

The Conference meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, November 12, 2019 at 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.

Absent: Mayor Alessi

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.

Council President Santomauro asked Mr. Mondelli to lead the Pledge of Allegiance.

Citizens to be Heard

Paul Scagnelli – 7 Stony Brook Drive

Mr. Scagnelli asked for the status of Pulte Homes' extension request. Council President Santomauro noted that negotiations through Counsel are in progress with a meeting anticipated in the near future. The Council confirmed that the residents' suggestions have been taken into account. Mr. Scagnelli stated that construction has exceeded two years. He noted that detention basins 2 and 3 are complete and that perimeter drainage has been installed which have helped significantly. He added that residents want more trees installed. Mr. O'Sullivan confirmed that the underground water study is in progress which will be funded from Pulte's escrow.

Mr. Scagnelli asked that temporary drainage measures be considered for future development, i.e. Green Brook Country Club. Council President Santomauro confirmed that such measures would be the jurisdiction of the Planning Board. Mr. Paris confirmed that there is no developer's agreement for Green Brook and clarified that the settlement agreement was for Fair Share Housing purposes.

Items for Discussion

2019 Legal Expenses Appropriation

Mr. Mondelli reviewed the legal expenses paid and encumbered for 2019 to date. He noted the need for an emergency appropriation if the COAH legal fees could not be billed to the COAH trust by the end of the calendar year. Mr. O'Sullivan confirmed the trust fund could only be sourced for COAH and Affordable Housing related work. Mr. Mondelli offered to continue to evaluate incoming expenses and determine the total for an emergency appropriation in time for the December 2019 Council meeting.

2019 Caldwell Sewer Adjusted Rate

Mr. O'Sullivan provided a timeline of increasing fees from Caldwell Sewer Utility from February 2019 to June 2019 and then to October 2019. Mr. Mondelli confirmed that the initial installment fees had been included in the 2019 budget and explained that the Utility made two subsequent increases during the year attributed to a calculation error and a redistribution of fees. Mr. O'Sullivan noted that municipalities without sewer meters are charged based on Equivalent Dwelling Units (EDUs) which include commercial and residential properties. He added that the new rates are pending approval by the Division of Consumer Affairs but that payment to Caldwell is due as soon as possible. Mr. Mondelli suggested we make payment for the amount budgeted for in the 2019 Municipal Budget with the balance payable next year. Mr. O'Sullivan offered to request a full accounting of fees by Caldwell Sewer Authority to confirm accuracy.

Mr. O'Sullivan explained the DEP requirements of the sewer utility and the options before the authority for mandatory revisions. He explained options available to the authority. The Council discussed hiring an independent auditor to evaluate the impact to North Caldwell. It was noted that any development made at Green Brook Country Club would feed into the Caldwell sewer system. Councilman Rees suggested that the GBCC developers plan on capital improvements for the additional EDUs added from their construction.

Essex County Open Space Local Aid Program

Council President Santomauro suggested that the Borough apply to Essex County for Open Space Aid, noting Walker's Pond and Property as the site of choice. Mr. O'Sullivan stated that the application is due on February 7, 2020.

Beachmont Terrace Speed Study Part II Results

Chief Deuer presented speed data results gathered in October since the multi-way stop signs were installed. He noted the overall average decrease in speed by 0.5 miles per hour. Council President Santomauro noted a significant reduction in the number of vehicles travelling 30-34 miles per hour.

Chief Deuer explained there was not great change overall and added that there were more vehicles captured than the study performed in June 2019. The Council requested another data capture as the October data included a religious holiday. Chief Deuer acknowledged the request and added that Hickory Drive and Smull Avenue would be reviewed as well.

The Governing Body discussed the benefits and detriments of speed deterrents including speed humps and signage.

Birchwood Road – Stephanie Drive Roadway

Councilman Chiaia presented to the Council a request for the Borough to adopt the 250 foot portion of Birchwood Road leading into Lindsley Heights. He suggested the Borough pave and maintain the road for the benefit of the neighborhood residents on Birchwood Road and Stephanie Drive. The Council considered the use of the road as a cut-through street despite efforts to prevent thru-traffic.

Councilman Chiaia noted that water and sanitary sewer utilities run through the street currently and that school buses use the road also. He considered the implementation of a special assessment for the residents of the neighborhood. The Council discussed the RSIS standards and requirements as well as the right-of-way minimum dimensions. Council President Santomauro offered to consider the request among the Public Works and Public Safety Committees for a recommendation.

Drainage Issues: Brookside Terrace, Lindsley Road

Mr. O'Sullivan updated the Council regarding an on-site evaluation of stormwater runoff in areas of town raised by North Caldwell and Cedar Grove residents. He noted that a review of water flows from the Falcon Point and Mountain Avenue area down to Lindsley Road into Cedar Grove revealed clogged drainage ditches and catch basins on Cedar Grove property. He noted that all recent development had been found to comply with stormwater standards. He offered to share the findings with the Cedar Grove engineer.

Mr. O'Sullivan explained the stormwater runoff from Cedar Grove to the Brookside Terrace neighborhood in North Caldwell. He offered to request that Cedar Grove inspect catch basins and sewer structures for blockages. He noted that the culvert area of Brookside Terrace was recently cleared out and is functioning well.

Mr. O'Sullivan noted that a draft of the drainage study being prepared by Suburban Consulting Engineers was expected that week. He noted that the Council would have opportunity to ask questions prior to study being final to ensure all considerations were accounted for in the results.

Essex County Hazard Mitigation Plan 5-Year Update

Mr. O'Sullivan stated that he was working with TetraTech and Essex County to complete the North Caldwell Annex. He stated that a hazard mitigation plan for North Caldwell and participation in the Essex County plan are requirements to remain eligible for FEMA and NJOEM funding. He anticipated a draft being ready at the end of November.

Shared Services – Construction Code

Mr. O'Sullivan presented the Council with a survey from Verona regarding sub-code officials' salaries and hours. Verona is evaluating establishing a shared services agreement among neighboring municipalities. The Council expressed interest in the concept of shared services and suggested consulting Paul Milani, Construction Code Official, to determine the Borough's recommendations and concerns regarding centralizing this function.

Walker’s Pond Dredging

Mr. O’Sullivan updated the Council on the pending dredging permits for Walker’s Pond. He added that Amy Green continues to work with the NJDEP to determine the appropriate permits required and address deficiencies in the application. Mr. O’Sullivan added that design plans from Mott-McDonald are ready for creation of the bid specs.

Mayor Matarazzo Tribute

Mr. O’Sullivan stated that Mayor Alessi plans to speak with former Mayor Matarazzo’s family to finalize plans for a commemoration. Councilman Chiaia explained the Mayor’s intention to name a portion of Mountain Avenue between Hickory/Wind Ridge Drives to Roosevelt Boulevard in the late mayor’s honor. Mr. Paris suggested that the County be notified since Mountain Avenue is a county road.

Action to be Taken

Resolution R-202-19 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-198-19 A Resolution Confirming Timothy Peterson as North Caldwell Fire Department Volunteer was read. Motion was made by Councilman Chiaia, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-204-19 A Resolution Authorizing the Hiring of Vincent Marciano as Part-Time Temporary Electrical Sub-Code Official was read. Mr. O’Sullivan provided a summary of Mr. Marciano’s experience and licensing and noted that he was recommended by Construction Code Official Paul Milani. He explained that the appointment is required and the urgency will be filled by a temporary appointment for 60 days until a permanent appointment is made. He noted that Mr. Marciano would be compensated the same as his predecessor who recently resigned. The Council asked that Mr. Marciano be formally interviewed during his temporary appointment and that his references be checked prior to making a permanent appointment. Motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was carried unanimously with six votes.

Council President Santomauro re-opened Citizens to be Heard for the late arrival of a resident.

Lisa Marx – 24 Fox Run

Ms. Marx noted that she experiences drainage problems on her property and asked if the town had remedies planed. Mr. O’Sullivan confirmed that Ms. Marx’s neighborhood is included in the Borough’s drainage study for which results and recommendations are expected soon. Council President Santomauro confirmed that results from the study would be shared with the public as soon as it is final.

Executive Session

Resolution R-203-19 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: Resolution R-203-19 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: A. Contract Negotiations: 1. Pulte Homes Extension Request, 2. Flanagan’s Contracting was read. Motion was made by Council President Santomauro, seconded by Astorino. Said motion was carried unanimously with six votes.

The meeting was re-opened to Public at 9:22pm.

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 9:05pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Borough Clerk