

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
January 19, 2016**

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, November 24, 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, Wolsky, Councilwoman Canale and Councilman Crudele.

ABSENT: Councilman Docteroff

OTHERS PRESENT: Adam W. Brewer, Business Administrator
Mary S. Donovan, Municipal Clerk
Paul G. Jemas, Esq., Municipal Attorney
Nikole H. Monroig, Chief Financial Officer
Gerard Paris, Chief of Police
Alan Abramowitz, Essex County representative

Pledge of Allegiance led by Council President Cecere

Council President Cecere asked for prayers for the first responders and soldiers around the world.

COMMUNICATIONS:

A-1 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available under the 2015 Budget of Appropriations – January Schedule; further certifying that there will be no over-expenditures of any line item in the Budget as a result of this schedule.

A-2 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available for resolutions 16-049, 050, 052, 053, 055, 056, and 057.

Received and placed on file.

BILLS ORDERED PAID:

It was regularly moved by Councilman Wolsky, 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, Wolsky, Councilwoman Canale and Councilman Crudele voted in the affirmative.

APPROVAL OF MINUTES:

On the recommendation of Councilwoman Canale, seconded by Councilman Hladik, it was regularly moved that the Minutes of the Reorganizational Meeting held on Saturday, January 2, 2016 be approved and the Minutes of the Regular Meeting held on Tuesday, December 15, 2015 be approved.

Upon the vote being polled, Councilmen Cecere, Hladik, Wolsky, Councilwoman Canale and Councilman Crudele 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.

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It was regularly moved by Council President Cecere, seconded by Councilman Hladik, that the eighteen Resolutions on the Agenda this evening be approved.

Mayor Tempesta asked if any member of the public had any comments on any of the items on the Consent Agenda.

There were no comments.

The following eighteen Resolutions by Consent were made part of these Minutes:

No. 16-042
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING THE APPOINTMENT OF ROBERT M. REDMERSKI AS A REGULARLY APPOINTED POLICE OFFICER IN THE WEST CALDWELL POLICE DEPARTMENT, EFFECTIVE JANUARY 19, 2016.

RESOLVED, on the recommendation of the Public Safety Committee and the West Caldwell Police Chief, that the nomination of Robert M. Redmerski, 79 Lynwood Road, Verona, NJ 07044 by Mayor Joseph Tempesta, Jr., be and he is hereby approved as a regularly appointed police officer in the West Caldwell Police Department, effective January 19, 2016, at a salary in accordance with the salary guide.

No. 16-043
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING THE APPOINTMENT OF STEVEN R. HUSTER AS A REGULARLY APPOINTED POLICE OFFICER IN THE WEST CALDWELL POLICE DEPARTMENT, EFFECTIVE JANUARY 19, 2016.

RESOLVED, on the recommendation of the Public Safety Committee and the West Caldwell Police Chief, that the nomination of Steven R. Huster, 27 Missonellie Court, Hawthorne, NJ 07506 by Mayor Joseph Tempesta, Jr., be and he is hereby approved as a regularly appointed police officer in the West Caldwell Police Department, effective January 19, 2016, at a salary in accordance with the salary guide.

No. 16-044
By: Mr. Cecere

SUBJECT: AUTHORIZING THE RELEASE OF CLOSED EXECUTIVE SESSION MINUTES JANUARY 6, AUGUST 4, SEPTEMBER 8 AND SEPTEMBER 22 THROUGH DECEMBER 15, 2015.

BE IT RESOLVED that the Council of the Township of West Caldwell acknowledges receipt of, has reviewed and approved, with the advice of staff and legal counsel, the Closed Executive Session minutes of Council meetings held on September 22 through December 2, 2015 and previously unreleased portions of the Closed Executive Session minutes of January 6, August 4, and September 8, 2015.

No. 16-045
By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE.

