

MINUTES OF REGULAR MEETING HELD OCTOBER 21, 2014

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday evening, October 21, 2014 at 8:04 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 Arena, Neylan, LoGrippe, Della Fera, Kimmins, Oliveira, Loughlin

ABSENT: Councilman Foerst

Invocation was given by Councilman Arena

PRESENTATIONS

Jeanne Gladis, a Westfield resident, spoke about Pancreatic Cancer Awareness.

APPOINTMENT

ADVERTISED HEARINGS

The Council proceeded to the hearing entitled, “GENERAL ORDINANCE NO. 2029 – AN ORDINANCE AMENDING SECTION 16-16A OF THE WESTFIELD TOWN CODE TO REGULATE SMOKING IN ALL MUNICIPAL PARK GROUNDS.”

Advertised returnable this evening.

Naomi Stahl, a representative of GASP, provided no smoking signs for the parks included in the smoking ban. She asked for E cigarettes to be included in the ordinance. Administrator stated that all smoking of any type is prohibited under the ordinance.

Mayor Skibitsky declared the hearing closed.

PENDING BUSINESS

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." Introduced by Councilman LoGrippo, seconded by Councilwoman Kimmins, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

BIDS

MINUTES

On a motion by Councilman Loughlin, seconded by Councilman LoGrippo, Council approved the Minutes of the Town Council Meeting held October 7, 2014 with Councilman Arena, and Councilwoman Neylan abstaining.

On a motion by Councilman LoGrippo, seconded by Councilwoman Kimmins, Council approved the Minutes of the Conference Session held October 7, 2014 with Councilman Arena, and Councilwoman Neylan abstaining.

PETITIONS AND COMMUNICATIONS

Statement of the Town Attorney:

As everyone is aware, for well over a year, Greg Kasko has been appearing before this Town Council and making a series of unfounded allegations that have been directed at you Mayor, the Police Chief, the Town Administrator and myself. In fact, it is almost exactly a year ago that I felt compelled to address a letter from Mr. Kasko sent in to the Westfield Leader on October 3, 2013. He had already accused the Town of not acting properly with respect to the Mobile Command Center, and he alleged that there were violations of the Open Public Records Act, violations of the New Jersey Local Public Contracts Law, and there was collusion between the Westfield Police Department and the vendor of the Mobile

Command Center. I want to read a portion of my response, which appeared in the Leader a year ago:

I felt compelled to address certain aspects of Greg Kasko's letter that appeared in the Westfield Leader on October 3, 2013, due to his innuendos that employees of the Town and the Town Council did not act properly with respect to the acquisition of the Westfield Police Department command center, and further, due to his statements that his questions/accusations were not addressed at public meetings. In fact, the bidding process had been addressed at public meetings more than once by the Mayor, Council members and the Town Administrator, and I personally addressed Mr. Kasko at the last meeting.

It is important for the public to know that the bidding process was properly done in accordance with the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. Further, requests for information have been complied with per the provisions of the Open Public Records Act, N.J.S.A. 47:1A-1 to -13 ("OPRA"). As to the latter, certain information was redacted at my direction, because OPRA provides that "security measures and surveillance techniques" should not be disclosed if they will present a potential public safety risk.

I closed my letter with the following:

If anyone wishes further clarification, please contact me.

I want the Town Council, as well as the public, to know that I was never contacted after that letter appeared in the newspaper. Mr. Kasko never called me, never wrote me, and his counsel, John Blake, never called me and never wrote me, until this past week. Certainly, if Mr. Kasko had actual questions, I invited him to communicate with me. Mr. Blake has called me on different matters over the last few years, and he knows I have always responded to his telephone calls.

Let me fast forward. It is now one (1) year since my letter to the Leader. Despite my letter, Mr. Kasko has appeared at almost every Council meeting and has continued to make unfounded allegations and more accusations regarding the actions of Town employees and Town officials, including me. He has stated on multiple occasions that we must be aware that there is an investigation being conducted by the Union County Prosecutor's Office, and specifically accused the Mayor, myself, and the police chief, of knowing about the investigation and not reporting it. I have twice publicly stated that I had no knowledge of the investigation, advised the public that neither the Mayor nor the police chief had any knowledge of any investigation. We were accused of lying. Mr. Kasko then stated that the

labor attorney for the Town must know. I spoke to Ric Danser personally and he said he had not been contacted by anyone.

At the direction of the Mayor, I reached out to the Union County Prosecutor's Office personally. I spoke to Assistant Prosecutor John Esmerado. There was no investigation. However, I did find out that John Blake, as counsel for Greg Kasko, sent in five letters to the Prosecutor's Office -- July 1, 2014, July 21, August 4, September 2, September 24 -- all relating to the Town's purchase of the Mobile Command Center. Copies of the letters were not sent to the Town, but I have to assume they contained the same unfounded allegations. I wish to emphasize that there had been no requests or communications, written or verbal, from the Prosecutor to the Town requesting any information. I reached out to the Prosecutor and I was then advised that these five letters were sent in. I advised Mr. Esmerado that the Town was happy to respond to this inquiry and that I would turn over my file, including the contract, all the bidding information, and resolution. I advised Mr. Esmerado that he was free to call anyone in the Town without the need for my participation in those conversations. Late last week I received a copy of the following letter from John Esmerado. It is dated October 10, 2014 and it is addressed to John Blake. The reference on the letter is "Purchase of the Westfield Mobile Command Center". It provides as follows:

Dear Mr. Blake:

The Prosecutor's Office is in receipt of your initial correspondence on July 1, 2014 and follow-up correspondence on July 21, 2014, August 4, 2014, September 2, 2014 and September 24, 2014 regarding the Town of Westfield's purchase of a Mobile Command Center. Upon receipt of your July 1, 2014 letter, an inquiry was initiated. As part of this inquiry, interviews have been conducted with representatives from the following groups: Power Innovations, the Town of Westfield, the Westfield Police, the Utah Division of Taxation and the Utah Motor Vehicle Division. We have also reviewed all pertinent resolutions, bid requests, the single bid and all procurement documents associated with the purchase of the Mobile Command Center.

We have conducted an independent analysis of all the concerns outlined in your correspondence. Following our review, we find no evidence of criminal activity.

If you have any further concerns, please do not hesitate to contact me at (908) 527-4673. Thank you for your patience as we examined this matter.

Very truly yours,

Grace H. Park
Acting Prosecutor of Union County

By: John G. Esmerado
Special Deputy Attorney General/
Acting Assistant Prosecutor

Russell Finestein, Westfield Municipal Attorney

At this point, I think we should consider this matter concluded once and for all. A lot of time and money has now been spent on these unfounded accusations. I think the only thing remaining should be a public apology from Mr. Kasko.

OPEN DISCUSSION BY CITIZENS

John Rotchford of 866 Knollwood Terrace commended the Mayor, Council, and staff for putting the safety of the citizens in the forefront despite distractions regarding the Mobile Command Center.

Adina Enclusco of 1310 Central Avenue spoke regarding an accident on 9/17/14 at the HAWK light on Central Avenue. She also spoke about the damage done to her driveway by the County during the installation of the light. She complained that the Town did not help her getting the entire driveway repaved since she was not happy for the original repair that the County did. She said it was only done after her repeated calls to the County. Mayor explained that the Town does not do work on County roads.

Tony Delduca of 811 Nancy Way said he has listened to attacks for the last year regarding the Mobile Command Center. He said it was a waste of time and money and he wants a written apology from Mr. Kasko and said he wants the attacks to stop.

BILLS AND CLAIMS

Introduced by Councilman Della Fera, seconded by Councilwoman Neylan and adopted.

RESOLVED that the bills and claims in the amount of \$214,815.71 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.

(278) RESOLVED that the Chief Financial Officer be and hereby is authorized to draw warrants for unused parking permit fees as follows:

John Jennette 64 Aip Avenue, Unit 212A Jersey City, NJ 07306	Lot 4/Nite Owl	#1448003	\$30.00
Daniel C. Murray 924 Prospect Street Westfield, NJ 07090	South Side RR Stn/Lot 3	#14030721	\$159.00

(279) 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 \$17,717.00 to the TREASURER, STATE OF NEW JERSEY for the third quarter Construction Official's State permit fees for 2013.

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.

(280) 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>
509/21 LEWIS, Matthew & Amanda	541 Birch Avenue	2014	\$2,028.44

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

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

(281) WHEREAS, Fox and Foxx Development, made an application to the Town of Westfield to demolish a single-family dwelling and detached garage, located at 212 Eaglecroft Road, Block 706, Lot 27, 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 212 Eaglecroft Road, Block 706, Lot 27 Westfield, New Jersey.

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

Big Mark's Inc.
1819 Rt 35 South
South Amboy, NJ 08879

Franklin Pumpkin Fair
700 Prospect Street
October 25, 2014

Franklin Elementary School
700 Prospect Street
Westfield, NJ

Public Works Committee

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 \$57,328.71 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of September 2014 was received, read and ordered filed.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$120,953.00 for the month of September 2014 was received, read and ordered filed.

Upon motion by Councilman Loughlin, seconded by Councilman LoGrippo the meeting was adjourned at 8:35 p.m.

Claire J. Gray
Town Clerk