

Mayor and Council Regular Meeting – October 29, 2019

The Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, October 29, 2019. The meeting began at 7:30pm at Borough Hall.

Council President Santomauro called the meeting to order announcing that notice was provided in accordance with the requirements of Chapter 231, P.L. 1975. She announced that Mayor Alessi was unable to attend the meeting.

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; Mark Deuer, Police Chief; Richard Mondelli, Chief Financial Officer; Paul Ferriero, Municipal Engineer; and Tami Michelotti, Borough Clerk.

Absent: Kevin O'Sullivan, Borough Administrator

Council President Santomauro asked Chief Deuer to lead the Pledge of Allegiance.

Mayor's Report

Council President Santomauro announced that the Borough completed the annual Best Practices Inventory and scored well above the minimum score to guarantee 100% state aid. Most notably were the perfect scores in the Financial Administration, Shared Services, Transparency, and Cybersecurity categories.

Council President Santomauro reminded residents of Election Day times and locations. She noted the opportunity for "Early Voting" in the form of "in-person vote-by-mail voting" offered at South Mountain Reservation in the Education Building,

Council President Santomauro reminded all of the Borough's Do Not Solicit Registry available to residents who do not wish solicitors and canvassers and of the Mayor's Office Hours scheduled for Wednesday, November 6.

Citizens to be Heard

Asmeret Ghebremichel, liaison to the Essex County Chief of Staff to County Executive DiVincenzo, stated that Chief of Staff Phil Alagia, County Engineer Sanjeev Varghese, Borough Administrator Kevin O'Sullivan and Borough Engineer Paul Ferriero met the week prior to discuss the Green Brook flows and erosion. She noted that the County would partner with the Borough and follow the Borough's lead to make necessary repairs. Ms. Ghebremichel also announced the Halloween at the Zoo event and welcomed all to participate in the Essex County Veteran's Day commemoration on Friday, November 8, 2019.

Paul Holland – 43 Ferndale Road

Mr. Holland asked for the status of Pulte's extension request. Mr. Paris stated that the public's input was considered in a letter from the Borough to Pulte's counsel. He added that the matter is not yet resolved and a meeting was planned for the following week. He added that the Developer's Agreement indicates that an extension cannot be unreasonably withheld. Mr. Holland noted that Pulte continues construction with a defacto extension. Mr. Paris added that completion of the site is in the best interest of the community as drainage will be better when done.

Mr. Holland asked for the status of groundwater study. Mr. Paris stated that a two-phase project is planned with the first phase authorized at the September meeting. Mr. Ferriero added that the consulting firm will begin the evaluation within 7-10 days with a Phase 1 report due by end of year. He confirmed that the Borough advised Pulte that the cost of the study will be funded from Pulte's escrow.

Mr. Holland asked for the status of the replacement of the fence in the conservation easement behind Ferndale Road. Mr. Ferriero stated that it was replaced and noted a few gaps that do exist.

John Zurlo – 19 Glenview Road

Mr. Zurlo asked for an updated on the water discharged from Verona's water tower into the brook beside his home. He added that the discharge is handled by the brook when there is no rain but noted that the discharge during a rainstorm is not acceptable.

Mr. Zurlo noted that the conservation easement is specified at 50 feet. He drew attention to the lack of landscaping at the top of Glenview Road. Mr. Ferriero stated that the underground water, gas, and sewer utilities limit plantings in that area. He added that additional landscaping is required of Pulte noting that the weather would dictate the appropriate time of year for planting. He stated that the 50 foot conservation easement does not equate to a 50 foot landscaping buffer. Mr. Ferriero confirmed that the performance bond is the Borough's leverage to ensure landscaping is completed.

Barbara Longo – Former Superintendent, West Essex School District

Ms. Longo stated that she sent a letter of appreciation to Mayor Alessi and asked to read it on the record. She thanked the Mayor and Council for the support and assistance offered to her and the school district during her years of service. She recognized the Department of Public Works and the Police Department for their partnership. She noted the support of Chief Deuer who was always available any time of day or night for responding immediately to the needs of the school and for his commitment to the community.

Damion Macioci – Superintendent, West Essex School District

Mr. Macioci reiterated the strong connection of the Governing Body to community of West Essex especially for fostering a safe, nurturing, and supportive environment. He noted co-hosted programs and initiatives. He expressed appreciation for mental health and first aid training of his staff by the Police Department. Mr. Macioci emphasized the importance of positive relationships between schools and law enforcement and thanked the Council and Police Chief for their support. Councilman Chiaia thanked Superintendent Macioci and former Superintendent Longo for their successful management of the school district.

Councilman Rees noted the need to address vaping and asked the Council to consider action in the near future. Council President Santomauro stated that the Legal and Ordinance Committee discussed it recently and will likely recommend an anti-vaping ordinance.

Don Theobald – 54 Ferndale Road

Mr. Theobald asked for a list of concessions requested from Pulte for granting of the extension. Council President Santomauro confirmed that the public's requests were considered in the negotiation. Mr. Theobald suggested that installation of a drainage pipe from 56 Ferndale Road to the corner of Glenview Road be included in the negotiation. Mr. Ferriero confirmed that his request was heard by the Governing Body.

Dan Gallagher – 36 Ferndale Road

Mr. Gallagher stated that a resident of The Reserve sent a video showing soil erosion flowing into the stream near detention basin 2. Mr. Ferriero stated that he discussed the occurrence with Mr. O'Sullivan. He noted that as water discharges from detention basin 2, it creates rivulets and becomes deeper over time. Mr. Ferriero confirmed that Soil Erosion and Sediment Control who had jurisdiction over this issue. He added that an ongoing effort to stabilize the site will be needed.

