

## **MINUTES OF REGULAR MEETING HELD FEBRUARY 7, 2017**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, February 7, 2017 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 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:** Acting Mayor Neylan, Council Members LoGrippo, Loughlin, Della Fera, Donnelly, Oliveira, Stokes

**ABSENT:** Mayor Skibitsky & Councilman Arena

Invocation was given by Councilman LoGrippo

### **PRESENTATIONS**

### **APPOINTMENT**

### **ADVERTISED HEARINGS**

### **PENDING BUSINESS**

### **BIDS**

### **MINUTES**

On a motion by Councilman LoGrippo seconded by Councilman Donnelly, Council approved the Minutes of the Town Council Conference Session held January 24, 2017.

On a motion by Councilman Stokes, seconded by Councilman Oliveira, Council approved the Minutes of the Town Council Meeting held January 24, 2017.

**PETITIONS AND COMMUNICATIONS****OPEN DISCUSSION BY CITIZENS**

Ken McRitchie of 515 Trinity Place spoke about his previous request to upgrade the Dr. Virginia Apgar Park. He said he had written to the Mayor in November and has not heard back. He distributed copies of his letter to the Council. Administrator replied that the Mayor had received his letter and directed the Administrator to work with the Department of Public Works to plan to make improvements to the park. Administrator replied to Mr. McRitchie that he had just met with the Public Works Dept. and had discussed making improvements to the park during the spring and summer months.

Michael Kupernick of 1006 Ripley Avenue spoke on parking in the downtown. He said that parking was a deterrent to going downtown. He also said there were not enough liquor licenses. He suggested increasing the number of licenses to restaurants. Councilman Della Fera explained that the State regulates the number of licenses in each town and the municipality does not have the ability to increase the number of licenses as they are based on the population number. Councilman Della Fera also explained that various aspects of parking were being discussed to attempt to increase the number of spots.

Shelly Wright Brindle of 520 Fairmont Avenue spoke on parking and the price of a parking ticket. She said her daughter had received a ticket for parking over the 4-hour parking limit of a free space during the holidays while she worked as an employee of one of the downtown stores. She also spoke on the transparency of information resulting from the Downtown Task Force. She said there is no information on the website except for the recent article from the Westfield Leader. Councilman Della Fera said that recent article published in the only town wide newspaper showed the transparency in the process and that if she had any questions she could email him anytime as his email is on the website. She indicated that the people are too busy and cannot be the ones contacting the Town, rather the Town should be pushing information out about the Task Force regularly. Councilman Della Fera indicated that if people were too busy, then who is going to read information pushed out from the Town.

**BILLS AND CLAIMS**

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

RESOLVED that the bills and claims in the amount of \$479,551.21 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 Donnelly seconded by Councilman Stokes were unanimously adopted.

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

Name	Account	Class	Fee
Sean O'Brien 833 St. Marks Ave. Westfield, NJ 07090	T05-600-071	Daddy/Daughter Dance	100.00

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

NPM Group, LLC.  
P.O. Box 446  
Valley Forge, PA 09481

Amount of refund: \$975.00

(47) 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:

App #	Name	Address	G/L	Refund Balance
BOA 16-27	Rocco & Erin Romano	900 Columbus Avenue	7-05-560-553	\$426.06
BOA 16-28	Zach Chororos	717 Boulevard	7-05-560-554	\$200.71

BOA 16-30	Eliza Dragowski	605 Girard Avenue	7-05-560-556	\$200.71
BOA 16-32	Christopher & Sarah Ebel	115 Effingham Place	7-05-560-558	\$450.71
BOA 16-33	Joseph Mathew	44 Mohican Drive	7-05-560-559	\$200.71
BOA 16-34	Thomas & Sue Ann Butera	516 Prospect Street	7-05-560-560	\$200.71
BOA 16-36	John Maurer & Kim McKee	925 Willow Grove Road	7-05-560-562	\$176.06
<b>Return to:</b>	<b>Wicklow &amp; Laurano</b>	<b>362 Route 206</b>	<b>Flanders NJ</b>	<b>07836</b>
BOA 16-37	Eugene & Sandra Ing	210 North Chestnut Street	7-05-560-563	\$200.71
BOA 16-39	John & Mary Ryan	34 Westbrook Road	7-05-560-565	\$1,500
BOA 16-40	James Todd Mitchell	617 Lawrence Avenue	7-05-560-566	\$250
BOA 16-43	Joshua & Joanna Schlitzer	435 Sandford Avenue	7-05-560-569	\$200.71
BOA 16-44	Anthony Tomasello	529 Downer Street	7-05-560-570	\$450.71
BOA 16-45	Marc & Ivette Rizzolo	126 Madison Avenue	7-05-560-571	\$926.06

(48) WHEREAS, Forest Glen Realty Associates, LLC, developers of certain land located on Rahway Avenue, Westfield, New Jersey, originally posted Performance and Inspection Bonds in the total amount of \$370,122.00 as required by Condition #4 of the Developer's Agreement dated December 4, 2008, to be held to guarantee the installation and completion of improvements completed in the public right-of-way, and

WHEREAS, the developer has previously requested that the remaining portion of this Bond originally posted for these improvements be refunded to reflect the fact that these improvements have been completed, and

WHEREAS, the Town Engineer has inspected the improvement work, and has found it to be completed in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk and Town Council are hereby authorized to formally accept Forest Glen Court as an improved Town roadway, and

BE IT FURTHER RESOLVED, that the Town of Westfield Department of Public Works assumes responsibility on this street with respect to leaf collection, snow removal, street sweeping and any and all other activities, and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to draw a warrant in the name of Alan G. Trembulak, Esq., for the release of previously held bond monies, in the total amount of \$23,077.63 (Escrow account 7-05-400-090, \$20,077.63, and Inspection account 7-05-590-002, \$3,000.00) and forward same to 52 Fairfield Street, Montclair, NJ, 07042.

(49) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$6,000.00 to the order of the United States Postal Service to replenish a postage meter to process the Town’s daily mail.

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

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

	<u>OUT</u>	<u>IN</u>
<b><u>CURRENT FUND</u></b>		
ADMINISTRATION		
6-01-100-104 SALARIES & WAGES (S&W)	500	
6-01-100-206 OTHER EXPENSES (O/E)		500
FIRE		
6-01-125-101 (S&W)	1,000	
6-01-125-231 (O/E)		1,000
PUBLIC WORKS		
6-01-137-101 (S&W)	2,000	
6-01-137-223 (O/E)		2,000
	<hr/> \$3,500	<hr/> \$3,500

Yeas: LoGrippo  
Loughlin  
Della Fera  
Donnelly  
Oliveira  
Stokes  
Acting Mayor Neylan

Nays: Absent: Arena  
Mayor Skibitsky

Public Safety, Transportation and Parking Committee

Regarding the following ordinance, Councilman Loughlin, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2078 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13"

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 21st day of February 2017 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilman LoGripio.

The ordinance was approved by the following vote of all present upon roll call as follows:

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

Code Review & Town Property Committee

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

(51) WHEREAS, property at 333 Central Avenue, Westfield, New Jersey which is shown on the Town Tax Maps as Block 3207, Lot 1.01 will contain nine (9) affordable rental housing units which will receive COAH credit under the Fair Housing Act; and

WHEREAS, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (UHAC) provides rules for the establishment and administration of affordability controls on restricted units that receive COAH credit under the Fair Housing Act; and

WHEREAS, the UHAC require that deeds of all real property that include restricted rental units shall contain deed restriction language including a description of the property, affordable housing covenants, and remedies for the breach of those covenants.

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the Town of Westfield is hereby authorized to sign the mandatory deed restriction for the rental project at 333 Central Avenue, which is attached hereto.

(52) BE IT RESOLVED, that the Mayor is hereby authorized to sign a Termination of Easements and Restrictions Agreement in a form approved by the Town Attorney for property located at 415 Rahway Avenue and 339 W. Broad Street, Westfield, New Jersey, Tax Map Block 3001 Lots 1 & 6.

Public Works Committee

Reports of Department Heads.

Upon motion by Councilman LoGrippo, seconded by Councilman Loughlin the meeting was adjourned at 8:18 p.m.

Claire J. Gray

Town Clerk