

Mayor and Council Regular Meeting – October 24, 2023

The Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, October 24, 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 Anthony Floria-Callori, Councilman Matthew Atlas, Councilman Robert Kessler, Councilman Arthur Rees, Councilman Kenneth Tilton, Councilman Stephen Weinstein.

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

Mayor Raymond asked young residents, Sonia and Reina, to lead the Pledge of Allegiance.

Mayor's Report

Mayor Raymond announced upcoming events including: Newcomers' Night on November 6, General Election Day on November 7, Mayor and Council Conference Meeting on November 13 and Veterans' Day ceremony and breakfast on November 13. He thanked the North Caldwell Fire Department and the supporters who attended the Oktoberfest event. He also expressed appreciation to the West Essex Regional School District for accommodating the Soccerfest event which was moved indoors.

Mayor Raymond provided an update on the revitalization of Magnusson field and the pool improvements project. He noted that TMobile was preparing surveys and associated research to identify any alternative options for cell tower placement. He anticipated a meeting with the community in upcoming weeks at which the Borough's cellular consultant and TMobile representatives would be present.

Mayor Raymond welcomed Glenn Domenick, anticipated Borough Administrator, to the meeting.

Hindu Heritage Month Proclamation

Mayor Raymond welcomed members of the North Caldwell Multicultural Society and Ankush Andari from the Coalition of Hindus of North America. He presented a proclamation in recognition of Hindu Heritage Month.

Citizens to be Heard – Agenda Items Only

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

No one from the public came forward.

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

Approval of Minutes

Council President Floria-Callori made a motion to accept the Conference Meeting and Executive Session Minutes from September 12, 2023 and the Regular Meeting and Executive Session Minutes from September 27, 2023. Said motion was seconded by Councilman Tilton. Councilman Kessler abstained from the September 12, 2023 Conference Meeting and Executive Session minutes; Councilman Atlas abstained from the September 27, 2023 Regular Meeting and Executive Session minutes. Said motion was approved with five (5) affirmative votes as follows:

- September 12, 2023 Conference Meeting and Executive Session Minutes: five (5) affirmative votes and one abstention by Councilman Kessler
- September 27, 2023 Regular Meeting and Executive Session Minutes: five (5) affirmative votes and one abstention by Councilman Atlas.

Committee Reports

The following reports were read into the record upon a motion from Council President Floria-Callori, seconded by Councilman Kessler:

Tax Collector's Report – September 2023

Police Department Public Safety and Detective Bureau Reports – September 2023

Fire Department Public Safety Report – September 2023

DPW Monthly Report – September 2023

Construction Permit Activity Report – September 2023

Building Sub-Code Inspection Report – September 2023

Animal Control Monthly Report – September 2023

Recreation Director's Report –October/November 2023

Councilman Kessler announced the upcoming Senior Luncheon scheduled for November 1, 2023 and the Joy, Peace and Goodwill holiday event scheduled for December 3, 2023.

Councilman Weinstein noted that the Water Utility report shows that collections are behind schedule, but he noted that it is a typical trend which balances out in the last quarter of the calendar year.

Items for Discussion

Green Brook Realty Associates Settlement Agreement – Mayor Raymond provided an update on the anticipated settlement agreement with Green Brook Realty Associates. He stated that the proposed agreement would be posted on the website with a timeline of the approval process. Councilman Atlas clarified that the proposed agreement was an amendment to an existing settlement agreement. Mayor Raymond added that the SIRO (Senior Inclusionary Residential Overlay) Zoning ordinance is an amendment to an existing overlay IRO ordinance (Inclusionary Residential Overlay).

Ordinances for Final Hearing and Second Reading

Ordinance O-19-2023: Councilman Weinstein made a motion to open the public hearing for Ordinance O-19-2023 An Ordinance to Amend and Supplement the Revised General Ordinances of the Borough of North Caldwell, County of Essex, State of New Jersey, Various Sections of Chapter 96 Regarding Trees: Removal and Destruction, seconded by Councilman Kessler. Said motion was carried unanimously.

Tom Fink, 2 Skyline Drive – Mr. Fink stated his concern for impacts of the proposed ordinance related to: restrictions on homeowners regarding removal of trees that are too close to existing structure, impact of fees on homeowners, inflexibility regarding tree replacement and associated cost, registration/licensing requirements that are overbroad and redundant with State code. He requested that the ordinance amendment consider exemptions for trees within the “fall zone”, endorsements by tree contractors regarding removal, replacement requirements, registration requirements. Mr. Fink recommended that the rules for property developers differ from rules for homeowners.

Catherine Fink, 2 Skyline Drive – Ms. Fink noted that her neighborhood is wooded but well-maintained by property owners. She suggested that trees within the “fall zone” be included as an exemption in the ordinance.

Councilman Kessler suggested amendments regarding tree replacement and application of rules to improved and unimproved lots.

Councilman Weinstein made a motion to close the public hearing for Ordinance O-19-2023 An Ordinance to Amend and Supplement the Revised General Ordinances of the Borough of North Caldwell, County of Essex, State of New Jersey, Various Sections of Chapter 96 Regarding Trees: Removal and Destruction, seconded by Councilman Atlas. Said motion was carried unanimously.

Councilman Atlas suggested the ordinance be tabled and further amended according to public comment and Councilman Kessler's suggestions. Councilman Weinstein made a motion to table the ordinance, seconded by Councilman Tilton. Councilman Floria-Callori voted no. Said motion passed with five (5) affirmative votes and one nay vote. The ordinance would be prepared for re-introduction at the November 13, 2023 meeting. Council President Floria-Callori noted the importance of the ordinance amendments in an effort to limit tree removal which can impact air quality and stormwater drainage.

Ordinance O-20-2023: Council President Floria-Callori made a motion to open the public hearing for Ordinance O-20-2023 An Ordinance Amending Chapter 35 of the Code of the Borough of North Caldwell Regarding Criminal History Background Checks, seconded by Councilman Weinstein. Said motion was carried unanimously.

No one from the public came forward.

Council President Floria-Callori made a motion to close the public hearing for Ordinance O-20-2023 An Ordinance Amending Chapter 35 of the Code of the Borough of North Caldwell Regarding Criminal History Background Checks, seconded by Councilman Weinstein. Said motion was carried unanimously.

Councilman Atlas made a motion to adopt Ordinance O-20-2023 An Ordinance Amending Chapter 35 of the Code of the Borough of North Caldwell Regarding Criminal History Background Checks, seconded by Council President Floria-Callori. Said motion was carried unanimously with six (6) affirmative votes.

Ordinances for Introduction

Ordinance O-21-2023: Councilman Atlas made a motion to introduce Ordinance O-21-2023 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 unanimously with six (6) affirmative votes. A public hearing was set for November 28, 2023 at 6:30pm.

Ordinance O-22-2023: Councilman Kessler made a motion to introduce Ordinance O-22-2023 An Ordinance Amending and Supplementing Various Provisions of Chapters 45 and 71 of the Code of the Borough of North Caldwell Concerning Field Use Fees, seconded by Councilman Weinstein. Council President Floria-Callori suggested that the permit use application for Walker's Park consider time periods and location restrictions. Said motion was carried unanimously with six (6) affirmative votes. A public hearing was set for November 28, 2023 at 6:30pm.

Ordinance O-23-2023: Councilman Atlas made a motion to introduce Ordinance O-23-2023 An Ordinance Amending Chapter 53 to Replace Article III Stormwater Control, seconded by Councilman Weinstein. Councilman Rees requested a summary of the differences between the current ordinance and the proposed amending ordinance. Said motion was carried unanimously with six (6) affirmative votes. A public hearing was set for November 28, 2023 at 6:30pm.

Ordinance O-24-2023: Council President Floria-Callori made a motion to introduce Ordinance O-24-2023 An Ordinance Supplementing Chapter 53 On-Site Stormwater Detention, Stormwater Controls with §53-16 Privately-Owned Salt Storage, seconded by Councilman Atlas. Said motion was carried unanimously with six (6) affirmative votes. A public hearing was set for November 28, 2023 at 6:30pm.

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

- Resolution R-201-2023 A Resolution Appointing Borough Administrator
- Resolution R-202-2023 A Resolution Appointing a Public Agency Compliance Officer (P.A.C.O.)
- Resolution R-203-2023 A Resolution Appointing a Community Development Representative
- Resolution R-204-2023 A Resolution Appointing a JIF Fund Commission
- Resolution R-205-2023 A Resolution Confirming the Appointment of Stormwater Coordinator
- Resolution R-206-2023 A Resolution Appointing A Municipal Housing Liaison for the Borough of North Caldwell
- Resolution R-207-2023 A Resolution Appointing a Representative to the Essex County Solid Waste Advisory Council (SWAC)
- Resolution R-208-2023 A Resolution Appointing a Tree Ordinance Enforcement Officer
- Resolution R-209-2023 A Resolution Adopting Updated Personnel Policies and Procedures and Employee Manual
- Resolution R-210-2023 A Resolution to Affirm the Borough Of North Caldwell's Civil Rights Policy with Respect to All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public that Come Into Contact with Municipal Employees, Officials and Volunteers
- Resolution R-211-2023 A Resolution Approving the Payment of Bills
- Resolution R-212-2023 A Resolution Authorizing the Award of a Professional Services Contract Between the Borough of North Caldwell and Ferriero Engineering, Inc. for Permitting and Design Services Regarding Park Place and Grandview Avenue Stream Bank Stabilization
- Resolution R-213-2023 A Resolution Authorizing the Sale of Surplus Property Through Online Auction Services

Mayor Raymond noted that several of the consent agenda resolutions approved the appointment of Glenn Domenick. He welcomed Mr. Domenick and thanked members of the Personnel Committee for their participation in the candidate search process.

Mayoral Appointment to the Planning Board - Class II Member – Mayor Raymond appointed Glenn Domenick to fill the Planning Board Class II member vacancy for remainder of one-year term to expire December 31, 2023.

Citizens to be Heard – *Any subject matter*

Jason Garcia, 4 Lakeside Avenue – Mr. Garcia described the lack of cell service in his neighborhood on which he relies for personal and work. He stated that he and other neighbors drive out of the neighborhood to make and receive calls. He has several signal boosters and several service providers to obtain service. He noted the importance for the installation of a cell tower.

John Flusser, 5 Kenwood Court – Mr. Flusser stated that he often has no cellular service and is dependent upon Wi-Fi connection to make calls. He noted the need to resolve the lack of service in town.

Mindy Oppen, 8 Brentwood Drive – Ms. Oppen, President of the North Caldwell Board of Education, presented a review of the Bond Referendum was voted down. She noted the need for security and educational upgrades that were developed over eight (8) years to present to the public by referendum. She asked the governing body for communication among public bodies to coordinate funding, planning and needs of the community.

Michael Corbo, 8 Brookside Terrace – Mr. Corbo asked for a resolution to the cellular service issues in town and stated support for the cell tower installation.

Nihir Jariwala, 4 Arbor Road – Mr. Jariwala asked for an update regarding a meeting with Borough Officials and the cell tower consultant. Mayor Raymond provided an update on the current research in progress and stated that notice of a public meeting would be issued. Mr. Jariwala asked that alternatives be considered such as Starlink satellites.

Catherine Fink, 2 Skyline Drive – Ms. Fink noted that the meeting agenda was posted only 24 hours prior to the meeting. Ms. Michelotti acknowledged the delay in posting the agenda which is typically posted the Friday before each Tuesday meeting. Ms. Fink noted that homes sit within the fall zone of the proposed cell towers and asked that alternative solutions such as Starlink be considered. She acknowledged service gaps in town but carrier maps show substantial coverage through the majority of North Caldwell. Ms. Fink requested that more information be shared on the Borough website.

Mayor Raymond acknowledged V-Comm consultant Dominic Villecco who was present. Mr. Villecco stated that engineering studies were in progress regarding the placement of the towers. He added that resident concerns regarding health, property value, etc. would be address during a meeting with the community. He added that emissions are low and within FCC limitations; however, a study would be conducted once the tower locations are specified and finalized. He noted that TMobile would be able to address the Starlink suggestions.

Jason Garcia, 4 Lakeside Drive – Mr. Garcia stated the need for an immediate solution as the lack of service is critical.

Chief Peterson, NCFD – Chief Peterson thanked the governing body and Borough officials for their support at the successful Oktoberfest event.

Council Commentary

Councilman Weinstein stated the importance that the governing body places on community feedback and stated their commitment to solving problems facing the community.

Executive Session

Councilman Weinstein moved Resolution R-214-2023 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes:

- A. Attorney/Client Privilege: (1) Green Brook Country Club;
- B. Contract Negotiations: (1) Collective Bargaining Agreements, (2) V-COMM;
- C. Potential Contract Negotiations: (1) Essex Fells Surveillance, (2) PSE&G Road Paving;
- D. Litigation: (1) Civil Action Summons.

Said motion was seconded by Councilman Atlas and 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 Kessler, seconded by Councilman Weinstein, that this meeting be adjourned at 8:03p.m. Said motion was carried unanimously with six (6) affirmative votes.

Respectfully submitted,



Tami Michelotti, RMC
Borough Clerk