

## Mayor and Council Conference and Regular Meeting – July 17, 2018

The Conference and Regular meetings of the Mayor and Council of the Borough of North Caldwell were held on Tuesday, July 17, 2018 at the Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 6:34pm.

Roll Call indicated the following present:

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

Absent: Councilman Astorino (joined meeting at 7:14pm)

Also present were: Mr. David M. Paris, Esq., Borough Attorney; Frank Zichelli, Borough Administrator/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.

### Items for Discussion

#### **Morris County JIF Legislative Alert**

Mr. Zichelli stated that the Morris County Joint Insurance Fund has asked municipalities to adopt a resolution asking the State legislature to amend three pending bills that will cause increases in municipal insurance budgets. The bills include S-716 Firefighter Cancer Presumption, S-477 Statute of Limitations in Civil Actions for Sexual Abuse, and S-1766 Wrongful Death Liability. Mr. Zichelli explained that the JIF prepared a sample resolution for motion if the Council chose to consider it at the August meeting.

#### **Dezi's/Horseneck Tavern: Liquor License Renewal, Extension of Premises Application**

Mr. Zichelli stated that Dezi's Hospitality obtained an ad interim permit from the New Jersey Alcohol Beverage Control to continue liquor sales after the June 30, 2018 expiration of their liquor license. Since the Governing Body did not approve the renewal of the license at the last meeting prior to the license expiration, an ad interim permit is now in effect for 45 days. Mr. Zichelli reminded the Council that the stipulations of the liquor license renewal include compliance with the originally approved dimensions of the extension of premises (awning area) and the removal of tables and seating on the common sidewalk in front of the premises.

Mr. Zichelli added that Dezi's submitted an application on July 13, 2018 for a Place to Place Transfer that seeks to extend the current premises and the current extension of premises to include a larger awning area and the front sidewalk. He noted that these two areas are the areas of current non-compliance that became the stipulations of the annual license renewal.

Mr. Zichelli noted that Dezi's Hospitality is eligible to apply for another ad interim permit that would extend their liquor license through the end of August which would allow the Governing Body time to review the Application as well as discuss the details of the request further with Dezi's representation and/or counsel.

Councilman Rees recused himself from the discussion citing that he owns property in the area of Dezi's Horseneck Tavern. Councilman Rees left the meeting at 6:38pm.

Mr. Zichelli detailed that Dezi's new Application seeks to legitimize the area under the awning which is approved for 23 feet but is existing at 33 feet. The Application also seeks approval for front sidewalk seating and service which is currently being done but without approvals from the Borough or the NJABC. Chief Deuer stated that the NCPD spoke with the office of the Deputy Attorney General at the NJ Alcoholic Beverage Control regarding use of the front sidewalk. He explained that the front sidewalk may only be used in cases where exclusive possession can be shown. He noted that the Applicant cited other municipalities like Caldwell and Montclair that have outdoor dining on the front sidewalks. Council President Santomauro stated that those service areas may provide wider sidewalks that allow for passers-by to walk with no obstruction from the tables. Councilman Raymond added that tables on the front sidewalk in front of Horseneck Tavern might force people to walk into the parking lot to access the entrance to any of the storefronts in that mall. Mr. Zichelli added that outdoor service would bring more activity and, therefore, more noise outdoors which would affect the neighbors.

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Councilman Chiaia asked for clarification of the existing vs. the proposed awning area. Chief Deuer confirmed that the extension of premises approved in 2016 allowed the side awning area to be 23 feet in length alongside of the building which stops at, but not including, the front sidewalk. Councilman Chiaia suggested the landlord of the property be consulted to verify ownership of the front sidewalk and if there is sufficient room for people to pass if tables and chairs were permitted. He noted that the Applicant should show the dimensions and if people walking by can pass through with sufficient space around the tables.

A photo of the front sidewalk with tables and chairs taken at Horseneck Tavern by the NCPD two weeks prior to the meeting was shared with the Governing Body. Council President Santomauro stated that she didn't see much room to pass through the tables. She added that the sidewalk was already being used for service without permission from the Borough or from the NJABC. She noted that neighborhood noise complaints have been made in the past and that any expanded use of outdoor space would only add to the noise and increase complaints. She stated that her opinion was against expanding the premises.

Chief Deuer stated that he attended a recent Horseneck Tavern staff meeting to share the recent complaints regarding noise from music, garbage, cigarettes left behind and noise from people convening and drinking in the parking lot. He noted that complaints had decreased in the two or three weeks since the meeting but that extending the premises outdoors would likely raise the complaints and concerns again.

Mr. Paris suggested to the Council that any concerns, issues or questions be discussed with the Applicant. Chief Deuer noted that he spoke with the attorney representing Dezi's, Mr. Robert Williams, on July 16, 2018 who indicated he would try to attend the meeting. Chief Deuer added that the Applicant, Mr. Jim Faloni, was unable to attend due to a death in the family. It was decided that Mr. Williams would be asked to attend the next Council meeting to further discuss the Application and answer concerns of the Council. Mr. Paris added that he would research Board of Health ordinances regarding outdoor service of food and beverages.

Resident, Mr. Richard Verde, interjected to ask if this portion of the meeting was being recorded since it was taking place in the conference room and not in the Council chambers. Acting Borough Clerk, Tami Michelotti, responded that the meeting was being recorded manually by typewritten notes. Mr. Paris confirmed that the meeting was open to the public and that all public meetings are recorded by the Clerk through minutes. Mr. Verde asked if the Dezi's liquor license discussion was included on the agenda. The Clerk noted that the agenda was posted on the Borough website at 5:25pm. Ms. Michelotti added that the Application from Dezi's Hospitality was received from the Applicant on Monday morning, July 16, 2018 and was subsequently reflected on the agenda that was updated on the Borough website on Monday, July 16, 2018 and again on Tuesday, July 17, 2018.

Mr. Verde stated that he was interested in attending the portion of the meeting in the Council chambers for the dedication to Mr. and Mrs. Forstenhausler as per the agenda. He chose to depart the meeting in the conference room at 6:44pm.

Councilman Kessler asked if the proposed outdoor seating at Horseneck Tavern would allow enough room for passers-by to walk through between the building and the tables and access the other businesses in the mall. He also noted that the lease agreement between Horseneck Tavern and the property owner be evaluated for any stipulations. Councilman Kessler suggested that potential fire hazards be explored as well.

Councilman Chiaia noted that the outdoor business would typically be effective for only four months of the year when the weather allowed for outdoor dining. He stated that increased business by the Tavern is a redeeming factor.

Mr. Paris suggested that the Clerk communicate to the Applicant that more information would be needed for the Council to render a decision.

### **Public Consumption of Alcoholic Beverages Ordinance**

Mr. Paris noted that the discussion of public consumption was initiated from the complaints received by neighbors of Horseneck Tavern so Councilman Rees would be recused from the discussion.

Mr. Zichelli informed the Governing Body that consumption of alcohol was taking place in the parking lot of Horseneck Tavern, typically when patrons stepped outside to have a cigarette. Chief Deuer noted that people were walking in the parking lot and off-premise outdoor areas to smoke and talk while holding a beverage. He added that Horseneck management indicated that they have people watching out for such activity from inside.

Mr. Paris stated that the responsibility is currently on the Horseneck Tavern to prohibit patrons from walking off-premises with alcoholic beverages. He noted that Borough ordinance does not currently account for off-premises public consumption of alcoholic beverages as an offense. Chief Deuer added that Horseneck Tavern management knows that such activity can affect their issuance and maintenance of their liquor license. The Council decided to have Mr. Paris draft an ordinance to prohibit off-premise public consumption that would hold the offender responsible.

Councilman Rees re-joined the meeting at 6:55pm.

#### **Capital Ordinance for Pump Station Repairs**

Mr. Zichelli stated that repairs to the Angela Drive and Stephanie Drive Pump stations were needed. He added that CFO Rich Mondelli was able to finance the repairs from the Capital Improvement Fund for these general capital projects. Mr. Zichelli stated that an Ordinance was prepared for introduction later in the meeting for the funding of the projects.

#### **2017 Annual Audit**

Mr. Zichelli announced that the annual audit was completed by municipal auditors from Samuel Klein & Company with only one issue found. He described the issue as the improper charging of Pool Permit fees in 2017. Mr. Zichelli added that the correction was already made by the Clerk's office for 2018.

#### **Property Revaluation**

Mr. Zichelli stated that Tax Assessor, George Librizzi, was notified that the Essex County Tax Board had tentatively decided to have the Borough complete a property revaluation to be implemented for tax year 2020. Mr. Zichelli estimated the cost of the project between \$200,000 and \$250,000. Mr. Zichelli added that Mr. Librizzi did not think that the Borough could delay the project.

Mr. Zichelli noted that Mr. Librizzi stays current with valuations and that the revaluation might be able to focus on neighborhoods that are most inconsistent. Mr. Zichelli noted that the project may require special funding. He noted an option of paying for the project over three years instead of borrowing the funds.

Council President Santomauro expressed interest in delaying the project for one year due to the numerous projects underway in the Borough. She added that the last valuation was done in 2008. She asked that Mr. Librizzi attend the next Council Meeting to discuss the matter more.

#### **NJSPCA Animal Cruelty Officer Appointment**

Chief Deuer announced that the State has disbanded the New Jersey Society for the Prevention of Cruelty to Animals, leaving each municipality to appoint an Animal Cruelty Officer from among the Police Department. He added that training is free and that the officer would work along with Animal Control Officers in cases of animal cruelty. The Council approved Chief Deuer's appointment of an officer to be named shortly.

#### **Solid Waste Collection Bid Report**

Councilman Chiaia and Councilman Raymond recused themselves from the Solid Waste Collection Bid discussion. They departed the meeting at 7:02pm.

Mr. Zichelli presented the bid report for Solid Waste Collection to the Governing Body. He noted that the bid opening was held on July 12, 2018 at which two bidders submitted bids for three different contract timeframes. Mr. Zichelli noted that the Borough is currently operating on an extension of an old contract with Suburban Disposal, Inc. He referred to his memo to the Mayor and Council dated July 13, 2018 and revised on July 17, 2018 containing the bid summaries (attached with minutes).

Mr. Zichelli explained that the low bidder, F. Basso Rubbish Removal, Inc., had been challenged by the second bidder, Suburban Disposal, Inc. He added that there was correspondence between the attorney for F. Basso Rubbish Removal, Inc. and the attorney for Suburban and that this matter would be further discussed during the Executive Session portion of the meeting citing the matter as Anticipated Litigation.

Councilman Chiaia and Councilman Raymond returned to the meeting at 7:05pm.

**Valve Maintenance Trailer Bid Report**

Mr. Zichelli stated that there is a need to purchase a Valve Maintenance Trailer to assist with compliance with the NJ Water Accountability Act. He explained that the trailer has devices to clean water boxes and to exercise the valves as required by the State. He noted that there was one bid received from Water Works Supply, Co., Inc. which was slightly over the budgeted amount. Mr. Zichelli confirmed that CFO Rich Mondelli certified that there are funds available in the Water Capital Budget to cover the \$3,600 difference between the budgeted amount and the bid. He noted that a resolution was prepared for the acceptance and award of the bid for motion later in the meeting.

**Sale of Surplus Property**

Mr. Zichelli stated that the Borough owns some vehicles and trucks that are no longer needed which are eligible for public sale through a bid process. He added that a resolution was prepared for motion later in the meeting.

**Municipal Alliance Grant Increase**

Mr. Zichelli announced that the Essex County Municipal Alliance program re-allocated additional funds to the Borough in the amount of \$3,000. He noted that a resolution was prepared to accept the additional funds.

**Summer Fun Instructor Stipend**

Councilman Kessler stated that a Summer Fun Camp instructor that was hired before the start of the camp season failed to appear to work. He added that two other instructors have been assuming the workload of the absent instructor. Councilman Kessler asked the Council to consider a monetary incentive to compensate the instructors for the additional work. Councilman Kessler noted that the instructors asked for additional compensation. Councilman Raymond suggested a payment of \$200 per instructor for the season. The Council agreed to pay each instructor a one-time additional stipend of \$200 for the season. The action would be moved by resolution at the next Mayor and Council meeting in August.

**Summer Fun Substitute EMT**

Councilman Kessler stated that Summer Fun EMT Cassidy Muller needed to return to college earlier than planned. He added that a qualified substitute EMT was secured to cover the Summer Fun Camp for the days that Cassidy Muller is unavailable. Councilman Kessler proposed that Thomas Salandra would be paid \$65 per day for only those days that he worked as the Summer Fun Camp EMT and that a resolution was prepared for motion later in the meeting.

**Suburban Engineering Construction Management Services – Liberty Field Project**

Mr. Zichelli stated that he spoke with Suburban Consulting Engineers about the cost of assisting with the daily management of the turf field project. He stated that Suburban's cost for daily management was very high and that he would have a subsequent discussion regarding project management on a less frequent basis.

Councilman Rees noted the several major projects that the Borough is currently undertaking and that Mr. Zichelli was the lead project manager on each. He stated the need to hire help for Mr. Zichelli both in the short-term and long term.

Councilman Astorino joined the meeting at 7:14pm.

The meeting was adjourned to move into the Council chambers for the remainder of the meeting to celebrate the dedications as per the meeting agenda.

Mayor Alessi resumed the meeting at 7:25pm in the Council chambers.

Mayor Alessi asked Mark and Matthew Forstenhausler, sons of Henry and Marion Forstenhausler, to lead the Pledge of Allegiance.

**Dedication to Henry and Marion Forstenhausler**

Mayor Alessi thanked the Forstenhausler family for their presence and Fire Chief John D'Ascensio for the suggestion to honor Henry and Marion Forstenhausler with a tribute and plaque affixed to the bench in the Council Chambers where Mr. Forstenhausler always sat at every Council meeting. Mayor Alessi

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expressed his appreciation to Mr. and Mrs. Forstenhausler for being leading citizens of North Caldwell. He stated that Henry always had the Borough's best interest at heart.

Mark Forstenhausler stated that his family built their house in North Caldwell in 1958 and that his parents were married for 62 years before his father's passing earlier this year. Mayor Alessi noted the Forstenhausler's involvement in the Borough with Henry as a Special Police Officer, member of the Volunteer Fire Department for 39 years, and Boy Scoutmaster and Marion as a Scout Den Mother and Police Matron. He added that both Henry and Marion were founders of Notre Dame Church.

Matt Forstenhausler thanked the Mayor and Council for recognizing his parents' dedication to the Borough and for the plaque in their honor. He added that this honor would mean a lot to his father who had been attending Council meetings since the 1970s. Mark Forstenhausler recalled when his father's heart stopped during mass at Notre Dame 18 years ago and Chief Deuer used a defibrillator to save his life. He stated that his father loved North Caldwell and he thanked the Mayor and Council, the Fire Department and the Police Department for the honor to allow a part of his father to always be in the Borough.

Fire Chief D'Ascensio added that Mr. Forstenhausler initiated the institution of a death benefit for volunteer Fire Department members which was subsequently named after him last January. Chief D'Ascensio noted that Mr. Forstenhausler always responded to fire calls no matter what time of day or night.

Resident Richard Verde stated that he knew Mr. Forstenhausler as a Court Attendant and that he was a good man.

Mayor Alessi read the plaque that was affixed to the bench where Henry always sat for Council meetings. Photos were taken by members of the press.

### **Proclamations to Officer Cristofano, Officer O'Neill, Dispatcher Kuta**

Chief Deuer announced that the honor and appreciation about to be bestowed upon Officer Michael Cristofano, Officer Paul O'Neill and Dispatcher Sharon Kuta is reflective of the same act performed on Mr. Henry Forstenhausler that saved his life 18 years ago. Chief Deuer detailed that on June 25, 2018, a 911 call was received by Dispatcher Sharon Kuta from Park Avenue resident, Mrs. Ziman, that her husband was not breathing. He stated that Dispatcher Kuta calmly dispatched Police Officers Cristofano and O'Neill who arrived at the Ziman residence in less than two minutes. Chief Deuer added that Mr. Ziman's physicians credited the quick response time and emergency medical training given to the victim as crucial to saving Mr. Ziman's life. He stated that CPR was performed and two shocks were administered using a defibrillator on Mr. Ziman who was present to celebrate at the meeting. Chief Deuer stated that Officer Cristofano, Officer O'Neill and Dispatcher Kuta are true heroes and thanked them for their efforts and dedication. He also announced Mr. Ziman is doing well and was present at the meeting. Mr. Ziman addressed the Council and thanked the officers, dispatcher and first aid squad on behalf of himself, his wife and his family. Mrs. Ziman expressed her appreciation for the quick response.

Chief Deuer read and presented proclamations to Dispatcher Kuta and to Officers Cristofano and O'Neill. Photos were taken by members of the press.

Mayor Alessi called for a short recess at 7:55pm to allow for the families and honorees to depart.

The Council meeting was back in session at 7:59pm.

### **Mayor's Report**

Mayor Alessi stated that the Municipal Pool is open has strong membership. He added that next year will bring the zero-entry kiddie pool. He announced that the PSE&G project to upgrade the 12" gas main on Mountain Avenue continues and is now expected to be completed by the end of July.

Mayor Alessi announced that pavement improvements are scheduled to start this summer on Roosevelt Boulevard, Stony Brook Drive and Cypress Avenue. He stated that applications will soon be submitted to the New Jersey Department of Environmental Protection for permits required to clean Walker's Pond and that the Borough is also working closely with the NJDEP and the New Jersey Economic Development Corporation to obtain a grant to help pay for cleaning of the pond.

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Mayor Alessi advised residents that commencing August 1, 2018 there will be changes made to the Borough trash collection schedule. Details of these changes are posted on the Borough website, at Borough Hall and the Municipal Pool. He noted that there is no change to the recycling collection schedule.

Mayor Alessi noted that the Borough is currently working on revising the Canvassing and Solicitation Ordinance. He stated that the interim ordinance permits canvassers and solicitors to work until 30 minutes after sunset. He added that residents can post a “no solicitation sign” near their doors and that more information can be found on the Borough website.

Mayor Alessi noted that construction of the Essex Dog Park is complete and that the Grand Opening was successful and well-attended. He noted that Councilman Chiaia, County Executive DiVincenzo and County Freeholder Luciano were instrumental in the dog park development.

### **Citizens to be Heard**

No one from the public came forward.

### **Approval of Minutes**

Council President Santomauro moved to accept the minutes from the Regular Meeting and the Executive Session of May 22, 2018, seconded by Councilman Raymond. Councilman Kessler abstained. Said motion was passed with five votes and one abstention.

Council President Santomauro moved to accept the minutes from the Conference Meeting and the Executive Session of June 12, 2018, seconded by Councilman Raymond. Said motion was passed unanimously with six votes.

Council President Santomauro moved to accept the minutes from the Regular Meeting and the Executive Session of June 26, 2018, seconded by Councilman Raymond. Councilman Chiaia abstained. Said motion was passed with five votes and one abstention.

### **Committee Reports**

#### **Legal and Ordinance**

Council President Santomauro moved to Introduce Ordinance O-12-18 An Ordinance to Provide for Various Capital Items as Enumerated Within the General Capital Fund for the Borough of North Caldwell, County of Essex, and to Provide for the Funding Therefore, seconded by Council President Santomauro. Said motion was carried unanimously with six votes. Public Hearing and Final Adoption is scheduled for August 14, 2018 at 6:30pm.

Raffle License Application RA-8-18 for Notre Dame Church 50/50 Raffle to be held at Notre Dame Church on September 16, 2018 was moved by Councilman Raymond, seconded by Council President Santomauro. The application was approved unanimously with six votes.

Raffle License Application RA-9-18 for Notre Dame Church 50/50 Calendar Raffle to be held at Notre Dame Church on the 22<sup>nd</sup> Day of Each Month for the Year 2019 was moved by Councilman Raymond, seconded by Council President Santomauro. The application was approved unanimously with six votes.

Resolution R-144-18 A Resolution Authorizing the Sale of Surplus Property was read. Motion was made by Councilman Raymond, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

#### **Personnel/Administration**

Councilman Rees had no new business from the Personnel and Administration Committee.

#### **Finance**

Councilman Astorino made a motion to Accept the Tax Collector’s Report for June 2018, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-145-18 A Resolution Approving the Payment of Bills was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

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Resolution R-146-18 A Resolution Certifying the 2017 Annual Audit was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-147-18 A Resolution Approving the 2017 Corrective Action Plan was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes. A copy of the Corrective Action plan is included as an addendum to the minutes.

### Public Safety

Councilman Chiaia presented the North Caldwell Police Department Public Safety and Detective Bureau Reports for June 2018. He stated that there were nearly 1,700 calls to Dispatch in the month of June, of which 882 calls were from North Caldwell residents. Councilman Chiaia noted that there were 74 tickets issued with 465 total hours of overtime logged.

Councilman Chiaia presented the North Caldwell Fire Department Public Safety Report for June 2018. He stated that there were nine false alarms, two smoke conditions, a request for mutual aid from West Orange, and one drill. He reminded all residents to check smoke detectors and carbon monoxide detectors to ensure they are functioning properly.

Resolution R-148-18 A Resolution Amending R-78-18 Approving the Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2014 – June 2019 was read. Motion was made by Councilman Chiaia, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Councilman Chiaia extended his thanks to the Governing Body for honoring the police officers and dispatcher for their lifesaving efforts and response to Mr. Ziman's emergency.

### Public Works

Council President Santomauro offered the Construction Permit Activity Report for June 2018 and noted that permit fees received are higher than this time last year with over \$121,000 received to date.

Council President Santomauro stated that the Recycling Report for June 2018 was delayed and would be offered next month along with the July report.

Council President Santomauro offered the Animal Control Report for June 2018. She noted that a resident was bit by a bat which was tested and found not to be rabid. She also highlighted the efforts and compassion of Anthony Romano in caring for an injured hawk as well as all of his animal control tasks.

Resolution R-149-18 A Resolution Accepting Bid and Awarding Contract for Purchase of Valve Maintenance Trailer was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Resolution R-150-18 A Resolution Accepting Solid Waste Collection Bid and Awarding Contract for Solid Waste Collection was tabled until after Executive Session for the purposes of Anticipated Litigation discussion.

Resolution R-151-18 A Resolution Accepting Wastewater Pumping Station and Appurtenances at the Hidden Ridge Development as a Public Improvement was read. Motion was made by Council President Santomauro, seconded by Chiaia. Said motion was carried unanimously with six votes.

### Recreation

Councilman Kessler offered the Recreation Director's Report for July/August 2018. He announced that Summer Fun Camp has 192 participants which is a 22% increase from last summer. He reminded all Senior Citizens that admission to the pool is free on Wednesdays all season. Councilman Kessler added that the 93 tennis memberships reflect a 10% increase from last year.

Councilman Kessler stated that the fireworks at Bonnel Field were enjoyed as part of the 4<sup>th</sup> of July celebration. He added that the Travel Baseball season has a few weeks remaining and that the Men's Softball would soon be finishing their season. Councilman Kessler noted that the newly-formed Women's Softball League has 36 participants who are playing games twice a week.

Councilman Kessler announced some noteworthy dates including registration for fall recreation soccer through July 20, the last day of Summer Fun Camp on August 3, the last day the Municipal Pool is open is

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September 3 and the 5K and 1 Mile Color Run sponsored by the North Caldwell Recreation Foundation on September 8. He noted that the Town Picnic follows the race on September 8 at 1:00pm.

Resolution R-152-18 A Resolution Authorizing the Hiring of Seasonal Employees for the 2018 Municipal Pool – Lifeguards and Pool Monitor was read. Motion was made by Councilman Kessler, seconded by Raymond. Said motion was carried unanimously with six votes.

Resolution R-153-18 A Resolution Appointing Thomas Salandra as Substitute Emergency Medical Technician for 2018 Summer Fun Program was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

### Executive Session

Resolution R-154-18 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 - (1) RPM, (2) Caldwell Sewer Utility; B. Litigation - (1) COAH Declaratory Judgment, (2) Aptive Environmental; C. Anticipated/Potential Litigation – (1) Pulte Homes, (2) Solid Waste Collection Bids was read. Motion was made by Council President Santomauro, seconded by Councilman Kessler. Said motion was carried unanimously with six votes. Councilman Chiaia and Councilman Raymond noted their recusal from Executive Session discussions that pertain to the Solid Waste Collection Bids.

The meeting was re-opened to Public at 8:57pm to address the tabled Resolution regarding Solid Waste Collection Bids.

Resolution R-150-18 A Resolution Accepting Bid and Awarding Contract for Solid Waste Collection was read. Motion was made by Council President Santomauro, seconded by Councilman Astorino. Mr. Paris stated that during Executive Session, he reviewed with the Governing Body correspondence received regarding the bids received from F. Basso, Jr. Rubbish Removal, Inc. and Suburban Disposal Co., Inc.

He stated that counsel for Suburban Disposal objected to an award of the bid from F. Basso Rubbish Removal and provided legal grounds for the objection. Mr. Paris noted that counsel for F. Basso Rubbish Removal responded to those objections. Mr. Paris stated that he reviewed arguments made by counsel for both entities. He added that he reviewed his research and findings with the Governing Body during Executive Session and advised the Council of the legal positions of both arguments.

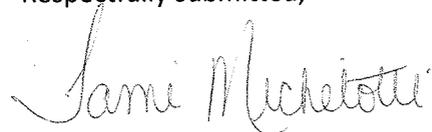
Council President Santomauro opened the discussion for comments by the Council. No further comments were made. Council President Santomauro called for a roll call for the acceptance of the solid waste collection bid and award of contract to the lowest bidder, F. Basso, Jr. Rubbish Removal, Inc. for a 60 month contract effective on August 1, 2018. Councilman Chiaia and Councilman Raymond abstained as per their recusal. Said motion was carried with four votes and two abstentions.

Council President Santomauro moved to resume Executive Session discussions, seconded by Councilman Kessler. Said motion was carried unanimously with six votes. The meeting returned to Executive Session at 9:00pm.

The meeting was re-opened to Public at 10:16pm.

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 Raymond, that this meeting be adjourned at 10:17pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti  
Acting Borough Clerk