

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
JUNE 17, 2014**

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, June 17, 2014 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 Otterbein, Cecere, Hladik, O’Hern, and Docteroff.

ABSENT: Councilman Wolsky and Chief Financial Officer Monroig

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

Pledge of Allegiance and Invocation

PRESENTATION

Mayor Tempesta presented Netanya Stein, a James Caldwell High School senior, with the 2014 Human Services Award from the West Caldwell Local Assistance Board. Mayor Tempesta and Maria Burak congratulated Ms. Stein, with her family in attendance.

Councilman Hladik joined the meeting at 7:24 pm.

COMMUNICATIONS:

A-1 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available under the 2014 Budget of Appropriations – June Bill Schedule; further certifying that there will be no over-expenditures of any line item in the Budget as a result of this schedule.

Received and placed on file.

BILLS ORDERED PAID

It was regularly moved by Council President Otterbein seconded by Councilman Docteroff, that the Amended Bill List as submitted by the Chief Financial Officer be attached to the Minutes and be paid and the Mayor, Clerk and Treasurer be authorized to sign the necessary warrants for their payment.

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

SCHEDULE OF BILLS ORDERED PAID

	<u>Checks</u>	<u>Amount</u>
CURRENT ACCOUNT – VALLEY NATIONAL BANK	1679-1779	\$3,235,944.37
WATER OPERATING ACCOUNT- VALLEY NATIONAL BANK	9113-9127	\$ 140,055.40
POOL UTILITY ACCOUNT	2354-2362	\$ 25,274.28
GENERAL CAPITAL ACCOUNT	2227-2236	\$ 385,714.36
WATER CAPITAL	8017-8020	\$ 4,963.26
GENERAL TRUST – VALLEY NATIONAL BANK	5064-5074	\$ 6,120.06
DOG TRUST	1536-1537	\$ 4,232.40

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APPROVAL OF MINUTES:

On the recommendation of Council President Otterbein, seconded by Councilman Docteroff was regularly moved that the Minutes of the Regular Meeting held on Tuesday, June 3, 2014 be accepted as presented.

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

PROPOSED CONSENT AGENDA:

It was regularly moved by Council President Otterbein, seconded by Councilman Docteroff, that the seventeen Resolutions on the Agenda this evening be read by consent.

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

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

No. 9445
By: Mr. O'Hern

SUBJECT: RESOLUTION – AMENDING RESOLUTION NO. 9284 ENTITLED “OFFICIAL MEETING NIGHTS – 2014” TO CANCEL THE AUGUST 19, 2014 MEETING OF THE COUNCIL OF THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, pursuant to Resolution No. 9284, establishing the 2014 Official Meeting Nights; and
WHEREAS, the Council desires to amend the 2014 meeting schedule by canceling the August 19, 2014 meeting and notice of the cancellation shall be published in accordance with applicable law.

No. 9446
By: Mr. Cecere

SUBJECT: RESOLUTION – APPOINTMENT OF JERE COLE AS A REGULAR FIREFIGHTER OF THE WEST CALDWELL VOLUNTEER FIRE DEPARTMENT.

RESOLVED, on the recommendation of the Chief of the West Caldwell Volunteer Fire Department that Jere Cole, 11F Knob Hill Road, Roseland, New Jersey 07068, be designated as a Regular Firefighter of the West Caldwell Volunteer Fire Department, effective June 17, 2014.

No. 9447
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING ISSUANCE OF ALCOHOLIC BEVERAGE LICENSES FOR THE YEAR 2014-2015.

RESOLVED, by the Mayor and Council of the Township of West Caldwell, in the County of Essex and State of New Jersey, that the following licenses be issued, subject to approval from all applicable municipal agencies:

That a Club License No. 0721-31-006-001 be issued to Mountain Ridge Country Club, 713 Passaic Avenue, West Caldwell, New Jersey for the year 2014-2015;

That a Plenary Retail Consumption License No. 0721-33-001-013 be issued to Marado Blu LLC, t/a The Suburban Tavern, 555 Passaic Avenue, West Caldwell, New Jersey for the year 2014-2015.

That a Plenary Retail Distribution License No. 0721-44-003-010 be issued to Sunrise Shoprite of Parsippany LLC, t/a Sunrise Cellars, 540 Passaic Avenue, West Caldwell, New Jersey for the year 2014-2015 (this is a Pocket License).

That a Plenary Retail Consumption License No. 0721-33-005-007 be issued to Ginza Restaurant, Inc., 811 Passaic Avenue, West Caldwell, New Jersey for the year 2014-2015.

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

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No. 9448
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING SPECIAL RULING TO PERMIT THE RENEWAL OF AN INACTIVE (POCKET) ALCOHOLIC BEVERAGE LICENSE TO BARRETTI GROUP, INC.

RESOLVED, by the Mayor and Council of the Township of West Caldwell, in the County of Essex and the State of New Jersey, that the Special Ruling to permit the renewal of an Inactive (Pocket) Alcoholic Beverage License to Barretti Group, Inc. for license terms 2014-2015, 2015-2016, 2016-2017, received from the State of New Jersey, Division of Alcoholic Beverage Control be granted; and

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

That a Plenary Retail Consumption License No. 0721-33-002-005 be issued to Barretti Group, Inc. formerly located at 601 Passaic Avenue, West Caldwell, New Jersey 07006 for license terms 2014-2015, 2015-2016, 2016-2017.

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

BE IT FURTHER RESOLVED, that this Plenary Retail Consumption License No. 0721-33-002-005 has been inactive since May 31, 2003 and no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2017, except if good cause for reconsideration is shown.

No. 9449
By: Mr. Cecere

SUBJECT: RESOLUTION – APPROVING SOCIAL AFFAIRS PERMIT FOR THE WEST ESSEX FIRST AID SQUAD, INC., JULY 12, 2014.

WHEREAS, the West Essex First Aid Squad, Inc. has filed an application for a Social Affairs Permit for an event to be held on July 12, 2014 with no rain date; and

WHEREAS, the submitted application form is complete in all respects, fees have been paid; and

WHEREAS, the application has been approved by the Chief of Police.

No. 9450
By: Mr. O'Hern

SUBJECT: RESOLUTION - AUTHORIZING AWARD OF CLEANING SERVICES FOR MUNICIPAL BUILDINGS TO D&J MAINTENANCE.

WHEREAS, the Township received and opened bids for Cleaning Services on January 30, 2014, in accordance with the Notice to Bidders (referred to as the "Notice to Bidders" or the "Bid Documents"); and

WHEREAS, the Notice to Bidders and the Bid Documents were reviewed and in conjunction with such review, the governing body of the Township determined that it was in the better interest of the Township to reconsider and make certain determinations regarding the Services including, but not limited to and among other things, certain aspects of the Services, certain criteria for the Services and certain matters relating to security measures, security procedures, security protections, privacy procedures and privacy protections relating to the services to be required by and provided to the Township; and

WHEREAS, the Township subsequently rejected all bids for the aforementioned reasons on March 18, 2014 by Resolution No. 9366;

WHEREAS, on Tuesday, April 29, 2014, the Township opened bids for the Contract for Cleaning Services for the Township of West Caldwell Public Buildings. Staff and associated professionals completed their review the bids for compliance and responsiveness.

BE IT RESOLVED, on the recommendation of the Township Administrator, that the contract for Cleaning Services in various Municipal Buildings, commencing July 1, 2014 and terminating June 30, 2015, be and the same is hereby awarded to D & J Maintenance Service, 26 Pleasant Avenue, West Caldwell, NJ 07006, in accordance with Option 1 – Principal on Premises: Base Bid plus one (1) Shampoo at Township Hall and Fire Department Cleaning three (3) Days per Week to D & J Maintenance in the amount of \$52,406 for the twelve (12) month period, beginning July 1, 2014 through June 30, 2015.

BE IT FURTHER RESOLVED, that the Mayor and Clerk be and they are hereby authorized to execute the contract upon the receipt of the required bond in the full amount of the award.

1. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

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No. 9451
By: Mr. O'Hern

SUBJECT: RESOLUTION – APPOINTING WILLIAM WALLACE AS ALTERNATE COMMISSIONER TO THE MORRIS COUNTY JOINT INSURANCE FUND.

WHEREAS, the Governing Body of the Township of West Caldwell, in accordance with the by-laws of the Morris County Municipal Joint Insurance Fund, hereby appoints William Wallace, Health Officer and Safety Coordinator for the Township, to serve as Alternate Commissioner to the Fund.

No. 9452
By: Mr. Wolsky

SUBJECT: RESOLUTION - AMENDING THE ADOPTED BUDGET FOR ADDITIONAL ITEMS OF REVENUE AND OFFSETTING APPROPRIATION (CHAPTER 159).

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget of the year 2014 in the sum of \$18,061.55, which item is now available as revenue from:

State of New Jersey
Department of Environmental Protection
Clean Communities Grant-FY 2014

BE IT FURTHER RESOLVED that a like sum of \$18,061.55 and the same is hereby appropriated in the Current Fund under the caption of:

State of New Jersey
Department of Environmental Protection
Clean Communities Grant-FY 2014

BE IT FURTHER RESOLVED that one certified copy of this resolution be forwarded to the Director of the Division of Local Government Services.

No. 9453
By: Mr. Otterbein

SUBJECT: RESOLUTION - AUTHORIZING AWARD OF CONTRACT TO DLS CONTRACTING INC. FOR RICHARD AVENUE AND FRANKLIN AVENUE RECONSTRUCTION PROJECT IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell, after two (2) unsuccessful bid attempts to award a contract for the Richard Avenue and Franklin Avenue Reconstruction Project; and

WHEREAS, being authorized to negotiate and enter into this Agreement under the provisions of N.J.S.A. 40a:11-5(3) for reconstruction of Richard Avenue and Franklin Avenue; and

WHEREAS, the Governing body has accepted the quotation and negotiated price of the following vendor:

DLS Contracting Inc.
633 Franklin Avenue, Suite 170
Nutley, NJ 07110

Total Bid (Items 1 through 35): \$726,117.17

WHEREAS, the Governing Body is satisfied with the proposal submitted by DLS Contracting Inc. as being the proposal that satisfies the best interest of the Township and being in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq.; and

WHEREAS, the Governing Body wishes to proceed with this necessary service and for that purpose accepts the proposal submitted by DLS Contracting Inc.

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

1. It does hereby authorize the issuance of a contract to DLS Contracting Inc. for the provision of reconstruction services for Richard Avenue and Franklin Avenue, which Contract shall specify the scope of services as set forth in DLS Contracting's proposal, at a total cost not to exceed the above prices as set forth in the proposal.
2. All Township officials are hereby authorized and directed to take any and all action necessary and appropriate to effectuate the terms of this Resolution.

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No. 9454

By: Mr. Hladik

SUBJECT: RESOLUTION - REQUESTING STATE GRANT - RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES (ROID).

WHEREAS, the Township of West Caldwell desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$36,000.00 (to carry out a project to 1. Provide opportunities for male and female adults 21 years + with developmental and/or physical disabilities to have socialization opportunities in an environment where they feel comfortable. 2. Provide opportunities for persons with developmental and/or physical disabilities to participate in town recreation programs in the least restrictive environment through the use of Peer Mentors).

NOW, THEREFORE, BE IT RESOLVED, that the Township of West Caldwell does hereby authorize the application for such a grant; and upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does hereby authorize the execution of the agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said agreement between the Township of West Caldwell and the New Jersey Department of Community Affairs.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, the agreement and any other documents necessary in connection therewith.

No. 9455

By: Mr. Docteroff

SUBJECT: RESOLUTION - AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT TO RAC SYSTEMS CORP. FOR COMPUTER SYSTEMS AND SOFTWARE APPLICATIONS MAINTENANCE.

WHEREAS, pursuant to the requirements under the Local Public Contracts Law, the following resolution be and is hereby adopted:

WHEREAS, there exists a need for services in the area of IT Systems, Software, Hardware & Applications Maintenance - General & Exchange Server for 2014;

WHEREAS, the contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq., in that RAC Systems Corp. was awarded a professional services appointment for the year 2014.

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

1. The Township of West Caldwell will execute an agreement with RAC Systems Corp., 1 Glimpewood Lane, Morristown, NJ 07960, beginning July 1, 2014 through December, 2014.
2. All Township officials are hereby authorized and directed to take any and all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9456

By: Mr. Hladik

SUBJECT: RESOLUTION - AUTHORIZING AGREEMENT BETWEEN THE TOWNSHIP OF WEST CALDWELL AND CAPTUREPOINT.COM FOR RECREATION SERVICES.

WHEREAS, pursuant to the requirements under the Local Public Contracts Law, the following resolution be and is hereby adopted:

WHEREAS, there exists a need for a subscription update to add a gate check and POS for the Recreation Department of the Township.

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

1. The Township of West Caldwell will execute an agreement with Capturepoint.com, 215 East Ridgewood Avenue, Ridgewood, NJ 07450 in accordance with the attached proposal.
2. All Township officials are hereby authorized and directed to take any and all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9457

By: Mr. Otterbein

SUBJECT: RESOLUTION - AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH ELEMENT ARCHITECTURAL GROUP FOR ARCHITECTURAL SERVICES FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, pursuant to the requirements under the Local Public Contracts Law, the following resolution be and is hereby adopted:

WHEREAS, there exists a need for a design of the roof of the West Caldwell Fire House, which includes the architectural portion of construction drawings and details;

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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 Township of West Caldwell will execute an agreement with Element Architectural Group, 12 North State Route 17, Suite 220, Paramus, NJ 07652 in accordance with the attached proposal.
2. Whereas, the contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq., in that the vendor was awarded a professional services appointment for the year 2014.
3. All Township officials are hereby authorized and directed to take any and all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9458

By: Mr. Otterbein

SUBJECT: RESOLUTION - AUTHORIZING AWARD OF CONTRACT TO MATINA & SON, INC. FOR THE REPLACEMENT OF WATER MAINS ON WESTOVER AVENUE FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell (referred to as the "Township") solicited bids for the replacement of water mains on Westover Avenue in the Township (referred to as the "Project") pursuant to a fair and open process in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Notice to Bidders and the Bid Documents have been reviewed by the Township governing body, the Township's staff and the Township's professional consultants including, but not limited to Omland Engineering Associates, Inc., the engineering consultant to the Township (referred to as the "Township Engineer"); and

WHEREAS, the Township received bids in response to the solicitation from eight (8) bidders; and

WHEREAS, the Township Engineer has recommended to the Mayor and Council that the Township award a contract to Matina for the Project in the amount of Two Hundred Twenty-Five Thousand and 00/100 Dollars (\$225,000.00)

WHEREAS, the Township's Chief Financial Officer has certified that sufficient funding is available for this Project.

BE IT FURTHER RESOLVED, that the Mayor, the Township Clerk and/or the Township Administrator are hereby authorized and directed to execute, deliver and exchange a contract in a form and with terms consistent with this Resolution, the Bid Notice, the Bid Documents and applicable laws, as approved by the Township Attorney; and

BE IT FURTHER RESOLVED, that all Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9459

By: Mr. Otterbein

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH MASER CONSULTING, P.A. RELATING TO WATER MAIN REPLACEMENTS AT CLINTON ROAD AND ROOSEVELT AVENUE IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, pursuant to the requirements under the Local Public Contracts Law, the following resolution be and is hereby adopted:

WHEREAS, there exists a need for replacement of water mains at Clinton Road and Roosevelt Avenue. This project includes survey, design and construction management services;

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requirements that the resolution authorizing the award of contract for "Professional Services" without competitive bidding must be publicly advertised.

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

1. The Township of West Caldwell will execute an agreement with Maser Consulting, P.A., 400 Valley Road, Suite 304, Mount Arlington, NJ 07856 in accordance with the attached proposal.
2. Whereas, the contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq., in that the vendor was awarded a professional services appointment for the year 2014.
3. All Township officials are hereby authorized and directed to take any and all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9460

By: Mr. O'Hern

SUBJECT: RESOLUTION - AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT WITH THE VILLAS AT WEST CALDWELL, LLC.

WHEREAS, the Township of West Caldwell Planning Board (the "Planning Board") approved an application made by The Villas At West Caldwell, LLC (the "Developer") to the Planning Board, which application is designated as Application No. 06-14 and which approval was made by a Resolution of Memorialization of the Planning Board dated January 8, 2007 (the "Resolution"); and

WHEREAS, the Resolution memorializes the approval of the Developer's request for preliminary and final site plan approval and subdivision approval in regard to the property commonly known and designated as 475, 509, 517 and 521 Bloomfield Avenue, West Caldwell, New Jersey 07006 and which property is designated on the official tax maps of the Township of West Caldwell as Block 2000, Lots 2, 3, 5 and 6 (the "Approval"); and

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WHEREAS, the Approval was and is subject to the Developer entering into a Developer's Agreement with the Township of West Caldwell (the "Township"), among other conditions and requirements of the Approval; and

WHEREAS, the Governing Body deems it in the best interest of the Township to enter into a Developer's Agreement with the Developer setting forth the rights, duties and obligations of the Township and the Developer in conjunction with the Approval, which Developer's Agreement will be substantially the same form as the agreement attached hereto and made part of this Resolution and as approved by the Township Administrator and the Township Attorney (the "Developer's Agreement").

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 The Villas at West Caldwell, LLC.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a Developer's Agreement between the Township and The Villas of West Caldwell, LLC. The Developer's Agreement is to be in substantially the same form as the Developer's Agreement attached hereto and made a part of thereof and as approved by the Township Administrator.
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 referenced herein.

No. 9461

By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING ESTIMATED TAX BILLS.

WHEREAS, the Essex County Board of Taxation is unable to certify the Township of West Caldwell's tax rate at this time and the Township of West Caldwell Tax Collector will be unable to mail the Township 2014 tax bills on a timely basis; and

WHEREAS, the Township of West Caldwell's Tax Collector and Chief Financial Officer have computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted tax levies and the estimated third quarter rate for 2014 is \$2.304 and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Township of West Caldwell's Mayor and Council approves the estimated tax levy at 102.00% listed below. Approval will enable the Township to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest on borrowing.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST CALDWELL, County of Essex, State of New Jersey on this 17th day of June 2014, as follows:

1. The Township of West Caldwell's Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2014 taxes. The Tax Collector shall process upon approval from the Director and take such actions as permitted and required by P.L. 1994, c. 72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).

2. The entire estimated tax levy for 2014 is hereby set at \$51,276,608.35.

Essex County - Estimated	\$11,758,741.51
C-WC Board of Education	\$27,121,368.00
West Caldwell	\$12,396,498.84

3. In accordance with the law, the third installment of 2014 taxes shall not be subject to interest until the later of August 10, 2014 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

No. 9462

By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED.

WHEREAS, The Township of West Caldwell (the "Township" or the "public body" has been duly created and is validly existing as a public body corporate and politic of the State of New Jersey pursuant to applicable laws of the State of New Jersey; and

WHEREAS, The Township constitutes a "public body" as such term is defined in the New Jersey Open Public Meetings Act, constituting Chapter 231 of the Pamphlet Laws of 1975 of the State of New Jersey, N.J.S.A. 10:4-6 et seq. and the acts amendatory thereof and supplemental thereto (the "Open Public Meetings Act"); and

WHEREAS, the Open Public Meetings Act permits a public body, as such term is defined therein, to exclude members of the public from portions of any "meeting", as such term is defined therein including N.J.S.A. 10:4-12(b) et seq., under certain limited circumstances which include, but are not limited to, (a) a discussion of pending or anticipated litigation in which the public body is or may become a party, or (b) a discussion of any matters which fall within the attorney-client privilege, or (c) a discussion of a collective bargaining agreement including the negotiation of the terms and conditions thereof, or (d) a discussion regarding the purchase, acquisition or lease of real property with public funds or (e) a discussion of involving the employment, appointment or termination of employment of an existing or prospective public officer or employee; and

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

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

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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. Contract Negotiation – PBA contract
2. Personnel

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

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

It was regularly moved by Council President Otterbein, seconded by Councilman Hladik that the seventeen Resolutions read by consent be adopted as read.

Upon the vote being polled, Councilmen Otterbein, Cecere, Hladik, O’Hern, and Docteroff voted in the affirmative except Councilmen Cecere abstained on number 9448.

COMMITTEE REPORTS:

PUBLIC SAFETY:

REPORTS – POLICE CHIEF-JUDGE AND DETECTIVE BUREAU – MAY 2014

On the recommendation of Councilman Cecere, the reports submitted by the Police Chief, Judge and Detective Bureau for the month of May 2014 as received, be placed on file. Fines in the amount of \$18,538.84 were collected and apportioned as follows (copy attached to minutes).

REPORTS – VOLUNTEER FIRE DEPARTMENT REPORTS – MAY 2014

On the recommendation of Councilman Cecere, the reports submitted by the Fire Chief of West Caldwell Volunteer Fire Department for the month of May 2014 as received, be placed on file.

REPORTS – CONSTRUCTION OFFICIAL’S REPORT – MAY 2014

On the recommendation of Councilman Cecere, the reports submitted by the Construction Official for the month of May 2014 as received, be placed on file.

Councilman Cecere reported on the following:

1. The Civil War Encampment will be held at the Crane House on Saturday, June 21.
2. Councilman Cecere congratulated his brother-in-law Bloomfield Police Officer Luca Piscitelli for being named Essex County’s “Top Gun” by the Office of the New Jersey Attorney General for his county-leading 57 DWI arrests.

PUBLIC WORKS & WATER:

Council President Otterbein reported on the following:

1. The Department of Public Works is working on potholes throughout the Township.
2. Five streets have been milled and overlaid: Kanouse, Melrose, Old Carriage, Fairfield Place and Natalie Drive.
3. Work will begin soon on the above ground fuel depot at Department of Public Works yard.
4. Water main replacement for Westover Avenue and Henderson Drive projects have been awarded.
5. Roof work for the Municipal building is still being done.
6. Richard and Franklin Avenue Reconstruction project was awarded tonight.

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PARKS AND RECREATION:

Councilman Hladik reported on the following:

1. The spring season is winding down and the volunteer coaches and staff were thanked for their hard work.
2. There will be a Family Day at Westville Pool on Friday, June 20, 2014 from 11:30 am until 7:30 pm and families are welcome for free. All West Essex towns are welcome. Anyone under 18 must be accompanied by an adult.
3. The Caldwell's Athletic Club would like to join the Morris County Joint Insurance Fund and Administrator Brewer will reach out to the director of the club.

LEGAL AND PERSONNEL:

Councilman O'Hern reported on the following:

1. Everything for discussion is for closed session.
2. Legal and Personnel held interviews before tonight's meeting.

FINANCE AND WELFARE:

In Councilman Wolsky's absence, Council President Otterbein reported the following:

1. The Municipal Budget is in place and the expenditures are in accord with the budget and the Township is in good shape.

Mayor Tempesta commented that the Planning Board met on June 9 and minor applications were heard and the Planning Board will meet June 23.

COMMUNITY PLANNING, DEVELOPMENT & TECHNOLOGY:

Councilman Docteroff reported the following:

1. Wifi is running at both two pools and will be acquiring Capturepoint software to have photo IDs to swipe at the pools.
2. Hardware will be bought and will be used to begin taking photos for IDS within the next few weeks but will continue next summer.
3. Memorial Park walkways should be reviewed for lighting.
4. Camp Wyanokie had its second meeting and plans are being made for Camp Wyanokie Fishing Derby on June 28, 2014.

ADVISORS' REPORTS:

Administrator Brewer thanked everyone on their respective committees for their work on the resolutions being moved at tonight's meeting.

Township Clerk Donovan discussed revising the rent stabilization ordinance and Councilman O'Hern and Legal and Personnel Committee will be reviewing the ordinance.

COUNCIL DISCUSSION:

Council President Otterbein stated that milling and paving work is being done on Passaic Avenue from 7 pm to 6 am and asked residents to be aware of detours. Also catch basin work is being done during the day so residents should be aware of any detours for that work during the day.

Councilman Docteroff said he received a call from a concerned resident about pavement markings in front of Shoprite.

Freeholder Leonard Luciano addressed the Mayor and Council and congratulated Councilman Docteroff on his past six months. Freeholder Luciano indicated that the County sheriffs will be available for any help to Chief Bramhall for the paving on Harrison and Passaic Avenues.

Mayor Tempesta thanked Freeholder Luciano for the work being done on Passaic Avenue. Freeholder Luciano asked a question about the monopoles being erected. Mayor Tempesta answered his questions about the schedule.

JUNE 17, 2014

Councilman Hladik reported on the Joint Board of Education meeting on Monday, June 16. Councilman Docteroff, Administrator Brewer and he attended along with the Borough of Caldwell council members. Shared services were discussed and the Safe Routes to Schools grant. Also information technology and lawn cutting were discussed to be shared in 2015.

INVITATION TO CITIZENS FOR DISCUSSION

Jason Geraci, 11 Parkview Avenue, had concerns about water during the recent flash flood. Maria Gencarelli, 12 Parkview Avenue, had similar concerns.

Mayor Tempesta answered their concerns and indicated Administrator Brewer would be following up along with Township Engineer Russo.

Ian Robson, 9 Sylvan Way, asked a question about Troop 9 tree selling at the lot on Beverly Road. Mayor Tempesta answered that an alternative site will be located if necessary.

ADJOURNMENT:

There being no other business, it was regularly moved that the meeting be adjourned.

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

Council adjourned at 8:10 pm to Closed Session.

Mary S. Donovan
Township Clerk