

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
SEPTEMBER 8, 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, September 8, 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, Council President O’Hern, Councilmen Cecere, Hladik, Wolsky, Docteroff and Councilwoman Canale.

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

Pledge of Allegiance

Mayor Tempesta asked for prayers for the Roger Jones family upon the recent passing of Roger Jones, a long-time West Caldwell firefighter and employee.

PRESENTATION: MARY E. OLSON

Mayor Tempesta and former Chief Michael Bramhall presented Mary E. Olsen, a recent retiree and long-time crossing guard with a proclamation and the resolution appointing her in 1980.

BILLS ORDERED PAID:

It was regularly moved by Councilman 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.

SCHEDULE OF BILLS ORDERED PAID

	<u>Checks</u>	<u>Amount</u>
CURRENT ACCOUNT – VALLEY NATIONAL BANK	3565-3727	\$4,308,666.02
WATER OPERATING ACCOUNT- VALLEY NATIONAL BANK	9458-9480	\$335,692.96
POOL UTILITY ACCOUNT	2426-2553	\$116,705.54
GENERAL CAPITAL ACCOUNT	2395-2408	\$558,,930.02
WATER CAPITAL	8062-8064	\$2,065.16
GENERAL TRUST – VALLEY NATIONAL BANK	5296-5312	\$19,835.63
DOG TRUST	1567-1569	\$6,800.94
DEVELOPER’S TRUST	307	\$1,035.00

APPROVAL OF MINUTES:

On the recommendation of Council President O’Hern, seconded by Councilman Hladik, it was regularly moved that the Minutes of the Regular Meeting held on Tuesday, August 4, 2015 be

SEPTEMBER 8, 2015

accepted as amended.

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

PENDING ORDINANCE:

The Township Clerk read the title of an Ordinance No. 1762.3 entitled "AN ORDINANCE ESTABLISHING AND CREATING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE TOWNSHIP OF WEST CALDWELL, ESTABLISHING THE GRADES OF SUCH OFFICES AND EMPLOYMENTS AND FIXING THE SALARY, WAGE OR COMPENSATION TO BE PAID TO THE PERSONS HOLDING SUCH OFFICES OR POSITIONS, REPEALING PRIOR ORDINANCES."

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, AND THE STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1. There is hereby created and established in the Township of West Caldwell certain offices and positions of employment, together with the salaries for such positions.

SECTION 2. There shall be paid a longevity increment to full-time employees hired prior to May 1, 1997 (excluding there from the following enumerated employees: Judge and Prosecutor of the Municipal Court and Welfare Director). No longevity will be paid to any employee covered by this ordinance hired on or after May 1, 1997.

Longevity increase shall be due and payable to the annual base salary to such eligible employees who have completed the full period of years of service hereinafter designated: to wit: 2 percent - 5 years; 4 percent - 10 years; 6 percent - 15 years; 8 percent - 20 years; 10 percent - 24 years or more. Such longevity payments shall be made on the pay period next ensuing the anniversary date of full completion of the required period of service.

SECTION 3. Holiday and Overtime Pay. Holiday and Overtime Pay shall be based on 2,080 hours per year. Overtime shall be at the rate of double time for Sundays and Official Holidays; time and one-half for Saturdays and hours worked in the excess of 40 hours per week. A minimum of 2 hours pay at the above prescribed rates will be paid for all emergency calls after regular working hours.

SECTION 4. In the event additional sessions of Court, over and above 48 per year are required, the Judge and Prosecutor shall be paid a stipend equivalent to 1.5% of their annual salary, and the Court Administrator shall be paid a stipend of \$125 for each session over and above 36 per year.

SECTION 5. In the event attendance at Board of Health meetings, other than for the Township of West Caldwell, is required, the Health Officer shall be paid a stipend of \$125.00 for each session attended. Any inspections or screenings attended by the Health Officer, Registrar or Environmental Specialist, or reports prepared for same by the Health Officer, performed by 9:00 A.M. and/or after 4:30 P.M. Monday through Friday or on Saturdays, will be at a reimbursement rate equal to the hourly rate of said employees. The Health Secretary shall be paid \$65.00 per meeting for minutes preparation.

SECTION 6. Advancement to Steps 2 and 3 for Fire Chief shall be awarded by Resolution of the Governing Body.

SECTION 7. Any Smoke Detector Inspections performed before 9:00 A.M. and/or after 4:30 P.M. by the Fire Official, Deputy Fire Official or their designate will be at a reimbursement rate of \$29.75 per inspection (\$35.00 charge less administrative and benefit cost).

SECTION 8. Any Added Assessment Inspections performed by the Tax Assessor before 9:00 A.M. and/or after 4:30 P.M. Monday through Friday or on Saturdays by the Tax Assessor will be included in their base salary for up to 230 hours of inspection work performed. Any inspections performed over the 230 hours will be reimbursed at a rate equal to either the hourly rate of pay for the Tax Assessor or a stipend established by Resolution of the Governing Body.

SECTION 9. The prescribed salaries and increments for officers and employees, set forth on said schedule shall be effective as of January 1, 2015.

SECTION 10. Ordinance No. 1714, adopted October 27, 2011, and all other ordinances or parts of ordinances inconsistent herewith, are hereby repealed.

SECTION 11. This Ordinance shall take effect immediately upon adoption and publication according to law.

SEPTEMBER 8, 2015

EMPLOYEE TITLE	MINIMUM	MAXIMUM
Accounts Payable Clerk	\$ 26,000.00	\$ 39,000.00
Administrator	\$ 84,048.00	\$ 126,072.00
Assistant Administrator	\$ 5,000.00	\$ 6,000.00
Assistant Mechanic	\$ 46,945.00	\$ 70,418.00
Assistant Prosecutor	\$ 2,553.00	\$ 3,830.40
Assistant Recreation Director	\$ 37,684.00	\$ 56,526.00
Athletic Program Supervisor	\$ 21.78	\$ 32.68
Building Subcode Official	\$ 32.64	\$ 48.96
Chief Finance Officer/Treasurer	\$ 56,896.00	\$ 85,344.00
Chief Mechanic	\$ 61,045.00	\$ 91,569.00
Clerk	\$ 48,768.00	\$ 73,152.00
Construction Code Official/Electric Subcode Official	\$ 82,000.00	\$ 123,000.00
Council	\$ 5,000.00	\$ 6,000.00
Council President	\$ 5,500.00	\$ 6,600.00
Court Administrator	\$ 42,840.00	\$ 64,260.00
Court Attendant	\$90.00 per session	\$90.00 per session
Crossing Guard	\$ 6,028.00	\$ 18,363.60
Deputy Court Administrator	\$ 20.00	\$ 30.00
Deputy Court Administrator	\$ 36,400.00	\$ 54,600.00
Deputy Emergency Management Coordinator	\$ 800.00	\$ 1,440.00
Dispatcher	\$ 22,400.00	\$ 45,996.00
Emergency Management Coordinator	\$ 3,000.00	\$ 10,800.00
Facilities Manager	\$ 64,310.00	\$ 97,708.00
Fire Chief - Step 1	\$ 5,000.00	\$ 5,999.00
Fire Chief - Step 2	\$ 6,000.00	\$ 6,499.00
Fire Chief - Step 3	\$ 6,500.00	\$ 7,000.00
Fire Inspector	\$ 28,364.00	\$ 42,546.00
Fire Subcode Official/Fire Official	\$ 62,580.00	\$ 93,872.00
General Clerical	\$ 8.25	\$ 14.00
Health Inspector	\$ 28.00	\$ 42.00
Health Officer	\$ 83,232.00	\$ 110,949.00
Health Officer - Montville	\$ 10,000.00	\$ 10,000.00
Human Resources Coordinator/Payroll Clerk	\$ 36,000.00	\$ 54,000.00
Intern	\$ 8.25	\$ 10.50
Judge	\$ 22,032.00	\$ 33,048.00
Laborer (Pools, B&G, Recreation, DPW, Water)	\$ 7.25	\$ 15.25
Land Use Administrator	\$ 32,512.00	\$ 48,768.00
Lifeguard	\$ 7.25	\$ 13.50
Maintenance Man	\$ 40,000.00	\$ 70,670.40
Mayor	\$ 6,000.00	\$ 6,000.00
Mechanic	\$ 46,343.00	\$ 69,515.00
Planning Board Engineer	\$ 13,680.00	\$ 17,520.00
Playground Coordinator	\$ 13.50	\$ 27.75
Playground Assistant Coordinator	\$ 7.25	\$ 31.50
Playground Assistant Director	\$ 7.25	\$ 12.00
Playground Assistant Leader	\$ 7.25	\$ 9.00
Playground Site Director	\$ 13.50	\$ 27.75
Playground Assistant Site Director	\$ 9.50	\$ 21.00
Plumbing Subcode Official	\$ 32.64	\$ 48.96
Police Captain	\$ 112,194.00	\$ 168,290.00
Police Chief	\$ 113,104.00	\$ 169,656.00
Pool Door Attendant	\$ 7.25	\$ 10.50
Pool Manager	\$ 4,560.00	\$ 10,085.00
Pool Assistant Manager	\$ 3,600.00	\$ 8,575.00
Prosecutor	\$ 15,912.00	\$ 23,868.00
Public Defender	\$ 1,375.00	\$ 2,060.40
Public Defender/Tax Attorney	\$ 4,080.00	\$ 6,120.00
Public Health Nurse	\$ 25.00	\$ 42.00
Public Works Specialist	\$ 51,226.00	\$ 78,070.00
Qualified Purchasing Agent	\$ 5,000.00	\$ 20,000.00
Recreation Coach	\$120 per season	\$270 per season
Recreation Director	\$ 60,869.00	\$ 92,764.00
Recreation Leader	\$ 7.25	\$ 12.00
Recreation Specialist	\$ 7.25	\$ 31.50
Recycling Coordinator	\$ 1,920.00	\$ 2,880.00
Registered Environmental Health Specialist	\$ 30,552.00	\$ 51,950.00

