

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
OCTOBER 18, 2011 MINUTES
MUNICIPAL COMPLEX
101 Washington Avenue
7:30 PM Executive Closed Session/8:00 pm Public 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 - 231: 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 Grefrath Second: Councilmember Grefrath

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 Administrator Hoffmann – Present
Borough Attorney Doyle - 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 – Breast Cancer Awareness Month

8. Minutes – August 2 Work Session, August 16 Public Meeting, September 20 Executive Session

Motion to adopt the minutes of August 2, 2011: Councilmember Grefrath

Second: Councilmember Waneck

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

Motion to adopt the minutes of August 16, 2011: Councilmember Grefrath

Second: Councilmember Waneck

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

Motion to adopt the minutes of September 20, 2011 Executive Session: Councilmember Grefrath

Second: Councilmember Waneck

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

9. Reports of Committees and Officials:

A) Mayor’s Report

1) Westvale

Mayor Birkner reported that the Freeholders have a resolution on their agenda tomorrow night to release the final amount of the Green Acres grant for Westvale. This brings the Green Acres funding up to the full 25%. The Borough will also be receiving an Open Space Grant for the Westvale playground, which will be a fully ADA compliant and wheelchair-accessible facility.

2) Shared Dispatch Services

Mayor Birkner informed that dispatch services have been discussed as a potential shared service with other municipalities. There is an option to utilize the County facility at the County Public Safety Complex. Officials will be going up on Thursday to review the facility. Meanwhile six Police Chiefs will be meeting with the consultant on the feasibility study for shared dispatch services.

3) Waterways Task Force

Mayor Birkner advised that the Waterways Task Force held a conference call on Friday with representatives from Hillsdale, Westwood, Mayor Birkner, Councilmember Waneck, Mr. Hoffmann, Ms. Marin, and Blue Acres staff. A letter of intent was submitted for the hazard mitigation grant program on Friday, with follow up on Monday. Mayor Birkner reminded that any member of the public that would like to be considered for Blue Acres must file the application on their own in addition to any action the Borough has taken.

4) HUMC

Mayor Birkner announced that there will be a public hearing on the Certificate of Need application on Wednesday. All are welcome to attend. Mayor Birkner urged anyone with stories to attend the meeting and sign up to speak to let the State Health Planning Board know about the problematic situations of traveling to distant hospitals. The meeting will be at 6 pm at the Westwood High School. He gave details on buses and parking and thanked residents for their support.

Mayor Birkner noted there will be another hearing in the Trenton area on November 3rd, after which point there is anticipation of the Board making recommendations to the Commissioner. The Commissioner does not necessarily have to follow the Board's recommendation. She has 120 days to make a final determination.

B) Engineer's Report

1) Bi-weekly Report

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

2) Broadway Resignalization

Dr. Boswell stated there has been a field meeting to resolve conflicts with the Broadway intersection project. The plans are being finalized for submission to NJ Transit for their comments. Councilmember Phayre asked the nature of the problems. Dr. Boswell said there were two conflicts that have been resolved. He didn't know where the poles were going when they designed the curb cuts.

3) ADA Curbs

Dr. Boswell reported that the ADA Curb project bids have been advertised. Councilmember Waneck asked if there were any way the stamped bricks could be flagged and saved for historical purposes. Dr. Boswell said the bricks may crack when being removed but they will save as many as they can.

4) Westvale Lighting

Dr. Boswell advised that he is awaiting the plan for the lighting at Westvale. Council President Miller pointed out that this is the same report as the last meeting. He asked when the Borough can expect the contractor to fix the lights. Dr. Boswell said it is not a difficult fix, and he will ask again for an answer.

Mayor Birkner suggested discussing the proposed traffic changes around the schools while Dr. Boswell is present. Council President Miller suggested it should be a work session item unless time driven. The matter will be discussed November 1.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

Councilmember Grefrath said he is saving his comments for the Certificate of Need hearing tomorrow night.

2) Police and OEM:

a) Shared Dispatch Services

Council President Miller said he will schedule a visit to view the County dispatch center next week.

3) Fire and Ambulance:

a) Fire Department Update

Councilmember Sciara reported on the fire at the Iron Horse Restaurant, which he said is more than a local restaurant, it is part of the fabric of the community. Mr. Tremble constantly gives to the community, such as opening the kitchen during emergencies. Councilmember Sciara thanked the Fire Department for its quick response and saving the building. He wished the owner much luck and hopes for a very quick reconstruction. Mayor Birkner echoed the sentiments.

4) Public Properties:

a) DPW Update

Councilmember Phayre reported that the road repairs at Sand and Harrington have been completed. Dean Street is next. Trenton Avenue is also being worked on. Repairs to the DPW building are going well. The office is open but still limited in its operations.

5) Land Use:

a) Historic Commission Update

Councilmember Waneck reported that the Historic Commission had its first designation hearing last week to designate five home on Jefferson Avenue as the Jefferson Avenue Historic District. One homeowner attended in support and asked questions on how to

historically enhance his home. The Commission will pass a recommendation on to the Governing Body, which will be asked to amend ordinances to create the historic district.

b) Construction Department Update

Councilmember Waneck said the Construction Official had asked for no money in his line item for 2011, and would work solely out of the trust account. The Borough has waived over \$23,000 in fees for hurricane victims this year, so Construction will need money in their line item next year.

c) Bergen County Flood Group

Councilmember Waneck attended the Bergen County flood meeting last night. Out of that meeting there were three action items. One deals with going forward with a 70 town survey of all municipalities to submit any and all water management issues. Secondly they will ask all municipalities to petition the state to allow the County Executive to determine when flood gates should be lowered rather than waiting for a mandate for a state of emergency. Thirdly there are a number of bills before Congress regarding finances providing for sales and tax rebates, and trust funds for purchasing flood properties. At the next meeting the County flood group will have sample resolutions supporting this legislation.

Mayor Birkner said he heard it would be up to the County Executive to determine whether to lower the gates, but only after a state of emergency is declared.

Councilmember Waneck said that was the original proposal but it was changed. It can't be after a state of emergency, it needs to be much broader. Mayor Birkner asked if the criteria is based on anything in particular. Councilmember Waneck said once the survey is completed and all issues are known, the County counsel will put together a resolution.

Councilmember Waneck announced that the Blue Acres slide show is now on the Borough website.

6) Health and Recreation:

a) Recreation Update

Councilmember Quinn reported that the Recreation Department has prepared a new fee ordinance, which she will review at the next work session.

Saturday October 22 is the Ragamuffin Parade.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) Blue Acres – Conference Call Update

Mr. Hoffmann gave an overview of the Blue Acres conference call, which lasted 45 minutes.

They reviewed a variety of issues related to Blue Acres as well as funding for Blue Acres. The State is using funding from both FEMA and State coffers to concentrate on alleviating severely repetitive properties. There was also discussion about the pilot program for the Passaic River basin, which has \$2 million of funding available for purchase of properties in the Passaic River basin. Hillsdale for some reason is listed in the Passaic River basin, Westwood is not. Hillsdale can apply for funding on behalf of its residents in this program, Westwood cannot. Mr. Hoffmann advised that Blue Acres must be applied for by the residents themselves.

Mayor Birkner brought up the County jobs program, which is funding temporary jobs for hurricane cleanup operations. Mr. Hoffmann said there will be meeting about it on Thursday, which the Clerk will be attending.

Mayor Birkner felt the conference call was a good meeting and a chance to get the facts straight from Trenton.

10. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Phayre

Second: Councilmember Quinn

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

Mayor Birkner said while he allowed for an extensive public forum at the last meeting, he would like this time for residents to contain their comments and be conscious of the hour and information presented.

Donald MacLachlan, Counsel for the Hillsdale and Westwood Flood Solution Group (H&WFSG) – presented the Governing Body with a new letter from the H&WFSG and reviewed it.

Mr. Huntington advised that the Governing Body is publicly and vocally embarked on a course of action to get concrete information to use with all takers and does not choose to get bogged down in procedures, second guessing, or fine tuning. They are trying to effectively deal with the issue and as soon as the engineering report is received will move forward. The public can watch and criticize. The Governing Body will ask for help if necessary, but it cannot commit in advance if the cards may line up better with County control. Mayor Birkner said the Borough is engaged in and committed to the process of finding solutions. There may not be just one solution. The Governing Body is committed to working with many groups and a lot of people. This issue is bigger than Westwood. Mayor Birkner suggested the flood group meet with the Bergen County task force. Councilmember Waneck advised that the next meetings are Monday November 21, and December 19 at 7 pm in Hackensack. Mayor Birkner said the next steps will bring in County and State officials to stand behind the Borough.

Mr. MacLachlan continued to request that the group be involved in the process by meeting with Boswell Engineering. Mr. Huntington and Mayor Birkner reiterated their earlier comments. Mr. MacLachlan voiced concern that Boswell Engineering may have a potential conflict of interest.

Eve Protin, 69 Harding Avenue – happy to hear the information will be given to everyone equally, since she is not part of coalition. Mrs. Protin said she is happy that the Governing Body is trying, and thanked them.

Carolina Marin, 19 Nugent Place - thanked the Governing Body for responding to her request for a conference call with Blue Acres, filing the letter of intent, and putting the presentation on the website. Ms. Marin asked for clarification on what the letter of intent means. Mr. Hoffmann explained the letter of intent means the Borough would not stand in the way of the 16 properties that have filed for Blue Acres. Ms. Marin asked who will be appointed to follow through with process. Mayor Birkner said Mr. Hoffmann would follow up. Ms. Marin asked the Governing Body to reconsider allowing the flood group to get involved in the study.

Eileen Finnegan, 157 Roosevelt Avenue – asked for update on memorial park bench program. Councilmember Grefrath said he is pursuing it but illness has delayed his actions.

Ms. Finnegan said she had read that 40% of Roosevelt would be paved, is that still on. Mr. Hoffmann said yes, it is a DOT grant project scheduled to be done starting in November. Councilmember Phayre pointed out that it is being done in two phases. Ms. Finnegan asked if street signs would be replaced. Mr. Hoffmann is not sure. Councilmember Grefrath said he had called the missing sign in and will do so again. Councilmember Phayre will check on the status.

Norge Mastrangelo, 15 Lyons Place – noted he is not a flood group member but was affected by flooding. Mr. Mastrangelo asked if any councilmembers were affected by flooding. Several were. Mr. Mastrangelo is asking to get involved in the process. He voiced concern with a potential conflict of interest for Boswell Engineering.

Tom and Karen Strauser, 5 Mountain Avenue – voiced concern with lack of guardrail on the corner of Washington and Mountain Avenues. Mr. Strauser said there have been over 30 accidents in the past five years, including a recent one that involved his 17 year old daughter. The car was hit by a bus and ended up in the lawn. Mr. Strauser realizes it is a County road but requested Governing Body support in requesting the guardrail be reinstalled. Mayor Birkner asked the Strausers to leave their information, reports and photos with the Clerk so the Borough can follow up with the County.

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.

11. Ordinances of First & Final Reading:

Ordinances For Introduction

11-14 An Ordinance To Amend Chapter 129-2 Construction Code Fee Schedule A

BE IT RESOLVED that Ordinance #11-14 entitled “An Ordinance To Amend Chapter 129-2 Construction Code Fee Schedule A” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a November 22, 2011 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Waneck

Second: Councilmember Quinn

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

Ordinances on Final Reading

11-12 Refunding Bond Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Refunding Of All Or A Portion Of The Borough’s General Improvement Bonds, Series 2003, Dated September 15, 2003, Heretofore Issued To Finance Capital Improvements, Appropriating An Amount Not Exceeding \$4,750,000 Therefor And Authorizing The Issuance Of Not To Exceed \$4,750,000 General Obligation Refunding Bonds Of The Borough Of Westwood For Financing The Cost Thereof

BE IT RESOLVED that Ordinance #11-12 entitled “Refunding Bond Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Refunding Of All Or A Portion Of The Borough’s General Improvement Bonds, Series 2003, Dated September 15, 2003, Heretofore Issued To Finance Capital Improvements, Appropriating An Amount Not Exceeding \$4,750,000 Therefor And Authorizing The Issuance Of Not To Exceed \$4,750,000 General Obligation Refunding Bonds Of The Borough Of Westwood For Financing The Cost Thereof”, 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

Councilmember Phayre commented that this is a cost efficiency process that will result in savings to the Borough. Councilmember Grefrath said this is something the Borough occasionally does to refinance its debt.

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Grefrath Second: Councilmember Phayre
Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #11-12 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

11-13 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Installation Of Barrier Free Curb Cuts At Various Locations In The Borough Of Westwood And Appropriating \$168,000 (Including Grants In The Total Amount Of \$141,335 Expected To Be Received From The State Of New Jersey, Department Of Transportation) Therefor And Providing For The Issuance Of \$26,665 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

BE IT RESOLVED that Ordinance #11-13 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Installation Of Barrier Free Curb Cuts At Various Locations In The Borough Of Westwood And Appropriating \$168,000 (Including Grants In The Total Amount Of \$141,335 Expected To Be Received From The State Of New Jersey, Department Of Transportation) Therefor And Providing For The Issuance Of \$26,665 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

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Grefrath Second: Councilmember Phayre
Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #11-13 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

12. 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. Councilmember Waneck asked whether the cost on resolution ‘c’ should be half of the entire cost of the study. Mayor Birkner explained that six other municipalities have signed on so ultimately the cost will be split 6 ways. Council President Miller said at the last meeting it was only known that one municipality would be participating, so the resolution was based on that.

Councilmember Phayre wanted to ensure that the application is complete for resolution ‘g’, since it was not provided. The Clerk will check with Recreation.

Resolutions as Consent Agenda:

- a) **Resolution #11 - 232: Bill List & Statement of Cash**
- b) **Resolution #11 - 233: Award of Contract for the Installation of a Playground at Westvale Park**
- c) **Resolution #11 - 234: Authorize Participation in a Regional Dispatch/Communication System Study**
- d) **Resolution #11 - 235: Personnel Matter**
- e) **Resolution #11 - 236: Use of Veterans Park for Westwood Heritage Society Antiques in the Park 2012**
- f) **Resolution #11 - 237: Use of Veterans Park for Westwood Heritage Society Crafts in the Park 2012**
- g) **Resolution #11 - 238: Approval of Application to Consume Alcoholic Beverages on Public Property – Anniversary Party**

Motion to adopt resolutions #11-232 through #11-238: Councilmember Grefrath
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

13. Resolution #11 – 238A: Executive Closed Session II

Mayor Birkner noted that the Governing Body does not anticipate taking action upon returning from the 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

The time was 10:02

14. 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 10:16 pm.

15. 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 10:16 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk