

**TOWNSHIP OF WEST CALDWELL  
PUBLIC MEETING MINUTES**

**October 18, 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 18, 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, Councilwoman Canale and Councilman Crudele.

**OTHERS PRESENT:** Adam W. Brewer, Business Administrator  
Mary S. Donovan, Municipal Clerk  
Paul G. Jemas, Esq., Municipal Attorney  
Chief Gerard Paris, Police Department

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

Council President Cecere asked for guidance for the Council, the military, and especially for the new police officers being sworn in tonight.

**SWEARING IN CEREMONIES:**

Mayor Tempesta welcomed Lauren Olivieri and her family and described Ms. Olivieri's background.

Clerk Donovan read the following resolution by title:

No. 16-256  
By: Mr. Hladik

**SUBJECT: RESOLUTION – AUTHORIZING THE APPOINTMENT OF LAUREN R. OLIVIERI AS ASSISTANT PROSECUTOR FOR THE TOWNSHIP OF WEST CALDWELL FOR THE CALENDAR YEAR 2016.**

**WHEREAS**, N.J.S.A. 2B:25-4 requires that each municipality court have at least one municipal prosecutor appointed in accordance with local ordinance; and

**WHEREAS**, a municipality may appoint such additional municipal prosecutors to administer justice in a timely and effective manner in its municipal court; and

**WHEREAS**, the Mayor, with the advice and consent of the Township Council, desires to appoint Lauren R. Olivieri, 32 Smull Avenue, Caldwell, NJ 07066 to serve as Assistant Municipal Prosecutor for the Township of West Caldwell.

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

1. Lauren R. Olivieri is appointed as Assistant Prosecutor effective October 18, 2016, at a salary of \$5,000, 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.

Mayor Tempesta recommended the appointment of Lauren Olivieri.

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

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

Mayor Tempesta reported that the former West Caldwell prosecutor Thomas Callahan, became a Superior court judge and was sworn in earlier in the afternoon. Mr. Nestor was named the prosecutor and now Ms. Olivier will be sworn in as assistant prosecutor.

Mayor Tempesta administered the oath of office to Ms. Olivieri as her family witnessed the

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ceremony.

Clerk Donovan read the following resolution by title:

No. 16-257  
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING THE APPOINTMENT OF JUSTIN C. EAVEY AS A PROBATIONARY POLICE OFFICER IN THE WEST CALDWELL POLICE DEPARTMENT, EFFECTIVE OCTOBER 24, 2016.

**RESOLVED**, on the recommendation of the Public Safety Committee and the West Caldwell Police Chief, that the nomination of Justin C. Eavey, 610 Old Post Road, Edison, NJ 08817, 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 24, 2016, at a salary of \$47,982.00, in accordance with the salary guide.

Mayor Tempesta recommended the appointment of Justin C. Eavey.

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

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

Mayor Tempesta described Patrolman Eavey's background.

Mayor Tempesta administered the oath of office to Officer Eavey as his family witnessed the ceremony.

Clerk Donovan read the following resolution by title:

No. 16-258  
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING THE APPOINTMENT OF DENNIS E. TOOMEY AS A PROBATIONARY POLICE OFFICER IN THE WEST CALDWELL POLICE DEPARTMENT, EFFECTIVE OCTOBER 24, 2016.

**RESOLVED**, on the recommendation of the Public Safety Committee and the West Caldwell Police Chief, that the nomination of Dennis E. Toomey, 215 Kensington Avenue, Norwood, NJ 07648, 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 24, 2016, at a salary of \$47,982.00, in accordance with the salary guide.

Mayor Tempesta recommended the appointment of Dennis E. Toomey.

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

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

Mayor Tempesta described Patrolman Toomey's background.

Mayor Tempesta administered the oath of office to Officer Toomey as his family witnessed the ceremony.

**RECESS:**

Mayor Tempesta called for a recess at 7:35 pm with a return to the dais at 7:42 pm. The motion move unanimously.

**COMMUNICATIONS:**

- A-1 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available under the 2016 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.
- A-2 A communication from Nikole Monroig, Chief Financial Officer, certifying funds are available for resolution number 16-262.

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.

**SCHEDULE OF BILLS ORDERED PAID**

	<u>Checks</u>	<u>Amount</u>
CURRENT ACCOUNT – VALLEY NATIONAL BANK	5640-5761	\$3,580,709.26
WATER OPERATING ACCOUNT- VALLEY NATIONAL BANK	9813-9839	\$ 273,712.58
POOL UTILITY ACCOUNT	2747-2760	\$ 61,936.18
GENERAL CAPITAL ACCOUNT	2584-2591	\$ 53,218.41
WATER CAPITAL	8123-8124	\$ 3,505.70
GENERAL TRUST – VALLEY NATIONAL BANK	5564-5576	\$ 22,176.92
DOG TRUST	1589-1590	\$ 9,313.36
DEVELOPER’S TRUST	395-397	\$ 40,400.46

**APPROVAL OF MINUTES:**

On the recommendation of Councilwoman Canale, seconded by Councilman Crudele, it was regularly moved that the Minutes of the Regular Meeting held on Tuesday, October 4, 2016 be approved.

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

**CONSENT AGENDA:**

Mayor Tempesta stated that 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 Hladik that the seven Resolutions on the Agenda this evening be approved.

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

There were no comments.

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

No. 16-259  
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING REFUNDS IN THE RECREATION OFFICE.

**WHEREAS**, there is a need to issue refunds for Recreation program fees collected in the Recreation Office as shown below; and

**WHEREAS**, the Recreation Director recommends the refunds; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of West Caldwell that the proper officers be and they are hereby authorized and directed to transfer funds or issue checks to clear the refunds as shown below:

<u>Name</u>	<u>Amount</u>	<u>Reason</u>
Craig Sparano 58 Ravine Avenue Caldwell, NJ 07006	\$360.00	Overpayment for Men’s Softball
Laura Tamimi 9 Knoll Terrace West Caldwell, NJ 07006	\$ 50.00	Cross Country Withdrawal

**TOTAL CURRENT FUND REFUNDS: \$410.00**

No. 16-260  
By: Mr. Wolsky

SUBJECT: RESOLUTION – AUTHORIZING THE RESTORATION BOND RELEASE FOR THE PRESERVE AT WEST CALDWELL, LLC., 475 PASSIAC AVENUE, BLOCK 200, LOT 2.

**WHEREAS**, The Preserve at West Caldwell, LLC posted a cash restoration bond in the amount of \$39,812.40, pursuant to the requirements of the Developer’s Agreement with the Township of West Caldwell in conjunction with the approved site plan improvements for 475 Passaic Avenue, Block 200, Lot 2; and

**WHEREAS**, The Preserve at West Caldwell, LLC has completed said improvements and has requested a release of said cash restoration bond; and

**WHEREAS**, the Township Engineer has submitted correspondence indicating that he has inspected the as-built conditions and finds them to be acceptable; and

**WHEREAS**, as a result of the inspection, the Township Engineer recommends that the total Restoration Bond of \$39,812.40 plus all accumulated interest be released; and

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

1. The Township Administrator and Chief Municipal Finance Officer, be and hereby are authorized and directed to release the restoration 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. 16-261  
By: Mr. Hladik

SUBJECT: RESOLUTION – RESCINDING RESOLUTION NO. 16-220 AND APPROVING THE REVISED WEST CALDWELL VOLUNTEER FIRE DEPARTMENT CERTIFICATION LIST FOR LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR THE YEAR 2015.

**WHEREAS**, it is necessary to rescind Resolution Number 16-220 adopted on August 16, 2016, which approved a Length of Service Award Program (LOSAP) listing for the West Caldwell Volunteer Fire Department (WCVFD); and

**WHEREAS**, there is a need to approve a revised 2015 Certified WCVFD LOSAP contribution list for the West Caldwell Volunteer Fire Department; and

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**WHEREAS**, the Mayor and Council of the Township of West Caldwell adopted Ordinance No. 1426 on August 15, 2000, providing LOSAP for members of the West Caldwell Volunteer Fire Department; and

**WHEREAS**, the Mayor and Council of the Township of West Caldwell authorized American General Financial Group (VALIC) to administer the LOSAP with the approval of Resolution No. 7160 on November 20, 2001; and

**WHEREAS**, the Division of Local Government Services reviewed and approved the length of service award plan submitted by the Township of West Caldwell on December 6, 2001; and

**WHEREAS**, the West Caldwell Volunteer Fire Department presented the attached revised certified list of active volunteer firefighters who qualify for LOSAP contributions for the year 2015 to the Mayor and Council of the Township of West Caldwell; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council have reviewed and have approved the attached list of volunteer firefighters who qualify for LOSAP contributions for the year 2015 and the Governing Body has included the 0% CPI increase authorized by the Division of Local Government Services in accordance with the determinations and recommendations of the West Caldwell Fire Department; and

**BE IT FURTHER RESOLVED**, that Resolution Number 16-220 adopted on August 16, 2016 be hereby rescinded; and

**BE IT FURTHER RESOLVED**, that the revised certified list and this Resolution shall be posted for thirty (30) days at the West Caldwell Fire Headquarters and in the office of the Municipal Clerk in accordance with N.J.S.A. 40A:14-192, et seq.; and

**BE IT FURTHER RESOLVED**, following the 30-day period for filing an appeal, and subject to holding the payment of any members being appealed, payment shall be made by the Township of West Caldwell to VALIC for deposit in the Township of West Caldwell's LOSAP account.

**2015 WCVFD LOSAP Contribution Report**

<b>Name</b>	<b>Attendance %</b>	<b>Drill %</b>	<b>Seniority Points</b>	<b>LOSAP Points</b>	<b>WEFAS Credit</b>	<b>Money To Deposit</b>
William Aiello	43%	44%	1	44	\$0.00	\$0.00
Hugh Albanesius	0%	0%	18	18	\$0.00	\$0.00
James C Alvine, III	82%	100%	30	60	\$0.00	\$1,483.62
Thomas E Bradley	100%	100%	29	60	\$1,409.87	\$73.75
Robert Brenneck	67%	51%	29	60	\$0.00	\$1,483.62
Daniel J Brown	39%	27%	0	39	\$0.00	\$0.00
Larry Bunn	100%	100%	27	60	\$986.91	\$496.71
Joseph Cecere	0%	0%	6	6	\$0.00	\$0.00
Jere Cole	64%	31%	30	60	\$0.00	\$0.00
Richard Douglas	84%	75%	28	60	\$0.00	\$1,483.62
Brian Drastal	100%	100%	3	60	\$1,268.88	\$214.74
Christopher Flint	28%	54%	28	56	\$0.00	\$1,186.90
Jared Fout	96%	97%	13	60	\$0.00	\$1,483.62
Tom Garguilo	67%	40%	1	60	\$0.00	\$0.00
Matthew T Graziosa	67%	49%	3	60	\$0.00	\$0.00
John Hamilton, Jr	100%	54%	30	60	\$0.00	\$1,483.62
Robert Hebrank, Jr	100%	80%	19	60	\$0.00	\$1,483.62
Benjamin Herskowitz	100%	74%	30	60	\$0.00	\$1,483.62
James A High	7%	9%	0	7	\$0.00	\$0.00
Michael High	9%	9%	3	12	\$0.00	\$0.00
David H Jedele	41%	64%	7	48	\$0.00	\$593.45
Thomas A King	85%	71%	8	60	\$0.00	\$1,483.62
Michael R Kraus	8%	20%	0	8	\$0.00	\$0.00
Charles Krueser	86%	69%	30	60	\$0.00	\$1,483.62
Robert Lemongello	62%	63%	30	60	\$0.00	\$1,483.62
James Lott, Jr	7%	0%	30	37	\$0.00	\$0.00
Michael Luker	100%	100%	30	60	\$0.00	\$1,483.62
Connor Maclay	54%	14%	1	55	\$0.00	\$0.00
Mathew Maddaloni	28%	33%	0	28	\$0.00	\$0.00
Joe Martinez, Jr	100%	100%	2	60	\$0.00	\$1,483.62

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Peter May	39%	46%	22	60	\$0.00	\$0.00
Joseph McCarthy	100%	100%	24	60	\$0.00	\$1,483.62
Joseph McCarthy, Jr	86%	100%	2	60	\$0.00	\$1,483.62
Jonathan McNamara	100%	80%	6	60	\$0.00	\$1,483.62
John N Medina	59%	71%	30	60	\$0.00	\$1,483.62
Jeffrey F Mostwill	90%	60%	30	60	\$0.00	\$1,483.62
Frank Norton	67%	80%	30	60	\$0.00	\$1,483.62
John A OHern	0%	0%	30	30	\$0.00	\$0.00
Mathew OHern	28%	37%	4	32	\$0.00	\$0.00
Patrick Ohern	100%	100%	2	60	\$0.00	\$1,483.62
Thomas OHern	38%	30%	23	60	\$0.00	\$0.00
Eric Otterbein	0%	0%	0	0	\$0.00	\$0.00
Karl Otterbein	33%	46%	18	51	\$0.00	\$0.00
Richard Otterbein	67%	54%	30	60	\$0.00	\$1,483.62
Ryan Peter	60%	60%	3	60	\$0.00	\$1,483.62
Daniel Pierrez	16%	34%	9	25	\$0.00	\$0.00
Mark Poli	39%	66%	12	51	\$0.00	\$741.81
John Pressler	7%	0%	30	37	\$0.00	\$0.00
Nick Sasso	100%	100%	1	60	\$0.00	\$1,483.62
Damen Soriente	40%	46%	3	43	\$0.00	\$0.00
Nicholas Stefanelli	43%	51%	2	45	\$0.00	\$370.91
William E Stickle	11%	17%	8	19	\$0.00	\$0.00
Megan Stout	16%	50%	13	29	\$0.00	\$0.00
Frank B Swift, Jr	23%	51%	30	53	\$0.00	\$0.00
Gregory K Table	20%	34%	8	28	\$0.00	\$0.00
Thomas Tyrrell	61%	17%	1	60	\$0.00	\$0.00
John D Wallace	94%	100%	30	60	\$0.00	\$1,483.62
William Wallace	27%	37%	3	30	\$0.00	\$0.00
Jock H Watkins	21%	29%	30	51	\$0.00	\$0.00
Mark W Watkins	52%	51%	9	60	\$0.00	\$1,483.62
Thomas Weber	31%	51%	5	36	\$0.00	\$0.00
Jean A Wypler, Jr	100%	89%	26	60	\$845.92	\$637.70
Jean A Wypler, Sr	1%	100%	30	31	\$0.00	\$0.00
Philip Young	100%	91%	4	60	\$0.00	\$1,483.62
Timothy Zyla	62%	50%	4	60	\$0.00	\$1,483.62
					<b>TOTAL:</b>	<b>\$42,890.09</b>

No. 16-262  
By: Mr. Docteroff

**SUBJECT: RESOLUTION – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH MASER CONSULTING, PA RELATING TO THE ESSEX VALLEY SCHOOL MULTISPORT FIELD LIGHTING AND IRRIGATION SYSTEM IN THE TOWNSHIP OF WEST CALDWELL.**

**WHEREAS**, pursuant to the requirements under the Local Public Contracts Law, the following resolution be and is hereby adopted:

**WHEREAS**, there exists a need for bid specifications, documents and bid assistance for the relocation of a sports lighting pole on the sports field of Essex Valley School. The bid specifications will include a performance-based specification for a required irrigation system around the perimeter of the turf field. The fee for the described services is \$7,275.00.

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contract for “Professional Services” without competitive bidding must be publicly advertised.

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

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1. The Township of West Caldwell will execute an agreement with Maser Consulting, P.A., 400 Valley Road, Suite 304, Mount Arlington, NJ 07856, in accordance with the attached proposal.
2. Whereas, the contract was awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq., in that the vendor was awarded a professional services appointment for the year 2016.
3. All Township officials are hereby authorized and directed to take any and all action necessary and appropriate to effectuate the terms of this Resolution.

No. 16-263  
By: Mr. Cecere

SUBJECT: RESOLUTION – AUTHORIZING THE EXECUTION OF A 2016 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUBRECIPIENT AGREEMENT TO THE COUNTY OF ESSEX FOR AMERICAN WITH DISABILITIES ACT (ADA) IMPROVEMENTS TO THE CIVIC CENTER.

**WHEREAS**, 2016 Community Development Block Grant Funds are available through the County of Essex; and

**WHEREAS**, the elevator in the Civic Center is in need of replacement; and

**WHEREAS**, the Township applied for said grant for the replacement of the Civic Center elevator; and

**WHEREAS**, the sum of \$30,000 has been appropriated by the Essex County Executive and the Board of Chosen Freeholders for award to the Township of West Caldwell for such improvements; and

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

1. The Township of West Caldwell hereby authorizes the execution of the subrecipient agreement for the ADA improvements to the Civic Center.
2. All Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

No. 16-264  
By: Mr. Cecere

SUBJECT: RESOLUTION – RECOGNIZING OCTOBER AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH.

**WHEREAS**, The Township of West Caldwell supports the goals and ideals of National Domestic Violence Awareness Month, and hereby recognizes October as Domestic Violence Awareness Month in the Township of West Caldwell; and

**WHEREAS**, domestic violence impacts all members of the family including pets, who are often the most vulnerable; and

**WHEREAS**, nationally, there are an estimated 1.3 million victims of domestic violence annually; and

**WHEREAS**, the National Domestic Violence Counts Census found that during 1 day during September 2015, more than 71, 828 victims of domestic violence received services, but 12,197 requests for services went unmet due to a lack of funding and resources; and

**WHEREAS**, only 3 percent of domestic violence shelters nationwide can accommodate pets; and

**WHEREAS**, up to 85% of women entering domestic violence shelters reported that their partner had threatened, injured or killed their pet; and

**WHEREAS**, up to 65% of women who are in abusive relationships will not flee or delay leaving because they have no way of protecting their pet family members; and

**WHEREAS**, the human/animal bond has profound physiological consequences and victims should not have to make the devastating decision to give up their pets or leave them behind in danger; and

**WHEREAS**, there were 62,055 domestic violence offenses reported by the NJ State police in 2014, and with 62% of homes in America having companion animals, that means almost 40,000 of these victims may have had nowhere to turn to protect their pet family members; and

**WHEREAS**, there were 5,940 reported incidents of domestic violence abuse in Essex County in 2014; and

**WHEREAS**, domestic violence is cited as a significant factor in homelessness and abandoned animals among families; and

**WHEREAS**, children are involved or present during 29 percent of all domestic violence offenses; and

**WHEREAS**, pet family members serve as therapy providing support, reassurance, comfort and security to children and adult victims of domestic violence who experience immediate and long-term negative outcomes, including detrimental effects on mental and physical health; and

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**WHEREAS**, adequate pet friendly domestic violence shelters is vitally important to the health and well-being of families and pets by enabling victims to escape abuse with their pet family member; and

**WHEREAS**, law enforcement officers in the United States put their lives at risk each day by responding to incidents of domestic violence, including intentional targeting of pets trapped in domestic violence situations; and

**WHEREAS**, animals may suffer from immediate physical injury, as well as a variety of ailments and behavioral issues due to chronic exposure to domestic violence; and

**WHEREAS**, animals are an integral part of the family and deserve the same respect and protection from domestic violence; and

**WHEREAS**, if we are to succeed in protecting victims of domestic violence, we must support the expansion of pet friendly housing for victims to escape abuse together with their pet family members both as policy and as practice; and

**WHEREAS**, if we are to succeed in protecting the defenseless, innocent animals of domestic violence victims, we must support the expansion of temporary safe havens to care for them until they may be safely reunited with their families both as policy and as practice; and

**WHEREAS**, if we are to succeed in protecting the adoring animals of domestic violence victims, we must support the efforts of animal rescue organizations who provide temporary foster care for pet family members in a loving home until they may be safely reunited with their families both as policy and as practice; and

**WHEREAS**, Only Kindness Rescue should be recognized for their commitment and dedication to rescuing and helping homeless animals and bringing awareness of the need for protection of pets of domestic violence victims to our attention; and

**WHEREAS**, the Township of West Caldwell supports the Pets and Women Safety Act (PAWS Act) of 2015, introduced in House to assist both male and female victims of domestic violence and their pets; and

No. 16-265

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. Contract Negotiations – Caldwell University/Mount Saint Dominic Academy/Essex Valley School;
2. Personnel

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**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 Councilman President Cecere, seconded by Councilman Hladik that the seven Resolutions listed be adopted.

Upon the vote being polled, Councilmen Cecere, Hladik, Wolsky, Docteroff, Councilwoman Canale and Councilman Crudele voted in the affirmative except Council President Cecere abstained on resolution number 16-261 because of his membership on the West Caldwell Volunteer Fire Department.

**COMMITTEE REPORTS:**

**PUBLIC SAFETY:**

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

On the recommendation of Council President Cecere, the reports submitted by the Police Chief, Judge and Detective Bureau for the month of September 2016 as received, be placed on file. Fines in the amount of \$21, 006.00 were collected and apportioned as follows (copy attached to minutes).

REPORTS – VOLUNTEER FIRE DEPARTMENT REPORTS – SEPTEMBER 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 September 2016 as received, be placed on file.

REPORTS – CONSTRUCTION OFFICIAL’S REPORT – SEPTEMBER 2016

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

Council President Cecere reported on the following:

1. The two probationary officers were welcomed to the Township and its police department.

**LEGAL AND PERSONNEL:**

Councilman Hladik reported on the following:

1. The Library Board will hold their annual volunteer appreciation event on October 19 at 6:30 pm in the Library. All are invited.

**FINANCE:**

Councilman Wolsky reported on the following:

1. The staff and department heads are working on the 2017 budget.

**PUBLIC WORKS:**

Councilman Docteroff reported on the following:

1. The pool reports will be discussed in its respective committee in order to better schedule staff and events.
2. Camp Wyanokie budget meeting is scheduled for December 3, 2016.

**PARKS AND RECREATION:**

Councilwoman Canale reported on the following:

1. The Halloween parade will be held on Saturday, October 29 at Grover Cleveland Park starting at 10:00 am.

Councilman Wolsky reported that the 4th Annual Equipment Swap will be held 9 am to 3 pm at the former Recreation building parking lot with drop off of equipment on that day.

**TECHNOLOGY AND SHARED SERVICES:**

Councilman Crudele reported on the following:

1. Ms. Olivieri was welcomed to West Caldwell.
2. Residents were reminded that the senior bus is available to West Caldwell residents and they should take advantage of the system.

**ADVISORS' REPORTS:**

Administrator Brewer reported on the Sewer Board meeting held this evening in Caldwell. There have been equipment replacements at the facility throughout the years and with that there have been decreases in the contract for the facility, which will continue each year. Agreements among the municipalities using the facility will be reviewed.

Clerk Donovan reported that tonight was the last night to register and transfer to vote for the November 8 election.

**MAYOR'S REPORT**

Mayor Tempesta reported on the swearing in of Superior Court Judge Callahan earlier this afternoon. Mayor Tempesta also reported on Governor Christie's signing of the Transportation Trust Fund and the impending changes.

Sue Hands, Essex County Liaison, reported that the funds for the Municipal Alliance Committee should be used before the end of the year. Ms. Hands was asked to report back on the gas work being done on Central Avenue by PSE&G, the subsequent paving of Central Avenue, and the paving of Clinton Road.

Councilman Crudele discussed the tree trimming needed near Lougheed Avenue and Melrose Place. Mayor Tempesta indicated that West Caldwell will take care of the tree trimming on the medians.

**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 matter.

**OCTOBER 18, 2016**

On the motion of Council President Cecere, seconded by Councilman Hladik, the meeting adjourned at 8:01 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 Council President Cecere, seconded by Councilman Hladik, the meeting reconvened to open session at 9:39 pm.

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 Wolsky, and a second by Council President Cecere, the meeting adjourned at 9:40 pm. All were in favor.

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Mary S. Donovan  
Township Clerk