

## Mayor and Council Regular Meeting – July 18, 2023

The Conference and Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, July 18, 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 Officer Gia Gagliano to lead the Pledge of Allegiance.

North Caldwell Police Officer Swearing-In Ceremony: Mayor Raymond issued the Oath of Office to Probationary Patrol Officer Gia Gagliano who was accompanied by her parents, family and friends. Mayor Raymond welcomed Officer Gagliano to the Police Department and to the Borough.

### **Mayor's Report**

Mayor Raymond announced the annual 5K Race, Color Run and Town Picnic scheduled for September 9, 2023 as well as the Soccerfest event on September 23, 2023. He added that the Fire Department would hold an Oktoberfest event on October 14, 2023.

Mayor Raymond confirmed the completion of the Municipal Court's integration of Verona and stated that a potential agreement with another municipality was being considered. He welcomed input from residents regarding a proposed concept plan for improvements to the Liberty Park complex.

### **Citizens to be Heard**

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

Richard Verde, 8 Hickory Drive – Mr. Verde spoke in favor of the installation of speed humps on Hickory Drive to provide for safety of the neighborhood children.

Frank Detrolino, 6 Angela Court – Mr. Detrolino had questions regarding the water meter replacement project. Mayor Raymond suggested he direct his questions during the second public comment portion of the meeting.

Joel Yanofsky, 23 Evergreen Drive – Mr. Yanofsky requested clarification of the Tree Ordinance Amendment. Mayor Raymond noted that the amendment was still being drafted to encompass additional comments and suggestions from the public. Mr. O'Sullivan summarized the ordinance. Councilman Atlas noted the purpose of the ordinance was to hold tree removal vendors accountable.

Elliot Sommer, 143 Four Seasons Drive – Mr. Sommer asked if the recently obtained stormwater grant could be used to supplement drainage infrastructure at Four Seasons. Mr. O'Sullivan explained the parameters of the grant which was to be dedicated to municipal stormwater mapping.

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

### **Approval of Minutes**

Council President Floria-Callori made a motion to accept the following meeting minutes (without release of Executive Session minutes), seconded by Councilman Atlas:

- June 13, 2023 Conference Meeting and Executive Session – Councilman Atlas and Councilman Kessler abstained. Said motion was approved with four (4) affirmative votes and two (2) abstentions.
- June 20, 2023 Special Meeting and Executive Session – Councilman Weinstein abstained. Said motion was approved with five (5) affirmative votes and one (1) abstention.
- June 27, 2023 Regular Meeting and Executive Session – Councilman Tilton abstained. Said motion was approved with five (5) affirmative votes and one (1) abstention.

### **Committee Reports**

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

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

Said motion was carried unanimously.

Councilman Kessler noted the upcoming recreation events including the Town Picnic, 5K Race, Color Run, Soccerfest and the Fall Festival at Walker's Park.

#### **Items for Discussion**

**Tree Ordinance Amendment** – Mayor Raymond announced that comments from the public were being considered for inclusion in the ordinance amendment. Councilman Kessler requested that language regarding unimproved lots be incorporated. Councilman Weinstein added that the amendment was not intended to be overly protective and suggested the deposit structure be evaluated in the next draft. Councilman Atlas noted that the purpose of the amendment is to protect trees and landscaping and encourage compliance with the regulations.

**Vacant/Abandoned and Foreclosed Property Ordinance** – Mr. Kantor reviewed the registry requirements imposed by the State of New Jersey and the option to impose fines for non-compliance. Council President Floria-Callori noted that third-parties are available for administration of the registry and fee process.

**Small Wireless Facilities (5G) Ordinance** – Mayor Raymond announced that the ordinance introduction was tabled to the next meeting.

**Public Consumption Ordinance** – Mr. Kantor reviewed the proposed ordinance to prohibit alcoholic beverage consumption on public property. He provided guidance on allowing annual events by resolution for alcoholic beverage consumption. Councilman Rees suggested the Boards of Education be notified regarding consumption on their properties. Council President Floria-Callori suggested that events at Firemen's Community Center be exempted from the ordinance provided the rental agreement addresses the topic. Councilman Atlas requested further discussion of certain exceptions and suggested the introduction of the ordinance be tabled.

**Property Maintenance Ordinance Amendment re: Trash Receptacles** – Councilman Kessler reviewed the proposed amendment to the trash collection ordinance to ensure compliance with the new curbside trash collection service. He noted that the rules would mirror those for curbside recycling. Mr. Kantor suggested the time of day for placement of receptacles at curbside be set to 4:00pm the day before collection to account for early sunset during the winter months. Councilman Kessler requested the recycling ordinance be amended to 4:00pm as well.

**Solid Waste Collection Contract Amendment - Rear/Side Yard Collection** – Mr. O'Sullivan reviewed the reduction in monthly service fee for rear and side yard trash collection offered by F. Basso and Sons. A resolution to memorialize the revised cost structure for the additional service over the five (5) year contract would be considered later in the meeting.

**Memorandum of Understanding with Green Brook Realty** – Council President Floria-Callori reviewed the history of contract negotiations with Green Brook Realty Associates regarding a revision to the proposed development of Green Brook Country Club. The revised proposal would replace the current Inclusionary Residential Overlay (IRO) Zone with 321 total units, all of which except 25 would be age-restricted. The units for affordable housing would remain the same. In exchange for the 12-acres of property on the site dedicated in the current IRO for municipal use, the developer would provide for improvements at Walker's Park and to the municipal tennis courts. The details of the agreement would be formalized in a settlement agreement, an ordinance for a Secondary IRO (SIRO), and an application to the Planning Board for site approval.

Councilman Rees requested that renderings, although non-binding at this time, be shared with the public and that a vote to authorize the MOU be tabled until the public can review the proposal and provide feedback to the governing body.

**VCOMM Extension of Contract** – Mr. O'Sullivan informed the governing body that the current contract with VComm for telecommunications consulting services has expired and that a new contract was required. The resolution on the agenda would be tabled as a new contract and resolution would be prepared for the next meeting.

**Note Sale Results** – Councilman Weinstein presented the results of the June 28, 2023 auction for bond anticipation notes. He noted that four bids received and a rate of 3.762 was secured which is lower than the last note sale.

**RUN4NC Signage** – Mayor Raymond recognized Greg Filosa, North Caldwell Recreation Foundation President, who was present for the RUN4NC discussion. Mr. Filosa presented the proposed artwork for the event signage and the proposed placement for signs in the Borough. The governing body agreed to the signage and placement.

**Chapter 159 Stormwater Assistance Grant** – Addressed earlier during Citizens to be Heard.

**Arbor Road Fencing** – Mayor Raymond addressed resident complaints regarding a fence installed in the right-of-way at the intersection of Arbor Road and Hilltop Drive. The fencing was in response to complaints from the Hilltop Conservancy regarding illegal dumping of landscaping refuse and debris. Mayor Raymond acknowledged the lack of notice regarding the fence installation that should have been communicated to the Arbor Road residents subsequent to initial notice about the illegal dumping by residents' landscaping contractors. The Mayor offered to explore alternate solutions to thwart the dumping and a potential removal of the fencing.

**Walker's Park Road Striping** – Mr. O'Sullivan reviewed the proposal for delineated parking on east side of Mountain Avenue for Walker's Park visitors. He anticipated that the striping would channelize traffic and result in slower speeds by vehicles. Three options were considered. The Council voted in favor of the option to add 29 delineated parking spaces.

**Walker's Park Walking Trails** – Mr. O'Sullivan reviewed the items included in the NJDEP permit application for preparation of the bid specifications. He anticipated the permit approval within the week, distribution of the bid in August and bid opening in September. The walking path materials were discussed. Improvements to the existing structure (house) and installation of a patio would not be included in the bid documents as it is a separate project and may potentially be provided through a settlement agreement with Green Brook Realty. Mr. O'Sullivan would distribute details to the Council for further review.

**Hickory Drive Speed Hump Installation Proposal** – Mr. O'Sullivan reviewed the concept plan which would be distributed to residents of Hickory Drive, Cypress Avenue and Balsam Place within the next two days.

**Fireworks Staffing** – Mr. O'Sullivan reviewed the requirement of each participating municipality to provide staffing for the annual fireworks event in West Caldwell. He noted that a resolution providing a stipend to two appointees was prepared for consideration later in the meeting.

#### **Ordinances for Final Hearing and Second Reading**

**Ordinance O-11-2023:** Councilman Atlas made a motion to open the public hearing for Ordinance O-11-2023 An Ordinance Amending Chapter 3-94A of the Borough Code Regarding Residency of Emergency Management Coordinator, seconded by Councilman Weinstein. Said motion was carried unanimously.

No one from the public came forward.

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

Councilman Atlas made a motion to adopt Ordinance O-11-2023 An Ordinance Amending Chapter 3-94A of the Borough Code Regarding Residency of Emergency Management Coordinator, and to Provide for Severability and an Effective Date. Said motion was seconded by Councilman Weinstein and carried unanimously with six (6) affirmative votes.

#### **Ordinances for Introduction**

**Ordinance O-12-2023:** Councilman Atlas made a motion to introduce 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 Council President Floria-Callori. Said motion was carried unanimously with six (6) affirmative votes. The public hearing was set for August 15, 2023 at 6:30pm.

**Ordinance O-13-2023:** Councilman Atlas made a motion to introduce 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 Council President Floria-Callori. Said motion was carried unanimously with six (6) affirmative votes. The public hearing was set for August 15, 2023 at 6:30pm.

**Ordinance O-14-2023:** On a motion by Council President Floria-Callori, seconded by Councilman Tilton, 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 was tabled to a subsequent meeting with six (6) affirmative votes.

**Ordinance O-15-2023:** On a motion by Councilman Atlas, seconded by Councilman Tilton, Ordinance O-15-2023 An Ordinance Amending and Supplementing Chapter 23 Alcoholic Beverages of the Code of the Borough of North Caldwell Prohibiting Public Consumption was tabled to a subsequent meeting with six (6) affirmative votes.

**Ordinance O-16-2023:** Councilman Atlas made a motion to introduce 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 Weinstein. Councilman Rees questioned the square footage of the area specified; Mr. O’Sullivan confirmed the area as 140 square feet. Councilman Rees voted no. Said motion was carried with five (5) affirmative votes and one (1) nay vote. The public hearing was set for August 15, 2023 at 6:30pm.

**Ordinance O-17-2023:** Councilman Atlas made a motion to introduce Ordinance O-17-2023 An Ordinance Authorizing the Borough of North Caldwell to Execute a Ground Lease for that Certain Property Located on Block 201, Lot 1 in the Borough of North Caldwell, seconded by Councilman Weinstein. Councilman Rees voted no. Said motion was carried unanimously with five (5) affirmative votes and one nay vote. The public hearing was set for August 15, 2023 at 6:30pm.

### **Resolutions**

**Resolution R-159-2023:** Mr. Kantor requested that Resolution R-159-2023 A Resolution Authorizing an Extension of Contract With V-Comm For Consulting Services Regarding Radio And Wireless Telecommunications Antenna/Tower Siting And Management be tabled as per prior discussion regarding a new contract yet to be finalized.

**Resolution R-157-2023:** Councilman Atlas made a motion to table Resolution R-157-2023 A Resolution Authorizing a Memorandum of Understanding with Green Brook Realty, seconded by Councilman Rees. Councilman Weinstein and Council President Floria-Callori voted against tabling the resolution. Said motion was carried with four (4) affirmative votes and two (2) nay votes.

**Resolution R-158-2023:** Councilman Atlas made a motion to approve Resolution R-158-2023 A Resolution Authorizing a Revision to Solid Waste Collection Contract Regarding Pre-Negotiated Rates for Rear/Side Yard Collection, seconded by Council President Floria-Callori. Said motion was carried unanimously with six (6) affirmative votes. Councilman Kessler and Councilman Tilton noted that they were not in favor of curbside collection and voted no to Resolution R-140-2023 at the last meeting.

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

- Resolution R-160-2023 A Resolution Approving the Insertion of Revenue Item – Chapter 159: Stormwater Grant
- Resolution R-161-2023 A Resolution Authorizing the Cancellation of Special Emergency Appropriation Balances
- Resolution R-162-2023 A Resolution Authorizing for Redemption and Cancellation of Record of Tax Lien – Block 1306, Lot 7
- Resolution R-163-2023 A Resolution Authorizing for Redemption and Cancellation of Record of Tax Lien – Block 2200, Lot 2, C0109
- Resolution R-164-2023 A Resolution Approving the Payment of Bills
- Resolution R-165-2023 A Resolution Authorizing the Hiring of Part-Time Per Diem Police Department Dispatchers
- Resolution R-166-2023 A Resolution Authorizing Payment of Stipends for West Essex Fireworks Gate Monitors
- Resolution R-167-2023 A Resolution Authorizing The Hiring of Additional Part-Time Seasonal Employees For The 2023 Summer Fun Camp Season
- Raffle License Application RA-8-2023 West Essex Cheerleading Booster Club 50/50 Raffle

### **Citizens to be Heard**

Councilman Tilton made a motion to open public comment, seconded by Councilman Kessler. Said motion was unanimously approved.

Morton Kalb, 30 East Greenbrook Road – Mr. Kalb requested a copy of the proposed Memorandum of Understanding between the Borough of North Caldwell and Green Brook Realty Associates. Mayor Raymond offered that it would be posted on the Borough website the next morning and that hard copies would be made available in Borough Hall.

Frank Detrolino, 6 Angela Court – Mr. Detrolino requested information on the water meter replacement project regarding the purpose of the replacement, the reason for charging the cost to the residents and the recycling of the existing meters. Mr. O’Sullivan reviewed the evolution of the replacement project and confirmed that recycling of the existing meters was part of the bid specifications and bid responses. Councilman Atlas addressed the cost of the meters being billed to residents as a one-time fee (to be spread over four quarterly bills) as opposed to the debt incurred with interest and included in the tax levy. Mr. O’Sullivan stated the option is more fiscally responsible than incurring long term debt.

Elliott Sommer, 143 Four Season Drive – Mr. Sommer requested the valuation of the 12-acre parcel at Green Brook Country Club that was part of the initial settlement agreement and IRO Zone. Council President Floria-Callori confirmed the valuation and noted the decrease that was attributed to a decrease in value of other golf courses.

Mr. Sommer requested an alternative Essex County contact for an inquiry for improved public safety measures at the intersection of Mountain Avenue and Elm Road which is in Caldwell. Chief Strodthoff provided Mr. Sommer with a contact in the Essex County Engineering Department.

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

#### **Council Commentary**

The governing body members had no further comments.

#### **Executive Session**

Council President Floria-Callori moved Resolution R-168-2023 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purpose:

- A. Personnel: (1) DPW, (2) NCPD, (3) Police Dispatch;
- B. Potential Contract Negotiations: (1) Police Dispatch.

Said motion was seconded by Councilman Atlas and 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 8:29p.m.

Respectfully submitted,



Tami Michelotti, RMC  
Borough Clerk