

**TOWNSHIP OF WEST CALDWELL  
PUBLIC MEETING MINUTES  
SEPTEMBER 2, 2014**

A Regular Meeting of the West Caldwell Mayor and Council, in the County of Essex, New Jersey, was held in the Public Meeting Room, 30 Clinton Road, West Caldwell, New Jersey, on Tuesday, September 2, 2014 at 7:15 P.M.

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

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

**ABSENT:** Mayor Tempesta

**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 Councilmen O'Hern, seconded by Councilman Wolsky, it was regularly moved that the Minutes of the Regular Meeting held on Tuesday, August 5, 2014 be accepted as presented.

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

**BILLS ORDERED PAID:**

It was regularly moved by Councilman Wolsky, seconded by Councilman O'Hern 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, Hladik, O'Hern, Wolsky and Docteroff voted in the affirmative, except Councilman Cecere abstained on check number 1970.

**PROPOSED CONSENT AGENDA:**

It was regularly moved by Councilmen Cecere, seconded by Councilman Hladik, that the eleven 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 eleven Resolutions by Consent, attached and made part of these Minutes:

No. 9504  
By: Mr. Otterbein

**SUBJECT: RESOLUTION – AUTHORIZING REDUCTION TO THE RESTORATION GUARANTEE POSTED BY 1104 BLOOMFIELD AVENUE, LLC LOCATED ON BLOCK 1800, LOTS 25 & 26 IN THE TOWNSHIP OF WEST CALDWELL.**

**WHEREAS**, 1104 Bloomfield Avenue, LLC has requested a Reduction of the Restoration Bond posted for 1092 & 1104 Bloomfield Avenue, located on Block 1800, Lots 25 & 26, Township of West Caldwell; and

**WHEREAS**, the Restoration Guarantee consists of \$36,432.00 in the form of a Performance Bond #S283273 issued by NGM Insurance Company; and

**WHEREAS**, the developer has requested that the bond be reduced; and

**WHEREAS**, Omland Engineering Associates, Inc., Township Engineer, has reviewed and approved the reduction of the Restoration Guarantee in letter report dated August 14th, 2014, contingent upon the posting of the following items:

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1. Reduced Performance Bond not less than \$2,085.00
2. Confirmation that all outstanding taxes, fees and escrows are satisfied and up to date.

**WHEREAS**, the Township Council of the Township of Township of West Caldwell has considered the recommendation and the report of the Township's Engineer.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of West Caldwell, County of Essex and State of New Jersey, hereby authorizes the reduction of the Performance Bond #S283273 in the amount of \$36,432.00 issued by NGM Insurance Company to a reduced amount of \$2,085.00.

No. 9505  
By: Mr. Cecere

SUBJECT: RESOLUTION – APPOINTING RALPH FERRARO AS A CROSSING GUARD FOR THE TOWNSHIP OF WEST CALDWELL.

**BE IT RESOLVED**, on the recommendation of the West Caldwell Police Chief, that the nomination by Mayor Joseph Tempesta, Jr., be approved for the appointment of Ralph Ferraro, 25 Gracie Road, East Hanover, NJ 07936, as a Crossing Guard for the Township of West Caldwell, effective, September 2, 2014, at an hourly rate of \$13.00.

No. 9506  
By: Mr. Wolsky

SUBJECT: RESOLUTION – APPROVAL OF CORRECTIVE ACTION PLAN - 2013 AUDIT.

**WHEREAS**, in accordance with the Single Audit Act U.S. Office of Management and Budget Circular A-128, and New Jersey Office of Management and Budget Circular letter 87-11, the Local Finance Board issued Notice No. 92-15 Corrective Action Plans - New Requirements for Local Units; and

**WHEREAS**, pursuant to Local Finance Notice No. 92-15, all local units must prepare and submit a Corrective Action Plan covering the recommendations in the annual audit report; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Township of West Caldwell have reviewed and approved the 2013 Corrective Action Plan prepared by the Chief Financial Officer and will submit a copy of the Plan to the Division of Local Government Services, in accordance with Local Finance Notice No. 92-15.

No. 9507  
By: Mr. Otterbein

SUBJECT: RESOLUTION – AUTHORIZING AWARD OF CONTRACT TO COPPOLA SERVICES, INC. IN THE AMOUNT OF \$760,786.00 FOR THE IMPROVEMENTS TO KIRKPATRICK LANE PUMP STATION FOR THE TOWNSHIP OF WEST CALDWELL.

