

## Mayor and Council Conference Meeting – February 12, 2019

The Conference Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, February 12, 2019 at the Borough Hall, Gould Avenue and began at 7:35pm.

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:

Mayor Alessi, Council President Santomauro, Councilman Astorino, Councilman Chiaia, Councilman Raymond, Councilman Rees

Absent: Councilman Kessler

Also, present were David M. Paris, Borough Attorney; Frank Zichelli, Borough Engineer; Rich Mondelli, Chief Financial Officer; Mark Deuer, Police Chief; and Tami Michelotti, Borough Clerk.

Mayor Alessi asked Chief Deuer to lead those present in the salute to the American flag.

Council President Santomauro stated that a brief discussion in Executive Session was necessary before the public session to discuss the Executive Session discussion item of Contract Negotiations specific to Tax Appeal, Tax Appraisal and Added Assessment Inspection Services. She moved Resolution R-48-19 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes which was seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

The meeting was re-opened to Public at 8:04pm.

### **Citizens to be Heard**

The Eagle Scout candidate presentation on the agenda was tabled as the Scout was not present. Councilman Chiaia requested that the presentation be rescheduled for a Regular Council meeting.

### **Mr. Paul Scagnelli – 7 Stony Brook Drive**

Mr. Scagnelli asked for a status of the broader drainage study around the Borough. Mr. Zichelli stated that Suburban Consulting is currently performing field work and hoped to have some preliminary findings within the next few weeks.

Mr. Scagnelli stated that the main structural wall of detention basin 2 is cracking and leaking. Mr. Zichelli noted that the Borough engaged the services of an engineering firm who has inspect the forms and pours and collected samples of the materials throughout the construction of detention basin 2. He added that all results exceeded requirements. Mr. Zichelli stated that when he was informed of the cracks and leaks, he made a site visit to take photos which he sent to the engineering consultant and requested an investigation by a structural engineer. Mr. Scagnelli asked if the wall joints were constructed with a water stop to which Mr. Zichelli offered to confirm that was the case. He added that the engineering consultant will review the cracks and leaks and make a recommendation for a remedy.

Mr. Scagnelli asked for a status of the Glenview culvert drainage study, the associated recommendations, and the Council's suggested action. Mr. Zichelli noted that the report was to evaluate a 100-year storm and associated recommendations. He described the two-part recommendation including the replacement of the pipe in the box culvert and widening and deepening the existing ditch walls to accommodate a 100-year storm capacity. He noted the limitation of the limited land between the ditch and the two neighboring homes. Council President Santomauro stated that the report is being evaluated by the Council with regard to what remedies can be taken, how many properties are affected by the culvert, and the cost/benefit analysis. She added that an opinion on the estimated cost of repairs was included in the study but that RFPs had not yet been issued. Mr. Zichelli added that the estimated costs included final design, permitting, and wetlands mitigation.

Mr. Scagnelli asked for an update on the second mediation meeting with Pulte Homes. Mr. Paris stated that the case is still not settled but work toward a settlement continues.

Councilman Chiaia asked if the Petry report of the Glenview culvert quantified the number of properties that would benefit from the culvert upgrade. Mr. Zichelli stated that the report documented flood prone areas for various levels of storms and all levels showed two properties that could be affected which are 17 and 19 Glenview Road. He added that the water then flows into the street and down Mountain Avenue. Mr. Paris stated that the report had not yet been made public as it may be a factor in the ongoing litigation with Pulte Homes.

**Mr. Dan Gallagher – 36 Ferndale Road**

Mr. Gallagher asked that adverse reactions to properties on Hill Street be taken into account as water flow from north to south from the wetlands to Hill Street. Council President Santomauro stated that the Petry study was concentrated on the capability of the Glenview culvert to handle water flow. Mr. Gallagher disagreed with the claim that there would be less water flows from the Hilltop after development. Mr. Zichelli noted that the Petry report considered pre-development and post-development and that the calculations and analysis show substantially less water for post-development.

**John Zurlo – 19 Glenview Road**

Mr. Zurlo noted that the homes affected on August 11, 2018 by flooding from the culvert include four (4) contiguous properties where backyards flooded from water not handled by the capacity of the brook. He added that Pulte Homes designed the development to send water to the brook. He requested that the report be released. He stated that the Council's response regarding the Petry study is not as robust as in the past and that his concern grows regarding the repairs of the culvert and stream. Mayor Alessi stated that he and several members of the Governing Body were present at Mr. Zurlo's home the day of the storm. He added that he identifies with Mr. Zurlo's concern but that several factors require consideration when deciding how to proceed.

Mr. Zurlo asked for an update on the bond ordinance approved for the funding of the drainage studies. Mr. Zichelli stated that the bond ordinance for \$500,000 is to fund the drainage studies and that it may fund some of the drainage improvements and repairs that are identified as necessary. Mr. Mondelli stated that bond ordinance was approved as a short-term note.

Mr. Zichelli explained that the current drainage-related costs: \$17,000 for the Glenview culvert study, \$60,000 for the broader Borough drainage study, \$6,000 for the retaining wall repair on Park Place, \$16,000 for the pipe collapse repair on Beachmont Terrace is \$16,000.

Mr. Zurlo asked for a timeframe for the Council's decision on action regarding the culvert repairs. The Council anticipated a decision around the time of the annual budget discussion.

**Bernie Doyle – 31 Glenview Road**

Mr. Doyle stated that his property continues to receive water and silt from the Hilltop near the detention basin wall. Mr. Zichelli responded that he would make Mr. Rossi of Pulte Homes aware of the issue.

Mr. Scagnelli stated that the underground flow of water still needs to be address and noted that it is the most difficult problem to solve. Mr. Zichelli noted that he has spoken with three (3) residents who have quantified the underground flows and that any other residents who continue to have underground water issues should document the problems. Mr. Gallagher added that water seeps up from Glenview Road and freezes.

Mr. Gallagher asked if the engineer that designed the dam also certified the water flow. Mr. Zichelli stated that the same firm was specifically not chosen. He added that Mott McDonald was hired by the Planning Board for the stormwater review while Suburban Consulting performed the inspection on the dam. He added that the Borough engaged Suburban and is paying them from the Pulte escrow.

Mr. Gallagher stated that water is seeping out of detention basin 2 from each cold joint approximately 1/3 from the top of the wall down to the base. Mr. Zichelli replied that the cracks have likely formed where the greatest amount of pressure is. He noted that the soil behind the wall is saturated through which the water pushes. He added that the basin is designed to hold water from 24-48 hours but is temporarily holding water indefinitely until construction is complete.

Mr. Gallagher stated that the swale and berm behind Ferndale Road properties is not yet complete. Mr. Zichelli confirmed that Mr. Rossi of Pulte committed to installing both that day.

**Items for Discussion**

**NCFD Equipment Funding - Bond Ordinance**

Mr. Mondelli stated that a bond ordinance has been drafted by the bonding attorney for the Fire Department air pack equipment retro-fitting. He added that it was ready for introduction later in the meeting.

White Rock Urban Renewal Construction Agreement

Council President Santomauro raised the affiliation of White Rock and RPM. Mr. Paris confirmed that RPM assigned the project to White Rock which is a related entity who is assuming the project. Council President Santomauro suggested that the Borough document the association between the two entities. Mr. Paris offered to draft an addendum to the developer's agreement acknowledging the developer's transfer of responsibility for the project naming White Rock as the project developer.

Bloomfield Avenue Zoning

Mayor Alessi presented the idea of revising the zoning on Elm Road. Council President Santomauro offered the benefit of providing for residential space over first-floor commercial space. Mr. Zichelli stated that Borough Planner, Burgis and Associates, studied the area in 2011 and prepared an ordinance (O-11-11) to change the zoning from Office District to allow retail, services, eating and drinking establishments excluding drive-thru establishments, residential apartments over first-floor permitted uses. He noted that the Planning Board refused to endorse the ordinance stating that the ordinance needed to be more encompassing. He added that zoning ordinances require Planning Board review and no further action has been taken since with the exception of an amendment that allows eating and drinking establishments.

Councilman Chiaia stated the need to provide for an improvement to the area and suggested Elm Road become a one-way road with the possibility of a parking deck and three residential stories above a retail first-floor. He added that Magnusson Field could include stairwells onto Elm Road to make an interactive area between recreation and business. Mayor Alessi noted that the street and field are shared with Caldwell. Councilman Chiaia suggested working with Caldwell to mirror the same plan and provide a united solution. Mr. Zichelli noted that the zoning ordinance was also amended to increase impervious coverage to a maximum of 80% to allow for parking lots. Mayor Alessi noted that parking and traffic concerns that should be analyzed. He added that a change in the zoning could allow for the unused liquor license to be sold.

The Council discussed a joint public meeting be held with the Planning and Zoning Boards to discuss the future zoning. Mr. Paris noted that the public meeting be advertised on behalf of all three entities. He also suggested that the Borough Planner contribute to the conversation and be prepared for potential ordinance preparation.

Councilman Raymond suggested that effects of the rezoning should be considered, for example the need for fire truck to have taller ladders. The Council supported the idea of redeveloping the area via rezoning. The Council discussed the idea of declaring the area as in need of development and the need for parking.

Administrative Assistant

Council President Santomauro tabled the discussion to Executive Session as the discussion would be specific to one candidate for employment.

DPW Maintenance Worker

Council President Santomauro tabled the discussion to Executive Session as the discussion would be specific to one candidate for employment.

Recreation Program Fees

Councilman Chiaia stated that the Recreation Committee met to discuss the State's increase in minimum wages and its potential effect on program fees. He noted that the Labor Attorney assisted in a wage analysis to identify the need to increase wages for those receiving minimum wage as well as for employees who should receive an increase. The Council acknowledged the need to conform to rising minimum wages and to provide increases where required.

**Action to be Taken**

**Bond Ordinance BO-1-19**

Councilman Raymond introduced Bond Ordinance BO-1-19, A Bond Ordinance Authorizing the Acquisition of Fire Department Equipment in and for the Borough of North Caldwell, in the County of Essex, New Jersey, Appropriating \$180,000 Therefore and Authorizing the Issuance of \$171,000 Bond or Notes to Finance Part of the Cost Thereof. He stated that the public hearing is scheduled for February 26, 2019 at 7:30pm. Councilman Chiaia seconded the motion. He asked Mr. Mondelli to confirm the availability of the funds so that the North Caldwell Fire Department could submit the purchase order to secure the discounted price on the equipment which would soon be increased. Mr. Mondelli stated that upon adoption of the ordinance, which was scheduled for February 26, 2019, funds would become available after a 20-day estoppel period after public notice is published.

A roll call vote was taken; said motion was carried with five affirmative votes and one nay vote from Councilman Rees. Mr. Rees stated that he would need more background information to justify such a large expenditure. He added that he would like to know more about the NCFD funds and budget before the Borough funds their requests. Mr. Mondelli confirmed for the Council that the NCFD manages its own revenue from donations received outside of the Borough budget.

Councilman Chiaia stated that the NCFD has submitted budget requests for 2019 but that this request was addressed outside of the budget through a bond issuance due to the timing of discounted pricing. He added that the opportunity for a \$50,000 savings had a March 2019 time constraint which is before the budget will be passed. Councilman Chiaia noted that there is a need for new tanks regardless of timing as the current tanks must be disposed of as per State law. Council President Santomauro agreed that the equipment must be financed prior to the budget but that the NCFD's own revenue sources and internal budget should be made transparent.

Councilman Rees suggested that the \$48,000 tank refilling compressor cost be eliminated by refilling tanks at the Fairfield Fire Department as was previously offered as an auxiliary option by the NCFD Chief in a prior meeting. Councilman Chiaia stated that the NCFD can go to Fairfield for tank refills but the Public Safety Committee determined it was inappropriate to ask the volunteer fire fighters to spend additional volunteer time refilling tanks off-site after each use, including after mutual aid responses. He added that he spoke with the Fairfield Fire Department regarding the tanks. He stated that Fairfield has already had the new tanks for the last three years which provide 30% more air in a smaller container than the ones currently used in North Caldwell. Councilman Chiaia stated that the extra \$40,000 would prevent the NCFD volunteers from going to Fairfield for refills.

Councilman Rees stated that the expense to the Borough for the option of tank refills is considerable when it can be shared with Fairfield. He noted that the needs of Fairfield FD, who has industry and restaurants, and North Caldwell are incomparable. He suggested we look at the tank refilling solutions of Essex Fells which is more comparable to North Caldwell.

Councilman Chiaia asked if the bond ordinance could be amended to remove the financing of the \$40,000+ compressor. Mr. Mondelli concurred that the ordinance could either be amended prior to adoption or the amount could be simply cancelled if not used. Councilman Chiaia offered to the Council that the line item for the compressor could be vetoed. He confirmed that the equipment order had not yet been placed. Mayor Alessi noted that expenses are especially tight this year. Mr. Mondelli noted that the bond ordinance would not affect the 2019 operating budget. The Council acknowledged the financial burden of bond ordinances on future years and the growth of bonding from other projects. Councilman Chiaia added that the compressor cost could be further discussed at the annual budget meeting and he thanked the Council for approving the funding for the mandatory air tanks.

Resolution R-41-19 A Resolution Authorizing the Execution of a Developer's Construction Agreement By and Between the Borough of North Caldwell and White Rock Urban Renewal Associates, L.P. was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with five votes. Mr. Paris added that he would prepare an addendum to the developer's agreement describing the transfer from RPM to White Rock Urban Renewal Associates.

## Mayor and Council Conference Meeting – February 12, 2019

Resolution R-42-19 A Resolution Authorizing the Appointment of Administrative Assistant was tabled until after Executive Session discussion.

Resolution R-43-19 A Resolution Authorizing the Appointment of Maintenance Worker in the Public Works Department of the Borough of North Caldwell was tabled until after Executive Session discussion.

Resolution R-44-19 A Resolution Approving the Payment of Bills was read. Motion was made by Councilman Astorino, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Resolution R-37-19 A Resolution Authorizing the Award of a Professional Services Contract for Tax Appeal, Tax Appraisal and Added Assessment Services was read. Motion was made by Councilman Astorino, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Resolution R-46-19 A Resolution Fixing Fees for Certain Recreation Programs for 2019 was read. Motion was made by Councilman Chiaia, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

Resolution R-47-19 A Resolution Authorizing the Hiring of Additional Part-Time Seasonal Employees for the 2018-2019 Recreation Basketball Season – Gym Monitors Motion was made by Councilman Chiaia, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

### Executive Session

Resolution R-48-19 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 – Tax Appeal, Tax Appraisal and Added Assessment Inspection Services, Camp Wyanokie
- B. Anticipated Contract Negotiations – 620 Mountain Avenue, Verona Municipal Court, Drainage Study, Alcoholic Beverage Control Retail License
- C. Litigation – Pulte Homes
- D. Personnel – Accrued Sick and Vacation Time, Administrative Assistant, Department of Public Works, NCPD Dispatch, Administrator/Engineer

was read. Motion was made by Council President Santomauro, seconded by Councilman Raymond. Council President Santomauro noted that the Contract Negotiations regarding the Tax Appeal, Tax Appraisal and Added Assessment Inspection Services was already discussed at the brief Executive Session discussion held at the beginning of the meeting and that the remainder of the Executive Session items would be considered at this time. Said motion was carried unanimously with five votes.

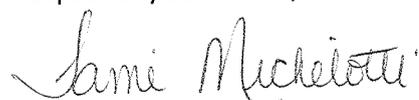
The meeting was re-opened to Public at 11:18pm.

Resolution R-42-19 A Resolution Authorizing the Appointment of Administrative Assistant was read. Motion was made by Councilman Rees, seconded by Councilman Astorino. Said motion was carried unanimously with five votes.

Resolution R-43-19 A Resolution Authorizing the Appointment of Maintenance Worker in the Public Works Department of the Borough of North Caldwell was read. Motion was made by Councilman Rees, seconded by Council President Santomauro. Said motion was carried unanimously with five votes.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Councilman Rees, seconded by Councilman Chiaia, that this meeting be adjourned at 11:19pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti  
Borough Clerk