

MINUTES OF REGULAR MEETING HELD FEBRUARY 22, 2022

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, February 22, 2022 at 8:00 p.m.

Mayor Brindle made the following announcements:

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 8, 2021. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, and THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom.

PRESENT: Mayor Brindle, Council Members, Habgood, Parmelee, Mackey, Contract, Dardia, and Boyes

ABSENT: Council Members LoGrippe, Katz

Salute to the flag.

PRESENTATIONS

Mayor's remarks

Good evening, everyone, and welcome back to in-person Town Council meetings! Thanks to all who are joining us both here in the Council Chambers and online tonight. As a reminder, public comment will be accepted in person only, and we are live streaming for viewing only via Facebook. As always, the replay will also be available afterwards on Facebook, YouTube, and TV 36.

COVID-19

We continue to see ongoing improvements in COVID trends as the Omicron surge declines. Today, the state's seven-day average for new confirmed positive tests is down 10% from a week ago and 85% from a month ago as case numbers fall to levels seen before the current surge that began in early December. In addition, statewide COVID hospitalizations have fallen to their lowest point since November 28 – all very encouraging signs as we move past this recent surge and continue toward pre-pandemic normalcy.

EDISON FIELDS

As I mentioned at our last meeting, the Edison Fields working group is meeting with the Neighbor Advisory Council tomorrow night to address many of the questions raised by the neighbors based on updated facts and data. I will be attending, along with Finance Chair Linda Habgood, Recreation Commission liaison Scott Katz, representatives from WHS Athletics, Recreation Commission representatives, and Town Administrator Jim Gildea. We will be providing an update to the public soon thereafter.

FINANCE POLICY COMMITTEE ITEMS (Remarks by Councilwoman Habgood, Finance Policy Committee Chair)

- 2022 Budget

Thanks to the members of the Finance Policy Committee, as well as our Town Administrator and CFO, and all of the Town department heads for their ongoing work to finalize a proposed 2022 budget. We anticipate introducing the budget to the public at the March 22 meeting, with a vote for adoption on April 26. In the meantime, I encourage anyone who has not reviewed our public budget forum presentation from last month to view it on our website at westfieldnj.gov/2022-budget, and submit any questions to budget@westfieldnj.gov.

- Finance Resolutions

Tonight, we'll be voting on a few resolutions of interest from the Finance Policy Committee. We will vote to authorize an award of contract for on-call traffic review and circulation planning services for our redevelopment sites. As the Mayor has mentioned previously, it's important for us to have reliable projections of traffic and circulation impacts of any redevelopment projects.

The award of this contract would continue our relationship with WSP traffic consultants, who prepared the Traffic and Circulation element of the Master Plan and was also the lead agency for the previously completed North Avenue state-funded corridor study. The cost for these services are to be paid out of developer escrow accounts.

Similarly, we'll vote on a resolution authorizing award of contract for on-call parking consulting services. This would continue our relationship with THA parking consultants, who prepared the parking details of the Traffic and Circulation element of the Master Plan element. As with the traffic and circulation consultant, these fees would also be paid out of developer escrow accounts in order to conduct project parking reviews.

We're also voting on a resolution authorizing award of contract for the purchase and installation of new replacement playground equipment for Windsor Park. Approximately half of the cost of this project is offset by a Union County Kids Recreation Trust Fund Grant, and we look forward to seeing a new Windsor Park playground!

CODE REVIEW & TOWN PROPERTY COMMITTEE ITEMS (Remarks by Councilman Parmelee, Code Review & Town Property Committee Chair)

- **Historic Designation Ordinances**

At our January 22 meeting, we voted on resolutions referring three more properties to the Planning Board for historic designation – two private properties at 23 Stoneleigh Park and 112 Ferris Place, as well as the historic coffee kiosk owned by the Town at the South Avenue Train Station. These have now been approved by the Planning Board and come back to us tonight as ordinances on first reading as the next step toward their formal designation.

- **Ordinances on Second Reading**

We'll hear an ordinance on second reading tonight to amend our road paving requirements. As we discussed in our last meeting, this change is intended to provide residents with a more feasible and economic solution who need to open the road in order to convert their home from oil to gas heat. However, we will be monitoring the impact of this ordinance to ensure it applies to only those limited circumstances and is not affecting the integrity of our road paving program. Also on second reading, we'll hear an ordinance to adopt clear, uniform, and comprehensive standards, regulations, and permit requirements for the installation of small wireless facilities within the Town's rights-of-way.

AFFORDABLE HOUSING UPDATE

Tonight, we'll also hear from Town Planner Don Sammet as he presents our affordable housing updates that were submitted to the state, which is an annual requirement. As I've mentioned previously, I'm very proud of the work Don has done to build a positive working relationship with the Fair Share Housing Center in meeting our state-mandated obligations and increasing housing diversity in our community.

MLK CIRCLE

Lastly, but perhaps most importantly, I'm very pleased to share that we'll be voting on a resolution tonight naming the Route 28 South Avenue Traffic Circle as "The Dr. Martin Luther King Jr. Circle." I'd like to thank my nine year-old neighbor, Priyanka Hargreaves, who first suggested this idea as an additional way to memorialize Dr. King permanently in our town. I couldn't be more proud of this resolution, further demonstrating Westfield's commitment to inclusivity. Priyanka is here tonight, along with Liz Wolf of the MLK of Westfield Association, and I'd like to invite them up here as we read the resolution that we'll vote on later this evening.

With that, let's get to work.

Thank you.

The Dr. Martin Luther King Jr. Circle

Priyanka Hargreaves, Washington Elementary School student, discussed her idea to name a street in Westfield after Dr. Martin Luther King, Jr.

Elizabeth Wolf, President, Dr. Martin Luther King, Jr. Association of Westfield, thanked Priyanka for her idea and the governing body for moving forward with the renaming of the Route 28 Circle in honor of Dr. Martin Luther King. Feels it is important initiative for the community.

Mayor Brindle read Resolution No. 79, naming the Route 28 Traffic Circle as “The Dr. Martin Luther King Jr. Circle”, in full.

Affordable Housing Compliance Update

The Town Planner provided an update concerning the Town’s compliance with its affordable housing obligation. Explained that each year the Town is required to report at a noticed Town Council meeting, in the month of February, the efforts taken to provide 20 additional affordable homes, half for families, by working with non-profit housing developers. This also provides the Town with an opportunity to update everyone on the status of the Town’s affordable housing plan’s implementation.

Provided background concerning the Town’s housing plan, stating that its adoption occurred in 2018. The Town obtained a final judgment of compliance and repose on August 23, 2018 from the superior court who found that the Town’s housing plan was fair to low- and moderate-income households, meaning that it provides a realistic opportunity for the development of affordable housing within Westfield. Explained that this judgment provides the Town with immunity from builder’s remedy lawsuits until July 2, 2025, and further explained that if the Town had not planned for affordable housing, a builder could sue, claiming that the Town has not provided an opportunity for affordable housing. The court could then order a rezoning, with the municipality losing all control over what is built as part of a development project. Once the Town adopted its housing plan and received its court judgment, it is then required to show that its plan is being implemented.

Provided highlights from 2021 as follows:

- Completion of 501 South Avenue which includes 5 affordable units in a mixed-use project, and 753 Grandview Avenue, which includes 4 affordable units (special needs);
- Approval for 2 units at 440 North Avenue East (10-unit project) and 26 affordable units at Westfield Crossing in a mixed-use project (156 total units and 17,000SF commercial space);
- Site plan applications were filed for 32 affordable units at Williams Nursery (total 162 units) and 6 units at 516-540 North Avenue east in 40-unit building;
- Use of the Town’s affordability assistance program through award of 3 months rent program for three separate affordable units;
- Amendment of the Town’s settlement agreement with FSHC to amend its housing plan, followed by superior court approval, which allows for the Handler building to be developed as a vertical farm rather than affordable housing, with the application going before the Planning Board on March 7.
- Day-to-day administration of tenant applications and the Town’s Affordable Assistance Program, which is managed by Community Grants Planning and Housing as the Town’s Administrative Agent, as well as the Town Planner’s daily responsibilities as municipal housing liaison.

The Town Planner also discussed efforts to work with non-profit affordable housing organizations to provide 20 additional homes, half for families as follows:

- Dedicated funding from the Town’s affordable housing trust fund, which is funded through development fees, not taxpayer dollars, towards the construction of the 20 additional affordable homes specifically;
- Dedicated to non-profits, under the Town’s affordability assistance program, an emergency generator program for 100% affordable projects;
- Hosted an annual meeting, which occurred in December 2021, at which non-profits shared and made proposals to the Town. He then worked with the Housing Commission to prepare and release a Request for Proposals (RFP), where non-profits could request to use funds from the affordable housing trust fund for this purpose. The Town received two responses last year, with the Town approving its first award this year, creating 4 additional units. In addition, the Town received feedback from the non-profit community recommending that the Town amend its RFP to remove the requirement that non-profits have a property acquired or identified, and instead that the Town award funds based upon

their qualifications, similar to a mortgage pre-approval. Further discussion of this recommendation would occur with the Housing Commission this year. Lastly, the Town Planner provided information for those interested in being included on a waiting list for affordable units which have been constructed, announcing that pre-applications are available at www.affordablehomesnewjersey.com.

APPOINTMENTS

Mayor Brindle announced the following Mayoral appointment:

Planning Board

Deputy Fire Chief Michael Duels, Class II

December 31, 2022

Unexpired Term

ADVERTISED HEARINGS

GENERAL ORDINANCE NO. 2022-04

AN ORDINANCE AMENDING CHAPTER 17 OF THE TOWN CODE, RELATING TO POLES, WIRES, AND WIRELESS TELECOMMUNICATION FACILITIES LOCATED WITHIN THE MUNICIPAL PUBLIC WAY OF THE TOWN OF WESTFIELD

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2022-05

AN ORDINANCE AMENDING CHAPTER 24 OF THE TOWN CODE, RELATING TO STREET OPENINGS AND EXCAVATIONS

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, "GENERAL ORDINANCE NO. 2022-04 – AN ORDINANCE AMENDING CHAPTER 17 OF THE TOWN CODE, RELATING TO POLES, WIRES, AND WIRELESS TELECOMMUNICATION FACILITIES LOCATED WITHIN THE MUNICIPAL PUBLIC WAY OF THE TOWN OF WESTFIELD" by Councilman Parmelee seconded by Councilman Contract was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood

Parmelee

Mackey

Contract

Dardia

Boyes

Mayor Brindle

Nays:

Absent: LoGrippo

Katz

An ordinance entitled, "GENERAL ORDINANCE NO. 2022-05 – AN ORDINANCE AMENDING CHAPTER 24 OF THE TOWN CODE, RELATING TO STREET OPENINGS AND EXCAVATIONS" by Councilman Parmelee seconded by Councilman Boyes, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood

Parmelee

Mackey

Contract

Dardia

Boyes

Mayor Brindle

Nays:

Absent: LoGrippo

Katz

BIDS

MINUTES

On a motion by Councilwoman Mackey and seconded by Councilman Habgood, Council approved the Minutes of the Town Council Conference Session and Regular Meeting held February 8, 2022.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

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

Marvin Gersten, St Marks Avenue, discussed his career as a professional engineer. Also mentioned that he has been Westfield's alternate member of the Union County Transportation Advisory Board for several years. Stated that he is a frequent patron of Trader Joe's and surrounding businesses and expressed concern with the proposed development at Ferris Place and Prospect Street. Discussed current traffic issues that exist in that area and asked several questions related to the traffic impact study to be conducted.

Susan Fuhrman, Prospect Street, discussed the proposed development at Ferris Place and Prospect Street and asked when the traffic study would be ready, how it would address existing traffic, specifically at the YMCA, and how parking spaces would be allocated to prevent/limit street parking. Also stated that there are rumors that there is a stream at the proposed site and that the site is located in the Robinson's branch of the Rahway River watershed, where, according to a 2020 Rutgers study, impervious ground cover should be decreased, when possible, not enhanced. Questioned whether the rooftop greenspace proposed for the project is an adequate "trade-off" for the increase in impervious surface coverage. Explained that she enjoys living downtown and appreciates the Mayor and Town Council's vision for a more vital downtown area, but she has grave concerns about a project of this scale and density in this location, which is already very congested.

Gary Hunsinger, Carleton Road, discussed the ordinance authorizing the designation of 112 Ferris Place as a historic landmark that is included on the agenda. Requested clarification as to whether this property is single-deeded and how the remaining portion of the property would be impacted. Also feels it is premature to designate this property as a historic landmark when the redevelopment portion of the project has not yet been determined. Stated that the mayor and councilmembers were elected by the residents of Westfield and should be listening when residents provide input and express concerns.

Jacqueline Brevard, 266 West Dudley Avenue and member of the Historic Preservation Commission (HPC), commended the owner of 112 Ferris Place for seeking historic designation of the property. Stated that she supports historic designation and intends to nominate her own home. However, believes there is a misunderstanding as to the HPC's role as it relates to the redevelopment project proposed for Ferris Place and Prospect Street and explained that the HPC has no involvement with that project, only the historic designation of 112 Ferris Place.

John Blake, Carleton Road, stated that the developer of the Ferris Place/Prospect Street project was also the developer of the Savannah. Discussed complaints about the construction of the Savannah and a lawsuit that was filed. Explained that the case was settled but the terms of the settlement are confidential. Feels the developer of the Ferris Place/Prospect Street property as well as any future developments in Town should not be permitted to "hide behind" confidentiality agreements.

Ed Korecky, 207 Charles Street, discussed the proposed development project at Ferris Place/Prospect Street and stated that he attended the meeting in December to appeal to the Town Council to oppose the resolution designating this property as an area in need of redevelopment. Feels there are still unanswered questions concerning this project and requested information as to the zoning for the property and how the proposed density for this project was determined. Also discussed the condition of the property and feels moving forward with this project "sends a message" to developers to let their properties deteriorate so they can be designated as areas in need of redevelopment. Also discussed the presentation by Topology concerning this project during the meeting in December and comments that this property is in a transitional area. Feels this means that the property is somewhere in between the downtown area and the area with single family residences. Appealed to the Town Council to reconsider this project and to address the questions that have been asked.

Greg Kasko, 434 Everson Place, stated that he has been a Westfield resident for 50 years and discussed the businesses that were located downtown when he was growing up. Also discussed the area of Prospect Street and Ferris Place and feels it is inappropriate to “shoehorn” a building into this location. Requested clarification as to the zoning amendment that occurred to allow for this project. Also discussed the hawk light that was installed on Central Avenue. Stated that a traffic study was conducted but the recommendations of the study were not followed. Believes a traffic study would be conducted for the Ferris Place/Prospect Street project and expressed concern that the Town would not follow the recommendations of the study.

Lorre Korecky, 207 Charles Street, discussed the presentation by Hudson’s Bay Company concerning the Lord & Taylor property at a previous Town Council meeting. Also discussed the size of this potential development and its location in comparison to the Ferris Place/Prospect Street project. Requested that any traffic study that is conducted for the Ferris Place/Prospect Street project consider the future development of the Lord & Taylor site. Feels safety should be the Town Council’s top priority.

Pat Pfaffenbach, 111 Prospect Street, discussed existing traffic and parking issues in the area of Ferris Place/Prospect Street and expressed concern with the increased traffic that would result from the proposed development project for this property. Also discussed the proposed setbacks for the building and explained that large delivery are constantly in the area. Questioned how delivery trucks would be able to maneuver without adequate setbacks for the building proposed at Ferris Place/Prospect Street. Also stated that those waiting for a parking space in the Trader Joe’s parking lot are constantly circling Prospect Street on a daily basis. Feels the setbacks for the structure proposed for Ferris Place/Prospect Street should be the same as Chelmsford and Westfield Arms.

Jerome Feder, Knollwood Terrace, discussed the proposed fields project at Edison Intermediate School (EIS) and referred to a recent Town budget meeting. Provided photographs of the condition of the creek in the area of EIS and the severe flooding that occurred during Hurricane Ida. Stated that he has asked the Town to address this issue for several years and expressed concern that the budget meeting he attended showed no funding to address the creek and flooding that occurs. Also feels that the presentation provided at the budget meeting indicates that the Town is struggling to balance its revenue and expenses and must increase rates. Feels the Town should address issues before other incidental projects move forward.

Joyce Vartoukian, 9 Doris Parkway, discussed the proposed EIS project and expressed concern that questions related to the cost of the project remain unanswered. Feels no adequate explanation has been provided and believes the Town needs to consult with an experienced field management expert. In addition, referred to comments by Mayor Brindle and the Recreation Commission that capacity is the fundamental issue with respect to fields, but feels no analysis has been provided as to how the EIS project would improve capacity. Believes Westfield is overserved with artificial turf fields and that it would be fiscally irresponsible to move forward with the EIS project.

Timothy Eaton, 762 Knollwood Terrace, stated that residents first learned of the EIS project in July 2021 and, since that time, much research has been done and both time and money have been spent by residents in the neighborhoods, reviewing the plan, identifying safety, health, financial, noise, traffic, parking and quality of life issues, with alternative solutions being recommended. As of today, the only change to the project is a reduction in artificial turf from 400,000 square feet to 250,000 square feet, which he feels would still impact the health of children and nearby residents. In addition, lights are still part of the plan and parking and traffic issues have not yet been addressed. Feels the plan, in its current state, would permanently ruin the neighborhoods and create significant health, safety, traffic and noise concerns for students, athletes and residents. Believes grass fields with no lights could be the solution if everyone worked together. Also feels there are multiple locations which could increase field capacity eliminating the need for games at night. Stated that a significant amount of data was presented to the Town Council, Board of Education, Board of Health and Recreation Commission, supporting the issues being raised. Lastly, stated that he would still oppose this project, even if he lived in a different neighborhood.

Jane Tsai, 2 Normandy Drive, discussed the proposed project at EIS and stated that while she is proud that Westfield’s sports teams do well, she opposes the installation of artificial turf. Feels natural grass should be evaluated as an option and discussed the environmental, health and safety

concerns that have been expressed to the Board of Education, Board of Health, Recreation Commission and the Town Council with respect to artificial turf. In addition, suggested that Westfield adopt an ordinance prohibiting the installation of artificial turf throughout Town. Also feels the conversion of natural grass to artificial turf would be permanent and that artificial turf may not be less costly to maintain.

Alex Schmidt, 735 Girard Avenue, teacher at Wilson School and Girls High School Soccer Coach, discussed his support for artificial turf and explained that it provides coaches and teachers with reliable practice schedules and lesson plans. Discussed all of the teams that practice on Kehler Field in the fall season alone. Explained that practice is essential, and that Westfield is the only team in the conference or county that practices on grass fields, which is very different than playing on artificial turf. Also feels students and sports teams deserve more than one artificial turf for practice.

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

Mayor Brindle addressed comments concerning the proposed Ferris Place/Prospect Street redevelopment project and assured residents that safety is the Town's first priority. Explained that the Town is well aware of the traffic issues in this area and believes measures could be taken now to immediately address those issues. In addition, assured residents that the recommendations of the traffic study would be considered. Also addressed concerns expressed regarding the Lord & Taylor site and explained that the size of that development would not be as large as people may think. In addition, the building at 112 Ferris Place would not be a residence but would be used to serve the public. Assured all that nothing would move forward without appropriate mitigation measures in place. Lastly, explained that the Town previously did not use redevelopment tools, but designating the area as an area in need of redevelopment provides the Town with more control over the project and holds the developer accountable.

Mayor Brindle also addressed comments concerning the proposed field project at EIS and stated that many of the questions raised would be addressed at the neighborhood meeting scheduled for February 23. Also feels there is a misunderstanding as to the budget and explained that it does not include a breakdown at this point which could make it unclear as to the items included. In addition, referred to a presentation that was recently provided by a turf expert and feels it addressed many of the questions and concerns that have been raised. Feels it is a good start for a productive conversation. Lastly, thanked Coach Schmidt for his comments and extended her congratulations to him again on winning the State Championship.

Councilwoman Habgood addressed Mr. Feder's comments concerning the budget and stated that she would be happy to discuss the budget with him in detail. As to his comment that the Town seems to be having difficulty balancing the budget, explained that the Town is managing its surplus at this level purposely because it was believed that "too much money" had been kept in surplus in the past, which means that the Town had been holding taxpayer dollars rather than investing them in road improvements and other projects that could improve the quality of life for residents.

BILLS AND CLAIMS

On motion by Councilwoman Habgood, and seconded by Councilman Contract, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$525,740.73 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilwoman Habgood and seconded by Councilman Contract, were unanimously adopted.

Resolution No. 69

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$1,174.80 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of January 2022.

Resolution No. 70

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

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Kristen Bonn 737 First St Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Volleyball Spring Clinic Timothy Bonn / 3-6 Grade	\$160.00
John Colasanti 246 Maryland St Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Tai Chi John Colasanti / New Winter 2022	\$42.00

Resolution No. 71

LET IT HEREBY BE RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment(s) as follows following final inspection and approval for return of deposit:

R. Gallo Mason Contractor
P.O. Box 354
Garwood, NJ 07027

Amount of refund: \$975.00

Resolution No. 72

BE IT RESOLVED that the Chief Financial Officer be authorized to draw a warrant to the following persons for a refund due to a duplicate food license payment:

<u>Name</u>	<u>Amount</u>
Temple Emanuel	\$100.00

Mail to:

Temple Emanu-El
752 East Broad Street
Westfield, NJ 07090
C/O Michael Kenny

Resolution No. 73

WHEREAS, there is a need to communicate information to the public in the form of Conservation Center and Memorial Pool notices to property owners; and

WHEREAS, payment for the postage to the United States Postal Service, Permit #683 is required prior to the mailing of notices.

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for postage payment in an amount not to exceed \$6,000.00, to be charged to the Conservation Center and Pool postage account.

Resolution No. 74

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

<u>Block/Lot/Qualifier</u>	<u>Property Address</u>	<u>Quarter/Year</u>
901/32	938 North Avenue West	1 st /2022
CIESLIK, Nancy Jean		\$3,010.36

5603/7
Chase Mortgage
3001 Hackberry Road
Irving, TX 75063
Attn: Chase Refunds Department

122 Wyoming Street

1st/2022
\$5,564.87

Resolution No. 75

WHEREAS, the Town of Westfield has determined that a need exists for on-call traffic review and circulation planning services for redevelopment sites; and

WHEREAS, WSP USA, 3rd floor, 2000 Lenox Drive, Lawrenceville, New Jersey 08648 has indicated that WSP USA would provide the above referenced services at a fee not to exceed \$16,000; and

WHEREAS, a 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 Streetworks/HBC Developers Escrow account 20-01, under Purchase Order #22-00625.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Westfield be and hereby authorizes an award a contract to WSP USA for on-call traffic review and circulation planning services for redevelopment sites at a fee not to exceed \$16,000; 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. 76

WHEREAS, the Town of Westfield has determined that a need exists for on-call parking consulting services; and

WHEREAS, THA Consulting, Inc., 144 Livingston Avenue, New Brunswick, New Jersey 08901 has indicated that THA Consulting, Inc. would provide the above referenced services at a fee not to exceed \$17,000; and

WHEREAS, a 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 Streetworks/HBC Redevelopment Escrow Account number 20-01 under Purchase Order #22-00626.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Westfield be and hereby authorizes an award a contract to THA Consulting, Inc. for on-call parking consulting services at a fee not to exceed \$17,000; 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. 77

WHEREAS, a need exists for the purchase and installation of playground equipment for Windsor Park; and

WHEREAS, Ben Shaffer Recreation Inc. P.O. Box 844, Lake Hopatcong, NJ 07849, has submitted a cost proposal for this purchase in the amount of \$87,330.40; and

WHEREAS, Ben Shaffer Recreation Inc. is authorized to offer playground systems, installation, service and related items through the Educational Services Commission of New Jersey Cooperative System, Contract No. ESCNJ 20/221-02; and

WHEREAS, this equipment would be sufficient to meet the needs of the Town of Westfield; and

WHEREAS, the New Jersey Local Public Contracts Law (40A:11-3) requires that purchases through a Cooperative Purchasing Agreement be authorized by resolution of the governing body; and

WHEREAS, the Town of Westfield applied for and was awarded funds for this project through the Union County Open Space, Recreation and Historic Preservation Trust Fund, Kids Recreation Trust Grant in the amount of \$43,320.40 to offset the total cost; and

WHEREAS, the Chief Financial Officer has certified to the availability of adequate funds for payment of \$44,010.00 to be charged to the Park Improvement Trust Fund (T-05-600-076) and \$43,320.40 to be charged to Kids Recreation Trust Fund Grant (2-01-55-900-251) under PO #21-02448 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield hereby authorizes an award of contract to Ben Shaffer Recreation for the purchase and installation of playground equipment for Windsor Park through the Educational Services Commission of New Jersey Cooperative System, Contract No. ESCNJ 20/221-02; and

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

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

Resolution No. 78

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

	<u>OUT</u>	<u>IN</u>
<u>CURRENT FUND</u>		
Administration & Executive		
1-01-100-209 (O/E)		2,400
Town Clerk		
1-01-102-213 (O/E)		3,500
Police Department		
1-01-130-101 (S&W)		3,000
1-01-130-201 (O/E)		4,100
School Crossing Guards		
1-01-132-199 (O/E)	15,900	
Public Works		
1-01-137-102 (S&W)		18,800
1-01-137-201 (O/E)		1,000
Health Department		
1-01-150-204 to 218 (O/E)	2,500	
Water		
1-01-169-211 (O/E)	1,100	
Public Buildings and Grounds		
1-01-185-217 (O/E)	13,000	
Municipal Court		
1-01-185-121 (S&W)	300	
	<u>\$32,800</u>	<u>\$32,800</u>

Yeas: Habgood
 Parmelee
 Mackey
 Contract
 Dardia
 Boyes

Nays:

Absent: LoGrippo
 Katz

Mayor Brindle

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Parmelee and seconded by Councilwoman Mackey, were unanimously adopted.

Resolution No. 79

WHEREAS, Dr. Martin Luther King Jr. was a civil rights leader who valiantly stood for racial, social, and economic justice, who marched for equal rights for all citizens, who dreamt of an America in which “this nation will rise up and live out the true meaning of its creed: We hold these truths to be self-evident, that all men [and women] are created equal;” and

WHEREAS, Dr. King envisioned an America in which the words “let freedom ring” from the song *My Country Tis of Thee* would take on a new meaning, stating:

And when this happens, and when we allow freedom [to] ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: ‘Free at last. Free at last. Thank God almighty, we are free at last.’

WHEREAS, on November 2, 1983, the United States enacted Martin Luther King, Jr. Day into law as a federal holiday, which was first observed in 1986; and

WHEREAS, in the summer of 1987, Dr. Martin Luther King, Jr.’s life and work inspired a group of local Westfield townspeople to found the Dr. Martin Luther King, Jr. Association of Westfield. The group sought to celebrate Dr. King’s life on his annual federal holiday in a community-wide commemoration and to keep his dream alive in the Town of Westfield; and

WHEREAS, on June 19, 2005, the Dr. Martin Luther King, Jr. Association of Westfield dedicated a monument to Dr. King on land given by the Town for that purpose on one side of the Route 28 traffic circle; and

WHEREAS, that monument which has become a site of civil action, public celebration, quiet reflection, and a rallying point for peaceful demonstrations, memorials, and vigils; and

WHEREAS, the Mayor and the Town Council for the Town of Westfield acknowledge that the quest for Dr. King’s dream is still ongoing, as Dr. King reminded us that: “Change does not roll in on the wheels of inevitability, but comes through continuous struggle;” and

WHEREAS, the Mayor and Town Council agree with Dr. King that each individual should, “Commit yourself to the noble struggle for equal rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in;” and

WHEREAS, the Mayor and Town Council acknowledge that the life and work of Dr. Martin Luther King, Jr. has been important to the people of Westfield, the State of New Jersey, and all of the United States in the past, is important now in the present, and will continue to be important in the future; and

WHEREAS, the Route 28 Traffic Circle is an important, high visibility location in the Town of Westfield, New Jersey, and serves as a landmark and point of reference to residents and visitors.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Town Council of the Town of Westfield, New Jersey, that the Route 28 Traffic Circle be named “The Dr. Martin Luther King Jr. Circle.”

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

Resolution No. 80

WHEREAS, the Town of Westfield was named as a Party/Defendant in certain litigation captioned *Lisa S. Varandas v. Town of Westfield*, et al., filed in the Superior Court of New Jersey, Law Division, Union County under Docket number UNN-L-4317-20; and

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

WHEREAS, the Mayor and Town Council has received certain legal advice from the attorney and firm assigned by its insurance carrier through the Joint Insurance Fund; and

WHEREAS, a form of Settlement Agreement has been submitted to and reviewed by the Town Attorney;

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

General Ordinance No. 2022-07

Regarding the following ordinance, Councilman Parmelee made the following announcement: I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2022-07 – AN ORDINANCE DESIGNATING 23 STONELEIGH PARK, SHOWN ON THE TOWN TAX MAPS AS BLOCK 4209, LOT 2 AS A HISTORIC LANDMARK AND MODIFYING THE ZONING MAP"

The motion was seconded by Councilwoman Mackey.

General Ordinance No. 2022-07 was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent: LoGrippo
Parmelee		Katz
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2022-07 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 8th day of March at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Mayor Brindle thanked Councilman Boyes for his efforts concerning the renaming of the Route 28 Circle to "The Dr. Martin Luther King Jr. Circle."

General Ordinance No. 2022-08

Regarding the following ordinance, Councilman Parmelee made the following announcement:
I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2022-08 – AN ORDINANCE DESIGNATING 112 FERRIS PLACE, SHOWN ON THE TOWN TAX MAPS AS BLOCK 2504, LOT 14 AS A HISTORIC LANDMARK AND MODIFYING THE ZONING MAP”

The motion was seconded by Councilman Contract.

General Ordinance No. 2022-08 was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent: LoGrippo
Parmelee		Katz
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2022-08 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 8th day of March at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Councilman Boyes thanked the property owner for volunteering to move forward with the designation of this property. Explained that he lives nearby and that it was difficult to see a historically significant home falling in disrepair over the past 10 years.

General Ordinance No. 2022-09

Regarding the following ordinance, Councilman Parmelee made the following announcement:
I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2022-09 – AN ORDINANCE DESIGNATING THE “COFFEE KIOSK,” LOCATED AT THE WESTFIELD SOUTH AVENUE TRAIN STATION, AS A HISTORIC LANDMARK AND MODIFYING THE ZONING MAP

The motion was seconded by Councilwoman Mackey.

General Ordinance No. 2022-09 was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent: LoGrippo
Parmelee		Katz
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2022-09 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 8th day of March at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested

be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

PUBLIC WORKS COMMITTEE

COMMITTEE REPORTS

ADJOURNMENT

A motion to adjourn, made by Councilwoman Mackey and seconded by Councilman Parmelee at 9:35 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC
Town Clerk