

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
OCTOBER 15, 2013 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 Council President Sciara at 7:30 pm. Council President Sciara 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 – arrived 7:55 pm
Councilmember Grefrath – Present
Councilmember Waneck – Present
Councilmember Quinn – Present
Councilmember Arroyo – Present
Councilmember Miller – Present
Council President Sciara – Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington – Present
Borough Clerk Hughes – Present

Committee Assignments:

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

3. Resolution #13 - 254: Executive Closed Session

Motion to adopt Resolution #13-254: Councilmember Miller Second: Councilmember Grefrath

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

4. Reopen the Meeting:

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

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

The time was 8:10 pm.

5. Roll Call II:

Mayor Birkner – Present / Councilmember Grefrath – Present / Councilmember Quinn – Present /
Councilmember Waneck – Present / Councilmember Arroyo – Present / Councilmember Miller –
Present / Council President Sciara – Present / Borough Administrator Hoffmann – Present /
Borough Attorney Huntington – Present / Borough Engineer Boswell – Present / Borough Clerk
Hughes - Present

6. Flag Salute

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

7. Approval of Minutes: September 3 and 17, 2013

Motion to adopt the September 3, 2013 Work Session Minutes: Councilmember Grefrath Second:
Councilmember Quinn

Roll Call: Councilmember Grefrath – Yes Councilmember Waneck – Yes
 Councilmember Quinn – Yes Councilmember Arroyo – Yes

Councilmember Miller – Yes

Council President Sciara – Yes

Motion to adopt the September 17, 2013 Public Session Minutes: Councilmember Grefrath Second: Councilmember Quinn

Roll Call: Councilmember Grefrath – Yes
Councilmember Quinn – Yes
Councilmember Miller – Yes

Councilmember Waneck – Yes
Councilmember Arroyo – Yes
Council President Sciara – Yes

8. Breast Cancer Awareness Month Proclamation

9. Resolution #13- 255: Westwood Volunteer Fire Department – Matters of Personnel

Motion to adopt resolution #13-255: Council President Sciara Second: Councilmember Miller

Roll Call: Councilmember Grefrath – Yes
Councilmember Quinn – Yes
Councilmember Miller – Yes

Councilmember Waneck – Yes
Councilmember Arroyo – Yes
Council President Sciara – Yes

Mayor Birkner administered the Oath of Office to Cadet Justin Merwede. Cadet Kenneth Bertani was attending his Eagle Scout Court of Honor and could not be present.

10. Eagle Scout Project Presentation

Eagle Scout candidate Kevin Keenan of Boy Scout Troop 350 gave a presentation on rehabilitating Hegemann Park as his Eagle Scout project. The consensus was for Kevin to proceed with the project.

11. Reports of Committees and Officials:

A) Mayor's Report

a) Methane Investigation

Mayor Birkner noted that there is an ordinance on the agenda to provide funding to investigate the methane monitoring system at Westvale in accordance to directives from the NJDEP.

b) Train Signalization Project

Mayor Birkner informed that the train signalization project is moving along on schedule. He discussed the parking changes in the area in and around Veterans Park. He is hopeful the new areas where Madison Avenue was closed off will be seeded before winter. The Borough will find out tomorrow when the Irvington island will be removed, and pedestrian walkway striping will occur. Councilmember Grefrath announced that he's been told there will be a map thanks to Boswell.

c) Lightning Detection and Warning System

Mayor Birkner advised that the lightning warning system is in place. He believes it may be in the Council's best interest to follow up with an official policy or enforceable ordinance detailing procedures. The Borough will need to work with the School Board and other municipalities. Mayor Birkner would like the Recreation Director to look to other municipalities with a lightning system in place and determine if they have an ordinance or policy. There will be further discussion at the next work session.

d) Breast Cancer Awareness Month

Mayor Birkner discussed the importance of breast cancer awareness month. He thanked everyone for their prayers for his wife when she went through breast cancer treatment. He emphasized that early detection does save lives.

B) Engineer's Report

1) Biweekly Report

Dr. Boswell reviewed the biweekly report, a copy of which is attached.

2) Methane Investigation

Dr. Boswell explained the DEP had promised the permit for the drilling in one day but Boswell still doesn't have it, so they will start as soon as it is received. The drilling includes installing a new monitoring well for Phase 3B, fixing the well damaged by the Mosquito Commission, and installing the assessment sensors for the water level to help design a venting system that will work. Boswell did the analysis and it appears the current venting system was substantially complete more than 10 years ago, so there may be no recourse for the Borough.

Councilmember Waneck asked if the DEP is requiring everything in the proposal. Dr. Boswell said he believes it will be less, but they are requiring drilling, testing, design of a new system, bidding and installation. Councilmember Waneck pointed out that it is not budgeted this year, and asked whether the DEP would take into consideration that this is a 2014 project. Dr. Boswell said the DEP wants it done as soon as possible, and that they seem to be willing to give grant but were not definitive. Mayor Birkner said a grant was mentioned but no one with authority said it. Councilmember Waneck asked if the DEP has signed off that this is exactly what they want done. Dr. Boswell said the Borough will have to install a proper system since the current one does not work. The DEP will agree to the system before it is bid. Mayor Birkner said no one can predict what the DEP might ask for in the future. Councilmember Waneck wants to make sure this is the only alternative with the DEP. Dr. Boswell explained that the only possible alternative is when the monitors are installed when drilling, if it turns out that horizontal vents are higher than the groundwater table then Boswell may be able to make the system work. However, it appears the horizontal members are well below the groundwater table.

Councilmember Quinn said we believe in miracles. Councilmember Waneck asked if one quote is acceptable. Mr. Hoffmann said yes since it is the Borough Engineer. Councilmember Waneck asked why the ordinance amount is higher than the proposal. Mr. Hoffmann explained the ordinance includes soft costs, plus the CFO felt it appropriate to add a little more money for exclusions in the proposal that the Borough would be responsible to pay. He noted the approved \$7500 for drilling can be applied to the ordinance.

Councilmember Waneck asked when there would be an answer about the water levels. Dr. Boswell said once the permit is in hand, the driller will go out, and will he will know a few days after that. He reiterated that the Borough has to move forward with the system design because the DEP is concerned with a faulty system that is not venting methane.

3) Newark Avenue

Dr. Boswell reported that he met with the Kellers regarding drainage issues on Newark Avenue. He will do a quick calculation on the watershed, and see if there are any issues with debris. There seems to be more flooding than there used to be for equal storm events. Usually in that

case there is a collapse in a pipe or debris in an open system. He will report back at the next meeting.

Councilmember Quinn pointed out that the DPW televised the pipes. Dr. Boswell said yes, the pipes seem fine, and this is very speculative. When he met with the Kellers, Mr. Keller informed him that there is an 18 inch pipe, daylight swale, and then a 24 inch pipe. Generally an open area can get leaves, debris, etc. When Dr. Boswell asked if the water goes down quickly when leaves are cleaned out of the open swale during a storm, Mr. Keller said no, which leads Dr. Boswell to believe the pipe isn't functioning properly. Councilmember Quinn didn't realize Dr. Boswell could see the lines differently than what the televised results revealed. Dr. Boswell said the DPW did part of the system, but he wants to chase the whole system. Councilmember Quinn pointed out that the DPW went out right away to clean the open swale when the matter came up.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Finance Department Update

Councilmember Waneck advised that at the next meeting there will be a resolution to close out all ordinances that can be done. She announced that the Borough has reduced debt from .997 to .97. It would help to get the methane ordinance into next year's budget, which would show good faith effort but move the debt into next year.

2) Police and OEM:

a) Police Promotion Policy

Councilmember Miller thanked the Governing Body for input on the police promotional ordinance. Every member had the best interest in heart and mind for Westwood residents. There was a difference of opinion but it came from good, caring, thoughtful people. Councilmember Miller said the ordinance tonight needs revision to section 2C regarding lieutenant. It should be stricken in its entirety with the exception of the bachelors degree. Under Section 59-11, the waiver, remove sections B1 and B2, and in its place put command positions. Add to that, 'This waiver will be granted for promotional opportunities not beyond January 1, 2015, and add that any candidate must be actively enrolled in a degree program at the time of being promoted. Mayor Birkner asked if it was the time of being promoted or eligible for promotion. Councilmember Miller clarified that it should be eligible. Mr. Huntington further clarified that the language he was given was as follows: who at the time a list of eligibles for promotion to any set positions established is actively pursuing a bachelor's degree. Councilmember Miller added "in an accredited institution of higher learning". He then said that this waiver will only impact any promotion opportunity prior to January 1, 2015.

