

MINUTES OF REGULAR MEETING HELD APRIL 20, 2021

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, April 20, 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, Habgood, Parmelee, LoGrippe, Katz, Mackey, Contract, Dardia, and Boyes

ABSENT: None

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

PRESENTATIONS

Town Administrator's Update

- Announced Westfield's designation as a Tree City USA community. Stated that the Town received notice of the designation earlier this month. A Tree City USA flag was raised at the Municipal Building today, signs at the entrances of Town would be installed this week, and a plaque would be displayed in the Municipal Building. Tree planting and preservation efforts would continue throughout Town, with a tree planting scheduled for Thursday, April 22, 2021 at Memorial Park at 10:00 AM;
- Announced that notice was received from Union County regarding traffic signal installations to occur at Lamberts Mill Road and Rahway Avenue and Scotch Plains Avenue and West Broad Street. Explained that pre-planning and administrative work, such as the ordering of equipment and the like, have begun, with physical work scheduled to begin the week of May 24, 2021;
- Discussed the public hearings for the 2021 Municipal Budget and 2021 DWC budget scheduled for this evening. Explained that the budget is only a plan, and once adopted, it is monitored throughout the course of the year and planning for next year's budget has already begun.

Councilman Contract requested clarification as to the time for the tree planting scheduled for April 22, 2021. Stated that it was his understanding that it would occur at noon, not 10:00 AM.

The Town Administrator stated that 10:00 AM was the time scheduled, but it could be changed to accommodate others if necessary.

Mayor's remarks

Mayor Brindle provided the following remarks:

Good evening, everyone, and thanks for joining us virtually tonight. Please remember that public comment will only be accepted via Zoom, although we are live streaming for viewing only on Facebook. The replay will also be available afterwards on Facebook, YouTube, and TV 36.

COVID-19 UPDATES

Yesterday, all New Jerseyans age 16 and above became eligible to be vaccinated, and the state is more than halfway to its vaccination goal of 70% of adults by the end of June.

The seven-day average for confirmed COVID-19 cases in New Jersey is down 8% from a week ago and down 12% from a month ago, and the rate of transmission is .92. More than 2.5 million people have been fully vaccinated in the state, representing about 37% of the state's 6.9 million

adult residents.

As always, more detailed information about statewide numbers is available on the [NJ COVID-19 Dashboard](#).

LOCAL UPDATES

On the local front, we have great news from the library, which has announced it will re-open on Monday, April 26 to Westfield residents. You must provide ID to show proof of residency and masks are required at all times. For full details about available services in-person, as well as curbside, visit the library's [website](#).

Don't miss the [Third Annual Earth Day Fair and Free Market](#) this Saturday at the South Avenue train station lot! The Green Team has secured a number of vendors to provide information on various topics related to sustainability, and residents can browse the Free Market offerings.

I'm looking forward to the return of Autism Family Day this Sunday, hosted by the Police Department, with support from the Fire, Public Works and EMS teams. Thank you to Chief Battiloro and his department for continuing to prioritize community policing in new and innovative ways to ensure inclusivity. I'm going to ask Chief Battiloro to provide a few more details about it as well, and address some public safety questions that have recently come up related to license plate readers and pedestrian safety downtown.

Thanks to everyone who joined our two most recent Facebook Live discussions -- one with Chief Battiloro, and the other with a panel of experts about the impact of public spaces and what could be possible for Westfield. Both are available for replay on the Town's Facebook page, and plans are in the works to make the panel discussions with Streetworks an ongoing series -- more info will be available shortly about our May panel!

We have another productive agenda tonight. Importantly, we will vote on the adoption of the 2021 municipal budget, capping many months of hard work by the Finance Policy Committee, led by Councilwoman Habgood, and our Town employees. I'd like to thank them all once again for their diligence in producing a budget that reflects both the pandemic-driven revenue challenges faced by many municipalities, as well as the substantial opportunities ahead for Westfield.

Also on second reading is an ordinance memorializing the salary guide portion of the newly negotiated five-year collective bargaining agreement with our PBA Local #90.

We'll also vote on a resolution to approve the DWC annual budget, another to refer a report and recommendations to the Planning Board to designate 923 Central Avenue as historic, and one to award a contract for a wireless communication consultant to assist the Town with a cell tower proposal at Houlihan/Sid Fay fields and whose cost will be covered by the provider fee. The purpose of this consultant is to advise the Council on formulating an RFP for the cell tower to ensure we derive the most value from interested wireless providers. The original FAQ about this initiative is [on our website](#).

On a final note, I would be remiss if I didn't mention the significance of today's guilty verdict in the Derek Chauvin trial for the murder of George Floyd. Today, justice was served, marking an important milestone towards healing -- not only for our country but for our community. It was almost a year ago when Governor Murphy and Congressman Malinowski joined thousands of us in Mindowaskin Park to protest the murder of George Floyd and express our support for the Black Lives Matter movement. We were fortunate to be joined by Police Chief Battiloro and members of the Westfield Police Department in solidarity.

While today's verdict was an important step forward, we still have significant work to do to address the racial divide in our country. Here at home, I'm grateful to have Chief Battiloro leading our police department at this critical juncture as he works to redefine their relationship with the community to one that is inclusive, collaborative, and participatory.

I'm also grateful to the Human Relations Advisory Commission for taking the lead on important conversations about race and inclusivity that need to be had in order to keep this topic an ongoing point of discussion and focus in our community.

And most importantly, I'm grateful to this community for understanding how far we still need to

go. For us to become the more inclusive, anti-racist community we aspire to be, the work begins in our own homes and neighborhoods. I hope today's verdict sparks an opportunity for all of us to have these important and sometimes difficult conversations.

With that, let's get to work. I want to remind everyone that I will once again be enforcing Robert's Rules this evening to ensure we stay on topic and the meeting runs efficiently.

Thank you.

Mayor Brindle asked the Police Chief to say a few words with respect to their recent Facebook Live discussion.

The Police Chief referred to Mayor Brindle's remarks concerning Autism Family Day. Stated that it was a very successful event in 2019 and he hopes it will be even more successful this year.

The Police Chief discussed the Facebook Live program that was held concerning recent auto thefts and the suggestion that License Plate Readers (LPR's) be utilized to deter auto thefts. Explained that he does not believe them to be an effective tool for stopping, eliminating, or deterring car thefts and sees them more as an investigative tool. Stated that the most effective measure for stopping car thefts is for residents to lock cars and remove keys from the vehicle. Informed residents that the Police Department has had 2 mobile LPR's in service for the past 10 years, both in marked police patrol vehicles, with one assigned to the south side of Town and the second to the north side. Explained how the data collected from LPR's is used and that upgrades to the technology are planned for the near future because the current LPR's are no longer covered by warranty or support. Also discussed the use of stationary LPR's as an investigative tool, the number required for them to be effective, and the cost involved. Stated that while Mountainside has a stationary LPR, it has not stopped car thefts or burglaries, or even attempts in its residential neighborhoods and discussed an attempt that occurred on Old Tote Road. Reiterated his prior statement that the most effective measure in preventing car thefts and burglaries is to lock vehicles and to remove the key. Further stated that this problem would not be eliminated, but it could be displaced. However, displacing this problem cannot occur on arrests alone, as the arrests that have occurred have not been a deterrent.

Councilman LoGrippo informed the Police Chief that police officers have contacted him directly to request updates to the Town's LPR's.

The Police Chief stated that all communication should go through him and officers should not be contacting councilmembers directly. As to updates to the Town's LPR's, confirmed that their technology is dated, and the Police Department is having internal conversations on upgrades to them.

Councilman LoGrippo discussed a meeting he attended with respect to stationary LPR's and their use by many law enforcement agencies. Stated that he disagrees with the Police Chief's assessment that they are not effective against auto thefts. Also mentioned the increase in auto thefts in Westfield over the past 2 years.

The Police Chief stated that if Councilman LoGrippo "puts all of his hopes" in LPR's, he will be disappointed because they will not eliminate auto thefts. Explained that he has information to support this and that the criminals who are stealing cars in Westfield are not concerned with being captured on camera. Discussed Ring Doorbells and other surveillance cameras which have been ineffective, as well as stationary LPR's in other Towns which were not effective.

Councilman LoGrippo stated that an LPR provides real-time information as opposed to a Ring Doorbell. Stated that he has seen the technology and encouraged the Police Chief to visit other Towns to review the technology they are using.

The Police Chief stated that he has met with vendors and has reviewed technology used by other Towns and feels it is not a "magic bullet" for eliminating car thefts. Reiterated his prior statement that car thieves are not concerned with being captured on camera and have no regard for fleeing from the police or for the safety of the public. Explained that based on the car thefts that have occurred and suspects that have been developed, neither mobile nor stationary LPR's would eliminate or even deter car thefts.

The Police Chief also discussed pedestrian safety and whether the Town has considered the implementation of new measures now that the weather has improved. Stated that while new measures have not been implemented, current measures continue. Discussed the number of traffic stops that were conducted last year and stated that they have decreased from 2019, which he attributes to the decrease in traffic due to the pandemic. Also discussed the average number of traffic stops over the past 3 years and stated that traffic enforcement is occurring and would continue to occur. In addition, there was also a decrease in traffic accidents in 2020 and the Traffic Safety Bureau continues to conduct directed and focused enforcement, particularly on roadways where complaints of speeding have been reported and data collection supports increased enforcement. Stated that one of the department's motorcycles has been equipped with a mobile computer and E-Ticket printer, and with the warmer weather approaching, he anticipates using this motorcycle for traffic enforcement duty in addition to marked and unmarked police patrol vehicles currently used. Further, the Police Department would be resuming its pedestrian decoy enforcement details in the central business district and at other high-volume intersections.

Councilman LoGrippe requested clarification as to an investigation involving a police officer and a traffic stop.

The Police Chief stated that if any internal affairs investigation is being conducted by the Police Department, it is confidential, and he has no comment. Noted that he is not acknowledging that there is or is not an investigation occurring, but simply that he cannot comment on internal affairs investigations because they are confidential in nature.

Councilman Contract discussed complaints received regarding bicycling on sidewalks in Downtown Westfield and the plan to have parking enforcement officers issue warnings to those bicycling on the sidewalk.

The Police Chief confirmed that parking enforcement officers as well as patrol officers would be issuing warnings, and signage was also installed Downtown to inform residents that there is no bicycling permitted on sidewalks.

Mayor Brindle stated that she also received a question from a Downtown business about bicycling on sidewalks and reminded all that there would also be increased enforcement of 15-minute parking in the Downtown as well.

APPOINTMENTS

ADVERTISED HEARINGS

“2021 SPECIAL IMPROVEMENT DISTRICT BUDGET.”

Advertised returnable this evening.

Shawn Mullen, 763 Carleton Road, requested clarification as to why the taxpayers provide unrestricted Public Works service to DWC events.

The Town Administrator noted that the DWC budget has remained flat for the past few years. As to DPW services for DWC events, explained that the DWC is an “arm” of the Town and therefore events that they hold are considered Town events. Further stated that since he has been with the Town, DWC events have always been supported by DPW and they are insured by the Town as well. However, events held by private organizations are charged for DPW, Police and Fire services needed.

Mr. Mullen noted that Downtown property owners are assessed a separate SID tax.

The Town Administrator explained that the SID budget is derived from properties located within the SID, not residential taxpayers.

Hearing no further comments, Mayor Brindle declared the hearing closed.

“2021 MUNICIPAL BUDGET.”

Advertised returnable this evening.

Shawn Mullen, 763 Carleton Road, asked if funds were included in the budget to address the increase in auto thefts, such as the purchase of LPR's or overtime.

The Town Administrator explained that while he does not recall funding specifically for LPR's, all anticipated needs are included in the budget. Also explained that depending on the cost of the items to be purchased, they may be included in the capital budget, not the operating budget. Also discussed budgeting allocations for overtime.

Mr. Mullen also feels the PBA salary increases are necessary and is glad to see them be approved.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2213

AN ORDINANCE TO AMEND GENERAL ORDINANCE NO. 2043 ENTITLED "AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE POLICE AND FIRE DEPARTMENTS IN THE TOWN OF WESTFIELD AND VARIOUS AMENDMENTS THERETO."

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, "GENERAL ORDINANCE NO. 2213 – AN ORDINANCE TO AMEND GENERAL ORDINANCE NO. 2043 ENTITLED "AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE POLICE AND FIRE DEPARTMENTS IN THE TOWN OF WESTFIELD AND VARIOUS AMENDMENTS THERETO." by Councilwoman Habgood, seconded by Councilman Contract, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays: None	Absent: None
Parmelee		
LoGrippe		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		
 Mayor Brindle		

BIDS

MINUTES

On a motion by Councilman Dardia and seconded by Councilman Parmelee, Council approved the Minutes of the Town Council Regular and Conference Meeting held April 6, 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.

Tony LaPorta, 409 Chestnut Street, discussed the rainbow crosswalks downtown and asked if they violate any state or federal regulation.

The Town Administrator believes they are in compliance and requested clarification from the Town Attorney.

The Town Attorney discussed related state and federal laws and explained that they are only guidance, not mandates, and only apply to roadways that receive federal funding, which is not the case for these crosswalks.

Mr. LaPorta feels the Town must be confident that there is no violation due to the liability issues that could result.

The Town Attorney reminded Mr. LaPorta that this portion of the meeting is for public comment only and is not intended for dialog or debate.

Mr. LaPorta also asked for the cost involved with the installation of the rainbow crosswalks.

Mayor Brindle explained that this portion of the meeting is for public comment and is not a Q&A session. All public comments and questions would be addressed once this portion of the meeting is closed.

Mr. LaPorta feels there has been dialog between residents and the Mayor during this portion of the meeting in the past and believes the same standard must be applied to all.

Greg Kasko, 434 Everson Place, thanked the Mayor and Town Council for following Roberts Rules of Order. Stated that he began attending Town Council meetings in 2010 after he retired from the Police Department. Discussed the year in which Councilman LoGrippe began his tenure as a councilmember. Stated that he attempted to advise the former administration, including Councilman LoGrippe, of corruption that was occurring within the Police Department. Also mentioned meetings he had with former Mayor Skibitsky with respect to his concerns and stated that the elected officials at that time did not listen. Feels the Town has a very competent Police Chief. Also believes the Police Chief is knowledgeable and respected and understands what Westfield needs because he also grew up in Town. Discussed the chain of command within the Police Department and stated that it is inappropriate for police officers to circumvent that chain of command and to contact elected officials directly. Read a memo by a former Police Chief which related to unacceptable conduct of Superior Officers. The memo addressed the conduct that is required and the consequences if policies and rules of the department are not followed. Stated that the Police Department has gone through a drastic change over the past several years, which he believes is for the better, and discussed the Chiefs of Police he served under. Stated that when a Police Chief issues an order, a memo, or makes a decision as to whether certain equipment is necessary to purchase, he knows best because he has the experience and because it is his job. Feels the current Police Chief is the best Police Chief Westfield has had in many years and that Westfield is very fortunate to have him. Expressed concern with earlier comments involving patrol officers contacting councilmembers directly and that a personnel matter was raised during a public meeting. Stated that he fully supports the Police Department and that residents should understand how fortunate Westfield is to have the current Police Chief serving the community.

Shawn Mullen, 763 Carleton Road, requested an update on the Cannabis Commission. Also feels this commission is unnecessary because the Master Planning survey indicated that the majority of residents were not in favor of marijuana retail sales.

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

Mayor Brindle addressed the comments made, beginning with Mr. LaPorta's comments. Stated that the rainbow crosswalks were fully funded through donations, grants and the Public Arts Commission.

Councilwoman Mackey mentioned that there might be one more additional donor.

Mayor Brindle also thanked Mr. Kasko for his comments and for his support for the Police Chief.

Councilman Parmelee provided an update of the Cannabis Commission and stated that one meeting was held recently and a second meeting has been scheduled. The Commission is obtaining input from a variety of sources and feels they are on track to provide a recommendation as to whether the Town should opt in or opt out, as well as other changes the Town would need to consider.

BILLS AND CLAIMS

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

RESOLVED that the bills and claims in the amount of \$1,109,021.23 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 Contract, were unanimously adopted.

Resolution No. 92

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$350.00 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 January - March 2021.

Resolution No. 93

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

Name	Account	Class	Fee
Elizabeth Reilly 102 Wyoming Street Westfield, NJ 07090	T-05-600-071 Tennis/Rec	Refund Withdrew / Sports Conflict Built By Me / Virtual Class Game Designer w/ Scratch MIT-Level 1 Emma Reilly	\$175.00
Eva O'Neil 56 Manitou Circle Westfield, NJ 07090	T-05 -600-071 Tennis/Rec	Refund Switched to Lesser Clinics To Spring Track Session 1 Sun (\$60) To Spring Track Session 2 Sun (\$50) Matthew O'Neil	\$110.00
Tim Bauer 839 Lamberts Mill Rd Westfield, NJ 07090	T-05-600-071 Tennis/Rec	Refund Withdrew / Conflict Spring Track/Session 2/Sun & Wed Maya Bauer	\$125.00
Tony Stewart 149 Belmar Ter Westfield, NJ 07090	T-05-600-071 Tennis/Rec	Refund Withdrew/Conflict Safe Sitter / April 10 Alaina Stewart	\$108.00
Scott Paris 634 Norman Place Westfield, NJ 07090	T-05-600-071 Tennis/Rec	Refund Withdrew/Conflict Safe Sitter / April 10 Katherine Paris	\$108.00
Sheldon Rock 835 Willow Grove Rd Westfield, NJ 07090	T-05-600-071 Tennis/Rec	Refund Adult Pickleball Health Issue Sheldon Rock	\$80.00

Resolution No. 94

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2021:

Block/Lot/Qualifier Name	Property Address	Quarter/Year Amount
4003/4.01 324 South Property LLC PO Box 451 Fanwood, NJ 07023	324 South Avenue East	Sewer/2021 \$575.00

Resolution No. 95

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 year 2020 pursuant to the Tax Court of New Jersey:

Block/Lot Name	Address	Year	Amount
502/7 Jennifer R. Jacobus, Trustee for URBANO, JOHN & JACQUELINE Jacobus & Associates, LLC 201 Littleton Road, Suite 100 Morris Plains, NJ 07950	8 Breeze Knoll Drive	2020	\$1,025.05

Resolution No. 96

WHEREAS, Gary Junkroft has served as Building Subcode Official and Inspector for the Town of Westfield since October 17, 2016; and

WHEREAS, it is necessary to memorialize said appointment by resolution of the governing body.

NOW, THEREFORE BE IT RESOLVED, that Town Council be and hereby approves the appointment of Gary Junkroft as Building Sub Code Official and Inspector effective retroactive to October 17, 2016; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the New Jersey Department of Community Affairs, Office of Regulatory Affairs.

Resolution No. 97

RESOLVED that the payroll consisting of the following regularly salaried employees of the Police Department of the Town of Westfield represented by the PBA Local 90 for collective bargaining purposes be adopted effective January 1, 2021 and that the Treasurer be authorized to draw warrants to their order biweekly as their names appear on departmental payrolls, and that the Mayor and the Town Clerk be and are hereby authorized to sign a warrant in compliance thereto for the amount of the payroll biweekly:

<u>Name</u>	<u>Position</u>	<u>January 1, 2021</u>
Francisco Moya	Patrol Officer	\$112,886
Donald Perkins	Patrol Officer	\$112,886
Jeffrey Johnson	Patrol Officer	\$112,886
Steven Martinez	Patrol Officer	\$112,886
Joseph Saunders	Patrol Officer	\$112,886
Donald Domanowski	Patrol Officer	\$112,886
Paul Ferry	Patrol Officer	\$112,886
Eric Loffredo	Patrol Officer	\$112,886
William Kleeman	Patrol Officer	\$112,886
Dennis DaSilva	Patrol Officer	\$112,886
Michael McCarthy	Patrol Officer	\$112,886
Paul Neri	Patrol Officer	\$112,886
Eric Popleik	Patrol Officer	\$112,886
Jason Merrit	Patrol Officer	\$96,044
Elizabeth Savnik	Patrol Officer	\$96,044
Nicholas Bagan	Patrol Officer	\$87,780

Pitor Wierzbicki	Patrol Officer	\$87,780
John Swirderski	Patrol Officer	\$87,780
Timothy Donovan	Patrol Officer	\$81,814
Kristopher Jackus	Patrol Officer	\$75,848
Robert Desiato	Patrol Officer	\$75,848
Ryan Weiss	Patrol Officer	\$75,848
Eric Carrero	Patrol Officer	\$75,848
Ricardo Johnson	Patrol Officer	\$69,882
Tiffany Kenny	Patrol Officer	\$69,882
Christopher Forcenito	Patrol Officer	\$69,882
Andres Jaramillo	Patrol Officer	\$69,882
Matthew O'Holla	Patrol Officer	\$69,882
Ryan Shaughnessy	Patrol Officer	\$69,882
Richard Gill	Patrol Officer	\$63,916
Joseph Natale	Patrol Officer	\$63,916
Samuel Fourre	Patrol Officer	\$63,916
Christopher Santangelo	Patrol Officer	\$63,916
Michael Pollock	Patrol Officer	\$57,950
Nicholas Callelo	Patrol Officer	\$57,950
David Went	Patrol Officer	\$57,950
Fortunato Riga	Patrol Officer	\$51,984
Michael DiBella	Patrol Officer	\$46,018
Markovy Jacques	Patrol Officer	\$46,018
Anthony Perconte	Patrol Officer	\$46,018
Donald Picciano	Patrol Officer	\$46,018

Resolution No. 98

BE IT RESOLVED that as attestation of compliance has been provided pursuant to NJSA 40A:4-8 (1a) and (1b) the 2021 Municipal Budget may be read by title.

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

Resolution No. 99

BE IT RESOLVED by the Town Council of the Town of Westfield, County of Union, that the Special Improvement District Budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations and authorization of the amount of

\$416,347.00 for Special Improvement District Purposes

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

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

Resolution No. 100

BE IT RESOLVED by the Council of the Town of Westfield, County of Union, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$29,351,209.33 (Item 2, below) for municipal purposes, and \$2,705,536.00

(Item 3, below) for Minimum Library Levy and certification to the County Board of Taxation of the following summary of general revenues and appropriations:

1. General Revenues	
Surplus Anticipated	\$3,795,000.00
Miscellaneous Revenues Anticipated	12,213,056.66
Receipts from Delinquent Taxes	1,250,000.00
2. Amount to be Raised by Taxation for Municipal Purposes	29,351,209.33
3. Amount to be Raised by Taxation - Minimum Library Levy	<u>2,705,536.00</u>
Total Revenues	<u>\$49,314,801.99</u>
4. General Appropriations	
Within "CAPS"	
Operating including Contingent	\$30,646,754.14
Deferred Charges	4,681,934.00
Excluded from "CAPS"	
Operations	8,087,635.85
Capital Improvements	100,000.00
Municipal Debt Service	3,128,478.00
Deferred Charges-Municipal	145,000.00
Reserve for Uncollected Taxes	2,525,000.00
Total General Appropriations	<u>\$49,314,801.99</u>

Town Council comments:

Councilwoman Habgood thanked the Town Administrator, the Chief Financial Officer and members of the Finance Policy Committee for their efforts with the budget.

Councilman LoGrippo expressed his concerns with the budget and stated that he is disappointed that Union County and surrounding municipalities were able to provide a 0% increase, while Westfield is adopting a budget with the highest increase in several years. Also expressed concern with the reduction in the level of surplus since the Mayor took office and stated that residents have contacted him about this issue. Although he does not support the budget, thanked all for their efforts.

Councilman Contract asked Councilman LoGrippo if he explains to residents how the level of surplus works and that the average budget increase has decreased over the last 4 years versus the prior 4 years. Feels it is important that Councilman LoGrippo share the correct data with residents who are asking him questions. Also discussed the use of surplus over the past 4 years to help support lower tax increases and to invest in equipment and infrastructure improvements. Lastly, stated that the level of surplus is within the range that budget experts recommend.

Councilman LoGrippo stated that he initially agreed that the previous \$14.5 million surplus was not necessary but believed the Town would be maintaining a \$10 million surplus level. Expressed concern that the level is now \$5.8 million. Also mentioned that equipment and infrastructure costs are typically included in the capital budget. Lastly, discussed a reduction in revenue levels which is making it more difficult for the Town to regenerate surplus to previous levels.

Councilwoman Habgood feels it is important to note that transparency concerning the budget has increased significantly over the past 4 years, including reporting on how the Town performed against the prior year's budget, creating an email address for residents with budget questions to

submit them and publishing budget FAQ's on the Town's website. Stated that throughout the entire budget process this year, only 2 questions were submitted. Feels the Town is doing a good job helping people understand the balance that is needed to keep taxes low while providing services to residents, as well as maintaining appropriate levels of surplus to help manage unforeseen circumstances such as the current pandemic. Feels Councilman LoGrippe's comments are somewhat contradictory and believes the public is satisfied with the budget process and how tax dollars are being spent.

Mayor Brindle mentioned that the Town also has \$2.9 million in American Rescue funds that have been allocated to Westfield, which would increase the Town's surplus level. Stated that the Town could have maintained a higher surplus level while providing a 0% tax increase, but that would have involved laying off or furloughing personnel. Feels providing services to residents and keeping personnel employed was more important than a higher surplus level. Feels most residents would disagree with a higher surplus level and fewer police officers. Also feels Westfield should be proud that it did not need to furlough or lay off employees as many other towns needed to do over the past year. Feels this can be attributed to the Town's responsible stewardship of the budget and the appropriate use of surplus as a "rainy day" fund. Lastly, believes the confirmation that the Town would be allocated \$2.9 million in American Rescue funds provided the confidence needed to move forward with this budget. Feels these funds, in addition to the surplus that is typically generated each year, would put the Town in a good position to move forward with the many initiatives and projects it has planned.

Councilman LoGrippe stated that no municipality in New Jersey has laid off employees. Also stated that the decision to reduce the surplus level was made before the Town was aware of its allocation of American Rescue funds.

Mayor Brindle feels a strong difference in policy exists and believes most would not agree with an increased surplus with reduced services.

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

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Parmelee and seconded by Councilman Contract were unanimously adopted.

Resolution No. 101

WHEREAS, the owner of the property located at 923 Central Ave (Block 4813, Lot 32) has requested that the Town of Westfield designate its property as historic pursuant to the Town's historic preservation ordinance; and

WHEREAS, as required by section 5 of the Town's historic preservation ordinance, the Westfield Historic Preservation Commission (with the property owner's assistance and input) prepared a nomination report examining the history of the property and the buildings thereon; and

WHEREAS, as further required by section 5 of the ordinance, the Commission held a duly noticed public hearing on March 22, 2021, at which meeting the report was presented, and members of the public and the Commission were given an opportunity to review the report and ask questions or make comments on it; and

WHEREAS, at the conclusion of that hearing the Commission voted unanimously to recommend that the Town Council designate the property as a historic landmark, pursuant to the Town's historic preservation ordinance, for all of the reasons set forth in the report and as discussed at the public hearing on the application; and

WHEREAS, the report and recommendation of the Commission has now been received by the Mayor and Town Council.

NOW, THEREFORE, BE IT RESOLVED, that as required by Section 5(B)(2)(d)(2) of the Town of Westfield historic preservation ordinance, the Mayor and Town Council hereby refer the report and recommendation to the Westfield Planning Board, for its comment on the proposed designation, and for such other actions as are contemplated by the historic preservation ordinance and as appropriate under the circumstances, consistent with the Town's Master Plan, the Zoning Ordinance of the Town, and the New Jersey Municipal Land Use Law.

Resolution No. 102

WHEREAS, a need exists for the Town of Westfield to retain a Wireless Telecommunications Tower Lease Consultant (the "Services"); and

WHEREAS, the Town of Westfield issued a Request for Proposals ("RFP") for said Services through a fair and open process under N.J.S.A. 19:44A-20.4, et seq., and

WHEREAS, Declan O'Scanlon of FSD Enterprises, LLC submitted a proposal dated March 10, 2021, indicating that FSD Enterprises, LLC would provide the above-referenced Services based on the fees set forth in the firm's cost proposal; and

WHEREAS, the Town of Westfield has deemed that the background, experience, and qualifications of the Respondent herein satisfy the criteria set forth in the RFP; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk. Expenditure of funds pursuant to this contract is to be charged to Budget Account 1-01-168-211, under Purchase Order No. 21-0113.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town of Westfield shall be authorized to negotiate and enter into a contract with FSD Enterprises, LLC, 65 Mechanic Street, Suite 201, Red Bank, New Jersey 07701 to provide Wireless Telecommunications Tower Lease Consulting Services; and
2. The term of the contract will be for a period ending December 31, 2022.
3. This contract may be renewed for two (2) additional one (1) year terms, at the Town's discretion.
4. The estimated total fees for the year shall not exceed \$2,000 with this expenditure charged to the appropriate account.
5. This contract is awarded pursuant to the "fair and open" process under N.J.S.A. 19:44A-20.5, et seq.

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

Town Council comments:

Councilman LoGrippo discussed Councilman Dardia's opposition to the proposed cell tower at Union County College and asked for his position of the proposed tower at Sid Fey/Houlihan Fields.

Councilman Dardia stated that he has no position at this time because he is waiting for a review to be conducted and the consultant's recommendation.

General Ordinance No. 2214

Regarding the following ordinance, Councilman Parmelee made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2214 – AN ORDINANCE DESIGNATING 923 CENTRAL AVENUE, SHOWN ON THE TOWN TAX MAPS AS BLOCK 4813, LOT 32 AS A HISTORIC LANDMARK AND MODIFYING THE ZONING MAP"

The motion was seconded by Councilman LoGripo.

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

Heretofore introduced, General Ordinance No. 2214 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 11th day of May 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:

Councilwoman Habgood mentioned that this is the 6th historic designation over the past 3 to 4 years and is hoping there are more to come.

Mayor Brindle explained that this property was brought to the Planning Board as a potential demolition and subdivision of the property. The history of the house, which was unbeknownst to the owner, became known through this process. The owner was cooperative and wanted to save the house, and with collaboration with the Historic Preservation Commission and others, it became possible to subdivide the lot while saving the house. Explained that if a subdivision had not been sought, the house could have been demolished with no one knowing the history. Feels this demonstrates the need for pauses in demolition.

Public Works Committee

The following resolutions, introduced by Councilman Contract and seconded by Councilman Dardia, were unanimously adopted.

Resolution No. 103

WHEREAS, the overpopulation of white-tailed deer in various sections of Westfield and neighboring communities has resulted in over browsing of native vegetation, damage to greens and ornamental vegetation and created safety hazards for the public, and

WHEREAS, the Town of Westfield has successfully participated in Union County's Deer Management program for the past two winter seasons in sections of Brightwood Park and Tamaques Park, and

WHEREAS, the Town of Westfield feels it is in the best interests of the Town to continue to manage the deer population through the Union County Deer Management Program in additional areas of Westfield, specifically the south easterly corner of the Town that borders the Township of Clark and Township of Cranford in the area of Virginia Street, Maryland Street, Delaware Street, Connecticut Street and Grandview Avenues,

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby requests the Union County Board of Chosen Commissioners to explore and investigate launching their Deer Management Program in the aforementioned area in the Town of Westfield and work with the surrounding municipalities of Clark and Cranford to be able to authorize the County of Union staff to conduct deer management activity in the aforementioned area, to remove white-tailed deer, in the manner prescribed by the Fish and Game Code of the State of New Jersey.

Resolution No. 104

WHEREAS, Fischer Contracting Inc., is under contract to the Town of Westfield for the 2020 Improvement of Scotch Plains Avenue in Westfield, New Jersey as authorized by S.O. 2216A, 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. 2216A, under Purchase Order #20-02934.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$4,873.57 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 2020 Improvement of Scotch Plains Avenue increasing the contract price to \$288,951.02.

Resolution No. 105

WHEREAS, the Town has identified a need to secure an engineering firm to provide professional services to evaluate existing drainage channels located in both Mindowaskin Park and Fairview Cemetery, and to develop and prepare design plans and contract specifications for the cleaning of these channels in accordance with NJDEP regulations, and

WHEREAS, a proposal was received on April 13, 2021 from a company to provide the professional services necessary to address the aforementioned scope of services, and

WHEREAS, the Town Engineer has reviewed the Proposal and recommends that a professional services contract for the aforementioned services as outlined in the Proposal dated April 13, 2021, for Tasks 1-3 be awarded to Hatch Mott MacDonald, 111 Wood Avenue South, Iselin, NJ 08830-4112, and

WHEREAS, Certificate of the Town Treasurer, certifying to 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 to be charged under Purchase Order #21-01112 to Special Ordinance 2206D in the amount of \$36,412 and Budget Account 1-01-185-252 (Public Buildings and Grounds) in the amount of \$12,388 for a total contract award not expected to exceed \$48,800.00.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield that the aforementioned contract for professional engineering services required for the contract plans and specifications for the channel cleaning in Mindowaskin Park and Fairview Cemetery be awarded to Hatch Mott MacDonald, 111 Wood Avenue South, Iselin, NJ 08830-4112, in an amount not to exceed \$48,800.00.

Town Council comments:

Councilman Contract discussed the resolution that requests that Union County explore the potential for implementing its Deer Management Program in a certain area of Ward 3. Explained that there is a wooded section of Ward 3 that borders Cranford and Clark which has been

inundated with deer. The Town would like Union County to explore deer management in this area. Further explained that Union County is requiring that all residents adjacent to this wooded area provide their approval in order for the program to be implemented. Stated that he attempted to obtain approval from residents in Clark and Cranford but was not successful because the governments of those towns were not involved. This resolution is an attempt to get all governments involved to determine if the program should be implemented in this area.

Also discussed the resolution to award a contract for an engineering consultant to address flooding and drainage issues in the area of Mindowaskin Park and Fairview Cemetery.

Councilman LoGrippo referred to the Deer Management Program and discussion that occurred 2 years ago. Stated that Union County had determined at that time that the area was not large enough for the program. Also stated that he agrees it should be explored but feels there are residents who do want the program in their neighborhood.

PRESENTATIONS

Mayor Brindle presented the following proclamations:

Town of Westfield

Westfield, New Jersey

Proclamation

Building Safety Month

May 2021

Whereas, the International Code Council (ICC) is a nonprofit association that brings together local, state and federal officials who are experts in the built environment to develop model codes and standards used worldwide to construct safe, sustainable, affordable and resilient structures; and

Whereas, the international codes that are developed by the ICC are the most widely adopted building safety and fire prevention codes in the world; and

Whereas, every May, the ICC sponsors “Building Safety Month” to educate the public about the vital role modern building codes play in keeping our homes and communities strong and resilient, and the critical role of the oftentimes unknown protectors of public safety—our local code officials—who assure us of safe, sustainable, energy efficient and livable buildings that are essential to a community’s well-being; and

Whereas, a community’s smart growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve its citizens, both in everyday life and in times of disaster; and

Whereas, confidence in the resilience of buildings and infrastructure is achieved through the devotion of vigilant guardians—building safety and fire prevention officials—who work year round to ensure that the public is protected; and

Whereas, the theme for the 2021 Building Safety Month is “Prevent, Prepare, Protect. Building Codes Save” to raise awareness of the importance of modern building codes in ensuring safety in the built environment and to recognize the vital service local and state building departments, fire prevention bureaus and federal agencies provide in protecting lives and property; and

NOW, THEREFORE, BE IT PROCLAIMED, that I, Michelle W. Brindle, Mayor of the Town of Westfield, hereby recognizes the essential role of the Westfield building code and fire prevention professionals in protecting our community.

BE IT FURTHER PROCLAIMED that the month of May, 2021, be designated as *Building Safety Month* in the Town of Westfield.

Mayor Brindle discussed the Fire Department's role in Building Safety Month and the partnership with the Building Department.

The Town Administrator discussed the recent installation of an upgraded fire prevention system in the Municipal Building.

COMMITTEE REPORTS

Upcoming events:

Earth Day Fair and Free Market

Councilman Contract discussed the Earth Day Fair and Free Market event scheduled for Saturday from 9:30 am to 3:00 pm. Stated that there would be several exhibits at the fair related to improving sustainability, including an exhibit of Karma's electric vehicles.

Food Waste Recycling Program

Councilman Contract announced that that the food waste recycling program would resume at the Conservation Center next Thursday and commended DPW Supervisor Richard Eubanks and Green Team member Catherine Choudhry for their efforts.

Lifelong Westfield

Councilman Contract discussed the webinar to be presented by the Police Department concerning senior citizen scams. Feels it is a very valuable program.

Autism Family Day

Mayor Brindle reminded all that Autism Family Day is scheduled for noon on Sunday, April 25, 2021.

ADJOURNMENT

A motion to adjourn, made by Councilman Contract and seconded by Councilman LoGrippe at 9:12 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC
Town Clerk