

Mayor and Council Conference Meeting – September 12, 2018

The Conference Meeting of the Mayor and Council of the Borough of North Caldwell was held on Wednesday, September 12, 2018 at the Borough Hall, Gould Avenue and began at 7:32pm.

Roll Call indicated the following present:

Mayor Alessi

Council Members: Council President Santomauro, Councilman Chiaia, Councilman Kessler, Councilman Raymond, Councilman Rees

Absent: Councilman Astorino

Also, present were David M. Paris, Borough Attorney; Frank Zichelli, Borough Engineer; Mark Deuer, Police Chief; Rich Mondelli, Borough Chief Financial Officer; Tami Michelotti, Acting Borough Clerk; and Diana Ruthman, Administrative Assistant.

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

Mayor Alessi asked Borough residents Mr. and Mrs. Monaco to lead those present in the salute to the American flag.

Citizens to be Heard

Mr. Paul Scagnelli - 7 Stoney Brook Drive

Mr. Scagnelli stated that he is a registered, professional civil engineer licensed in New Jersey. He noted that he had previously addressed the Governing Body at the August 14, 2018 Council meeting with regard to flooding conditions from the August 11, 2018 rain storm. Mr. Scagnelli indicated that he was present to represent residents of Ferndale Road, Glenview Road and Mountain Avenue regarding overland and underground water flow emanating from the Hilltop development. He stated that damage from the storm has not yet been rectified.

Mr. Scagnelli asked the residents present to stand before the council and introduced them as:

Doyle – 31 Glenview Road

DeCaito – 29 Glenview Road

Bolan – 27 Glenview Road

Bonnet – 25 Glenview Road

Zurawiecki – 23 Glenview Road

Geftic – 21 Glenview Road

Zurlo – 19 Glenview Road

Cannistraci – 17 Glenview Road

Michaelson – 15 Glenview Road

and others further down Glenview Road toward Mountain Avenue.

Gallo – 60 Ferndale Avenue

DeMartino – 58 Ferndale Avenue

Gencarelli – 56 Ferndale Avenue

Theobald – 54 Ferndale Avenue

Mellilo – 52 Ferndale Avenue

Berman – 50 Ferndale Avenue

Wood – 48 Ferndale Avenue

Dontas – 46 Ferndale Avenue

Kuta – 44 Ferndale Avenue

Albu – 40 Ferndale Avenue

Collito – 37 Ferndale Avenue

Gallagher – 36 Ferndale Avenue

McVey – 34 Ferndale Avenue

McCann – 32 Ferndale Avenue

Matarazzo – 30 Ferndale Avenue

Blakely – 28 Ferndale Avenue

Wohlgemuth – 26 Ferndale Avenue

Dwyer – 24 Ferndale Avenue

DeFranco – 22 Ferndale Avenue

Foti - 18 Ferndale Avenue

and others from the west side of Ferndale Avenue.

Bolat – 104 Mountain Avenue

London – 108 Mountain Avenue

Pisani/Brae – 64 Mountain Avenue

Leon - corner of Mountain Avenue and Glenview Road

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Mr. Scagnelli stated that each of the above-referenced residents incurred damaged from both overland and underground flooding from the Hilltop development under construction by Pulte Homes. He added that very little has been done in the way of corrective measures to residents' properties to date. He added that the water conditions did not exist prior to development on the Hilltop and underground flows have not abated sufficiently. Mr. Scagnelli stated that Pulte's attempts at remedying the situation have been limited and unacceptable. He noted that each resident will supply the Council with lists of their damages.

Mr. Scagnelli stated that Pulte has been permitted to resume construction while the affected residents have no solutions to the water flow issues. He asked the Council that the Borough act on the residents' behalf. He added that an inspection was performed that day with Mr. Zerbo from Soil Conservation and Mr. Zichelli present.

Mr. Scagnelli presented a three-phase approach 3 phase approach:

Phase I – Mr. Scagnelli requested three immediate action items be addressed as described in an email sent to each Council member earlier that week:

1. Embankment slope on the west side of detention basin #2

Mr. Scagnelli stated that 31 Glenview Road and other properties further west including lots 29 through 17 were affected by the overland flows from the rain event. He stated that some of these properties continue to display ongoing damage due to the overland and uncontrolled flows from the raised embankment and uncompleted detention basin #2. He added that the Soil Conservation Service (SCS) has mandated the advancement of the construction of Detention Basin #2 and the restoration of a portion of the wetlands previously eroded from that storm. He suggested that a one foot-high berm be constructed along with a one-foot deep swale along the property line at 31 Glenview Road within the Hilltop subdivision. He stated that this would direct runoff to the north and into the existing wetlands where the supposed restoration has been completed similar to what the Najarian designer originally intended with Detention Basin #2.

2. Embankment slope on west side of future lots 15 thru 12

Mr. Scagnelli explained that overland flows downward from the existing embankment slope westward and into the existing properties at Block 201, Lots 5 thru 1 along Ferndale Road (62 thru 54 Ferndale Road) and then southward down Ferndale Road. He stated that SCS indicated that this is the Borough's responsibility. Mr. Scagnelli suggested that this be addressed by forming a berm and swale within the Hilltop Subdivision and, as suggested by Mr. Zichelli, directing it to the existing inlet (identified to be converted to a Type C inlet on the approved Najarian plans) located on the southeast corner of the limit of Glenview Road.

3. Embankment slope on west and south side of detention basin #3 and behind future lots 4, 5

Mr. Scagnelli explained that overland flows from the existing embankment heading west and south have impacted the existing properties at Block Lots 9 thru 4 along Ferndale Road. He added that it appears that there previously existed a berm and swale but was at least partially eroded due to the amount and force of the recent water flows from the embankment slope for Detention Basin #3. He suggested that this berm and swale be re-established to prevent uncontrolled overland flows from leaving the limits of the Hilltop Subdivision and into residents' backyards.

Mr. Scagnelli requested the remedies be performed immediately citing the upcoming hurricane season He added that the creation of the berms and swales is of insignificant effort compared to the detriments of additional overland flows. He added that the work could be accomplished in two days.

Phase II - Mr. Scagnelli requested that the capacity of existing drainage structures that convey overland water flows off-site be examined as well as the comparison of the culvert under the extension of Arbor Road vs. that under Glenview Road. He stated that the Arbor Road culvert built by K. Hovnanian is a metal structure measuring 120' x 55" while the culvert under Glenview road has an inlet with a 36" diameter concrete pipe. He added that the Glenview culvert needs to transport more water from the wetlands behind Hill Street and is undersized causing overflows of the stream bank. Mr. Scagnelli added that stream banks also need to be cleared of obstructions.

Phase III – Mr. Scagnelli first recommended obtaining a guarantee from Pulte Homes, backed by the Borough, to address damage to residents' properties and provide restitution to be paid by Pulte within 30 days. He also suggested there be a plan to address increased underground seepage into residents'

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structures to return them to the state prior to construction. He noted that water is infiltrating up from the basement floors and through walls. Mr. Scagnelli added that a bond be provided should similar events occur in future to be called upon by the town to compensate the residents and its staff.

Mr. Scagnelli presented maps to depict detention basin #2, slopes without vegetation, and the future placement of a wall. Mr. Scagnelli continued that the plans approved by the Planning Board do not match the current conditions and that current conditions, although temporary, are worse than the future plans.

Mr. Scagnelli exhibited the area where a one-foot deep swale and an adjacent one-foot high berm are immediately needed near the Doyle residence. He showed the unprotected slope at the northeast corner of Ferndale Road for which he suggested that the slope feed into an existing manhole converted to an inlet to receive water. Mr. Scagnelli suggested that the slope be regraded as the swale and berm were eroded as they were inadequate to handle the water flow.

Mr. Scagnelli showed photos of the Arbor Road and Glenview Road culverts. He stated that water from basins 1 and 2 travel through the Glenview pipe and culvert. Mr. Holland, 34 Ferndale Road, stated that the culvert is the chokepoint as the pipe is four feet below grade and has a three foot diameter.

Mr. Scagnelli stated that Pulte entered the wetlands area behind the Doyle property to cut a trench. He noted that water needs to be directed further away from the Doyle property. Mr. Holland stated that the incomplete excavation of detention basin 2 and temporary cut caused a funnel-effect for water to flow behind the Glenview Road properties and add to the flow of the brook. He added that there has been no repair or remediation by Pulte to this area yet.

Mr. Scagnelli added that Pulte representatives enter the residents' properties with no advance notice or permission. He noted that the residents do not want remediation activity or construction to stop, but they want it conducted in the correct manner. He summarized that his suggestions can be completed quickly and inexpensively.

Mr. Scagnelli and Mr. Holland stated that he has listened to audio tapes of Planning Board meetings at which K. Hovnanian engineers testified that the Glenview brook and culvert would see less water flow than in the past.

Mr. Zichelli stated that he received Ms. Waitte's email on Sunday evening which itemized the immediate requests and shared it with Pulte on Monday morning. He stated that he walked the property with the Pulte representative. Mr. Zichelli noted that the swale and berm should be installed between the two silt fences so that no trees are affected.

Mr. Zichelli added that Pulte installed an "extreme silt fence" which is a combination of a chain link fence, hay bales and a silt fence as required by Soil Conservation. He noted that it is not yet where footings are for detention basin 2, so they are being moved. Mr. Zichelli stated that he received the schedule which shows excavation for the detention basin footings planned for September 14, 2018. He added that the walls will be as high as ten feet in some parts and it will be completed by the end of October for planting of grass in November. He added that there will be a primary wall and diversion wall near which landscaping can be done in November.

Mr. Scagnelli stated that underground water that never existed would require drilling of vertical holes for injection of water grout to create a barrier that would prevent water from traveling. He noted that the process is not accurate as all fissures could not be predicted. He stated that the process is done in two to three stages and is expensive, complicated, and requires a specialty contractor.

Mr. Holland noted that the immediate need is for mitigation against overland flood. Mr. Scagnelli asked if the current basins allow water to permeate back into the ground. Mr. Zichelli stated that detention basin by the dog park is a recharge basin which allows permeation. He noted that detention basin 2 will have a concrete bottom and will not allow water to recharge. He noted that detention basin 2 was originally planned as a recharge basin but plans were revised to hold the water and release it, not put it back into the ground. He confirmed that detention basin 3 would also hold the water and release it and not put it back into the ground. He explained that they drain by small openings called outflow structures which hold the water to clean it, allow solids to settle out, and control the release of the water. He added that the homeowners' association would maintain it like the Four Seasons maintains the pond and underground basins. Mr. Zichelli stated that the basin on Arbor Road is maintained by the Borough and that detention basins 1, 2 and 3 would be maintained by the Pulte Homes homeowners' association.

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Mr. Zichelli noted that Pulte revised their plan to set up a customer service number and intended to keep Mr. Tony Rossi as the main point of contact. However, Pulte was considering establishing an office contact for the residents. Mr. Paris suggested that any communications directly to the residents from Pulte be shared with the Borough.

Mr. Zichelli addressed the inlet which would be replaced with an open manhole cover the following day while awaiting the Type B cover in the near future. He added that the slope is currently too high and it will be filled and graded to flow to the inlet. He confirmed that Pulte has committed to the berm and the swale, the inlet and the grading as well as clearing the landscaping in the swale that is overgrown and in need of maintenance.

Mr. Zichelli stated that he would issue emails weekly or more often as needed. Mr. Gallagher offered to collect email addresses to share with Mr. Zichelli.

Mr. Zichelli addressed the Glenview Road culvert which was built in 1925 and was not intentionally planned or designed. He stated that he discussed with Pulte's engineer and a third party engineer. He indicated the DEP may intervene and require study of the effects downstream of at least 500 feet. Mr. Zichelli stated that Pulte's engineer will provide Pulte with a proposal to perform a downstream analysis study and design an upgrade. He noted that a town-wide drainage study is a point of discussion on the agenda for Council consideration that evening.

Mr. Paris stated that discussion of litigation would not take place in public at Council meetings. He confirmed that the Borough received a lawsuit from Pulte regarding their inability to receive building permits as well as the determination of the Borough's R-8 zoning ordinance for the Hilltop as unconstitutional. Mr. Paris continued that the day prior to the meeting, the Borough filed an answer to the lawsuit as well as a counterclaim against Pulte. He noted that the counterclaim refers to zoning agreements reached with K. Hovnanian and approved by the Court Master and Judge Carey in a Fairness Hearing regarding affordable housing elements. Mr. Paris noted that the agreement was reached after years of negotiations involving K. Hovnanian. He noted that the counterclaim seeks to hold Pulte responsible for damages incurred by the Borough and on behalf of the citizens damaged by the development. He added that as per the Developer's Agreement made with K. Hovnanian and Pulte, the Borough is seeking recovery for damages caused by the stormwater runoff.

Mr. Paris stated that the Hilltop development started with the Borough seeking immunity from the Builders' Remedy Lawsuit that requires affordable housing obligations. He explained that the Borough filed a preemptive lawsuit seeking granting of immunity from lawsuits while working on an affordable housing plan required by COAH. He noted that immunity was granted and K. Hovnanian objected to the Borough's plan but, ultimately, an agreement was reached after years of negotiations. Mr. Paris stated that part of the counterclaim is recompense for the damage that has already been incurred as well as for Pulte to remedy what is needed immediately.

Mr. Paris suggested that residents document damages, keep photographs and share all communications to and from Pulte with the Borough. He suggested all damage claims, estimates and expenditures be shared with the Borough and submitted to Pulte. Mr. Paris noted that remediation cannot always wait for a court decision regarding restitution.

Mr. Holland noted that the damages suffered by residents are not limited to surface water. Mr. Gallagher added that underground water and structural issues were also issues for the residents. Mr. Paris stated that if the residents believed the issues were related to the Pulte development, they should be comprehensive in their documentation and submit all information to Pulte Homes.

Mr. Paris stated that the efforts of the residents were appreciated by the Governing Body and that they would work together. Mr. Scagnelli stated that he was satisfied with the positivity of the evening's meeting and that the residents feel that the Council, Fire Department and DPW were supportive. Council President Santomauro encouraged the residents to keep them apprised and stated that the Council is there to help the residents.

Carmella Cannistraci – 17 Glenview Road

Ms. Cannistraci stated that culvert should be a priority as her flooding problems pre-date the Pulte development. She noted that she has owned her home since 1977 and first saw flooding in 1992 from Hurricane Floyd. She added that flooding occurred from two subsequent hurricanes and then increasingly since 2016 when development in the general area began. She noted that the brook does not have the capacity to handle waterflow especially with the Hilltop development effects.

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Ms. Cannistraci asked about maintenance of the brook and referenced rocks, trees and maintaining conditions over time. She suspected that a lack of maintenance of the brook and asked if homeowners are expected to take responsibility and monitor the conditions of the brook. Councilman Rees suggested an easement as a solution. Mr. Zichelli explained that an easement would allow the Borough access to the property for maintenance purposes. Mr. Zichelli added that in addition to a replacement of the culvert, that a bigger ditch may be needed. He noted that an easement for Ms. Cannistraci's and the Zurlo's properties might be needed for the construction of the culvert. Ms. Cannistraci stated that homeowners should not be responsible for maintaining the brooks and ditches as they do not typically own the proper equipment to handle the maintenance. She added that there are several property owners along the length of the brook that would need to take responsibility so that residents at the bottom are not flooded. Mayor Alessi clarified that easements do not designate responsibility. Mr. Zichelli noted that some easements are specific to access by the Borough for ongoing maintenance.

Ms. Cannistraci asked about maintenance of other basins in the Hilltop area. Mr. Zichelli stated that Four Seasons maintains the ponds and basins on their property and the Borough has responsibility for the basins on Arbor Road. He added that he did not know who maintained the basins near the Verona apartments at the top of the Hilltop or how well it is functioning. He stated that he has tried to seek information in the past from Verona and would inquire again as a malfunction of the Verona basins could potentially affect North Caldwell residents.

Ms. Cannistraci continued stating that she feels blasting performed at the Pulte site is responsible for structural damage in her home and in homes of her neighbors. Mr. Zichelli suggested that Ms. Cannistraci and other residents provide comprehensive information, documentation, photos, etc. regarding suspected structural damage.

Mr. and Mrs. Joseph Monaco – 11 Birchwood Road

Mr. Monaco stated that there are seven homes on Birchwood Road and two new homes are currently under construction. He added that 50 trees were cut down and removed. He noted that he was advised to state, on the record, that his home was flooded from the rain storm on August 11, 2018 around 5:15pm during which five inches of rain accumulated. Mr. Monaco stated that 70% of his home was flooded with sewage and stormwater which caused major damage and unlivable conditions to the bedrooms, basement and bathrooms and lost furniture, rugs, clothing, family photos, etc. He stated that his home never had water problems in the past 25 years. He added that he and his wife had to leave the home for six days and are not living in only two of the rooms.

Mr. Monaco expressed his appreciation to Mayor Alessi, Mr. Zichelli, Councilman Chiaia, the Fire Department, the Police Department and the Department of Public Works for their immediate help and concern. He stated that they need help from the Borough. Mr. Monaco stated that his homeowner's insurance policy only covers \$5,000 for drain backups but that the flooding was not due to a drain backup. He added that the Borough's insurance provider, the Morris County Joint Insurance Fund, would pay the homeowner's insurance deductible but that he has no deductible. Mr. Monaco stated that the Borough is charged with safeguarding residents but never notified residents that backflow preventers should be installed to prevent sewer and/or stormwater from entering homes. Mr. Monaco added that if he had the backflow preventer installed, it would have saved his home from over \$40,000 of flooding damages. He asked that all residents be informed about the backflow preventer installation. Mr. Monaco asked how the water could back up into his home and how to prevent it from happening again.

Mrs. Monaco stated there are two new homes currently being built for which trees were removed for construction. She suggested that increased water flow comes down the street since the trees were removed. Mr. Monaco offered photos of the damage.

Mr. Paris stated that he has kept abreast of the correspondence regarding the Monacos' damage and reviewed the tort claim submitted to the Morris County JIF. He confirmed that the tort claim submission is the first step in making a claim against a municipality. He added that State statute does not allow a municipality to pay for a loss that is covered by insurance. Mr. Paris explained that a claimant must recover damages from their insurance provider and deduct it from any claims against the municipality. He added that a municipality cannot be responsible for a subrogation claim. He suggested that they follow instruction from the JIF to document repairs and damages and share information about coverage of their insurance provider.

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Mr. Richard Verde – 8 Hickory Drive

Mr. Verde asked if Pulte Homes posted a bond for the Hilltop development. Mr. Paris stated that they posted a surety for the improvements they will build, not for the entirety of the project. He added that an engineering estimate is submitted and that a surety is required to insure that improvements such as streets, curbs, basins, etc. to guarantee the improvements are built. Mr. Verde asked if the surety covers any of the residents' flooding damages. Mr. Paris stated that the flooding damages would not be covered by the bond as it is extraneous to the purpose of the bond.

Mr. Verde asked for the status of the lawsuit and for a copy of the Borough's response to the suit. Mr. Paris stated that the response has been filed and is public record but that he did not have a copy with him to share on the spot. He stated that copies would be made available upon request. Mr. Gallo from Ferndale Road interjected that he has access to the response and would share the document.

Mr. Verde stated that his purpose for attending the meeting was to schedule a debate with Mayor Alessi since he is running for the office of Mayor. Mayor Alessi stated that the forum was not a political meeting and that there were many Borough issues that need to be addressed. Mayor Alessi suggested that his campaign manager be contacted for campaign related issues. Mr. Verde stated that people want to see what is going on in town and that meetings should be broadcast on television so that residents can have knowledge. He suggested using the security cameras that are installed in the Court room be used to broadcast the meetings on television. He noted that conference meetings are typically held in the conference room and not in the Council chambers. Mr. Verde asked for a debate with Mayor Alessi regarding the future of North Caldwell. Mayor Alessi reminded Mr. Verde that the meeting was not a political forum. Mr. Verde stated that he is not a politician but a pragmatist.

Councilman Chiaia requested a recess. Mr. Paris asked if there were any other questions from the public regarding Pulte Homes matters. Mayor Alessi announced that Mr. Paris needed to leave the meeting for medical reasons provided that matters regarding the Pulte litigation were covered. Mr. Paris's associate, Katie Forman, of Piro, Zinna, Cifelli, Paris and Genitempo, LLC joined the meeting as Mr. Paris's substitute for the remainder of the meeting. Mr. Paris departed the meeting at 9:17pm and the meeting was adjourned for a short recess.

The meeting was called back to order at 9:32pm.

Jason Weschke – 24 Grandview Avenue

Mr. Weschke stated that he has had conversations with Mr. Zichelli regarding flooding in his basement and garage which took on three feet of water during the August 11, 2018 rain storm. He stated that he sees two reasons for the flooding. Mr. Weschke noted that water backed up due to ground saturation. He added that the culvert was overrun by approximately 1-1/2 to two feet of water. He described his back yard as an open culvert feeding from Allen Road through two 36" pipes which then go back underground under Shenandoah Road through a 72" pipe. Mr. Weschke described water flow over the headwall on Allen Road which met street water from Hamilton Drive West and from Grandview Avenue. He stated that water not captured by the catch basins flows around the corner of Grandview Avenue and Shenandoah Road at his property.

Mr. Weschke stated that he recently rebuilt the home and moved back into the house in April of 2018. He added that he has lived there for five years and never saw the culvert more than ¾ full. He stated that he hopes the Borough will conduct the drainage study swiftly to learn how to avoid another occurrence. He added that he performed remediation work and received some compensation from his insurance provider for the damages due to the backup.

Mr. Weschke asked if the Borough had any updates regarding FEMA assistance. Mayor Alessi stated that he spoke with Governor Murphy and asked for emergency relief and planned to follow up with Senator Menendez's office for an update. Mr. Zichelli stated that FEMA visited North Caldwell two weeks prior and would make recommendations to FEMA.

Mayor Alessi asked Mr. Zichelli to describe the proposed drainage study. Mr. Zichelli stated that the Borough will be issuing a request for proposals for a study of drainage at various locations throughout town that have been problematic.

Mr. Verde approached the Council. He asked Mr. Weschke how long he has lived in town. Mr. Weschke responded that he has lived in town for five years.

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Mr. Verde continued that his focus is to have all meetings in town on video, including Planning Board and Zoning Board meetings, for publication.

Mr. Verde stated that he does not have a campaign manager and that he wants to challenge Mayor Alessi to a debate. Mayor Alessi referred Mr. Verde to contact his campaign manager, Mr. Angelo. Mr. Verde asked if the conference meeting that evening was open to the public due to all of the residents' flooding issues. Council President Santomauro stated that conference meetings are always open to the public. Councilman Raymond confirmed that all meetings are always open to the public. Council President Santomauro added that minutes from every meeting are published. Mr. Verde commented that meeting minutes cannot be read back on the spot as they can during a court trial. He added that there should be no cost of streaming the video and added that it was his belief that the existing security cameras installed in the court room could be used to capture the video. Mayor Alessi stated that the cameras were for the sole use of security.

Items for Discussion

Landscaper License Ordinance

Mr. Chiaia moved to table the discussion for a future meeting. The Council was in agreement.

Proposed Ordinance re: Public Consumption of Alcoholic Beverages

Mr. Zichelli suggested tabling the Public Consumption discussion to a future meeting at which Mr. Paris could speak about the ordinance draft. Council President Santomauro moved to table the discussion for a future meeting.

LOSAP Cost of Living Adjustments and Maximum Contribution

Acting Borough Clerk, Tami Michelotti, indicated that an error was made in the LOSAP fund calculations which necessitate a revision of Resolution R-128-18. The revision would correct the amount of funds to be transferred into the LOSAP fund maintained by Valic, Inc. The Council agreed to review a resolution for the next meeting.

Municipal Budget

Council President Santomauro moved to table the Budget discussion to a future meeting due to the absence of Financial Committee Chairperson, Councilman Astorino. The Council was in agreement.

Interlocal Service Agreement with Township of Fairfield for Composting of Leaves

Mr. Zichelli stated that the Borough has an ongoing agreement with Fairfield for leaf composting by which Fairfield accepts leaves collected by the Borough DPW from residents at an agreed upon price. He added that a resolution has been prepared for a renewal of the annual agreement.

Municipal Alliance Funding Update

Mr. Zichelli stated a correction was needed on a resolution for additional funds provided by the County.

Bond Ordinance for Capital Improvements

Mr. Zichelli stated that a bond ordinance would be drafted to cover the drainage study, drainage improvements, sewer repairs, Borough damages from the rain storm and retaining wall repairs. He added that a suggested total would be prepared for a subsequent meeting. Councilman Chiaia asked if the drainage study would cover the issues on Birchwood Road. Mr. Zichelli stated that the drainage study would research stormwater issues while the Birchwood Road issues were related to the sewer system, submerged manholes and illegal sump pumps.

Traffic and Stop Signs at Central/Greenbrook/Grandview Triangle

Councilman Chiaia stated that many accidents occur at the Grandview Avenue, West Greenbrook Road and Central Avenue triangle. He asked if stop signs could be installed as traffic has increased. Chief Deuer shared his concern for the intersection and asked for blinking yield signs. He agreed that stop signs would be safer if Essex County agreed. Mr. Zichelli stated that the County has researched the intersection in the past and ruled out stop signs. Chief Deuer added that if stop signs are not permitted, a better system is needed to make the yield signs more visible for drivers unfamiliar with the intersection such as blinking LED yield signs. Councilman Chiaia asked if a resolution asking the County for a review was appropriate. Councilman Rees suggested the blinking yield sign should be agreeable to the County since yield signs are already in place. Chief Deuer recommended the blinking yield signs be installed only if the stop signs are not approved by Essex County. He added that any changes be announced in advance to notify drivers of the change.

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White Rock Road Traffic Study

Mr. Zichelli stated that the Borough and Verona partnered for a traffic survey of White Rock Road in response to complaints from North Caldwell's Four Seasons residents and residents of Verona. He stated that the survey reviewed accidents and speeding and found some sight distance issues at some of the intersections. He added that multi-way stop signs may be a viable solution but that they should not be used exclusively to slow down traffic. He noted that three mini-roundabouts were suggested to slow traffic. Council President Santomauro added that private property owners in the vicinity should create better sight lines. She noted that the roundabouts would be added by Verona. Mr. Zichelli stated that Verona has not asked for any financial backing for the changes.

Councilman Rees stated his concern for winter effects on the roundabouts and noted that a left turn arrow from Bloomfield Avenue onto White Rock Road was not addressed. Mr. Zichelli stated that the arrow was requested from the County but a response had not yet been received. Councilman Rees added that the concept of making Elm Street a one-way street heading east was not addressed nor was timing of the lights to lengthen the yellow to reduce drivers from speeding through the light. He noted that the length of White Rock Road should be addressed as cars back up onto Bloomfield Avenue due to cars waiting to make a left from White Rock Road onto Elm Road.

Council President Santomauro stated that safety issues were the primary focus and not just traffic concerns. Mr. Zichelli stated that the focus was speeding and sight distance. He added that the purpose of the recommendations is to slow down the traffic. Council President Santomauro suggested Chief Deuer review the study to share his perspective. She suggested the report be shared with the Four Seasons residents.

Drainage Study

Mr. Zichelli stated that he prepared a draft RFP for the drainage study and suggested locations for the focus of the study. Council President Santomauro asked if the Birchwood Road area would be included. Mr. Zichelli stated that the issues on Birchwood Road were not related to stormwater drainage but sanitary sewer. Mr. Zichelli noted that the Grandview Avenue and Shenandoah Road area would be included. Councilman Chiaia asked if Meadow Lane would be included. Mr. Zichelli stated that he knew of no specific problems on Meadow Lane other than one branch that was caught in a pipe. Councilman Chiaia stated that Meadow Lane is a future area of development and land clearing and would be a sensitive area worth consideration. Mr. Zichelli stated that the five acres behind Walkers Pond are downstream from the Volkert property. Mr. Chiaia noted the area of Falcon Point is sensitive as are properties on Mountain Avenue from Cedar Grove overflow. Mr. Zichelli stated that the Brookside Terrace area would be included due to the Cedar Grove water flow as well as the Glenview Avenue culvert. Councilman Chiaia added the Grandview Avenue Deli area. Mr. Zichelli stated that the County cleaned the culverts in that area after the storm.

Zero Entry Pool Bid Report

Councilman Kessler stated that five bids were received for the project with MidAtlantic Construction Design Associates being the lowest bidder at \$199,092. He noted that this was the second bidding process as the first round produced only one bid which was above costs anticipated. He stated that a resolution to accept the bid and award the contract would be moved later in the meeting.

Council President Santomauro noted that the pool is self-sustaining and improvements are paid from the pool revenue. Mr. Mondelli confirmed that pool improvements are not funded from the general fund.

Walker Property

Mr. Zichelli provided an update on the Walker property and pond. He stated that the permits were submitted to the State for the pond for which he anticipates a 90-day turnaround. He added that Mott McDonald is working on the dredging plans and specifications and hopes to have the documents ready in one week to prepare the bid. Mr. Zichelli added that maps have been filed for the subdivision of the five one-acre lots. He noted that discussion regarding how to sell the property would be covered in Executive Session. Mr. Zichelli stated that the sale of the lots will generate revenue but that additional funding will be needed for dredging of the pond and to execute improvements and pave the roads.

Council President Santomauro asked if any of the work would be begin in 2018. Mr. Zichelli responded that the timing is dependent upon the issuance of permits from the State. He noted that work can proceed during the winter but summertime brings restrictions due to wildlife and vegetation concerns.

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Liberty Turf Field Considerations

Councilman Kessler stated that an ordinance is needed to govern policies and procedures for securing permits, signage, scheduling, field usage and violations. He added that the ordinance should be completed by the end of 2018 to be prepared for the January 2019 requests.

Trinity Academy Reindeer Run

Chief Deuer stated that the run is scheduled for Saturday, December 1 and will require street closures on Smull and Mountain Avenues to Forest Avenue. He added that the NCPD would cover street closures that day.

Mayor Alessi extended his appreciation to the Police Department for their efforts on the successful 5K/Color Run event.

Little League Charter

Councilman Kessler stated that the Little League Commission has not yet replied to the Mayor's correspondence regarding the unauthorized inclusion of North Caldwell in Caldwell's Little League charter. He added that residents planned to contact the Little League District Commissioner to request permission to disassociate from Caldwell's charter. Councilman Kessler will keep the Mayor and Council apprised of any updates.

Action to be Taken

The introduction of An Ordinance Rescinding Chapter 89 Landscaping License of the Code of the Borough of North Caldwell was tabled to a future meeting.

Resolution R-163-18 A Resolution Accepting the Resignation of Administrative Assistant Danielle Leno was read. Motion was made by Councilman Rees, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Resolution R-164-18 A Resolution Accepting the Resignation of Police Dispatcher Paul Cicchetti was read. Motion was made by Councilman Chiaia, seconded by Councilman Rees. Said motion was carried unanimously with five votes.

Resolution R-176-18 A Resolution Authorizing Employment of Michael Daino as Police Department Dispatcher was read. Motion was made by Councilman Chiaia, seconded by Councilman Rees. Said motion was carried unanimously with five votes.

Resolution R-165-18 A Resolution Authorizing the Cancellation of Capital Appropriation Balances was read. Motion was made by Councilman Astorino, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Resolution R-166-18 A Resolution Approving Budget Transfer to Dedicated Trust Funds – Current Fund Streets and Roads Salaries/Wages was read. Motion was made by Councilman Raymond, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Resolution R-167-18 A Resolution Approving Budget Transfer to Dedicated Trust Funds – Water Fun Salaries/Wages was read. Motion was made by Councilman Raymond, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Resolution R-168-18 A Resolution Approving the Payment of Bills was read. Motion was made by Councilman Kessler, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Resolution R-175-18 A Resolution Amending Resolution R-148-18 Approving the Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2014 – June 2019 was read. Motion was made by Councilman Chiaia, seconded by Councilman Kessler. Said motion was carried unanimously with five votes.

Resolution R-155-18 A Resolution Authorizing the Award of a Professional Contract Between the Borough of North Caldwell and Suburban Consulting Engineers, Inc. for Construction Administration and Observation Services as Needed for the Liberty Field Turf Athletic Field was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

Mayor and Council Conference Meeting – September 12, 2018

Resolution R-169-18 A Resolution Approving the Submission of a Grant Application and the Execution of a Grant Contract with the New Jersey Department of Transportation for Brookside Terrace (Section 3) Project was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Resolution R-170-18 A Resolution Approving the Submission of a Grant Application and the Execution of a Grant Contract with the New Jersey Department of Transportation for Deer Trail Road (Section 3) Project was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Resolution R-171-18 A Resolution Authorizing an Interlocal Service Agreement with the Township of Fairfield for the Composting of Leaves was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Resolution R-172-18 A Resolution Accepting Bid and Awarding Contract for Construction of a Zero-Entry Wading Pool at the Municipal Pool was read. Motion was made by Councilman Kessler, seconded by Councilman Raymond. Said motion was carried unanimously with five votes.

Resolution R-173-18 A Resolution Authorizing Payment of Stipends to West Essex Fireworks Gate Monitors was read. Motion was made by Councilman Raymond, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

Councilman Chiaia thanked Mayor Alessi for a meaningful 9/11 Ceremony with participation from the Borough Council and employees and the Gould School choir led by Ms. Williams who sang the National Anthem.

Council President Santomauro thanked the Police Department and the Recreation Department for their efforts in support of the North Caldwell Recreation Foundation 5K and Color Run in which there were over 750 participants. She added that the event raised over \$30,000 and was one of the best events held in the Borough.

Executive Session

Resolution R-174-18 A Resolution Authorizing the Mayor and Council of the Borough of North Caldwell to Hold a Closed Session Meeting for Certain Specified Purposes: A. Contract Negotiations – Caldwell Sewer Utility; B. Anticipated Contract Negotiations – 620 Mountain Avenue; C. Litigation – COAH Declaratory Judgment, Pulte Homes; D. Anticipated Litigation – Tort Claim; E. Personnel – Police Department was read. Motion was made by Council President Santomauro, seconded by Councilman Chiaia. Said motion was carried unanimously with five votes.

The public meeting was reopened at 10:59pm.

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 Kessler that this meeting be adjourned at 10:59pm. This motion was carried unanimously.

Respectfully submitted,



Tami Michelotti
Acting Borough Clerk