

Mayor and Council Conference and Regular Meeting – August 15, 2023

The combined Conference and Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, August 15, 2023. The meeting began at 6:30p.m. at Borough Hall and was held simultaneously 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 Floria-Callori, Councilman Matthew Atlas, Councilman Robert Kessler, Councilman Arthur Rees, Councilman Kenneth Tilton and Councilman Stephen Weinstein.

Also present were: Kevin O'Sullivan, Borough Administrator; Jarriid Kantor, Borough Attorney; Karl Strodtzoff, Police Chief; and Tami Michelotti, Borough Clerk.

Mayor Raymond asked Councilman Rees to lead the Pledge of Allegiance.

Mayor's Report

Mayor Raymond announced that meetings to design and improve the Liberty Park recreational complex were underway including facilities for the Police Department headquarters, Fire Department and Department of Public Works. He stated that permitting for Walker's Park improvements were received and that plans for the improvement of the structure were still being solicited. Mayor Raymond welcomed all residents to attend the Town Picnic and RUN4NC 5K and Color Run all scheduled for September 9, 2023.

Citizens to be Heard

Mayor Raymond announced that public comment would be limited to three (3) minutes to accommodate the volume of attendees at the meeting.

Mayor Raymond referred to his recent letter to the community regarding the future development of Green Brook Country Club. He noted that the prior membership of the country club sold the club to Woodmont Properties, a property developer, five years ago. He reviewed the history of the settlement agreement and inclusionary residential overlay ordinance executed in 2018 and the opportunity for a new settlement agreement and secondary inclusionary residential overlay ordinance that would limit the impact on the community. Mayor Raymond address the resolution that would be considered later in the meeting to approve a memorandum of understanding with Green Brook Realty Associates and noted that a vote against the MOU would resort in the continuation of the current agreement. Mr. Kantor confirmed that the initial overlay zone and settlement agreement were already in place and that voting against the MOU would not result in the country club property remaining a golf course.

Council President Floria-Callori made a motion to open public comment, seconded by Councilman Atlas. Said motion was carried unanimously

Anthony Bocci, 22 Cypress Avenue – Mr. Bocci, a municipal attorney in an adjacent town, noted his experience with Fair Share Housing and affordable housing negotiations. He offered his expertise to negotiate a more favorable settlement of the Green Brook Country Club property. He stated his disfavor with the proposal and his desire to maintain the property as a golf course.

John Chiaia, 34 Grandview Place – Mr. Chiaia stated that the proposed MOU with Green Brook Realty Associates was not in the best interest of the Borough as it would relinquish the 12-acre parcel of land on the site as provided for in the current settlement agreement. He suggested the Borough purchase the property or keep the existing agreement in place.

Glenn Morosohk, 17 Maywood Court – Mr. Morosohk stated that development at the country club property may raise taxes due to increased infrastructure needs and Borough services

Howard Mintz, 6 Woodmere Court – Mr. Mintz stated that his property which abuts Central Avenue near the country club property would be impacted by the development and place his property in the redevelopment zone. He suggested a setback provision be negotiated with entrance and exit requirements.

John Wenzke, 15 Fairview Drive – Mr. Wenzke stated that the proposed MOU with Green Brook Realty Associates is more favorable than the settlement agreement and IRO currently in place. He noted that country club members should have been aware of the potential for development of the site when the property was sold in 2018. He noted potential Fair Share Housing and Builder's Remedy consequences that could burden the Borough.

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Stephen Ploscowe, 29 Schindler Way, Fairfield – Mr. Ploscowe, a former North Caldwell resident, suggested the decision on the MOU be tabled for two months to research any alternatives to development such as new investors to purchase the property.

Dennis Klein, 62 Beachmont Terrace – Mr. Klein asked the Council to table consideration and vote on the MOU as there was no urgency and no site plan filed with the Planning Board yet.

Mayor Raymond announced that any Council member would make a motion to table the resolution regarding the MOU with Green Brook Realty Associates; otherwise the vote would proceed.

Mayor Raymond opened the floor to any Council members to respond to public comment.

Council President Floria-Callori thanked the attendees for their comments and suggestions. He reviewed the difference between age-targeted and age-restricted developments. He noted that pre-existing site conditions would be well-documented prior to any development and that access points to the proposed development would be regulated with County and State officials. Councilman Floria-Callori stated that the country club members chose to sell the property to a real estate developer and that the prior Borough administration approved the existing settlement agreement and overlay ordinance. He detailed the proposed alternative plan which would allow for a better outcome than the current plan.

Councilman Tilton suggested the vote on the MOU be tabled to allow for more public input and alternatives. He suggested that an Open Public Records Act request be submitted to the NJDEP for correspondence with Green Brook Realty Associates to determine if any obstacles to development exist.

Councilman Atlas stated his appreciation to the public for their consideration of this important issue. He emphasized that the Council had no way to stop the developer from developing the land they own. He noted that the proposed plan was a better deal than the existing plan.

Councilman Rees stated that the Mayor and Council members do not want to see the country club property developed but that the proposed plan was more desirable.

Mr. Kantor confirmed that the Fair Share Housing Act exempts housing of 55+ communities from discriminatory practices and that the age-restriction of the proposed plan would be deed restricted.

Councilman Kessler stated that the 12-acre parcel set aside for Borough use in the current development plan was not specifically reserved for construction of a school as was rumored. He noted that the location was not specified. He added that the proposed plan has minimal impact on the schools and that the increased tax revenue from the new development could be used to improve Borough infrastructure and facilities.

Councilman Weinstein thanked all attendees for their participation and noted that the vote on the MOU was already delayed by one month so the Council could work to inform the public on the issue before taking action. He added that securing the new plan was essential to risking development based on the current IRO.

Councilman Weinstein made a motion to close public comment, seconded by Councilman Rees. Said motion was carried unanimously.

Approval of Minutes

Council President Floria-Callori made a motion to accept the July 18, 2023 Conference and Regular Meeting and Executive meeting minutes (without release of Executive Session minutes), seconded by Councilman Atlas. Said motion was approved with six (6) affirmative votes.

Committee Reports

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

- Tax Collector's Report – July 2023
- Police Department Public Safety and Detective Bureau Reports – July 2023
- Fire Department Public Safety Report – July 2023
- DPW Monthly Report – July 2023
- Construction Permit Activity Report – July 2023
- Building Sub-Code Inspection Report – July 2023
- Animal Control Monthly Report – July 2023
- Recreation Report –August/September 2023

Said motion was carried unanimously.

Councilman Rees thanked Borough staff for their response to the Hilltop water outage issue earlier in the month. Mayor Raymond noted the responsiveness of the Department of Public Works, Fire Department, Police Department and Borough staff.

Items for Discussion

Tree Ordinance Amendment – Mr. O’Sullivan updated the draft ordinance based on public and Council comments. Council Weinstein suggested a decreasing sliding scale over the life of the performance bond required to be posted.

Public Consumption Ordinance – The Council agreed to allow for a review and approval process of consumption at special events and at private parties as part of rental agreements at Firemen’s Community Center, provided the rental agreements and hold harmless contracts are in place. Mr. Kantor reviewed the removal of State law regarding consumption and confirmed that municipalities can now adopt consumption rules. Recent consumption-related incidents at the pool were discussed. The Council decided not to pursue a consumption ordinance but noted the disorderly persons ordinance that should be enforced when necessary.

Hickory Drive Speed Hump Installation – Mr. O’Sullivan reviewed plans for speed hump installation and the feedback received from residents. He noted that construction was paused while an additional speed study would be conducted once school was back in session.

2023 Budget Status – Councilman Weinstein requested that the discussion be tabled until the next meeting.

Municipal Building Improvements – Mr. O’Sullivan reviewed the building improvements completed through a Bond Ordinance approved in 2019. He provided a list of future improvements that were suggested. Councilman Kessler suggested the improvements be discussed as part of the 2023 Operating and Capital Budget discussions unless any item was immediately needed.

Walker’s Park Improvements – Permits , Design, Bid – Mr. O’Sullivan reviewed the status of the permitting process. He noted that some unexpected issues in the NJDEP review resulted in some additional design costs for which a resolution was prepared for consideration later in the meeting. He provided an estimated timeline for bidding of the construction which was anticipated over the winter and into the spring of 2024.

Pool Improvements Award of Contract – Mr. O’Sullivan reviewed the bidding for the pool improvements and offered a resolution for award of the construction to be voted upon later in the meeting. He added that the award would be for the base bid which includes sand/water blasting, recoating and concrete repairs. He noted that a new diving board was not included in the bid package.

Field Use Fees – Councilman Kessler suggested that field use fees be revised for rental due to the cost of turf upkeep. He added that Walker’s Park rental fees would be considered once the improvements were complete in the spring.

3Q2023 Community Newsletter – Councilman Kessler requested input from Council members by September 12, 2023 for the third quarter Community Newsletter.

Recreation Basketball Registration Fee Increase – Councilman Kessler reviewed a proposed increase to basketball registration fees to cover increases in wages for gym monitors and scorekeepers and increases in uniform costs.

Recreation Soccer Referee Wage Increase – Councilman Kessler noted that increases were requested by the Assignor for soccer referees in order to stay competitive compared to other towns.

EUS Contracts: Fall 2023 Petite Soccer Clinic, Kiddie T-Ball, Flag Football Clinic – Councilman Kessler reviewed the recreation programs for which services are provided by outside vendors.

Mayor Raymond announced the October 14th Oktoberfest event sponsored by the Volunteer Fire Department with entertainment by The Nerds.

Ordinances for Final Hearing and Second Reading

Ordinance O-12-2023: Council President Floria-Callori made a motion to open the public hearing for Ordinance O-12-2023 An Ordinance Amending and Supplementing Chapter 77 of the Code of the Borough of North Caldwell Regarding Vacant/Abandoned and Foreclosed Properties and Establishing a Property Registry, seconded by Councilman Atlas. Said motion was carried unanimously.

No one from the public came forward.

Councilman Weinstein made a motion to close the hearing, seconded by Council President Floria-Callori. Said motion was carried unanimously.

Councilman Atlas made a motion to adopt Ordinance O-12-2023 An Ordinance Amending and Supplementing Chapter 77 of the Code of the Borough of North Caldwell Regarding Vacant/Abandoned and Foreclosed Properties and Establishing a Property Registry. Said motion was seconded by Councilman Weinstein and carried unanimously with six (6) affirmative votes.

Ordinance O-13-2023: Councilman Atlas made a motion to open the public hearing for Ordinance O-13-2023 An Ordinance Amending Chapter 77 of the Code of the Borough of North Caldwell Regarding the Placement of Receptacles and Materials at Curbside, seconded by Councilman Weinstein. Said motion was carried unanimously.

No one from the public came forward. Councilman Kessler noted that the ordinance would allow for residents to place trash receptacles at the curb as early as 4:00pm on the day before collection.

Councilman Atlas made a motion to close the hearing, seconded by Councilman Kessler. Said motion was carried unanimously.

Councilman Atlas made a motion to adopt Ordinance O-13-2023 An Ordinance Amending Chapter 77 of the Code of the Borough of North Caldwell Regarding the Placement of Receptacles and Materials at Curbside. Said motion was seconded by Councilman Kessler and carried unanimously with six (6) affirmative votes.

Ordinance O-16-2023 Councilman Weinstein made a motion to open the public hearing for Ordinance O-16-2023 An Ordinance Authorizing the Borough of North Caldwell to Execute a Ground Lease for That Certain Property Located on Block 706, Lot 19 in the Borough of North Caldwell, seconded by Councilman Atlas. Said motion was carried unanimously.

No one from the public came forward.

Councilman Atlas made a motion to close the hearing, seconded by Councilman Kessler. Said motion was carried unanimously.

Council President Floria-Callori reviewed the revenue-generating contract with T-Mobile for tower rental and 25-year rent abatement for towers on Skyline Drive and Mountain Avenue.

Councilman Weinstein made a motion to adopt Ordinance O-16-2023 An Ordinance Authorizing the Borough of North Caldwell to Execute a Ground Lease for That Certain Property Located on Block 706, Lot 19 in the Borough of North Caldwell. Said motion was seconded by Council President Floria-Callori. Councilman Rees voted no. Said motion was carried five (5) affirmative votes and one (1) nay vote.

Ordinance O-17-2023 Councilman Atlas made a motion to open the public hearing for Ordinance O-17-2023 An Ordinance Authorizing the Borough of North Caldwell to Execute a Ground Lease for That Certain Property Located on Block 204, Lot 1 in the Borough of North Caldwell, seconded by Councilman Council President Floria-Callori. Said motion was carried unanimously.

No one from the public came forward.

Council President Floria-Callori made a motion to close the hearing, seconded by Councilman Atlas. Said motion was carried unanimously.

Council President Floria-Callori made a motion to adopt Ordinance O-17-2023 An Ordinance Authorizing the Borough of North Caldwell to Execute a Ground Lease for That Certain Property Located on Block 204, Lot 1 in the Borough of North Caldwell. Said motion was seconded by Councilman Weinstein. Councilman Rees voted no. Said motion was carried five (5) affirmative votes and one (1) nay vote.

Ordinances for Introduction

Ordinance O-14-2023: Council President Floria-Callori made a motion to introduce Ordinance O-14-2023 An Ordinance Supplementing the Code of the Borough of North Caldwell to Add Chapter 108 “Small Wireless Facilities in the Right-of-Way” to Regulate Small Cell Wireless Facilities in the Borough Rights-of-Way, seconded by Weinstein. Said motion was carried unanimously with six (6) affirmative votes. The public hearing was set for September 27, 2023 at 6:30pm.

Ordinance O-18-2023: Councilman Kessler made a motion to introduce Ordinance O-18-2023 An Ordinance Amending Chapter 78-3 of the Code of the Borough of North Caldwell Regarding the Placement of Receptacles and Materials at Curbside, seconded by Councilman Weinstein. Said motion was carried unanimously with six (6) affirmative votes. The public hearing was set for September 27, 2023 at 6:30pm.

Resolutions

Resolution R-157-2023: A Resolution Authorizing the Execution of a Memorandum of Understanding with Green Brook Realty Associates, LLC in Connection with the Future Redevelopment of Green Brook Country Club was read. Councilman Tilton made a motion to table the vote. Said motion was not seconded.

Councilman Weinstein made a motion to approve Resolution R-157-2023, seconded by Councilman Atlas. Councilman Tilton voted no. Said motion was carried with five (5) affirmative votes and one (1) nay vote.

Consent Agenda: Councilman Weinstein requested that Resolution R-169-2023 A Resolution Authorizing the Award of a Contract Between the Borough of North Caldwell and Heuer & Company for Reconstruction of the North Caldwell Community Pool be removed from the Consent Agenda. He stated that the pool is a self-funding utility and he wanted to ensure that the pool revenues will ensure that the utility will be able to fund the improvements. Councilman Floria-Callori noted the time-sensitivity of the award of contract so that construction could begin after Labor Day and be completed in time for next year's pool season. Mr. O'Sullivan noted that only the base bid specs were being awarded by the resolution. Councilman Kessler made a motion, seconded by Councilman Atlas, to approve the resolution. Said motion was carried unanimously with six (6) affirmative votes.

Councilman Atlas made a motion, seconded by Councilman Rees, to approve all items listed below for inclusion in the consent agenda. Said motion was carried unanimously with six (6) affirmative votes.

- Resolution R-170-2023 A Resolution Authorizing the Award of a Professional Services Contract Between the Borough of North Caldwell and Ferriero Engineering, Inc. for Walker's Park Recreation Improvements Engineering Services
- Resolution R-171-2023 A Resolution Approving the Payment of Bills
- Resolution R-172-2023 A Resolution Authorizing the Hiring of Additional Part-Time Per Diem Police Department Dispatchers
- Resolution R-173-2023 A Resolution Fixing Fees Pertaining to Recreation Programs for 2023-2024 Recreation Basketball Season Registration
- Resolution R-174-2023 A Resolution Authorizing an Increase in Compensation for Part-Time Seasonal Employees for the 2023 Recreation Soccer Season - Referees
- Resolution R-175-2023 A Resolution Authorizing the Mayor and Council to Execute Agreements for Extraordinary Unspecifiable Services – Fall 2023 Petite Soccer Clinic, Kiddie T-Ball, Flag Football Clinic
- Raffle License Application RA-9-2023 Spring Lake Toys Foundation, Inc. 50/50 Raffle

Citizens to be Heard

Councilman Weinstein made a motion to open public comment, seconded by Council President Floria-Callori. Said motion was unanimously approved.

Kay Rosenberg, 25 Hickory Drive – Ms. Rosenberg requested increased police patrol on Hickory Drive to increase awareness of vehicular speed. She expressed concern with the installation of humps due to potential noise and redirected flow of stormwater. She asked that more research be done before proceeding.

Kathleen Prior, 26 Hickory Drive – Ms. Prior noted that homes on Hickory Drive are close to the street which would cause noise issues from vehicles driving over the proposed speed humps. She noted home resale value concerns due to the humps and signage. She added that she was not aware of the speed hump installation plans until a notice was placed in her mailbox recently.

Councilman Kessler suggested that some signage could be removed after sufficient time had passed and drivers were more accustomed to the speed humps. Mayor Raymond stated that the hump installation would be paused and revisited after an updated speed study was complete.

Steve Cornman, 3 Colony Drive – Mr. Cornman suggested the Council request County and Federal assistance to designate the Green Brook Country Club property as Green Acres.

Anthony Bocci, 22 Cypress Avenue – Mr. Bocci expressed dissatisfaction in the Council's urgency to vote on the MOU and stated that there may have been opportunity to negotiate with the developers.

Mayor Raymond stated his commitment and that of the Borough Council to remain transparent with the community. He noted that the vote, scheduled for consideration at the prior month's meeting, was tabled to further inform the public of the matter. He stated that a letter was distributed to the community and that he is available to public to discuss the country club development and all matters.

Howard Mintz, 6 Woodmere Court – Mr. Mintz expressed disappointment in the vote in favor of the MOU with Green Brook Realty Associates and questioned the urgency of the vote. Council President Floria-Callori stated the importance of securing the more desirable zoning in the proposed plan and MOU.

Joyce Pisani, 64 Mountain Avenue – Ms. Pisani requested information regarding the cost of the new water meter installation. Mayor Raymond noted that the cost would be the responsibility of the residents even if distributed in the tax levy over time. Council President Floria-Callori noted that the State Water Assistance Program may be a source for financial assistance for residents who qualify.

Glenn Morosohk, 17 Maywood Court – Mr. Morosohk requested information on sewer connectivity planned for the development at Green Brook Country Club. Mr. O'Sullivan provided background on the recent Caldwell Sewerage Authority's connection moratorium which exempts projects with affordable housing components. He added that the Borough has an obligation to assist builders of affordable housing developments with sewer connectivity. Mr. Morosohk stated his disappointment with the MOU vote as the Borough's leverage was relinquished.

Lisa Salan, 36 Evergreen Drive – Ms. Salan stated her surprise regarding the country club development and noted that she learned of it through a petition to stop the development being circulated by residents. She stated that many residents were unaware of the agreement.

John Wenzke, 15 Fairview Drive – Mr. Wenzke stated that the settlement agreement should include a fair market assessment of the country club property. He added that the value of the property is not the land but rather the value of the total units that could be built. Mr. Wenzke stated that the country club members agreed to sell the club to a developer which the Borough Council was not involved in.

Denny Klein, 62 Beachmont Terrace – Mr. Klein noted that over 900 petitioners were marginalized by the Council's vote on the MOU and that an attempt to find investors to buy the country club was made more difficult.

Councilman Atlas stated that delaying the vote would not change the opportunity to find investors as the club was sold over five (5) years ago. He noted that the vote was to replace the current plans with a better one and would not have eliminated the possibility of development.

Steve Cornman, 3 Colony Drive – Mr. Cornman stated that Green Acres funding may be available as it was incorporated into the development of the Hilltop Redevelopment project. Mayor Raymond stated that the country club property was privately owned where the Hilltop was owned by Essex County and made for incomparable negotiations.

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

Council Commentary

Councilman Tilton expressed concern that the Borough may be facilitating the development of Green Brook Country Club by approving the MOU. He stated concerns with egress from the development and traffic safety at the triangle at Central Avenue/West Greenbrook Road/Central Avenue.

Council President Floria-Callori stated concern with disappointing residents and noted that the decision was not a political one. He noted that the Council members worked hard to negotiate a better outcome than the current development plan while not prohibiting the property owner's ability to develop the land they own.

Councilman Kessler expressed his disappointment in seeing residents upset with the vote on the MOU. He stated his efforts and those of the Council to move the community forward. He added that the wording of the petition was misleading. He thanked the public for coming out to express their thoughts.

Councilman Weinstein stated that the Council's decision was based on facts and that the new residential zone was more favorable than the initial IRO. He stated that the country club was privately owned by its members and the members chose to sell the property to a real estate developer. He stated that the petition misrepresented the Borough's options.

Executive Session

Council President Floria-Callori moved Resolution R-176-2023 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purpose:

- A. Contract Negotiations: (1) Collective Bargaining Agreement Negotiations, (2) Green Brook Realty Associates, LLC Settlement Agreement;
- B. Potential Contract Negotiations: (1) Caldwell Municipal Court, (2) ALPR Pole Attachment Agreement

seconded by Councilman Weinstein. Said motion was carried unanimously with six (6) affirmative votes.

Mayor Raymond announced that no further action would be taken after Executive Session and the meeting would not re-open to the public. There being no other matters to be addressed by the Governing Body at this time, this meeting be adjourned at 9:24p.m.

Respectfully submitted,



Tami Michelotti, RMC
Borough Clerk