

Mayor & Council Regular Meeting – September 25, 2018

The Regular meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, September 25, 2018 at the Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 7:33pm.

Roll Call indicated the following present:

Present: Council President Santomauro, Councilman Astorino, Councilman Chiaia, Councilman Kessler, Councilman Raymond, Councilman Rees

Absent: Mayor Alessi

Also present were: Ms. Katie Forman, Esq., substitute Borough Counsel in lieu of David M. Paris, Borough Attorney; Frank Zichelli, Borough Administrator/Engineer; Mark Deuer, Police Chief; Rich Mondelli, Chief Financial Officer; and Tami Michelotti, Acting Borough Clerk.

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

Council President Santomauro asked Detective Michael Credico to lead the Pledge of Allegiance.

Executive Session Part I

Resolution R-177-18 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes - A. Personnel: Police Department was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

The Council recessed the public meeting at 7:34 to enter into a brief Executive Session discussion.

The Council returned to open session at 7:43pm.

Mayor's Report

Council President Santomauro stated that the Mayor's Report would be tabled to a future meeting due to the absence of Mayor Alessi.

Appointment of North Caldwell Police Department Sergeant

Council President Santomauro stated that she, Public Safety Committee Chair Councilman Chiaia, and Public Safety Committee Member Councilman Raymond had the privilege of interviewing candidates of the North Caldwell Police Department for the promotion to Sergeant. She stated that the outstanding interviewees made for an arduous decision process. Council President Santomauro added that the candidates undergo a rigorous process including an oral examination conducted by several police chiefs. She commended Chief Deuer for building a quality team of officers whom are appreciated by the Governing Body and the residents. She added that all the candidates performed well and that there will be future opportunities for promotions but that one candidate rose to the top.

Chief Deuer stated that Michael Credico started with the North Caldwell Police Department as a dispatcher, then became a patrol officer and was later promoted to detective. He added that Detective Credico is also an Emergency Medical Technician, a firefighter, and a member of the United States Coast Guard. Chief Deuer noted that Detective Credico has been instrumental in the infrastructure and information technology efforts for Police Headquarters and Borough Hall. He added that Detective Credico worked on implementing the new police radio system, the mutual link security system with the schools to provide safety for the students and teachers, and the closed circuit security system for the safety of the court staff and judge. Chief Deuer noted that Detective Credico initiated a network of emails to prevent auto thefts which is now a State-wide effort and is credited with solving a considerable increase in auto theft cases since its inception.

Chief Deuer praised Detective Credico for being personable, good for the community, compassionate, and respectful. He added that he was proud to bestow his first sergeant promotion as police chief to Michael Credico. He announced that the promotion is a step in creating the future of the North Caldwell Police Department. Chief Deuer stated that Detective Credico ranked first after the testing process and it was his honor to promote him to the rank of sergeant.

Resolution R-178-18 A Resolution Appointing Michael Credico to Sergeant of the North Caldwell Police Department was read. Motion was made by Councilman Chiaia, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

The Council congratulated Sergeant Credico on his appointment. Chief Deuer welcomed Municipal Court Judge Donald O'Connor to administer the Oath of Office to Sergeant Credico. Sergeant Credico assumed the Oath of Office accompanied by his wife and daughter.

Sergeant Credico thanked his family and his work family for their support.

Council President Santomauro moved to take a short recess to allow for photos.

The meeting was called back into session at 8:06pm.

Citizens to be Heard

Paul Scagnelli - 7 Stony Brook Drive

Mr. Scagnelli asked for an update on underground and overland flows from the Pulte development site. Mr. Zichelli stated that Pulte is obligated to reshape the existing grass swale around detention basin 3 near the Four Seasons to better define and improve it. He added that the surveyor has staked the property and a landscaper has been hired to perform the work. Mr. Zichelli noted that this remediation had not been requested by the neighborhood residents.

Mr. Zichelli added that the swale requested by Mr. Scagnelli at the low end of Ferndale had been cleaned of debris and is functioning. He stated that a Type E inlet casting was put on the existing chamber and a berm will be built further up Ferndale at the end of Glenview Road once the construction trailer is moved. He noted that water from the last two lots will be directed to the existing chamber with the new inlet. Mr. Zichelli stated that the unfinished swale will capture the overland flow and bring it to detention basin 3. He added that most of the lots on Hilltop Drive behind Ferndale will drain into swale into the Four Seasons detention basin and the rest would feed into the inlet.

Mr. Zichelli stated that the swale below detention basin 2 was installed and the adjacent berm is approximately one foot high. He added that detention basin 2 installation was to begin the day prior but the weather forecast delayed the construction to later in the week. Mr. Zichelli noted that the Borough hired a consulting engineer who inspected the basin structure construction. He noted the use of steel and concrete for the substantial construction. He stated that the basin would be approximately ten feet high past the Doyle's property toward the wetlands and will decrease down to two feet high toward Glenview Road. He confirmed that the water would be stored at the lower end and then discharged into the wetlands. Mr. Zichelli stated that he was at the site that day and was aware of water in residents' yards as noted by Mr. Scagnelli.

Mr. Zichelli provided an update on the Glenview culvert noting that requests for proposals were sent to four consulting firms. He added that Najarian Engineering, the engineering firm hired by Pulte Homes, submitted a proposal directly to Pulte to study, design and gain permits for the culvert redesign. Mr. Zichelli stated that it would be further discussed in Executive Session as it is a contract negotiation. He noted that Najarian's services might prove advantageous noting that Pulte would pay for Najarian's study allowing the Borough to put the funds toward the improvement. He also noted that Najarian has familiarity with the project and the site. He mentioned that Najarian did a similar study for K. Hovnanian from which some of the required data may be readily available. Mr. Scagnelli agreed.

Mr. Scagnelli explained that there is another culvert downstream at the lower end of Ferndale which should be studied for adequacy. Mr. Zichelli stated that the Najarian study considered a length of approximately 1,200 feet downstream up to that culvert. Mr. Scagnelli suggested the culvert be included in the study. Mr. Zichelli stated that the NJDEP may require the culvert be included as they typically require downstream studies to extend to the next crossing.

Mr. Scagnelli asked that Mr. Gallagher join him to address underground flow that bubbles up in residents' yards and basements. He stated that it was briefly addressed in prior meetings but he asked that the issue be addressed. He noted that people upstream on Hill Street have water in their yards which he believes is coming from diesel pumps that pump water into the wetlands since detention basin 2 is not complete. He added that residents downstream, including the Londons' property at 108 Mountain Avenue, have water in their yards and basements from the discharge into the wetlands. Mr. Zichelli stated that the detention basin 2 project should be completed in six to eight weeks.

George and Melissa Ortiz – 15 Brookside Terrace

Mr. Ortiz stated that he and his wife moved to North Caldwell five years ago to their home next to the brook near the intersection of Deer Trail Road. He noted that the August 11, 2018 rain storm caused them \$40,000 in damages. He added that the storms continue to erode the brook and water flows into his basement. Mr. Ortiz asked for a retaining wall to be installed in the brook and leaning trees in the brook with exposed roots from the erosion need to be taken down. Mr. Zichelli stated that he had spoken with Mrs. Ortiz regarding their concerns. He added that the DPW cleaned out the ditch on the Ortiz's property to restore it as close as possible to the original design. He noted that the area has not typically flooded in the past. Mr. Zichelli stated that there is no substantial construction or alterations to the land that would cause drainage toward the Ortiz's property. He noted that he planned to walk the area near the Cedar Grove border with the DPW foreman the next day.

Mr. Zichelli stated that he planned to send out RFPs the next day to the same four engineering firms that were interested in the Glenview drainage study to perform a study of the area from Cedar Grove to Walker's Pond. He added that the Borough would ensure that the Ortiz's brook would be cleaned and functional. Mrs. Ortiz stated her concern for increasingly extreme weather.

