



AGENDA
November 9, 2022
Council Conference Meeting
7:00 p.m.

APPOINTMENTS

PRESENTATION

BIDS

RESOLUTIONS

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to draw warrant to refund street opening Cash Bond
2. Resolution authorizing the Chief Financial Officer to draw warrant for dog licenses for October 2022
3. Resolution authorizing the Chief Financial Officer to refund Recreation Department Fees
4. Resolution authorizing the Chief Financial Officer to draw warrants for overpaid taxes
5. Resolution to approve insertion of special item of revenue in the municipal budget (Electrify America)
6. Resolution to approve insertion of special item of revenue in the municipal budget (2021 Greening Union County)
7. Resolution to approve insertion of special item of revenue in the municipal budget (2021 Kids Recreation-Windsor Park)
8. Resolution authorizing the Chief Financial Officer to make a budget transfer

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

1. Resolution supporting Operation Green Light
2. Resolution authorizing funds from the Town's Affordable Housing Trust Fund for a Single-Family group home
3. Resolution authorizing the award of contract for construction and maintenance of a cell tower facility and ancillary support equipment
4. Resolution authorizing the Mayor to enter into a shared services agreement between the Town and Board of Education

Public Works Committee

ORDINANCES

GENERAL BUSINESS

Service Project in Brightwood Park Request
DWC Request (Holiday Parking)

COMMITTEE REPORTS

OPEN DISCUSSION BY CITIZENS

EXECUTIVE SESSION

Personnel Matters



**TOWN OF WESTFIELD
TOWN COUNCIL
REGULAR MEETING
Wednesday, November 9, 2022
8:00 PM**

PROPOSED AGENDA

This agenda is prepared for the information of the public. It is the order of the meeting; however, if changes in order, deletions or additions are made, they will be noted at the time.

1. Roll Call
2. Invocation
3. Salute to the flag
4. Appointments
5. Presentations

Proclamations

Garden Club of Westfield
Imagine Organization
Westfield Service League

6. Advertised Hearings
7. Approval of Minutes from Town Council Conference Session held October 25, 2022
Approval of Minutes from Town Council Regular Meeting held October 25, 2022
8. Petitions and Communications
9. Open discussion by citizens
10. Bills and Claims in the amount of \$1,716,864.21
11. Reports of Standing Committees

Finance Policy Committee

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Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

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4. Resolution authorizing the Mayor to enter into a shared services agreement between the Town and Board of Education

Public Works Committee

12. Reports of Department Heads

WESTFIELD, NEW JERSEY
RESOLUTION NO. XX – 2022

FINANCE POLICY COMMITTEE

NOVEMBER 9, 2022

WHEREAS, Premier Design Custom Homes LLC. placed the required cash bond of \$500.00 to cover the Road Opening Permit #16-063 for 1260 Rahway Avenue; and

WHEREAS, Premier Design Custom Homes LLC. is entitled to have this amount to be returned, and

WHEREAS the Town Engineer has inspected the roadway excavation and has found the excavation to have been properly repaired.

NOW THEREFORE BE IT RESOLVED that the Treasurer be authorized to draw a warrant in the name of Premier Design Custom Homes LLC. for \$500.00 and forward to 405 Quantuck Lane, Westfield, N.J., 07090.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION NO. XX-2022

FINANCE POLICY COMMITTEE

NOVEMBER 9, 2022

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$17.40 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 October 2022.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. XX – 2022

FINANCE POLICY COMMITTEE

November 9, 2022

BE IT FURTHER RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual via credit card:

<u>Name</u>	<u>Reason</u>	<u>Program</u>	<u>Fee</u>
Scott Saltzer Card	Withdrew	Adult Pickleball/Session 2 Patty Saltzer	\$85.00 Credit
Jillian McGovern Card	Class Refund	Youth Pickleball/Session 1	\$23.40 Credit
Heather Bloch Card	Class Refund	Youth Pickleball/Session 1	\$23.40 Credit
Diane Camera Card	Withdrew	Adult Pickleball/Session 2	\$75.00 Credit

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. XX – 2022

FINANCE POLICY COMMITTEE

NOVEMBER 9, 2022

RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the years 2017 pursuant to the Tax Court of New Jersey:

Block/Lot	Name	Address	Year	Amount
306/31	Valerie Hofer, Esq. Attorney Trust Account	935 Minisink Way	2017	\$2,376.22
	P.O Box 787			
	Montville, NJ 07045			

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2022:

Block/Lot/Qualifier	Name	Property Address	Quarter/Year	Amount
4402/27	Andrew Conley	737 Norman Place	4 th /2022	\$3,921.28
4601/35	Cecilia Nicolas & Thierry P Saint-Denis	656 Willow Grove Road	3 rd /2022	\$6,120.74

Mail to:

Younghans & Burke, P.C.
Attn: Miki Leitner
141 Elmer Street
Westfield, NJ 07090

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. XX – 2022

FINANCE POLICY COMMITTEE

NOVEMBER 9, 2022

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

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

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$3,000.00, which is now available from the Plug-in America, Electrify America grant; and

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

General Appropriations

Public and Private Programs Offset by Revenues

Plug-in America/Electrify America

\$3,000.00

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. XX – 2022

FINANCE POLICY COMMITTEE

NOVEMBER 9, 2022

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

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

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2022 in the sum of \$10,000.00, which is now available from the Union County Open Space, Recreation and Historic Preservation Trust Fund – 2022 Greening Union County grant; and

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

General Appropriations	
2022 Greening Union County grant	\$10,000.00

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. XX – 2022

FINANCE POLICY COMMITTEE

NOVEMBER 9, 2022

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

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

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2022 in the sum of \$36,477.23, which is now available from the Union County Open Space, Recreation and Historic Preservation Trust Fund – 2022 Kids Recreation Trust grant; and

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

General Appropriations	
2022 Kids Recreation Trust Fund	\$36,477.23

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. XX – 2022

FINANCE POLICY COMMITTEE

NOVEMBER 9, 2022

RESOLVED that the Chief Financial Officer be authorized to make the following transfer(s) in the 2022 budget accounts, where (S&W) refers to the Salary & Wages line item while (O/E) refers to the Other Expenses line items:

	<u>OUT</u>	<u>IN</u>
<u>CURRENT FUND</u>		
Local Cable TV Service (TV 36) 2-01-104-202 (O/E)		1,000
Collector of Taxes 2-01-105-101 (S&W)	6,000	
2-01-105-203 (O/E)		2,000
Fire Hydrant Service 2-01-123-211 (O/E)		3,000
	<hr/> <u>\$6,000</u>	<hr/> <u>\$6,000</u>

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. XX – 2022

CODE REVIEW & TOWN PROPERTY COMMITTEE

NOVEMBER 9, 2022

WHEREAS, the Town of Westfield along with the County of Union and the National Association of Counties (NACo) and the National Association of County Veteran Service Officers (NACVSO) encourages municipalities to participate in Operation Green Light in an effort to show support for veterans November 7th to November 13th as a reminder and commitment in ensuring that veterans know they are seen, appreciated and supported by their government; and

WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens. Veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veteran Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield joins the County of Union and NACo and NACVSO in participating in Operation Green Light from November 7th to November 13 to honor our service men and women within Westfield to raise awareness for Operation Green Light and the sacrifices of our military men and women.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. XX – 2022

CODE REVIEW & TOWN PROPERTY COMMITTEE

NOVEMBER 9, 2022

WHEREAS, The Town of Westfield Planning Board adopted the Town’s most recent Housing Plan Element and Fair Share Plan dated February 22, 2018, on March 5, 2018, with a 2021 Amendment adopted on June 7, 2021; and

WHEREAS, The Town of Westfield’s Housing Plan Element and Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and the regulations of the Council on Affordable Housing (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, The Town of Westfield’s approved Affordable Housing Trust Fund Spending Plan is part of the Housing Element and Fair Share Plan and provides an allocation for and authorizes the use of funds from the Affordable Housing Trust fund, for among other things, use towards working with non-profit affordable housing organizations in the development of affordable housing to provide 20 additional affordable housing units, half for families, by December 31, 2025; and

WHEREAS, The Town of Westfield issued a Request for Proposals and Qualifications to Non-Profits Affordable Housing Organizations so those organizations could make a request to utilized the dedicated funds to help the Town reach its goal to provide the 20 additional affordable housing units; and

WHEREAS, Community Options, Inc. has requested funding in the amount of \$192,908 from the Town’s Affordable Housing Trust fund to be used towards the development of a single-family group home with 4 units of special needs housing at 1753 Dakota Street (Block 5605, Lot 3); and

WHEREAS, the Town of Westfield’s Housing Commission has reviewed the request from Community Options, Inc. and is recommending the award of funding; and

WHEREAS, the use of such funds as requested by Community Options, Inc. from the Affordable Housing Trust Fund is consistent with the Spending Plan; and

WHEREAS, adequate funds are available in the Affordable Housing Trust Fund for use by Community Options, Inc.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Westfield hereby authorizes the release of \$192,908 from the Town's Affordable Housing Trust Fund to Community Options, Inc. for the purposes set forth herein and in accordance with the Town's Affordable Housing Trust Fund Spending Plan, contingent upon execution of an agreement that the proper town officials be, and hereby are, authorized and directed to enter into with Community Options, Inc. which shall include at a minimum requirements that ensure that the property shall have 4 units of special needs housing and that there be a Declaration of Covenants, Conditions & Restrictions Implementing Affordable Housing Controls which will deed restrict the property in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq., which agreement shall be executed prior to the release of funding.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. XX – 2022

CODE REVIEW & TOWN PROPERTY COMMITTEE

NOVEMBER 9, 2022

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WESTFIELD, COUNTY OF UNION, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF CONTRACT FOR THE CONSTRUCTION AND MAINTENANCE OF A CELL TOWER FACILITY AND ANCILLARY SUPPORT EQUIPMENT, WITH SIMULTANEOUS LEASING AND CO-LOCATION OF ALL QUALIFIED SUCCESSFUL BIDDERS AT THE SAME SITE, ON THE PROPERTY KNOWN AS BLOCK 5303, LOT 1, LOCATED AT 1300 LAMBERTS MILL ROAD, WESTFIELD, NEW JERSEY 07090 TO NEW CINGULAR WIRELESS PCS, LLC.

WHEREAS, the Town Council of the Town of Westfield, County of Union, State of New Jersey (hereinafter referred to as the “Town”) has solicited bids for the construction and maintenance of a cell tower facility, and ancillary support equipment with simultaneous leasing and co-location of all qualified successful bidders at the same site, on the property known as Westfield Conservation Center, 1300 Lamberts Mill Road, otherwise known as Block 5303, Lot 1 in Westfield, NJ 07090; and

WHEREAS, the bid solicitation has been duly advertised by the Town in accordance with the provisions of New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the New Jersey Lands and Building Law, N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, one bid was received by the Town, from New Cingular Wireless PCS, LLC (“AT&T”); and

WHEREAS, the bid documentation submitted by both bidders has been reviewed by the Town’s professional and administrative staff and found to be acceptable as to form and content; and

WHEREAS, by Resolution 2022-__ (this Resolution), the Town Council of the Town of Westfield, County of Union, State of New Jersey (hereinafter referred to as the “Town”) awards AT&T, as the Lead Bidder, a five (5) year lease agreement, with four (4) additional, automatic five-year renewal periods, for the Lease of Real Property for the construction and maintenance of a cell tower facility and ancillary support equipment, with simultaneous leasing and co-location of all qualified successful bidders at the same site, on the property known as Westfield Conservation Center, 1300 Lamberts Mill Road, otherwise known as Block 5303, Lot 1 in Westfield, NJ 07090;

NOW, THEREFORE, BE IT RESOLVED, this 9th day of November 2022 by the Town Council of the Town of Westfield, County of Union, State of New Jersey, as follows:

1. That subject to the successful negotiation of a Lease Agreement, the Town awards to AT&T the bid as submitted, with exceptions, for the construction and maintenance of a cell tower facility and ancillary support equipment with simultaneous leasing and co-location of all qualified successful bidders at the same site, on the property known as Block 5303, Lot 1, located at 1300 Lamberts Mill Road, Westfield, New Jersey 07090.
2. The Lease Agreement shall be for no less than an initial annual rent of \$45,000, plus annual rent increases of 3 percent and such additional rent to be received by the Town from any co-locators. The term of the Lease Agreement shall be an initial term of five (5) years, commencing on the date which the Lease is fully executed by both parties. Upon expiration of the five-year term, the agreement shall automatically be extended for four (4) additional five-year terms, unless AT&T terminates it at the end of the then current term by giving the Town written notice of the intent to terminate at least six (6) months prior to the end of the then current term.
3. The Mayor, Town Clerk and Town Administrator are hereby authorized to execute lease agreements, in a form acceptable to the Town Attorney, and any related documents, including, but not limited to, any necessary applications for the project, in accordance with the bid as accepted by the Town and the bid specifications.

CERTIFICATION

I, Maureen Lawshe, Municipal Town Clerk of Westfield Town, do hereby certify that the foregoing resolution was duly adopted by the Town of Westfield at a meeting held on _____, 2022, a quorum being present and voting in the majority.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. XX – 2022

CODE REVIEW & TOWN PROPERTY COMMITTEE

NOVEMBER 9, 2022

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SHARED SERVICES AGREEMENT BETWEEN THE TOWN OF WESTFIELD AND THE WESTFIELD SCHOOL DISTRICT FOR THE CREATION AND SHARED USE OF COMMUNITY FACILITIES FOR RECREATIONAL, ATHLETIC AND COMMUNITY PURPOSES

WHEREAS, municipalities and school districts often enter into shared services agreements that enable the residents of their communities to utilize facilities of the school district as community facilities for school and municipal services, including athletic, school building, and other facilities; and

WHEREAS, the Town of Westfield (the “Town”) and the Board of Education of the Town of Westfield (the "School District") have determined that it is the most cost effective and in the best interests of the Town, the School District, and the residents thereof for the Town and the School District to jointly provide for the Edison Field Improvement Project, involving installation of a turf field, lighting, drainage improvements and equipment, including incidental and related costs and costs of planning and borrowing (the “Project”); and

WHEREAS, the Project will be financed through the issuance of bonds or notes of the Town pursuant to a bond ordinance and other available funds of the Town; and

WHEREAS, the School District shall grant the Town a license to enter upon and construct the improvements and to use the field improvements (the “Shared Facilities”) on the portion of the Edison Field; and

WHEREAS, the Town will provide for the cost of the Project and for the cost of maintenance and upkeep of the Shared Facilities for as long as a shared services agreement between the Town and the School District remains in effect; and

WHEREAS, the Town and the School District desire to set forth and agree to the terms and conditions relating to the construction of the Project and use of the Shared Facilities; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes and encourages local units, including municipalities and school districts, to enter into contracts for services performed by local units in accordance with law for the purpose of reducing property taxes through reduction of expenses; and

WHEREAS, municipalities and school districts are expressly authorized to work together for the provision of improvements that can be used for athletic, recreational, educational, and other community purposes; and

WHEREAS, it is the most cost effective and in the best interests of the residents of the Town and the School District for the Town and the School District to work together through a Shared Services Agreement to implement the Project for the benefit of the community;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Westfield that the Mayor is hereby authorized and directed to execute on behalf of the Town an Interlocal Services Agreement with the School District, and to take all such other action to effectuate the purposes of this Resolution and of the Shared Services Agreement.

CERTIFICATION

I, Maureen Lawshe, Municipal Town Clerk of Westfield Town, do hereby certify that the foregoing resolution was duly adopted by the Town of Westfield at a meeting held on _____, 2022, a quorum being present and voting in the majority.