

**BOROUGH OF WESTWOOD
WORK MEETING OF THE MAYOR & COUNCIL
MARCH 4, 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
Councilmember Arroyo – Present
Councilmember Bicocchi – Present
Councilmember Grefrath – Present
Councilmember Miller – Present
Vacant
Council President Waneck – Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington – Present
Borough Clerk Hughes – Present

Committee Assignments:

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

3. Resolution #14 - 67: Executive Closed Session

Motion to adopt Resolution #14-67: Councilmember Arroyo Second: Councilmember Miller
Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes
Councilmember Grefrath – Yes Councilmember Miller – Yes
Vacant Council President Waneck – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Miller Second: Councilmember Bicocchi
Voice Vote: A voice vote was taken with all present voting in the affirmative.
The time was 8:15 pm.

5. Roll Call II:

Mayor Birkner – Present / Councilmember Arroyo – Present / Councilmember Bicocchi – Present / Councilmember Grefrath – Present / Councilmember Miller – Present / Vacant / 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. Reports of Committees and Officials:

A) Mayor's Report

1) Bergen County Environmental Council

Mayor Birkner has received an invitation to the Bergen County Environmental Council meeting on March 31st. It's an opportunity to share goals and objectives. They will be discussing rain

gardens for stormwater management, sustainable stormwater management and stormwater runoff. Councilmember Grefrath will bring the invitation to the Environmental Committee.

2) Tree Recovery Campaign

Mayor Birkner has received correspondence from the Arbor Day Foundation containing a Tree Recovery Campaign application for seedlings. Council President Waneck will bring the correspondence to the Shade Tree Committee.

3) Homebuyer Workshops

Mayor Birkner announced that the County Executive and Freeholders are holding homebuyer workshops on March 22, 29, and April 5, from 9 am - 12 pm at the County administration building. Applications will be in the Clerk's office.

Mayor Birkner commented that the Borough did not receive snow on Monday thanks to the resolution passed at the last meeting. He hopes to enjoy warm spring weather in the near future.

4) Mayors for Meals

Mayor Birkner reported that Pascack Valley Meals on Wheels is hosting the Mayors for Meals program in March. He and other Pascack Valley Mayors will be working on the campaign to raise awareness of the Meals on Wheels program. Volunteers are needed to deliver meals to homebound seniors and residents with disabilities. Volunteering once a month would be a great help.

5) Shared Court Presentation by Judge Karch

Judge Alan Karch distributed a letter outlining his concerns with the shared court feasibility study. He doesn't have a position on the merger, that is a political decision. Philosophically, mergers will need to occur on all levels. His concern with the study is that assumptions made in the report are not precise as far as costs. A lot of assumptions are based on comparing and contrasting with the Pascack Joint Court. There are significant differences between the courts being compared. The primary difference is those three towns in the Pascack Joint Court are much less active police-wise than Westwood, Hillsdale and River Vale. The Pascack Joint Court towns have about 20-30% fewer cases. Most significant is the type of cases. The study didn't adequately address this. Westwood alone does more DWI and disorderly than the Pascack Joint Court does now. Hillsdale and River Vale will almost double the amount of DWI and disorderly to over 100 per year if the courts are combined. These take a lot of time per case.

The Judge raised issues not addressed in the study regarding the facility, security, and personnel. The study seems to say the shared court could do with four court sessions per month. Westwood currently meets in two sessions, with most months three. Hillsdale and Rivervale meet twice per month. He doesn't think the shared court can be done in 4 sessions.

Judge Karch is concerned with court security. Westwood Police would provide security if Westwood is the lead agency. He reviewed the Westwood security setup, which requires four officers, and occasionally a liaison officer. They can be sworn or special officers. If the projection for four sessions holds, then the security projections hold, but Judge Karch thinks

there will need to be six sessions, which would increase security. Special sessions tend to run with less security but wouldn't with the shared scenario. The burden gets put on Westwood since the other towns' officers go back onto patrol.

Judge Karch calculated that the savings are based on eliminating 2 judges, prosecutors, defenders and one part time administrative position, then funding at the same level as Westwood is funded now. He pointed out that it would be doubling the work load so salaries can't stay at the same level.

The court staff costs in the Pascack Shared Court went up, with the Court Administrator making \$65,000 for a smaller court than Westwood alone. The Judge is afraid Westwood would be in a bad position if costs were set up based on that study. An agreement will need to take into consideration staff costs. The Administrative Office of the Court will be looking for long range agreements.

Judge Karch recommended combining courts as opposed to sharing, which will require three sets of everything.

Councilmember Arroyo asked if cases are more complex in Westwood and of longer duration. The study gives weight to efficiencies but doesn't look at the complexity of the cases. Judge Karch explained how DWI cases work, which is a case type Westwood sees more often than the other two towns. Councilmember Arroyo asked about appeals. The Judge said not to worry about appeals. Councilmember Arroyo said it is difficult to judge efficiency when it is traffic ticket vs. DWI. Judge Karch said you can't equate them. The statistics in the report were cases per hour. Court is not a production line. The three special sessions next week would not fit into the study's statistics. The Judge said he can't see 14.8 cases per hour as the court study cites. He gave the example of a speeding ticket as the quickest case, but they still can't do 14 in an hour.

Mayor Birkner asked if evidence would be stored and maintained by Westwood or stay with the jurisdiction. Judge Karch said evidence stays with the town, and each town sets up a protocol with the prosecutor to get evidence processed. Mayor Birkner asked if there is any difference for the court. Judge Karch said not from court perspective. Ed Johnson, the Borough Prosecutor, said it is a change for him for discovery, requiring he travel to three different towns to access evidence storage. He explained he would have to travel to each town to deal with the Police records clerk. Judge Karch said the public defender is another issue. Hillsdale and RiverVale would have to enact a public defender fee, then have to determine who collects it and how it is applied since it should go against defender costs. Westwood appoints a public defender more frequently than the other towns. If there are extra sessions the Judge thinks it may be necessary to do two public defenders and prosecutors due to other practice issues at play. The court may have to adjust its start time. Mayor Birkner commented that it would be trying to cram 7 sessions into 4. It's a personnel issue.

Council President Waneck noted that if the shared court is trying to hear 14.8 cases per hour it will result in traffic jams in the parking lot. There will also be a room capacity issue. Judge Karch thinks there is enough room capacity. In his letter he addresses 2006-2007, the year Westwood in and of itself was the #3 town in the county issuing drunk driving tickets. Even with that, the court was able to deal with the volume, so the courtroom will manage the capacity.

Councilmember Arroyo said the Parking Authority does not enforce on court day, but there is still not enough parking. Judge Karch confirmed that there was a problem with the

snow and parking recently. He is not sure where to shoehorn cars. Mayor Birkner asked how long the sessions run. The Judge said from 6 hours to 9 hours. Mayor Birkner is not sure that facility costs are addressed in the study, for example elevator maintenance, custodial costs, and physical wear and tear.

Mrs. Hughes explained the Parking Authority's suggestion to park on St. Nicholas and Park on court days. Mayor Birkner observed that the residents may not like that. Judge Karch said sessions can be staggered to move people in and out.

Mayor Birkner suggested a separate committee meeting with the judge, prosecutor, and defender to discuss concerns. He thanked Judge Karch for his input.

B) Engineer's Report

1) Biweekly Report

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

2) Westvale Monitoring System

Regarding the Westvale monitoring venting system, Dr. Boswell is uncomfortable with giving a cost estimate until it is designed. He doesn't want to estimate with more than a 20% variable. He could make up a number but it would be just that, made up. Mayor Birkner asked if it has to be done in 2014, and if Dr. Boswell could realistically come up with real numbers in May. Dr. Boswell said the Borough probably could do the work in 2014, but there is probably no issue to do it in 2015. Mayor Birkner said the longer it projects forward the more it can be accurate. Councilmember Arroyo asked if it will be more expensive to wait. Dr. Boswell said no. Councilmember Arroyo concerned about the DEP and fines. Dr. Boswell said the DEP understands the Borough's predicament, having been kept apprised that the readings can't be done due to weather. Dr. Boswell said in the worst case the DEP says it HAS to be done this year, and the Borough does an emergency appropriation. He doesn't anticipate any fines. Mayor Birkner said it doesn't affect the 2014 budget. Dr. Boswell said the Borough would bond for the work anyway. He assured that as soon as the snow melts he will start having answers.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects: PG

a) 2014 Budget Update

Councilmember Grefrath gave the following remarks:

- Over the past few years, our Mayor and Council have put forth an aggressive agenda regarding capital projects; specifically Westvale Park, Broadway Resignalization and items associated with the Hospital. We've made purchases necessary to improve and/or maintain services to residents at the level that they enjoy and expect.
- At the same time, we just underwent a revaluation. Some residences went down, some went up. One thing is certain, though, our residential stock is now valued less than our commercial stock and our town is valued a lot less than it was a few years ago; as it changed from 2.1 billion three years ago to \$1.75 billion after the revaluation. That hurts.
- As you know, the Mayor and Council cannot lower taxes, lower debt and borrow from surplus at the same time to maintain services to residents. So it is time that we throttle down a bit.

- I also want to point out that the past few Mayor and Councils have put together very streamlined budgets. In business, this is a great thing. In government, it comes back to haunt you. Since our budgets have been so efficient, there is not a lot left over at the end of the year to move to Surplus; hence the surplus numbers get smaller and our ability to use Surplus to lower the tax levy or take on Borough-wide improvements with little impact to the taxpayers, has become that much more difficult.
- This is the State's Machiavelli Plan, which although I totally comprehend -- I do not fully understand.
- Additionally, on February 25, Governor Christie presented his proposed FY 2015 budget to the State Legislature. The budget proposal maintains aid support at its current level. No municipality will receive less State formula aid in support of its CY 2014 or FY 2015 budget than it received in support of their prior year budget. Of course, that was a lot less than municipalities received in prior years.
- So the Mayor and Council decided at its last Line-by-Line meeting, rather than nickel and dime the Department's operating expenses, we gave the budget back to the Administrator to try and streamline the Borough's operations even more to potentially realize some additional savings through our Departments. The results will be reviewed at our next Line-by-Line meeting on Tuesday, March 11.
- Currently, we hope to introduce the budget on March 18th and have the public hearing April 15th.
- Well, I cannot finish without sharing some good news. Our CFO informed us that on Thursday, February 20, Westwood was been upgraded by Standard & Poor's from AA to AA+. This was an unsolicited ratings upgrade from S&P, and will potentially provide us better interest rates when we issue long-term bonds or short-term notes. A real "plus" for Westwood.

2) Fire and Ambulance:

No report.

3) Health and Recreation:

No report.

4) Land Use:

a) Land Use Boards

Councilmember Bicocchi reviewed the applications before the planning and zoning boards.

b) Historical Commission

Councilmember Bicocchi advised that the Historic Commission is looking into grants for the gazebo.

5) Police and OEM: RA

a) Police Reserves

Councilmember Arroyo announced that two new Police Reserves members started training yesterday. They will graduate May 5th and be sworn in at the May public meeting.

b) Amending Police Ordinance

Councilmember Arroyo explained that the modifications to the police ordinance have nothing to do with education. There was an omission within the process section that instructed on tabulation with scores. A high score receiving the first job opportunity was missing in the lieutenant and sergeant ranks. The Borough's Labor Attorney felt it created an ambiguity that should be addressed. Councilmember Arroyo said the PBA made other suggestions for improvements on policy and process that the Governing Body is free to adopt or ignore.

Council President Waneck observed that it seemed that sergeants would have to have 10 years for eligibility and command positions would have 8 years. Councilmember Arroyo explained that the change Council President Waneck is referring to is for patrol officers to be sergeant-eligible after 5 years. Then they must serve certain years as a sergeant before being eligible for higher ranks. If you add up the numbers, an officer might be in place for 10 years for one ranking, 8 years for another. Councilmember Arroyo said he doesn't have a problem with 10 yrs of experience. There was discussion of the various eligibility scenarios.

Councilmember Arroyo said the presumption is the intention to promote from command ranks. Right now there is a demographic hole, with no command ranks, just the chief and four sergeants. There is a problem immediately with the succession if the chief leaves. The suggestion is to add sergeant to the list of ranks in the event we have to promote into the top spot. Council President Waneck is not arguing that, just asking if it is okay to have the differential. Councilmember Arroyo said a lieutenant is command moving to command, and a sergeant is supervisor moving to command. Council President Waneck asked Mr. Doyle if it is okay. Mr. Doyle would defer to labor counsel but said it seems to be a rationale. Council President Waneck agrees it makes common sense, but wants to be sure it doesn't lead to a lawsuit. Councilmember Arroyo said it has been vetted fairly well through the department and the labor attorney, so he is confident it works. Councilmember Grefrath pointed out that he had two concerns, resulting in a lengthy conversation with the police commissioner who satisfied his questions.

Councilmember Arroyo said the whole is a matter of governance. Mayor nominates the chief with advice and consent of the Council. If there are limited eligibles, it limits the Mayor's ability. This takes care of those issues.

Councilmember Arroyo said there was some concern about changing from 3 to 5 years, leaving current employees out of the pool. Current employees have an expectation of being eligible in 3 years. This can apply to new hires per Mr. Wiss. Councilmember Miller said one requirement is for three years of evaluation. Year one really has no evaluation, so having it at three years takes away the ability for three years of evaluations. Councilmember Grefrath said it is shrinking the pool. Councilmember Arroyo agrees with Councilmember Miller.

Councilmember Miller asked if they will be eligible if they didn't have a first year evaluation. Mayor Birkner said a first year would be based on different criteria. Councilmember Arroyo said it would be weighted accordingly. Councilmember Grefrath commented that they were hired with certain expectations. Mayor Birkner said grandfathering was the basis to a lot of discussion over the original ordinance. He does not think it is detrimental. Moving forward it is a non-issue. Councilmember Arroyo said litigation avoidance is high to grandfather. The detriment of unqualified candidates is handled in the controls of the interview process.

