

MINUTES OF REGULAR MEETING HELD MAY 9, 2023

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, May 9, 2023, 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 13, 2022. 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, Councilmembers: Habgood, Parmelee, LoGrippto, Katz, Mackey, Contract, Dardia, Root

ABSENT: None

Invocation was given by Councilman Katz

Salute to the flag.

APPOINTMENTS

PRESENTATIONS

Mayor Brindle presented the following proclamation:

**Town of Westfield
Westfield, New Jersey**

PROCLAMATION

Mental Health Awareness Month 2023

WHEREAS, mental health includes our emotional, psychological, and social well-being; it affects how we think, feel, and act; it also affects how we handle stress, relate to others, and make choices; and

WHEREAS, mental health allows us to maintain relationships, take care of ourselves and our families, take care of our physical bodies, and respond and adapt to daily life changes; and

WHEREAS, mental health awareness is critical to the well-being of our families, communities, schools and businesses; and

WHEREAS, the stigma associated with mental illness is identified as the primary reason individuals fail to seek the help they need to recover from the disease and talking about mental health openly can reduce stigma and increase willingness to seek assistance; and

WHEREAS, with early and effective treatment, those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, local resources are available to treat the disease of mental illness so no resident needs to suffer alone or feel hopeless; and

WHEREAS, promoting mental wellness and enhancing awareness of available resources is critical to building a strong and healthy community; and,

WHEREAS, each business, school, government agency, healthcare provider, organization and citizen share the burden of mental health problems and have a responsibility to promote mental wellness and support prevention efforts; and

WHEREAS, Ordinance 2174 established the Westfield Mental Health Council for the Town of Westfield to promote the mental health and welfare of all Westfield residents.

NOW, THEREFORE, I, Michelle W. Brindle, do hereby proclaim May of 2023 as *Mental Health Awareness Month* in the Town of Westfield, and I call upon the citizens, government agencies, public and private institutions, businesses, and schools in the Town of Westfield to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health and the need for appropriate and accessible services for all people with mental health conditions.

Mayor Brindle presented the following proclamation:

Town of Westfield

Westfield, New Jersey

PROCLAMATION

Better Hearing and Speech Month

WHEREAS, communication disorders are among the most common conditions in children and adults, affecting tens of millions of people in the United States alone; and

WHEREAS, left untreated, these disorders can negatively impact a person's academic, social, and career success—as well as their overall quality of life; and

WHEREAS, audiologists and speech-language pathologists are professionals who specialize in the identification and treatment of communication disorders; and

WHEREAS, with early treatment, many communication disorders can be reversed or even prevented however, treatment at any age or any stage can make a positive impact and allow people with communication disorders to lead full and productive lives.

NOW, THEREFORE, I, Michelle W. Brindle, am pleased to join with the citizens of the Town of Westfield in recognizing May of 2023 as *Better Hearing and Speech Month* and I salute the many audiologists and speech-language pathologists in our community who dedicate themselves every day to improving the lives of their clients, patients, and students. Let's also recognize the needs of those among us who have hearing, speech, language, and swallowing disorders—and do all that we can to ensure that they have access to the services of audiologists and speech-language pathologists who can help them communicate effectively and swallow safely.

OPENING REMARKS

Administrator's Update

The Town Administrator provided an update on road paving. The utility companies have started their paving projects that were leftover roads from 2022. A grid of approximately twelve roads were just completed. The utility companies are using an excellent paving company, Atlantic Infrastructure who has been working with the Town and are very responsive. The Town Administrator thanked Fred Stansfield and his team for their efficient work. The Town's road paving project will be going out to bid later in the month and paving will take place in the summer and early fall. The State of New Jersey also completed a night paving road project for North and South Avenue. The Town Administrator thanked the residents for their patience and

reminded everyone to sign up for Nixle alerts as they will notify subscribers where paving and road closures are taking place. If any residents are interested in adding a generator to their house or have a conversion of oil to gas they are encouraged to contact the Engineering Department to plan accordingly as there is a seven-year moratorium for after paving.

Mayor's Update

Good evening, and thanks to everyone who is joining us tonight both in person and online this evening. As a reminder, public comment will be accepted in person only, 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.

Before we get to tonight's agenda, I'd first like to thank and commend the Westfield Fire Department for their efforts in responding to a fire at 412 West Broad Street. While we're grateful that no one was injured and that the occupants weren't home, their house was destroyed and their two dogs didn't survive. A Go Fund Me account has been set up for the McKeon family, a familiar name to many of us as long-time Westfield residents and public servants. <https://www.gofundme.com/f/funds-to-help-mckeon-family...>

NEW BUSINESSES

Congratulations to Westfield resident Anastasia Harrison on the ribbon cutting and grand opening of the beautiful new space for her architecture and design firm [AHD & CO](#), located upstairs at 114 Elm Street, which she shares with architect Michael Moritz and his firm [Stonewater Architecture, LLC](#).

