



**TOWN OF WESTFIELD
TOWN COUNCIL
REGULAR MEETING
Tuesday, October 10, 2023
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 Session held September 19, 2023
Approval of Minutes from Town Council Regular Meeting held September 19, 2023
8. Petitions and Communications
9. Open discussion by citizens
10. Bills and Claims in the amount of \$640,050.88
11. Reports of Standing Committees

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to draw warrant replenish bulk mail permit
2. Resolution authorizing the Chief Financial Officer to refund Recreation Department Fees
3. Resolution authorizing the Chief Financial Officer to refund dumpster security payment
4. Resolution authorizing the Chief Financial Officer to draw warrant for dog license for September 2023
5. Resolution authorizing the Chief Financial Officer to draw a warrant to refund street opening cash bond
6. Resolution authorizing the Chief Financial Officer to draw a warrant to Treasurer, State of New Jersey for Marriage/Civil Union Licenses Fees
7. Resolution authorizing the Chief Financial Officer to draw warrant for third quarter Construction Official's State permit fees for 2023
8. Resolution authorizing the Tax Collector to participate in an electronic tax sale

Public Safety, Transportation and Parking Committee

1. Resolution authorizing the purchase of security cameras for the Westfield Police Department

Code Review & Town Property Committee

1. Resolution authorizing the Mayor to sign a settlement & lease agreements related to the Westfield Senior Citizen Housing Corporation litigation
2. Resolution authorizing the Mayor to sign a settlement agreement related to cell tower installation litigation
3. GENERAL ORDINANCE NO. 2023-30
AN ORDINANCE REPEALING REDUNDANT PROVISIONS REGARDING THE ENCLOSURE OF PRIVATE SWIMMING POOLS
4. GENERAL ORDINANCE NO. 2023-31
AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO SWIMMING POOL ENCLOSURES
5. GENERAL ORDINANCE NO. 2023-32
AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD RELATING TO THE INSTALLATION OF SOLAR ENERGY SYSTEMS

Public Works Committee

1. Resolution to award contract for the 2023 Leaf Collection Program

Reports of Department Heads

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

OCTOBER 10, 2023

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$3,000 to the order of the United States Postal Service to replenish bulk mail permit no. 683 in order to process the Town's Leaf Collection brochure.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

OCTOBER 10, 2023

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>
Matthew Warkentin	Withdrew	Adult Pickleball/Fall/Session1 Matthew Warkentin/Intermediate	\$104.50 Credit Card
Matthew Warkentin	Withdrew	Adult Pickleball/Fal/Session 1 Lauren Federgreen/Intermediate	\$104.50 Credit Card
Stella Born	Withdrew	Adult Tennis/Fall/Beg/Adv Beg Stella Born	\$147.25 Credit Card
Knute Dahlgaard	Wrong Permit	Conservation Center Bulk Waste Disposal Permit	\$40.00 Credit Card
Dave Kaufmann	Wrong Class	Young Rembrandts Cartoon Drawing Laila Kaufmann	\$166.25 Credit Card
June Hall	Withdrew	Adult Pickleball/Beginner Session 2 Class 1 – June Hall	\$104.50 Credit Card
Kristie Barba	Program Canceled	Fashion First Workshops Leah Barba	\$252.00 Credit Card
Suraj Gupta	Program Canceled	Fashion First Workshops Lila Gupta	\$252.00 Credit Card
Jason Keane	Program Canceled	Fashion First Workshops Clara Keane	\$252.00 Credit Card
Maciej Kowalewska	Program Canceled	Fashion First Workshops Julia Kowalewska	\$252.00 Credit Card
Courtney MacGregor	Program Canceled	Fashion First Workshops Madelyn MacGregor	\$252.00 Credit Card
Meghan Reid	Program Canceled	Fashion First Workshops Harper Reid	\$252.00 Credit Card
Robert Heim	Program Canceled	Fashion First Workshops Colette Heim	\$252.00 Credit Card
James Hill	Program Canceled	Fashion First Workshops	\$252.00

Fiona Hill

Credit Card

Dan O'Connor

Program Canceled

Fashion First Workshops
Fiona O'Connor

\$252.00
Credit Card

Aimee Kowalak

Withdrew

Safe Sitter/Babysitting 10/21/23 class
Kayla Kowalak

\$118.72
Credit Card

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. -2023

FINANCE POLICY COMMITTEE

OCTOBER 10, 2023

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:

Argyle Construction
P.O. Box 167
57 S. Main Street
Neptune, NJ 07753

Amount of refund: \$975.00

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION NO. -2023

FINANCE POLICY COMMITTEE

OCTOBER 10, 2023

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$16.80 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 August 2023.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION

FINANCE POLICY COMMITTEE

OCTOBER 10, 2023

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
05/24/22	22-253	Paul Sakson Environmental PO Box 154 Leonardo, NJ 07737-0154	534 Hort Street
06/08/22	22-275	Thomas Sevchuk 888 Winyah Avenue Westfield, NJ 07090	888 Winyah Avenue
08/16/22	22-327	Justin Arak 23 Mohawk Trail Westfield, NJ 07090	23 Mohawk Trail

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.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION NO. -2023

FINANCE POLICY COMMITTEE

OCTOBER 10, 2023

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$375.00 to the order of Treasurer, State of New Jersey, P.O. Box 660, Trenton, NJ 08646-0660 for Marriage/Civil Union License Fees issued by the Registrar of Vital Statistics for the quarter of July - September 2023.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

OCTOBER 10, 2023

RESOLVED that pursuant to N.J.A.C. 5:23-4.19, that the Chief Financial Officer be authorized and directed to draw a warrant in the sum of \$20,604.00 to the TREASURER, STATE OF NEW JERSEY for the third quarter Construction Official's State permit fees for 2023.

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

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

OCTOBER 10, 2023

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the municipality of Westfield wishes to participate in an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the municipality of Westfield, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. -2023

PUBLIC SAFETY COMMITTEE

OCTOBER 10, 2023

WHEREAS, the Westfield Police Department currently employs video technology to monitor and ensure the safety and security of its headquarters, as well as the Municipal Building, critical offices located therein and in surrounding areas; and

WHEREAS, the video technology presently in use by the Westfield Police Department is outdated, no longer supported by the manufacturer, and in need of replacement; and

WHEREAS, the Westfield Police Department's Records & Information Technology (IT) Bureau recommends the purchase of replacement Verkada video technology through Office Solutions, Inc., 217 Mount Horeb Road, Warren, NJ 07059-5628 ("OSI"), pricing to include all hardware, equipment, licenses, and installation, in the amount not to exceed \$146,242.75; and

WHEREAS, the Town of Westfield participates in the PEPPM Cooperative, which offers this technology; and

WHEREAS, OSI, Inc. has partnered with LEAF Capital Funding, LLC P.O. Box 5066, Hartford, CT 06102-5066, for funding purposes, and the Town of Westfield will make a one-time, interest-free payment to LEAF Capital Funding for this equipment; and

WHEREAS, the Chief Financial Officer has certified to the availability of adequate funds for purchase of this replacement video technology, charged to Special Ordinance 2023-04, under Purchase Order #23-03239 as follows:

\$36,242.75 under account C-07-23-004-1A4
110,000.00 under account C-07-23-002-5A1 for a total cost of
\$146,242.75, 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 does hereby authorize that payment in the amount of \$146,242.75 be made to LEAF Capital Funding, LLC, P.O. Box 5066, Hartford, CT 06102-5066 for this replacement video technology; 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 this agreement.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

CODE REVIEW & TOWN PROPERTY COMMITTEE

OCTOBER 10, 2023

WHEREAS, the Town of Westfield was named as a Party Defendant in certain litigation captioned *Westfield Senior Citizens Urban Renewal Partnership, L.P. v. Town of Westfield*, filed in the Superior Court of New Jersey, Law Division, Union County under Docket No. UNN-L-002325-21, and the Town asserted certain counterclaims against Westfield Senior Citizens Urban Renewal Partnership, L.P., and certain third-party claims against Westfield Senior Citizens Housing Corp.; and

WHEREAS, the Town, in consideration of the litigation costs and legal fees associated with the defense and the prosecution of the action, and without admitting any liability or wrongdoing whatsoever, desires to resolve said litigation; and

WHEREAS, a form of Settlement Agreement has been counsel for the respective parties, which Settlement Agreement also provides for entering into two leases, one with Westfield Senior Citizens Urban Renewal Partnership, L.P., for the property located at 1133 Boynton Avenue, Lot 30, Block 4901, in the Town of Westfield, County of Union, and one with Westfield Senior Citizens' Housing Corporation, for the property located 1129 Boynton Avenue, Lot 9, Block 4901, in the Town of Westfield, County of Union, and the Settlement Agreement and Leases have been reviewed by the Town Attorney;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield, County of Union, State of New Jersey, that the Mayor or her designee is hereby authorized to sign a Settlement Agreement to resolve the above-referenced litigation in accordance with the terms of said Settlement Agreement, and is further authorized to enter into the Leases being entered into in connection with the parties' settlement.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

CODE REVIEW & TOWN PROPERTY COMMITTEE

OCTOBER 10, 2023

WHEREAS, the Town of Westfield was named as a Party Defendant in certain litigation captioned *David Munsky v. the Town of Westfield*, filed in the Superior Court of New Jersey, Law Division, Union County under Docket No. UNN-L-3808-22; and

WHEREAS, the Town, in consideration of the litigation costs and legal fees associated with the defense of the action, and without admitting any liability or wrongdoing whatsoever, desires to resolve said litigation; and

WHEREAS, a form of Settlement Agreement has been prepared by counsel for the respective parties, and the Settlement Agreement has been reviewed by the Town Attorney;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield, County of Union, State of New Jersey, that the Mayor or her designee is hereby authorized to sign a Settlement Agreement to resolve the above-referenced litigation in accordance with the terms of said Settlement Agreement.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
GENERAL ORDINANCE NO. 2023-30**

**AN ORDINANCE REPEALING REDUNDANT PROVISIONS REGARDING THE ENCLOSURE
OF PRIVATE SWIMMING POOLS**

WHEREAS, the uniform regulation of the construction of enclosures for private swimming pools has been adopted in the State of New Jersey through the Uniform Construction Code, which Code references the 2018 International Building Code, NJ Edition, and the 2018 International Swimming Pool and Spa Code (ISPSC), as amended by the UCC (NJAC 5:23-3.14); and

WHEREAS, the Town of Westfield has adopted local ordinances setting forth the requirements for private swimming pool enclosures; and

WHEREAS, the Town's ordinances, although compliant with State law, are in part redundant to each other; and

WHEREAS, the governing body of the Town of Westfield believes it is necessary and appropriate to set forth clear and specific requirements for private swimming pool enclosures, and thus desire to consolidate all such local requirements in one location in its Town code, specifically the Town of Westfield Land Use Law;

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

Section I. Chapter 26, "Swimming Pools," Section 26-12, "Fencing of Outdoor Swimming Pools," is repealed in its entirety.

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

Section III. If 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, or any part thereof, other than the part so held unenforceable or invalid.

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

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
GENERAL ORDINANCE NO. 2023-31**

**AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN
REGARD TO SWIMMING POOL ENCLOSURES**

WHEREAS, the Uniform Construction Code requires the placement of a barrier for swimming pools, spas, and hot tubs to provide a measure of safety to help prevent accidental drowning; and

WHEREAS, the Town of Westfield presently imposes an additional requirement beyond that of the Uniform Construction Code that private swimming pool enclosures consist of a stockade, board on board, or other solid fence not less than 6 feet in height; and

WHEREAS, the Board of Adjustment has received 11 applications since 2020 which include variance requests from homeowners seeking to enclose their private swimming pools with picket or other open style fencing rather than stockade, board on board, or other solid fence type that the Westfield Land Use Ordinance requires; and

WHEREAS, these picket or other open fencing styles must still meet the barrier requirements under the Uniform Construction Code ensuring that safety measures are provided; and

WHEREAS, repeated requests for variance relief from the same provision of a land use ordinance are indicative of a provision that is simply untenable due to prevailing conditions or modern standards of living; and

WHEREAS, a Land Use Ordinance amendment would be more appropriate than continually granting relief by way of variances. An amendment to the Land Use Ordinance would not only save time, effort, and expense on behalf of applicants but also further the Town's best interest in that it would establish land use regulations by ordinance, rather than by variance approvals.

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

SECTION I. Article 13, Subsection 13.02D5 is hereby deleted in its entirety. The existing subsections 6 and 7 shall be re-numbered respectively.

SECTION II. Article 12, Subsection 12.07J is hereby deleted in its entirety. The existing subsection K. shall be re-numbered respectively.

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

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

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

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
GENERAL ORDINANCE NO. 2023-32**

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD
RELATING TO THE INSTALLATION OF SOLAR ENERGY SYSTEMS**

WHEREAS, the Town has adopted certain regulations related to the erection and operation of solar energy systems in all zone districts in the Town; and

WHEREAS, the Mayor and Council of the Town of Westfield support the use of alternative energy systems, including the use of solar collectors and solar energy systems, and is desirous of allowing such systems throughout the Town of Westfield; and

WHEREAS, to further encourage the use of solar energy systems, the Mayor and Town Council deem it necessary and appropriate to make certain changes to the ordinance, to further encourage clean energy uses in the Town.

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

Section I. The following subsections contained in §13.07, Article 13, of the Land Use Ordinance of the Town of Westfield, shall be deleted in their entirety, with remaining subsections renumbered accordingly:

- A. 13.07(B)(12), relating to the definition of Solar Production Ratio (SPR).
- B. 13.07(E)(2)(d)(1)(a), relating to requirement that an applicant seeking to construct a front-facing solar energy system provide the certification of a professional engineer or similarly qualified individual that a front-facing roof is the only roof that would generate an SPR of at least 1.0.
- C. 13.07(E)(2)(d)(3), relating to the prohibition of the installation of a solar energy system on a front-facing roof unless no other roof would generate an SPR of at least 1.0.

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. If 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, or any part thereof, other than the part so held unenforceable or invalid.

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

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

OCTOBER 10, 2023

WHEREAS, a need exists for the contract rental of privately owned equipment for use by the Department of Public Works in the 2023 Leaf Collection Program, as provided for in Public Works account 137-246, and

WHEREAS, sealed bids were received on Wednesday, September 19, 2023, and

WHEREAS, the low bids received for **Part A – Hauling from the Street** (30 Cubic Yard Capacity (MINIMUM) Dump Trailers or Roll-off Containers with working tarps and operators) have been analyzed and found to be fair and reasonable for the rental of this service; and

WHEREAS, the low bid received for **Part B - Loaders**, has been analyzed and found to be fair and reasonable for the rental of this service, and

WHEREAS, the Town received multiple bids for **Alternate A-1 – Hauling from the Street** (Tri-Axle Dump Trucks), and have been analyzed and found to be fair and reasonable for the rental of this service; 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 is to be charged to Public Works account 137-246, in a total amount not expected to exceed \$185,000.00.

NOW THEREFORE BE IT RESOLVED, that the following contracts be awarded, and that the proper Town Officials be, and they are hereby, authorized to act as appropriate in the execution and discharge of this contract

PART A

AMERITICO DISPOSAL, INC.

2295 South Avenue (4) Hauling from Street/Trucks, w/ operators at \$84.50/HR, not
Scotch Plains, NJ 07076 expected to exceed \$145,000.00, under PO #23-03450

ALT-(2)

AMERITICO DISPOSAL, INC.

2295 South Avenue (2) Tri-axle Hauling from Street/Trucks to Facility at \$80.00/HR,
Scotch Plains, NJ 07076 included as part of PO #23-03450

PART B

JESCO, INC.

1790 Route 38 (2) Front End Loaders w/o Operators at \$65.00/HR, not expected to
Mount Holly, NJ 08060 exceed \$40,000.00, under PO #23-03451