

## Mayor and Council Conference Meeting – January 16, 2018

The Conference Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, January 16, 2018 at the Borough Hall, Gould Avenue and began at 7:33pm.

Roll Call indicated the following present:

Mayor Alessi

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

Also, present were David M. Paris, Borough Attorney; Frank Zichelli, Borough Engineer; Mark Deuer, Police Chief; 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 Mr. David M. Paris, Borough Attorney, to lead those present in the salute to the American flag.

### **Citizens to Be Heard**

No one from the public came forward.

### **Items for Discussion**

#### Anti-Bullying Policy

Councilman Kessler thanked Mr. Zichelli for compiling information to develop the Anti-Bullying policy. Mr. Zichelli stated that Samantha O'Neill, Recreation Program Director, suggested the policy be developed for camp counselors.

Councilman Kessler noted the potential need to inform authorities of any incidents. Chief Deuer stated that if involvement of the Police Department was necessary, the school district would be informed of the incident as well. Mr. Paris stated that the Borough would reserve the right to inform police and school authorities at its discretion. He noted that once the school is notified, the offender could be subject to further discipline by the school. Council President Santomauro noted the potential liability if the schools were not notified of an incident. Mr. Paris noted that escalation of incidents is best left to the discretion of the Police Department.

Councilman Chiaia stated that the offenders should know the consequences of offenses if they violate the policy starting with notification of parents and escalation to notification to the schools if warranted. The Mayor noted that some violations could be more serious than others and would require more severe penalties. Mr. Paris suggested a possible consequence being a ban from participation in Recreation programs. He also noted that once an incident is under investigation by the North Caldwell Police Department, the Recreation Department would relinquish the case and the investigation. He added that the Recreation Department will need training on when to escalate incidents to the NCPD.

#### Tree Ordinance

Mayor Alessi noted recent concern of residents regarding the removal of trees on neighboring properties. He also noted that residents should have the ability to change their property as desired, but within reason. Council President Santomauro stated that the Borough should be cautious to not over-legislate regarding residents' private properties. Mayor Alessi stated that restrictions on developers should be different than for residents. Mr. Zichelli added that properties under 60,000 square feet have no restrictions whereas properties over 60,000 square feet need a tree removal plan.

#### Late Payment Penalty Policy

Mr. Zichelli stated that Borough Code allows for a waiver of fees up to \$100 upon review of the Borough Administrator. He requested that a formal policy be developed to remove the subjectivity and arbitrary nature of fee waivers. He noted that a record should be kept for each waiver request and should require a formal request form be completed. Mr. Zichelli added that sewer bills are issued one time per year and water bills are issued four times per year. Mr. Paris stated he would draft a resolution for motion and thanked Mr. Zichelli for his recommendation of a formal policy.

#### Tax Payments and Charitable Donations

Mayor Alessi stated that Congressman Gottheimer proposed the concept of allowing residents to make charitable donations to their municipality for a tax credit on property tax bills. Mr. Zichelli suggested the Borough contact Congressman Frelinghuysen and State Senator Pennachio for their position on this topic. Mr. Zichelli noted that the Governing Body may need to adopt a policy for refunding tax payments for residents who determine that pre-payment of third and fourth quarter taxes was not beneficial after all.

#### Financial Model

Councilman Astorino stated that he and CFO, Rich Mondelli, committed to meeting once per month, or more often if needed, during the upcoming politically and economically challenging period of larger Borough projects. He stated that he is developing a model to track categories and levy vs. capital where variables can be tracked to study how decisions impact the bottom line for taxpayers. He noted that the goal is to help us explain to taxpayers the impact of the Governing Body's decisions.

#### Marijuana Sales Ordinance

Council President Santomauro stated that if the State legalizes the sale and recreational use of marijuana, municipalities may not be permitted to refuse requests to open a dispensary in a commercial zone without a resolution banning such. She suggested the Borough adopt an ordinance before the State legalizes the sale of marijuana and permit applications to sell marijuana are submitted to the Borough. Council President Santomauro stated that other municipalities in New Jersey are doing the same. Mr. Zichelli noted the possibility of the Borough gaining tax revenue from marijuana dispensaries. Chief Deuer added that there would be restrictions regarding the zoning of dispensary locations with respect to the distance from homes and schools. It was agreed that a zoning ordinance be prepared to address the issue due to security concerns.

#### PSE&G Gas Main Upgrade

Mr. Zichelli stated that he and Chief Deuer met with representatives from PSE&G regarding the upgrade of a gas main on Hamilton Drive North near the intersection of Rosemont Avenue. He stated that the work would take about one week and would require monitoring by the Police Department.

Mr. Zichelli added that additional work was required on Mountain Avenue from the intersection of East Greenbrook Road to the intersection of Hillcrest Avenue. PSE&G estimated that the work would be done in February and would take about one month to complete. Chief Deuer added that it is easier for the local Police Department to manage traffic control but that the County could be called in for additional assistance since Mountain Avenue is a county road. He stated that PSE&G planned to contact residents about the road blockages via door-to-door visits, a media blast via Twitter and Facebook, a Nixle alert and a Reverse 911 message.

#### NJLOM Louis Bay Scholarship

Mayor Alessi stated he was interested in partnering with the NJ League of Municipalities for the scholarship competition among high school juniors and seniors. He added that the scholarship is awarded based on a 500 word essay. Mayor Alessi asked Councilman Kessler for his help to contact the Board of Education and Administration of the West Essex Regional High School about this opportunity.

Annual Open House at Town Pool

Councilman Kessler stated that the Recreation Department asked to hold the Town Pool Open House a little later in the spring to encourage more people to come when the weather is warmer. He asked for approval to hold the event on Saturday, June 16, 2018. Council President Santomauro agreed with the change of date, adding that it would still be before children leave for summer camp. She noted a few grammatical changes to the flyer and asked where the event would be advertised. Councilman Kessler stated that a banner would be ordered for placement across Gould Avenue and flyers would be sent to the North Caldwell schools.

Councilman Rees asked for an update on the kiddie pool revisions. Mr. Zichelli stated that plans were to keep the kiddie pool and add the circular design of the splashground. He added that plans would be available to share for the Memorial Day weekend and construction would be complete sometime during the season.

**Action to be Taken**

Resolution R-25-18 A Resolution Authorizing the Execution of an Interlocal Agreement with the Township of West Caldwell for Board of Health Services was read. Mr. Zichelli noted that the contract is for five years with a 1% increase per year. A motion was made by Councilman Raymond, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Mayor Alessi stated that Mayor Dassing from Caldwell is researching the addition of an animal shelter in Caldwell for use by West Essex municipalities. Councilman Rees suggested the zoo facilities as an option. Councilman Chiaia volunteered to attend Mayor Dassing's next meeting on this issue.

Resolution R-26-18 A Resolution Authorizing the Execution of an Agreement with the Borough of Essex Fells for Fire Department Antennae was read. Mr. Zichelli stated that the antennae would be placed on the small building adjacent to the water tank on Skyline Drive. A motion was made by Councilman Chiaia, seconded by Councilman Astorino. Said motion was carried unanimously with six votes.

Resolution R-27-18 A Resolution Authorizing the Hiring of Additional Seasonal Employees for the 2017-2018 Basketball Season was read. A motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Resolution R-28-18 A Resolution Authorizing the Hiring of Additional Seasonal Employees for 2017-2018 Kindergarten – 2<sup>nd</sup> Grade Basketball Clinic Instructors was read. A motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Resolution R-29-18 Approval of Payment of Bills was read. A motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-30-18 Approval of 2017 Budget Transfers was read. A motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

**Executive Session**

Resolution R-31-18 Authorization for Executive Session for Certain Specified Purposes: A. Contract Negotiations – DPW; B. Litigation – COAH Declaratory Judgement; C. Personnel – NCPD, DPW was read. A motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was carried unanimously with six votes.

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The public meeting was reopened at 9:12pm.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Council President Santomauro seconded by Councilman Chiaia that this meeting be adjourned at 9:13pm. This motion was carried unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tami Michelotti". The signature is written in dark ink and is positioned to the right of the typed name.

Tami Michelotti

Acting Borough Clerk