

## **MINUTES OF REGULAR MEETING HELD SEPTEMBER 24, 2019**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, September 24, 2019 at 8:00 p.m.

Mayor Brindle 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 13, 2018. 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 Brindle, Council Members Habgood, Arena, Dardia, Neylan, LoGrippo, Contract, Stokes, Mackey

**ABSENT:** None

### **INVOCATION AND FLAG SALUTE**

Invocation was given by Councilwoman Mackey followed by the flag salute.

### **PRESENTATIONS**

#### Oaths of Office

Mayor Brindle administered the following Oaths of Office:

#### Police Department:

Nicholas Bruno-Police Sergeant  
Preston Freeman-Police Sergeant  
Michael DiBella-Police Officer

#### Fire Department:

Richard Jurgens-Battalion Chief  
Michael Duelks-Battalion Chief  
Karl Kelber-Fire Lieutenant  
Kevin McCormack-Fire Lieutenant  
Daniel Tammaro-Firefighter  
Michael Sawicki-Firefighter  
Richard Allocco-Firefighter  
Anthony Grasso-Firefighter

#### Green Team-Award of Westfield Green Medallions

The following businesses were awarded Westfield Green Medallions for participating in the effort to reduce single use plastics:

The Bar Method  
The Hope Chest  
Golden Bee Antiques  
The Farmhouse Store  
The French Martini  
Ono Bowls  
Outta Hand Pizza  
Round Table Wealth Management  
Savory Spice Shop  
The Town Book Store  
Westfield Fitness

Farinolio  
16 Prospect  
Galeria West  
Bovella's Pastry Shop  
Patricia & Paul Artisans of Fine Oils and Balsamics  
AR workshop Westfield  
Midas  
Sole Shoes  
Oceans Orthodontics and Pediatric Dentistry  
Evalyn Dunn Gallery  
Midtown Authentic  
Manhattan Bagel

Proclamation

Mayor Brindle presented the following proclamation:

***Suicide Prevention Awareness Month  
September 2019***

**WHEREAS**, according to the New Jersey Department of Health, suicide is the third leading cause of death among New Jersey residents aged 10-29 years, fifth among those aged 30-34, fourth among those aged 35-49, and 14th among all ages. There are almost twice as many suicides as homicides in New Jersey; and

**WHEREAS**, everyone has a role to play in shaping a community that cares for all its citizens. Preventing suicide can only be done if people stand together and take every opportunity – in our homes, workplaces, and community – to support each other and be there for those in need. To that end, the Town of Westfield established the Westfield Mental Health Council (“WMHC”) earlier this year with a mission to: “Facilitate the creation of a comprehensive mental health support system for the Westfield community that promotes lifelong mental wellness, educates the public, ensures access to available resources, and agrees on and coalesces around core community values in an effort to make Westfield a stigma free community.”; and

**WHEREAS**, mental health experts, including those at the National Institute of Mental Health and the American Psychiatric Association, report that suicide is often preventable when the risk factors are known, warning signs are taken seriously and acted upon, and protective factors are in place and readily available; and

**WHEREAS**, the National Institute of Mental Health warns that, as with mental illness, one of the biggest barriers to preventing suicide is stigma, which prevents many people from seeking help; and

**WHEREAS**, for this reason, one of the top priorities and accomplishments of the Westfield Mental Health Council was to establish the Town of Westfield as a **Stigma-Free Zone** to create a culture wherein residents in need can feel supported by their community and feel free to seek help without fear of stigma; and

**WHEREAS**, Compassion, Acceptance, Kindness and Empathy (**C.A.K.E.**) are an integral part of the Mental Health Council's Stigma-Free initiative, creating an environment where residents feel safe and supported when dealing with topics of mental illness, behavioral health, and suicide; and

**WHEREAS**, inasmuch as suicide is the third leading cause of death among New Jersey residents aged 10-29 years, a Youth Advisory Committee was established within the Mental Health Council for the purpose of providing a youth perspective and assisting in the identification of worthwhile programs for youth mental health support in the Westfield schools and community; and

**WHEREAS**, September is National Suicide Prevention Awareness Month. Learn the risk factors, warning signs, and protective factors at the Suicide Prevention Resource Center ([www.sprc.org/about-suicide/risk-protective-factors](http://www.sprc.org/about-suicide/risk-protective-factors));

**NOW THEREFORE BE IT PROCLAIMED** that, I, Mayor Michelle W. Brindle, do hereby thank the members of the Westfield Mental Health Council for their efforts in bringing this issue to light; do hereby affirm the mission of the Westfield Mental Health Council; do hereby applaud the inclusion of the Youth Advisory Committee to the Council; do hereby reaffirm that the Town of Westfield is a Stigma-Free Zone centered on the values of Compassion, Acceptance, Kindness, and Empathy; do hereby encourage all residents to become familiar with the risk factors, warning signs, and protective factors associated with suicide prevention; and most importantly, do hereby urge any individual who is suffering or experiencing suicidal thoughts, or any family member or friend who is concerned about a loved one who is exhibiting the warning signs, to reach out for help without delay. The National Alliance on Mental Illness ([www.nami.org](http://www.nami.org)) recommends calling the National Suicide Prevention Lifeline at 1-800-273- TALK (8255) or, in an emergency, immediately call 9-1-1.

Town Administrator's Report

- Provided an update on road paving and announced that, as of today, approximately ninety-five (95%) percent of roads have been paved, with four (4) remaining. Stated that approximately twenty (20) miles of roads were paved this year, which include roads paved by Elizabethtown Gas. Thanked the Town Engineer for his efforts;
- Provided an update of the Residential Cleanup Program (bulky waste) and announced that the deadline to register for the program is Friday, September 27, 2019. Stated that there are approximately one hundred and twenty (120) registrants to date, and that approximately half of those used the Town's online registration tool;
- Informed residents of an upcoming change in traffic patterns that would be in effect at the end of the week, specifically new stop signs at North Avenue and Dudley Avenue and Mountain Avenue and Lawrence Avenue. In addition, certain intersections would be re-stripped and flashing beacons would be installed at South Avenue at Cacciola Place and West Broad Street at Palsted Avenue since the Town recently received Union County's approval.

Councilman LoGrippe mentioned that the paving of Grove Street is not yet complete.

The Town Administrator explained that Grove Street is a carryover from the 2018 paving program. Paving was delayed due to ongoing construction in the area, but the road was milled today and paving is expected to occur tomorrow.

Mayor's Remarks

- Discussed the recent closing of the Rialto and the sale of Lord & Taylor and believes both present longer-term opportunities for the Town. Referenced a Letter to the Editor she submitted to the Town's local news outlets which described her broader thoughts on the downtown and the many initiatives that are in motion in order to position the Town well into the future. Explained that one of these efforts involves an unprecedented level of engagement with Downtown property owners. Discussed a property owners forum she hosted that included over thirty (30) property owners, as well as representation from Lord & Taylor and the Rialto. All those in attendance heard directly from the Town's Master Plan consultant and were provided with an opportunity to offer input. In addition, she reaffirmed that the Town's goals are aligned, and that the Town would like property owners to have the ability to maintain fair rents and attract quality tenants. Feels they were pleased with the public input that overwhelmingly supported greater density downtown and the desire to solve parking challenges. Believes it is critical to have the partnership of the property owners in order to move forward with a bold and innovative vision for the Downtown, rather than continuing to cast blame that high rents created these vacancies. Feels the solution must be more holistic, visionary, and sustainable than simply lowering rents. Encouraged everyone to attend the public meeting scheduled for October 2 at 7:00 PM in the Community Room to hear directly from the Town's Master Plan consultants about the vast community input that was collected. Lastly, announced that she spoke at length to the owner of the Rialto who informed her that the Cranford theater would be reopened in November. Explained that the timeline for the Rialto would take longer, and while she was hoping that the Rialto and Cranford Theater would reopen simultaneously, she is pleased to know that the North Avenue corridor would have a local theater that benefits all surrounding communities. Further explained that since the Rialto is a much larger building, more extensive renovations are required, including more costly projection equipment, and because the Town is engaging in ongoing, larger conversations about the eventual overall use of the space, the owner does not want to make a significant short-term investment. Assured residents that she would keep them apprised of conversations and would solicit volunteers to work on plans as this matter progresses;
- Extended her thanks to all who continue to provide feedback regarding the new crossing guard program. Explained that while the transition has posed some expected challenges, progress is occurring incrementally each day. Stated that she was very pleased with a meeting she attended with the Police Chief and All City Management Services' (ACMS) leadership last week, at which they presented some helpful observations and recommendations, one of which involves an ordinance on the agenda this evening to restrict certain turns during school crossing hours at two (2) of the most congested intersections. Explained that as the evaluation process remains ongoing, additional changes may occur in an effort to address any remaining concerns. Thanked all for their

patience and flexibility, and recognized that many have helped by taking alternate routes, carpooled, and/or have allowed for extra travel time.

- Stated that she was thrilled to swear in those who were promoted and appointed to the Police and Fire Departments. Feels all will join her in congratulating the Town's exceptional police officers and firefighters and their ongoing commitment to the public safety of Westfield;
- Discussed a resolution to be considered for adoption this evening with respect to gun safety. Explained that shortly after she was elected, she joined the Mayors Against Illegal Guns (MAIG) coalition and has been following their lead regarding the best way to support their efforts in advocating for life-saving gun safety reforms on the local, state, and federal levels. In the past two weeks, MAIG requested that its coalition members, including Westfield, pass local resolutions supporting and demanding federal action on Red Flag Laws and Universal Background Checks. Feels now is the right time for the Town Council to take action because the Town would also be acknowledging September as National Suicide Prevention Month. Believes adoption of this resolution is especially timely and appropriate because suicides account for sixty (60%) percent of gun deaths. Also explained that last year, after former Town Councilman Tony LaPorta asked her and the full Town Council to support a resolution supporting a national assault weapons ban, she reached out to Westfield's congressional delegation, specifically Congressman Malinowski and Senator Booker, for their input. They both assured her that continuing to align with the ongoing momentum of MAIG and following their legislative lead would be the most impactful course of action. Additionally, Westfield would follow the lead of the State and pursue the divestment of the Town's investments from any bank or financial institution that has investments in, or does business with, gun buyers/sellers, and firearm/ammunition manufacturers. Stated that she is proud to be Westfield's first Mayor to join the Mayors Against Illegal Guns coalition, and even prouder that the Town Council would be voting on a resolution to support federal action on passing Red Flag Laws and Universal Background Checks.

## **APPOINTMENTS**

## **ADVERTISED HEARINGS**

### **GENERAL ORDINANCE NO. 2143**

“AN ORDINANCE AMENDING THE SUPPLEMENTING THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, IN ORDER TO PREVENT INCONSISTENCIES REGARDING THE DEFINITION OF THE TERM “MURAL””

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

### **GENERAL ORDINANCE NO. 2144**

“AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO ESTABLISH ELECTRIC VEHICLE INFRASTRUCTURE REGULATIONS”

The following announcement was made with respect to General Ordinance No. 2144: As required by law, General Ordinance No. 2144 was referred to the Westfield Planning Board for review and recommendation, but since the Planning Board has made several recommendations, further review of this ordinance is necessary and the public hearing will not be held.

### **GENERAL ORDINANCE NO. 2145**

“AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO PERMIT LARGER FENCING WHEN NECESSARY FOR SAFETY”.

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

**SPECIAL ORDINANCE NO. 2218**

“BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW PUMPER FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$665,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS”.

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

**PENDING BUSINESS**

An ordinance entitled, GENERAL ORDINANCE NO. 2143 - “AN ORDINANCE AMENDING THE SUPPLEMENTING THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, IN ORDER TO PREVENT INCONSISTENCIES REGARDING THE DEFINITION OF THE TERM “MURAL”” by Councilwoman Mackey, seconded by Councilman LoGrippo, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:	Nays:	Absent:
Habgood		
Arena		
Dardia		
Neylan		
LoGrippo		
Contract		
Stokes		
Mackey		
Mayor Brindle		

An ordinance entitled, GENERAL ORDINANCE NO. 2145 - “AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO PERMIT LARGER FENCING WHEN NECESSARY FOR SAFETY” by Councilwoman Mackey, seconded by Councilman Stokes, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:	Nays:	Absent:
Habgood		
Arena		
Dardia		
Neylan		
LoGrippo		
Contract		
Stokes		
Mackey		
Mayor Brindle		

An ordinance entitled, SPECIAL ORDINANCE NO. 2218 - “BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW PUMPER FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$665,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS” by Councilwoman Habgood, seconded by Councilman Arena, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood  
 Arena  
 Dardia  
 LoGrippe  
 Contract  
 Stokes  
 Mackey  
 Mayor Brindle

Nays: Neylan

Absent:

**BIDS**

**TOWN OF WESTFIELD  
 INVITATION TO BID  
 WEDNESDAY, August 28, 2019  
2019 TREE PRUNING/REMOVAL**

**Bidder**

**Amount of Bid**

Precision Tree Care	
917 Morris Avenue	Part B - \$2,000.00
Westfield, NJ 07090	
Len's Tree & Landscape	
42 South Avenue	Part B - \$3,300.00
Fanwood, NJ 07023	
Harmony Tree Care	Part A - \$1,450.00
230 Mt. Harmony Road	Part B - \$1,850.00
Bernardsville, NJ 07924	
Rich Tree Service, Inc.	Part A - \$2,208.00
325 Bergen Street	Part B - \$2,760.00
South Plainfield, NJ 07080	

**TOWN OF WESTFIELD  
 INVITATION TO BID  
 WEDNESDAY, September 18, 2019  
2019 MINDOWASKIN PARK PATHWAY IMPROVEMENTS**

**Bidder**

**Amount of Bid**

Fischer Contracting Inc.	\$183,718.70
10 Short Hills Lane	

Scotch Plains, NJ 07076	
Ralph Checchio Inc.	\$232,854.00
P.O. Box 627	
Scotch Plains, NJ 07076	
T.R. Weniger, Inc.	\$197,800.00
1900 New Brunswick Ave	
Piscataway, NJ 08854	
Halecon Inc.	\$282,950.00
136 Billian Street	
Bridgewater, NJ 08807	

**TOWN OF WESTFIELD  
INVITATION TO BID  
WEDNESDAY, September 18, 2019**

**2019 IMPROVEMENT OF PARKING LOT #7 AT NORTH AVENUE**

**Bidder** **Amount of Bid**

Fischer Contracting Inc.	\$104,825.45
10 Short Hills Lane	
Scotch Plains, NJ 07076	
Crossroads Pavement Maintenance LLC	\$76,375.00
512 Newark Pompton Turnpike	
Pompton Plains, NJ 07444	
AA Berms LLC	\$69,000.00
P.O. Box 180	
Belleville, NJ 07109	

**TOWN OF WESTFIELD  
INVITATION TO BID  
WEDNESDAY, September 18, 2019  
2019 COLLECTION OF LEAVES**

**Bidder** **Amount of Bid**

Jesco, Inc.	Part A -
118 St. Nicholas Avenue	Part B - \$62.00
South Plainfield, NJ 07080	Alt -
Messercola Excavating Inc.	Part A - \$84.00
549 East Third Street	Part B -
Plainfield, NJ 07060	Alt - \$84.00
Camarato	Part A - \$89.00
15 Greensview Drive	Part B -
Scotch Plains, NJ 07076	Alt - \$84.00
Ameritico Disposal Inc.	Part A - 89.50
2295 South Ave	Part B -
Scotch Plains, NJ 07076	Alt - 79.50
Galbraith	Part A - 85.00
831 Raritan Road	Part B -

<b>Scotch Plains, NJ 07076</b>	<b>Alt – 85.00</b>
--------------------------------	--------------------

### **MINUTES**

On a motion by Councilman Stokes and seconded by Councilwoman Habgood, Council approved the Minutes of the Town Council Conference Session and Regular Meeting held September 3, 2019, as well as the Special Meeting of September 17, 2019 with Council Members Neylan and Contract abstaining.

### **PETITIONS AND COMMUNICATIONS**

#### **OPEN DISCUSSION BY CITIZENS**

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

Tony LaPorta, 409 Chestnut Street, thanked the Mayor for the resolution on the agenda regarding gun safety. Feels it is a step in the right direction. Discussed his proposal to the Town Council in February 2018 in which he requested adoption of a resolution banning assault weapons, and the Mayor's concern with the resolution because she felt it was not actionable. Discussed the Union County Freeholder Board's support of the resolution he proposed, as well as other municipalities and governmental entities that have supported it. Also discussed those in the State Assembly that support the resolution. Feels it is frustrating that the municipality in which he resides and served as a councilmember did not support its adoption. Feels the resolution Mayor Brindle has put forth is very similar to a resolution being considered by the State Assembly. Requested that the Mayor and Town Council reconsider the resolution he proposed in 2018.

Mayor Brindle asked Mr. LaPorta if he discussed his proposed resolution with Assemblyman Bramnick.

Mr. LaPorta stated that he spoke with Assemblyman Bramnick at length, but Assemblyman Bramnick did not indicate whether he would support its adoption. Feels this is a bipartisan effort and feels those that do not support this resolution do not support the laws of the State of New Jersey. Referred to a law that was sponsored by President Ronald Reagan which prohibited any US citizen from owning a machine gun.

Mayor Brindle feels that she and Mr. LaPorta disagree on strategy, but not on the end result, and that both are on the same side of this issue.

Mr. LaPorta reiterated his request that the Mayor and Town Council reconsider the resolution he proposed in 2018. Feels it "looks bad" for Westfield if it is not adopted.

Marci Banedelli, Tuttle Parkway, thanked the Mayor and Town Council for the resolution on the agenda regarding gun safety. Feels gun safety happens from the "bottom up" and that she advocated for this type of resolution seven (7) years ago after the incident at the Sandy Hook Elementary School. Feels this is an important issue and she could not understand the reasoning for the Town's lack of support. Also feels this is the biggest public safety issue of our time.

Hearing no further comments, Mayor Brindle closed the public comment portion of the meeting.

### **BILLS AND CLAIMS**

On motion by Councilwoman Habgood, and seconded by Councilman Stokes, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$766,952.16 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 Habgood, and seconded by Councilman Dardia, were unanimously adopted.

**Resolution No. 222**

WHEREAS, Westfield Crossing, LLC, P.O. Box 4449, Warren, NJ 07059 has paid the required bond of \$500.00 to cover Road Opening Permit No. 18-256 for 321 Grove Street East, and

WHEREAS, Westfield Crossing, LLC has requested that this amount be returned, 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 Westfield Crossing, LLC for \$500.00 and forward to Westfield Crossing, LLC, P.O. Box 4449, Warren, NJ 07059.

**Resolution No. 223**

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$3,000 to the order of the United States Postal Service to replenish bulk mail permit no. 683 in order to process the Town's brochure.

**Resolution No. 224**

RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

Robert Saunders	Lot 8	#19080290	\$200.00
241 North Ave West			
Westfield, NJ 07090			

**Resolution No. 225**

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:

Alania Aesthetics LLC  
138 Elmer Street  
Westfield, NJ 07090

Amount of refund: \$975.00

Martin Builders  
208 Lenox Ave., Ste. 143  
Westfield, NJ 07090

Amount of refund: \$975.00

**Resolution No. 226**

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$15.60 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 August 2019.

**Resolution No. 227**

WHEREAS, Magnolia Home Remodeling., made an application for a construction permit for bedroom remodel located at 645 Shackamaxon Drive, Block 4301, Lot 61 Westfield, New Jersey.

WHEREAS, Magnolia Home Remodeling., remitted \$460.00 for aforesaid permit.

WHEREAS, Magnolia Home Remodeling., subsequently requested not to do the

above mentioned project.

WHEREAS, Magnolia Home Remodeling., 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 \$368.00 payable to

Magnolia Home Remodeling 1640 Vauxhall Road, Union NJ, 07083.

**Resolution No. 228**

WHEREAS, the Town of Westfield has resolved to join both the Suburban Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund, following a detailed analysis and has been a member since 1994; and

WHEREAS, the Bylaws of said funds require that each municipality appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Town of Westfield solicited requests for proposals for such services in accordance with G.O. 1753 of the Town of Westfield; and

WHEREAS, the Bylaws indicate that the commission rate shall not exceed six percent (6%) of the Member's Annual Assessment; and

WHEREAS, Brown and Brown, 56 Livingston Avenue, Roseland, NJ 07068 submitted a proposal to perform such services outlined for two percent (2%) of annual assessment; and

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.

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 Brown and Brown, 56 Livingston Avenue, Roseland, NJ 07068, in the sum of \$11,516.23 representing the second half of the annual assessment.

**Resolution No. 229**

RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2019:

Block/Lot/Qualifier Name	Property Address	Quarter/Year Amount
603/24	751 Lawrence Avenue	3 <sup>rd</sup> /2019
CoreLogic Tax Collection Services, LLC		\$25,755.49
Post Office Box 9236		
Coppell, TX 75019-9801		

**Resolution No. 230**

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the municipality of Westfield wishes to participate in an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the municipality of Westfield, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

**Resolution No. 231**

WHEREAS, the Town of Westfield, by Resolution No. 228-2018, entered into a contract with Spatial Data Logic (SDL), 285 Davidson Avenue, Suite 302, Somerset, New Jersey 08873 for the automation of various permits; and

WHEREAS, the Town of Westfield would like to renew this contract for automation services provided by SDL, and to include certain licensing and records request functions; and

WHEREAS, the Town Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, SDL has completed and submitted a Business Entity Disclosure Certification which certifies that SDL has not made any reportable contributions to a political or candidate committee in the Town of Westfield in the previous one year, and that the contract will prohibit SDL from making any reportable contributions through the term of the contract, and

WHEREAS, the Business Disclosure Entity Certification and the Determination of Value received from SDL shall be placed on file along with this resolution in compliance with PL 2005, C271, N.J. S.A. 40A:11-51.

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in an amount not to exceed \$31,500.00 charged to Budget Accounts 9-01-165-214 (\$30,000.00) and 9-01-100-256 (\$1,500), and prepared in accordance with N.J.A.C. 5:30 1.10; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield as follows:

1. The existing contract with SDL for the automation of construction code permits be and hereby is expanded to include additional modules for certain licensing and records requests at a total cost not to exceed \$31,500.00 via Purchase Order No.19-03758; and
2. The term of the contract will be for a term of one (1) year; and
3. The proper Town Officials be and hereby are authorized to take whatever actions are appropriate in the execution and discharge of this Contract; and
4. This contract is awarded through an alternative process in accordance with N.J.S.A. 19:44A-20.5.

**Resolution No. 232**

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 2019 in the sum of \$3,734.29, which is now available from the Division of Highway Traffic Safety, Drunk Driving Enforcement Fund; and

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

General Appropriations	
Public and Private Programs Offset by Revenues	
Drunk Driving Enforcement Fund	\$3,734.29

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

The following resolution, introduced by Councilman Dardia, Chairman of the Public Safety, Transportation and Parking Committee, and seconded by Councilman Contract, was adopted with Councilman Arena opposing.

**Resolution No. 233**

WHEREAS, according to recent polls, Americans across party and demographic lines consistently and overwhelmingly support both expanded background checks for gun buyers and allowing law enforcement to temporarily seize weapons from troubled individuals by way of Extreme Risk laws.

WHEREAS, Extreme Risk laws, also commonly known as Red Flag laws, allow family members and law enforcement to petition a court to temporarily remove guns from a person in crisis, empowering families, and law enforcement to help keep guns out of the hands of those at risk of injuring themselves or others; and

WHEREAS, when a person is in crisis and considering harming themselves or others, family members and law enforcement are often the first people to see the warning signs; and

WHEREAS, September is National Suicide Prevention Month, and firearm suicide is a significant public health crisis in the United States. Every year, over 22,000 Americans die by firearm suicide, including over 1,000 children and teens. Nearly two-thirds of all gun deaths in the U.S. are suicides, an average of 61 deaths every day; and

WHEREAS, according to Everytown for Gun Safety, a gun violence prevention group started in 2006, an analysis of mass shootings from 2009 to 2017 revealed that in 51 percent of incidents the shooter exhibited warning signs that they posed a risk to themselves or others before the shooting; and

WHEREAS, 17 states (including New Jersey) and the District of Columbia have enacted Extreme Risk laws; polls show that Americans across party and demographic lines overwhelmingly support such laws; and the President also recently announced his support for such laws; and

WHEREAS, while New Jersey has some of the strongest background check laws in the country, federal law only requires a background check when a gun seller is a licensed gun dealer, leaving all other sales -- like unlicensed gun sales negotiated over the internet -- unregulated and unchecked; and

WHEREAS, our federal background check law was written 25 years ago, well before the establishment of online gun marketplaces; and

WHEREAS, a 2015 survey found that nearly a quarter of Americans (22 percent) who acquired a firearm within the past two years did so without a background check; and

WHEREAS, the National Instant Criminal Background Check System is an effective tool to keep guns away from prohibited purchasers, including felons, domestic abusers and people involuntarily committed, and over 3.5 million sales have been blocked to violent criminals and other prohibited people since the system began in 1994; and

WHEREAS, despite this success, the system is undermined by loopholes that enable guns to be sold without a background check; and

WHEREAS, both Extreme Risk Legislation, and legislation strengthening background checks for every gun sale, is being considered by the U.S. Congress.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Westfield records its strong support for federal Extreme Risk laws and for expanded and strengthened background check laws, both of which can help keep guns out of the hands of those at risk of injuring themselves or others and urges the federal government to enact such laws.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be submitted to all members of the New Jersey Congressional Delegation.

#### Town Council Comments

##### Councilman Arena:

- Explained that he is not a gun advocate, but feels New Jersey already has the strongest laws against illegal guns and believes this resolution would have an impact on the Second Amendment. Also referenced Mayor Brindle's comment that she is "taking the lead" from the State with respect to this resolution and believes that is a mistake because of New Jersey's reputation for its politics and the way it "spends its money". Also expressed concern with the State's proposed resolution which would prohibit public entities from doing business with any bank that has investments with pro-gun businesses. Feels this is also a mistake, and for these reasons, he would not be supporting adoption of this resolution.

##### Councilwoman Neylan:

- Stated that she is happy to support the resolution concerning gun safety, and mentioned that she, along with Councilmembers LoGrippe and Stokes, have supported federal action for legislation to prevent gun violence. Also discussed resolutions adopted by the Mayor and Town Council with respect to gun violence in 2013, 2016 and discussed her attendance at a bipartisan event in Cranford where Union County Mayors and elected leaders stood together in unison against gun violence.

##### Mayor Brindle:

- Referred to the proclamations and resolutions adopted by the Mayor and Town Council in the past with respect to gun violence and stated that they were very different from the resolution proposed by the Mayor's Against Illegal Guns coalition. Also stated that there was a deliberate intention in the past not to be part of this coalition, and that she is proud to be the first mayor on the record to support it.

**General Ordinance No. 2146:**

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

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2146 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13." be approved on first reading.

The motion was seconded by Councilman LoGrippo.

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

Yeas:	Nays:	Absent:
Habgood		
Arena		
Dardia		
Neylan		
LoGrippo		
Contract		
Stokes		
Mackey		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2146 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 15th day of October 2019 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.

**Code Review & Town Property Committee**

The following resolutions, introduced by Councilwoman Mackey Chairwoman of the Code Review & Town Property Committee, and seconded by Councilman Stokes, were unanimously adopted.

**Resolution No. 234**

BE IT RESOLVED that the Mayor and Town Council of the Town of Westfield be and hereby ratify, affirm and approve the following application for children's amusement devices:

Seashore Amusements Inc.	Festifall
11 Hendry Lane	September 22, 2019
Brick, NJ 08723	Train Station Parking Lot
	Westfield, NJ 07090

**Resolution No. 235**

BE IT RESOLVED that the Mayor and appropriate town officials are hereby authorized to sign the Interlocal Agreement for Leaf Collection Services between the Township of Scotch Plains and the Town of Westfield.

**Public Works Committee**

The following resolution, introduced by Councilman Contract, Chairman of the Public Works Committee, and seconded by Councilman Dardia, were unanimously adopted.

**Resolution No. 236**

WHEREAS, on June 18, 2019 the Town Council of the Town of Westfield awarded a contract by Resolution #2019-164 to American Asphalt & Milling Services LLC, for the 2019 Improvement of Rahway Avenue as authorized by S.O. 2216A, under Purchase Order #19-02344, 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 S.O. 2216A, 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 Change Order No. 1 in the amount of \$18,238.72 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 Final Payment in the amount of \$20,453.01 and to effect whatever actions are appropriate by said acceptance for the 2019 Improvement of Rahway Avenue, with a final amended contract price of \$332,954.47.

**Resolution No. 237**

WHEREAS, a need exists for the contracting of outside services to supplement and assist the Department of Public Works Forestry Division, as provided for in Public Works account 137-254, and

WHEREAS, sealed bids were received on Wednesday, August 28, 2019, and

WHEREAS, the low bid, submitted by Harmony Tree Care, 230 Mt. Harmony Road, Bernardsville, NJ 07924 has been analyzed and found to be in conformance with the appropriate specifications, 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 pursuant to this Contract to be charged to Public Works account 137-254, under Purchase Order PO#19-03759.

NOW THEREFORE BE IT RESOLVED, that a Daily Rate Unit Price Contract for Part A – Bucket Truck Crew (\$1,450.00) and Part B – Climbing Crew (\$1,850.00) be awarded to Harmony Tree Care, in an amount not expected to exceed \$50,000.00, 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.

**Resolution No. 238**

WHEREAS, sealed bids were received by the Town Clerk on September 18, 2019 for the 2019 Improvement of Lot #7 at North Avenue in Westfield, New Jersey as authorized by S.O. 2216A, and

WHEREAS, the low bid, in the amount of \$69,000.00, submitted by AA Berms, LLC, P.O. Box 180, Belleville, NJ 07109 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 Special Ordinance 2216, account C-07-19-221-6A1, under Purchase Order PO#19-03760 .

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$69,000.00 be awarded to AA Berms, LLC, 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.

**Resolution No. 239**

WHEREAS, on June 13, 2018, sealed bids were received by the Town Clerk for 2018 Various Road Improvements in Westfield, New Jersey as authorized by S.O. 2206D and S.O. 2212A3; and

WHEREAS, said bid included an Alternate item, specifically “Alternate Item A1, Concrete Sidewalk, 4” Thick, Stamped and Colored,” for repaving of the sidewalks within Mindowaskin Park; and

WHEREAS, at a meeting held June 19, 2018, the Town Council of the Town of Westfield adopted Resolution No. 164-2018, which authorized an award of contract to Fischer Contracting Inc., 10 Short Hills Lane, Scotch Plains, NJ 07076 for 2018 Various Road Improvements; and

WHEREAS, in accordance with N.J.S.A. 40A:11-23.1(d), the Town exercised its option and included the aforementioned alternate item in the award of contract to Fischer Contracting, Inc.; and

WHEREAS, for both safety and aesthetic reasons, the Town of Westfield determined that the sidewalks in Mindowaskin Park should be constructed out of asphalt rather than stamped concrete; and

WHEREAS, by letter dated August 28, 2019, the Westfield Town Attorney notified Fischer Contracting, Inc. of the Town’s decision to cancel this portion of the contract and rebid for the paving of sidewalks for Mindowaskin Park; and

WHEREAS, sealed bids were received by the Town Clerk on September 18, 2019 for the 2019 Mindowaskin Park Pathway Improvements in Westfield, New Jersey as authorized by S.O. 2206D, and

WHEREAS, the low bid, in the amount of \$183,718.70, 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 Special Ordinance 2206, Account C-07-222-06D, under Purchase Order PO#19-03773.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$183,718.70 be awarded to Fischer Contracting Inc. for 2019 Mindowaskin Park Pathway Improvements, and

BE IT FURTHER RESOLVED, that the proper Town Officials be and hereby are 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; and

BE IT FURTHER RESOLVED that Alternate Item “A1, Concrete Sidewalk, 4” Thick, Stamped and Colored”, in the amount of \$377,625.00 be and hereby is cancelled as part of the contract awarded to Fischer Contracting, LLC for 2018 Various Road Improvements Project.

**Resolution No. 240**

WHEREAS, a need exists for the contract rental of privately-owned equipment for use by the Department of Public Works in the 2019 Leaf Collection Program, as provided for in Public Works account 137-246, and

WHEREAS, sealed bids were received on Wednesday, September 18, 2019, and

WHEREAS, the low bids received for Part A – Hauling from the Street (30 Cubic Yard Capacity (MINIMUM) Dump Trailers or Roll-off Containers with operators) have been analyzed and found to be fair and reasonable for the rental of this service; and

WHEREAS, the low bid received for Part B - Loaders, has been analyzed and found to be fair and reasonable for the rental of this service, and

WHEREAS, the Town received multiple bids for Alternate A-1 – Hauling from the Street (Tri-Axle Dump Trucks), however, has chosen not to award a contract for this item at this time; 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 Public Works account 137-246, in a total amount not expected to exceed \$170,000.00.

NOW THEREFORE BE IT RESOLVED, that the following contracts be awarded, and that the proper Town Officials be, and they are hereby, authorized to act as appropriate in the execution and discharge of this contract

**PART A**

**MESSERCOLA EXCAVATING**

549 East Third Street Hauling from Street/Trucks w/operators (1)\$84.00/HR, not to Plainfield, NJ 07060 exceed \$20,000.00 under Purchase Order #19-03768

**FRANK GALBRAITH & SON**

831 Raritan Road Hauling from Street/Trucks w/operators (1) at \$85.00/HR, not Scotch Plains, NJ 07076 expected to exceed \$20,000.00 under Purchase Order #19-03769

**CAMARATO TRUCKING INC.**

15 Greenview Road Hauling from Street/Trucks w/operators (3) at \$89.00/HR, not Scotch Plains, NJ 07076 expected to exceed \$40,000.00 under Purchase Order #19-03770

**AMERITICO DISPOSAL, INC.**

2295 South Avenue Hauling from Street/Trucks w/operators (1) at \$89.50/HR, not Scotch Plains, NJ 07076 expected to exceed \$20,000.00 under Purchase Order #19-03771

**PART B**

JESCO, INC. Front End Loaders w/o Operators (5) at \$62.00/HR, not expected to  
1790 Route 38 exceed \$70,000.00 under Purchase Order #19-03772  
Mount Holly, NJ 08060

**Reports of Department Heads**

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$79,246.00 for the month of August 2019 was received, read and ordered filed.

Report of Anthony Tiller, Chief of the Fire Department, showing Fees collected in August 2019 in the amount of \$5,141.00 was received, read and ordered filed.

Report of Tara Rowley, Town Clerk, showing fee collected in the amount of \$308.00 during the month of August 2019 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 \$15,059.00 representing monies collected during the month of August 2019.

Report of Christopher Battiloro, Chief of the Police Department, showing fee collecting in the amount of \$4,530.50 during the month of August 2019.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$25,960.69 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of August 2019 was received, read and ordered filed.

**ADJOURNMENT**

A motion to adjourn, made by Councilman LoGrippe and seconded by Councilwoman Habgood at 8:30 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC  
Town Clerk