

Mayor & Council Regular Meeting – May 28, 2019

The Regular meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, May 28, 2019 at Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 7:33pm.

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

Mayor Alessi asked Al Pacicco, Eagle Scout candidate, to lead the Pledge of Allegiance.

Mayor's Report

Mayor Alessi announced that the annual Firemen's Pancake Breakfast would be held on Sunday, June 2nd at 8:00am at the Firemen's Community Center. He encouraged attendance at the Memorial Day Parade for which North Caldwell resident, Jerry Sorrel, would serve as Grand Marshal. Mayor Alessi reminded residents to vote in the Primary Election on June 4. He added that municipal engineering consultant, Paul Ferriero, would be available the following day at Borough Hall to discuss residents' concerns regarding Pulte's development on the Hilltop.

Citizens to be Heard

Al Pacicco – 72 Mountain Avenue

Mr. Pacicco, resident and Eagle Scout candidate, noted that the vegetation at the corner of Central and Gould Avenues creates a blind spot. He suggested that the shrubs be trimmed back to prevent motor vehicle accidents. Mayor Alessi stated that the site would be considered in reference to the sight distance standard.

Jim Quinn – 59 Beachmont Terrace

Mr. Quinn thanked Mayor Alessi and the Council for their dedication to the Borough and for their consideration of an area of concern on Beachmont Terrace regarding speeding. He noted that the Council voted unanimously in favor of the installation of a multi-way stop sign last year. He added that notice of the installation of the signs was placed in the area in January but the signs had still not been installed. He noted objections to the sign by other neighborhood residents.

Mr. Quinn stated that the street runs over one mile, with changes in elevation, and with four intersections and no sidewalks. He noted the increased traffic and speeding over the years. He added that snow banks, contractor trucks create a narrow driving path making for additional pedestrian concern. Mr. Quinn stated that nearby Grandview School generates many cars during student drop-off and pick-up hours as well as stopping buses.

Mr. Quinn stated that he canvassed his neighbors in March who are concerned and that they support the immediate installation of the stop signs to remedy the situation and maintain safety of all residents, especially children. He named the Glassers at 61 Beachmont Terrace, the Sobotkas at 55 Beachmont Terrace, the Kleins at 62 Beachmont Terrace, and the Berses at 46 Beachmont Terrace as advocates for the sign installation.

Mayor Alessi explained that another resident expressed concern with the sign installation which temporarily stalled the installation until further information could be gathered. Chief Deuer stated that a speed monitoring study was planned as soon as a replacement speed monitor could be obtained as the current monitor was irreparable. Mr. Quinn asked if the stop signs could be installed in the meantime since there was an ordinance in place. Mayor Alessi agreed to follow up on Mr. Quinn's request.

Mark Simonetti – 47 Beachmont Terrace

Mr. Simonetti stated that he has lived on Beachmont Terrace for five years and shares Mr. Quinn's concerns regarding speed. He noted the lack of stop signs allows for speeding along the entire length of Beachmont Terrace. He added that he has experienced speeding in the winter which led to vehicles on his front lawn. He noted that the stop signs would help slow speed and put control on vehicle acceleration.

Gisella Leonardis – 45 Beachmont Terrace

Ms. Leonardis echoed the sentiments of Mr. Quinn and Mr. Simonetti. She added that the curves of Beachmont Terrace create blind spots for vehicles that may not see pedestrians, especially at higher speeds. She stated that the stop signs would help to slow vehicles down.

Councilman Astorino asked to establish a timeframe for the stop sign installation. Mayor Alessi asked Chief Deuer to first evaluate speeds. Chief Deuer stated that the speed monitoring machine to track speed should be in within a week or two. He noted that school would be soon dismissed for the summer which would bring decreased traffic and, potentially, produce inaccurate results.

Mr. Quinn noted that heaviest traffic times include before the start of school and after school. Mr. Simonetti noted that weekends bring speeding as well, since there is no stop all along the length of Beachmont Terrace.

Chief Deuer stated that he would have officers on location the following day conducting laser radar. Councilman Raymond requested that the adopted ordinance be followed with immediate installation of the stop signs. He offered the alternative solution as an amendment to overturn the ordinance.

Mark Schwartz – 57 Beachmont Terrace

Mr. Schwartz stated that he lives next door to Mr. Quinn and has not noticed speeding concerns in the neighborhood. He stated his objection to the installation of the stop signs, one of which would be installed on his front yard. He added that he spoke with traffic engineer, Lee Klein, from whom he learned that stop signs do not stop speeding. He requested that the Governing Body conduct a traffic study before installing the stop signs. He added that the signs are an imposition on his property as vehicles would be stopping and then starting up again in front of his home which would generate exhaust fumes and that his guests would not be able to park in front of his home.

Mayor Alessi noted that the Council would put safety of the residents first in making a decision. Other remedies were discussed such as patrol car placement which Chief Deuer stated is ineffective once drivers realize the car is not manned; rumble strips or speed bumps which are found to be noisy and not favored by residents; and alternate placement of the stop signs. Chief Deuer committed to having officers on location over the next few days to monitor speed. Mr. O'Sullivan suggested increased signage and painted striping in the road.

Mr. Simonetti urged the Council to act on the ordinance that was adopted to install the signs. Councilman Rees expressed his opinion that the stop signs be installed and that a traffic study could be simultaneously conducted for further evaluation. Councilman Astorino agreed that the ordinance be honored by installing the stop signs and that a traffic study could be conducted. Councilman Kessler agreed that the stop signs be installed and if a traffic study proves that they are not to best solution, the stop signs could be removed. Mr. Paris explained that the ordinance authorizes that stop signs could be installed by the Borough but it does not require the placement of the signs. Mayor Alessi agreed that safety be the main consideration while awaiting results of a traffic study and that the Borough would move forward with the stop sign installation.

Mr. Schwarz asked if the signs could be installed without a traffic study being first completed. Chief Deuer explained that the intersection location is within 500 feet of a school which allows the stop sign installation with approval of the Governing Body and certification by the Municipal Engineer with no traffic study needed.

Paul Scagnelli – 7 Stony Brook Road

Mr. Scagnelli asked for update on the completion of detention basin 2 and asked if the basin was classified as a class 4 dam. Mr. O'Sullivan responded that construction was in progress and that the NJDEP classified detention basin 2 subsequent to municipal engineer performed inspections to confirm that all four basins were designed to meet the DEP classifications. Council President Santomauro asked Mr. O'Sullivan for written confirmation from Mr. Ferriero which could be shared with the public before the next Council meeting.

Mr. Scagnelli asked for clarification of the report from Dalessio engineering regarding the cracks in the retaining wall of detention basin 2. He asked if inspections were performed along each step in the process, particularly during the installation of the split vinyl water stop and the snap ties which could allow water to pass through if not installed properly. Mr. O'Sullivan responded that those issues were considered in the report and the recommendation was to include construction details to pull water away from the wall. Mr. Scagnelli expressed concern that water passing through the wall would cause deterioration of the wall.

Mr. Scagnelli asked if any action was taken regarding underground water flows. Councilman Rees noted that the questions regarding leaks in detention basin 2 should be sent to Suburban Consulting. He added that the leaks show rust which should be noted to Suburban and Pulte. Councilman Rees added that Mr. Ferriero was asked to begin looking into the underground water flows.

Dan and Sherry London – 108 Mountain Avenue

Mr. London stated that his wife had met with Pulte representatives regarding flooding on their property. He stated that Pulte's engineer suggested that his water concerns were generated from his rear neighbor's property and not from the Pulte development. Mr. London stated his strong disagreement with the findings and Pulte's lack of respect for their issues. Council President Santomauro noted that Judge Oliveri was appointed as the arbitrator for Pulte claims submitted by residents. She suggested that he may perform site inspections as part of the arbitration review.

Mrs. London stated that she should not have to obtain a costly engineer's report to prove underground water. She added that the Borough should perform the study to provide an underground water report and determination of fissures from blasting on the Hilltop. Mrs. London noted that the landscape has been changed drastically.

Mr. O'Sullivan stated that 60-70% of the fieldwork for the drainage study had been completed. He anticipated a summary of the report within a few weeks. Council President Santomauro suggested that the consultants incorporate an underground water review. Councilman Rees suggested that the Governing Body put Pulte on notice that an underground water study is required.

Ms. London stated that the engineering report that Pulte shared found no issues underground but that the study was performed prior to August 2018 when severe flooding occurred. Mr. London added that the study was done prior to Pulte's alterations of the topography and geography of the Hilltop and is no longer valid.

Ted Roth – 17 Wind Ridge Drive

Mr. Roth asked if the drainage study could be completed within the next 180 days, noting that the requests for proposals for the study were received several months ago. Mr. O'Sullivan noted that additional information was requested of the engineering consultants since the inception of the study which has delayed the results. Councilman Kessler noted the need for accuracy and completeness over speed of study completion and therefore a final due date was not specified. Mr. O'Sullivan offered to obtain an updated estimate for study results. Mr. Roth asked how the findings of the drainage study would be shared with residents. Mayor Alessi stated that the results would be public record and he offered to notify residents when the report is ready.

Mr. Roth asked if the Council was actively pursuing the sale or auction of the subdivided residential lots on the Walker property. Mayor Alessi stated that no action had been taken and that the potential income from the sale of the lots was being reviewed in light of other concerns such as drainage and the pond remediation. Mr. Roth asked that the development of the lots be postponed until the drainage study report was reviewed and input of residents is provided.

Mr. Roth asked if storm detention basins were planned anywhere on the Walker property. Council President Santomauro stated that any property development requires stringent drainage standards. Mayor Alessi stated that dredging of the pond is the first step. Councilman Rees added that the dredging creates a detention system. Mr. O'Sullivan stated that the pond is delineated as wetlands. permit applications were prepared by an engineering firm for dredging with environmental impacts taken into consideration. He noted Mott McDonald and Amy Green Environmental as the consultants. Mr. Roth suggested that the drainage study results be reviewed before the pond dredging is done. Mr. O'Sullivan responded that the dredging will be most beneficial as removal of sediment and other materials in the pond will improve capacity of the pond.

Mr. Roth asked if the permit applications qualify for approval under the Freshwater Protection Act. Mr. O'Sullivan offered to check with Mott McDonald. Mr. Roth asked for a letter of qualification for approval from the NJDEP for the Freshwater Protection Act. Council President Santomauro stated that Amy Greene's consultants is currently preparing a letter to the NJDEP stating that the Borough has met all nine qualifications for approvals.

Mr. Roth asked for the anticipated cost of dredging. Council President Santomauro responded that initial estimates were \$400,000 but that estimates have risen. She added that the Borough is applying for grants to help fund the project.

Bernie Doyle – 31 Glenview Road

Mr. Doyle stated that water seems to be seeping under the wall of detention basin 2 and onto his property. He added that there is no backfill between the two walls along the last 70 feet of his property. Mr. O'Sullivan stated that a construction crew has continued work on the low flow channel to correct the issue of standing water. He added that Pulte will regrade the interior of the detention basin.

Don Theobald - 54 Ferndale Road

Mr. Theobald asked if plantings would be added to the 50 foot conservation buffer. Mr. O'Sullivan offered that the conservation easement is land that is to be preserved and that Mr. Ferriero is working to ensure than any prior disturbance is rectified in accordance with approved site plans. Mr. O'Sullivan added that Mr. Ferriero redesigned the swale to capture water which has delayed its completion.

Mr. Theobald asked the Borough to verify if the conservation easement behind his home had been infringed upon by Pulte. Mr. O'Sullivan stated that he would submit the request to the Construction Official. Mr. Theobald noted the height of the homes allows for outdoor flood lights and interior lighting to shine into the homes of the Ferndale residents.

Dan Gallagher – 36 Ferndale Road

Mr. Gallagher stated that two additional residents on Ferndale Road have reported underground water flows recently. He added that two other residents are now experiencing considerable runoff. He requested that all four detention basins be reviewed carefully. Mr. Gallagher noted that restoration of the conservation area behind Ferndale Road did not receive proper plantings on the slope. Council President Santomauro stated that Mr. Ferriero was following up on the non-compliance with the site approvals.

Mr. Raymond asked for a brief recess at 9:08pm.
The meeting was re-opened at 9:10pm.

Approval of Minutes

Council President Santomauro moved to accept the minutes from the Conference Meeting and Executive Session of January 15, 2019, seconded by Councilman Astorino. Councilman Kessler abstained. Said motion was passed with five affirmative votes and one abstention by Councilman Kessler.

Council President Santomauro moved to accept the minutes from the Regular Meeting and Executive Session of January 29, 2019, seconded by Councilman Kessler. Said motion was passed unanimously with six votes.

Council President Santomauro moved to accept the minutes from the Conference Meeting and Executive Session of February 12, 2019, seconded by Councilman Raymond. Councilman Kessler abstained. Said motion was passed with five affirmative votes and one abstention by Councilman Kessler.

Council President Santomauro moved to accept the minutes from the Regular Meeting and Executive Session of February 26, 2019, seconded by Councilman Raymond. Said motion was passed unanimously with six votes.

Committee Reports

Legal and Ordinance

Resolution R-113-19 A Resolution Authorizing the Renewal of Liquor License to Green Brook Liquor License, LLC was read. Motion was made by Councilman Raymond, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Personnel/Administration

Councilman Rees noted that the discussion of the Walker's Property was covered during public comment.

Resolution R-114-19 A Resolution Establishing 2019 Employee Salaries was read. Motion was made by Councilman Rees, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Finance

Councilman Astorino made a motion to accept the Tax Collector's Report for April 2019, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-115-19 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.

Ordinance O-4-19

Councilman Astorino moved to open the public hearing for Ordinance O-4-19 An Ordinance to Provide for Various Capital Items as Enumerated Within for the Borough of North Caldwell, County of Essex and to Provide for the Funding Thereof, seconded by Councilman Chiaia. Said motion was carried unanimously with six affirmative votes.

Hearing no comment from the Governing Body and seeing no one from the public come forward, Councilman Astorino moved to close the public hearing for Ordinance O-4-19 An Ordinance to Provide for Various Capital Items as Enumerated Within for the Borough of North Caldwell, County of Essex and to Provide for the Funding Thereof, seconded by Councilman Chiaia. Said motion was carried unanimously with six affirmative votes.

Councilman Astorino moved to adopt Ordinance O-4-19 An Ordinance to Provide for Various Capital Items as Enumerated Within for the Borough of North Caldwell, County of Essex and to Provide for the Funding Thereof, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Ordinance O-5-19

Councilman Astorino moved to open the public hearing for Ordinance O-5-19 An Ordinance to Provide for Various Water Capital Items as Enumerated Within for the Borough of North Caldwell, County of Essex and to Provide for the Funding Thereof, seconded by Councilman Chiaia. Said motion was carried unanimously with six affirmative votes.

Hearing no comment from the Governing Body and seeing no one from the public come forward, Councilman Astorino moved to close the public hearing for Ordinance O-5-19 An Ordinance to Provide for Various Water Capital Items as Enumerated Within for the Borough of North Caldwell, County of Essex and to Provide for the Funding Thereof, seconded by Councilman Chiaia. Said motion was carried unanimously with six affirmative votes.

Councilman Astorino moved to adopt Ordinance O-5-19 An Ordinance to Provide for Various Water Capital Items as Enumerated Within for the Borough of North Caldwell, County of Essex and to Provide for the Funding Thereof, seconded by Councilman Chiaia. Said motion was carried unanimously with six affirmative votes.

Ordinance O-6-19

Councilman Astorino moved to introduce 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 abstained. Said motion was carried with five affirmative votes and one abstention from Councilman Chiaia. Councilman Astorino announced that a public hearing is scheduled for June 11, 2019.

Resolution R-116-19 A Resolution Authorizing the Advertisement of Requests for Proposals for the Revaluation of Real Property was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried with five affirmative votes from Councilman Astorino, Councilman Kessler, Council President Santomauro, Councilman Raymond and Councilman Rees and one nay vote from Councilman Chiaia.

Resolution R-117-19 A Resolution Authorizing the Cancellation of Capital Balances was read. Motion was made by Councilman Astorino, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Resolution R-118-19 A Resolution Approving Budget Transfer from 2018 Water Fund Salaries and Wages to a Dedicated Trust Fund was read. Mr. Mondelli explained that funds were being transferred for payment for unused vacation and/or sick time accrued by employees. Motion was made by Councilman Astorino, seconded by Councilman Rees. Said motion was carried unanimously with six votes.

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Resolution R-119-19 A Resolution Approving the Insertion of Revenue Item – Chapter 159 – Police Grant “Click It or Ticket” Campaign was read. Motion was made by Councilman Astorino, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes. Chief Deuer noted that over 200 summonses were issued to date as a result of the Click-It or Ticket campaign.

Resolution R-120-19 A Resolution Approving the Insertion of Revenue Item – Chapter 159 – New Jersey Transportation Trust Grant was read. Motion was made by Councilman Astorino, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Resolution R-121-19 A Resolution Authorizing for Redemption and Cancellation of Record of Tax Lien Redemption – Block 2109, Lot 8 was read. Motion was made by Councilman Astorino, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Public Safety

Councilman Chiaia offered the Police Department Public Safety and Detective Bureau Reports for April 2019. He noted that 927 calls were received by dispatch from North Caldwell residents, 75 moving violations were issued and that 269 overtime hours were accumulated, of which 172 hours were billable to outside entities.

Councilman Chiaia offered the Fire Department Report and noted that residents should check their smoke and carbon monoxide detector batteries. He noted that explosive gases detectors are now available for home installation.

Public Works

Council President Santomauro commended the Department of Public Works employees on their efforts to complete several projects over the past few weeks. She noted several improvements to Borough properties that the DPW team performed with great responsiveness.

Council President Santomauro offered the Construction Permit Activity Report for April 2019 and stated that fees have increased nearly \$100,000 over last year.

Council President Santomauro offered the Solid Waste Collection Report for April 2019. She noted consistency in collection tonnage.

Council President Santomauro offered the Animal Control Report for April 2019.

Recreation

Councilman Kessler offered the Recreation Director’s Report for May and June 2019. He announced the playoff season and Tournament of Champions for the Cal Ripken baseball and softball league and noted increases in tennis and pool membership. Councilman Kessler mentioned upcoming events including the Recreation Baseball and Softball barbeque on June 1 and pool party on June 12, Movies at the Pool on Wednesdays in July and the annual town picnic on Saturday, September 7.

Councilman Kessler announced that the opening of the zero-depth entry wading pool would be delayed by approximately two weeks.

Resolution R-122-19 A Resolution Authorizing the Hiring of Part-Time Seasonal Employees for the 2019 Municipal Pool Season – Lifeguards was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Resolution R-123-19 A Resolution Authorizing the Hiring of Part-Time Temporary Employees for the Recreation Program Department was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Resolution R-124-19 A Resolution Approving Reimbursement of Lifeguard Recertification Expenses Program Fees – Recreation Soccer was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Councilman Kessler explained that recreation soccer registration fees have been \$135 per participant for several years but that costs of referees and uniforms require an increase in fees of \$10 per participant to \$145. He noted that the increase would cover costs and is not for profit.

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Resolution R-125-19 A Resolution Fixing Fees Pertaining to Recreation Programs - Recreation Soccer was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Councilman Kessler updated the Council on the concession stand at the municipal pool. He noted that finding interested concession vendors has been challenging. He announced that the Boy Scouts have asked to sell snacks as a fundraiser as the snack bar is otherwise closed for the following weekend.

Executive Session

Resolution R-126-19 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: A. Potential Litigation: (1) Municipal Pool, (2) Turf Field, (3) Mountain Avenue Commercial Use; B. Contract Negotiations: (1) RPM/White Rock Urban Renewal Associates, (2) Caldwell Sewer, (3) 620 Mountain Avenue, (4) Drainage Studies; C. Anticipated Contract Negotiations: (1) Verona Municipal Court, (2) Police Dispatch, (3) Senior Services.

Adjournment

The meeting was re-opened to Public at 10:43pm.

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 Raymond, that this meeting be adjourned at 10:43pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Borough Clerk