

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
OCTOBER 19, 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 Administrator Hoffmann – Present (arrived 8:30 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: 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

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 8:05 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 Administrator Hoffmann – Present (arrived 8:30 pm)
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.

Mayor Birkner welcomed Mr. Collis's American Law and American government classes from Westwood Regional High School. Mayor Birkner hoped these students will continue to come back even when they don't have to.

7. Proclamations:

Breast Cancer Awareness Month

Councilmember Quinn read a Breast Cancer Awareness Proclamation.

Westwood Police Reserves 60th Anniversary; Mayo Credle for 25 Years of Service to the Police Reserves

Mayor Birkner, Councilmember President Miller and Councilmember Sciara presented the proclamations.

8. Reports of Committees and Officials:

A) Mayor's Report

Mayor Birkner announced that the Borough Administrator is attending his son's induction into the National Honor Society at Don Bosco High School. He congratulated James Hoffmann and his family. Mayor Birkner explained that in light of Mr. Hoffmann's late arrival he is switching the order of the meeting. The Westvale discussion will be held at the end of this meeting. Mayor Birkner suspended his report at this point and asked Councilmember Grefrath to move forward with the adoption of the minutes.

B) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Adoption of Minutes: May 4 Work Session, May 18 Public Meeting, September 7 Work Session

Motion to adopt the May 4 Work Session minutes: Councilmember Grefrath

Second: Council President Miller

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Abstain

Councilmember Waneck - Yes

Council President Miller – Yes

Motion to adopt the May 18 Public Meeting minutes: Councilmember Grefrath

Second: Councilmember Quinn

Roll Call: Councilmember Grefrath - Abstain

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

Motion to adopt the September 7 Work Session 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

b) Memorial Bench Program

Councilmember Grefrath reviewed the Memorial Bench program. The Memorial benches to be placed in Veterans Park will have a price of \$1,700.00 and will include a plaque, the bench and the placement of the bench in the park. The price for a smaller bench in the other parks will have a price of \$900.00 and will include the plaque, the bench and the placement of the bench at the park. Councilmember Grefrath asked if the council would like to move on the project at this time in order to facilitate the purchase of the same benches that will be placed around the dog run in Westvale Park. At Councilmember Waneck's inquiry, he clarified the benches would match the color and style of the existing

receptacles at each park location.

Councilmember Waneck asked if the grant money has been obtained for Veterans' Park. Councilmember Grefrath responded that the grant money had been obtained. He also informed that some of the sidewalks around the bandstand will have to be repositioned in order to obtain the correct flow once the benches are installed throughout the park. Keeping in mind the ideology that most visitors like to stay within the entrance of the park the benches will be positioned near entrances.

Resolution #10 - 264: Approval of Memorial and Donate Bench Program

Motion to adopt resolutions #10-264: 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

Councilmember Grefrath will distribute a final version of the brochure as soon as it is ready.

c) Recodification Update

Mrs. Hughes informed on the status of the recodification project.

2) Police and OEM:

a) Accreditation

Council President Miller reported on the status of the Police Department accreditation project. An onsite visit will begin on Sunday at 7 am and will proceed for two days. The process reviews every aspect of the department's policies. Input from the community will be accepted on Monday morning. The results will be known early in the week as to whether the Police Department has received the accreditation or not. Councilmember President Miller commended the effort put forth to achieve this goal. He informed that if successful the Borough of Westwood would be one of 35 communities to receive this designation. Mayor Birkner praised the outstanding accomplishment.

3) Fire and Ambulance:

a) Fire Department Update

Councilmember Sciara reported on the Fire Department golf outing which was held October 18. He thanked everyone for their support.

b) Resolution #10 - 265: Westwood Fire Department Matters of Personnel

Motion to adopt resolutions #10-265: 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

Councilmember Sciara expressed his appreciation to the Fire Department for all they do for the community. He mentioned the Cadet program and urged every student to consider participating in the program.

4) Public Properties:

a) DPW Update

Councilmember Phayre reported that October is the transition month for the DPW from grass collection into leaf collection. Leaves must be put out 7 days or less before scheduled pickup time and kept 10 ft from storm drains. Garbage collection is reduced to once a week.

5) Land Use:

a) Planning Board Update

Councilmember Waneck reported that the Planning Board is looking at expanding the uses for businesses to come into LB 3 zone.

b) Historical Commission Update

The Historical Commission continues to gather data for submission to the County. Councilmember Waneck stated that representatives from Hillsdale and Emerson visited with the Commission seeking guidance on forming their own commissions.

Mr. Hoffmann arrived at 8:30.

6) Health and Recreation:

a) Recreation Update

Councilmember Quinn reminded everyone that the Ragamuffin Parade will take place on October 23. Information can be found online.

b) Health Department Update

Councilmember Quinn announced that the Board of Health is offering flu shots on October 26 from 9:30 a.m. - 11:30 a.m. at the Community Center. A fee of \$25 will be charged unless the resident is covered by Medicare Part B.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

No report.

F) Mayor's Report

1) Railroad Repair

Mayor Birkner stated that the train crossing repair was completed and thanked all the residents for their patience while these intersections were closed. Mayor Birkner noted that no problems were reported during the repair.

2) Shared Services

Mayor Birkner stated that the Shared Services Committee continues to meet with representatives from the Township of Washington and Hillsdale to explore sharing services in the future.

G) Engineer's Report

Mayor Birkner would like to focus tonight on what he feels is the completion of the Westvale project. He wondered if residents can see the tremendous change to the park on a daily basis. Mayor Birkner feels that the work is nearing completion with outstanding quality. Mayor Birkner thinks everyone will be pleased with the end result at the end of the month when portions of the park will be available. Mayor Birkner conceded that issues do exist with funding as well as some engineering issues. Before addressing these, Mayor Birkner asked Mr. Senkevich to give the rest of the Engineer's report.

1) Bi-weekly Report

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

2) Pascack Brook Sewer Project

Mr. Senkevich reported that the lid for the metering chamber was tightened following inspection, reducing odors. A carbon filter can be installed and camouflaged to look like a rock. On October 14 barriers were removed from the Pascack Brook. The contractor can now restore the stream bank in the park. They have restored some private property, and will restore the rest once the chamber is finished. At Mayor Birkner's inquiry, Mr. Kelley of Boswell Engineering explained the type of pump and telemetry being used at the site.

Mr. Kelley next explained the proposed carbon filter which would absorb any odors that escape the manhole. It will take 30 days to obtain and install. The Governing Body decided to approve the installation in advance of the proposal to speed the process. Mr. Kelley advised the

cost would not exceed \$5,000.

**Resolution #10 - 266: Authorization to Install Carbon Filters on Pascack Brook
Sewer Vents**

Motion to adopt resolutions #10-266: 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

3) Westvale Park

Mayor Birkner asked Mr. Hoffmann to review the financial analysis data for Westvale Park.

Mr. Hoffmann said there were several points for consideration, such as how to fund the change order; the request for additional fees from Dr. Boswell; and how to proceed with decisions points such as seed vs. sod. At the meeting last week the Governing Body had received an analysis concerning the balance in the ordinance at the time and anticipated bills. Ordinance 10-4 has a balance of \$980.58. Councilmember Waneck asked which sheet he is reading from. Mr. Hoffmann said the additional expense analysis emailed on October 18th.

Mr. Hoffmann said one question that was asked was which bills are not yet in the system. The total of those bills is \$28,167. He pointed out that the bills for \$22,443 were related to the change order. Mr. Herr explained how the bills were not originally identified as part of the change order and were extracted later on. Councilmember Waneck asked whether the Boswell bill for \$5,303 is part of the \$186,701. Mr. Hoffmann said it is for the investigation of the bike path. Mr. Herr clarified it was for the boring on the cap. Mayor Birkner explained how Boswell tested various locations of the cap for thickness problem. Councilmember Grefrath asked Mr. Kelley if the cost was accurate. Mr. Kelley explained how Boswell had estimated a higher cost in their July 26th letter of \$7,200. The actual cost came in at \$5,303. Mr. Kelley described how Boswell had to move quickly because if the cap was not consistent, the DEP could have shut down the job. All this was outlined in their July letter.

Mr. Hoffmann continued reviewing the analysis with the change order approved on July 20th for \$186,701. There is also the Engineer's estimate for the dog run of \$10,000, plus additional Engineering design fees of \$123,000. Mr. Hoffmann pointed out that one of the decision points has to do with drainage for the dog run. Mr. Kelley commented that with the shifting of the dog run location, Boswell has had discussions with the contractor about additional costs. Boswell estimates \$10,000. They just received a proposal from the contractor for \$18,144. Mr. Kelley thinks there might be a misunderstanding of what is required vs. the expectation of the contractor. It is not unusual for that to happen, and in fact happened with change order #1, which was

estimated to be \$400,000 but ended up being \$187,000. Now that Boswell has a proposal, they will sit with the contractor and negotiate. Mr. Kelley believes the cost should be in the neighborhood of \$10,000 or so, but the contractor has submitted a cost of \$18,144. So they need to negotiate. Mayor Birkner assumed the cost depends on what needs to be done. He asked if an engineering assessment has been done regarding what is entailed in the relocation and whether there is anything unusual that would cause a higher cost. Mr. Kelley said the big difference in the engineer and contractor estimates has to do with the relocation of equipment. In terms of work they seem to be in agreement. There is a philosophical difference in the moving of equipment, etc., which Mr. Kelley anticipates resolving at the progress meeting. Councilmember Waneck thought it was going to be worked out for this meeting. She asked if there was anything else holding it up. Mr. Kelley said what happened is not unusual. It is the nature of how engineers think vs. how contractors think, design vs. actually building and getting it done, which is a difference in approach. Mr. Kelley believes the hold up between last week and this week was that Boswell didn't have a proposal from the contractor. Now they have a proposal and can zero in to make sure there's no misunderstanding. Councilmember Waneck asked if the accoutrements such as fencing and mulching have been factored into the relocation. Mr. Kelley said it is in there, the contractor has his own way of approaching it. Councilmember Waneck asked if the Borough is being charged for moving equipment that would need to be moved anyway. Mr. Kelley said Boswell has a philosophical difference on that, which will be discussed with the contractor. There are regular differences of opinion on the job that are worked out.

Mr. Hoffmann said he and Mr. Herr met with Mr. Fordham and Mr. Lapinski on October 14 to analyze the current bills and estimate what would be forthcoming. Adjustments to irrigation are approximately \$10,200, and adjustments to sand and clay of approximately \$12,400. PSE&G required an additional handhold at every 150 ft instead of the original design specifications of every 300 ft, which is an extra \$7,200. There is also a \$15,500 fee to ensure elevations conform to cap criteria. There is an additional \$2,500 for a three section sink for the concession stand. Green Acres requires additional permit type work for the final as-builts in order for the Borough to receive its final grant funding. Costs include \$1600 for a flyover of Westvale, which if successful will avoid a \$7,000 permit charge.

Councilmember Phayre asked when the change happened with the PSE&G handholds from 300 to 150 ft. Since the project only put together a few months back, how did this happen so quickly, and why wasn't it built into the plans. Mr. Kelley can't answer when the change took place, but with other projects they have done, PSE&G has a cost associated with providing the electric service. In his prior experience the cost has been waived by PSE&G to municipalities because they are obtaining a new customer for a major service, the lighting of the fields. At that time they weren't aware that this is a requirement that PSE&G was implementing. New policy, had they known it would have been incorporated. Councilmember Phayre asked, Mr. Kelley confirmed he is discussing conduit. Had Boswell been aware the cost would have been included.

Councilmember Phayre asked for confirmation on whether the fly over at a cost of \$1600 will eliminate a \$7,000 fee to the DEP. Mr. Kelley said if it is accepted. Councilmember Phayre asked if the cost includes the permit fees and Boswell expenses? Mr. Kelley yes. Councilmember Phayre asked why do the flyovers if it is unknown whether will be successful. Mr. Kelley said Boswell has spoken with the DEP. They have required that an environmental assessment, or preliminary assessment as they call it, to show that the project will not adversely impact their previous permit to close out the landfill. Boswell believes there is no issue and has been lobbying to have the assessment waived. The DEP understood the request and may waive it if aerial photography is submitted. Mr. Kelley clarified that the aerial photography in question is not new; it is historical aerial photography that needs to be purchased and then prepared for submittal. Boswell is hopeful that the DEP will view it favorably. If not then the Borough will need to provide the assessment at \$7,000. Councilmember Phayre asked how long the process takes. Mr. Kelley said up to 6 months. He is hopeful the flyover will be successful.

Councilmember Grefrath asked for next meeting work session to find out from PSE&G when that requirement went into effect. If it went into effect after the project started then the Borough shouldn't be responsible.

Councilmember Sciara is curious as to the details of changing from 300 to 150 feet for handholds. He assumed it is for pulling wires. Mr. Kelley said yes. Councilmember Sciara asked if for \$7,000 it is a manhole or a quasi box. Mr. Kelley said it is a chamber of some sort but was unsure of the size. Councilmember Sciara wants the information, since \$7,000 is a big number to just break the conduit run and put in a handhold. Mayor Birkner asked how many handholds are involved. Mr. Kelley will get the information. He can say there is no further number forthcoming.

Councilmember Waneck said she contacted the BPU to find out if they are aware of recent changes from PSE&G. PSE & G says there are no such changes recently. They referred to their tariffs approved as standard terms and conditions under which these fees have never been waived. She asked Boswell to look into that. Mayor Birkner asked if there two different fees. Councilmember Waneck replied that the other fee was brought up as well. Mayor Birkner said the handholds were being discussed. Councilmember Waneck pointed out that Councilmember Grefrath brought up the change in the other fee, which Councilmember Waneck would like researched. These changes are not anything new and the Borough should have known about them.

Mayor Birkner had a conversation with PSE&G on Thursday, October 14th. They are looking into ways to offset the cost such fees as grant opportunities that the Borough would be eligible for. That is for the original charge for running wire underground. The other issue is the handholds being installed at 150 ft intervals, which Mr. Kelley will investigate. The issue of the fee to run the electrical service underground is the \$7,989.70 fee.

Councilmember Sciara said the underground was never brought to the attention of the Council. Mayor Birkner said neither was. Councilmember Sciara continued that the Council

deserved the right to have a voice on that decision if it is costing \$7,400. Why go underground if overhead is for free? Mr. Kelley said when the project was designed there was a need for a new pole and transformer at the site, which was shown on the plan. His understanding was that the pole and transformer would be installed and the fee waived by PSE&G, and which was indicated on the plan and there was no change to the plan. Mayor Birkner interjected that from day one the plan was always to run the utility service underground. Mr. Kelley said there had to be a pole on site to bring in the power, and a transformer. What changed was PSE&G advised there would be cost associated with this of \$7,900. Their invoice is dated July 29th. There is a Boswell letter dated August 31st to the Borough. He speculates that the Borough was billed for \$7,900. Boswell called PSE&G and asked what the invoice is for. PSE&G said the new policy is that it is not waived. Boswell called a second time. They reported to Mr. Hoffmann, who called PSE&G and received the same information. Boswell spoke to Mr. Hoffmann about the need to have it paid. The contractor was sent a copy of the information as well. Mr. Kelley continued that it was noted in the August 31 letter that United Water issued a waiver for their service fees. Had United Water changed their policy on fees Boswell would have needed to inform on that and advise the bill should be paid. Mr. Kelley stated that the pole and transformer were always needed, at which point the electricity would be distributed underground throughout the site. What is being discussed is the cost of installing the pole and transformer, which is \$7,900. Councilmember Grefrath said he heard the pole was part of plan. The Borough started project, and then was hit with the fee out of the blue. Councilmember Sciara questioned whether the original plans included the transformer and underground being supplied by PSE&G. Mr. Kelley believes all bidders were on a level playing field. They indicated on the plans the need for PSEG to do the pole, and included in the bid for the contractor cost to coordinate with PSE&G. Boswell expected the fee to be waived, otherwise they would have included the cost in the bid. Councilmember Waneck reiterated that according to PSE&G this is not something new. She wants documentation that this is something new.

Councilmember Quinn asked whether it was known beforehand that the \$7,000 would be required. Mr. Kelley said Boswell was advised some time back that it would be required. Boswell has been lobbying to have it waived. They thought they were making headway, then were informed by the DEP that additional information would be required to pursue the waiver request. Boswell spoke with Mr. Hoffmann about it, and conveyed the belief that it was worth pursuing. Councilmember Quinn asked if there are any additional permit charges. Mr. Kelley is unaware of any other permits required. Mr. Hoffmann asked Mr. Kelley to confirm that this permit is required for final approval from Green Acres. Mr. Kelley confirmed. Mr. Hoffmann said after approval the Borough can provide the final as built, at which point the final grant payment, or in his term the retainage, will be released. Mr. Kelley said yes. Mayor Birkner clarified that it gets the Borough the final reimbursement. Mr. Hoffmann said they hold back a part of the grant until that is done. Mr. Kelley commented that the DEP has

indicated the Borough has a reasonable chance of having it waived. Mayor Birkner said it is a matter of potential cost avoidance.

Mr. Hoffmann continued the analysis on page 2 with other items requiring action. First is a second roll up window for the snack stand. Approximate cost is provided. Also provided is a cost breakdown for seed vs. sod breakdown.

Council President Miller said relating to the second roll up window, isn't it already in? Mayor Birkner said no, preparation was made if the Council chose. There's a hole there. Council President Miller said it looks like a window. Mr. Kelley confirmed that the contractor did it a rough framing of it today. Council President Miller said there is a hole in the wall, framed, but we don't want a roll up window. Mayor Birkner said he and the Council President took a walk on Friday afternoon at which time Mayor Birkner showed Council President Miller the hole in the wall for the potential installation of a second window, and had a discussion of the benefit of such an additional roll up window. While it was being framed it had been suggested that this would be a good idea. Mayor Birkner had suggested it to the contractor during one of his walkthroughs of that site. He asked for it to be opened in case a second roll up window would be installed. The contractor said absolutely no problem Mayor Birkner asked the contractors on the site as recently as 4:30 this afternoon whether there would be an issue or cost with blocking it in if the council decided they did not want to do a second roll up window. The answer was no. This was a way to make it possible before it was all framed out and finished, to make it less expensive rather than doing it several years down the road. He made the provision just in case. If the decision is to not move forward, basically there's no harm, it's just a preparation. It's just a matter of putting a piece of plywood in the framed out portion and blocking over it from the outside. The inside would be covered by sheetrock so there would be no hole in the wall. Then there would be no access to that side of the building.

Council President Miller said it makes perfect sense to have the window there. He is uncomfortable that it has gotten to that point without the Council knowing. Councilmember Waneck said there was discussion at the September 21st meeting, and at that time the only decision was to go with the sink. Mayor Birkner said he is not following the problem. Councilmember Waneck interjected that the Council had already said no. Council President Miller said the window is not the issue, he agrees it gives a greater view. The issue is when presented a month ago with sod, the Council stressed they did not want to incur any expense and now the window is there. Mayor Birkner said it is not there, it's just an opening in a framed building. It's not an expense unless the Council chooses to install the window. Mayor Birkner said during his review, he is not an engineer, so he sees plans differently then when walking the site. When he was looking at the framing, he suggested leaving an opening instead of just blocking it in, and the Governing Body would get back to the contractor after the next meeting. Mayor Birkner reiterated that it is a cost avoidance, if the window is not going to be there there's no cost. Council President Miller admitted the Council may be overly sensitive about not knowing things and finding out later. They have been surprised

many times and are a bit sensitive. Mayor Birkner said there wasn't a meeting since two weeks ago.

Mr. Hoffmann next discussed the cost for seed vs. sod. Prices were obtained for three fields. The quote for sod is for the soccer, football and combined softball and baseball field. The net cost of \$60,027.85. He reviewed the breakdown of sod costs and credits on the spreadsheet.

Also listed in other items are advertising, legal and bond counsel costs. Councilmember Waneck asked if those are additional costs. Mr. Hoffmann said additional. Councilmember Quinn asked if numbers for sod are Borough numbers or from Let It Grow. Mayor Birkner said the numbers from the sod are from Let It Grow from 9/21/10, and were confirmed today. Credit for seed, fertilizer, and straw mulch was also confirmed today. The number is accurate on the spreadsheet. Councilmember Phayre pointed out that the credit would be there despite the sod, but that is just where it was applied as a credit in the analysis. Mayor Birkner agreed. He discussed why the credit for the soil was lower than expected. He discussed recouping 25% of the sod cost through the Green Acres grant.

Councilmember Grefrath asked for a detailed breakdown of the credit. Mayor Birkner explained the calculations in square yards for sod cost with seed credits included that are listed on the spreadsheet. Councilmember Grefrath summarized that there is about \$22,000 credit for seed and soil.

Councilmember Phayre asked what percentage of the complex the fields take up. Mayor Birkner doesn't know. He said the calculations are based on the surface of fields and a 10 ft barrier around the perimeter. Mr. Fordham agreed. Mr. Fordham said sports fields are roughly 50% of the complex. Mr. Hoffmann believes that information was forwarded to the Governing Body on October 5. Mayor Birkner said if using the soil credit the cost for sod would be 2% of the project cost.

Council President Miller said at the last project meeting it was advised that seeding would begin this past Monday. Mr. Fordham said it did not occur. Council President Miller asked why. Mr. Fordham responded he was not sure but it might be due to needing topsoil. Council President Miller said the Borough was told clearly seeding would occur Monday, but it did not. He wants to know why. Mr. Fordham said would know at tomorrow's meeting. Councilmember Quinn remembered the Borough was told topsoil would be started from the soccer field across and then seeding. Mr. Fordham said the topsoil has started, but it is possible it hasn't gotten far enough to start seeding. Mayor Birkner commented he didn't go out to that field today, but on Sunday they weren't finished with the soil on the soccer field.

Councilmember Sciara noted for the record that sod would cost \$72,560.35 if the Borough were to proceed with it. Two weeks ago the Governing Body was told \$60,000. Every time the numbers seem to be explained differently and they grow. Mayor Birkner said these are the exact same numbers as were provided on October 5th. Councilmember Sciara said they were told the number \$60,000 for sod. He reminded that Councilmember Phayre pointed out the credit was being applied here to make the number more attractive. He noted for the record that he feels the Governing Body is being steered in a direction.

Councilmember Waneck said on May 25th there was letter from dept of labor that could result in \$37,500 additional costs. Mr. Hoffmann said that was the ½ of 1%, which he thought was already accounted for. Mr. Herr said it was not. Councilmember Waneck asked Mr. Hoffmann to look into it.

Mr. Hoffmann pointed out that at 10 am the contractor was putting soil on the soccer field, but he didn't notice seeding. Councilmember Quinn asked the status of the topsoil on the rest of the project. Mayor Birkner said they started the topsoil on the soccer field last week, but he wasn't sure of the seeding status. Councilmember Quinn asked about the football field. Mayor Birkner said there is a little soil out there. Councilmember Quinn asked if the contractor is behind. Mayor Birkner thinks perhaps by a day, but he is not sure of the construction schedule.

Council President Miller had asked last week for the real numbers relating to the lighting. Mr. Fordham said he has not received it. He spoke to the contractor who confirmed the numbers discussed at the last meeting. They discussed the possibility of deducting two fields' worth of lights, which would still cost \$50,000. The number he received today was very similar to the number given to the Council. Council President Miller calculated that if the Borough chooses not to light two fields the savings would be \$ 122,000. Mr. Fordham agreed. Mr. Kelley added that the contractor said \$60,000 last week. Due diligence has confirmed that it will be in the are of \$50-60,000. Council President Miller calculated that the worst case scenario savings would be \$110,000 should the Borough go with that option. Mr. Kelley confirmed.

Mr. Hoffmann concluded that after looking at all expenses, additional expenses and requests total \$450,749.88. Mayor Birkner asked if the figure includes the \$187,000 and the \$123,000. Mr. Hoffmann confirmed. Mayor Birkner commented that the overages which are extensive can be classified in two ways. Those that can reasonably be expected on project of this magnitude, and those that are unexpected expenses. He thinks items for the construction issues, things run into during the construction such as a window, sink, handhold, lighting fixtures, etc, or for that matter sod in lieu of seed, could be reasonably expected to be incurred. Whether or not they are acted on is a different situation. But they could reasonably be expected. Most projects have a contingency of about 8% built in, and 10% is not uncommon to be realized. As of now the overages related to the field are approximately 3.1. Mr. Hoffmann said that figure was based on the original contract. Mayor Birkner doesn't feel that it is unreasonable to expect overages in that amount. What he does have a problem with is the \$187,000 and \$123,000. Mayor Birkner is not questioning whether they are real, honest, good services provided by Boswell Engineering for which they billed \$123,000. It had to do with the timing of it and when the Borough was made aware of the costs incurred, which presents a problem to the overall budget of the project. There are some design issues with this project that the Borough is being asked to pay for, which he would have thought would have been included in the design. He cited the example of raising sprinkler heads and buying additional sand and clay because the soil profile was raised from 4 to 7 inches. He believes those items would have been thought about. Things like knowing the regulations and designing the handholds for the electrical conduits, or modifications because of the steep slope adjacent to the feels, should have been included in the engineering. Those are

some areas where Mayor Birkner thinks the Governing Body should look at the costs.

Mayor Birkner continued that the Governing Body is being held responsible for covering engineering flaws from the additional design. Those are costs not reasonably expected to incur that the Borough is being asked to pay for. The Governing Body needs to look at what's reasonable and what makes sense to do the project correctly, as distasteful as it may seem, as well as what the Borough shouldn't be responsible for and why certain costs were incurred. The \$187,000 cost for piercing the cap was incurred because the design was deficient because what previously existed wasn't done right the first time. That is distasteful but it occurred. It is not reasonably expected but would be encountered because the project is being built on a landfill.

Mr. Hoffmann said that is the analysis of known and anticipated costs. Also provided was a breakdown of what cost would be based on a 15 year bond. Cost would be per property of \$8.77 per year or total of \$131.55 over a 15 year bond. Mr. Herr said if the Council were to go forward to fully fund the project, he would recommend the bond amount be for \$500,000 to make sure any additional costs would be covered. Mr. Herr assured that he and Mr. Hoffmann are confident in what they presented, however, some items are estimates. Other items may change, and it does not mean the unforeseen couldn't happen. Mr. Herr pointed out that the Governing Body can adopt a bond, but not spend it all and cancel the unused portion. If additional grant funding is received it can offset the bond.

Councilmember Phayre asked about change order number one. According to the memo from Bruce Bechtloff, change orders must be reviewed and approved by the DEP prior to implementation in order to be eligible. Councilmember Phayre asked if that was done. Mr. Kelley said yes.

Councilmember Waneck asked about costs that she doesn't want applied to the ordinance. There was a resolution in 2009 for a boundary study that is being applied to the ordinance. Mr. Herr explained that it is not uncommon to hold engineering study fees in abeyance to apply to the project bond ordinance. Councilmember Waneck said so we didn't have the money in 2009, Mr. Herr said basically. Councilmember Waneck clarified that there isn't an ordinance for every expenditure. Mr. Hoffmann explained that the reserve for capital improvements can be used. Mr. Herr noted that costs can be charged to engineering or the landfill ordinance.

Mr. Hoffmann reviewed the analysis of possible additional grant funding. An additional \$79,173.52 in eligible grant funding could be applied for. Councilmember Phayre asked if the design increase of \$123,000 would be eligible. Mayor Birkner said it is and it is not included in that number. He would like to look to reduce that \$123,000 number.

Mr. Herr asked that the Council decide as quickly as possible whether to fund or cut items from the project.

Council President Miller commented that recently the Council was presented with shocking numbers. It was thought the project was \$7,000 in the black, but it turns out much higher in the other direction. Many things they thought were true weren't. The Governing Body had two objectives. One was to construct a first class facility, and two, to manage it with fiscal responsibility. Westvale will have bathrooms, a concession stand, lit fields, a bike path that is an

even thickness, soil without rocks, metal and garbage. The Governing Body is working to meet the objectives. At the last meeting, the Governing Body was given two options that are enormously distasteful. One was to bond \$350,000, the other to somehow stop the project. The Council is rejecting those two options and looking at other options to continue to provide a first class facility while recognizing that every dollar is important.

Councilmember Grefrath asked if a resolution is necessary to freeze all 2010 non-essential capital projects as determined by the Finance Committee and Borough Administrator. Mr. Huntington said it would have to be considered whether the projects have already been awarded and have contractual obligations. If the projects have been previously authorized but not started, those projects can be put on hold by resolution and ultimately any funding ordinances would be repealed. Councilmember Grefrath defined an example of an essential capital project as fire equipment. It is the non-essential projects he is suggesting be put on hold to ensure there is money available to finish out the project.

Councilmember Phayre said previously the Borough has reduced indebtedness by going through old bond ordinances. In the 2009 audit there is a list of ordinances still outstanding. He would like to go through existing ordinances to apply the funding to the project. He reviewed several outstanding ordinances and their remaining amounts. Mr. Herr said this has been done in the past and is a good suggestion, however, some ordinances Councilmember Phayre had just mentioned are not available. Councilmember Waneck said there were as of December 2009. Mr. Herr discussed two specific ordinances that are not available. He agreed that other ordinances can and should be done.

Mr. Hoffmann interjected that one thing being brought up at the next meeting would be to refinance one of the longer term bonds. Mr. Herr pointed out that refinancing the outstanding 2003 bonds would get the Borough a lower interest rate, but it would not bring in money to the Borough at this time.

Councilmember Waneck suggested taking from the 2010 surplus and create a 2011 line item for Westvale improvements to cover the Boswell bill. She would like to ask Dr. Boswell to defer payment on that bill to 2011.

Councilmember Sciara noted that one of the biggest costs is due to the inferior work at the field to start with. He does not feel the Borough should pay twice. Mayor Birkner agreed 100%. Mr. Huntington believes it is worth looking into and will investigate. Mayor Birkner said any further discussions should be held in closed session. Mr. Huntington agreed. Councilmember Sciara suggested pursuing all parties involved in inferior work. He also doesn't agree with paying PSE&G. Mayor Birkner reiterated they are legal issues for closed session, but he agrees with the concept. Councilmember Sciara clarified that the Governing Body all want this project. The Governing Body is not saying negative things about the project, it is the finances. He believes if the Governing Body hadn't watched numbers the way they watched them, the project would have doubled in cost. Councilmember Sciara voiced his frustration. Mayor Birkner said everyone shares that sentiment. Mayor Birkner pointed out that Boswell Engineering is taking a hit, and wants to give credit to Boswell for running the project tightly. Quantities and estimates were

pretty spot on. Mayor Birkner reiterated that there are overages and expenses that could reasonably be expected to occur, and others that couldn't be reasonably expected. He appreciates how the Council wants to move forward to fund those, it is proactive and an intelligent way to look at funding sources and revenue streams.

Councilmember Quinn pointed out there is still a major expense related to the sod. Even with a \$12,000 credit for soil, the Governing Body still wants to scrutinize cost. In order to not have so high an expense, she would suggest only sodding one field right now. Councilmember Quinn said since Mayor Birkner has been such an advocate of the sod, if only one field were to be sodded, which field would he recommend? Mayor Birkner wouldn't pick just one, he would pick all three, based on the engineer, contractor, Recreation Committee and Recreation Director recommendations. Councilmember Quinn said that sodding all fields is assuming seed has not been put down yet, since the Borough doesn't want to throw good money after bad. She asked Mr. Fordham if he said grass could be just as strong as sod if the grass is maintained. Mr. Fordham said the final product of seed, if done right, is ultimately as good as sod, it just takes more maintenance. Councilmember Quinn said the Governing Body keeps hearing varying reports. Mr. Kelley said in order for grass to properly be effective next year, it would have to have been planted a week or two ago. Councilmember Quinn said next week was still considered acceptable at last Wednesday's project meeting. Mr. Kelley explained that if an Indian summer were predicted for next week it would be a good opportunity. At this point cool nights are projected, which would cause an issue with the grass next year. Councilmember Phayre said that is a change order, which is running into a problem since the timing was supposedly still within the window. Mayor Birkner said discussion was held at the last meeting concerning unanticipated delays, starting with the lawsuit on the bid award. Then there were delays from the piercing of cap and the resultant \$186,000 change order, and delays from the extensive rainfall. Those are important factors in the seeding timeline. Councilmember Quinn said at last week's project meeting it was said the seed still be applied to the end of month. Mayor Birkner said it could. His concern is the ultimate use of the fields would be delayed to May 2012 because the grass product would be very tender during 2011. It would be much more susceptible to wear and tear, and would require much more maintenance and repair. Sod would require less maintenance, would be able to bounce back better, would handle play better. He thinks the risk-reward equation has to be looked at.

Council President Miller remembered that at the preconstruction meeting, the contractor clearly said if he started on June 15th he can complete the project on time with no problem with seed. Prior to that Council President Miller had asked what could go wrong with the project. He had also asked how the weather would affect it. Dr. Boswell said if it rained half the time it would affect the project. Council President Miller reiterated that the Governing Body was told in June the contractor could do what was required, and are now hearing differently. He is far off the target. Mayor Birkner disagreed.

Councilmember Grefrath said Dr. Boswell originally predicted playing on the field in September 2011.

Councilmember Phayre asked if there is a window for sod. Mr. Fordham said it is later than seed. Sod can be laid as late as after Christmas if it is warm enough. Council President Miller said it is expected to be colder next week. Mr. Fordham said it would be too cold to germinate seed, but sod is already germinated. The middle of November is probably the latest for sod. The real window is already passed with seed, which is October 15th. Councilmember Phayre asked how the dialogue about the topsoil mix is proceeding. Mr. Fordham said as far he knows the contractor is proceeding. While he is not involved with that, Mr. Fordham is aware of ongoing issues on the quality of the topsoil. Councilmember Phayre asked if that is part of the delay. Mr. Kelley said no.

Councilmember Waneck noted the project is behind and asked for some type of remediation from Let It Grow if sod needs to be put in because it's too late to put the seed in. Mr. Kelley agreed it would be worthy of some discussion.

Mayor Birkner asked Mr. Hoffmann and Mr. Herr for recommendations. Mr. Hoffmann said the Governing Body has presented good ideas that can be included, but there are still funding needs to be addressed. Councilmember Waneck said definitively the Borough is not bonding the additional money. Council President Miller reviewed the suggestions by the Council, which should cover the balance and still allow the project to be done the right way without additional bonding and incurring those costs.

Councilmember Waneck noted that some of the additional costs listed could be removed since they are related to additional bonding. There also needs to be some conclusion on an additional roll up window and whether there are options to the \$2500 sink. Councilmember Phayre had hoped those options would have been presented to them, rather than defaulting to the bonding.

Mr. Hoffmann asked to clarify whether the Boswell fee was being moved to 2011. Councilmember Waneck explained there would be a line by line review and then surplus would be used. Freezing the capital may reveal money from capital improvements that were intended to be used elsewhere.

Council President Miller said the Borough fully intends to pay its debts, and fully intends for a first class Westvale. Bonding another half a million dollars is not the choice.

Councilmember Waneck requested it be explored with Let It Grow to contribute towards the sod since they have missed deadline for seed. Council President Miller said they should have seeded the soccer field, so there should only be discussion on two fields. Mayor Birkner stated the contractor was confident on meeting the germination window for the soccer field. Council President Miller believes there are two fields that would be sodded, one of which the Borough has found the money for, one of which the Borough needs to look for the money. One field is being seeded, and the Borough is committed to sodding one field. That leaves the sodding of one field, for which there may be other creative ways to do that.

Councilmember Quinn asked if sod can be put down in the spring rather than trying to install it all now. Mayor Birkner said absolutely. Once it is put down it can be used in two weeks. The

problem is having open dirt and unpredictable weather patterns, which is part of the problem with seeding. The test area had germinated, but heavy rain caused it to wash away. The soil surface must be stabilized or there is the risk of erosion and additional expenses. Mayor Birkner's opinion is that it is a cost avoidance for a not unlikely situation to occur. He cited the example of the Westvale A field, which was regraded, leveled, seeded and fertilized, after which a heavy rain washed it all away, resulting in the installation of sod. Mayor Birkner's fear is incurring additional costs from unpredictable weather patterns, no seed germination, or if there are perfect conditions in November for growth, it will be too tender and susceptible to excessive wear, requiring additional care and costs in 2011. With sod there is less overseeding in the spring, less if any in the summer, and less in the fall. There are costs that will be incurred in 2011 for grass seed even if it sprouts optimally, which is what drives his opinion. He understands the initial funding issue. Council President Miller said the Mayor articulated his points well, and the Council is not dismissing those points. The question is finding funding. Councilmember Waneck said the two PSE&G bills and window are nearly \$20,000 which is almost a field. Mayor Birkner pointed out there is one chance to do the project right. Councilmember Waneck asked why this wasn't in the original plan. Mayor Birkner said that is a good question. He reiterated that there are items that are reasonably expected to be incurred, and items that are not reasonably expected to be incurred.

Council President Miller feels that irrigation, bathrooms, and removing dangerous soil are part of doing the project right. To say the project is not being done right is unfair. The project has brought the location so far from the pile of dirt with grass seed. Mayor Birkner said he is not saying that the Council is not doing it right, he is saying there is an opportunity to realize that some of the unanticipated expenses will help the Borough do it absolutely correctly. Council President Miller reiterated that there are only so many resources.

Councilmember Quinn reminded of the expense of the playground next year, for which the Borough has applied for a grant but will still need money next year. Everyone wants to see the project finished for all ages to enjoy. She feels the Governing Body has to pick and choose what's reasonable right now.

Councilmember Grefrath interjected that the Council has identified money sources; let's get blood out of a rock.

Mayor Birkner asked what the Borough is moving forward with. Council President Miller responded the soccer field should be seeded. The Governing Body has identified funds for one field, whichever makes the most sense. He hopes to find \$25,000 in resources somewhere for the other field. Council President Miller continued that the project goes forward. The Borough pays its debts if they are due, and looks into the identified sources so there will be no bonding. One field will certainly be sodded, while looking to find funds for the other.

Councilmember Waneck asked the date by which bonds can be identified. Mr. Hoffmann said they can have it by the November 9th work session. Councilmember Waneck asked for it prior to the meeting. Councilmember Phayre asked to meet with Mr. Hoffmann and Mr. Herr to go through the ordinances. Councilmember Waneck asked Councilmember Grefrath to roll expenses

from capital into this project.

9.) Agenda/Public Forum:

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

Second: Councilmember Phayre

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

John Clark, 71 Harrington Avenue – commended Governing Body on their hard work. Mr. Clark asked how benches could cost \$1700. He wondered how the Borough would go about not paying the \$123,000 Boswell fee. He asked if the roll up window truly costs \$4,000. Mr. Clark questioned the cost of the park from capping to end. Mayor Birkner stated it cost \$13.4 million to cap, which was the most expensive portion and left deficiencies. The Borough was left with a pile of dirt with grass seed on it. Mr. Huntington said much of that expenditure was not optional; it was forced upon the Borough by the State. Mayor Birkner said much of the current expenses were due to poor engineering in the earlier phase. Mr. Clark mused whether the Borough really needs Westvale Park for \$15 million dollars.

Angelo Pierro, 34 St. Nicholas – believes the park is really needed. Mr. Pierro supports the bond cost of \$9 per year per household. He believes the increased value to homes offsets that amount. Mr. Pierro believes sod and lights are an absolute necessity for the project, which is very important for the community and the children.

Kathy Lanick 411 Kinderkamack – discussed the Pascack Brook sewer pipe and the foul odor. Ms. Lanick would like the system changed back to a closed sewer system. Mayor Birkner pointed out that the Governing Body has authorized a response, and will continue to pursue the matter until an acceptable remedy is reached. Any fumes that escape are unacceptable. Ms. Lanick is concerned the filter will remove some of the odor but not all of it. Mayor Birkner stated the engineers are saying this will work. The Borough will implement their recommendation, and if it doesn't work move to the next remedy.

Bill Leonard 417 Kinderkamack – his property is the recipient of the stand pipe. Mr. Leonard asked the engineer what is left to be done. Mr. Kelley doesn't have an exact answer. Mr. Leonard expressed his frustration with being unable to get answers. Mr. Kelley will see him after the meeting, give him his business card, and will give Mr. Leonard an answer in the morning. Mr. Leonard asked about hydro seeding. Mr. Hoffmann said it was done. Mr. Leonard said hasn't seen evidence of hydro seeding. Mr. Leonard will call Mr. Kelley in the morning but wants him to update the Governing Body also.

Mike Ciolino, 425 Kinderkamack – discussed the vent chamber and asked why the door is not water tight. Mr. Ciolino also inquired when the restoration and landscaping of his property would be performed. Mr. Kelley will look into the issues and have answers tomorrow. Mayor Birkner said the property will be restored as per the contract.

Rich Poggi, 55 Woodcliff Avenue - Appreciates the Governing Body's commitment to the Westvale project. Mr. Poggi urged sodding all the fields for equality among the sports, and putting the lights and the snack stand off until next year. He said the sports associations will pay for the roll up window. If the Borough doesn't sod, the burden will come on the sports associations to fundraise. The sod makes sense to make the fields usable and safe.

Vivian Stubbs, 28 Sand Road – stated that residents are disappointed in the performance of the speed tables. Mayor Birkner asked Captain Durante to address the issue. Captain Durante explained the methodology of the survey. Mayor Birkner reviewed statistics from the report showing only two vehicles speeded over the speed tables. He assured Mrs. Stubbs that the Police Department is continuing to monitor the tables, currently without enforcement in order to collect data. The data seems to indicate a positive result. The Governing Body will now request that monitoring be done with enforcement. Mrs. Stubbs voiced her concerns and disappointment.

Motion to close the public hearing: Councilmember Sciara

Second: Council President Miller

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

10. Ordinances of First & Final Reading:

Ordinances on Final Hearing

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””, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: 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

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Quinn

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 #10-22 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Quinn

Second: Councilmember Waneck

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””, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Waneck

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 Waneck

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 #10-23 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Waneck
Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes
Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara - Yes
Councilmember Waneck - Yes
Council President Miller – No

10-24 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Acquisition Of Various Equipment For The Borough Fire Department And Appropriating \$80,000 Therefor And Providing For The Issuance Of \$76,000 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

BE IT RESOLVED that Ordinance #10-24 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Acquisition Of Various Equipment For The Borough Fire Department And Appropriating \$80,000 Therefor And Providing For The Issuance Of \$76,000 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 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

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Phayre
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 #10-24 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 Sciara

Second: Councilmember Waneck

Roll Call: Councilmember Grefrath - Yes
Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara - Yes
Councilmember Waneck - Yes
Council President Miller – No

10-25 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Improvements To Various Municipal Buildings To Accomplish Energy Efficiency And Related Expenses And Appropriating \$80,000 Therefor And Providing For The Issuance Of \$76,000 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

Councilmember Phayre asked Mr. Hoffmann to review expenses relating to Ordinance 10-25. Mr. Hoffmann explained that the ordinance pertains to the energy audit direct install. The Borough is responsible for approximately 40% of the project. The State pays the contractor for 60% directly. Council President Miller asked if the Borough will be able to track savings. Mr. Hoffmann said yes, once everything is installed. He reviewed the energy upgrades to be performed. Councilmember Quinn questioned whether the library is responsible for financing its upgrades. Mr. Hoffmann said it's all included. Councilmember Waneck asked if the Borough has been reimbursed for the original study. Mr. Hoffmann has resubmitted the original voucher with a request to process immediately.

BE IT RESOLVED that Ordinance #10-25 entitled "An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Improvements To Various Municipal Buildings To Accomplish Energy Efficiency And Related Expenses And Appropriating \$80,000 Therefor And Providing For The Issuance Of \$76,000 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 #10-25 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 – No

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. Resolution 'c' was added. Councilmember Phayre asked about the origin of Resolution 'b'. Councilmember Waneck said it was suggested by the Environmental Committee.

Resolutions as Consent Agenda:

a) Resolution #10 - 267: Bill List & Statement of Cash

b) Resolution #10 – 268 : Supporting the Preservation of Block 7706, Lot 1 in the Borough of Paramus

c) Resolution #10 – 269: Authorizing Payment of Voucher to Let It Grow for Westvale Park

Motion to adopt resolutions #10-267 through #10-269: Councilmember Grefrath

Second: Councilmember Quinn

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

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Council President Miller – Yes

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 11:25 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk