

MINUTES OF REGULAR MEETING HELD MAY 7, 2013

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday evening, May 7, 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, Kimmins, LoGrippe, Loughlin

ABSENT: Councilwoman Neylan

Invocation was given by Councilman Arena

PRESENTATIONS

Town of Westfield **Westfield, New Jersey**

PROCLAMATION

Pediatric Stroke Awareness Month **May 2013**

WHEREAS, a stroke, or cerebrovascular accident (CVA), occurs when blood flow is interrupted to any part of the brain, resulting in tissue injury and loss of brain function; and

WHEREAS, according to the Children’s Hemiplegia and Stroke Association (CHASA), strokes can and do occur prior to birth; and

WHEREAS, strokes occur at the highest rate in infants who are younger than one month old – about 1 in every 2,800 live births; and

WHEREAS, strokes occur in 11 out of every 100,000 children aged 1 to 18 years old; and

WHEREAS, over half of the children who suffer a stroke will have serious, long-term challenges, including hemiplegia or hemiparesis (one-sided paralysis); seizures; and speech, visual, behavioral and learning difficulties; and

WHEREAS, the permanent health concerns and treatments resulting from pediatric stroke result in a heavy financial burden on the family and an emotional toll on the child, the family, and society as a whole; and

WHEREAS, perinatal, infant and childhood stroke research is a neglected area of medical science and, consequently, very little is known about its causes, treatments, and prevention; and

WHEREAS, further research is needed in perinatal, infant and childhood stroke to identify risk factors and to determine the best treatment and prevention; and

WHEREAS, the Town of Westfield wishes to show support for the families who have experienced a pediatric stroke event and desires to increase awareness of this very serious medical emergency;

NOW, THEREFORE, BE IT PROCLAIMED that I, Mayor Andrew Skubitsky, hereby proclaim May of 2013 as *Pediatric Stroke Awareness Month* in the Town of Westfield and urge all citizens to support the efforts of the Children's Hemiplegia and Stroke Association as it strives to increase public awareness and improve the quality of life for the children and families affected by perinatal, infant and childhood stroke.

Town of Westfield
Westfield, New Jersey

PROCLAMATION

Westfield Blue Devils Girls Swim Team

WHEREAS, on February 23, 2013, the Westfield High School Girls Swim Team won the NJSIAA Public A state championship, securing the Blue Devils' place as the Number **1** girls swim team in the State of New Jersey, the 15th time the team has done so in school history; and

WHEREAS, under the leadership of Coach Jeff Knight and Assistant Coaches Ashley Westra and Mike Schwebel, the swimmers represented their team, their school and their hometown with the highest standards of athleticism, integrity and sportsmanship; and

WHEREAS, in addition to the team posting a perfect record of 17 wins and zero losses, the Blue Devils won the Union County and North I Public A Sectional titles, and set the 2nd highest Power Point total (5,115) in state history; and

WHEREAS, numerous team members have been named to All County, All Area and All State Teams, and four swimmers ~ Caroline Baldwin, Sarah Cronin, Ellie Reinhardt and Gwyn Devin ~ earned special recognition as All Americans; and

WHEREAS, all of the members of the team ~ seniors Mady Cannone, Michaela Cavanaugh, Sarah Freer, Kyla Gargiulo, Courtney Han, Alex Kapadia, Catherine Kerr, Sam Meltzer, Charlotte Milford, Ellie Reinhardt and Becky Zhang; juniors Caroline Baldwin, Audrey Bangs, Kathleen Bond, Sarah Cronin, Erika Daniel, Julia Diamantopolous, Rachel Fan, Allie McBrearty, Lena Morello and Lauren Schmeider; sophomores Meredith Bagger, Catie Collins, Courtney Day, Katherine Duffy, Carly Kalis and Amy West; freshmen Caroline Basil, Amanda Canavan, Marina DeCotiis, Gwyn Devin, Lizzy Diamantopolous, Caroline Felix, Bridget Harrington, Emily McGann, Allyson Morgenthal, Danielle Sawyer and Brooke Sutton; and statistician Charlotte Milford ~ are deserving of recognition for their individual efforts and accomplishments as well as for their contributions to the success of the team; and

WHEREAS, The Star-Ledger named the Westfield Blue Devils Girls Swim Team “Team of the Year” and Junior Caroline Baldwin “New Jersey Girls Swimmer of the Year”; and

WHEREAS, according to Coach Knight, the members of the team “are winners both in and out of the pool. They work hard in the classroom and in the athletic arena, and their work has paid off. Their success is truly earned.”

WHEREAS, the Mayor and Town Council of the Town of Westfield wish to commend the members and accomplishments of the 2012-2013 Westfield Blue Devils Girls Swim Team;

NOW, THEREFORE, BE IT PROCLAIMED, that I, Mayor Andrew K. Skibitsky, on behalf of the Town Council and the good citizens of the Town of Westfield, on this Seventh day of May in the year 2013, do hereby congratulate the 2012-2013 Westfield High School Blue Devils Girls Swim Team on their successful season and applaud them for their exceptional sportsmanship and for continuing the fine tradition of excellence in swimming at Westfield High School.

Town of Westfield

Westfield, New Jersey

PROCLAMATION

Westfield Blue Devils Boys Swim Team

WHEREAS, on February 23, 2013, the Westfield High School Boys Swim Team won the NJSIAA Public A state championship for the 24th time in school history, keeping the Blue Devils the winningest boys program in state history; and

WHEREAS, under the leadership of Coach Jeff Knight, who was named by The Star-Ledger as the state boys swimming “Coach of the Year” and earned national recognition from the National Federation Coaches Association (NFCA), and Assistant Coaches Ashley Westra and Mike Schwebel, the swimmers represented their team, their school and their hometown with the highest standards of athleticism, integrity and sportsmanship; and

WHEREAS, in addition to the team posting a winning record of 15 wins and 2 losses, the Blue Devils won the Union County and North I Public A Sectional titles, set the highest Power Point total (4,878) in school history, was named the Union County “Team of the Year” by The Star-Ledger, and finished the season ranked the top public school team in the State and #2 overall; and

WHEREAS, according to Coach Knight, every meet “was a full team effort, every swim, every guy was the difference”; and

WHEREAS, all of the members of the team ~ seniors Nick Constantine, Matt Daniel, Connor Moore and Max Shin; juniors Rob Ball, Aram Barmakian, Sean Beattie, Sam Hays, Tyler Lessner, Luke McGrory, Dan Myers, Will Murtishaw, Alec Penn, Thomas Pyle, Noah Stiles, Mark Trinkle, Francis Wong and Matt Wornow; sophomores Nick Cannone, Kevin Clauss, Gavin Conlon, Stephen Husch, John Lindros, Jake Maher, Sean Moore, Jack Rose, Hermes Suen, and Brad Whitman; freshmen Ryan Daniel, Lucas Fan, Jack Fico, Sean Gallagher, Austin Kreusser, Jesse Liu, Ben Meltzer, Michael Mizus, Evan Moore and Blake Taylor; and statistician Catherine Kerr ~ are deserving of recognition for their individual efforts and accomplishments as well as for their contributions to the success of the team; and

WHEREAS, the Mayor and Town Council of the Town of Westfield wish to commend the members and accomplishments of the 2012-2013 Westfield Blue Devils Boys Swim Team;

NOW, THEREFORE, BE IT PROCLAIMED, that I, Mayor Andrew K. Skibitsky, on behalf of the Town Council and the good citizens of the Town of Westfield, on this Seventh day of May in the year 2013, do hereby congratulate the 2012-2013 Westfield High School Blue Devils Boys Swim Team on their successful season and applaud them for their exceptional sportsmanship and for continuing the fine tradition of excellence in swimming at Westfield High School.

APPOINTMENT

ADVERTISED HEARINGS

The Council proceeded to the hearing entitled, “2013 MUNICIPAL BUDGET.”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

The Council then proceeded to the hearing entitled, "2013 DOWNTOWN WESTFIELD CORPORATION BUDGET."

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

The Council then proceeded to the hearing entitled, "GENERAL ORDINANCE NO. 1999 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD INCORPORATING AFFORDABILITY REGULATIONS REQUIRED FOR MOUNT LAUREL AFFORDABLE HOUSING COMPLIANCE."

Advertised returnable this evening.

Ken McRitchie, former Councilman and property owner of 515 Trinity Place gave a favorable editorial regarding affordable housing. He said twenty-five years ago the affordable housing areas were in remote swamps and he wanted to commend the Mayor and Council for putting the affordable housing areas in dry ground and most of them close to retail and transportation. He also commended former Town Attorney, Robert Cockren, for his role.

Mayor Skibitsky declared the hearing closed.

The Council then proceeded to the hearing entitled, "GENERAL ORDINANCE NO. 2000 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO AMEND THE AFFORDABLE HOUSING INCLUSIONARY ZONES DESIGNATED AS THE RA-5A AND RA-5B ZONING DISTRICTS.'

Advertised returnable this evening.

Alex Grohol of 668 Myrtle Avenue in Garwood said there are wetlands in the area of Myrtle Avenue that help with a water problem. He said he has environmental concerns regarding the wetlands and requested a study on the impact of building in that area. He asked about fencing around buildings put up in the area. Town Attorney stated that there are currently no applications for building, but the ordinance was only to adjust the zoning.

Judy Rosenthal, Esq. spoke for her client, The Wallace Family, who lives at 216 Springfield Avenue. She asked about a pending Supreme Court ruling and said that perhaps before having the hearing on June 10th, the Town should wait for that ruling. Town Attorney explained why that ruling would have no bearing on the hearing scheduled. Councilman Foerst further explained the COAH regulations regarding compliance regulations.

Mayor Skibitsky declared the hearing closed.

The Council then proceeded to the hearing entitled, "GENERAL ORDINANCE NO. 2002 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD ESTABLISHING AN AFFORDABLE HOUSING INCLUSIONARY ZONE DESIGNED AS THE NA-AH TOD ZONING DISTRICT."

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

The Council then proceeded to the hearing entitled, "GENERAL ORDINANCE NO. 2003 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD ESTABLISHING AN AFFORDABLE HOUSING INCLUSIONARY ZONE DESIGNATED AS THE NS-AMFH TOD ZONING DISTRICT."

Advertised returnable this evening.

John Mormile of 412 South Elmer Street said he is a Westfield property owner and asked about the density zoned in the area of the ordinance and asked if a variance could be requested. Mayor stated that anyone can ask for a variance but whether they would be approved or not would be the question and that it is not easy to obtain a variance for more density.

Bernard Erickson of 9 Stirling Court spoke on behalf of Mrs. McBride of 408 South Elmer Street and asked about the multi-family zoning and whether an existing one family would need to change. Councilman Foerst stated that existing structures were grandfathered and would not need to change.

Frank Fusaro of 422 Stanley Avenue asked who selected the properties involved in the zoning changes. Town Attorney explained that the Planning Board did a review to see what properties were most suitable and then the Council approves their recommendations.

Mayor Skibitsky declared the hearing closed.

The Council then proceeded to the hearing entitled, "GENERAL ORDINANCE NO. 2004 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD ESTABLISHING AN AFFORDABLE HOUSING INCLUSIONARY ZONE DESIGNATED AS THE RA-5C MULTI-FAMILY RESIDENCE."

Advertised returnable this evening.

Richard Storch of 1600 Springfield Avenue in Cranford spoke regarding 206 Springfield Avenue and said he did not wish any new building on Springfield Avenue and said it would greatly affect traffic. He said the change in zoning would impact the dynamics of the neighborhood. He said he was also concerned about the water in that area. Councilman Foerst explained the process that has taken place to date regarding the builder's remedy lawsuit and the proposed settlement. He said for over two years the Council has worked to minimize the effect of this lawsuit on all the residents in the area. Town Attorney explained the application for development to the Planning Board process. He said this development will have to be approved by the court and then approved by the Planning Board before any building would commence.

Gary Miller of 34 Nomahegan Court in Cranford said he lives right next to the proposed development and spoke in opposition of the zoning change.

Steven Conti of 32 Nomahegan Court in Cranford spoke in opposition of the zoning change.

Don Rand of 30 Nomahegan Court, Cranford spoke in opposition of the zoning change.

Roxanne Rand of 30 Nomahegan Court said that the ratables of that area were going to be affected and spoke against the zoning change.

Tracy Gallin of 1595 Springfield Avenue of Cranford said that the traffic is going to be greatly impacted and spoke against the zoning change.

Ben Gomez of 217 Springfield Avenue spoke against the zoning changes.

Judy Rosenthal, Esq. asked some questions about the application that was filed originally and asked questions about the zoning. She was told that the items she asked about would be part of the Planning Board application.

Mayor Skibitsky declared the hearing closed.

The Council then proceeded to the hearing entitled, "GENERAL ORDINANCE NO. 2005 - AN ORDINANCE TO AMEND THE TOWN CODE, CHAPTER 10 (DUMPSTERS)."

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

The Council then proceeded to the hearing entitled, "GENERAL ORDINANCE NO. 2006 - AN ORDINANCE TO AMEND THE TOWN CODE, CHAPTER 13 (PARKING & HANDICAPPED PARKING)."

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

The Council then proceeded to the hearing entitled, "GENERAL ORDINANCE NO. 2007 - AN ORDINANCE TO AMEND THE TOWN CODE, CHAPTER 18 (POLICE)."

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, "GENERAL ORDINANCE NO. 1999 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD INCORPORATING AFFORDABILITY REGULATIONS REQUIRED FOR MOUNT LAUREL AFFORDABLE HOUSING COMPLIANCE." introduced by Councilman Foerst, seconded by Councilman Loughlin, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

An ordinance entitled, "GENERAL ORDINANCE NO. 2000 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO AMEND THE AFFORDABLE HOUSING INCLUSIONARY ZONES DESIGNATED AS THE RA-5A AND RA-5B ZONING DISTRICTS." introduced by Councilman Foerst, seconded by Councilman Della Fera, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

An ordinance entitled, "GENERAL ORDINANCE NO. 2002 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD ESTABLISHING AN AFFORDABLE HOUSING INCLUSIONARY ZONE DESIGNATED AS THE NA-AH TOD ZONING DISTRICT." introduced by Councilman Foerst, seconded by Councilman Haas, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

An ordinance entitled, "GENERAL ORDINANCE NO. 2003 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD ESTABLISHING AN AFFORDABLE HOUSING INCLUSIONARY ZONE DESIGNATED AS THE NS-AMFH TOD ZONING DISTRICT." introduced by Councilman Foerst, seconded by Councilman Loughlin, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

An ordinance entitled, "GENERAL ORDINANCE NO. 2004 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD ESTABLISHING AN AFFORDABLE HOUSING INCLUSIONARY ZONE DESIGNATED AS THE RA-5C MULTI-FAMILY RESIDENCE." introduced by Councilman Foerst, seconded by Councilman Loughlin, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

Mayor Skibitsky

An ordinance entitled, "GENERAL ORDINANCE NO. 2005 – AN ORDINANCE TO AMEND THE TOWN CODE, CHAPTER 10." introduced by Councilman Foerst, seconded by Councilman LoGrippo, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

An ordinance entitled, "GENERAL ORDINANCE NO. 2006 – AN ORDINANCE TO AMEND THE TOWN CODE, CHAPTER 13." introduced by Councilwoman Neylan, seconded by Councilman LoGrippo, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

An ordinance entitled, "GENERAL ORDINANCE NO. 2007 – AN ORDINANCE TO AMEND THE TOWN CODE, CHAPTER 18." introduced by Councilman Della Fera, seconded by Councilman Arena, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

BIDS**MINUTES**

On a motion by Councilman Loughlin, seconded by Councilman Haas, Council approved the Minutes of the Town Council Meeting held April 23, 2013 with Mayor Skibitsky abstaining.

On a motion by Councilman LoGrippo, seconded by Councilman Della Fera, Council approved the Minutes of the Conference Session held April 23, 2013 with Mayor Skibitsky abstaining.

PETITIONS AND COMMUNICATIONS**OPEN DISCUSSION BY CITIZENS**

Greg Kasko of 434 Everson Place spoke regarding some intersections in Town named in a 2005 Traffic Safety Report and spoke regarding the number of accidents that have occurred at Central and Clover. Mr. Kasko then asked a list of questions regarding the purchase of the Mobile Command Center. The Town Administrator explained the process used to purchase the equipment. Councilman Haas said the Town has an agreement with the County to be the backup dispatch and could have saved money by using their equipment instead of purchasing the equipment. Police Chief said that Westfield residents could not be served adequately by transferring the Town's dispatch to another community should the 911 system go down. Mayor said you have to be able to take care of yourself after a storm and that was emphasized at an Emergency Management Conference he was recently asked to be a presenter at in Chatham County, Georgia. Councilman Haas said that backup power was absolutely needed but he believed backup could be purchased at a much lower price than the Mobile Command Center. Mayor stated that there are reasons why the Municipal Building may have to be evacuated and the Police and Fire dispatch center could be relocated to the Mobile Command Center thereby maintaining the Town's 911 system in any situation.

BILLS AND CLAIMS

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

RESOLVED that the bills and claims in the amount of \$265,872.69 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 LoGrippe were adopted.

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

Michael P. Culnan	South Side RR Stn/Lot 3	#13030364	\$424.00
224 Avon Road			
Westfield, NJ 07090			

(117) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$36.60 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 April 2013.

(118) RESOLVED that the Chief Financial Officer be and she hereby is authorized to draw warrants to the order of the following persons, this amount being overpaid in 2012:

BLOCK/LOT	PROPERTY ADDRESS	YEAR	AMOUNT
101/4.051 TALATI, Sandeep P & DAVE, Priti K	8 Trails End Court	2012	\$6,766.61
406/34 COHEN, Carol	302 Roanoke Road	2012	\$ 500.00
603/26 MILLER, Eric N & McCARTHY, Elizabeth	719 Lawrence Avenue	2012	\$7,913.82
1101/8 BARMAKIAN, Joseph T & Leslie A	258 Dudley Avenue	2012	\$6,755.65
1101/17 SHARMA. Jitendra & UPADHYAY, Veena	209 Kimball Avenue	2012	\$7,955.73
1207/23 ALPIZAR, Jose & Chantal Scott	629 Maple Street	2012	\$2,490.12
1305/13 MAY, Kenneth P & Sarah	701 Garfield Avenue	2012	\$3,445.48

2101/52 SCHLOSBERG, Kathryn S	26 Scudder Road	2012	\$4,171.00
2302/18 ZELLER, William D & MACLEAN, Maria S	8 Stanley Oval	2012	\$ 304.47
2404/40 RITTER, Peter D & KURTZER, Jill A	132 Euclid Avenue North	2012	\$4,134.55
2807/5 STURCHIO, Lawrence & Donna M	646 Norman Place	2012	\$ 9.00
2811/40 DEBOWSKI, Arthur & Margaret	880 Dorian Road	2012	\$2,843.69
3010/21 Community Access Unlimited, Inc. 80 Grand Street Elizabeth, New Jersey 07202	563 Trinity Place	2012	\$3,776.12
3303/12 GUGLIELMI, Alessandro & Anna Maria	611 Fourth Avenue	2012	\$1,000.00
3403/7 KLOFTA, Kevin & Patricia W	801 Stevens Avenue	2012	\$3,496.45
3507/5 SHIFFMAN, Steven B & ALPER, Carolyn	746 Marcellus Drive	2012	\$3,558.40
3601/1.01 DEPALMA, Nicholas & Larisa	962 St. Marks Avenue	2012	\$5,072.88
3604/29 CARLSON, Kathleen	912 Stevens Avenue	2012	\$4,250.41
4202/7 RIPPLE, Edward & KALLOK, Sarah	428 Everson Place	2012	\$3,160.63
4301/68	617 Shackamaxon Drive	2012	\$3,965.08

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Westfield that the Corrective Action Plan for the recommendations contained in the annual audit report for the Town of Westfield for the year 2012 is hereby approved; and

BE IT FURTHER RESOLVED that a copy of the Corrective Action Plan be filed by the Town Clerk with the Division of Local Government Services.

TOWN OF WESTFIELD
CORRECTIVE ACTION PLAN

Town of Westfield
All Department Purchasing
County of Union
2012 Audit Report

1. Finding:

A number of purchase orders tested were determined to be confirming orders; That is, purchases were made for goods or services without providing a written purchase order to the Chief Financial Officer to encumber on a timely basis.

2. Recommendation:

That the encumbrance accounting system be fully maintained.

3. Corrective Action:

That all department purchasing will provide a written purchase order to the Chief Financial Officer to encumber to the system before purchases are made for goods or services.

4. Implementation Date: June 1, 2013

TOWN OF WESTFIELD
CORRECTIVE ACTION PLAN

Town of Westfield
Administration Department
County of Union
2012 Audit Report

5. Finding:

That several contract awards did not include a written Certification of Availability Funds from the Chief Financial Officer prior to award. Per N.J.A.C. 5:30-5.4 the Chief Financial Officer shall certify in writing to the governing body the availability or lack thereof of adequate funds for each contract which is pending approval by the governing body. No resolution authorizing the entering into of any contract pursuant to N.J.S.A. 40A:11-1 et seq. or any other law for the expenditure of public funds to a vendor shall be enacted unless it shall recite the such a certificate showing availability of funds has been provided.

6. Recommendation:

That a written certification of funds be obtained from the Chief Financial Officer prior to the award of any contract in accordance with N.J.A.C. 5:30-5.4

3. Corrective Action:

The Administration Office will obtain a written certification of funds from the Chief Financial Officer prior to the award of any contract in accordance with N.J.A.C. 5:30-5.4.

4. Implementation Date: June 1, 2013

(123) WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to J.J.A.C 5:30-7.2 thru 7.5 the Town of Westfield has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2013 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Council of the Town of Westfield that in accordance with N.J.A.C 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law).
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

(124) BE IT RESOLVED that as attestation of compliance has been provided pursuant to NJSA 40A:4-8 (1a) and (1b) the 2013 Municipal Budget may be read by title.

The following resolution, introduced by Councilman Della Fera, seconded by Councilman Foerst was adopted by the following roll call vote with Councilman Loughlin abstaining on the Board of Adjustment salaries.

(125) BE IT RESOLVED by the Council of the Town of Westfield, County of Union, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$24,938,064.90 for municipal purposes and certification to the County Board of Taxation of the following summary of general revenues and appropriations:

Nays

Abstain

Absent: Neylan

Public Safety, Transportation and Parking Committee

The following resolutions, introduced by Councilman Loughlin, Vice-Chairman of the Public Safety, Transportation and Parking Committee, seconded by Councilwoman Kimmins were adopted.

(127) WHEREAS, a need exists in the Fire Department for SIX (6) Scott Self Contained Breathing Apparatus SCBA air paks with cylinders and integrated pass alarm with AV3000 face pieces, six (6) carbon wrap cylinders, and one (1) Scott Eagle Attack Thermal Imaging Camera; and

WHEREAS, the contract to purchase above mentioned equipment is to be awarded to New Jersey Fire Equipment Company under State Contract A80961, and;

WHEREAS, said equipment will be sufficient to meet the needs of the Fire Department; and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under state contract, a resolution must be adopted by the Governing Body; and

WHEREAS, the Chief Financial Officer certified to the availability of adequate funds for payment which will be in the amount of \$45,471.60, charged to Special Ordinance 2178, 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 Scott Self Contained Breathing Apparatus SCBA air paks, the carbon wrap cylinders, and the Scott Eagle Attack Thermal Imaging Camera;

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.

Six (6) Scott Self Contained Breathing Apparatus SCBA Air Paks with cylinders and integrated pass alarms with AV3000 face pieces

Six (6) Carbon Wrap Cylinders

One (1) Scott Eagle Attack Thermal Imaging Camera

New Jersey Fire Equipment Company
119-131 Route 22 East
Green Brook, NJ 08812

Total Price \$45,471.60

(128) WHEREAS, a need exists in the Fire Department for a Holmatro CORE Rescue System; and

WHEREAS, the contract to purchase above mentioned equipment is to be awarded to ESI Equipment under State Contract A80967, and;

WHEREAS, said equipment will be sufficient to meet the needs of the Fire Department; and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under State contract, a resolution must be adopted by the Governing Body; and

WHEREAS, the Chief Financial Officer certified to the availability of adequate funds for payment which will be in the amount of \$25,820.00, charged to Special Ordinance 2178, 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 Homatro CORE Rescue System; 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 and discharge of this Contract.

Homatro CORE Rescue System
Hydraulic Extrication Equipment with CORE DPU31 Power Unit
CORE Round Blade Cutter, Spreader, Telescopic Ram and Kevlar Hose

ESI Equipment
119 Keystone Drive
Montgomeryville, PA 18936

Total Price \$25,820.00

Code Review & Town Property Committee

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

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

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

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

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

Chocolate Bar	112 Quimby Street
Windmill of Westfield	256 East Broad Street

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

Mohammed Awawda t/a M & D Bouras Ice Cream Inc.	1425 46 th Street N Bergen, NJ 07047
Thomas Gesior t/a TG & Sons Ice Cream	410 Maple Street Garwood, NJ 07027
Albert Ogunmoye t/a Good Humor	1951 Ostwood Terrace Union, NJ 07083
Joseph Marino t/a 4 Kidz Treats & Kream	313 Reindel Place Roselle Park, NJ 07204

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

(131) WHEREAS, Daunno Development Company LLC, made an application to the Town of Westfield to demolish a single-family dwelling, located at 887 Pennsylvania Avenue, Block 4601, Lot 46, 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 887 Pennsylvania Avenue, Block 4601, Lot 46, Westfield, New Jersey.

(132) WHEREAS, D. Villane Construction LLC, made an application to the Town of Westfield to demolish a single-family dwelling, located at 846 Grant Avenue, Block 1305, Lot 9, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the applicant is in the process of meeting 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 846 Grant Avenue, Block 1305, Lot 9, Westfield, New Jersey.

(133) WHEREAS, Jonathan Gabriel, made an application to the Town of Westfield to demolish a single-family dwelling, located at 821 Village Green, Block 5302, Lot 29, 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 821 Village Green, Block 5302, Lot 29, Westfield, New Jersey.

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. 2008 – AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF SECTION 11.11 THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD."

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 21ST day of May 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 Della Fera.

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

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

Public Works Committee

Reports of Department Heads

Report of Liy-Huei L. Tsai, Chief Financial Officer, showing Cash in Bank of \$2,917,065.15 and Investments of \$373,877.89 was received, read and ordered filed.

Reports of Susan Noon, Collector of Taxes, showing total collections of \$8,058,800.05 and Sewer Fee of \$398,956.79 during the period April 1, 2013 to April 30, 2013 were received, read and ordered filed.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$7,590.90 during the month of April 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 \$2,400.00 and Permit Fees collected in the amount of \$3,599.00 collected during the month of April 2013 was received, read and ordered filed.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$85,513.00 for the month of April 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 \$104,935.60 representing monies collected during the month of April 2013 and a check in the amount of \$25,520.00 for Spring Clean-Up Program was received, read and ordered filed.

At 10:25 p.m. Councilman Foerst introduced the following resolution, seconded by Councilwoman Kimmins.

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Westfield, that the public shall be excluded from discussion of the following matter(s):

Pending or anticipated litigation or contract negotiation other than in section (4) herein which the public body is, or may become a party, specifically: FMBA negotiations.

BE IT FURTHER RESOLVED, that Minutes will be kept on file in the municipal clerk's office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public.

At 10:39 p.m. a motion to end the executive session was made by Councilman Foerst, seconded by Councilman LoGrippo.

Upon motion by Councilman Haas, seconded by Councilman LoGrippo the meeting was adjourned at 10:39 p.m.

Claire J. Gray
Town Clerk