

MINUTES OF ORGANIZATION MEETING HELD JANUARY 3, 2023

Minutes of Organization Meeting of the Council of the Town of Westfield held January 3, 2023 at 6:00 p.m.

Mayor Brindle read the call as follows:

Welcome to this Reorganization Meeting of the Westfield Town Council of January 3, 2023, at 6:00 p.m. for the purpose of organizing for the year 2023 and transacting such other business as may properly come before the Mayor and Town Council

Notice of the meeting was provided on December 13, 2022 to the Westfield Leader, The Star Ledger, and posted on the bulletin board and filed in accordance with the Open Public Meetings Act.

The Invocation was given by Rabbi Ethan Prosnit, Temple Emanu-El.

Salute to the flag.

Senator John Bramnick was present for the Organizational Meeting and wished everyone a happy and health new year. He pledged that everyone works together as one community, one state, and as one nation. He voiced how it important that is and to put partisanship aside and concentrate on how to work for the people of our town, our state, and our country.

MAYOR'S OPENING REMARKS

I would like to thank everyone for joining us this evening and a special thanks to Rabbi Ethan Prosnit, Temple Emanu-el for the invocation and Reverend Dr. Jennifer Testa Hrynyk, First Congregational Church for the benediction to close out the evening.

One year ago tomorrow, five of us on this dais were newly reelected and were sworn in by Governor Murphy outside in the cold, wearing masks to protect against the Covid Omicron variant that was sweeping through our community. We moved inside here, to a near empty chamber for the reorganization meeting having discouraged the public from attending in person for public health reasons. So tonight, it brings me great pleasure to see all of us and all of you, here in person to reflect on what we accomplished in 2022, share our goals for 2023 and most importantly, appoint the many volunteers to our various boards and commissions, and reorganize this Council for the exciting work that lies ahead.

First, I'd like to thank the members of the Town Council, including Finance Committee Chair Linda Habgood, Public Works Committee Chair David Contract, Public Safety Committee Chair

Mike Dardia, Code Review Committee Chair Mark Parmelee, Councilpersons Dawn Mackey, Scott Katz, Emily Root, and Mark LoGrippe, as well as former Councilman Jim Boyes for their leadership and contributions this past year.

None of these accomplishments would be possible without the incredible efforts and dedication of our Town employees, and in particular Town Clerk Maureen Lawshe, who serves as the heartbeat of Town Hall and didn't miss a beat when she was promoted to this position last year. To our Town Attorney (and former mayor!) Tom Jardim, who manages to stay one step ahead of our legislative ambitions enabling us to make progress on so many initiatives. And of course there are not enough words to express our gratitude for the unflappable and hardest working Town Administrator, Jim Gildea, who continues to lead with a steady hand and remains the center of gravity for us all.

Jim's leadership is reflected in the culture of collaboration and professionalism he has instilled among our employees, who never fail to step up when asked and take immense pride in the extraordinary service they provide to our residents. On behalf of this Council, I'd like to thank department heads Police Chief Chris Battiloro, Fire Chief Michael Duels, DPW Director Greg O'Neil, Town Planner Don Sammet, Construction Official Frank Vuoso, Library Director Allen McGinley, newly promoted Assistant Town Administrator Heather Re, Public Information Officer Kim Forde, and Regional Health Director Megan Avallone, all of whom continue to keep us safe, healthy, and informed.

Tonight, I'd also like to welcome the new Executive Director of the Downtown Westfield Corporation, Samantha Horning, who started in her role today. We are very lucky to have her leading the downtown in what will be a critical year as well as the years to come.

And lastly, thanks to our families, including my own, especially my husband Kip, for their ongoing support of our volunteer service. We couldn't serve with them.

Let us now move on to tonight's business and appointments, which I'll follow with additional remarks in my State of the Town address.

PRESENT: Mayor Brindle, Council Members Parmelee, LoGrippe, Katz, Mackey, Contract, Dardia, Root

ABSENT: Councilwoman Habgood

Mayor Brindle proposed the following Acting and Alternate Acting Mayor appointments for year 2023. Motion made by Councilman Contract, seconded by Councilman Dardia, and unanimously confirmed by Council.

Acting Mayor – Mark Parmelee

Alternate Acting Mayor – Dawn Mackey

Mayor Brindle proposed the following Council appointments. Motion made by Councilwoman Mackey and seconded by Councilwoman Root was carried.

Planning Board Liaison

Michael Dardia, Class III

December 31, 2023

Board of Adjustment

Matt Sontz

December 31, 2026

Omar Karame

December 31, 2026

Paul Eilbacher, Alternate No. 1

December 31, 2024

Special Improvement District Board

Lew Kimble, Resident Director

December 31, 2025

Les, Trent, Resident Director

December 31, 2025

Kelly Richardson, Operator Director

December 31, 2025

Lauren Bieber, Resident Director

*December 31, 2023
(Unexpired Term)*

Linda Habgood, Council Designee

December 31, 2023

*Craig Gibson, Ex Officio
(Administrators Designee)*

December 31, 2023

Mayor Shelley Brindle , Ex Officio

December 31, 2023

The Mayor proposed the following employee appointments. Motion made by Councilwoman Root and seconded by Councilman Dardia, said employee appointments were carried.

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|--|--------------------------|
| <i>1. Resolution to appoint Town Engineer</i> | <i>December 31, 2023</i> |
| <i>2. Resolution to appoint Municipal Prosecutor</i> | <i>December 31, 2023</i> |
| <i>3. Resolution to appoint Public Defender</i> | <i>December 31, 2023</i> |

Resolution No. 1

WHEREAS, the Town Code of the Town of Westfield Section 2-88 requires that the appointment of the Town Engineer shall be made by the Town Administrator with the consent of the Mayor and approval of the Town Council; and

WHEREAS, Section 2-88 of the Town Code and N.J.S.A. 40A: 9-2 requires that the Town Engineer possess the required qualifications for performing the duties of the office; and

WHEREAS, David C. Battaglia, PE, CME, CFM, CPWM of Van Cleef Engineering Associates, LLC possesses the required qualifications.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council of the Town of Westfield appoint David C. Battaglia, PE, CME, CFM, CPWM of Van Cleef Engineering Associates, LLC to the position of Town Engineer for a term ending December 31, 2023.

Resolution No. 2

WHEREAS, the Town Code of the Town of Westfield Section 2-85 requires that the appointment of the Municipal Prosecutor shall be made by the Mayor with approval of the Town Council for a term up to one year.

BE IT RESOLVED that the Mayor and Town Council of the Town of Westfield appoint Howard Egenberg, Esq. to the position of Municipal Prosecutor for a one-year term ending December 31, 2023.

Resolution No. 3

WHEREAS, the Town Code of the Town of Westfield Section 2-86.1 requires that the

appointment of the Town Public Defender shall be made by the Mayor with approval of the Town Council for a term up to one year.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council of the Town of Westfield appoint Robert S. Bohrod, Esq. to the position of Town Public Defender for a one-year term ending December 31, 2023.

Mayor Brindle proposed the following Board appointments. Motion made by Councilman Parmelee and seconded by Councilman Contract was carried.

Board of Health

<i>Brendan Bertsch</i>	<i>December 31, 2026</i>
<i>Mitchell Shusteris</i>	<i>December 31, 2026</i>
<i>Steven Pentangelo, Alternate No.2</i>	<i>December 31, 2024</i>
<i>Council Liaison – Emily Root</i>	<i>December 31, 2023</i>

Recreation Commission

<i>Jennifer Gilman (Chair)</i>	<i>December 31, 2025</i>
<i>Ron Feldman</i>	<i>December 31, 2025</i>
<i>Jeffrey Perrella</i>	<i>December 31, 2025</i>
<i>Tony Stewart</i>	<i>December 31, 2025</i>
<i>Timothy Simon, Alternate No. 1</i>	<i>December 31, 2025</i>
<i>Council Liaison - Scott Katz</i>	<i>December 31, 2023</i>

Historic Preservation Commission

<i>Mary Anne Healy-Rodriguez, Class C</i>	<i>December 31, 2023</i> <i>(Unexpired Term)</i>
<i>Maryellen McVeigh, Alternate No. 2</i>	<i>December 31, 2024</i>

Council Liaison – Mark LoGrip December 31, 2023

Tree Preservation Commission

Jennifer Hunt December 31, 2025

Sandy Ciasco December 31, 2025

Council Liaison – Scott Katz December 31, 2023

Memorial Library Board

Rupa Motwani December 31, 2027

Rosalie Serapiglia December 31, 2027

Council Liaison – Mark Parmelee December 31, 2023

Westfield Housing Commission

John O'Brien December 31, 2023

Sasha Nisbet December 31, 2023

Paul Marcotullio December 31, 2023

Karna Gerich - Cestero December 31, 2023

Don Sammet, ex officio member December 31, 2023

Frank Vuoso, ex officio member December 31, 2023

Public Arts Commission

Gwen Fisher, Class 2/Mayor Designee December 31, 2023

John Levy, Class 3/Town Historian designee December 31, 2023

Samantha Horning, Class 4/DWC Director December 31, 2023

Margaret Smith, Class 5/Resident December 31, 2024

Stacy Plummer, Class 5/Resident *December 31, 2024*

Dawn Mackey, Class 1/Town Council Rep. *December 31, 2023*

Human Relations Advisory Commission

Alexis Jemal *December 31, 2025*

Cheryl Swift *December 31, 2025*

Paris Barker *December 31, 2025*

Sigal Goldstein, High School Representative *December 31, 2023*

Council Liaison – *Scott Katz* *December 31, 2023*

Mental Health Council

Thomas Fowler, Psy.D. *December 31, 2024*

Ann Ormsby *December 31, 2024*

James Catalano *December 31, 2023*
(Unexpired Term)

Ellen Devin, Alternate No. 1 *December 31, 2024*

Allison Marcal, Alternate No. 2 *December 31, 2023*
(Unexpired Term)

Council Liaison – *Emily Root* *December 31, 2023*

Bicycle Board

Douglas MacNeil, Resident *December 31, 2023*

Jennifer Hunt, Resident *December 31, 2023*

James Meiselman, Resident *December 31, 2023*

Daron McCaulley, Resident *December 31, 2023*

Council Liaison – Michael Dardia *December 31, 2023*

Mayor Brindle announced the following Mayoral appointments:

Planning Board

Ross Goldstein, Class IV *December 31, 2026*

Alexandra Carreras, Alternate No. 1 *December 31, 2024*

Shelley Brindle, Class I, Mayor’s Designee *December 31, 2023*

Michael Duelks, Class II *December 31, 2023*

Solid Waste Advisory Board

Jeff Bryk *December 31, 2023*

Union County Transportation Advisory Board

David McAlister *December 31, 2023*

Chamber of Commerce Liaison – Councilman Mark LoGrippe

Union County League of Municipalities – Mayor Brindle

Board of Education Liaison – Mayor Brindle

2nd Senior Citizens Housing Corporation Liaison – Councilman Mark Parmelee

AddamsFest Liaison – Councilwoman Dawn Mackey

Mayor Brindle announced the following Council Committees:

Finance Policy Committee

Linda Habgood, Chairwoman

Mark Parmelee, Vice-Chairman

Scott Katz

Emily Root

Public Safety, Transportation & Parking Committee

Emily Root, Chairwoman

*Michael Dardia, Vice-Chairman
Linda Habgood
David Contract*

Code Review & Town Property Committee

*Mark Parmelee, Chairman
David Contract, Vice-Chairman
Dawn Mackey
Mark LoGrippe*

Public Works Committee

*Scott Katz, Chairman
Dawn Mackey, Vice-Chairwoman
Michael Dardia
Mark LoGrippe*

MAYOR'S STATE OF THE TOWN ADDRESS

I now have the privilege of delivering the 2023 State of the Town address.

First and foremost, I'm happy to report that the state of our Town is exceptionally strong, and we have fully recovered from our COVID challenges and fiscal uncertainty, emerging stronger than ever with a resiliency that gives us confidence as we move boldly into the future.

If 2022 was a year for a return to normalcy, 2023 is a year for new beginnings, reflected most visibly tonight in the many upgrades you see in these Council Chambers, and more broadly in the key initiatives we are undertaking this year.

Our significant progress these past few years can be attributed to two main factors. The first is our steadfast focus on four key priorities since we were first elected: (1) strong fiscal oversight, (2) charting a vision for our future, (3) championing quality of life issues, and (4) increasing resident engagement.

The second is the dedication, enduring commitment, and resiliency of all those who make our work possible – our Town employees, resident volunteers, and our business community.

I am proud of the significant accomplishments this Council made on many fronts last year, and I'd like to share a few highlights:

- Welcomed 30 new downtown businesses with additional openings planned for 2023, including Millburn Deli, Fresh & Co, Rumble Boxing, and more
- Introduced a proposal for One Westfield Place, the culmination of three years of planning and collaboration with HBC | Streetworks Development, which I will address more specifically later in my remarks
- Adopted a historic first formal shared service agreement with the Board of Education for the Edison School Fields Project, paving the way for future additional BOE shared service initiatives
- Delivered a 1.9% tax levy, well below the rate of inflation, resulting in a five-year average increase of only 1.3% while continuing to maintain a healthy budget surplus
- Conducted a remarkably successful bond sale yielding a net interest cost of 2.49% in an unfriendly interest rate market, and reaffirmed the Town's AAA bond rating, one of only 44 (out of 564) municipalities to achieve that status
- Reduced auto thefts by 50% as a result of added police patrols, increased surveillance, and License Plate Reader installations
- Paved 16 miles of roads, with approximately ten paid for by the utility companies as a result of our 2019 road paving ordinance – bringing our paving total to 60 miles of roads (out of 100) in five years
- Oversaw the groundbreaking of Maize Cocktails & Cocina, an adaptive reuse of the Town's historic northside train station with an anticipated late spring 2023 opening, and of Redi-Farms, the region's first hydroponic vertical farm, an adaptive reuse of the former Handler Building on North Avenue
- Held the fifth and most successful year of AddamsFest, which is financially self-sufficient, ensuring an enduring new tradition for Westfield
- Adopted 21 general ordinances which regulated 5G, designated historic homes, allowed outdoor consumption of alcoholic beverages downtown, and more
- Addressed numerous public safety traffic concerns, most notably in the area of Prospect and East Broad
- Attained professional accreditation for the Westfield Police Department Dispatch, making the department one of only five in New Jersey to achieve accreditation for both its service and dispatch departments

- Designated three additional historic landmarks, bringing this administration's total to ten voluntary designations, delivering on our commitment to historic preservation
- Received \$1.3M in pursued grants, similar to 2021, which was the most in decades
- Awarded Silver Certification by Sustainable Jersey for the third time in Town history

There is a much more exhaustive list of accomplishments that can be found [on the Town website](#), but I'd like to spend more time focusing on our future.

Our 2023 key objectives remain as follows:

- Continue our record of strong fiscal responsibility and management
- Champion quality of life issues that matter to all residents
- Increase resident engagement and continue to foster an inclusive and collaborative spirit in our community
- Advance plans for revitalizing our Downtown

Specifically, we aim to accomplish the following:

1) Continue our record of strong fiscal responsibility and management

- Maintain AAA-bond rating and ample surplus while seeking new revenue and cost-cutting solutions to hold the line on property taxes
- Continue to invest in capital and infrastructure to upgrade equipment and services and mitigate long-term maintenance costs
- Continue to execute on unprecedented multi-year paving program, which calls for 80% of Town roads to be paved by 2026, with more than half paid by utility companies
- Identify additional shared service opportunities with the Board of Education to deliver greater value to taxpayers

2) Champion quality of life issues that matter to all residents

- As co-chair of the RVL Mayors' Alliance, prioritize renewed, post-COVID efforts on advocating for enhanced RVL peak one-seat ride service with NJ Transit, now that normalcy has returned and new commuter patterns have been established

- Continue to engage the Route 28 Mayors Mobility Consortium to support county efforts to improve traffic congestion and pedestrian mobility along this highly trafficked corridor in anticipation of significant grant funding
- Implement North Avenue pedestrian sidewalk improvements from Central Avenue to Garwood enabled by the \$400K grant recently approved in the federal omnibus bill
- Provide Westfield Police and Fire Departments with optimal resources and equipment to protect our residents and businesses, prioritizing:
 - Auto theft prevention
 - Speeding and traffic enforcement
 - Sustaining active duty police force of 62, the highest staffing level in history
 - Identifying potential for building new firehouse to meet the needs of today's Fire Department
- Reassess staffing and funding of Westfield Regional Health Department to ensure adequate resources to manage future health crises
- Identify opportunities to improve flood mitigation and stormwater control measures through the Westfield Infrastructure Resilience Committee (WIRC) and by actively participating as a new member of the Rahway River Watershed Mayors' Council
- Prioritize Green Team efforts in support of climate action and resiliency policy measures while continuing to engage and educate the public and business community on sustainability efforts
- Initiate the design and engineering phase for the Edison Fields project
- Create a detailed Master Plan for Tamaques Park and assess potential for relocation of the Westfield Rink, additional athletic fields, pickleball courts, dog park, bike and walking trails, expanded parking, and new entrance/exit off of Lamberts Mill Road
- Implement parking, safety, and restroom improvements to Houlihan/Sid Fay by 4Q23, funded by revenues from recent cell tower approval
- Continue cleanup and capital improvements to Brightwood and Mindowaskin Parks in collaboration with Friends of Brightwood and Friends of Mindowaskin
- Complete second phase of Windsor Park playground with anticipated completion date of 3Q23

- Continue to support historic preservation efforts by pursuing voluntary designations of Westfield’s most historic landmarks; support HPC’s efforts to use grant monies to create a Historic Preservation Plan Element for the Westfield Town Master Plan and conduct a historic survey of our most iconic downtown properties

3) Increase resident engagement and continue to foster an inclusive and collaborative spirit in our community

- Continue to support initiatives and events that celebrate and unite our community, including AddamsFest, March To Yorktown Day, public art murals and exhibits, and DWC events such as Sweet Sounds, Open Quimby, holiday events, and more
- Expand initiatives that support our seniors and mental health awareness and education through the efforts of Lifelong Westfield and our Mental Health Council
- Continue to prioritize inclusivity, celebrate diversity, and denounce racism and antisemitism by supporting the initiatives of the Human Relations Advisory Commission (HRAC)
- Support the efforts of the Westfield Memorial Library to implement their ambitious strategic plan recommendations towards becoming a premier 21st century community library

And lastly, and most significantly:

4) Advance our plans for revitalizing our historic Downtown to ensure it remains vibrant for generations to come

In last year’s State of the Town address, I mentioned, as I have every year, that revitalizing our downtown was a top priority, and we were working towards creating a “fiscally responsible smart growth plan that would enable a new downtown live/work/play ecosystem...to sustain our local businesses for the long-term.” We also committed to implementing a long-overdue downtown parking solution that would meet the needs of post-COVID commuters, employees, and shoppers.

Our unwavering commitment to this forward-looking vision for our downtown, which we have

reaffirmed consistently and repeatedly, is why I believe most of us on this dais were first elected, why five of us were re-elected just last year, and why Councilwoman Root was overwhelmingly elected just two months ago. We are committed to following through on our campaign promise to you.

And here we are. Almost five years after being first elected, the proposal for One Westfield Place was presented to the public in September. This proposal is the culmination of three years of planning and collaboration with HBC | Streetworks Development, the result of the public's input into a new Master Plan Reexamination that was unanimously adopted by the Planning Board and supported by the Town Council, and input Streetworks received from numerous community groups with whom they met prior to the proposal being introduced. Each of these planning milestones was discussed publicly and often, always with the goal of ensuring and encouraging resident engagement in the process.

The outcome is a proposal that will deliver a healthy downtown for generations, diversify our housing stock, address long-standing traffic, parking, and congestion challenges, enable the Town to invest more than \$50M in transformational public improvements that would otherwise not be feasible through traditional residential taxes, and bring in unprecedented new sources of revenue to ease the tax burden on our residents.

I recognize for some this proposal is overly ambitious. For others, construction can't begin soon enough. We can all agree that our intentions are aligned, while appreciating that opinions may diverge on how we get there. With a commitment to moving this process forward, while assuring residents that there remains plenty of opportunity to weigh in during an evolving process that will take time, I want to take this opportunity to provide you with timing on the anticipated immediate next steps:

- **January 11 Facebook Live / 6:30 pm:** Streetworks will present modifications to their proposal based upon feedback received through their interactions with residents as well as the input and questions this Council has heard directly. The Town's Finance professionals will provide a follow-up to last month's Finance presentation and answer questions that have been received since that initial presentation. The live presentation will be recorded so it can be viewed at your convenience.
- **January 17 Town Council meeting / 8:00 pm:** Streetworks and the Town's Planning and Finance professionals will be presenting to Town Council the updated One Westfield Place project and financial structure.

- **January 19 Facebook Live / 6:30 pm:** Town and Streetworks planning professionals will review and answer questions regarding the updated planning and design aspects of One Westfield Place.
- **January 31 Town Council meeting / 8:00 pm:** The Town's planning and legal redevelopment professionals will provide a presentation to Town Council introducing the One Westfield Place Redevelopment Plan (RDP) Ordinance which would enable the zoning for the project. The Council will refer the RDP to the Planning Board to assess Master Plan consistency.
- **February 6 Planning Board meeting / 7:30 pm:** Redevelopment Plan will be presented to the Planning Board who will determine if it is consistent with the Master Plan.
- **February 14 Town Council meeting / 8:00 pm:** Public hearing and vote on the adoption of the One Westfield Place Redevelopment Plan if the Planning Board affirmed consistency with Master Plan.

The adoption of a Redevelopment Plan is the first step in a lengthy process. A vote on a Redevelopment Agreement detailing the project specifics and designating HBC | Streetworks Development as the developer would follow, with subsequent votes required on the financial agreement and bonding, as well as eventual full site plan review and approval by the Planning Board. I share this to reiterate the transparency of the public process and the multiple opportunities for input in the weeks and months ahead. Every step of this process, from the 2019 Master Plan formulation, to the many subsequent public meetings on redevelopment designations, to the future meetings and votes I've just detailed – as well as the Preview Center and, of course, questions for this Council – is inclusive of public input and affords every resident the opportunity to be heard. Thank you to everyone who has engaged in this process to date, and, if you have not yet done so, please take the time to become informed so that you can provide credible, fact-based feedback and help shape our future.

I recognize that this project may seem like a lot of change for a community that has not historically welcomed it. Ultimately, we have a choice: To move Westfield forward and realize its full potential as a premier downtown community, or to accept the status-quo and fall behind our peer communities. To reiterate my comments when this project was introduced, we have a once in a lifetime opportunity to create the downtown we want our kids to inherit – one that serves as a national model for a post-COVID Main Street community dedicated to sustainability, walkability, inclusivity, and affordability – and one that meets the needs and desires of all of our residents and downtown businesses, including those who have been here for generations as well those who have just arrived. And very importantly, this proposal presents an unprecedented opportunity to ease the long-term tax

burden for all residents.

In closing, I look forward to the promise of a new beginning that has emerged from the ravages of COVID. Our community has proven to be resilient, and I'm proud to affirm that the state of our Town is strong with a limitless future if we have the courage to embrace it.

It remains a privilege to be your mayor, and I ask that we once again approach this new year with gratitude for our families, community, and health. God bless our great community and country. Happy New Year!

OPEN DISCUSSION BY CITIZENS

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

John Schmidt, 669 Boulevard - read a petition on behalf of Westfield Advocates for Responsible Developments, which has over 1,200 signatures to date. The petition reads, "We, the undersigned, all residents of Westfield, NJ, ask the Mayor, Town Council and Planning Board to reconsider the Ordinance 2198 redevelopment plan and to reduce the scope and size of One Westfield Place development project to RETHINK and provide ALTERNATIVE PLANS for the town's residents to review and consider.

1. This project is much TOO BIG in scope and size; and will irrevocably alter the small town character that all of us love and enjoy. The plans as proposed will obliterate the idyllic sight lines of trees and church steeples and reduce the amount of open space that brings our residents a sense of tranquility.

2. This project would increase traffic, pollution and congestion. We feel that the actual impacts of the project (i.e., traffic, PILOTs, business, real estate, neighborhood scale) are insufficiently investigated and being downplayed by the Streetworks developer and our elected officials.

3. We object to the Town Council's:

- unreasonable zoning overrides
- non-competitive sale of our municipal lots to the developer
- lack of a solid basis for this expansive and significant plan
- lack of a full and fair public hearing to form a solid basis for public decision-making
- misuse of Local Housing and Redevelopment Law and,
- misrepresentation of residents' responses to the Master Plan Reexamination Survey

By This Petition We The Undersigned Demand:

A well-considered and feasible long-term redevelopment plan that maintains Westfield's finances, neighborhood character, and quality of life. We urge and demand that the Developer, Mayor and Town Council, Town Administration, and other elected representatives and appointed officials:

1) PAUSE further approvals and agreements related to Ordinance 2198 and the Streetworks development proposal, and

2) PROVIDE alternative proposals, including other uses for the municipal lots, which reflect a sincere and collaborative process involving the input and ideas of all Town stakeholders and residents and that reduces the size and scope of this development project.”

Kristine Kiefer, 603 Shadowlawn Drive - read comments from other individuals that were attached to the petition against the One Westfield Place Project. Comments included changing the character of the town, traffic and flooding concerns, traffic issues, too large in size and scope, lack of transparency, overcrowding, overly developed, and current vacant store fronts.

Sandra Morrow 635 Forest Avenue - has lived and worked in Westfield for over 40 years and feels her way of life is threatened with the One Westfield Place project. Ms. Morrow additionally read comments by other individuals that were attached to the petition online. Comments were made opposing the project, size and scope, too much traffic and congestion, losing the feeling of a community, it will be an urban area, the project should be voted on, transparency.

Marci Bandelli, 209 Tuttle Parkway - is excited about the One Westfield Place Project. She loves the idea of the Town Square and is an appealing factor. She does not think this project takes away a small town feel that Westfield has to offer, she thinks this will revitalize the Town. She stated she welcomes change and is looking forward to it.

Allison Carey, 408 East Dudley Avenue - wanted to note that the last Facebook live presentation on the financial aspects of the project had 46 people in attendance and understands social media is great but a lot of the population is missing who are not on Facebook. She hopes the Town looks for other ways to reach everybody for these very important discussions that are taking place in the upcoming weeks. Mrs. Carey also read additional comments from the petition by other individuals. These comments stated the project was too large, massive, overdevelopment, more green space, Westfield will no longer be a charming colonial town, transforms the town into a city, represent the voices of residents, when did the residents ask for this, the town owned property is raising many questions, there is no need for additional office space, why was this not out to bid, this will increase traffic, how does this fit the Master Plan, not enough infrastructure, this is inappropriate for Westfield.

Drew Kellerman, 534 Boulevard - Thanked the Mayor and Council for their work. Her neighborhood is close to the redevelopment area, and she is a fan of the project as she thinks it is

going to save the downtown and does not want to see the downtown continue the path it has for many years. She has noticed other downtowns throughout the state have lapped Westfield. She believes Westfield is playing catch up to the neighboring towns like Cranford. Mrs. Kellerman discussed the petition and feels a small minority group is against the project. She stated change is hard and it is understandable, but change is inevitable. She wanted to correct misconceptions she has heard regarding the town being overcrowded and the extra buildings would be bad for the existing businesses. She also made comments about the legality of a referendum and stated it is illegal to have one for this matter. She finished her comments by showing support of the project.

David Kiefer, 603 Shadowlawn Drive - spoke on the topic of a non-binding referendum and whether it makes sense to have one stating if the Town should enter into a redevelopment agreement with HBC | Streetworks as the current proposal stands. He believes it should be put to a non-binding referendum and is disappointed to hear the Mayor and Council have no intention of doing so. He was confused when the Mayor said she received legal advice that a non-binding referendum along with a binding referendum cannot be done and are not legally permissible. As an attorney in the State of New Jersey, Mr. Kiefer researched the topic and understands that a binding referendum is not permissible on a zoning ordinance. He discussed NJSA 19:37-1 which permits a local governing body to put a non-binding question to the electorate on a ballot. He continued the courts have allowed this if the question that is being proposed to the people is one that the body can actually act on. Mr. Kiefer quoted the appellate division "if the municipality has no power to act it has no right to seek the voter's advice on whether to do so." He thinks there is confusion within the Municipal Land Use Law which prohibits referendums for zoning ordinances and continued the New Jersey Supreme Court ruled on a similar issue in 1994 in the Great Atlantic Pacific Tea Company v. the Borough of Point Pleasant. He discussed the case and the argument of whether a non-binding referendum is prohibited on a zoning question under the Municipal Land Use Law. The New Jersey Supreme Court stated "NJSA 19:37-1 authorizes a governing body to ascertain public sentiment before that body acts. It provides a method to gauge public opinion a governing body may consider or determine an appropriate clause of action." He stated the court held that the Municipal Land Use Law does not prevent a municipality from submitting a non-binding referendum to ascertain public opinion on a zoning matter. Mr. Keifer has seen nothing further that would suggest a non-binding referendum is somehow not allowed in this instance nor has he seen what other law would prevent this. He thinks it is allowed but furthermore he thinks it should be done to avoid political polarization.

Carl Salisbury, 715 Hanford Place - felt the need to discuss NJSA 40A:12A-28. He stated the argument that was put forth by the previous speaker relates to a zoning ordinance. He explained that NJSA 40A:12A-28 is very clear in that an ordinance in connection with a redevelopment project like One Westfield Place, a referendum is prohibited "notwithstanding any other law to the contrary". He explained that means notwithstanding zoning ordinance laws, which may provide for binding or non-binding referendum on this question. Mr. Salisbury stated NJSA 40A:12A-28 makes no distinction whatsoever between a binding and non-binding referendum. He discussed in 2013 the New Jersey Supreme Court affirmed a Town Clerk's refusal to put a

referendum on a ballot that had to do with a bond ordinance relating to a redevelopment project and the Supreme Court said in that case that NJSA 40A:12A-28 is “unequivocal” on this question and that a referendum is not allowed on a redevelopment project notwithstanding any other law to the contrary. He stated reasonable minds can always differ on these kinds of projects and understands that change is hard and there are differing opinions on a project this size. He wanted the Council to know there are people out there such as him who are excited for this project.

Susan Goodman, 322 Orenda Circle - was in attendance to support the Westfield Advocates for Responsible Development. Mrs. Goodman has lived in town for close to 40 years and would like her town to stay a nice town. She discussed visiting the preview center and seeing the plans of the fantasy that will ruin Westfield. There is a larger momentum of people opposed to the project. She thinks the Council should listen to the residents and not HBC | Streetworks. Mrs. Goodman stated this is selling the soul to her town for a replacement of Lord & Taylor and parking garage. Mrs. Goodman read comments that were made from petition signers that mentioned, it will urbanize the community, it needs to be rethought, the Master Plan is a guide not a mandate, this will not help the corridor, how does putting more retail space help those in the immediate downtown area, this is overwhelming for the town, the traffic studies do not capture everything, this project disrupts the character of the town, this is not Westfield, what benefit does this provide the community, this is reckless and not wise.

Kerry Murphy, 502 Coddling Road - made comments in reference to the Mayor stating the Council was overwhelmingly voted into office, she asked if they had shared the plans for this and the Sophia projects she wonders if the election outcome would have been the same. She thinks a non-binding referendum vote will take the mystery away of who is for the project and who is against it, as she feels it is allowed. Mrs. Murphy feels the Council is doing a great job listening to the developers and not the taxpayers. Mrs. Murphy proposed a challenge for the Council as the plans are based around the idea there will be an increase of residents in biking, ridesharing, walking, scootering etc that will mitigate traffic. She feels this sounds great in theory but in reality, it is not practical for the average working citizen. She proposed to any of the Council members that will vote yes for this project to use alternative transportation for one month and lead by example. She commented a non-binding referendum vote is the only fair, and just way of finding out what residents want.

Steven Goodman, 322 Orenda Circle - explained he has heard both sides of the discussions for One Westfield Place and would like the Council to understand what the residents of Westfield want. He feels a non-binding referendum is not all or none; there could be a third option for some. Mr. Goodman continued reading comments that were made by signers of the petition which entailed the traffic will be astronomical, there is a financial implication for the political leadership with having no bids from other developers, the leaders have a different vision for Westfield, the landscape is being altered, the taxes will be raised, the Mayor & Council are not acting in the best interests of residents, losing quality of life, how will this support businesses.

Mr. Goodman asked the Mayor & Council reiterated his desire to put this on a non-binding referendum.

Tony LaPorta, 409 North Chestnut Street - former Councilman LaPorta spoke in favor of having a non-binding referendum as he feels it is perfectly legal. He thinks people who are stating it is illegal are getting a non-binding and a binding referendum confused. He wanted to address how Town Council meetings are run. From what he has noticed and observed the Mayor controls the meetings and no one gets to speak at the meetings. He feels the Mayor has shut down residents and Council members if they speak on differing ideas and thoughts. Mr. LaPorta explained that the Mayor & Council were elected by the residents to speak and voice their concerns. Mr. LaPorta spoke about how the meetings were run when he sat on the Town Council and felt they were more democratic. He stated the Mayor sets the agenda and when he was on Council any member can put an item on the agenda. He urges the Mayor to reconsider how the Council meetings are run and take his comments into consideration.

Frank Fusaro, 422 Stanley Avenue - is a 57-year resident in Westfield. He commented that although only 1,200 people signed the petition, 790 people filled out the Master Plan Survey. Of those 790 people only 350 supported a mixed-use development which is what is being proposed now. In addition, he would appreciate it if the public record was corrected that \$73 million dollars of the \$210 million dollar PILOT payment is being used for the debt service, thus resulting in approximately \$140 million dollars in PILOT revenue over 30 years to the Town. In closing, he asked how much money the Town has spent on redevelopment consultants to date in addition to the \$640,000 that is being approved tonight.

Greg Kasko, 434 Everson Place - spoke about previous meetings including the former administration that had concerns which led up to the 2004 referendum. Mr. Kasko explained that individuals' names were being run illegally for the individuals who would speak up at meetings that were against a parking deck and subsequently ended up arrested on an occasion. Greg stated when the parking deck referendum came to be in 2004 people were disgusted at the way the Town Council handled the situation. Mr. Kasko brought up a situation where he stated he was berated after speaking at the microphone by a former Council member and did not have a chance to speak up. Mr. Kasko played audio recording from this meeting and stated he has never seen anyone from the current Town Council be treated the way he was from the prior administration. Greg continued his comments and feels the petition that is circulating is flawed as he was able to get onto it from multiple devices. He understands that people are against the project, but he supports the project and asked the Council to keep moving forward.

Carla Bonacci, 603 Lawrence Avenue - expressed the Westfield Advocate group is very concerned with the developments in Town and does support change but has an issue with this development due to its size related to density and height. She stated the buildings in town are usually one to three stories, but this proposal buildings with six stories 60-70 ft in height. She does not think the setbacks are going to take away from the fact the buildings are so large in

height. She is asking that the proposal be cut down and have the developer provide an alternative that reduces the scale. She feels there should be options from low to high, different analysis, comparisons and wishes to see the models that have been used to make these decisions. She asks that the residents are involved and have transparency of the project. Ms. Bonacci, stated the residents have had three months to be involved and feels it is unfair. She really wishes the process was opened earlier for the residents and feels this is a shortfall on the project.

Liz Mullholland, 1029 Harding Street - thanked the Mayor and Council for their hard work on the project. She listened to other residents make comments and shared that they sounded familiar from a letter that was recently posted online. Mrs. Mullholland read "It is amazing that Westfield struggles with positive change today as much as it did 62 years ago when the Town Council met to take a vote on a controversial zoning change that would significantly alter the town. The Council was set to extend the business district some 600 feet west along North Avenue to allow for the construction of a \$2 million Hahne & Co. department store with 100,000 square feet of retail space. Some Westfield residents were aghast at the idea that their quiet, residential community would be turned into a major shopping destination. "I was first attracted to Westfield because of its residential character — that it was more like a small town than suburbia," Mrs. J.C. Simone wrote in a letter to the Westfield Leader. "I seriously question whether Westfield will remain the kind of town we know it to be if Hahne's is to attract great numbers of shoppers from the surrounding communities." Simone was also concerned about the traffic the department store would generate. "Is Hahne's a good thing for Westfield residents? Will the convenience of shopping at Hahne's compensate for the increased traffic congestion which must result, and the strong possibility of the adjacent areas being rezoned for business?" Other residents expressed concern about the governing process, the lack of transparency of the Republican Town Council, the hastiness of the zoning change, the timing of the meeting and some even called for a referendum. "We have heard that Hahne's is coming to Westfield and some of the points in favor of the move. However, there has been no real opportunity for the residents to hear the unfavorable points which also come with this move. Both sides must be heard so that the good and bad may be weighed and a thoughtful decision reached," Beryl Osborne wrote in a letter to the Leader. "It is true that a public meeting was held," Osborne allowed. "However, residents were informed of this meeting by an article in the Leader published only four days before the meeting was scheduled. In addition, the meeting was held on a Monday evening. This conflicted with Westfield shopping night and Adult School." Helmuth Suchomel wrote that the Town Council should be absolutely certain of the wishes of the town before committing to the development. "The only way this can be done is by publicizing the pros and cons and then giving the citizens an opportunity to express their views, by a referendum if necessary," Suchomel wrote. "I know this would take time and Hahne & Company are in a hurry. But we people who live in Westfield need not be forced into a hasty decision to please any business interest." Mrs. Mullholland continued her comments and feels these comments are literally the same exact statements from the 1960s, and the same statements about Shoprite, the Ice Rink, or anything the Town has tried to do. She does not feel it is abnormal however she feels there is a huge amount

of people that are for this. She understands this was done to support the downtown and provide foot traffic. She applauds the council for doing this.

Sharon Stockwell, 100 Nelson Place - wanted to thank the Mayor & Council for their work and have followed through the project step by step in a very incremental manner. She is bothered when people say they do not have enough information or are unaware. She feels the Mayor has handled the situation very professionally and appropriately. Mrs. Stockwell stated she has experienced being shut down while speaking to previous administrations. She thanked the Mayor & Council again for their time and hard work.

John Mullholland, 1029 Harding Street - is in support of the One Westfield Place project. He is interested in the age restricted residences. He previously lived in Hoboken and said it cannot be comparable to Westfield. He is very much in support of living in an area where he can walk to town, not rake leaves, and not have to worry about house maintenance.

Darren McCauley, 302 Prospect Street - is appointed on the Bicycle Board and is moved from Portland, Oregon. She feels biking in town is subpar and there should be more spots for bicycles. She walked to the meeting tonight and walked to the bagel shop in the morning and had to walk through the parking lots which are part of the redevelopment site. She wanted to introduce herself to the Council.

Hearing no further comments, Mayor Brindle closed the public comment portion of the meeting.

Mayor Brindle wanted to address comments regarding a referendum.

