

Mayor & Council Regular Meeting – October 23, 2018

The Regular meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, October 23, 2018 at the Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 7:30pm.

Roll Call indicated the following present:

Present: Mayor Alessi, Council President Santomauro, Councilman Astorino, Councilman Chiaia, Councilman Raymond, Councilman Rees

Absent: Councilman Kessler

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 Mr. Ryan Condit to lead the Pledge of Allegiance.

Mayor Alessi welcomed Essex County Liaison, Asmeret Ghebremichael. Ms. Ghebremichael announced the Essex County Used Tire Recycling Day scheduled for Saturday, October 27, 2018 at the Essex County Public Works Department at 99 Bradford Avenue in Cedar Grove. She also invited Borough residents to participate in Halloween at the Zoo trick-or-treating at Turtle Back Zoo on Halloween Day and Holiday Lights to follow in November.

Mayor's Report

Mayor Alessi announced the commencement of leaf collection that would continue through December. He noted the groundbreaking of the zero-entry wading pool at the Municipal Pool which is expected to open for the 2019 pool season. The sprayground will feature a Gould School Gator and a Grandview School Dolphin. Mayor Alessi stated that the Liberty Turf Field construction is on schedule for opening in Spring of 2019. He congratulated and thanked the North Caldwell Recreation Foundation for raising over \$100,000 for the turf field construction.

Mayor Alessi provided an update on the Walker's property noting that applications have been submitted to the New Jersey Department of Environmental Protection for permits to clean the pond. He added that the Borough is preparing bid documents and working with the DEP and the New Jersey Economic Development Corporation to obtain a grant to clean the pond.

Mayor Alessi announced that the Recreation Department is conducting a food drive for donation to Toni's Kitchen in Montclair.

Mayor Alessi extended his appreciation for the prayers and well-wishes during his recovery from a concussion. He stated that he was in contact with the Borough Council and staff during his recovery and credited their teamwork for keeping the Borough running smoothly.

Appointment of North Caldwell Police Department Probationary Patrolman

Chief Deuer stated that he received over 100 applications in response to the job posting for the position of patrolman. He explained that a committee evaluated the applications and conducted a two-phase interview process which led to the selection of Ryan Condit. Chief Deuer noted that one of Mr. Condit's recommendations was from a retired lieutenant from West Caldwell who was a role model to the Chief.

Chief Deuer stated that Mr. Condit participated in ride-alongs with the officers to ensure a good fit with the department. He noted that Mr. Condit attended local schools and was a lifeguard in West Caldwell, served as a Class 1 Special in Lavallette and a Class 2 Special with the Essex County Sherriff's Office, and completed internships with the Essex County Prosecutor's Office and the Roselle Police Department. The Chief noted that Mr. Condit has the qualifications for the job including the ability to be firm but protective of residents, compassionate, well-rounded, mature and understanding. He added that the decision to hire Mr. Condit was unanimous.

Resolution R-191-18 A Resolution Authorizing Employment of Probationary Patrolman for the North Caldwell Police Department was read. Councilman Chiaia stated his pleasure to welcome Mr. Condit to the Borough. Motion was made by Councilman Chiaia, seconded by Council President Santomauro. Said motion was carried unanimously with five votes.

Mayor Alessi administered the Oath of Office to Officer Ryan Condit. Officer Condit thanked the Borough for the opportunity to fulfill his dream of being a police officer. Officer Condit's parents thanked the Borough and all of his supporters through the years.

Citizens to be Heard

Mr. Paul Scagnelli – 7 Stony Brook Drive

Mr. Scagnelli asked for an update on various issues regarding the Pulte development.

1. Town- wide overland flow study – Mr. Zichelli stated that the original RFP due date of October 23 was extended to October 30 to allow for clarification which was issued in an addendum.
2. Responses to the Glenview culvert RFP – Mr. Zichelli stated that he had received four responses to the RFP. He noted that a fifth proposal had been submitted by Najarian prior to the deadline. He noted that they are significantly large documents which will require some time to review. Mr. Zichelli hoped to have a recommendation at the next Council meeting for approval and award of a contract by resolution of the Governing Body.
3. Bond ordinance – Mr. Scagnelli noted that he saw the bond ordinance on the agenda for that evening.
4. Dead trees near the Doyle's home at the top of Glenview Road – Mr. Zichelli stated that Pulte Homes hired a tree service to remove the trees that are waiting for the masons working on detention basin 2 to vacate the area.
5. Detention basin 2 construction – Mr. Zichelli stated that the construction was moving rapidly with completion of the concrete portion expected around Thanksgiving. Mr. Scagnelli noted that Pulte contractors are pumping water out toward the wetlands which is causing local erosion evidenced by topsoil flowing down curbs. He added that the stream behind Hill Street residences was at the high limit of the bank. Mr. Zichelli stated that a single pump typically would not pump during the rain but would ask Pulte to add some gravel for absorption.
6. Removal of the Pulte construction trailer at the top of Glenview Road – Mr. Scagnelli confirmed that the trailer was removed but asked if the swale and berm had been connected to converted manhole. Mr. Zichelli replied that the area was staked out for the excavating contractor to start work on the swale near the Four Seasons detention basin and move toward Glenview Road. He added that the landscaper would then spread topsoil and add plantings.
8. Underground water flows – Mr. Zichelli explained that Pulte Homes is on notice by the Borough regarding the issue of underground water. He noted that detention basin 2 and the berm are the priorities for Pulte as surface water needs to be properly addressed first.
9. Damages template - Mr. Scagnelli inquired about the status of a template for residents to use to note and gather damages for presentation to Pulte. Mr. Paris stated that he gave the request further thought and confirmed that Pulte asked residents to submit documentation of damages to them; in addition, the Borough asked for copies. Mr. Paris stated that he could not represent the individual residents or provide legal guidance. He recommended that submitting damages to Pulte with copies to the Borough is the most appropriate way to proceed.
10. Pulte litigation status – Mr. Paris stated that Pulte Homes filed a motion to dismiss the Borough's counterclaim. He expects a response to the motion in early December. In the meantime, both sides are exploring mediation to resolve the case. Mr. Scagnelli inquired about the validity of Pulte's motion to dismiss given that several residents have not yet submitted their damages to Pulte. Mr. Paris encouraged Mr. Scagnelli to communicate to the residents on whose behalf he is present to submit the damage claims to Pulte and copy the Borough. Mr. Zichelli added that some residents received letters from Mr. Mullin from Pulte Homes which designated Mr. Tony Rossi as the point person for damage claims.
11. Re-paving of the extension Courter Lane – Mr. Scagnelli expressed concern that newly paved road will be used as an additional access to the Pulte development. Mr. Zichelli stated that the road is essentially a gated walking path with a drop-curb which is only suitable for foot traffic. Council President Santomauro stated that the road is not intended or approved to be a road for vehicular traffic. Mr. Zichelli added that the road was paved by Essex County as part of the dog park construction project. Councilman Rees asked if the County vacated the road. Mr. Zichelli was unsure that the road was vacated or if it was ever a public road.
12. Detention basin 2 plan copies – Mr. Zichelli provided copies of the plans to Mr. Scagnelli.

Mr. Paris clarified and restated that he and the Borough cannot provide legal counsel or represent individual residents regarding their claims against Pulte Homes.

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John Zurlo – 19 Glenview Road

Mr. Zurlo stated that he received an email from Mr. Jim Mullin, attorney for Pulte Homes, on October 19, 2018 acknowledging their damages. He noted that Mr. Mullin indicated that the claims would be forwarded to Mr. Adam Lutz, Pulte Homes Division Claims Manager. Mr. Zurlo added that he submits receipts each week to Pulte and noted that Pulte would be disingenuous to suggest that they have not received claims from residents. In addition, Mr. Zurlo expressed his appreciation to the Mayor and Council for their efforts in helping the residents since the August 11 flooding and voiced support for the adoption of a bond ordinance to fund the study in hopes of preventing future flooding events.

Councilman Chiaia asked what additional action the Borough can take to prevent more flooding damage. Mr. Zichelli offered that the DPW is very diligent to clear catch basins and will remain proactive and responsive.

Richard Verde – 8 Hickory Drive

Mr. Verde stated that he was present to address Mayor Alessi to request a political campaign debate in advance of the mayoral election. He quoted an article from The Progress newspapers regarding debates. He asked the Mayor for a status. Mayor Alessi responded that he is back at work for the Borough but is recovering and had been in contact with the Council and Borough staff during his illness. Councilman Chiaia stated that campaign issues should not be addressed in front of the legislative body. Mayor Alessi focus was on his recovery and taking care of town business and would not commit to a debate at that time. Mr. Verde stated that he was looking for the courtesy of a response.

The Mayor asked for a brief recess at 8:19pm.

The meeting was back in session at 8:30pm.

Approval of Minutes

The approval of minutes from the Conference Meeting and Executive Session of September 12, 2018 were tabled for the next meeting.

Committee Reports

Legal and Ordinance

Public Hearing for Bond Ordinance O-13-18

Councilman Raymond moved to Open the Public Hearing for Ordinance O-13-18 An Ordinance Authorizing Various Stormwater Drainage Infrastructure Improvements Appropriating \$500,000 and Authorizing the Issuance of \$475,000 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Council President Santomauro. Councilman Kessler was absent. Said motion was carried unanimously with five votes.

Councilman Chiaia referenced comments made by Mr. John Zurlo, resident of 19 Glenview Road, earlier in the meeting. Mr. Zurlo had stated that he supported the bond ordinance to fund the drainage study and improvements that would help to prevent future flooding events and drainage problems.

Councilman Raymond stated that Mr. Zichelli and the Department of Public Works have been working tirelessly on the drainage issues and to respond to citizens' concerns. He added that the bond ordinance was a step toward making necessary improvements. Councilman Raymond noted that the appropriation of \$500,000 may not be enough to fund the study and all of the improvements.

Hearing no further comment from the Governing Body and seeing no one from the public come forward, Councilman Raymond moved to close the Public Hearing for Ordinance O-13-18 - An Ordinance Authorizing Various Stormwater Drainage Infrastructure Improvements Appropriating \$500,000 and Authorizing the Issuance of \$475,000 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Council President Santomauro. Councilman Kessler was absent. Said motion was carried unanimously with five votes.

Councilman Raymond moved to Adopt Ordinance O-13-18 - An Ordinance Authorizing Various Stormwater Drainage Infrastructure Improvements Appropriating \$500,000 and Authorizing the Issuance of \$475,000 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Council President Santomauro. Councilman Kessler was absent. Said motion was carried unanimously with five votes.

Introduction of Ordinance O-14-18

Councilman Raymond moved to Introduce Ordinance O-14-18 An Ordinance to Prohibit the Consumption of Liquor, Wine, Beer, or any Other Alcoholic Beverage in Public Places, seconded by Council President Santomauro. Council President Santomauro stated that the ordinance does not refer to private property or consumption within restaurants. She added that the ordinance would prohibit drinking on streets and parking lots, for example. Mayor Alessi added that the ordinance would not prohibit block parties approved by the Police Department. Said motion was carried unanimously with five votes. A public hearing prior to final adoption was announced for November 20, 2018.

Personnel/Administration

Councilman Rees had no report at this time. He welcomed Mayor Alessi back.

Finance

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

Resolution R-192-18 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 five votes.

Public Safety

Councilman Chiaia offered the Police Department Public Safety and Detective Bureau Reports for September 2018. He stated that there were 831 calls to dispatch and 51 traffic violations. He noted that there was an oil spill near Green Brook Country Club for which a letter was received from County Concrete Corporation thanking the Police Department for their quick and efficient response. As a sign of appreciation, they made a donation to the Sunshine Fund.

Councilman Chiaia offered the Fire Department Public Safety Report for September 2018. He relayed Chief D'Ascensio's warning to residents that smoke detectors are effective for only ten years. He added that the Fire Department responded to twenty calls in September.

Resolution R-193-18 A Resolution Authorizing Employment of Joseph Costello as Dispatcher for the North Caldwell Police Department was read. Motion was made by Councilman Chiaia, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

Resolution 196-18 A Resolution Appointing Zachary M. Zavattaro as Volunteer Fire Department Member was read. Motion was made by Councilman Chiaia, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

Public Works

Council President Santomauro offered the Construction Permit Activity Report for September 2018. She noted a slight increase over last year.

Council President Santomauro offered the Solid Waste Collection Report for August 2018 and noted an increase in bulk trash due to the August flooding damages.

Council President Santomauro offered the Animal Control Report for September 2018 which was a busy month for carcass removals.

Drainage Study Request for Proposals

Council President Santomauro reiterated that there were four submissions in response to the Borough's RFP in addition to the proposal submitted by Pulte Homes' engineering firm, Najarian. She stated that the proposals would be reviewed for an award at the next meeting.

Traffic Study

Mr. Zichelli stated that two concerns were brought to the attention of the Governing Body at the last meeting, one of which is the need to slow traffic on Beachmont Terrace raised by resident Jim Quinn. He added that the other concern is the diversion of increased traffic to Beachmont Terrace from Hamilton Drive East. Mr. Zichelli stated that a multi-way stop and a flashing speed limit signs were researched. He added that the proximity of the intersection of Beachmont Terrace and Hamilton Drive East within 500 feet of Grandview School allows for a multi-way stop sign approval. He indicated that approval of the Governing Body is required along with his certification. The Council consented to have Mr. Zichelli to prepare documents for introduction of an ordinance at the next meeting with a public hearing and adoption in December.

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Mr. Zichelli added that the path near the dog park that crosses into the Hilltop Reserve will have a crosswalk and signs installed. He stated that the 1,000 foot length of road has no homes and that part of it is owned by Pulte Homes. He noted that Mrs. Holland asked for speed humps and suggested that the Borough may choose to request speed humps be installed by Pulte Homes.

Mr. Paris offered to work with Mr. Zichelli on preparation of an ordinance for the multi-way stop sign.

Recreation

Mayor Alessi asked to table the Recreation Director's Report for October/November 2018 in Councilman Kessler's absence.

Resolution R-194-18 A Resolution Authorizing the Hiring of Seasonal Employees for the 2018-2019 Recreation Basketball Season – Gym Monitors was read. Motion was made by Councilman Raymond, seconded by Council President Santomauro. Said motion was carried unanimously with five votes.

Executive Session

Resolution R-195-18 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) Caldwell Sewer Utility, (2) Essex Fells Water Utility, (3) North Caldwell/Essex Fells Joint Police Dispatch, (4) 620 Mountain Avenue; B. Litigation - (1) COAH Declaratory Judgment, (2) Pulte Homes was read. Motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was carried unanimously with five votes.

Mayor Alessi added that the Annual Halloween Party for fifth and sixth graders would be held on October 30 at Fireman's Community Center.

The meeting was re-opened to Public at 9:27pm.

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 9:27pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Acting Borough Clerk