



AGENDA
August 10, 2021
Council Special Meeting
6:30 PM

OPEN DISCUSSION BY CITIZENS

EXECUTIVE SESSION

Pending Litigation

ADJOURNMENT



AGENDA
August 10, 2021
Council Conference Meeting
7:00 p.m.

APPOINTMENTS

PRESENTATIONS

BIDS

RESOLUTIONS

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to draw warrant to refund various street opening Cash Bond
2. Resolution authorizing the Chief Financial Officer to draw warrant for dog licenses for July 2021
3. Resolution authorizing the Chief Financial Officer to refund Recreation Department fees
4. Resolution authorizing the Chief Financial Officer to refund tree permit fee
5. Resolution authorizing the Chief Financial Officer to draw warrant for unused parking permit fee
6. Resolution authorizing the Chief Financial Officer to draw warrant for second quarter Construction Official's State Permit Fees for 2021
7. Resolution authorizing the Chief Financial Officer to draw warrant over overpaid taxes in 2021
8. Resolution authorizing the Chief Financial Officer to draw warrants for 2019 pursuant to Tax Court of NJ
9. Resolution authorizing acceptance of the SFY21 Body Worn Camera Grant Program
10. Resolution to approve insertion of special item of revenue in the municipal budget (Sustainable Jersey Grant)
11. Resolution authorizing application in connection with "Greening Union County" Grant Program
12. Resolution authorizing the Chief Financial Officer to issue warrants for Union County & Union County Open Space Taxes
13. Resolution authorizing the Chief Financial Officer to issue warrants for Special District Taxes
14. Resolution authorizing the Chief Financial Officer to draw warrant for Risk Management Consultant Fee
15. Resolution authorizing award of contract for crossing guard management services
16. Resolution authorizing award of contract for southside train station kiosk concessionaire

Public Safety, Transportation and Parking Committee

1. Resolution to award contract for the purchase of police department equipment

Code Review & Town Property Committee

1. Resolution to approve Peddler's Licenses
2. Resolution to approve Children's Amusement Device

3. Resolution authorizing an award of contract for AddamsFest Beer and Wine Garden Concession

Public Works Committee

1. Resolution to amend contract for various landscape materials for the Department of Public Works

ORDINANCES

GENERAL ORDINANCE NO. 2221

AN ORDINANCE RESCINDING CERTAIN PROVISIONS OF THE TOWN CODE FOR THE TOWN OF WESTFIELD

GENERAL ORDINANCE NO. 2222

AN ORDINANCE TO AMEND CERTAIN PROVISION OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD REQUIRING THE SUBMISSION OF A DIGITAL COPY OF APPLICATIONS TO THE PLANNING BOARD AND BOARD OF ADJUSTMENT

SPECIAL ORDINANCE NO. 2222

A SPECIAL ORDINANCE AUTHORIZING THE SALE OF TOWN PROPERTY KNOWN AS 121 MYRTLE AVENUE IN THE TOWN OF WESTFIELD

SPECIAL ORDINANCE NO. 2223

A SPECIAL ORDINANCE AUTHORIZING THE SALE OF TOWN PROPERTY KNOWN AS 650 HORT STREET

GENERAL BUSINESS

COMMITTEE REPORTS

OPEN DISCUSSION BY CITIZENS

EXECUTIVE SESSION



**TOWN OF WESTFIELD
TOWN COUNCIL
REGULAR MEETING**

**Tuesday, August 10, 2021
8:00 PM**

PROPOSED AGENDA

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

1. Roll Call
2. Invocation
3. Salute to the flag
4. Appointments
5. Presentations
6. Advertised Hearings
 1. GENERAL ORDINANCE NO. 2220
AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13,
AS IT RELATES TO PARKING
7. Approval of Minutes from Town Council Conference Meeting held July 13, 2021
Approval of Minutes from Town Council Regular Meeting held July 13, 2021
8. Petitions and Communications
9. Open discussion by citizens
10. Bills and Claims in the amount of \$609,522.56
11. Reports of Standing Committees
 - Finance Policy Committee
 1. Resolution authorizing the Chief Financial Officer to draw warrant to refund various street opening Cash Bond
 2. Resolution authorizing the Chief Financial Officer to draw warrant for dog licenses for July 2021

3. Resolution authorizing the Chief Financial Officer to refund Recreation Department fees
4. Resolution authorizing the Chief Financial Officer to refund tree permit fee
5. Resolution authorizing the Chief Financial Officer to draw warrant for unused parking permit fee
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15. Resolution authorizing award of contract for crossing guard management services
16. Resolution authorizing award of contract for southside train station kiosk

Public Safety, Transportation and Parking Committee

2. Resolution to award contract for the purchase of police department traffic safety equipment

Code Review & Town Property Committee

4. Resolution to approve Peddler's License
5. Resolution to approve Children's Amusement Devices
6. Resolution authorizing an award of contract for AddamsFest Beer and Wine Garden Concession
7. GENERAL ORDINANCE NO. 2221
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10. SPECIAL ORDINANCE NO. 2223
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Public Works Committee

2. Resolution to amend contract for various landscape materials for the Department of Public Works

12. Reports of Department Heads

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2220

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD,
CHAPTER 13, AS IT RELATES TO PARKING**

BE IT ORDAINED by the Town Council of the Town of Westfield in the County of Union as follows:

SECTION I.

Section 13-21.2 – “Stopping or Standing prohibited at all times” of the Town Code shall be changed by adding the following language:

Ludlow Place, northwesterly side, from the easterly curb line of Clark Street and extending in a northeasterly direction for a distance of 195 feet.

Section 13-21.5 – “Handicapped parking space – On street.” of the Town Code shall be repealed as follows:

1045 Harding Street, North, beginning at a point 1,345 feet northeasterly of the easterly curbline of Sherman Street as extended and from such beginning point extending to a point 25 feet easterly thereof.

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION III. In the event any section, part or provision of this ordinance shall be held unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so held unconstitutional or invalid.

SECTION IV. This ordinance shall take effect after passage and publication, as soon as, and in the manner permitted by law.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION

FINANCE COMMITTEE

AUGUST 10, 2021

WHEREAS, the following applicants have placed the required cash bond of \$1500.00 to cover the following Road Opening Permits, and

Date	Permit No.	Applicant	Address of Opening
7/23/20	20-110	Jordan Seales 706 Westfield Avenue Westfield, New Jersey 07090	706 Westfield Avenue, Westfield, New Jersey 07090
8/6/20	20-126	D. Villane Construction LLC. 2376 South Avenue Scotch Plains, NJ 07076	412 Palsted Avenue Westfield, New Jersey 07090

WHEREAS, the above applicants are entitled to have this amount to be returned to them, and

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

NOW THEREFORE BE IT RESOLVED that the Treasurer be authorized to draw a warrant in the name of applicants noted above for \$1,500.00 and forward to the applicants address as listed.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 10, 2021

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$63.00 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of July 2021.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 10, 2021

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>
Michael Moriarty 318 Belmar Place Westfield, NJ 07090	Pool/Swim Lessons 03-55-920-203	Refund Swim Lessons Gabriella Moriarty	\$70.00
Beth Dundon 136 W Dudley Ave Westfield, NJ 07090	Pool/Swim Lessons 03-55-920-203	Refund Swim Lessons Madilyn Dundon	\$70.00
Michael Mesi 536 Coleman Place Westfield, NJ 07090	Pool/Swim Lessons 03-55-920-203	Refund Swim Lessons Michael Mesi	\$70.00
James Pilachowski 800 Wallberg Ave Westfield, NJ 07090	Pool/Swim Lessons 03-55-920-203	Refund Swim Lessons Cooper Pilachowski	\$70.00
Anthony DeVita 945 Cleveland Ave Westfield, NJ 07090	Pool/Swim Lessons 03-55-920-203	Refund Swim Lessons Jaxson DeVita/	\$70.00
Robin Vinegra 592 N Chestnut St Westfield, NJ 07090	Pool/Swim Team 1-03-55-920-204	Refund Swim Team Kyle Vinegra/Swim Team 2021	\$100.00
Ming Han 705 Dartmoor Westfield, NJ07090	Pool/Swim Lessons 03-55-920-203	Refund Swim Lessons Jerry Han	\$70.00
Laura Skidmore 1175 Lawrence Ave Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Adult Tennis Laura Skidmore	\$90.00
Ken Soriero 808 Shackamaxon Dr Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Youth Tennis Ella Soriero	\$162.00

Erica Bush 255 Twin Oaks Terrace Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Youth Pickleball Daniel Mirsky	\$130.00
Maite Quinn-Richards 711 Austin Street Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Built By Me Camp Nicolas Richards	\$275.00
Lisia Zheng 500 Arlington Ave Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Built By Me Camp Sophie Hohlfeld	\$275.00
Huifang Yao 157 Summit Court Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund LEGO Camps/Summer Austin Yi/ (\$165.00) Austin Yi/ (\$165.00)	\$330.00
Elizabeth DeFoe 714 Austin St Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Field Hockey Camps/Summer Sophie DeFoe Sophie DeFoe	\$250.00
Monica Liggio 2435 Richelieu Place Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund LEGO Camp/Summer Marco Liggio/	\$165.00
Robert Garrison 715 Kimball Ave Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Fencing Camp Maya Garrison	\$300.00

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

CODE REVIEW & TOWN PROPERTY COMMITTEE

AUGUST 10, 2021

WHEREAS, Darren Stivale, P.O. Box 1033, Barnegat Light, NJ 08006 paid the required fee of \$50.00 to obtain Tree Permit 21-046 for 1 Faulkner Drive, and

WHEREAS, Darren Stivale has requested that this amount be returned because he was exempt from requiring a tree permit per the Town's Code Enforcement Officer, Greg O'Neil.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant for \$50.00 in the name of Darren Stivale, P.O. Box 1033, Barnegat Light, NJ 08006.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 10, 2021

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

Scott McQuery	Lot 9	#21080064	\$290.00
110 Golf Edge			
Westfield, NJ 07090			

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 10, 2021

RESOLVED that pursuant to N.J.A.C. 5:23-4.19, that the Chief Financial Officer be authorized and directed to draw a warrant in the sum of \$21,40.00 to the TREASURER, STATE OF NEW JERSEY for the first quarter Construction Official's State permit fees for 2021.

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

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 10, 2021

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2020-2021:

Block/Lot/Qualifier		Quarter/Year
Name	Property Address	Amount
501/26	719 Highland Avenue	3 rd /2020
MITCHELL, Eileen		\$6,234.46
2211/14	120 Chestnut Street North	3 rd /2021
REDINGTON, Gregory J		\$8,092.06
3113/6	214 St Paul Street	3 rd /2021
BARSEMIAN, Harout		\$5,516.47
4103/46	705 Carleton Road	2 nd /2021
LACKET, Christopher G & Amanda T		\$5,756.46
5710/35	1737 Central Avenue	3 rd /2021
DOMINO, Edward		\$2,273.15

Check payable to:

Amrock, LLC
662 Woodward Ave
Detroit, MI 48226

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 10, 2021

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 2019 pursuant to the Tax Court of New Jersey:

Block/Lot	Name	Address	Year	Amount
	4103/46	705 Carleton Road	2019	\$5,439.50

LACKETT, Christopher G & Amanda T

Check payable and mail to:

Jennifer R. Jacobus, Trustee for LACKETT, CHRISTOPHER G & AMANDA T

201 Littleton Road, 1st Floor

Morris Plains, NJ 07950

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 10, 2021

**RESOLUTION OF THE TOWN OF WESTFIELD AUTHORIZING ACCEPTANCE OF NEW
JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, OFFICE OF THE ATTORNEY
GENERAL SFY21 BODY WORN CAMERA GRANT PROGRAM STATE FISCAL YEAR 2021**

WHEREAS, the Westfield Police Department has made application to the New Jersey Department of Law and Public Safety, Office of the Attorney General for funds to further expand its Body Worn Camera Program to include all sworn members of the law enforcement agency;

WHEREAS, the Westfield Police Department is the subsequent recipient of an award contract of \$124,318.00 with no match under the SFY21 Body Worn Camera Grant Program, State Account No BFY21-100-066-1020-495, Grant#21-BWC-469;

WHEREAS, the Town of Westfield desires to accept this award contract in the amount of \$124,318.00 with no match under the SFY21 Body Worn Camera Grant Program, State Account No BFY21-100-066-1020-495, Grant#21-BWC-469 on behalf of the Westfield Police Department to further expand its Body Worn Camera Program to include all sworn members of the law enforcement agency and is authorized to do so;

WHEREAS, the Town of Westfield and the Westfield Police Department have reviewed the general conditions and special conditions attached to this award contract and have accepted same; and

WHEREAS, the acceptance of this award contract represents a joint effort between the State of New Jersey, Department of Law and Public Safety, Office of the Attorney General and the Westfield Police Department for the purpose described above and in the application.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Westfield as follows:

1. The Town of Westfield and the Westfield Police Department desire to participate with the New Jersey Department of Law and Public Safety, Office of the Attorney General to the fullest extent possible to further expand the Westfield Police Department's Body Worn Camera (BWC) Program to include all sworn members of the law enforcement agency;
2. The Office of the Attorney General will receive the awarded funds on behalf of the award recipient;
3. The Office of the Attorney General will be responsible for the receipt and review of the application of said award funds;
4. The Office of the Attorney General will initiate allocations of award funds to the award recipient as authorized.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 10, 2021

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

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

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2021 in the sum of \$2,000.00, which is now available from Sustainable Jersey Grant funded by the PSE&G Foundation; and

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

General Appropriations	
Sustainable Jersey – PSE&G Foundation	\$2,000.00

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

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. XXX-2021

FINANCE POLICY COMMITTEE

AUGUST 10, 2021

WHEREAS, the Union County Board of Chosen Freeholders is allocating matching grant dollars for tree plantings in Union County municipalities under its Greening Union County initiative; and

WHEREAS, the Town of Westfield desires to participate in the 2021 Greening Union County program; and

WHEREAS, matching funds in the amount of \$43,750.00 will be certified by the Chief Financial Officer to be charged to account no. 1-01-137-255.

NOW THEREFORE BE IT RESOLVED the proper Town officials be, and hereby are authorized and directed to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a “Greening Union County” grant in the amount of \$43,750.00.

BE IT FUTHER RESOLVED that the proper Town officials be, and hereby are, authorized and directed to enter into a contract as prepared by the Union County Law Department.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO. XXX-2021

FINANCE POLICY COMMITTEE

AUGUST 10, 2021

BE IT RESOLVED, that the Treasurer of the Town of Westfield be and he is hereby authorized and directed to draw the necessary 3rd & 4th quarterly assessment warrants and issue same to the County of Union, via wire transfer, as follows:

	County Purpose Tax	Open Space Tax
2021 3 rd Quarter	\$9,444,578.71	\$310,526.87
2021 4 th Quarter	9,444,578.71	310,526.88

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 10, 2021

RESOLVED that the Chief Financial Officer is hereby authorized to issue warrants noted below to the order of the Downtown Westfield Corporation, for Special District Taxes as provided in the year 2021 budget:

August 11, 2021	\$104,086.75
November 9, 2021	\$104,086.75

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 10, 2021

WHEREAS, the Town of Westfield has resolved to join both the Suburban Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund, following a detailed analysis and has been a member since 1994; and

WHEREAS, the Bylaws of said funds require that each municipality appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Town of Westfield solicited requests for proposals for such services in accordance with G.O. 1753 of the Town of Westfield; and

WHEREAS, the Bylaws indicate that the commission rate shall not exceed six percent (6%) of the Member's Annual Assessment; and

WHEREAS, Brown and Brown, 56 Livingston Avenue, Roseland, NJ 07068 submitted a proposal to perform such services outlined for two percent (2%) of annual assessment; and

WHEREAS, the Bylaws of the aforesaid Fund require that in such case the municipality will make payment for such professional services directly to the Risk Management Consultant.

NOW, THEREFORE BE IT RESOLVED that the Chief Financial Officer of the Town of Westfield be, and hereby is, authorized and directed to draw warrant to the order of Brown and Brown, 56 Livingston Avenue, Roseland, NJ 07068, in the sum of \$11,641.06 representing the first half of the annual assessment.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 10, 2021

WHEREAS, sealed bids were received on July 28, 2021 by the Town Clerk for **Crossing Guard Services for the Westfield Police Department** for a term beginning September 1, 2021 and ending June 30, 2022; and

WHEREAS, the low bid in the amount of \$585,540.00 submitted by All City Management Services, 10440 Pioneer Boulevard, Suite 5, Santa Fe Springs, CA 90670 has been analyzed and found to be in conformance with the appropriate plans and specifications; and

WHEREAS, the Town Treasurer has certified to the availability of adequate funds for payment, of which \$235,000.00 will be charged to Account 1-01-132-111, with the balance (\$350,540.00) subject to availability of funds in the 2022 Operating Budget, and prepared in accordance with N.J.A.C. 5:30 1.10 under Purchase Order 21-02571.

NOW, THEREFORE, E IT RESOLVED by the Town Council of the Town of Westfield that a contract for **Crossing Guard Services for the Westfield Police Department** be and hereby is awarded to All City Management Services, 10440 Pioneer Boulevard, Suite 5, Santa Fe Springs, CA 90670 at a cost not to exceed \$585,540.00 with \$235,000.00 charged to the 2021 Operating Budget, the balance (\$350,540.00) subject to the availability of funds in the 2022 operating budget; and

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

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 10, 2021

WHEREAS, the Town of Westfield determined that there was a need a concessionaire for the operation of the kiosk at the Southside Westfield Train Station; and

WHEREAS, on June 14, 2021, a Request for Proposals (RFP) for the aforesaid service was advertised to be returnable on June 29, 2021; and

WHEREAS, on June 29, 2021, one (1) response to the RFP was received; and

WHEREAS, Boxcar, Inc., 1 South Union Avenue, Cranford NJ 07016 submitted a proposal to perform said services for the contract period of one year; 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.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield be and hereby authorizes an award of contract to Boxcar Inc., 1 South Union Avenue, Cranford NJ 07016 for the operation of the kiosk at the Southside Westfield Train Station for the contract period of one year.

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.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

**PUBLIC SAFETY, TRANSPORTATION &
PARKING COMMITTEE**

AUGUST 10, 2021

WHEREAS, a need exists for the purchase of Police Department related traffic safety equipment as provided for in the 2021 Capital Budget, and

WHEREAS, the contract to purchase this equipment is to be awarded to an vendor through the State of New Jersey Procurement Bureau under State Contract 17-FLEET-00776, and

WHEREAS, this equipment will be sufficient to meet the needs of the Department, and

WHEREAS, the New Jersey Local Public Contracts Law (40A:11-3) requires that purchases through New Jersey State Contracts be authorized by resolution of the governing body; and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, prepared in accordance with N.J.A.C. 5:30 1.10, which will be in the amount of \$46,076.00 charged to Special Ordinance 2221, account number C-07-21-222-1B1, under Purchase Order #21-02564.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase the following equipment from the indicated vendor:

All Traffic Solutions
12950 Worldgate Dr #310
Herdon, VA 20170
Portable Radar Speed Signs

\$46,076.00

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.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

CODE REVIEW & TOWN PROPERTY COMMITTEE

AUGUST 10, 2021

RESOLVED that the following applications for Peddlers License be and the same are hereby approved:

Jose Cachada
Joes Catering
258 Perry Avenue
Union, NJ 07083

Scream Truck Additional Drivers

Mia Miller
Scream Truck
30 Hillside Avenue
Springfield, NJ 07081

Anton Christopher Tolentino Uri
Scream Truck
111 Fernwood Court
Clifton, NJ 07011

Raymond Marin
Scream Truck
194 Mallory Avenue
Jersey City, NJ 07304

BE IT FURTHER RESOLVED that the licenses shall not be issued by the Town Clerk unless the departmental inspections of the premises have been completed and the premises approved for the licensed use.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

CODE REVIEW & TOWN PROPERTY COMMITTEE

AUGUST 10, 2021

RESOLVED that the following application for children's amusement devices be approved:

Jersey Jumpy
PO Box 217
Iselin, NJ 08830

Block Party
September 25, 2021
Harrison Avenue
Westfield, NJ

Lauren Colon
174 Harrison Avenue
Westfield NJ, 07090

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

CODE REVIEW & TOWN PROPERTY COMMITTEE

AUGUST 10, 2021

WHEREAS, the Town of Westfield is seeking qualified business entities with the appropriate ABC license to provide a Beer and Wine Garden Concession at the AddamsFest event scheduled for October 16, 2021 within the Town of Westfield; and

WHEREAS, the Town of Westfield issued a Request for Proposals (RFP) for the aforementioned service through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, UT Westfield, LLC, dba Addams Tavern, 115 Elm Street, Westfield, NJ 07090 submitted a proposal to perform said services at the AddamsFest event with a payment to the Town of Westfield totaling thirty (30 %) percent of sales at said event; 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.

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield does hereby award a contract to UT Westfield, LLC for a Beer and Wine Garden Concession at the AddamsFest event; and

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

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

**AN ORDINANCE RESCINDING CERTAIN PROVISIONS
OF THE TOWN CODE FOR THE TOWN OF WESTFIELD**

GENERAL ORDINANCE NO. 2221

WHEREAS, the Mayor and Town Council of the Town of Westfield (the “Town”) are authorized under Section 1.3 of Article I of the Westfield Charter to adopt, amend, and repeal such ordinances and resolutions as may be required for the good governance thereof; and

WHEREAS, in the matter of Schnitzer v. Town of Westfield Planning Board, et al., Docket No. UNN-L-0000673-19, the Honorable Karen M. Cassidy, A.J.S.C. invalidated Section 8.06(G) of the Westfield Land Use Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Westfield, County of Union, New Jersey, that Article 8, “Site Plan and Subdivision Review Procedures,” of Part III, “Land Use Regulations,” of the Town Code for the Town of Westfield shall be and is hereby amended, as follows:

SECTION I. Section 8.06(G) of Article 8 of Chapter LUL is hereby repealed in its entirety.

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION III. A copy of this Ordinance shall be available for public inspection at the office of the Town Clerk during regular business hours for the required statutory period.

SECTION IV. This Ordinance shall take effect after passage and publication in the manner provided by law.

**TOWN OF WESTFIELD
GENERAL ORDINANCE NO. 2222**

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS
OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD
REQUIRING THE SUBMISSION OF A DIGITAL COPY OF APPLICATIONS TO THE
PLANNING BOARD AND BOARD OF ADJUSTMENT**

WHEREAS, presently the Town Land Use Ordinance requires the submission of paper copies and a digital copy of required application forms and accompanying documents as part of applications submitted to the Planning Board or Board of Adjustment, however, submission of a digital copy is not required for individual lot applications for detached one- or two-family dwelling unit buildings; and

WHEREAS, in order to provide a greater ease of access to all applications submitted to the Planning Board and Board of Adjustment to the general public, Board members, and interested parties, copies of all applications submitted should also be readily available by digital means including through the Town of Westfield website; and

WHEREAS, the availability in a digital format of applications and their placement on the Town of Westfield website would allow for review of materials submitted outside of the offices of the Planning Board and Zoning Board of Adjustment providing convenience, greater transparency, and more efficient use of staff time.

WHEREAS, the Town Council does hereby further find that the public interest of the Town of Westfield will be served by amending the Land Use Ordinance of the Town of Westfield in the manner set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Westfield, in the County of Union and the State of New Jersey, as follows:

SECTION I. Article 9, Section 9.02 entitled “General Requirements; Supporting Documentation, subsection A, is hereby amended to read as follows:

- A. For purposes of completeness review only, three (3) paper_copies of the appropriate application form(s). Thereafter, if the review determinations that the application is complete, the applicant shall submit three (3) completed and signed paper_originals and eighteen (18) paper_copies (if submitting to the Planning Board) or one (1) completed and signed paper_original and ten (10) paper_copies (if submitting to the Zoning Board of Adjustment) of the appropriate application form(s). A digital copy in PDF format of the appropriate application form(s) shall also be submitted. Notwithstanding the above, the Board Secretary may require a greater or lesser number of copies in particular cases as appropriate. If any item on the form is not applicable, is unknown or is otherwise unable to be completed, the item shall

not be left blank, but the words "not applicable", "unknown", "none" or other appropriate language shall be used.

SECTION II. Article 9, Section 9.03 entitled "General Requirements; Plan Information", introductory paragraph, is hereby amended to read as follows:

In addition to the submission requirements for the individual categories of applications in the following sections, all categories of applications, except for conceptual site plans and conceptual subdivisions, shall be required to submit three (3) paper copies of the required plot plan, site plan, or subdivision plan, for purposes of completeness review only. Thereafter, if the review determinations that the application is complete, the applicant shall submit eighteen (18) paper copies, if submitting to the Planning Board, or eleven (11) paper copies, if submitting to the Zoning Board of Adjustment, of any required plot plan, site plan or subdivision plan, signed and sealed by the professional who prepared the plot plan, site plan or subdivision plan, and a digital copy in PDF format. If review by the Architectural Review Board is required, five (5) additional paper copies of the plan shall be submitted. Notwithstanding the above, the Board Secretary may require a greater or lesser number of paper_copies in particular cases as appropriate. Any plan submitted as part of an application to a Town agency shall be prepared by an individual pursuant to the regulations in N.J.A.C. 13:27, 13:40, and 13:41, as amended, provided that the owner of a single-family detached or two-family dwelling may sign the plans for an application if he has prepared them. All such plans shall contain the following information:

SECTION III. All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION IV. In the event that any section, provision, or part of provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION V. This ordinance shall take effect after passage and publication in the manner provided by law.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

SPECIAL ORDINANCE NO. 2222

**A SPECIAL ORDINANCE AUTHORIZING THE SALE OF TOWN PROPERTY
KNOWN AS 121 MYRTLE AVENUE IN THE TOWN OF WESTFIELD**

WHEREAS, the Town of Westfield is the owner of certain vacant, undeveloped real property formally known as Block 4001, Lot 93, also known as 121 Myrtle Avenue, Westfield; and

WHEREAS, the total real property consists of approximately 12,500 square feet, or 0.287 acres. The dimensions of the property are 53.14' wide by 208 feet deep; however, the property is unique in that there is a Town-owned storm drain swale running the length of the property. A legal description is attached hereto for reference; and

WHEREAS, Christian Olguin and Marie Zito, husband and wife, the owners of real property that is contiguous to this Town-owned real property, have petitioned the Town seeking to purchase the eastern portion of the Town-owned property, amounting to approximately 3,976 square feet, or 0.091276 acres, and have offered \$20,000.00 to purchase; and

WHEREAS, the Tax Assessor of the Town of Westfield has determined that \$20,000 is a reasonable fair market value of this undersized property of non-buildable land; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the sale of municipally owned land to the owner of the real property contiguous to the real property being sold; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) also provides that when there is more than one owner with property contiguous to the property to be sold, that property shall be sold to the highest bidder from among all such bidders; and

WHEREAS, the lot was offered to all contiguous property owners, and only Christian Olguin and Marie Zito made an offer.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Westfield as follows:

1. That the Town Council does hereby approve a sale of that portion of the real property described herein and in the attached survey and metes and bounds description, which portion totals 3,976 square feet, and is part of Block 5707, Lot 17 on the Westfield Tax

Map, and known as 121 Myrtle Avenue, to Christian Olguin and Marie Zito, husband and wife, the owners of real property that is contiguous to this Town-owned real property, for \$20,000. The parties entered into a contract of sale on April 8, 2021.

2. The Mayor and Clerk of the Town of Westfield are hereby authorized to execute and deliver a deed transferring said real property to Christians Olguin and Marie Zito, husband and wife, who were the highest-bidding contiguous property owner in exchange for a payment of \$20,000, which has been determined to be not less than the market value of the property.

3. The Town Attorney is hereby authorized and directed to prepare such deed, the requisite contract, and such other, necessary documents, and to obtain such necessary signatures, in order to transfer title to Christian Olguin and Marie Zito, H/W, in exchange for consideration of \$20,000.

4. The deed shall provide that the property so transferred shall be merged into, and become a part of, the property already owned by the purchasers, and shall not be developed separately. The deed shall also contain a prohibition against any subdivision of the lot so created by the merger into lots other than conforming single-family lots.

5. If any section, part, or provision of this ordinance shall be declared to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance, or any part hereof, other than the part so held to be unenforceable or invalid.

6. This ordinance shall take effect immediately following publication and, in the manner, provided by law.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

SPECIAL ORDINANCE NO. 2223

**A SPECIAL ORDINANCE AUTHORIZING THE SALE OF TOWN PROPERTY
KNOWN AS 650 HORT STREET IN THE TOWN OF WESTFIELD**

WHEREAS, the Town of Westfield is the owner of certain vacant, undeveloped real property formally known as Block 2608, Lot 26.01 and also known as 650 Hort Street, Westfield; and

WHEREAS, the real property consists of approximately 8,570 square feet, or 0.1967401 acres. The dimensions of this corner lot are 54.59' wide in Hort Street frontage by approximately 157' in depth. A legal description is attached hereto for reference; and

WHEREAS, the property is located in the RS-6 zone, is a corner lot, and does not meet the requirements for development for that zone; and

WHEREAS, Robert and Lisa Braddock, husband and wife, the owners of real property that is contiguous to this Town-owned real property, have petitioned the Town seeking to purchase said Town-owned property, and have offered the sum of \$50,000.00, to purchase this undersized lot; and

WHEREAS, the Tax Assessor of the Town of Westfield has determined that the sum of \$50,000.00 is a reasonable, fair market value for this undersized lot; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the sale of municipally owned land to the owner of the real property contiguous to the real property being sold; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) also provides that when there is more than one owner with property contiguous to the property to be sold, that property shall be sold to the highest bidder from among all such bidders; and

WHEREAS, only Robert and Lisa Braddock are contiguous property owners, and they made an offer to purchase the property that represents not less than the fair market value for the property.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Westfield as follows:

1. That the Town Council does hereby approve a sale of the real property designated as Block 2608, Lot 26.01 on the Westfield Tax Map, and known as 650 Hort Street to Robert and Lisa Braddock, husband and wife, the owners of real property contiguous to the subject, municipally owned real property, for \$50,000.00. The parties entered into a contract of sale on May 12, 2021.

2. The Mayor and Clerk of the Town of Westfield are hereby authorized to execute and deliver a deed transferring said real property to Robert and Lisa Braddock, husband and wife, who were the highest-bidding contiguous property owner in exchange for a payment of \$50,000.00, which has been determined to be not less than the market value of the property.

3. The Town Attorney is hereby authorized and directed to prepare such deed, the requisite contract, and such other, necessary documents, and to obtain such necessary signatures, in order to transfer title to Robert and Lisa Braddock, H/W, in exchange for consideration of \$50,000.00.

4. The deed shall provide that the property so transferred shall be merged into, and become a part of, the property already owned by the purchasers, and shall not be developed separately. The deed shall also contain a prohibition against any subdivision of the lot so created by the merger into lots other than conforming single-family lots.

5. If any section, part, or provision of this ordinance shall be declared to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance, or any part hereof, other than the part so held to be unenforceable or invalid.

6. This ordinance shall take effect immediately following publication and, in the manner, provided by law.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO. XXX-2021

PUBLIC WORKS COMMITTEE

AUGUST 10, 2021

WHEREAS, on February 23, 2021, under Resolution 64-2021, a Unit Price Contract was awarded to Northern Nurseries of New Jersey, Inc., for the purchase of various landscape materials, including trees, at unit pricing in an amount not to exceed \$70,000 and

WHEREAS, due to continuous evaluations made in the field and following the award of the original contract, a need exists for the purchase of additional landscape material for use by the Department of Public Works, as provided for in Public Works account 137-254, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this Amended Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to Public Works account 137-255, under Purchase Order PO# 21-00541, in an amount not expected to exceed \$110,000, an increase of \$40,000.

NOW THEREFORE BE IT RESOLVED, that the Unit Price Contract originally awarded to Northern Nurseries of New Jersey, Inc., be and is hereby amended in an amount not to exceed \$110,000 (increased \$40,000) and

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