



AGENDA
March 22, 2022
Council Conference Meeting
7:00 p.m.

APPOINTMENTS

PRESENTATION

BIDS

RESOLUTIONS

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to draw warrant for dog licenses for February 2022
2. Resolution authorizing the Chief Financial Officer to draw warrant for unused parking permit fee
3. Resolution authorizing the Chief Financial Officer to refund street opening Cash Bond
4. Resolution authorizing the Chief Financial Officer to refund Recreation Department fees
5. Resolution authorizing the Chief Financial Officer to draw warrant for overpaid taxes
6. Resolution authorizing the Chief Financial Officer to sign agreement for payments with Horizon BCBS
7. Resolution urging the swift passage of S-330 which restores Energy Tax Receipts
8. Resolution requesting permission for the dedication by rider for donations (Uniform Fire Safety Act Penalty Monies)
9. Resolution to defer local school tax
10. Resolution to adopt temporary capital budget
11. Resolution to introduce and approve the 2022 Municipal Budget
12. Resolution to introduce and approve the 2022 Special Improvement District Budget
13. Resolution to approve budget transfer

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

Public Works Committee

ORDINANCES

GENERAL ORDINANCE NO. 2022-10

AN ORDINANCE FOR CALENDAR YEAR 2022 TO ESTABLISH A CAP BANK (N.J.S.A 40A:4-45.14)

SPECIAL ORDINANCE NO. 2022-01

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 A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,175,000 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 ORDINANCE NO. 2022-11

AN ORDINANCE AUTHORIZING THE CONSUMPTION OF ALCOHOLIC BEVERAGE IN CERTAIN AREAS OF THE TOWN OF WESTFIELD

GENERAL BUSINESS

Event Requests – Westfield PBA

COMMITTEE REPORTS

Finance Policy Committee

OPEN DISCUSSION BY CITIZENS

EXECUTIVE SESSION



**TOWN OF WESTFIELD
TOWN COUNCIL
REGULAR MEETING**

**Tuesday, March 22, 2022
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
2022 Municipal Budget
6. Advertised Hearings
7. Approval of Minutes from Town Council Conference Session held March 8, 2022
Approval of Minutes from Town Council Regular Meeting held March 8, 2022
8. Petitions and Communications
9. Open discussion by citizens
10. Bills and Claims in the amount of \$2,570,108.94
11. Reports of Standing Committees

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to draw warrant for dog licenses for February 2022
2. Resolution authorizing the Chief Financial Officer to draw warrant for unused parking permit fee
3. Resolution authorizing the Chief Financial Officer to refund street opening Cash Bond
4. Resolution authorizing the Chief Financial Officer to refund Recreation Department fees
5. Resolution authorizing the Chief Financial Officer to draw warrant for overpaid taxes
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7. Resolution urging the swift passage of S-330 which restores Energy Tax Receipts
8. Resolution requesting permission for the dedication by rider for donations (Uniform Fire Safety Act Penalty Monies)
9. Resolution to defer local school tax
10. Resolution to adopt temporary capital budget
11. Resolution to introduce and approve the 2022 Municipal Budget
12. Resolution to introduce and approve the 2022 Special Improvement District Budget
13. Resolution to approve budget transfer
14. GENERAL ORDINANCE NO. 2022-10
AN ORDINANCE FOR CALENDAR YEAR 2022 TO ESTABLISH A CAP BANK (N.J.S.A 40A:4-45.14)
15. SPECIAL ORDINANCE NO. 2022-01
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 A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,175,000 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. GENERAL ORDINANCE NO. 2022-11
AN ORDINANCE AUTHORIZING THE CONSUMPTION OF ALCOHOLIC BEVERAGE IN CERTAIN AREAS OF THE TOWN OF WESTFIELD

Public Works Committee

12. Reports of Department Heads

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

MARCH 22, 2022

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$210.60 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 February 2022.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

MARCH 22, 2022

RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

| | | | |
|---|-------------------------|-----------|----------|
| Paul B. Heroux 187 Lincoln Road Westfield, NJ 07090 | South Side RR Stn/Lot 3 | #22030434 | \$580.00 |
|---|-------------------------|-----------|----------|

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION

FINANCE POLICY COMMITTEE

MARCH 22, 2022

WHEREAS, Anthony Louis Custom Home Builders LLC. placed the required cash bond of \$1500.00 to cover the Road Opening Permit #21-043 for 1923 Boynton Avenue; and

WHEREAS, Anthony Louis Custom Home Builders LLC. is entitled to have this amount to be returned, and

WHEREAS the Town Engineer has inspected the roadway excavation and has found 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 Anthony Louis Custom Home Builders LLC. for \$1,500.00 and forward to 46 Avalon Lane, Aberdeen, New Jersey 07747.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

MARCH 22, 2022

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

| <u>Name</u> | <u>Account</u> | <u>Class</u> | <u>Fee</u> |
|--|----------------------------|---|-------------------|
| Kirsten Bonn 737 First St Westfield, NJ 07090 | Tennis/Rec T-05-600-071 | Refund In-Town Ultimate/Spring 2022 Matthew Bonn | \$175.75 |
| Jennifer Kaplan 38 Washington Ave Chatham, NJ 07928 | Tennis/Rec T-05-600-071 | Refund Safe sitters/Babysitting Gabrielle Kaplan/ March 6 class | \$114.00 |
| Jayson Karen 1605 Boulevard Westfield, NJ 07090 | Tennis/Rec T-05-600-071 | Refund Volleyball Spring Clinics Isla Karen / WHS – 7 th grade | \$152.00 |
| Douglas Heintz 1322 Pine Grove Ave Westfield, NJ 07090 | Tennis/Rec T-05-600-071 | Refund Volleyball Spring Clinic James Heintz / 6 th grade | \$160.00 |
| Robert Davis 955 Minisink Way Westfield, NJ 07090 | Tennis/Rec T-05-600-071 | Refund Pickleball – Youth Spring Wesley Davis / Session 2 | \$95.00 |
| Helen Frees 1035 Summit Ave Westfield, NJ 07090 | Tennis/Rec T-05-600-071 | Refund Volleyball Spring Clinic Tegan Frees / 7 grade | \$160.00 |

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

MARCH 22, 2022

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2021-2022:

| <u>Block/Lot/Qualifier</u> <u>Name</u> | <u>Property Address</u> | <u>Quarter/Year</u> <u>Amount</u> |
|---|-------------------------|---|
| 2608/23 CORNO, Claudia | 636 Hort Street | 1 st /2022 \$2,739.98 |
| 3010/1/C0001 CoreLogic Refunds Dept 3001 Hackberry Road Irving, TX 75063 | 515 Trinity Place | 4 th /2021 \$1,711.09 1 st /2022 <u>\$1,707.15</u> \$3,418.24 |

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

MARCH 22, 2022

WHEREAS, the Town of Westfield entered into a Self-funded Health Insurance program whereby the Town directly pays claims incurred by employees to Horizon Blue Cross/Blue Shield of NJ, and

WHEREAS, this Self-funded Health Insurance program provides weekly and/or biweekly invoices summarizing the prior week's claims, with billings to be paid within 24 hours of receipt, either by wire or via ACH debit; and

WHEREAS, it is advisable to make recurrent ACH payments to relieve the Finance Department of the obligation of entering wires every week and to meet the 24-hour requirement for payment; and

WHEREAS, ACH debits are acceptable means of making payments when authorized by Council and made part of the Cash Management Plan, and

WHEREAS, Horizon Blue Cross/Blue Shield of NJ has and will continue to provide their most current Annual Audit (SOC-1) showing satisfactory internal controls are being maintained, a requirement of the Division of Local Government Services.

NOW, THEREFORE BE IT RESOLVED, that the Treasurer is authorized to sign the Authorization Agreement for Preauthorized Payments with Horizon Blue Cross/Blue Shield of NJ, allowing for automatic ACH debits from the Town of Westfield's Self-Insurance account; and

BE IT FURTHER RESOLVED, that section XI of the Town of Westfield Cash Management Plan be amended to reflect this payment methodology.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

MARCH 22, 2022

URGING THE SWIFT PASSAGE OF S-330 WHICH RESTORES ENERGY TAX RECEIPTS

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

WHEREAS, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

WHEREAS, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Town of Westfield in the county of Union urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Assemblywoman Michele Matsikoudis, Assemblywoman Nancy F. Munoz, Senator Jon M. Bramnick, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

MARCH 22, 2022

RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
BY RIDER FOR DONATIONS – ACCEPTANCE OF BEQUESTS AND GIFTS
REQUIRED BY N.J.S.A. 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance, and

WHEREAS, N.J.S.A 52:27D-192 et seq. provides for receipt from Uniform Fire Safety Act Penalty Monies to provide for the operating costs to administer this act, and

WHEREAS, N.J.S.A. 40A:4-39 provides that dedicated revenues anticipated from Uniform Fire Safety Act Penalty Monies are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Westfield, County of Union, New Jersey, as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Uniform Fire Safety Act Penalty Monies, as authorized under N.J.S.A. 52:27D-119 et seq.
2. The Clerk of the Town of Westfield, County of Union is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

MARCH 22, 2022

WHEREAS, the Local District School Tax for the year July 1, 2021 to June 30, 2022 was raised in the 2021 Tax Levy in the sum of \$108,183,929.00, and

WHEREAS, the statutes permit the deferral of such School Tax up to 50% of the School Tax Levy or \$54,091,964.50,

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 \$54,091,964.50 as of December 31, 2021.

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.

FINANCE POLICY COMMITTEE

MARCH 22, 2022

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 2022 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 2022 Temporary Capital Budget for the Town of Westfield, is hereby adopted.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. XXX-2022

FINANCE POLICY COMMITTEE

MARCH 22, 2022

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 2022, and

WHEREAS, the following statements of revenues and appropriations shall constitute the Downtown Westfield Corporation Budget for the Year 2022; and

WHEREAS the said Budget is to be published in THE WESTFIELD LEADER in the issue of April 7, 2022.

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 2022:

DOWNTOWN WESTFIELD CORPORATION
SPECIAL IMPROVEMENT DISTRICT
2022 BUDGET

REVENUES

| <u>GENERAL REVENUE</u> | <u>ANTICIPATED REVENUE</u> |
|---|-----------------------------------|
| Amount to be raised by Special Improvement District Assessment | <u>\$416,347.00</u> |
| Total General Revenue | \$416,347.00 |

APPROPRIATIONS

| <u>GENERAL APPROPRIATIONS</u> | <u>APPROPRIATIONS 2022</u> |
|--------------------------------------|-----------------------------------|
| Operating | |
| Salaries & Wages | \$191,000.00 |
| Other Expenses | <u>\$225,347.00</u> |
| 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 22, 2022.

A hearing on said Budget will be held at the Westfield Municipal Building, Council Chambers, 425 East Broad Street, Westfield, New Jersey, on April 26, 2022 at 8:00 p.m. at which time and place objections to said Budget for the Year 2022 may be presented by Downtown Special Improvement District taxpayers or other interested persons.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

FINANCE POLICY COMMITTEE

MARCH 22, 2022

RESOLVED that the Chief Financial Officer be authorized to make the following transfer(s) in the 2021 Budget (Appropriation Reserve) accounts, where (S&W) refers to the Salary & Wages line item while (O/E) refers to the Other Expenses line items:

| | <u>OUT</u> | <u>IN</u> |
|----------------------------|-----------------------|-----------------------|
| <u>CURRENT FUND</u> | | |
| Administration & Executive | | |
| 1-01-100-109 (O/E) | | 2,150 |
| Legal | | |
| 1-01-120-217 (O/E) | 1,875 | |
| Police Department | | |
| 1-01-130-208 (O/E) | | 450 |
| Electricity | | |
| 1-01-166-211 (O/E) | 725 | |
| | <hr/> | <hr/> |
| | <u>\$2,600</u> | <u>\$2,600</u> |

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
GENERAL ORDINANCE NO. 2022-10**

AN ORDINANCE FOR CALENDAR YEAR 2022 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 2.5% 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 2022 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 1.0 % increase in the budget for said year, amounting to \$353,286.88 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 2022 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 \$1,236,504.08 and that the CY 2022 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
WESTFIELD, NEW JERSEY
SPECIAL ORDINANCE NO. 2022-01**

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 A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,175,000 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 a new automotive vehicle, including original apparatus and 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. It is anticipated that a grant in the amount of \$115,000 from the State of New Jersey Department of Transportation shall be received by the

Town to finance the cost of the improvement of Elmer Street described in Section 4.A hereof. Said grant funds shall be applied as set forth in Section 12 hereof. 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. Undertaking of the following road improvements: (i) resurfacing of Elmer Street (including curb installation or replacement and drainage improvements, where necessary) and (ii) 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 list referred to in clause (ii) of the preceding sentence. 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 | \$2,255,000 |
| Down Payment Appropriate | \$ 107,400 |
| Bonds and Notes Authorized | \$2,147,600 |

Period of Usefulness

10 years

B. Undertaking of the following improvements to public buildings and property: (i) stream cleaning at Mindowaskin Park and in the vicinity of Fairview Cemetery, (ii) roof replacement at the Department of Public Works ("DPW") Building, (iii) replacement of the September 11th Memorial patio and (iv) improvements to the Town Council Chambers and various offices in the Municipal Building. 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 | \$ 435,000 |
| Down Payment Appropriated | \$ 20,715 |
| Bonds and Notes Authorized | \$ 414,285 |
| Period of Usefulness | 15 years |

C. Acquisition of new additional or replacement equipment and machinery and new communication and signal systems equipment consisting of (i) cameras and traffic safety devices for the use of the Police Department and (ii) a gear washer/dryer and a hose dryer for the use of the Fire Department.

| | |
|----------------------------------|------------|
| Appropriation and Estimated Cost | \$ 110,000 |
| Down Payment Appropriated | \$ 5,250 |
| Bonds and Notes Authorized | \$ 104,750 |
| Period of Usefulness | 10 years |

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

| | |
|----------------------------------|-----------|
| Appropriation and Estimated Cost | \$ 25,000 |
| Down Payment Appropriated | \$ 1,200 |
| Bonds and Notes Authorized | \$ 23,800 |
| Period of Usefulness | 15 years |

E. Acquisition of new additional or replacement equipment and machinery consisting of a front end loader for the use of the DPW.

| | |
|----------------------------------|------------|
| Appropriation and Estimated Cost | \$ 220,000 |
| Down Payment Appropriated | \$ 10,480 |
| Bonds and Notes Authorized | \$ 209,520 |
| Period of Usefulness | 15 years |

F. Partial funding for the acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a dump truck for the use of the DPW.

| | |
|----------------------------------|------------|
| Appropriation and Estimated Cost | \$ 100,000 |
| Down Payment Appropriated | \$ 5,525 |
| Bonds and Notes Authorized | \$ 94,475 |
| Period of Usefulness | 5 years |

G. Undertaking of the design phase for sanitary sewer pump station improvements.

| | |
|----------------------------------|-----------|
| Appropriation and Estimated Cost | \$ 30,000 |
| Down Payment Appropriated | \$ 1,430 |
| Bonds and Notes Authorized | \$ 28,570 |
| Period of Usefulness | 40 years |

| | |
|--|-------------|
| Aggregate Appropriation and Estimated Cost | \$3,175,000 |
|--|-------------|

| | |
|--------------|------|
| Aggregate | Down |
| Payment | |
| Appropriated | |
| \$ 152,000 | |

Aggregate Amount of Bonds and Notes

Authorized

\$3,023,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$85,000 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 \$152,000, 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 \$152,000 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 \$3,023,000 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 \$3,023,000 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 11.19 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 \$3,023,000 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**

GENERAL ORDINANCE NO. 2022-11

**AN ORDINANCE AUTHORIZING THE CONSUMPTION OF ALCOHOLIC
BEVERAGE IN CERTAIN AREAS OF THE TOWN OF WESTFIELD**

WHEREAS, on January 18, 2022, P.L.2021, c.395, which allows municipalities to designate outdoor areas upon which people may consume alcoholic beverages, was signed into law and became effective; and

WHEREAS, certain areas of the Central Business District Zone of the Town of Westfield have long been hubs of entertainment and activity, and there are a number of food and beverage establishments in those areas for the public to enjoy; and

WHEREAS, as a result of the COVID-19 pandemic, it has become apparent that the public health is served by providing opportunities for open air social distancing by permitting patrons of food and beverage establishments to possess open containers of alcoholic beverages in certain areas of the Central Business District as specified herein and, further, that the public desires these opportunities to enhance their enjoyment of our Central Business District; and

WHEREAS, those open container areas would help both visitors to the Town and local residents safely enjoy the open spaces and food and beverage experiences that the Town of Westfield has to offer; and would be consistent with the intent of the new legislation allowing consumers to purchase alcohol for individual consumption; and

WHEREAS, in addition to areas of the Central Business District of the Town, there are other times and areas of the Town in which the open consumption of alcoholic beverages should be formally permitted, such as during Town-sanctioned and permitted block parties, which are hosted by the residents of a block as a group, and special Downtown Westfield Corporation-sponsored events, such as Sweet Sounds Downtown;

NOW, THEREFORE, BE IT RESOLVED:

SECTION I. Chapter 24, “Streets and Sidewalks”, shall be and hereby is amended by adding a new article, Article IX, “Open Container Areas” as follows:

Sec. 24-66. Establishment of Open Container Areas.

- A. Pursuant to P.L.2021, c.395, it shall be lawful for any person who is at least 21 years of age to consume open containers of alcoholic beverages outdoors in the following areas:
1. Quimby Street from Central Avenue to Elm Street, but only in those areas that are delineated, designed and/or partitioned for use as outdoor seating or dining areas or for social activities (said areas commonly referred to and

defined herein as “parklets”), or on the sidewalks abutting or immediately adjacent to said areas, as well as on the roadway or portions thereof which have been sufficiently closed to vehicular traffic and reserved exclusively for pedestrian use; and those areas being used as “sidewalk cafés” pursuant to the provisions of Chapter 24, Article VII of the Town Code.

2. East Broad Street from Prospect Street to Elm Street, but only in those areas that are delineated, designed and/or partitioned for use as outdoor seating or dining areas or for social activities (said areas commonly referred to and defined herein as “parklets”), or on the sidewalks abutting or immediately adjacent to said areas, as well as on the roadway or portions thereof which have been sufficiently closed to vehicular traffic and reserved exclusively for pedestrian use; and those areas being used as “sidewalk cafés” pursuant to the provisions of Chapter 24, Article VII of the Town Code.
 3. Elm Street from North Avenue to East Broad Street, but only in those areas that are delineated, designed and/or partitioned for use as outdoor seating or dining areas or for social activities (said areas commonly referred to and defined herein as “parklets”), or on the sidewalks abutting or immediately adjacent to said areas, as well as on the roadway or portions thereof which have been sufficiently closed to vehicular traffic and reserved exclusively for pedestrian use; and those areas being used as “sidewalk cafés” pursuant to the provisions of Chapter 24, Article VII of the Town Code.
 4. That portion of 454 South Avenue West, Block 3101, Lot 1, commonly known as “Foundation Park,” but only during such times when the Town of Westfield or the Downtown Westfield Corporation is sponsoring an event that is open to the public.
 5. That portion of the public sidewalk abutting or immediately adjacent to Central Avenue located at Block 3107, Lots 6, 13, and 14, but only during such times when the Town of Westfield or the Downtown Westfield Corporation is sponsoring an event that is open to the public.
 6. On any street in the Town of Westfield on which a permit has been issued by the Town for the hosting of a residential block party, but only during such times and at such locations as set forth in the approved block party permit, provided that said street has been sufficiently closed to vehicular traffic and no vehicular traffic is permitted to travel upon same during the times of such activity.
- B. A “Parklet” is defined as an area over parking spaces adjacent to a sidewalk area upon which tables, chairs, umbrellas, landscaping, benches, and other accessory components may be placed to create an enhanced pedestrian experience for the general public and patrons of retail businesses, offering an area where one might sit,

rest, recreate, socialize and/or indulge in open air dining and beverage experience. No parklet shall exist within the Town of Westfield without the permission of the Town.

- C. Notwithstanding the provisions of this Ordinance, the sale of alcoholic beverages for consumption in an open container area shall be subject to the provisions of Title 33 of the Revised Statutes of the State of New Jersey, rules and regulations promulgated by the director of the Division of Alcoholic Beverage Control, and all other municipal ordinances.
- D. This Ordinance does not, and is not intended to, confer any greater rights upon a holder of an ABC license or permit than that permitted by the Division of Alcoholic Beverage Control itself, or any law, rule, or regulation regarding alcoholic beverage licenses and permits.

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.