

## MINUTES OF REGULAR MEETING HELD JANUARY 12, 2021

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, January 12, 2021 at 8:00 p.m.

Mayor Brindle made the following announcements:

“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 11, 2020. 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 Brindle, Council Members, Parmelee, LoGrippo, Katz, Mackey, Contract, Dardia, Boyes

**ABSENT:** Councilwoman Habgood

Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom

### **FLAG SALUTE**

### **APPOINTMENTS**

Mayor Brindle proposed the following Council appointments. Motion made by Councilman LoGrippo and seconded by Councilman Contract was carried.

#### **Mental Health Council**

*Thomas Fowler, Psy.D., Resident*

*December 31, 2022*

*Gina Totino, LCSW, Resident*

*December 31, 2023*

### **PRESENTATIONS**

#### **Mayor's Remarks**

Mayor Brindle provided the following remarks:

As we recite the Pledge of Allegiance, I think it's important to reflect on what that sacred pledge really means in light of the horrific events of last week, when the Capitol was overrun by a group of domestic terrorists who called themselves patriots. Every American should be appalled at the desecration of our flag in their feeble but deadly attempt to upend our democracy. I am heartbroken for every service member and veteran who has proudly served defending our flag and the American values and ideals it represents to have to bear witness to this assault on our democracy.

This moment in history is one that will live far beyond us and show the deep divides that exist in this era of American democracy. It is my fervent hope that our country can begin to come together and heal in the weeks and months ahead. My biggest wish, above all else, is that we can set that tone here in our own community, and recommit ourselves to living up to the American ideals of freedom and tolerance. I pledge to do my part as the leader of this governing body. We have differences, and we always will, but we cannot allow them to destroy our civility and erase our commonalities. Westfield has always prided itself on a very strong sense of community -- perhaps never more so than in the last year amidst this pandemic -- and I know that sense of community will continue to see us through. We are, and will always be, One Nation, Under God.

#### **Town Administrator's Reports**

- Provided an update on COVID-19 and its impact to Town staff. Discussed employees within various departments that are quarantining due to positive test results and/or pending test results due to potential exposure. Fortunately, it has been manageable to date and those employees who tested positive have not been seriously ill. Stated that the Health Officer has done a great job continuing to contact trace for employees in addition to her regular duties for the public. She has also been providing guidance on testing and quarantining protocols as well as vaccination information. Announced that Police, Fire

and Health Department employees have begun getting vaccinated as part of the 1A Group within the State of New Jersey. Feels the “pathway” out of the pandemic has begun;

- Discussed changes with curbside recycling and thanked residents for adapting to the new schedule. Feels there have been very few issues, which is not only a credit to the new vendor, but to the public notification process and residents’ willingness to stay informed. Discussed changes with the program due to the new vendor, including changes with the schedule and zones. Items that remain unchanged are biweekly collection and the type of recyclable material that is eligible for pickup. Also reminded residents that a bin would be available at the Conservation Center next week for the collection of No. 5 plastics. Discussed the public outreach process which included a brochure mailing to every home, information posted to the Town’s website, as well as Town updates via email and social media, the local press and the Police Department’s message board. Thanked all for their cooperation;
- Discussed the status of the leaf collection program and announced that the third pass was completed yesterday. Explained that there are some remnant piles because they contained items that cannot be included with leaves and those homeowners have been notified. Street sweeping would begin shortly, weather permitting, and once completed, Public Works would move on to Town parks and common areas to begin cleanup and aeration;
- Provided an update on improvements to Sycamore Playground and announced that the installation of the new equipment is complete, and the playground is now open. A ribbon cutting ceremony is being organized and plans for the Terry DiFalco Memorial are being worked on with an expected completion date in the spring.

#### Mayor’s remarks (continued)

#### **COVID-19 UPDATES**

- On a statewide basis, the COVID-19 rate of transmission declined slightly for the first time in a week to 1.08, while hospitalizations for the virus rose for the third consecutive day. The seven-day average for daily positive tests in New Jersey is up 18% from a week ago and 7% from a month ago, when the state was witnessing an increase in cases after Thanksgiving. Governor Murphy warned that the impact of indoor Christmas and New Year’s Eve gatherings will continue to be seen in the coming days.
- The most recent positivity rate reported, on Thursday, for tests administered statewide was 11.32%. The positivity rate has been at 10% or higher since December 22.
- More locally, COVID-related hospitalizations at Overlook are up approximately 11% since the beginning of January, but thankfully have not climbed back to the mid-December levels seen post-Thanksgiving. Here in Westfield, the total number of cases reported to date by the Department of Health is 1,260 as of January 6. As I shared in my Friday update, the first week of January unfortunately brought the highest number of weekly cases, at 137, seen since the start of the pandemic. I will continue to report the latest numbers from the Health Department each Friday, and more detailed information about statewide numbers (which now also includes antigen/rapid tests) is available on the [NJ COVID-19 Dashboard](#).
- On the vaccination front, New Jersey has received 651,000 doses of coronavirus vaccines, with 233,555 doses administered to date -- 212,069 first doses and 21,289 second doses. Currently, only health care workers, people who live in congregant settings and police and fire professionals are eligible to receive shots in New Jersey. The NJ Department of Health anticipates the vaccine should be available for the general public by April or May, with the hope of vaccinating 70% of adult residents by the end of May. More information about vaccination plans, including a link to pre-register, can be found at [covid19.nj.gov/vaccine](https://covid19.nj.gov/vaccine).

#### **LOCAL UPDATES**

- Please remember that first quarter property taxes are due on February 1. As the Office of the Tax Collector remains closed to the public, payment can be made [online](#), by mail, or by using the drop boxes at Town Hall. The last date to pay without penalty is Wednesday, February 10.
- As Martin Luther King Day approaches, please consider participating in the third annual MLK Day of Service. Although the traditional gathering to assemble kits won’t be possible due to COVID, residents can still make a big impact by donating cold weather packs to be distributed to those experiencing homelessness through Bridges Outreach. To participate, place hand warmers, foot warmers, lip balm, new socks and a blanket in a

plastic bag and place in the drop-off bin in the Police Department entryway between now and January 22. For more details on the day's events and other ways to participate, be sure to follow @MLKDayWestfield on Facebook.

- On January 19 at approximately 5:00PM, we plan to honor those we lost to COVID-19 as part of a broader, nationwide moment of remembrance which is being planned in collaboration with the ministerium. Thanks to those in the community who have reached out to provide the names of family members lost to the virus, which we will incorporate into our ceremony. This information is being collected by email at [covid19@westfieldnj.gov](mailto:covid19@westfieldnj.gov). Final service details will be confirmed later this week.
- In closing, I do want to let you know that I, like many of you, remain deeply concerned over the potential for more unrest in the coming days as the transition of power in our country approaches. Here at home, please be assured that Chief Battiloro has been in constant communication with his law enforcement counterparts and colleagues across New Jersey. While he reports there are no specific threats to our area, he and his extraordinary team will operate from a position of preparedness as they continue to monitor the situation.
- Thank you, and may God bless President-elect Biden and the incoming administration, and our great country. Now onto tonight's agenda.

#### Government Energy Aggregation Program Update

The Town Administrator introduced Robert Chilton of Gabel Associates, which is the firm hired to guide the Town through the Government Energy Aggregation Program (GEA). Mr. Chilton was invited to attend tonight's meeting to provide an update.

Mr. Chilton discussed the status of the program and explained that the most recent development involves the submission of a draft bidding document to the Board of Public Utilities (BPU) and Division of Rate Counsel for their review of the Request for Proposals (RFP) and form of contract documents. Explained that this review is required as per BPU regulations. The RFP was approved and can be released, allowing for the competitive solicitation process to begin. A legal advertisement would appear in the newspaper tomorrow for the submission of electric power supply by BPU licensed suppliers for Westfield residents. Also discussed the RFP specifications with respect to the renewable energy content of that power supply and BPU's requirements concerning renewable energy. Explained that BPU requires that PSE&G and other suppliers must have at least 23.5% renewable energy. As per the RFP specifications, a product that has an additional 20% renewable energy is being requested, for a total of 43.5%. Further explained that this is a 2-stage process, beginning with the qualifications stage, whereby suppliers are asked to provide their prior experience with this type of program and to submit all required legal documents as part of the solicitation process. These submissions are then vetted with pricing proposals being submitted by February 9, 2021. This submission date coincides with a Town Council meeting because of the quickly changing market. If the Town Council decides to move forward with an award of contract to an electric supplier, it must occur on the same day that proposals are submitted. Explained that he would be providing the Town with reports of the qualifications of potential suppliers several days prior to the deadline for the submission of proposals. The benchmark used to evaluate bids is the PSE&G tariff, with the goal of obtaining a contract that has power supply with a significantly higher energy renewable content, at a price that is lower than PSE&G's. Further explained that the Town Council has final discretion as to the award of contract to a new supplier. If the Town decides to move forward with a new supplier, a mailing notification would be provided to residents and a public information session would be held to describe the details of the new contract and the opt-out period, with implementation targeted for May of 2021. Reiterated that an award of contract is contingent upon the submission of acceptable cost proposals. If no proposals are submitted with an acceptable price, then the Town Council could remain status quo and consider a rebid.

Councilman LoGrippo asked what safeguards have been put into place to prevent an issue similar to the one that occurred with Glen Rock's GEA Program.

Mr. Chilton explained that while PSE&G has a tariff rate that is predictably reasonable and stable, they have other factors to consider on a monthly basis. The price to compare on a PSE&G bill from month to month will vary, sometimes significantly, which can cause confusion. Believes Glen Rock communicated that there would be significant cost savings with the program, in addition to the renewable energy content. While residents realized cost savings, it was not as significant as expected. Also feels there might have been unrealistic expectations

when the contract was first awarded. Explained that there is a need to be very transparent in terms of the contract price and how it compares to the PSE&G rate and how the PSE&G rate varies over time in order to create appropriate and realistic expectations as to the level of savings.

Councilman LoGrippo requested information as to the percentage of Glen Rock residents participating in the GEA program.

Mr. Chilton explained that Glen Rock is currently in between contracts but believes the original participation rate was approximately 70% and gradually declined to 50% by the end of the contract term. Also explained that a gradual attrition rate is normal because as residents move and their accounts are closed, new residents are not automatically enrolled in the program. Further, believes the initial 70% participation rate was higher than the norm, while the gradual attrition rate was within the norm.

Councilman LoGrippo asked Mr. Chilton to discuss the fact that this is an opt-out program.

Mr. Chilton explained that State law requires that this program be opt-out only because it is the only viable way these programs create an attractive product. Stated that the GEA Program was originally an opt-in program but was completely unsuccessful.

Councilman LoGrippo feels public outreach is necessary for residents who wish to remain with PSE&G and feels the Town has not done a good job in communicating the opt-out requirement to residents.

Mr. Chilton explained that the public outreach that occurs if and when a contract is awarded to a new supplier. This includes a mailing to all eligible residents explaining the terms of the contract and various methods for opting out of the program, such as via mail, internet and telephone. The mailing would contain information to make it as easy as possible for those wishing to opt-out. In addition, information would be included on the Town's website and a public information session would be held either remotely due to the pandemic, or in-person at Town hall, if possible.

Councilman LoGrippo stated that he previously ran this program at the BPU and feels the public information session could be problematic, especially for older residents and especially during COVID. Explained that in his experience, many prefer to remain with PSE&G.

Mr. Chilton explained that the mailing would include a postage paid card for residents to sign and return to make it easier for those who are less inclined to use technology, such as senior citizens. Also explained that there is an initial 30 day opt-out period before the program starts, but the terms of the contract do allow residents to opt-out at any time without penalty.

Councilman LoGrippo asked if neighboring municipalities were asked to join Westfield in this program.

Mr. Chilton stated that he believes there was some level of exploration in this regard, but explained that while partnering with other municipalities could add more purchasing power, it could also become problematic if they are not on the same schedule with respect to adoption of an ordinance authorizing the program, and/or if they do not agree on the terms and conditions of the contract. Stated that it was ultimately determined that Westfield move forward on its own and believes that Westfield is more than large enough to attract a favorable market price.

Councilman Contract reminded all that the goals of this program are to help residents save money by aggregating its demand for residential electricity, and to increase sustainable sources. Stated that these goals were a shared recommendation by the Public Works Committee and the Green Team. Also stated that a partnership with neighboring municipalities was considered but it was ultimately decided to move forward alone due to the size of Westfield and the ease of moving forward without a partner. Stated that he is looking forward to the results of the bids and reminded all that if they are not favorable, the recommendation would be to reject them and possibly rebid. Mentioned that Glen Rock's first bid was not favorable and they moved forward with a rebid a year later.

Councilman LoGrippo feels Glen Rock was promised a rate below PS&G's rate.

Mayor Brindle feels there would be additional opportunity for discussion and thanked Mr. Chilton for his update.

### **ADVERTISED HEARINGS**

### **PENDING BUSINESS**

### **BIDS**

### **MINUTES**

On a motion by Councilwoman Mackey and seconded by Councilman Contract, Council approved the Minutes of the Town Council Executive Session and Regular Meeting held December 8, 2020 and the Reorganization Meeting of January 5, 2021.

### **PETITIONS AND COMMUNICATIONS**

### **OPEN DISCUSSION BY CITIZENS**

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

The Town Attorney noted that an individual with his hand raised to speak, Andrew O'Connor, resides in the state of Colorado. Pursuant to Section 2-66 of the Town Code, only taxpayers and residents of the Town are permitted to speak during the public comment portion of the meeting. Stated that he has been in contact with Mr. O'Connor and confirmed that he is neither a resident nor a taxpayer of Westfield. Asked that Mr. O'Connor not be recognized to speak.

Councilman LoGrippe asked why this individual would not be permitted to speak when it has been allowed in the past.

The Town Attorney explained that the Town Code is very specific as to who can speak, and that it must involve matters under the jurisdiction of the Town Council. Based upon his contact with Mr. O'Connor, he would like to discuss extraneous matters that are not under the Town Council's jurisdiction.

Hearing no comments, Mayor Brindle closed this portion of the meeting.

### **BILLS AND CLAIMS**

On motion by Councilman Parmelee, and seconded by Councilman Contract, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$537,118.33 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 Parmelee and seconded by Councilman Dardia, were unanimously adopted.

#### **Resolution No. 27**

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

James McCutcheon	Lot 9	#20080061	\$58.00
162 Harrison Avenue			
Westfield, NJ 07090			

#### **Resolution No. 28**

LET IT HEREBY BE RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment(s) as follows following final inspection and approval by Town Engineer for return of deposit:

Lopez Home Improvement NJ Inc.  
929 Franklin Ave.  
South Plainfield, NJ 07080

Amount of refund: \$975.00

**Resolution No. 29**

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$550.00 to the order of Treasurer, State of New Jersey, P.O. Box 660, Trenton, NJ 08646-0660 for Marriage/Civil Union License Fees issued by the Registrar of Vital Statistics for the quarter of October - December 2020.

**Resolution No. 30**

WHEREAS, the Board of Trustees of the Westfield Memorial Library, pursuant to authority granted to the Trustees by Statute, has adopted a payroll for employees and the salary amounts;

NOW, THEREFORE BE IT RESOLVED, that the payroll consisting of the following regularly salaried employees of the Westfield Memorial Library be adopted retroactive to be effective January 1, 2021, and that the Chief Financial Officer be authorized to draw warrants to their order, biweekly, as their names appear on the departmental payrolls, and that the Mayor and the Town Clerk be, and they are hereby, authorized to sign a warrant in compliance thereto for the amount of the payroll biweekly:

<b><u>Name</u></b>	<b><u>Title</u></b>	
Phil Israel	Library Director	\$119,537
Jennifer Schultz	Librarian - Dept. Head	\$ 88,485
Adrienne Basso	Librarian – Dept. Head	\$ 81,625
Mary Adams	Librarian – Dept. Head	\$ 72,297
Jeannine Forbes	Library Associate	\$ 46,693
Castro Rodriguez	Senior Custodian	\$ 45,653
Maryann Prokop	Office Manager	\$ 56,212
Warren Hoffman	Library Assistant I	\$ 38,625
Emily Pope	Library Assistant I	\$ 36,098

Public Safety, Transportation and Parking Committee

**General Ordinance No. 2203**

Regarding the following ordinance, Councilman Dardia made the following announcement:  
I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2203 – AN ORDINANCE AMENDING THE TOWN OF WESTFIELD BICYCLE BOARD”

The motion was seconded by Councilman Contract

General Ordinance No. 2203 was approved by the following vote of all present upon roll call as follows:

Yeas: Parmelee	Nays:	Absent: Habgood
LoGrippe		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2203 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 26th day of January 2021 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.

Town Council comments:

Councilman Dardia discussed the purpose of General Ordinance 2203 and explained that this ordinance amends the Town Code concerning the establishment of the Bicycle Safety Board. Stated that this board was initially established for the purpose of penalizing those who committed biking infractions. The intent of this amendment is to revise the board's composition and to add a liaison from the Green Team.

Public Safety, Transportation and Parking Committee update:

Councilman Dardia provided an update of the Public Safety, Transportation and Parking Committee. Feels the committee had a productive year, which included the reestablishment of the Bicycle Safety Board. Elaborated on the purpose of the amendment to this board, stating that it is intended to serve as a partner to the Downtown, and the entire Town, by making biking safer. Also discussed the intention to issue warnings, rather than tickets or fines, to those biking on the sidewalk downtown and to those under the age of 17 who are not wearing a helmet when biking. Explained that these warnings are not intended to penalize, but to educate residents that biking on Downtown sidewalks is not permitted and that wearing a helmet when under the age of 17 is required. In addition, the Town would like to increase the number of bicycle racks in the Downtown.

Councilman Dardia also discussed plans to install a center island at Walnut Street and Lawrence Avenue. Explained that the original intention of this island was for temporary traffic intervention however it could become permanent upon conclusion of the trial period. The purpose is to prevent the occurrence of numerous accidents at that intersection. Much feedback concerning this intersection was provided by residents at a neighborhood meeting and consideration was given in an effort to reduce the speed of vehicles along Lawrence Avenue. The first step is to conduct a speed study at Lawrence Avenue between Kimball and Walnut. Also discussed speed studies to occur at other locations within Town, with potential targeted enforcement.

Lastly, Councilman Dardia discussed road striping to occur on Union County roads, including box striping at West Broad Street and Rahway Avenue and at Lenox Avenue and Central Avenue. A crosswalk at Florence Avenue and West Broad Street was also approved.

Councilman LoGrippto requested an update as to striping to occur at Greene Place and Central Avenue.

Councilman Dardia stated that he believes this was already addressed and that he would discuss it with Councilman LoGrippto offline.

Code Review & Town Property Committee

**General Ordinance No. 2204**

Regarding the following ordinance, Councilman Parmelee made the following announcement:  
I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2204 – AN ORDINANCE AMENDING THE HISTORIC PRESERVATION ORDINANCE FOR THE TOWN OF WESTFIELD TO PERMIT EXPEDITIOUS REVIEW OF MINOR WORK ON DESIGNATED PROPERTIES IN CERTAIN CIRCUMSTANCES"

The motion was seconded by Councilwoman Mackey

General Ordinance No. 2204 was approved by the following vote of all present upon roll call as follows:

Yeas: Parmelee

Nays:

Absent: Habgood

LoGrippto  
Katz  
Mackey  
Contract  
Dardia  
Boyes  
Mayor Brindle

Heretofore introduced, General Ordinance No. 2204 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 26th day of January 2021 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.

Public Works Committee

Reports of Department Heads

**ADJOURNMENT**

A motion to adjourn, made by Councilman Parmelee and seconded by Councilman LoGrippto at 8:46 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC  
Town Clerk