

## **MINUTES OF REGULAR MEETING HELD FEBRUARY 21, 2017**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, February 21, 2017 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 22, 2016. 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, LoGrippo, Loughlin, Della Fera, Donnelly, Oliveira

**ABSENT:** Councilman Stokes

Invocation was given by Councilman Loughlin

### **PRESENTATIONS**

Mayor Skibitsky presented the following proclamation:

# **Town of Westfield**

## **Westfield, New Jersey**

### **PROCLAMATION**

#### ***2016 Westfield High School Blue Devils Football Team***

**WHEREAS**, on December 3, 2016, the Westfield High School Blue Devils football team won the New Jersey North Section 2, Group 5 State Championship at MetLife Stadium by a score of 15–13 over the Bridgewater-Raritan Panthers; and

**WHEREAS**, for the second year in a row the Blue Devils finished their state championship season with an unbeaten record of 12 – 0; and

**WHEREAS**, the 2016 Westfield High School football team finished the season ranked #7 in the state, #2 for all New Jersey public schools, #1 for all Group 5 Schools, and #1 for all Mid-State 38 teams; and

**WHEREAS**, the Blue Devils’ victory was not only its second North Jersey, Section 2, Group 5 title in a row, it was also its state-best 25th straight victory in a row; and

**WHEREAS**, under the leadership of Head Coach Jim DeSarno, named New Jersey Football Coaches Association (NJFCA) North 2 Coach of the Year, and Assistant Coaches Ken Miller, Joe Avina, Dave Hancock, Sam Haimann, Matt Andzel, Owen Brand, Don Dayon, Don Casset, Jim McKeon and Bill Melliott, and trainers, Chris Flores and Nicole Castellano, the football players represented their team, their school and their hometown with the highest standards of athleticism, integrity and sportsmanship; and

**WHEREAS**, all of the members of the team ~ Seniors Thomas Fuccillo, Jack Shirk, Connor Scanlon, Ishmael Glasco, Michael Moriarty, Philip Martini, Ian Humphrey, Kyle Dombrowski, Matt Varano, Kyle Shirk, Jake Kaplan, Jeffrey Gagum, Ben Kelly, Michael Gagliardi, Nicholas Maher, Max Schwetje, Owen Kessler, Matt Harris, Connor Root, William Swartz, Brett Spass; Juniors Ethan Bandelli, Sean Dwyer, Jake Vall-Llobera, Juandre House, Adam McDaniel, Anthony DiBella, Jacob Obsgarten, Shea Elliott, Ben Buontempo, Jacob Dayon, Drew Ortiz, Russell Weber, Joe SanGiacomo, Casey Scheper, Isaiah Reese, Fran Alliegro, Jordan Barham, Chris Culhane, John McCauley, Isaac Montez, Rory McGovern, Steven Barden, Aidan Boland, Robert Jucknik, Joel Madera, Jason Cassett, Payton Schlewitt; and Sophomores Fernando Bejar, Luke Bigosinski, Devin DeRosa, Thomas DeRosa, Marquis Ellerby, Michael Fuccillo, Jack Gerris, Dylan Howland, Anthony Iacoponi, Koury Kania, John Kwok, Noah Levy, Matt McIntyre, Tommy Norris, John Ossman, Charlie Riley, Jacob Saltzer, Jordan Simpson, Emmitt Smith, Ethan White, with support from Water Boys and Girls Jacob Dayon, Prissilla Dayan, Rebecca Dayon, Riley DeSarno, and Richard DeRick ~ are deserving of recognition for their individual efforts as well as for their contributions to the success of the team; and

**WHEREAS**, the offense piled up an average of 31.5 points per game while the defense held opponents to an average of 10.5 points per game, such outstanding performances no doubt contributed to the Blue Devils being named the 2016 Mid-State 38 Team of the Year and eighteen players earning individual honors; and

**WHEREAS**, the Mayor and Town Council of the Town of Westfield wish to commend the coaches and the players of the Westfield High School Blue Devils football team for their sportsmanship and many successes during the 2016 season;

**NOW, THEREFORE, BE IT PROCLAIMED**, that I, Mayor Andrew K. Skibitsky, on behalf of the Town Council and the good citizens of the Town of Westfield, on this twenty first day of February, two thousand and seventeen, do hereby congratulate the 2016 Westfield High School Blue Devils Football Team on their successful season capped by capturing the New Jersey North Section 2, Group 5 State Championship title and do hereby applaud them for their exceptional dedication to the sport and to sportsmanship.



Mayor Andrew K. Skibitsky

Mayor Skibitsky gave the following update on the downtown task force:

### **Update on the Downtown Task Force Efforts**

February 21, 2017 – It is important to reiterate that the Downtown is never taken for granted. This is why over 2 decades ago the town took advantage of the state law that permitted the creation of a “Special Improvement District” or SID as it is known and why Westfield is designated as a Main Street™ community. The Downtown Westfield Corporation is the management entity of the SID, serving essentially as the economic development arm of the local government. Guided by a volunteer board of trustees, the DWC Board along with a staff of 3 works year-round to promote the downtown’s interests and keep it a preferred destination in the region. In addition, the town has been monitoring changes in the retail paradigm, especially over the past 2 years.

In almost all of the accolades the town receives, the downtown is mentioned as a significant factor adding to the town's overall appeal and liveliness, and our downtown has been, and to be clear, continues to be, one of the most successful in the state.

At any given time in the life of a downtown, a certain number of store-front vacancies are to be expected for any number of reasons - merchants retire, a franchise does not renew its lease because the location no longer meets the corporate model, a parent company closes its brick and mortar stores in favor of an exclusively online presence, and so on. Though the downtown is home to about 500 businesses and our overall occupancy rate remains healthy, the sight of a vacant storefront for a longer period of time than we are accustomed to warrants a closer look at the forces at play.

This is why I formed the Mayor's Downtown Task Force in July of 2016, tapping the talent in our community and the expertise of our in-house professionals to examine the shifting demographic, cultural, and market influences affecting our downtown. Membership includes Council members, the Town Attorney, the Planning Board Attorney, the Town Planner, the President of the Board of Education, residents, a real estate professional, the Chairman of the Board of Adjustment, and the Executive Director of the Downtown Westfield Corporation. As a fresh set of eyes and to enhance objectivity, the town has also engaged the services of an outside consultant.

To be sure, the health of the downtown is a shared responsibility among many stakeholders. While the local government alone cannot reverse or otherwise alter the demographic, cultural and free market changes and trends at play - and of course can only act on that which falls within its jurisdiction - the mission of the task force is to identify the factors within our purview and develop a forward looking plan that will serve to promote economic development and sustainability for many years to come.

Such an ambitious goal that will potentially impact the downtown for decades to come no doubt requires adequate time for comprehensive review. To that end, I've asked the Chairman, Bill Heinbokel, to present an overview of the Task Force's activities to date and its upcoming plans.

Bill Heinbokel, Chairman of the Downtown Task Force made the following statements:

Mr. Mayor, members of the Council, thank you for the opportunity to appear tonight. I was asked by Mayor Skibitsky to come to tonight's meeting to give the council and the community an update as to the progress of the Downtown Task Force. As the Mayor had indicated, the Downtown Task Force's Mission is to look into ways to assure the continued vitality of Westfield's downtown by proactively assessing the changing business environment; by reviewing the current conditions and limitations imposed by our existing Ordinances; and, by understanding the specific wants and concerns of the business community and of our citizens in order to develop a forward looking plan that strengthens and promotes economic development and a sustainable business environment for the town's Central Business District.

With this Mission statement as our guide, the Task Force began meeting as a whole this past August. The first item we tackled as a group was to clarify and define exactly what areas of focus fall within the jurisdiction of our local government. For example, although the town cannot intercede in private business relationships such as the relationship between a landlord and business tenant, and it cannot offer financial or tax incentives to property owners or businesses, the Town can offer certain regulatory and design incentives, it can review land use ordinances and revise any outdated ones that may be preventing the town from changing with the times, it can consider ways to attract more people to the downtown, it can review development regulations that may be preventing the creative use or physical expansion of existing spaces, and the Town can foster an environment to make the town more attractive to business.

In order for the committee to fully diagnose the current situation within our Downtown, we felt that it was important to first listen to the concerns, perceptions and interests of various stakeholders. It clear that the problem itself, let alone any solution, cannot be defined without knowing what people's understanding of the situation is, what their preferences are, and what they feel they have to win or lose. To gain this understanding, three subcommittees were formed so that maximum outreach and fact-finding could occur simultaneously. To this end, the subcommittees have been meeting with downtown landlords, merchants, commercial and residential real estate brokers, Developers, and residents to listen to their concerns and suggestions for change. In addition, our committee members and Council representatives to date have received numerous e-mails from a variety sources, including residents, former business owners, and current business owners offering their input. From the information gathered, the town has already being put into action to explore tangible opportunities to enhance our downtown experience. For example, as a follow-up to a suggestion to incorporate WIFI access throughout the downtown, the town met with a wireless carrier to explore the feasibility of implementing the suggestion.

I'm sure that this will come as no surprise to anyone present tonight that many of the issues Westfield is experiencing is also being seen in other communities across America. Therefore, the committee felt it important to bring in some outside resources that were familiar with how other communities have dealt with similar issues. To assist the committee in its work, the town contracted with the planning consultant LRK Consultants. LRK was chosen due to its experience in working with communities throughout the US. Specifically, LRK was brought in to perform two tasks:

- To work with our town planner to review and provide analysis of the current Zoning Ordinances specific to the downtown;
- To conduct a walk-through and physical inspection of the downtown with the Mayor Skibitsky and Jim Gildea our Town Administrator to provide insight and suggestions based on their experience.

Both of these tasks are now complete, and the committee is awaiting the receipt of LMK's official report of their findings.

The Mayor's Downtown Task Force has spent the last 6 months collecting data and soliciting input from the public. So what are the next steps? In the coming weeks the Task Force will be compiling a list of action items to be addressed in three stages;

- Items to be implemented within the year,
- Items to be implemented within the next 2 or 3 years, and
- Long term items to address.

Once this plan has been compiled, the subcommittees will again meet with the various stakeholders to receive feedback on the action items. Revisions to the action plan will then be considered by the committee and incorporated into the plan as necessary.

In closing, the committee has been working tirelessly to gain a full understanding of the issues and perspectives of various stakeholders. While our committee is anxious to see this project completed, there is still some more work to be done. Thank you for the opportunity to address you all this evening. I would be happy to answer any questions you may have.

## **APPOINTMENT**

## **ADVERTISED HEARINGS**

“GENERAL ORDINANCE NO. 2078 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

## **PENDING BUSINESS**

An ordinance entitled, “GENERAL ORDINANCE NO. 2078 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13” Introduced by Councilman Loughlin, seconded by Councilman LoGrippo, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Arena  
Neylan  
LoGrippo  
Loughlin  
Della Fera

Nays:

Absent: Stokes

Donnelly  
Oliveira  
Mayor Skibitsky

## **BIDS**

## **MINUTES**

On a motion by Councilman Della Fera seconded by Councilman LoGrippo, Council approved the Minutes of the Town Council Conference Session held February 7, 2017 with Mayor Skibitsky and Councilman Arena abstaining.

On a motion by Councilman Donnelly, seconded by Councilman Oliveira, Council approved the Minutes of the Town Council Meeting held February 7, 2017 with Mayor Skibitsky and Councilman Arena abstaining.

## **PETITIONS AND COMMUNICATIONS**

### **OPEN DISCUSSION BY CITIZENS**

Deborah Feldman of 1141 Minisink Way spoke on Sanctuary Cities and suggested that Westfield become one. Mayor asked if she was proposing a resolution with wording. Ms. Hunt said she did not know the resolution process but the idea behind Sanctuary Cities was very simple. She said all it really means is that law enforcement officers, should they have contact with people that are illegal, whether they're rescuing them, whether they're helping them, people that have any sort of authority treat them basically like the rest of the population. In other words, if federal officials come into the town and say, please tell me where your illegal aliens are your police just simply refuse to do that. She indicated that the repercussions potentially are losing some federal funding but that it may be worthwhile to do that to stand up for our citizens.

Pamela Brug of 775 Carleton Avenue and Lydia Kaplan of 245 Clark Street spoke on a group that they have spearheaded called "Westfield Solidarity for Safety." They asked what measures were in place if any threats were made or incidents occurred regarding prejudice. They asked how the town makes sure everyone is welcome. Mayor said he is a very welcoming place and he currently working with many religious leaders in town about the compassionate community's concept. Councilman Arena said that he travels extensively and has found Westfield to be quite welcoming and compassionate compared to other places. Councilwoman Neylan said she felt very welcome when she moved to Westfield. Ms. Kaplan said there are certain factions that are afraid to speak up in Westfield and that there are things going on under the radar that the Town doesn't know about and that is why they have decided to represent those factions. Mayor asked them to leave their contact information and if they know of anybody who needs assistance to contact him.

Mark Renfree of 558 Downer Street, Apt. 2 spoke about parking when streets are snow covered. He complimented the efforts of the Public Works Dept. during the last snow storm and asked if

the Town was going to provide spots to park for residents that do not have access to a driveway. The Town Administrator explained why the town needed to have the cars off the street in order to plow the streets in a safer and more economical way and that this was the first year the ordinance was in effect and the Town was still in the process of assessing the situation and seeing if there was a need for the Town to provide a parking alternative. This is why only warning tickets were given so those on the street were made aware of the new law and also that the Town could see where the need for parking is in order to make educated decisions about providing parking.

David Contract of 565 Shackamaxon Drive spoke about Panera Restaurant leaving town and wanted to know if the Town did anything to try to stop them from leaving. Mayor said the town does not have jurisdiction to interfere with landlord/tenant issues or give tax breaks to businesses. He said restaurants come and go and the outside consultant the town hired for the Downtown Task Force reported that the restaurant business was one of the hardest business ventures to operate. He said in the case of Panera's he had heard that Westfield no longer met the corporate business model which is a large free standing building with a drive through. Mayor said that even though the Town does not have jurisdiction over private business ventures, it does have the Special Improvement District that promotes Downtown Westfield and does its best to assist businesses interested in operating in Westfield. Mr. Contract said that it would be nice if the Town Council let people know why a business has closed. Councilman Della Fera stated that the Town does not know why businesses come and go and that Panera's corporate office had issued a statement themselves and Mr. Contract and other residents upset about their leaving Westfield would be better served by contacting Panera's corporate headquarters themselves and if enough people contacted them, they may decide to come back to Westfield. The Administrator also addressed Mr. Contract and reinforced the Mayor's comments about Panera's corporate model and stressed how fortunate Westfield is to have the Downtown Westfield Corporation who is the economic development arm of the Downtown. Any and all information about happenings downtown can usually be answered by the DWC.

Ray Gargulo of 1001 Cranford Avenue spoke about sanctuary cities and said that the suggestion that the Town not cooperate with Federal officials was scary. He explained that he thought it was better if we could set the example of following laws rather than refusing to obey them.

Michael Ramirez of 733 Summit Avenue spoke in opposition of sanctuary cities and said that the idea would create a burden on the taxpayer and the responsibility of the Town was to protect the taxpayer.

Pamela Brug said that being a sanctuary city is only providing a safe place for undocumented aliens and is showing compassion and that it does not have an economic impact.

Edwin Ramirez of 733 Summit Avenue spoke in opposition of sanctuary cities. He said that any illegal acts need to be handled appropriately and that our police department does a good job of handling things now and we should not ask them to refuse to comply with law.

**BILLS AND CLAIMS**

Introduced by Councilwoman Neylan, seconded by Councilman Arena were adopted unanimously with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$431,248.41 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 Councilwoman Neylan, seconded by Councilman LoGrippe were unanimously adopted.

(53) WHEREAS, Trinity Heating & Air, Inc., made an application for a construction permit for solar panels located at 515 Mountain Avenue, Block 1110, Lot 16, Westfield, New Jersey.

WHEREAS, Trinity Heating & Air, Inc., remitted \$363.00 for aforesaid permit.

WHEREAS, Trinity Heating & Air, Inc., subsequently requested not to do the above mentioned project.

WHEREAS, Trinity Heating & Air, Inc., has made an application for refund of eighty percent (80%) of permit fee.

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be, and hereby is authorized to draw a warrant in the sum of \$290.40 payable to Trinity Heating & Air, Inc., 2211 Allenwood Road, Wall, NJ 07719.

(54) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the order of the following persons, this amount being overpaid for the year 2016 & 2017.

BLOCK/LOT	OWNER/MAIL ADDRESS	PROPERTY ADDRESS	AMOUNT	QUARTER
501/20	LINENBERG, MICHAEL J & CATHERINE A	825 HIGHLAND AVE	\$8,699.45	1
2904/24	MASCALI, LINDSAY & CARSON L	516 DORIAN COURT	\$3187.92	3
2910/14	SALMON, GREGORY&STEVENSON, KATHERINE	548 EDGAR ROAD	\$2,714.43	1
3302/21	CAHERLY, RORY J & NICOLE W	634 FAIRMONT AVE	\$460.48	4
4106/10	HAMILTON, MARK R & GABRIELLA	756 BOULEVARD	\$1,000.00	1
5505/14	SIMOES, NICOLE & LOUIS, OLIVIER	145 SUMMIT COURT	\$1433.65	4

(55) 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 2014 and 2015 Pursuant to the Tax Court of New Jersey:

BLOCK/LOT	NAME	ADDRESS	YEAR	AMOUNT
2405/16	BELL ATLANTIC/PROPERTY TAX DEPT	115 MOUNTAIN AVE		
			2014	\$22,679.30
			2015	\$23,411.05

MAIL TO: VERIZON NEW JERSEY INC,

ATTENTION :  
 KEVIN H. GIORDANO, ASSISTANT GENERAL COUNSEL,  
 VERIZON  
 ONE VERIZON WAY,  
 VC54S230,  
 BASKING RIDGE, NEW JERSEY 07920

(56) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid due to Veteran and Senior Citizen deductions for 2016:

Block/Lot	Owner Name/Address	Property Address	Deduction	Amount
	4810/14	1023 IRVING AVE	Veteran	\$250.00
	WEINSTEIN, BURT N & SANDRA			

(57) WHEREAS, the Town Council of the Town of Westfield, County of Union, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Town Council has applied for and been approved for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union, and

WHEREAS, the Town of Westfield's Municipal Alliance Program has been approved to receive funding for the FY 2017 period of July 1, 2016 – June 30, 2017 and for FY 2018 for the period of July 1, 2017 – June 30, 2018 for an amount of \$26,651 for each fiscal year period,

NOW, THEREFORE, BE IT RESOLVED by the Town of Westfield, County of Union, State of New Jersey, hereby recognizes the following:

1. The Town Council does hereby authorize the approval of the applications for the FY2017 and FY2018 representing a total award of \$26,651 for each 12-month period, representing a cash match of \$6,663 and In-Kind of \$19,988 to the Westfield Municipal Alliance.
2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

(58) RESOLVED that the Chief Financial Officer be and he is hereby authorized to make the following transfer(s) in the Appropriation Reserve accounts below:

**CURRENT FUND**  
FINANCE

**OUT**

**IN**

6-01-115-101 SALARIES & WAGES (S&W)	7,000	
6-01-115-201 OTHER EXPENSES (O/E)		4,000
6-01-115-203 (O/E)		3,000
FIRE		
6-01-125-102 (S&W)	25,000	
POLICE		
6-01-130-102 (S&W)	25,000	
PUBLIC BUILDINGS & GROUNDS		
6-01-185-217 (O/E)		50,000
	\$57,000	\$57,000

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

Public Safety, Transportation and Parking Committee

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

(59) 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.

(60) WHEREAS, the Town of Westfield owns a red 2001 Dodge Durango, VIN #: 1B4HS28NG1F644591, and this vehicle no longer serves a Fire Service purpose and it is in the best interest of the Town to advertise this vehicle for auction, and;

NOW, THEREFORE, BE IS RESOLVED, by the Mayor and Council of the Town of Westfield that this vehicle will be offered on the Municibid online auction site to the public at a date to be announced and shall be offered for sale at public auction to the highest bidder in accordance with the law, provided that a minimum price shall be established for the items and that no bid below this price shall be accepted, and;

BE IT FURTHER RESOLVED that all such property not bid on or claimed by owners will be held for future auction with the date to be determined and;

BE IT FURTHER RESOLVED that all such sales at public auction shall be final and payment only by certified check or money order at the time of said auction payable to Town of Westfield, and;

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.

(61) WHEREAS, the Town of Westfield has determined a need for an on-call traffic safety and engineering services consultant to assist the Town as necessary; and

WHEREAS, the Public Safety, Transportation & Parking Committee has recommended to the Town Council that a professional services contract not to exceed \$15,000 be awarded to NV5, 7 Campus Drive, Suite 300, Parsippany, New Jersey 07054 for aforesaid services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) authorizes the letting of contracts for professional services without competitive bidding;

WHEREAS, Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with NJAC 5:30-1.10, has been furnished to the Town Clerk. Expenditure of funds pursuant to this contract is to be charged to Account # 135-100;

NOW THEREFORE BE IT RESOLVED, that the Town of Westfield award a contract to The RBA Group Inc. for a fee not to exceed \$15,000; and

BE IT FURTHER RESOLVED, that this contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law, NJSA 40A:11-5(1)(a).

BE IT FURTHER RESOLVED, that the proper Town Officials be authorized to effect whatever actions are necessary in the execution and discharge of this contract.

BE IT FURTHER RESOLVED, that a notice of this resolution shall be published in *The Westfield Leader* as a public notice of the action in accordance with N.J.S.A. 40A:11-5.

Public Works Committee

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

(62) WHEREAS, K&D Contractors, LLC, is under contract to the Town of Westfield for the Vehicle Storage Building at the Public Works Complex as authorized by Special Ordinances 2196 and 2206B, and

WHEREAS, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

WHEREAS, site conditions encountered during construction necessitated additional work items and more material than had been anticipated, and

WHEREAS, 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. Expenditure of funds to be charged to Special Ordinances 2196, 2206A, 2206B and account #6-01-185-217

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$196,956.03 executed by Kris J. McAloon, Town Engineer, be authorized, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of Change Order No. 1, for the Vehicle Storage Building at the Public Works Complex increasing the contract price to \$1,231,956.03.

(63) WHEREAS a need exists for Public Works Equipment consisting of a Trailer-Mounted Mobile Firewood Processor, as authorized in the anticipated 2017 Municipal Budget, 137-255, and

WHEREAS, the Town Engineer advertised the contract for bids to be received on February 15, 2017, and

WHEREAS, no bids were received, and it is in the best interest of the Town to readvertise for this equipment.

NOW THEREFORE BE IT RESOLVED that the Town Engineer be and is hereby authorized to re-bid for a Trailer-Mounted Mobile Firewood Processor.

Reports of Department Heads

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$92,294.00 for the month of January 2017 was received, read and ordered filed.

Report of David C. Wayman, Chief of the Police Department, showing fee collecting in the amount of \$2,475.35 during the month of January 2017.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$76,868.22 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of January 2017 was received, read and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing fee collecting in the amount of \$3,982.00 during the month of January 2017 was received, read and ordered filed.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$13,373.00 during the month of January 2017 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 \$14,584.00 representing monies collected during the month of January 2017.

Upon motion by Councilwoman Neylan, seconded by Councilman LoGrippo the meeting was adjourned at 9:05 p.m.

Claire J. Gray

Town Clerk