

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
NOVEMBER 20, 2012 AGENDA
MUNICIPAL COMPLEX
101 Washington Avenue
7:00 PM Executive Closed Session/8:00 pm Public Session**

1. Opening of the Meeting:

The meeting was called to order by Mayor Birkner at 7:00 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 - 287: Executive Closed Session

Motion: Councilmember Miller Second: Councilmember Sciara

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|---|--------------------------------|
| 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 Miller Second: Councilmember Sciara

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

The time was 8:25 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 Senkevich – Present / Borough Clerk Hughes – Present

6. Flag Salute

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

7. Approval of Minutes: October 2, 2012 Work Session

Motion to adopt the October 2, 2012 Work Session Minutes: Councilmember Grefrath Second:
Councilmember Sciara

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

8. Reports of Committees and Officials:

A) Mayor's Report

1) SuperStorm Sandy

Mayor Birkner summarized the efforts of the Borough's staff, emergency responders and volunteers during SuperStorm Sandy and the resultant power outage. He thanked the various individuals and organizations for their contributions towards the safety and comfort of Westwood residents and the protection of their property. He would like the OEM Coordinator to look into organizing and training a CERT team. Mayor Birkner commented on the Governor's visit to the Westwood School District. He commended Governor Christie for maintaining communication with Municipal Officials.

2) Shared Dispatch

Mayor Birkner informed that while the Washington Township Council voted to proceed with shared dispatch services, their Mayor stated that she would not sign any agreement with Westwood for dispatch operations. Washington Township will be using civilian dispatchers. Mayor Birkner is disappointed. He noted that Washington Township's actions are in direct contrast with bipartisan legislation at the state level to promote shared services. Mayor Birkner would like Westwood residents to know that he and the Council worked hard along with members of the Township Council to study aspects of dispatch services. Elements were brought out for discussion and debate to create a model that both communities would have benefited from. The process included informal discussions to bring in the school system to incorporate video feed from the schools, which would have been a strong security measure. Mayor Birkner is certainly disappointed that dispatching shared services has been blocked but will not let it deter the Borough in moving forward.

3) Congratulations of Candidates

Mayor Birkner thanked all the candidates that ran for public office and noted that it takes a special commitment to take an active role at every level. He congratulated newly elected Councilmember Ray Arroyo and reelected Councilmember Peter Grefrath

4) Meadowbrook Proposal by Little League

Mayor Birkner introduced the Westwood Baseball Association for a presentation regarding upgrades to Meadowbrook Field. Dermot Doyle discussed the proposed plans to replace the snack stand with a modern field house that will include a snack stand, bathroom, and second level meeting room, plus announcing and video facilities. The backstop will be replaced and a tree overhanging it will be removed.

General Contractor Mark Truscio was present to answer any questions. Architect Bill Martin reviewed the design. Keith Rivers thanked the Mayor and Council for the opportunity to present the plans. He asked if the DPW could help remove the container that is currently at the field, which could be sold or reused at Westvale. Mr. Rivers would also like the DPW's help for putting some trees back. Otherwise he said the whole project would be run through Westwood Baseball.

Councilmember Grefrath asked about security measures. Mr. Rivers said a parent would be donating cameras. Mayor Birkner asked for a certificate of insurance, which Mr. Truscio said would be provided. Mayor Birkner asked about trees to be removed. Mr. Rivers said there are two, but Mr. Martin said the one would be kept and just needs pruning. Mayor Birkner asked if

the project was within 300 feet of the brook. Mr. Rivers said it just a matter of notification. Boswell Engineering will check with the DEP to see if there are any concerns. Mayor Birkner wanted to know what was being asked of the Governing Body. He pointed out that at the end of the day it is a public facility so nothing will be deeded over to Westwood Baseball. Mr. Rivers agreed. Mayor Birkner said Westwood Baseball has dedicated an amazing giveback of time. Mr. Rivers thinks this project will generate so much more for the children. Mayor Birkner thanked them for helping the Borough make its facilities better.

Mr. Huntington advised that the Governing Body needs to pass a resolution allowing Westwood Baseball to make improvements to Meadowbrook Park. He noted that they will need code permits but will not need Zoning or Planning Board approvals.

Resolution #12 - 288: Authorizing Westwood Baseball to Perform Improvements at Westvale Park

Motion to adopt Resolution #12-288: Councilmember Sciara Second: Councilmember Miller

Roll Call: Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Phayre – Yes Councilmember Quinn – Yes

Councilmember Sciara – Yes Council President Waneck – Yes

5) Salute to Champions Award

Mayor Birkner acknowledged Recreation Director Gary Buchheister for receiving an award from Bergen County Salute to Champions.

B) Engineer's Report

1) Biweekly Report

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

2) Broadway Intersection.

Mr. Senkevich reviewed the status of the Broadway intersection plans. Councilmember Phayre asked if the last change was to make the signal audible. Mr. Senkevich concurred and said the plans now go back to NJ Transit for their review. Hopefully they will have no more revisions.

3) Landfill Monitoring

Councilmember Sciara asked if the issues with the landfill monitoring are being resolved. Mr. Senkevich said they are finalizing the report for the quarterly monitoring, so he is not sure of the numbers.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Budget Update

Councilmember Phayre noted that November 15 was the deadline for the departmental budget requests.

2) Police and OEM:

a) OEM Update

Councilmember Miller concurred with Mayor Birkner regarding the terrific job done during the hurricane and snowstorm.

b) Historic Preservation Commission

Councilmember Miller reported that Mr. Huntington attended the November meeting as the Historic Preservation Commission continues to discuss balancing the protection of historic properties without being burden on property owners.

c) Police Hiring and Promotional Matters

Councilmember Miller explained that pursuant to discussion in closed session, he would make motions on four police matters.

Resolution #12 - 289: Authorizing Hiring Process for Two Police Officers

Motion to adopt Resolution #12-289: Councilmember Miller Second: Councilmember Sciara

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

Resolution #12 - 290: Authorizing Hiring Process for One Police Officer

Motion to adopt Resolution #12-290: Councilmember Miller Second: Councilmember Sciara

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

Resolution #12 – 291: Authorizing Change to Police Promotional Education Requirements

Motion to adopt Resolution #12-291: Councilmember Miller Second: Councilmember Sciara

Roll Call: Councilmember Grefrath – No, believes this is the hardest decision he has made
 Councilmember Miller – Yes
 Councilmember Phayre – No
 Councilmember Quinn – No
 Councilmember Sciara – Yes
 Council President Waneck – Recused

Motion failed, resolution not adopted.

Resolution #12 - 292: Authorizing Promotional Tests and Process

Motion to adopt Resolution #12-292: Councilmember Miller Second: Councilmember Sciara

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

Mayor Birkner thanked Councilmember Miller for his work on this.

3) Fire and Ambulance:

a) Environmental Committee Update

Councilmember Sciara reported that the Environmental Committee would like to go forward with the Community Garden, and suggested reaching out for volunteers interested

in gardening to take it to the next step. He has spoken to Boswell and there is no problem with planting there since the root system doesn't go that deep. Mayor Birkner said he has concerns with access to the current proposed garden site location, since there's really no access other than on foot through long stretches of the park. He thought more a conducive location would be on the opposite side of the soccer field, which would be accessible through the rear parking lot. Councilmember Sciara agrees. Council President Waneck believes the current locations has easier access to a water source. Mayor Birkner said the proposed new location is not that far from the sprinkler system for the soccer field. He thought another location could be along the drive between the backstop and the pistol range. Mayor Birkner would like to see more discussion on the location. It needs to be thought out for what it will look like. Councilmember Sciara said it would be nice for the garden to be seen from the dog park and by the ball players. Mayor Birkner said accessibility important. Councilmember Sciara will work with Mr. Hoffmann and Mr. Woods. Mr. Hoffmann commented that the area by the DPW was explored but at the time it didn't make as much sense as the current location. Mayor Birkner wants to look at it.

b) Fire Department Update

Councilmember Sciara thanked the Fire Department and Ambulance Corps for everything they did during the storm. He noted that they are always training. Mayor Birkner commented that members of the Fire Department responded down the shore to help out. Councilmember Sciara explained that volunteers and one engine were part of a group that responded.

4) Public Properties:

a) Storm Comments

Council President Waneck said she appreciates that Westwood is one of the towns that helps the rest of the state in the aftermath of the storm. She appreciates more than ever the services provided up here, as those are not provided in Ocean County. It is truly a war zone in areas.

b) DPW Hours

Council President Waneck recounted that in renegotiating the DPW contract in 2011, one provision included was the ability to implement a Tuesday through Saturday work schedule. Based on discussions with the DPW Superintendent, Administrator and Recreation Director, Council President Waneck has determined that there is truly a need to increase Saturday services from four hours to a full day to allow for Westvale maintenance, including cleaning after Friday night games. It would also allow for cleanup downtown, and add hours to the recycling center. Council President Waneck said there would only be Saturday hours from May through September. Only 5 employees per year would need to work it. Currently there are employees who volunteer to work Saturday morning, so there should be personnel available for the extended hours. Council President Waneck would like to let the DPW Superintendent put it in place. Mayor Birkner said it is a matter for the DPW Superintendent to implement. Council President Waneck agreed but wanted to bring it to the Council. She said it will also reduce overtime costs. Council President Waneck credited Councilmember Phayre and the committee for negotiating it

into the contract.

5) Land Use:

a) Storm Comments

Councilmember Quinn noted that the Shade Tree Advisory Committee has been busy since the storm helping with trees that have been damaged. The Land Use Boards will see more applications as people make repairs from the storm.

Councilmember Quinn reminded people that the power outage was upsetting, but there was a mechanism for restoring power. There is safety that has to be maintained for the workers, as much as it seems to take a long time to restore power. A PSE&G worker that worked in Westwood was electrocuted two days later. He was burned but is recovering. Keep him in your thoughts and prayers.

Councilmember Quinn thanked Mr. Huntington and Mr. Hoffmann for putting together the coats and clothing drive. Everyone came out to help other people. We are blessed and lucky.

Council President Waneck announced that the Borough is implementing a moratorium on brush pickup. The last pickup will be tomorrow.

6) Health and Recreation:

a) Recreation Update

Councilmember Grefrath advised that the opening to perform improvements on the A Field has passed, so it will be moved to the spring.

The Recreation Board has noticed that the fields seem to be settling and sprinkler heads are exposed. Councilmember Grefrath asked Mr. Hoffmann to call Boswell to look into it. Mr. Hoffmann said it is part of the natural process. Mayor Birkner added that top dressing is part of the process to address it. Council President Waneck asked the DPW was informed; Mr. Hoffmann said yes.

Councilmember Grefrath noted that the Soccer Association was irked that generators went out for personal use. Next time they will keep a tighter hold on them, and are willing to lend them to the Community Center.

At the Governing Body's request, Mr. Buchheister is setting up a meeting regarding lightning detection systems.

Councilmember Grefrath announced that participation numbers for fall programs are impressive. There are 475 participants. Girls volleyball hit a new high with a total of 36 participants. The preschool is filled to capacity.

Councilmember Sciara asked about the generator comments. Councilmember Grefrath explained that the Soccer Association owns six light stanchions. Councilmember Sciara clarified that they are owned by Soccer. Councilmember Grefrath confirmed. He said Soccer would rather have brought them to the Community Center to provide power. Councilmember Sciara asked if people helped themselves. Councilmember Grefrath confirmed. Mayor Birkner noted that in the past the Borough has borrowed some of those resources.

b) Repairs to Gym Floor

Councilmember Grefrath advised that there needs to be improvements to the gym floor at the Community Center. He discussed the original installation. There is a 10 year

warranty, but tile prices have gone up. Mr. Hoffmann said there is a request to spend \$2500 to replace the tiles by the doors. The manufacturer will remove and replace those as well as a hollow spot on the basketball floor by the front entrance. He believes the best solution is to get rid of the hazard. The Recreation Director is planning to move and match tiles as much as possible. Council President Waneck asked where the funds are coming from. Mr. Hoffmann said the Recreation Trust. Council President Waneck said that fund is being consistently used in this manner, as a bump up for the budget. Given her choice she would rescind that trust right now. Mr. Hoffmann said the checks in/checks out are accurate, but some funds are also for repairs. Council President Waneck said the monies are to go into general operating, and are not for use for recreation. Councilmember Phayre suggested that during the budget process either redefine the use of the trust fund or remove it. Council President Waneck said now there are new accounts being set up. Mr. Hoffmann said no, it is just making things easier to track. Councilmember Miller agrees with Council President Waneck on the use of the trust account. He asked if there is other money in the budget for the floor. Mr. Hoffmann would have to look at the budget line. Mayor Birkner said it is out of cap. Mr. Hoffmann said the Borough can do transfers. Councilmember Miller asked from where.

Councilmember Phayre reminded the Clerk to advise the CFO that he wants an explanation along with any budget transfers.

Mr. Hoffmann pointed out that travel teams use the gym. This repair would come out of fees.

Councilmember Quinn asked if it is time sensitive. Councilmember Grefrath responded that they are playing on it. Councilmember Quinn asked if it has to be done. Councilmember Grefrath was told it is a trip hazard. Mr. Hoffmann added that there are two areas where humps are visible. Council President Waneck asked how long it has been known. Could it have been budgeted? She suggested that at the end of the year, see what's in the account and identify funding somewhere else. Mayor Birkner said the Borough may need to plan for this in future years to perform ongoing repairs. Council President Waneck said it needs to be part of the budget process.

D) Attorney's Report

Mr. Huntington wished everyone a Happy Thanksgiving.

E) Administrator's / Clerk's Report

a) Regional Cooperative Purchasing

Mr. Hoffmann explained how regional cooperative purchasing would allow two shared services groups to combine on projects. Council President Waneck asked if the Borough wasn't already in such a group. Mr. Hoffmann clarified that the Borough is the lead agency for the Pascaek Valley Shared Service Group but this would allow that group to work with other municipalities. Council President Waneck wanted to be sure they are not competing with each other. Mr. Hoffmann said no, it is for participation on joint projects, like stormwater management and utility bills.

b) Library Lobby

The Library Board has asked to move forward with the library lobby project. Mr. Hoffmann

reported that they have identified additional funds to cover the project. The Borough is coming up to the 60 day deadline to award the bid. The lowest bidder has agreed to extend prices through March 2013 so they can do the work in the spring.

c) Pending Legislation

Mr. Hoffmann discussed the resolutions on the Consent Agenda regarding pending State legislation.

d) 2013 Calendars

The Governing Body discussed the 2013 meeting schedule and determined to hold the June meetings on the 2nd and 4th Tuesdays, which are June 11 and 25th. Councilmember Sciara suggested one meeting in August, but it was decided to keep two on the schedule with the option of canceling one. The November work session will be October 29th, and the November public meeting will be November 12th.

e) 2013 Professionals

Mrs. Hughes asked if the Governing Body would like proposals solicited from the current Borough Professionals for 2013 appointments. The Council assented.

f) HAVA Grant

Mrs. Hughes explained that the Borough has received a Help America Vote Act grant of \$3,000 to install handicap push buttons at the Community Center. The Borough will receive \$1,500 up front and will need to be reimbursed for the balance.

g) Limo/Taxi Procedures

Mrs. Hughes reviewed her memo regarding revising the Taxi and Limousine ordinance. She requested that the current licenses be extended until April 30 in order to allow time for the process to be established. The Governing Body agreed.

h) Storm Damage to Trees

Mr. Hoffmann discussed inquiries regarding damage to sidewalks from trees. FEMA and JIF do not cover that. Borough ordinance says it is the homeowner's responsibility to replace sidewalks. Councilmember Sciara asked if homeowners includes landlords in the business district. Mr. Hoffmann wasn't sure but would check on it with FEMA or JIF. The ordinance says all streets, roads, and sidewalks. Mayor Birkner said it is the property owner's responsibility. Mr. Huntington said there is no distinction between commercial and private property owners.

i) Coat/Clothing Drive

Mr. Hoffmann reported on the coat and clothing drive organized by Mr. Huntington. There was a fantastic turnout by residents. Clothes were sent to Little Ferry and Moonachie, with an additional load sent down the shore.

9. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Phayre

Second: Councilmember Miller

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

Dave Stetz, US Taxi, 25 Willet Street, Park Ridge – inquired about obtaining a new taxi license. Mr. Huntington advised him to leave his information with the Clerk and someone will get back to him.

Motion to close the Agenda/Public Forum: Councilmember Phayre

Second: Councilmember Miller

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

10. Ordinances of First & Final Reading:

Ordinance for Introduction

12-24 An Ordinance Amending Chapter 243 Parks and Recreation Areas Schedule A Recreation Department Fees

The ordinance was removed from consideration by Councilmember Grefrath in order to make adjustments before introducing it. Councilmember Miller commented that he doesn't recall a second discussion about lighting fees. Councilmember Grefrath said that will be the discussion at the next work session.

11. Presentation of Bills, Financial Reports and Resolutions:

Mayor Birkner advised that the following Resolutions would be enacted in one motion. Councilmembers who wished to remove any Resolution(s) to be voted upon separately, had the opportunity to do so at this time, and said Resolutions would be considered separately. Resolutions r and s were added at this time. Council President Waneck requested resolution s be voted on separately; Councilmember Miller requested resolution o be voted on separately.

Resolutions as Consent Agenda:

- a) **Resolution #12 - 293: Bill List & Statement of Cash October 2012**
- b) **Resolution #12 - 294: Authorizing Refund of Taxes B1607 L18**
- c) **Resolution #12 - 295: Renewal of Membership in the Bergen County Municipal Joint Insurance Fund**
- d) **Resolution #12 - 296: Supporting A3362/S2256 Exempting Flood Prone Property Acquired by Municipalities After October 1 from District Taxes**
- e) **Resolution #12 - 297: Appoint of Treasurer**
- f) **Resolution #12 - 298: Authorization to Bid for a Security System**
- g) **Resolution #12 - 299: Chapter 159 – HAVA Grant**
- h) **Resolution #12 - 300: Revised Resolution of the Renewal of 2012-2013 Liquor License Sai Ganesh, LLC d/b/a Center Convenience**
- i) **Resolution #12 - 301: Approval of Cub Scout Pack 47 Application to Consume Alcoholic Beverages on Public Property**
- j) **Resolution #12 - 302: A Resolution Authorizing The Borough Of Westwood To Establish A Regional Cooperative Pricing System And To Enter Into Regional Cooperative Pricing Agreements With Other Contracting Units**
- k) **Resolution #12 - 303: Bill List & Statement of Cash November 2012**
- l) **Resolution #12 - 304: Award of Library Lobby Renovation Bid**

- m) **Resolution #12 - 305: Authorizing the Extension of 2012 Taxi and Limousine Licenses**
- n) **Resolution #12 - 306: Change Order #1 Revised, #2, and Final Estimate and Payment for the Pascack Valley Cooperative Pricing Program 2012 Resurfacing Program**
- p) **Resolution #12 - 307: Supporting A2921/S1900 Restoring CMPTRA and ETR Aid**
- q) **Resolution #12 - 308: Supporting A3393 Legislation to Protect Residential Property Taxpayers from the Loss of Telecommunications Tax Support**
- r) **Resolution #12 - 309: Appointment of Plumbing Subcode Official**

Motion to adopt resolutions #12-293 through #12-309: 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

- o) **Resolution #12 - : Supporting A2444 Eliminating Summer, Holiday and Vacation Recess Unemployment Benefits**

Councilmember Miller said he finds it unacceptable to ask people to pay into unemployment but not let them receive it. Councilmember Sciara said if the Borough offers them employment in the summer and they deny it they can't get unemployment. Council President Waneck mentioned the gentleman who worked on the stream that received unemployment. Councilmember Miller said that happened because he was on our payroll, which shouldn't have occurred. Mayor Birkner suggested pulling the resolution. It was removed from consideration.

- s) **Resolution #12 - 310: Authorization to Repair Gym Floor**

Motion to adopt resolution #12-310: Councilmember Grefrath Second: Councilmember Sciara

Roll Call: Councilmember Grefrath – Yes
 Councilmember Miller – No
 Councilmember Phayre – Yes, requested recap of Trust fund
 Councilmember Quinn – Yes
 Councilmember Sciara – Yes
 Council President Waneck – No, objects to source of funding

12. Adjournment:

Motion to adjourn: Councilmember Sciara Second: Councilmember Miller
Voice Vote: A voice vote was taken with all present voting in the affirmative.
The time was 10:30 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk