

Mayor and Council Conference and Regular Meeting – December 17, 2019

The Conference and Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, December 17, 2019. The meeting began at 6:35pm at Borough Hall.

Mayor Alessi called the meeting to order announcing that notice was provided in accordance with the requirements of Chapter 231, P.L. 1975.

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

Roll Call indicated the following:

Present: Mayor Alessi, Council President Santomauro, Councilman Astorino, Councilman Kessler, Councilman Raymond, and Councilman Rees. Councilman Chiaia joined the meeting at 8:21pm.

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

Mayor's Report

Mayor Alessi recognized Councilman Raymond on the occasion of his last meeting as Councilman and presented a proclamation in honor of his service to the Borough. Councilman Raymond expressed words of appreciation to the Mayor, Council, staff, his family and the public. He encouraged the Governing Body to continue work toward the success of the Borough.

Mayor Alessi provided an update on a commemoration of Mayor Emeritus Matarazzo by dedicating a portion of Mountain Avenue in his name. He thanked Essex County for approving the dedication of "Matarazzo Way" on Mountain Avenue from Fox Run to Hickory Drive/Wind Ridge. He announced that a ceremony would be held in early Spring.

Mayor Alessi announced the Annual Rabies Clinic to be held on Wednesday, January 8, 2020 from 6:00pm to 8:00pm.

Mayor Alessi announced the completion of the drainage study conducted by Suburban Consulting Engineers. He noted that the report was available online and that a public meeting was scheduled for January 13, 2020 at which questions, open dialogue and recommendations would be discussed. He invited all residents to attend and submit questions in advance.

Mayor Alessi wished the public a Happy Hanukkah, Merry Christmas and Happy New Year and stated that the Annual Reorganization Meeting was scheduled for January 7, 2020.

Citizens to be Heard

Paul Scagnelli – 7 Stony Brook Drive

Mr. Scagnelli asked that the Council prepare a drainage action plan prior to the Drainage meeting tentatively scheduled for January 13, 2020. Mayor Alessi offered that the report, recommendations and an action plan would be discussed with the public at the meeting.

Mr. Scagnelli asked for an update on the negotiations regarding Pulte Homes' extension request. Mr. Paris stated that a meeting was held with representatives from Pulte Homes on December 9, 2019 and that the negotiation process is ongoing. Mr. Scagnelli offered that temporary drainage measures during construction should have been considered prior to Pulte's construction.

Anthony Rainone – 5 Dogwood Place

Mr. Rainone asked about the selection process for the award of professional contracts typically approved at the annual reorganization meeting. He asked for an annual review of all professionals. Mayor Alessi noted that the Governing Body, Zoning Board and Planning Board are pleased with and have confidence in the professionals currently in place. Councilman Astorino noted that the current professionals are in good standing and possess intellectual wisdom as long-standing counsel.

Asmeret Ghebremichel – Essex County Liaison

Ms. Ghebremichel noted some special County events for the holidays including the Holiday Light Spectacular at Turtle Back Zoo. She extended wishes from the County Executive for a happy holiday season.

Anthony Floria-Callori – 4 Chestnut Hill Road

Mr. Floria-Callori asked for an update on the development of a tree ordinance and noted his concern that enforcement be enabled prior to the increase in construction permit applications at the beginning of the year. Mayor Alessi explained the process of ordinance introduction, public hearing and adoption which could not be started in one calendar year and continued in the next year.

Council President Santomauro stated that she had begun research on tree ordinances of other nearby municipalities. She suggested forming a committee with input from residents to consider an ordinance including exemptions (i.e. diameter), processes and enforcement.

Mr. Floria-Callori asked the Governing Body to acknowledge the public support of the Open Space Trust Fund and commit to not sell the five lots at the rear of the Walker's property.

John Zurlo – 19 Glenview Road

Mr. Zurlo inquired about the turnaround time for meeting minutes. Ms. Michelotti explained the process for minute generation, approval and posting. Mr. Paris added that there is no statutory designation in number of days for posting of meeting minutes.

Mr. Zurlo asked for an update regarding Pulte Homes' detention basin 2 which is not functioning as expected. Mr. O'Sullivan stated that NJDEP Soil Conservation continues to investigate with no final determination expected until the project is done in its entirety. He noted that inspections would take place as needed and noted that Municipal Engineer Paul Ferriero is working with the NJDEP regarding the degradation of the wetlands.

Mr. Zurlo noted that water and subsequent icing at the top of Glenview Road is coming out of the ground. Mr. O'Sullivan noted that water near 31 Glenview Road was near the water main and plans were underway to investigate a connection to a storm drain.

Upon the arrival of Councilman Raymond's family, Councilman Raymond offered words of appreciation to his family for their support during his tenure as Councilman.

Approval of Minutes

Council President Santomauro moved to accept the minutes from the Conference Meeting and Executive Session of October 15, 2019, seconded by Councilman Kessler. Said motion was passed unanimously with five affirmative votes.

Council President Santomauro moved to accept the minutes from the Regular Meeting and Executive Session of October 29, 2019, seconded by Councilman Kessler. Said motion was passed unanimously with five affirmative votes.

Council President Santomauro moved to accept the minutes from the Conference Meeting and Executive Session of November 12, 2019, seconded by Councilman Kessler. Said motion was passed unanimously with five affirmative votes.

Council President Santomauro moved to accept the minutes from the Regular Meeting and Executive Session of November 26, 2019, seconded by Councilman Kessler. Said motion was passed unanimously with five affirmative votes.

Items for Discussion

Annual Schedule of Meetings for 2020

Borough Clerk Tami Michelotti provided the proposed meeting schedule for the new year to the Council. She noted that a resolution would be prepared for the Reorganization Meeting. She confirmed that the tentative Special Meeting to discuss the Drainage Study would be noticed in the official newspapers, on the Borough website, through social media and through online media outlets.

COAH Judgement of Compliance and Repose Order Conditions

Mr. Paris offered a summary prepared by COAH counsel regarding the resolutions required to meet COAH compliance obligations which would be offered later in the meeting. He reviewed the updated spending plan with regard to funds deposited by developers into a dedicated trust to be used for affordable housing; the rehabilitation plan which allows citizens in single-family affordable housing units to obtain grants for rehabilitation projects on their home; and the affordability assistance manuals

prepared for the municipality to ensure compliance with state regulations to meet Fair Share Housing obligations. Mr. Paris added that the resolutions bring the Borough toward full compliance with the obligations that resulted from the Fairness Hearing. He stated that the judgment of repose extends for a ten year period.

Emergency Appropriation

CFO Rich Mondelli stated that legal fees ran over the budgeted allocation for the year and recommended an emergency appropriation for \$45,000 which would be raised in the 2020 budget. Mr. Paris noted that not all of the expenses are for legal fees such as the Borough Planner, court master, and Fair Share Housing Center.

Establishment of Open Space Trust Fund

Mr. Mondelli described that a trust fund that would be established for collection of the open space tax dollars. He added that this dedication-by-rider fund requires approval by the New Jersey Division of Local Government Services by resolution which was prepared for consideration later in the meeting.

Speed Studies: Beachmont Terrace, Hickory Drive

Chief Deuer stated that additional speed studies were conducted at request of residents and of the Council. He noted that the average speed on Hickory Drive was 29.2 miles per hour and 27.3 miles per hour on Beachmont Terrace. He suggested that additional enforcement should be effective.

Drainage Study Update

Mayor Alessi noted that the study and the tentative meeting regarding the study was already addressed earlier in the meeting.

Walker's Pond Update

Mr. O'Sullivan stated that site visits were recently held and a conference call was planned for the following day with the NJDEP to move forward with pond dredging permits. Councilman Raymond noted that rain water spills onto Mountain Avenue and that the dredging is needed for more than just aesthetic and recreational uses for the pond. Council President Santomauro stated that the State was notified of the drainage benefits which are essential benefits from dredging. Mr. O'Sullivan added that the dredging will impact the Borough's portion of the Essex County Flood Mitigation plan.

Councilman Raymond asked the Council to continue momentum toward solutions for the property, the Walker home and the preservation of the land.

Animal Shelter Agreement

Ms. Michelotti offered the proposed contract for animal shelter services through an interlocal agreement with West Orange. She stated that the one-year contract incorporated a 4% increase which was competitive compared to other options. She added that a resolution would be offered for Council consideration later in the meeting.

Concession Stand Bid Specs

Councilman Kessler offered that bid specs would be prepared and distributed for pool concession services at the Community Pool. He noted that the stand has been challenging to staff. He added that the Liberty Park snack stands was considered for inclusion in the bid but was determined to be kept separate.

Councilman Chiaia joined the meeting at 8:21pm.

Committee Reports

Legal and Ordinance

Ordinance O-13-19 An Ordinance Amending Chapter 10-1 Regarding Borough Holidays

Councilman Raymond moved to open the public hearing for Ordinance O-13-19 An Ordinance Amending Chapter 10-1 Regarding Borough Holidays, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Councilman Raymond asked for clarification if the proposed observance of Martin Luther King, Jr.'s birthday would replace a scheduled holiday or if it was an additional holiday. The Governing Body confirmed that the proposal was to replace Lincoln's birthday which is already recognized through the observance of Presidents' Day. He suggested a minor revision to the language for clarification in the

ordinance which was made by Mr. Paris for the Council's consideration as it was not a substantive revision.

