

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
SEPTEMBER 21, 2010 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 Mr. Hoffmann – Present (arrived 7:50 pm)
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. Executive Closed Session:

RESOLVED THAT the Mayor and Council of the Borough of Westwood shall convene in Executive Closed Session to discuss the following matters:

Personnel Matters
Pending/Potential Litigation
Attorney's Report

Said discussions are deemed legally confidential pursuant to NJSA 10:4-12(b)

- (7) Litigation or contract negotiation, attorney/client
- (8) Employment matters

The Clerk is directed to keep separate minutes of the meeting which shall be made public Once that matter has been resolved.

Motion to enter Closed Session with the intention to reconvene in Open Session: 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: Council President Miller

Second: Councilmember Sciara

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

The time was 8:05 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 Mr. Hoffmann - Present
Borough Attorney Huntington - Present
Borough Engineer Senkevich - 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 Honoring 15 Years of Service: Sgt. Hutchinson, Sgt. McClutchy, Off. McNiff, Det. Saul

8. Resolution #10 - 239: Westwood Volunteer Fire Department Matters of Personnel

Motion to adopt resolutions #10-239: 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

Zachary Stankus was sworn in as a Fire Department Cadet.

9. Adoption of Minutes: April 13 public meeting, June 15 public meeting, August 3 work session, August 17 public meeting

Motion to adopt the minutes: 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

10. Reports of Committees and Officials:

A) Mayor's Report

1) Signalization

Mayor Birkner informed that NJ Transit will be replacing rails and associated electronics at Broadway and Washington on October 3rd and 4th. There will be significant traffic disruption. Notice to alert drivers will be posted via the bulletin board and website. First and Broadway will be closed the following week, again to replace rails, electronics and switches.

2) Westvale Park

Mayor Birkner reported that progress continues at Westvale Park. The Engineer's report will fill in and clarify any further questions. Mayor Birkner added that the light pole bases have been poured as well as the foundation for the snack stand building. He also reported that the drainage and quarter inch stone has been installed ahead of schedule for grant funding submissions. Mayor Birkner declared that some invoices have been submitted and others have been prepared to be submitted.

Mayor Birkner said the contractor had hoped to be able to utilize the existing topsoil although he was aware that the topsoil was of poor quality. He has been screening the topsoil and it will be mixed with sand and other soils to create a grass growing mix. Unfortunately, it is thought that the soil would inhibit the root and seed growth due to the chemical content. Therefore, the existing soil will have to be removed from the site and new soil will need to be brought in. The new soil must meet the specifications for grass growth. Mayor Birkner stated that this change is not expected to delay the completion of the project since it is within the original scope. The Borough just won't receive the credit that been hoped for.

3) HUMC

Mayor Birkner had no further updates on HUMC. He continues to hear positive reports from the hospital staff. Efforts continue towards reopening the hospital.

4) School Reminder

Mayor Birkner reminded everyone that school is open. Drive carefully, especially during school drop off and pickup hours. Be mindful of neighborhoods with schools and be respectful of children and resident's property.

B) Engineer's Report

1) Bi-weekly Report

Mr. Senkevich reviewed the bi-weekly report, a copy of which is attached.

2) Pascack Brook Sewer Pipe

Mr. Senkevich reported that work is continuing along the Pascack Brook and includes installing gabion walls and the cleaning of the old pipe.

Councilmember Phayre asked how close the Pascack Brook sewer project is to finishing. Mr. Senkevich said the pump station needs to be installed, and work done on the metering chamber. Councilmember Phayre asked if the project is close to the end of the 120 day window. Mr. Morris said the completion of the gabion wall ends the window. Councilmember Grefrath asked the date for project completion. Mr. Senkevich doesn't have a date. Councilmember Grefrath asked for an estimate, which Mr. Senkevich will obtain. Councilmember Grefrath said the date is important. Mayor Birkner asked if there is sewage flowing through the new pipe. Mr. Morris said yes. The old pipe is being cleaned and taken out of service. Sewage is no longer flowing through it.

3) Westvale Park

Mr. Senkevich advised that the light foundations have been poured. The piles for the concession stand foundation have been installed. The quarter inch stone is being installed.

