

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
NOVEMBER 22, 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 – Excused Absence
Councilmember Phayre - Present
Councilmember Quinn - Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller - Absent
Borough Administrator Hoffmann – Present
Borough Attorney Doyle - Present
Borough Clerk Hughes - Present

Committee Assignments:

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

3. Resolution #11 - 251: Executive Closed Session

Motion: Councilmember Quinn Second: Councilmember Sciara

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

4. Reopen the Meeting:

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

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 - Absent
Councilmember Phayre - Present
Councilmember Quinn – Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller – Absent
Borough Administrator Hoffmann – Present
Borough Attorney Doyle - Present
Borough Engineer Boswell - Present
Borough Clerk Hughes – Present

6. Flag Salute

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

7. Proclamation – Pancreatic Cancer Awareness Month

8. Resolution #11 - 252: Westwood Fire Department – Matters of Personnel

Motion to adopt resolution #11-252: Councilmember Sciara

Second: Councilmember Waneck

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

9. Minutes – September 6 Work Session, September 20 Public Session, October 4, 18 Executive Session and Work Session.

Motion to adopt the minutes: Councilmember Phayre Second: Councilmember Waneck

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

10. Introduction of Ordinance

Mayor Birkner introduced the Borough Auditor and CFO to discuss financial issues related to Hurricane Irene. Mr. Herr outlined the expenses due to Hurricane Irene. He reviewed the resolutions and ordinance on the agenda for consideration. These expenses were not part of the budget. The money must be appropriated and funded. These resolutions are the method the DLGS has requested be followed. Mr. Vinci added that the Borough has applied for reimbursement for FEMA. Should that money come in before next year the budget for next year would be reduced accordingly. He explained that operating expenses would be in next years budget, but the capital items would not be so a capital ordinance may be done to take the burden out of next year's budget. It spreads the capital costs out over time lessening the blow to next year's budget.

Councilmember Waneck asked if the Borough insurance would be covering as well, and if so how much and when it would be received. Mr. Hoffmann said the preliminary indication is that insurance claims will be several hundred thousand dollars and payment received before the end of the year. Councilmember Waneck asked for a breakdown for insurance money. Mr. Hoffmann said a preliminary estimate was distributed. Councilmember Waneck asked if the preliminary estimate was taken out of the bond amount. Mr. Vinci explained it goes into separate reserve amount for next years budget. The Division of Local Government Services has not issued final guidance on that money, it is just being tracked as a gross transaction.

11-16 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Various Improvements As A Result Of Hurricane Irene And Related

Flooding At Various Locations In The Borough Of Westwood And Appropriating \$365,000 Therefor And Providing For The Issuance Of \$346,750 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

BE IT RESOLVED that Ordinance #11-16 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Various Improvements As A Result Of Hurricane Irene And Related Flooding At Various Locations In The Borough Of Westwood And Appropriating \$365,000 Therefor And Providing For The Issuance Of \$346,750 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 a December 6, 2011 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Phayre

Second: Councilmember Quinn

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

11. Reports of Committees and Officials:

A) Mayor's Report

1) HUMC

Mayor Birkner announced that the State Department of Health staff has filed a recommendation strongly supporting the opening of the hospital. They were clear that any negative affect on other hospitals would be very limited. They were also clear that the public outpouring has been tremendous and instrumental in providing details supporting the reopening. Mayor Birkner specifically reviewed several items from the recommendations.

Mayor Birkner advised that there are two more steps in the process. He is guardedly optimistic about the outcome. The State Health Planning Board meets on November 29, and it is important for residents to attend the meeting. Buses will be departing at 6:30 am from the former PVH site. After this meeting the State Planning Board makes its recommendation to the Commissioner of Health, who then has 60 days to rule but is expected to decide sooner than that.

2) Flood Related Matters

Mayor Birkner explained that the Borough has received the preliminary draft of the reservoir report from Boswell. The Governing Body has questions and requested clarifications by the Engineer, which will be presented in an executive summary. The document should be

finalized before December 6 and released for the public.

Bergen County One Stop Disaster Relief program is providing employees to work on hurricane cleanup. Their first order of business is to remove the hot tub and shed along the riverbank on Lockerby Lane. They will then be removing debris down by the Roxbury and other areas, including snags and trees. The October snowstorm delayed the cleanup.

Mayor Birkner advised that residents in flood areas received a letter regarding a FEMA funding opportunity. There will be a meeting with FEMA representatives on December 3rd at the Community Center at 10 am. This is being fast tracked because funding needs to be encumbered by December 31st.

B) Engineer's Report

1) Bi-weekly Report

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

2) Road Paving

Councilmember Waneck asked when paving would occur on Old Hook. Dr. Boswell said it has been milled. He will find out the paving date.

C) Council Liaison & Committee Reports

1) Fire and Ambulance:

a) Ambulance Corps Update

Councilmember Sciara reported that an Ambulance Corps member on the Environmental Committee is creating a garden by the Corps building. The soil has been prepped for plantings in the spring. Mayor Birkner said it is a permaculture garden. Mr. Hoffmann elaborated that it is a self-sustaining garden that generates fruit and herbs.

b) Fire Department Update

Councilmember Sciara noted that a FD bylaw change has been distributed and is on the consent agenda for approval.

2) Public Properties:

a) DPW Update

Councilmember Phayre reported that the DPW building is back in service. Branch and leaf removing is ongoing. It is challenging because branches are still coming down.

Councilmember Sciara remarked that on Veteran's Day, Mr. Woods was working on his day off to load the branches into dumpsters. He commended Mr. Woods for his diligence.

3) Land Use:

a) Land Use Boards

Councilmember Waneck advised that the Planning Board introduced the Master Plan Re-exam at their last meeting. The Powerpoint presentation, which highlights major points, is posted on the Borough website. The Master Plan review is also on the website. Councilmember Waneck explained that the Master Plan gives a broad overview of future goals of the Borough. The Council implements any changes suggested in the Master Plan review by ordinance.

Councilmember Waneck addressed a recent article that said the report is allowing the establishment of underground parking. She explained that it is in a specific zone, and does not equate parking garages. It would permit one level, and such parking already exists but is not even noticed. The Valley Ford site is one area that underground parking would be recommended.

The re-exam also recommends that increasing seats in gourmet and specialty food restaurants beyond a certain number of seats qualifies as a restaurant.

Councilmember Waneck said that since the re-exam report talks about the redevelopment process, it may be time to consider rehabilitation or redevelopment of the Valley Ford site. She will invited the Borough Planner to come in to discuss it.

b) Hours of Operation

Councilmember Waneck believes there is a need to establish limits for hours of operation of retail establishments. Otherwise the Borough could have an establishment open 24/7. She will discuss it further at the work session.

c) County Flood Advisory Committee

Councilmember Waneck reported on the County Flood Advisory Committee meeting last night. Cindy Randazzo of the DEP was not able to attend. Assemblyman Schroeder was there, and discussed his proposed bill to regulate flood prone reservoirs. The bill was not yet available but Councilmember Waneck read from an article that describes the bill.

d) Kmart Water Retention System

Councilmember Waneck asked the status of the letter from Kmart regarding annual cleaning and maintenance of their water retention system. Mr. Hoffmann said he received a response about 10 days ago, and has submitted it to the Borough Engineer to verify accuracy. He will distribute it tomorrow. Councilmember Waneck asked if it Kmart responded that they are cleaning the ditch and retainage. Mr. Hoffmann said they took issue with what it is called but they clean the retainage annually and the ditch as needed. Councilmember Waneck asked if they had provided documentation. Mr. Hoffmann said it was a one page letter. Councilmember Waneck asked if documentation could be requested. Mr. Huntington suggested there be dialogue to get it done regularly. Councilmember Waneck asked for copies of the correspondence.

4) Health and Recreation:

a) Library Update

Councilmember Quinn announced that the Library will be open and participating in Home for the Holidays. Mayor Birkner said the Chamber of Commerce wants to remind everyone that stores remain open after the parade. Councilmember Phayre asked if the Library doing something prior to the parade. Councilmember Quinn said there will be activities like readings all day.

b) Recreation Update

Councilmember Quinn reported that the Westvale playground is progressing. The concrete is poured and swingsets are assembled. The new sign has been installed at the park.

Councilmember Quinn said the Borough has received positive comments regarding the Recreation Director in relation to the specials needs program and basketball.

There will be a recreation fee ordinance introduced shortly.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) 2012 Meeting Schedule

Councilmember Waneck suggested moving the meeting after Labor Day. The consensus is to keep it as is. Councilmember Waneck asked about having one meeting in August. Mayor Birkner preferred to keep the schedule as is. The consensus was to go with Version 1 of the 2012 holiday schedule.

12. 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.

Rod Cassidy, 132 Harding Avenue – asked the status of S54. Mayor Birkner has no status update, there has been no movement. Mr. Cassidy asked if the Hackensack Riverkeeper is putting a hold on this. Mayor Birkner couldn't say. Mr. Cassidy referred to the brook walk in May, and while he knows everyone is trying, he would like to see some type of action. Mayor Birkner said the actions the Borough can take are separate from S54. Desnagging has been done by the DPW to remove downed trees. The last 2-1/2 months have been remarkably busy but the brook is being addressed. Mayor Birkner explained that four temporary employees through the County program will be coming to do cleanup. Mr. Cassidy felt there have been no results of the walk. Mayor Birkner reiterated that what was identified as removable has been removed but there were not a lot of snags.

Mr. Cassidy commented that the spillway work will impact the brook even more and is not good. He voiced displeasure because he thought a resident was not appointed to the task force as he had suggested.

Donald MacLachlan, Counsel for the Hillsdale and Westwood Flood Solution Group (H&WFSG) – distributed a letter to the Governing Body, a copy of which is attached hereto. Mr. MacLachlan said the requested the Borough fully clean and clear brook, and influence other towns to do the same, so he is glad to hear it is being addressed. He asked if shoaling will be dealt with. Mayor Birkner said it is not on the agenda, as shoals were identified as not impediments to the flow of the stream. If S54 gets passed the municipalities can coordinate efforts, but right now the Borough is concentrating on debris and snags.

Mr. MacLachlan relayed that it is the group's view that whatever costs associated with this should be billed to United Water, since they use the waterway to run their business. It is a commercial avenue for their product, just like a road, so they should pay.

Mr. MacLachlan will provide the Governing Body with a copy of Assemblyman Schroeder's legislation tomorrow. He pointed out several areas of concern and cautioned that the bill may not solve the flooding problem. Councilmember Waneck pointed out that that the bill is still in draft form and is not necessarily the language that will be introduced.

Councilmember Waneck commented that the items on the list provided with Mr. MacLachlan's letter have been addressed.

Frances Yates, 72 Harding Avenue – asked if the crew can include cleaning the catch basins, as they are probably packed from recent storms. Ms. Yates also suggested wherever those catch basins exit into the ditch should be checked.

Mrs. Yates complained of an influx of raccoons on her deck and asked if they can be baited to alleviate the issue. Mr. Huntington explained that the Board of Health can bait them but only if the raccoons are a nuisance or rabid. Only rats are regularly baited.

Mrs. Yates asked at what point the draft engineer report would be available. Mayor Birkner said before December 6 there will be a final report with clarifications. Mrs. Yates asked if there is feedback from other towns. Mayor Birkner said the report has not been distributed. Mrs. Yates thought it was sent to other towns several weeks ago according to Mr. Hoffmann. Mayor Birkner said no. Mrs. Yates asked if anything is a red flag. Mayor Birkner explained that the report is a compilation of data and technical information. The Governing Body is asking for clarification in an executive summary to make it better understood. Mr. Huntington added that there are 100+ pages of exhibits. Mrs. Yates asked if it includes the Army Corps of Engineers report. Mayor Birkner said it is there but the information is irrelevant and outdated. The findings would have to be revisited by the Corps, which needs to be authorized by Congress. Mayor Birkner suggested contacting Congressman Garret. Mrs. Yates asked if the Borough would have to invite it. Mayor Birkner said yes, and the County also, since it is a regional study. Councilmember Waneck advised the County is working towards that.

No comments.

Motion to close the public hearing: Councilmember Waneck 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 #11-14 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 Sciara
Roll Call: Councilmember Grefrath – Absent Councilmember Phayre - Yes
Councilmember Quinn – Yes Councilmember Sciara - Yes
Councilmember Waneck – Yes Council President Miller – Absent

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:

- a) **Resolution #11 - 253: Bill List & Statement of Cash**
- b) **Resolution #11 - 254: Authorizing Refund of Taxes B1404 L20**
- c) **Resolution #11 - 255: Requesting Approval for Authorization of an Emergency Appropriation in Accordance with N.J.S.A. 40A:4-46**
- d) **Resolution #11 - 256: Special Emergency Resolution N.J.S.A. 40A:4-54**
- e) **Resolution #11 - 257: Resolution Providing For The Financing Of A Special Emergency Appropriation Of The Borough Of Westwood, In The County Of Bergen, New Jersey By The Issuance Of Special Emergency Notes Of The Borough**
- f) **Resolution #11 - 258: Memorializing Emergency Purchase of DPW Furniture Under State Contract**
- g) **Resolution #11 - 259: Memorializing Emergency Contracts and Purchases**
- h) **Resolution #11 - 260: Authorizing Agreement for Elevator Inspection**
- i) **Resolution #11 - 261: 2012 Animal Shelter Contract with the County of Bergen**
- j) **Resolution #11 - 262: Authorize Lease of a Police Vehicle**
- k) **Resolution #11 - 263: Appointment of Hearing Officer**
- l) **Resolution #11 - 264: Approval of Fire Department ByLaws Revisions**
- m) **Resolution #11 - 265: Approval of Westwood Senior Fellowship Application to Consume Alcoholic Beverages on Public Property**
- n) **Resolution #11 - 266: Approval of a Family Birthday Party – Application to**

Consume Alcoholic Beverages on Public Property

Motion to adopt resolutions #11-253 through #11-266: Councilmember Waneck

Second: Councilmember Quinn

Roll Call: Councilmember Grefrath – Absent

Councilmember Quinn – Yes

Councilmember Waneck – Yes

Councilmember Phayre - Yes

Councilmember Sciara - Yes

Council President Miller – Absent

15. Adjournment:

Motion to adjourn: Councilmember Sciara Second: Councilmember Phayre

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

The time was 9:21 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk