

Mayor and Council Conference Meeting – May 12, 2020

The Conference Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, May 12, 2020. The meeting began at 7:34pm via teleconference.

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

Roll Call indicated the following:

Present: Mayor Alessi, Council President Santomauro, Councilman Astorino, Councilman Chiaia, Councilman Kessler, Councilman Rees and Councilman Tilton.

Also present were: Kevin O'Sullivan, Borough Administrator; David M. Paris, Esq., Interim Borough Attorney; Mark Semeraro, Esq., Borough Attorney Elect; Rich Mondelli, Chief Financial Officer; Mark Deuer, Police Chief; Paul Ferriero, Borough Engineer; and Tami Michelotti, Borough Clerk.

Mayor Alessi asked Chief Deuer to lead the Pledge of Allegiance. Mayor Alessi asked for a moment of silence in memory of all who have lost their lives to COVID-19.

Citizens to be Heard

Mr. O'Sullivan provided opportunity to each of the teleconference attendees to be heard by unmuting each participant.

Paul Scagnelli – 7 Stony Brook Road

Mr. Scagnelli stated that fulfillment of his request for Resolution R-57-2020 was fulfilled only hours prior to that evening's meeting during which the Council was expected to approve the extension request from Pulte Homes. Mr. Scagnelli questioned the late release of the document which did not allow for public viewing and input with sufficient time prior to the vote. He asked that the vote be delayed for two weeks in order to allow the public more time to review the resolution and provide input. Mr. Paris stated that this deliberative document was not subject to disclosure prior to being voted upon as stipulated in the Open Public Records Act. He added that public interest in this topic led the Governing Body to divulge the document on the day of the meeting once the negotiation process was complete and a vote was imminent.

Mr. Henry Ko – 6 Wildwood Drive

Mr. Ko requested a summary of the agreement with Pulte Homes. Mr. Paris provided a description of the elements of the agreement including road repaving, landscaping plans, a French drain installation and a Force Majeure clause. Mr. Paris confirmed ultimate enforcement resides with the courts if stipulations are not met. Mr. O'Sullivan stated that Pulte Homes' representatives were in favor with the agreement and intended to sign the document once approved by the Council. He added that Pulte confirmed that contractors are secured and committed to meeting dates.

Councilman Astorino asked if the document could have been released earlier. Council President Santomauro noted that details of the agreement had just been finalized subsequent to negotiations with Pulte Homes. Councilman Rees requested increased sharing of documents with the public. Mr. Paris stated that updates during the negotiation process and results of those negotiations cannot be made public until after approval and execution by the Governing Body.

Ted Roth – 17 Wind Ridge Drive

Mr. Roth asked about the French drain installation described in part 4 of the agreement. Mr. Ferriero stated that the drain remedy was based on seepage emanating from retaining walls which would be collected and piped into the stormdrain system. He noted that he and Pulte's engineer agreed upon the solution to capture as much groundwater as possible. Mr. Roth asked for a sketch of the drain and suggested that approval of the agreement be subject to the location of the installed drain. Mr. Ferriero stated that a sketch was forthcoming based on the final agreement being signed. Mr. O'Sullivan confirmed that the drain design would be subject to the Borough Engineer's review and approval.

Anthony Floria-Callori – 4 Chestnut Hill Road

Mr. Floria-Callori requested that meeting dates be rescheduled to avoid conflict between the Borough and the North Caldwell Board of Education. He asked that the 2020 Municipal Budget take into consideration the possible financial ramifications on revenues from the COVID-19 pandemic. Mr. Floria-Callori requested that resolutions pending Council votes be made available to the public before Council meetings. He suggested that portions of the proposed Pulte agreement be subject to the Borough Engineer's approval.

