

**BOROUGH OF WESTWOOD
WORK MEETING OF THE MAYOR & COUNCIL
FEBRUARY 4, 2014 AGENDA
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 7:00 pm. Mayor Birkner then read the Open Public Meetings Law Statement: "This special 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 Arroyo – Present
Councilmember Bicocchi – Present
Councilmember Grefrath – Present
Councilmember Miller – Present
Councilmember Sciara – Present
Council President Waneck – Absent
Borough Administrator Hoffmann – Present
Borough Attorney Huntington – Present
Borough Clerk Hughes – Present

Committee Assignments:

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

3. Resolution #14 - 44: Executive Closed Session

Motion to adopt Resolution #14-44: Councilmember Miller Second: Councilmember Arroyo
Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes
Councilmember Grefrath – Yes Councilmember Miller – Yes
Councilmember Sciara – Yes Council President Waneck – Absent

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Sciara Second: Councilmember Grefrath
Voice Vote: A voice vote was taken with all present voting in the affirmative.
The time was 8:18 pm.

5. Roll Call II:

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

6. Flag Salute

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

7. Reports of Committees and Officials:

A) Mayor's Report

1) Train Signalization

Mayor Birkner reported that the new light at Irvington is now live. The traffic island should be removed sometime next week. Councilmember Grefrath suggested a snow plow remove it.

2) Revaluation

Mayor Birkner noted that meetings are being conducted daily for the revaluation. There has been a fairly steady stream of residents.

3) Newark Avenue

Mayor Birkner reported that the DPW has completed the new drainage at Newark Ave. They have regraded, and the fence is being restored. Mr. Hoffmann said Mr. Woods has ordered an elbow and additional pipe to direct water into the ditch, which will reduce erosion by the tree.

4) Woodcliff Lake Dam Upgrades

Mayor Birkner advised that United Water will hold a Woodcliff Lake Dam project preconstruction-type meeting on February 27th here in Westwood.

5) 201 Magazine Awards

Mayor Birkner announced that 201 Magazine awarded 35 “Best Of” awards to Westwood, including the best Memorial Day parade and best shopping destination. Terrific!

6) Redevelopment

Mayor Birkner would like to see a resolution on the next agenda directing the Planning Board to conduct preliminary investigations to determine whether certain properties would meet the guidelines for redevelopment. The Council had received a document from Burgis outlining the benefits. Mayor Birkner noted the Borough can offer tax incentives, and see a tax benefit for any PILOT agreements. The Borough would have more control and oversight over the type of development. Mayor Birkner urged the Council to look at the report. There are five properties he identified immediately, but he feels there are two priority properties to direct the Planning Board to look into, the former Ford dealership and Broadway across from Kmart. He would like the Planning Board to take a look and see if the criteria fit.

Councilmember Grefrath said Council President Waneck needs to be present for the discussion, as she had a lot of input in the last master plan, and the transit village idea. Secondly, he would like the Planner to make a presentation to the Governing Body and answer questions. Mayor Birkner said Council President Waneck has the Burgis document and he has spoken to her about it. The Planner can certainly be at the next meeting. Mayor Birkner sent the information out well in advance of this meeting, asking the Council to bring in questions, comments and thoughts.

Councilmember Arroyo asked if Mr. Snieckus would be at the March work session. Mayor Birkner will invite him for February 18. Mr. Huntington will think about holding the presentation in closed, as it affects many property rights. Mayor Birkner asked if that is because of the potential for condemnation. Mr. Huntington said that is one consideration. Mayor Birkner said condemnation is not something he encourages or agrees to. Councilmember Arroyo said to Mr. Huntington’s point, the Planning Board and Governing Body can determine the area. While obvious properties may be in need of redevelopment, all properties in the area are considered and it could create litigiousness. Mr. Huntington is concerned for all having clear understanding before going forward. He will get back with an opinion on closed or open.

B) Engineer's Report

1) Biweekly Report

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

2) Road Paving Program

Dr. Boswell had submitted a 2014 road paving plan, but said the DPW Superintendent believes it is more important to do 2nd from Park to Elm, which involves drainage.

3) Fourth Avenue Drainage

Dr. Boswell advised that the Fourth Ave drainage project is not being funded by the County for this year. Councilmember Grefrath asked if it would be done next year. Dr. Boswell thinks it probably will.

4) Pistol Range LSRP program

Dr. Boswell explained that the State changed the way it looks at contaminated sites. Cleanup has become a privatized matter, so municipalities must deal with a Licensed Site Remediation Professional (LSRP) to clean up a site. An LSRP must have 10,000 hours minimum experience in cleaning sites and have passed the state licensing test. A municipality must hire an LSRP to clean up site. Mr. Hoffmann interjected that the DEP has said 4-5 items in the pistol range grant have to be updated by an LSRP. The Borough has a 3-4 month window to decide whether to participate. Councilmember Grefrath asked if there is a designated recreational usage for the property. Dr. Boswell said there isn't one. Councilmember Grefrath thought the project can't move forward without one. Mr. Hoffmann said the Borough can work on other aspects of the grant. Dr. Boswell said it will have to be discussed. Mayor Birkner asked if the designation can change. Dr. Boswell said yes. He thinks passive recreation is good. The Borough just has to have a use, but will not be held to that use. Mayor Birkner said originally when developing the park that was the location for the dog run. The current dog run takes up parking. For now he suggested an environmental observation area, or labyrinth. Councilmember Grefrath asked if this might be a project for the Environmental Committee. Mayor Birkner said it could be.

Councilmember Arroyo asked if the Borough is obligated to clean the area. Dr. Boswell said yes, and the Borough can either pay 100% of the cost, or 25% under the grant. Councilmember Arroyo asked the time frame for cleaning. Dr. Boswell said while there a timeline, the State is lagging in enforcing the deadlines. Dr. Boswell expounded on the cleaning process and the nature of lead. Mayor Birkner asked for a rough cost estimate. Dr. Boswell approximated \$300,000.

5) Sewer Line Bogerts Pond

Councilmember Sciara asked the scope of the sewer pipe issue. Dr. Boswell said it is badly occluded by roots. Councilmember Sciara thought it meant putting in a parallel pipe. Dr. Boswell said it is less expensive to clean the existing pipe by a root cut and flush, as it seems to be structurally sound. Dr. Boswell said the Borough may need to do point repairs and/or line the pipe. Councilmember Sciara asked the diameter. Ed Senkevich believes it is 15". Mayor Birkner asked about stenting the pipe. Dr. Boswell explained that they can slip line and steam, which makes the pipe and lining one. Councilmember Sciara said the Council is essentially

voting to do a roto roter. Councilmember Arroyo likened it to a colonscopy. Dr. Boswell said it most closely resembles angioplasty.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) 2014 Budget Update

Councilmember Grefrath advised that the Finance Committee has met with the CFO and will meet with the auditor. The line-by-line budget meeting is coming up next week. Budget status reports will resume once the budget is adopted.

The CFO has filed the annual debt statement.

The electronic requisition program will be going live shortly, with staff training scheduled for this Thursday.

b) Veterans Park

Councilmember Grefrath is working with Ed Snieckus on Quad 3 of Veterans Park. The project budget cannot exceed \$150,000. Councilmember Grefrath reviewed the scope of work in the monument section. The plan is to bid in April and finish construction by September.

2) Fire and Ambulance:

a) Fire Department Update

Councilmember Sciara reported that the Fire Department has responded to numerous calls due to frozen pipes.

b) Ambulance Corps Update

Councilmember Sciara announced that the Ambulance Corps is appealing for volunteers.

3) Health and Recreation:

a) Community Center Capital Needs

Councilmember Miller noted that the need to repair the Community Center façade brought up a larger issue. He is asking for a study of the capital needs for the Community Center.

Recreation is fortunate to raise significant revenue from rentals. The building needs improvements and repairs to ensure safety and attractiveness for rentals. The Borough needs to plan going forward. Mayor Birkner agreed that the Community Center needs to be maintained and there should be an inventory of capital improvements to the facility. The façade, roof, and infrastructure are inherently important .

b) Health and Recreation Departments Update

Councilmember Miller reported that both the Board of Health and Recreation Advisory Board have met and reorganized.

