

**BOROUGH OF WESTWOOD  
WORK MEETING OF THE MAYOR & COUNCIL  
OCTOBER 29, 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 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 Waneck – Present  
Councilmember Quinn – arrived 7:43  
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 - 265: Executive Closed Session**

**Motion to adopt Resolution #13-265:** Councilmember Miller Second: Council President Sciara

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

**4. Reopen the Meeting:**

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

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

The time was 8:30 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**

Mayor Birkner led those present in the salute to the flag.

**7. Reports of Committees and Officials:**

**A) Mayor's Report**

Mayor Birkner encouraged residents to vote, and wished the candidates the best.

**1) Train Signalization Project Update**

Mayor Birkner reviewed the emergency closure of Broadway due to a gas main break caused by the train signalization work. He thanked the Westwood and Hillsdale Fire Departments for their response to ensure the safety of the businesses and residents. The contractor followed the markouts but they were apparently not as accurate as they could have been. PSE&G responded quickly. Mayor Birkner is grateful there were no injuries in relation to the incident. He noted that the police overtime was covered by PSE&G.

## **2. DEP Review at Westvale Park**

Mayor Birkner reported on the walk-through last week by various DEP and Borough officials at Westvale Park. The DEP is in the process of evaluating the 800-900 landfills in New Jersey, particularly the methane monitoring systems. They are reviewing requirements, and are very interested in methane collection systems throughout New Jersey. Westvale is not a high priority but it is of interest due to some of the deficiencies that have been identified by the Borough's engineer. The DEP inspected and was pleased with the Borough's response and proactive approach towards remedying the deficiencies that currently exist with the existing methane ventilation system. The DEP sent a compliance assistance letter as a result of the proactive approach, however they were clear that had the Borough not been so diligent it would have been a notice of violation letter. The Borough and DEP came out of the meeting recognizing that they are both partners in the mediation of this issue. The Borough will continue to evaluate and determine what needs to be done to move forward.

## **3. Train Signalization**

Work is occurring in and around Veterans Park to clean up prior to the Home for the Holidays celebration. Mayor Birkner noted curbing work is scheduled for Park Avenue and reviewed the parking restrictions. He anticipates paving to occur on Madison, Park, First and Third, along with the loop in front of the train station, plus striping, and be completed before the end of November.

The intersection at Third and Washington will not be completed until the spring to evaluate drainage. There are some configurations and changes for the Council to review pertaining to the southwest corner.

The cantilevers are installed at Westwood Ave and Broadway. The next biweekly meeting should provide information on the removal of poles and mechanical structures in the roadway, and a timeline for the remainder of the project. Councilmember Grefrath said the Parking Authority is questioning when the parking meters will be returned to Third Avenue between Washington and Park. Mayor Birkner thinks it will be during this phase of the project, but will have a better answer after the biweekly meeting.

## **4. Sustainable Jersey**

Mayor Birkner announced that the Borough received its Sustainable Jersey recertification. He thanked Mrs. Hughes and Administrative Assistant Lorraine Flannery for their work.

## **5. ADA Curb in Kmart**

Mayor Birkner reported that at the last meeting a resident had requested help in getting an ADA curb installed within the Kmart property so his handicapped son could safely travel in his motorized wheelchair. Thanks to Construction Official Armand Marini and Councilmember Arroyo the curb was installed within 2 days. Councilmember Arroyo added that it was completely voluntary on the property owner's part.

**B) Engineer's Report**

**a) Biweekly Report**

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

**b) Newark Avenue Drainage**

Dr. Boswell distributed a map of Newark Avenue. He discussed the existing drainage system and suggested installing a 24 inch pipe to handle the estimated cubic feet of water that system sees. Dr. Boswell said based on the information available he is comfortable recommending the installation of the pipe as a solution rather than incurring the cost of further engineering study. Dr. Boswell doesn't think the cost the cost would be too high. Mayor Birkner asked if it would be under \$10,000. Dr. Boswell believes so. Councilmember Arroyo asked Mr. Huntington if there are existing easements. Mr. Huntington said he may have to do a title search.

Mayor Birkner asked if the open ditch can handle the increased pipe size. Dr. Boswell is not concerned, even in a heavy rain.

Mayor Birkner invited a member of the public from Newark Avenue to add her comments.

