

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
February 2, 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, February 2, 2016 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, Docteroff, Councilwoman Canale and Councilman Crudele.

OTHERS PRESENT: Adam W. Brewer, Business Administrator
Mary S. Donovan, Municipal Clerk
Paul G. Jemas, Esq., Municipal Attorney
Gerard Paris, Chief of Police

Pledge of Allegiance led by Councilman Hladik

Council President Cecere asked for prayers for Lieutenant Capriglione and for all of the officers of the West Caldwell Police Department.

Mayor Tempesta recognized Chief Bramhall, Chief Alvine, Lt. Valentine, Lt. Moran, Officer Hayes, Prosecutor Callahan, Lt. Coughlin, Lt. Manning, Lt. Kopf and Captain Heinis and the members of the West Caldwell Police Department in the audience.

Mayor Tempesta read Lieutenant Capriglione's CV into the record.

The Township clerk reading the following resolution attached and made part of these Minutes:

No. 16-063
By: Mr. Cecere

SUBJECT: AUTHORIZING THE PROMOTION OF SERGEANT DENNIS A. CAPRIGLIONE TO THE RANK OF LIEUTENANT IN THE WEST CALDWELL POLICE DEPARTMENT, EFFECTIVE FEBRUARY 2, 2016.

RESOLVED, on the recommendation of the Public Safety Committee and the West Caldwell Council that the nomination by Mayor Joseph Tempesta, Jr. of Sergeant Dennis A. Capriglione to the rank of Lieutenant of the West Caldwell Police Department be confirmed, effective February 2, 2016 at a salary of \$140,219.00.

It was regularly moved by Council President Cecere, seconded by Councilman Hladik, that the resolution be adopted.

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

SWEARING IN CEREMEONY

Mayor Tempesta swore in Lieutenant Dennis Capriglione with his wife, Nancy and family present.

Mayor Tempesta asked for a short recess. The meeting was reconvened at 7:45 pm.

Mayor Tempesta also recognized Councilman Otterbein and Executive Director of the NJ League of Municipalities Michael Darcy.

FEBRUARY 2, 2016

BILLS ORDERED PAID:

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

APPROVAL OF MINUTES:

On the recommendation of Councilwoman Canale, seconded by Councilman Crudele, it was regularly moved that the Minutes of the Reorganizational Meeting held on Tuesday, January 19, 2016 be approved.

Upon the vote being polled, Councilmen Cecere, Hladik, Wolsky, Councilwoman Canale and Councilman Crudele voted in the affirmative, with Councilman Docteroff abstaining because of absence.

The Township clerk reading the following resolution:

No. 16-064
By: Mr. Wolsky

SUBJECT: RESOLUTION - AUTHORIZING 2016 TEMPORARY CAPITAL BUDGET FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell, County of Essex, State of New Jersey deems it necessary and desirable to constitute the CY 2016 Temporary Capital Budget of said municipality by inserting thereon therein various capital projects,

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

Section 1. The CY 2016 Capital Budget of the Town of West Caldwell is hereby constituted by the adoption of a schedule to read as follows:

**2016 CAPITAL BUDGET
OF THE TOWNSHIP OF WEST CALDWELL, STATE OF NEW JERSEY
PROJECTS SCHEDULES FOR CY 2016 METHOD OF FINANCING**

<u>PROJECT</u>	<u>ESTIMATED COST</u>	<u>IMPROVEMENT FUND</u>	<u>GENERAL BONDS</u>
Annual Mill and Paving Program	\$ 500,000.00	\$ 23,810.00	\$476,190.00
Improvements to Municipal Facilities	\$ 120,000.00	\$ 5,720.00	\$114,280.00
Acquisition of Computer Hardware	\$ 7,000.00	\$ 350.00	\$ 6,650.00

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

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, Docteroff, Councilwoman Canale and Councilman Crudele voted in the affirmative.

PENDING ORDINANCE:

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 \$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

FEBRUARY 2, 2016

the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

(a) The 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.

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

There were no comments.

It was regularly moved that the Public Hearing be closed.

FEBRUARY 2, 2016

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

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

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

It was regularly moved by Council President Cecere, seconded by Councilman Hladik, that the nine 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 nine Resolutions by Consent were made part of these Minutes:

No. 16-065
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING APPROVAL OF CARRY OVER VACATION DAYS INTO THE YEAR 2016 FOR NAOMI V. MOYLEN.

WHEREAS, Section 5-4.3 of the West Caldwell Code permits an employee to carry a maximum of 20 vacation days into a succeeding year, unless specifically authorized by Resolution of the Mayor and Council; and

NOW, THEREFORE, BE IT RESOLVED, that Naomi V. Moylen will be permitted to carry over excess vacation days in the amount of 72 hours into 2016, subject to the condition that no more than 20 days will be permitted to be carried into 2017.

No. 16-066
By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING APPLICATION FOR RECYCLING TONNAGE GRANT.

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Caldwell that the Township of West Caldwell endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Sandra Barrows, 30 Clinton Road, West Caldwell, New Jersey 07006, to ensure that the said Application is properly filed.

