

Mayor and Council Conference and Regular Meeting – July 16, 2019

The Conference and Regular meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, July 16, 2019 at the Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 6:36pm.

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: Council President Santomauro, Councilman Kessler, Councilman Raymond, and Councilman Rees.

Absent: Councilman Astorino, Councilman Chiaia (arrived at 6:38pm)

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

Mayor Alessi asked resident Mr. Paul Scagnelli to lead the Pledge of Allegiance.

Mayor's Report

Mayor Alessi thanked the West Essex Unico for their donation to North Caldwell Recreation. Mayor Alessi announced the upcoming 2020 Census and the associated job openings available.

Mayor Alessi noted the summer Mayor and Council meeting schedule which combines the Conference and Regular meetings into one meeting for July and August. He added that members of the Council had their quarterly meeting with members of the North Caldwell Board of Education and planned to meet again in November.

Councilman Chiaia joined the meeting at 6:38pm.

Citizens to be Heard

Mr. Paul Scagnelli – 7 Stony Brook Road

Mr. Scagnelli referred to an email he received that day from Mr. O'Sullivan regarding the completion of detention basin 2 and the pending waterproofing of the basin's form ties. Mr. O'Sullivan confirmed that the task would be coordinated between the Municipal Engineer and Pulte's engineer.

Mr. Scagnelli asked to schedule the next meeting between residents and the Municipal Engineer and indicated his preference to meet on the day before Council meetings. Mr. O'Sullivan stated that he would ask Mr. Ferriero for his availability in addition to his usual Wednesday visits to the Borough.

Councilman Rees offered that the homeowners' association for Pulte's "The Reserve" should acknowledge the detention basin 2 issues and repairs should any future issues arise.

Sherri London – 108 Mountain Avenue

Ms. London asked if an underground water study had been conducted yet. Mr. O'Sullivan stated that the Governing Body has discussed such a study and has the Municipal Engineer consulting with a hydrogeologist regarding the next steps and timing.

Ms. London stated that she is unable to use her yard or garage due to rainwater pooling on her property. She added that she fears leaving home due to potential flooding of her property. She noted that the arbitration mechanism in place as per the Borough's settlement agreement with Pulte will not benefit her. Ms. London stated that Pulte attributes water flowing onto her property from her neighbor's property behind her home.

Ms. London asked that meetings with the Municipal Engineer be scheduled at a more convenient time for residents who work. Mr. Paris offered that meetings held during the workday can be open to conference calls.

Ivan Schlachter - 8 Squire Hill Road

Mr. Schlachter stated that water flows into the side of his home from his uphill neighbors' downspouts. He asked for information regarding the requirements for drainage into stormdrains. He added that he noticed several homes at The Reserve have downspouts that do not connect underground but instead, allow water to flow over ground. Mr. Schlachter stated that the stormdrains are raised and do not allow for water to flow down.

Councilman Rees stated that all development over a certain square footage require on-site detention. Mayor Alessi offered that the Building Department could answer drainage questions specific to certain blocks/lots. Mr. O'Sullivan added that the street paving at The Reserve will bring the street up to the appropriate height for drainage of stormwater into catchbasins. He added that the catchbasins have been installed at finished grade; the paving will correct the flow of water into the catchbasins.

Dan Gallagher – 36 Ferndale Road

Mr. Gallagher stated that underground water issues continue and that the issues should be covered by the Developer's Agreement. Councilman Rees explained that there is the Developer's Agreement and the Planning Board resolution, the latter of which provides more restrictions and details for development completion. Mr. O'Sullivan offered that the Municipal Engineer and consulting hydrogeologist would recommend an appropriate time to undertake an underground water study. Mr. Paris added that Mr. Ferriero worked with Soil Conservation and the NJDEP regarding Borough concerns at the Pulte site.

Mr. Gallagher noted that a new stream in the brook on Glenview Road was created during a recent storm. He stated that water flowing from detention basin 2 seems to have widened and deepened the stream which is causing more erosion. Mr. O'Sullivan stated that he would share the details with the Municipal Engineer.

Bernie Doyle – 31 Glenview Road

Mr. Doyle stated that he continues to receive water in the rear of his property from the Pulte site. Mr. O'Sullivan stated he would have the Municipal Engineer re-evaluate the implementation plans to ensure design considerations were not missed. He suggested that additional DEP enforcement would be sought if needed. Council President Santomauro invited Mr. Doyle to join the Municipal Engineer on site the following day. Councilman Rees stated that water should be dispersed when released from detention basin 2 and should not create a new stream. Councilman Rees added that the PSE&G utility work is temporarily disturbing the site of detention basin 2.

Mr. Gallagher added that there had been no rain in the last five (5) days but that ground water continues to flow.

Mr. Schlachter readdressed the Council regarding the speculation of development of the Walker's property on Mountain Avenue. Mayor Alessi explained the possible sale of five (5) on-acre lots at the rear of the Walker's property at the end of Meadow Lane. He noted that a potential subdivision was approved but that the Governing Body had not yet made a decision on whether or not to sell the lots. He added that the potential sale of the lots could infuse income to the Borough to offset funds used for the purchase of the property. Mayor Alessi noted that the option to sell the lots or maintain as open space may be put to voters.

Council President Santomauro offered that the Borough's intention for the property includes dredging of the pond and adding a walking path for recreational use. She added that NJDEP permitting has taken longer than anticipated. Councilman Chiaia noted that if the five (5) one-acre lots were sold and developed, there would still be 12 acres of park land with the pond.

Mr. Schlachter asked the Council if the Borough's infrastructure was prepared for the potential development of the Green Brook Country Club property. Council President Santomauro offered that the Settlement Agreement with Green Brook is available to the public. Mr. Paris stated that the agreement was subject to Affordable Housing obligations. Mr. Paris explained the State's affordable housing mandates and Fair Share Housing obligations in relation to the Governing Body's agreement with Green Brook. He explained that ten or more units per acre on the 80 acre tract in North Caldwell could potentially have been built if a settlement agreement was not reached.

Councilman Rees stated that the Borough's purchase of the Walker's property thwarted development of that land. He stated that the Borough did not have the opportunity to purchase the land from Green Brook Country Club and added that the owners of the country club are land developers.

Mr. Schlachter stated concern that the current infrastructure cannot handle additional homes. Mr. Paris stated that the courts do not accept infrastructure needs as reason to deny development and the implementation of affordable housing units.

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Approval of Minutes

Council President Santomauro moved to accept the minutes from the Conference Meeting and Executive Session of May 14, 2019, seconded by Councilman Chiaia. Said motion was passed with five affirmative votes.

Council President Santomauro moved to accept the minutes from the Regular Meeting and Executive Session of May 28, 2019, seconded by Councilman Chiaia. Said motion was passed with five affirmative votes.

Council President Santomauro moved to accept the minutes from the Conference Meeting and Executive Session of June 11, 2019, seconded by Councilman Chiaia. Said motion was passed with five affirmative votes.

Council President Santomauro moved to accept the minutes from the Regular Meeting and Executive Session of June 25, 2019, seconded by Councilman Chiaia. Councilman Kessler abstained as he was not in attendance at the meeting on June 25, 2019. Said motion was passed with four affirmative votes and one abstention by Councilman Kessler.

Items for Discussion

Revaluation RFP Results

Mr. O'Sullivan announced that one proposal was received for revaluation services. He added that the proposal was reviewed by the Tax Assessor and by Legal Counsel. He offered that a resolution to award the contract for services would be presented later in the meeting. Mr. O'Sullivan indicated that the proposal price was lower than for the last revaluation and lower than the Tax Assessor anticipated.

Permanent Financing

Mr. Mondelli stated that a meeting between the Finance Committee members and the Borough Auditors was held on July 1 during which the Borough's short-term debt was reviewed. He noted that short term notes extend only 10 years. He brought attention to \$200,000 that is due for payment within the next two years. Mr. Mondelli offered that the Bond Counsel recommended that permanent bonding be considered as rates are now low at approximately 2-1/4 to 2-1/2 percent. The Finance Committee would further prepare a recommendation for Council consideration.

