

Mayor & Council Regular Meeting – May 22, 2018

The Regular meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, May 22, 2018 at the Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 7:36pm.

Roll Call indicated the following present:

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

Absent: Mayor Alessi, Councilman Kessler, Councilman Raymond

Also present were: Mr. David M. Paris, Esq., Borough Attorney; Frank Zichelli, Borough Administrator/Engineer; Mark Deuer, Police Chief; and Tami Michelotti, Acting Borough Clerk

Council President Santomauro called the meeting to order announcing that notice was provided in accordance with the requirements of Chapter 231, P.L. 1975.

Council President Santomauro asked Councilman Chiaia to lead the Pledge of Allegiance.

Mayor's Report

Council President Santomauro announced that Mayor Alessi's report will be postponed to the next meeting as he was unable to attend this evening due to a prior commitment.

Citizens to be Heard

Ms. Donna Honovic - 17 Bloomfield Avenue

Ms. Honovic, a neighbor of Horseneck Tavern, stated that the temporary awning at the tavern collapsed after one of the recent snowstorms. She asked if the new structure is temporary or permanent. Mr. Zichelli stated that Horseneck Tavern applied for building permits for the structure and added that the Fire Inspector found some issues. Mr. Zichelli stated that he would review the permit application to confirm whether the structure is temporary or permanent. Ms. Honovic stated that the structure connections were welded together, which led her to believe that the structure is permanent. She asked if a variance is needed for a permanent structure. Mr. Zichelli stated that if the structure is temporary, a permit is needed, but a variance is not. He added that he would speak with the Zoning Officer to find out more information regarding the structure. Council President Santomauro assured Ms. Honovic that the Borough would advise her of the findings.

Councilman Rees asked if for clarification of the word "temporary" with regards to a structure being movable versus in place for a certain amount of time. Mr. Zichelli explained that if a structure has a foundation and is not movable, it is considered permanent. Ms. Honovic stated that the previous structure seemed temporary but it was up all year and that the new structure was welded together so she feels that it is not easily removable. She offered photos of the welding that was done. Council President Santomauro asked Ms. Honovic to provide the Council with copies of the photos for evaluation by the Construction Official.

Ms. Honovic stated her concern with a late night police visit to her home after making a noise complaint to North Caldwell Police Department about Horseneck Tavern. She added that she feels the police should address her concerns without visiting her home with the police vehicle lights on. She feels that it is unsafe, unnecessary, and does not want attention brought to her. Chief Deuer stated that it was a courtesy that the police officer updated her to address the complaint made by phone and was not done to draw attention to her home. Ms. Honovic stated that she would rather receive a phone call or a visit the next day instead of a visit late at night. Chief Deuer further explained that the use of vehicle lights is for safety purposes while parking along Bloomfield Avenue. Ms. Honovic stated that her concern was with the appearance it gives to the public. Councilman Chiaia interpreted that Ms. Honovic would like anonymity. Chief Deuer stated that he understands and will address this concern with the department.

Ms. Honovic asked for the maximum occupancy of Horseneck Tavern. Mr. Zichelli stated that he would contact Chief D'Ascensio to verify and that it should be posted inside the door. Council President Santomauro asked Ms. Honovic if she felt that the maximum occupancy was being violated. Ms. Honovic stated that people are drinking and overflowing into the parking lot. She added that Horseneck Tavern should be courteous to residents and turn the music down after 11:30pm. Chief Deuer stated that drinking in the parking lot, outside of the building and tented area, is a violation of laws set by New Jersey Alcoholic Beverage Control. He suggested that Ms. Honovic call the Police Department when she witnesses this happening. Ms. Honovic stated that she does call the police, but that by the time officers arrive, the music is suddenly turned down and the crowd has gone inside. Council President Santomauro suggested to Ms. Honovic to use her cell phone to record video footage as evidence for those situations. Ms. Honovic stated that she feels that it is unsafe for her to go outside to videotape

and that her location is too far away to capture video from inside her home. She added that this is a quality of life issue. Chief Deuer stated that the Police Department will continue to monitor activity. Council President Santomauro confirmed that the Borough would get back to Ms. Honovic on her other issues as well.

Joel Finnerty – 17 Bloomfield Avenue

Mr. Finnerty stated that a group of people from his neighborhood visited Horseneck Tavern one evening when the doors were open and the music was very loud. He stated that they made a request to the manager to close the doors. Mr. Finnerty stated that he feels that their peaceful home environment is more important than making money. Council President Santomauro stated that she does not know of any law preventing the doors from being open. Chief Deuer stated that even though it may not be neighborly, Horseneck is permitted to keep the doors open. He confirmed that the Police Department is doing all they can to respond to and address every issue. Council President Santomauro asked if a nuisance summons could be issued if the noise becomes a regular occurrence. Chief Deuer stated that a summons could be issued if this is the case which the Judge could remedy by a consequence in court.

Mr. Finnerty questioned if the side patio with the awning is included in the liquor license. Chief Deuer confirmed that the patio, up to the curb line, is an extension of the liquor license. He stated that an extra permit from the State is needed for any type of gathering outside of the patio and curb line. Mr. Finnerty asked if a variance was required. Mr. Zichelli stated that a variance is not needed for liquor, as the State controls that. He explained that a variance is used for setbacks, heights and use of the land. He confirmed that Horseneck is operating within an approved use.

Mr. Finnerty asked if a permit is needed for an open gathering outside, what rules are associated with outdoor gatherings, and who enforces the rules. Chief Deuer confirmed that there are rules for any outside gathering with alcohol. He explained that there has to be a fence, people cannot consume alcohol beyond the fence and everyone needs to show ID to enter the area. Chief Deuer further explained that the Police Department initially enforces these rules but that the New Jersey Division of Alcoholic Beverage Control is ultimately responsible for enforcing these laws.

Essex County Liaison

Council President Santomauro called upon Essex County Liaison, Asmeret Ghebremichael. Ms. Ghebremichael announced that Saturday, June 2nd is Open House at the Turtle Back Zoo which includes free admission from 10:00am – 2:00pm, fun events, and free giveaways. She added that she will email us a flyer.

Approval of Minutes

Council President Santomauro moved to accept the minutes from the Regular Meeting and the Executive Session of March 27, 2018, seconded by Councilman Astorino. Councilman Chiaia abstained. Said motion was passed with three votes and one abstention.

Council President Santomauro moved to accept the minutes from the Conference Meeting and Executive Session of April 10, 2018, seconded by Councilman Astorino. Councilman Chiaia abstained. Said motion was passed with three votes and one abstention.

Committee Reports

Legal and Ordinance

Council President Santomauro moved to Open the Public Hearing for Ordinance O-6-18 – An Ordinance to Prohibit the Smoking of Tobacco, or any Tobacco Derived Product, or the Use of Smoking or Vaporizing Devices in Public Places, seconded by Councilman Astorino. Said motion was carried unanimously with four votes.

Seeing no one from the public coming forward, Council President Santomauro moved to Close the Public Hearing for Ordinance O-6-18 – An Ordinance to Prohibit the Smoking of Tobacco, or any Tobacco Derived Product, or the Use of Smoking or Vaporizing Devices in Public Places, seconded by Councilman Astorino. Said motion was carried unanimously with four votes.

Council President Santomauro moved to Adopt Ordinance O-6-18 – An Ordinance to Prohibit the Smoking of Tobacco, or any Tobacco Derived Product, or the Use of Smoking or Vaporizing Devices in Public Places, seconded by Councilman Astorino. Said motion was carried unanimously four votes. Council President Santomauro moved to Open the Public Hearing for Ordinance O-7-18 – An Ordinance of the Borough of North Caldwell, County of Essex, State of New Jersey, Amending the Annual

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Compensation of Certain Members of the Department of Public Works for the Years 2018, 2019, 2020, seconded by Councilman Astorino. Said motion was carried unanimously with four votes.

Seeing no one from the public coming forward, Council President Santomauro moved to Close the Public Hearing for 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 Astorino. Said motion was carried unanimously with four votes.

Council President Santomauro moved to Adopt 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 Astorino. Said motion was carried unanimously four votes.

Council President Santomauro moved to Open the Public Hearing for 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 Chiaia. Said motion was carried unanimously with four votes.

Seeing no one from the public coming forward, Council President Santomauro moved to Close the Public Hearing for 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 Chiaia. Said motion was carried unanimously with four votes.

Council President Santomauro moved to Adopt 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 Rees. Said motion was carried unanimously with four votes.

Council President Santomauro moved to Open the Public Hearing for O-9-18 – An Ordinance Amending Chapters 45 and 104 of the Code of the Borough of North Caldwell Regarding Fees, seconded by Councilman Chiaia. Said motion was carried unanimously with four votes.

Seeing no one from the public coming forward, Council President Santomauro moved to Close the Public Hearing for O-9-18 – An Ordinance Amending Chapters 45 and 104 of the Code of the Borough of North Caldwell Regarding Fees, seconded by Councilman Chiaia. Said motion was carried unanimously with four votes.

Council President Santomauro moved to Adopt 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 Chiaia. Said motion was carried unanimously with four votes.

Council President Santomauro moved to Introduce O-10-18 An Ordinance to Provide for Various Water Capital Items as Enumerated Within the Water Capital Budget for the Borough of North Caldwell, County of Essex and to Provide for the Funding Thereof, seconded by Councilman Chiaia. Said motion was carried unanimously with four votes. Public Meeting and Final Reading will be held on Tuesday, June 26, 2018.

Personnel/Administration

Resolution R-115-18 A Resolution Establishing 2018 Employee Salaries was read. Motion was made by Councilman Rees, seconded by Councilman Astorino. Said motion was carried unanimously with four votes.

Resolution R-116-18 A Resolution Adopting One-Time Incentive Payment to Certain DPW Employees for Work Performed During Manpower Shortage was read. Motion was made by Councilman Rees, seconded by Councilman Astorino. Said motion was carried unanimously with four votes.

Finance

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

Resolution R-117-18 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 four votes.

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Resolution R-118-18 A Resolution Authorizing for Redemption and Cancellation of Record of Tax Lien – Block 1302, Lot 25 was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with four votes.

Resolution R-123-18 A Resolution Authorizing for Redemption and Cancellation of Record of Tax Lien– Block 301, Lot 32 was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with four votes.

Public Safety

Councilman Chiaia noted that there has not been a tax increase in North Caldwell in the last five out of seven years.

Councilman Chiaia presented the North Caldwell Police Department Public Safety and Detective Bureau Reports for April 2018. He noted that the Police Department has a new 2018 Chevy Tahoe and that total vehicle repair has been frugal at \$7,400 for the year. He added that the Police Department had 874 calls to dispatch, 93 moving violations issued, seven motor vehicle accidents, eight resident requests, and nine requests to help outside agencies. There were 90 over-time hours in-house and 31.5 hours to assist outside agencies.

Councilman Chiaia presented the North Caldwell Fire Department Public Safety Report for May to date 2018. He stated that Fire Chief D'Ascensio asked that residents operate generators outdoors with the exhaust pointing away from the house during inclement weather. Councilman Chiaia added that residents should not approach downed power lines, as they are always to be considered live. He added that residents should also avoid roadblocks, as they are in place for protection from danger. He noted that the Fire Department had 30 calls in the month of May thus far.

Chief Deuer added that PSE&G is conducting a gas main project which will close Mountain Avenue on Monday-Friday from 8:00am – 5:00pm between East Greenbrook Avenue and Hillcrest Drive. PSE&G estimates the project will last for six weeks.

Public Works

Council President Santomauro offered the Construction Permit Activity Report for April 2018. She noted that 30 permits have been issued for the month, which is down from last year, most likely due to bad weather conditions.

Council President Santomauro offered the Recycling Report for April 2018, which is consistent with the previous year, as residents are starting their spring cleanups.

Council President Santomauro offered the Animal Control Report for April 2018 during which there were four calls.

Resolution R-119-18 A Resolution Rejecting Zero-Entry Wading Pool Bid and Authorizing the Borough of North Caldwell to Re-bid for Zero-Entry Wading Pool Project was read. Council President Santomauro stated that the pool fund is a separate entity with its own funding. She added that there was money in the budget for improvement of the children's pool which would attract new families and benefit existing families. She added that the proposed design was put out to bid.

Mr. Zichelli explained that there were three contractors that picked up the bid packet. He added that only one contractor submitted a bid, which was much higher than budgeted. He stated that one of the contractors planned to submit a bid but missed the deadline due to staffing issues. Mr. Zichelli stated that the third contractor did not want to work during the pool season, as he felt it was logistically difficult. He explained that this contractor would likely rebid on the project if the work could be scheduled after the pool season. Mr. Zichelli further explained that the resolution rejects the bid that was received because it was over budget and authorizes the Borough to rebid.

Motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was carried unanimously with four votes.

Recreation

Councilman Chiaia offered the Recreation Director's Report for May/June 2018. He noted that the Explore Science after-school program, tee-ball, post-season basketball, lacrosse, soccer, and the Dr.

Stem programs all sold out. Councilman Chiaia stated that more than half of the Track and Field program participants are from North Caldwell. He stated that the adult tennis clinic has thirteen participants. He noted that there is a Senior meeting and luncheon on Wednesday, June 6th at Fireman's Community Center. He further noted that there were twenty participants for the Senior trip that was held on May 16th. Councilman Chiaia stated that the pool will open on May 26th for weekends until June 22nd. He noted that there are 97 campers registered for the Summer Fun program, which is a 15 percent increase from last summer. He further noted that there are 375 people registered for the pool, which is a 10% increase from last summer and there are forty-three people registered for tennis memberships, which is a 16% increase. Councilman Chiaia stated that Fall Recreation Soccer registration will begin on May 30th and the Baseball/Softball Family Barbecue will be Saturday, June 2nd from 11:00am – 4:00pm on Liberty and Fireman's Field. He stated that Summer Fun will start on June 25th through August 3rd, Summer Movie Nights will be July 11th, July 18th, July 25th, and August 1st, and the last day of the pool will be September 3rd. He announced that the Town Picnic will be held on Saturday, September 8th at the pool from 1:00pm – 6:00pm.

Resolution R-120-18 A Resolution Authorizing the Hiring of Seasonal Employees for the 2018 Municipal Pool – Lifeguards was read. Motion was made by Councilman Chiaia, seconded by Council President Santomauro. Said motion was carried unanimously with four votes.

Councilman Chiaia stated that there was discussion regarding the idea of a Women's Softball League. Mr. Zichelli stated that there has been enough public interest to reenergize the effort to create a Women's Softball League with multiple teams.

Resolution R-121-18 A Resolution Fixing Fees for Women's Softball League was read. Motion was made by Councilman Chiaia, seconded by Councilman Rees. Said motion was carried unanimously with four votes.

Council President Santomauro announced that Monday is Memorial Day and the West Essex parade would begin at 9:30am. She noted that the parade route starts at the corner of Forest Avenue and Bloomfield Avenue and that the Mayor and Council are looking forward to participating. She stated that Opening Day at the pool is Saturday, May 26th and the Fireman's Pancake Breakfast is on Sunday, June 3rd. She noted that the PSE&G upgrade on Mountain Avenue has commenced. She reminded residents to let their landscapers know that they need a license to work in North Caldwell and to obtain applications through the Borough Clerk's Office or through the website.

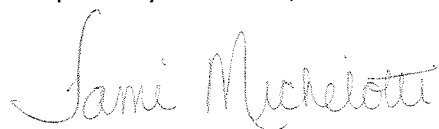
Executive Session

Resolution R-122-18 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) Pulte, (3) Caldwell Sewer Utility; B. Litigation - (1) COAH Declaratory Judgment, (3) LaSerra Farms was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried unanimously with four votes.

The meeting was re-opened to Public at 9:37pm.

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 9:37pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Acting Borough Clerk