

MINUTES OF REGULAR MEETING HELD OCTOBER 26, 2021

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, October 26, 2021 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 11, 2020. 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.”

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

ABSENT: None

INVOCATION AND FLAG SALUTE

Invocation was given by Councilman LoGrippe followed by the flag salute.

PRESENTATIONS

NJDEP Award to Town of Westfield

The Town Administrator presented NJDEP's Certificate of Recognition for Innovations in Recycling to the DPW Director Greg O'Neil and DPW Supervisor Richard Eubanks. Explained that this recognition relates to the Town's recycling achievements and discussed the recycling programs that were added to the Conservation Center in the past few years. Reminded all that no permit is required for recycling programs at the Conservation Center.

The Public Works Director thanked the Town Administrator, Town Council and residents for their support. Discussed the efforts of Richard Eubanks, the Green Team and Councilman Contract which allowed for different opportunities for recycling in Westfield. Discussed the expansion of programs at the Conservation Center in recent years and welcomed input by residents.

Councilman Contract thanked DPW Director Greg O'Neil, DPW Supervisor Richard Eubanks and the Green Team for their efforts. Also thanked residents for their participation and explained that these programs would not be a success without their participation. Stated that Westfield alone represents fifty (50%) percent of Styrofoam collected in Union County. Extended a special thanks to DPW Supervisor Richard Eubanks for his efforts in finding solutions to recycling challenges.

Town Administrator's Update

- Provided an update on the 2021 Leaf Collection Program and announced that brochures have been mailed to residences. Discussed a significant change in this year's program and explained that residents should only put leaf piles at the curb as indicated on the schedule for their zone. This change was implemented to limit the amount of time leaves are at the curb to prevent storm drain blockages and issues with parking. Also stated that two (2) passes for each street is done each year, which are included in the schedule. A third pass occurs as well, to clear any remnant leaves;
- Discussed the establishment of the Westfield Infrastructure Resilience Committee (WIRC) for the purpose of reviewing the Town's storm water infrastructure and address issues. Stated that he is excited to start the process and discussed the composition of the committee;
- Provided an update on paving and announced that paving of all Town roads included in the 2021 program have been completed, with the exception of Willow Grove Road which was funded through a state aid grant. Improvements to Willow Grove Road are scheduled to begin on October 27. Also discussed utility work being conducted by Elizabethtown Gas in various locations and stated that once utility work is complete, Elizabethtown Gas would be paving these roads. In addition, announced that through an agreement with the Borough of Mountainside, Hillside Avenue would also be paved. Lastly, discussed the paving of Dudley Avenue by Elizabethtown Gas now that utility work is complete, weather permitting;

- Provided an update on the installation of traffic signals at Rahway Avenue/Lamberts Mill Road and Scotch Plains Avenue/West Broad Street. Stated that all work has been completed but there was a delay in the delivery of materials. Delivery of all equipment is expected in mid-November with installation to follow.

Councilman Contract if roads would be patched if paving cannot be completed before the winter months.

The Town Administrator explained that Elizabethtown Gas would conduct final patching on all roads that are not paved prior to the winter.

Mayor's remarks

Good evening, everyone, and thanks to all who are joining us in person and online tonight.

As a reminder, public comment will be accepted in person only. As always, the replay will also be available afterwards on Facebook, YouTube, and TV 36.

THE RIALTO REIMAGINED

By now, you've all seen the wonderful news that The Rialto is being purchased by the Westfield Arts Collective, a non-profit organization made up of residents in the arts. I'd like to once again congratulate and thank them for taking this leap and investing in this iconic building. The vision for the [Center for Creativity at the Rialto](#) is one that prioritizes the arts as both a community anchor and an economic driver for the downtown and, importantly, includes a partnership with the Tee and Charles Addams Foundation.

Interestingly, and what may not be known to many, is that this is a journey whose groundwork was laid even before the theater closed, back in 2018 when we established AddamsFest and began to develop a relationship with the Tee and Charles Addams Foundation through [Councilwoman Dawn Mackey](#). That relationship has continued to flourish as Executive Director Kevin Miserocchi has become increasingly involved in our annual festivities to honor both the art and cultural legacy of Charles Addams.

In 2019, we established the Public Arts Commission, also under the guidance of Councilwoman Mackey, providing the foundation for an emphasis on the arts in Westfield and the value of public art through the Ricardo Roig murals at the South Avenue circle, the Art Takes Flight exhibit that provided so much joy during the pandemic, and most recently, the Through the Lens photo exhibit and the newly unveiled murals at the Central Avenue underpass.

I'm also very proud of the relationship this administration has built with Jesse and Doreen Sayegh, the current owners of the Rialto, which began long before the pandemic. They have always cared deeply about the building's fate and its place in Westfield's collective hearts and minds.

Just prior to the pandemic, we formed a Rialto Rising volunteer committee composed of residents across a range of expertise in the arts, commercial real estate and many other fields who stepped up to share their ideas and helped forge a variety of paths about how to drive the best outcome for the building.

In August 2020, by designating the property as an area in need of redevelopment, we required a redevelopment plan to be drafted and adopted by this Council ensuring we would retain control over the site and that any change of use would reflect community desires for the building. As I have repeatedly stated, redevelopment designations do not always merit tax abatements. They simply and importantly give the Town more control over the outcomes, which is the case at the Rialto, and we now have the ability to work directly with the new owners in realizing a new vision for one of Westfield's most iconic buildings.

And finally, in October 2020, we passed an ordinance that changed the zoning in the Town's Central Business district to allow "artisan manufacturing," or the creation of traditional and non-traditional art, which the Center for Creativity at the Rialto states as a key reason that its founding members came together in order to take advantage of this change in zoning law, and began looking for a central location in downtown Westfield that could house such an endeavor.

All of this is to say that this outcome did not happen in a vacuum, and is the result of many collaborations among residents, external foundations, property owners, and stakeholders in the arts. I think it's the ultimate example of using the levers we've put in place that emphasize our

priorities of community, inclusivity, art, economic development, and smart growth -- and what an exciting result!

From the huge response to yesterday's announcement, it's clear that the Rialto still holds a place of great significance in the hearts of our residents, and I couldn't be more thrilled for our community as we eagerly await the building's revival and its exciting new future. I encourage you to find out more about the Center for Creativity at the Rialto and get involved by visiting their website at centerforcreativity.art, and join us for the ribbon cutting on Thursday at 5pm.

WESTFIELD SENIOR HOUSING CENTER

I'd like to thank the group of residents from the Westfield Senior Housing Center who recently visited Town Hall to voice their support for the Town's efforts to resolve the current lease dispute, and for bravely sharing their concerns about the diminishing services in their buildings. I reiterated the Town's commitment to maintaining their affordable senior housing, and reaffirmed what they already believed which is that their housing or rents will not be impacted in any way due to this lease dispute. This administration remains resolute in acting in the best interests of these senior residents and our taxpayers and will not be intimidated by the WSHC Board's scare tactics just weeks before an election. I also want to thank the other residents who have reached out to share their knowledge about the WSHC's operations to aid us in our effort to gain additional information that the WSHC has failed to provide.

SOUTH AVENUE TRAIN STATION KIOSK

I'm pleased to report that, at last night's meeting of the Historic Preservation Commission, they voted unanimously to nominate the South Avenue train station kiosk for historic designation. The Commission's report indicates that the building is one of the last remaining exterior news stands in the country, and represents a time when newspapers controlled the flow of information and the railroad controlled the country's mobility. After a recent extensive renovation, we look forward to Boxcar beginning its coffee and concierge services there in the near future. And, after we introduce an ordinance at an upcoming meeting to designate the building, it will mark the seventh such designation in the last four years.

Also in historic preservation news, I was thrilled to attend last week's Devlin Awards, which recognize achievements in historic preservation where Jim Gildea accepted an award for the Mindowaskin Playground. Fittingly, the ceremony was held at Lion's Roar Brewery, which was also one of the award recipients for its wonderful restoration. Thanks to all of the recognized property owners for their commitment to historic preservation, and of course to the HPC for making the Devlin Awards an important annual tradition.

VOTING INFORMATION

I think we're all aware that Election Day is one week from today! Please make sure you have a plan to vote.

- Vote By Mail: If you received a vote-by-mail ballot, you must vote by mail; otherwise, if you show up November 2 at your polling location, you will have to vote using a paper provisional ballot.
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Return your vote-by-mail ballot to the secure drop box located at the Fraser Building, 300 North Avenue East, Westfield, or mail in your vote-by-mail ballot by 8:00 PM on November 2. You can track your ballot at trackmyballot.nj.gov.

If you would still like to apply to vote by mail, you must fill out an application and return it in person to the Union County Clerk's Office by Nov. 1 at 3:00 PM. If you lost, damaged, or accidentally misplaced or discarded your mail-in-ballot, you may request a replacement vote-by-mail ballot from the Union County Clerk's Office.

- Vote Early in Person: Early voting is now open and continues through October 31. The polls are open from 10 a.m. - 8 p.m. except Sundays when they are open until 6 p.m. The closest location is at Union County College, 1033 Springfield Avenue, Seminar Room A/B, Cranford.

- Vote In Person on Election Day: You can vote at your normal polling location on Tuesday, November 2. A list of Westfield's locations can be found at westfieldnj.gov/elections.
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NEW BUSINESSES

We are seeing many new businesses opening in town, and I was thrilled to cut the ribbon for the beautiful new [Mimi & Hill](#) pop up shop across the street from Addams Tavern, just in time for the holiday shopping season. Owners Miriam Silver and Hillary Kaplan, like several other local business owners, have doubled down on their investment in Westfield because they see a future full of promise and possibility. Their new location also joins a growing list of female owned businesses in town, particularly along that block.

On Thursday, we'll be doing the ribbon cutting for the highly anticipated Karma EV Dealership demonstrating the market for sustainability is growing in this area, and tomorrow we're cutting the ribbon for Blissful Beauty, an independent cosmetics and fragrance store in the former Ella Allure space on East Broad Street. Congrats to these businesses on their grand openings!

LONGFELLOW AVENUE ASSAULT CASE

I want to thank everyone for their thoughtful outpouring of compassion for our fellow resident and neighbor on Longfellow Avenue who suffered an unthinkable home invasion and sexual assault last Tuesday. I had the opportunity to meet with her briefly and convey the support of the community as we all continue to keep her in our thoughts and prayers.

As I said last week, this series of events has left all of us very shaken as we try to process how this could have happened to our neighbor in the middle of the afternoon, right in her own home. An act like this preys upon our worst fears and has exposed our vulnerabilities, in a place where no one should ever have to feel unsafe.

I am deeply grateful to the entire Westfield Police Department, who worked swiftly and tirelessly, in partnership with both the Union County Prosecutor's Office and the New Jersey State Police, to bring this suspect under arrest. Through their extraordinary police work, the WPD had the suspect under surveillance within 24 hours of the assault, and with the arrest has brought this case one step closer to the justice that the victim deserves.

I'm going to have Chief Battiloro speak briefly tonight about some of the details and the timeline he is now able to release, but I first want to emphasize that this is a case that still has to go through a fair judicial process, and that means that some details will be preserved for that time. I had a first hand inside look at the level of professionalism and commitment that our department brought to this case, reflective of their recent professional accreditation which is attained by only 4% of police departments nationwide. I am proud that this administration continues to fully support Chief Battiloro's leadership and the department's commitment to community policing, not only in words but in deeds, which is why we fully restored their funding for officers and equipment. Our support is also reflected in our confidence in them as they upheld the integrity of an investigation and, ultimately, a legal case they were building, in spite of the community's cries for immediate information because they were legitimately afraid. Our support is also reflected in upholding the department's request for signage about car thefts, and notifications about where and when crime is occurring, in spite of criticism from those who believe that that information should not be shared.

I only say this to reiterate that we have one of the top police department's not just in the state but in the country, reflected in the swift arrest they just made for one of the most heinous crimes a community could ever experience. The best show of support is to place our trust in them and in their professional judgement as to when we can communicate details of a crime. We as a community are very thankful for their incredible work over the past week, and every day. Now I'd like to ask Chief Battiloro to provide an update on this arrest.

Police Chief's Statement:

On Tuesday, October 19th, at approximately 1241 hours, the Westfield Police Department responded to a home invasion and sexual assault that had just occurred on the 400 block of Longfellow Avenue.

All available police resources were assigned to respond. This not only included patrol officers, but also Detectives and headquarters command staff as well. Upon their arrival, all of them immediately went to work.

Searches for the suspect were initiated by patrol officers on the ground, both by police vehicles and on foot, and with the use of a Union County Sheriff's Office K-9. A search was also conducted by air, through the use of a Westfield Police Department drone.

Without a moment of delay, our detectives began a very extensive canvas of the neighborhood, interviewing persons, reviewing available residential camera footage, and collecting evidence and other important information. They were able to definitively determine that the suspect had already successfully fled the area, and was no longer located within the confines of the Town of Westfield, and that he did not present any further threat to our community.

But make no mistake, what occurred here was a most despicable crime, and this suspect was, without a doubt, a significant danger to the safety of innocent people.

Due to the exceptionally dedicated efforts of our Detectives, working in conjunction with investigators from the Sex Crimes Unit of the Union County Prosecutor's Office, Terence J. Rhue, age 22, of Plainfield, was subsequently arrested and charged with two (2) counts of 1st degree aggravated sexual assault, two (2) counts of 1st degree robbery, one (1) count of 3rd degree burglary, and two (2) counts of 4th degree unlawful possession of a weapon.

This arrest was made following the execution of a search warrant at his west end Plainfield residence on the evening of Thursday, October 21st.

I cannot say enough about the outstanding efforts of our detectives. Working together with the Union County Prosecutor's Office, and with the help of the New Jersey State Police, they were able to identify the suspect in a little over 24 hours, build their case, have a search warrant issued, and an arrest made in just a little over 48 hours.

These types of crimes do not occur very often in our town and I am very much aware of the extraordinary fear this one created in our community. It undoubtedly impacted each and every one of us.

To make an arrest so quickly in a case like this is the exception. It is not the rule. Every single one of our detectives and detective supervisors were assigned, and they worked tirelessly around the clock to bring this arrest to fruition.

During this investigation, immediate and critical decisions had to be made, decisions which would undoubtedly impact our ability to successfully investigate this matter, and to maintain the confidentiality and integrity of that investigation. I stand fully behind those decisions and would like to briefly address two of them in particular.

One was the decision to lift a shelter in place that was in effect at two (2) area schools. A thorough search of the crime scene and its surrounding areas was conducted, as I stated, not just by officers, but also by a dog and even a drone. We determined with certainty the suspect had successfully fled the area, that he was no longer in the Town of Westfield, and that he presented no threat whatsoever to our children.

The other was a decision to withhold certain information – information we deemed absolutely essential for us to withhold, as its knowledge could have serious implications on our ability to quickly, properly, and with certainty identify our suspect. Information, which had we made it public, could have negatively and irrevocably impacted our investigation. We started this investigation with absolutely nothing. And as I said, within 24 hours, we identified a suspect. He no doubt was a tremendous danger to the public, but, once identified, he was placed under constant, watchful eyes and remained so to ensure he could not strike again, this while we built our probable cause to apply for and execute a search warrant. And in a little over 48 hours, that search warrant execution resulted in probable cause to make an arrest. That is how you build a case. This was outstanding police work.

I will tell you, I've been a police officer for almost 25 years and I often describe my career as a series of highs and lows. In one, single 48 hour time period, I experienced the lowest of lows and then, the highest of highs, as did many of our detectives. It was, without a doubt, the most intense stress I have ever experienced. I can appreciate the feelings of our entire community - as a father, as a husband, as a person who loves this town, but most importantly, as the chief of police – the person charged with protecting our residents.

And, I can tell you this, no one in this police department is celebrating the arrest of Terence J. Rhue.

There is absolutely nothing we can do to fix what happened to our victim – to replace what was so very wrongly taken from her, or to make her feel safe and whole again. I know that. We all know that.

We are simply “extraordinarily grateful.” Each one of us who was involved in this investigation is grateful to have been assigned a role, to have played a part, and to have done our jobs. This event demonstrates that violent crime can and does exist absolutely everywhere, regardless of geography or demographic, and it can occur at any time.

I do not have answers for you as to why this happened in Westfield, or why in that neighborhood or on that street, or why our victim was targeted. We may never have the answers to those questions.

This arrest is not a time for us to celebrate, but rather it is a time for us to come together as a community, and to look out for and to love one another.

We cannot take our safety and security for granted, because it is not guaranteed. We can do more, we must do more, and I am certain going forward, we WILL do more to make our safety and security and that of our friends and neighbors a priority.

I stood before this governing body following an incident at Tamaques Elementary School in June of 2019. I told you to have trust, and to have faith and confidence in your police. And tonight, I stand before you once again, to ask you for the very same things.

I cannot always promise an arrest in these types of situations, but I can promise that you will always get our absolute best.

As Chief of Police, it is my job to deliver that to you.

And once again, our officers did not fail you.

Mayor remarks (continued):

As a reminder, I will be enforcing Robert’s Rules this evening to ensure we stay on topic and the meeting runs efficiently.

APPOINTMENTS

PRESENTATIONS

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

MINUTES

On a motion by Councilwoman Mackey and seconded by Councilman LoGrippo, Council approved the Minutes of the Town Council Conference Session and Regular Meeting held October 12, 2021.

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.

Gerald Robinson, 1125 Tice Place, stated that he has been a resident of Westfield for over 37 years and has been involved with the Westfield Senior Housing Center (WSHC) for the past 8 years. Stated that he attended tonight’s meeting to respond to Mayor Brindle’s accusations that WSHC owes the Town unpaid rent. Discussed lease agreement negotiations between the Town and WSHC that have occurred over the past 3 years and feels the only priority of Westfield’s leaders is “money”. Believes the Town’s intentions and “sarcastic comments” have tarnished WSHC’s reputation. Also stated that the Town has taken drastic action by threatening to terminate the lease with WSHC at Christmastime. Feels the Town has not negotiated in good faith and is attempting to reduce its 45-year relationship with WSHC to only a few weeks. Also

feels the Town has created uncertainty for senior citizens and that Mayor Brindle's portrayal of WSHC is in stark contrast to the way the Department of Housing and Urban Development (HUD) and the way New Jersey Housing and Mortgage Finance Agencies see them. Stated that the Town does not contribute any funds to WSHC and that WSHC has never requested funding from the Town. Explained that through an evaluation of the lease agreement conducted by the Town's accountant, the Town claimed that federal and state grants awarded to WSHC should be counted as revenue. Believes these grant funds are not revenue and do not belong to WSHC or the Town of Westfield, but were legally passed on to the residents of Westfield Senior Housing through various services provided. Disputed the Town's claims that WSHC owes the Town \$4MM and discussed the amount of funding WSHC paid to the Town since 2010. Believes if the Town takes over operation of Westfield Senior Housing, the cost of operations and capital expenses in the amount of \$2MM would be added to the Town's tax bill. Feels the lease agreement between WSHC and the Town is not typical and that WSHC pays much more than other similar organizations. Stated that through recent negotiations, the Town has demanded more than double the annual rate and is attempting to access funds that they are not legally permitted to access. Believes the reserves held by WSHC is an example of exemplary management and do not exist as a source of revenue for the Town. WSHC sets these funds aside for maintenance and improvements to its buildings and to add new affordable housing units. Stated that the Town has already agreed to the construction of new units, but they cannot be built until there is a new lease agreement in place. Stated that WSHC is asking for a fair, equitable agreement that would allow them to continue to provide safe, secure and affordable housing for senior citizens.

Jerome Feder, 789 Knollwood Terrace, Discussed the proposed project at Edison Intermediate School (EIS) and his concerns with the lighting component of the project. Discussed lighting at Sid Fay/Houlihan fields, Oak Ridge Park and Scotch Plains Fanwood High School and believes EIS is much more densely populated than these other locations. Also discussed light measurements that he conducted and he has concluded that regardless of the type of lighting, there would be an impact to the surrounding neighborhood at EIS. In addition, discussed the issue of noise that would be created with lighted fields and believes it would have more of an impact at EIS because EIS is in a quiet setting. In summary, feels the proposal for EIS has a much higher negative impact than the other fields he discussed because EIS is in close proximity to numerous residences, there are no buffers or setbacks and there would be significant light glare.

Tim Eaton, 762 Knollwood Terrace, discussed the proposed project at EIS and feels increasing field capacity and preserving neighborhoods should be a shared plan and should not be mutually exclusive. Feels the project proposed at EIS would have various negative impacts on the neighborhood and believes increased hours of play and lighted fields are not the solution to increasing field capacity. Believes increased capacity should occur by researching better ways to preserve and maintain the Town's existing natural grass fields. Feels councilmembers would find it problematic if a next-door neighbor planned to replace the natural grass on his property with artificial turf and install light towers to allow for nighttime activities, and believes the project proposed for EIS is far worse than the scenario he described. Urged the Town Council to support a proposal that includes natural grass and no lights in order to preserve neighborhoods.

Steve Kircher, 791 Knollwood Terrace, discussed the proposed project at EIS and believes questions pertaining to health, safety and traffic issues remain unanswered. Discussed the current traffic on Rahway Avenue and "near misses" that occurred with crossing guards present. Believes vehicular and pedestrian traffic would increase if this project were to move forward and because of the shortage of crossing guards, there would most likely be no guard available for games and practices. Stated that the Town and Board of Education recognize that this is a dangerous area because there is a hawk signal as well as expanded crosswalks in place. In addition, stated that the Westfield Soccer Association refuses to play on some of the Town's fields because of the lack of quality and fear for the safety of its players. For that reason, feels at least 3 to 4 fields in Town go unused, and the Town could solve the issue of field capacity by building proper grass fields that are organically maintained, which he believes would be less costly and less time consuming to construct than installing artificial turf. In addition, discussed the issue of flooding and feels street sweeping should be conducted in the areas of Town that typically flood in preparation of a hurricane or severe rainstorm. Asked the Town Council to consider his suggestions.

Jean Lehmborg, 528 Grove Street, congratulated the DPW on its recognition by NJDEP. Also commended the Green Team and Councilman Contract for their efforts.

Ms. Lehmborg also shared recent developments she feels are relevant to the decisions the governing body will make in regard to Westfield's future. Stated that on October 18, the US Environmental Protection Agency (EPA) released its PFAS Strategic Roadmap which indicated that every level of government needs to exercise increased and sustained leadership to clean up and prevent new PFAS contamination. Also discussed the Toxic Use Reduction Institute's findings concerning the chemicals contained in PFAS and their lasting consequence on the environment. In addition, discussed the concerns related to PFAS expressed by Dr. Sarah Evans, a researcher and professor with the Children's Environmental Health Center, Icahn School of Medicine, including numerous health issues related to plastic grass blades as well as water contamination from field runoff. Stated that she recently walked around Kehler Field and saw blades of green plastic grass and blue and white plastic threads thrown on the track and floating in drainage slits, pieces of crumb rubber in the endzone, and pieces of track material floating in the water that accumulated on top of storm drain covers. Feels it is "horrifying" that chemicals from fake grass are making their way into the waterways and even more horrifying that the Town would allow this material to replace the natural grass that currently exists at EIS and the Memorial Pool on Elm Street. Discussed picnic tables that exist at EIS in the area proposed for artificial turf and feels this material would be tracked into the school building every day. Also discussed heat issues associated with artificial turf and asked if the Recreation Commission, Board of Education, or Town Council have visited Kehler Field on a warm day. Stated that the temperature of the turf not only increases in warm weather, but it also gives off an unpleasant chemical odor. Also questioned whether the Town Council would want their children playing in this type of environment and discussed recommendations of health experts who advise that students with asthma or other allergic reactions need to be careful when playing on synthetic turf fields. Also discussed warnings against chemical exposures related to synthetic turf and their absorption through the skin, open wounds, and ingestion of turf infill particles. Discussed additional safety precautions related to synthetic turf which include avoiding use on hot days, avoiding passive activities such as picnicking, sitting and lounging and walking in bare feet, washing hands before eating, drinking, touching your mouth, taking care not to bring synthetic turf material into the home or school and to shower as soon as possible after playing on synthetic turf. Referenced comments by Mayor Brindle with respect to decisions made at the local level and their potential impact at state and federal levels and stated that she hopes the Town would follow the EPA's directive and exercise increased and sustained leadership to prevent new PFAS contamination. Quoted a message from EHHI (Environment and Human Health Inc.) and stated that towns and schools have an obligation to provide safe playing surfaces for children and feels there is no safer surface than grass. Lastly, feels it is time to lead Westfield, other Union County communities and the state and federal governments by saying "no" to the synthetic turf industry and "yes" to properly designed and organically maintained natural fields.

Greg Lehmborg, 528 Grove Street, discussed the proposed project at EIS and referred to comments concerning the EPA's PFAS report. Explained that one of his first jobs out of college was working as a process engineer at Maxwell House and discussed the standard solvents used in the decaffeination process, which were not unlike PFAS. The industry used these solvents for years and regulation was limited, similar to the synthetic turf industry, which is completely unregulated. Researchers began looking at alternative methods for decaffeinating coffee because the FDA had ultimately determined that the solvents used for decaffeination were carcinogens. Discussed the EPA's research of PFAS and their harmful effects on humans and the environment and feels if the EPA comes to the same conclusion the FDA came to many years ago, it is another example of how something could be present for decades before it is determined to be harmful. Feels the EPA's report might even lead to the need to remediate synthetic turf fields. Discussed the PFAS found in plastic grass and the toxins and carcinogens in crumb rubber and feels the Town is not doing itself any "favor" by adding more synthetic turf fields. Also discussed the estimated cost of \$9MM for the EIS project and feels it is completely outside the norm of any other project he has seen in New Jersey in the last 3 years. Discussed the cost associated with the installation of synthetic turf in other communities and feels the EIS project should cost approximately \$4MM to \$4.5MM, not \$9MM. Stated that he has asked this question at previous meetings but has not yet received an answer as to the reason for the cost differential. Lastly, stated that a resident has conducted a cost analysis over 30 years of ownership, including costs for installation, maintenance, and replacement, and he calculated the cost to be approximately \$5MM more over 30 years versus natural grass. Noted that the analysis was conducted using a cost estimate lower than the \$9MM estimated for EIS. Feels artificial turf is not a reasonable solution and that proper due diligence is needed before this matter comes to a vote.

Bill Hedden, 811 Knollwood Terrace, stated that he has been a resident of Westfield since 1980 and first came to Westfield in 1950. Discussed the proposal for EIS and the health, safety and traffic concerns that have been expressed by many residents. Also discussed the survey the Town conducted which indicated that the majority of residents do not support the installation of synthetic turf. Feels a project of this cost and impact should go to the voters for approval and that the Town and Board of Education have worked out a “deal” that has removed that ability from voters.

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

Mayor Brindle addressed the comments made beginning with WSHC and stated that the Town does not want nor has no intention to litigate publicly. Explained that the Town felt compelled to respond when WSHC took out a full-page ad with all kinds of claims.

Mayor Brindle also addressed comments made with respect to the EIS project and assured all that there is no imminent vote on the project. Explained that there is still information that is needed and also assured residents that have expressed concerns that they have been heard. Stated that she is aware of the traffic and congestion in the EIS area and explained that many more conversations need to occur to determine the best solution for the Town. Also discussed her administration’s track record with respect to the environment and the environmental concerns expressed by residents would not be taken lightly.

BILLS AND CLAIMS

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

RESOLVED that the bills and claims in the amount of \$286,616.06 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 Councilwoman Mackey, were unanimously adopted.

Resolution No. 237

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$3,000 to the order of the United States Postal Service to replenish bulk mail permit no. 683 in order to process the Town’s brochure.

Resolution No. 238

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>
Dana Gillie 1480 Golf St Scotch Plains, NJ 07076	Tennis/Rec T-05-600-071	Refund Adult Pickleball/Beginner Dana Gillie – Fall 2021/Session 2	\$90.00
Larry Zelvin 801 Clark St Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Adult Pickleball/Intermediate Kristen Barletta – Fall 2021/Session 2	\$90.00
Thierry Saint Denis 656 Willow Grove Rd Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Adult Tennis/Fall 2021/Pro-rated Thierry Saint Denis – Lo/Inter	\$88.20
Sally Wilt 825 Boulevard Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Adult Pickleball/Intermediate Sally Wilt – Fall 2021/Session 2	\$90.00

Jingfen Li	Tennis/Rec	Refund	\$135.00
924 Pennsylvania Ave	T-05-600-071	Travel Ultimate Frisbee	
Westfield, NJ 07090		Max Wen – Fall 2021	

Resolution No. 239

RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the years 2020-2021 pursuant to the Tax Court of New Jersey:

Block/Lot	Name	Address	Year	Amount
	3110/10	220 Euclid Avenue South	2020	\$1,571.02
	Maria R. Cozzini, Esq. Attorney Trust Account		2021	<u>\$1,574.66</u>
	1199 US Route 22 East			<u>\$3,145.68</u>
	Mountainside, NJ 07092			

Public Safety, Transportation and Parking CommitteeCode Review & Town Property Committee**General Ordinance No. 2229**

Regarding the following ordinance, Councilman Parmelee made the following announcement:

I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2229 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO SUPPLEMENT ELECTRIC VEHICLE INFRASTRUCTURE REGULATIONS”

The motion was seconded by Councilman LoGrippe.

General Ordinance No. 2229 was approved by the following vote of all present upon roll call as follows:

Yeas:	Habgood	Nays: None	Absent: None
	Parmelee		
	LoGrippe		
	Katz		
	Mackey		
	Contract		
	Dardia		
	Boyes		
	Mayor Brindle		

Heretofore introduced, General Ordinance No. 2229 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 23rd day of November 2021 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

The following resolution, introduced by Councilman Contract and seconded by Councilman Dardia, was unanimously adopted.

Resolution No. 240

WHEREAS, on May 11, 2021, by resolution 124-2021, P&A Construction was awarded a contract with the Town of Westfield for the 2021 Various Road Improvements program as authorized by S.O. 2221 under Account C-07-21-222-1A1, and

WHEREAS, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

WHEREAS, site conditions encountered during construction necessitated additional work items and more material than had been anticipated, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds is to be charged to Special Ordinance 2221 under Purchase Order #21-01374

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$87,066.48 executed by David C. Battaglia, Town Engineer, be authorized, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of Change Order No. 1, for the 2021 Various Road Improvements program, increasing the contract price from \$1,514,106 to \$1,601,172.48.

Resolution No. 241

WHEREAS, the overpopulation of white-tailed deer in Brightwood Park and a small section of Tamaques Park identified by Union County has resulted in over browsing of native vegetation in this area, damage to greens and ornamental vegetation and created safety hazards for the public, and

WHEREAS, the Town of Westfield feels it is in the best interests of the Town to evoke services of individuals who are licensed crossbow hunters to manage the deer population in the aforementioned areas during the Winter January-February 2022 Deer Management Control Program administered by the County of Union;

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby requests the Union County Board of Chosen Freeholders authorize the County of Union staff to conduct deer management activity on the aforementioned town properties, to remove white-tailed deer from said property, in the manner prescribed by the Fish and Game Code of the State of New Jersey, during the Winter Season of 2022.

BE IT FURTHER RESOLVED that the Town of Westfield authorizes the execution of a shared services agreement with the County of Union for the services; and

BE IT FURTHER RESOLVED that the Town of Westfield authorizes the Director of Public Works to coordinate with the County of Union through the County Department of Parks and Community Renewal, to provide adequate oversight and coordination in the conduct of the deer removal activity, to maximize the success of their efforts while ensuring the safety of Brightwood Park and the area of Tamaques Park identified by the County; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Union County Board of County Commissioners, the County Manager, and the New Jersey Division of Fish and Wildlife.

Town Council comments:

Councilman Contract discussed Resolution No. 241 which authorizes the Town's participation in Union County's Deer Management Program. The areas to be included in the program are Brightwood Park in Ward 1 and an area near Tamaques Park and the Conservation Center in Ward 4. Explained that he has been working aggressively with Union County to include Ward 3 in the program, but it has been difficult because there is no large parcel in Ward 3 to conduct the program, and other jurisdictions would need to be involved. Union County believes the wooded area along the boundaries of Clark, Cranford and Westfield would have the best impact, but this involves coordination of 3 municipalities. Assured residents of Ward 3 that he is still pursuing this and would continue to advocate for them.

COMMITTEE REPORTS

Public Safety, Transportation and Parking Committee

Councilman Dardia provided an update of a recent Public Safety, Transportation and Parking Committee meeting and announced that the crossing guard post at Sycamore Street and Central Avenue would be reinstated. Explained that the post at Dorian Road and Trinity Place was evaluated and it was recommended that the guard at that location split her shift in the morning, which would allow for coverage at Sycamore/Central. In addition, it was determined that the afternoon shift at Dorian/Trinity could be eliminated and reallocated to Sycamore/Central.

Explained that this recommendation was well received by ACMS, the Town's crossing guard program manager, and feels it is important to note that ACMS been a good partner to the Town and has been working hard to recruit and hire crossing guards. Feels it is also important to note that the change in posts would be in effect for the 2021-2022 school year. The Town intends to hire a third party to conduct a full assessment of the Town's crossing guard posts for potential implementation at the start of the 2022-2023 school year. Feels this decision was a result of community engagement and transparency.

Councilman Contract assured the residents of Ward 3 that he heard their concerns and thanked Councilman Dardia, the Police Chief and ACMS for their efforts. Also thanked the Public Safety, Transportation and Parking Committee for listening to Ward 3 residents and for considering the solution that he recommended. Explained that a creative solution was needed because of the current shortage in crossing guards.

Addamsfest

Councilwoman Mackey discussed Addamsfest events scheduled for the upcoming weekend, including a showing of the Blob at the Rialto on Friday, Dudley's Drive-In on Saturday, and Storytime on Quimby Street on Sunday. In addition, there would be a free lecture by an Addams enthusiast and it would be the closing weekend for Complements: The Art of Charles Addams and Suzanne Heilman.

ADJOURNMENT

A motion to adjourn, made by Councilwoman Mackey and seconded by Councilwoman Habgood at 9:32 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC
Town Clerl