

Mayor and Council Conference Meeting – April 13, 2021

The Conference Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, April 13, 2021. The meeting began at 7:30pm via tele/video-conference 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 Joseph H. Alessi, Council President Francis Astorino, Councilman Matthew Atlas, Councilman Anthony Floria-Callori, Councilman Robert Kessler, Councilman Arthur Rees, Councilman Kenneth Tilton.

Also present were: Kevin O'Sullivan, Borough Administrator; Ms. Irene Asbury, Esq., attending in lieu of Borough Attorney Mark Semeraro; Rich Mondelli, CFO; Paul Ferriero, Borough Attorney, Mark Deuer, Police Chief; and Tami Michelotti, Borough Clerk.

Mayor Alessi asked Councilman Tilton to lead the Pledge of Allegiance.

Executive Session

Resolution R-75-2021 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: (1) Cross River (ZenFi) ROW Agreement was read. Motion was made by Council President Astorino, seconded by Councilman Rees. Said motion was carried unanimously with six affirmative votes.

The meeting was re-opened to the public at 7:53pm

Citizens to be Heard

John Zurlo – 19 Glenview Road

Mr. Zurlo asked for an updates on detention basin 2 and the outstanding landscaping at The Reserve. Mr. Ferriero provided an update on the landscaping installation performed in the Fall of 2020 and potential replacements that could occur in Fall 2021. Mr. Ferriero added that no structural changes were planned for detention basin 2 but noted that stabilizing the outflow area was discussed.

Items for Discussion

June Conference Meeting Date

Ms. Michelotti requested a revision to the June 8 Conference Meeting Date to June 9 so not to conflict with the Primary Election. The Council agreed to the revision. Ms. Michelotti stated that she would submit appropriate notice to the public of the revision.

Councilman Tilton suggested that meetings begin earlier in the evening. The Council agreed to the revision. Ms. Michelotti stated that she would submit appropriate notice to the public of the time change for all future meetings.

Walker's Pond Update

Mr. O'Sullivan provided a status on the dredging and restoration project at Walker's Pond. Mr. Ferriero explained the NJDEP requirement to plant over 400 trees as part of the mitigation plan for the riparian zone. Mr. O'Sullivan provided an update on the Walker's Pond Conservancy's discussions of a concept plan and upcoming presentation of recommendations to the Council. The Council requested a concrete timeline for the deliverables.

CivicReady and CivicRec Statements of Work

Mr. O'Sullivan reviewed the software solutions offered by CivicPlus that were discussed during the Special Budget Meeting. He recommended the Statements of Work be executed by resolution later in the meeting to begin work on implementation of the CivicReady emergency notification system and the CivicRec recreation solution.

Easement Encroachment – 4 Vale Place

Councilman Floria-Callori stated that he was a member of the Zoning Board of Adjustment at the time of the variance hearing for 4 Vale Place. He noted that he recused himself at the time of the application hearing due to his personal relationship with the Applicants. He added that he could be impartial for the current request before the Governing Body from Mr. and Mrs. Schultz.

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Keith and Rachel Schultz, owners of the property at 4 Vale Place, presented their request to encroach into the water service line easement on their property to keep the newly-installed fence and landscaping added during the installation of a pool for which a variance was granted by the Zoning Board of Adjustment. Mr. Ferriero noted that the variance was granted by the Zoning Board of Adjustment with the stipulation that no construction or installations be made in the easement. He explained that the as-built plans submitted after project completion depicted that the fence and landscaping placement did not comply with the stipulation of the variance.

The Schultzes stated their willingness to move the fence out of easement which was scheduled to be completed that week. They requested that the landscaping be permitted to remain in the easement. The Council discussed the responsibility of the town vs the Schultzes should the easement need to be accessed for emergency repairs. Mr. Schultz invited the Governing Body members to visit the property before rendering a decision at a subsequent meeting.

Mr. Ferriero departed the meeting at 9:02pm.

Lindsley Heights Easement Agreement

Mr. O'Sullivan stated that the land appraisal had been completed and that an agreement and corresponding ordinance would be prepared for consideration and action at the next meeting.

70 Grandview Avenue Developer's Agreement

Mr. O'Sullivan stated that an agreement was prepared based on the Planning Board resolution granting the subdivision. He offered the agreement for consideration and action at the next meeting.

Tree Ordinance Enforcement Officer Appointment

Mr. O'Sullivan stated that the Tree Ordinance adopted last April named him as the Tree Enforcement Officer. He offered that a resolution for the re-appointment would be prepared for consideration and action at the next meeting.

Councilman Floria-Callori requested that removal of dead trees and limbs be considered for inclusion in the ordinance. Mr. O'Sullivan stated that the topic was addressed in Chapter 77 regarding property maintenance.

Camp Wyanokie Commission Appointment

Councilman Kessler stated thanked former Councilman Chiaia for his service to the Commission and offered his service to serve with North Caldwell resident Tony Prinzo. He invited anyone interested to consider volunteering at the campground.

Volunteer Firefighter Applications

Mr. O'Sullivan presented applications to the North Caldwell Volunteer Fire Department for consideration by resolution at the next meeting.

DWI Sobriety Checkpoint

Chief Deuer presented a grant opportunity from the Division of Highway Traffic Safety to execute a DWI Sobriety Checkpoint. He noted that the grant provides 100% reimbursement for officers and equipment needed for the checkpoint.

Water Rate Increase

Mr. O'Sullivan reviewed the proposed water rate increase discussed during 2021 Municipal Budget work sessions. Councilman Atlas noted that the 3.85% increase would bring the water rate to \$6.75 per thousand gallons.

2021 Capital Budget

Ms. Michelotti offered Mr. Mondelli's memo reviewing the Capital Budget discussions from the Special Budget meeting. Council President Astorino reviewed the new calculations for the pool utility based on the average of last three years. Mr. O'Sullivan stated that corresponding ordinances would be prepared for the next meeting.

Municipal Pool Contracts

Councilman Kessler reviewed agreements between Borough entities and the Municipal Pool utility to transfer funds to the pool for use by the Seniors Club, Swim Team and Summer Fun Camp.

Municipal Pool Membership

Councilman Kessler provided an update on pool memberships. He stated that 380 individuals had registered with 53 family memberships from North Caldwell residents and 31 are from out of town. He

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requested Council consideration of memberships from Montville residents. He noted that Montville, a neighboring town of Fairfield, is unable to join the Fairfield pool which is not opening this season. The Council members were in favor of permitting memberships for residents of Montville.

Municipal Pool Repairs

Councilman Kessler reviewed the pool and snack bar repairs that were in progress and scheduled for completion before the opening on Memorial Day weekend. He noted that repairs were under budget so far. Councilman Kessler reviewed recommendations for opening the pool concession stand.

Tennis Court Repairs

Councilman Kessler stated that supplies were ordered to perform court repairs in-house to remedy the cracks in the playing surface.

Municipal Alliance Funding for Fiscal Year 2021-2022

Mr. O'Sullivan reviewed the grant awarded to the Borough for the 2021-2022 fiscal year.

Action to be Taken

Bond Ordinance BO-1-2021

Councilman Atlas opened the public hearing for Bond Ordinance BO-1-2021 A Bond Ordinance Authorizing Various Improvements and Purposes for the Swimming Pool Utility in and for the Borough of North Caldwell, in the County of Essex, New Jersey, Appropriating \$75,000 Therefore and Authorizing the Issuance of \$71,250 Bonds or Notes to Finance Part of the Cost Thereof. Councilman Atlas stated that the bond ordinance would fund the municipal pool renovations. Councilman Floria-Callori noted that any funding not needed could be cancelled.

The hearing was opened for public comment.

John Zurlo – 19 Glenview Road

Mr. Zurlo asked why funding by bond was needed instead of funding improvements from membership fees or reducing other budget items. Councilman Kessler explained the pool utility budget as separate from the municipal budget and noted that membership fees not yet collected could not fund the improvements that were needed immediately.

Councilman Astorino added that the Borough's recreation complex, including the pool, would be reviewed for the creation of a future recreational facilities master plan.

Councilman Atlas made a motion to close the public hearing and adopt BO-2-2021 A Bond Ordinance Authorizing Various Improvements and Purposes for the Swimming Pool Utility in and for the Borough of North Caldwell, in the County of Essex, New Jersey, Appropriating \$75,000 Therefore and Authorizing the Issuance of \$71,250 Bonds or Notes to Finance Part of the Cost Thereof. The motion was seconded by Councilman Kessler. Said motion was carried with six affirmative votes.

Resolution R-76-2021 A Resolution Fixing Water Rates Pursuant to Ordinance O-1-09 was read. Motion was made by Councilman Atlas, seconded by Council President Astorino. Councilman Tilton voted no. Said motion was carried with five affirmative votes and one nay vote.

Resolution R-77-2021 A Resolution Introducing the 2021 Municipal Budget was read. Motion was made by Council President Astorino, seconded by Councilman Atlas. Said motion was carried unanimously with six affirmative votes. Council President Astorino noted that the public hearing is scheduled for May 11, 2021.

Resolution R-78-2021 A Resolution Authorizing the Mayor and Council to Execute a Statement of Work with Civic Plus for the CivicReady Mass Notification was read. Motion was made by Councilman Kessler, seconded by Councilman Atlas. Said motion was carried unanimously with six affirmative votes.

Resolution R-79-2021 A Resolution Authorizing the Mayor and Council to Execute a Statement of Work with CivicPlus for the CivicRec Software was read. Motion was made by Councilman Kessler, seconded by Councilman Atlas. Said motion was carried unanimously with six affirmative votes.

CONSENT AGENDA: The following resolutions were read by and moved by Council President Astorino as a Consent Agenda, seconded by Councilman Kessler.

- Resolution R-80-2021 A Resolution Approving the Payment of Bills

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- Resolution R-81-2021 A Resolution Approving Swimming Pool Contracts
 - Resolution R-82-2021 A Resolution Authorizing the Deferral of Local District School Tax
 - Resolution R-83-2021 A Resolution Authorizing the Deferral of Regional District School Tax
 - Resolution R-84-2021 A Resolution Authorizing Self-Examination of the 2021 Municipal Budget
- Resolution R-80-2021 A Resolution Approving the Payment of Bills was carried with five affirmative votes and one abstention from Councilman Tilton. All other resolutions in the consent agenda were carried unanimously with six affirmative votes.

Executive Session (continued)

Councilman Rees moved to re-enter Executive Session for the following discussions, seconded by Council President Astorino:

- A. (1) Pulte Homes – Hydrogeological Study, (2) Essex Fells Water, (3) Essex Fells Court, (4) Essex Fells Dispatch, (5) Cell Tower/Service Improvement, (6) Caldwell Sewer Utility Agreement.
- B. Personnel: (1) Social Media Policy.

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 Astorino, seconded by the Council, that this meeting be adjourned at 10:31pm.

Respectfully submitted,



Tami Michelotti
Borough Clerk