

**BOROUGH OF WESTWOOD  
PUBLIC MEETING OF THE MAYOR & COUNCIL  
DECEMBER 18, 2012 MINUTES  
MUNICIPAL COMPLEX  
101 Washington Avenue  
7:30 PM Executive Closed Session/8:00 pm Public Session**

**1. Opening of the Meeting:**

The meeting was called to order by Mayor Birkner at 7:30 pm. Mayor Birkner then read the Open Public Meetings Law Statement: "This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regular Borough Council meeting. Notices have been filed with our local official newspapers and posted on the municipal bulletin board."

**2. Roll Call:**

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

**Committee Assignments:**

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

**3. Resolution #12 - 314: Executive Closed Session**

Motion: Councilmember Miller      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

**4. Reopen the Meeting:**

**Motion to reopen the meeting:** Councilmember Grefrath      Second: Councilmember Miller

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

The time was 8:20 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. Proclamations – Cimino, Galloway, Shanley**

Mayor Birkner presented the mothers of the students with flowers. Mayor Birkner and Council President Waneck presented the proclamations to the students.

**8. Resolution #12 - 315: Westwood Volunteer Fire Dept. Matters of Personnel – Mehia**

**Motion to adopt Resolution #12-315:** 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

Mayor Birkner administered the Oath of Office to Manuel Mehia. Councilmember Sciara and Fire Chief Hodges lauded Mr. Mehia for all the contributions he has already made to the Fire Department.

**9. Approval of Minutes: October 16, 2012 Public Meeting, November 20, 2012 Public Meeting**  
**Motion to adopt the October 16, 2012 Public Session Minutes:** Councilmember Grefrath Second:  
Councilmember Phayre

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

**Motion to adopt the November 20, 2012 Public Session Minutes:** Councilmember Grefrath Second:  
Councilmember Phayre

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

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

**A) Mayor's Report**

**1) Scholar Athletes**

Mayor Birkner commented that it is an honor and pleasure to recognize scholar athletes, who are a shining example of what comes from the recreation programs and school system. They represent hundreds of students that participate in recreation programs. Mayor Birkner believes it is participation in youth sports and the lessons learned there that pave way for greater success and achievements in later life.

**2) Superstorm Sandy**

Mayor Birkner announced that to date the Borough has estimated \$78,970 in storm related costs from Sandy. He reviewed the breakdown of the costs, 75% of which will be reimbursed from FEMA. Mayor Birkner noted that the expenses have remained with the Borough's budget and there hasn't had to be any emergency appropriations or supplemental bonding. Westwood was very fortunate. He acknowledged residents from Rockaway who were in attendance that were not so fortunate, and extended empathy and best wishes for them to get back on their feet as soon as possible.

Mayor Birkner recounted the recent Bergen County celebration of the heroes of Superstorm Sandy. Mayors were asked to name several people, so Mayor Birkner nominated Fran Yates, a frequent flood victim who was first to volunteer to help others and set up soup kitchen and warming center that fed over 300 people thanks to her efforts. Also honored were Lee and Shaun Tremble of the Iron Horse for providing everything needed to feed 500 people on short notice. Darren Blankenbush, OEM Coordinator, who was invaluable before, during and after the storm, was included as well.

**3) Shared Dispatch**

Mayor Birkner reported that Washington Township has discussed the County proposal to

perform dispatch services through the County at no cost to municipalities. He said two Township Councilmembers asked him if Westwood is interested in signing up for dispatch services at no cost through the County. Mayor Birkner believes the best options for Westwood is still the joint dispatch with Township, but it is not viable as long as Mayor Sopkowitz is in office. Without a viable partner for dispatch services, Mayor Birkner recommends at least engaging in discussion with the County to explore what they have to say. The Borough could potentially save \$300,000 but would have to determine if it is truly advantageous to the Borough and even the rest of the County, since someone has to pay for it. Mayor Birkner is asking the Council to at least consider allowing the committee to sit with the County to further discussion.

#### **4) Revaluation**

Mayor Birkner announced that Washington Township has decided to conduct a revaluation of the tax base. Once completed, it will leave Westwood disadvantaged should the Borough not follow suit. Westwood's portion of the school funding has increased over the past years, with residents paying about 10% higher rate than the Township based on property values. Upon the Township's revaluation completion, should their values be lowered, Westwood will see a considerable increase in school funding. Mayor Birkner said he is bringing this to the Council's attention, since Westwood may be forced to initiate a revaluation in order to maintain the pace and only pay its fair share for the school funding formula.

#### **5) Kudos for Councilmember Phayre**

Mayor Birkner took a moment to thank Councilman Bill Phayre, whose term will be ending shortly. In the five years he has known Councilmember Phayre, Mayor Birkner doesn't know anyone with a bigger heart. He will be truly missed by every member. Mayor Birkner is proud to have served with him, and proud to call him friend. He asked people to stop Councilmember Phayre on the street and say thank you. They can't know the time and dedication he's given to make Westwood a better place for all of us.

Councilmember Phayre said the decision to move on was based on great things happening in his life. Life would have gotten hectic in a good way, so he determined to bow out on a high note. He is not going away, and will be busy with the Fire Department again. Councilmember Phayre said who knows what the future brings, but he is not leaving Westwood until they carry him out.

There was a brief recess at this time to allow those in attendance for the presentations to leave.

### **B) Engineer's Report**

#### **1) Biweekly Report**

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

#### **2) Cost Benefit Analysis**

Dr. Boswell discussed the draft cost benefit analysis report, which revealed that there is not a lot of excess water use. He noted that only 232 residences use more than 400 gallons a day, and those locations are apartment houses. He concludes that it is not water use that is causing the Borough's higher BCUA charges. Mr. Huntington asked if sump pumps could be an issue. Dr. Boswell said there is no reason to think it is not an issue. Council President

Waneck asked if Dr. Boswell will be providing ideas on where to go with the data. Dr. Boswell said he would include a conclusion statement that says the most cost effective place to look is I and I. Council President Waneck questioned whether most of the municipalities in the area have done I and I studies. Dr. Boswell related that the BCUA did an I and I study in 1992. He has checked with several of the towns included in the study and found that none of the recommendations from the study have been implemented. The plan had been for the BCUA to bond and allow towns to do improvements, then put the cost back into the rate structure.

Mayor Birkner noted that the BCUA rules and regulations contain prohibitions against the discharge of groundwater into the sewer system but enforcement is extremely difficult. Dr. Boswell agreed, saying those with ordinances don't enforce it. Councilmember Sciara pointed out that when a home is sold and there is an inspection, and the building inspectors do look for it. He asked whether sump pump tie-ins can be looked for during revaluation. Mr. Huntington said there is a limit, so he will have to look into it. Councilmember Sciara asked if it can be put on the website to educate the public. Mayor Birkner said it could. He said when issuing a permit the Construction Official could look for it. Council President Waneck thinks there is a very small home percentage involved, and that commercial and industrial is a bigger problem. Mayor Birkner disagreed. Dr. Boswell said homeowners can take the hose off during inspection. Councilmember Sciara said so far the Borough is just looking at water usage, but we need to see what else is going into the system. Mayor Birkner observed that the Borough will need to look at dry weather/wet weather flow charts, and if there are spikes during rain events then groundwater is going into the system. Councilmember Sciara asked about liability on smoke testing the system and cost, as well as how often it can be done. Dr. Boswell said it is not that expensive. Mr. Huntington said there is no liability if no flame is used. Councilmember Sciara suggested performing a smoke test periodically and anyone hooked up will have smoke in their house. Mr. Hoffmann asked if there is anything in conclusion that would help in the future. Dr. Boswell will make recommendations on what to do going forward.

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

### **1) Mayor's Report Cont'd**

#### **a) County Police Coverage**

Mayor Birkner advised that the Pascack Valley Mayors submitted a letter to the County Executive and Freeholders, voicing concerns over costs for absorbing Demarest into the County Police force. The remaining 69 municipalities will be bearing the cost savings for Demarest. The mayors have requested a detailed financial analysis with regard to the proposed absorption. They also asked freeholders not to proceed on a vote until every municipality has had a chance to review the analysis. The mayors do acknowledge and applaud the County and Demarest for their willingness to explore reducing costs, however, those costs should not be borne by other municipalities.

### **2) Health and Recreation:**

#### **a) Health Department Update**

Councilmember Grefrath reported that the Board of Health discussed the impact of Sandy and protocols to follow in future. They will discuss it further in January with OEM in attendance.

Councilmember Grefrath advised that the Clerk will take the necessary classes to be a deputy registrar to cover in case of emergency.

**b) Heritage Society Update**

Councilmember Grefrath reported that the Heritage Society is looking into grants to replace the loose tiles on the bandstand.

**c) Memorial Bench Program**

Councilmember Grefrath announced that 21 benches have been installed in the various parks. Fourteen are Memorial Benches. He is thrilled with the progress. The Borough can now move on to revitalizing Quad 3. Updated brochures for the benches are available in the Clerk's office.

**d) Recreation Update**

Councilmember Grefrath relayed that the Recreation Board would like the Field A renovation to occur in the spring. The DPW and Administrator are working on exposed sprinkler heads. The Recreation Director is working on the lightning detection system.

**e) Westvale Lighting Fee Ordinance**

Councilmember Grefrath explained that the recreation fee ordinance was discussed in detail at the last meeting. The original lighting estimates didn't include the summer surcharge which was unknown at that time. He noted Recreation Director Gary Buchheister is present by Council request.

Councilmember Grefrath observed that the fee ordinance includes the \$60 per two hour use charge. He had wanted To Be Determined (TBD) for the lighting charges. Council President Waneck thought that all of Schedule B was to be determined so it could be further discussed. She would vote to pass the ordinance with Schedule B with numbers in it. Mr. Huntington pointed out the statement from the first page of the ordinance that adopts Schedule B but lets it be changed later. Council President Waneck feels it is premature to put any numbers into the schedule. Councilmember Sciara asked if the Borough has bills with the surcharges. Council President Waneck said there are bills through July. Councilmember Sciara said the Borough Engineer would like to see how it is documented, since he doesn't believe it would be charged by PSE&G.

Councilmember Miller asked if the information at the last meeting did not reflect any costs after July. Council President Waneck explained that when the meter was changed PSE&G stopped billing, so there are no August or September bills. Councilmember Miller wondered how to take appropriate action of there isn't good data. He believes the ordinance fees should be listed as TBD, since without full data any conclusion is inaccurate.

Mr. Huntington advised that if the Governing Body only wished to adopt Schedule A they can do so tonight. Mayor Birkner said there are other fees on Schedule B not tied to lighting. Council President Waneck pointed out that no one is using fields in January. Mayor Birkner agreed, and asserted it would be in the best interest to strike Schedule B and to delete any reference to schedule B in the ordinance. Once the information is received from PSE&G the Borough can work out the appropriate charge. Council President Waneck reminded everyone that she and Mr. Hoffmann started having

discussions with PSE&G in early 2012 about meters. The Borough has accurate bills for 2011 through July 2012. Once the remainder of the bills are received there will be an accurate picture to come up with viable fees. Councilmember Phayre suggested the CFO use the PSE&G online service to view the bills. Council President Waneck said the Borough was given a personal representative back in May. She doesn't know why it took so long to figure out that bills were not being received. Mayor Birkner reiterated that Schedule B would be struck from the recreation fee ordinance when adopting. The Borough will work with PSE&G to figure out the lighting costs.

**3) Finance, Administration and Capital Projects:**

**a) Notification of Bond Anticipation Note Sale by CFO**

Councilmember Phayre referenced the CFO's memo on the BAN sale and briefly reviewed the details.

**b) Parking Authority Update**

Councilmember Phayre announced that the Parking Authority has adopted its 2013 budget.

**c) Finance Department Update**

Councilmember Phayre asked Council President Waneck to update on the 2013 budget process, since she will chair the Finance Committee in 2013. Council President Waneck reviewed the budget timeline, including two line-by-line budget meetings for the Governing Body on February 12<sup>th</sup> and 26<sup>th</sup>. She asked that only essential expenditures be approved in the new year. Council President Waneck discussed some pending changes, including a new voucher procedure, breakdown requirements for professionals' billing, and an in-depth review of trust accounts. Councilmember Miller asked if the professional costs, specifically legal, would be allotted to the different departments. Council President Waneck said yes. Councilmember Miller asked if historical usage data is available. Council President Waneck said it would be gathered this year.

**4) Police and OEM:**

**a) Police Hires**

Councilmember Miller announced that three potential new Police hires are undergoing background checks. The target date for them to attend the Police Academy is January 8, 2013. The Council has received all resumes.

**5) Fire and Ambulance:**

**a) Environmental Committee**

Councilmember Sciara advised that the Environmental Committee is moving forward with plans for the Community Garden. The Borough will help them along with the location. Mayor Birkner said he was planning to walk the garden site today but other business got in the way.

**b) Fire Department Update**

Councilmember Sciara announced that the Fire Department has had a busy two weeks. There were two vehicle rollovers, a mutual aid fire in Emerson, and a big fire today on

Woodland Avenue. No injuries were reported.

**6) Public Properties:**

**a) DPW Update**

Council President Waneck discussed the loan of DPW equipment to Moonachie, who lost their equipment in Superstorm Sandy. Westwood has received its new salter, so the old one is being loaned to Moonachie. Mr. Hoffmann has verified there are no liability issues in doing so. Mayor Birkner was curious about transferring ownership. Mr. Huntington said it is legally possible to give it to another town. Council President Waneck said it would mean loss of revenue to the municipality.

**7) Land Use: IQ**

**a) Land Use Boards Update**

Councilmember Quinn shared that it was fun learning about the land use boards this past year. The challenge was getting a handle on escrow accounting and reporting to the Planning and Zoning Boards. A lot of groundwork has been done by the Administrator and CFO. Escrow will be high on the agenda for next year.

**b) Shade Tree Committee Update**

Councilmember Quinn advised that the Shade Tree Committee would like to bring forward their draft ordinance again next year.

**D) Attorney's Report**

Mr. Huntington echoed the remarks regarding Councilmember Phayre.

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

**a) Intermodal Corridor Study**

Mr. Hoffmann advised that the intermodal corridor study was in the agenda packets for reference. It will be discussed at a future meeting. Councilmember Phayre asked whether intermodal referred to rail, bus, or vehicle. Mr. Hoffmann said his brief conversation on the matter was about rail, bike, cars, and pedestrian crosswalks. Council President Waneck pointed out that this is the report that she has been opposed to for a number of years because one recommendation would ruin the church at Five Corners. It is an old study, and a lot of enhancements have been done in the Borough since then. The plan would take a large amount of property away from Grace Church. Councilmember Grefrath agrees with Council President Waneck's objections.

**b) FEMA Grant Acquisitions**

Mr. Hoffmann reported that for the acquisition of flood prone properties, everything that can be done has been done to obtain funding. He thanked Mrs. Hughes, Mr. Huntington, Mrs. Flannery, Mrs. Kokowski, Mr. Marini and Ms. Potash for their efforts. The Borough met all deadlines and criteria no matter how many times things changed. The project has taken a lot of man hours. Councilmember Sciara suggested a resolution be added to the consent agenda to allow the Fire Department to use the properties to drill. Mr. Huntington would prefer to wait until the Borough owns the properties.

Mr. Hoffmann thanked Councilmember Phayre for all his hard work over the years, including the project to retire ordinances.

#### **11. Agenda/Public Forum:**

**Motion to open the Agenda/Public Forum:** Councilmember Grefrath

Second: Councilmember Quinn

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

Keith Rivers, 12 Fern Street – regarding lighting, asked if the Borough has shopped for the energy portion of electric bills. Mr. Hoffmann said yes. Mr. Rivers asked if the Borough chose to stay with PSE&G. Mr. Hoffmann said there is a consortium contract through Bergen County for the acquisition of electricity at 4.6 cents per kilowatt hour.

Gary Conkling, 406 Kinderkamack – commented that the dog park is a mess. Mr. Conkling said the usage is so high, it needs to be maintained. Mayor Birkner said he is aware, since he takes his dog there. The Borough just got another load of double milled mulch, which the DPW will be putting down, so it is being addressed. Mayor Birkner said it is extremely expensive. Mr. Conkling asked why. Mayor Birkner said the mulch has to be the same quality as playground mulch. Mr. Conkling said the County doesn't use that type of mulch. Mayor Birkner said the required medium is to install the same grade of mulch as the playground, since people are in there as well. Mr. Conkling observed that more will then have to be budgeted next year to maintain the dog park. Mayor Birkner said it is very possible. Mr. Conkling asked the amount of the electricity bills through July. Council President Waneck said \$13,995. Mr. Conkling estimated that the full year bill would be \$30,000.

William Bortz, 27 West End Avenue – observed that having users know what those rates are will affect future usage. Mr. Bortz said the sports teams will avoid using lights at those times. He suggested building statistics when users know what they're doing. Usage statistic for the past when no one knew the costs involved builds false information. Mayor Birkner said that's why Schedule B was pulled. Mr. Bortz reiterated that the current information is not viable since users weren't using the fields smartly. He believes the Borough needs to build two years of statistics based on knowledge of the costs and adjusted use of the fields. He suggested creating a calendar for the sports groups that shows when it is expensive to turn on the lights.

**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.

#### **12. Ordinances of First & Final Reading:**

##### **Ordinance for Adoption**

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

Mr. Huntington advised that a motion should be made to amend the ordinance to remove Schedule B. The hearing would then be held on the ordinance as amended.

**BE IT RESOLVED** that Ordinance #12-24 entitled "An Ordinance Amending Chapter 243 Parks

and Recreation Areas Schedule A and B Recreation Department Fees”, is hereby amended to removed Schedule B, thereby making the title An Ordinance Amending Chapter 243 Parks and Recreation Areas Schedule A,” and the amended ordinance, having hereby been read by title, shall have a hearing held on this date.

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

**BE IT RESOLVED** that an Ordinance known as #12-24, as amended be passed on final reading and that a Notice of Adoption of said Ordinance, as amended, be published in the official newspaper according to law.

**Motion for final adoption:** 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

**13. 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 k through o were added at this time.

**Resolutions as Consent Agenda:**

- a) **Resolution #12 - 316: Bill List & Statement of Cash October 2012**
- b) **Resolution #12 - 317: Budget Transfers 2012**
- c) **Resolution #12 - 318: Authorizing Refund of Taxes B701 L14 C3301**
- d) **Resolution #12 - 319: Authorizing Refund of Taxes B1608 L1**
- e) **Resolution #12 - 320: Authorizing Refund of Taxes B1109 L5**
- f) **Resolution #12 - 321: Authorizing Refund of Taxes B2106 L4 and B2109 L12**
- g) **Resolution #12 - 322: Authorizing Execution of 2013 Green Communities Grant Agreement for a Community Forestry Management Plan**
- h) **Resolution #12 - 323: Towing Licenses 2013**
- i) **Resolution #12 - 324: Authorizing Loan of Salter Truck to Moonachie**
- j) **Resolution #12 - 325: Authorizing Grinding of Tree Branches**
- k) **Resolution #12 - 326: Appointment of Assistant Preschool Teacher**
- l) **Resolution #12 - 327: Chapter 159 - FEMA & DEP Funds**
- m) **Resolution #12 - 328: Authorizing Transfer of FEMA and DEP Funds for the Purchase of Flood Prone Properties**
- n) **Resolution #12 - 329: Showing Support and Unity to the Residents of Newtown, CT**
- o) **Resolution #12 - 330: Authorizing the Borough Attorney Regarding Lot 45 Block 2001**

**Motion to adopt resolutions #12-316 through #12-330:** Councilmember Grefrath

Second: Councilmember Phayre

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

**14. Adjournment:**

**Motion to adjourn:** Councilmember Phayre    Second: Councilmember Sciara

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

The time was 10:15 pm.

Attest:

*(signed) Karen Hughes*

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk