

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
JULY 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, July 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 Cecere, Hladik, Wolsky, Docteroff and Councilwoman Canale.

ABSENT: Council President O'Hern

OTHERS PRESENT: Adam Brewer, Township Administrator
Mary S. Donovan, Township Clerk
Paul G. Jemas, Municipal Attorney
Joseph Hannon, Esq., Genova Burns
Larry Peter, OEM Coordinator

Pledge of Allegiance

BILLS ORDERED PAID:

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

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

APPROVAL OF MINUTES:

On the recommendation of Councilwoman Canale, seconded by Councilman Wolsky, it was regularly moved that the Minutes of the Regular Meeting held on Tuesday, June 16, 2015 be accepted.

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

CONSENT AGENDA:

Matters listed within the Consent Agenda have been referred to members of the Township Council for reading and study, are considered to be routine and will be enacted by one motion of the Township Council with no separate discussion. If separate discussion is desired, the resolution may be removed and be subject to a separate roll call.

No. 9732

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
2. Duplicate Payment-Refund

9. Tax Title Lien Redemption
10. Homestead Rebate/NJ Saver

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- | | |
|---|--|
| 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>
1600	25/C0003	Bomatra, Rukesh 3 McNish Way Loan # 0473003143 Client: 936	\$ 1,673.01	2014/4	8

Make check payable to: Wells Fargo Real Estate Tax Services
1 Home Campus
MAC X2302-04D
Des Moines, IA 50328

Total: **\$1,673.01**
No. 9733
By: Mr. Wolsky

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

WHEREAS, there is a need to issue refunds for Recreation programs and Pool Utility memberships collected in the Recreation Office as shown below; and
WHEREAS, the Director of Recreation recommends the refunds;
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Caldwell that the proper officers be and they are hereby authorized and directed to transfer funds or issue checks to clear the refunds as shown below:

<u>Name</u>	<u>Amount</u>	<u>Reason</u>
Liz Dondero 21 Deerfield Road	\$60.00	Overpaid for couple membership
Rochelle Kiani 11 Westville Road	\$115.00	Not able to use

No. 9734
By: Mr. O’Hern

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH MASER CONSULTING, P.A. RELATING TO PLANNING SERVICES 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 general planning services for the Township of West Caldwell. This project includes meeting attendance, affordable housing, planning research, GIS mapping and analysis, and homeowner Zoning Board applications.
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., 53 Frontage Road, Suite 120, Clinton, NJ 08809 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 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.

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No. 9735
By: Mr. Hladik

SUBJECT: RESOLUTION – AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE FOR BARRETTI GROUP INC., A NEW JERSEY CORPORATION FOR THE YEAR 2015-2016.

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 license be renewed, subject to approval from all applicable municipal agencies:

That a Plenary Retail Consumption License No. 0721-33-002-005 be issued to Barretti Group Inc., A New Jersey Corporation, 49 Oak Lane, Essex Fells, New Jersey 07021 for the year 2015-2016 (this is a pocket license);

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.

No. 9736
By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING AWARD OF CONTRACT TO JO-MED CONTRACTING CORP. IN THE AMOUNT OF \$64,850.00 FOR THE WATER MAIN EXTENSION AT ESSEX PLACE IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell (referred to as the “Township”) solicited bids for the improvements to Essex 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 consultant, Omland Engineering Associates, Inc.; and

WHEREAS, the Township received bids in response to the solicitation from four (4) bidders; and

WHEREAS, Maser Consulting, P.A. has recommended to the Mayor and Council that the Township award a contract to Jo-Med Contracting Corp., 300 South Second Street, Elizabeth, NJ 07206 for the Project in the amount of sixty-four thousand, eight hundred fifty dollars and no cents (\$64,850.00);

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. 9737
By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING AWARD OF CONTRACT TO MATINA AND SON INC. IN THE AMOUNT OF \$485,000.00 FOR THE WATER MAIN REPLACEMENT AT ROOSEVELT AVENUE AND CLINTON ROAD IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell (referred to as the “Township”) solicited bids for improvements to the water main replacement at Roosevelt Avenue and Clinton Road 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 engineer, Maser Consulting, P.A.; and

WHEREAS, the Township received bids in response to the solicitation from three (3) bidders; and

WHEREAS, Maser Consulting, P.A. has recommended to the Mayor and Council that the Township award a contract to Matina and Son Inc., 146 English Street, Hackensack, NJ 07601 for the Project in the amount of four hundred eighty-five thousand dollars and no cents (\$485,000.00);

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

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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. 9738

By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING AWARD OF CONTRACT TO BEAVER ELECTRIC IN THE AMOUNT OF \$147,000 FOR THE EMERGENCY GENERATOR IN THE MUNICIPAL BUILDING IN THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, there exists a need to contract for an Emergency Standby Generator for the West Caldwell Municipal Building; and

