

**BOROUGH OF WESTWOOD
WORK MEETING OF THE MAYOR & COUNCIL
FEBRUARY 18, 2014 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
Council President Waneck – Present
Councilmember Grefrath – Present
Councilmember Bicocchi – Present
Councilmember Arroyo – Present
Councilmember Miller – Present
Councilmember Sciara – Absent
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Clerk Hughes – Present

Committee Assignments:

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

3. Resolution #14 - 59: Executive Closed Session

Motion to adopt Resolution #14-59: Councilmember Miller Second: Councilmember Bicocchi

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Sciara – Absent Council President Waneck – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Miller Second: Councilmember Arroyo

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

The time was 8:07 pm.

5. Roll Call II:

Mayor Birkner – Present / Councilmember Arroyo – Present / Councilmember Bicocchi – Present
/ Councilmember Grefrath – Present / Councilmember Miller – Present / Councilmember Sciara –
Absent / Council President Waneck – Present / Borough Administrator Hoffmann – Present /
Borough Attorney Huntington – Present / Borough Engineer Boswell – Present / Borough Clerk
Hughes - Present

6. Flag Salute:

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

7. Approval of Minutes: December 17, 2013

Motion to Adopt: Councilmember Grefrath Second: Councilmember Miller

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Abstain

Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Sciara – Absent Council President Waneck – Yes

Approval of Minutes: Sine Die 2013

Motion to Adopt: Councilmember Grefrath Second: Councilmember Miller
Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Abstain
Councilmember Grefrath – Yes Councilmember Miller – Yes
Councilmember Sciara – Absent Council President Waneck – Yes

Approval of Minutes: January 2, 2014 Reorganization Meeting

Motion to adopt: Councilmember Grefrath Second: Councilmember Miller
Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes
Councilmember Grefrath – Yes Councilmember Miller – Yes
Councilmember Sciara – Absent Council President Waneck – Yes

8. Reports of Committees and Officials:

A) Mayor's Report

1) DPW Kudos

Mayor Birkner acknowledged the DPW for doing a great job with the snow. He referenced a letter in the February 18th Record from the Chamber of Commerce President commending the DPW for the good job in removing snow from the central business district. The businesses did not have to close or be compromised due to the weather because of the tremendous job by the DPW.

2) Redevelopment

The Mayor introduced Ed Snieckus of Burgis Associates to give an overview of redevelopment under the Local Redevelopment and Housing Law (LRHL). Mr. Snieckus explained that this is a Statute in place in New Jersey that allows municipalities to look at the tools for redevelopment or rehabilitation. The law has been in place since 1992, although as of last fall, the Governor amended the rules.

Mr. Snieckus said the LRHL provides the authority to designate an area in need of redevelopment. There is a review process to determine if it meets certain criteria, and the Borough must be very specific in meeting those criteria. If an area is found to be in need of redevelopment, then a redevelopment plan can be adopted. It can be a zoning recommendation or it can actually be a plan specifically for a certain piece of property. If the area is determined not to be a redevelopment area, then the Borough establishes a rehabilitation plan.

Mr. Snieckus explained that the process starts with the Governing Body. The Mayor and Council would discuss whether or not an area should be studied for whether or not it meets the criteria. The vehicle for the study is the Planning Board, who would have specific findings of fact when they report back to the Governing Body for purposes of using the LRHL.

As a result of the changes made to the law last fall, the Governing Body has to first consider whether or not they would be using their redevelopment powers for eminent domain. Eminent domain is using the ability to acquire properties in order to establish a redevelopment area. Mr. Snieckus clarified that stating up front whether or not eminent domain will be used goes a long way to alleviate the property owner's fears.

Mr. Snieckus elucidated that the statutory criteria have eight specific findings of fact that can be used. He reviewed those criteria. Mr. Snieckus reiterated that the process for designating an area for redevelopment begins with the Governing Body. If an area is designated, the Planning Board would be directed as a separate step to conduct and develop a redevelopment plan. The redevelopment plan could be a zoning overlay or recommendation or a more involved

plan as to what the vision would be for a specific area. If an area were to be designated for redevelopment, there would be other options that could be considered such as short or long term tax abatement options that could spur on the redevelopment.

Mayor Birkner inquired as to what type of tax abatement options are available. Mr. Snieckus stated there is a five-year short term option that applies to residential redevelopment. There is also a PILOT (Payment In Lieu Of Taxes) program. Mr. Snieckus explained in detail how the PILOT program works.

Councilmember Miller questioned the difference between abandoned and vacant. Mr. Snieckus explained that abandoned means that someone has left the property and has not done anything to that property in quite sometime even though they may still own it.

Councilmember Miller asked if the decision on eminent domain needed to be made before sending a redevelopment study to the Planning Board. Mr. Snieckus said yes.

Councilmember Miller asked what would happen if someone is already in the process of acquiring an area for development. What is the impact to them? Mr. Snieckus responded that there are costs involved in the study so the Governing Body should be sure that an area is not something that will be spontaneously redeveloped on its own.

Councilmember Grefrath noted that the cost of the study is not in the current budget and asked for an estimate. Mr. Snieckus replied that the cost is from \$3,000 to \$8,000 based on size and the condition of the property. Councilmember Grefrath asks if a separate independent study has to be conducted for each area. Mr. Snieckus said yes, unless properties were contiguous or close enough to one another that there is some cross reference between properties.

Councilmember Grefrath estimated that at \$3-\$10,000 per area, with 7 or 8 areas, that's \$80,000 that would have to be put into the budget, which he likened to the cost of a new tennis court. Mayor Birkner commented that there doesn't have to be a Borough-wide review. The Governing Body could designate one specific target area.

Council President Waneck stated she had worked on the Master Plan and looked at ways to improve and nurture the economy of the Borough. She asked what has changed since the Master Plan was finished in 2011 that would make Burgis recommend redevelopment. Mr. Snieckus asked where Burgis had not recommend redevelopment. Council President Waneck read from a section of the Master Plan review language that states "it is not necessary at this time to utilize the LRHL to facilitate redevelopment in the community". Mr. Snieckus answered that under that criteria and Master Plan review done at that time, it was not identified as necessary at that time. It may not be appropriate for all properties at this time. He explained that his goal for the evening was provide an overview of the process that is available to the Borough. There are properties that have been vacant for quite some time. Valley Ford would be one of those properties in its current state. The Master Plan comments on the struggles of the Broadway corridor. These were items considered but not identified specifically under the Master Plan.

Mayor Birkner noted that a couple of things changed with respect to the Broadway corridor and Valley Ford. In 2011 there were five major flooding events that dramatically impacted the properties in the Broadway corridor. As a result many of the properties remain vacant and unable to be leased. There are some environmental concerns in that area as well and any redevelopment plan would have to be a larger wholesale review. This area might benefit from this particular application.

The other area is the Valley Ford property. Mayor Birkner believes what has changed is the fact that it has remained dormant. There is an owner and there have been 6 to 10 proposals that have not borne any real results in an actual development. Borough land use regulations limit and have preempted any real attempts at redevelopment of that property. Mayor Birkner asked

Mr. Snieckus if it would be a benefit to a developer to do a dual track. Mr. Snieckus feels it could be a benefit. Often times there is a willing developer who makes a request or recommendation to the Governing Body to consider an area for redevelopment for the purpose of the tax benefit and/or the rezoning of that specific property.

Mr. Snieckus pointed out that in 2010/2011 the Borough went through a very comprehensive analysis of uses and wanted to try that approach first. Council President Waneck said the plan had recommended traffic improvements to enhance the economic vitality and the Borough is certainly doing that with the train signalization. She suggested waiting to reap the benefits of that traffic improvement. Council President Waneck noted that the Borough also made changes to expand the zoning in both the zone with Valley Ford and the LM Zone, plus HUMC North has opened. The Master Plan ended in 2011 and it took through 2012 to enact the changes. The traffic changes have taken us to 2014. She believes they are positive changes but asked if they have been given enough time to impact properties. The traffic improvements will help the economic stimulus and/or for the existing uses to be reoccupied in the downtown central business district. The Master Plan talked about the potential for an overlay zone in the central business district. That has not been enacted just yet. When looking at the redevelopment statute, it is property specific. It looks at what is wrong with these specific properties that keep them from being redeveloped. The Master Plan is more of an umbrella over all properties, looking at various properties from all various standpoints.

Council President Waneck noted the Borough just completed the tax revaluation. She asked how the increased commercial property values affect redevelopment. She also asked how the PILOT program would play into redevelopment. Mr. Snieckus pointed out that the PILOT program is an option and doesn't have to be used. It is just a tool that can be used to deal with difficult properties, such as the Broadway corridor, which has a diversity of properties and diversity of titles. As far as overall tax structure, Mr. Snieckus cited the Valley Ford property as an example. The study would look at what could be developed on that property to make the most use of it. Council President Waneck didn't realize that PILOT is an option. She read a report the New Jersey Comptroller did in 2011 that said PILOTS are financially unproductive to do. She asked Mr. Snieckus if he thinks they are a benefit. Mr. Snieckus responded that he would only use a PILOT program when dealing with a difficult location or if upfront costs that are very high are actually barring a developer from redeveloping the property spontaneously or through a use variance.

Council President Waneck remarked that there used to be a lot of litigation which led to the change in the law in 2013. She asked if Mr. Snieckus thinks there will be a decrease in lawsuits due to the change. Mr. Snieckus answered yes, and explained that the State was very specific about how you can apply certain parts of the criteria. Council President Waneck asks if too many PILOT programs can have a negative impact on state aid. Mr. Snieckus believes it can if there are too many PILOT programs, so they should be used sparingly.

Council President Waneck said from what she's read, redevelopment is supposed to be like a last resort. She asked how the Borough could know when there is no longer interest in a property. Mr. Snieckus says it is a judgment call. You look at a specific property and determine that the value has been stagnant or has declined due to its condition. At the same time, you can look at RLHL as an option to be very specific as to the zoning. By relaxing or changing the criteria for zoning, the approval process can be made easier for a developer to deal with. Be very targeted as to the zoning, the architectural design or certain setbacks.

Council President Waneck was reading recently about density. Westwood has one of the highest densities around with 24 units per acre, higher than Ridgewood and almost equal to

Hackensack. She asked if redevelopment would lead to mixed use and higher density or if it can be designed to keep residential out of the development area. Mr. Snieckus said it can depending on the area. If you are looking at an industrial area, that would make sense. For some locations it may be helpful to do mixed use. It might be more palatable and equitable for redevelopment as a result. In some cases a mixed use adjacent to other properties, as a result of the mixed occupants, may provide an economic engine. It's a very diverse tool that allows a lot of options.

Council President Waneck noted that the Governing Body should probably have a vision before even going to the Planning Board. Mr. Snieckus said to a degree. The first step would be to do a study to determine if an area meets the criteria first. The planning stage is where it gets involved in the zoning and establishing the criteria.

Councilmember Arroyo asks if the redeveloper is a partner in the vision. Does he participate in establishing the standards? Mr. Snieckus said yes, a developer can take that role or the municipality can just do a redevelopment area and establish a redevelopment plan. A redeveloper would come in, look at the plan and say he is willing to speculate on the project.

Councilmember Arroyo said since there is a provision in the Master Plan for a zoning overlay, why do a study rather than have an interested developer just go before the Zoning Board of Adjustment for variances, especially after just completing the Master Plan. Mr. Snieckus says the reason to look at redevelopment is that it can apply to multiple areas in the Borough and not just to the Valley Ford property. An overlay can't be spot zoning, for the benefit of that specific property but for the greater good and the surrounding area as well.

Councilmember Arroyo asks if the statutory criteria are cumulative or can just one be used. Mr. Snieckus indicated that more than one criteria should be met. Smart Growth is a good one because it could apply to a lot of instances. Councilmember Arroyo said it sounds like a very low bar to the findings. Mr. Snieckus would not recommend using just Smart Growth as the criteria, and there should be some of the other findings of fact as well.

Councilmember Arroyo referenced the Mayor's comments on the Ford property proposals. Councilmember Arroyo's opinion is that redevelopment should be for a property that is tainted, not usable, or stagnant for a long time. Maybe the zoning at the Ford property is not quite right. Of all the properties, he believes the Broadway Corridor seems to be the one that continuously underperforms, but there are environmental issues for that. Councilmember Arroyo asked whether it is more normal to determine an area is not in need of rehabilitation, or is the norm that an area is in need rehabilitation. Mr. Snieckus said because the decision is so difficult to make at this level, it's usually a site that needs help. Often the Planner will come back to the Governing Body for discussion and advise whether or not there is enough there to pursue a study. Councilmember Arroyo commented that the language put in the this Master Plan about mixed use overlay was a specific recommendation by Burgis Associates. Yet in the previous Master Plan, mixed use for the south side of the CDC was actual language in the plan and that's all that was needed to generate all that development on Jefferson. There wasn't even a zoning amendment to make that happen and they were very distressed properties that had environmental problems as well.

Councilmember Biccocchi's concern is that the Borough pick an area that needs the most help and that to him right now is the Broadway corridor. Even though there are a host of environmental issues, to develop this the Borough needs to think outside the box and do something special because it is a flood prone area. Hopefully, a developer comes in and is able to work with the municipality.

Council President Waneck asked what happens to the properties on either side if they are not part of what is deemed to be the redevelopment area. Is there any type of detriment to those

property owners? Mr. Snieckus says it is usually a benefit because economically property values go up based on the redevelopment improvements. Also, a contiguous area might be includable in the redevelopment that wouldn't necessarily meet the criteria. Council President Waneck asked how many times redevelopment successfully attracts a developer as opposed to someone who just comes along and buys the property to do something with it. Mr. Snieckus said that most of the time there are willing property owners that need the benefits of redevelopment to redevelop the property. That is more so the case. No one really wants to use the condemnation process. Redevelopment has a very bad stigma but, in his opinion, it could be very beneficial for a community. Council President Waneck asked if anyone in Westwood has inquired about redevelopment. Mr. Snieckus answered no, not yet.

Councilmember Arroyo asked if the Governing Body authorized the Planning Board to go ahead and develop a redevelopment plan, whether it would retain the right to amend the plan. Mr. Snieckus says the Governing Body has the ultimate decision on the redevelopment.

Mayor Birkner said it sounded like there are beneficial opportunities to be had and thanked Mr. Snieckus for a very informative presentation.

B) Engineer's Report

1) Biweekly Report

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

2) Pistol Range

Dr. Boswell reported that he is working with the DEP to update the pistol range remediation grant application. Council President Waneck asked whether the update of the grant means it is not in hand. Mr. Hoffmann said that the DEP has agreed to fund their portion, which is \$229,000. The Borough has to update the grant application, and will be responsible for 25% of the remediation. Mr. Boswell explained that the update does not jeopardize the grant. The process has to be done outside the DEP rather than through the DEP and that is what the update is about.

3) Road Paving

Dr. Boswell advised that the DPW would like to see 2nd and Elm as the project. Councilmember Grefrath said that at the line-by-line budget meeting last week it was discussed and the Governing Body came to a consensus to do it. Mr. Boswell said a proposal would be forthcoming.

4) Venting System

Councilmember Arroyo said that the venting system project is being pushed off until next year. He would like to get a sense of what the full scope is and what the cost will be for budget purposes. Mayor Birkner asked for the results of the piezometer test. Dr. Boswell said they are not all done yet. Although February had above average precipitation, it hasn't melted yet. When that happens, the test will be done.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Environmental Committee

Councilmember Grefrath reported that the Environmental Committee did not have a quorum

for its February meeting. He has changed the March meeting date from the 17th to the 24th to avoid that happening again. Councilmember Grefrath said Scott Cascone at Westwood High School has recommended a student participant who will be able to attend the March meeting.

b) Finance and Administration Update

Councilmember Grefrath said according to the CFO, the electronic requisition system is going very well. The first line-by-line budget meeting was held on February 11th. The second meeting will be on February 25th. If all goes well, the CFO hopes to introduce the budget on March 18th with a public hearing on April 15th.

2) Health and Recreation:

a) Recreation

Councilmember Miller reported that the Recreation Board met to discuss 2014 objectives.

3) Land Use:

a) Planning Board

Councilmember Biccocchi advised that the Planning Board meeting scheduled for February 13th was postponed due to snow. It is rescheduled for February 27th.

b) Zoning Board

Councilmember Biccocchi announced that the Zoning Board of Adjustment approved a multi-housing unit on Crest Street.

c) Resolution #14 - 60: Banning Additional Snowfall in Westwood for 2014

Motion to adopt Resolution #14-60: Councilmember Biccocchi Second: Councilmember Grefrath

Roll Call: Councilmember Arroyo – Abstain Councilmember Biccocchi – Yes
Councilmember Grefrath – Yes Councilmember Miller – Yes
Councilmember Sciara – Absent Council President Waneck – No

4) Police and OEM:

a) Police Committee

Councilmember Arroyo reported that the Police Committee met last week to discuss and revise the timeline for the promotional process. The Police Chief and Administrator were asked to create a spreadsheet on the hiring and promotional processes, which has been distributed.

5) Public Properties:

a) DPW

Council President Waneck said she had nothing to add to the fine report the Mayor gave regarding the DPW and snow removal.

b) Shade Tree Committee

Council President Waneck reported that Mr. Cowie, the Shade Tree Committee members and a member of the DPW learned the inventory software together. The inventory is now being updated with a two-year backlog. The Shade Tree Committee has presented Council President Waneck with the 8th version of the shade tree ordinance. She will review it and

report to the Council.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

No report

9. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Miller

Second: Council President Waneck

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

No one wished to be heard.

Motion to close the Agenda/Public Forum: Councilmember Miller

Second: Councilmember Arroyo

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

10. Ordinances of First & Final Reading:

Ordinances for Adoption

14-1 An Ordinance Amending Chapter 195 Land Use, Article XXIII Historic Preservation

BE IT RESOLVED that Ordinance #14-1 entitled “**An Ordinance Amending Chapter 195 Land Use, Article XXIII Historic Preservation** ” having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Arroyo Second: Councilmember Grefrath

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 Arroyo Second: Councilmember Grefrath

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

BE IT RESOLVED that an Ordinance known as #14-1 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 Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Sciara – Absent Council President Waneck – Yes

14-2 An Ordinance Amending Chapter 202 Limousines

BE IT RESOLVED that Ordinance #14-2 entitled “**An Ordinance Amending Chapter 202 Limousines**” having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Grefrath Second: Council President Waneck

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 #14-2 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Grefrath Second: Council President Waneck

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Sciara – Absent Council President Waneck – Yes

14-3 An Ordinance Amending Chapter 337 Taxicabs

BE IT RESOLVED that Ordinance #14-3 entitled “**An Ordinance Amending Chapter 337 Taxicabs**” having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Grefrath Second: Councilmember Miller

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 #14-3 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Grefrath Second: Council President Waneck

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Sciara – Absent Council President Waneck – Yes

11. 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 d was held until a future meeting. Resolution g was added at this time.

Resolutions as Consent Agenda:

- a) **Resolution #14 - 61 : Bill List & Statement of Cash**
- b) **Resolution #14 - 62 : 2013 LOSAP Contributions - Ambulance Corps**
- c) **Resolution #14 - 63 : 2013 LOSAP Contributions - Fire Department**
- g) **Resolution #14 - 64 : Fire Department Matters of Personnel – Griffin, Monte**

Motion to adopt resolutions #14-61 through #14-64: Councilmember Grefrath Second: Councilmember Arroyo

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

Resolutions for Individual Consideration:

- e) **Resolution #14 - 65 : Approval of Westwood Youth Football Association’s Application to Consume Alcoholic Beverages on Public Property - March 29, 2014**
- f) **Resolution #14 - 66 : Approval of Westwood Youth Football Association’s Application to Consume Alcoholic Beverages on Public Property - April 26, 2014**

Motion to adopt resolutions #14-65 through #14-66: Councilmember Grefrath Second: Councilmember Miller

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

12. Adjournment:

Motion to adjourn: Council President Waneck Second: Councilmember Miller

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

The time was 9:25 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk