

**TOWNSHIP OF WEST CALDWELL  
PUBLIC MEETING MINUTES  
November 24, 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, November 24, 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.

**OTHERS PRESENT:** Adam W. Brewer, Business Administrator  
Mary S. Donovan, Municipal Clerk  
Paul G. Jemas, Esq., Municipal Attorney  
Nikole H. Monroig, Chief Financial Officer  
Gerard Paris, Chief of Police  
Honorable Bridget A. Stecher, Superior Court Judge  
Honorable Nora Grimbergen, Superior Court Judge

Pledge of Allegiance led by Councilman Wolsky

Councilman Wolsky asked for prayers for the first responders and soldiers around the world and especially for the new municipal judge, the Honorable Darren DiBiasi.

Mayor Tempesta welcomed Judge DiBiasi and his family, Ashley, Molly and Dylan and his father Tom DiBasi, Esq. Mayor Tempesta recognized honored guests: Honorable Bridget A. Stecher, Superior Court Judge, Honorable Nora Grimbergen, Superior Court Judge, Commissioner Tom Evans of Nutley, Tom DiBiasi, Esq., former Superior Court Judge Anthony Guarino, Construction Code Official Pat Intindola of Nutley, Don Rinaldi, Esq. and West Caldwell prosecutor Thomas Callahan, Esq.

No. 9821  
By: Mr. Cecere

**SUBJECT: RESOLUTION - AUTHORIZING APPOINTMENT OF DARREN T. DIBIASI AS MUNICIPAL COURT JUDGE FOR THE TOWNSHIP OF WEST CALDWELL.**

**RESOLVED**, on the recommendation of the Public Safety Committee, that the nomination of Darren DiBiasi, 345 Centre Street, Nutley, NJ 07110, by Mayor Joseph Tempesta, Jr., be and he is hereby approved as Municipal Court Judge of the Township of West Caldwell to fulfill the three-year unexpired term of the Honorable Bridget Stecher, commencing November 24, 2015 through December 31, 2017.

It was regularly moved by Council President O'Hern, seconded by Councilman Wolsky that the resolution be adopted.

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

**OATH OF OFFICE:**

The Honorable Bridget Stecher administered the oath to Darren DiBiasi with his family by his side.

**COMMUNICATIONS:**

A-1 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available for resolution number 9827.

A-2 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are

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available under the 2015 Budget of Appropriations – November Schedule; further certifying that there will be no over-expenditures of any line item in the Budget as a result of this schedule.

Received and placed on file.

**BILLS ORDERED PAID:**

It was regularly moved by Councilman 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 Council President O’Hern, seconded by Councilman Cecere, it was regularly moved that the Minutes of the Regular Meeting held on Tuesday, November 3, 2015 be amended.

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

**PENDING ORDINANCE:**

The Township Clerk read the title of an Ordinance No. 1777 entitled “AN ORDINANCE TO ESTABLISH THE YOUTH SPORTS CODE OF CONDUCT”.

**WHEREAS**, the Township of West Caldwell administers the West Caldwell-Caldwell Recreation Department; and

**WHEREAS**, the Township of West Caldwell desires to establish the Youth Sports Code of Conduct:

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of West Caldwell, in the County of Essex and State of New Jersey as follows:

**Section 1. Definitions**

As used in this section, the following terms shall have the meanings indicated:

*Code of Conduct* shall mean a written specification of the behavior to be expected of the parents, guardians, coaches and officials prescribed by N.J.S.A. 5:17-1 et seq., and as more particularly set forth herein and to which all coaches and the parents or legal guardians of each minor on each municipally sponsored youth sports program shall consent.

*Youth Sports Event* shall mean any competition, practice, or instructional event involving one (1) or more youth sports programs. *Youth sports program* shall mean any sports activity managed by an organization that is sponsored by the Township, other such authorized agent or a nonprofit or similar charter; such organization being affiliated with or receiving monetary or other support or service from the Township of West Caldwell or regularly utilizing any facilities owned, leased, operated or maintained by the Township; such sports organization participating in sporting competitions involving minors, irrespective of the specific location of any particular event.

**Section 2. Youth Sports Code of Conduct**

- a. No coach, parents, player, participant, official or attendee shall engage in unsportsmanlike conduct with any other coach, parent, participant, official or other attendee.
- b. No coach, parent, player, participant, official or attendee shall encourage any child or any other person to engage in unsportsmanlike conduct with any coach, parent, player, participant, official or any other attendee.
- c. No coach, parent, player, participant, official or attendee shall engage in any behavior that could endanger the health, safety, or well-being of any coach, parent, player, participant, official or any other attendee.
- d. No coach, parent, player, participant, official or attendee shall encourage any child or any other person to engage in any behavior that could endanger the health, safety or well-being of any coach, parent, player, participant, official or any other attendee.
- e. No coach, parent, player, participant, official or attendee shall use drugs or alcohol while at a youth sports event and will not attend, coach, officiate or participate in a youth sports event while under the influence of drugs or alcohol.
- f. No coach, parent, player, participant, official or attendee shall permit any child, or encourage any other person to use drugs or alcohol while at a youth sports event and will not permit any child, or encourage any other person to attend, coach, officiate or participate in a youth sports event while under the influence of drugs or alcohol.

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- g. No coach, parent, player, participant, official or attendee of any youth sports event shall engage in the use of profanity.
- h. No coach, parent, player, participant, official or attendee of any youth sports event shall encourage any child or any other person to engage in the use of profanity.
- i. Every coach, parent, player, participant, official or attendee shall treat any coach, parent, player, participant, official or attendee with respect regardless of race, creed, color, national origin, sex, sexual orientation or ability.
- j. Every coach, parent, player, participant, official or attendee shall encourage every child to treat any coach, parent, participant, official or attendee with respect regardless of race, creed, color, national origin, sex, sexual orientation, or ability.
- k. No coach, parent, player, participant, official or attendee shall engage in verbal or physical threats or abuse aimed at any coach, player, participant, official or any other attendee.
- l. No coach, parent, player, participant, official or attendee shall encourage any child or any other person to engage in verbal or physical threats or abuse aimed at any coach, parent, player, participant, official or any other attendee.
- m. No coach, parent, player, participant, official or attendee shall initiate a fight or scuffle with any coach, parent, player, participant, official or any other attendee.
- n. No coach, parent, player, participant, official or attendee shall encourage any child or any other person to initiate a fight or scuffle with any coach, parent, player, participant, official or any other attendee.

### **Section 3. Youth Sports Code of Conduct Committee**

- a. The Youth Sports Code of Conduct Committee (“Committee”) shall consist of the Mayor (or his/her designee), Chairman of the Recreation Committee of Council, Township Administrator, Chief of Police and Recreation Director.
- b. The Committee shall be charged with enforcing the provisions of the Youth Sports Code of Conduct.

### **Section 4. Code of Conduct Requirements**

- a. Every coach, parent, player, participant, official, or attendee of a youth sports event shall be required to follow the Code of Conduct as set forth in this section. In addition, every coach and every participant or at least one (1) parent or legal guardian of each minor participating in a youth sports program must sign the State of New Jersey Model Athletic Code of Conduct prior to the commencement of each program.
- b. The State of New Jersey Model Athletic Code of Conduct will be made available for signature at program registration and thereafter upon request, to all parents or guardians of each child participating in a municipally sponsored sport or activity and shall be incorporated in all program registration forms. A copy of the State of New Jersey Model Athletic Code of Conduct and a summary of the requirements of this section shall be posted at all facilities utilized by Township-sponsored programs.

### **Section 5. Violation Procedures and Hearings**

- a. Any coach, player, participant, official, or attendee at a youth sports event who believes there to be a violation of this section shall forward, in writing, their name, address, phone number, identity of the violator, date, location of alleged violation and nature of the alleged violation to the governing board of the appropriate youth sports program for an investigation and determination by the governing board of the youth sports program.
- b. Upon receipt of notice that a violation of the Code of Conduct may have occurred, the governing board of the youth sports program shall investigate the matter and hold a hearing of the board to determine whether a violation occurred. The Recreation Director shall be provided advanced notice of all meetings of the governing board of any youth sports program concerning a violation of the Code of Conduct. Upon determination by a majority vote of the governing board of the youth sports program that a coach, parent, player, participant, official, or attendee at any youth sports event has violated a provision of the Code of Conduct, the governing board of the youth sports program may impose a penalty, consistent with Section 6 below. The governing board of the youth sports program shall forward to the alleged violator(s) a written determination regarding whether a violation of the Code of Conduct occurred via regular and certified mail, with a copy to the Recreation Director. Said written determination shall identify the date, location, nature of the incident and, when applicable, any action to be taken in response to the violation.
- c. The governing board of the youth sports program may refer any matters, which the governing body of the youth sports program determines it is unable to decide for whatever reason, directly to the Code of Conduct Committee for a determination.
- d. Any coach, parent, player, participant, official or attendee who was found in violation of the Code of Conduct by the governing board of the youth sports program or the Recreation Director may appeal a decision of the governing board of a youth sports program to the Code of Conduct Committee for a final determination. Said appeal must be submitted to the Code of Conduct Committee for a final determination. Said appeal must be submitted to the Code of Conduct Committee within ten (10) calendar days of receipt of the written notice of the decision by the governing board of the youth sports program or Recreation Director. The appeal shall include a copy of the notice with a written request specifically stating the basis of the individual appealing the notice of violation. The appeal shall be delivered by fax or

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certified mail to the Code of Conduct Committee c/o the Township Administrator, 30 Clinton Road, West Caldwell, NJ 07006.

- e. Upon receipt of the appeal, the Code of Conduct Committee shall convene within twenty (20) calendar days and provide an opportunity for the individual filing the appeal to appear and be heard with respect to the occurrence of any violation and action taken by the Code of Conduct Committee. Should an individual be filing an appeal of a violation determined by the Recreation Director, the Recreation Director shall recuse himself/herself from all future proceedings of the Code of Conduct Committee.
- f. The Code of Conduct Committee will review statements; first-hand accounts and any other pertinent information or documents relevant to the alleged violation and upon a majority vote of the members of the Committee who are present, may sustain, overturn or modify the notice of violation and any associated penalties issued by the governing board of the youth sports program or Recreation Director. The Committee will notify the alleged violator of the Code of Conduct, the Recreation Director and the governing board of the youth sports program of their determination and any changes or modifications to the notice of violation or associated penalties.
- g. All notices of violation and penalty or other actions taken by the governing board of the youth sports program shall remain in effect until or unless overturned or modified by the Code of Conduct Committee.
- h. In the event any notice of violation issued by the governing board of the youth sports program is not appealed within ten (10) days of such notice, the notice of violation and action taken by the governing board of the youth sports program, including suspension and/or banning from youth sports events, shall become final.
- i. The Director of Recreation, in accordance with the Township Clerk, shall maintain a permanent file on all proceedings related to any actions taken by the Code of Conduct Committee.

### **Section 6. Code of Conduct Violations and Penalties**

- a. Any coach, parent, player, participant, official, or attendee of a youth sports event who is found by the governing board of a youth sports program, the Recreation Director or the Committee to have violated one (1) or more of the provisions contained herein may be suspended from attending, coaching, officiating or participating in one (1) or more youth sports program for a period not to exceed twelve (12) months from the date of the incident.
- b. Any coach, parent, player, participant, official, or attendee of a youth sports event who is suspended from attending, coaching, officiating or participating in one (1) or more youth sports programs for a period not to exceed twelve (12) months may additionally be required, at the direction of the Committee, to complete an anger management counseling program, which offers services to individuals, singly or in groups, for the purposes of promoting anger control principles and shall be administered by an individual;
  - 1) Licensed as a professional counselor pursuant to the provisions for the Professional Counselor Licensing Act, N.J.S.A. 45:8B-33 et seq., or
  - 2) Licensed as a practicing psychologist pursuant to the provisions of the Practicing Psychology Licensing Act, N.J.S.A. 45:14B-1 et seq.

### **Section 7. Application**

- a. The provisions of this ordinance, Youth Sports Code of Conduct, shall be effective as of the date of its passing.
- b. The provisions of this ordinance, Youth Sports Code of Conduct, supersedes any and all individual youth sports program bylaws adopted by the individual youth sports programs that are inconsistent with this ordinance.

Mayor Tempesta stated that this was the time for a public hearing and asked if anyone wished to be heard.

There were no comments.

It was regularly moved that the Public Hearing be closed.

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

It was regularly moved by Councilman Hladik, seconded by Councilman Docteroff that the Ordinance be passed on second reading.

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.

It was regularly moved by Council President O’Hern, seconded by Councilman Cecere, that the seven Resolutions on the Agenda this evening be approved.

Mayor Tempesta pulled resolution number 9829 from the consent agenda.

Mayor Tempesta asked if any member of the public had any comments on any of the items on the Consent Agenda.

There were no comments.

The following seven Resolutions by Consent were made part of these Minutes:

No. 9822  
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>
2500	38	Lobiondo, Joanne & Weaver, David 12 DeCamp Court	\$2,900.00	2013	8
			Total - \$2,900.00		

No. 9823  
By: Mr. Cecere

SUBJECT: RESOLUTION - RESOLUTION – AUTHORIZING EXECUTION OF 911 EMERGENCY MEDICAL TELEPHONE CALL SCREENING SERVICES AGREEMENT.

**BE IT RESOLVED**, that the Mayor and Clerk are hereby authorized to execute the attached agreement with the Monmouth Ocean Hospital Services Corporation, Inc. ("MONOC"), 4806 Megill Road, Neptune, NJ 07753 and the Township of West Caldwell for 911 Emergency Medical Telephone Call Screening Services. The term of this agreement shall be for a period commencing January 1, 2016 and terminating December 31, 2017.

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No. 9824  
By: Mr. O'Hern

**SUBJECT:** RESOLUTION – AUTHORIZING JAMES CALDWELL HIGH SCHOOL MUSIC AND MORE BOOSTER CLUB ON PREMISE 50/50 RAFFLE, DECEMBER 17, 2015 AND JANUARY THROUGH MAY 2016, LICENSE NO. 382, ID NO. 535-5-35501.

**WHEREAS,** James Caldwell High School Music and More Booster Club has submitted a Raffle License Application No. RA 382, ID No. 535-5-35501 for an on premise 50/50 raffle to be held December 17, 2015 and January through May 2016; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Caldwell, hereby approves Raffle License Application No. RA 382; 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. 9825  
By: Mr. Wolsky

**SUBJECT:** RESOLUTION – AUTHORIZING TRANSFER NO. 2 OF 2015 CURRENT FUND APPROPRIATIONS.

**WHEREAS,** N.J.S.A. 40A:A-58 provides that all unexpended balances carried during the last two months of the current year are available to meet specific claims, commitments or contracts incurred during the current fiscal year and allow transfers to be made from unexpended balances that are expected to be sufficient during the last two months of the current year; and

**WHEREAS,** the following Current Fund Transfers between appropriations are necessary:

		<u>FROM</u>	<u>TO</u>
<b>APPROPRIATIONS WITHIN CAPS</b>			
<b>General Government</b>			
	Administrative and Executive:		
	Salary and Wages	\$ 5,000.00	
	Financial Administration		
	Salary and Wages	\$ 12,000.00	
	Collection of Taxes		
	Salary and Wages	\$ 5,000.00	
	Mayor and Council		
	Salary and Wages		\$ 500.00
	Legal Services and Costs		
	Salary and Wages	\$ 1,500.00	
	Other Expense		\$ 50,000.00
	Engineering Services and Costs		
	Other Expense		\$ 10,000.00
	Planning Board		
	Salary and Wages	\$ 500.00	
	Board of Adjustments		
	Salary and Wages	\$ 10,000.00	
	Municipal Court		
	Salary and Wages	\$ 3,000.00	
	Insurance		
	General Liability - Other	\$ 30,921.00	
	Employee Group Health		\$150,000.00
<b>Public Safety</b>			
	Uniform Fire Safety Act-Fire Prevention		
	Salaries and Wages	\$ 10,000.00	
	Police		
	Salaries and Wages	\$ 121,679.00	
<b>Sanitation</b>			
	Garbage Collection and Disposal		

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		<u>FROM</u>	<u>TO</u>
	Other Expenses	\$ 6,400.00	
Health and Welfare			
	Services of Visiting Nurse-Contract	\$ 5,000.00	
Utilities			
	Gasoline	\$ 20,000.00	
	Telephone and Telegraph	\$ 15,000.00	
	Natural Gas	\$ 4,500.00	
	Street Lighting	\$ 5,000.00	
APPROPRIATIONS EXCLUDED FROM CAPS			
	Reserve for Prior Years' Tax Appeals		\$ 45,000.00
		\$ 255,500.00	\$ 255,500.00

No. 9826  
By: Mr. O'Hern

**SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF MAINTENANCE AGREEMENT WITH EDMUNDS & ASSOCIATES FOR THE CALENDAR YEAR 2016.**

**WHEREAS**, the Finance Department needs to renew its software support agreement with Edmunds and Associates, 301A Tilton Road, Northfield, NJ 08225; and

**WHEREAS**, the Township of West Caldwell agrees to a Maintenance Agreement with Edmunds & Associates, Inc for their hardware and software system in the amount of \$14,270.00 for the calendar year 2016; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of West Caldwell that the attached Agreement with Edmunds & Associates, Inc. for the term beginning January 1, 2016 through December 31, 2016 be and is hereby authorized.

No. 9827  
By: Mr. Docteroff

**SUBJECT: RESOLUTION – AUTHORIZING AWARD OF A NONFAIR AND OPEN CONTRACT TO SANZARI SERVICES, LLC. FOR MILLING AND PAVING IN AN AMOUNT NOT TO EXCEED \$23,580.00.**

**WHEREAS**, the Township of West Caldwell has a need to contract for the milling and paving of Nutting Place, West Caldwell as a nonfair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, Sanzari Services, LLC. has submitted a proposal dated November 13, 2015 indicating they will provide the milling and paving for \$23,580.00; and

**WHEREAS**, Sanzari Services, LLC has completed and submitted a Business Entity Disclosure Certification that certifies that they have not made any reportable contributions to a political or candidate committee in the Township of West Caldwell in the previous one year, and that the contract will prohibit the Sanzari Services, LLC from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Governing Body wishes to award the contract for milling and paving for Nutting Place, West Caldwell to Sanzari Services, LLC; and

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

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

No. 9828  
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 – 106 Knoll Terrace
2. Potential litigation – tax appeal

**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 item sessions.

It was regularly moved by Council President O'Hern, seconded by Councilman Cecere that the seven Resolutions listed be adopted.

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

It was regularly moved by Councilman Hladik, seconded by Councilman Docteroff that the following Resolution be read by consent.

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

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

No. 9829  
By: Mr. Docteroff

**SUBJECT: RESOLUTION – AUTHORIZING APPOINTMENT OF DAVID H. JEDELE AS FIRE INSPECTOR IN THE FIRE PREVENTION BUREAU FOR THE TOWNSHIP OF WEST CALDWELL.**

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**BE IT RESOLVED**, on the recommendation of the Fire Official and the Administrator that the appointment of David H. Jedele, 10 Ravine Avenue, Caldwell, New Jersey 07006, by Mayor Joseph Tempesta, Jr., be and he is hereby approved for appointment to the position of Fire Inspector in the Fire Prevention Bureau for the Township of West Caldwell, at an annual salary of \$35,000.00, effective November 25, 2015.

Mayor Tempesta administered the oath to David Jedele, with Fire Official John Medina in attendance.

### **COMMITTEE REPORTS:**

#### **PUBLIC SAFETY:**

##### REPORTS – POLICE CHIEF-JUDGE AND DETECTIVE BUREAU – OCTOBER 2015

On the recommendation of Councilman Cecere, the reports submitted by the Police Chief, Judge and Detective Bureau for the month of October 2015 as received, be placed on file. Fines in the amount of \$25,253.00 were collected and apportioned as follows (copy attached to minutes).

##### REPORTS – VOLUNTEER FIRE DEPARTMENT REPORTS – OCTOBER 2015

On the recommendation of Councilman Cecere, the reports submitted by the Fire Chief of West Caldwell Volunteer Fire Department for the month of October 2015 as received, be placed on file.

##### REPORTS – CONSTRUCTION OFFICIAL'S REPORT – OCTOBER 2015

On the recommendation of Councilman Cecere, the reports submitted by the Construction Official for the month of October 2015 as received, be placed on file.

Councilman Cecere reported the following:

1. Vice president John Bartolo of JCHS interviewed the councilman on his memories on attending James Caldwell High School for the new historical club. The high school will be having a program based on alumni of James Caldwell High School on February 23, 2016.
2. The deer culling program is continuing and it has been successful.

#### **PUBLIC WORKS & TECHNOLOGY:**

Councilman Docteroff reported on the following:

1. Westover Avenue and Terrace roadway reconstruction is completed.

Councilman Docteroff wished all residents a happy and health Thanksgiving.

#### **PARKS AND RECREATION:**

Councilman Hladik reported on the following:

1. The West Caldwell annual Christmas tree lighting will take place on Sunday, December 6, 2015 at The Gazebo at Crane Park. Festivities begin at 5:00 pm. The Menorah lighting will take place on Wednesday, December 9 at 4:10 pm at the West Caldwell Civic Center.

Mayor Tempesta requested press releases be sent concerning the tree and menorah lighting events.

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**LEGAL AND PERSONNEL:**

Council President O'Hern reported on the following:

1. RFPs for professional services have been opened and the legal and personnel committee will have recommendations soon.

**FINANCE AND WELFARE:**

There was no report.

**HEALTH AND SHARED SERVICES:**

Councilwoman Canale reported on the following:

1. The shared services agreements for health services with Montville and Fairfield will be reviewed by the Board of Health. The next Board of Health meeting is December 2, 2015 at 7 pm.

Councilwoman Canale wished all residents a happy and health Thanksgiving.

Council President O'Hern reported that Mayor Tempesta was honored recently by The Arc of Essex with the Public Partner Award. Mayor Tempesta was also sworn in as the President of the New Jersey League of Municipalities for the coming year. Council President O'Hern presented Mayor Tempesta with a gift of a gavel set on behalf of Council and staff.

Mayor Tempesta graciously accepted the gift and thanked all of those present and those who were present at the League conference the previous week.

**ADVISORS' REPORTS:**

Administrator Brewer reported that the RFPs for professional services were opened and will be reviewed for awarding soon.

**MAYOR'S REPORT:**

Mayor Tempesta discussed a meeting to be held on December 15, 2015 at 4:30 pm with Mayor Dassing of Caldwell in Caldwell Town Hall concerning a possible sprint football program at the Kiwanis Oval in conjunction with Caldwell University. Councilman Docteroff will be attending along with the Mayor.

Mayor Tempesta wished everyone a happy Thanksgiving and asked everyone to keep the soldiers in their prayers along with the victims in the Paris attacks.

**INVITATION TO CITIZENS FOR DISCUSSION:**

There were no comments.

**ADJOURNMENT:**

On the motion of Councilman Docteroff, seconded by Councilman Cecere, the meeting adjourned at 7:45 pm to Closed Session.

Upon the vote being polled, Councilmen O'Hern, 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 8:06 p.m.

It was regularly moved by Council President O'Hern, seconded by Councilman Wolsky that the following Resolution be read by consent.

**NOVEMBER 24, 2015**

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

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

No. 9830  
By: Mr. Wolsky

**SUBJECT: RESOLUTION - AUTHORIZING SETTLEMENT OF 2009-2013 TAX APPEAL –  
ZAM ASSOCIATES V. TOWNSHIP OF WEST CALDWELL, BLOCK 1400,  
LOT 6, 8 FAIRFIELD CRESCENT.**

**WHEREAS**, an appeal of the real property tax assessment for tax years 2009 to 2013, involving Block 1400, Lots 6 and 8, 8 Fairfield Crescent, has been filed by the Taxpayer; and

**WHEREAS**, the proposed settlement agreement has been reviewed and recommended by the Township Tax Assessor; and

**WHEREAS**, settlement of said matter is more fully set forth below is in the best interest of the Township of West Caldwell.

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

1. Settlement of the 2009-2013 tax appeal is hereby authorized as follows:  
8 Fairfield Crescent Years: 2009-2013

<b>Appeal Year</b>	<b>Original Assessment</b>	<b>Proposed Assessment</b>	<b>Decrease in Assessment</b>	<b>Decrease in Taxes</b>
2009	2,365,000	1,693,600	(671,400)	27,037.28
2010	2,365,000	1,667,900	(697,100)	29,313.06
2011	5,289,500	3,596,000	(1,693,500)	37,087.65
2012	5,289,500	3,426,000	(1,863,500)	40,885.19
2013	5,289,500	5,238,500	0	0
Totals	\$20,598,500	\$15,673,000	(4,925,500)	\$134,323.18

Proposed payment schedule:      \$45,000.00 by December 31, 2015  
   \$45,000.00 by June 30, 2016  
   \$44,323.18 by June 20, 2017

2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

On the motion of Council President O’Hern, seconded by Councilman Docteroff, the meeting adjourned at 8:09 pm.

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

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Mary S. Donovan  
Township Clerk