

MINUTES OF REGULAR MEETING HELD MARCH 19, 2013

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday evening, March 19, 2013 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 20, 2012. 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.”

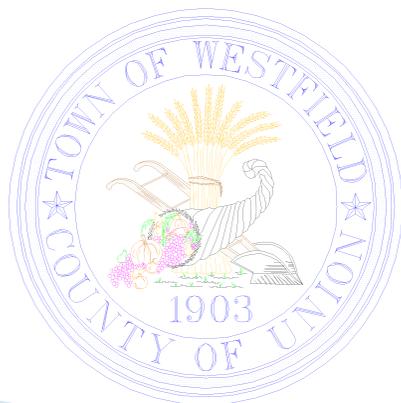
PRESENT: Mayor Skibitsky, Council Members Arena, Haas, Foerst, Della Fera, LoGrippe, Loughlin

ABSENT: Councilwoman Neylan and Councilwoman Kimmins

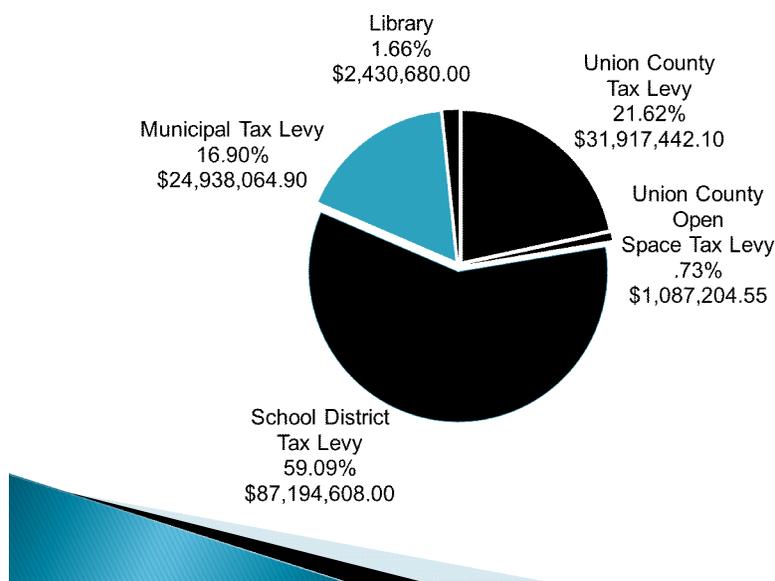
Invocation was given by Councilman LoGrippe

PRESENTATIONS

Town of Westfield 2013 Municipal Budget Presentation



2012 Total Tax Collections = \$147,567,999.55



2013 Municipal Budget – Headlines

- Under the State’s 2% Tax Levy Cap law the Town is approved for a tax levy of \$26,098,268.
- 2013 Tax Levy = \$25,575,440 (-\$523,097)
- This includes the 2% levy cap allowance (\$498,661), plus (\$522,458) in State approved exclusions.

2013 Municipal Budget - Headlines

- Salaries and Wages have decreased for the fourth consecutive year thru:
 - Continued reorganization
 - Reallocation of the workload
 - Attrition
 - Negotiated union concessions
- \$129,049 decrease in the Salary and Wages.
- Salaries & Wages are below 2005 levels.

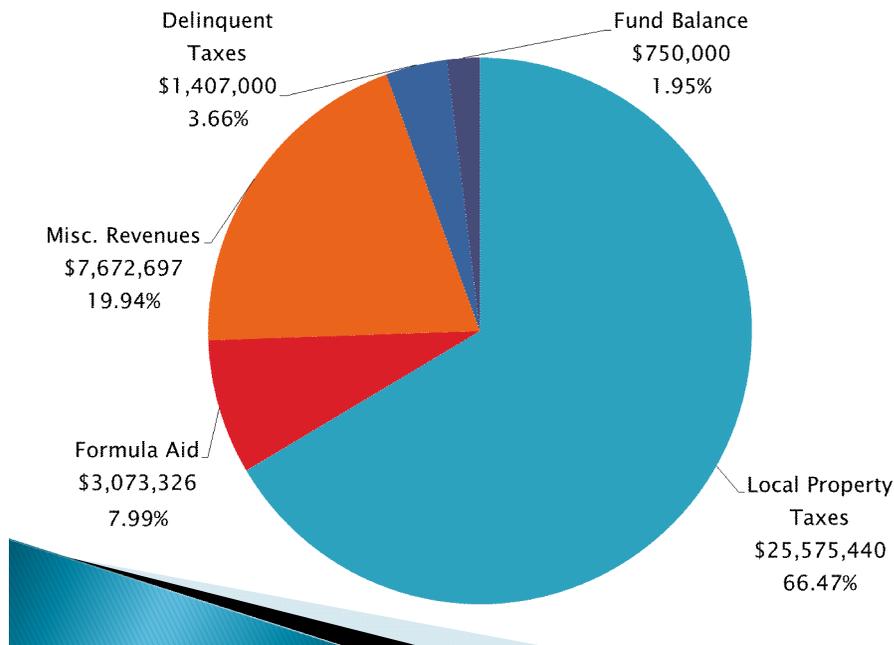


2013 Municipal Budget - Headlines

- Health Insurance costs have been reduced by \$273,000 (-5.50%):
 - ? Productive negotiations
 - ? Plan design changes
 - ? Increased contributions from employees



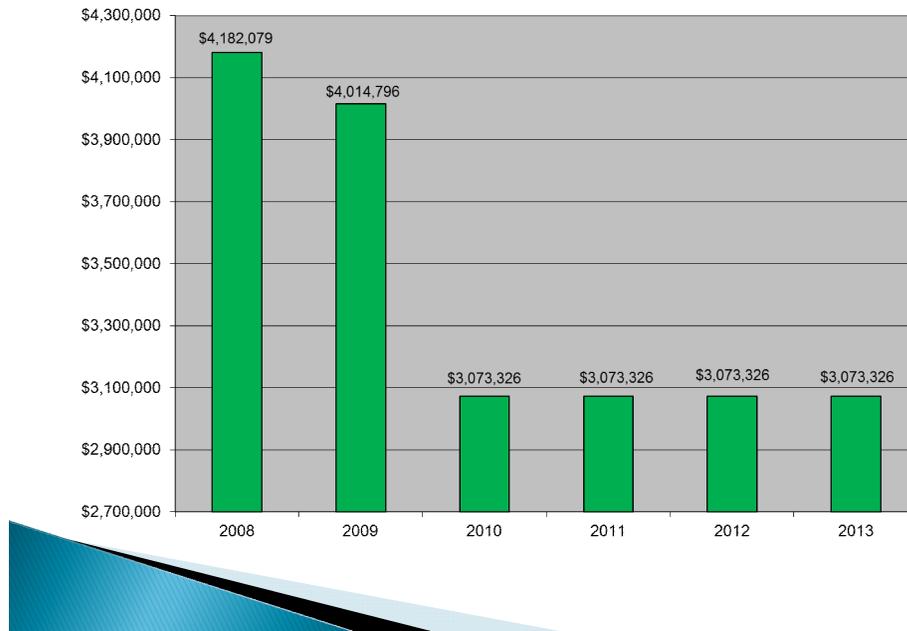
2013 Municipal Budget – Revenues



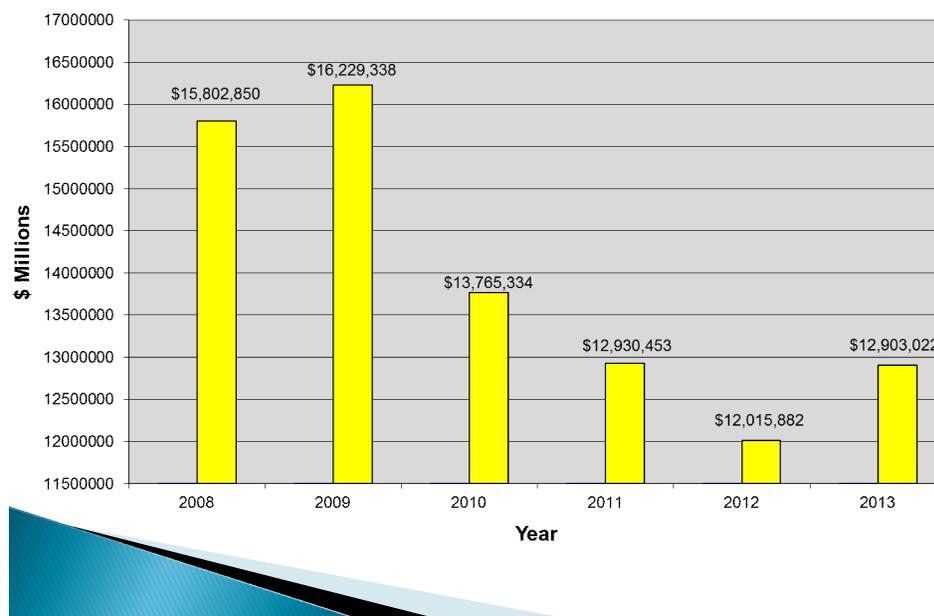
2013 Major Miscellaneous Revenue Sources

- Municipal Court Fines and Fees \$ 675,000
- Parking Fees (Permits, Meters & Paystations) \$1,750,000
- Building Department Fees \$ 820,000
- Sewer Fee \$1,545,000
- Miscellaneous Fees & Permits \$ 475,000
- Cable Franchise Fees \$ 420,696
- Interest & Costs on Taxes \$ 305,000
- Health Service Agreements \$ 443,652

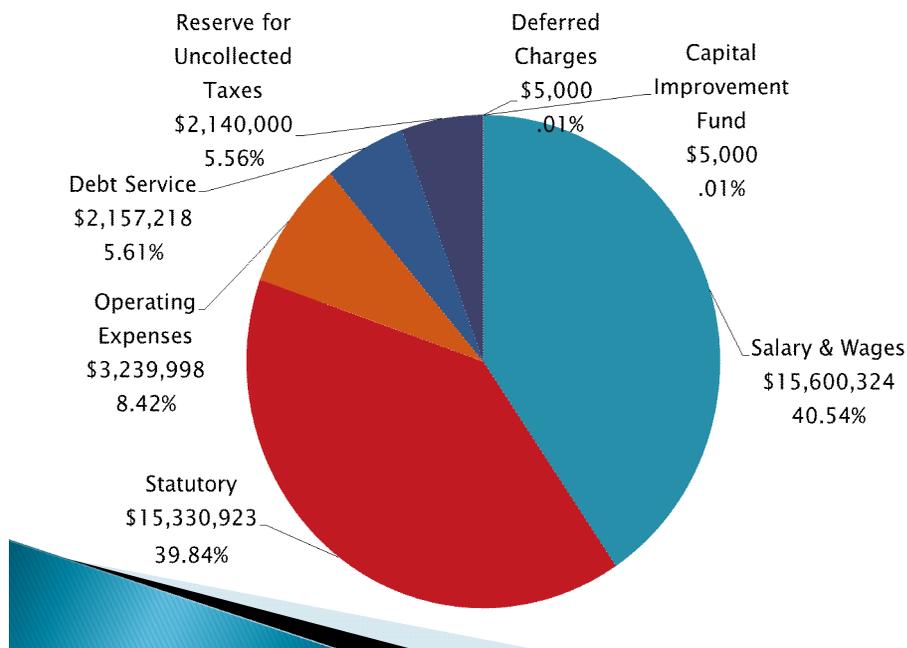
2013 Formula Aid Analysis - Revenues



2013 Municipal Budget – Revenue Analysis



2013 Municipal Budget – Expenditures



2013 Municipal Budget - Expenditure Summary

	2011	2012	2013	2012 - 2013 Inc./Dec.
S&W	15,909,546	\$15,729,373	\$15,600,324	- \$129,049
Operations	\$2,679,197	\$2,807,090	\$3,239,998	+ \$432,908
Debt Service	\$1,673,331	\$1,718,590	\$2,157,218	+ \$438,628
Reserve for UT	\$1,940,000	\$1,940,000	\$2,140,000	+ \$200,000
Deferred Charges	\$5,000	\$5,000	\$5,000	+ \$0
Statutory/Required	\$14,828,169	\$14,748,910	\$15,330,923	+ \$581,829
Capital Imp. Fund	\$5,000	\$5,000	\$5,000	+ \$0
Total	\$37,040,243	\$36,953,963	\$38,478,463	+ \$1,524,316

8 Year Staffing Reductions:

- 35 F/T positions eliminated
- 18 P/T positions eliminated
- 9 F/T positions reduced to P/T

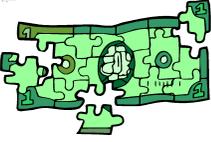


Did You Know???

The 2013 Municipal Budget includes expenditures for:

➤ Hurricane Sandy Debris removal	\$263,000
➤ Street Lighting	\$350,000
➤ Public Fire Hydrants	\$507,400
➤ Sanitary Sewer Treatment (RVSA)	\$3,556,005
➤ Reserve for Uncollected Taxes	\$2,140,000
➤ Leaf Collection & Disposal	\$235,000
➤ Curbside Recycling	\$103,600
➤ Crossing Guards	\$338,000

2013 Municipal Tax Levy Calculations

<i>Total Appropriations</i>	\$38,478,463	
<i>minus</i>		
<i>Anticipated Revenues</i>	\$12,903,022	
<i>equals</i>		
<i>Local Purpose Tax</i>	\$25,575,440	
<i>divided by</i>		
<i>Total Ratable Value</i>	\$1,858,310,540	
<i>equals</i>		
<i>Municipal Tax Rate</i>	1.376	

Avg. assessed home in 2013 = \$180,500

Approx. increase for municipal taxes = \$90/year (\$7.50 per month)

2013 Continued Examination ...

- Continued review of revenue sources to determine if anticipated revenues have been realized and whether additional increases are necessary.
- Continued review of all expense items to determine if reductions in services and employees may be warranted.
- Continued examination and management of debt service.
- Preparation, review and submission of capital improvement budget.



2014 Municipal Budget Challenges

- **Continued Preservation of Services**
(Public Safety, Curbside Leaf Collection, Curbside Recycling, Infrastructure Improvements, etc...)
- **Continued Reduction in Expenses**
- **Revenues:**
 - Fund Balance
 - Formula Aid
 - Miscellaneous Revenues



APPOINTMENT

ADVERTISED HEARINGS

The Council proceeded to the hearing entitled, "SPECIAL ORDINANCE NO. 2180 – BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE TOWN OF WESTFIELD, I THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$360,000 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

John Blake of 809 Carleton Road said he understands the need for generators for Police and the Public Works Building but doesn't know about the need for a Mobile Command Center. Mr. Blake referenced the comment made by the Town that it cannot afford to depend on other towns but must take care of ourselves. He said that he was happy to hear that comment as it applies to the use of Mutual Aid for the Fire Department.

Councilman Della Fera told Mr. Blake that his analysis was flawed since when there is a fire in town, not all the other towns are having fires, but when there is a natural disaster, all towns are affected and no help can be forthcoming. Councilman Della Fera explained that the Mobile Command Center can be moved into neighborhoods that have no power and can be used in a myriad of ways during power outages. He went on to explain that thanks to Chief Wayman, the Town is getting this piece of equipment worth over \$425,000 for just \$250,000 since the company wants to promote its product in New Jersey.

Mr. Blake said he has no problem with this equipment, but wanted Westfield to be self-sufficient during fires.

The Town Administrator said that comparing fighting fires with this equipment is comparing apples with oranges. He said Mutual Aid is required for fighting fires as no department could possibly staff the recommended number of firefighters with the budget issues that everyone faces. In addition, the Administrator said that he wanted to make sure that the public was not left with the impression being left by Mr. Blake that this equipment was solely for the Police Dept. He said that the new Mobile Command Center and related equipment is for all public safety services in Westfield including Police, Fire and Rescue Squad.

Mayor said the 911 communications system was tenuous during Hurricane Sandy and if the system was ever shut down at Town Hall the entire 911 Center could be moved to the Mobile Command Center.

Councilman Haas said that even though he voted yes upon introduction of this Bond Ordinance, he now has changed his mind. He said a mobile generator could be obtained for about \$40,000 or \$50,000 and he doesn't believe a Mobile Command Center is needed. He said even though we are getting a good price, and that this is a once in a lifetime opportunity, there are other priorities he feels are more important. He said there are a lot of roads that need to be paved.

Councilman Foerst said his greatest concern during Sandy was that if the Municipal Building went down, we would lose our 911 system. Viability of the building was a concern, not so much the generator. A lucrative arrangement to man other town's 911 systems could be pursued if we have this new equipment. He said there are a number of reasons he feels it is a good decision to purchase the Mobile Command Center.

Mayor Skibitsky declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, "SPECIAL ORDINANCE NO. 2180 – BOND ORDINANCE TO AUTHORIZE THE MAKING OF CARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$360,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATEION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS." introduced by Councilman Della Fera, seconded by Councilman LoGrippe, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Arena
Foerst

Nays: Haas

Absent: Neylan
Kimmins

Della Fera
LoGrippto
Loughlin
Mayor Skibitsky

BIDS

MINUTES

On a motion by Councilman Haas, seconded by Councilman Foerst, Council approved the Minutes of the Town Council Meeting held March 5, 2013.

On a motion by Councilman LoGrippto, seconded by Councilman Loughlin, Council approved the Minutes of the Conference Session held March 5, 2013.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Erin Kelly of Manville said that she is a former Westfield resident and has personal relationships with five police officers. She said that she has an issue and there is a barrier in her filing a complaint against the police. Mayor said that the Town encourages anyone to take any complaints against town employees to the appropriate authorities. He said that Chief Wayman was here tonight and would be happy to speak with her regarding her accusations. She agreed.

BILLS AND CLAIMS

Introduced by Councilman Della Fera, seconded by Councilman Arena and adopted with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$2,004,936.27 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, Chairman of the Finance Policy Committee, seconded by Councilman Haas were adopted.

(64) WHEREAS, certain taxpayers of the Town of Westfield are expected to file tax appeals disputing their assessed valuation for the year 2013, and

WHEREAS, such tax appeals can be anticipated prior to April 1, 2013, the last day for filing, and

WHEREAS, the Tax Assessor is of the opinion that said properties may, in many cases, be undervalued and that assessment for said properties should be increased and not decreased as the taxpayer seeks, and

WHEREAS, it would be in the best interest of the Town of Westfield to do so in certain cases as the Town Attorney and Tax Assessor may decide upon receiving the appeal:

NOW, THEREFORE BE IT RESOLVED by the Mayor and Town Council that the Town Attorney and Tax Assessor are authorized to file counterclaims against the taxpayers in questions seeking to raise the assessments for said properties to the value which the Tax Assessor deems to more properly reflect the value of said property where appropriate.

(65) WHEREAS, Schifano Construction Corp., has completed all of the work necessary for the **2011 Downtown Road Improvements** as authorized by S.O. 2160 and S.O. 2169, and

WHEREAS, the Town Engineer certifies that all of the work, totaling \$157,436.37 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. 2160 and S.O. 2169, 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 \$3,646.57 and to effect whatever actions are appropriate by said acceptance for the 2011 Downtown Road Improvements, with a final contract price of \$157,436.37.

(66) WHEREAS, Schifano Construction Corp., has completed all of the work necessary for the **2011 Various Road Improvements** as authorized by S.O. 2169, and

WHEREAS, the Town Engineer certifies that all of the work, totaling \$1,091,830.84 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. 2169, 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 \$25,977.12 and to effect whatever actions are appropriate by said acceptance for the 2011 Various Road Improvements, with a final contract price of \$1,091,830.84.

(67) WHEREAS, Schifano Construction Corp., has completed all of the work necessary for the **2010 Improvement of Barchester Way** as authorized by S.O. 2166, and

WHEREAS, the Town Engineer certifies that all of the work, totaling \$344,607.15 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. 2166, 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 \$6,892.14 and to effect whatever actions are appropriate by said acceptance for the 2010 Improvement of Barchester Way, with a final contract price of \$344,607.15.

(68) WHEREAS, **Panzarella Contracting Inc.** placed the required cash bond of \$500.00 to cover the Street Opening Permit #12-011 for 14 Elm Street, and

WHEREAS, **Panzarella Contracting Inc.** has requested that this amount be returned to them, 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 **Panzarella Contracting Inc.** for \$500.00 and forward to PO Box 317, 1415 New Market St., S. Plainfield, NJ 07080.

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

Name	Account	Class	Fee
Rosemarie Gulla 15 Azalea Trail Westfield, NJ 07090	T05-600-071	Field Hockey Clinic Alexandra	\$45.00

(70) WHEREAS, the Westfield Recreation Department's annual Daddy-Daughter Dance held at L'Affaire for Westfield residents is scheduled for Friday, April 5, 2013 and:

WHEREAS, payment for each participant to L'Affaire is required prior to the event;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for participant payment to L'Affaire located at 1099 Route 22 East, Mountainside, NJ 07092 in an amount not to exceed \$10,000 charged to the Recreation Department's Trust 217A account.

(71) WHEREAS, the Westfield Recreation Department's annual Daddy-Daughter Dance held at L'Affaire for Westfield residents is scheduled for Friday April 5, 2013 and,

WHEREAS, payment of Maitre D' fee to L'Affaire is required day of the event;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for Maitre D' payment to L'Affaire located at 1099 Route 22 East, Mountainside, NJ 07092 in an amount not to exceed \$400.00 charged to the Recreation Department's Trust 217 account.

(72) WHEREAS, the Westfield Recreation Department's annual Daddy-Daughter Dance held at L'Affaire for Westfield residents is scheduled for Friday April 5, 2013 and,

WHEREAS, payment of Disc Jockey services to The Spinners Entertainment Co., is required day of the event;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for the disc jockey service payment to The Spinners Entertainment Co. located at 119 North Riverview Rd., Phillipsburg, NJ 08865 in an amount not to exceed \$500.00 charged to the Recreation Department's Trust 217 account.

(73) WHEREAS, the Local District School Tax for the year July 1, 2012 to June 30, 2013 was raised in the 2012 Tax Levy in the sum of \$87,194,608, and

WHEREAS, the statutes permit the deferral of such School Tax up to 50% of the School Tax Levy or \$43,597,304,

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Westfield, County of Union, that the Deferred School Tax for Local District School purpose be the sum of \$43,597,304.00 as of December 31, 2012.

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services.

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

(74) WHEREAS, the Downtown Westfield Corporation Budget of the Town of Westfield's Special Improvement District, County of Union, for the Year 2013;

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Downtown Westfield Corporation Budget for the Year 2013, and

BE IT FURTHER RESOLVED that said Budget be published in THE WESTFIELD LEADER in the issue of March 28, 2013;

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Town of Westfield does hereby approve the following as the Downtown Westfield Corporation Budget for the year 2013:

Recorded Vote: Ayes: Arena, Haas, Foerst, Della Fera, LoGrippe,
Loughlin, Mayor Skibitsky

Nays

Abstain

Absent: Neylan, Kimmins

Notice is hereby given that the Downtown Westfield Corporation Budget was approved by the Town Council of the Town of Westfield, County of Union, on March 19, 2013.

A hearing on said Budget will be held at the Westfield Municipal Building on May 7, 2013 at 8:00 p.m. at which time and place objections to said Budget for the Year 2013 may be presented by Downtown Special Improvement District taxpayers or other interested persons.

DOWNTOWN WESTFIELD CORPORATION
SPECIAL IMPROVEMENT DISTRICT
2013 BUDGET

REVENUES

GENERAL REVENUEANTICIPATED REVENUE 2013

Amount to be raised by Special Improvement District Assessment	<u>\$409,605.00</u>
Total General Revenue	\$409,605.00

APPROPRIATIONSGENERAL APPROPRIATIONAPPROPRIATIONS 2013

Operating	
Salaries & Wages	\$172,431.00
Other Expenses	<u>\$237,174.00</u>
Total General Appropriations	\$409,605.00

The following resolution, introduced by Councilman Della Fera, seconded by Councilman LoGrippe was adopted by the following roll call vote with Councilman Loughlin abstaining on Board of Adjustment line items:

(75) MUNICIPAL BUDGET OF THE TOWN OF WESTFIELD, COUNTY OF UNION FOR THE FISCAL YEAR 2013

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2013;

BE IT FURTHER RESOLVED, that said Budget be published in the WESTFIELD LEADER in the issue of March 21, 2013.

The Governing Body of the TOWN OF WESTFIELD does hereby approve the following as the Budget for the year 2013:

RECORDED VOTE:

Council Members:	
Yeas: Arena	Nays:
Haas	
Foerst	Abstain:
Della Fera	
LoGrippe	
Loughlin	Absent: Neylan, Kimmins
Mayor Skibitsky	

Notice is hereby given that the Budget and Tax Resolution was approved by the MAYOR AND COUNCIL of the TOWN OF WESTFIELD, COUNTY OF UNION, on March 19, 2013.

A Hearing on the Budget and Tax Resolution will be held at THE MUNICIPAL BUILDING, on May 7, 2013 at 8:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other interested persons.

The following resolution, introduced by Councilman Della Fera, seconded by LoGrippe was adopted by the following roll call vote with Council Loughlin abstaining on Board of Adjustment line items:

(76) AMENDED TEMPORARY BUDGET

WHEREAS, Section 40A: 4-19 of the Local Budget Act provides that (where any contract, commitments or payments are to be made prior to the final adoption of the 2013 budget) temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

NOW, THEREFORE, BE IT RESOLVED that the following amended temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for her records:

Administrative & Executive - Salaries & Wages	90,000.00
Administrative & Executive - Other Expenses	65,000.00
Community TV 36 - Service Other Expenses	4,000.00
Town Clerk - Salaries & Wages	60,000.00
Town Clerk - Other Expenses	10,000.00
Financial Administration - Salaries & Wages	80,000.00
Financial Administration - Other Expenses	4,000.00
Assessment of Taxes - Salaries & Wages	50,000.00
Assessment of Taxes - Other Expenses	4,000.00
Collection of Taxes - Salaries & Wages	45,000.00
Collection of Taxes - Other Expenses	3,000.00
Legal Services & Costs - Other Expenses	80,000.00
Municipal Court - Salaries & Wages	130,000.00
Municipal Court - Other Expenses	10,000.00
Municipal Prosecutor - Salaries & Wages	12,000.00
Public Defender - Salaries & Wages	6,000.00
Engineering Services & Costs - Salaries & Wages	250,000.00
Public Works - Salaries & Wages	1,100,000.00
Public Works - Other Expenses	600,000.00
Public Building & Grounds - Other Expenses	40,000.00
Planning Board - Other Expenses	6,000.00
Board of Adjustment - Salaries & Wages	4,000.00
Board of Adjustment - Other Expenses	4,800.00
Group Insurance Plan for Employees	2,150,000.00
Other Insurance Premiums	480,000.00
Fire - Salaries & Wages	1,300,000.00
Fire - Other Expenses	40,000.00
Fire Official - Salaries & Wages	65,000.00
Fire Official - Other Expenses	3,000.00
Hydrant Service	180,000.00
Alliance on Alcoholism & Drug Abuse	8,000.00
Parking Administration - Salaries & Wages	80,000.00
Police - Salaries & Wages	2,200,000.00
Police - Other Expenses	120,000.00
Crossing Guard - Salaries & Wages	200,000.00
Inspection of Buildings - Salaries & Wages	150,000.00
Inspection of Buildings - Other Expenses	7,000.00
Street Lighting	130,000.00
Electricity	80,000.00
Telephone	60,000.00
Water	5,000.00
Heating Gas	25,000.00
Gasoline	180,000.00
Board of Health - Salaries & Wages	260,000.00

Board of Health - Other Expenses	10,000.00
Board of Health - Contr. Service - Other Expenses	30,000.00
Recreation - Salaries & Wages	30,000.00
Maintenance of Free Public Library	800,000.00
Social Security System (OASI)	300,000.00
Rahway Valley Sewerage Authority	1,800,000.00
Dog Regulation	30,000.00
PFRS	2,092,851.00
Debt Service - Interest on Bond	203,000.00
Debt Service - Principal	105,000.00
PERS	829,589.00
Public Event	<u>1,000.00</u>
Sub-Total:	16,612,240.00

Swimming Pool Utility:	
Operating Salaries & Wages	75,000.00
Operating Other Expenses	60,000.00
Social Security (OASI)	6,000.00
Interest on Bond	<u>51,500.00</u>

TOTAL TEMPORARY APPROPRIATIONS: \$16,804,740.00

Yeas: Arena	Nays:	Absent: Neylan
Haas		Kimmins
Foerst		
Della Fera		
LoGrippo		
Loughlin		
Mayor Skibitsky		

Regarding the following ordinance, Councilman Della Fera, Chairman of the Finance Policy Committee, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 1998 – ORDINANCE TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)."

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 9th day of April at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilman Arena.

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

Yeas: Arena	Nays:	Absent: Neylan
Haas		Kimmins
Foerst		
Della Fera		
LoGrippo		
Loughlin		
Mayor Skibitsky		

Public Safety, Transportation and Parking CommitteeCode Review & Town Property Committee

The following resolutions, introduced by Councilman Foerst, Chairman of the Code Review & Town Property Committee, seconded by Councilman Loughlin were adopted.

(77) WHEREAS, Monarch Homes Holding LLC., made an application to the Town of Westfield to demolish a single-family dwelling, located at 19 Carol Road, Block 2004, Lot 6, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the applicant is in the process of meeting all the requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 19 Carol Road, Block 2004, Lot 6, Westfield, New Jersey.

(78) WHEREAS, Kenneth Abraham, made an application to the Town of Westfield to demolish a single-family dwelling, located at 756 Warren Street, Block 2814, Lot 14, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling 756 Warren Street, Block 2814, Lot 14, Westfield, New Jersey.

(79) WHEREAS the Town of Westfield is vulnerable to damages from natural hazard events which pose a threat to public health and safety and could result in property loss and economic hardship, and,

WHEREAS a Multi-Jurisdictional Natural Hazard Mitigation Plan (the Plan) has been developed through the work of the Union County Hazard Mitigation Working Group and other interested parties within the County, and,

WHEREAS the Plan recommends hazard mitigation actions that will help protect people and property affected by natural hazards occurring within Union County that will reduce future public, private, community and personal vulnerability and costs of disaster response and recovery, and that will reinforce the County's leadership in emergency preparedness, and,

WHEREAS the Disaster Mitigation Act of 2000 (PL 106-390) and associated Federal Regulations published under 44 CFR, Part 201 require participating communities within the County to formally adopt a Hazard Mitigation Plan subject to the approval of the Federal Emergency Management Agency to be eligible for Federal funds for hazard mitigation projects and activities as they become available, and,

WHEREAS, PUBLIC MEETINGS HAVE BEEN HELD BY Union County to receive comment on the Plan as required by DMA 2000;

NOW THEREFORE BE IT RESOLVED by the Westfield Town Council that:

1. The Council of the Town of Westfield, hereby adopts the Union County, New Jersey Multi-Jurisdictional Natural Hazard Mitigation Plan, dated 07/21/2011, as this municipality's official Hazard Mitigation Plan, and resolves to execute the mitigation actions in the Plan.
2. Town of Westfield officials identified in the Plan are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments and progress to the Union County Office of Emergency Management and to the Town Council.
3. The Union County Office of Emergency Management will provide annual progress reports on the status of implementation of the Plan to the City/Township/Borough Council. This report shall be submitted to the Town Council by March 31st of each year.
4. The Town Office of Emergency Management, or other designated officials, will undertake periodic updates of the Plan in concert with the Union County Office of Emergency Management as described in the Plan Maintenance Section, but no less frequently than every five years.

(80) BE IT RESOLVED that the Mayor is hereby authorized to sign a Boundary Line Agreement with Spec House LLC concerning the properties designated as Lots 30 and 12.01 in Block 2505 on the tax map of the Town of Westfield.

(81) RESOLUTION AUTHORIZING APPROVAL OF SETTLEMENT IN THE ACTION ENTITLED MARK ANGELO v. PLANNING BOARD OF THE TOWN OF WESTFIELD; TOWN OF WESTFIELD, ET AL., DOCKET NO. UNN-L-3973-11

WHEREAS, certain claims have been asserted against the Town of Westfield, as a defendant, in the action entitled Mark Angelo v. Planning Board of the Town of Westfield; Town of Westfield, et al., bearing Docket No. UNN-L-3973-11 (the "Litigation") regarding the alleged invalidity of the Town's drainage ordinance and the alleged acquisition of certain drainage easements; and

WHEREAS, the Planning Board of the Town of Westfield and the Town of Westfield engaged in settlement negotiations with Mark Angelo ("Plaintiff") toward the resolution of the Litigation; and

WHEREAS, the parties have substantially settled the Litigation, pursuant to which the Litigation shall be dismissed without prejudice.

NOW, THEREFORE, BE IT RESOLVED, that the settlement of the Litigation is hereby approved and the Town Attorney is hereby directed to sign or otherwise consent to any required stipulations or orders of dismissal in order to accomplish same.

(82) RESOLUTION AUTHORIZING EXECUTION OF THE CONSENT JUDGMENT FOR SETTLEMENT IN THE ACTION ENTITLED, NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, v. OCCIDENTAL CHEMICAL CORPORATION, ET AL, DOCKET NO. ESX-L-9868-05 (PASR)

WHEREAS, certain claims have been asserted against the Town of Westfield, as a Third-Party Defendant, in the action entitled New Jersey Department of Environmental Protection v. Occidental Chemical Corporation, et al., bearing Docket No. ESX-L-9868-05, pending in the Superior Court of New Jersey, Law Division, Essex County (the "Litigation") regarding alleged environmental contamination of the Newark Bay Complex; and

WHEREAS, certain Third-Party Defendant municipalities and municipal utilities authorities, including the Town of Westfield, are members of a group known as the Municipal Joint Defense Group in the Litigation; and

WHEREAS, the Municipal Joint Defense Group, on behalf of its members, engaged in settlement negotiations with the State of New Jersey (“State Plaintiffs”) towards the resolution of the Litigation through the entry of a Consent Judgment; and

WHEREAS, the parties have substantially settled the Litigation and are negotiating the final details of the Consent Judgment; and

WHEREAS, the terms of the settlement require the Town of Westfield to execute/sign off on the Consent Judgment prior to the Consent Judgment being lodged and published in the New Jersey Register for public review and comment; and

WHEREAS, the terms of the settlement require the Town of Westfield to pass a resolution authorizing its participation in the Consent Judgment and either authorizing the payment of \$95,000 to the State of New Jersey or authorizing the State of New Jersey to deduct the sum of \$95,000 from State Aide representing the Settlement Funds as that term is defined by the Consent Judgment on or before March 23, 2013; and

WHEREAS, a copy of the Consent Judgment is in the Clerk’s office and is incorporated by reference hereto.

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

1. The Town of Westfield is hereby authorized and directed to sign the signature page of the Consent Judgment, which will be adopted in substantially the form contained in the draft copy on file, and thereafter immediately transmit the said original signature page to Daren R. Eppley, Esq., DeCotiis Fitzpatrick & Cole, LLP, 500 Frank W. Burr Blvd., Teaneck New Jersey 07666.

2. The Town of Westfield hereby authorizes payment of the \$95,000 settlement amount, when due, in the manner provided for in the Consent Judgment.

3. Notwithstanding the above authorizations, nothing contained within this resolution shall preclude or prevent the Town of Westfield from pursuing recovery and reimbursement for the whole or any portion of the Settlement Funds from any insurance carrier(s) identified now or in the future.

3. This resolution shall take effect immediately.

Regarding the following ordinance, Councilman Foerst, Chairman of the Code Review, & Town Property Committee, made the following announcement:

I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 1997 – AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE TOWN OF WESTFIELD, NEW JERSEY.”

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 9th day of April at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilman Haas.

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

Yeas: Arena	Nays:	Absent: Neylan
Haas		Kimmins
Foerst		
Della Fera		
LoGrippo		
Loughlin		
Mayor Skibitsky		

Public Works Committee

Reports of Department Heads

Report of Liy-Huei L. Tsai, Chief Financial Officer, showing Cash in Bank of \$11,376,710.86 and Investments of \$373,877.89 was received, read and ordered filed.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$62,634.72 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of February 2013 was received, read and ordered filed.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$5,682.97 during the month of February 2013 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 \$6,637.00 representing monies collected during the month of February 2013 was received, read and ordered filed.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$52,745.00 for the month of February 2013 was received, read and ordered filed.

Report of David Wayman, Chief of the Police Department, stating he had turned over to the Chief Financial Officer a check in the amount of \$4,485.10 representing Police Fees collected during the month of February 2013 was received, read and ordered filed.

Report of Daniel J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in the amount of \$1,300.00 and Permit Fees collected in the amount of \$644.00 collected during the month of February 2013 was received, read and ordered filed.

Upon motion by Councilman Haas, seconded by Councilman LoGrippo the meeting was adjourned at 9:05 p.m.

Claire J. Gray
Town Clerk