No. 16-067
By: Mr. Hladik

SUBJECT: RESOLUTION - AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT WITH CARANT LP.

WHEREAS, by Resolution of Memorialization dated July 8, 2013, the Township of West Caldwell Planning Board granted Carant LP (the "Developer") major site plan approval, minor subdivision and variances to construct a property designated as 1200 Bloomfield Avenue, Block 1700, Lots 2 and 10 in the Township (the "Approval"); and

WHEREAS, the Approval was subject to the Developer entering into a Developer's Agreement with the Township of West Caldwell; and

FEBRUARY 2, 2016

WHEREAS, the Governing Body deems it in the best interest of the Township to enter into a Developer's Agreement setting forth the rights, duties and obligations of the Township and the Developer in connection with the Approval, which agreement shall be substantially the same form as the agreement attached hereto and made part of this Resolution.

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

1. The Township of West Caldwell hereby authorizes the entry into a Developer's Agreement with Carant LP, 2 Costa Lane, Great Meadows, NJ 07838.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a Developer's Agreement between the Township and Carant LP. The Developer's Agreement shall be in substantially the same form as the Agreement attached hereto and made a part thereof.
3. All Township employees and officials are hereby authorized and directed to take action necessary and appropriate to effectuate the terms of this Resolution and the Developer's Agreement attached hereto.

No. 16-068
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING BOND REDUCTION FOR AMERICAN PROPERTIES, 241 CLINTON ROAD, BLOCK 160, LOTS 23-27.

WHEREAS, the Evans Run Development, LLC (now Heritage Village) (the "Developer") is the owner of land identified on certain site plan and/or subdivision plan and hereto made a part hereof and referenced as generally described as follows: Block 1600, Lots 23, 24, 25, 26 and 27, located along Clinton Road in the R3-D Zone; and

WHEREAS, the Developer was granted approval of Application #09-11 to construct in accordance with the aforesaid plans, which approval is memorialized in the Resolution of the Township of West Caldwell Planning Board granting 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, together with other improvements adopted by the Planning Board at their meeting of August 17, 2009 (the "Project"); and

WHEREAS, the Developer was granted approval of Application #11-10 construct in accordance with the aforesaid plans, which approval is memorialized in the Resolution of the Township of West Caldwell Planning Board granting amended preliminary and final major site plan approval to change certain elements of the previously approved Project at the September 26, 2011 meeting of the Planning Board; and

WHEREAS, the Developer's Agreement with the Township required the Developer to post a total performance guarantee of \$1,067,324.58, in accordance with the requirements of the Municipal Land Law; and

WHEREAS, the Developer requested a bond reduction and the Township approved the reduction in the amount of \$719,224.94 on February 1, 2013 in connection with the project; and

WHEREAS, the Developer has requested a bond release on September 1, 2015; and

WHEREAS, the Township Engineer, after inspection of the improvements covered by the restoration bond, has recommended the bond release of said bond; and

WHEREAS, the written recommendation dated January 21, 2016 prepared by Ralph Tango, Township Engineer, Maser Consulting, P.A., are attached hereto and made part hereof.

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 Administrator and Chief Municipal Finance Officer, be and hereby are authorized and directed to release the performance bond held in connection with the Project as set forth herein.
2. The release of said bond is subject to the payment of any outstanding inspection and professional fees.
3. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

No. 16-069
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;

FEBRUARY 2, 2016

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>
Dorota Barszczewski 68 Johnson Avenue West Caldwell, NJ 07006	\$55.00	Basketball Withdrawal
Donna January 76 Distler Avenue West Caldwell, NJ 07006	\$55.00	Basketball Withdrawal

No. 16-070
By: Mr. Wolsky

SUBJECT: RESOLUTION - AUTHORIZING CHANGE OF THE CUSTODIAN OF PETTY CASH FUNDS IN OFFICE OF THE CHIEF FINANCIAL OFFICER.

WHEREAS, Kayla Kurzeja was custodian of the Petty Cash Fund in the Office of the Chief Financial Officer, and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Township of West Caldwell is changing the custodian to Anisa Mainiero for the Petty Cash Fund in the Office of the Chief Financial Officer; and

WHEREAS, Anisa Mainiero is covered by virtue of a blanket bond.

OW, THEREFORE, BE IT RESOLVED that the Township of West Caldwell, County of Essex hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

No. 16-071
By: Mr. Hladik

SUBJECT: RESOLUTION – APPOINTING AN ASSISTANT PROSECUTOR FOR THE TOWNSHIP OF WEST CALDWELL FOR THE CALENDAR YEAR 2016.

WHEREAS, N.J.S.A. 2B:25-4 requires that each municipality court to have at least one municipal prosecutor appointed in accordance with local ordinance; and

WHEREAS, a municipality may appoint such additional municipal prosecutors to administer justice in a timely and effective manner in its municipal court; and

WHEREAS, the Mayor, with the advice and consent of the Township Council, desires to appoint Michael F. Nestor, Esq., 28 Byron Court, Allendale, NJ 07401 to serve as Assistant Municipal Prosecutor for the Township of West Caldwell.

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

1. Upon the nomination of the Mayor, with the advice and consent of the Township Council, Michael F. Nestor, Esq., be and hereby is appointed to serve as Assistant Municipal Prosecutor.

No. 16-072
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING TRANSFER #5 OF 2015 CURRENT FUND APPROPRIATION RESERVES FOR THE TOWNSHIP OF WEST CALDWELL.

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;

FEBRUARY 2, 2016

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 \$39,000.00 be made between the 2015 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
Public Safety		
Police Department		
Salaries and Wages	27,000.00	
Streets and Roads		
Road Repair and Maintenance		
Salaries and Wages	10,000.00	
General Government		
Public Buildings and Grounds		
Salary and Wages	2,000.00	
Finance Department		
Other Expenses		5,000.00
Insurance		
Employee Group Health		30,500.00
Utilities		
Street Lighting		500.00
Public Safety		
Police Department		
Other Expenses		3,000.00
	<hr/>	<hr/>
	\$ 39,000.00	39,000.00
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No. 16-073
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

FEBRUARY 2, 2016

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:

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.

1. Attorney/Client Privilege – Caldwell Leaf Site
2. Potential Litigation – tax appeal
3. Litigation – PBA out of rank pay

It was regularly moved by Council President Cecere, seconded by Councilman Hladik that the nine Resolutions listed be adopted.

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

COMMITTEE REPORTS:

PUBLIC SAFETY:

There was no report.

LEGAL AND PERSONNEL:

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

1. The Library Board will meet on Wednesday, February 10, 2016 at 7 pm.

FINANCE:

Councilman Wolsky reminded Council that at the next meeting February 16, 2016, the 2016 Budget will be discussed. An earlier start time of 6:30 pm was approved.

PUBLIC WORKS:

Councilman Docteroff reported on the following:

1. A list is being reviewed of the streets to be milled and paved within the newly adopted bond ordinance.
2. Camp Wyanokie meeting will be held next Wednesday in Roseland.
3. A meeting will take place between Councilman Crudele and Walt Rodriguez concerning the laptops Council will use.

Mayor Tempesta reported on the Stonybrook Road water main break and praised the Department of Public Works for their superb job.

Mayor Tempesta also praised the great job that the Department of Public Works did during the recent snowstorm.

PARKS AND RECREATION:

Councilwoman Canale reported on the following:

1. The basketball program and twirling programs have started and lifeguards are being lined up for the summer.

FEBRUARY 2, 2016

2. The Board of Health will have its monthly meeting on Wednesday, February 3, 2016.

TECHNOLOGY AND SHARED SERVICES:

Councilman Crudele reported on the following:

1. He congratulated Lieutenant Capriglione on his promotion.

ADVISORS' REPORTS:

Administrator Brewer reported that the solid waste bid and lawn maintenance bid will be advertised soon.

Councilman Cecere had a question about the lawn maintenance bid including the Board of Education.

MAYOR'S REPORT:

Mayor Tempesta thanked the Department of Public Works for their hard work during the snowstorm. Mayor Tempesta reported on the Mayors' Legislative Day to be held on Wednesday, February 3.

Mayor Tempesta recognized Director Michael Darcy for his work at the New Jersey League of Municipalities.

INVITATION TO CITIZENS FOR DISCUSSION:

There were no comments.

ADJOURNMENT:

Mayor Tempesta stated that the Council reserves the right to come out of closed session and vote on any matters.

On the motion of Council President Cecere, seconded by Councilman Wolsky, the meeting adjourned at 8:00 pm to Closed Session.

Upon the vote being polled, Councilmen Cecere, Hladik, Wolsky, Docteroff 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.

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

No. 16-074
By: Mr. Wolsky

SUBJECT: RESOLUTION - AUTHORIZING SETTLEMENT OF 2013-2014 TAX APPEAL – HENDERSON DRIVE LLC V. TOWNSHIP OF WEST CALDWELL, BLOCK 1501, LOT 6, 5 HENDERSON DRIVE.

WHEREAS, an appeal of the real property tax assessment for tax years 2013 to 2014, involving Block 1501, Lot 6, 5 Henderson Drive 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:

FEBRUARY 2, 2016

1. Settlement of the 2013-2014 tax appeal is hereby authorized as follows:
Block 1501, Lot 6, 5 Henderson Drive LLC

Appeal Year	Original Assessment	Proposed Assessment	Decrease in Assessment	Decrease in Taxes
2013	16,943,500	15,500,000	(1,443,500)	\$32,579.80
2014	16,943,500	15,500,000	(1,443,500)	\$33,272.68
Totals	33,887,000	31,000,000	(2,887,000)	\$65,852.48

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 provided by Taxpayer.

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

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

ADJOURNMENT

There being no further business before the Council, on a motion from Council President Cecere and a second by Councilman Hladik, the meeting adjourned at 8:31 pm. All were in favor.

Mary S. Donovan
Township Clerk