

Mayor and Council Conference Meeting – June 11, 2019

The Conference meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, June 11, 2019 at the Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 7:30pm.

Council President Santomauro 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 Astorino, Councilman Chiaia, Councilman Kessler, Councilman Raymond, and Councilman Rees.

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

Council President Santomauro asked Councilman Kessler to lead the Pledge of Allegiance.

Council President Santomauro stated that Mayor Alessi was not present in order to tend to an ill friend.

Citizens to be Heard

Mark Schwartz – 57 Beachmont Terrace

Mr. Schwartz stated that he is not in opposition to the installation of a multi-way stop sign at the intersection of Beachmont Terrace and Hamilton Drive East but requested that a traffic study be completed prior to the installation. He agreed that safety considerations are most important which can be justified by an engineering study in accordance with traffic control and NJDOT regulations.

Kathy Klein – 62 Beachmont Terrace

Ms. Klein stated that she has lived at her stated address for 18 years where she has witnessed frequent speeding cars and confrontations between pedestrians and drivers. She noted that there are no sidewalks on Beachmont Terrace and the residents must walk on the street. She stated that there are also several potholes and cracks on the road. Ms. Klein added that she endorsed the installation of a stop sign before knowing that it may not be the most appropriate solution to speeding.

Karen Kerner – 69 Beachmont Terrace

Ms. Kerner stated that she endorsed the stop sign installation until she realized that other options may be available. She explained that she fell one night while walking on Beachmont and was nearly struck by a speeding vehicle. She requested a reasonable solution to deter speeding on the street.

Wendy Brosse – 58 Beachmont Terrace

Ms. Brosse noted that the corner of Beachmont Terrace and Hamilton Drive North is equally as dangerous as the corner of Beachmont and Hamilton Drive East which was scheduled for the multi-way stop sign installation. She added that drivers speed around the corners and down the hills of Beachmont Terrace.

Jayashree Bhatnagar - 52 Beachmont Terrace

Ms. Bhatnagar echoed the same sentiments as the previous statements.

Frank Linn – 20 Hickory Drive

Mr. Linn stated that he has lived at his stated address for ten years. He explained that there are two school bus stops on the street and he has witnessed vehicles travelling at high speeds. He added that he welcomes speed controls on Hickory Drive.

Lisa Cassilli – 12 Dogwood Court, Cedar Grove

Ms. Cassilli stated that she is a resident of Cedar Grove and is in attendance to represent her neighbors regarding water draining down Mountain Avenue and through West Lindsley Road and into their neighborhood. She stated that Cedar Grove's Governing Body has indicated that they are looking into it and that North Caldwell is researching approvals for the construction of the Hidden Ridge townhomes. Ms. Cassilli noted that a retaining wall on Lindsley Road may collapse from the waterfall effect during rainstorms. She added that construction of Falcon Pointe homes sends water down and across Mountain Avenue toward Cedar Grove.

Mr. O'Sullivan offered that Borough Engineer Mr. Ferriero will be looking at the area's drainage. Councilman Rees suggested that Essex County engineers be consulted as water should not cross over Mountain Avenue which is a County road.

Paul Scagnelli - 7 Stony Brook Drive

Mr. Scagnelli asked for an update regarding underground water flows generated from The Reserve. Mr. O'Sullivan stated that his email correspondence with the residents near The Reserve attempts to address questions each week. He added that Pulte has been put on notice regarding underground water and that Pulte plans to address the issues on a residence by residence basis. Mr. Paris added that the residents were made known of a meeting scheduled for the following day at which they may bring their questions and issues regarding the Pulte construction. Mr. Scagnelli encouraged the Council to not allow the underground water issues be handled on a case by case basis as he feels it is a global problem that impacts many residences and requires an overall solution.

Mr. Scagnelli asked for an update on detention basin 2. Mr. O'Sullivan responded that the functionality of the basin would be completed by the end of the week with the stone façade to follow. He added that the low flow channel and outlet structure was installed and that grading, topsoiling and hydroseeding would be done during the week.

Mr. Scagnelli asked for an update on the berm and fence replacement in the conservation easement that was erroneously removed by Pulte. Mr. O'Sullivan replied that work was scheduled for the following week to restore the same materials, of the same dimensions and in the same locations as before. He added that completion of the berm and swale on the upper end of Ferndale should follow in the next month.

Mr. Scagnelli explained that a "new" brook is being created from the discharge of detention basin 2. He added that the condition of the wetlands has degraded and asked if Pulte would restore the area. Council President Santomauro suggested that detailed, technical issues such as this should be raised during the meetings with the Borough Engineer and Mr. O'Sullivan as they will be the proper forum for detailed conversations. Mr. Paris stated that the Governing Body is willing to accommodate residents' schedules for the meetings.

Ben DeCaito - 29 Glenview Road

Mr. DeCaito stated that water is pooling around the steps to his walkway which has not happened since 2017. He noted that water is coming from a different direction than in the past. Councilman Chiaia added that Ms. Cannistraci at 17 Glenview Road has indicated that water is now coming onto her property from a different direction also.

Bernie Doyle – 31 Glenview Road

Mr. Doyle noted similar conditions on his property, especially in the rear 70 feet of his property. Councilman Rees stated that Mr. Ferriero should evaluate the conditions.

Sherri London – 108 Mountain Avenue

Ms. London stated that every rainfall creates ponding water on her property. She stated the need to have an underground water study done. She added that Pulte attributes the water on her property to flow from the neighbor behind her. She stated that she believes that underground water is coming from the wetlands.

John Zurlo – 19 Glenview Road

Mr. Zurlo asked for an update on detention basin 3 that is supposed to egress into the brook. Mr. O'Sullivan stated that he would provide an update as Mr. Ferriero was performing a site inspection of all detention basins on the Hilltop. Mr. Zurlo asked if the Council decided on how to proceed on the brook next to his home since reviewing the Petry drainage report. Mr. O'Sullivan commented that recommendations from the Petry report would be reviewed along with the wider drainage study of the Borough currently being performed by Suburban Consulting.

Mr. Zurlo stated that damage to the wetlands should be restored. He noted that he cannot attend mid-day meetings with the engineer. Councilman Rees suggested that resident questions can be answered in a summary or document that can be shared among residents. Councilman Chiaia suggested that meetings have a call-in number for conferencing of several parties.

Wendy Brosse – 58 Beachmont Terrace

Ms. Brosse asked if low income homes were part of the Pulte development. Council President Santomauro explained that the affordable housing rental units are being constructed by RPM/White Rock Urban Developers and are closer to White Rock Road on the Hilltop.

Paul Holland - 43 Ferndale Road

Mr. Holland emphasized that residents' properties are flooding differently than before. He added that underground flows are a global problem that requires a global solution. He stated that fixing one property's problem will likely transfer water to another property.

In order to accommodate citizens present, the agenda items were taken out of order.

Items for Discussion

Beachmont Terrace Speed Monitoring

Council President asked the Council for their input on the speed data collected by the Police Department on Beachmont Terrace. She stated that the Council authorized the installation of the multi-way stop sign by ordinance. She suggested that Chief Deuer conduct the same speed monitoring study after the stop signs are installed. She offered that if the data shows no improvement, then the Governing Body can revisit the issue and possibly remove the signs.

Chief Deuer reviewed the results of the study. He stated that speeds were monitored for eight days in both directions of travel at 60 Beachmont Terrace. He noted that 7,547 cars passed during that time for which the average speed is 28.3 miles per hour. He added that the average was slightly higher going back toward the end of Beachmont Terrace. Councilman Astorino noted that results would be skewed once school is dismissed for the summer. Chief Deuer added that the perception vs. reality of vehicle speed are very different, noting that only a few cars travelled over 40 miles per hour. He noted that over 360 cars pass through the area between 7:30-8:30am. He stated that subscription bussing for the grammar school has not changed significantly since converting from courtesy to subscription.

Councilman Chiaia stated that when he voted to approve the installation of the multi-way stop sign, the Council did not have all of the facts that are coming to light including the possibility of a mandated study. He expressed the concerns of the neighborhood residents and recommended that the signs not be installed until an expert traffic study provides recommendations. He suggested that the study be conducted once school is back in session in the fall to accurately capture the normal flow of traffic.

Councilman Chiaia offered other potential solutions for consideration such as speed tables, speed bumps, signage, painted lines or walking paths. He stated that the solution for Beachmont might be an appropriate solution for other streets in town such as Hickory Drive. Councilman Chiaia emphasized the need to achieve results that will ensure safety and gain approval of residents.

Councilman Kessler stated that the multi-way stop sign ordinance was approved and that stop signs should be have installed by now. He was in favor of moving forward with installation as per the ordinance. Mr. O'Sullivan stated that underground utilities in the neighborhood require a utilities markout which was scheduled for the following week. He added that a low-hanging tree on Mr. Schwartz's front lawn required trimming to ensure visibility of the stop sign.

Councilman Kessler note that the stop signs may not be the most appropriate long-term solution but that they may help slow the speeding to curtail the problem immediately.

Councilman Raymond stated that he had not received the engineering report from Mr. Schwartz's consultant. Mr. Schwartz confirmed that he did not hire Mr. Lee Klein to perform a study but rather asked Mr. Klein to review the area and provide an opinion. He stated that Mr. Klein obtained Borough documents through an OPRA request and provided the opinion that stop signs are not appropriate for speed control. Mr. Schwartz added that Mr. Klein found no history of accidents at that intersection and that installation of stop signs could create a problem where there is none.

Councilman Raymond stated that an engineering study was not required due to the proximity of the school. He added that the stop signs were to be in place in January and that the ordinance should be enforced by installing the stop signs as soon as possible.

Councilman Astorino stated that he is in favor of executing the ordinance while gathering more information to ensure the stop signs are the most appropriate measure to reduce speeding.

Ms. Brosse asked if a change in the traffic flow toward Grandview School could be researched. Chief Deuer noted that it was recently changed to improve safety for the students which ultimately altered the traffic pattern in the peripheral neighborhoods.

Councilman Rees offered that the approved ordinance be adhered to pending further study.

Based on Council input, Council President Santomauro stated that the stop signs should be installed, that the Borough should proceed with consideration of a traffic study, and that the Police Department could gather speed data again in the fall which would provide results with the stop signs in place. Placement for the subsequent speed monitoring was discussed for the intersection of Beachmont Terrace and Hamilton Drive North where there is not a three-way stop.

Action to be Taken

Ordinance O-6-19

Councilman Raymond moved to open the public hearing for Ordinance O-6-19 An Ordinance Authorizing a Special Emergency Appropriation for the Preparation of Tax Maps and the Revaluation of Real Property, seconded by Councilman Kessler. Councilman Chiaia voted no. Said motion was carried with five affirmative votes and one nay vote.

Carol Schneider Linn of 20 Hickory Drive asked if the revaluation for 2020 or for 2021. It was confirmed that it will be applied in 2021 and that every home in town would be revalued. She stated that she did not find information from the County regarding North Caldwell's revaluation. The RFP process for the tax assessment professional services was discussed. Council President Santomauro explained that the revaluation is not triggered by the new development in town but rather mandated by the County. She noted that the Borough had already requested a one-year extension which was approved last year.

Mr. and Mrs. Linn asked if residents would be notified of the assessments and visits by appraisers. Mr. Paris explained the lengthy process and the allocation of taxes to each property including opportunities for residents to meet with appraisers and the right to tax appeals. He stated that the revaluation will not raise taxes which are based on the Borough's budget.

Councilman Raymond offered two revisions to the ordinance. He suggested revisions to the ordinance:

- Change in the title to read "...Authorizing and **Directing** a Special...."
- Correction of the word "hereby" in paragraph 1
- Change to "...authorized and **is directed** to finance" in Section 3.

Councilman Raymond moved to close the public hearing for Ordinance O-6-19 An Ordinance Authorizing a Special Emergency Appropriation for the Preparation of Tax Maps and the Revaluation of Real Property, seconded by Councilman Astorino. Said motion was carried unanimously with six affirmative votes.

Councilman Raymond moved to adopt Ordinance O-6-19 An Ordinance Authorizing a Special Emergency Appropriation for the Preparation of Tax Maps and the Revaluation of Real Property with said revisions, seconded by Councilman Kessler. Councilman Chiaia voted no. Said motion was carried with five affirmative votes and one nay vote.

Items for Discussion (continued)

Path to Progress

Councilman Chiaia offered a proposed resolution from New Jersey Senate President Steve Sweeney, backed by Senator Pennacchio, regarding the underfunding of the pension and unsustainable spending on healthcare costs. Councilman Chiaia suggested revisions to the resolution specific to local government costs. He clarified that North Caldwell is not underfunded but that changes at the State level are needed. Mr. Paris suggested revisions to the resolution regarding the school districts and would prepare revisions for consideration by the Council at a subsequent meeting.

Liberty Field

Access gate – Mr. O'Sullivan stated that concern was raised regarding the access from Liberty Field to the restrooms and playground. He noted that an additional access gate would prevent children from entering the parking lot. He offered a quote from Challenger Fence, who installed the perimeter fencing, of \$2,200. Council President Santomauro suggested that signs be posted in the area that children under 12 years of age require supervision. Councilman Chiaia offered that the Recreation Committee would take signage into consideration at their next meeting.

Safety/Security – Mr. Maranz stated that the Borough is continuing to realize necessary investments to make Liberty Park safe and secure. Ms. Michelotti noted the need for an AED machine that could be mounted to the snack stand/restroom building. The stantion for an emergency phone was tabled for a later time by the Council as an unnecessary expense at this time noting that most people have cell

phones and would typically not get locked into the field. The Council approved the purchase of the AED for Liberty Field.

Mr. Maranz suggested the hiring of a site supervisor. Councilman Chiaia offered to discuss the topic in committee and bring recommendations to the Council.

Landscaping - Council President Santomauro stated that she and Mayor Alessi requested boxwoods be planted in front of the retaining wall near the snack bar. She noted they would be a deterrent to children climbing the hill, they would hide the condition of the wall and they would help with water runoff down the hill. The cost estimate was reviewed by the Council and deferred to the Spring.

Mr. Maranz reviewed the installation of on-deck circles. He stated that he received quotes from two fencing companies. He noted that Liberty 2 allows for an enclosed area at the end of the dugouts near first and third bases. He noted that Liberty 1 does not allow for the same option and would require that appropriate sized on-deck areas would limit the walking path area. An extension of the walking path would be required at the cost of a few thousand dollars. Council President Santomauro asked for renderings of the plans which she stated should have been included in the original project specifications. Councilman Chiaia noted that it was discussed by the Recreation Committee. Councilman Kessler asked Mr. Maranz to obtain costs for each option and offered to review it in committee and present recommendations to the Council.

Borough Field Usage Policy

Mr. Maranz stated that the Recreation Committee is considering use of the fields at Liberty Park by in-town and out-of-town parties. He asked for the Council's philosophy regarding revenue generation from all fields in town or just Liberty Park. Councilman Kessler stated that he asked Samantha O'Neill to draft a policy for all fields. The Council agreed that fees should be charged for evening use for which lights would be needed.

Councilman Chiaia offered that pricing tiers be established for in-town recreation, in-town travel, out-of-town, non-profits, rentals for parties, etc. He offered to bring proposals to the Council at a future meeting.

Volunteer Pool Memberships

Ms. Michelotti presented pool membership requests from active Fire Department Volunteers (both in-town and out-of-town residents) that include extended family members. She stated that the proposed change would allow free memberships but would follow the same membership rules for all pool applicants. Councilman Chiaia noted that the membership categories are already stipulated by the Pool Membership contract. Councilman Kessler stated that the same complimentary membership, according to membership categories, would be applied for West Essex First Aid Squad members who are North Caldwell residents. Councilman Chiaia stated that the list of active NCFD volunteers would be provided by Chief D'Ascensio.

Councilman Chiaia noted that no formal membership fee rules are established for other Borough volunteers such as Council and Board members. The Council agreed to pay for their memberships and/or guest fees when visiting the pool.

Summer Fun Counselors

Ms. Michelotti offered an updated list of counselors for consideration by resolution later in the meeting.

The Council determined that a brief discussion in Executive Session was necessary before Mr. Maranz departed the meeting for consideration of Contract Negotiations for the Municipal Pool Concession Stand.

Executive Session

Resolution R-136-19 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: Contract Negotiations – Municipal Pool Concession Stand was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

The meeting was re-opened to Public at 9:54pm.

Items for Discussion (continued)

OPRA Fulfillment Fees

Councilman Kessler suggested that a fee for OPRA request fulfillment be charged according to the State statute and Borough ordinance, including a special fee for excessive time incurred by staff to fulfill the request. Ms. Michelotti noted a recent request that took 22 hours to fulfill. She confirmed that the provisions are already in place to charge the fee. Council President Santomauro suggested that the State and Borough policy be shared with OPRA requestors. The Council approved imposing fees immediately.

Councilman Kessler asked for suggestions for determining the special charges for time incurred such as an hourly determination of salary. Mr. Paris suggested that Ms. Michelotti check with the New Jersey Municipal Clerk's Association regarding protocols.

Chief Deuer noted the number of hours required to prepare minutes of the very lengthy meetings of late. Councilman Astorino noted the hours of dialogue during Citizens to be Heard diminishes the business of the Council. Council President Santomauro stated the need to place a five minute limit on public comment.

Ordinance review

Canvassing and Soliciting – Mr. Paris stated that the ordinance needs a final review by Chief Deuer. Chief Deuer offered to process the permits in the meantime. Councilman Chiaia asked Chief Deuer to bring the revised ordinance to a Public Safety Committee meeting for further review. Chief Deuer noted that the issue is very time sensitive. Mr. Paris and Chief Deuer would bring ordinance revisions to the Council for introduction.

2019 Tax Rate

Mr. Mondelli stated that the Essex County tax rate and the West Essex Regional School District levy decreased allowing for a decrease in the Borough's overall tax rate. Councilman Chiaia added that rateables are up which is also a factor.

FEMA Reimbursement Chapter 159

Mr. Mondelli noted that FEMA reimbursed the Borough \$78,000 for expenses incurred from the 2019 nor'easter. He suggested that the funds be added to the Capital Fund for down payments on bond ordinances. He offered that a resolution would be prepared for consideration at the next meeting.

Emergency Drainage Pipe Repair

Mr. O'Sullivan stated that Mr. Ferriero issued a certification that emergency repairs are necessary on Brookside Terrace for a deteriorated pipe. He stated the cost of over \$200,000 but confirmed that funds are available in the drainage improvements bond ordinance. He noted that a full road closure could be avoided by a cure-in-place repair but that part of the road is showing signs of collapse. Mr. O'Sullivan confirmed that the repair would be done before the school-year traffic patterns and foot-traffic resume.

Council President Santomauro suggested that larger drainage repairs and improvements that are recommended from the drainage studies may require vote by the public through a referendum. Mr. O'Sullivan suggested that the recommendations may include emergency and non-emergency repairs.

Asset Management Plan for Water System

Mr. O'Sullivan reviewed the State requirement for the preparation of an asset management plan for the Borough's water systems. He noted that the deadline has passed but that the State has not enforced the deadline. He stated that a resolution was prepared for the Council's consideration later in the meeting. Mr. Mondelli noted that the cost of the services was encumbered in last year's budget.

Fuel Bids

Mr. O'Sullivan announced that the current fuel provision contracts with two local gas stations expires at the end of July. He offered that the bidding process begin for another two-year contract.

Action to be Taken (continued)

Resolution R-127-19 A Resolution Approving the Payment of Bills was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-128-19 A Resolution Authorizing and Directing the Tax Collector of the Borough of North Caldwell to Prepare and Mail Third Quarter Estimated Tax Bills was read. Mr. Mondelli confirmed that

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the statements will reflect the 16 point tax reduction. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-129-19 A Resolution of the Mayor and Council of the Borough of North Caldwell Authorizing for Redemption and Cancellation of Record of Tax Lien Redemption – Block 100, Lot 7, C0061 was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-130-19 A Resolution Authorizing an Emergency Contract for Drainage Pipe Repair Services was read. Motion was made by Council President Santomauro, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-131-19 A Resolution Authorizing Contract to Prepare Water System Asset Management Plan was read. Motion was made by Council President Santomauro, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-132-19 A Resolution Fixing Fees Pertaining to Recreation Programs – Borough Volunteer Pool Membership was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Resolution R-133-19 A Resolution Awarding Contract for Food and Beverage Service at the Municipal Pool Concession Stand for the 2019 Pool Season was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Resolution R-134-19 A Resolution Authorizing the Hiring of Part-Time Seasonal Employees for the 2019 Summer Camp Season – Summer Fun and Kiddie Camp Counselors was read. Motion was made by Councilman Kessler, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Mr. Don Foti, owner of 4FK, LLC., joined the meeting at this time. Mr. Foti appeared to learn of the Council's decision regarding the award of concession services at the Municipal Pool. Council President Santomauro informed Mr. Foti that the Council voted to approve his contract. Mr. Foti thanked the Council and departed the meeting.

Resolution R-135-19 A Resolution Authorizing Signing of Amendment to the RPM Development Agreement was tabled until after discussion in Executive Session.

Executive Session

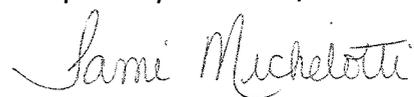
Resolution R-136-19 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: A. Personnel: (1) NCPD, (2) DPW, (3) Animal Control; B. Potential Litigation: (1) Municipal Pool, (2) Liberty Turf Field, (3) Mountain Avenue Commercial Use; C. Contract Negotiations: (1) RPM/White Rock Urban Renewal Associates, (2) Caldwell Sewer, (3) 620 Mountain Avenue, (4) Drainage Study, (5) Traffic Study; D. Anticipated Contract Negotiations: (1) Walker's Property, (2) Verona Municipal Court, (3) Police Dispatch was read. Motion was made by Council President Santomauro to resume Executive Session discussion, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

The meeting was re-opened to Public at 11:194pm.

Resolution R-135-19 A Resolution Authorizing Signing of Amendment to the RPM Development Agreement was read as modified by Mr. Paris in Executive Session. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried 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 the Councilman Chiaia, that this meeting be adjourned at 11:22pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Borough Clerk