

Mayor and Council Regular Meeting – April 28, 2020

The Regular Meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, April 28, 2020. The meeting began at 7:30pm via teleconference due to the COVID-19 pandemic.

Mayor Alessi called the meeting to order announcing that notice was provided in accordance with the requirements of Chapter 231, P.L. 1975. He provided a statement regarding the conduct of the teleconference which would allow members of the public to participate and be heard during public comment.

Roll Call indicated the following:

Present: Mayor Alessi, Council President Santomauro, Councilman Chiaia, Councilman Astorino, Councilman Kessler, Councilman Rees and Councilman Tilton.

Also present were: Mr. David M. Paris, Esq., Acting Borough Attorney; Kevin O'Sullivan, Borough Administrator; Paul Ferriero, Borough Engineer; and Tami Michelotti, Borough Clerk.

Mayor Alessi asked Council President Santomauro to lead the Pledge of Allegiance.

Executive Session

Resolution R-74-2020 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: Contract Negotiations: (1) Pulte Extension Request was read. Motion was made by Council President Santomauro, seconded by Councilman Astorino. Said motion was passed unanimously with six votes.

The Governing Body returned to the public meeting at 8:05pm.

Mayor's Report

Mayor Alessi provided an update on the COVID-19 virus and its impact on North Caldwell residents and first responders.

Citizens to be Heard

Dan Gallagher – 36 Ferndale Road

Mr. Gallagher requested information on the proposed Green Brook Country Club development. Mr. O'Sullivan directed Mr. Gallagher to the introduced ordinance that was posted on the website. Mr. Paris referred to the settlement agreement with Green Brook Country Club that provided a foundation for the introduced overlay ordinance.

Mr. Gallagher requested an update on the Pulte Homes extension request. Mr. Paris explained a delay in finalizing the agreement due to construction limitations imposed by Governor Murphy's Executive Order 122. Mr. Gallagher expressed concern about standing water near a neighbor's home on Ferndale Road. Mr. O'Sullivan stated that the Borough reviewed the issue with Pulte and a remedy was planned for the Spring or early Summer.

Mr. Gallagher asked that water runoff from detention basin 2 and the Verona water tower be corrected. Mr. O'Sullivan offered to address the remainder of Mr. Gallagher's questions with Mr. Ferriero in a separate meeting.

Paul Scagnelli – 7 Stony Brook Road

Mr. Scagnelli requested that the extension agreement with Pulte Homes require Pulte to correct ongoing erosion in the wetlands. Mr. O'Sullivan stated that an extension approval not viewed as means to renegotiate items that are already Pulte's responsibility. He asked that the public have the opportunity to review the agreement before it is finalized. Mr. Paris stated that the negotiations were still ongoing and that a resolution would be considered at a public meeting and voted upon by the Governing Body at which time the agreement would be considered final.

Mr. Scagnelli stated his objection to the Green Brook Country Club overlay ordinance regarding the lack of enforcement power of the Planning Board and proposed retaining wall height. He asked for an update on the adjourned public hearing for the introduced ordinance. Mr. O'Sullivan stated that the Governing Body hoped to hold the public hearing in person as opposed to during a virtual meeting to allow for greater public accessibility to provide comments. He noted that the COAH courts have granted the Borough additional time.

John Zurlo – 19 Glenview Road

Mr. Zurlo asked if any further decisions were made regarding subdividing Walker's Property. Mayor Alessi confirmed that no action has been taken and noted that the Governing Body acknowledges the public's desire to not subdivide the property for development. Mr. Zurlo requested clarification of the Bond Ordinance scheduled for introduction later in the meeting. Mr. Ferriero explained the financing needed for dredging of the pond, the mitigation for disturbance of the riparian zone, and oversight by an LSRP.

Mr. Zurlo noted a delay in the work planned to redirect the flow of water at the top of Glenview Road. Mr. Ferriero stated that the pandemic has delayed construction projects and the availability of healthy workers to perform the projects. Mr. Zurlo asked if Soil Conservation had provided an update regarding the areas of erosion behind his home. Mr. O'Sullivan stated that they were behind schedule due to reduced manpower during the pandemic. Mr. Zurlo asked if the Borough had adopted a policy regarding responsibility for waterways on private and public property. Mr. O'Sullivan noted that the topic was on the agenda for discussion later in the meeting.

Mr. Zurlo noted that approximately six months have passed since the Borough began negotiations with Pulte for the extension request.

Anthony Rainone – 15 Aspen Drive

Mr. Rainone asked when the meeting agenda was updated to reflect the Executive Discussion regarding the Pulte Extension request. Ms. Michelotti stated that the agenda was revised and posted to the website the afternoon of the day before the meeting.

Sherri London – 108 Mountain Avenue

Ms. London requested clarification regarding the opportunity for public comment before action is taken by the Governing Body. Mr. Paris clarified that a public hearing will be held prior to the Green Brook zoning ordinance adoption, which would hopefully be held in person.

Anthony Floria-Callori – 4 Chestnut Hill Road

Mr. Floria-Callori noted that the Green Brook Country Club settlement agreement only provided for minimum stormwater management standard and suggested they be more stringent.

Mr. Floria-Callori asked about expenditures and allocation of funds for improvement on the Walker's property. Council President Santomauro stated that approximately \$200,000 remained in the initial Walker's Pond bond ordinance. She added the Open Space Tax would accumulate over time but the two sources of funds were not enough to pay for the required dredging. Council President Santomauro stated that proposed plans include walking paths, more plantings and incremental improvements. Mr. Floria-Callori asked if the dredging was approved by the NJDEP. Mr. Ferriero stated that the permit was expected soon.

Mr. O'Sullivan verified that all participants from the public had the opportunity to comment.

Chief Deuer joined the meeting at 8:50pm.

Approval of Minutes

Council President Santomauro moved to accept the minutes from the Budget Meeting and Executive Session held on March 2, 2020, seconded by Councilman Chiaia. Said motion was passed unanimously with six affirmative votes.

Council President Santomauro moved to accept the minutes from the Conference Meeting and Executive Session held on March 10, 2020, seconded by Councilman Chiaia. Councilman Kessler abstained. Said motion was passed unanimously with five affirmative votes and one abstention.

Council President Santomauro moved to accept the minutes from the Regular Meeting held on March 25, 2020, seconded by Councilman Chiaia. Said motion was passed unanimously with six affirmative votes.

Committee Reports
Legal and Ordinance

Council President Santomauro made a motion to introduce Bond Ordinance BO-1-2020 A Bond Ordinance Authorizing Various Road Improvements Appropriating \$942,230 Therefore and Authorizing the Issuance of \$932,368 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Councilman Astorino. Mr. O'Sullivan provided a description of the grants received from the NJDOT for the improvement of Brookside Terrace, Deer Trail Road and Robin Hill Road. Council President stated that the public hearing was scheduled for May 26, 2020. Said motion was carried unanimously with six votes.

Council President Santomauro made a motion to introduce Bond Ordinance BO-2-2020 A Bond Ordinance Authorizing Improvements to Walker's Pond Appropriating \$2,126,000 Therefore and Authorizing the Issuance of \$2,019,700 Bonds or Notes to Finance Part of the Cost Thereof, seconded by Councilman Astorino. Council President Santomauro noted that the funding would be used for dredging and other improvements to the Walker's property including plantings, a walking path and mitigation. Councilman Chiaia added that the Borough has the option of foregoing any unspent funding from the Bond Ordinance if not needed. Council President stated that the public hearing was scheduled for May 26, 2020. Said motion was carried unanimously with six votes.

Personnel and Administration

Councilman Tilton stated that Resolution R-63-2020 A Resolution Appointing a Borough Attorney would be tabled to allow additional time to prepare the professional services contract.

Resolution R-64-2020 A Resolution Authorizing an Addendum to the Employment Contract of Police Chief was read. Motion was made by Councilman Tilton, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

Finance

Councilman Astorino made a motion to accept the Tax Collector's Report for March 2020, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-65-2020 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-66-2020 A Resolution Cancelling Grant Fund Balances was read. Motion was made by Councilman Astorino, seconded by Councilman Rees. Said motion was carried unanimously with six votes.

Resolution R-67-2020 A Resolution Amending the 2020 Temporary Budget was read. Councilman Astorino noted that the amendment includes \$150,000 for the Capital Improvement Fund. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-68-2020 Introduction of the 2020 Municipal Budget was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with six votes. Councilman Astorino stated that the public hearing was scheduled for May 26, 2020.

Resolution R-69-2020 A Resolution Authorizing the Deferral of Local District School Tax was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-70-2020 A Resolution Authorizing the Deferral of Regional District School Taxes was read. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Resolution R-71-2020 A Resolution for Self-Examination of Budget was read. Councilman Astorino stated that the Borough's good standing allows for the Chief Financial Officer to perform a self-examination of the budget. Mayor Alessi thanked CFO Rich Mondelli and Finance Committee Chair Councilman Astorino for their efforts in keeping the Borough fiscally stable. Motion was made by Councilman Astorino, seconded by Council President Santomauro. Said motion was carried unanimously with six votes.

Public Safety

Councilman Chiaia presented the Police Department Public Safety Report for March 2020. He noted the decrease in calls to Dispatch and issuance of traffic violations during the pandemic stay-at-home order. He reminded the public of the confidential services to victims of domestic violence during the quarantine. Chief Deuer added that the call volume decreased but the severity of the calls has increased during the quarantine. He commended his staff for their efforts and safety measures implemented to keep the department's risk low.

Resolution R-72-2020 A Resolution Approving Application to NJ State Firemen's Association for Volunteer Firefighter John Collito was read. Motion was made by Councilman Chiaia, seconded by Councilman Kessler. Said motion was carried unanimously with six votes.

Public Works

Councilman Rees presented the Construction Permit Activity Report for March 2020. He noted a decrease in permit issuance due to the quarantine and orders prohibiting non-essential construction.

Resolution R-57-2020 A Resolution Authorizing the Execution of an Agreement by and Between the Borough of North Caldwell and Pulte Homes of N.J. Limited Partnership was tabled.

Recreation

Councilman Kessler delivered the Recreation Director's Report for March/April 2020. He announced that Borough fields remain closed and that Spring and Summer recreation programs remain suspended as per orders from Governor Murphy and public health officials. He summarized the status of events and programs in neighboring municipalities. Councilman Kessler noted the uncertainty of North Caldwell's ability to proceed with events and programs given the current environment. He stated that baseball/softball, spring track and field, women's softball, soccer, West Essex Cowboys football, Summer Fun Camp and town pool memberships could all be impacted. He offered potential solutions to the execution of Summer Camp and pool membership. He assured that contingency plans were being considered and that information would be dispersed as soon as updates became available. Councilman Kessler assured the public that refunds or credits would be offered for cancelled programs.


Councilman Kessler thanked the North Caldwell Baseball and Softball Association for their donation of expanded "on deck" areas at each of the four dugouts at Liberty Field. He encouraged participation in the virtual arts and crafts and fitness programs offered at no cost through the Recreation Department.

Resolution R-73-2020 A Resolution Authorizing the Hiring of Additional Part-Time Seasonal Employees – Recreation Program Instructors was read. Motion was made by Councilman Kessler, seconded by Councilman Chiaia. Said motion was carried unanimously with six votes.

The Governing Body returned to Executive Session at 9:36 to continue Contract Negotiation discussion regarding Drainage Improvements.

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 10:37pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Borough Clerk