

## **MINUTES OF REGULAR MEETING HELD JULY 11, 2017**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, July 11, 2017 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 22, 2016. 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 Neylan, LoGrippo, Loughlin, Donnelly, Oliveira, Stokes

**ABSENT:** Council members Arena & Della Fera

Invocation was given by Councilman Donnelly

### **PRESENTATIONS**

Westfield First

Glamorous Girlz – 28 Prospect Street

A & R Workshop – 226 North Avenue West

Blende Custom Beauty – 106 Elm Street

### **APPOINTMENT**

### **ADVERTISED HEARINGS**

GENERAL ORDINANCE NO. 2084

“AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD,  
CHAPTER 13”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

### **PENDING BUSINESS**

An ordinance entitled, "GENERAL ORDINANCE NO. 2085 – AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD." Introduced by Councilman Donnelly, seconded by Councilwoman Neylan, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:	Neylan	Nays:	Absent: Arena
	LoGrippto		Della Fera
	Loughlin		
	Donnelly		
	Oliveira		
	Stokes		
	Mayor Skibitsky		

### **BIDS**

### **MINUTES**

On a motion by Councilman LoGrippto seconded by Councilman Donnelly, Council approved the Minutes of the Town Council Conference Session & Regular Meeting held June 20, 2017.

### **PETITIONS AND COMMUNICATIONS**

#### **OPEN DISCUSSION BY CITIZENS**

Ken McRitchie, owner of property at 515 Trinity Place, asked about the Dunham Avenue bird sanctuary and requested the trimming of what he calls the "primeval forest": which borders Grove St. Town Administrator said that the trimming would be done shortly. He also asked about Apgar Park improvements that he previously requested. Town Administrator asked Mr. McRitchie if he had been to Apgar Park recently and Mr. McRitchie replied that he had not. Administrator stated that a lot of work had been done there already, including new plantings by a girl scout troop and a real estate company who both donated their time working with the public works department to beautify the area. In addition, some of the trees were trimmed by public works. Mr. McRitchie had previously requested that a sidewalk be moved and Administrator stated that was not a project that could be undertaken at this time.

Tim Harrington, owner of property at 118-120 Elm Street, asked about the Affordable Housing litigation and where it stands. Administrator stated there is a Fairness Hearing scheduled for August 4, 2017 and that hearing is open to the public. Town Attorney said the case is ongoing so it couldn't be discussed yet, however, the Fairness Hearing and the resulting Compliance Hearing would both be open to the public at Superior Court in Elizabeth.

Mr. Harrington then asked if the court was keeping records on the ethnic background of the people who are in the court system. Administrator said that the court is under the jurisdiction of Union County Vicinage, and that they may have those kinds of statistics, but the Town did not.

**BILLS AND CLAIMS**

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

RESOLVED that the bills and claims in the amount of \$818,181.95 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

**REPORTS OF STANDING COMMITTEES:**

Finance Policy Committee

The following resolutions, introduced by Councilwoman Neylan, seconded by Councilman Oliveira were unanimously adopted.

(163) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$19.20 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 June 2017.

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

Christina S. Guercio 690 Driftwood Street Morro Bay, CA 93442	Lot 4/Nite Owl	#17480011	\$70.00
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Paul Duncan 115 Brightwood Avenue Westfield, NJ 07090	Lot 9	#17080005	\$348.00
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(165) RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individuals:

Name	Account	Class	Fee
Eric Erickson 186 Farley Ave. Fanwood, NJ 07023	Acct #195	Family Membership Pool Membership	630.00 <i>Non-resident</i>

Jennifer Lane 856 Carleton Rd. Westfield, NJ 07090	T05-600-073	Volleyball Camp <i>Lauren</i>	125.00
Martha Wilkerson 620 Ripley Place Westfield, NJ 07090	T05-600-073	Volleyball Camp <i>(partial refund)</i>	25.00
Karim Mammadov 744 Grandview Ave. Westfield, NJ 07090	T05-600-071	Playground Program <i>(Sara &amp; Zahra)</i>	200.00
Tara Oporto 47 Mohican Drive Westfield, NJ 07090	T05-600-073	Glee Music Camp <i>(Zachary Becker)</i>	140.00
	T05-600-071	Playground Program	90.00
Yaoji Xiang 115.00 553 Parkview Ave Westfield, NJ 07090	T05-600-071	Music Recording Camp  (Kathy)	
Andrea Giangone 144 Madison Ave. Westfield, NJ 07090	T05-600-071	Music Recording Camp (Alex)	115.00

(166) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$575.00 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 2017.

(167) WHEREAS, the following applicant has posted monies to be held in escrow to cover expert advice and testimony in connection with a Planning Board application on said property; and

WHEREAS, expert advice and testimony was given, and

WHEREAS, all bills for this application 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
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				Balance
PB 16-24	LFM Ventures, LLC	817 & 827 Willow Grove Rd	7-05-550-277 Westfield	\$1,202.13
Payable to:	LFM Ventures, LLC	827 Willow Grove Road	NJ 07090	

(168) WHEREAS, RJT LLC t/a Premier Car & Limo Services submitted an application for a Limo License along with a check for \$50.00; and

WHEREAS, the company wishes to cancel the payment of the license and therefore the limo license was not issued;

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer be and is hereby authorized to issue a warrant for \$50.00 for refund of the Limo License application fee to:

RJT LLC  
Premier Car & Limo Services  
1020 South Avenue West  
Westfield, NJ 07090

(169) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2016:

Block/Lot/Qualifier

<u>Name</u>	<u>Property Address</u>	<u>Amount</u>
3506/9 MANZO, Rachel	744 Fairacres Avenue	\$4,493.02
4207/18 KEITH, Aaron J	5 Stoneleigh Park	\$7,131.61
4809/21 MCKENNA, Diane M	905 Irving Avenue	\$255.80
5504/22 PEPE, Sharon	28 Summit Court	\$482.99

(170) WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs, and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Town of Westfield wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Town of Westfield, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

(171) WHEREAS, a need exists in the Fire Department to replace the existing boiler and burner combination at Fire Headquarters because of failure of said equipment; and

WHEREAS, three quotes were solicited and received and it has been determined that Palmer Heating, LLC can provide and install a Weil McLain LGB07 gas fired atmospheric boiler at a price not to exceed \$35,500, and;

WHEREAS, this boiler and related materials 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 an amount not to exceed \$35,500.00 charged to the 2017 Fire Department Account, 125-256, and prepared in accordance with N.J.A.C. 5:30 1.10; and

WHEREAS, the Business Disclosure Entity Certification and the Determination of Value received from Palmer Heating, LLC shall be placed on file along with this resolution in compliance with PL 2005, C271, N.J. S.A. 40A:11-51;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield will purchase one (1) Weil McLain LGB-7 gas fired atmospheric boiler and necessary valves, piping, pumps, controls and installation, using Purchase Order 17-02650; 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.

Palmer Heating, LLC  
265 Central Avenue  
Clark, New Jersey 07065

Total: \$35,500.00

(172) WHEREAS, local municipalities require specific tools to address the rising cost of municipal government; and

WHEREAS, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies and limited exceptions that did not include police and fire arbitration contract awards; and

WHEREAS, salary costs, to a great extent, drive property tax increases; and

WHEREAS, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

WHEREAS, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

WHEREAS, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

WHEREAS, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while taxpayers struggle to keep their homes and pay their taxes; and

WHEREAS, the Town Council of the Town of Westfield recognizes that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

WHEREAS, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, is not

due until the same day as the expiration of the cap on interest arbitration awards, December 31, 2017; and

WHEREAS, the Town Council of the Town of Westfield recognizes it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date; and

WHEREAS, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities may be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Westfield urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for five (5) more years in which time the Legislature will have appropriate data to examine and then make a final decision as to whether this law should be made permanent; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Assemblyman Jon Bramnick, Assemblywoman Nancy F. Munoz, and State Senator Thomas Kean Jr., the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of the State of New Jersey, and the League of Municipalities.

(173) WHEREAS, the Board of Trustees of the Westfield Memorial Library, pursuant to authority granted to the Trustees by statute, has adopted a payroll for employees and the salary amounts.

NOW, THEREFORE BE IT RESOLVED, that the payroll consisting of the following regularly salaried employees of the Westfield Memorial Library represented by the Communications Workers of America be adopted effective January 1, 2017 and that the Chief Financial Officer be authorized to make payment to, and draw warrants bi-weekly in accordance with the following schedule:

Name	Title	Salary
Laurie Anderson	Librarian	\$60,700
Jeffery Bennett	Librarian	\$58,919
Amanda Richards	Librarian	\$53,789
Patricia Sassoon	Librarian	\$59,803

(174) 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 \$19,588.00 to the TREASURER, STATE OF NEW JERSEY for the second quarter Construction Official's State permit fees for 2017.

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.

Public Safety, Transportation and Parking Committee

Regarding the following ordinance, Councilman Loughlin, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2086 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13."

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 8th day of August 2017 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilman LoGrippo.

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

Yeas: Neylan	Nays:	Absent: Arena
LoGrippo		Della Fera
Loughlin		
Donnelly		
Oliveira		
Stokes		
Mayor Skibitsky		

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Donnelly, seconded by Councilwoman Nelyan were unanimously adopted.

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

Rialto Theater	Six Theaters
250 East Broad Street, 2 <sup>nd</sup> Fl	
Westfield, NJ 07090	

(176) WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnerships program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Westfield and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Municipality of Westfield that the agreement entitled "COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES," dated June 3, 2014, for the Purpose of Inserting a Description of Activities for Fiscal Year 2017-2018 of the Union County Community Development Block Grant program, the HOME Investment Partnerships program, and the Emergency Solutions Grants program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

(177) WHEREAS, the mission of the Mayor's Downtown Task Force is to identify the factors within the town's scope of authority and develop recommendations to the Town Council that will serve to promote economic development and sustainability for many years to come; and

WHEREAS, after reaching out to numerous stakeholders and conducting much research, the Mayor's Downtown Task Force issued over fifty recommendations, one of which was to implement a pilot parklet program in the downtown; and

WHEREAS, a parklet is a relatively new innovation which is gaining in popularity in downtowns throughout the country; and

WHEREAS, the Mayor's Downtown Task Force defines parklets as "seasonal, temporary seating platforms placed flushed with the curb to create an extension of the sidewalk thereby providing additional social space for visitors of the downtown"; and

WHEREAS, the purpose of a pilot program is to implement an idea and evaluate its future feasibility, cost, positive results, adverse effects, and any other relevant outcomes that the program reveals; and

WHEREAS, the Town Council supports the parklet initiative as a pilot program; and

NOW, THEREFORE, BE IT RESOLVED, that a parklet pilot program be established to coincide with the sidewalk café season ending on November 30, 2017 at the following location selected in consultation with the Mayor's Downtown Task Force, the Downtown Westfield Corporation, the Town Council, the Town Administrator, the Police Department and the Fire Department – nearest 35-41 Elm Street.

Public Works Committee

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

(178) WHEREAS, a need exists for the purchase of public works related equipment as provided for in the Capital Improvement Fund 236-213, 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 \$81,057.00 charged to Capital Improvement Fund 236-213 prepared in accordance with N.J.A.C. 5:30 1.10, using Purchase Order 17-02699.

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

(1) 2017 Ford F-550 Regular Cab 4x4

\$81,057.00

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.

(179) WHEREAS, the Department of Public Works has a desire to make improvements to the South Avenue Circle lawn area as provided for in Public Works Operating Account 137-256, and

WHEREAS, quotes to perform the aforesaid improvements have been received from various vendors, and

WHEREAS, the low estimate, in the amount of \$30,810.00, submitted by T. Fiotakis Construction, LLC, 197 Central Avenue, Edison, NJ, 08817 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$30,180.00 charged to Public Works Operating Account 137-256 prepared in accordance with N.J.A.C. 5:30 1.10, using Purchase Order 17-02700.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will award a contract to T. Fiotakis Construction, LLC, 197 Central Avenue, Edison, NJ, 08817, 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.

### **Reports of Department Heads**

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$100,902.00 for the month of June 2017 was received, read and ordered filed.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$69,593.00 representing monies collected during the month of June 2017.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$75,427.59 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of June 2017 was received, read and ordered filed.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$12,030.00 during the month of June 2017 was received, read, and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing Fees collected in June 2017 in the amount of \$8,602.00 was received, read and ordered filed.

Upon motion by Councilman LoGrippe, seconded by Councilwoman Neylan the meeting was adjourned at 8:31 p.m

Claire J. Gray

Town Clerk