Also newly opened is [Mochimoly](#) at 138 East Broad Street, which serves mochi treats such as donuts and Korean hot dogs, and the [Indigo Art Studio](#) Round 2, a painting studio for kids and adults on the corner of Elm and Quimby in the former Design Hub space. Be sure to stop in and check them out!

We also look forward to this Saturday's ribbon cutting for women's retail shop [Cachet Boutique](#) at 112 Central Avenue, across from Starbucks, and Monday's opening of the House of Wine and Liquor at 560 North Avenue, in the former TD Bank location. Over the next two months we will also welcome the downtown openings for [German Doner Kebab](#), [Wonder](#), and [Rumble Boxing](#)!

OPEN QUIMBY

Downtown outdoor summer dining is back, including the return of many parklets and Open Quimby! The popular pedestrian plaza, featuring expanded outdoor dining and retail space, entertainment, and wellness programming, returned this past weekend for another exciting season, following the success of the past three years. Quimby Street has resumed its seasonal one-way traffic pattern, and will be fully closed to cars on Tuesday nights in July and August during the Sweet Sounds Downtown Music Festival. The DWC will once again provide a range of Open Quimby programming in the coming months in addition to Sweet Sounds and Girls' Night Out, which is this Thursday! It looks like it's going to be a beautiful night so please come out and enjoy the festivities, and support our local businesses!

PRIDE MONTH FLAG RAISING

Join us for our annual Pride Month celebration! The Pride flag raising will be held at 6:00 PM on Wednesday, June 7, on the Town Hall lawn, followed by a walk to Quimby Street where there will be refreshments and music. The rain date will be the following day on Thursday, June 8.

NATIONAL BIKE MONTH

May is National Bike Month, and we have some great updates for our cyclists in town. [Councilman Mike Dardia](#), as the liaison to the Bicycle Advisory Board, has some information on two bike oasis projects, and [Councilman Scott Katz](#), as the liaison to the Recreation Commission, has all of the details on this year's Tour de Westfield.

[Comments by Councilman Dardia:]

We are looking forward to the upcoming installation of two bike oases. One will be located in Municipal Lot 1 behind Bovella's and is a joint effort between the DPW, Bicycle Advisory Board, and the Green Team, and is funded by a Sustainable Jersey Bike Oasis grant. The second location will be on Elmer Street behind the Rialto, as part of a separate grant received by the

DWC. The intention of these bike oases is to provide amenities for cyclists, including new bike racks, benches, a water bottle filler, and bike tool repair station to further encourage biking in the downtown. We anticipate work to be completed on these projects in the coming weeks so that the new facilities are ready for the public's enjoyment this summer.

And as the weather warms up, please keep bike safety in mind! Always remember to wear a fitted helmet, use hand signals, and ride with the flow of traffic. It's also important to wear reflective clothing and add lights to the front and rear of your bike when riding at dawn, dusk, and at night.

[Comments by Councilman Katz]:

Our resident community biking event, Tour de Westfield, is back for its second year! Save the date for Sunday, June 11, from 10:00 AM - 12:00 PM, for activities that include a two-mile family bike parade led by the Westfield Police Department, a WPD Bike Rodeo and the Tour de Tots for younger children on tricycles and scooters.

Participants can also vie for a chance to win a \$100 gift certificate to a Westfield business by decorating your bike in the Bling Your Bike Contest. Or, compete to win \$150 towards an ice cream or pizza party at a local eatery if you are the largest group to register and ride! We will also give away (\$20 Downtown Westfield Gift Certificates courtesy of the Downtown Westfield Corporation to some lucky participants.

This year we are featuring a new activity for our more adventurous bikers called the Tour de Tricks, where children nine and older can learn how to jump a curb or see a wheelie demonstration up close. Jay's Cycle will also be on hand to perform safety checks on your bike. Entertainment will be provided by The Spinners. Based on our first annual event turnout, we are expecting a great day! Advance registration is required, which will be available this week on the Town website.

Thanks to the Recreation Commission & Department for organizing this event, in collaboration with the Westfield Police Department, Bicycle Advisory Board, BRAKES Coalition, Green Team, and Downtown Westfield Corporation.

TONIGHT'S AGENDA

Tonight, we have a number of legislative items on the agenda, including ordinances on second reading to historically designate three homes in Stoneleigh Park and update our historic preservation ordinance as part of National Historic Preservation Month. We'll also hear ordinances on second reading related to Master Plan implementation, all of which were unanimously approved by the Planning Board last week, as well as those addressing stormwater management.

Lastly, I'd like to provide some context for the introduction of tonight's ordinance to approve a bond issuance of \$11.8M for the Edison Fields Project.

Following the vote in November by both the Town and the Board of Education approving the shared service agreement for the Edison Fields Project, the Town has proceeded with its due diligence to identify, through a public RFP process, the most appropriate and cost effective firm for site survey and project design work. As you'll hear, we had an incredible response to the RFP, as many well-known and qualified firms sought out this project. But first I'd like Councilman Katz, as liaison to the Recreation Commission, to provide more details for the public on the steps we undertook to get to this point.

[Remarks by Councilman Katz]:

Thank you, Mayor. As we had communicated back in November, the next steps in this process would be the issuance of an RFP for site survey and project design work. The timeline of the process that has brought us to this ordinance introduction tonight was as follows:

- The RFP was issued on January 19, and we then hosted a non-mandatory site inspection visit at Edison for interested firms on January 26.
- We were pleased to learn on March 8, the deadline for the RFP, that 11 firms had submitted responses.

■ On March 17, we formed a review and selection committee to ensure the full range of stakeholder input was involved in this process. These committee members included myself, [Councilwoman Linda Habgood](#) as the Finance Policy Committee Chair, Board of Education Business Administrator Patty Ramos, Board of Education Facilities Director Sean McArthur, Recreation Director Megan Schaffer, Assistant Recreation Director Dan Conte, Recreation Commission members Russ Howell and Chairwoman Jennifer Gilman, Town Administrator Jim Gildea, Assistant Town Administrator Heather Re-Ferrati and Dave McAlister, member of the Westfield Infrastructure Resiliency Committee (WIRC).

■ The committee conducted interviews of seven firms and, based on these interviews, at the end of April, unanimously chose T&M Associates as the best fit for this project to be recommended for a future award of contract, based on their clear expertise and relevant experience.

It's also worth repeating that, as we've previously discussed, the Edison Fields Project is the first step of many in a larger process of addressing our fields and facilities town-wide. And while the Edison Fields Project is the most expeditious approach to gaining desperately needed additional capacity for our student athletes and Town sports leagues, we remain committed to pursuing additional solutions with natural grass fields simultaneously as we look at other sites going forward.

Town Administrator Jim Gildea is going to provide additional details about the financing.

[Remarks by Town Administrator Jim Gildea]:

In terms of financing, the ordinance on first reading tonight is to bond \$11.8M. Much like the bond ordinances we do for road paving and many capital projects, as well as for One Westfield Place, though on a smaller scale, we bond for more than the precise projected costs in order to allow for variations in material and unanticipated costs as details become finalized. In this case, we want to ensure that we have bonded for enough funding to ensure our drainage complies with the new state stormwater management standards that we expect to be released shortly, as well as the ability to choose the most environmentally friendly turf and infill materials as new and more sustainable products continue to be introduced in the marketplace. It's also important that we have the full financial commitment in place to provide certainty to the Board of Education regarding this partnership.

As we've discussed previously, a significant portion of the debt service on this project will be offset by the PILOT proceeds from the Westfield Crossing project, expected to yield \$20M over our 30-year developer agreement, beginning next year, thereby mitigating the cost burden on taxpayers.

This \$11.8M includes all anticipated costs including turf, drainage, lighting, bathrooms, landscaping, and amenities, as well as the design, engineering, and project management services provided by the selected vendor.

Since we anticipate receiving some funding from grants and sponsorships, we do not expect to utilize the full bond amount, so any unused funds will be repealed and not bonded, which can then be redirected to future uses, such as supporting concurrent grass field initiatives.

[Remarks by Mayor Brindle]:

And to that point, we are also committing tonight to dedicate the \$300K Westfield Crossing developer contribution to the Park Improvement Fund to a grass field plan that will include the simultaneous assessment and implementation of designated grass playing fields, and all that it would require, to ensure they remain safe and well-maintained for our sports teams.

I would like to thank [Councilman David Contract](#) for his insistence and persistence in advocating for grass playing fields, and ensuring this Council's commitment to bringing them to fruition in conjunction with the Edison Fields Project. This is a win-win for everyone, and provides the best of both worlds for our residents and athletes.

Before we move on to tonight's agenda, I'd like to congratulate all of the college graduates who have their commencement ceremonies this month. Having attended both my daughters' graduations these past two weeks, I was reminded how grateful I am for the incredible education our students receive from the Westfield Public Schools, and would like to thank our community for supporting the recent school budget referendum to ensure our schools continue to deliver a top flight education for our students. So, congrats to the college graduates, and to their families, on this milestone!

ADVERTISED HEARINGS

1. GENERAL ORDINANCE NO. 2023-12

AN ORDINANCE BY THE TOWN COUNCIL AMENDING THE TOWN CODE OF THE TOWN OF WESTFIELD TO REPEAL AND REPLACE CHAPTER 8, ARTICLE IV, "STORM WATER CONTROL AND FLOOD PLAIN"; TO ADOPT FLOOD HAZARD MAPS; AND TO DESIGNATE A FLOODPLAIN ADMINISTRATOR"

Advertised returnable this evening.

Jerome Feder, 789 Knollwood Terrace, spoke about previous flooding situations in Town. He is concerned about the Town revoking and replacing a large portion of the Town Code related to flood protection. He thinks the Town should have stronger flood protection. The motivation and details of the changes to him are not well understood. He does not think there has been any published analysis of the new flood rules relative to the old ones. He would like to make sure the Town is not weakening the Westfield flood protection.

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

The Town Administrator addressed Mr. Feder's comments. Every municipality in the State of New Jersey has been asked to update their storm water regulations to come into compliance with the new model State ordinance. This ordinance makes the Town's ability to enforce stormwater management stronger and enforce more restrictive regulations for private and public properties. The Town Engineer indicated when plans before the Planning Board flood maps are referenced that are outdated from 2006, this ordinance allows for the use of updated maps from 2016 to choose whichever is more appropriate for that property. This provides more opportunity for the Town to regulate stormwater management. While this is required by the State it was reviewed by the Department of Environmental Protection and FEMA prior to introduction. The Code Review & Town Property Committee is also going to look beyond this ordinance for specific needs of Westfield.

2. GENERAL ORDINANCE NO. 2023-13

AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE DESIGNATION AND PRESERVATION OF HISTORIC DISTRICTS AND HISTORIC LANDMARKS IN THE TOWN OF WESTFIELD

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

3. GENERAL ORDINANCE NO. 2023-14

AN ORDINANCE DESIGNATING 3 STONELEIGH PARK, SHOWN ON THE TOWN OF WESTFIELD TAX MAP AS BLOCK 4207, LOT 20, AS A HISTORIC LANDMARK AND MODIFYING THE ZONING MAP

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

4. GENERAL ORDINANCE NO. 2023-15

AN ORDINANCE DESIGNATING 5 STONELEIGH PARK, SHOWN ON THE TOWN OF WESTFIELD TAX MAP AS BLOCK 4207, LOT 18 AS A HISTORIC LANDMARK AND MODIFYING THE ZONING MAP

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

5. GENERAL ORDINANCE NO. 2023-16
AN ORDINANCE DESIGNATING 18 STONELEIGH PARK, SHOWN ON THE TOWN OF WESTFIELD TAX MAP AS BLOCK 4209, LOT 7 AS A HISTORIC LANDMARK AND MODIFYING THE ZONING MAP

Advertised returnable this evening.

Katie Spikes & Donald Furrer, 18 Stoneleigh Park, thanked Kelly Kessler for starting the process of designations in Stoneleigh Park many years ago and Maria Boyes, Chair of the Historic Preservation Commission for encouraging them to designate their house. They also thanked Anastasia Harrison for becoming the first house designated in Stoneleigh. They thanked all of their neighbors who were interested in designating their house. They chose to designate their house because they would like to come back with their children and visit their house and see it the way it was when they lived there. It is a really special street and needs to be preserved. Katie & Donald thanked the Mayor & Council for their support.

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

6. GENERAL ORDINANCE NO 2023-17
AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO THE DEFINITION OF BAY WINDOW

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

7. GENERAL ORDINANCE NO. 2023-18
AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO THE DEFINITION OF BUILDING EAVE HEIGHT

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

8. GENERAL ORDINANCE NO. 2023-19
AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO THE DEFINITION OF SWIMMING POOL

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

9. GENERAL ORDINANCE NO 2023-20
AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO CONDITIONAL USES

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

10. GENERAL ORDINANCE NO 2023-21
AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO RETAINING WALLS

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

11. GENERAL ORDINANCE NO 2023-22

AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO BUILDING DESIGN STANDARDS

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, "GENERAL ORDINANCE NO. 2023-12 - AN ORDINANCE BY THE TOWN COUNCIL AMENDING THE TOWN CODE OF THE TOWN OF WESTFIELD TO REPEAL AND REPLACE CHAPTER 8, ARTICLE IV, "STORM WATER CONTROL AND FLOOD PLAIN"; TO ADOPT FLOOD HAZARD MAPS; AND TO DESIGNATE A FLOODPLAIN ADMINISTRATOR by Councilman Katz seconded by Councilwoman Mackey, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

An ordinance entitled, "GENERAL ORDINANCE NO. 2023-13 - AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE DESIGNATION AND PRESERVATION OF HISTORIC DISTRICTS AND HISTORIC LANDMARKS IN THE TOWN OF WESTFIELD" by Councilman Parmelee seconded by Councilman LoGrippe, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

An ordinance entitled, "GENERAL ORDINANCE NO. 2023-14 - AN ORDINANCE DESIGNATING 3 STONELEIGH PARK, SHOWN ON THE TOWN OF WESTFIELD TAX MAP AS BLOCK 4207, LOT 20, AS A HISTORIC LANDMARK AND MODIFYING THE ZONING MAP" 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:

Councilman LoGrippe read the following statement: 3 Stoneleigh Park, also known as The Piercy-Thomas House, was built circa 1907 and is currently owned by Marielyce Water. The Georgian Revival house is significant at the local level for both its Georgian Revival architecture and for its inhabitants Nathan Seth Hammond Piercy and H.

Emerson. NHS Piercy was Superintendent of Chemical Works at New York Post-Graduate Medical School and Hospital in New York City, and was also an Annual Member of the Trustees of the Metropolitan Museum of Art. A subsequent inhabitant of the home was H. Emerson Thomas -- known as "Mr. Westfield" for his civic leadership throughout the second half of the 20th century. He served as a councilman for two years, and Mayor for six years in the 1950's. Mr. Thomas was a founding member of the Westfield Foundation, helped create the United Fund of Westfield, and was active with the Westfield YMCA Board of Trustees. Mr. Thomas was a leader in the acquisition of several properties for public use including the downtown municipal parking lot, and the train station building. As a public official, Mr. Thomas was involved with the construction of the Westfield Town Hall and the creation of the Westfield Volunteer Rescue Squad. As mayor, Mr. Thomas started a downtown beautification program for planting trees and encouraging a colonial theme. A fountain in the center of the lake in Mindowaskin Park is named the H. Emerson Thomas Fountain.

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

An ordinance entitled, "GENERAL ORDINANCE NO. 2023-15 - AN ORDINANCE DESIGNATING 5 STONELEIGH PARK, SHOWN ON THE TOWN OF WESTFIELD TAX MAP AS BLOCK 4207, LOT 18 AS A HISTORIC LANDMARK AND MODIFYING THE ZONING MAP" 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:

Councilman LoGrippe read the following statement: 5 Stoneleigh Park, also known as The George Davis Beattys House, was built circa 1911, and is currently owned by Aaron and Donna Keith. The Spanish Revival Style house is significant at the local level for its architecture and for its inhabitant George Davis Beattys (1862 -1945), who served as general counsel for the Aeolian Company for thirty years. The Aeolian Company was a large musical instrument manufacturing company which was also responsible for developing Stoneleigh Park.

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

An ordinance entitled, "GENERAL ORDINANCE NO. 2023-16 - AN ORDINANCE DESIGNATING 18 STONELEIGH PARK, SHOWN ON THE TOWN OF WESTFIELD TAX MAP AS BLOCK 4209, LOT 7 AS A HISTORIC LANDMARK AND MODIFYING THE ZONING MAP" by Councilman Parmelee seconded by

Councilwoman Mackey, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Parmelee		
LoGrippto		
Katz		
Mackey		
Contract		
Dardia		
Root		
Mayor Brindle		

Councilman LoGrippto read the following statement: 18 Stoneleigh Park was built circa 1928, and is currently owned by Donald R. Furrer and Katherine A. Spikes. The English Tudor Revival Style house circa 1928, is an excellent contributing example of the second period of construction in Stoneleigh Park.

Councilman Contract thanked Katie & Donald for their designation and would like to echo their comments on preserving the neighborhood for many years to come.

Councilwoman Mackey thanked everyone in attendance that had designated their homes along with the Historic Preservation Commission. Councilwoman Mackey reflected on the team effort that took place years ago to ensure there was a strong historic preservation ordinance. She stated, “a night like tonight, makes the work worthwhile”. Councilwoman Mackey was pleased to see Councilman LoGrippto provide a history of the homes as he was not in favor of the ordinance years ago. She asked if he would have voted differently if he would have seen what came out of the ordinance.

Councilman LoGrippto stated he would have voted the same because there is still a concern among residents that one day when the present Council is not in office there is a possibility a governing body can tell a homeowner what to do with their property.

Councilwoman Mackey appreciated Councilman LoGrippto’s honesty and comments. She reiterated her gratitude to everyone in attendance and appreciates all the efforts that went into the designations.