4) Land Use:

a) Sandwich Boards

Councilmember Bicocchi reminded the Council that a business owner had complained at the November meeting about sandwich board advertisements downtown. He asked if this matter should go back to the Planning Board or go on a case by case basis. Mr. Huntington said it

would need to be part of the code. Councilmember Arroyo noted that last year the Borough relaxed outdoor dining. Mayor Birkner said it was very successful. Councilmember Arroyo questioned whether things should be added to the sidewalk. The more that is allowed, the less space for pedestrians when it is a walking district. Mayor Birkner agrees absolutely. Displaying of wares on the street creates problem and brings down the look. It is not a bazaar. He believes the sandwich sign fits in with where the line is drawn. Mr. Huntington asked if second floor tenants get frontage. Mayor Birkner said that is this case.

Councilmember Arroyo said that has long been an issue in the master plan, that second floor vendors have a hard time attracting foot traffic. Councilmember Grefrath is not sure if this is Governing Body or Planning Board jurisdiction. He asked what the code says for sandwich signs. Mayor Birkner said they are prohibited. It was decided that Councilmember Bicocchi should take the matter to the Planning Board for review.

5) Police and OEM:

a) Police Committee Update

Councilmember Arroyo reported that the Police Committee met on January 30th and mapped out a plan of action for the coming year. The Administrator and Chief were tasked with creating two timelines for the hiring and promotional processes. The Administrator will distribute memos on hiring and promotions, and the minutes of the Police Committee meeting. The purpose of the timelines is to create up front benchmarks to be hit, the actions required on the Governing Body and Police Department, and the budgetary impacts. For the March 4 meeting the Administrator will take the information from the memos and spreadsheet them.

One thing Councilmember Arroyo would like to accelerate is the hiring process. There are two vacancies from last year. The new hires would need to be in the July academy class. Mayor Birkner said even with starting the process now the Borough won't have it's new officers until January 2015. Councilmember Arroyo pointed out that that is the best case scenario, and there might not be new officers until July 2015. That is why he is asking today for a resolution to begin the hiring process.

Regarding promotions, they will be staggered, with sergeants done first. He was originally going to ask for it in March, but will now ask for it at the February 18th meeting, to initiate the process. In terms of the command positions, Councilmember Arroyo said he is pleased that there will be a full contingent of eligibles, as the waiver will be utilized. Mayor Birkner reiterated that the best case scenario if action is taken tonight would be officers on the street in January 2015. The sergeant promotion is about a 3-4 month process at most. Councilmember Arroyo said the Chief wants to stagger the processes because he intends to use the current sergeants in the hiring process interviews. Mr. Huntington asked if there are lateral candidates. Councilmember Arroyo said there is no current list. Councilmember Miller explained that an officer would still have to take the test to transfer. There is no distinct advantage on the front end. Mr. Huntington said they would skip the academy. Mayor Birkner agreed, and said the alternate route also gives the advantage to get out on the street quicker. There was discussion on the language to use in the resolution.

Resolution #14 - 45: Authorizing Police Hiring Process to Begin

Motion to adopt Resolution #14-45: Councilmember Arroyo Second: Councilmember Sciara

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

6) Public Properties:

a) DPW Update

Councilmember Grefrath reported on behalf of Council President Waneck. He thanked the DPW for the tremendous job they did plowing on Monday. He wished them luck for tomorrow's storm, and the weekend storm coming. Mayor Birkner reminded residents to be considerate about parking on snow covered streets. It is dangerous to the DPW employees. He reminded everyone that parking on the street overnight is prohibited, as is shoveling snow into the street. Clearing sidewalks is also required by ordinance. The Borough will be stepping up enforcement.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) Repair Community Center Façade

Mr. Hoffmann noted that the resolution to repair the Community Center façade is on the consent agenda.

2) JIF Coverage for CERT Trainees

Mr. Hoffmann explained that for consideration of how to use residents who have used CART and CERT training, the Borough needs a methodology for using trainees. There is no standard operating procedure, and certain things have to happen to vet and perform background checks. This was discussed at the JIF reorganization meeting. Mr. Hoffmann would like to bring it to the Governing Body for consideration after the Borough Attorney reviews it. Councilmember Arroyo agreed there needs to be an organizational framework. He thought CERT would fall under OEM but it is not spelled out. As OEM liaison, Councilmember Arroyo would like Councilmember Miller to work on it, recognizing the work he's done to get OEM to where it is. Mr. Huntington agreed there needs to be a chain of command. Mayor Birkner said this is the next step in the implementation of CERT. Councilmember Arroyo said the Administrator, Councilmember Miller and himself will work it up.

3) Joint Purchase of Tractor and Tiller

Mr. Hoffmann said the school district approached the DPW Superintendent about a joint purchase of equipment for roto tilling the clay and aerating the grass on the fields. The school is willing to maintain most of the Borough fields most of the time, with the Borough contributing half of the cost for the equipment. It would be a school district purchase. Mayor Birkner asked where it would be stored. Mr. Hoffmann said it would be stored by the school district.

4) DPW Timeline

Mr. Hoffmann explained that he is compiling a DPW items timeline similar to the Police.

5) Taxi and Limo Ordinance Revision

Mrs. Hughes explained that the Police asked to revise the inspection portion of the taxi and limousine ordinances. Mr. Huntington clarified that the inspection requirements were overly detailed. The change will allow the Police Department to perform a visual rather than mechanical inspection.

8. Agenda/Public Forum:

Motion to open Agenda/Public Forum: Councilmember Miller Second: Councilmember Bicocchi
Voice Vote: A voice vote was taken with all present voting in the Affirmative.

No one wished to be heard.

Motion to close Agenda/Public Forum: Councilmember Arroyo Second: Councilmember Sciara
Voice Vote: A voice vote was taken with all present voting in the affirmative.

9. Ordinances of First & Final Reading:

Ordinances on Introduction

14-2 An Ordinance Amending Chapter 202 Limousines

BE IT RESOLVED that Ordinance #14-2 entitled “An Ordinance Amending Chapter 202 Limousines” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a February 18, 2014 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Grefrath

Second: Councilmember Sciara

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

14-3 An Ordinance Amending Chapter 337 Taxicabs

BE IT RESOLVED that Ordinance #14-3 entitled “An Ordinance Amending Chapter 337 Taxicabs” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a February 18, 2014 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Grefrath

Second: Councilmember Sciara

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

10. Presentation of Bills, Financial Reports and Resolutions:

Councilmember Grefrath asked if there were any resolutions to add to the Consent Agenda. He stated that any Councilmembers who wished to remove any Resolution(s) to be voted upon separately could do so at this time, otherwise the Consent Agenda would be enacted in one motion. Resolution I was revised.

Resolutions as Consent Agenda:

- a) Resolution #14 - 46: Bill List & Statement of Cash
- b) Resolution #14 - 47: Authorizing Refund of Taxes B1007 L22
- c) Resolution #14 - 48: Authorizing Redemption of Tax Sale Certificate #13-00002
- d) Resolution #14 - 49: Authorizing Redemption of Tax Sale Certificate #11-00004
- e) Resolution #14 - 50: Authorizing Execution of a Developer's Agreement Between the Borough of Westwood and Lipkin Properties
- f) Resolution #14 - 51: Urging Permanent Extension of the 2% Interest Arbitration Cap
- g) Resolution #14 - 52: Approving Third and Washington Configuration
- h) Resolution #14 - 53: Affirming the Borough of Westwood's Role in the Preparation of the Borough's Wastewater Management Plan
- i) Resolution #14 - 54: Joint Purchase of Tractor
- j) Resolution #14 - 55: Authorizing Pistol Range Remediation Grant Update
- k) Resolution #14 - 56: Authorizing Repair of Salter
- l) Resolution #14 - 57: Authorizing Remediation of Bogert Pond Sewer Line Blockage
- m) Resolution #14 - 58: Community Center Façade

Motion to adopt resolutions #14-46 through #14-58: Councilmember Grefrath

Second: Councilmember Sciara

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

11. 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 9:24 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk