

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
APRIL 1, 2014**

A Regular Meeting of the West Caldwell Mayor and Council, in the County of Essex, New Jersey, was held in the Public Meeting Room, 30 Clinton Road, West Caldwell, New Jersey, on Tuesday, April 1, 2014 at 7:18 P.M.

The Township Clerk announced that adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act.

PRESENT: Mayor Tempesta, Councilmen Otterbein, Cecere, Hladik, O'Hern, Wolsky and Docteroff

OTHERS PRESENT: Adam Brewer, Township Administrator
Paul G. Jemas, Municipal Attorney
Nikole Monroig, Chief Financial Officer
Mary S. Donovan, Township Clerk

Pledge of Allegiance

No. 9380

By: Mr. Wolsky

SUBJECT: RESOLUTION - INTRODUCTION OF THE 2014 MUNICIPAL BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of West Caldwell, Essex County, New Jersey for the year 2014.

BE IT FURTHER RESOLVED, that said Budget be published in the Progress in the issue of April 17, 2014, and that a hearing on the Budget will be held in the Public Meeting Room, Municipal Building on May 6, 2014 at 7:15 pm at which time and place discussions to said Budget and Tax Resolution for the year 2014 may be presented by taxpayers or other interested persons.

A motion was made by Councilman Wolsky, seconded by Council President Otterbein that the Municipal Budget be introduced for 2014.

Upon the vote being polled, Councilmen Otterbein, Cecere, Hladik, O'Hern, Wolsky, and Docteroff voted in the affirmative.

Mayor Tempesta announced that the public hearing for the Municipal budget will be held on Tuesday, May 6, 2014 at 7:15 p.m.

APPROVAL OF MINUTES:

On the recommendation of Council President Otterbein, seconded by Councilman Cecere, it was regularly moved that the Minutes of the Regular Meeting held on Tuesday, March, 18, 2014 be accepted as presented.

Upon the vote being polled, Councilmen Otterbein, Cecere, Hladik, Wolsky and Docteroff voted in the affirmative with Councilman O'Hern abstaining because of absence.

BILLS ORDERED PAID:

It was regularly moved by Councilmen Wolsky, seconded by Council President Otterbein that the Bill List as submitted by the Chief Financial Officer be attached to the Minutes and be paid and that the Mayor, Clerk and Treasurer be authorized to sign the necessary warrants for their payment.

Upon the vote being polled, Councilmen Otterbein, Cecere, Otterbein, Wolsky, Hladik and Docteroff voted in the affirmative with Councilman O'Hern abstaining.

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PROPOSED CONSENT AGENDA:

It was regularly moved by Council President Otterbein, seconded by Councilman Cecere, that the fifteen Resolutions on the Agenda this evening be read by consent.

Upon the vote being polled, Councilmen Otterbein, Cecere, Hladik, O'Hern, Wolsky and Docteroff voted in the affirmative.

The Township Clerk read the following fifteen Resolutions by Consent, attached and made part of these Minutes:

No. 9381
By: Mr. Cecere

SUBJECT: RESOLUTION – APPOINTING RYAN PETER AS A REGULAR FIREFIGHTER OF THE WEST CALDWELL VOLUNTEER FIRE DEPARTMENT.

RESOLVED, on the recommendation of the Chief of the West Caldwell Volunteer Fire Department that Ryan Peter, 42 Sanderson Avenue, West Caldwell, NJ, be designated as a Regular Firefighter of the West Caldwell Volunteer Fire Department, effective April 1, 2014.

No. 9382
By: Mr. Wolsky

SUBJECT: RESOLUTION – CANCELLATION OF GENERAL CAPITAL IMPROVEMENT AUTHORIZATIONS.

WHEREAS, there exists in the General Capital Fund of the Township of West Caldwell, certain unexpended improvement authorizations, as detailed on Schedule A, which is attached hereto and made part hereof; and

WHEREAS, it has been determined by Township officials that the original purposes for which these authorizations were intended are no longer required; and

WHEREAS, it is desirous to cancel these unexpended balances.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Caldwell, that the unexpended improvement authorizations, as detailed on Schedule A are hereby cancelled,

BE IT FURTHER RESOLVED, that this resolution be recorded on the financial records of the Township of West Caldwell as of April 1, 2014.