WHEREAS, the Township solicited bids 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, upon review of four (4) bids and with the recommendation of the West Caldwell Public Works Director and Mr. Peter Ricci, Consulting Architect and Planner, that Beaver Electric Co., Inc., 174 Eagle Rock Avenue, Roseland, New Jersey 07068, was found to be the lowest responsible and responsive bidder for a total amount of \$147,000.00; and

WHEREAS, the Governing Body wishes to award the contract for an Emergency Standby Generator for the West Caldwell Municipal Building; and

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

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

1. The Mayor and Township Clerk be and are hereby authorized to execute a contract for the Emergency Standby Generator for the West Caldwell Municipal Building, in a form agreeable and acceptable to the Township Attorney.

2. All Township Officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

No. 9739

By: Mr. O'Hern

SUBJECT: RESOLUTION –. REJECTING ANY AND ALL BIDS FOR CLEANING SERVICES IN VARIOUS MUNICIPAL BUILDINGS FOR THE YEAR 2015.

WHEREAS, the Township of West Caldwell (referred to as the "Township") solicited bids for Contract Cleaning Services for Township of West Caldwell Public Buildings (referred to as the "Services") in accordance with the Local Public Contracts Law, N.J.S.A.40A:11-1 et seq.; and

WHEREAS, the Township received and opened one (1) bid for the Services in conjunction with the aforementioned solicitation on June 11, 2015 at 10:30 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 provides 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 governing body desires to reject any and all bids in this matter.

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 Contract Cleaning Services for Township of West Caldwell Public Buildings be and are hereby rejected in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; the Notice to Bidder, the Bid Documents and other applicable laws.

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

No. 9740

By: Mr. Hladik

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

RESOLVED, on the recommendation of the Chief of the West Caldwell Volunteer Fire Department that Joseph Martinez, 17 Jameson Place, West Caldwell, NJ, be designated as an auxiliary

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Firefighter of the West Caldwell Volunteer Fire Department, effective July 7, 2015.

No. 9741
By: Mr. Hladik

SUBJECT: RESOLUTION – APPROVING THE APPOINTMENT OF DANIEL MCCARTHY 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 Daniel McCarthy, 22 Thurmont Road, West Caldwell, NJ, be designated as a Regular Firefighter of the West Caldwell Volunteer Fire Department, effective July 7, 2015.

No. 9742
By: Mr. Hladik

SUBJECT: RESOLUTION – APPROVING THE APPOINTMENT OF THOMAS TYRELL MCCARTHY 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 Thomas Tyrell, 42 Sylvan Way, West Caldwell, NJ, be designated as a Regular Firefighter of the West Caldwell Volunteer Fire Department, effective July 7, 2015.

No. 9743
By: Mr. O’Hern

SUBJECT: RESOLUTION – AUTHORIZING THE APPOINTMENT OF ADAM W. BREWER AS QUALIFIED PURCHASING AGENT FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, N.J.A.C. 5:34-5 et. seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Adam W. Brewer possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34 et. Seq.; and

WHEREAS, the annual salary for the position of Qualified Purchasing Agent shall be \$15,000, prorated for the balance of 2015;

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

1. Adam W. Brewer be and hereby is appointed as Qualified Purchasing Agent, effective this day, July 7, 2015.
2. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9744
By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING APPROVAL OF CHANGE ORDER #7 FOR AN INCREASE OF \$1,590.04 FOR THE KIRKPATRICK PUMP STATION IMPROVEMENT PROJECT FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Governing Body of the Township of West Caldwell previously awarded the contract for the Kirkpatrick Pump Station Improvement project to Coppola Services, Inc. in the amount of \$760,786.00 (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:

1. Replacement of the pressure-treated lumber framing with aluminum framing for the wet well exhaust fan damper.

WHEREAS, the aggregate cost for this modification is \$1,590.04 and results in a 0.21% increase over the original Contract amount;

WHEREAS, this minor modification represents 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 recommendation of the Township Engineer, the Governing Body wishes

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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 Kirkpatrick Pump Station Improvement project with Coppola Services, Inc. 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	\$760,786.00
Amount of prior change orders	12,137.79
Amount of Change Order #7	1,590.04
New Contract Price with All Change Orders	<u>\$774,513.83</u>
Percent Increase of Change Order #7	.21%
Percent Increase of all Change Orders	1.81%

No. 9745

By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF A MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT AND FOR PARTICIPATION IN THE PREPARATION OF A STATEWIDE FAIR SHARE ANALYSIS.

WHEREAS, the Township of West Caldwell has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Essex County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of West Caldwell desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to prepare a rebuttal report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter "MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000

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payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township Council of the Township of West Caldwell for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of West Caldwell and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of West Caldwell in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement. The Township Council of the Township of West Caldwell hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township of West Caldwell, the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
5. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township Council of the Township of West Caldwell will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
6. This Resolution shall take effect immediately.

No. 9746

By: Mr. Wolsky

SUBJECT: RESOLUTION – RECOGNIZING CAPTAIN GERARD PARIS AS THE OFFICER IN CHARGE OF THE WEST CALDWELL POLICE DEPARTMENT.

WHEREAS, Chief Michael J. Bramhall retired from the West Caldwell Police Department on July 1, 2015; and

WHEREAS, Captain Gerard Paris is the highest ranking sworn officer of the West Caldwell Police Department; and

WHEREAS, Captain Paris is the highest ranking sworn officer and as such is the Office in Charge;

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

1. Captain Gerard Paris is hereby recognized as the Officer in Charge of the West Caldwell Police Department

No. 9747

By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING AN INCREASE OF THE BID THRESHOLD TO \$40,000.

WHEREAS, in accordance with N.J.S.A. 40A:11-3, the State Treasurer of the State of New Jersey has adjusted the bid threshold for awarding contracts pursuant to the Local Public Contract Law and has given local contracting units the ability to increase the bid threshold up to \$40,000 with a Qualified Purchasing Agent; and

WHEREAS, the Township has appointed Adam W. Brewer, Qualified Purchasing Agent, in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, the Township desires to take advantage of the increased bid threshold and quotation threshold.

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

1. That the bid threshold is hereby authorized to be increased to \$40,000 in accordance with N.J.A.C. 5:34-5 et seq.
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. 9748
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE.

WHEREAS, Township of West Caldwell has determined to move forward with the EMEX Reverse Auction in order procure electricity for Township of West Caldwell; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the “Act”) authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, Township of West Caldwell used the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction was conducted pursuant to the Act on July 7, 2015;

WHEREAS, the Township of West Caldwell shall award a contract to the winning supplier, Suez Energy for a final price of \$0.10330 per kWh for a 12-month term.

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

1. The services will include electricity supply service in accordance with the attached documents.
2. The term will begin August 15, 2015.

No. 9749
By: Mr. O’Hern

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF AN AGREEMENT WITH PIAZZA AND ASSOCIATES FOR THE MANAGEMENT OF THE AFFORDABLE HOUSING PROGRAM.

WHEREAS, there exists a need for services in the area of compliance monitoring of residential units in the Township of West Caldwell for 2015 to satisfy its affordable housing obligation as defined by the New Jersey Council on Affordable Housing (COAH);

WHEREAS, Piazza and Associates has heretofore satisfactorily provided professional services to municipalities in these and related matters; 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 Township of West Caldwell will execute an agreement with Piazza and Associates, 216 Rockingham Row, Princeton, NJ 08540 beginning July 7, 2015 through June 30, 2016 and not to exceed \$1,200.
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. 9750
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE FOR MARADO BLU LLC FOR THE YEAR 2015-2016.

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 license be renewed, subject to approval from all applicable municipal agencies:

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 2015-2016.

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. 9751
By: Mr. O'Hern

SUBJECT: RESOLUTION – AUTHORIZING APPROVAL OF CHANGE ORDER #1 IN THE AMOUNT OF \$3,998.00 AND FINAL PAYMENT FOR THE BARRIER FREE IMPROVEMENTS TO MEMORIAL PARK FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Governing Body of the Township of West Caldwell previously awarded the contract for the Barrier Free Improvements to Memorial Park to Pav-Con Construction, Inc. in the amount of \$99,775.00 (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 various minor modifications totaling \$3,998.00 were required:

- | | |
|---|--------------|
| 1. Reduction in materials for Curbing, Granite Block/Concrete | (\$850.00) |
| 2. Increase in Asphalt Sidewalk, "3 Thick | \$468.00 |
| 3. Reduction in materials for Concrete Sidewalk, 4" thick | (\$1,965.00) |
| 4. Increase in materials for HMA Parking Lot Reconstruction | \$720.00 |
| 5. Increase in amount for ADA Compliant Water Fountain | \$2,625.00 |
| 6. Increase in materials for Landscape restoration | \$3,000.00 |

WHEREAS, the aggregate cost for these modifications is \$3,998.00 and results in a 4% 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

WHEREAS, Pav-Con Construction, Inc. 585 Forest Street, Orange NJ, 07050, has satisfactorily completed the project known Barrier Free Improvements to Memorial Park; 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 known Barrier Free Improvements to Memorial Park by Pav-Con Construction, Inc. 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	\$ 99,775.00
Amount of Change Order #1	3,998.00
New Contract Price with All Change Orders	\$103,773.00
Percent Increase of Change Order #1	4.0%
5. The Municipal Engineer's recommendation that the project is complete is accepted and the Treasurer is authorized to issue a check made payable to Pav-Con Construction, Inc., for full and final payment in the amount of \$103,773.00.

No. 9752
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

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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 – PBA grievance; Kappock vs. West Caldwell Police
2. Attorney/client privilege – PBA contract

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.

Councilman Hladik recognized Administrator Brewer for attaining his QPA and congratulated Captain Paris on becoming the Officer in Charge.

It was regularly moved by Councilman Hladik, seconded by Councilman Docteroff that the twenty-one Resolutions be adopted.

Upon the vote being polled, Councilmen Cecere, Hladik, Wolsky, Docteroff and Councilwoman Canale voted in the affirmative except Councilman Cecere abstained on Resolutions Nos. 9735 and 9740-42.

COMMITTEE REPORTS:

PUBLIC SAFETY COMMITTEE:

Councilman Cecere reported the following:

1. The Caldwell/West Caldwell Historical Society has an exhibit with photographs in the Library and is asking the public to help them identify people in the photographs.
2. Residents are reminded that dogs are not allowed in Memorial Park.

A discussion was held on the canon that used to be in Memorial Park.

PUBLIC WORKS & TECHNOLOGY:

Councilman Docteroff reported the following:

1. The Department of Public Works is doing pothole repair and catch basin clean out. There are so many catch basins that they may outsource the work.
2. St. Charles Avenue and Mt. Herman Way preconstruction meeting took place.

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3. Water main replacement contract was awarded for Roosevelt Avenue and Clinton Road and for Essex Place.
4. Emergency generator installation contract for the municipal building was awarded tonight.
5. Administrator Adam Brewer was congratulated on getting his qualified purchasing agent certificate.

PARKS & RECREATION COMMITTEE:

Councilman Hladik reported the following:

1. The July 4th Fireworks took place despite the weather and they were successful.
2. Bob Masella, Gordon Bruchac and Sgt. Dennis Capriglione were thanked for their help for the fireworks.
3. Senior Citizens Transportation Board is still waiting on the outcome of a grant for a new bus.

LEGAL & PERSONNEL COMMITTEE:

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

1. The recreation and public works departments were thanked for their hard work for the July 4th celebration.

In absentia, Council President O'Hern congratulated Administrator Brewer on passing his exam.

Administrator Brewer reported on a closed session item on the agenda: Kappock vs. West Caldwell Police. Rice notice was issued to Officer Kappock concerning the open public meeting. Officer Kappock exercised his right to have the discussion in public. Mr. Brewer stated the history of what occurred concerning the case and asked for direction on how to proceed with the Township's response to a suit filed against the Township of West Caldwell by Officer Kappock.

The suit was sent to the Morris County Joint Insurance Fund for review and the Governing Body is awaiting their response.

The Council agreed that the law firm of Genova Burns continue their defense of the Township under their professional services contract for the Township if the Morris County Joint Insurance Fund will not defend the Township.

FINANCE & WELFARE:

Councilman Wolsky reported the following:

1. The Bridge will have its annual golf outing on August 13 at the Greenwood County Club in North Caldwell. All are welcome.

HEALTH AND SHARED SERVICES:

Councilwoman Canale reported the following:

1. The Board of Health is on hiatus for the summer.

Councilwoman Canale congratulated Administrator Brewer on passing the qualified purchasing agent examination.

ADVISORS' REPORT:

There were no reports.

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MAYOR'S REPORT:

1. Mayor Tempesta congratulated Administrator Brewer on obtaining his qualified purchasing agent certificate and wished him continued success in his career.

INVITATION TO CITIZENS FOR DISCUSSION:

Gordon Lawshe of Caldwell requested more information on insurance for the umpires that call the games for Caldwell/West Caldwell recreation.

Mayor Tempesta requested Administrator Brewer explore the reasons on why the insurance is administered the way it is with the Morris County Joint Insurance Fund.

Horace Boswell of C2 Educational Services in West Caldwell introduced himself to the Mayor and Council.

Larry Peter, OEM coordinator, reported on storm reimbursement dating back to 2010 and on future funds the Township is expecting.

ADJOURNMENT:

On the motion of Councilman Hladik, seconded by Councilman Cecere, the meeting adjourned at 7:59 pm to Closed Session.

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

On the motion of Councilman Hladik, seconded by Councilman Cecere, the meeting reconvened to open session at 8:15 p.m.

On the motion of Councilman Cecere, seconded by Councilman Hladik, the meeting adjourned at 8:17 pm.

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

Mary S. Donovan
Township Clerk