

Mayor and Council Regular Meeting – March 26, 2024

The Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, March 26, 2024. The meeting began at 6:33p.m. at Borough Hall and virtually 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 Strodthoff, Police Chief; and Tami Michelotti, Borough Clerk.

Mayor Raymond asked Sebastian Rainone to lead the Pledge of Allegiance.

Mayor's Report

Mayor Raymond announced funding obtained by Congresswoman Mikie Sherrill for crime prevention in the West Essex area through the implementation of automated license plate reader (ALPR) cameras. He noted the improvements to the North Caldwell Community Pool and the kickoff of an Early Bird Registration discount for all memberships opened before May 1, 2024. Mayor Raymond announced the refurbishing of the tennis courts anticipated in late spring to include four tennis courts, four pickleball courts and an all-purpose court. He looked forward to the installation of a traffic light at Gould and Mountain Avenues in late spring or early summer.

Mayor Raymond reviewed the recent Cell Tower Construction public meeting and stated that the governing body was looking at alternatives as requested by the public. He announced the beginning of improvements at Walker's Park. He noted some upcoming community events including a Mobile MVC unit event in the summer, hydrant flushing from April 15 through May 2, Earth Day activities on April 21, the Opening Day Parade for Recreation Baseball/Softball on April 20, the Annual Firemen's Pancake Breakfast on June 2 and Camp Wyanokie Family Day on June 15.

Mayor Raymond welcomed Gould School Principal Chris Checchetto who presented a donation to the Borough for Walker's Park on behalf of the Gould School Student Council and their advisors Mrs. Toni Arena and Ms. Carrie Jones. He noted the students' goal to help others in need through their Putt Luck fundraiser which raised over \$500. Mayor Raymond thanked the students, faculty and administration for their leadership and community involvement.

Recreation and Travel Basketball Championship Recognition

Mayor Raymond thanked Recreation Director Bill Maranz and the Recreation Basketball coaches, volunteers, and parents for being involved in the season and for giving back to community. He presented certificates to the championship team members and the coaches.

Citizens to be Heard – Agenda Items Only

Mayor Raymond announced that agenda items 10A (Ordinance O-2-2024 An Ordinance Amending and Supplementing Chapter 107, Section 6 of the Code of the Borough of North Caldwell Regarding Zoning Permit Fees) and 10C (Ordinance O-4-2024 An Ordinance of the Borough of North Caldwell Authorizing a License Agreement with PSE&G) would be tabled and welcomed anyone present regarding those items to address any questions or comments during Citizens to be Heard.

On a motion by Councilman Kessler, seconded by Councilman Atlas, public comment was opened. Said motion was unanimously approved.

Tom Fink, 2 Skyline Drive – Mr. Fink thanked Mr. Domenick and Ms. Michelotti for their time to discuss the hazard mitigation generator installation project at the Skyline Water Tower site. With regard to Ordinance O-4-2024, he asked if access to the water tower site from the PSE&G right-of-way would include the installation of a gate and lot to protect the improvements and amenities on the site.

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

Approval of Minutes

Councilman Atlas made a motion to approve the following minutes, seconded by Councilman Kessler:

- Special Budget Meeting – February 7, 2024
- Conference Meeting and Executive Session Minutes – February 13, 2024

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- Special Budget Meeting – February 20, 2024
- Regular Meeting and Executive Session Minutes – February 27, 2024

Councilman Kessler abstained from voting on the February 13, 2024 meeting minutes. Councilman Rees and Councilman Tilton abstained from voting on the February 20, 2024 meeting minutes. Said motion was carried with six (6) affirmative votes for the February 7, 2024 and February 27, 2024 meeting minutes; five (5) affirmative votes and one (1) abstention for the February 13, 2024 meeting minutes; and four (4) affirmative votes and two (2) abstentions for the February 20, 2024 meeting minutes.

Committee Reports

The following reports were read into the record upon a motion from Councilman Weinstein, seconded by Councilman Kessler:

- Tax Collector's Report – February 2024
- Police Department Public Safety/Detective Bureau Reports – February 2024
- Fire Department Report – February 2024
- DPW Monthly Report – February 2024
- Construction Permit Activity Report – February 2024
- Recreation Director's Report – March/April 2024
- Zoning Board of Adjustment 2023 Annual Report.

The Building Sub-Code Inspection Report for February 2024 and the Animal Control Monthly Report for February 2024 were not provided. Said motion was carried unanimously.

Councilman Kessler thanked the Recreation Department and the West Essex High School Key Club volunteers for the successful Spring Spectacular and Easter Egg Hunt held earlier that day.

Ordinances for Public Hearing/Second Reading

Ordinance O-2-2024: Councilman Atlas made a motion to table the public hearing for Ordinance O-2-2024 An Ordinance Amending and Supplementing Chapter 107, Section 6 of the Code of the Borough of North Caldwell Regarding Zoning Permit Fees, seconded by Councilman Kessler. Said motion was carried unanimously. Mr. Kantor announced that the hearing would be tabled to the April 16, 2024 meeting at 6:30pm with no further notice required.

Ordinance O-3-2024: Councilman Atlas made a motion to open the public hearing for Ordinance O-3-2024 An Ordinance Amending and Supplementing Chapter 34, Section 3 of the Code of the Borough of North Caldwell Regarding Uniform Construction Code Fees, seconded by Councilman Kessler. Said motion was carried unanimously.

No one from the public came forward.

Councilman Atlas made a motion to close the public hearing for Ordinance O-3-2024 An Ordinance Amending and Supplementing Chapter 34, Section 3 of the Code of the Borough of North Caldwell Regarding Uniform Construction Code Fees, seconded by Councilman Kessler. Said motion was carried unanimously.

Councilman Atlas made a motion to adopt Ordinance O-3-2024 An Ordinance Amending and Supplementing Chapter 34, Section 3 of the Code of the Borough of North Caldwell Regarding Uniform Construction Code Fees, seconded by Councilman Kessler. Said motion was carried unanimously with six (6) affirmative votes.

Ordinance O-4-2024: Councilman Atlas made a motion to table the public hearing for Ordinance O-4-2024 An Ordinance of the Borough of North Caldwell Authorizing a License Agreement with PSE&G, seconded by Councilman Tilton. Said motion was carried unanimously. Mr. Kantor announced that the hearing would be tabled to the April 16, 2024 meeting at 6:30pm with no further notice required.

Ordinances for Introduction

Ordinance O-5-2024: Councilman Rees made a motion to introduce Ordinance O-5-2024 An Ordinance of the Borough of North Caldwell Amending Chapter 107, Zoning and Land Use, of the Borough Code to Minimize Impacts to Existing Residential Uses Resulting from New Subdivisions and Improvements to Existing Single-Family Lots by Updating Land Use Definitions, Lot Requirements and Bulk Requirements for Single-Family Zones, seconded by Councilman Tilton. Said motion was carried with six (6) affirmative votes. A public hearing and second reading was announced for Tuesday, April 16, 2024 at 6:30p.m. Councilman Weinstein stated that the ordinance is an effort to try to control continued development and to maintain the standard of living to which residents are accustomed.

Ordinance O-6-2024: Councilman Atlas made a motion to introduce Ordinance O-6-2024 An Ordinance Supplementing the Borough Code of the Borough of North Caldwell with Chapter 61, Games Of Chance,

seconded by Councilman Rees. Said motion was carried with six (6) affirmative votes. A public hearing and second reading was announced for Tuesday, April 16, 2024 at 6:30p.m.

Ordinance O-7-2024: Councilman Atlas made a motion to introduce Ordinance O-7-2023 An Ordinance Amending the Annual Compensation of Certain Officers and Employees of the Borough of North Caldwell, seconded by Councilman Tilton. Said motion was carried with six (6) affirmative votes. A public hearing and second reading was announced for Tuesday, April 16, 2024 at 6:30p.m.

Ordinance O-8-2024: Councilman Atlas made a motion to introduce Ordinance O-8-2024 An Ordinance of the Borough of North Caldwell, County of Essex, Amending the Annual Compensation of Members of the Police Department- West Essex PBA Local 81 for the Years 2024 Through 2027, seconded by Councilman Tilton. Said motion was carried with six (6) affirmative votes. A public hearing and second reading was announced for Tuesday, April 16, 2024 at 6:30p.m.

Ordinance O-9-2024: Councilman Atlas made a motion to introduce Ordinance O-9-2024 An Ordinance Amending §99-3D-1 of the Borough Code of the Borough of North Caldwell Regarding Temporary Parking on Hillside Avenue, seconded by Councilman Kessler. Said motion was carried with six (6) affirmative votes. A public hearing and second reading was announced for Tuesday, April 16, 2024 at 6:30p.m. Councilman Weinstein asked that residents in the area be notified of the proposed ordinance amendment prior to the public hearing. Council President Floria-Callori requested the notice be sent to all property owners within 200 feet, regardless of town. He noted the neighborhood parking concerns voiced during Board hearings and public meetings in the past.

Action to be Taken

Councilman Kessler requested the addition of Resolution R-76-2024 A Resolution Authorizing the Mayor and Council to Execute Agreements for Extraordinary Unspecifiable Services with Elite Tennis Academy, Inc. for Spring 2024 Youth and Adult Tennis Clinics. Mr. Kantor recommended that the resolution should be considered separately from the Consent Agenda.

Councilman Kessler made a motion, seconded by Councilman Atlas, to approve all items listed below as a Consent Agenda. Said motion was carried unanimously with six (6) affirmative votes.

- Resolution R-66-2024 A Resolution Approving the Payment of Bills
- Resolution R-67-2024 A Resolution Approving 2023 Budget Transfers
- Resolution R-68-2024 A Resolution Authorizing for Redemption and Cancellation of Record of Tax Lien – Block 1108, Lot 10
- Resolution R-69-2024 A Resolution Authorizing Change Orders with A.J.M. Contracting, Inc. for Park Avenue, Glenview Road and Tanglewood Road Resurfacing Project
- Resolution R-70-2024 A Resolution Authorizing and Directing Bid Acceptance and Contract Award for Recyclable Materials Collection and Delivery Service
- Resolution R-71-2024 A Resolution Authorizing an Award of Contract for Marketing of Recyclables
- Resolution R-72-2024 A Resolution Accepting a Bid and Awarding a Contract for Mowing and Trimming of Municipal Facilities within the Borough of North Caldwell
- Resolution R-73-2024 A Resolution Authorizing the Hiring of Part-Time Seasonal Employees 2023-2024 Recreation Basketball Referees and Instructors/Trainers
- Resolution R-74-2024 A Resolution Authorizing the Issuance of One New Plenary Retail Distribution License Within the Borough of North Caldwell Pursuant to the Public Bid Option Pursuant to N.J.S.A. 33:1-19.3

Councilman Kessler made a motion, seconded by Councilman Atlas, to approve Resolution R-76-2024 A Resolution Authorizing the Mayor and Council to Execute Agreements for Extraordinary Unspecifiable Services with Elite Tennis Academy, Inc. for Spring 2024 Youth and Adult Tennis Clinics. Said motion was carried unanimously with six (6) affirmative votes.

Citizens to be Heard - Any Subject Matter (5 minute limit)

On a motion by Councilman Atlas seconded by Councilman Tilton, public comment was opened. Said motion was unanimously approved.

Tom Fink, 2 Skyline Drive – Mr. Fink expressed concern regarding privacy and security related to implementation and surveillance of automated license plate readers (ALPRs). He asked about the responsibility for data monitoring, retention, sharing, mining, security, storage and metadata. Mr. Fink stated concern regarding use of the data for tracking citizens. Mr. Kantor noted that license plates and their locations are not private data. He added that New Jersey Attorney General guidelines are in effect and compliance is mandatory. He added that the ALPRs are the best way to deter auto theft and home burglary issues prevalent in the area. Councilman Tilton noted that the same technology is in use on a national level as well. Chief Strodthoff added that oversight for the ALPRs and data captured is under the

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authority of the New Jersey State Police which determines retention periods. He provided examples of how the data is used to identify stolen cars. Mayor Raymond reminded the public of ways to deter thefts including locking cars, storing cars in garages and removing key fobs from vehicles.

Hearing no further comments, Councilman Kessler made a motion, seconded by Councilman Rees, to close public comment. Said motion was carried unanimously.

Council Commentary

Councilman Kessler asked for a 2024 Municipal Budget synopsis for inclusion in the 1Q2024 Community Newsletter. The Council discussed the amount of the ALPR grant, the timing for disbursements and the distribution among municipalities.

Executive Session

On a motion by Councilman Atlas, seconded by Councilman Kessler, Resolution R-75-2024 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting in order to discuss: A. Contract Negotiations: (1) Cell Tower Construction. Said motion 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 Councilman Rees, seconded by Councilman Kessler, 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