

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
MARCH 15, 2011 MINUTES
MUNICIPAL COMPLEX
101 Washington Avenue
7:30 PM Executive Closed Session/8:00 pm Work Session**

1. Opening of the Meeting:

The meeting was called to order by Mayor Birkner at 7:30 pm. Mayor Birkner then read the Open Public Meetings Law Statement: "This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regular Borough Council meeting. Notices have been filed with our local official newspapers and posted on the municipal bulletin board."

2. Roll Call:

Mayor Birkner – Present
Councilmember Grefrath - Present
Councilmember Phayre - Present
Councilmember Quinn - Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller - Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Clerk Hughes - Present

Committee Assignments:

Finance, Administration & Capital Projects
Public Properties
Health & Recreation
Fire & Ambulance
Land Use
Police & OEM

3. Resolution #11 - 71: Executive Closed Session

Motion: Councilmember Sciara Second: Council President Miller

Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Phayre Second: Councilmember Sciara

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 8:10 pm.

5. Roll Call II:

Mayor Birkner – Present
Councilmember Grefrath - Present
Councilmember Phayre - Present
Councilmember Quinn – Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller - Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Engineer Boswell - Present
Borough Clerk Hughes – Present

6. Flag Salute

Council President Miller gave the invocation. Mayor Birkner led those present in the salute to the flag.

7. Approval of Minutes: February 15, 2011

Motion to adopt the minutes of February 15, 2011: Councilmember Grefrath

Second: Councilmember Waneck

Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

Mayor Birkner announced the Fire Department Personnel Matters wouldn't be held until the Fire Department Deputy Chief returned from a fire call.

8. Reports of Committees and Officials:

A) Mayor's Report

1) Storm Flooding

Mayor Birkner complimented the DPW, Fire Department and OEM for their response to the flooding on Harding, Nugent and Steuben during last week's storm. Seven dumpsters were brought to the area, and the Borough offered as much assistance as possible after the flood. Borough Officials met with United Water to discuss the sequence of events. There was another storm later in the week but fortunately with effective protocols in place, Officials were able to avert another incident from occurring.

2) HUMC

Mayor Birkner noted that Valley and Englewood Hospitals have filed a lawsuit against the call for a Certificate of Need. HUMC is continuing its efforts to open a full service hospital at the former Pascack Valley Hospital site.

3) Appointment to Planning Board

Mayor Birkner announced that Keith Doell has been appointed to the Planning Board to fulfill the unexpired term of Alternate #2, replacing Peter Von Bradsky.

B) Resolution #11 - 72: Westwood Volunteer Fire Dept. – Matters of Personnel

Motion to adopt Resolution #11-72: Councilmember Sciara

Second: Council President Miller

Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

Mayor Birkner administered the Oath of Office to Kevin Doyle and Kevin May.

C) Engineer's Report

1) Bi-weekly Report

Dr. Boswell reviewed the bi-weekly report, a copy of which is attached.

2) Broadway Intersection Improvements

Dr. Boswell brought a complete set of the plans for the Broadway Intersection Improvements for review. He reviewed several issues with the plan and noted Westwood requested an area to queue buses so they would not be in the way on Broadway. Councilmember Waneck wondered when the bus depot was moved onto Madison Avenue, since she thought the idea was to widen Broadway to allow buses to pull over. Dr. Boswell said the suggestion came from the Borough, possibly the Police Department, to use Madison, since there is no room to widen Broadway. Mayor Birkner said NJ Transit requires two bus lengths of siding for buses, so the question became does Madison create less of a burden and safety issue than Broadway? The ensuing discussion included concerns on the loss of parking spaces, the cost to the Borough for revising the plans, the possibility of NJ Transit purchasing property for queuing the buses, whether NJ Transit needs or requires a bus siding, and the effect on the Paragon Bank drive through. Dr. Boswell will research the issues and have answers prior to the next work session.

Mrs. Hughes requested that all cell phones be turned off as they interfere with the recording of the meeting.

Mayor Birkner announced the Fire Department families were free to leave if they desired to do so.

D) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Budget Overview

Councilmember Grefrath's remarks regarding the budget are attached.

b) Introduction of Ordinance # 11-5: An Ordinance to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank

BE IT RESOLVED that Ordinance #11-5 entitled "An Ordinance to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank" is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an April 19th, 2011 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Grefrath
Second: Councilmember Phayre
Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

c) Resolution #11 - 73: Introduction of 2011 Municipal Budget

Motion to adopt Resolution #11-73: Councilmember Grefrath
Second: Councilmember Phayre
Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

Councilmember Grefrath advised the public the Governing Body is not taking questions or comments on the budget tonight. The public can review the budget and return for the public hearing on the 19th of April with comments and questions.

2) Police and OEM:

a) Police Update

Council President Miller discussed the shooting in Washington Twp over the weekend. He relayed the Township Police Chief's compliments regarding the responding Westwood Officer's courage, wisdom and professionalism.

Mayor Birkner commented that this is the second incident involving deadly force impacting Westwood. He extolled the dedication and integrity of Police Officers to operate under extreme conditions. Violence is everywhere. Others have ergonomic or safety issues in their jobs. Police Officers strap on bullet proof vests for a reason. The Governing Body applauds their courage, and prays for their safety every day.

b) Solar Panels

Council President Miller reviewed the meeting with PSE&G regarding solar panel placement. The Borough is not objecting to the plan overall but wants more involvement by elected officials and residents. Their formula did not factor in the impact to residents, it just looked at southern facing locations and electricity sources. The Borough wants to protect residents' interests. PSE&G will go back and review placements. They will stop installing for now while they review.

Mayor Birkner added that it was a constructive conversation. This program is only Phase One of a long term approach to using sustainability. PSE&G needs to learn from process that their criteria for acceptable locations needed to be refined to include the Borough's criteria.

3) Fire and Ambulance:

a) Police Shared Services

Councilmember Sciara reported on a meeting he attended regarding rethinking local law enforcement from the ground up, including how towns can work together to share police services, restructuring, and interlocal agreements.

4) Public Properties:

a) DPW Update

Councilmember Phayre announced that yard waste pickup starts in 2 weeks. He applauded the DPW for their hard work in the recent storms. They have weekly commitments regardless of what is thrown at them, yet they are working to rehabilitate Brookside Park after the storm for opening day. Councilmember Phayre wanted to recognize their efforts, and considers the DPW as ambassadors of the town.

5) Health and Recreation:

a) Recreation Update

Councilmember Quinn advised that information is being compiled on the geese situation. The County and Geese Peace will be holding training on March 22nd and 24th. Councilmember Quinn noted that there are coyote mannequins in Westwood as second level of geese patrol. The Recreation Director is gathering information on a dog program. The annual Easter Egg hunt is April 16 at 10:30, with a rain date of April 17.

b) Library Program

There will be a bagpipe program at the library on Sunday at 3 pm.

6) Land Use:

a) Construction Department Update

Councilmember Waneck read excerpts from a letter written by a builder in Westwood complimenting the Borough's Construction Department. The builder wrote that Mr. Marini and his staff are "the best bunch of professional inspectors" this man has worked with. They are not easy, but human, punctual, etc.

b) Land Use Board Update

The Planning Board has begun the Master Plan review. The discussion schedule is posted on the Borough website. Councilmember Waneck noted that the LB3 zone has seen recent interest including a day care center and a few other builders interested in revitalizing the former car dealerships. Councilmember Waneck stated that the Zoning Board is quiet right now.

Councilmember Waneck noted that she will have updates on the Historic Commission and

Environmental Committee meetings at the next meeting.

E) Attorney's Report

No report.

F) Administrator's / Clerk's Report

1) Taxi License

Mrs. Hughes discussed an issue with NA Limo parking their vehicles on the street overnight, making it impossible for the DPW to plow the road adequately. This issue came up during the review period for the taxi/limo license renewal, which is ready for approval. The Governing Body requested that NA Limo produce the certificate of occupancy for the premises, and proof of an agreement for off-street parking. Mrs. Hughes noted that the vehicle registrations expire in March and the owner needs some type of license in order to reregister his vehicles. Mr. Huntington advised that the taxi/limo licensing is about safety of vehicles first, with other items secondary. He suggested the Governing Body consider a 30 or 60 day license subject to reconsideration upon presentation of the certificate of occupancy and proof of offsite parking. A conditional approval was added to the Consent Agenda.

