

## **MINUTES OF REGULAR MEETING HELD AUGUST 9, 2016**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, August 9, 2016 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, 2015. 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, Loughlin, Della Fera, Donnelly, Oliveira

**ABSENT:** Council Members LoGrippe, Stokes

Invocation was given by Councilman Oliveira

### **PRESENTATIONS**

### **APPOINTMENT**

### **ADVERTISED HEARINGS**

“GENERAL ORDINANCE NO. 2066 – AN ORDINANCE TO AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD, ESTABLISHING AN AFFORDABLE HOUSING DEVELOPMENT FEE.”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

### **PENDING BUSINESS**

An ordinance entitled, “GENERAL ORDINANCE NO. 2066 – AN ORDINANCE TO AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD, ESTABLISHING AN AFFORDABLE HOUSING DEVELOPMENT FEE.” Introduced by

Councilman Della Fera, seconded by Councilman Arena, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Arena	Nays:	Absent: LoGrippto
Neylan		Stokes
Loughlin		
Della Fera		
Donnelly		
Oliveira		
Mayor Skibitsky		

### **BIDS**

### **MINUTES**

On a motion by Councilman Donnelly seconded by Councilman Loughlin, Council approved the Minutes of the Town Council Conference Session held July 12, 2016 with Council Members Arena and Neylan abstaining.

On a motion by Councilman Loughlin, seconded by Councilman Della Fera, Council approved the Minutes of the Town Council Meeting held July 12, 2016 with Council Members Arena and Neylan abstaining.

### **PETITIONS AND COMMUNICATIONS**

### **OPEN DISCUSSION BY CITIZENS**

John Kean of 70 Elm Street, spoke about his concerns with overnight construction work in the downtown area as it is disruptive to down town residents

### **BILLS AND CLAIMS**

Introduced by Councilwoman Neylan, seconded by Councilman Arena were adopted unanimously.

RESOLVED that the bills and claims in the amount of \$1,011,959.80 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 resolution was adopted by the following roll call vote:

(183) BE IT RESOLVED, that James Gildea will serve as Acting Municipal Clerk at the Council Meeting of August 9, 2016

Yeas: Arena	Nays:	Absent: LoGrippto
Neylan		Stokes
Loughlin		
Della Fera		
Donnelly		
Oliveira		
Mayor Skibitsky		

The following resolutions, introduced by Councilwoman Neylan seconded by Councilman Oliveira were unanimously adopted.

(184) RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individuals:

Name	Account	Class	Fee
Alexandra Sanford 522 Coddling Road Westfield, NJ 07090	T05-600-073	Basketball Camp (7/11) Christian	100.00
Kajsa-Stina Surgent 306 Woods End Rd. Westfield, NJ 07090	T05-600-073	Basketball Camp Lucas (7/11)	100.00
Robin Gasson 587 Terrace Place Westfield, NJ 07090	Acct. #195 Pool Membership	Membership Refund (Non Res to Resident)	270.00
Richard Ellsworth 321 Wychwood Road Westfield, NJ 07090	Acct. #195 Pool Membership	Membership Refund (Family to Husband/Wife)	90.00
Abby Wolitzer 13 Breeze Knoll Dr. Westfield, NJ 07090	T05-600-073	Wrestling Camp (Ehtan) Cancelled	90.00

Tetiana Korobko 525 Central Ave. Apt. 210 Westfield, NJ 07090	T05-600-073	Wrestling Camp (Volodymyr) Cancelled	90.00
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(185) WHEREAS, the Westfield Recreation Department's annual Family Fun Night Swim held at the Memorial Pool for Pool Members and their guests is scheduled for Wednesday, August 24, 2016 and,

WHEREAS, payment of Disc Jockey services to Anthony Morelli of The Spinners is required day of the event;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for the disc jockey service payment to The Spinners Entertainment Co. located at 119 North Riverview Rd., Phillipsburg, NJ 08865 in an amount not to exceed \$750.00 charged to the Memorial Pool 195-243 Account.

(186) RESOLVED, that the Chief Financial Officer be authorized to draw a warrant in the amount of \$49.20 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 July 2016.

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

Denis Cummings 225 Florence Avenue Westfield, NJ 07090	South Side RR Stn/Lot 3	#16030134	\$348.00
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(188) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2016:

Block/Lot/Qualifier Name/Mailing Address	Property Address	Amount
3010/1/C0002 Ward, Frances 515 Trinity Place, 1BN Westfield, NJ 07090	515 Trinity Place	\$2,077.30
4203/20 Joe Rizzo, Jr 237 North 20 <sup>th</sup> Street	415 Everson Place	\$1,737.45



WHEREAS, modifications to the design of the truck were required to accommodate specific equipment that will be carried on the truck, and

WHEREAS, Change Order No. 1, in the aggregate, does not exceed 20% of the net contract amount, and

WHEREAS, a Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30-1.10, has been furnished to the Town Clerk, with said expenditure of funds to be charged to S.O. 2204.

NOW, THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$5,900.16 be executed, and

BE IT FURTHER RESOLVED, that the proper Town Officials be and they are hereby authorized to effect whatever actions are necessary in the execution and discharge of Change Order No. 1 for the purchase of the fire pumper truck increasing the contract price from \$480,606.25 to \$486,506.41.

(192) WHEREAS, the following applicants have posted monies to be held in escrow to cover expert advice and testimony in connection with Board of Adjustment and Planning Board applications on said property; and

WHEREAS, expert advice and testimony was given, and

WHEREAS, all bills for these applications have been submitted and paid; and

WHEREAS, the applicant has requested in writing to have the balance of escrow monies be released to them;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check for the balance of the escrow monies as follows:

<b>App #</b>	<b>Name</b>	<b>Address</b>	<b>G/L</b>	<b>Refund Balance</b>
BOA 14-24	Dierdre & Brad Noack	214 N. Euclid Avenue	5-05-560-485	\$500
BOA 15-09	Mary Jackson	708 Austin Street	5-05-560-474	\$250
BOA 15-19	Estate of William H. Roeben	1907 Grandview Avenue	5-05-560-482	\$500
<b>Refund to:</b>	<b>Cornerstone Associates of Westfield, LLC, 1903 Boynton Ave., Westfield, NJ 07090</b>			
BOA 15-23	Hillary Irwin	947 Summit Avenue	5-05-560-489	\$500
BOA 15-26	Bradley Phillips	304 Wood End Road	5-05-560-491	\$250
BOA 15-53	Geoffrey Sherry	837 Ramapo Way	5-05-560-519	\$250
BOA 15-54	David Palmer	701 Lawrence Avenue	5-05-560-520	\$250

**Refund to: Lindabury McCormick Estabrook & Cooper P.C., 53 Cardinal Drive Westfield, NJ 07090**

BOA 15-55	Lauren Polito	724 Tamaques Way	5-05-560-521	\$250
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BOA 15-57	Bill Wilkins (WGW1, LLC)	318 Marlboro Street	5-05-560-523	\$324
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**Refund to: RGM Design Group, Inc., 73 Terhune Road, Clark, NJ 07066-2328**

BOA 15-59	Nicholas & Mary Jane Gismondi	732 Fairacres Avenue	5-05-560-525	\$250
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BOA 16-01	Karim & Kelley Schultz	725 Marcellus Drive	5-05-560-527	\$500
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BOA 16-02	Peter Brooks	901 Summit Avenue	5-05-560-528	\$500
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PB 15-07	Paul Denis & Associates	501 Westfield Avenue	5-05-550-236	
\$812.96				

The following resolution introduced by Councilwoman Neylan, seconded by Councilman Arena was adopted by the following roll call vote:

(193) A resolution requesting permission for the Dedication by Rider for Donations – Acceptance of Bequests and Gifts for the purchase of Body Armor, as required by N.J.S.A. 40A:5-29.

WHEREAS, permission is required for the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A 40A:5-29 provides for receipt of Donations – Acceptance of Bequests and Gifts for the purchase of Body Armor, by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from Donations for the purchase of Body Armor hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED by the Town of Westfield, Union County, New Jersey as follows:

1. The Westfield Town Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A: 5-29 as amended for the purchase of Body Armor.

2. The Municipal Town Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Yeas: Arena

Nays:

Absent: LoGrippto

Neylan

Stokes

Loughlin

Della Fera

Donnelly

Oliveira

Mayor Skibitsky

#### Public Safety, Transportation and Parking Committee

The following resolutions, introduced by Councilman Loughlin, seconded by Councilman Arena were unanimously adopted.

(194) WHEREAS, the Police Department of the Town of Westfield has taken possession of motor vehicles found abandoned, and;

WHEREAS, Title 39: Section 39:10A-1 states that when a motor vehicle cannot be certified for a junk title certificate remains unclaimed by the owner or other person having a legal right thereto for a period of 20 business days, the motor vehicle may be sold at a public auction in a public place;

WHEREAS, the owners have been notified and advised of the procedure to obtain release of their motor vehicle and have failed to do so within the allotted time;

NOW, THEREFORE, BE IS RESOLVED, by the Mayor and Council of the Town of Westfield that the abandoned motor vehicles in the possession of the Police Department of the Town of Westfield, and whose owner of his whereabouts is unknown and cannot be ascertained or whose owner has refused to receive such property, shall be offered for sale at public auction to the highest bidder in accordance with the law, provided that a starting bid price shall be established and;

BE IT FURTHER RESOLVED that all such sales at public auction shall be made only for cash or certified check at the time of said auction, and

BE IT FURTHER RESOLVED that the monies received from the sale of any property shall be used to pay off any debt incurred for towing or storage fees and any excess monies received shall be paid into the general municipal treasury, and;

BE IT FURTHER RESOLVED that if the vehicles are not sold, they shall be turned over to the towing company who has incurred the debt.

BE IT FURTHER RESOLVED that the appropriate Town officials are hereby authorized and instructed to take such further steps as may be required by law to effect such sale and auction, including the advertising of the sale of such property by other means in addition to the legal notice required by law, and the establishment of a place and time where the merchandise to be offered for sale may be viewed by potential bidders.

(195) WHEREAS, a need exists in the Police Department for the purchase of (1) 2016 Ford Fusion S Hybrid, and

WHEREAS, an advertisement was placed in the Westfield Leader on two separate occasions: June 1, 2016 and June 22, 2016, and

WHEREAS, no bids were received for the 2016 Ford Fusion S Hybrid, and

WHEREAS, the New Jersey Public Contracts law permits contracts to be negotiated at fair and reasonable prices for the 2016 Ford Fusion S Hybrid when bidding on two occasions has been unsuccessful, and

WHEREAS, the Chief of Police negotiated a Unit Price in the amount of \$23,100.00 with Liccardi Ford, and

WHEREAS, the Town Treasurer certified the availability of adequate funds for payment, which will be in the amount of \$23,100.00 charged to 2016 Police Operating Budget 130-251 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW THEREFORE BE IT RESOLVED, that a Unit Price in the amount of \$23,100.00 be awarded to Liccardi Ford, 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

(196) WHEREAS, a need exists in the Fire Department for a Homatro CORE Rescue System; and

WHEREAS, the contract to purchase above mentioned equipment is to be awarded to ESI Equipment under State Contract #A80967, and;

WHEREAS, said equipment will be sufficient to meet the needs of the Fire Department; and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under State contract, a resolution must be adopted by the Governing Body; and

WHEREAS, the Chief Financial Officer certified to the availability of adequate funds for payment which will be in the amount of \$30,705.00, charged to Special Ordinance 2204B 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 Homatro CORE Rescue System; 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.

Homatro CORE Rescue System  
Hydraulic Extrication Equipment with CORE SR 20PC2 E Power Unit  
CORE Incline HD Cutter, Spreader, Telescopic Ram and Kevlar Hose

ESI Equipment  
119 Keystone Drive  
Montgomeryville, PA 18936

Total Price \$30,705.00

(197) WHEREAS, a need exists in the Fire Department for ten (10) Scott Self Contained Breathing Apparatus SCBA air paks with cylinders and integrated pass alarm, thirty six (36) AV3000 face pieces and voice amplifiers, ten (10) Scott carbon wrap cylinders, forty (40) Scott face piece bags and one (1) Scott Thermal Imaging Camera; and

WHEREAS, the contract to purchase above mentioned equipment is to be awarded to New Jersey Fire Equipment Company under State Contract A80961, and;

WHEREAS, said equipment will be sufficient to meet the needs of the Fire Department; and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under state contract, a resolution must be adopted by the Governing Body; and

WHEREAS, the Chief Financial Officer certified to the availability of adequate funds for payment which will be in the amount of \$100,231.60, charged to Special Ordinance 2204B, 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 Scott Self Contained Breathing Apparatus SCBA air paks, the carbon wrap cylinders, and the Scott Thermal Imaging Camera;

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.

Ten (10) Scott Self Contained Breathing Apparatus SCBA Air Paks with cylinders and integrated pass alarms

Ten (10) Carbon Wrap Cylinders

Thirty six (36) Scott AV3000 face pieces and voice amplifiers

Forty (40) Face Piece Bags

One (1) Scott Thermal Imaging Camera

New Jersey Fire Equipment Company  
119-131 Route 22 East  
Green Brook, NJ 08812  
Total Price \$100,231.60

#### Code Review & Town Property Committee

#### Public Works Committee

#### Reports of Department Heads.

Report of David C. Wayman, Chief of the Police Department, showing fee collecting in the amount of \$3,203.85 during the month of June 2016.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$60,470.00 representing monies collected during the month of June 2016.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$70,843.14 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of June 2016 was received, read and ordered filed.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$774.00 during the month of July 2016 was received, read, and ordered filed.

Upon motion by Councilman Loughlin, seconded by Councilman Donnelly the meeting was adjourned at 8:15 p.m.

Claire J. Gray

Town Clerk