

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
MAY 5, 2015**

A Regular Meeting of the West Caldwell Mayor and Council, in the County of Essex, New Jersey, was held in the Public Meeting Room, 30 Clinton Road, West Caldwell, New Jersey, on Tuesday, May 5, 2015 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 O'Hern, Cecere, Hladik, Wolsky, Docteroff and Councilwoman Canale (arrived 7:16 pm).

OTHERS PRESENT: Adam Brewer, Township Administrator
Mary S. Donovan, Township Clerk
Paul G. Jemas, Municipal Attorney
Nikole Monroig, Chief Financial Officer
Joseph Faccone, Municipal Auditor
Detective Paul Mazzeo, West Caldwell Police Department

Pledge of Allegiance

2015 MUNICIPAL BUDGET HEARING

Mayor Tempesta declared the municipal budget hearing open.

Administrator Brewer reported on the 2015 budget with the impact on the average homeowner of 1.90 % increase or \$40.91.

Mayor Tempesta thanked Administrator Brewer, Chief Financial Officer Nikole Monroig, Township Auditor Joseph Faccone and all staff and department heads for their work on the budget. Township Auditor Faccone indicated that the township meets certain criteria that allow it to self-review its budget.

Mayor Tempesta indicated that infrastructure including paving roads and the Kirkpatrick Lane pump station will be worked on this year.

The Mayor asked if anyone had any questions regarding the Municipal Budget. There were no comments or questions from the public.

The budget hearing was closed on a motion by Councilman Wolsky, seconded by Council President O'Hern and was unanimously approved.

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

No. 9685
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING THE READING OF THE 2015 MUNICIPAL BUDGET BY TITLE.

WHEREAS, N.J.S. 40A:4-8 provides that the Budget as advertised shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Budget, as advertised,

(a) shall be made available for public inspection in the free public library, if any, of the municipality and in the free county libraries or regional libraries located in the municipality or, if no county libraries or regional libraries are located in the municipality, the county or regional library of the county in which the municipality is located, and the public officer delegated responsibility for delivering copies of the approved budget to such library shall forward to the governing body an attestation that each such delivery was made, and

MAY 5, 2015

(b) is made available to each person requesting the same, during said week and during the public hearing.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Caldwell, that it is hereby declared that the conditions of N.J.S. 40A:4-8, 1(a) and 1(b) have been met and therefore the Budget for 2015 shall be read by title only.

No. 9686
By: Mr. Wolsky

SUBJECT: RESOLUTION – ADOPT 2015 MUNICIPAL BUDGET.

Be it resolved by the Governing Body of the Township of West Caldwell, County of Essex, the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated in the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 11,911,577.00 (Item 2 below) for municipal purposes; and
- (b) \$ _____ (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation; and
- (c) \$ _____ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in

Type II School Districts only (N.J.S. 18A:9-3) and certification
to the County Board of Taxation of the following summary of
general revenues and appropriations.
- (d) \$ _____ Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.
- (e) \$ 720,699.00 Minimum Library Levy.

SUMMARY OF REVENUES

| | | | |
|--|---------|----|----------------------|
| Surplus Anticipated | 08-100 | \$ | 1,344,442.00 |
| Miscellaneous Revenues Anticipated | 13-099- | \$ | 4,967,107.84 |
| Receipts from Delinquent Taxes | 15-499 | \$ | 325,000.00 |
| 2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL | 07-190 | \$ | 11,911,577.00 |
| 3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE 1 SCHOOL DISTRICTS ONLY: | 07-195 | \$ | |
| Item 6(b), Sheet 11 (N.J.S. 40A:4-14) | 07-191 | \$ | |
| Total Amount to be Raised by Taxation for Schools in Type 1 School Districts Only | | | |
| 4. TO BE ADDED TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY | 07-191 | \$ | |
| 5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX | | \$ | 720,699.00 |
| Total Revenues | 13-299 | \$ | 19,268,825.84 |

Mayor Tempesta then entertained a motion to adopt the Municipal Budget for 2015, at which time a motion was made by Councilman Wolsky, seconded by Councilman Hladik.

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

BILLS ORDERED PAID:

It was regularly moved by Councilmen Wolsky, seconded by Council President O’Hern that the Bill List as amended by the Chief Financial Officer be attached to the Minutes and be paid and that the Mayor and Treasurer be authorized to sign the necessary warrants for their payment.

