

MINUTES OF REGULAR MEETING HELD OCTOBER 18, 2016

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, October 18, 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: Acting Mayor Neylan, Council Members LoGrippe, Loughlin, Della Fera, Donnelly, Oliveira, Stokes

ABSENT: Mayor Skibitsky, Councilman Arena

Invocation was given by Councilman LoGrippe

PRESENTATIONS

APPOINTMENT

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

TOWN OF WESTFIELD

INVITATION TO BID

OCTOBER 12, 2016

CURBSIDE RECYCLING

<u>BIDDER</u>	<u>AMOUNT</u>
Giordano Co	1 year @ \$338,000.00

P.O Box 2129	
142-156 Frelinghuysen Avenue	3 years @ \$1,014,000.00
Newark, NJ 07114	
	5 years @ \$1,709,500.00

MINUTES

On a motion by Councilman Stokes seconded by Councilman LoGrippo, Council approved the Minutes of the Town Council Meeting held September 27, 2016 with Councilwoman Neylan abstaining.

On a motion by Councilman Donnelly, seconded by Councilman Loughlin, Council approved the Minutes of the Conference Session held September 27, 2016 with Councilwoman Neylan abstaining.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Ken McRitchie, former Councilman and owner of property at 515 Trinity Place spoke about the bird sanctuary near Dunham Avenue. He requested that the “forest primeval” located at the edge of the park that fronts on Grove Street be trimmed back.

George Stafford of 616 Kitchel Avenue, Wharton, NJ asked the Council to consider adopting two resolutions to support the Highlands water source since he stated that 46% of the town’s water comes from Highlands sources. He explained the first resolution supports the Highlands Act and the second requests that a new master plan be released. He provided the information to the Town Clerk.

John Rotchford of 866 Knollwood Terrace thanked the Council and Town Administrator for requesting the repair of Lamberts Mill Road after the work done by the utility company and the construction by the Enclave in Scotch Plains had left the road in poor condition.

BILLS AND CLAIMS

Introduced by Councilman Della Fera, seconded by Councilman Donnelly were adopted unanimously with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$822,853.73 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 seconded by Councilman Donnelly were unanimously adopted.

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

Robert Dornfeld	Lot 4/Nite Owl	#16480002	\$30.00
58 Elm Street Apt #1			
Westfield, NJ 07090			

(224) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$29.40 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 September 2016.

(225) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$1,025.00 to the order of Treasurer, State of New Jersey, P.O. Box 660, Trenton, NJ 08646-0660 for Marriage/Civil Union License Fees issued by the Registrar of Vital Statistics for the quarter of July-September 2016.

(226) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$20.00 to the order of Treasurer, State of New Jersey, Burial Permit Fees, P.O. Box 370, Trenton, NJ 08625-0370 for Non-EDRS Burial Permits issued by the Registrar of Vital Statistics for the quarter of July-September 2016.

(227) 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 taxes overpaid in 2016:

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT</u>
407/7	309 ROANOKE ROAD	\$5,411.42
CASAS, Felipe and PARRA, Juanita		
2813/29	213 SCOTCH PLAINS AVE	\$2,962.36
LAND QUEST TITLE, LLC		

214 HIGHWAY 18, 3RD FLOOR
EAST BRUNSWICK, NJ 08816

2906/13 621 SHADOWLAWN DRIVE \$3,684.00
BUENO, ROCIO

(228) 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 years 2012, 2013 2014 and 2015, pursuant to the Tax Court of New Jersey:

BLOCK/LOT

NAME	ADDRESS	YEAR	AMOUNT
2601/2			
TOWNE BEST CAR WASH	1216 SOUTH AVENUE WEST	2012	\$ 628.96
		2013	\$2,577.65
		2014	\$3,551.16
COOPS CLEAN CARS, LLC	1216 SOUTH AVENUE WEST	2015	\$ 4,557.24

Mail to:

SKOLOFF WOLFE
293 EISENHOWER PARKWAY
LIVINGSTON, NJ 07039

5006/2 19 MANCHESTER DRIVE 2015 \$884.90
CONROY, WILLIAM T. & KENNY, CAMILLE

Mail to:

MCKIRDY & RISKIN, P.A.
136 SOUTH STREET
P.O. BOX 2379
MORRISTOWN, NJ 07962-2379

(229) WHEREAS, the following applicants have posted monies to be held in escrow to cover expert advice and testimony in connection with Board of Adjustment and Planning Board applications on said property; and

WHEREAS, expert advice and testimony was given, and

WHEREAS, all bills for these applications have been submitted and paid; and

WHEREAS, the applicant has requested in writing to have the balance of escrow monies be released to them;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check for the balance of the escrow monies as follows:

App #	Name	Address	G/L	Refund Balance
BOA 15-47	Christopher & Amanda Lackett	705 Carleton Road	5-05-560-513	\$250
BOA 16-07	Welington Soalheiro	811 Wallberg Avenue	5-05-560-533	\$426.06
BOA 16-08	Mitchell Garfinkel	4 Radley Court	5-05-560-534	\$250
BOA 16-09	Hong Wang	244 Edgewood Avenue	5-05-560-535	\$500
BOA 16-10	Laura Brockway	127 North Euclid Avenue	5-05-560-536	\$500
BOA 16-12	Jeffrey Christian	224 North Chestnut	5-05-560-538	\$225.35
BOA 16-16	Margaret Nysch	307 Roanoke Road	5-05-560-542	\$450.71
BOA 16-20	John & Nicole Coyle	841 Dorian Road	5-05-560-546	\$475.35
BOA 16-21	Elias Tsepouridis	519 Birch Avenue	5-05-560-547	\$475.35
BOA 16-38	Ethel Esposito	312 Temple Place	5-05-560-564	\$426.06

(230) RESOLVED, that pursuant to N.J.A.C. 5:23-4.19, that the Chief Financial Officer be authorized and directed to draw a warrant in the sum of \$17,155.00 to the TREASURER, STATE OF NEW JERSEY for the third quarter Construction Official's State permit fees for 2016.

BE IT FURTHER RESOLVED, that said check be forwarded to the Division of Codes and Standards, Department of Community Affairs, CN 802, Trenton, New Jersey 08625-0802.

(231) WHEREAS, the Town of Westfield has resolved to join both the Suburban Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund, following a detailed analysis and has been a member since 1994; and

WHEREAS, the Bylaws of said funds require that each municipality appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Town of Westfield solicited requests for proposals for such services in accordance with G.O. 1753 of the Town of Westfield; and

WHEREAS, the Bylaws indicate that the commission rate shall not exceed six percent (6%) of the Member's Annual Assessment; and

WHEREAS, Amalgamated General Agencies made a proposal to perform such services outlined for two and one half percent (2.5%) of annual assessment; and

WHEREAS, the Bylaws of the aforesaid Fund require that in such case the municipality will make payment for such professional services directly to the Risk Management Consultant; and

WHEREAS, the Town of Westfield has received the sum of \$32,609.95 drawn on the Administration and Expense Account of the Suburban Joint Insurance Fund which represents the second half of the installment of the six percent (6%) of the Annual Assessment for 2016; and

NOW, THEREFORE BE IT RESOLVED that the Chief Financial Officer of the Town of Westfield be, and hereby is, authorized and directed to draw warrant to the order of Amalgamated General Agencies (AGA), 115 Grove Street East, PO Box 2670, Westfield, NJ 07090-2670, in the sum of \$13,587.48 representing the second half of the commission payable for the year 2016 with \$19,022.47 representing the reduction in the second half of the annual assessment.

(232) 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 \$5,151.52, which is now available from the Division of Criminal Justice, Body Armor Grant; and

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

General Appropriations
Public and Private Programs Offset by Revenues

Body Armor Grant \$5,151.52

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.

(233) 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 \$550.00, which is now available from the Drive Sober, Get Pulled Over Grant; and

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

General Appropriations
Public and Private Programs Offset by Revenues

Drive Sober, Get Pulled Over \$550.00

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.

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

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

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2068

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD,
CHAPTER 8”

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 1st day of November 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 Councilman Loughlin.

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

Yeas: LoGrippto Loughlin Della Fera Donnelly Oliveira Stokes Acting Mayor Neylan	Nays:	Absent: Arena Mayor Skibitsky
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Regarding the following ordinance, Councilman Della Fera, made the following announcement:

I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2069
AN ORDINANCE AMENDING THE CERTIFICATE OF OCCUPANCY
ORDINANCE FOR THE TOWN OF WESTFIELD, CHAPTER 12”

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 1st day of November 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 Councilman Oliveira.

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

Yeas: LoGrippto Loughlin Della Fera Donnelly Oliveira Stokes Acting Mayor Neylan	Nays:	Absent: Arena Mayor Skibitsky
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Regarding the following ordinance, Councilman Della Fera, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2070
 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 1st day of November 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 Councilman Stokes.

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

Yeas: LoGrippto Loughlin Della Fera Donnelly Oliveira Stokes Acting Mayor Neylan	Nays:	Absent: Arena Mayor Skibitsky
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Regarding the following ordinance, Councilman Della Fera, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2071
"AN ORDINANCE AMENDING THE STREETS AND SIDEWALKS
ORDINANCE FOR THE TOWN OF WESTFIELD, CHAPTER 24"

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 1st day of November 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 Councilman LoGrippto.

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

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

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

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2072
"AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF
WESTFIELD, CHAPTER 35"

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 1st day of November 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 Councilman Oliveira.

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

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

Public Works Committee

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

(234) WHEREAS, a need exists for the purchase of public works related equipment as provided for in the Special Ordinance 2206D, and

WHEREAS, the contract to purchase these is to be awarded to an authorized vendor through the Bergen County Cooperative Purchasing Contract #CK-04, 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 Bergen County Co-Op #16-10, 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 \$39,795.84 charged to Special Ordinance 2206C 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:

Bobcat of North Jersey	
201 Maltese Drive	
<u>Totowa, NJ 07512</u>	
Ventrac 4500Y Tractor with accessories	\$39,795.84

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.

(235) WHEREAS, sealed bids were received by the Town Clerk on October 12, 2016 for the 2017 Curbside Collection of Recyclable Material in Westfield, New Jersey as authorized by Public Works Account 137-245, and

WHEREAS, the Town Engineer has determined that the lone bid submitted far exceeded the amount budgeted by the Town, and is therefore rejected.

NOW THEREFORE BE IT RESOLVED, that the Town Engineer is hereby authorized to re-bid for the 2017 Curbside Collection of Recyclable Material.

Reports of Department Heads

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$81,322.00 for the month of September 2016 was received, read and ordered filed.

Report of David C. Wayman, Chief of the Police Department, showing fee collecting in the amount of \$2,623.50 during the month of September 2016.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$56,238.44 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of September 2016 was received, read and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing fee collecting in the amount of \$3,061.00 during the month of May 2016 was received, read and ordered filed.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$622.00 during the month of May 2016 was received, read, and ordered filed.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$7,825.40 representing monies collected during the month of September 2016.

Reports of Susan Noon, Collector of Taxes, showing taxes and sewer total collections of \$809,502.09 during the period September 1, 2016 to September 30, 2016

Upon motion by Councilman Donnelly, seconded by Councilman LoGrippo the meeting was adjourned at 8:37 p.m.

Claire J. Gray

Town Clerk