

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
OCTOBER 6, 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, October 6, 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 Cecere, Hladik, Docteroff and Councilwoman Canale.

ABSENT: Council President O’Hern and Councilman Wolsky

OTHERS PRESENT: Adam Brewer, Township Administrator
Mary S. Donovan, Township Clerk
Paul G. Jemas, Municipal Attorney
Nikole Monroig, Chief Financial Officer

Pledge of Allegiance

BILLS ORDERED PAID:

It was regularly moved by Councilman Docteroff, seconded by Councilwoman Canale 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 Cecere, Hladik, Docteroff and Councilwoman Canale voted in the affirmative.

SCHEDULE OF BILLS ORDERED PAID

	<u>Checks</u>	<u>Amount</u>
CURRENT ACCOUNT – VALLEY NATIONAL BANK	3728-3922	\$3,695,274.90
WATER OPERATING ACCOUNT- VALLEY NATIONAL BANK	9481-9510	386,176.66
POOL UTILITY ACCOUNT	2554-2584	117,882.75
GENERAL CAPITAL ACCOUNT	2409-2428	617,829.49
WATER CAPITAL	8065-8068	14,365.19
GENERAL TRUST – VALLEY NATIONAL BANK	5313-5323	14,165.54
DOG TRUST	1570	6.00
DEVELOPERS’ TRUST	313-315	14,681.36

APPROVAL OF MINUTES:

On the recommendation of Councilwoman Canale, seconded by Councilman Docteroff, it was regularly moved that the minutes of the Regular Meeting held on Tuesday, September 22, 2015 be accepted.

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

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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. 9794
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>
304	3	Tortorello, Patricia 32 Mitchell Avenue Your File Number - CTA-NJ-20017	\$ 187.92	2015	1
		Make check payable to:	Chancellor Title Agency, Inc. 59 Lincoln Avenue Fair Lawn, NJ 07410		
604	8	LaBianca, John & Minicozzi, Phyliss 13 Pleasant Avenue	\$2,297.97	2013	8
		Make check payable to:	LaBianca, John & Minicozzi, Phyliss 20 Taylor Drive West Caldwell, NJ 07006		
2101	5	Bloomfield 804/810 LLC 808 Bloomfield Avenue	\$1,182.60	2011	7
		Make check payable to:	Jacobus & Associates, LLC trustee for Bloomfield 804/810 LLC 301 South Livingston Avenue Suite 105 Livingston, NJ 07039		

Total - \$3,668.49

No. 9795
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>
Jim Allen 28 Gates Avenue West Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee

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Jeff Goldberger 35 Elizabeth Street Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
Michael Lawshe 40 Crane Street Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
Craig Sparano 58 Ravine Avenue Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
Joe Kostecka 507 Bloomfield Avenue Apartment 1A Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
John DeFillipo 33 Rensselaer Road Essex Fells, NJ 07021	\$80.00	Slo Pitch Forfeit Fee
Steve Eitman 6 Dillon Road West Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
Tim Wacha 31 Smull Avenue Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
Tom Martin 68 Westover Avenue West Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
Michael Docteroff 69 Ravine Avenue West Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
Phil Failla 9 Rubino Road West Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
Charlie Alberta 15 Lane Avenue West Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
Chris Stefanelli 87 Roseland Avenue Apartment 103 Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
Joe Crawley 31 Highland Drive West Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
Matt O'Neill 9 Harding Road West Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
Thomas O'Hern 46 Redman Terrace West Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
Mike Coppola 1112 Wharton Court Riverdale, NJ 07457	\$80.00	Slo Pitch Forfeit Fee

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Bob Seidler 8 Chestnut Street Caldwell, NJ 07006	\$80.00	Slo Pitch Forfeit Fee
 Chris Eucker 135 Runnymede Road West Caldwell, NJ 07006	 \$80.00	 Slo Pitch Forfeit Fee
 Louie Leone 15 Beechwood Road West Caldwell, NJ 07006	 \$80.00	 Slo Pitch Forfeit Fee
TOTAL:	\$1,600.00	

No. 9796
By: Mr. Hladik

SUBJECT: RESOLUTION – AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR RECREATION UNIFORMS TO MJG PROMOTIONS, LLC

WHEREAS, the Township of West Caldwell has a need to acquire recreation uniforms as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, MJG Promotions, LLC has completed and submitted a Business Entity Disclosure Certification that certifies that MJG Promotions, LLC has not made any reportable contributions to a political or candidate committee in the Township of West Caldwell in the previous one year and that the contract will prohibit MJG Promotions, LLC from making any reportable contributions through the term of the contract period, and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for said purpose in the current budget; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of West Caldwell, County of Essex, State of New Jersey authorizes Township Officials to enter into a contract with MJG Promotions, LLC in excess of \$17,500.00 but not to exceed \$39,999.99 as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Non-Collusion Affidavit be placed on file with this resolution.

No. 9797
By: Mr. Wolsky

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

WHEREAS, developers are required to deposit monies with the Township of West Caldwell (“Township”) for the purposes of offsetting the Township’s 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 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 approved development for Lane Enterprises, LLC, Block 1201, Lots 1 & 2 in the Township of West Caldwell 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 release of funds of the Emergency Pre Plan, GIS System Integration, Environmental and Inspection and Legal Fees 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>
Lane Enterprises, LLC	Emergency Pre Plan Account	10034	\$7,508.69
Lane Enterprises, LLC	GIS System Account	10035	\$7,508.69
Lane Enterprises, LLC	Inspection/Legal Fees Account	10036	\$.19
Lane Enterprises, LLC	Environmental Account	10037	\$ 8.05

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No. 9798
By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF A MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT AND FOR PARTICIPATION IN THE PREPARATION OF A STATEWIDE FAIR SHARE ANALYSIS.

WHEREAS, on July 7, 2015, the Township of West Caldwell adopted Resolution No.: 9745 and entered into the Municipal Shared Services Defense Agreement (“MSSDA”) which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”), a copy of each are incorporated herein as if set forth at length; and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, to prepare a report regarding the fair share housing obligations of municipalities participating within the consortium; and

WHEREAS, circumstances have changed so that Rutgers University and Dr. Burchell are no longer viable as parties to prepare such a report; and

WHEREAS, the consortium has determined to engage other qualified consulting experts to perform the same function and Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification, a copy of which is incorporated herein as if set forth at length; and

WHEREAS, it will be necessary for municipalities who are participating in the MSSDA to approve the Amendment of the Agreement in that regard on an expedited basis; and

WHEREAS, the Mayor and Council of the Township of West Caldwell wishes to authorize the Mayor and Township Clerk to sign such an amendment to the Agreement once approved by the designated attorney for the Township, subject to later ratification by the Mayor and Council; and

WHEREAS, the Mayor and Council have determined that it is in the best interests of the citizens of West Caldwell to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Caldwell that the Mayor and Township Clerk be and hereby are authorized and directed to sign an amendment to the MSSDA which substitutes another qualified consulting expert in place of Rutgers University and Dr. Robert Burchell, subject to the prior approval of the designated attorney for the Township and subject to later ratification by the Mayor and Council

BE IT RESOLVED that this Resolution shall take effect immediately.

No. 9799
By: Mr. Docteroff

SUBJECT: RESOLUTION - AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FOREST AVENUE PROJECT.

NOW, THEREFORE, BE IT RESOLVED that Township Council of West Caldwell, New Jersey, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Forest Avenue-00351 to the New Jersey Department of Transportation on behalf of the Township of West Caldwell.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Caldwell and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

No. 9800
By: Mr. Cecere

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

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

WHEREAS, the Program goals are to control local deer population, allow forest regeneration,

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minimize browsing of residential landscaping in the Township and minimize the incidence of deer-related motor vehicle accidents; and

WHEREAS, the Program will take place on the following Township properties: Block 1903, Lot 6 (Township Leaf Composting Facility on Bloomfield Avenue and adjacent to Essex Place and Aldrin Drive); Block 3101, Lot 12; Block 3101, Lot 6 (Hatfield Swamp), and Block 1402, Lot 1 (Mullin Roofing); Block 102, Lot 7, Block 308 Lot 14, Block 2600 Lot 18, Block 2000 Lot 1 and Block 901, Lot 19 (Cedar Street Pool).

WHEREAS, the Program will commence on October 22, 2015 and end on February 19, 2016 and include: October 22-23, 26-30; November 2-6, 9-13, 16-20, 23-25, 27, December 1-4, 7-11, 14-18, December 21-24, 28-31; January 4-8, 11-15, 18-22, 25-29, and February 1-5, 8-12, 15-19.

WHEREAS, the Program will take place on eight-four (84) days during that time period, Saturdays and Sundays excluded; and

WHEREAS, no more than ten (10) agents selected from among experienced, licensed hunters who can demonstrate a proficiency in marksmanship and some of whom participated other similar deer management programs conducted in Essex County will be authorized to participate in the Program. Agents will take part in this program on a voluntary basis and shall be considered volunteers of the Township for liability purposes; and

WHEREAS, harvested deer will be transported to a New Jersey Division of Fish and Wildlife supervised check station operated by the Township and to a New Jersey Department of Health approved butcher for processing. A substantial portion of all deer harvested will be donated to the Community Food Bank of New Jersey; and

WHEREAS, the Township will utilize signage, mailings and any other forms of communication deemed appropriate by Township officials to inform the public of the details of the Program; and

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

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

1. The Governing Body of the Township of West Caldwell hereby authorizes a Deer Management Program in accordance with the terms and conditions of this Resolution.
2. The Township Administrator, in consultation with the Township Police Department and Township Attorney, shall develop Program regulations consistent with this Resolution to further detail the operation of the Program.
3. All Township employees and officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9801
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

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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. Attorney/Client Privilege/Litigation: Appellate judgment.

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.

Administrator Brewer reported on the closed session item.

It was regularly moved by Councilman Cecere, seconded by Councilman Hladik that the eight Resolutions be adopted.

Upon the vote being polled, Councilmen Cecere, Hladik, Docteroff and Councilwoman Canale voted in the affirmative except Councilman Docteroff abstained on Resolution no. 9795.

COMMITTEE REPORTS:

PUBLIC SAFETY COMMITTEE:

There was no report.

PUBLIC WORKS & TECHNOLOGY:

Councilman Docteroff reported the following:

1. Westover Avenue and Terrace roadway construction is continuing.
2. Francisco Avenue and Lincoln Place roadway construction is finishing up
3. Camp Wyanokie is meeting Wednesday, October 7 in Roseland.

Mayor Tempesta asked Administrator Brewer for an update on various streets.

PARKS & RECREATION COMMITTEE:

Councilman Hladik reported the following:

1. Essex Valley School field is finished and looks wonderful. Mayor Tempesta and Councilmen Hladik and Cecere met with the Recreation Department to discuss how to organize the various teams that will use the field.
2. The West Caldwell Library 100th birthday celebration will take place October 15, 2015 at 7 pm.
3. Carl Justice attended the Senior Transportation Committee last week after a long absence.

LEGAL & PERSONNEL COMMITTEE:

There was no report.

FINANCE & WELFARE:

Councilwoman Canale reported that CFO Monroig and Administrator Brewer will discuss the water utility budget.

CFO Monroig reported on the upcoming rate change. A discussion was held on the rate change and its impact on the residents.

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The Township Clerk read the title of an Ordinance No. 1776 entitled “ORDINANCE – “AN ORDINANCE TO AMEND CHAPTER XVIII, UTILITIES, ADOPTED OCTOBER 17, 1995, AMENDING WATER USE AND CHARGES.”

WITHIN THE FOLLOWING SECTIONS, ITEMS ENCLOSED IN BRACKETS [THUS], ARE DELETED; ITEMS UNDERLINED, THUS, ARE ADDED.

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] eight dollars and five (\$8.05) cents.*
 - 2. Minimum quarterly charge to all consumers connected to the system: [fourteen (\$14.00) dollars.] nineteen (\$19.00) dollars.*

***Editor's Note:** These rates take effect commencing with the water billing mailed January 2016.

- 3. Well owners not connected to or not using the public water system will be charged an annual rate of twelve (\$12.00) dollars for fire hydrant services and shall be billed annually.
- 4. Meters. Costs for meters shall be as follows:

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

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

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

Annual Charge	Quarterly 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 may approve, by resolution, an increase in the water rate per thousand gallons up to the percentage increase in the amount imposed on the Township by the bulk water supplier.
- [c.] d. 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; Ord. No. 1767 § 1)

All changes to ordinance shall take effect January 1, 2016 and shall rescind all prior ordinances, resolutions and fee schedules of the Township of West Caldwell.

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It was regularly moved by Councilwoman Canale, seconded by Councilman Docteroff 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, November 3, 2015.

Upon the vote being polled, Councilman Cecere, Hladik, Docteroff and Councilwoman Canale voted in the affirmative.

HEALTH AND SHARED SERVICES:

Councilwoman Canale reported the following:

1. The Board of Health will meet on October 7.

ADVISORS' REPORT:

CFO Monroig reported on the Best Practices Inventory. The state of New Jersey requires every municipality to complete this inventory annually. The response is used by the Division of Local Government Services to determine how much of the Township's final consolidated municipal property tax relief aid (CMPTRA) and energy receipts tax relief program will be disbursed. The township's final answers and submission reflect a score of 82%, which yields a 0% withholding from the township's FY2015 CMPTRA and energy tax receipts payments.

Administrator Brewer reported on the great turnout on the St. Jude's walk on September 26, 2015.

Clerk Donovan reported that the last day to register for the November 3 general election is Tuesday, October 14 and the Clerk's office will be open until 9 pm that evening so that residents may register.

Clerk Donovan also reported on the Newcomers' open house on October 20, 2015 at 7 pm.

A discussion was held on the organization of the newcomers' open house.

A discussion was held on Recreation Department employee Tom Edwards' possible employment as James Caldwell High School's baseball coach.

MAYOR'S REPORT:

Mayor Tempesta reported on the large turnout of the St. Jude's walk on Henderson Drive on September 26, 2015. An amount of \$65,000 was forecasted for the event and a total of \$114,000 was raised. Everyone who walked and helped with the walk was thanked for their participation.

INVITATION TO CITIZENS FOR DISCUSSION:

There were no comments from the public.

ADJOURNMENT:

On the motion of Councilman Cecere, seconded by Councilman Hladik, the meeting adjourned at 7:55 pm to Closed Session. The Council reserved the right to return to open session to take action.

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

On the motion of Councilwoman Canale, seconded by Councilman Hladik, the meeting reconvened to open session at 8:20 p.m.

CONSENT AGENDA:

It was regularly moved by Councilman Hladik, seconded by Councilman Cecere that the following Resolution be read by consent.

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

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

No. 9802

By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR LEGAL SERVICES TO O'TOOLE FERNANDEZ WEINER VAN LIEU, LLC IN AN AMOUNT NOT TO EXCEED \$1,500.00.

WHEREAS, the Township of West Caldwell (the "Township") requires legal services to be provided as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 *et seq.* regarding a matter pending in the Superior Court of New Jersey, Chancery Division, Monmouth County, which matter is entitled Wells Fargo Bank, NA v. Edward Applegate, et al. and which matter is designated as Docket Number F-30320-15 (referred to as the "subject litigation"); and,

WHEREAS, O'Toole Fernandez Weiner Van Lieu, LLC, 60 Pompton Avenue, Verona, New Jersey 07044 has confirmed that the law firm will provide legal services to the Township with the further understanding that the initial amount for the authorized legal services for fees is for an amount not to exceed \$1,500.00 based upon an hourly rate of \$150.00 and subject to further authorization by the Township's governing body; and

WHEREAS, O'Toole Fernandez Weiner Van Lieu has completed and submitted a Business Entity Disclosure Certification that certifies that O'Toole Fernandez Weiner Van Lieu has not made any reportable contributions to a political or candidate committee in the Township of West Caldwell in the previous one year, and that the contract will prohibit O'Toole Fernandez Weiner Van Lieu, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for said purpose in the current budget; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of West Caldwell, County of Essex, State of New Jersey authorizes Township Officials to enter into a contract with O'Toole Fernandez Weiner Van Lieu, LLC to render legal services in the subject litigation for amount of legal fees and costs not to exceed \$1,500.00 pending further authorization; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Non-Collusion Affidavit be placed on file with this resolution.

On the motion of Councilwoman Canale, seconded by Councilman Docteroff, the meeting adjourned at 8:25 pm.

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

Mary S. Donovan
Township Clerk