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

MAY 5, 2015

APPROVAL OF MINUTES:

On the recommendation of Council President O’Hern, seconded by Councilman Cecere, it was regularly moved that the Minutes of the Regular Meeting held on Tuesday, April 21 be accepted.

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

CONSENT AGENDA:

Matters listed within the Consent Agenda have been referred to members of the Township Council for reading and study, are considered to be routine and will be enacted by one motion of the Township Council with no separate discussion. If separate discussion is desired, the resolution may be removed and be subject to a separate roll call.

No. 9687
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 |
| 8. Overpayment-Refund | 16. Correction |
| | 17. Exempt property - refund |

| <u>Block</u> | <u>Lot</u> | <u>Owner Name</u> | <u>Amount</u> | <u>Year</u> | <u>Reason</u> |
|--------------|------------|--|--|---|---------------|
| 2800 | 25 | Farag, Maged N & Makary, Passant 23 Ellis Road | \$ 216.67 | 2015/1 | 2 |
| 2401 | 34 | Watson, Teresa L & Daniel P 191 Westville Avenue | \$1,864.96 | 2013/4 | 8 |
| 3307 | 9 | Levitt, Kenneth & Maxine 12 Whitaker Place | \$2,650.29 | 2014/1 | 8 |
| | | Make check payable to: | | Santander Bank, N.A. Kenneth & Maxine Levitt 601 Penn Street Reading, PA 19601 | |
| 2205 | 2C0704 | Crowley, Kelly Ann 704 Bloomfield Avenue Total Lien Redemption | \$13,314.94 <u>\$17,100.00</u> \$30,414.94 | 2013 Premium | 9 |

Make check payable to: US Bank Cust for BV001 Trust
50 South 16th Street
Suite 2050
Philadelphia, PA 19102-2513

TOTAL REFUNDS \$35,146.86

No. 9688
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING CANCELLATION OF OUTSTANDING CHECKS FROM MUNICIPAL COURT BAIL ACCOUNT.

WHEREAS, there exists outstanding checks on the Municipal Court Bail Account; and
WHEREAS, these outstanding checks are one year old or older and have been investigated and it has been determined that these checks should be cancelled.

MAY 5, 2015

NOW, THEREFORE, BE IT RESOLVED, that the following outstanding Municipal Court Bail Account checks in the amount of \$285.00 be and are hereby cancelled:

| <u>DATE</u> | <u>CHECK#</u> | <u>ISSUED TO</u> | <u>AMOUNT</u> |
|-------------|---------------|-------------------|---------------|
| 6/15/2014 | 237 | Laura Klein | \$32.00 |
| 4/08/2014 | 273 | William Wilkerson | \$217.00 |
| 4/08/2014 | 283 | Ricard P. Carrera | \$36.00 |

No. 9689
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH MASER CONSULTING, P.A. RELATING TO ENGINEERING SERVICES IN CONNECTION WITH WESTOVER AVENUE AND WESTOVER TERRACE ROADWAY RECONSTRUCTION IN THE TOWNSHIP OF WEST CALDWELL.

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

WHEREAS, there exists a need for engineering services in connection with the reconstruction of Westover Avenue and Westover Terrace between Ravine Avenue and Annin Road. This project includes design and construction administration 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 2015.
3. All Township officials are hereby authorized and directed to take any and all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9690
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF WEST CALDWELL AND WEST ESSEX PBA LOCAL 81 (WEST CALDWELL UNIT).

WHEREAS, the Township of West Caldwell is in need of a new contract with the West Essex PBA Local 81 (West Caldwell unit); and

WHEREAS, Township Council, and the West Caldwell Police Department have partnered to develop the new contract; and

WHEREAS, the Agreement has been reviewed by Mayor and Council; and

WHEREAS, the West Caldwell Police Department has ratified said contract.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Caldwell between the Township and Local No. 81, covering the period January 1, 2015 through December 31, 2019, is hereby ratified and approved; and

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

No. 9691
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING RELEASE OF DEVELOPER ESCROW ACCOUNT BALANCES.

