

MINUTES OF REGULAR MEETING HELD JUNE 18, 2013

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday evening, June 18, 2013 at 8:05 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, Neylan, Haas, Foerst, Della Fera, Kimmins, LoGrippo, Loughlin

ABSENT:

Invocation was given by Councilman Foerst

Mayor Skibitsky called for a moment of silence for Dr. Gerald Glasser.

PRESENTATIONS

Former Mayor Tom Jardim and Martin Robins of the Raritan Valley Rail Coalition gave a presentation on the one-seat ride into Manhattan. They urged the Mayor, Council and community to contact NJ Transit’s Executive Director asking him to designate the new locomotives to the Raritan Valley Line.

APPOINTMENT

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

MINUTES

On a motion by Councilman Foerst, seconded by Councilman Haas, Council approved the Minutes of the Town Council Meeting held June 4, 2013 with Councilwoman Neylan abstaining.

On a motion by Councilman LoGrippto, seconded by Councilwoman Kimmins, Council approved the Minutes of the Conference Session held June 4, 2013 with Council Members Neylan and Della Fera abstaining.

PETITIONS AND COMMUNICATIONS**OPEN DISCUSSION BY CITIZENS****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 \$2,761,480.40 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 LoGrippto were unanimously adopted.

(173) 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 for 2012 taxes and/or sewer:

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>YEAR</u>	<u>TYPE</u>	<u>AMOUNT</u>
2901/23 VELKOV, Evgeniy & Diane	437 West Broad Street	2012	Tax	\$1,239.99
4604/27 ARCHAMBAULT, Anthony D & Carol L 2285 Mountain Avenue Scotch Plains, NJ 07076	737 Willow Grove Road	2012	Sewer	\$170.00

4702/78 KEITH, Aaron & Donna Kenney	39 Doris Parkway	2012	Tax	\$2,123.32
4707/24 STEWART, Charles & Elizabeth	961 Boulevard	2012	Tax	\$1,000.00
5002/8 LUND, Albert & Noreen K	9 Tudor Oval	2012	Tax	\$4,146.82
5004/10 STEWART, Alberta	1170 Central Avenue	2012	Tax	\$202.94
5004/16 THOMAS, Kenneth W & Cheryl	10 Starlite Court	2012	Tax	\$3,349.66
5102/3 PASTORE, Michael & Adrian	408 Poe Avenue	2012	Tax	\$3,013.85
5201/55 WENFENG, Zhao & Lin Wang	80 Tamaques Way	2012	Tax	\$283.10
5707/16 DI PUMA, Diego & Nunzia	218 Virginia Street	2012	Tax	\$814.02
5711/5.01 WARNER, John P & Valerie A	241 Maryland Street	2012	Tax	\$2,000.41

(174) RESOLVED that the Treasurer be and she hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2011, pursuant to the Tax Court of New Jersey:

BLOCK/LOT

<u>NAME</u>	<u>ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
3109/4 114 South Euclid, LLC	114 Euclid Avenue South	2011	\$574.78

Please issue above checks to:

Payable to:

Blau & Blau Attorney for Gersch, S & C c/o S & S Realty Co

Mail to:

Blau & Blau

Attorneys At Law

223 Mountain Avenue

P.O. Box 50

Springfield, NJ 07081

(175) WHEREAS, there exist on the records in the Tax Collector's office sewer fee balances for the year 2012 and 2013:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and she hereby is authorized to cancel the sewer fee balances below for the year 2012 and 2013:

<u>Block/Lot</u>	<u>year</u>	<u>Amount</u>	<u>Acct#</u>
3102/2	2012	\$315.00	4952
3102/2	2013	\$315.00	4952
2101/71	2013	\$170.00	2588
5203/16	2013	\$170.00	8790
2502/1.03	2013	\$170.00	3310

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

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

WHEREAS, it is in the best interest of the Municipality of Westfield and the County of Union in cooperation with each other to enter into a modification of the Interlocal Services Agreement pursuant to N.J.S.A. 40:8A-1;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Municipality of Westfield that the agreement entitled "Agreement to Modify Interlocal Services Agreement" dated June 2012, for the Purpose of Inserting a Description of Activities to be funded in the 2013-2014 Consolidated Plan of the County of Union, a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provision of the law;

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

(177) RESOLVED, that the Chief Financial Officer be authorized to refund the following fees to the following individuals:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Menaka Panjwani 21 Sandy Hill Road Westfield, NJ 07090	T05-600-073	Basketball Camp (Kavya)	\$100.00

Patricia Gillhaus 1045 Harding St. Westfield, NJ 07090	Pool Membership Acct. Acct: #195	Senior Citizen	\$90.00
MaryAnn Lanza 751 Belvidere Ave. Westfield, NJ 07090	T05-600-073	Basketball Camp Sofia Lanza	\$100.00
Cristina Cooke 428 Mountain Ave. Westfield, NJ 07090	Pool Membership Acct. Acct: #195	Family Membership (5 or more w/childcare)	\$630.00
Tara Kanofsky 973 Woodmere Dr. Westfield, NJ 07090	Pool Membership Acct. Acct: #195	Family Membership (Family of 4 or less)	\$360.00

(178) WHEREAS, SNR Denton LLP was authorized to perform professional legal services as Special Counsel to the Town of Westfield by Resolution passed on January 2, 2013; and

WHEREAS, as of March 30, 2013, SNR Denton LLP combined with the firm of FMC LLP and Salans LLP and the new firm name is now known as Dentons LLP; and

WHEREAS, the Town authorizes Dentons LLP, of which Robert W. Cockren is a member, to continue to serve as Special Counsel on specific pending legal matters in which the best interests of the Town will be best served due to the familiarity of Mr. Cockren with said existing matters and where legal costs to the Town will be most efficiently managed by avoiding costs for new counsel to become familiar with such matters; and

WHEREAS, the Town wishes Dentons LLP to perform services beyond those which were contemplated in the January 2, 2013 Resolution; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) authorizes the letting of contracts for professional services without competitive bidding; and

WHEREAS, the Town of Westfield has determined to acquire the needed legal services and has determined to do so using the alternate process pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the anticipated term of the contract shall expire on December 31, 2013; and

WHEREAS, Robert W. Cockren and Dentons LLP have completed and submitted a Business Entity Disclosure Certification, which certifies that Robert W. Cockren and Dentons, LLP have not made any reportable contributions to a Town of Westfield municipal political committee, candidate committee, or joint candidate committee for any candidate seeking elective office in the Town of Westfield in the previous one year; and

WHEREAS, the contract will prohibit Robert W. Cockren and Dentons LLP from making any reportable contributions through the term of the contract to such candidates and committees; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for the contract, prepared in accordance with N.J.A.C. 5:30-5.4, has been furnished to the Town Clerk; and

WHEREAS, the expenditure of funds pursuant to the contract is to be charged to the Legal Account,

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town of Westfield enter into a contract with Dentons LLP to continue to provide legal services as Special Counsel to the Town of Westfield for specific legal matters determined by the Mayor and Town Administrator.
2. The term of the contract shall expire on December 31, 2013.
3. The estimated total fees to be paid for services rendered during the term of the contract shall not exceed \$30,000.00, with the expenditures charged to the Legal Account.
4. The Business Disclosure Entity Certification and the Determination of Value for Robert W. Cockren and Dentons LLP shall be placed on file along with this Resolution.
5. The contract is awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law, N.J.S.A. 40A: 11-5(1)(a) because the service is legal in nature.
6. A copy of this Resolution shall be published in *The Westfield Leader* as public notice of the action in accordance with N.J.S.A. 40A:11-5(1)(a).

Public Safety, Transportation and Parking Committee

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

(179) WHEREAS, a need exists in the Police Department for the purchase of (1) 2014 Ford Police Interceptor Utility AWD vehicle as provided in the 2013 Operating Budget, 130-251, and;

WHEREAS, the contract the purchase these is to be awarded to Beyer Warnock, and;

WHEREAS, these vehicles will be sufficient to meet the needs of the Police Department,

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under Morris County Cooperative Pricing Council Contract #15-A , a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$25,470.00 charged to 2013 Police Operating 130-251 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase 2013 Ford Police Interceptor Utility AWD Vehicle,

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.

Beyer Chrysler Dodge Jeep Ram
200 Ridgedale Avenue
Morristown, NJ 07962

1 @ \$25,470.00

Total: \$25,470.00

(180) WHEREAS, the Police Department of the Town of Westfield has (four) motor vehicles that have come into its possession by finding and recovery by a member of the Police Force acting in the line of duty, and;

WHEREAS, N.J.S.A. 40A:14-157 permits a municipality to adopt a resolution authorizing the sale of such tangible personal property after holding same for a period of at least six (6) months on the condition that the owner, or his whereabouts, is unknown and cannot be ascertained, or if the owner shall refuse to receive such property;

NOW, THEREFORE, BE IS RESOLVED, by the Mayor and Council of the Town of Westfield that the tangible personal property in the possession of the Police Department of the Town of Westfield for more than six (6) months, and whose owner of his whereabouts is unknown and cannot be ascertained or whose owner has refused to receive

such property, shall be offered for sale at public auction to the highest bidder in accordance with the law, provided that a starting bid price shall be established and;

BE IT FURTHER RESOLVED that all such sales at public auction shall be made only for cash or certified check at the time of said auction, and

BE IT FURTHER RESOLVED that the monies received from the sale of any property shall be used to pay off any debt incurred for towing or storage fees and any excess monies received shall be paid into the general municipal treasury, and;

BE IT FURTHER RESOLVED that if the vehicles are not sold, they shall be turned over to the towing company who has incurred the debt.

BE IT FURTHER RESOLVED that the appropriate Town officials are hereby authorized and instructed to take such further steps as may be required by law to effect such sale and auction, including the advertising of the sale of such property by other means in addition to the legal notice required by law, and the establishment of a place and time where the merchandise to be offered for sale may be viewed by potential bidders.

(181) WHEREAS, the State of New Jersey has experienced a series of extreme weather events over the last two years, including but not limited to: Hurricane Irene, the October 2011 snowstorm, Superstorm Sandy and an accompanying Nor'easter; and

WHEREAS, the Town of Westfield was impacted by said extreme weather events, including the aforementioned storms; and

WHEREAS, Public Service Electric and Gas Company (PSE&G) provides the Town of Westfield electric service; and

WHEREAS, said extreme weather events severely damaged PSE&G infrastructure, including but not limited to flooded electrical substations due to storm surges and downed power lines and poles due to high winds and fallen trees; and

WHEREAS, said damages to PSE&G infrastructure contributed to the Town of Westfield's said impacts; and

WHEREAS, the New Jersey Board of Public Utilities (BPU) issued an order on January 23, 2013 directing the State's electric and gas utilities, including PSE&G, to implement certain recommendations in the areas of preparedness efforts, communications, restoration and response, and underlying infrastructure issues; and

WHEREAS, in response to the BPU order PSE&G has proposed infrastructure projects over a 10-year period to enhance PSE&G's systems, including fortifying electrical stations and deploying smart grid technologies which will have a direct benefit to the residents of Westfield;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Westfield supports cost effective and fiscally responsible efforts of PSE&G to enhance their infrastructure to benefit the residents of Westfield.

Code Review & Town Property Committee

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

(182) RESOLVED that the applications for the following liquor license renewals be, and the same are hereby, granted effective July 1, 2013 subject to full compliance with Alcoholic Beverage Law R.S. 33:1.1 et seq:

PLENARY RETAIL DISTRIBUTION LICENSES

Sunrise ShopRite Liquors, Inc.

t/a ShopRite Liquors of Westfield, Sunrise Cellars 333 South Avenue East

Parikhs Corporation

t/a Central Avenue Wines & Liquor 781 Central Avenue

CLUB LICENSE

Centennial Lodge #400

444 West Broad Street

RESTAURANT CONDITIONAL LICENSE

Sweet Waters, Inc.

t/a Sweet Waters Steak House 43 Elm Street

(183) WHEREAS, Raymond Kim and Jean Gong, made an application to the Town of Westfield to demolish a single-family dwelling, located at 239 Canterbury Road, Block 2103, Lot 14, 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 at 239 Canterbury Road, Block 2103, Lot 14, Westfield, New Jersey.

(184) WHEREAS, Monarch Homes Holdings LLC, made an application to the Town of Westfield to demolish a single-family dwelling, located at 210 Golf Edge, Block 1903, Lot 4, 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 at 210 Golf Edge, Block 1903, Lot 4, Westfield, New Jersey.

Public Works Committee

The following resolution, introduced by Councilman Arena, Chairman of the Public Works Committee, seconded by Councilwoman Kimmins was unanimously adopted.

(185) WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Town of Westfield strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Town of Westfield is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield has determined that the Town of Westfield should apply for the aforementioned Grant, and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Westfield, State of New Jersey, authorizes the submission of the aforementioned Sustainable Jersey Grant.

Reports of Department Heads

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$69,921.69 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of May 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 \$63,501.00 representing monies collected during the month

of May 2013 and a check in the amount of \$53,680.00 for Spring Clean-Up Program was received, read and ordered filed.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$26,891.35 during the month of May 2013 was received, read, and ordered filed.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$147,922.00 for the month of May 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 \$3,500.00 and Permit Fees collected in the amount of \$473.00 collected during the month of May 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 \$1,293.55 representing Police Fees collected during the month of May 2013 was received, read and ordered filed.

Upon motion by Councilman Haas, seconded by Councilman LoGrippo the meeting was adjourned at 8:51 p.m.

Claire J. Gray
Town Clerk