12. Ordinance For Introduction

13-30 An Ordinance Amending Chapter 59 of the Code of the Borough of Westwood Entitled Police Department

BE IT RESOLVED that Ordinance #13-30 entitled "An Ordinance Amending Chapter 59 of the Code of the Borough of Westwood Entitled Police Department" is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an October 29, 2013 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Miller

Second: Council President Sciara

Roll Call:

Councilmember Grefrath – Yes. October 29th is my daughter's due date. For nearly a year we have been discussing this police issue, and on several occasions members of the Council majority have come up with a plan and/or new ideas on how we can remedy this situation. Even though I originally voted for the current policy I wanted to see if there was a better, more creative, more fair, option than the one currently in the books. In the last week, we have received some pretty positive feedback and offerings from the minority. So I'd like to make three points.

1. As Councilman Miller noted when correcting a couple of misconceptions in the compromise proposal I gave the minority, known as Plan B, sergeants are not part of the command structure. They are supervisory in nature, but lieutenants and above are part of the command positions. So Councilman Miller's analysis helped me correct an opinion that I had and now I agree that time in the field may be as valuable in handling a sergeant's responsibilities as education. So I am happy we adjusted the requirements of sergeants to include years of experience in lieu of the educational requirement. However, having said that, I remain firm that education should be a part of the requirements for all command positions in this day and age, and that includes lieutenants and above. I am very happy that this is now included in the draft ordinance.

2. I like the newly formulated process that includes 50% for a written test, 30% for a senior police officers panel and 20% for the police committee.

3. For quite some time Chief Regino has been a very good friend of mine. I would not do anything to hurt him personally and I think he's done an outstanding job. Any decisions I've made, and we've made, in the past few months have been directed at the police promotion policy only. Individual members of the Westwood police force have not entered into my decision process.

For months I've been eagerly waiting for compromises from both sides of the issue. All I've heard were arguments about what the Council majority was proposing. Tonight, I heard some true progress. So there you have it. In the long run in today's world education as a component is a good thing, and that the decision I made many years ago was not a bad one. It just needed a tweak or two.

However, I do not like the waiver. I cannot support the waiver as currently written. However, I like the work done on this draft, this new ordinance. Without Section 59-11, I think we made progress. So I will say Yes to the introduction, but will continue to ask for the removal of the waiver.

Councilmember Waneck – Yes

Councilmember Quinn – No

Councilmember Arroyo – No

Councilmember Miller – Yes

Council President Sciara – Yes

Mr. Huntington clarified that the adoption of the ordinance is a two step process. Mayor Birkner noted that the November work session is on October 29th due to the election in November.

13. Reports of Committees and Officials cont'd:

3) Fire and Ambulance:

a) Fire Department Update

Council President Sciara reported that Westwood and other departments held swiftwater training last weekend, sponsored by United Water.

Last Wednesday was the Fire Department Open House. There was a fire call during the open house, which allowed visitors to see the department in action.

Engine 12, which has been out of commission for 6 months, should be back in service by the end of the month.

The annual Fire Department inspection is Saturday, October 19th at 6:00 pm.

4) Public Properties:

a) DPW Update

Councilmember Quinn announced that the new recycling schedule for DPW pickups is due in November. The garbage pickup schedule is back to once a week. Leaves can be raked out into the street and do not have to be bagged. Mayor Birkner clarified that the leaves should be put out around the pickup dates so they don't clog the street and drainage. Councilmember Quinn reminded everyone to call the DPW for big branch pickup. She advised that Home for the Holidays will be discussed during the biweekly train signalization meeting to ensure the park looks really good for the event.

Councilmember Waneck noted that the water bill for Veterans Park was a mistake and the Borough does not owe \$800. She thanked Mr. Woods for being so dogged about it.

5) Land Use:

a) Planning Board Update

Councilmember Arroyo advised that the Planning Board is working on the cell tower ordinance.

6) Health and Recreation:

Councilmember Grefrath reflected that October 29th is the first anniversary of Superstorm Sandy.

a) Health Department Update

Councilmember Grefrath reported that the Board of Health approved the first reading of their fee ordinance. Preliminary discussions on the Board of Health 2014 budget have been held.

The Board will award Certificates of Achievement to 14 restaurants for 5 years of good inspections.

b) Recreation Update

Councilmember Grefrath reviewed the special needs program. He noted that more high school students are getting involved with it.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

a) Railroad Signalization Project

Mr. Hoffmann said the Governing Body had asked at the last meeting for potential expenses of the railroad signalization project to be identified. He reviewed the items from his memo, including moving the storm drain out from under the 'kissing tree' and replacing the sidewalk that had to be removed to do the work; delivering as-built plans at end of the project to the county; providing compliance construction forms for handicapped ramps; replacing broken sidewalk slabs; replacing pavers at the corner of Third and Park Avenues.

Regarding the drainage issues at the corner of Third and Washington, the County thinks additional milling and paving will solve that.

Another expense item is traffic duty. The original estimate was 2000 hours. The County budgeted for 1000 hours on their side, with the Borough funding the rest. The revised estimate for traffic duty is 1145 hours.

There is expense for underground conduit for street lights, as well as the sprinkler system for the new area of the park, although they are trying to cover the with existing sprinkler heads.

The Engineering Inspector for the project recommended that Park Avenue paving include aprons to avoid ponding on the street. Mr. Woods agrees with that. Final paving will be in the spring, but the contractor hopes to wrap up construction in mid November. The County is asking for a confirming resolution for the project. The much anticipated cantileaver has been delivered, and will be scheduled for installation at night.

Councilmember Waneck thanked Mr. Hoffmann for putting the report together. She finds it disturbing how little funds are left. She wants to bring up that the estimated funds remaining is optimistic. Under item #7 in the report, drainage on Third Avenue has to run from Mt Everest around Flynn's corner to the storm drain. In the test, water wasn't getting even halfway down there. She considers it optimistic for milling to work. There may need to be storm drains, which expense is unknown. Councilmember Waneck pointed out that the storm basins in the new parking area weren't cheap. Mr. Hoffmann said this is a snapshot as of Thursday afternoon. The reason the balance is so low is because the Inspector recommended doing the driveway aprons, which he wanted to include in the analysis. Councilmember Waneck said the Borough may not the have funds remaining.

Councilmember Waneck reviewed the finances for traffic duty. She finds it commendable that some time was knocked off. There are only funds remaining for 178 hours. She said this project can go out to April, so having only \$10,000 left is not a significant amount. She asked for roads to be closed off whenever possible, so as not to incur more costs. Money for traffic duty is to come out of the ordinance, not the operating budget. She feels if there has to be another ordinance so be it, but do not take the traffic duty out of the operating budget. Mr. Hoffmann said agreed. He noted the Chief and Sgt. McClutchy have done a commendable job in monitoring the project and going back to the contractor to make sure officers were necessary. Councilmember Waneck said they need to be on top of it every single day. Mr. Hoffmann said there is no disagreement, everyone is on the same page. The Police are talking to the contractor every day on what's needed.

Councilmember Waneck said there are a lot of unknowns. She warned the Borough should be very careful about putting out money to fix private property. She understands about the aprons but it sets precedence. She wants everyone aware of how close the Borough is to amending the ordinance again.

b) Community Development Block Grant

Mr. Hoffmann advised that a CDBG grant is available to install handicap ramps in residential neighborhoods. It is 100% reimbursable. The application requires an engineer's estimate and certification. The Governing Body would need to approve a resolution for the engineer in amount not to exceed \$1000. Mayor Birkner asked how many curbs. Mr. Hoffmann said the fund amount hasn't been released yet. Mayor Birkner asked if the Berkeley intersection would be included. Mr. Hoffmann said that location is already in place. In the past, grants for this work have been around \$140,000.

c) June 2014 Meeting dates

The Governing Body choose the 2014 meeting dates for June, which will be the 4th and 17th.

14. Agenda/Public Forum:

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

Eric Bartlett, 447 Fairview Ave – explained that his son, who has Cerebral Palsy, is able to access the downtown in his wheelchair, but the sidewalk at Lake and Broadway ends abruptly in the Kmart plaza. Mr. Bartlett has spoken to the property owner but has been unsuccessful in convincing him to make the sidewalk handicap accessible. Mayor Birkner said the Borough will look into what can be done. Councilmember Arroyo pointed out that while it is private property it is also commercial. Council President Sciara confirmed that it should be ADA complaint. Mayor Birkner said it will be looked into.

Clair Keller, 10 Newark Avenue – distributed a letter requesting relief from the street flooding. She asked what continued monitoring means, how often storm drains are checked, and whether there is an issue on Clinton causing the backup on Newark. Mayor Birkner said the drains are regularly checked. Ms. Keller read from BCUA code. Mayor Birkner pointed out that it refers to the sanitary system. Ms. Keller said the drainage system is not working based on water in street after 15 minutes of rain. She suggested regular trimming of the trees. She will be at the next meeting since Dr. Boswell said he'd report back at that meeting. Mayor Birkner said he will give Dr. Boswell the letter. Ms. Keller said he has it. She would like it figured out and not necessarily just monitored. She asked if there will be a schedule for cleaning the basins.

Mary JoGuadagno 11 Newark Avenue – wants to make sure that the Mayor and Council is aware of the tremendous flooding on that street. It has happened five times in 13 months, and has worsened since the paving of Newark Avenue. Ms. Guadagno observed there are only four storm drains in the immediate area, with none on David Hooper or Westervelt. Water at speed is passing the existing drains. Ms. Guadagno is happy to have the engineer take a further look, since she feels monitoring is not enough. The system needs to be reevaluated to be sure it's still functioning. Ms. Guadagno described recent flooding from the September 12th rainstorm. She implored the Council to investigate fully.

Louise Brophy Ryan, 2 Newark Avenue – her mother has had 4-9 inches of water in the basement. Ms. Ryan has dealt with a Selective Service flood engineer, who suggested that the town check out the drainage. She met with Mr. Hoffmann to discuss the matter but never heard back. Ms. Ryan had

asked at that meeting about piping water from their yard into the storm basin, and whether the storm drains work. The basement keeps flooding. She has done what she can as homeowner, such as sump pumps. The neighbors have been trying to clear and clean the swale, and the DPW has helped, but it has not resolved the matter. Ms. Ryan stated that the civil engineer from FEMA said something is wrong with the pitch in road. She believes when the road was paved water started traveling a different way. Ms. Ryan said she has paid for professionals, and not asked the town. She did ask for the storm drain to be investigated, and has not heard a word, which she considers rude. She feels scoping the line is not sufficient.

Dorothy Haight, 84 Lincoln Blvd, Emerson – wrote a letter last October 16th but has not gotten a response to safety questions regarding her husband’s accident. Mrs. Haight can’t figure out why no one wants to talk to them. Her goal is to make every employee and volunteer in town safe. She would like to know if someone is going to get back to her, and if not, why. Mayor Birkner said someone is supposed to. Mrs. Haight countered that no one called. Mr. Huntington said most recently she had made an OPRA request with the clerk, which the Borough is working on. Ms. Haight wants to sit down and talk about safety, not hunting for documents. She wants to know about her letter from a year ago. Mr. Huntington said she is welcome to sit down, but Mrs. Haight replied that Mr. Huntington was advising everyone not to speak to her. Mr. Huntington would not address that comment. Mrs. Haight asked for someone get back to her. Mayor Birkner said she will be contacted with a meeting date.

Tom Smith, 424 Center Ave – asked for a copy of the police promotion ordinance. Mr. Huntington said it will be a day or so. Mrs. Hughes advised it will be posted on the Borough website. Mr. Smith is happy with improvements in the downtown area. He said saving money on police overtime is not as simple as closing streets. He knows where he bought his house and expects traffic, but even without closed roads NJ Transit buses use Center Ave. Can a letter be sent to NJ Transit, since it is an accident waiting to happen. Mr. Smith noted the preschool at the corner and requested a “children at play” sign. Mayor Birkner said during the detour the Borough could post “Emergency No Parking. Mr. Smith was not pleased with that suggestion. He is concerned that Center to Grand will become a regular route. Mayor Birkner assured him that it is not going to happen.

Ellen Zouroudes, 53 Lester Ave – requesting reevaluation of on-street parking in her area. Currently the ordinance prohibits parking for more than three hours and overnight. Ms. Zouroudes said this causes a hardship for the attached homes that have no driveways. Residents having to call the Police Department every night to advise a car is on the street is not reasonable. Ms. Zouroudes understands the daytime limit is due to employee parking from the old car dealer site. She would like to suggest on-street permit parking for residents. She would be happy to pay a fee. Mayor Birkner has a copy of the resident’s petition and will bring it to the Police Department for review. He asked what time is worst for parking. Ms. Zouroudes said evenings and nights. There is an 8-11 foot easement behind the properties that all use as a driveway. She also had pictures. Mayor Birkner suggested she email them to the Borough Administrator.

