



AGENDA
March 28, 2023
Council Conference Meeting
7:00 p.m.

APPOINTMENTS

PRESENTATION

Girl Scout Bronze Award

BIDS

RESOLUTIONS

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to refund Recreation Department Fees
2. Resolution authorizing the Chief Financial Officer to draw warrants for overpaid taxes for 2023
3. Resolution to extend contract for Westfield Memorial Pool Concessionaire
4. Resolution to amend an award of contract for electrical upgrades to Council Chambers
5. Resolution to defer local school tax
6. Resolution to adopt temporary capital budget
7. Resolution to introduce and approve the 2023 Municipal Budget
8. Resolution to introduce and approve the 2023 Special Improvement District Budget
9. Resolution authorizing the Chief Financial Officer to cancel Capital Improvement Authorizations
10. Resolution to approve temporary emergency appropriations
11. Resolution authorizing the Chief Financial Officer to make a budget transfer

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

Public Works Committee

ORDINANCES

GENERAL ORDINANCE NO. 2023-11

AN ORDINANCE FOR CALENDAR YEAR 2023 TO ESTABLISH A CAP BANK (N.J.S.A 40A:4-45.14)

SPECIAL ORDINANCE NO. 2023-02

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,860,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION

AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

GENERAL BUSINESS

COMMITTEE REPORTS

OPEN DISCUSSION BY CITIZENS

EXECUTIVE SESSION

Labor Negotiations

Litigation Matters



**TOWN OF WESTFIELD
TOWN COUNCIL
REGULAR MEETING
Tuesday, March 28, 2023
8:00 PM**

PROPOSED AGENDA

This agenda is prepared for the information of the public. It is the order of the meeting; however, if changes in order, deletions or additions are made, they will be noted at the time.

1. Roll Call
2. Invocation
3. Salute to the flag
4. Appointments
5. Presentations
 - NJ Clean Communities Council Award Presentation
 - 2023 Municipal Budget
6. Advertised Hearings
 1. GENERAL ORDINANCE NO. 2023-10
AN ORDINANCE AMENDING THE SIDEWALK CAFÉ ORDINANCE OF THE TOWN OF WESTFIELD
7. Approval of Minutes from Town Council Conference Session held March 14, 2023
Approval of Minutes from Town Council Regular Meeting held March 14, 2023
8. Petitions and Communications
9. Open discussion by citizens
10. Bills and Claims in the amount of \$403,079.50
11. Reports of Standing Committees
 - Finance Policy Committee
 1. Resolution authorizing the Chief Financial Officer to refund Recreation Department Fees
 2. Resolution authorizing the Chief Financial Officer to draw warrants for overpaid taxes for 2023
 3. Resolution to extend contract for Westfield Memorial Pool Concessionaire
 4. Resolution to amend an award of contract for electrical upgrades to Council Chambers
 5. Resolution to defer local school tax
 6. Resolution to adopt temporary capital budget

7. Resolution to introduce and approve the 2023 Municipal Budget
8. Resolution to introduce and approve the 2023 Special Improvement District Budget
9. Resolution authorizing the Chief Financial Officer to cancel Capital Improvement Authorizations
10. Resolution to approve temporary emergency appropriations
11. Resolution authorizing the Chief Financial Officer to make a budget transfer
12. GENERAL ORDINANCE NO. 2023-11
AN ORDINANCE FOR CALENDAR YEAR 2022 TO ESTABLISH A CAP BANK (N.J.S.A 40A:4-45.14)
13. SPECIAL ORDINANCE NO. 2023-02
BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,860,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

Public Works Committee

12. Reports of Department Heads

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
GENERAL ORDINANCE NO. 2023-10**

**AN ORDINANCE AMENDING THE SIDEWALK CAFÉ
ORDINANCE OF THE TOWN OF WESTFIELD**

WHEREAS, the Town of Westfield has long permitted sidewalk cafes in the CBD Zone and GB-1 zones within the Town; and

WHEREAS, from time to time the regulations of such sidewalk cafes requires amendment, as the Town’s needs dictate, in the service of the health, safety, and welfare of the residents of the Town;

WHEREAS, outdoor dining in the Town was expanded on a temporary basis to permit “parklets,” so as to assist area restaurants and retail food establishments during the Covid-19 pandemic, and such parklets proved popular and successful;

NOW, THEREFORE, BE IT RESOLVED, as follows:

SECTION I. Chapter 24, “Streets and Sidewalks,” Article VII, “Sidewalk Cafes,” shall be and is hereby amended in its title as “Sidewalk Cafes; Parklets,” and shall be amended further as follows:

§ 24-46 **Definitions.**

As used in this article, the following terms shall have the meaning indicated:

- (a) **PARKLET** – A specifically delineated curbside space in the public right-of-way limited to on-street parking spaces and lanes and cartways converted for seasonal occupation of outdoor dining facilities, which may include seating, tables, umbrellas, planters, safety barriers, lighting, space heaters and signs as permitted by the Town of Westfield to be operated and occupied for the sole use of the adjacent restaurant, retail food establishment, or other such business as contemplated in this Article having received a permit from the Town for such use.
- (b) **PARKING SPACE** – A delineated, on street space that is parallel to curbing, intended for on-street parking, and typically measuring 23 feet in length.
- (c) **PARKING SPACE EQUIVALANT** – An area or areas located in the lane or cartway of a public street, whether delineated as perpendicular or angled parking, no-parking or loading area, or other, similar area, measuring 23 feet in length parallel to the curb.
- (d) **PRINCIPAL BUILDING** — The building whose principal facade fronts on the sidewalk where the sidewalk cafe is, or is proposed to be located. The

"principal facade" shall be the face of the principal building facing the street right-of-way.

- (e) **PERMITTED ZONE, SIDEWALK CAFES** — The CBD Zone and GB-1 Zone as defined in the Westfield "Land Use Ordinance" and as shown on the zoning map of the Town of Westfield. **PERMITTED ZONE, PARKLETS** — Parklets shall be permitted only on the following streets in the CBD: (1) Elm Street from North Avenue to Orchard Street; (2) Quimby Street; (3) Prospect Street from North Avenue to East Broad Street; and (4) East Broad Street from North Avenue to Central Avenue.
- (f) **PERSON** — Any individual, partnership, corporation, limited liability company, association, or other entity.
- (g) **RESTAURANT** — An establishment actually located within the principal building, the primary activity of which is the preparation of food for consumption by the public on its premises.
- (h) **SIDEWALK** — The paved surface provided for the exclusive use of pedestrians and situated between and extending from any building line to the curb of any street (excluding therefrom any unpaved area).
- (i) **SIDEWALK CAFE or CAFE** — A restaurant as defined herein which also is characterized by the following:
 - (1) The consumption of food by the public at tables located within that more or less rectangular portion of the sidewalk which lies within the area bounded by the public street, the principal facade, and the imaginary perpendicular lines running from the outer edge of such principal facade to the public street; and
 - (2) Containing readily removable tables, chairs, temporary railings and/or planters; and
 - (3) Unenclosed by fixed walls or ceilings, fences, except for retractable awnings, removable barriers, umbrellas or other nonpermanent enclosures.
 - (4) The term "sidewalk cafe" shall also mean an operation ancillary to a principal building in accordance with Section **24-56**.
- (j) **OBSTRUCTION** — Any tree, trash receptacle, street curb, parking meter, newspaper box, street sign or basement entry hatch lying within the area of the sidewalk cafe.
- (k) **SERVICE ITEMS** — All dishes, utensils, containers, tablecloths, napkins, cutlery and other items used in the operation or decoration of the sidewalk cafe.

§ 24-47 **License required.**

No person shall operate a sidewalk cafe within the Town of Westfield without first obtaining a sidewalk cafe license and satisfying all the requirements of this article. The license shall be initially issued by the Town Clerk and may contain conditions. All renewals of a sidewalk cafe license issued shall also be issued by the Town Clerk.

§ 24-48 **Application.**

- (a) Each applicant for a sidewalk cafe or parklet license shall submit and file an application with the Town Clerk, together with copies of a development plan (as defined below), and the appropriate fee. The application shall set forth:
- (1) The name and address of the applicant,
 - (2) The name and address of the owner of the principal building (if other than the applicant), and
 - (3) The name and address of the person who has prepared the development plan; and shall be accompanied by the written authorization and approval of the owner of the principal building (if other than the applicant).
 - (4) Written consent of the adjacent establishment for any sidewalk café or parklet that extends beyond the applicant's street frontage and in front of the adjacent establishment.
- (b) The term "development plan" shall mean a written plan setting forth the following information and such other additional information, if any, as may be subsequently requested by the Town.
- (1) A description of the principal building and a description of all properties immediately adjacent to such building; and
 - (2) A description of the proposed design and location of the sidewalk café or parklet, its dimensions and all temporary structures, equipment, and apparatus to be used in connection with its operation, including tables, temporary fences and barriers, planters, serving carts, chairs, awning, umbrellas (including any name to be displayed thereon), lighting and electrical outlets (if any); and
 - (3) A statement of the seating capacity of the proposed sidewalk cafe or parklet and of the existing restaurant actually operated by the applicant in the principal building; and
 - (4) A diagram demonstrating that pedestrian traffic along the sidewalk on which the sidewalk cafe or parklet is proposed to be located will in no way be impeded; and that the provisions of this Sections **24-50 and**

24-55 be satisfied. Such diagram shall also include a drawing of the sidewalk cafe or parklet itself with all appurtenances and shall show all obstructions located within the area of the sidewalk café or parklet. The diagram shall be drawn to scale and shall include all dimensions of any and all items located or proposed to be located within the area of the sidewalk café or parklet. The development plan shall be referred to the chief of the Fire Department, or other appropriate official designated by the Town administration from time to time to review such plans, who shall thereupon recommend approval, disapproval or modification of the plan within 10 business days following its submission. The Fire Chief may also refer the development plan to Chief of Police, zoning officer, Construction Official, health officer and the Town Engineer, and the municipal planner for their review and recommendation; and

- (5) If any service items shall be made of disposable or non-reusable materials, the proposed means for disposal of such service items, together with a drawing of the design of the proposed trash receptacles to be utilized.
 - (6) Specifications for any proposed heaters shall be provided for review. No heating or cooling elements shall be installed prior to the Town's approval for such installations. Space heaters and cooling equipment shall be properly positioned, maintained and anchored.
- (c) In the application to be submitted, the applicant may request that the Town Clerk grant the applicant a waiver from compliance with certain of the requirements of Section **24-56** of this article.

§ 24-49 Term of license: renewals.

All sidewalk cafe and parklet licenses shall be issued for the period commencing March 1 and ending October 31 of a particular year. Licenses may be renewed annually by filing of an application in accordance with the provisions of this Article.

§ 24-50 Special Conditions Applicable to Parklets

- (a) Qualifying restaurants and retail food establishments located in the Permitted Parklet Zone shall be permitted a maximum of one (1) parklet facility not to exceed two (2) contiguous parking stalls or parking space equivalent. This shall not be interpreted to indicate that any parklet permit application is guaranteed approval. The Town reserves the right to limit the number and size of parklets per block based on the location, potential interference with pedestrian or vehicular traffic, appropriateness of design, business record of the applicant as well as safety, health, and welfare considerations.
- (b) Restaurants and retail food establishments may be permitted to obtain a permit to operate both a sidewalk café and a parklet, if it is determined in the

sole discretion of the Town Clerk that the area adjacent to the use cannot safely or functionally accommodate either a sidewalk café or a parklet as regulated by this Article.

- (c) The Town reserves the right to order the temporary suspension of outdoor dining and the removal of all fixtures associated with any parklet at the permit holder's expense, from the public sidewalk or roadway because of road or utility construction or repairs, severe weather, public emergency, or any other similar public purpose that may arise.
- (d) Soft white or amber string lighting, lamps and other fixed lighting fixtures are permitted in, around, or over parklets to the extent that they do not generate excessive or unsafe glare to surrounding uses, vehicles, or pedestrian traffic. Bright white or blue LED lighting is prohibited. Parklet lighting control shall be at the discretion of the Town and may require adjustment at any time to protect public safety and the general welfare. Flashing, neon and colored lights are prohibited. Parklet lighting is permitted ½-hour prior to the parklet opening and ½-hour after parklet close.
- (e) Parklets must be installed in the parking space, parking lane or other approved location within the Town right-of-way located directly in front of the establishment with the parklet permit. Parklets may occupy areas of the street other than striped parking stalls upon approval of the Town Clerk. Parklets may not extend further than the frontage of the establishment with the approved parklet permit, unless written consent is provided by the adjacent establishment in front of which the parklet will extend.
- (f) In no case shall a parklet occupy more than two (2) parking stalls and may be limited to one (1) parking stall.
- (g) Unless expressly authorized by the Town Clerk, parklets are prohibited in public alleyways, parking lots and any established prohibited parking zones.
- (h) Parklets shall be contained within the area of the approved space and shall not extend into the adjacent travel lane, parking stall or sidewalk. Parklets shall not be wider than the parking lane. If no parking lane is striped in the vicinity of an approved parklet, applicants shall consult with the Town Engineer to obtain the official parking lane width.
- (i) Access to utilities shall be maintained in accordance with the following:
 - (1) Parklets shall have at least 5 feet of unobstructed clearance to utilities, loading zones or handicapped parking spaces.
 - (2) Parklets shall be located a minimum of 15 feet from any fire hydrant.
 - (3) Parklets shall be located a minimum of 20 feet from any marked crosswalk or 30 feet from the block corner at intersections without a

marked crosswalk.

- (j) Only the sidewalk-facing side of a parklet shall be open to pedestrians. All sides facing a street shall be enclosed with an acceptable barrier or decorative element as approved by the Town Clerk. Parklet openings shall be placed so as to avoid tree wells, poles, parking meters, signs, and other obstacles that may pose hazards to pedestrians.
- (k) Although parklet decking is not required, any parklet decking must be flush with the curb and may not have more than a ½-inch gap from the adjacent curb and shall be designed to allow for the flow of stormwater.

§ 24-51 Insurance required.

No sidewalk cafe or parklet license shall be issued unless the licensee shall have first filed with the Town Clerk a copy of an insurance policy or certificate of insurance, issued by a company duly authorized to transact business under the laws of this State, providing for the payment of not less than \$1,000,000 to satisfy all claims for damage by reason of bodily injuries to, or the death of, any person as a direct or indirect result of the operation of the sidewalk cafe or parklet, or for injury to any person occurring on the premises occupied by such café or parklet, and further providing for the payment of not less than \$10,000 to satisfy all claims for property damage occurring as a direct or indirect result of the operation of such cafe or parklet and naming the Town of Westfield as an additional insured.

§ 24-52 Indemnification agreement required.

No sidewalk cafe or parklet license shall be issued unless the licensee shall have first executed and filed with the Town Clerk an indemnification agreement pursuant to which the licensee, in further consideration of the issuance of the license, shall agree to forever defend, protect, indemnify and save harmless the Town of Westfield, its officers, agents and employees, from, and against, any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of, or which may arise out of, the licensee's operation of such sidewalk café or parklet.

§ 24-53 Maintenance agreement required.

No sidewalk cafe or parklet license shall be issued unless the licensee shall have first executed and filed with the Town Clerk a maintenance agreement pursuant to which the licensee, in further consideration of the issuance of a license, shall agree, at the option of the Town, to either repair at its sole cost and expense, any damage caused to the sidewalk or any part of the Town right-of-way by the operation of the café or parklet, or to reimburse the Town in full for all costs and expenses incurred by it in making any such repairs.

The Town Clerk may require a bond to be filed by the licensee in an amount to be fixed by the Town.

§ 24-54 **License fee.**

The fees for a sidewalk cafe license shall be as follows:

Type	Fee
Sidewalk Café	\$100
1-10 seats, no more than 2 tables	
11-25 seats	\$250
26-50 seats	\$350
Over 50 seats	\$425
Parklet	\$2,500 per parking space/parking space equivalent

§ 24-55 **Requirements and specifications.**

A sidewalk cafe or parklet authorized and operating pursuant to this article shall comply with all of the following regulations and specifications and such others as may be adopted from time to time by resolution of the Town Council of the Town of Westfield:

- (a) The cafe and parklet shall be operated and maintained in accordance with the development plan as finally approved.
- (b) No furniture, apparatus, decoration or appurtenance used in connection with the operation of the sidewalk café or parklet shall be placed within 50 feet of any fire hydrant, plug or standpipe without the specific written authorization of the chief of the Fire Department.
- (c) No furniture, apparatus, decoration, or appurtenance used in connection with the operation of the sidewalk cafe or parklet shall be located in such a way as to impede the safe and speedy ingress and egress to or from any building or structure. At least six feet of unobstructed walkway shall be provided for access from any door or opening on the business facade to the street.
- (d) No furniture, apparatus, decoration or appurtenance used in connection with the operation of the sidewalk cafe or parklet shall be located in such a way that less than six feet of paved sidewalk unobstructed by any obstructions remains for the exclusive use of pedestrians (the "required pedestrian passageway"), nor shall any such furniture, apparatus, decoration or appurtenance project or protrude into, on or above, the required pedestrian passageway. All sidewalk cafes shall have portable barriers or planters not less than three feet nor more than four feet in height which shall be placed around the sidewalk cafe area on the sidewalk to define the cafe area and the unobstructed pedestrian passageway area.
- (e) Service items shall be made of non-disposable and reusable materials;

provided, however, that upon a showing of need by the applicant and of adequate provision of outdoor waste receptacles for the disposal of disposable and nonreusable materials, a sidewalk cafe or parklet license may provide for the use of disposable and nonreusable service items. The furniture to be used in the operation of the sidewalk café or parklet shall be made of durable material, such as sturdy vinyl/plastic, wrought iron or wood. Tables shall have a diameter not larger than 24 inches.

- (f) The sidewalk area utilized by the café or parklet area shall be kept clean and free of litter. Sidewalks shall be washed daily, and trash receptacles shall be provided as required and approved from time to time by the Town.
- (g) Noise shall be kept at such a level as to comply in all respects with the provisions of the Union County Noise Control Ordinance.
- (h) Sidewalk cafes and parklets shall be permitted to operate only within the permitted zone and only from 10:00 a.m. until 10:00 p.m. from March 1 through October 31 of a particular year.
- (i) Within 30 minutes after the closing of a sidewalk cafe, the operator shall have all furniture, apparatus, decorations, barriers, planters and appurtenances and any other items used in connection with the operation of such cafe removed from the sidewalk. All such materials shall be stored in a safe and secure interior location.
- (j) The operator shall comply with all the requirements of N.J.S.A.C. 8:24-1 et seq. (also known as Chapter XII of the New Jersey State Sanitary Code) and N.J.S.A. 24:15-1 et seq.
- (k) The sidewalk café or parklet shall be actually operated and maintained by the same person who operates and maintains the related restaurant of which the café or parklet is a part and an extension.
- (l) The operator shall comply with all other ordinances of the Town of Westfield.
- (m) Notwithstanding anything to the contrary in this article or any other laws and ordinances of the Town but subject to the review and approval of the Town Clerk, a person may be permitted to display the name of the establishment operating a sidewalk cafe or parklet on umbrellas to be used at the sidewalk café or parklet.

§ 24-56 Sidewalk cafes or Parklet outside permitted zone; other ad hoc variations.

Notwithstanding anything to the contrary contained in this article or any other laws and ordinances of the Town of Westfield, the Town Clerk may issue licenses to operate sidewalk cafes or parklets which may otherwise vary from certain of the other requirements of this article. The issuance of such licenses shall be on terms and

conditions as the Town Clerk may deem fit and may include, but shall not be limited to, the following situations: (a) the issuance of licenses to establishments that are not situated in the permitted zone; (b) the issuance of licenses to establishments which may not be deemed to be restaurants under this article; (c) the inclusion of certain private property as part of a particular sidewalk café or parklet; and (d) the establishment of hours of operation which may differ from the requirements otherwise set forth in this article. All renewals of such licenses shall also be issued by the Town Clerk.

§ 24-57 Temporary suspension by Town of license.

Notwithstanding anything to the contrary contained in this article or any other laws and ordinances of the Town of Westfield, the Town may temporarily suspend a sidewalk cafe or parklet license in the event of emergency or for other reasons or purposes including, but not limited to, the facilitation of Town-sponsored events.

§ 24-58 Alcoholic beverages.

The sidewalk café or parklet area of an establishment that holds a Class C Plenary Retail Consumption license (license holder), a Restricted Brewery license, a Theater license, or a State Annual Permit (Concessionaire Permit) upon which a sidewalk café or parklet permit has been authorized to operate pursuant to this article may constitute premises for the sale and consumption of alcoholic beverages, provided that the license holder or permit holder otherwise complies with the applicable requirements of State law

An establishment that does not hold a Class C Plenary Retail Consumption license may permit patrons, as provided by N.J.S.A. 2C:33-27, to consume wine and beer on the sidewalk area upon which the sidewalk café or parklet has been authorized to operate. All restrictions placed on establishments pursuant to N.J.S.A. 2C:33-27 will be strictly enforced.

§ 24-59 Enforcement officer; notice of violation; failure to comply.

The chief of the Fire Department of the Town of Westfield (or his designee) shall be charged with the responsibility for enforcing the provisions of this article. Upon a determination by the Fire Chief (or his designee) that a licensee has violated one or more of such provisions, the Fire Chief shall give written notice to the licensee to correct such violation within 24 hours of the receipt of such notice by the licensee. In the event that the licensee fails or refuses to correct such violation within such period, the licensee's sidewalk cafe or parklet license shall thereupon, and automatically, be revoked.

Upon the revocation of such license, the licensee, upon written request, shall be entitled to a hearing before the Town Council of the Town of Westfield within 14 days of the date of its request.

§ 24-60 Penalties.

Any person convicted of a violation of this article shall be subject to a fine not to exceed \$500 or 90 days imprisonment, or both. Each violation of a section or subsection of this article, and each day that a violation continues shall constitute a separate offense.

SECTION II. Chapter 24, “Streets and Sidewalks,” Article VIII, “Sidewalk Signs,” shall be and is hereby amended in its section numbering, from sections 24-58 – 65, to 24-61 – 68.

in its title as “Sidewalk Cafes; Parklets,” and shall be amended further as follows:

SECTION III. Chapter 24, “Streets and Sidewalks,” Article IX, “Establishment of Open Container Areas, shall be and is hereby amended in its section numbering, from section 24-66 to 24-69.

SECTION IV. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION V. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION IV. This Ordinance shall take effect after passage and publication in the manner provided by law.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

MARCH 28, 2023

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual via credit card:

Name	Reason	Program	Fee
Jennifer Beke Card	Withdrew	Volleyball Spring Clinic/6 th Grade	\$166.25 Credit
Attila Farkas Card	Over Payment	Pool Membership / Resident	\$114.00 Credit
Ian Lebwohl Card	Withdrew Withdrew	Me & My Gal Dance/Ian Lebwohl Me& My Gal Dance/Sydney Lebwohl	\$70.00 \$70.00 Credit
Patricia Ick Card	Not needed	Conservation Center/Bulk Waste	\$40.00 Credit
Razib Rahman Card	Withdrew Withdrew	Brightwood Park Nature Class 3/16 Brightwood Park Nature Class 4/13	\$9.50 \$9.50 Credit
Steve Viola Card	Paid Twice	Pool Membership / Resident	\$340.00 Credit
Maria Losa Card	Withdrew	Spring Ultimate / In-Town Matthew Losa	\$204.25 Credit
Brett Druger Card	Withdrew	Spring Ultimate/In-Town Spencer Druger	\$204.25 Credit
John Tingley Card	Not Needed	Conservation Center/Bulk Waste	\$40.00 Credit
Matthew Greer Card	Withdrew	Pool Membership/Resident Family of 4 or less	\$460.75 Credit

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

MARCH 28, 2023

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2023:

<u>Block/Lot/Qualifier</u>	<u>Property Address</u>	<u>Quarter/Year</u>
<u>Name</u>	<u>Property Address</u>	<u>Amount</u>
901/19	400 Birch Place	1 st /2023
BROWNSTEIN, Daniel		\$1,366.74
3107/8	138 Elmer Street	1 st /2023
NEISS, Stuart		\$448.13

Mail to:

54 Brower Drive
Brick, NJ 08723

Send following refunds to:

CoreLogic Refunds Dept
3001 Hackberry Road
Irving, TX 75063

1109/4	520 Bradford Avenue	1 st /2023
		\$4,521.13
2405/7	240 Orchard Street	1 st /2023
		\$4,989.06
4007/8	220 Myrtle Avenue	1 st /2023
		\$2,354.67

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

MARCH 28, 2023

WHEREAS, the Recreation Commission of the Town of Westfield determined that there was a need for food concession for the 2021 season at the Westfield Memorial Pool; and

WHEREAS, on February 25, 2021, the Town of Westfield issued a Request for Proposals (RFP) for food concession services at the Westfield Memorial Pool through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, at a meeting held March 23, 2021, the Mayor and Town Council of the Town of Westfield adopted Resolution No. 72-2021, authorizing an award of contract to Lizzard Inc. DBA Suspenders, 1131 Magie Avenue, Union, New Jersey 07208 for said food concession services; and

WHEREAS, the contract term within the RFP document provided for an extension of said contract for four (4) additional years at the sole discretion of the Town of Westfield; and

WHEREAS, the Recreation Commission recommended that the Town Council authorize an extension of the contract for food concession services at the Westfield Memorial Pool with Lizzard Inc. for the 2022 and 2023 seasons with a 5% increase for 2023.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield be and hereby authorizes an award of contract to Lizzard Inc. DBA Suspenders, 1131 Magie Avenue, Union, New Jersey 07208 for food concession services for the 2023 season at the Westfield Memorial Pool with a payment to the Town of Westfield totaling \$15,358.93.

BE IT FURTHER RESOLVED that the proper Town Officials be authorized to effect whatever actions are necessary in the execution and discharge of this contract.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION NO. XXX-2023

FINANCE POLICY COMMITTEE

MARCH 28, 2023

WHEREAS, at a meeting held October 13, 2020, the Town Council of the Town of Westfield authorized an award of contract to Fraytak Veisz Hopkins Duthie P.C. (FVHD), Architects and Planners, for various design and architectural services for the Town's AV Broadcast Video System in Town Council Chambers; and

WHEREAS, at a subsequent meeting held on November 9, 2021, the Town Council of the Town of Westfield authorized, by Resolution #249-2021, electrical work to be completed by TZ Electrical Contracting, LLC, 13 Hotalen Road, Branchville, NJ 07826 at an amount not to exceed \$14,600.00; and

WHEREAS, at a subsequent meeting held on June 14, 2022, the Town Council of the Town of Westfield authorized, by Resolution #155-2022, electrical work to accommodate technical upgrades in Council Chambers in the Municipal Building, including imaging of multiple locations in the floor and providing back boxes to the Audio-Visual rack that were not part of the original scope of services, in an amount totaling \$30,395.00; and

WHEREAS, the Town of Westfield is in need of further imaging of locations in the floor that were not part of the original or revised scope of services; and

WHEREAS, through the design and architectural services provided, FVHD has recommended that the Town of Westfield authorize a contract to TZ Electrical Contracting, LLC, 13 Hotalen Road, Branchville, NJ 07826 at an amount not to exceed \$1,612.00 for said imaging. The total cost for the electrical work is \$46,607.00; and

WHEREAS, FVHD has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the request for quotes; and

WHEREAS, the Town Treasurer has certified to the availability of adequate funds for payment, which will be charged to Special Ordinance 2216, Account No.C-07-21-222-1F1, under Purchase Order No. 22-01959 and prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield as follows:

1. TZ Electrical Contracting, LLC be and hereby is awarded a contract for services as described above; and
2. The term of the contract will be for one (1) year; and
3. The proper Town Officials be and hereby are authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

TOWN OF WESTFIELD
RESOLUTION
XXX-2023

FINANCE POLICY COMMITTEE

MARCH 28, 2023

WHEREAS, the Local District School Tax for the year July 1, 2022 to June 30, 2023 was raised in the 2022 Tax Levy in the sum of \$109,594,132 and

WHEREAS, the statutes permit the deferral of such School Tax up to 50% of the School Tax Levy or \$54,797,066.00,

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Westfield, County of Union that the Deferred School Tax for Local District School purpose be the sum of \$54,797,066.00 as of December 31, 2022.

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. XXX-2023

FINANCE POLICY COMMITTEE

MARCH 28, 2023

A RESOLUTION TO ADOPT A TEMPORARY CAPITAL BUDGET

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2023 Capital Budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

NOW THEREFORE BE IT RESOLVED that the attached 2023 Temporary Capital Budget for the Town of Westfield, is hereby adopted.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. XXX-2023

FINANCE POLICY COMMITTEE

MARCH 28, 2023

WHEREAS, the Downtown Westfield Corporation has presented its Budget for the Town of Westfield's Special Improvement District, in the County of Union, for the Year 2023, and

WHEREAS, the following statements of revenues and appropriations shall constitute the Downtown Westfield Corporation Budget for the Year 2023; and

WHEREAS said Budget is to be published in THE WESTFIELD LEADER in the issue of March 30, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Westfield does hereby approve the following as the Downtown Westfield Corporation Budget for the year 2023:

DOWNTOWN WESTFIELD CORPORATION
SPECIAL IMPROVEMENT DISTRICT
2023 BUDGET

REVENUES

<u>GENERAL REVENUE</u>	<u>ANTICIPATED REVENUE</u>
Amount to be raised by Special Improvement District Assessment	\$416,347.00
Total General Revenue	\$416,347.00

APPROPRIATIONS

<u>GENERAL APPROPRIATIONS</u>	<u>APPROPRIATIONS 2023</u>
Operating	
Salaries & Wages	\$197,000.00
Other Expenses	\$219,347.00
Total General Appropriations	\$416,347.00

Notice is hereby given that the Downtown Westfield Corporation Budget was approved by the Town Council of the Town of Westfield, County of Union, on March 28, 2023.

A hearing on said Budget will be held at the Westfield Municipal Building on April 25, 2023 at 8:00 p.m. at which time and place objections to said Budget for the Year 2023 may be presented by Downtown Special Improvement District taxpayers or other interested persons.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION XXX-2023

FINANCE POLICY COMMITTEE

MARCH 28, 2023

WHEREAS, there are certain improvement authorizations adopted by Special Ordinance (S.O.) that were funded in total or in part by proceeds of bonds issued or authorized but not issued and through the utilization of the Capital Improvement Fund or Capital Surplus, and

WHEREAS, there are unexpended balances in the aforementioned improvement authorizations from which no further expenditures will be disbursed.

NOW, THEREFORE BE IT RESOLVED, that the below listing of balances of improvement authorizations be cancelled and credited to either the Capital Improvement Fund, Capital Surplus or to reduce the amount of Bonds and Notes Authorized But Not Issued, as appropriate.

S.O. No.	Improvement Description	S.O. Date	Original Amount Authorized	Total Cancellation	Capital Improvement Fund/Capital Surplus	Bonds and Notes Authorized But Not Issued
2022-01	Front End Loader	4/5/22	\$220,000	\$220,000	\$10,480	\$209,520
			Total	\$220,000	\$10,480	\$209,520

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.XX-2023

FINANCE POLICY COMMITTEE

MARCH 28, 2028

WHEREAS, a condition has arisen with respect to either funds being needed for salaries and wages and/or contracts, commitments or payments being due to various vendors prior to the adoption of the 2023 Budget, and no provision was made in the 2023 Temporary Budget for the aforesaid purposes, and

WHEREAS, N.J.S.A. 40A:4-20 provides for creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2023 pursuant to the provisions of N.J.S.A. 40:4-20 (Chapter 96, P.L. 1951, as amended) including this resolution total \$12,271,500 for the Current Fund and \$54,000 for the Swimming Pool Utility Fund,

NOW, THEREFORE, BE IT RESOLVED that in accordance with N.J.S.A. 40A:4-20:

1. The emergency temporary appropriations listed below will be provided for in the 2023 Budget under the titles shown and for the amounts given as follows:

Current Fund

	Salaries & Wages	Other Expenses
Administrative & Executive	99,000	76,000
Town Clerk	7,000	
TV 36		
Collection of Taxes	17,000	1,000
Assessment of Taxes	18,000	1,000
Financial Administration	52,000	
Legal Services & Costs		1,000
Municipal Court	35,000	5,000
Municipal Prosecutor	5,000	
Engineering Services		123,000
Public Works	431,000	682,000
Public Buildings & Grounds		60,000
Fire Department	539,000	61,000
Fire Official	24,000	2,000
Fire Hydrant Service		89,000
Parking Administration	31,000	
Police Department	897,000	207,000
Crossing Guards		174,000
Emergency Management		
Inspection of Buildings	63,000	18,000
Planning Board		12,000
Telephone		23,000

Electricity		65,000
Street Lighting		60,000
Water		5,000
Gasoline		75,000
Heating Gas		6,000
Board of Health	68,000	5,000
Board of Health (Contractual)		6,000
Recreation	36,000	
Celebration of Public Events		2,000
Maintenance of Free Public Library	143,000	
Animal Control		12,000
Board of Adjustment		
Group Insurance		1,781,000
Other Insurance		599,000
Social Security System (OASI)		164,000
Debt Service – DBIZ Loan		
Defined Contribution Retirement Plan (DCRP)		1,000
Public Employees Retirement System (PERS)		1,407,000
Police & Firemen’s Retirement System (PFRS)		3,466,000
Subtotal	2,465,000	9,308,000

In the total amount of \$11,773,000

Swimming Pool Utility Fund

	Salaries & Wages	Other Expenses
Swimming Pool Operations	26,000	21,000
Public Employees Retirement System (PERS)		
Social Security (OASI)	7,000	
Subtotal	33,000	21,000

In the total amount of \$54,000

TOWN OF WESTFIELD
RESOLUTION
RESOLUTION NO. XX-2023

FINANCE POLICY COMMITTEE

MARCH 28, 2023

RESOLVED that the Chief Financial Officer be authorized to make the following transfer(s) in the 2022 Budget (Appropriation Reserve) accounts, where (S&W) refers to the Salary & Wages line item while (O/E) refers to the Other Expenses line items:

	<u>OUT</u>	<u>IN</u>
<u>CURRENT FUND</u>		
Administrative & Executive 2-01-100-101 (S&W)		\$650
Town Clerk 2-01-102-101 (S&W)		50
Collection of Taxes 2-01-105-101 (S&W)	\$1,500	
Assessment of Taxes 2-01-110-101 (S&W)	1,500	
Municipal Prosecutor 2-01-122-101 (S&W)	1,900	
Fire Department 2-01-125-101 (S&W)		4,200
2-01-125-200 (O/E)	4,000	
Fire Safety Official 2-01-127-101 (S&W)		800
2-01-127-200 (O/E)	2,500	
Police Department 2-01-130-101 (S&W)	13,900	
2-01-130-200 (O/E)	46,000	
School Crossing Guards 2-01-132-200 (O/E)	1,500	
Public Works 2-01-137-101 (S&W)		85,800
2-01-137-200 (O/E)	39,700	
Board of Health		

2-01-150-200 (O/E)	9,000	
Recreation Department		
2-01-155-101 (S&W)		250
Construction Department		
2-01-165-101 (S&W)		150
2-01-165-200 (O/E)	400	
Municipal Court		
2-01-175-200 (O/E)	4,000	
Group Insurance		
2-01-183-200 (O/E)		34,000
	<u>\$125,900</u>	<u>\$125,900</u>

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
GENERAL ORDINANCE NO. 2023-11**

AN ORDINANCE FOR CALENDAR YEAR 2023 TO ESTABLISH A CAP BANK
(N.J.S.A 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Town Council of the Town of Westfield in the County of Union finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Town Council hereby determines that a 1.0 % increase in the budget for said year, amounting to \$372,377.11 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Westfield, in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Town of Westfield shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$1,303,319.89 and that the CY 2023 municipal budget for the Town of Westfield be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
SPECIAL ORDINANCE NO. 2023-02**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,860,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Town of Westfield, in the County of Union, State of New Jersey (the "Town") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment and new automotive vehicles, including original apparatus and equipment in, by and for said Town, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"),

the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. It is anticipated that the following government grants shall be received by the Town: (A) a \$295,000 grant from the New Jersey Department of Transportation to finance the cost of the improvement of Summit Avenue described in Section 4.A hereof; and (B) a \$399,000 Federal grant to finance the cost of the North Avenue Corridor improvements described in Section 4.B hereof. Said grant funds shall be applied as set forth in Section 12 hereof. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Town.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and

(3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of the following road and parking lot improvements: (i) resurfacing of Summit Avenue (from South Avenue to Grove Street) (including curb installation or replacement and drainage improvements, where necessary); (ii) resurfacing of the Municipal Building and Public Library parking lots; and (iii) resurfacing or reconstruction of various roads (including curb installation or replacement and drainage improvements, where necessary), as set forth on a list prepared by the Town Engineer on file or to be placed on file with the Town Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Town Council, there may be additions to or deletions from the list referred to in clause (iii) of the preceding sentence. It is hereby determined and stated that the roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

	Appropriation and Estimated Cost
	\$2,430,00
	0
	Down Payment Appropriated
	\$
	115,715
Bonds and Notes Authorized	\$2,314,285
	Period of Usefulness
	10 years

B. Undertaking of the following public improvements:
 (i) the North Avenue Corridor Sidewalk Improvement Project; and
 (ii) public safety improvements at various intersections.

Appropriation and Estimated Cost	\$ 625,000
Down Payment Appropriated	\$ 29,765
Bonds and Notes Authorized	\$ 595,235
Period of Usefulness	10 years

C. Undertaking of the following improvements to public buildings: (i) roof replacement at the Department of Public Works ("DPW") Building; and (ii) improvements to the Town Council Chambers and various offices in the Municipal Building. It is hereby determined and stated that the public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 200,000
Down Payment Appropriated	
	\$
	9,525
Bonds and Notes Authorized	and
	\$
	190,475
Period of Usefulness	15 years

D. Acquisition of new additional or replacement equipment and machinery consisting of fire hose for the use of the Fire Department.

Appropriation and Estimated Cost	\$ 50,000
Down Payment Appropriated	
	\$
	2,400
Bonds and Notes Authorized	and

	\$
	47,600
Period of Usefulness	5 years

E. Acquisition of new additional or replacement equipment and machinery and new communication and signal systems equipment for the use of the Police Department consisting of (i) security cameras and (ii) traffic safety devices.

Appropriation and Estimated Cost	\$ 160,000
	Down Payment
	Appropriated
	\$
	7,620
	Bonds and
	Notes
	Authorized
	\$
	152,380
Period of Usefulness	10 years

F. Undertaking of the following recreation improvements: (i) installation of fencing, benches, tables and other amenities at various parks; and (ii) various improvements to the Houlihan/Sid Fay Field recreation complex, including, but not limited to, construction of a bathroom facility and parking lot improvements.

	Appropriation
	and Estimated
	Cost
	\$
	175,000
	Down Payment
	Appropriated
	\$
	8,335
Bonds and Notes Authorized	\$ 166,665
Period of Usefulness	15 years

G. Acquisition of new additional or replacement equipment and machinery and new automotive vehicles, including

original apparatus and equipment, for the use of the DPW consisting of (i) pickup trucks with plows and (ii) mowers.

Appropriation and Estimated Cost	\$ 220,000
	Down Payment
	Appropriated
	\$
	10,640
	Bonds and
	Notes
	Authorized
	\$
Period of Usefulness	209,360
	5 years

Aggregate Appropriation and Estimated Cost	\$3,860,000
	Aggregate Down
	Payment
	Appropriated
	\$
	184,000
Aggregate Amount of Bonds and Notes	Authorized
	\$3,676,00
	0

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$55,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$184,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Town, are now available to finance said purposes. The sum of \$184,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Town of an aggregate principal amount not exceeding \$3,676,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Town of an aggregate principal amount not exceeding \$3,676,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this

ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Town and attested by the Town Clerk or Deputy Town Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration

the respective amounts of bonds or notes authorized for said purposes, is a period of 10.13 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Town Clerk of said Town, and that such statement so filed shows that the gross debt of said Town, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$3,676,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Town intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Town incurs such costs prior to the issuance of the bonds or notes, the Town

hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Town, and the Town shall levy ad valorem taxes upon all the taxable real property within the Town for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Town Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.