

Mayor and Council Regular Meeting – September 24, 2019

The Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, September 24, 2019. The meeting began at 7:31pm at Borough Hall.

Mayor Joseph H. 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: Council President Santomauro, Councilman Astorino, Councilman Chiaia, Councilman Raymond, and Councilman Rees.

Absent: Councilman Kessler.

Also present were: Mr. David M. Paris, Esq., Borough Attorney; Kevin O'Sullivan, Borough Administrator; Mark Deuer, Police Chief; Richard Mondelli, Chief Financial Officer; Paul Ferriero, Municipal Engineer; and Tami Michelotti, Borough Clerk.

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

Mayor's Report

Presentation of Mayoral Photo

Council President Santomauro announced the presentation of Mayor Alessi's photo on the Wall of Mayors in the Council Chambers.

Mayor Alessi announced the opportunity for residents to pay their water bills online by credit card or through a bank account. He stated that water readings can also be entered online through the Borough website.

Mayor Alessi announced some Essex County events which were detailed by County Liaison, Asmeret Ghebremichel. Events such as the Fall Family Festival and upcoming recycling dates were noted.

Citizens to be Heard

Paul Scagnelli – 7 Stony Brook Drive

Mr. Scagnelli asked for an update on the status of an underground water study. Mayor Alessi stated that the Borough was discussing a two-phased project which would be further discussed during Executive Session that evening.

Mr. Scagnelli asked for the status and release date of the drainage study being performed by Suburban Consulting Engineers. Mr. O'Sullivan stated that ongoing discussions with Suburban were identifying some final tasks to be done. He offered that the report may be ready in six weeks.

Mr. Scagnelli asked how much time Pulte Homes requested in their development extension request. Mayor Alessi stated that one year was requested. Mr. Scagnelli stated that the Borough should request concessions in return for the extension such as performance of a groundwater study and corrective measures, immediate completion of all outstanding plantings, additional plantings, and payment of monies to the Borough.

Bernie Doyle – 31 Glenview Road

Mr. Doyle noted that trees have not yet been planted on both sides of the wall at detention basin 2 as promised by Pulte. Mr. O'Sullivan offered to inspect during his onsite visit the next day.

Dan Gallagher – 36 Ferndale Road

Mr. Gallagher stated that the Borough should ask the residents for more input to resolve problems caused by the Pulte development.

Justin Seigermeister – 19 Hilltop Drive

Mr. Seigermeister stated that he is a resident of The Reserve since December 2018. He stated that he has had several problems with the house within the last nine months which necessitated 35 visits from Pulte subcontractors for repairs. He cited mold, problems with the hardwood floors, nails left in the roadways, drainage issues in the yard and poor grading. He explained that the green fence at the rear of his home is in the conservation easement which Pulte stated could be removed. He asked for a reasonable solution to remove or replace the fence.

Mr. O'Sullivan stated that the fence is above and beyond a field modification as it was a condition of Planning Board approval and critical to the neighbors on Ferndale Road. He explained that Pulte did not present a request for alternatives or pursue approval from the Planning Board.

Rahul Garg – 36 Hilltop Drive

Mr. Garg stated that he has had a disappointing experience with Pulte and has waited for more than nine months for repairs including a new roof, new floors, repairs to his kitchen, leaks and mold. He noted that nails are left in the street causing flat tires also. He asked for enforcement by the Building Officer and Police Department for working outside of permitted hours on the weekends and for alcohol consumption on premises. Chief Deuer offered to increase patrol and summonses for violations. The Council discussed the enforcement of Title 39 laws on a street that had not yet been accepted by the Borough. Mr. Garg stated he would share his complaints addressed to Pulte with the Borough.

Ted Roth – 17 Wind Ridge Drive

Mr. Roth asked for thorough inspections of the Pulte construction prior to issuance of certificates of occupancy. He suggested that concessions be sought in return for the construction extension request by Pulte.

Mr. Roth asked Councilman Chiaia to clarify a statement he made at the Council October 10, 2017 meeting regarding Pulte construction. Councilman Chiaia offered to review the statement in the proper context prior to responding since the meeting occurred two years prior. Mr. Roth asked who the appointed Stormwater Coordinator is. Mayor Alessi confirmed Mr. O'Sullivan is the Coordinator.

Mr. Roth asked if the Essex County Engineer has engaged in the Borough's drainage issues which Council President Santomauro confirmed is the case with regard to County roads and waterways. Mr. O'Sullivan added that repairs needed on the Green Brook were made by Essex County upon advice of North Caldwell. Mr. Roth asked if the drainage report by Suburban Consulting Engineers included the Green Brook. Mr. O'Sullivan confirmed that a tributary area leading to the Green Brook is included. Mr. Roth asked if other areas in the Borough were discussed with the County Engineer such as the Mountain Avenue "cut" and the berm behind Wind Ridge Drive. Councilman Chiaia confirmed that the County Engineer had been contacted over six months ago regarding both issues and that the County cleaned out the drainage ditch behind Mr. Roth's home.

Tony Prinzo – 2 Hickory Drive

Mr. Prinzo informed the Council that the water levels at Camp Wyanokie are very low and the feeder streams were empty. Councilman Chiaia offered to bring the issue to the Camp Commission at the next meeting.

Ted Lestrangle – New York

Mr. Lestrangle stated that he is not a Borough resident but was present to speak about organ harvesting in China. He stated that "organ transplant tourists" can arrange for organ transplants in China upon demand. He left the Council with information to review for consideration of legislation against this practice.

Anthony Floria-Callori – 4 Chestnut Hill Road

Mr. Floria-Callori stated his concern regarding the enforcement of the Borough's Signage Ordinance. Mr. Paris stated that enforcement of signage rules may not limit freedom of political or religious speech. He noted that application and enforcement of the signage ordinance to political speech in a manner to violate the residents' First Amendment rights, had not been raised or sought in the past.

Mr. Floria-Callori asked about displaying political signs in commercial zones. Mr. Paris stated that the homes in those office/commercial zones could not be prohibited from their First Amendment rights to political speech. Councilman Raymond suggested that the ordinance be repealed if it could not be enforced. Council President Santomauro suggested that the ordinance be modified instead for better clarification regarding political/religious signage as per the discussion held during the last Legal and Ordinance Committee meeting. Mr. Paris added that he had begun revisions to the ordinance subsequent to the last Legal and Ordinance Committee meeting to ensure that there would be no misinterpretation and mis-application that would limit residents' freedom of speech.

Don Theobald – 54 Ferndale Road

Mr. Theobald thanked Mr. O'Sullivan for his visit to his property to review the feasibility of the installation of a storm drain on the curb line on Ferndale Road. He expressed concern that the 50-foot buffer between the Pulte properties and the Ferndale properties is being infringed upon.

Approval of Minutes

Council President Santomauro moved to accept the minutes from the Special Meeting and Executive Session of July 29, 2019, seconded by Councilman Astorino. Councilman Chiaia abstained. Said motion was passed with four affirmative votes and one abstention by Councilman Chiaia.

Council President Santomauro moved to accept the minutes from the Conference and Regular Meeting and Executive Session of August 13, 2019, seconded by Councilman Raymond. Councilman Astorino abstained. Said motion was passed with four affirmative votes and one abstention by Councilman Astorino.

Council President Santomauro moved to accept the minutes from the Special Meeting and Executive Session of August 14, 2019, seconded by Councilman Raymond. Councilman Astorino and Councilman Chiaia abstained. Said motion was passed with three affirmative votes and abstentions by Councilman Astorino and Councilman Chiaia.

Committee Reports

Legal and Ordinance

Resolution R-177-19 A Resolution Authorizing a Change Order for the Zero-Depth Entry Wading Pool at the Municipal Pool was read. Mr. O’Sullivan stated that a \$3,000.00 decrease was due to the contractor for electric repairs that were necessary to a service line. Motion was made by Councilman Raymond, seconded by Council President Santomauro. Said motion was carried unanimously with five votes.

Resolution R-178-19 A Resolution Authorizing the Closure of Contract for Construction of a Zero-Depth Entry Wading Pool at the Municipal Pool was read. Motion was made by Councilman Raymond, seconded by Council President Santomauro. Said motion was carried unanimously with five votes.

Personnel and Administration

Resolution R-179-19 A Resolution Authorizing the Renewal of Membership in the Morris County Municipal Joint Insurance Fund was read. Motion was made by Councilman Rees, seconded by Councilman Astorino. Said motion was carried unanimously with five votes.

Resolution R-187-19 A Resolution Appointing Crossing Guard Michael DiStasi was read. Motion was made by Councilman Rees, seconded by Councilman Astorino. Said motion was carried unanimously with five votes.

Finance

Councilman Astorino made a motion to Accept the Tax Collector’s Report for August 2019 which was seconded by Council President Santomauro. Said motion was carried unanimously with four votes

Resolution R-180-19 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.

Resolution R-181-19 A Resolution of the Governing Body Certifying the 2018 Annual Audit was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with five votes.

Resolution R-182-19 A Resolution Approving the 2018 Annual Municipal Audit Corrective Action Plan was read. Council President Santomauro stated that the corrective actions were minor and that the Borough consistently receives commendable audit results. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with five votes.

Resolution R-183-19 A Resolution Authorizing the Combining of Bonds Aggregating the Principal Sum of \$7,000,000 Authorized by Eighteen Bond Ordinances Heretofore Adopted to Finance Part of the Cost of Various General Improvements in the Borough of North Caldwell, County of Essex, New Jersey into One Consolidated Issue of Bonds and Providing for the Form, Maturities and Other Details of Said Consolidated Issue was read. Councilman Astorino explained that the Borough is refinancing a combination of bonds in the amount of \$7 million upon recommendation by the Borough’s auditing firm. He noted that interest rates are low and recommended that the Borough take the opportunity to refinance over 10 years. Council President Santomauro added that the Borough’s debt ratio is very low. Mayor Alessi thanked Councilman Astorino and CFO Rich Mondelli for their prudent financial efforts.

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Motion was made by Councilman Astorino, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Public Safety

Councilman Chiaia noted that the Council has been able to keep taxes flat while still increasing public safety measures due to sound fiscal responsibility.

Councilman Chiaia offered the Police Department Public Safety and Detective Bureau Reports for August 2019. He noted a letter of appreciation for Sgt. Paul O'Neill who lent assistance after a motor vehicle accident. Councilman Chiaia thanked Chief Deuer for his safety and security management of the North Caldwell Recreation Foundation Color Run. Mayor Alessi added that Chief Deuer presented at the Essex County Education Conference and thanked him for his dedication. Chief Deuer acknowledged the West Essex Board members who were recently certified and were present in the audience. West Essex Board of Education Member Judith Dias noted that the West Essex Regional School District is one of few districts to be certified.

Councilman Chiaia stated that the Fire Department Public Safety Report for August 2019 would be tabled to the following month's meeting.

Resolution R-184-19 A Resolution Authorizing the Execution of an Employment Contract with Karl Strodthoff, North Caldwell Police Department Captain was tabled.

Resolution R-185-19 A Resolution Appointing Michael Credico, Sergeant was read. Motion was made by Councilman Chiaia, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

Resolution R-186-19 A Resolution Appointing Ryan Condit, Eighth Class Patrolman 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 August 2019. She thanked the Public Works Committee regarding turf field improvements. She noted that Essex County was responsive to the Borough's request for vegetation management and trash collection in the Central Avenue "cut". Council President Santomauro thanked the DPW for recent improvements including painting of the gazebo at the turf field.

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

Resolution R-188-19 A Resolution Authorizing Employment of DPW Roadman Matthew Rubino was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Councilman Chiaia noted that Mr. Rubino is also a Volunteer Firefighter in North Caldwell. Said motion was carried unanimously with five votes.

Recreation

Councilman Raymond offered the Recreation Director's Report for September/October 2019. He noted several successful events that occurred in the last month including the NCRF 5K and Color Run, Town Picnic, and Soccerfest. He announced the retirement of Recreation Department Administrative Assistant, Chris Basile, noting her dedication to the Borough.

Resolution R-189-19 A Resolution Authorizing the Hiring of Additional Seasonal Employees for the 2019 Soccer Season – Referees was read. Motion was made by Councilman Raymond, seconded by Chiaia. Said motion was carried unanimously with five votes.

Resolution R-190-19 A Resolution Authorizing the Employment of Part-Time Temporary Recreation Department Employee was read. Motion was made by Councilman Raymond, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Executive Session

Resolution R-191-19 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) NCPD; B. Potential Litigation – (1) Mountain Avenue Commercial Use; C. Contract Negotiations – (1) Pulte Homes Extension Request, (2) Hydrogeological Consulting Services; D. Anticipated Contract Negotiations – (1) West Essex Community Police was read. Motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was carried unanimously with five votes.

The meeting was re-opened to Public at 11:19pm.

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 11:19pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Borough Clerk