

Conference Meeting November 8, 2017

The Conference Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, November 8, 2017 at the Borough Hall, Gould Avenue and began at 6:34pm.

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; Rich Mondelli, Municipal Financial Officer; Tami Michelotti, Acting Borough Clerk.

Councilman Chiaia joined the meeting at 6:43pm.

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 Derek Allen, reporter for The Progress, 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

Birchwood Road

Mr. Zichelli stated he researched Planning Board minutes regarding the Birchwood Road connection to Stephanie Drive. He confirmed that the back entrance to Lindsley Heights via Birchwood Road was not intended for use other than for emergency use. Chief Deuer added that the Police performed traffic counts in the area. He stated that there were 1,000 movements per day during the Mountain Avenue closures vs. 300 movements per day when Mountain Avenue was open. Mr. Zichelli stated he would discuss with the Lindsley Heights Condominium Association the possibility of installing a "Dead End" sign.

Council President Santomauro stated that the Lindsley Heights Association Vice President expressed interest in the installation of a speed bump. Mr. Zichelli stated that speed bumps are usually not effective.

Council President Santomauro added that the Lindsley Heights Condominium Association has asked to hold occasional meetings at Borough Hall. Mr. Paris noted that meetings could be accommodated if the conference room was not in use, however, it should be scheduled during business hours so staff would not need to be present to monitor the building.

Councilman Chiaia joined the meeting at 6:43pm.

Horseneck Tavern Request for Bar Extension

Mr. Zichelli stated that Mr. James Faloni, one of the owners of the Horseneck Tavern, is requesting to expand the bar in the facility to 35% of the capacity. Chief Deuer stated he visited the Horseneck and learned they are looking to build a bigger bar, add bar seating and remove some restaurant tables. He suggested the existing layout be reconfigured to move the music to the back of the restaurant to reduce the noise emanating from the front and side toward the neighbors next door. Mayor Alessi noted the neighbors' concerns of intoxicated patrons in addition to the noise levels.

Mr. Paris reviewed the conditions of the liquor license issuance as per Resolution R-31-14. He stated that pursuant to the resolution, conditions were set regarding the hours of operation and the percentage of bar seating in relationship to the total

restaurant capacity. As per the original business model, the facility was to be primarily a restaurant and bar seating was set at a maximum of 10% of the 100 person capacity. Mr. Paris noted that bidding on the liquor license may have been different if the Borough allowed a greater bar capacity at the time of the initial bid offering.

Council President Santomauro noted potential concerns of expanding the bar including later hours, increased noise, intoxicated patrons, and a stronger bar atmosphere in the residential neighborhood. Councilman Astorino noted the different type of clientele of a bar vs. the original intended family restaurant. Mr. Paris stated the need to be cognizant of the neighbors who lived there before the Horseneck was in business. He read the conditions of the liquor license in Resolution R-31-14.

Council President stated that the increase in the bar may increase the noise and neighborhood complaints. Councilman Chiaia suggested obtaining a proposal from the Horseneck Tavern owners, including improvements to reduce sound, and work to find a compromise between the tavern and the neighbors. Chief Deuer stated that the owners' intent is to change the business model to raise revenue but not increase noise and negative impact through events such as Sunday football. He suggested the Governing Body request the owners' plans in a formal request or document for appropriate review.

The Council discussed the outdoor seating area which was approved through the extension of premises permit. Councilman Astorino noted the possibility of removing the outdoor seating area to expand the bar. Councilman Kessler stated that the bar crowd and noise levels had grown beyond the original scope of what the Council approved. Chief Deuer added that most of the clientele is local residents from Essex Fells and North Caldwell. He added that a possible stipulation of bar expansion could include the hiring of security by the tavern to put the ownership of noise and crowd control on them. Councilman Raymond stated that Horseneck Tavern should provide a proposed plan with recognition of the noise problem and a solution. Mr. Zichelli stated he would follow up with Mr. Faloni to request a formal proposal.

Left Turns at Gould and Grandview Schools

Mr. Zichelli stated that the North Caldwell Board of Education requested a revision to the left hand turn provision for entrances into Grandview and Gould school driveways. He added that the prohibition of left turns be modified to specify the hours between 7:00am and 4:00pm with an amendment to the ordinance. It was decided that the revision to the ordinance be introduced at the next Mayor and Council regular meeting.

Water Bill Penalties and Reversals

Mr. Zichelli stated that water penalties could be waived at the discretion of the former Borough Administrator. He noted that most penalties were less than \$20 and on rare occasions they could be in excess of \$100. He added that there is currently an account under review for which the penalties were over \$3,000. Mr. Mondelli, CFO, suggested that a policy be created for a one-time per year waiver of water bill penalties. For the annually billed sewer fees, he suggested a penalty waiver of one-time every three years. Mr. Zichelli suggested that an application form be created for penalty waiver/reversal requests which could address the reasons for the penalty such as claims of bills that were not received.

Mr. Paris stated the potential need to adopt an ordinance to amend the policy for waiving penalty fees. Mr. Zichelli added that a policy would take the subjectivity out of the process. Councilman Raymond suggested a less frequent water penalty waiver than one-time per year. The Governing Body granted Mr. Zichelli permission to create a policy.

Hidden Ridge Pump Station

Mr. Paris recused himself from the discussion at 7:20pm.

Mr. Zichelli stated that John Dusinger acted as Borough Counsel for the discussions with Hidden Ridge in place of Borough Attorney Paris.

Mr. Zichelli stated that the sewer pump station is running and residents of the 33 units at Hidden Ridge are paying utility bills for the feeds into the pump station. He stated that there is a two-year maintenance bond which is standard for improvements. Mr. Zichelli added that the contractor owes the Borough approximately \$25,000 in inspection fees. He stated a similar agreement was made for the retention basin on Arbor Road and suggested modeling an ordinance after that.

Councilman Chiaia stated hearing complaints about cracking sidewalks. Council President Santomauro suggested following up on Councilman Raymond's idea of "Coffee with the Council" to speak with homeowners about situations such as those at Hidden Ridge.

Mr. Paris re-joined the meeting at 7:24pm.

Four Seasons Homeowners' Association Requests

Mr. Zichelli stated he spoke with Bernard Albanese, President of the Four Seasons Homeowners Association, regarding some concerns of the homeowners. Mr. Albanese described the issues in an email. Mr. Zichelli noted that the K. Hovnanian bond has not yet been released.

Mr. Albanese requested that left turns made from White Rock Road onto Elm Road be prohibited as this causes unnecessary traffic flow on White Rock and ties up traffic that could be avoided by vehicles continuing on Bloomfield Avenue and making a right hand turn onto Mountain Avenue directly. Mr. Zichelli stated that portion of the road is in Verona over which North Caldwell does not have jurisdiction. He discussed the possibility of the County of Essex placing a "Do Not Block Intersection" sign at that location. Chief Deuer mentioned placing a "No Left Turn" sign, but that compliance would suggest vehicles continuing up White Rock Road and turning around further up the hill. It was decided that Chief Deuer would post a "Do Not Block Intersection" sign as a first step.

Mr. Zichelli stated that the Four Seasons Homeowners Association also requested more permanent "No Parking" signs on White Rock Road. He noted that he and Chief Deuer will monitor the signs for removal.

Mr. Zichelli added that the homeowners have complained that the bright field lights at Magnusson are being left on after practice and game times. He noted that he discussed the issue with Recreation Director, Bill Maranz, to remind coaches to turn off the lights. Mr. Zichelli also will look into putting a timer on the lights for next season so the lights would be shut off at a set time.

Dog Park

Mr. Zichelli stated that he, Councilman Chiaia and Chief Deuer met with the County Engineer to discuss the installation of a dog park and, additionally, a turf field, at the Mountain Avenue Field. He stated that a resolution would be needed to request the funding and construction, noting that a dog park could be made behind the Mountain Avenue field, through the gate and toward the woods. Approval by the County would be subject to County design. Mr. Zichelli added that the County would consider a request for a turf field at the Mountain Avenue Field location but that would need to be a separate resolution. Council President Santomauro noted that the County property is open to all residents of Essex County and would be subject to County rules and times. She added that the Borough of North Caldwell would have oversight of scheduling though, with permits being required for field use.

Dr. Stem Recreation Program

Councilman Kessler stated that the Recreation Department would like to offer a new STEM program for first and second graders. The program would be held at Grandview School and would be taught by a former Verona elementary teacher. The program would have an engineering focus with the goal of bringing the program to Summer Fun and other grades if successful and well-received. Councilman Kessler confirmed the program would be billed with the usual split of revenue to the Borough and would enhance the offering of extra-curricular activities to the community.

Joe Bono Plaque

Mr. Zichelli stated that the plaque in honor of Joe Bono is ready to be mounted on the storage building at Mountain Avenue Field in which Mr. Bono was instrumental in constructing. The Council granted permission.

Action to be Taken

Resolution R-213-17, Approval to Pay Bills was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-214-17, Resolution Accepting the Resignation of Police Dispatcher – Robert Kirk was read. Motion was made by Councilman Chiaia, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-215-17, Resolution Authorizing Appointment of Robert Kirk as Roadman in the Public Works Department of the Borough of North Caldwell was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Approval of NJDOT Recommendation to Award Winding Way and Highland Drive Pavement Overlay – Mr. Zichelli recommended awarding the project to J.A. Alexander. He stated they provided a good bid price for work to be done in the spring of 2018. There was one outlier bid and two bids from new vendors. Mr. Zichelli called for a motion of resolution of the award. Motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was carried unanimously with six votes.

Resolution R-217-17, Resolution Fixing Fees Pertaining to Recreation Programs – Beginner Yoga was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Resolution R-218-17, Resolution Authorizing the Hire of Additional Seasonal Employees for the 2017 Soccer Season – Referees and Officials was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Mayor Alessi reminded everyone of the Veterans' Day ceremony to be held on Saturday, November 11, 2017 at 8:00am in front of the Veterans' Memorial next to Borough Hall. He stated that Jeremiah Murnane IV refurbished the memorial grounds as his Eagle Scout project and urged everyone to attend.

Resolution R-216-17 Authorization for Executive Session for Certain Specified Purposes: A. Personnel – (1) Borough Administration (2) Administrative Assistant; B. Litigation – (1) COAH Declaratory Judgement was read. Motion was made by Council President Santomauro, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

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*** D. Paris closed the meeting as the Clerk was dismissed prior to the end of the Executive Session. ***

The public meeting was reopened at 9:50pm.

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 9:52pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Acting Borough Clerk