

MINUTES OF REGULAR MEETING HELD APRIL 5, 2016

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, April 5, 2016 at 8:00 p.m.

Acting Mayor Neylan 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, 2015. 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: Acting Mayor Neylan, Council Members Arena, LoGrippe, Della Fera, Oliveira

ABSENT: Mayor Skibitsky, Council Members: Loughlin, Kimmins, Stokes

Invocation was given by Councilman Oliveira

PRESENTATIONS

Drew Ertman, Chairman of the Friends of the Union County Child Advocacy Center spoke about a 5k fundraiser “Race 4 Children” that is being held April 24th at Warinanco Park in Roselle.

Colin Coakley, Michael Marshall, and Benjamin Handwerker of Cranford Hockey Club presented a check to the Westfield Police Department.

APPOINTMENT

ADVERTISED HEARINGS

The Council proceeded to the hearing entitled, “GENERAL ORDINANCE NO. 2062 – AN ORDINANCE FOR CALANDER YEAR 2016 TO ESTABLISH A CAP BANK (N.J.S.A.) 40A:4-45.14.”

Advertised returnable this evening.

Acting Mayor Neylan declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, "GENERAL ORDINANCE NO. 2062 – AN ORDINANCE FOR CALANDER YEAR 2016 TO ESTABLISH A CAP BANK (N.J.S.A.) 40A:4-45.14" Introduced by Councilman Arena, seconded by Councilman Oliveira, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

BIDS**MINUTES**

On a motion by Councilman Della Fera seconded by Councilman LoGrippto, Council approved the Minutes of the Town Council Meeting held March 22, 2016 with Councilman Oliveira abstaining

On a motion by Councilman LoGrippto, seconded by Councilman Arena, Council approved the Minutes of the Conference Session held March 22, 2016 with Councilman Oliveira abstaining

PETITIONS AND COMMUNICATIONS**OPEN DISCUSSION BY CITIZENS****BILLS AND CLAIMS**

Introduced by Councilman Arena, seconded by Councilman Della Fera were adopted unanimously.

RESOLVED that the bills and claims in the amount of \$388,324.00 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 Arena seconded by Councilman LoGrippo were unanimously adopted.

(83) WHEREAS, Accurate Sewer & Drain placed the required cash bond of \$500.00 to cover the Street Opening Permit #15-008 for 755 Clark Street, and

WHEREAS, Accurate Sewer & Drain has requested that this amount be returned to him, and

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

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the name of Accurate Sewer & Drain for \$500.00 and forward to 528 Downer Street, Westfield, NJ 07090.

(84) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2015 and 2016:

BLOCK AND LOT

<u>NAME AND ADDRESS</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
903/27 SCHAEFER, Eugene & GENCO, Diane M.	225 Edgewood Avenue	2015	\$ 344.42
1102/20 MAGNANINI, Robert A. & Hillary B	539 Lawrence Avenue	2016	\$4,603.14

(85) RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the years 2012 pursuant to the Tax Court of New Jersey:

BLOCK/LOT

<u>NAME</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
3105/11 CHECK PAYABLE TO: POLY C LLC & SERF REALTY, LLC	154 East Broad Street	\$10,002.06

CHECK MAIL TO:
Zipp Tannenbaum & Caccavelli, LLC
280 Raritan Center Parkway
Edison, NJ 08837

(86) WHEREAS, there exist on the records in the Tax Collector's office sewer fee for properties that are land only assessment and should be removed from sewer billing for 2016:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and he hereby is authorized to cancel the sewer fee billing below for the year 2016:

<u>Account number</u>	<u>Amount</u>
1210-0	\$145.00
2582-0	\$170.00
7337-0	\$170.00
7456-0	\$170.00
7570-0	\$170.00
7689-0	\$170.00
8549-0	\$170.00
9249-0	\$170.00

WHEREAS, there exist on the records in the Tax Collector's office sewer fee for properties that were not billed and need to be billed for the annual sewer fee for 2016:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and he hereby is authorized to add the sewer fee billing for the year 2016:

<u>Account Number</u>	<u>Amount</u>
9684-0	\$100.00
9685-0	\$100.00
9678-0	\$170.00
9699-0	\$100.00
9700-0	\$100.00
9701-0	\$100.00
9702-0	\$170.00
9703-0	\$170.00
9704-0	\$170.00
9705-0	\$100.00
9706-0	\$100.00
9707-0	\$315.00
9708-0	\$170.00
9709-0	\$170.00
9710-0	\$170.00
9711-0	\$170.00

WHEREAS, there exist on the records in the Tax Collector's office sewer fee that have been overpaid due to granted Senior Deduction and need to be refunded for 2013 and 2014:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and he hereby is authorized to draw warrants to the following persons, the amount being overpaid for 2013 and 2014 sewer fee:

<u>Account Number</u>	<u>YEAR</u>	<u>Amount</u>
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3250-0	2013	\$25.00
3250-0	2014	\$25.00

(87) WHEREAS, there exist on the records in the Tax Collector's office tax overpayment for the year 2012, 2013 and 2014:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and she hereby is authorized to cancel the tax overpayment to surplus.

Block and Lot	Property Address	YEAR	Amount
1005/15	136 Dudley Avenue West	2014	\$251.63
2901/13	432 First Street	2013	\$257.83
3701/1	1100 East Broad Street	2014	\$929.42
3902/1.01/c0004	8 West Court	2013	\$1841.18
5610/6	320 Ayliffe Avenue	2012	\$3160.06

(88) WHEREAS, certain taxpayers of the Town of Westfield are expected to file tax appeals disputing their assessed valuation for the year 2016, and

WHEREAS, such tax appeals can be anticipated prior to April 1, 2016 the last day for filing, and

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

WHEREAS, a method exists in the tax law for the municipality to counterclaim against the property owner to seek an increase in the assessment, 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 Council that the Town Attorney and Tax Assessor are authorized and directed to take whatever steps 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.

(89) BE IT RESOLVED that the Town Attorney is hereby authorized to sign a Stipulation of Settlement, pursuant to which the assessment for the property located at 800 Central Avenue (Block 4801, Lot 8) (a) for the year 2014 shall be changed to \$185,600.00, and (b) for the years 2015 and 2016 shall be changed to \$182,300.00.

(90) WHEREAS, the 2016 Budget included a Miscellaneous Revenue – Section G of \$25,000 from Trust Other Surplus; and

WHEREAS, the Administrator, Chief Financial Officer and Auditor have determined that \$25,000 included in a Reserve for Miscellaneous Deposits within the Trust – Other Fund can now be cancelled to Trust Other Fund Balance, to be used as the item of Miscellaneous Revenue in the 2016 Budget.

NOW, THEREFORE, BE IT RESOLVED, that \$25,000 from a Miscellaneous Reserve in the Trust Other Fund be and it is hereby cancelled to Trust Other Fund Balance to be used as a Miscellaneous Revenue for the 2016 Budget.

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Della Fera, seconded by Councilman Arena were unanimously adopted.

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

Party Time Rentals 25 Andrews Drive Woodland Park, NJ, 07424	Street Fair June 11, 2016 August 20, 2016 October 15, 2016 South Ave Train Lot	Westfield Neighborhood Council 127 Cacciola Place Westfield, NJ
All American Game Co.. 49 Scott Avenue South Amboy, NJ, 08879	Church Festival June 2 nd -5 th , 2016 250 Gallows Hill Rd	Holy Trinity Greek Orthodox Church 250 Gallows Hill Road Westfield, NJ
Seashore Amusements 11 Hendry Lane Brick, NJ, 08723	Westfield Spring Fling May 1, 2016 Broad Street	Rich Sieb 11 Hendry Lane Brick, NJ, 08723

(92) 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.

Chocolate Bar	112 Quimby Street
Limani Seafood Grill	235 North Avenue West
Xocolatz Café	235 Elmer Street

(93) BE IT RESOLVED that the Mayor is hereby authorized to sign a Developer’s Agreement with Westfield Crossing LLC.

Public Works Committee

Reports of Department Heads

Reports of Susan Noon, Collector of Taxes, showing taxes total collections of and sewer \$29,271,296.23 during the period February 1, 2016 to February 29, 2016.

Upon motion by Councilman LoGrippe, seconded by Councilman Della Fera the meeting was adjourned at 8:18 p.m.

Claire J. Gray

Town Clerk