

MINUTES OF REGULAR MEETING HELD JULY 12, 2016

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, July 12, 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 LoGrippo, Loughlin, Della Fera, Donnelly, Oliveira, Stokes

ABSENT: Council Members Arena, Neylan

Invocation was given by Councilman Donnelly

PRESENTATIONS

Police Department Swearing In Ceremony

APPOINTMENT

ADVERTISED HEARINGS

GENERAL ORDINANCE NO. 2063

“AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD BY ESTABLISHING PROVISIONS REGULATING THE INSTALLATION OF SOLAR ENERGY SYSTEMS”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, “GENERAL ORDINANCE NO. 2063 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD BY

ESTABLISHING PROVISIONS REGULATING THE INSTALLATION OF SOLAR ENERGY SYSTEMS.” Introduced by Councilman Della Fera, seconded by Councilman Donnelly, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: LoGrippto
Loughlin
Della Fera
Donnelly
Oliveira
Stokes

Nays:

Absent: Arena
Neylan

BIDS

MINUTES

On a motion by Councilman Stokes seconded by Councilman LoGrippto, Council approved the Minutes of the Town Council Meeting held June 21, 2016.

On a motion by Councilman Donnelly, seconded by Councilman Loughlin, Council approved the Minutes of the Conference Session held June 21, 2016.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

BILLS AND CLAIMS

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

RESOLVED that the bills and claims in the amount of \$457,154.10 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 seconded by Councilman Oliveira were unanimously adopted.

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

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Stacy Bergerman 435 Beechwood Pl. Westfield, NJ 07090	T05-600-073	Summer Camp Justin/Golf.	150.00
Laura Cerria 776 Norgate Westfield, NJ 07090	T05-600-073	Summer Camp Annie/Volleyball	125.00
Melinda Willson 35 Doris Parkway Westfield, NJ 07090	T05-600-073	Summer Camp Rebecca/Volleyball	125.00
Elizabeth MacFarlane 862 Nancy Way Westfield, NJ 07090	T05-600-073	Summer Camp James/Golf	150.00
Patricia Gao 1163 Lawrence Ave. Westfield, NJ 07090	Acct #195 Membership Acct.	2 Senior Memberships	180.00
Jennifer Nisita 603 Boulevard Westfield, NJ 07090	T05-600-073	Volleyball Camp Lydia	125.00

Kathleen Agno 745 First Street Westfield, NJ 07090	T05-600-073	Golf Academy Camp Jack Kermanshahi	150.00
Camille Prip 1113 Columbus Ave. Westfield, NJ 07090	T05-600-073	Basketball Camp (Heather)	50.00

(167) RESOLVED, that the Chief Financial Officer be authorized to draw a warrant in the amount of \$51.60 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 June 2016.

(168) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$575.00 to the order of Treasurer, State of New Jersey, P.O. Box 660, Trenton, NJ 08646-0660 for Marriage/Civil Union License Fees issued by the Registrar of Vital Statistics for the quarter of April-June 2016.

(169) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$10.00 to the order of Treasurer, State of New Jersey, Burial Permit Fees, P.O. Box 370, Trenton, NJ 08625-0370 for Non-EDRS Burial Permits issued by the Registrar of Vital Statistics for the quarter of April-June 2016.

(170) WHEREAS, John Paone placed the required cash bond of \$500.00 to cover Road Opening Permit #15-207 for 731, 735, 739, 743, 747 St. Marks Avenue, and

WHEREAS, John Paone has requested that this amount be returned to him, 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 John Paone for \$500.00 and forward to 2552 Plainfield Avenue, Scotch Plains, NJ 07076.

(171) 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

<u>NAME</u>	<u>ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
3010/12			
EVERSON REALTY, LLC	556 WESTFIELD AVENUE	2014	\$6,417.75
		2015	\$6,636.75

Payable to:

Younghans and Burke PC Attorney Trust Account

Mail to:

Erin Nadeau, Esq.

Younghans and Burke PC

141 Elmer Street

(172) 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 taxes overpaid in 2015:

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT</u>
3303/7.05	5 Brandt Court	\$110.22

SCHMIDT, Brian A. & Stefanie K.

(173) NOW THEREFORE, BE IT RESOLVED, that the following account may have the sewer bills removed from the billing for 2016. Billing will be adjusted once the property has a certificate of occupancy.

<u>Acct#</u>	<u>Property Address</u>	<u>Year</u>	<u>Amount</u>
2175-0	850 Wallberg Avenue	2016	\$170.00

(174) RESOLVED, that pursuant to N.J.A.C. 5:23-4.19, that the Chief Financial Officer be authorized and directed to draw a warrant in the sum of \$29,231 to the TREASURER, STATE OF NEW JERSEY for the second quarter Construction Official's State permit fees for 2016.

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 \$32,609.95 drawn on the Administration and Expense Account of the Suburban Joint Insurance Fund which represents the first half of the installment of the six percent (6%) of the Annual Assessment for 2016; 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 \$13,587.48 representing the first half of the commission payable for the year 2016 with \$19,022.47 representing the reduction in the first half of the annual assessment.

(178) WHEREAS, Motorola Solutions, Inc. is under contract to the Town of Westfield for the purchase of a digital radio system as authorized by S.O. 2204, 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, updated communications equipment is needed for recently acquired vehicles in the Police, Fire and Public Works Departments, 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 \$52,475.25 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 a digital radio system increasing the contract price from \$1,103,129.64 to \$1,155,604.89.

(179) RESOLVED that the Chief Financial Officer is hereby authorized to issue warrants noted below to the order of the Downtown Westfield Corporation, for Special District Taxes as provided in the year 2016 budget:

August 1, 2016	\$102,477.25
November 1, 2016	\$102,477.25

(180) 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 of any county or municipality when such item shall have been made available by the 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 an 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 2016 in the sum of \$1,250.00, which is now available from The Westfield Foundation for a Summer Library Assistant; and

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

General Appropriations

Library - Summer Assistant	\$1,250.00
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BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

Public Works Committee

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

(181) WHEREAS, a need exists for the purchase of public works related equipment as provided for in Special Ordinance 2206C, and

WHEREAS, the contract to purchase this equipment is to be awarded to authorized vendors through various Cooperative Purchasing Agreements, and

WHEREAS, this equipment will be sufficient to meet the needs of the Department, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under a Cooperative Contract, specifically, Morris County Cooperative Pricing Council Contract #15-F, and National Joint Powers Alliance Contract #080114-HPI, a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$330,646.00 charged to Special Ordinance 2206C 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 following equipment from the indicated vendors:

Brown's Hunterdon

963 State Route 173

P.O. Box 98

Bloomsbury, NJ 08804

(1) 2017 MACK GU432 Cab/Chassis	\$ 92,943.00
(2) 2017 MACK GU432 Cab/Chassis	\$ 92,560.00

Henderson Products, Inc.

1085 South 3rd Street

P.O. Box 40

Manchester, IA 52057

(1) 14' Stainless Steel Dump Body with 11' reversible plow	\$ 67,792.00
(2) 11' Stainless Steel Dump Body with 11' reversible plow	\$ 77,351.00

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.

(182) WHEREAS, Fischer Contracting Inc., has completed all of the work necessary for the 2015 Improvement of Lawrence Avenue as authorized by S.O. 2203A, and

WHEREAS, the Town Engineer certifies that all of the work, totaling \$369,077.42 has been completed in a satisfactory manner, in accordance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2203A, and

WHEREAS, the Town has been furnished with a Lien Release, an Affidavit of Payment of Prevailing Wage, and a one year Maintenance Bond against defective workmanship and materials.

NOW THEREFORE BE IT RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make final payment in the amount of \$7,381.55 and to effect whatever actions are appropriate by the acceptance of the 2015 Improvement of Lawrence Avenue, with a final contract price of \$369,077.42, and

BE IT FURTHER RESOLVED that approval of Final Payment is subject to the approval of the N.J. Department of Transportation.

Reports of Department Heads

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$222,736 for the month of May 2016 was received, read and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing fee collecting in the amount of \$8,542.00 during the month of May 2016 was received, read and ordered filed.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$13,694.95 during the month of May 2016 was received, read, and ordered filed..

Upon motion by Councilman LoGrippe, seconded by Councilman Loughlin the meeting was adjourned at 9:30 p.m.

Claire J. Gray

Town Clerk