

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
JULY 19, 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 - 160: 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 Grefrath 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 Administrator 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. Police Accreditation Presentation

Mayor Birkner introduced Harry Delgado, Accreditation Program Manager for the New Jersey State Association of Chiefs of Police. Mr. Delgado explained the accreditation process and recognized the Westwood Police Department as one of fewer than 100 police departments in New Jersey that have attained this certification. He presented Chief Regino, Mayor Birkner, and Council President Miller with certificates from the New Jersey State Association of Chiefs of Police and the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Chief Regino acknowledged and thanked Frank Rodgers of the Rodgers Group for the role his company played in the accreditation process. Chief Regino recognized Sgt. Pontillo as Manager for the accreditation process. Remarks were also made by Mayor Birkner and Council President Miller.

There was a brief recess at this time to allow the room to clear.

8. Approval of Minutes: May 31, June 21

Motion to adopt the minutes of May 31, 2011: Councilmember Grefrath

Second: Council President Miller

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

Motion to adopt the minutes of June 21, 2011: 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

9. Reports of Committees and Officials:

A) Mayor's Report

1) Westvale Bike Path Connection

Mayor Birkner reported that staging for the Westvale bike path connection to County Park would occur any day now.

2) HUMC

Mayor Birkner advised that the Certificate of Need process is continuing. HUMC is awaiting the first round of completeness questions. Borough Officials have met the new CEO of

HUMC North, Richard Freeman. He is very active meeting area doctors to establish relationships, support and affiliations. Roughly 85% of the area doctors are eager to be affiliated.

3) Fourth and Forest Intersection Improvements

County engineers have gotten back to the Borough with improvements to the Fourth and Forest intersection. There will be changes to the existing traffic patterns in next few weeks. Road signs will be posted to advise drivers of pending modifications. The County is considering a wholesale reconfiguration of the intersection which would be done in conjunction with the Broadway improvements.

4) Waterways Management Task Force

Mayor Birkner reported that the Waterways Management Task Force has been active, although vacation schedules make it difficult to get everyone together. The next meeting date is set for the second week of August to review data from the stream walk and floods. The Army Corps of Engineers has been asked to update its previous report on flooding in the Pascack Valley. Mayor Birkner thanked Assembly members Schroeder and Vandervalk for being active, and will look to them to bring it forward on the state level to mitigate flooding. The process is moving forward, however, it is a long process. Mayor Birkner will report at the August public meeting on the Task Force meeting.

B) Engineer's Report

1) Bi-weekly Report

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

2) Westvale Park Lights

Dr. Boswell advised that the lights at Westvale do not meet spec and asked for direction. It is not a cost factor to the Borough, just inconvenient. Mayor Birkner said the lights should be done right.

3) 2011 Road Paving Program

Dr. Boswell reviewed the 2011 road paving program. He noted St. Nicholas was removed because of a sewer problem, and Euclid was substituted.

Council President Miller noted there were differing opinions at the last meeting on inspection cost reimbursement. He asked Dr. Boswell to clarify. Dr. Boswell explained that the DOT will reimburse up to 100% of inspection for up to 50% of construction cost. There is only money to reimburse if it is not all spent on construction. If only \$138,000 of the \$150,000 grant is spent on construction, then there is money left for reimbursement. Council President Miller asked if what was being proposed allows for the inspection to be reimbursed.

Dr. Boswell said it depends on the price per ton of asphalt, unless the Governing Body wants

to cap the construction costs in order to allow for inspection reimbursement, in which case it is possible there will be less paving done.

Council President Miller asked Mr. Hoffmann for the plan of action. The proposal is to bid to see what the tonnage price will be and make the determination after that. Council President Miller confirmed with Mr. Hoffmann that inspection was reimbursed in the past, meaning the Borough did not spend all available funds on asphalt. Council President Miller asked for cost projections on the asphalt. Dr. Boswell estimated \$70-\$71 per ton. Mayor Birkner said if the construction management costs are removed from the \$150,000 grant, then that is the amount left for paving costs. Design fees are outside the grant but part of the total cost. The point is to maximize the amount of paving within the overall cost of the project.

4) Pascack Brook Sewer Repair

Dr. Boswell advised that the sewer contractor has agreed to replace the trees in the park as well as replace grass seed during the September growing season. An O&M manual has been provided. The odor issue is being investigated. Dr. Boswell believes the lid was not closed properly to ensure the seal. He will speak to the BCUA, and is looking into a different gasket or new cover. Dr. Boswell assured that he will have a solution by the next meeting. The odor is not an issue for Hutton since he followed the spec as written, so Dr. Boswell would not recommend holding up their payment.

Councilmember Grefrath asked Dr. Boswell when the project will be finalized in order to close out the bond. Dr. Boswell responded tonight with the final payment. There is a 15% maintenance bond to cover the landscaping and trees.

5) Broadway Intersection Improvements

Councilmember Waneck discussed her concern that there is no consensus on the design plans for the improvements to Park, Madison and Third. Dr. Boswell said there are finalized plans which the County has agreed to in totality. Councilmember Waneck would like to see all the plans, which Dr. Boswell will drop off.

Councilmember Phayre asked if all issues are resolved. Dr. Boswell said NJ Transit is still saying they have no money, but the County is proceeding with the project.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Veteran's Park Update

Councilmember Grefrath reviewed the stages of the Veterans Park project. He suggested using \$164,000 from the already bonded but unused sewer funds to cover the cost of Phase 2 construction. He asked if there is any objection to moving forward with understanding that money will not be spent until it is reallocated and encumbered.

Councilmember Grefrath announced that a memorial bench has been purchased for placement in the area of the WWII memorial. He will check with the Veterans for their input.

Councilmember Phayre asked how much of the design is subject to change based on the improvements to Madison, Park and Third. Councilmember Grefrath said there is a layover to the plan based on the proposed changes to the streets and parking. Councilmember Waneck suggested memorial pavers similar to those used around the 911 Memorial for those who could not afford to purchase a memorial bench.

Council President Miller asked about the cost of Phase 3. Councilmember Grefrath does not see it costing as much as Phase 2, where the largest costs will be lighting and pavers around the bandstand, which won't occur in Phase 3. Council President Miller asked if Phases 3 and 4 combined will cost the same as Phase 2. Councilmember Grefrath will get back to him. Council President Miller asked when the remaining Phases will be done. Councilmember Grefrath said as soon as Phase 2 is completed. Councilmember Sciara suggested to continue to pursue grant opportunities to fund the phases.

2) Police and OEM:

a) Police Accreditation

Mayor Birkner said Council President Miller should be proud of the hard work done by the Police Department to earn the accreditation. Council President Miller lauded the Officers for a job well done.

3) Fire and Ambulance:

a) Ambulance Corps Update

Councilmember Sciara announced that the annual Ambulance Corps Carnival will be held next week.

4) Public Properties:

a) PSE&G Power Shutdown

Councilmember Phayre reviewed the areas in Westwood where PSE&G will be turning off the power to perform repairs and maintenance. He suggested residents notify their alarm companies.

b) DPW Update

Councilmember Phayre noted that Mr. Woods has recommended using Clean Communities money to purchase 25 recycling containers for placement throughout the parks.

5) Land Use:

a) Land Use Boards

The Planning Board continues to review master plan. Councilmember Waneck advised that the schedule has been pushed back due to the June 23rd flooding. The Board continues to move through the zones. They are currently reviewing the LM, RW, and HSN zones.

b) Borough Website

Councilmember Waneck reported that the Borough's website is updated daily. There are two features, one for hospital issues, and one for the Waterways Task Force. She lauded Administrative Assistant Lorraine Flannery for being very diligent about adding to the pages. Councilmember Waneck encouraged everyone to go there for information. She noted that the electrical outage notice was sent today via the website notification system to those who are signed up. She encouraged those who have not signed up yet that it is worthwhile to do so.

6) Health and Recreation:

a) Health Update

Councilmember Quinn reminded everyone to take care in the heat, drink plenty of water, and check on seniors in their neighborhood. Seniors can go to the Senior Center, Community Center, or Library for relief from the heat.

b) Passing of Firefighter

Councilmember Phayre expressed condolences to the Reitz family. Howie Rietz was a 57-year firefighter who passed away Monday.

D) Attorney's Report

No report

E) Administrator's / Clerk's Report

1) NJDOT Project Engineer

Mr. Hoffmann thanked the Governing Body for their input.

2) Train Signalization Curb Cuts

Mr. Hoffmann discussed the options for funding the engineering costs. He favors the second option, which uses funds from existing ordinances. Councilmember Phayre asked if it would affect the construction at Jefferson Avenue. Mr. Hoffmann clarified that this is for the engineering of the curb cuts. The consensus was for option two.

3) DPW Vehicle

Mr. Hoffmann explained the change in the state contract price for the DPW vehicle, which requires an amended resolution to purchase. He advised that funds are available in a prior ordinance. Councilmember Waneck questioned how the price change occurred without the Borough's realizing it. Mayor Birkner asked if other sources for the vehicle were investigated. Councilmember Phayre said Mr. Woods did look for alternates. Mr. Hoffmann confirmed that electronic auction sites were reviewed as well. The consensus was to approve the additional cost

by resolution.

4) Reimbursement for Garbage Fees

Mr. Hoffmann explained that Westwood Hills and Valley Apartments have recently conformed to the waste collection requirements. He does not believe it is appropriate to retro the reimbursement. Mr. Hoffmann recommends it should start July 1. Mr. Huntington clarified that the Borough can either reimburse them based on actual costs or direct the Borough vendor to collect the waste. He will speak with Mr. Woods to find out if it is practical for the Borough contractor to do it or not. Mr. Huntington said carry for a month so he can come back with recommendation.

5) Pascack Brook Sewer Line Engineering Fees

Mr. Hoffmann advised that the additional engineering costs billed against the Pascack Brook sewer project were for implementing change to connect to BCUA lines. While the Engineering cost more the overall project cost less. Council President Miller said he assumes the engineer did what he was asked to do. Mr. Hoffmann said yes. Council President Miller said the Borough should pay.

6) Westvale Park Playground

Mr. Hoffmann reported that at the most recent steering committee meeting, it was suggested that the Governing Body make the final determination on the type of playground for Westvale so when the grant is approved the project can move forward. He reviewed the potential timeline for the project.

Council President Miller asked if the price is all inclusive. Councilmember Quinn noted it includes the concrete for underneath the tiles. Mr. Hoffmann confirmed it is all inclusive.

Council President Miller asked when the Borough will be receiving the additional \$123,461. Mr. Hoffmann has been unable to find out since the treasurer is on vacation. He will email as soon as he knows. Council President Miller asked if it has been allocated anywhere else. Mr. Hoffmann said no. Councilmember Quinn asked if that is the additional money. Mayor Birkner explained it is the additional Green Acres money that brings the total to 25% of the project. Councilmember Waneck thought it was to be applied to the overall price of the park. Mr. Hoffmann said it was discussed but no policy decision was made. Mayor Birkner remembers discussion that it would purchase the playground equipment. Mr. Huntington suggested the CFO do a certification of funds.

Councilmember Waneck questioned the engineer costs for drainage. Mr. Hoffmann clarified that it is drainage under the tile area. Councilmember Waneck concluded that if there are no tiles there would be no additional expense. Mayor Birkner confirmed. He explained that the drainage would take water away from the playground. Councilmember Quinn pointed out that the concrete is for the tile area, not the chip area.

Councilmember Waneck surmised that if the Borough receives the \$123,461, the ultimate cost

out of pocket for the playground is 0. Mr. Hoffmann said the theoretical answer is yes, because the Borough is not bonding any more money. It is receiving a 25% reimbursement of the contract cost from Green Acres.

Mayor Birkner pointed out that the Borough received a \$113,000 matching grant for the playground, which is separate from the Green Acres funding. He reviewed all the grant funding received by the Borough. Mayor Birkner said the Borough has received a letter from Governor Christie acknowledging that the additional Green Acres funding was approved, it just has to go through the process. He noted that the Borough was careful to not spend money on any other upgrades until the funding source for the playground was identified and the playground chosen.

Councilmember Quinn clarified that numbers are not hard and fast on the playground until the project is bid. Mayor Birkner agreed that bids could come in much less.

Discussion was held on the scope of the playground. Mr. Hoffmann advised that the Steering Committee opted not to put tiles under the swings to reduce costs. Councilmember Waneck asked if tiles are the latest and greatest fad or truly superior. Mayor Birkner said they are a superior surface that allows fully ADA compliance, which Mr. Hoffmann said is required. Councilmember Phayre asked if the swing set will be like all others. Mr. Hoffmann said yes. Council President Miller said of the three options presented to the Governing Body several months ago, one option is the best per the Recreation Director. It covers the widest possible age group, with each section geared for a different group. Sections could be left off but it would not result in significant savings. The proposed playground represents play areas for three age groups, which is why the Recreation Director recommends it. The layout will also fit the property. Councilmember Quinn said the tiles allow wheelchair access directly to the apparatus. Councilmember Phayre pointed out the tiles have a 15-20 year life, and squares can be replaced individually.

Council President Miller said the playground is the last piece of the park and is very important. Westvale is not just for sports, so this is an important element.

7) Westvale Grand Opening

Discussion was held on whether to hold the Westvale Grand Opening before or after the playground is installed. Councilmember Grefrath suggested the Steering Committee choose three significant dates for the Council to vote on at the next meeting.

8) Budget Overview

Councilmember Grefrath advised that the Administrator will be sending out pie charts of the budget for the Governing Body to review. They will be posted on the website once approved.

10. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Phayre

Second: Councilmember Waneck

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

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

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. Resolutions ‘l’ through ‘p’ were added at this time.

Resolutions as Consent Agenda:

- a) **Resolution #11 - 161: Bill List & Statement of Cash**
- b) **Resolution #11 - 162: Certification of Annual Audit**
- c) **Resolution #11 - 163: Authorizing Redemption of Tax Sale Certificate #09-00006**
- d) **Resolution #11 - 164: Authorizing Redemption of Tax Sale Certificate #09-00007**
- e) **Resolution #11 - 165: 2010 NJDOT Resurfacing Project Change Order #1 and Final**
- f) **Resolution #11 - 166: Pascack Brook Sewer Project Contract Modification and Final**
- g) **Resolution #11 - 167: Westwood Volunteer Fire Dept – Matters of Personnel**
- h) **Resolution #11 - 168: Appointment to Recreation Advisory Board**
- i) **Resolution #11 - 169: 2012-2013 CD Grant Endorsement - Thomas J. Riley Senior Center Corp.**
- j) **Resolution #11 - 170: Supporting the Over the Limit Under Arrest 2011 Statewide Crackdown**
- k) **Resolution #11 - 171: Limo/Taxi Licenses – NA Limo, Inc.**
- l) **Resolution #11 - 172: Approval of Engineering for the Pascack Valley Cooperative Pricing System #107-PVCPS 2011 NJDOT Road Resurfacing Program**
- m) **Resolution #11 - 173: Amending Resolution #11-149 Authorizing Redesign of Handicap Curb Ramps for the Broadway Intersection Improvement Project**
- n) **Resolution #11 - 174: Amending Resolution #11-122 Authorization to Purchase a DPW Vehicle**
- o) **Resolution #11 - 175: Authorizing Additional Engineering Fees Related to the Pascack Brook Sewer Project**
- p) **Resolution #11 - 176: Authorization to Purchase Recycling Containers**

Motion to adopt resolutions #11-161 through #11-176: 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

Minutes Page 10
Public Meeting of the Mayor and Council
July 19, 2011

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 10:30 pm.

Attest:

(signed) Karen Hughes
Karen Hughes, RMC, Borough Clerk
Proofed by: Denise Holmes, Deputy Clerk