

**BOROUGH OF WESTWOOD
WORK MEETING OF THE MAYOR & COUNCIL
OCTOBER 2, 2012 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 Miller - Present
Councilmember Phayre – Present
Councilmember Quinn - Present
Councilmember Sciara - Present
Council President Waneck - Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Clerk Hughes – Present

Committee Assignments:

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

3. Resolution #12 - 266: Executive Closed Session

Motion: Councilmember Miller Second: Councilmember Grefrath

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

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Phayre Second: Councilmember Sciara

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

The time was 8:18 pm.

5. Roll Call II:

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

6. Flag Salute

Mayor Birkner led those present in the salute to the flag

7. Reports of Committees and Officials:

A) Mayor's Report

Mayor Birkner encouraged all women to have a mammogram as part of Breast Cancer Awareness Month. He noted that his wife has been cancer-free for three years.

1) Lightning Detection System

Mayor Birkner reported that the Recreation Director will be attending a workshop on Lightning Detection Systems. Westwood does not have a formal policy, but given the recent tragedy at Northern Valley High School, Mayor Birkner believes it should at least be addressed by creating a policy. He asked Councilmember Grefrath to follow up with Mr. Buchheister.

2) HUMC

The HUMC construction is three months ahead of schedule. Mayor Birkner said it is good to see work going on, and good to see people at work. Councilmember Phayre pointed out that the hospital has begun its initial hiring. Mayor Birkner said a job fair would be held on October 10th.

3) Shared Services

Mayor Birkner has presented Washington Township with the information they requested that forecasts costs for shared dispatch for years 6 through 10. Washington Township officials are now considering hosting the dispatch center in the Township. Mayor Sopkowicz was supposed to present the Township Council with proposals last night, but it apparently did not happen. Mayor Birkner said Westwood is here when they are ready to discuss the matter further.

Mayor Birkner advised that the new director of shared services for the DCA has contacted him on hosting a meeting for Westwood and Washington Township on how the DCA can help with shared services. Mayor Birkner invited any Governing Body member who was interested to attend.

4) FEMA Update

Mayor Birkner stated the staff has been remarkable with handling the FEMA paperwork. This is putting a strain on routine municipal business and day to day operations. Borough employees have expended close to 400 manhours to date, and are expected to expend up to an additional 500 hours during the critical budget preparation time. This is going to put additional burdens on the entire Borough staff. The process has been frustrating and burdensome, and FEMA keeps making changes on us that expend additional time. Mayor Birkner will be distributing a memo regarding this in the next few days. Essentially he will be recommending the Borough hire a consultant to take over administration of the project since the Borough is looking at a considerable amount of time for the staff to handle it. He is waiting to verify whether funds for a consultant would be payable out of Green Acres funding. If that is the case he strongly recommends hiring the consultant, since there will probably be over \$50,000 worth of staff time expended otherwise. Mayor Birkner said he has heard back from one consultant company, the Land Conservancy of NJ, who is involved in Pequannock. Councilmember Phayre remembered that the Land Conservancy had made a presentation to the Governing Body.

Mayor Birkner said has confirmed they could do the demolitions. The Borough will have to send a formal request to the County administrator and Director of Public Works. This will

result in a cost savings.

Mr. Huntington said he has been meeting with Mr. Hoffmann and Mrs. Hughes to determine the next steps. Mr. Huntington reviewed the resolution authorizing the hiring of professionals for environmental investigations, title search, and surveys. He recommends the surveyors use stakes because of the nature of the purchases. Mr. Huntington advises using Boswell to make life easier and less confusing. There is also a resolution authorizing appropriate officials to execute documents to expedite the process. Mr. Huntington warned that while he would like to get the closings done before the end of the year due to tax consequences, the process requires closing materials be completed in order to submit them to the two agencies to get money for closing. The funding takes 6-8 weeks. He is not sure the closings can happen before December 31st.

Council President Waneck asked if the reports are for all properties, and if the costs are coming out of the funds for purchasing the homes. Mr. Huntington said the surveys and reports are for just three homes. He is not certain that all costs are going to be reimbursed, and he can't guarantee it. Council President Waneck asked if the Borough is required to do a title search, etc. Mr. Huntington said yes. And the buyer can change his/her mind right up to the signing. Mr. Huntington estimated the Borough could be looking at \$15,000 worth of costs for someone to change their mind. Mr. Hoffmann explained the breakdown of funding. He noted FEMA and the DEP have specific requirements that must be met for surveys. Mr. Huntington is concerned that FEMA may have standardized costs for reimbursements that may be lower than actual costs in New Jersey. Councilmember Phayre asked about title policies, Mr. Huntington explained. Mrs. Hughes explained the potential supplemental payment if it can be proven that home values in the flood zone are less than those outside the flood zone.

5) Overnight Parking Permits

Mayor Birkner wants to reaffirm the Borough's position on overnight parking. Mr. Huntington has sat through these discussions several times. He believes the issues outweigh convenience. Not just snow plowing but safety concerns have been discussed, as well as the ability to track the number of residents in a home. Councilmember Sciara believes it has to be contained for security reasons. Overnight permits will flood streets with cars, and residents will be calling the Police Department. Mr. Huntington gave an example of tracking housing issues. Councilmember Grefrath gave an example of a car being parked on the street for a year and a half in another municipality. The consensus is to leave overnight parking as is.

6) Assembly Bill Regarding Tax Relief

Council President Waneck noted there is a new Assembly bill regarding tax relief for purchased flood prone properties. Mayor Birkner discussed Assemblywoman Schepisi's bill regarding taxes for Blue Acres homes. The Assembly bill has bipartisan support, and a Senate bill is being considered. Mayor Birkner appreciates the Assemblywoman's work on the Borough's behalf. He also tipped his cap to the Assemblywoman for how she expedited the permits that were holding up a modular unit being used to rebuild on a Lockerby property.

B) Engineer's Report

a) Biweekly Report

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

b) Lightning Monitoring

Dr. Boswell advised that regarding lightning, the state of the art is not protection, it is prediction. Lightning monitoring systems measure the electrostatic charge in the atmosphere, which lets you know potential. The general rule is if you hear thunder, go inside.

c) Train Signalization Project Accounting

Council President Waneck thanked Dr. Boswell for his prompt follow up with the train signalization accounting and Police overtime detail information. It will help with the budget for 2013.

Council President Waneck remembered that back in January 2011 there was discussion about the County road and the CVS project. At that time the County was discussing widening Broadway. She asked if that was now not happening. Dr. Boswell said there is no widening, but the question is now how to do the streetscape. There are actually two trees in front of the CVS that will be impacted. The Governing Body discussed the matter and decided that both trees should be removed. They referred the decision on how many trees to replant to the Shade Tree Committee.

Councilmember Phayre voiced concern with the asphalt apron for the CVS, which would degenerate more quickly. Dr. Boswell was directed to tell them to replace it with concrete. While it is beyond their board approval, Dr. Boswell feels it is reasonable to ask for it.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Finance Update

Councilmember Phayre announced that the new CFO started work on Monday.

2) Police and OEM:

a) Police Private Duty Financial Analysis

Councilmember Miller reviewed the Police private duty analysis. He said that based on his understanding that there is a strict application for that source of revenue, he wanted to know how much was available after the payment to the officers and the details of how the disbursements were applied. Mayor Birkner suggested further discussion be held with the Administrator, CFO and Police Chief.

