

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
DECEMBER 2, 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, December 2, 2014 at 7:15 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, Township Attorney
Mary S. Donovan, Township Clerk

Pledge of Allegiance

BILLS ORDERED PAID:

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

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

APPROVAL OF MINUTES:

On the recommendation of Council President Otterbein, seconded by Councilman O'Hern, it was regularly moved that the Minutes of the Regular Meeting held on Tuesday, November 25, 2014 be accepted as amended.

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

PROPOSED CONSENT AGENDA:

It was regularly moved by Council President Otterbein, seconded by Councilman Cecere, that the six 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 six Resolutions by Consent, attached and made part of these Minutes:

No. 9562

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:

CODE OF REASONS

- | | |
|-----------------------------|-------------------------------|
| 1. Incorrect Payment-Refund | 9. Tax Title Lien Redemption |
| 2. Duplicate Payment-Refund | 10. Homestead Rebate/NJ Saver |

DECEMBER 2, 2014

- | | |
|---|---|
| 3. Vets, Senior Citizen Refund/Allow | 11. Apply Overpayment to Current Year |
| 4. Apply Overpayment to Next Year | 12. Cancellation of Credit of Less than \$5.00 |
| 5. Cancellation of Balance of Less than \$10.00 | 13. Cancellation of Taxes |
| 6. Assessment Changes | 14. Other-Cancellation of Credit Bal. over \$5.00 |
| 7. Tax Appeal | 15. Refund-Dog Overpayment |
| 8. Overpayment-Refund | 16. Refund – Overpayment of Pool Membership |
| | 17. Refund – Recreation Fee, Program Cancelled |

<u>Block</u>	<u>Lot</u>	<u>Owner Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
803	12	Westcourt Apts. LLC/Affiliated Mgmt 551 Bloomfield Ave West Caldwell, NJ 07006	23,461.57	2011-2013	7

Make checks payable to: Brach Eichler LLC and Westcourt Apartments
101 Eisenhower Parkway
Roseland, NJ 07068
Attn: Daniel J. Pollak

2000	2	Villas at West Caldwell 475 Passaic Avenue West Caldwell, NJ 07006	44,808.56	2012/2013	7
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Make checks payable to: Law office of Nathan P. Wolf, LLC
673 Morris Avenue
Springfield, NJ 07081

No. 9563
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING TRANSFER OF 2014 CURRENT FUND APPROPRIATIONS.

WHEREAS, N.J.S.A. 40A:A-58 provides that all unexpended balances carried during the last two months of the current year are available to meet specific claims, commitments or contracts incurred during the current fiscal year and allow transfers to be made from unexpended balances that are expected to be sufficient during the last two months of the current year; and

WHEREAS, the following Current Fund Transfers between appropriations are necessary:

CURRENT FUND

<u>ACCOUNT NUMBER</u>	<u>DESCRIPTION</u>	<u>TO</u>	<u>FROM</u>
	Employee Health Insurance	\$50,000	
	Office of Emergency Management		
	Other Expenses	\$ 500	
	Legal Services		
	Other Expenses		\$50,500

No. 9564
By: Mr. Otterbein

SUBJECT: RESOLUTION – DIRECTING THE PLANNING BOARD OF THE TOWNSHIP OF WEST CALDWELL TO REVIEW THE PROPOSED RESOLUTION DESIGNATING THE PROPERTIES IDENTIFIED AS BLOCK 1504, LOTS 1 AND 2, BLOCK 1901, LOT 13, BLOCK 1903, LOT 1, 2, 3, 4, 5 AND 6, BLOCK 2100, LOT 8, TO BE AN AREA IN NEED OF REHABILITATION.

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*, sets forth the procedures for the Township to determine whether certain properties are areas in need of rehabilitation, along with the development and effectuation of a redevelopment plan for such properties; and

WHEREAS, specifically pursuant to N.J.S.A. 40A:12A-14, the Township may delineate an area to be in need of rehabilitation, by resolution, if “there exist in that area conditions such that (1) a significant portion of structures therein are in a deteriorated or substandard conditions and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon or (2) more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and (3) a program of rehabilitation, as defined in [N.J.S.A. 40A:12A-3], may be expected to prevent further deterioration and promote the overall development of the community; and

DECEMBER 2, 2014

WHEREAS, prior to the adoption of the resolution, the Township Council shall submit such resolution to the Township Planning Board for its review and recommendation, if any; and

WHEREAS, on behalf of the Township, Omland Engineering Associates, Inc. ("Omland"), has performed a study of the properties in the area of Bloomfield Avenue and Kirkpatrick Lane to determine if same meet the criteria to be an area in need of rehabilitation; and

WHEREAS, Omland issued a report to the Township entitled "Area in Need of Rehabilitation Study," dated November 14, 2014 (the "Study"), in which is recommended the properties identified as Block 1504, Lots 1 & 2, Block 1901, Lot 13, Block 1903, Lots 1, 2, 3, 4, 5 & 6, and Block 2100, Lot 8 (the "Study Area"), to be an area in need of rehabilitation; which Study is attached hereto and made a part hereof; and

WHEREAS, the Township Council has prepared a draft Resolution designating the Study Area as an area in need of rehabilitation, which is attached hereto and made a part hereof; and

WHEREAS, based on its review of the Study, the Township Council has determined that the Study Area may be an area in need of rehabilitation and desires the Planning Board of the Township of West Caldwell (the "Planning Board") to review the draft Resolution designating the Study Area as an area in need of rehabilitation for comment in compliance with N.J.S.A. 40A:12A-14; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Caldwell, in the County of Essex, State of New Jersey, that the draft Resolution designating the Study Area, consisting of the properties identified as Block 1504, Lots 1 & 2, Block 1901, Lot 13, Block 1903, Lots 1, 2, 3, 4, 5 & 6, and Block 2100, Lot 8, to be an area in need of rehabilitation to be submitted to the Planning Board for review and comment in accordance with N.J.S.A.40A:12A-14.

BE IT FURTHER RESOLVED that Omland is hereby authorized to present its Study to the Planning Board at its public hearing at which it will review the draft Resolution and proposed designation.

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to transmit a certified copy of this Resolution, along with the attachments, to the Planning Board for its review and comment.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

No. 9565

By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES – THIRD PARTY ADMINISTRATOR FOR MEDICAL PLAN FOR THE CALENDAR YEAR 2015.

WHEREAS, the Township of West Caldwell, in accordance with the provisions of N.J.S.A. 19:44-20.4 et seq. has established a "fair and open" process for the selection of certain professional services; and

WHEREAS, the Township of West Caldwell has posted a notice of the availability of said services along with a Request for Proposals in accordance with the provisions of said statute; and

WHEREAS, the Township of West Caldwell has received a proposal and/or proposals for the position of Third Party Administrator for Medical Plan on November 14, 2014 in accordance with the fair and open process so established; and

WHEREAS, after a review of the Proposal received from Mr. Joseph M. Rude, UHY Advisors and prepared by UHY Advisors/Insurance Design Administrators, located at 153 Bauer Drive, Oakland, New Jersey 07436, is found to be most advantageous to the Township, price and other factors considered; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contract for "Professional Services" without competitive bidding must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of West Caldwell, that UHY Advisors/Insurance Design Administrators is hereby appointed to the position of Third Party Administrator for Medical Plan in accordance with a fair and open process for the period of January 1, 2015 through December 31, 2015.

1. The Mayor and Council are hereby authorized and directed to execute an agreement with UHY Advisors/Insurance Design Administrators of Oakland, New Jersey 07436.

2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law, subject to N.J.S.A. 40A:5-11 which states that "No local unit shall be required to advertise for bids for any of the work performed pursuant to 40A:5-11."

3. A copy of this resolution shall be published in the Progress as required by law within 10 days of its passage.

No. 9566

By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES – THIRD PARTY ADMINISTRATOR FOR GROUP DENTAL PLAN FOR THE CALENDAR YEAR 2015.

WHEREAS, the Township of West Caldwell, in accordance with the provisions of N.J.S.A. 19:44-20.4 et seq. has established a "fair and open" process for the selection of certain professional services; and

DECEMBER 2, 2014

WHEREAS, the Township of West Caldwell has posted a notice of the availability of said services along with a Request for Proposals in accordance with the provisions of said statute; and

WHEREAS, the Township of West Caldwell has received a proposal and/or proposals for the position of Third Party Administrator for Group Dental on November 14, 2014 in accordance with the fair and open process so established; and

WHEREAS, after a review of the Proposal received from Mr. Joseph M. Rude, UHY Advisors and prepared by UHY Advisors/Delta Dental, located at 153 Bauer Drive, Oakland, New Jersey 07436 is found to be most advantageous to the Township, price and other factors considered; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contract for "Professional Services" without competitive bidding must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of West Caldwell, that UHY Advisors/Delta Dental is hereby appointed to the position of Third Party Administrator for Group Dental in accordance with a fair and open process for the period of January 1, 2015 through December 31, 2015.

1. The Mayor and Council are hereby authorized and directed to execute an agreement with Delta Dental of Parsippany, New Jersey 07054.
2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law, subject to N.J.S.A. 40A:5-11 which states that "No local unit shall be required to advertise for bids for any of the work performed pursuant to 40A:5-11."
3. A copy of this resolution shall be published in the Progress as required by law within 10 days of its passage.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

It is hereby certified that at a regular meeting of the Mayor and Council of the Township of West Caldwell, New Jersey being held on the date of 12/02/14, the foregoing Resolution was duly adopted.

No. 9567

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 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. Potential Litigation – Westover Avenue Water Main Replacement Project

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

DECEMBER 2, 2014

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.

Administrator Brewer reported that an analysis of third party administrators was completed from RFPs presented to the Township and UHY was recommended for third party administrator and it was needed to be chosen now because group dental and medical coverage expires at the end of 2014.

There was a discussion on why the Township is self-insured and that the Township's costs are lower than the state health insurance.

Thomas Scrivo, Esq., McElroy Deutsch, Mulvaney & Carpenter, LLP, Special Counsel for the Township, reported on Resolution 9564. The Council is referring the resolution to the Planning Board to review the study from Omland Engineering and report back to the Council within 45 days. After the Council receives the referral back from the Planning Board, they will decide the next step.

Howard Geneslaw, Esq., Gibbons PC, appeared for his client, Stop & Shop and questioned why there is the inclusion of Essex Mall in the study completed by Omland Engineering and which is the site where his client is located. Mr. Geneslaw questioned why this designation has to be done to upgrade infrastructure in West Caldwell.

Council President Otterbein reported that there will be a hearing at the Planning Board and he recommended that the resolution be referred to the Planning Board for study.

It was regularly moved by Council President Otterbein, seconded by Councilman Cecere that the six 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.

COMMITTEE REPORTS:

PUBLIC SAFETY COMMITTEE:

There was no report.

PUBLIC WORKS & WATER:

Council President Otterbein reported the following:

1. There will be a Board of Health meeting on December 3 at 7 pm.
2. Richard Avenue was paved today and Franklin Avenue will be paved this week.

PARKS & RECREATION COMMITTEE:

Councilman Hladik reported the following:

1. Recreation Department will be moved to the municipal building by January 1, 2015. The public will be notified by website, texts, TV 36/47 and sign board.
2. The Senior Transportation Committee will meet in March 2015.
3. The Library Board will meet December 17, 2014.

LEGAL & PERSONNEL COMMITTEE:

Councilman O'Hern reported the following:

1. RFPs were received for professional services and the review of the RFPs should be finished by next week.

DECEMBER 2, 2014

2. Performance evaluations should be completed by the end of January.
3. The storm water management report will be requested for the work being done on Central Avenue.

FINANCE AND WELFARE COMMITTEE:

There was no report.

COMMUNITY PLANNING, DEVELOPMENT & TECHNOLOGY COMMITTEE:

Councilman Docteroff reported the following:

1. Digital archiving is being assessed for the Township.
2. The Camp Wyanokie meeting will be December 3 at 7 pm at Lombardi's.

ADVISORS' REPORT:

Clerk Donovan reminded residents that Tuesday, December 9 is the school special election for the bond referendum. The polling places are open 2 pm until 9 pm.

MAYOR'S REPORT:

Mayor Tempesta reported that the Christmas Tree lighting will be Sunday, December 7 at dusk.

INVITATION TO CITIZENS FOR DISCUSSION:

There were no 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 7:53 pm to reconvene to Closed Session.

Mary S. Donovan
Township Clerk