WHEREAS, the Governing Body of the Township of West Caldwell has determined that the surplus personal property described on Schedule A attached hereto and made a part hereof this Resolution is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

1997 Lincoln Continental
1998 Ford Crown Victoria
2002 GMC Dump
2008 Enclosed trailer
1997 equipment trailer

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Kifco water reel
Stow cement mixer
Lincoln welder
2009 Walker Diesel lawn mower
Small engine parts
2 floor jacks
Old western plow pumps
Shop compressor
Pressure regulator
Electric motor
Generator and transfer switch
Variable frequency drive

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 be and is hereby authorized to sell the surplus personal property as indicated using the online auction services of GovDeals.com.
2. The sale shall be conducted pursuant to the DLGS' Local Finance Notice 2008-9.
3. The sale shall be conducted through GovDeals.com pursuant to State Contract A-70967 and in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals.com are available at the online at GovDeals.com and in the Township Clerk's office.
4. The sale shall be advertised in the Township's official newspaper in accordance with N.J.S.A. 40A:11-36.
5. The surplus personal property shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a hold harmless and indemnification agreement concerning use of said surplus personal property.
6. The Township reserves the right to accept or reject any bid submitted.
7. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

No. 16-046
By: Mr. Hladik

SUBJECT: RESOLUTION – AUTHORIZING CONTRACTS WITH CERTAIN APPROVED MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT VENDORS

WHEREAS, in the past, the Township of West Caldwell has availed itself of the right to purchase materials, supplies, and equipment under contracts for such materials, supplies and equipment entered into under the Cooperative Pricing Council of the County of Morris; and

WHEREAS, it is desirable from time to time to obtain materials, supplies and equipment under Contracts for such materials, supplies and equipment entered into by the Cooperative Pricing Council of the County of Morris without the necessity of advertising for bids or in the cases where no bids have been received; and

WHEREAS, it has been or will be necessary or desirable to obtain materials, supplies and equipment under such Contract or Contracts entered into under the County of Morris Cooperative Pricing Council with the following Referenced Cooperative Vendors:

Gas and Diesel - Allied Oil, Hillsborough NJ
Road Salt- Morton Salt, Chicago Ill
Milling and Paving – Tilcon, New York, NY
Tree Removal and Pruning - Tree Kings, Landing NJ
Traffic Stripping - Denville Line, Denville NJ
Crack Sealing - Micro Pave, Roseland NJ
Catch Basin and Manhole Castings - Campbell Foundry, Harrison NJ

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Caldwell, County of Essex and State of New Jersey, that the purchases by the Township of West Caldwell through the several Municipal Departments shall be purchased under a Contract or Contracts for such materials, supplies or equipment entered into under the Cooperative Pricing Council of the County of Morris with the attached Referenced Cooperative Vendors.

No. 16-047
By: Mr. Hladik

SUBJECT: RESOLUTION – AUTHORIZING THE CONFIRMATION OF MICHAEL QUINN AS A PART-TIME BUILDING SUBCODE OFFICIAL AND BUILDING INSPECTOR HHS FOR THE TOWNSHIP OF WEST CALDWELL.

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WHEREAS, the Township of West Caldwell desired to appoint a building subcode official and building inspector HHS on a part-time basis; and

WHEREAS, that the appointment of Michael Quinn as a building subcode official and building inspector HHS, effective June 12, 2013, is hereby confirmed; and

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

1. Michael Quinn was appointed as a part-time Building Subcode Official and Building Inspector HHS effective June 12, 2013, at a salary 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. 16-048
By: Mr. Hladik

SUBJECT: RESOLUTION – AUTHORIZING THE CONFIRMATION OF ANTHONY LARDIERI AS A PART-TIME PLUMBING SUBCODE OFFICIAL AND PLUMBING INSPECTOR HHS FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell desired to appoint a plumbing subcode official and plumbing inspector HHS on a part-time basis; and

WHEREAS, that the appointment of Anthony Lardieri as a plumbing subcode official and plumbing inspector HHS, effective June 12, 2013, is hereby confirmed; and

