

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
JUNE 3, 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, June 3, 2014 at 7:23 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
Mary S. Donovan, Township Clerk

Pledge of Allegiance

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, May 20, 2014 be accepted as amended.

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

BILLS ORDERED PAID:

It was regularly moved by Councilman 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 the Mayor, Clerk 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.

PENDING ORDINANCES

The Township Clerk read the title of an Ordinance entitled "No. 1762. AN ORDINANCE ESTABLISHING AND CREATING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE TOWNSHIP OF WEST CALDWELL, ESTABLISHING THE GRADES OF SUCH OFFICES AND EMPLOYMENTS AND FIXING THE SALARY, WAGE OR COMPENSATION TO BE PAID TO THE PERSONS HOLDING SUCH OFFICES OR POSITIONS, REPEALING PRIOR ORDINANCES" and stated that the Ordinance had been published and posted as a Pending Ordinance in the manner required by law and was now due for a hearing and further consideration.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, AND THE STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1. There is hereby created and established in the Township of West Caldwell certain offices and positions of employment, together with the salaries for such positions.

SECTION 2. There shall be paid a longevity increment to full-time employees hired prior to May 1, 1997 (excluding there from the following enumerated employees: Judge and Prosecutor of the Municipal Court and Welfare Director). No longevity will be paid to any employee covered by this ordinance hired on or after May 1, 1997.

Longevity increase shall be due and payable to the annual base salary to such eligible employees who have completed the full period of years of service hereinafter designated: to wit: 2 percent - 5 years; 4 percent - 10 years; 6 percent - 15 years; 8 percent - 20 years; 10 percent - 24 years or more. Such longevity payments shall be made on the pay period next ensuing the anniversary date of full completion of the required period of service.

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SECTION 3. Holiday and Overtime Pay. Holiday and Overtime Pay shall be based on 2,080 hours per year. Overtime shall be at the rate of double time for Sundays and Official Holidays; time and one-half for Saturdays and hours worked in the excess of 40 hours per week. A minimum of 2 hours pay at the above prescribed rates will be paid for all emergency calls after regular working hours.

SECTION 4. In the event additional sessions of Court, over and above 48 per year are required, the Judge and Prosecutor shall be paid a stipend equivalent to 1.5% of their annual salary, and the Court Administrator shall be paid a stipend of \$125 for each session over and above 36 per year.

SECTION 5. In the event attendance at Board of Health meetings, other than for the Township of West Caldwell, is required, the Health Officer shall be paid a stipend of \$125.00 for each session attended. Any inspections or screenings attended by the Health Officer, Registrar or Environmental Specialist, or reports prepared for same by the Health Officer, performed by 9:00 A.M. and/or after 4:30 P.M. Monday through Friday or on Saturdays, will be at a reimbursement rate equal to the hourly rate of said employees.

SECTION 6. Advancement to Steps 2 and 3 for Fire Chief shall be awarded by Resolution of the Governing Body.

SECTION 7. Any Smoke Detector Inspections performed before 9:00 A.M. and/or after 4:30 P.M. by the Fire Official, Deputy Fire Official or their designate will be at a reimbursement rate of \$29.75 per inspection (\$35.00 charge less administrative and benefit cost).

SECTION 8. Any Added Assessment Inspections performed by the Tax Assessor before 9:00 A.M. and/or after 4:30 P.M. Monday through Friday or on Saturdays by the Tax Assessor will be included in their base salary for up to 230 hours of inspection work performed. Any inspections performed over the 230 hours will be reimbursed at a rate equal to either the hourly rate of pay for the Tax Assessor or a stipend established by Resolution of the Governing Body.

SECTION 9. The prescribed salaries and increments for officers and employees, set forth on said schedule shall be effective as of January 1, 2014.

SECTION 10. Ordinance No. 1714, adopted October 27, 2011, and all other ordinances or parts of ordinances inconsistent herewith, are hereby repealed.

SECTION 11. This Ordinance shall take effect immediately upon adoption and publication according to law.

Mayor Tempesta stated that this was the time for a public hearing and asked if anyone wished to be heard.

No one responded and it was regularly moved that the Public Hearing be closed.

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

It was regularly moved by Councilman O'Hern, seconded by Councilman Wolsky that the Ordinance be passed on second reading.

