

## Conference Meeting October 10, 2017

The Conference Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, October 10, 2017 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 Chiaia, Councilman Kessler, Councilman Raymond, Councilman Rees

Also, present were Frank Zichelli, Borough Engineer; Mark Deuer, Police Chief; Rich Mondelli, Municipal Financial Officer; Tami Michelotti, Acting Borough Clerk. David M. Paris, Borough Attorney, joined the meeting at 7:59pm.

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 Rich Mondelli to lead those present in the salute to the American flag.

### **Citizens to Be Heard**

Judith Diaz – 11 Hillcrest Place

Ms. Diaz commended the Mayor and Council on the great success of the Mayor's Ball. She stated she is proud of who we are and what we represent as a community.

The Governing Body recognized that a resident was expected to be in attendance to discuss an issue of concern. The Council noted that upon arrival of the resident in question, Citizens to Be Heard would reconvene.

### **Items for Discussion**

#### **Parking Restrictions - Glenview Road**

Mr. Zichelli stated he received a request from a resident who lives at the end of Glenview Road. The resident has requested that street parking be prohibited on his end of Glenview Road which is narrow as cars parked on both sides of the street prevent him from backing out of his driveway. The portion of Glenview Road in question is approximately 165 feet long and 19 feet wide while the rest of the road is approximately 30 feet wide.

Council President Santomauro noted this is a matter of safety. Chief Deuer stated that there should probably not be parking on either side of the street in that narrow portion of Glenview Road. Mr. Zichelli suggested prohibiting parking on one side of the street as an initial step to monitor improvement and that an ordinance introduction and hearing would be required prior to adoption.

#### **Bullying**

Councilman Kessler suggested a Borough policy be adopted with regard to the Recreation camps and programs similar to that adopted by the district schools. He is not sure that the Borough has proper protocols in place if a bullying incident occurs. Councilman Kessler stated he researched the North Caldwell and West Essex school districts' policies and is looking to develop a policy for the Council to adopt. Councilman Raymond suggested the policy include employees of the municipal pool and camp counselors but not Borough employees who follow the Employee Policy and Procedures. Mr. Zichelli agreed that the policy extend to counselors and that repercussions should be in place for anyone found participating in bullying activities. Councilman Chiaia suggested looking to the League of Municipalities for input on the subject. Mr. Zichelli noted that Bill Maranz can consult colleagues from other towns regarding any policies already in place. Council President Santomauro suggested implementing forms for parents, coaches, counselors, etc. to sign as an agreement to uphold the policy once instituted.

**Fire/Police Department Hepatitis B Immunizations**

Fire Chief D'Ascensio requested Hepatitis-B immunizations for his staff that had not yet received them. Mr. Zichelli noted that the Borough is obligated to offer the immunizations to first responders. The immunizations require three rounds of shots at approximately \$365 per shot, per person. Mr. Zichelli suggested that the Borough pay the copay if the employees/volunteers can obtain the immunizations through their own doctors. Chief Deuer stated he would prepare a list of police officers who require the shots.

**Best Practices**

Mr. Mondelli stated that the Best Practices report was near completion for submission to the State of New Jersey Department of Community Affairs.

**Municipal Pool – Wading Pool/Splash Area**

Councilman Kessler stated that improvements to the municipal kiddie pool are needed for which bonds have been retired. Two diagrams are under consideration, a zero entry wading pool and a splash pad with a level surface and spraying water. Councilman Kessler hopes to proceed with bids and implementation in time for next summer's pool season. Mayor Alessi noted that membership rates for non-residents should be increased. Councilman Raymond stated this was part of the budget process over the past three years. Councilman Kessler noted the estimates were approximately \$190,000 to \$195,000.

Councilman Raymond stated that the splash pad option would eliminate a baby pool and potentially force young children to swim in the large pool. Councilman Kessler stated that the safest option should be considered. Mr. Zichelli will look for recommendations from contractors and obtain updated proposals with dates and timing estimates. He noted that two years ago, the pool contractor estimated only one season was left on the life of the current kiddie pool.

**Citizens to Be Heard (Continued from earlier discussion)**

Don Foti, 18 Ferndale Road

Mr. Foti was present to express dissatisfaction with the landscaping improvements after the construction of the K. Hovnanian Four Seasons development. Mr. Foti brought photographs showing the berm that was not extended as far as promised. He also noted that eight foot evergreen trees were to be staggered down to his property which now stop at the end of his garage. Mr. Foti stated that the contractor was not agreeable to adding to the landscaping and he is now incurring costs in landscaping and weeding.

Mr. Foti asked that the berm be built up and taller trees be planted as his privacy has been destroyed. He stated that the construction process was difficult and his home was not power washed as expected. Mayor Alessi asked Mr. Foti for a list of items pending. Mr. Zichelli stated there is a landscaping bond for improvement needs and drawings show additional landscaping work to be done, specifically, eight additional spruce trees to be installed with additional plantings in the fall. Mr. Zichelli stated that the Four Seasons Homeowners' Association is responsible for maintaining the area and suggested he contact the property manager regarding the outstanding issues.

David M. Paris, Borough Attorney, joined the meeting at 7:59pm.

**Items for Discussion (Continued)**

**Amendment to The Reserve at North Caldwell Developer's Agreement**

Mr. Paris stated that Pulte Homes requested an amendment to the Developer's Agreement. Most significant is the posting of performance

guarantees in two phases of development as opposed to a single posting. In addition, Pulte Homes has requested that inspection fees be posted in 25% increments as opposed to 100% up front. Mr. Zichelli stated that there is no strong advantage or disadvantage to the Borough to accept the amendment, but accepting the amendment would be a show of good faith. Council President Santomauro noted that the Council is accountable to its residents and was concerned with amending a contract with no advantage in return. Mr. Zichelli stated that K. Hovnanian recently completed construction in two phases but that most contracts were not executed in that way.

Councilman Rees asked if the monies paid by Pulte Homes would go into an escrow account to collect interest. Mr. Mondelli stated that cash funds would collect more interest if the payments were paid up front and not split into two phases/payments. Mr. Paris stated that Pulte would be buying two smaller bonds instead of one larger bond.

Mr. Zichelli stated that regarding performance, there would be the same amount of cash on hand for inspection and legal fees. Mr. Zichelli stated that we cannot ask for more than 10%. Council President Santomauro stated that she sees no upside to accepting the terms of the amendment which was agreed to by Councilman Rees.

Mayor Alessi noted that any interest gained would only be a small amount. Mr. Mondelli indicated it would total approximately \$600 annually. Mr. Paris stated it is a draw account. Councilman Chiaia noted that we do not want to put Pulte in a position where they are struggling which could then lead them to cut corners.

Councilman Raymond suggested that the Borough should not amend a contract already in place where there is no strong advantage to the Borough. Council President Santomauro stated concern if Pulte does not replenish funds when they should. Mr. Zichelli stated that we have 100% of the funds now which Pulte requests half be returned with replenishment upon need.

#### **Phone System**

Chief Deuer stated Ring Central is the new company for a central phone system. The cloud-based system would offer more capabilities including the ability to transfer calls to employee cellular phones as well as connect Borough Hall with the Police Department and DPW. Mr. Paris noted the contract, as originally presented, stated jurisdiction and applicable law under the State of California. The contract also referenced two additional agreements that were referenced by an internet address. Mr. Paris stated there is no state contract. Chief Deuer noted that Detective Credico sought out pricing from seven service providers. Mr. Paris stated that he would follow up with Detective Credico to discuss the discrepancies with Ring Central and further analyze the contract.

#### **137 Gould Avenue**

Mr. Zichelli stated that the Borough-owned house next door no longer has a tenant and is potentially rentable. The Borough is paying approximately \$10,000 in annual taxes on the property. If approved, the house can be improved for rental income of approximately \$31,000 per year. The Council approved renovating and renting the property.

#### **Explore Science**

Councilman Kessler stated that registration for the Explore Science program was held in June and collected \$110 per registrant in past years. The new

agreement reflects an increased cost of \$150 per registrant. There is a resolution prepared for later in the meeting to amend the cost.

### **Yoga Instruction Program**

Councilman Kessler shared a new Recreation program "Beginner Yoga" that would begin in January and cost \$100 for residents and \$110 for non-residents. The five session program will be held in the Fireman's Community Center and has received positive feedback already. A resolution will be presented for vote at the next Mayor & Council meeting.

### **Fireman's Field Scoreboard**

Councilman Raymond stated that the North Caldwell Recreation Foundation and the Nick Tanelli Soccer Foundation are interested in installing a new scoreboard at Fireman's Field in the spring of 2018. The scoreboard would have the Tanelli Soccer Foundation name displayed and the donation amount would cover both the scoreboard and the installation costs. A resolution will be prepared for a vote at the next Mayor & Council meeting.

### **Joe Bono Plaque**

Mr. Zichelli stated that Mr. Joseph Buono, who played an instrumental role in the West Essex Cowboys Football program, passed away this past year. A plaque was made in his honor dedicating the Field House at the Mountain Avenue Field to Mr. Bono. A request has been received to mount and display the plaque on the field house. Chief Deuer noted that there was a celebration held in Mr. Bono's honor at which the plaque was presented to Mr. Bono's family. Mr. Zichelli will follow up with the family to obtain the plaque for installation.

### **Christmas Tree/Menorah Lighting**

Mr. Zichelli proposed the site of the Walker's Pond property as a potential location for future Christmas Tree and Menorah lighting ceremonies as done in the past. Mayor Alessi agreed that the property could be the centerpiece of town. Council President Santomauro stated that once potential safety and parking issues are resolved, it would be agreeable for subsequent holiday seasons. The Governing Body agreed that the celebration should remain at Liberty Field parking lot until those issues are resolved. Councilman Raymond suggested installing holiday lights along the Walker property on Mountain Avenue. Mr. Zichelli stated he would research installing lights on the pond retaining wall on Mountain Avenue adjacent to the waterfall.

### **Anti-Semitism Proclamation**

Mayor Alessi stated that the Anti-Semitism proclamation was being drafted for presentation at a future Mayor & Council Regular meeting when the presence of Gail Black from the Northern New Jersey Chapter of Hadassah & Michael Cohen from Simon Wiesenthal could be present. The Mayor stated that Rabbi Silverstein from Congregation Aguduth Israel would be notified and invited to attend as well.

Judith Dias stated that felt proud that the Borough of North Caldwell was adopting the anti-Semitism proclamation and that she would also like to see the Borough adopt "stigma-free" signs as done in West Caldwell. She noted the need for laws that define bullying and protect against such acts which are revolutionizing our communities and bringing awareness and heightening sensitivity among residents. She stated that there has been an increase in the West Essex School district in HIB instances and referred to a specific incident that had occurred that week.

Chief Deuer stated that there was a juvenile matter brought to the attention of the North Caldwell Police Department by parents of West Essex Middle

School parents. He stated that there were eight-grade students who referenced anti-Semitic slurs through a social media chat. The NCPD was notified of the incident late in the evening and the chat was dismantled that night. NCPD detectives found the juvenile sources of the slurs and were working with the victims and their families to implement sanctions. Chief Deuer and members of the detective bureau appeared at a school assembly to speak to the students to further educate them about diversity and sensitivity. Chief Deuer noted that the defendants were from North Caldwell and Essex Fells. There were four offenders and 10 victims. The press from The Progress was planning to run an article that week regarding the incident.

Mayor Alessi stated the Anti-Semitism was already in progress before this incident.

### **Action to be Taken**

Resolution R-183-17 A Resolution Authorizing the Execution of an Amendment to the Developer's Agreement By and Between the Borough of North Caldwell and K. Hovnanian at North Caldwell IV, L.L.C. and Pulte Homes of NJ, Limited Partnership was not moved.

Resolution R-197-17 Approval to Pay Bills was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-198-17 Appointment of Custodian of Petty Cash was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-199-17 Resolution Amending Fees Pertaining to Recreation Programs - Explore Science was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

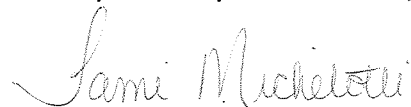
### **Executive Session**

Resolution R-200-17 Authorization for Executive Session for Certain Specified Purposes: A. Personnel – Borough Administration, B. Litigation – COAH Declaratory Judgement 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 the public at 9:57pm.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Council President Santomauro and seconded by the Council that this meeting be adjourned at 9:57pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti  
Acting Borough Clerk