

**MINUTES OF REGULAR MEETING HELD MAY 8, 2018**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, May 8, 2018 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 12, 2017. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, THE STAR LEDGER, and TAP INTO WESTFIELD and filed with the Clerk of the Town of Westfield.”

**PRESENT:** Mayor Brindle, Council Members Habgood, Dardia, Neylan, LoGrippo, Contract, Stokes, Mackey

**ABSENT:** Councilman Arena

**INVOCATION AND FLAG SALUTE**

Invocation was given by Councilwoman Neylan followed by the flag salute

**PRESENTATIONS**

Mayor Brindle presented the following proclamation:

***Town of Westfield***

*Westfield, New Jersey*

***PROCLAMATION***

***Martin Wallberg American Legion Auxiliary Unit 3***

***National Poppy Day***

***May 25, 2018***

**WHEREAS,** at the end of World War I, the American Legion adopted the poppy as its official flower, symbolizing the blood shed by those who have served in all branches of the United States military; and

**WHEREAS,** the use of the poppy is derived from the poem, *In Flanders Fields*, which movingly begins, “In Flanders Fields the poppies blow, between the crosses, row on row,” referring to the poppies that sprang up in the churned up earth of newly dug soldiers’ graves over parts of Belgium and France; and

**WHEREAS**, poppies are worn and displayed as an emblematic tribute to the fallen as well as to current and future service members and veterans; and

**WHEREAS**, the meaningful act of wearing a poppy unites citizens across the country in honoring the service members who have made the ultimate sacrifice fighting for freedom and democracy; and

**WHEREAS**, the American Legion, with the support of Congress, has designated May 25, 2018 as National Poppy Day®;

**NOW, THEREFORE, BE IT PROCLAIMED THAT, I**, Michelle W. Brindle, Mayor of the Town of Westfield, hereby designates May 25 of 2018 as National Poppy Day® in the Town of Westfield and, in doing so, encourages all citizens to observe this day in honor of the service members who sacrificed their lives in the name of freedom and democracy and to show support for current service members, veterans, and their families.

#### Town Administrator's Reports

The Town Administrator reported on the following:

- Provided an update of storm debris collection and announced that the Department of Public Works is currently working in the last zone, Zone 6, and collection is expected to be complete next week. Residents who put debris in the street after collection, or those who put out debris other than storm debris, would be receiving a notice of violation via a door hanger at their home. Residents who are issued a notice of violation should remove debris from the road within seven (7) days or a summons would be issued;
- Discussed tree removal occurring in Downtown Westfield and explained that this is a program that began two to three years ago because the species that was planted is not appropriate for downtown areas. Further explained that this program was initiated as a result of complaints from business and property owners because of the damage the root systems causes to sidewalks and sewers and because of the birds they attract. Once removed, the stumps would be grounded out and a new species would be planted that are more appropriate for downtown areas;
- Provided an update of the Residential Cleanup (bulky waste) Program. Explained that the Town received no bids for this service, and the Town Council would be adopting a resolution authorizing Town professionals to negotiate with a vendor. In addition, explained that while the Town would be authorized to negotiate, it is not guaranteed that an interested vendor would be found, and if a vendor is found, the cost could be much higher. Announced that for these reasons, the program would not be held in June as originally scheduled. If the Town is able to successfully negotiate with a vendor, the program would move forward in the fall;
- Discussed the replacement of playground equipment at Mindowaskin Park and renovations that are scheduled. Also discussed funds awarded to the Town through various grant programs to offset the cost. Construction is expected to occur in July and August of 2018. Also presented a rendering of the equipment to be installed;
- Provided an update of the revaluation process, explaining that it is required by State law. Also explained that the home inspection process is continuing, and must be complete by

November 1, 2018. Once inspections are complete, the results would be forwarded to the State and County for review and calculation of a new tax rate. The new tax rate would then be in effect next spring.

### Mayor's Remarks

Mayor Brindle provided the following update:

- Announced that she hosted the fifth grade Girl Scouts from McKinley School on Friday. They toured her office and Council Chambers, where she explained how local government works. Feels the highlight was meeting Town Clerk Tara Rowley, who showed them meeting minutes from 1904;
- Discussed her attendance at the New Jersey Conference of Mayors in Atlantic City in which the main topics of discussion involved the legalization of marijuana, microbreweries and property taxes;
- Announced that she had the pleasure of speaking at the Staten Island Executive Club, which is comprised of the largest business owners in Staten Island, to tout the benefits of Westfield and to encourage them to expand their businesses to Westfield. Also stated that she discovered that Staten Island's Westfield connection runs deep, and the Staten Island Executive Club committed to having one of their future meetings at a downtown restaurant in Westfield;
- Extended her congratulations to Fairview Cemetery on the celebration of its 150<sup>th</sup> Anniversary. Stated that she had the honor of presenting a proclamation from the Town at their anniversary celebration last Sunday. Feels Westfield is fortunate to have a beautiful place of reflection in Town, and noted that this is the only cemetery in the country that has been designated as a national arboretum;
- Announced that she hosted a meeting of the Raritan Valley Mayor's Coalition last week with Mayor Mahr of Fanwood and Mayor Fazen of Bound Brook. They were joined by Senator Tom Kean, who is leading legislative outreach efforts in advocating for equitable allocation of peak one seat rides to NYC. In addition, Senator Kean is working to gain the support of the other Raritan Valley Line senators in advance of a Raritan Valley Line Mayor's Day in Trenton;
- Informed residents that she met with Mayor Smith from Scotch Plains, where opportunities for shared services, including a more collaborative relationship between Scotch Plains, Fanwood and Westfield were discussed, with a goal of bringing better services and cost efficiencies to residents;
- Discussed the proposed temporary ice rink at Gumbert Park and stated that she would like to clear up many inaccuracies that have been circulated on social media regarding this proposal. Explained that several councilmembers, including Councilpersons Mackey, Dardia and LoGrippo, met with neighbors who live near Gumbert Park to discuss the temporary ice rink proposed from November 1 to March 1. Neighbors expressed several concerns regarding noise, traffic and safety. Stated that she lives around the corner from Gumbert Park and is intimately familiar with pedestrian and traffic issues, especially during baseball season, and assured residents that she would not propose something that would jeopardize the safety of residents, which is her first and foremost responsibility as mayor. Explained that this is still in the proposal stage, and many details are yet to be

determined, which is why there has not been a formal presentation to the public. Feels the installation of a temporary ice rink would enable the Town to benefit from an existing underutilized asset and provide a recreation facility to the community, at almost no cost to taxpayers. If a profit is realized, then the Town has an opportunity to make money as well. In addition to providing a practice facility for Westfield High School and local ice hockey teams, there is also the added community benefit of providing public skating to residents, which is a condition of the proposal. Explained that Ken Anderson, the owner of Union Sports Arena, is fronting all of the costs, and has also committed to making permanent improvements to the park by adding sidewalks and improving the picnic area. The proposal is still being vetted and the hours of operation and traffic impacts are still being discussed, taking into account feedback from the surrounding neighbors. Feels with limited youth games planned for the rink, there would be significantly fewer participants than baseball, which would limit traffic considerably. In addition, special traffic and security arrangements would be made, as needed, during public skating times. Stressed the fact that the ice rink would be temporary, and explained that another site would have required an initial significant upfront investment to create the required flat surface. If this proves to be successful, future investment might be justified to enable it to be installed in another location. Gumbert Park enables a trial period with an assessment afterwards. More information would be shared on May 9, 2018 on the Town's Facebook page through a Facebook Live broadcast to be led by Councilwoman Dawn Mackey, Chairman of the Code Review Committee, with Ken Anderson of Union Sports Arena and Gary Fox, Chairman of the Recreation Commission. Stated that, as a neighbor of Gumbert Park, she is very comfortable with the proposal to date and to the many accommodations that Mr. Anderson is willing to make to ensure that this is a win for the community, and feels most will feel the same way once they have the facts.

## **APPOINTMENTS**

## **ADVERTISED HEARINGS**

“SPECIAL ORDINANCE NO. 2212 - BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,225,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE CAPITAL SURPLUS, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

“SPECIAL ORDINANCE NO. 2213 - AN ORDINANCE PROVIDING FOR THE REPLACEMENT OF CURBING AND CONSTRUCTION OF NEW CURBING ON

WALNUT STREET AND THE APPROPRIATION OF MONIES NECESSARY THEREFOR.”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

“SPECIAL ORDINANCE NO. 2214 - AN ORDINANCE PROVIDING FOR THE REPLACEMENT OF SIDEWALK AND CONSTRUCTION OF NEW SIDEWALK AT VARIOUS LOCATIONS IN THE TOWN AND THE APPROPRIATION OF MONIES NECESSARY THEREFOR.”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

**PENDING BUSINESS**

An ordinance entitled, “SPECIAL ORDINANCE NO. 2212 - BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,225,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE CAPITAL SURPLUS, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.” 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	Nays:	Absent: Arena
Dardia		
Neylan		
LoGrippo		
Contract		
Stokes		
Mackey		
Mayor Brindle		

An ordinance entitled, "SPECIAL ORDINANCE NO. 2213 - AN ORDINANCE PROVIDING FOR THE REPLACEMENT OF CURBING AND CONSTRUCTION OF NEW CURBING ON WALNUT STREET AND THE APPROPRIATION OF MONIES NECESSARY THEREFOR." by Councilwoman Habgood, seconded by Councilman Stokes, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

An ordinance entitled, "SPECIAL ORDINANCE NO. 2214 - AN ORDINANCE PROVIDING FOR THE REPLACEMENT OF SIDEWALK AND CONSTRUCTION OF NEW SIDEWALK AT VARIOUS LOCATIONS IN THE TOWN AND THE APPROPRIATION OF MONIES NECESSARY THEREFOR." by Councilwoman Habgood, seconded by Councilman LoGrippo, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

**BIDS**

**TOWN OF WESTFIELD  
INVITATION TO BID  
WEDNESDAY, May 2, 2018  
2018 CURBSIDE BULKY WASTE PROGRAM**

No Bids Received

**MINUTES**

On a motion by Councilwoman Mackey and seconded by Councilman LoGrippe, Council approved the Minutes of the Town Council Conference Session, Executive Session and Regular Meeting held April 24, 2018.

**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.

Andrew Stillufsen, 667 Fourth Avenue, discussed the proposed ice rink and the proximity of its location to his home. Despite statements that have been made as to there being no financial cost associated with the proposal, believes there would be a cost to neighbors of the park in terms of noise, trash and traffic. Explained that he and his neighbors expected some inconveniences because they purchased a home near a baseball field, but no one expected an ice rink with security lighting that would operate until at least 10:00 PM. Also feels that public property should not be used to subsidize a private business owner. Stated that he is sympathetic to the players and the business owner, but feels a solution should not be at a cost to the residents of the Gumbert Park neighborhood.

John McDevitt, 180 Lincoln Road and Board member of Westfield Hockey Club, thanked the Town Council for considering the proposed temporary ice rink at Gumbert Park. Feels a public-private partnership is a worthwhile concept.

Colleen Meacock, 643 South Chestnut Street, discussed the proposed ice rink at Gumbert Park. Explained that she understands and supports the need for ice time but is opposed to a rink in a residential neighborhood that would be open to all of Union County. Feels the installation and removal of the equipment and the tent would be an inconvenience to residents. Also discussed traffic, noise and parking issues that would be created. Stated that Mr. Anderson of Union Sports Arena expects sixty-five (65) hours of ice time, which would result in only ten (10%) percent usage by the public. Also feels this proposal does not comport with Green Team initiatives because the traffic, idling and electricity usage are not in keeping with the Green Team's Clean Energy Program.

William Meacock, 643 South Chestnut Street, stated that he is sympathetic to the hockey teams, but asked the Town Council to consider the impact the noise of ice chillers operating 24/7 and the noise associated with the facility operating until 10:00 PM would have on residents. Feels this proposal is more suitable to a commercial location.

Brent Wallack, 638 Fourth Avenue, discussed the proposed ice rink at Gumbert Park and statements that the rink would be installed on a trial basis, dependent on its success. Requested clarification as to the standards the Town Council would be using to measure its success, and the process for contract negotiations in the future, if the trial period is considered to be a success. Also asked if any consideration has been given to limiting the number of seasons for the temporary rink. Feels there would be little incentive for Mr. Anderson to identify a permanent location if this proposal is approved for several seasons. In addition, requested additional

information as to assurances and protections the Town would provide to residents in terms of ensuring a timely closure at 10:00 PM, enforcing illegal parking, and addressing those who generally disrespect the neighborhood. Also asked if the concerns of residents would be addressed within the Town's contract with Mr. Anderson, and whether residents would be provided with an opportunity to review the agreement before it is executed.

Alex Park, 24 Canterbury Lane, member of the Westfield Varsity Hockey Team, discussed various issues faced by those who play hockey because of the lack of ice rinks. Discussed the success of the varsity team and feels there would be more public skating offered than people expect. Feels hockey is a great sport and asked the Town Council to support this proposal.

Justin Pfeifer, 823 Coolidge Street, referred to the Town Code as respects regulations for use of mechanical equipment and asked the Town Council to consider revising the code to allow for use of this equipment from 9:00 AM to 5:00 PM on weekdays, and from 9:00 AM to 3:00 PM on Sundays.

Mayor Brindle suggested that Mr. Pfeifer forward his request, in writing, to Councilwoman Mackey for review by the Code Review & Town Property Committee.

Frank Dill, 642 Fourth Avenue, discussed the proposed ice rink at Gumbert Park and expressed concern with the chiller equipment. Explained that he is familiar with this type of equipment and stated that it is extremely loud. Also stated that the baseball field at Gumbert Park closes at dusk, while the ice rink would be operating until 10:00 PM. In addition, discussed issues with inflatable structures, similar to what is being proposed for the ice rink.

Matt Calder, 400 Salter Place, stated that he lives next to Gumbert Park, but also coaches hockey, and has children who play hockey. Feels many of the concerns that were expressed are misconceptions. Feels the issues with parking could be addressed, and he has conducted research on ice chillers and believes they are not as loud as people have suggested. Stated that he supports the proposal for the temporary ice rink at Gumbert Park. Feels hockey players are being turned away from the sport because of the lack of facilities.

Shanna Wallack, 638 Fourth Avenue, discussed the proposed ice rink at Gumbert Park, and explained that she is concerned with the timeline and the Town Council's plan to vote on the proposal in two (2) weeks. Feels additional time is needed to research the impact to the community in order to accommodate both residents and players.

Sean McDonald, 174 Lincoln Road, stated that he supports the proposal for the ice rink at Gumbert Park. Feels a decision should be based on facts. Believes there would be an impact to residents, but after hearing Alex Park speak, feels the Town should support the hockey community. Feels this is an opportunity for the Town to invest in this group, stating that they have limited access to facilities, unlike other sports. Discussed his involvement in the Cranford Hockey Club and explained that the majority of players are from Westfield. Also discussed the

number of volunteers involved in hockey clubs and feels this is an opportunity to bring the Westfield community together with the hockey community.

Alex, Sumas, 1021 Wyandotte Trail, discussed the number of hockey players and stated that the sport is growing. Discussed limited practice time because of limited facilities and feels additional ice time is important because the girl's team has expanded. Feels the team understands the impact to the community. Encouraged the Town Council to consider moving forward with the proposal.

Dan Eisenberg, 1023 Seward Avenue, expressed disappointment with status of the bulky waste collection. Stated that he is hopeful that the Town will find a vendor to allow the program to continue. Mentioned that other municipalities still offer this program and does not understand why Westfield is having trouble continuing its program.

Mayor Brindle stated that she is also disappointed, but the market for recyclables has diminished. Also explained that Westfield generates a great deal of waste, which most vendors cannot handle. In addition, other municipalities have faced this issue and have discontinued programs in the past few years. Reiterated the previous announcement concerning postponement of the program from June to the fall, if a vendor is found.

Councilman Contract informed residents that bulk trash can be disposed of at the Conservation Center. In addition, explained that only one (1) vendor submitted a bid the past few years but this vendor was not interested in submitting a bid this year. Also explained that in addition to a diminishing recyclable market, workers compensation costs have resulted in increased costs to vendors.

The Town Administrator discussed the bulky waste program. Explained that the Town wants to offer the program, but it also wants it to be successful, which means that it needs to be at a cost level that would ensure participation by residents. Reiterated previous comments concerning the bulky waste program that is available to residents at the Conservation Center.

Logan Calder, 400 Salter Place, discussed the proposed ice rink at Gumbert Park. Feels in addition to offering more ice time to players, it would also allow for more job opportunities, as referees and instructors would be needed. Also feels a local ice rink would allow players to be home earlier, providing more time to focus on school and studies. Explained that the time needed to travel to ice rinks has impacted his school course selection because he does not feel he could commit the time needed for higher level courses.

Reed, 524 Washington Street, stated that she plays on the boy's hockey team, and that friends want to join, but their parents cannot drive them to the rink. Also stated that she plans to join the team when she is in high school.

Jeff Pate, 624 Salter Place, stated that his children play hockey and appreciates the issues with ice time. While he supports the hockey team, feels the location at Gumbert Park might not be appropriate because of the size of the property. Also discussed noise from the chillers that would result, and feels winter is the only time the residents of this area are able to enjoy the quiet. Discussed issues with parking during baseball season, and feels while some believe parking might not be an issue with the ice rink, he feels leaves and snow will have an impact. Asked that the Town identify another more suitable location that could accommodate both players and residents.

Chris Forno, 136 Harrison Avenue, discussed his involvement with the Westfield Hockey Club and referred to earlier comments as to how the success of the ice rink would be defined. Feels the number of residents in attendance tonight indicates that the trial period would be successful. Also believes the Town Council is not acting in haste with this decision, and trusts that safety and other concerns have been vetted or it would not have been brought to residents. Feels this proposal brings an opportunity to the Town, and the public-private partnership is an opportunity that would benefit residents because there would be no impact to property taxes. Feels the rink needs to be located in Westfield, and not in a neighboring community.

Adina Toescu-Encucescu, 1310 Central Avenue, discussed Town Council meetings and feels the meeting tonight is a good example of civility and respect. Stated that she has attended Town Council meetings in the past and spoke at every meeting. Referred to Councilwoman Neylan's comments during the April 24, 2018 Regular Meeting, in which she requested that those in the audience be respectful to speakers. Stated that when she spoke at meetings in the past, she was not treated with civility. Thanked Mayor Brindle for the "elegance" in which she conducts meetings and feels residents will attend in an effort to find solutions to problems.

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 LoGrippe, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$203,860.96 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, Chairman of the Finance Policy Committee, and seconded by Councilman Contract, were unanimously adopted.

#### **Resolution No. 100**

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>
Renee D'Angelo 538 Lenox Ave Westfield, NJ 07090	T05-600-971	Golf Spring - Session #1 Mark D'Angelo	\$100.00
Curt Cimei 414 Hillside Ave Westfield, NJ 07090	#195 / Pool	Refund/Pool Membership Family of 4 or less In-Town	\$380.00
John Morris 744 Embree Crescent Westfield, NJ 07090	#195/ Pool	Refund/Pool Membership Family of 5 or more In-Town	\$470.00

**Resolution No. 101**

WHEREAS, Jon Tiger, Monarch Homes, 74 South Avenue, Fanwood, NJ 07023, had placed the required cash bond of \$500.00 to cover Road Opening Permit No. 16-077 for 850 Wallberg Avenue, and

WHEREAS, Jon Tiger has requested that this amount be returned, and

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

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the name of Jon Tiger for \$500.00 and forward to Monarch Homes, 74 South Avenue, Fanwood, NJ 07023.

**Resolution No. 102**

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

George Aydin 1 Emerald Woods Ct. Saddle River NJ, 07652	Lot 8	#18080400	\$150.00
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**Resolution No. 103**

WHEREAS, Soul Sisters Food, Inc submitted an application for a Commerical Cooking Permit along with a check for \$54.00;

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer be and is hereby authorized to issue a warrant for \$54.00 for refund of the Commercial Cooking Permit application fee to:

Soul Sister Foods, Inc.  
 41 Prince Street, STE B11  
 Paterson, NJ 07505

**Resolution No. 104**

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$223.20 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of April 2018.

**Resolution No. 105**

RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2017-2018:

Block/Lot/Qualifier Name	Property Address	Quarter/Year Amount
5116/14	17 Mohawk Trail	3 <sup>rd</sup> /2017
OFFERMAN, David & Jennifer		\$529.22
		3 <sup>rd</sup> /2018
		<u>\$2,577.43</u>
		\$3,106.65

**Resolution No. 106**

WHEREAS, the following applicants have posted monies to be held in escrow to cover expert advice and testimony in connection with Board of Adjustment and Planning Board applications on said property; and

WHEREAS, expert advice and testimony was given; and

WHEREAS, all bills for these applications have been submitted and paid; and

WHEREAS, the applicant has requested in writing to have the balance of escrow monies be released to them.

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check for the balance of the escrow monies as follows:

App #	Name	Address	G/L	Refund Balance
BOA 17-27	Monika Gupta	1524 Pine Grove Avenue	8-05-560-624	\$923.45
<b>Return to:</b>	<b>Monika Gupta</b>	<b>1 Second St. Apt. 1011</b>	<b>Jersey City</b>	<b>07302</b>
BOA 17-32	Daniel & Angela Blankenship	414 Lawrence Avenue	8-05-560-629	\$250.00
<b>Return to:</b>	<b>Daniel &amp; Angela Blankenship</b>	<b>414 Lawrence Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-39	Jason Christiansen	586 Rahway Avenue	8-05-560-636	\$198.97
<b>Return to:</b>	<b>Jason Christiansen</b>	<b>586 Rahway Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>

BOA 17-41	Christopher Gaito	620 Garfield Avenue	8-05-560-638	\$250.00
<b>Return to:</b>	<b>Christopher Gaito</b>	<b>620 Garfield Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-43	Valeri Sewald	802 Shadowlawn Drive	8-05-560-640	\$250.00
<b>Return to:</b>	<b>Valeri Sewald</b>	<b>802 Shadowlawn Drive</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-44	John & Mary Oppel	533 Edgar Road	8-05-560-641	\$448.97
<b>Return to:</b>	<b>John &amp; Mary Oppel</b>	<b>533 Edgar Road</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-46	Jason & Tara Monteforte	726 Carleton Road	8-05-560-643	\$250.00
<b>Return to:</b>	<b>Jason &amp; Tara Monteforte</b>	<b>726 Carleton Road</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-48	Zachary & Ashley Ostrowski	501 Topping Hill Road	8-05-560-645	\$448.97
<b>Return to:</b>	<b>Zachary &amp; Ashley Ostrowski</b>	<b>501 Topping Hill Road</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-49	Billy & Karen Perialis	1539 Rahway Avenue	8-05-560-646	\$198.97
<b>Return to:</b>	<b>Billy &amp; Karen Perialis</b>	<b>1539 Rahway Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-53	Jay & Christyn McAndrew	633 Prospect Street	8-05-560-650	\$198.97
<b>Return to:</b>	<b>Jay &amp; Christyn McAndrew</b>	<b>633 Prospect Street</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-54	David & Dara Eisenman	111 North Cottage Place	8-05-560-651	\$250.00
<b>Return to:</b>	<b>David &amp; Dara Eisenman</b>	<b>111 North Cottage Place</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-55	Michael & Roberta Fallig	410 South Euclid Avenue	8-05-560-652	\$198.97
<b>Return to:</b>	<b>Michael &amp; Roberta Fallig</b>	<b>410 South Euclid Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-56	Meridian Developers	714 West Broad Street	8-05-560-653	\$111.97
<b>Return to:</b>	<b>Meridian Developers</b>	<b>PO Box 265</b>	<b>Colonia NJ</b>	<b>07067</b>
BOA 17-57	Natalia Goldman	112 Brightwood Avenue	8-05-560-654	\$198.97
<b>Return to:</b>	<b>Natalia Goldman</b>	<b>112 Brightwood Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-58	Robert & Gail Dena	1027 Ripley Avenue	8-05-560-655	\$448.97
<b>Return to:</b>	<b>Robert &amp; Gail Dena</b>	<b>1027 Ripley Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-60	Carlos & Jaime Soria	654 Raymond Street	8-05-560-657	\$448.97
<b>Return to:</b>	<b>Carlos &amp; Jaime Soria</b>	<b>654 Raymond Street</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-65	Eugene & Olga Prystupa	651 Willow Grove Road	8-05-560-662	\$198.97
<b>Return to:</b>	<b>Eugene &amp; Olga Prystupa</b>	<b>651 Willow Grove Road</b>	<b>Westfield NJ</b>	<b>07090</b>
PB 16-14	MDB Properties, LLC.	200 South Avenue West	8-05-550-267	\$633.87
<b>Return to:</b>	<b>MDB Properties, LLC.</b>	<b>400 West Main Street</b>	<b>Freehold NJ</b>	<b>07728</b>
PB 16-15	Mark Grinis	761-769 Lenape Trail	8-05-550-268	\$769.96
<b>Return to:</b>	<b>Mark Grinis</b>	<b>769 Lenape Trail</b>	<b>Westfield NJ</b>	<b>07090</b>
PB 16-23	John A. Pinto Family, LP	802 South Avenue West	8-05-550-276	\$126.06
<b>Return to:</b>	<b>John A. Pinto Family, LP</b>	<b>376 South Avenue East</b>	<b>Westfield NJ</b>	<b>07090</b>
PB 16-28	AJC Elmer Street, LLC.	231 Elmer Street	8-05-550-281	\$336.09
<b>Return to:</b>	<b>AJC Elmer Street, LLC.</b>	<b>231 Elmer Street</b>	<b>Westfield NJ</b>	<b>07090</b>

**Resolution No. 107**

BE IT RESOLVED by the Town Council of Westfield that the Mayor is authorized to execute a shared services agreement with the Plainfield Municipal Utilities Authority for sewer cleaning in the central business district.

**Resolution No. 108**

WHEREAS, a need exists for the purchase and installation of playground equipment for Mindowaskin Park as provided for in Special Ordinance 2211; and

WHEREAS, BCI Burke Company, LLC, 660 Van Dyne Road, Fond du Lac, WI 54936, has submitted a cost proposal for this purchase in the amount of \$850,980; and

WHEREAS, BCI Burke Company, LLC is authorized to offer playground systems, installation, service and related items through the National Intergovernmental Purchasing Alliance's (National IPA) Cooperative Purchasing System, Contract No. R170301; and

WHEREAS, this equipment would be sufficient to meet the needs of the Town of Westfield; and

WHEREAS, the New Jersey Local Public Contracts Law (40A:11-3) requires that purchases through a Cooperative Purchasing Agreement be authorized by resolution of the governing body; and

WHEREAS, the Town of Westfield applied for and was awarded funds for this project through various grant programs in the amount of \$560,000 to offset the total cost; and

WHEREAS, the Chief Financial Officer has certified to the availability of adequate funds for payment to be charged to Special Ordinance 2211 under PO #18-01681 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield hereby authorizes an award of contract to BCI Burke Company, LLC for the purchase and installation of playground equipment for Mindowaskin Park through the National IPA's Cooperative Purchasing System, Contract No. R170301, at a fee not to exceed \$850,980; and

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

**Special Ordinance No. 2215:**

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

I hereby move that an ordinance entitled, "CAPITAL ORDINANCE OF THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF VARIOUS VEHICLES, EQUIPMENT AND MACHINERY FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS IN, BY AND FOR THE TOWN,

APPROPRIATING THEREFOR THE SUM OF \$1,550,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWN.”

Motion was seconded by Councilman LoGrippo.

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

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

Heretofore introduced, Special Ordinance No. 2215 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 22nd day of May 2018 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Public Safety, Transportation and Parking Committee

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

**Resolution No. 109**

WHEREAS, a need exists in the Fire Department for the purchase of (1) 2018 Ford Expedition as a replacement vehicle as provided for in the operating budget: and

WHEREAS, the contract to purchase this vehicle is to be awarded to Day Ford, 1600 Golden Mile Highway, Monroeville, PA 15146, an authorized vendor in the Cranford Cooperative Purchasing Program; and

WHEREAS, this vehicle will be sufficient to meet the needs of the Fire Department; and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$36,059.00 charged to Budget Operating Account 8-01-165-251 under PO #18-01678 and prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield be and hereby authorizes an award of contract to Day Ford for the purchase of one (1) 2018 Ford Expedition at a cost not to exceed \$36,059.00 under the Cranford Cooperative Purchasing Program; and

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

**Resolution No. 110**

WHEREAS, a need exists in the Fire Department for the upfit of (1) 2018 Ford Expedition as provided for in the operating budget; and

WHEREAS, the contract to perform this service is to be awarded to Municipal Equipment, 27803 Fire Road, Egg Harbor Township, New Jersey, 08234, under NJ State Homeland 4/30/17 MEE Contract # 81332; and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$5,754.97 charged to Budget Operating Account 8-01-125-219 under PO #18-01680 and prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield authorizes an award of contract to Municipal Equipment for the upfit of (1) 2018 Ford Expedition at a cost not to exceed \$5,754.97 under NJ State Homeland 4/30/17 MEE Contract # 81332; and

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

Councilmember comments:

Councilman Dardia mentioned that the costs related to the Ford Expedition for the Fire Department would be offset through Fire Prevention fees that were collected.

Code Review & Town Property Committee

The following resolutions, introduced by Councilwoman Mackey, Chairman of the Code Review & Town Property Committee, and seconded by Councilman LoGrippo, were unanimously adopted.

**Resolution No. 111**

RESOLVED that the following applications for Peddlers License be and the same are hereby approved:

Albert Ogunmoye  
Good Humor  
17 Orchard Place

Irvington, NJ 07111

Mohammed Awawda  
 Good Humor  
 700 Probst Avenue  
 Fairview, NJ 07022

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

**Resolution No. 112**

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 below have made application as required by Sec. 24-48 of the Town Code.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield hereby approves the operation of sidewalk cafés for those establishments listed below:

<b><u>Name</u></b>	<b><u>Location</u></b>
16 Prospect Wine Bar	16-17 Prospect Street
Chocolate Bar	112 Quimby Street
Jersey Mike’s	140 East Broad Street; and
Ambeli Green Taverna	39 Elm Street
Fiamma Pizza Westfield, LLC	108 Quimby Street

BE IT FURTHER RESOLVED that the Town Clerk shall not issue licenses unless the applicants have submitted a development plan and have met insurance and indemnification requirements as required by Chapter 24 of the Code of the Town of Westfield.

**Resolution No. 113**

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

Amazing Amusements & Entertainment 238 Boundary Road Marlboro, NJ 07746	Spring Carnival June 8, 2018 Wilson Elementary School 301 Linden Avenue	Wilson School PTO 301 Linden Avenue Westfield, NJ 07090
Eddie’s Amusements Orthodox Church	Church Festival	Holy Trinity Greek

159 Hilton Avenue  
Road  
Maplewood, NJ 07040

May 31 to June 3, 2018  
250 Gallows Hill Road

250 Gallows Hill  
Westfield, NJ 07090

### Public Works Committee

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

#### **Resolution No. 114**

WHEREAS, Fischer Contracting Inc., is under contract to the Town of Westfield for the 2017 Various Road Improvements as authorized by the Special Ordinance 2208A, and

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

WHEREAS, site conditions encountered during construction necessitated additional work items and more material than had been anticipated, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to Special Ordinance 2208A under PO #17-02219.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$209,200.42 executed by Kris J. McAloon, Town Engineer, be authorized, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of Change Order No. 1, for the 2017 Various Road Improvements increasing the contract price to \$1,495,677.42.

#### **Resolution No. 115**

WHEREAS, a need exists for the purchase of public works related equipment as provided for in Special Ordinance 2206C, and

WHEREAS, the contract to purchase this equipment is to be awarded to authorized vendors through Cooperative Purchasing Agreements, and

WHEREAS, this equipment will be sufficient to meet the needs of the Department, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under a Cooperative Contract, specifically, National Joint Powers Alliance Contract #032515-JDC, a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$29,200.00 charged to Account G-01-15-137-201 under PO #18-01677 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase the following equipment from the indicated vendors:

Jesco Inc.  
1260 Centennial Avenue  
Piscataway, NJ 08854

(2) 720 Claws – Model #VEC720 @ \$14,600 each \$ 29,200.00

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.

**Resolution No. 116**

WHEREAS, the Town has identified a need to evaluate and assess the condition of Municipally-owned sanitary sewer pumping stations; and

WHEREAS, the Town of Westfield issued a Request for Qualifications (RFQ) for engineering services for the evaluation and assessment of Municipally-owned sanitary sewer pump stations through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq; and

WHEREAS, two (2) proposals were received on April 3, 2018 to provide the professional services necessary to address the aforementioned scope of services, and

WHEREAS, the Town Engineer has reviewed the proposals and recommends that a professional services contract for the aforementioned services as outlined in Phase I of the Proposal dated April 3, 2018, be awarded to Van Cleef Engineering Associates, LLC, 32 Brower Lane, Hillsborough, NJ 08844; and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to S.O. 2210 under PO #18-01679.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield that the aforementioned contract for professional engineering services required for the evaluation and assessment of Municipally-owned sanitary sewer pump stations be awarded to Van Cleef Engineering Associates, LLC, 32 Brower Lane, Hillsborough, NJ 08844, in a lump sum amount of \$27,500.00.

**Resolution No. 117**

WHEREAS, the Town of Westfield desires to conduct a Residential Cleanup Program for which it will need the services of a disposal company, as authorized in the 2018 Municipal Budget Account 137-255, and

WHEREAS, the Town Engineer advertised the contract for bids to be received on April 4, 2018, and

WHEREAS, no bids were received and the Town Engineer was authorized to readvertise for this service, and

WHEREAS, bids were next advertised to be received on May 2, 2018, and

WHEREAS, again, there was no bid response to the advertisement, and

WHEREAS, the New Jersey Public Contracts law permits contracts to be negotiated at fair and reasonable prices for the respective services when bidding on two occasions has been unsuccessful.

NOW THEREFORE BE IT RESOLVED, that the Town Engineer is hereby authorized to negotiate for prices for the 2018 Residential Cleanup Program

Councilmember comments:

Councilman Contract announced that the Green Team's survey is still available on the Town's website for input by residents.

Councilman Contract also announced that a recycling app is now available to residents.

Reports of Department Heads

**ADJOURNMENT**

A motion to adjourn, made by Councilman LoGrippe and seconded by Councilman Dardia at 9:32 p.m., was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC  
Town Clerk