

## **MINUTES OF REGULAR MEETING HELD MARCH 22, 2016**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, March 22, 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 Arena, Neylan, LoGrippo, Loughlin, Della Fera, Stokes

**ABSENT:** Council Members: Kimmins, Oliveira

Invocation was given by Councilman Stokes

### **PRESENTATIONS**

Mayor Skibitsky read the following proclamation:

# **Town of Westfield**

Westfield, New Jersey

## **PROCLAMATION**

*American Red Cross*

**WHEREAS**, across the country and around the world, the American Red Cross responds to disasters big and small; and

**WHEREAS**, every eight minutes the American Red Cross responds to a community disaster, providing shelter, food, emotional support and other necessities to those affected; it collects 40 percent of the nation's blood supply; it provides 24-hour support to military members, veterans and their families; it teaches millions of people lifesaving skills, such as lifeguarding and CPR; and, through its Restoring Family Links program, it connects family members separated by crisis, conflict, or migration; and

**WHEREAS**, American Red Cross Month is a special time to recognize and thank the "Everyday Heroes" - those selfless Red Cross volunteers and donors who give of their time and resources to help community members; and

**WHEREAS**, the month of March is dedicated to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies; and

**WHEREAS**, the American Red Cross relies on donations of time, money and blood to fulfill its humanitarian mission; and

**WHEREAS**, the Town of Westfield recognizes and appreciates the noble mission of the American Red Cross;

**NOW, THEREFORE, BE IT PROCLAIMED** that I, Mayor Andrew Skibitsky, on behalf of the Town Council and the good citizens of the Town of Westfield, wish to express appreciation to the American Red Cross for all of its efforts in delivering its humanitarian mission across the globe.

**BE IT FURTHER PROCLAIMED** that March of 2016 be designated as "American Red Cross Month" in the Town of Westfield and that the residents of the Town be encouraged to support this vital service organization.

Councilwoman Neylan made the following opening remarks to the 2016 Budget Introduction:

First of all I want to thank the many people who participated in working on the 2016 proposed budget. It takes the hard work and insight of a group of talented, dedicated people to craft, shape and make the tough decisions to arrive at what I believe, and I hope you will also believe is a very, very fiscally sound municipal budget – one that finds the best balance between our obligations, our needs, and our wants.

Councilman Della Fera did an amazing job last year as chair of the Finance Committee and laid the groundwork upon which we were able to build this year. As a result of his planning and leadership, Westfield has a triple A bond rating, we are in a strong financial position, and are able for the second year in a row to present a budget where the tax rate and tax levy are under the 2% cap with all the allowable exclusions included - by law municipalities are permitted to pass some expenses directly to the taxpayer and still say the budget is under the 2% cap.

We have a proposed budget which, while not taking advantage of the permissible exclusions, has a proposed tax rate of 1.73%. This proposed tax rate is down from 1.95% which was the tax rate increase for 2015 - I would like to take credit for this downward trend but as I said earlier it is the positive byproduct of sound financial groundwork laid down by previous chairs, and most recently Councilman Della Fera.

The Finance committee worked very hard and met quite often - so I would like to thank Councilman Arena, Councilman Oliveira and of course Councilman Della Fera for all of their suggestions, ideas, and their dedication.

While the committee works hard, the budget would not be what it is without the talented people who work for this town. I would like to thank the department heads who all looked at

their departments with a fine tooth comb and made sure they continue to meet the expectations we have in Westfield while being very cost conscience. A special thank you is warranted for Chief Wayman and Chief Kelly both of whom consistently provide Westfield with the excellent public safety services we all rely upon. In the past we have asked our fire and police as well as other departments to do more with less, as all of you have heard Mayor Skitbitsky say when difficult economic times demanded such. We are now in a position, due to our financial strength, continued effective negotiations, and sustained salary guides to enhance our staffing levels in our fire and police departments and make capital improvements to our Public Works Dept. without having to increase debt.

With the input of our new director of Public Works, Greg O'Neil, the Finance Committee has decided to replace much needed trucks and equipment. With the use of fund balance we can now build up the DPW without having to resort to borrowing - a pay as you go approach is being employed. I would like to thank Mr. O'Neil for his dedication and commitment to making the department of Public Works a more efficient and choice department.

I would like to thank our CFO, Scott Olsen, who was present at our meetings and whose ability to clarify issues was invaluable. Having Mr. Olsen attend our meetings has been a great change and has added value to our discussions. So Scott thank you for your time and valuable input.

Finally, before I turn the presentation over to Mr. Gildea, I want to thank our Mayor for his oversight and continued commitment to Westfield - Andy has always insisted that we, the Council and the town employees, do the most for our residents always while being very mindful about fiscal responsibility. I can say as a member of the Finance committee for a few years and now as Chair, that mind-set has truly benefitted the town of Westfield - so thank you for your vigilant and steadfast dedication to our town.

Now to Mr. Gildea - Jim Gildea, our town administrator, has answered more questions, met more times and shepherded more discussions than I could ever properly thank him for. Jim truly is a remarkable administrator - his level of knowledge, his guidance, his input and attention to detail has helped to create this great budget which I am pleased to present to Westfield residents. Jim - thank you so much. The finance committee members and I owe you a great deal of praise for the many different ways you show your dedication to this town.

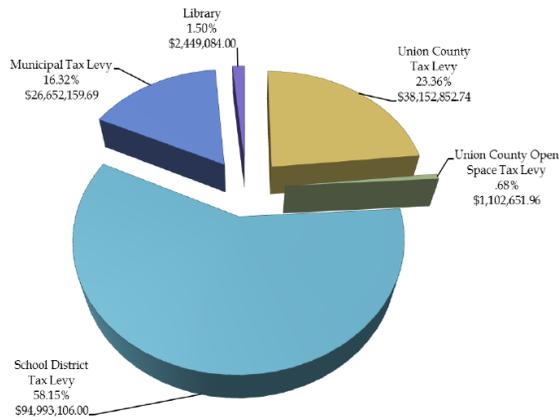
So without any further comments from me, Jim, please go through the 2016 proposed budget.

## **Town of Westfield**

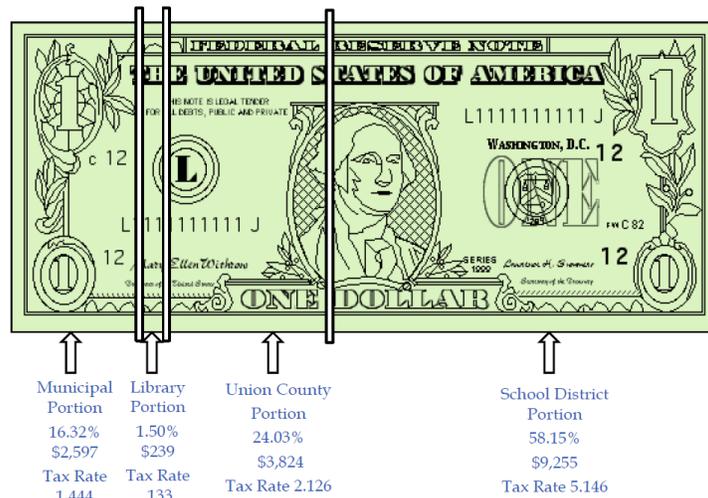
### **2016 Municipal Budget Presentation**



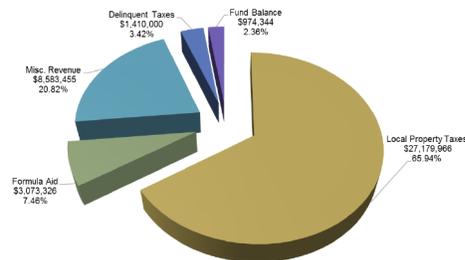
**2015 Total Tax Collections = \$163,349,854**



**2015 – Where Your Tax Dollar Goes**



**2016 – Municipal Budget Anticipated Revenues**



**2016 Anticipated Revenue Sources - Detail**

<b>Miscellaneous Revenues</b>	<b>\$8,583,455</b>	<b>+\$308,150 (3.72%)</b>
☒ Large Items include:		
☒ Municipal Court Fines & Fees	\$ 700,000	
☒ Parking Fees (Permits, Meters, Paystations)	\$1,795,000	
☒ Building Department Fees	\$ 940,000	
☒ Sewer Fee	\$1,650,000	
☒ Miscellaneous Fees and Permits	\$ 495,000	
☒ Cable Franchise Fees	\$ 459,043	
☒ Interest & Costs on Taxes	\$ 280,000	
☒ Health Services Agreements	\$ 460,962	
<b>Formula Aid (State)</b>	<b>\$3,073,326</b>	<b>(Flat)</b>
<b>Delinquent Taxes</b>	<b>\$1,410,000</b>	<b>+\$10,000 (.71%)</b>
<b>Fund Balance</b>	<b>\$974,344</b>	<b>+\$807,142 (483%)</b>
<b>Local Property Taxes</b>	<b>\$27,179,966</b>	<b>+\$527,805.93 (1.98%)</b>

**2016 Tax Levy & Tax Rate**

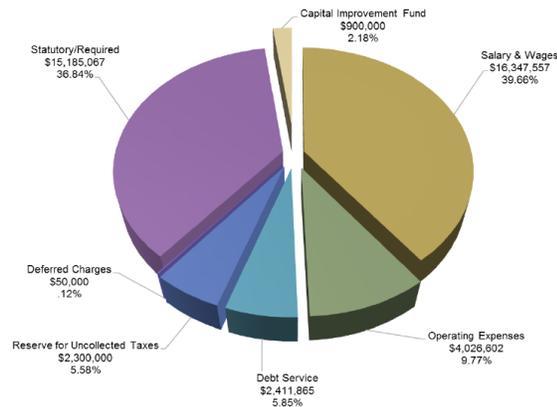
The Tax Levy is what the municipality needs to raise through taxation of property owners after accounting for non-property tax revenues and anticipated expenditures.

There is a 2% cap on the tax levy plus there are allowable exclusions that can be passed through to the taxpayers which include increases in debt service, capital expenditures, pension obligations in excess of 2%, health benefit cost increases in excess of 2% and increases in ratables due to new construction. These exclusions amount to \$1,277,640 in 2016.

For the second straight year, the municipal budget does not pass through to taxpayers any of the allowable exclusions and produces a tax levy increase below 2%.

The Tax Rate is the result of the municipal tax levy divided by the assessed value of all town property (annual ratables). For the second straight year the tax rate increase is below 2%. In 2015 the tax rate increase was 1.95% for municipal purposes and in 2016 the proposed tax rate increase is 1.73%.

### 2016 Municipal Budget – Expenditures



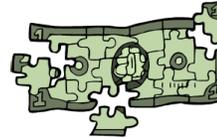
### The 2016 Municipal Budget – Expenditure Highlights

- Operating expenses have increased due to added funds to improve the condition of our public buildings and replacing needed equipment without having to resort to borrowing, thus reducing our reliance on borrowing and better managing our debt service over time. (\$4,026,602)
- Salaries & Wages increased in the aggregate less than .5% and are below 2007 levels. Since the inception of the tax levy cap the Town has had to necessarily control salary and wage costs. Retirements, salary freezes, reductions in overtime and negotiated concessions from unionized employees have all been part of the strategy. As more retirements occur and we replace employees and add to the workforce, we have set a sustainable course through productive negotiations with our collective bargaining units. The 2016 budget includes funds to continue to enhance our public safety services. (\$16,347,557)

### The 2016 Municipal Budget – Expenditure Highlights

- Capital Improvement Fund has been increased significantly again to enhance our public works equipment without having to resort to borrowing, thus reducing our reliance on borrowing and better managing our debt service over time. (\$900,000)
- Reserve for Uncollected Taxes. Although the Town acts as the collection agency for all governmental entities we must budget monies in the event all the taxes are not collected. (\$2,300,000)
- Debt Service has a manageable increase of \$88,681 for 2016. (\$2,411,865)
- Statutory/Required expenditures have increased. Additional increase is due to added capital funds to Pension costs, health insurance, utilities, sewer costs. (\$15,185,067)

**2016 Municipal Tax Levy Calculation**



Total Expenditures	\$41,221,091
minus	
Anticipated Revenues	\$14,041,125
equals	
Tax Levy	\$27,179,966 (1.98%)
divided by	
Total Ratable Value	\$1,850,588,256
equals	
Tax Rate (Municipal)	1.469 (1.73%)
Avg. assessed home in 2016 = \$180,300	
Approx. increase for municipal portion of tax bill = \$50/year	

**APPOINTMENT**

**ADVERTISED HEARINGS**

The Council proceeded to the hearing entitled, “GENERAL ORDINANCE NO. 2061 – AN ORDINANCE AMENDING THE ALCOHOLIC BEVERAGES ORDINANCE FOR THE TOWN OF WESTFIELD, CHAPTER 4.”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

**PENDING BUSINESS**

An ordinance entitled, “GENERAL ORDINANCE NO. 2061 – AN ORDINANCE AMENDING THE ALCOHOLIC BEVERAGES ORDINANCE FOR THE TOWN OF WESTFIELD, CHAPTER 4” Introduced by Councilman Della Fera, seconded by Councilman Arena, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Arena  
 Neylan  
 LoGrippe  
 Loughlin  
 Della Fera  
 Stokes  
 Mayor Skibitsky

Nays:

Absent: Kimmins  
 Oliveira

**BIDS****MINUTES**

On a motion by Councilman Arena, seconded by Councilman Stokes, Council approved the Minutes of the Town Council Meeting held March 8, 2016 with Mayor Skibitsky and Councilman Loughlin abstaining

On a motion by Councilman LoGrippe, seconded by Councilwoman Neylan, Council approved the Minutes of the Conference Session held March 8, 2016 with Mayor Skibitsky and Councilman Loughlin abstaining

**PETITIONS AND COMMUNICATIONS****OPEN DISCUSSION BY CITIZENS****BILLS AND CLAIMS**

Introduced by Councilwoman Neylan, seconded by Councilman Loughlin were adopted with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$522,762.94 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 Neylan, Chairman of the Finance Policy Committee, seconded by Councilman Arena were unanimously adopted.

(66) WHEREAS, RNR Corp, made an application for a construction permit for a chimney liner installation located at 317 Mountain Avenue, Block 2402, Lot 4, Westfield, New Jersey.

WHEREAS, RNR Corp, remitted \$239.00 for aforesaid permit.

WHEREAS, RNR Corp, subsequently requested not to do the above mentioned project.

WHEREAS, RNR Corp, has made an application for refund of eighty percent (80%) of permit fee.

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be, and hereby is authorized to draw a warrant in the sum of \$191.20 payable to RNR Corp, 700-76 Broadway 193, Westwood, NJ 07675.

(67) WHEREAS, Vincent Colangeli, made an application for a construction permit for a solar panel installation located at 909 Rahway Avenue, Block 4702, Lot 65, Westfield, New Jersey.

WHEREAS, Vincent Colangeli, remitted \$310.00 for aforesaid permit.

WHEREAS, Vincent Colangeli, subsequently requested not to do the above mentioned project.

WHEREAS, Vincent Colangeli, has made an application for refund of eighty percent (80%) of permit fee.

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be, and hereby is authorized to draw a warrant in the sum of \$248.00 payable to Vincent Colangeli, 909 Rahway Avenue, Westfield, NJ 07090.

(68) 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>
Mike Murphy	T05-600-071	Father/Daughter Dance	\$100.00

502 Coddling Road  
Westfield, NJ 07090

(Taryn)

(69) WHEREAS, there exist on the records in the Tax Collector's office sewer fee for properties that are land only assessment and should be removed from sewer billing for 2016:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and he hereby is authorized to cancel the sewer fee billing below for the year 2016:

<u>Account number</u>	<u>Amount</u>
139-0	\$170.00
8573-0	\$170.00
8610-0	\$170.00
8737-0	\$170.00
9366-0	\$170.00
9612-0	\$170.00

WHEREAS, there exist on the records in the Tax Collector's office sewer fee for properties that were not billed and need to be billed for the annual sewer fee for 2016:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and he hereby is authorized to add the sewer fee billing for the year 2016:

<u>Account Number</u>	<u>Amount</u>
9684-0	\$100.00
9685-0	\$100.00

(70) 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 2011-2014 pursuant to the Tax Court of New Jersey:

Block/Lot

<u>Name</u>	<u>Address</u>	<u>Year</u>	<u>Amount</u>
1701/8	574 Springfield Avenue	2011	\$39,403.23
Payable to:		2012	\$40,898.12
LASSER HOCHMAN, LLC, TRUST ACCOUNT		2013	\$41,896.96

Mail to:

LASSER HOCHMAN, LLC

75 EISENHOWER PARKWAY – SUITE NO 120  
ROSELAND, NEW JERSEY 07068-1694

3201/13                                      433-437 North Avenue East   2014                      \$3,850.65

Payable to:

BRACH EICHLER LLC AND 433 NORTH INC

Mail to:

BRACH EICHLER LLC

101 EISENHOWER PARKWAY

ROSELAND, NEW JERSEY 07068

(71) BE IT RESOLVED that the Town Attorney is hereby authorized to sign a Stipulation of Settlement, pursuant to which the assessment for the property located at 560 North Avenue East (Block 3305, Lot 1.03) (a) for the years 2012, 2013, 2014 and 2015 shall be changed to \$391,000, and (b) for the year 2015 shall be changed to \$366,000,00.

(72) BE IT RESOLVED by the Town Council of the Town of Westfield that the Mayor is authorized to sign an application authorizing the Downtown Westfield Corporation to seek a Downtown Business Improvement Zone loan from the Department of Community Affairs for needed improvements to municipal parking lot #7.

(73) WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Town of Westfield has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Town meets the necessary conditions to participate in the program for the 2016 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Council of the Town of Westfield that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

(74) WHEREAS, the Local District School Tax for the year July 1, 2015 to June 30, 2016 was raised in the 2015 Tax Levy in the sum of \$94,993,106.00, and

WHEREAS, the statutes permit the deferral of such School Tax up to 50% of the School Tax Levy or \$47,496,553.00,

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Westfield, County of Union, that the Deferred School Tax for Local District School purpose be the sum of \$47,496,553.00 as of December 31, 2015.

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

The following resolution, introduced by Councilwoman Neylan, seconded by Councilman Della Fera was adopted by the following roll call vote with Councilman Loughlin abstaining on Board of Adjustment Salaries:

(75) MUNICIPAL BUDGET FOR THE TOWN OF WESTFIELD, COUNTY OF UNION FOR THE FISCAL YEAR 2016

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2016;

BE IT FURTHER RESOLVED that said Budget be published in the WESTFIELD LEADER in the issue of March 24, 2016.

The Governing Body of the TOWN OF WESTFIELD does hereby approve the following as the Budget for the year 2016:

RECORDED VOTE:

Council Members:

Yeas: Arena  
Neylan  
LoGrippo  
Loughlin  
Della Fera  
Stokes  
Mayor Skibitsky

Nays:

Absent: Kimmins  
Oliveira

Notice is hereby given that the Budget and Tax Resolution was approved by the MAYOR AND COUNCIL of the TOWN OF WESTFIELD, COUNTY OF UNION, on March 22, 2016.

A Hearing on the Budget and Tax Resolution will be held at THE MUNICIPAL BUILDING on April 19., 2016 at 8:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2016 may be presented by taxpayers or other interested persons.

The following resolution, introduced by Councilwoman Neylan, seconded by Councilman Stokes was adopted by the following roll call vote:

(76) WHEREAS, the Downtown Westfield Corporation Budget of the Town of Westfield’s Special Improvement District, County of Union, for the Year 2016:

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Downtown Westfield Corporation Budget for the Year 2016, and

BE IT FURTHER RESOLVED that said Budget be published in THE WESTFIELD LEADER in the issue of March 22, 2016;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Westfield does hereby approve the following as the Downtown Westfield Corporation Budget for the year 2016:

Recorded Vote:      Ayes: Arena  
    Neylan  
    LoGrippe  
    Loughlin  
    Della Fera  
    Stokes  
    Mayor Skibitsky

Nays:

Abstain:

Absent: Kimmins  
    Oliveira

Notice is hereby given that the Downtown Westfield Corporation Budget was approved by the Town Council of the Town of Westfield, County of Union, on March 22, 2016.

A hearing on said Budget will be held at the Westfield Municipal Building on April 19, 2016 at 8:00 p.m. at which time and place objections to said Budget for the Year 2016 may be presented by Downtown Special Improvement District taxpayers or other interested person.

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DOWNTOWN WESTFIELD CORPORATION

SPECIAL IMPROVEMENT DISTRICT

2016 BUDGET

REVENUES

GENERAL REVENUE

ANTICIPATED REVENUE

Amount to be raised by	
Special Improvement District Assessment	<u>\$409,757.00</u>
Total General Revenue	\$409,757.00

APPROPRIATIONS

GENERAL APPROPRIATION

APPROPRIATIONS

Operating	
Salaries & Wages	\$189,500.00
Other Expenses	<u>\$220,257.00</u>
Total General Appropriations	\$409,757.00

The following resolution, introduced by Councilwoman Neylan, seconded by Councilman LoGrippe was adopted by the following roll call vote:

(77) 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>CURRENT FUND</u>	<u>OUT</u>	<u>IN</u>
GASOLINE		
5-01-171-211 OTHER EXPENSES (O/E)	26,000	
PUBLIC WORKS		
5-01-137-229 OTHER EXPENSES (O/E)		20,000
PUBLIC BUILDINGS AND GROUNDS		
5-01-185-217 OTHER EXPENSES (O/E)		6,000
	<hr/>	<hr/>
	\$26,000	\$26,000

Yeas: Arena  
Neylan

Nays:

Absent: Kimmins  
Oliveira

LoGrippto  
Loughlin  
Della Fera  
Stokes  
Mayor Skibitsky

Regarding the following ordinance, Councilwoman Neylan, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2062 – AN ORDINANCE FOR CALENDAR YEAR 2016 TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)."

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 5th day of April 2016 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilman Stokes.

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

Yeas:	Arena	Nays:	Absent: Kimmins
	Neylan		Oliveira
	LoGrippto		
	Loughlin		
	Della Fera		
	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 LoGrippto were unanimously adopted.

(78) WHEREAS, the Police Department of the Town of Westfield has unclaimed property which has come into its possession by finding and recovery by a member of the Police Force acting in the line of duty, and;

WHEREAS, N.J.S.A. 40A:14-157 permits a municipality to adopt a resolution authorizing the sale of such tangible personal property after holding same for a period of at least six (6) months on the condition that the owner, or his whereabouts, is unknown and cannot be ascertained, or if the owner shall refuse to receive such property;

NOW, THEREFORE, BE IS RESOLVED, by the Mayor and Council of the Town of Westfield that the tangible personal property in the possession of the Police Department of the Town of Westfield for more than six (6) months, and whose owner of his whereabouts is unknown and cannot be ascertained or whose owner has refused to receive such property, shall be offered for sale at public auction to the highest bidder in accordance with the law, provided that a minimum price shall be established for the items and that no bid below this price shall be accepted, and;

BE IT FURTHER RESOLVED that all such property not bid on or claimed by owners will be held for future auction with the date to be determined and;

BE IT FURTHER RESOLVED that all such sales at public auction shall be final and payment only by certified check or money order at the time of said auction payable to Town of Westfield, and;

BE IT FURTHER RESOLVED that the monies received from the sale of any property shall be paid into the municipal treasury as specified by law, and;

BE IT FURTHER RESOLVED that the appropriate Town officials are hereby authorized and instructed to take such further steps as may be required by law to effect such sale and auction, including the advertising of the sale of such property by other means in addition to the legal notice required by law, and the establishment of a place and time where the merchandise to be offered for sale may be viewed by potential bidders.

(79) WHEREAS, a need exists in the Police Department for the purchase of (1) 2016 Chevrolet Tahoe as a replacement vehicle and as provided for in the 2016 Municipal Law Enforcement Trust Fund, 600-021, and;

WHEREAS, the contract to purchase this is to be awarded to Day Chevrolet, an authorized vendor in the Morris County Cooperative Purchasing Program, and;

WHEREAS, this vehicle will be sufficient to meet the needs of the Police Department,

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$38,358.10 charged to the 2016 Municipal Law Enforcement Trust Fund, 600-021, and prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase, 2016 Chevrolet Tahoe vehicle;

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

Day Chevrolet Inc.  
1600 Golden Mile Highway  
Monroeville, PA 15146

**1 @      \$38,358.10**

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Della Fera, Chairman of the Code Review and Town Property Committee, seconded by Councilwoman Neylan were unanimously adopted.

(80) BE IT RESOLVED that the following application for renewal of theater licenses be and the same is hereby approved:

Carmike Cinemas Rialto  
250 East Broad Street, 2<sup>nd</sup> Fl  
Westfield, NJ 07090

Six Theaters

(81) WHEREAS, pursuant to Chapter 24 Article VII Section 24-47 of the Town Code the Town Council has authorized the licensing of Sidewalk Cafés, and

WHEREAS, the establishments listed have made application as required by Sec. 24-48 of the Town Code, and

WHEREAS, the establishments listed have met all the terms and conditions as required,

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Westfield hereby grants licenses to the establishments listed to operate sidewalk cafés and the Town Clerk be, and is hereby authorized to issue said licenses.

16 Prospect Wine Bar	16-17 Prospect Street
Ahre's Coffee Roastery	104 Elm Street
Akai Lounge	102 East Broad Street
Asian Fusion	114-116 Quimby Street
Bagel Chateau	223 South Avenue
Boulevard Bistro	301 South Avenue West
Bovella's Pastry Shoppe	101 East Broad Street
Brick Oven of Westfield	117 Quimby Street
Casa Di Pizza	50 Elm Street
Chipotle Mexican Grill	117 East Broad Street
Feast Catering	27 Elm Street
Ferraro's Restaurant	8-14 Elm Street
Fiamma Pizza Westfield LLC	108 Quimby Street
Jersey Mike's/Nathan's	140-144 East Broad Street
Panera Bread	143 East Broad Street
Pure Pita	106 Central Avenue
Qdoba Mexican Grill	70 Elm Street
Rooster Spin	251 North Avenue West
Splash of Thai	321 South Avenue West
Starbucks	117 Central Avenue
The Office of Westfield	411 North Avenue
Tinga Taqueria	110 Central Avenue
Turning Point of Westfield LLC	137 Central Avenue

### Public Works Committee

The following resolutions, introduced by Councilman Stokes, seconded by Councilman Arena, were unanimously adopted.

(82) BE IT RESOLVED that the Mayor is hereby authorized to sign an agreement with Pioneer Environmental Group for environmental remediation work to be conducted in Municipal Lot 4, Block 2405, Lot 15, located at 146 Elm Street in the Town of Westfield.

### Reports of Department Heads

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$50,962.74 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of February 2016 was received, read and ordered filed.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$107,704.00 for the month of February 2016 was received, read and ordered filed.

Upon motion by Councilwoman Neylan, seconded by Councilman LoGrippo the meeting was adjourned at 8:52 p.m.

Claire J. Gray

Town Clerk