



**AGENDA**  
**November 8, 2023**  
**Council Conference Meeting**  
**7:00 p.m.**

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**APPOINTMENTS**

**PRESENTATION**

**BIDS**

**RESOLUTIONS**

**Finance Policy Committee**

1. Resolution authorizing the Chief Financial Officer to refund Recreation Department Fees
2. Resolution authorizing the Chief Financial Officer to refund dumpster security payment
3. Resolution authorizing the Chief Financial Officer to draw warrant for dog license for October 2023
4. Resolution authorizing the Chief Financial Officer to make a budget transfer

**Public Safety, Transportation and Parking Committee**

**Code Review & Town Property Committee**

**Public Works Committee**

**ORDINANCES**

GENERAL ORDINANCE NO. 2023-34

AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE POLICE AND FIRE DEPARTMENTS IN THE TOWN OF WESTFIELD AND VARIOUS AMENDMENTS THERETO

**GENERAL BUSINESS**

**COMMITTEE REPORTS**

**OPEN DISCUSSION BY CITIZENS**

**EXECUTIVE SESSION**



**TOWN OF WESTFIELD  
TOWN COUNCIL  
REGULAR MEETING  
Wednesday, November 8, 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
  1. GENERAL ORDINANCE NO. 2023-31  
AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO SWIMMING POOL ENCLOSURES
  2. 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
  3. GENERAL ORDINANCE NO. 2023-33  
AN ORDINANCE REGARDING STORMWATER REGULATION AND FLOOD PREVENTION
7. Approval of Minutes from Town Regular Meeting held October 24, 2023
8. Petitions and Communications
9. Open discussion by citizens
10. Bills and Claims in the amount of \$375,835.86
11. Reports of Standing Committees
  - Finance Policy Committee
    5. Resolution authorizing the Chief Financial Officer to refund Recreation Department Fees
    6. Resolution authorizing the Chief Financial Officer to refund dumpster security payments
    7. Resolution authorizing the Chief Financial Officer to draw warrant for dog license for October 2023
    8. Resolution authorizing the Chief Financial Officer to make a budget transfer

Public Safety, Transportation and Parking Committee

1. GENERAL ORDINANCE NO. 2023-34

AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE POLICE AND FIRE DEPARTMENTS IN THE TOWN OF WESTFIELD AND VARIOUS AMENDMENTS THERETO

Code Review & Town Property Committee

Public Works Committee

Reports of Department Heads

**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**  
**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.

**TOWN OF WESTFIELD**  
**WESTFIELD, NEW JERSEY**  
**RESOLUTION NO.**

**FINANCE POLICY COMMITTEE**

**NOVEMBER 8, 2023**

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

<b><u>Name</u></b>	<b><u>Reason</u></b>	<b><u>Program</u></b>	<b><u>Fee</u></b>
Siobhan Hunziker	Class Canceled	Yoga in Brightwood Park Siobhan Hunziker	\$10.00 Credit Card
Jordan Lateiner	Class Canceled	Yoga in Brightwood Park Rebecca Lateiner	\$10.00 Credit Card
Robert Seela	Class Canceled	Yoga in Brightwood Park Lisa Seela	\$10.00 Credit Card
Allison Carr	Program Canceled	Youth Tennis/ Hot Shot/Sat Grace Carr	\$85.00 Credit Card
Steven Kawalek	Program Canceled	Youth Tennis / Hot Shots / Sat Lily Kawalek	\$85.00 Credit Card
Murtaza Khawaja	Program Canceled	Youth Tennis / Hot Shots / Sat Lyla Khawaja	\$85.00 Credit Card
Philip Lamparello	Program Canceled	Youth Tennis / Hot Shots / Sat Clara Lamparello	\$85.00 Credit Card
Deisi Martins Gomes	Program Canceled	Youth Tennis / Hot Shots / Sat Lucca Martins Carlos	\$85.00 Credit Card
Ed Roberts	Program Canceled	Youth Tennis / Hot Shots / Sat Hector Roberts	\$85.00 Credit Card
Deborah Ann Dickinson	Program Canceled	Youth Tennis / Hot Shots / Sat Zoey Scianna	\$85.00 Credit Card
Matthew Weber	Program Canceled	Youth Tennis / Hot Shots / Sat Brandon Weber	\$85.00 Credit Card
Ariel Feldman	Program Canceled	Youth Tennis / Level 1 / Sat Jason Feldman	\$129.00 Credit Card
Greg Goldstein	Program Canceled	Youth Tennis / Level 1 / Sat Greg Goldstein	\$129.00 Credit Card
Daniel Gutin	Program Canceled	Youth Tennis / Level 1 / Sat Lucas Gutin	\$129.00 Credit Card
Vasileios Komvokis	Program Canceled	Youth Tennis / Level 1 / Sat	\$129.00



		Filippos Komvokis	Credit Card
Deisi Martins Gomes	Program Canceled	Youth Tennis / Level 1 / Sat Leonardo Martins Carlos	\$129.00 Credit Card
Michael Ozersky	Program Canceled	Youth Tennis / Level 1 / Sat Emily Ozersky	\$129.00 Credit Card
Kevin Ragas	Program Canceled	Youth Tennis / Level 1 / Sat John Ragas	\$129.00 Credit Card
Marelis Smith	Program Canceled	Youth Tennis / Level 1 / Sat Rebecca Smith	\$129.00 Credit Card
Claire Cyran	Program Canceled	Youth Tennis / Level 1 / Sat Charles Cyran Thomas Cyran	\$129.00 \$129.00 Credit Card
Tessa Gearity	Program Canceled	Youth Tennis / Level 1 / Sat Gwen Gearity	\$129.00 Credit Card
Maura Geller	Program Canceled	Youth Tennis / Level 1 / Sat Ilivia Geller Maverick Geller	\$129.00 \$129.00 Credit Card
Jak Karako	Program Canceled	Youth Tennis / Level 1 / Sat Jack Karako	\$129.00 Credit Card
Rajat Khanna	Program Canceled	Youth Tennis / Level 1 / Sat Ruhani Khanna	\$129.00 Credit Card
Joseph Micali	Program Canceled	Youth Tennis / Level 1 / Sat Benjamin Micali	\$129.00 Credit Card
Skylar Wolfe	Withdrew	LEGO STEM Fall Session 2 Griffin Wolf	\$175.75 Credit Card
Louisa Toussain	Registered Twice	Brightwood Park Trunk R Treat Andy Toussain	\$15.00 Credit Card
John A Painting	Registered Twice	Pool Membership 2023 Resident Senior Couple	\$171.00 Credit Card
Robert Foster	Double Class	Youth Fall Pickleball Claire Foster	\$20.00 Credit Card

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

**FINANCE POLICY COMMITTEE**

**NOVEMBER 8, 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:

Victory Home Remodeling  
110 Fieldcrest Avenue  
Edison, NJ 08837

Amount of refund:   \$975.00

MJK Equities  
1220 Beach 9<sup>th</sup> St.  
Far Rockaway, NY 11691

Amount of refund:   \$975.00

Costello Home Construction  
48 Hartford Drive  
Egg Harbor Township, NJ 08234

Amount of refund:   \$975.00

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**  
**RESOLUTION NO. 2023**

**FINANCE POLICY COMMITTEE**

**NOVEMBER 8, 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 NO. 2023**

**FINANCE POLICY COMMITTEE**

**NOVEMBER 8, 2023**

**RESOLVED** that the Chief Financial Officer be authorized to make the following transfer(s) in the 2023 budget accounts, where (S&W) refers to the Salary & Wages line items while (O/E) refers to the Other Expenses line items:

	<b><u>OUT</u></b>	<b><u>IN</u></b>
<b><u>CURRENT FUND</u></b>		
Administrative & Executive		
2-01-100-214 (O/E)		\$40,000
Town Clerk		
2-01-102-213 (O/E)		2,000
Fire Department		
2-01-125-101 (S&W)	18,000	
Fire Safety Official		
2-01-127-102 (S&W)		18,000
Board of Health		
2-01-150-101 (S&W)	62,000	
Municipal Court		
3-01-175-101 (S&W)	20,000	
Public Buildings and Grounds		
2-01-185-217 (O/E)		40,000
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	<b><u>\$100,000</u></b>	<b><u>\$100,000</u></b>

**TOWN OF WESTFIELD  
WESTFIELD NEW JERSEY**

**GENERAL ORDINANCE NO. 2023-34**

**AN ORDINANCE ENTITLED “AN ORDINANCE FIXING THE SALARIES  
OF CERTAIN EMPLOYEES OF THE POLICE AND FIRE DEPARTMENTS IN  
THE TOWN OF WESTFIELD AND VARIOUS AMENDMENTS THERETO.”**

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

**SECTION I.**

That General Ordinance as titled above read as follows:

**A. POLICE DEPARTMENT**

**I. ANNUAL SALARIES**

(1) (1) All salaries shall be retroactive to their effective dates and the annual salaries of the Westfield Police Department superior officer personnel represented by the PBA Local 90A shall be as follows:

	Effective <u>1/1/2023</u>	Effective <u>1/1/2024</u>	Effective <u>1/1/2025</u>	Effective <u>1/1/2026</u>
Captain	\$160,204	\$164,831	\$169,721	\$174,307
Lieutenant	\$149,004	\$153,379	\$157,983	\$162,304
Sergeant	\$138,935	\$143,084	\$147,430	\$151,514

**SECTION II.**

Any or all ordinances or parts thereof in conflict, or inconsistent, with any part of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

**SECTION III.**

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

**SECTION IV.**

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