**WHEREAS**, the Township of West Caldwell (referred to as the "Township") solicited bids for the improvements to Kirkpatrick Lane pump station in the Township (referred to as the "Project") pursuant to a fair and open process in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; 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 consultant, H2M Associates Inc.; and

**WHEREAS**, the Township received bids in response to the solicitation from five (5) bidders; and

**WHEREAS**, H2M Associates has recommended to the Mayor and Council that the Township award a contract to Coppola Services, Inc., 28 Executive, Ringwood, New Jersey 07456 for the Project in the amount of seven hundred sixty thousand seven hundred eighty six dollars (\$760,786.00);

**WHEREAS**, the award shall be for items 2 through 10, plus allowances, plus Alternate 3.

**WHEREAS**, the Township's Chief Financial Officer has certified that sufficient funding is available for this Project.

**BE IT FURTHER RESOLVED**, that the Mayor, the Township Clerk and/or the Township Administrator are hereby authorized and directed to execute, deliver and exchange a contract in a form and with terms consistent with this Resolution, the Bid Notice, the Bid Documents and applicable laws, as approved by the Township Attorney; and

**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.

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No. 9508  
By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING SPECIAL RULING TO PERMIT THE RENEWAL OF AN INACTIVE (POCKET) ALCOHOLIC BEVERAGE LICENSE TO WETLAND SPIRITS LLC.

**RESOLVED**, by the Mayor and Council of the Township of West Caldwell, in the County of Essex and the State of New Jersey, that the Special Ruling to permit the renewal of an Inactive (Pocket) Alcoholic Beverage License to Wetland Spirits, LLC for license terms 2014-2015, 2015-2016, 2016-2017 received from the State of New Jersey, Division of Alcoholic Beverage Control be granted; and

**RESOLVED**, the submitted application form is complete in all respects, all fees have been paid, the Tax Clearance Certificate and the license has been properly renewed for the current license term; and

That a Plenary Retail Consumption License No. 0721-33-007-004 be issued to Wetland Spirits, LLC, formerly located at 1090 Bloomfield Avenue, West Caldwell, New Jersey 07006 for license terms 2014-2015, 2015-2016, 2016-2017.

**NOW, THEREFORE, BE IT RESOLVED**, that the Clerk of the Township of West Caldwell be and she is hereby directed to forward a certified copy of this resolution to the New Jersey Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that this Plenary Retail Consumption License No. 0721-33-007-004 has been inactive since June 1, 2009 and no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2017, except if good cause for reconsideration is shown.

No. 9509  
By: Mr. Otterbein

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH H2M ARCHITECTS & ENGINEERS FOR CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE IMPROVEMENTS TO THE KIRKPATRICK LANE PUMP STATION.

**WHEREAS**, pursuant to the requirements under the Local Public Contracts Law, the following resolution be and is hereby adopted;

**WHEREAS**, there exists a need for construction phase engineering services for the improvements to the Kirkpatrick Lane Pump Station, in the Township of West Caldwell, County of Essex; and

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

**WHEREAS**, the contract will included construction administration phase services, construction observation phase services, and update operation and maintenance.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a form of agreement accepted by the Municipal Attorney with H2M Architects and Engineers, 119 Cherry Hill Road., Suite: 200, Parsippany, NJ 07054.
2. This contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, subject to N.J.S.A. 40A:5-11 which states that "No local unit shall be required to advertise for bids for any of the work performed pursuant to 40A:5-11.

No. 9510  
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:

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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>
Michael & Rosanna Catanzarite 27 Dalewood Road	2942.87	2014	8

No. 9511  
By: Mr. Otterbein

SUBJECT: RESOLUTION – AUTHORIZING APPROVAL OF CHANGE ORDER #1 IN THE AMOUNT OF \$41,480.00 FOR THE WESTOVER AVENUE WATER MAIN REPLACEMENT PROJECT FOR THE TOWNSHIP OF WEST CALDWELL.

**WHEREAS**, the Governing Body of the Township of West Caldwell previously awarded the contract for the Westover Avenue Water Main Replacement to Matina & Son, Inc., in the amount of \$225,000.00 (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. Existing hydrant reset in the amount of \$5,000.00
2. Hydrant relocation in the amount of \$1,200.00
3. 360 LF of 8’ water main @#73/LF in the amount of \$26,280.00
4. (6) 1’ residential services @\$1,500/each in the amount of \$9,000.00

**WHEREAS**, the aggregate cost for these modifications is \$41,480.00 and results in an 18.44% 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

**WHEREAS**, Matina & Son, Inc., 143 English Street, Hackensack, NJ 07601, has satisfactorily completed the project known as Westover 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:

1. The above listed change order to the Contract for the Westover 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	\$225,000.00
Amount of Change Order #1	\$41,480.00
New Contract Price with All Change Orders	\$266,480.00
Percent Increase of Change Order #1	18.44%

**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.

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No. 9512  
By: Mr. Otterbein

SUBJECT: RESOLUTION – AUTHORIZING FINAL PAYMENT IN CONNECTION WITH THE WESTOVER AVENUE WATER MAIN REPLACEMENT PROJECT.

**WHEREAS**, the Township of West Caldwell awarded the contract for the Westover 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 Westover 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 July 29, 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. 9513  
By: Mr. Otterbein

SUBJECT: AUTHORIZING FINAL PAYMENT OF THE MUNICIPAL BUILDING ROOF AND HVAC RENOVATIONS AND ALTERATIONS PROJECT IN THE TOWNSHIP OF WEST CALDWELL.

**WHEREAS**, the Township of West Caldwell awarded the contract for the Municipal Building Roof and HVAC renovations and alterations project (“the Project”) to Central Pack Engineering Corporation (“the Contractor”); and

**WHEREAS**, the Contractor has submitted Partial Lien Releases and the Roof Warranty as necessary; and

**WHEREAS**, AA Architectural (“the Architect”) has recommended final payment in connection with the Project in the amount of \$50,356.65; and

**WHEREAS**, a copy of the Architect’s written recommendation dated August 11, 2014 is attached hereto and made part of this Resolution.

**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. 9514  
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.

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**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 – Shared Health Services
2. Attorney/Client Privilege- Area in Need of Rehabilitation Study

**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 Councilman Cecere, seconded by Councilman Hladik that the eleven Resolutions read by consent be adopted as read.

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

**COMMITTEE REPORTS:**

**PUBLIC SAFETY COMMITTEE:**

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

On the recommendation of Councilman Cecere, the reports submitted by the Police Chief, Judge and Detective Bureau for the month of July 2014 as received, be placed on file. Fines in the amount of \$22,220.00 were collected and apportioned as follows (copy attached to minutes).

REPORTS – VOLUNTEER FIRE DEPARTMENT REPORTS – JULY 2014

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

REPORTS – CONSTRUCTION OFFICIAL’S REPORT – JULY 2014

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

Councilman Cecere reported the following:

1. The West Caldwell Volunteer Fire Department took delivery of a new engine 712 which is capable of pumping more water at a faster speed, with a 750 gallon tank.

Council President Otterbein discussed the ISO rating of the new engine and because of a better rating, better insurance rates for the Township.

Councilman Hladik asked if Administrator Brewer could inquire about lower insurance rates because of the upgraded fire equipment and firehouse.

2. School starts on Thursday, September 4 and reminded everyone to please slow down and be mindful of the children.

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**PUBLIC WORKS & WATER**

Council President Otterbein reported the following:

1. The gas depot is being worked on and should be ready by October 15.
2. Franklin and Richard Avenues reconstruction will begin September 8 or 9. Residents will be notified.
3. Kirkpatrick Lane Pump Station upgrade will begin soon.
4. McKinley Avenue Water tank rehabilitation is continuing and should be complete by October 15.
5. Francine Avenue water main replacement will begin September 9.
6. Essex Place water main extension preparation is being done.
7. St. Charles Avenue and Mt. Herman Way reconstruction will begin in the spring and the residents will be invited to attend an information session.
8. Fire house roof bid opening will be open Sept. 9
9. Roof and HVAC system work is done on the Municipal Building.

The Board of Health meeting will take place September 3, at 7 pm.

**PARKS & RECREATION COMMITTEE:**

Councilman Hladik reported the following:

1. The fall season has begun and the volunteer coaches were thanked for their continued help.
2. Parents and children were reminded that they are representing West Caldwell and should display good sportsmanship.
3. Recreation Director Gabe DiMasi was thanked for his work on completing and applying for the Recreational Opportunities for Individuals with Disabilities (ROID) program grant and the Township received the ROID grant for 2014-2015.
4. Library Board and Senior Transportation Board were off for the summer.

**LEGAL & PERSONNEL COMMITTEE:**

Councilman O'Hern reported the following:

1. The employee manual was discussed and should be disseminated to the rest of the Council soon.

**FINANCE AND WELFARE COMMITTEE:**

Councilman Wolsky reported the following:

1. CFO Monroig was thanked for her work on the 2013 Audit.
2. Planning Board has been busy and McDonald's would like move into West Caldwell.
3. The Bridge had their golf outing at Greenbrook Country Club recently to raise money for their efforts.

**COMMUNITY PLANNING, DEVELOPMENT & TECHNOLOGY COMMITTEE:**

Councilman Docteroff reported the following:

1. The printer, scanner and webcam are in place for the future pool badges.
2. The Township will implement paying for tax and water bills online by January 2015.
3. Camp Wyanokie was quiet during the summer.

Discussion was held on how to implement the badges and their potential uses for the Township.

**MAYOR'S REPORT:**

In Mayor Tempesta's absence, Council President Otterbein discussed having OJ Anderson of the 1990 Super Bowl NY Giants present a presentation on turf at the September 16, 2014 Mayor and Council meeting.

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Mayor Tempesta, Mayor Dassing, Administrators Carelli and Brewer had a meeting recently.

**ADVISORS' REPORT:**

Administrator Brewer also thanked Director Gabe DiMasi for his work on the ROID grant. He also discussed changing the fee schedule in several areas and also discussed the relocation of Recreation Department to the Municipal Building.

**INVITATION TO CITIZENS FOR DISCUSSION:**

Brian Cabangon, 10 Kanouse Place, discussed several issues and Administrator Brewer will contact him with more information.

Beverly Crifasi, Vice President of the West Caldwell Historical Society, discussed the presentation in the West Caldwell Library on the War of 1812 and invited residents to attend a special presentation on September 11 at the library.

**ADJOURNMENT:**

There being no other business, it was regularly moved that the meeting be adjourned.

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

Council adjourned at 8:00 pm.

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Mary S. Donovan  
Township Clerk