Walker's Property Open Space

Mr. Mondelli explained the option of instituting an Open Space Tax as suggested by the Borough Auditor. He offered that the tax could be used to pay down debt incurred from the purchase of the Walker's property. Mr. Mondelli stated that every tax point generates \$16,000 and that 12 tax points per home per year could fund the land purchase. He explained that the 12 tax points for the average assessed home of \$673,000 would amount to approximately \$75 per home per year.

Councilman Kessler noted that the voters can choose how to pay off the Walker's property purchase via a referendum vote. The option of the creation of an Open Space Trust Fund with the levy of a 1 tax point Open Space Tax could be considered vs. the sale of the five (5) one-acre lots. Councilman Chiaia added that both options would allow the Borough to maintain the property without State restrictions that come with Green Acres designation.

Ms. Michelotti confirmed that there is time to submit the referendum question for the General Election ballot in November.

Councilman Raymond asked if the Open Space Trust Fund could help fund the dredging of the pond. Mr. Mondelli believed that the fund could be used for the improvement of the Walker's property.

COAH Administrative Agent

Mr. Mondelli stated that the appointment of an administrative agent is required by the COAH settlement agreement. He added that two proposals were received which would be discussed in Executive Session. He noted that little to no financial impact would be incurred by the Borough due to reimbursement from the Affordable Housing Trust Fund once the Borough's Spending Plan is approved.

Fuel Re-bid

Mr. O'Sullivan stated that no bids were received for fueling of Borough vehicles and that a re-bid was issued with a bid opening planned for the following Tuesday.

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No-Solicitation Registry

Mr. O’Sullivan stated that a No-Solicitation Registry was developed with the ability to receive registrations through a form on the Borough website. He added that the implementation was pending the adoption of Ordinance O-12-19 which offers language specific to the Do Not Solicit list for all canvassing and soliciting permits.

Committee Reports

Legal and Ordinance

Councilman Raymond moved to introduce Ordinance O-7-19 An Ordinance Replacing Article XIV “Growth Share” with a New Article Entitled “Affordable Housing Mandatory Set-Aside”, seconded by Council President Santomauro. Said motion was carried unanimously with five votes. The public hearing will be held on Tuesday, August 13, 2019 at 6:30pm.

Councilman Raymond moved to introduce Ordinance O-8-19 An Ordinance Repealing and Replacing the Borough’s Current Development Fee Ordinance (Article XV) with an Updated Development Fee Ordinance, seconded by Council President Santomauro. Said motion was carried unanimously with five votes. The public hearing will be held on Tuesday, August 13, 2019 at 6:30pm.

Councilman Raymond moved to introduce Ordinance O-9-19 An Ordinance Replacing Article XVI (“Municipal Housing Liaison”) in the North Caldwell Borough Code, with Which Will Now Be Entitled “Affordable Housing Regulations”, and Will Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Borough’s Affordable Housing Obligations, seconded by Council President Santomauro. Said motion was carried unanimously with five votes. The public hearing will be held on Tuesday, August 13, 2019 at 6:30pm.

Councilman Raymond moved to introduce Ordinance O-10-19 An Ordinance to Amend and Supplement Chapter 107, Zoning and Land Use, of the Borough of North Caldwell, Essex County, New Jersey to Establish a New Bloomfield Avenue Overlay (BOA) Zone, seconded by Council President Santomauro. Councilman Rees abstained. Said motion was carried with four votes and one abstention. The public hearing will be held on Tuesday, August 13, 2019 at 6:30pm.

Councilman Raymond moved to introduce Ordinance O-11-19 An Ordinance to Amend and Supplement Chapter 107, Zoning and Land Use, of the Borough of North Caldwell, Essex County, New Jersey, to Establish a New Fairfield Road Overlay (FRO) Zone, seconded by Council President Santomauro. Said motion was carried unanimously with five votes. The public hearing will be held on Tuesday, August 13, 2019 at 6:30pm.