Mr. Zichelli added that the consultant would look at prior history and make recommendations, provide cost estimates and document what permits would be required. He stated he planned to mail the RFPs the following day for receipt by mid-November and an award of contract by December. Mr. Scagnelli stated that the turnaround should be faster. Mr. Zichelli offered to shorten the time period but wanted to ensure the firms have enough time to study the area well enough to prepare a proposal. Council President Santomauro reiterated that the Borough wants to ensure that enough time be granted to firms to study sufficiently prior to submitting a proposal so that the bid is appropriate and thorough. Mr. Scagnelli asked that timing be reconsidered to decrease the window of opportunity during which residents could face additional flooding.

Mr. Ortiz asked who bears responsibility for the trees in the ditch which are leaning toward his house due to exposed roots from the eroded soil. Council Presidents Santomauro stated that the Borough's legal counsel would look into the issue given the easement on the property and offered that the Borough would follow up with a response.

Marci Newnham – 417 Stephanie Drive

Ms. Newnham stated that the lower level of her townhouse flooded between August 11 and 12, 2018. She noted that mold and black spores have grown in her home and she has paid over \$20,000 for several visits for remediation. She added that the sewer imploded and she now gets water with each rain storm. She stated that she feels she is fighting for her life and safety and has not seen a response.

Mr. Zichelli asked from where the water was entering Ms. Newnham's home. She replied that a North Caldwell employee visited her home on August 12, 2018 that the sewer pipe was replaced and not repaired and that the pipe should have been enlarged rather than just repaired. She added that she did not know if subsequent water damage was related to the sewer issues from the August rainstorm. She noted that water was dripping from behind the partially removed wall of her laundry room.

Mr. Zichelli stated that he would look at the property which he believed was higher than drainage system so water cannot travel uphill. Ms. Newnham stated that she wants someone to look at the issue and tell her what is needed to correct the cause of the water. She stated that she was unsure if the original sewer issue was responsible for the water that is now entering her home in a different location. She added that there is water that is not draining properly. Ms. Newnham noted that the Morris County Joint Insurance Fund denied her tort claim before her damages claim was complete.

James Lipari – 835 Lindsley Heights

Mr. Lipari stated that he has been a resident of the same unit in Lindsley Heights for 33 years. He stated that although the recent storms have been significant, they have not been the worst he has seen. He explained that since the recent construction on Beachmont Terrace, rain water cascades down from Beachmont and over the wall behind his unit. He described the flow of the water flooding the back yards of the four units in his group, past the #700 units and down to the #1000 units. Mr. Lipari stated that the #900 units all had flooding in their basements.

Mr. Lipari stated that water is coming from property on which new construction is underway on Beachmont Terrace. Councilman Raymond was familiar with the property and noted that there was previously a home on the property that was torn down for the new construction. Mr. Lipari stated that there was not a home on the lot in question before this new construction. He stated that he believes the construction plans did not allow for proper drainage. He noted that water never came over the wall

behind his unit since he has lived there. He asked if the Beachmont property could be examined for changes.

Council President Santomauro stated that single family home construction that abides by the zoning ordinance gets approvals from the Construction official and does not need to seek approval from the Zoning or Planning Boards. She explained that the Mayor and Council does not have involvement in the permit issuance and does not grant permission for construction. Council President Santomauro stated that the Planning Board is a separate body over which the Mayor and Council does not have control by State statute.

Chief Deuer conjectured that the property in question was 41 Beachmont Terrace on which there was a home a few years ago but was recently vacant. Mr. Lipari agreed. Mr. Lipari asked if a spring or stream could be underground as the ground is usually wet.

Councilman Chiaia asked if this could be an issue for review by Soil Conservation. Mr. Zichelli agreed that a home this size should need permits for a soil conservation plan. Councilman Chiaia noted that the Planning Board may not be the appropriate forum for Mr. Lipari to seek help for this single home construction. He asked Mr. Zichelli to contact Soil Conservation for a review. Mr. Zichelli offered to examine the property himself to see if there might be a simple grading solution. He noted that an individual lot rebuild is not in the jurisdiction of the Planning Board, although he did not discourage the public from attending any meeting of any Borough board.