Mr. Gallagher noted that studies prior to the development indicated that water would be dispersed. Mr. Ferriero noted that Soil Conservation is aware of the problem. He added that the scour hole was built sufficiently to handle a 25-year storm as per State standards.

Mr. Gallagher asked that the negotiation with Pulte regarding the extension include the former sewer connection on Glenview Road as well as financial compensation to the residents of Ferndale and Glenview who have suffered cost of flooding damage.

Paul Holland

Mr. Holland asked about the ongoing responsibility of erosion behind Glenview Road after Pulte completes construction. Mr. Ferriero stated that new State legislation regarding performance and maintenance bonds will be a consideration in future responsibility. Mr. Paris noted that The Reserve has a homeowners' association that may assume responsibility.

Anthony Floria-Callori – 4 Chestnut Hill Road

Mr. Floria-Callori asked the Council's intent regarding the sale of the five lots at the Walker's property if the Open Space Trust Fund referendum question on the General Election ballot is passed. Council President Santomauro stated that she would be opposed to selling the five lots if the public approved the creation of an Open Space Trust Fund. Councilman Astorino stated that he was in favor of preserving the land as open space but noted the need to ensure fiduciary responsibility. Councilman Rees stated that he would be in favor of maintaining the open space if the voters do not want the five lots developed. Councilman Raymond stated that the referendum question is specific to the creation of the trust fund and does not specify the future of the lots. He noted that the Borough has been paying

for the purchase of the Walker property for the past three years via bonds and notes. He added that the creation of an Open Space Trust Fund would pay the interest and some principal of the purchase. Councilman Raymond stated that he would be in favor of preserving the lots as open space. Councilman Kessler stated his interest in the public's opinion and stated that the fiscal impact would be considered as well. He added that he would prefer the lots be preserved as open space and noted that his decision would be made based on what is best in the long-term for the town.

Approval of Minutes

Council President Santomauro moved to accept the minutes from the Conference Meeting and Executive Session of September 10, 2019, seconded by Councilman Chiaia. Said motion was passed unanimously with six affirmative votes.

Council President Santomauro moved to accept the minutes from the Regular Meeting and Executive Session of September 24, 2019, seconded by Councilman Astorino. Councilman Kessler abstained. Said motion was passed with five affirmative votes and one abstention from Councilman Kessler.

Committee Reports

Legal and Ordinance

Councilman Raymond stated no new items to report.

Personnel and Administration

Resolution R-196-19 A Resolution Accepting the Resignation of Building Department Electrical Sub-Code Official, Robert Bell was read. Motion was made by Councilman Rees, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Finance

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

Resolution R-197-19 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.

Best Practices Inventory Results – Councilman Astorino stated that the Finance Committee, Chief Financial Officer Rich Mondelli and the Borough Auditor, Samuel Klein and Associates, meet often to address many of the considerations included in the Best Practices Inventory. He added that a five-year plan for surplus will be considered.

Public Safety

Councilman Chiaia offered the Police Department Public Safety and Detective Bureau Reports for September 2019. He congratulated Chief Deuer with regard to the praise from the West Essex School District. He added that 947 calls were handled by the Dispatch Department in September with 104 tickets issues by patrol officers.

Councilman Chiaia offered the Fire Department Public Safety Report for September 2019. He noted that a resolution regarding Assistant Fire Chief Tim Peterson would be addressed at the next Council meeting. Councilman Chiaia welcomed three new Junior Firefighters to the volunteer department:

Resolution R-184-19 A Resolution Authorizing the Execution of an Employment Contract with Karl Strodthoff, North Caldwell Police Department Captain was read. Motion was made by Councilman Chiaia, seconded by Kessler. Said motion was carried unanimously with six votes.

Resolution R-199-19 A Resolution Appointing Paul Perrette as Volunteer Fire Department Member was read. Motion was made by Councilman Chiaia, seconded by Raymond. Said motion was carried unanimously with six votes.

Councilman Chiaia reminded residents that daylight savings time goes into effect the next weekend at which time all smoke and carbon monoxide detectors should be tested with batteries replaced as needed.

Public Works

Council President Santomauro offered the Construction Permit Activity Report for September 2019.

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

Resolution R-200-19 A Resolution Accepting Bid and Awarding a Contract for a Water Utility Truck Body was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Recreation

Councilman Kessler offered the Recreation Director's Report for October/November 2019. He noted that the recreation soccer season had 240 participants and was coming to a close. He announced the November 6 deadline for recreation basketball registration.

Councilman Kessler stated that the 5th and 6th grade Halloween party was being held that evening and the next Seniors meeting was scheduled for November 6. He welcomed all to participate in the Joy, Peace and Goodwill celebration on December 8 at Borough Hall.

Councilman Kessler thanked the North Caldwell Recreation Foundation, especially Josh Leitner, for their continued partnership with the Recreation Department to assist and fund projects such as the painting of soccer lines on the turf field and the anticipated new bleachers.

Council President Santomauro recognized a letter of appreciation from resident Mike Peterson regarding the quality of the turf field. Councilman Chiaia read the letter noting the excellent drainage and quality of the newly painted lines.

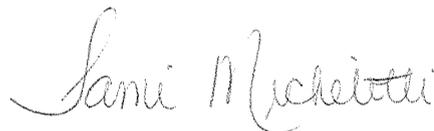
Executive Session

Resolution R-201-19 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 – 1. Building Sub-Code; B. Contract Negotiations – 1. Pulte Homes Extension Request, 2. Flanagan's Contracting Group was read. Motion was made by Council President Santomauro, seconded by Councilman Raymond. 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 Council, that this meeting be adjourned at 9:22pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Borough Clerk