

Mayor and Council Conference Meeting – March 12, 2019

The Conference meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, March 12, 2019 at the Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 6:30pm.

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:

Present: Mayor Alessi, Council President Santomauro, Councilman Astorino, Councilman Kessler, Councilman Raymond, and Councilman Rees.

Councilman Chiaia joined the meeting at 6:35pm.

Also present were: Mr. David M. Paris, Esq., Borough Attorney; Frank Zichelli, Borough Administrator/Engineer; Richard Mondelli, Chief Financial Officer; Mark Deuer, Police Chief; and Tami Michelotti, Borough Clerk.

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

Executive Session

Resolution R-57-19 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 – Borough Administrator was read. Council President Santomauro stated that the Personnel item regarding the Borough Administrator would be discussed at this time only. Motion was made by Council President Santomauro, seconded by Councilman Astorino. Councilman Chiaia was absent from the meeting at the time of vote. Said motion was carried unanimously with five votes.

The meeting was reopened to the public at 7:28pm on a motion made by Council President Santomauro, seconded by Councilman Raymond and carried unanimously with six votes.

Citizens to be Heard

Mayor Alessi stated to the public that municipalities typically place five minute time limits on public comment. He asked the public to make their statements brief although the Council will not hold them to a specific time limit at this time. He added that public comment has lasted for two to three hours in past meetings and has included residents re-approaching with subsequent questions. He reminded those present that the public comment portion of the meeting is not intended to be a dialogue.

Carmella Cannistraci – 17 Glenview Road

Ms. Cannistraci stated that she and neighbors, Sherri London and Maureen Zurlo, met with Pulte Homes' Jim Mullen and Tony Rossi at her home to review her damages claim. She indicated that her attorney was present as well. She noted that the Pulte representatives were amenable to discuss their ongoing issues, see her damages, and talk about their concerns including the wetlands, the brook, groundwater and detention basin 2. Ms. Cannistraci asked them to meet with other residents to which Mr. Mullin indicated that he would check with his superiors for permission to do so.

Ms. Cannistraci stated that Pulte was told that there are more than five residents impacted by the development. She added that Mr. Rossi assured them that a design engineer would be inspecting detention basin 2 for the cracks but the most of the cracks were are control joints which are there by design. She added that Mr. Mullin explained that the cracks may be present like those in sidewalks that serve a purpose.

Councilman Kessler asked Ms. Cannistraci about other incidents of flooding and drainage problems prior to August 11, 2018 that she referenced. She noted that cracks in her home and basement stairs began last spring during the blasting on the Hilltop. She added that Ms. DeMartino's flooding issues dated back to January and then again in July. Ms. Cannistraci stated that Ms. London had the opportunity to share her flooding problems as well. She stated that Pulte representatives visited other neighbors on Glenview Road as well.

Ms. Cannistraci urged the Council to carefully evaluate the report on detention basin 2 once it is provided by Pulte's design engineer. She stated the catastrophic effect the detention basin would have on their neighborhood should it be compromised and noted the effects on the neighborhood from the water flow down the street and from the brook. Ms. Cannistraci stated that she asked for

reimbursement or her damages and she stated that she would not waive her rights by signing Pulte's releases. She asked her neighbors to come to any meetings with Pulte and to be vocal regarding their damages.

Ben DeCaito – 29 Glenview Road

Mr. Takaedo stated the Mr. Mullen and Mr. Rossi visiting his home. He showed them the sinking ground as well as damaged interior areas of his home. Mr. Takaedo noted that Pulte did not take photos during their visit but came to his home in response to his submission of damages to them.

Sherri London – 108 Mountain Avenue

Ms. London stated that she met with Pulte representatives at Ms. Cannistraci's home at which time she described the water that flows down through the wetlands to her property. She stated her concern for the future, especially for the spring thaw affecting the ground which is already saturated.

Bernie Doyle – 31 Glenview Road

Mr. Doyle stated that water is flowing out from the back of detention basin 2. Mr. Zichelli described that the basin is pumping out discharge which had been boarded up.

Don Theobald – 54 Ferndale Road

Mr. Theobald stated that he sent his damages to Mr. Mullin of Pulte Homes via email the week before and has received no response yet.

Mr. Zichelli was asked to provide an update regarding the detention basin 2 cracks. He referenced his correspondence to Pulte sent that week advising of the cracks and associated concerns. He added that Suburban Engineering Consultants visited the basin to document the cracks but had not yet performed a detailed inspection. Mr. Zichelli stated that he requested that Pulte have an inspection done by a structural engineer and share the results with the Borough. He noted that Mr. Brian Grant, who designed the wall for Pulte, offered to perform the inspection but that Pulte did not want Mr. Grant to proceed. Mr. Zichelli added that the detention basin was already classified but he did not recall offhand the classification details. He offered to share the information once he retrieved it.

Mr. John Wohlgemuth – 26 Ferndale Road

Mr. Wohlgemuth stated that he sent an email to Pulte documenting his damages but that he had not yet received a response.

Mr. Jules Geftic - 21 Glenview Road

Mr. Geftic stated that he sent an email to Pulte documenting his damages. He added that Pulte attempted a visit to his home but left after ringing the doorbell which Mr. Geftic could not answer quickly enough before they left.

Council President Santomauro thanked the residents for the feedback and updates.

Items for Discussion

Bid Report for Mowing and Trimming of Municipal Facilities

Mr. Zichelli stated that two bids were received for mowing and trimming services which includes a one-time anti-tick insecticide application. He noted that the lower of the two bids was received from D'Onofrio and Sons Landscaping at the price of \$150 per week which is slightly higher than last year's bid. Mr. Zichelli added that the Liberty Turf Field would no longer require mowing but that maintenance of Walker's property is included.

Bid Report for Community Pool Concession Stand

Mr. Zichelli reported that no responses were received for the pool concession stand. He stated that he re-advertised for bids to be submitted on March 27th. He added that the Borough would be free to negotiate with any interested parties if no bids are received a second time. The Council discussed the options of food trucks or the installation of vending machines for items such as ice cream, healthy snacks and beverages. The Council was not in favor of either option. The Council was in favor of having the ice cream trucks make more frequent stops.

Mr. Zichelli explained that the past contract generated a \$6,000 payment to the Borough for operating the snack bar for the season. It was decided to see if the second bid process produced any interest at which point negotiations with local food service providers could be explored. The payment to the Borough was discussed to be not mandatory for negotiation.

Request for Release of Performance Guarantee - Allen Road Developers

Mr. Zichelli reviewed the development added to the extension of Shenandoah Drive. He explained that the developer completed the work and passed a full final inspection. He added that he is preparing a report to document the satisfactory completion of the work at which time the developer requests the release of the performance bond. He stated that the bond release was requested over a year ago. Mr. Zichelli stated that the release must be done by resolution at which time a two-year maintenance bond would be provided by the developer. Councilman Raymond asked if any issues had been reported to which Mr. Zichelli noted that one street light that was to be added at the end of the street.

Appointments for Municipal Pool and Summer Fun Staff

Councilman Kessler stated that five contracts were drafted for seasonal part-time summer camp and pool employment. No issues were noted regarding the five returning employees. Resolutions would be prepared for the following meeting after salary verification was complete.

West Essex First Aid Squad Event

Mr. Zichelli stated that the West Essex First Aid Squad is planning a Beer Tasting fundraising event in West Caldwell. He noted that the WEFAS has insurance coverage through the Borough for which Borough approval of the event was suggested by the insurance risk consultant from IMAC. The Council approved the event if the IMAC consultant confirms that the insurance umbrella provides the appropriate coverage.

Action to be Taken

Resolution R-58-19 A Resolution Authorizing an Agreement between the Borough of North Caldwell and Assistant DPW Director was tabled for a future meeting as discussions with Labor Attorney Trevor Lyons were not yet completed.

Resolution R-59-19 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-60-19 A Resolution Approving 2018 Budget Transfers was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-61-19 A Resolution Authorizing the Award of Professional Services Contract for the Borough of North Caldwell for Water Distribution, Sewer Collection Operations and Additional Operating Services was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Resolution R-62-19 A Resolution Awarding Bid for Mowing and Trimming of Municipal Facilities was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Motion was made by Council President Santomauro, seconded by Councilman Raymond to return to Executive Session as per Resolution R-57-19 approved earlier in the meeting for discussion of the remainder of the Executive Session agenda including: Litigation – Pulte Homes; Contract Negotiations – 620 Mountain Avenue; Anticipated Contract Negotiations – (1) Caldwell Sewer Utility, (2) Verona Municipal Court. Said motion was carried unanimously with five votes.

The meeting was re-opened to Public at 10:07pm.

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 Kessler, that this meeting be adjourned at 10:07pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Borough Clerk