Michael Michura – 30 Brookside Terrace

Mr. Michura stated that he grew up in the Borough which he has seen triple in size. He asked if any of the boards or public bodies have researched where water is displaced to subsequent to construction and development. Mr. Zichelli stated that back in the 1960s, water was simply piped off site. He added that between the late 1980's and early 1990's, the State instituted stormwater management standards for land development. Mr. Zichelli noted that the Borough typically hires a consultant to review the stormwater plans submitted by developers.

Mr. Michura explained that water from the development behind him in Cedar Grove flows down into the brook behind his home and meets the brook that flows down Brookside Terrace. He asked if the Borough would contact Cedar Grove to investigate any recent changes that might be causing more flooding in the Brookside Terrace neighborhood. Mr. Zichelli noted that homes on Acorn Road also experienced unprecedented flooding that has not happened since Hurricane Floyd and added that changes upstream might be a factor as there has been nothing new in that drainage area within North Caldwell. He stated that he would perform a cursory inspection with the DPW foreman the next day.

Mr. Michura stated that water from Cedar Grove's Park Ridge Estates gets displaced and runs down the hill toward the Brookside Terrace neighborhood. He asked if the Pulte development fed the runoff to Brookside as well. Mr. Zichelli explained that the Pulte development does not run off in the direction of the Brookside Terrace neighborhood. Mr. Michura noted that his neighborhood has experienced excessive water for the past three years.

Mr. Scagnelli stated that development over the past 30 to 40 years is straining the current infrastructure and asked for a town-wide drainage study. Council President Santomauro stated that a drainage study is planned.

Roseann Becker – 938 Stephanie Drive

Ms. Becker stated that she had water in her basement in August and had three inches in her basement from the rain that day. She asked how water is flowing and stated that she wanted to reiterate flooding concerns as stated by others that evening.

Ray Franciose – 32 Brookside Terrace

Mr. Franciose stated that he is Mr. Michura's neighbor and that he is also concerned about water flow from Cedar Grove running into the brook behind his home. He added that the culvert pipes that neighbors have added which are preventing water from flowing naturally. He noted that neighbors have installed a culvert pipe that has diverted water flow sideways and not toward the creek. Mr. Franciose noted that the water is now accumulating in his yard and that the creek has not been enlarged or modified to handle the additional volume of water.

Mayor & Council Regular Meeting – September 25, 2018

Mr. Franciose stated that his property is not deemed a flood zone but that he has been flooded several times and does not have flood insurance coverage. He explained that he had three feet of water against the exterior of his home from the brook.

Mr. Franciose asked about the responsibility of easement areas which require constant maintenance with specialized equipment to remove the substantial material that accumulates in the brook and culvert entrances.

Paul Holland – 43 Ferndale Road

Mr. Holland stated that performing a drainage study not enough. He stated that uncontrolled development has created a change in the aquifer and an alteration in the flow of water. He added that the study must accommodate a tremendous safety margin. Mr. Holland noted that we must assume that neighboring towns will not make changes and that North Caldwell will have to accommodate effects of their overdevelopment.

Mr. Holland stated that the RFP process should be expedited as an urgent project. He added that all Borough boards and commissions should work together for the same goal. Mr. Scagnelli asked for a timeline for the drainage study. Mr. Zichelli stated that he would revisit the requested date for RFP submissions. He added that within the proposals would be each consultant's proposed timeline which will be one of the determining factors to consider for award of the project.

Mr. Scagnelli stated that remedial work discussed at the last Council meeting is an immediate short-term solution but that larger problems have to be addressed. Council President Santomauro stated that the Council voted in favor for a drainage study which they authorized to cover more than just the neighborhood affected by the Hilltop development. Mr. Zichelli noted that there are two RFPs, one for the Glenview area and another for other parts of town.

