

The Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Wednesday, September 27, 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 Floria-Callori, Councilman Matthew Atlas, Councilman Robert Kessler, Councilman Arthur Rees, Councilman Kenneth Tilton and Councilman Stephen Weinstein.

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

Mayor Raymond asked the Montano Family to lead the Pledge of Allegiance.

Mayor's Report

Mayor Raymond thanked the North Caldwell Recreation Foundation, event volunteers, event sponsors and the Filosa family for the success of the RUN4NC 5K and Color Run. He congratulated Officer Tyler Johnson on obtaining his PhD in Criminal Justice. Mayor Raymond updated the public on plans to renovate the Liberty Park complex and Walker's Park trails. He announced upcoming dates of Borough events including Soccerfest, the North Caldwell Police Foundation golf outing and the North Caldwell Volunteer Fire Department Oktoberfest. Mayor Raymond announced the resignation of Borough Administrator Kevin O'Sullivan and wished him luck in his new position with the Township of Verona.

Mayor Raymond welcomed Essex County Liaison Maya Lordo. Ms. Lordo provided an update on sourcing Covid vaccinations for homebound residents and announced upcoming Fall events sponsored by the County.

Baseball/Softball Championship Recognition – The Mayor and Council recognized the championship baseball and softball teams and their coaches for their winning seasons.

Citizens to be Heard

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

Tom Fink, 2 Skyline Drive – Mr. Fink asked for information on the Small Wireless Facilities ordinance that was on the agenda. Councilman Floria-Callori reviewed the purpose of the ordinance to establish limitations on location and scope of small wireless facilities installation in rights-of-way.

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

Approval of Minutes

Council President Floria-Callori made a motion to accept the August 15, 2023 Conference and Regular Meeting and Executive Session Minutes (without release of Executive Session minutes), seconded by Councilman Atlas. Said motion was unanimously approved with six (6) affirmative votes.

Items for Discussion

PSE&G Gas Main Project – Chief Strodthoff reviewed the PSE&G gas line construction project and associated traffic plans for Bloomfield Avenue and Mountain Avenue to begin in mid-October. The Council preferred PSE&G's proposed plan for construction on weekdays from 8:30am through 6:30pm as opposed to shorter days over a longer period of time.

Hickory Drive Speed Study – Chief Strodthoff presented speed study results for Hickory Drive. He noted that 4% of vehicles were traveling above speed limits. He recommended increased enforcement by the Police Department and a follow-up study. Potential volume increase was discussed as a result of the PSE&G gas line construction detours.

Committee Reports

The following reports were read into the record upon a motion from Councilman Weinstein, seconded by Councilman Kessler:

- Tax Collector's Report – August 2023
- Police Department Public Safety and Detective Bureau Reports – August 2023
- Fire Department Public Safety Report – August 2023
- DPW Monthly Report – August 2023

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

Mayor Raymond expressed appreciation to the Animal Control Officers for returning two dogs-at-large to their owner.

Ordinances for Final Hearing and Second Reading

Ordinance O-14-2023: Council President Floria-Callori made a motion to open the public hearing for 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, seconded by Councilman Atlas. Said motion was carried unanimously.

No one from the public came forward.

Council President Floria-Callori made a motion to close the open hearing, seconded by Councilman Atlas. Said motion was carried unanimously.

Councilman Weinstein made a motion to adopt 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, seconded by Councilman Atlas. Said motion was carried unanimously with six (6) affirmative votes.

Ordinance O-18-2023: Council President Floria-Callori made a motion to open the public hearing for Ordinance O-18-2023 An Ordinance Amending Chapter 78-3 of the Code of the Borough of North Caldwell Regarding the Placement of Receptacles and Materials at Curbside, 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 open hearing, seconded by Councilman Weinstein. Said motion was carried unanimously.

Council President Floria-Callori made a motion to adopt Ordinance O-18-2023 An Ordinance Amending Chapter 78-3 of the Code of the Borough of North Caldwell Regarding the Placement of Receptacles and Materials at Curbside, seconded by Councilman Weinstein. 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 Rees. Councilman Kessler suggested the ordinance be revised to grant more leniency for residents who remove trees on their property but require permits and fees for contractors. Councilman Tilton expressed concerns regarding enforcement. Councilman Atlas reviewed the intent of the amending ordinance. Councilman Rees stated the stormwater runoff effects from tree removal. Councilman Weinstein suggested increased fees for permits of \$250 per tree for removal of 1-10 trees, \$350 per tree for removal of 11 to 20 trees, and \$500 per tree for removal of 21+ trees. Councilman Kessler suggested no charge be required for removal of one to two trees, up to 13" wide, per year.

On a motion by Councilman Weinstein, seconded by Councilman Rees, the Council voted unanimously to amend 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 to incorporate the new fees but no other revisions.

The introduction of the amended ordinance was carried unanimously with six (6) affirmative votes. A public hearing was set for Tuesday, October 24, 2023 at 6:30pm.

Ordinance O-20-2023: Councilman Kessler made a motion to introduce 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 Atlas. Mr. Kantor noted that the amendment would allow for non-fingerprinting, JIF-approved methods of background checks to be conducted. Chief Strodthoff noted that background checks for soliciting and canvassing would maintain the fingerprinting method. Said motion was carried unanimously with six (6) affirmative votes. A public hearing was set for Tuesday, October 24, 2023 at 6:30pm.

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

- Resolution R-183-2023 A Resolution Requesting the New Jersey Department of Transportation to Grant and Extension of Time for the Beachmont Terrace and Oak Place Roadway Improvements Project
- Resolution R-184-2023 A Resolution Authorizing the Award of a Professional Services Contract Between the Borough of North Caldwell and Stormwater Compliance Solutions, Inc. for Stormwater Management Services
- Resolution R-185-2023 A Resolution Authorizing Employment of Police Department Dispatcher
- Resolution R-186-2023 A Resolution Approving the Payment of Bills
- Resolution R-187-2023 A Resolution Authorizing for Redemption and Cancellation of Record of Tax Lien – Block 606, Lot 7
- Resolution R-188-2023 A Resolution Authorizing for Redemption and Cancellation of Record of Tax Lien – Block 1000, Lot 4
- Resolution R-189-2023 A Resolution Authorizing for Redemption and Cancellation of Record of Tax Lien – Block 1403, Lot 20
- Resolution R-190-2023 A Resolution Authorizing for Redemption and Cancellation of Record of Tax Lien – Block 2007, Lot 12
- Resolution R-191-2023 A Resolution Authorizing an Inter-Local Service Agreement with the Township of Fairfield for the Composting of Leaves
- Raffle License Application RA-11-2023 The Home & School Association of Fairfield, Inc. for 50/50 Raffle at West Essex Regional School District
- Resolution R-193-2023 A Resolution Appointing Volunteer Fire Department Member
- Resolution R-194-2023 A Resolution Authorizing the Full-Time Employment of Kristin Koch.

Citizens to be Heard

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

Catherine Fink, 2 Skyline Drive – Ms. Fink stated her expectation for public notice regarding the proposed installation of a cell tower at the Skyline Drive water tower property behind her home. She requested information on the site, the tower construction and effects on health and property values. Ms. Fink requested proof of cell service deficiencies and suggested that small cell options be considered instead. She reviewed the limitations of the easement on her property for access to the water tower. Ms. Fink requested a meeting be set for Borough officials and residents to meet to determine alternatives.

Mayor Raymond agreed to hold a meeting with the cellular service consultant and TMobile to discuss the residents' concerns. He noted that a Planning Board review of the design for cell tower installation would also include notice to all residents living within 200 feet of the proposed cell tower sites.

Nihir Jariwala, 4 Arbor Road – Mr. Jariwala stated concern for the proximity of the proposed tower on Mountain Avenue to his home on Arbor Road. He stated that drilling tests were conducted on the side of the Mountain Avenue parking lot closest to his home. He asked that alternate technologies and solutions be considered.

Andrew Hain, 16 Arbor Road – Mr. Hain requested information on the Bond Referendum that was the subject of the September 26, 2023 special election. Mayor Raymond explained that the Board of Education, a separate public body from the Borough Council, conducted the referendum proposal.

Mr. Hain requested study results regarding deficiencies of cellular service on Mountain Avenue. He noted that he does not experience lack of service through AT&T. He requested better transparency regarding the cell tower installation. Council President Floria-Callori reviewed the public meetings and public notices issued regarding the cell tower proposal.

Stacey Gold, 11 Skyline Drive – Ms. Gold requested studies regarding the safety of cell towers and the options for other sites. She noted that her neighborhood is already burdened with the PSE&G power lines and the water tower; she asked that another burden not be added to the neighborhood. She suggested that the Gould Avenue tower be enhanced and cell service boosters be added to homes that need it.

Amy Galarowicz, 6 Skyline Drive – Ms. Galarowicz explained her knowledge of rhythmic attenuation and the exposure to residents within 1/5 mile of the tower. She noted that radiation from the cell tower would be in addition to that from the power lines nearby. She requested further discussion with Borough officials to explore alternative options with no long-term exposure to radiation.

Asad Cheema, 1 Arbor Road – Mr. Cheema, a cardiologist, referenced an article from the New England Journal of Medicine from 1997 regarding cellular effects on pacemakers and defibrillators. He requested studies regarding health effects.

Laura Rastogi, 8 Skyline Drive – Ms. Rastogi requested increased transparency regarding the cell tower lease project. She noted that she was not aware of the project that was proposed for the property next to her rear yard.

Robert Ferrara, 8 Arbor Road – Mr. Ferrara requested improved communications regarding the cell tower and asked if the proposed tower could be moved to an alternate location. He was unaware of any cell service issues and was concerned with exposure to radiation.

Angela Patel, 3 Arbor Road – Ms. Patel stated her concern for safety of the neighborhood due to the cell tower construction.

Gabriel Malek, 6 Edgewood Court – Eagle Scout candidate Gabriel Malek presented his proposal for an Eagle Scout project for the installation of park-like benches on the third-base line at Firemen's Field. He reviewed his plans including concrete pads, stone/mesh/cement construction, and mounting of the benches. He provided photos and reviewed his fundraising plans. The Council approved the proposal and offered the guidance of the DPW and Recreation Directors.

Cynthia Brower, 13 Arbor Road – Ms. Brower stated her opposition to the cell tower and noted that she received no notification of the proposed plans. She stated that she has no service issues as a customer of AT&T.

Steve Zaorski, 7 Arbor Road – Mr. Zaorski stated his concern with the cell tower installation and asked to work together with the governing body to find an alternate location for the tower.

Hearing no further comments, Council President Floria-Callori made a motion to close public comment, seconded by Councilman Kessler. Said motion was carried unanimously.

Council Commentary

Councilman Rees stated that the cell tower construction plans would be heard by the Planning Board. He asked if an environmental assessment was required. He noted that the Planning Board should also obtain information on how the towers would be accessed and serviced after construction.

Councilman Weinstein addressed residents' concerns regarding transparency. He stated that input from residents is welcomed, concerns will be discussed and results would be shared in good faith.

Executive Session

Councilman Atlas moved Resolution R-192-2023 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, (2) Cellular Towers – added during meeting, (3) Easement Access – added during meeting;
- B. Contract Negotiations: (1) Collective Bargaining Agreements;
- C. Personnel: (1) Borough Administrator – added during meeting;

seconded by Councilman Weinstein. Said motion 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 8:30p.m.

Respectfully submitted,



Tami Michelotti, RMC
Borough Clerk