Mr. Morris of Boswell Engineering reiterated that the chemical composition of the soil was not optimal for seed growth. In addition, he added that their office has been investigating placing sod on the playing surfaces, but not on the sides. Mr. Morris stated that the reason they are investigating sod is because the seed root zone would not fully grow through winter. There is the chance of erosion and maintenance problems during the winter. Another difficulty will also be keeping people off the new grass in the spring when the grass looks good but is yet not ready to be played on. The sod would stabilize the fields immediately and would eliminate erosion. The sod would also knit in and be playable sooner than seed.

Mayor Birkner stated that initially the plan was not to open the fields for play until August 2011. Mr. Morris clarified that it would be August -September. Mr. Morris stated that the enforcement of the non use of the fields would be difficult. The contractor price for sod plus credit for seed not used is \$72,000. Mr. Morris suggested that the difference could be offset by not erecting the light poles on fields 2-3.

Mayor Birkner stated that he does not believe the roots would be stable enough even by September 2011 for aggressive play on the fields. He added that the borough has in the budget the price to put seed down now. He asked what additional costs would come after the October completion date with regard to seeding fields. Would there be any additional seeding than would normally be done? Mayor Birkner is under the impression that with the creation of new field surfaces there are several supplemental seedings that would have to take place and additional cycles of fertilizer applied. Mr. Morris affirmed that in addition to erosion repair they would also have to oversee the fields twice during the spring. And even then the process would still be a coin toss to see if the seed would be established enough in September to withstand continuous play. If they are not established enough, the fields would have to be reseeded in the fall. Mayor Birkner

asked what the additional costs would be. Mr. Morris estimated that if the DPW does the reseeded the cost would be \$10,000 to \$20,000 for additional seeding and fertilizing. The total could be higher if the fields are not ready come fall. Mayor Birkner stated that the sod would also need to be fertilized, just not as much.

Councilmember Sciara informed that the Borough had taken the bids, Boswell Engineering had prepared the specifications and at no time was there ever a time where the Governing Body was told sod would be used. Councilmember Sciara said the Governing Body was told the finished project would include grassy fields. It is not until now that the Governing Body is being told that the specifications previously given will not generate strong enough fields to sustain either soccer or football activity. The fields would either need sod or additional seeding and fertilization in order to withstand the use. Mr. Morris stated that in optimal conditions these fields would grow just fine, but he feels that the Borough would be taking a risk of erosion during the winter and accidental play in the summer. Mr. Morris did acknowledge that with sod the fields would be able to withstand play in July. Councilmember Phayre asked why the Governing Body is hearing of these concerns at this time. Councilmember Quinn also questioned if the fields would be ready for play by July 1, 2011 since this date is only a couple of months away. Mr. Morris opined that this option is much more stable and would take out the erosion risk factor.

Council President Miller stated risk is a probability but he would like to know exactly what the probable problems with sod versus the probable problems with seed would be. Mr. Morris informed that if the fields are seeded in mid October there is a 50% chance the fields would need to be reseeded due to the erosion. Mr. Morris reported that sod is guaranteed and would not have the erosion problem. Should the sod die in the winter it would be replaced.

Councilmember Phayre inquired as to why it wasn't initially recommended. Mr. Morris responded that it was a timing issue. Mr. Morris felt it would have been better to seed this week.

Councilmember Phayre asked about the watering requirements for seed as compared to sod. Mr. Morris explained that seed is gentler and requires more continuous watering at first and with time it becomes more aggressive. Sod care is the opposite. Councilmember Phayre expressed concern about the traffic the seed will attract and would like to know if the sod will not also attract play as well. Mr. Morris informed that this is the end of the season and the fields will not see any play. Mayor Birkner stated that he doesn't share the concern on use of fields at this time. He informed that the bulk of the field's use is from the Recreation Department and the Recreation Department will not be issuing any permits to utilize the fields. Mayor Birkner assured everyone that the Recreation Department as well as the participants have been waiting a long time and they are respectful of what the Borough is doing. Mayor Birkner believes there will be no problems with any organization with regards to the use of the fields when the fields are not ready. Mayor Birkner does believe that the seeding will not withstand the aggressive play done in September 2011. He feels the root zone wouldn't be established yet. Mr. Morris stated that he believes that the mowing of the fields twice before the winter makes a perfect scenario.

Council President Miller asked Mr. Hoffmann if there were \$7,000 of "wiggle room" in the budget. Mr. Hoffmann affirmed that that is accurate. Council President Miller said so this is not

in the spending. A suggestion was presented to delay the lighting of the fields which would only be delaying the \$65,000 expenditure. Council President Miller inquired as to where this funding is coming from. Mr. Hoffmann responded that he does not know at this time. Mayor Birkner inquired as to how much remained from the \$187,000 change order. Mr. Hoffmann reported that \$90,000 had been budgeted to be spent. Council President Miller stated he remembered that the entire \$187,000 was slated to be used, so a source of funding is needed. Mayor Birkner informed that the change order would be eligible for 25% of its value from Green Acres.

Councilmember Waneck questioned that if the wear and tear of football is different than baseball then why is the recommendation of sod for all fields being made. Mr. Morris stated that the recommendation for sod for all fields is being made basically because baseball fields get regular wear and tear also. Mayor Birkner said if the fields were sodded they could be for baseball and softball in the spring. Councilmember Waneck said the Governing Body had always said fall for using the fields. Now it is pushing the time line. She would rather wait to fall instead of accelerating the time line and spending \$75,000.

Councilmember Grefrath stated that two years ago they had been informed that the grass and dirt were inferior and they would need to be improved to create true playing fields. Councilmember Grefrath also stated that when the project was being put together it was considered to be in the fast track to getting grass down in an optimal growing season. If this was accomplished it would all have been wonderful, but now he would like to know what happened. Mr. Morris explained that now is the optimal growing season for seed, not in October. If the seed is planted in October the growth can't be guaranteed. Mr. Morris also informed that this summer there was a severe drought and the approaching winter holds many unknown conditions. Mr. Morris' primary concern is to get the best product out this winter so that the town has the proper fields in the spring. Councilmember Grefrath interjected that he respects Mr. Morris' position but asked why it is not on time. Councilmember Waneck expressed that she thought the project was ahead of schedule. Mayor Birkner also thought the original plan was for the end of October. Councilmember Grefrath suggested fencing in the area during football. This he felt would keep folks off.

Mr. Hoffmann informed that another solution may be to research if the unused Veteran's Park irrigation funds can be redirected to Westvale. Mayor Birkner asked if the Borough had considered any other use for those funds. Councilmember Waneck believes those funds had been considered for the benches and such.

Mayor Birkner expressed his understanding of all the concerns with the spending of additional money and feels that everyone has been diligent with regard to the financial oversight. Mayor Birkner stated that Boswell Engineering has aided in leading the project and regards them as helpful stewards. Mayor Birkner also pointed out that this project has been in the works for decades and that the objective has always been to build it correctly and provide the best possible product. Mayor Birkner does not feel it is an exorbitant request to install the sod. He also feels that the Borough running into problems with the change order was not the Borough's doing. Mayor Birkner clarified that while he does not want to be a revisionist he does want to make this

a first class facility. Mayor Birkner would like to ask the Governing Body to consider Boswell's recommendations while making their decision. He reiterated the options and risks versus the rewards of laying down sod over seeding while keeping in mind the maintenance costs and erosion potential.

Council President Miller stated that he appreciates the desire for Westvale to be the "jewel of the community" and he knows the Council is all in agreement. He also agrees that Boswell has done a good job but his concern lies with the grass. Council President Miller is aware that the Council has promised to oversee the money "as if it was their own household money". He feels that it was a quality job up until yesterday when suddenly it went horribly awry. Council President Miller would like for everyone to avoid looking at this situation as a perfect vs. horrible situation but to look at all the choices available. Council President Miller realizes that if this is so important the Borough needs to find the money to complete the project, but the Governing Body is not willing to ask the residents to reach into their pockets. Council President Miller understands that everything has limits and everything has choices.

Councilmember Waneck inquired if the Borough will be paying for additional higher quality topsoil. Mayor Birkner responded no. Councilmember Waneck asked if the project is not using seed can the contractor use the topsoil we have. Mr. Morris reiterated that the present soil would not support the roots. Mayor Birkner informed that testing showed the soil would burn the root zone layer.

Councilmember Quinn pointed out that the Borough put the playground project on hold because it was not willing to spend the money. Mayor Birkner responded that the Borough is identifying a grant to fund the playground project. To date the Borough has received \$825,000 in grant funding with \$123,000 on the way. The Borough has saved nearly \$1 million in grant funding on this project. The Borough has spent approximately \$75,000 to assure the project is completed correctly. Councilmember Quinn said the cost would only garner a three month benefit. Mayor Birkner responded that was not necessarily so. The procedure should establish the fields a year earlier. But Mayor Birkner points out that the seeded grass could get torn up in 2011 which would then generate upkeep costs that would come close to that, plus washout and other detrimental situations that may require repairs during the winter. Mayor Birkner believes that the Borough will end up spending more money in the long run.

Councilmember Sciara stated that the last two years have been the most financially difficult for most residents, including him. He feels that before spending money the Borough doesn't have the Governing Body has to walk a mile in someone else's shoes. Councilmember Sciara stated that it is hard enough to come up with money for personal bills. He feels that this project is not a necessity it's a luxury. The Borough went forward in hard times realizing it would get good prices on the work. However, Councilmember Sciara feels the Governing Body has to work within the budget and has to respect the taxpayers. It cannot burden them with extra cost for such luxuries. Councilmember Sciara reiterated that the seed is in the contract and therefore feels the seed is the way to go. The Borough should not supplement to go to a better product at this time since the money just isn't there.

Mayor Birkner said this is a very good sound bite, and he appreciated the hard reality of the tough economy and realized that it affects everyone both at the dais and in the audience. He reminded everyone of the old adage of “penny wise and pound foolish”.

Council President Miller opined that it is not a sound bite and feels this old adage is an expression of opinion that comes from values. He stated that to treat this matter with disdain is dismissive. Mayor Birkner clarified that he is not trying to be dismissive and confirmed that he has nothing but respect for the Council; he is simply looking at the overall view of project. Mayor Birkner stressed that with the amount of diligence and time that has been given to this project, and taking into consideration where the project was in 2008 and how far it has come, he sees the opportunity and has made the commitment to complete the project in the best possible fashion.

Council President Miller interjected that Mayor Birkner should take the opportunity to look through other prisms and stated that the Council sees the standings differently. Councilmember Phayre informed that the Governing Body depends on the Borough Professionals’ guidance when it comes to dispersing funds. He feels that all parties are on the same page and embraced the project with the same enthusiasm and zeal to have the project completed in an expeditious fashion. Councilmember Phayre still believes that that is what is still happening but is concerned about the change orders on the unanticipated issues as well as being unclear as to whether the Governing Body is being told that the seed will definitely not work. Councilmember Phayre would also like to know why Let It Grow is not present. Councilmember Phayre is uncomfortable with the prospect that the fields will not be viable with the seed. Mayor Birkner stated there is no question the fields will grow grass. However, there is risk with seeding on a project of this magnitude.

Councilmember Quinn informed that while Councilmember Phayre stated that the Governing Body is depending on the Borough Professionals to guide them with regards to the fields, she feels Mr. Buchheister the Recreation Director has sufficient experience managing fields and the ability to oversee the park. Councilmember Quinn believes that Mr. Buchheister will do his best to oversee the use of the field. Mayor Birkner concurs with Councilmember Quinn and does not consider this an issue. Councilmember Waneck stated that she felt this was an issue of acceleration. Mayor Birkner responded that the programs will not be permitted to use the fields and it will not become an issue. Mayor Birkner is concerned about the risk, utilization moving forward, and putting the best project out there to carry through to fruition. He realizes that there will be additional costs down the road and knows that if it is not spent now it will be spent later. Councilmember Phayre considers that the professionals should have informed the Governing Body of the added expenses. Mayor Birkner agrees the professionals should have informed all before 2007 that the fields were not correct and the topsoil was a substandard product. What was paid for already was such an inferior product and it cost millions of dollars. The landfill was capped properly but the Borough still had to spend \$187,000 because the former engineers didn’t supply the correct as-built. Mayor Birkner does not want to get back into a situation where money will need be spent and then have go back to fix it again.

Council President Miller asked for a drop dead decision date. Mr. Morris stated that the

Governing Body probably has two weeks. Council President Miller suggested spending the two weeks to find funding sources. Councilmember Phayre inquired about the input from Let It Grow. Mayor Birkner responded that a construction meeting is scheduled for tomorrow at which time they will look for guidance from Let It Grow. Council President Miller directed the Borough Administrator to research additional possibilities for funding. Councilmember Waneck stressed that the funding should not be debt. Mr. Morris stated that he will do an analysis on costs for seeding, topsoil and fertilizer.

Mr. Senkevich informed that Mr. Jim Fordham is present to answer any questions regarding the benches and other items.

Councilmember Waneck wanted to clarify miscommunication on the dog run. She stated that a consensus of the Council to move forward on the location of the dog run was discussed two weeks ago. Mayor Birkner asked if this is a temporary location. Councilmember Waneck responded that right now absolutely not, maybe in the future. At this time many questions need to be answered such as the cap, the spigot and the landscaping. She simply wanted to make it clear that the Governing Body wanted that location to move forward.

Mr. Fordham stated that the dog run location is being tested to determine if it is on the cap, which will determine if trees can be planted. Larger trees were not in the original contract. Mr. Fordham reported that a meeting with Gary Buchheister was held where they discussed adding a sink to the concession area and a slop sink for the storage area. Also, a request for a small closet in the storage area for storing cleaning materials was added. Mayor Birkner inquired about a raised sink such as in a janitor's closet. Mr. Fordham responded that there are various drains but he was requesting a higher slop sink. In addition, a request for second roll up window facing football field was added. The current window faces the softball field and it is the plan to add one to face the football field. One of the reasons for the desire for the second window are that the window would allow the ADA access and the other is to be able to view the game while working in the concession stand. Mr. Fordham was unable to report as to the cost at this time. A last request for a cooking facility was expressed, which would include a hood and fire suppression materials. Mr. Fordham has reached out to the construction department to obtain all pertinent information. The original design was for all the cooking to be done outside the building. Mayor Birkner stated that the size of the concession area wouldn't accommodate cooking and it was not necessary since most groups have large grills which they use outside. Mayor Birkner expressed that the addition of a kitchen and fire suppression equipment was not something he is comfortable with. Mr. Fordham stated there would be a stovetop to boil water for hot dogs, etc. Mr. Fordham also informed that the countertops would be extra. Mayor Birkner declared that this is a discussion better had during a Recreation Board meeting. Councilmember Sciara requested that before giving this matter back to the Recreation Board, that it be clarified that the concession stand is not what we were getting. When he has asked at a previous meeting about a sink required by the Board of Health, he was told that the sink was just not on the drawing. An assumption was also made that the project would include counters. And now it seems that there are extras that the Governing Body didn't even know about which will cost more money. He

asked what other amenities will require finding more money. Mayor Birkner thought the sinks were for the restrooms and one sink for the concession area, but does not remember any reference for cabinetry or countertops. But again, Mayor Birkner feels that this conversation of equipment for the concession area should be done at a Recreation Board meeting. He stated that sanitary restrooms are standard. Councilmember Waneck asked if the concession stand will have a floor or poured concrete. Mr. Fordham reported that a concrete floor with colored sealer is planned. Mayor Birkner asked if a drain is in place. Mr. Fordham responded yes. Mayor Birkner stated that this is a conversation for either a work session or a Recreation Committee/Board.

Mr. Fordham reported that decisions are required on benches and trash cans, as well as alternates for the colors and the ADA picnic tables. Councilmember Grefrath informed that he is working with the Recreation Director on the benches for the parks, which will be available for memorial benches also. A suggestion had been made to have the garbage cans match the benches.

Councilmember Grefrath is awaiting Mr. Buchheister's report. Mr. Morris stated he spoke briefly on it in their meeting. Councilmember Grefrath would like the benches to be in place at the same time as the completion of the dog park. Mr. Morris expressed that a decision needed to be made as soon as possible.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Memorial Bench Project

Councilmember Grefrath advised that work is progressing on the Memorial Bench program.

b) Shade Tree Update

Councilmember Grefrath explained that the Shade Tree Committee is considering creating a tree permit for taking down trees. The application would be available through the Clerk's office, in concert with the Building Department, with fees going to the Shade Tree Committee.

The Shade Tree Committee received 20 new Zelkova trees for fall planting. These trees will only be planted on the power line side of the street.

2) Police and OEM:

a) Accreditation Update

Council President Miller informed that October 24-25 is the on site inspection for the accreditation. October 25 is the day for the public to make comments on the accreditation process, either by email or phone call. The Borough will know in early November if the department is accredited.

b) Stop Signs on Bergen Avenue

Council President Miller recapped last year's survey on traffic control, and the stop signs that were installed as a result. Additional stop signs have been requested for Bergen and

Roosevelt by the Police Department. A resolution approving them was added to the consent agenda.

3) Fire and Ambulance:

a) Fire Department Update

Councilmember Sciara reflected on the appointment of a new member of the Fire Department Cadet Corps performed earlier in the evening. He noted that volunteers are the backbone of the community. He wished Zack Stankus a long career.

b) Train Station Cameras

Councilmember Sciara discussed the use of the train station as a museum and for the storage of artifacts by the Heritage Society. The Borough has been working with NJ Transit, who ultimately wasn't able to install cameras to safeguard the station. Today the Borough signed with a vendor to install the cameras.

4) Public Properties:

a) DPW Update

Councilmember Phayre reported that on September 18th there was a County sponsored shredding event that was very successful. No final numbers, but a very substantial amount of paper was shredded. Mayor Birkner added that residents could watch their materials being shredded.

At the end of September garbage pickup will return to one day a week.

Councilmember Phayre reminded residents to save those recycling schedules, as they come in handy with five-week months.

5) Land Use:

No report.

6) Health and Recreation:

a) Library Update

Councilmember Quinn advised that the Library Board will be meeting next week. A subcommittee has been working on a strategic plan.

b) Recreation Update

The fall flyer is now available for the Recreation Department.

This year's preschool enrollment is good and the program has started.

Councilmember Quinn urged residents to stop in and see the newly painted Community Center, which looks very nice.

c) Board of Health Update

Tomorrow at the Westwood House is the Fall Prevention Health Awareness Program, which includes a presentation by the Borough's health provider. Councilmember Quinn warned that one in three elders will fall this year, so the program is a push to help prevent falls.

D) Attorney's Report

1) 140 Carver Avenue

Mr. Huntington gave a history of the problem with the property at 140 Carver Avenue. He would be happy to make the information available to the purchaser and property owner next door. Mr. Huntington advised that there is nothing further for the Governing Body to do.

E) Administrator's / Clerk's Report

1) Best Practices Checklist

Mr. Hoffmann reported that the Best Practices checklist is due October 1. A revised checklist has been issued which includes a 'not applicable' option plus an area for comments.

2) Energy Audit

Mr. Hoffmann explained that a revision to the Energy Audit Direct Install memo dated early September was transmitted via email yesterday with recommendations that were more cost effective for the Borough. The Direct Install program has reserved funds for Westwood if the Governing Body wishes to go forward with improvements, which include changing light fixtures, fuel economizers on furnaces and HVAC equipment, and mechanical electronic systems such as light sensors to reduce energy usage. Also available is a one time grant of \$20,000 from the Federal government. Mr. Hoffmann continued that the implementation of these recommendations will save money and reduce energy consumption.

Council President Miller asked the return on investment for lighting. Mr. Hoffmann said depends on the building. For the DPW is under a year. For the firehouse it is a return on fuel sensors for the gas furnace. Council President Miller asked about the Borough Hall. Mr. Hoffmann said 1.9 years. Council President Miller asked if it can be tracked on the web page for residents to see. Mr. Hoffmann said yes. Council President Miller questioned whether the light changes will still leave lights on over the weekend. Mr. Hoffmann said that would be part of the building management system.

Councilmember Waneck asked if any correspondence has been received on the Borough being reimbursed for the audit itself. Mr. Hoffmann has contacted the BPU and was told the check was in process, but hasn't had any correspondence on the matter.

3) Note Sale Results

Mr. Hoffmann announced that a bond anticipation note sale was held within the past two weeks. Copies of the results will be placed in the Governing Body's mailboxes.

4) Police Vehicles

Mr. Hoffmann advised that the Police Department has requested two high mileage vehicles be replaced and downgraded for use with road projects. The new Crown Victorias are getting about 9.5 mpg, which is better than the older versions. Ford has introduced two new Police vehicle platforms, one on a Taurus frame and the other on an Explorer frame. Equipment from Crown Victorias will be able to be transferred to new Ford vehicles in the future. Mayor Birkner asked if one would be a hybrid. Mr. Hoffmann said yes, one police SUV would be a hybrid, which incidentally is the first Ford pursuit-rated vehicle, which they based on comments from Westwood. Mr. Huntington asked if it would be bought under state contract. Mr. Hoffmann said the purchase would be under state contract. The committee will investigate whether purchase or lease is the most effective.

11. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Quinn

Second: Councilmember Sciara

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

Mayor Birkner introduced Michelle from Patch.com.

Vivian Stubbs, 28 Sand Road – voiced her disappointed in the speed bumps. Mrs. Stubbs does not believe they were constructed correctly to the 3 inch specifications, nor are they alike from one to the other. She thought the speed bumps would be similar to the ones in Hillsdale on Yessler Way.

Monty Lucius– voiced his disappointment with the speed humps. Mr. Lucius believes the tables are 3 inches but are not in compliance with each other, since one appears to be more of a hump. There is no reason to slow or stop with these tables. Mr. Lucius has spoken with residents in that area. They don't care about noise that speed bumps would make, they want cars to slow down. They are concerned about the children's safety. He believes the job was not done to specifications.

Norris Cobin, 106 Sand Road – stated that while performing a traffic count today, in the 1 ½ hour time that children are walking home from school there were 319 cars, 104 of which were speeding over the speed tables. Mr. Cobin has had several conversations with the Police Department about enforcement, and has signed an agreement to use his property for a speed trap. He calculated that if each of the 104 cars going over 30 mph was issued a summons it would equal about \$10,000 in an hour and a half.

Mrs. Stubbs commented that the humps should be raised an inch or inch and a half higher to slow traffic.

Richard Fuller, 15 Sand Road – reported that for the speed table by the church which is in front of his

house, the average speed is 40 mph. Mr. Fuller believes adding the visual of striping seemed to help, but the tables are not working. They need to be higher. He noted that going southbound on Sand Road, the light stays red for so long and then green for only 10 seconds that it causes drivers to rush to make the light. The light must be adjusted.

Myrna Fahie, 60 Westwood Boulevard – interested in purchasing a small piece of land, but she feels \$12,500 is too much. Mayor Birkner took the matter under advisement and asked Mrs. Fahie to leave her contact information.

Mr. Lucius asked for comment on what will be done about the speed tables on Sand Road.

Mayor Birkner said the Borough will review the construction with the Borough Engineer and contractor to make sure they tables were built in conformance with standards. Mayor Birkner then read the results of a traffic study done by an officer in an unmarked vehicle using a speed gun. The study found that the speeds were dramatically reduced over the speed tables. The Borough will continue monitoring the traffic. The tables are still new, and the striping even more so. Monitoring will eventually include enforcement once drivers have adjusted to the tables being present.

Mr. Hoffmann reported that the Borough Engineer inspected the tables first thing this morning and found they were built to specifications. Mayor Birkner would like to see a report.

Mayor Birkner said the immediate safety concerns were addressed by the installing the tables. Subsequent concerns are being addressed. The whole rationale of installing the tables was to create a safer neighborhood. The Borough will continue to monitor to ensure that is case.

Councilmember Phayre said Mrs. Stubbs has mentioned the right side of one hump is flat. Mr. Hoffmann believes it was feathered for drainage, but will verify.

Mr. Lucius said drivers are still speeding as they approach the tables. Mayor Birkner reiterated that information from the traffic study showed drivers slowing as they approached the tables. The Borough will continue to monitor, will enforce, and will double check on engineering. Mayor Birkner said there is a learning curve, and residents have to have patience. Mr. Lucius said he is just concerned about safety. Mayor Birkner replied that safety is why the tables were installed in the first place.

Mrs. Stubbs asked why the sign approaching the tables says 10 mph when drivers can go 20 mph over them. Captain Durante replied that it is the recommended speed signage to make motorists aware to slow down. He continued that traditionally when changes occur in a roadway it takes 60-90 days for motorists to get accustomed to those changes.

Motion to close the public hearing: Councilmember Phayre

Second: Councilmember Sciara

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

12. Ordinances of First & Final Reading:

Ordinances For Introduction

10-22 An Ordinance Amending Ordinance No. 10-1 Entitled “An Ordinance To Establish Fees For Recreation Activities Within The Borough Of Westwood”

BE IT RESOLVED that Ordinance #10-22 entitled “An Ordinance Amending Ordinance No. 10-1 Entitled “An Ordinance To Establish Fees For Recreation Activities Within The Borough Of Westwood” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an October 19 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Quinn

Second: Councilmember Grefrath

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

10-23 An Ordinance To Amend Chapter 2.80 Entitled “Volunteer Organization Member Benefits”

BE IT RESOLVED that Ordinance #10-23 entitled “An Ordinance To Amend Chapter 2.80 Entitled “Volunteer Organization Member Benefits”” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an October 19 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

Councilmember Grefrath noted that the capital budget must be amended prior to adopting Ordinance 10-17

13. Resolution #10 - 240: Resolution Amending Capital Budget

Motion to adopt resolutions #10-240: Councilmember Grefrath

Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck – Yes

Council President Miller – Yes

14. Ordinances on Final Hearing

10-17 An Ordinance Amending In Its Entirety Ordinance No. 09-25, Providing For The Acquisition Of Various Equipment For The Borough Of Westwood Police Department Adopted On November 24, 2009, Appropriating \$85,000 From The Capital Improvement Fund

BE IT RESOLVED that Ordinance #10-17 entitled “An Ordinance Amending In Its Entirety Ordinance No. 09-25, Providing For The Acquisition Of Various Equipment For The Borough Of Westwood Police Department Adopted On November 24, 2009, Appropriating \$85,000 From The Capital Improvement Fund”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: 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

Public Comments:

No comments.

Motion to close the public hearing: Council President Miller

Second: Councilmember Quinn

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

BE IT RESOLVED that an Ordinance known as #10-17 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: 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

10-19 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Railroad Signalization Project For The Borough Of Westwood And Appropriating \$85,000 Therefor And Providing For The Issuance Of \$80,750 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

BE IT RESOLVED that Ordinance #10-19 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Railroad Signalization Project For The Borough Of Westwood And Appropriating \$85,000 Therefor And Providing For The Issuance Of \$80,750 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: Council President Miller

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

BE IT RESOLVED that an Ordinance known as #10-19 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: Council President Miller

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - No

Council President Miller – Yes

10-20 An Ordinance Authorizing Sale Of Land Without Public Auction

BE IT RESOLVED that Ordinance #10-20 entitled “An Ordinance Authorizing Sale Of Land Without Public Auction”, 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 #10-20 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 Waneck

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes
Councilmember Waneck - Yes
Council President Miller – Yes

10-21 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Monitoring Of Landfill Emissions For The Borough Of Westwood And Appropriating \$115,000 Therefor And Providing For The Issuance Of \$109,250 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

BE IT RESOLVED that Ordinance #10-21 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Monitoring Of Landfill Emissions For The Borough Of Westwood And Appropriating \$115,000 Therefor And Providing For The Issuance Of \$109,250 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 #10-21 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

15. 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 “k”, “l” and “m” were added. Councilmember Waneck asked for resolution “f” to be voted upon separately.

Resolutions as Consent Agenda:

- a) **Resolution #10 - 241: Bill List & Statement of Cash**
- b) **Resolution #10 – 242: Chapter 159 – Drunk Driving Enforcement Fund**
- c) **Resolution #10 – 243: Chapter 159 – ADA Compliant Ramps for County Roads**
- d) **Resolution #10 - 244: Renewing Agreement for Notification Services**
- e) **Resolution #10 – 245: Direct Install Contractor Agreement**
- g) **Resolution #10 – 246: Authorizing Contract With J.A. Alexander for Construction of ADA Compliant Ramps As Part of The 2010 Bergen County Road Resurfacing Program**
- h) **Resolution #10 – 247: Authorizing Engineering Inspection for the 2010 Bergen County Resurfacing Program’s Installation of ADA Handicap Curb Cuts and Ramps**
- i) **Resolution #10 – 248: CD Grant Endorsement – Community Hospice of Bergen County Inc.**
- j) **Resolution #10 – 249: Endorsement of CD Project – ADA Compliant Playground for Westvale Park**
- k) **Resolution #10 – 250: Authorization to Purchase Police Vehicles**
- l) **Resolution #10 – 251: Authorizing Payment of Voucher to Let It Grow for Westvale Park Project**
- m) **Resolution #10 – 252: Authorizing Stop Signs and Roosevelt and Bergen and at Hopper and Booker**

Motion to adopt resolutions #10-241 through #10-252: 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

f) Resolution #10 – 253: Authorizing the Preparation of Construction Plans for County Intersections

Motion to adopt resolution #10-253: Councilmember Grefrath

Second: Council President Miller

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - No

Council President Miller – Yes

16. Motion to adjourn to Closed Session Councilmember Sciara

Second: Councilmember Miller

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

The time was 10:35 pm.

17. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Sciara

Second: Councilmember Grefrath

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

The time was 10:45 pm.

18. 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 10:45 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk