

## **MINUTES OF REGULAR MEETING HELD JULY 10, 2018**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, July 10, 2018 at 8:00 p.m.

Acting Mayor Habgood 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:** Acting Mayor Habgood, Council Members Arena, Dardia, LoGrippo, Contract, Mackey

**ABSENT:** Mayor Brindle, Council Members Neylan, Stokes

### **INVOCATION AND FLAG SALUTE**

Invocation was given by Councilman Dardia, followed by the flag salute.

### **PRESENTATIONS**

#### Town Administrator's Reports

- Informed residents that the Town Engineer was able to successfully negotiate with a vendor in connection with the annual Residential Cleanup (bulky waste) Program and commended the Town Engineer for his efforts. Explained that the program is scheduled for the fall and the cost per permit has increased to \$185.00. Also discussed the bulky waste program available at the Conservation Center, which has been a successful alternative option for residents.

#### Acting Mayor's Remarks

- Acting Mayor Habgood discussed the Town Council agenda this evening and stated that she is hopeful it will move quickly despite the fact that it is a full agenda;
- Discussed the recent “Second Sunday” event that was held on July 8, 2018. Feels the event, Christmas in July, was a success and thanked the Department of Public Works and all those involved for their efforts;
- Announced that the next “Second Sunday” event, “Dog Days of Summer”, would be held August 12, 2018.

### **APPOINTMENTS**

Acting Mayor Habgood announced the following appointment:

Appointment of Matthew R. Ceberio to the Planning Board to fill an unexpired term ending December 31, 2019.

### **ADVERTISED HEARINGS**

#### **General Ordinance No. 2107**

“AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN'S AFFORDABLE HOUSING OBLIGATIONS”

Advertised returnable this evening.

Hearing no comments, Acting Mayor Habgood declared the hearing closed.

**General Ordinance No. 2108**

“AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN’S AFFORDABLE HOUSING OBLIGATIONS”

Advertised returnable this evening.

Hearing no comments, Acting Mayor Habgood declared the hearing closed.

**General Ordinance No. 2109**

“AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD ESTABLISHING AN AFFORDABLE HOUSING DEVELOPMENT FEE”

Advertised returnable this evening.

Hearing no comments, Acting Mayor Habgood declared the hearing closed.

**PENDING BUSINESS**

An ordinance entitled, GENERAL ORDINANCE NO. 2107 - “AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN’S AFFORDABLE HOUSING OBLIGATIONS” by Councilwoman Mackey, seconded by Councilman Contract, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

An ordinance entitled, GENERAL ORDINANCE NO. 2108 – “AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN’S AFFORDABLE HOUSING OBLIGATIONS” 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: Arena	Nays:	Absent: Neylan
Dardia		Stokes
LoGrippo		Mayor Brindle
Contract		
Mackey		
Acting Mayor Habgood		

An ordinance entitled, GENERAL ORDINANCE NO. 2109 – “AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD ESTABLISHING AN AFFORDABLE HOUSING DEVELOPMENT FEE”

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

**BIDS**

**TOWN OF WESTFIELD  
INVITATION TO BID  
Tuesday, July 10 2018  
2018 IMPROVEMENT OF PARKING LOT #7**

<b><u>Bidder</u></b>	<b><u>Amount of Bid</u></b>
----------------------	-----------------------------

<b>Fischer Contracting Inc.</b>	<b>\$309,942.75</b>
<b>10 Short Hills Lane</b>	
<b>Scotch Plains, NJ 07076</b>	

**TOWN OF WESTFIELD  
INVITATION TO BID  
Tuesday, July 10 2018  
2018 IMPROVEMENT OF WALNUT STREET**

<b><u>Bidder</u></b>	<b><u>Amount of Bid</u></b>
----------------------	-----------------------------

<b>Cifelli &amp; Son General Contracting Inc.</b>	<b>\$202,175.00</b>
<b>81 Franklin Avenue</b>	
<b>Nutley, NJ 07110</b>	
<b>DLS Contracting</b>	<b>\$179,053.75</b>
<b>271 Highway 46 West, Suite D-205</b>	
<b>Fairfield, NJ 07004</b>	
<b>Fischer Contracting</b>	<b>\$183,950.00</b>
<b>10 Short Hills Lane</b>	
<b>Scotch Plains, NJ 07076</b>	

**MINUTES**

On a motion by Councilman LoGrippto and seconded by Councilman Dardia, Council approved the Minutes of the Town Council Conference Session, Executive Session, and Regular Meeting held June 19, 2018 with Councilman Arena abstaining.

**PETITIONS AND COMMUNICATIONS**

**OPEN DISCUSSION BY CITIZENS**

Acting Mayor Habgood opened the public comments portion of the meeting and asked if there were any questions or comments.

Greg Kasko, 434 Everson Place, requested an update of the employment status of Police Chief David Wayman.

The Town Administrator replied, stating that the employment status of Police Chief Wayman is unchanged.

Mr. Kasko stated that an investigation is being conducted by the Union County Prosecutor’s Office involving Police Chief Wayman and requested comment by Town Council members.

Acting Mayor Habgood explained that Town Council is not at liberty to comment on investigations.

Emily Root, volunteer, Holy Trinity Food Drive, discussed the upcoming food drive and provided information for those interested in participating in the event.

Councilman Contract suggested that Town Hall be included as a drop off site for the drive.

Ms. Root explained that she contacted Mayor Brindle to discuss the potential for including Town Hall as a drop off site, and it was determined the Westfield Memorial Library would be a more appropriate location.

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

**BILLS AND CLAIMS**

On motion by Councilman Contract, and seconded by Councilman LoGrippe, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$825,256.04 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 Contract, and seconded by Councilman LoGrippe, were unanimously adopted.

**Resolution No. 166**

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$81.00 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 June 2018.

**Resolution No. 167**

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>
David Sanders 67 Genesee Trail Westfield, NJ 07090	Dept. #195/Pool	Refund/Pool Membership Resident Husband/Wife In-Town / Resident	\$280.00
Yelena Mammadova 50 Doris Pkway Westfield, NJ 07090	T05-600-073 Trust 218 Sports Camps	Volleyball Camp Iskandar Mirtagavi	\$150.00

Ana De Figueiredo 926 Cleveland Ave Westfield, NJ 07090	T05-600-073 Trust 218 Sports Camps	Volleyball Camp Douglas De Figueiredo	\$37.50
Micki Hogan 325 Mountain Ave Westfield, NJ 07090	T05-600-071 Trust 217 Tennis/Rec	Pickleball (1/2 session) Micki Hogan	\$15.00
Elizabeth Byer 1087 Seward Ave Westfield, NJ 07090	T05-600-071 Trust 217 Tennis/Rec	Pickleball (1/2 Session x 2) Elizabeth & Peter Byer	\$30.00
Thao Tran 918 South Ave West Westfield, NJ 07090	T05-600-071 Trust 217 Tennis/Red	Pickleball (1/2 session) Thao Tran	\$15.00
Lauren Casciano 627 Leigh Drive Westfield, NJ 07090	T05-600-071 Trust 217 Tennis/Rec	Pickleball (1/2 session) Lauren Casciano	\$15.00
Aneta Kotowicz 615 Ardsleigh Dr. Westfield, NJ 07090	T05-600-071 Trust 217 Tennis/Rec	Pickleball (1/2 session) Anta Kotowicz	\$15.00
Mindi Forgash 835 Shackmaxon Dr. Westfield, NJ 07090	T05-600-071 Trust 217 Tennis/Rec	Pickleball (1/2 session x 2) Mindi & Michaela Forgash	\$30.00
Randy Rosen 33 Faulkner Dr. Westfield, NJ 07090	T05-600-071 Trust 217 Tennis/Red	Pickleball (1/2 session) Randy Rosen	\$15.00
Nancy Lau 1645 Westfield Ave Clark, NJ 07066	T05-600-071 Trust 217 Tennis/Rec	Pickleball (1/2 session) Nancy Lau	\$15.00
Eileen Coumbe 637 Maple St Westfield, NJ 07090	T05-600-071 Trust 217 Tennis/Rec	Pickleball (1/2 session) Eileen Coumbe	\$15.00
Charles Medallis 550 West Broad St Westfield, NJ 07090	T05-600-071 Trust 217 Tennis/Rec	Pickleball (1/2 session) Charles Medallis	\$15.00

**Resolution No. 168**

WHEREAS, Jack Kaufman, 55 Fairhill Drive, Westfield, NJ 07090, had placed the required cash bond of \$500.00 to cover Road Opening Permit No. 17-184 for 55 Fairhill Drive, and

WHEREAS, Jack Kaufman 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 Jack Kaufman for \$500.00 and forward to 55 Fairhill Drive, Westfield, NJ 07090.

**Resolution No. 169**

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

Adam Cohen 1947 Old Ballard Farm Lane Charlottesville, PA 22901	SS RR Stn/Lot 3	#18030632	\$348.00
Robert Winston 116 Hardwick Ave Westfield, NJ 07090	SS RR Stn/Lot 3	#18030744	\$348.00
Brian Murphey 10 Bell Drive Westfield, NJ 07090	SS RR Stn/ Lot 3	#18030206	\$348.00
Christopher Scheper 510 Irving Ave Moorestown, NJ 08057	SS RR Stn/Lot 3	#18030607	\$346.00

**Resolution No. 170**

WHEREAS, R C Construction LLC, made an application for a construction permit update for communication points located at 7 Mohawk Trail, Block 5116, Lot 19, Westfield, New Jersey.

WHEREAS, R C Construction LLC, remitted \$31.00 for aforesaid permit.

WHEREAS, R C Construction LLC, subsequently was charged \$500.00 for the above mentioned project.

WHEREAS, R C Construction LLC, has made an application for refund of \$469.00 for the over payment.

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be, and hereby is authorized to draw a warrant in the sum of \$469.00 payable to

R C Construction LLC, 1199 Magie Avenue, Union, NJ 07083.

**Resolution No. 171**

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$625.00 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 April - June 2018.

**Resolution No. 172**

RESOLVED that pursuant to N.J.A.C. 5:23-4.19, that the Chief Financial Officer be authorized and directed to draw a warrant in the sum of \$16,267.00 to the TREASURER, STATE OF NEW JERSEY for the second quarter Construction Official's State permit fees for 2018.

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. 173**

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
405/9 HIMMELBAUM, Canaan	440 Roanoke Road	1 <sup>st</sup> /2018 \$3,358.61
504/2 RUPRECHT, Tom	814 Cedar Terrace	4 <sup>th</sup> /2017 \$6,981.33 2 <sup>nd</sup> /2018 <u>\$6,821.24</u> \$13,802.57
906/12 GRUTERS, Robert & Barbara	349 Tuttle Parkway	1 <sup>st</sup> /2018 \$4,988.22
2101/64 WEEKS, Laura Mannes	302 Wychwood Road	4 <sup>th</sup> /2017 \$5,015.15
<b>Payable to:</b> FIS		
<b>Mail to:</b> 5430 Data Court Suite 100 Ann Arbor, MI 48108		
3010/22 WILLIAMS, Scott	561 Trinity Place	1 <sup>st</sup> /2018 \$2,466.28
3502/19 DAVIS, Mark C	873 Fairacres Avenue	4 <sup>th</sup> /2017 \$5,001.19
3601/6 PARTELOW, Chris	1021 Harding Street	2 <sup>nd</sup> /2018 \$3,173.69

**Resolution No. 174**

RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2015-2017 pursuant to the Tax Court of New Jersey:

Block/Lot Name	Address	Year	Amount
3202/13	516 North Avenue East	2016	\$9,931.90
<b>Payable to:</b> Michael A. Vespasiano, Attorney Trust Account			
<b>Mail to:</b> Law Office of Michael A. Vespasiano 331 Main Street Chatham, NJ 07928			
3202/17	544 North Avenue East	2015	\$4,424.50
		2016	\$6,491.85
		2017	<u>\$7,572.47</u>
<b>Mail to:</b> Ventura, Miesowitz, Keough & Warner 783 Springfield Avenue Summit, New Jersey 07901-2332			\$18,488.82

**Resolution No. 175**

WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$10,000, which is now available from the Union County Recycling Enhancement Grant; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations

Public and Private Programs Offset by Revenues

Union County Recycling Enhancement Grant	\$10,000.00
--	-------------

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

**Resolution No. 176**

WHEREAS, the Cash Management Plan was amended by Resolution No. 137-2018 at a Regular Meeting of the Westfield Town Council held on June 19, 2018; and

WHEREAS, Columbia Bank has since opened a branch in Westfield and should be added to Part IV, Designation of Depositories;

NOW, THEREFORE BE IT RESOLVED, that Part IV of the Town of Westfield Cash Management Plan be and is hereby amended to include Columbia Bank in the Designation of Depositories.

**Resolution No. 177**

WHEREAS, the Town of Westfield has maintained Change Funds at various locations, which allows for departments to make change for those residents who pay cash for taxes, permits, pool admission fees and other fees; and

WHEREAS, the Chief Financial Officer has reviewed these Funds with each Department Head and has determined that efficiencies can be reached by changing the number and sources of Change Fund; and

WHEREAS, Change Funds were amended by resolution 145-2018 at the June 19, 2018 meeting of the Westfield Town Council, and since that time, the Aquatic Supervisor and Recreation Director have requested additional funding to accommodate a surge in walk-in registrations at the Westfield Municipal Pool and Aquatic Complex.

NOW, THEREFORE BE IT RESOLVED that the Schedule of Change Funds be revised as follows:

<u>Department</u>	<u>Original Amount</u>	<u>Revised Amount</u>
Pool	\$100	\$500

**Resolution No. 178**

WHEREAS, Town Engineer, Kris McAloon has been certified as a Recycling Coordinator for the Town of Westfield.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that Kris McAloon shall be paid \$2,735 for additional duties performed as Recycling Coordinator for calendar year 2018.

**Town Council Comments:**

Councilman Contract provided an explanation of Resolution No. 175, which allows for the insertion of an item of revenue in connection with the Union County Recycling Enhancement Grant and commended the Town Engineer for his efforts with this grant.

Councilman Contract also explained that the resolution authorizing an amendment to the Cash Management Plan involves the addition of a bank to the plan.

**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. 180**

WHEREAS, the Town of Westfield expressed a concern with respect to the traffic signal timing at the intersection of South Avenue and Central Avenue, and

WHEREAS, the Town engaged its on-call traffic consultant, NV5, to evaluate the signal timing and make recommendations for improved operations, and

WHEREAS, NV5 performed an analysis and has determined that minor timing changes would reduce delays on failing movements at the intersection, and

WHEREAS, this signal will impact the operations on roadways under Union County jurisdiction, and therefore, Union County approval and concurrence is necessary.

NOW THEREFORE BE IT RESOLVED, that the proper Town Officials be, and they are hereby, authorized to proceed with implementing the recommended timing changes for this intersection upon concurrence of Union County.

**Resolution No. 181**

BE IT RESOLVED that the Town Council of the Town of Westfield be and hereby approves submission of an application to the New Jersey Department of Transportation for grant funding in connection with the Local Bicycle/Pedestrian Planning Assistance Program.

**Resolution No. 182**

WHEREAS, a livable community seeks to provide a transportation network that meets the needs of all users including motor vehicle users (cars, buses and trucks), bicyclists, and pedestrians of all ages and abilities; and

WHEREAS, The Town of Westfield strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, The Town of Westfield adopted a Complete Streets Policy on November 26, 2013; and

WHEREAS, Sustainable Jersey (SJ), the Voorhees Transportation Center (VTC) at Rutgers University, and the North Jersey Transportation Planning Authority (NJTPA) are sponsoring the competitive *Complete Streets Technical Assistance Program*, which will support municipal government efforts to implement complete streets; and

WHEREAS, although no direct funding is provided, selected municipalities will receive free direct technical assistance to complete a specific task related to advancing a complete streets initiative in their communities.

THEREFORE, the Mayor and Council of The Town of Westfield authorizes the submission of an application to the aforementioned *Complete Streets Technical Assistance Program* to receive free direct technical assistance to complete a specific task related to advancing complete streets, and also authorizes municipal staff to coordinate and collaborate with Sustainable Jersey, Voorhees Transportation Center and the North Jersey Transportation Planning Authority to support the successful and timely delivery of technical assistance.

Town Council Comments:

Councilman Dardia provided an explanation of the resolution involving a timing change for the traffic signal at the intersection of South Avenue and Central Avenue.

Councilman Dardia also discussed the resolution authorizing submission of a grant application to the New Jersey Department of Transportation for funding in connection with the Local Bicycle/Pedestrian Planning Assistance Program.

The Town Administrator discussed Resolution No. 182 and explained that, if approved, a technical assistance team would work with the Town to promote complete streets initiatives.

Code Review & Town Property Committee

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

**Resolution No. 183**

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:

<u>Name</u>	<u>Location</u>
The Salad House	113 Quimby Street
Ono Bowls	107 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. 184**

BE IT RESOLVED that application for the following liquor license renewal for the **2018-2019** licensing term be and hereby is granted, subject to full compliance with Alcoholic Beverage Law R.S. 33:1.1 et. seq.:

**PLENARY RETAIL DISTRIBUTION LICENSE**

The Office at Westfield, LLC (inactive)  
t/a The Office Beer Bar & Grill  
2020-33-009-009

**Resolution No. 185**

WHEREAS, an application has been filed for a person-to-person and place to place transfer of Plenary Retail Consumption License No. 2020-33-001-007 heretofore issued to MRY WESTFIELD LIQUOR, LLC, a pocket license with a mailing address of 355 Springfield Avenue, Summit, New Jersey 07091; and  
WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield does hereby approve, effective July 10, 2018, a person-to-person transfer of the aforesaid Plenary Retail Consumption License to WESTFIELD HOSPITALITY, LLC (t/a Westfield Fish & Brew Company, Westfield Fish & Brew); and

BE IT FURTHER RESOLVED that the Town Council of the Town of Westfield does hereby approve, effective July 10, 2018, a place-to-place transfer of the aforesaid pocketed Plenary Retail Consumption License to premises located at 76-86 Elm Street, Westfield, New Jersey; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Westfield does hereby direct the Town Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to WESTFIELD HOSPITALITY, LLC (t/a Westfield Fish & Brew Company, Westfield Fish & Brew), 76-86 Elm Street, Westfield, New Jersey, effective July 10, 2018".

The following resolution, introduced by Councilwoman Mackey, Chairman of the Code Review & Town Property Committee, and seconded by Councilman Arena, was adopted by the following roll call vote:

**Resolution No. 186**

WHEREAS, the Planning Board of the Town of Westfield, County of Union, State of New Jersey adopted an amendment to its Housing Element and Fair Share Plan on July 2, 2018; and

WHEREAS, the Governing Body of the Town of Westfield wishes to endorse the amendment to the Housing Element and Fair Share Plan as adopted by the Planning Board of the Town of Westfield on July 2, 2018.

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 Housing Element and Fair Share Plan as adopted by the Planning Board of the Town of Westfield on July 2, 2018; and

BE IT FURTHER RESOLVED that the Governing Body of the Town of Westfield hereby authorizes and directs its professionals to file the amendment to the Housing Element and Fair Share Plan with the Court for review and approval.

Recorded vote:

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

The following resolution, introduced by Councilwoman Mackey, Chairman of the Code Review & Town Property Committee, and seconded by Councilman Arena, was adopted by the following roll call vote:

**Resolution No. 187**

WHEREAS, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls, the Town of Westfield is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created within the Town of Westfield are affirmatively marketed to low- and moderate-income households, particularly those living and/or working within the applicable Housing Region 2, the Housing Region encompassing the Town of Westfield; and

WHEREAS, in accordance with The Town of Westfield Land Use Ordinance the costs of advertising and affirmative marketing of affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Town of Westfield.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Town of Westfield, located in Union County in the State of New Jersey, does hereby adopt the Affirmative Marketing Plan, a copy of which is attached hereto.

Recorded vote:

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

**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. 188**

WHEREAS, a need exists for the purchase of public works related equipment as provided for in Special Ordinance No. 2215A, and

WHEREAS, the contract to purchase these is to be awarded to an authorized vendor through the Middlesex Regional Educational Services Commission Cooperative Pricing System, 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 MRESC Co-Op #65MCECCPS, Contract MRESC 15/16-08, 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 \$38,844.00 charged to Special Ordinance No.

2215A, under Purchase Order #18-02380 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 vendor:

CAMMPS Hardware & Lawn Products, Inc.  
2168 Route 206

Belle Mead, NJ 08502

John Deere Utility Vehicle Model XUV825M with accessories \$38,844.00

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. 189**

WHEREAS, a need exists for the purchase of public works related equipment as provided for in Capital Improvement Fund, SO 2215A, and

WHEREAS, the contract to purchase this equipment is to be awarded to an authorized vendor through a Cooperative Purchasing Agreement, 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, Sourcewell (formerly National Joint Powers Alliance) Contract #081716-NAF, a resolution must be adopted by the Governing Body, 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 2215A, Capital Account C-07-222-15A under Purchase Order #18-02503.

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

National Auto Fleet Group  
490 Auto Center Drive

Watsonville, CA 95076

(2) 2019 MACK Granite 42FR MHD Chassis @ \$100,881.29 \$201,762.58

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. 190**

WHEREAS, a need exists for the purchase of public works related equipment as provided for in Capital Improvement Fund, SO 2215A, and

WHEREAS, the contract to purchase this equipment is to be awarded to an authorized vendor through a Cooperative Purchasing Agreement, 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, Sourcewell (formerly National Joint Powers Alliance) Contract #080114-HPI, 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 \$171,769.00 charged to Capital Improvement Fund, SO 2215A, Account Number C-07-18-221-5A1, under Purchase Order #18-02502 prepared in accordance with N.J.A.C. 5:30 1.10.

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

Henderson Truck Equipment NJ  
8211 Solutions Center  
Chicago, IL 60677-8002

(1) Henderson Single Axle Dump Body  
with tailgate spreader, hydraulics and Del-Air controls \$ 78,171.00

(1) Henderson Single Axle Dump Body, with 10' Patrol Wing System  
tailgate spreader, hydraulics and Del-Air controls \$ 93,598.00

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. 191**

WHEREAS, a need exists for the purchase of public works related equipment as provided for in Special Ordinance No. 21215A, and

WHEREAS, the contract to purchase these is to be awarded to an authorized vendor through the Morris County Cooperative Pricing Council, 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 MCCPC Contract #15-C, 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 \$163,436.00 charged to Special Ordinance No. 2215A, under Purchase Order #18-02379 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 vendor:

DFFLM, LLC, T/A Ditschman/Flemington Ford  
215 US Highway 202  
Flemington, NJ 08822

(2) 2018 Ford F-550 Regular Cab 4x4 @ \$81,718.00 \$163,436.00

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. 192**

WHEREAS, Fischer Contracting Inc., is under contract to the Town of Westfield for the 2018 Various Street 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, Capital Account C-07-222-08A under Purchase Order #18-01008.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$51,427.50 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 Various Street Improvements increasing the contract price to \$347,993.75.

**Resolution No. 193**

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, Capital Account C-07-222-08A under Purchase Order #17-02219.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 2 in the amount of \$47,398.39 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. 2, for the 2017 Various Road Improvements increasing the contract price to \$1,543,075.81.

**Resolution No. 194**

BE IT RESOLVED that the Town Council of the Town of Westfield be and hereby approves submission of an application by the Westfield Green Team to the Westfield Foundation for grant funding in connection with the installation of rain gardens on Town property.

**Resolution No. 195**

WHEREAS, sealed bids were received by the Town Clerk on July 10, 2018 for the 2018 Improvement of Walnut Street in Westfield, New Jersey as authorized by S.O. 2213, and

WHEREAS, the low bid, in the amount of \$179,053.75 submitted by D.L.S. Contracting, Inc., 271 Highway 46, Suite D-205, Fairfield, NJ 07004 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying 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 pursuant to this Contract to be charged to S.O. 2213, Capital Account C-07-18-221-3A1, under Purchase Order PO#18-02560.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$179,053.75 be awarded to D.L.S. Contracting, Inc., and

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

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

**Resolution No. 196**

WHEREAS, sealed bids were received by the Town Clerk on July 10, 2018 for the 2018 Improvement of Parking Lot #7 in Westfield, New Jersey as authorized by S.O. 2203A, S.O. 2208A and Downtown Improvement Project 2018, and

WHEREAS, the low bid, in the amount of \$309,942.75, submitted by Fischer Contracting Inc., 10 Short Hills Lane, Scotch Plains, NJ 07076 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying 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 pursuant to this Contract to be charged to S.O. 2203A and S.O. 2208A, under Purchase Order PO#18-02562 . A 2018 Downtown Business Improvement Loan in the amount of \$105,000.00 is expected to offset the cost.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$309,942.75 be awarded to Fischer Contracting Inc., and

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

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

**Resolution No. 197**

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 137-229, and

WHEREAS, sealed bids were received on two separate occasions for this work, April 4, 2018 and May 2, 2018, and no bids were received on either occasion, 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, and

WHEREAS, the Town Engineer negotiated a price with Republic Services, Inc. for this Residential clean-up program, and

WHEREAS, Republic Services, Inc., 5 Industrial Drive, New Brunswick, NJ, 08901 quoted a unit price for the aforesaid program in the amount of \$185 per permit, and

WHEREAS, Certificate of the Town Treasurer, certifying 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 pursuant to this Contract to be charged to Public Works Operating Account No. 137-229, under Purchase Order #18-02561.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$185 per permit be awarded to Republic Services, Inc., 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 of discharge of this Contract.

Town Council Comments:

Councilman Contract discussed the resolution authorizing submission of a grant application for funding for the installation of rain gardens. Discussed the purpose of rain gardens and the proposed locations if grant funds are awarded.

The Town Administrator discussed various resolutions approving contract awards and informed residents that there would be a great deal of work occurring in Town. Stated that the Town Engineer would be notifying residents of upcoming road projects that could impact their neighborhood.

Councilman Dardia discussed improvements planned for Municipal Lot No. 7. Explained that Lenox Avenue would be included in the project and, once completed, these improvements would allow for additional parking spaces.

Acting Mayor Habgood encouraged residents to check the Town's website for information on upcoming roadwork.

Reports of Department Heads

Report of Tara Rowley, Town Clerk, showing fee collected in the amount of \$7,102.07 during the month of June 2018 was received, read, and ordered filed.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$96,924.00 for the month of June 2018 was received, read and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing Fees collected in June 2018 in the amount of \$7,252.00 was received, read and ordered filed.

**ADJOURNMENT**

A motion to adjourn, made by Councilman LoGrippe and seconded by Councilman Contract at 8:32 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC  
Town Clerk