

Mayor & Council Regular Meeting – November 20, 2018

The Regular meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, November 20, 2018 at the Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 7:33pm.

Roll Call indicated the following present:

Present: Mayor Alessi, Councilman Astorino, Councilman Chiaia, Councilman Kessler, Councilman Raymond, Councilman Rees

Mayor Alessi announced that Council President Santomauro was expected to arrive shortly after the start of the meeting.

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, Acting Borough Clerk.

Mayor Alessi called the meeting to order announcing that notice was provided in accordance with the requirements of Chapter 231, P.L. 1975.

Mayor Alessi asked Chief Deuer to lead the Pledge of Allegiance.

Mayor's Report

Mayor Alessi extended his wishes for a Happy Thanksgiving and announced that Borough Hall would be closing at 3:00pm on the Wednesday before the holiday. He noted that the DPW would be collecting leaf bags through the end of December.

Mayor Alessi thanked attendees of Newcomers' Night which was held on November 12, 2019. He encouraged residents to donate to the Recreation Department's Food Drive in support of Toni's Kitchen and the Toy Drive in support of the Goryeb Children's Center at Morristown Medical Center.

Citizens to be Heard

Paul Scagnelli – 7 Stony Brook Drive

Mr. Scagnelli asked for an update on the tree removal and progression of detention basin 2 at Pulte development. Mr. Zichelli stated that trees have been removed from the Doyle property as requested. He added that the footings and the wall of the detention basin are nearly complete. Mr. Zichelli addressed residents' concerns regarding the appearance of the basin and wall stating that a cultured stone face would be installed as well as plants.

Council President Santomauro joined the meeting at 7:40pm

Mr. Scagnelli expressed concern regarding the removal of trees and their proximity to the wetlands. Mr. Zichelli confirmed that trees were not removed from the wetlands and that trees were only removed to accommodate the secondary detention basin wall. Mr. Zichelli added that the interior of detention basin 2 would soon be graded, low flow channels would be poured, and the topsoil on the swale and berm would be better graded and prepared for grass. He noted that bushes and shrubs would be planted in the conservation buffer. Mr. Zichelli announced that the Glenview culvert drainage study was awarded to Petry Engineering who had begun gathering data and would start surveying in the field the next day.

Mr. Scagnelli acknowledged fewer open items with each meeting with the exception of underground water flows. Council President Santomauro assured the public that the Borough has made Pulte aware of the underground water complaints. Councilman Chiaia asked if the drainage study would consider underground water. Mr. Zichelli confirmed that the study is specific to overland water flow and that Pulte should research underground water as they own the problem.

Mr. Zichelli updated the public on the bids received for the larger drainage study. He announced that five proposals were received and that he anticipated awarding a contract at the December 11, 2018 meeting.

Mr. Scagnelli addressed Mr. Paris regarding not providing counsel to individual residents. He stated that it is his opinion that the Borough Council is partially responsible for the water flows by allowing continued development. Mr. Paris explained that he represents the Borough of North Caldwell as a

legal entity and cannot represent individual residents. He offered a suggestion that residents seek their own legal counsel or come together as a group with joint counsel.

Jules Geftic – 21 Glenview Road

Mr. Geftic stated that water was bubbling up from the ground in the middle of Glenview Road which will be hazardous once frozen in the winter.

Mr. Zichelli asked Mr. Geftic if he recalled the culvert installation. Mr. Geftic stated that the stream went right through what is now the Zurlo's property but did not recall the year, but confirmed that it was prior to the construction of the Zurlo's home.

Gary Underhill – 18 Birchwood Road

Mr. Underhill stated that recent construction at 20 Birchwood Road has changed the flow of overland water from the lot side of the curb toward the street over the past several months. He noted there are one to three feet of water flowing past his house on a typical day until it reaches the stormdrain. Mr. Underhill stated that he raised the issue with the developer, Mr. David Glover, but the issue has become increasingly worse as more soil fill is added to the lot and the change in grade becomes more significant.

Mr. Zichelli stated that he was made aware of the issue the week prior during a conversation with Mrs. Underhill. He added that he has since spoken with Mr. Glover who verbally committed to rectifying the problem and offered to meet and discuss the implementation of a remedy.

Philomena Underhill – 18 Birchwood Road

Mrs. Underhill stated that she has spoken with Mr. Glover, the developer, who promised to make improvements four months ago but the issues have not been addressed. She presented photos of the problem to the Council.

Dan London - 108 Mountain Avenue

Mr. London advised the Governing Body of the groundwater flooding that results from springtime thaw. He stated that he has past experience with groundwater flooding in the spring and warned of increased complaints from residents if Pulte's groundwater remedies are not effective.

Paul Holland – 43 Ferndale Road

Mr. Holland asked the Governing Body for a timeline of expected actions from Pulte. He stated that the groundwater problem belongs to the residents but the solution belongs to Pulte. He noted that residents want to know when they can expect a solution. Mr. Holland asked for the Borough to share information with the residents in its legal action against Pulte.

Bernie Doyle – 31 Glenview Road

Mr. Doyle asked if the detention basin wall would be aesthetically improved. Mr. Zichelli stated that the exterior would be faced with trees and other plantings in front of the shorter diversion wall. He added that plantings would also be added between the two walls.

Richard Verde – 8 Hickory Drive

Mr. Verde congratulated the Councilmen on their re-election. He stated that he would like to see Council meetings televised. He stated that the Borough has many hills causing drainage and flooding issues.

Approval of Minutes

Council President Santomauro moved to accept the minutes from the Conference Meeting and Executive Session of September 12, 2018, seconded by Councilman Raymond. Councilman Kessler abstained. Said motion was passed unanimously with six votes.

Committee Reports

Legal and Ordinance

Ordinance O-14-18 An Ordinance to Prohibit the Consumption of Liquor, Wine, Beer, or any Other Alcoholic Beverage in Public Places

Councilman Chiaia asked the Council to table the public hearing until the December meeting and discussion so that it could be reviewed by the Public Safety Committee. He indicated there is a need for an exception clause that will keep with the intent of the ordinance. Mr. Paris explained that the public meeting would be adjourned to the December 11, 2018 meeting at 6:30. Councilman Kessler suggested that a Public Safety Committee meeting be set up before the December 11, 2018 Council meeting.

Sign Ordinance

Councilman Raymond referenced the request of resident Jamie Falkin at the last Council meeting for an amendment to the Sign Ordinance. He asked the Council to consider amending the ordinance and offered to research and draft language that would protect residents' constitutional rights while protecting the concerns of citizens. Mayor Alessi acknowledged the need for such an amendment and commended Ms. Falkin's understanding of the constitutionality of such an amendment. Mr. Paris offered to work with Councilman Raymond.

Personnel/Administration

Councilman Rees had no report. He offered wishes for a healthy and safe Thanksgiving. He extended his appreciation to Mr. Zichelli for his outstanding work and continuous efforts on the many, simultaneous Borough projects. The Council reiterated Councilman Rees' appreciation.

Finance

Councilman Astorino made a motion to Accept the Tax Collector's Report for October 2018, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-206-18 A Resolution Approving the Payment of Bills was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-199-18 A Resolution Approving 2018 Budget Transfers was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Public Safety

Councilman Chiaia thanked Chief Deuer for his commitment to work since sustaining a snowstorm related injury. He offered the Police Department Public Safety and Detective Bureau Reports for October of 2018. He stated that 1,032 calls were handled by Dispatch, 91 violations were issued by officers and that there were 25 medical assists, 11 matters at the West Essex Regional High School and two thefts in the month.

Councilman Chiaia offered the NCPD Volunteer Fire Department Report for October of 2018. He noted that there were 20 matters attended and communicated a reminder from Chief D'Ascensio's to check batteries in smoke and carbon monoxide detectors.

Councilman Chiaia noted that the Department of Health and Rehabilitation Division of Community Health Services has allocated funds of \$16,000 to North Caldwell for the Municipal Alliance program.

Public Works

Council President Santomauro offered the Construction Permit Activity Report for October 2018. She stated that 48 permits were issued which is an increase from October of 2017.

Council President Santomauro offered the Solid Waste Collection Report for September 2018. She noted that household solid waste collection increased but that recycling collection remains constant.

Council President Santomauro offered the Animal Control Report for October 2018 noting the retrieval of a raccoon that entered a resident's vehicle and a fox who tried to enter a home. She commended the Animal Control officers for their efforts.

Recreation

Councilman Kessler offered the Recreation Director’s Report for November/December 2018. He stated that there are 23 recreation basketball teams this season which will begin games on December 5. He added that 85 children are participating in the Kindergarten through 2nd grade clinic. He added that travel basketball teams have been selected for 5th through 8th grade boys and 6th through 8th grade girls.

Councilman Kessler announced the success of the annual Halloween party for the 5th and 6th grades held at the Fireman’s Community Center. He thanked Mayor Alessi and Council President Santomauro for attending and distributing prizes for best costumes.

Councilman Kessler reminded residents for the adult pickup basketball games at the Gould School gym and men’s 60+ league games on Tuesdays from 8:00 to 9:30pm. He announced the next Seniors meeting to be held on December 5 with a trip to The Manor on December 12. Councilman Kessler invited all to participate in the Borough’s Joy, Peace and Goodwill celebration on Sunday, December 2 that will feature winter treats from the Boy Scouts and a visit from Santa accompanied by the North Caldwell Volunteer Fire Department. He announced that the Ski Club’s weekly trips would begin on January 8, 2019. Councilman Kessler reminded the public of the North Caldwell Recreation Foundation’s personalized paver program to support the Liberty Turf Field project.

Resolution R-207-18 A Resolution Authorizing the Hiring of Additional Seasonal Employees for the 2018-2019 Kindergarten – 2nd Grade Basketball Clinic Instructors was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Resolution R-208-18 A Resolution Authorizing the Hiring of Additional Seasonal Employees for the 2018 Soccer Season – Referees and Officials was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Resolution R-209-18 A Resolution Authorizing the Hiring of Additional Seasonal Employees for the 2018-2019 Recreation Basketball Season – Gym Monitors was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Mr. Paris clarified that resolutions R-207-18, R-208-18, and R-209-18 should state that the positions are for part-time, seasonal positions.

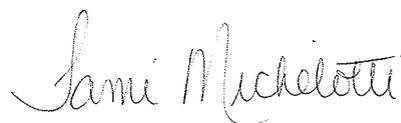
Executive Session

Resolution R-210-18 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) Annual Professional Contracts, (2) Bulk Trash Collection, (3) Liberty Turf Field; B. Anticipated Contract Negotiation – (1) 620 Mountain Avenue, (2) Drainage Study RFP Review; C. Litigation - (1) COAH, (2) Pulte Homes; D. Personnel – (1) Assistant DPW Director, (2) DPW Staffing was read. Motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was carried unanimously with six votes.

The meeting was re-opened to Public at 10:03pm.

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 10:03pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Acting Borough Clerk