

## **MINUTES OF REGULAR MEETING HELD MAY 26 2015**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, May 26, 2015 at 8:00 p.m.

Mayor Skibitsky made the following announcements:

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

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 16, 2014. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

**PRESENT:** Mayor Skibitsky, Council Members, Arena, LoGrippo, Foerst, Della Fera, Kimmins, Loughlin

**ABSENT:** Council Members Neylan and Oliveira

Invocation was given by Councilman Foerst

### **PRESENTATIONS**

Christopher Devine, Chairman of the Westfield Area Chamber of Commerce spoke about the Farmers Market.

### **APPOINTMENT**

### **ADVERTISED HEARINGS**

The Council proceeded to the hearing entitled, “SPECIAL ORDINANCE No. 2203 – 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 \$3,440,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO MAKE A DOWN PAYMENT, 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.

Mayor Skibitsky declared the hearing closed.

### **PENDING BUSINESS**

An ordinance entitled, "SPECIAL ORDINANCE NO. 2203 – 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 \$3,440,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO MAKE A DOWN PAYMENT, 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." Introduced by Councilman Della Fera, seconded by Councilman LoGrippe, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:	Arena	Nays:	Absent:	Neylan
	LoGrippe			Oliveira
	Foerst			
	Della Fera			
	Kimmins			
	Loughlin			
	Mayor Skibitsky			

### **BIDS**

### **MINUTES**

On a motion by Councilman LoGrippe, seconded by Councilman Arena, Council approved the Minutes of the Town Council Meeting held May 12, 2015 with Councilman Foerst abstaining.

On a motion by Councilwoman Kimmins, seconded by Councilman LoGrippe Council approved the Minutes of the Conference Session held May 12, 2015 with Councilman Foerst abstaining.

### **PETITIONS AND COMMUNICATIONS**

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

Introduced by Councilman Della Fera, seconded by Councilman Loughlin and adopted with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$2,207,668.11 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

**REPORTS OF STANDING COMMITTEES:****Finance Policy Committee**

The following resolutions, introduced by Councilman Della Fera, Chairman of the Finance Policy Committee, seconded by Councilman LoGrippe were unanimously adopted.

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

Phroz Bhagat	South Side RR Stn/Lot 3	#15030422	\$424.00
519 Alden Avenue			
Westfield, NJ 07090			

(155) WHEREAS, Richard and Carrie Mumford placed the required cash bond of \$500.00 to cover the Street Opening Permit #14-173 for 425 Birch Avenue, and

WHEREAS, Richard and Carrie Mumford have requested that this amount be returned to them, and

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

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the names of Richard and Carrie Mumford for \$500.00 and forward to 425 Birch Avenue, Westfield NJ 07090.

(156) WHEREAS, ADT LLC, made an application for a construction permit for a burglar alarm located at 532 Colonial Avenue, Block 1107, Lot 6, Westfield, New Jersey.

WHEREAS, ADT LLC, remitted \$158.00 for aforesaid permit.

WHEREAS, ADT LLC, subsequently requested not to do the above mentioned project.

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

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be, and hereby is authorized to draw a warrant in the sum of \$126.40 payable to ADT LLC, 19 Schoolhouse Road, Somerset, NJ 08873.

(157) RESOLVED that the Chief Financial officer be and she hereby is authorized to draw warrants to the order of the following persons, this amount being overpaid for 2015:

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT</u>
1203/3 PROSUK, Richard and Elizabeth 656 Summit Avenue Westfield, NJ 07090	510 Mountain Avenue	\$2,307.61
1903/7 MURPHY, John A. & Katherine P. MAIL TO: Lori Nathanson, Esq. 39 Clydesdale Road Scotch Plains, NJ 07076	216 Golf Edge	\$7,455.29
3110/7 RAMOS, Kenneth & Christine	428 Lenox Avenue	\$3,711.60

(158) WHEREAS, there exist on the records in the Tax Collector's office tax overpayment for the year 2012 and 2013:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and she hereby is authorized to cancel the tax overpayment to surplus.

<u>Block and Lot</u>	<u>Property Address</u>	<u>Amount</u>
1113/17	315 Kimball Avenue	\$4,075.54
1904/25	41 Carol Road	\$6,404.94
2904/37	297 Hyslip Avenue	\$ 25.56

(159) NOW THEREFORE, BE IT RESOLVED, that the following accounts may have their sewer bills prorated and/or rescinded due to the property is only land and/or the water has been shut off due to the impending demolition of the property. Remove the billing for 2015 until dwelling is in place. Billing will be adjusted and/or reinstated once the property has a certificate of occupancy.

Acct#	Property Address	Amount
87-0	171 Madison Avenue West	\$170.00
3762-0	610 Cumberland Street	\$170.00
4805-0	509 Boulevard	\$170.00
6401-0	631 Carleton Road	\$170.00
7172-0	12 Bates Way	\$170.00
7337-0	741 Willow Grove Road	\$170.00
8693-0	527 Clifton Street	\$170.00
9554-0	1723 Boynton Avenue	\$170.00
9612-0	1533 Central Avenue	\$170.00

(160) RESOLVED, that the Chief Financial Officer be authorized to refund the following fees to the following individuals:

Name	Account	Class	Fee
Hillary Sun 539 Lenox Ave. Westfield, NJ 07090	T05-600-071	Golf Class- withdrawal (Evan Sun)	\$110.00
Ludger Eilers 221 Charles St. Westfield, NJ 07090	Pool Membership Account (195)	Family Membership	\$360.00
Marie Papp 1 Marineview Plaza Apt. 9-F Hoboken, NJ 07030	Pool Membership Account	Individual Membership	\$180.00
Steve McCabe 409 Washington St. Westfield, NJ 07090	Pool Membership Account	Senior Citizen Membership	\$90.00
Stephen Toth 1903 Grandview Ave. Westfield, NJ 07090	Pool Membership Account	Family Membership	\$360.00
Mark McMahill 614 Kimball Ave. Westfield, NJ 07090	Pool Membership Account	Family Membership	\$360.00

(161) WHEREAS, the County Board of Taxation is unable to certify the tax rate throughout the county in a timely fashion and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis; and

WHEREAS, the Municipal Tax Collector, in consultation with the Municipal Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield in the County of Union and the State of New Jersey on this 26<sup>th</sup> day of May, 2015, as follows:

1. The Municipal Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Town of Westfield for the third installment of 2015 taxes. The Tax Collector shall proceed and take such actions as permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2015 is hereby set at \$163,349,854.40
3. In accordance with the law, the third installation of 2015 taxes shall not be subject to interest until the later of the end of the grace period, or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

**CERTIFICATION**

	<u>2015</u>
Municipal	\$26,652,159.69
School	\$94,993,106.00
Library	\$ 2,449,084.00
County	\$38,152,852.74
Open Space	<u>\$ 1,102,651.96</u>
	\$163,349,854.40

Divided by the assessed value of \$1,846,107,014.00

= Tax rate of 8.850

Public Safety, Transportation and Parking Committee

The following resolution, introduced by Councilman Loughlin, Vice-Chairman of the Public Safety, Transportation and Parking Committee, seconded by Councilwoman Kimmins was unanimously adopted.

(162) WHEREAS, the Police Department of the Town of Westfield has taken possession of motor vehicles found abandoned, and;

WHEREAS, Title 39: Section 39:10A-1 states that when a motor vehicle cannot be certified for a junk title certificate remains unclaimed by the owner or other person having a legal right thereto for a period of 20 business days, the motor vehicle may be sold at a public auction in a public place;

WHEREAS, the owners have been notified and advised of the procedure to obtain release of their motor vehicles and have failed to do so within the allotted time;

NOW, THEREFORE, BE IS RESOLVED, by the Mayor and Council of the Town of Westfield that the abandoned motor vehicles in the possession of the Police Department of the Town of Westfield, and whose owner of his whereabouts is unknown and cannot be ascertained or whose owner has refused to receive such property, shall be offered for sale at public auction to the highest bidder in accordance with the law, provided that a starting bid price shall be established and;

BE IT FURTHER RESOLVED that all such sales at public auction shall be made only for cash or certified check at the time of said auction, and

BE IT FURTHER RESOLVED that the monies received from the sale of any property shall be used to pay off any debt incurred for towing or storage fees and any excess monies received shall be paid into the general municipal treasury, and;

BE IT FURTHER RESOLVED that if the vehicles are not sold, they shall be turned over to the towing company who has incurred the debt.

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

#### Code Review & Town Property Committee

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

(163) WHEREAS, D. Villane Construction LLC., made an application to the Town of Westfield to demolish a single-family dwelling located at 412 Salter Place, Block 3408, Lot 11, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 412 Salter Place, Block 3408, Lot 11, Westfield, New Jersey.

(164) WHEREAS, Michael Mahoney LLC, made an application to the Town of Westfield to demolish a single-family dwelling located at 880 Talcott Road, Block 4506, Lot 4, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 880 Talcott Road, Block 4506, Lot 4, Westfield, New Jersey.

(165) WHEREAS, Premier Design Custom Homes LLC, made an application to the Town of Westfield to demolish a single-family dwelling located at 648 Maple Street, Block 2301, Lot 28, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 648 Maple Street, Block 2301, Lot 28, Westfield, New Jersey.

(166) WHEREAS, Messercola Brothers Inc., made an application to the Town of Westfield to demolish a single-family dwelling and detached garage located at 630 West Broad Street, Block 2709, Lot 18, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling and detached garage at 630 West Broad Street, Block 2709, Lot 18, Westfield, New Jersey.

(167) 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 establishment listed has made application as required by Sec. 24-48 of the Town Code, and

WHEREAS, the establishment listed has met all the terms and conditions as required,

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

Bagel Chateau

223 South Ave East

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

Mohammad Awawda  
M & S Bouras Ice Cream Inc.  
1425 46<sup>th</sup> Street  
North Bergen, NJ 07047

Dionisios Vasiliadis  
Danny's Soft Serve  
1081 East Grand Street  
Elizabeth, NJ 07201

Albert Ogunmoye  
Good Humor  
1951 Ostwood Terrace  
Union, NJ 07083

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.

(169) BE IT RESOLVED that the Mayor is hereby authorized to sign Amendment to Grant of Easement for the property located at 251 North Avenue West, Westfield, New Jersey.

(170) WHEREAS, the Planning Board adopted the Amendment to the 2014 Housing Plan Element and the Fair Share Plan on May 4, 2015; and

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Town of Westfield located in Union County in the State of New Jersey hereby endorses the Amendment to the 2014 Housing Plan Element and Fair Share Plan as adopted by the Town of Westfield Planning Board.

(171) WHEREAS, the Planning Board adopted the Third Amendment to the 2013 Housing Plan Element and the Fair Share Plan on May 4, 2015; and

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Town of Westfield located in Union County in the State of New Jersey hereby endorses the Third Amendment to the 2013 Housing Plan Element and Fair Share Plan as adopted by the Town of Westfield Planning Board.

#### Public Works Committee

The following resolutions, introduced by Councilman Arena, Chairman of the Public Works Committee, seconded by Councilman LoGrippe were unanimously adopted.

(172) WHEREAS, Z. Brothers Concrete Contractors, Inc., has completed all of the work necessary for the **2014 Improvement of Rahway Avenue** as authorized by S.O. 2190 and S.O. 2192, and

WHEREAS, the Town Engineer certifies that all of the work, totaling \$524,292.08 has been completed in a satisfactory manner, in accordance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2190 and S.O. 2192, and

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

NOW THEREFORE BE IT RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make final acceptance of the Improvement of Rahway Avenue, with a final contract price of \$524,292.08, and to effect whatever actions are appropriate by said acceptance.

(173) WHEREAS, Z. Brothers Concrete Contractors, Inc., has completed all of the work necessary for the **2014 Improvement of Westfield Avenue** as authorized by S.O. 2154 and S.O. 2192, and

WHEREAS, the Town Engineer certifies that all of the work, totaling \$136,085.57 has been completed in a satisfactory manner, in accordance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2154 and S.O. 2192, and

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

NOW THEREFORE BE IT RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make final acceptance of the Improvement of Westfield Avenue, with a final contract price of \$136,085.57, and to effect whatever actions are appropriate by said acceptance.

#### Reports of Department Heads

Upon motion by Councilman LoGrippo, seconded by Councilwoman Kimmins the meeting was adjourned at 8:15 p.m.

Claire J. Gray  
Town Clerk