Lorraine Padalino – 4 Acorn Place

Ms. Padalino stated that she is a 40 year resident. She asked that the drainage study proposal be posted on the Borough website so that the residents can understand the scope and the areas of town that would be included. Mr. Zichelli stated that the RFP is currently available to anyone and that he would have it posted on the website. Ms. Padalino asked if other towns that potentially affect North Caldwell residents would be included in the study. Mr. Zichelli confirmed that other bordering areas would be encompassed in the study as well as Borough drainage systems and all contributing streams and pipes.

Ms. Padalino asked for a shorter window for RFP submission and asked who would review the proposals. Mr. Zichelli stated that he would look to shorten the timeframe and that he and the Council would review the proposals. Ms. Padalino asked that updates throughout the process and a timeline be posted on the Borough website. She asked if the town has the funds to perform the work. Mr. Mondelli stated that he was working with the Borough's Bond Counsel to prepare a bond ordinance to fund the project. Council President Santomauro clarified that the funds are not currently available in the municipal budget. Ms. Padalino asked how long it would be until the funds are available. Mr. Mondelli explained the introduction, adoption, and estoppel period. Mr. Zichelli stated that the bond ordinance would likely be on the October meeting agendas. He added that the RFP and bond ordinance processes would be concurrent. Council President Santomauro clarified that the RFPs are for the study and not for the improvements. Mr. Zichelli noted that the bond ordinance, if approved, should be sufficient to fund the study and possibly to repair some of the storm damage incurred by the Borough. Mr. Mondelli confirmed that additional funding for repairs might necessitate another bond ordinance.

Councilman Raymond stated that the RFPs are for the performance of a study for which a timeline is not yet known. He added that the study may result in recommendations for repairs, revisions, and improvements which may require additional funding and would have its own timeline. Councilman Raymond clarified that there is an unknown timeline and cost for completion of the drainage revisions. He noted that pushing timelines up too fast may affect the quality of the work performed by contractors. Mr. Zichelli roughly estimated a three to four month timeline for the study. He stated that we have asked for recommendations to alleviate the flooding and for an evaluation of permits required from the DEP as part of the study. He added that the recommendations will be prioritized and funded accordingly. Ms. Padalino stated that she would like the timeline, process and progress be shared with the public.

Marci Franciose – 32 Brookside Terrace

Ms. Franciose stated that she has been in contact with Mr. Zichelli regarding the water that flows onto her property from the culvert pipes on the property two houses up the hill from her on Brookside Terrace. Mr. Zichelli stated that the Borough inspected the culvert pipes and found them to be clear.

He added that he spoke with the owner of the property on which the culvert was installed who indicated he was not aware of the impact of the culvert on the neighbors. Mr. Zichelli stated that he suggested a change that could be made to divert water into the ditch. Mr. Zichelli stated that the property owner was willing to make the change and that the landscaper understood what was needed. Mr. Zichelli noted that if the property owner implements the culvert change, it should help alleviate flooding on the Franciose's property but may not eliminate flooding during heavy rains as seen in August and on the day of the meeting.

Ms. Franciose described the water that flows down Brookside Terrace jumps the curb and comes onto her property from the street. Mr. Zichelli stated that he plans to install extra inlets on Brookside Terrace and applied to the DOT for a grant to pave Brookside and raise the curbing at the driveways in 2019.

Richard Verde – 8 Hickory

Mr. Verde stated that government is not always the answer to problems. He asked who reviewed the plans for the two culverts on the property of the Francioses' neighbor on Brookside Terrace. Mr. Zichelli explained that in the rear yards of some of the Brookside Terrace properties near the Francioses is a small drainage ditch, for which the Borough has no easement and no responsibility. He added that a few residents expressed interest in placing a pipe in the open ditch. Mr. Zichelli noted that the property owners were required to hire an engineer to perform a study to prove that the pipe would be sufficiently sized. He added that the rain that day was unusual. Mr. Verde stated that he measured four inches of that rainwater that day which is difficult for the town to handle given the hills and topography.

Mr. Verde stated that the drainage study will take time and will raise taxes. Councilman Astorino clarified that the study will come at a cost but will not necessarily increase taxes. Mr. Verde asked the date of the next public meeting for residents to express their opinions. Councilman Raymond stated that all meetings are open to the public and are typically held on the second and fourth Tuesday of each month. Council President Santomauro explained that conference and regular meetings are both open to the public whether they are conducted in the conference room or the council chambers.

Mr. Verde stated that residents do not want to attend meetings at 7:30 at night and stay for over two hours. He added that broadcasting meetings on television would allow residents to view the meetings on Optimum or Verizon.

Mr. Verde stated that the property owners at the corner of Mountain Avenue and Wind Ridge also had flooding in their basement. He noted that government cannot answer to all drainage problems. He added that Sergeant Credico is a good candidate for the position of sergeant and that he is third youngest member of the police force.

Mr. Franciose readdressed the Council regarding the August rainstorm and the outcome of the visit to North Caldwell by FEMA, the State Office of Emergency Management and the Essex County Sheriff's Department. Mr. Zichelli stated that Mayor Alessi spoke with Governor Murphy's office but there are no updates yet. He explained that the process starts with the Local OEM contact who works with the State OEM for review by FEMA. Ms. Franciose stated that she heard that FEMA will not provide assistance to properties that sustain less than 40% damage. Mr. Franciose added that most residents may not be covered by their homeowner's insurance because they do not live in a flood zone. He stated that he had a rider for sump pump failure which covered the mold remediation.

Jen Cassabarta – Fairfield resident

Ms. Cassabarta stated that she is a resident of Fairfield and has no flood insurance. She added that she was able to receive FEMA assistance after Hurricane Irene under the stipulation that she would obtain flood insurance. She stated that she now pays for a minimum amount of flood insurance to allow for flood coverage in a non-flood zone.

Barbara & Ken Barth - 37 White Oak Drive

Ms. Barth stated that she attended meetings about the stream in her neighborhood approximately 15 years prior. She noted that the stream could not handle the increasing amount of water over time. She asked if Walker's Pond improvements would help alleviate water flow. Council President Santomauro stated that the pond would soon be dredged. Mr. Zichelli added that permits have been submitted to the DEP and that he planned to go out for bids this calendar year. He noted that the pond was evaluated by a consultant years ago as a detention basin but that the difference between the dam overflow and where the water sits was too minimal to be valuable. Mr. Zichelli stated that one acre of the pond would be dredged. He noted that the water issues that the Barths experience is not due to water backing up from the pond area but rather from water passing through the neighborhood from higher elevations. Mr. Barth stated that the only time water came over the street was during Hurricane

Floyd. Ms. Barth explained that their flooding concerns are not recent and asked the Council to consider their problems.

Kevin Ducey – 2 Acorn Place

Mr. Ducey he moved to North Caldwell in April 2015. He thanked Mr. Zichelli for visiting his property on the night of the August 11 flooding, for visiting again that day and for all of his efforts. Mr. Ducey explained that his flooding issues are not from the brook but rather from the flow of water rushing down Acorn Place. He stated that the afternoon of the August 11 rainstorm, water was high in the brook and eventually covered his garage doors and filled his basement with five feet of water. He stated that he has spent \$40,000 in repairs which does not account for the loss of personal items.

Mr. Ducey asked if the water is coming from the reservoir in Cedar Grove or from the pond on Lakeside Avenue. He stated the water rushed down his street, crossed his lawn and flowed over the wall where it met water from the other side of his property.

Mr. Barth asked if it was possible that Cedar Grove opened a flood pipe that would let water to flow down toward Acorn Place. He stated the volume of water seemed as though it built up and was suddenly released. Mr. Ducey stated that he had experienced this before as a resident of Westwood in Bergen County when the Woodcliff Lake Reservoir was not released in advance of a storm.

