



AGENDA
March 23, 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 street opening Cash Bond
2. Resolution authorizing an award of contract for pool concession
3. Resolution authorizing payment for Body Worn Cameras
4. Resolution to defer Local District School Tax
5. Resolution to utilize the three-year average method in computing certain revenues in the 2021 swim pool utility budget
6. A resolution to adopt a temporary capital budget
7. Resolution certifying compliance with the United States Equal Employment Opportunity Commission's guidance
8. Resolution cancelling a portion of COVID-19 Special Emergency Appropriation
9. Resolution to introduce and approve the 2021 Municipal Budget
10. Resolution to introduce and approve the 2021 Special Improvement District Budget

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

1. Resolution to approve Peddler's License
2. Resolution to approve outdoor seating as per Executive Order No. 150 and authorizing Town Clerk to issue licenses for same

Public Works Committee

1. Resolution to award a contract for the construction and installation of ADA compliant curb ramps and drainage infrastructure

ORDINANCES

GENERAL ORDINANCE NO. 2210

AN ORDINANCE FOR CALENDAR YEAR 2021 TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

GENERAL ORDINANCE NO. 2211

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

GENERAL ORDINANCE NO. 2212

AN ORDINANCE REQUIRING THE LICENSING AND REGISTRATION OF LANDSCAPERS WITHIN THE TOWN OF WESTFIELD AND MAKING CERTAIN AMENDMENTS TO THE CONSERVATION CENTER REGULATIONS

SPECIAL ORDINANCE NO. 2221

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW INFORMATION TECHNOLOGY EQUIPMENT IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,650,000 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.

GENERAL BUSINESS

COMMITTEE REPORTS

Finance Policy Committee

OPEN DISCUSSION BY CITIZENS

EXECUTIVE SESSION



**TOWN OF WESTFIELD
TOWN COUNCIL
REGULAR MEETING**

**Tuesday, March 23, 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
7. Approval of Minutes from Town Council Conference Meeting held March 9, 2021
Approval of Minutes from Town Council Regular Meeting held March 9, 2021
8. Petitions and Communications
9. Open discussion by citizens
10. Bills and Claims in the amount of \$266,588.55
11. Reports of Standing Committees

Finance Policy Committee

11. Resolution authorizing the Chief Financial Officer to draw warrant to refund street opening Cash Bond
12. Resolution authorizing an award of contract for pool concession
13. Resolution authorizing payment for Body Worn Cameras
14. Resolution to defer Local District School Tax
15. Resolution to utilize the three-year average method in computing certain revenues in the 2021 swim pool utility budget
16. Resolution to adopt a temporary capital budget

17. Resolution certifying compliance with the United States Equal Employment Opportunity Commission's guidance
18. Resolution cancelling a portion of COVID-19 Special Emergency Appropriation
19. GENERAL ORDINANCE NO. 2210
AN ORDINANCE FOR CALENDAR YEAR 2021 TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)
20. Resolution to introduce and approve the 2021 Municipal Budget
21. Resolution to introduce and approve the 2021 Special Improvement District Budget
22. SPECIAL ORDINANCE NO. 2221
BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW INFORMATION TECHNOLOGY EQUIPMENT IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,650,000 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.

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

1. Resolution to approve Peddler's License
2. Resolution to approve outdoor seating as per Executive Order No. 150 and authorizing Town Clerk to issue licenses for same
3. GENERAL ORDINANCE NO. 2211
AN ORDINANCE RESCINDING CERTAIN PROVISIONS OF THE TOWN CODE FOR THE TOWN OF WESTFIELD
4. GENERAL ORDINANCE NO. 2212
AN ORDINANCE REQUIRING THE LICENSING AND REGISTRATION OF LANDSCAPERS WITHIN THE TOWN OF WESTFIELD AND MAKING CERTAIN AMENDMENTS TO THE CONSERVATION CENTER REGULATIONS

Public Works Committee

2. Resolution to award a contract for the construction and installation of ADA compliant curb ramps and drainage infrastructure
12. Reports of Department Heads

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. 2021

FINANCE POLICY COMMITTEE

MARCH 23, 2021

WHEREAS, Accurate Sewer and Drain LLC placed the required cash bond of \$500.00 to cover the Road Opening Permit #20-033 for 245 Tuttle Parkway, and

WHEREAS, Accurate Sewer and Drain LLC is entitled to have this amount be returned, and

WHEREAS, the Town Engineer has inspected the roadway excavation and has found the road 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 Accurate Sewer and Drain LLC for \$500.00 and forward to 9 Cellar Avenue, Clark, New Jersey, 07066.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. 2021

FINANCE POLICY COMMITTEE

MARCH 23, 2021

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

WHEREAS, on February 25, 2021, a Request for Proposals (RFP) for the aforesaid service was advertised to be returnable on March 16, 2021; and

WHEREAS, on March 16, 2021, one (1) response to the RFP was received; and

WHEREAS, Lizzard Inc. DBA Suspenders, 1131 Magie Avenue, Union, New Jersey 07208 submitted a proposal to perform said services with a payment to the Town of Westfield totaling \$14,201.50; and

WHEREAS, the Recreation Commission has found the proposal to be responsive to the RFP and is recommending that the Town Council authorize an award of contract to Suspenders.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield be and hereby authorizes an award of contract to Lizzard Inc. DBA Suspenders, 1131 Magie Avenue, Union, New Jersey 07208 for the food concession for the 2021 season at the Westfield Memorial Pool with a payment to the Town of Westfield totaling \$14,201.50.

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. 2021

FINANCE POLICY COMMITTEE

MARCH 23, 2021

WHEREAS, in 2019, the Westfield Police Department previously sought the purchase of Body Worn Cameras to comply with the everchanging needs and best practices of law enforcement, and in 2021, pursuant to an act of the state legislature, Body Worn Cameras shall now be mandated for use by all uniformed police officers in the State of New Jersey while engaged in patrol activities; and

WHEREAS, Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038 was awarded State Contract T0106, under the Department of Purchase and Property's NJStart eProcurement Solution, purchase order 17-FLEET-00738, Category 14 for Police Body Camera Solution and 14A for installation, consulting services, hardware/software configuration, training, and hourly repair services rates; and

WHEREAS, at a meeting of the Town Council of the Town of Westfield on June 18, 2019, the Town of Westfield awarded a contract for the purchase of Body Worn Cameras for the Westfield Police Department to Axon Enterprise of P.O. Box 29661, Department 2019, Phoenix, AZ 85038-9661 under State Contract T0106; and

WHEREAS, pursuant to the Town of Westfield's Purchasing Agreement with Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661, the total costs of said contract are to be extended over a five (5) year time period, with Year 3 costs of said agreement totaling \$67,908.00 as specified in invoice SI-1717795, and which are now due for payment; and

WHEREAS, these Body Worn Cameras and their servicing by Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661 have been sufficient to meet the ongoing needs of the Westfield Police Department and requirements of the State of New Jersey; and

WHEREAS, the Chief Financial Officer has certified to the availability of adequate funds for payment of Year 3 costs of the Purchasing Agreement with Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661 totaling \$67,908, and which are to be charged to Account 130-208 under Purchase Order No. 21-00828, prepared in accordance with N.J.A.C. 5:30-1.10.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that payment of Year 3 costs of the purchase of Body Worn Cameras for the Westfield Police Department totaling \$67,908 is hereby authorized to Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661 under State Contract T0106; and

BE IT FURTHER RESOLVED that the proper Town Officials be and are hereby authorized to take whatever actions are appropriate in the execution and discharge of the Purchasing Agreement with Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ85038-9661.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. 2021

FINANCE POLICY COMMITTEE

MARCH 23, 2021

WHEREAS, the Local District School Tax for the year July 1, 2020 to June 30, 2021 was raised in the 2020 Tax Levy in the sum of \$106,150,449.00, and

WHEREAS, the statutes permit the deferral of such School Tax up to 50% of the School Tax Levy or \$53,075,224.50,

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Westfield, County of Union, that the Deferred School Tax for Local District School purpose be in the amount of \$53,075,224.50 as of December 31, 2020.

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. 2021

FINANCE POLICY COMMITTEE

MARCH 23, 2021

**A RESOLUTION TO UTILIZE THE THREE-YEAR AVERAGE METHOD IN
COMPUTING CERTAIN REVENUES IN THE 2021 SWIM POOL UTILITY BUDGET**

WHEREAS, the Town of Westfield previously received authorization from the State of New Jersey, Division of Local Government Services to appropriate a special emergency for the COVID-19 affected revenue losses that occurred in the 2020 budget year in the Swim Pool Utility Operating Fund; and,

WHEREAS, the State of New Jersey, Division of Local Government Services now requires a resolution, from municipalities that desire to use a three-year average for the calculation of affected revenues in other operating funds, as provided under Section 1 of P.L. 2020, c.74 which amended N.J.S.A. 40A:4-26, for the 2021 Swim Pool Utility Budget Year; and,

WHEREAS, the need to use the three-year average method to compute certain dedicated revenues in the 2021 Budget Year is beneficial and necessary to the Town; and,

WHEREAS, the selected dedicated revenues, the three-year average, and the amount anticipated in the 2021 Swim Pool Budget are as follows:

<u>Revenue Description</u>	<u>Three-Year Average</u>	<u>2021 Anticipated Revenue</u>
Subscriptions	\$808,812.74	\$800,000.00
Admissions	98,123.40	50,000.00
Miscellaneous	89,971.02	89,000.00

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield, in the County of Union and State of New Jersey, that it approves the utilization of the three-year average method in computing certain dedicated revenues in the Town's 2021 Swim Pool Utility Budget; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be

forwarded to the Director of the Division of Local Government Services.

Certified to be a true copy of a resolution adopted by the Town Council of the Town of Westfield at a meeting held on March 23, 2021.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. 2021

FINANCE POLICY COMMITTEE

MARCH 23, 2021

A RESOLUTION TO ADOPT A TEMPORARY CAPITAL BUDGET

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2021 Capital Budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

NOW THEREFORE BE IT RESOLVED that the attached 2021 Temporary Capital Budget for the Town of Westfield, is hereby adopted.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. 2021

FINANCE POLICY COMMITTEE

MARCH 23, 2021

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Town Council of the Town of Westfield hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

TOWN OF WESTFIELD
RESOLUTION

RESOLUTION NO. 2021

FINANCE POLICY COMMITTEE

MARCH 23, 2021

**RESCINDING A PORTION OF A COVID-19 SPECIAL EMERGENCY
ADOPTED AT A PREVIOUSLY HELD MEETING OF THE WESTFIELD TOWN
COUNCIL**

WHEREAS, through Resolutions 251- and 252-2020, both adopted on November 24, 2020, the Town Council of the Town of Westfield adopted a Special Emergency Resolution to combat operational losses as a direct result of COVID-19; and

WHEREAS, after closing out the Town's 2020 financial activity, it has been determined that the revenue shortfall in the Current Fund can be redressed in the 2021 Operating Budget through other avenues and is therefore not needed or necessary; and

WHEREAS, the shortfall in the Swim Pool Utility has been identified in the amount \$318,912.26, which is less than what was authorized in the said COVID-19 Special Emergency Resolutions.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield (by not less than a majority vote of the full governing body members affirmatively concurring) that:

1. The \$866,000 projected deficit in revenue for the Current Fund portion of the COVID-19 Special Emergency is rescinded because it is no longer needed; and
2. That \$88,987.74 of the \$407,900 projected deficit in revenue for the Swim Pool Utility portion of the COVID-19 Special Emergency is rescinded, leaving a revenue deficit of \$318,912.26
3. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE 2210

**AN ORDINANCE FOR CALENDAR YEAR 2021 TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Town Council of the Town of Westfield in the County of Union finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Town Council hereby determines that a 2.5 % increase in the budget for said year, amounting to \$871,261.33 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Westfield, in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Town of Westfield shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$1,219,765.86 and that the CY 2021 municipal budget for the Town of Westfield be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

TOWN OF WESTFIELD
RESOLUTION
2021

FINANCE POLICY COMMITTEE

MARCH 23, 2021

WHEREAS, the Downtown Westfield Corporation Budget has presented its Budget for the Town of Westfield's Special Improvement District, in the County of Union, for the Year 2021, and

WHEREAS, the following statements of revenues and appropriations shall constitute the Downtown Westfield Corporation Budget for the Year 2021; and

WHEREAS the said Budget is to be published in THE WESTFIELD LEADER in the issue of March 25, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Westfield does hereby approve the following as the Downtown Westfield Corporation Budget for the year 2021:

DOWNTOWN WESTFIELD CORPORATION
SPECIAL IMPROVEMENT DISTRICT
2021 BUDGET
REVENUES

GENERAL REVENUE

ANTICIPATED REVENUE

Amount to be raised by Special Improvement District Assessment	\$416,347.00
Total General Revenue	\$416,347.00

APPROPRIATIONS

GENERAL APPROPRIATION

APPROPRIATIONS 2021

Operating	
Salaries & Wages	\$251,000.00
Other Expenses	\$165,347.00
Total General Appropriations	\$416,347.00

Notice is hereby given that the Downtown Westfield Corporation Budget was approved by the Town Council of the Town of Westfield, County of Union, on March 23, 2021.

A hearing on said Budget will be held at the Westfield Municipal Building on April 20, 2021 at 8:00 p.m. at which time and place objections to said Budget for the Year 2021 may be presented by Downtown Special Improvement District taxpayers or other interested persons.

Due to the pandemic and the current closure of the Westfield Municipal Building, the meeting on April 20, 2021 will be held virtually. The public may connect to the meeting and participate via Zoom webinar using the following link: <https://bit.ly/2021WestfieldTownCouncilMeeting>, or via telephone by calling 646-518-9805, Webinar ID 873 4615 6495 #, Passcode 233043.

In the event the Town Council meeting scheduled for April 20, 2021 can be held in person, the meeting location will be the Westfield Municipal Building, Council Chambers, 425 East Broad Street, Westfield, New Jersey 07090.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

SPECIAL ORDINANCE NO. 2221

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW INFORMATION TECHNOLOGY EQUIPMENT IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,650,000 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.

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

Section 1. The Town of Westfield, in the County of Union, State of New Jersey (the "Town") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment and new information technology equipment in, by and for said Town, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Town.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Resurfacing or reconstruction of various roads (including curb installation or replacement and drainage improvements, where necessary), as set forth on a list prepared by the Town Engineer on file or to be placed on file with the Town Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Town Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that the roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$1,720,000
Down Payment Appropriated	\$ 81,925
Bonds and Notes Authorized	\$1,638,075
Period of Usefulness	10 years

B. Acquisition of new additional or replacement equipment and machinery, new communication and signal systems equipment and new information technology equipment for the use of the Police Department consisting of (i) in-vehicle computer equipment, (ii) radar units and (iii) traffic safety devices.

Appropriation and Estimated Cost	\$ 120,000
Down Payment Appropriated	\$ 6,490
Bonds and Notes Authorized	\$ 113,510

Period of Usefulness 5 years

C. Acquisition of new additional or replacement equipment and machinery consisting of an air compressor for self-contained breathing apparatus for the use of the Fire Department.

Appropriation and Estimated Cost	\$ 55,000
Down Payment Appropriated	\$ 2,620
Bonds and Notes Authorized	\$ 52,380
Period of Usefulness	15 years

D. Acquisition of new additional or replacement equipment and machinery consisting of a front end loader for the use of the Department of Public Works.

Appropriation and Estimated Cost	\$ 240,000
Down Payment Appropriated	\$ 11,430
Bonds and Notes Authorized	\$ 228,570
Period of Usefulness	15 years

E. Installation of fencing, benches, tables and other amenities at various parks.

Appropriation and Estimated Cost	\$ 125,000
Down Payment Appropriated	\$ 5,960
Bonds and Notes Authorized	\$ 119,040
Period of Usefulness	15 years

F. Undertaking of the following improvements to public buildings and property: (i) improvements to the Town Council Chambers and various conference rooms in the Municipal Building, (ii) installation of lighting at various locations, (iii) replacement of steps at the South Avenue train station and (iv) energy efficiency improvements at various public buildings, including replacement of HVAC units and lighting upgrades. It is hereby determined and stated that the public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 390,000
Down Payment Appropriated	\$ 18,575
Bonds and Notes Authorized	\$ 371,425
Period of Usefulness	15 years

Aggregate Appropriation and Estimated Cost	\$2,650,000
Aggregate Down Payment Appropriated	\$ 127,000

Aggregate Amount of Bonds and Notes Authorized

\$2,523,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$74,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$127,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Town, are now available to finance said purposes. The sum of \$127,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Town of an aggregate principal amount not exceeding \$2,523,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Town of an aggregate principal amount not exceeding \$2,523,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of

said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Town and attested by the Town Clerk or Deputy Town Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 11.30 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Town Clerk of said Town, and that such statement so filed shows that the gross debt of said Town, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$2,523,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Town intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Town incurs such costs prior to the issuance of the bonds or notes, the Town hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Town, and the Town shall levy ad valorem taxes upon all the taxable real property within the Town for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Town Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. 2021

CODE REVIEW & TOWN PROPERTY COMMITTEE

MARCH 23, 2021

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

Francesco Guastella
Stella's Ice Cream
225 Rankin Avenue
Cranford, NJ 07016

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. 2021

CODE REVIEW AND
TOWN PROPERTY COMMITTEE

MARCH 23, 2021

WHEREAS, pursuant to his authority under the New Jersey Civilian Defense and Disaster Control Act, N.J.S.A. App.A:9-30 *et seq.*, and the New Jersey Emergency Health Powers Act, N.J.S.A. 26:13-1 *et seq.*, Governor Philip D. Murphy has declared both a Public Health Emergency and State of Emergency in this State, in response to the COVID-19 pandemic; and

WHEREAS, in response to the COVID-19 pandemic, the Governor has issued a series of Executive Orders pursuant to his statutory authority, which orders have been aimed at protecting the health, safety, and welfare of the public against the emergency created by COVID-19; and

WHEREAS, as part of that plan, on June 3, 2020, Governor Murphy signed Executive Order 150 permitted food or beverage establishments, such as restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license; and bars and all other holders of a liquor license with retail consumption privileges, to offer in-person service at outdoor areas; and

WHEREAS, pursuant to Executive Order 150, the New Jersey Commission of Health issued Health Executive Order 20-014, which provides detailed protocols for food or beverage establishments offering services in outdoor areas; and the Acting Director of the New Jersey Division of Alcoholic Beverage Control issued a Special Ruling Establishing a Temporary COVID-19 Permit to Expand Licensed Premises (the “Special COVID-19 Expansion Permit”); and

WHEREAS, the ABC’s Special COVID-19 Expansion Permit originally extended until November 30, 2020; was subsequently extended until March 31, 2021; and it has now been extended through November 30, 2022, without any need for licensees to file renewal applications; and

WHEREAS, Executive Order 150 grants to municipalities the authority to make all decisions with respect to establishing the process for obtaining a license for in-person, outdoor service, and to allow municipalities to determine the location of restaurants or bars to expand their service footprint on their property and potentially into shared spaces in a way that comports with public safety, and to obtain such a license; and

WHEREAS, on June 9, 2020, the Mayor and Council adopted a resolution setting forth the process by which the Town would permit restaurants or bars, including the holders of Special

COVID-19 Expansion Permits, to provide outdoor seating in a manner that allows those businesses to operate successfully, consistent with the health and safety concerns of Covid-19, and does not interfere with the operations of non-food or beverage retail establishments; and

WHEREAS, the Mayor and Council wish to continue to permit the safe outdoor operation of restaurants and bars, pursuant to the same requirements as previously adopted in its June 9, 2020, Resolution.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Westfield, for so long as Executive Order 150, the Commissioner of Health Executive Order 20-014, and the Special COVID-19 Expansion Permit remain in effect, as follows:

1. The Clerk of the Town of Westfield shall prepare and provide to all food or beverage establishments an application form to permit in-person service at outdoor areas, which application form shall at a minimum require applicants to provide a sketch to the Town Clerk of the Applicant's proposed outdoor seating plan.
2. The Clerk shall process such applications in an expedient manner, and shall consult with such other Town officials, and the Executive Director of the Downtown Westfield Corporation, as necessary in order to ensure that the outdoor seating plan protects the health and safety of all of the Applicant's employees, patrons of such food or beverage establishments, and residents generally.
3. No fee shall be charged by the Clerk for the submission or approval of such applications.
4. Applications shall be approved in a manner that is equitable both in relation to other food or beverage establishments, and to other retail establishments in the immediate proximity to such food or beverage establishments.
5. The Mayor and Council do hereby approve the use of any and all public property and rights of way as determined by the Town to be necessary and appropriate for outdoor seating for food or beverage establishments.
6. Notwithstanding any other provision of the Town Code of the Town of Westfield, the Town may permit outdoor expansion areas into areas such as decks, patios, sidewalks, and parking lots adjacent to or contiguous with the licensed premises, or parks, "parklets" established by a municipality, and other public rights-of-way, as long as these areas are accessible from the licensed premises and comply with all provisions of Executive Order 150, Health Executive Order 20-014, and the ABC Special Ruling concerning public health and social distancing requirements.
7. Notwithstanding any other provision of the Town Code, the Town may approve such signage as proposed by the Applicant and as are necessary and appropriate to carry out the provisions of Executive Order 150, Health Executive Order 20-014, and the ABC Special Ruling.

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 OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2211

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

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.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Westfield, County of Union, New Jersey, that Chapter 14, “Offenses—Miscellaneous,” of the Town Code for the Town of Westfield shall be and is hereby amended, as follows:

SECTION I. Sections 14-10.1, “Failure to Return Overdue Library Material,” 14-10.2, “Failure to Pay Library Fines,” and 14-10.3, “Damaging or Destroying Library Materials,” of Chapter 14, “Offenses—Miscellaneous,” of the Town Code are hereby repealed and rescinded in their 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. 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 IV. 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 V. This Ordinance shall take effect after passage and publication in the manner provided by law.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2212

**AN ORDINANCE REQUIRING THE LICENSING AND REGISTRATION
OF LANDSCAPERS WITHIN THE TOWN OF WESTFIELD AND MAKING CERTAIN
AMENDMENTS TO THE CONSERVATION CENTER REGULATIONS**

WHEREAS, the Mayor and Town Council of the Town of Westfield (the “Town”) are authorized to regulate commercial lawn maintenance businesses operating within the boundaries of the Town; and

WHEREAS, the Mayor and Town Council believe that commercial landscapers should be required to register with the Town so as to ensure such businesses are complying with all applicable laws for the benefit and protection of Town residents, and to ensure that the Town has sufficient information about such businesses when violations do occur; and

WHEREAS, such registration must, to effectuate the purpose behind this Ordinance, also come with additional rules and restrictions upon such businesses; and

WHEREAS, the Town has an obligation to take such action to preserve the health, safety, and welfare of its residents, businesses, and the general public.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Westfield, County of Union, New Jersey, that Chapter 9, “Business and Occupations Generally,” of the Town Code for the Town of Westfield shall be and is hereby amended, as follows:

SECTION I. Chapter 9, “Businesses and Occupations Generally,” is hereby amended to establish a new article, Article X, to be known as “Landscaping and Lawn Maintenance,” as follows:

Article X. Landscaping and Lawn Maintenance.

§ 9-38 License Required; Exemptions.

- (a) Except as provided in subsection (b) below, no person shall engage in or carry on the commercial business of furnishing or providing landscaping, lawn maintenance or similar services within the Town without first having obtained from the Town a license for that purpose. This requirement shall apply only to a commercial landscaping entity. A commercial landscaper is an individual or legal entity whose business involves the placing, planting, arranging, trimming, cutting or removing of trees; the maintenance of lawns, trees, bushes, shrubs, gardens and related appurtenances; and/or the cleaning and/or collection of vegetative waste, including weeds, branches, clippings, leaves,

debris, grass or other items of yard waste, on or from the property of another person or entity.

(b) Exemptions.

1. Any individual providing such services on a casual or part-time basis, if this person does not utilize a commercially registered vehicle to transport equipment used in furnishing such services. This individual must reside in the Town of Westfield and provide services to other residents within the Town of Westfield.

§ 9-39 Application; Fee; Term; Renewal.

(a) All applications for landscaping licenses shall be in writing on all forms furnished by the Town, signed by the applicant or the authorized agent of the applicant and presented to the Director of the Department of Public Works. The application shall state:

1. The name of the landscaper.
2. The correct legal name under which the business is being operated.
3. The address, cellular telephone number and other required contact information of the landscaper.
4. The make, year, and commercial license plate of each vehicle to be used in the landscaper's business.
5. Such other pertinent information as may be required by the Town and necessary for an investigation of the applicant and to protect the health, safety, and welfare of the residents of the Town.

(c) All applications for licenses shall be applied for in the office of the Town of Westfield, Department of Public Works. Such applications, after appropriate investigation, shall either be approved or denied by the Director of the Department of Public Works. Thereafter, if the application is approved, the Director of the Office of Public Works shall issue the license upon payment of the license fee as hereinafter provided.

(d) The annual fee for such license shall not exceed fifty (\$50.00) dollars, which fee shall be waived for any applicant who has already registered, pursuant to section 10A-2 of the Town Code, with the Department of Public Works for permission to enter the Town of Westfield Conservation Center. The license, when issued, shall be signed by the Director of the Office of Public Works, and such license or a copy of same shall be in each vehicle while in use in the operation of such business. The license shall continue in force and effect only for the calendar year in which it is issued. Upon expiration of the license initially issued by the Director of the Office of Public Works, the license may be renewed by the Director upon the filing of a renewal application and payment of the renewal fee of fifty (\$50.00) dollars.

(e)

(f) Upon approval of a license to an applicant, the Director of the Department Works shall issue a decal for each vehicle to be used in the landscaper's business, which decal shall be affixed to the left front bumper of each vehicle.

§ 9-40 Disposal of Leaves and Brush

Landscapers shall be prohibited from placing along any of the public streets, highways, parks or other public place in the Town (excepting the Conservation Center) or along any curb for garbage collection, any leaves, sticks, branches, grass clippings, foreign material, or construction material. All such materials shall be removed and properly disposed of by all landscapers. Notwithstanding the above, the Town shall allow leaves only to be placed in the street from November 1 to December 15 of each year for purposes of Town collection. Such placement of leaves shall be restricted to those from properties located in Westfield and may not include leaves or other debris from work performed in other municipalities.

§ 9-41 Designation of Enforcement Authority

It shall be the duty and responsibility of the Director of Public Works or his or her designee to enforce the provisions of this Article as herein provided. In enforcing this Article, the Director of Public Works or his or her designee shall consult or seek the advice or assistance of such other agents of the Town as necessary and appropriate to enforce the provisions of this Article. Such other individuals shall cooperate with and aid the Director of Public Works or his or her designee in the enforcement of this Article.

§ 9-42 Relief from Personal Liability

The Director of Public Works or his or her designee and any agent or employee of the Town working under the supervision of the Director of Public Works or his or her designee who acts in good faith and without malice in the discharge of duties of enforcement of this Article is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts or alleged failure to act. Further, the Director of Public Works or his or her designee shall not be held liable for any costs in any action, suit or proceeding that may be instituted against the Director of Public Works in the enforcement of this Article.

§ 9-43 Violations and Penalties; Issuance of Notices and Orders

- (a) Any person or persons who shall violate or fail to comply with any of the provisions of this section, upon conviction thereof, shall be punished by a fine of up to \$2,000.00 for any such offense and/or the revocation of the permit to further operate within the Town.
- (b) The Property Maintenance Officer or any other agent or employee of the Town working with or at the direction of the Property Maintenance Officer shall issue all necessary notices, orders and summonses to enforce the provisions of this Article and remedy any violations of it.

SECTION II. Section 10A-2, "Permits required for admittance of vehicles to Conservation Center," of Chapter 10, "Conservation Center and Curbside Bulky Waste Collection." is hereby amended as follows:

§ 10A-2. Permits required for admittance of vehicles to Conservation Center.

(b) During such periods of time when the Conservation Center is in operation and open to the general public, permits shall be required for the admission of motor vehicles. Decal permits shall be issued by the Department of Public Works a calendar year cost not to exceed \$100 per vehicle for residents, and for a calendar year cost not to exceed \$150 per vehicle for registered landscapers, except that the fee for those vehicles which are licensed by the Town pursuant § 9-39 of the Town Code (relating to landscaper licenses) and possess a current and valid landscaper license decal shall have their Conservation Center decal fee reduced by the applicable fee required under § 9-39(d). Residential decal permits shall be issued only after proof of residency within the Town, or proof of ownership of property within the Town satisfactory to the Public Works Department. Registered landscaper decal permits shall be issued only after proof of ownership of the company, and proof that the company services Westfield residents.

SECTION III. Subsection (b) of Section 10A-2.1, “Fees required for Conservation Center,” of Chapter 10, “Conservation Center and Curbside Bulky Waste Collection.” Shall be deleted in its entirety and replaced with the following:

(c) All landscapers licensed by the Town pursuant to § 9-39 of the Town Code (relating to landscaper licenses), and who have also paid the fee and received the permit required by § 10A-2 to dispose of leaves at the Conservation Center shall pay a fee to the Town not to exceed \$15.00 per cubic yard of leaves disposed of at the Center.

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

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION

PUBLIC WORKS COMMITTEE
2021

MARCH 23,

WHEREAS, a need exists for the construction and installation of ADA compliant curb ramps and drainage infrastructure in anticipation of the utility company's future repaving project in the Town of Westfield, and

WHEREAS, the Town Engineer advertised the contract for bids to be received on February 17, 2021, and

WHEREAS, no bids were received, and the Town Engineer was authorized to re-advertise for this service, and

WHEREAS, sealed bid were next received on Wednesday, March 17, 2021

WHEREAS, the low bid, submitted by NAVA Construction, 1216 Stockton Drive, North Brunswick, NJ 08902, in the amount of \$228,400.00 has been analyzed and found to be in conformance with the appropriate specifications, 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 pursuant to this Contract to be charged to Special Ordinance No. 2216, Account number C-07-19-216-6A1 under Purchase Order PO-21-00829.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract be awarded to NAVA Construction, 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.