

Mayor and Council Regular Meeting – February 25, 2020

The Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, February 25, 2020. The meeting began at 7:32pm 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.

Roll Call indicated the following:

Present: Mayor Alessi, Council President Santomauro, Councilman Chiaia, Councilman Kessler, Councilman Rees and Councilman Tilton.

Absent: Councilman Astorino

Also present were: Mr. Alan Genitempo, Esq., Acting Borough Attorney; Kevin O'Sullivan, Borough Administrator; Mark Deuer, Police Chief; Rich Mondelli, CFO; and Tami Michelotti, Municipal Clerk.

Mayor Alessi asked Council President Santomauro to lead the Pledge of Allegiance.

Executive Session

Resolution R-44-2020 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: Litigation – (1) COAH, (2) Civil Action was read. Motion was made by Council President Santomauro, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

The meeting returned to public session at 8:11pm.

Mayor's Report

Mayor Alessi provided an update on drainage improvements already underway by the Department of Public Works. He announced the lottery assignments distributed by RPM for the affordable housing occupancy planned for March. The Mayor encouraged all residents to complete the Census applications that were anticipated to be homes by mid-March. Mayor Alessi welcomed all to participate in the Mobile MVC visit on April 3. He added that pool membership registration opens on March 16, 2020.

Citizens to be Heard

Mayor Alessi asked the public to limit comments to five (5) minutes.

Paul Scagnelli – 7 Stony Brook Drive

Mr. Scagnelli asked for an explanation of each of the ordinances on the agenda for introduction. Mayor Alessi explained the ordinance introduction and public hearing process. Mr. Scagnelli asked for information regarding the Civil Action litigation on the Executive Session agenda. Mr. Genitempo noted that the confidential matter could be released once the matter is resolved.

Mr. Scagnelli asked for an update regarding Walker's Pond improvements. Mr. O'Sullivan described that a mitigation plan was required as a condition of the NJDEP permits which would be considered later in the evening's agenda. He added that blackout dates for dredging include May and June and that work would potentially begin in July.

Richard Verde – 8 Hickory Drive

Mr. Verde asked for an update on the videotaping and broadcasting of Council meetings. Mr. O'Sullivan estimated the availability by early summer as it was pending budget approval.

Approval of Minutes

Council President Santomauro moved to accept the minutes from the Regular Meeting and Executive Session held on January 28, 2020, seconded by Councilman Rees. Councilman Chiaia and Councilman Kessler abstained. Said motion was passed unanimously with three affirmative votes and two abstentions.

Committee Reports

Legal and Ordinance

Ordinance O-1-2020 An Ordinance Amending Chapter 107, Section 31 Regarding Signs

Council President Santomauro moved to open the public hearing for Ordinance O-1-2020 An Ordinance Amending Chapter 107, Section 31 Regarding Signs, seconded by Councilman Chiaia. Councilman Astorino was absent. Said motion was carried unanimously with five affirmative votes.

Council President Santomauro provided background regarding the revisions to the existing ordinance which resulted from a meeting in December 2019 with former Councilman Raymond, former Borough Attorney David M. Paris and herself. She noted that the revisions are reflected in the proposed ordinance and welcomed public comment.

Anthony Floria-Callori - 4 Chestnut Hill Road

Mr. Floria-Callori asked the Council for the reason for the ordinance change. Council President Santomauro explained the revisions and noted the Council's concerns for signage and providing for free speech. Mr. Floria-Callori stated that the current ordinance included enforceable content neutral regulations and expressed concern regarding the number of political signs that are permitted and the proximity of signs to property lines. Mr. Genitempo stated that political signs tend to be temporary in nature and that the ordinance revisions would help to protect the town from potential litigation if political expression under the First Amendment was limited.

Josh Raymond – 33 Oak Place

Mr. Raymond stated that the revisions to the ordinance seemed unclear and highlighted specific sections of the ordinance that seemed unclear. He added that certain signs, for example real estate "For Sale" signs and signs for students or sports, were not addressed and asked for Council consideration that they be exempt.

Daniel Blackburn - 236 Park Avenue

Mr. Blackburn stated that he wishes to see fewer signs in town and is not in support of the proposed ordinance as it could encourage divisive politics. Mr. Genitempo added that the amendment was drafted with much research and consideration to protect the town from First Amendment claims.

Anthony Rainone – 5 Dogwood Place

Mr. Rainone expressed concern that the proposed ordinance could lead to litigation against the Borough for First Amendment violations. He stated that the current ordinance is neutral and constitutionally solid and that revision is not needed.

Hearing no further comment from the public, Council President opened the hearing for comment from the Governing Body. Councilman Chiaia stated that ordinances are unenforceable if the greater population would be in violation. He stated that a revision to the ordinance should maintain a suitable middle-ground. Councilman Rees expressed concern regarding real estate, recreation and student athletic signs. Councilman Kessler noted the need to add language to the proposed ordinance for clarification.

Council President Santomauro moved to close the public hearing for Ordinance O-1-2020 An Ordinance Amending Chapter 107, Section 31 Regarding Signs, seconded by Councilman Chiaia. Councilmen Astorino was absent. Said motion was carried unanimously with five affirmative votes.

Council President Santomauro moved to Adopt Ordinance O-1-2020 An Ordinance Amending Chapter 107, Section 31 Regarding Signs, seconded by Councilman Chiaia. Before a vote was taken, Councilman Rees made a motion to table the vote for the adoption of Ordinance O-1-2020 An Ordinance Amending Chapter 107, Section 31 Regarding Signs, seconded by Councilman Kessler. Councilman Astorino was absent. Councilman Tilton voted no. Said motion to table the adoption was carried with four affirmative votes and one nay vote.

Council President Santomauro stated that the ordinance would be further discussed at the next meeting for consideration of revisions. Mr. Genitempo stated that the ordinance would not require re-notice or re-introduction provided that the revisions are not de minimis.

Introduction of Ordinance O-2-2020 Green Brook Zoning Overlay Ordinance

Council President Santomauro introduced Ordinance O-2-2020 An Ordinance of the Borough of North Caldwell Amending and Supplementing Chapter 107 of the Code of the Borough of North Caldwell to Establish a New IRO Inclusionary Residential Overlay Zone and to Set Forth the Standards and Criteria Applicable Thereto, seconded by Councilman Chiaia. Councilman Astorino was absent. Said motion was carried unanimously with five votes. Council President Santomauro announced that a public hearing was scheduled March 25, 2020 at 7:30pm. She added that affordable housing units were included in the zone. Mr. Genitempo noted that the inclusion of COAH units will satisfy the Borough's final obligation to be free from Builders' Remedy lawsuits.

Introduction of Ordinance O-3-2020 An Ordinance to Amend and Supplement Chapter 107, Zoning and Land Use, of the Borough of North Caldwell , Essex County, New Jersey, to Update the Flood Damage Protection Ordinance to be Consistent with the Latest FEMA Requirements

Council President Santomauro introduced Ordinance O-3-2020 An Ordinance to Amend and Supplement Chapter 107, Zoning and Land Use, of the Borough of North Caldwell , Essex County, New Jersey, to Update the Flood Damage Protection Ordinance to be Consistent with the Latest FEMA Requirements, seconded by Councilman Chiaia. Councilman Astorino was absent. Said motion was carried unanimously with five votes. Council President Santomauro announced that a public hearing was scheduled March 25, 2020 at 7:30pm. Mr. O’Sullivan added that FEMA requires compliance in the form of ordinance adoption prior to April 2.

Introduction of Ordinance O-4-2020 An Ordinance to Amend and Supplement Chapter 53, On-Site Stormwater Detention, Stormwater Controls, of the Borough of North Caldwell, Essex County, New Jersey

Council President Santomauro introduced Ordinance O-4-2020 An Ordinance to Amend and Supplement Chapter 53, On-Site Stormwater Detention, Stormwater Controls, of the Borough of North Caldwell, Essex County, New Jersey, seconded by Councilman Chiaia. Councilman Astorino was absent. Said motion was carried unanimously with five votes. Council President Santomauro announced that a public hearing was scheduled March 25, 2020 at 7:30pm. Mr. O’Sullivan added that the ordinance strengthens the current Borough regulations regarding intermediate development that would not qualify as major development.

Introduction of Ordinance O-5-2020 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)

Council President Santomauro introduced Ordinance O-5-2020 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14), seconded by Councilman Chiaia. Councilman Astorino was absent. Said motion was carried unanimously with five votes. Council President Santomauro announced that a public hearing was scheduled March 25, 2020 at 7:30pm. She added that the ordinance allows the Borough to carry over or “bank” unused appropriation balances for two years.

Introduction of Ordinance O-6-2020 An Ordinance Amending Chapter 96 of the Code of the Borough of North Caldwell Regarding Trees: Removal and Destruction

Council President Santomauro introduced Ordinance O-6-2020 An Ordinance Amending Chapter 96 of the Code of the Borough of North Caldwell Regarding Trees: Removal and Destruction, seconded by Councilman Chiaia. Councilman Astorino was absent. Said motion was carried unanimously with five votes. Council President Santomauro announced that a public hearing was scheduled March 25, 2020 at 7:30pm.

Resolution R-33-2020 A Resolution Authorizing an Adjustment and Cash Reduction of the Pulte Homes Performance Bond for The Reserve at North Caldwell was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes. Council President Santomauro stated that bond funding was not returned with regard to detention basin 2. Mr. O’Sullivan added that the Borough still holds a performance guarantee of \$2.1million.

Personnel and Administration

Councilman Tilton stated that there were no updates to report.

Finance

Councilman Rees made a motion to accept the Tax Collector’s Report for January 2020 with a caveat to review the income from the 137 Gould Avenue rental, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Resolution R-45-2020 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 five votes.

Public Safety

Councilman Chiaia presented the Police Department Public Safety and Detective Bureau Reports for January 2020. He congratulated Chief Deuer on his 10-year anniversary as Police Chief of North

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Caldwell. Councilman Chiaia noted that there were 1,062 calls received by dispatchers with 175 tickets issued.

Councilman Chiaia presented the Fire Department Public Safety Report for January 2020 which included 31 runs of which were 11 alarms, 7 training sessions and 3 mutual aid responses.

Public Works

Councilman Rees shared the Construction Permit Activity Report for January 2020 noting that \$49,000 in permit fees is double from January of 2019.

Councilman Rees shared the Solid Waste Collection Report for January 2020 noting that 21 tons of paper/cardboard, 20 tons of commingled materials, and 15 tons of bulk waste were collected in December 2019.

Councilman Rees presented the Animal Control Report for January 2020 which included 12 calls regarding foxes.

Resolution R-47-2020 A Resolution Authorizing the Advertising of Bids for the Dredging of Walker's Pond was read. Motion was made by Councilman Rees, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Resolution R-48-2020 A Resolution Awarding Contract to Amy Green for Riparian Zone Mitigation Plan was read. Motion was made by Councilman Rees, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Recreation

Councilman Kessler presented the Recreation Director's Report for February and March 2020. He announced the completion of the basketball and ski seasons and the registration of the baseball and softball seasons. Councilman Kessler invited Seniors to the March 4 meeting and noted that the May and June meetings would be held on the first Wednesday of each month. He announced that the Spring Spectacular and Easter Egg Hunt is scheduled for April 7 with a rain date of April 8. He announced Opening Day of Baseball and Softball would be April 25.

Resolution R-49-2020 A Resolution Authorizing the Hiring of Additional Seasonal Employees for 2019-2020 Basketball Season – Referees was read. Motion was made by Councilman Kessler, seconded by Councilman Tilton. Said motion was carried unanimously with five votes.

Pool Concession Bid Report

Mr. O'Sullivan stated that no bids were received and that the Pool Concession Stand would be rebid with an update forthcoming at the next meeting.

The meeting was re-opened to Public at 10:18pm.

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 10:18pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Borough Clerk