

## MINUTES OF REGULAR MEETING HELD FEBRUARY 8, 2022

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, February 8, 2022 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 8, 2021. 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.”

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.

**PRESENT:** Mayor Brindle, Council Members, Habgood, Parmelee, Katz, Mackey, Contract, Dardia, and Boyes

**ABSENT:** Councilman LoGrippe

Salute to the flag.

### PRESENTATIONS

#### Town Administrator's Update

- Reminded residents that taxes are due and discussed various options for submitting payments;
- Also reminded residents that recycling must be placed in the street at the curb line for pickup and thanked Westfield's Recycling Coordinator for his efforts.

#### Mayor's remarks

Good evening, everyone, and thanks to all who are joining us online tonight. I want to remind everyone that, in this format, public comment will be accepted only via Zoom, and we are live streaming for viewing only via Facebook. As always, the replay will also be available afterwards on Facebook, YouTube, and TV 36.

#### COVID-19

We continue to see ongoing improvements in COVID trends as the Omicron surge continues to decline. Today, the state's seven-day average for new confirmed positive tests is now down 49% from a week ago and 91% from a month ago. In consultation with the Health Department, we currently plan to return to in-person Town Council meetings beginning February 22. All other Boards and Commissions plan to return to in-person meetings after that date as well.

As you likely heard, Governor Murphy announced at his weekly COVID briefing yesterday that the state mandate for masks in schools will be lifted on March 7 – another very substantial step in our return to normalcy.

#### CRIMINAL JUSTICE POLICY REFORM

I'd like to provide some follow up information to the comments I made in my weekly update last Friday after the extraordinary work of our Police Department to arrest five individuals fleeing from attempts to steal cars in broad daylight. I remain grateful for the incredible professionalism of our Police Department that they demonstrate day in and day out, and to this Council for their ongoing support of the Westfield Police Department through ensuring they have the resources they need to keep our community safe, which includes ongoing technology upgrades and hiring new officers, with the department now at their highest staffing levels in decades.

I remain concerned, however, about the unintended consequences of the state bail reform law that was passed under Governor Christie with bi-partisan support, which was intended to ensure that those committing unserious crimes were not detained in jail simply because they were too poor to post bail, while their wealthier counterparts walked out the door because they could. That was an injustice that needed to be addressed.

However, in righting that wrong, the pendulum has swung too far. Criminals are now recommitting serious crimes without consequence. They do not fear the law or law enforcement, and are impeding and endangering our police officers as well our residents, a trend that is happening in urban and suburban communities all over the state.

Here in Westfield, what may have started with petty criminals taking advantage of complacent residents who didn't lock their car doors overnight, has evolved into brazen acts of auto theft in broad daylight by criminals with long rap sheets, such as last week's incident where serial criminals rammed their stolen car into a police vehicle, injuring the officers before fleeing on foot. It's only a matter of time before someone is seriously injured.

Because this is an issue with consequences far beyond Westfield, I have been in touch with other suburban mayors and with Senator Jon Bramnick about "reforming the reform" without curtailing the progress that bail reform has enabled in addressing inequity in our criminal justice system.

Since crime has no borders, Summit Mayor Nora Radest and I attended a press conference in Paterson this morning, hosted by Paterson Mayor Andre Sayegh and mayors from the Urban Mayors Association from Newark, Trenton, East Orange, Elizabeth, Plainfield and others to support their efforts to gain passage of Senate bill S-513 co-sponsored by Senators Jon Bramnick and Joe Cryan requiring bail for criminals who are in possession of an illegal gun when they commit a crime.

This is a great first step, but there's more that needs to be done. Mayor Radest and I are organizing a coalition of suburban mayors to coordinate our own efforts to address the criminal activity in our communities in collaboration with the Urban Mayors Association and our legislators. More to come.

#### EDISON FIELDS UPDATE

Regarding Edison Fields, our Town professionals and Recreation Commission have been compiling data and information for the last several weeks to respond to the many questions that have been raised by neighbors. Rather than responding to each question piecemeal, the Edison Fields working group is putting together a document to address them holistically that will first be shared with the Neighbor Advisory Council at a scheduled meeting on February 23. Once their input has been received, it will be shared more broadly with the public.

#### NEW DEVELOPMENT

Last night, the Planning Board approved the Williams Nursery project with conditions related to stormwater runoff and traffic management. Since I recognize the change in use of this site has been top of mind for many, I wanted to provide some context.

The Williams Nursery site has been zoned for affordable housing since the 1990s. When I'm asked why it can't be repurposed for another use, even for green space, the answer is straightforward: Any property previously zoned for affordable housing must either (1) maintain its current use, or (2) be developed into inclusionary multi-family housing once the owner chooses to sell. Those are the only options. So, unless there are buyers who would pay fair market value and be willing to maintain the property as a nursery, the property must be sold and developed for the express purpose of enabling affordable housing.

Several underdeveloped sites along the North and South Avenue corridor from Central Avenue to the Garwood border have also been zoned as affordable housing overlay zone districts, where the same laws apply. It's worth noting that just because the zoning is in place for these sites does not mean they will all be developed now or in the future. The Town was only required to enable the development opportunity through zoning to meet its obligations.

I have written a Letter to the Editor to appear this week in our local press outlets that takes a much more detailed look at some common misconceptions about adding apartments to our town

– addressing the background and affordable housing requirements, as well as the potential impact on our schools, Town services, and small town charm.

There are legitimate concerns about the impact of new development on traffic and congestion. I share these concerns, as do the mayors of neighboring towns, and collectively we recognize that our planning is interrelated; development in one town will impact mobility and circulation in other towns along the corridor. To that end, I've established the first Mayors Mobility Coalition, comprised of myself and the mayors of Cranford, Garwood, Fanwood, and Scotch Plains. We are working together to mitigate traffic and circulation challenges that proposed new development may bring, focusing on the North and South Avenue corridors. Specifically, we are working to secure County and State grants to assist in developing a mobility and circulation plan for the entire corridor, prioritizing safer streets and enhanced bike, pedestrian, and vehicular access.

#### FINANCE POLICY COMMITTEE ITEMS (Remarks by Councilwoman Habgood, Finance Policy Committee Chair)

##### 2022 Budget

Thanks to everyone who attended the public budget forum at the end of January, hosted by the Town Council Finance Policy Committee, where we reviewed the performance of the 2021 budget, provided an overview of the 2022 budget process, and solicited input from residents prior to this year's budget formation.

The committee reported the good news that, despite the ongoing fiscal uncertainties driven by COVID, the Town did fairly well in 2021, in large part due to reserves, healthy tax collections and necessary budget reductions made in 2020 to position the Town for success in 2021 and beyond. Importantly, in this challenging environment, we generated \$3.6MM in surplus (\$1MM more than we generated the previous year) to end 2021 with a \$9.4 million surplus balance. If you missed it, the presentation is posted on our website ([westfieldnj.gov/2022-budget](https://westfieldnj.gov/2022-budget)), and you can submit any follow-up questions to [budget@westfieldnj.gov](mailto:budget@westfieldnj.gov).

##### Sewer Fees

It's always good to be able to report when our costs are not increasing, which we recently learned is the case with our sewer fees assessed by the Rahway Valley Sewerage Authority (RVSA). While we are hearing an ordinance on second reading tonight to amend the current "not to exceed" rates for annual sewer fees – which were last updated in 2014 – we will also vote on a resolution to set this year's sewer fee to match last year's.

#### CODE REVIEW & TOWN PROPERTY COMMITTEE ITEMS (Remarks by Councilman Parmelee, Code Review & Town Property Committee Chair)

##### Public Comment Ordinance

Tonight, we'll hear on second reading tonight an ordinance amending the public comment time from ten minutes to five minutes. As I mentioned at our last meeting, the intention of this amendment is to create an opportunity for as many members of the public to speak as possible, especially as we review topics of importance that draw high levels of community engagement. We're glad to see that the majority of the feedback on this ordinance has been very positive, including that of our paper of record, The Westfield Leader, as we align our public comment time to be consistent with most other New Jersey municipalities.

##### Street Openings and Excavations

We're introducing an ordinance tonight to amend our road paving requirements to provide residents with a more feasible and economic solution who need to open the road in order to convert their home from oil to gas heat. Currently, that homeowner would have to pay for 100 feet of curb-to-curb paving – just as we require of our utility companies and developers – in order to preserve our newly paved streets. This amendment allows for an infrared small patch to instead be used in these circumstances.

We will be monitoring the impact of this ordinance to ensure it applies to only those limited circumstances. If at any point it is impacting the integrity of our road paving program we will revisit allowing for this exception.

Poles, Wires, and Wireless Telecom Facilities Ordinance

This ordinance on first reading aims to adopt clear, uniform, and comprehensive standards, regulations, and permit requirements for the installation of small wireless facilities within the Town's rights-of-way. It will also better manage access to and use of our rights-of-way by traditional utilities that provide electric, wired telephone, fiber optic, or wired cable TV service. Many thanks to the Technical Advisory Committee, led by Mark Friedberg, and also to resident David Krieger, for their input and areas of expertise in drafting this ordinance.

Fees, Deposits, Guarantees, and Other Payments

This ordinance on first reading updates our development application and escrow fees, which were last revised in 2008, and the fees suggested are based upon those charged by other municipalities in New Jersey. The ordinance also permits the Zoning Officer to charge her time spent on reviewing applications that are before one of our boards so that these costs are not the responsibility of all taxpayers and instead paid by the applicant. Many thanks to Don Sammet for all of his work on this ordinance.

With that, let's get to work. Thank you.

**APPOINTMENTS**

**PRESENTATIONS**

**ADVERTISED HEARINGS**

GENERAL ORDINANCE NO. 2022-01

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 20

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2022-02

AN ORDINANCE TO AMEND THE SECTION OF THE CODE OF THE TOWN OF WESTFIELD REGARDING ADDRESSING COUNCIL

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2022-03

AN ORDINANCE AMENDING ARTICLE 16, EXTERIOR SIGNS, OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

**PENDING BUSINESS**

An ordinance entitled, “GENERAL ORDINANCE NO. 2022-01 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 20” by Councilwoman Habgood seconded by Councilman Katz was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood  
Parmelee  
Katz  
Mackey  
Contract  
Dardia  
Boyes  
Mayor Brindle

Nays:

Absent: LoGrippto

An ordinance entitled, “GENERAL ORDINANCE NO. 2022-02 – AN ORDINANCE TO AMEND THE SECTION OF THE CODE OF THE TOWN OF WESTFIELD REGARDING ADDRESSING COUNCIL” by Councilman Parmelee seconded by Councilman Boyes, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood  
Parmelee  
Katz  
Mackey  
Contract  
Dardia  
Boyes  
Mayor Brindle

Nays:

Absent: LoGrippto

An ordinance entitled, “GENERAL ORDINANCE NO. 2022-03 – AN ORDINANCE AMENDING ARTICLE 16, EXTERIOR SIGNS, OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD” by Councilman Parmelee seconded by Councilman Contract, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood  
Parmelee  
Katz  
Mackey  
Contract  
Dardia  
Boyes  
Mayor Brindle

Nays:

Absent: LoGrippto

**BIDS**

**MINUTES**

On a motion by Councilwoman Habgood and seconded by Councilman Contract, Council approved the Minutes of the Town Council Conference Session and Regular Meeting held January 25, 2022.

**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.

Lew Kimble, 622 Embree Crescent, discussed the proposed field project for Edison Intermediate School (EIS) and believes the Town needs to significantly improve the upkeep of all of its athletic fields, whether they are grass or synthetic turf. Stated that as the Town of Westfield was being developed, the leaders at the time created an environment and culture that residents benefit from today, with schools and recreational facilities being strategically placed across Town to

allow children to walk or bike to school. Feels children should have that same ability today when participating in sports or outdoor activities. In addition, feels that there are no proven health risks in the EIS neighborhood concerning the play of sports on synthetic turf because most days EIS students use the synthetic turf at Kehler Field for physical exercise. Discussed a review of Board of Education and Town Council meetings he conducted and stated that he found no concerns expressed with EIS students using synthetic turf for physical education. In addition, stated that high school students play a variety of sports on synthetic turf at Kehler Field, and the Westfield High School Girls Soccer Team, which were state champions this year, trained and played all of their games at Kehler Field, as well as most of their "away" games on synthetic turf. Discussed several other sports that are played at Sid Fay/Houlihan Fields, which are also synthetic turf surfaces, with no concerns expressed by parents, residents or medical professionals. Feels confident that if there were proven scientific data that indicated that the use of synthetic turf was harmful to the environment, state or federal governments would have taken action long ago. In addition, discussed the recent installation of synthetic turf in the nearby communities of Scotch Plains, Clark and Cranford. Feels not every field in Town needs to be synthetic turf, but more synthetic turf fields are needed to take the pressure off the currently overused natural grass fields to allow for rotation and recovery. Also discussed the issue of lighting and concerns expressed to the impact to nearby residents. Stated that data shows that more light pollution in the EIS area is created from homes with large screen televisions. Feels more field lighting is needed to allow residents of all ages to leverage recreational facilities. Believes the Town Council has been able to balance the desire of residents with the needs of the community as a whole over the past four (4) years and mentioned the ice rink, brewery, hydroponic farm and PILOT agreement as examples. Feels adding new fields with lights at EIS is an opportunity for the governing body to be bold and forward thinking. Also feels the project at EIS would deliver more quality outdoor recreational facilities to all Westfield residents. In addition, believes EIS is only the first step and that other locations such as Memorial and Tamaques Parks should quickly follow. Feels it is time for the Town Council to act and move forward.

Jerome Feder, 789 Knollwood Terrace, discussed the location of his home in proximity to EIS and the creek that runs behind it. Also discussed Hurricane Ida and the severe flooding that occurred immediately in front of his home. Stated that he has requested that the Town address these flooding issues for several years and expressed concern that there appears to be no indication in the proposed budget that this matter would be addressed in 2022. In addition, discussed the prioritization of the EIS project and feels the Town should be addressing critical needs first.

Nicole Sandstedt, 550 Prospect Street, read a letter that she wrote in support of the proposed EIS project. Stated that she has 2 children that played sports in Westfield. One child is out of school and the other is a high school senior. Discussed the amount of travelling that was necessary when her children were involved in sports because of Westfield's lack of fields. Also discussed other towns that refused to play in Westfield because of poor field conditions. Feels it would be great for the Town if it had proper fields enabling the Westfield Soccer Association to host a tournament. Also discussed the amount of fees that she has paid to other towns so that her children could participate in tournaments and feels it would be great if Westfield could host a tournament and benefit from that revenue. Also believes that EIS is a logical first step for field improvements.

Nuno Rodrigues, commended Mr. Kimble and Ms. Sandstedt for their comments in support of the proposed field improvements at EIS. Stated that he also supports the project and mentioned that he submitted a letter of support to the EIS project's email address. Referenced the Parks and Recreation Strategic Plan which indicates that Westfield has a much lower level of service for multi-purpose rectangular fields than the benchmarks, which he feels is significant. Believes the demand far outweighs the supply and supports the EIS project as well as improved field conditions throughout the entire Town.

Corinne Varhley, physical education teacher at EIS and varsity field hockey coach, thanked the prior speakers who spoke in support of the EIS project. Feels the proposed turf fields at EIS would benefit EIS students because there are large class sizes and the additional fields would provide the ability to spread out classes between EIS and Kehler Field. Also feels Kehler Field could be better utilized with the addition of turf fields at EIS. In addition, explained that field hockey is best played on artificial turf rather than natural grass. The game is much faster and much more skilled and feels playing on artificial turf on a daily basis would positively benefit the Town's field hockey program. Additional turf fields would also allow multiple programs to

practice at once and would provide an opportunity to advance many varsity programs, not only field hockey. Encouraged the Town Council to move forward with the EIS field project.

David Krieger, 728 Shackamaxon Drive, discussed General Ordinance No. 2022-04 that is scheduled for introduction and thanked Mayor Brindle, Councilmembers Contract and Parmelee as well as the Town Attorney for their efforts. Asked if the ordinance would address aesthetics. Feels it is prudent to keep this in mind if Town has discretion over items such as setbacks and placement in non-residential neighborhoods. Also asked how these small wireless facilities would comport with the Town's Master Plan. Feels there would be concerns if they are installed in close proximity to homes.

Gregg Lehmborg, 528 Grove Street, referred to the comments of those who spoke in support of the proposed project at EIS and stated that while there is no data to prove that artificial turf is unsafe, there is also no data proving that it is safe. Stated that artificial turf is known to contain carcinogenic compounds. Also feels the argument that artificial turf has existed for 50 years has no merit because other carcinogens, such as asbestos, existed for decades before it was addressed. Stated that his children also played sports and agrees with the comments that field maintenance has been an issue but feels there are newer techniques that could be employed to ensure better quality grass fields. Discussed the amount of usage per field and feels the time was not significant, which raises the question as to how often artificial turf fields would be used if they were installed. Believes the improvement of grass fields is a better option and also feels the proposed cost for the EIS project is much higher than similar projects. Feels a more prudent, cautious approach is needed and stated that he has received no response to his concerns about the proposed cost of the EIS project. Believes artificial turf should be the last option, not the priority.

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

Mayor Brindle thanked those who spoke in support of the EIS project and stated that she found Ms. Varhley's comments particularly interesting. Feels one of the most compelling benefits of the EIS project is what it would provide to the those who play field hockey.

The Town Administrator addressed Mr. Feder's comments concerning flooding in the Knollwood Terrace area and stated that the Town contacted the Army Corps of Engineers to arrange a meeting to review the area and to discuss possible grant opportunities. Explained that addressing the flume is not a small undertaking and would be very costly. Also explained that what was built there would not be allowed to be built today. In addition, discussed the status of efforts by the Westfield Infrastructure Resiliency Committee.

Mayor Brindle thanked Mr. Krieger for his comments and stated that they are duly noted. Feels the Town's regulations would evolve as this industry evolves.

Mayor Brindle also thanked Mr. Lehmborg and stated that his comments and questions would be addressed at the February 23 neighborhood meeting concerning the EIS project.

### **BILLS AND CLAIMS**

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

RESOLVED that the bills and claims in the amount of \$404,404.73 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 Councilwoman Habgood and seconded by Councilman Dardia, were unanimously adopted.

#### **Resolution No. 56**

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Jordan Minno 618 Maple St Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Young Rembrandts Elem Drawing Eleanor Minno / Winter 2022	\$140.00
Mark Ferrie 145 Harrison Ave Westfield, NJ 07090 Motion	Tennis/Rec T-05-600-071	Refund Built By Me / Winter 2022 Donncha Ferrie/Art of Filmmaking Stop-	\$200.00
Shelby Markowitz 128 Harrison Ave Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Young Rembrandts Elem Drawing Henry Markowitz/Winter 2022/pro-rated	\$115.00

**Resolution No. 57**

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2020:

<u>Block/Lot/Qualifier</u>	<u>Property Address</u>	<u>Quarter/Year</u>
<u>Name</u>	<u>Amount</u>	
706/14	807 Embree Crescent	2 <sup>nd</sup> /2020
CASSEL, Thomas J		\$3,177.16

**Resolution No. 58**

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 2021 pursuant to judgments from the Union County Tax Board:

<u>Block/Lot</u>	<u>Address</u>	<u>Year</u>	<u>Amount</u>
3105/18	1 Elm Street	2021	\$31,074.90
1 Elm Street Associates LLC Attn: John R. Lloyd, Esq. One Boland Drive West Orange, NJ 07052			

**Resolution No. 59**

WHEREAS, a need exists for technical upgrades to the Town Council Chambers and other meeting rooms within the Westfield Municipal Building, and

WHEREAS, at a meeting held October 13, 2020, the Town Council of the Town of Westfield authorized an award of contract to Fraytak Veisz Hopkins Duthie P.C. (FVHD), Architects and Planners, for various design and architectural services for the Town's AV Broadcast Video System in Town Council Chambers; and

WHEREAS, through the design and architectural services provided, FVHD has recommended that the Town of Westfield authorize a contract to CDW Government, 75 Remittance Drive, Suite 1515, Chicago, IL 60675-1515 for the technical upgrades needed for Town Council Chambers; and

WHEREAS, the contract for these technical upgrades was awarded through a Cooperative Purchasing Agreement, and

WHEREAS, there is a need to amend said contract to include alternate items including, document camera, interactive Technologies; and recording and distribution equipment.

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment of the above referenced alternate items, prepared in accordance with N.J.A.C. 5:30 1.10, which will be in the amount of \$36,631.68, under New Jersey State Approved Co-Op Contract No. ESCNJ 18/19-03, charged to Special Ordinance 2221, C-07-21-222-1F1, using Purchase Order No 21-03573, increasing the contract from \$173,577.77 to \$210,209.45.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Town Council of the Town of Westfield be and hereby authorize an amendment to the contract awarded for services described above to CDW Government, 75 Remittance Drive, Suite 1515, Chicago, IL 60675-1515 for a fee not to exceed \$36,631.68, under New Jersey State Approved Co-Op Contract No. ESCNJ 18/19-03.

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.

**Resolution No. 60**

WHEREAS, by resolution #143-2021 adopted by Town Council on June 15, 2021, David C. Battaglia, PE, CME, CFM, CPWM, of Van Cleef Engineering Associates, LLC, entered into a contract with the Town of Westfield for professional engineering services for Town Engineer and Planning and Zoning Engineer; and

WHEREAS, the estimated total fees included in the award was not expected to exceed, \$56,576; and

WHEREAS, due to an increase in the number of hours worked the total fees through December 31, 2021 are now estimated to be \$67,516, an increase of \$10,940.00; and

WHEREAS, the Chief Financial Officer has certified to the availability of adequate funds for payment, which will be an increase in the amount of \$10,940.00 charged to 135-121 under Purchase Order 21-01849 and has been prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town of Westfield hereby amends its professional services contract with Van Cleef Engineering Associates, LLC, 32 Brower Lane, Hillsborough, NJ 08844 with professional engineering services for Town Engineer and Planning and Zoning Engineer provided by David C. Battaglia, PE, CME, CFM, CPWM.
2. The total fees for the year 2021 is not expected to exceed \$67,516 with this expenditure charged to the Engineering Account 135-121.
5. This professional services contract is amended pursuant to the “fair and open” process (N.J.S.A. 19:44A-20.5 et seq.).

**Resolution No. 61**

WHEREAS, the Recreation Commission of the Town of Westfield has determined the need to increase the Westfield Memorial Pool membership rates for the 2022 season;

NOW THEREFOR BE IT RESOLVED, the Westfield Memorial Pool membership rates for 2022 are established as follows:

<b>RESIDENT:</b>	<b>2022 Rates</b>
Family (5 or more)	\$545.00
Family (4 or less)	\$440.00
Couples, Parent/Child (under 18)	\$310.00
Individual	\$199.00
Senior	\$90.00
Family w/Child care (5 or less)	\$545.00
Family w/Child care (6 or more)	\$630.00

  

<b>NON-RESIDENT:</b>	<b>2022 Rates</b>
Family (5 or more)	\$824.00
Family (4 or less)	\$722.00
Couples, Parent/Child (under 18)	\$583.00
Individual	\$385.00
Senior	\$155.00
Family w/Child care (6 or more)	\$1,018.00

Family w/Child care (5 or less)

\$915.00

**Resolution No. 62**

WHEREAS, the Recreation Commission of the Town of Westfield determined that there was a need for food concession for the 2021 season at the Westfield Memorial Pool; and

WHEREAS, on February 25, 2021, the Town of Westfield issued a Request for Proposals (RFP) for food concession services at the Westfield Memorial Pool through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, at a meeting held March 23, 2021, the Mayor and Town Council of the Town of Westfield adopted Resolution No. 72-2021, authorizing an award of contract to Lizzard Inc. DBA Suspenders, 1131 Magie Avenue, Union, New Jersey 07208 for said food concession services; and

WHEREAS, the contract term within the RFP document provided for an extension of said contract for four (4) additional years at the sole discretion of the Town of Westfield; and

WHEREAS, the Recreation Commission is recommending that the Town Council authorize an extension of the contract for food concession services at the Westfield Memorial Pool with Lizzard Inc. for an additional 2 seasons, with a 3% increase for 2022.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield be and hereby authorizes an award of contract to Lizzard Inc. DBA Suspenders, 1131 Magie Avenue, Union, New Jersey 07208 for food concession services for the 2022 season at the Westfield Memorial Pool with a payment to the Town of Westfield totaling \$14,627.55.

BE IT FURTHER RESOLVED that the proper Town Officials be authorized to effect whatever actions are necessary in the execution and discharge of this contract.

**Resolution No. 63**

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, 2022, 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>	
Allen McGinley	Library Director	\$123,000
Jennifer Schultz	Librarian - Dept. Head	\$ 90,697
Adrienne Basso	Librarian – Dept. Head	\$ 83,666
Mary Adams	Librarian – Dept. Head	\$ 74,104
Jeannine Forbes	Library Associate	\$ 47,744
Cesar Rodreguez	Senior Custodian	\$ 46,680
Maryann Prokop	Office Manager	\$ 57,477
Warren Hoffman	Library Assistant I	\$ 39,398
Emily Pope	Library Assistant I	\$ 36,820
Mina Tawfik	System Administrator	\$ 71,575

**Resolution No. 64**

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

WHEREAS, there is an opportunity for funding through the 2022 Sustainable Jersey Grants Program funded by PSE&G; and

WHEREAS, the Town of Westfield wishes to submit an application for \$20,000 in funding through this grant program for bicycle infrastructure design.

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield, State of New Jersey, authorizes the submission of a grant application for \$20,000 in funding for the aforementioned project through PSE&G's 2022 Sustainable Jersey Grants Program.

**Resolution No. 65**

WHEREAS, the Town Council passed General Ordinance No. 2022-01 pursuant to which Sections 20-23 and 20-25 of the Town Code were amended and a schedule of maximum annual sewer user fees for properties in the Town was established; and

WHEREAS, the sewer user fee for a single-family residence was set to not exceed \$245.00 per annum; and

WHEREAS, the sewer user fee for commercial and industrial properties was set to not exceed \$975.00 per annum; and

WHEREAS, the sewer user fee for each multi-family unit on a property was established to not exceed \$175.00 per annum; and

WHEREAS, Section 20-25 of the Town Code provides that by February 24 of each year, the Town Council, by resolution, shall determine the exact sewer fee for the then calendar year, subject to the maximum amounts set forth in Section 20-23.

NOW, THEREFORE, be it resolved that the following sewer fees are hereby established for the calendar year 2022:

- a. The sewer user fee for a single-family residence shall be \$195.00.
- b. The sewer user fee for a commercial and industrial property shall be \$575.00.
- c. The sewer user fee for each multi-family unit on a property shall be \$120.00.

The following resolution, introduced by Councilwoman Habgood, seconded by Councilman Contract was adopted by the following roll call vote:

**Resolution No. 66**

RESOLVED that the Chief Financial Officer be authorized to make the following transfer(s) in the 2021 Budget (Appropriation Reserve) 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>
<b><u>CURRENT FUND</u></b>		
Legal Services		
1-01-120-212 (O/E)		1,000
Fire Department		
1-01-125-102 (S&W)	3,500	
1-01-125-219 (O/E)	2,000	
Crossing Guards		

1-01-132-111 (O/E)	2,400	
Engineering		
1-01-135-121 (O/E)		6,300
Emergency Management		
1-01-136-201 (O/E)	300	
1-01-136-211 (O/E)	2,000	
Public Works		
1-01-137-102 (S&W)		69,000
1-01-137-246 (O/E)	69,000	
Street Lighting		
1-01-167-211 (O/E)		2,500
Heating Gas		
1-01-170-211 (O/E)	13,500	
Gasoline		
1-01-171-211 (O/E)		11,500
Municipal Court		
1-01-175-217 (O/E)	3,500	
Planning Board		
1-01-190-216 (O/E)		5,900
	\$96,200	\$96,200

Yeas: Habgood  
 Parmelee  
 Katz  
 Mackey  
 Contract  
 Dardia  
 Boyes  
 Mayor Brindle

Nays:

Absent: LoGrippto

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

**General Ordinance No. 2022-04**

Regarding the following ordinance, Councilman Parmelee made the following announcement:  
 I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2022-04 – AN ORDINANCE AMENDING CHAPTER 17 OF THE TOWN CODE, RELATING TO POLES, WIRES, AND WIRELESS TELECOMMUNICATION FACILITIES LOCATED WITHIN THE MUNICIPAL PUBLIC WAY OF THE TOWN OF WESTFIELD."

The motion was seconded by Councilman Katz.

General Ordinance No. 2022-04 was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood  
 Parmelee  
 LoGrippto  
 Katz  
 Mackey  
 Contract  
 Dardia  
 Boyes

Nays:

Absent: LoGrippto

Mayor Brindle

Heretofore introduced, General Ordinance No. 2022-04 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 22nd day of February 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.

**General Ordinance No. 2022-05**

Regarding the following ordinance, Councilman Parmelee made the following announcement: I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2022-05 – AN ORDINANCE AMENDING CHAPTER 24 OF THE TOWN CODE, RELATING TO STREET OPENINGS AND EXCAVATIONS."

The motion was seconded by Councilman Dardia.

General Ordinance No. 2022-05 was approved by the following vote of all present upon roll call as follows:

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

**Town Council comments:**

Councilwoman Habgood explained that there was a great deal of discussion by the Town Council concerning this ordinance and thanked Councilman Parmelee for his earlier comments, specifically his statement that the Town would readdress these regulations, if necessary.

Mayor Brindle feels this needs to be monitored and notification to the Town Administrator by the Engineering Department as to how often the exemption of oil to gas conversions is applied is necessary.

The Town Administrator explained that a monitoring process was discussed by the Code Review and Town Property Committee and the Engineering Department would be reporting whenever this exemption is applied which has been a very rare occasion.

Councilman Contract feels this ordinance is a good example of how to balance important priorities.

Councilwoman Mackey explained that she was undecided as to how she would vote on this ordinance because she feels the original ordinance helped to advance the Town's paving program, however she has decided to support this proposed amendment because of monitoring process that would be conducted.

Heretofore introduced, General Ordinance No. 2022-05 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 22nd day of February 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.

**General Ordinance No. 2022-06**

Regarding the following ordinance, Councilman Parmelee made the following announcement: I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2022-06 – AN ORDINANCE AMENDING ARTICLE 5, ENTITLED, “FEES, DEPOSITS, GUARANTEES AND OTHER PAYMENTS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD.”

The motion was seconded by Councilman Contract.

General Ordinance No. 2022-06 was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood Parmelee Katz Mackey Contract Dardia Boyes Mayor Brindle	Nays:	Absent: LoGrippe
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Heretofore introduced, General Ordinance No. 2022-06 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 8th day of March 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**

**COMMITTEE REPORTS**

**ADJOURNMENT**

A motion to adjourn, made by Councilwoman Mackey and seconded by Councilman Parmelee at 9:10 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC  
Town Clerk