

Mayor and Council Conference Meeting – May 14, 2019

The Conference meeting of the Mayor and Council of the Borough of North Caldwell was held on Tuesday, May 14, 2019 at the Borough Hall, Gould Avenue, North Caldwell, New Jersey and began at 7:30pm.

Mayor 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: Mayor Alessi, Councilman Astorino, Councilman Kessler, Councilman Raymond, and Councilman Rees.

Absent: Councilman Chiaia.

Also present were: Mr. David M. Paris, Esq., Borough Attorney; Kevin O'Sullivan, Borough Administrator; Mark Deuer, Police Chief; and Tami Michelotti, Borough Clerk.

Council President Santomauro joined the meeting in progress.

Mayor Alessi asked the fifth grade students from Gould School who were present to lead the Pledge of Allegiance.

Citizens to be Heard

Presentation of Donation to North Caldwell Volunteer Fire Department

Councilman Raymond introduced four fifth graders of Gould School who raised \$515.00 for the North Caldwell Volunteer Fire Department. He explained that his daughter attended a meeting at the fire station with him recently which raised the girls' interest in helping the Fire Department secure needed supplies. He noted that the girls raised funds by selling magnets at Gould School. The girls presented a check to Fire Chief John D'Ascensio. Councilman Raymond announced that additional magnets would be offered for sale at the Town Picnic.

Chief D'Ascensio thanked the students for their interest and fundraising efforts and welcomed the students to join the Fire Department as Junior Firefighters once they are 16 years old.

Mark Schwartz, 57 Beachmont Terrace

Mr. Schwartz, a resident of his current address for 22 years, stated that he objects to the placement of a stop sign on his front lawn that was authorized by the Borough for installation earlier in the year. He added that he has not noticed any issues with speed but noted that he is typically not home during the daytime hours, including at school dismissal times. He acknowledged that his neighbors have complained about speeding on Beachmont Terrace and asked if any speed studies had been conducted. Mr. Schwartz noted that he believes the speeding issue is further down Beachmont Terrace and indicated that the stop sign near his home would not stop the problem.

Mr. Schwartz stated that he asked Lee Klein, a traffic engineer, to review the stop sign placement in light of the issue. He added that Mr. Klein recommended that engineering data be gathered as part of a traffic study as stop signs are typically not an appropriate remedy for speed control.

Chief Deuer stated that he attempted to use the Borough's speed sensor machine but that it was found to be in need of costly repairs. He added that other measures for speed control, such as speed bumps, are typically not desirable for residents due to the sounds they create from cars passing over them. Chief Deuer offered to try to get the speed machine repaired or find a replacement or a loaner to study and track speeding.

Council President Santomauro joined the meeting at 7:37pm.

Councilman Rees inquired about the Borough's potential liability of not installing the stop sign since an ordinance was adopted to install the multi-way signage at the corner of Beachmont Terrace and Hamilton Drive East. Mr. Paris stated that the ordinance was an authorization and that action is not required as the Governing Body can make judgements as to what is necessary. He added that if no imminent traffic hazard is apparent, the Council can exercise its right to gather more information. Chief Deuer agreed that few accidents have occurred in that area and none have occurred at that particular intersection.

Paul Scagnelli – 7 Stony Brook Drive

Mr. Scagnelli asked for the status of the town-wide drainage study. Mr. O'Sullivan stated that he met with Suburban Consulting who was hired to perform the study. Suburban indicated that they have more

Mayor and Council Conference Meeting – May 14, 2019

field work to conduct but approximately 50-60% of the research is done. Mr. O'Sullivan stated that televising the interior of sewers would occur in the next one to two weeks and that a report should follow in four to six weeks.

Mr. Scagnelli asked for the status of the drainage report of the Glenview Road culvert. Council President Santomauro confirmed that it was made public and that it could be released by submitting an OPRA request for the document.

Mr. Scagnelli asked for the date on which Pulte or their subcontractors began construction, noting that Pulte should have notified the Borough of the commencement date for construction. Mr. Paris recalled former Borough Administrator, Frank Zichelli, addressing the question at a prior Council meeting and that the notification was made but that notifications were mostly verbal and not in writing. Mr. O'Sullivan offered to check the records.

Mr. Scagnelli asked for engineering reports from Pulte and from the Borough regarding the cracks in detention basin 2. Mr. O'Sullivan stated that Municipal Engineering Consultant Paul Ferriero completed the fieldwork for his assessment for which we should have a report within the next two weeks. He added that the assessment would be funded by the developer's escrow. He added that a report from Pulte's engineer had not yet been received.

Mr. Scagnelli asked for the anticipated completion date of the stone facing on detention basin 2. Mr. O'Sullivan stated that a date had not yet been provided as the work on the low flow channel had not yet been completed which is a necessary step before the facing could be installed.

Mr. Scagnelli stated that Planning Board resolutions from June 20, 2016 and March 20, 2017 were referenced in the Developer's Agreement. He noted that the resolution from June 20, 2016 included a provision that the Applicant shall complete dam completion and classification with the NJDEP prior to signing the final subdivision plat for Section 2 of the development. Council President Santomauro offered that Mr. O'Sullivan would look into it and respond accordingly.

Mr. Scagnelli referenced a requirement of the NJDEP that the detention basins be classified and asked for verification of the classifications. Mr. O'Sullivan offered to verify the issue with the municipal engineer and offered to set up a meeting to discuss it further with Mr. Scagnelli. Mr. Scagnelli asked the Governing Body to define "a drainage condition", "stormwater" and "groundwater" as found in the Developer's Agreement. Mr. Paris noted that definitions should be provided in the context of the document which he did not have on hand at the meeting.

Mr. Scagnelli asked if the recently approved settlement agreement between the Borough and Pulte Homes modified the Developer's Agreement. Council President Santomauro confirmed that the Developer's Agreement remains in full effect. Mr. Paris added that the only revision is the addition of responsibilities and remedies required of Pulte

Mr. Scagnelli asked the Council to ensure that Pulte Homes acts in accordance with the Developer's Agreement. He noted that the two main problems are that detention basin 2 is still not functioning and that water was being pumped directly in to the wetlands. Mr. Paris reminded the public that the settlement agreement offers the mechanism for residents to enter into arbitration to have Pulte adjudicate claims.

Daria DeMartino – 58 Ferndale Road

Ms. DeMartino stated that water flow onto her property has become worse. She noted that she chose not to participate in arbitration with Pulte Homes.

Mayor Alessi suggested that more productive dialogue may result in dedicated meetings between the residents and Borough professionals to discuss the effects of the Hilltop construction.

Paul Holland – 43 Ferndale Road

Mr. Holland asked if the Borough has an engineering study conducted by Najarian for Pulte Homes that was presented to the Planning Board. Mayor Alessi offered to retrieve the study and share it with Mr. Holland.

Mr. Holland expressed concern that residents are being asked to solve their underground water flow problems independently and asked that the Borough act on the residents' behalf by enforcing the Developer's Agreement. He stated that groundwater must be addressed universally and that individual arbitration will not be effective.

Sherry London – 108 Mountain Avenue

Ms. London stated that her yard continues to be filled with water which leads up to her garage doors. She stated concern that arbitration will not be effective as her prior encounters with Pulte representatives has not been productive. She added that Mr. Mullin of Pulte Homes claimed that the source of water on Ms. London's property is from her neighbor's drainage. She asked that a groundwater study be done by the Borough as it should not be the responsibility of each resident.

Ms. DeMartino added that nine separate engineers from Pulte Homes have visited her property and have no solution to her water issues.

Councilman Rees stated that water runs out from underneath driveways at the top of Ferndale Road. He requested that a site manager be present to manage the construction on behalf of the Borough to be funded from Pulte's escrow. Councilman Rees suggested that Pulte Homes be put on notice to address the underground water and have an engineering firm complete a study to evaluate it.

Mr. O'Sullivan itemized the immediate action items that he would submit to Pulte including: soil stabilization and hydro seeding the hill, completion of detention basin 2, construction of the swale, implementation of the Borough's suggested design revisions to capture groundwater and surface water in the berm and swale.

Dan Gallagher – 36 Ferndale Road

Mr. Gallagher noted that water issues were encountered from the Hilltop construction going back to January of 2018 and not just since the August 11, 2018 rain storm.

Ms. DeMartino added that Mr. Rossi had visited her property three weeks prior to view the several inches of water in her garage, water leaking down her basement walls and the bubbling of water up from her patio. She added the Mr. Rossi was not sure if the swale and berm would serve the intended purpose well. She stated that Pulte representatives have not denied the presence of the water but have not identified its source.

Don Wohlgemuth – 26 Ferndale Road

Mr. Wohlgemuth stated that his property suffers from significant groundwater. He noted that Pulte representatives have not visited his property.

Don Theobald – 54 Ferndale Road

Mr. Theobald noted that water percolates up from the ground at 56 Ferndale Road and suggested that a drain be installed in front of each home on Ferndale Road to lead to the Glenview Road basin similar to a drainage project installed in 1994.

Hearing no further citizens present, Mayor Alessi called for a brief recess at 9:00pm.

Items for Discussion

Borough Tax Assessment Revaluation, Tax Maps Updates

George Librizzi, Borough Tax Assessor, explained that the Essex County Tax Board ordered a revaluation for the Borough to be effective in 2021. He referenced a quote received for updating of the Borough tax maps which would result in online maps and the ability to make revisions easily as may be needed for subdivisions. Mr. Librizzi outlined the next steps for the revaluation project including advertising for Requests for Proposals for Revaluation services. He suggested that Mark Hendricks, Tax Assessment Consultant, perform the review of Green Brook Country Club as his expertise in the area is required. He noted the uniqueness of commercial property revaluations.

Mr. Librizzi estimated the tax map updates to cost \$8,600 and \$176,000 for the revaluation project. He added that the last revaluation cost \$340,000 in 2008 and suggested that the project be funded through a special emergency appropriation to be spread over five years. He added that each home at The Reserve would be assessed.

Mr. Paris agreed to review the RFP for revaluation services prior to advertisement. Mr. Mondelli would begin work on the emergency appropriation for consideration at the next Council meeting.

Municipal Pool Concession Stand

Bill Maranz, Recreation Director, thanked the Council members for their help and participation at Opening Day of Recreation Baseball and Softball.

Mr. Maranz stated that no viable parties had expressed interest in operating the pool concession stand and, as a result, the stand may not be open for the Memorial Day weekend opening of the pool. The Council discussed the option of vending machines or employing workers to sell limited snacks and drinks.

Recreation Department Temporary Employee(s): Office

Mr. Maranz announced that Samantha O’Neill, Recreation Program Director, would be starting maternity leave during the summer. He asked for temporary, part-time employees to be hired to help as a Summer Fun Camp liaison and in the Recreation Office during the hours when the office would otherwise be empty. He noted that both positions could be funded from the Summer Fun budget.

Liberty Park Site Management

Mr. Maranz asked the Council to consider employing part-time, seasonal employees to fulfill a Site Supervisor role for Liberty Park. He noted the need to provide security, ensure proper use of the fields, trash collection, verify permitted users and facilitate assembly and storage of removable equipment such as pitching mounds and goals.

Mr. Maranz suggested establishing a field rental policy that could be applied to Liberty Park, Firemen’s Field, Magnusson Field and Mountain Avenue Field. The fees would help to fund the Site Supervisor as well as field maintenance and overhead costs. He suggested a per player fee in addition to a field rental fee. Mr. Maranz also offered the option of dividing the turf field into quadrants for practices for smaller and younger teams.

The Council suggested that proposals be developed and reviewed with the Recreation Committee for presentation to the Council. Mayor Alessi noted that resident teams should have priority over out-of-town teams/events.

Liberty Park Fence/Gates

Mr. Maranz addressed the security gate system that would be installed at Liberty Park. He noted that the sliding gates would be motorized to relieve the Police Department of the burden of locking and unlocking the gates each day. He added that security cameras were planned for installation as well.

Mr. Maranz raised concern for the sloped walking path from the parking lot near the gazebo down to the turf field. He requested a railing for the sloped portion of the walkway and offered the option of repurposing railings from the snack bar area that would be soon removed. Councilman Rees noted the need for railings to ensure ADA compliance where the slope exceeds a 5% grade. He asked Mr. O’Sullivan to verify the slope and plans drafted by Suburban Consulting.

Mr. Maranz asked the Council to consider the addition of on-deck “circles” for batters. He noted the limited space outside of the dugouts for the on-deck areas and stated concern that the walking path not be compromised. The Council asked for the minimum requirements and standards for on-deck areas. Councilman Raymond suggested installing on-deck circles on the turf beyond the bleachers at Liberty Field 2.

Mr. Maranz noted the need for a storage facility for turf-related equipment. Options included the construction of a large shed at the turf field entrance near the pool parking area, the conversion of a portion of the gazebo near the snack bar into a closed shed, or the installation of a shed near Liberty Field 1. The Council approved the removal of the small storage shed near the DPW salt dome if the space was needed for the construction of a larger storage area. Further plans were tabled at this time.

Mr. Maranz noted the wear and tear on the parking lot near Firemen’s Field as a result of the contractor’s equipment and trucks from the installation of the turf field. Mr. O’Sullivan stated he would research if pre-construction photos of the parking lot were documented to memorialize the conditions.

Good Will

Gun Violence – Mayor Alessi announced that Emily Goldberg of Moms Demand Action would be present at the June 25, 2019 meeting to receive a proclamation honoring Gun Violence Awareness month. A similar proclamation was issued in 2017 by the Borough Council.

Mayor and Council Conference Meeting – May 14, 2019

Memorial Day Parade – Mayor Alessi stated that the parade’s Grand Marshal is North Caldwell resident Gerard Sorrell.

The Bridge – Councilman Astorino asked the Mayor and Council for their support of a grant for senior citizens through The Bridge. The Council agreed to issue a letter of support.

Senior Swim

Mayor Alessi noted that senior citizens have the opportunity of swimming at the municipal pool free of charge on Wednesdays. He suggested that a substitute day of the week be offered if it rains on a Wednesday. The Council agreed to the offering but only when the pool officially closes on Wednesday.

Pulte Homes Development

Mr. Paris referenced an email from a resident of “The Reserve” indicating that the home he purchased from Pulte Homes has several faults in the construction. The resident indicated that some of the items may not have been inspected by the Borough properly. The Council did not have enough detail of the issues and asked that more detailed descriptions be gathered before a determination could be made regarding the inspection process.

Master Plan

Mayor Alessi stated that the Planning Board showed interest in redeveloping Elm Street. Mr. O’Sullivan stated that proposals and quotes from municipal planners are needed first. The Council noted that a portion of the street is in Caldwell and that planning should involve the neighboring municipality.

NJDEP Water Quality and Accountability Act – Asset Management Plan

Mr. O’Sullivan reviewed a recent NJDEP mandate that municipalities develop and maintain an asset management plan to certify that the Borough’s water system meets State requirements. He stated the Borough will need to hire a consultant to develop a plan to comply with the DEP regulation. He noted that the unofficial deadline was April 2019 but that no fines or violations had been issued to date. Mr. O’Sullivan offered an approximate cost of \$22,000 for the plan development. The Council agreed that a resolution be prepared for the next meeting.

Morris County JIF: 2020 General Liability and Comprehensive Limits

Mr. O’Sullivan stated that IMAC Insurance consultants recommended that the Borough increase current limits for liability as per the JIF. The increase to \$20 million would cost an additional \$1,778 and the participation in the \$10 million aggregate pool would cost an additional \$1,200. The Council approved both increases.

Walker’s Pond: Dredging Permit Recordings

Mr. O’Sullivan stated that he spoke with Angelo Cifelli, Esq. regarding the letter of interpretation from the NJDEP. He noted that the letter must be filed with Essex County before the dredging permits could be issued. He added that Mr. Cifelli was working on the deed, specifically the meets and bounds descriptions, with Dykstra Walker. The Council expressed the need to move forward as soon as possible on this project.

Mr. O’Sullivan suggested that the sale of the five lot subdivision could be bid simultaneously for both unimproved lots and improved lots. Councilman Raymond recommended waiting to sell the lots until the dredging was complete to better evaluate the property for future use. He suggested the construction of a walking path around the property.

The Council considered maintaining the five sub-dividable acres as open or recreational space. Mr. O’Sullivan stated that the carrying cost of the property is approximately \$50,000 to \$60,000 with bond rates increasing. The increasing drainage issues in town were discussed as reason to wait on further development. It was noted that Green Acres funding is still possible but that the Borough needs to apply for an extension from the State to accept or deny the funding.

The Council considered the income that could be generated from the sale of the five lots vs. the carrying costs and lost property tax income. Mayor Alessi noted that the purchase of the Walker property was originally planned to be paid for with the sale of the lots. It was determined that concerns regarding drainage from further development be considered before moving forward on bidding the lots. Council President Santomauro suggested that a buffer zone or conservation easement be established if the lots were developed to prevent trees and vegetation from being removed.

Ordinance Review: Public Utility Road Work, Borough Field Use Permits, Park Hours

The review of current ordinances was tabled to a later meeting.

Beachmont Terrace Multi-Way Stop

Based on discussion held during Citizens to be Heard, this topic was determined to be already addressed.

Seasonal Part-Time Pool Staffing: Swim Team Coaches

Councilman Kessler presented potential contracts for the Head Coach and Assistant Coach for the 2019 Pool season swim team coaches for further consideration by resolution at the next Regular meeting of the Mayor and Council.

Seasonal Part-Time Summer Fun Staffing: Counselors/Instructors

Councilman Kessler presented candidates for the counselors and instructors for the 2019 Summer Fun Camp for further consider by resolution at the next Regular meeting of the Mayor and Council.

Lifeguard Recertification Compensation

Councilman Kessler reviewed the recommendation of the Recreation Committee to compensate lifeguards for their re-certification expenses that are required every two years to maintain their eligibility as lifeguards. He stated that the reimbursement of the expenses was discussed in 2018 based on recertification expenses incurred in 2017 by two returning lifeguards. Councilman Kessler noted the desire to compensate the two lifeguards for the 2017 recertification expenses as well as other returning lifeguards employed by the Borough.

Ms. Michelotti noted that a resolution had not been prepared for the reimbursement and offered that a resolution could be prepared for consideration at the next Council meeting. She added that CFO Rich Mondelli would be required to add the 2017 reimbursement to the following year's budget as a line item for paying expenses from prior years.

Action to be Taken

Resolution R-111-19 A Resolution Approving the Payment of Bills was read. Motion was made by Councilman Astorino and seconded by Councilman Rees. Said motion was passed unanimously with five votes.

Executive Session

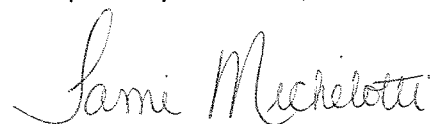
Council President Santomauro read Resolution R-112-19 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: A. Potential Litigation – (1) Municipal Pool, (2) Liberty Field, (3) GRC Filing; B. Contract Negotiations – (1) RPM-COAH, (2) 620 Mountain Avenue; C. Anticipated Contract Negotiations – (1) Walker's Property, (2) Verona Municipal Court; D. Personnel – (1) DPW, (2) NCPD. Motion was made by Council President Santomauro, seconded by Councilman Raymond. Said motion was passed unanimously with five votes.

The meeting was re-opened to Public at 11:32pm.

Adjournment

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 Kessler, that this meeting be adjourned at 11:32pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Borough Clerk