

**TOWNSHIP OF WEST CALDWELL  
SPECIAL MEETING MINUTES**

**July 26, 2016**

A Special 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, July 26, 2016 at 6:00 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, Wolsky, Docteroff, Councilwoman Canale, and Councilman Crudele.

**ABSENT:** Councilman Hladik

**OTHERS PRESENT:** Adam W. Brewer, Business Administrator  
Mary S. Donovan, Municipal Clerk  
Paul Jemas, Esq., Municipal Attorney

Pledge of Allegiance led by Council President Cecere  
Invocation by Council President Cecere

Council President Cecere asked for prayers for first responders and for the men and women of the armed forces.

Mayor Tempesta asked for prayers for the family of former West Caldwell councilman Jack Davies, who passed recently.

**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 Crudele that the three 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 three Resolutions by Consent were made part of these Minutes:

No. 16-210  
By: Mr. Wolsky

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

**WHEREAS**, there appears on the tax records overpayments or otherwise as shown below; and

**WHEREAS**, the overpayments were created by the reasons indicated below, and the Collector of Taxes recommends the refund or transfers of such overpayments;

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

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**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 over \$5.00 |

<b>Block</b>	<b>Lot</b>	<b>Qual</b>	<b><u>Owner Name</u></b>	<b><u>Amount</u></b>	<b><u>Year</u></b>	<b><u>Reason</u></b>
1500	11		2 Dedrick Place, LLC 2 Dedrick Place	\$ 8,569.83	2013	7
Make Check Payable to:2 Dedrick Place, LLC 2 Dedrick Place West Caldwell, NJ 07006						
1402	7		Codiroli Family Enterprises LP 31 Fairfield Place	\$ 2,190.00 \$ 2,194.00 \$ 2,257.00 \$ 2,305.00 <u>\$ 2,334.00</u>	2011 2012 2013 2014 2015	7 7 7 7 7
<b><u>TOTAL:</u></b>				<b><u>\$11,280.00</u></b>		

Make Check Payable to:Michael I. Schneck, Trustee  
For Codiroli Family Enterprises LP  
301 South Livingston Ave, Suite 105  
Livingston, NJ 07039

1201	15		JJGM Investment Associates 10 York Avenue	\$ 5,179.82 \$ 5,289.98 <u>\$ 5,356.53</u>	2013 2014 2015	7 7 7
<b>TOTAL:</b>				<b>\$15,826.33</b>		

Make Check Payable to:Brach Eichler L.L.C. and  
JJGM Investment Associates Inc.  
101 Eisenhower Parkway  
Roseland, NJ 07068

Total Appeals - \$35,676.16

No. 16-211  
By: Mr. Wolsky

**SUBJECT: RESOLUTION – APPROVAL OF CORRECTIVE ACTION PLAN - 2015 AUDIT.**

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Township of West Caldwell have reviewed and approved the 2015 Corrective Action Plan prepared by the Chief Financial Officer and will submit a copy of the Plan to the Division of Local Government Services, in accordance with Local Finance Notice No. 92-15.

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*Township of West Caldwell  
Corrective Action Plan  
Audit Year: 2015*

**Recommendation #1:**

**Description:** That all fees collected by the Construction Code Official and Recreation Department be recorded in the cash receipts book.

**Analysis:** Fees collected for temporary certificates of occupancy were not recorded in the cash book. Fees collected in the Recreation Department for credit card fees were not recorded in the cash book.

**Corrective Action:** In the Construction Code Office, a daily cash book will maintained for temporary certificates of occupancy. The Recreation Department has met with the Township Auditor to review the cash receipts book to ensure proper compliance in the future.

**Implementation Date:** Immediately.

**Recommendation #2:**

**Description:** That New Jersey State Training Fees collected by the Construction Code Official be in agreement with the provisions of N.J.A.C. 5:23-4.19.

**Analysis:** That New Jersey State Training Fees collected by the Construction Code Official were not in agreement with the provisions of N.J.A.C 5:23-4.19.

**Corrective Action:** The Construction Official will review all fees collected and work with the software programmer to ensure all training fees are collected in agreement with N.J.A.C 5:23-4.19.

**Implementation Date:** Immediately.

**Recommendation #3:**

**Description:** That the date posted in the cash receipts book for the Recreation Department be the actual date the money was collected.

**Analysis:** The date posted in the cash receipts book is not the same date the money was received by the Department.

**Corrective Action:** The Recreation Department has met with the Township Auditor to review the cash receipts book to ensure proper compliance in the future.

**Implementation Date:** Immediately.

**Recommendation #4:**

**Description:** That the cash receipts book for the Planning Board escrows be totaled on a monthly basis.

**Analysis:** The cash receipts book for the Planning Board escrows is not totaled on a monthly basis.

**Corrective Action:** As of May 2016, a new employee has been hired for the Land Use Department. Currently, the cash receipts book for the Planning Board escrows is being maintaining with monthly totals.

**Implementation Date:** Immediately.

**Recommendation #5:**

**Description:** That all permit applications for the Planning Board and the Public Works Department be available for audit review.

**Analysis:** It was found that not all permit applications were available for review.

**Corrective Action:** The filing system for all current permit applications for the Planning Board has been improved with each file being labeled and maintained in a file cabinet for active files. Once closed, the files are then transferred to a different file cabinet for closed files until all conditions are satisfied. After that, the files are incorporated into the existing long-term file cabinet storage system based upon block and lot designation. This new system will ensure that all Planning Board applications are available for audit review in the future. A similar set up will be implemented in the Construction Code Office to ensure all Public Works applications are available for audit review.

**Implementation Date:** Immediately.

**Recommendation #6:**

**Description:** That certain fees collected by the Health Department be approved by ordinances as adopted by the Township Council.

**Analysis:** A change of fees were adopted by the Board of Health, but not by the Township Council.

**Corrective Action:** All Board of Health fees have been approved by the Township Council.

**Implementation Date:** Immediately.

**Recommendation #7:**

**Description:** That certain grants be reviewed and appropriate action taken as to their disposition.

**Analysis:** The Audit Report identifies various grants with balances dating back several years.

**Corrective Action:** The CFO, along with the appropriate Department Heads, will review each grant to determine the current status and proper disposition.

**Implementation Date:** Immediately.

**Recommendation #8:**

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**Description:** That the late fees collected for dog licenses be in agreement with the ordinance as adopted by the Township Council.

**Analysis:** Several late fees collected for dog licenses were not in agreement with the ordinance adopted by the Township Council.

**Corrective Action:** The Health Officer, Police Department and Finance Department will work together to ensure that all late fees collected for dog licenses be in agreement with the Township ordinance.

**Implementation Date:** Immediately.

**Recommendation #9:**

**Description:** That all fees collected by the Recreation Department be recorded in the cash receipts book.

**Analysis:** Credit cards fees were not recorded in the cash book.

**Corrective Action:** The Recreation Department has met with the Township Auditor to review the cash receipts book to ensure proper compliance in the future.

**Implementation Date:** Immediately.

**Recommendation #10:**

**Description:** That all pool fees collected by the Recreation Department be identified as per source.

**Analysis:** Fees collected for pool membership and other miscellaneous pool revenues were not identified as per source in the cash book.

**Corrective Action:** The Recreation Department has met with the Township Auditor to review the cash receipts book to ensure proper compliance in the future.

**Implementation Date:** Immediately.

**Recommendation #11:**

**Description:** That "Tickets Assigned but Not Issued" in excess of six months be reviewed for proper disposition.

**Analysis:** One ticket assigned but not issued in excess of six months.

**Corrective Action:** The Court Administrator will closely monitor the "Tickets Assigned but Not Issued" report monthly. The Court Administrator will also send letters to the officers that have old tickets to return them to the Court to be voided or reassigned.

**Implementation Date:** Immediately.

No. 16-213  
By: Mr. Docteroff

**SUBJECT: RESOLUTION - AUTHORIZING AN EMERGENCY CONTRACT WITH CARNER BROS. FOR SEWER MAIN REPAIR ON KIRKPATRICK LANE.**

**WHEREAS,** the Township of West Caldwell was notified of a sewer main leak on Kirkpatrick Lane on July 14, 2016; and

**WHEREAS,** said sewer main leak constitutes an emergency affecting the public health, safety and welfare of the residents of the Township of West Caldwell; and

**WHEREAS,** the Township of West Caldwell has declared the need to enter into an emergency contract to repair the 14 inch forced sewer main located on Kirkpatrick Lane; and

**WHEREAS,** Carner Bros., PO Box 116, Roseland, NJ 07068 have responded to the emergency and will perform the repair needed for the sewer main for an amount not to exceed \$125,000.00; and

**WHEREAS,** the Township of West Caldwell has adequate funds available for the contract.

**NOW, THEREFORE, BE IT RESOLVED,** by the Township Council of the Township of West Caldwell, Essex County, New Jersey that all Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

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

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

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Mayor Tempesta asked the Clerk to read the following resolution into the record:

No. 16-212  
By: Mr. Hladik

**SUBJECT: RESOLUTION – APPOINTING THE MUNICIPAL PROSECUTOR FOR THE TOWNSHIP OF WEST CALDWELL FOR THE 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 Municipal Prosecutor for the Township of West Caldwell, effective July 1, 2016, fulfilling an unexpired term until December 31, 2016, at a salary of \$18,000 per year; and

**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 Nestor, Esq., be and hereby is appointed to serve as Municipal Prosecutor.

It was regularly moved by Councilman Cecere, seconded by Councilman Crudele that the resolution be adopted.

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

**OATH OF OFFICE:**

Mayor Tempesta administered the oath of office to Michael F. Nestor.

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

Mayor Tempesta asked the clerk to read the following resolution into the record.

No. 16-209  
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

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public funds or (e) a discussion of involving the employment, appointment or termination of employment of an existing or prospective public officer or employee; and

**WHEREAS**, the governing body of the Township has determined that and is of the opinion that such circumstances presently exist that permit the governing body of the Township to discuss the matters set forth in this Resolution in executive session; and

**WHEREAS**, the matters set forth in this Resolution are within the exceptions and the limited circumstances set forth in N. J. S. A. 10:4-12(b) et seq., the governing body of the Township desires to conduct a portion of the meeting in an executive session from which members of the public will be excluded.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF WEST CALDWELL**, in accordance with the provisions of The Open Public Meetings Act, that the governing body of the Township hereby determines to conduct a portion of the meeting in an executive session from which members of the public will be excluded in accordance with the provisions of Open Public Meetings Act; and

**BE IT FURTHER RESOLVED**, that the aforementioned executive session will be limited to matters relating to the following items and which matters involve, as applicable, pending and anticipated litigation involving or expected to involve the Township, matters which fall within the attorney-client privilege, matters regarding the discussion of a collective bargaining agreement, matters relating to purchase, acquisition or lease of real property with public funds or matters relating to personnel:

1. Litigation – PBA Grievance
2. Attorney-client privilege – 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.

Administrator Brewer reported on the items for closed executive session.

It was regularly moved by Councilman Cecere, seconded by Councilman Crudele that the resolution be adopted.

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

#### **INVITATION TO CITIZENS FOR DISCUSSION:**

Dana Hunter, 28 Johnson Avenue, questioned the excessive use of political signs, a commercial site on Bloomfield Avenue and use of Essex County College property.

Mayor Tempesta asked Administrator Brewer to follow up with the zoning officer concerning the sign ordinance.

#### **ADJOURNMENT TO CLOSED EXECUTIVE SESSION:**

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

On the motion of Councilman Wolsky, seconded by Council President Cecere, the meeting adjourned at 6:25 pm to Executive Closed Session.

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

On the motion of Council President Cecere, seconded by Councilman Wolsky, the meeting reconvened to open session at 6:40 pm.

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

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**ADJOURNMENT**

There being no further business before the Council, on a motion from Councilman Wolsky and a second by Council President Cecere, the meeting adjourned at 6:42 pm. All were in favor.

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Mary S. Donovan  
Township Clerk