



AGENDA
January 28, 2020
Council Conference Meeting
7:00 p.m.

APPOINTMENTS

PRESENTATIONS

BIDS

RESOLUTIONS

Finance Policy Committee

1. Resolution authorizing Chief Financial Officer to prepare warrants for postage payment in connection with tax assessment notices to the property owners
2. Resolution authorizing the Chief Financial Officer to draw warrants for 2017-2019 pursuant to Tax Court of NJ
3. Resolution authorizing the Chief Financial Officer to refund parking and road opening permit fees
4. Resolution authorizing the Chief Financial Officer to issue warrants for Special District Taxes
5. Resolution authorizing the Chief Financial Officer to issue warrants for Union County & Union County Open Space Taxes
6. Resolution to approve Westfield Memorial Pool membership rates
7. Resolution authorizing the Chief Financial Officer to make a budget transfer

Public Safety, Transportation and Parking Committee

1. Resolution to appoint on-call traffic consultant

Code Review & Town Property Committee

1. Resolution calling for Study Commission to review the Open Public Records Act

Public Works Committee

1. Resolution awarding contract for grinding of brush material

ORDINANCES

GENERAL ORDINANCE NO. 2156

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, IN ORDER TO EXPAND THE BOARD OF THE DISTRICT MANAGEMENT CORPORATION OF THE TOWN OF WESTFIELD

GENERAL ORDINANCE NO. 2157

AN ORDINANCE ESTABLISHING THE WESTFIELD ACCESS AND INCLUSIVITY COUNCIL FOR THE TOWN OF WESTFIELD

GENERAL BUSINESS

Request by Girl Scout Troop No. 41178

Event Requests:

Downtown Westfield Corporation (DWC)

Chamber of Commerce

Westfield Neighborhood Council

Westfield Baseball League

Gretta's Run

Green Team

Westfield Y-Run for Everyone

Light The Night Run

COMMITTEE REPORTS

OPEN DISCUSSION BY CITIZENS (as needed)

EXECUTIVE SESSION

REMINDER

Next Conference Meeting – February 11, 2020

Next Council Meeting – February 11, 2020

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION NO. 2020

FINANCE POLICY COMMITTEE

JANUARY 28, 2020

WHEREAS, there is a need to communicate information to the public in the form of tax assessment notices to the property owners, and

WHEREAS, payment for the postage to the United States Postal Service is required prior to the mailing of the assessment notices;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for postage payment in an amount not to exceed \$3,500.00 charged to the Tax Assessor's postage account.

TOWN OF WESTFIELD

WESTFIELD NEW JERSEY

RESOLUTION NO. 2020

FINANCE POLICY COMMITTEE

JANUARY 28, 2020

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 2017-2019 pursuant to the Tax Court of New Jersey:

Block/Lot

<u>Name</u>	<u>Address</u>	<u>Year</u>	<u>Amount</u>
2606/15	928 South Avenue West	2017	\$4,669.23
Miller, Michael P. Sr.		2018	\$4,694.99
Check payable and mail to:		2019	<u>\$2,005.95</u>
Michael A. Vespasiano, Attorney Trust Account			<i>\$11,370.17</i>
Law Office of Michael A. Vespasiano			
331 Main Street			
Chatham, NJ 07928			
2606/24	822 South Avenue West	2019	\$3,332.50
South Ave Realty Group, LLC			
Mail to:			
Zipp & Tannenbaum, L.L.C.			
280 Raritan Center Parkway			
Edison, New Jersey 08837			
3207/1.01	333 Central Avenue	2018	\$27,891.00
HC Westfield 2015 LLC			
Check payable and mail to:			
Brach Eichler L.L.C. and HC Westfield 2015 LLC			
101 Eisenhower Parkway			
Roseland, New Jersey 07068			

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

JANUARY 28, 2020

WHEREAS, the Westfield Service League is a 501 (c) (3) organization in the Town of Westfield,
and

WHEREAS, the Westfield Service League has requested a reimbursement for administrative costs
pertaining to Road Opening Permit #19-314 and Parking Fees, incurred from an emergency sewer
repair and

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in
the name of Westfield Service League for \$700.00, and forward to 114 Elmer Street, Westfield,
NJ 07090.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

JANUARY 28, 2020

RESOLVED that the Chief Financial Officer is hereby authorized to issue warrants noted below to the order of the Downtown Westfield Corporation, for Special District Taxes as provided in the year 2020 budget:

February 3, 2020	\$104,086.75
May 1, 2020	\$104,086.75

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

JANUARY 28, 2020

RESOLVED that the Chief Financial Officer is hereby authorized to issue warrants noted below to the order of the County of Union, for County Purpose and Open Space Taxes and Added and Omitted County and Open Space Taxes as provided in the year 2020 budget:

County Purpose Taxes	
February 18, 2020	\$10,203,441.52
May 15, 2020	\$10,203,441.52
County Open Space Taxes	
February 18, 2020	\$304,011.57
May 15, 2020	\$304,011.57
County Added & Omitted Taxes	
February 18, 2020	\$95,185.70
County Open Space Added & Omitted Taxes	
February 18, 2020	\$2,693.47

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO.

Finance Policy Committee

January 28, 2020

WHEREAS, the Recreation Commission of the Town of Westfield has determined the need to increase the Westfield Memorial Pool membership rates for the 2020 season;

NOW THEREFOR BE IT RESOLVED, the Westfield Memorial Pool membership rates for 2020 are established as follows:

RESIDENT:	2020 Rates
Family (5 or more)	\$515.00
Family (4 or less)	\$425.00
Couples (2 adults over 18)	\$280.00
Parent/Child (under 18)	\$280.00
Individual	\$185.00
Senior	\$100.00
Family w/Child care (6 or more)	\$599.00
Family w/Child care (5 or less)	\$515.00

NON-RESIDENT:	2020 Rates
Family (5 or more)	\$825.00
Family (4 or less)	\$725.00
Couples (2 adults over 18)	\$530.00
Parent/Child (under 18)	\$530.00
Individual	\$350.00
Senior	\$172.00
Family w/Child care (6 or more)	\$1,015.00
Family w/Child care (5 or less)	\$825.00

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION NO. 2020

FINANCE POLICY COMMITTEE

JANUARY 28, 2020

RESOLVED that the Chief Financial Officer be and he is hereby authorized to make the following transfer(s) in the 2019 Budget (Appropriation Reserve) accounts:

	<u>OUT</u>	<u>IN</u>
<u>CURRENT FUND</u>		
ADMINISTRATION		
9-01-100-101 Salaries & Wages (S&W)		1,200
9-01-100-256 Other Expenses (O/E)		5,000
TAX COLLECTOR		
9-01-105-101 (S&W)		500
TAX ASSESSOR		
9-01-110-101 (S&W)		700
FINANCE		
9-01-115-215 (O&E)	2,900	
FIRE		
9-01-125-215 (O&E)	7,000	
9-01-125-216 (O&E)	2,000	
9-01-125-219 (O&E)	11,000	
FIRE SAFETY OFFICIAL		
9-01-127-101 (S&W)		600
9-01-127-201 (O&E)	3,000	
9-01-127-211 (O&E)	2,000	
POLICE		
9-01-130-101 (S&W)	19,000	
9-01-130-201 (O/E)		4,000
PARKING		
9-01-131-101 (S&W)		400
ENGINEERING		
9-01-135-101 (S&W)		2,200
EMERGENCY MANAGEMENT		
9-01-136-211 (O&E)	1,000	

PUBLIC WORKS		
9-01-137-101 (S&W)		50,000
BOARD OF HEALTH		
9-01-150-101 (S&W)	11,000	
9-01-150-203 (O&E)	2,000	
9-01-150-204 (O&E)	2,600	
9-01-150-213 (O&E)	1,700	
9-01-150-214 (O&E)	2,700	
9-01-150-215 (O&E)	5,500	
9-01-150-217 (O&E)	100	
9-01-150-251) (O&E)	2,400	
INSPECTION OF BUILDINGS		
9-01-165-101 (S&W)		2,500
MUNICIPAL COURT		
9-01-175-101 (S&W)		200
9-01-175-209 (O&E)	4,000	
9-01-175-217 (O&E)	2,300	
ELECTRICITY		
9-01-166-211 (O/E)		4,000
STREET LIGHTING		
9-01-167-211 (O/E)		21,100
WATER		
9-01-169-211 (O&E)		1,000
HEATING		
9-01-170-211 (O&E)		4,200
UNEMPLOYMENT		
9-01-181-211 (O&E)	10,000	
ANIMAL CONTROL		
9-01-196-211 (O&E)	5,700	
OTHER INSURANCE/JIF (O/E)		
9-01-184-221		300
TELEPHONE		
9-01-168-211 (O/E)		2,500
	\$97,900	\$97,900

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

Public Safety, Transportation & Parking Committee

JANUARY 28, 2020

WHEREAS, the Town of Westfield has determined a need for an on-call traffic safety and engineering services consultant to assist the Town as necessary; and

WHEREAS, the Public Safety, Transportation & Parking Committee has recommended to the Town Council that a professional services contract not to exceed \$15,000 be awarded to NV5 Engineering, 7 Campus Drive, Suite 300, Parsippany, NJ 07054 for aforesaid services; and

WHEREAS, Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with NJAC 5:30-1.10, has been furnished to the Town Clerk. Expenditure of funds pursuant to this contract is to be charged to Account #135-114, under PO #20-00204;

NOW THEREFORE BE IT RESOLVED, that the Town of Westfield award a contract to NV5 Engineering for the aforementioned service at a fee not to exceed \$15,000; and

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.

**RESOLUTION CALLING FOR STUDY COMMISSION TO REVIEW THE
OPEN PUBLIC RECORDS ACT**

CODE REVIEW & TOWN PROPERTY COMMITTEE

JANUARY 28, 2020

WHEREAS, the Town of Westfield strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Town of Westfield has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Town of Westfield received and responded to 768 OPRA requests in 2017; 987 OPRA requests in 2018; and 1,150 OPRA requests in 2019; and

WHEREAS, the Town of Westfield municipal staff has spent approximately 1,040 hours in 2019 alone responding to OPRA requests; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA requests, the Town of Westfield must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees of over \$20,000 in 2019 alone; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Town of Westfield appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to State Senator Thomas H. Kean, Jr., Assemblyman Jon M. Bramnick, Assemblywoman Nancy F. Munoz, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, the Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO.

PUBLIC WORKS COMMITTEE

JANUARY 28, 2020

WHEREAS, a need exists for the grinding of accumulated brush material to a mulch product for internal use, contractor sales and residential distribution by the Department of Public Works, as provided for in Public Works account 137-254, and

WHEREAS, sealed bids were received on Wednesday, January 22, 2020, and

WHEREAS, the low bid, submitted by Britton Industries, Inc., has been analyzed and found to be in conformance with the appropriate specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to Public Works account 137-254, under Purchase Order PO-20-.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract be awarded to Britton Industries, Inc., and

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



**TOWN OF WESTFIELD
TOWN COUNCIL
REGULAR MEETING**

**Tuesday, January 28, 2020
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. Presentations

Proclamations:

Washington School-Blue Ribbon School
Westfield Neighborhood Council – 50th Anniversary

Reports:

Historic Preservation Commission

5. Appointments
6. Advertised Hearings
7. Approval of Minutes from Town Council Conference Session held January 14, 2020
Approval of Minutes from Town Council Regular Meeting held January 14, 2020
8. Petitions and Communications
9. Open discussion by citizens
10. Bills and Claims in the amount of \$541,213.38

11. Reports of Standing Committees

Finance Policy Committee

8. Resolution authorizing Chief Financial Officer to prepare warrants for postage payment in connection with tax assessment notices to the property owners
9. Resolution authorizing the Chief Financial Officer to draw warrants for 2017-2019 pursuant to Tax Court of NJ
10. Resolution authorizing the Chief Financial Officer to refund parking and road opening permit fees
11. Resolution authorizing the Chief Financial Officer to issue warrants for Special District Taxes
12. Resolution authorizing the Chief Financial Officer to issue warrants for Union County & Union County Open Space Taxes
13. Resolution to approve Westfield Memorial Pool membership rates
14. Resolution authorizing the Chief Financial Officer to make a budget transfer

Public Safety, Transportation and Parking Committee

1. Resolution to appoint on-call traffic consultant

Code Review & Town Property Committee

2. Resolution calling for Study Commission to review the Open Public Records Act
3. GENERAL ORDINANCE NO. 2156
AN ORDINANCE AMENDING THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, IN ORDER TO EXPAND THE BOARD OF THE DISTRICT MANAGEMENT CORPORATION OF THE TOWN OF WESTFIELD
4. GENERAL ORDINANCE NO. 2157
AN ORDINANCE ESTABLISHING THE WESTFIELD ACCESS AND INCLUSIVITY COUNCIL FOR THE TOWN OF WESTFIELD

Public Works Committee

2. Resolution awarding contract for grinding of brush material

12. Reports of Department Heads

Adjournment