

## Mayor and Council Conference Meeting – February 13, 2018

The Conference Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, February 13, 2018 at the Borough Hall, Gould Avenue and began at 7:33pm.

Roll Call indicated the following present:

Mayor Alessi

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

Absent: Councilman Kessler

Also, present were David M. Paris, Borough Attorney; Frank Zichelli, Borough Engineer; Mark Deuer, Police Chief; Richard Mondelli, Chief Financial Officer; 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 those present in the salute to the American flag.

### **Citizens to Be Heard**

No one from the public came forward.

### **Items for Discussion**

#### Ordinance O-1-18 Planning Board Review

Mr. Zichelli stated that proposed ordinance O-1-18 is a zoning ordinance amendment and was referred to the Planning Board for opinion regarding conformity to the Borough's Master Plan. He stated that the Planning Board suggested revising the language to specify the Borough's concerns with health and safety instead of security and safety as originally proposed. Mr. Paris noted that security concerns may be more enforceable. The Governing Body decided to keep the language as originally drafted.

#### Appointment of Community Development Representative and Alternate

Mr. Zichelli stated that the Department of Housing and Community Development requests a representative and alternate be appointed each year. The Governing Body decided that Mr. Zichelli be appointed the representative and Ms. Michelotti be appointed the alternate.

#### Policy for Q3/Q4 Tax Pre-payment Refund Requests

Mr. Mondelli stated that he received a Local Finance Notice from the Division of Local Government Services regarding requests for refunds of tax pre-payments

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made in 2017. He noted that the Borough received pre-payments from 115 residents who pre-paid third and fourth quarter taxes totaling \$940,000. Mr. Mondelli added that there have been no requests for refunds yet. Council President Santomauro stated that some municipalities will permit refunds but they have to request permission from the State to do so. Mr. Mondelli noted that requests may not come in until residents are preparing to file their tax returns for 2017. He added that 50 overpayments were due to the resident pre-paying in addition to their mortgage company paying the taxes. He suggested that payments in excess of 2018 total taxes could be refunded but that the Borough won't know the final 2018 taxes until June when the new tax structure is released.

Late Payment Penalty Policy Re: Water and Sewer

Mr. Zichelli stated that he and Mr. Paris were working on developing a policy to waive penalties on late payments. He noted that the previous policy was instituted by ordinance necessitating an amendment by ordinance.

Approval of Advertising Banners at Firemen's Field

Mr. Paris stated that the North Caldwell Recreation Foundation approved 22 banner applications. He noted that the banner placement policy indicates that the Governing Body is to approve applications after review by the Recreation Department, Recreation Chairman and Borough Administrator.

Councilman Raymond stated that the policy was instituted for oversight where applications would be submitted with a mockup for approval. He stated that there may be too many levels of approval by the time it gets to the Governing Body. Mr. Paris noted that initial approval comes from the Recreation Department and secondary from the Recreation Committee Chair. Councilman Raymond stated concern that the application approval process may be delayed between application submission and Governing Body approval. He suggested that the Governing Body may not need to approve applications by resolution if the Recreation Director, Recreation Chair and Borough Administrator have approved the application.

Mr. Zichelli stated that artwork submitted by Horseneck Tavern required revision.

Mr. Paris stated that signage in the Borough is prohibited by ordinance unless authorized by the Governing Body. He noted that any change to the policy that would negate the requirement of the Governing Body's approval by resolution would be an exception to get authorization to advertise on Borough property.

Mayor Alessi stated that he wants the Governing Body to review the applications and the corresponding artwork. Mr. Paris noted that the policy did not mandate approvals of the Borough Administrator and/or the Recreation Director. He stated that the application form included those signoffs although they are not stipulated in the ordinance. The policy states that applications be recommended to the Governing Body by the Borough Administrator and/or Recreation Director with final approval coming by resolution of the Governing Body.

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Councilman Rees noted there may be applications for which a member of the Governing Body should abstain from approval due to personal or professional affiliations with applicants. Mr. Paris agreed and noted that the abstention can be specific to one particular banner applicant.

### NCPD Car Fee Account

Chief Deuer stated that fees charged for outside detail should be deposited into a dedicated fund from which new vehicles can be purchased. Mr. Mondelli stated that the funds are currently deposited as miscellaneous revenue. Chief Deuer added that fees collected for use of Police Department vehicle are typically \$400 per day. Mr. Mondelli added that the State allows for dedicated accounts by rider for which we would need a resolution requesting approval.

### West Essex First Aid Request for Funding

Mr. Zichelli stated that a request was made by the West Essex First Aid Squad for funding in 2018. He noted that this will be factored into the Budget Meeting discussion.

### Appointment of OEM Local Emergency Planning Council (LEPC)

Mr. Zichelli stated that a request was made by Fire Department Chief D'Ascensio for the appointment Local Emergency Planning Council members. He added that Chief D'Ascensio will attend the next conference meeting with details and suggestions for Council appointments.

### Walker's Property Update

Mr. Zichelli stated that grant applications have been made for Walker's Pond. He stated that the grant for cleanup is reimbursable but that he recommends discussing the grant with the Bureau Chief before spending the money. He added that the first part of the grant for assessment and investigation was granted. He added that an LSRP is needed for certain aspects of the certification. Mr. Zichelli noted that the initial assessment, investigation and analysis would cost \$35,000. The fee includes the generation of a report that would be submitted for the secondary grant application for the cleanup.

Mr. Zichelli added that the process should take about 12 weeks once the grant is accepted by the Governing Body. He noted that the LSRP proposal includes dredging of the pond and a site assessment report. He added that the situation with the DEP regarding game plan to get the go-ahead, then it's reimbursable to get funds to dredge which would be approximately \$400,000.

### Pool Registration Fees

Mr. Zichelli stated that the Recreation Director proposed an increase in pool membership fees for non-residents. The Recreation Department noted that the Borough's non-resident fees are lower than those charged by other towns. Mr. Mondelli noted that the pool has been consistently earning more revenue over the last few years. He suggested that the recent pool additions justify the fee increases. It was also suggested that fees could be increased next year after the planned improvements to the kiddie pool are completed.

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The Governing Body agreed to raise pool membership fees for non-residents with the exception of senior citizens. Councilman Kessler suggested the fee increase be minimal so not to lose membership. Councilman Rees noted the anticipated increase in pool employee salaries. It was agreed that non-resident family membership be increased to \$495, non-resident individual membership be increased to \$195 and babysitter membership be increased to \$135. No increases would be made to the Seniors membership fees. It was agreed that a resolution for the fee increase would be prepared for the next meeting.

### NJ Tree Recovery Program

Ms. Michelotti stated that the State is offering tree seedlings as done last year to replenish trees lost during Hurricane Sandy. The program is offered at no charge in coordination with Arbor Day which is April 27, 2018. The Governing Body supported the program and approved the submission of an application to the State for 2,000 seedlings. It was decided that the seedling distribution would be scheduled in the Borough on Saturday, April 28, 2018.

### Borough Smoking Ordinance

Mr. Zichelli stated that an incident at the West Essex Regional High School brought to light the lack of a Borough-level ordinance for smoking on school property. The North Caldwell Police Department relies on State statute but asked for a Borough-level ordinance which would keep consistent the code for the offence.

Chief Deuer noted that a local-level ordinance would allow the NCPD to process the paraphernalia used in the offense to investigate the potential for illegal substances. He explained that the liquid in the jule cartridges can be tested for illegal substances for which a summonsable offense is necessary for testing. He added that if the substance is found positive, the offender would be charged with possession which is a criminal offense. Mr. Paris stated that the State statute allows for the adoption of a municipal level ordinance from which fees can be collected by the municipality.

Mr. Paris stated that section 2c of the State code contains the violation for smoking in public which is petty disorderly conduct subject to civil penalty. He noted that a Borough ordinance would also be a civil penalty. Chief Deuer stated that a new Borough ordinance would allow the NCPD to test vaping liquid and, if found positive for illegal substances, would allow a charge of possession as a criminal offense.

### Forstenhausler Dedication Plaque

Ms. Michelotti stated that Fire Chief D'Ascensio suggested the placement of a plaque in the Municipal Court Room in commemoration of Mr. Forstenhausler who was present at many Council meetings. The Governing Body approved the purchase of a plaque to be presented and affixed on a bench in the Court Room/Council Chambers during a Mayor and Council meeting at which Mr. Forstenhausler's family could be present.

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### Mayors' Meeting with Governor Murphy

Mayor Alessi stated that Governor Murphy was holding a meeting among all Essex County mayors that week for a roundtable discussion. He surveyed the Council for any suggestions of Borough issues that he should bring to the meeting. Councilman Chiaia stated the need for relief regard property and income taxes.

### **Action to be Taken**

Raffle License Application R-3-18 for North Caldwell Recreation Foundation Raffle to be held at Horseneck Tavern on March 22, 2018 was moved by Councilman Chiaia. Councilman Raymond noted that the original event date was moved to avoid an appearance of conflict with the North Caldwell Partnership for Education fundraiser on March 23. He added that the raffle drawing was not an event that would draw attendees from the event, but a change in date to March 22 was preferable. The motion was seconded by Councilman Raymond and was carried unanimously with five votes.

Resolution R-37-18 Approval of 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-38-18 A Resolution Appointing a Community Development Representative and Alternate was read. Motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was carried unanimously with five votes.

Resolution R-39-18 Approval of Placement of Advertising Banners at Firemen's Field was read. Motion was made by Councilman Raymond, seconded by Councilman Chiaia. Council President Santomauro abstained. Said motion was carried with four votes.

Resolution R-40-18 A Resolution Authorizing the Hiring of Additional Seasonal Employees for 2017-2018 Kindergarten – 2<sup>nd</sup> Grade Basketball Clinic Instructors was read. Motion was made by Councilman Raymond, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Resolution R-41-18 A Resolution Authorizing the Hiring of Additional Seasonal Employees for 2017-2018 Basketball Season was read. Motion was made by Councilman Raymond, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

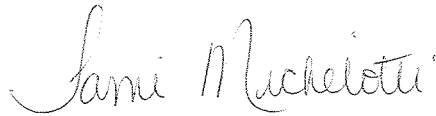
Resolution R-42-18 Authorization for Executive Session for Certain Specified Purposes: A. Contract Negotiations – DPW, RPM Request; B. Litigation – COAH Declaratory Judgement was read. Motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was carried unanimously with five votes.

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The public meeting was reopened at 8:42pm.

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 Astorino that this meeting be adjourned at 8:42pm. This motion was carried unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tami Michelotti".

Tami Michelotti  
Acting Borough Clerk