

## **MINUTES OF REGULAR MEETING HELD JUNE 7, 2016**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, June 7, 2016 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 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:** Mayor Skibitsky, Council Members Arena, Neylan, LoGrippo, Loughlin, Della Fera, Donnelly, Oliveira, Stokes

### **ABSENT:**

Invocation was given by Councilman Loughlin

### **PRESENTATIONS**

### **APPOINTMENT**

### **ADVERTISED HEARINGS**

### **PENDING BUSINESS**

### **BIDS**

### **MINUTES**

On a motion by Councilman Loughlin seconded by Councilman Donnelly, Council approved the Minutes of the Town Council Meeting held May 17, 2016.

On a motion by Councilwoman Neylan, seconded by Councilman LoGrippo, Council approved the Minutes of the Conference Session held May 17, 2016.

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

Introduced by Councilwoman Neylan, seconded by Councilman LoGrippe were adopted unanimously with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$662,544.54 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 Councilwoman Neylan seconded by Councilman Oliveira were unanimously adopted.

(133) WHEREAS, there exist on the records in the Tax Collector's office property tax and or sewer fee can be refunded as it was overpaid for 2016:

<u>Account number</u>	<u>property address</u>	<u>YEAR</u>	<u>Amount</u>
775-0 STRAUSS, Ronald & Jennifer	853 Ramapo Way	2016	\$170.00
1074-0 QUALBEN, Erik & Erika	251 Seneca Place	2016	\$170.00
2904/10 LESAK, Drina	636 Dorian Road	2016	\$989.80

(134) 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 2012-2015 pursuant to the Tax Court of New Jersey:

<u>Block/Lot</u>	<u>Name</u>	<u>Address</u>	<u>Year</u>	<u>Amount</u>
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4801/8	800 Central Avenue	2014	\$2,909.38
<b>Payable to:</b>		2015	\$3,300.68

Brach Eichler L.L.C. and Cumberland Farms, Inc.

**Mail to:**

Attn: Daniel J. Pollak  
 Brach Eichler L.L.C.  
 101 Eisenhower Parkway  
 Roseland, New Jersey 07068

3305/1.03	560 North Avenue East	2012	\$7,547.52
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<b>Payable to:</b>		2013	\$7,855.68
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Bruce J. Stavitsky, Esq. for the benefit of TD Bank, NA		2014	\$8,214.72
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<b>Mail to:</b>		2015	\$8,495.04
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Stavitsky & Associates LLC

350 Passaic Avenue  
 Fairfield, New Jersey 07004

(135) WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Town of Westfield wishes to participate in the pilot program for an electronic tax sale for the second year in a row.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Westfield, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

(136) LET IT HEREBY BE RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment(s) as follows following final inspection and approval by Town Engineer for return of deposit:

Mark Sauer Contracting, LLC  
 26 Park Ave.  
 Caldwell, NJ 07006

Amount of refund: \$975.00

(137) RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individuals:

Name	Account	Class	Fee
Gary Karp 525 Lawrence Ave. Westfield, NJ 07090	T05-600-071	Spring Golf Clinic Emma. Class cancelled.	110.00
John D'Angelo 538 Lenox Ave. Westfield, NJ 07090	Pool Membership Acct #195	Family Membership	450.00
Brian Murphy 511 South Chestnut St. Westfield, NJ 07090	Pool Membership Acct #195	Family Membership	360.00
Daniel Kelly 553 Edgar Rd Westfield, NJ 07090	Pool Membership Acct #195	Single Membership	90.00

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

Victoria Stickles 654 Fairmont Avenue Westfield, NJ 07090	Lot 9	#16080032	\$464.00
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(139) 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 900 South Ave West (Block 2606, Lot 19): a) for the year 2011 shall be changed to \$972,000.00; b) for the year 2012 shall be changed to \$972,800.00; c) for the year 2013 shall be changed to \$980,300.00; d) for the year 2014 shall be changed to \$960,000.00; e) for the year 2015 shall be changed to \$943,000.00; and f) for the year 2016 shall be changed to \$923,300.00

(140) AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Town of Westfield desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2016 through September 30, 2021.

BE IT RESOLVED, by the Town Council of the Town of Westfield, County of Union, State of New Jersey as follows:

1. The Town Council of the Town of Westfield hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2016 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2016 through September 30, 2021.
2. The Town of Westfield Clerk is hereby directed to submit a copy of this adopted resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This resolution shall take effect immediately upon final passage according to law.
4. All appropriate Town of Westfield officials are authorized and directed to perform all required acts to affect the purpose of this resolution.

(141) WHEREAS, the County Board of Taxation is unable to certify the tax rate throughout the county in a timely fashion and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis; and

WHEREAS, the Municipal Tax Collector, in consultation with the Municipal Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield in the County of Union and the State of New Jersey on this 7<sup>th</sup> day of June, 2016, as follows:

1. The Municipal Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Town of Westfield for the third installment of 2016 taxes. The Tax Collector shall proceed and take such actions as permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
- 2.
3. The entire estimated tax levy for 2016 is hereby set at \$167,074,666.27

4. In accordance with the law, the third installation of 2016 taxes shall not be subject to interest until the later of the end of the grace period, or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

	<u>2016 CERTIFICATION</u>
Municipal	\$27,179,965.75
School	\$96,878,790.00
Library	\$2,497,807.00
County	\$39,389,063.44
Open Space	<u>\$1,129,040.08</u>
Totals	\$167,074,666.27

Divided by the assessed value of \$1,850,588,256

= Tax rate of 9.028

(142) RESOLVED that warrants noted below be drawn to the order of Westfield Board of Education for Local School Taxes as provided in the 2017 budget in accordance with R.S. 54:4-75:

July 8, 2016		\$ 5,729,443.00
July 25, 2016	Debt Service	\$ 1,101,073.00
August 10, 2016		\$ 7,729,443.00
September 6, 2016		\$ 6,909,434.00
September 14, 2016	Debt Service	\$ 832,518.00
October 7, 2016		\$ 8,909,434.00
November 8, 2016		\$ 8,909,434.00
December 8, 2016		\$ 8,909,436.00
January 9, 2017		\$ 7,849,437.00
February 6, 2017		\$ 7,849,437.00
March 1, 2017	Debt Service	\$ 751,952.00

March 7, 2017	\$ 7,849,437.00
April 4, 2017	\$ 7,849,437.00
May 8, 2017	\$ 7,849,437.00
June 6, 2017	\$ 7,849,438.00
<b>TOTAL</b>	<b>\$ 96,878,790.00</b>

(143) WHEREAS, the Town Council of the Town of Westfield has recently authorized the Downtown Westfield Corporation to make application to the New Jersey Department of Community Affairs for a Downtown Business Improvement Zone (DBIZ) loan for needed improvements to municipal parking lot #7, and

WHEREAS, the Downtown Westfield Corporation has successfully utilized the DBIZ program on behalf of the Town to renovate and revitalize areas in our downtown and the Town is currently making annual payments on previously approved DBIZ loans, and

WHEREAS, the current DBIZ loan application submission is in the amount of \$150,000,

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield that if the current DBIZ loan application is approved by the New Jersey Department of Community Affairs the Town of Westfield has the ability and will repay the approved loan amount as per the terms of the loan agreement by allocating money in its annual municipal budget.

(144) 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 of any county or municipality when such item shall have been made available by the 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 an 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 2016 in the sum of \$5,000.00, which is now available from the Division of Highway Traffic Safety, Click It or Ticket Program; and



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

(146) RESOLVED that the application for the following liquor license renewal for the 2016-2017 licensing term be, and the same is hereby granted subject to full compliance with Alcoholic Beverage Law R.S. 33:1.1 et seq:

**PLENARY RETAIL DISTRIBUTION LICENSE**

Trader Joe's East, INC. (inactive)  
2020-44-008-007

155 Elm Street

Shreeji Holdings, LLC.  
2020-44-013-008  
t/a Liquor Basket of Westfield

115 Quimby Street

**PLENARY RETAIL CONSUMPTION LICENSE**

Echo Lake Country Club  
2020-33-027-002

515 Springfield Avenue

MRY Westfield Liquor LLC (inactive)  
2020-33-001-007

Ferraro's Restaurant Group, LLC  
t/a Ferraro's  
2020-33-025-009

8-14 Elm Street

Prospect Associates, LLC  
t/a 16 Prospect Street  
2020-33-015-010

16 Prospect Street

Chez Catherine Inc.  
t/a Chez Catherine  
2020-33-024-006

431 North Avenue West

Du International, LLC  
t/a Akai Lounge  
2020-33-005-006

102 E. Broad Street

(147) 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.

Grilled Cheese Shoppe

113 Quimby St

Regarding the following ordinance, Councilman Della Fera, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2066 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD, ESTABLISHING AN AFFORDABLE HOUSING DEVELOPMENT FEE"

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 21st day of June 2016 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		
	LoGrippo		
	Loughlin		
	Della Fera		
	Donnelly		
	Oliveira		
	Stokes		
	Mayor Skibitsky		

Public Works Committee

The following resolutions, introduced by Councilman Oliveira, seconded by Councilman Stokes were unanimously adopted.

(148) WHEREAS, a need exists for the construction of a new Vehicle Storage Building at the Public Works Complex as provided for in Special Ordinances 2196 and 2206B, and

WHEREAS, sealed bids were received on Tuesday, March 1, 2016, and

WHEREAS, the low bid, in the amount of \$1,035,000.00, submitted by K&D Contractors, LLC, 351 Monroe Avenue, Kenilworth, NJ 07033 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to Special Ordinances 2196 and 2206B.

NOW THEREFORE BE IT RESOLVED, that a Lump Sum Contract in the amount of \$1,035,000.00 be awarded to K&D Contractors, LLC, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

(149) WHEREAS, the Town Council of the Town of Westfield adopted General Ordinance 2065, providing for the disposal of household bulky waste materials at the Conservation Center, registration fees for landscapers, as well as the removal and disposal of certain organic material from the Conservation Center, and

WHEREAS, the calendar year fees to be charged for these services are to be set annually by resolution of the Town Council.

NOW THEREFORE BE IT RESOLVED that the calendar year fee for these services for 2016 shall be as follows:

- Landscaper Registration Fee – (as per TC Chapter 10A, Section 10A-2.1) ..... \$100 per vehicle
- Wood Chips/Mulch - (as per TC Chapter 10A, Section 10A-6)..... \$15 per cubic yard

Logs/Firewood – (as per TC Chapter 10A, Section 10A-6).....	\$125 per cord/\$75 per half cord
Leaf Disposal – (as per TC Chapter 33, Section 33-5(d)).....	\$7 per cubic yard
Household bulky waste – (as per TC Chapter 10A, Section 10A-2.1).....	\$30 per vehicle/trip

(150) WHEREAS, a need exists for the purchase of public works related equipment as provided for in the Capital Improvement Fund 236-213, and

WHEREAS, the contract to purchase these is to be awarded to an authorized vendor through the Morris County Cooperative Pricing Council, and

WHEREAS, this equipment will be sufficient to meet the needs of the Department, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under MCCPC Contract #15-C, a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$319,060.00 charged to Capital Improvement Fund 236-213 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase the following equipment from the indicated vendor:

DFFLM, LLC, T/A Ditschman/Flemington Ford  
215 US Highway 202  
Flemington, NJ 08822

(4) 2016 Ford F-550 Regular Cab 4x4	@ \$79,765.00	\$319,060.00
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BE IT FURTHER RESOLVED that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this contract

Reports of Department Heads

Upon motion by Councilman LoGrippe, seconded by Councilman Donnelly the meeting was adjourned at 8:33 p.m.

Claire J. Gray

Town Clerk