

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
October 20, 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, October 20, 2015 at 6:30 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, and Councilwoman Canale.

ABSENT: Councilman Docteroff

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
Alan Abramowitz, Essex County Representative

Pledge of Allegiance

Council President O'Hern asked for prayers for the West Caldwell Police Department and especially its newest officer, Mr. Zimmer.

Mayor Tempesta welcomed Mr. Zimmer and his family and congratulated Mr. Zimmer on his new position.

No. 99803
By: Mr. Cecere

SUBJECT: RESOLUTION - AUTHORIZING THE APPOINTMENT OF BRIAN W. ZIMMER AS A PROBATIONARY POLICE OFFICER IN THE WEST CALDWELL POLICE DEPARTMENT, EFFECTIVE OCTOBER 20, 2015.

RESOLVED, on the recommendation of the Public Safety Committee and the West Caldwell Police Chief, that the nomination of Brian W. Zimmer, 1 Jefferson Drive, Spotswood, NJ 08884, is willing and able to serve as a Probationary Patrol Officer for the West Caldwell Police Department by Mayor Joseph Tempesta, Jr., be and he is hereby approved as a probationary police officer in the West Caldwell Police Department, effective October 20, 2015, at a salary of \$46,585.00, in accordance with the salary guide.

It was regularly moved by Councilman Cecere, seconded by Councilman Hladik that the resolution be adopted.

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

OATH OF OFFICE:

Mayor Tempesta then administered the oath to Patrolman Zimmer with his family by his side.

There was a recess at 6:44 pm. The meeting continued at 6:47 pm.

COMMUNICATIONS:

A-1 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available under the 2015 Budget of Appropriations – October Schedule; further certifying that there will be no over-expenditures of any line item in the Budget as a result of this schedule.

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- A-2 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available for resolution number 9806.
- A-3 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available for resolution number 9809.

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, and Councilwoman Canale voted in the affirmative.

APPROVAL OF MINUTES:

On the recommendation of Councilman Hladik, seconded by Councilman Cecere, it was regularly moved that the Minutes of the Regular Meeting held on Tuesday, October 6, 2015 be accepted.

Upon the vote being polled, Councilmen Cecere, Hladik, and Councilwoman Canale voted in the affirmative, excepted Council President O’Hern and Councilman Wolsky abstained because of absence.

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

There were no comments.

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

No. 9804
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 |

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<u>Block</u>	<u>Lot</u>	<u>Owner Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
503	2	Katz, Andrew 111 Central Avenue Make check payable to:	\$2,041.46	2014	8
				Katz, Andrew 4455 E. Coyote Canyon Drive Rimrock, AZ 86335	
2205	2	C0672 Keenan, Nancy 672 Bloomfield Avenue Make check payable to:	\$1,319.69	2013	8
				Keenan, Nancy 2 Washburn Place, Apt 102 Caldwell, NJ 07006	
2700	51	Pannullo, Guarino & Kelly 7 Piermont Place Make check payable to:	\$2,659.13	2013	8
				Pannullo, Guarino & Kelly 7 Piermont Place West Caldwell, NJ 07006	
		Total	\$6,020.28		

No. 9805
By: Mr. Cecere

SUBJECT: RESOLUTION - AUTHORIZING THE APPOINTMENT OF CHERYL A. JEANNETTE AS DEPUTY COURT ADMINISTRATOR FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell desires to appoint a Deputy Court Administrator; and
WHEREAS, Cheryl A. Jeannette, 17 Peachtree Avenue, East Hanover, NJ 07936, is willing and able to serve as the Deputy Court Administrator in the Municipal Court 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. Cheryl A. Jeannette is appointed as Deputy Clerk Administrator, effective October 20, 2015, at a salary of \$46,683.00 in accordance with the salary ordinance.
2. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9806
By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING APPROVAL OF CHANGE ORDER #10 FOR AN INCREASE OF \$4,250.92 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. Modifications to the support of the shredder pump to simplify removal.

WHEREAS, the aggregate cost for these modifications is \$4,250.92 and results in a 0.56% 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 recommendation of the Township Engineer, the Governing Body wishes to approve this change order; and

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

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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	21,701.94
Amount of Change Order #10	4,250.92
New Contract Price with All Change Orders	<u>\$786,738.86</u>
Percent Increase of Change Orders #10	0.56%
Percent Increase of all Change Orders	3.41%

No. 9807
 By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING MEMBERSHIP IN THE SOMERSET COUNTY COOPERATIVE PRICING SYSTEM #2-SOCCP.

WHEREAS, the Township of West Caldwell desires to become a member of the Somerset County Cooperative Pricing System #2-SOCCP, effective October 20, 2015, and, that such membership shall be for the period ending December 31, 2018, and each renewal, thereafter of the system, unless the Township of West Caldwell elects to formally withdraw from the system;

NOW, THEREFORE BE IT RESOLVED, that the Township Administrator and Township Clerk are hereby authorized to execute the attached agreement for such membership.

No. 9808
 By: Mr. O’Hern

SUBJECT: RESOLUTION – AUTHORIZING THE APPOINTMENT OF ROBIN LEIGH DRYLIE AS A CROSSING GUARD FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell desires to appoint a Crossing Guard; and
WHEREAS, Robin Leigh Drylie, 57 Brookside Avenue, Livingston, NJ 07039, is willing and able to serve as a Crossing Guard for the West Caldwell Police Department; and;

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

1. Robin Leigh Drylie is appointed as a Crossing Guard, effective October 13, 2015, at a salary of \$7,529.60 in accordance with the salary ordinance.
2. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

No. 9809
 By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING APPROVAL OF CHANGE ORDER #1 IN THE AMOUNT OF \$14,493.50 FOR THE ESSEX VALLEY SCHOOL FIELD IMPROVEMENT PROJECT FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Governing Body of the Township of West Caldwell previously awarded the contract for the Essex Valley School Field Improvement project to Landtek Group, Inc. in the amount of \$841,505.00 (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. Enhancement of lawn area and addition of a concrete sidewalk

WHEREAS, the aggregate cost for these modifications is \$14,493.50 and results in a 1.72% total 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;

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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 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	\$841,505.00
Amount of Change Order #1	14,493.50
New Contract Price with All Change Orders	\$855,998.50
Percent Increase of Change Order #1 and #2	1.72%

No. 9810
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. Personnel
2. Contract negotiations – EVS Field Agreement – Borough of Caldwell

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

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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.

Mayor Tempesta reminded the public that the Council reserves the right to come back into open session after closed session to vote on any issues.

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.

COMMITTEE REPORTS:

PUBLIC SAFETY:

REPORTS – POLICE CHIEF-JUDGE AND DETECTIVE BUREAU – SEPTEMBER 2015

On the recommendation of Councilman Cecere, the reports submitted by the Police Chief, Judge and Detective Bureau for the month of September 2015 as received, be placed on file. Fines in the amount of \$20,334.00 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 – SEPTEMBER 2015

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

PUBLIC WORKS & TECHNOLOGY:

In Councilman Docteroff’s absence, Councilman Hladik reported on the following:

- 1. Francisco Avenue and Lincoln Place roadway reconstruction project is completed. Westover Avenue roadway reconstruction will continue for the next three weeks.

Administrator Brewer reported that residents’ concerns are being addressed.

PARKS AND RECREATION:

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

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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.
- 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, of 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

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- 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 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.

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- 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.

It was regularly moved by Councilman Hladik, seconded by Councilman Cecere that the Ordinance be passed on first reading; that it be published and posted as a pending Ordinance in the manner required by law and that the Public Hearing be held on Tuesday, November 24, 2015.

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

Councilman Hladik reported on the following:

- 1. The 100th birthday celebration of the West Caldwell Library was held on October 15 and it was a great celebration. Library Director McCoy was thanked for her hard work and guidance.

LEGAL AND PERSONNEL:

Council President O’Hern reported on the following:

- 1. RFPs for professional services have been posted and will be opened on November 13, 2015.

FINANCE AND WELFARE:

Councilman Wolsky reported on the following:

- 1. The budget process is continuing.
- 2. The Environmental Commission worked hard to clear on Wrensch Park and the pathway is walkable.
- 3. The Bridge will celebrate its grand opening on October 26.

HEALTH AND SHARED SERVICES:

Councilwoman Canale reported on the following:

- 1. The shared services agreement with Montville will be renewed with a two-year period.

ADVISORS’ REPORTS:

Clerk Donovan reported that the last day to apply for a vote by mail ballot is October 27.

MAYOR’S REPORT:

Mayor Tempesta discussed the 100th birthday celebration of the West Caldwell Public Library and also thanked the Library staff for their work.

Mayor Tempesta recognized Alan Abramowitz, Essex County representative.

Mr. Abramowitz announced the following:

- 1. “Gardens Aglow” will be held at Presby Gardens in Montclair on Friday October 23 and on Saturday October 24 “Strut your Mutt” will be held in Brookdale and South Mountain Reservation.

INVITATION TO CITIZENS FOR DISCUSSION:

Michael Crudele, 26 Loughheed Avenue, thanked James Haas for his hard work on Wrensch Park.

Councilman Cecere thanked Jack Kupcho, Councilwoman Canale’s father for making it possible

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to obtain the land for Wrench Park through a Green Acres grant.

ADJOURNMENT:

On the motion of Council President O'Hern, seconded by Councilman Cecere, the meeting reconvened to Closed Session at 6:55 pm.

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

On the motion of Council President O'Hern, seconded by Councilman Wolsky, the meeting reconvened to open session at 9:06 p.m.

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

On the motion of Council President O'Hern, seconded by Councilman Wolsky, the meeting adjourned at 9:08 p.m. All were in favor.

Mary S. Donovan
Township Clerk