

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
APRIL 13, 2010 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 Mr. 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. Executive Closed Session:

RESOLVED THAT the Mayor and Council of the Borough of Westwood shall convene in Executive Closed Session to discuss the following matters:

Personnel Matters
Pending/Potential Litigation
Attorney's Report

Said discussions are deemed legally confidential pursuant to NJSA 10:4-12(b)

- (7) Litigation or contract negotiation, attorney/client
- (8) Employment matters

The Clerk is directed to keep separate minutes of the meeting which shall be made public Once that matter has been resolved.

Motion to enter Closed Session with the intention to reconvene in Open Session: Council President Miller Second: Councilmember Sciara

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 Sciara

Second: Council President Miller

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

The time was 8:20 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 Mr. 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. Proclamation for Silver Star Families of America

8. Presentation of Check to Hrbek Scholarship Fund

Mike Gallo of Dragons Soccer presented a check to JayMee and Cheryl Hodges for the Christopher R. Hrbek Scholarship Fund.

9. Proclamation for Arbor Day

10. Reports of Committees and Officials:

A) Mayor's Report

1) Storm Update

Mayor Birkner advised that a FEMA center is to be set up on Saturday, April 17, to help residents with disaster assistance from the recent storm.

2) Cooperative Waterways Meeting

Mayor Birkner reported that a meeting of the Cooperative Waterways shared services group will be held on May 6.

B) Engineer's Report

1) Bi-weekly Report

Mr. Senkevich reviewed the biweekly Boswell Engineering report, a copy of which is attached.

2) Review of Westvale Park Bids

Mr. Senkevich discussed the Westvale Project bids, which were received on April 9. The documents were reviewed with the Borough Attorney. Several discrepancies were found with the bids. The apparent low bidder mistakenly used a unit cost price in figures, which he multiplied by the quantity. The total price was then issued in words. Mr. Senkevich explained that words govern figures. That would then eliminate him as the apparent low bidder. There were other problems with the first five low bidders.

Mr. Senkevich said that in an effort to provide the best bid to the Borough, Boswell Engineering provided some clarifications to questions raised by various contractors. Based on these findings, in concurrence with the Borough Attorney, Boswell Engineering is recommending rejecting all bids for the project. A new bid notice would be provided to the Clerk for advertisement in the Friday, April 15 newspaper. Bids would be received on April 30th. The contract could be awarded at the May 4th meeting. Mr. Senkevich said this would be preferable to potential litigation, which would further delay the project. The completion date and any other time frames on the project would not be changed. Boswell Engineering believes the seeding would still be done by the end of September and the project completed by the end of October, and these dates would be stated in the bid documents.

Mayor Birkner asked if this would lead to no more than a two week delay in the projected start date. Mr. Senkevich confirmed. Mayor Birkner asked when the projected start date would be. Mr. Senkevich said the intention is to begin within a week to two weeks after the contract is awarded, which would be either Friday, May 14 or Monday, May 17.

Councilmember Quinn asked if the plans would need to be reviewed again by the DEP or if they had to be notified with regards to the clarifications. Mr. Senkevich said there were no changes to the plans. Mayor Birkner further explained that there were only clarifications, but the extent of the clarifications and whether they should have been addendums is what becomes the legal issue.

Councilmember Sciara asked how much the bid advertisement cost. Mrs. Hughes estimated a maximum of \$300. Councilmember Sciara asked if the Borough would have to readvertise at the same cost. Mrs. Hughes confirmed.

3) Road Resurfacing

Mr. Senkevich advised that road resurfacing bids are anticipated in late April. Mayor Birkner asked if the entire length of Emerson Road would be paved. Mr. Senkevich said it would be from Old Hook Road to the River Vale border.

4) Pascack Brook Sewer Repair

Councilmember Waneck questioned the comment in the written Engineering report about contracts being needed prior to holding the preconstruction meeting on the Pascack Brook Sewer repairs. Mr. Senkevich explained that the directions from the DEP were misleading. They simply said that the Borough could enter into a contract and schedule a preconstruction meeting.

Boswell Engineering began the process without realizing that the contracts had to be signed and submitted to the DEP before scheduling the preconstruction meeting. Councilmember Waneck asked if the construction start date is set. Mr. Senkevich said they are waiting for the contracts to come back from the contractor. Mr. Huntington will follow up on the contract.

Councilmember Waneck asked who is managing the project. Mr. Huntington said Boswell Engineering is the overall manager, with pieces falling to himself and Mr. Hoffmann. Council President Miller stated he was not comfortable with the vendor managing the project. He would like to see someone from the Borough take ownership of it. Mr. Huntington expounded that the Governing Body through the Administrator or a Capital Projects person, i.e. Clerk of the Works, would ultimately oversee the project. Council President Miller commented that there keeps being surprises so some ownership is necessary. Mayor Birkner stated that the contract portion of the process is up to the Administrator and Attorney. Councilmember Waneck suggested dates be established now rather than waiting for the contract to be returned, since it is in process.

5) Signalization Plans

Mr. Senkevich and Mr. DeWan reviewed the train signalization intersection concept plan. The purpose is to keep the light on Broadway green and traffic moving while a train is at the station. Mr. Senkevich explained that the County is planning to add dedicated turn lanes. This will require pushing the curb back and eliminating 6 trees. Parking spaces will also be removed. Mr. Senkevich pointed out on the map the proposed changes at each intersection. The Governing Body discussed the effects to the area and made suggestions to improve the design, including incorporating changes to Madison and Third Avenues.

Mayor Birkner recommended there be an additional meeting with the County engineers, Boswell Engineering, and Borough representatives to further the plans for bringing relief to the traffic congestion on the cross streets in the area.

Since the impacted intersections will affect Veteran's Park, Mayor Birkner suggested that the sprinkler system for the park be rebid with the Broadway reconfiguration as an alternate. Councilmember Quinn asked what the timeframe is for the project. Mayor Birkner said the County anticipates doing the work in 2011. Councilmember Quinn asked if the grant for Veteran's Park has to be used before then. Councilmember Grefrath said the Borough has to move forward with the sprinklers for Veteran's Park. He believes that if the County project impacts the park then the County will have to redo the sprinklers. Mayor Birkner believes the Borough would incur the cost of redoing the sprinklers, which is a question to ask.

Boswell Engineering was directed to provide small-sized copies of the plans for the Governing Body's review.

6) Resolution #10 -117 : Resolution Rejecting all Bids From the April 9, 2010 Bid Opening For Westvale Park Improvements

Motion to adopt resolution #10-117: Councilmember Quinn
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

Mr. Huntington noted that the Borough hopes to encourage the same bidders to rebid the project. He asked the Governing Body if they would be willing to waive the \$125 fee for bid specifications for rebidders. The consensus was yes.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Introduction of 2010 Budget

Councilmember Grefrath thanked the Finance Committee and Governing Body for their work on the budget. He discussed the highlights of the budget, which will result in an average \$27 increase on the municipal portion of the budget with no reductions in services.

Introduction of Ordinance # 10-6: An Ordinance to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank

BE IT RESOLVED that Ordinance #10-6 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 May 18, 2010 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

Resolution #10 - 118: Introduction of 2010 Municipal Budget

Motion to adopt Resolution #10- 118: Councilmember Grefrath

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes
Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara - Yes
Councilmember Waneck - Yes, with the understanding that clarifications and corrections that the Governing Body had requested would be forthcoming.
Council President Miller – Yes

Mayor Birkner thanked Councilmember Grefrath for leading the Finance Committee. He credited the Department Heads who presented a streamlined budget. He commended Mr. Hoffmann and Mr. Herr for creative solutions to reach the 1% tax increase. Mayor Birkner stated it was a true team effort.

b) Shade Tree Update

Councilmember Grefrath reported that the Shade Tree inventory is about 60% completed. He anticipates that it will be finished by the end of May. The information will then be loaded into the DPW computers. The Shade Tree Committee is in the process of purchasing 40 trees for Washington Avenue and other areas. An updated list of trees approved for planting in the Borough right-of-way is being prepared.

c) Veteran's Park Update

Councilmember Grefrath reported that the Recreation Director is developing a brochure for the Memorial Bench program, which will be available in various locations throughout the Borough. He outlined the details of the plan for the memorial benches.

d) Recodification Update

Mrs. Hughes advised that an extension on the Editorial Analysis process was granted by the codifier. The material is now due in June.

2) Police and OEM:

a) Police Accreditation

Council President Miller commented that the Police Department policies and procedures, with the changes discussed at the work session, are on the consent agenda for approval.

b) Police Department Ventilation System

Mayor Birkner asked for an update on the newly installed ventilation system. Council President Miller said the test was successful. He has not heard of any problems.

3) Fire and Ambulance:

a) Census Update

Councilmember Sciara reported that the Census return rate for Westwood is 71%. He advised that there are four days left to mail back the Census forms. Census takers will be going door-to-door later in April.

4) Public Properties:

a) DPW Update

Regarding the ventilation system for the Police Department, Councilmember Phayre reported that it seems to be functioning well. He thanked Mr. Hoffmann, Mr. Woods, and everyone who worked on it.

Twice-a-week garbage pickup will resume in May. Mayor Birkner asked if the single source recycling is working. Councilmember Phayre said it is. He noted that on the fifth week of the month there is no recycling pickup.

Household hazardous waste is collected monthly at various locations around the County. Councilmember Phayre advised that non-rechargeable batteries can be put into the regular garbage.

5) Land Use:

a) Historic Committee Update

Councilmember Waneck reported that the Historic Committee will be meeting on April 14th.

b) Land Use Boards

The Zoning Board has been very busy with hearings on the Pompilio's and CVS applications. Both hearings should wrap up at the beginning of May.

6) Health and Recreation:

a) Library Update

Councilmember Quinn announced that the Friends of the Library will hold a fundraiser on June 6th from 6-9 pm.

b) Recreation Update

Councilmember Quinn deadpanned that Veteran's Park was a hopping place for the Egg Hunt.

The summer recreation brochure features online registration information, which will streamline the registration process. Councilmember Quinn noted there are many summer recreation opportunities, including a special needs program.

Councilmember Waneck asked if the summer schedule includes the concern series. Councilmember Quinn said it does. She noted that Recreation Director Gary Buchheister has done a great job obtaining sponsorships for the concert series.

Mayor Birkner commented that the special needs program will include challenger baseball, and is a joint effort between Washington Township and Westwood.

c) Bucking for Hospice Month

Councilmember Quinn reminded everyone that April is Bucking for Hospice month. Community Hospice is collecting dollar bill donations around the Pascack Valley. They have reached their original \$300,000 goal, but more funds are needed to conform to State requirements. An easy listening concert fundraiser has been scheduled for April 18 at Zion Lutheran Church.

**11. Ordinances of First & Final Reading:
Ordinances For Introduction**

Mayor Birkner announced that the following ordinances bring the Borough into compliance with the Stormwater Management regulations.

10-7 An Ordinance Pertaining to Refuse Containers / Dumpsters in the Borough of Westwood

BE IT RESOLVED that Ordinance #10-7 entitled “An Ordinance Pertaining to Refuse Containers / Dumpsters in the Borough of Westwood” is hereby introduced by title; and
BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a May 4, 2010 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

10-8 An Ordinance of the Borough of Westwood Pertaining to Private Storm Drain Inlet Retrofitting

BE IT RESOLVED that Ordinance #10-8 entitled “An Ordinance of the Borough of Westwood Pertaining to Private Storm Drain Inlet Retrofitting” is hereby introduced by title; and
BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a May 4, 2010 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

Ordinances on Final Hearing

10-5 An Ordinance Providing for Penalties for Violation of Ordinances of the Borough of Westwood

BE IT RESOLVED that Ordinance #10-5 entitled “An Ordinance Providing for Penalties for Violation of Ordinances of the Borough of Westwood”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Waneck

Second: Councilmember Grefrath

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

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Waneck

Second: Councilmember Quinn

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

BE IT RESOLVED that an Ordinance known as #10-5 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Waneck

Second: Councilmember Grefrath

Roll Call: Councilmember Grefrath - Yes
Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara - Yes

Councilmember Waneck - Yes
Council President Miller – Yes

12. Reports of Committees and Officials Continued:

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) Employee Handbook

Mr. Hoffmann said the employee handbook is due for consideration in May. He asked the Governing Body to provide him with their comments and changes. Labor Counsel will be available to attend the May 4th work session to discuss the handbook.

Council President Miller said that during the last discussion modifications to entitlements and procedures were requested. It doesn't seem like that's being done. Mr. Hoffmann said he hasn't received any feedback from the Governing Body. He has discussed the matter with Labor Counsel. Mr. Hoffmann can put something together for the April 15th subcommittee meeting.

13. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Phayre

Second: Council President Miller

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

George Chacon 73 Harding Avenue- voiced his concerns that the sandbag wall that his neighbor at 91 Stueben Avenue is building will result in flooding on his and other neighbors' property. Mr. Hoffmann explained how the resident had come to the Borough with the idea for the sandbag wall, which the DPW Superintendent thought would prevent flooding at 91 Stueben, the properties just north, and two properties on Harding Avenue. Mr. Chacon reiterated his concern that the wall will direct water onto his property. Mayor Birkner said the Borough will look into the matter further. Mr. Chacon is also concerned about runoff and erosion in the drainage ditch. Councilmember Waneck pointed out that the ditch falls under DEP jurisdiction and there have been problems in the past. Mr. Huntington suggested the Borough Engineer investigate and report on the erosion.

Michel Protin, 69 Harding – stated an additional issue is the damaged gate at the end of Harding Avenue. Children are accessing the ditch. Mr. Protin asked if it could be repaired. He was assured that the DPW will look into it.

Eve Protin, 69 Harding – observed that the ditch is man-made, sometimes containing a little water, sometimes flooding. Ms. Protin said the residents need the issue addressed. It is an ongoing problem

that is pushed aside with every new administrator. Ms. Protin believes the sandbags will actually push water into her basement. She would like to see action taken.

Jeffery Ebert, 212 Third Avenue – owns the property at Third and Elm. Mr. Ebert pointed out that whatever is being discussed about traffic signalization may affect parking in the area and his ability to rent his properties. Mayor Birkner explained the proposed changes to the intersections along Broadway, as well as the concept plan for Third and Madison. Mr. Ebert is concerned that the changes might affect onstreet parking at Third and Elm, particularly in light of the new construction. Councilmember Phayre noted that there will be offstreet parking at the new building, so there will be no more of a parking impact in the area than with the prior business.

Motion to close the public hearing: Councilmember Phayre

Second: Councilmember Sciara

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

14. 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.

Resolutions as Consent Agenda:

Resolution #10 - 119: Bill List & Statement of Cash

Resolution #10 - 120: Authorizing Refund of Taxes – B802 L6

Resolution #10 - 121: Resolution of the Borough of Westwood Providing for an Issue of General Improvement Bonds, Authorizing the Sale of \$3,736,000 Principal Amount of General Improvement Bonds, Series 2010, Authorizing Advertisement of a Notice of Sale; Authorizing the Chief Financial Officer to Sell and Award the Bonds; Determining the Form and Other Details of the Bonds; and Authorizing Other Matters Relating Thereto

Resolution #10 - 122: Authorize Boswell Engineering to Perform Regulatory Compliance Tasks for Westvale Park for 2010

Resolution #10 - 123: Award of Contract for the Installation of a Sprinkler System in Veteran's Park

Resolution #10 - 124: Use of Train Station – Dragons Soccer Club United

Resolution #10 - 125: Special Affairs Permit – Friends of the Westwood Library

Resolution #10 - 126: Approving Police Department Rules and Regulations

Motion to adopt resolutions #10-119 through #10-126: Councilmember Grefrath

Second: Council President Miller

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Public Meeting of the Mayor and Council
April 13, 2010

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

15. Adjournment:

Motion to adjourn: Councilmember Sciara

Second: Council President Miller

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

The time was 9:55 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk

Robert S. Hoffmann, Borough Administrator