

Mayor and Council Regular Meeting – May 26, 2020

The Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, May 26, 2020. The meeting began at 7:34pm via teleconference due to the COVID-19 pandemic.

Mayor Alessi called the meeting to order announcing that notice was provided in accordance with the requirements of Chapter 231, P.L. 1975. He provided a statement regarding the conduct of the teleconference which would allow members of the public to participate and be heard during public comment.

Roll Call indicated the following:

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

Also present were: Mr. Mark Semeraro, Esq., Borough Attorney; Kevin O'Sullivan, Borough Administrator; Rich Mondelli, Chief Financial Officer; Paul Ferriero, Borough Engineer; Mark Deuer, Police Chief; John Draikiwicz, Esq., Borough Bond Counsel; Joseph Faccone, CMA and Andrew Zabiega, CMA, Borough Auditors; and Tami Michelotti, Borough Clerk.

Mayor Alessi asked Mark Semeraro to lead the Pledge of Allegiance.

Mayor's Report

Mayor Alessi expressed appreciation for the efforts of the Health Department during the COVID-19 health crisis. He reminded all residents to follow all CDC guidelines and announced new COVID-19 testing sites in the area. He announced Tree Seedling Day scheduled for June 3, 2020.

Citizens to be Heard

John Zurlo – 19 Glenview Road

Mr. Zurlo asked if the Borough had determined a policy regarding the mitigation of drainage issues on private property. Mayor Alessi stated that the Borough would not assume responsibility for private property. Mr. Zurlo asked for an update on detention basin 2 on the Pulte property as more outflow than expected has resulted. Mr. O'Sullivan stated that Pulte Homes, Soil Conservation and Borough representatives are working with the NJDEP on restorative measures.

Mr. Zurlo asked to poll the Council on their interpretation of the Walker Property referendum as binding. Mr. Semeraro stated that the opportunity to be heard does not mandate dialogue or polling by the public.

James Faloni, owner of Horseneck Tavern - 11 Bloomfield Avenue

Mr. Faloni requested a revision to the existing restrictions on the service of alcoholic beverages on the front walkway expansion previously granted by the Borough and the Alcoholic Beverage Control Commission. He stated the desire to accommodate as much outdoor seating as possible for dining and beverage service in light of the Governor's recent Executive Order allowing for outdoor dining. Council President Santomauro confirmed that any revisions to the standing resolution that limited alcoholic beverage service on the front walkway would have to be executed by resolution which could be considered by the Council at the next meeting.

Jann Skelton – 17 Spruce Road

Ms. Skelton asked that the Council be more receptive of comments from their constituents and avoid inappropriate comments.

Matt Atlas – 18 Rose Avenue

Mr. Atlas stated his opposition to Bond Ordinance BO-2-2020 and asked that it be tabled. He noted the significant expenses associated with the Walker's Pond dredging and improvements. He asked for the long-term plans for the property and noted that skating during the winter is not a feasible use of the property.

Jon Rapkin – 35 Willow Brook Drive

Mr. Rapkin asked about plans for the Walker Property and suggested that Bond Ordinance BO-2-2020 be tabled for a later date.

Anthony Floria-Callori – 4 Chestnut Hill Road

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Mr. Floria-Callori asked if there had been any tree permit applications made to date. He suggested that the new ordinance be distributed to tree removal contractors. Mr. O'Sullivan confirmed that permit applications have been submitted and that additional outreach would be conducted.

Anthony Rainone – 15 Aspen Drive

Mr. Rainone expressed concern regarding limitations on public comment and noted that Council meetings have been productive when questions could be answered by the Governing Body. He asked for alternative opportunities to have questions answered. Mr. Semeraro referred to provisions of the Open Public Meeting Act.

Ted Roth – 17 Wind Ridge Drive

Mr. Roth asked if recommendations documented in Suburban's drainage report had been completed by the Borough. Mr. O'Sullivan provided an update on progress made to date as well as future plans. Mr. Roth observed that the Suburban report did not study the Walker property. Mr. O'Sullivan and Council President Santomauro referred to the dredging project and additional sections in the study that noted increased conveyance of stormwater upon completion of the pond dredging.

Approval of Minutes

Council President Santomauro moved to accept the minutes from the Conference Meeting and Executive Session Minutes held on April 14, 2020, seconded by Councilman Astorino. Said motion was passed unanimously with six affirmative votes.

Council President Santomauro moved to accept the minutes from the Special Meeting and Executive Session Minutes held on April 27, 2020, seconded by Councilman Chiaia. Said motion was passed unanimously with six affirmative votes.

Council President Santomauro moved to accept the minutes from the Regular Meeting and Executive Session Minutes held on April 28, 2020, seconded by Councilman Chiaia. Said motion was passed unanimously with six affirmative votes.

Committee Reports

Legal and Ordinance

Bond Ordinance BO-1-2020

Council President Santomauro made a motion to open the public hearing for Bond Ordinance BO-1-2020 A Bond Ordinance Authorizing Various Road Improvements Appropriating \$942,230 Therefore and Authorizing the Issuance of \$932,368 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Councilman Chiaia. Said motion was carried unanimously with six affirmative votes. Council President Santomauro noted that the project is for regular road maintenance, including catch basin improvements which supports the drainage improvement tasks.

Mr. O'Sullivan provided opportunity for all meeting participants to be heard by unmuting each caller.

John and Maureen Zurlo – 19 Glenview Road

Mr. Zurlo asked for clarification of the impact of roadway improvements on stormwater drainage. Mr. O'Sullivan noted that catch basin repairs and improvements alleviate localized flooding. Mrs. Zurlo asked if Glenview Road was included in the roadway improvements. Mr. O'Sullivan stated that Glenview Road was not included in the New Jersey Department of Transportation grant request but that it would be paved as per the construction extension agreement with Pulte Homes.

Paul Scagnelli – 7 Stony Brook Road

Mr. Scagnelli asked for the timeframe of the paving work. Mr. O'Sullivan stated that early fall was likely as the project is subject to a formal bid process. He added that other streets not included in the NJDOT grant might be done in early summer.

John Collitto – 35 Ferndale Road

Mr. Collitto noted that the last paving of Ferndale Road provided no drop as a barrier from front properties to the road which allows stormwater to enter residents' properties. Mr. O'Sullivan stated that he was working with the DPW to find a solution, possibly installing curb facing to keep stormwater in the street.

Anthony Rainone – 15 Aspen Drive

Mr. Rainone asked if the NJDOT grants were included in the \$942,000 bond ordinance total. Mr. O'Sullivan confirmed the grants would be used to pay down the debt once reimbursement from the State was received.

Ted Roth – 17 Wind Ridge Drive

Mr. Roth referred to Council President Santomauro's reference to roadway improvements improving drainage issues. He stated that such language was not included in the bond ordinance document. Mr. Draikiwicz, Borough Bond Counsel, noted the inclusion of drainage improvements in Sections 3A-1 and 3A-2 of the bond ordinance. Mr. Roth asked if the NJDOT monitors allocations from the bond ordinance for drainage improvements. Mr. O'Sullivan stated that the grant application specifies limits of drainage improvements.

Mr. Roth noted that the Fox Run area in town was excluded from the bond ordinance. Council President Santomauro stated that the bond ordinance is specific to roadways that required milling and paving and not just drainage improvements. She added that drainage improvements in that neighborhood would be addressed separately. Councilman Chiaia added that streets are repaved on a regular basis with those in greatest need receiving priority.

Hearing no further comments from the public, Council President Santomauro made a motion to close the public hearing for Bond Ordinance BO-1-2020 A Bond Ordinance Authorizing Various Road Improvements Appropriating \$942,230 Therefore and Authorizing the Issuance of \$932,368 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Councilman Chiaia. Said motion was carried unanimously with six affirmative votes.

Council President Santomauro made a motion to adopt Bond Ordinance BO-1-2020 A Bond Ordinance Authorizing Various Road Improvements Appropriating \$942,230 Therefore and Authorizing the Issuance of \$932,368 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Councilman Chiaia. Said motion was carried unanimously with six affirmative votes.

Bond Ordinance BO-2-2020

Council President Santomauro made a motion to open the public hearing for Bond Ordinance BO-2-2020 A Bond Ordinance Authorizing Improvements to Walker's Pond Appropriating \$2,126,000 Therefore and Authorizing the Issuance of \$2,019,700 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Councilman Chiaia. Said motion was carried unanimously with six affirmative votes.

Council President Santomauro reviewed the origin and purpose of the funding of improvements to the Walker's Pond and Property through the proposed bond ordinance. She noted the non-financial benefits of the property purchase and the pond restoration. She noted the drainage improvements that were expected from the pond dredging. Council President Santomauro explained the permitting and bidding processes that were underway regarding the improvements.

Councilman Astorino reviewed the funding of the property acquisition. He noted that it was a pivotal time to finance the improvements and that an Open Space Grant was anticipated from Essex County. He stated that the Borough is financially stable and interest rates are low. Mr. Draikiwicz added that municipal bond rates are at historical lows with attractive long term debt rates. Mr. Mondelli noted that the Open Space Tax will generate \$245,000 which would be allocated to paying off part of the original debt as well as the interest on the new bond ordinance. Mr. Faccone added that the 2020 Municipal Budget reflects the Open Space revenue to be used for paying down the principal and interest with a reserve of the balance for future use.

Mayor Alessi stated the historical importance of the property and the Borough's efforts to prevent development on the property. Council President Santomauro added that Amy Greene Associates was hired as a consultant on this project and has worked closely with the NJDEP regarding the drainage aspect of the pond dredging.

Mr. O'Sullivan provided opportunity for all meeting participants to be heard by unmuting each caller.

John Zurlo – 19 Glenview Road

Mr. Zurlo stated his agreement with the dredging project and plans for future recreational space. He asked what the intended amenities would be on the property and in the house. He asked if the subdivision of five (5) residential lots would be considered. Council President Santomauro stated that she had no intentions to sell the lots. She added that future amenities would include a walking path, benches, a gazebo and plans for the house are yet to be determined.

Anthony Prinzo – 2 Hickory Drive

Mr. Prinzo stated that the current time was favorable for borrowing funds while interest rates are very low.

Alex Opper – 8 Brentwood Drive

Mr. Opper agreed that the pond dredging is necessary but questioned the timing. He questioned the dredging's effect on drainage issues upstream. He asked if the LSRP consultant had tested the soil for contaminants. Council President Santomauro stated that sampling had been done which found pesticides attributed to the prior use of the property as an apple orchard. Mr. O'Sullivan reviewed the contaminants that were consistent with suburban drainage ponds and farmland pesticides. He added that the details were provided in the bid specifications for bidders to review for appropriate bidding to include the soil removal and disposal. He stated that the LSRP would oversee the soil disposal as is required. Mr. Opper noted the costs associated with contaminated soil disposal. He added that the Borough should delay the project and focus on larger drainage issues.

Matt Atlas – 18 Rose Avenue

Mr. Atlas noted his opposition to the Bond Ordinance and referred to his comments made during the Citizens to be Heard portion of the meeting. He asked for the Council's long-term plans for the property and stated that other projects in town were higher priorities.

Paul Scagnelli – 7 Stony Brook Road

Mr. Scagnelli noted his favor for the bond ordinance and stated that the present time is appropriate to do the work.

Tim Peterson – Chief, North Caldwell Fire Department

Chief Peterson asked that ice rescue equipment and training be allocated from the bond ordinance.

Jon Rapkin – 35 Willow Brook Drive

Mr. Rapkin asked about plans for parking and other recreational amenities. He stated that the funding should have been considered in a referendum. Council President Santomauro stated that plans have been made delineating the property for walking paths, a gazebo, etc. which would be shared with the public. She noted that permits have been delayed due to the COVID pandemic. Mr. Rapkin asked that a committee be established to include resident sentiment. Councilman Chiaia noted that a committee has been established that includes residents, professionals and members of the Governing Body. He noted that the committee would be charged with making recommendations for improvements.

Beverly Salerno – 192 Mountain Avenue

Mrs. Salerno stated her support of the bond ordinance for Walker's Pond and Property improvements.

John Collitto – 35 Ferndale Road

Mr. Collitto noted his favor with the project moving forward.

Andrew Bronsnick – 22 Cambridge Drive

Mr. Bronsnick suggested that ice skating on the pond was unlikely for more than a small amount of time each year. He added that skating could be dangerous as the ice would rarely be safe enough for skating. He added that the percentage of residents who would skate would be minimal and asked the Council to weigh the demand for skating vs. the safety risk.

Anthony Floria-Callori – 4 Chestnut Hill Road

Mr. Floria-Callori stated a lack of communication regarding the project outside of the pond dredging. He agreed with the purchase of the property to maintain open space, but expressed concern due to a lack of comprehensive plans. He stated concern with accepting the lowest bid on the project. Mr. Semeraro provided a brief explanation of Local Public Contracts Law and bidding regulations which obligates the Borough to accept the lowest bid.

Anthony Rainone – 15 Aspen Drive

Mr. Rainone stated that the present time was not ideal to finance and conduct the project. He stated that the town is divided on the overall plan. He reviewed prior funding for the project and lack of planning as concerns of the public. He asked the Governing Body to solidify a plan and include more of the public with experience in development on the committee.

Josh Raymond – 33 Oak Place

Mr. Raymond stated that the property was purchased four years ago and approved of the proposed committee that should include community leaders to determine the best use of the property. He stated that a plan and amenities should be included in a plan to include ADA compliance, lighting, parking,

rescue apparatus, etc. Council President Santomauro stated that plans for the house on the property would be included in the next phase of the improvement process. She noted that Mr. Raymond was a Council member during the two-plus year process for NJDEP permitting which stalled the project significantly. She added that the permitting process is near the end which has allowed the Borough to move forward on planning of improvements and amenities. Mr. O'Sullivan stated that any funding remaining in the bond ordinance after the dredging project will be used for improvements. He added that final design is premature until the actual dredging costs are available upon bid opening.

Ted Roth – 17 Wind Ridge Drive

Mr. Roth stated his approval with the Borough ownership of the property. He asked if the Borough applied for and/or received grants for the property. Council President Santomauro noted that a Green Acres grant was applied for and was offered but that it was associated with many restrictions. Mayor Alessi added that the house could not be used if Green Acres funds were accepted. Mr. O'Sullivan reviewed two Essex County Open Space grant applications and awards. He added that a pending grant was applied for from the NJDEP Hazardous Discharge Site Remediation Fund.

Mr. Roth stated that the Suburban Consulting Engineers' drainage study does not include the Walker's property. Council President Santomauro noted the pond as a natural detention basin and offered a highlighted version of the study. She added that a study from Amy Green also includes the Walker's property. Mr. Roth asked for an updated to the Borough's Stormwater Management Plan. Mr. O'Sullivan stated that the Stormwater Management Plan and the Pollution Prevention Plan are currently being updated by Mr. Ferriero. He added that the Stormwater Management Ordinance was also recently updated.

Erik Nelson – 6 Aspen Drive

Mr. Nelson stated his approval with the purchase of the property but noted that plans have not been communicated to the public clearly. He asked the length of time for which permits are valid. Mr. O'Sullivan stated that NJDEP permits are valid for five (5) years.

Hearing no further comment from the public, Council President Santomauro made a motion to close the public hearing for Bond Ordinance BO-2-2020 A Bond Ordinance Authorizing Improvements to Walker's Pond Appropriating \$2,126,000 Therefore and Authorizing the Issuance of \$2,019,700 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Councilman Chiaia. Said motion was carried unanimously with six affirmative votes.

Council President Santomauro made a motion to adopt Bond Ordinance BO-2-2020 A Bond Ordinance Authorizing Improvements to Walker's Pond Appropriating \$2,126,000 Therefore and Authorizing the Issuance of \$2,019,700 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Councilman Chiaia. Said motion was carried unanimously with six affirmative votes.

Mr. Chiaia stated that Walker's Pond was a hallmark location in North Caldwell which evokes nostalgia. He noted increased property values and downstream benefits of the dredging and property improvements.

Ordinance O-7-2020

Council President Santomauro made a motion to introduce Ordinance O-7-2020 Amending Chapter 45 of the Code of the Borough of North Caldwell Regarding Sewer Fees, seconded by Councilman Kessler. Said motion was carried unanimously with six affirmative votes. Council President stated that the Borough was subject to significant sewer cost increases imposed by the Caldwell Sewer Utility. She added that the Borough has no control over the increase. She announced the public hearing for the ordinance scheduled for June 23, 2020.

Personnel and Administration

Resolution R-78-2020 A Resolution Authorizing the Appointment of Social Distancing Ambassadors was read. Motion was made by Councilman Tilton, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Finance

Councilman Astorino expressed his appreciation for the constructive input during the public hearings. He added that Mayor Alessi asked for five-year plans back in 2014 of which many projects had been completed.

Councilman Astorino made a motion to accept the Tax Collector's Report for April 2020, seconded by Council President Santomauro. Said motion was carried unanimously with six affirmative votes.

Resolution R-79-2020 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 six affirmative votes.

Resolution R-80-2020 A Resolution Authorizing the Reading of the 2020 Municipal Budget by Title was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with six affirmative votes.

2020 Municipal Budget Public Hearing

Mayor Alessi reviewed the process for the hearing which allowed for all members of the public to be heard. Councilman Astorino made a motion to open the public hearing, seconded by Council President Santomauro. Said motion was carried unanimously with six affirmative votes.

Mr. O'Sullivan provided opportunity for all meeting participants to be heard by unmuting each caller.

Kathy Shwiff – Editor of The Progress newspaper

Ms. Shwiff asked for the tax rates for 2019 vs. 2020. Mr. Mondelli stated that the local tax rate being introduced is .398 which is the same as 2019.

Anthony Floria- Callori – 4 Chestnut Hill Road

Mr. Floria-Callori noted concern for overestimating revenue from taxes and recreation programs due to the pandemic. Mr. Astorino stated that the Borough is monitoring collection rates and revenue with the current revenue holding stable compared to last year. Mr. Mondelli noted that appropriations could be reduced if revenue is short. Mr. Floria-Callori suggested ancillary revenue sources. Mr. Faccone noted the new line item in the budget for revenue from sewer connections, Zoning and Planning Board fees and fees outside of Uniform Construction Code revenue.

Anthony Rainone – 15 Aspen Drive

Mr. Rainone asked if the Mayor and Council members who historically received health benefits were removed coverage. He asked about the public benefit for taxpayers funding health benefits. Mayor Alessi stated that he pays toward the health insurance coverage and intended to maintain the benefit noting his daily commitment to the Borough. Council President Santomauro stated that she pays toward the coverage. She noted her experience and commitment as a benefit to the Borough. She stated that the North Caldwell salaries for Council members are very low as compared to other municipalities. Mr. Rainone suggested allowing the voters to choose by referendum on the health benefit provision. Council President Santomauro noted that statutorily, not all Council members are eligible for benefits.

Hearing no further comment from the public, Councilman Astorino made a motion to close the public hearing, seconded by Council President Santomauro. Said motion was carried unanimously with six affirmative votes. Councilman Chiaia added that the Borough's tax rate has remained flat for five (5) of the last eight (8) years.

Mayor Alessi closed the public meeting and noted that adoption was scheduled for July 21, 2020.

Public Safety

Councilman Chiaia stated that he visited Camp Wyanokie with fellow committee member, Tony Prinzo. He noted the installation of fire pits and signage. He thanked Mr. Prinzo for his efforts on the committee and welcomed the public to visit the camp.

Councilman Chiaia thanked the public for their purchase of 300 First Responder Thank You signs with proceeds going to the Police Department, Fire Department, West Essex First Aid Squad and local hospitals. He credited Councilman Kessler with the idea of celebrating and thanking the First Responders and resident Andrea Lever with executing the design and production of the signs. He thanked Chief Deuer and Fire Chief Peterson for providing birthday parades for residents.

Councilman Chiaia presented the Police Department Public Safety Report for April 2020. He stated that the priority has been keeping the town and the department members healthy and safe. He noted that call volume to Dispatch consisted of 385 calls as compared with a typical monthly volume of over 900 calls.

Councilman Chiaia stated that landscaping of the three (3) triangles in town would be maintained and supplemented with flowers. He noted that Essex County Department of Public Works filled potholes on Grandview Avenue.

Chief Deuer announced the suspension of drive-by parades as of June 1, 2020 in light of Governor Murphy's loosening of social gatherings. He noted that over 100 parades were conducted. He added that an additional 100 First Responder signs would be available for sale on the following Saturday.

Resolution R-81-2020 A Resolution Authorizing the Execution of a Reimbursement Agreement with the County of Essex with Regard to the Acceptance of Stimulus Funds by Virtue of the CARES Act was read. Motion was made by Councilman Chiaia, seconded by Councilman Kessler. Said motion was carried unanimously with six affirmative votes. Councilman Chiaia stated that CARES funding would be in addition to FEMA funding for COVID-related expenses.

Public Works

Councilman Rees presented the Construction Permit Activity Report for April 2020. He noted 18 permits totaling \$8,000 were issued as compared with 50 permits totaling \$32,000 last year.

Councilman Rees presented the Animal Control Report for April 2020, noting dogs at large which were returned to their owners and two bats in a residence that were negative for rabies.

Resolution R-82-2020 A Resolution Authorizing the Award of a Professional Services Contract for Engineering and Surveying Services for Brookside Terrace Section 3 Roadway Improvements was read. Motion was made by Councilman Rees, seconded by Council President Santomauro. Said motion was carried unanimously with six affirmative votes.

Resolution R-83-2020 A Resolution Authorizing the Award of a Professional Services Contract for Engineering, Contract Management and Inspection Services for Deer Trail Road and Robin Hill Road Overlay Roadway Improvements was read. Motion was made by Councilman Rees, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

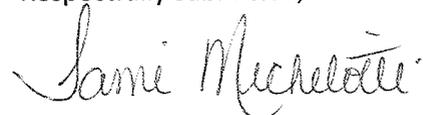
Recreation

Councilman Kessler stated that passive recreation is still in place despite field openings. He stated that the Borough is awaiting guidance from the Governor and the Joint Insurance Fund regarding the opening of pools, camps, and sports. He announced the installation of on-deck batting areas at Liberty Park and an extended walking path and retaining wall. Councilman Kessler stated that recreation programs are suspended based on State regulations but that contingency plans were in place should we be able to open programs. He added that refunds for the cancelled baseball and softball season would begin on or about June 9, 2020. He stated that Summer Fun Camp and the Municipal Pool registrations are open in hopes that both are able to open. Councilman Kessler stated that pool staffing would likely require social distancing ambassadors and sanitation staff. He announced that the tennis courts were open to registrants. He stated that Women's Softball would be postponed to the fall.

Resolution R-84-2020 A Resolution Authorizing Refunds for Recreation Program Fees was read. Motion was made by Councilman Kessler, seconded by Council President Santomauro. Said motion was carried unanimously with six affirmative 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 Chiaia, that this meeting be adjourned at 10:42pm. This motion was carried unanimously with six affirmative votes.

Respectfully submitted,



Tami Michelotti
Borough Clerk