State law expressly prohibits referendums for redevelopment projects, and even if State law allowed them, the Westfield Town Charter does not expressly permit them either, and thus the governing body has no authority to authorize one.

The Local Housing and Redevelopment Law makes clear that a referendum related to a redevelopment project cannot be held, and it makes no distinction between binding versus non-binding referendums; therefore neither is permitted. Under the Local Redevelopment and Housing Law, (NJSA 40A:12A-28), no redevelopment plan “shall be submitted to or adopted by initiative or referendum.” Likewise, the NJ Municipal Land Use Law, (N.J.S.A. 40:55D-62.B), prohibits any type of zoning decision to be “submitted to or adopted by initiative or referendum.” In addition, the Town has been unable to identify any other municipality in the State that has ever held a referendum on a redevelopment project, regardless of whether it was binding or non-binding.

Additionally, the power to conduct referendums may generally only be granted by the State Legislature. Westfield is one of only eleven municipalities that operate under a “Special Charter” form of government. Of those, only four municipalities have the power of referendum. Westfield is not one of them.

Referendums are unlawful for redevelopment projects because of the complexities involved in bringing them to fruition which is why local governing bodies are empowered to make such important economic development decisions on behalf of their constituents. Redevelopment projects simply don't lend themselves to an "up or down" vote, which is certainly the case with One Westfield Place. A referendum does not allow voters to "pick and choose" only aspects of a project, nor weigh in with constructive comments to inform the proposal, which is one reason why the "all or nothing" nature of a referendum is not allowed for redevelopment, and why, even if it was legal, we wouldn't consider it in Westfield.

That being said, the Town leadership highly values the opinions and input of its residents and has worked hard with SWD to offer the community an unprecedented public engagement process for One Westfield Place to ensure their input informs the ultimate proposal. This process began in 2019 with the publicly driven Master Plan Reexamination process where greater than average participation levels and thousands of public comments shaped the document which was unanimously approved by the Planning Board and supported by the Town Council. The One Westfield Place proposal is a reflection of the Master Plan recommendations as well as input Streetworks received from numerous community groups with whom they met prior to the proposal being introduced.

Since its public introduction, there have been ongoing opportunities afforded to all residents by both the developer and Town officials to provide public feedback, ask questions in various online and in-person forums, and to receive context and see renderings at the Preview Center. And SWD is processing this feedback and making adjustments based on your feedback and the feedback that Town officials are providing.

The Town remains determined and confident that this open and collaborative process can, with the guidance and assistance of best-in-class team of redevelopment professionals working on the Town's behalf, deliver to our community a final proposal that reflects best planning principles and risk mitigation measures, and that is also informed by robust market data, parking assessments, and traffic impact studies.

Mayor Brindle addressed Mr. LaPorta's comments regarding the meeting process and stated anyone can speak at whatever time they just need to ask to speak, that is how Robert's Rules work. Her goal is to keep an orderly meeting. With respect to the agenda, the Mayor does not set the agenda, the Town Administrator sets it with the input from all of the chairs of the committees.

Mayor Brindle wanted to address the petition and wished that the many people who made comments online came and spoke for themselves. Mayor Brindle address comments made by Mrs. Carey concerning Facebook live viewers and explained they are recorded and posted on the website. The Mayor also mentioned residents also have an obligation to be informed.

Mayor Brindle Petition Comments

Thank you for your engagement. Clearly those of you who initiated this petition feel passionate about your concerns and have spent a lot of time organizing to gain support for it. I ran into one of the organizers when I was walking my dogs putting fliers on doorsteps in my neighborhood, so your extraordinary efforts have not gone unnoticed.

I want to assure all of you that every member of this Council has read the petition, and I have read each and every comment as well, which I'll get to shortly. The good news is that this petition has motivated residents to want to get more information, including many that have gone to the Preview Center as a result of receiving it and have left pleasantly surprised. This is exactly what we've wanted from day one – residents educating themselves with facts and full information so that their feedback and input is credible to better help shape the final proposal.

We fully respect everyone's right to their opinion and are grateful for their engagement in the civic process. But this petition, seemingly reasonable on its face without full context, simply doesn't provide the whole story and omits many important facts. I want to thank you for reading it here tonight in public with a broad audience and members of the press. In the spirit of being helpful, I want to take this opportunity to provide our perspective on the merits of this petition, and point out some of its inaccuracies in order to better inform the public.

-Obliterating sight line of trees -- project adds 200+ trees

-Reducing the amount of open space -- project adds 2+ acres of open space that is currently asphalt

-Would increase traffic, pollution and congestion -- project improves traffic circulation at 10 known problem areas. Literally no evidence of increasing pollution. LEED certified. 30% improvement in stormwater runoff. 50% reduction in heat island effect

-"We feel that the actual impacts of the project (i.e., traffic, PILOTs, business, real estate, neighborhood scale) are insufficiently investigated and being downplayed by the Streetworks developer and our elected officials." -- The choice of the word "feel" itself points to the fact that there is Zero evidence or facts to support a statement that is central to the petition.

It's also worth noting that this petition began circulating on December 8, before any detailed information had been shared broadly regarding traffic mitigation measures, public benefits, financing and PILOT details, risk mitigation steps, and more – all of which have since been made publicly available and yet still do not appear anywhere on the petition or on the two related resident organization websites. One of the originators of the petition released a Letter to the Editor on 10/28 entitled "One Westfield Place is a no for me" citing traffic as one of his major concerns, when the first traffic info session wasn't even held until 11/28, with the full report

released on 12/12. Those who watched the session learned that this project would actually improve traffic and pedestrian safety at ten existing problem intersections that otherwise wouldn't be feasible for the town to finance or implement.

Both the Westfield Advocates website and Residents for Westfield website, where residents are directed when receiving fliers about the project, are flush with incomplete and even false information, including the notion that seven acres of public property are being developed by Streetworks (it's 2.3 acres), that open space is being eliminated (when it's actually flat surface parking lots being converted to 2+ acres of open public space). There is no mention of Westfield's historical loss of population and jobs, no links to the traffic report, or any of the presentations that have been held, or the comprehensive FAQs that are a direct response to questions that have been received by the public.

The sites both feature a Letter to the Editor from the three founding members of the Westfield Advocates group, who are currently litigating against the Town on a completely separate redevelopment project – titled “The Proper Way to Develop Westfield for its Residents,” dated November 11 – again, before any information sessions were held on a variety of topics, and ironically, offering no actual suggestions for the proper way to develop Westfield. Just objections with a link to a fundraising site.

It is clear that this petition originated before much key information was made publicly available that specifically addresses many of the concerns raised by the signers. The reality is this has been and continues to be an unprecedented public input process, with analysis and facts provided by a top-tier team of experts in finance, redevelopment law, traffic, parking, and smart growth. The timing and details in many of the petition's comments suggest that numerous people signed it without realizing it's based on a not complete narrative pushed by a small group who opposed this project from day one.

The big theme on the comments is traffic and overdevelopment. 61 of the 75 comments were before December 12th which is before the traffic and finance presentations were available. 7 more came before the finance presentation. 68 of the 75 comments were made before the information was available to form a credible opinion.

I think it's safe to say that many of the 1100 petition signers have not visited the preview center, nor read the FAQs, nor attended the info sessions. I'm certain that many of them also express concerns about high taxes and vacant downtown storefronts, the very issues we seek to solve with this proposal. But for those that have taken the time to learn the facts, and still object, thank you – sincerely. We want to hear your specific concerns, and your suggestions for addressing them, and ultimately we may just agree to disagree. And that's okay.

But what's not okay is the red herring language used by the objectors to instill fear:

”it will irrevocably alter our small town charm”
“obliterate the idyllic sight lines”
“reduce the amount of open space”
“increase traffic, pollution and congestion”
“the actual impacts of the project are insufficiently investigated and being downplayed”

Pretty alarming without full context and facts, isn't it? But not at all reflective of reality.

Many object to the general term of what is being characterized as “overdevelopment.” I interpret this as fear of change, and that is a legitimate fear with which I can appreciate and empathize. I was going to comment on when the Hahnes (now Lord & Taylor) department store was being contemplated in 1962 you heard the concerns.

We all know this story concludes with our community still mourning the loss of Lord & Taylor. Unfortunately, the 1962 development of the Hahnes parcel was the last significant investment in our downtown, but it wasn't for lack of trying.

In 1999, the Downtown Westfield Corporation submitted a Downtown Improvement Plan to the Town Council and Planning Board citing the need to improve traffic and pedestrian safety as well as establish a long-term blueprint for the downtown to ensure its economic vitality and to manage future growth. Recommendations included development of the L&T employee parking lots, the evaluation of every municipal parking lot for mixed use redevelopment in collaboration with private developers, and the redevelopment of the South Ave corridor into a more pedestrian friendly commercial corridor to include structured parking and office buildings. “The residents of the neighborhood near South Ave and the shoppers in the area deserve better,” the report states.

You know what happened next. Other than a few streetscape improvements, none of the recommendations were acted upon, and instead we've experienced an exodus of employers and retailers including the closure of Lord & Taylor. And the Southside still doesn't have the business and pedestrian corridor it deserves.

One Westfield Place is not overdevelopment. It's a long overdue worthy investment in our downtown to make up for the lack of investment for the past 60 years.

So regarding this petition, it's difficult for us on this dais to understand how residents can legitimately object to this proposal without having all of the facts, or before the proposal is even finalized. I ask the public, and particularly the uninformed who have expressed a blanket objection to this proposal by signing this well intended but ill-conceived petition, to perform your civic duty and review the incredible amount of material that has been released about this project with an open mind and submit your comments and suggestions accordingly.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilman Parmelee, Vice-Chairman of the Finance Policy Committee, and seconded by Councilman Dardia, were unanimously adopted.

Resolution No. 4

WHEREAS, the Town of Westfield is required to have a Cash Management Plan in accordance with N.J.S.A. 40A:5-14; and

WHEREAS the Cash Management Plan, in accordance with the Local Fiscal Affairs Law, must be adopted annually by the governing body through passage of a Resolution; and

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield, in the County of Union, that the 2023 Cash Management Plan is hereby adopted.

BE IT FURTHER RESOLVED, that a copy of the plan is to be transmitted by the Chief Financial Officer to each named depository.

I. STATEMENT OF PURPOSE

The Cash Management Plan (the “Plan”) is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits (“Deposits”) and Investment (“Permitted Investments”) of certain public funds of the Town of Westfield, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes) and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

A. The plan is intended to cover the deposit and/or investment of the following funds and accounts at authorized depositories of the Town of Westfield:

Current Fund/Clearing Treasurer’s and Collector’s Accounts

General Capital Account

Dog License Account

Other Trust Fund Accounts

Pool Operating and Capital Accounts

B. It is understood that this Plan is not intended to cover certain funds and accounts, specifically:

County Forfeiture Account

Federal Forfeiture Account

Municipal Court (General and Special Bail) Accounts

Public Assistance Account

Change and Petty Cash Funds

Trust Funds to the extent that the deposit of such funds to an interest-bearing account would require by law the payment of interest to the provider of funds

Any Compensating Balances maintained for the purpose of obtaining specific services from financial institutions. Such accounts may be established at the discretion of the Chief Financial Officer based on his determination of their cost effectiveness. The Chief Financial Officer shall have the authority to execute written agreements for said accounts.

III. **DESIGNATION OF OFFICIALS OF THE TOWN OF WESTFIELD
AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE
PLAN**

A. The Chief Financial Officer (“CFO” or “Treasurer”) of the Town of Westfield, (the “Designated Official”) is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. The Chief Financial Officer is authorized to designate in writing an alternate to act in his capacity during an absence.

Prior to making any such Deposits or any Permitted Investments, such officials are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such official.

IV. **DESIGNATION OF DEPOSITORIES**

The following banks and financial institutions are hereby designated as official depositories for

all public funds referred to in the Plan, including any Certificates of Deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

**OCEANFIRST COMMUNITY
BANK**

WELLS FARGO BANK

INVESTORS BANK

BANK OF AMERICA

J. P. MORGAN CHASE BANK

NJ CASH MANAGEMENT FUND

HAVEN SAVINGS BANK

NORTHFIELD BANK

COLUMBIA BANK

TD BANK

PROVIDENT BANK

PNC BANK

LAKELAND BANK

**VALLEY NATIONAL BANK
CAPITAL ONE BANK
PEAPACK-GLADSTONE BANK
CONNECTONE BANK
SPENCER BANK**

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgment to the Designated Official(s) referred to in Section III above.

V. **DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL**

The following brokerage firms and/or dealers and other institutions are hereby designated as

firms with whom the Designated Official (s) of the Town referred to in this Plan may deal for purposes of buying and selling securities identified in this Plan as Permitted Investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgment to the Designated Official (s) referred to in Section III above.

None designated

VI. **AUTHORIZED INVESTMENTS**

A. Investments shall be limited by the express authority of the Local Fiscal Affairs Law, N.J.S.A. 40A:5-15.1 and except as otherwise specifically provided for herein, the Designated Official is/ are hereby authorized to invest the public funds covered by this Plan in the following types of securities which, if suitable for registry, may be registered in the name of the local unit, and to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United State of America;
- (2) Government money market mutual funds;
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (4) Bonds or other obligations of the local unit or bonds or other obligations of school districts of which the local unit is a part or within which the school district is located;
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, issued by New Jersey school districts, municipalities, counties, and entities subject to the "Local Authorities Fiscal Control Law," P.L. 1983, c.313 (C.40A:5A-1 et seq.). Other bonds or obligations having a maturity date not more than 397 days from the date of purchase may be approved by the Division of Local Government Services of the Department of Community Services for investment by local units;
- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P. L. 1977, c.281 (C.52:18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if:
 - (a) the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a, or are bonds or other obligations having a maturity date not more than 397 days from the date of purchase, issued by New Jersey school districts, municipalities, counties, and entities subject to the "Local Authorities Fiscal Control Law," P.L. 1983, c.313 (C.40A:5A-1 et seq.);
 - (b) the custody of collateral is transferred to a third party;
 - (c) the maturity of the agreement is not more than 30 days;
 - (d) the underlying securities are purchased through a public depository as defined in section 1 of P. L. 1970, c.236 (C.17:9-41); and
 - (e) a master repurchase agreement providing for the custody and security of collateral is executed.
- (9) Certificates of Deposit in accordance with the following conditions:
 - (a) the funds are initially invested through a public depository as defined in section 1 of P.L. 1970, c.236 (C.17:9-41) designated by the local unit;
 - (b) the designated public depository arranges for the deposit of the funds in certificates of deposit in one or more federally insured banks or savings and loans associations, for the account of the local unit;
 - (c) 100 percent of the principal and accrued interest of each certificate of deposit is insured by the Federal Deposit Insurance Corporation;
 - (d) the designated public depository acts as custodian for the local unit with respect to the certificates of deposit issued for the local unit's account; and
 - (e) at the same time that the local unit's funds are deposited and the certificates of

deposit are issued, the designated public depository receives an amount of deposits from customers of other banks and savings and loan associations, wherever located, equal to the amount of funds initially invested by the local unit through the designated public depository.

B. Any investment instruments in which the security is not physically held by the local unit shall be covered by a third party custodial agreement which shall provide for the designation of such investments in the name of the local unit and prevent unauthorized use of such investments.

C. Purchase of investment securities shall be executed by the “delivery versus payment” method to ensure that securities are either received by the local unit or a third-party custodian prior to or upon the release of the local unit’s funds.

D. Any investments not purchased and redeemed directly from the issuer, government money market mutual fund, local government investment pool, or the State of New Jersey Cash Management Fund, shall be purchased and redeemed through the use of a national or State bank located within this State or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967, c.93 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

E. For purposes of this section:

(1) a “government money market mutual fund” means an investment company or investment trust:

- (a) which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940,” 15 U.S.C. s. 80a-1 et seq., and operated in accordance with 17 C.F.R. s.270.2a-7, except that a government money market mutual fund may not impose liquidity fees or redemption gates regardless of whether permitted to do so under 17 C.F.R. s.270.2a-7;
- (b) the portfolio of which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. s.270.2a-7, securities that have been issued by New Jersey school districts, municipalities, counties, and entities subject to the “Local Authorities Fiscal Control Law,” P.L. 1983, c.313 (C.40A:5A-1 et seq.) that meet the definition of an eligible security pursuant to 17 C.F.R. s.270.2a-7, and repurchase agreements that are collateralized by such securities in which direct investment may be made pursuant to paragraphs (1), (3) and (5) of subsection A. of this section; and
- (c) which is rated by a nationally recognized statistical rating organization.

(2) a “local government investment pool” means an investment company or investment trust:

- a) which is managed in accordance with generally accepted accounting and financial reporting principles for local government investment pools established by the Governmental Accounting Standards Board;
- b) which is rated in the highest category by a nationally recognized statistical rating organization;
- c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. s. 270.2a-7, securities that have been issued by New Jersey school districts, municipalities, counties, and entities subject to the “Local Authorities Fiscal Control Law,” P.L. 1983, c.313 (C.40A:5A-1 et seq.), that meet the definition of an eligible security pursuant to 17 C.F.R.s270.2a-7 and repurchase agreements that are collateralized by such securities in which direct investment may be made pursuant to paragraphs (1), (3) and (5) of subsection A. of this section;

- d) which is in compliance with such rules as may be adopted pursuant to the “Administrative Procedure Act,” P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which may promulgate rules providing for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments,
- e) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value;
- f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities; and
- g) which does not impose liquidity fees or redemption gates.

F. Investments in, or deposits or purchases of financial instruments made pursuant to this section shall not be subject to the requirements of the “Local Public Contracts Law,” P.L. 1971, c.198 (C.40A:11-1 et. seq.).

VII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Town of Westfield, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Town of Westfield to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a “delivery versus payment” method to insure that such Permitted Investments are either received by the Town of Westfield or by a third party custodian prior to or upon the release of the Town’s funds.

To assure that all parties with whom the Town of Westfield deals either by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official(s).

VIII. POLICIES REGARDING THE AMOUNT TO BE INVESTED AND OBTAINING RATES

It shall be the responsibility of the Chief Financial Officer to analyze the cash flow and to invest funds in legal investments, with consideration for preservation of capital, liquidity, current and historical investment returns, diversification, maturity requirements, costs and fees, and when appropriate, policies of investment instrument administrators. The Chief

Financial Officer will observe the following guidelines:

With regard to obtaining interest on the various investment pools from commercial banks, savings banks and Community banks and other depository institutions listed in Section IV above, the Chief Financial Officer shall attempt to obtain a minimum of three quotations and shall invest at the institutions offering the highest effective rate. If such investment together with all other deposits of the Town of Westfield in said institution exceeds the Federal Deposit Insurance Corporation limit, then the institution must be covered by a current Government Unit Deposit Protection Act ("GUDPA") certificate.

The Chief Financial Officer shall determine which type of legal investment will best serve the needs of the municipality and is authorized to place funds in any legal investment unless otherwise restricted by law or by the governing body.

The Chief Financial Officer is authorized to contract the services of a Financial Advisor, as needed.

The Chief Financial Officer shall develop procedures to ensure internal controls are adequate to safeguard the Town of Westfield funds.

The amount invested should be limited to idle funds, as determined by the Chief Financial Officer. (The amount of funds remaining after forecasting and calculating bills to be paid, less compensating balance requirements are considered idle funds.)

For investments in any single bond anticipation note, temporary note, emergency note, special emergency note, tax anticipation note or other notes being sold by a municipality, county, board of education or fire district, which exceeds \$2.0MM, the receiving agency should have an underlying bond rating from a nationally recognized statistical rating organization (e.g. Standard & Poor, Moody's, or Fitch) equivalent to AA or higher.

IX. REPORTING REQUIREMENTS

On or as close to the first day of each month during which this Plan is in effect, the Designated Official (s) referred to in Section III hereof shall supply to the governing body a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, as a minimum, the following information:

- A. The name of any institution holding funds as a Deposit or a Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased, or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The estimated income to be earned on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable by the Chief Financial Officer from time to time which he believes of interest to the governing body of the Town of Westfield.

X. CREDIT CARDS/DEBIT CARDS AND ELECTRONIC PAYMENTS

- A. N.J.S.A. 40A:5-43 et seq. and N.J.S.A.2B:1-5 respectively provide for Municipal Courts and municipal agencies to be authorized to establish a system to accept electronic payments such as court-imposed obligations, or other valid municipal charges.
- B. All systems established for receipt of electronic payments are subject to the rules established by the Director of the Division of Local Government Services and the Rules

of Court which are further delineated by Rule 7:14-4(c) which authorizes municipal courts to accept electronic payments and N.J.A.C. 5:30-9.1 et seq. which are established by the Division of Local Government Services providing guidelines for local governments use and receipt of electronic payments.

C. Definitions applied when utilizing electronic devices are in accordance with the definitions found in N.J.A.C. 5:30-9.2.

D. Prior to any municipal agency utilizing a method of electronic payments, the Chief Financial Officer must have evaluated the process to ensure compliance with the rules and regulations and approved the accounting and control procedures to be utilized.

XI. RECEIPTS AND DISBURSEMENTS OF THE FUNDS OF THE TOWN OF WESTFIELD

A. All municipal funds received by any official or employee shall be deposited within 48 hours to accounts in the name of the Town of Westfield. Additionally, funds can be received utilizing methods of electronic payment such as Electronic Funds Transfer (EFT) and/or Automated Clearing House (ACH).

B. No municipal funds shall be disbursed by the Chief Financial Officer prior to the approval of the Town Council except for:

- a. Debt Service payments
- b. Investments
- c. Payroll and Payroll agency turnovers
- d. School and County Tax payments
- e. Purchases made by Procurement Cards
- f. Refunds not otherwise required to be approved by Town Council
- g. Payments deemed necessary by the Chief Financial Officer

Notification of the disbursements listed above not otherwise memorialized by resolution are to be provided at the next council meeting following payment.

C. The Chief Financial Officer is authorized to designate employees who may, from time to time, initiate wire transfers. Only the Chief Financial Officer or the Town Administrator may confirm wire transfers.

D. Electronic Disbursement/Claimant Certification – In accordance with N.J.S.A. 40A:5-16(c), payments to vendors do not require Claimant Certification under certain circumstances, including but not limited to

- a. when payment to vendors is required in advance of the delivery of certain materials or services that cannot be obtained from any other source at comparable prices; or
- b. when ordering, billing and payment transactions for goods or services are made through a computerized electronic transaction; or
- c. when claim or demand is less than a threshold as set by the Local Finance Board (the Bid threshold) and the certification is not readily obtainable by the contracting unit; but such exceptions shall not include reimbursement of employee expenses or payment for personal services.

E. The Chief Financial Officer is authorized to electronically transmit pay checks bi-weekly to regular salaried employees of the Town of Westfield at the rates approved by Mayor and Council.

XII. PROCUREMENT CARDS PROGRAM POLICY & PROCEDURES

The Town of Westfield Purchasing Card has been established to provide a convenient method to purchase goods and services. Only purchasing cards issued by a bank or major credit card provider with generally pre-established credit limit can be utilized.

N.J.S.A. 40A:5-16(c) and N.J.S.A. 5:30-9A; establishes specific circumstances which qualify the use of a procurement card and are as follows:

- a. Comparable pricing is not otherwise obtainable for goods and services to be available at the time and place required;
- b. The cost of purchases is comparable to cost available from other vendors who can provide the required goods and services in a timely manner.

- c. The Vendor requires immediate payment AND the Chief Financial Officer, has approved such use for a purchase from a particular vendor for a particular item.
- d. Purchase is from a “big box” or other store that does not accept vouchers, purchase orders or checks.

Purchasing Cards will not change or eliminate any provision of the Local Public Contracts Law and will be administered in accordance with the rules enumerated in N.J.S.A. 40A:5-16(c) notwithstanding the provisions of N.J.S.A. 40A:5-16(a) or N.J.A.C. 5:309A. 1 et seq.

Purchasing cards will only be distributed to select personnel, which shall be determined by the Chief Financial Officer. All authorized procurement card users will be required to complete training on the policies and procedures governing the use of the procurement card and shall complete and sign a contract of understanding that includes the financial and legal responsibility for misuse.

Procurement cards shall be issued in the name of a specific individual but under no circumstance shall be used to purchase personal property or services, including travel and dining expense.

Limits on cards will be established by individual/title, amount, time and category of usage permissible. An authorized procurement card user is prohibited from using their P-card to conduct personal business or for any circumstance that are not authorized in N.J.S.A. 40A:5-16(c) or N.J.A.C. 5:309A.1.

XIII. DESIGNATION OF AUTHORIZING SIGNATURES ON TOWN CHECKS

N.J.S.A. 40A: 4-63 provides that monies held in any separate fund shall be treated as monies held in trust and shall not be diverted to pay any other purpose. The custodian of the following separate funds shall be Scott H. Olsen, Chief Financial Officer. All disbursements shall be made by checks signed live or by facsimile signature of the Mayor, Town Clerk and Treasurer or by electronic funds transfer:

Town of Westfield Treasurer’s Account, Clearing Account, Current Credit Card Account, Payroll Account, Payroll Deductions Account, Collector of Taxes Account, General Capital Account, Trust-Other Account, Dog License Account, Swimming Pool Operating Account, Swimming Pool Capital Account, Public Assistance Account, Council on Affordable Housing (CoAH) Growth Share Account, Law Enforcement – Federal Trust Account, Law Enforcement – County Trust Account, Parking Permit Account, Parking Services Coin Account, Credit Card Fee Account and Recreation Merchant Services Account.

The custodians of the following separate fund(s) shall be Vanessa Tovar or Joe Kelly-Iasparri. All disbursements shall be made by electronic funds transfer or by checks signed live or by facsimile signature of the Court Clerk or the Deputy Court Clerk:

Westfield Municipal Court Fines Account, Westfield Municipal Court Bail Account

The custodian of the following separate fund shall be Michael Allen McGinley. All disbursements shall be made by electronic funds transfer or by checks signed live or by facsimile signature of the Library Director or Assistant Library Director or the Treasurer:

Westfield Memorial Library Account

The custodian of the following separate fund shall be Michael Duelks. All disbursements shall be made by electronic funds transfer or by checks signed live or by facsimile signature of the Chief of the Fire Department or the Treasurer:

Westfield Fire Department Violations Account

The custodian of the following separate fund shall be Chief Christopher Battiloro or Dennis Dasilva. All disbursements shall be made by electronic funds transfer or by

checks signed live or by facsimile signature of the Chief of the Police Department or the Treasurer:

Westfield Police Department Confidential Account

The custodian of the following separate fund shall be Henry Wang. All disbursements shall be made by electronic funds transfer or by checks signed live or by facsimile signature of the Collector of Taxes and/or the Treasurer and/or Administrator:

Redemption Tax Account, Tax Sale Premium Account

The custodian of the following separate fund shall be Scott H. Olsen, Chief Financial Officer. All disbursements shall be made by electronic funds transfer or by checks signed live or by facsimile signature of the Treasurer.

Developer Escrow Savings Account, Developer Escrow Checking Account

XIV. FEES CHARGED BY THE OFFICE OF THE TAX COLLECTOR

A. The Collector of Taxes shall charge interest at the rate of 8% per annum on the first \$1,500 of a delinquency and 18% per annum on that amount of the delinquency as defined in N.J.S.A. 54:4-67 in excess of \$1,500 on all delinquent taxes and sewer fees during the year 2023, to be calculated from the date the tax or fee was due until the date of actual payment.

B. The Collector of Taxes shall charge interest at the rate of 8% per annum on the whole delinquency as defined in N.J.S.A. 54:4-67 on all delinquent assessments during the year 2023 until the date of actual payment.

C. The grace period of ten (10) calendar days will be allowed for an installment of taxes, assessments and sewer fees where payments will not be subject to interest charges as provided by Chapter 105, Public Laws of 1965.

D. The Collector of Taxes is hereby authorized to sell all municipal delinquencies through December 31, 2023 in a manner prescribed by N.J.S.A. 54:5-19, and as amended by Chapter 99, Public Laws of 1977, at a date and time which the Tax Collector selects.

E. If any check or draft received by the Tax Collector from any person or organization for the payment of taxes is dishonored after deposit for "insufficient funds" or for any other reason, the Tax Collector shall not redeposit such check or draft but shall notify such person or organization by letter of this dishonor and require a replacement check, draft or cash to replace the amount of the check in addition to any interest that may accrue. A fee of \$20 shall be charged if the check is returned for "Insufficient Funds". The Tax Collector shall not accept replacement payment until the fee of \$20 is paid.

XV. TERM OF PLAN

This Plan shall be in effect from adoption until December 31, 2023. Attached to this Plan is a resolution of the governing body of the Town of Westfield approving this Plan for such period of time. The Plan may be amended from time to time by the Chief Financial Officer. To the extent that any amendment is adopted by the Council, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

Resolution No. 5

RESOLVED that warrants in the amount of \$100.00 each be drawn to Petty Cash, for the Chief Financial Officer to distribute to the following custodians and charge same to the Petty Cash account:

Ellen O'Donnell, Executive Assistant
Christopher Battiloro, Police Chief
Allen McGinley, Library Director
Megan Avallone, Health Department Director
Michael Duelks, Fire Chief

Resolution No. 6

WHEREAS, the State of New Jersey Department of the Treasury, Affirmative Action Office has adopted Public Agency Regulations; and

WHEREAS, these Public Agency Regulations for awarding contracts are pursuant to P.L. 1975, Chapter 127, (N.J.S.A. 17:27); and

WHEREAS, every public agency is required to appoint and designate an officer or employee to serve as a Public Agency Compliance Officer (P.A.C.O.) for each year;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Westfield, County of Union, State of New Jersey, designates Maureen Lawshe as the Public Agency Compliance Officer (P.A.C.O.) for the Town of Westfield for the year 2023.

Resolution No. 7

BE IT RESOLVED by the Town Council of the Town of Westfield, at a meeting held January 3, 2023 that the Westfield Leader and the Star Ledger be and hereby are designated as the two newspapers to which notices and other matters are to be provided under the Open Public Meetings Act (N.J.S.A.10:4-6 to 10:21) of the State of New Jersey, otherwise known as “The Sunshine Law”.

Resolution No. 8

WHEREAS, the Town of Westfield is a member of Sustainable Jersey™ which is a certification and incentive program for municipalities in New Jersey that want to go green, save money, and take steps to sustain their quality of life over the long term; and

WHEREAS, the Town Council of the Town of Westfield is committed to continuing to develop strategies that will reduce our impact on the environment both collectively and individually so that we might preserve our natural resources for the citizens we serve now, and in the future; and

WHEREAS, the Town Council of the Town of Westfield wishes to continue to build a model of government which benefits our residents now and far into the future with green community initiatives which are easy to replicate and affordable to implement; and

WHEREAS, as part of its participation in the Sustainable Jersey™ program and in an effort to continue to focus attention on “Green” issues, the Town Council reaffirms its establishment of its Green Team.

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Westfield that we do hereby appoint the following members to the Green Team:

Hal Benz
Jeff Bryk
Catherine Choudhry
Katie Doyle
Ben Eisenberg
Mark Eisenberg
Peter Goldberg
Jay Goldring
Karrie Hanson
Walter Korfmacher
Lois Kraus (Co-Chair)
Karen Kubicina
Robert Learner
Victor Liu
Daron McCaulley
Amarish Mehta

Anne Pacchia
David Siegler (Co-Chair)
Janette Spiezio
Tim Van Epp
Medea Villere
Audrey Zavetz

Resolution No. 9

WHEREAS, the Westfield Senior Advisory Council, also known as “Lifelong Westfield”, was created to generate public awareness of and support for people age 62 and older (“senior residents”) residing in the Town of Westfield;

WHEREAS, the purpose of the Senior Advisory Council is to review issues pertinent to senior residents and support their ability to remain in the Town of Westfield (age-in-place) by providing them with creative and meaningful programs, activities and services; and

WHEREAS, the Senior Advisory Council acts in an advisory capacity to the Mayor and Town Council in matters affecting senior residents with regard to their health, education, employment, housing, transportation and recreation of the Town’s senior residents.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Westfield that the following members be and hereby are appointed to the Senior Advisory Council for the year 2023:

Brad Chananie, Co-Chair
Deidre Gelinne, Co-Chair
Harvey Davidson
Gerri Rothfleisch
Kathy Dulan
Kirti Malik
Michele Martin
Paul Eilbacher
Pearl Weiner
Audrey Zavetz
Bob Roth

Resolution No. 10

WHEREAS, there exists a need for the Annual Audit of the accounts of the Town of Westfield in accordance with N.J.S.A. 40A:5-4, and

WHEREAS, U.S. OMB Circular 133 and State of New Jersey OMB Circular 98-07 mandate that there be an audit of Federal and State Programs; and

WHEREAS, on July 26, 1996 the Town of Westfield created a Deferred Compensation Plan, which is offered to all employees, pursuant to Sections 403 (b) and 457 of the Internal Revenue Code; and

WHEREAS, pursuant to N.J.A.C. 5:37-10 the Financial Statements of such Deferred Compensation Plan must be reviewed; and

WHEREAS, pursuant to rule 15c2-12(B)(5) of the Securities and Exchange Commission a Preparation of the Secondary Market Disclosure Report must be filed; and

WHEREAS, the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq) authorizes the letting of contracts for professional services without competitive bidding; and

WHEREAS, the Town of Westfield issued a Request for Qualifications (RFQ) for legal services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk, subject to adequate funding in the 2023 Operating and Sewer Operating Budgets.

NOW THEREFORE, BE IT RESOLVED that:

1. The Town of Westfield enter into a contract with the firm of Suplee, Clooney & Company, Registered Municipal Accountants and Certified Public Accountants, for the following services:
 - (a) To perform the statutory audit of the accounts of the Town of Westfield for the year ending December 31, 2023, in accordance with the regulations of the Division of Local Government Services, Department of Community Affairs of the State of New Jersey; an audit of Federal and State Programs in accordance with the Federal Uniform Guidance and State of New Jersey OMB Circular 15-08 and Assistance with Preparation of the calendar year 2022 Financial Statement, the Annual Debt Statement and calendar year 2023 Fiscal Year Operating and Capital Budgets, for a fee not to exceed \$71,000; and
2. This contract may be renewed for two (2) additional one (1) year terms, at the Town's discretion; and
3. Total fee for the year will be \$72,750 with said expenditure charged to the various audit accounts in the Current Fund and 195-204 in the Swimming Pool Fund, subject to the availability of funds in said accounts; and
4. This contract is awarded pursuant to the "fair and open" process (N.J.S.A. 19:44A-20.5 et seq.).

Resolution No. 11

WHEREAS, a need exists for the Town of Westfield to retain professional legal services of a general legal counsel in conjunction with the duties of the Town Attorney for the Town of Westfield; and

WHEREAS, the Town of Westfield issued a Request for Qualifications (RFQ) for legal services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, Thomas C. Jardim, Esq. of Jardim, Meisner and Susser PC has submitted a proposal dated December 14, 2022, indicating that Jardim Meisner and Susser PC would provide the above services based on the fees set forth in the firm's cost proposal; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFQ; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk, subject to the availability of funds in the 2023 Budget. Expenditure of funds pursuant to this contract is to be charged to Legal Account 120-216, under a purchase order to be established following adoption of the 2023 Budget.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town of Westfield enters into a contract with Thomas C. Jardim, Esq. to engage him to render legal services in furtherance of the ordinary duties of the Town Attorney for the Town of Westfield as described in the Code of the Town of Westfield; and
2. The term of the contract will be for a one (1) year term ending December 31, 2023.
3. This contract may be renewed for two (2) additional one (1) year terms, at the Town's discretion.
4. The estimated total fees for ordinary duties performed by the Town Attorney (and attorney's affiliated with Jardim, Meisner and Susser PC) as that term is described within the Code of the Town of Westfield for the term of the appointment shall not exceed \$53,380 with this expenditure charged to Legal Account 120-216 under a purchase order to be established following adoption of the 2023 Budget.
5. This contract is awarded pursuant to the "fair and open" process (N.J.S.A. 19:44A-20.5 et seq.).

Resolution No. 12

WHEREAS, a need exists for the Town of Westfield to retain professional legal services of Jardim, Meisner and Susser PC, 30B Vreeland Road, No. 201, Florham Park, New Jersey 07932 in conjunction with the duties of the Town Attorney for the Town of Westfield; and

WHEREAS, the Town of Westfield issued a Request for Qualifications (RFQ) for legal services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, Jardim, Meisner and Susser PC has submitted a proposal dated December 14, 2022, indicating it would provide the above services based on the fees set forth in the firm's cost proposal; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFQ; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk, subject to the availability of funds in the 2023 Budget. Expenditure of funds pursuant to this contract is to be charged to Legal Account 120-211 under a purchase order to be established following adoption of the 2023 Budget.

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

1. The Town of Westfield enters into a contract with Jardim, Meisner and Susser PC to engage such firm to render legal services for the extraordinary duties of the Town Attorney for the Town of Westfield.
2. The estimated total fees for extraordinary duties performed by the Town Attorney (and attorney's affiliated with Jardim, Meisner and Susser PC) as that term is described within the Code of the Town of Westfield for the term of the appointment shall not exceed \$250,000 with this expenditure charged to Legal Account 120-211.
3. The term of the contract will be for a one (1) year term ending December 31, 2023.

4. This contract may be renewed for two (2) additional one (1) year terms, at the Town's discretion.
5. This contract is awarded pursuant to the "fair and open" process (N.J.S.A. 19:44A-20.5 et seq.).

Resolution No. 13

WHEREAS, a need exists for the Town of Westfield to retain professional legal services in conjunction with the services provided by Frederick T. Danser III, Esq., in his capacity as labor counsel to the Town; and

WHEREAS, the Town of Westfield issued a Request for Qualifications (RFQ) for legal services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, Frederick T. Danser III, Esq. of Apruzzese McDermott Mastro & Murphy has submitted a proposal dated December 14, 2022, indicating that Apruzzese McDermott Mastro & Murphy would provide the above services based on the fees set forth in the firm's cost proposal; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFQ; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk, subject to the availability of funds in the 2023 Budget. Expenditure of funds pursuant to this contract is to be charged to the Legal Account 120-212, under a purchase order to be established following adoption of the 2023 Budget.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town of Westfield enters into a contract with Apruzzese McDermott Mastro & Murphy in conjunction with the services provided by Frederick T. Danser III, Esq., as labor counsel to provide legal services to the Town of Westfield for labor, employment and personnel matters and related litigation.
2. The term of the contract will be for one (1) year ending December 31, 2023.
3. This contract may be renewed for two (2) additional one (1) year terms, at the Town's discretion.
4. The estimated total fees for the year shall not exceed \$50,000 with this expenditure charged to the Legal Account.
5. This contract is awarded pursuant to the "fair and open" process (N.J.S.A. 19:44A-20.5 et seq.).

Resolution No. 14

WHEREAS, a need exists for the Town of Westfield to retain the professional legal services of a consultant and negotiator in connection with collective bargaining between the Town and its representative employee organizations; and

WHEREAS, the Town of Westfield issued a Request for Qualifications (RFQ) for legal services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, Frederick T. Danser III, Esq. of Apruzzese McDermott Mastro & Murphy has submitted a proposal dated December 14, 2023, indicating that Apruzzese

McDermott Mastro & Murphy would provide the above services based on the fees set forth in the firm's cost proposal; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFQ; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk subject to the availability of funds in the 2023 Budget. Expenditure of funds pursuant to this contract is to be charged to the Legal Account 120-213, under a purchase order to be established following adoption of the 2023 Budget.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town of Westfield enters into a contract with Frederick T. Danser III, Esq., to engage him (and attorneys affiliated with Apruzzese McDermott Mastro & Murphy) in the representation of the Town of Westfield in labor negotiations with representative employee organizations.
2. The term of the contract will be for one (1) year ending December 31, 2023.
3. This contract may be renewed for two (2) additional one (1) year terms, at the Town's discretion.
4. The Total fee for the year will be \$36,000 with this expenditure charged to Legal Account.
5. This contract is awarded pursuant to the "fair and open" process (N.J.S.A. 19:44A-20.5 et seq.).

Resolution No. 15

WHEREAS, a need exists for the Town of Westfield to retain professional legal services to act as special affordable housing counsel; and

WHEREAS, the Town of Westfield issued a Request for Qualifications (RFQ) for legal services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, Jonathan Drill of Stickel, Koenig, Sullivan & Drill has submitted a proposal dated December 14, 2022, indicating that Stickel, Koenig, Sullivan & Drill would provide the above services based on the fees set forth in the firm's cost proposal; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFQ; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk, subject to the availability of funds in the 2023 Budget. Expenditure of funds pursuant to this contract is to be charged to the Legal Account 120-217, under a purchase order to be established after adoption of the 2023 Budget.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town of Westfield enters into a contract with Stickel, Koenig, Sullivan & Drill in conjunction with the services provided by Jonathan Drill, as special affordable housing counsel to provide legal services to the Town of Westfield.
2. The term of the contract will be for a period ending December 31, 2023.

3. This contract may be renewed for two (2) additional one (1) year terms, at the Town's discretion.
4. The estimated total fees for the year shall not exceed \$20,000 with this expenditure charged to the appropriate account.
5. This contract is awarded pursuant to the "fair and open" process (N.J.S.A. 19:44A-20.5 et seq.).

Resolution No. 16

WHEREAS, the Town of Westfield requires specialized legal services in connection with the authorization and issuance of bonds or notes of the Town of Westfield (the "Town") in the County of Union, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, the Town of Westfield issued a Request for Qualifications (RFQ) for Bond Counsel services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, Rogut McCarthy LLC has submitted a proposal dated December 14, 2022, indicating it would provide the above services based on the fees set forth in the firm's cost proposal; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFQ; and

WHEREAS, the expenditure of funds pursuant to this contract is to be charged to the appropriate Capital Fund accounts.

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

1. Steve Rogut, Esquire, for the firm of Rogut McCarthy LLC, 37 Alden Street, Cranford, New Jersey, be and hereby, is appointed Bond Counsel for the Town of Westfield for said services in calendar year 2023.
2. This contract may be renewed for two (2) additional one (1) year terms, at the Town's discretion.
3. This contract is awarded pursuant to the "fair and open" process (N.J.S.A. 19:44A-20.5 et seq.).

Resolution No. 17

WHEREAS, a need exists for the Town of Westfield to retain professional legal services to act as redevelopment counsel; and

WHEREAS, the Town of Westfield issued a Request for Qualifications (RFQ) for legal services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, Robert S. Goldsmith, Esq. of Greenbaum, Rowe, Smith & Davis, LLC has submitted a proposal dated December 14, 2022, indicating that Greenbaum, Rowe, Smith & Davis, LLC would provide the above services based on the fees set forth in the firm's cost proposal; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFQ; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk, subject to the availability of funds in the 2023 Budget. Expenditure of funds pursuant to this contract is to be charged to the Legal Account 120-219, under a purchase order to be established after adoption of the 2023 Budget.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town of Westfield enters into a contract with Greenbaum, Rowe, Smith & Davis, LLC, in conjunction with the services provided by Robert S. Goldsmith, Esq., and his firm to provide redevelopment legal services to the Town of Westfield.
2. The term of the contract will be for a period ending December 31, 2023.
3. This contract may be renewed for two (2) additional one (1) year terms, at the Town's discretion.
4. The estimated total fees for the year shall not exceed \$150,000.
5. This contract is awarded pursuant to the "fair and open" process (N.J.S.A. 19:44A-20.5 et seq.).

Resolution No. 18

WHEREAS, a need exists for the Town of Westfield to retain professional redevelopment planning services; and

WHEREAS, the Town of Westfield issued a Request for Qualifications (RFQ) for said redevelopment planning services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, Philip Abramson, AICP/PP, Topology NJ, LLC, submitted a proposal dated December 14, 2022, indicating that Topology NJ, LLC would provide the above referenced services based on the fees set forth in the firm's cost proposal; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFQ; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk, subject to the availability of funds in the 2023 Budget. Expenditure of funds pursuant to this contract is to be charged to Account 190-216, under a Purchase Order number to be determined upon adoption of the 2023 Budget.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town of Westfield enters into a contract with Topology NJ, LLC, 60 Union Street, Newark, New Jersey 07102 in conjunction with the services provided by Philip Abramson, AICP/PP, to provide redevelopment planning services to the Town of Westfield.
2. The term of the contract will be for a period ending December 31, 2023.
3. This contract may be renewed for two (2) additional one (1) year terms, at the Town's discretion.
4. The estimated total fees for the year shall not exceed \$100,000.

5. This contract is awarded pursuant to the “fair and open” process (N.J.S.A. 19:44A-20.5 et seq.).

Resolution No. 19

WHEREAS, the Town of Westfield requires specialized legal services in connection with the authorization and issuance of bonds or notes of the Town of Westfield (the “Town”) related to potential redevelopment projects; and

WHEREAS, the Town of Westfield issued a Request for Proposals (“RFP”) for said Services through a fair and open process under N.J.S.A. 19:44A-20.4, et seq., and

WHEREAS, McManimon, Scotland & Baumann, LLC submitted a proposal dated December 14, 2022, indicating that it would provide the above-referenced Services based on the fees set forth in the firm’s cost proposal; and

WHEREAS, the Town of Westfield has deemed that the background, experience, and qualifications of the Respondent herein satisfy the criteria set forth in the RFP; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk, subject to the availability of funds in the 2023 Budget and is expected to be charged to the Developer’s Escrow account, as appropriate, using account T-05-400-101.

NOW, THEREFORE, BE IT RESOLVED that:

1. McManimon, Scotland & Baumann, 75 Livingston Avenue, Second Floor, Roseland, New Jersey 07068 be and hereby are awarded a contract to provide Redevelopment Bond Counsel Services.
2. The term of the contract will be for a period ending December 31, 2023.
3. This contract may be renewed for two (2) additional one (1) year terms, at the Town’s discretion.
4. The estimated total fees are not expected to exceed \$150,000.
5. This contract is awarded pursuant to the “fair and open” process under N.J.S.A. 19:44A-20.5, et seq.

BE IT FURTHER RESOLVED that the proper Town Officials be, hereby are, authorized to take whatever actions are appropriate in the execution and discharge of this Resolution.

Resolution No. 20

WHEREAS, a need exists for the Town of Westfield to retain professional engineering services for Town Engineer and Planning and Zoning Engineer; and

WHEREAS, the Town of Westfield issued a Request for Qualifications (RFQ) for said engineering services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, David C. Battaglia, PE, CME, CFM, CPWM, Van Cleef Engineering Associates, LLC submitted a proposal dated December 15, 2021, indicating that Van Cleef Engineering Associates, LLC would provide said services and,

WHEREAS, at a meeting held January 4, 2022, the Mayor and Town Council of the Town of Westfield adopted Resolution No. 20-2022, authorizing an award of contract to

Van Cleef Engineering Associates, 32 Brower Lane, Hillsborough, NJ 08844 for said professional engineering services; and

WHEREAS, the contract term within the RFP document provided for an extension of said contract for two (2) additional one year terms at the Town of Westfield's discretion; and

WHEREAS, it is recommended that the Town Council authorize an extension of the contract for professional engineering services for the Town of Westfield with Van Cleef Associates, LLC for an additional one (1) year term ending December 31, 2023,.

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk, subject to the availability of funds in the 2023 Budget.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town of Westfield enters into a contract with Van Cleef Engineering Associates, LLC, 32 Brower Lane, Hillsborough, NJ 08844 in conjunction with the services provided by David C. Battaglia, PE, CME, CFM, CPWM, to provide professional engineering services for Town Engineer and Planning and Zoning Engineer to the Town of Westfield.
4. The estimated total fees for the year shall not exceed \$150,000 with this expenditure charged to the Engineering Account 2-01-135-114.
5. This contract is awarded pursuant to the "fair and open" process (N.J.S.A. 19:44A-20.5 et seq.).

Resolution No. 21

WHEREAS, the Town of Westfield has resolved to join both the Suburban Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund, following a detailed analysis; and

WHEREAS, the Bylaws of said Funds require that each Municipality appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Bylaws indicate that the commission rate for said Risk Management Consultant shall not exceed six percent (6%) of the Member's Annual Assessment; and

WHEREAS, Requests for Qualifications for Health Insurance Consultant/Broker Services and Risk Management Services were advertised pursuant to General Ordinance 1753 of the Town of Westfield to be returnable on December 14, 2022; and

WHEREAS, after review of the proposal received, Brown & Brown Insurance, 56 Livingston Avenue, Roseland, NJ 07068, proposes to perform the services outlined for two (2 %) percent of the Member's Annual Assessment; and

WHEREAS, engagement of Risk Managers for fees representing less than six (6%) percent requires approval of the Suburban Joint Insurance Fund Commission; and

WHEREAS, the Town of Westfield has decided to award this contract to Brown & Brown Insurance following a fair and open process in accordance with N.J.S.A. 19:44A-20.5. Contract is subject to adequate funding in the 2023 budget and is to be charged to Other Insurance Account 184-221.

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield does hereby award a contract to Brown & Brown Insurance for Health Insurance Consultant/Broker Services

and Risk Management Services for the year 2023 in accordance with the Fund's Bylaws; and

BE IT FURTHER RESOLVED that this contract may be renewed for two (2) additional one (1) year terms, at the Town's discretion; and

BE IT FURTHER RESOLVED that the Town of Westfield hereby submits this resolution to the Fund Commission for approval.

Resolution No. 22

WHEREAS, The Town of Westfield Planning Board adopted the Town's most recent Housing Plan Element and Fair Share Plan dated February 22, 2018, on March 5, 2018, with a 2021 Amendment adopted on June 7, 2021; and

WHEREAS, The Town of Westfield's Housing Plan Element and Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and the regulations of the Council on Affordable Housing (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, the Town of Westfield's Housing Plan Element and Fair Share Plan includes affordable housing initiatives that create opportunities for affordable housing units through a combination of inclusionary development and court approved credits from prior round affordable housing developments; and

WHEREAS, the Town Administrator and Town Planner recommend to the Mayor and Council that Community Grants, Planning & Housing be selected as the Town of Westfield's Affordable Housing Administrative Agent; and

WHEREAS, the Mayor and Council of the Town of Westfield wish to enter into an agreement with Community Grants, Planning & Housing for the purpose of administering and enforcing the affordability controls and, the Town's Affirmative Marketing Plan which shall be adopted by resolution, in accordance with the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et.seq., and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et.seq.; and

NOW, THEREFORE BE IT RESOLVED, that Community Grants, Planning & Housing is selected as the Administrative Agent for the units in The Town of Westfield's affordable housing program for a term effective January 1, 2023 and terminating close of business December 31, 2023; and

BE IT FURTHER RESOLVED that Community Grants, Planning & Housing shall be awarded said contract at a fee not to exceed \$13,350 under the Affordable Housing (Administrative Services), subject to the availability of funds in the 2023 budget Account No. 3-01-120-218; and

BE IT FURTHER RESOLVED, that the Town of Westfield hereby designates the Municipal Housing Liaison as the liaison to Community Grants, Planning & Housing; and

BE IT FURTHER RESOLVED, that the proper town officials be, and hereby are, authorized and directed to enter into an agreement with Community Grants, Planning & Housing.

The following resolution, introduced by Councilman Parmelee and seconded by Councilwoman Mackey was adopted by the following roll call vote:

Resolution No. 23

WHEREAS, Section 40A: 4-19 of the Local Budget Act provides that where any contract, commitments or payments are to be made prior to the final adoption of the 2023 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is within the first thirty days of January, 2023, and

WHEREAS, temporary appropriations shall not exceed 26.25% of the prior year's appropriations, less appropriations for the Capital Improvement Fund and Debt Service, and

WHEREAS, the total appropriations in the 2022 budget, less appropriations for the Capital Improvement Fund and Debt Service in said 2022 budget is the sum of \$48,430,236.26, and

WHEREAS, twenty-six and one quarter percent of the total appropriations in the 2022 budget exclusive of any appropriations made for Capital Improvement Fund and Debt Service is the sum of \$12,712,937.02.

NOW, THEREFORE, BE IT RESOLVED that the following temporary appropriations be made and that a certified copy of the resolution be transmitted to the Chief Financial Officer for his records:

Administrative & Executive – Salaries & Wages	\$96,000.00
Administrative & Executive – Other Expenses	91,000.00
Community TV 36 – Service Other Expenses	4,000.00
Town Clerk – Salaries & Wages	59,000.00
Town Clerk – Other Expenses	13,000.00
Collection of Taxes – Salaries & Wages	40,000.00
Collection of Taxes – Other Expenses	8,000.00
Assessment of Taxes – Salaries & Wages	50,000.00
Assessment of Taxes – Other Expenses	5,000.00
Financial Administration – Salaries & Wages	95,000.00
Financial Administration – Other Expenses	7,000.00
Legal Services & Costs – Other Expenses	183,000.00
Municipal Court – Salaries & Wages	92,000.00
Municipal Court – Other Expenses	3,000.00
Municipal Prosecutor – Salaries & Wages	9,000.00
Public Defender – Salaries & Wages	1,000.00
Engineering Services & Costs – Salaries & Wages	157,000.00
Engineering Services & Costs – Other Expenses	40,000.00
Emergency Management – Other Expenses	2,000.00
Public Works – Salaries & Wages	718,000.00
Public Works – Other Expenses	966,000.00
Rahway Valley Sewerage Authority	2,263,000.00

Public Buildings & Grounds – Other Expenses	126,000.00
Planning Board – Other Expenses	31,500.00
Board of Adjustment – Other Expenses	11,000.00
Group Insurance Plan for Employees	1,446,000.00
Other Insurance Premiums	294,000.00
Fire – Salaries & Wages	950,000.00
Fire – Other Expenses	42,000.00
Fire Official – Salaries & Wages	53,000.00
Fire Official – Other Expenses	1,000.00
Hydrant Service	134,000.00
Parking Administration – Salaries & Wages	74,000.00
Police – Salaries & Wages	1,861,000.00
Police – Other Expenses	101,000.00
Crossing Guard – Other Expenses	174,000.00
Inspection of Buildings – Salaries & Wages	150,000.00
Inspection of Buildings – Other Expenses	9,000.00
Street Lighting	64,000.00
Electricity	32,000.00
Telephone	107,000.00
Water	7,000.00
Heating Gas	21,000.00
Gasoline	75,000.00
Board of Health – Salaries & Wages	38,000.00
Board of Health – Other Expenses	15,000.00
Board of Health – Contr. Service – Salaries & Wages	259,000.00
Board of Health – Contr. Service – Other Expenses	15,000.00
Recreation – Salaries & Wages	51,000.00
Recreation – Other Expenses	2,000.00
Public Events	13,000.00
Maintenance of Free Public Library	604,000.00
Social Security System (OASI)	179,000.00
Defined Contribution Retirement Plan	4,000.00
Dog Regulation	26,000.00
Debt Service – Principal	2,517,000.00
Debt Service – Interest on Bond	550,587.50
Debt Service – Int. on Bond Anticipation Note	60,200.00
TOTAL TEMPORARY APPROPRIATIONS	14,999,287.50
Less: Capital Improvement Fund and Debt Service	(3,127,787.50)

**TOTAL TEMPORARY APPROPRIATIONS, Less
Capital Improvement Fund and Debt Service** **\$11,871,500.00**

Roll Call:

Yeas: Parmelee Nays: None Absent: Habgood
LoGrippo
Katz
Mackey
Contract
Dardia
Root
Mayor Brindle

The following resolution, introduced by Councilman Parmelee and seconded by Councilman Dardia, was adopted by the following roll call vote:

Resolution No. 24

WHEREAS, Section 40A: 4-19 of the Local Budget Act provides that where any contract, commitments of payments are to be made prior to the final adoption of the 2023 Swim Pool Utility budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is within the first thirty days of January 2023, and

WHEREAS, the total appropriations in the 2022 budget, less appropriations for the Capital Improvement Fund and Debt Service in said 2022 budget is the sum of \$1,222,444.26 and

WHEREAS, twenty-six and one quarter percent of the total appropriations in the 2022 budget exclusive of any appropriations made for Capital Improvement Fund and Debt Service is in the sum of \$320,891.62.

NOW, THEREFORE, BE IT RESOLVED that the following temporary appropriations be made for the Swimming Pool Utility and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

Swimming Pool Utility:	
Operating Salaries & Wages	\$100,000.00
Operating Other Expenses	116,000.00
Social Security (OASI)	8,000.00
Interest on Bond	6,800.00
Debt Service – Principal	343,000.00
TOTAL TEMPORARY APPROPRIATIONS:	573,800.00
Less: Debt Service	(349,800.00)
TOTAL TEMPORARY APPROPRIATIONS, Less Debt Service:	<u>\$224,000.00</u>

Roll Call:

Yeas: Parmelee	Nays: None	Absent: Habgood
LoGrippo		
Katz		
Mackey		
Contract		
Dardia		
Root		
Mayor Brindle		

Councilman Parmelee also announced those that would be members of the Investment Advisory Council for 2023:

Dominic Maurillo
Drew Pecker
Mike Pruzinsky
Lu Qiu
Biju Mohan
Lee Pacchia
Tony Rybner
Councilwoman Habgood, Council Liaison

Mayor Brindle thanked all the members of the Green Team, Lifelong Westfield, and the Investment Advisory Council.

Public Safety, Transportation and Parking Committee

The following resolution, introduced by Councilwoman Root, Chairwoman of the Public Safety, Transportation and Parking Committee, and seconded by Councilman Katz, was unanimously adopted.

Resolution No. 25

WHEREAS, the Town of Westfield has determined a need for an on-call traffic safety and engineering services consultant to assist the Town as necessary; and

WHEREAS, the Public Safety, Transportation & Parking Committee has recommended to the Town Council that a professional services contract not to exceed \$24,000 be awarded to Bright View Engineering, 651 Old Mount Pleasant Avenue, Suite 100, Livingston, New Jersey 07039, for aforesaid services; and

WHEREAS, Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with NJAC 5:30-1.10, has been furnished to the Town Clerk. Expenditure of funds pursuant to this contract is to be charged to the Engineering Consultant Services Budget Account 135-114 and subject to the availability of funds in the 2023 Budget, under a Purchase Order number to be determined upon adoption of the 2023 Budget.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Westfield award a contract to Brightview Engineering for the aforementioned service at a fee not to exceed \$24,000; and

BE IT FURTHER RESOLVED that the proper Town Officials be authorized to effect whatever actions are necessary in the execution and discharge of this contract.

Resolution No. 26

WHEREAS, a need exists for the Town of Westfield to retain professional redevelopment traffic services; and

WHEREAS, the Town of Westfield issued a Request for Qualifications (RFQ) for said redevelopment planning services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, John Federico, PE, PP, AICP, WSP USA Inc. submitted a proposal dated December 14, 2022, indicating that WSP USA Inc.. would provide the above referenced services based on the fees set forth in the firm's cost proposal; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFQ; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk, subject to the availability of funds in the 2023 Budget. Expenditure of funds pursuant to this contract is to be charged to the appropriate accounts, under a Purchase Order number to be determined upon adoption of the 2023 Budget.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town of Westfield enters into a contract with WSP USA Inc., 2000 Lenox Drive, Lawrenceville, NJ 08648 in conjunction with the services provided by John Federico, PE, PP, ACIP, to provide redevelopment traffic services to the Town of Westfield.
2. The term of the contract will be for a period ending December 31, 2023.

3. This contract may be renewed for two (2) additional one (1) year terms, at the Town's discretion.
4. The estimated total fees for the year shall not exceed \$120,000.
5. This contract is awarded pursuant to the "fair and open" process (N.J.S.A. 19:44A-20.5 et seq.).

Resolution No. 27

WHEREAS, a need exists for the Town of Westfield to retain professional redevelopment parking services; and

WHEREAS, the Town of Westfield issued a Request for Qualifications (RFQ) for said redevelopment planning services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, James M. Zullo, AICP/CAPP, THA Consulting Inc., submitted a proposal dated December 14, 2022, indicating that THA Consulting Inc. would provide the above referenced services based on the fees set forth in the firm's cost proposal; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFQ; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk, subject to the availability of funds in the 2023 Budget. Expenditure of funds pursuant to this contract is to be charged to the appropriate accounts, under a Purchase Order number to be determined upon adoption of the 2023 Budget.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town of Westfield enters into a contract with THA Consulting Inc., 144 Livingston Avenue, New Brunswick, NJ 08901 in conjunction with the services provided by James M. Zullo AICP/CAPP to provide redevelopment parking services to the Town of Westfield.
2. The term of the contract will be for a period ending December 31, 2023.
3. This contract may be renewed for two (2) additional one (1) year terms, at the Town's discretion.
4. The estimated total fees for the year shall not exceed \$100,000.
5. This contract is awarded pursuant to the "fair and open" process (N.J.S.A. 19:44A-20.5 et seq.).

Code Review & Town Property Committee

The following resolution, introduced by Councilman Parmelee, Chairman of the Code Review & Town Property Committee, and seconded by Councilwoman Mackey, was unanimously adopted.

Resolution No. 28

WHEREAS, the Land Use Ordinance of the Town of Westfield requires the appointment of a full or part time employee of the Town of Westfield to act as the Municipal Housing Liaison with responsibility for oversight and administration of the Town's affordable housing program; and

WHEREAS, Article 23, §23.10A of the Land Use Ordinance of the Town of Westfield lists the responsibilities of the Municipal Housing Liaison which includes the following:

1. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Town of Westfield, including the following responsibilities, which shall not be undertaken by or contracted out to a third party:
 - (a) Serving as the Town's primary point of contact for all inquiries from the State of New Jersey, affordable housing providers, Administrative Agents, and interested households;
 - (b) Monitoring the status of all affordable units in the Town's Housing Element and Fair Share Plan;
 - (c) Compiling, verifying, and submitting annual reports as may be required by the Superior Court, and reports to the Town Council at such intervals as deemed appropriate by the Council;
 - (d) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (e) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Superior Court;
 - (f) Supervising the Administrative Agent(s), if any, contracted or authorized by the Town Council to administer some or all of the affordable units in the Town;
 - (g) The implementation of the Affirmative Marketing Plan and affordability controls; and
 - (h) The Municipal Housing Liaison shall be responsible for the additional duties listed in Article 23, §23.10 of the Land Use Ordinance of the Town of Westfield that are not specifically delegated by the Town Council to an Administrative Agent.

NOW, THEREFORE, BE IT RESOLVED, that Donald Sammet, PP/AICP, Westfield Town Planner be and is hereby appointed the Municipal Housing Liaison for the Town of Westfield and shall be responsible for performing the duties set forth in Article 23, §23.10A of the Land Use Ordinance; and

BE IT FURTHER RESOLVED, that the term of this appointment is one year, commencing on January 1, 2023.

Public Works Committee

The following resolution, introduced by Councilman Katz, Chairman of the Public Works Committee, and seconded by Councilman Contract, was unanimously adopted.

Resolution No. 29

WHEREAS, the Town of Westfield is seeking a qualified professional to provide sewer collection services as well as pump station inspection and monitoring services; and

WHEREAS, Central Jersey Pump, PO Box 541, Springfield, New Jersey 07081, is a New Jersey Licensed Collection System Operator and has submitted a proposal to provide

sewer collection services at a fee of \$10,200.00, and a proposal to provide pump station inspection and monitoring services at a fee of \$4,800; and

WHEREAS, the Town Administrator has reviewed the aforesaid proposals and recommends that a professional services contract be awarded to MVC Unlimited; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30 1.10, will be furnished to the Town Clerk, subject to the availability of funds in the 2023 Budget.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield that the aforementioned contract for professional services be awarded as follows:

1. Sewer Collection System Operator at a fee not to exceed \$10,200; and
2. Pump Station Inspection and Monitoring Services at a fee not to exceed \$4,800; and

BE IT FURTHER RESOLVED that the fees for this work be charged to Budget Account No. 3-01-185-215.

Councilman Dardia Comments

Councilman Dardia thanked everyone for their comments and sharing concerns. He stated the Council is advocating on their behalf to make changes to the proposal. He stated HBC | Streetworks is also listening to concerns from residents and have a vested interest in town. Councilman Dardia stated he and his wife downsized and moved downtown within the Ward and he is very much looking forward to continuing to bike, shop, and live in town. Councilman explained we must develop for the future of Westfield. He is confident that these plans for more green spaces and improved walkability will result in everyone coming together.

Benediction was given by Reverend Dr. Jennifer Testa Hrynyk, First Congregational Church.

A motion to adjourn, made by Councilwoman Mackey and seconded by Councilman Contract at 8:23 p.m., was unanimously carried.

Respectfully submitted,

Maureen Lawshe, RMC
Town Clerk