

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
SEPTEMBER 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 – 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
Acting Clerk Holmes - Present

Committee Assignments:

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

3. Resolution #11-206: Executive Closed Session

Motion: 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

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 8:10 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
Acting Clerk Holmes – Present

6. Flag Salute

Council President Miller gave the invocation. Mayor Birkner led those present in the salute to the flag.

Mayor Birkner welcomed the students from the Westwood High School American Government class.

7. Reports of Committees and Officials:

A) Mayor's Report

1) Flood Study

Mayor Birkner reported that several municipalities have committed to participating in the study of the dams, and potentially share the cost.

Montville Township has inquired about the objectives of this study, since they are experiencing similar issues with the Rockaway River dam in their municipality.

Mayor Birkner commented that the study is the sensible approach towards taking the next step in effecting changes that so many are calling for. At the recent Bergen County League of Municipalities meeting, where flooding was discussed extensively, a representative of the Board of Public Utilities verified that the BPU is not the entity that regulates changes in the way the utility operates. The BPU would support any position that the Borough would take to the NJDEP regarding the modification of any permits. They do not regulate the operations of the dam and waterways but would support any findings the Borough put forward.

Mayor Birkner urged the council to approve the resolution on the consent agenda.

Mayor Birkner reported that there was significant discussion on the PSE&G substations that are located in flood zones in Bergen County, which resulted in extended loss of power during Hurricane Irene. Flooding does not only affect those living in designated flood zones. Moving or elevating the substations was discussed with the BPU.

2) Blue Acres Application Process

Mayor Birkner advised that the Borough is looking into how the Blue Acres application process will work, and how the Borough participates. He will have further detailed information at the October work session.

Councilmember Waneck pointed out that time is of the essence for applying to Blue Acres. Mayor Birkner said there are two mechanisms for applying to Blue Acres. The individual applications are due in October. The Borough is gathering more information on the second mechanism, in which the Borough acts as sponsor. Council President Miller asked what the Borough's obligations would be. Mayor Birkner speculated that the Borough would commit to support the residents' applications, but needs further details. Councilmember Waneck believes the Borough would be acknowledging the tax impact of the Blue Acres applications. Mr. Huntington explained that the Borough would also be acknowledging the need to maintain the property should it be purchased by Blue Acres and razed. Mayor Birkner commented that in Wayne the Blue Acres process purchased four homes but also raised 29 homes, so the program

does not just purchase property.

Further discussion was held on the implications of supporting Blue Acres. Mr. Huntington advised that there is a difference between the Governing Body being favorably disposed to the Blue Acres program, and taking some formalistic action that somehow changes the Borough or individual's rights. There is not a clear understanding of what the formalistic actions might entail.

Councilmember Quinn suggested voicing support of the individual applications. Councilmember Waneck and Council President Miller debated the difference between supporting and not opposing. Mayor Birkner clarified that individual applications require a resolution of support from the Governing Body. The application on behalf of the Borough taking the lead to initiate an application on behalf of a group of residents requires more work on the part of the Borough, which would become the intermediary between Blue Acres and the residents. This is where more information is required and being obtained.

Councilmember Waneck clarified that she wanted residents to understand that the Borough would not stand in the way of an individual Blue Acres application, as appeared to have happened in a neighboring community. She agreed that for the other program more information is necessary. Councilmember Sciara preferred the verbiage of not opposing and is in favor of such. The consensus was to not oppose any individual Blue Acres applications.

3) Flood Study

Councilmember Sciara reviewed the Mayor's request at the last meeting to undertake a study of the Pascack Brook, at which time he said the Mayor urged proceeding with the study regardless of whether support would be sought or obtained from the other municipalities. Councilmember Sciara requested that the resolution for the Pascack Brook study that is on the consent agenda be pulled until commitments are received from other municipalities to support and contribute to the study. Mayor Birkner clarified that he believed waiting for support from other municipalities would delay the process. Participation by other municipalities was their own decision and has always been welcome. He noted that another municipality made the offer on its own to support the study with 1/10th of the cost, and urged the other municipalities in the Pascack Valley Mayor's Association to do the same. Council President Miller said no one is opposed to moving forward, but believes the residents are better served if more municipalities support the study. Mayor Birkner pointed out that that was never disputed. Once the Westwood Governing Body determined at the last meeting to move forward with the study the other municipalities were informed of that decision, at which point their involvement was sought.

Mayor Birkner endorsed Councilmember Waneck as a member of the Bergen County Flooding Task Force and looks forward to her report.

4) Bond Refinance

Mayor Birkner requested the Governing Body approve a proposal to start the process with the Division of Local Finance to refinance bonds from 2003. The Borough would save \$168,000 in

interest. Council President Miller voiced concern that the Governing Body should have been made aware of the matter at the last work session. The consensus was to schedule the meeting with the Local Finance Board.

B) Engineer's Report

1) Bi-weekly Report

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

2) Flood Study

Mayor Birkner said he thought that the Oradell reservoir would be included in the study. Dr. Boswell said both reservoirs would be included in the study. Mayor Birkner inquired when the DEP permits would expire. Dr. Boswell will be finding out. Mayor Birkner asked if other permits besides those that regulate the operation of the dam should be reviewed. Dr. Boswell said probably not, since the issue is the release of water, making the dam permits the only ones relative to the study.

Mayor Birkner said the hope is that the findings of the study will determine an alternative procedure for operating the dams that will provide some relief from the repetitive flooding. He asked the procedure to petition the DEP to modify the dam permits. Would it require waiting until the permits expire or could the DEP be petitioned. Dr. Boswell envisions the report being put into draft form for distribution to the engineers of the participating municipalities for their review and response, which would be incorporated into the final report. Depending on the results of the report he would not wait for the permits to expire to approach the DEP. Dr. Boswell recommended that if the report reveals a way to ease the flooding a meeting should be scheduled with United Water to see if they are willing to do so. If United Water is willing then it could be incorporated as an amendment to the permit. Mayor Birkner said there is a process that has to take place to revise the permit that governs the operation of the dam. Dr. Boswell agreed. He explained that all of the water in the state is a resource of the state, and United Water is allowed to impound that water under their permit to supply water. It makes sense for the communities and United Water to petition the DEP if that is possible. If United Water does not agree to cooperate the communities should still petition. Mayor Birkner said the point of the study is to ascertain the information and make the petition in advance of the expiration of the permit. Dr. Boswell agreed.

3) 2011 Road Paving Program

Councilmember Waneck asked for clarification on the additional road added to the paving program. Dr. Boswell explained that West End was also paved.

4) Westvale Lighting

Council President Miller asked how long it has been since the light issue was first broached. Dr. Boswell said it has been two months. The Borough Attorney is working on a letter to the

contractor's attorney.

5) Sand Road Storm Damage

Mr. Hoffmann asked Dr. Boswell for his input on the hurricane damage to Sand Road. Dr. Boswell explained that there is undermining of the road due to the storm sewer collapsing. He believes the quote from Kelley Donohue is reasonable, and can be reimbursed from FEMA money. Dr. Boswell said the road will continue to deteriorate if not addressed. Councilmember Phayre pointed out that there is a sewer line under the road that is a major concern. Dr. Boswell explained that while the sewer line is not currently compromised, the damaged road could allow water seepage to undermine not only the sewer line but a water line that runs under the road as well. Councilmember Phayre said he asked the DPW Superintendent about televising the line. Dr. Boswell said while it is a good idea he would not hold up the repairs for it. Councilmember Phayre pointed out the proximity of the street to the school, which Dr. Boswell said the contractor is aware of. He estimates the project will take a few days.

6) Pascaek Brook Sewer Pipe

Councilmember Grefrath asked about the status of the Pascaek Brook Sewer Pipe in relation to releasing the bond. Dr. Boswell recommends holding \$1,000 for anything that might crop up but otherwise closing out the project.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Finance Update

Councilmember Grefrath announced that included with the quarterly tax bill is a graphic illustrating how taxes are apportioned.

2) Police and OEM:

a) Shared Dispatch

Council President Miller advised that the Police Chiefs are moving forward with the study of a shared dispatch center. Mayor Birkner asked if Council President Miller or Councilmember Sciara have viewed the Mahwah facility. Council President Miller would like to hear the financial information first. Mayor Birkner said the Shared Services Committee is scheduling a meeting at the facility to review the financials next week. He commended the Chiefs for their work.

b) Police Hire

Council President Miller announced that the advertisement for a police officer will appear in next week's paper. The Police Department is reaching out to colleges and other organizations to broaden their search as a requirement of the accreditation. The written test is

scheduled for October. The list of candidates is being established to cover current and future needs.

c) Corrective Action Plan

Council President Miller reviewed several of the items on the corrective action plan, making suggestions and asking Mr. Hoffmann for clarifications.

3) Fire and Ambulance:

a) Fire Department Update

The Fire Department is hosting a circus fundraiser this weekend. The annual Harley Davidson raffle is going on, with tickets available at \$20.

b) JIF Filming

Councilmember Sciara relayed a concern from the Fire Chief about the JIF utilizing the firehouse and the Westwood Fire Department logo in a training film they will be shooting.

Mr. Hoffmann explained that he has contacted Chief Kelley and is aware of the concerns.

Councilmember Sciara wants to ensure that the Fire Department is in full agreement or the filming should not occur. Mr. Huntington has spoken with the Chief and the matter is being addressed.

4) Public Properties:

a) DPW Update

Dean Street was affected by the hurricane and will require repairs. Councilmember Phayre reviewed the schedule for remediating the DPW building after over two feet of water flowed through during the hurricane.

b) County Sponsored Shredding Event

The shredding event will be held this Saturday as scheduled at the DPW.

5) Land Use:

a) Bergen County Flood Advisory Board

Councilmember Waneck reviewed an informal gathering of the recently appointed Bergen County Flood Advisory Board. The board members met each other and discussed the concerns each of them brings to the table. A survey is going to be taken of all Bergen County municipalities to determine what the issues are throughout the County. The next meeting is October 7, with a focus on obtaining funding such as Blue Acres for Bergen municipalities.

Councilmember Waneck commended Westwood for supplying dumpsters to its flooded residents, and sorting out the varied materials that were put into them. Other municipalities did not sort the waste, resulting in some hazardous materials being put into the waste stream. She has approached the County Executive and Freeholder Driscoll about

waiving the cost for the Borough to dispose of this waste.

b) Environmental Commission Update

Councilmember Waneck advised that a student from the High School has expressed interest in becoming a member of the Environmental Commission. She will follow up with him.

c) Historical Commission Update

The Historical Commission will be designating historic properties based on the list generated by the County. Councilmember Waneck distributed a designation report to the Governing Body for Jefferson Avenue properties. There will be a designation hearing before the Commission for these properties on October 12. She explained the process for designating the properties as historic.

6) Health and Recreation:

a) Recreation Update

The Ragamuffin Parade will be held on October 22nd.

The Recreation Department in conjunction with Washington Township is running a special needs program. Councilmember Phayre commented on the success of the program, which services numerous towns in the Pascack Valley.

The Bergen County Freeholders have approved the final portion of the Green Acres grant for Westvale. Fall sports are in full swing at all the parks.

b) Library Update

The Library continues to offer a variety of programs to the Borough's residents.

c) Board of Health Update

Councilmember Quinn urged residents to take advantage of the Board of Health flu shots.

D) Attorney's Report

1) 2011 NJDOT Road Paving

Mr. Huntington suggested the resolution awarding the NJDOT grant funded road paving contract include wording that the award of contract is subject to approval by the NJDOT.

E) Administrator's / Clerk's Report

1) Sand Road

Mr. Hoffmann advised that funds have been identified from the 2008 road paving ordinance for the repair of the damage to Sand Road from the hurricane. Dean Street repairs could also come out of this ordinance. Councilmember Phayre asked if the estimates were submitted to FEMA for possible reimbursement. Mr. Hoffmann said they will be submitted.

2) Handicapped Curb Cuts

The Borough has received three grants totaling \$141,335 for handicapped curb cuts. The County has requested that the Borough start the bid process to get the project underway.

3) Playground Bid

Mr. Hoffmann reviewed the schedule for the bid on the construction of the Westvale playground.

8. Public Comments on Bergen County Open Space Community Garden Grant

Mr. Hoffmann explained that the Borough has submitted a grant application for a matching grant to construct a community garden. Councilmember Waneck noted that the Environmental Commission has been unsuccessful in locating a location for a community garden, so this grant seemed opportune. Mr. Hoffmann said there are two potential locations at Westvale Park for the garden, one by Hegemann Park and the other near the old pistol range site. He advised that it is a requirement of the grant application to hold a public hearing.

Motion to open the Public Hearing on the Open Space Community Garden Grant:

Councilmember Sciara Second: Councilmember Phayre

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

Kevin O'Brien, 48 Summit Avenue – said he thinks a garden is a wonderful thing.

Motion to close the Public Hearing on the Open Space Community Garden Grant:

Councilmember Sciara Second: Council President Miller

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

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.

Kevin O'Brien, 48 Summit Avenue – asked if the Governing Body realized that Boswell Engineering has United Water listed as an account on their website.

Mr. O'Brien commented that the municipality and residents of Wayne have submitted requests that exceed 150% of the available Blue Acres funds.

Mr. O'Brien said he has filed an OPRA request for closed session minutes, which are supposed to be made promptly available.

Mr. O'Brien commented that he felt the Pasack Valley Mayors Association would be more effective than just the Borough of Westwood in petitioning the NJDEP regarding the flood issues.

Mr. O'Brien asked for the Army Corps of Engineers report to be posted on the Borough website.

Councilmember Waneck commented to the students at the meeting that the idea for the community garden was brought forward by the student member of the Environmental Commission. She emphasized that what students do can make a difference.

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. 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 g was removed from the Consent Agenda for separate vote. Resolution i was added as a separate vote item.

Resolutions as Consent Agenda:

- a) **Resolution #11 - 207: Bill List & Statement of Cash**
- b) **Resolution #11 - 208: Certificate of Redemption - Valentine**
- c) **Resolution #11 - 209: Dedication by Rider – Shade Tree Improvement**
- d) **Resolution #11 - 210: Dedication by Rider – Elevator Inspection**
- e) **Resolution #11 - 211: Approval of Opt-Out Program**
- f) **Resolution #11 - 212: Award of Contract for Pascack Valley Cooperative Pricing System 2011 NJDOT Grant Funded Road Paving Program**
- h) **Resolution #11 - 214: Authorization to Prepare Bid Specifications for Maintenance of HVAC Equipment**

Motion to adopt resolutions #11-207 through #11-212 and #11-214: 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

g) Resolution #11 - 213: Approval of Pascack Brook Engineering Study by Boswell Engineering

Councilmember Sciara asked which other communities who would benefit from the study are represented by Boswell. Mayor Birkner was not sure how many municipalities are represented by Boswell, and noted that it is arguable whether all that are would benefit from the study. He listed Woodcliff Lake, Emerson, Oradell, and New Milford. RiverVale and Hillsdale use Statile. Councilmember Sciara asked to what level of involvement, including financial, the interested communities were willing to commit. Mayor Birkner replied that two

municipalities confirmed by resolution that they were willing to pay 1/10 of the fee. He would not speak for other Governing Bodies. Councilmember Sciara said he understands that putting off the study would not be beneficial. He wants to ensure that those who say they are on board will be helping to defray the cost of the study. Mayor Birkner pointed out that one of the goals of the study is for municipalities who employ other engineers to have the opportunity for their own engineers to review and comment on the study. Council President Miller asked if the contributions by other municipalities to offset the cost could be included in the resolution. Mr. Huntington suggested using the wording “subject to adjustment based upon funding received.”

Motion to adopt resolution #11-213: Councilmember Phayre Second: Councilmember Sciara
Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

i) Resolution #11 - 215: Resolution Authorizing Emergency Street Repairs

Motion to adopt resolution #11-215: Councilmember Phayre Second: Councilmember Sciara
Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Abstain Council President Miller – Yes

11. 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 10:00 pm.

Attest:

(signed) Denise Holmes

Denise Holmes, Deputy Clerk

Proofed by: Karen Hughes, RMC, Borough Clerk