

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
APRIL 7, 2015**

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, April 7, 2015 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 O'Hern, Cecere, Hladik, Wolsky, Docteroff and Councilwoman Canale (arrived 7:20 pm).

OTHERS PRESENT: Adam Brewer, Township Administrator
Mary S. Donovan, Township Clerk
Paul G. Jemas, Municipal Attorney
Richard Hamilton, Tax Assessor
Larry Peter, Emergency Management Coordinator

Pledge of Allegiance

Administrator Brewer reported on the 2015 budget with the impact on the average homeowner of 1.90 % increase or \$40.91.

No. 9668
By: Mr. Wolsky

SUBJECT: RESOLUTION – INTRODUCTION OF 2015 BUDGET.

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of West Caldwell, Essex County, New Jersey for the year 2015.

BE IT FURTHER RESOLVED, that said Budget be published in the Progress in the issue of April 9, 2015, and that a hearing on the Budget will be held in the Public Meeting Room, Municipal Building on May 5, 2015 at 7:15 pm at which time and place discussions to said Budget and Tax Resolution for the year 2015 may be presented by taxpayers or other interested persons.

A motion was made by Councilman Wolsky, seconded by Council President O'Hern that the Municipal Budget be introduced for 2015.

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

Mayor Tempesta announced that the public hearing for the Municipal budget will be held on Tuesday, May 5, 2014 at 7:15 p.m.

BILLS ORDERED PAID:

It was regularly moved by Councilmen Wolsky, seconded by Council President O'Hern 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 O'Hern, Cecere, Hladik, Wolsky, Docteroff and Councilwoman Canale voted in the affirmative.

APPROVAL OF MINUTES:

On the recommendation of Councilman Wolsky, seconded by Councilman Cecere, it was regularly moved that the Minutes of the Regular Meeting held on Tuesday, March 17 be accepted.

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

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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.

No. 9669
By: Mr. Hladik

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

RESOLVED, on the recommendation of the Chief of the West Caldwell Volunteer Fire Department that Matthew Maddaloni, 8 Cascade Place, West Caldwell, NJ, be designated as a Junior Firefighter of the West Caldwell Volunteer Fire Department, effective April 7, 2015.

No. 9670
By: Mr. O’Hern

SUBJECT: RESOLUTION – AUTHORIZING AN AMENDED 2015 FEE SCHEDULE FOR POOL UTILITY MEMBERSHIP.

WHEREAS, the Governing Body of the Township of West Caldwell approved Ordinance No. 1721 on April 3, 2012 authorizing amendments, modifications, increases and/or decreases to the fee schedule for membership in the West Caldwell Pool Utility; and

WHEREAS, Ordinance No. 1721 authorizes the Township Council to adopt by resolution amendments, modifications, increases and/or decreases to the fee schedule by membership in the West Caldwell Pool Utility;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Caldwell, in the County of Essex, establishes the fee schedule for membership in the West Caldwell Pool Utility in accordance with the following:

1. The West Caldwell Pool Utility will offer two free guest passes with a family membership if registration is paid for by close of business May 1, 2015.
2. The West Caldwell Pool Utility will offer one free guest pass with all other memberships if registration is paid for by close of business May 1, 2015.

No. 9671
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING CERTIFICATION OF EXPENDITURE FOR RECYCLING TAX.

WHEREAS, the Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law,” the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Township of West Caldwell of Essex County that West Caldwell hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2014 in the amount of \$498.84. Documentation supporting this submission is available at 30 Clinton Road, West Caldwell, NJ and shall be maintained for no less than five years from this date.

REA Tax certified by: Nikole H. Monroig, Chief Financial Officer on April 7, 2015.

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No. 9672
By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING COMPETITIVE CONTRACTING FOR VARIOUS PROFESSIONAL AND OTHER SERVICES.

WHEREAS, PL 1999 c440 amended the Local Public Contracts Law and created a new category of contracting called Competitive Contracting; and

WHEREAS, N.J.S.A. 40A:11-4.3(a) requires that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods and services enumerated in 40A-4.1 are desired to be contracted; and

WHEREAS, N.J.S.A. 40A:11-4.3(b) requires that the competitive contracting process shall be administered by a purchasing agent qualified pursuant to N.J.S.A. 40A:11-9, or by legal counsel of the contracting unit, or by an administrator of the contracting unit.

NOW, THEREFORE BE IT RESOLVED, that the Township Administrator be and is hereby authorized to initiate competitive contracting for Architectural Services, Bond Counsel, Fully Insured Dental Plan, Planning Services, Planning Board Attorney, Risk Management Consultant, Appraisal Services, Special Legal Counsel, Township Attorney, Township Auditor, Township Engineer, Engineering Services, Third Party Group Medical Plan Administrator, Zoning Board Attorney, Information Technology Services and various concessions.

No. 9673
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:

CODE OF REASONS

- | | |
|---|--|
| 1. Incorrect Payment-Refund | 9. Tax Title Lien Redemption |
| 2. Duplicate Payment-Refund | 10. Homestead Rebate/NJ Saver |
| 3. Vets, Senior Citizen Refund/Allow | 11. Apply Overpayment to Current Year |
| 4. Apply Overpayment to Next Year | 12. Cancellation of Credit of Less than \$5.00 |
| 5. Cancellation of Balance of Less than \$10.00 | 13. Cancellation of Taxes |
| 6. Assessment Changes | 14. Other - Cancellation of Credit Balance over \$5.00 |
| 7. Tax Appeal | 15. Refund-Dog |
| 8. Overpayment-Refund | 16. Correction |
| | 17. Exempt property - refund |

<u>Block</u>	<u>Lot</u>	<u>Owner Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
301	11	Jacqueline & Sean Kelly 19 Marshall Street	\$118.26	2013/3	8
305	22	Harold Kaplan 15 Mc Kinley Ave	\$ 45.53	2013/1	8
403	14	Erich Sisco 6 Sylvan Way	\$109.30	2013/2	8
500	7	Kimberly & Kevin McSharry 45 Francis Place	\$156.62	2013/2	8
502	20	Dolores & Paul Reiss 70 Hillcrest Road	\$ 79.19	2013/2	8
507	8	Alicia & Margueritta Moscara 9 Laurel Place	\$197.88	2013/4	8
601	55	Daniel & Nicole Maida 16 Westover Terrace	\$ 99.31	2013/4	8
602	7	Mark & Jennifer Musser 8 Taylor Drive	\$ 54.04	2013/2	8
603	1	Melissa & Michael Barnett 28 Stoneybrook Road	\$469.80	2013/2&4	8
605	9	Thomas & Jeanmarie Siedel 5 Oates Terrace	\$271.68	2013/4	8
902	11	Michael & Julianne Maguire 65 AnninRoad	\$209.81	2013/4	8
1807	3	Richard & Georgina Turton 70 St Charles Avenue	\$ 90.00	2013/2	8
2200	25	Audrey & Ekaterina Ermilkin 24 Holiday Drive	\$150.49	2013/2	8

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2201	25	Li Jingyi & Norman Kong 12 Klimback Court	\$ 95.00	2013/4	8
2205	3/C001o	James Graves Jr. 666 Bloomfield Ave., Unit 27	\$229.41	2013/2	8
2205	3/C002A	Linda Gulow 666 Bloomfield Ave., Unit 5	\$381.22	2013/3	8
2500	46.06	Christoph & Anna Staiger 204 Westville Avenue	\$121.03	2013/4	8
2604	7	Nicole Califri & Anthony Pastore 252 Westville Avenue	\$119.57	2013/2	8
2607	15	Victoria Lohmann & Bernard Gesuelli 19 Dawson Drive	\$323.03	2013/2	8
2700	7	Amanda Macalpin 138 Orton Road	\$297.93	2013/4	8
2801	16	John Cafarella & Anne O'Connor 22 Ellis Road	\$100.00	2013/2	8
3305	20	Hanyin Chang & Chen Yi-Chou 61 Knoll Terrace	\$ 77.58	2013/2	8
1602	4	Wael M. Aboukeweik 7 Sanford Avenue	\$1,827.88	2013/4	8
2802	9	Ms. Lynn Stevens 8 Dillon Road	\$2,621.45	2013/4	8
1809	1	Michael E. Goltsch 17 Franklin Ave.	\$1,676.76	2013/2	8
401	19	Sean & Tara Powers 175 Park Ave	\$ 437.21	2014/4	8
			Refund To: Investors Bank Operations Center 101 Wood Avenue South Iselin, NJ 08830		
304	8	Geoffrey & Karen Lott 12 Mitchell Ave	\$2,572.41	2014/2	8
			Refund to: Dovenmuehle Mortgage Escrow Tax Department(KMO) 1206 St. Charles Street Elgin, IL 60120		
1201	20	Stephen & Barbara Canfield 170 Fairfield Avenue	\$ 627.35	2015/2	3
		Total refund:	\$13,559.74		

