

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
March 1, 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, March 1, 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
Nikole Monroig, Chief Financial Officer

Pledge of Allegiance led by Councilman Wolsky
Invocation given by Council President Cecere

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

Mayor Tempesta stated that the agenda will proceed out of order initially. Mayor Tempesta recognized honored guests in the audience.

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 Regular Meeting held on Tuesday, February 16, 2016 and the Minutes of the Special Meeting held on Tuesday, February 16, 2016 be approved.

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

It was regularly moved by Council President Cecere, seconded by Councilman Hladik, that the eleven 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.

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

No. 16-086
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING AN AMENDMENT TO VARIOUS RECREATIONAL AGREEMENTS BETWEEN THE TOWNSHIP OF WEST CALDWELL AND THE BOROUGH OF CALDWELL.

WHEREAS, the Township of West Caldwell and Caldwell have heretofore participated in a program of recreation administered by the Department of Recreation of West Caldwell; and

WHEREAS, in furtherance of the Recreation Program and its use of the Kiwanis Oval, the Township Council of the Township of West Caldwell and the Governing Body of Caldwell are of the opinion that it would be mutually beneficial to enter into the following recreational agreements:

1. Agreement for Shared Services Program to continue the agreement between Caldwell and the Township of West Caldwell to participate in a joint recreation program;
2. The Kiwanis Oval Improvements Agreement to apportion the costs of the above mentioned improvements to the Kiwanis Oval; and
3. The Kiwanis Oval Lease to provide for the Township's continued access to the Kiwanis Oval.

WHEREAS, the Township Council of the Township of West Caldwell has determined it to be in the best interest of the Township to enter into said recreational agreements; and

WHEREAS, the foregoing is subject to the adoption of a reciprocal resolution and execution of said agreement by the Governing Body of Caldwell.

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

1. The Mayor and Township Administrator are hereby authorized and directed to execute an agreement for Shared Services Program, the Kiwanis Oval Improvements Agreement, and the Kiwanis Oval lease with Caldwell.
2. Said recreational agreements shall be executed in substantially the same form as the agreements which are attached hereto and made part hereof.
3. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

No. 16-087
By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING THE EXECUTION OF ESSEX VALLEY SCHOOL AGREEMENT FOR MULTI-PURPOSE SYNTHETIC FIELD IMPROVEMENTS WITH THE BOROUGH OF CALDWELL.

WHEREAS, the Governing Body of Caldwell is desirous of entering into a Shared Services Agreement whereby West Caldwell will undertake to make certain improvements to the Essex Valley School multi-sport synthetic field; and

WHEREAS, the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-1 et seq., permits a local unit of the State to enter into an agreement with another local unit for the provision of shared services; and

WHEREAS, the Township Council of the Township of West Caldwell desires to enter into said agreement for improvements to Essex Valley School's multi-sport field; and

WHEREAS, the foregoing is subject to the adoption of a reciprocal resolution and the execution of said agreement by the Governing Body of the Borough of Caldwell.

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

1. The Mayor and Township Administrator are hereby authorized to enter into a Shared Services Agreement for improvements to Essex Valley School multi-sport field.
2. Said agreement shall be executed in substantially the same form as the draft agreement which is attached hereto and made a part hereof.
3. All municipal officials are hereby authorized and directed to take whatever actions may be necessary to implement the terms of this Resolution.

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No. 16-088
By: Mr. Hladik

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 | 8. Overpayment-Refund |
| 2. Duplicate Payment-Refund | 9. Tax Title Lien Redemption |
| 3. Vets, Senior Citizen, Exempt Prop Refund/Allow | 10. Homestead Rebate/NJ Saver |
| 4. Apply Overpayment to Next Year | 11. Apply Overpayment to Current Year |
| 5. Cancellation of Balance of Less than \$5.00 | 12. Cancellation of Credit of Less than \$5.00 |
| 6. Assessment Changes | 13. Cancellation of Taxes |
| 7. Tax Appeal | 14. Other - Cancellation of Credit Balance over \$5.00 |

<u>Block</u>	<u>Lot</u>	<u>Qual</u>	<u>Owner Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
1500	12		SIBO Corporation	\$16,447.45	2008	7
			4 Dedrick Place	\$ 5,561.29	2009	7
				\$ 5,807.11	2010	7

Total: \$27,815.85

Make Check Payable to: Michael A. Vespasiano, Esq. trustee for
Sibo Corporation
331 Main Street
Chatham, NJ 07928

TOTAL APPEALS: \$27,815.85

No. 16-089
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS IN THE CONSTRUCTION OFFICE.

WHEREAS, there is a need to issue refunds for Construction permits collected in the Construction Office as shown below; and

WHEREAS, the Construction Official recommends the refunds;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Caldwell that the proper officers be and they are hereby authorized and directed to transfer funds or issue checks to clear the refunds as shown below:

<u>Name</u>	<u>Amount</u>	<u>Reason</u>
Joseph Santangelo 108 Ravine Avenue West Caldwell, NJ 07006	\$71.00	Revoked by Zoning Board

No. 16-090
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING AMENDMENT AND RESTATEMENT OF RETIREMENT PLAN VIA ADOPTION OF VALIC RETIREMENT SERVICES COMPANY RETIRMENT PLAN FOR GOVERNMENTAL EMPLOYERS.

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WHEREAS, Township of West Caldwell (hereinafter, the "Employer"), previously established the Township of West Caldwell Exclusive Benefit Governmental 401(a) Nontrusteed Retirement Plan (hereinafter, the "Plan") for the exclusive benefit of its employees and their beneficiaries, which Plan was originally effective as of January 1, 2003; and

WHEREAS, the Employer retained the power to amend and/or terminate the Plan; and

WHEREAS, the Employer now desires to amend and restate the Plan by adopting the VALIC Retirement Services Company Retirement Plan for Governmental Employers document; and

NOW THEREFORE, BE IT RESOLVED that the Employer hereby amends and restates that Plan, effective January 1, 2016, by adopting the document titled "VALIC Retirement Services Company Retirement Plan for Governmental Employers," in the form and substance as the document heretofore presented to the governing body of the Employer; and

RESOLVED FURTHER, that the appropriate representatives of the Employer be, and the same hereby are, authorized and directed to: (i) execute the adoption agreement to the VALIC Retirement Services Company Retirement Plan for Governmental Employers document as approved; (ii) execute all other documents and to do all other things as may be necessary or appropriate to make the VALIC Retirement Services Company Retirement Plan for Governmental Employers document effective January 1, 2016, including the execution of any amendments required by the Internal Revenue Service in order to continue and maintain the qualified and exempt status of the Plan; and (iii) execute any other documents required to obtain reliance on advisory letters issued to the VALIC Retirement Services Company Retirement Plan for Governmental Employers by the Internal Revenue Service.

No. 16-091

By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS – AMENDMENT #1

WHEREAS, an emergent conditions has risen with respect to payment of salary and wages, insurance and contracted services and no adequate provision has been made in the 2014 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2016 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$5,578,360.00.

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20.

1. An emergency temporary appropriation be and the same is hereby made for the following appropriations in the amount of \$40,000.00:

CURRENT FUND

General Government

Engineering Services and Costs

\$

Other Expenses

20,000.00

Streets and Roads

Snow Removal

\$

Other Expenses

20,000.00

TOTAL CURRENT FUND EMERGENCY TEMPORARY APPROPRIATIONS

\$

40,000.00

2. That one certified copy of this resolution be filed with the Director of Local Government Services.

No. 16-092

By: Mr. Hladik

SUBJECT: RESOLUTION – APPROVING THE APPOINTMENT OF BRENDAN PETER AS A JUNIOR FIREFIGHTER OF THE WEST CALDWELL VOLUNTEER FIRE DEPARTMENT.

RESOLVED, on the recommendation of the Chief of the West Caldwell Volunteer Fire Department that Brendan Peter, 42 Sanderson Avenue, West Caldwell, NJ, be designated as a Junior Firefighter of the West Caldwell Volunteer Fire Department, effective March 1, 2016.

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No. 16-093
By: Mr. Hladik

SUBJECT: RESOLUTION – APPROVING THE APPOINTMENT OF DOMINIC MALIA AS AN AUXILIARY FIREFIGHTER OF THE WEST CALDWELL VOLUNTEER FIRE DEPARTMENT.

RESOLVED, on the recommendation of the Chief of the West Caldwell Volunteer Fire Department that Dominic Malia, 142 Westover Avenue, West Caldwell, NJ, be designated as an Auxiliary Firefighter of the West Caldwell Volunteer Fire Department, effective March 1, 2016.

No. 16-094
By: Mr. Hladik

SUBJECT: RESOLUTION – APPROVING THE APPOINTMENT OF THOMAS BRYANT III AS A JUNIOR FIREFIGHTER OF THE WEST CALDWELL VOLUNTEER FIRE DEPARTMENT.

RESOLVED, on the recommendation of the Chief of the West Caldwell Volunteer Fire Department that Thomas Bryant III, 19 Lombard Drive, West Caldwell, NJ, be designated as a Junior Firefighter of the West Caldwell Volunteer Fire Department, effective March 1, 2016.

No. 16-095
By: Mr. Hladik

SUBJECT: RESOLUTION – – APPOINTING LYNN A. COPPOLA AS TECHNICAL ASSISTANT TO THE CONSTRUCTION OFFICIAL FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell desires to appoint a Technical Assistant to the Construction Official; and

WHEREAS, Lynn Coppola, 63 Old Short Hills Road, West Orange, NJ 07052 is willing and able to serve as the Technical Assistant to the Construction 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. Lynn A. Coppola, is appointed as Human Resources Coordinator/Payroll Clerk, effective March 14, 2016 at a salary of \$55,000, 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. 16-096
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

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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:

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. Litigation – PBA grievance

BE IT FURTHER RESOLVED, that the minutes of each executive session will be prepared and maintained by the Township and with regard to each of the matters discussed in executive session; and

BE IT FURTHER RESOLVED, that the minutes relating to a particular matter discussed will be made available to members of the public – (a) at such time as the matter no longer requires confidentiality as permitted by applicable laws, (b) upon the completion of a pending or anticipated litigation, or (c) upon such matter no longer falling within the attorney-client privilege, (d) upon the completion of a collective bargaining agreement including the negotiation of the terms and conditions thereof, or (e) upon the completion of a purchase, acquisition or lease of real property with public funds, or (f) as such disclosure may otherwise may be required by the Open Public Meetings Act.

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

Upon the vote being polled, Councilmen Cecere, Hladik, Wolsky, Docteroff, Councilwoman Canale and Councilman Crudele voted in the affirmative, except Council President abstained on Resolutions 16-092, 93, and 94.

COMMITTEE REPORTS:

PUBLIC SAFETY:

Council President Cecere reported the following:

1. Deer culling was a success this year; 51 deer were culled; 35 of which were does. Mike Rauschenberger and his team were congratulated on their great work.

Council President Cecere congratulated Sergeant Santiago on his promotion.

LEGAL AND PERSONNEL:

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

1. The Library Board will meet on Wednesday, March 9, 2016 at 7 pm.

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FINANCE:

There was no report.

Administrator Brewer indicated the discussion of the budget will wait until later in the meeting.

PUBLIC WORKS:

Councilman Docteroff reported on the following:

1. Memorial Park tennis court design was completed and will go out to bid shortly.
2. Online auction was successful and brought in \$16,000.

Council President Cecere questioned how many courts will go in at Memorial Park and Councilman Docteroff indicated it would be four tennis courts.

SWEARING IN CEREMONY

Mayor Tempesta read Sergeant Santiago's CV into the record.

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

No. 16-085
By: Mr. Cecere

SUBJECT: AUTHORIZING THE PROMOTION OF CORPORAL LEONARD F. SANTIAGO TO THE RANK OF SERGEANT IN THE WEST CALDWELL POLICE DEPARTMENT, EFFECTIVE MARCH 1, 2016.

RESOLVED, on the recommendation of the Public Safety Committee and the West Caldwell Council that the nomination by Mayor Joseph Tempesta, Jr. of Corporal Leonard Santiago to the rank of Sergeant in the West Caldwell Police Department be confirmed, effective March 1, 2016 at a salary of \$123,792.

It was regularly moved by Council President Cecere, 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.

Mayor Tempesta swore in Sergeant Leonard Santiago with his wife, Christina and family present.

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

PARKS AND RECREATION:

Councilwoman Canale reported on the following:

1. The Board of Health will have its monthly meeting on Wednesday, March 2, 2016.
2. The 6, 7 and 8th grade girls basketball team, led by Councilmen Hladik and Crudele were congratulated for becoming basketball champions.
3. The Easter Egg Hunt will be held on Saturday, March 26, at Essex Valley School.

TECHNOLOGY AND SHARED SERVICES:

Councilman Crudele reported on the following:

1. Municipal Alliance Committee grant was updated and Administrator Brewer will follow up on the grant process.
2. Shared services committee will be held on Wednesday, March 9 at 6 pm. Councilman Hladik will be attending along with Councilman Crudele.

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Councilman Crudele mentioned his pride in helping the basketball team come together as a team. Councilman Hladik also commented on the win.

ADVISORS' REPORTS:

Administrator Brewer reported on the 2016 budget and that the proposed tax levy will be a 1.50% increase. He thanked CFO Nikole Monroig for her hard work. The introduction of the budget will be on March 15, 2016.

Mayor Tempesta questioned the increase of the health insurance of over \$400,000 and if it weren't for that, the tax levy would be close to 0%.

Councilman Hladik stated that because of the increase in building up the town's infrastructure, including the roads, he agrees with the increase.

Mayor Tempesta indicated that perhaps during the next meeting, a presentation can be held regarding the road work and projects that have been completed and those slated for future work.

Clerk Donovan stated that the deadline for petitions for candidates is April 4, 2016.

Administrator Brewer reported that he received a Community Block Development Grant check for \$70,000 for the senior bus from the Essex County Executive that afternoon on behalf of West Caldwell, Caldwell and Roseland.

Mayor Tempesta thanked CFO Monroig and Administrator Brewer for their hard work on the budget.

MAYOR'S REPORT:

Mayor Tempesta reported on his legislative trip to Princeton and the matters before the state and the municipalities.

INVITATION TO CITIZENS FOR DISCUSSION:

Dana Hunter, 29 Johnson Avenue, had concerns about mosquitos in her area of West Caldwell. Mayor Tempesta asked Administrator Brewer to follow up with the county and state and report back at the next Council meeting.

Susan Cook, 36 Franklin Avenue, also had concerns about mosquitos near her house.

ADJOURNMENT TO CLOSED EXECUTIVE SESSION:

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 8:15 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.

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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 8:30 pm. All were in favor.

Mary S. Donovan
Township Clerk