggested that any parking permissions would require coordination with the Recreation Department based on sports scheduled at Magnusson Field. Chief Strodthoff offered parking accommodations on one side of Hilltop Drive for the two-day paving project for Four Seasons residents.

Amy Galarowicz, 6 Skyline Drive – Ms. Galarowicz noted that North Caldwell is a community of many professionals with expertise in fields related to the cellular service issue. She suggested that the governing body consider a citizens advisory committee to share in the burden of research and providing expertise.

Catherine Fink, 2 Skyline Drive – Ms. Fink noted the potential significant change to the Open Public Records Act which was under consideration by the State Assembly. She asked that the governing body stay informed of the issues.

On a motion by Council President Floria-Callori, seconded by Councilman Kessler, public comment was closed. Said motion was carried unanimously.

Council Commentary

Councilman Rees reiterated his apologies to the North Caldwell Fire Department for comments he made.

Councilman Weinstein announced the Early Bird Registration Discount promotion for Community Pool resident memberships. He announced new events and longer hours to enhance the pool experience.

Mayor Raymond announced funding Essex County for automatic license plate readers (ALPRs) which was championed by Congresswoman Mikie Sherrill. He thanked Captain Credico and the Police Department for their efforts to implement safety measures for North Caldwell and the surrounding communities.

Executive Session

On a motion by Councilman Atlas, seconded by Councilman Weinstein, Resolution R-65-2024 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting:

- A. Attorney/Client Privilege: (1) Cell Tower Consulting Services;
- B. Potential Contract Negotiations: (1) Farmstead Road/Mountain Avenue

was approved unanimously with six (6) affirmative votes.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Council President Floria-Callori, seconded by Councilman Weinstein, that this meeting be adjourned at 7:40p.m. Said motion was carried unanimously with six (6) affirmative votes.

Respectfully submitted,



Tami Michelotti, RMC
Borough Clerk