

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
MAY 20, 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, May 20, 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 W. Brewer, Business Administrator
Paul G. Jemas, Municipal Attorney
Nikole H. Monroig, Chief Financial Officer
Mary S. Donovan, Township Clerk

Pledge of Allegiance and Invocation – First Responders' Prayer

PENDING ORDINANCES:

The Township Clerk read the title of an Ordinance entitled "No. 1759 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$3,120,569 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,971,961 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.

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. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of West Caldwell, in the County of Essex, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$3,120,569, and further including the aggregate sum of \$148,608 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,971,961 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

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<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of various computer and office furniture, including but not limited to, workstations, servers, firewalls, scanners, metal detectors, court video teleconferencing equipment, a security system and alarm panel for Police Headquarters, CAD software, lap tops and license readers for the Police Department, including all related costs and expenditures incidental thereto.	\$195,069	\$185,779	5 years
b) The acquisition of equipment for the Police Department and the Fire Department, including, but not limited to, radios, pagers, SCBA gear, turnout gear sets, defibrillators and an infrared camera, including all related costs and expenditures incidental thereto.	\$83,000	\$79,046	10 years
c) The acquisition of command and sport utility vehicles for the Fire Department and the Police Department, including all related costs and expenditures incidental thereto.	\$55,500	\$52,856	5 years
d) Various road improvements, including, but not limited to, the reconstruction of Richard and Franklin Avenues, including all work and materials necessary therefor and incidental thereto.	\$850,000	\$809,522	10 years
e) The reconstruction of the sewer sanitary sewer system and upgrades to the Kirkpatrick Pump Station, including all work and materials necessary therefor and incidental thereto.	\$1,350,000	\$1,285,713	40 years
f) The construction of a mini fuel depot, including, but not limited to, a mobile fuel dispensing unit and salter, including all work and materials necessary therefor and incidental thereto.	\$327,000	\$311,427	15 years
g) Various improvements to the Township's facilities, including, but not limited to, a new roof for the Fire Department, building repairs to the Civic Center, repairs to the Crane House and the Municipal Building, and the removal of the underground storage tanks at Kirkpatrick and Memorial, including all work and materials necessary therefor and incidental thereto.	\$250,000	\$238,095	15 years
h) Improvements to various parks, including, but not limited to, the renovation of the gazebo, including all work and materials necessary therefor and incidental thereto.	\$10,000	\$9,523	15 years
TOTAL:	<u>\$3,120,569</u>	<u>\$2,971,961</u>	

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The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 23.51 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 \$2,971,961, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$270,000 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 purposes or improvements.

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 pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 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 purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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

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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 Councilman Wolsky, seconded by Council President Otterbein 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. 1759 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$3,120,569 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,971,961 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF".

It was regularly moved by Councilman Wolsky, seconded by Council President Otterbein 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. 1760 BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE POOL UTILITY IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$68,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$65,333 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.

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. 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 \$68,600. Although 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, an amount equal to \$3,267 is provided for as a down payment. The down payment is now available by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$65,333 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 Pool Utility, including but not limited to a pool study and the replacement of main drains and valves, lifeguard stands and filters, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures 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

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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 \$65,333, 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 \$12,000 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 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.

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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 Wolsky, seconded by Council President Otterbein 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 "BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE POOL UTILITY IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$68,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$65,333 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF".

It was regularly moved by Councilman Wolsky, seconded by Council President Otterbein 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.

Administrator Brewer indicated that the following bond ordinance will not be passed because of procedural issues.

The Township Clerk read the title of an Ordinance entitled "No. 1761 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 \$1,084,761 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.

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 Wolsky, seconded by Council President Otterbein that the Ordinance be defeated 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 "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 \$1,084,761 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF".

It was regularly moved by Councilman Wolsky, seconded by Council President Otterbein that the Ordinance be defeated on third and final reading.

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

COMMUNICATIONS:

A-1 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available under the 2014 Budget of Appropriations – May Bill Schedule; further certifying that there will be no over-expenditures of any line item in the Budget as a result of this schedule.

Received and placed on file.

BILLS ORDERED PAID:

It was regularly moved by Councilman Wolsky, seconded by Council President Otterbein, that the Amended 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 except Councilman O’Hern abstained on the bill from vendor Able Fence.

SCHEDULE OF BILLS ORDERED PAID

	<u>Checks</u>	<u>Amount</u>
CURRENT ACCOUNT – VALLEY NATIONAL BANK	1517-1678	\$6,517,019.14
WATER OPERATING ACCOUNT- VALLEY NATIONAL BANK	9082-9112	\$ 166,788.60
POOL UTILITY ACCOUNT	2329-2353	\$ 18,195.38
GENERAL CAPITAL ACCOUNT	2215-2226	\$ 48,381.50
WATER CAPITAL	8008-8016	\$ 23,753.85
POOL CAPITAL	3002-3003	\$ 3,340.00
GENERAL TRUST – VALLEY NATIONAL BANK	5041-5063	\$ 66,956.32
DOG TRUST	1534-1535	\$ 563.40

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 6, 2014 be accepted as amended.

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

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PROPOSED CONSENT AGENDA:

It was regularly moved by Council President Otterbein, seconded by Councilman Docteroff, 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. 9421
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING 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 |
| 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 Balance 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>Owner Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
Shana Dastur 139 Forest Ave West Caldwell, NJ 07006	\$55.00	2014	16
Robert Cavallo 9 Monroe Avenue Roseland, NJ 07068	\$60.00	2014	16
Sam Green 17 Sylvan Way West Caldwell, NJ 07006	\$64.00	2014	17
Beth Goldberg 55 Leonard Terr Roseland, NJ 07068	\$32.00	2014	17
Greg Elphinstone 30 Deerfield Road West Caldwell, NJ 07006	\$60.00	2014	16
Carolyn A. Jones 14 Woodmere Road West Caldwell, NJ 07006	\$1,180.25	2013/14	8
Total Refund:	\$1,451.25		

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No. 9422
By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING JEWISH FEDERATION OF GREATER METROWEST NJ FOR CASINO NIGHT, MAY 29, 2014, LICENSE NO. 364, ID NO. 193-4-36740.

WHEREAS, Jewish Federation of Greater MetroWest NJ has submitted a Raffle License Application No. RA 345, ID No. 193-4-36740, for a casino night to be held on May 29, 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 364; 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. 9423
By: Mr. Hladik

SUBJECT: RESOLUTION – AUTHORIZING APPROVAL OF CHANGE ORDER #3 IN THE AMOUNT OF \$25,166.00 FOR THE MEMORIAL PARK FIELD LIGHTING PROJECT FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Governing Body of the Township of West Caldwell previously awarded the contract for the Memorial Park Field Lighting Project to Quality Electric, in the amount of \$730,691.00 (the "Contract"); and

WHEREAS, it has been determined that certain changes to this Contract are necessary; and

WHEREAS, during the course of the Contract, it was discovered that the following minor modifications were required:

1. Relocation of Bleachers

WHEREAS, the cost for these modifications is \$25,166.00 and results in a 3.44% increase over the original Contract amount;

WHEREAS, these minor modifications represent no substantial change to the quality or character of the items or work provided or the overall Contract amount;

WHEREAS, the Chief Financial Officer has certified in writing that funds are available for the payment of these minor modifications; and

WHEREAS, based upon the recommendations of the Township Administrator, Construction Official and the project Architect, the Governing Body wishes to approve this change order; and

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

1. The above listed change order to the Contract for the Memorial Park Field Lighting Project to Quality Electric be and hereby is approved.
2. A written amendment to the contract shall be executed covering the changes made by said change orders.
3. The appropriate municipal officials are hereby authorized to execute said change orders.
4. The change to the contract price is as follows:

Original Contract Price	\$730,691.00
Amount of Previous Change Orders	47,975.40
Amount of Change Order #3	25,166.00
New Contract Price with All Change Orders	\$803,832.40

Percent Increase of Change Order #3	3.44%
Percent Increase of all Change Orders	10%

No. 9424
By: Mr. Hladik

SUBJECT: RESOLUTION – ADDING THE CALDWELLS ATHLETIC CLUB, CALDWELL/WEST CALDWELL LACROSSE CLUB, AND THE BLUE DEVILS AS “ADDITIONAL NAMED INSURED” TO THE TOWNSHIP OF WEST CALDWELL’S COVERAGE DOCUMENT.

WHEREAS, the Township of West Caldwell is a participating member of the Morris County Municipal Joint Insurance Fund (the "Fund");

WHEREAS, the Fund has adopted certain criteria to distinguish between bona fide municipal activities and other quasi-entities not sponsored by the municipality and therefore, not subject to coverage by the Fund; and

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WHEREAS, it has been determined that in order to be covered by the Fund, the organization or activity must meet the test that its functions are of the type that historically municipalities have undertaken or have provided insurance coverage for and/or is one that advances a bona fide local public purpose on a nonprofit basis typically met by the local government and the benefits are available to the municipality in general; and

WHEREAS, the Township of West Caldwell's athletic programs are generously supported and enhanced through the involvement of volunteer organizations; and

WHEREAS, the Caldwells' Athletic Club, the Caldwell/West Caldwell Lacrosse Club and the Blue Devils are such volunteer organizations that provide recreational opportunities and administer recreational programs for the Township of West Caldwell; and

WHEREAS, the programs offered by the Caldwells' Athletic Club, the Caldwell/West Caldwell Lacrosse Club and the Blue Devils may not be available without the support of these volunteer organizations; and

WHEREAS, the Township of West Caldwell wishes to add the Caldwells' Athletic Club, the Caldwell/West Caldwell Lacrosse Club and the Blue Devils as "additional named insured" under the Township's insurance policy with the Fund for general liability and "nonowned" auto liability coverage, in accordance with the applicable limits and restrictions.

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

1. That the Caldwells Athletic Club, the Caldwell/West Caldwell Lacrosse Club and the Blue Devils be added as "additional named insured" to the Township of West Caldwell's Coverage Document with the Morris County Municipal Joint Insurance Fund.

No. 9425

By: Mr. Docteroff

SUBJECT: RESOLUTION – APPOINTING WILLIAM J. HUNTER AS A BOARD MEMBER TO CAMP WYANOKIE COMMISSION.

WHEREAS, the Township of West Caldwell desires to appoint a new board member for the Camp Wyanokie Commission and

WHEREAS, William J. Hunter, 12 Sunnie Terrace, West Caldwell, NJ 07006, is willing and able to serve as a member on behalf of the Township of West Caldwell; and

BE IT RESOLVED that William J. Hunter, 12 Sunnie Terrace, West Caldwell NJ 07006 be appointed as a board member of the Camp Wyanokie Commission for the year 2014 representing the Township of West Caldwell.

No. 9426

By: Mr. Wolsky

SUBJECT: RESOLUTION - AUTHORIZING CANCELLATION OF TAX SALE PREMIUM (CERTIFICATE NUMBER 08-004 TO MISCELLANEOUS REVENUE NOT ANTICIPATED).

WHEREAS, N.J.S.A. 54:5-33 provides that tax sale premiums held by a municipality in excess of five years may be cancelled, and

WHEREAS, the Township of West Caldwell has the following tax sale premium held in excess of five years:

<u>Certificate Number</u>	<u>Date</u>	<u>Purchaser</u>	<u>Amount</u>
08-004	12/03/08	Isaac Moradi	\$ 400.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Caldwell that the above tax sale premium be cancelled to Miscellaneous Revenue Not Anticipated in accordance with N.J.S.A. 54:5-33.

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No. 9427

By: Mr. Otterbein

SUBJECT: RESOLUTION – AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR A SAFE ROUTE TO SCHOOL GRANT.

WHEREAS, grant funds are available through the New Jersey Department of Transportation’s Safe Routes to School Program; and

WHEREAS, the Caldwell-West Caldwell Board of Education, with the support of the Township of West Caldwell and the Borough of Caldwell, has recommended that an application be submitted for funding for:

- Sidewalk on Prospect Street, Caldwell, from Grover Cleveland Middle School to cemetery;
- Sidewalk on Prospect Street, West Caldwell, from Jefferson School building to end of property;
- Sidewalk on Thomas Street, Caldwell, from end of Grover Cleveland Middle School to cemetery;
- Sidewalk on Bloomfield Avenue, Caldwell, at back of Lincoln School property;
- Sidewalk on Central Avenue, West Caldwell, from edge of Washington School property to Taylor Avenue;
- Sidewalk on Westville Avenue, West Caldwell, from James Caldwell High School to Passaic Avenue;
- Sidewalk on Erwin Place, Caldwell, in vicinity of Lincoln School;
- Signage in various locations to enhance pedestrian safety;
- Bike lanes near Jefferson School, Wilson School, Grover Cleveland Middle School, and James Caldwell High School;
- Bike racks at Jefferson School, Wilson School, Grover Cleveland Middle School, and James Caldwell High School; and

WHEREAS, the installation of these improvements will make travel routes to school much safer for students and enhance all pedestrian safety in the Township and Borough;

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

2. That the application submitted by the Caldwell-West Caldwell Board of Education be supported and endorsed by the Township of West Caldwell.

No. 9428

By: Mr. Hladik

SUBJECT: AUTHORIZING THE EXERCISE OF ALL AUTOMATIC RENEWAL OPTION PERIODS IN THE CURRENT LEASE WITH THE ESSEX VALLEY SCHOOL TO ALLOW FOR THE CURRENT TERM OF THE LEASE TO BE EXTENDED THROUGH OCTOBER 22, 2028.

WHEREAS, the County of Essex (referred to as the “County”) and the Township of West Caldwell (referred to as the “Township”) are parties to a Local Aid Grant Agreement dated May 6, 2014 (referred to as the “Grant Agreement”) with regard to the grant funding for the Essex Valley School – Multisport Field Improvements (referred to as the “Project”); and

WHEREAS, the Grant Agreement is incorporated into this Resolution by reference as if fully delineated in this Resolution; and

WHEREAS, as set forth in the Grant Agreement, the Township, as the Lessee, leases the Project site from the Essex Valley School, Inc., as the Lessor, (“referred to as “EVS”) pursuant to a certain Lease Agreement for the Development and Use of Athletic Field and Use of Gymnasium that is identified in the Grant Agreement, as amended to date (referred to as the “Lease Agreement”); and

WHEREAS, the Grant Agreement provides, in pertinent part and among other things, that the grant award funding set forth in the Grant Agreement will be provided to the Township upon the Township, by and through the vote of a majority of the governing body of the Township, authorizing the immediate exercise of all options of the Lease Agreement to extend the term of the Lease Agreement through October 22, 2028; and

WHEREAS, the governing body of the Township, in conjunction with the review and advice of the Township’s staff and professional consultants, has determined that it is in the better interest of the Township to authorize the immediate exercise of all options of the Lease Agreement to extend the term of the Lease Agreement through October 22, 2028, as provided for and required by the Grant Agreement.

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

1. The Mayor and Council hereby approve of and hereby authorize the immediate exercise of all options of the Lease Agreement to extend the term of the Lease Agreement through October 22, 2028 as provided for in the Grant Agreement; and

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2. All Township officials are hereby authorized and directed to take any and all action necessary and appropriate to effectuate the terms of this Resolution; and

No. 9429

By: Mr. Otterbein

SUBJECT: AUTHORIZING CONTRACT WITH INDEPENDENCE CONSTRUCTORS FOR REMOVAL OF UNDERGROUND STORAGE TANKS AND THEIR REPLACEMENT WITH ABOVEGROUND STORAGE TANKS IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of West Caldwell has the need on a timely basis to purchase a State contract for the removal of underground storage tanks (USTs) and their replacement with aboveground storage tanks (ASTs) in the Department of Public Works (DPW); and

WHEREAS, the Township Engineer investigated two separate steel fuel tanks (diesel and unleaded), a decision was made to secure a single, concrete encased unit, split internally as a mean of of minimizing the footprint within the DPW yard and reducing future maintenance costs; and

WHEREAS, the Township of West Caldwell was able to secure the 2009 pricing for these improvements before the new state contracts are awarded in June 2014; and

WHEREAS, using the state contract vendor eliminates the need for public advertising and will further result in a fee reduction of a professional services contract with the Township; and

THEREFORE, the Township of West Caldwell intends to enter into a contract with Independence Constructors, 1200 Route 22 East, Bridgewater, NJ 08807, State Contract number A7555, and said contract is attached; and;

NOW, BE IT THEREFORE RESOLVED, that the governing body of the Township of West Caldwell pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer.

No. 9430

By: Mr. Cecere

SUBJECT: APPOINTMENT OF NICHOLAS SASSO AS AN AUXILIARY FIREFIGHTER OF THE WEST CALDWELL VOLUNTEER FIRE DEPARTMENT.

RESOLVED, on the recommendation of the Chief of the West Caldwell Volunteer Fire Department that Nicholas Sasso, 19 Fairfield Avenue, West Caldwell, NJ, be designated as an Auxiliary Firefighter of the West Caldwell Volunteer Fire Department, effective May 20, 2014.

No. 9431

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

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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 contract,
2. Potential Litigation – Memorial Park

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, except Council President Otterbein abstained on number 9430, Councilman Cecere abstained on numbers 9428 and 9430, Councilman O’Hern abstained on number 9430, Councilman Wolsky abstained on number 9422 and Councilman Docteroff abstained on number 9425.

OATH OF OFFICE

Mayor Tempesta swore in William J. Hunter as a member of the Camp Wyanokie Commission with his family present.

COMMITTEE REPORTS:

PUBLIC SAFETY:

REPORTS – POLICE CHIEF-JUDGE AND DETECTIVE BUREAU – APRIL 2014

On the recommendation of Councilman Cecere, the reports submitted by the Police Chief, Judge and Detective Bureau for the month of April 2014 as received, be placed on file. Fines in the amount of \$20,709.00 were collected and apportioned as follows (copy attached to minutes).

REPORTS – VOLUNTEER FIRE DEPARTMENT REPORTS – APRIL 2014

On the recommendation of Councilman Cecere, the reports submitted by the Fire Chief of West Caldwell Volunteer Fire Department for the month of April 2014 as received, be placed on file.

REPORTS – CONSTRUCTION OFFICIAL’S REPORT – APRIL 2014

On the recommendation of Councilman Cecere, the reports submitted by the Construction Official for the month of April 2014 as received, be placed on file.

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Councilman Cecere reported on the following:

1. The pool committee met earlier tonight and there will be a family day on June 20, 11:30 am until 8 pm at the Westville Pool.
2. There will be wifi at both pools this year.
3. There will be two family movie nights at the pools this year.
4. There will be a ceremony on McNish Way in the future to honor James McNish who was killed in Vietnam in 1967.

PUBLIC WORKS & WATER:

The Township Clerk read the title of an Ordinance entitled “BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE 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 THE COST THEREOF.”

It was regularly moved by Council President Otterbein, seconded by Councilman O’Hern that the Ordinance be passed on first reading; that it be published and posted as a pending Ordinance in the manner required by law and that the Public Hearing be held on Tuesday, June 3, 2014.

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 “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 first reading; that it be published and posted as a pending Ordinance in the manner required by law and that the Public Hearing be held on Tuesday, June 3, 2014.

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

Council President Otterbein reported on the following:

1. The Department of Public Works is working on potholes throughout the Township.
2. Street sweeping will be finished soon.
3. Five streets are slated for milling: Kanouse, Melrose, Old Carriage, Fairfield Place and Natalie Drive.
4. Town hall roof repairs are continuing.
5. Pools are filled and are ready for the season.

PARKS AND RECREATION:

Councilman Hladik reported on the following:

1. The pools open on Saturday, May 24 and the Memorial Day parade will be on Monday, May 26.
2. Recreation Director Gabe DiMasi and staff were thanked for their hard work on recreation programs.
3. There are many summer programs: tot lot, travel baseball, and more recreation programs.
4. Gabe DiMasi and Adam Brewer were thanked for their hard work to make sure the local recreation programs joined the Morris County JIF as part of their insurance coverage.
5. Samantha McCoy was feted on Tuesday, May 20 at a welcoming reception.
6. There was no Senior Transportation meeting as there was no quorum.

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LEGAL AND PERSONNEL:

Councilman O'Hern reported on the following:

1. The salary ordinance will be passed on June 3, 2014.
2. The town hall roof will be completed soon.

FINANCE AND WELFARE:

Councilman Wolsky reported on the following:

1. The Bridge had an event on the increased use of heroin and a suggestion was made to make the video available to show on TV 36/47.

COMMUNITY PLANNING, DEVELOPMENT & TECHNOLOGY:

Councilman Docteroff reported the following:

1. Wifi is running at both two pools and thanked Walt Rodriguez for his hard work.
2. IP cameras may be installed for security at both pools
3. Camp Wyanokie had its second meeting and plans are being made for Camp Wyanokie Fishing Derby on June 28, 2014 with a rain date of June 29 and the next meeting will be June 4, 2014.
4. Simplified alerts are working to send out recreation messages and alerts.

ADVISORS' REPORTS:

Township Clerk Donovan reminded everyone of the upcoming primary election day on June 3, 2014 in the Township of West Caldwell.

MAYOR'S REPORT

Mayor Tempesta reminded everyone about the Memorial Day parade on Monday, May 26 with kickoff at 9:30 am on Forest Avenue in Caldwell. The parade ends at Crane Park at 11 am with a ceremony.

The Township received an Open Space Grant from Essex County for \$150,000 to turf the field at Essex Valley School as did Caldwell and the Township also received a grant of \$50,000 from USA Football for turfing the Essex Valley School. In order to receive the grant from Essex County, the Township had to extend their lease with Essex Valley School in five-year increments until 2028.

INVITATION TO CITIZENS FOR DISCUSSION

Dana Hunter, 28 Johnson Avenue questioned if everything that could be done concerning mosquitos was being done.

Mayor Tempesta answered her concerns and indicated Administrator Brewer would be following up with Essex County Representative Alan Abramowitz.

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 to Closed Session.

Mary S. Donovan
Township Clerk