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

1. Anthony Lardieri was appointed as a part-time Plumbing Subcode Official and Plumbing Inspector HHS effective June 12, 2013, at a salary 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. 16-049
By: Mr. Hladik

SUBJECT: RESOLUTION – RESCINDING PRIOR CHANGE ORDER #1 IN THE AMOUNT OF \$14,493.50 FOR THE ESSEX VALLEY SCHOOL FIELD IMPROVEMENT PROJECT FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Governing Body of the Township of West Caldwell previously awarded the contract for the Essex Valley School Field Improvement project to Landtek Group, Inc. in the amount of \$841,505.00 (the “Contract”); and

WHEREAS, it was recommended by the Township Engineer that the contract be approved for a change order #1 in Resolution 9809, dated October 20, 2015 in the amount of was \$14,493.50;

WHEREAS, based upon the recommendation of the Township Engineer, the Governing Body wishes to rescind this change order #1 in the amount of \$14,493.50; and cancel the corresponding certification of funds.

No. 16-050
By: Mr. Hladik

SUBJECT: RESOLUTION – AUTHORIZING APPROVAL OF CHANGE ORDER #3 FOR AN INCREASE OF \$40,473.44 FOR THE ROOSEVELT AVENUE AND CLINTON ROAD WATER MAIN REPLACEMENT PROJECT FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Governing Body of the Township of West Caldwell previously awarded the contract for the Roosevelt Avenue and Clinton Road Water Main Replacement project to Matina and Son, Inc. in the amount of \$485,000.00 (the “Contract”); and

WHEREAS, it has been determined that certain changes to this Contract are necessary; and

WHEREAS, during the course of the Contract, it was discovered that the following minor modifications were required:

1. Increase in paving associated with the trench repair as required by the County.
2. Additional costs associated with water main connection made on Bloomfield Avenue.

WHEREAS, the aggregate cost for these modifications is an increase of \$40,473.44 and results in an 8.35% total increase over the original Contract amount;

WHEREAS, these minor modifications represent no substantial change to the quality or character of the items or work provided or the overall Contract amount;

WHEREAS, based upon the recommendation of the Township Engineer, the Governing Body wishes to approve this change order; and

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

1. The above listed change order to the Contract for the Roosevelt Avenue and Clinton Road Water Main Replacement project with Matina and Son, Inc. be and hereby is approved.
2. A written amendment to the contract shall be executed covering the changes made by said change orders.
3. The appropriate municipal officials are hereby authorized to execute said change orders.
4. The change to the contract price is as follows:

Original Contract Price	\$485,000.00
Net of Previous Change Orders	<12,454.29>
Amount of Change Order #3	40,473.44
New Contract Price with All Change Orders	<u>\$513,019.15</u>
Percent Increase of All Change Orders	5.78%

No. 16-051
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING TRANSFER NO. 4 OF 2015 CURRENT FUND APPROPRIATIONS.

WHEREAS, various 2015 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2015 Budget in the last two months of 2015; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Caldwell, in the County of Essex, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers in the amount of \$14,500.00 be made between the 2015 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
Public Safety		
Police Department		
Salaries and Wages	\$14,500.00	
General Government		
Assessment of Taxes		
Other Expenses		\$4,500.00
Engineering		
Other Expenses		\$5,000.00
Insurance		
Employee Group Health		\$5,000.00
	<hr/>	<hr/>
	\$14,500.00	\$14,500.00
	<hr/>	<hr/>

No. 16-052
By: Mr. Cecere

SUBJECT: RESOLUTION - AUTHORIZING THE AWARD OF A NONFAIR AND OPEN CONTRACT TO L&P INTEGRATORS FOR A WATER TELEMETRY PROJECT FOR THE TOWNSHIP OF WEST TOWNSHIP.

WHEREAS, the Township of West Caldwell has a need to award a contract for the update the telemetry for the Water Department, including but not limited to, programming and installation of a SCADA/RTU system for the water and sewer stations 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, L&P Integrators, 12 East Gate Drive, Glenwood, NJ 07418 has completed and submitted a Business Entity Disclosure Certification which certifies that L&P Integrators 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 L&P Integrators from making any reportable contributions through the term of the contract period, and

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WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for said purpose in the Water Capital Fund; and

NOW THEREFORE, BE IT RESOLVED that the Mayor & Council of the Township of West Caldwell, County of Essex, State of New Jersey of the authorizes Township Officials to enter into a contract in excess of \$17,500.00 but not to exceed \$21,650.00 with L&P Integrators 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. 16-053

By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING THE AWARD OF A NONFAIR AND OPEN CONTRACT TO MUMFORD-BJORKMAN ASSOCIATES, INC FOR PROFESSIONAL SERVICES FOR AN AMOUNT NOT TO EXCEED \$63,000.00.

WHEREAS, the Township of West Caldwell has a need to award a professional services contract for the rehabilitation of the Mountain Avenue Water Tank 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, Mumford-Bjorkman Associates, Inc., PO Box 733, New Castle, DE 19720, has completed and submitted a Business Entity Disclosure Certification that certifies that Mumford-Bjorkman Associates, Inc. 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 Mumford-Bjorkman Associates, Inc. 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 Water Capital Fund; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of West Caldwell, County of Essex, State of New Jersey of the authorizes Township Officials to enter into a contract in excess of \$17,500.00 but not to exceed \$63,000.00 with Mumford-Bjorkman Associates, Inc. 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. 16-054

By: Mr. Cecere

SUBJECT: RESOLUTION – ESTABLISHING THE WEST CALDWELL POLICE CHIEF AND CAPTAIN SALARIES FOR THE YEAR 2016.

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, 2016 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, 2016 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, 2016 through December 31, 2016.

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 \$145,622.00, effective January 1, 2016 December 31, 2016.

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2. The salary, wage and compensation to be paid to the West Caldwell Captain shall be increased to \$144,450.00 effective January 1, 2016 through December 31, 2016.

No. 16-055
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING APPROVAL OF CHANGE ORDER #1 FOR A DECREASE OF \$2,000.00 AND FINAL PAYMENT FOR ESSEX PLACE WATER MAIN EXTENSION FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Governing Body of the Township of West Caldwell previously awarded the contract for the Essex Place Water Main Extension project to Jo-Med Contracting Corp. in the amount of \$62,850.00; and

WHEREAS, it has been determined that certain changes to this Contract are necessary; and

WHEREAS, during the course of the Contract, it was discovered that the following minor modifications were required:

1. Increase in 8” iron pipe
2. Decrease in cost of excavation
3. Decrease in police costs
4. Decrease in 8” water pipe

WHEREAS, the aggregate cost for these modifications is a reduction of \$2,000.00 and results in a 3.08% decrease over the original Contract amount;

WHEREAS, these minor modifications represent no substantial change to the quality or character of the items or work provided or the overall Contract amount;

WHEREAS, based upon the recommendations of the Township Administrator, Construction Official and the project Architect, the Governing Body wishes to approve this change order; and

WHEREAS, Jo-Med Contracting Corp., 300 South Second Street, Elizabeth, NJ 07206, has satisfactorily completed the project known as the Essex Place Water Main Extension project ; and

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

1. The above listed change order to the Contract for the known as Essex Place Water Main Extension project to Jo-Med Contracting Corp. be and hereby is approved.
2. A written amendment to the contract shall be executed covering the changes made by said change orders.
3. The appropriate municipal officials are hereby authorized to execute said change orders.
4. The change to the contract price is as follows:

Original Contract Price	\$64,850.00	
Amount of Change Order #1		<2,000.00>
New Contract Price with All Change Orders	\$62,850.00	
Percent Decrease of Change Order #1		3.08%

5. The Municipal Engineer’s recommendation that the project is complete is accepted and the Treasurer is authorized to issue a check made payable to Jo-Med Contracting Corp. for final payment in the amount of \$11,057.00.

No. 16-056
By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING THE AWARD OF A NONFAIR AND OPEN CONTRACT TO FREDCO LANDSCAPING, LLC FOR THE FRANCISCO PARK DRAINAGE PROJECT FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell has a need to award a contract for the Francisco Park drainage project as a nonfair 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 be \$17,500; and,

WHEREAS, Fredco Landscaping, LLC, 1 Claridge Drive, Verona, NJ 07442, has completed and submitted a Business Entity Disclosure Certification that certifies that Fredco Landscaping, 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 Fredco Landscaping, 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 General Capital Fund; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of West Caldwell, County of Essex, State of New Jersey of the authorizes Township Officials to enter into a contract for \$17,500.00 with Fredco Landscaping, LLC 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.

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No. 16-057
By: Mr. Cecere

SUBJECT: RESOLUTION –. AUTHORIZING THE AWARD OF A NONFAIR AND OPEN CONTRACT TO WATER WORKS SUPPLY COMPANY, INC. FOR VARIOUS SUPPLIES AND MATERIALS FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell has a need to acquire various supplies and materials, including but not limited to, fire hydrants and valve replacement parts 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, Water Works Supply Company Inc., 660 State Highway 23, Pompton Plains, NJ 07444, has completed and submitted a Business Entity Disclosure Certification which certifies that Water Works Supply Company Inc. 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 the Water Works Supply Company, Inc. 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 Water Utility budget and Water Capital Fund; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of West Caldwell, County of Essex, State of New Jersey of the authorizes Township Officials to enter into a contract in excess of \$17,500.00 but not to exceed \$22,000.00 with Water Works Supply Company, Inc. 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. 16-058
By: Mr. Cecere

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>
102	15	Grasso, John A & Christina M 74 Hillside Avenue	\$ 608.05	2015	8
306	32	Berkow, Nancy & McKirby Alan 17 Francisco Avenue	\$ 814.87	2015	8
601	55	Maida, Daniel & Nicole 16 Westover Terrace	\$ 797.41	2015	8
1602	10	Matarazzo, Jarad 19 Sanford Avenue	\$2,043.40	2015	8

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SUBTOTAL: \$4,263.73

Make Check Payable To: CoreLogic C/O Lender
 CoreLogic Tax Services
 ATTN: Refunds Department
 P.O. Box 961250
 Ft. Worth, TX 76161-0250

<u>Block</u>	<u>Lot</u>	<u>Owner Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
100	34	Merrell, Raymond C & Mary Ann F 67 Hillside Avenue	\$2,274.97	2015	8
800	18	Yobs, John & Lauren 11 Dodd Road	\$1,805.92	2015	8

Make Check Payable to: Yobs, John & Lauren
 c/o Hunter Title Agency, Inc.
 2091 N. Springdale Road, Suite 17
 Cherry Hill, New Jersey 08003

2201	69/C005B	Lampell, Jennifer 580 Bloomfield Avenue	\$1,272.14	2013	8
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Make Check Payable to: Lampell, Jennifer
 138-02 228th Street
 Laurelton, NY 11413

TOTAL REFUNDS- \$9,616.76

No. 16-059
 By: Mr. Cecere

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

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anticipated litigation involving or expected to involve the Township, matters which fall within the attorney-client privilege, matters regarding the discussion of a collective bargaining agreement, matters relating to purchase, acquisition or lease of real property with public funds or matters relating to personnel:

1. Personnel
2. Contract Negotiations – Borough of Caldwell – Essex Valley School/ recreation agreements; 106 Knoll Terrace drainage.
3. Litigation – Dominate vs. West Caldwell/West Caldwell Planning Board
4. Potential Litigation – Sparroween vs. West Caldwell; Tax Appeals

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 Cecere, seconded by Councilman Hladik that the eighteen Resolutions listed be adopted.

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

COMMITTEE REPORTS:

PUBLIC SAFETY:

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

On the recommendation of Councilman Cecere, the reports submitted by the Police Chief, Judge and Detective Bureau for the month of December 2015 as received, be placed on file. Fines in the amount of **\$25,253.00** were collected and apportioned as follows (copy attached to minutes).

REPORTS – VOLUNTEER FIRE DEPARTMENT REPORTS – DECEMBER 2015

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

REPORTS – CONSTRUCTION OFFICIAL’S REPORT – DECEMBER 2015

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

Councilman Cecere reported the following:

1. Residents should stay home and stay safe during the upcoming snow storm so first responders can travels the streets safely.

LEGAL AND PERSONNEL:

Councilman Hladik reported that all items on his report were for closed session.

FINANCE:

The Township Clerk read the title of an Ordinance No. 1778 entitled “BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$627,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF

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\$597,120 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 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 \$627,000, and further including the aggregate sum of \$29,880 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 \$597,120 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) Milling and Paving Annual Program on various roads, all as set forth on a list on file in the Office of the Clerk, including all work and materials necessary therefor and incidental thereto.	\$500,000	\$476,190	10 years
b) Improvements to municipal facilities, including, but not limited to, demolition, planning and design, including all work and materials necessary therefor and incidental thereto.	\$120,000	\$114,280	15 years
c) Acquisition of various computer hardware, including all related costs and expenditures incidental thereto.	\$7,000	\$6,650	5 years
TOTAL:	<u>\$627,000</u>	<u>\$597,120</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

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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 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 10.90 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 \$597,120, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$94,000 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 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 Councilwoman Canale 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, February 2, 2016.

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

PUBLIC WORKS:

On Councilman Docteroff's absence, Councilwoman Canale reported on the following:

1. Bids are going out for Francine Avenue roadway construction soon with work to start in the spring.
2. The bond ordinance will help finance milling and repaving of various streets to be named, laptops for Council and demolition of old borough hall.
3. Francisco Park drainage will be redone to help the baseball season.

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PARKS AND RECREATION:

Councilwoman Canale reported on the following:

1. She met with Recreation Directors DiMasi and Edwards to catch up on recreation programs and indicated that the Easter Egg Hunt in March will be relocated.

TECHNOLOGY AND SHARED SERVICES:

Councilman Crudele reported on the following:

1. Laptops for Mayor and Council will be forthcoming.
2. Municipal Committee needs to be reinvigorated and a meeting is planned for the process.
3. Councilman Frank Rodgers of Caldwell discussed senior transportation committee with him.

ADVISORS' REPORTS:

Administrator Brewer reported that the Community Block Grant Program Award Ceremony will be held on January 26. Budget binders were sent to Mayor and Council and a possible date for the budget meeting of February 16 was discussed. He thanked Health Officer Bill Wallace for the application for a grant for drying equipment for the Fire Department.

MAYOR'S REPORT:

Mayor Tempesta reported on the West Essex First Aid Squad dinner on January 8 and thanked all of the volunteers for their service.

Mayor Tempesta reported on the demolition of old borough hall that will be planned for 2016.

Mayor Tempesta recognized Alan Abramowitz, Essex County representative.

Mr. Abramowitz announced the following:

1. Job fairs for seasonal employment for the county's programs will be held at the Turtle Back Zoo on January 31 from 1 to 4 pm and February 3 from 4 pm to 6 pm at the Zoo in West Orange.
2. Essex County Executive DiVincenzo, Jr. will be presenting the 2016 State of the County address on Monday, February 22, 2016 at Essex County Hospital Center at 7 pm and all are invited.

Mr. Abramowitz said the County will help with the upcoming snow storm if needed.

Chief Paris said his department is gearing up for the snow storm.

INVITATION TO CITIZENS FOR DISCUSSION:

There were no comments.

ADJOURNMENT:

On the motion of Council President Cecere, seconded by Councilman Wolsky, the meeting adjourned at 7:33 pm to Closed Session.

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

On the motion of Council President Cecere, seconded by Councilman Hladik, the meeting reconvened to open session at 8:28 p.m.

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

No. 16-060
By: Mr. Wolsky

SUBJECT: RESOLUTION - RESOLUTION - AUTHORIZING SETTLEMENT OF 2012-2015 TAX APPEAL – E. YOUNG & CO. LLC V. TOWNSHIP OF WEST CALDWELL, BLOCK 1201, Lot 17, 190 FAIRFIELD AVENUE.

WHEREAS, an appeal of the real property tax assessment for tax years 2012 to 2015, involving Block 1201, Lot 17, 190 Fairfield Avenue 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 2012-2015 tax appeal is hereby authorized as follows:
Block 1201, Lot 17, 190 Fairfield Avenue

Appeal Year	Original Assessment	Proposed Assessment	Decrease in Assessment	Decrease in Taxes
2012	2,209,100	2,209,100	0	\$0.00
2013	2,209,100	1,900,000	(309,100)	\$6,976.39
2014	2,209,100	1,900,000	(309,100)	\$7,124.76
2015	2,209,100	1,900,000	(309,100)	\$7,214.39
Totals	8,836,400	7,909,100	(927,300)	\$21,315.54

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.

It was regularly moved by Councilman Wolsky, seconded by Councilwoman Canale, that the resolution be adopted.

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

No. 16-061
By: Mr. Wolsky

SUBJECT: RESOLUTION - AUTHORIZING SETTLEMENT OF 2013-2015 TAX APPEAL – VALLEY NATIONAL BANK V. TOWNSHIP OF WEST CALDWELL, BLOCK 1601, LOT 5, 1059 BLOOMFIELD AVENUE.

WHEREAS, an appeal of the real property tax assessment for tax years 2013 to 2015, involving Block 1601, Lot 5, 1059 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 2013-2015 tax appeal is hereby authorized as follows:
Block 1601, Lot 5, 1059 Bloomfield Avenue

Appeal Year	Original Assessment	Proposed Assessment	Decrease in Assessment	Decrease in Taxes
2013	1,403,600	1,403,600	0	\$0.00
2014	1,403,600	1,300,000	(103,600)	\$2,387.98
2015	1,403,600	1,200,000	(203,600)	\$4,752.02
Totals	4,210,800	3,903,600	(307,200)	\$7,140.00

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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.

It was regularly moved by Councilman Wolsky, seconded by Councilwoman Canale, that the resolution be adopted.

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

No. 16-062
By: Mr. Wolsky

SUBJECT: RESOLUTION - AUTHORIZING SETTLEMENT OF 2011-2012 TAX APPEAL – DAVID AND GAIL BLACK V. TOWNSHIP OF WEST CALDWELL, BLOCK 2703, LOT 7, 24 DALEWOOD ROAD.

WHEREAS, an appeal of the real property tax assessment for tax years 2011 and 2012, involving Block 2703, Lot 7, 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 2011-2012 tax appeal is hereby authorized as follows:
Block 2703, Lot 7, 24 Dalewood Road

Appeal Year	Original Assessment	Proposed Assessment	Decrease in Assessment	Decrease in Taxes
2011	502,900	482,800	(20,100)	\$440.19
2012	502,900	482,800	(20,100)	\$440.99
Totals	1,005,800	965,600	(40,200)	\$881.18

- 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.

It was regularly moved by Councilman Wolsky, seconded by Councilwoman Canale, that the resolution be adopted.

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

On the motion of Council President Cecere, seconded by Councilwoman Canale, the meeting reconvened to Closed Session at 8:30 pm.

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

On the motion of Council President Cecere, seconded by Councilman Hladik, the meeting reconvened to open session at 9:40 pm.

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

ADJOURNMENT

There being no further business before the Council, on a motion from and a second by, the meeting adjourned at 9:45 pm. All were in favor.

Mary S. Donovan
Township Clerk