

Mayor and Council Conference Meeting – October 10, 2023

The Conference Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, October 10, 2023. The meeting began at 6:32p.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 Anthony Floria-Callori, Councilman Robert Kessler, Councilman Arthur Rees, Councilman Kenneth Tilton, Councilman Stephen Weinstein.

Absent: Councilman Matthew Atlas.

Also present were: Jarriid Kantor, Borough Counsel; Karl Strodthoff, Police Chief; and Tami Michelotti, Borough Clerk.

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

Mayor Raymond addressed the violence in the Middle East and stated his support for people in Israel and those with ties to the region. He asked all to pray for a swift resolution to the conflict.

Citizens to be Heard – *Agenda Items Only*

On a motion by Councilman Kessler, seconded by Councilman Weinstein, public comment was opened.

No one from the public came forward. Councilman Rees asked that the agenda include discussion of the Mountain Avenue Field and Dog Park.

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

Hispanic American Heritage Month Proclamation

Mayor Raymond presented a proclamation to members of the North Caldwell Multicultural Society and members of the Borough's Hispanic community in honor of Hispanic American Heritage Month.

Items for Discussion

2022 Audit Results – Councilman Weinstein presented the results of the 2022 Audit conducted by Samuel Klein & Co. He noted that one recommendation was made regarding consistent application of construction code fees.

ABC Retail Consumption Person-to-Person Transfer – Ms. Michelotti presented an application for a person-to-person transfer and confirmed that background checks were satisfactory and fees were posted. A resolution would be considered later in the evening.

Best Practices Inventory – Ms. Michelotti presented a status on the annual Best Practices Inventory. She noted that preliminary results indicate that the Borough will continue to receive full aid from the State of New Jersey.

Zoning Violation Ordinances – Councilman Kessler presented concerns from the public regarding summons issuance subsequent to issuance of Notices of Violations. He suggested a timeframe be stipulated in the Borough ordinance. Mr. Kantor stated the Zoning/Code Enforcement Officer has the discretion to determine the reasonable abatement period which can vary by violation. Councilman Rees suggested that an internal policy be set with 30-day increments for abatement and/or summons. Mayor Raymond committed to be more proactive with violation and summons issuance to prevent code violations and maintain the quality of construction in the Borough.

Stormwater Ordinances – Mayor Raymond read into the record a memo from Borough Engineer Paul Ferriero regarding NJDEP's mandate for two stormwater ordinance supplements/amendments. Mark Kataryniak of Ferriero Engineering, Inc. presented the need for annual stormwater training of employees and notification to residents. He addressed outdoor salt storage as governed by stormwater regulations.

Environmental Risk Management Fund PFAS Litigation – Ms. Michelotti presented a notice from JIF regarding class-action litigation regarding PFAS. Mr. Kantor noted that the participants are water suppliers and North Caldwell would likely not qualify for participation.

Park Place Stream Bank Stabilization – Mayor Raymond presented comments from the Borough Engineer regarding the channel erosion behind homes on Park Place. He noted that NJDEP permitting would be required for stabilization of the stream bank.

Hilltop Drive Speed Study – Chief Strodthoff presented results from two speed studies on Hilltop Drive which is a 25 mile per hour zone. He noted that the average speed from Week 1 was 23 miles per hour and the average speed from Week 2 was 22 miles per hour. He stated that actual speed is often lower than the perception of speed.

Smull Avenue Tonnage Limit – Chief Strodthoff reviewed West Caldwell’s ordinance limiting tonnage of vehicles to four (4) tons on Smull Avenue, Park Avenue and Forest Avenue. He presented the opportunity for North Caldwell to adopt a similar ordinance in response to noise complaints of trucks traveling over the Smull Avenue speed humps. The Council discussed alternate routes that trucks would take if the tonnage limit was implemented. No action was planned as PSE&G construction was scheduled through the end of the year on Mountain Avenue which would necessitate access to Smull, Park and Forest Avenues.

Pool Improvements Project – Councilman Kessler reviewed the outstanding decisions regarding the pool improvement project. He noted that \$44,000 remained in the bond with \$80,000 of improvements outstanding: diving board purchase and installation, depth marker installation, pool cover purchase and installation. He announced that the North Caldwell Recreation Foundation committed to a \$25,000 donation toward the diving board. The remaining costs would then be funded by the 2024 Pool Utility budget. Councilman Floria-Callori noted that the North Caldwell Recreation Foundation should be presented with an annual request for funding requests from the Borough.

Tennis/Pickleball Court Improvements – Mayor Raymond presented the intention to convert the existing six (6) tennis courts into three (3) tennis courts on the upper level and four (4) pickleball courts, one (1) tennis court and one (1) multi-purpose court on the lower level. He stated that batting cages would be moved and additional parking would be installed where the batting cages currently sit. He announced that the restrooms would be updated with funding from the Local Recreation Improvements Grant.

Pro-Rated Tennis/Pickleball Memberships – Councilman Kessler presented public requests for pro-rated tennis and pickleball membership fees. The implementation of a daily fee was discussed. The topic would be revisited after the courts are reconstructed.

Mayor Raymond recognized Greg Filosa, President of the North Caldwell Recreation Foundation, for their efforts in fundraising and contributions to the Borough’s recreational needs.

Field Use Fees - Councilman Kessler presented suggested fee increases for field use. He noted that Walker’s Park rental could be included upon completion of the trails/paths improvements project.

Mountain Avenue Field and Dog Park – Councilman Rees requested confirmation of the hours of operation and jurisdiction of the field and park. Chief Strodthoff noted that the dog park is the property of Essex County but that North Caldwell Police would respond to emergencies. He offered to confirm animal control ordinance enforcement with Essex County Animal Control.

Councilman Rees noted that a tree removal company was parking vehicles in the Mountain Avenue Field parking lot. Council President Floria-Callori confirmed the Borough’s approval for use of the parking lot by PSE&G’s tree removal contractor. He noted that the contractor has, in turn, been able to respond quickly to the Borough’s needs for tree trimming especially during and after storms.

Action to be Taken

Council President Floria-Callori requested that Resolution R-195-2023 A Resolution Approving the Payment of Bills be removed from the Consent Agenda. On a motion by Councilman Kessler, seconded by Councilman Weinstein, the resolution was amended to remove Purchase Order 9-62105 regarding reimbursement of NJLM Conference attendance. Said motion was approved unanimously with five (5) affirmative votes. On a motion by Councilman Weinstein, seconded by Councilman Kessler, the amended Resolution R-195-2023 A Resolution Approving the Payment of Bills was approved with four (4) affirmative votes and one (1) abstention by Council President Floria-Callori.

Councilman Rees made a motion, seconded by Councilman Tilton, to approve all items listed below as consent agenda. Said motion was carried unanimously with five (5) affirmative votes.

- Resolution R-196-2023 A Resolution of The Governing Body Certifying The 2022 Annual Audit
- Resolution R-197-2023 A Resolution Approving The 2022 Annual Municipal Audit Corrective Action Plan
- Resolution R-198-2023 A Resolution Appointing an Interim Tree Ordinance Enforcement Officer
- Resolution R-199-2023 A Resolution Approving Person-To-Person Transfer for Dezi’s Hospitality, LLC dba Horseneck Tavern, Liquor License #0715-33-003-003 to Fat Buddha, Inc.

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

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

Steve Pepe, 77 Brookside Terrace – Mr. Pepe suggested that the pool cover for the Community Pool have a pump to remove sitting water that accumulates in the off-season unless a mesh cover is used. He recommended that an online reservation system be implemented for the tennis and pickleball courts. Mr. Pepe stated concerns regarding the cell tower installation project. He suggested that alternative sites such as the church property on Mountain Avenue be considered. He suggested that smaller sites be evaluated as well such as the West Caldwell water tower and the Gould Avenue cell tower. Mayor Raymond announced that a community meeting with the cell tower consultant and T-Mobile would soon be scheduled to answer community questions such as alternative locations.

Nihir Jariwala, 4 Arbor Road – Mr. Jariwala distributed a presentation to the governing body regarding tower placement near his home. He described small cell solutions used in other municipalities that allow for multiple carriers. The wooded area abutting Mountain Avenue field and the Arbor Road detention basin was discussed. Council President Floria-Callori confirmed that alternative placement was being researched in response to residents' concerns. Mr. Jariwala requested information on the role of cell tower consultants V-Comm and Crown Castle. Mr. Jariwala expressed concern for the studies which may be incomplete and asked that the Borough not permit T-Mobile to install the cell tower at Mountain Avenue and Arbor Road as planned.

Jane Selzer, 41 Four Seasons Drive – Ms. Selzer stated that she was pleased to see public engagement in the meeting and supported the installation of cell towers to achieve improved cellular service.

Stacey Gold, 11 Skyline Drive – Ms. Gold requested that the governing body explore alternative options for cellular service improvement. She noted that other alternatives may have less negative impact on the residents of the neighborhoods where the tower installations are currently planned. She stated that radiation from the towers is strongest within ¼ mile of the site. Ms. Gold requested additional research on the impact of the tower installation and regarding alternative locations to determine what is best for the residents.

Catherine Fink, 2 Skyline Drive – Ms. Fink stated that the most recent mailing from the Borough did not include an update on the cell tower installation. She requested more transparency regarding the issue so that residents can be well-informed. She stated that the Skyline Drive neighborhood already bears a burden from the water tower and PSE&G utilities.

Angali Patel, 3 Arbor Road – Ms. Patel requested a community meeting regarding the cell towers with a discussion of alternative options. She requested that T-Mobile not be present at such meeting.

Ellen Pohlenberg, 115 Four Seasons Drive – Ms. Pohlenberg expressed her appreciation to the Borough staff for their responsiveness.

Chief Peterson

Chief Peterson requested a waiver of food license permit fees for the two vendors planned for the Oktoberfest event. On a motion by Councilman Rees, seconded by Council President Floria-Callori, the Council unanimously agreed to waive the two (2) \$100.00 permit fees with a requirement that all applications be completed and submitted.

Chief Peterson noted that notice was not provided to the Fire Department of the resignation of the former Fire Official. Ms. Michelotti stated that the resignation of the former Fire Official and appointment of a replacement Fire Official was approved by resolution during a public meeting.

On a motion by Council President Floria-Callori, seconded by Councilman Weinstein, public comment was closed.

Council Commentary

Councilman Weinstein requested that the Borough make a statement in support of Israel and the condemnation against terrorism. A message would be posted to the Borough website and social media accounts.

Executive Session

On a motion by Council President Floria-Callori, seconded by Councilman Kessler, Resolution R-200-2023 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting:

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- A. Personnel: (1) Borough Administrator Vacancy;
- B. Contract Negotiations: (1) Collective Bargaining Agreements, (2) Green Brook Realty Associates, LLC Settlement Agreement, (3) PSE&G Road Paving – added by motion;
- C. Litigation: (1) Civil Action Summons – added by motion

was read. Said motion was approved unanimously with five (5) 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 8:16p.m. Said motion was carried unanimously with five (5) affirmative votes.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tami Michelotti".

Tami Michelotti, RMC
Borough Clerk