

MINUTES OF REGULAR MEETING HELD AUGUST 6, 2013

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday evening, August 6, 2013 at 8:20 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, Della Fera, Kimmins, LoGrippe, Loughlin

ABSENT: Councilman Foerst

Invocation was given by Councilwoman Kimmins

PRESENTATIONS

Swearing in of Police Captain, Police Lieutenants and Police Sergeants

APPOINTMENT

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

TOWN OF WESTFIELD
INVITATION TO BID
TUESDAY, AUGUST 6, 2013

JEFFERSON SCHOOL FIELD RENOVATION

<u>Bidder</u>	<u>Amount of Bid</u>
Tec-Con Contractors Inc.	\$180,000
9 Dodd Street	Alt. #1 45,000
East Orange, NJ 07017	
Bob Viersma & Sons Inc.	\$164,750
P.O. Box 224	Alt. #1 89,325
Allamuchy, NJ 07820	

TOWN OF WESTFIELD
INVITATION TO BID
TUESDAY, AUGUST 6, 2013

UNIFORMS FOR THE WESTFIELD POLICE DEPARTMENT

<u>Bidder</u>	<u>Amount of Bid</u>
Universal Uniform Sales Co. Inc.	\$54,778.50
1015 Broad Street	
Newark, NJ 07102	

MINUTES

On a motion by Councilman LoGrippe, seconded by Councilman Loughlin, Council approved the Minutes of the Town Council Meeting held July 9, 2013 with Councilman Arena and Councilwoman Kimmins abstaining.

On a motion by Councilwoman Neylan, seconded by Councilman Haas, Council approved the Minutes of the Conference Session held July 9, 2013 with Councilman Arena and Councilwoman Kimmins abstaining.

PETITIONS AND COMMUNICATIONS**OPEN DISCUSSION BY CITIZENS**

John Rotchford of 866 Knollwood Terrace thanked the Council and Police Department for the Police Promotion Ceremony this evening and for the quality of the individuals in the department.

BILLS AND CLAIMS

Introduced by Councilman Della Fera, seconded by Councilman Arena and adopted.

RESOLVED that the bills and claims in the amount of \$653,718.56 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 unanimously adopted.

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

Barbara Cashin	Lot 8	#13080162	\$318.00
22 Deerchase Lane			
Lakewood, NJ 08701			

(201) RESOLVED that pursuant to N.J.A.C. 5:23-4.19, that the Chief Financial Officer be authorized and directed to draw a warrant in the sum of \$19,937.00 to the TREASURER, STATE OF NEW JERSEY for the second quarter Construction Official's State permit fees for 2013.

BE IT FURTHER RESOLVED that said check be forward to the Division of Codes and Standards, Department of Community Affairs, CN 802, Trenton, New Jersey 08625-0802.

(202) RESOLVED that the Chief Financial Officer is hereby authorized to issue warrants Noted below to the order of the Downtown Westfield Corporation, for Special District Taxes as provided in the year 2013 budget:

August 1, 2013	\$102,401.25
November 1, 2013	\$102,401.25

(203) WHEREAS, Jonathan Drill, Esq. and the law firm of Stickel, Koenig, Sullivan & Drill were authorized by the Town of Westfield by Resolution passed on January 2, 2013 to perform professional legal services as special counsel in conjunction with the defense of a certain litigation captioned "*Sunnyside Senior Housing of Westfield, LLC vs. Town of*

Westfield, et al.” Docket No.: UNN-L-135-09 and also to act as special affordable housing counsel; and

WHEREAS, the Town wishes Jonathan Drill, Esq. and Stickel, Koenig, Sullivan & Drill 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 by 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 this contract is until December 31, 2013; and

WHEREAS, Jonathan Drill, Esq. and Stickel, Koenig, Sullivan & Drill have completed and submitted a Business Entity Disclosure Certification which certifies that Jonathan Drill, Esq. and Stickel, Koenig, Sullivan & Drill 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 Jonathan Drill, Esq. and Stickel, Koenig, Sullivan & Drill from making any reportable contributions through the term of the contract to such candidates and political committees, and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contact 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 this 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 Stickel, Koenig, Sullivan & Drill in conjunction with the services provided by Jonathan Drill, Esq. and Stickel, Koenig, Sullivan & Drill as special counsel to provide legal services to the Town of Westfield in connection with the above-mentioned litigation and to act as special affordable housing counsel.
2. The term of the contract will be for a period ending December 31, 2013.

- 3 The estimated total fees to be paid for the services rendered during the term of the contract shall not exceed \$25,000.00 with the expenditures charged to the Legal Account.
4. The Business Disclosure Entity Certification and the Determination of Value for Jonathan Drill, Esq. and Stickel, Koenig, Sullivan & Drill shall be placed on file along with this Resolution.
5. This 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 services are 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).

(204) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$30.00 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 July 2013.

(205) WHEREAS, N.J.S.A. 40A:4-87 (Chapter 159, P.L., 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget or any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year **2013** in the sum of **\$95,000.00**, which is now available from **Downtown Westfield Corporation** for **Downtown Improvement Project 2013**, and

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

General Appropriations

Downtown Improvement Project 2013

\$95,000.00

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded to the Division of Local Government Services by the Town Clerk.

(206) 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 2013:

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
304/25 LEVY, Adam & Natalie	952 Wyandotte Trail	2012	\$4,219.17
4405/4 LECHNER, Michael O & Marcy O	725 Dartmoor	2012	\$5,686.28
4706/35 ASH, Michael & Stefani	913 Summit Avenue	2012	\$3,219.18
4808/9 HELLER, Eric & Laura	928 Columbus Avenue	2012	\$2,118.26
4910/6.02 JOHNSON, David E & Helen Anne PO Box 460 Elizabeth, New Jersey 07207	107 Hardwick Avenue	2012	\$2,764.54
5505/17 YI, Dechang & YAO, Huifang	157 Summit Court	2012	\$2,438.95

(207) 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>
5204/8	2012	\$170.00
5204/8	2013	\$170.00

(208) WHEREAS, said properties listed below were affected by an added assessment of property taxes and were not included in the billing cycle for 2012 and 2013 sewer fee, and

WHEREAS, the 2012 sewer fee shall be prorated where applicable and 2013 sewer fee shall be billed in full to each property owner listed below, and

WHEREAS, the property owners shall be advised of billing cycle for the prorated 2012 sewer fee as well as the annual 2013 sewer fee by mail,

NOW, THEREFORE, BE IT RESOLVED that the prorated 2012 and annual 2013 sewer fees for the properties listed below, with respect to the added assessment affecting their property shall be applied within thirty (30) days of the adoption of this resolution.

BLOCK/LOT NAME	ADDRESS	2012 Prorated	2013 Annual
201/66 FOX & FOXX Development, LLC 940 Amboy Avenue Suite 101 Edison, NJ 08837	29 Sunnywood Drive	\$85.02	\$170.00
306/26 HARRISON, Robert & Anastasia	1011 Minisink Way	\$85.02	\$170.00
306/86 JIA, Gang Sing	1080 Minisink Way	\$155.87	\$170.00
403/19 INFANTINO, Gerald	405 Quantico Lane	\$170.00	\$170.00
406/33 DIPIETRO, Guise & FERRARO, Lima	300 Roanoke Road	\$141.70	\$170.00
701/38.02 WEISSBARD, Sam & Mick	802 Coleman Place	\$170.00	\$170.00
1304/52 MOYE, Michael A. & Maria M.	627 Girard Avenue	\$127.53	\$170.00
1902/11 JACOBS, Marc A & Samantha A	217 Sunset Avenue	\$85.02	\$170.00
1902/12 WAGENHEIM, Chad & Rochelle	215 Sunset Avenue	\$70.85	\$170.00
1903/7 MURPHY, John & Katherine	216 Golf Edge	\$113.36	\$170.00
2003/49.03 KRAEMER, Scott & Lori	9 Karen Terrace	\$170.00	\$170.00
3308/14 HARGREAVES, Jonathan & RAJARAMAN, J	507 Euclid Avenue South	\$70.85	\$170.00
4302/33 SCHACK, Justin & Rosanna Cattalo	735 Gymslip Avenue	\$170.00	\$170.00

4707/38 MARAZZA, Albert & Brooke 544 Elm Street Westfield, NJ 07090	861 Boulevard	\$113.36	\$170.00
5201/55 ZHAO, Wolfing & WANG, Lin	80 Tamaqua's Way	\$155.87	\$170.00
5203/1 RUBENSTEIN, Jargon & Stephanie	601 Norwood Drive	\$85.02	\$170.00
5205/17 PARKER, Thomas C & Elizabeth	101 Surrey Lane	\$56.68	\$170.00
5501/13 HU, Yule & HU, Video	46 Faulkner Drive	\$70.85	\$170.00
5608/10 PARISE, Dina & LASORSA, Incense	1738 Boulevard	\$170.00	\$170.00

(209) WHEREAS, Patricia and James Blake, made an application for a construction permit for a ground level patio, two sets of concrete steps and a gas line for a BBQ grill located at 779 Knoll wood Terrace, Block 4301, Lot 45, Westfield, New Jersey.

WHEREAS, Patricia and James Blake, remitted \$1,187.00 for aforesaid permit.

WHEREAS, Patricia and James Blake, subsequently confirmed with the Construction Official, Steve Freedman, a ground level patio does not require a construction permit.

WHEREAS, Patricia and James Blake, has made an application for refund of the permit fee applied to the ground level patio.

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be, and hereby is authorized to draw a warrant in the sum of \$793.00 payable to Patricia and James Blake, 779 Knollwood Terrace, Westfield, N.J. 07090.

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

Name	Account	Class	Fee
David White 747 Harding St. Westfield, NJ 07090	T05-600-071	Playground Program	\$70.00

Hollie Karaban 53 Moss Ave. Westfield, NJ 07090	T05-600-073	Just Rec it Camp Nathaniel	\$100.00
Greta Compton 643 Hanford Place Westfield, NJ 07090	T05-600-073	Golf Camp Charlie (cancelled)	\$140.00
Elisa Fazio 1000 Central Ave. Apt. 54A Westfield, NJ 07090	T05-600-073	Baseball Camp (Peter Ghaly)- cancelled	\$90.00
Carolyn Driscoll 541 Elm St. Westfield, NJ 07090	T05-600-073	Golf Camp- cancelled William Swartz	\$140.00
Mery Carollo 120 Hardwick Ave. Westfield, NJ 07090	T05-600-073	Baseball Camp Benjamin	\$90.00
Francis Paladino 216 Kimball Ave. Westfield, NJ 07090	T05-600-073	Just Rec it Camp (Johnny/Margie)	\$200.00

(211) WHEREAS, the Westfield Recreation Department's annual Family Fun Night Swim held at the Memorial Pool for Pool Members and their guests is scheduled for Tuesday, August 27, 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 \$600.00 charged to the Memorial Pool 195-243 Account.

(212) WHEREAS, the Town in partnership with the Board of Education desires to improve the Jefferson School Field in the Town of Westfield, and;

WHEREAS, funds were authorized as part of the Union County Kids Recreation Trust Fund Grant, the 2013 Board of Education budget, and the Westfield Recreation Park Improvement Fund; and

WHEREAS, the Westfield Recreation Director advertised the contract and bids were received on August 6, 2013, and

WHEREAS, the bids received exceeded the budget and therefore, in accordance with N.J.S.A. 40A:11-13.2, it is in the best interest of the Town to reject these bids and readvertise this service.

NOW THEREFORE BE IT RESOLVED that the aforesaid bids be rejected and the Town Engineer be and is hereby authorized to re-bid.

(213) WHEREAS, the Town of Westfield desires the services of a professional engineering firm to conduct a comprehensive sewer user fee study; and

WHEREAS, the Requests for Proposals for Professional Consulting Services for a Sewer Rate Study were advertised and were returnable on Tuesday, August 6, 2013; and

WHEREAS, one Request for Proposal was received on August 6, 2013 from Hatch Mott MacDonald, 111 Wood Avenue South, Iselin, New Jersey 08830; and

WHEREAS, Hatch Mott MacDonald proposes to perform the required services for a lump sum fee of \$23,900; and

WHEREAS, the Town of Westfield has decided to award this contract to Hatch Mott MacDonald following a fair and open process in accordance with N.J.S.A. 19:44A-20.5.

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield does hereby award a contract for a sewer user fee study to Hatch Mott MacDonald, 111 Wood Avenue South, Iselin, New Jersey 08830; and

BE IT FURTHER RESOLVED that the appropriate Town officials are hereby authorized and directed to execute a Professional Services Agreement and to cause a notice of this decision to be published in the *Westfield Leader* pursuant to N.J.S.A. 40A:11-5(1)(a)(i).

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 Haas were unanimously adopted.

(214) WHEREAS, in 2010, alcohol impaired fatalities accounted for 20% of New Jersey's traffic fatalities; and

WHEREAS, while the percentage of fatalities has declined slightly in recent years, impaired driving remains a significant issue, both in New Jersey and nationally; and

WHEREAS, the *2013 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown* project is designed to raise awareness about the dangers of drinking and driving, to offer deterrence through visible enforcement, to arrest impaired drivers, and to issue summonses for relevant motor vehicle violations; and

WHEREAS, the State of New Jersey will participate in the *2013 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown* from August 16, 2013 – September 2, 2013 in an effort to reduce the rate of alcohol-impaired fatalities in the state through targeted enforcement and education; and

WHEREAS, the Town of Westfield has received \$4,400.00 from the State of New Jersey in order to offset the costs of Westfield's participation in the *2013 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown*,

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield declares its support for the *2013 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown* both locally and nationally from August 16, 2013 – September 2, 2013.

(215) WHEREAS, emissions from gasoline and diesel powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone formation, fine particulates, and a multitude of potentially harmful pollutants that can trigger an asthma attack and other ailments, and

WHEREAS, for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO₂), the largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

WHEREAS, the U.S. Argonne National Laboratory estimates that about 20 million barrels of diesel fuel are consumed each year by idling long-haul trucks, and

WHEREAS, we can avoid producing unnecessary greenhouse gas emissions and exposure to air toxins by reducing or eliminating wasteful vehicle idling; and

WHEREAS, idling is not generally beneficial to a vehicle's engine because it wears engine parts, and

WHEREAS, idling more than 10 seconds uses more fuel and emits more pollutants than turning a warm engine off and on again, and

WHEREAS, idling for 10 minutes uses as much fuel as it takes to travel 5 miles; and

WHEREAS, vehicle idling occurs in locations (e.g. school grounds, parking lots, drive-through windows, business centers, etc.) where New Jerseyans can be exposed to air pollutant emissions; and

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Westfield, supports the adoption of “Idle Free Zones” by government agencies, schools, businesses, and other organizations by:

- Encouraging any gasoline or diesel powered motor vehicle to turn off their engines after 10 seconds if they plan to remain at that location for more than 30 seconds.
- Ensuring idling does not occur at idle-frequent locations such as school drop-off and pick up, gas stations, parking lots, business centers, etc.
- Maintaining municipal vehicles to eliminate any visible exhaust.
- Enforcing existing violations and penalties under NJ’s existing no-idling code.
- Supporting broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

Code Review & Town Property Committee

The following resolutions, introduced by Councilwoman Kimmins, Vice-Chairman of the Code Review & Town Property Committee, seconded by Councilman Arena were unanimously adopted.

(216) 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 establishment listed has made application as required by Sec. 24-48 of the Town Code, and

WHEREAS, the establishment listed has met all the terms and conditions as required,

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

Crumbs Bake Shop

130 East Broad Street

(217) WHEREAS, Premier Design Custom Homes LLC, made an application to the Town of Westfield to demolish a single-family dwelling, located at 309 Belmar Place, Block 5012, Lot 11, 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 309 Belmar Place, Block 5012, Lot 11, Westfield, New Jersey.

(218) WHEREAS, 1355 Grandview LLC, made an application to the Town of Westfield to demolish a single-family dwelling, located at 1355 Grandview Avenue, Block 4903, Lot 11, 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 1355 Grandview Avenue, Block 4903, Lot 11, Westfield, New Jersey.

(219) WHEREAS, Keystone Partners, made an application to the Town of Westfield to demolish a single-family dwelling, located at 1258 Summit Avenue, Block 5107, Lot 4 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 at 1258 Summit Avenue, Block 5107, Lot 4, Westfield, New Jersey.

(220) WHEREAS, Elshiekh Enterprises LLC, made an application to the Town of Westfield to demolish a single-family dwelling and detached garage, located at 132 Ayliffe Avenue, Block 5602, Lot 10, 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 and detached garage at 132 Ayliffe Avenue, Block 5602, Lot 10, Westfield, New Jersey.

(221) WHEREAS, Robert Scherer, made an application to the Town of Westfield to demolish a single-family dwelling and detached garage, located at 226 Grove Street, Block 4104, Lot 12, 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 and detached garage at 226 Grove Street, Block 4104, Lot 12, Westfield, New Jersey.

(222) WHEREAS, Anthony Vavrica, made an application to the Town of Westfield to demolish a single-family dwelling and detached garage, located at 218 Grove Street, Block 4104, Lot 11, 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 and detached garage at 218 Grove Street, Block 4104, Lot 11, Westfield, New Jersey.

(223) WHEREAS, Elshiekh Enterprises LLC, previously received approval for the demolition of a single-family dwelling located at 257 Walnut Street, Block 2401, lot 11, Westfield, New Jersey, and

WHEREAS, Elshiekh Enterprises LLC, seeks to amend his application to the Town of Westfield to also demolish a detached garage, located at the same address, 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 detached garage and previously approved

demolition of a single-family dwelling at 257 Walnut Street, Block 2401, Lot 11, Westfield, New Jersey.

(224) BE IT RESOLVED that the following application for an Auctioneer's License be and the same is hereby approved:

<u>Auctioneer</u>	<u>Auction Location</u>	<u>Date</u>
Richard Bodmer iBid Auctions, LLC 1200 US Hwy 46 West Suite 230 Clifton, NJ 07013	Armory 500 Rahway Ave Westfield, NJ	October 5, 2013

(225) BE IT RESOLVED by the Town Council of the Town of Westfield that the Mayor is authorized to sign an Interlocal Services Agreement between the Town of Westfield and the Township of Cranford for Municipal Court services in the event of an emergency.

Regarding the following ordinance, Councilwoman Kimmins, Vice-Chairman of the Code Review and Town Property Committee, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2012 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 16."

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 10TH day of September 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 Loughlin.

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

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

Public Works Committee

The following resolutions, introduced by Councilman Arena, Chairman of the Public Works Committee, seconded by Councilwoman Neylan were unanimously adopted.

(226) WHEREAS, sealed bids were received by the Town Clerk on June 25, 2013 for the **2013 Various Road Improvements** in Westfield, New Jersey as authorized by S.O. 2182, and

WHEREAS, the low bid, in the amount of \$1,276,383.50 submitted by Schifano Construction Corp., One Smalley Avenue, Middlesex, NJ 08846 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, the value of Phase 1, identified in the contract specifications, totaling \$284,927.50, was previously awarded at the July 9 Town Council meeting, and

WHEREAS, the Town desires to award the balance of the contract, Phase 2, in the amount of \$991,456.00, bringing the total contract of award to \$1,276,383.50, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2182.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the total amount of \$1,276,383.50 be awarded to Schifano Construction Corp., and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

(227) WHEREAS, Fischer Contracting Inc., is under contract to the Town of Westfield for the **2013 Improvement of North Euclid Avenue** as authorized by S.O. 2175, and

WHEREAS, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

WHEREAS, site conditions encountered during construction necessitated additional work items and more material than had been anticipated, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to S.O. 2175.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$26,430.56 executed by Kris J. McAloon, Town Engineer, be authorized, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of Change Order No. 1, for the **2013 Improvement of North Euclid Avenue** increasing the contract price to \$163,255.76, and

BE IT FURTHER RESOLVED that approval of Change Order #1 is subject to the approval of the N.J. Department of Transportation.

(228) WHEREAS, sealed bids were received by the Town Clerk on July 23, 2013 for the **2013 Improvement of Parking Lot #4** in Westfield, New Jersey as authorized by S.O. 2032, S.O. 2091, S.O. 2122, S.O. 2153, S.O. 2170, S.O. 2182, and the Downtown Improvement Project 2013, and

WHEREAS, the low bid, in the amount of \$242,688.75 submitted by Fischer Contracting Inc., 10 Short Hills Lane, Scotch Plains, NJ 07076 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2032, S.O. 2091, S.O. 2122, S.O. 2153, S.O. 2170, S.O. 2182 and the Downtown Improvement Project 2013.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$242,688.75 be awarded to Fischer Contracting Inc., and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

Reports of Department Heads

Report of Liy-Huei L. Tsai, Chief Financial Officer, showing Cash in Bank of \$3,407,673.98 and Investments of \$373,877.89 was received, read and ordered filed.

Report of Susan Noon, Collector of Taxes, showing total collections of \$8,193,439.62 during the period July 1, 2013 to July 31, 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 \$2,200.00 and Permit Fees collected in the amount of \$152.00 collected during the month of July 2013 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 \$69,300.61 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of June 2013 was received, read and ordered filed.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$117,015.00 for the month of June 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 \$1,048.80 representing Police Fees collected during the month of June 2013 was received, read and ordered filed.

Upon motion by Councilman Haas, seconded by Councilman LoGrippo the meeting was adjourned at 8:40 p.m.

Claire J. Gray
Town Clerk