

Mayor and Council Conference Meeting – May 8, 2018

The Conference Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, May 8, 2018 at the Borough Hall, Gould Avenue and began at 7:34pm.

Roll Call indicated the following present:

Mayor Alessi

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

Also, present were David M. Paris, Borough Attorney; Frank Zichelli, Borough Engineer; Mark Deuer, Police Chief; Richard Mondelli, Borough Chief Financial Officer; Tami Michelotti, Acting Borough Clerk.

Absent: Councilman Chiaia

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 Councilman Raymond to lead those present in the salute to the American flag.

Citizens to be Heard

Maureen Zurlo – 19 Glenview Road

Ms. Zurlo stated she is concerned with a potential increase in traffic flow in her neighborhood due to the forthcoming dog park. She asked if a stop sign would be placed on Hill Street at Glenview Road. Mr. Zichelli stated Councilman Raymond had brought this concern to his attention. He indicated that Glenview Road is designated as a through street and that the Borough would install a stop sign. Ms. Zurlo expressed her appreciation for the positive and timely response to her request.

Ms. Zurlo asked if the current parking lot at the top of Mountain Avenue field would also be used for dog park visitors. Councilman Raymond stated that the parking lot would remain intact and would serve visitors to the dog park as well as to Mountain Avenue field. Ms. Zurlo indicated that the parking lot fills up when sports events are in progress on Mountain Avenue and she was concerned about overflow parking on the neighborhood streets. Chief Deuer stated that overflow parking on Hill Street has already been addressed. Mr. Zichelli stated that if traffic flow becomes a problem, the Borough can consider a “right turn only” sign out of the parking lot onto Courter Lane. Councilman Raymond encouraged Ms. Zurlo to keep the Police Department and the Borough notified of any issues once the dog park opens.

Items for Discussion

Waiver of Penalties and Surcharges Policy for Water and Sewer

Mr. Zichelli stated that he and Mr. Paris worked on a proposed ordinance to amend Chapter 45 of the Borough Code with a more structured policy by which the Borough Administrator can forgive penalty fees of up to \$100 on water and sewer accounts. He added that the policy would require the resident/property owners to complete a fee waiver application which would provide documentation and serve as a record of the fee waiver request.

Mr. Zichelli added that the proposed ordinance also updates fees charged for water meters. He stated that the Borough was losing money when charging residents for larger water meters.

New Jersey Property Tax and SALT Legislation

Mayor Alessi asked Borough CFO Rich Mondelli to explain the recent proposed legislation regarding pre-payment of property taxes as a charitable donation to a municipality. Mr. Mondelli stated that the latest Local Finance Notice distributed by the Division of Local Government Services indicates forthcoming regulations within the next 60 days. The Council decided to table further discussion until the next Conference Meeting as they anticipated more information coming from the State regarding the administration of the donations. Mr. Mondelli noted that each municipality, school district, and county would have to set up their own accounts to receive the donations as tax payments. He added that the proposed legislation has not yet been accepted by the Internal Revenue Service.

Review of Resolution R-47-17 re: Assessor’s Tax Appeals, Answers, Counterclaims, Appeals and Cross Appeals in Tax Matters

Mr. Zichelli stated that Resolution R-47-17 adopted last year granted authority to the Tax Assessor to pursue tax appeals on behalf of the Borough. The Council agreed that the Governing Body should have more involvement in order to better control associated fees that arise, i.e. litigation expenses. Mr.

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Zichelli added that the proposed resolution would require the Tax Assessor to report to the Governing Body on a quarterly basis. Council President Santomauro suggested setting a dollar amount or percentage of taxes owed that would trigger the Tax Assessor to seek Governing Body approval before settlements are finalized. Amounts of \$5,000 and \$2,500 were discussed. Mr. Mondelli suggested that the amount factor in legal cost. It was decided to discuss the issue further with Tax Assessor George Librizzi at the next Conference Meeting to get a better understanding of legal costs, especially when court appearances are required.

Four Seasons HOA Concerns Update

Mr. Zichelli stated that he summarized the traffic concerns expressed by the residents of Four Seasons at their annual Homeowners' Association meeting. He noted that County Executive DiVincenzo's office was receptive to adding a left turn signal to the traffic light on Bloomfield Avenue at White Rock Road. Mr. Zichelli stated that he and Mayor Alessi spoke with Verona's Township Manager, Matt Cavallo, regarding the speed at which motorists travel on White Rock Road and that Mr. Cavallo would be consulting with Verona's Township engineer.

Mr. Zichelli noted that the Four Seasons residents have concerns regarding sight distance at the intersection of Elm Road and Mountain Avenue. He added that this issue would have to be addressed by Caldwell as that intersection is not within North Caldwell boundaries. It was decided that Caldwell would be contacted. The idea of making Elm Road a one way street allowing traffic to flow in the eastbound direction was discussed. Chief Deuer noted that Elm Road encompasses two towns. Mr. Zichelli stated that the residents requested that left turns from White Rock Road onto Elm Road be prohibited. Chief Deuer added that the residents' request to replace the blinking light with a regular traffic light at Elm Road and Mountain Avenue might cause traffic to back-up onto Bloomfield Avenue when the light is red.

Mr. Zichelli stated the remaining issues raised by the Four Seasons Homeowners Association had already been addressed and are documented in his May 4, 2018 memo to the Mayor and Council. Mayor Alessi expressed appreciation from the Council for Mr. Zichelli's attention to the residents' concerns and requests.

Traffic in Area of Essex County Dog Park

The Council covered all traffic issues during the public discussion with Ms. Zurlo. No further issues were raised.

Boy Scout Troop #856 Garage Sale

Ms. Michelotti referred to an email from Boy Scout representative Neil Boyle that requested the Council waive garage sale permit fees for participants in a proposed town-wide garage sale fundraiser to support the Boy Scout Troop #856. The troop also requested permission to erect small signs on public property around the Borough to advertise the event to attract participation. The memo noted changes in date and venue from a previously approved resolution (R-71-18) which granted approval for the fundraiser garage sale at Liberty Field parking lot on May 12, 2018.

Councilman Kessler added that the Scouts would be raising funds from the rental of tables at the event at which residents could sell their items. Council President Santomauro suggested that the Borough not collect garage sale permit fees to allow for higher profits. Councilman Raymond added that permit fees were also waived for the North Caldwell Recreation Foundation Food Truck Festival. Mr. Paris stated that a new resolution should be prepared to modify R-71-18.

Mayors Against Illegal Guns

Mayor Alessi stated that Ms. Emily Goldberg asked for permission to display a banner at Borough Hall for Gun Violence Awareness Weekend which is June 1-3, 2018. The Council approved the request as well as the display of postcards at Borough Hall and at the town pool leading up to the event weekend. It was decided that the Mayor's participation in the Mayors Against Illegal Guns coalition be tabled until more information on the coalition could be obtained from Ms. Goldberg.

Caldwell Little League

Councilman Kessler stated that North Caldwell was named as a charter member of a newly created Little League in Caldwell without the Borough's consent. Councilman Raymond agreed that no one from the Borough authorized the inclusion of North Caldwell in the charter. Mr. Paris stated that Caldwell's presumption of North Caldwell's inclusion in the charter allows them to accept participants from North Caldwell as well as residents of other towns named in the charter. Mr. Kessler noted that the Caldwell Little League has not asked the Borough for use of municipal fields.

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Mr. Raymond noted that the Borough's inclusion in Caldwell's Little League charter could prevent North Caldwell from starting its own Little League charter. The Council questioned who included North Caldwell in the Caldwell Little League and if the Borough could withdraw our participation from Caldwell's charter at any time. Mr. Raymond stated that it appears that Caldwell included North Caldwell without the Borough's consent.

Mr. Anthony DeStefano of 62 Evergreen was in attendance to speak on behalf of Borough parents interested in the possibility of starting a North Caldwell Little League charter. He stated that a meeting was held approximately four months prior at which he obtained signatures of 60 parents interested in Little League level of play. Mr. DeStefano explained that he contacted the Little League organization for information and it was explained that North Caldwell could potentially be included in Little League District 8 which includes Livingston, Belleville and Nutley. He added that the Little League contact mentioned the existence of the Caldwell charter and recommend that Mr. DeStefano first gauge parent involvement before applying for a new charter.

Mr. DeStefano added that his impression was that Caldwell rushed the application and factored North Caldwell into the charter boundary without the Borough's authorization. Council President Santomauro suggested that the Governing Body send a letter to the Little League organization stating that the municipality never authorized its inclusion in Caldwell's charter and that North Caldwell may want to form its own charter. The Council noted that Roseland and Essex Fells, who were also named in the charter, may have interest in joining North Caldwell in a West Essex Little League charter.

Mr. DeStefano explained that Little League rules differ from those in Recreation baseball as do fees, regulations and field sizes. He added that Fireman's Field would be ready for Little League regulation play once a higher fence is added to right field. Mr. DeStefano noted that Caldwell's boundary would need to be amended to remove North Caldwell if the Borough were to proceed with a charter application. He added that the Little League organization is eager for new charters as travel baseball has decreased Little League participation.

Mr. Paris clarified that inclusion in a charter allows for acceptance of children from the towns listed in the charter. He stated that he would draft a letter to Little League Association for the Mayor, as the Council determined the letter should be sent from Mayor Alessi. Mayor Alessi stated he would also contact West Essex mayors to gauge interest in a West Essex Little League charter.

Mr. DeStefano stated that there are several families interested in reviving baseball in North Caldwell. He stated that there exists a divide between recreation and travel baseball play which Little League could possibly overcome. He asked the Council for continued support to maintain a successful baseball program.

Senior Meetings – Non-residents

Mayor Alessi stated that participants of the Seniors meetings and luncheons have voiced concern that non-residents participate at no cost. The resident participants asked if non-residents could be charged a fee to participate. The Council discussed the nominal cost of the luncheon which is covered by the Recreation budget versus the small number of out-of-town attendees. It was decided that no charge should be incurred by any attendees regardless of residence.

Turf Field

Mr. Zichelli stated that the Borough has a choice between two types of turf for Liberty Field. He noted the difference between them is in the way the fibers are extruded. Mr. Zichelli stated that both use traditional rubber pellets and have a similar life-span. He added that the latest technology is a cool-fill dyed cork but is more expensive. Mr. Zichelli confirmed the turf is suitable for cleats.

Mr. Zichelli stated that he plans to publish notice for bid submittal in June which would allow for ground-breaking in August.

Action to be Taken

Council President Santomauro moved to Introduce Ordinance O-7-18 – An Ordinance of the Borough of North Caldwell, County of Essex, State of New Jersey, Amending the Annual Compensation of Certain Members of the Department of Public Works for the Years 2018, 2019, 2020, seconded by Councilman Raymond. Said motion was carried unanimously with five votes. Public Meeting and Final Reading will be held on Tuesday, May 22, 2018.

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Councilman Rees moved to Introduce Ordinance O-8-18 – An Ordinance of the Borough of North Caldwell, County of Essex, State of New Jersey, Amending the Annual Compensation of Certain Officers and Employees, seconded by Councilman Kessler. Said motion was carried unanimously with five votes. Public Meeting and Final Reading will be held on Tuesday, May 22, 2018.

Councilman Raymond moved to Introduce Ordinance O-9-18 – An Ordinance Amending Chapters 45 and 104 of the Code of the Borough of North Caldwell Regarding Fees, seconded by Councilman Astorino. Said motion was carried unanimously with five votes. Public Meeting and Final Reading will be held on Tuesday, May 22, 2018.

Resolution R-106-18 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-107-18 A Resolution Rescinding Resolution R-44-18 Exempting Property from Taxation Pursuant to N.J.S.A. 54:4-3.30 was read. Motion was made by Councilman Raymond, seconded by Councilman Astorino. Said motion was carried unanimously with five votes.

Resolution R-108-18 A Resolution Rescinding Resolution R-45-18 Authorizing the Refund of Taxes Previously Paid to the Borough of North Caldwell was read. Motion was made by Councilman Raymond, seconded by Councilman Astorino. Said motion was carried unanimously with five votes.

Resolution R-109-18 A Resolution of the Borough of North Caldwell Authorizing a Development Fee Settlement with Beachmont Development Corporation was read. Motion was made by Councilman Raymond, seconded by Councilman Astorino. Said motion was carried unanimously with five votes.

Resolution R-110-18 A Resolution Authorizing the Hiring of Seasonal Employees for the 2018 Summer Fun Season – Instructors was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

Resolution R-111-18 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-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 tabled until after further discussion with Tax Assessor George Librizzi. The Council decided to address the topic at the next Conference meeting of the Governing Body.

Resolution R-114-18 A Resolution Authorizing Settlement of Contested Litigation and Execution of Stipulations of Settlement was tabled until further review of outstanding taxes due by property owner. The Council decided to re-address this topic at the next Conference meeting of the Governing Body.

Executive Session

Resolution R-112-18 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, Pulte, Caldwell Sewer Utility, B. Litigation – COAH Declaratory Judgment, LaSerra Farms. Motion was made by Council President Santomauro, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

The public meeting was reopened at 9:46pm.

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 9:49pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Acting Borough Clerk