An ordinance entitled, “GENERAL ORDINANCE NO. 2023-17 - AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO THE DEFINITION OF BAY WINDOW” by Councilman Parmelee seconded by Councilwoman Habgood, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Parmelee		
LoGrippto		
Katz		
Mackey		
Contract		
Dardia		
Root		
Mayor Brindle		

An ordinance entitled, “GENERAL ORDINANCE NO. 2023-18 - AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO THE DEFINITION OF BUILDING EAVE HEIGHT” by Councilman Parmelee seconded by Councilwoman Mackey, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood
Parmelee
LoGrippe
Katz
Mackey
Contract
Dardia
Root
Mayor Brindle

Nays:

Absent:

An ordinance entitled, "GENERAL ORDINANCE NO. 2023-19 - AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO THE DEFINITION OF SWIMMING POOL" by Councilman Parmelee seconded by Councilwoman Root, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood
Parmelee
LoGrippe
Katz
Mackey
Contract
Dardia
Root
Mayor Brindle

Nays:

Absent:

An ordinance entitled, "GENERAL ORDINANCE NO. 2023-20 - AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO CONDITIONAL USES" by Councilman Parmelee seconded by Councilman Dardia, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood
Parmelee
LoGrippe
Katz
Mackey
Contract
Dardia
Root
Mayor Brindle

Nays:

Absent:

An ordinance entitled, "GENERAL ORDINANCE NO. 2023-21 - AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO RETAINING WALLS" by Councilman Parmelee 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
LoGrippe
Katz
Mackey
Contract
Dardia
Root

Nays:

Absent:

Mayor Brindle

An ordinance entitled, “GENERAL ORDINANCE NO. 2023-22 - AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO BUILDING DESIGN STANDARDS” by Councilman Parmelee seconded by Councilwoman Mackey, was taken up, read and passed by the following vote of all present upon roll call as follows:

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

BIDS

MINUTES

On a motion by Councilwoman Mackey and seconded by Councilman LoGrippe, Council unanimously approved the Minutes of the Town Council Conference Session and Regular Meeting held April 25, 2023.

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.

Jerome Feder, 789 Knollwood Terrace, spoke about S.O. 2023-03. He feels the project is poorly and incompletely defined. The costs are unknown and there are conflicts with State and Town rules. He commented that studies to evaluate impacts have not been done. Mr. Feder made comments regarding a portion of the field being in a riparian zone. He is also concerned with new DEP flood protection rules. Mr. Feder spoke about the runoff into Robinson’s Branch and how it would be affected with the implementation of turf fields. He mentioned the CME study that was conducted for the Edison School Field Project. He does not think the Town should be funding a project that does not have a real plan and has unevaluated costs and runs counter to State and Town rules.

Greg Lehmborg, 528 Grove Street, was thrilled to hear the Council is talking about natural grass athletic fields but unfortunately anything that is done after the Edison project will not offset the damage it is going to do in its current state. He stated the cost of the project has jumped by 42% since CME estimated \$8.3 million a few months ago. He feels the flaws in that report were glaring but is surprised the estimate is that far off. They elected to use unfavorable assumptions for installation and maintenance for natural grass fields while using favorable costs for artificial turf fields. The playable hours were differing on natural grass to artificial turf with assumptions that 50% more hours were possible on turf. Mr. Lehmborg continued to discuss his concerns with the CME study and the cost estimates. He does not think the costs in the study are correct. He stated there is no way to calculate the environmental and health risks that come attached to the project. He discussed the health and environmental concerns related to turf and carcinogens and respiratory issues. He raised his concerns with PFAS and pollution from turf fields. He thinks this project is financially and environmentally irresponsible. He wishes the Council will vote no on the ordinance and advocate for natural grass fields all throughout town.

Jean Lehmborg, 528 Grove Street, echoed her husband's previous comments. She commented that there is no infill and turf that is environmentally friendly. She urges the Council to visit www.beyondplastics.org to learn more about plastic. She also suggests watching a video titled

“Plastics Impact on Human Health”. She asked the Council to use their education to make Westfield a better place and not blanket Edison Field with plastic. Mrs. Lehmborg asked the Council to show the same reverence they showed for historical buildings to be used for green open spaces. It will be nearly impossible to undo the impact of turf fields.

Dr. Michael Armento, 30 Sandra Circle, voiced the comment made by Councilwoman Mackey to Councilman LoGrippo was disgraceful and embarrassing to make a political point. He is happy to hear about all the new businesses that are opening in Westfield and thinks that despite what the Mayor has previously stated, Westfield seems to be doing well financially. Dr. Armento also quoted the Mayor from 2018 regarding the field timeline and accountability. Dr. Armento voiced that years later there are still no fields for more years and there is a cost of several million dollars more than what would have been in 2017 and 2018. He asked where is the Mayor’s accountability? He stated Mayor Brindle is ruining Westfield.

David Keefer, 603 Shadowlawn Drive, lives on Shadowlawn crossed with Rahway Avenue and oftentimes it is difficult to get out of his driveway. He asked if there was any traffic impact study done for the Edison School Fields Project and if there were any mitigation measures suggested.

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

The Town Administrator addressed comments pertaining to Mr. Feder’s comments. As mentioned previously the Edison School Field Project will require permits and approvals from DEP to design the site. There was an initial LOI that shows where the floodplain is and the zone that was mentioned, it does not mean something cannot be constructed there. When the Town met with the Army Corp of Engineers and DEP there were discussions about the flume area and DEP explained to residents that if the project gets approved it is being approved with the highest standards in the country for stormwater management. There is a permitting process and this is expected to be designed to the highest new stormwater regulations. Stormwater management will absolutely be improved with this project in place.

The Town Administrator also addressed comments made regarding the cost increase from what CME estimated. CME strictly conducted an analysis on turf vs. natural grass. Some items included in the bond ordinance that were not included in the CME report are the design, survey, geotechnical, construction management, permitting for DEP, bathroom facilities, associated utility work and an increase of costs for turf selection and drainage selection because of desiring the flexibility to choose the highest and best products for turf and stormwater management. Those items were not included in CME’s report and estimates.

The Town Administrator addressed Mr. Keefer’s comments and stated there was a parking analysis conducted by Spiegle after their concept design. This is expected to be a practice facility which is different from a traditional field or game facility. Rahway Avenue is a town collector road which is designed to carry large amounts of traffic. There are various traffic mitigation measures already in place on Rahway and after the facility is designed the traffic mitigation measures will be revisited.

BILLS AND CLAIMS

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

RESOLVED that the bills and claims in the amount of \$405,023.49 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, seconded by Councilwoman Root, were unanimously adopted.

Resolution No. 113

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$73.80 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 April 2023.

Resolution No. 114

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

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Megan Doyle-Smyth	Pool Membership 03-55-920-202	Non-Resident Membership Family of 4 or less	\$755.25 Check
Philip Furia	Tennis/Rec T-05-600-071	Adult Pickleball/Session 2 "Almost"/ Tuesday/AM	\$95.00 Check
Theresa Bennett	Tennis/Rec T-05-600-071	Adult Pickleball/Session 2 Beginner/Thursday/AM	\$95.00 Check

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

<u>Name</u>	<u>Reason</u>	<u>Program</u>	<u>Fee</u>
Brian Turetsky	Withdrew	Youth Tennis/Session 2 Wrong Class/Session	\$129.00 Credit Card
Chunrui Sun	Withdrew	Playground Camp/Jefferson Sight Chelsea Li Samuel Li	\$389.50 \$389.50 Credit Card
Christopher Pye	Withdrew	Memorial Pool/2023 season Individual Membership	\$208.05 Credit Card
Jarett Kamins	Program Canceled	Built By Me/Filmmaking	\$170.00 Credit Card
Randi Albert	Withdrew/Injury	Adult Pickleball/Spring 2023 Thursday/Intermediate Class	\$60.00 Credit Card
Ashley Burroughs	Withdrew	Memorial Pool/2023 Season Non-Resident Parent/Child	\$608.00 Credit Card
Lauren Guberer	Withdrew	Memorial Pool/2023 season Resident Caregiver/Ximena Pacheco	\$115.00 Credit Card

Resolution No. 115

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

George J. Keller & Sons
PO Box 218
Flanders, NJ 07836

Amount of refund: \$975.00

Resolution No. 116

WHEREAS, the following applicants have placed the required cash bond of \$1,500.00 to cover the following Road Opening Permits, and

Date	Permit No.	Applicant	Address of Opening
04/12/22	22-222	JB Ragonese Construction Company PO Box 304 Garwood, New Jersey 07027	637 Elm Street
04/13/22	22-223	Zoom Drain 129 East First Avenue Roselle, New Jersey 07203	154 Summit Court
04/22/22	22-227	Christopher M. Scwharzenbek 535 Dudley Court Westfield, New Jersey 07090	535 Dudley Court

WHEREAS, the required one-year hold on the funds has been met and the applicants are therefore entitled to have the bonds returned to them, and

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

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

Resolution No. 117

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2023:

<u>Block/Lot/Qualifier</u>	<u>Property Address</u>	<u>Quarter/Year</u>
<u>Name</u>	<u>Property Address</u>	<u>Amount</u>
5402/41	1515 Lamberts Mill Road	2 nd /2023
Complete Care at Westfield		\$92,112.66

Special Ordinance No. 2023-03

Regarding the following ordinance, Councilwoman Habgood made the following announcement: I hereby move that an ordinance entitled, “SPECIAL ORDINANCE NO. 2023-03 – A BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE EDISON SCHOOL MULTIPURPOSE FIELDS PROJECT IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$11,800,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.”

The motion was seconded by Councilwoman Mackey.

Councilman LoGrippe thanked the Lehmborg’s for their comments and studies they have provided. Councilman LoGrippe is excited to see more fields in Westfield but he does not think this is the proper location for a facility of this magnitude. He is excited about the plans for Tamaques Park but he does not think Edison is a good location.

Councilman Contract stated he has not been in favor of this project since its inception and he really has done everything he can to convince his colleagues to agree with him, and it has not worked. Councilman Contract contemplated his vote on this ordinance and explained there were two options:

Option A: Continue to oppose and be on the outside

Option B: Get something more out of it that advances the town's and Ward 3's interests while being in a position to better address concerns by voting "Yes"

This is a very practical way of looking at this, which Councilman Contract felt was the right way to look at it at this juncture. By pursuing Option B, Councilman Contract is able to secure the Mayor's full commitment to building and implementing a natural grass fields plan using the \$300k contribution to the Westfield Parks Improvement Trust Fund that Westfield Crossings will pay upon receiving their Certificate of Occupancy. This is a huge investment in the town's grass fields -- likely the largest investment in town history. Councilman Contract has always believed

that both synthetic turf and natural grass would be part of the solution to the town's fields needs and this represents a major step towards this.

Additionally, Councilman Contract has secured a seat at the table among the group of people who will be called upon to review the project as it gets designed, and decisions need to be finalized. This role will allow Councilman Contract to represent concerns from the inside and do more to address them than from the outside. Councilman Contract absolutely realizes that many people will not agree with his decision. However, he hopes residents understand the rationale for voting "Yes" tonight. Ultimately, he decided that Option B offered a better (though not perfect) path forward for the town and for Ward 3.

Councilwoman Mackey thanked Councilman Contract for being a tenacious partner and feels everyone works better when they bring ideas to the table and even when people do not always agree they get to a better result. As Ward 4 Councilwoman, she is pleased to see the degree of stormwater infrastructure that will only be possible during this project. She looks at this as a really intrinsic benefit for the residents that are suffering from flooding.

Mayor Brindle thanked everyone and all of the residents who continue to share studies and come to meetings as she agrees with Councilwoman Mackey that it ultimately makes everyone better and ends at a good outcome.

Councilwoman Habgood explained the process of municipal bonding and is excited to have T&M as the design, survey, and construction manager. They are a very skilled firm that not only will look at all stormwater management infrastructure but also ensure it is the highest quality products.

Special Ordinance No. 2023-03 was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays: LoGrippto	Absent:
Parmelee		
Katz		
Mackey		
Contract		
Dardia		
Root		
Mayor Brindle		

Heretofore introduced, Special Ordinance No. 2023-03 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 23rd day of May 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 Safety, Transportation and Parking Committee

The following resolution, introduced by Councilwoman Root, seconded by Councilman Dardia, were unanimously adopted.

Resolution No. 118

WHEREAS, on January 17, 2023, under Resolution 40-2023, a Contract was awarded to Flock Safety, P.O. Box 207576, Dallas, TX 75320 for \$22,500 for the purchase of Automated License Plate Recognition (ALPR) cameras to be installed at various locations throughout the Town of Westfield, and

WHEREAS, the total amount of the contract is \$41,250, requiring an amendment to the contractual price of the cameras, 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 is to be charged to Special Ordinance 22-01 and Police Department account 130-208, under Purchase Order PO# 23-00112, in an amount not expected to exceed \$41,250, an increase of \$18,750, as follows:

C-07-22-001-1C2	\$40,000.00
3-01-130-208	<u>1,250.00</u>
Total Cost:	\$41,250.00

NOW THEREFORE BE IT RESOLVED, that the Contract originally awarded to Flock Safety, be and is hereby amended in an amount not to exceed \$41,250 (increased \$18,750) 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.

Code Review & Town Property Committee

The following resolution, introduced by Councilman Parmelee, seconded by Councilwoman Root, was unanimously adopted.

Resolution No. 119

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

Richard Sieb Seashore Amusements 11 Hendry Lane Brick, NJ 08723	Spring Fling May 7, 2023 Elm Street Westfield, NJ 07090	Richard Sieb Seashore Amusements 11 Hendry Lane Brick, NJ 08723
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Public Works Committee

COMMITTEE REPORTS

ADJOURNMENT

A motion to adjourn, made by Councilman Dardia and seconded by Councilman Katz at 9:36 P.M. was unanimously carried.

Respectfully submitted,

Maureen Lawshe, RMC

Town Clerk