

MINUTES OF REGULAR MEETING HELD SEPTEMBER 8, 2015

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, September 8, 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, Oliveira

ABSENT: Council Members Kimmins, Loughlin

Invocation was given by Councilwoman Neylan

PRESENTATIONS

APPOINTMENT

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

TOWN OF WESTFIELD
INVITATION TO REBID
SEPTEMBER 8, 2015

2015 SIDEWALK REPLACEMENT PROGRAM
IN THE TOWN OF WESTFIELD, NEW JERSEY

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

<u>BIDDER</u>	<u>AMOUNT</u>
T. Fiotakis	\$48,450.00
197 Central Avenue	
Edison, NJ 08817	
A & A Curbing, Inc.	\$64,700.00
P.O. Box 447	
South River, NJ 08882	
Reivax Contracting Corporation	\$115,700.00
46 Washington Street	
Harrison, NJ 07029	

MINUTES

On a motion by Councilman Foerst, seconded by Councilman LoGrippo, Council approved the Minutes of the Town Council Meeting held August 18, 2015 with Councilwoman Neylan and Councilman Della Fera abstaining.

On a motion by Councilman LoGrippo, seconded by Councilman Arena Council approved the Minutes of the Conference Session held August 18, 2015 with Councilwoman Neylan and Councilman Della Fera abstaining.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Kenneth McRitchie of 515 Trinity Place spoke on the sewer conduit in the Dunham area bird sanctuary. Administrator explained that the process of removing it is complex since it is quite large and removal would require large equipment and the need to access the area through a private property.

John Rotchford of 866 Knollwood Terrace thanked the Council for the work done at the Conservation Center and the road work that was done this summer.

Saul Drittle of 260 Prospect Street spoke about the lawsuit against the Stop & Shop expansion from a property owner in Westfield that is being funded by the corporation that owns Shop Rite in Garwood. He asked that residents boycott the Shop Rite in order to take a stand against what they are doing. Mayor stated that the Planning Board approved the project and the final appeal process is near. Councilman Arena thanked Mr. Drittle for coming out and said he will not support Shop Rite.

Councilman Della Fera announced the Standard & Poor's Financial Service AAA credit rating for Westfield and explained how that rating saves taxpayers in interest payments over the life of the bond note.

Schools are open! Let's look out for the safety of all our children.

By Councilwoman Joann Neylan

Chair of the Public Safety, Transportation and Parking Committee

With students returning to school and morning routines likely to be more hectic and rushed than during the hazy, lazy days of summer, let's keep the safety of not only our own children, but of all children, in mind, especially during the hours children will be walking to and from school.

For your safety and the safety of others, please keep in mind the following top five tips.

- 1) **Safety begins with you.** I cannot emphasize this enough. You set the example for your children. It may be human nature to point to the "other guy" or recount past "other guy" experiences, but to do so is not productive in the present or necessarily accurate. Studies, along with our own experience, have shown that most people are aware of what constitutes risky behavior, especially distracted driving and distracted walking, but as the AAA Foundation for Traffic Safety informs, "they condemn others for being risky – but they refuse to apply what they know to their own behavior." The U.S. Department of Transportation Federal Highway Administration recommends following the Golden Rule when driving – "Drive like you would want people to drive in front of your own home." One of the safest things you can do for yourself, your family, and others is avoid the "last minute rush" and allot yourself extra time to accommodate the unexpected. People tend to take more chances and not have safety at the forefront when rushing to their destination.

- 2) **Teach your children to stay alert when walking to and from school.** Make sure that they are familiar with the route you recommend they follow. Use sidewalks whenever available. If there is no sidewalk, they should walk as close as possible to the side of the road and face traffic. When crossing a street, use a marked crosswalk whenever possible. (You may have noticed that prior to the start of the school year, the Town employed a contractor to re-stripe marked crosswalks with special retro reflective paint. Glass beads are added to the paint to increase visibility.) If there is no marked crosswalk nearby, cross the street at an intersection (which is considered an "unmarked" crosswalk). Teach them to look left, then right, then left again and check for any vehicles that may be turning. Though children should mind the crossing guards and obey traffic signals, children (and adults) should always "double check" by looking both ways before crossing no matter what.

- 3) **Do not be a pedtextrian!** Talking and texting while walking has become so commonplace that the term has become part of our vocabulary. Safety experts, traffic engineers, government agencies, researchers, and insurance companies are very concerned as according to the Pew Charitable Trust's "Stateline", pedestrian injuries are up 35% since 2010 due to mobile device use. Distracted walking may lead children and adults to miss important safety cues. Again, set a good example for your children.
- 4) **Drivers – remain alert to the unexpected.** Even with the best of instructions, remember that children are children. They will react to a variety of situations according to their age and maturity level. Because you never know when you may have to stop suddenly for a child, distracted driving or driving over the speed limit is never acceptable.
- 5) **Drivers - expand your field of vision when approaching crosswalks and intersections.** In the State of New Jersey, a crosswalk is defined as an extension of the road, sidewalk, curb or edge of the shoulder at an intersection for people on foot. That means that there is a crosswalk at every intersection, whether it is marked or unmarked. You must stop for a pedestrian(s) in a crosswalk and be sure to stop two car lengths back so that drivers behind you and in other lanes can also see the pedestrian in time to stop. When approaching a stopped vehicle, assume it is stopped to allow a pedestrian to cross. (You may not be able to see the pedestrian(s) at first if they are in front of the stopped vehicle.) If you are waiting for a gap in traffic in order to make a turn, double check that a pedestrian hasn't entered the crosswalk while you were waiting before proceeding.

BILLS AND CLAIMS

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

RESOLVED that the bills and claims in the amount of \$831,098.71 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.

(263) WHEREAS, Allison Carr, made an application for a construction permit for a chimney liner located at 645 Shackamaxon Drive, Block 4301, Lot 61, Westfield, New Jersey.

WHEREAS, Allison Carr, remitted \$78.00 for aforesaid permit.

WHEREAS, Allison Carr, subsequently requested not to do the above mentioned project.

WHEREAS, Allison Carr, 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 \$62.40 payable to Allison Carr, 645 Shackamaxon Drive, Westfield, NJ 07090.

(264) 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:

Block/Lot/Qualifier Name/Mailing Address	Property Address	Amount
601/12 Kuntz, Joshua & Nash, Stephanie 842 Kimball Avenue Westfield, NJ 07090	237 Munsee Way	\$7,056.11
5115/25 Tenneson, Rosemary Check payable to: Bank Loan Center PO Box 419001 St. Louis, MO 63141 ATTN: Terica Smith	6 Mohawk Trail	\$2,844.54

(265) RESOLVED that the Chief Financial Officer 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 2009-2014 pursuant to the Tax Court of New Jersey:

Block/Lot Name	Address	Year	Amount
3103/3 Tyler Proprietors, Inc. Mail to: Zipp & Tannenbaum, LLC	435 North Avenue West	2010 2011 2012 2013	\$7,279.78 \$10,212.07 \$12,304.45 \$9,823.50

280 Raritan Center Parkway Edison, NJ 08837		2014	\$8,887.10
3105/9 Carido Group Mail to: McKirdy & Risken, PA 136 South Street PO Box 2379 Morristown, NJ 07962	140-144 East Broad Street	2009 2010 2012 2014	\$957.58 \$1,004.64 \$1,084.46 \$1,176.50
3105/10 Carido Group Mail to: McKirdy & Risken, PA 136 South Street PO Box 2379 Morristown, NJ 07962	152 East Broad Street	2009 2010 2012 2014	\$883.92 \$927.36 \$1,001.04 \$1,086.00

(266) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount sewer fees were overpaid for the year 2015 due to disconnection of water service/demolition of structure on the property:

Account #			
<u>Name/Mailing Address</u>	<u>Property Address</u>	<u>Year</u>	<u>Amount</u>
705-0 Kuntz, Joshua & Stephanie Nash 842 Kimball Avenue Westfield, NJ 07090	237 Munsee Way	2015	\$70.83

(267) RESOLVED that the Tax Collector be and she hereby is authorized to remove the following accounts from sewer billing due to the property being assessed on land only:

<u>Account #</u>	<u>Property Address</u>	<u>Year</u>	<u>Amount</u>
2551-0	120 Wychwood Road	2015	\$170.00

(268) WHEREAS, N.J.S.A. 40A:4-87 (Chapter 159, P.L., 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget or any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year **2015** in the sum of **\$10,000.00**, which is now available from **New Jersey League of Municipalities (NJLM) Educational Foundation Sustainable Jersey Grant**, and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations

NJLM/Conservation Center Improvements **\$10,000.00**

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

(269) 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 1742 Rahway Avenue (Block 5405, Lot 1) shall be changed to \$459,400 for the years 2012, 2013, 2014 and 2015.

(270) BE IT RESOLVED that Chief Financial Officer is hereby authorized to remit the sum of \$600.00 to First Indemnity of America pursuant to Order Remit Funds Pursuant to N.J.S.A. 2A:162-8 entered by Honorable Brenda Coppola Cuba, J.M.C. in relation to Warrant No. AA007124-2020.

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

Yvonne Fu 3423 W Coulter Street Philadelphia, PA	South Side RR Stn/Lot 3	#15030459	\$212.00
Adlers Jewelers 219 North Avenue W Westfield, NJ	Lot #8	#15080198	\$212.00
Adlers Jewelers 219 North Avenue W	Lot #8	#15080201	\$212.00

Westfield, NJ

Adlers Jewelers Lot #8 #15080274 \$212.00
219 North Avenue W
Westfield, NJ

(272) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$18.60 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 August 2015.

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. 2050 – 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 22ND day of September 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:	Kimmins
	Neylan			Loughlin
	LoGrippo			
	Foerst			
	Della Fera			
	Oliveira			
	Mayor Skibitsky			

Public Safety, Transportation and Parking Committee

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

(273) WHEREAS, the Police Department of the Town of Westfield has taken possession of motor vehicles found abandoned, and;

WHEREAS, Title 39: Section 39:10A-1 states that when a motor vehicle cannot be certified for a junk title certificate remains unclaimed by the owner or other person having a legal right thereto for a period of 20 business days, the motor vehicle may be sold at a public auction in a public place;

WHEREAS, the owners have been notified and advised of the procedure to obtain release of their motor vehicle and have failed to do so within the allotted time;

NOW, THEREFORE, BE IS RESOLVED, by the Mayor and Council of the Town of Westfield that the abandoned motor vehicles in the possession of the Police Department of the Town of Westfield, 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 bid price shall be established 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.

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.

(274) WHEREAS, Jean Genievich, made an application to the Town of Westfield to Demolish a single-family dwelling located at 99 Surrey Lane, Block 5205, Lot 18, 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 99 Surrey Lane, Block 5205, Lot 18, Westfield, New Jersey.

(275) WHEREAS, Joseph Buontempo, made an application to the Town of Westfield to Demolish a single-family dwelling located at 53 Faulkner Drive, Block 5901, Lot 2, 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 53 Faulkner Drive, Block 5901, Lot 2, Westfield, New Jersey.

(276) WHEREAS, NCN Properties, LLC, made an application to the Town of Westfield to demolish a single-family dwelling located at 1040 Lawrence Avenue, Block 407, Lot 12, 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 1040 Lawrence Avenue, Block 407, Lot 12, Westfield, New Jersey.

(277) WHEREAS, Michael Mahoney LLC, made an application to the Town of Westfield to demolish a single-family dwelling located at 721 Marcellus Drive, Block 3506, Lot 39, 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 727 Marcellus Drive, Block 3506, Lot 39, Westfield, New Jersey.

(278) WHEREAS, Michael Mahoney LLC, made an application to the Town of Westfield to demolish a single-family dwelling and detached garage located at 769 Clark Street, Block 707, Lot 29, 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 769 Clark Street, Block 707, Lot 29, Westfield, New Jersey.

(279) WHEREAS, Stephanie Nash and Joshua Kuntz, made an application to the Town of Westfield to demolish a single-family dwelling and in-ground pool located at 237 Munsee Way, Block 601, Lot 12, 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 in-ground pool at 237 Munsee Way, Block 601, Lot 12, Westfield, New Jersey.

Public Works Committee

The Town Administrator reminded Council and residents about the 911 ceremony.

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 \$10,518.00 representing monies collected during the month of August 2015.

Reports of David Wayman, Chief of the Police Department, stating he had turned over to the Chief Financial Officer a check in the amount of \$1,888.00 representing Police Fees collected during the month of August 2015 were received, read and ordered filed.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$9,456.00 during the month of August 2015 was received, read, and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in August 2015 in the amount of \$5,275.00 and \$297.00 Permit Fees was received, read and ordered filed.

Upon motion by Councilman Foerst, seconded by Councilman LoGrippo the meeting was adjourned at 8:31 p.m.

Claire J. Gray
Town Clerk