

MINUTES OF REGULAR MEETING HELD APRIL 28, 2015

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, April 28, 2015 at 8:00 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, Neylan, LoGrippo, Foerst, Della Fera, Kimmins, Oliveira, Loughlin

ABSENT:

Invocation was given by Councilman Arena

PRESENTATIONS

Stacy Smith & Ken Smith of Comcast attended the meeting to say they were pleased to participate in the clean-up day.

APPOINTMENT

ADVERTISED HEARINGS

The Council proceeded to the hearing entitled, “GENERAL ORDINANCE NO. 2041– AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD CHAPTER 11, “FIRE PROTECTION,” ARTICLE II, “FIRE DEPARTMENT”.

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, "GENERAL ORDINANCE NO. 2041 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD CHAPTER 11, "FIRE PROTECTION," ARTICLE II, "FIRE DEPARTMENT" Introduced by Councilwoman Neylan, seconded by Councilman LoGrippo, was taken up, read and passed 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		

BIDS

MINUTES

On a motion by Councilwoman Neylan, seconded by Councilman LoGrippo, Council approved the Minutes of the Town Council Meeting held April 14, 2015 with Councilwoman Kimmins abstaining.

On a motion by Councilman Loughlin, seconded by Councilwoman Neylan, Council approved the Minutes of the Conference Session held April 14, 2015 with Councilwoman Kimmins abstaining.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Colby Sheppard of 232 Walnut Street spoke about the computers at the library. She said that she was surprised to learn that there were no filters on the computers back in January when her son typed in something and pornography appeared on the screen. She went to the Library Board meeting in February to request that the four children's area computers be filtered and said she was told that they would review the matter and they ultimately put filters on two of the four computers starting in April and labeled the computers so that parents could see which ones are filtered and which ones are not. They also indicated that they would continue to monitor the situation. Ms. Sheppard said she wanted all the computers in the children's section to have filters and wanted to bring the issue to the Town Council's attention.

Mayor responded that by State law the Town Council was not allowed to intervene in the Library Board of Trustees matters. The Town Attorney said the Town Council had no jurisdiction in this matter and Ms. Sheppard's concerns should continue to be brought to the Library Board of Trustees.

BILLS AND CLAIMS

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

RESOLVED that the bills and claims in the amount of \$205,297.54 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 Arena were unanimously adopted.

(119) WHEREAS, the Division of Local Government Services issued Local Finance Notice Number 92-15 on July 8, 1992 which requires municipalities to prepare a Corrective Action Plan covering all findings and recommendations in the annual audit report; and

WHEREAS, it is required that the plan be prepared by the Chief Financial Officer and approved by the governing body;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Westfield that the Corrective Action Plan for the recommendations contained in the annual audit report for the Town of Westfield for the year 2014 is hereby approved; and

BE IT FURTHER RESOLVED that a copy of the Corrective Action Plan be filed by the Town Clerk with the Division of Local Government Services.

TOWN OF WESTFIELD **CORRECTIVE ACTION PLAN**

Town of Westfield
Tax Collector's Office
County of Union
2014 Audit Report

1. Finding:

The Tax Collector's bank account was not properly reconciled to the cash activity on a monthly basis.

2. Recommendation:

That the Tax Collector's bank account be properly reconciled to the cash activity on a monthly basis.

3. Corrective Action:

The Tax Collector's Office will reconcile bank account on a monthly basis.

4. Implementation Date: April 1, 2015

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

Jennifer Spivack 78 Elm Street Westfield, NJ 07090	Lot 4/Nite Owl	#15480002	\$90.00
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Amanda Collins 94 Burnett Avenue, #114 Maplewood, NJ 07040	Lot 4/Nite Owl	#15480023	\$90.00
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(121) 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>
Melanie Weidler 124 Barchester Way Westfield, NJ 07090	T05-600-073	Golf Squirts-Summer (Cole)	\$65.00
Craig Bowman 21 Woodbrook Circle Westfield, NJ 07090	Pool Acct. #195	Family Pool Membership	\$360.00

(122) 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 or sewer fee for the years 2014 and 2015.

BLOCK/LOT	PROPERTY	YEAR/TYPE	AMOUNT
3188-0	137 Harrison Avenue UKRAINSKYJ, Markian & Stacey	2015/sewer	\$170.00
3250-0	238 Walnut Street CHEN, Cathy Yu-Jen	2015/sewer	\$25.00
4365-0	637 West Broad Street Jhaveri, Bharatkumar & Indira	2015/sewer	\$25.00
5088-0	312 Lenox Avenue Mazza, Charles A	2015/sewer	\$25.00
5315-0	632 Fourth Avenue Becker, Sheldon & Lois N.	2015/sewer	\$25.00
6315-0	350 Livingston Street Graves, Delores	2015/sewer	\$25.00
7005-0	713 Norman Place Rica, Fred & Rosemarie	2015/sewer	\$25.00
8749-0	78 Tamaques Way SCHLEIFER, Renee C.	2015/sewer	\$25.00
5503/21	56 Bell Drive James B. Flynn for Robert DeRose MAIL TO: James B. Flynn, Esq, 226 St Paul Street Westfield, NJ 07090	2015/tax	\$825.95
5029-0	319 Lenox Avenue 319 Lenox Holdings, LLC	2015/sewer	\$170.00

(123) NOW THEREFORE, BE IT RESOLVED, that the following accounts may have their sewer bills prorated and/or rescinded due to the demolition of the structure located on the property in 2014 and remove the billing for 2015 until dwelling is in place. Billing will be adjusted and/or reinstated once the property has a certificate of occupancy.

Total Revenues	\$42,056,432.87
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General Appropriations

Within "CAPS"

Operating including Contingent	26,757,860.00
Deferred Charges	3,363,232.00

Excluded from "CAPS"

Operations	6,902,156.87
Capital Improvements	450,000.00
Municipal Debt Service	2,323,184.00
Deferred Charges-Municipal	5,000.00
Reserve for Uncollected Taxes	2,255,000.00

Total General Appropriations	\$42,056,432.87
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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. 2042- AN ORDINANCE TO AMEND GENERAL ORDINANCE NO. 2025 ENTITLED "AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD CHAPTER 2, "ADMINISTRATION," ARTICLE II, TOWN OFFICERS AND EMPLOYEES, DIVISION 3, PERSONNEL POSITIONS AND SALARY SCHEDULE," SEC. 2-12.28, "SCHEDULE."

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 12th day of May 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 Neylan.

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

Yeas: Arena
Neylan

Nays:

Absent:

LoGrippto
 Foerst
 Della Fera
 Kimmins
 Oliveira
 Loughlin
 Mayor Skibitsky

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. 2043– AN ORDINANCE TO AMEND GENERAL ORDINANCE NO. 1987 ENTITLED "AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE POLICE AND FIRE DEPARTMENTS IN THE TOWN OF WESTFIELD AND VARIOUS AMENDMENTS THERETO."

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 12th day of May 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 Neylan.

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

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

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. 2044- AN ORDINANCE ENTITLED "AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE POLICE AND FIRE DEPARTMENTS IN THE TOWN OF WESTFIELD AND VARIOUS AMENDMENTS THERETO."

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 12th day of May 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 LoGripo.

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

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

Public Safety, Transportation and Parking Committee

The following resolutions, introduced by Councilwoman Neylan, Chairman of the Public Safety, Transportation and Parking Committee, seconded by Councilman Oliveira were unanimously adopted.

(127) WHEREAS, the Police Department of the Town of Westfield has unclaimed property which 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 IT 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 minimum price shall be established for the items and that no bid below this price shall be accepted, and;

BE IT FURTHER RESOLVED that all such property not bid on or claimed by owners will be held for future auction with the date to be determined 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 paid into the general municipal treasury, and;

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.

(128) WHEREAS, the Town Council of the Town of Westfield, County of Union, State of New Jersey, authorized participation in what is known as the 1033 program which allows law enforcement agencies to obtain surplus federal property that is in excess to the Department of Defense, and

WHEREAS, the Town Council recognizes that in this era of fiscal constraint, participation in the 1033 program allows local units to obtain equipment that they might not otherwise be able to afford, and to prepare for, respond to, and recover from incidents of terrorism and natural disasters, such as hurricanes; and

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield grants authority to the Police Chief to acquire equipment through the 1033 program in consultation with the appropriate authority and that the authority to acquire equipment will be considered annually to assure compliance with the 1033 program and the system of local oversight established by the State of New Jersey.

Regarding the following ordinance, Councilwoman Neylan, Chairman of the Public Safety, Transportation and Parking Committee, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2046– 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 12th day of May 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 Loughlin.

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		

Code Review & Town Property Committee

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

(129) 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 establishment listed has made application as required by Sec. 24-48 of the Town Code, and

WHEREAS, the establishment listed has met all the terms and conditions as required,

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

Ahrre's Coffee Roastery

104 Elm Street

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

Amazing Amusements 5 Kennedy Drive Marlboro, NJ 07746	Bounce House Day 500 First Street June 10, 2015 Rain date June 11	McKinley Elementary School 500 First Street Westfield, NJ
Party Time Rentals 25 Andrews Drive Woodland Park, NJ 07424	Street Fair So. Ave., Train Lot June 6, 2015	Westfield Neighborhood Council 127 Cacciola Place Westfield, NJ
Party Time Rentals 25 Andrews Drive Woodland Park, NJ 07424	Street Fair So. Ave. Train Lot August 22, 2015	Westfield Neighborhood Council 127 Cacciola Place Westfield, NJ
Party Time Rentals 25 Andrews Drive Woodland Park, NJ 07424	Street Fair So. Ave. Train Lot October 10, 2015	Westfield Neighborhood Council 127 Cacciola Place Westfield, NJ
Seashore Amusements 11 Hendry Lane Brick, NJ 08723	Spring Fling Street Fair Elm Street May 3, 2015	Westfield Area Chamber of Commerce
Amazing Amusements 5 Kennedy Drive Marlboro, NJ 07746	Carnival June 5, 2015 Rain date June 8	Suzanne Kimelman Wilson Elementary School 301 Linden Avenue Westfield, NJ

(131) WHEREAS, Anthem Properties Ventures LLC, made an application to the Town of Westfield to demolish a single-family dwelling located at 827 Willow Grove Road, Block 4504, Lot 7, 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 827 Willow Grove Road, Block 4504, Lot 7, Westfield, New Jersey.

(132) WHEREAS, Gentemp LLC, made an application to the Town of Westfield to demolish a single-family dwelling and detached garage located at 542 Westfield Avenue, Block 3010, 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 and detached garage at 542 Westfield Avenue, Block 3010, Lot 9, Westfield, New Jersey.

(133) BE IT RESOLVED that the Mayor is hereby authorized to sign a Relocation of Sanitary Sewer Agreement for the property located at 207 West Grove Street and designated as Lot 2 in Block 4801.

Regarding the following ordinance, Councilman Foerst, Chairman of the Code Review & Town Property Committee, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2045- AN ORDINANCE AMENDING ARTICLE 11.32 NS-AMFH TOD ZONING DISTRICT OF LAND USE ORDINANCE OF THE TOWN OF WESTFIELD"

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 12th day of May 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 LoGripo.

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

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

Nays:

Absent:

Public Works Committee

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

(134) 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 2014 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.

Reports of Department Heads

Upon motion by Councilman LoGrippe, seconded by Councilman Foerst the meeting was adjourned at 8:27 p.m.

Claire J. Gray
Town Clerk