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township

MAY 5, 2015

expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release; and

WHEREAS, the following work for Al & John, Inc. of 147 Clinton Road, West Caldwell, NJ has been satisfactorily completed; and

WHEREAS, the Township Engineer, Fire Chief and Fire Official have certified that the remaining funds of the Emergency Pre Plan escrow account may now be released; and

WHEREAS, the Township Engineer has authorized and certified that the partial release of funds of the Inspection Fee escrow account may also be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Caldwell that the following account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

| <u>Developer</u> | <u>Escrow Account</u> | <u>Account #</u> | <u>Amount</u> |
|------------------|-------------------------------|------------------|---------------|
| Al & John, Inc. | Emergency Pre Plan Account | 10027 | \$3,384.36 |
| Al & John, Inc. | Inspection Fee Escrow Account | 10028 | \$8,649.86 |

No. 9692

By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING SALARIES FOR NONREPRESENTED EMPLOYEES OF THE TOWNSHIP OF WEST CALDWELL FOR THE CALENDAR YEAR 2015.

WHEREAS, the Township of West Caldwell authorizes nonrepresented employee salaries for 2015 be as follows:

| EMPLOYEE TITLE | BASE SALARY |
|--|--------------------|
| Accounts Payable | \$ 33,312.50 |
| Clerk | \$ 70,000.00 |
| Administrator | \$ 107,686.50 |
| Assistant Administrator | \$ 5,000.00 |
| Assistant Mechanic | \$ 59,561.52 |
| Assistant Prosecutor | \$ 3,192.00 |
| Assistant Recreation Director | \$ 48,046.59 |
| CFO/Treasurer | \$ 80,000.00 |
| Chief Mechanic | \$ 77,451.25 |
| Construction Code Official/Electric Subcode Official | \$ 106,743.50 |
| Council Member | \$ 5,000.00 |
| Council President | \$ 5,500.00 |
| Court Administrator | \$ 59,388.75 |
| Crossing Guard | \$ 6,760.00 |
| Crossing Guard | \$ 7,122.96 |
| Crossing Guard | \$ 7,530.38 |
| Crossing Guard | \$ 8,138.00 |
| Crossing Guard | \$ 8,746.40 |
| Crossing Guard | \$ 11,190.14 |
| Crossing Guard | \$ 13,178.00 |
| Crossing Guard | \$ 14,242.00 |
| Deputy Emergency Management Coordinator | \$ 3,000.00 |
| Dispatcher | \$ 29,400.00 |
| Dispatcher | \$ 29,988.00 |
| Dispatcher | \$ 30,318.46 |
| Dispatcher | \$ 38,340.17 |
| Dispatcher | \$ 39,288.13 |
| DPW Superintendent | \$ 83,101.13 |
| Emergency Management Coordinator | \$ 9,000.00 |
| Facilities Manager | \$ 82,643.99 |
| Fire Chief | \$ 5,140.98 |
| Fire Inspector | \$ 41,164.10 |
| Fire Subcode Official/Fire Official | \$ 79,790.32 |
| Health Officer - Montville | \$ 10,000.00 |
| Health Officer | \$ 106,641.00 |
| Human Resources Coordinator/Payroll Clerk | \$ 40,000.00 |
| Human Resources Coordinator/Payroll Clerk | \$ 45,900.00 |
| Judge | \$ 32,000.00 |
| Land Use Administrator | \$ 41,452.80 |

MAY 5, 2015

| | |
|------------------------------|--------------|
| Maintenance Man | \$ 55,800.87 |
| Maintenance Man | \$ 58,284.70 |
| Maintenance Man | \$ 58,284.73 |
| Maintenance Man | \$ 58,337.05 |
| Maintenance Man | \$ 58,389.41 |
| Maintenance Man | \$ 60,069.83 |
| Mayor | \$ 6,000.00 |
| Planning Board Engineer | \$ 14,600.00 |
| Prosecutor | \$ 19,890.00 |
| Public Defender/Tax Attorney | \$ 5,100.00 |
| PW Specialist | \$ 65,342.92 |
| PW Specialist | \$ 66,124.30 |
| PW Specialist | \$ 66,358.71 |
| Recreation Director | \$ 78,849.18 |
| Recycling Coordinator | \$ 3,000.00 |
| Registrar | \$ 2,000.00 |
| REHS | \$ 48,953.90 |
| Safety Coordinator | \$ 5,000.00 |
| Secretary | \$ 31,489.55 |
| Secretary | \$ 47,387.51 |
| Secretary | \$ 49,240.90 |
| Secretary | \$ 56,518.98 |
| Secretary | \$ 64,148.65 |
| Tax Assessor | \$ 48,775.21 |
| Tax Cashier | \$ 38,053.67 |
| Tax Collector | \$ 14,900.00 |
| Tax Collector | \$ 55,000.00 |
| Water Cashier | \$ 36,164.10 |
| Water Foreman | \$ 72,956.93 |
| Water Maintenance Man | \$ 40,600.00 |
| Water Maintenance Man | \$ 59,610.49 |
| Water Maintenance Man | \$ 60,396.36 |
| Water Stipend | \$ 1,192.21 |
| Water Stipend | \$ 2,415.85 |
| Water Stipend | \$ 5,836.55 |

| EMPLOYEE | HOURLY RATE |
|-----------------------------|-------------|
| Athletic Program Supervisor | \$ 23.13 |
| Athletic Program Supervisor | \$ 27.77 |
| Building Subcode Official | \$ 41.82 |
| Building Subcode Official | \$ 42.82 |
| Laborer | \$ 11.22 |
| Plumbing Subcode Official | \$ 41.82 |
| Plumbing Subcode Official | \$ 42.82 |
| Public Health Nurse | \$ 35.00 |
| Violations Clerk | \$ 25.63 |
| Zoning Officer | \$ 30.00 |

NOW THEREFORE BE IT RESOLVED by the Township of West Caldwell of Essex County that the Mayor and Council of West Caldwell does hereby authorize the calendar year 2015 salaries for nonrepresented employees to be as stated above.

No. 9693
By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING LISA B. FISHMAN FOUNDATION OFF PREMISE MERCHANDISE RAFFLE, JULY 16, 2015, LICENSE NO. 375, ID NO. 319-4-36851.

WHEREAS, Lisa B. Fishman Foundation has submitted a Raffle License Application No. RA 375, ID No. 319-4-36851, for an off-premise merchandise raffle to be held on July 16, 2015; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Caldwell, hereby approves Raffle License Application No. RA 375; and,

BE IT FURTHER RESOLVED that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

MAY 5, 2015

No. 9694
By: Mr. O'Hern

SUBJECT: RESOLUTION – ESTABLISHING THE WEST CALDWELL POLICE CHIEF AND CAPTAIN SALARIES FOR THE YEAR 2015.

WHEREAS, the salary, wage and compensation to be paid to persons holding certain offices and positions of employment in the Township of West Caldwell are established by Ordinance; and

WHEREAS, such Ordinance established a range of salary, wage and compensation for the positions of various offices and positions of employment, together with a provision for payments of a longevity increment as part of such salary, wage or compensation; and

WHEREAS, the office of Chief of Police and Captain of the Township of West Caldwell are expressly subject to such Ordinance; and

WHEREAS, the salary, wage and compensation to be paid to persons holding certain offices and positions of employment in the West Caldwell Police Department are established Arbitration Award; and

WHEREAS, N.J.S.A. 40A:14-179 provides that the starting base salary of the Chief of Police of any political subdivision of the State shall be set at a rate that is higher than the highest base salary of the ranking officer next in command below the Chief of Police; and

WHEREAS, in light of the disparity in salaries, wages and compensation among the Chief and Captain and other senior police officers, the Council of the Township of West Caldwell finds it necessary to increase the salary, wage and compensation to be paid to the Chief of Police and Captain effective January 1, 2015 to an amount within the range established by the ordinance and in compliance with N.J.S.A. 40A:14-179; and

WHEREAS, in light of the increase of salaries, wage and compensation for subordinate officers effective January 1, 2015 the Council of the Township of West Caldwell finds it necessary to increase the salary, wage and compensation to be paid to the Chief of Police and Captain, effective January 1, 2015 through December 31, 2015.

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 salary, wage and compensation to be paid to the West Caldwell Chief of Police shall be increased to \$141,380.00, effective January 1, 2015 December 31, 2015.
2. The salary, wage and compensation to be paid to the West Caldwell Captain shall be increased to \$140,242.00, effective January 1, 2015 through December 31, 2015.