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

The Township Clerk read the title of an Ordinance entitled "No. 1762. AN ORDINANCE ESTABLISHING AND CREATING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE TOWNSHIP OF WEST CALDWELL, ESTABLISHING THE GRADES OF SUCH OFFICES AND EMPLOYMENTS AND FIXING THE SALARY, WAGE OR COMPENSATION TO BE PAID TO THE PERSONS HOLDING SUCH OFFICES OR POSITIONS, REPEALING PRIOR ORDINANCES".

It was regularly moved by Councilman O'Hern, seconded by Councilman Wolsky that the Ordinance be passed on third and final reading and that it be published as a passed Ordinance in the manner required by law.

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

The Township Clerk read the title of an Ordinance entitled "No. 1763. BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO WATER UTILITY SYSTEM IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,139,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,139,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" and stated that the Ordinance had been published and posted as a Pending Ordinance in the manner required by law and was now due for a hearing and further consideration.

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BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of West Caldwell, in the County of Essex, New Jersey (the "Township"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,139,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,139,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various improvements to the water utility system, including but not limited to the replacement of the mains on Francine and Westover Avenues, the replacement of main extensions on Essex Place and Henderson and the acquisition of various equipment, including but not limited to an M-Scope locator, valves, and sampling equipment, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,139,000, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Township pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to

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pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Tempesta stated that this was the time for a public hearing and asked if anyone wished to be heard.

No one responded and it was regularly moved that the Public Hearing be closed.

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

It was regularly moved by Council President Otterbein, seconded by Councilman O'Hern that the Ordinance be passed on second reading.

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

The Township Clerk read the title of an Ordinance entitled "No. 1763. BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO WATER UTILITY SYSTEM IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,139,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,139,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF".

It was regularly moved by Council President Otterbein, seconded by Councilman O'Hern that the Ordinance be passed on third and final reading and that it be published as a passed Ordinance in the manner required by law.

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

The Township Clerk read the title of an Ordinance entitled "No. 1764. ORDINANCE APPROPRIATING \$95,868.58 FROM RESERVE FOR OTHER CONTRIBUTIONS FOR REPAIRS TO KIRKPATRICK PUMP STATION AND FUEL STORAGE IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY" and stated that the Ordinance had been published and posted as a Pending Ordinance in the manner required by law and was now due for a hearing and further consideration.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY AS FOLLOWS:

Section 1. \$95,868.58 is hereby appropriated by the Township of West Caldwell, in the County of Essex, New Jersey (the "Township"), \$45,661.78 of which is appropriated from the "Reserve for Other Contributions – Sewer Pumping Station Improvements" for repairs to Kirkpatrick Pump Station and \$50,206.80 of which is appropriated from the "Reserve for Other Contributions – Fuel Storage

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Improvements” for fuel storage improvements, each including all work and materials necessary therefor and incidental thereto.

Section 2. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Mayor Tempesta stated that this was the time for a public hearing and asked if anyone wished to be heard.

No one responded and it was regularly moved that the Public Hearing be closed.

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

It was regularly moved by Council President Otterbein, seconded by Councilman O’Hern that the Ordinance be passed on second reading.

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

The Township Clerk read the title of an Ordinance entitled “No. 1764. ORDINANCE APPROPRIATING \$95,868.58 FROM RESERVE FOR OTHER CONTRIBUTIONS FOR REPAIRS TO KIRKPATRICK PUMP STATION AND FUEL STORAGE IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY”.

It was regularly moved by Council President Otterbein, seconded by Councilman O’Hern that the Ordinance be passed on third and final reading and that it be published as a passed Ordinance in the manner required by law.

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 thirteen 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 thirteen Resolutions by Consent, attached and made part of these Minutes:

No. 9432
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING THE TOWNSHIP OF WEST CALDWELL’S SUPPORT OF NEW JERSEY’S MILITARY FACILITIES.

WHEREAS, Joint Base McGuire-Dix-Lakehurst, Picatinny Arsenal, Naval Weapons Station Earle, the 177th Air National Guard Wing in Atlantic City, the Camp May Coast Guard Training Center are major Federal assets in the State of New Jersey; and

WHEREAS, the Rutgers Economic Advisory Service, R/ECONTM recently conducted a study which measured and modeled the economic contribution to the state’s economy of our military installations; and

WHEREAS, the Rutgers Economic Advisory Service determined that, in net, the federal government spent nearly \$4.8 billion within the state, which generates over 45,600 jobs that pay about \$2.6 billion and add about \$3.8 billion of wealth to state residents; and

WHEREAS, the \$4.8 billion in annual federal spending results in \$9.6 billion in net business revenues; and

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WHEREAS, of this total, \$6.5 billion is net wealth was added in the form of Gross Domestic Product by the State; and

WHEREAS, of this GDP total, over \$4.0 billion is in the form of labor income that supports an estimated 73,234 jobs, a number greater than the combined employment of the State's communications and chemical industries; and

WHEREAS, all New Jersey military installations make significant individual and collective contributions to the capabilities of our Armed Forces and our national security; and

WHEREAS, maintaining and expanding this military core is nearly as critical for its continued economic welfare as it is to the State's homeland security missions; and

WHEREAS, in an era of Federal fiscal austerity, policy-makers in our Nation's Capital will be asked to consider proposals to reduce defense spending and the size of our uniformed services;

NOW, THEREFORE BE IT RESOLVED that the Governor and the State Senate and Assembly, should take immediate steps to protect these valuable military assets, in recognition of their vital importance to our Nation's and our State's security; and

BE IT FURTHER RESOLVED, that the Township of West Caldwell joins with the New Jersey League of Municipalities in calling on elected officials serving New Jersey at all levels of government to work in concert to promote the preservation, growth and development of our New Jersey military facilities.

No. 9433

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:

<u>Owner Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
Amiee Idan	\$6,162.14	2014	Overpayment Refund

No. 9434

By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING INCLUSION IN THE ESSEX COUNTY URBAN COUNTY COMMUNITY DEVELOPMENT PROGRAM FOR PROGRAM YEARS 2015-2017.

WHEREAS, certain Federal funds are potentially available to the County of Essex under Title I of the Housing and Community Development Act of 1974, as amended and HOME Investment Partnership Act of 1990, as amended; and

WHEREAS, the Township of West Caldwell desires to participate in the Essex County Urban County for conducting certain community development activities for Program Years 2015-2017; and

WHEREAS, a letter has been drafted by the Mayor to the Essex County Division of Housing and Community Development notifying them of the Township's desire to participate in this process; and

WHEREAS, the Grantee or a unit of general local government that directly or indirectly receives CDBG funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended.

WHEREAS, the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by June 21, 2014, each municipality must notify the Essex County Division of Housing & Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Township of West Caldwell and its residents to participate in said programs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Caldwell that it hereby authorizes the Mayor to execute the attached Cooperation Agreement and notifies the Essex County Division of Community Development of its decision to be included as a participant

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municipality in the Urban County entitlement programs being the Community Development Block Grant Program and Home Investment Partnership Act Program for the Program Years 2015, 2016 and 2017 (June 1, 2015-May 30, 2017); and

BE IT FURTHER RESOLVED, that a copy to this resolution be forwarded to the Essex County Division of Housing & Community Development no later than June 21, 2014.

No. 9435

By: Mr. O'Hern

SUBJECT: RESOLUTION – APPOINTING ADAM W. BREWER AS THE PUBLIC AGENCY COMPLIANCE OFFICER FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the New Jersey Department of the Treasury Division of Contract Compliance & Equal Employment Opportunity in Public Contracts requires the designation of a Public Agency Compliance Officer.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of West Caldwell, in the County of Essex and State of New Jersey, that Adam W. Brewer is hereby designated as the Public Agency Compliance Officer of the Township of West Caldwell.

No. 9436

By: Mr. O'Hern

SUBJECT: RESOLUTION – APPOINTING MICHAEL J. BRAMHALL AS ASSISTANT ADMINISTRATOR FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell desires to appoint an Assistant Administrator; and

WHEREAS, Michael J. Bramhall is willing and able to serve as the Assistant Administrator for the Township of West Caldwell; and;

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

1. Michael J. Bramhall is appointed as Assistant Administrator, effective June 3, 2014, at a salary of \$5,000 annually, prorated for the year 2014, in accordance with the salary ordinance.
2. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9437

By: Mr. O'Hern

SUBJECT: RESOLUTION – APPOINTING WILLIAM WALLACE AS SAFETY COORDINATOR FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell desires to appoint a Safety Coordinator; and

WHEREAS, William Wallace, is willing and able to serve as the Safety Coordinator for the Township of West Caldwell; and;

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

1. William Wallace is appointed as Safety Coordinator, effective June 3, 2014, at a salary of \$5,000 annually, prorated for the year 2014, in accordance with the salary ordinance.
2. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9438

By: Mr. Otterbein

SUBJECT: RESOLUTION – APPOINTING MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP (THOMAS P. SCRIVO, ESQ.) SPECIAL COUNSEL FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, there exists a need for a Professional Service and the Township has determined to award this contract as a professional service, as defined in N.J.S.A. 40A:11-1 et seq. without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-20.5 et seq., and in strict accordance with N.J.S.A. 40A:11-5 et seq.; and

WHEREAS, this professional services contract is contingent upon availability of funds in the Township Budget, and in the event of unavailability of such funds, the Township reserves the right to cancel this professional services contract.

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

1. The recitals set forth in the preceding are incorporated into this resolution by reference, as if fully delineated herein.
2. The Township of West Caldwell hereby awards and authorizes the execution of a Professional Service Contract with McElroy, Deutsch, Mulvaney & Carpenter, LLP (Thomas Scrivo, Esq.), not to exceed \$6,500.
3. This contract is awarded without competitive bidding as a Professional Service in accordance with N.J.S.A. 40A:11-5 (1)(a) if the Local Public Contracts Law because said service is performed by a person(s) authorized by law to practice a recognized profession. The contract is available for public inspection in the Office of the Municipal Clerk.
4. The Business Entity Certifications and the Determination of Value will be placed on file with this resolution.
5. A notice of this resolution shall be printed once in the Official Newspaper of the Township of West Caldwell.

No. 9439

By: Mr. O'Hern

SUBJECT: RESOLUTION – APPOINTING ANDREW J. ISSELIN AS A POLICE DISPATCHER FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell desires to appoint a Police Dispatcher; and

WHEREAS, Andrew James Isselin, 44 West End Avenue, Florham Park, NJ 07932, is willing and able to serve as a Police Dispatcher in the Police Department of West Caldwell; and;

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

1. Andrew James Isselin is appointed as Police Dispatcher, effective June 2, 2014, at a salary of \$29,400, in accordance with the salary ordinance.
2. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9440

By: Mr. Otterbein

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH OMLAND ENGINEERING ASSOCIATES INC. FOR ROAD RECONSTRUCTION FOR FRANCISCO AVENUE AND LINCOLN PLACE IN 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, there exists a need for design of roadway reconstruction in Francisco Avenue and Lincoln Place, which include design and bid documents, project administration and construction observation services;

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

1. The Township of West Caldwell will execute an agreement with Omland Engineering Associates Inc., 54 Horsehill Road, Cedar Knolls, NJ 07927 in accordance with the attached proposal.
2. Whereas, the contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq., in that the vendor was awarded a professional services appointment for the year 2014.
3. All Township officials are hereby authorized and directed to take any and all action necessary and appropriate to effectuate the terms of this Resolution.

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No. 9441
By: Mr. Otterbein

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH ELEMENT ARCHITECTURAL GROUP FOR ARCHITECTURAL 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, there exists a need for a design of the second floor offices of the Municipal Building, which includes the architectural portion of construction drawings and details;

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

1. The Township of West Caldwell will execute an agreement with Element Architectural Group, 12 North State Route 17, Suite 220, Paramus, NJ 07652 in accordance with the attached proposal.
2. Whereas, the contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq., in that the vendor was awarded a professional services appointment for the year 2014.
3. All Township officials are hereby authorized and directed to take any and all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9442
By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING NEW JERSEY SEEDS, INC. OFF PREMISE MERCHANDISE RAFFLE, AUGUST 4, 2014, LICENSE NO. 365, ID NO. 337-5-33049.

WHEREAS, New Jersey SEEDS, Inc. has submitted a Raffle License Application No. RA 365, ID No. 337-53-3049, for an off premise merchandise raffle to be held on June 3, 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 365; 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.

No. 9443
By: Mr. Wolsky

SUBJECT: RESOLUTION – REJECTING ANY AND ALL BIDS FOR THE RICHARD AVENUE AND FRANKLIN AVENUE RECONSTRUCTION PROJECT AND AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO ENTER INTO NEGOTIATIONS WITH CONTRACTORS UNDER THE PROVISIONS OF N.J.S.A. 40A:11-5(3) THAT CORRESPOND TO AVAILABLE FUNDING.

WHEREAS, there exists a need for a Professional Service and the Township has determined to award this contract as a professional service, as defined in N.J.S.A. 40A:11-1 et seq. without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-20.5 et seq., and in strict accordance with N.J.S.A. 40A:11-5 et seq.; and

Whereas, this professional services contract is contingent upon availability of funds in the Township Budget, and in the event of unavailability of such funds, the Township reserves the right to cancel this professional services contract.

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

1. The recitals set forth in the preceding are incorporated into this resolution by reference, as if fully delineated herein.
2. The Township of West Caldwell hereby awards and authorizes the execution of a Professional Service Contract with McElroy, Deutsch, Mulvaney & Carpenter, LLP (Thomas Scrivo, Esq.), not to exceed \$6,500.
3. This contract is awarded without competitive bidding as a Professional Service in accordance with N.J.S.A. 40A:11-5 (1)(a) if the Local Public Contracts Law because said service is performed by a person(s) authorized by law to practice a recognized profession. The contract is available for public inspection in the Office of the Municipal Clerk.

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4. The Business Entity Certifications and the Determination of Value will be placed on file with this resolution.
5. A notice of this resolution shall be printed once in the Official Newspaper of the Township of West Caldwell.

No. 9444

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. Contract Negotiation – PBA; AT&T Cell Tower
2. Litigation – Tax Appeals
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 thirteen 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 Wolsky abstained on Resolution No. 9442.

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PRESENTATION: COMPLETE STREETS

Jerry Fried of Complete Streets gave a presentation on the value of municipalities making their towns more pedestrian friendly. Mayor Tempesta thanked the West Caldwell Environmental Commission for having Mr. Friend present his program.

COMMITTEE REPORTS:

PUBLIC SAFETY COMMITTEE:

Councilman Cecere reported the following:

1. Daniel Caniano graduated from the Morris County Police Academy and did well academically. Matt O'Hern is another graduate of the Police Academy and will be working in Randolph.
2. The Environmental Commission had a transportation contest and Kara Handley was the winner and her theme was "Stride Instead of Ride." She will receive a T-shirt and a gift certificate.

PUBLIC WORKS & WATER

Councilman Otterbein reported the following:

1. Road projects are being worked on and the water department is doing repairs and maintenance. Vincent Graziano and John Pressler were thanked for their hard work.
2. There will be a Board of Health meeting on June 4 at 7 pm.

PARKS & RECREATION COMMITTEE:

Councilman Hladik reported the following:

1. Two long-term Library Trustees are leaving: Carl Sposato and Patricia Holden will be leaving their positions and were wished well.

LEGAL & PERSONNEL COMMITTEE:

Councilman O'Hern reported the following:

1. Ruby Malcom was thanked for her work for the Finance Department.
2. Michael Bramhall and Bill Wallace were congratulated for their new positions.
3. Daniel Caniano and Matt O'Hern were congratulated for graduation from the police academy.
4. The salary ordinance was passed and the merit-based system was implemented.
5. Personnel manual was sent to the Personnel committee for review.
6. The municipal building roof is finished and the design will be reviewed for the town hall.

FINANCE AND WELFARE:

There was no report.

COMMUNITY PLANNING, DEVELOPMENT & TECHNOLOGY COMMITTEE:

Councilman Docteroff reported the following:

1. WiFi is installed and is working.
2. Steven Brown is dealing with a major illness and prayers were offered for him and his family.

MAYOR'S REPORT:

Mayor Tempesta reported that the paving and milling of Passaic Avenue will begin June 9 until June 30, 2014.

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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 8:10 pm.

Mary S. Donovan
Township Clerk