

The regular meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, October 24, 2017 at the Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 7:31pm.

Roll Call indicated the following present:

Mayor Alessi

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

Also present were: Mr. David M. Paris, Esq., Borough Attorney; Frank Zichelli, Borough 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 Frank Zichelli to lead the Pledge of Allegiance.

### **MAYOR'S REPORT**

Mayor Alessi recognized the Kiwanis Club for their donation of a windscreen for the lower tennis court. The Mayor welcomed Garrett Jones, Kiwanis Club President, and Bob Hodge, Former Kiwanis Club President, for their donation and volunteerism. Mayor Alessi stated that generosity like theirs is what makes North Caldwell what it is.

Mayor Alessi announced the official ribbon cutting of the new traffic light at the entrance to the West Essex Regional Schools. He stated that the intersection posed many safety problems over the years. Mayor Alessi commended Councilman Chiaia and Borough Engineer Frank Zichelli who were instrumental in the planning and installation of the traffic light. He also stated that the cost is shared with Essex County paying two-thirds and the remaining third of the cost being split between the Borough of North Caldwell and the West Essex Board of Education.

Mayor Alessi announced the installation of Eagle Scout Teddy Press which took place on October 14, 2017. He noted that Teddy writes a monthly article in the North Caldwell magazine. Mayor Alessi added that the Boy Scout camp-out on Liberty Field had taken place that same night.

Mayor Alessi noted that the Annual Halloween Dance for fifth and sixth graders would be held on October 30 and Newcomers' Night was scheduled for November 2.

Mayor Alessi announced the implementation of recycling bins at Borough parks starting with Liberty Field as per the suggestion of seven year-old resident, Ibrahim Shahmedhi.

Mayor Alessi invited all to the Veterans' Day Ceremony to be held on Saturday, November 11, 2017 at the Veterans Memorial at Borough Hall at 8:00am.

### **CITIZENS TO BE HEARD**

#### **Gary Underhill - 18 Birchwood Road**

Mr. Underhill stated that Birchwood Road is being used frequently as a cut-through for traffic flow. He noted that the Lindsley Heights condominium association had a planter placed in the middle of the road to slow traffic entering Lindsley Heights onto Stephanie Road but it had broken and would be removed. Mr. Underhill stated that the road was intended to be a secondary access road to the condo complex but it was increasingly used as a primary route by residents and by school buses. He was concerned that traffic flow and speed would increase without any barrier in place and that Birchwood Road would be used as a public road if there was nothing to deter traffic.

Mr. Zichelli stated that the Lindsley Heights property manager was aware of the issue and was open to having a barrier to the traffic flow. He stated that the removal of the planters was not definite. Mr. Zichelli stated that there used to be a gate with a card key for residents but it was not replaced after it was broken.

Council President asked if a "No Thru Traffic" sign could be installed. Mr. Zichelli suggested that the Lindsley Heights Association post a "Private Property" sign. Mr. Underhill noted that the road peaks on Grandview Place which becomes hazardous. He suggested a restriction be posted there. Chief Deuer added that speed monitors had been posted there in the past but it did not reduce the traffic flow problem. He stated that if a utility pole is near that area, a monitor can be installed again.

Mr. Underhill summarized that his preference would be to close off the connection between Birchwood Road and Lindsley Heights and restore the cul-de-sac concept to ensure safety. He added that the second choice would be to place an obstruction to restrict passage.

### **Bob Hodge – Kiwanis Club**

Mr. Hodge addressed the Mayor and Council expressing gratefulness for the community service organizations in West Essex. He stated that the Kiwanis Club wanted to recognize North Caldwell and welcome new members. Councilman Kessler noted the appreciation of the Borough for helping to improve the community and for the great gesture that would provide seclusion to the avid tennis playing community in North Caldwell.

### **Joel Finnerty – 17 Bloomfield Avenue**

Mr. Finnerty stated that he lives and works in the community and feels that the Horseneck Tavern at 11 Bloomfield Avenue is not appropriate for the community. He stated that the alcohol being served and the amplified music contribute to loud nights that disturb the neighbors who deserve peace and safety. He stated that the Octoberfest event brought hundreds of people who were rowdy, screaming within 100 feet of his property.

Chief Deuer stated that police officers have responded to complaints of noise and disorderly conduct, some of which have been founded and some have been unfounded at times. He added that noise meter readings had been conducted while a live band was playing and decibel levels were within the allowable readings, although, it was a colder night and some of the doors were closed that are opened on warmer nights. Chief Deuer stated that the readings taken on Wednesday's Jazz Night was under the decibel level, but that the Police Department is working stringently to ensure the Horseneck Tavern is working within the Borough's ordinances.

Mr. Finnerty asked what the acceptable decibel level is, noting that the noise travels over 50 feet away from the building, especially from the activity in the tented area. He also expressed concern that much of the patronage is outside of the surrounding community. Chief Deuer noted that the noise levels and sound travel can be affected by air quality and types of noise, so the Police Department will continue to work to get better readings from different property lines and keep lines of communication open with the Horseneck Tavern management. Mayor Alessi noted that he, Chief Deuer, Mr. Finnerty and other Horseneck neighborhood residents have a meeting scheduled for the following evening to discuss the issues in further detail.

### **Richard Verde – 8 Hickory Drive**

Mr. Verde noted that a restaurant at the site of Horseneck Tavern is a good business but the bar was likely too loud for the neighbors.

Mr. Verde stated he is running for the Borough Council in the November election because other voices in town should be heard in addition to those of the current Council. He stated that he has been a resident of North Caldwell for 27 years and that he was the former Borough prosecutor.

Mr. Verde stated that he would like to see the Mayor and Council meetings broadcast on cable television. Mr. Verde stated he has attended five Council meetings over the past two years. Mr. Verde asked for statistics on the most recent deer hunt. Chief Deuer responded that 15 deer had been killed so far since Opening Day on September 5, 2017.

Mr. Verde thanked the Governing Body for the installation of the traffic light at the entrance to the West Essex Regional Schools. He stated that another dangerous area is the intersection of Mountain Avenue and Elm Road. Council President Santomauro stated that that intersection is not in the Borough of North Caldwell. Mr. Verde stated that he wants the Governing Body of North Caldwell to work with the surrounding communities to revise the traffic flow at that intersection. Mayor Alessi stated that he has spoken with Caldwell Mayor Ann Dassing about the safety concerns of the intersection.

Mr. Verde stated that a small portion of Hickory Drive which is outside of the North Caldwell boundary has not been re-paved. Mr. Verde called for the installation of a new Borough Administrator following the retirement of Mel Levine as well as the appointment of a North Caldwell resident as Borough Prosecutor.

Mr. Verde stated that he called Borough Hall to discuss the pickup of bulk garbage. He added that a concerned citizen brought to his attention a line item in the 2017 budget regarding health benefit premiums for Council members. Council President Santomauro stated that certain Council members are grandfathered into the State Health Benefits program as per New Jersey State Statute to which each participating Council member contributes. She added that newer Council members were not eligible and do not participate or receive health benefits. Council President Santomauro stated that the line item is transparent and published in the budget. Mr. Verde stated that when he was the Borough Prosecutor, he was covered by his wife's health benefits. Mayor Alessi stated that he and the three senior Council members qualified for state health benefits, one of whom pays the full coverage cost.

No other citizens came forward.

### **APPROVAL OF MINUTES**

Council President Santomauro moved to accept the minutes from the Special Meeting of August 30, 2017, seconded by Councilman Raymond. Councilman Astorino abstained. Said motion was passed with five votes and one abstention.

Council President Santomauro moved to accept the minutes from the Executive Session of August 30, 2017, seconded by Councilman Raymond. Said motion was passed unanimously with six votes.

Council President Santomauro moved to accept the minutes from the Conference Meeting and Executive Session of September 12, 2017, seconded by Councilman Raymond. Councilmen Kessler and Rees abstained. Said motion was passed with four votes and two abstentions.

Council President Santomauro moved to accept the minutes from the Regular Meeting and Executive Session of September 26, 2017, seconded by Councilman Raymond. Councilman Kessler abstained. Said motion was passed with five votes and one abstention.

### **COMMITTEE REPORTS**

#### **LEGAL AND ORDINANCE**

Councilman Raymond moved to Open the Public Hearing for Ordinance O-7-17, An Ordinance Supplementing the Code of the Borough of North Caldwell by Establishing the Requirement to Obtain Landscaping Licenses, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Seeing no one from the public coming forward, Councilman Raymond moved to Close the Public Hearing for Ordinance O-7-17, An Ordinance Supplementing the Code of the Borough of North Caldwell by Establishing the Requirement to Obtain Landscaping Licenses, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Councilman Raymond moved to Adopt Ordinance O-7-17, An Ordinance Supplementing the Code of the Borough of North Caldwell by Establishing the Requirement to Obtain Landscaping Licenses, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Councilman Raymond moved to introduce Ordinance O-8-17, An Ordinance Amending Chapter 99 "Vehicles and Traffic", §99-3 "Schedule 1, No Parking", of the Code of the Borough of North Caldwell to Prohibit Parking on Portions of Glenview Road, seconded by Councilman Chiaia. Said ordinance is scheduled for approval at the Public Hearing and Final Reading to be held on Tuesday, November 28, 2017.

Councilman Raymond commended the Mayor and Council, the Police Department and the Borough Engineer for their responses to the public's concerns to make the community better and safer as evidenced by the introduction and adoption of ordinances such as these.

#### PERSONNEL AND ADMINISTRATION

Resolution R-201-17 Acceptance of Resignation of Deputy Municipal Court Administrator – Anna Crowell was tabled pending further discussion during the Executive Session.

Resolution R-202-17 Appointment of Local Registrar of Vital Statistics – Tami Michelotti was read. Motion was made by Councilman Rees, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

#### FINANCE

Councilman Astorino offered the Collector's Report for the month of September 2017. Taxes collected for the month of September total \$482,180.74. Water Utility collected \$197,342.38. Pool Utility collected \$796.11, bringing the year-to-date total to 185,473.36. Councilman Astorino moved that the Collector's Report be accepted, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-203-17 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-204-17 Tax Lien Redemption – Block 1700, Lot 1 was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-205-17 Tax Lien Redemption – Block 1200, Lot 24 was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Councilman Astorino stated that the Best Practices report for 2017 highlighted a few issues which the Finance Committee along with Rich Mondelli, Borough CFO, will meet to finalize. He stated that there were fewer questions included in the 2017 survey which magnified the few negative responses, thereby, magnifying the relationship to the credits we earned. He noted that the audit was completed by the auditing firm later in the year than preferred by the State. In addition, longevity health benefits of union employees factored against our rating. Councilman Astorino stated that the Finance Committee would address each shortfall and report adjustments to Council.

## PUBLIC SAFETY

The Police Department Public Safety Report for September 2017 was read by Councilman Chiaia. He stated there were 921 calls received by Dispatch, and 85 summonses issued on patrol. He noted that there were 159 hours of overtime and the ten vehicles in the fleet cost \$12,078 in maintenance for the month.

The Fire Department Public Safety Report for September 2017 was read by Councilman Chiaia. He stated there were 14 matters that required response including a fire call to Grandview School at 4:00am. Councilman Chiaia stated that a smoke detector inside an air conditioning duct detected a burned out bearing which could have caused a fire.

Resolution R-206-17 Appointment of Municipal Emergency Management Coordinator – John D’Ascensio was read. Motion was made by Councilman Chiaia, seconded by Councilman Kessler. Said motion passed unanimously with six votes.

Councilman Chiaia added that a retirement party for former Borough Administrator, Mel Levine, was being planned for Wednesday, November 29, 2017 at il Tulipano. He also mentioned that the ribbon-cutting ceremony for the traffic light at West Essex Regional Schools was a great moment for the Governing Body. He thanked Frank Zichelli for meeting with the County and reinforcing the importance of safety at this intersection and he thanked the entire Council for their efforts to see the five-year project through.

Councilman Chiaia added that he and Mr. Zichelli met with the engineer from the County Executive’s office regarding a dog park. The engineer was enthusiastic about the project and they discussed locations within North Caldwell for a county dog park. Councilman Chiaia stated his desire to add a resolution to the agenda for the next Mayor and Council meeting requesting the construction of a dog park in North Caldwell by Essex County.

## PUBLIC WORKS AND UTILITIES

Council President Santomauro offered the September 2017 Construction Permit Activity Report. She stated that there were 38 permits issued in September totaling just over \$20,000 in fees.

Council President Santomauro offered the Recycling Report for September 2017 which reflects consistent results from previous months.

Council President Santomauro offered the Animal Control Report for September 2017. She noted there was a bat recovered in a residence that was found to be rabid. Additionally, there was one reported dog bite after which the dog was quarantined.

Resolution R-207-17 Sewer Permit Application, Hilltop Residences, Block 101, Lot 3.02 was read. Motion was made by Council President Santomauro, seconded by Councilman Kessler. Said motion passed unanimously with six votes. It was noted that Mr. Zichelli would follow up to process the application.

Resolution R-211-17 Approving a Professional Services Agreement with Dykstra Walker Design Group was read. Motion was made by Council President Santomauro, seconded by Councilman Kessler. Said motion passed unanimously with six votes.

## RECREATION

Councilman Kessler provided the September-October 2017 Recreation Report. He noted that fall programs are coming to end. Most notably, recreation soccer saw over 200 participants which is more than last year. Councilman Kessler stated that some of the West Essex Cowboys teams qualified for the playoffs. The Cub Scouts

camp-out was held on October 14 where movies, a barbeque and a sleep-out on Liberty Field were enjoyed. An Octoberfest celebration was held for the Seniors on October 4 and a buffet lunch at The Manor is planned for November 8.

Councilman Kessler added that winter recreation basketball registration is open until November 8 and will begin on November 27. Senior men's age 60+ basketball is looking for new members. The fifth and sixth grade Halloween dance is planned for October 30 from 7:00 to 9:00pm. Newcomer's night will be held on November 2 at Borough Hall and the Joy, Peace and Goodwill Celebration will be held on Sunday, December 3 from 4:30 - 6:00pm.

Resolution R-208-17 Resolution for the Installation of a Scoreboard at Fireman's Field was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes. Councilman Kessler thanked the North Caldwell Recreation Foundation for donating funds and contributing to the community.

Resolution R-209-17 Resolution Approving a Professional Services Contract By and Between the Borough of North Caldwell and Suburban Consulting Engineers, Inc. was read. Councilman Kessler stated that the municipal kiddie pool is in need of a facelift for which funds were already set aside. This resolution is for the design to proceed with renovations for the upcoming season. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Resolution R-212-17 Resolution Authorizing the Hiring of Additional Seasonal Employees for 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.

### **EXECUTIVE SESSION**

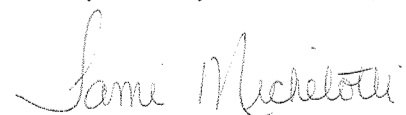
Resolution R-210-17 Authorization for Executive Session for Certain Specified Purposes: A. Personnel - Deputy Municipal Court Administrator, DPW  
B. Litigation - DOJ Action, COAH, NCPD Claim  
C. Board of Health Shared Services Agreement  
was read. Motion was made by Council President Santomauro, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

The meeting was re-opened to Public at 10:53pm.

Resolution R-201-17 Acceptance of Resignation of Deputy Municipal Court Administrator - Anna Crowell was read. Motion was made by Councilman Rees, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

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 10:55 pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti  
Acting Borough Clerk