No. 9695
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH MASER CONSULTING, P.A. RELATING TO ENGINEERING SERVICES IN CONNECTION WITH FRANCINE AVENUE ROADWAY RECONSTRUCTION IN THE TOWNSHIP OF WEST CALDWELL.

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

WHEREAS, there exists a need for engineering services in connection with the reconstruction of Francine Avenue between Bloomfield Avenue and Parkview Avenue. This project includes topographic surveying, engineering design, and construction management 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 2015.
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.

MAY 5, 2015

No. 9696
By: Mr. Hladik

SUBJECT: AUTHORIZING AN AMENDMENT TO AN AGREEMENT FOR AN EXTENSION OF THE 2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) WITH THE COUNTY OF ESSEX CONCERNING THE INSTALLATION OF BARRIER FREE IMPROVEMENTS AT MEMORIAL PARK IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the governing body of the Township of West Caldwell authorized an agreement with the County of Essex for a Community Development Block Grant on June 1, 2014 for American with Disabilities Act (ADA) improvements to Memorial Park.

WHEREAS, the governing body wishes to amend their agreement, approved by the County of Essex Board of Chosen Freeholders on December 18, 2014.

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

1. The original contract term shall be extended for an additional period of one hundred fifty-three (153) days from April 1, 2015 to August 31, 2015.
2. All Township officials are hereby authorized and directed to take any and all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9697
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING THE AWARD OF CONTRACT FOR THE ROAD RESURFACING OF VARIOUS LOCATIONS IN THE TOWNSHIP OF WEST CALDWELL UNDER THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL.

WHEREAS, the Morris County Cooperative Pricing Council (MCCPC) has awarded contracts to various vendors as successful bidders for MCCPC contracts; and

WHEREAS, the Township of West Caldwell is authorized by law to purchase goods or services from approved vendors who have been awarded by and have existing contracts with the Morris County Cooperative Pricing Council; and

WHEREAS, Morris County Cooperative Pricing Council Contract #6, was awarded to D&L Paving Contractors, Inc. for Road Resurfacing; and

WHEREAS, the Governing Body of the Township of West Caldwell desires to resurface various roads in the Township; and

WHEREAS, the Township has determined to award the contract for the road resurfacing pursuant to the Morris County Cooperative Pricing Council to D&L Paving, Inc.; and

WHEREAS, the cost for said road repairs under the Morris County Cooperative Pricing Council Contract #6 Road Resurfacing in the amount of \$25,400.00.; and

WHEREAS, which when combined with prior encumbrances exceeds the bid threshold; and

WHEREAS, Public Contract Law 40A:11-4 requires that every contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Caldwell, in the County of Essex and State of New Jersey, that D&L Paving Inc. shall be awarded the contract for road resurfacing in an amount of \$25,400.00 under the Morris County Cooperative Pricing Council.

No. 9698
By: Mr. Hladik

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF INTERLOCAL AGREEMENT FOR SENIOR CITIZENS TRANSPORTATION FOR 2015-2016.

WHEREAS, the Governing Body of Caldwell is desirous of entering into a Interlocal Agreement with the Borough of Roseland and the Township of West Caldwell; and

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

1. The Mayor and Township Clerk are hereby authorized to enter into an Interlocal Agreement for 2015 and 2016.
2. All municipal officials are hereby authorized and directed to take whatever actions may be necessary to implement the terms of this Resolution.

MAY 5, 2015

No. 9699

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 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 O'Hern, seconded by Councilman Docteroff that the thirteen Resolutions be adopted.

Upon the vote being polled, Councilmen O'Hern, Cecere, Hladik, Wolsky, Docteroff and Councilwoman Canale voted in the affirmative, except Councilman Wolsky abstained on Resolution Number 9693 because the raffle will be held at the Mountain Ridge Country Club, where Councilman Wolsky is employed.

MAY 5, 2015

COMMITTEE REPORTS:

PUBLIC SAFETY COMMITTEE:

1. West Caldwell firefighters Brian Drastal and Tom Webber will receive valor awards at May 7th 200 Club luncheon.
2. Officer Billy Styskal will be retiring soon and was congratulated on his great career along with his wife, Sue, who is a retired police officer.
3. The PBA contract was approved in the consent agenda and Officers Vanikiotis, Capriglione, Cooper, and Keepers were thanked for their effort, along with Mayor Tempesta and Councilmen Hladik and Docteroff.
4. Chief Michael Bramhall is retiring from the West Caldwell Police Department.

PUBLIC WORKS & TECHNOLOGY:

Councilman Docteroff reported the following:

1. Docusafe, a state contractor for public record storage, was discussed with future meetings planned.
2. Minor work is being done at both Westville Avenue and Cedar Street pools to allow residents to scan their photo badges. Pool applications are higher than this time last year.
3. An underground storage tank was removed from Memorial Park without any incidents and another one will be removed next year.
4. St. Charles Avenue and Mt. Herman Way bid reconstruction package was opened on April 30 and will be announced at the May 19 meeting.
5. Washington Avenue and Smull Avenue and four other streets will be reconstructed starting this week because of the harsh winter.
6. Capital project plan was submitted to Council.
7. Maser Consulting reviewed the health of Cedar Street and Westville Avenue pools and made recommendations.
8. The directors of Department of Public Works and Buildings will be visiting Morris Township to see the possibility of using PVC liners in their pools.

PARKS & RECREATION COMMITTEE:

Councilman Hladik reported the following:

1. Spring sports are in full swing.
2. Senior Citizens Transportation meeting was cancelled because of lack of quorum.
3. The library board meeting is May 13.

LEGAL & PERSONNEL COMMITTEE:

1. There are two staff openings: accounts payable and tax cashier.

Detective Paul Mazzeo, West Caldwell Police who is the chair of Caldwell/West Caldwell Municipal Alliance, discussed the timeline of the grants from Essex County.

Administrator Brewer discussed the striping of the intersections at Bloomfield Avenue and Passaic Avenue.

Stormwater management was discussed at the Central Avenue development in Caldwell.

FINANCE AND WELFARE COMMITTEE:

The Township Clerk read the title of an Ordinance No. 1772 entitled "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$2,856,739 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,720,686 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF."

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:

MAY 5, 2015

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of West Caldwell, in the County of Essex, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$2,856,739, and further including the aggregate sum of \$136,053 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,720,686 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

| <u>Purpose</u> | <u>Appropriation & Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds & Notes</u> | <u>Period of Usefulness</u> |
|---|---|--|-----------------------------|
| a) <u>Administration Department</u> The acquisition of various computer and office furniture, including but not limited to, backup servers, terminal server, workstations, Office 2013 Professional, BDR & Business Continuity Solution, exchange server/mitigation and HP UPS, including all related costs and expenditures incidental thereto. | \$87,905 | \$83,716 | 5 years |
| b) <u>Construction Department</u> The acquisition of a sport utility vehicle, including all related costs and expenditures incidental thereto. | \$29,500 | \$28,095 | 5 years |
| c) <u>Fire Department</u> The acquisition of turnout gear, portable radios, pagers, nozzles, adaptors, SCBA face pieces and a fire siren, including all related costs and expenditures incidental thereto. | \$35,500 | \$33,806 | 10 years |
| d) <u>Engineering, Roads and Sewer Department</u> The reconstruction of various roads, including, but not limited to, St. Charles/Mt. Herman Avenue, Francine Avenue, Westover Avenue, Westover Terrace and Lincoln Place and the Crack Sealing Program and Mill and Pave Annual Program, including all work and materials necessary therefor and incidental thereto. | \$1,648,834 | \$1,570,316 | 10 years |
| e) Public Works Department The acquisition of dump truck, a backhoe and a loader, including all related costs and expenditures incidental thereto. | \$495,000 | \$471,427 | 5 years |
| f) <u>Facilities Department</u> 1) Improvements to municipal facilities, including, but not limited to, the | | | |

MAY 5, 2015

| | | | |
|--|--------------------|--------------------|----------|
| Department of Public Works Building and the Old Town Hall and further including demolition, planning, design, work and materials necessary therefor and incidental thereto, and the acquisition and installation of a generator for the municipal building and a canopy for the new AST, including all related costs and expenditures incidental thereto. | \$375,000 | \$357,141 | 15 years |
| g) Police Department 1) The acquisition of equipment, including, but not limited to, in car cameras, an audio recorder and a DB identification system, including all related costs and expenditures incidental thereto. | \$107,500 | \$102,380 | 10 years |
| 2) Renovation of the locker room and HVAC improvements, including all work and materials necessary therefor and incidental thereto. | \$10,000 | \$9,522 | 15 years |
| h) Recreation Department Recreation improvements, including, but not limited to, the acquisition and installation of a wheel chair lift at Civic Center and bleachers at Francisco Park, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto. | \$55,000 | \$52,380 | 15 years |
| i) Library Department The acquisition of a traffic counter, carpet, and sound woofers for Reiher Room, including all related costs and expenditures incidental thereto. | \$12,500 | \$11,903 | 5 years |
| TOTAL: | <u>\$2,856,739</u> | <u>\$2,720,686</u> | |

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

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

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

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

MAY 5, 2015

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

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.67 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,720,686, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$571,347 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

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

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

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

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

It was regularly moved by Councilman Wolsky, seconded by Council President O'Hern that the Ordinance be passed on first reading; that it be published and posted as a pending Ordinance in the manner required by law and that the Public Hearing be held on Tuesday, May 19, 2015.

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

The Township Clerk read the title of an Ordinance No. 1773 entitled "BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$605,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$605,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF."

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of West Caldwell, in the County of Essex, New Jersey (the "Township"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$605,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

MAY 5, 2015

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$605,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various improvements to the water utility, including, but not limited to, the Valve Replacement Program, main replacement on Parkview Avenue and Eastern Parkway, telemetry system updates, Mountain Avenue tank rehabilitation and the acquisition of pressure sensing equipment for regulators, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

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

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

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

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$605,000, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$121,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

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

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to

MAY 5, 2015

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

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

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

It was regularly moved by Councilman Wolsky, seconded by Council President O'Hern that the Ordinance be passed on first reading; that it be published and posted as a pending Ordinance in the manner required by law and that the Public Hearing be held on Tuesday, May 19, 2015.

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

The Township Clerk read the title of an Ordinance No. 1774 entitled "BOND ORDINANCE PROVIDING FOR VARIOUS POOL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$86,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$81,904 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF."

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of West Caldwell, in the County of Essex, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$86,000, including the sum of \$4,096 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$81,904 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various pool improvements, including, but not limited to, the acquisition of pool vacuums, the repair of the bottom of Cedar Street Pool and Westville Pool and improvements to the Cedar Street Pool roof, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

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

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

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

MAY 5, 2015

body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$81,904, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$17,200 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

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

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

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

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

It was regularly moved by Councilman Wolsky, seconded by Council President O'Hern that the Ordinance be passed on first reading; that it be published and posted as a pending Ordinance in the manner required by law and that the Public Hearing be held on Tuesday, May 19, 2015.

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

MAY 5, 2015

Councilman Wolsky reported the following:

1. The Bridge will be moving to West Caldwell on June 1 and TD Bank is sponsoring a coin drop on May 15. All change collected on that day will be matched by TD Bank. There will be a Bridge meeting Thursday, May 7.

Councilman Cecere made a motion, seconded by Councilman Hladik, to convene to Closed Session after the open session meeting was adjourned. The motion was approved unanimously.

HEALTH AND SHARED SERVICES:

Councilwoman Canale reported the following:

1. The Board of Health meeting will be held on Wednesday, May 6.
2. The Caldwell/West Caldwell Board of Education meeting was held Monday, May 4. The pending budget was discussed.
3. There will be a 5K run for the Caldwell/West Caldwell Board of Education run on Saturday, May 16.

ADVISORS' REPORT:

Clerk Donovan reminded residents that May 12 is the last day to register or transfer to vote before the June 2, 2015 primary election.

MAYOR'S REPORT:

Mayor Tempesta reported that infrastructure work will continue throughout West Caldwell. Mayor Tempesta also reported on the retirement of Executive Director William Dressel of the New Jersey State League of Municipalities on May 7, 2015 after 43 years of service. Mr. Dressel will be honored at a dinner, which Mayor Tempesta will attend.

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 to Closed Session.

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

Council adjourned at 7:59 pm to Closed Session.

Mary S. Donovan
Township Clerk