

The Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, November 22, 2022. The meeting began at 6:34pm at Borough Hall and was held simultaneously via tele/video-conference.

Mayor Alessi 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 Joseph H. Alessi, Council President Astorino, Councilman Matthew Atlas, Councilman Robert Kessler, Councilman Arthur Rees and Councilman Kenneth Tilton.

Absent: Councilman Anthony Floria-Callori.

Also present were: Kevin O’Sullivan, Borough Administrator; Mark Semeraro, Borough Attorney; Karl Strodthoff, Police Captain; and Tami Michelotti, Borough Clerk.

Mayor Alessi called for a moment of silence in remembrance of the anniversary of the assassination of President John F. Kennedy. Mayor Alessi asked Captain Karl Strodthoff to lead the Pledge of Allegiance.

### **Mayor’s Report**

Mayor Alessi congratulated Mayor-Elect Raymond, Councilman Rees and Councilman-Elect Weinstein on their election to the governing body. He wished all a Happy Thanksgiving and welcomed residents to the Annual Joy, Peace and Goodwill holiday celebration on December 4, 2022 at 4:30pm. Mayor Alessi announced road closures planned for the Annual Reindeer Run on December 3, 2022. He noted that leaf collection would continue through December. He announced Chief Deuer’s retirement and welcomed Captain Karl Strodthoff to the meetings.

### **Citizens to be Heard**

Jane Selzer, 41 Four Seasons Drive – Ms. Selzer thanked Mayor Alessi and Councilman Tilton for their service to the community. She noted the effectiveness of the new signs in the area of Hilltop Drive and White Rock Road. She noted that vehicles do not come to a complete stop at the intersection of Elm Road and White Rock Road and requested improved signage and better enforcement. Captain Strodthoff would research the installation of a blinking stop sign to improve stop sign recognition by drivers.

### **Approval of Minutes**

Councilman Kessler moved to accept the following minutes (without release of Executive Session minutes), seconded by Councilman Tilton:

- Conference Meeting and Executive Session Minutes of October 11, 2022
- Regular Meeting and Executive Session Minutes of October 25, 2022

Councilman Atlas abstained from the October 25, 2022 minutes. Said motion was carried unanimously with five (5) affirmative votes for the October 11, 2022 minutes and four (4) affirmative votes for the October 25, 2022 minutes.

### **Committee Reports**

#### **Legal and Ordinance**

**Ordinance O-14-2022:** Councilman Atlas made a motion to table the public hearing for Ordinance O-14-2022 An Ordinance Amending and Modifying Chapter 3 Administration of Government, Article XV Department of Police. He stated that some revisions to the ordinance in response to a request from the NCPD members to meet and further discuss the proposed ordinance. The motion was seconded by Councilman Tilton. Said motion passed with five (5) unanimous affirmative votes. The public hearing would be tabled to the December 20, 2022 meeting.

**Ordinance O-15-2022:** Councilman Atlas presented the proposed ordinance regarding prohibition of stopping and/or standing within 100 feet from the intersection of Squire Hill Road and Sunset Drive. Councilman Kessler suggested the distance be increased to 200 feet from the intersection which was discussed and agreed to by the Council. Councilman Kessler made a motion to introduce Ordinance O-15-2022 An Ordinance Amending and Modifying Chapter 99 Vehicles and Traffic, Schedule III, No Stopping or Standing as amended to 200 feet from the intersection. Councilman Rees seconded the motion. Said motion passed unanimously with five (5) affirmative votes. He stated that a public hearing is scheduled for December 20, 2022 at 6:30pm.

**Resolution R-170-2022** Councilman Atlas presented Resolution R-170-2022 A Resolution Authorizing the Execution of an Agreement with the Caldwell Sewerage Utility for Treatment and Disposal of Sanitary Sewage. Councilman Rees referred to a request from Mayor-Elect Raymond to postpone contract negotiations. Council President Astorino requested clarification of financial impacts of the agreement. Mr. Semeraro advised the Council to continue the discussion in Executive Session. Council President Astorino made a motion to table the resolution vote until after the Executive Session discussion. The motion was seconded by Councilman Rees. Said motion was carried with three (3) affirmative votes and two (2) nay votes from Councilman Kessler and Councilman Tilton.

**Resolution R-171-2022** A Resolution Authorizing the Execution of an Agreement with the Borough of Essex Fells for Wholesale Water Supply was presented by Councilman Atlas. Councilman Rees asked that the cost of printing and mailing PFOA notices be billed back to Essex Fells. Council President Astorino made a motion to table the resolution vote until after the Executive Session discussion, seconded by Councilman Rees. Said motion was carried unanimously with five (5) affirmative votes.

**Resolution R-181-2022** A Resolution Authorizing the Borough of North Caldwell to Enter Into and Execute a Shared Services Agreement Between the Borough of North Caldwell and the West Essex Regional School District to Provide a Class III Special Law Enforcement Officer was read. Motion was made by Councilman Atlas, seconded by Councilman Tilton. Said motion was carried unanimously with five (5) affirmative votes.

**Resolution R-182-2022** A Resolution Authorizing the Execution and Recording of a Grant of Conservation Restriction for Riparian Zone Mitigation to the New Jersey Department of Environmental Protection for the Property Known as Walker's Pond was read. Councilman Atlas made a motion to table the resolution to the December 20, 2022 meeting pending additional information from the Borough Engineer. The motion was seconded by Councilman Tilton. Said motion was carried unanimously with five (5) affirmative votes.

**Resolution R-183-2022** A Resolution Authorizing a Change Order with Shaw Industries, Inc. was read. Motion was made by Councilman Atlas, seconded by Councilman Kessler. Said motion was carried unanimously with five (5) affirmative votes.

#### **Personnel and Technology**

Committee Updates: Councilman Atlas reviewed positive discussions with cellular carriers which would be presented at the next meeting by Committee Chair Councilman Floria-Callori.

**Resolution R-184-2022** A Resolution Authorizing Employment of Police Department Dispatcher Daniel Scarrillo was read. Motion was made by Councilman Atlas, seconded by Councilman Tilton. Said motion was carried unanimously with five (5) affirmative votes.

#### **Finance**

Council President Astorino extended appreciation to Mayor Alessi's and Councilman Tilton's dedication to the Borough and welcomed Mayor-Elect Raymond and Councilman-Elect Weinstein.

Council President Astorino presented the Tax Collector's Report for October 2022.

The following resolutions were read by and moved by Council President Astorino as a Consent Agenda:

- Resolution R-185-2022 A Resolution Approving the Payment of Bills
- Resolution R-186-2022 A Resolution Authorizing Emergency Appropriations Less than Three Percent of Total Operating Appropriations
- Resolution R-187-2022 A Resolution Approving 2022 Budget Transfer s

Said motion was seconded by Councilman Atlas and passed unanimously with five (5) affirmative votes.

#### **Public Safety**

Councilman Tilton presented the Police Department Public Safety and Detective Bureau Reports for October 2022 during which 780 calls were placed to Dispatch and 29 tickets were issued.

Councilman Tilton presented the Fire Department Public Safety Report for October 2022 during which the department responded to 30 calls of which one (1) call was for mutual aid to Fairfield.

Councilman Tilton reminded residents to lock their car doors, remove possessions from their vehicles and use caution when warming up their cars.

#### **Public Works**

Councilman Rees offered the Department of Public Works monthly summary for October 2022. He noted that pothole and catch basin repairs were ongoing, hydrant flushing was complete and leaf collection continues through December. He noted that preparation for winter weather was underway. Councilman Rees offered the Construction Permit Activity Report for October 2022 during which 43 permits were issued bringing the fees collected to \$182,503.00 for the year to date.

Councilman Rees presented the Animal Control Report for October 2022 during which there were two (2) calls for which \$300.00 in fees were collected.

#### **Recreation**

Councilman Kessler offered the Recreation Director's Report for November/December 2022. He thanked the participants and volunteer coaches for successful soccer and field hockey seasons. Recreation and

travel basketball seasons would begin after Thanksgiving and ski trips would begin in January. Men's softball concluded with Team Cloverleaf winning the championship game.

Councilman Kessler thanked all who donated to the annual Food Drive which collected food items for Toni's Kitchen. He announced the annual Toy Drive that would be open for donations the following week. He welcomed senior citizens to the December 7<sup>th</sup> luncheon at which the Gould School Chorus would perform holiday songs. Councilman Kessler welcomed residents to attend the Joy, Peace and Goodwill event on December 4<sup>th</sup>.

Councilman Kessler provided an update on the Firemen's Field turf installation. He stated that final modifications would be completed in the spring at which time the field would be ready for play. He noted that donations are still accepted through the North Caldwell Recreation Foundation website. Councilman Kessler stated that a budget meeting for Camp Wyanokie was scheduled for December 1<sup>st</sup>. He reviewed the dam repairs that are planned for 2023 which would require a financial contribution from each of the participating municipalities.

Councilman Kessler provided a status on the Walker's Park permitting and the concessions requested by the NJDEP. Mr. O'Sullivan noted that the proposed walking trails and footbridges would require additional studies and surveys for permit review. He added that removal of the five (5) lot subdivision could be considered which would change conservation easement and buffer zone requirements. Councilman Kessler stated that the Recreation Committee was supportive of consolidating the five (5) lots back into the Walker's Park property which may be useful as a landing area for park visitors.

Resolution R-188-2022 A Resolution Authorizing the Hiring of Additional Part-Time Seasonal Employees - Recreation Soccer/Basketball Referees was read. A motion was made by Councilman Kessler and seconded by Councilman Rees. Said motion was carried unanimously with five (5) affirmative votes.

Councilman Rees made a motion to move the Request for Expression of Interest from Executive Session into Public Session. Councilman Atlas seconded the motion which was carried unanimously with five (5) affirmative votes.

#### **Request for Expression of Interest**

Mr. Semeraro reviewed the purpose of the proposed Request for Expression of Interest. He added that Municipal Land Use Law requires a public bidding process for lease of the land and or building, however, a non-binding expression of interest process could help determine how to best utilize the Walker's Park property and dwelling. Mr. Semeraro confirmed that an award for use of the property would not be made in response to the Expression of Interest submissions. He offered that a resolution could be prepared for consideration at the next meeting.

Councilman Rees described the interior of the structure on the Walker's Park property. He stated that the DPW could perform some basic tasks to determine any damage, identify utility improvements and complete some basic upgrades. The Council agreed to have DPW obtain some cost estimates on minor repairs without making a significant investment at this time.

#### **Executive Session**

Councilman Atlas made a motion to amend Resolution R-189-2022 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes to include:

- Potential Contract Negotiations - Caldwell Sewer, Essex Fells Water and Green Brook Country Club
- Potential Litigation - Hidden Ridge

The motion was seconded by Council President Astorino. Said motion was carried unanimously with five (5) affirmative votes. Mr. Semeraro stated that he would be recusing himself from any discussions regarding Green Brook Country Club. Councilman Atlas noted the probability of returning to Public Session to vote upon resolutions tabled earlier in the meeting.

The meeting was re-opened to the public at 8:21pm.

**Resolution R-170-2022** A Resolution Authorizing the Execution of an Agreement with the Caldwell Sewerage Utility for Treatment and Disposal of Sanitary Sewage was read. A motion was made by Councilman Atlas and seconded by Councilman Kessler. Said motion was carried with five (5) affirmative votes.

**Resolution R-171-2022** A Resolution Authorizing the Execution of an Agreement with the Borough of Essex Fells for Wholesale Water Supply was read. Motion was made by Councilman Atlas and seconded by Councilman Kessler. Councilman Rees voted nay. Said motion was carried with four (4) affirmative votes and one (1) nay vote.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Councilman Atlas, seconded by Councilman Kessler, that this meeting be adjourned at 8:26pm. 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