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-13-19 An Ordinance Amending Chapter 10-1 Regarding Borough Holidays, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Councilman Raymond moved to adopt Ordinance O-13-19 An Ordinance Amending Chapter 10-1 Regarding Borough Holidays, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-210-19 A Resolution Authorizing a Change Order with Flanagan's Contracting Group was read. Motion was made by Councilman Raymond, seconded by Council President. Said motion was carried with five affirmative votes and one abstention by Councilman Rees.

Resolution R-211-19 A Resolution Authorizing the Closure of Contract with Flanagan's Contracting Group was read. Motion was made by Councilman Raymond, seconded by Council President. Said motion was carried with five affirmative votes and one abstention by Councilman Rees.

Resolution R-212-19 A Resolution Approving an Updated Spending Plan was read. Motion was made by Councilman Raymond, seconded by Council President. Said motion was carried unanimously with six votes.

Resolution R-213-19 A Resolution Approving a Housing Rehabilitation Program Manual was read. Motion was made by Councilman Raymond, seconded by Council President. Said motion was carried unanimously with six votes.

Resolution R-214-19 A Resolution Approving an Affordability Assistance Manual was read. Motion was made by Councilman Raymond, seconded by Council President. Said motion was carried unanimously with six votes.

Personnel and Administration

Councilman Rees had no report.

Finance

Councilman Astorino expressed his gratitude to Councilman Raymond for his leadership and tenacity. He extended appreciation to Mr. Mondelli for his head-start on the 2020 Municipal Budget.

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

Resolution R-215-19 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-216-19 A Resolution Approving 2018 Budget Transfers was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-217-19 Dedication by Rider for Open Space Trust Fund was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-218-19 A Resolution Approving Emergency Appropriation 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 November 2019. He noted the high volume of calls handled by the Police Department and the increase in summonses issued. Chief Deuer added that the volume of tickets issued was the highest in several years as the department addresses speeding issues.

Councilman Chiaia offered the Fire Department Public Safety Report for November 2019 summarizing that 29 calls were handled in the month including mutual aid provided to Bloomfield and Clifton. He reminded the public to update carbon monoxide detectors with new batteries.

Councilman Chiaia wished Councilman Raymond luck and noted the privilege he felt for the opportunity to work with him.

Public Works

Council President Santomauro offered the Construction Permit Activity Report for November 2019 noting the number of permits issued decreased since the prior month.

Council President Santomauro offered the Animal Control Report for November 2019 highlighting dogs that were reunited with their owners and continued canvassing by Animal Control for fox.

Resolution R-219-19 A Resolution Authorizing an Adjustment and Cash Reduction of the Pulte Homes Performance Bond for The Reserve at North Caldwell was read. Mr. O'Sullivan explained that Pulte Homes requested a reduction of the performance bond posted at the beginning of the project based on work completed to date. He explained that Municipal Engineer Paul Ferriero reviewed each line item and recommended reductions to nothing less than 30%. The Council expressed concern regarding the release of funds compared to the work performed. Mr. Paris noted that the Borough has a statutory obligation to release funds based on items completed.

Councilman Chiaia made a motion to table Resolution R-219-19 until the Council could speak with Mr. Ferriero, seconded by Councilman Kessler. Said motion was carried with five affirmative votes and one nay vote from Councilman Raymond.

Resolution R-220-19 A Resolution Authorizing the Execution of an Interlocal Agreement with the Township of West Orange for Animal Facility Sheltering Services was read. Motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was carried with five affirmative votes and one abstention by Councilman Raymond.

Recreation

Councilman Kessler offered the Recreation Director's Report for November/December 2019. He thanked all of the volunteers and participants in the Joy, Peace and Goodwill celebration. He noted the Gould School chorus led by Ms. Williams and Principal Chechetto for the holiday performance at the Seniors meeting. Councilman Kessler thanked residents for their contributions to the Annual Toy Drive.

Councilman Kessler thanked Councilman Raymond's efforts and support of the Council and the residents.

Council President Santomauro expressed her appreciation to Councilman Raymond for his leadership, wisdom and guidance.

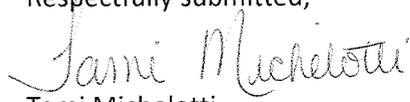
Executive Session

Resolution R-222-19 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: Pulte Homes' Extension Request, Legal Counsel; B. Anticipated Litigation: 8 Amelia Street – Taxes 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 10:14pm.

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 Council, that this meeting be adjourned at 10:14pm. This motion was carried unanimously.

Respectfully submitted,


Tami Michelotti
Borough Clerk