

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
SEPTEMBER 16, 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, September 16, 2014 at 7:20 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

Mayor Tempesta asked the residents of West Caldwell to keep the family of former Mayor Robert Reiher, who recently passed away, in their thoughts and prayers.

COMMUNICATIONS:

A-1 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available under the 2014 Budget of Appropriations – September 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.

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, September 2, 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 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.

SCHEDULE OF BILLS ORDERED PAID (August and September bill list)

	<u>Checks</u>	<u>Amount</u>
CURRENT ACCOUNT – VALLEY NATIONAL BANK	1929-2195	\$10,197,712
WATER OPERATING ACCOUNT- VALLEY NATIONAL BANK	9157-9208	\$374,070.71
POOL UTILITY ACCOUNT	2387-2417	\$161,167.81
GENERAL CAPITAL ACCOUNT	2252-2271	\$384,304.55
WATER CAPITAL	8025-8037	\$807,209.46
POOL CAPITAL	3005-3006	\$2,593.56

SEPTEMBER 16, 2014

GENERAL TRUST – VALLEY NATIONAL BANK	5096-5139	\$42,718.13
DOG TRUST	1540-1546	\$17,010.60

PROPOSED CONSENT AGENDA:

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

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

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

No. 9515
By: Mr. Otterbein

SUBJECT: RESOLUTION – AUTHORIZING THE TOWNSHIP OF WEST CALDWELL TO EXECUTE A FIRE MUTUAL AID AGREEMENT BETWEEN PARTICIPATING ESSEX COUNTY MUNICIPALITIES.

WHEREAS, pursuant to the Fire Service Resource Emergency Deployment Act, N.J.S.A. 52:14E-14 and the regulations promulgated thereunder, including but not limited to N.J.A.C. 5:75A-2.2, municipalities in the State of New Jersey shall adopt a fire mutual aid plan (collectively, the “Fire Mutual Aid Plan”); and

WHEREAS, under the Fire Mutual Aid Plan, each municipality or fire district must prepare and adopt a local fire mutual aid plan which sets forth policies and procedures to coordinate the effective utilization of fire service resources where the implementation of the Fire Mutual Aid Plan is determined to be necessary or appropriate; and

WHEREAS, the Fire Mutual Aid Plan must be based upon the planning criteria, objectives, requirements, responsibilities and concepts of operation essential for the implementation of all necessary and appropriate protective or remedial measures to be taken in response to emergency incidents; and

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. 9516
By: Mr. Wolsky

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

WHEREAS, there is a need to issue refunds for Recreation programs and Pool Utility memberships collected in the Recreation Office as shown below; and

WHEREAS, the Director of Recreation recommends the refunds;

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 to clear the refunds as shown below:

<u>Name</u>	<u>Amount</u>	<u>Reason</u>
Elaine Cohen 2 Hasemann Court West Caldwell, NJ 07006	\$390.00	Refund for unused family membership

SEPTEMBER 16, 2014

No. 9517
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>
Ten Ninety Bloomfield Ave Corp 1090 Bloomfield Ave West Caldwell, NJ 07006	4585.46	2012	7 Make check payable to: Daniel G. Keough, Trustee 783 Springfield Ave. Summit, NJ 07901-2332
1104 Bloomfield Avenue LLC 1104 Bloomfield Avenue West Caldwell, NJ 07006	5390.66	2012	7 Make check payable to: Daniel G. Keough, Trustee Same as above
Joseph & Gabrielle Siciliano 666 Bloomfield Ave West Caldwell, NJ 07006	964.85	2014	2 Make check payable to: Joseph and Gabrielle Siciliano 666 Bloomfield Avenue #30 West Caldwell, NJ 07006
Dawn Raspas 63 Grover Lane West Caldwell, NJ 07006	753.73	2013-14	2 Make check payable to: Dawn Raspas 63 Grover Lane West Caldwell, NJ 07006

No. 9518
By: Mr. Wolsky

SUBJECT: RESOLUTION – REJECTING ANY AND ALL BIDS FOR ROOF REPLACEMENT AT WEST CALDWELL VOLUNTEER FIRE HEADQUARTERS.

WHEREAS, the Township of West Caldwell (referred to as the “Township”) solicited bids for the roof replacement at the West Caldwell Fire Headquarters Project (referred to as the “Project”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Township received and opened bids for the Project in conjunction with the aforementioned solicitation on September 9, 2014 at 10:00 a.m., prevailing time, in accordance with the Notice to Bidders (referred to as the “Notice to Bidders” or the “Bid Documents”); and

WHEREAS, the Notice to Bidders and applicable law provide that that the Township is not obligated to make an award and that the Township reserves the right to and is entitled to reject any and all bids; and

SEPTEMBER 16, 2014

WHEREAS, the Notice to Bidders and the Bid Documents have been reviewed by the Township governing body, the Township's staff and the Township's professional consultants including, but not limited to Element Architectural Group, the architectural services consultant to the Township; and

WHEREAS, the Township received bids in response to the solicitation from nine (9) bidders; and

WHEREAS, the Township has determined, based upon the review, analysis and evaluation of the Township's staff and the Township's professional consultants, that eight (8) of the bidders did not comply with certain essential requirements of the Notice to Bidders and the Bid Documents and have material defects in accordance with applicable laws including, but not limited to, among other things, the failure to provide any financial statements or the failure to provide the required and necessary financial statements and that such bids were therefore not responsive and that such bids are not qualified to be considered pursuant to the terms and conditions of the Notice to Bidders and applicable laws; and

WHEREAS, the Notice to Bidders and the Bid Documents have been reviewed by the Township governing body, the Township's staff, and the Township's professional consultants and in conjunction with such review, the governing body of the Township has determined that it is in the better interest of the Township to reject any and all bids in this matter for the aforementioned determinations; and

WHEREAS, the Local Public Contracts Law provides that a municipality or applicable governmental entity may reject all bids when the lowest responsive bid substantially exceeds the funds appropriated for the required goods and services; and

WHEREAS, the Township desires to re-advertise the Project and to authorize the Township Administrator to arrange to solicit bids for the Project in accordance with applicable laws.

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

1. Any and all bids received and opened for the roof replacement at West Caldwell Fire Headquarters Project (the "Project") be and are hereby rejected in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. including, but not limited to, N.J.S.A. 40A:13-2 et seq., the Notice to Bidder, the Bid Documents and other applicable laws for the statements and determinations set forth in this Resolution.
2. The Township Administrator and Township officials are hereby authorized and directed to take all action necessary and appropriate to prepare the bid documents for the Project to be re-advertised and to solicit bids for the Project in accordance with this Resolution and applicable laws.
3. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9519

By: Mr. Wolsky

SUBJECT: RESOLUTION – REQUESTING STATE GRANT – RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES (ROID).

WHEREAS, the Township of West Caldwell desires to apply for and obtain a grant from the New Jersey Department of Community Affairs (DCA) for approximately \$24,000.00 to carry out a project to 1. Create and provide inclusive recreation programs for the special needs population. 2. Expand our existing recreation programs to include special needs individuals by recruiting and training a workforce of peer mentors and swim instructors.

NOW, THEREFORE, BE IT RESOLVED, that the Township of West Caldwell does hereby authorize the application for such a grant; and recognizes and accepts that the DCA may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does hereby authorize the execution of the agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said agreement between the Township of West Caldwell and the New Jersey DCA, including the provision of a local match share in the ratio of at least one local dollar for every five State dollars.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, the agreement and any other documents necessary in connection therewith.

No. 9520

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,

SEPTEMBER 16, 2014

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. Personnel
2. Contract Negotiations – Shared services

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 Cecere that the six Resolutions read by consent be adopted as read.

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

COMMITTEE REPORTS:

PUBLIC SAFETY:

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

On the recommendation of Councilman Cecere, the reports submitted by the Police Chief, Judge and Detective Bureau for the month of August 2014 as received, be placed on file. Fines in the amount of \$13,060.73 were collected and apportioned as follows (copy attached to minutes).

REPORTS – VOLUNTEER FIRE DEPARTMENT REPORTS – AUGUST 2014

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

REPORTS – CONSTRUCTION OFFICIAL’S REPORT – AUGUST 2014

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

The Township Clerk read the title of an Ordinance No. 1768 entitled “BOND ORDINANCE AMENDING SECTIONS 3(a) AND 4(b) OF BOND ORDINANCE NUMBERED 1736 OF THE

SEPTEMBER 16, 2014

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.”

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.”

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.

It was regularly moved by Councilman Hladik, seconded by Councilman Wolsky 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, October 7, 2014.

SEPTEMBER 16, 2014

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

Councilman Cecere reported on the following:

1. Plans are being made for the annual deer culling and a meeting will be held to organize and to let the residents know of the impending dates.

PUBLIC WORKS & WATER:

Council President Otterbein reported on the following:

1. The fall hydrant flushing program will begin September 22 and updates will be on the website and TV 36/47. It will take 4 to 5 weeks and will be conducted 8 pm to 12 midnight and asked residents to please let the town know if there is any disruption in their water service and to run their cold water if there is any discoloration.
2. The Department of Public Works crew is repairing roads.
3. The town pools have been drained.
4. The fuel depot tanks will be delivered soon and the work should be completed soon.
5. The McKinley Avenue Tank has been painted and will be filled and back online in the next two weeks. The Department of Public Works employees were thanked for their hard work.

PARKS AND RECREATION:

Councilman Hladik reported on the following:

1. Fall sports are in full swing.
2. There will be a meeting with Caldwell/West Caldwell Joint Recreation on Friday, September 26 at 5 pm at Town Hall to discuss the turf project.
3. The Library Board has a new member Michael Maguire and Maura Lincoln is the new school liaison on the Board. Samantha McCoy, the Library director, has met with the staff.

Councilman Cecere will organize a final pool committee meeting to debrief in October.

LEGAL AND PERSONNEL:

Councilman O'Hern reported on the following:

1. He thanked Administrator Adam Brewer for his first year of work for the Township and presented him with a Milwaukee Brewers baseball cap on behalf of the Mayor and Council.

FINANCE AND WELFARE:

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

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. ~~and the first quarter of the current 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. ~~(paid quarterly) equal to one half (1/2) of the annual equivalent connection fee paid by the Township of West Caldwell to the Borough of Caldwell for treatment of sewerage from the Township of West Caldwell at the Borough of Caldwell Wastewater Treatment Plant.~~
 2. District No. 2 shall consist of all those properties served by the Two Bridges Sewer Authority

SEPTEMBER 16, 2014

(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 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. ~~and the first quarter of the current 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. ~~(paid quarterly) equal to one half (1/2) of the average annual equivalent (one hundred thousand (100,000) gallons per year) connection fee paid by the Township of West Caldwell to the TBSA for treatment of sewerage from the Township of West Caldwell at the TBSA Wastewater Treatment Plant.~~

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. ~~on or about the first days of April, July, October and January. 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. and shall be subject to a penalty of five (5%) percent per month if not paid within thirty (30) days from the billing date. The minimum penalty shall be one (\$1.00) dollar for every thirty (30) days in arrears.~~ 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.

It was regularly moved by Councilman Wolsky, seconded by Council President Otterbein 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, October 7, 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 No. 1767 entitled "AN ORDINANCE TO AMEND CHAPTER XVIII, UTILITIES, ADOPTED OCTOBER 17, 1995, AMENDING WATER USE AND CHARGES."

SEPTEMBER 16, 2014

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.*

***Editor's Note:** These rates take effect commencing with the water billing mailed January 2010.

- 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 ~~one and one half (1.5) times the actual cost for meter, equipment and installation incurred by the township.~~ as follows:

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

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): ~~one hundred (\$100.00)~~ 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.
- 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. ~~A penalty of five (5%) percent per month shall be charged when a bill becomes thirty (30) days in arrears. The minimum penalty shall be one (\$1.00) dollar for every thirty (30) days in the arrears. 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

SEPTEMBER 16, 2014

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.

It was regularly moved by Councilman Wolsky, seconded by Council President Otterbein 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, October 7, 2014.

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

Chief Financial Officer Nikole Monroig discussed the public works fees that will be changed with the following resolution.

The Township Clerk read the following Resolution attached and made part of these Minutes:

No. 9521

By: Mr. Otterbein

SUBJECT: RESOLUTION – AMENDING THE DEPARTMENT OF PUBLIC WORKS FEE SCHEDULE IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Government Body of the Township of West Caldwell approved Ordinance No. 1726 on June 19, 2012 authorizing adoption of a Public Works Fee Schedule; and

WHEREAS, the Township Council desires to establish by resolution fees for permits and observation of construction or alteration on or within any municipal street, road, sidewalk, driveway apron, or within any municipal right-of-way;

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of West Caldwell, in the County of Essex, establishes the Public Works Fee Schedule in accordance with the attached list, which shall become effective January 1, 2015.

It was regularly moved by Councilman Wolsky and seconded by Council President Otterbein that the Resolution be adopted as read.

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

COMMUNITY PLANNING, DEVELOPMENT & TECHNOLOGY:

Councilman Docteroff reported the following:

1. Walt Rodriguez has completed installing the new photo ID system from Capture Point and training with staff will begin soon.
2. Water and tax bills will be able to be charged by residents and the credit card information will not be stored at the third party; the system will begin on January 1, 2015.

CFO Monroig said it is a live web-based system that will not store any information and there will be a fee but that fee is passed onto the residents.

Discussion was held on the possible interest of the system and whether many residents will take advantage of the system and whether or not to use a pin or have full access.

ADVISORS' REPORT:

Administrator Brewer said that the family of Thomas Bellatty donated a park bench for Francisco Park and it will be installed soon. He also thanked Samantha McCoy and her staff at the library for the coordination of the memorial service of Mayor Reiher.

Mayor Tempesta also thanked the staff for their help with the service for Mayor Reiher.

SEPTEMBER 16, 2014

MAYOR'S REPORT

Mayor Tempesta recognized Alan Abramowitz, Essex County representative and discussed the upcoming press conference at the Hall of Records on September 17, 2014 concerning the tipping fee decrease for Essex County. Administrator Brewer and Chief Michael Bramhall were attending in his place. Mayor Tempesta also discussed the upcoming press conference on September 24 at South Mountain Reservation honoring Francis McEnerney, the long-time caretaker of the property.

Mayor Tempesta also discussed the water main issue on Passaic Avenue and asked Alan Abramowitz to investigate possible solutions for the flooding that occurs, which closes Passaic Avenue in front of Shoprite at least six times a year.

Mr. Abramowitz announced the following:

1. There will be a hazardous waste recycling day on Saturday, October 4, 8:30 am until 4 pm and an electronics recycling day on Saturday, October 18, from 9 am until 3 pm. Both events are at 125 Fairview Avenue, Cedar Grove.

Councilman Docteroff asked if cooking oil was something that could be disposed of there and Mr. Abramowitz indicated that he would investigate and follow up with Councilman Docteroff.

INVITATION TO CITIZENS FOR DISCUSSION:

There were no comments from the public.

PRESENTATION:

Charles Dougherty and Phil Nickels from Green Energy Sports offered a presentation on synthetic turf. A discussion was held on the merits of synthetic turf. Mayor Tempesta indicated that the Council would discuss the benefits.

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 8:30 pm to Closed Session.

Mary S. Donovan
Township Clerk