

**7BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
NOVEMBER 12, 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 – 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 - 272: Executive Closed Session

Motion to adopt Resolution #13-272: Councilmember Miller 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

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 7:56 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. Reports of Committees and Officials:

A) Mayor's Report

1) Veterans Day

Mayor Birkner acknowledged Veterans in Westwood and throughout the Country. He thanked the Fire Department for their participation in the annual Veterans Day service, and also the residents

who recognized the importance of the day and came out to pay tribute to Veterans.

2) Passing of Donald Hodges

Mayor Birkner asked everyone to hold the Hodges family in their prayers, as Don Hodges passed away on Sunday. Mayor Birkner commented that Don was a true Westwoodian, a special resident and a special person. He was a WWII veteran, and a navy sailor. Don never missed any event in Westwood. He will be missed. Don leaves behind a legacy of service and commitment to Westwood and his country.

3) Election

Mayor Birkner congratulated Councilmember Miller on his reelection and Councilmember-elect Bicocchi. He congratulated candidates Nass and Perkins on their campaigns. Mayor Birkner observed that the difficult part is now governing. Campaigning is hard, governing is tougher.

4) Holiday Wishes

Mayor Birkner wished everyone a Happy Thanksgiving. He urged residents to think of those less fortunate, and noted the Borough has a food pantry.

December 7 is the date for the Home for the Holidays parade.

8. Approval of Minutes: October 1, 2013

Motion to adopt the October 1, 2013 Work Session Minutes: 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

9. Reports of Committees and Officials, cont'd:

B) Engineer's Report

1) Biweekly Report

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

2) Landfill Monitoring

Dr. Boswell advised that the driller set to install monitoring wells and piezometers the week of November 25th. Mr. Hoffmann has sent a letter to the Sheriff asking for inmate labor to clean up area 3B, which will be in December. Once garbage picked up and the area fenced, 3B is officially closed.

3) Newark Avenue

Mr. Hoffmann asked Dr. Boswell whether he feels the Newark Avenue resolution encompasses all the work required. Dr. Boswell said there are two trees to remove that could be an additional cost but the DPW says they will do it. Mayor Birkner asked about the head wall. Dr. Boswell said the Borough can use a precast or chip out the existing, but it will cost only a few hundred dollars one way or the another. Mayor Birkner asked if the resolution amount of \$8920 would cover the project. Dr. Boswell confirmed. Mr. Huntington observed that the pipe replacement could be done in the existing easement. Dr. Boswell recommended an additional 5 foot temporary easement for

construction.

4) Broadway Train Resignalization

Mr. Hoffmann asked for Dr. Boswell's input regarding the sprinkler system at Veteran's Park. Dr. Boswell said that in the area where sprinklers were moved due to additional parking added by the Borough, that cost should be borne by the municipality. In areas that the sprinkler has been damaged by the contractor then that should be paid for by the contractor, not the County or Borough. Dr. Boswell stated that the contract says if there's any relocation of heads or lines, there's no additional payment. Mayor Birkner asked Dr. Boswell to get that language. Mr. Hoffmann asked if it is in the County contract. Dr. Boswell said it is on sheet 80 of 86 of the plans, which is the curb detail. The contractor gets no more money. Dr. Boswell said this shouldn't even be a question. Putting in parking is one thing, but moving a curb that is in the plans or anywhere he damages is the contractor's responsibility.

Before Dr. Boswell left, Mayor Birkner asked for a motion to open the floor to the public for any comments on Newark Avenue.

Motion to open for Newark Avenue Comments: Councilmember Grefrath Second: Council President Sciara

Voice Vote: A voice vote was taken with all present voting in the Affirmative.
There were no comments.

Motion to close: Councilmember Grefrath Second: Councilmember Arroyo
Voice Vote: A voice vote was taken with all present voting in the affirmative.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Finance Update

Councilmember Waneck advised that there should be a first draft of the 2014 budget, including capital, in early December.

2) Police and OEM:

a) OEM Update

Councilmember Miller reported that OEM is in the final stages of securing a grant of \$125,000 for a generator for the Community Center. Mayor Birkner noted that portable generators have been used in the past to make the Community Center into an emergency shelter. This will help facilitate requirements for using it as a warming facility.

3) Fire and Ambulance:

a) Fire Department Update

Council President Sciara announced that the engine is repaired and back in service.

4) Public Properties:

a) DPW Update

Councilmember Quinn announced that the new recycling schedules are available.

b) Train Station Vandalism

The Heritage Society has informed Councilmember Quinn that there was vandalism at the train station.

5) Land Use:

a) Cell Tower Ordinance

Councilmember Arroyo advised that the Planning Board has finished drafting the cell tower ordinance revisions. Mayor Birkner commented that it is a very complicated document to put together. It is well done, and well worth the effort.

6) Health and Recreation:

Councilmember Grefrath wished everyone a Happy Thanksgiving.

D) Attorney's Report

Mr. Huntington wished everyone a Happy Thanksgiving.

E) Administrator's / Clerk's Report

a) Broadway Improvements Cost Update

Mr. Hoffmann advised that the cost update for the Broadway signalization project is in the agenda packet. The cost for sprinklers in front of the train station may be a cost to the Borough. There is an update meeting tomorrow that should provide information on potentially paving next week. The Police Department handed out a schedule last Saturday with a schedule of work for the week.

Councilmember Waneck remarked that when you factor in off duty overtime, the project expenses are very close to the budgeted amount, with a lot of work left to do. She inquired about the plan to avoid over spending. Mr. Hoffmann said the Borough will be monitoring costs, will work with the contractor to see when they are requesting officers whether can roads be closed instead of having officers on duty. Councilmember Waneck asked about reducing expenses such as the preparation of as-builts. Mr. Hoffmann explained that it is not on the agenda at this time. Councilmember Waneck asked about the ramp certifications. Mr. Hoffmann said the engineer has to sign off on pitch, but Dr. Boswell told him some of the costs should be discussed with Dewberry as construction oversight, and they should be signing off. Councilmember Waneck asked about the as-builts. Mr. Hoffmann said he will be discussing it with the County and assistant engineer. Regarding the overhead lighting and tie-ins, Mr. Hoffmann said PSE&G hasn't been consulted yet, so Councilmember Waneck concluded that those could be more or less than estimated.

Mr. Hoffmann asked the engineering inspector to recalculate and remeasure to be as exact as possible on all estimates. Councilmember Waneck asked when there will be real numbers. Mr. Hoffmann said it is a real number but he wants it to correspond to linear feet. Councilmember Waneck asked if the DPW can repair the broken concrete slabs. Mr. Hoffmann will ask. He noted the price is to pour new concrete to replace the slabs. Councilmember Waneck said there is nothing else anticipated at this time, although there can be unexpected costs. Mr. Hoffmann confirmed.

Mayor Birkner stated that the project financial oversight has been diligent. The Borough is running up against the ceiling but the project is almost done. Councilmember Waneck pointed out that the Third and Washington intersection is yet to be done. Mayor Birkner agreed, saying it will require police, plus additional paving. Councilmember Waneck noted that they haven't gotten into overtime for paving yet. Mayor Birkner said it would be a two day operation in the spring to mill

and pave Broadway from First to Irvington intersection, and Washington from Broadway to Third. Next week there will be milling and paving on Park Avenue, the road through park, Third Avenue, and a small bit of First Avenue, as well as sealing of the concrete. Councilmember Waneck asked about striping, which Mr. Hoffmann said is part of paving. Councilmember Waneck asked if the roads are closed down for striping. Mr. Hoffmann said it would be done in a day, which Councilmember Waneck said means another close down. Councilmember Grefrath inquired if Park Avenue would be switched from one way to two way in 2014. Mayor Birkner and Mr. Hoffmann thought it would happen next week after paving and striping. Councilmember Grefrath asked how residents would be educated. Mr. Hoffmann said Park Ave will become two way once signs go up after striping.

b) FEMA Grant Update (previously dist.)

Mr. Hoffmann expanded on Councilmember Miller's report regarding the FEMA grant for the generator. The OEM Coordinator and Deputies will submit the grant paperwork by December 16th. Mr. Hoffmann said there may be additional opportunities for grant funding.

c) Train Station Vandalism

Mr. Hoffmann reported that there were three acts of vandalism at the train station. Mr. Gines has provided the Police with a DVD from the train station security camera, which is being reviewed in the hopes of identifying who is responsible. Mayor Birkner asked what was damaged. Mr. Hoffmann said chairs and the end of a table, and there was graffiti.

d) Newark Avenue Drainage

Councilmember Waneck asked the source of the funding for the Newark Avenue drainage. Mr. Hoffmann said it is coming from capital improvements. Councilmember Waneck said it is not a 2014 expense. Mr. Hoffmann confirmed.

10. 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.

Sue Bonito, Rejuvenate Sanctuary, 174 Westwood Ave – explained that she placed a sandwich board sign outside her establishment door to advertise her second-floor business. Mr. Marini advised her that she would be fined if she did not remove the sign. Ms. Bonito removed the sign, then photographed 6-8 other sandwich signs around town. She said the Borough ordinance says she can ask permission of the Governing Body to put a sign outside her door. Mayor Birkner said the Clerk will distribute Ms. Bonito's packet of information to the Governing Body, and the Council will make a determination.

Roberta Hanlon, 29 Meadow Road – expressed dismay at the Police Department window being covered in Borough Hall. Mrs. Hanlon said a number of residents have thought the Police Department was closed, especially when they don't get answered when they go to the window. Regarding the promotional policy ordinance, Mrs. Hanlon said we all teach our children that education is important. She is dismayed to think the Borough would go backwards. Officers have had the better part of 10 years to get degrees, and it was their choice not to do so. This did not come

up overnight. She said people have been talking.

Jennifer Collard, 76 Stratton Ave – she is the mother of a child at Brookside School, and is circulating a petition to relocate polls from Brookside. Mayor Birkner said the Clerk has been working on moving those polling places to the Borough Hall. Mrs. Hughes explained that the voters have a long distance to walk from the Brookside parking lot to the library polling place. It would be more convenient for them to vote at the Borough Hall.

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.

11. Ordinances of First & Final Reading:

Ordinances for Introduction

13-32 An Ordinance to Amend Chapter 129-2 Construction Code Schedule of Fees

BE IT RESOLVED that Ordinance #13-32 entitled “An Ordinance to Amend Chapter 129-2 Construction Code Schedule of Fees” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a December 3, 2013 hearing date in the official newspaper according to law.

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

Ordinances on Final Reading

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

Councilmember Miller made a motion to revise section 59:13 from January 1, 2016 to January 1, 2015. Seconded by Council President Sciara

Councilmember Waneck asked if this would be considered a substantive change. Mr. Huntington does not believe so. Councilmember Quinn asked if it was advertised. Mr. Huntington said it was advertised with a 2016 date as the period of time during which that paragraph would be operative. Mr. Miller’s motion is to shorten the period of time for which that paragraph would be operative. So it’s no enlarging the right, it’s shrinking the right.

Roll Call on Amendment to Change Date:

Grefrath: Yes

Waneck: Yes

Quinn: Abstain

Arroyo: Yes. For purpose of introduction, I agree it is not substantive.

Miller: Yes

Sciara: Yes

BE IT RESOLVED that Ordinance #13-30 entitled “An Ordinance Amending Chapter 59 of the Code of the Borough of Westwood Entitled Police Department” 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 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 Miller Second: Council President Sciara
Voice Vote: A voice vote was taken with all present voting in the affirmative.

Councilmember Quinn asked why a waiver was needed. When the ordinance was originally put in place, did we need a grandfather clause in 2002? Councilmember Miller explained that the Police Committee believes it is appropriate to allow the maximum number of participants in this promotional cycle/test. Councilmember Quinn said to allow more participants to test for different roles? Councilmember Miller said it is for participating in the promotional opportunity for lieutenant. Councilmember Quinn asked how many more candidates would be eligible? How many candidates would that open the pool for? Councilmember Miller said to the best of his knowledge, by one. Councilmember Quinn said the waiver is for one candidate. Councilmember Miller said the waiver is for maximizing opportunity for people. Councilmember Quinn said for one. She asked if that was different back in 2002. Councilmember Miller said he does not know as he was not on the Governing Body. Councilmember Grefrath said he was. He cannot recall all details from 2002 but he does know they thought they gave everybody more than enough time to obtain or put a significant dent into obtaining the educational requirement. It wasn't something we decided to do overnight, we gave everybody eight years. Also at that time there was a tuition reimbursement credit so the officers also would be compensated for that.

Councilmember Quinn asked if by putting this waiver in place will it move people closer to achieving the degree? Councilmember Miller said yes. Councilmember Quinn asked if the candidates in place or this one candidate in place is close to getting a degree? Are they close to getting a degree before retiring? Councilmember Miller has no idea when they plan to retire. He said there are other options other than doing a three credit class and twelve credits a semester. They can attend an external degree-granting institution that will give credit for their employment and training that will accelerate that process that they will achieve associates and possibly a bachelor's degree. So they would go through a different process, looking at their backgrounds to determine if it is worthy of college credit.

Councilmember Quinn said that was an interesting concept. Council President Sciara interrupted to say he didn't think this was funny. It is serious. Mayor Birkner interjected that Councilmember Quinn has the floor. Councilmember Quinn said she didn't think it was funny, she is not being disrespectful in any way, shape or form. She said it takes four years to get a college degree, and takes eight years to go part time. She would not even consider getting credit for time and experience. She's wondering how fast someone could get a degree. That is why she is asking the question, not to be smart, because this is very serious and very important to her. If you think she is doing this to be a smart aleck, you don't know her. Council President Sciara did not want to be lectured. He would like an opportunity to speak.

Councilmember Quinn would like an opportunity to ask questions, which is what she's doing. Mayor Birkner asked for the Councilman to answer her question.

Councilmember Miller said back in the '70's, the New Jersey State Department of Higher Education established three new state colleges: Ramapo, Stockton, and Thomas A. Edison. Thomas A. Edison College, back in the mid-70's when I worked for the Chancellor, was one of the first external degree-granting institutions, that it would look at people's backgrounds and provide college credit. It has since then expanded. The Federal program does a similar thing. In New York it's known as Empire State. There are many more traditional brick-and-mortar institutions that have done the same thing. So back in the mid-70's it was novel. Now it's becoming more and more common. Thomas A. Edison College, when I was involved, was an associate's degree. I know they have expanded to a bachelor's degree. I am not certain that they may even have a graduate program at Thomas A. Edison College. And that's a combination of taking tests, experience and such.

Councilman Arroyo said he thinks that's all well and good, but it also begs the question, if it's been available since the 70's, what was done between 2002 and 2007 by these potential applicants in terms of making themselves available to that program. I agree with Councilmember Grefrath, there was plenty of notice, plenty of opportunity, equal opportunity, and generous means were provided by taxpayer incentives. I'm just curious, to go down this path now about an exterior crediting agency, why that wasn't pursued in the period when it should have been. I don't know the answer to that.

BE IT RESOLVED that an Ordinance known as #13-30 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 Sciara
Roll Call:

Councilmember Grefrath – No. This is a copy of the book “The Rules of Golf.” Any serious golfer knows what's in here, plays the game by the rules that's in this book. Anybody who plays in a state, regional, club-sanctioned tournament plays by the rules in that book. There's no reference to the word ‘mulligan’ in that book, although every single golfer in the United States knows what a mulligan is. For those of you who don't play golf and don't know what it is, basically it's a do-over.

If you don't like the shot that you hit, you simply hit another one. Lore has it that the mulligan originated with the first hit off the first tee. You might not have warmed up, you might be rusty, somebody might be talking, so you get a second shot at the first hit, but that's it. Still, it doesn't apply here. When you're playing with your friends, when you're playing for fun, when you're just going out for the day, you can take a mulligan. But not when you're playing anything serious in golf.

We have an ordinance we worked very hard debating, arguing, compromising over the past year. And finally we actually got an ordinance that worked. I think that the people who are sergeants, it was good for them. It was good for people who were going to be our command officers. I liked the ordinance we developed. Unfortunately, this ordinance, not at the last minute but very close to the 11th hour, there was a waiver added. In my opinion, the waiver is a mulligan. If we were just having fun, let's do it. But this is a serious ordinance, with serious consequences. So accordingly, I vote no.

Councilmember Waneck – Yes. First of all, I applaud the Councilmembers that have put a lot of time and thought and deliberation into this. Councilman Arroyo, Councilwoman Quinn, and Councilman Grefrath have certainly brought up a lot of valid points. There was a lot to this ordinance that I liked that changed. I thought we did the right thing with making the change

especially with the sergeants position. I'm very happy with the changes that we made to the process, putting 50% in for the test, taking a lot of the subjective out of the process. The waiver is a compromise, and it's still, in some minds, emphasizes education and in some minds it doesn't. In my mind it can go either way. I certainly take Mr. Grefrath's note of a mulligan, that's really apropos. But at the end of the day, I will vote yes.

Councilmember Quinn – No. Since this change in education requirements was first brought up, I made it clear that I value education, and I believe it's a standard that we need to keep in place. We have an ordinance in place that was thought out, vetted by our Borough professionals and has stood the test of time since 2002, and was reviewed and accepted by a national accreditation organization. I represent the people of Westwood, and I know that Westwood residents value education. And they value professionalism, they value commitment and they value responsibility. When Westwood leaders increased the standards to include education, they offered reimbursement to pay for these increased educational standards. We gave the officers ample time to complete their college credits. If they were serious about taking on leadership roles, and the commitment that these roles require, they should have used the time to start or complete the educational requirements. Our officers understood the expectations of the educational standards and responsibilities. I believe that I must uphold these standards now. We have patrol officers with college degrees. I do not feel it's inappropriate to expect and require our command officers to also have college degrees. I value the years of service that our officers bring to the table. I value the expertise that their experience has afforded them. However, in today's world, when many other career fields are increasing their educational requirements I find it inconsistent for us to minimize the educational standards of the very men and women who we entrust to protect us every day. Why are we moving backwards? We have had multiple discussions on this topic. We have been told the ordinance must be changed quickly. We've been told we must take our time with changing the ordinance. We've been told that the ordinance is not fair or legal. We've been told that we need open the pool of candidates, that we lack leadership, that we have poor morale in our police department, and on and on and on. Still, after all these discussions, we've not been told why we really need to broaden the pool of candidates when we have people who can take part in the process right now. We've not been told how we are going to address problems that have been identified. And we have not been told why, if we change the standards today, they why we do not need to change them again next year. Our officers had choices, they knew the rules, they had 12 years to get a college degree. Why do we need to include a waiver for two more years? What will that achieve? What message is that sending our residents and our children who make up the future of Westwood? That rules and expectations don't really matter?

Mr. Mayor, what if your daughter said, "Dad, I know the rules, I need four years of English to graduate but I don't have time because of cheerleading or work. Tell the school I want to change the rules for a few years." Is that okay? As an arbitrator or negotiator, you know that's absurd.

Mayor Birkner – the question is absurd.

Councilmember Quinn – It is. . . .

Mayor Birkner – that you're even commenting that my daughter would raise it rhetorically is absurd.

Councilmember Quinn – Of course, the whole thing is absurd. And so is the waiver, that it's absurd to say, the rules are in place, it's absurd. And I'm just saying you vs. me vs. anybody, that we know the rules, it's absurd to say let's change the rules right now. I believe the current policy was put in place to provide for fairness, and to provide, to help Westwood achieve standards of excellence. To move backwards on our standards of education in a policy just doesn't make sense. And for that

reason I vote no.

Councilmember Arroyo – No. I think the policy is mostly right. I think the waiver is entirely wrong. The fact that we have individuals who can be advanced, who can fill the currently available slots, who currently qualify, and we're going to increase the pool by one, this is essentially a waiver for one. I think that it does have the potential to set us up for damages in the event that promotions go a certain way. I think that it is couched in language that speaks to a general rule but it's clearly tailored for a particular applicant. I vote no.

Councilmember Miller – Yes. Let me start by saying I want to thank every member of this Governing Body for participating in this process. Peter had said Tuesday night that it represents good government. I think it does, because we all had, it's painful, I'm sure many of us had sleepless nights. And it is, in my opinion, represents compromise. There are pieces that you like and pieces that you don't. But it is a compromise. But I do want to thank everybody. From my perspective, it is representative of thoughts of people I respect, people I've worked with for long periods of time, people who I respected before I served and certainly more so as I served. The Police Committee values education, and I personally value it. I spent five years working for the Chancellor of Higher Education of the State of New Jersey. The last 15 years I've been teaching as an adjunct. I value education. I encourage education. I encourage my children and I encourage my grandchildren to pursue it. This ordinance does not demean education. It puts it in perspective as the total person. If we look at this from the perspective of the candidates, we come to one conclusion. But if we look at it from the perspective of the residents, should they not get the best leaders to run the most expensive department forever. Because an appointment to the police department is not like any other job, they're there virtually forever. So we must get it right. Our opinion, the Police Committee, we want the candidates viewed in their total, not just one aspect, not one aspect. So that's why we put forth this. The waiver, it is the only thing that's abrupt. It's limited in duration. It requires action on the party to do something to get the waiver, it's not a mulligan. They have to participate, they have to do something, they have to take an action, they have to be participatory to find the solution. It's just not, it doesn't count. And for all these reasons, and obviously for the last year, my voice, I vote yes.

Council President Sciara – Yes. I'm going to give some reasons for my vote. I'm a product of a broken family. I'm one of six children. I've been paying on mortgages since I'm 18 years old. I've been working, hard, since I'm 18. I believe in the value of education, but I also believe in learning on the job and learning from life's experiences. I worked hard, I put a daughter through college, put a son into two years of college, given them opportunities. I understand that. But life's experiences sometimes get in the way of a formal education. Not everybody comes from a family or a situation where a tuition is easily paid for, or they can make the sacrifices for that education. I am a four-term councilman in front of you without a college education. I feel strongly about this town; I feel strongly about this police department. And I agree with Mr. Miller, the reason we're doing this is for opening up to a field of mature individuals that can take this test and lead Westwood, and do it in a way that's best for every citizen. I strongly believe in experience in life, that people learn from experience. You don't need a piece of paper to hang on your wall of your office to say you graduated and now you can go out and you can lead. You learn from life and you go forward and you do what you have to do. For these reasons, I believe everyone who was hired before the year of 2002 when the ordinance was put into effect that we needed an education, we hired individuals

without that piece of paper on their wall, and they came into this department believing that every opportunity would be open to them, and it isn't the right of this council to slam the door on anybody once they got a job, so I vote yes.

Mayor Birkner – Yes. What a surprise. Thank you. And thank you to the members of the Governing Body who really vetted this issue for really over a year. It's really been a remarkable journey. I think that what we need to remember is that the reason we went through this so long was because the original policy was agreed to be somewhat flawed. And I think there were some unintended consequences that had resulted from the original policy, which is why the Governing Body felt it necessary to codify in an ordinance what the promotional procedures would be and the promotional requirements would be. Every voice in this council and this Governing Body was considered, and points were made by everyone that were extremely valid and incorporated in some way into this ordinance. I don't particularly care for the waiver, to be quite honest with you. To me it creates the lesser of two evils when we take it as a whole, take this whole document as a whole. I think there's again some very significant compromise and some significant thought that went into crafting this ordinance as it is. I want to look back at our police department and talk about the value of education. We have some extremely well education members of our police department. We have several master degrees, almost all of them with bachelor degrees, all our new hires have bachelor degrees, so we have an extremely well-educated police department. I'll look at our leadership in our police department, I'll look at our captain who just recently retired, and anybody who knows Captain Frank Durante or had the opportunity to know him will know that he was really probably one of the greatest leaders that we've had in the Westwood Police Department. Captain Durante had a high school diploma. And the respect that he had earned from his subordinates and his superiors is immeasurable. The value of his knowledge is beyond what any classroom could teach because he learned it on the streets, he learned it on the job. I look at our current Chief of Police, and I don't think there's a finer Chief of Police in Bergen County. I'll look at our chief, and I don't see a sheepskin from an accredited university hanging up in his office. But when I see the way he interacts with his men, and I see the way he leads our department, I recognize that no bachelor or master degree could possibly match up to the knowledge that he has in how to run a police department, how to perform police work, how to manage and supervise our department, how to organize our department, how to meet payroll, how to meet budgets. The complexity of running a police department is as complex as running any business individually. And the leaders that we've had have been exemplary. I don't think there's any doubt in my mind that they're the best in the business. I look at our next wave of leaders coming up and I see how educated they are and I'm so proud of every single one of them. They're a remarkable group of men and women that we have that are here to serve and to protect, and I feel very comfortable and confident in their ability to do so and to protect the residents of Westwood. And I look back at what happened, again I look back at the unintended consequences in the promotional process that had existed, and the policy that had existed. I'm not happy that some of our members didn't afford themselves the opportunity to go and get college education when it's going to be paid for by the Borough. But that was one of the problems that we had. One of the problems that we had were members of the Police Department were saying, "Wow, we have tuition reimbursement, I'm going to go get a degree in finance, and I'm going to retire from the Police Department and go get a job somewhere else. Thank you, Westwood." This Council eliminated, through collective bargaining, we got rid of that very, very rich benefit that allowed people to go and get college degrees in any disciplines they decided to on Westwood's dime

and then move on somewhere else. We've had several that took advantage and pursued and advanced their police careers by taking law enforcement courses and we appreciate that. But there was a level of abuse that the policy and previous contracts that had been negotiated left open. It's a tough decision, because I value education, this ordinance values education, this Governing Body values education, there's no question about it. But there's a certain level of education that no professor can teach someone who has to go out in the street and stare down the barrel of a gun, or talk to a person who's suffering so badly that they want to commit a crime or do harm to themselves or someone else. There's no level of education, there's no class, that can replace that experience that these men and women gain on a day-to-day basis, out on the street, out with the public. And the training that they continue to maintain throughout the course of their careers; the levels of training that are conducted and completed, they're not degree requirements, but the time and the commitment it's taken for these individuals to continue with the very, very specific training, to me it's worth something, and it is a value. This may not be perfect, but I think it's a vast improvement over the policy that we had, and I'm going to vote yes. With that, I hope that I don't attract any attention of our law enforcement officers on my way up to Mahwah, but I do have to leave. I apologize.

Mayor Birkner left at 9:17 pm

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

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

Public Comments:

No comments.

Mr. Huntington explained that this ordinance permits the sale of a scrap of unbuildable land by the hospital.

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

BE IT RESOLVED that an Ordinance known as #13-31 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 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

12. 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 'h' was removed. Resolution 'j' was added.

Resolutions as Consent Agenda:

- a) **Resolution #13 - 273: Bill List & Statement of Cash**
- b) **Resolution #13 - 274: Authorizing Refund of Taxes B1508 L11**
- c) **Resolution #13 - 275: Authorizing Refund of Taxes B504 L20**
- d) **Resolution #13 - 276: Cancellation of Special Items of Revenue and Offsetting Appropriations in the 2013 Budget**
- e) **Resolution #13 - 277: Budget Transfers 2013**
- f) **Resolution #13 - 278: Cancellation of Capital Ordinance Balances**
- g) **Resolution #13 - 279: Chapter 159 – Senior Citizens Activities Grant**
- ~~h) Resolution #13 – Authorizing Ramp Certifications and As-Built Survey~~
- i) **Resolution #13 - 280: Drainage Work on Newark Avenue**
- j) **Resolution #13 - 281: Authorizing LOSAP Payment to Hrbek Beneficiary**

Motion to adopt resolutions #13-273 through #13-281: 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

13. Adjournment:

Motion to adjourn: Councilmember Miller Second: Council President Sciara

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

The time was 9:20 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk