

Mayor & Council Regular Meeting - February 27, 2018

The Regular meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, February 27, 2018 at the Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 7:34pm.

Roll Call indicated the following present:

Mayor Alessi

Present: Councilman Astorino, Councilman Chiaia, Councilman Kessler, Councilman Raymond, Councilman Rees

Absent: Council President Santomauro

Also present were: Mr. David M. Paris, Esq., Borough Attorney; Frank Zichelli, Borough Engineer; Mark Deuer, Police Chief; and Tami Michelotti, Acting Borough 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 announced that the Borough received a \$200,000 grant from the New Jersey Department of Transportation for repaving Roosevelt Boulevard. He stated that PSE&G is planning an upgrade of a 12 inch gas main in March on Mountain Avenue from East Greenbrook Road to High Point Place. He added that PSE&G is making traffic control plans with the North Caldwell Police Department. Mayor Alessi commended the NCPD for assisting the West Caldwell Police Department in a lockdown at James Caldwell High School. The Mayor noted that renovations to the Borough-owned property at 137 Gould Avenue are completed for rental. He reminded residents that landscapers are required to obtain a license to work within the Borough and that the license applications can be obtained in the Borough Clerk's office or on the Borough website.

Mayor Alessi stated that he, Councilman Astorino, Councilman Kessler and Councilman Raymond attended the annual Boy Scout banquet for Troop 856 at which Sam Boyle crossed over to Eagle Scout. The Mayor also attended a meeting of Essex County Mayors with Governor Phil Murphy at which he asked the Governor for help with property and income taxes for our dedicated, hard-working community. He stated that the Governor is looking into tax payments as deductible charitable donations as done in several other states.

Citizens to be Heard

Jamie Ploscow stated that she has been a North Caldwell resident since 1995 and has three children who all attended West Essex Regional Schools. She stated she was present to discuss the safety of children in the schools in light of the recent school shooting in Parkland, FL at which her friend's daughter was shot nine times and killed. Ms. Ploscow asked for the presence of a police officer on site every day and suggested the four sending districts to West Essex share the cost.

Mayor Alessi thanked Ms. Ploscow and stated he spoke with Councilman Chiaia, Chief Deuer and Superintendent Barbara Longo about options for police presence in the schools. Chief Deuer added that his officers continuously patrol the West Essex and North Caldwell schools as standard operating

Mayor & Council Regular Meeting - February 27, 2018

procedure since the Sandy Hook shooting. The Chief added that the NCPD watches the entrances of each of the schools with their state-of-the-art security system which is monitored at headquarters. He noted that they have the ability to connect to the cell phones of the administration and teachers via the NCPD radio system as well. Chief Deuer stated that the West Essex Board of Education would be meeting the following week and would discuss a proposal to employ a Class 3 Special police officer as done by several school districts. He described a Class 3 Special officer as a police officer who had recently retired and who would be a part-time employee of the Borough dedicated to the school.

Ms. Ploscow asked about the consequences for students who make violent threats. Chief Deuer stated that information cannot be released if the student is a juvenile but added that a false public alarm charge is a third degree offense. He noted that not all security information is made public but that he will insure police protection until the school boards make a decision regarding funding and hiring of an officer for the schools.

“Lefty” Grimes from East Hanover, New Jersey stated he visited North Caldwell for the day with his friend Michelle who is wheelchair bound. He stated that they checked wheelchair access to public places in town. He added that he was a former oxycodone addict who successfully used cannabis as an exit drug to end his addiction. Mr. Grimes stated that he feels the Borough could be helpful to the sick and infirm by allowing access to cannabis.

Hugh Giordano from Blackwood, New Jersey stated that he represents the United Food and Commercial Workers Union Local 152 whose members are in manufacturing of medical and recreational cannabis. He stated that the industry is already large trade and is growing even though it is relatively new. He added that many resources and much effort are being placed into developing its workers’ skills such as through apprenticeship programs as done in California. He noted that workers are well-trained, receive good wages and will create 250,000 jobs by 2020. Mr. Giordano stated that the Borough’s proposal to ban marijuana sale in town prevents new jobs and access to cannabis for the sick. He stated that he understands that towns may not be prepared for recreational sales of marijuana. Mr. Giordano asked the Council to table the proposed ordinance on the evening’s agenda until a State law is passed legalizing marijuana.

Rose McGill from Lawrenceville, New Jersey stated that cannabis has health benefits and was used as herbal medicine until 1937. She added that cannabis and hemp are safe replacements to synthetic drugs, nutritional supplements, biofuels and other environmentally harmful products. She stated that cannabis use for medicinal purposes does not alter one’s state of mind. Ms. McGill stated that she would like to see the State categorize cannabis as a medicine and not for recreational purposes. She submitted a copy of research regarding the health benefits of cannabis.

Matt Atlas, North Caldwell resident, stated that he recommends the delay of the vote on the ordinance regarding marijuana sales within the Borough. He stated that his opposition was not regarding ease of access but rather in the premature and unnecessary nature of the ordinance. He noted that the circumstances behind the ordinance are hypothetical as it is not yet legal in the State of New Jersey to sell or use marijuana for recreational use. Mr. Atlas added that the State statute is necessary before creating specific language regarding the sale of marijuana, paraphernalia, vapes, e-cigarettes, etc. He questioned if the ordinance would withstand legal scrutiny without knowing what the State legislation would state. He suggested the language in the ordinance was ambiguous regarding the paraphernalia of marijuana use which may also apply to vaping and/or e-cigarettes.

Mayor & Council Regular Meeting - February 27, 2018

Mr. Atlas noted the potential revenue source the Borough may be deprived of from this large and growing business. He urged the Council to either vote against or delay the vote on this ordinance.

Approval of Minutes

Councilman Chiaia moved to accept the minutes from the Re-organization Meeting of January 2, 2018, seconded by Councilman Raymond. Councilman Astorino abstained. Said motion was passed with four votes and one abstention votes.

Councilman Chiaia moved to accept the minutes from the Conference Meeting of January 16, 2018, seconded by Councilman Raymond. Said motion was passed unanimously with five votes.

Councilman Chiaia moved to accept the minutes from the Executive Session of January 16, 2018, seconded by Councilman Raymond. Said motion was passed unanimously with five votes.

Councilman Chiaia moved to accept the minutes from the Regular Meeting of January 30, 2018, seconded by Councilman Raymond. Said motion was passed unanimously with five votes.

Councilman Chiaia moved to accept the minutes from the Executive Session of January 30, 2018, seconded by Councilman Raymond. Said motion was passed unanimously with five votes.

Mayor's Report - Addition

Mayor Alessi stated that he and Councilman Chiaia attended County Executive D'Vincenzo's State of the County Address. Essex County Liaison, Asmeret Ghebremichael, was in attendance and offered information on the upcoming Cherry Blossom festivities.

Councilman Chiaia added that County Executive D'Vincenzo noted the new traffic light on West Greenbrook Road in the County's accomplishments. He stated that the County plans to break ground on the Dog Park at the Hilltop in April and plans a Grand Opening in August.

Committee Reports

Legal and Ordinance

Councilman Raymond moved to Open the Public Hearing for Ordinance O-1-18 An Ordinance of the Borough of North Caldwell, County of Essex, State of New Jersey, Amending the Zoning Ordinance of the Borough of North Caldwell, Chapter §107-19 "Prohibited Uses", seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Councilman Raymond stated he appreciated the comments provided so far and asked if there were any additional comments. Seeing no one from the public coming forward, Councilman Raymond moved to Close the Public Hearing for Ordinance O-1-18 An Ordinance of the Borough of North Caldwell, County of Essex, State of New Jersey, Amending the Zoning Ordinance of the Borough of North Caldwell, Chapter §107-19 "Prohibited Uses", seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Mayor & Council Regular Meeting - February 27, 2018

Councilman Raymond asked to read a prepared statement regarding the ordinance. He stated that he felt the ordinance was premature when the Council first introduced it but that he was open to hearing the public opinion on the matter. He thanked the residents for communicating their opinions which he found to be diverse. Councilman Raymond noted that he found no universal agreement among his constituents which provided no clear direction for action. He added that he reviewed the proposed bill Senate #830 / Assembly #1348 which allows one year for local entities to adopt ordinances allowing marijuana establishments and to issue and processes licenses. Councilman Raymond stated that the Borough need not rush to enact an ordinance. He added that the Borough does not need to adopt an ordinance in advance of State legislation since marijuana possession and use are currently illegal at both the Federal and State levels. Councilman Raymond asked to table the vote on the proposed ordinance.

Councilman Raymond moved to table the vote to adopt Ordinance O-1-18 An Ordinance of the Borough of North Caldwell, County of Essex, State of New Jersey, Amending the Zoning Ordinance of the Borough of North Caldwell, Chapter §107-19 "Prohibited Uses", seconded by Councilman Kessler. Councilman Astorino, Councilman Chiaia and Councilman Rees voted against tabling the vote to adopt the ordinance. Councilman Kessler and Councilman Raymond voted in favor of tabling the vote to adopt the ordinance. Said motion was defeated with three votes against and two votes in favor of tabling the vote to adopt the ordinance.

Since the vote on the ordinance was not tabled, Councilman Raymond moved to Adopt Ordinance O-1-18 An Ordinance of the Borough of North Caldwell, County of Essex, State of New Jersey, Amending the Zoning Ordinance of the Borough of North Caldwell, Chapter §107-19 "Prohibited Uses", seconded by Councilman Chiaia.

Councilman Chiaia applauded the public's input and testimony. He stated that he felt it is important for North Caldwell to adopt the ordinance, not as statement with regard to banning marijuana use, but for the purpose of responsible planning. He stated the importance of businesses to obtain a certificate of occupancy and oversight of permit issuance. He noted that applicant would be heard by the Board of Adjustment for a variance regarding appropriate use. Councilman Chiaia added that the Borough is not looking to ban marijuana dispensaries or stores if they become legal. He added that the Board of Adjustment could determine appropriate placement of where such a store could open and that North Caldwell has few options as the Borough is not a heavily commercial community.

Councilman Astorino stated that he abstained from voting on the introduction of the proposed ordinance at the last meeting to further consider all information on the issue. He stated he was impacted by Councilman Raymond's statement and appreciated the input and educational information from the testimony offered. Councilman Astorino stated that he understands the medicinal benefits of marijuana use but is concerned regarding the mental health issues that arise from drug addiction. He stated that he considered security requirements for dispensaries, the financial aspect of potential revenue and the issue of timing given the State's pending legislation.

Councilman Kessler thanked the public for their participation in the discussion and for their comments. He added that more information is needed on this topic since the State's legislation is still pending. He stated his concern with making a premature decision as well as the potential ramifications of allowing marijuana sales in the Borough.

Mayor & Council Regular Meeting - February 27, 2018

Councilman Raymond stated that he moved to table the vote on the proposed ordinance as he feels it is premature. He stated that there are five municipalities in the State of New Jersey that authorize the sale of marijuana for medical use, including Montclair, New Jersey. He added that there is little retail space in North Caldwell to sell medical and/or recreational marijuana and that the possibility of it being sold in the Borough is limited by the makeup and geography of the municipality. Councilman Raymond added that he weighed tax revenue possibilities, job creation potential and public safety concerns. He noted that he reserves the right to repeal the proposed ordinance if the State passes legislation approving the sale of recreational marijuana. He stated that its use is illegal now and that he feels it is redundant to enact legislation although it is consistent with State and Federal law.

Roll call was taken and said motion was carried unanimously with six votes.

Mayor Alessi thanked everyone on the Council for their insight and input, including that of Council President Santomauro who introduced the concept which led to the introduction of the ordinance. He commended the Council members for their hard work and thorough research.

Councilman Raymond introduced Ordinance O-2-18 An Ordinance of the Borough of North Caldwell, County of Essex, State of New Jersey, Amending the Annual Compensation of Certain Members of the Police Department for the Years 2018, 2019 and 2020. Councilman Kessler seconded the motion by Councilman Raymond introducing Ordinance O-1-18. Said motion was carried unanimously with five votes.

Raffle License Application R-4-18 for Notre Dame Church 50/50 Raffle to be held at Notre Dame Church on March 24, 2018 was moved by Councilman Raymond, seconded by Councilman Kessler. The application was approved unanimously with five votes.

Mayor Alessi called for a brief recess at 8:36pm stating he was feeling ill. He asked Councilman Chiaia to preside over the remainder of the meeting.

The meeting was called back to order at 8:47pm.

Personnel/Administration

Councilman Rees had no updates to report at this time.

Finance

A motion to accept the Collector's Report for January 2018 was made by Councilman Astorino, seconded by Councilman Kessler. Councilman Astorino noted that the January 2018 fund total was \$1,951,303.05. Said motion was carried unanimously with five votes.

Resolution R-43-18 Approval to Pay Bills in the amount of \$4,501,350.24 was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Mayor & Council Regular Meeting - February 27, 2018

Resolution R-44-18 A Resolution Exempting Property Owned by Disabled Veteran from Taxation Pursuant to N.J.S.A. 54:4-3.30 was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Resolution R-45-18 A Resolution Authorizing Refund of Taxes Previously Paid to the Borough of North Caldwell was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Public Safety

Councilman Chiaia offered the Police Department Public Safety and Detective Bureau Reports for January 2018. He stated that after the recent school shooting in Parkland, Florida, the Public Safety Committee spoke about the Borough's preparedness. He added that Chief Deuer was working with the West Essex Regional School District to increase school safety. Councilman Chiaia thanked Chief Deuer and the North Caldwell Police Department for their presence in the community, especially at the schools.

Councilman Chiaia stated that Dispatchers handled 988 calls from North Caldwell and that the officers doubled the summonses issued in January. He added that the Detective Report indicated few issues, noting 16 medical assistance calls and 7 matters at West Essex Regional School District.

Councilman Chiaia offered the Fire Department Public Safety Report for January 2018 which indicated 27 calls in January. He stated that Chief D'Ascensio offered a reminder for all to check smoke and carbon monoxide detectors.

Public Works

Councilman Chiaia offered the Public Works reports due to the absence of Council President Santomauro. He stated that the Recycling Report indicates over 25% of waste being recycled. He stated that the Construction Permit Activity Report for January 2018 shows similar statistics to last year.

Recreation

Councilman Kessler offered the Recreation Report for February and March 2018. He stated that recreation basketball was finishing with playoffs beginning soon. The Annual Mayors Cup tournament was set to begin for grades 3 through 8. The ski club finished its season and track and field registration is open for the arrival of Spring. The next Seniors luncheon is planned for March 7. Senior Spring fitness will be held from March 6 – May 10 on Tuesdays and Thursdays.

Councilman Kessler noted the upcoming registration dates for recreation baseball and softball, family yoga, Summer Fun and the Kiddy Camp, Dr. Stem, and town pool memberships. He added the following upcoming event dates: Baseball/Softball Opening Day on April 21 at 9am, Pool Open House on June 16 with a rain date of June 17.

Mayor & Council Regular Meeting - February 27, 2018

Resolution R-46-18 A Resolution Fixing Fees Pertaining to Recreation Programs – Municipal Pool Memberships was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

Resolution R-47-18 A Resolution Authorizing the Hiring of Additional Seasonal Employees for the 2017-2018 Basketball Season was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

Executive Session

Resolution R-48-18 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 – RPM, LSRP Proposal; B. Litigation – COAH; C. Personnel – DPW; D. Property - 137 Gould Avenue was read. Motion was made by Councilman Raymond, seconded by Councilman Astorino. Said motion was carried unanimously with five votes.

The meeting was re-opened to Public at 9:46pm.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Councilman Raymond, seconded by Councilman Astorino, that this meeting be adjourned at 9:46pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Acting Borough Clerk