

MINUTES OF REGULAR MEETING HELD NOVEMBER 6, 2013

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Wednesday evening, November 6, 2013 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 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: Acting Mayor Neylan, Council Members Arena, Haas, Foerst, Della Fera, LoGrippo, Loughlin

ABSENT: Mayor Skibitsky, Councilwoman Kimmins

Invocation was given by Councilman Foerst

PRESENTATIONS

Town of Westfield
Westfield, New Jersey

PROCLAMATION

Pancreatic Cancer Awareness Month ***November 2013***

Whereas, in 2013, an estimated 45,220 people will be diagnosed with pancreatic cancer in the United States and, tragically, 38,460 will die from the disease, with approximately 1,180 deaths in New Jersey alone; and

Whereas, pancreatic cancer is the fourth leading cause of cancer death in the United State and, sadly, once symptoms present themselves, 73 percent of the patients die within the first year of their diagnosis and 94 percent die within the first five years; and

Whereas, the incidence and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from fourth to the second leading cause of cancer death in the United States by the year 2020; and

Whereas, with bi-partisan sponsorship including our own Representative Leonard Lance, the United States Congress passed, and on January 2, 2013 President Obama signed into law, the Recalcitrant Cancer Research Act, which calls on the National Cancer Institute to develop scientific frameworks, or strategic plans, for pancreatic cancer and other deadly cancers, which will help provide the strategic direction and guidance needed to make true progress against these diseases; and

Whereas, the Pancreatic Cancer Action Network is the first and only patient advocacy organization that serves the pancreatic cancer community in Westfield and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure; and

Whereas, the Pancreatic Cancer Action Network and its affiliates in New Jersey support those patients currently battling pancreatic cancer and is fully committed to nothing less than a cure;

Now, therefore, be it proclaimed that, I, Andrew K. Skibitsky, Mayor of the Town of Westfield, in recognition that increased awareness of pancreatic cancer as well as research into causes, early detection, effective treatments, and ultimately a cure benefits the good health and well-being of the residents of the Town of Westfield, hereby proclaims the month of November in the year 2013 as Pancreatic Cancer Awareness Month in the Town of Westfield.

APPOINTMENT

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

MINUTES

On a motion by Councilman LoGrippo, seconded by Councilman Haas Council approved the Minutes of the Town Council Meeting held October 22, 2013.

On a motion by Councilman Arena, seconded by Councilman LoGrippo, Council approved the Minutes of the Conference Session held October 22, 2013.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Arlene Hines of 28 Stoneleigh Park spoke about the proposed demolition of 10 Stoneleigh Park on the agenda. She said that although the area has not been designated as a historic district, she wanted to keep the historic nature of the area.

Town Attorney spoke and explained that he attended the Historic Preservation Commission meeting at which this project was discussed since it was referred to the Commission for their input even though the property is not officially designated. The proposed building was reviewed by the Commission as an advisory item only since they do not have legal authority in this matter. The owner has agreed to some of the suggestions the Historic Preservation Commission has made and said they will consider all the suggestions.

BILLS AND CLAIMS

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

RESOLVED that the bills and claims in the amount of \$225,238.04 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 Arena were unanimously adopted.

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

Shubha Govind 4 College Road Princeton, NJ 08540	South Side RR Stn/Lot 3	#13030691	\$195.00
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(289) WHEREAS, Nicholas Notte placed the required cash bond of \$500.00 to cover the Street Opening Permit #12-117 for 1133 Rahway Ave, and

WHEREAS, Nicholas Notte 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 Nicholas Notte for \$500.00 and forward to 1133 Rahway Ave, Westfield NJ 07090.

(290) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$9.60 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 October 2013.

(291) RESOLVED, that the Chief Financial Officer be authorized to refund the following fees to the following individuals:

Name	Account	Class	Fee
Doris Eckstine 264 Paterson Rd. Fanwood, NJ 07023	T05-600-071	Golf- Weds. Sess #2 (Jack)	\$110.00
Robert Greeley 645 Central Ave. 1 st floor Westfield, NJ 07090	T05-600-071	Intro to Guitar (Benjamin)	\$75.00

(292) 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>
2302/34 ATTN: Debrann Johnston LoanCare Division of FNF Servicing, Inc. NMLS #2916 601 Riverside Avenue, Building 5 Jacksonville, Florida 32204	126 Harrison Avenue	2013	\$4,039.40

(293) WHEREAS, there exist on the records in the Tax Collector’s office sewer fee balances for the year 2012 and 2013:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and she hereby is authorized to cancel the sewer fee balances below for the year 2012 and 2013:

Block/Lot	YEAR	Amount
3501/4	2012	\$170.00
3501/4	2013	\$170.00
4803/2	2012	\$315.00
4803/2	2013	\$315.00
5711/13	2012	\$170.00
5711/13	2013	\$170.00

(294) RESOLVED that the Chief Financial Officer be and she hereby is authorized to draw warrants to the following persons, this amount being overpaid due to Veteran and Senior Citizen deductions:

BLOCK AND LOT NAME AND ADDRESS	PROPERTY	AMOUNT
3902/4 Wychwood Gardens Coop Assoc, Inc. c/o Falkin Assoc P.O. Box 545 Cranford, NJ 07016	1400 East Broad Street	\$2750.00

(295) WHEREAS, the Town of Westfield has resolved to join both the Suburban Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund, following a detailed analysis; and

WHEREAS, the Bylaws of said funds require that each municipality appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Town of Westfield solicited requests for proposals for such services in accordance with G.O. 1753 of the Town of Westfield; and

WHEREAS, the Bylaws indicate that the commission rate shall not exceed six percent (6%) of the Member’s Annual Assessment; and

WHEREAS, Amalgamated General Agencies made a proposal to perform such services outlined for two and one half percent (2.5%) of annual assessment; and

WHEREAS, the Bylaws of the aforesaid Fund require that in such case the municipality will make payment for such professional services directly to the Risk Management Consultant; and

WHEREAS, the Town of Westfield has received the sum of \$30,997.44 drawn on the Administration and Expense Account of the Suburban Joint Insurance Fund which represents the second installment of the six percent (6%) of the Annual Assessment for 2013; and

NOW, THEREFORE BE IT RESOLVED that the Chief Financial Officer of the Town of Westfield be, and hereby is, authorized and directed to draw warrant to the order of Amalgamated General Agencies (AGA), 115 Grove Street East, PO Box 2670, Westfield, NJ 07090-2670, in the sum of \$12,915.60 representing the second half of the commission payable for the year 2013 with \$18,081.84 representing the reduction in the second half of the annual assessment.

(296) RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment as follows following final inspection and approval by Town Engineer for return of deposit:

Dominick Verdic
 Konstruct Enterprises, Inc.
 1801 East Second St.
 Scotch Plains, NJ 07076

Dumpster Permit 13-1

Amount of refund: \$975.00

(297) 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>
053749	\$6,221.80	County of Union	01/17/12
055786	40.00	NJ Center Public Health	09/11/12
055918	50.00	Sky Tours Inc.	09/20/12
055991	2,000.00	PASR-Finance Committee	10/09/12
056488	2,358.60	Sean Murphy & Eileen Cleary	11/05/12
056536	240.00	American Hi-Res	11/13/12
056618	136.00	De Lacy Davis	11/27/12
056748	1.00	Andrew Skibitsky	12/05/12
056752	1.00	Frank Arena	12/05/12
056751	1.00	James Foerst	12/05/12
056749	1.00	Joann Neylan	12/05/12
056755	1.00	Keith Loughlin	12/05/12
056756	1.00	Mark LoGrippo	12/05/12
056753	1.00	Sam Della Fera	12/05/12
056750	1.00	Vicki Kimmins	12/05/12
056754	1.00	David Haas	12/05/12
056779	300.00	Lara Difabrizio	12/11/12

Capital Fund Account :

04923	\$1,000.00	Messercola Excavating Co.	04/24/12
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NOW, THEREFORE, BE IT RESOLVED that the Town Treasurer cancelled the total amount of \$11,355.40 to Current Fund Budget Operations and \$1,000.00 to Capital Surplus.

(298) THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) ENFORCING THE UNDERAGE DRINKING LAWS STATE BLOCK GRANT PROGRAM; RESOLUTION APPROVING PARTICIPATION AND ACCEPTING AWARD FROM THE STATE OF NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL PROGRAM

WHEREAS, the Division of Alcoholic Beverage Control (ABC) is responsible for administering the Office of Juvenile Justice Delinquency Prevention (OJJDP) State Block Grant Program Enforcing the Underage Drinking laws;

WHEREAS, the Westfield Police Department wishes to apply to ABC and accept funds in the sum of \$3,423.06 in connection with a project entitled Cops in Shops; for the period November 15, 2013 to August 30, 2014.

WHEREAS, the Westfield Town Council has reviewed said application and finds approval thereof to be in the best interests of the municipality; and

WHEREAS, said project is a joint project between the State of New Jersey (ABC) and the Town of Westfield for the purposes therein described:

NOW, THEREFORE, BE IT RESOLVED by the Westfield Town Council (1) that as a matter of public policy the Town of Westfield wishes to participate with the State of New Jersey (ABC) to the greatest extent possible; (2) that the Division of Alcoholic Beverage Control (ABC) be requested to accept said application on behalf of the municipality; and (3) that the appropriate fiscal officer will accept the funds in connection with said project from the ABC and make disbursements in accordance with said application.

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

(299) RESOLVED that the Chief Financial Officer be authorized to make the following transfer in the 2013 budget accounts:

	<u>OUT</u>	<u>IN</u>
PUBLIC WORKS – S&W 3-01-137-100	\$20,000.00	
GROUP INSURANCE 3-01-183-200	\$40,000.00	
POOL OPER. – S&W 3-03-195-100	\$ 4,000.00	
POOL – SOCIAL SECURITY 3-03-250-211		\$ 4,000.00
PUBLIC BLDG. – O/E 3-01-185-200		\$17,000.00
LEGAL SERVICES – O/E 3-01-120-200		\$40,000.00
WATER 3-01-169-200		\$ 3,000.00

Yeas: Arena Haas Foerst Della Fera LoGrippo Loughlin Acting Mayor Neylan	Nays:	Absent: Kimmins Mayor Skibitsky
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Public Safety, Transportation and Parking Committee

The following resolutions, introduced by Councilman Loughlin, Chairman of the Public Safety, Transportation and Parking Committee, seconded by Councilman LoGrippo was unanimously adopted.

(300) WHEREAS, the 2013-2014 Capital Budget provides moneys for the purchase of twenty five (25) Pay Stations as part of an upgrade and enhancement to the parking system; and

WHEREAS, the contract to purchase these pay stations is to be awarded to Integrated Technical Systems, Inc. 8 Capital Drive, Wallingford, CT 06492 who is the approved vendor under the Cranford Cooperative Pricing System of which the Town of Westfield is a eligible member; and

WHEREAS, the Chief Financial Officer certified to the availability of adequate funds for payment, which will be in the amount of \$277,572.20, charged to account S.O. 2184, 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 Pay Stations as listed below; 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 and discharge of this Contract.

(25) LUKE II Pay Stations (22 Solar & 3 AC) @ \$8,781.00 each with options as per the Cranford Cooperative Pricing System

Cranford Cooperative Pricing Identifier 47-CPCPS

Integrated Technical Systems, Inc
8 Capital Drive
Wallingford, CT 06492

Code Review & Town Property Committee

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

(301) WHEREAS, Maria Carolina Pena Pacheco and Sergio Calvo-Regueros, made an application to the Town of Westfield to demolish a single-family dwelling located at 10 Stoneleigh Park, Block 4207, Lot 15, 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 at 10 Stoneleigh Park, Block 4207, Lot 15, Westfield, New Jersey.

(302) WHEREAS, Fox & Foxx Development, made an application to the Town of Westfield to demolish a single-family dwelling, located at 785 Warren Street, Block 2811, 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 785 Warren Street, Block 2811, Lot 44, Westfield, New Jersey.

(303) WHEREAS, Todd Ellner, made an application to the Town of Westfield to demolish a single-family dwelling, located at 837 Fairacres Avenue, Block 3502, Lot 32, 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 837 Fairacres Avenue, Block 3502, Lot 32, Westfield, New Jersey.

Public Works Committee

Reports of Department Heads

Report of Liy-Huei L. Tsai, Chief Financial Officer, showing Cash in Bank of \$15,357,852.03 and Investments of \$373,877.89 was received, read and ordered filed.

Reports of Susan Noon, Collector of Taxes, showing taxes total collections of \$20,201,593.02 during the period October 1, 2013 to October 31, 2013 and total collections of \$29,780.59 for sewer taxes were received, read and ordered filed.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$294.00 during the month of October 2013 was received, read, and ordered filed.

Report of Daniel J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in October in the amount of \$1,500.00 and Permit Fees collected in the amount of \$131.00 was received, read and ordered filed.

Upon motion by Councilman Haas, seconded by Councilman LoGrippo the meeting was adjourned at 8:23 p.m.

Claire J. Gray
Town Clerk