2) Emerson Road Pump Station

Mr. Hoffmann reported that additional work was required at the Emerson Road Pump Station. There is \$978 left in the bond ordinance so the funding will have to come from another budget line.

3) Vegetative Waste Bid

Mr. Hoffmann advised that the vegetative waste bid award will bring a reduction of cost over the prior contract.

4) Regional Waterways Task Force Update

Senator Cardinale met with the Pascack Valley Mayor on March 9 regarding a bi-state and regional concept for stream cleaning and keeping the waterways open. The Administrators have met with United Water regarding permitting, and have been stonewalled by the DEP on permitting costs. Senator Cardinale will try to get a DEP representative at a meeting.

Councilmember Waneck thought the permits were in hand to go ahead with the regional stream cleaning. Mr. Hoffmann said in November a representative from Senator Cardinale's office had told the Emerson Administrator that permits were granted from the DEP, but no one has them yet. Mayor Birkner commented that this is a slow but sure process. The State Legislators are now coordinating an intra-state regional approach.

5) Westvale Park Playground

Council President Miller asked if Mr. Hoffmann has everything needed for the playground at

Westvale or if anything is necessary from the Governing Body. Mr. Hoffmann said he has distributed the design specs but received no input. Council President Miller would like to talk about design options while waiting for the grant notification. Mayor Birkner suggested the Recreation Advisory Board could review the plans and make recommendations. Councilmember Quinn doesn't think either the Recreation Board or the Governing Body has seen the plans. Mr. Hoffmann will redistribute them before the next meeting.

6) Energy Audit

Councilmember Sciara noted the shade of the lights are different in the Council Chamber and asked if it has to do with the energy audit. Mr. Hoffmann said yes, all the buildings are now completed.

9. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Phayre

Second: Councilmember Sciara

Voice Vote: A voice vote was taken with all present voting in the Affirmative.

John Clark, 71 Harrington Ave – asked if it is illegal to idle buses. Mr. Huntington wasn't sure, but the Borough Engineer believes so.

Mr. Clark asked what is happening across from Trader Joe's on Madison. Mayor Birkner explained that Paragon Bank is building a branch.

Mr. Clark questioned the purpose of the solar panels. Mayor Birkner said it is a statewide initiative for energy sustainability program in which PSE&G is participating. The solar panels are collecting energy and returning it to the power grid. Benefits will be realized in 2040, although residents will not see a reduction on their bill from this. Rather there will be a reduction of the utilization of fossil fuels. There will be other sustainable initiatives such as windmills off the coast as part of the energy master plan for NJ. Mr. Hoffmann clarified that by 2013 PSE&G will have to have 40 megawatts of sustainable energy in place. 200,000 utility poles have been identified for hosting the panels. Council President Miller added that the PSE&G formula for placing the solar panels needs to include residents.

Mr. Clark asked how to find out more about idling. Mrs. Hughes will obtain the appropriate legislation from the Police Department and provide it to Mr. Clark.

Emily Barnett, 44 Harding Avenue – voiced her concern that there was no Reverse 911 or advance notice of the flooding given to residents. Mayor Birkner noted that a warning was issued at 11:30 the night before the flooding. He explained that a post incident meeting was held where this issue was addressed. A mechanism is now in place to monitor not just the reservoir but below and above it to determine and model what the impact is on the Borough's section of the brook, based on the extent and duration of rainfall, and the rate of runoff specifically north. Ms. Barnett disagreed with a warning being sent at 11:30 the night before. She said Hillsdale notified its residents at 9:30 Sunday

evening. Ms. Barnett relayed her frustration over the situation. Mayor Birkner advised that the Borough is planning educational sessions on bringing information to residents and the best way to utilize the available tools. Right now the emergency staff is what matters for getting the word out, and all are up to speed. He will address Ms. Barnett's notification issue with the OEM Director personally.

Ms. Barnett said that during Mayor Birkner's campaign, it was an issue to get Kmart to clean up the brook. Mayor Birkner said that has happened, and is an ongoing process. He knows of two occasions when Kmart has scoured the drainage ditch in question. Ms. Barnett feels it should be done more frequently so perhaps it won't flood.

John Clark, 71 Harrington Ave – asked if Kmart uses volunteers to clean the drainage ditch. Mayor Birkner said they hire professionals.

Motion to close the Agenda/Public Forum: Councilmember Sciara

Second: Councilmember Grefrath

Voice Vote: A voice vote was taken with all present voting in the affirmative.

10. Ordinances of First & Final Reading:

Ordinances For Introduction

11-6 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Repaving Of Various Roads In The Borough Of Westwood And Appropriating \$450,000 (Including A Grant In The Amount Of \$150,000 Expected To Be Received From The State Of New Jersey, Department Of Transportation) Therefor And Providing For The Issuance Of \$285,000 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same.

BE IT RESOLVED that Ordinance #11-6 entitled "An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Repaving Of Various Roads In The Borough Of Westwood And Appropriating \$450,000 (Including A Grant In The Amount Of \$150,000 Expected To Be Received From The State Of New Jersey, Department Of Transportation) Therefor And Providing For The Issuance Of \$285,000 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same" is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an April 19th, 2011 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Phayre

Second: Councilmember Grefrath

Roll Call: Councilmember Grefrath – Yes

Councilmember Phayre - Yes

Councilmember Quinn – Yes

Councilmember Sciara - Yes

Councilmember Waneck – Yes Council President Miller – Yes

11-7 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Acquisition Of Various Equipment For The Borough Fire Department And Other Related Expenses In And For The Borough Of Westwood And Appropriating \$132,000 Therefor, And Providing For The Issuance Of \$125,400 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same.

BE IT RESOLVED that Ordinance #11-7 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Acquisition Of Various Equipment For The Borough Fire Department And Other Related Expenses In And For The Borough Of Westwood And Appropriating \$132,000 Therefor, And Providing For The Issuance Of \$125,400 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an April 5th, 2011 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Sciara

Second: Councilmember Waneck

Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

10. Presentation of Bills, Financial Reports and Resolutions:

Mayor Birkner advised that the following Resolutions would be enacted in one motion. Councilmembers who wished to remove any Resolution(s) to be voted upon separately, had the opportunity to do so at this time, and said Resolutions would be considered separately. Resolution k was added.

Resolution f “Authorizing Boswell Engineering to Perform Regulatory Compliance Tasks for Westvale Park for 2011” was removed.

Council President Miller asked if the DEP resolution would be sent with the check. Mr. Hoffmann said it would.

Resolutions as Consent Agenda:

- a) **Resolution #11 - 74: Bill List & Statement of Cash**
- b) **Resolution #11 - 75: Resolution Authorizing Refund of Taxes**
- c) **Resolution #11 - 76: Award of Bid for Disposal of Vegetative Waste**
- d) **Resolution #11 - 77: Tax Reimbursement Certification**
- e) **Resolution #11 - 78: Tonnage Grant Application**
- g) **Resolution #11 - 79: Authorizing Payment to NJDEP**

- h) Resolution #11 - 80: Authorizing Payment of Voucher to Let It Grow for Westvale Park Project**
- i) Resolution #11 - 81: Authorizing Final Payment of Voucher to Let it Grow for Westvale Park Project**
- j) Resolution #11 - 82: Change Order #4 for Westvale Park**
- k) Resolution #11 - 83: Temporary Conditional 2011 Renewal of Taxi/Limo Licenses**

Motion to adopt resolutions #11-74 through #11-83: Councilmember Grefrath
Second: Councilmember Waneck

Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

11. Adjournment:

Motion to adjourn: Councilmember Sciara Second: Councilmember Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 8:49 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk