

Mayor and Council Regular Meeting – June 27, 2023

The Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, June 27, 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; Jarrid Kantor, Borough Attorney; Paul Ferriero, Borough Engineer; Karl Strodthoff, Police Chief; and Tami Michelotti, Borough Clerk.

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

Mayor’s Report

Mayor Raymond recognized the responsiveness of the Department of Public Works and the Police Department. He announced the establishment of the North Caldwell Multicultural Society as a non-profit organization which will be planning more events in the near future. Mayor Raymond reviewed the efforts of local law enforcement teams working together to address the increased vehicle thefts in the West Essex and surrounding areas.

Mayor Raymond presented a proclamation to Reginald Bledsoe, Director of the Essex County Office of LGBTQ+ Affairs, in honor of Pride Month.

Mayor Raymond acknowledged Maya Lordo, County Liaison. Ms. Lordo announced the new Covid vaccine which would be released at the end of the summer to coincide with the annual flu vaccine. She noted that the vaccines will no longer be issued free of charge by the federal government but that Essex County was purchasing some doses to assist residents who are unable to obtain the vaccination through medical insurance.

Citizens to be Heard

Council President Floria-Callori made a motion to open public comment, seconded by Councilman Weinstein. Said motion was carried unanimously.

Elliot Sommer, 143 Four Seasons Drive – Mr. Sommer supported the proposed curbside collection of household trash. He stated that providing rear/side yard collection does not benefit the several homeowners associations in town. He added that the cost savings was more beneficial to all residents.

Jane Selzer, 41 Four Seasons Drive – Ms. Selzer noted that the upcoming North Caldwell Board of Education bond referendum may increase property taxes. She added that the recent property revaluation raised taxes for many property owners. She requested that rear/side yard trash collection not be continued to allocate the funds to other needs.

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

Solid Waste

Mayor Raymond provided background on the current household collection service, the bid process to solicit bids, the bids received and industry challenges.

Councilman Atlas moved Resolution R-140-2023 A Resolution Awarding A Contract For Solid Waste Collection Located Curbside With Option For Residents To Privately Supplement Services For Rear/Side Yard Collection At Pre-Negotiated Rates, seconded by Councilman Weinstein. Mayor Raymond welcomed comments from the Council members. The governing body discussed the options for curbside collection, curbside collection with the option for residents to contract for rear/side yard collection at their own expense, and continuing rear/side yard collection for all residents. Options for a five (5)-year contract and a three (3)-year contract were discussed.

Councilman Atlas made a motion to amend Resolution R-140-2023 to limit Section 1 from a 5-year term to a 3-year term. Said motion was seconded by Councilman Weinstein. Said motion to amend the resolution was not approved with five (5) nay votes from Councilman Atlas, Councilman Weinstein, Councilman Kessler, Councilman Tilton, and Council President Floria-Callori and one (1) affirmative vote from Councilman Rees.

A vote was taken for the original motion for Resolution R-140-2023 A Resolution Awarding A Contract For Solid Waste Collection Located Curbside With Option For Residents To Privately Supplement Services For Rear/Side Yard Collection At Pre-Negotiated Rates. Said motion was approved with four (4) affirmative votes from Councilman Atlas, Councilman Weinstein, Councilman Rees, and Council President Floria-Callori and two (2) nay votes from Councilman Kessler and Councilman Tilton.

Since Resolution R-140-2023 was approved, the alternative trash collection services contract provided in Resolution R-141-2023 was not needed.

Approval of Minutes

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

- Conference Meeting and Executive Session Minutes – May 9, 2023
- Regular Meeting and Executive Session Minutes – May 23, 2023

Councilman Kessler abstained from voting on the May 9, 2023 meeting minutes. Said motion passed with five (5) affirmative votes for the May 9, 2023 minutes. Said motion passed unanimously with six (6) affirmative votes for the May 23, 2023 minutes.

Committee Reports

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

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

Said motion was carried unanimously.

Councilman Tilton departed the meeting at 7:24pm.

Ordinances for Final Hearing and Second Reading

Ordinance O-9-2023: Councilman Atlas made a motion to open the public hearing for Ordinance O-9-2023 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 Council President Floria-Callori. Said motion was carried unanimously with five (5) affirmative votes.

Steven Guarnieri, 262 Mountain Avenue – Mr. Guarnieri asked if the fines would be applied retroactively. Councilman Atlas confirmed that fines would not be assessed retroactively.

Councilman Atlas made a motion to close the hearing, seconded by Councilman Weinstein. Said motion was carried unanimously with five (5) affirmative votes.

Councilman Weinstein reviewed suggestions received from a resident for inclusion in the amending ordinance. Councilman Kessler requested that permit requirement discretion be used for trees that require removal due to emergency conditions, i.e. storm damage. Council President Floria-Callori suggested that property owners not be held liable for contractor's fines.

Mayor Raymond announced that the ordinance amendment would be tabled for additional revisions and a new introduction at a subsequent meeting.

Ordinance O-10-2023: Councilman Atlas made a motion to open the public hearing for Ordinance O-10-2023 An Ordinance to Repeal and Replace Section 107.30.A Flood Damage Protection of the Code of the Borough of North Caldwell and to Adopt Flood Hazard Maps, to Designate a Floodplain Administrator, and to Provide for Severability and an Effective Date, seconded by Councilman Kessler. 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.

Mr. Ferriero reviewed the floodplain requirements imposed by FEMA and the changes mandated by NJDEP for municipalities to participate in the Federal Flood Insurance Program. He noted that the ordinance amendment addresses maps for floodplain determination during the permit process.

Councilman Atlas made a motion to adopt Ordinance O-10-2023 An Ordinance to Repeal and Replace Section 107.30.A Flood Damage Protection of the Code of the Borough of North Caldwell and to Adopt Flood Hazard Maps, to Designate a Floodplain Administrator, and to Provide for Severability and an Effective Date. Said motion was seconded by Council President Floria-Callori and carried unanimously with five (5) affirmative votes.

Mr. Ferriero departed the meeting at 7:37pm.

Bond Ordinance BO-3-2023: Councilman Atlas made a motion to open the public hearing for BO-3-2023 A Bond Ordinance Amending Bond Ordinance BO-3-2022 Finally Adopted by the Borough Council of the Borough of North Caldwell, New Jersey on March 22, 2022, seconded by Weinstein. Said motion was carried unanimously with five (5) affirmative votes.

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 with five (5) affirmative votes.

Councilman Weinstein stated that the amending ordinance would increase the funding needed for the pool improvements. He added that the bond ordinance would be paid by the self-funding Pool Utility.

Councilman Atlas made a motion to adopt Bond Ordinance BO-3-2022 Finally Adopted by the Borough Council of the Borough of North Caldwell, New Jersey on March 22, 2022, seconded by Councilman Kessler. Said motion was carried unanimously with five (5) affirmative votes.

Ordinances for Introduction

Councilman Weinstein made a motion to introduce Ordinance 11-2023 An Ordinance Amending Chapter 3-94A of the Borough Code Regarding Residency of Emergency Management Coordinator, seconded by Councilman Atlas. Said motion was carried unanimously with five (5) affirmative votes. The public hearing was set for July 18, 2023 at 6:30pm.

Resolutions

Councilman Atlas made a motion, seconded by Councilman Kessler, to approve all items listed for inclusion in the consent agenda. Said motion was carried unanimously with five (5) affirmative votes.

- Resolution R-142-2023 A Resolution Authorizing Inclusion in the Essex County Urban County Community Development Program for Federal Fiscal Years 2024-2026 (October 1, 2023 to September 30, 2026)
- Resolution R-143-2023 A Resolution Authorizing the Renewal of Liquor License #0715-33-001-002 to Green Brook Liquor License, LLC
- Resolution R-144-2023 A Resolution Authorizing the Renewal of Liquor License #0715-33-003-003 to Dezi's Hospitality, LLC
- Resolution R-145-2023 A Resolution Authorizing the Release of the AJM Contractors, LLC Maintenance Bond for Brookside Terrace Section 3 Road Improvements Project
- Resolution R-146-2023 A Resolution Amending Resolution R-135-2023 Authorizing the Salary of Municipal Prosecutor of the Shared Municipal Court of North Caldwell, Essex Fells and Verona
- Resolution R-147-2023 A Resolution Approving the Payment of Bills
- Resolution R-148-2023 A Resolution Amending R-120-2023 Authorizing the Effective Date of SLEO Class III Officers for the West Essex Regional School District 2023-2024 School Year
- Resolution R-149-2023 A Resolution Authorizing Employment of Police Department Probationary Patrol Officer
- Resolution R-150-2023 A Resolution Authorizing the Hiring of Part-Time Seasonal Employees – 2023 Recreation Baseball/Softball Umpires
- Resolution R-151-2023 A Resolution Authorizing the Hiring of Part-Time Seasonal Employees for the 2023 Municipal Pool Season – Lifeguards/Gate Monitors/Snack Bar Attendants/Pool Managers
- Resolution R-152-2023 A Resolution Authorizing the Hiring of Part-Time Seasonal Employees for the 2023 Summer Fun Camp Season
- Resolution R-153-2023 A Resolution Authorizing the Mayor and Council to Execute Agreements for Extraordinary Unspecifiable Services – Elite Tennis, Adrenaline Performance Academy, CSF Soccer Academy
- Resolution R-154-2023 A Resolution Fixing Fees Pertaining to Recreation Programs for 2023 – Women's Softball
- Resolution R-155-2023 A Resolution Authorizing the Execution of a Confidentiality and Non-Disclosure Agreement with PSEG Services Corporation for Surveillance Cameras

Citizens to be Heard

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

Ethan Lazarovitch and Jason Albarron, Twentieth Century Fox Film Company – Mr. Albarron requested permission to film at 3 Rickland Drive and 7 Rickland Drive in excess of previously approved evening filming times. Filming was proposed for July 17 through July 19 until approximately 2:00am but no later than 4:00am. The governing body approved the request conditioned upon completion of the permit application and payment of fees.

Fire Chief Peterson – Chief Peterson offered to review the tree ordinance for compliance with OEM guidelines regarding disaster plans.

John Noto, 38 Deer Trail Road – Mr. Noto expressed appreciation for the Borough's Construction Official's management of two residential development sites that had become unkempt.

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

Council Commentary

Councilman Kessler requested that the quarterly newsletter be updated with the trash collection revisions.

Councilman Weinstein noted that noise and pollution from gas-powered landscaping equipment had become a concern for some residents. He suggested that consideration be given to encouraging electric-powered equipment.

Executive Session

Councilman Atlas moved Resolution R-156-2023 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purpose:

- A. Attorney/Client Privilege: (1) Green Brook Country Club;
- B. Potential Contract Negotiations: (1) Shared Court.

Said motion was seconded by Councilman Rees and was carried unanimously with five (5) 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 7:52p.m.

Respectfully submitted,



Tami Michelotti, RMC
Borough Clerk