

The Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, November 28, 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 Matthew Atlas, Councilman Robert Kessler, Councilman Arthur Rees, Councilman Kenneth Tilton, Councilman Stephen Weinstein.

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

Mayor Raymond asked members of the Recreation Soccer Championship teams to lead the Pledge of Allegiance.

Mayor's Report

Mayor Raymond provided an update on the community pool improvements. He stated that the Planning Board reviewed the Senior Inclusionary Residential Overlay (SIRO) zoning ordinance and found it to be consistent with the Master Plan. He congratulated the North Caldwell Police Department on receiving a AAA Traffic Safety awards. Mayor Raymond congratulated Council President Floria-Callori, Councilman Atlas and Councilman Tilton on their re-elections. He thanked all who participated in the Veteran's Day commemoration and in the Diwali event hosted by the North Caldwell Multicultural Society. Mayor Raymond announced the Joy, Peace and Goodwill event scheduled for December 3, the ongoing Annual Toy Drive, the North Caldwell Fire Department's "Best Appearance Award" at the annual holiday parade in Totowa, the West Essex High School State Championship participation by the football team and victories by the marching band and field hockey team. He welcomed residents to visit the holiday display at Turtle Back Zoo and wished everyone a Happy Hanukah.

Recreation Soccer Championship Recognition

Mayor Raymond and the Borough Council welcomed championship teams from the North Caldwell Recreation Soccer program and presented certificates to the players and coaches.

Citizens to be Heard – Agenda Items Only

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

Tom Fink, 2 Skyline Drive – Mr. Fink requested that ambiguity in the proposed Tree Ordinance be clarified including the requirement for tree contractors to endorse tree removal plans, certification of hazardous trees prior to removal, and registration of tree contractors. Council President Floria-Callori reviewed the most recent revisions and the intention of the contractor registration requirement.

Elliott Sommer, 143 Four Seasons Drive – Mr. Sommer requested replanting of trees removed during the construction of The Reserve at North Caldwell development. He stated that the Four Seasons community is affected with drainage and erosion issues for which a significant cost will be incurred to correct the problems.

Nihir Jariwala, 4 Arbor Road – Mr. Jariwala requested information on the TMobile escrow resolutions on the agenda. Mr. Domenick explained the intention for the escrows to pay for VComm's consulting services for the cellular tower installation project. Mr. Jariwala requested that alternative solutions to the towers be considered.

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

Approval of Minutes

Councilman Tilton made a motion to accept the Conference Meeting and Executive Session Minutes from October 10, 2023 and the Regular Meeting and Executive Session Minutes from October 24, 2023, seconded by Councilman Weinstein. 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 – October 2023

Police Department Public Safety and Detective Bureau Reports – October 2023

Fire Department Public Safety Report - October 2023

DPW Monthly Report – October 2023
Construction Permit Activity Report – October 2023
Building Sub-Code Inspection Report – October 2023
Animal Control Monthly Report – October 2023
Recreation Director's Report – November/December 2023

Ordinances for Final Hearing and Second Reading

Ordinance O-21-2023: Councilman Weinstein made a motion to open the public hearing for Ordinance O-21-2023 An Ordinance Amending the Annual Compensation of Certain Officers and Employees of the Borough of North Caldwell, seconded by Council President Floria-Callori. Said motion was carried unanimously.

No one from the public came forward.

Councilman Rees made a motion to close the public hearing for 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.

Council President Floria-Callori made a motion to adopt Ordinance O-21-2023 An Ordinance Amending the Annual Compensation of Certain Officers and Employees of the Borough of North Caldwell, seconded by Councilman Kessler. Said motion was carried unanimously with six (6) affirmative votes.

Ordinance O-22-2023: Councilman Weinstein made a motion to open the public hearing for 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 Tilton. Said motion was carried unanimously.

No one from the public came forward.

Councilman Kessler made a motion to close the public hearing for 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 Tilton. Said motion was carried unanimously.

Councilman Kessler made a motion to adopt 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 Tilton. Said motion was carried unanimously with six (6) affirmative votes.

Ordinance O-23-2023: Councilman Weinstein made a motion to open the public hearing for Ordinance O-23-2023 An Ordinance Amending Chapter 53 to Replace Article III Stormwater Control, seconded by Councilman Kessler. Said motion was carried unanimously.

No one from the public came forward.

Councilman Kessler made a motion to close the public hearing for Ordinance O-23-2023 An Ordinance Amending Chapter 53 to Replace Article III Stormwater Control, seconded by Councilman Weinstein. Said motion was carried unanimously.

Councilman Rees made a motion to adopt Ordinance O-23-2023 An Ordinance Amending Chapter 53 to Replace Article III Stormwater Control, seconded by Councilman Weinstein. Said motion was carried unanimously with six (6) affirmative votes.

Ordinance O-24-2023: Councilman Kessler made a motion to open the public hearing for 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 Weinstein. Said motion was carried unanimously.

No one from the public came forward.

Councilman Kessler made a motion to close the public hearing for 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 Rees. Said motion was carried unanimously.

Councilman Rees made a motion to adopt 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 Kessler. Said motion was carried unanimously with six (6) affirmative votes.

Ordinances for Introduction

Ordinance O-19-2023: Councilman Weinstein made a motion to introduce 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 with five (5) affirmative votes and one nay vote from Councilman Tilton. A public hearing was set for December 19, 2023 at 6:30pm.

Ordinance O-26-2023: Councilman Atlas made a motion to introduce Ordinance O-26-2023 An Ordinance of the Borough of North Caldwell, County of Essex, State of New Jersey Amending the Annual Compensation of Members of the Department of Public Works for the Years 2024, 2025, and 2026, seconded by Councilman Kessler. Said motion was carried unanimously with six (6) affirmative votes. A public hearing was set for December 19, 2023 at 6:30pm. Mayor Raymond thanked the parties involved in the negotiations for their efforts to reach an agreement.

Consent Agenda:

Mayor Raymond stated that Resolution R-224-2023 A Resolution Approving 2023 Budget Transfers was no longer needed; the resolution was removed from the consent agenda. Councilman Tilton requested that the following resolutions be removed from the consent agenda and voted up on individually:

- Resolution R-229-2023 A Resolution Authorizing the Execution of an Escrow Agreement with T-Mobile Northeast, LLC ("T-Mobile") in Connection with the Construction and Maintenance of a Cell Tower Facility on the Property Known as Block 706, Lot 19 Located East of Skyline Drive, North Caldwell, New Jersey
- Resolution R-230-2023 A Resolution Authorizing the Execution of an Escrow Agreement with T-Mobile Northeast, LLC ("T-Mobile") in Connection with the Construction and Maintenance of a Cell Tower Facility on the Property Known as Block 204, Lot 01 Located at the Corner of Mountain Avenue and Arbor Road, North Caldwell, New Jersey
- Resolution R-231-2023 A Resolution to Authorize a Contract with V-Comm for Consulting Services Regarding Radio and Wireless Telecommunications Antenna/Tower Siting and Management Consulting for the Borough of North Caldwell.

Council President Floria-Callori made a motion, seconded by Councilman Atlas, to approve all items listed below. Said motion was carried unanimously with six (6) affirmative votes.

- Resolution R-223-2023 A Resolution Approving the Payment of Bills
- Resolution R-225-2023 A Resolution Authorizing the Award of a Professional Services Contract Between the Borough of North Caldwell and Petry Engineering, LLC for Survey, Mapping, Design and Construction Documentation Services for Hazard Mitigation Generator Installation at Skyline Drive Water Tower
- Resolution R-226-2023 A Resolution Authorizing the Award of a Professional Services Contract Between the Borough of North Caldwell and Ferriero Engineering, Inc. for Contract Management and Inspection Services for Hazard Mitigation Generator Installation at Skyline Drive Water Tower
- Resolution R-227-2023 A Resolution Authorizing the Award of a Professional Services Contract Between the Borough of North Caldwell and Ferriero Engineering, Inc. for Design, Engineering, Surveying and Construction Management/Inspection Services for Fox Run, Sleepy Hollow Court and Jasmine Place Road Improvements
- Resolution R-228-2023 A Resolution Authorizing the Award of a Contract Between the Borough of North Caldwell and Clarke Moynihan Landscaping & Construction for Walker's Pond Walking Trails
- Resolution R-232-2023 A Resolution Fixing Fees Pertaining to Recreation Programs for 2024 Ski Club Transportation Registration
- Resolution R-233-2023 A Resolution Authorizing the Hiring of Part-Time Seasonal Employees – 2023 Recreation Soccer Referees, 2023 Men's Softball Umpires And 2023-2024 Recreation Basketball Referees, Scorekeepers, Site Managers, Basketball Instructors/Trainers
- Resolution R-234-2023 A Resolution Appointing Ryan Skorupski as Volunteer Fire Department Member

Resolution R-229-2023: Council President Floria-Callori made a motion to approve Resolution R-229-2023 A Resolution Authorizing the Execution of an Escrow Agreement with T-Mobile Northeast, LLC ("T-Mobile") in Connection with the Construction and Maintenance of a Cell Tower Facility on the Property Known as Block 706, Lot 19 Located East of Skyline Drive, North Caldwell, New Jersey which was seconded by Councilman Weinstein. Said motion was approved with five (5) affirmative votes and one nay vote from Councilman Tilton.

Resolution R-230-2023: Council President Floria-Callori made a motion to approve Resolution R-230-2023 A Resolution Authorizing the Execution of an Escrow Agreement with T-Mobile Northeast, LLC ("T-Mobile") in Connection with the Construction and Maintenance of a Cell Tower Facility on the Property Known as Block 204, Lot 01 Located at the Corner of Mountain Avenue and Arbor Road, North Caldwell, New Jersey which was seconded by Councilman Atlas. Said motion was approved with five (5) affirmative votes and one nay vote from Councilman Tilton.

Resolution R-231-2023: Councilman Weinstein made a motion to approve Resolution R-231-2023 A Resolution to Authorize a Contract with V-Comm for Consulting Services Regarding Radio and Wireless Telecommunications Antenna/Tower Siting and Management Consulting for the Borough of North Caldwell which was seconded by Councilman Atlas. Said motion was approved with four (4) affirmative votes and two (2) nay votes from Councilman Rees and Councilman Tilton.

Citizens to be Heard – *Any subject matter*

Tom Fink, 2 Skyline Drive – Mr. Fink asked if alternative locations were identified for installation of the cell towers. He noted his concern for the tower height and potential fall zones.

Nicholas Simonetti, 37 Beachmont Terrace – Mr. Simonetti, eighth-grade student at West Essex Middle School, requested a bike lane be designated on Mountain Avenue between East Greenbrook Road and Smull Avenue to facilitate safe access between the north and south sides of town by bicycle. Chief Strodthoff noted that Mountain Avenue is a county road, and suggested that the Borough Engineer identify feasible options for a bike lane for Essex County to review.

Estella and Stuart Mendelson, 13 Oxford Road – Mr. Mendelson requested permission from the Mayor and Council for an exception to the stormwater regulations requiring drywells as a solution to his increase in impervious coverage to expand his pool deck. He suggested that the stormwater drainage be fed into the existing drainage easements instead of held in a retention structure. Mr. Domenick would review the permit application with the Borough Engineer and follow up with the Mendelsons.

John Noto, 38 Deer Trail Road – Mr. Noto requested revision of the Borough's noise ordinance to prevent landscaping noise from interrupting residents who work and school at home. He suggested requiring battery-powered equipment or limiting the permitted hours of operation.

Council Commentary

Councilman Kessler requested submissions for the fourth quarter Community Newsletter by December 12, 2023.

Councilman Weinstein welcomed Borough Administrator Glenn Domenick and thanked him his timely accomplishments since his appointment. Councilman Rees thanked Ms. Michelotti for her efforts during the transition between administrators.

Executive Session

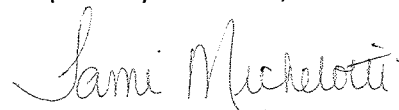
Councilman Tilton moved Resolution R-235-2023 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes:

- A. Contract Negotiations: (1) PSE&G ROW Access;
- B. Attorney-Client Privilege/Litigation: (1) Green Brook Country Club;
- C. Personnel: (1) NCPD – added by Borough Attorney during the meeting.

Said motion was seconded by Councilman Kessler 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 Council President Floria-Callori, seconded by the Council, that this meeting be adjourned at 7:50p.m. Said motion was carried unanimously with six (6) affirmative votes.

Respectfully submitted,



Tami Michelotti, RMC
Borough Clerk