Councilman Raymond moved to introduce Ordinance O-12-19 An Ordinance Repealing and Replacing Chapter 33 Canvassing and Soliciting of the Code of the Borough of North Caldwell, seconded by Council President Santomauro. Said motion was carried unanimously with five votes. The public hearing will be held on Tuesday, August 13, 2019 at 6:30pm.

Personnel/Administration

Councilman Rees stated that Resolution R-153-19 would be tabled until after discussion of contracts and proposals in Executive Session.

Finance

Councilman Rees moved to accept the Tax Collector’s Report for June 2019, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Resolution R-149-19 A Resolution Approving the Payment of Bills was read. Motion was made by Councilman Rees, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Resolution R-150-19 A Resolution Approving a Professional Services Contract to Perform a Municipal-Wide Tax Revaluation was read. Motion was made by Councilman Rees, seconded by Councilman Kessler. Councilman Chiaia voted no. Said motion was carried with four affirmative votes and one nay vote.

Public Safety

Councilman Chiaia offered the Police Department Public Safety and Detective Bureau Reports for June 2019. He highlighted that there were 866 calls to dispatch with 75 tickets issued. Chief Deuer noted that a car burglary-involved chase from Hanover to Little Falls involved North Caldwell officers with damage to one of the police vehicles. He added that 7 suspects were apprehended.

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Resolution R-142-19 A Resolution Supporting the Path to Progress Recommendations Made by New Jersey Economic and Fiscal Policy Workgroup was read. Councilman Chiaia stated that Essex County Executive DiVincenzo held a meeting with Senate President Sweeney to encourage municipalities to support State efforts to prevent pension costs from rising. He noted that the North Caldwell resolution would not be supporting the State recommendation to merge school districts. He added that North Caldwell sufficiently funds pensions with no deficiency.

Council President Santomauro asked for clarification regarding some of the recommendations in the report. She asked that the vote be tabled until the next meeting. Councilman Chiaia withdrew his motion with the intention of including the resolution on the agenda for the August 13, 2019 meeting.

Public Works

Council President Santomauro offered the Construction Permit Activity Report for June 2019. She noted that twice as many permits have been requested in 2019 to date than this time last year. She noted that many residents are improving their properties.

The Solid Waste Collection Report was not yet available for June 2019 and was tabled until the following meeting.

Council President Santomauro offered the Animal Control Report for June 2019. Ms. Michelotti noted that information regarding avoiding coyotes and foxes was posted to the website for residents. Chief Deuer added that a Nixle message was issued as well.

Recreation

Councilman Kessler offered the Recreation Director's Report for July/August 2019. He noted the pool membership of 1,303 people. He provided the dates for Movies at the Pool. Councilman Kessler stated that registration for recreation soccer is open. He announced the date of September 7, 2019 for the North Caldwell Recreation Foundation 5K and Color Run followed by the Town Picnic.

Councilman Kessler announced the birth of a baby girl born to Recreation Program Director, Samantha O'Neill, and Detective Paul O'Neill.

Resolution R-151-19 Resolution Authorizing Hiring Part Time Seasonal Summer Camp Employees - 2019 Summer Fun and Kiddie Camp Counselors was read. Motion was made by Councilman Kessler, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Executive Session

Resolution R-152-19 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: (A) Anticipated Contract Negotiations: (1) Verona Municipal Court, (2) NCPD Headquarters; (B) Contract Negotiations: (1) COAH Administrative Agent, (2) 620 Mountain Avenue, (3) Liberty Turf Field; (C) Litigation: (1) Tort Claim Judgement; (D) Personnel: (1) Municipal Prosecutor, (2) NCPD, (3) DPW; (E) Real Property: (1) Walker's Property Subcommittee; (F) Safety Tactics: (1) Signage was read. Mayor Alessi noted that the last two discussion items would be deleted from discussion. Motion was made by Council President Santomauro, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

The meeting was re-opened to Public at 9:40pm.

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 Councilman Chiaia, that this meeting be adjourned at 9:40pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Borough Clerk