

The Special Meeting of the Mayor and Council of the Borough of North Caldwell was held on Monday, January 13, 2020. The meeting began at 6:00pm 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 Astorino, Councilman Kessler, Councilman Rees and Councilman Tilton.

Also present were: Mr. David M. Paris, Esq., Borough Attorney; Kevin O'Sullivan, Borough Administrator; Paul Ferriero, Borough Engineer; Mark Deuer, Police Chief; Bill Stickles, Assistant Director of Department of Public Works; and Tami Michelotti, Borough Clerk.

Mayor Alessi asked Chief Deuer to lead the Pledge of Allegiance.

Mayor Alessi welcomed the public and noted the importance of the topic which warranted a special meeting to address the issues and allow for public discussion. He noted that 2018 was the wettest year on record and stated that municipalities throughout the State are facing similar stormwater-related issues as North Caldwell. Mayor Alessi described the consultants hired to help the Council address the Borough's issues.

#### **Drainage Study History and Introduction**

Mr. O'Sullivan described the history of the study including the Request for Qualifications process and award of contract to Suburban Consulting Engineers. He reviewed the fieldwork performed and the areas in town that were studied. He noted that there are some commonalities among areas in town. Mr. O'Sullivan noted several goals including the preparation of a plan, funding and implementation. He added a fair and equitable process will be developed to identify responsible parties for drainage issues. He noted that some projects will require NJDEP permits and others may require outsourcing to vendors.

#### **Drainage Study Summary and Proposed Solutions**

Mr. Paul Ferriero, Municipal Engineer, stated that the study was in progress when he joined the Borough in mid-April of 2019. He noted that many other communities have common problems but that North Caldwell is ahead of the curve by identifying the problems and the corresponding solutions.

Mr. Ferriero noted that a study of the entire Borough was too large and costly a task. He noted that the study identified areas that are common across the municipality. He provided definitions of some of the language used in the Suburban study and reviewed the four areas encompassed in the study. Mr. Ferriero noted that the Walker's property was not directly studied. He explained the potential benefits of the planned dredging including increased conveyance of water from pond and increased flood storage capacity of the pond which will help to reduce impacts downstream.

Mr. Ferriero briefly summarized some key findings from each of the four areas studies as follows:

Study Area #1: Infrastructure issues including degraded and rusted culverts, need for identification of culverts with Essex County jurisdiction, streams in need of cleaning and protection from erosion.

Study Area #2: Presence of inadequate pipes with insufficient slopes. Detention basin maintenance needed and potential modifications to outfall structures.

Study Area #3: Back-pitched storm-drainage system and pipes in need of upgrade.

Study Area #4: Cleaning of streams and placement of trash racks on culverts.

Mayor Alessi opened the meeting to the public for questions and comments.

#### **Public Comment and Questions**

##### **Ted Roth – 17 Wind Ridge Drive**

Mr. Roth asked for an update of the stormwater and sanitary sewer plans, stormwater management plan and flood control plan review for Pulte's "The Reserve" development. Mr. Ferriero noted that the Pulte development was not a subject of Suburban's drainage report but stated that the stormwater report for the site was reviewed and approved by several engineers before him as well as by the County, the State, and Soil Conservation.

Mr. Roth inquired if the Borough's municipal stormwater plan dated 2005 is in full compliance with the New Jersey Department of Environmental Protection general permit requirements. Mr. O'Sullivan stated that the plan is regularly reviewed. Mr. Ferriero noted that the stormwater management plan is part of the Master Plan which was adopted by the Planning Board in 2005 as

required by law. He added that water quality plan and stormwater pollution prevention plan are also under review for the presentation of recommendations to the Planning Board.

Mr. Roth asked for an update of the reassessment of the Master Plan. Mr. Ferriero explained that the Planning Board approved a Master Plan Reexamination and consideration of any recommendations from the reexamination report are a function of the Planning Board.

Mr. Ferriero confirmed that the Borough adopted the State's stormwater regulations when issued in 2005 and has also adopted more stringent regulations than the minimums set by the NJDEP. He noted that he has made additional recommendations which will be considered for adoption by the Governing Body. Mr. Roth asked that the Borough maintain compliance with Federal and State mandated stormwater regulations.

**Paul Scagnelli - 7 Stony Brook Drive**

Mr. Scagnelli asked that the Governing Body act quickly on the recommendations of the drainage study.

**Paul Holland – 43 Ferndale Road**

Mr. Holland noted that Suburban's study did not include the Ferndale and Glenview neighborhood which was hard hit during the August 2018 storms. Mr. Ferriero stated that the earlier Petry Engineering study focused solely on that area. Mr. Holland asked that the Petry report be considered an amendment to the Suburban report. Mr. O'Sullivan stated that the two studies would remain separate but that the Council would be considering recommendations from both.

Mr. Holland requested an update of the underground water study. Mr. Ferriero replied that a preliminary draft was anticipated within a week. Mr. Holland asked about funding the drainage projects and routine maintenance. Mr. Ferriero noted that funding and budgets have not yet been set by the Council.

Mr. Holland stated that uncontrolled development has affected drainage, traffic, congestion, and utilities and asked for safeguards. Mr. Ferriero stated that current developments have more stormwater regulations incorporated into construction than in the past. He added that the Borough's ordinances are more restrictive than State ordinances. He described a primary recommendation to redefine the definition for "major development" from over 1-acre of disturbance to include the redevelopment of a lot with over ¼ acre of impervious surface.

**Bernie Doyle – 31 Glenview Road**

Mr. Doyle stated that water continues from Pulte's detention basin 2 through the buffer zone into the rear of his property.

**Tom Katulak – 7 Rickland Drive**

Mr. Katulak stated that his home was built in 2005 and his property has been flooded twice during major storms. He noted that the stream bed next to his home receives maintenance but that water drains out of a narrow culvert. Mr. Ferriero suggested that Mr. Katulak send an email with more information for follow-up. Mr. O'Sullivan noted that property adjoining Mr. Katulak's is owned by Essex County and stated that the County has been provided with both the Petry and Suburban reports for further discussion.

**Sherri London – 108 Mountain Avenue**

Ms. London asked why her neighborhood was not examined in the Suburban study. Mr. Ferriero noted that the Petry report focused on that neighborhood which was conducted first, before the wider town drainage study.

**Anthony Floria-Callori – 4 Chestnut Hill Road**

Mr. Floria-Callori inquired about potential risk of taking action without a comprehensive study of the entire town. Mr. Ferriero stated a full study was not feasible and that action could be taken on common problems such as maintenance on detention basins and culverts. He added that the cost of an exhaustive study would be exorbitant and not allow for funding for repairs.

Mr. Floria-Callori noted the need for increased oversight by third parties, funded by developers, on construction sites. He added that some residents divert water to their neighbors. Mr. Ferriero explained that land use law allows for performance bonds, maintenance bonds and escrow accounts for site oversight and inspections by professional inspectors and that the Borough already obtains those bonds and accounts and performs site oversight and inspections by professional inspectors from his firm.

Mr. Floria-Callori asked about the prioritization process for repairs and remedies. Mr. Ferriero suggested that a sub-group of the Governing Body and staff would review several factors to develop a priority list.

**Carmella Cannistraci – 17 Glenview Road**

Ms. Cannistraci asked if any other solutions have been presented to remedy the channel next to her home that has become narrowed from erosion and upstream development debris. Mr. O’Sullivan noted that the culvert is owned by Essex County who has been sent both the Petry and Suburban reports to review and discuss options. Ms. Cannistraci added that new streams have sprung up behind some of the Glenview Road homes over time. Mr. Ferriero noted regulatory constraints under which the Borough must operate.

**Paul Scagnelli – 7 Stoney Brook Road**

Mr. Scagnelli stated that the streams behind Glenview Road are trenches that were dug in the wetlands by Pulte Homes’ subcontractor when detention basin 2 was not functioning properly. He added that Soil Conservation noted the violation and that trenches were refilled but continue to erode.

Mr. Scagnelli asked for an inventory of pipes, culverts and slopes and connections to pipes. Mr. Ferriero described the Borough’s stormwater map but noted that it does not include slopes. He noted the DEP regulations prevent remedies that worsen upstream or downstream flooding.

Mr. Scagnelli asked the Governing Body to assume responsibility for drainage channels on private property.

**Lorraine Padalino – 4 Acorn Place**

Ms. Padalino asked that the Governing Body keep the public informed of progress and announce the priority list for improvements on the Borough website when available.

**John Zurlo – 19 Glenview Road**

Mr. Zurlo asked if the Borough would commit to maintaining culverts, brooks and stream cleaning as per N.J.A.C 7-13. Mr. Ferriero described “permit by rule” improvements which allow a limited scope of work to be done without DEP permits and “general permit” improvements which allow for a broader scope of improvements. Mr. O’Sullivan stated that some improvements are already underway as part of the DPW’s annual maintenance of Borough property. Mr. Zurlo asked that the Borough take ownership for drainage improvements on private property.

**Matt Atlas – 18 Rose Avenue**

Mr. Atlas stated his disappointment with social media posts by the Mayor on his personal Facebook page. The Mayor issued a detailed public apology.

**Michael Michura – 30 Brookside Terrace**

Mr. Michura stated that his property borders Cedar Grove from where water runs downhill toward his home. Mr. Ferriero confirmed that the Borough has met with and maintains dialogue with Cedar Grove, Caldwell and West Caldwell among others.

**Don Theobald – 54 Ferndale Road**

Mr. Theobald inquired about a maintenance schedule for catch basin clearing. He noted a few catch basins of concern including on County property.

Mayor Alessi closed public comment at 7:32pm after seeing no additional members of the public come forward.

**Final Comments**

Council President Santomauro stated that prioritization was required immediately and addressing issues that do not require permits could potentially move forward as soon as possible.

Councilman Rees suggested that all residents help to clear catch basins near their homes to keep them free of leaves and obstruction. He added that landscapers should be instructed not to blow leaves into brooks, streams and basins. He thanked Mr. Ferriero for his guidance.

Council Presidents Santomauro added her appreciation for the Department of Public Works and commended their responsiveness.

Councilman Astorino noted the financial challenges before the Borough and committed to working diligently to get projects financed and completed.

Councilman Tilton added that the County may have some responsibility for issues that span several municipalities.

Councilman Kessler thanked the public for attending and for their comments. He committed to planning to resolve issues while maintaining fiscal responsibility.

Councilman Chiaia thanked the DPW and Engineer and added that maintenance is an important aspect of the improvements. He noted the need to focus on schedules and inventories as well as on impervious coverage.

**Executive Session**

Resolution R-29-2020 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: A. Litigation – COAH; B. Contract Negotiations/Litigation – Pulte Homes was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion passed unanimously with six votes.

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 Councilman Kessler, that this meeting be adjourned at 8:42pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti  
Borough Clerk