

**BOROUGH OF WESTWOOD
WORK MEETING OF THE MAYOR & COUNCIL
FEBRUARY 7, 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 - Absent
Council President Waneck - Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present

Committee Assignments:

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

3. Resolution #12 - 45: Executive Closed Session

Motion: Councilmember Miller Second: Councilmember Grefrath

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

4. Reopen the Meeting:

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

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

The time was 8:00 pm.

5. Roll Call II:

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

6. Flag Salute

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

7. Hearing on NJ DEP Green Acres Application

Motion to Open the Floor for NJDEP Green Acres Hearing: Councilmember Phayre

Second: Councilmember Miller

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

Mayor Birkner explained that an application is being submitted to Green Acres for the purchase of flood-prone properties.

No one wished to be heard

Motion to Close the Public Hearing on Green Acres Application: Councilmember Phayre

Second: Councilmember Miller

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

8. Reports of Committees and Officials:

A) Mayor's Report

1) Green Screen Environmental Film Festival

Mayor Birkner reminded everyone that the Green Screen Environmental Film Festival is going on at the Library and Westwood Theater. He had just left the Westwood Theater to attend the Council meeting and reported that the theater was filled with students and residents.

2) Recreation Update

How 'bout them New York Football Giants?

B) Engineer's Report

1) Bi-weekly Report

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

2) 2012 Road Paving Project Proposal

Dr. Boswell pointed out that the proposal has been submitted for the 2012 road paving program. He is still waiting for an answer regarding the responsibility of the Borough when repaving municipal streets for upgrading the handicap ramps. Councilmember Phayre said that the change to curb cut requirements is state wide. It will have a huge impact on all communities, so he feels it should be addressed collectively. Dr. Boswell said the County will not pave County road if the ramps are not brought up to the new interpretation of the code, but municipal streets are not their jurisdiction. He understands the Department of Justice is pushing for compliance. Councilmember Phayre said the directives from the DOJ are not taking into consideration the finances of local municipalities. Dr. Boswell noted that the said law says where practical, so it is not a 'have to' situation. He explained how slopes and sidewalk heights effect curb cuts, which is not insignificant. Dr. Boswell is a strong advocate of access but doesn't see how this helps.

3) Possible Sewer Ordinance

Dr. Boswell believes that the Wyckoff Ordinance on reducing sewer fees by disconnecting sump pumps from sewer lines is an excellent idea. He noted that in some towns the idea is

well received, while in some towns it is an issue. Dr. Boswell strongly recommends connecting sump pumps into catch basin as opposed to discharging in the road or through a curb. He recommends piping the sump pump discharge directly into an inlet. Dr. Boswell cautioned that the Borough should expect push back from residents for taking sump pumps out of the wastewater system. Mr. Hoffmann stated that Waldwick has done education rather than enforcement. Mayor Birkner said residents need to know how it affects taxes. Dr. Boswell pointed out that the sewage plant is being paid to treat rainwater. Waldwick reduced its sewer payments by approximately \$100,000.

Council President Waneck asked if there was going to be a study from the BCUA. Mr. Hoffmann has asked for the bills but hasn't received them yet, so will follow up. Dr. Boswell asked if the flow went up. Mayor Birkner said the flow went up, and rates went up, all over the County. The bailout of the Edgewater treatment facility will cost the rest of the County. Council President Waneck thought the flow had gone up from 2010 to 2011. Mr. Hoffmann said it had, and the BCUA is looking at it in several towns. Mayor Birkner explained it is an infiltration problem with older sewer lines, which is why street paving should include TVing the lines to see if there is a compromise in any pipe. Dr. Boswell said the flow should have gone up because there was more rainfall, but everyone should have gone up proportionately. Council President Waneck suggested looking at bigger problems, but Dr. Boswell said disconnecting sump pumps doesn't cost the municipality and is the least expensive piece to address. Mr. Hoffmann requested thoughts and comments on the matter. A subcommittee will be working on it and will bring it back at a later date. He has asked United Water for the amount of water purchased by the Borough to compare flow in and flow out.

4) Additional Cost for Reservoir Report

Regarding the reservoir study, Dr. Boswell said the original scope of work included using United Water data. Because of the situation, Boswell did its own data gathering, and used its own rain gauge models. There was no formal authorization to proceed but he felt everyone was aware of what was proceeding. Councilmember Grefrath questioned whether when it was decided to enhance the quality of report, was that decision to benefit other towns or organizations, or for Westwood to have a better report. Dr. Boswell answered that it was for Westwood, to give the Borough a better case with the DEP. He commented that he doesn't like to give a product that doesn't solve a need.

5) County Park Connection

Dr. Boswell advised that County Park improvements are underway, and should be completed by February 17. Mayor Birkner said the walking path looks outstanding. Councilmember Phayre said the dog park is always used, and Mayor Birkner confirmed there is someone there every day.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Budget Update

Councilmember Phayre informed that the first line-by-line budget meeting was held last week. A second is scheduled for February 15th.

b) Donation of Vehicle to Parking Authority

Councilmember Phayre discussed the offer by a local business to donate a van to the Parking Authority to replace the vehicle recently damaged in an accident. However, the business would like some type of marking on the vehicle indicating who donated it. The vehicle would not be used for enforcement but for collection from meters. Mayor Birkner spoke about parameters for the markings. Councilmember Grefrath recalled a request by a business to install a clock downtown which was turned down by that Council because they felt it would promote more donations for advertising purposes. Councilmember Miller pointed out existing donor designations that he believes establishes precedent for acceptance of a tasteful recognition.

Councilmember Quinn voiced concern with any legal issues. Mr. Doyle advised that it would not be illegal. Tastefulness is the issue, with something very small at the back of the vehicle differing dramatically from a wrap around the van. Mr. Hoffmann interjected that he has spoken to the donor, who wants to leave the advertisement design up to the Borough. Councilmember Phayre and Mayor Birkner noted that the decision is ultimately up to the Parking Authority. Councilmember Phayre will relay the discussion to them.

c) Borough Bond Rating

Councilmember Phayre announced that the Borough has retained its AA bond rating.

2) Police and OEM:

a) Police Services Feasibility Study

Councilmember Miller discussed the draft RFP for a shared Police services feasibility study. He believes that including dispatch would delay the process of shared dispatch services that is already underway. Mayor Birkner believes it is an opportunity to receive comprehensive analysis of services that can potentially be shared between at least two or more individual municipalities, and thinks the Borough has an obligation to review what's available and see its feasibility. Councilmember Miller did not disagree with Mayor Birkner but the draft RFP is for dispatch services only. Mayor Birkner suggested the Police Committee should determine what services to include in comprehensive RFP. He mentioned the joint purchase of the narrowband radios, which Mr. Hoffmann said the Pascack Valley Administrators are already looking into.

Councilmember Phayre asked how studies affect the accreditation. Councilmember Miller said studies don't affect it, but how the Borough defines and structures dispatch may.

Mayor Birkner asked for a consensus on whether the Police Committee should bring forth suggestions on shared services, merger, consolidation. It was determined that the Police Committee will come back with recommendations and a draft RFP for shared Police services. Mr. Hoffmann will arrange a meeting of the Police Committee.

3) Fire and Ambulance:

a) Fire Department Update

Councilmember Miller advised that a new member resolution will be added to the Consent Agenda.

4) Public Properties:

a) Library Update

Council President Waneck informed that the Library Board has decided to catch up with the Borough policy of providing longevity only for existing employees. The Library Director reported circulation is up, with 80% of usage by Borough residents. The Board is moving forward with renovations to the Library entrance. The Library will be more quiet and subdued, with quiet rooms for tutoring. Dennis Farrell was appointed Board president. The annual Taste of Westwood will be held June 3. The Green Screen movie festival has begun. Mr. Hoffmann pointed out that the Construction Official made suggestions for the entrance renovations to save money.

b) County Waterways Commission

Council President Waneck reported on the County Waterways Commission meeting. The Hillsdale Mayor brought forward the dam project, but with no clear resolution so there will be more discussion. Council President Waneck brought up the Boswell study and was told the DEP was not aware of the study although it was in fact sent to the DEP representative at the meeting. The DEP is funding the preparation of two white papers. One is on the prerelease of waterways before storms for all of New Jersey, and the other regards reservoirs in general. Council President Waneck was very surprised to learn that the DEP has a 15 point plan, which deals with the Passaic River Flood Advisory Commission. She would like to see that in Westwood. Woodcliff Lake and Hillsdale are already part of the plan. Council President Waneck also brought forward the Land Conservancy presentation, which the Freeholder had not seen. Finally, there was some discussion about a bi-state commission, which determined the solution to the problem is to start at bottom, Newark Bay, and work up. The County group did not discuss the Musquapsink flood plain study.

5) Land Use:

a) Construction Official Reappointment

Councilmember Quinn reported that the Construction Official reappointment is being reviewed by the Personnel Committee. A resolution will be on the next agenda.

b) Land Use Boards

Councilmember Quinn advised that the Zoning Board annual report has been distributed. It summarizes their applications and outlines what matters they would like the Planning Board and Governing Body to look into.

6) Health and Recreation:

a) Memorial Benches

Councilmember Grefrath reported that the Veterans Park Revitalization Committee will meet soon. Mr. Sneickus will then finish the plans. Councilmember Grefrath asked the Governing Body if they approved the site plan for the Finnegan Memorial Bench in Veterans Park. He believes the installation of this bench will generate interest in the Memorial Bench project. The consensus was to move forward with the Finnegan bench. Ms. Finnegan was present and commented that \$1700 may seem a lot but if residents see the bench they might feel it is worth it, just as she believes her parents are worth it.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) Waldwick Sewer Ordinance

Mr. Hoffmann asked the Governing Body to review the Waldwick sewer ordinance. An analysis will be done at the staff level.

2) Engineering for 2012 Road Paving

Mr. Hoffmann explained that the proposal for the 2012 Road Paving Project engineering included the breakdown of the engineer's duties. Mayor Birkner asked how many municipalities are involved. Mr. Hoffmann reviewed them.

3) Radio System Upgrade

Mr. Hoffmann advised that 7 communities are interested in a joint purchase of the equipment required for the mandatory radio upgrade. One the municipalities put funding in place and RFP would be issued, unless purchasing under state contract is preferable.

4) JIF Premium Formula Changes

Mr. Hoffmann informed of the JIF premium formula change, which has to do with three components of the Joint Insurance Fund. The Borough will need to pay attention to its Workers Compensation claims in order to minimize potential premium increases in the future. Councilmember Miller commented that while in prior years the Borough saw no direct savings for a reduction in Workers Comp losses, going forward there would be a reduction in premium if losses are reduced. Mr. Hoffmann agreed. Councilmember Miller said it will behoove the Borough to examine the causes of a loss more carefully.

9. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Miller

Second: Councilmember Phayre

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

Eileen Finnegan, 157 Roosevelt Avenue – discussed concerns with the foreclosed property next door.

In the summer months it is an eyesore until a summons is issued and someone comes to mow the grass. Currently Ms. Finnegan is concerned by the broken gate, which allows kids to access the property. Ms. Finnegan spoke to the Police after her doorbell was rung but no one was there. They caught several youth and referred them to the Juvenile Officer. She is afraid of kids smoking and starting a fire. Mayor Birkner said the Police will keep patrolling the area. Council President Waneck explained how the DPW mows and charges back the cost on foreclosed properties. Mr. Doyle commented that the foreclosure process has been stalled for a couple of years but is starting to proceed again.

Motion to close the Agenda/Public Forum: Councilmember Miller

Second: Councilmember Phayre

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

10. Ordinances of First & Final Reading:

12-3 Bond Ordinance for FEMA/Green Acres Grants

Mr. Hoffmann explained that Bond Counsel needs to review the FEMA grant paperwork before drafting a bond ordinance, so this item is being pulled from the agenda at this time.

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 o, p, q, and s were added to the Consent Agenda. Resolutions j, k and r were removed for separate votes.

Resolutions as Consent Agenda:

- a) **Resolution #12 - 46: Bill List & Statement of Cash**
- b) **Resolution #12 - 47: Authorization to Bid Recycling Pickup**
- c) **Resolution #12 - 48: Authorization to Bid Lawn Maintenance**
- d) **Resolution #12 - 49: Authorization to Bid Emergency Sewer Repair Services**
- e) **Resolution #12 - 50: Authorization to Bid Recycling Metals and Other Materials**
- f) **Resolution #12 - 51: Authorizing Disposal of Surplus Property by Online Auction**
- g) **Resolution #12 - 52: Approval of Family Party – Application to Consume Alcoholic Beverages on Public Property**
- h) **Resolution #12 - 53: Approval of Westwood Youth Football Association Application to Consume Alcoholic Beverages on Public Property**
- i) **Resolution #12 - 54: Approval of Family Bridal Shower – Application to Consume Alcoholic Beverages on Public Property**
- l) **Resolution #12 - 55: Mobile Food Vendor License 2012**
- m) **Resolution #12 - 56: 2012 Limo License Renewal – Alan’s Limo, Inc.**
- n) **Resolution #12 - 57: 2012 Limo License Renewal – Allison Luxury Limo**
- o) **Resolution #12 - 58: Westwood Fire Department Matters of Personnel**
- p) **Resolution #12 - 59: Authorizing Execution of Agreement Between the Borough of Westwood and Ciolino**
- q) **Resolution #12 - 60: Resolution Determining The Form And Other Details Of General Obligation Refunding Bonds Of The Borough Of Westwood, In The County Of Bergen, New Jersey, And Providing For The Sale And The Delivery Of Such General Obligation Refunding Bonds To Janney Montgomery Scott LLC**
- s) **Resolution #12 - 61: Authorizing the Preparation of Specifications for the 2012 Municipal Road Paving Program for the Pascack Valley Cooperative Pricing System #107-PVCPS**

Motion to adopt resolutions #12-46 through #12-61: Councilmember Grefrath

Second: Councilmember Miller

Roll Call: Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Phayre – Yes Councilmember Quinn – Yes
Councilmember Sciara – Absent Council President Waneck – Yes

- j) Resolution #12 - 62: Approval of Zion Lutheran Church & School Application to Consume Alcoholic Beverages on Public Property**
k) Resolution #12 - 63: Approval of Hospice of Bergen County to Consume Alcoholic Beverages on Public Property

Motion to adopt resolutions #12-62 through #12-63: Councilmember Grefrath
Second: Councilmember Phayre

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

- r) Resolution #12 – 64: Authorizing Additional Payment for Reservoir Report**
Councilmember Phayre reviewed the reason for the additional costs pertaining to the reservoir report. Mayor Birkner summarized that the scope of research had been expanded to make sure the report would be as comprehensive as possible. Councilmember Grefrath said this benefited Westwood as well as other towns. Councilmember Miller has no doubt what was done was of great value but would have liked to be given the opportunity to say yes at the time. While he is okay with the additional cost he doesn't like the process. Professionals have an obligation when there is a not to exceed amount to meet it, or bring it back if it is taking more time. Council President Waneck said that is generally a procedure that Boswell follows

Motion to adopt resolution #12-64: Councilmember Grefrath
Second: Councilmember Quinn

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

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 9:52 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk