

MINUTES OF REGULAR MEETING HELD APRIL 1, 2014

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday evening, April 1, 2014 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 17, 2013. 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, LoGrippo, Della Fera, Kimmins, Oliveira, Loughlin

ABSENT: Councilwoman Neylan

Invocation was given by Councilman Oliveira

PRESENTATIONS

Alan Solomon of Friends of Westfield Memorial Library spoke about the Annual Book Sale.

Councilman Arena announced the Westfield Baseball League Parade - Saturday, April 5, 2014.

Mayor Skibitsky presented the following Proclamations:

Town of Westfield Westfield, New Jersey

PROCLAMATION

*Autism Awareness Month - April 2014
Autism Awareness Day - April 2, 2014*

WHEREAS, autism, the fastest growing developmental disability in the United States, affecting more than three million people, is an urgent public health crisis that demands a national response; and

WHEREAS, autism is the result of a neurological disorder that affects the normal functioning of the human brain and can affect anyone, regardless of race, ethnicity, gender, or socioeconomic background; and

WHEREAS, symptoms and characteristics of autism may present themselves in a variety of combinations and can result in significant lifelong impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal as well as nonverbal communication; and

WHEREAS, the effort to address autism continues ~ doctors, therapists, and educators can help persons with autism overcome or adjust to its challenges and provide

early, accurate diagnosis and the resulting appropriate education, intervention, and therapy that are vital to future growth and development; and

WHEREAS, ensuring that persons living with autism have access to the lifelong care and services needed to pursue the full measure of personal happiness and achieve their greatest potential; and

WHEREAS, the Town is honored to take part in the annual observance of Autism Awareness Month and World Autism Awareness Day in the hope that it will lead to a better understanding of the disorder; and

THEREFORE, I, Mayor Andy Skibitsky, on behalf of the Town Council and the good citizens of the Town of Westfield, do hereby proclaim April 2014 as *Autism Awareness Month* and April 2, 2014 as **Autism Awareness Day** in the Town of Westfield in an effort to raise public awareness of autism and the myriad of issues surrounding this developmental disability;

BE IT FURTHER PROCLAIMED, that I hereby encourage my fellow residents to visit Autism Speaks, the world's leading autism science and advocacy organization, dedicated to funding research into the causes, prevention, treatments and a cure for autism and advocating for the needs of individuals with autism and their families, at www.autismspeaks.org.

**Town of Westfield
Westfield, New Jersey**

PROCLAMATION

***Parkinson's Awareness Month
April 2014***

WHEREAS, Parkinson's disease is the second most common neurodegenerative brain disorder in the United States with symptoms that vary person to person and may include tremor, difficulty with balance, rigidity, mood disorders, skin problems and trouble with chewing, swallowing and speaking; and

WHEREAS, in the United States alone, as many as 60,000 new cases of Parkinson's disease are diagnosed each year, adding to the 1 million people who are currently afflicted with this disease; and

WHEREAS, Parkinson's disease itself is not fatal, but according to the Center for Disease Control, complications from the disease are the 14th top cause of death in the United States; and

WHEREAS, there is currently no cure, therapy or drug to slow or halt the progression of the disease; and

WHEREAS, current medications and treatments focus on controlling the symptoms in an effort to improve a patient's quality of life; and

WHEREAS, current medications and treatments lose their effectiveness generally after four to eight years of use, though patients may live up to 20 years or more from the time of diagnosis, leaving many to eventually be unable to move, speak, or swallow; and

WHEREAS, increased education and research are desperately needed to find more effective and lasting treatments and, ultimately, a cure for this debilitating disease; and

WHEREAS, Parkinson's disease affects not only the Parkinson's patient, but the patient's loved ones and caregivers;

NOW, THEREFORE, BE IT PROCLAIMED, that I, Mayor Andrew K. Skibitsky, on behalf of the Town Council and the good citizens of the Town of Westfield,

in recognition of the need to bring awareness to the plight of Parkinson's patients and their families, do hereby designate the month of April in the year 2014 as *Parkinson's Awareness Month* in the Town of Westfield;

BE IT FURTHER PROCLAIMED, that I hereby encourage my fellow residents to visit the National Parkinson Foundation at www.parkinson.org for further information about the disease and how you can help.

Mayor Skibitsky made the following comment:

Unfortunately, those intent on committing crimes do not respect municipal boundary lines. As you know, our very low crime rate demonstrates that Westfield is a very safe Town. Even so, we are not completely immune from criminal behavior – no one is.

Yesterday afternoon, a carjacking did occur in our Town. A female resident of our Town arrived at her home and was approached in her driveway. After a brief struggle, the suspect took the victim's keys to her Lexus SUV, fleeing the scene in the stolen vehicle.

Fortunately, a neighbor witnessed the crime in progress and did exactly what a good neighbor should do – immediately dialed 911. As a result of the witness's quick actions, the Westfield Police and Mountainside Police were able to apprehend 2 suspects, a 24 year old and a 25 year old, both from Newark. The suspects are in custody and being held on 750,000 bail and \$1 million dollars bail. Most importantly, the victim did not sustain serious physical injuries.

A joint investigation by the Union County Prosecutor's Office, the Westfield Police Department, and the Mountainside Police Department is ongoing, so I cannot comment further at this time.

However, I do want to remind residents to:

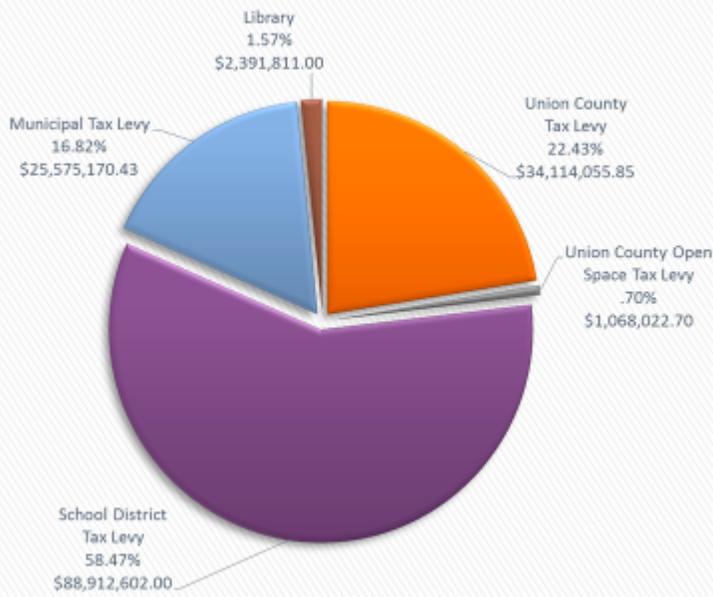
- Be aware of your surroundings at all times
- Do not hesitate to call 911 should you observe any activity that appears suspicious
- If you feel you are being followed, call 911 from your car if possible or drive directly to the nearest police station
- Keep the doors to your home and to your car locked at all times

I am very proud of our police officers who responded in force, I want to thank the Mountainside Police Department for their quick response, and I especially want to thank the neighbor of the victim who immediately called 911.

Town of Westfield 2014 Municipal Budget Presentation



2013 Total Tax Collections = \$152,061,661.98



2014 Municipal Budget – Headlines

- Under the State’s 2% Tax Levy Cap law the Town is approved for a tax levy of \$26,469,149.
- 2014 Tax Levy = \$26,185,518 (-\$283,630)
- This includes the 2% levy cap allowance (\$511,403), plus (\$198,904) in State approved exclusions.

2014 Municipal Budget – Headlines

- Municipal Budget appropriations increase one half of one percent. (0.50%)
- Total increase = \$193,465



2014 Municipal Budget - Headlines

- Salaries & Wages are below 2006 levels.
- Salaries and Wages continue to be scrutinized and well managed:
 - Continued reorganization
 - Reallocation of the workload
 - Attrition
 - Successful Collective Bargaining Negotiations

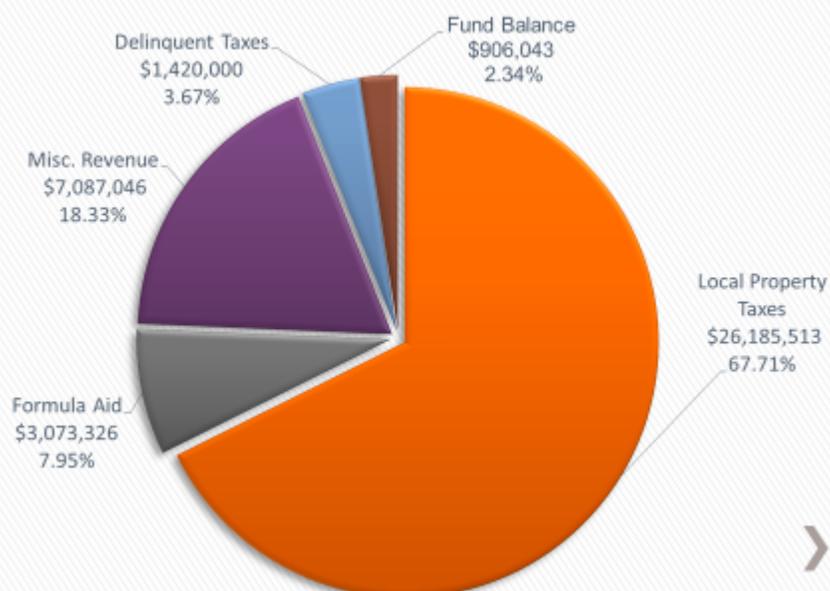


2014 Municipal Budget - Headlines

- Health Insurance costs have been reduced for the second year in a row by \$64,500(-1.38%):
 - > Productive negotiations
 - > Plan design changes
 - > Increased contributions from employees



2014 Municipal Budget – Revenues

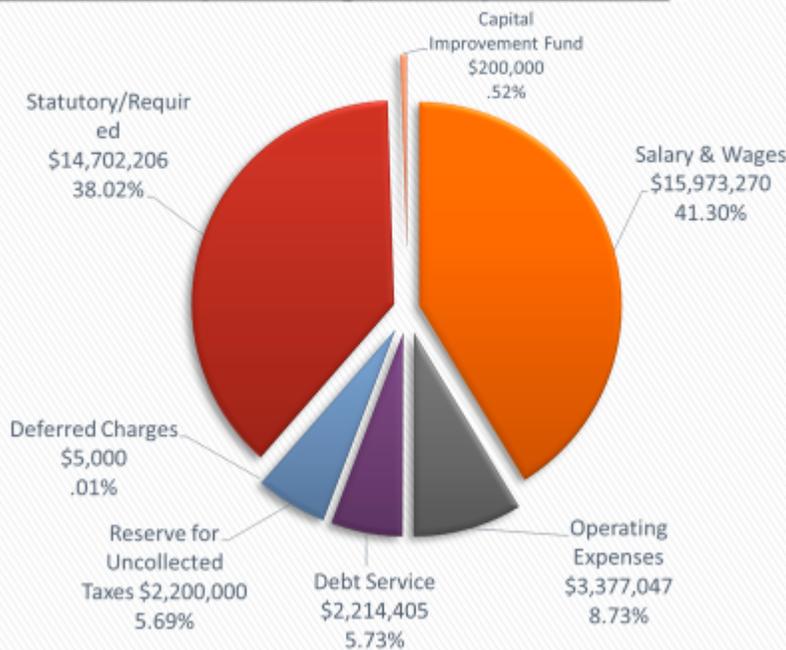


2014 Major Miscellaneous Revenue Sources

- Municipal Court Fines and Fees \$ 700,000
- Parking Fees (Permits, Meters & Paystations) \$1,750,000
- Building Department Fees \$ 870,000
- Sewer Fee \$1,610,000
- Miscellaneous Fees & Permits \$ 475,000
- Cable Franchise Fees \$ 442,022
- Interest & Costs on Taxes \$ 305,000
- Health Service Agreements \$ 453,423



2014 Municipal Budget – Expenditures



2014 Municipal Budget - Expenditure Comparison

	2012	2013	2014	2013 - 2014 Inc./Dec.
S&W	\$15,729,373	\$15,600,324	\$15,973,270	+\$372,946
Operations	\$2,807,090	\$3,239,998	\$3,377,047	+\$137,049
Debt Service	\$1,718,590	\$2,157,218	\$2,214,405	+\$57,187
Reserve for UT	\$1,940,000	\$2,140,000	\$2,200,000	+\$60,000
Deferred Charges	\$5,000	\$5,000	\$5,000	+\$0
Statutory/Required	\$14,749,094	\$15,330,923	\$14,702,206	-\$628,717
Capital Imp. Fund	\$5,000	\$5,000	\$200,000	+\$195,000
Total	\$36,954,147	\$38,478,463	\$38,671,928	+\$193,465 (0.50%)

9 Year Staffing Reductions:

- 35 F/T positions eliminated
- 18 P/T positions eliminated
- 9 F/T positions reduced to P/T



Did You Know???

The 2014 Municipal Budget includes expenditures for:

➤ Street Lighting	\$363,000
➤ Public Fire Hydrants	\$507,400
➤ Sanitary Sewer Treatment (RVSA)	\$3,506,458
➤ Reserve for Uncollected Taxes	\$2,200,000
➤ Leaf Collection & Disposal	\$230,000
➤ Curbside Recycling	\$164,927
➤ Crossing Guards	\$344,000



2014 Municipal Tax Levy Calculations

Total Appropriations \$38,671,928

minus

Anticipated Revenues \$12,486,415

equals

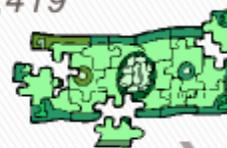
Local Purpose Tax \$26,185,513

divided by

Total Ratable Value \$1,849,048,419

equals

Municipal Tax Rate 1.416



Avg. assessed home in 2014 = \$179,850

Approx. increase for municipal taxes = \$63/year (\$5.25 per month)



2014 Continued Examination ...

- Continued review of revenue sources to determine if anticipated revenues have been realized and whether additional increases are necessary.
- Continued review of all expense items to determine if reductions in services and employees may be warranted.
- Continued examination and management of debt service.
- Preparation, submission and implementation of capital improvement budget.



2015 Municipal Budget Challenges

- Continued Preservation of Services
(Public Safety, Curbside Leaf Collection, Curbside Recycling, Infrastructure Improvements, etc...)
- Continued Spending Within Our Means
- Revenues:
 - Fund Balance
 - Formula Aid
 - Miscellaneous Revenues



APPOINTMENT

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

**TOWN OF WESTFIELD
INVITATION TO BID
TUESDAY, APRIL 1, 2014**

**USER-FEE BASED RESIDENTIAL CLEAN-UP PROGRAM FOR
BULKY WASTE**

The bids as follows were received, read and referred to the Town Engineer:

<u>Bidder</u>	<u>Amount of Bid</u>
The Midco Companies	Collection & Transport \$52.00
5 Industrial Drive	Tipping Fee \$32.00
New Brunswick, NJ 08901	Total Bid Price Per Permit \$84.00

MINUTES

On a motion by Councilwoman Kimmins, seconded by Councilman Arena Council approved the Minutes of the Town Council Meeting held March 18, 2014 with Councilman Foerst abstaining.

On a motion by Councilman LoGrippo, seconded by Councilwoman Kimmins, Council approved the Minutes of the Conference Session held March 18, 2014 with councilman Foerst abstaining.

PETITIONS AND COMMUNICATIONS**OPEN DISCUSSION BY CITIZENS**

Lorraine Ohngemach of 731 Gallows Hill Road, Cranford spoke in opposition of the Union County College fields project on Gallows Hill Road and asked the Council to pass a resolution opposing the project.

John McCormack of 1045 Coolidge Street spoke in opposition of the proposed Union County College field project and asked the Council to pass a resolution opposing the project.

Thomas Schreiner of 1037 Coolidge Street spoke in opposition of the proposed Union County College field project and asked the Council to pass a resolution opposing the project.

Mike Bange of 1059 Coolidge Street in Cranford spoke in opposition of the proposed Union County College field project and asked the Council to pass a resolution opposing the project.

Chemva Mandy Kipness of Colby Lane in Cranford spoke in opposition of the proposed Union County College field project and asked the Council to pass a resolution opposing the project.

Barbara Krauss of the Cranford Tree Advisory Board and resident of Cranford spoke in opposition of the proposed Union County College field project because of the 700 trees that would be taken down in order to build the fields. She asked the Council to pass a resolution opposing the project.

Jerry Stadnicki of 148 Gallows Hill Road spoke in opposition of the proposed Union County College field project and asked the Council to pass a resolution opposing the project.

Bruce Matthews of 6 Harvard Road in Cranford spoke in opposition of the proposed Union County College field project and asked the Council to pass a resolution opposing the project.

Lisa VanOstran of 8 Colby Lane in Cranford spoke in opposition of the proposed Union County College field project and asked the Council to pass a resolution opposing the project.

Mike Norman of 12 Colby Lane in Cranford spoke in opposition of the proposed Union County College field project and asked the Council to pass a resolution opposing the project.

Greg Kasko of 434 Everson Place inquired about shared services in conjunction with the use of the Mobile Command Center outside of town.

BILLS AND CLAIMS

Introduced by Councilman Della Fera, seconded by Councilman Oliveira and adopted.

RESOLVED that the bills and claims in the amount of \$466,321.41 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.

(66) WHEREAS, the following applicants have posted the required cash bond to cover Street Opening Permits, and

WHEREAS, the applicants have requested that the amount be returned to them, and

WHEREAS, the Town Engineer, has inspected the roadway excavations and has found the excavations to have been properly repaired.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw warrants as follows:

<u>Name</u>	<u>Street Opening</u>	<u>Amount</u>
Bruce Vasel 900 Coolidge Street Westfield, NJ 07090	Street Opening Permit #13-125 for 900 Coolidge Street	\$500.00
Certified GC, LLC 110 Leland Avenue North Plainfield, NJ 07062	Street Opening Permit #13-136 for 112 Florence Avenue	\$500.00
Shackamaxon Drive Associates, LLC 1140 Globe Avenue Mountainside, NJ 07092	Street Opening Permit #12-053 for 921 Pennsylvania Avenue	\$500.00

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

Deborah Fitzgerald 1980 Birch Street Scotch Plains, NJ 07076	Lot 8	#14080188	\$530.00
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(68) RESOLVED that the Chief Financial Officer be and hereby is authorized to draw warrant for refund of raffle licensing fees as follows:

Madeline Garris 48 Bell Drive Westfield, NJ 07090	\$40.00
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(69) RESOLVED, that the Chief Financial Officer be authorized to refund the following fees to the following individuals:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Jessica Stewart 226 West Dudley Ave. Westfield, NJ 07090	T05-600-071	Volleyball Clinic (Savannah)	60.00
Lida Butler 214 Park St. Westfield, NJ 07090	T05-600-071	Daddy-Daughter Dance (Klara)	45.00
Ross Rosen 166 Mountain Ave. Westfield, NJ 07090	Pool Membership Acct.	Family 5+ Membership	450.00

Doreen Valente T05-600-071 Daddy-Daughter Dance 45.00
 635 Lawnside Place (Sophie)
 Westfield, NJ 07090

(70) RESOLVED that the Chief Financial Officer be and she hereby is authorized to draw warrants to the order of the following persons, this amount being overpaid in 2012, 2013:

BLOCK/LOT	PROPERTY ADDRESS	YEAR	AMOUNT
603/45.01 CHRONE, ALLAN PO Box 2822 Westfield, New Jersey 07091	772 PROSPECT STREET	2013	\$2,217.09
603/44.011 CHRONE, ALLAN P.O. Box 2822 Westfield, NJ 07091	766 PROSPECT STREET	2013	\$2,217.09
1204/13 MUSHELL, CHRISTOPHER 615 Lenox Avenue Westfield, New Jersey 07090	520 CORY PLACE	2012	\$3,519.31

(71) 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 2009, 2010, and 2011 pursuant to the Tax Court of New Jersey:

BLOCK/LOT NAME	ADDRESS	YEAR	AMOUNT
3003/36 BLAU & BLAU Attorney for Full Circle Gromack	577 Westfield Avenue	2009 2010 2011	\$2,862.40 \$5,126.76 \$4,023.51

Mail to:
 BLAU AND BLAU
 ATTORNEYS AT LAW
 223 MOUNTAIN AVENUE
 P.O. BOX 50
 SPRINGFIELD, NJ 07081

(72) WHEREAS, certain taxpayers of the Town of Westfield are expected to file tax appeals disputing their assessed valuation for the year 2014, and

WHEREAS, such tax appeals can be anticipated prior to April 1, 2014, the last day for filing, and

WHEREAS, the Tax Assessor is of the opinion that said properties may, in many cases, be undervalued and that assessment for said properties should be increased and not decreased as the taxpayer seeks, and

WHEREAS, it would be in the best interest of the Town of Westfield to do so in certain cases as the Town Attorney and Tax Assessor may decide upon receiving the appeal:

NOW, THEREFORE BE IT RESOLVED by the Mayor and Town Council that the Town Attorney and Tax Assessor are authorized to file counterclaims against the taxpayers

in questions seeking to raise the assessments for said properties to the value which the Tax Assessor deems to more properly reflect the value of said property where appropriate.

(73) WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Town of Westfield has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Town meets the necessary conditions to participate in the program for the 2014 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Council of the Town of Westfield that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

(74) WHEREAS, the Local District School Tax for the year July 1, 2013 to June 30, 2014 was raised in the 2013 Tax Levy in the sum of \$88,912,602.00, and

WHEREAS, the statutes permit the deferral of such School Tax up to 50% of the School Tax Levy or \$44,456,301.00,

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Westfield, County of Union, that the Deferred School Tax for Local District School purpose be the sum of \$44,456,301.00 as of December 31, 2013.

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services.

The following resolution, introduced by Councilman Della Fera, seconded by Councilman Loughlin was adopted by the following roll call vote:

(75) WHEREAS, the Downtown Westfield Corporation Budget of the Town of Westfield's Special Improvement District, County of Union, for the Year 2014:

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Downtown Westfield Corporation Budget for the Year 2014, and

BE IT FURTHER RESOLVED that said Budget be published in THE WESTFIELD LEADER in the issue of April 24, 2014;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Westfield does hereby approve the following as the Downtown Westfield Corporation Budget for the year 2014:

Recorded Vote: Ayes: Arena, LoGrippe, Foerst, Della Fera, Kimmins,
Oliveira, Loughlin, Mayor Skibitsky

Nays:

Abstain:

Absent: Neylan

Notice is hereby given that the Downtown Westfield Corporation Budget was approved by the Town Council of the Town of Westfield, County of Union, on April 1, 2014.

A hearing on said Budget will be held at the Westfield Municipal Building on May 6, 2014 at 8:00 p.m. at which time and place objections to said Budget for the Year 2014 may be presented by Downtown Special Improvement District taxpayers or other interested person.

The following resolution, introduced by Councilman Della Fera, seconded by Councilman Oliveira was adopted by the following roll call vote with Councilman Loughlin abstaining on Board of Adjustment salaries:

(76) MUNICIPAL BUDGET OF THE TOWN OF WESTFIELD, COUNTY OF UNION FOR THE FISCAL YEAR 2014

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2014;

BE IT FURTHER RESOLVED, that said Budget be published in the WESTFIELD LEADER in the issue of April 24, 2014.

The Governing Body of the TOWN OF WESTFIELD does hereby approve the following as the Budget for the year 2014:

RECORDED VOTE:

Council Members:

Yeas: Arena	Nays:
LoGrippe	
Foerst	Abstain:
Della Fera	
Kimmins	

Oliveira
Loughlin
Mayor Skibitsky

Absent: Neylan

Notice is hereby given that the Budget and Tax Resolution was approved by the MAYOR AND COUNCIL of the TOWN OF WESTFIELD, COUNTY OF UNION, on April 1, 2014.

A Hearing on the Budget and Tax Resolution will be held at THE MUNICIPAL BUILDING, on May 6, 2014 at 8:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2014 may be presented by taxpayers or other interested persons.

Regarding the following ordinance, Councilman Della Fera, Chairman of the Finance Policy Committee, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2016 – CALENDAR YEAR 2014 – ORDINANCE TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)."

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 22ND day of April 2014 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 LoGrippo.

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

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

Public Safety, Transportation and Parking Committee

The following resolutions, introduced by Councilman Loughlin, Vice-Chairman of the Public Safety, Transportation and Parking Committee, seconded by Councilman LoGrippo were unanimously adopted.

(77) WHEREAS, the Police Department of the Town of Westfield has one motor vehicle that has come into its possession by finding and recovery by a member of the Police Force acting in the line of duty, and;

WHEREAS, N.J.S.A. 40A:14-157 permits a municipality to adopt a resolution authorizing the sale of such tangible personal property after holding same for a period of at least six (6) months on the condition that the owner, or his whereabouts, is unknown and cannot be ascertained, or if the owner shall refuse to receive such property;

NOW, THEREFORE, BE IS RESOLVED, by the Mayor and Council of the Town of Westfield that the tangible personal property in the possession of the Police Department of the Town of Westfield for more than six (6) months, and whose owner of his

whereabouts is unknown and cannot be ascertained or whose owner has refused to receive such property, shall be offered for sale at public auction to the highest bidder in accordance with the law, provided that a starting price shall be established for the vehicles and;

BE IT FURTHER RESOLVED that all such sales at public auction shall be made only for cash or certified check at the time of said auction, and

BE IT FURTHER RESOLVED that the monies received from the sale of any property shall be used to pay off any debt incurred for towing or storage fees and any excess monies received shall be paid into the general municipal treasury, and;

BE IT FURTHER RESOLVED that if the vehicles are not sold, they shall be turned over to the towing company who has incurred the debt.

BE IT FURTHER RESOLVED that the appropriate Town officials are hereby authorized and instructed to take such further steps as may be required by law to effect such sale and auction, including the advertising of the sale of such property by other means in addition to the legal notice required by law, and the establishment of a place and time where the merchandise to be offered for sale may be viewed by potential bidders.

(78) WHEREAS, the Town of Westfield has determined a need for an on call traffic safety and engineering services consultant to assist the Town as necessary; and

WHEREAS, the Public Safety, Transportation & Parking Committee has recommended to the Town Council that a professional services contract not to exceed \$10,000 be awarded to The RBA Group Inc., 7 Campus Drive, Suite 300, Parsippany, New Jersey 07054 for aforesaid services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) authorizes the letting of contracts for professional services without competitive bidding;

WHEREAS, Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with NJAC 5:30-1.10, has been furnished to the Town Clerk. Expenditure of funds pursuant to this contract is to be charged to Account # 135-100;

NOW THEREFORE BE IT RESOLVED, that the Town of Westfield award a contract to The RBA Group Inc. for a fee not to exceed \$10,000; and

BE IT FURTHER RESOLVED, that this contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a).

BE IT FURTHER RESOLVED, that the proper Town Officials be authorized to effect whatever actions are necessary in the execution and discharge of this contract.

BE IT FURTHER RESOLVED, that a notice of this resolution shall be published in *The Westfield Leader* as a public notice of the action in accordance with N.J.S.A. 40A:11-5.

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.

(79) BE IT RESOLVED that the following application for a theater license be and the same is hereby approved and any fees in connection with this application are hereby waived:

Westfield Community Players 150 seats Twenty-four (24)
Performances
1000 North Avenue, West
Westfield, New Jersey

(80) WHEREAS, pursuant to Chapter 24 Article VII Section 24-47 of the Town Code the Town Council has authorized the licensing of Sidewalk Cafés, and

WHEREAS, the establishments listed have made application as required by Sec. 24-48 of the Town Code, and

WHEREAS, the establishments listed have met all the terms and conditions as required,

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Westfield hereby grants licenses to the establishments listed to operate sidewalk cafés and the Town Clerk be, and is hereby authorized to issue said licenses.

Amuse	37 Elm Street
Boulevard Bistro	301 South Avenue West
Bovella's Pastry Shoppe	101 East Broad Street
Brick Oven of Westfield	117 Quimby Street
Chipotle Mexican Grill	117 East Broad Street
Feast Catering	27 Elm Street
Ferraro's Restaurant	6-18 Elm Street
La Famiglia Sorrento	631 Central Avenue
Panera Bread	143 East Broad Street
Splash of Thai	321 South Avenue West
Sweet Waters Steakhouse	43 Elm Street
The Chocolate Bar	112 Quimby Street
Tinga Taqueria	110 Central Avenue
Xocolatz	235 Elmer Street
Limani Seafood Grill	235 North Avenue W.
Bagel Chateau	223 South Avenue East
Ahrre's Coffee Roastery	104 Elm Street
Casa di Pizza	50 Elm Street
Asian Fusion	114-116 Quimby Street
Turning Point Restaurant	137 Central Avenue
Jersey Mike's Subs	114 E. Broad Street
Starbucks Café	117 Central Avenue

Qdoba Mexican Grill

70 Elm Street

Lets Yo

121 East Broad Street

(81) RESOLVED that the following applications for children's amusement devices be approved:

Party Time Rentals 25 Andrews Drive Woodland Park, NJ 07424	Annual Street Fair So. Ave., Train Pk. Lot June 7, 2014	Westfield Neighborhood Council 127 Cacciola Place Westfield, NJ
Party Time Rentals 25 Andrews Drive Woodland Park, NJ 07424	Annual Street Fair So. Ave. Train Pk. Lot August 23, 2014	Westfield Neighborhood Council 127 Cacciola Place Westfield, NJ
Party Time Rentals 25 Andrews Drive Woodland Park, NJ 07424	Annual Street Fair So. Ave. Train Pk. Lot October 11, 2014	Westfield Neighborhood Council 127 Cacciola Place Westfield, NJ
Cliffhanger Productions Inc. 161 Park Avenue Rutherford, NJ 07070	Opening Day Parade Gumbert Park April 5, 2014	Westfield Baseball League P.O. Box 156 Westfield, NJ 07091

Public Works Committee

The following resolutions, introduced by Councilman Arena, Chairman of the Public Works Committee, seconded by Councilman LoGrippo were unanimously adopted.

(82) WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act, and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2013 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Town Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulation; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield that the Town of Westfield hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Kris J. McAloon to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

(83) BE IT RESOLVED that the Mayor and Town Clerk are hereby authorized to sign an agreement with Cross River Fiber Inc. regarding their use of Public Right-of-Way for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system.

Reports of Department Heads

Report of Liy-Huei L. Tsai, Chief Financial Officer, showing Cash in Bank of \$8,042,840.80 and Investments of \$374,087.86 was received, read and ordered filed.

Upon motion by Councilman LoGrippo, seconded by Councilman Loughlin the meeting was adjourned at 9:43 p.m.

Claire J. Gray
Town Clerk