

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
MAY 6, 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, May 6, 2014 at 7:20 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, Wolsky and Docteroff

OTHERS PRESENT: Adam Brewer, Township Administrator
Paul G. Jemas, Municipal Attorney
Mary S. Donovan, Township Clerk
Nikole H. Monroig, Chief Financial Officer

Pledge of Allegiance

Mayor Tempesta asked the residents for special prayers for Roger Jones, a resident of West Caldwell.

Mayor Tempesta stated that the municipal budget hearing will be tonight. Mayor Tempesta reported that there was a slight decrease of appropriations of almost \$60,000; cutting costs while keeping the same level of services. Mayor Tempesta thanked Administrator Brewer, Chief Financial Officer Monroig and Township Auditor Joseph Faccione. Residents will see a slight decrease of about \$3.00 on the municipal part of their taxes. The county and school taxes are going up and the Township doesn't have control over those taxes but the Township of West Caldwell does control any increase and the Township has not increased taxes this year.

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

No. 9405
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING THE READING OF THE 2014 MUNICIPAL BUDGET BY TITLE.

WHEREAS, N.J.S. 40A:4-8 provides that the Budget as advertised shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Budget, as advertised,

(a) shall be made available for public inspection in the free public library, if any, of the municipality and in the free county libraries or regional libraries located in the municipality or, if no county libraries or regional libraries are located in the municipality, the county or regional library of the county in which the municipality is located, and the public officer delegated responsibility for delivering copies of the approved budget to such library shall forward to the governing body an attestation that each such delivery was made, and

(b) is made available to each person requesting the same, during said week and during the public hearing.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Caldwell, that it is hereby declared that the conditions of N.J.S. 40A:4-8, 1(a) and 1(b) have been met and therefore the Budget for 2014 shall be read by title only.

The Mayor then declared the hearing open on the 2014 Municipal Budget. The Mayor asked if anyone had any questions regarding the Municipal Budget. There were no comments or questions from the public.

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Mayor Tempesta entertained a motion that the resolution be adopted as read, at which time a motion was made by Councilman Wolsky, seconded by Council President Otterbein.

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

Mayor Tempesta stated that the Council has to now amend the budget and asked Administrator Brewer to explain why it needed to be done.

Administrator Brewer explained that the budget has to be amended because of the change in the equalized evaluation of the average assessed home so to ensure that there is a zero percent increase in the Township tax levy as well as a decrease in the average assessed home.

Mayor Tempesta said that the amendment had to be made because of the numerous commercial tax appeals that have been made throughout the State of New Jersey and the commercial property owners can fight their taxes and the residents don't have the same resources and to make sure the residents' homes are properly evaluated.

No. 9406
By: Mr. Wolsky

SUBJECT: RESOLUTION – APPROVAL TO AMEND BUDGET.

WHEREAS, THE Local municipal Budget for the Years 2014 was approved on the 1st day of April, 2014, and
WHEREAS, the public hearing on said Budget has been held as advertised, and
WHEREAS, it is desired to amend said approved Budget.

Mayor Tempesta then entertained a motion to amend the Municipal Budget for 2014, at which time a motion was made by Councilman Wolsky, seconded by Council President Otterbein.

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

No. 9407
By: Mr. Wolsky

SUBJECT: RESOLUTION – TO ADOPT 2014 BUDGET.

Be it resolved by the Governing Body of the Township of West Caldwell, County of Essex, the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated in the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 11,649,796.92 (Item 2 below) for municipal purposes; and
- (b)\$ (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation; and
- (c)\$ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in
Type II School Districts only (N.J.S. 18A:9-3) and certification to the
County Board of Taxation of the following summary of general
revenues and appropriations.
- (d)\$ Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.
- (e)\$ 746,701.92 Minimum Library Levy

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SUMMARY OF REVENUES

Surplus Anticipated	08-100	\$	1,086,850.00
Miscellaneous Revenues Anticipated	13-0993	\$	4,342,292.16
Receipts from Delinquent Taxes	15-499	\$	525,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL	07-190	\$	11,649,796.92
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE 1 SCHOOL DISTRICTS ONLY:	07-195	\$	
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)	07-191	\$	
Total Amount to be Raised by Taxation for Schools in Type 1 School Districts Only			
4. TO BE ADDED TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION	07-191	\$	
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX		\$	746,701.92
Total Revenues	13-299	\$	18,350,641.00

Mayor Tempesta declared that this was the time for the hearing on the 2014 budget and asked if anyone wished to be heard.

