

Mayor and Council Conference and Regular Meeting – August 13, 2019

The Conference meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, August 13, 2019 at the Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 6:35pm.

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: Council President Santomauro, Councilman Chiaia, Councilman Raymond, and Councilman Rees.

Absent: Councilman Astorino, Councilman Kessler.

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

Mayor Alessi led the Pledge of Allegiance.

Mayor's Report

Mayor Alessi welcomed Frank D'Angelo as the newest junior firefighter and encouraged anyone over the age of 16 to join. Mayor Alessi announced that Municipal Prosecutor Joseph Angelo was elevated to the position of Judge in Belleville and Montclair. Mayor Alessi announced a new program of the North Caldwell Police Department to reward bicyclists found wearing helmets with a free beverage coupon to 7-11, courtesy of resident Dharmesh Patel.

Mayor Alessi encouraged all to participate in the 5K and Color Run on September 7 sponsored by the North Caldwell Recreation Foundation. He announced that the grand opening ceremony of the Liberty Turf Field at Liberty Park would follow. He stated that the Annual Town Picnic would follow the same day at 1:00pm with a rain date of Sunday, September 8 for the picnic.

Mayor Alessi congratulated the Borough on its many accolades over recent years, including the ranking of 5th safest community in New Jersey.

Mayor Alessi announced the recent passing of Mayor Emeritus James Matarazzo and stated the Borough's intention to honor his commitment to the community in the near future. He called for a moment of silence in honor of Mayor Matarazzo.

Citizens to be Heard

Mayor Alessi asked the public to keep comments as brief as possible to accommodate the volume of citizens from the public present.

Mr. Paul Scagnelli – 7 Stony Brook Road

Mr. Paul Holland – 43 Ferndale Road

Mr. Scagnelli asked for the details of the bond ordinance that was introduced at the last meeting. Ms. Michelotti confirmed that the document was posted on the Borough website in advance of the meeting along with the agenda.

Mr. O'Sullivan reviewed the itemized list of repairs included in the Bond Ordinance. Mr. Scagnelli asked about ownership of and the revenue stream for the Firemen's Community Center. Council President Santomauro stated that the agreement was made 30 or more years ago, and that the Borough-owned property is rented out by the volunteer Fire Department for which rental revenues go to the NCFD. Councilman Raymond noted that many Borough events are held at the Community Center at no charge.

Mr. Scagnelli stated that the Pulte Developer's Agreement requires that construction be completed within two years. He noted that the development began in August of 2017 and asked if an extension had been granted by the Borough. Mr. O'Sullivan confirmed that the start date on record is August 24, 2017 as per the first inspection report that was logged. Mr. Paris stated that the two-year timeframe had not yet expired and offered to keep the public updated regarding any extensions that may be offered.

Mr. Scagnelli referred to a Planning Board resolution from June 20, 2016 and asked if the final subdivision plat for the Pulte development was approved by the Planning Board. Mr. O'Sullivan stated that the conditions listed in the Planning Board approval are currently under review by the Borough

Engineer. He offered that Pulte was put on notice to provide proof that each of the conditions has been met by the end of that week.

Mr. Scagnelli and Mr. Holland offered photos and video of the water discharge and silt coming from detention basin 2. Mr. O'Sullivan confirmed that Soil Conservation and the NJDEP have been on site as per the Borough's request and have subsequently issued violation notices to Pulte. Mr. Scagnelli asked for construction to cease. Mr. O'Sullivan stated that the Construction Official is taking action to ensure that outstanding conditions of the Planning Board's approval are met by the end of the week. Council President Santomauro stated that a stop work order would be issued if conditions are not met by that Friday. She noted that the recent settlement agreement does not prevent the Borough from taking further action for non-compliance.

Sherri London – 108 Mountain Avenue

Ms. London stated that she feels that underground water is responsible for flooding on her property and asked that an underground water study be completed. Councilman Rees stated that a hydrogeologist has been consulted to identify appropriate timing of such a study to obtain the most accurate results. Mr. Paris noted the opportunity for Ms. London and others to seek counsel and/or enter arbitration with Pulte for compensation of damages.

