

PLANNING BOARD MINUTES
PUBLIC MEETING
February 9, 2015

A public meeting of the Planning Board of the Township of West Caldwell was held on February 9, 2015, in the Municipal Building, 30 Clinton Road, West Caldwell, New Jersey. Chairman Mudd called the meeting to order at 7:00 p.m. and read the opening statement.

ROLL CALL:

Members present: Mr. Martorana (via Skpe), Mr. Dremel, Mayor Tempesta, Chairman Mudd, Mr. Smith, Ms. Marchetti, Mr. Cecere and Mr. Palmisano

Members absent: none

Advisors present: Greg Castano Esq. and Tamara E. Bross.

MINUTES:

October 20, 2014 - no revisions, motion by Mayor Tempesta, seconded by Mr. Smith, approved 6-0-2 with abstentions by Ms. Marchetti and Councilman Cecere.

November 10, 2014 – no revisions, motion by Mr. Smith to approve, seconded by Mr. Palmisano, approved 6-0-2 with abstentions by Mayor Tempesta and Councilman Cecere.

November 24, 2014 – there was an extra “S” in Mr. Palmisano’s last name. Motion to approve as corrected by Mr. Smith, seconded by Mayor Tempesta, approved 6-0-1 with abstention by Councilman Cecere.

December 22, 2014 – no revisions, motion by Mr. Smith to approve, seconded by Mayor Tempesta, approved 6-0-1 with abstention by Councilman Cecere.

January 12, 2015 – no revisions, motion by Mr. Smith to approve, Mr. Dremel seconded, approved 7-0-1 with abstention by Ms. Marchetti.

RESOLUTION:

Consideration of a Resolution Submitting Planning Board Recommendations to the Governing Body of the Township of West Caldwell pursuant to N.J.S.A. 10:412.b(7) to conduct a closed executive session, review litigation pending in the Essex County Superior Court in the matter of Dominate Food Services II, LLC vs Township of West Caldwell Planning Board, et. al. Docket No. L-8747-14.

WHEREAS, on or about January 15, 2015 the Planning Board was served with a Complaint in the matter entitled Dominate Food Services, LLC vs. Township of West Caldwell Planning Board, et. al., Docket No. ESX-L-8747-14; and

WHEREAS, the Board needs to retain counsel to represent it in the matter; and

WHEREAS, New Jersey Open Public Meetings Act N.J.S.A. 10:4-6 et. seq. permits litigations matters and/or matters with an attorney client privilege to be discussed in a non-public closed session upon adoption of a resolution; and

WHEREAS, the Board expects to disclose to the public the circumstances of the closed session shortly after its conclusion;

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of West Caldwell, Essex County, New Jersey that the discussions of the retention of counsel and other issues associated with the pending litigation in closed session.

Motion by Mr. Smith to adopt, seconded by Mayor Tempesta, adopted 7-0.

Board went into closed session.

Board returned from closed session at 7:25 wherein retaining counsel was discussed.

RESOLUTION:

Consideration of a Resolution Submitting Planning Board Recommendations to the Governing Body of the Township of West Caldwell pursuant to N.J.S.A. 10:4-12b(7) to retain counsel in the matter pending in the Essex County Superior Court in the matter of Dominate Food Services II, LLC vs Township of West Caldwell Planning Board, et. al. Docket No. L-8747-14.

WHEREAS on or about January 15, 2015 the Planning Board was served with a Complaint in the matter entitled Dominate Food Services, LLC vs. Township of West Caldwell Planning Board, et. al., Docket No. ESX-L-8747-14; and

WHEREAS, the Board is required to file an answer to otherwise respond to the Complaint within 35 days of service.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Township of West Caldwell, Essex County NJ that the law firm is Castano Quigley, LLC, currently serving as the Board's counsel is designated to represent the Board in the litigation and take whatever actions are necessary to protect the Board's interests and shall report to the Board from time to time as to the status of the matter.

Motion to adopt by Mayor Tempesta, seconded by Mr. Smith, adopted 7-0.

INVITATION FOR PUBLIC COMMENT:

There were no questions or comments from the Public.

ADJOURNMENT:

The meeting was adjourned.

Respectfully submitted,

Tamara E. Bross, Board Secretary