3) Fire and Ambulance:

a) Cell Towers

Councilmember Sciara noted that despite having cell towers here at borough hall and at the firehouse, there was an application approved for a tower on the movie theater because there were communication and information issues. He would like to see a cell tower consultant or someone to manage the Borough cell towers. Mr. Huntington said about a year ago the Borough talked about perhaps getting a cell tower manager but didn't proceed. Maybe now with the new revenue source from Verizon co-locating, that could be pursued. They are not inexpensive, however. Mr. Hoffmann said there are other

communities having similar discussions, so maybe there could be a shared manager. Mayor Birkner will talk to the DCA representative tomorrow. Councilmember Grefrath asked if there are towers on the hospital. Mr. Huntington thinks they are removed. Councilmember Sciara asked what kind of records the Borough has. Mr. Huntington said the records are confusing because the providers have changed names. Councilmember Sciara would like to know who is currently on the towers. Councilmember Quinn asked for a copy of the current ordinance. Mr. Huntington said a consultant could make recommendations about changes to the code.

4) Public Properties:

a) Library Update

Council President Waneck announced that volunteers to serve on the various municipal boards are needed, especially for the Library Board of Trustees.

b) DPW Update

Council President Waneck advised that the DPW is running into issues with garbage trucks. They started out with 5 this year, but just retired one. The remaining four are used for leaf pickup, recycling center, yard waste, and storms. The Borough will be looking at another truck in the capital budget next year.

The recycling tonnage numbers are looking better. Council President Waneck reviewed the numbers. There is an 8.7% increase, so seems once a week recycling is going where the Borough hoped. There was a successful shred day in September. Garbage pickup is back to once a week. Cameras have been installed at Westvale Park.

c) Goals

Council President Waneck reviewed the goals checklist, a copy of which is attached.

5) Land Use:

a) Plumbing Subcode Official

A resolution to appoint a temporary Plumbing Subcode Official is on the consent agenda. The Borough will advertise and interview for a permanent hire.

b) Shade Tree Committee

Councilmember Quinn pointed out that there was a presentation at the last work meeting regarding the draft shade tree ordinances. They will be on the next work session agenda for discussion, so she asked everyone to get back to her prior to that meeting with their thoughts and ideas.

c) Land Use Boards Update

Councilmember Quinn relayed that regarding the Metro PCS application to locate on the movie theater, the Zoning Board listened to all the applicant's information, weighed decision carefully and made the best decision they could. Moving forward the Borough will look at making the ordinances and codes better. The Planning Board has been discussing the Master Plan Reexam recommendations. Among the next proposed ordinances will be one related to the Valley Ford site.

Councilmember Quinn thanked Mr. Hoffmann for his help with escrow accounts tracking and notification. The new CFO will be solidifying steps in order to keep escrow working correctly. Council President Waneck said the CFO already has ideas, since she has experience with it.

6) Health and Recreation:

a) A Field Drainage

Councilmember Grefrath said the Recreation Director would like to move on the issue with drainage on the old A field. He is obtaining prices regarding the grading of the infield. The Borough could purchase clay on State contract, and Tri-Field would do the labor. Mr. Buchheister recommends it be done this fall, with the funding coming out of the building and fees trust fund. Mayor Birkner asked if the grass is being replaced also. Councilmember Grefrath said it's the infield so it must include the grass, but he isn't sure.

b) Veterans Park Update

Councilmember Grefrath updated the Governing Body on the status of the Veterans Park project and the Memorial Benches.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) Shared Services

Mr. Hoffmann advised that at the Pascack Valley Administrators meeting on Thursday, they will discuss leaf disposal and flooding/stream desnagging. These could also be topics for the DCA meeting.

2) Westvale Lights History

Mr. Hoffmann reviewed the analysis of the lighting history at Westvale. He explained that there are two demand charges, monthly and summer demand. Summer is from June 1 to September 30. Demand costs are more than costs for kilowatt hours. 2012 costs based on usage is \$25,057.30,. PSEG will be requesting a rate increase of up to 1.8 % to demand charges in 2013, which Mr. Hoffmann calculated in the analysis as 2%. Council President Waneck reviewed the original invoices for lights, which were not signed because the Borough didn't possess park until June. She asked the actual amount in 2011 for June through December. Mr. Hoffmann believes it is \$15,000. Council President Waneck thinks it is less. She wants a firm number for 2011 from June through December.

Council President Waneck asked what the projected cost of \$25,057 is based on. Mr. Hoffmann said it is projected because there are organizations that want to use the fields in November and December. Council President Waneck requested real numbers for January through August and then projected for rest of year. She also wanted a reminder of what was budgeted for 2012. This will help Finance get a handle on what was really spent. Councilmember Grefrath agreed that the Council wants to know exactly what is being spent on Westvale Park. During the budget process he had suggested a separate page for Westvale,

since there is a need to track for that. Mr. Hoffmann said Westvale expenses are being tracked.

Council President Waneck observed that the costs in the analysis memo are for sport lights. What is not discussed in the analysis memo is the comfort station. She would like the cost for that and the lights around the park perimeter. Mr. Hoffmann said he didn't have a good definition of demand charges prior to this, and that was a key. Councilmember Grefrath said it was always known that the Borough would have charges to keep Westvale Park running, which the Governing Body always wanted to manage. Council President Waneck wants to be pretty close in 2013 to accurately managing the costs.

3) Recreation Fee Ordinance

Mr. Hoffmann discussed the draft recreation fee ordinance, which includes recommendations for using fields and night and covering light expenses. The costs for lights were based on the highest demand months. Fees differ between residential and non-residential use. Westvale A is rented the most.

Councilmember Miller asked if data was narrow band, with no wide highs or lows, since extremes can distort. Mr. Hoffmann gave ranges for Westvale A. Council President Waneck said the per hour fee based on range should depend on the field, since the costs vary by field. If charging an hourly rate for lights, shouldn't it be less for field with less wattage? Council President Waneck realized this method would be more complicated but believed it would be more equitable. Councilmember Miller agreed but felt there should never be a month where it costs residents money for the lights. The Borough should never have a month running in the negative. Council President Waneck said knowing the projected hours and costs, how close do the fees get to that number? She is looking for options, such as perhaps charging resident users less and non resident users more. Mr. Hoffmann said it should be reviewed again with the CFO. Councilmember Miller believes it should be cost it out like business. Council President Waneck said it should also be cost out by season. Mr. Hoffmann pointed out that some months are astronomical. Councilmember Miller said if they know that they may not use the field.

Councilmember Sciara asked if the demand factor only comes into play when lights are turned on. Mayor Birkner said yes and explained it is based on when lights are turned on.

Councilmember Phayre observed that another issue to look at is turning lights off. Mr. Hoffmann said they are exploring a fine for leaving the lights on. Councilmember Sciara asked how many people have accessibility to controls to turn the lights on and off. Mr. Hoffmann thinks three. Councilmember Sciara recommends names and numbers be recorded so someone can turn them off. Mayor Birkner pointed out that the lights can be turned from a computer screen anywhere, including the Police Department. Council President Waneck advised that Recreation has changed the cutoff time to 9 pm as of today. Mayor Birkner said Mr. Buchheister can program specific times for shutoff, since the fields have specific codes. Council President Waneck asked Councilmember Miller to request the Police Department take notice that lights are on. Mayor Birkner stated that the Police can shut them off, as has been the case since they were installed. Councilmember Quinn said they have to know, to which Mayor Birkner replied that they have to be trained and do it.

Mr. Hoffmann noted that liability policy costs will be factored in as well once they are received. The Recreation Advisory Board has made recommendations on what makes up a

residential team.

Council President Waneck pointed out that money in trust accounts is not designated for any one group. Councilmember Miller further expounded that it is not to be used by a Department Head as an alternative fund to the budget. Council President Waneck stated that all money in trust funds should be the Borough's to work with. If it does not have a specific purpose it should be general revenue. Mr. Hoffmann explained that when teams pay a fee, those funds are deposited into a Borough account or trust account. This meant that money for field rental goes into that account. Council President Waneck observed that money for lighting goes into the Recreation trust when payment comes from another line, so the CFO will need to work on that.

Council President Waneck and Mr. Hoffmann discussed Meadowbrook Park costs. Council President Waneck thinks the cost should be higher and wants real numbers. She requested an updated memo for the next session before introducing the new fees.

4) Energy Usage

Councilmember Miller discussed energy usage. He asked when the modifications were made to Borough Buildings. Mr. Hoffmann replied that some were started at the end of 2010 and others done in 2011. The library boiler was installed at the end of 2011. Councilmember Miller said the cost of the total investment was about \$50,000 and asked if the Borough has seen a return on its investment. Mr. Hoffmann believes so. Councilmember Miller questioned the mean temperature numbers on the analysis. Mr. Hoffmann said the information was obtained from the Rutgers website. Councilmember Miller obtained the temperature information differently. He feels the return on investment is skewed by the temperature. Rate changes, if inclusive of all buildings, also has an influence. Councilmember Miller asked if the Borough could have saved the same amount of money without the changes. He feels the savings number is artificially larger and not realistic. Mr. Hoffmann dist an analysis. Councilmember Miller and Mr. Hoffmann discussed what had been upgraded and what hadn't. Mr. Hoffmann noted the analysis does not include rate changes. Councilmember Miller said he is looking for good numbers to honestly say this is what was saved.

8. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Phayre

Second: Councilmember Grefrath

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

John McLaughlin, 87 Cottage Place - discussed concerns he and other Cottage Place residents have with using the dead end street as a drop off and pick up for the elementary school. Mayor Birkner read the letter he had received from the Cottage Place residents. He said there was also correspondence from Mr. Fischer regarding the same situation. It has been referred to the Police Department, who will work with the school and come back with a report and recommendation.

Joe Colello, 65 Cottage Place – voiced concern about the traffic problem. Mr. Colello suggested parking be allowed on only one side of the street.

Gary Ciser, 74 Cottage Place – voiced concerns about the traffic problem. Mr. Ciser said in the morning the street is more of a raceway, and in the afternoon the problem is parking. He does not think the street

should be used for pickup and dropoff.

Motion to close the Agenda/Public Forum: Councilmember Sciara

Second: Councilmember Miller

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

9. Presentation of Bills, Financial Reports and Resolutions:

Mayor Birkner advised that the following Resolutions would be enacted in one motion. Councilmembers who wished to remove any Resolution(s) to be voted upon separately, had the opportunity to do so at this time, and said Resolutions would be considered separately. Resolutions i, j, and k were added.

Resolutions as Consent Agenda:

- a) **Resolution #12 - 267: Bill List & Statement of Cash**
- b) **Resolution #12 - 268: Authorizing Redemption of Tax Sale Certificate #10-00002**
- c) **Resolution #12 - 269: Authorizing Refund of Taxes B104 L5**
- d) **Resolution #12 - 270: Authorizing Refund of Taxes B709 L7**
- e) **Resolution #12 - 271: Put the Brakes on Fatalities Day**
- f) **Resolution #12 - 272: Authorizing Surveyor and Environmental Assessment Services for the FEMA 4021 Hazard Mitigation Grant Program**
- g) **Resolution #12 - 273: Award of Contract for Utility Bill and Insurance Invoice Verification Audit**
- h) **Resolution #12 - 274: Appointment to Environmental Committee**
- i) **Resolution #12 - 275: Appointment of Interim Plumbing Subcode Official**
- j) **Resolution #12 - 276: Authorizing Borough Officials to Execute FEMA and DEP Documents**
- k) **Resolution #12 - 277: Authorization for FEMA Grant Supplemental Payment Certification**

Motion to adopt resolutions #12-267 through #12-277: Councilmember Grefrath

Second: Council President Waneck

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

10. Adjournment:

Motion to adjourn: Councilmember Sciara Second: Councilmember Miller

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

The time was 10:25 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk