

MINUTES OF REGULAR MEETING HELD FEBRUARY 9, 2016

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, January 26, 2016 at 8:00 p.m.

Mayor Skibitsky made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 17, 2015. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Skibitsky, Council Members LoGrippo, Loughlin, Della Fera, Kimmins, Oliveira, Stokes

ABSENT: Council Members Arena, Neylan

Invocation was given by Councilman LoGrippo

PRESENTATIONS

Mayor Skibitsky presented the following proclamation:

Town of Westfield

Westfield, New Jersey

~ PROCLAMATION ~

Westfield High School Blue Devils Marching Band

WHEREAS, distinguished American poet Henry Wadsworth Longfellow once declared: *Music is the universal language of Mankind*; and

WHEREAS, the members of the Westfield High School Blue Devils Marching Band dedicate many hours to honing their musical talents and performance artistry; and

WHEREAS, at the competition held on November 8, 2015, in Allentown, Pennsylvania, the Westfield High School Blue Devils Marching Band won the US Bands A-Class National Championship -- placing first out of

ten competing bands in division 5-A from New Jersey, Maryland, New York, Connecticut, and Massachusetts and receiving awards for Best Music and Best Overall Effect; and

WHEREAS, the national championship capped off a very successful competitive season for the Blue Devils Marching Band, which also included a 3rd place finish at NJ States and 1st place finish at the Towson Music in Motion Northeast Regional competitions; and

WHEREAS, under the leadership of Band Directors Chris Vitale and Trevor Sindorf, and the student leaders - Drum Majors Albert Chen and Michael Hauge; Brass Section Leaders Benjamin Cook, Samantha Gargiulo, and Brian Lawrence; Woodwind Section Leaders Michael Bergman, Danielle Gabuzda, Nova Qi, and Jack Ritter; Percussion Section Leaders Jake Barrow, Lauren Brumfield, Javier Lara, and Zachary Model; and Color Guard Captains Ariana Alvarado and Kathleen Nogan - the Westfield High School Blue Devils Marching Band represented their band, their school, and their hometown with the highest standards of integrity and artistry; and

WHEREAS, all of the members of the band are deserving of recognition for their individual efforts as well as for their contributions to the success of the band; and

WHEREAS, the Mayor and Town Council of the Town of Westfield wish to commend the band directors, student leaders, and all the members of the Westfield High School Blue Devils Marching Band for their many successes during the 2015 season;

NOW, THEREFORE, BE IT PROCLAIMED, that I, Mayor Andrew K. Skibitsky, on behalf of the Town Council and the good citizens of the Town of Westfield, on this ninth day of February, two thousand and sixteen, do hereby congratulate the Westfield High School Blue Devils Marching Band on their successful 2015 competitive season and do hereby extend wishes to each member, “to develop a lifelong appreciation for the value of music in his or her life”, thus achieving the goal of the Blue Devil Band program.

APPOINTMENT

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

MINUTES

On a motion by Councilman LoGrippto, seconded by Councilman Oliveira, Council approved the Minutes of the Town Council Meeting held January 26, 2016 with Councilwoman Kimmins abstaining

On a motion by Councilman Stokes, seconded by Councilman LoGrippto, Council approved the Minutes of the Conference Session held January 26, 2016 with Councilwoman Kimmins abstaining

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

BILLS AND CLAIMS

Introduced by Councilman Della Fera, seconded by Councilman Oliveira were adopted with Councilman Loughlin abstaining on Loughlin Law Firm

RESOLVED that the bills and claims in the amount of \$216,661.68 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

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

(39) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$2,750 to the order of the United States Postal Service to replenish bulk mail permit no. 683 in order to process the Town’s brochure.

(40) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2015:

<u>Block/Lot/Qualifier Name/Mailing Address</u>	<u>Property Address</u>	<u>Amount</u>
1304/9 Olesnyckyj, Maria	512 Sherwood Parkway	\$2,573.26
2213/14 Campanile, Victor & Elizabeth	334 Chestnut Street North	\$513.24
3408/10 Keane, Jason & Katarzyna	408 Salter Place	\$3,917.78
5612/18	1525 Boulevard	\$125.76

Patel, Hetal & Kim, Jung Yun

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

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Amy Hassler 519 Birch Ave. Westfield, NJ 07090	T05-600-071	Beg. To Rock Matteo Tsepouridis	\$75.00
Julie Mokrzycki 517 Clifton St. Westfield, NJ 07090	T05-600-071	Intro to Guitar Luke	\$75.00
Kathleen Robb 400 Edgar Rd. Westfield, NJ 07090	T05-600-071	Jam Session Liam	\$75.00
Todd D'Agosta 209 Massachusetts St. Westfield, NJ 07090	T05-600-071	Daddy-Daughter Dance (Jessica)	\$100.00
Bryan Engel 1922 Grandview Ave. Westfield, NJ 07090	T05-600-071	Daddy-Daughter Dance (Casey)	\$100.00

(42) 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:

Mr. Robert Newell
603 Clark Street
Westfield, NJ 07090

Amount of refund: \$975.00

(43) WHEREAS, the following applicants have placed the required cash bond of \$500.00 to cover:

Permit No.	Date	Name of Applicant	Address of Opening
14-400	11/12/14	Accurate Sewer & Drain	715 Standish Ave.

		528 Downer St. Westfield, NJ 07090	
14-330	10/1/14	NB Properties 736 Front St. Dunellen, NJ 08812	725 Willow Grove Rd.
14-328	9/30/14	Marvin C. Gersten 725 St. Marks Ave. Westfield, NJ 07090	725 St. Marks Ave.
14-323	9/24/14	A-N Landscaping 220 South Ave. East Westfield, NJ 07090	553 Highland Ave.
14-297	9/3/14	Monarch Homes 225 Woodbridge Ave. Highland Park, NJ 08904	316 Linden Ave.
14-287	8/18/14	Monarch Homes 225 Woodbridge Ave. Highland Park, NJ 08904	312 Linden Ave.
14-281	8/12/14	Root 24 Hr's Plumbing, Inc. 130 Ferry Ave., Suite B Camden, NJ 08104	716 Oak Ave.
14-206	6/3/14	Root 24 Hr's Plumbing, Inc. 130 Ferry Ave., Suite B Camden, NJ 08104	721 Carleton Rd.
14-144	4/10/14	A.J. Perri, Inc. 1138 Pinebrook Rd. Tinton Falls, NJ 07724	41 Summit Ct.
14-175	5/9/14	A.J. Perri, Inc. 1138 Pinebrook Rd. Tinton Falls, NJ 07724	123 Stanmore Pl.

and,

WHEREAS, the above applicants are entitled to have this amount be returned to them, and

WHEREAS, the Town Engineer, has inspected the roadway excavation and has found the excavation to have been properly repaired.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the name of the applicants noted above for \$500.00 and forward to the applicants' addresses also noted above.

(44) WHEREAS, the Town Council of the Town of Westfield authorized an escrow and funding agreement regarding property located in the affordable Housing Inclusionary Zone Designated as the West Broad Street Affordable Multi-Family Transit Oriented Development Zone District in November 2015; and

WHEREAS, all bills for the funding portion of the agreement have been submitted and paid; and

WHEREAS, the applicant has requested to have the balance of funding portion of the agreement monies be released to them;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check for the funding portion in the amount of \$2,230.86 from GL-6-05-400-091.

The following resolution, introduced by Councilman Della Fera, seconded by Councilman Oliveira was adopted by the following roll call vote:

(45) RESOLVED that the Chief Financial Officer be and he is hereby authorized to make the following transfer(s) in the 2015 Budget (Appropriation Reserve) accounts:

	<u>OUT</u>	<u>IN</u>
<u>CURRENT FUND</u>		
<u>PUBLIC WORKS</u>		
5-01-137-101 SALARIES & WAGES (S&W)	21,100	
5-01-137-244 OTHER EXPENSES (O/E)		13,500
<u>TELEPHONE</u>		
5-01-168-211 (O/E)		100
<u>PUBLIC BUILDINGS & GROUNDS</u>		
5-01-185-217 (O/E)		7,500
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	\$21,100	\$21,100

Yeas: LoGrippo	Nays:	Absent: Arena
Loughlin		Neylan
Della Fera		
Kimmins		
Oliveira		
Stokes		
Mayor Skibitsky		

Public Safety, Transportation and Parking Committee

The following resolutions, introduced by Councilman Loughlin, Chairman of the Public Safety, Transportation, and Parking Committee, seconded by Councilman Stokes were unanimously adopted.

(46) WHEREAS, the Union County Board of Chosen Freeholders has authorized the County Manager to enter into an agreement with the State of New Jersey, Office of Information Technology to provide Emergency Telecommunications Services for the County of Union as per the FCC's narrow banding mandate, effective January 1,2013; and

WHEREAS, the County Manager was further authorized to execute any and all agreements with municipalities with a necessity for emergency telecommunication services, upon approval of the Office of County Counsel; and

WHEREAS, the Town of Westfield is a municipality qualifying for radio interoperability services.

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

1. The NJICS User Agreement is approved for execution by the Town Administrator or his designee for submission to the Union County Office of Emergency Services,
2. If funds are not made available in the CY 2016 budget, the NJICS User Agreement shall be null and void.

Regarding the following ordinance, Councilman Loughlin, Chairman of the Public Safety, Transportation and Parking Committee, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2060 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13."

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 23rd day of February 2016 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilman LoGrippo.

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

Yeas: LoGrippto
Loughlin
Della Fera
Kimmins
Oliveira
Stokes
Mayor Skibitsky

Nays:

Absent: Arena
Neylan

Code Review & Town Property Committee

Public Works Committee

The following resolutions, introduced by Councilman Oliveira, Chairman of the Public Works Committee, seconded by Councilwoman Kimmins were unanimously adopted.

(47) WHEREAS, Fischer Contracting Inc., has completed all of the work necessary for the 2013 Improvement of North Euclid Avenue as authorized by S.O. 2175, and

WHEREAS, the Town Engineer certifies that all of the work, totaling \$163,255.76 has been completed in a satisfactory manner, in accordance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2175, and

WHEREAS, the Town has been furnished with a Lien Release, an Affidavit of Payment of Prevailing Wage, and a one year Maintenance Bond against defective workmanship and materials.

NOW THEREFORE BE IT RESOLVED, that the proper Town Officials be, and they are hereby, authorized to effect whatever actions are appropriate by said acceptance for the 2013 Improvement of North Euclid Avenue, with a final contract price of \$163,255.76, and

BE IT FURTHER RESOLVED that approval of Final Payment is subject to the approval of the N.J. Department of Transportation.

(48) WHEREAS, a need existed for the contract rental of privately owned equipment for use by the Department of Public Works in the 2015 Leaf Collection Program, as provided for in Public Works account 137-246, and

WHEREAS, various contracts were awarded to the low bidders to perform the necessary work, and

WHEREAS, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

WHEREAS, conditions were encountered during the leaf collection program that necessitated additional work from the equipment than had been originally anticipated, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to Public Works Operating Account 137.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the following amount be authorized:

JESCO Inc.

Increase \$8,810.00

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of this Change Order for the 2015 Leaf Collection Program.

Reports of Department Heads

Upon motion by Councilwoman Kimmins, seconded by Councilman LoGrippo the meeting was adjourned at 8:16 p.m.

Claire J. Gray

Town Clerk