

## Mayor and Council Regular Meeting – March 23, 2021

The Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, March 23, 2021. The meeting began at 7:30pm via tele/video-conference due to the COVID-19 pandemic.

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 Alessi, Council President Astorino, Councilman Atlas, Councilman Floria-Callori, Councilman Kessler, Councilman Rees and Councilman Tilton.

Also present were: Kevin O’Sullivan, Borough Administrator; Mark Semeraro, Esq., Borough Attorney; Rich Mondelli, Chief Financial Officer; Mark Deuer, Police Chief; and Tami Michelotti, Borough Clerk.

Mayor Alessi asked Councilman Atlas to lead the Pledge of Allegiance.

### **Mayor’s Report**

Mayor Alessi announced additional funding from the Federal government for pandemic relief. He provided information on COVID testing and vaccinations. Mayor Alessi announced the annual hydrant flushing schedule, tree seedling day plans and provided an update on the Walker’s Pond remediation.

### **Citizens to be Heard**

John Zurlo – 19 Glenview Road

Mr. Zurlo requested updates on the DEP’s evaluation of the detention basin outflows from the Hilltop. He asked about progress on drainage improvements identified in the Borough-wide drainage study. Mr. O’Sullivan reviewed projects undertaken by the Borough’s DPW regarding drainage ditch clearing and other infrastructure improvements. He noted that the DEP is still backlogged from reduced staff during the pandemic.

Dan Gallagher – 36 Ferndale Road

Mr. Gallagher thanked the Borough for their efforts to provide tree seedlings each year. He noted the need for repairs due to erosion from the new stream created by outflows from detention basin 2 at the Hilltop property.

### **Approval of Minutes**

Councilman Atlas moved to accept the minutes from the Conference Meeting and Executive Session (the latter without release) of February 9, 2021, seconded by Councilman Kessler. Said motion was carried with six affirmative votes.

Councilman Atlas moved to accept the minutes from the Regular Meeting and Executive Session (the latter without release) of February 23, 2021, seconded by Councilman Kessler. Said motion was carried with six affirmative votes.

### **Committee Reports**

#### **Legal and Ordinance**

#### **Ordinance O-3-2021**

Councilman Atlas opened the public hearing for Ordinance O-3-2021 An Ordinance to Amend and Supplement the Revised General Ordinances of the Borough of North Caldwell, Chapter 2, Article VII, Entitled “Rules of Order”. Councilman Atlas presented the ordinance as a structure to establish more efficient meetings. He noted that revisions were made to the original draft of the ordinance introduced in 2020. He reviewed the time limitation on public comment and noted that the intent was not to limit public participation.

John Zurlo of 19 Glenview Road thanked the Council for making revisions to the ordinance after it was first introduced last year.

Dan Gallagher of 36 Ferndale Road expressed appreciation for hearing the public’s concerns regarding public comment.

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Council President Astorino made a motion to close the public hearing and adopt Ordinance O-3-2021 An Ordinance to Amend and Supplement the Revised General Ordinances of the Borough of North Caldwell, Chapter 2, Article VII, Entitled “Rules of Order”. The motion was seconded by Councilman Atlas. Said motion was carried with six affirmative votes.

### Ordinance O-4-2021

Councilman Atlas opened the public hearing for Ordinance O-4-2021 An Ordinance to Amend the Annual Compensation of Members of the Police Department for the Years 2021, 2022 and 2023. He noted that the increases reflect the terms of the collective bargaining agreement.

No one from the public came forward.

Councilman Atlas made a motion to close the public hearing and adopt Ordinance O-4-2021 An Ordinance to Amend the Annual Compensation of Members of the Police Department for the Years 2021, 2022 and 2023. The motion was seconded by Council President Astorino. Said motion was carried unanimously with six affirmative votes.

### Ordinance O-5-2021

Councilman Atlas opened the public hearing Ordinance O-5-2021 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank for Calendar Year 2021.

No one from the public came forward.

Councilman Atlas made a motion to close the public hearing and Ordinance O-5-2021 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank for Calendar Year 2021. The motion was seconded by Councilman Floria-Callori. Said motion was carried unanimously with six affirmative votes.

### Ordinance O-6-2021

Councilman Atlas opened the public hearing for Ordinance O-6-2021 An Ordinance to Amend Chapter 34, Section 4 of the Code of the Borough of North Caldwell Regarding Uniform Construction Code Fees for Smoke/CO Detector Certification Inspections. He stated that the fee increase from \$75.00 to \$100.00 is consistent with other municipalities.

No one from the public came forward.

Councilman Atlas made a motion to close the public hearing and adopt Ordinance O-6-2021 An Ordinance to Amend Chapter 34, Section 4 of the Code of the Borough of North Caldwell Regarding Uniform Construction Code Fees for Smoke/CO Detector Certification Inspections. The motion was seconded by Councilman Rees. Said motion was carried unanimously with six affirmative votes.

### Ordinance O-7-2021

Councilman Atlas opened the public hearing for Ordinance O-7-2021 An Ordinance to Amend Various Provisions of Chapters 71 and 45 of the Code of the Borough of North Caldwell Concerning Field Use Fees and Scheduling. He noted that the fees were consistent with other towns.

No one from the public came forward.

Councilman Atlas made a motion to close the public hearing and adopt Ordinance O-7-2021 An Ordinance to Amend Various Provisions of Chapters 71 and 45 of the Code of the Borough of North Caldwell Concerning Field Use Fees and Scheduling. The motion was seconded by Councilman Kessler. Said motion was carried unanimously with six affirmative votes.

### Bond Ordinance BO-1-2021

Councilman Atlas made a motion to introduce Bond Ordinance BO-1-2021 A Bond Ordinance Authorizing Various Improvements and Purposes for the Swimming Pool Utility in and for the Borough of North Caldwell, in the County of Essex, New Jersey, Appropriating \$75,000 Therefore and Authorizing the Issuance of \$71,250 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Councilman Kessler. Councilman Atlas noted that the improvements include renovations to the municipal pool and the chlorine system in preparation for the summer season. Councilman Rees noted his concern with short-term repairs. Councilman Tilton stated the need for a long-term master plan for the pool and other municipal facilities. Said motion was carried unanimously with six affirmative votes. Councilman Atlas noted that a public hearing was scheduled for April 13, 2021 at 7:30pm.

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### Ordinance O-8-2021

Councilman Atlas made a motion to introduce Ordinance O-8-2021 An Ordinance Amending Chapter 23 re: Alcoholic Beverage Location Restrictions and Operating Regulations, seconded by Council President Astorino. Councilman Rees abstained. Said motion was carried with five affirmative votes and one abstention. Councilman Atlas noted that a public hearing was scheduled for April 23, 2021 at 7:30pm.

### Ordinance O-9-2021

Councilman Atlas made a motion to introduce Ordinance O-9-2021 An Ordinance Amending Chapter 107 and Chapter 45 re: Zoning, Planning and Land Use Fees, seconded by Council President Astorino. Said motion was carried unanimously with six affirmative votes. Councilman Atlas noted that a public hearing was scheduled for April 23, 2021 at 7:30pm.

### Ordinance O-10-2021

Councilman Atlas made a motion to introduce Ordinance O-10-2021 An Ordinance Accepting Shenandoah Drive - Allen Road Deed of Dedication, seconded by Councilman Floria-Callori. Said motion was carried unanimously with six affirmative votes. Councilman Atlas noted that a public hearing was scheduled for April 23, 2021 at 7:30pm.

Resolution R-61-2021 A Resolution Authorizing the Release of the Allen Road Developers, LLC Performance Bond No. FP0021734 and Maintenance Bond No. FP0024041 was read. Motion was made by Councilman Atlas, seconded by Council President Astorino. Said motion was carried unanimously with six affirmative votes.

Resolution R-62-2021 A Resolution Authorizing the Execution of a Right-of-Way Agreement with ZenFi Networks was tabled due to the Council's request for more specific plans regarding the of the right-of-way access and design plans.

Resolution R-63-2021 A Resolution Authorizing the Receipt of Bids for the Mowing and Trimming of Borough Facilities was read. Motion was made by Councilman Atlas, seconded by Councilman Rees. Said motion was carried unanimously with six affirmative votes.

### **Personnel and Technology**

Councilman Floria-Callori reviewed the installation of the Borough access and security system, updates to Borough hardware and proposals regarding potential cellular coverage improvements. He noted the progress of negotiations with the Department of Public Works for a collective bargaining agreement.

### **Finance**

Council President Astorino offered the Tax Collector's Report for February 2021.

Resolution R-64-2021 A Resolution Amending the 2021 Temporary Budget was read. Motion was made by Council President Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six affirmative votes.

Resolution R-65-2021 A Resolution Approving the Payment of Bills was read. Motion was made by Council President Astorino, seconded by Councilman Atlas. Said motion was carried unanimously with six affirmative votes.

Resolution R-66-2021 A Resolution Approving Budget Transfers was read. Motion was made by Council President Astorino, seconded by Councilman Atlas. Said motion was carried unanimously with six affirmative votes.

### **Public Safety**

Councilman Tilton offered the Police Department Public Safety and Detective Bureau Reports for February 2021 which included 665 calls to Dispatch from North Caldwell residents. He reminded all residents to lock their cars and homes.

Councilman Tilton offered the Volunteer Fire Department Public Safety Report for February 2021 and reminded the public to change the batteries in carbon monoxide and smoke detectors.

**Public Works**

Councilman Rees offered the Construction Permit Activity Report for February 2021 during which 29 permits were issued which was less than the same time last year. He noted that the \$28,864 year to revenue is down from last year.

Councilman Rees offered the Animal Control Report for February 2021 which included two (2) calls for deer stuck in resident fences.

**Recreation**

Councilman Kessler offered the Recreation Director’s Report for March and April 2021. He noted that tennis registration reached 112 members who will be issued ID cards to swipe for access to the courts. He added that spring programs were underway including recreation and travel baseball and softball. He thanked the team sponsors for the contributions to the program. Councilman Kessler announced the registration dates for pool membership Summer Fun Camp and Kiddie Camp, all of which will have COVID protocols and guidelines in effect.

Resolution R-67-2021 A Resolution Authorizing the Rejection of All Bids for the Municipal Pool Concession Stand Bid was read. Motion was made by Councilman Kessler, seconded by Councilman Atlas. Said motion was carried unanimously with six affirmative votes.

The following resolutions were read by and moved by Councilman Kessler as a Consent Agenda, seconded by Councilman Atlas. Said motion was carried unanimously with six affirmative votes.

- Resolution R-68-2021 A Resolution Authorizing Recreation Program Contracts – MultiSport Clinic
- Resolution R-69-2021 A Resolution Authorizing Recreation Program Contracts – Petite Soccer Clinic
- Resolution R-70-2021 A Resolution Authorizing Recreation Program Contracts – Foundation Tennis (Early Spring 2021)
- Resolution R-71-2021 A Resolution Authorizing Recreation Program Contracts – Flag Football
- Resolution R-72-2021 A Resolution Authorizing Recreation Program Contracts – Explore Science
- Resolution R-73-2021 A Resolution Authorizing Recreation Program Contracts – Dr. Stem

**Executive Session**

Resolution R-56-2021 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) Pulte Homes/Hydrogeological Study, (2) Lindsley Heights Easement Agreement, (3) DPW Collective Bargaining Agreement Negotiations, (4) 70 Grandview Avenue Developers Agreement, (5) Cell Tower Improvement;
- B. Personnel: (1) Borough Hall, (2) Borough Facilities Security;
- C. Safety and Security: (1) Walker’s Pond

was read. Motion was made by Councilman Atlas, seconded by Councilman Tilton. Said motion was carried unanimously with six affirmative votes.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Councilman Atlas, seconded by the Council, that this meeting be adjourned at 10:19pm.

Respectfully submitted,



Tami Michelotti  
Borough Clerk