

MINUTES OF REGULAR MEETING HELD NOVEMBER 1, 2016

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, November 1, 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 Neylan, LoGrippo, Loughlin, Della Fera, Oliveira, Stokes

ABSENT: Council Members Arena, Donnelly

Invocation was given by Councilman Loughlin

PRESENTATIONS

Mayor Skibitsky presented the following proclamation

Town of Westfield
Westfield, New Jersey
PROCLAMATION
World Pancreatic Cancer Day
November 17, 2016

Whereas, in 2016, an estimated 53,070 people will be diagnosed with pancreatic cancer in the United States and, tragically, 41,780 will die from the disease, with approximately 1,260 deaths in New Jersey alone; and

Whereas, pancreatic cancer surpassed breast cancer this year to become the third leading cause of cancer death in the United States and, sadly, once symptoms present themselves, 71 percent of the patients die within the first year of their diagnosis and 92 percent die within the first five years; and

Whereas, it is anticipated that pancreatic cancer will move from the third to the second leading cause of cancer deaths in the United States by the year 2020; and

***Whereas**, when symptoms of pancreatic cancer present themselves, it is generally late stage; consequently, it is the only major cancer with a five-year relative survival rate in the single digits at just eight percent; and*

***Whereas**, On January 2, 2013, President Obama signed the landmark “Recalcitrant Cancer Research Act”, the passage of which was due in large part to the thousands of supporters across the country whose extraordinary efforts to create awareness and advocate in their communities created the momentum needed for Congress to act; and*

***Whereas**, the Pancreatic Cancer Action Network, the national leader in the fight against pancreatic cancer, has a bold goal to double pancreatic cancer survival by 2020; and*

***Whereas**, an international group of non-profit organizations including the Pancreatic Cancer Action Network are working together to raise global pancreatic cancer awareness and have designated November 17, 2016 as “World Pancreatic Cancer Day”;*

***Now, therefore, be it proclaimed that**, increasing awareness of pancreatic cancer as well as supporting research into causes, early detection, effective treatments, and ultimately a cure, benefits the good health and well-being of the residents of the Town of Westfield and, therefore, I, Andrew K. Skibitsky, Mayor of the Town of Westfield, hereby proclaim **November 17, 2016** as “**World Pancreatic Cancer Day**” in the Town of Westfield.*

***Be it further proclaimed that** residents be encouraged to go to the Pancreatic Cancer Action Network website at www.pancan.org for more information about this devastating disease.*



Mayor Andrew K. Skibitsky

APPOINTMENT

ADVERTISED HEARINGS

GENERAL ORDINANCE NO. 2068

“AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 8”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

GENERAL ORDINANCE NO. 2069

“AN ORDINANCE AMENDING THE CERTIFICATE OF OCCUPANCY ORDINANCE FOR THE TOWN OF WESTFIELD, CHAPTER 12”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

GENERAL ORDINANCE NO. 2070

“AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

GENERAL ORDINANCE NO. 2071

“AN ORDINANCE AMENDING THE STREETS AND SIDEWALKS ORDINANCE FOR THE TOWN OF WESTFIELD, CHAPTER 24”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

GENERAL ORDINANCE NO. 2072

“AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 35”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, “GENERAL ORDINANCE NO. 2068 - AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 8” Introduced by Councilman Della Fera, seconded by Councilman Loughlin, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Neylan
LoGrippo
Loughlin
Della Fera
Oliveira
Stokes
Mayor Skibitsky

Nays:

Absent: Arena
Donnelly

An ordinance entitled, “GENERAL ORDINANCE NO. 2069 - AN ORDINANCE AMENDING THE CERTIFICATE OF OCCUPANCY ORDINANCE FOR THE TOWN OF WESTFIELD, CHAPTER 12” Introduced by Councilman Della Fera, seconded by Councilwoman Neylan, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

An ordinance entitled, “GENERAL ORDINANCE NO. 2070 - AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13” Introduced by Councilman Della Fera, seconded by Councilman LoGrippto, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

An ordinance entitled, “GENERAL ORDINANCE NO. 2071 - AN ORDINANCE AMENDING THE STREETS AND SIDEWALKS ORDINANCE FOR THE TOWN OF WESTFIELD, CHAPTER 24” Introduced by Councilman Della Fera, seconded by Councilman Stokes, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

An ordinance entitled, “GENERAL ORDINANCE NO. 2072 - AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 35” Introduced by Councilman Della Fera, seconded by Councilman LoGrippto, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Neylan
LoGrippto
Loughlin
Della Fera
Oliveira
Stokes
Mayor Skibitsky

Nays:

Absent: Arena
Donnelly

BIDS

MINUTES

On a motion by Councilman Stokes seconded by Councilwoman Neylan, Council approved the Minutes of the Town Council Conference Session held October 18, 2016 with Mayor Skibitsky abstaining.

On a motion by Councilman LoGrippto, seconded by Councilman Loughlin, Council approved the Minutes of the Town Council Meeting held October 18, 2016 with Mayor Skibitsky abstaining.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Shawn Mullen of 763 Carleton Road read from a prepared statement he wrote in opposition of the 24/7 hours of operation of the new 7-11 on Central Avenue. He said that neighboring towns have passed ordinances prohibiting 24/7 operation of convenience stores. He stated that he believes that Town has failed in protecting the neighbors in the area surrounding the new 7-11.

Harvey Davidson of 764 Carleton Road spoke on the safety of the area surrounding the new 7-11 on Central Avenue. He said there should be a no left turn sign out of their driveway onto Grove Street. He also said there should be an additional no parking sign on Carleton Road. Mayor said that the traffic and parking conditions will continue to be monitored.

Jennifer Silva of 787 Carleton Road said she called the police three times regarding traffic incidents she witnessed since the new 7-11 opened. She requested additional traffic signs. Mayor reiterated that the area will continue to be monitored and reminded residents that the new 7-11 has only been open for one week.

BILLS AND CLAIMS

Introduced by Councilwoman Neylan, 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 \$262,738.36 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.

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

Name	Account	Class	Fee
Arami Kim 670 Carleton Rd. Westfield, NJ 07090	T05-600-071	Kinderdance Elise: Fall Sess. Cancelled	110.00

(237) WHEREAS, Environmental Maintenance, made an application for a construction permit for a tank removal located at 920 Woodmere Drive, Block 201, Lot 38, Westfield, New Jersey.

WHEREAS, Environmental Maintenance, remitted \$125.00 for aforesaid permit.

WHEREAS, Environmental Maintenance, subsequently requested not to do the above mentioned project.

WHEREAS, Environmental Maintenance, 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 \$100.00 payable to

Environmental Maintenance, 1420 E. Mermaid Lane, Glenside, PA 19038.

(238) WHEREAS, Michelene Lambros of Ono Bowls submitted an application for a sidewalk café along with a check for \$100.00 for the 2016 season on September 7, 2016; and

WHEREAS, the opening of the restaurant was delayed and therefore the sidewalk café license was not issued;

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer be and is hereby authorized to issue a warrant for \$100.00 for refund of the Sidewalk Café License application fee to:

Michelene Lambros
401 Cook Avenue
Scotch Plains, NJ 07076

(239) 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 and 2017:

<u>BLOCK AND LOT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
<u>NAME AND ADDRESS</u> 1109/15 PIERSON, Drew & MARRONE, Gina	546 Alden Avenue	2016	\$5,305.53
3010/20 SUOZZO, Paul 492 Prospect Street Princeton, NJ 08540	569 Trinity Place	2017	\$2,546.10
4706/46 SCHULTZ, Adam & Stacey	833 Summit Avenue	2016	\$1,758.74
5110/7 Dovenmuehle Mortgage Inc. 1206 St Charles Road Elgin, Il 60120	5 Faulkner Drive (BESAW -1440814547)	2016	\$6,444.29
5601/11 MAURYSHCHAU, Kiryl & Claudia	1513 Pine Grove Avenue	2016	\$2,000.00

Public Safety, Transportation and Parking Committee

Code Review & Town Property CommitteePublic Works Committee

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

(240) WHEREAS, the Town of Westfield is undertaking a restoration and refurbishing project in Mindowakin Park including dredging and sediment cleaning of the pond in advance of the celebration of the Park's centennial anniversary in 2018; and

WHEREAS, the Town of Westfield as part of the pond restoration portion of the project has entered into entered into a *Partner for Fish and Wildlife Program* contract with United States Fish and Wildlife Service (USFWS) and New Jersey Audubon (NJA); and

WHEREAS, in line with the Partners Agreement the USFWS will be providing plant materials and nest boxes and the NJA will be providing technical assistance, as well as, labor and coordination for post-dredging vegetation installation; and

WHEREAS, the Town of Westfield is seeking additional funding support for the restoration project through the NJA, in order to acquire additional native plant materials not covered by the Partners Agreement, as well as, creating an educational component associated with the project,

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield authorizes a grant application to be submitted to the Corporate Wetlands Restoration Partnership through the NJA for funds to acquire native plant materials and provide an educational component in the park.

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 the grant application in collaboration with the NJA.

(241) 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 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, National Joint Powers Alliance Contract #032515-CAT, 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 \$15,719.00 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:

Foley, Incorporated
855 Centennial Avenue, P.O. Box 1555
Piscataway, NJ 08855-1555

(1) Tink Claw – Model #TinkC720JB \$ 15,719.00

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.

Reports of Department Heads.

Upon motion by Councilman Della Fera, seconded by Councilman LoGrippo the meeting was adjourned at 8:31 p.m.

Claire J. Gray

Town Clerk