

MINUTES OF REGULAR MEETING HELD NOVEMBER 26, 2013

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday evening, November 26, 2013 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 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: Mayor Skibitsky, Council Members Arena, Haas, Foerst, Della Fera, Kimmins, LoGrippo, Loughlin

ABSENT: Councilwoman Neylan

Invocation was given by Councilman Della Fera

PRESENTATIONS

APPOINTMENT

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

MINUTES

On a motion by Councilman Foerst, seconded by Councilman Haas Council approved the Minutes of the Town Council Meeting held November 6, 2013 with Mayor Skibitsky and Councilwoman Kimmins abstaining.

On a motion by Councilman LoGrippo, seconded by Councilman Haas, Council approved the Minutes of the Conference Session held November 6, 2013 with Mayor Skibitsky and Councilwoman Kimmins abstaining.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Lisa Braddock of 644 Hort Street spoke about “Complete Streets” and her desire to bring attention to this program to Westfield in response to pedestrian accidents. Mayor advised that the Town has been practicing the Complete Streets philosophy for many years as it has been a part of the Town’s Master Plan since 2009 and that the Town Council was expected to adopt a resolution at tonight’s meeting to formalize its continued support of the Complete Streets philosophy.

Greg Kasko of 434 Everson Place spoke about the Mobile Command Center and asked if the Town is being compensated when the unit is being showcased out of town for overtime of the employees accompanying the unit. Mayor indicated he would consult with Chief Wayman to obtain the answer.

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 \$433,432.10 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.

(304) RESOLVED, that the Chief Financial Officer be authorized to draw a warrant in the amount of \$1500.00 to the order of the United States Postal Service to replenish bulk mail permit no. 683 in order to process the Town’s brochures.

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

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Judy Mentlik	T05-600-071	Zumba- Weds.	\$50.47

520 Mountain Ave.
Westfield, NJ 07090

(11/6-1/8) Cancelled

(306) 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>
405/10 HEINTZ, JUNE T.	337 Orenda Circle	2013	\$1,565.19
4908/3 CitiMortgage, Inc. and Chen, Yung-Cheng & Ai Ru Sun MAIL TO: CITIMORTGAGE, INC. P.O.Box 23689 Rochester, New York 14692	125 Cambridge Road	2013	\$1,087.25
5007/6 SCHLEWITT, DAVID & LORI	1249 Boulevard	2013	\$186.50
5013/4 CitiMortgage, Inc. and Scafidi, Louis MAIL TO: CITIMORTGAGE, INC P.O. Box 23689 Rochester, New York 14692	306 Belmar Place	2013	\$2,434.27

(307) 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 years 2011, 2012 and 2013 pursuant to the Tax Court of New Jersey:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
3107/6	137 Central Avenue	2011	\$5,210.57
		2012	\$5,405.62
		2013	\$5,623.34

Modell Realty, LLC
MAIL TO:
Skoloff & Wolfe, PC
293 Eisenhower Parkway
Livingston, NJ 07039

(308) 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, the Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that 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 **2013** in the sum of **\$6,985.02** 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	\$6,985.02
---	-------------------

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

(309) 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, the Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that 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 **2013** in the sum of **\$10,000.00** which is now available from NJLM Educational Foundation, Inc. – Conservation Center Improvement, and

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

General Appropriations:

Conservation Center Improvement

\$10,000.00

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

(310) WHEREAS, the Town of Westfield is a member of the Suburban Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2013 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW, THEREFORE, be it resolved as follows:

1. The Town of Westfield agrees to renew its membership in the Suburban Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules, and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership and to deliver same to the Suburban Municipal Joint Insurance Fund evidencing the Municipality’s intention to renew its membership.

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

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

	<u>OUT</u>	<u>IN</u>
POLICE DEPT. – S&W 3-01-130-100	\$50,000.00	
LEGAL SERVICES – O/E 3-01-120-200		\$50,000.00

Yeas: Arena Haas Foerst Della Fera Kimmins	Nays:	Absent: Neylan
--	-------	----------------

LoGrippto
Loughlin
Mayor Skibitsky

Public Safety, Transportation and Parking Committee

The following resolutions, introduced by Councilwoman Neylan, Chairman of the Public Safety, Transportation and Parking Committee, seconded by Councilman Haas were unanimously adopted.

(312) WHEREAS, in 2012, alcohol impaired fatalities accounted for 19% of New Jersey's traffic fatalities; and

WHEREAS, though the percentage of fatalities has declined slightly in recent years, impaired driving remains a significant issue, both in New Jersey and nationally; and

WHEREAS, the project is designed to raise awareness about the dangers of drinking and driving, to offer deterrence through visible enforcement, to arrest impaired drivers, and to issue summonses for relevant motor vehicle violations; and

WHEREAS, the State of New Jersey will participate in the Drive Sober or Get Pulled Over 2013 Year End Holiday Crackdown from December 6, 2013 – January 2, 2014 in an effort to reduce the rate of alcohol-impaired fatalities in the state by 5% from the 2010 – 2012 calendar base year average through targeted impaired driving enforcement and education; and

THEREFORE, BE IT RESOLVED that the Westfield Town Council declares its support for the Drive Sober or Get Pulled Over 2013 Year End Holiday Crackdown both locally and nationally from December 6, 2013 – January 2, 2014 and pledges to increase awareness about the dangers of drinking and driving.

(313) BE IT RESOLVED, that all applicants for the position of Fire Fighter shall pay an application fee not to exceed \$75.00 in order to be eligible to take a written examination for the position of Fire Fighter.

(314) WHEREAS, enhancing safety and accessibility for all residents and visitors, promoting a healthy lifestyle, and preserving the environment has long been the practice of the Town of Westfield when making improvements to right-of-way, roadway and pedestrian passage infrastructure; and

WHEREAS, significant accomplishments have already been achieved by the Town of Westfield by using "Complete Street" methodology and incorporating measures that include, but are not limited to, enhancing pedestrian safety using appropriate markings and traffic control devices, instituting "Safe Routes to School" practices, implementing context based traffic calming measures, providing accessibility for all abilities and ages, taking

into account all modes of transportation, and consideration of environmental impact, whenever public streets, public right-of-ways, and public facilities are improved; and

WHEREAS, “Complete Streets” refers to a project spearheaded by the advocacy group National Complete Streets Coalition which, simply put, promotes a planning and design philosophy to “complete the streets and make them safer, more livable and welcoming to everyone”; and

WHEREAS, in addition to the endorsement of many public interest groups such as AARP, the American Automobile Association and the American Public Transportation Association, as well as practitioner organizations such as the Institute of Transportation Engineers, the American Planning Association and the Association of Pedestrian and Bicycle Professionals, the State of New Jersey Department of Transportation (NJ DOT) has adopted “Complete Streets” as its formal policy with respect to the planning and construction of new and retro fit State transportation facilities; and

WHEREAS, “Complete Streets” policies are in harmony with the goals of the Town of Westfield Master Plan Reexamination of 2009; and

WHEREAS, the Town Council supports the “Complete Streets” initiative and wishes to reinforce its commitment to creating a comprehensive, integrated, connected roadway network that accommodates roadway and public right-of-way users of all abilities for all trips as safely and as ably as possible; and

WHEREAS, to clarify the concept of context based treatments, the NJ DOT lists the following exemptions when applying the “Complete Streets” philosophy:

- (1) Non-motorized users are prohibited by law on the roadway.
- (2) Scarcity of population, travel and attractors, both existing and future, indicate an absence of need.
- (3) Detrimental environmental or social impacts outweigh the need for these accommodations.
- (4) Cost of accommodations is excessively disproportionate to cost of project.
- (5) The safety or timing of a project is compromised by the Inclusion of Complete Streets.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Westfield that all public roadway, public right-of-way, and public facility projects, both new construction and reconstruction, undertaken by the Town of Westfield shall continue to be planned, designed and constructed in accordance with the “Complete Streets” philosophy whenever feasible to do so in order to safely accommodate pedestrians, bicyclists, public transit users, and motorized vehicles operators and their passengers, of all ages and abilities, subject to the NJ DOT exemptions listed above.

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

(315) WHEREAS, **UT WESTFIELD LLC, 115 Elm Street, Westfield, 07090** has applied to the Town Council of the Town of Westfield for a person-to-person transfer of Plenary Retail Consumption License No.2020-33-028-004 an active license from the present holder of said license, **LAZIO, LLC**; and

WHEREAS, Plenary Retail Consumption License No.2020-33-028-004, was issued pursuant and subject to the provisions of Town Code Section 4-4 which restricts such license for use in the operation of a bona fide restaurant meeting the requirements set forth in Town Code Section 4-4; and

WHEREAS, **UT WESTFIELD LLC** has advertised such proposed transfer as required by law in *THE WESTFIELD LEADER*, these advertisements appearing on June 20, 2013 and June 27, 2013; and

WHEREAS, the application has been reviewed by the Town Attorney and the Town Council as well as the Department of Law and Public Safety, Division of Alcoholic Beverage Control and the Westfield Police Department prior to the adoption of this Resolution; and

WHEREAS, the Police Department of the Town of Westfield has made a thorough investigation on its own initiative concerning this transfer and the proposed transferees, including the required finger printing; and

WHEREAS, the Town of Westfield finds that for the reasons set forth on the record that the transfer of Plenary Retail Consumption License No. 2020-33-028-004 issued pursuant and subject to the provisions of Town Code Section 4-4, be approved,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The submitted application form is complete in all respects.
2. The applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances, and conditions consistent with Title 33.
3. The applicant has disclosed and the Town has reviewed the source of all funds used in the purchase of the license and the licensed business.
4. That the requested person-to-person transfer from **LAZIO, LLC** to **UT WESTFIELD, LLC** of Plenary Retail Consumption License No. 2020-33-028-004 issued pursuant and subject to the provisions of Town Code Section 4-4, is hereby approved, effective as of November 26, 2013, and does hereby direct the Town Clerk/A.B.C. Board Secretary to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to UT WESTFIELD, LLC effective November 26, 2013."

(316) WHEREAS, Gialluisi Custom Homes II, made an application to the Town of Westfield to demolish a single-family dwelling, located at 707 Willow Grove Road, Block 4604, Lot 1, 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 707 Willow Grove Road, Block 4604, Lot 1, Westfield, New Jersey.

(317) WHEREAS, Daniel Weinstein, made an application to the Town of Westfield to demolish a single-family dwelling, located at 1445 Grandview Avenue, Block 4903 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 at 1445 Grandview Avenue, Block 4903, Lot 6, Westfield, New Jersey.

(318) WHEREAS, Kiryl Mauryshchau, made an application to the Town of Westfield to demolish a single-family dwelling and detached garage, located at 1513 Pine Grove Avenue, Block 5601, 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 detached garage at 1513 Pine Grove Avenue, Block 5601, Lot 11, Westfield, New Jersey.

Public Works Committee

Reports of Department Heads

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$131,177.00 for the month of October 2013 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 \$14,830.00 representing monies collected during the month of October 2013.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$85,370.59 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of October 2013 was received, read and ordered filed.

Upon motion by Councilman Haas, seconded by Councilman LoGrippo the meeting was adjourned at 8:19 p.m.

Claire J. Gray
Town Clerk