Ted Roth – 17 Wind Ridge Drive

Mr. Roth asked about the office hours of the Municipal Engineer and the onsite inspectors and suggested that Borough engineering tasks be outsourced to a third-party engineering firm. Mr. Roth asked if Pulte's development escrow was being used for the third-party engineering costs which was confirmed by Councilman Rees. Council President Santomauro asked Mr. Mondelli to make available the engineering costs deducted from the Pulte escrow for the public.

Mr. Roth asked that a moratorium be placed on Pulte. Council President Santomauro clarified that a stop work order would be issued as opposed to a moratorium which implies that no construction could be conducted. Mr. Roth encouraged the Council to exercise its rights to make alterations to the Developer's Agreement as needed. Mr. O'Sullivan added that design revisions have been made regularly and that an ongoing dialogue with Pulte is maintained.

Mr. Roth asked if monthly reports from Pulte are provided to the Borough as per the Developer's Agreement which was confirmed by Mr. O'Sullivan. Council President Santomauro offered that the Borough has notified the NJDEP of environmental violations.

Mr. Roth asked for the status of Suburban Consulting Engineers drainage study. Mr. O'Sullivan stated that initial comments had been discussed and confirmed that the study should be completed in 120 days.

Mr. Roth asked for the Borough's position regarding granting an extension of the two-year completion agreement to Pulte Homes. Council President Santomauro stated that full compliance must be assured for an extension to be granted and noted that the Council may opt to place conditions on an extension. Mr. Roth suggested that the Borough should ask for repairs and improvements to the Police and Fire Departments and field improvements in exchange for an extension on the construction timeline.

Mr. Roth inquired about the creation of the R-8 zone for the Pulte development. Mr. Paris explained the history of the creation of the zone and stated that it was a result of years of negotiation with K. Hovnanian and approval of the R-8 zone settlement agreement by the special court-appointed special master and Superior Court Judge Carey.

Mr. Roth asked if the storm and sanitary sewer plan, existing stormwater management plan, flood control plan, and environmental impact studies and assessments were detailed in the Developer's Agreement with Pulte. Mr. O'Sullivan confirmed that the Municipal Engineer was currently reviewing compliance with said plans.

Brian Donnelly – 50 Ferndale Road

Mr. Donnelly stated that each rainfall brings dirt from the Pulte development which settles on his driveway. Council President Santomauro stated that the Municipal Engineer would be visiting his property to consider options such as a swale to direct water away from his home. Mr. O'Sullivan offered to visit the site the following day. Mr. Donnelly stated that he would like to add a second level on his home and wants to fix drainage problems first.

Mayor Alessi called for a recess at 7:57pm.

Mayor Alessi called the meeting back to order at 8:12pm.

Ken and Karen Perkins – 444 Mountain Avenue

Mr. Perkins asked for an update on the sale of lots at the Walker property. Mayor Alessi stated that a decision had not been reached as the Governing Body is still weighing pros and cons and considering options. Mr. and Mrs. Perkins stated concern for deforestation and drainage.

Approval of Minutes

Council President Santomauro moved to accept the minutes from the Special Joint Meeting of Borough Council, Planning Board, Zoning Board of March 6, 2019, seconded by Councilman Raymond. Said motion was passed with four affirmative votes.

Council President Santomauro moved to accept the minutes from the Special Budget Meeting and Executive Session of March 16, 2019, seconded by Councilman Raymond. Said motion was passed with four affirmative votes.

Council President Santomauro moved to accept the minutes from the Conference Meeting and Executive Session of July 16, 2019, seconded by Councilman Raymond. Said motion was passed with three affirmative votes and one abstention from Councilman Chiaia.

Items for Discussion

Master Plan and Fair Share Housing Plan

Mayor Alessi introduced Tom Behrens of Burgis Associates, Borough Planner, and Erik Nolan of Surenian and Associates, COAH Counsel.

Mr. Nolan provided the history of the Supreme Court's Mount Laurel decision regarding Affordable Housing mandates in the State of New Jersey. He explained that the Borough filed for immunity from any Builder's Remedy lawsuits. He noted that North Caldwell reached a settlement agreement with the Fair Share Housing Center in September of 2017 which reduced the Borough's realistic development potential (RDP) to 64 affordable housing units. Mr. Nolan added that soon after, Green Brook Country Club indicated that owners of the club might choose to convert the property into residential development if the club was no longer viable. He noted that the Borough reached a settlement agreement in December of 2018 with Green Brook Realty Associates which was approved in January of 2019 by the Fair Share Housing Counsel. Mr. Nolan stated that the Borough's amended Master Plan was subsequently updated which generated several ordinances for which public hearings were scheduled later in the meeting. He noted that these were steps in the compliance portion of the agreement with Fair Share Housing. He added that a compliance hearing is scheduled for September 2019 at which the plans would be considered for approval and an entry of judgement of compliance and repose granting the Borough immunity through 2025.

