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 12, 2016 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 Councilman Crudele.

ABSENT: Councilwoman Canale

OTHERS PRESENT: Adam W. Brewer, Business Administrator
Mary S. Donovan, Municipal Clerk
Aleksandra Tasic, Esq., on behalf of Paul Jemas, Esq., Municipal Attorney
Nikole H. Monroig, Chief Financial Officer

Pledge of Allegiance led by Councilman Wolsky
Invocation by Council President Cecere

Council President Cecere asked for prayers for the slain Dallas police officers and the police officers of West Caldwell.

Mayor Tempesta asked for prayers for a Caldwell resident recently killed in a car accident and also for her son. Mayor Tempesta asked for prayers for former Mayor Irene Gibbons who recently passed and her family.

PENDING ORDINANCE:

Mayor Tempesta asked Clerk Donovan to read the following ordinance.

The Township Clerk read the title of an Ordinance No. 1786 entitled “AN ORDINANCE TO AMEND CHAPTER 7-2 PEDDLERS, HAWKERS AND VENDORS; CHAPTER 7-3 SOLICITORS AND CANVASSERS AND CHAPTER 7-4 CHARITABLE SOLICITATION”.

7-2 PEDESTRIANS, HAWKERS AND VENDORS.

7-2.1 Definitions.

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

Peddler shall mean and shall include any person, whether a resident of the township or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, food, ice cream, fruit ices, soda water, garden farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers. The word "peddler" shall include the words "hawker," "huckster" and "vendor.

(1993 Code § 116-1)

7-2.2 License Required.

It shall be unlawful for any person to engage in business as a peddler within the corporate limits of the township without first obtaining a license. (1993 Code § 116-2)

7-2.3 Fees.

a. The license fee for a peddler on foot shall be thirty ($30.00) dollars per year.

b. The license fee for a peddler from a vehicle shall be thirty ($30.00) dollars per year.

c. The fees as above set forth are for the purpose of raising revenues administrative costs.

d. No portion of the fee shall be prorated for any part of the year.

(1993 Code § 116-3)

7-2.4 Use of Streets.

No peddler shall have any exclusive right to any location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether
the area is congested or the public impeded or inconvenienced. (1993 Code § 116-4)

7-2.5 Time Restrictions.
No person shall sell, offer for sale, hawk or peddle in the township any of the items listed in subsection 7-2.1 before 9:00 a.m. or after 5:00 p.m., nor on Sundays or holidays. (1993 Code § 116-5)

7-2.6 Duty to Enforce.
It shall be the duty of any police officer of the township to require any person seen peddling, who is not known by such officer to be duly licensed, to produce his peddler's license and to enforce the provisions of this section against any person found to be violating the same. (1993 Code § 116-6)

7-2.7 Nonapplicability.
This section shall not be construed to include:

a. The delivery of milk, eggs, bread, newspapers or such other necessary and perishable articles of food or merchandise of the type commonly delivered on a house-to-house basis at intervals of less than one (1) week.

b. Federal census takers and polls or surveys taken pursuant to federal, state or local laws shall not be prohibited by this section.

c. Any veteran or volunteer fireman who holds a special license issued pursuant to N.J.S.A. 45:24-9 shall be exempt from application for a license but shall be required to comply with all other applicable provisions of this chapter. (1993 Code § 116-7)

7-2.8 Inspection of Equipment.
The equipment used or employed by peddlers of ice cream, foods, beverages, confections and other related commodities shall be maintained in a clean and sanitary manner and shall be subject to the inspection of the Board of Health or its authorized agents. Any violation found and not immediately corrected shall be grounds for revocation of the license. (1993 Code § 116-8)

7-3 SOLICITORS AND CANVASSERS.
7-3.1 Definitions.
As used in this section, the following terms shall have the meanings indicated:

Soliciting business shall mean the same as "canvassing" or "canvassing business," and shall include the following when done by any person who goes from place to place by traveling on the streets with a vehicle or on foot from house to house:

a. Seeking or endeavoring to sell any goods, wares, securities, merchandise or services, by sample, description or otherwise.

b. Taking orders for such goods, wares, securities, merchandise or services for either present or future delivery with or without a payment in whole or in part.

c. Advertising goods, wares, securities, merchandise or services for sale by passing or circulating handbills. (1993 Code § 116-9)

7-3.2 Exceptions.
This section shall not apply to the following acts:

a. Soliciting done by the legal owner, lessee or agent of same upon the property owned or leased by the solicitor.

b. Soliciting done for the purpose of sale of personal property at wholesale to retailers in such articles.

c. Delivery of newspapers, advertising circulars or goods in the regular course of business or the collection of payments therefor.

d. The services of public utilities and their duly authorized agents or representatives, provided that such exemption for public utilities shall not apply to the selling of other than public utility services.

e. Soliciting by any religious or charitable organization as provided for in Section 7-4 of this chapter.

f. Soliciting by persons lawfully exempt by state statute or federal law from the licensing requirements set forth herein or to persons lawfully entitled to conduct a business wherein a license or certificate is required by any department, board, commission or agency of the State of New Jersey or the township.

g. Distribution of handbills or literature on behalf of a candidate for public office. (1993 Code § 116-10)

7-3.3 License Required; Application.
It shall be unlawful for any person to solicit business in the township without first having obtained a license. Any person desiring a license to solicit business within the township shall file an application with the Chief of Police or Township Clerk. The application shall contain, in addition to general requirements, the following:

a. Places of residence of the applicant for the preceding three (3) years.

b. Names and addresses of the persons from whom the goods, wares, securities, merchandise or services to be offered were or are to be purchased. (1993 Code § 116-11)

7-3.4 Approval; Rejection.
If, after investigation, the Chief of Police concludes that the applicant's character and business responsibility are satisfactory, he shall signify his approval of the application on the reverse side; otherwise, he shall note his rejection thereon. (1993 Code § 116-12)
7-3.5 Issuance of License.
Upon verification and approval of the application by the Chief of Police, he shall refer the application to the Township Clerk/Administrator, and, upon payment of the required fee, the Township Clerk/Administrator shall issue a solicitor's license in the name of the applicant. (1993 Code § 116-13)

7-3.6 Identification Card.
At the time of the issuance of the license, an identification card shall be issued to the licensee by the Chief of Police or, in his absence, the officer in charge at police headquarters, Township Clerk. The identification card shall bear a number corresponding with the number of the license and shall contain the name and photograph of the applicant, together with the words "Township of West Caldwell Canvassing License." (1993 Code § 116-14)

7-3.7 Fees.

a. The investigation license fee shall be two hundred ($200.00) five ($5.00) dollars for each license for a ninety (90) day period. Licenses using motor vehicles shall pay a license fee of two hundred ($200.00) dollars for the first motor vehicle and shall pay an additional fee of seventy-five ($75.00) dollars for each additional motor vehicle operated by the licensee with the Township of West Caldwell. Dollars and the license fee shall be ten ($10.00) dollars. In the event that more than one employee shall operate a motor vehicle, then a fee of fifty ($50.00) dollars shall be payable for each such additional employee.

b. If the license is renewed within one (1) year from the date the license was issued, the renewal fee shall be ten ($10.00) dollars. (1993 Code § 116-15)

7-3.8 Surrender of Identification Card.
Upon expiration of a license, the licensee shall surrender the license and the identification card to the officer in charge at police headquarters, at which time the deposit on the identification card shall be returned by the Township Clerk/Administrator to the licensee. (1993 Code § 116-16)

7-3.9 Hours.
Soliciting and canvassing shall be conducted only between the hours of 9:00 a.m. and 5:00 p.m., and no soliciting or canvassing shall be conducted on Sundays or holidays. (1993 Code § 116-17)

7-3.10 Conduct of Licensee.
Licensees shall be courteous and shall conduct themselves in a lawful manner at all times. (1993 Code § 116-18)

7-4 CHARITABLE SOLICITATION.

7-4.1 Definitions.
As used in this section, the following terms shall have the meanings indicated:

Charitable and philanthropic shall mean and shall include patriotic, religious, community service, welfare, benevolent, educational, civic or fraternal, and shall include any organization exempt under the applicable provisions of the United States Internal Revenue Code.

Contribution shall mean alms, food, clothes, money subscription or property of any nature or kind.

Person or organization shall mean any individual, firm, copartnership, corporation, company, association, church, religious denomination, society, class or league.

Solicit shall mean to request, directly or indirectly, money, credit, property, financial assistance or any other thing of value on the plea or representation that such money, credit, property, financial assistance or thing of value will be used for charitable and philanthropic purposes as defined below. A solicitation shall be deemed to be complete when made, whether or not the person making the same receives any contribution. (1993 Code § 116-19)

7-4.2 Permit Required; Exemption.
No person or organization shall solicit contributions for charitable and philanthropic purposes without first obtaining a permit authorizing the same; provided, however, that the provisions of this section shall not apply to any established organization authorized and not operated for the pecuniary profit of any person if solicitations by such organization are conducted among the members thereof or if the solicitations are in the form of collections or contributions at the regular assembly or meetings of any such organization. (1993 Code § 116-20)

7-4.3 Application for Permit.

a. Application for a permit to make a public solicitation of funds by charitable and philanthropic organizations shall be made to the Chief of Police upon forms provided by the township.

b. In addition to the information required in Section 7-1, Licensing Procedures, the application shall contain the following:

1. The purpose for which such solicitation is to be made and the estimated amount of funds
proposed to be raised thereby.

2. A specific statement showing the need for the solicitation.

3. The name and address of the person who will be in direct charge of conducting the solicitation.

4. The names and addresses of all persons making the proposed solicitation.

5. A brief outline of the method to be used in conducting the solicitation.

6. The time and dates when such solicitations shall be made, giving preferred dates and alternate dates for the beginning and ending of such solicitation.

7. The amount of any wages, fees, commissions or expenses to be paid to any person or organization for conducting such solicitation and the names and addresses of all such persons.

8. A full statement of the character and extent of the charitable and philanthropic work conducted by the applicant within the township.

9. A statement to the effect that if the permit is approved, it will not be used or represented in any way as an endorsement of the proposed solicitation by the township or by any of its officers or departments.

c. If, while the application is pending or during the term of any permit granted thereunder, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the Township Clerk/Administrator in writing within twenty-four (24) hours after such change.

(1993 Code § 116-21)

7-4.4 Investigation.
The investigation required under subsection 7-1.3 of this chapter, shall be limited to that sufficient for the Chief of Police to make a determination that the person or organization is bona fide. Upon making such a determination, the Chief of Police shall approve the application. (1993 Code § 116-22)

7-4.5 Approval or Disapproval of Application.
If the application shall be approved, the Chief of Police shall immediately notify the applicant of such approval and issue the permit without charge. If the application is disapproved, a notification of that decision shall immediately be sent to the applicant stating the reasons for such disapproval. (1993 Code § 116-23)

7-4.6 Calendar of Solicitations.

a. It shall be the duty of the Chief of Police to maintain a current calendar of approved solicitations to be conducted within the township.

b. The Township Clerk/Administrator shall have the right to propose alternate dates for the solicitation if the requested dates should unfairly conflict with other solicitations being conducted within the township.

(1993 Code § 116-24)

7-4.7 Time Limit.
No permit may grant the right to solicit for a period longer than thirty (30) consecutive days. (1993 Code § 116-25)

7-4.8 Written Receipts Required.
Any person or organization receiving money or any other thing of a value of one ($1.00) dollar or more from any contributor under a solicitation made pursuant to this section shall give to the contributor a written receipt signed by the solicitor showing the date and the amount received. This section shall not apply, however, to any contribution collected by means of a closed box or receptacle used in solicitation where the use thereof has been approved by the Township Council, where it is impractical to determine the amount of each contribution. (1993 Code § 116-26)

7-4.9 Regulation of Hours.
All solicitations conducted under the authority of this section shall take place between the hours of 10:00 a.m. and 9:00 p.m., and no solicitations shall be conducted on Sundays. Any person or organization desiring to solicit at hours other than those stated herein shall make special request therefor on their application, and this special request may be approved only by the Township Council. If approval is given by the Township Council for the solicitation to be conducted at other than the hours stated in this section, the approval shall be plainly stamped on the permit issued by the Chief of Police. (1993 Code § 116-27)

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 Cecere, Hladik, Wolsky, Docteroff and Councilman Crudele voted in the affirmative.

It was regularly moved by Councilman Hladik, seconded by Councilman Crudele that the Ordinance be passed on second reading.
Upon the vote being polled, Councilmen Cecere, Hladik, Wolsky, Docteroff and Councilman Crudele voted in the affirmative.

COMMUNICATIONS:

A-1 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available under the 2016 Budget of Appropriations – July Schedule; further certifying that there will be no over-expenditures of any line item in the Budget as a result of this schedule.

A-2 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available for resolution number 16-199.

A-3 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available for resolution number 16-203.

A-4 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available for resolution number 16-205.

A-5 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available for resolution number 16-206.

A-6 A communication from MBF Auto RE LLC regarding a Planning Board hearing.

A-7 A communication from the State of New Jersey regarding Executive Order No. 210 - shut down order.

All received and placed on file.

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 Councilman Crudele voted in the affirmative.

SCHEDULE OF BILLS ORDERED PAID

<table>
<thead>
<tr>
<th>Checks</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CURRENT ACCOUNT – VALLEY NATIONAL BANK 5249-5358</td>
<td>$4,036,389.50</td>
</tr>
<tr>
<td>WATER OPERATING ACCOUNT-VALLEY NATIONAL BANK 9727-9749</td>
<td>$118,694.78</td>
</tr>
<tr>
<td>POOL UTILITY ACCOUNT 2685-2703</td>
<td>$129,319.14</td>
</tr>
<tr>
<td>GENERAL CAPITAL ACCOUNT 2544-2556</td>
<td>$414,463.57</td>
</tr>
<tr>
<td>WATER CAPITAL 8110-8114</td>
<td>$14,774.85</td>
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<tr>
<td>POOL CAPITAL 3015-3016</td>
<td>$675.48</td>
</tr>
<tr>
<td>GENERAL TRUST – VALLEY NATIONAL BANK 5487-5519</td>
<td>$36,758.30</td>
</tr>
<tr>
<td>DOG TRUST 1586</td>
<td>$42.60</td>
</tr>
<tr>
<td>LAW ENFORCEMENT TRUST 1001</td>
<td>$1,247.77</td>
</tr>
<tr>
<td>DEVELOPER’S TRUST 360-342</td>
<td>$3,491.25</td>
</tr>
</tbody>
</table>
JULY 12, 2016

APPROVAL OF MINUTES:

On the recommendation of Councilman Crudele, seconded by Councilman Docteroff, it was regularly moved that the Minutes of the Regular Meeting held on Tuesday, June 21, 2016 be approved.

Upon the vote being polled, Councilmen Cecere, Hladik, Wolsky, Docteroff, and Councilman Crudele 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.

It was regularly moved by Council President Cecere, seconded by Councilman Docteroff that the twelve Resolutions on the Agenda this evening be approved.

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 twelve Resolutions by Consent were made part of these Minutes:

No. 16-197
By: Mr. Hladik

SUBJECT: RESOLUTION – AUTHORIZING THE APPOINTMENT OF CONNOR MACLAY 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 Connor Maclay, 23 Grover Lane, West Caldwell, NJ be designated as a regular firefighter for the West Caldwell Volunteer Fire Department, effective July 12, 2016.

No. 16-198
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING REFUNDS IN THE REFUND 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:

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terry Carr</td>
<td>$150.00</td>
<td>Refund of Civic Center Security Deposit</td>
</tr>
<tr>
<td>13 Marshall Street, West Caldwell, NJ 07006</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL CURRENT FUND REFUNDS: $150.00

No. 16-199
By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING AN EMERGENCY CONTRACT TO SANZARI SERVICES LLC FOR THE PAVING OF ANNIN ROAD IN THE AMOUNT OF $13,200.00.

WHEREAS, the Township of West Caldwell was notified of a water main collapse on Annin Road on June 22, 2016; and

WHEREAS, said condition of the roadway after the main break was resolved constitutes an
emergency affecting the public health, safety and welfare of the residents of the Township of West Caldwell; and

WHEREAS, the Township of West Caldwell has declared the need to enter into an emergency contract to repair the road damage caused by the water main break; and

WHEREAS, Sanzari Services LLC, 30 Hugo Ave, Woodland Park, NJ 07424, responded to the emergency and provided the repair as need for this roadway repair for a total price of $13,200.00; and

WHEREAS, the Township of West Caldwell has adequate funds available for the contract.

No. 16-200
By: Mrs. Canale


WHEREAS, the Township advertised and received a proposal for concession provider for the Township of West Caldwell Concert Series from the following vendor, Forte Ristorante; and

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

<table>
<thead>
<tr>
<th>Basis for Award Evaluation Factors</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Concession Fee (price)</td>
<td>25%</td>
</tr>
<tr>
<td>Relevance and Extent of Qualifications, Experience, Reputation and Training of Personnel to be assigned (management)</td>
<td>45%</td>
</tr>
<tr>
<td>Knowledge of the Township of West Caldwell and the subject matter to be addressed under this engagement (technical)</td>
<td>30%</td>
</tr>
</tbody>
</table>

WHEREAS, the Mayor and Council, after carefully considering and evaluating the proposals submitted to the Township in response to the request for proposals and in consultation with and at the evaluation and recommendation of the Township’s staff, has determined that and is satisfied with the proposal submitted by Forte Ristorante, as being the proposal which best satisfies the evaluation criteria and the proposal which best serves the interests of the Township and being in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Township wishes to proceed with this necessary service and for that purpose accepts the proposal submitted by Forte Ristorante.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of West Caldwell, in the County of Essex and State of New Jersey, that the governing body hereby approves of, awards and authorizes the issuance of a license to Forte Ristorante, 182 Bloomfield Avenue, Caldwell, NJ 07006 for the concession provider for the Township of West Caldwell Concert Series – Concert Dates June 30, 2016 and July 14, 2016, which license will specify and delineate the scope of services as those set forth in Forte Ristorante’s proposal, in the amount of One Dollar Donation ($1.00) in the aggregate.

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

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

No. 16-201
By: Mrs. Canale


WHEREAS, the Township advertised and received a proposal for concession provider for the Township of West Caldwell Concert Series from the following vendor, Russillo Restaurant and Pizzeria; and

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

Basis for Award Evaluation Factors

Proposed Concession Fee (price)       25%; and

Relevance and Extent of Qualifications, Experience, Reputation and Training of Personnel to be assigned (management)      45%; and

Knowledge of the Township of West Caldwell and the subject matter to be addressed under this engagement (technical)       30%.

WHEREAS, the Mayor and Council, after carefully considering and evaluating the proposals submitted to the Township in response to the request for proposals and in consultation with and at the evaluation and recommendation of the Township’s staff, has determined that and is satisfied with the proposal submitted by Russillo Restaurant and Pizzeria, as being the proposal which best serves the interests of the Township and being in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Township wishes to proceed with this necessary service and for that purpose accepts the proposal submitted by Russillo Restaurant and Pizzeria.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of West Caldwell, in the County of Essex and State of New Jersey, that the governing body hereby approves of, awards and authorizes the issuance of a license to Russillo Restaurant and Pizzeria, 675 Bloomfield Avenue, West Caldwell, NJ 07006 for the concession provider for the Township of West Caldwell Concert Series – Concert Dates July 21, 2016 and July 28, 2016, which license will specify and delineate the scope of services as those set forth in Russillo Restaurant and Pizzeria’s proposal, in the amount of One Dollar Donation ($1.00) in the aggregate.

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

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

SUBJECT: RESOLUTION – AUTHORIZING THE REJECTION OF ANY AND ALL BIDS FOR THE MEMORIAL PARK TENNIS COURT RECONSTRUCTION PROJECT IN THE TOWNSHIP OF WEST CALDWELL.

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

WHEREAS, the Notice to Bidders and applicable law provide that the Township is not obligated to make an award and that the Township reserves the right to and is entitled to reject any and all bids; and

WHEREAS, the Notice to Bidders and the Bid Documents have been reviewed by the Township governing body, the Township’s staff and the Township’s professional consultants including, but not limited to Maser Consulting, PA, the engineering consultant to the Township (referred to as the “Township Engineer”); and

WHEREAS, the Township received and opened bids for the Project in conjunction with the aforementioned solicitation on June 16, 2016, at 10:00 a.m., prevailing time, in accordance with the Notice to Bidders (referred to as the “Notice to Bidders” or the “Bid Documents”); and

WHEREAS, the Township received bids in response to the solicitation from one (1) bidder; and

WHEREAS, the Lowest Responsive Bidder submitted a bid in the amount of Three Hundred Sixty-Four Thousand, Five Hundred Twenty-Five and 00/100 Dollars ($364,525.00); and

WHEREAS, the amount of the bid of the Responsive Bidder exceeds the Township Engineer’s Project Estimate and the remaining bid substantially exceeds the amount of funds appropriated for the Project; and

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

WHEREAS, the Notice to Bidders and the Bid Documents have been reviewed by the Township governing body, the Township’s staff, the Township Engineer and the Township’s professional consultants
JULY 12, 2016

and in conjunction with such review, the governing body of the Township has determined that it is in the better interest of the Township to reject any and all bids in this matter for the aforementioned determinations; and

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

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

1. Any and all bids received and opened for the Memorial Park Tennis court reconstruction project (the “Project”) be and are hereby rejected in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. including, but not limited to, N.J.S.A. 40A:13-2 et seq., the Notice to Bidder, the Bid Documents and other applicable laws for the statements and determinations set forth in this Resolution.

2. The Township Administrator and Township officials are hereby authorized and directed to take all action necessary and appropriate to prepare the bid documents for the Project to be re-advertised and to solicit bids for the Project in accordance with this Resolution and applicable laws.

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

No. 16-203
By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING THE AWARD OF CONTRACT TO IMAC INSURANCE AGENCY FOR MEDICAL/DENTAL/PRESCRIPTION INSURANCE CONSULTING SERVICES FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell solicited requests for proposals for medical/dental/prescription insurance consulting services through a fair and open process pursuant to N.J.S.A. 40A:11-4.5; and

WHEREAS, the Township of West Caldwell advertised in its official newspaper on May 26, 2016 and two (2) proposals were received and opened on June 17, 2016 and evaluated; and

WHEREAS, the proposal of IMAC Insurance Agency, 540 Mill Street, Belleville, NJ 07109, was deemed to include the necessary qualifications and expertise for the performance of the services; and

WHEREAS, said proposal shall be awarded in the amount of twelve thousand, five hundred dollars ($12,500.00); and

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

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

1. IMAC Insurance Agency be and hereby is appointed, based on the recommendation of the Mayor, for medical/dental/prescription insurance consulting services.

2. The term of this contract shall include a written report within ninety (90) days after the award of contract.

3. The Determination of Value shall be placed on file with this Resolution.

4. The Township Clerk shall publish a notice in the newspaper of official record stating the nature, duration, service and amount of this contract, and further stating that copies of this resolution and the contract itself are on file and available for inspection with the Township Clerk.

No. 16-204
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING PERFORMANCE BOND RELEASE FOR AMERICAN PROPERTIES, 241 CLINTON ROAD, BLOCK 1600, LOTS 23-27.

WHEREAS, the Evans Run Development, LLC (now Heritage at West Caldwell) (the "Developer") is the owner of land identified on certain site plan and/or subdivision plan and hereto made a part hereof and referenced as generally described as follows: Block 1600, Lots 23, 24, 25, 26 and 27, located along Clinton Road in the R3-D Zone; and

WHEREAS, the Developer was granted approval of Application #09-11 to construct in accordance with the aforesaid plans, which approval is memorialized in the Resolution of the Township of West Caldwell Planning Board granting major reverse subdivision and preliminary and final major site plan approval for the construction and use of the land as a multi-family townhouse development, together with other improvements adopted by the Planning Board at their meeting of August 17, 2009 (the "Project"); and

WHEREAS, the Developer was granted approval of Application #11-10 construct in accordance
with the aforesaid plans, which approval is memorialized in the Resolution of the Township of West Caldwell Planning Board granting amended preliminary and final major site plan approval to change certain elements of the previously approved Project at the September 26, 2011 meeting of the Planning Board; and

WHEREAS, the Developer's Agreement with the Township required the Developer to post a total performance guarantee of $1,067,324.58, in accordance with the requirements of the Municipal Land Law; and

WHEREAS, the Developer requested a bond reduction and the Township approved the reduction in the amount of $719,224.94 on February 1, 2013 in connection with the project; and

WHEREAS, the Developer requested a bond reduction and the Township approved the reduction in the amount of $339,859.24 on April 5, 2016 in connection with the project; and

WHEREAS, the Developer has requested a release of the bond in the amount of $8,240.40 on June 8, 2016; and

WHEREAS, the Township Engineer, after inspection of the improvements covered by the restoration bond, has recommended the release of said bond; and

WHEREAS, the written recommendation dated June 23, 2016 prepared by Kevin Boyer, Project Manager, Maser Consulting, P.A., are attached hereto and made part hereof; and

WHEREAS, the recommendation calls to release the Performance Bond, pending the posting of a Maintenance Bond in accordance with the Developer’s Agreement.

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 Administrator and Chief Municipal Finance Officer, be and hereby are authorized and directed to release the performance bond held in connection with the Project as set forth herein.

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

No. 16-205
By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING AWARD OF CONTRACT TO WORLDWIDE INDUSTRIES CORP. FOR MOUNTAIN AVENUE TANK REHABILITATION FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the Township of West Caldwell (referred to as the “Township”) solicited bids for the rehabilitation of Mountain Avenue tank in the Township (referred to as the “Project”) pursuant to a fair and open process in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Notice to Bidders and the Bid Documents have been reviewed by the Township governing body, the Township’s staff and the Township’s professional consultants including, but not limited to Mumford-Bjorkman Associates, Inc., the consultant to the Township (referred to as the “Consultant”); and

WHEREAS, Mumford-Bjorkman Associates, Inc. has recommended to the Mayor and Council that the Township award a contract to Worldwide Industries Corp., 470 Mitchell Hill Road, Butler, PA 16002 for the Project in the amount of four hundred eight thousand dollars ($408,770.00)

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. 16-206
By: Mr. Docteroff

SUBJECT: RESOLUTION – AUTHORIZING AWARD OF CONTRACT TO ELITE DEMOLITION, LLC FOR 3 AND 5 FAIRFIELD AVENUE DEMOLITION FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, there exists a need to contract for building demolition and site clearing at 3 and 5 Fairfield Avenue for the Township of West Caldwell; and

WHEREAS, the Notice to Bidders and the Bid Documents have been reviewed by the Township governing body, the Township’s staff and the Township’s professional consultants including, but not limited to Matrix New World Engineering, the engineering consultant to the Township (referred to as the
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“Township Engineering Consultant”); and
WHEREAS, the request for proposal requested a base bid that included building demolition and site clearing and Alternate A for the construction of a stone wall at the location of the existing driveway for 5 Fairfield Avenue; and
WHEREAS, the Township solicited bids for said 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 a total of six (6) bids on July 7, 2016; and
WHEREAS, upon the recommendation of the Township Administrator and the Township Engineering Consultant, Elite Demolition, LLC, 160 Broadway Avenue, Paterson, NJ 07811 was found to be the lowest responsible and responsive bidder; and
WHEREAS, the Governing Body of the Township of West Caldwell desires to award the contract based on the base bid and Alternate A for a total of ninety-six thousand, two hundred sixty-four and 00/100 dollars ($96,264.00); 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 hereby are authorized to execute a contract for demolition and site clearing, along with the alternate bid to Elite Demolition LLC in the total amount of $96,264.00 as set forth in this Resolution and in a form of agreement 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. 16-207
By: Mr. Hladik


WHEREAS, Caldwell-West Caldwell Soccer Club, has submitted a Raffle License Application No. RA 392, ID No. 535-5-35103, for an off premise 50/50 raffle to be held on September 17, 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 392; 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. 16-208
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED.

WHEREAS, The Township of West Caldwell (the “Township” or the “public body”) has been duly created and is validly existing as a public body corporate and politic of the State of New Jersey pursuant to applicable laws of the State of New Jersey; and
WHEREAS, The Township constitutes a “public body” as such term is defined in the New Jersey Open Public Meetings Act, constituting Chapter 231 of the Pamphlet Laws of 1975 of the State of New Jersey, N. J. S. A. 10:4-6 et seq. and the acts amendatory thereof and supplemental thereto (the “Open Public Meetings Act”); and
WHEREAS, the Open Public Meetings Act permits a public body, as such term is defined therein, to exclude members of the public from portions of any “meeting”, as such term is defined therein including N. J. S. A. 10:4-12(b) et seq., under certain limited circumstances which include, but are not limited to, (a) a discussion of pending or anticipated litigation in which the public body is or may become a party, or (b) a discussion of any matters which fall within the attorney-client privilege, or (c) a discussion of a collective bargaining agreement including the negotiation of the terms and conditions thereof, or (d) a discussion regarding the purchase, acquisition or lease of real property with public funds or (e) a discussion of involving the employment, appointment or termination of employment of an existing or prospective public officer or employee; and
WHEREAS, the governing body of the Township has determined that and is of the opinion that such circumstances presently exist that permit the governing body of the Township to discuss the matters set forth in this Resolution in executive session; and
WHEREAS, the matters set forth in this Resolution are within the exceptions and the limited circumstances set forth in N. J. S. A. 10:4-12(b) et seq., the governing body of the Township desires to conduct a portion of the meeting in an executive session from which members of the public will be excluded.
NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF WEST CALDWELL, in accordance with the provisions of The Open Public Meetings Act, that the governing body of the Township hereby determines to conduct a portion of the meeting in an executive session from which members of the public will be excluded in accordance with the provisions of Open Public Meetings Act; and

BE IT FURTHER RESOLVED, that the aforementioned executive session will be limited to matters relating to the following items and which matters involve, as applicable, pending and anticipated litigation involving or expected to involve the Township, matters which fall within the attorney-client privilege, matters regarding the discussion of a collective bargaining agreement, matters relating to purchase, acquisition or lease of real property with public funds or matters relating to personnel:

1. Litigation – Tax appeals
2. Contract Negotiations – Caldwell University/Mount Saint Dominic Academy/Essex Valley School; property/casually/liability insurance; animal control.
3. Attorney-client privilege – municipal property development; water utility operations.

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 items for closed executive session.

It was regularly moved by Council President Cecere, seconded by Councilman Hladik that the twelve Resolutions listed be adopted.

Upon the vote being polled, Councilmen Cecere, Hladik, Wolsky, Docteroff, and Councilman Crudele voted in the affirmative, except Council President Cecere abstained on resolution number 16-197.

COMMITTEE REPORTS:

PUBLIC SAFETY:

REPORTS – POLICE CHIEF-JUDGE AND DETECTIVE BUREAU – JUNE 2016

On the recommendation of Council President Cecere, the reports submitted by the Police Chief, Judge and Detective Bureau for the month of June 2016 as received, be placed on file. Fines in the amount of $23,121.84 were collected and apportioned as follows (copy attached to minutes).

REPORTS – VOLUNTEER FIRE DEPARTMENT REPORTS – JUNE 2016

On the recommendation of Council President Cecere, the reports submitted by the Fire Chief of West Caldwell Volunteer Fire Department for the month of June 2016 as received, be placed on file.

REPORTS – CONSTRUCTION OFFICIAL’S REPORT – JUNE 2016

On the recommendation of Council President Cecere, the reports submitted by the Construction Official for the month of June 2016 as received, be placed on file.

LEGAL AND PERSONNEL

Councilman Hladik reported on the following:

1. The library board held their final meeting before the summer hiatus.
2. A pool committee reading was held and there will be two children’s movie nights, July 22 at 5 pm. Swimming, and then the movie will be shown and then August 19 with the same schedule. Nonmembers can come and will have to purchase guest passes.
3. There will also be movie nights for adults on Friday September 9 with food trucks and will also start at 5 pm.
4. There will be no new slide for the Westville Pool. The plan is to keep the pools open and use the funds for improvements.

FINANCE

There was no report.

PUBLIC WORKS

Councilman Docteroff reported on the following:

1. Orton Road and Washington Avenue was paved, along with Klimback Court, Cascade Place and Bond Place.
2. Membership revenue has increased because of guest passes, swim lessons and senior couple memberships. The pools are running well.
3. Camp Wyanokie Fishing Derby was held on June 25 and it was attended by Mayor Tempesta, Councilmen Crudele and Wolsky.

There was a discussion about local municipalities alerting others about possible road closures.

PARKS AND RECREATION

In Councilwoman Canale’s absence, Councilman Wolsky reported on the following:

1. The weather impacted on the July 4th fireworks; therefore, the fireworks were shot off one hour earlier because of the rain.

TECHNOLOGY AND SHARED SERVICES

There was no report.

ADVISORS’ REPORTS:

Administrator Brewer reported on the speed tables on Orton Road and that they will be reinstalled as soon as possible. A possibility of moving the August 2 Mayor and Council meeting to another Tuesday in August was discussed.

Clerk Donovan advised the Council that there will be a voter registration event on August 16 at Crane’s Mill.

MAYOR’S REPORT:

Mayor Tempesta reported on the New Jersey Transportation Trust Fund and the projects within West Caldwell that may be impacted.

There was a discussion on the projects within West Caldwell.

INVITATION TO CITIZENS FOR DISCUSSION:

Mayor Tempesta recognized Sue Hands, Essex County representative and welcomed her to West Caldwell.

Ms. Hands announced the following:

1. There will be a senior art show on August 2 and applications will be available at town hall.

Frank O’Brien, 183 Westville Avenue, thanked Mayor Tempesta and Administrator Brewer for their help on securing the utility pole near his property.

Mayor Tempesta asked Administrator Brewer to follow up with PSE&G and Verizon concerning
the utility pole on Mr. O’Brien’s property.

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION:**

Mayor Tempesta stated that the Council reserves the right to come out of closed session and vote on any matter.

On the motion of Councilman Wolsky, seconded by Council President Cecere, the meeting adjourned at 7:52 pm to Closed Session.

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

On the motion of Council President Cecere, seconded by Councilman Hladik, the meeting reconvened to open session at 9:07 pm.

Upon the vote being polled, Councilmen Cecere, Hladik, and Councilman Crudele voted in the affirmative.

**ADJOURNMENT**

There being no further business before the Council, on a motion from Councilman Hladik and a second by Councilman Crudele, the meeting adjourned at 9:08 pm. All were in favor.

Mary S. Donovan  
Township Clerk