No. 9674
By: Mr. O'Hern

SUBJECT: RESOLUTION – APPOINTING KATHRYN A. CAPLAN AS TAX COLLECTOR AND ASSISTANT TO THE TOWNSHIP ADMINISTRATOR FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell desires to appoint a Tax Collector and an Assistant to the Township Administrator; and

WHEREAS, Kathryn A. Caplan, 28 Central Place, Caldwell, NJ 07006, is willing and able to serve as the Tax Collector and Assistant to the Township Administrator 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. Kathryn A. Caplan is appointed as Tax Collector and Assistant to the Township Administrator; effective April 6, 2015, at a salary of \$55,000, in accordance with the salary ordinance.
2. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

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No. 9675
By: Mr. O'Hern

SUBJECT: RESOLUTION –. APPOINTING KAYLA KURZEJA AS HUMAN RESOURCES COORDINATOR/PAYROLL CLERK FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell desires to appoint a Human Resources Coordinator/Payroll Clerk; and

WHEREAS, Kayla Kurzeja, is willing and able to serve as the Human Resources Coordinator/Payroll Clerk in the Finance Department 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:

- 3. Kayla Kurzeja, 131 King Street, Nutley, NJ 07110, is appointed as Human Resources Coordinator/Payroll Clerk, effective April 6, 2015, at a salary of \$40,000, in accordance with the salary ordinance.
- 4. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9676
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 MIELE'S CONCESSIONS LLC FOR THE 2015 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, Miele's Concessions LLC; 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 Miele's Concessions LLC 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 Miele's Concessions LLC.

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 Miele's Concessions LLC, 32 Spruce Street, Rockaway, NJ 07866 for the concession operator for the Cedar Street Pool Snack Bar and the Westville Avenue Pool Snack Bar for the 2015 season, which contract will specify and delineate the scope of services as set forth in Miele's Concessions LLC proposal, in the amount of \$7,500 in the aggregate.

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No. 9677
By: Mr. Hladik

SUBJECT: RESOLUTION – AUTHORIZING THE AWARD OF THE CONTRACT FOR MEMORIAL PARK PLAYGROUND ACCESSIBILITY IMPROVEMENTS PROJECT FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, there exists a need to contract for the construction of playground accessibility improvements for Memorial Park in the Township of West Caldwell; and

WHEREAS, the Township solicited bids pursuant to a fair and open process for said construction in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, one bid was received and opened by the Township on March 17, 2015; and

WHEREAS, upon review of the bid with the recommendation of the Township Engineer, Pav-Con Construction Inc., 585 Forest Street, Orange, NJ 07050, was the lowest responsible and responsive bidder with a bid of \$99,775.00; and

WHEREAS, the Governing Body wishes to award the contract for the construction of playground accessibility improvements to Pav-Con Construction Inc.;

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this contract. I

No. 9678
By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP (THOMAS P. SCRIVO, ESQ.) TO INCREASE THE CAP FOR LEGAL SERVICES IN THE AMOUNT OF \$10,000 FOR AN AMOUNT NOT TO EXCEED \$20,000.

WHEREAS, there exists a need for a Professional Service and the Township has determined to award this contract as a professional service, as defined in N.J.S.A. 40A:11-1 et seq. without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-20.5 et seq., and in strict accordance with N.J.S.A. 40A:11-5 et seq.; and

WHEREAS, this professional services contract is contingent upon availability of funds in the Township Budget, and in the event of unavailability of such funds, the Township reserves the right to cancel this professional services contract.

WHEREAS, Resolution No. 9558 authorizing execution of a professional services agreement with McElroy, Deutsch, Mulvaney & Carpenter, LLP (Thomas Scrivo, Esq.) for legal services was adopted November 25, 2014 for an amount not to exceed \$10,000;

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 McElroy Deutsch, Mulvaney & Carpenter for an amount not to exceed \$20,000.
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 2015.
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. 9679
By: Mr. O'Hern

SUBJECT: RESOLUTION – REJECTING ANY AND ALL BIDS FOR WESTVILLE AVENUE AND CEDAR STREET POOL PAINTING PROJECT.

WHEREAS, the Township of West Caldwell (referred to as the “Township”) solicited bids for the Westville Avenue and Cedar Street pool painting 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 2, 2015 at 11:00 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

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limited to Maser Consulting, P.A., the engineering consultant to the Township (referred to as the "Township Engineer"); and

WHEREAS, the Township received bids in response to the solicitation from one (1) bidder; 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 eighty-eight thousand five hundred ninety-five dollars (\$88,595.00) and 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, and the Township Engineer 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 Westville Avenue and Cedar Street pool painting 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. 9680

By: Mr. O'Hern

SUBJECT: RESOLUTION –. AUTHORIZING SELF-EXAMINATION OF 2015 BUDGET.

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of West Caldwell has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2015 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of West Caldwell that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes.
 - e. Other reserves and non-disbursement items.
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP Law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenues are reasonable, accurate and correctly stated.
 - b. Items of appropriation are properly set forth.
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

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6. That all applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

No. 9681

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.

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 - Tax appeals; GR/SS Caldwell, LLC and The Stop and Shop Supermarket Company LLC; DLS Contracting.
2. Contract Negotiation – West Essex PBA Local 81; Historical Society
3. Personnel

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

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

Administrator Brewer reported on the closed session items.

It was regularly moved by Councilman Wolsky, seconded by Councilman Hladik that the thirteen Resolutions be adopted.

Upon the vote being polled, Councilmen O'Hern, Cecere, Hladik, Wolsky, Docteroff and Councilwoman Canale voted in the affirmative, except Council President O'Hern and Councilman Cecere abstained on Resolution Number 9669 because they are members of the West Caldwell Volunteer Fire Department.

COMMITTEE REPORTS:

PUBLIC SAFETY COMMITTEE:

1. On Friday, April 3, a car backed into Shoprite and the Police department, fire department, West Essex First Aid Squad and the construction official were commended for their response.
2. The pool committee met this evening and there will be a free open house on May 30 and 31 and other events such as movie nights. Also May 1 is the last day for the early bird payment with 2 free passes.

PUBLIC WORKS & TECHNOLOGY:

Councilman Docteroff reported the following:

1. Docusafe, a state contractor for public record storage, and the record retention was discussed.
2. St. Charles Avenue and Mt. Herman Way bid reconstruction package will be advertised on April 16 and will be announced in May.
3. Several islands on Bloomfield Avenue have been cleaned by Haas Landscaper and Land Pro Landscaping has committed to cleaning 12 islands on the western half of Bloomfield Avenue.
4. An additional brining machine may be purchased for \$9,700.
5. Camp Wyanokie outing is scheduled for June 27, 2015.
6. April 25, 2015 9 am to 12 noon is the electronics recycling day for West Caldwell and will be held at 30 Clinton Road on the south side of the municipal building.

PARKS & RECREATION COMMITTEE:

Councilman Hladik reported the following:

1. Easter egg hunt on Saturday April 4, 2015 was held at Essex Valley School.
2. A meeting was held with Maser Consulting and Councilman Hladik, Gabe DiMasi, and Vincent Graziosa on the Essex Valley School multisport field. The Borough of Caldwell has included the field in their municipal budget.
3. Baseball fields are being worked on and the restrooms will be open by the weekend.
4. Senior Transportation meeting was held and there was a presentation on various busses. The committee is awaiting a decision on the CDBG grant.

LEGAL & PERSONNEL COMMITTEE:

There were no reports.

FINANCE AND WELFARE COMMITTEE:

Councilman Wolsky reported the following:

1. The budget was introduced tonight.
2. The Environmental Commission is having their T-shirt contest with 100 entrants and the winner will be announced in May.
3. There was a brush fire the week before at the Mountain Ridge Country Club and the Fire department was thanked for their quick response.

HEALTH AND SHARED SERVICES:

Councilwoman Canale reported the following:

1. The Board of Health meeting was held and the topic was dog licenses.

A discussion was held on the electronic sign in front of James Caldwell High School; the sign will be turned off at 10 pm. A discussion was also held on the Board of Education budget.

APRIL 7, 2015

ADVISORS' REPORT:

Clerk Donovan reminded residents that April 8 is the last day to make a party declaration for the primary election on June 2.

INVITATION TO CITIZENS FOR DISCUSSION:

There were no comments from the public.

ADJOURNMENT:

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

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

Council adjourned at 7:54 pm to Closed Session.

Mary S. Donovan
Township Clerk