

Mayor & Council Regular Meeting – April 30, 2019

The Regular meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, April 30, 2019 at Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 7:32pm.

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:

Present: Mayor Alessi, Council President Santomauro, Councilman Astorino, Councilman Kessler, Councilman Raymond, Councilman Rees.

Also present were: David M. Paris, Esq., Borough Attorney; Kevin O'Sullivan, Borough Administrator; Richard Mondelli, Chief Financial Officer; and Tami Michelotti, Borough Clerk.

Mayor Alessi asked Kevin O'Sullivan to lead the Pledge of Allegiance.

Executive Session

Mayor Alessi announced that a brief discussion in Executive Session would be held at the start of the meeting as Special COAH Counsel had traveled a distance to be present. Resolution R-110-19 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: B. Contract Negotiations – RPM was moved by Council President Santomauro and seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Councilman Chiaia joined the meeting at 7:35pm.

The Council returned to open session at 7:59pm.

Mayor's Report

Mayor Alessi recognized and welcomed Essex County Liaison, Asmeret Ghebremichel. Ms. Ghebremichel announced several County events upcoming for the Spring season. She highlighted a Mother's Day Plant Sale and the Household Hazardous Waste Recycling Day planned for that coming Saturday and three events at Turtle Back Zoo.

Mayor Alessi announced the impending retirement of West Essex School District superintendent, Barbara Longo. He stated that he intended to present a proclamation to Ms. Longo in honor of her service at an upcoming meeting prior to her retirement in July.

Mayor Alessi welcomed all to the Opening Day parade and ceremony for Recreation Baseball and Softball planned for May 4, 2019 at 9:00am. He announced the dates for voter registration and changes in party affiliation in advance of the June 4, 2019 Primary Election. Mayor Alessi reminded the public to attend the Memorial Day parade.

Mayor Alessi announced the appointment of Paul Ferriero as the municipal engineering consultant and welcomed Mr. Ferriero to the Borough.

Citizens to be Heard

Bernie Doyle – 31 Glenview Road

Mr. Doyle asked for an update on the cracks in the wall of detention basin 2. Mayor Alessi stated that he and Council President Santomauro visited the site to inspect the cracks. Mr. Ferriero stated that he will be meeting a structural engineer on the site the following week. Mr. Doyle noted that his driveway and front yard has dropped approximately four inches in the last six months due to groundwater. He added that his neighbor has a sink hole in the front yard.

Mayor Alessi announced that Jim Mullin of Pulte Homes was present in the audience to listen to residents' concerns.

Sherri London – 108 Mountain Avenue

Ms. London expressed dissatisfaction with the Borough's settlement agreement with Pulte Homes. She stated that Mr. Mullin visited her home the week prior and disclaims her damages as a result from waterflow from the Hilltop development. She stated that detention basin 2 was not complete prior to construction which has caused flooding of her rear yard and prevents her from using her garage.

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Ms. London stated that Mr. Mullin cited runoff from a neighbor's yard as the cause to her flooding. Ms. London suggested the Borough conduct a groundwater study to identify the flooding that is unique to her property as she does not live next to the development nor the Glenview culvert.

Dan Gallagher – 36 Ferndale Road

Mr. Gallagher thanked the Borough for hosting Tree Seedling Day through which he obtained successful plantings.

Mr. Gallagher recounted events of the week before when he and other neighbors witnessed the cutting of the green fence in the conservation area between rear yards on Ferndale Road and Hilltop Road being removed. He stated that he asked the workers to stop until Mr. Rossi of Pulte arrived. He stated that the fence removal continued and that trees were also removed. Mr. Gallagher noted the need for the fence for both privacy and safety from the steep drop in elevation behind the fence.

Mr. Gallagher referred to issues with underground water that may be a result of fissures in the Hilltop land since blasting occurred. He noted that the Hilltop mountain was a major aquifer. Mr. Ferriero stated his opinion that ground water is higher everywhere as the past year has been the wettest in New Jersey. He offered to provide better guidance once he reviews the Developer's Agreement. Mr. Ferriero offered some immediate action items that can help mediate the situation such as increasing the vegetation and grass as well as directing runoff water into the swale. He added that he approved a plan to add a curtain swale at the bottom of the existing swale to catch both surface water and underground water.

Mr. Gallagher asked that the swale and berm on the bottom of westerly slope of detention basin 3 be improved. Mr. Ferriero offered to look into the issue and welcomed any comments, concerns and questions from residents. Mr. Gallagher noted that the wetlands behind Glenview Road below detention basin 2 continue to erode and redirect flows which may alter drainage study results. He asked that residents be given the opportunity to provide feedback regarding berms, swales and fences.

James Mullin – Attorney for Pulte Homes

Mr. Mullin stated that the removal of the fence from the conservation area was a misunderstanding of the Planning Board resolution which was approved on March 28, 2016 and memorialized on June 20, 2016. He referred to paragraph 17 which stated that the existing chain link and wood fences shall be completely removed. Mr. Mullin stated that two kinds of fences were mentioned and noted that the green fence is part of the conservation area. He added that the chain link fence with barbed wire was from the jail and should be removed.

Mr. Paris noted that there are other provisions and references in the document regarding fencing and that Mr. O'Sullivan will work Pulte to resolve the issue. Mr. Mullin acknowledged the safety concern from the severe drop in slope as well as the need for privacy screening and landscaping. Mr. Mullin offered to receive recommendations from the public and share their proposed fencing and landscaping plan.

Approval of Minutes

Council President Santomauro moved to accept the minutes from the Reorganization Meeting of January 1, 2019, seconded by Councilman Chiaia. Said motion was passed unanimously with six votes.

Committee Reports

Legal and Ordinance

Councilman Raymond had no report at the time.

Personnel/Administration

Resolution R-98-19 A Resolution Appointing Samantha O'Neill as Full-Time Recreation Program Director was read. Motion was made by Councilman Rees, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Finance

Public Hearing for Ordinance O-3-19

Councilman Astorino moved to Open the Public Hearing for Ordinance O-3-19 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

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Hearing no further comment from the Governing Body and seeing no one from the public come forward, Councilman Astorino moved to close the Public Hearing for Ordinance O-3-19 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Councilman Astorino moved to adopt Ordinance O-3-19 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Resolution R-99-19 A Resolution Authorizing the Reading of the 2019 Municipal Budget By Title was read. Motion was made by Councilman Astorino, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Public Hearing for the 2019 Municipal Budget

Ms. Michelotti opened the public hearing for the 2019 Municipal Budget and stated that the budget had been approved for introduction by the Governing Body on March 28, 2019. She presented copies of the budget for the public and stated that it was also posted online. Mayor Alessi offered copies of the budget to the public.

Councilman Astorino moved Resolution R-99-19 A Resolution Authorizing the Reading of the 2019 Municipal Budget by Title, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Mayor Alessi opened the hearing to the public for comment and asked that questions and comments be directed to the Finance Chairperson. No one from the public came forward.

Councilman Chiaia stated that the Council's successful efforts have resulted in no tax increase in five of the last seven years. He noted that small increases may have been helpful but that the current year will have only a nominal increase. He added that the Borough is doing its best to preserve and improve open space such as Walker's Pond and Liberty Park.

Councilman Astorino moved to close the public hearing for the 2019 Municipal Budget, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Ms. Michelotti offered Resolution R-100-19 A Resolution Adopting the 2019 Municipal Budget and presented Section 2 of the resolution itemizing the summary of revenues and appropriations. Councilman Astorino moved Resolution R-100-19, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Mayor Alessi declared the approval of the 2019 Municipal Budget.

Councilman Astorino made a motion to introduce Ordinance O-4-19 – An Ordinance to Provide for Various Capital Items as Enumerated Within for the Borough of North Caldwell, County of Essex and to Provide for the Funding Thereof. He announced that the public meeting and final reading will be held on Tuesday, May 28, 2019. The motion was seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Councilman Astorino made a motion to introduce Ordinance O-5-19 An Ordinance to Provide for Various Water Capital Items as Enumerated Within for the Borough of North Caldwell, County of Essex and to Provide for the Funding Thereof. He announced that the public meeting and final reading will be held on Tuesday, May 28, 2019. The motion was seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Councilman Astorino made a motion to accept the Tax Collector's Report for March 2019, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-101-19 A Resolution Approving the Payment of Bills was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

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Resolution R-102-19 A Resolution of the Mayor and Council of the Borough of North Caldwell Authorizing Redemption and Cancellation of Record of Tax Lien Redemption - Block 1107, Lot 5 was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-103-19 A Resolution of the Mayor and Council of the Borough of North Caldwell Authorizing Redemption and Cancellation of Record of Tax Lien Redemption - Block 1000, Lot 4 was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-104-19 A Resolution of the Mayor and Council of the Borough of North Caldwell Authorizing Redemption and Cancellation of Record of Tax Lien Redemption - Block 1200, Lot 52 was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-105-19 A Resolution Authorizing the Execution of an Agency Service Agreement with Edmunds and Associates, Inc.; Link2Gov, Corp; and Paymentech, LLC-JP Morgan Chase Bank For Online Payment Services was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Public Safety

Councilman Chiaia offered the Police Department Public Safety and Detective Bureau Reports for March 2019. He noted that there were 976 calls to Dispatch from North Caldwell residents and 86 motor vehicle violations issued.

Councilman Chiaia offered the Fire Department Public Safety Report for March 2019 during which 25 responses were conducted.

Beachmont Terrace Multi-Way Stop Sign

Councilman Chiaia suggested the discussion be tabled until Chief Deuer was present. Councilman Raymond stated that the multi-way stop signs were planned for installation in January and asked if any traffic studies were produced by residents in opposition of the signs. Councilman Chiaia noted that complaints were received from residents upon installation of the notification of the impending stop sign installation. The Council agreed to see if any traffic studies were conducted on behalf of the residents before further action is taken.

Resolution R-106-19 A Resolution Authorizing the Execution of Click-It or Ticket Mobilization was read. Councilman Chiaia noted that the campaign would be conducted between May 20 and June 2, 2019. Motion was made by Councilman Chiaia, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-107-19 A Resolution Approving the Borough of North Caldwell Volunteer Fire Department Certified LOSAP List for the Year 2018 was read. Council President Santomauro explained that the Length of Service Award Program is similar to a pension program to recognize volunteers. Motion was made by Councilman Chiaia, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Councilman Chiaia announced that Mr. O'Sullivan attended an Essex County finance meeting in his place. Mr. O'Sullivan stated that the meeting announced pooled bonding offered by the County which provides lower rates to municipalities. He offered to review the program with Mr. Mondelli to determine if the Borough could benefit from the program.

Public Works

Council President Santomauro offered the Construction Permit Activity Report for March 2019. She noted that 35 permits issued with over \$62,000 in fees collected year to date.

Council President Santomauro offered the Solid Waste Collection Report for March 2019. She stated that recycling may become a global concern in the future.

Council President Santomauro offered the Animal Control Report for March 2019.

Recreation

Councilman Kessler offered the Recreation Director's Report for April and May 2019. He announced the details of the Recreation Baseball and Softball Opening Day festivities planned for May 4 at the Liberty Park turf field. He highlighted some upcoming registration dates and activities. He noted that the Municipal Pool is still looking for lifeguards for the summer.

Liberty Turf Field

Councilman Kessler thanked the Recreation Department, Department of Public Works, the Recreation Committee, Councilman Raymond and the North Caldwell Recreation Foundation for their efforts to bring the turf field project to fruition. He noted that security fencing is required and asked the Council and public for suggestions including fence height, funding, gates and implementation.

Mr. Mondelli confirmed that funds remain in the turf field bond ordinance that could fund the fence. Mr. O'Sullivan confirmed that a quote for installation was obtained through the Morris County Co-op which alleviates the Borough from the bid process for the project. An eight-foot fence was determined to be best for security and safety. Access to the walking path from dawn to dusk was deemed very desirable. Gates with automatic opening/closing mechanisms was discussed to work in conjunction with the video surveillance system that was planned.

Councilman Kessler added the need to repave the walkway from the Liberty Field parking lot down to the turf field. He added that it needs to be leveled and drainage is required. Mr. Mondelli confirmed that the paving could be funded from the bond ordinance.

Mayor Alessi added his appreciation to Bill Maranz and Bill Stickles for the hard work on the field.

Municipal Pool

Mr. O'Sullivan provided an update on the wading pool and noted that the contractor expected to be on site the following week to complete construction. The old baby pool was determined to be in need of over \$10,000 of repairs. The Council discussed options for the area and determined that filling the pool in with topsoil and sod or grass to ensure a safe playing area for children would be best. Further reevaluation for next summer would be considered with the 2020 budget discussion. Mr. O'Sullivan noted that the work could be completed by DPW but not until the wading pool contractor completes work on the site. Mr. O'Sullivan added that the large pool is in need of several repairs that should also be considered for the 2020 budget.

Resolution R-108-19 A Resolution Adopting Tennis Courts Use Policy and Application was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Resolution R-109-19 A Resolution Authorizing Hiring of Part-Time Seasonal Employees for the 2019 Municipal Pool Season – Lifeguards was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Liberty Park Concession Stand

Councilman Kessler noted that the concession stand project should be completed by end of May compliments of Eagle Scout, Armand Lilioia.

Municipal Pool Concession Stand

Councilman Kessler stated that no vendors have submitted proposals to operate the concession stand at the pool to date.

Executive Session

Council President Santomauro moved Resolution R-110-19 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes moved earlier in the meeting she noted that the remainder of the Executive Session agenda would be discussed at this time including: A. Potential Litigation: (1) Commercial Zoning Use – Mountain Avenue, (2) Municipal Pool; B. Contract Negotiations: (2) Caldwell Sewer, (3) 620 Mountain Avenue; C. Anticipated Contract Negotiations: (1) Walker's Property, (2) Verona Municipal Court. Motion was seconded by Councilman Astorino. Said motion was carried unanimously with six votes.

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The meeting was re-opened to Public at 10:28pm.

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 Councilman Chiaia, that this meeting be adjourned at 10:28pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Borough Clerk