

MINUTES OF REGULAR MEETING HELD MARCH 10, 2015

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, March 10, 2015 at 8:05 p.m.

Mayor Skibitsky made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 16, 2014. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Skibitsky, Council Members, Arena, LoGrippto, Foerst, Della Fera, Kimmins, Loughlin

ABSENT: Council Members Neylan, Oliveira

Invocation was given by Councilwoman Kimmins

Council as the Committee of the Whole

Tonight we will be swearing in David Kelly as Westfield’s new Fire Chief. As you know, our Fire Department, indeed our town, has been going through a tough time with the sudden illness and passing of Chief Dan Kelly. We will never forget and will always appreciate Dan Kelly’s dedication and service to this town and, under the circumstances, perhaps Dan more than anyone else during this difficult time, understood the need to move forward. These past months, as we have been reflecting and grieving, our Fire Department has had to carry on its operations 24/7 with a heavy heart, and it did so admirably and proficiently under the leadership of Deputy Chief David Kelly.

It is important at this time, as we move forward, to recognize that - although this transition of leadership in the Fire Department was precipitated by an unexpected, untimely, and heartbreaking situation - David Kelly has earned the title of Chief based on the merits of his experience, education, dedication, service, and vision. It is fitting, then, that this evening we celebrate David Kelly’s promotion to Fire Chief as well as his many achievements, among them:

- He began his firefighting career in August of 1988 when he was appointed to serve as a volunteer.
- David attended the University of Vermont and graduated in 1991 with a Bachelor of Science degree in forestry.
- He entered the ranks of career firefighter with his appointment in June of 1992.

- In 1997, David earned a Master of Science degree in Fire Protection Management from the distinguished program at John Jay College of Criminal Justice.
- Rising through the ranks, David was promoted to Lieutenant in February of 1999, Captain in July of 2004, and Deputy Chief in January of 2005.
- Since 2008, David has lent his expertise as an Investigator on the Union County fire investigation unit.
- As an Instructor at the Union County Fire Academy from 2001 to 2011 and as an adjunct faculty member at Union County College since 2006, David has trained and had an affirmative influence on countless firefighters and public safety professionals.
- David holds numerous State certifications, including Haz-Mat Operational, Incident Management System Levels I, II & III, Fire Official, Emergency Medical Technician, and others.
- As the primary grant writer, David has secured numerous grant moneys for firefighting purposes.
- David is the deputy emergency management coordinator, working with the Police Chief in planning for response and recovery from major emergencies and catastrophic events.

During his 23 year career, David Kelly has been involved in every aspect of fire department operations.

The Town is very fortunate to have a professional firefighter and administrator of the caliber of David Kelly.

At this time, I move the Resolution of the Council Committee of the Whole appointing David Kelly to the position of Fire Chief in the Town of Westfield.

(61) **WHEREAS**, in accordance with the provisions of the Town Charter, the Town Administrator has proposed the appointment of David Kelly as Fire Chief, subject to the approval of Mayor and Council, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council hereby approve the appointment of David Kelly to the position of Chief of the Westfield Fire Department, effective March 1, 2015, and

BE IT FURTHER RESOLVED that David Kelly shall be paid a salary at an annual rate of \$139,355 per year commencing March 1, 2015.

May I have a second? (Entire Council “seconds”.)

All in favor?

Mrs. Gray, the Resolution has passed.

It is now my honor to call David Kelly up to the dais.

PRESENTATIONS

**Town of Westfield
Westfield, New Jersey**

Proclamation

**Westfield Volunteer Rescue Squad Month
March 1, 2015 – March 31, 2015**

WHEREAS, each year residents and visitors to our community may require emergency medical care and transportation; and

WHEREAS, the Westfield Volunteer Rescue Squad is a wholly volunteer emergency medical service on duty 24 hours a day, 7 days a week; and

WHEREAS, the Westfield Volunteer Rescue Squad has provided no-fee emergency medical care and transportation to the residents and visitors of the Town of Westfield for the past 64 years; and

WHEREAS, the Westfield Volunteer Rescue Squad depends entirely upon donations to fund its operations; and

WHEREAS, the members of the Westfield Volunteer Rescue Squad are certified volunteer emergency medical technicians who generously donate their time and their skills to provide for the physical well being of the community and its residents; and

WHEREAS, during the year 2014, the members of the Westfield Volunteer Rescue Squad volunteered over 35,000 hours of service and answered 2,301 calls, giving selflessly of themselves for the welfare of others; and

WHEREAS, the Town of Westfield benefits daily from the knowledge, skills and efforts of the members of the Westfield Volunteer Rescue Squad;

NOW, THEREFORE, BE IT PROCLAIMED that I, Mayor Andrew K. Skibitsky, hereby proclaim that the period of March 1 through March 31 in the year 2015 be designated as:

Westfield Volunteer Rescue Squad Month

BE IT FURTHER PROCLAIMED that the residents of the Town of Westfield be encouraged to recognize the efforts of the dedicated volunteers and show their support for this vital service organization.

Andrew Ertman spoke about a 5k race fundraiser for the Union County Child Advocacy Center to be held at Warinanco Park on April 19, 2015.

APPOINTMENT

ADVERTISED HEARINGS

The Council proceeded to the hearing entitled, “GENERAL ORDINANCE NO. 2037 – AN ORDINANCE AMENDING THE HISTORIC DESIGNATION AND PRESERVATION ORDINANCE OF THE TOWN OF WESTFIELD.”

Tom White of 222 Edgewood Avenue said he co-owned a piece of property on Walnut Street and said he felt that a neighborhood should be defined as a street bound by

two cross streets. He also spoke about non-conforming units such as condos being included in the percentage numbers for creating an historic district.

John Tingley of 249 Walnut Street spoke about the importance of the opt-out section for properties in a proposed historic district.

Mayor Skibitsky declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, "GENERAL ORDINANCE NO. 2037 – AN ORDINANCE AMENDING THE HISTORIC DESIGNATION AND PRESERVATION ORDINANCE OF THE TOWN OF WESTFIELD" Introduced by Councilman Foerst, seconded by Councilwoman Kimmins, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:	Arena	Nays:	Absent:	Neylan
	LoGrippe			Oliveira
	Foerst			
	Della Fera			
	Kimmins			
	Loughlin			
	Mayor Skibitsky			

BIDS

MINUTES

On a motion by Councilwoman Kimmins, seconded by Councilman LoGrippe, Council approved the Minutes of the Town Council Meeting held February 24, 2015 with Mayor Skibitsky and Council Members Arena and Foerst abstaining.

On a motion by Councilman Loughlin, seconded by Councilwoman Kimmins, Council approved the Minutes of the Conference Session held February 24, 2015 with Mayor Skibitsky and Council Members Arena and Foerst abstaining.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

BILLS AND CLAIMS

Introduced by Councilman Della Fera, seconded by Councilman LoGrippe and adopted with Councilman Loughlin abstaining on the Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$181,731.65 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilman Della Fera, Chairman of the Finance Policy Committee, seconded by Councilman LoGrippe were unanimously adopted.

(62) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$164.40 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of February 2015.

(63) RESOLVED that the Chief Financial Officer be and hereby is authorized to draw warrant for unused parking permit fee as follows:

Adler Jewelers 219 North Avenue Westfield, NJ 07090	Lot 8	#15080199	\$530.00
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Adler Jewelers 219 North Avenue Westfield, NJ 07090	Lot 8	#15080200	\$530.00
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Timothy Dosch 116 Harrison Avenue Colonia, NJ 07067	Lot 8	#15080155	\$260.00
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(64) WHEREAS, the Town Council of the Town of Westfield, County of Union, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Town Council has applied for and been approved for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union, and

WHEREAS, the Town of Westfield's Municipal Alliance Program has been approved to receive funding for the FY 2015 period of July 1, 2014 – June 30, 2015 and for FY 2016 for the period of July 1, 2015 – June 30, 2016 for an amount of \$26,651 for each fiscal year period,

NOW, THEREFORE, BE IT RESOLVED by the Town of Westfield, County of Union, State of New Jersey, hereby recognizes the following:

1. The Town Council does hereby authorize the approval of the applications for the FY2015 and FY2016 representing a total award of \$26,651 for each 12 month period, representing a cash match of \$6,663 and In-Kind of \$19,988 to the Westfield Municipal Alliance.
2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

(65) WHEREAS, Mark and Rachael Lipschutz, made an application for a construction permit for an in ground swimming pool located at 181 Lincoln Road, Block 1001 Lot 20.01, Westfield, New Jersey.

WHEREAS, Mark and Rachael Lipschutz, remitted \$708.00 for aforesaid permit.

WHEREAS, Mark and Rachael Lipschutz, subsequently requested not to do the above mentioned project.

WHEREAS, Mark and Rachael Lipschutz, has made an application for refund of eighty percent (80%) of permit fee.

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be, and hereby is authorized to draw a warrant in the sum of \$566.40 payable to Mark and Rachael Lipschutz, 181 Lincoln Road, Westfield, NJ 07090.

(66) WHEREAS, Lena Tenzer and Andrew Borak, made an application for a construction permit for a chimney renovation located at 973 Woodmere Drive, Block 205, Lot 3, Westfield, New Jersey.

WHEREAS, Lena Tenzer and Andrew Borak, remitted \$194.00 for aforesaid permit.

WHEREAS, Lena Tenzer and Andrew Borak, remittance of \$194.00 was an overpayment of \$70.00.

WHEREAS, Lena Tenzer and Andrew Borak, are due a refund of this overpayment.

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be, and hereby is authorized to draw a warrant in the sum of \$70.00 payable to Lena Tenzer and Andrew Borak, 973 Woodmere Drive, Westfield, NJ 07090.

(67) RESOLVED that the Chief Financial Officer be and she hereby is authorized to draw warrants to the order of the following person, this being the amount overpaid for property taxes for the year 2014.

BLOCK/LOT	PROPERTY	YEAR	AMOUNT
101/49 ADONI, Schlomi & Tammy	1301 Prospect Street	2014	\$2,914.63
4801/35 CoreLogic Services, LLC And ASHAR, Kunal & SHETH, Payal R.	945 Beverly Drive	2014	\$3,230.79

MAIL TO:
CoreLofic Services, LLC
Post Office Box 961230
Fort Worth, Texas 76161-0230

(68) RESOLVED that the Treasurer be and she hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2013 and 2014 pursuant to the Tax Court of New Jersey:

BLOCK/LOT	ADDRESS	YEAR	AMOUNT
3204/7.01	215 South Avenue East	2013	\$3,142.27
		2014	\$4,911.72
3204/7.02	219 South Avenue East	2013	\$4,566.11
		2014	\$5,202.66
BHB COMPANY, NJ PARTNERSHIP			

Check payable to:
Daniel G. Keough, Trustee

MAIL TO:
VENTURA, MIESOWITZ, KEOUGH & WARNER
ATTN: Daniel G. Keough, Trustee
783 Springfield Avenue
Summit, New Jersey 07901-2332

(69) WHEREAS, the Westfield Recreation Department's annual Daddy-Daughter Dance held at L'Affaire for Westfield residents is scheduled for Sunday, March 22, 2015 and,

WHEREAS, payment for each participant to L'Affaire is required day of the event;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for participant payment to L'Affaire located at 1099 Route 22 East, Mountainside, NJ 07092 in an amount not to exceed \$15,000.00 charged to the Recreation Department's Trust 217 account.

(70) WHEREAS, the Westfield Recreation Department's annual Daddy-Daughter Dance held at L'Affaire for Westfield residents is scheduled for Sunday, March 22, 2015 and,

WHEREAS, payment of Maitre D' fee to L'Affaire is required day of the event;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for Maitre D' payment to L'Affaire located at 1099 Route 22 East, Mountainside, NJ 07092 in an amount not to exceed \$500.00 charged to the Recreation Department's Trust 217 account.

(71) WHEREAS, the Westfield Recreation Department's annual Daddy-Daughter Dance held at L'Affaire for Westfield residents is scheduled for Sunday, March 22, 2015 and,

WHEREAS, payment of Disc Jockey services to The Spinners Entertainment Co., is required day of the event;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for the disc jockey service payment to The Spinners Entertainment Co. located at 119 North Riverview Rd., Phillipsburg, NJ 08865 in an amount not to exceed \$650.00 charged to the Recreation Department's Trust 217 account.

(72) WHEREAS, the Westfield Recreation Department's annual Daddy-Daughter Dance held at L'Affaire for Westfield residents is scheduled for Sunday, March 22, 2015 and,

WHEREAS, payment of Photo Screen Services to Phototainment Innovations, LLC is required day of the event;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for the photo screen payment to Phototainment Innovations, LLC in an amount not to exceed \$500.00 charged to the Recreation Department's Trust 217 account.

(73) WHEREAS, the Westfield Recreation Department's annual Daddy-Daughter Dance held at L'Affaire for Westfield residents is scheduled for Sunday, March 22, 2015 and,

WHEREAS, payment of craft supplies to Parti-Licious, is required day of the event;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for the craft supplies payment to Parti-Licious located at 340 North Ave., Garwood, NJ 07027 in the amount not to exceed \$500.00 charged to the Recreation Department's Trust 217 account.

Public Safety, Transportation and Parking Committee

The following resolution, introduced by Councilman Loughlin, Member of the Public Safety, Transportation and Parking Committee, seconded by Councilman Arena was unanimously adopted.

(74) WHEREAS, the Town of Westfield entered into a one year contract with Universal Uniform Sales Co., Inc., PO Box 637, Newark, NJ 07101 for the furnishing of police department uniforms with an option to extend the contract for one consecutive year; and

WHEREAS, the Town of Westfield desires to continue the aforesaid contract for the furnishing of police department uniforms through 2015 in the amount of \$28,000; and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to the 2015 Police Operating Accounts 130-246, 130-223 and 130-226,

NOW, THEREFORE, BE IT RESOLVED that the following contractual award be continued, and the proper Town Officials be, and they are hereby authorized to act as appropriate in the execution and discharge of this Contract.

Regarding the following ordinance, Councilman Loughlin, Member of the Public Safety, Transportation and Parking Committee, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2038 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13."

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 24th day of March 2015 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilman Foerst.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena
LoGrippe

Nays:

Absent: Neylan
Oliveira

Foerst
 Della Fera
 Kimmins
 Loughlin
 Mayor Skibitsky

Regarding the following ordinance, Councilman Loughlin, Member of the Public Safety, Transportation and Parking Committee, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2039 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 15."

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 24th day of March 2015 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilwoman Kimmins.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena	Nays:	Absent: Neylan
LoGrippto		Oliveira
Foerst		
Della Fera		
Kimmins		
Loughlin		
Mayor Skibitsky		

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Foerst, Chairman of the Code Review & Town Property Committee, seconded by Councilman Arena were unanimously adopted.

(75) WHEREAS, Elschiekh Enterprises LLC., made an application to the Town of Westfield to demolish a single-family dwelling located at 13 Wychview Drive, Block 2003, Lot 19, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 13 Wychview Drive, Block 2003, Lot 19, Westfield, New Jersey.

(76) WHEREAS, D. Villane Construction LLC., made an application to the Town of Westfield to demolish a single-family dwelling located at 875 North Avenue West, Block 2604, Lot 10, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling 875 North Avenue West, Block 2604, Lot 10, Westfield, New Jersey.

(77) WHEREAS, Robert and Francine Scherer, made an application to the Town of Westfield to demolish a single-family dwelling located at 1723 Boynton Avenue, Block 5712, Lot 9, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling 1723 Boynton Avenue, Block 5712, Lot 9, Westfield, New Jersey.

(78) WHEREAS, John M. and Marilyn Toriello, made an application to the Town of Westfield to demolish a detached garage, located at 707 Westfield Avenue, Block 4202, Lot 15, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application has met all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a detached garage at 707 Westfield Avenue, Block 4202, Lot 15, Westfield, New Jersey.

(79) WHEREAS, Michael Mahoney LLC., made an application to the Town of Westfield to demolish a single-family dwelling and detached garage located at 771 Boulevard, Block 4104, Lot 17, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling and detached garage at 771 Boulevard, Block 4104, Lot 17, Westfield, New Jersey.

Public Works Committee

The following resolution, introduced by Councilman Arena, Chairman of the Public Works Committee, seconded by Councilman LoGrippe was unanimously adopted.

(80) WHEREAS, the Town has identified a need to develop and prepare design plans and contract specifications for the construction of a garage/storage structure for the Department of Public Works, and

WHEREAS, proposals were received from two companies to provide the professional services necessary to address the aforementioned scope of services, and

WHEREAS, the Town Engineer has reviewed the Proposals and recommends that a professional services contract for the aforementioned services as outlined in the Proposal dated March 5, 2015, be awarded to Serpico Architect, 1201 Boynton Avenue, Westfield, NJ 07090, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to S.O. 2196.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield that the aforementioned contract for professional services required for the contract plans and specifications for the construction of garage/storage structure for the Department of Public Works be awarded to Serpico Architect, 1201 Boynton Avenue, Westfield, NJ 07090, in an amount not to exceed \$25,000.00.

Reports of Department Heads

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$3,303.00 representing monies collected during the month of February 2015.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$3,511.00 during the month of February 2015 was received, read, and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in February 2015 in the amount of \$4,025.00 and \$360.00 Permit Fees was received, read and ordered filed.

Upon motion by Councilman LoGrippe, seconded by Councilman Foerst the meeting was adjourned at 8:40 p.m.

Claire J. Gray
Town Clerk