

MINUTES OF REGULAR MEETING HELD JUNE 21, 2016

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, June 21, 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, LoGrippo, Loughlin, Della Fera, Donnelly, Oliveira, Stokes

ABSENT:

Invocation was given by Councilman Della Fera

PRESENTATIONS

Mayor Skibitsky presented the following proclamation:

Town of Westfield

Westfield, New Jersey

PROCLAMATION

Westfield Blue Devils Boys Tennis Team 2016 State Champions

WHEREAS, on May 25, 2016, the 2016 Westfield High School Boys Tennis Team defeated two teams that they had lost to earlier in the season, Montgomery and Livingston, to capture the Group 4 State Championship; and

WHEREAS, the 2016 State Championship represents the 15th time in school history that the Blue Devils have captured the state title; and

WHEREAS, in addition to the team posting an exceptional 22 and 4 record during the 2016 season, the Blue Devils' successes leading up to the State Championship victory included being crowned

champions of the Watchung Division of the Union County Conference, North 2 Group 4 Sectional champions, and for the 12th year in a row, Union County Tournament champions; and

WHEREAS, all of the members of the team – Senior co-captains Tyler Roth and William Kelly, Seniors Max Carle, Ryan Dang, Andrew Natko and Aaron Tavasi; Juniors Owen Bartok and Noah Reich; Sophomores Damien Ruparel, Robert Faktor, and Jacob Tananbaum; and Freshmen Matthew Bartok and Matthew Su – are deserving of recognition for their individual contributions to the success of the team; and

WHEREAS, the Westfield High School Boys Tennis Team finished the season ranked Number 3 in the state by NJ.com, the website affiliated with 12 New Jersey newspapers including The Star Ledger; and

WHEREAS, under the guidance of Coach George Kapner, a member of the New Jersey Coaches Association Hall of Fame, and Assistant Coaches Jeff Knight and Adam Gerckens, the student athletes represented their team, their school and their hometown with the highest standards of integrity and sportsmanship; and

WHEREAS, the Mayor and Town Council of the Town of Westfield wish to commend the members of the Westfield Blue Devils Boys Tennis Team for all that they have accomplished;

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 June in the year 2016, do hereby congratulate the student athletes of the 2016 Westfield High School Blue Devils Boys Tennis Team on their championship season and do hereby applaud them for their exceptional dedication to the sport and to sportsmanship.

Andrew K. Skibitsky

APPOINTMENT

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

TOWN OF WESTFIELD

INVITATION TO BID

WEDNESDAY, June 15, 2016

2016 MINDOWASKIN SEDIMENT REMOVAL

Bidder

Amount of Bid

T.R. Weniger	\$743,675.00
1900 New Brunswick Avenue	

Piscataway, NJ 08854	
Reivax Contractors	\$779,533.00
356 Thomas Street	
Newark, NJ 07114	
Earthworks, Inc	\$1,050,700.00
13 Morello Court	
Farmingdale, NJ 07727	

TOWN OF WESTFIELD
INVITATION TO BID
WEDNESDAY, June 15, 2016
2016 VARIOUS ROAD IMPROVEMENTS

Bidder**Amount of Bid**

Top Line Construction Corp.	\$681,661.03
22 Fifth Street	
Somerville, NJ 08876	
Z Brothers Concrete Contractors Inc.	\$637,930.00
304 Jernee Mill Road	
Sayreville, NJ 08872	
J. A. Alexander Inc.	\$700,361.50
130 JFK Drive N.	
Bloomfield, NJ 07003	
Smith Soudy	\$694,988.70
150 Anderson Avenue	
Wallington, NJ 07057	
Cifelli & Son General Construction	\$774,075.00
81 Franklin Avenue	
Nutley, NJ 07110	
Fischer Contracting Inc.	\$588,874.00
10 Short Hills Lane	
Scotch Plains, NJ 07076	

Stilo Excavating Inc.	\$651,048.50
2907 So. Clinton Avenuye	
South Plainfield, NJ 07080	
Black Rock Enterprises, LLC	\$697,837.00
1316 Englishtown Road	
Old Bridge, NJ 08857	
D.L.S. Contracting	\$686,100.00
633 Franklin Avenue	
Nutley, NJ 07110	
Schifano Construction	\$675,449.50
1 Smalley Avenue	
Middlesex, NJ 08846	
P & A Construction, Inc.	\$633,489.00
P.O Box 28	
Colonia, NJ 07067	

MINUTES

On a motion by Councilman LoGrippo seconded by Councilman Loughlin, Council approved the Minutes of the Town Council Meeting held June 7, 2016.

On a motion by Councilman Arena, seconded by Councilman Donnelly, Council approved the Minutes of the Conference Session held June 7, 2016.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Amarish Mehta of 609 Short Hills Court spoke on the Solar Ordinance that was introduced on May 17, 2016, sent to the Planning Board for their review and recommendations, and scheduled for adoption on July 12, 2016. He said he had solar panels installed on his house at a cost of approximately \$30,000 and the panels have just about paid for themselves over a few years due to rebates and reduced energy costs. Mr. Mehta said that his objection to the ordinance was strictly the aesthetic element of the ordinance which prohibits solar panels on the front of many homes. He said that would eliminate a large percentage of the homes that would benefit from solar panels. He said that in a few years solar panels would be all over and that the Town should reconsider this element of the ordinance. Mr. Mehta also said that he was an investor in the solar industry.

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 \$3,355,380.17 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 Loughlin were unanimously adopted.

(151) 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>
Christine Reynolds 120 Park St. Westfield, NJ 07090	T05-600-073	Summer Camp Connor / Wrestling.	90.00

(152) RESOLVED, that the Chief Financial Officer be authorized to draw a warrant in the amount of \$30.00 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 May 2016.

(153) 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, 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:

BOA 15-49 St. Helen's Church 1600 Rahway Avenue 6-05-560-515 \$656.48

Refund to: Lindabury McCormick, Estabrook & Cooper, P.C.
53 Cardinal Drive, P. O. Box 2369, Westfield, NJ 07091-2369

(154) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2015:

BLOCK AND LOT	PROPERTY	AMOUNT
<u>NAME AND ADDRESS</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
1004/8 ADLER, JOSHUA & MARIA	109 DUDLEY AVENUE WEST	\$4,781.79

(155) RESOLVED, that the Chief Financial Officer be and is hereby authorized to draw a warrant to Somerset-Union Soil Conservation District, in the amount of \$1,185.00, for fees associated with an application for a Soil Erosion and Sediment Control Plan for work proposed for Mindowaskin Park Pond Cleaning Project, said amount to be charged to Special Ordinance No. 2206D.

(156) RESOLVED, that there be an annual stipend added to the payroll consisting of the following regularly salaried employee of the Town of Westfield for year 2016 and that the Chief Financial Officer be authorized to draw warrants to his order, biweekly, and that the Mayor and Town Clerk be, and they are hereby authorized, to sign a warrant in compliance thereto for the amount of the payroll biweekly:

To be effective and prorated the first pay of July 2016

<u>Office/Name</u>	<u>Title</u>	<u>Stipend</u>
<u>Police Department</u>		
Dominick Sandelli	IT Technician/Certification Instructor	\$2,500

(157) A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF WESTFIELD TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE, 2014

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Westfield and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Municipality of Westfield that the agreement entitled "COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES," dated June, 2014, for the Purpose of Inserting a Description of Activities for Fiscal Year 2016-2017 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption

(158) BE IT RESOLVED by the Town Council of the Town of Westfield that the Town Administrator be authorized to sign a service agreement amendment between Great-West Life & Annuity Insurance Company and the Town of Westfield with respect to the services provided to the Town's Deferred Compensation Plan by Great-West Life & Annuity Insurance Company.

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

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

(159) RESOLVED that the application for the following liquor license renewal for the 2016-2017 licensing term be, and the same is hereby granted subject to full compliance with Alcoholic Beverage Law R.S. 33:1.1 et seq:

PLENARY RETAIL DISTRIBUTION LICENSE

Elicia Corp. t/a Coolvines 2020-44-010-009	127 Central Avenue
Sunrise Shoprite Liquors, Inc. 2020-44-011-007	33 South Avenue E.
Thakorji Corporation t/a Peterson's Wines Unlimited 2020-44-012-004	1120 South Avenue W.
Parikhs Corporation t/a Central Avenue Wines & Liquors 2020-44-018-010	781 Central Avenue
Saamro, LLC t/a Westfield Wine & Liquor 2020-44-017-011	270 North Avenue E

PLENARY RETAIL CONSUMPTION LICENSE

The Office at Westfield, LLC (inactive) t/a The Office Beer Bar & Grill 2020-33-001-007	411 North Avenue
Sweet Waters, Inc. t/a Sweet Waters Steak House 2020-33-022-005	43 Elm Street
341 Westfield Corp. t/a Fujiyama Mama 2020-33-004-014	341 South Avenue E.

CLUB LICENSE

Italian American Club 2020-31-019-002	505 Central Avenue
Mark Wallberg Post 3 American Legion 2020-31-019-002	1003 North Avenue West

(160) WHEREAS, pursuant to Chapter 24 Article VII Section 24-47 of the Town Code the Town Council has authorized the licensing of Sidewalk Cafés, and

WHEREAS, the establishments listed have made application as required by Sec. 24-48 of the Town Code, and

WHEREAS, the establishments listed have met all the terms and conditions as required,

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Westfield hereby grants licenses to the establishments listed to operate sidewalk cafés and the Town Clerk be, and is hereby authorized to issue said licenses.

Carlos Bakery Westfield
Famous Kabob Cuisine
Old Havana

21 East Broad Street
231 South Avenue East
13 Elm Street

(161) RESOLVED that the following applications for Peddlers License be and the same are hereby approved:

Dionisios Vasiliadis
Danny's Soft Serve
1081 E Grand St.
Elizabeth, NJ 07201

Jose Cachada
Joes Catering
258 Perry Avenue
Union, NJ 07083

BE IT FURTHER RESOLVED that the licenses shall not be issued by the Town Clerk unless the departmental inspections of the premises have been completed and the premises approved for the licensed use.

(162) BE IT RESOLVED by the Town Council of the Town of Westfield that the Mayor is authorized to sign an access agreement for the installation of fiber optic cable within the public right-of-way.

Public Works Committee

Councilman Oliveira presented a brief summary of the 2016 blizzard Jonas report

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

(163) WHEREAS, on February 4, 2014 the Town entered into a contract with Hatch Mott MacDonald for the development and preparation of design plans and contract specifications for the dredging of Mindowaskin Pond, and

WHEREAS, this initial phase of work has been completed and the Town would like to exercise its option for additional tasks proposed within Hatch Mott MacDonald's original proposal, specifically, Bid Assistance (Phase 1, Task 3) and Construction Observation (Phase 2), and

WHEREAS, the Town Engineer has reviewed the Proposal and recommends that a professional services contract for the aforementioned services as outlined in the Proposals for the Dredging of Mindowaskin Pond, dated June 3, 2016, be continued with Mott MacDonald, 111 Wood Avenue South, Iselin, NJ 08830-4112, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this contract, 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 Ordinance No. 2206D.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield that the aforementioned contract for professional engineering services be awarded to Mott MacDonald, 111 Wood Avenue South, Iselin, NJ 08830-4112, in an amount not to exceed \$28,200.00.

(164) WHEREAS, sealed bids were received by the Town Clerk on June 15, 2016 for the 2016 Mindowaskin Pond Cleaning Project in Westfield, New Jersey as authorized by S.O. 2206D, and

WHEREAS, the low bid, in the amount of \$743,675.00, submitted by T.R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, NJ, 08854 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2206D.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$743,675.00 be awarded to T.R. Weniger, Inc., 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, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

(165) WHEREAS, sealed bids were received by the Town Clerk on June 15, 2016 for the 2016 Various Road Improvements in Westfield, New Jersey as authorized by S.O. 2203A, and

WHEREAS, the low bid, in the amount of \$588,874.00, submitted by Fischer Contracting Inc., 10 Short Hills Lane, Scotch Plains, NJ 07076 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2203A.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$588,874.00 be awarded to Fischer Contracting Inc., 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, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

Reports of Department Heads

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$140,960.00 for the month of May 2016 was received, read and ordered filed.

Report of David C. Wayman, Chief of the Police Department, showing fee collecting in the amount of \$2,209.90 during the month of May 2016.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$68,991.53 representing fines and costs collected in the Municipal Court and Violations Bureau during 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 \$25,606.00 during the month of May 2016 was received, read, and ordered filed.

Administrator gave an update on Trader Joe's as well as the improvements being made on Broad and Elm Street.

Upon motion by Councilman Arena, seconded by Councilman Della Fera the meeting was adjourned at 8:40 p.m.

Claire J. Gray

Town Clerk