

MINUTES OF REGULAR MEETING HELD OCTOBER 7, 2014

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday evening, October 7, 2014 at 8:00 p.m.

Mayor Skibitsky made the following announcements:

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

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 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: Mayor Skibitsky, Council Members LoGrippo, Foerst, Della Fera, Kimmins, Oliveira, Loughlin

ABSENT: Councilman Arena, Councilwoman Neylan

Invocation was given by Councilman Loughlin

PRESENTATIONS

APPOINTMENT

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

MINUTES

On a motion by Councilman Foerst, seconded by Councilman Loughlin, Council approved the Minutes of the Town Council Meeting held September 16, 2014.

On a motion by Councilman LoGrippe, seconded by Councilwoman Kimmins, Council approved the Minutes of the Conference Session held September 16, 2014.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Kenneth McRitchie of 515 Trinity Place said that he read in the paper about the possible reconfiguration of the North Avenue and Elm Street intersection. He said that former Councilman, Neil Sullivan, recommended a four square right angle intersection years ago and Mr. McRitchie said that he agreed with that recommendation. He said that he realized North Avenue was a State road and that any recommendations would need to go through the State Department of Transportation.

Greg Kasko of 434 Everson Place spoke about an accident on 9/17/14 which he said occurred at the HAWK light on Central Avenue and attributed the accident to the light. The Mayor stated that anytime there is a stop mechanism on any highly travelled road, there was an increased likelihood of rear end accidents and that Central Avenue has over 25,000 cars a day travelling on that road and the fact that there has been one accident in approximately 18 months does not mean the light is unsafe. Mayor said that everyone who uses the light to safely cross the busy road is very happy with the way the light operates.

John McCormack of 1045 Coolidge Street spoke about the overflow parking on his street due to students from Union County College parking there to avoid paying the college lot parking fee. He said that he and his neighbors have requested restricted parking and feel that their request has been ignored. Mayor said that the Chair of the Transportation, Parking and Public Safety Committee and the other councilwoman from that ward have been looking into the issue and explained that the issue is more complicated than may be realized. He said that there may be unintended consequences when parking is restricted. Administrator said that Councilwoman Neylan had been in touch via email with Mr. McCormack and some of his neighbors as recently as today and had also sent a detailed email a few weeks before indicating that the issue was being reviewed. He said that the issue was not ignored and that Councilwoman Neylan and Councilwoman Kimmins were going to be reaching out shortly to arrange for a neighborhood meeting.

Tim Shriner of 1037 Coolidge Street said that the students parking on his street is a safety problem. He said that the children cannot walk to Washington School because drivers cannot see when they are backing out of their driveways. At dusk he says he sees people walking around with backpacks pretending to be students. He said they are not students and doesn't know what they are doing. Mayor said that the Police Chief was there tonight and he is now aware of his concern and reiterated that the Council Members would be setting up a meeting with the residents.

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 \$1,168,912.60 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.

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

James Robinson 808 Honey Springs Drive Woodstock, GA 30189	South Side RR Stn/Lot 3	#14030350	\$159.00
Adam S. Chu 1033 Tice Place Westfield, NJ 07090	South Side RR Stn/Lot 3	#14030041	\$159.00

(262) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$28.80 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 September 2014.

(263) 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 approve the insertion of an item of revenue in the budget of the year **2014** in the sum of **\$8,370.64** which is now available from the State of New Jersey - **Drunk Driving Enforcement Fund**, and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations:

Drunk Driving Enforcement Fund - DWI \$8,370.64

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded to the Division of Local Government Services by the Chief Financial Officer.

(264) WHEREAS, the following listed outstanding checks are over six months and not claimed or any longer required.

Current Fund Account – Wells Fargo Bank

<u>CHECK #</u>	<u>AMOUNT</u>	<u>PAYEE</u>	<u>DATE</u>
059317	74.13	Advanced Auto & Tire service	10/08/13
059881	1.00	Andrew Skibitsky	12/03/13
059885	1.00	Frank Arena	12/03/13
059884	1.00	James Foerst	12/03/13
059882	1.00	Joann Neylan	12/03/13
059888	1.00	Keith Loughlin	12/03/13
059889	1.00	Mark LoGrippe	12/03/13
059886	1.00	Sam Della Fera	12/03/13
059883	1.00	Vicki Kimmins	12/03/13
059887	1.00	David Haas	12/03/13

Trust Fund Account :

12822	\$250.00	Deena Schaffer	02/08/13
12916	75.00	Rene Tolajian	04/11/13
13025	21.70	Richard Jurgens	06/25/13
13077	141.02	Ross & Patricia Margolies	07/24/13
13079	42.72	Arida Properties	07/24/13
13092	196.58	Jean Genievich	07/24/13
13113	169.87	Service Pro Sign	07/24/13
13344	34.00	Heather Ciotta	12/11/13

NOW, THEREFORE, BE IT RESOLVED that the Town Treasurer cancelled the total amount of \$83.13 to Current Fund Budget Operations and \$930.89 to Trust Surplus.

(265) WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides 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 2015 for the Improvement of Rahway Avenue, between Grove Street and the Town Line, consisting of road resurfacing and the installation of traffic calming features and 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-2015-Westfield Township-00337 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.

(266) WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides 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 2015 for the Improvements of Lawrence Avenue, between Roanoke Road and Mountain 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-2015-Westfield Township-00330 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.

(267) 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 2012, 2013:

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
2003/47 AMIL, SIGRID 5 Karen Terrace Westfield, New Jersey 07090	5 KAREN TERRACE	2014	\$4,054.68
3904/11 RADLMANN, ERICH J. and Christine C 21 Manitou Circle Westfield, New Jersey 07090	21 MANITOU CIRCLE	2014	\$810.78
4101/12 TANNENBAUM, RICHARD S & LISA D 104 Washington Street Westfield, New Jersey 07090	104 WASHINGTON STREET	2014	\$369.37

(268) BE IT RESOLVED that the Mayor and appropriate town officials are hereby authorized to sign the Interlocal Agreement for Leaf Collection Services between the Township of Scotch Plains and the Town of Westfield.

(269) WHEREAS, ElShiekh Enterprises LLC placed the required cash bond of \$500.00 to cover the Street Opening Permit #13-509 for 257 Walnut Street, 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.

The following resolution, introduced by Councilman Della Fera, seconded by Councilman LoGrippe was adopted by the following roll call vote:

Code Review & Town Property Committee

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

(271) WHEREAS, Elshiekh Enterprises, LLC., made an application to the Town of Westfield to demolish a single-family dwelling, located at 510 Summit Avenue, Block 3003, Lot 20, 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 510 Summit Avenue, Block 3003, Lot 20, Westfield, New Jersey.

(272) WHEREAS, Premier Design Custom Homes, LLC., made an application to the Town of Westfield to demolish a single-family dwelling, located at 627 Leigh Drive, Block 5207, 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 627 Leigh Drive, Block 5207, Lot 8, Westfield, New Jersey.

(273) WHEREAS, Daunno Development Co. LLC, made an application to the Town of Westfield to demolish a single-family dwelling, located at 903 Pennsylvania Avenue, Block 4601, Lot 44, 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 903 Pennsylvania Avenue, Block 4601, Lot 44, Westfield, New Jersey.

(274) WHEREAS, Premier Design Custom Homes, LLC., made an application to the Town of Westfield to demolish a single-family dwelling and detached garage, located at 129 Brightwood Avenue, Block 708, Lot 6, 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 129 Brightwood Avenue, Block 708, Lot 6, Westfield, New Jersey.

(275) WHEREAS, Deluxe Homes LLC., made an application to the Town of Westfield to demolish a single-family dwelling and shed, located at 8 N. Wickom Drive, Block 5203, Lot 11, 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 8 N. Wickom Drive, Block 5203, Lot 11, Westfield, New Jersey.

(276) BE IT RESOLVED that the Mayor and appropriate town officials are hereby authorized to sign an agreement with Crown Castle regarding their use of Public Right-of-Way for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system.

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2029 – AN ORDINANCE AMENDING SECTION 16-16A OF THE WESTFIELD TOWN CODE TO REGULATE SMOKING IN ALL MUNICIPAL PARK GROUNDS."

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 21ST day of October 2014 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to

law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilman Arena.

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

Yeas:	LoGrippto	Nays:	Absent:	Arena	Abstain:	Loughlin
	Foerst			Neylan		
	Della Fera					
	Kimmins					
	Oliveira					
	Mayor Skibitsky					

Public Works Committee

The following resolution, introduced by Councilman Arena, Chairman of the Public Works Committee, seconded by Councilman Oliveira was unanimously adopted.

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

WHEREAS, sealed bids were received on two separate occasions for this work, August 28, 2014 and September 16, 2014, and

WHEREAS, the bids received on both occasions exceeded the amount of money budgeted for the project and, therefore, were rejected by the Town Council, 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, and

WHEREAS, the Town Engineer negotiated a Unit Price Contract in the amount of \$195,650.75 with Utility Systems, Inc. for the Improvement of Seneca Place, 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. 2182.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$195,650.75 be awarded to Utility Systems, 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.

Reports of Department Heads

Report of Liy-Huei L. Tsai, Chief Financial Officer, showing Cash in Bank of \$9,600,480.78 and Investments of \$5,374,539.91 was received, read and ordered filed.

Reports of Susan Noon, Collector of Taxes, showing taxes total collections of \$638,194.23 during the period September 1, 2014 to September 30, 2014 and total sewer fee collections of \$8,925.32.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$828.00 during the month of September 2014 was received, read, and ordered filed.

Report of Daniel J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in September in the amount of \$3,675.00, and Permit Fees \$441.00 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 \$5,895.00 representing monies collected during the month of September 2014.

Upon motion by Councilman LoGrippe, seconded by Councilman Della Fera the meeting was adjourned at 8:30 p.m.

Claire J. Gray
Town Clerk