SEPTEMBER 8, 2015

Registrar	\$ 2,880.00	\$ 4,320.00
Safety Coordinator	\$ 5,000.00	\$ 6,000.00
Secretary	\$ 24,309.00	\$ 75,469.00
Sports Official I - Per ASA Guidelines	\$26.00/game	\$75.00/game
Sports Official II	\$ 7.25	\$ 13.50
Sports Scorer	\$ 7.25	\$ 9.00
Superintendent of Public Works	\$ 64,159.00	\$ 97,767.00
Supervising Maintenance Man/Specialist	\$ 4,000.00	\$ 4,000.00
Swim Team Coach	\$400 per season	\$2,160 per season
Swim Team Assistant Coach	\$240 per season	\$,1390 per season
Tax Assessor	\$ 37,650.00	\$ 69,383.00
Tax Attorney	\$ 2,788.00	\$ 4,601.00
Tax Cashier	\$ 29,845.00	\$ 44,770.00
Tax Collector	\$ 11,920.00	\$ 60,500.00
Tot Lot Site Director	\$ 13.50	\$ 27.75
Tot Lot Assistant Site Director	\$ 9.50	\$ 21.00
Violations Clerk	\$ 37,345.00	\$ 56,020.00
Water Cashier	\$ 28,364.00	\$ 42,546.00
Water Foreman	\$ 57,220.00	\$ 85,831.00
Water License Stipend - C-1/W-1 Licenses - 2% of Salary	\$ 1,000.00	\$ 1,717.00
Water License Stipend - C-2/W-2 Licenses - 4% of Salary	\$ 2,500.00	\$ 3,434.00
Water Appointed Operator with C-2/W-2 Licenses - 8% of Salary	\$ 3,000.00	\$ 6,867.00
Water Maintenance Man	\$ 40,000.00	\$ 71,055.00
Zoning Officer	\$ 24.00	\$ 33.00

Mayor Tempesta stated that this was the time for a public hearing and asked if anyone wished to be heard.

No one responded and it was regularly moved that the Public Hearing be closed.

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

It was regularly moved by Councilwoman Canale, seconded by Councilman Wolsky that the Ordinance be passed on second reading.

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

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. 9773
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 |

SEPTEMBER 8, 2015

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|---|--|
| 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>
704	12	Nicholas Tolchin 41 Beverly Road	\$2,256.59	2015/2	2
		Make check payable to:	Corelogic Real Estate Tax Service Attn: Refund Department P.O. Box 961250 Fort Worth, TX 76161-9858		
1808	20	Robert Selvaggi 39 Francine Avenue	\$2,190.07	2015/3	2
		Make check payable to:	Robert Selvaggi c/o Cucio Law Group 7 Becker Farm Road, Suite 106 Roseland, NJ 07068		
2608	14	Eddie I LLC 28 Bond Place	\$2,050.85	2015/tax	8
			\$ 98.00	2015/water	8
			\$2,148.85		
		Make check payable to:	Eddie I LLC 1170 Massey Street Naples, FL 34120		
2608	14	Bond Place LLC 28 Bond Place	\$1,748.38	2015/tax	8
		Make check payable to:	Bond Place LLC 84 Lindbergh Boulevard Bloomfield, NJ 07003		
2801	18	Geher, Adam & Margaret S 18 Ellis Road	\$3,532.10	2015/3	2
		Make check payable to:	Adam & Margaret Geher 39 Francine Avenue West Caldwell, NJ 07006		
200	27	Dellanno, Michael & Jill 148 Smull Avenue	\$2,360.26	2014/1	8
		Make check payable to:	Michael & Jill Dellanno 8 Twin Brook Road West Caldwell, NJ 07006		
1201	5	Bloomfield 804/810 LLC 808 Bloomfield Avenue	\$1,244.70	2014	7
			\$1,218.78	2013	7
			\$1,184.76	2012	7
			\$3,648.24		
603	28.02	Mariani, Anthony J. Jr., & Janet	\$2,148.40	2012	9
TTL# 12-00002		4 Tempesta Terrace	\$1,700.00	Premium	
			\$3,848.40		
		Make check payable to:	US BANK CUST FOR PRO CAP III US BANK TLSG 50 SOUTH 16 TH STREET, SUITE 1950 PHILADELPHIA, PA 19102		
Misc Revenue - 181		Renewal by Andersen 70 Jackson Drive, Suite A Cranford, NJ 07016	\$30.00	2015	8
		Make check payable to:	Jacobus & Associates, LLC trustee for Bloomfield 804/810 LLC 301 South Livingston Avenue Suite 105 Livingston, NJ 07039		

GRAND TOTAL: \$21,762.89

SEPTEMBER 8, 2015

No. 9774
By: Mr. O'Hern

SUBJECT: RESOLUTION – APPOINTING LAWRENCE PETER AS ZONING OFFICER/CODE ENFORCEMENT OFFICIAL FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell desires to appoint a Zoning Officer/Code Enforcement Official; and

WHEREAS, Lawrence Peter, 47 Sanderson Avenue, West Caldwell, NJ 07006, is willing and able to serve as the Zoning Officer/Code Enforcement Official for 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. Lawrence Peter is appointed as Zoning Officer/Code Enforcement Official, effective August 17, 2015 at an hourly rate of \$25.00, in accordance with the salary ordinance.
2. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9775
By: Mr. Wolsky

SUBJECT: RESOLUTION – APPROVAL OF CORRECTIVE ACTION PLAN - 2014 AUDIT.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of West Caldwell have reviewed and approved the 2014 Corrective Action Plan prepared by the Chief Financial Officer and will submit a copy of the Plan to the Division of Local Government Services, in accordance with Local Finance Notice No. 92-15.

RESOLVED, on the recommendation of the Chief of the West Caldwell Volunteer Fire Department that Patrick O'Hern, 91 Deerfield Road, West Caldwell, NJ be designated as a regular firefighter for the West Caldwell Volunteer Fire Department, effective August 4, 2015.

No. 9776
By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING CERTAIN POSITIONS AND SALARIES IN THE DEPARTMENT OF PUBLIC WORKS IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, an organizational chart for the Department of Public Works was adopted by the Governing Body on June 2, 2015 and

WHEREAS, there was a need to fill various vacancies to satisfy the positions in the adopted organizational chart; and

WHEREAS, interviews were conducted and the best candidates for the positions were chosen.

NOW, THEREFORE, BE IT RESOLVED that the following individuals received title changes/additions in the Department of Public Works:

Gary Gadisch	Supervising Maintenance Man/Specialist
Frank Lapresioso	Supervising Maintenance Man/Specialist
John O'Hern	Supervising Maintenance Man/Specialist
Peter May	Public Works Specialist
Michael Tempesta	Public Works Specialist
Bradford Zych	Public Works Specialist

BE IT FURTHER RESOLVED that the following salaries for the above-listed positions be approved and the Chief Financial Officer and Human Resources Coordinator/Payroll Clerk be authorized to make the necessary payroll adjustments:

Supervising Maintenance Man/Specialist	\$ 4,000.00	(\$64,396.36)
Supervising Maintenance Man/Specialist	\$ 4,000.00	(\$70,124.30)
Supervising Maintenance Man/Specialist	\$ 4,000.00	(\$70,358.71)
Public Works Specialist	\$62,110.49	
Public Works Specialist	\$58,300.87	
Public Works Specialist	\$60,784.70	

SEPTEMBER 8, 2015

No. 9777
By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING THE APPOINTMENT OF WILLIAM STYSKAL AS A POLICE OFFICER IN THE WEST CALDWELL POLICE DEPARTMENT, EFFECTIVE SEPTEMBER 1, 2015.

RESOLVED, on the recommendation of the Public Safety Committee and the West Caldwell Officer in Charge, that the nomination of William Styskal, 16 Martha Road, Roseland, NJ 07068, by Mayor Joseph Tempesta, Jr., be and he is hereby approved as a police officer in the West Caldwell Police Department, effective September 1, 2015, at a salary of \$111,444.00, in accordance with the PBA Contract salary guide, including longevity.

No. 9778
By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH MASER CONSULTING P.A., RELATING TO MEMORIAL PARK 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 survey, design and construction management services for Memorial Park tennis court. This includes topographic survey, design and preparation of bid documents, geotechnical investigation, and construction management and inspection.

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. 9779
By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING EPINEPHRINE ADMINISTRATION POLICY AND INCORPORATING THE POLICY INTO THE TOWNSHIP’S PERSONNEL POLICIES AND PROCEDURES MANUAL/EMPLOYEE HANDBOOK.

WHEREAS, the Township has the desire to respond to the needs of those with allergies requiring the potential use of an epinephrine administration device; and

WHEREAS, a policy has been written addressing the use of epinephrine administration devices in an effort to establish consistency across the municipality; and

WHEREAS, The Epinephrine Administration Policy has been reviewed by representatives of the Morris County Municipal Joint Insurance Fund and the Township Attorney; and

WHEREAS, The Epinephrine Administration Policy shall be approved and incorporated into the Township’s Personnel Policies and Procedures Manual/Employee Handbook;

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

1. The Epinephrine Administration Policy and associated Authorization for the Administration of Medication Form is hereby adopted by the Township Council and shall be incorporated into the Township of West Caldwell’s Personnel Policies and Procedures Manual/Employee Handbook and disseminated accordingly.

No. 9780
By: Mr. Cecere

SUBJECT: RESOLUTION - AUTHORIZING SPECIAL RULING TO PERMIT THE RENEWAL OF AN INACTIVE (POCKET) ALCOHOLIC BEVERAGE LICENSE TO SUNRISE SHOPRITE OF PARSIPPANY, LLC FOR THE YEAR 2015-2016.

SEPTEMBER 8, 2015

RESOLVED, by the Mayor and Council of the Township of West Caldwell, in the County of Essex and the State of New Jersey, that the Special Ruling to permit the renewal of an Inactive (Pocket) Alcoholic Beverage License to Sunrise Shoprite of Parsippany, LLC for license terms 2015-2016, 2016-2017, 2017-2018 received from the State of New Jersey, Division of Alcoholic Beverage Control be granted; and

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

That a Plenary Retail Distribution License No, 0721-44-003-0010 be issued to Sunrise Shoprite of Parsippany LLC, t/a Sunrise Cellars, 540 Passaic Avenue, West Caldwell, New Jersey for the year 2015-2016.

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

No. 9781

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. Litigation – GR/SS Caldwell, LLC and The Stop and Shop Supermarket Company LLC v. Township of West Caldwell.
2. Personnel

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 item sessions.

It was regularly moved by Council President O'Hern, seconded by Councilman Cecere that the nine Resolutions be adopted.

SEPTEMBER 8, 2015

Upon the vote being polled, Councilmen O’Hern, Cecere, Hladik, Wolsky, Docteroff and Councilwoman Canale voted in the affirmative except Council President O’Hern abstained on Resolution No. 9776.

COMMITTEE REPORTS:

PUBLIC SAFETY COMMITTEE:

REPORTS – POLICE CHIEF-JUDGE AND DETECTIVE BUREAU – JULY 2015

On the recommendation of Councilman Cecere, the reports submitted by the Police Chief, Judge and Detective Bureau for the month of July 2015 as received, be placed on file. Fines in the amount of \$27,938.00 were collected and apportioned as follows (copy attached to minutes).

REPORTS – VOLUNTEER FIRE DEPARTMENT REPORTS – JULY 2015

On the recommendation of Councilman Cecere, the reports submitted by the Fire Chief of West Caldwell Volunteer Fire Department for the month of July 2015 as received, be placed on file.

REPORTS – CONSTRUCTION OFFICIAL’S REPORT – JULY 2015

On the recommendation of Councilman Cecere, the reports submitted by the Construction Official for the month of July 2015 as received, be placed on file.

The Township Clerk read the title of an Ordinance No. 1775 entitled “ORDINANCE – AMENDING CHAPTER 11-48 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST CALDWELL TO AUTHORIZE ENFORCEMENT OF THE PROVISIONS OF TITLE 39 FOR THE PROPERTY DESIGNATED ON THE TAX MAP OF THE TOWNSHIP OF WEST CALDWELL AS BLOCK 1600, LOT 25, COMMONLY KNOWN AS 1-44, 46, 48 AND 50 MCNISH WAY IN THE TOWNSHIP”.

WHEREAS, by Resolutions of Memorialization dated August 17, 2009 and October 24, 2011, the Township of West Caldwell Planning Board granted Evans Run Development, LLC (the “Developer”) major reverse subdivision and preliminary and final major site plan approval for the construction and use of the land as a multi-family townhouse development on the property designated as Block 1600, Lot 25, commonly known as 1-44, 46, 48 and 50 McNish Way in the Township (the “Property”) (the “Approval”);

WHEREAS, as a condition of the Approval, the Developer is required to request enforcement of the provisions of Title 39 of the Revised Statutes of New Jersey on the Property in accordance with N.J.S.A. 39:5A-1; and

WHEREAS, by letter dated August 14, 2015, the Developer requested that the Governing Body of the Township of West Caldwell cause the enforcement of the provisions of Title 39 to be applied at the Property; and

WHEREAS, this request has been reviewed and recommended for adoption by the Township’s Engineer and Officer in Charge and the Governing Body finds it to be in the best interest of the public safety to consent to this request; and

WHEREAS, the Governing Body desires to amend Chapter 11-48 of the Revised General Ordinances of the Township of West Caldwell to authorize enforcement of the provisions of Title 39 on the Property.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Caldwell, in the County of Essex, that:

Section 1. Chapter 11-48 of the Revised General Ordinances of the Township of West Caldwell be and hereby is amended as follows:

[Underlined Text is Added. Strike-Through Text is Deleted].

11-48 Title 39 Enforcement

Pursuant to N.J.S.A. 39:5A-1, the provisions of Title 39 of the Revised Statutes of New Jersey are hereby made applicable to the semi-public roads, streets, driveways and parking lots on the following properties:

- 147 Clinton Road, Block 1501, Lot 2
- 1104 Bloomfield Avenue, Block 1800, Lots 25 and 26
- 1-44, 46, 48 and 50 McNish Way, Block 1600, Lot 25

SEPTEMBER 8, 2015

Section 2. All ordinances or part of ordinances of the Township of West Caldwell heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 4. This Ordinance shall take effect immediately upon passage and publication in accordance with law.

It was regularly moved by Councilman Cecere, 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, September 22, 2015.

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

Councilman Cecere reported the following:

1. There will be a deer management meeting with Captain Paris, Mike Rauschenberger, and Adam Brewer on September 9 to discuss the upcoming season.
2. School is open; please drive safely.

PUBLIC WORKS & TECHNOLOGY:

Councilman Docteroff reported the following:

1. Roadway construction is continuing on St Charles and Mt. Herman Way; Roosevelt and Clinton Water main is near completion; Francisco and Lincoln Place is continuing with Westover project set to begin soon.
2. Essex Valley School field is progressing with the turf set to be delivered next week.
3. Department of Public Work employees were congratulated for their promotions: Gary Gadish, Frank LoPreseosio, John O’Hern, Brad Zych, Peter May, Michael Tempesta.
4. Cedar Street pool final numbers were 23,000 check ins for the summer and Westville pool had 16,920 check ins for the summer.
5. Mary Donovan was thanked for her work on the Docu-Safe project.

PARKS & RECREATION COMMITTEE:

Councilman Hladik reported the following:

1. Councilmen Docteroff and Cecere were congratulated for starting the photo pool badges so pool information is available for the Council to review.
2. Please be careful driving; school is open.
3. Essex Valley School field is progressing and should be ready by the end of September.

LEGAL & PERSONNEL COMMITTEE:

There was no report.

FINANCE & WELFARE:

Councilman Wolsky reported the following:

1. The 2016 budget process has begun.

HEALTH AND SHARED SERVICES:

Councilwoman Canale reported the following:

1. The Board of Health met on September 2. There is a proposed smoking ordinance that will be forthcoming.

SEPTEMBER 8, 2015

ADVISORS' REPORT:

Administrator Brewer discussed the excellent results from the Safety Committee of the Morris County Joint Insurance Fund and that the Township received a perfect score and received a gift certificate. Mr. Brewer also discussed the New Jersey State League of Municipalities' upcoming conference.

Mayor Tempesta reminded everyone about the St Jude walk on September 26. West Caldwell is the North Jersey site and approximately 350 walkers are expected.

MAYOR'S REPORT:

Mayor Tempesta reported that he will be attending NJ League meetings on the transportation trust fund and on pension reform. Mayor Tempesta also asked to consider going to the NJ League in November.

Councilman Docteroff questioned if any shredding events are available. There are none sponsored by the Township.

INVITATION TO CITIZENS FOR DISCUSSION:

Ellen Raimondi, 76 Westover Avenue, stated her concerns about an incident at Cedar Street pool.

John Raimondi, 76 Westover Avenue, questioned how the governing body decides to do roadway construction.

Mayor Tempesta answered their questions and directed Administrator Brewer to follow up on their concerns.

John and Victoria De Benedett, 20 Gate Avenue, discussed their concerns about speeding on Gates Avenue.

Mayor Tempesta answered their questions and directed Administrator Brewer and Captain Paris to follow up.

ADJOURNMENT:

On the motion of Council President O'Hern, seconded by Councilman Hladik, the meeting adjourned at 8:11 pm to Closed Session. The Council reserved the right to return to open session to take action.

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

On the motion of Council President O'Hern, seconded by Councilman Hladik, the meeting reconvened to open session at 9:06 p.m.

CONSENT AGENDA:

It was regularly moved by Council President O'Hern, seconded by Councilman Hladik that the following Resolution be read by consent.

Upon the vote being polled, Councilmen O'Hern, Cecere, Hladik, Docteroff and Councilwoman Canale voted in the affirmative, except Councilman Wolsky abstained on this resolution.

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

SEPTEMBER 8, 2015

No. 9782
By: Mr. Wolsky

SUBJECT: RESOLUTION - AUTHORIZING SETTLEMENT OF 2009-2014 TAX APPEAL – BLOOMFIELD 804/810 LLC V. TOWNSHIP OF WEST CALDWELL, BLOCK 2101, LOT 3, 804 BLOOMFIELD AVENUE.

WHEREAS, an appeal of the real property tax assessment for tax years 2009-2014, involving Block 2101, Lot 3, 804 Bloomfield Avenue, has been filed by the Taxpayer; and

WHEREAS, the proposed settlement agreement has been reviewed and recommended by the Township Tax Assessor; and

WHEREAS, settlement of said matter is more fully set forth below is in the best interest of the Township of West Caldwell.

NOW, THEREFORE, BE IT RESOLVED, by the Township of West Caldwell, New Jersey, as follows:

- 1. Settlement of the 2009-2014 tax appeal is hereby authorized as follows:
804 Bloomfield Avenue Years: 2009-2014

Appeal Year	Original Assessment	Proposed Assessment	Decrease in Assessment	Decrease in Taxes
2009	942,500	624,400	(318,100)	\$12,809.89
2010	701,500	624,400	(77,100)	\$ 3,242.05
2011	1,374,900	1,374,900	0	0
2012	1,374,900	1,374,900	0	0
2013	1,374,900	1,374,900	0	0
2014	1,374,900	1,374,900	0	0
Totals	7,143,600	6,748,400	(395,200)	\$16,051.95

- 2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provider by Taxpayer.

On the motion of Councilman Cecere, seconded by Councilman Hladik, the meeting adjourned at 9:07 pm.

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

Mary S. Donovan
Township Clerk