

Mayor & Council Conference & Regular Meeting, July 18, 2017

The Conference & Regular Meetings of the Mayor and Council of the Borough of North Caldwell were held on Tuesday, July 18, 2017 at the Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 6:37 pm.

Roll Call indicated the following present:

Mayor Alessi

Present: Council President Santomauro, Councilman Astorino, Councilman Chiaia, Councilman Kessler, Councilman Raymond, Councilman Rees

Also present were: David M. Paris, Borough Attorney, Mel Levine, Borough Administrator, Mark Deuer, Police Chief, Frank Zichelli, Borough Engineer, Nancy Bretzger, Borough Clerk and Tami Michelotti, Deputy Clerk

Mayor Alessi called the meeting to order announcing that notice was provided in accordance with the requirements of Chapter 231, P.L. 1975.

Mayor Alessi asked Chief Deuer to lead the Pledge of Allegiance.

MAYOR'S REPORT

Mayor Alessi recognized the North Caldwell Police Foundation as a very important organization in our town that provides privately raised funds directly to the Police Department. Chief Deuer provided examples of equipment that the Foundation has provided for the Police Department that is above and beyond the normal scope of the town's responsibility such as an automatic license plate reader, new lockers and shirts for outside detail. Mayor Alessi acknowledged the generosity of the Foundation and encouraged all to purchase tickets to the NCPF fundraiser featuring Smokey Robinson on August 26 at Memorial Auditorium at Montclair State University. The Mayor stated the event time and he gave the email address and phone number to purchase tickets which start at \$75.

Mayor Alessi stated that the Mayor's Ball would be held on Friday, September 22 at Green Brook Country Club in conjunction with the North Caldwell Recreation Foundation. The Mayor stated that net proceeds will go the NCRF and that he appreciates all the good work they do. Mayor Alessi commended the volunteerism that is alive and well in North Caldwell.

Mayor Alessi stated that the last Movie at the Pool would be held on Thursday, July 20 featuring Surf's Up 2 – Wave Mania.

CITIZENS TO BE HEARD

Richard Verde- 8 Hickory Drive

Mr. Verde stated that he attended the last Mayor and Council meeting at which time he spoke regarding a sign ordinance and asked Mr. Paris when the Council had discussed the sign ordinance. Mr. Paris stated the discussion was during the last Mayor and Council meeting at which Mr. Verde spoke on the subject. Mr. Verde asked the Council to take up the issue for discussion as he still sees signs in town that have not been removed since the last election in June. Mr. Verde noted that there are signs posted around town for people running for office who do not live in North Caldwell or in Essex County.

Mr. Verde stated that he read an article that said that Mr. Cesaro, prosecutor for North Caldwell and Essex Fells, could not practice for six months due to a clerical technicality and asked what will happen to the cases he prosecuted during his six months of ineligibility. Mr. Paris stated that he advised the Essex County Prosecutor, who oversees and supervises municipal prosecutors, regarding the situation and he has not heard anything back from them.

Mr. Verde restated his concern about the political signs and who should be removing them. He added that his second concern is the choice of prosecutor

among the many local qualified people who were interviewed. He stated that he offered his expertise to select someone when he left the position and to help with the Borough website. Mr. Verde stated that he is running for Borough Council as an Independent. He stated that he has a Master's degree in Political Science and is knowledgeable about local government. He stated that he could volunteer his services to make North Caldwell one of the best communities in the state.

Councilman Astorino asked Mr. Verde what he suggests to remedy the sign issue. Mr. Verde stated that he has a sample ordinance from another town that deals with political signs but did not have it with him at the time. Mr. Verde referenced a recent Supreme Court case and wants to eliminate polluting the town with an overage of signs. He suggested an ordinance that would designate one sign per property, to be put up 30 or 60 days before the election, and taken down within three days after the election like the ordinance adopted by West Caldwell. Mr. Verde suggested the police department or zoning officer enforce the ordinance. He mentioned that some towns require a political candidate to post a bond prior to posting signs for an election.

ITEMS FOR DISCUSSION

Landscaper License Ordinance – Mr. Paris stated that he prepared the ordinance at the request of the governing body and made revisions as requested by Mr. Zichelli regarding depositing waste materials at a recycling facility. Mr. Paris opened the item for discussion. No one had any comments. Mr. Paris offered to have the ordinance ready for introduction at the next meeting with any suggested changes. Mr. Chiaia thanked Mr. Paris for preparing an ordinance that would reduce noise from blowers, quantify who is working in town and identify who is parking on roadways that can often become an obstacle. Mr. Paris stated that Mr. Zichelli was instrumental in reviewing sample ordinances from other towns. Mr. Paris noted that the goal of the ordinance is identification and accountability so that the municipality is aware of who is working in town, what vehicles are in town, and to identify causes of safety concerns. Chief Deuer noted his support as well and stated that the ordinance will help contractors to be educated of what times they can work and to know what is permitted by the Borough.

Gun Violence Proclamation – Mayor Alessi thanked Emily Goldberg for bringing the proclamation to the attention of the Mayor and Council even though it was not received in time for a June 2, 2017 commemoration. Mayor stated that his friend's family was directly affected by gun violence and that this crisis affects many of us personally. He stated that this proclamation is very well written and it is very important. Councilman Raymond stated he would be happy to introduce the proclamation but that it requires some revision before it is presented with regard to the June 2, 2017 Gun Violence Awareness Day while recognizing the essence of the proclamation for future years. Mayor Alessi suggested the proclamation be added to the agenda for comments at the next Mayor and Council meeting on August 8, 2017 at 7:30. Council President Santomauro suggested the proclamation acknowledge the June 2, 2017 day of recognition as well as recognition of every June 2 going forward.

Field Naming Rights & Donations of Equipment - Mayor Alessi stated that the North Caldwell Recreation Foundation created a schedule regarding naming rights and donations for all of the sports facilities in North Caldwell including the pool and tennis courts. He thanked the NCRF for the work that they have done on this. Councilman Kessler stated that he feels this is a great way to raise funds that can be put back into our community and acknowledged the need to discuss pricing points for naming rights. Mr. Paris stated that he has been researching donations made to municipalities and selling naming rights regarding if this is a private venture, as the NCRF is a private non-profit entity, or a municipal effort. He stated that he has spoken with the auditor and he is waiting to hear back. Mr. Paris noted that donations made directly to a municipality are tax deductible and that there is a lot of detail required in proceeding. Mr. Paris referenced materials from the Turf

Field Association regarding how to raise funds to support a turf field. Mayor Alessi stated he would like to promote the naming rights at the September 22 Mayor's Ball fundraiser. Mr. Paris suggested using caution in promoting it before knowing all the details. He noted that promoting naming rights prematurely could undermine other fundraising efforts for the September event.

Councilman Raymond stated that there will be detailed renderings presented at the Mayor's Ball for attendees to review and see what donation options, naming rights and corresponding pricing is available. He noted that the momentum for donations would be at the ball where additional revenue could be raised. Mr. Paris noted the potential for significant amounts of money being donated that require decisions on how it will be channeled whether payments being made to the municipality or if the municipality would assign rights over to the foundation. Council President Santomauro noted that monies should be earmarked for the turf field or other areas if the monies come to the municipality. Mr. Paris agreed and noted the money would go into a trust. Councilman Raymond stated that the emphasis should be raising interest in future donations while at the Mayor's Ball by showing available donation options and the price points, while details regarding who to pay could be dealt with later.

Mr. Paris also mentioned to the auditors a mechanism to selling engraved pavers where the municipality could create a spec for selling them and then give the spec to the NCRF so they can sell the pavers. The pavers could then be donated back to the municipality by the NCRF. Similarly, a spec could be created for bleachers. He stated that there should be no problem advertising sponsorship opportunities at the ball. Mayor Alessi noted that the ball is a great opportunity to share the concept of naming rights and raise interest.

Mr. Paris asked if the renderings would reference the turf field only or all of the sports facilities in town. Councilman Raymond stated that the goal for the Mayor's Ball donations is not just regarding the turf field but also for other athletic facilities such as the tennis courts, the pool and a potential walking path around the turf field. He noted that the focus is on all recreation facilities for use by all residents and not just those fields used by the younger athletes in town. Council President Santomauro noted that the monies would be dedicated to Recreation. Councilman Raymond stated that the NCRF is looking for approval of price points from the Governing Body to insure there are no objections before proceeding. Mr. Leitner from the NCRF stated they are developing a marketing and advertising strategy for items at the Mayor's Ball and identifying what to shelve for a later time. He requested confirmation that the Mayor and Council are comfortable with the suggested minimum asking prices. Mr. Rapkin noted that their original turf field estimates were based on Petrie Engineering's report but subsequent estimates from Suburban Field Design create a price gap. The gap between the amount bonded and the actual cost needs to be funded by the Mayor's Ball proceeds. Mr. Leitner suggested that marketing the engraved pavers may be held until closer to the opening of the turf field while the bigger ticket items should be marketed at the ball. Mayor Alessi agreed that advertising naming rights options could be promoted at the Mayor's Ball where there is a captive audience with the same goal in mind.

Councilman Astorino requested clarification of the Council's scope with regard to approving the NCRF's pricing proposal as well as the Council's responsibility for setting parameters of naming specs. Mr. Paris referenced the policy on banners where the municipality would have the right to approve content and design if the NCRF is given the right to sell the specs. He noted that the municipality should have the final word, even for pavers, to insure there is nothing objectionable. Councilman Rees asked if the State or County would have final say if either funded a field, for example. Mr. Paris did not think the State or County would have final say and referenced the Green Acres property that is now Mountain Avenue field. Mr. Paris concluded there is no issue with promoting opportunities for naming rights at the Mayor's Ball.

Council President Santomauro asked the NCRF about an email she received from an unknown representative soliciting donations on behalf of the NCRF. Mr. Rapkin acknowledged that there are volunteers working on behalf of the NCRF to solicit

sponsorships. Council President Santomauro suggested they more clearly state their involvement and identify themselves.

The NCRF members asked if they could post costs for naming rights on their website. It was decided that the Foundation should state that the rights are subject to approval from the Governing Body of the Borough of North Caldwell. Mr. Paris stated that setting time limits on rights is a good idea. Mr. Leitner stated that payment plans may be an option as well.

Donation of Wind Screens for Tennis Courts by Kiwanis Club - Councilman Raymond opened discussion on the windscreen donation by the Kiwanis Club to the Recreation Foundation. The Kiwanis Club is asking for the municipality's preference between two possible logos for the windscreen. The windscreen would be placed at the lower tennis court closest to playground and snack bar. Council President Santomauro stated that the logo that mentions supporting North Caldwell Recreation should be chosen. Councilman Kessler stated that the screen is 60 feet by 6 feet and the logo is 5 feet which would be posted on the middle screen. Mr. Rapkin from the NCRF stated the donation is the \$5,200 cost of the windscreen. Council President Santomauro suggested that the Governing Body should recognize the Kiwanis Club publicly at a Mayor and Council meeting when the windscreen is ready which should be 4-6 weeks.

MINUTES

Council President Santomauro moved to accept the minutes from the Regular Meeting of June 27, 2017 with a revision to include the names of absent Councilmembers, seconded by Councilman Raymond with Councilman Chiaia abstaining. Said motion was passed with five votes and one abstention.

Council President Raymond moved to accept the minutes from the Executive Session of June 27, 2017, seconded by Councilman Kessler with Council President Santomauro and Councilman Chiaia abstaining. Said motion was passed with four votes and two abstentions.

COMMITTEE REPORTS

LEGAL AND ORDINANCE

Resolution R-147-17 – A Resolution Authorizing Execution of a Developer's Agreement By and Between the Borough of North Caldwell and K. Hovnanian at North Caldwell IV, L.L.C. and Pulte Homes of NJ, Limited Partnership was read. Motion was made by Councilman Raymond, seconded by Council President Santomauro. Said motion was passed unanimously with six votes.

Councilman Raymond introduced the Raffle Application by New Jersey Apartment Association Charitable Fund for a Tricky Tray Raffle to be held at Green Brook Country Club on September 11, 2017. A motion was made by Councilman Raymond to grant the raffle application to the New Jersey Apartment Association Charitable Fund, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

PERSONNEL AND ADMINISTRATION

Resolution R-148-17 Authorization to Hire Additional Seasonal Employees for 2017 – Summer Fun was read. Motion was made by Councilman Rees, seconded by Councilman Kessler with Councilman Astorino abstaining. Said motion was passed with five votes and one abstention.

Resolution R-150-17 A Resolution Authorizing Payment of Annual Salary Increase to Ashley Nolen, Interim Municipal Court Administrator, for the Municipal Court of the Boroughs of North Caldwell and Essex Fells, for the Year 2017 was read. Motion was made by Councilman Rees, seconded by Council President Santomauro. Said motion was passed unanimously with six votes.

Resolution R-151-17 Authorization to Hire Additional Seasonal Employees for 2017 – Municipal Pool was read. Motion was made by Councilman Rees, seconded by Councilman Kessler. Said motion was passed unanimously with six votes.

Resolution R-149-17 Acceptance of Resignation of Borough Clerk, Registrar, Board of Adjustment Secretary, Municipal Alliance Coordinator, Board of Health Secretary – Nancy A. Bretzger was read. Motion was made by Councilman Rees, seconded by Council President Santomauro. Said motion was passed unanimously with six votes.

Councilman Rees thanked Mrs. Bretzger for her service to the Mayor and Council and the town and sentiments were echoed by the Council.

PUBLIC SAFETY

Councilman Chiaia read the Police Department Public Safety Report for June 2017. During the month of June, the Police Department received 898 dispatch calls. The 13 member Police Department issued 108 violations. There were 161 hours of overtime, of which 92.5 hours are reimbursable for outside detail. Service costs for the six vehicles in the fleet total \$5,787.87 year to date. A letter was received by Chief Deuer thanking him for supporting the Special Olympics event at Brookdale Park on May 3.

The Fire Department Public Safety Report for June 2016 will be presented at the August 8 meeting.

FINANCE

Councilman Astorino recognized the West Essex UNICO for their donation of \$500.00 to the North Caldwell Recreation Department.

Councilman Astorino offered the Collector's Report for the month of June 2017 of \$522,608.34 in taxes, \$85,496.03 for water and \$1,950 already collected for July 2017 and \$75,754.03 for June for the pool. Councilman Astorino moved that the Collector's Report be accepted, seconded by Council President Santomauro. Said motion was passed unanimously with six votes.

Resolution R-152-17 – Approval to Pay Bills in the amount of \$2,219,974.89 was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was passed unanimously with six votes.

Resolution R-153-17 – Tax Lien Redemption – Block 2200, Lot 2 C0836 was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was passed unanimously with six votes.

Resolution R-154-17 – Tax Lien Redemption – Block 1003, Lot 17 was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was passed unanimously with six votes.

Resolution R-155-17 – Insertion of Revenue Item – Chapter 159 – Fire Department Grant was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was passed unanimously with six votes.

PUBLIC WORKS/UTILITIES

Council President Santomauro offered the Construction Report for June 2017. There were 49 permits and two updates issued for the month.

Council President Santomauro offered the Recycling Report for June 2017. Recycling totals are down from last month which could be attributed to fewer pickup days in shorter months although it varies from month to month.

Council President Santomauro offered the Animal Control Report for June 2017. There were nine calls for the month, three of which were for deceased animals.

Resolution R-156-17 – Bid Acceptance and Contract Award 2017 Roadway Improvements was read. Motion was made by Councilman President Santomauro, seconded by Councilman Astorino. Said motion was passed unanimously with six votes.

RECREATION

Councilman Kessler offered the Recreation Report for July-August 2017. He stated that members of the town pool are enjoying the recreational games that are new this year. Summer Fun attendees enjoyed trips to Sky Zone and The Funplex. Travel baseball teams are finishing their seasons. The last Movie at the Pool event is this week. Senior Swim days continue every Wednesday. Registration for Recreation Soccer is underway with practices beginning in early September. Councilman Kessler noted some important upcoming dates: last day of Summer Fun is August 4; Multi-Sport camp will be held August 7-11; UK Elite Soccer camp will be held August 14-18; last day for the pool is September 4; the Town Picnic will be held on Saturday, September 9 from 1:00-6:00.

EXECUTIVE SESSION

Resolution R-157-17 - Authorization for Executive Session for Certain Specified Purposes – A. Contract Negotiations – (1) Caldwell Sewer Utility, B. Litigation (1) COAH Declaratory Judgment, C. Personnel (1) DPW (2) Borough Clerk. Motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was passed unanimously.

The Public Meeting was re-opened at 8:05pm.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Council President Santomauro that this meeting be adjourned at 8:05pm. This motion was passed unanimously.

Respectfully submitted,

Nancy A. Bretzger
Nancy A. Bretzger, Borough Clerk