Dan Gallagher – 36 Ferndale Road

Mr. Gallagher presented questions to the Governing Body regarding the proposed extension agreement with Pulte Homes including: water displacement after Glenview Road is paved, the location of the French drain, clarification of the “buffer zone” as the same as the conservation easement, landscaping. Mr. O’Sullivan stated that the French drain cuts along the top of Glenview Road to catch groundwater. He added that the extension agreement does not change requirements regarding the conservation easement. He noted that Pulte’s deadlines are quickly approaching, thereby making a delay in the agreement approval difficult.

John Zurlo – 19 Glenview Road

Mr. Zurlo stated that an inadequate amount of time was provided to the public to review the proposed Pulte agreement. He requested a one-week extension for a review by the public and noted the lengthy negotiation process between the Borough and Pulte Homes.

Mr. Zurlo asked for an update on the outstanding issues related to detention basin 2. Mr. Ferriero stated that he spoke with Soil Conservation and NJDEP who were concerned with erosion downstream and the state of the wetlands. He noted that Pulte has a proposal to alleviate the issues which will be subject to Soil Conservation’s recommendations to disperse the energy.

Mr. Zurlo asked for information on the Borough’s process for hiring a Borough Attorney. Mr. O’Sullivan reviewed the Request for Qualifications process, the proposals received and the interview process.

Hearing no further comments from the public, Mayor Alessi provided a brief report on the COVID-19 pandemic and its impact on the Borough. He announced the Borough Council’s decision to extend the second quarter property tax grace period to June 1, 2020. He shared that Liberty Park would open for passive recreation only.

Items for Discussion

2020 Capital Budget

Mr. Mondelli provided an update on the 2020 Capital Budget noting a delay due to the pandemic.

NCPD/NCFD - Chief Deuer reviewed expenditures that could be decreased or delayed from the Police Department’s capital requests. Councilman Rees suggested that the Fire Department’s request for a command vehicle and epoxy flooring should were not critical for the current year. Councilman Tilton and Councilman Astorino agreed. The Fire Department requests for apparatus repairs and protective clothing were approved.

Administration - Mr. Mondelli offered to withdraw the proposed purchase of a folding/stuffing machine that was requested for Borough mailings. Estimates regarding personnel time and effort were discussed with regard to mailings.

Information Technology - Sergeant Credico, Information Technology Director, reviewed the camera and security system upgrade requests. He presented the estimates for live streaming of meetings noting that installation would be performed by Borough staff to reduce costs. He added that hardware and software updates are required to maintain security compliance.

Sergeant Credico presented an upgrade to the field lighting system which would save on energy costs. He stated that the savings would recuperate the investment within four to five years.

Public Works - Mr. Mondelli reviewed the Public Works capital requests including a front-loader bucket truck and pickup truck with a plow. He added that the requested radios for the DPW trucks could be funded from the 2019 Water Utility capital ordinance. All were approved.

Buildings and Grounds - Mr. Mondelli reviewed the Buildings and Grounds capital requests. He noted that the expansion of the walking path around new on-deck areas at Liberty Field could be funded from the Turf Field bond ordinance. He stated that requests for a lawnmower and sewer pump alarm were withdrawn by the Public Works Department. Mr. O’Sullivan described funding for a recent emergency repair to the Stepping Ridge pump station which still needs the replacement of propellers.

Recreation - Councilman Kessler reviewed Recreation Department capital requests. He suggested tabling the request for bleachers at Liberty Park with which the Council agreed. Windscreens for the tennis courts were not approved. Fencing and backstop repairs and replacement at Mountain Avenue

field were approved to ensure safety. A storage shed and potential alternate solutions for Liberty Field were discussed.

Water Utility – Mr. Mondelli presented the requests for an excavator, a gas powered saw, a gas monitor and hydrants. He stated that the excavator and trailer could be leased and funded through the Water Utility general fund. The saw and pro-press were tabled.

Pool Utility – Councilman Kessler stated that pool improvements were needed. The Council discussed the uncertainty of the summer season due to COVID-19. Councilman Chiaia suggested that improvements be done during down-time if the pool does not open for the season. Mr. Mondelli noted that a bond ordinance would be necessary to fund the improvements. Mr. O’Sullivan suggested obtaining research design and improvement ideas and costs. Mr. Ferriero offered to bring in a pool engineer to give a preliminary overview of needed improvements. Councilman Rees highlighted the need for bathroom updates, installation of a new front walkway, and decking and concrete repairs. Councilman Kessler stated the need for sensor fixtures in the restrooms to avoid touchpoints in light of the pandemic.

Mr. Mondelli offered to finalize the Capital Budget details for ordinance introduction.

Spring and Summer Recreation Programs

Councilman Kessler provided a summary of delays and cancellations of recreation activities due to the pandemic and the associated executive orders from Governor Murphy. He announced the opening of Borough fields on May 15, 2020 for passive recreation use. He provided an overview of other neighboring towns’ plans regarding pool openings and summer camps. He announced the cancellation of the Memorial Day parade.

Councilman Kessler described the uncertainty of the baseball and softball seasons. He encouraged the public to join the virtual fitness and arts/crafts programs offered by the Recreation Department. He noted some challenges facing the Summer Fun camp program including limitations on the use of Gould School and capacity limits to ensure social distancing. He described the possibility of opening the camp with modifications to comply with CDC guidelines. The Mayor and Council expressed their appreciation for the efforts of Councilman Kessler, the Recreation Committee and the Recreation Department.

Councilman Kessler reviewed the challenges to opening the municipal pool based on regulations anticipated from the New Jersey Department of Health. He noted capacity limits on registration, sanitizing protocols and social distancing requirements as factors requiring consideration. He offered biweekly updates to the Council in advance of making a decision to open the pool for the season.

Action to be Taken

R-63-2020 A Resolution Authorizing the Award of Professional Services Contract for the Borough of North Caldwell - Borough Attorney was read. Council President Santomauro thanked Mr. Paris for his continued service to the Borough during the pandemic which delayed the interview process. She reviewed the RFQ and interview process which resulted in the mayoral appointment with advice and consent of the Council. Council President Santomauro added that the appointee, Mark Semeraro, was present. She highlighted his qualifications and certifications. Mayor Alessi and members of the Council thanked Mr. Paris and welcomed Mr. Semeraro. A motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was carried unanimously with six votes.

Resolution R-57-2020 – A Resolution Authorizing the Execution of an Agreement by and Between the Borough of North Caldwell and Pulte Homes of N.J. Limited Partnership was read. Councilman Rees suggested the resolution be tabled until the next Council meeting as per requests from the public. Councilmen Astorino and Kessler stated that public comment was considered but that the matter should not be delayed. Council President verified that the extension agreement does not affect the developer’s agreement which remains fully enforceable.

Councilman Rees made a motion to table Resolution R-57-2020 – A Resolution Authorizing the Execution of an Agreement by and Between the Borough of North Caldwell and Pulte Homes of N.J. Limited Partnership. No one seconded the motion.

Council President Santomauro made a motion to approve Resolution R-57-2020 – A Resolution Authorizing the Execution of an Agreement by and Between the Borough of North Caldwell and Pulte

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Homes of N.J. Limited Partnership, seconded by Councilman Kessler. Said motion was carried with five affirmative votes and one “nay” vote from Councilman Rees.

Councilman Chiaia stated that much importance was placed on this negotiation and credited the concessions received from Pulte Homes to the requests and input of the public.

Resolution R-76-2020 A Resolution Approving the Payment of Bills was read. A motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

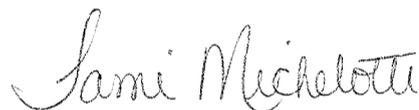
Executive Session

Resolution R-77-2020 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: Contract Negotiations – Caldwell Sewer. Motion was made by Council President Santomauro, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

The meeting was re-opened to Public at 10:39pm.

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 the Council, that this meeting be adjourned at 10:39 pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Borough Clerk