Gary Conkling, 406 Kinderkamack Ave – is concerned with \$100,000 to redo the venting system. Mayor Birkner said a portion requires monitoring, since there is a question of whether it was installed properly to begin with. Part of the system may have been installed below the water level.

The scope of work is expansive. Mr. Conkling asked if the contractor who installed it wouldn't be responsible. Mayor Birkner said the question has been asked, and the Borough is waiting for the determination. Mr. Conkling said since the DEP signed off on it even if it was installed incorrectly, wouldn't the DEP be at fault. Mayor Birkner said he is not making a legal determination. It depends on whether or not the plan was followed. Mr. Huntington said the DEP enjoys immunity. Mayor Birkner explained that the investigation is to match the level of the laterals against the plans that were approved. Mr. Conkling asked if the venting system for the concession stand is complete. Mayor Birkner said it is in process. Mr. Conkling asked if it provides 24-hour venting of gases. Mayor Birkner said that is part of the plan. Mr. Conkling said he is concerned with the location of the concession stand. The roller hockey rink was not put there because of settling, so he wondered if there would be settling for the concession stand. Mayor Birkner described the pilings used for the concession stand as opposed to the ill-conceived hockey rink. The issue at hand is construction of what was approved. Mr. Conkling said if the building wasn't there it wouldn't be an issue. He claimed he read there was dangerous levels of methane in the building. Mayor Birkner told him not to mislead the public. Mr. Conkling feels it is a lot of money.

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

15. Ordinances of First & Final Reading:

Ordinances for Introduction

13-25 An Ordinance Repealing Chapter 337, Taxicabs And Limousines, And Creating Chapter 337, Taxicabs

BE IT RESOLVED that Ordinance #13-25 entitled "An Ordinance Repealing Chapter 337, Taxicabs And Limousines, And Creating Chapter 337, Taxicabs" is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an October 29, 2013 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Waneck
Second: Councilmember Grefrath

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

13-26 An Ordinance Establishing Chapter 202, Limousines

BE IT RESOLVED that Ordinance #13-26 entitled "An Ordinance Establishing Chapter 202, Limousines" is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an October 29, 2013 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Waneck

Second: Council President Sciara

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

13-27 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Construction Of Handicapped Accessible Circulation Desk And Borough Hall Counters And Appropriating \$40,000 (Including A Grant In The Amount Of \$37,500 Expected To Be Received From The 2013-2014 County Of Bergen Community Development Block Grant Program) And Appropriating \$2,500 Therefor From The Borough’s Capital Fund

BE IT RESOLVED that Ordinance #13-27 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Construction Of Handicapped Accessible Circulation Desk And Borough Hall Counters And Appropriating \$40,000 (Including A Grant In The Amount Of \$37,500 Expected To Be Received From The 2013-2014 County Of Bergen Community Development Block Grant Program) And Appropriating \$2,500 Therefor From The Borough’s Capital Fund” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an October 29, 2013 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Miller

Second: Council President Sciara

Councilmember Waneck noted that this project was not part of the approved 2013 capital. The Borough needs to account for grants in the 2014 budget.

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

13-28 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Methane Investigation And Remediation For The Borough Of Westwood And Appropriating \$100,000 Therefor And Providing For The Issuance Of \$95,000 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

BE IT RESOLVED that Ordinance #13-28 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Methane Investigation And Remediation For The Borough Of Westwood And Appropriating \$100,000 Therefor And Providing For The Issuance Of \$95,000 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said

ordinance with an October 29, 2013 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Grefrath

Second: Council President Sciara

Roll Call:

Councilmember Grefrath – Yes

Councilmember Waneck – No. She wants to delay this as long as possible to get it into next year's budget.

Councilmember Quinn – No

Councilmember Arroyo – No. He would like to know the problem before borrowing.

Councilmember Miller – Yes

Council President Sciara – Yes

Mayor Birkner – Yes

13-29 An Ordinance Amending 375 Vehicles And Traffic, Article X Bus Stops

Councilmember Grefrath asked about the parking spaces that coincide with the bus stops. He asked if tickets would be issued and whether signs would be posted. Councilmember Waneck asked if the parking spots impacted are the long term 8 hour ones. Mr. Hoffmann will double check.

Councilmember Grefrath said the prohibited parking hours are not adding up. Mr. Hoffmann said they can be made shorter. Councilmember Waneck observed that if commuters are not allowed to park during peak time then it is taking away from parking overall. Councilmember Grefrath stated that the bus stops have worked for 20 years. If a car is parked in the parking spot that doubles as the bus stop then the bus just deals with it. Mayor Birkner wants to verify the type of meters first before proceeding with the ordinance.

Motion to table Ordinance 13-29: Councilmember Grefrath Second: Council President Sciara
Voice vote: A voice vote was taken with all present voting in the affirmative.

16. Presentation of Bills, Financial Reports and Resolutions:

Councilmember Grefrath asked if there were any resolutions to add to the Consent Agenda. He stated that any Councilmembers who wished to remove any Resolution(s) to be voted upon separately could do so at this time, otherwise the Consent Agenda would be enacted in one motion.

Councilmember Waneck questioned resolution 'd'. She thought there would have been a shared service agreement before the project began. Mr. Hoffmann explained that the County passed its resolution in 2012 but we did not receive it until recently. Councilmember Waneck asked who will absorb cost for items 1-17, or are they in line with what has been planned. Mr. Hoffmann said it is in line with the plan. Councilmember Waneck asked if everything on the resolution was checked against the plan. Mr. Hoffmann said he compared it, as did other departments. When Councilmember Waneck asked who, Mr. Hoffmann said the Police, Engineering, DPW, Finance, Clerk, and Attorney. Councilmember Waneck asked about the street lighting survey. Mr. Hoffmann said it is done and street lights moved. Councilmember Waneck asked it was the Borough's responsibility. Mr. Hoffmann said it was done by PSEG.

Resolution e was removed for separate consideration

Resolutions as Consent Agenda:

- a) Resolution #13 - 256: Bill List & Statement of Cash**
- b) Resolution #13 - 257: Authorizing Refund of Taxes B705 L10**
- c) Resolution #13 - 258: Approval to Cancel Tax Balance**
- d) Resolution #13 - 259: Shared Services Agreement Between Bergen County and Borough of Westwood – Intersection Improvement and Signalization at Three Broadway Intersections**
- f) Resolution #13 - 260: Change Order #1 for Roosevelt Avenue Improvements/Pascack Valley Cooperative Pricing System (#107-PVCPS) 2012 NJDOT Project**

Motion to adopt resolutions #13-256 through #13-260: Councilmember Grefrath

Second: Council President Sciara

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

Mrs. Hughes noted that there were additional resolutions on the next page of the agenda:

- g) Resolution #13 - 261: Authorizing 2014 Community Development Block Grant Application**
- h) Resolution #13 - 262: Use of Sidewalks – Chamber of Commerce**
- i) Resolution #13 - 263: Approval of Westwood Fire Department Application to Consume Alcoholic Beverages on Public Property**

Motion to adopt resolutions #13-261 through #13-263: Councilmember Grefrath

Second: Councilmember Waneck

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

e) Resolution #13 - 264: Authorizing Change Order #3 for Madison/Park/Third Project

Motion to adopt resolution #13-264: Councilmember Grefrath

Second: Council President Sciara

Roll Call:

Councilmember Grefrath – No
Councilmember Waneck – No, approves the storm drains but objects to the \$4400 for aprons
Councilmember Quinn – No
Councilmember Arroyo – No, based on setting precedent for working on private property.
Councilmember Miller – No

Mayor Birkner interrupted to allow Mr. Hoffmann to explain that the \$4400 is for the curbs on Park Avenue. It does not include the aprons. The other cost is for moving the water drainage lines by the Copper Beech tree.

Councilmember Grefrath recommended a motion to revote. Council President Sciara seconded. All were in favor.

Motion to adopt resolution #13-264: Councilmember Grefrath

Second: Council President Sciara

Roll Call:

Councilmember Grefrath – Yes

Councilmember Waneck – No. Still doesn't think it is necessary at this point, the budget will run over.

Councilmember Quinn – Asked if this is just for the curbing between Third and Second? Mr. Hoffmann said yes, it is on the library side. Councilmember Grefrath noted it includes the drainage by the Copper Beech. Councilmember Quinn voted Yes.

Councilmember Arroyo – Yes.

Councilmember Miller – Yes

Council President Sciara - No

17. Adjournment:

Motion to adjourn: Councilmember Arroyo Second: Council President Sciara

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

The time was 10:20 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk