

Mayor & Council Regular Meeting – June 26, 2018

The Regular meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, June 26, 2018 at the Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 7:40pm.

Roll Call indicated the following present:

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

Absent: Councilman Chiaia

Also present were: Mr. David M. Paris, Esq., Borough Attorney; Frank Zichelli, Borough Administrator/Engineer; 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 Mrs. Beverly Salerno to lead the Pledge of Allegiance.

Mayor's Report

Mayor Alessi announced the retirement of Sergeant Thomas Mautone after 20 years serving the Borough. He wished Sergeant Mautone luck in his retirement and expressed his gratitude for his service to the Borough.

Mayor Alessi stated that the municipal pool opened with strong membership. He noted that North Caldwell and Hilltop water and sewer systems were recently audited by the New Jersey Department of Environmental Protection and found to be in compliance with State regulations. Mayor Alessi added that the PSEG gas line upgrade project on Mountain Avenue is expected to be completed before Labor Day.

Mayor Alessi noted that as of August 1, garbage collection days will be revised from three zones to two zones with bulk collection on Wednesdays. He added that the changes will be posted on the Borough website and available in Borough Hall.

Mayor Alessi announced that a bench in the Council chambers would be dedicated at the July 17, 2018 Council meeting in honor of Henry and Marion Forstenhausler, long-time residents.

Citizens to be Heard

Mr. Jon Rapkin - 35 Willowbrook Drive

Mr. Rapkin stated that he was present on behalf of the North Caldwell Recreation Foundation to share support for the resolution accepting a bid and awarding a contract for the turf field installation at Liberty Field. Mr. Rapkin noted that the NCRF has worked to facilitate the turf field construction for 26 months and that the efforts of the Mayor and Council are appreciated. He added that the Foundation is excited for families to benefit from the field and its amenities and for the consideration of implementing a walking path.

Mayor Alessi thanked Mr. Rapkin and the North Caldwell Recreation Foundation for their efforts to benefit the community.

Mr. Rapkin announced that the 5K and 1Mile Color Run approved by the Governing Body to be held on September 8, 2018 is already off to a good start. He added that they are looking to host 500 race participants. Mr. Rapkin announced the website for the race "run4nc.com" with an associated Facebook page.

Mr. Richard Verde – 8 Hickory Drive

Mr. Verde asked the Mayor if there were any updates regarding televised Council meetings. Mayor Alessi stated that no decision had been made yet and added that he knows of no other residents who have expressed interest in televising meetings. Mr. Verde stated that he spoke with many residents about this topic while gathering petition signatures for his candidacy for Mayor. He added that not many residents attend the meetings so the meetings should be broadcast for all to watch.

Mr. Verde announced that he is running for Mayor in the November 2018 General Election.

Approval of Minutes

Council President Santomauro moved to accept the minutes from the Regular Meeting and the Executive Session of April 24, 2018, seconded by Councilman Raymond. Said motion was passed unanimously with five votes.

Council President Santomauro moved to accept the minutes from the Conference Meeting and Executive Session of May 8, 2018, seconded by Councilman Raymond. Said motion was passed unanimously with five votes.

Committee Reports

Legal and Ordinance

Councilman Raymond moved to Open the Public Hearing for Ordinance O-10-18 – An Ordinance to Provide for Various Water Capital Items as Enumerated Within the Water Capital Fund for the Borough of North Caldwell, County of Essex and to Provide for the Funding Thereof, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Seeing no one from the public coming forward, Councilman Raymond moved to Close the Public Hearing for Ordinance O-10-18 – An Ordinance to Provide for Various Water Capital Items as Enumerated Within the Water Capital Fund for the Borough of North Caldwell, County of Essex and to Provide for the Funding Thereof, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Councilman Raymond moved to Adopt Ordinance O-10-18 – An Ordinance to Provide for Various Water Capital Items as Enumerated Within the Water Capital Fund for the Borough of North Caldwell, County of Essex and to Provide for the Funding Thereof, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Councilman Raymond moved to Open the Public Hearing for Ordinance O-11-18 – An Ordinance Amending Bond Ordinance O-4-17 Adopted by the Borough Council of the Borough of North Caldwell, New Jersey on May 23, 2017, seconded by seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Seeing no one from the public coming forward, Councilman Raymond moved to Close the Public Hearing for Ordinance O-11-18 – An Ordinance Amending Bond Ordinance O-4-17 Adopted by the Borough Council of the Borough of North Caldwell, New Jersey on May 23, 2017, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Councilman Raymond moved to Adopt Ordinance O-11-18 – An Ordinance Amending Bond Ordinance O-4-17 Adopted by the Borough Council of the Borough of North Caldwell, New Jersey on May 23, 2017, seconded by Councilman Kessler. Councilman Rees voted against the adoption of the ordinance to fund a turf field citing his opinion that the initial Ordinance O-4-17 should have gone for referendum vote and that he was voting no to this amendment to the initial ordinance. Said motion was carried with four affirmative votes and one nay vote.

Resolution R-113-18 A Resolution Amending Resolution R-47-17 Authorizing the Filing of Assessor's Tax Appeals, Answers, Counterclaims, Appeals and Cross Appeals in Tax Matters on Behalf of the Borough of North Caldwell was read. Motion was made by Councilman Raymond, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Resolution R-143-18 A Resolution Authorizing the Renewal of Liquor License #0715-33-003-002 to Dezi's Hospitality, LLC Subject to Certain Conditions Herein was read. The Council discussed the renewal of the liquor license in light of recent violations. Council President Santomauro stated that the Borough had just learned of two violations at Horseneck Tavern during an inspection regarding a complaint of outdoor noise and outdoor service of food and beverages. She stated that the outdoor extension of premises covered by an awning was found to be ten feet longer than what was permitted as part of the 2016 approval of the extension of premises granted by the Governing Body. Council President Santomauro added that the Tavern's expansion of operations onto the front sidewalk is not permitted by the Governing Body and is a potential violation of State Alcoholic Beverage Control regulations.

Council President Santomauro noted that the submission of liquor license renewal documentation by Dezi's Hospitality for the Horseneck Tavern was very close to the annual license renewal deadline and left the Governing Body little time to review and discuss the renewal application given recent complaints

and violations. She noted that required documents were not submitted until the day before the Council meeting while the liquor license would expire in four days. Council President Santomauro added that she would consider the application for renewal once the current violations are corrected and inspected.

Councilman Kessler inquired about the length of time the violations have existed. Mr. Zichelli stated that the outdoor tented area was re-installed last month after the former awning structure was destroyed from the weight of snow in the winter. He added that the size violation was just discovered the week before during an inspection by himself and Police Chief Deuer. He noted that the Zoning Official's most recent inspection of the new structure was safety-focused since it used the same footprint as the last structure. Councilman Kessler asked if the licensee could apply to seek approval of the increased size of the extension of premises. Mr. Zichelli noted that the licensee would need to apply for approval of the Governing Body for a new extension.

Council President Santomauro stated that the Council's action regarding the liquor license renewal should be considered after the violations are corrected. Mr. Paris stated that the responsibility is not on the Mayor and Council to quickly pass a resolution while the licensee is in violation.

The Governing Body chose not to move the resolution pending the licensee's correction of existing violations.

Personnel/Administration

Councilman Rees had no new business for Personnel and Administration.

Finance

Councilman Astorino made a motion to Accept the Tax Collector's Report for May 2018, seconded by Council President Santomauro. Said motion was carried unanimously with five votes.

Resolution R-135-18 A Resolution Approving the Payment of Bills was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with five votes.

Resolution R-136-18 A Resolution Approving the Cancellation of Capital Preliminary Expense Balances was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with five votes.

Resolution R-127-18 A Resolution Authorizing Settlement of Contested Litigation and Execution of Stipulations of Settlement was read. Mayor Alessi recused himself from the discussion at 8:09pm due to a conflict of interest. Motion was made by Council President Santomauro, seconded by Councilman Kessler. Councilman Astorino asked to confirm the status of the contested taxes and settlement. Mr. Paris stated that the settlement remains open until the approval of said resolution by the Governing Body which would allow the settlement to be executed. A vote was taken and said motion was carried unanimously with five votes.

Mayor Alessi rejoined the meeting at 8:12pm.

Public Safety

Council President Santomauro presented the North Caldwell Police Department Public Safety and Detective Bureau Reports for May 2018. She noted that there were 1,011 calls placed to Dispatch in the month of May.

Council President Santomauro presented the North Caldwell Fire Department Public Safety Report for May to date 2018. She noted 12 fire alarms to which the NCFD responded.

Public Works

Council President Santomauro offered the Construction Permit Activity Report for May 2018. She noted that year-to-date totals are higher than last year.

Council President Santomauro offered the Solid Waste Report for May 2018. She inquired about the potential effect on disposal of recyclable materials due to the recent announcement that China will no

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longer accept plastics from the United States. Mr. Zichelli noted that commingled disposal may be turned away at dumps causing potential future problems.

Council President Santomauro offered the Animal Control Report for May 2018 noting most of the incidents were regarding raccoons and that one deer was caught in a fence.

Council President Santomauro offered the 2018 Roadway Improvement Bids report for paving of Cypress Road, Stony Brook Road and Coney Road.

Resolution R-137-18 A Resolution Accepting Bid and Awarding Contract for 2018 Roadway Improvements was read. Motion was made by Council President Santomauro, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Roosevelt Boulevard Pavement Overlay Bids were discussed. Council President Santomauro stated that the repaving of Roosevelt Boulevard was through a New Jersey Department of Transportation grant.

Resolution to NJDOT for Roosevelt Boulevard Pavement Overlay Award was read. Motion was made by Council President Santomauro, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Liberty Field Athletic Facility Improvement bids were discussed. Mr. Zichelli explained that the trend in turf field installations is to use granulated rubber which has become controversial. He added that the Borough has decided to opt for cork which is \$0.39 per square foot more expensive. He noted that the installation of bleachers is included in the bid acceptance and award as a good price was provided by the vendor.

Councilman Raymond expressed his appreciation to Mr. Zichelli for his diligent and dual efforts as Borough Engineer and Borough Administrator on the turf field project planning and design. He also extended his thanks to Jon Rapkin, Tom DeVita and the other North Caldwell Recreation Foundation members for their work on this project. Councilman Raymond noted that the many accolades the Borough earns is due to the citizens of the Borough and their efforts. He added that North Caldwell continues to be a great town to raise a family, where residents will have improved facilities including tennis courts, the grounds of Walker's Pond, an improved municipal pool, and other facilities that have increased use and membership. He added that he looks forward to the rededication of Liberty Field.

Resolution R-138-18 A Resolution Accepting Bid and Awarding Contract for Liberty Field Athletic Facility Improvements was read. Council President Santomauro, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

Mayor Alessi thanked Councilman Raymond and Councilman Kessler for their work as liaisons working with the North Caldwell Recreation Foundation to bring the turf field to fruition.

Recreation

Councilman Kessler offered the Recreation Director's Report for June/July 2018. He stated that the Baseball/Softball pool party was a great success. He announced that the pool is open daily and offers admission free of charge to senior citizens every Wednesday. Mayor Alessi added that he spoke with a resident who joined the pool for daily use after participating in a Seniors free Wednesday. Councilman Kessler noted that the Summer Fun camp began on June 25 and has a 17% increase in membership over last year. He added that there is also a 20% increase in tennis membership over 2017 and that soccer registration for the fall has doubled.

Councilman Kessler announced the start of the newly formed women's softball league which drew 36 players in its first season. He added some upcoming dates to note including July 4 fireworks at Bonnel field in West Caldwell, Movies at the Pool on Wednesdays and the NCRF 5K and Color Run on September 8 followed by the Town Picnic that day at 1:00pm.

Resolution R-139-18 A Resolution Authorizing the Hiring of Seasonal Employees for the 2018 Municipal Pool – Lifeguards was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

Resolution R-140-18 A Resolution Authorizing the Hiring of Part-Time Seasonal Employees for the 2018 Summer Fun Season – Counselors was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

Resolution R-141-18 A Resolution Authorizing the Hiring of Seasonal Employees for the 2018 Baseball/Softball Season – Umpires and Officials was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

Executive Session

Resolution R-142-18 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, (3) Verona Traffic Study; B. Litigation - (1) COAH Declaratory Judgment, (2) LaSerra Farms; C. Anticipated/Potential Litigation – (1) Pulte Homes, (2) Sunset Drive Stormwater Drainage, (3) Solicitation Permits; D. Personnel – Summer Fun was read. Motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was carried unanimously with five votes.

The meeting was re-opened to Public at 10:12pm.

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 Raymond, that this meeting be adjourned at 10:13pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Acting Borough Clerk