

MINUTES OF REGULAR MEETING HELD APRIL 9, 2019

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, April 9, 2019 at 8:00 p.m.

Mayor Brindle 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 13, 2018. 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, Arena, Dardia, Neylan LoGrippo, Contract, Stokes, Mackey

ABSENT:

INVOCATION AND FLAG SALUTE

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

PRESENTATIONS

Mayor Brindle presented the following proclamation:

Town of Westfield

Westfield, New Jersey

Proclamation

Optimist Club of Westfield

April 9, 2019

WHEREAS, the Optimist Club of Westfield, chartered as a Chapter of Optimist International in 1989, is a not-for-profit service club composed of men and women who live or work in the Westfield area and whose mission is dedicated to being “a friend of youth”; and

WHEREAS, the Optimist Club’s proud purpose includes: To aid and encourage the development of youth; to develop optimism as a philosophy; to promote an active interest in good government and civic affairs; to inspire respect for law; to promote patriotism and work for international accord and friendship among all people; and to subscribe to the belief that the giving of one’s self in service to others will advance the well-being of mankind, the community and the world; and

WHEREAS, the 50 plus members of the Westfield Chapter have served the youth and families of the community by providing “optimism” through service projects, community activities, support for needy families, and academic programs, competitions, awards and community grants; and

WHEREAS, the signature project of the Westfield Chapter is Project Graduation BASH, the all-night graduation party for the Westfield High School senior class on the evening of graduation, which provides a fun, safe, and drug and alcohol free atmosphere for celebration; and

WHEREAS, the year 2019 is the 30th anniversary of the BASH tradition and, over the course of the past 30 years, more than 8,000 Westfield High School graduates have attended; and

WHEREAS, the Optimist Club serves over 3,000 young people each year and raises \$30,000 annually for local community service projects;

NOW, THEREFORE, BE IT PROCLAIMED that I, Mayor Michelle W. Brindle, on behalf of a grateful community, hereby congratulates the Optimist Club of Westfield on the occasion of their 30th anniversary and, further, offer heartfelt thanks to the past and present members of this great organization for their selfless service to our community.

Mayor Brindle presented the following proclamation:

Town of Westfield

Westfield, New Jersey

~ PROCLAMATION ~

Autism Awareness and Acceptance Month - April 2019

WHEREAS, according to the N.J. Department of Human Services Division of Developmental Disabilities, Autism Spectrum Disorders (ASDs) are a cluster of neurobiological disorders that become evident during early childhood and are known to occur in all racial, ethnic, and socioeconomic groups; and

WHEREAS, autistic people process information and perceive the world differently than non-autistic people, and each autistic person has his or her own unique level of intelligence, creativity, social skills, behaviors, and ways of communicating - this is why ASD is called a “spectrum” disorder; and

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), the national rate of children identified with Autism Spectrum Disorder is 1 in 59 children; in New Jersey, the rate is 1 in 34 children, the highest rate in the nation; and

WHEREAS, autism is a developmental disability whose characteristics remain throughout a person's life. Autism is not an emotional disturbance or a disease and cannot be "cured"; however, early intervention, therapies geared towards the individual's needs, and support services for the individual and his or her family are effective in enabling the individual to achieve his or her greatest potential; and

WHEREAS, an autism diagnosis affects every member of the family, including siblings, as the parents must find a way to balance the special needs of the autistic person with the needs of the other family members; and

WHEREAS, the causes of autism are unknown at this time, though research suggests genetics may play a role; and

WHEREAS, the nation's oldest grassroots autism organization, the Autism Society, has been working to improve the lives of all affected by autism for over 50 years, and in 1972 began to promote National Autistic Children's Week, now known as Autism Awareness Month, to bring greater awareness of autism to the general public and advocate for the needs of autistic people and their families; and

WHEREAS, according to the Autistic Self Advocacy Network (ASAN), a national disability rights organization for the autistic community run by and for autistic people, autistic people do not "suffer" from autism; rather, autistic people suffer from prejudice and discrimination, especially when they do not get the support and accommodation they need; and

WHEREAS, the Autistic Self Advocacy Network advocates for more than autism awareness - it advocates for acceptance, not as passive tolerance, but of embracing autistic people as members of the community, citizens, friends, co-workers, family members, and fellow human beings deserving of respect and inclusivity and the opportunity to realize their highest aspirations; and

WHEREAS, despite progress in understanding ASDs, intense challenges remain for autistic people and their loved ones; and

WHEREAS, autism awareness and education is important for all, even those who are not directly touched by autism, because knowing the facts and dispelling myths can help with eliminating stigmas, is crucial for early detection and intervention, and can provide community members information about how they can support autistic people and their families;

NOW, THEREFORE, BE IT PROCLAIMED, that I, Mayor Michelle W. Brindle, hereby recognize the month of April, 2019, as Autism Awareness and Acceptance Month in the Town of Westfield and further, I encourage my fellow residents to strive to develop a greater understanding of Autism Spectrum Disorders so we as a compassionate community, together with their families, can help our autistic friends and neighbors achieve their greatest potential.

Town Administrator's Reports

- Discussed road paving and stated that the Town is still working on some carryover roads from 2018. Contractors would be conducting some prep work on the sections of Sycamore Street and Grove Street beginning tomorrow. Also discussed other road improvements carried from the list from last year, including the entirety of Park Drive in Mindowaskin Park, the entirety of Stevens Avenue, sections of Cranford Avenue, as well as the previously mentioned sections of Grove Street, and Sycamore Street. Stated that he is hopeful that, weather permitting, work would be complete in a number weeks;
- Discussed the 2019 Road Paving Program and stated that the Town is working very closely with Elizabethtown Gas in an effort to ensure that they not only do repair work upon completion of utility projects, but that they also do full paving;
- Announced that the Town was awarded a grant in the amount of \$375,000 through the New Jersey Department of Transportation's Municipal Aid Program for the paving of Rahway Avenue. Paving would occur in 2019 and would include the section of Rahway Avenue from Willow Grove Road to the Town line. In addition, the Town also received grant funding from Union County, and while the Town is uncertain of that award amount, it would also be allocated toward the paving of Rahway Avenue. It is estimated that close to half of \$1 million in grant funds would be allocated to the paving of Rahway Avenue;
- Discussed the status of the installation of restrooms at the Westfield Memorial Pool and stated that utility work has been done. Delivery of the facility is expected next week and would be connected to the sanitary sewer line and water and electrical lines. It is expected that the facility would be operational prior to April 27;
- Discussed upgrades to Mindowaskin Playground and announced that the next step in the process is to have benches installed around the playground, which is expected to be completed in May;
- Discussed the construction of two (2) group homes on Town properties located by Grandview and Myrtle Avenues. Explained that these homes are being constructed in conjunction with the ARC of Union County and relate to the Town's affordable housing plan that was adopted last year. Discussed the timeline for each and explained that the projects involve the construction of two (2) single family homes for special-needs residents. Informed the Mayor and Town Council as well as residents that Westfield has had a "handful" of these homes in Town for many years, but most do not know that they exist because they appear to be single-family homes in residential neighborhoods. Stated that the Town was notified today that construction would be starting and confirmed that impacted residents would be notified of tree removal; and
- Announced that the Westfield Conservation Center opened for the season last Thursday and discussed the days of operation. Also discussed the number of permits sold to date as well as the number of permits sold for the disposal of bulky waste items. Explained that the fee for bulky waste permits is \$30 per carload and offers another option for residents needing to dispose of these types of items without waiting for the fall when the annual bulky waste program is held. Also discussed services offered at the Conservation Center that do not require a permit, such as free mulch and firewood and the disposal of recyclable materials, and explained that only the disposal of organic debris requires a permit.

Mayor's Remarks

- Discussed the sudden passing of Westfield High School principal Dr. Derrick Nelson and stated that his passing has devastated the community. Feels Dr. Nelson was someone who

exemplified who we all aspire to be, epitomizing “service above self.” Announced that there would be a vigil to honor and remember Dr. Nelson tomorrow at 8:15 PM at Westfield High School, and that details regarding a memorial service would be shared once they have been finalized;

- Thanked the many residents that attended the Master Plan and Recreation and Parks Strategic Plan public workshop last week. Stated that the Community Room was filled with engaged residents who provided input on parking, traffic, fields, recreation programs and more. Announced that there would only be two (2) more public meetings and encouraged all to attend the upcoming workshops on April 24 and April 29, or to stop by the booth at the Spring Fling on May 5. Explained that these public workshops are the only opportunity to ask direct questions and provide oral input and encouraged all to make every effort to attend. Also mentioned that the surveys would remain live until September 1;
- Congratulated the Promotions Committee of the DWC, which is chaired by resident volunteer Erin Ben Hayon, on its successful Midday Madness Clue Hunt. Stated that forty-five (45) teams and approximately two hundred and fifty (250) people participated in this scavenger hunt, which required that teams take selfies in businesses after deciphering the clues that were provided. Nineteen (19) businesses participated, with many participants exclaiming that they had never been to many of the places where they had to take a selfie, and feels this was precisely the point of the event;
- Announced that the Town’s “Year of the Pedestrian” initiative has officially begun with increased traffic enforcement by the Westfield Police Department for violations that endanger pedestrians, particularly vehicles that do not yield to pedestrians at crosswalks. The Town would also soon be announcing additional measures, including increased fines for speeding and targeted enforcement on designated roads, and would be introducing new signage, such as crossing beacons in high traffic locations. Explained that this is part of a larger and long term initiative to make Westfield a safe walkable town for people of all ages and abilities;
- Acknowledged the newly established Access and Inclusivity Council (AIC) whose mission is to promote a culture of respect that ensures that all individuals can participate fully in all aspects of community life. Explained that the AIC serves in an advisory capacity to improve access, recommend policies, promote inclusivity, and provide education and awareness within the community. Announced that to commemorate Autism Awareness Month, the AIC has planned a series of events, which were kicked off by lighting of the Mindowaskin fountain blue, and by issuing a special proclamation. Additionally, several Town officials, including the Town Administrator, the Town’s engineering staff, and members of the AIC met with the Christopher and Dana Reeve Foundation to learn about opportunities to make Westfield more inclusive and accessible for those with physical disabilities, modeled after an initiative the Foundation is piloting in Asbury Park. Lastly, due to the recommendations of the AIC, the Town’s new Engineering Inspector would also serve as future ADA Compliance Officer, a function that had not existed previously;
- Informed residents that she has received several inquiries from Ward 2 residents who have expressed concern about the proposed cell tower at Union County College in Cranford. Explained that the Town Council does not have jurisdiction over Union County College, but she has weighed in with various officials on behalf of residents. Explained that this project does not need to be approved by the Cranford Township Committee and Cranford Mayor Patrick GIBLIN has expressed frustration with the Township’s own lack

of influence. Stated that she has spoken to Mayor Giblin at length, and met with the Union County College President today, who described in detail the legitimate public safety concern due to the college's lack of cell service, which impedes emergency responsiveness. Stated that she has also spoken to several Union County Freeholders, and encouraged all concerned residents to voice their concern to the Board of Union County College, in care of Jaime Segal, and ask them to consider other options;

- Announced that PSE&G issued an FAQ document this afternoon in response to questions received from the public. Explained that while PSE&G's answers provided some specifics regarding the South Avenue route, there are many critical details that remain unanswered that PSE&G is prepared to address tomorrow night. Also announced that the public workshop would be taking place at Edison School tomorrow night, but the start time has been moved to 6:00 PM to allow residents the opportunity to also attend the vigil for Dr. Nelson.

APPOINTMENTS

ADVERTISED HEARINGS

GENERAL ORDINANCE NO. 2130

“AN ORDINANCE FOR CALENDAR YEAR 2019 TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2131

“AN ORDINANCE AMENDING CHAPTER 4 OF THE TOWN CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, IN ORDER TO REGULATE THE HOURS FOR THE RETAIL SALE OF ALCOHOLIC BEVERAGES”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, “AN ORDINANCE FOR CALENDAR YEAR 2019 TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)” by Councilwoman Habgood, seconded by Councilman Contract, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood
Arena
Dardia
LoGrippto
Contract
Stokes

Nays: Neylan

Absent:

Mackey
Mayor Brindle

An ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 4 OF THE TOWN CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, IN ORDER TO REGULATE THE HOURS FOR THE RETAIL SALE OF ALCOHOLIC BEVERAGES" by

Councilwoman Mackey, seconded by Councilman Dardia, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays: Neylan	Absent:
Arena		
Dardia		
LoGrippto		
Contract		
Stokes		
Mackey		
Mayor Brindle		

BIDS

MINUTES

On a motion by Councilman Stokes and seconded by Councilwoman Mackey, Council approved the Minutes of the Town Council Conference Session and Regular Meeting March 26, 2019 with Councilman LoGrippto 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.

Maddie McDevitt 631 Summit Avenue, and Maddie Katz 4 Pine Court, Assistant Captains for Westfield Girls Ice Hockey, read joint statements concerning the ice rink at Gumbert Park. Thanked the Mayor and Council for the rink and for allowing them to skate close to home. Explained that prior to the rink opening at Gumbert Park, they would have to leave school at 3:45 PM and would not get home until 7:00 PM, which limited their ability to do homework, and impacted their free time, sleep schedules and time with families. Stated that the rink at Gumbert Park offered reasonably timed ice slots that allowed for practice close to home, reducing travel time and expenses for the team because less busing was needed. The rink at Gumbert Park also provided them with the ability to grow their team. Explained that the Westfield Girls Ice Hockey team began three (3) seasons ago when they were both freshmen and has grown from fifteen (15) girls to thirty-seven (37) girls. With the increase in the amount of girls, a rink that would allow for enough ice time to train new players was needed and the rink at Gumbert Park allowed for an increase in ice time from three (3) times per week to nearly seven (7) days per week. Also explained that the rink brought together the community on Friday nights when open skate was offered. Feel this makes Westfield special as most towns do not have a skating rink. Discussed the hockey clinics that were also offered and stated that it made them happy to see younger girls

playing a sport that they might have thought was only for boys. Explained that they both played on all-boys teams until they were twelve (12) years old and they hope that the rink would inspire more girls to play allowing for an all-girls team from the start. Also discussed the job opportunities the rink provided to many Westfield kids. Explained that because the ice rink at Gumbert Park, both Union Sports and the rink at Gumbert Park hired staff. While this was beneficial to them personally, they were also able to see the impact it had on the community. Many parents have commented to them about how they feel the rink is “great” and how thrilled they were to be able to walk or have only a short drive to the rink. In addition, since the rink was open on holidays like Thanksgiving and Christmas, they were able to witness generations coming together to skate. Also stated that they provided skating lessons to children as young as three (3) years old and were able to see them develop a love for skating. For these reasons and because girls ice hockey is a growing sport, they feel it is important to have early access to skating. Urged the Town Council to consider bringing the rink back next year and allowing hockey and skating to grow, families to come together and to continue to foster a sense of community within Westfield.

Jonathan Bender, 616 North Scotch Plains Avenue, stated that he lives near South Avenue and attended the meeting tonight to speak about PSE&G. Feels there is no reason for the proposed lines to be installed over South Avenue and believes they could be underground. Also stated that he does not understand why they are needed at all because they would connect a substation in Fanwood to a substation in Cranford that has not yet been built, and Westfield is not located between those substations. Informed the Town Council that when he spoke to a PSE&G representative on the phone, the PSE&G representative could only provide general information about the location of the substation on Walnut Avenue in Cranford and did not know the exact location. For this reason, he believes when PSE&G plans, they actually do not know what they are planning. Also stated that the map that was released does not contain landmarks. Explained that he would like to know what PSE&G is thinking with this project because the lines would be built over Precious People, Cradles to Crayons, Mathnasium, Gennaro’s Pizza, and a Taekwondo studio, and would be taller than the WWI Memorial statue on East Broad Street. Feels there is no reason for this project and would continue to complain to the Town unless PSE&G can provide a valid reason for the need.

Tricia Brown, 160 Gallows Hill Road, stated that she attended the meeting tonight with both Westfield and Cranford residents to voice their concerns over a one hundred and (130’) foot cell tower being proposed on the campus of Union County College. Stated that this location borders several Ward 2 neighborhoods, as well as Brookside and Washington Schools and numerous Cranford neighborhoods. Union County Residents United (UCRU) was formed to collectively voice residents’ concerns regarding the tower. This group mobilized to create a webpage and obtained over one thousand (1,000) signatures on a petition, displayed signs, distributed flyers and canvassed neighborhoods. Believes that no one wants to live, work, play, or attend school near a one hundred and (130’) foot cell tower. There are issues involving health, the environment, property values and unsightliness. Stated that it is highly unusual for a tower of this type, which is normally seen along highways, to be embedded in residential neighborhoods. Explained that Union County College has claimed that a cell tower is necessary for safety and emergency situations, but believes that is not true. A distributed antenna system, which addresses indoor cellular service, is currently being installed and would serve the needed purpose. In addition, a map of Verizon’s cell coverage in the area shows that it is complete within twenty (20) miles of the college. Antennas could be placed on existing campus buildings as an

alternative option to a cell tower if needed. Explained that she recently shared her concerns with Mayor Brindle, Councilwoman Neylan and Councilman Dardia. Thanked Councilwoman Neylan for sharing her concerns and for offering her support, and stated that, in contrast, Mayor Brindle and Councilman Dardia instructed her to voice her concerns to Cranford, Union County College and Verizon. Feels some Westfield residents are able to get the support of the Mayor and the Town Council while others are not, and discussed the Town's discussions with PSE&G as an example. Also discussed a resolution adopted by the Mayor and Town Council in 2010 opposing a proposed cell tower at the Armory, and referenced a statement by Assemblyman Bramnick of efforts to "Keep Westfield, Westfield". Feels there should be an official resolution by the Mayor and Town Council opposing the cell tower at Union County College and asked why Westfield's elected representatives are not united in supporting its residents. Explained that while the Union County College board presents a unique challenge, feels stopping the construction of a cell tower could be done. Thanked the Mayor and Town Council for its time and consideration and stated that she hopes they will join her in "Keeping Westfield, Westfield"

Mindy Kipnis, Cranford, stated that she is one of the founding members of UCRU, and is in attendance this evening to voice her opposition to the cell tower being proposed at Union County College. Explained that she was very involved with the "fight" against Union County College's proposed sports complex, which was also an "impossible" task. She had been told that the college was a higher jurisdiction than the Township and nothing could be done, but somehow the communities came together and stopped it. Pointed out that UCRU was not named "Cranford United" because she feels it is a Union County issue. Appealed to the Mayor and Town Council to help UCRU. Explained that the proposed tower is a one hundred and (130') foot structure that would be constructed on top of a twenty-five (25') foot mound, making the tower one hundred and sixty (160') feet in total, and over twice the height of the trees in the area. Discussed its location and feels it would be visible from many neighborhoods because of the proposed height, impacting close to one hundred (100) Westfield property values and hundreds more at the County level. Explained that the main reason for her opposition is that the tower is not needed. Union County College has stated that they have an issue with reception outdoors, however in their own 2012 Needs Assessment Study, they indicated that they have good to fair outdoor reception. In the past seven (7) years, there have been more towers and there is new technology, such as small cells and lampposts, and the 2012 study indicated that rooftop antennas would be sufficient. Explained that the real problem pertains to the college's indoor reception because the buildings have concrete walls, and feels the solution to the indoor problem is a Distributed Antenna System (DAS). A DAS would install cell tower and Wi-Fi access points in various places within the buildings and is a very common solution in stadiums, malls, airports and other buildings because it pulls cell service from the rooftop antennas. Explained that Union County College plans on installing a DAS, but also proposed the cell tower because Verizon would pay the cost of the DAS in exchange for the right to lease the college's land for a cell tower. Stated that Union County College is expected to be paid close to \$35,000 a year from Verizon with a two (2%) percent annual escalation for the next twenty-five (25) years. Feels that for \$35,000 per year, hundreds of residents would lose property value and face other issues because of the cell tower. Stated that Union County College is justifying this by intentionally trying to "twist" the cell tower coverage problem they have inside the building with the nonexistent issue outside the building. Also stated that in 2010, Westfield came together and adopted a resolution fighting the cell tower at the Armory. Asked the Mayor and Town Council to "do it again" and help UCRU and the community.

Mike Norman, Cranford, stated that he is also a member of UCRU, which is comprised of residents of Cranford and Westfield who joined forces to fight the cell tower being built in the community. Explained that the safety concerns Union County College mentioned would be covered by the DAS system and feels there is no need for a one hundred and (130') foot cell tower to be built. Requested that the Westfield Town Council help them by passing three (3) resolutions. The first resolution would be to oppose Union County College's installation of a cell tower in the community. The second would be to request that Union County Freeholders support UCRU and stop Union County College from installing the cell tower. The third would be to support the Cranford Planning Board, which has already submitted a letter to Verizon's lawyers indicating its opposition to the cell tower. Stated that he has a flyer that UCRU has been distributing and would like to provide copies to the Mayor and Town Council for their review. Stated that he hopes Westfield would support them.

Penelope, second grade student at Holy Trinity School, stated that, while she might be small, she has a big voice and is speaking for all of the other children that could not be here tonight. Explained that she and her school, classmates, friends, neighbors, and teachers do not want to be subjected to high voltage power lines. Stated that, not only are they dangerous, but they would destroy the beautiful town and the "little people" like her which are the future of it.

Sean Smith, Westfield resident, stated that he attended the meeting this evening to discuss two (2) different issues, the first being the PSE&G wires. Explained that he is a litigator by profession and is paid by clients to "play a chess game". The game involves knowing your "endgame" and then making many little "moves" directing the other side to that endgame. Feels PSE&G has a final outcome that it already wants, and believes PSE&G purposely proposed its first plan directly through residential neighborhoods to create a community uproar. PSE&G representatives would then meet with the Town and present another proposal that they already had planned. Feels PSE&G already had the South Avenue alternative plan, and feels it also has an alternative to the South Avenue proposal. Feels the Town should be aware that that PSE&G is much more intelligent and much more calculated than it appears to be, and explained that there is a reason for that. Stated that PSE&G has some of the most powerful attorneys and lobbyists in the State, and they know what their rights are by statute. They also know their rights concerning rights-of-way and they know exactly what they can and cannot do. They are powerful and would use that power to "get what they want". Suggested that when Town officials meet with PSE&G representatives, they should not only talk to them, but should also listen to what they are saying, and what they are "not saying". Feels PSE&G will offer things for a reason because it knows what it can and cannot "get away with", and while PSE&G does not want the Town to "press", it is prepared for that "battle".

Mr. Smith then stated that his second issue pertains to the condition of the Town's fields. Explained that he coaches children at all levels of youth sports and has had the opportunity to talk to parents on a frequent basis, and what he has consistently heard over the last eighteen (18) months is that the Town, its taxpayers, and its elected officials are failing some of its "greatest ambassadors". Feels there might be ten thousand (10,000) children that are Westfield residents, and that perhaps four thousand (4,000) to five thousand (5,000) children "sweat, toil, and practice" on the Town's behalf on a weekly basis, travelling all over the State, and in some instances, all over the country, wearing Westfield as an "emblem" of their "pride" for their Town. Feels that, unfortunately, the Town is failing them in many respects. Stated that his son is a member of the traveling soccer team and also plays travel lacrosse. In addition, his daughter

plays lacrosse and soccer, and both his son and his daughter play baseball and softball. Explained that neither his son nor his daughter will have a single home game this spring in Westfield, and his son will not have a single practice this spring because the Town has failed to maintain its fields. Stated that Tamaques field does not have grass on half of it, and there are holes, and officials have told him that these fields are not playable because injuries could occur. Discussed the Recreation and Parks Strategic Plan and stated that he understands the decision to stop the project at Tamaques Park because of this plan. Explained that while he understands the goal, feels the Town should not let “perfect be the enemy of good”. Feels when municipalities focus on perfection, the good things that have already been done become “lost”. Suggested that all councilmembers drive to every field including those on school grounds and see the condition for themselves. Stated that when parents talk to him about field conditions they are embarrassed of their town. Feels this is unacceptable. Reminded councilmembers that they are elected officials and stated that ten (10%) percent of their electorate are unhappy with Westfield’s fields. Also reminded councilmembers not to forget and ignore what “is here now” so that the children have a place to play.

David Krieger, 728 Shackamaxon Drive, discussed the PSE&G project, stating that its initial route ran immediately past his house and “zig-zagged” through 2.8 miles of an exclusively residential community. Explained that while he is grateful that the initial plan has been “put to rest”, he remains concerned about the prospects of placing this project above ground down 1.6 miles of South Avenue without fully conducting due diligence about its necessity, and without seriously considering the possibility of placing the lines, in whole or in part, underground. Stated that, to his knowledge, PSE&G has not provided specifics about the necessity of the plan, other than using buzzwords like “redundancy” and “reliability”, and using leverage from widespread power outages that followed hurricane Sandy. Also stated that it is his understanding that the vast majority of outages that followed storms were a result of downed distribution lines that succumbed to high winds and fallen trees, and this proposal would not solve this vulnerability. Feels the Town should demand to see empirical data about the need for this project. Stated that he has been in touch with a community advocacy group from Monmouth County, Residents Against Giants Electric (RAGE), who prevailed in a legal challenge against Jersey Central Power and Electric (JCP&L) on the grounds that its proposed high-voltage proposal was not necessary. RAGE’s leadership cautioned him that utility providers often use pretextual justifications to explain why projects are necessary. Also stated that the preferred exclamations for necessity are often unsupported or, worse yet, contradicted by empirical data. Stated that it has been widely reported that the population of New Jersey has been relatively flat in contrast to other areas of the country. Additionally, with many homes now using energy efficient LED bulbs, energy-efficient appliances and alternative energy solutions, such as solar power, he finds the need for an additional high voltage line to service this area to be “peculiar”. Stated that he would prefer that PSE&G avoid going through Westfield altogether, but feels that is very unlikely to happen, short of a legal challenge. Feels the most logical solution is to bury the entirety or a portion of the lines underground on South Avenue. Stated that he drove down Terrill Road last weekend and encouraged everyone to do the same because he believes people need to see the poles in order to understand their magnitude and how out of place they would look down South Avenue. Feels trenching to bury them underground would also provide an opportunity to bury the existing distribution lines and other utility lines that currently exist on South Avenue. Explained that he understands that the Town is in the process of a Master Plan and feels it likely includes revitalization efforts on the south side. Believes if these poles are allowed, any south side beautification efforts down this route would be the equivalent of putting “lipstick on a pig”.

Stated that a significant portion of the north side of the downtown has its powerlines buried underground and feels the standards should be the same for both sides of Town. In addition, burying the lines underground would eliminate the need for large wooden utility poles, which are usually treated with a chemical preservative, pentachlorophenol, and has been categorized by the Environmental Protection Agency (EPA) as a probable human carcinogen. Discussed litigation involving the environmental hazards of pentachlorophenol that has occurred in other states, including California and New York. Feels PSE&G has been silent on this concern, as well as concerns with EMF exposure. Explained that it is his understanding that the underground installation of transition lines, if done properly and buried deep enough, would mitigate exposure to EMF's, and that underground transmission lines are insulated and typically encased as opposed to above ground wires. Believes PSE&G's expert would contradict this, and cautioned everyone to heed the advice of PSE&G's expert, because he prefers to take the word of a truly objective expert, rather than one hired with economic incentive to keep these wires above ground. Feels any hesitation to bury these wires underground is simply about money, and discussed PSE&G's FAQ's which indicate that the wires could be installed underground if the Town pays for it. Stated that PSE&G agreed to absorb the entire cost of placing transition lines underground in other municipalities and referenced Eastport, New York as an example. Discussed the cost involved, which was absorbed through PSE&G's existing capital budget, and quoted a statement by PSE&G which indicated that the cost "did not create an incremental increase for ratepayers". PSEG also reimbursed eighty (80%) percent of Eastport's legal fees related to the dispute, and PSE&G has made similar arrangements and paid these types of costs in other municipalities located in Westfield's region. In addition, as per PSE&G's website, it has added underground transmission lines to twenty-two (22) nearby municipalities, including Union, Elizabeth, Oradell and Westwood. Discussed other utility companies that are also placing utility lines underground, and based on his readings of reports, rate increases were as little as \$.69 per month per household. Feels the Town should have serious negotiations with PSE&G concerning its contribution to the cost for installing these transmission lines underground. Stated that there was significant savings to PSE&G when it changed the route of the project because the initial route was longer. Feels this savings should be used towards the underground installation of the lines. Also feels the Town should strongly consider contributing towards the cost of installing these lines underground. Stated that the Town is fiscally prudent and believes the cost would be worthwhile. Also believes, with good faith efforts to negotiate, some compromise could be reached, which would allow for the placement of these lines underground. Stated that he hopes the Mayor and Town Council would do this because they have the jurisdiction, and expressed concern that rather than get involved, they would pass the entirety of blame to PSEG. Feels this would not solve the problem, and since ground has not been broken on this project and the specifics are not yet known, Town officials could do something to make this project as minimally intrusive as possible. Feels the best elected officials do not merely oppose problems, but "roll up their sleeves" and solve them. Respectfully requested that the Mayor and Town Council "do just that" because residents are counting on them.

Drew Matus, 300 South Scotch Plains Avenue, feels that while the utility company says it "can do what it wants" and appears to have done that in other towns, believes Westfield should "wonder" why PSE&G has been so insistent. Discussed some history between Westfield and PSE&G, which dates back to 1909, and explained that Public Service Corporation, which is now known as PSE&G, decided to install a transmission line through Westfield on Grove Street in the middle of the night. This included the installation of thirty-nine (39) poles and began a twelve (12) year legal dispute between PSE&G's precursor company and the Town of Westfield, which

went to the US Supreme Court. Stated that Westfield prevailed in that case because there was an agreement between the Town and Public Service Corporation that was executed in 1892 that included several conditions, one of which indicated that the Town would have control over the poles and the right-of-way, and that the utility company did not “have a say”. Feels that while this contract is over one hundred (100) years old, it might still be in effect, and discussed an agreement between the City of Plainfield and PSE&G as example. Explained that Plainfield was sued by PSE&G in 1980 because PSE&G was required by a contract that was signed in 1898 to provide Plainfield with free electric service for the life of the franchise, which usually runs for approximately nine hundred and ninety-nine (999) years. Stated that PSE&G lost the case and Plainfield is still provided with free power for its municipal buildings. Feels if there is a document which changed the terms of the 1892 agreement between Westfield and Public Service Corporation, that document should be produced. If no such document exists, questioned why PSE&G would believe it has control in these matters when, in 1892, a company that PSE&G purchased agreed to “give away these rights”. Also discussed the change in the route for the project and referenced a document that PSE&G filed with PJM, which PSE&G has cited as its source for its ability to do this project. In addition, discussed statements by PSE&G concerning the cost to bury the lines underground and feels PSE&G provides conflicting answers to people, depending upon who is asking the question. Feels the Town needs to obtain concrete answers with a concrete plan, and a concrete reason for this project, as well as a document indicating that PSE&G has a legal right to do this project. Feels PSE&G needs to “take a step back” and the Town needs more answers before anything moves forward.

Corrine Grant, 211 North Scotch Plains Avenue, stated that she is speaking as a prospective business owner on South Avenue. Explained that the north side has several streets that are included in the downtown, but the south side only has one street included. Feels the PSE&G project would “kill” the look of the street. Also expressed concern with the potential health issues and the multiple story buildings that are going to be built. Explained that her biggest concern is that if this project is allowed, it could not be “taken back” and the poles could only be “dressed up” so much. Stated that this concerns her as a business owner and she hopes the Town would take that into consideration.

James Foerst, 262 South Scotch Plains Avenue, stated that he was pleased to get a letter in the mail from PSE&G notifying him that the transmission lines that were supposed to be installed in front of his house were no longer an option. Explained that he and his neighbors were “elated” with that news and thanked the Mayor and Town Council for their efforts to make that happen. Feels it would be easy to for him to “walk away” but that is not how he “operates”. Stated that he would like to discuss the process and the forum in which it was brought to the Town Council, the manner in which PSE&G is operating, and specifically the forum that PSE&G intends to hold tomorrow evening. Referenced items that have been discussed, including notice of tree removal, to which Councilman Contract expressed concern, and discussed tree removal that would occur in connection with construction that is planned by the ARC of Union County. Feels residents should be notified of tree removal for that area. Stated that he never received notice from PSE&G and believes the only reason that he became aware of the project was because there was a tree crew in the front yard of his neighbor’s house. Discussed Mayor Brindle’s decision to delay improvements proposed for Tamaques Park because it was felt that further review was needed. Explained that he does not agree nor disagree with that decision and he appreciates that there is a process, but he feels the process is flawed because it has been thirteen (13) months since that decision was made, and there are two (2) more public meetings scheduled, yet

residents have had only ten (10) days to fully understand and become prepared for the public forum to be held tomorrow evening by PSE&G. Discussed the timeline related to the PSE&G project and stated that residents were presented with the FAQs from PSE&G today at 5:00 PM, which he believes to be “canned” responses that do not provide any detail. Explained that while he appreciates that the Town was trying its best to get that information, there has never been a situation whereby the Town would allow a public forum to occur upon twenty-five (25) hours-notice. Also expressed concern with the format of the public forum, specifically the one-on-one conversations about the plan that would occur between residents and PSE&G representatives. Also discussed the time change for the meeting that has occurred to allow residents the opportunity to attend the vigil for Dr. Nelson. Explained that he conducted a quick review of Title 48 because PSE&G has indicated that its rights are covered under Title 48, but Title 48 is extensive and he could not conduct a review without specific references, which PSE&G has not cited. Stated that there are questions that still have not been answered. Discussed other issues in which the Town has “taken its time” before moving forward, such as affordable housing and the construction of a softball restroom and expressed concern that PSE&G plans to move forward and “forever destroy” the south side in nine (9) days. Feels that is not transparency and is not open government, which is something that this specific counsel ran on and was elected on. Reiterated his concern that PSE&G did not provide him with proper notice of the project and feels they have been “bad actors” throughout the entire process. Referred to Mr. Smith’s comments and agrees that the Town should be very suspicious of what PSE&G intends to do. Also reiterated his prior statement that he and his neighbors are thankful that the project is no longer planned for their neighborhood, but feels that the Town has “invited the devil into its house” and that the “devil” is forcing the Town to sacrifice “one of its children” because the Town has negotiated a plan that moves the problem from one neighborhood to another. Feels the Town should “fight” and use the resources discussed by Mr. Matus. Also feels the public forum scheduled for tomorrow night is a “sham” because of the format that is planned. In conclusion, stated that six (6) of the nine (9) elected officials represent wards that would be affected by this project and believes the governing body should call for a vote on any plan that is proposed, and should require a public forum and a discussion before any project moves forward. Also feels each councilmember should give reasons for supporting or opposing the project, and unless there is a majority that would support the plan, then it should not proceed.

Mayor Brindle reminded residents that PSE&G was supposed to attend the Town Council meeting almost a month ago, and it is her understanding that with the intervention of Assemblyman Bramnick and a few others, PSE&G canceled. Feels the reason why this meeting needs to be held tomorrow evening is because no one has had a chance to address PSE&G directly. Also explained that while the forum might not be what residents would like, feels the public needs direct answers from PSE&G before more conclusions are drawn. Believes postponing the meeting would further perpetuate everyone’s inability to obtain direct information. If the meeting is not sufficient and questions are not answered, another meeting would be held. Feels it would be “absurd” to postpone the meeting because it would only create more questions, and that moving forward with the meeting is the model of transparency. Believes answers from PSE&G should be demanded at this meeting and then an assessment could be made.

Councilwoman Neylan discussed PSE&G’s attendance at the Town Council Conference Meeting on February 26, 2019 which she could not attend. Feels that since a new plan has been proposed, PSE&G should make a presentation to the Town Council as they did on February 26. Feels the

Town “owes” that to residents because the Town first received notice of the project on December 14, and while PSE&G presented the project to the Town Council on February 26, it was not discussed at the dais until March 12. Stated that she still does not have any particulars or details, and as a council person, she is not “privy” to what has been negotiated thus far. Feels individual conversations with PSE&G representatives would create more miscommunication and feels PSE&G needs to make a presentation in a public forum similar to this meeting, whereby councilmembers and residents could ask questions. Also referenced comments by Mr. Matus and Mr. Foerst and feels the Town must obtain an answer as to the legal authority that allows PSE&G to conduct this project. Feels the fact that it has been done in other Town’s is not a sufficient reason. Also feels the Town must be provided with sufficient information concerning the potential health risks related to these types of transmission lines.

Mayor Brindle explained that nothing has been agreed to and the purpose of the forum tomorrow night is to provide residents with an opportunity to ask PSE&G questions directly. Reiterated her prior statement whereby a follow up meeting would be scheduled if PSE&G does not provide the answers the Town needs.

Councilwoman Neylan feels the Town Council should be focusing its energy on this issue and the issue pertaining to the proposed cell tower at Union County College. Stated that the concerns expressed are quality of life issues and potential health risks, not just aesthetics. Feels seventy (70’) foot poles do not belong anywhere in Westfield and does not understand how the Town has gotten to this point.

Mayor Brindle explained that there is a broader public good that has to be considered regarding the fortification of infrastructure and feels the Town has a public obligation to weigh that as well as what ninety-three (93) other municipalities have done relative to the proposal. Stated that no decisions have been made and nothing has been approved. PSE&G has not had the opportunity to directly address questions and needs to provide answers. After that, the Town Council would then need to collectively agree as to what the next step should be.

Councilwoman Neylan feels this must occur in a transparent manner and not in divided areas with lines of people waiting to ask a question. Also feels residents should not have to attend more than one meeting. Believes this is an issue that is affecting the Town in a fundamental way and must be addressed before PSE&G breaks ground.

Mayor Brindle stated that PSE&G is not breaking ground. Feels there would be many questions asked tomorrow which might raise further questions. PSE&G would then need to hold another meeting. Assured councilmembers and residents that the meeting tomorrow night is not the “be-all” and “end-all”.

Councilwoman Neylan feels the Town should be demanding terms more forcefully.

Mayor Brindle reminded everyone that PSE&G has proposed an alternate route which is unprecedented. PSE&G has also agreed to change the location of the meeting tomorrow evening, and has agreed to change the time. Feels to imply that the Town is not being forceful enough in demanding its terms because PSE&G has not yet abandoned the project is “absurd”. Stated that she would not accept that because she has spent the last four (4) weeks doing nothing but dealing with PSE&G issues. Feels the Town needs to have PSE&G address all questions directly

tomorrow evening, and if the Town is not satisfied with the answers provided, or with the forum, another meeting would be held.

Councilwoman Neylan requested, as a council person, that the Town hold a meeting with PSE&G in a location such as Council Chambers, so that all questions and answers could be heard.

Councilwoman Mackey stated that a meeting with PSE&G was demanded but was cancelled without the Town's approval. Feels if that meeting had occurred as planned, it would have occurred four (4) weeks ago and perhaps the public would have answers. Also feels the comments tonight are "proving" how essential it was to have that meeting.

Councilman Stokes stated that he would be more than willing to vote his position if necessary, and as a fourth ward councilmember, he is not happy with neighbors being "pitted against" neighbors. Explained that he does not necessarily agree with the analogy of "choosing a child for the devil", but he understands the concerns that have been expressed. Referred to Mr. Smith's comment that PSE&G has an "endgame" and stated that he agrees with that. Also stated that he agrees with Mr. Krieger that the Town needs to demand that the lines be placed underground, but feels the Town needs to have PSE&G address these questions. Reiterated his earlier statement that he would be more than willing to vote his position, and vote for the residents of this Town.

Councilman Contract feels good information was shared by Mr. Matus. Also feels there are legitimate concerns with respect to approval rights for the project and stated that this was the first that he has heard that PSE&G might not have rights to the right-of-way. Referred to the Mayor's comments and feels the Town should challenge PSE&G with this information and provide them with an opportunity to respond to it. Also stated that he has not reviewed the FAQs because they became available while he was driving, but that he would review them tonight, and if PSE&G is not sufficiently answering questions, then they should be addressed tomorrow night. Also explained that he does not envision the meeting tomorrow night as "one person at a time". Feels those in attendance could collectively get together and go from table to table as an entire group. Stated that he also does not agree with the concern that public pressure and opportunity is diminished because of this public workshop. Also encouraged Mr. Matus to share his information with the Town Attorney because he believes PSE&G needs to prove that it has the authority to do this project.

Councilman LoGrippo stated that this process started in December when PSEG first communicated it to the Town and feels the entire Town Council should have met with PSE&G, especially the four (4) councilmembers that represent the third and fourth wards.

Mayor Brindle stated that PSE&G was required to meet with the Town Council from the start, and after PSE&G notified the Town Administrator, the Town Administrator immediately informed PSE&G that its representatives would need to come before the Town Council.

Councilman LoGrippo stated that Mayor Brindle met with PSE&G a month prior to PSE&G's presentation to the Town Council, and that the Town Council was unaware of that meeting.

Mayor Brindle stated that she met with PSE&G on January 28 as an introduction to PSE&G's new contact person, with the expectation that PSE&G would be meeting with the full Town

Council to discuss the project. Stated that there was no decision made and feels this “he said, she said” is “absurd”. Assured residents that PSE&G was not planning to install these poles in the “thick of night” without anyone noticing.

Councilman LoGrippe feels PSE&G did attempt to do that.

Mayor Brindle explained that Councilwoman Mackey was the one that met with PSE&G and asked that PSE&G attend the Town Council meeting on March 12.

Councilwoman Neylan stated that only Councilwoman Mackey attended that meeting.

Mayor Brindle explained that Councilwoman Mackey attended on behalf of all four (4) south side councilmembers. PSE&G was then scheduled to appear before the governing body on March 12, but that was canceled by others, not the Town. Feels the focus needs to be on looking forward. Also feels Councilman Contract is correct as to the forum and believes it would not be “one-on-one” conversations, but conversations with groups of people. If the Town is not satisfied with the results of the format, another meeting would be scheduled, but everyone would then be more informed because hopefully answers would have been provided.

Councilman Stokes expressed concern that the Town Council meeting has gotten to the point where different people in the audience are applauding for different responses. Stated that this is a bipartisan effort and councilmembers need to “stick together”.

Councilman Dardia stated that he agrees with Councilman Stokes and that it “sickens” him to listen to other councilmembers attacking the mayor when she has been present for these meetings and providing one hundred (100%) support to the members of the community, as do all councilmembers. Feels everyone needs to work together and collaborate with PSEG. Assured everyone that it has been a totally transparent process and feels insinuations that the mayor knew of something at a certain date before the rest of the Town Council is “ridiculous”.

Councilman Stokes feels everyone needs to stop with the attacks and stated that it is not just councilmembers attacking the mayor, but also the mayor attacking councilmembers. Feels everyone needs to work together.

Councilman Arena feels the Town should demand underground placement of these power lines with no negotiating.

Joseph Smith, 69 Drake Place, stated that he lives one block off of South Avenue and while the change in the route for the PSE&G project was helpful to his friends, he and his family are now in “harm’s way”. Feels councilmembers are not negotiators and negotiations with PSE&G should be handled by the Town Attorney. Expressed concern that the Mayor and Town Council are already “resigned” to this project.

Councilwoman Habgood referred to previous statements and reminded those in attendance that the Mayor and Town Council are “on their side”. Believes there has been an undertone of accusation through several of the comments made at the microphone this evening and feels it is unfair. Stated that she thinks it is very important for residents to come to the microphone during the public comment period and inform the governing body of issues that they might not be aware

of, but disagreed with those who are telling the mayor and councilmembers how to govern, that they are not doing their job, or that they do not understand the residents' concerns. Assured everyone that the governing body is working on their behalf and is not "selling their children to the devil".

Mayor Brindle reminded everyone that the elected officials are also residents and share their concerns with this project.

Mr. Smith explained that he is concerned because "Plan B" impacts him directly.

Mayor Brindle stated that she understands Mr. Smith's concerns, but explained that there are many steps in this process, and the Town is currently at "step one". Feels it is necessary to engage PSE&G with the public.

Liz Mulholland, 1029 Harding Street, extended her thanks to the Mayor and Councilmembers for all of their hard work with the PSE&G issue and feels they are all acting in the best interest of the Town. Explained that her husband works for a public utility and that she is familiar with many of the issues involving public utilities and rights to the right-of-way. Stated that she is unaware of any circumstance in which a municipality was able to vote on a utility project and is confused by statements that councilmembers need to vote on PSE&G's plan. Explained that when a transmission line or any other type of line is being installed, it is very common for residents to be outraged. Cited the statute that provides authority to public utilities and agrees that it is unfair that the community has little choice in these matters. Also stated that she is confused about the meeting with PS&G that is scheduled for tomorrow evening and requested clarification as to whether it is a closed meeting by invitation only, or if it is open to the public.

Mayor Brindle stated that the meeting is open to all residents and explained that it was moved specifically from the Westfield Memorial Library to Edison School in order to accommodate a large crowd. Feels there is confusion as to the format of the meeting because PSE&G will have representatives with expertise in different areas in attendance to speak on different topics. Believes this has given some the impression that the meeting would be comprised of one-on-one private conversations, but it is her understanding that it is PSE&G's intent to have its experts speak to as many people that could be accommodated at any given time. Feels PSE&G is trying to create a more intimate setting in order to provide individualized attention to those who ask very specific questions.

Liz Mulholland feels the community feedback has been amazing. Thanked the Mayor and Town Council for supporting its residents. Feels the "push back" against the project has been helpful because it appears that PSE&G is attempting to minimize the impact and do the least amount of "damage" as possible. Discussed comments concerning the placement of these lines underground and stated that the law does allow for the underground installation of power lines if the municipality pays for it. However, the cost could be excessive and was estimated to be \$6 to \$8 million per mile in a town in northern New Jersey because sewer lines and other underground infrastructure have to be considered when digging. Questioned whether the Town would be willing to absorb that cost, especially when an estimate is unknown at this time, and asked that any consideration be done publicly since it would become the responsibility of the taxpayers. Reiterated her appreciation to the Mayor and Town Council for their efforts and stated that she

hopes they work together and do not begin to form factions because she feels that is what PSE&G would want.

Mayor Brindle informed residents that she has requested that PSE&G conduct an analysis of installing these lines underground, but explained that if they are installed underground, there would still be poles and utilities above ground. The ideal situation would be to bury all of the lines underground, including current utility lines, so aesthetically it would look better. Also explained that PSE&G is unsure as to whether it could mirror the same South Avenue route until an assessment is done, so it could potentially be a longer route, depending upon the infrastructure that currently exists underground.

Councilwoman Neylan asked if PSE&G has provided a cost analysis.

Mayor Brindle explained that PSE&G cannot provide a cost estimate until a feasibility study is done. If the proposed route is not feasible because of the current infrastructure that exists, PSE&G would then have to identify another underground route, which might be longer. All of that would be part of the feasibility study to be conducted.

Councilwoman Neylan thanked Mayor Brindle for sharing that information and feels it is helpful information to have.

Mayor Brindle explained that the point of the meeting tomorrow is to get that information. Stated that there is a lot of misinformation and assumptions being made because PSE&G has not had the opportunity to answer questions. Feels she is not the one who should be answering these questions because it is PSE&G's responsibility to answer them. Also feels it is important for residents to attend the meeting tomorrow night and hear this information directly from PSE&G. In addition, referred to Ms. Mulholland's comment and feels that Ms. Mulholland is correct with respect to the cost to install the lines underground. Since the Town would be responsible for that cost, it is something that would need to be considered.

Councilwoman Neylan requested clarification as to the meeting that was cancelled and asked if it was cancelled because the proposed route had been stopped.

Mayor Brindle explained that the meeting was canceled because people wanted more information or wanted to speak to PSE&G directly. Feels if PSE&G had been able to address the public right away, some of these misperceptions could have been clarified. Explained that she does not want to deliver this information, but has read about EMF's and transmission lines, and is now well versed in the court case involving Ridgewood. Ultimately, a decision needs to be made as to what is best for all taxpayers and feels that the governing body has to look at this issue very broadly. Explained that she is still gathering facts, and if this issue ultimately requires litigation, it is her understanding that the Town has a very small chance of winning. Discussed the court case in Ridgewood in which PSE&G prevailed. Feels the name "Ridgewood" could be replaced with the name "Westfield" because all of the concerns raised by Ridgewood were identical to Westfield's concerns, and the judge threw out every single count. Knowing that information means the Town would have to weigh that relative to what the Town can impose upon PSE&G to do what is best for the community. Since the Town is still gathering facts, feels more requirements could be imposed on PSE&G. Also feels the notion that the Town could stop the project, litigate it, and have any chance of winning is probably not very practical, however

the Town could consider the potential for installing the wires underground and consider the cost, and then make an informed decision as elected officials and as taxpayers.

Councilman Stokes feels the Town needs documentation proving that it is necessary for PSE&G to install these lines through Westfield.

Mayor Brindle asked the Town Attorney to discuss the information PSE&G has provided to the Town.

The Town Attorney explained that PSE&G has provided him with a lot of information and that he has the cell phone number for PSE&G's attorney, but he cannot discuss the information he has in a public forum. Stated that he still needs more information from PSE&G with respect to documentation proving that this project is necessary in Westfield. Also discussed the bills and claims on the agenda this evening and explained that his bill is quite high this month because of tax appeals related to the reevaluation, OPRA requests that have been filed specific to the PSE&G project, and because his office has done a lot of work with respect to the PSE&G issue, however that work has not been shared with anyone for "obvious" reasons. Stated that if the Town Council decides to litigate, the Town would be ready to do that. There is more fact gathering needed from a legal perspective, but work has been done in terms of reviewing legal cases in Ridgewood, Monmouth County, and Long Island.

Councilman Stokes thanked the Town Attorney, but feels the only information he has shared is that he has the phone number for PSE&G's attorney. Explained that residents have been questioning councilmembers and asked when this information would be shared.

The Town Attorney discussed the public forum to be held tomorrow night with PSE&G and explained that PSE&G would be sharing information. Referenced Mayor Brindle's comment and feels the meeting tomorrow night is not an "end" in any "way, shape, or form" and believes it is more of a beginning. The Town Council would then need to make a determination as to what steps to take next, but he cannot discuss potential litigation or the Town's chances of winning litigation.

Mayor Brindle explained that she is "fact based" and feels everyone needs to understand that. Stated that all she wants are the facts so that an informed decision could be made. Also feels that the Town should not be the "mouthpiece" for PSE&G, and while she has a significant amount of information, she does not want to be speaking specific to EMF's because that is PSE&G's responsibility. Assured residents that the Town has been conducting research and has not been waiting for PSE&G, but ultimately the Town would need to make a balanced decision as to what is practical and best for the community. Explained that the governing body represents the entire community and despite what residents might want to think, there is a larger public benefit to having fortified infrastructure. Stated that she is the one that took the phone call last year which involved the death of an elderly woman after a nor'easter because the home was without heat. She also took a call from the mother of a newborn baby who was without power for the fifth day in a row. Explained that she felt this very personally from every resident in the community when Westfield was without power for days. Also explained that she is trying to determine the best path forward for something that she believes has a broad community benefit. Stated that elected officials sometimes have to make difficult decisions and not everyone will be happy, but she is always looking for the best optimal outcome for everyone. Reiterated her earlier statement that if

the Town is not satisfied with the meeting tomorrow night, the Town would demand that PSE&G come back and give more answers, and in a better forum if that is also found to be insufficient.

Dan Grinkevich, Grove Street, discussed the forum for the public meeting with PSE&G and asked if discussions could be recorded. Feels different answers could be provided to different people, with no official record of the conversations that are held, and believes proof of what was discussed is needed. Also feels recording the meeting should be considered because it could potentially be used in the future if the Town should need it.

Councilwoman Habgood requested clarification as to how the public forum would work tomorrow night and discussed the potential for using the school's auditorium and having PSE&G address residents as one audience.

Mayor Brindle explained that the meeting would be held in the school's cafeteria and that it is her understanding that PSE&G's representatives would set up in different areas depending upon their area of expertise. Feels PSE&G is not objecting to keeping things private and believes residents could record conversations if they so choose.

Eric Mangold 782 West Broad Street thanked the Mayor and Town Council for their enthusiasm, hard work and diligence on this project. Also thanked the neighborhood for coming together and working as a team to oppose it. Feels everyone agrees that it is a bad project, and while he is very happy that the project was routed away from his friends' houses and front yards, it is now rerouted in front of his son's daycare, Cradles to Crayons, which recently moved to South Avenue. Feels this daycare is fantastic and expressed concern with the transmission lines being installed in front of it. Also referenced Mr. Krieger's comment concerning the treatment of utility poles with possible carcinogens and feels it makes no sense to allow this in front of a daycare. Feels this project would destroy future businesses as well as existing businesses, and believes it would destroy an existing business that serves the community. Feels that the Town is united against the plan, but is concerned that existing businesses would be massively impacted and probably ruined with this project.

Councilwoman Neylan thanked Mayor Brindle for all of her hard work. Explained that it is not her intention to appear at odds with the Mayor but she is attempting to understand the process. Explained that she did not have any information and feels it would have been beneficial to know what the Mayor had been "grappling" with. Stated that she hopes the meeting tomorrow night is as transparent and informational as everyone anticipates, but feels the process was "marred" in some way. Believes that while it might have been unintentional, she feels that she was not "privy" to the information Mayor Brindle was carrying on her "shoulders". Explained that she could not answer questions and she was only attempting to get information as to how far along PSE&G was with the project. Explained that it was her impression that it was the "11th hour" and that trees would be coming down, and while information has been provided, it has not been fully shared, and she is hoping that this would be rectified tomorrow.

Mayor Brindle explained that PSE&G has handled its communication poorly. Referred to the case in Ridgewood and stated that while the judge threw out all of Ridgewood's arguments for stopping the project, the one issue the judge agreed with was PSE&G's poor communication. Stated that this lawsuit occurred in in 2013, but PSE&G has not made improvements in this regard. Explained that she is trying to avoid being PSE&G's communication's person and that

she has been “pushing back” at PSE&G to “push out” information because when people ask her follow up questions, she is unable to answer them. In addition, she is attempting to make PSE&G responsible and accountable for its communication to this council and to residents. Also informed residents that the reason Town officials met with PSE&G a few days after PSE&G presented the project to the Town Council was because the Town did not believe that PSE&G would actually effectively communicate with residents. The Town was in the process of developing its own plan of notification because it was known how poorly PSE&G communicates.

Councilwoman Neylan referred to Mr. Foerst’s request that the Town Council vote on the project and that each councilmember provide his or her reason for opposing or supporting the plan. Stated that she does not support PSE&G’s project as it stands and feels the neighborhood on South Avenue is just as important as other neighborhoods in Town. Also feels that until PSE&G proposes a plan that is acceptable to the nine (9) members of the governing body, she is not willing to agree to moving forward with the project.

Mayor Brindle explained that the Town Council does not vote on the project. It can only vote on whether it wants to move forward with litigation against PSE&G. If PSE&G proceeds with the project in a way that the Town is not comfortable with, the Town must then decide if it will pursue legal action.

Councilwoman Neylan stated that the Town could change or increase PSE&G’s requirements for the project.

Mayor Brindle explained that while the Town could attempt to impose more or different requirements, PSE&G would eventually be allowed to move ahead at some point, and if the governing body is not collectively comfortable with the answers provided by PSE&G, the Town would then have to decide if it will sue PSE&G.

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

BILLS AND CLAIMS

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

RESOLVED that the bills and claims in the amount of \$167,036.02 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, Chairwoman of the Finance Policy Committee, and seconded by Councilman Contract, were unanimously adopted.

Resolution No. 87

STATE OF NEW JERSEY for the first quarter Construction Official's State permit fees for 2019.

BE IT FURTHER RESOLVED that said check be forward to the Division of Codes and Standards, Department of Community Affairs, CN 802, Trenton , New Jersey 08625-0802.

Resolution No. 92

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$250.00 to the order of Treasurer, State of New Jersey, P.O. Box 660, Trenton, NJ 08646-0660 for Marriage/Civil Union License Fees issued by the Registrar of Vital Statistics for the quarter of January - March 2019.

Resolution No. 93

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and he hereby is authorized to cancel the tax balance of \$32.24 on Block 4706 Lot 10 aka 852 Boulevard.

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

The following resolution, introduced by Councilwoman Mackey Chairwoman of the Code Review & Town Property Committee, and seconded by Councilman Contract, was unanimously adopted.

Resolution No. 94

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
Fresh Bui
Limani Seafood Grill
The Salad House
Turning Point
Westfield Creamery

16-17 Prospect Street
57 Elm Street
235 North Avenue West
113 Quimby Street
137 Central Avenue
258 East Broad Street

Resolution No. 95

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

Rialto Theater

250 East Broad Street, 2ndF1
Westfield, NJ 07090

Six Theaters

Resolution No. 96

BE IT RESOLVED that the following application for a theater license be and the same is hereby approved and any fees in connection with this application are hereby waived:

Westfield Community Players
1000 North Avenue, West
Westfield, New Jersey 07090

150 seats Twenty-four (24) Performances

Resolution No. 97

RESOLVED that the following application for children's amusement devices be approved:

Amazing Amusements
238 Boundary Rd
Marlboro, NJ 07746

Wilson School Carnival
June 7, 2019
301 Linden Ave
Westfield, NJ

Melissa Abo
301 Linden Ave
Westfield, NJ 07090

Public Works Committee

The following resolution, introduced by Councilman Contract Chairman of the Public Works Committee, and seconded by Councilman LoGrippo, was unanimously adopted.

Resolution No. 98

BE IT RESOLVED that the Mayor is hereby authorized to sign an easement agreement negotiated with ZAK Properties, LLC for the installation of electrical service to be conducted in Municipal Lot 6, Block 3001, Lot 5, located at 360 Watterson Street in the Town of Westfield.

Reports of Department Heads

Report of Tara Rowley, Town Clerk, showing fee collected in the amount of \$6,735.00 during the month of March 2019 was received, read, and ordered filed.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$106,581.00 for the month of March 2019 was received, read and ordered filed.

Report of Anthony Tiller, Acting Chief of the Fire Department, showing Fees collected in March 2019 in the amount of \$12,432.00 was received, read and ordered filed.

Report of Christopher Battiloro, Chief of the Police Department, showing fee collecting in the amount of \$4,102.75 during the month of March 2019.

ADJOURNMENT

A motion to adjourn, made by Councilman LoGrippe and seconded by Councilman Stokes at 10:10 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC
Town Clerk