Mrs. Barth asked if Cedar Grove has been evaluated for contribution of water flow. Mr. Zichelli stated that it will be considered in the drainage study. Councilman Chiaia added that the residents' opinions and concerns helped shape the scope of the drainage study. Council President Santomauro stated that the Council members are all residents and have a vested interest in correcting the problems.

Mr. Ducey shared information about the flood insurance he obtained since his damages were not covered by his homeowner's insurance. He stated that he purchased a flood policy for \$500 per year with a \$1,250 non-negotiable deductible per floor of the house. He added that it covers only essentials in the basement level such as the furnace, water heater and other appliances as well as remediation and sheetrock replacement.

Councilman Chiaia stated that the Borough was able to secure sandbags for the Ferndale area during the August storm and asked if the Borough can do anything to fill stopgaps while awaiting results of the drainage study. Mr. Zichelli stated that ensuring the current systems are clean and functioning is the most important step. He encouraged residents to keep leaves and branches out of the storm drains which easily clog pipes.

Mr. Holland stated that the Borough did not supply sandbags but rather that the residents of Ferndale Road went to Fairfield to collect sandbags. Mr. Zichelli stated that some of the sandbags were supplied by the Borough to Glenview residents. Ms. Rosemary Holland stated that the efforts of the Borough were minimal.

Mr. Dan Gallagher – 36 Ferndale Road

Mr. Gallagher stated that the neighborhood and town work as a group to direct the water away from homes while waiting for the study results. Mr. Zichelli replied that Pulte had a crew out the day before doing that but advised that the residents not move dirt themselves. He suggested that the residents advise him of what they see so that he could advise Pulte.

Councilman Rees asked for clarification of detention basin 2 regarding the concrete wall as a backup in the event of a breach. Mr. Zichelli stated that the basin is a two-wall system where the actual detention basin has a reinforced concrete wall to hold the water plus a shorter diversion wall that would catch any failure in overflow and divert water away from homes and into the wetlands. Councilman Rees asked if the elevation plans or classification of the dam had changed from the Planning Board submission. Mr. Zichelli confirmed that neither was revised.

Mr. Scagnelli asked if detention basin 2 will discharge into the conservation wetlands and how it will be maintained. Councilman Rees stated that a study presented to the Planning Board showed how the water would disperse and raised no issues at the time. Mr. Gallagher stated that the issue was raised during the Planning Board hearings which led to the deliberate placement of water into the wetlands. He added that the study performed by the builder is wrong. Mr. Scagnelli noted that the temporary situation is worse than the permanent solution will be but that Pulte was wrong to dig a ditch leading into the wetlands.

Mr. Scagnelli stated that the underground transmission of water seems to be causing water to bubble up in residents' basements where there was never a water issue in the past. He suggested that it was caused by the blasting of the Hilltop mountain. Mr. Scagnelli stated that a remedy for underground water is difficult and identifying the source is complicated.

Mr. Holland asked that another berm be added to provide adequate outlet from wetlands that drain into the brook. Mr. Gallagher added that most of the drainage issues were raised prior to development to which assurances were made by the builder that all would be addressed. He suggested that development of the Walker's property be suspended until drainage issues are addressed. Mr. Gallagher asked for confirmation that the culvert was expected to handle drainage from the Hilltop with no issues. Mr. Zichelli stated that Najarian anticipated that the overall flow rate to the culvert would decrease after the installation of detention basin 2 but that they did note that it could overflow with rainfall over approximately five inches. Mr. Gallagher expressed his concern that past studies have been incorrect.

Approval of Minutes

Council President Santomauro moved to accept the minutes from the Conference and Regular Meeting and the Executive Session of August 14, 2018, seconded by Councilman Kessler. Councilman Astorino abstained. Said motion was passed unanimously with five votes and one abstention.

Committee Reports

Legal and Ordinance

Councilman Raymond had no report at this time.

Personnel/Administration

Resolution R-179-18 A Resolution Reappointing Tami Michelotti as Acting Borough Clerk was read. Councilman Rees thanked Ms. Michelotti for her service to the Borough over the past year. Motion was made by Councilman Rees, seconded by Councilman Astorino. Said motion was passed unanimously with six votes.

Finance

Councilman Astorino stated that Borough taxes had not increased in five of the last seven years. He added that expenses are cut where possible. He noted that upcoming costs such as the drainage study do not necessarily indicate a tax increase in the future.

Councilman Astorino made a motion to accept the Tax Collector's Report for August 2018, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Resolution R-180-18 A Resolution Approving the Payment of Bills was read. Motion was made by Councilman Astorino, seconded by Council President Kessler. Said motion was carried unanimously with six votes.

Public Safety

Resolution R-181-18 A Resolution Amending R-128-18 Approving the Volunteer Fire Department Certified LOSAP List for the Year 2017 was read by Councilman Chiaia. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Councilman Chiaia presented the North Caldwell Fire Department Public Safety Report for August 2018. He noted that Chief D'Ascensio reminds all residents to check the batteries in their smoke and carbon monoxide detectors quarterly. He encouraged owners of generators to direct exhaust away from homes and structures. Councilman Chiaia reported that there were 32 calls in August including one lightning strike, two pump outs from storms, 12 fire alarm malfunctions, five carbon monoxide alarms, a fuel spill and one monthly drill. Councilman Chiaia added that the Fire Department provided a spray down for the Summer Fun campers.

Councilman Chiaia presented the North Caldwell Police Department Public Safety and Detective Bureau Reports for August 2018. Councilman Chiaia read a letter of appreciation from the nephew of residents Tony and Nora Clark for the response by the Police Department in caring for his family and especially for the police escort by Captain Bill Texas for the funeral.

Councilman Chiaia stated that there were 767 calls to dispatch from North Caldwell residents with 44 moving violations issued and 170 of overtime of which 69.5 were for outside detail to be reimbursed by PSE&G

Public Works

Council President Santomauro offered the Construction Permit Activity Report for the month of August 2018. She noted that there were 45 permits issued.

Council President Santomauro offered the Animal Control Report for August 2018. She noted that the Borough Animal Control team was able to remove several animals during the month at a cost savings from hiring outside vendors.

Resolution R-182-18 A Resolution Authorizing the Award of Professional Services Contract Between the Borough of North Caldwell and Suburban Consulting Engineers, Inc. for the Detention Basin Inspection Services at The Reserves at North Caldwell was read. Mr. Zichelli added that Suburban will appoint a structural engineer to inspect detention basin 2 and take construction samples for testing. He noted that the services of Suburban will be paid for through funding from Pulte and will not be a Borough expense. 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 September/October 2018. He stated that fall recreation soccer games are underway with 229 participants, the Annual Soccerfest was held on September 15. The annual West Essex Cowboys pep rally was September 5 and had a great turnout. He noted several afterschool programs and adult tennis instruction. Councilman Kessler announced the resumption of Seniors luncheons, meetings and fitness classes.

Councilman Kessler thanked the North Caldwell Recreation Foundation for the RUN4NC 5K and 1 mile Color Run event held on September 8 that drew over 700 participants. He added that the day concluded with the Annual Town Picnic. Councilman Kessler noted some upcoming events including the Boy Scouts campouts, registration for basketball, the annual Halloween Party for 5th and 6th graders, a Food Drive for Toni's Kitchen in Montclair and a Toy Drive for Morristown Memorial Hospital.

Resolution R-183-18 A Resolution Authorizing the Hiring of Seasonal Employees for the 2018 Soccer Season – Referees was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with six votes.

Executive Session

Resolution R-177-18 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: B. Contract Negotiations - (1) Caldwell Sewer Utility; C. Litigation - (1) COAH Declaratory Judgment, (2) Pulte Homes; D. Anticipated Litigation – (1) 620 Mountain Avenue 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 10:44pm.

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 10:45pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Acting Borough Clerk