

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
DECEMBER 20, 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 - Absent
Councilmember Quinn - Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller - Present
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 - 276: Executive Closed Session

Motion: Council President Miller Second: Councilmember Quinn

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

4. Reopen the Meeting:

Motion to reopen the meeting: Council President Miller Second: Councilmember Sciara

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

The time was 7:55 pm.

5. Roll Call II:

Mayor Birkner – Present
Councilmember Grefrath - Absent
Councilmember Phayre - Absent
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. Minutes – November 1, 2011 Work Session.

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

Roll Call: Councilmember Grefrath – Absent Councilmember Phayre - Absent

Councilmember Quinn – Yes Councilmember Sciara - Yes

Councilmember Waneck – Yes Council President Miller – Yes

8. Presentation to UCC First Place Pee Wee Cheerleaders

There was a short recess after the Cheerleader presentation to allow those needing to leave to do so.

9. Master Plan Re-Examination Overview

Mayor Birkner introduced Ed Sneickus from the Borough Planner's office, who discussed the recent Master Plan Reexamination conducted by the Planning Board. Mr. Sneickus gave a brief overview of the process and pointed out the highlights of the report. He informed the Governing Body that the Planning Board has adopted the Reexamination Report, and will formulate the report's recommendations into ordinances for the Governing Body's consideration in 2012. Councilmember Waneck discussed several specific zoning changes being recommended. Mayor Birkner thanked Mr. Sneickus for his work on the Reexamination. He also thanked Councilmember Waneck for her outstanding work as land use liaison.

Mr. Sneickus noted that the concept of redevelopment was addressed during the Reexamination Report process, but no specific recommendations are in the report. He briefly reviewed the purpose of redevelopment and the process involved.

10. Reports of Committees and Officials:

A) Mayor's Report

Wished everyone a Happy Hanukkah, Merry Christmas, and a happy and healthy New Year.

B) Engineer's Report

1) Bi-weekly Report

Dr. Boswell asked if there were any questions on his report. There were none.

C) Council Liaison & Committee Reports

1) Police and OEM:

a) Parking Authority Update

Council President Miller presented a check from the Parking Authority to the Borough for the agreed yearly amount of \$45,000.

b) Shared Dispatch

Council President Miller reported that Mr. Hoffmann is in the process of spreadsheeting the shared dispatch options. Mayor Birkner said there is a meeting Thursday of the Police Chiefs.

2) Fire and Ambulance:

a) Fire Department Update

Councilmember Sciara reported that the Fire Department has been escorting Santa Claus around town this week.

3) Land Use:

a) Meeting Times

Councilmember Waneck opened a discussion on moving the start of the closed sessions to 7:15. Mayor Birkner would prefer to increase the closed session as needed, and opined that the Governing Body would become accustomed to the extra time on a regular basis. Council President Miller agreed that significant issues are rushed. He suggested for time management that the Mayor and Council President judge the amount of time required for items in advance.

Councilmember Sciara would like to see an end time for meetings, which Mayor Birkner said would be a discussion for a work session.

b) Hours of Operation

Councilmember Waneck sees a need to regulate hours that businesses can operate, namely to limit 24/7 operations. Mr. Huntington spoke to Mr. Sneickus. There are concerns with the complexity of the zones and designating locations. Councilmember Waneck said the businesses in question are convenience stores. Council President Miller asked early opening times will be addressed. Councilmember Waneck said it can be discussed, but she is focusing more on 24/7 operations. She doesn't want to harm the movie theater or restaurants. She will work on drafting an ordinance.

4) Health and Recreation:

Councilmember Quinn wished everyone a happy holiday.

D) Attorney's Report

Mr. Huntington wished everyone a happy new year and happy holiday.

E) Administrator's / Clerk's Report

Mr. Hoffmann echoed the holiday sentiments.

11. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Council President Miller
Second: Councilmember Sciara

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

Bruce Meisel, 263 Center Ave – in terms of meeting hours, Mr. Meisel advised that in Saddle River the Planning Board moved its meetings from 8-11 pm to 7-10 pm.

Mr. Meisel suggested adopting an ordinance regarding generators that would allow 6' x 8' pads to be drawn in on surveys that are 8 years old or less so that a variance would not be required.

Pertaining to 24 hour operation, Mr. Meisel noted that 711 had been trying to come into Westwood for 10 years but can't due to zoning. With the hospital reopening, the Borough may want the diner open 24/7, but at the at moment he feels there is not a problem. Councilmember Waneck said there are two applications on Kinderkamack that would be 24/7 operations. Mr. Meisel cautioned that the Borough may want some 24/7 operations.

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.

