

## Mayor and Council Regular Meeting – January 28, 2020

The Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, January 28, 2020. The meeting began at 7:33pm 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 Astorino, Councilman Rees and Councilman Tilton.

Absent: Councilman Chiaia, Councilman Kessler.

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

Mayor Alessi asked Fire Chief Timothy Peterson to lead the Pledge of Allegiance.

### **North Caldwell Fire Department Installation Ceremony**

Mayor Alessi administered the oath of office to new Fire Chief Timothy Peterson and presented a proclamation from the Essex County Freeholders. Chief Peterson thanked the Governing Body and his family, noting that he is a fourth generation firefighter.

Mayor Alessi called for a brief recess at 7:40pm. The meeting reconvened at 7:44pm.

### **Mayor's Report**

Mayor Alessi presented a proclamation to Borough Attorney David M. Paris honoring him for his service and dedication to the Borough as a former Councilman and, most recently, General Counsel. Mr. Paris stated his appreciation to the Governing Body, Borough staff and community. Council President Santomauro expressed her appreciation for Mr. Paris's guidance and professionalism. Mayor Alessi announced that a Request for Qualifications was issued for the position of General Counsel which would be reviewed by the Council with an appointment forthcoming.

Mayor Alessi thanked the public for attending the recent Drainage Meeting and provided an update on the stormwater management and stormwater pollution prevention plans. He announced the deadline for pet licensing and Christmas tree collection as well as the on-site visit of the Mobile MVA unit on April 3, 2020.

Mayor Alessi acknowledged the North Caldwell Board of Education members present and noted his appreciation for their working relationship and partnership.

### **Citizens to be Heard**

Mayor Alessi asked the public to limit comments to five minutes per person to allow all persons present the opportunity to speak. He invited the public to attend his monthly office hours or to make appointments with him and the staff to discuss any issues of concern.

Council President offered a statement in response to public concern over Mayor Alessi's recent social media post. She noted that sensitivity training was scheduled for the Governing Body.

### **Harvey Zeller – 17 Amelia Street**

Mr. Zeller read an email that he sent to Mayor Alessi and Council President Santomauro in which he requested a traffic light at the intersection of Mountain Avenue, Gould Avenue and Knollwood Road to increase safety for the Gould School students. Council President Santomauro stated that Mountain Avenue is a County road which would require County consultation and possibly a traffic study. Mayor Alessi agreed for the need for safety and offered to contact Essex County for help in evaluating the intersection for a traffic light. Councilman Tilton suggested that short-term remedies be instituted such as striping on the road and iridescent flags to slow traffic. Chief Deuer stated that a police officer is stationed at the intersection for crossing of students instead of a crossing guard in an effort to provide heightened safety.

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

Mr. Scagnelli asked for detailed updates on drainage improvements and that they be posted on the Borough website. He asked for an update on the permits for the dredging of Walker's Pond. Mr. O'Sullivan provided an update.

Mr. Scagnelli noted the continued leaks in the walls of detention basin 2. Mr. O'Sullivan stated that Pulte is on notice to further waterproof the walls. Mr. Scagnelli asked for Mr. Ferriero to provide a comparison of soil samples between studies performed by Najarian (on behalf of Pulte Homes) and Suburban (on behalf of the Borough). Mr. Scagnelli noted the continued drainage issues in the rear yards of residents on Glenview Road seemingly caused by trenches dug by Pulte's contractors that were incorrectly remedied. Mr. O'Sullivan explained that the area of subject to NJDEP oversight and Soil Conservation's violations.

Mr. Scagnelli asked for an update on Pulte Homes' request for an extension on development and construction. Mr. Paris stated that negotiation proceeding are confidential but noted that the Governing Body is very aware of the residents' concerns and suggestions.

**Dan Byrnes – 79 Evergreen Drive**

Mr. Byrne described the flow of stormwater from the street onto his corner property and asked for street repairs, additional catch basins, and deeper curbing on his street before paving of the road commences. Mr. O'Sullivan stated that he visited the property and that the DPW Assistant Director would help with evaluation and determination of solutions.

**Bernie Doyle – 31 Glenview Road**

Mr. Doyle described water flowing from a pipe near his driveway. Mr. O'Sullivan suggested that it may be related to recent work performed on the water main that has not yet been completed. He offered to remind Pulte of the issue and noted that a trench drain may be needed.

**Ted Roth – 17 Wind Ridge Drive**

Mr. Roth asked for an update regarding Pulte Homes' request for an extension as well as regarding their request for a reduction in the performance bond. Mr. Paris explained the State statute (N.J.S.A. 40:55D-53) regarding performance bond returns. He stated that the Municipal Engineer examined each line item in the former engineer's performance requirements list and did not reduce any line item to less than 30%.

**Jon Rapkin – 35 Willow Brook Drive**

Mr. Rapkin referred to Mayor Alessi's recent Facebook posts and noted that his experience with the Mayor has always been positive. He thanked the Council for their consideration of sensitivity training. He suggested that the leadership be proactive and address issues directly in the future.

**Mindy Opper – 8 Brentwood Drive**

Ms. Opper asked the Council to consider training related to unconscious bias. Mayor Alessi described his plan to form a commission to bring the community together and asked Ms. Opper to play a role.

**Jann Skelton – 17 Spruce Road**

Ms. Skelton thanked Council President Santomauro for her statement and reiterated that unconscious bias should be recognized and incorporated into sensitivity training.

**John Zurlo – 19 Glenview Road**

Mr. Zurlo asked about the security and fees for online water bill payments. Ms. Michelotti explained the security measures and fees charged by third party financial service providers.

Mr. Zurlo asked for the status of a proposed storm drain on Ferndale Road. Council President Santomauro noted that the request was presented to Pulte and was being considered. Mr. Zurlo asked for oversight by the NJDEP regarding detention basin 2. Mr. O'Sullivan stated that the DEP has been involved and issued Notices of Violation. He added that Soil Conservation would also determine final revisions and design measures once the site was more stabilized.

Mr. Zurlo requested that the Borough repair and maintain areas throughout town with drainage issues on both Borough and private properties. Mayor Alessi offered that the Council would consider the magnitude and feasibility of maintaining private properties. Mr. Zurlo asked for clarification of the performance bond release as it relates to detention basin 2. He asked Mr. Tilton about the stormwater infrastructure remaining on County property that was once the site of the hospital behind Arbor Road.

**Alex Opper – 8 Brentwood Drive**

Mr. Opper asked about the line items and amounts considered in the proposed reduction in the Pulte Homes performance guarantee. Mr. Paris referred to State statute requirements to return performance guarantees and explained that the partial refunds for individual line items reflect the Municipal

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Engineer's determination of each item's level of completion. Councilman Rees questioned some of the levels of completeness on certain line items.

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

Mr. Floria-Callori asked the Council to consider the performance bond release as it relates to drainage issues.

### **Wendy Nash – 21 Evergreen Drive**

Ms. Nash asked for a background of the Pulte Homes development. Council President Santomauro confirmed that the development was not built on wetlands and explained the NJDEP had issued notices of violation to Pulte during construction for impacting the wetlands.

Mayor Alessi requested a recess at 9:39pm. The meeting reconvened at 9:46pm.

### **Approval of Minutes**

Council President Santomauro moved to accept the minutes from the Conference and Regular Meeting and Executive Session held on December 17, 2019, seconded by Councilman Astorino. Said motion was passed unanimously with three affirmative votes. Councilman Tilton was not eligible to vote as he was not yet in office

Council President Santomauro moved to accept the minutes from the Reorganization Meeting Minutes held on January 7, 2020, seconded by Councilman Astorino. Said motion was passed unanimously with four affirmative votes.

Council President Santomauro moved to accept the minutes from the Special Drainage Meeting and Executive Session Minutes held on January 13, 2020, seconded by Councilman Tilton. Said motion was passed unanimously with four affirmative votes.

### **Committee Reports**

#### **Legal and Ordinance**

Council President Santomauro moved to introduce Ordinance O-1-2020 An Ordinance Amending Chapter 107, Section 31 Regarding Signs. She stated that the public hearing was scheduled for February 25, 2020 at 7:30pm. She indicated that the ordinance was drafted with Councilman Raymond before he left office and that the wording was unchanged since his draft. The motion was seconded by Councilman Rees and was carried unanimously with four votes.

Council President Santomauro offered two raffle license applications, RA-1-2020 and RA-2-2020, submitted by the Caldwell/West Essex Kiwanis Foundation for a 50/50 and Tricky Tray raffle at Notre Dame Church to be held on March 14, 2020. Said motion was seconded by Councilman Astorino and was carried unanimously with four votes.

#### **Personnel and Administration**

Councilman Tilton stated that there were no updates to report for Personnel and Administration.

#### **Finance**

Councilman Astorino expressed his appreciation to Mr. Paris for his guidance and commitment to the Borough.

Councilman Astorino made a motion to accept the Tax Collector's Report for December 2019, seconded by Council President Santomauro. Said motion was carried unanimously with four votes.

Resolution R-30-2020 A Resolution Approving the Payment of Bills was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with four votes.

Resolution R-31-2020 A Resolution Approving 2019 Budget Transfers was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with four votes.

**Public Safety**

Councilman Tilton offered the Police Department Public Safety and Detective Bureau Reports for December 2019. He noted 1,020 calls received by Dispatch and 125 summonses issued in the month of December. He thanked Chief Deuer and the Department for their participation in the Cookies with a Cop program at West Essex Middle School.

Resolution R-32-2020 A Resolution Authorizing Employment of Police Department Dispatcher was read. Motion was made by Councilman Tilton, seconded by Council President Santomauro. Said motion was carried unanimously with four votes.

Chief Deuer provided an overview of the 2019 Annual North Caldwell Police Department report. He highlighted the recent promotions of Karl Strodthoff to Captain and three promotions of officers to the rank Sergeant including Suzanne DePoe as first female Sergeant in the Borough. He added that the most summonses were written in 2019 during his ten years as Chief.

**Public Works**

Councilman Rees provided the Construction Permit Activity Report for December 2019. He noted that the total number of permits and the total funds collected from permits are higher than the previous year.

Councilman Rees offered the Animal Control Report for December 2019.

Mayor Alessi recommended tabling Resolution R-33-2020 A Resolution Authorizing an Adjustment and Cash Reduction of the Pulte Homes pending further discussion with the Municipal Engineer. The Council agreed.

Councilman Rees offered the Zoning Board of Adjustment 2019 Annual Report. He noted that most applications request setback variances.

Councilman Rees stated that the annual Mowing and Trimming Bid Spec document has been updated and is ready for distribution.

**Recreation**

Councilman Rees offered the Recreation Director's Report for January/February 2020. He noted upcoming events and registrations as well as the playoffs for recreation basketball.

Resolution R-34-2020 A Resolution Authorizing the Hiring of Additional Seasonal Employees for 2019-2020 Recreation Basketball Season – Scorekeepers was read. Motion was made by Councilman Rees, seconded by Councilman Astorino. Said motion was carried unanimously with four votes.

Resolution R-35-2020 A Resolution Authorizing the Hiring of Additional Seasonal Employees for the 2019-2020 Recreation Basketball Season - Referees was read. Motion was made by Councilman Rees, seconded by Councilman Astorino. Said motion was carried unanimously with four votes.

Resolution R-36-2020 A Resolution Authorizing Recreation Baseball and Softball Team Sponsorship was read. Motion was made by Councilman Rees, seconded by Councilman Astorino. Said motion was carried unanimously with four votes.

Resolution R-37-2020 A Resolution Fixing Fees Pertaining to Recreation Programs was read. Motion was made by Councilman Rees, seconded by Councilman Tilton. Said motion was carried unanimously with four votes.

Resolution R-38-2020 A Resolution Authorizing the Preparation and Submission of an Application for an Open Space Grant was read. Motion was made by Councilman Rees, seconded by Councilman Astorino. Said motion was carried unanimously with four votes.

Mr. O'Sullivan offered the Community Pool Concession Stand Bid Specs which have been updated and prepared for the pool season.

Liberty Field Concession Stand – Mr. Greg Filosa, 22 Maple Drive, representative of the North Caldwell Recreation Foundation, stated that the snack stand at Liberty Field could be used for fundraising if

renovations were made to allow for expanded use. The NCRF would not be the operators of the concession stand but is looking to facilitate the opportunity that may be available if the stand was better equipped.

**Executive Session**

Resolution R-39-2020 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: Litigation: COAH; Contract Negotiations: Pulte Homes, Professional Services – Legal Services, Professional Services – Prosecutor, Indoor Air Quality Services was read. Motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was carried unanimously with four votes.

Council President Santomauro stated that the Governing Body may or may not take action on Resolution R-40-2020 after Executive Session.

The meeting was re-opened to Public at 11:23pm.

**Legal and Ordinance (Continued)**

Resolution R-40-2020 A Resolution Appointing Municipal Prosecutor was read. Motion was made by Council President Santomauro, seconded by Councilman Tilton. Said motion was carried unanimously with four 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 the Council, that this meeting be adjourned at 11:23 pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti  
Borough Clerk