No one responded and the hearing was closed.

Mayor Tempesta then entertained a motion to adopt the Municipal Budget for 2014, at which time a motion was made by Councilman Wolsky, seconded by Council President Otterbein.

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

Mayor Tempesta thanked Administrator Brewer and Chief Financial Officer Nikole Monroig and Auditor Joseph Faccone for their hard work and diligence.

APPROVAL OF MINUTES:

On the recommendation of Council President Otterbein, seconded by Councilman O’Hern, it was regularly moved that the Minutes of the Regular Meeting held on Tuesday, April 15, 2014 be accepted as amended.

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

BILLS ORDERED PAID:

It was regularly moved by Councilmen Wolsky, seconded by Council President Otterbein that the Bill List as amended by the Chief Financial Officer be attached to the Minutes and be paid and that 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, Wolsky, and Docteroff voted in the affirmative.

PROPOSED CONSENT AGENDA:

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

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

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

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No. 9408
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING 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:

<u>Block</u>	<u>Lot</u>	<u>Owner Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
208	50	Lubell, Daniel & Eugenia	\$1,922.58	2013	Overpayment-Refund
803	2	Purcell, Keith	<u>\$1,907.44</u>	2014	Overpayment-Refund
Total Refund:			\$3,830.02		

No. 9409
By: Mr. O’Hern

SUBJECT: RESOLUTION – AUTHORIZING HISTORICAL SOCIETY OF WEST CALDWELL OFF PREMISE MERCHANDISE RAFFLE, DECEMBER 7, 2014, LICENSE NO. 361, ID NO. 535-5-23806.

WHEREAS, Historical Society of West Caldwell has submitted a Raffle License Application No. RA 361, ID No. 535-5-23806, for an off-premise merchandise raffle to be held on December 7, 2014; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Caldwell, hereby approves Raffle License Application No. RA 361; and,

BE IT FURTHER RESOLVED that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

No. 9410
By: Mr. O’Hern

SUBJECT: RESOLUTION – AUTHORIZING LISA B. FISHMAN FOUNDATION OFF PREMISE MERCHANDISE RAFFLE, AUGUST 14, 2014, LICENSE NO. 362, ID NO. 319-4-36851.

WHEREAS, Lisa B. Fishman Foundation has submitted a Raffle License Application No. RA 362, ID No. 319-4-36851, for an off-premise merchandise raffle to be held on August 14, 2014; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Caldwell, hereby approves Raffle License Application No. RA 362; and,

BE IT FURTHER RESOLVED that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

No. 9411
By: Mr. O’Hern

SUBJECT: RESOLUTION – AUTHORIZING CURE BREAST CANCER FOUNDATION, INC. OFF PREMISE MERCHANDISE RAFFLE, JUNE 16, 2014, LICENSE NO. 363, ID NO. 86-5-39127

WHEREAS, Cure Breast Cancer Foundation, Inc. has submitted a Raffle License Application No. RA 363, ID No. 86-5-39127, for an off-premise merchandise raffle to be held on June 16, 2014; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Caldwell, hereby approves Raffle License Application No. RA 363; and,

BE IT FURTHER RESOLVED that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

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No. 9412
By: Mr. Hladik

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF A LOCAL AID GRANT AGREEMENT WITH ESSEX COUNTY RECREATION AND OPEN SPACE TRUST FUND 2014 ON BEHALF OF THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell is planning to update Essex Valley School field as a multisport field;

WHEREAS, Essex County Recreation has an open space trust fund that will provide a \$150,000 grant to improve the aforementioned field;

WHEREAS, the open space trust fund has several requirements including the following:

1. The Township of West Caldwell will complete the project by or before June 1, 2015.
2. The Township of West Caldwell will adhere to the attached agreement.

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

1. The Governing Body endorses the execution of an interlocal agreement with the County of Essex for a grant award of \$150,000.00.
2. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

No. 9413
By: Mr. Hladik

SUBJECT: RESOLUTION – AUTHORIZING APPROVAL OF CHANGE ORDER #2 IN THE AMOUNT OF \$11,766.00 FOR THE MEMORIAL PARK FIELD LIGHTING PROJECT FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Governing Body of the Township of West Caldwell previously awarded the contract for the Memorial Park Field Lighting Project to Quality Electric, in the amount of \$730,691.00 (the “Contract”); and

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

WHEREAS, during the course of the Contract, it was discovered that the following minor modifications were required: Installation of a battery back-up system of emergency lights

WHEREAS, the cost for these modifications is \$11,766.00 and results in a 1.6% increase over the original Contract amount;

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

WHEREAS, the Chief Financial Officer has certified in writing that funds are available for the payment of these minor modifications; and

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

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

1. The above listed change order to the Contract for the Memorial Park Field Lighting Project to Quality Electric be and hereby is approved.
2. A written amendment to the contract shall be executed covering the changes made by said change orders.
3. The appropriate municipal officials are hereby authorized to execute said change orders.
4. The change to the contract price is as follows:

Original Contract Price	\$730,691.00
Amount of Previous Change Orders	36,209.40
Amount of Change Order #2	11,766.00
New Contract Price with All Change Orders	\$778,666.40
Percent Increase of Change Order #2	1.6%
Percent Increase of all Change Orders	6.6%

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No. 9414
By: Mr. Hladik

SUBJECT: RESOLUTION – AUTHORIZING THE AWARD OF THE CONTRACT FOR CONCESSION OPERATOR FOR THE CEDAR STREET POOL SNACK BAR AND THE WESTVILLE AVENUE POOL SNACK BAR TO HOLLYWOOD PIZZERIA & RESTAURENT FOR THE 2014 SEASON.

WHEREAS, the Township advertised and received a proposal for concession operator for the Cedar Street Pool Snack Bar and the Westville Avenue Pool Snack Bar from the following vendor, **Hollywood Pizzeria & Restaurant; and**

WHEREAS, the Township, in conjunction with the review of the proposals submitted by certain vendors for such concession operations by the Township’s staff and the Township’s professional consultants, the Township considered and evaluated the proposals submitted on the following award evaluation factors:

Basis for Award Evaluation Factors

Proposed Concession Fee (price)	25%; and
Relevance and Extent of Qualifications, Experience, Reputation and Training of Personnel to be assigned (management)	45%; and
Knowledge of the Township of West Caldwell and the subject matter to be addressed under this engagement (technical)	30%.

WHEREAS, the Mayor and Council, after carefully considering and evaluating the proposals submitted to the Township in response to the request for proposals and in consultation with and at the evaluation and recommendation of the Township’s staff, has determined that and is satisfied with the proposal submitted by Hollywood Pizzeria & Restaurant, as being the proposal which best satisfies the evaluation criteria and the proposal which best serves the interests 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 Township wishes to proceed with this necessary service and for that purpose accepts the proposal submitted by Hollywood Pizzeria & Restaurant.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of West Caldwell, in the County of Essex and State of New Jersey, that the governing body hereby approves of, awards and authorizes the issuance of a contract to Hollywood Pizzeria & Restaurant, 4 Concord Road, Fairfield, New Jersey 07004 for the concession operator for the Cedar Street Pool Snack Bar and the Westville Avenue Pool Snack Bar for the 2014 season, which contract will specify and delineate the scope of services as set forth in Hollywood Pizzeria & Restaurant’s proposal, in the amount of Ten Thousand Five Hundred and 00/100 Dollars (\$10,500.00) in the aggregate.

BE IT FURTHER RESOLVED, that the Mayor, the Township Clerk and/or the Township Administrator are specifically authorized to execute a contract in a form and with terms consistent with this Resolution and approved by the Township Attorney; and

BE IT FURTHER RESOLVED, that the foregoing Resolution will take effect immediately upon passage.

No. 9415
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING GARDEN STATE FIREWORKS TO DISCHARGE FIREWORKS IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell intends to provide a Fireworks Display for the 2014 July 4th Celebration; and

WHEREAS, said fireworks display shall be conducted by Garden State Fireworks, Inc.

WHEREAS, the New Jersey Uniform Fire Code requires that the governing body of a municipality approve by resolution, said fireworks display, prior to the issuance of a permit by the Fire Official (N.J.A.C. 5:70 et. seq.); and

WHEREAS, Garden State Fireworks, Inc. has provided proof of general liability insurance in excess of \$1,000,000.00 as required by the New Jersey Uniform Fire Code (N.J.A.C. 4:70 et seq.); and

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF WEST CALDWELL, as follows:

1. The providing of Fireworks Displays at the July 4th Celebration (rain date July 6th) is hereby awarded to Garden State Fireworks Inc., P.O. Box 403, Carlton Road, Millington, NJ 07946 at a cost not to exceed \$13,000.00 and to include insurance.
2. 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. 9416
By: Mr. Cecere

SUBJECT: RESOLUTION – RESCINDING THE PREVIOUS APPROVAL OF THE WEST CALDWELL VOLUNTEER FIRE DEPARTMENT CERTIFICATION LIST FOR LOSAP FOR THE YEAR 2013 AS SET FORTH IN RESOLUTION NO. 9368 DATED MARCH 18, 2014 AND APPROVING THE REVISED WEST CALDWELL FIRE DEPARTMENT CERTIFICATION LIST FOR LOSAP FOR THE YEAR 2013.

WHEREAS, the Mayor and Council of the Township of West Caldwell adopted Ordinance No. 1426 on August 15, 2000, providing LOSAP for members of the West Caldwell Volunteer Fire Department; and

WHEREAS, the Mayor and Council of the Township of West Caldwell authorized American General Financial Group (VALIC) to administer the LOSAP with the approval of Resolution No. 7160 on November 20, 2001; and

WHEREAS, the Division of Local Government Services reviewed and approved the length of service award plan submitted by the Township of West Caldwell on December 6, 2001; and

WHEREAS, the West Caldwell Volunteer Fire Department presented a certified list of active volunteer firefighters who qualify for LOSAP contributions for the year 2013 to the Mayor and Council of the Township of West Caldwell as set forth in the captioned Resolution Number 9368 (referred to as the “Resolution 9368 List”); and

WHEREAS, the West Caldwell Fire Department has determined that the Resolution 9368 List is to be modified, revised, amended and adjusted; and

WHEREAS, the West Caldwell Fire Department has respectfully requested that Resolution Number 9368 be rescinded and replaced by this Resolution; and

WHEREAS, in conjunction with the aforementioned modification, revision, amendment and adjustment of the Resolution 9368 List, the West Caldwell Volunteer Fire Department has presented the attached certified list of active volunteer firefighters who qualify for LOSAP contributions for the year 2013 to the Mayor and Council of the Township of West Caldwell, which attached certified list is to replace the Resolution 9368 List.

NOW, THEREFORE, BE IT RESOLVED, at the request and the recommendation of the West Caldwell Fire Department and in conjunction with a review of such request and recommendation by the Township governing body, the Township’s staff and the Township’s professional consultants, the Mayor and Council have determined that Resolution Number 9368 is to be rescinded and Resolution Number 9368 is hereby rescinded and is of no force or effect; and

BE IT FURTHER RESOLVED, that the Mayor and Council have reviewed and have approved the attached list of volunteer firefighters who qualify for LOSAP contributions for the year 2013 and the Governing Body has included the 1.8% CPI increase authorized by the Division of Local Government Services in accordance with the determinations and recommendations of the West Caldwell Fire Department; and

BE IT FURTHER RESOLVED, that the certified list and this Resolution shall be posted for thirty (30) days at the West Caldwell Fire Headquarters and in the office of the Municipal Clerk in accordance with N.J.S.A. 40A:14-192, et seq.

No. 9417
By: Mr. Otterbein

SUBJECT: RESOLUTION – AUTHORIZING AWARD OF CONTRACT TO MATINA AND SON, INC. IN THE AMOUNT OF \$181,424.54 FOR THE REPLACEMENT OF WATER MAINS ON FRANCISCO AVENUE AND LINCOLN PLACE 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 Francisco Avenue and Lincoln Place 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, in consultation with and at the recommendation of the Township Engineer, the Project was advertised with ductile iron piping as a base bid (referred to as the “Base Bid”) and with C900 PVC piping as an alternate bid (referred to as the “Alternate Bid”); and

WHEREAS, the Township received bids in response to the solicitation from nine (9) bidders; and
WHEREAS, the Township Engineer estimated the cost of the Project for the Base Bid to be Two Hundred Twenty-Three Thousand Six Hundred Forty-Four and 12/100 Dollars (\$223,644.12) (referred to

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as the “Township Engineer’s Project Base Bid Estimate”) and the Township Engineer estimated the cost of the Project for the Alternate Bid to be One Hundred Ninety-One Thousand One Hundred Forty-Four and 12/100 Dollars (\$191,144.12) (referred to as the “Township Engineer’s Project Alternate Bid Estimate”); and

WHEREAS, the Township Engineer and the Township’s staff undertook a completeness review of the submitted bids including the bid submissions for the three lowest bids on the Project; and

WHEREAS, the Township has determined, based upon the review, analysis and evaluation of the Township’s staff, the Township Engineer and the Township’s professional consultants, that lowest bid amount was submitted by Caro Corporation (referred to as “Caro”) and that the bid submitted by Caro did not comply with certain essential requirements of the Notice to Bidders and the Bid Documents and has material defects in accordance with applicable laws including, but not limited to, the failure to provide any financial statements, which financial statements are required and necessary and therefore the bid submitted by Caro is therefore not responsive and that such bid is not qualified to be considered pursuant to the terms and conditions of the Notice to Bidders and applicable laws; and

WHEREAS, the Township has determined, based upon the review, analysis and evaluation of the Township’s staff, the Township Engineer and the Township’s professional consultants, that the next lowest bid amount was submitted by Matina & Son, Inc. (referred to as “Matina”) and that the bid submitted by Matina is in compliance with the Notice to Bidders and Bid Documents and may be determined to be a responsive bid; and

WHEREAS, Matina submitted a bid with a Base Bid in the amount of Two Hundred Three Thousand Five Hundred Forty-Six and 54/100 Dollars (\$203,546.54) and a bid with an Alternate Bid in the amount of One Hundred Eighty-One Thousand Four Hundred Twenty-One and 54/100 Dollars (\$181,421.54); and

WHEREAS, the amounts of the aforementioned bids submitted by Matina are below the Township Engineer’s Project Base Bid Estimate and the Township Engineer’s Project Alternate Bid Estimate and therefore such bid amounts are within the amount of funds appropriated for the Project; and

WHEREAS, the Township Engineer has recommended to the Mayor and Council that the Township award a contract to Matina for the Project for the Alternate Bid in the amount of One Hundred Eighty-One Thousand Four Hundred Twenty-One and 54/100 Dollars (\$181,421.54)

WHEREAS, the Mayor and Council have determined, based upon the review, analysis and evaluation of the Township’s staff, the Township Engineer and the Township’s professional consultants, that the Township is to award a contract to Matina for the Project for the Alternate Bid in the amount of One Hundred Eighty-One Thousand Four Hundred Twenty-One and 54/100 Dollars (\$181,421.54)

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Caldwell, in the County of Essex and State of New Jersey that the governing body hereby approves of and awards a contract to Matina & Son, Inc. (referred to as “Matina”) for the Project for the Alternate Bid submitted by Matina in the amount of One Hundred Eighty-One Thousand Four Hundred Twenty-One and 54/100 Dollars (\$181,421.54) in accordance with the aforementioned statements and determinations set forth in this Resolution; and

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

No. 9418

By: Mr. Otterbein

SUBJECT: RESOLUTION – REJECTING ALL BIDS FOR THE RICHARD AVENUE AND FRANKLIN AVENUE RECONSTRUCTION PROJECT.

WHEREAS, the Township of West Caldwell (referred to as the “Township”) solicited bids for the Richard Avenue and Franklin Avenue Reconstruction Project (referred to as the “Project”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Township received and opened bids for the Project in conjunction with the aforementioned solicitation on April 22, 2014 at 10:00 a.m., prevailing time, 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 applicable law provide that that the Township is not obligated to make an award and that the Township reserves the right to and is entitled to reject any and all bids; 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 Engineer estimated the cost of the Project to be Seven Hundred Forty-Three Thousand Eight and 24/100 Dollars (\$743,008.24) (referred to as the “Township Engineer’s Project Estimate”); and

WHEREAS, the Township received bids in response to the solicitation from five (5) bidders; and

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WHEREAS, the Township has determined, based upon the review, analysis and evaluation of the Township's staff, the Township Engineer and the Township's professional consultants, that four (4) of the bidders did not comply with certain essential requirements of the Notice to Bidders and the Bid Documents and have material defects in accordance with applicable laws including, but not limited to, among other things, the failure to provide any financial statements or the failure to provide the required and necessary financial statements and that such bids were therefore not responsive and that such bids are not qualified to be considered pursuant to the terms and conditions of the Notice to Bidders and applicable laws; and

WHEREAS, a certain bidder submitted a bid that may be determined to be a responsive bid (referred to as the "Responsive Bidder"); and

WHEREAS, the Responsive Bidder submitted a bid in the amount of Seven Hundred Seventy-Two Thousand Eight Hundred Three and 08/100 Dollars (\$772,803.08) and therefore the amount of the bid of the Responsive Bidder exceeds the Township Engineer's Project Estimate and therefore the remaining bid substantially exceeds the amount of funds appropriate for the Project; and

WHEREAS, the Local Public Contracts Law provides that a municipality or applicable governmental entity may reject all bids when the lowest responsive bid substantially exceeds the funds appropriate for the required goods and services; and

WHEREAS, the Notice to Bidders and the Bid Documents have been reviewed by the Township governing body, the Township's staff, the Township Engineer and the Township's professional consultants and in conjunction with such review, the governing body of the Township has determined that it is in the better interest of the Township to reject any and all bids in this matter for the aforementioned determinations; and

WHEREAS, the Township desires to re-advertise the Project and to authorize the Township Administrator to arrange to solicit bids for the Project in accordance with applicable laws.

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

1. Any and all bids received and opened for the Richard Avenue and Franklin Avenue Reconstruction Project (the "Project") be and are hereby rejected in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. including, but not limited to, N.J.S.A. 40A:13-2 et seq., the Notice to Bidder, the Bid Documents and other applicable laws for the statements and determinations set forth in this Resolution.
2. The Township Administrator and Township officials are hereby authorized and directed to take all action necessary and appropriate to prepare the bid documents for the Project to be re-advertised and to solicit bids for the Project in accordance with this Resolution and applicable laws.
3. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9419

By: Mr. O'Hern

SUBJECT: RESOLUTION – APPOINTING ROGER FREDA AS PUBLIC WORKS/WATER MAINTENANCE MAN FOR THE TOWNSHIP OF WEST CALDWELL

WHEREAS, the Township of West Caldwell desires to appoint a Public Works/Water Maintenance Man; and

WHEREAS, Roger Freda, 14 Lyons Avenue, Roseland NJ 07068, is willing and able to serve as the Public Works/Water Maintenance Man in the Department of Public Works 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. Roger Freda is appointed as Public Works/Water Maintenance Man, effective May 19, 2014, at a salary of \$40,000, 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. 9420

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

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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 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 – AT&T Cell tower
2. Potential Litigation – Memorial Park

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 Otterbein, seconded by Councilman Docteroff that the thirteen Resolutions read by consent be adopted as read.

Upon the vote being polled, Councilmen Cecere, Hladik, O'Hern, Wolsky and Docteroff voted in the affirmative on all except Councilmen Otterbein, Cecere and O'Hern abstained on resolution number 9416 and Councilman Wolsky abstained on resolution numbers 9410 and 9411.

COMMITTEE REPORTS:

PUBLIC SAFETY COMMITTEE:

There was no report.

PUBLIC WORKS & WATER

Council President Otterbein reported the following:

1. There are upcoming public works projects for the Township and they all moving ahead.

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PARKS & RECREATION COMMITTEE:

Councilman Hladik reported the following:

1. The early bird registration for the Township's two pools closes on Friday, May 9, 2014.
2. The fields are very busy and everything is going well.
3. The bleachers are being moved in Memorial Park to provide better sightlines.

LEGAL & PERSONNEL COMMITTEE:

Councilman O'Hern reported the following:

1. Kathy Caplan will begin work as human resources coordinator on May 12.
2. Roger Freda will begin work as water maintenance man on May 19.
3. Judy Edwards was congratulated on 26 years of service to the Township.

Councilman O'Hern discussed camping at Memorial Park in the fall when sports are over.

The Township Clerk read the title of an Ordinance entitled "AN ORDINANCE ESTABLISHING AND CREATING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE TOWNSHIP OF WEST CALDWELL, ESTABLISHING THE GRADES OF SUCH OFFICES AND EMPLOYMENTS AND FIXING THE SALARY, WAGE OR COMPENSATION TO BE PAID TO THE PERSONS HOLDING SUCH OFFICES OR POSITIONS, REPEALING PRIOR ORDINANCES."

It was regularly moved by Councilman O'Hern, seconded by Councilman Wolsky that the Ordinance be passed on first reading; that it be published and posted as a pending Ordinance in the manner required by law and that the Public Hearing be held on Tuesday, May 20, 2014.

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

PUBLIC WORKS & WATER

Administrator Brewer said 5 bids were received on April 20. The option 1 apparent low bidder is ABM, Kenilworth for \$41,094.74 and option 2 apparent low bidder is Excellent Cleaning, Orange, at \$57,203.00. A recommendation won't be made until all references are checked and a recommendation will be made at the May 20, 2014 Council meeting.

Councilman Hladik recommended that the Township should self-insure next year for the cleaning services.

FINANCE AND WELFARE COMMITTEE:

The Township Clerk read the title of an Ordinance entitled "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$3,120,569 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,971,961 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF."

It was regularly moved by Councilman Wolsky, seconded by Council President Otterbein that the Ordinance be passed on first reading; that it be published and posted as a pending Ordinance in the manner required by law and that the Public Hearing be held on Tuesday, May 20, 2014.

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

The Township Clerk read the title of an Ordinance entitled "BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE POOL UTILITY IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$68,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$65,333 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF."

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It was regularly moved by Councilman Wolsky, seconded by Council President Otterbein that the Ordinance be passed on first reading; that it be published and posted as a pending Ordinance in the manner required by law and that the Public Hearing be held on Tuesday, May 20, 2014.

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

The Township Clerk read the title of an Ordinance entitled "BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO WATER UTILITY SYSTEM IN AND BY THE TOWNSHIP OF WEST CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,139,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,084,761 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF."

It was regularly moved by Councilman Wolsky, seconded by Council President Otterbein that the Ordinance be passed on first reading; that it be published and posted as a pending Ordinance in the manner required by law and that the Public Hearing be held on Tuesday, May 20, 2014.

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

Councilman Wolsky reported on the following:

1. Administrator Brewer, Chief Financial Officer Monroig and Township Auditor Faccione were thanked for their hard work on the Budget.
2. The Bridge is having a special seminar on May 7, 2014 discussing the increased use of heroin in the communities and will be held at James Caldwell High School.

COMMUNITY PLANNING, DEVELOPMENT & TECHNOLOGY COMMITTEE:

Councilman Docteroff reported the following:

1. Comcast and Walt Rodriguez are working on wiring both pools for wifi before the pool season opens at the end of May.
2. The text-based system has been used and 800 residents have signed up to receive information about recreation programs.
3. There was a sound issue on Comcast TV36 and it is now resolved.
4. A new member for Camp Wyanokie will be sworn in at the May 20, 2014 meeting.
5. Camp Wyanokie's annual outing will be held June 28, 2014.

ADMINISTRATOR'S REPORT:

Administrator Brewer thanked all department heads for their hard work on completing the budget. He also reported that the municipal building roof project will be completed by the end of May.

Township Clerk Donovan reminded residents that the last day to register for voting in the June 3 primary is May 13 and the Township offices will be open until 9 pm.

MAYOR'S REPORT

Mayor Tempesta reported on the Township's electronics recycling on April 26; 3.18 tons were recycled.

Mayor Tempesta wished long time employee Judy Edwards well and thanked her for her many years of service to the Township.

Mayor Tempesta discussed the security issues at Essex Valley School and that Administrator Brewer, Police Chief Bramhall and he met with the administrators at the school to discuss these issues.

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Mayor Tempesta also reported on the use of Essex Valley School fields and a joint agreement with the Borough of Caldwell.

Emergency Coordinator Larry Peter reported on the April 30, 2014 rainstorm and Essex County is collecting damage reports and they will be sent to the state and ultimately to the Federal Government to see if there will be reimbursement from the Federal Government. There was damage to the Kirkpatrick pump station assessed at \$26,000.

INVITATION TO CITIZENS FOR DISCUSSION:

Beverly Crifasi from the West Caldwell Historical Society discussed the historical houses in West Caldwell and the upcoming presentation in the library for the month of May. There will be a reception on May 15 from 6 to 8 pm. Ms. Crifasi asked the council to start a historic preservation committee.

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, Wolsky and Docteroff voted in the affirmative.

Council adjourned at 8:11 pm.

Mary S. Donovan
Township Clerk