12. Ordinances of First & Final Reading:

Ordinances on Final Reading

11-15 An Ordinance Establishing the Jefferson Avenue Historic District

BE IT RESOLVED that Ordinance #11-15 entitled "An Ordinance Establishing the Jefferson Avenue Historic District", having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Waneck Second: Councilmember Quinn

Roll Call: Councilmember Grefrath – Absent Councilmember Phayre - Absent

Councilmember Quinn – Yes Councilmember Sciara - Yes

Councilmember Waneck – Yes Council President Miller – Yes

Bruce Meisel, 263 Center Ave – said he has been asked the underlying purpose of the ordinance and what can/can't be done to a historic property. Councilmember Waneck pointed out that all homeowners were noticed by certified mail that there were hearings at the Historic Commission level.

Mr. Huntington explained that the hope is to create an opportunity to avoid someone from lack of knowledge or sensitivity defacing a building when they think they are fixing it up. The designation encourages someone to think of alternatives that might be a better blend. Mr. Meisel asked if renovations to exterior and interior must be reviewed by the Historical Commission.. Councilmember Waneck said it has nothing to do with the interior, just the exterior front façade. Mr. Huntington said there may be an appropriate way to make a renovation to a historic home, and this is a chance to steer someone in a historic direction. Mr. Meisel surmised that the ordinance is not hardcore. Mayor Birkner confirmed that it is not restrictive. Mr. Meisel asked what happens if someone wants to

demolish a historic designated home. Councilmember Waneck said we will try to give alternatives but at the end of the day the owner can tear it down. Mr. Meisel asked who is 'we'. Councilmember Waneck explained that it said goes to the appropriate land use board who gets input from the Historical Commission. The Borough is trying to encourage people to keep the look of a house, and has instituted a \$500 fee waiver for building permits. Mr. Meisel summarized that it is one extra step in the board process that gives them an extra tool to encourage aesthetics.

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

BE IT RESOLVED that an Ordinance known as #11-15 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 Quinn
Roll Call: Councilmember Grefrath – Absent Councilmember Phayre - Absent
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

11-17 An Ordinance Amending Chapter 243 Parks And Recreation Areas Schedule
 A Recreation Department Fees

BE IT RESOLVED that Ordinance #11-17 entitled “An Ordinance Amending Chapter 243 Parks And Recreation Areas Schedule A Recreation Department Fees”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Quinn Second: Councilmember Waneck
Roll Call: Councilmember Grefrath – Absent Councilmember Phayre - Absent
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

Public Comments:
No comments.

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

BE IT RESOLVED that an Ordinance known as #11-17 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 Quinn Second: Councilmember Sciara
Roll Call: Councilmember Grefrath – Absent Councilmember Phayre - Absent
Councilmember Quinn – Yes Councilmember Sciara - Yes
Councilmember Waneck – Yes Council President Miller – Yes

13. 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 about the backup for the transfer reso. Mr. Hoffmann said there was a memo from the CFO, which Mrs. Hughes said may only have gone to the finance liaisons. Mr. Hoffmann will make sure all will get it. Council President Miller asked about the transfer. Mr. Huntington said it has to do with dispatch. Council President Miller asked if the department is aware and has no objection. Mr. Huntington said the Department Head and CFO reviewed the transfer. Council President Miller asked for that to be confirmed since there are other budgetary issues in that department. Councilmember Sciara asked why those departments ran a deficit. Mr. Hoffmann said it pertains to bulk purchase of copy paper. Council President Miller said it consists of a salary and wages line, so why would that department miss it by that much when it is predictable. Mr. Hoffmann will get the answer. Council President Miller asked the consequence of not getting the transfer done tonight. Mr. Hoffmann said there is the probability of the bill list not going through.

Resolutions as Consent Agenda:

- a) **Resolution #11 - 277: Bill List & Statement of Cash**
- b) **Resolution #11 - 278: Budget Transfers 2011**
- c) **Resolution #11 - 279: Endorsement – CD Grant Application for Pascack Valley Meals on Wheels**
- d) **Resolution #11 - 280: Authorizing Settlement**
- e) **Resolution #11 - 281: Accepting Retirement of Lt. William Pesler**
- f) **Resolution #11 - 282: Accepting Retirement of DPW Secretary Patricia Fleischmann**
- g) **Resolution #11 - 283: Supporting Assembly Bill #4287**
- h) **Resolution #11 - 284: Authorizing Purchases with Federal Forfeiture Funds**
- i) **Resolution #11 - 285: Authorizing Purchases with County Prosecutor Forfeiture Funds**
- j) **Resolution #11 - 286: Approval of Westwood Baseball Association Application to Consume Alcoholic Beverages on Public Property**

Motion to adopt resolutions #11-277 through #11-286: Councilmember Waneck
Second: Council President Miller

Roll Call: Councilmember Grefrath – Absent Councilmember Phayre - Absent
Councilmember Quinn – Yes, with reservations on budget transfer
Councilmember Sciara – Yes, is not happy with resolution b

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Councilmember Waneck – Yes, will make changes to procedure in 2012
Council President Miller – Yes, but item b is unacceptable and they must have an
explanation

14. 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 8:56 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk