

**TOWNSHIP OF WEST CALDWELL
PUBLIC MEETING MINUTES
October 4, 2016**

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 4, 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, Crudele and Councilwoman Canale.

OTHERS PRESENT: Adam W. Brewer, Business Administrator
Mary S. Donovan, Municipal Clerk
Paul G. Jemas, Esq., Municipal Attorney

Pledge of Allegiance led by Council President Cecere.

Councilman Hladik asked for prayers for West Caldwell residents and first responders.

COMMUNICATIONS:

- A-1 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available under the 2016 Budget of Appropriations – October 4, 2016 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 16-252.
- A-3 A communication from SRG concerning 820 Bloomfield Avenue.
- A-4 A communication from New Jersey State League of Municipalities concerning membership dues.

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, Councilwoman Canale and Councilman Crudele voted in the affirmative.

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, September 20, 2016 be approved.

Upon the vote being polled, Councilmen Cecere, Hladik, Wolsky, Docteroff, Councilwoman Canale 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.

Administrator Brewer reported on the Closed Session item.

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It was regularly moved by Council President Cecere, seconded by Councilman Hladik, that the four 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 four Resolutions by Consent were made part of these Minutes:

No. 16-252
By: Mr. Hladik

SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021.

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Township Council of the Township of West Caldwell desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to renew its membership in the MCCPC for the period of October 1, 2016 through September 30, 2021.

BE IT RESOLVED, by the Township Council of the Township of West Caldwell, County of Essex, State of New Jersey as follows:

1. The Township Council of the Township of West Caldwell hereby authorize the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2016, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five-(5) year period from October 1, 2016, through September 30, 2021.
2. The Township Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC. This Resolution shall take effect immediately upon final passage according to law.
3. All appropriate Township officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

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

No. 16-253
By: Mr. Hladik

SUBJECT: AUTHORIZING THE APPOINTMENT OF MARY S. DONOVAN AS THE PUBLIC AGENCY COMPLIANCE OFFICER FOR THE TOWNSHIP OF WEST CALDWELL.

WHEREAS, the New Jersey Department of the Treasury, Division of Contract Compliance and Equal Employment Opportunity in Public Contracts requires the designation of a Public Agency Compliance Officer; and,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of West Caldwell, in the County of Essex and State of New Jersey, that Mary S. Donovan is hereby designated as the Public Agency Compliance Officer of the Township of West Caldwell with a salary of \$7,900.00 effective October 4, 2016.

No. 16-254
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING THE RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND.

WHEREAS, West Caldwell Township is a member of the Morris County Municipal Joint Insurance Fund; and

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WHEREAS, said renewed membership terminates as of December 31, 2016 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said Membership; and

NOW THEREFORE BE IT RESOLVED as follows:

1. West Caldwell Township agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Governing Body shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

No. 16-255

By: Mr. Hladik

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:

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

1. Contract Negotiations – Caldwell University/Mount Saint Dominic Academy/Essex Valley School.

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

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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.

It was regularly moved by Councilman Hladik, seconded by Councilman Crudele that the four Resolutions listed be adopted.

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

COMMITTEE REPORTS:

PUBLIC SAFETY:

- 1. There was no report.

LEGAL AND PERSONNEL:

Councilman Hladik reported on the following:

- 1. There will be a Library Board meeting on October 12 at 7 pm. The public is invited.

FINANCE:

Councilman Wolsky reported on the following:

- 1. There will be a Wrensch Park cleanup on Saturday October 8 from 9 am until 12 noon. All are welcome to participate.

PUBLIC WORKS:

Councilman Docteroff reported on the following:

- 1. Pools were closed for the season on Labor Day. The pools were open 79 days; 19,736 check ins at Westville Avenue Pool; 200 visits per day; Cedar Street pool had 21,692 check ins with 275 visits per day. More details will be available at the next meeting. Individual guest passes were sold at 366, which is up substantially. There were 265 guest booklets sold. Councilman Docteroff responded that residents were happy with the changes made at the pools after Mayor Tempesta asked for an update.
- 2. There will be a Camp Wyanokie budget meeting on Wednesday night. All are invited.

PARKS AND RECREATION:

Councilwoman Canale reported on the following:

- 1. The Board of Health will meet on Wednesday, October 5 at 7 pm. All are invited.

TECHNOLOGY AND SHARED SERVICES:

Councilman Crudele reported on the following:

- 1. Senior day at South Mountain arena and West Caldwell residents were transported there by the senior bus.
- 2. There will be a Little League meeting at Caldwell town hall at 7 pm to discuss organization.

ADVISORS' REPORTS:

Administrator Brewer reported on the Best Practices Inventory for the state and how the Township did on the report. There are wide ranging subjects and the Township answered yes or not applicable to 26 out of 30 questions for a score of 87%. The Best Practices Inventory reflects on possible tax relief aid. Councilman Wolsky asked Administrator Brewer to provide some practice areas and Mr. Brewer answered his questions.

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Administrator Brewer also reported on the Memorial Park Tennis Court Reconstruction Request for Proposal that will be opened on November 17.

Clerk Donovan stated there will be a voters' registration event at Crane's Mill on Wednesday, October 5.

INVITATION TO CITIZENS FOR DISCUSSION:

There were no comments.

ADJOURNMENT TO CLOSED EXECUTIVE SESSION:

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

On the motion of Councilman Hladik, seconded by Councilman Crudele, the meeting adjourned at 7:35 pm to Closed Session.

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

On the motion of Councilman Wolsky, seconded by Councilman Docteroff, the meeting reconvened to open session at 7:39 p.m.

Upon the vote being polled, Councilmen Cecere, Hladik, Wolsky, Docteroff, Councilwoman Canale 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 Docteroff, the meeting adjourned at 7:40 pm. All were in favor.

Mary S. Donovan
Township Clerk