Mary Jo Guadagno, 11 Newark Avenue – asked if Dr. Boswell is certain that the pipe in back of Ringrose is not larger. Dr. Boswell said he is not certain but is working off of a map from the DPW. Ms. Guadagno said she has been told it's larger. Dr. Boswell said larger is better. Ms. Guadagno voiced concern with the different sized pipes. She is also concerned that with only one storm drain the water has to travel an entire block. Dr. Boswell explained that the water ends up in the same place whether it travels by pipe or over land. He emphasized that the ditch should be kept clean. Ms. Guadagno said her landscaper brings the leaves to the curb. Councilmember Arroyo asked about adding to the number of inlets. Dr. Boswell said with the larger pipe the Borough could do more inlets but it would be more costly and water ends up in same place anyway. In this case the cost of trying the remedial step is so small that he recommends the Borough should just implement it.

**c) Methane Monitoring**

Dr. Boswell reviewed the timetable for the driller at Westvale. The DEP is aware of the delay due to the contractor's vacation. Mayor Birkner said it is pending the approval of appropriate funding.

**d) Third and Washington Intersection**

Regarding the southwest corner of Washington and Third, Dr. Boswell wants to discuss the configurations based on the sketches by the County Engineer at the next public meeting. The goal is to make the intersection more pedestrian friendly, but there is a desire to save parking.

Councilmember Waneck asked of the three different configurations, which is best for drainage. Dr. Boswell said they can make it work whichever, so it's more an aesthetic than drainage issue. The difference in the configurations is the parking. Mayor Birkner and Dr. Boswell discussed bumping out the curb. Mayor Birkner is concerned it will become a cut-through for people wanting to beat the light, and not be pedestrian friendly. Dr. Boswell said it is a trade off for two parking spaces. Mayor Birkner asked if the change is enough of a benefit for the drainage. Councilmember Waneck pointed out that since there is already a concern with drainage, whichever

configuration is best for the drainage is the one to go with. Mr. Hoffmann pointed out that sheet 5 of the configurations is best for keeping water moving per the County engineers. He relayed that Capt. Durante liked that configuration the best as well because the water would move onto Washington but there was enough safety for pedestrians, while the 20 feet or less for the turn would slow cars and save parking. Mayor Birkner is still concerned with pedestrian safety with that configuration. Dr. Boswell is also concerned, since the parking configuration isn't allowing the required 32 feet. Councilmember Quinn asked whether the configuration on sheet 4 was more pedestrian-friendly. Dr. Boswell discussed the differences. Councilmember Waneck asked if there is a potential for change order costs. Dr. Boswell didn't think it would be an increase but it should be covered by the County. Mr. Hoffmann said everything would be covered except the review by the engineer.

### **C) Council Liaison & Committee Reports**

#### **1) Finance, Administration and Capital Projects:**

##### **a) Finance Dept. Update**

Councilmember Waneck announced that the CFO has submitted budget worksheet requests to the Department Heads. This is the first year the budget work is being done electronically. The Finance Committee and Mayor will receive all budget worksheets from all departments.

Regarding the bond for the methane monitoring system, Councilmember Waneck pointed out that the Borough didn't budget for it in 2013 but there were enough funds available under the capital improvements budget to cover it.

#### **2) Police and OEM:**

##### **a) Library Update**

Councilmember Miller reported that the library has a new online magazine program, and has added to its literacy program.

#### **3) Fire and Ambulance:**

##### **a) Fire Department Update**

Council President Sciara stated that everything was top notch at the annual Fire Department inspection. Mayor Birkner noted the Borough has a pumper on loan from Bergen County while the Borough pumper is being repaired. Council President Sciara complimented the Cadet Corps.

#### **4) Public Properties:**

No report.

#### **5) Land Use:**

##### **a) Land Use Boards**

Councilmember Arroyo said the Planning Board approved the Bank of America plan for swapping its drive through for an ATM. The Planning Board is reviewing the draft of the cell tower ordinance.

##### **b) Construction Fee Ordinance**

Councilmember Arroyo advised that the Construction Official's recommended 2014 fee schedule is in the book for the Council's review.

**6) Health and Recreation:**

**a) Third Ave Bus Stops**

Councilmember Grefrath noted that there would be three long term and two short term meters impacted by the changes to the Third Avenue bus stops.

**b) Recreation Update**

Councilmember Grefrath said he was not at the Ragamuffin Parade but it was a great success. He now has a new grandchild to bring to future parades.

**D) Attorney's Report**

No report.

**E) Administrator's / Clerk's Report**

**1) Social Media Policy**

Mr. Hoffmann said he has received the first draft of the OEM policy, which he and the Borough Clerk will review. He thanked the Deputy OEM Coordinator for putting it together. Mr. Hoffmann asked for the Governing Body's comments, and noted the document will need to be reviewed by the Borough Attorney and the JIF. Councilmember Waneck said she would like to be involved with it.

**2) 53 Lester**

Regarding 53 Lester, Mr. Hoffmann has no recommendations right now pertaining to the residents' parking concerns. Mr. Woods is concerned about snow removal should cars be allowed to park on the street, and Mayor Birkner is concerned about fire apparatus. Councilmember Arroyo noted there are parking spots behind the units that weren't brought out at the last meeting. Mr. Huntington said there is a long standing ordinance prohibiting overnight parking for fire, snow and law enforcement reasons. Council President Sciara noted the resident who brought it forward did say there was parking, but that it was muddy. He asked if there are 2 or 4 units. Mr. Hoffmann said there are 5 or 6. Families now have 2-3 cars, so they are looking for more spots.

**3) NJ Transit Fence**

Mr. Hoffmann noted that discussion on the NJ Transit fence can be tabled for a while. Mayor Birkner said there is no immediacy based on conversations with NJ Transit representatives.

**4) Lightning Warning Policy**

Mr. Hoffmann explained that the lightning warning policy draft was put together by Recreation Director Gary Buchheister, who is looking for comments. Mayor Birkner would like to work with Washington Twp, Emerson and the school districts since it is a shared service. He feels this draft is a good first step.

**5) Health Insurance**

Mr. Hoffmann reviewed the anticipated 2014 health insurance premium increases. He is seeking quotes for dental coverage, since Met Life is looking to raise rates 9.5%. Once the actual premium rates are received Mr. Hoffmann will do an analysis and pass the information along to the

Governing Body.

**8. 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.

No comments.

**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.

**9. Ordinances of First & Final Reading:**

**Ordinances for Introduction**

**13-31 An Ordinance Authorizing The Sale Of Lot 45, Block 2001 In The Borough Of Westwood And State Of New Jersey**

**BE IT RESOLVED** that Ordinance #13-31 entitled “An Ordinance Authorizing The Sale Of Lot 45, Block 2001 In The Borough Of Westwood And State Of New Jersey” is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with a November 12, 2013 hearing date in the official newspaper according to law.

Mr. Huntington explained that the lot is a scrap with no road that has view of the back of the hospital. The Borough is selling it in hopes of beautifying the neighborhood. Mayor Birkner noted that the Tax Assessor agreed with the valuation of the property.

**Motion to pass the ordinance on First Reading:** Councilmember Arroyo

Second: Councilmember Miller

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

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**Ordinances on Final Reading**

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

**Motion to open the public hearing:** Councilmember Grefrath Second: Council President Sciara  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**Public Comments:**

No comments.

**Motion to close the public hearing:** Councilmember Grefrath Second: Council President Sciara  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**BE IT RESOLVED** that an Ordinance known as #13-25 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: Council President Sciara

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

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**13-26 An Ordinance Establishing Chapter 202, Limousines**

**BE IT RESOLVED** that Ordinance #13-26 entitled “An Ordinance Establishing Chapter 202, Limousines” having hereby been read by title, shall have a hearing held on this date.

**Motion to open the public hearing:** Councilmember Grefrath Second: Council President Sciara  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**Public Comments:**

No comments.

**Motion to close the public hearing:** Councilmember Grefrath Second: Council President Sciara  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**BE IT RESOLVED** that an Ordinance known as #13-26 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: Council President Sciara

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

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

**Motion to open the public hearing:** Councilmember Miller Second: Council President Sciarra  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**Public Comments:**  
No comments.

**Motion to close the public hearing:** Councilmember Miller Second: Council President Sciarra  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**BE IT RESOLVED** that an Ordinance known as #13-27 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 Miller Second: Council President Sciarra  
Roll Call: Councilmember Grefrath – Yes Councilmember Waneck – Yes  
Councilmember Quinn – Yes Councilmember Arroyo – Yes  
Councilmember Miller – Yes Council President Sciarra – Yes

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

**Motion to open the public hearing:** Councilmember Grefrath Second: Council President Sciarra  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

Councilmember Waneck commented that "On October 15<sup>th</sup>, we were presented with both a bond ordinance for \$100,000 AND a memo that was dated Sept. 30<sup>th</sup> from Boswell. I voted no on introducing this Bond. While we were informed that the park was safe and that Boswell, the Mayor and the Administrator were working with the DEP to put in place the required changes and testing was to continue. The scope of the issue was not clear on October 15<sup>th</sup>. The lack of background information, especially a memo from September 11<sup>th</sup> precluded me from making an informed decision.

Verification of the DEP concerns and demands were requested on Oct 15<sup>th</sup>. Since that time

memos and emails have been freely flowing. If anything this exercise has demonstrated flaws in procedures at the Borough that have while not intentionally precluded the council from having full awareness of developments and rather just Cliff Notes. I have requested that going forward the Clerk should receive and copy all correspondence from a government entity addressed to the Mayor, Borough Administrator or a Councilmember and that we should be cc'ed on all correspondence going out from the Borough to a government entity

Now that I have reviewed all documentation from the DEP for 2013, I have a better understanding of the issues. I suggest that we move forward on tasks 1-3 of the Boswell memo, which actually are in progress without funding approval, another procedural glitch at the Borough. And that we meet with the DEP at a work session to discuss a collective remediation plan before we jump into redesign and bidding the Boswell proposal. We need to avoid the \$50,000 a day fine but we need to be prudent.”

Mr. Huntington asked if her vote is conditioned on those items. Councilmember Waneck is fine with funding items 1-3. Councilmember Arroyo said 1-3 is already in progress, and this bond borrows the money. Councilmember Waneck said she will vote yes, but she just only wants to authorize 1-3. She wants to take a breath before design begins. Councilmember Grefrath explained that by passing the ordinance the money is in checking, but hasn't been spent yet. Unless it's there it can't be spent. Mayor Birkner said it gives the Borough the ability to move on the issue. Councilmember Waneck reiterated that the Council should get all mail. Mayor Birkner said the Governing Body has receive numerous correspondence. Councilmember Waneck said it was not all.

**Public Comments:**

No comments.

**Motion to close the public hearing:** Councilmember Grefrath Second: Council President Sciara  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**BE IT RESOLVED** that an Ordinance known as #13-28 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: Council President Sciara

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

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

Councilmember Miller read amendments to the ordinance into the record.

**BE IT RESOLVED** that Ordinance #13-30 entitled “An Ordinance Amending Chapter 59 of the Code of the Borough of Westwood Entitled Police Department” as amended, shall have the hearing moved to November 12<sup>th</sup> so the ordinance may be readvertised.

**Motion to amend, readvertise and move hearing of ordinance:** Councilmember Miller    Second: Council President Sciara

Roll Call: Councilmember Grefrath – No                      Councilmember Waneck – Yes  
                    Councilmember Quinn – No                      Councilmember Arroyo – No  
                    Councilmember Miller – Yes                      Council President Sciara – Yes  
Mayor Birkner - Yes

**10. 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. Resolution ‘f’ was added at this time.

**Resolutions as Consent Agenda:**

- a) **Resolution #13 - 266: Bill List & Statement of Cash**
- b) **Resolution #13 - 267: Westwood Fire Department Matters of Personnel**
- c) **Resolution #13 - 268: Cancellation of Capital Ordinance Balances**
- d) **Resolution #13 - 269: Authorizing Design and Construction Supervision for the 2012 Barrier Free Curb Ramp Program**
- e) **Resolution #13 - 270: Supporting Fugitive Safe Surrender Program**
- f) **Resolution #13 - 271: Authorizing Litigation Support by Borough Engineer**

**Motion to adopt resolutions #13-266 through #13-271:** Councilmember Grefrath  
Second: Councilmember Miller

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

**11. 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 9:42 pm.

Attest:

*(signed) Karen Hughes*

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk