

MINUTES OF REGULAR MEETING HELD SEPTEMBER 14, 2021

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, September 14, 2021 at 8:00 p.m.

Mayor Brindle made the following announcements:

“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 11, 2020. 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 Brindle, Council Members, Habgood, Parmelee, LoGrippe, Katz, Mackey, Contract, Dardia, and Boyes

ABSENT: None

INVOCATION AND FLAG SALUTE

Invocation was given by Councilwoman Habgood followed by the flag salute.

PRESENTATIONS

Town Administrator's Update

- Discussed Tropical Storm Ida and the curbside collection of storm debris/bulky waste for impacted residents. Announced that collection began on September 7, 2021 and as of today, all requests for pickup have basically been completed. Feels DPW did an amazing job. Also thanked residents for getting their material out to the curb quickly, which made it easier for an efficient collection by DPW. Explained that there is still some debris to be picked up and DPW is canvassing the Town to identify locations where debris still exists, but he expects all pick up to be complete over the next couple of days. Also discussed those who disposed of bulky waste items at the Conservation Center and feels that also made the curbside collection more efficient. Explained that once the debris is off the street, DPW's job really only begins. Also discussed FEMA reimbursements and stated that in the coming weeks and months, discussion with the Town Council would occur with respect to the Town's submission to FEMA. In addition, discussed the portal that is available on the Town's website as well as the state's website for residents who need to file a claim with FEMA. Disaster sites in Union County would also be available to assist residents with FEMA claims;
- Provided an update on road paving and stated that 14 roads have been completed by Elizabethtown Gas for the work they initially did for main replacement, which have since been paved curb to curb for entire road lengths. In addition, the Town budgeted for the paving of 40 roads or sections of roads and as of today, 38 of those 40 roads were completed in full. The last 2 roads were funded with state aid, with milling operations beginning today on Prospect Street between Brightwood Avenue and Dudley Avenue and thanked the Police Department, Public Information Officer and the Principal of Franklin School for getting the word out to the residents who were also very cooperative. Milling and paving would continue for the next couple of days, followed by striping. Also discussed improvements to Willow Grove Road, which was also funded through state aid. Explained that it would also be a difficult project due to its access to Tamaques School and Tamaques Park. Explained that because this road and improvements to Prospect Street were funded through state aid, certain approvals were required which elongated the process and prevented the work from being completed in the summer. Provided an additional update on the paving being conducted by Elizabethtown Gas and explained that they are working to finish main replacements and discussed the streets where this work is being conducted. Paving would follow once main replacement is complete. In addition, Elizabethtown Gas has been working with the Town Engineer as to other grids of Town where work has started or needs to start. Feels the fact that over 50 roads or sections of roads have been paved with others in process is remarkable. Lastly, discussed utility work occurring on Dudley Avenue and explained that it is the beginning of a major main replacement which would run through other streets in Westfield and continue into

Kenilworth. Explained that this project is a multi-year process, but the Town was able to have work begin in Westfield. At this time, home connections are being conducted and would continue along Dudley Avenue with paving to eventually follow. Also discussed other roads in Westfield that are included in this project and thanked residents for their patience. Explained that because of the ordinances the Town has put into place, utility companies are required to pave the entire stretch of the road from curb to curb, with striping, at their expense. Feels this helps get many more roads paved in Town.

Councilman Dardia requested clarification concerning FEMA assistance and asked if the funds provided are grants or loans.

The Town Administrator believes the process is very similar to the reimbursement process for the Town and explained that FEMA would provide reimbursements for storm related costs, with receipts, photos and other evidence required, since an audit might also occur at a later time. In addition, residents must first go to their insurance company for a determination as to what is covered, with FEMA potentially providing reimbursement for costs the insurance company does not cover. Further explained that he is uncertain as to what is covered for residents, but that public entities are typically reimbursed up to 75% of its costs.

Councilman LoGrippe requested an update of the crossing guard program now that school is back in session. Stated that he has learned that since the Town began outsourcing the program, 11 posts were eliminated.

The Town Administrator explained that this is the third school year the Town has contracted with All City Management Services (ACMS) and feels the program has been very successful. Explained that the town had a very difficult time recruiting crossing guards, which many other towns are also facing now, and mentioned the Borough of Garwood as an example. Stated that ACMS has been responsible for staffing the crossing guard program, and while there are typically sick outs that happen from time to time, feels the first two days of school were successful. Discussed locations that have been examined over the past few years where volume, traffic signals and other factors are considered to determine crossing guard posts. In some cases, crossing guard posts were moved to safer intersections and 2 crossing guards were assigned to other locations where there is heavy volume. Also discussed various towns that have contacted him and the Police Chief for information on Westfield's program because they are also having difficulty recruiting crossing guards. In addition, outsourcing the program allows police officers to focus on police work rather than covering crossing posts. Lastly, reminded all that last year was a unique year because of the pandemic and discussed the fact that school attendance was not at full capacity because students were assigned to different cohorts, making this year somewhat of a learning year. Assured all that posts would continue to be monitored for any necessary changes.

Councilman LoGrippe asked if the Town would put out a list of the 11 posts that were eliminated.

The Town Administrator explained that the Town puts out a list of approved posts which is also shared by the Superintendent of Schools.

Mayor's remarks

Good evening, everyone, and welcome back to the regular bi-monthly meeting schedule now that summer is coming to a close. Thanks to all who are joining us in person and online tonight.

As a reminder, public comment will be accepted in person only. As always, the replay will also be available afterwards on Facebook, YouTube, and TV 36.

TROPICAL STORM IDA

■ With storm debris pick up nearly complete, I'd like to take a moment to recognize the incredible job that Public Works has done over the past week. This is the first time that the DPW has ever conducted a Town-wide bulky waste pick up, and it was a big lift on top of their ongoing other responsibilities -- including field preparation and maintenance, beautifying the 9/11 memorial for our annual ceremony, patching roadways, and responding to residents'

requests. Please give them a shout out next time you see a DPW employee -- they were incredible.

- And while we did not experience the catastrophic devastation we witnessed other communities, we do have a number of residents with substantial property damage and financial and emotional losses. I want to remind everyone that Union County is now included in the FEMA Major Disaster Declaration, and residents with losses can apply for assistance at [disasterassistance.gov](https://www.fema.gov/disasterassistance), and can call 1-800-621-3362 for application assistance.
- We continue to receive inquiries about infrastructure improvements following the impact of Ida. For some context, municipal stormwater systems are designed to control stormwater for the average types of storm events municipalities might reasonably endure.
- Overall, our region received 7.3 inches of rainfall, or 164% of an entire average month, in just 24 hours. Over four inches of rain fell in just two hours between 7:00 - 9:00 PM. The rainfall from Ida also came on top of the already saturated ground from a July that was 173% of the average and an August that was 145% of the average.
- Stormwater systems were simply overrun, not only in Westfield but around the state, with many towns suffering catastrophic losses. While this storm is far beyond what the average municipal drainage system is expected to handle, we have to act with urgency to fortify our infrastructure to manage the severity of storms that are happening more frequently. Westfield has had ongoing pockets of flooding that we've been attempting to address on a localized basis, but Ida has made it clear that we need to take a more holistic, strategic approach to address our stormwater issues for the short and long term.
- Tonight I'm announcing the formation of the Westfield Infrastructure Resiliency Committee (WIRC), which will be tasked with assessing our current Town-wide stormwater infrastructure and its capacity to handle these severe weather events in the future, and making short and long-term recommendations for how best to fortify it, as well recommendations for ensuring we are proactively thinking about climate resiliency in everything we do going forward.
- It will be a significant undertaking, and will take all contributing factors into considerations such as engineering and current zoning and construction practices, future development, and input from public works and finance, who will all be represented on WIRC.
- This Council will be co-chaired by Finance Committee Chair Linda Habgood and Public Works Committee Chair David Contract, and will also include:

Jim Gildea, Town Administrator

Greg O'Neil, Director of Public Works

Don Sammet, Town Planner

Dave Battaglia, Town Engineer

Frank Vuoso, Construction Official

- We will also be seeking resident volunteers to fill several additional seats -- specifically those who have a unique perspective from personal flooding experience or professional experience in the areas of flood mitigation or related zoning or construction expertise. More details about how to apply will be available shortly.

CELL TOWER PROPOSAL AT HOULIHAN/SID FAY

I'd like to provide you with an update on the cell tower proposal for Houlihan/Sid Fay fields. We worked closely with our consultant -- who, as a reminder, is retained at no cost to the Town -- to issue a public call for bids, which, we recently learned, yielded no responses due to the upfront investment in park improvements we required. As a result, we are discussing our potential next steps with our consultant, which may include a revised re-issuance of the call for bids in order to

prevent the cell tower potentially being erected across the tracks in Clark, limiting our ability to realize some of the benefits we had hoped for -- including the installation of restrooms and additional parking at the complex. I'll continue to keep you apprised of next steps.

EDISON SCHOOL FIELDS PROJECT

Thanks to all of the residents who continue to provide input on the Edison Fields Project. As we announced at the last Council meeting, in response to the concerns we've heard, we are scaling back the initial proposal by almost half, and residents can expect to hear more at the meeting next Monday night, September 20, at Edison.

I am going to ask Recreation Commission liaison Scott Katz to provide more details about the current process.

[Comments from Councilman Katz:

In the last few months, we have heard from many neighbors regarding the proposed project at Edison fields. We've held two public meetings, as well as a very productive neighbors' advisory meeting -- which will be meeting again tomorrow. In addition, we also heard from the neighbors at length again at the last Town Council meeting and watched their comments at the BOE meeting.

As I announced at the last Council meeting, in response to residents' concerns, we are scaling back the initial Edison fields proposal by almost half. This is consistent with the Strategic Parks Plan recommendations which proposed two full size turf fields.

Members of the Recreation Commission will be presenting a more detailed revised proposal at the scheduled September 20 public meeting at Edison, and will also be addressing many of the questions and concerns that have been raised to date. The meeting will be at 7:00 PM in the cafeteria.

The plan that will be presented reflects a balance of addressing the current fields shortage, neighbor concerns, and costs. A scaled back plan will reduce the overall neighborhood impact, while leaving grassy areas for both Edison students and neighbors. And to be clear, Edison is not and never was intended to be the only location for new fields. It was the first place to start, as it provided the most immediate increase in capacity. This will enable us to plan for adding more fields in some of the other recommended locations, whether it be Tamaques Park, Elm Street, or possibly Memorial Park.

Edison alone will not solve the field shortage. We understand this. It's a great first step, and it's finally time to start somewhere. I strongly encourage everyone to attend the September 20 meeting, and I am confident that we will arrive at a solution that works for all.]

CHARLES MORRISON DEDICATION

■ This afternoon, I had the privilege of overseeing the ribbon cutting ceremony at the newly installed memorial for Charles R. Morrison, Sr. in Memorial Park.

■ Mr. Morrison, who passed away in 2019, was a civil rights and civic improvement leader in Westfield. I'd like to take a moment to share the words on the memorial's plaque that we unveiled today:

"In the early 1960s, Mr. Morrison founded the Westfield Civic Improvement Association to advocate on his neighborhood's behalf for the creation of a community recreational facility in what is now known as Memorial Park.

Labeled by some as a troublemaking Black resident, Mr. Morrison's "good trouble" was pivotal in establishing the Westfield Memorial Pool and Park Complex. To this day, his legacy lives on through one of the Town's most valuable community assets enjoyed by many residents over the years."

■ Thanks to the Morrison family for allowing us to honor Charles' memory today as a beloved Westfield resident who gave so much to his community.

TONIGHT'S AGENDA

We have another busy agenda tonight!

We will be voting on a resolution to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a "Kids Recreation Trust Fund" grant to replace the playground in Windsor Park.

We will also hear an ordinance on first reading to address the issue of renting out private property amenities, including backyard swimming pools, which has recently been of concern with a specific property in Town that was causing disruption to the neighborhood. I'd like to thank the neighbors for bringing this issue to our attention so that we could swiftly introduce legislation to mitigate the problem.

Following a review by the Finance Committee, we are voting on a resolution approving a tax agreement for the property at 226 North Avenue, which is the site of AR Workshop. As a reminder, in May 2020, we passed a resolution designating the downtown Special Improvement District as an area in need of rehabilitation in order to incentivize downtown property owners to improve and invest in their properties. This agreement provides them a five-year tax abatement on the value of their improvements only, which was also extended to include locally historically designated properties in October 2020. The owners of this particular property upgraded the quality of their improvements once they learned of the designation, which is exactly the outcome this designation is intended for. I'm thrilled that they are the first property in the SID to take advantage of this incentive in order to monetize their property improvements over a five-year period, and it's wonderful to see the property owner's commitment to long-term success in Westfield.

I'll be reading a proclamation declaring the week of September 26 through October 2, 2021 as Green Energy Week in Westfield. I know that the Green Team has many exciting initiatives planned -- including the first-ever Tour de Westfield bike parade on September 26, and The Alternative Energy Fair on October 2.

Finally, I want to spend some time discussing the importance of a resolution, as well as an ordinance on first reading tonight, that are particularly relevant on this night before Yom Kippur. In light of the recent swastika found on playground equipment in Mindowaskin Park, which followed several graffiti incidents in the past year, we will vote to authorize a resolution recognizing the growing problem of antisemitism in America and calling for the adoption of educational tools to address it -- specifically endorsing and adopting the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism in full, and working to ensure that it is available as an educational resource for all Town departments and staff responsible for addressing antisemitism and other forms of discrimination.

The Working Definition of Antisemitism was adopted by the IHRA in May 2016, which has become the internationally recognized, authoritative definition of antisemitism for use by governments and international organizations. That definition reads in full:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

In addition, tonight's ordinance on first reading is to increase fines for bias crimes, from what was previously up to \$200 per violation to up to \$2,000 per violation.

A recent American Jewish Committee report from 2020 entitled "The State of Antisemitism in America" found that more than one in three American Jews (37%) say they have been victims of antisemitism over the past five years. Incidents here in Westfield, including the etching of swastikas on playground equipment and other public property, are wholly unacceptable and must

be addressed both through word and actions. Last year, I signed on to the American Jewish Committee's Mayors United Against Antisemitism campaign, and recently met with their Director, Rabbi David Levy, to discuss a closer collaboration to support their mission. His recommendations included tonight's resolution, as well as the inclusion of the American Jewish Committee's "Translate Hate," a digital glossary of antisemitic terms and tropes, which we've posted on the Human Relations Advisory Commission portion of our website (westfieldnj.gov/hrac).

We, as an elected body, take our responsibility seriously to protect our residents from acts of hate and bigotry. As our Jewish neighbors and friends observe Yom Kippur beginning tomorrow evening, this Council calls upon the community at large to reflect on what role we can play in contributing to the inclusive community we aspire to be.

With that, let's get to work. I want to remind everyone that I will be enforcing Robert's Rules this evening to ensure we stay on topic and the meeting runs efficiently.

Thank you.

Proclamation – Green Energy Week:

Mayor Brindle presented the following proclamation:

Town of Westfield Westfield, New Jersey Proclamation

**Green Energy Week
September 26 – October 2, 2021**

WHEREAS, the urgency to combat climate change and build a more sustainable future is clear – from brutal heat waves and raging wildfires to devastating hurricanes and floods – intensifying conditions across the globe are destroying our homes and our livelihoods and, tragically, claiming lives; and

WHEREAS, according to new global data released by NOAA's National Centers for Environmental Information, July of 2021 has earned "the unenviable distinction as the world's hottest month ever recorded", and earlier this month, Tropical Storm Ida battered our area with upwards of 9 inches of rain in just one evening causing unprecedented flooding; and

WHEREAS, the Town Council of the Town of Westfield is committed to developing and implementing sustainability strategies that will reduce our impact on the environment, fight climate change, and preserve our environment for the citizens we serve now, and for generations to come; and

WHEREAS, it is a known fact that fossil-fuel-based transportation and gasoline-powered engines are a major contributor of greenhouse gas from communities like Westfield; and

WHEREAS, The "greenhouse effect" is the warming of climate that results when the atmosphere traps heat radiating from Earth toward space; Greenhouse gas is the main driver of climate change; and

WHEREAS, several community groups – including the Green Team, the Recreation Commission, the Bicycle Board, the Downtown Westfield Corporation, and B.R.A.K.E.S. – have banded together to produce "Green Energy Week"; and

WHEREAS, the goal of Green Energy Week is to highlight the importance of Green Energy to address global warming and to demonstrate to our fellow residents that there are easy ways to join the fight, and they just may save some money along the way; and

WHEREAS, Green Energy Week will kick off on Sunday, September 26, with the *Tour de Westfield* bike parade and culminate on Saturday, October 2, with the *Alternative Energy Fair* at the South Avenue Westfield train station where there will be opportunities to learn about electric vehicles, e-bikes, solar panels, and green landscaping equipment;

NOW, THEREFORE, BE IT PROCLAIMED, that I, Mayor Michelle W. Brindle, hereby designate the week of September 26 to October 2, 2021, as Green Energy Week in the Town of Westfield, and I invite all residents to participate in the fun and informative activities of the week while learning how to help combat climate change.

APPOINTMENTS

PRESENTATIONS

ADVERTISED HEARINGS

GENERAL ORDINANCE NO. 2221

AN ORDINANCE RESCINDING CERTAIN PROVISIONS OF THE TOWN CODE FOR THE TOWN OF WESTFIELD

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2222

AN ORDINANCE TO AMEND CERTAIN PROVISION OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD REQUIRING THE SUBMISSION OF A DIGITAL COPY OF APPLICATIONS TO THE PLANNING BOARD AND BOARD OF ADJUSTMENT

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

SPECIAL ORDINANCE NO. 2222

A SPECIAL ORDINANCE AUTHORIZING THE SALE OF TOWN PROPERTY KNOWN AS 121 MYRTLE AVENUE IN THE TOWN OF WESTFIELD

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

SPECIAL ORDINANCE NO. 2223

A SPECIAL ORDINANCE AUTHORIZING THE SALE OF TOWN PROPERTY KNOWN AS 650 HORT STREET

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, "GENERAL ORDINANCE NO. 2221 - AN ORDINANCE RESCINDING CERTAIN PROVISIONS OF THE TOWN CODE FOR THE TOWN OF WESTFIELD" by Councilman Parmelee, seconded by Councilman LoGrippe, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood
Parmelee
LoGrippe

Nays: None

Absent: None

Katz
 Mackey
 Contract
 Dardia
 Boyes
 Mayor Brindle

An ordinance entitled, “GENERAL ORDINANCE NO. 2222 - AN ORDINANCE TO AMEND CERTAIN PROVISION OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD REQUIRING THE SUBMISSION OF A DIGITAL COPY OF APPLICATIONS TO THE PLANNING BOARD AND BOARD OF ADJUSTMENT” by Councilman Parmelee, seconded by Councilwoman Mackey, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays: None	Absent: None
Parmelee		
LoGrippo		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

An ordinance entitled, “SPECIAL ORDINANCE NO. 2222 - A SPECIAL ORDINANCE AUTHORIZING THE SALE OF TOWN PROPERTY KNOWN AS 121 MYRTLE AVENUE IN THE TOWN OF WESTFIELD” by Councilman Parmelee, seconded by Councilman LoGrippo, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays: None	Absent: None
Parmelee		
LoGrippo		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

An ordinance entitled, “SPECIAL ORDINANCE NO. 2223 - A SPECIAL ORDINANCE AUTHORIZING THE SALE OF TOWN PROPERTY KNOWN AS 650 HORT STREET IN THE TOWN OF WESTFIELD” by Councilman Parmelee, seconded by Councilwoman Habgood, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays: None	Absent: None
Parmelee		
LoGrippo		
Katz		
Mackey		

Contract
Dardia
Boyes
Mayor Brindle

BIDS

MINUTES

On a motion by Councilwoman Mackey and seconded by Councilman Contract, Council approved the Minutes of the Town Council Special Executive, Regular and Conference Meeting held August 10, 2021 with Council members LoGrippe, Contract, and Habgood abstaining.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

Erik Elfstrum, 62 Mohawk Trail, President of Westfield Lacrosse, stated that Westfield has a problem with its sports fields and feels everyone needs to “hear the plea” for field improvements. Explained that he handles scheduling for approximately 800 players, and it is very difficult due to Westfield’s limited fields. Also feels it is embarrassing to go to other towns much smaller than Westfield that have more fields and better facilities. In addition, explained that it is difficult for parents with multiple children playing sports to “juggle” traveling to different towns. Also feels there is a lot of benefit by improving the fields in Westfield because it brings families from other towns to Westfield who would then visit the downtown. Stated that he understands the complexity of the issue because Westfield has a limited amount of space, but the space it does have needs improvement. Also feels artificial turf is a necessity because natural grass fields are in poor condition and difficult to maintain because of the sheer number of “feet” that “hit” the fields every day. Lastly, stated that he works in conjunction with the soccer league, which has triple the number of players than lacrosse. Urged the Town Council to address this issue.

Tony LaPorta, 409 North Chestnut Street, requested an update as to whether or not there has been a decision regarding the request by the President of the Italian American Club and the President of Unico to display the Columbus flag in front of the municipal building. Discussed the history of Columbus Day, the lynching of Italian immigrants in New Orleans in the 1800’s, as well as the eventual declaration of Columbus Day as a national holiday by President Franklin D. Roosevelt in the 1930’s. Also stated that there was a time in Westfield when realtors would direct those of Catholic faith to live on the south side of town. Discussed a previous request to display the Italian flag in front of the municipal building which was denied for the reason that it is illegal to fly another nation’s flag under the American flag. Stated that it is not illegal to fly another nation’s flag under the American flag, but rather inappropriate flag etiquette. Explained that the Columbus flag that was created is not an Italian flag and requested that it be permitted to fly in front of the municipal building for the month of October in conjunction with Italian Heritage Month. Feels Italian Americans should be recognized as other groups have been recognized in this nation and in Westfield.

Mr. LaPorta also discussed the Town’s surplus level and feels the Town should create an accounting report and make it public so that residents are aware of exactly how much surplus has been spent down each year and how those funds were utilized. Stated that he has lived in Westfield since the mid-1980’s and feels it is the long-time residents that have funded that surplus. Believes every resident and taxpayer of Westfield have a right to that accounting.

Greg Kasko, 434 Everson Place, referred to Mr. LaPorta’s comments and stated that he is Irish and Catholic and grew up on the north side of Town on Effingham Place. Explained that he now lives on the southside, not because of his heritage or religion, but because it was a house that he was able to buy and afford. Also stated that his mother was a realtor in Town in the 1980s and 1990s and if any realtor suggested to any Irish or Catholic client that they should move to the south side of town because that is “where you belong”, that realtor would have been “out of a job”.

Mr. Kasko also discussed the Town’s surplus and shared surplus amounts from 2009 through 2012 under the last administration, versus amounts from 2018 to present under the current

administration. Stated that these numbers are on the Town's website and "challenged anyone to refute them". Stated that he agrees that these funds were provided by residents but believes residents were overtaxed for years, and that the money "sat in a bank account". Feels the current administration has managed finances "just fine". Believes that anyone could come to the microphone and accuse the governing body of spending money without supporting facts.

Lauren Kolaya, 528 Carleton Road, discussed General Ordinance No. 2225 which prohibits the rental of home amenities and stated that she is one of the residents that was personally affected by the Simply app that connects owners of private pools with people interested in renting them. Thanked Mayor Brindle, councilmembers and her neighbors for their help in addressing this issue. Explained that she specifically chose Westfield to live and is disappointed that something like this happened in such a nice, quiet neighborhood. Discussed various issues that she had to endure, such as portable restrooms across the street, increased traffic, difficulty parking, and loud music at all hours. Stated that she hopes the ordinance is adopted and also thanked the Westfield Police Department for their efforts to address the disturbances that occurred.

Lisa Friedman, 515B Carleton Road, stated that she supports the comments of the previous speaker concerning the property owner that rented his private pool. Discussed the amount of people and the noise that resulted from this rental. Thanked Councilman Contract and Councilman Parmelee for their support. Also thanked the Police Department and explained that she did not want to call the police, but felt she had no choice because the property owner would not listen to the neighbors' concerns.

Nuno Rodriguez, 1219 Boulevard, discussed the different sports his children play. Also discussed recent wins by the Varsity and Junior Varsity Boys' Soccer teams and feels they represented Westfield very well. Also discussed his son and others that play in the Westfield Soccer Association program. Explained that they practice at a field in Edison Township because of Westfield's lack of fields and do not get home until 10:00 PM twice per week and then need to do homework. Stated that he applauds the Town for its efforts to solve the fields problem and while he cannot recommend where fields should go, feels they are needed "desperately".

Sean Smith, 605 Westfield Avenue, thanked the Town and DPW for their efforts with Tropical Storm Ida. Discussed flooding that occurred in his basement and debris that he needed to dispose of which was removed within a week. Feels there have been many negative comments concerning the Town's response time in dealing with the storm and believes the priority is to ensure that residents are safe, and once they are safe, "you deal with the other stuff". Also commended the Town for the timely repairs to SID Fay/Houlihan Fields. Stated that these are the only turf fields in Town, and they were damaged during the storm. Fortunately, the Town had them repaired within a week. In addition, thanked the Town for its continuing efforts concerning the One-seat Ride initiative.

Mr. Smith then stated that he is here tonight to advocate for field improvements and urged the Town to "spend its money" on infrastructure improvements. Stated that he is happy to see that the matter is being addressed and discussed when he advocated for field improvements six (6) years ago with the prior administration. Discussed injuries that occur due to the condition of the Town's fields. Also explained that he was very naïve and thought the issue could be solved with simply some grass seed. Since that time, he has done research, attended many meetings of both the Recreation Commission and the Master Plan, and learned that the issue is not that the Town does not have enough fields, but that it does not have the ability to maintain its grass fields at a level where they can continue to be playable. For this reason, children are not playing or practicing in Westfield anymore, even though they represent Westfield, because the grass fields are not safe for play. Explained that his son attends soccer practice in Edison until 10:00 PM two nights per week, and his daughter practices at the Union County field on Meisel Avenue in Springfield. Also discussed the fields that are rented in Scotch Plains by the lacrosse league. Requested that the Town consider the proposed project at Edison School and not to limit it. Feels the proposal is being compared to MetLife Stadium when the reality is that it is two (2) to three (3) turf fields. Feels it is something that Westfield's children need. Also discussed those who opposed field lighting and stated that there is currently lighting at the tennis courts in Tamaques Park which has a much smaller user population. Feels Westfield's children do not have a voice because they are not voters, but their parents came out in "droves" and asked that this issue be addressed. Also discussed the Recreation and Parks Strategic Plan which identified the need for improvements. Feels the last administration proposed a solution which included a turf field that was not positively received by a lot of residents, which he believes resulted in a new administration. Also discussed artificial turf fields proposed by the Board of Education in recent

years that went to referendum and were voted down. Feels the reason was related to cost. Stated that he applauds the current administration for the creative solution it has proposed, which would allow for funding of the project through funds received in connection with a tax exemption. Feels that while some may believe it is not the best solution, he feels it is a solution that addresses a lot of the issues. Also understands those that have concerns with the project proposed at Edison School and encouraged the Town Council to use funds from the Edison School project, if it is reduced in size, toward another field that is school property. Feels partnering with the Board of Education would provide the Town with more control over use of the school's fields. Stated that the community "hired" the governing body and feels it should not be afraid to make a decision.

Janet Onishi, 759 Knollwood Terrace, stated that the evening of Wednesday, September 1 was a terrifying experience for many in Town and the local area. Also stated that she has lived next to the creek behind Edison Intermediate School for 29 years and when she spoke at the last Town Council meeting, she mentioned that the creek was part of the Rahway River watershed. In addition, discussed the handout she provided that she asked be shared because it showed that the creek is an integral part of the Westfield stormwater sewer system. Explained that stormwater from all four (4) wards in Westfield flow into this creek, which continues through Tamaques Park, crosses under Lamberts Mill Road into the Middlesex Reservoir in Clark Township, and ultimately into the Raritan Bay. Also discussed the fact that the creek is classified as a flood zone by FEMA, but the homes immediately adjacent to the creek are not classified as being in a flood zone. According to FEMA, the homes have a 500-year risk for flooding. During normal rainstorms, the creek overflows to a manageable level, but has reached capacity in more recent years. Feels this was this neighborhood's 500-year flood event. Entire yards and homes on Knollwood Terrace flooded from the creek overflow. Stated that during the 29 years that she has lived on Knollwood Terrace, her home never flooded from the creek, but this time she was very lucky. The water flooded her backyard, which is 50 feet wide, and came up to a depth of 18 inches to her home. Feels she did not flood because her sump pump did not fail but many of her neighbors were not as fortunate. Discussed predictions that rain events would be more frequent and more intense. Stated that she has some questions that she understands would not be answered at this time because a committee has just been formed to begin studying this issue, but she hopes that the Town would have a dialogue with the neighbors who are most affected by this creek. Explained that the creek behind Edison Intermediate School runs parallel to Knollwood Terrace and is now a 65-year old canal that is "showing its age". Feels it has reached capacity for normal rainstorms and cannot handle additional water to keep homes safe. Discussed the Town's efforts concerning green infrastructure improvements and asked if this creek is included in those plans. Feels this is critical because the new athletic fields proposed for the area behind Edison Intermediate School and the creek cannot accept the additional water that would be drained from those fields. Explained that when athletic fields are built, they are built to drain quickly and questioned where this water would go. Stated that she looks forward to the meeting on September 20th and hopes to hear answers to these questions. Lastly, with respect to improvements to the Town's infrastructure, stated that she hopes there would be a dialogue with the residents that are most affected throughout the entire Town.

Jerome Feder, 789 Knollwood Terrace, discussed the location of his home behind Edison Field. Also discussed the path and bridge used by the children to get to school from Knollwood Terrace that he owns. Explained that his driveway includes the bridge and that he needs to go over the bridge to cross the creek to get to the street. Referred to the informational packet he provided to councilmembers which includes various photos of the flooding, debris, erosion, and build up on the creek banks that resulted from the storm on September 1. Explained that it was a scary experience and that his neighbor invited him to evacuate with him, but because he had no easy way of getting to his neighbor, he waited. Stated that the water ultimately died down and discussed the discarded furniture that lined the street the next day. Extended his thanks to the mayor, councilmembers and DPW for rapidly inspecting the damage and having the debris removed. Explained that the creek banks are in severe disrepair and referred to the previous speaker, Jan Onishi, who has invited residents to tour the creek to see the extent of the disrepair. Feels the creek needs to be maintained and discussed instances in which he has contacted the Town Engineer. Stated that he commends Mayor Brindle for her support of green infrastructure measures and for recognizing the impact of climate change and that this may not be the last storm. Feels the issue is the prioritization of infrastructure improvements that never occurred. In addition, feels the Edison Field project is the opposite of green because it destroys natural grass which removes carbon dioxide from the atmosphere. Also feels it goes against Westfield's 2019 planning directives to use soils and vegetation to infiltrate, cleanse and recycle stormwater runoff, and since artificial turf needs to be periodically replaced, it generates a lot of potentially toxic solid waste. It is also extremely hot and cannot be played on during certain days. Stated

that he hopes the Town would move forward with a significant project to reduce flood risk which would also include rebuilding the creek banks. Also feels the construction of an artificial turf field conflicts with the Army Corps of Engineers' plans and believes the flood hazard area may be redefined going forward because of the rear school yard that was flooded or nearly flooded during Tropical Storm Ida. Urged the Recreation Commission to look carefully at the sports plans for opportunities to scale back the project to one that is less costly and more environmentally friendly. Feels it is not necessary for every field in town to be tournament grade and noted that tournament grade fields are expensive to maintain.

Jean Lehmborg, 528 Grove Street, discussed the climate change crisis and reports that have been issued since the last Town Council meeting. Stated that the Intergovernmental Panel on Climate Change (IPCC) is a body of scientists assembled by the United Nations to provide policymakers with regular scientific assessments on climate change. In early August, the IPCC issued a report based on the review of over 14,000 scientific studies that linked the rise in global average temperatures to human activities and the release of greenhouse gases such as carbon dioxide and methane into the atmosphere, trapping heat, as noted in the Washington Post. The IPCC report shows that carbon dioxide in the atmosphere has risen to levels not seen in two million years. The oceans are turning acidic and sea levels continue to rise. Arctic ice is disintegrating. Weather related disasters are growing more extreme and affecting every region of the world. Also discussed a report published by UNICEF in which the agency's executive director stated that for the first time there is a complete picture of where and how children are vulnerable to climate change. Stated that climate and environmental shocks are undermining the complete spectrum of children's rights from access to clean air, food and safe water to education, housing, freedom from exploitation and their right to survive. Feels no child's life would be unaffected. Explained that, among other actions, UNICEF is calling on government for comprehensive and urgent action. In addition, stated that in late August, the National Oceanic and Atmospheric Administration published its annual State of the Climate Report which is based upon the work of 530 scientists from 66 countries. The report shows that in 2020 the dominant greenhouse gases stored in the earth's atmosphere continued to increase and are at the highest levels in the modern industrial record. Furthermore, the New England Journal of Medicine and over 200 other medical journals worldwide published an editorial message requesting emergency action to limit global temperature increases, restore biodiversity, and protect health. The authors also state higher temperatures have brought increased dehydration and renal function loss, dermatological malignancies, tropical infections, adverse mental health outcomes, pregnancy complications, allergies and cardiovascular and pulmonary morbidity and mortality which disproportionately affect the most vulnerable, including children, older populations, ethnic minorities, poorer communities and those with underlying health problems. Stated that the greatest threat to global public health is the continued failure of world leaders to keep the global temperature rise below 1.5 degrees centigrade and to restore nature. Explained that she is bringing these health reports to the attention of the governing body because of the proposal to replace natural gas fields at Edison Intermediate School with synthetic turf, which is in direct opposition to what the world's climate scientists are recommending. Stated that the manufacturing, installation, service and disposal of synthetic turf generate carbon dioxides in addition to other greenhouse gases and pollutants. Also discussed studies which indicate that the type of plastic used in synthetic turf fields off-gas methane when exposed to solar radiation which continues in the dark, and that scientific studies have shown that methane is much more potent than carbon dioxide. Stated that she agrees that Westfield needs more athletic playing fields, but the goal needs to be accomplished without contributing to the climate change crisis. Feels the best approach is to install organically maintained natural grass athletic fields without lights. This would allow children to play a sport on a healthy field.

Greg Lehmborg, 528 Grove Street, feels he represents the neighbors of Edison Intermediate School and discussed the amount of research that was conducted concerning both synthetic turf and natural grass fields. Explained that the neighbors are not disagreeing with the need for fields, but believe appropriate fields for Westfield are needed, not synthetic turf and lighting in residential neighborhoods. Feels there has been an "unlock" that has been engineered by the Town Council and the Board of Education, specifically a Letter of Intent/partnership. Stated that the Board of Education owns the property and has maintained it as schoolyards, not as athletic fields, which he feels is appropriate for its use and budget. The Town does not have the space but has the demand from residents and sports leagues for more field capacity. Explained that the neighbors of Edison School are advocating for a way to solve this problem with appropriately maintained grass fields and he understands that a school yard that is not maintained as an athletic playing surface is probably not going to withstand the traffic of multiple sports teams. Explained that one of the pieces of research that was done by residents was to consult sports turf experts at

Rutgers University. These experts have outlined some of the critical elements to maintaining a proper grass field and making it more durable. Explained that while they are not indestructible, synthetic turf fields are not indestructible either and mentioned the damage to the SID Fay/Houlihan fields as an example. Feels they could be upgraded which would allow for more playing hours than the current fields in Town. Believes there is a solution that does not require turf and lights. Lastly, discussed the ordinance proposed that would prohibit the renting of private pools because of the disturbances to the neighborhood. Stated that he agrees that those activities are not appropriate in a residential neighborhood, but believes sports activities until 10:00 PM on lit turf fields in residential neighborhoods are also not appropriate. Feels there is a need for “like for like” when it comes to how issues are approached and how peace and quiet are maintained in Town.

Hearing no further comments, Mayor Brindle closed the public comment portion of the meeting.

Mayor Brindle addressed the comments made, beginning with those related to the flooding that occurred from Tropical Storm Ida. Feels the consensus that was reached this evening is that climate change is “real”. Believes there is an urgent need to address this issue and assured all that any infrastructure improvements that are considered would involve input by residents.

Mayor Brindle also thanked those who spoke in support of the need for improved sports fields and stated that she hopes they understand the Town’s efforts to achieve balance on both sides. Feels it is important that both sides are heard and that the Town is very committed to finding a solution that works for everyone.

Mayor Brindle referred to Mr. Feder’s presentation and his reference to the installation of 400,000 square feet of synthetic turf. Feels it is important to acknowledge the fact that the project has already been scaled back in half, which she believes addresses many of the major concerns expressed. Also feels they would be discussed and explained in detail at the meeting scheduled for September 20th.

Mayor Brindle addressed the comments related to General Ordinance No. 2225 and feels it would cover not only the rental of pools, but the rental of various types of amenities. Extended her apologies to those impacted by this issue and stated that she is glad the Town was able to address the issue.

Mayor Brindle addressed Mr. LaPorta’s comments and stated that the Town Administrator met with representatives from UNICO concerning the request for the Columbus flag and believes it would be considered later this week.

Lastly, Mayor Brindle addressed comments related to the Town’s surplus level and feels there might be a need to “agree to disagree”. Stated that Mr. LaPorta was a councilmember at a time when the surplus level was much lower with a greater percentage being utilized than the amount utilized today. Explained that she is a firm believer that the taxes paid to the Town belong to the residents and does not feel those funds should be “sitting in a bank account earning interest”. Explained that when residents ask what the Town did with the surplus funds that were utilized, her answer is that they were given back to taxpayers in the form of the lowest annual four (4) year average tax increase in the Town’s history, including the first ever 0% municipal tax increase. Also stated that the Town achieved a .21% lending rate, its lowest in history, with its current surplus balance, and lending institutions specifically cited the fiscal health of Town, including the surplus balance. Stated that she is very proud of the fiscal stewardship over the past four (4) years, and she looks forward to continuing that stewardship.

Councilwoman Habgood also addressed Mr. LaPorta’s comments and the insinuation of a lack of transparency as it relates to the budget and how funds are spent. Stated that not only is there a great deal of information concerning the budget available on the Town’s website, but for the past four (4) years she began holding a meeting annually each January to discuss how the Town performed financially during the prior year, which is something that had not been done before. Feels it is important for residents to have information concerning the budget and how the Town performed against it. In addition, residents have been invited to provide input concerning the budget process each year.

BILLS AND CLAIMS

On motion by Councilwoman Habgood, and seconded by Councilman Dardia, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$2,207,414.20 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 Habgood and seconded by Councilman Contract, were unanimously adopted.

Resolution No. 194

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$33.60 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of August 2021.

Resolution No. 195

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

Rachida Maouchi 800 Forest Avenue Apt. 9E Westfield, NJ 07090	South Side RR Stn/Lot 3	#21030647	\$232.00
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Resolution No. 196

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

Name	Account	Class	Fee
Suzanne Epstein 656 Norman Place Westfield, NJ07090	Tennis/ Rec T-05-600-071	Refund Disc Golf – Summer 2021 Ben Epstein – Session 2 Jake Epstein – Session 2	\$280.00 (\$140.00) (\$140.00)
Larry Rosario 1321 Pine Grove Ave Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Disc Golf – Summer 2021 Lucas Rosario – Session 2	\$140.00
Joshua Halpern 652 Nottingham Pl Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Fencing Camp – Summer 2021 Jonah Halpern – Session 4	\$300.00
Dorothy Kahaner 842 Cedar Terrace Westfield, NJ 07090	Fees & Permits 1-01-55-920-221	Refund Permit Bulk Waste Disposal Dorothy Kahaner (6/30/21)	\$40.00

Resolution No. 197

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:

RJ Ingles Electric Inc.
1040 Kennedy Blvd
Bayonne, NJ 07002

Amount of refund: \$975.00

Resolution No. 198

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2021:

Block/Lot/Qualifier Name	Property Address	Quarter/Year Amount
2302/32 Britten, Timothy & McDowell, Kathleen	118 Harrison Avenue	3 rd /2021 \$5,414.04
5402/21 DeCandia, Giordano & Eileen	611 Ardsleigh Drive	3 rd /2021 \$4,213.51

Resolution No. 199

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 2019-2020 pursuant to the Tax Court of New Jersey:

Block/Lot Name	Address	Year	Amount
501/8 Natalie Birrell & Maria R. Cozzini, Esq. Law Office of Maria R. Cozzini, LLC 1199 US Route 22 East Mountainside, NJ 07092	808 Lawrence Avenue	2020	\$3,880.08
1410/15 Alan Rabinowitz & Jennifer Rabinowitz & Maria Cozzini, Esq. Law Office of Maria R. Cozzini, LLC 1199 US Route 22 East Mountainside, NJ 07092	911 Kimball Avenue	2019 2020	\$2,814.35 <u>\$2,824.82</u> \$5,639.17
3108/14 Chiesa Shahinian & Giantomasi Trust Account Attention: John R. Lloyd, Esq. One Boland Drive West Orange, NJ 07052	144 St Paul Street	2020	\$2,436.38

Resolution No. 200

WHEREAS, the following persons, homeowners residing in Westfield, NJ, have filed for a 100% disabled rating due to service connected injuries, making them eligible for a Property Tax Exemption Qualification for the tax year 2021, and

WHEREAS the Mayor and Town Council elect to exercise their discretion to exempt homeowners from payment of real estate taxes for the prorated year 2021 and refund said homeowners retroactively to the effective date of disability stated in the Veteran Administration letter;

NOW, THEREFORE BE IT RESOLVED, that the Chief Financial Officer be and he hereby is authorized to draw warrants to the below mentioned, this being a refund for prorated 2021 taxes, based on the application as indicated below;

Block/Lot Name	Address	Year	Amount
801/9.01 Thomas Palesky	459 Whittier Avenue	2021	\$1,715.40

Resolution No. 201

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 year 2021 in the sum of \$10,000.00, which is now available from Union County Community Development Block Grant (CDBG); and

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

General Appropriations	
Union County CDBG – Senior Programs & Activities	
July 1, 2021 – June 30, 2022	\$10,000.00

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

Resolution No. 202

WHEREAS, the Union County Board of Chosen Freeholders is allocating matching grant dollars for recreational improvements in the municipality, allowing each municipality the opportunity to address their specific need; and

WHEREAS, the Recreation Commission of the Town of Westfield has determined that there is a need for refurbishment of the Windsor Park Playground at a cost of \$86,640.40; and

WHEREAS, matching funds in the amount of \$43,320.40 will be certified by the Chief Financial Officer to be charged to the Park Improvement Fund account #T-05-600-076, once a contract is awarded.

NOW THEREFORE BE IT RESOLVED the proper Town officials be, and hereby are authorized and directed to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a “Kids Recreation Trust Fund” grant in the amount of \$43,320.00.

BE IT FUTHER RESOLVED that the proper Town officials be, and hereby are, authorized and directed to enter into a contract as prepared by the Union County Law Department.

Resolution No. 203

WHEREAS, a need exists to repair the stairway at the Westfield Train Station that is owned and maintained by the Town of Westfield; and

WHEREAS, quotes were requested for this service, with a submission by T. Fiotakis Construction LLC, 197 Central Avenue, Edison, NJ 08817, at a cost not to exceed \$19,500; and

WHEREAS, the Town of Westfield 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 No. 2221, under Purchase Order No. 21-02874 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. T. Fiotakis Construction 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.

Resolution No. 204

WHEREAS, applicable New Jersey Law, more particularly N.J.S.A. 40:67-23.2, et seq. requires municipalities to enter into agreements with qualified private communities located within those municipalities to provide for payments to such qualified private communities to compensate for certain services that the municipalities do not provide to the residents of such qualified private communities; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that the Mayor is hereby authorized to sign the agreement between the Town of Westfield and Eastgate Square Condominium Association for the period of January 1, 2021 through December 31, 2025.

Resolution No. 205

WHEREAS, applicable New Jersey Law, more particularly N.J.S.A. 40:67-23.2, et seq. requires municipalities to enter into agreements with qualified private communities located within those municipalities to provide for payments to such qualified private communities to compensate for certain services that the municipalities do not provide to the residents of such qualified private communities; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that the Mayor is hereby authorized to sign the agreement between the Town of Westfield and Cowperthwaite Square Condominium Association for the period of January 1, 2021 through December 31, 2025.

The following resolution, introduced by Councilwoman Habgood, seconded by Councilwoman Mackey was adopted by the following roll call vote:

Resolution No. 206

WHEREAS, pursuant to the Five-Year Exemption and Abatement Law, *N.J.S.A. 40A:21-1, et seq.* (the “Law”), a municipality having within its corporate limits areas in need of rehabilitation or redevelopment, may, by ordinance, provide for the exemption and/or abatement of real property taxes, to encourage and provide incentives for the construction and rehabilitation of dwellings, multiple dwellings, mixed use structures and industrial and commercial structures; and

WHEREAS, on June 9, 2020, the Town Council of the Town of Westfield (“Council”) adopted General Ordinance No. 2171 (the “Ordinance”) providing for five-year tax exemptions and abatements for certain properties; and

WHEREAS, Winfield 226 Holdings LLC (the “Owner”) is the owner of the property located at 226 North Avenue, Westfield, New Jersey, as shown on the official tax maps for the Town as Block 3116, Lot 13 (the “Property”); and

WHEREAS, the Owner has made improvements to the Property including, but not limited to, the construction of new multifamily dwellings (the “Improvements”); and

WHEREAS, the Owner has timely applied for a tax exemption under the Ordinance for the Improvements in accordance with the Law and the Ordinance (the “Application”); and

WHEREAS, the Council has determined that the Tax Agreement between the Owner and the Town, a copy of which is attached to this Ordinance as Exhibit A, complies with the Law and the Ordinance and is in the best interest of the Town.

NOW, THEREFORE, it is on this 14th day of September 2021, hereby resolved by the Town of Westfield as follows:

1. The recitals are hereby incorporated as if fully set forth herein.
2. The Town hereby approves the Application for a tax exemption exempting the portion of the assessed valuation of the Improvements to the Property for five (5) years beginning January 1, 2021, and ending December 31, 2025 (the “Term”). During the Term, the Owner shall make payments in lieu of full property tax payments utilizing the “tax phase-in

basis” set forth in Section 9(c) of the Ordinance and as set forth in the Tax Agreement.

3. The Town hereby approves and consents to the execution of the Tax Agreement, substantially in the form annexed to this Resolution as Exhibit A, subject to minor revisions as deemed necessary by the Town’s counsel.

4. That percentage which the payment in lieu of taxes for the Property bears to the property tax which would have been paid had the exemption not been granted for the Property under the Tax Agreement shall be applied to the valuation of the Property to determine the reduced valuation of the Property to be included in the valuation of the Town for determining equalization for county tax apportionment and school aid during the term of the Tax Agreement covering the Property, and at the termination of the Tax Agreement for the Property, the reduced valuation procedure required under this paragraph shall no longer apply.

5. Within thirty (30) days after the execution of the Tax Agreement, the Town Clerk shall forward a copy of the Tax Agreement to the Director of the Division of Local Government Services in the Department of Community Affairs.

6. The Town Clerk shall immediately transmit a copy of this Resolution and the executed Tax Agreement to the Assessor. The Tax Agreement and the exemption granted herein shall be recorded and made a permanent part of the official tax records of the taxing district, which record shall contain a notice of the termination date thereof.

7. The Town Clerk and other Town staff and consultants are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution and the terms of the Tax Agreement, and the Mayor shall be authorized and directed to execute the Tax Agreement.

8. This Resolution shall be effective immediately.

Yeas:	Habgood	Nays:	None	Absent:	None
	Parmelee				
	LoGrippto				
	Katz				
	Mackey				
	Contract				
	Dardia				
	Boyes				
	Mayor Brindle				

Public Safety, Transportation and Parking Committee

General Ordinance No. 2209

Regarding the following ordinance, Councilman Dardia made the following announcement:

I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2223 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13, MOTOR VEHICLES AND TRAFFIC” as amended.

The motion was seconded by Councilman Contract.

General Ordinance No. 2223 was approved by the following vote of all present upon roll call as follows:

Yeas:	Habgood	Nays:	None	Absent:	None
	Parmelee				
	LoGrippto				
	Katz				
	Mackey				
	Contract				
	Dardia				
	Boyes				
	Mayor Brindle				

Heretofore introduced, General Ordinance No. 2223 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 28th day of September 2021 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.

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Parmelee and seconded by Councilman LoGrippe, was unanimously adopted.

Resolution No. 207

BE IT RESOLVED that application for the following liquor license renewals for the 2021-2022 licensing term be and hereby are granted, subject to full compliance with Alcoholic Beverage Law R.S. 33:1.1 et. seq.:

PLENARY RETAIL CONSUMPTION LICENSE

HBC US Propco Holdings, LLC
2020-33-001-009

inactive

BE IT FURTHER RESOLVED that the licenses shall not be issued by the Town Clerk unless the departmental inspections of the premises have been completed and the premises approved for the licensed use.

Resolution No. 208

WHEREAS, antisemitism, which includes harassment on the basis of actual or perceived Jewish origin, ancestry, ethnicity, identify, affiliation, or faith, remains a persistent, pervasive, and disturbing problem in American society; and

WHEREAS, Jews continue to be a targeted minority in the United States and throughout the world and are consistently the religious groups that has been most victimized by incidents of hate, and such incidents are increasing at an alarming rate; and

WHEREAS, the Mayor and Town Council of the Town of Westfield (the "Town") acknowledge that following the attacks on the Tree of Life Synagogue in Pittsburgh; the Chabad of Poway in San Diego County, California; a Kosher supermarket in Jersey City; and a gathering in Monsey, New York, synagogues throughout the United States and in our town felt compelled to re-evaluate their own security measures to keep their congregations safe; and

WHEREAS, a recent American Jewish Committee report from 2020 entitled, *The State of Antisemitism in America*, found that more than one in three American Jews (37%) say they have been victims of antisemitism over the past five years; and

WHEREAS, incidents in our own Town, including the etching of swastikas on playground equipment and other public property, have disturbed our community and must be taken as an opportunity to teach about this issue and seek paths for healing and eliminating such hate; and

WHEREAS, the Mayor and Town Council, as well as departments and agencies within the Town, have a responsibility to protect citizens from acts of hate and bigotry, including antisemitism, and must be given the tools to do so;

WHEREAS, valid monitoring, informed analysis and investigation, and effective policy-making all benefit from accurate and uniform definitions;

WHEREAS, the International Holocaust Remembrance Alliance (“IHRA”), by consensus vote of its member states, adopted a Working Definition of Antisemitism in May 2016, which has become the internationally recognized, authoritative definition of antisemitism for use by governments and international organizations (the “IHRA Working Definition”). That definition reads in full:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

WHEREAS, the IHRA Working Definition has proven to be an essential tool used to help determine contemporary manifestations of antisemitism; and

WHEREAS, in the United States, the IHRA Working Definition is utilized by various government agencies, including the U.S. Department of State and the U.S. Department of Education, and can be utilized by law enforcement and other local agencies in monitoring, training, and education;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Westfield, New Jersey, that

Section I: The Town Council of the Town of Westfield endorses and adopts the non-legally binding International Holocaust Remembrance Alliance (IHRA) Working Definition in full.

Section II: The Town Council of the Town of Westfield will work to ensure that the IHRA Working Definition is available as an educational resource for all Town departments and staff responsible for addressing antisemitism and other forms of discrimination.

BE IT FURTHER RESOLVED that the Municipal Clerk for the Town of Westfield be and hereby is directed to send a copy of this resolution to the Governor of the State of New Jersey, the Senate President of the New Jersey State Senate, the Speaker of the Assembly of the State of New Jersey, the Town’s State and Federal-elected representatives, and the Union County Board of County Commissioners; and

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

General Ordinance No. 2224

Regarding the following ordinance, Councilman Parmelee made the following announcement:

I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2224 - AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF WESTFIELD TO INCREASE FINES FOR BIAS CRIMES”.

The motion was seconded by Councilwoman Mackey.

Yeas: Habgood	Nays: None	Absent:	None
Parmelee			
LoGrippe			
Katz			
Mackey			
Contract			
Dardia			
Boyes			
Mayor Brindle			

Heretofore introduced, General Ordinance No. 2224 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 28th day of

September 2021 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.

Town Council comments:

Councilman Dardia thanked the Town Council and specifically Councilman Parmelee for fast-tracking this ordinance. Feels it is important to all that the potential fine for a bias crime be increased from \$200 to 2000. Also feels it speaks to the Letter to the Editor he submitted last week in regard to the swastika that was found on the playground equipment at Mindowaskin Park. Feels this ordinance is a step forward toward the Town's intolerance of this behavior.

General Ordinance No. 2225

Regarding the following ordinance, Councilman Parmelee made the following announcement: I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2225 - AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF WESTFIELD TO ADDRESS THE RENTAL OF AMENITIES"

The motion was seconded by Councilwoman Mackey.

Yeas: Habgood	Nays: None	Absent:	None
Parmelee			
LoGrippe			
Katz			
Mackey			
Contract			
Dardia			
Boyes			
Mayor Brindle			

Heretofore introduced, General Ordinance No. 2225 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 28th day of September 2021 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.

General Ordinance No. 2226

Regarding the following ordinance, Councilman Parmelee made the following announcement: I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2226 – AN ORDINANCE ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWERAGE AUTHORITY"

The motion was seconded by Councilman Boyes.

Yeas: Habgood	Nays: None	Absent:	None
Parmelee			
LoGrippe			
Katz			
Mackey			
Contract			
Dardia			
Boyes			
Mayor Brindle			

Heretofore introduced, General Ordinance No. 2226 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 28th day of September 2021 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.

General Ordinance No. 2227

Regarding the following ordinance, Councilman Parmelee made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2227 – AN ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE TOWNSHIP OF CLARK AND THE RAHWAY VALLEY SEWERAGE AUTHORITY, THE BOROUGHES OF GARWOOD, KENILWORTH AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD AND THE TOWNSHIPS OF CRANFORD, SPRINGFIELD AND WOODBRIDGE"

The motion was seconded by Councilwoman Mackey.

Yeas: Habgood	Nays: None	Absent:	None
Parmelee			
LoGrippe			
Katz			
Mackey			
Contract			
Dardia			
Boyes			
Mayor Brindle			

Heretofore introduced, General Ordinance No. 2227 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 28th day of September 2021 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.

Public Works Committee

The following resolutions, introduced by Councilman Contract and seconded by Councilman Boyes, were unanimously adopted.

Resolution No. 209

WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2022 for the North Avenue Safe Streets to Transit project.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2022-North Avenue Safe Streets to Transit-00005 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution No. 210

WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2022 for the Improvement of Elmer Street, East Broad Street to North Avenue East, consisting of road reconstruction and the installation of ADA compliant handicapped ramps.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Improvement of Elmer Street-00076 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution No. 211

WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2022 for the Improvement of Summit Avenue, South Avenue West to West Grove Street, consisting of road reconstruction and the installation of ADA compliant handicapped ramps.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Improvement of Summit Avenue-00075 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ADJOURNMENT

Prior to adjournment, the Town Administrator mentioned that it is the first time in the Town's history, and most likely the last time, that there are the same ordinance numbers for both special ordinances and general ordinances.

A motion to adjourn, made by Councilman Contract and seconded by Councilman LoGrippe at 9:55 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC
Town Clerk