No. 9383
By: Mr. Wolsky

SUBJECT: RESOLUTION – CANCELLATION OF WATER CAPITAL IMPROVEMENT AUTHORIZATIONS.

WHEREAS, there exists in the Water Capital Fund of the Township of West Caldwell certain unexpended improvement authorizations, as detailed on Schedule B which is attached hereto and made part hereof; and

WHEREAS, it has been determined by Township officials that the original purposes for which these authorizations were intended are no longer required; and

WHEREAS, it is desirous to cancel these unexpended balances.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Caldwell, that the unexpended improvement authorizations, as detailed on Schedule B are hereby cancelled.

BE IT FURTHER RESOLVED, that this resolution be recorded on the financial records of the Township of West Caldwell as of April 1, 2014.

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No. 9384
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS IN THE TAX OFFICE.

WHEREAS, there appears on the tax records overpayments or otherwise as shown below; and
WHEREAS, the overpayments were created by the reasons indicated below, and the Collector of Taxes recommends the refund or transfers of such overpayments;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Caldwell that the proper officers be and they are hereby authorized and directed to transfer funds or issue checks refunding such overpayments as hereafter shown below:

WEST CALDWELL OFFICE ASSOCIATES, LLC	\$8,484.06	2011	tax appeal
WEST CALDWELL OFFICE ASSOCIATES, LLC	\$8,499.56	2012	tax appeal
WEST CALDWELL OFFICE ASSOCIATES, LLC	\$ 462.69	2013	tax appeal
WEST CALDWELL OFFICE ASSOCIATES, LLC	\$9,651.33	2011	tax appeal
WEST CALDWELL OFFICE ASSOCIATES, LLC	\$9,668.96	2012	tax appeal
WEST CALDWELL OFFICE ASSOCIATES, LLC	\$ 361.12	2013	tax appeal

Total Refund: \$37,127.72

No. 9385
By: Mr. Otterbein

SUBJECT: RESOLUTION – APPOINTING MASER CONSULTING, P.A. FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, pursuant to the requirements under the Local Public Contracts Law, the following resolution be and is hereby adopted;

WHEREAS, the Mayor and Council appointed Maser Consulting Group, PA to provide Engineering Services for the calendar year 2014; and

WHEREAS, there exists a need for design and construction management services associated with the proposed water main extension at Essex Place; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Caldwell, in the County of Essex, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute a form of agreement accepted by the Municipal Attorney with Maser Consulting Group, PA, 200 Valley Road, Mount Arlington, New Jersey 07856.

2. The contract amount for this project shall not exceed \$23,400.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Caldwell, in the County of Essex, as follows:

1. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

No. 9386
By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING PBA LOCAL #81 WEST ESSEX CIVIC ASSOCIATION INC. OFF PREMISE MERCHANDISE RAFFLE, JUNE 14, 2014, LICENSE NO. 360, ID NO. 135-8-40164.

WHEREAS, PBA Local #81 West Essex Civic Association, Inc. has submitted a Raffle License Application No. RA 360, ID No. 135-8-40164, for an off-premise merchandise raffle to be held on June 14, 2014; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Caldwell, hereby approves Raffle License Application No. RA 360; and,

BE IT FURTHER RESOLVED that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

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No. 9387
By: Mr. Cecere

SUBJECT: RESOLUTION – APPROVING POLICE DEPARTMENT RIDE ALONG POLICY FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Police Department has proposed a Ride-along Program as part of the Community Policing Program, and

WHEREAS, said program has been reviewed by the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Caldwell that the Police Department Ride-along Program be approved subject to the conditions set forth in the Ride-Along Policy and Procedures (annexed hereto).

No. 9388
By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING COMCAST BUSINESS TO INSTALL AND PROVIDE INTERNET SERVICE AT THE WESTVILLE AVENUE POOL IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell wishes to install telephone lines for internet service to provide wifi service to its residents at the Westville Avenue Pool; and

WHEREAS, the Township Council authorizes Comcast Business, 50 Randolph Road, Somerset, NJ 08873 to provide said installation and monthly service;

WHEREAS, the installation of telephone lines and internet service will not exceed the installation fee of \$29.95 and the monthly fee of \$119.85.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Caldwell as follows:

1. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

No. 9389
By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING COMCAST TO INSTALL AND PROVIDE INTERNET SERVICE AT THE CEDAR STREET POOL IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell wishes to install telephone lines for internet service to provide wifi service to its residents at the Cedar Street Pool; and

WHEREAS, the Township Council authorizes Comcast Business, 50 Randolph Road, Somerset, NJ 08873 to provide said installation and monthly service;

WHEREAS, the installation of telephone lines and internet service will not exceed the installation fee of \$228.95 and the monthly fee of \$119.85.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Caldwell as follows:

1. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

No. 9390
By: Mr. Wolsky

SUBJECT: RESOLUTION – PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$15,050,000 IN PRINCIPAL AMOUNT.

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26 (f), the Bonds of the Township of West Caldwell, in the County of Essex, New Jersey (the "Township") authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds in the principal amount of \$15,050,000 (the "Bonds").

Section 2. The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to

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the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 14.40 years.

b. The Bonds of the combined issue shall be designated "General Improvement Bonds" and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

No. 9391

By: Mr. Wolsky

SUBJECT: RESOLUTION – PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF WATER UTILITY BONDS OF THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$4,750,000 IN PRINCIPAL AMOUNT.

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Township of West Caldwell, in the County of Essex, New Jersey (the "Township") authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of Water Utility Bonds in the principal amount of \$4,750,000 (the "Bonds").

Section 2. The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 38.78 years.

b. The Bonds of the combined issue shall be designated "Water Utility Bonds" and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law.

Section 5. This resolution shall take effect immediately

No. 9392

By: Mr. Wolsky

SUBJECT: RESOLUTION – DETERMINING THE FORM AND OTHER DETAILS OF \$19,800,000 GENERAL OBLIGATION BONDS, SERIES 2014, CONSISTING OF \$15,050,000 GENERAL IMPROVEMENT BONDS AND \$4,750,000 WATER UTILITY BONDS OF THE TOWNSHIP OF WEST CALDWELL, IN

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THE COUNTY OF ESSEX, NEW JERSEY AND PROVIDING FOR THEIR SALE.

Section 1. The \$15,050,000 General Improvement Bonds of the Township of West Caldwell, in the County of Essex, New Jersey (the "Township") referred to and described in the resolution adopted by the Township Council pursuant to the Local Bond Law of the State of New Jersey on April 1, 2014, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Township of West Caldwell, in the County of Essex, New Jersey Into a Single Issue of Bonds Aggregating \$15,050,000 in Principal Amount," shall be issued as "General Improvement Bonds" (the "General Improvement Bonds"). The General Improvement Bonds shall mature in the principal amounts on February 1 as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2015	\$ 880,000	2022	\$1,080,000
2016	910,000	2023	1,120,000
2017	930,000	2024	1,150,000
2018	960,000	2025	1,190,000
2019	990,000	2026	1,220,000
2020	1,020,000	2027	1,260,000
2021	1,050,000	2028	1,290,000

Section 2. The \$4,750,000 Water Utility Bonds of the Township referred to and described in the resolution adopted by the Township Council pursuant to the Local Bond Law of the State of New Jersey on April 1, 2014, and entitled, "Resolution Providing for the Combination of Certain Issues of Water Utility Bonds of the Township of West Caldwell, in the County of Essex, New Jersey Into a Single Issue of Bonds Aggregating \$4,750,000 in Principal Amount," shall be issued as "Water Utility Bonds" (the "Water Utility Bonds" and, together with the General Improvement Bonds, the "Bonds"). The Water Utility Bonds shall mature in the principal amounts on February 1 as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2015	\$180,000	2023	\$360,000
2016	180,000	2024	360,000
2017	180,000	2025	360,000
2018	250,000	2026	360,000
2019	360,000	2027	360,000
2020	360,000	2028	360,000
2021	360,000	2029	360,000
2022	360,000		

Section 3. The Bonds shall be subject to redemption prior to their stated maturities in accordance with the Notice of Sale attached hereto as Exhibit A.

Section 4. The General Improvement Bonds shall be fourteen in number, with one certificate being issued for each year of maturity, and shall be numbered GIB-1 to GIB-14, inclusive. The Water Utility Bonds shall be fifteen in number, with one certificate being issued for each year of maturity, and shall be numbered WUB-101 and WUB-115.

Section 5. The Bonds shall be dated their date of issuance and shall bear interest payable semiannually on the first day of February and August in each year until maturity, commencing on February 1, 2015, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1% and proposed by the successful bidder in accordance with the Notice of Sale authorized herein.

Section 6. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Township Clerk.

Section 7. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to market the Bonds, including in accordance with the requirements of the Securities Depository:

REGISTERED REGISTERED
 NUMBER A. _____ \$ _____

UNITED STATES OF AMERICA
 STATE OF NEW JERSEY
 COUNTY OF ESSEX
 TOWNSHIP OF WEST CALDWELL
 B. _____

PRINCIPAL AMOUNT:
 DATED DATE:
 MATURITY DATE:
 INTEREST PAYMENT DATES:
 INITIAL INTEREST PAYMENT DATE:

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RATE OF INTEREST PER ANNUM:
CUSIP NUMBER:

TOWNSHIP OF WEST CALDWELL, in the County of Essex, New Jersey (the "Township") hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, which will act as Securities Depository, on the MATURITY DATE, the PRINCIPAL AMOUNT, and to pay interest on such sum from the DATED DATE of this bond until the MATURITY DATE at the RATE OF INTEREST PER ANNUM semiannually on the INTEREST PAYMENT DATES in each year until maturity, commencing on the INITIAL INTEREST PAYMENT DATE. Interest on this bond will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of January 15 and July 15 next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Township will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

The bonds of this issue maturing prior to February 1, 2025, are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after February 1, 2025 are redeemable at the option of the Township in whole or in part on any date on or after February 1, 2024 at 100% of the principal amount outstanding (the "Redemption Price") plus interest accrued to the date of redemption upon notice as required herein.

Notice of Redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township or a duly appointed Bond Registrar. Any failure of the depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Township; the bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If Notice of Redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date. Payment shall be made upon surrender of the bonds redeemed.

So long as Cede & Co., as nominee of DTC, is the registered owner of the Bonds, the Township shall send redemption notices only to Cede & Co.

C. _____

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, the TOWNSHIP OF WEST CALDWELL has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Township Clerk, and this bond to be dated the DATED DATE as specified above.

TOWNSHIP OF WEST CALDWELL

[SEAL]

By _____
Mayor

ATTEST

By _____
Clerk

By _____
Chief Financial Officer

Section 8. In each of the General Improvement Bonds the following language should be inserted in the places indicated by the corresponding letter in form of the General Improvement Bonds.

- A. GIB-__.
- B. GENERAL IMPROVEMENT BOND

C. This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Township adopted April 1, 2014, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Township of West Caldwell, in the County of Essex, New Jersey Into a Single Issue of Bonds Aggregating \$15,050,000 in

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Principal Amount,” and the various bond ordinances referred to therein, each in all respects duly approved and published as required by law.

Section 9. In each of the Water Utility Bonds the following language should be inserted in the places indicated by the corresponding letter in form of the Water Utility Bonds.

A. WUB-__.

B. WATER UTILITY BOND

C. This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Township adopted April 1, 2014, and entitled, “Resolution Providing for the Combination of Certain Issues of Water Utility Bonds of the Township of West Caldwell, in the County of Essex, New Jersey Into a Single Issue of Bonds Aggregating \$4,750,000 in Principal Amount,” and the various bond ordinances referred to therein, each in all respects duly approved and published as required by law.

Section 10. (a) The Bonds shall be sold on April 15, 2014, or such other date as may be determined by the Chief Financial Officer, by electronic auction in accordance with the Full Notice of Sale authorized in Exhibit A attached hereto.

(b) Pursuant to N.J.S.A. 40A:2-34, the Township hereby designates the Chief Financial Officer to sell and to award the Bonds in accordance with the Notice of Sale authorized herein, and such financial officer shall report in writing the results of the sale to this Township Council as required by law. The Chief Financial Officer is hereby authorized and directed, consistent with the terms of the Notice of Sale, to retain the good faith deposit of the successful bidder and to immediately return such good faith deposits, whether by wire or check, to the unsuccessful bidders.

Section 11. The Township Clerk is hereby directed to arrange for the publication of the Short Notice of Sale authorized in Exhibit B in the form provided herein in The Star Ledger or such other authorized newspaper of the Township and McManimon, Scotland & Baumann, LLC, is hereby directed to arrange for the publication of the Summary Notice of Sale authorized in Exhibit C in the form provided herein in The Bond Buyer, a financial newspaper published and circulating in the Township of New York, New York, such publications to be not less than seven days prior to the date of sale.

Section 12. The Full Notice of Sale shall be substantially in the form attached hereto as Exhibit A with additions, deletions and omissions as may be necessary for the Township to market the Bonds, including in accordance with the requirements of The Depository Trust Company and MuniAuction. The Short Notice of Sale shall be substantially in the form attached hereto as Exhibit B with such additions, deletions and omissions as may be necessary for the Township to market the Bonds, including in accordance with the requirements of The Depository Trust Company and MuniAuction. The Summary Notice of Sale shall be substantially in the form attached hereto as Exhibit C with such additions, deletions and omissions as may be necessary for the Township to market the Bonds, including in accordance with the requirements of The Depository Trust Company and MuniAuction.

Section 13. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon, Scotland & Baumann, LLC, complete except for omission of its date.

Section 14. The law firm of McManimon, Scotland & Baumann, LLC is authorized to arrange for the printing of the Bonds and is authorized to arrange for the printing of the Official Statement to be prepared by McManimon, Scotland & Baumann, LLC and Township officials. The Mayor and the Chief Financial Officer are authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Township by the Chief Financial Officer or by the Mayor. Final Official Statements shall be delivered to the purchaser of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the purchaser's confirmations that request payment for the Bonds.

Section 15. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 16. (a) The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, New York, New York, as may be necessary in order to provide that the Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

(b) In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds in denominations of \$5,000, or any integral multiple thereof except, if necessary, also in the amount of \$1,000. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 17. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding

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(unless the Bonds have been wholly defeased), the Township shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to 270 days from the end of each fiscal year, beginning with the fiscal year ending December 31 of the year in which such the Bonds are issued, to the Municipal Securities Rulemaking Board through the Electronic Municipal Market Access Data Port (the "MSRB") and to the appropriate State information depository ("State Repository"), if any, annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (i) the Township and overlapping indebtedness including a schedule of outstanding debt issued by the Township, (ii) the Township's most current adopted budget, (iii) property valuation information, and (iv) tax rate, levy and collection data. The audited financial information will be prepared in accordance with modified cash accounting as mandated by State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law and shall be filed electronically and accompanied by identifying information with the MSRB;

(b) in a timely manner not in excess of ten business days after the occurrence of the event, to the MSRB and to the State Repository, if any, notice of any of the following events with respect to the Bonds (herein "Material Events"):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(c) In a timely manner to the MSRB, notice of failure of the Township to provide required annual financial information on or before the date specified in this resolution.

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provisions of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Township prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

(f) In the event that the Township fails to comply with the Rule requirements or the written contracts or undertakings specified in this certificate, the Township shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 18. This resolution shall take effect immediately.

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No. 9393

By: Mr. Wolsky

SUBJECT: RESOLUTION – EMERGENCY TEMPORARY APPROPRIATIONS
AMENDMENT #3.

WHEREAS, an emergent conditions has risen with respect to payment of salary and wages, insurance and contracted services and no adequate provision has been made in the 2014 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2014 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$6,576,278.00.

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20.

1. An emergency temporary appropriation be and the same is hereby made for the following appropriations in the amount of \$2,200,066.00:

CURRENT FUND (see attached)

2. That one certified copy of this resolution be filed with the Director of Local Government Services.

No. 9394

By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING SUBMISSION OF GOVERNOR’S
COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT
EXTENSION JANUARY 1, 2014 TO JUNE 30, 2014.

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The West Caldwell Council of the Township of West Caldwell, County of Essex, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, The Township of West Caldwell was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than calendar year cycle; and

WHEREAS, funding has been made available to The Caldwell/West Caldwell Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind Match grant requirement for the extension funding. (Total 2013 DEDR Approved is \$28,500.00)

NOW, THEREFORE, BE IT RESOLVED that the Township of West Caldwell Council does hereby authorize the submission of the grant extension for the Caldwell/West Caldwell Municipal Alliance grant in the amount of:

DEDR	\$	12,826.00 (Money Spent from January - June 2014)
Cash Match	\$	5,750.00 (W. Caldwell pays \$3,000.00/Caldwell pays \$2,750.00)
In Kind	\$	43,279.00 (MAC Coordination, DARE Instruction, Building Uses)

No. 9395

By: Mr. O’Hern

SUBJECT: RESOLUTION – AUTHORIZING AN EXECUTIVE SESSION FROM WHICH
THE PUBLIC IS EXCLUDED.

WHEREAS, The Township of West Caldwell (the “Township” or the “public body” has been duly created and is validly existing as a public body corporate and politic of the State of New Jersey pursuant to applicable laws of the State of New Jersey; and

WHEREAS, The Township constitutes a “public body” as such term is defined in the New Jersey Open Public Meetings Act, constituting Chapter 231 of the Pamphlet Laws of 1975 of the State of New Jersey, N.J.S.A. 10:4-6 et seq. and the acts amendatory thereof and supplemental thereto (the “Open Public Meetings Act”); and

WHEREAS, the Open Public Meetings Act permits a public body, as such term is defined therein, to exclude members of the public from portions of any “meeting”, as such term is defined therein including N.J.S.A. 10:4-12(b) et seq., under certain limited circumstances which include, but are not limited to, (a) a discussion of pending or anticipated litigation in which the public body is or

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may become a party, or (b) a discussion of any matters which fall within the attorney-client privilege, or (c) a discussion of a collective bargaining agreement including the negotiation of the terms and conditions thereof, or (d) a discussion regarding the purchase, acquisition or lease of real property with public funds or (e) a discussion of involving the employment, appointment or termination of employment of an existing or prospective public officer or employee; and

WHEREAS, the governing body of the Township has determined that and is of the opinion that such circumstances presently exist that permit the governing body of the Township to discuss the matters set forth in this Resolution in executive session; and

WHEREAS, the matters set forth in this Resolution are within the exceptions and the limited circumstances set forth in N.J.S.A. 10:4-12(b) et seq., the governing body of the Township desires to conduct a portion of the meeting in an executive session from which members of the public will be excluded.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF WEST CALDWELL, in accordance with the provisions of The Open Public Meetings Act, that the governing body of the Township hereby determines to conduct a portion of the meeting in an executive session from which members of the public will be excluded in accordance with the provisions of Open Public Meetings Act; and

BE IT FURTHER RESOLVED, that the aforementioned executive session will be limited to matters relating to the following items and which matters involve, as applicable, pending and anticipated litigation involving or expected to involve the Township, matters which fall within the attorney-client privilege, matters regarding the discussion of a collective bargaining agreement, matters relating to purchase, acquisition or lease of real property with public funds or matters relating to personnel:

1. Contract Negotiation – AI and John Sewer
2. Personnel

BE IT FURTHER RESOLVED, that the minutes of each executive session will be prepared and maintained by the Township and with regard to each of the matters discussed in executive session; and

BE IT FURTHER RESOLVED, that the minutes relating to a particular matter discussed will be made available to members of the public – (a) at such time as the matter no longer requires confidentiality as permitted by applicable laws, (b) upon the completion of a pending or anticipated litigation, or (c) upon such matter no longer falling within the attorney-client privilege, (d) upon the completion of a collective bargaining agreement including the negotiation of the terms and conditions thereof, or (e) upon the completion of a purchase, acquisition or lease of real property with public funds, or (f) as such disclosure may otherwise may be required by the Open Public Meetings Act.

It was regularly moved by Council President Otterbein, seconded by Councilman Docteroff that the fifteen Resolutions read by consent be adopted as read.

Upon the vote being polled, Councilmen Otterbein, Cecere, Hladik, O'Hern, Wolsky and Docteroff voted in the affirmative on all resolutions except Councilmen Otterbein, Cecere, and O'Hern abstained on Resolution No. 9381.

COMMITTEE REPORTS:

PUBLIC SAFETY COMMITTEE:

Councilman Cecere reported the following:

1. The Local Assistance Board needs more donations of food and those donations can be accepted at the Caldwell Community Center.
2. The first sports and music community swap was held on March 22, 2014 and was a big success. James Haas was thanked for organizing and running the event.

PUBLIC WORKS & WATER

Councilman Otterbein reported the following:

1. Water main replacement bids will be open on April 22 and will be awarded by May 6 for Francisco Avenue and Lincoln Place.
2. Roadway reconstruction of Richard Avenue and Franklin Avenue will be bid on April 22 and will be awarded by May 6.
3. The bid proposals for the water tank painting are being reviewed.
4. There will be a Board of Health meeting on April 2, 2014 at 7 pm.

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PARKS & RECREATION COMMITTEE:

Councilman Hladik reported the following:

1. The new Library Board Director, Samantha McCoy, will begin on March 31.
2. The Memorial Field Project will be completed in two weeks.

Discussion followed regarding priority of scheduling with Board of Education fields and problems with weather and communication.

INVITATION TO CITIZENS FOR DISCUSSION:

John Fierro, 91 Annin Road, West Caldwell questioned the condition of various school playgrounds in Caldwell and West Caldwell. Mayor Tempesta and Councilman Hladik answered his questions.

Councilman Docteroff reported that the text based information system will be in use soon so that parents will be notified when recreational schedules change.

LEGAL & PERSONNEL COMMITTEE:

Councilman O'Hern reported the following:

1. The human resources position is still open and may be filled soon.
2. The Municipal Alliance grant was extended until June 2014 and Detective Paul Mazzeo was thanked for his continued work on the grant.
3. Discussion was held on shared services with the Department of Public Works in Caldwell.

FINANCE AND WELFARE COMMITTEE:

Councilman Wolsky reported on the following:

1. Chief Financial Officer Nikole Monroig, Administrator Adam Brewer and staff were thanked for their hard work on the introduced 2014 municipal budget.
2. There is an upcoming bond sale on April 22 and staff is preparing for the sale.

COMMUNITY PLANNING, DEVELOPMENT & TECHNOLOGY COMMITTEE:

Councilman Docteroff reported the following:

1. WiFi will be installed at both Cedar Street and Westville Avenue pools for the upcoming summer.
2. There was a Camp Wyanokie meeting on March 13 and the next meeting will be on April 2.
3. An effort is being promoted to have a "Half way to Valentine's Day on August 14, 2014 for the area's business because of the snow storm on February 14.

ADMINISTRATOR'S REPORT:

The staff attended Morris Joint Insurance Fund training on March 19 and a safety committee meeting will be held April 2, 2014.

MAYOR'S REPORT:

Mayor Tempesta reported that he took part in the League of Municipalities' discussion about the recent expiration of the 2% cap on interest arbitration awards. The League supports the Governor's recommendations to the Interest Arbitration bill. The House agreed with the Governor but the Assembly went home and did not vote.

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INVITATION TO CITIZENS FOR DISCUSSION:

There were no additional comments from the public.

ADJOURNMENT:

There being no other business, it was regularly moved that the meeting be adjourned.

Upon the vote being polled, Councilmen Otterbein, Cecere, Hladik, O'Hern, Wolsky and Docteroff voted in the affirmative.

Council adjourned at 8:10 pm.

Mary S. Donovan
Township Clerk