

Mayor and Council Conference Meeting – April 9, 2019

The Conference meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, April 9, 2019 at the 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: Mayor Alessi, Council President Santomauro, Councilman Astorino, Councilman Chiaia, Councilman Kessler, Councilman Raymond, and Councilman Rees.

Also present were: Mr. David M. Paris, Esq., Borough Attorney; Kevin O'Sullivan, Borough Administrator; Mark Deuer, Police Chief; and Tami Michelotti, Borough Clerk.

Mayor Alessi asked new Borough Administrator, Kevin O'Sullivan, to lead the Pledge of Allegiance.

Mayor Alessi welcomed Mr. O'Sullivan to the Borough.

Autism Awareness Month Proclamation

Mayor Alessi recognized the month of April as Autism Awareness Month and added that Team 94 raised over \$85,000 at the Color Run held the prior weekend in support of adults with autism. He presented a proclamation to Nicole and Michael Sabato, parents of Michael John Sabato who graduated from West Essex High School.

Ms. Sabato thanked the Mayor, Council and Borough residents for their support of their initiative to provide adult programs for people with autism. She welcomed the public to participate in Team 94's upcoming events. Chief Deuer thanked the Sabato family and the Team 94 organization for their dedication to this cause.

Presentation of Mayor's Cup Certificates

Mayor Alessi and the Council members presented certificates to each player of the Recreation Basketball Championship teams.

Citizens to be Heard

Paul Scagnelli - 7 Stony Brook Drive

Mr. Scagnelli asked for the name of Pulte's adjuster for residents' claims pursued through arbitration as per the Settlement Agreement authorized at the March 26, 2019 meeting. Mayor Alessi confirmed that the designated claims adjuster for Pulte is Gallagher Bassett. Mr. Paris added that results of arbitration will be fully enforceable if residents opt to participate. Mr. Scagnelli stated concern for the process and referred to Pulte's failed execution of their prior commitment to providing contact and hotline number for damage claims. Mr. Paris noted that the failed prior commitment was taken into account when negotiating the binding arbitration provision at Pulte's cost.

Mr. Scagnelli noted that there are 18 cracks in the walls of detention basin 2. He asked if the basin was reviewed by an independent structural engineer and by Pulte's engineer. Mr. O'Sullivan stated that Pulte had not received a report from their engineer yet. Mr. Scagnelli asked for the Borough's engineer to verify Pulte's design of the basin as a Class 4 dam and for the NJDEP to verify that the basin meets the Class 4 dam safety standards.

Mr. Scagnelli asked when the planting of additional trees would be completed as per the March 2019 Settlement Agreement. Council President Santomauro stated that a planting plan would first be submitted for review by the municipal engineer. Mr. O'Sullivan added that he met with Pulte's engineer regarding drainage and soil and that a proposal was being drafted.

Mr. Scagnelli stated that he was unaware that a settlement was reached between the Borough and Pulte Homes. Mr. Paris confirmed that a settlement agreement was authorized by the Council at the last Council meeting during open session at which a unanimous vote was taken. Mr. Scagnelli stated his opposition to the settlement agreement as it does not address underground water flows. Mayor Alessi stated that the settlement agreement allows for the Developer's Agreement to remain intact, under which underground flows may be addressed.

Mr. Joseph Kalyoussef – 730 Main Street, Little Falls (Block 107, Lot 1 in North Caldwell)

Mr. Kalyoussef stated that he has lived in North Caldwell for over 40 years on property that is primarily in Little Falls, with a small portion of the property in North Caldwell. He added that he recently obtained a variance to change the multi-use building into four (4) residential units. He explained that he wishes to develop part of the property, an empty parking lot, which is in a NJDEP-protected zone due to the flood elevation. Mr. Kalyoussef stated that the NJDEP will not approve improvements to the property; therefore, he is seeking relief from the hardship he faces from paying taxes on the usable land.

Mr. Kalyoussef added that he faces continuous flooding from the culvert on Grandview Avenue which overflows. He stated that the culvert was installed approximately 15 years prior with no notice provided to him before the construction.

The Council suggested that Mr. Kalyoussef contact the Borough Tax Assessor to seek tax relief or a tax appeal. They suggested he contact the Essex County Department of Public Works to see if an easement exists on his property with relationship to the culvert.

Mr. Kalyoussef asked the Council to provide more speed signs in the area of his property to slow down speeding vehicles that round the corner from Little Falls. Chief Deuer offered to evaluate the current signs and request changes from the County.

Bernie Doyle – 31 Glenview Road

Mr. Doyle asked for an update on the walls of detention basin 2 and asked that the facing be installed as soon as possible. Mr. O'Sullivan responded that the structural issues are being addressed first and then the façade can be completed.

Dan Gallagher – 36 Ferndale Road

Mr. Gallagher asked when the claims process could begin with Gallagher Basset. Mr. Paris explained the process which would begin upon submission of claims to Pulte's adjuster which starts a 60-day review period. He stated that if a matter could not be resolved within 60 days, the matter would go to the arbitrator if residents opt in to the process. Councilman Rees suggested that residents keep a timeline including the date of claim submission. Mr. Paris stated that residents are free to seek their own legal counsel instead.

Mr. Gallagher stated that water flow from detention basin 2 is creating a new stream through the wetlands. He noted that the new flows may invalidate previously completed studies of waterflow. He asked for a timeline of Pulte's completion of the swale and berm behind the homes on Ferndale Road. Mr. O'Sullivan stated that Pulte is working on a natural grading plan including the swale and berm that would assist with additional runoff. He noted that Pulte's intention is to install the swale and berm with no effect on existing trees and vegetation. He stated he would try to escalate the timeline.

Mr. Gallagher asked that the neighborhood be consulted on location of tree installation. Councilman Rees suggested that Pulte plant what is required under the landscape plan and then additional requests could be made.

Mr. Gallagher stated concern for individual homeowners' underground water issues. Mr. Paris stated that residents can enter the arbitration process regarding underground water. He noted that the Settlement Agreement does not supersede the Developer's Agreement. Mr. Gallagher requested that underground water issues be handled through the Developer's Agreement stipulations. He suggested that all drainage mechanisms should have been installed before any construction began.

Ben DeCaito – 29 Glenview Road

Mr. Takedo stated that Mr. Mullen and Mr. Rossi from Pulte Homes visited his house on March 12, 2019. He added that they took notes during their discussion of flooding damages at his home. He added that they have not yet followed up with him. Mr. Paris stated that Mr. Takedo has the option of sharing the damages with Gallagher Bassett should he choose to opt into the arbitration.

Mayor Alessi called for a brief recess at 9:32pm.

Board Appointments

Mayor Alessi announced his appointment of Kevin O'Sullivan as Class II Member to the Planning Board for the remainder of the current one-year term for the calendar year 2019.

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Mayor Alessi stated his appointment of Kenneth Tilton as Alternate Member to the Zoning Board of Adjustment for the remainder of the current two-year term for 2019-2020.

Items for Discussion

2019 Capital Budget

The Council reviewed the Capital Budget Request memo and spreadsheet submitted by CFO Rich Mondelli. No issues or concerns were found. Mr. Mondelli offered that an ordinance be prepared for introduction at the May 28, 2019 Council meeting. The Council agreed.

NCPD Grants

Chief Deuer stated that the Police Department received funding from the State for a “Click it or Ticket” campaign that would be held from the end of May through early June.

Elm Road Zoning

Mayor Alessi stated the desire of the Governing Body and the Planning and Zoning Boards to proceed with discussions with Borough Planner, Burgis and Associates, regarding development of Elm Road.

Municipal Baby Pool

Councilman Kessler reviewed the rising costs to maintain and repair the current baby pool. Mr. O’Sullivan stated that repairing the deteriorated stone behind the tile, re-applying new tile and reversing the suction/drainage issues will cost approximately \$7,600. He estimated the life of the repairs at two to three years. He offered the option of removing the pool and replacing it with concrete or grass. He added that maintaining two pools, the baby pool and the zero-depth entry pool, would require an additional lifeguard.

The Council agreed to remove the old baby pool as the zero-depth entry pool has a sufficient pool area in addition to the splashground features.

Municipal Pool Sod

Mr. O’Sullivan stated that the bid from the wading pool contractor included \$5,000 worth of topsoil and seed for the area around the pool. He noted that the contractor was not agreeing to perform the work but that the Borough DPW could perform the sod installation. He offered pricing options that included installation and options that allowed for DPW installation. The Council agreed to purchase the sod for installation by the DPW.

Landscaping of Public Properties

Councilman Chiaia communicated the need to improve the appearance and landscaping of three triangle intersections in the Borough. He stated that a resident landscaper provided a quote of \$4,500 for landscaping all three areas. Mr. O’Sullivan added that additional quotes were received which were higher. Councilman Rees suggested that the DPW repair the railroad ties and signage.

Tennis Court Use Policy

Councilman Kessler stated that the Tennis Court Usage policy should be revised to allow the Recreation Department to better monitor the collection of fees for private lessons conducted at the Borough tennis courts. He added that a resolution would be prepared for the Council’s consideration at the next meeting.

Quarterly Borough Newsletter

Mayor Alessi noted the importance of dispersing information to residents. He added that he wished to issue a Borough newsletter on a quarterly basis in which each committee chair could add information. The Council also discussed the desire to disperse information by email through a service that could capture email addresses and push out information.

Action to be Taken

Resolution R-88-19 A Resolution Appointing Community Development Representative to the Essex County Division of Housing and Community Development was read. Motion was made by Councilman Rees, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-89-19 A Resolution Appointing Public Agency Compliance Officer was read. Motion was made by Councilman Rees, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

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Resolution R-90-19 A Resolution Appointing Fund Commissioner for the Morris County Municipal Joint Insurance Fund was read. Motion was made by Councilman Rees, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-91-19 A Resolution Appointing Stormwater Coordinator was read. Motion was made by Councilman Rees, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-77-19 A Resolution Authorizing the Award of a Professional Services Contract for Municipal Engineering Services was read. Motion was made by Council President Santomauro, seconded by Councilman Rees. Said motion was carried unanimously with six votes.

Resolution R-92-19 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.

Resolution R-93-19 A Resolution Authorizing Redemption and Cancellation of Record of Tax Lien Redemption – Block 1403, Lot 20 was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-94-19 A Resolution Authorizing Redemption and Cancellation of Record of Tax Lien Redemption – Block 507, Lot 5 was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-96-19 A Resolution Authorizing the Hiring of Additional Part-Time Seasonal Employees for the 2018-2019 Basketball Season - Referees was read. Motion was made by Councilman Kessler, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

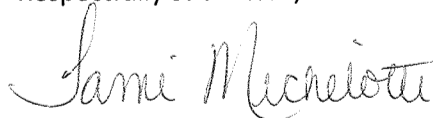
Executive Session

Resolution R-97-19 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: A. Contract Negotiations – (1) RPM – COAH, (2) Municipal Engineering Services, (3) Liberty Turf Field, (4) 620 Mountain Avenue; B. Anticipated Contract Negotiations – (1) Caldwell Sewer Utility, (2) Verona Municipal Court; C. Personnel – (1) DPW, (2) Recreation 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 Public at 10:42pm.

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 Kessler, that this meeting be adjourned at 10:42pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Borough Clerk