

MINUTES OF REGULAR MEETING HELD SEPTEMBER 3, 2019

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, September 3, 2019 at 8:00 p.m.

Mayor Brindle made the following announcements:

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

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 13, 2018. 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 Brindle, Council Members Habgood, Arena, Dardia, LoGrippo, Contract, Stokes, Mackey

ABSENT: Councilwoman Neylan

INVOCATION AND FLAG SALUTE

Invocation was given by Councilman Contract followed by the flag salute.

PRESENTATIONS

Town Administrator's Report

The Town Administrator provided an update of road paving and stated that significant progress has been made, with seventy-seven (77) of the total ninety (90) roads completed. Elizabethtown Gas has two (2) roads remaining on its list and discussed those roads recently paved and those remaining. Stated that the Town has ten (10) to eleven (11) roads to be paved and listed them. Reminded everyone that Elizabethtown Gas is strictly conducting milling and paving while the Town is including some additional improvements on certain roads. Feels Elizabethtown Gas has been a good partner and completion of all road paving is expected in the next few weeks, depending on weather. Also discussed the timeframe for striping once paving is complete. Thanked the Town Engineer, Kris McAloon, Assistant Town Engineer, Chris Roth, and DPW employee Eugene Watkins and his team for their efforts with paving.

Councilman Arena mentioned Elizabethtown Gas's contractor, Atlantic Infrastructure, and feels they have done a great job.

The Town Administrator also discussed work that is being conducted with respect to curb cuts/handicap ramps.

Mayor's Remarks

- Discussed the opening of schools and the need for safety on the roads. Thanked the Police Chief for writing a Letter to the Editor last week that detailed what the Police Department is doing to help promote pedestrian safety with the beginning of a new school year. Explained that one of those measures is an enhanced speed limit enforcement initiative throughout Town, which the Town Council fully supports. It is being announced with full transparency so that there are no surprises when tickets begin to be issued with more frequency. Stated that the Police Chief also addressed the new crossing guard program at length in this letter. Explained that Westfield has more than fifty (50) crossing guard posts, which is a very robust program for a municipality of Westfield's size. Recruiting and keeping these posts filled every day meant that police officers were increasingly serving as crossing guards, which significantly impacted the Police Department's ability to respond to actual emergencies, precluded them from conducting traffic and parking enforcement during those times of day when streets are their busiest, and created significant public safety concerns. As a result, the Town authorized a contract with All City Management Services Inc. (ACMS) for a one-year, trial basis to oversee the management of the Town's crossing guard program. Explained that ACMS successfully manages approximately six thousand (6,000) crossing guards in twenty-five (25) states and brings more than thirty (30) years of experience to Westfield's program. This allows the Westfield Police Department to refocus its efforts on its key law enforcement priorities while also providing our crossing guards with the dedicated support and expertise to help them succeed. Expressed her appreciation to the Town's crossing guards for their ongoing dedication to keep Westfield's children safe and feels that many think of them as "family". Also informed residents that all those who wished to continue in the crossing guard program under ACMS remain assigned to their previous posts. All will receive pay raises, new equipment, more robust training, and additional benefits, such as paid snow days. However, explained that residents should not expect crossing guards to direct traffic, as it is not part of their responsibilities, and never has been, although many crossing guards felt an obligation to do so in highly trafficked crossings. To ensure a smooth transition and assess potential need, the Police Chief has committed to having officers present in some of the Town's busier intersections as the school year gets underway, and asked the public for its patience and flexibility during this time;
- Discussed the issue of car burglaries and thefts that have occurred in Town and explained that the vast majority of instances involved cars that were unlocked, some with the keys inside. Also explained that this problem is occurring in nearby communities as well and is not exclusive to Westfield. Stated that the Police Department is doing its part but cannot be at every street at all times. Residents also need to do their part and secure their property;
- Discussed the sudden closing of the Rialto Theater and stated that no one was more surprised than the property owner when the tenant vacated the building without any advance notice. Explained that the property has not been sold but was closed as a result of a legal dispute between New Vision and Rialto Properties. Stated that she has spent many hours speaking with both parties about the current state of their litigation and the near and long-term possibilities for the theater. Explained that she is encouraged by the

property owner's concern and commitment to reimagining what is possible, similar to what the property owner enabled with other property, the Bellevue Theater in Montclair, which is going through a significant transformation before reopening as a movie/performance arts space. Thanked the numerous residents who reached out with constructive, innovative suggestions to save this downtown "icon" and for offering their support and assistance. All of these contacts would be kept on file, so that once there is more clarity regarding the litigation and potential next steps, a coordinated group effort could be immediately formed to assess all options. Assured everyone that all options are "on the table", and that she would do whatever is in her authority to ensure that the Rialto remains a staple of Downtown Westfield for generations to come;

- Discussed the recent purchase of the Lord & Taylor brand by LE TOTE, and explained that this came as no surprise to her based upon numerous conversations she had with executives from Lord & Taylor's parent company, Hudson's Bay Company, who continue to own the property. Feels this is a very positive development, and an encouraging combination of old retail and the new economy. While the initial agreement is for two (2) years, feels confident that Hudson's Bay will be a transformative investor in Westfield and will remain committed to being long-term partners and collaborators;
- Announced that there has been a leadership change at the Downtown Westfield Corporation (DWC), which Councilwoman Mackey will address as the Council liaison to the DWC;
- Thanked all who provided input on the Master Plan Reexamination and the Parks and Recreation Strategic Plans. Explained that these plans will only be as good as the feedback received, and she is thrilled by the significant thoughtful, candid input that many residents provided. To ensure that all stakeholders are engaged, she is hosting a forum next week for all Downtown property owners, at which the Town's consultant would provide an update on the status of the Master Plan and obtain input. Announced that the surveys for both plans are now closed, and in total, over sixty-five (65,000) responses were received on the Master Plan survey, and more than forty (40,000) responses were received on the Parks and Recreation survey, in addition to four (4) well-attended public workshops. The public is invited to attend a Master Plan meeting on the evening of October 2, to hear directly from the Master Plan consultant about the feedback that was received, and potential recommendations. There will also be a public meeting for the Parks and Recreation Strategic Plan next month, which is in the process of being scheduled and stated that more details on both would be forthcoming shortly;
- Announced the establishment of a Mayor's Wellness Campaign (MWC) Committee, which would be co-chaired by Stacy Kurtz Weinman and Sam Tooley. Explained that the Mayor's Wellness Campaign is a State led initiative that enables municipalities to gain accreditation if certain wellness criteria are met, which encompasses the mental, physical, special needs, and senior communities. Feels that since the Town is already doing so much in these areas, it made sense to earn the accreditation which provides for several grant opportunities. Extended her thanks to Mr. Tooley and Ms. Kurtz Weinman for their involvement;
- Announced the formation of the Westfield 300 Anniversary Celebration Steering Committee, comprised of representatives from the Town, various civic organizations and the clergy, and Co-Chaired by Barbara Burton from the Westfield Historical Society, and Robert Wendel, the Town Historian. The first meeting is scheduled for next week where

many Westfield 300 logo submissions will be reviewed, and subcommittees will be established to take the lead on fundraising, events, marketing/communications, finance and more. Stated that a significant number of volunteers would be needed and encouraged residents to check for opportunities to sign up to support this milestone;

- Discussed Downtown events held over the summer, including Second Sundays and Sweet Sounds. Stated that a tremendous amount of positive feedback was received concerning the closure of Quimby Street for these events, and the Town plans to continue with that approach as much as possible. Also discussed the Westfield Farmers Market, which will continue on Saturdays through November, and the first Night of Lights 5K will be held this Sunday evening in Tamaques Park. In addition, the Westfield Area YMCA Fun Run for Everyone will be held September 15, the Westfield NJ - Downtown Fall Fashion Show is scheduled for September 7 at The James Ward Mansion, and the first-ever Cultural Diversity Fair, also sponsored by the County of Union and Coldwell Banker Residential Brokerage, will be held in Mindowaskin Park on September 14. Lastly, the Greater Westfield Area Chamber of Commerce will host its FestiFall Downtown on September 22;
- Discussed the Year of the Pedestrian initiative and informed residents that the Town Council would be voting on an ordinance that authorizes a change in the traffic requirements of two challenging intersections, Mountain Avenue/Lawrence Avenue and North Avenue/West Dudley Avenue, enabling both to change from yield to stop intersections. In addition, there would be a vote this evening on a resolution that authorizes the purchase of a new police vehicle and a bond ordinance related to the replacement of a fire engine;
- Discussed additional items on the agenda, including the establishment of a Public Arts Council, which will “pave the way” for a more coordinated and comprehensive approach to utilizing art in the Town’s public space;
- Announced that the Town will hold its annual 9/11 remembrance ceremony next Wednesday evening at 7:00 PM, where the program will include remarks from local clergy, the presentation of a ceremonial wreath, and a time for silent reflection by the community to remember those lost on that fateful day;
- Extended her best wishes to everyone heading back to school.

APPOINTMENTS

ADVERTISED HEARINGS

GENERAL ORDINANCE NO. 2141

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

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2142

“AN ORDINANCE AMENDING AND SUPPLEMENTING “THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY”, IN ORDER TO ESTABLISH A “PUBLIC ARTS COMMISSION” CONCERNING “PUBLIC ART”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, GENERAL ORDINANCE NO. 2141 - “AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13” by Councilman Dardia, seconded by Councilman Contract, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

The Town Administrator explained that General Ordinance 2141 amends Chapter 13 of the Town Code to designate Mountain Avenue in the area of Lawrence Avenue, and North Avenue in the area of West Dudley Avenue as through streets. This change enables both intersections to become stop-mandated intersections providing additional pedestrian safety measures.

Councilmember Dardia requested clarification concerning Union County’s input concerning General Ordinance No. 2141.

The Town Administrator explained that Union County approval is required because Mountain Avenue and North Avenue are Union County roads.

An ordinance entitled, GENERAL ORDINANCE NO. 2142 - “AN ORDINANCE AMENDING AND SUPPLEMENTING “THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY”, IN ORDER TO ESTABLISH A “PUBLIC ARTS COMMISSION” CONCERNING “PUBLIC ART” by Councilwoman Mackey, seconded by Councilman LoGrippo, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood
Arena
Dardia
LoGrippe
Contract
Stokes
Mackey
Mayor Brindle

Nays:

Absent: Neylan

BIDS

MINUTES

On a motion by Councilman Dardia and seconded by Councilwoman Mackey, Council approved the Minutes of the Town Council Conference Session and Regular Meeting held August 13, 2019 with Council Members Habgood, Contract, and Stokes abstaining.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

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

Hearing no comments, Mayor Brindle closed the public comment portion of the meeting.

BILLS AND CLAIMS

On motion by Councilwoman Habgood, and seconded by Councilman Stokes, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$989,47.07 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilwoman Habgood, and seconded by Councilman Dardia, were unanimously adopted.

Resolution No. 212

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

Corner Company 133 Prospect Street Westfield, NJ 07090	Lot 8	#19080525	\$100.00
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Lisa Bertone 46 Sandra Circle, Unit B1 Westfield, NJ 07090	Lot 4/Nite Owl	#19480009	\$40.00
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Kenneth Marks 35 Hudson Street, Unit 2211W Jersey City, NJ 07302	SS RR Stn/Lot 3	#19030096	\$232.00
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Resolution No. 213

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$16.80 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 August 2019.

Resolution No. 214

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Theresa Brown 429 First Street Westfield, NJ 07090	195 Pool*	Refund/Class Canceled Stand up Paddle Board Aqua Yoga 8 am 8/17 Theresa Brown	\$26.00
Amy Buck 1007 Ripley Ave Westfield, NJ 07090	195 Pool*	Refund/Class Canceled Stand up Paddle Board Aqua Yoga 8 am 8/17 Amy Buck	\$26.00
Amy Doll 21 Azalea Trail Westfield, NJ 07090	195 Pool*	Refund/Class Canceled Stand up Paddle Board Aqua Yoga 8 am 8/17 Amy Doll	\$26.00
Dana Lopes	195	Refund/Class Canceled	\$26.00

42 Moss Ave Westfield, NJ 07090	Pool*	Stand up Paddle Board Aqua Yoga 8 am 8/17 Dana Lopes	
Ellen Smith 300 Seneca Place Westfield, NJ 07090	195 Pool*	Refund/Class Canceled Stand up Paddle Board Aqua Yoga 9am 8/17 Ellen Smith	\$26.00

*=GL Code Pool Fitness Classes 9-03-300-000

Resolution No. 215

RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2019:

Block/Lot/Qualifier Name	Property Address	Quarter/Year Amount
906/25 Mark Allen	828 North Avenue West	3 rd /2019 \$2,594.82
2815/11.03 Creative Property Management of NJ 80 W Grand St. Elizabeth, NJ 07202	241 Lamberts Mill Road	1 st & 2 nd /2019 \$5,564.26
4801/60 PHH MORTGAGE JOSEPH IULIANO 1 MORTGAGE WAY MT. LAUREL, NJ 08056	863 Carleton Road	3 rd /2019 \$3,818.03
4805/7 CoreLogic Tax Collection Services, LLC Post Office Box 9236 Coppell, TX 75019-9801	333 Pine Street	3 rd /2019 \$2,212.40
5707/10 Spencer Savings Bank 611 River Drive River Drive Center 3 Elmwood Park, NJ 07407	230 Virginia Street	1 st /2019 \$2,986.67

Special Ordinance No. 2218:

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

I hereby move that an ordinance entitled, "SPECIAL ORDINANCE NO. 2218 – BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW PUMPER FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$665,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS." be approved on first reading.

The motion was seconded by Councilman Arena.

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

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

Heretofore introduced, Special Ordinance No. 2218 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 24th day of September 2019 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Public Safety, Transportation and Parking Committee

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

Resolution No. 216

WHEREAS, a need exists for the purchase of a replacement utility vehicle for use by the Westfield Police Department's Parking Services Division, as provided for in the Town of Westfield's 2019 Capital Budget, and

WHEREAS, the contract to purchase this vehicle is to be awarded to an authorized vendor through the State of New Jersey Procurement Bureau, and

WHEREAS, this vehicle will be sufficient to meet the needs of the Westfield Police Department's Parking Services Division; 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 known as National Joint Powers Alliance), a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, prepared in accordance with N.J.A.C. 5:30 1.10, which will be in the amount of \$34,256.22 charged to Special Ordinance 2216, account C-07-19-221-6C1 under Purchase Order #19-03392.

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

National Auto Fleet Group
490 Auto Center Drive
Watsonville, CA 95076

One (1) New/Unused 2020 Chevrolet Silverado 2500HD (CK20753) 4WD Double Cab 149" Work Truck 6.9' Box @ \$34,256.22, Quote ID 19572, Sourcewell Contract 120716-NAF

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. 217

WHEREAS, the Town of Westfield expressed a concern with respect to pedestrian crossings at select locations within the Town, and

WHEREAS, the Police Department recommended to the Public Safety Committee the installation of solar powered crosswalk systems to alert motorists to the pedestrian activity occurring at these locations,

WHEREAS, the Town's on-call traffic consultant, NV5, concurred with the Police Department's recommendations with respect to these installations, and

WHEREAS, these crossings involve 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 installation of solar powered crosswalk systems upon concurrence of Union County.

Code Review & Town Property Committee

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

Resolution No. 218

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

Funster Entertainment
306 16th Street
Union City, NJ 07087 127

Block Party
September 14, 2019
Edgar Road
Westfield, NJ 07090

532 Edgar Road
Westfield, NJ 07090

Child's Play Challenge
410 Montague Avenue
Scotch Plains, NJ 07076

Block Party
September 14, 2019
Arlington Avenue
Westfield, NJ 07090

617 Arlington Avenue
Westfield, NJ 07090

Resolution No. 219

RESOLVED, pursuant to Sec 9-16 that the following application for Florist License be and the same is hereby approved:

Linwyck Florist & Garden Center
380 Springfield Avenue
Westfield, NJ 07090

Resolution No. 220

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment, and

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, authorizes municipalities to investigate and determine whether certain parcels of land in the municipality constitute non-condemnation redevelopment areas; and

WHEREAS, to determine whether certain parcels of land constitute a non-condemnation redevelopment area, the Mayor and Council for the Town of Westfield (the "Mayor and Council") must authorize the Planning Board for the Town of Westfield ("Planning Board") to conduct an investigation of the area and make recommendations to the Mayor and Council; and

WHEREAS, the Mayor and Council desires to explore whether the real property located at Block 3307, Lots 1 and 2; Block 4004, Lot 17; and Block 4005, Lots 3 and 4, all as shown on the Official Tax Map of the Town of Westfield (the “Study Area”) may be an appropriate area for consideration for the program of redevelopment.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council for the Town of Westfield:

1. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the above referenced Study Area satisfies any of the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as a non-condemnation redevelopment area.

2. As part of its investigation, the Planning Board shall prepare a map covering the Study Area and showing the boundaries of the proposed non-condemnation redevelopment area and the location of the various parcels contained therein and attaching to the map a statement setting forth the basis for the investigation.

3. The Planning Board shall conduct a public hearing, after giving due notice of the boundaries of the proposed area and the date of the hearing to any persons who are interested in or would be affected by a determination that the area delineated in the notice is a non-condemnation redevelopment area.

4. At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the area delineated in the notice is a non-condemnation redevelopment area. All objections to a determination that an area is a non-condemnation redevelopment area and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

5. After conducting its investigation, preparing a map of the proposed non-condemnation redevelopment area, conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Mayor and Council in the form of a resolution with supporting documentation as to whether the Mayor and Council should designate all or some of the area identified above as an non-condemnation redevelopment area pursuant to the Local Redevelopment and Housing Law.

6. That the redevelopment area determination shall further authorize the Town of Westfield to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, other than the use of eminent domain.

Town Council Comments

Councilman Contract recognized Spencer Linenberg, Troop No. 77, who was in attendance. Discussed Mr. Linenberg’s Eagle Scout project which involved the development of the Dunham Avenue Bird Sanctuary entrance and the gravel walkway. Stated that Mr. Linenberg raised \$4,000 for this project and commended him for his efforts.

Councilwoman Mackey announced that Kathleen Miller Prunty was appointed as Interim Director of the DWC and welcomed her to Westfield. Discussed Ms. Prunty's background as Director of Cranford's Downtown Management Corporation and her role as the DWC's Interim Director. Councilwoman Mackey also extended her best wishes to former DWC Director Sherry Cronin in her future endeavors.

Reports of Department Heads

ADJOURNMENT

A motion to adjourn, made by Councilman LoGrippe and seconded by Councilwoman Habgood at 8:30 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC
Town Clerk