

MINUTES OF REGULAR MEETING HELD SEPTEMBER 24, 2013

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday evening, September 24, 2013 at 8:00 p.m.

Alternate Acting Mayor Foerst 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 20, 2012. 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: Alternate Acting Mayor Foerst, Council Members Haas, Della Fera, LoGrippe, Loughlin

ABSENT: Mayor Skibitsky, Council Members Arena, Neylan, Kimmins

Invocation was given by Councilman Loughlin

PRESENTATIONS

APPOINTMENT

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

TOWN OF WESTFIELD
INVITATION TO BID
TUESDAY, SEPTEMBER 24, 2013

COLLECTION OF LEAVES

	PART A	PART B	PART C	PART D	PART E
BIDDERS	ITEM 1	ITEM 1	ITEM 1		
Jesco, Inc. 118 Saint Nicholas Avenue South Plainfield, NJ	No Bid	5 Units \$47.00 per hour	No Bid	No Bid	No Bid
Camarato Trucking Inc. 15 Greensview Drive Scotch Plains, NJ	6 Units \$85.00 per hour	No Bid	No Bid	No Bid	No Bid
Messercola Excavating 549 East Third Street Plainfield, NJ	1 Unit \$79.99 per hour	No Bid	No Bid	\$1.98 per cubic yard	No Bid
B&B Disposals, LLC 174 Blanchard Street Newark, NJ	6 Units \$86.00 per hour	No Bid	No Bid	No Bid	No Bid

MINUTES

On a motion by Councilman LoGrippo, seconded by Councilman Haas, Council approved the Minutes of the Town Council Meeting held September 10, 2013.

On a motion by Councilman Loughlin, seconded by Councilman LoGrippo, Council approved the Minutes of the Conference Session held September 10, 2013.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Joseph Stokes of Downer Street reported on his Eagle Scout project and thanked the Council and the Town Administrator for their cooperation.

Greg Kasko of 434 Everson Place spoke on two vehicles that he believes were purchased before a bid was completed. He wanted to know if he was wrong or not. Alternate Acting Mayor Foerst advised Mr. Kasko that if he believed the Town did something illegal, he should report it to the County Prosecutor's office. Mr. Kasko said that he reported something to the County Prosecutor's office in the past and it was concluded by the Prosecutor's office that his claim was unfounded. Because Mr. Kasko believes he was right, but the Prosecutor found his claim was not founded, he stated he does not trust that office. Administrator responded and indicated that the last time Mr. Kasko raised this issue he was speaking about one vehicle. Administrator reconfirmed that the Town does

not own or plan to own the vehicle that Mr. Kasko claims we own. In regard to the second vehicle he mentioned the Town took title to it well after the bid specification process was concluded in accordance with NJ State Contract Law.

Councilman Haas asked about the redaction of some of the items on the bid specifications when the press requested those documents through the Open Public Records Act (OPRA). Administrator explained that the Town felt those items were a security issue. The Town Attorney also responded that he was consulted by the Town Clerk regarding the OPRA request and agreed that the items should be exempted from disclosure since there could be security issues if they were disclosed. He offered to give Councilman Haas a copy of the OPRA exemption list.

Maria Carluccio of 1326 Central Avenue spoke in opposition to the pedestrian activated HAWK light crossing on Central Avenue. She became out of order and began shouting at Councilman LoGrippe so the Sergeant of Arms approached her at the microphone twice and asked her to keep order.

Edina Enclusco of 1310 Central Avenue spoke in opposition of the pedestrian activated HAWK light crossing on Central Avenue.

Tony Delduca of 811 Nancy Way said that Councilman Haas attributed the accidents on the corner of Central and Clover to the pedestrian activated HAWK light and crossing on Central Avenue. He said that he then assumed that Councilman Haas knows the age, gender, weather conditions, as well as the changing demographics in the town because all those factors contribute to accidents. He said the accidents were due to more than the HAWK light and mid-block pedestrian crossing. Councilman Haas said that he was aware of the statistics for the last 18 years and said that if nothing was changed, there would not be an increase in accidents. Mr. Delduca asked Councilman Haas if he had voted for the mid-block pedestrian crossing and Councilman Haas said that he did vote for it, but is now admitting that he made a mistake.

Thomas Borne of 709 First Street said that Mr. Delduca's comments were irrelevant and asked if Westfield was becoming a police state.

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 \$185,063.83 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 LoGrippe were unanimously adopted.

(248) 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 2013:

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
1201/6	807 Mountain Avenue	2013	\$12,630.57
FORTINO, Frank & Camille 1 Priscilla Lane Westfield, NJ 07090			
3303/8	649 Fourth Avenue	2013	\$1,821.98
A Absolute Escrow Settlement Company, Inc. P.O. Box 769 Millburn, NJ 07041			

(249) RESOLVED that the Treasurer be and she hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2012 pursuant to the Tax Court of New Jersey:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
2003/1	330 Woodland Avenue	2012	\$33,507.85
Gita F. Rothschild			

Please mail check to:
Susan A. Feeney, Esq.
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
P.O. Box 652
Newark, New Jersey 07101-0652

(250) RESOLVED that the Treasurer be and she hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2013, pursuant to Judgment of the Union County Tax Board:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
205/2	55 Fairhill Drive	\$4,091.50
Darin D. Pinto, P.C.		

309/6 Darin D. Pinto, P.C.	28 Burrington Gorge	\$3,273.20
509/15 Darin D. Pinto, P.C.	825 Standish Avenue	\$1,636.60
708/10 Darin D. Pinto, P.C.	107 Brightwood Avenue	\$1,513.86
1406/3 Darin D. Pinto, P.C.	705 Woodland Avenue	\$2,454.90
2502/1.02 Darin D. Pinto, P.C.	241 Charles Street	\$2,454.90
2701/5 Darin D. Pinto, P.C.	774 West Broad Street	\$2,045.75
2814/13 Darin D. Pinto, P.C.	750 Warren Street	\$1,636.60
5010/16 Darin D. Pinto, P.C.	145 Belmar Terrace	\$1,227.45
5713/1 Darin D. Pinto, P.C.	240 Massachusetts Street	\$1,636.60

MAIL ABOVE CHECKS TO:
Darin D. Pinto, P.C.
376 South Avenue East
Westfield, NJ 07090

2302/28 Blau & Blau Attorney for Gersch, S & C c/o S & S Realty Co	547 East Broad Street	\$4,467.92
3109/4 Blau & Blau Attorney for 114 South Euclid, LLC	114 South Euclid Avenue South	\$605.54

MAIL ABOVE CHECKS TO:
Blau & Blau
Attorneys at Law
233 Mountain Avenue
P.O. BOX 50
Springfield, NJ 07081

806/2 McCarter & English, LLP MAIL TO: McCarter & English, LLP Four Gateway Center 100 Mulberry Street P.O. Box 652 Newark, NJ 07102	712 Coleman Place	\$572.81
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(251) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$3,000.00 to the order of the United States Postal Service to replenish bulk mail permit no. 683 in order to process the Town's annual Leaf Collection brochure.

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 Haas were unanimously adopted.

(252) WHEREAS, a need exists in the Police Department for the purchase of equipment to enhance and upgrade the Department's mobile computer system as provided in the 2013 Capital Budget, Special Ordinance SO 2185, and;

WHEREAS, the contract to purchase the Panasonic Toughbooks is to be awarded to GTBM, Inc., 351 Patterson Avenue, East Rutherford, NJ 07073 and

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

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under State Contract #75583, 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 \$46,542.19, charged to Special Ordinance 2185, 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 Panasonic Toughbook 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.

Panasonic CF-31 Toughbooks

GTBM, Inc.
351 Patterson Avenue
East Rutherford, NJ 07073

Total \$46,542.19

(253) WHEREAS, a need exists in the Police Department for the expansion of the Department's Access control system as provided in the 2013 Capital Budget, Special Ordinance SO 2185, and;

WHEREAS, the contract to purchase these mobile radios is to be awarded to Deterrent Technologies 1750 Brielle Avenue, Ocean, NJ 07712 and

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

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 \$22,095.00, charged to Special Ordinance 2185, 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 additional access control 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.

Access Control System Expansion

Deterrent Technologies
1750 Brielle Avenue
Ocean, NJ 07712

Total \$22,095.00

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Della Fera, Member of the Code Review & Town Property Committee, seconded by Councilman Haas were unanimously adopted.

(254) WHEREAS, pursuant to Chapter 24 Article VII Section 24-47 of the Town Code the Town Council has authorized the licensing of Sidewalk Cafés, and

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

WHEREAS, the establishment listed has met all the terms and conditions as required,

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

Robert Treat Deli

113 Quimby Street

(255) RESOLVED that the following application for children's inflatable amusement devices be approved:

Seashore Amusements
11 Hendry Lane
Brick, NJ

Street Fair
Prospect and Elm Street
September 22, 2013

Rich Sieb
11 Hendry Lane
Brick, NJ

(256) WHEREAS, Ralph and Rosalie Bencivenga, made an application to the Town of Westfield to demolish a single-family dwelling and detached garage, located at 564 Downer Street, Block 723, Lot 37, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the applicant is in the process of meeting 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 564 Downer Street, Block 723, Lot 37, Westfield, New Jersey.

(257) WHEREAS, Steven Buontempo, made an application to the Town of Westfield to demolish a single-family dwelling, located at 1120 Ripley Avenue, Block 4901, Lot 49, 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 1120 Ripley Avenue, Block 4901, Lot 49, Westfield, New Jersey.

(258) WHEREAS, Konstruct Enterprises Inc., made an application to the Town of Westfield to demolish a single-family dwelling, located at 1365 Grandview Avenue, Block 4903, Lot 10, 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 1365 Grandview Avenue, Block 4903, Lot 10, Westfield, New Jersey.

(259) WHEREAS, Jake Sigmund, made an application to the Town of Westfield to demolish a single-family dwelling and detached garage, located at 623 North Chestnut Street, Block 1203, Lot 29, 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 623 North Chestnut Street, Block 1203, Lot 29, Westfield, New Jersey.

Public Works Committee

The following resolutions, introduced by Councilman Haas, Vice-Chairman of the Public Works Committee, seconded by Councilman LoGrippo were unanimously adopted.

(260) WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provided funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2014 for the Improvements of Westfield Avenue, between South Avenue and Park Street, consisting of road resurfacing and the installation of ADA compliant handicapped ramps.

NOW, THEREFORE, BE IT RESOLVED that Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Westfield Township-00067 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature

constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

(261) WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provided funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2014 for the Improvements of Lawrence Avenue, between the Town Line and Hillside Avenue, consisting of road resurfacing and the installation of ADA compliant handicapped ramps.

NOW, THEREFORE, BE IT RESOLVED that Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Westfield Township-00357 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Reports of Department Heads

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$77,737.32 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of August 2013 was received, read and ordered filed.

Report of David Wayman, Chief of the Police Department, stating he had turned over to the Chief Financial Officer a check in the amount of \$930.00 representing Police Fees collected during the month of August 2013 was received, read and ordered filed.

Upon motion by Councilman Haas, seconded by Councilman LoGrippo the meeting was adjourned at 8:49 p.m.

Claire J. Gray
Town Clerk