

## **MINUTES OF REGULAR MEETING HELD SEPTEMBER 16, 2014**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday evening, September 16, 2014 at 8:00 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 Arena, LoGrippo, Foerst, Della Fera, Kimmins, Oliveira, Loughlin

**ABSENT:** Mayor Skibitsky

Invocation was given by Councilman Loughlin

### **PRESENTATIONS**

### **APPOINTMENT**

### **ADVERTISED HEARINGS**

### **PENDING BUSINESS**

### **BIDS**

TOWN OF WESTFIELD  
INVITATION TO RE-BID  
TUESDAY, SEPTEMBER 16, 2014

2014 IMPROVEMENT OF SENECA PLACE, IN THE TOWN OF  
WESTFIELD, NEW JERSEY

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

<b>Bidder</b>	<b>Amount of Bid</b>
Utility Systems Inc.	\$207,850.75
PO Box 28	
Colonia, NJ 07067	

TOWN OF WESTFIELD  
INVITATION TO BID  
TUESDAY, SEPTEMBER 16, 2014

COLLECTION OF LEAVES

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

<b>Bidder</b>	<b>Amount of Bid</b>
Camarato Trucking	A – 3 units @ \$95/hr.
17 Avenue C	
Newark, NJ 07114	
B&B Disposal	A – 3 units @ \$95/hr.
174 Blanchard Street	
Newark, NJ 07105	
Jesco Inc.	B – 5 units @ \$47/hr.
118 St Nicholas Avenue	
South Plainfield, NJ 07080	
Messercola Inc.	A – 1 unit @ \$83/hr.
96 Woodland Avenue	C - \$2.45 per cubic yard
Fanwood, NJ 07023	

**MINUTES**

On a motion by Councilman Foerst, seconded by Councilman LoGrippe, Council approved the Minutes of the Town Council Meeting held September 2, 2014.

On a motion by Councilman Loughlin, seconded by Councilwoman Kimmins, Council approved the Minutes of the Conference Session held September 2, 2014.

**PETITIONS AND COMMUNICATIONS****OPEN DISCUSSION BY CITIZENS**

John Rotchford of 866 Knollwood Terrace thanked the Council for their leadership and innovation for planning for catastrophes by purchasing the Mobile Command Center and for exposing the Center to different scenarios such as the Super bowl activities, in order to gain valuable training experience.

Greg Kasko of 434 Everson Place spoke about his comments to the Mayor at the last meeting and about the Mayor's responses to him. He said that he is not a disgruntled ex-employee as the Mayor insinuated and that he is glad he no longer works for the Town. He said as a taxpayer he is concerned about the Town's spending. Mr. Kasko went on to talk about an investigation by the Prosecutor's office which he claims he initiated with letters and said that someone should ask the Police Chief if he has any information about it because the Mayor and the Town Attorney might not know about it, but the Police Chief had to know and someone should ask him.

The Town Attorney stated that at the last meeting he did ask the Police Chief if he was aware of any investigation and the answer was "no".

**BILLS AND CLAIMS**

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

RESOLVED that the bills and claims in the amount of \$698,169.90 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.

(247) RESOLVED that the Chief Financial Officer be and she hereby is authorized to draw warrants to the order of the following person, this being the amount overpaid for property taxes for the year 2014.

<u>BLOCK/LOT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
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5 Mount View Ct.  
Newton, PA 18940

Anthony Sciscione 305 Delaware Ave. Union, NJ 07083	Lot 4/Nite Owl	#14480009	\$40.00
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Lilly Sciscione 305 Delaware Ave. Union, NJ 07083	Lot 4/Nite Owl	#14480002	\$40.00
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(251) WHEREAS, the purpose of the Middlesex Regional Educational Cooperative Pricing System is to effect substantial economies in the purchase or work, materials and supplies; and

WHEREAS, the Town of Westfield desires to enter into an Agreement with the Middlesex Regional Educational Cooperative Pricing System for membership through January 31, 2017.

BE IT RESOLVED, by the Town Council of the Town of Westfield, County of Union, State of New Jersey as follows:

1. The Town Council of the Town of Westfield hereby authorizes the execution of an Agreement with the Middlesex Regional Educational Cooperative Pricing System pursuant to N.J.S.A. 40A:11-11(5). Said Agreement for membership is for a period through January 31, 2017
2. The Town of Westfield Clerk is hereby directed to submit a copy of this adopted resolution, along with an executed Agreement, to the Middlesex Regional Educational Cooperative Pricing System.
3. This resolution shall take effect immediately upon final passage according to law.
4. All appropriate Town of Westfield officials are authorized and directed to perform all required acts to affect the purpose of this resolution.

(252) WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services; and

WHEREAS, Title 1 of the Housing and Community Development Act of 1974 provides for substantial federal funds being made to certain urban counties for use therein through the Community Development Block Grant (CDBG) Entitlement Program, HOME

Investment Partnerships (HOME) Program and Emergency Solutions Grants (ESG) Program; and

WHEREAS, a Cooperative Agreement between the County of Union and the Town of Westfield was authorized previously this year by Resolution 2014-132 on June 3, 2014 to establish a legal mechanism through which the County government may apply for, receive, and disburse federal funds from federal fiscal year 2015, 2016 and 2017 appropriations; and

WHEREAS, it is the desire of the Town of Westfield to amend the Cooperative Agreement with the County of Union to reflect the following changes:

- Page 2, Section E – Add the following language to the end of the last paragraph, “and that such failure to comply will void the automatic renewal for such qualification period.”
- Page 3, Section G – Add the following language in a new item, numbered 4 – “The County and the Municipality are obligated to comply with all other applicable laws.”
- Page 3, Section I – In the first paragraph in sentence three, change the word “Subsection (d) to read Section (d):”

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby authorizes the above amendments to the Cooperative Agreement previously authorized and executed between the Town of Westfield and the County of Union; and

BE IT FURTHER RESOLVED that a copy of the Resolution shall be forwarded to the County of Union.

#### Public Safety, Transportation and Parking Committee

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

(253) BE IT RESOLVED that the proper Town Official be and are hereby authorized to sign documents necessary to implement the Union County Local Safety Program 2013, specifically East Broad Street and Elm Street Intersection Improvement.

#### Code Review & Town Property Committee

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

(254) WHEREAS, the Town Council of the Town of Westfield is aware that Friday, September 19, 2014 has been declared as “POW/MIA Remembrance Day”; and

WHEREAS, all Americans everywhere owe a special debt of gratitude and have a responsibility for remembering and honoring those who have given so much to make all of us free and secure in this, our national homeland, and a recognition day is a fitting testament and remembrance for all of us, for the sacrifices of our POW/MIA Veterans; and

WHEREAS, in honor of this special day, a ceremony will be held in front of the Union County Courthouse, 2 Broad Street, Elizabeth, New Jersey on September 19, 2014 at 11:15 a.m.;

NOW, THEREFORE, BE IT RESOLVED by the Westfield Town Council that it hereby declares, Friday, September 19, 2014 as

***“POW/MIA REMEMBRANCE DAY”***

in the Town of Westfield and urges all citizens of the Town to make a special effort to give thanks and to remember the sacrifices rendered to us by all those noble sons and daughters of America; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to all Union County Veterans Posts, Union County Legislators and Union County Mayors.

(255) WHEREAS, Harol Cespedes and Lora Ford, made an application to the Town of Westfield to demolish a single-family dwelling, located at 3 Stanley Oval, Block 2302, Lot 13, 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 3 Stanley Oval, Block 2302, Lot 13, Westfield, New Jersey.

(256) WHEREAS, First Equity Investments LLC., made an application to the Town of Westfield to demolish a single-family dwelling and detached garage, located at 1525 Boulevard, Block 5612, Lot 18, Westfield, New Jersey, and,

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling and detached garage at 1525 Boulevard, Block 5612, Lot 18, Westfield, New Jersey.

(257) WHEREAS, Michael Mahoney LLC, made an application to the Town of Westfield to demolish a single-family dwelling, located at 517 Cumberland Street, Block 2707, Lot 15, 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 517 Cumberland Street, Block 2707, Lot 15, Westfield, New Jersey.

(258) RESOLVED that the following application for children's inflatable amusements/ devices be approved:

Seashore Amusements  
11 Hendry Lane  
Brick, NJ

Westfield Festifall  
Elm Street & East Broad  
September 21, 2014

Rich Sieb  
11 Hendry Lane  
Brick, NJ

#### Public Works Committee

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

(259) WHEREAS, a need exists for the contract rental of privately owned equipment for use by the Department of Public Works in the 2014 Leaf Collection Program, as provided for in Public Works account 137-243 and 137-246, and

WHEREAS, sealed bids were received on Tuesday, September 16, 2014, and

WHEREAS, the bids received for **Part A – Hauling from the Street, Part B – Loaders** and **Part C – Loading and Hauling From Westfield to Union County**

**Compost Facility**, have been analyzed, and the low bids found to be fair and reasonable for the rental of this equipment and service, and

WHEREAS, while the bids received for **Part A – Hauling from the Street** from Camarato Trucking and B and B Disposal offer equal pricing, due to their proximity to and familiarity with the Town, Camarato Trucking will be awarded three (3) trucks, and B and B Disposals awarded two (2) trucks, pursuant to N.J.S.A. 40A:11-6.1, 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 Public Works account 137-243 and 137-246.

NOW THEREFORE BE IT RESOLVED, that the following contracts be awarded, and that the proper Town Officials be, and they are hereby, authorized to act as appropriate in the execution and discharge of this contract.

**PART A**

**MESSERCOLA EXCAVATING CO., INC.**

549 East Third Street                      Hauling from Street/Trucks w/operators (1) \$83.00/HR.  
Plainfield, NJ 07060

**CAMARATO TRUCKING INC.**

15 Greenview Road                      Hauling from Street/Trucks w/operators (3) \$95.00/HR.  
Scotch Plains, NJ 07067

**B AND B DISPOSALS, LLC**

P.O. Box 5669                      Hauling from Street/Trucks w/operators (2) \$95.00/HR.  
Newark, NJ 07105

**PART B**

**JESCO, INC.**                      Front End Loaders W/O Operators                      (4) \$47.00/HR.

1790 Route 38  
Mount Holly, NJ 08060

**PART C**

**MESSERCOLA EXCAVATING CO., INC.**

549 East Third Street                      Loading/Hauling from Conservation Center \$2.45/CY  
Plainfield, NJ 07060                      to Union County Facility - Unit price

(260) WHEREAS, the Town of Westfield desires to continue to improve its roadway infrastructure, in part, through the **2014 Improvement of Seneca Place**, and

WHEREAS, bids were first advertised and received on August 28, 2014, and the bids were subsequently rejected for unreasonableness due to price, and

WHEREAS, bids were next received on September 16, 2014, and the only bid submitted was not reasonable as to price and exceeded the amount budgeted by the Town, and

WHEREAS, it is in the best interest of the Town to reject this bid, and

WHEREAS, the New Jersey Public Contracts law permits contracts to be negotiated at fair and reasonable prices for the respective services when bidding on two occasions has been unsuccessful.

NOW THEREFORE BE IT RESOLVED, that the Town Engineer is hereby authorized to negotiate for prices for the 2014 Improvement of Seneca Place.

#### Reports of Department Heads

Reports of Susan Noon, Collector of Taxes, showing taxes total collections of \$27,563,974.14 during the period August 1, 2014 to August 31, 2014 and total sewer fee collections of \$11,692.10.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$60,306.55 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of August 2014 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 \$12,092.00 representing monies collected during the month of August 2014.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$1,764.00 during the month of August 2014 was received, read, and ordered filed.

Reports of David Wayman, Chief of the Police Department, stating he had turned over to the Chief Financial Officer a check in the amount of \$983.15 representing Police Fees collected during the month of August 2014 were received, read and ordered filed.

Report of Daniel J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in July in the amount of \$3,700.00, Application Fees \$3,550.00 and Permit Fees \$323.00 was received, read and ordered filed.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$91,595.00 for the month of August 2014 was received, read and ordered filed.

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

Claire J. Gray  
Town Clerk