



**TOWN OF WESTFIELD
TOWN COUNCIL
REGULAR MEETING
Tuesday, October 24, 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

Swearing In Ceremony for Westfield Fire Department Personnel

6. Advertised Hearings

1. GENERAL ORDINANCE NO. 2023-30
AN ORDINANCE REPEALING REDUNDANT PROVISIONS REGARDING THE ENCLOSURE OF PRIVATE SWIMMING POOLS

7. Approval of Minutes from Town Regular Meeting held October 10, 2023

8. Petitions and Communications

9. Open discussion by citizens

10. Bills and Claims in the amount of \$1,708,133.38

11. Reports of Standing Committees

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to draw a warrant for Board of Adjustment Escrow Monies
2. Resolution authorizing the Chief Financial Officer to refund Westfield Police Department overpayments
3. Resolution authorizing the Chief Financial Officer to refund Recreation Department fees
4. Resolution authorizing the Chief Financial Officer to draw warrants for 2019-2022 pursuant to Tax Court of New Jersey
5. Resolution authorizing the adoption of Personnel Policies and Procedures Manual
6. Resolution to approve insertion of special item of revenue in the municipal budget (Stormwater Assistance Grant)

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

1. GENERAL ORDINANCE NO. 2023-33

AN ORDINANCE REGARDING STORMWATER REGULATION AND FLOOD PREVENTION

Public Works Committee

Reports of Department Heads

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

OCTOBER 24, 2023

WHEREAS, the following applicant has posted monies to be held in escrow to cover expert advice and testimony in connection with Board of Adjustment application(s) on said property; and

WHEREAS, expert advice and testimony was given; and,

WHEREAS, all bills for these applications have been submitted and paid; and

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check for the balance of the escrow monies as follows:

<i>App #</i>	<i>Name</i>	<i>Address</i>	<i>G/L</i>	<i>Refund Balance</i>
<i>ZBA-20-029</i>	<i>Michael Margiotta</i>	<i>757 Kimball Avenue</i>		
<i>Return to:</i>		<i>757 Kimball Avenue</i>	<i>560-816</i>	<i>\$250.00</i>

<i>App #</i>	<i>Name</i>	<i>Address</i>	<i>G/L</i>	<i>Refund Balance</i>
<i>ZBA-20-030</i>	<i>Sean Garnhart</i>	<i>732 Willow Grove Road</i>		
<i>Return to:</i>		<i>732 Willow Grove Road</i>	<i>560-817</i>	<i>\$250.00</i>

<i>App #</i>	<i>Name</i>	<i>Address</i>	<i>G/L</i>	<i>Refund Balance</i>
<i>ZBA-20-031</i>	<i>Ernest Fantini</i>	<i>787 West Broad Street</i>		
<i>Return to:</i>		<i>787 West Broad Street</i>	<i>560-818</i>	<i>\$1,000.00</i>

<i>App #</i>	<i>Name</i>	<i>Address</i>	<i>G/L</i>	<i>Refund Balance</i>
<i>ZBA-20-033</i>	<i>Anthony DeFoe</i>	<i>714 Austin Street</i>		
<i>Return to:</i>		<i>714 Austin Street</i>	<i>560-820</i>	<i>\$500.00</i>

<i>App #</i>	<i>Name</i>	<i>Address</i>	<i>G/L</i>	<i>Refund Balance</i>
<i>ZBA-20-034</i>	<i>Bryan Domenick</i>	<i>207 Welch Way</i>		

Return to:		<i>207 Welch Way</i>	560-821	\$250.00
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App #	Name	Address	G/L	Refund Balance
<i>ZBA-22-031</i>	<i>Megan McCann</i>	<i>857 Winyah Avenue</i>		
Return to:		<i>857 Winyah Avenue</i>	560-965	\$1,484.62

App #	Name	Address	G/L	Refund Balance
<i>ZBA-22-040</i>	<i>Paul Persiani</i>	<i>239 Scotch Plains Avenue</i>		
Return to:		<i>239 Scotch Plains Avenue</i>	560-974	\$740.72

App #	Name	Address	G/L	Refund Balance
<i>ZBA-22-044</i>	<i>Elshiekh Enterprises, LLC</i>	<i>612 Downer Street</i>		
Return to:	<i>Elshiekh Enterprises, LLC</i>	<i>12 Via Vitale Kenilworth, NJ 07033</i>	560-978	\$692.32

App #	Name	Address	G/L	Refund Balance
<i>ZBA-22-045</i>	<i>George Lyons</i>	<i>718 Warren Street</i>		
Return to:		<i>718 Warren Street</i>	560-979	\$720.96

App #	Name	Address	G/L	Refund Balance
<i>ZBA-22-046</i>	<i>Ken Kandigian</i>	<i>123 Hyslip Avenue</i>		
Return to:		<i>123 Hyslip Avenue</i>	560-980	\$566.06

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App #	Name	Address	G/L	Refund Balance
<i>ZBA-22-049</i>	<i>Clint Rekemeier</i>	<i>732 Mountain Avenue</i>		
Return to:		<i>732 Mountain Avenue</i>	560-983	\$740.72

App #	Name	Address	G/L	Refund Balance
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ZBA-23-007	Matthew Norquist	705 St. Marks Avenue		
Return to:		705 St. Marks Avenue	560-995	\$681.44

App #	Name	Address	G/L	Refund Balance
ZBA-23-008	Noraiz Khan	226 Lynn Lane		
Return to:		226 Lynn Lane	560-996	\$760.48

App #	Name	Address	G/L	Refund Balance
ZBA-23-011	David Palmisano	134 Jefferson Avenue		
Return to:		134 Jefferson Avenue	560-999	\$701.20

App #	Name	Address	G/L	Refund Balance
ZBA-23-012	Michael Bange	1059 Coolidge Street		
Return to:		1059 Coolidge Street	561-000	\$464.08

App #	Name	Address	G/L	Refund Balance
ZBA-23-020	Marnix Godschalk	805 Ramapo Way		
Return to:		805 Ramapo Way	561-008	\$681.44

Total Disbursement				\$10,484.04
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TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION NO. -2023

FINANCE POLICY COMMITTEE

OCTOBER 24, 2023

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

<u>Name</u>	<u>Reason</u>	<u>Fee</u>
Michael Fisher	Overpayment Paid \$25 extra by credit card	\$25.00 Credit Card
Joseph Martucci	Overpayment Paid \$25 extra by credit card	\$25.00 Credit Card

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

OCTOBER 24, 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>
Sandy Dang	Withdrew	Adult Pickleball/Fall/Session 2 Sandy Dang/Beginner	\$104.50 Credit Card
Mary Nowak	Withdrew	Adult Pickleball/Fall/Session 2 Mary Nowak/Intermediate	\$104.50 Credit Card
Brett Druger	Class Canceled	CSI Workshop/Fall Benjamin Druger Spencer Druger	\$110.00 \$110.00 Credit Card
Bisola Ashira	Class Canceled	CSI Workshop/Fall Tiwa Filchak	\$110.00 Credit Card
Ying Liu	Class Canceled	CSI Workshop/Fall Jessie Gong	\$110.00 Credit Card
Ling Xu	Class Canceled	CSI Workshop/Fall Alvin Zeng	\$110.00 Credit Card
Maria Johnson	Class Canceled	Brightwood Park Youth Nature Class Eleni Johnson / Oct 19	\$10.00 Credit Card

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

OCTOBER 24, 2023

RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the years 2019-2022 pursuant to the Tax Court of New Jersey:

Block/Lot

<u>Name</u>	<u>Address</u>	<u>Year</u>	<u>Amount</u>
3101/3	430 South Avenue West	2019	\$1,870.22
MIDAS INT'L CORP		2020	\$1,876.86
Zipp & Tannenbaum, LLC		2021	\$1,879.34
280 Raritan Center Parkway		2022	<u>\$1,875.20</u>
Edison, NJ 08837			\$7,501.62

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

OCTOBER 24, 2023

WHEREAS, it is the policy of the Town of Westfield to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the Town Council of the Town of Westfield has determined that there is a continuing need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that the Employee Manual & Personnel Policies and Procedures Manual is hereby adopted.

BE IT FURTHER RESOLVED that the personnel policies and procedures shall apply to all Town officials, appointees and employees. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, the policies and procedures shall prevail.

BE IT FURTHER RESOLVED that the firm of Apruzzese, McDermott, Mastro & Murphy, P.C. (Frederick Danser, Esq. & Arthur R. Thibault Jr., Esq.) have been previously appointed as Employment Attorneys to advise the Town in personnel matters.

BE IT FURTHER RESOLVED that the Town Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Employment Attorney shall assist the Town Administrator in the implementation of the policies and procedures in this manual.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

OCTOBER 24, 2023

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

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

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2023 in the amount of \$25,000.00, which is now available from the NJ Department of Environmental Protection Water Resources Planning Management Stormwater Assistance grant; and

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

General Appropriations	
Stormwater Assistance grant	\$25,000.00

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

TOWN OF WESTFIELD
GENERAL ORDINANCE NO. 2023-33
AN ORDINANCE REGARDING STORMWATER REGULATION AND
FLOOD PREVENTION

WHEREAS, on March 2, 2020, the New Jersey Department of Environmental Protection published amendments to the Stormwater Management Rules, N.J.A.C. 7:8, for purposes of replacing the existing requirements, which Rules are to be implemented by municipalities on or before March 1, 2021; and

WHEREAS, the amended Stormwater Management Rules include significant changes to incorporate nonstructural management strategies, protect communities from increases in stormwater volume and peak flows as a result of new development, maintain groundwater recharge, and protect waterways from pollution carried in stormwater runoff; and

WHEREAS, the need for the Town of Westfield to take decisive and quick action is supported by the facts underlying the climactic changes in our immediate environment, including that:

- According to the U.S. Environmental Protection Agency, average annual precipitation in New Jersey has increased 5 to 10 percent in the last century, and precipitation from extremely heavy storms has increased 70 percent in the Northeast since 1958.
- According to New Jersey's Scientific Report on Climate Change, the north and central portions of the state are experiencing on average 49 inches of rainfall, an increase of almost 5" from the first seven decades of the 20th century;
- New Jersey expects a 4.9% to 7.5% increase in annual precipitation by 2100;
- Westfield has experienced several local precipitation peaks over the last decade, and 2023 is projected to have one of the highest annual precipitations on record since 1895.

WHEREAS, following the local impact of Tropical Storm Ida, Mayor Michelle W. Brindle established the Westfield Infrastructure Resiliency Committee (WIRC), which was tasked with assessing the Town-wide stormwater infrastructure and its capacity to handle severe weather events, as well as ensuring that climate resiliency is a major consideration in all infrastructure decisions going forward; and

WHEREAS, the WIRC's main objective includes making short and long-term recommendations for how best to fortify the Town's stormwater infrastructure, taking into consideration engineering, current zoning/construction practices, future development, with input from public works and finance; and

WHEREAS, the WIRC has recommended making certain changes to existing local law to prevent flooding in our community, and especially in residential areas; and

WHEREAS, the New Jersey Department of Environmental Protection recognizes the right and ability of municipalities to adopt stronger, more stringent stormwater management regulations and additional measures to address the concerns of their communities; and

WHEREAS, the Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and

general welfare of its citizenry, and the Town of Westfield and its residents are desirous of taking all reasonable steps to protect human health and property, improve the water quality of its waterways, and prevent flooding;

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 22, “Soil Removal and Replacement,” Section 22-2, “Permit – Required,” shall be amended as follows:

§ 22-2 Permit — Required.

No person shall remove, permit or cause soil to be removed from or to be filled, placed or replaced on any places within the Town, for all grading or earthwork in excess of 200 square feet on all developed or undeveloped properties, unless a permit therefor has been issued by the Town Engineer. It shall not be necessary that a separate permit be obtained for each load or unit of soil so removed, filled, placed or replaced; provided, that the work is being done as part of a single removal or filling program for which a permit has been issued; but in the event that the performance of such work shall extend beyond one calendar year, a new permit shall be applied for and obtained annually.

Section II. Chapter 35, “Exterior Property Maintenance Code,” Section 35-8.5, “Roofs and Drainage,” shall be amended as follows:

§ 35-7.5 Grading, drainage and sump pump discharge.

All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon. If the slope of land is toward neighboring properties, drainage shall be released so that it will flow away from downslope structures to the maximum practical extent. Stagnant water shall be determined as any accumulation that has not dispersed within three days of the last recorded local rainfall. Pools and hot tubs in regular use are exempt from the requirement of this section. Sump pump discharge shall be routed to the roadway, storm sewer or on the ground; provided, however, in connection with new construction projects, and such other construction projects that, in the reasonable opinion of the Town Engineer is necessary and appropriate to prevent excess stormwater discharge and runoff, sump pump discharge piping shall be connected to the storm sewer, if feasible; otherwise, discharge shall be routed to the roadway. No sump pump discharged to the surface of land shall occur within 10 feet from any property line, sidewalk, street, or curb. No sump pump shall be connected to the sanitary sewer.

§ 35-8.5 Roofs and drainage.

All roofs shall be structurally sound, tight and not have defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration of, or entering, the structure. Except when required to be discharged at the street or curb as herein required in this subsection, roof water shall not be discharged within 10 feet from any property line, sidewalk, street, or curb or in a manner that creates a nuisance to owners or occupants of adjacent premises or that creates a public nuisance. If the slope of land is toward neighboring properties, roof drainage shall be released so that it will flow away from downslope structures to the maximum practical extent. Discharge of roof drains shall be to the roadway storm sewer system or on the ground; provided, however, in connection with new construction projects and such other construction projects that, in the reasonable opinion of the Town Engineer is necessary and appropriate to prevent excess stormwater discharge and runoff, roof drain discharge shall be connected to the storm sewer, if feasible; otherwise, discharge shall be routed to the roadway. No roof drainage shall be connected to the sanitary sewer.

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