

**BOROUGH OF WESTWOOD  
WORK MEETING OF THE MAYOR & COUNCIL  
APRIL 5, 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 - : Executive Closed Session**

Motion: 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 8:22pm.

**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 Senkevich - Present  
Borough Clerk Hughes – Present

**6. Flag Salute**

Mayor Birkner led those present in the salute to the flag.

**7. Vallis re: Langner Place**

Shirley & Dean Vallis, 100 Langner Place – Mr. Vallis briefly reviewed the history of his situation since purchasing 100 Langner Place in 2003. They are asking the Borough to vacate a portion of Langner Place so that they may create a buildable lot out of their property. Mr. Vallis asked what questions the Governing Body might have, and when to expect an answer.

Councilmember Waneck asked whether variances would be required if the vacation were granted. Mr. Vallis said with a full vacation no, but with half variances might be required on side yard allotments.

Mayor Birkner said the matter require some discussion with the Borough Attorney. Councilmember Waneck suggested there be 200 foot notices in order for the neighboring property owners to attend the discussion. Mr. Vallis will send a certified letter inviting the neighbors within 200 feet to the June work session, which is May 31. Mr. Vallis asked if there will be a decision that night. Mayor Birkner said maybe not but it will move the matter along.

**8. Reports of Committees and Officials:**

**A) Mayor's Report**

**1) Westvale**

Mayor Birkner announced that the lights at Westvale were tested, and the 100 hour burn complete.

The Award of Contract for Westvale maintenance was moved to the Consent Agenda.

**2) HUMC**

Mayor Birkner noted that the Commissioner of Health has resigned and been replaced by Acting Commissioner Mary O'Dowd. She is the former Deputy Commissioner and well versed in the hospital issue. HUMC continues to support the community. They will sponsor the summer concert series, and are working with the Chamber of Commerce for the sidewalk sale. Publicity efforts will ramp up subsequent to the application submittal on June 1.

**3) Shared Services**

Mayor Birkner reported the next shared services meeting will be April 26. This Thursday there will be an informal meeting to gather information. The purpose of the meetings is to initiate ideas for shared services and policy changes by two or more municipalities with the intent of saving money and streamlining services.

**B) Engineer's Report**

**1) Bi-weekly Report**

Mr. Senkevich reviewed the bi-weekly Engineer's report, a copy of which is attached.

**2) Westvale Park**

Mayor Birkner asked how close the Westvale Park project is to completion. Mr. Senkevich said his inspector wants to look at the field, but they will hand over the keys to the Recreation Director for the Rec House. Some minor things required by the Construction Official are being done today, so the Certificate of Occupancy is imminent. It is up to the Borough to determine when to allow access. The weather has not been favorable.

A discussion ensued regarding how to open the park. It was determined that a soft opening could occur for the usable components of the park. Suggestions for protecting the playing fields from unauthorized use included signage, snow fencing, and police patrols. A subcommittee was formed that will meet biweekly to work out the details regarding the opening and usage of the facility.

**3) Pascack Brook Sewer Project**

Councilmember Grefrath asked if there is a completion date for the Pascack Brook sewer project. Mr. Senkevich estimated the end of April. Councilmember Grefrath suggested May 15<sup>th</sup> as a date, and Mr. Morris agreed.

**C) Council Liaison & Committee Reports**

**1) Health and Recreation:**

**a) Westvale Park**

Councilmember Quinn reported that the Recreation Director feels the coyote decoys are not as effective as they could be. The DPW has identified another type of decoy that may work better. The Geese Peace program will begin at the end of the month. The Recreation Director and Health Director would like to form a simple dog running program to chase the geese based on the one used in Leonia.

**b) Recreation Update**

The Egg Hunt is April 16<sup>th</sup>.

**D) Engineer's Report, continued**

**3) Greentree Developers**

While the Borough Engineers were present, Mr. Huntington asked to discuss the Greentree Developers request for striping the street. Councilmember Waneck explained that there is an application for a child care center on the corner of Kinderkamack and Green. Parking would be across the street in a parking lot. The developer is requesting feedback from the Governing Body on whether the Borough would consent to the use of Borough property for the drop off process, and also whether applicable striping would be permitted on Green Avenue. The Governing Body agreed that should the Planning Board approve the application the Borough would be cooperative regarding the drop off procedure and striping Green Avenue.

**4) Fourth and Forest**

While the Borough Engineers were still present, Council President Miller asked Captain Durante to discuss the Police Department's proposal to make the Fourth and Forest intersection safer. Captain Durante handed out a diagram of recommend changes. He reviewed the accident statistics for the intersection since 2008. Seventy five percent of the accidents involve left hand turns from Forest onto Fourth. Captain Durante discussed the issue of two focuses for southbound drivers turning onto Fourth. He is suggesting eliminating the ramp, which was the original plan years ago. The Mayor has sent a letter to the County urging them to implement the change. Discussion was held on how the changes would impact the layout of the intersection.

**5) Madison Avenue Bus Queuing**

With the Borough Engineers still present, the Governing Body discussed concerns with the buses queuing on Madison Avenue. Chief Regino will have a report on bus idling for the April 19 meeting. Councilmember Waneck is concerned that having a sanctioned spot on Madison will be a detriment to the purchase of the former Ford property, as well as an impact on the Paragon drive-through bank currently being constructed. Captain Durante advised that the current bus staging area on Broadway would need to be relocated because of the pending Broadway intersection improvements. It was suggested during those meetings that Madison be used. Councilmember Waneck commented that the Borough would be sacrificing parking and impacting property to solve NJ Transit's dispatch problem. Further discussion was held on bus routing and staging.

**E) Council Liaison & Committee Reports, continued:**

**2) Finance, Administration and Capital Projects:**

**a) Policy Decisions**

Councilmember Grefrath announced that policy decisions will be a regular discussion feature going forward. The Governing Body will try to accomplish 20 policy item decisions that were identified during the budget hearings for further consideration.

**3) Police and OEM:**

**a) Goals and Objectives**

Council President Miller reviewed objectives, a copy of which is attached.

**4) Fire and Ambulance:**

**a) Resolution #11 - 85: Westwood Volunteer Fire Dept. – Matters of Personnel**

**Motion to adopt Resolution #11-85:** 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

**b) Fire Department Update**

Councilmember Sciara relayed that the Fire Department has been approached by a school PTO regarding a fundraiser where the winner gets to ride to school on a fire truck. The JIF has approved it. Councilmember Sciara asked if the Council is in favor, which they are.

**5) Public Properties:**

**a) Finance Committee Update**

Councilmember Phayre reported that the Finance Committee is busy with completing the budget process on April 19<sup>th</sup>.

**b) DPW Update**

Yard waste collection has begun. May 1 begins the return to the twice a week garbage collection schedule.

**6) Land Use:**

No report.

**F) Attorney's Report**

**1) CVS Developer's Agreement**

Mr. Huntington noted the developer's agreement was prepared by Mr. Rutherford. Mrs. Hughes advised it was on the agenda in case of any questions from the Governing Body.

**G) Administrator's / Clerk's Report**

**1) NA Limo**

Mr. Hoffmann noted the police report showed no incidents of overnight parking by NA Limo during a 16 night period. Mrs. Hughes advised that the two items requested at the time of the temporary license have been provided. She asked if the Governing Body would like to issue a permanent license. Councilmember Waneck would like the monitoring to continue through 60 days. Mr. Huntington suggested that at this point it is a matter of enforcing the parking ordinance by the police. Council President Miller agreed and discussion ensued. The resolution for a full license was added to the consent agenda.

**2) Shrimp Truck**

Mrs. Hughes discussed the request by a vendor to park a truck in the Kmart parking lot from which to sell frozen shrimp. The matter is not clearly addressed in the Borough codebook so she asked for the Council's input. Councilmember Sciara doesn't approve of it, saying there

are stores available downtown that the vendor could rent. He continued that allowing this would open a door for other trucks to set up. Councilmember Waneck said such a use would require site plan review as per the Master Plan.

**3) Westvale Playground**

Mr. Hoffmann asked for feedback on the Westvale playground plans. Council President Miller said the second set did not have a price. It was determined to be two different views of the same playground. Council President Miller asked how much the grant is for. Mr. Hoffmann advised \$113,400. Council President Miller asked if the \$72,000 includes installation. Mr. Hoffman said it does not include the fall surface. Council President Miller asked the total cost. Mr. Hoffmann estimated it would be about \$113,000, but will be meeting with the playground manufacturer to confirm on Friday. Council President Miller said if there are any other costs the Council needs to know now. Being shown one option is very nice, but it is only one option. Mayor Birkner said the fall surface is not wood chips. There will need to be site preparation drawn up by the installer. The Borough needs to know how much it will cost. Council President Miller wants every possible cost identified. Mr. Hoffmann said he will be able to determine that after Friday. Let It Grow will be there as well. Council President Miller would like a second option on the playground.

**4) Energy Efficient Lighting Payment**

Mr. Hoffmann reported that the energy efficient light payment bill is on the bill list and equals 1/3 payment for lighting on five buildings. There will be a reduction in energy usage as a result of these energy upgrades.

**5) DPW Dump Truck**

Mr. Hoffmann advised that the DPW Superintendent is requesting to purchase a mason dump truck in the 2011 budget, but he seems to think it was moved out to 2014. Councilmember Grefrath said it is on for this year. Council President Miller remarked that during the budget process the Governing Body is informed that the capital budget is outlined in theory and open for discussion later on. He doesn't want to be told that capital budget is final once the budget is adopted. He feels it is a working document and projection, and not definitive approval to buy.

**9. Agenda/Public Forum:**

**Motion to open the Agenda/Public Forum:** Councilmember Sciara

Second: Council President Miller

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

**No one wished to be heard.**

**Motion to close the Agenda/Public Forum:** Councilmember Sciara  
Second: Council President Miller  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**10. Ordinances of First & Final Reading:**

**Ordinances for Introduction**

11-8 An Ordinance of the Borough of Westwood, In The County Of Bergen, New Jersey, Providing For The Monitoring Of Landfill Emission For The Borough Of Westwood And Appropriating \$55,000 Therefor And Providing For The Issuance Of \$52,250 In Bonds or Notes Of The Borough Of Westwood To Finance Same

BE IT RESOLVED that Ordinance #11-8 entitled “An Ordinance of the Borough of Westwood, In The County Of Bergen, New Jersey, Providing For The Monitoring Of Landfill Emission For The Borough Of Westwood And Appropriating \$55,000 Therefor And Providing For The Issuance Of \$52,250 In Bonds or Notes Of The Borough Of Westwood To Finance 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 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

**Ordinance on Final Hearing**

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”, having

hereby been read by title, shall have a hearing held on this date.

**Motion to open the public hearing:** 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

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**Public Comments:**

No comments.

**Motion to close the public hearing:** Councilmember Phayre

Second: Council President Miller

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

**BE IT RESOLVED** that an Ordinance known as #11-7 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 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

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## **11. 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.

Resolutions 'h' and 'i' were added to the agenda but would be voted on individually.

### **Resolutions as Consent Agenda:**

- a) **Resolution #11 - 86: Bill List & Statement of Cash**
- b) **Resolution #11 - 87: Authorizing Redemption of Tax Sale Certificates**
- c) **Resolution #11 - 88: Authorization for Payment to Boswell Engineering for Additional Work on the Emerson Road Pump Station**
- d) **Resolution #11 - 89: Reappointment of Registrar**
- e) **Resolution #11 - 90: Approval of Westwood Democratic Committee to Consume Alcohol Beverages on Public Property**
- f) **Resolution #11 - 91: Approval of a Special Affairs Permit – Friends of the Westwood Library**

**g) Resolution #11 – 92: Authorize Execution of Developer’s Agreement between NJ CVS Pharmacy & Borough of Westwood**

**Motion to adopt resolutions #11-86 through #11-92:** 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

**Resolution #11 - 93: Award of Contract for Westvale Field & Landscape Maintenance**

Council President Miller asked the benefits of awarding the alternate bid for maintaining the existing fields at Westvale, which are currently maintained by the DPW. Mr. Hoffmann explained that the contractor would pick up the grass cuttings, fertilize, and aerate, whereas the DPW simply mows. Mayor Birkner added that it would free up personnel, is a good value for what is being received, and offers consistency of care by a professional landscaper. Councilmember Quinn thought the sports team personnel had done most of the maintenance in the past. Mayor Birkner said there have been donations. Councilmember Phayre asked if the high school will be using the fields. Mayor Birkner replied that they are not usable by high caliber teams. Councilmember Waneck inquired if the Borough had budgeted for the expense. Mayor Birkner believes this bid is significantly under the budget.

**Motion to adopt resolution #11-93, including the alternate bid:** Councilmember Grefrath  
Second: Councilmember Waneck

Roll Call: Councilmember Grefrath – Yes  
                  Councilmember Phayre – Yes, but with the intention of the DPW taking it over eventually  
                  Councilmember Quinn – Yes, but the Borough must come up with field maintenance plans for all fields  
                  Councilmember Sciara – Yes, but the DPW might not need as many temporary workers this summer if this is freeing up personnel.  
                  Councilmember Waneck – Yes, and she agrees with all previous comments.  
                  Council President Miller – Yes, reluctantly. He is not convinced on the alternate but will vote for it.

**Resolution #11 - 94: 2011 Renewal of Taxi/Limo Licenses**

**Motion to adopt resolution #11-94:** Councilmember Grefrath  
Second: Councilmember Sciara

Roll Call: Councilmember Grefrath – Yes  
                  Councilmember Phayre – Yes, with monitoring of the parking by the Police

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Councilmember Quinn – Yes  
Councilmember Sciara - Yes  
Councilmember Waneck – No  
Council President Miller – Yes

**12. 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 10:47 pm.

Attest:

*(signed) Karen Hughes*

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk