

MINUTES OF REGULAR MEETING HELD JULY 15, 2014

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday evening, July 15, 2014 at 8:10 p.m.

Acting Mayor Neylan 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 17, 2013. 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: Acting Mayor Neylan, Council Members LoGrippo, Foerst, Della Fera, Kimmins, Oliveira, Loughlin

ABSENT: Mayor Skibitsky, Councilwoman Kimmins

Invocation was given by Councilman Della Fera

PRESENTATIONS

As part of Mayor Skibitsky’s Westfield First initiative, Acting Mayor Neylan and Council welcomed City Sports, 151 E Broad Street.

APPOINTMENT

ADVERTISED HEARINGS

The Council proceeded to the hearing entitled, “GENERAL ORDINANCE NO. 2027 – AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY TO THE RAHWAY VALLEY SEWERAGE AUTHORITY.”

Advertised returnable this evening.

Acting Mayor Neylan declared the hearing closed.

The Council then proceeded to the hearing entitled, “SPECIAL ORDINANCE NO. 2200 – A SPECIAL ORDINANCE AUTHORIZING THE SALE OF TOWN PROPERTY KNOWN AS 877 NORTH AVENUE IN THE TOWN OF WESTFIELD.”

Advertised returnable this evening

Acting Mayor Neylan declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, “GENERAL ORDINANCE NO. 2027 – AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY TO THE RAHWAY VALLEY SEWERAGE AUTHORITY.” Introduced by Councilman Foerst, seconded by Councilman LoGrippo, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Arena
 LoGrippto
 Foerst
 Della Fera
 Oliveira
 Loughlin
 Acting Mayor Neylan

Nays:

Absent: Kimmins
 Mayor Skibitsky

An ordinance entitled, "SPECIAL ORDINANCE NO. 2200 – A SPECIAL ORDINANCE AUTHORIZING THE SALE OF TOWN PROPERTY KNOWN AS 877 NORTH AVENUE IN THE TOWN OF WESTFIELD." Introduced by Councilman Foerst, seconded by Councilman Loughlin, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Arena
 LoGrippto
 Foerst
 Della Fera
 Oliveira
 Loughlin
 Acting Mayor Neylan

Nays:

Absent: Kimmins
 Mayor Skibitsky

BIDS

TOWN OF WESTFIELD
 INVITATION TO BID
 TUESDAY, JULY 15, 2014

2014 VARIOUS ROAD IMPROVEMENTS IN THE TOWN OF WESTFIELD,
 NEW JERSEY

The bids as follows were received, read and referred to the Town Engineer:

<u>Bidder</u>	<u>Amount of Bid</u>
Utility Systems Inc. PO Box 28 Colonia, NJ 07067	\$1,082,759.50
Schifano Construction Corp. One Smalley Avenue PO Box 28 Middlesex, NJ 08846	\$1,092,462.25
Smith – SONDY Paving Contractor 150 Anderson Avenue Wallington, NJ 07057	\$1,122,651.25
Granada Construction Corp. 147 Thomas Street Newark, NJ 07114	\$1,131,802.50
Black Rock Enterprises, LLC 1316 Englishtown Road Old Bridge, NJ 08857	\$1,139,762.50
Top Line Construction Corp. 22 Fifth Street Somerville, NJ 08876	\$1,300,818.87

Stavola Contracting Co., Inc.	\$1,464,772.50
175 Drift Road	
Tinton Falls, NJ 07724	

MINUTES

On a motion by Councilman Arena, seconded by Councilman LoGrippo Council approved the Minutes of the Town Council Meeting held June 3, 2014 with Councilman Loughlin abstaining.

On a motion by Councilman Della Fera, seconded by Councilman Foerst, Council approved the Minutes of the Conference Session held June 3, 2014 with Councilman Loughlin abstaining.

On a motion by Councilman LoGrippo, seconded by Councilman Oliveira, Council approved the Minutes of the Town Council Meeting held June 17, 2014 with Councilman Arena abstaining.

On a motion by Councilman Loughlin, seconded by Councilman Della Fera, Council approved the Minutes of the Conference Session held June 17, 2014 with Councilman Arena abstaining.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Greg Kasko of 434 Everson Place spoke about an e-mail he sent to Council members of his Ward. In the e-mail he asked about the cost of sending the Mobile Command Center to Atlantic City where it was recently on display. He said he was not satisfied with the answer received since the response diverted him to the Town Clerk's office to determine what documents could be released under the Open Public Records Act.

Acting Mayor gave the following statement regarding the Mobile Command Center:

I'm glad that the mobile command center was brought up again tonight by one of our residents. It gives us the opportunity to highlight why the Town is so fortunate to have such an important piece of apparatus at our disposal. As the Public Safety Chair, I have had the good fortune of working alongside many of our emergency services professionals. One thing I have learned over the years, from both experience and from the career professionals, is that you can never be too prepared, especially in this day and age. Looking back to the days preceding Superstorm Sandy, in emergency preparation meetings with OEM officials across the county, it was made clear that in times of a natural disaster, each town is on its own, especially during and immediately after the event. In the aftermath of Sandy, Town Hall was without power for over 10 days, and only because of the ingenuity of our DPW mechanic and the Police administration, our generator lasted well beyond its normal capacity and kept our 9-1-1 system, the nucleus of emergency services communications, powered for the duration. I shudder to think of what might have been had our generator not been able to work overtime! We can't forget that it was not long ago, during Hurricane Irene, that a neighboring town lost its 9-1-1 system at the height of the storm and the Westfield P.D. dispatch took over answering all their 9-1-1 calls for several days. We do not want that to ever happen here in Westfield. Simply put, mobile command centers ensure uninterrupted communications during critical incidents, enabling prompt and appropriate responses. As any credible police professional advises, you can never be too prepared, and training and testing is an integral part of a well-prepared department.

Every time our mobile command unit is placed into service for any reason – be it for:

- assisting a neighboring town when its municipal building was shut down, or
- for supporting other public safety agencies at a region-wide event such as the Super Bowl, or
- providing demonstrations to other law enforcement agencies at a trade show, or
- used as a community outreach tool at the Spring Fling and Fall Festival -

it is an opportunity to test its operating capabilities and to train the professionals who must operate it. This is similar to any other training our police officers undergo on a regular basis – such as firearms training, radar certification, and Alco test certification – and is no different than our fire fighters, who regularly test and train on the fire apparatus. And please consider this – businesses report “goodwill” as an intangible asset on their balance sheet because goodwill has a value. It is “in the blood” of public safety personnel and the departments they serve in to look out for one another and to provide support and back up whenever needed. Fostering goodwill with other officials and agencies is valued because it breeds professional alliances and encourages the productive exchange of ideas and strategies.

This governing body is proud and very supportive of our police department’s efforts to stay ahead of the curve when it comes to being prepared.

BILLS AND CLAIMS

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

RESOLVED that the bills and claims in the amount of \$882,029.17 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 Oliveira were unanimously adopted.

(166) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$25.20 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 2014.

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

Ricki Fountain 23W Chaucer Lane Farmingdale, NJ	South Side RR Stn/Lot 3	#14030755	\$65.00
Sara Johnson 805 N Corando Street Los Angeles, CA 90026	Lot 4/Nite Owl	#14048027	\$70.00
Elaine Tetcho 683 Millbrook Ave., Apt 4 Randolph, NJ 07869-3710	Lot 4/Nite Owl	#14480019	\$70.00

(168) WHEREAS, **Anne Michele Puglisi** placed the required cash bond of \$500.00 to cover the Street Opening Permit #13-383 for 1722 Summit Ave, and

WHEREAS, Anne Michele Puglisi has 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 name of Anne Michele Puglisi for \$500.00 and forward to 1722 Summit Ave, Westfield, NJ 07090.

(169) WHEREAS, R.S. 40A: 4-63 provides that monies held in any separate fund shall be treated as monies held in trust and shall not be diverted to any other purpose;

WHEREAS, a copy of Governmental Unit Deposit Protection Act Notification of Eligibility for the Santander Bank had been filed with the Chief Financial Officer;

NOW, THEREFORE, BE IT RESOLVED that the Santander Bank shall be the depository for the "TOWN OF WESTFIELD, MONEY MARKET ACCOUNT", and the custodian shall be Liy-Huei Tsai. All disbursements shall be made by checks signed by the Chief Financial Officer.

(170) WHEREAS, Cradles to Crayons Learning Center, Inc. submitted a Board of Adjustment application for preliminary and final site plan approval with c and d variance relief to allow the use of the premises at 417 W. Broad Street as a kindergarten and child care facility and

WHEREAS, hearing of the application commenced at a meeting held on April 23, 2014 and upon direction by the Board of Adjustment and agreement by the applicant was continued to a special meeting subsequently scheduled for June 2, 2014 and

WHEREAS, the required special meeting fee of \$1,000 was paid by the applicant and

WHEREAS, the special meeting scheduled to be held on June 2, 2014 was cancelled due to a lack of a quorum of the Board and

WHEREAS, the applicant has requested return of the submitted \$1,000 special meeting fee;

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check in the amount of \$1,000 for return of the submitted special meeting fee to be returned to Cradles to Crayons Learning Center, Inc., 649 Central Avenue, Westfield, NJ 07090.

(171) 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 or any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Westfield, hereby requests the Director of the Division of Local Government Services to

(177) 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 \$19,162.00 to the TREASURER, STATE OF NEW JERSEY for the second quarter Construction Official's State permit fees for 2014.

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.

(178) RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment(s) as follows following final inspection and approval by Town Engineer for return of deposit:

Michael Robert Construction LLC
713 Shadowlawn Drive
Westfield, NJ 07090

Amount of refund: \$1950.00 (deposits for 225 Edgewood and 205 E. Dudley)

(179) WHEREAS, ElShiekh Enterprises LLC placed the required cash bond of \$500.00 to cover the Street Opening Permit #13-403 for 669 Willow Grove Road, and

WHEREAS, ElShiekh Enterprises LLC has 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 name of ElShiekh Enterprises LLC for \$500.00 and forward to 12 Via Vitale, Kenilworth, NJ 07033.

(180) 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 in 2014:

<u>ACCT</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT</u>
2551-0	120 Wychwood Road	\$ 181.28
VARANDAS, Lisa S. 120 Wychwood Road Westfield, NJ 07090		
3307/2	445-449 South Avenue East	\$21,666.72
Beazer East, Inc Manor Oak One ST200 1910 Cochran Road Pittsburgh, PA 15220		
5115/19	1117 Rahway Avenue	\$ 2,843.60
SCHAFFER, Mary and Ed 13077 Cardeto Court Estero, Florida 33928		
5502/12.01	38 Moss Avenue	\$ 140.16
Desimone, Blake M. & Christen A.		

(181) WHEREAS, there exist on the records in the Tax Collector's office sewer fee balances for the year 2013 and 2014:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and she hereby is authorized to cancel the sewer fee balances below for the year 2013 and 2014.

<u>Account</u>	<u>YEAR</u>	<u>Amount</u>
9655-0	2014	\$85.00
8827-0	2013	\$170.00
8827-0	2014	\$170.00

(182) WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax or sewer fee overpayments or delinquent amounts in the amount of less than \$10.00; and,

WHEREAS, the governing body may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax or sewer fee overpayments or delinquencies of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Town of Westfield, County of Union, State of New Jersey, hereby authorize the Tax Collector to cancel said tax or sewer amounts as deemed necessary.

<u>ACCOUNT#</u>	<u>AMOUNT</u>
190-0	\$ 9.60
264-0	\$10.00
864-0	\$ 9.44
1933-0	\$10.00
2066-0	\$ 1.75
2111-0	\$10.00
2491-0	\$ 8.88
2731-0	\$ 9.60
2756-0	\$10.00
2871-0	\$ 8.88
2962-0	\$ 9.18
3792-0	\$10.00
4481-0	\$ 2.09
6624-0	\$10.00
7846-0	\$10.00
7244-0	\$ 9.29
8040-0	\$ 9.75

(183) WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk, pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Westfield, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

(184) WHEREAS, the Division of Local Government Services issued Local Finance Notice Number 92-15 on July 8, 1992 which requires municipalities to prepare a Corrective Action Plan covering all findings and recommendations in the annual audit report; and

WHEREAS, it is required that the plan be prepared by the Chief Financial Officer and approved by the governing body;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Westfield that the Corrective Action Plan for the recommendations contained in the annual audit report for the Town of Westfield for the year 2013 is hereby approved; and

BE IT FURTHER RESOLVED that a copy of the Corrective Action Plan be filed by the Town Clerk with the Division of Local Government Services.

TOWN OF WESTFIELD
CORRECTIVE ACTION PLAN

Town of Westfield
Tax Collector's Office
County of Union
2013 Audit Report

1. Finding:

The Tax Collector's bank account was not properly reconciled to the cash activity on a monthly basis.

2. Recommendation:

That the Tax Collector's bank account be properly reconciled to the cash activity on a monthly basis.

3. Corrective Action:

The Tax Collector’s Office will reconcile bank account on a monthly basis.

4. Implementation Date: Aug. 1, 2014

Town of Westfield
Swim Pool Department
County of Union
2013 Audit Report

5. Finding:

Swim Pool Guest Fees receipts were not being deposited within 48 hours as required under N.J.S.A 40A: 5-15.

6. Recommendation:

That Swim Pool Guest Fees be deposited within 48 hours of receipt in accordance with N.J.S.A. 40A:5-15.

7. Corrective Action:

The Swim Pool department will deposit all Guest Fees receipts within 48 hours.

8. Implementation Date: August 1, 2014

(185) WHEREAS, TSES Inc. aka Tank Solutions, made an application for a construction permit for the removal of two underground oil tanks located at 631 Carleton Road, Block 4101, Lot 21, Westfield, New Jersey.

WHEREAS, TSES Inc. aka Tank Solutions, remitted \$250.00 for aforesaid permit.

WHEREAS, TSES Inc. aka Tank Solutions, subsequently removed only one underground oil tank at the above mentioned location.

WHEREAS, TSES Inc. aka Tank Solutions, has made an application for refund of eighty percent (80%) of permit fee for the second tank.

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be, and hereby is authorized to draw a warrant in the sum of \$100.00 payable to TSES Inc. aka Tank Solutions, 180 Market Street, Kenilworth NJ 07033.

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

Name	Account	Class	Fee
Jennifer Nisita 603 Boulevard Westfield, NJ 07090	T05-600-073	Volleyball Camp	\$120.00
Brett Wiggins	T05-600-073	Basketball Camp	\$100.00

712 Harding Street
Westfield, NJ 07090

Caleb

James Foerst	Pool Account	Swim Lessons	\$135.00
262 South Scotch Plains Ave. Westfield, NJ 07090			

(187) WHEREAS, the Westfield Recreation Department's annual Family Fun Night Swim held at the Memorial Pool for Pool Members and their guests is scheduled for Wednesday, July 16, 2014 and,

WHEREAS, payment of Disc Jockey services to The Spinners Entertainment Co., is required day of the event;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for the disc jockey service payment to The Spinners Entertainment Co. located at 119 North Riverview Rd., Phillipsburg, NJ 08865 in an amount not to exceed \$700.00 charged to the Memorial Pool 195-243 Account.

(188) WHEREAS, a need exists in the Recreation Department to replace the spray pad at the Memorial Pool complex due to product deterioration beyond life expectancy; and

WHEREAS, the contract to purchase this spray pad is to be awarded to GameTime Playground Equipment, PO Box 106, Spring Lake, New Jersey 07762; and

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

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item over \$17,500, 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 \$43,088.75, charged to Account 195-257, 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 spray pad and necessary equipment to install such as listed below; and

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

GT IMPAZX – Life Floor
3 gallons-Gimpax Adhesive Glue

Gametime Playground Equipment
PO Box 106
Spring Lake, New Jersey 07762

Total \$43,088.75

(189) 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 2014.

(190) WHEREAS, the 215th Legislature of the State of New Jersey recognized that direct deposit of employee compensation produces a costs savings to the payer by cutting costs associated with the issuance of paper checks; and

WHEREAS, P.L. 2013 c. 28 authorizes municipal governments to mandate direct deposit for its employees effective after July 1, 2014; and

WHEREAS, P.L. 2013 c. 28 permits governing bodies to grant exemptions on such terms and conditions as they deem necessary;

NOW, THEREFORE, BE IT RESOLVED that in accordance with Chapter 28 P.L. 2013, as defined under C.52:14-15f (b):

(1) All employees who receive compensation from the Town of Westfield are mandated to have direct deposit of their compensation as of August 15, 2014, with the exception of those employees who are deemed by the Town of Westfield as seasonal or temporary; and

(2) All employees subject to the direct deposit mandate are required to provide to the payroll manager the information and/or document(s) necessary to the successful implementation of direct deposit of the employee's compensation.

BE IT FURTHER RESOLVED that:

(1) Any employee subject to mandatory direct deposit may request an exemption from the direct deposit mandate due to an extraordinary circumstance(s); and

(2) Said exemption request must be in writing and directed to the Town Administrator; and

(3) The Town Administrator is authorized to grant such an exemption for good cause only and commensurate with the intent of the law.

Public Safety, Transportation and Parking Committee

The following resolutions, introduced by Councilman Loughlin, Vice-Chairman of the Public Safety, Transportation and Parking Committee, seconded by Councilman Arena were unanimously adopted.

(191) WHEREAS, a need exists in the Police Department for the purchase of (1) 2015 Ford Fusion Hybrid vehicle as provided in the 2014 Operating Budget, 130-251, and;

WHEREAS, the contract the purchase these is to be awarded to Liccardi Ford, and;

WHEREAS, this vehicles will be sufficient to meet the needs of the Police Department,

WHEREAS, no bids were received for this vehicle and authorization was given by the Westfield Town Council to negotiate for this vehicle,

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$23,414.30 charged to 2014 Police Operating 130-251 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase 2015 Ford Fusion Hybrid Vehicle,

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.

Liccardi Ford
1615 Route 22 West
Watchung, NJ 07060

1 @ \$23,414.30

(192) WHEREAS, a need exists in the Police Department for the annual support of the LAWSoft CAD/RMS systems as provided in the 2014 Operating Budget,

WHEREAS, the contract to support the LAWSoft CAD/RMS system and has been awarded to sole vendor and proprietor of software for LAWSoft CAD/RMS system;

WHEREAS, this annual support will be sufficient to meet the needs of the Police Department,

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$23,000.00, charged to 2014 Police Operating 130-208, 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 annual support for the LAWSoft CAD/RMS equipment as listed below

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.

Annual Support for LAWSoft CAD/RMS Systems

Law Soft, Inc.
15 Hamburg Turnpike, Suite 2
Bloomingdale, NJ 07403

Total \$23,000.00

(193) WHEREAS, a need exists in the Police Department for the purchase uniforms for the Police Department, and

WHEREAS, on June 26, 2014 bids for the aforesaid purchase were advertised to be returnable on July 8, 2014; and

WHEREAS, bids were received for aforesaid purchase on July 8, 2014; and

WHEREAS, the bid submitted by Universal Uniform Sales Co., Inc., has been analyzed and found to be responsive with the option to renew the contract for two (2) subsequent years,

WHEREAS, Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with NJAC 5:30-1.10, has been furnished to the Town Clerk. Expenditure of funds pursuant to this contract is to be charged to 2014 Police Operating Accounts 130-246, 130-223 and 130-226,

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield award the contract in the amount of \$28,000 to Universal Uniforms Sales Co., Inc., PO Box 637, Newark, NJ 07101 for aforesaid uniforms.

BE IT FURTHER RESOLVED that the proper Town Officials be authorized to effect whatever actions are necessary in the execution and discharge of this contract.

Code Review & Town Property Committee

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

(194) WHEREAS, pursuant to Chapter 24 Article VII Section 24-57 of the Town Code the Town Council has authorized the licensing of Sidewalk Cafés, and

WHEREAS, the establishments listed have made application as required by Sec. 24-48 of the Town Code, and

WHEREAS, the establishments listed have met all the terms and conditions as required,

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

Mojave Grille	35 Elm Street
Robert Treat Delicatessen	113 Quimby Street
San Marzano Pasta Bar	339 South Avenue West

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

Jose Cachada t/a Joe's Catering	258 Perry Avenue Union, NJ 07083
Danny Vasiliadis t/a Danny's Soft Serve	1081 East Grand Street Elizabeth, NJ 07201

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.

(196) WHEREAS, NCN Properties, LLC., made an application to the Town of Westfield to demolish a single-family dwelling, located at 730 Austin Street, Block 2816, Lot 8, 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 730 Austin Street, Block 2816, Lot 8, Westfield, New Jersey.

(197) WHEREAS, Julie Yu & Markus Peter, made an application to the Town of Westfield to demolish a detached garage, located at 535 Sherwood Parkway, Block 1302, Lot 14, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application has met 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 detached garage at 535 Sherwood Parkway, Block 1302, Lot 14, Westfield, New Jersey.

(198) WHEREAS, Antonio De Sapio and Scott Richardson, made an application to the Town of Westfield to demolish a single-family dwelling and shed, located at 25 North Wickom Drive, Block 5204, Lot 24, 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 shed at 25 North Wickom Drive, Block 5204, Lot 24, Westfield, New Jersey.

(199) WHEREAS, Premier Design Custom Homes, LLC., made an application to the Town of Westfield to demolish a single-family dwelling, located at 408 Quantuck Lane, Block 404, Lot 3, 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 408 Quantuck Lane, Block 404, Lot 3, Westfield, New Jersey.

(200) WHEREAS, JGabriel Properties, made an application to the Town of Westfield to demolish a single-family dwelling and shed, located at 41 Moss Avenue, Block 5501, Lot 5, 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 shed at 41 Moss Avenue, Block 5501, Lot 5, Westfield, New Jersey.

(201) WHEREAS, **MRY WESTFIELD LIQUOR, LLC**, 355 Springfield Avenue, Summit, New Jersey 07901 has applied to the Town Council of the Town of Westfield for a person-to-person transfer of Plenary Retail Consumption License No.2020-33-001-006 which will be held in pocket and is an active license from the present holder of said license, J. Rust Enterprises, Inc.; and

WHEREAS, MRY WESTFIELD LIQUOR, LLC has advertised such proposed transfer as required by law in *THE WESTFIELD LEADER*, these advertisements appearing on June 19, 2014 and June 26, 2014; and

WHEREAS, the application has been reviewed by the Town Attorney and the Town Council as well as the Department of Law and Public Safety, Division of Alcoholic Beverage Control and the Westfield Police Department prior to the adoption of this Resolution; and

WHEREAS, the Westfield Police Department of the Town of Westfield has made a thorough investigation on its own initiative concerning this transfer and the proposed transferees; and

WHEREAS, the Town of Westfield finds that for the reasons set forth on the record that the transfer of Plenary Retail Consumption License No. 2020-33-001-006 be approved,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The submitted application form is complete in all respects.
2. 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.
3. The applicant has disclosed and the Town has reviewed the source of all funds used in the purchase of the license and the licensed business.
4. That the requested person-to-person transfer from J.RUST ENTERRISES INC. to MRY WESTFIELD LIQUOR LLC of Plenary Retail Consumption License No. 2020-33-001-006 issued pursuant and subject to the provisions of Town Code Section 4-4, is hereby approved, effective as of July 15, 2014, and does hereby direct the Town Clerk/ABC Board Secretary to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to MRY WESTFIELD LIQUOR LLC effective July 15, 2014."

(202) BE IT RESOLVED that the Mayor is hereby authorized to sign a developer's agreement between the Town of Westfield and Monarch Homes, LLC, for a Planning Board approved minor subdivision and new development located at Block 2206, Lots 8.01 & 8.02.

Public Works Committee

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

(203) WHEREAS, sealed bids were received by the Town Clerk on July 1, 2014 for the **2014 Improvement of Westfield Avenue** in Westfield, New Jersey as authorized by S.O. 2154 and S.O. 2192, and

WHEREAS, the low bid, in the amount of \$143,892.66 submitted by Z. Brothers Concrete Contractors, Inc., 304 Jernee Mill Road, Sayreville, NJ 08872 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. 2154 and S.O. 2192.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$143,892.66 be awarded to Z. Brothers Concrete Contractors, 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, 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, and

BE IT FURTHER RESOLVED, that award of this contract is subject to concurrence of award from the New Jersey Department of Transportation.

(204) WHEREAS, sealed bids were received by the Town Clerk on July 1, 2014 for the **2014 Improvement of Rahway Avenue** in Westfield, New Jersey as authorized by S.O. 2190 and S.O. 2192, and

WHEREAS, the low bid, in the amount of \$488,301.16 submitted by Z. Brothers Concrete Contractors, Inc., 304 Jernee Mill Road, Sayreville, NJ 08872 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. 2190 and S.O. 2192.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$488,301.16 be awarded to Z. Brothers Concrete Contractors, 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, 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, and

BE IT FURTHER RESOLVED, that award of this contract is subject to concurrence of award from the New Jersey Department of Transportation.

(205) WHEREAS, Schifano Construction Corp., is under contract to the Town of Westfield for the **2013 Various Road Improvements** as authorized by S.O. 2182, 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 S.O. 2182.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$47,911.07 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 in the amount of \$58,960.70, and to effect whatever actions are necessary in the execution and discharge of Change Order No. 1, for the **2013 Various Road Improvements** increasing the contract price to \$1,324,294.57.

(206) WHEREAS, the Town awarded a Professional Engineering Service contract to EKA Associates for work involving the preparation, development and submittal of NJDEP permits for wetlands delineation and flood hazard area in the vicinity of 1540-1560 Rahway Avenue, and,

WHEREAS, upon review of the application by NJDEP officials, additional work was required as part of this project which was not included in the original proposal, and

WHEREAS, a proposal was received from EKA Associates, to perform the additional work as requested by NJDEP, and

WHEREAS, the Town Engineer has reviewed the Proposal and recommends that a professional services contract for the aforementioned services as outlined in the Proposal

dated March 31, 2014, be awarded to EKA Associates, P.A., 328 Park Avenue, Scotch Plains, New Jersey 07076, 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. 2169.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield that the aforementioned contract for additional professional engineering services be awarded to EKA Associates, P.A., 328 Park Avenue, Scotch Plains, New Jersey 07076, for a fee not to exceed \$7,000.00.

(207) WHEREAS, the Town hired HL Petroleum Co., Inc., a Licensed Site Remediation Professional (LSRP) to perform the necessary environmental investigation and evaluation of municipally-owned facilities in the Town of Westfield, which are currently out of compliance with New Jersey Department of Environmental Protection (NJDEP) regulations, and

WHEREAS, during the course of their investigation, HL Petroleum Co., Inc., has determined that additional testing and evaluations are necessary in order to comply with these NJDEP regulations, and

WHEREAS, the Town Engineer has reviewed the Proposals and recommends that a professional services contract for the aforementioned services as outlined in the Proposals for the Public Works Complex, dated March 17, April 11 and May 30, 2014, be continued with HL Petroleum Co., Inc., P.O. Box 1247, 2020 Clinton Street, Linden, NJ 07036, pursuant to N.J.S.A. 40A:11-6 – “Emergency Contracts”, 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 Special Ordinance No. 2189 and Public Works Account 137-254.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield that the aforementioned contract for professional engineering services be awarded to HL Petroleum Co., Inc., P.O. Box 1247, 2020 Clinton Street, Linden, NJ 07036, in an amount not to exceed \$40,000.00.

(208) WHEREAS, sealed bids were received by the Town Clerk on July 1, 2014 for the **2014 Various Street Improvements** in Westfield, New Jersey as authorized by S.O. 2174 and S.O. 2192, and

WHEREAS, the Town Engineer has determined that said bids exceed the amount budgeted by the Town, and are therefore rejected.

NOW THEREFORE BE IT RESOLVED, that the Town Engineer is hereby authorized to re-bid for the **2014 Various Street Improvements**.

(209) WHEREAS, sealed bids were received by the Town Clerk on July 15, 2014 for the **2014 Various Road Improvements** in Westfield, New Jersey as authorized by S.O. 2169, and

WHEREAS, after review, it was found that the specifications issued by the Town contained a technical deficiency, and therefore, in accordance with N.J.S.A. 40A:11-13.2, it is in the best interest of the Town to reject these bids and readvertise this service.

NOW THEREFORE BE IT RESOLVED that the aforesaid bids be rejected and the Town Engineer be and is hereby authorized to re-bid.

Reports of Department Heads

Report of Liy-Huei L. Tsai, Chief Financial Officer, showing Cash in Bank of \$8,371,015.82 and Investments of \$374,087.86 was received, read and ordered filed.

Reports of Susan Noon, Collector of Taxes, showing taxes total collections of \$1,682,044.06 during the period June 1, 2014 to June 30, 2014 and total sewer fee collections of \$36,195.65.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$24,754.00 representing monies collected during the month of June 2014 and a check in the amount of \$22,720.00 representing monies collected for Spring Clean-Up.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$6,505.00 during the month of June 2014 was received, read, and ordered filed.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$65,623.18 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of June 2014 was received, read and ordered filed.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$95,426.00 for the month of June 2014 was received, read and ordered filed.

Report of Daniel J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in June in the amount of \$4,450.00 and Permit Fees collected in the amount of \$547.00 was received, read and ordered filed.

At 8:43 p.m. Councilman Foerst introduced the following resolution to reconvene the executive session, seconded by Councilman LoGrippto.

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield, that the public shall be excluded from discussion of the following matter(s):

Matters falling within the attorney-client privilege: Third round COAH & New Street.

BE IT FURTHER RESOLVED that Minutes will be kept on file in the municipal clerk's office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public.

Upon motion by Councilman Foerst, seconded by Councilman Loughlin the executive session was adjourned at 9:40 p.m.

Upon motion by Councilman Della Fera, seconded by Councilman Foerst the meeting was adjourned at 9:40 p.m.

Claire J. Gray
Town Clerk