Mr. Behrens provided an overview of the Borough's Housing Element and Fair Share plans which had been adopted the night before by the Planning Board. He noted that the Fair Housing Act of 1985 requires several components which the Borough must meet. Mr. Behrens stated that the Borough's RDP is 64 affordable housing which includes 50 units from the site adjacent to White Rock Road being built by RPM/White Rock Urban Renewal Associates. He noted that a good faith effort to satisfy a portion of the Borough's unmet need (identified as 359 units for the time period of 1987 – 2025) must be made. He noted that would be accomplished with the proposed Bloomfield Avenue and Fairfield Road overlay zones. He explained that the current uses of those zones would be retained but that the zone would allow for the opportunity to create affordable housing units. In addition to the new zoning, Mr. Behrens explained that there would also be a mandatory set-aside for any area that does not have a specific affordable housing requirement within the Borough. This would apply to areas of development of five (5) or more units.

Council President Santomauro asked if the zoning revisions are required. Mr. Behrens explained that the affordable housing requirements and consideration of the lands most appropriate for the construction of low and moderate income housing are mandatory. He added that neighborhoods of single-family detached-dwellings are not typically the most logical location for additional residential development. He indicated that the existing properties and zones can remain unchanged with no development being forced. He clarified that the zoning revisions create options for the future creation of affordable housing units.

Mr. Nolan explained that density is negotiated as part of the Fair Share Housing agreements. He noted that the Borough of North Caldwell was able to negotiate a low density of only 10 units per acre to satisfy its obligations, far below many other towns in the state. Mr. Behrens added that the proposed plans and ordinances are the best options to satisfy the affordable housing obligations while keeping with the atmosphere of the area and without yielding a large volume of units.

Councilman Raymond asked if the Walker's property would be subject to the mandatory set-aside ordinance if five (5) or more units were constructed. Mr. Behrens and Mr. Nolan confirmed that the Walker's property was excluded from mandatory set-aside requirements in the settlement agreement.

Open Space Referendum

Mr. Paris explained the State statute regarding the inclusion of referendum questions on election ballots. He stated that the agenda includes the consideration of a resolution later in the meeting that would place a referendum question on the 2019 General Election ballot for the creation of an Open Space Trust Fund. He added that a similar Open Space Trust Fund and Open Space Tax referendum was considered back in 2008 which was ultimately defeated by the North Caldwell voters. Ms. Michelotti confirmed that resolutions for referendum questions are due to the Essex County Clerk's office by August 16, 2019.

Mr. Paris stated that referendum determination could impose an annual levy for land preservation, conservation, pond restoration, etc. of the Borough-owned land. He added that the Governing Body intends to ascertain voter sentiment regarding the creation of a trust fund vs. selling the five (5) one-acre lots that were approved for subdivision at the Meadow Lane side of the Walker's property.

Council President Santomauro stated that dredging of Walker Pond was a primary task which is expected to improve stormwater drainage. She explained that if the five (5) one-acre lots were to be sold for development, they would be at the back of the property closest to Meadow Lane and not visible from Mountain Avenue. Councilman Rees added that a 50-foot minimum buffer zone of trees would be maintained as well. Council President Santomauro reviewed the estimated value and potential sale price of the lots as analyzed by Hendricks Consulting Group.

The Governing Body discussed the Open Space Tax levy options for the average property assessment of \$633,000. Councilman Chiaia stated that the Governing Body was concerned with the financial impact to the residents which was the impetus behind the potential sale of a five (5) acre portion of the 17 acre property. He noted his favor for a referendum to determine voter sentiment regarding the source of funding for the property. Councilman Rees stated that the Open Space Trust Fund would be specific to the Walker's property only.

Councilman Raymond stated his favor for the creation of an Open Space Trust Fund and preserving vacant land in the Borough. He stated concern that if the public votes against the Open Space Tax that it would be misconstrued as support for development. He noted the struggle between fiscal responsibility and protecting open space. Councilman Raymond added that the impact of recent development on flooding and drainage is unknown.

Council President Santomauro stated her understanding that the intent of the open space tax would fund the purchase of the property, the pond dredging, and improvements such as a walking path around the property.

Councilman Raymond stated that the purchase of the property has been funded for the last three years without an Open Space Tax. He asked about other funding options available such as continued bonding for inclusion in the Capital Budget. Mr. Mondelli confirmed that continued bonding is possible.

Councilman Raymond disagreed with the terminology of the proposed referendum as "non-binding". He stated concern that the Governing Body would not be bound to adhere to the wishes of the voters determined by a "non-binding" referendum vote. He referenced N.J.S.A. 40:12-15.7 regarding the opportunity for a referendum for the trust fund. Council President Santomauro stated that her intent was to hold true to the wishes of the voters. Mr. Paris offered to revise the language in the resolution to remove the "non-binding" verbiage to reflect the Governing Body's intent to follow the sentiment of the voters.

The Council discussed the amount of time over which to spread the levy of an Open Space Tax. It was decided to offer the referendum question with the 15-year imposition of the tax. Mr. Paris offered to

revise the final wording of the resolution for presentation during the Committee Reports as per the agenda. Public comment would be heard at that time on the revised resolution.

Committee Reports

Legal and Ordinance

Resolution R-156-19 A Resolution Endorsing and Seeking Court Approval of a Housing Element and Fair Share Plan Adopted by the Planning Board was read. Motion was made by Councilman Raymond, seconded by Councilman Chiaia. Said motion was carried unanimously with four votes.

Ordinance O-7-19

Councilman Raymond moved to open the public hearing for Ordinance O-7-19 An Ordinance Replacing Article XIV "Growth Share" with a New Article Entitled "Affordable Housing Mandatory Set-Aside", seconded by Councilman Chiaia. Councilman Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

Mr. Ted Roth, 17 Wind Ridge Drive, asked if Green Brook Country Club has received preliminary approval for development from the Planning Board and if the country club property would be exempt from affordable housing obligations. The Council confirmed that no plans have been submitted for review by the Planning Board. Mr. Nolan stated that the property would be a separate overlay zone with a distinct ordinance.

Hearing no further comment from the public or from the Governing Body, Councilman Raymond moved to close the public hearing for Ordinance O-7-19 An Ordinance Replacing Article XIV "Growth Share" with a New Article Entitled "Affordable Housing Mandatory Set-Aside", seconded by Council Chiaia. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

Councilman Raymond moved to adopt Ordinance O-7-19 An Ordinance Replacing Article XIV "Growth Share" with a New Article Entitled "Affordable Housing Mandatory Set-Aside", seconded by Council Chiaia. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

Ordinance O-8-19

Councilman Raymond moved to open the public hearing for Ordinance O-8-19 An Ordinance Repealing and Replacing the Borough's Current Development Fee Ordinance (Article XV) with an Updated Development Fee Ordinance, seconded by Council Chiaia. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

Hearing no further comment from the Governing Body and seeing no one from the public come forward, Councilman Raymond moved to close the public hearing for Ordinance O-8-19 An Ordinance Repealing and Replacing the Borough's Current Development Fee Ordinance (Article XV) with an Updated Development Fee Ordinance, seconded by Council Chiaia. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

Councilman Raymond moved to adopt Ordinance O-8-19 An Ordinance Repealing and Replacing the Borough's Current Development Fee Ordinance (Article XV) with an Updated Development Fee Ordinance, seconded by Council Chiaia. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

Ordinance O-9-19

Councilman Raymond moved to open the public hearing for Ordinance O-9-19 An Ordinance Replacing Article XVI ("Municipal Housing Liaison") in the North Caldwell Borough Code, with Which Will Now Be Entitled "Affordable Housing Regulations", and Will Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Borough's Affordable Housing Obligations, seconded by Council Chiaia. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

Council President Santomauro and Councilman Raymond acknowledged Mr. Nolan for the help and advice he provided regarding the ordinances.

Hearing no further comment from the Governing Body and seeing no one from the public come forward, Councilman Raymond moved to close the public hearing for Ordinance O-9-19 An Ordinance Replacing Article XVI ("Municipal Housing Liaison") in the North Caldwell Borough Code, with Which Will Now Be Entitled "Affordable Housing Regulations", and Will Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Borough's

Affordable Housing Obligations, seconded by Council Chiaia. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

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Ordinance O-10-19

Council President Santomauro moved to open the public hearing for Ordinance O-10-19 An Ordinance to Amend and Supplement Chapter 107, Zoning and Land Use, of the Borough of North Caldwell, Essex County, New Jersey to Establish a New Bloomfield Avenue Overlay (BOA) Zone, seconded by Councilman Chiaia. Councilmen Astorino and Kessler were absent. Councilman Rees abstained. Said motion was carried with three votes and one abstention from Councilman Rees.

Anthony Floria-Callori, 4 Chestnut Hill Road, stated that he is a member of the North Caldwell Zoning Board of Adjustment which recently heard and denied an application regarding a property within the proposed Bloomfield Avenue overlay zone. He noted his objection to the increase in impervious coverage now permitted by this ordinance. Mr. Behrens noted that the zone encompasses 4.8 acres for which the average impervious coverage among the properties is 72%. He stated that the new impervious coverage allowance was vetted by the Fair Share Housing Center to allow for 10 affordable housing units per acre. Mr. Nolan echoed the sentiment that impervious coverage is a trade-off for the low density. Mr. Behrens confirmed that any applications would still be subject to Planning Board and/or Zoning Board review.

Carol Creter, representing The Curley Daughters, LLC, owners of 24 Elm Road, North Caldwell, noted the potential impact of increased impervious coverage in the area which has drainage issues. Mr. Nolan offered that stormwater detention and proper site surface drainage is addressed in the ordinance. Mr. Behrens confirmed that the zone requires mixed use development to meet the realistic affordable housing opportunity.

Mr. Joseph Kalyoussef, owner of Block 2201, Lot 1, questioned the Council and Borough Counsel about the Fairfield Road Overlay Zone as it related to his property. Mr. Behrens explained that his development rights may have more flexibility from the rezoning. He confirmed that Mr. Kalyoussef would not be mandated to make any changes to his existing property as a result of the implementation of this ordinance.

Councilman Raymond noted only four Council members were present. He asked if there was sufficient membership present in order to vote. Mr. Paris confirmed that the vote could proceed.

Hearing no further comment from the Governing Body and seeing no one from the public come forward, Council President moved to close the public hearing for Ordinance O-10-19 An Ordinance to Amend and Supplement Chapter 107, Zoning and Land Use, of the Borough of North Caldwell, Essex County, New Jersey to Establish a New Bloomfield Avenue Overlay (BOA) Zone, seconded by Councilman Chiaia. Councilman Astorino and Councilman Kessler were absent. Councilman Rees abstained. Said motion was carried with three affirmative votes and one abstention from Councilman Rees.

Council President Santomauro moved to adopt Ordinance O-10-19 An Ordinance to Amend and Supplement Chapter 107, Zoning and Land Use, of the Borough of North Caldwell, Essex County, New Jersey to Establish a New Bloomfield Avenue Overlay (BOA) Zone, seconded by Councilman Chiaia. Councilman Astorino and Councilman Kessler were absent. Councilman Rees abstained. Councilman Raymond voted no, citing his concern for the increase in allowable impervious coverage. Said motion was carried with two affirmative votes, one nay from Councilman Raymond and one abstention from Councilman Rees.

Ordinance O-11-19

Council President Santomauro moved to open the public hearing for Ordinance O-11-19 An Ordinance to Amend and Supplement Chapter 107, Zoning and Land Use, of the Borough of North Caldwell, Essex County, New Jersey, to Establish a New Fairfield Road Overlay (FRO) Zone, seconded by Councilman Chiaia. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

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Mr. Behrens explained that this overlay allows for townhouse or multi-family development at a density of 10 units per acre in the existing industrial park zone. He noted that the allowable impervious coverage would be lowered to 55%.

Hearing no further comment from the Governing Body and seeing no one from the public come forward, Council President Santomauro moved to close the public hearing for Ordinance O-11-19 An Ordinance to Amend and Supplement Chapter 107, Zoning and Land Use, of the Borough of North Caldwell, Essex County, New Jersey, to Establish a New Fairfield Road Overlay (FRO) Zone, seconded by Councilman Chiaia. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

Council President Santomauro moved to adopt Ordinance O-11-19 An Ordinance to Amend and Supplement Chapter 107, Zoning and Land Use, of the Borough of North Caldwell, Essex County, New Jersey, to Establish a New Fairfield Road Overlay (FRO) Zone, seconded by Councilman Chiaia. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

Ordinance O-12-19

Councilman Raymond moved to open the public hearing for Ordinance O-12-19 An Ordinance Repealing and Replacing Chapter 33 Canvassing and Soliciting of the Code of the Borough of North Caldwell, seconded by Councilman Chiaia. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

Hearing no further comment from the Governing Body and seeing no one from the public come forward, Councilman Raymond moved to close the public hearing for Ordinance O-12-19 An Ordinance Repealing and Replacing Chapter 33 Canvassing and Soliciting of the Code of the Borough of North Caldwell, seconded by Councilman Raymond. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

Councilman Raymond moved to adopt Ordinance O-12-19 An Ordinance Repealing and Replacing Chapter 33 Canvassing and Soliciting of the Code of the Borough of North Caldwell, seconded by Councilman Chiaia. Said motion was carried unanimously with four votes.

Council President Santomauro suggested that the Council address resolutions on the agenda that may require explanation by Mr. Behrens and Mr. Nolan

Resolution R-157-19 A Resolution Adopting an “Affirmative Marketing Plan” was read. Motion was made by Councilman Raymond, seconded by Councilman Chiaia. Mr. Nolan explained that the appointed Administrative Agent is charged with managing the Affirmative Marketing Plan to Essex, Morris, Union and Warren Counties. Said motion was carried unanimously with four votes.

Resolution R-158-19 A Resolution Requesting the Court to Review and Approve the Borough’s Spending Plan was read. Motion was made by Councilman Raymond, seconded by Councilman Chiaia. Said motion was carried unanimously with four votes.

Resolution R-160-19 A Resolution Appointing a Municipal Housing Liaison was read. Motion was made by Councilman Raymond, seconded by Councilman Chiaia. Said motion was carried unanimously with four votes.

Bond Ordinance BO-2-19

Councilman Raymond moved to open the public hearing for Bond Ordinance BO-2-19 A Bond Ordinance Authorizing Improvements to Various Municipal Buildings in and for the Borough of North Caldwell, County of Essex, State of New Jersey Appropriating \$255,500 Therefore and Authorizing the Issuance of \$242,725 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Councilman Chiaia. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

Councilman Raymond announced that Bond Counsel was present to answer any questions.

Anthony Rainone, 5 Dogwood Place: Mr. Rainone asked why the bond was needed as opposed to funding repairs out of the Municipal Budget. Mr. O’Sullivan explained that the needs were Capital Improvements and not routine repairs. Mr. Paris explained the benefits of bonding of Capital Improvement items over the useful life of the improvements as a matter of fairness to current residents

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of North Caldwell. Councilman Rees noted some ADA compliance-related repairs that were necessary and would be funded through the bond.

John Draikiwicz, Borough Bond Counsel, Gibbons, Inc.: Mr. Draikiwicz confirmed Mr. Paris's account of Local Bond Law and the financing of capital assets. He noted that the Borough is recognized by Moody's as a financially sound community with an upgrade to a AA2 rating. He added that the Borough's debt ratio is 0.587 where 3.50% is permitted showing that the Borough is economically prudent regarding debt. Mr. Draikiwicz offered that municipal interest rates are at historic lows, making the present time optimal to finance assets over the life of the items.

Councilman Rees asked that all improvements be done as per ADA regulations.

Hearing no further comment from the Governing Body and seeing no one from the public come forward, Councilman Raymond moved to close the public hearing for Bond Ordinance BO-2-19 A Bond Ordinance Authorizing Improvements to Various Municipal Buildings in and for the Borough of North Caldwell, County of Essex, State of New Jersey Appropriating \$255,500 Therefore and Authorizing the Issuance of \$242,725 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Councilman Chiaia. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

Councilman Raymond moved to adopt Bond Ordinance BO-2-19 A Bond Ordinance Authorizing Improvements to Various Municipal Buildings in and for the Borough of North Caldwell, County of Essex, State of New Jersey Appropriating \$255,500 Therefore and Authorizing the Issuance of \$242,725 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Councilman Chiaia. Councilmen Astorino and Kessler were absent. Said motion was carried unanimously with four votes.

Resolution R-159-19 A Resolution Authorizing the Inclusion of Referendum Question on Ballot for November 2019 General Election was re-opened for discussion by the Council. Councilman Raymond offered a revision to the language of the referendum explanation.

Anthony Floria-Callori, 4 Chestnut Hill Road: Mr. Floria-Callori noted that improper wording of the referendum question can skew public sentiment. He asked that the public be given the referendum question prior to the General Election.

Bob Augustitus, 25 Maple Drive: Mr. Augustitus asked about the cost of dredging and remediation of Walker's Pond. He stated concern for development of the Walker's property and any unforeseen, additional costs for the preservation.

Councilman Chiaia stated his opposition to mandating the sale of the five lots if the Open Space Fund and Tax is voted down.

Councilman Raymond moved to table the resolution to a later date. No one seconded the motion.

Councilman Chiaia made a motion to move the resolution with revisions as discussed. Mr. Paris offered to finalize the resolution over a brief recess to present the final version.

Mayor Alessi called for a brief recess at 11:06pm.

Mayor Alessi called the meeting back to order at 11:44pm.

Mr. Paris read the revised Resolution R-159-19 A Resolution Authorizing the Inclusion of Referendum Question on Ballot for November 2019 General Election as amended for the record.

Motion was made by Councilman Chiaia, seconded by Council President Santomauro. Councilman Raymond stated his favor for an Open Trust Fund and noted the importance of the voters' input. He voted no for the resolution. Said motion was carried with three affirmative votes and one abstention from Councilman Raymond.

Mr. Paris offered the option to the Governing Body to recess the meeting given the late hour.

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Personnel and Administration

Resolution R-161-19 A Resolution Appointing Solid Waste Advisory Council (SWAC) Representative for the Borough of North Caldwell was read. Motion was made by Councilman Rees, seconded by Council President Santomauro. Said motion was carried unanimously with four votes.

Finance

Councilman Rees made a motion to Accept the Tax Collector's Report for July 2019 which was seconded by Councilman Chiaia. Said motion was carried unanimously with four votes.

Resolution R-163-19 A Resolution Approving the Payment of Bills was read. Motion was made by Councilman Rees, seconded by Councilman Chiaia. Said motion was carried unanimously with four votes.

Public Safety

Councilman Chiaia acknowledged receipt of the Police Department Public Safety and Detective Bureau Reports for July 2019 and the Fire Department Public Safety Report for July 2019.

Councilman Chiaia moved to table Resolution R-142-19 A Resolution Supporting the Path to Progress Recommendations Made by New Jersey Economic and Fiscal Policy Workgroup to gauge responses from other municipalities.

Public Works

Council President Santomauro acknowledged receipt of the Construction Permit Activity Report for July 2019, the Solid Waste Collection Report for July 2019, and the Animal Control Report for July 2019.

Recreation

Councilman Raymond offered to defer the Recreation Director's Report for August/September 2019 to the following month when Councilman Kessler is present. He reminded all of the North Caldwell Recreation Foundation 5K and Color Run, Grand Opening of the Turf Field and the Town Picnic planned for Saturday, September 7, 2019.

Resolution R-164-19 A Resolution Authorizing Payment of Stipend for Summer Fun Camp Part-Time Seasonal Employee Serving as West Essex Fireworks Gate Monitor was read. Motion was made by Councilman Raymond, seconded by Councilman Chiaia. Said motion was carried unanimously with four votes.

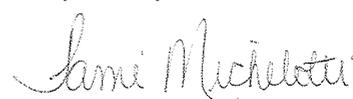
Executive Session

Resolution R-165-19 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: (A.) Anticipated Contract Negotiations: (1) Verona Municipal Court; (B.) Contract Negotiations: (1) 620 Mountain Avenue, (2) Mid-Atlantic Construction; (C.) Potential Litigation: (1) Mountain Avenue Commercial Use, (2) Liberty Turf Field, (3) Pulte Responsibility re: Site Conditions/Groundwater; (D.) Personnel: (1) NCPD, (2) Municipal Prosecutor was read. Motion was made by Council President Chiaia, seconded by Councilman Rees. Said motion was carried unanimously with four votes.

The meeting was re-opened to Public at 12:22am.

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 12:22am. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Borough Clerk