

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
OCTOBER 7, 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, October 7, 2014 at 7:15 P.M.

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

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

OTHERS PRESENT: Adam Brewer, Township Administrator
Paul G. Jemas, Township Attorney
Mary S. Donovan, Township Clerk

Pledge of Allegiance

APPROVAL OF MINUTES:

On the recommendation of Council President Otterbein, seconded by Councilman Docteroff, it was regularly moved that the Minutes of the Regular Meeting held on Tuesday, September 16, 2014 be accepted as presented.

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 approved by the Chief Financial Officer be attached to the Minutes and be paid and that the Mayor, Clerk and Treasurer be authorized to sign the necessary warrants for their payment.

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

PENDING ORDINANCES

The Township Clerk read the title of an Ordinance entitled "No. 1766 AN ORDINANCE TO AMEND CHAPTER XVIII, UTILITIES, ADOPTED OCTOBER 17, 1995, AMENDING SEWER SERVICE CHARGES" 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.

SEWER

18-3.7 Sewerage Service Charges.

- a. There is hereby established a sewerage charge for sanitary sewage and wastewater discharged into the sewer system of the township and treated by the township treatment plant, to be imposed upon the owners of properties served thereby at the rates hereinafter set forth.
- b. The sewerage service charge hereby imposed shall be a quarterly payment charge based upon the water meter readings for water furnished to the premises as follows:
 1. District No. 1 shall consist of all those properties served by the Caldwell Wastewater Treatment Plant. On all water furnished to any premises (excepting only one- or two-family homes), there shall be paid quarterly a sewer service charge hereby imposed at the rate of nine dollars and thirty-five (\$9.35) cents for each one thousand (1,000) gallons or part thereof for water furnished to the said premises. Quarterly bills will be based on average quarterly volume of water furnished during the first and fourth quarters of the previous year. In the event that an accurate reading of the water meter cannot be had, the sewer service charge shall be estimated in the same manner as the water charge is estimated. There shall be a minimum sewer service charge in the amount of \$47.50 per quarter.
 2. District No. 2 shall consist of all those properties served by the Two Bridges Sewer Authority (TBSA) Wastewater Treatment Plant. On all water furnished to any premises (excepting only one- or two-family homes), there shall be paid quarterly a sewer service charge of nine dollars and thirty-five (\$9.35) cents for each one thousand (1,000) gallons or part thereof for water

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furnished to the said premises. Quarterly bills will be based on average quarterly volume of water furnished during the first and fourth quarters of the previous year. In the event that an accurate reading of the water meter cannot be had, the sewer service charge shall be estimated in the same manner as the water charge is estimated. There shall be a minimum sewer service charge in the amount of \$47.50 per quarter.

3. The Township Engineer may, at any time, in the sole discretion of the Township Engineer, and shall, when requested by the property owner, review building sewer permits for buildings other than one- or two-family dwellings, for the purpose of determining whether the sewerage charge for the property should be based upon the actual quarterly volume of water furnished to the premises on the property and deposited into the sewer system in each quarter of the year. The Township Engineer shall change the basis of charging for sewage from the premises on a property where the Township Engineer determines that the sewage generated by the premises on the property and deposited into the sewer system can be more accurately determined on a basis other than the average quarterly volume of water furnished to the premises thereon during the first and fourth quarters of the previous year. The Township Engineer shall have discretion to change the basis of charging the sewer charge to a property effective as of the date the Township Engineer determines that the change is appropriate or as of such other future date that the Township Engineer deems appropriate. There shall be a minimum charge for these properties based on their location in District 1 or 2, charged on the same basis as the minimum charges for other properties in the applicable district.
- c. Every owner who shall take water from the ground by well or other means (excepting only one- or two-family homes), which is unmetered with the Township Water Department, and shall discharge the water into the sewer system of the township shall install meters or approved measuring devices to measure the quantity of water derived from such sources and shall pay to the township a sewer service charge as stated in 18-3.7b.1 for premises located in District No. 1 and as stated in 18-3.7b.2 for premises located in District No. 2.
- d. Any owner, at his option and at his expense, may also install a sewer outlet measuring device or meter to measure the water discharged into the township's sewer system, and such sewer service charge shall be calculated upon the reading of the meters or measuring devices to the same extent and in the same manner as the water consumption readings are taken. All meters or other measuring devices installed or required to be used under the provisions of this section shall be under the control of the Township Engineer. The owner of the property upon which any such measuring device is installed shall be responsible for its installation, maintenance and safekeeping, and all repairs thereto shall be made at the owner's cost, whether such repairs are made necessary by ordinary wear and tear or other causes. The cost of such repairs, if made by the township, shall be due and payable at the same time and subject to the same penalties as are the bills for sewage services.
- e. All sewerage service charges shall be due and payable in quarterly installments. Interest will be charged in the same manner as taxes, at the rate of 8% on the first \$1,500.00 of delinquency and 18% on any amount of delinquency over \$1,500.00. These charges shall be a lien upon the premises served until paid, and the township shall have the same remedies for the collection thereof, with interest costs and penalties, as it has by law for the collection of taxes upon real estate and water rents.
- f. The Treasurer of the Water Department is hereby charged with the duty of collecting all sewer service charges.
- g. Whenever the sewer service to any property begins after the first day or terminates before the last day of any calendar quarter, the sewer rental for such quarter shall be for that portion of the quarter during which the property is served.
(1993 Code § 163-7; Ord. No. 1359 § 1; Ord. No. 1478 § 3; Ord. No. 1656 § 1; Ord. No. 1665 § 1, 2; Ord. No. 1727)

All changes to ordinance shall take effect January 1, 2015 and shall rescind all prior ordinances, resolutions and fee schedules of the Township of West Caldwell.

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. 1766 AN ORDINANCE TO AMEND CHAPTER XVIII, UTILITIES, ADOPTED OCTOBER 17, 1995, AMENDING SEWER SERVICE CHARGES".

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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. 1767 AN ORDINANCE TO AMEND CHAPTER XVIII, UTILITIES, ADOPTED OCTOBER 17, 1995, AMENDING WATER USE AND CHARGES” 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.

WATER USE AND CHARGES

18-1.6 Charges.

a. The following are the charges of the Water Department of the Township of West Caldwell:

1. Water consumption, per one thousand (1,000) gallons of water: five dollars and ninety-seven (\$5.97) cents.*
2. Minimum quarterly charge to all consumers connected to the system: fourteen (\$14.00) dollars.*
3. Well owners not connected to or not using the public water system will be charged an annual rate of twelve (\$12.00) dollars for fire hydrant services and shall be billed annually.
4. Meters. Costs for meters shall be as follows:

METER	FEE
5/8" x 5/8"	\$145.00
5/8" x 3/4"	\$220.00
3/4" x 3/4"	\$220.00
1"	\$270.00

Meters 1 1/2" and larger are to be charged at a rate of 1.5 times the actual cost incurred to the Township of West Caldwell for meter, equipment and installation.

5. One (1") inch tap charge: three hundred fifty (\$350.00) dollars.
6. Nonemergency shutoff/turn-on charge (nonworking hours): forty-five (\$45.00) dollars.
7. Meter testing charge for all meters smaller than one (1) inch: thirty (\$30.00) dollars. All meters over one (1) inch: actual cost to the township plus twenty (\$20.00) dollars.
8. Sprinkler permit charge: one hundred (\$100.00) dollars.
9. Flow test (commercial and industrial): two hundred (\$200.00) dollars.
10. Pressure test inspection (new water mains, commercial and industrial): one hundred (\$100.00) dollars.
11. Hydrant test, minimum (private property): twenty-five (\$25.00) dollars per hydrant.
12. Hydrant test, conditional, on cost of labor to the township (private property): as determined under paragraph a,17.
13. Quarterly hydrant standby charge: twenty-five (\$25.00) dollars per hydrant.
14. Final reading: ten (\$10.00) dollars.
15. An annual standby charge, for all buildings equipped with a sprinkler system, payable quarterly, at the rate of:

Annual Quarterly Charge Billing	Building Size (square feet)
\$100.00	\$25.00 0 to 2,000
320.00	80.00 2,001 to 25,000
360.00	90.00 25,001 to 50,000
400.00	100.00 50,001 to 100,000
200.00	50.00 Per 50,000 above 100,000

16. Construction water charges:
 - (a) New residents: thirty-five (\$35.00) dollars per unit.
 - (b) Commercial and industrial buildings: seventy-five (\$75.00) dollars to two hundred fifty (\$250.00) dollars depending on the size of the building.
17. Cost of labor is determined by multiplying the actual or overtime hourly rate by 1.3.
18. Water service termination (shut off) resulting from nonpayment of water charges shall be: thirty (\$30.00) dollars.
19. Water service restoration (turn on) resulting from a shut off for nonpayment of water charges shall be: thirty (\$30.00) dollars.
20. Formal shut-off notice fee resulting from nonpayment of water charges shall be twenty (\$20.00) dollars.

b. A building or residence under this section shall include an individual office or business condominium unit.

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- c. The Mayor and Council shall from time to time, as circumstances warrant, fix all water charges by ordinance.
(1993 Code § 205-6; New; Ord. No. 1410 § 1; Ord. No. 1478 § 1; Ord. 1486 § 1; Ord. No. 1524 § 1; Ord. No. 1552 § 1; Ord. No. 1577 § 1; Ord. No. 1656 §§ 1,2; Ord. No. 1664 § 1)

18-1.7 Water Bills.

- a. All charges in connection with the water system shall be billed against the owner of the property served and shall be payable to the Department at the office of the Department.
- b. Bills shall be on a quarterly basis and shall be due when rendered. Interest will be charged in the same manner as taxes, at the rate of 8% on the first \$1,500.00 of delinquency and 18% on any amount of delinquency over \$1,500.00 until such time as the water charges are paid current.
- c. In the case of a bill unpaid sixty (60) days after it becomes due, the water supply may be shut off. An account that has been mailed a formal shut-off notice shall not be removed from the shut-off process until all unpaid charges, penalties and notice fees have been paid in full by certified funds. A supply shut-off for nonpayment of water charges shall be charged a turn-off fee and shall not be turned on again until all charges, including penalties and fees, have been paid plus a turn-on charge for restoring service. All unpaid charges shall immediately become a lien upon the property to which the water is furnished.

(1993 Code § 205-7; Ord. No. 1478 § 2; Ord. No. 1593 § 1)

All changes to ordinance shall take effect January 1, 2015 and shall rescind all prior ordinances, resolutions and fee schedules of the Township of West Caldwell.

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. 1767 AN ORDINANCE TO AMEND CHAPTER XVIII, UTILITIES, ADOPTED OCTOBER 17, 1995, AMENDING WATER USE AND CHARGES".

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. 1768 BOND ORDINANCE AMENDING SECTIONS 3(a) AND 4(b) OF BOND ORDINANCE NUMBERED 1736 OF THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY FINALLY ADOPTED DECEMBER 18, 2012 AND ADDING SECTIONS 9 AND 10 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT AND THE USEFUL LIFE AND TO MAKE OTHER MODIFICATIONS" 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 One. Section 3(a) of Bond Ordinance numbered 1736 of the Township of West Caldwell, in the County of Essex, New Jersey (the "Township") finally adopted December 18, 2012 is hereby amended to read as follows:

"The purpose hereby authorized for the financing of which said obligations are to be issued is the purchase of a pumper fire apparatus, a fire department command vehicle and various related equipment for the Township of West Caldwell, including all related costs and expenditures incidental thereto."

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Section Two. Section 4(b) of Bond Ordinance numbered 1736 of the Township, finally adopted December 18, 2012 is hereby amended to read as follows:

“The period of usefulness of said purpose within the limitations of said Local Bond Law and according to said reasonable life thereof is five (5) years.”

Section Three. Bond Ordinance numbered 1736 of the Township, finally adopted December 18, 2012 is hereby amended to include a Section 9 to read as follows:

“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 Four. Bond Ordinance numbered 1736 of the Township, finally adopted December 18, 2012 is hereby amended to include a Section 10 to read as follows:

“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 Five. 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 Six. 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 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. 1768 BOND ORDINANCE AMENDING SECTIONS 3(a) AND 4(b) OF BOND ORDINANCE NUMBERED 1736 OF THE

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TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY FINALLY ADOPTED DECEMBER 18, 2012 AND ADDING SECTIONS 9 AND 10 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT AND THE USEFUL LIFE AND TO MAKE OTHER MODIFICATIONS”.

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.

PROPOSED CONSENT AGENDA:

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

No. 9522
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING EXPENDITURES - NEW JERSEY STATE LEAGUE OF MUNICIPALITIES CONFERENCE.

RESOLVED, on the recommendation of the Finance Committee and the Mayor and Council that the authorized Township Officials of West Caldwell are allocated the sum not to exceed a combined total of \$6,000.00 covering expenses for attendance at the New Jersey State League of Municipalities Conference, November 19, 2014 through November 21, 2014; and

BE IT FURTHER RESOLVED, that an Expense Accounting furnished by the Township Clerk's Office should be returned to the Clerk's Office no later than ten days following said Conference; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and she is hereby authorized to advance said funds to the authorized officials.

No. 9523
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH MASER CONSULTING, P.A. RELATING TO COUNCIL ON AFFORDABLE HOUSING (COAH) TRACKING AND MONITORING (CTM) SYSTEM 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 to complete the Council on Affordable Housing (COAH) tracking and monitoring (CTM) system for the period of 1987 to 2013. This project includes unit monitoring and follow up services;

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

NOW, THEREFORE, BE IT RESOLVED, by the 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 Maser Consulting, P.A., 400 Valley Road, Suite 304, Mount Arlington, NJ 07856 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. 9524
By: Mr. Wolsky

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

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

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

CODE OF REASONS

- | | |
|---|--|
| 1. Incorrect Payment-Refund | 9. Tax Title Lien Redemption |
| 2. Duplicate Payment-Refund | 10. Homestead Rebate/NJ Saver |
| 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>
Susan Garfinkle 95 Ravine Avenue	\$ 5.89	2013	5
Richard H. Jr. & Carol A. Hapward 8 Twin Brook Road	\$3,448.33	2014	8
Steven Barrasso 67 Richard Avenue	\$ 218.31	2013/1	2
George & Michelle Petrillo 40 Washington Ave	\$2,150.58	2014/3	2

No. 9525
By: Mr. Cecere

SUBJECT: RESOLUTION AUTHORIZING DEER MANAGEMENT PROGRAM FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell desires to authorize a Deer Management Program (the “Program”); and

WHEREAS, the Program goals are to control local deer population, allow forest regeneration, minimize browsing of residential landscaping in the Township and minimize the incidence of deer-related motor vehicle accidents; and

WHEREAS, the Program will take place on the following Township properties: Block 1903, Lot 6 (Township Leaf Composting Facility on Bloomfield Avenue and adjacent to Essex Place and Aldrin Drive); Block 3101, Lot 12; Block 3101, Lot 6 (Hatfield Swamp), and Block 1402, Lot 1 (Mullin Roofing); Block 1402, Lot 1 (45 Fairfield Place); Block 2600, Lot 18 (Deerfield Road Rear); and Block 901, Lot 19 (Cedar Street Pool).

WHEREAS, the Program will commence on November 24-26 and November 28, 2014; December 3-5, December 8-12, December 17-19, 2014; January 5-9, January 12-16, January 19-23, January 26-30, 2014; February 2-6, February 9-13, 2014; and

WHEREAS, the Program will take place on forty-five (45) days during that time period, Saturdays and Sundays excluded; and

WHEREAS, no more than five (5) agents selected from among experienced, licensed hunters who can demonstrate a proficiency in marksmanship and some of whom participated other similar deer management programs conducted in Essex County will be authorized to participate in the Program. Agents will take part in this program on a voluntary basis and shall be considered volunteers of the Township for liability purposes; and

WHEREAS, harvested deer will be transported to a Township operated NJ Division of Fish and

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Wildlife supervised check station and to a NJ Department of Health approved butcher for processing. A substantial portion of all deer harvested will be donated to the Community Food Bank of New Jersey; and

WHEREAS, the Township will utilize signage, mailings and reverse 9-11 robocalls to inform the public of the details of the Program; and

WHEREAS, the Township Administrator, in consultation with the Township Police Department and Township Attorney, shall develop Program regulations consistent with this Resolution to further detail the operation of the Program.

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

1. The Governing Body of the Township of West Caldwell hereby authorizes a Deer Management Program in accordance with the terms and conditions of this Resolution.

2. The Township Administrator, in consultation with the Township Police Department and Township Attorney, shall develop Program regulations consistent with this Resolution to further detail the operation of the Program.

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

No. 9526

By: Mr. Otterbein

SUBJECT: RESOLUTION – AUTHORIZING EMERGENCY CONTRACT TO EXCEED THE QUOTE THRESHOLD WITH CARNER BROTHERS FOR REPAIRS TO A WATER MAIN ON PASSAIC AVENUE IN THE AMOUNT OF \$5,922.60.

WHEREAS, an emergency condition arose on August 21, 2014 at 1:00 pm when a 20 foot auger used by PSE&G to install a new telephone pole, struck the 8 foot water main causing a leak; and

WHEREAS, said condition constitutes an emergency affecting the public health, safety and welfare of the residents of the Township of West Caldwell; and

WHEREAS, the following firm provided the following quote:

Carner Brothers
10 Steel Court
Roseland, New Jersey 07068
Amount: \$5,922.60; and

WHEREAS, the firm was chosen based upon its availability and expertise to perform the necessary work under an emergency situation; and

WHEREAS, it was necessary to invoke the provisions of N.J.S.A. 40A:11-6 in order to obtain the immediate performance of services described on the attached requisition in excess of the quote threshold; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Caldwell, Essex County, New Jersey that all Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

No. 9527

By: Mr. Otterbein

SUBJECT: RESOLUTION – AUTHORIZING APPROVAL OF CHANGE ORDER #1 IN THE AMOUNT OF \$2,327.20 FOR THE FRANCINE AVENUE WATER MAIN REPLACEMENT PROJECT IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Governing Body of the Township of West Caldwell previously awarded the contract for the Francine Avenue Water Main Replacement to Matina & Son, Inc., in the amount of \$275,000.00 (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. Reduction of Materials for a decrease of \$2,813.22

2. Rerouting of proposed water main because of a large boulder in the amount of \$5,140.42.

WHEREAS, the aggregate cost for these modifications is \$2,327.20 and results in a 0.85% 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 manager, the Governing Body wishes to approve this change order; and

WHEREAS, Matina & Son, Inc., 143 English Street, Hackensack, NJ 07601, has satisfactorily completed the project known as Francine Avenue Water Main Replacement; and

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

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1. The above listed change order to the Contract for the Francine Avenue Water Main Replacement with Matina & Son, Inc. 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	\$275,000.00
Amount of Change Order #1	\$ 2,327.20
New Contract Price with All Change Orders	\$277,327.20
Percent Increase of Change Order #1	0.85%

No. 9528
By: Mr. Otterbein

SUBJECT: RESOLUTION – AUTHORIZING FINAL PAYMENT IN CONNECTION WITH THE FRANCINE AVENUE WATER MAIN REPLACEMENT PROJECT IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell awarded the contract for the Francine Avenue Water Main Replacement Project (the “Project”) to Matina & Son, LLC (“the Contractor”); and

WHEREAS, Change Order #1 for the Project has been previously approved; and

WHEREAS, Township Engineer, Omland Engineering, has recommended that the Francine Water Main Project be accepted by the Township and that final payment be made subject to the confirmation that certified payrolls have been received; and

WHEREAS, a copy of the Township Engineer’s written recommendation dated September 30, 2014 is attached hereto and made part of this Resolution.

WHEREAS, the Township Chief Financial Officer confirms that certified payrolls have been received.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Caldwell, in the County of Essex, all Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

No. 9529
By: Mr. O’Hern

SUBJECT: RESOLUTION – APPROVING THE RELEASE OF CLOSED EXECUTIVE SESSION MINUTES AUGUST 1, 2012 THROUGH AUGUST 5, 2014.

BE IT RESOLVED that the Council of the Township of West Caldwell acknowledges receipt of, has reviewed and approved, with the advice of staff and legal counsel, the Closed Executive Session minutes of Council meetings held on August 1, 2012 through August 5, 2014.

No. 9530
By: Mr. Otterbein

SUBJECT: RESOLUTION – AUTHORIZING APPROVAL OF CHANGE ORDER #1 IN THE AMOUNT OF \$6,000 FOR THE RICHARD AVENUE AND FRANKLIN AVENUE RECONSTRUCTION PROJECT IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Governing Body of the Township of West Caldwell previously awarded the contract for the Richard Avenue and Franklin Avenue Reconstruction Project to DLS Contracting, Inc., 633 Franklin Avenue, Suite 170, Nutley, NJ 07110, in the amount of \$726,117.17 (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. Removal of trees in the amount of \$6,000.00.

WHEREAS, the aggregate cost for these modifications is \$6,000 and results in a 0.83% 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

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WHEREAS, based upon the recommendations of the Township Engineer, 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 Richard Avenue and Franklin Avenue Reconstruction Project with DLS Contracting, Inc. 633 Franklin Avenue, Suite 170, Nutley, NJ 07110, 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	\$726,117.17
Amount of Change Order #1	\$ 6,000
New Contract Price with All Change Orders	\$732,117.17
Percent Increase of Change Order #1	0.83%

BE IT FURTHER RESOLVED, that all Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution

No. 9531
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

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

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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 Cecere that the ten 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 Councilman Docteroff abstained on resolution no. 9529: closed session minutes of 2012 and 2013 because he was not a member of the Council at that time.

COMMITTEE REPORTS:

PUBLIC SAFETY COMMITTEE:

Councilman Cecere reported the following:

- 1. The deer management program will begin at the end of November on select days and not on the weekends.
- 2. Lt. Ed Nemeth retired after 27 years of service in the West Caldwell Police Department and was thanked for his fine service.
- 3. The Environmental Commission will meet at 7:30 pm on Thursday, October 9.
- 4. Councilman Cecere offered best wishes to his daughter Gianna on her 14th birthday.

PUBLIC WORKS & WATER

Council President Otterbein reported the following:

- 1. Work is continuing on the roads and projects of West Caldwell.
- 2. The fuel depot tanks should be ready soon at the Department of Public Works.

PARKS & RECREATION COMMITTEE:

Councilman Hladik reported the following:

- 1. The Senior Transportation committee met recently and discussion was held on replacing the bus. Administrator Brewer was asked to explore a possible CDBG grant. Mayor Tempesta asked that Administrator Brewer also explore a possible co-op purchase.
- 2. The Library board will meet next week on October 15 at 7 pm and there will be a featured speaker, Bill Chemerka, who will lecture on 350 years of New Jersey history.
- 3. There was a joint recreation meeting with Council President Richard Hauser and Councilman Capozzoli of Caldwell and Councilman Docteroff, Councilman Hladik and Recreation Director Gabe DiMasi of West Caldwell recently and discussion was held on updating the fields.

Discussion was also held on advertising for the Kiwanis Oval. Administrator Brewer was asked to check on the balances in the Kiwanis Oval fund. Township Attorney Jemas advised that the Council check with the Kiwanis on any potential advertising.

Discussion was also held on the “foul ball” situation at the Kiwanis Oval and possible solutions.

LEGAL & PERSONNEL COMMITTEE:

Councilman O’Hern reported the following:

- 1. A recent Boy Scout camp out was held at Memorial Park recently and it was a big success and he thanked all involved for their help.

FINANCE AND WELFARE COMMITTEE:

Councilman Wolsky reported the following:

- 1. The budget process has begun in the Township and department heads are working on their respective budgets.

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Administrator Brewer discussed the Best Practices Inventory and that the Township scored high on the process, which is regulated by the State.

Mayor Tempesta requested that the Council look at the streets that need to be paved and milled and make those changes in the capital budget.

COMMUNITY PLANNING, DEVELOPMENT & TECHNOLOGY COMMITTEE:

Councilman Docteroff reported the following:

1. The training for the pool badge software will take place in the spring.
2. The tax and water online payments will be accomplished with account numbers and pins.
3. The Camp Wyanokie commission met and any camping has been suspended because of the recent bear attack. The next meeting will be December 3.

ADVISORS' REPORT:

Administrator Brewer reminded everyone that the budget input is due October 24 and the capitol budgets are due October 31. The potential budget meeting will be held in February and all department heads may not have to attend as they did last year.

Clerk Donovan reminded residents that Tuesday, October 14 is the last day to register to vote for the upcoming November 4 General Election and town hall will be open until 9 pm.

Mayor Tempesta stated he was looking into possibly moving voters' districts to new locations.

MAYOR'S REPORT:

Mayor Tempesta reported that the local PERS and PFRS is solvent at about 75% as compared to the state PERS and PFRS at 40%. The New Jersey State League of Municipalities, has written a letter, dated September 22, 2014, to Governor Christie stating these facts and requesting the New Jersey Pension and Health Benefit Study Commission recognize that local pension systems are healthy, and that municipalities have met their obligations.

Mayor Tempesta reported that a letter was sent to the Gardens residents about all of the road and water main reconstruction projects and the scheduled timelines.

Mayor Tempesta congratulated the Rotary and Kiwanis Clubs on their successful Caldwell Street Fair held on October 5, 2014.

OEM Coordinator Larry Peter reported that the Township's hazard mitigation plan was sent to Essex County and received positive feedback from the County. The revised plan will be sent to the County and this plan will have to be adopted by the Council via resolution.

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 8:11 pm to reconvene to Closed Session.

Mary S. Donovan
Township Clerk