Amending And Supplementing Chapter 59 Of The Borough Code Of The Borough Of Westwood

BE IT RESOLVED that Ordinance #14-5 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Amending And Supplementing Chapter 59 Of The Borough Code Of The Borough Of Westwood” is hereby introduced by title; and

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

Motion to pass the ordinance on First Reading: Councilmember Arroyo

Second: Councilmember Miller

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

 Councilmember Grefrath – Yes Councilmember Miller – Yes

 Vacant Council President Waneck – Yes

6) Public Properties:

a) DPW Update

Council President Waneck noted that the cost of hot asphalt is rising with every snowstorm. Mr. Woods has been keeping the CFO apprised of the cost.

Council President Waneck read a letter to the editor on the Borough’s top notch DPW written by Chamber of Commerce member Mike Fitzsimmons.

D) Attorney’s Report

No report.

E) Administrator’s / Clerk’s Report

1) DPW Timeline

Mr. Hoffmann advised that the timeline for the DPW negotiations is in the agenda book. Councilmember Miller noted that there is no binding arbitration for the DPW. There only has to be a settlement, which is good news.

2) Sprinklers in Veterans Park

Mr. Hoffmann explained that once the snow melts, work will start up again around Veterans Park. The sprinkler information is in the book for the Governing Body to review, and possibly take action at the next meeting. The County has released payments 6, 7 and 8, so the Borough needs to proof out the spreadsheet. Mr. Hoffmann said it is a question of needing to get the work done, as well as needing to figure out responsibility. Councilmember Grefrath said it is easy, the county broke it, the county pays for it. Councilmember Miller said bills are easy, payment is the problem. Mr. Hoffmann pointed out that there were some changes made around the train station. Council President Waneck said it was agreed those changes are the Borough’s responsibility; it’s the other part that is in question. Mayor Birkner remembered Dr. Boswell saying it is not on the Borough. Council President Waneck specified that until we hear otherwise, the Borough is not writing a check.

3) Landscaper/Snow Plow Contractor Registration

Mrs. Hughes asked if there was any interest in the Clerk researching a landscaper and snow plow contractor registration ordinance. Councilmember Grefrath said yes.

4) Vacancy Procedure

Mrs. Hughes advised that the Councilmember vacancy will be on the next agenda. It was listed on this agenda in case the process had moved along to the point where action could be taken, but it has not and no action is required tonight.

8. Agenda/Public Forum:

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

9. Ordinances on First & Final Reading

Ordinances for Introduction

14-4 Refunding Bond Ordinance Providing For Payment Of Amounts Owing To Others For Taxes Levied In And By The Borough Of Westwood, In The County Of Bergen, New Jersey, Appropriating \$1,500,000 Therefor And Authorizing The Issuance Of \$1,500,000 Bonds Or Notes Of The Borough Of Westwood For Financing The Cost Thereof.

BE IT RESOLVED that Ordinance #14-4 entitled “Refunding Bond Ordinance Providing For Payment Of Amounts Owing To Others For Taxes Levied In And By The Borough Of Westwood, In The County Of Bergen, New Jersey, Appropriating \$1,500,000 Therefor And Authorizing The Issuance Of \$1,500,000 Bonds Or Notes Of The Borough Of Westwood For Financing The Cost Thereof” is hereby introduced by title; and

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

Motion to pass the ordinance on First Reading: Councilmember Grefrath

Second: Councilmember Bicocchi

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – Yes

Vacant Council President Waneck – Yes

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.

Resolutions as Consent Agenda:

- a) **Resolution #14 - 68: Bill List & Statement of Cash**
- b) **Resolution #14 - 69: Resolution of Borough of Westwood Making of an Application to the Local Finance Board Pursuant to NJSA 40A:2-51**
- c) **Resolution #14 - 70: Authorizing Refund of Taxes B2001 L23**
- d) **Resolution #14 - 71: Authorizing A Duplicate Coverage Opt Out Disbursement for Nonaffiliated Employees Who Voluntarily Decline to Participate in the Borough's Dental Benefits Coverage**
- e) **Resolution #14 - 72: Authorization to Switch Dental Plan Providers**
- f) **Resolution #14 - 73: Reserve Budget Transfers 2013**
- g) **Resolution #14 - 74: 2014-2015 Limo License Renewal - Allison Luxury Limo**
- h) **Resolution #14 - 75: Westwood Volunteer Fire Department Matters of Personnel**
- i) **Resolution #14 - 76: Use of Veteran's Park for Save the Watershed Action Network (S.W.A.N)**
- j) **Resolution #14 - 77: Authorizing Boswell Engineering to Perform Design Work under the FEMA Grant for a Generator for the Community Center**

Motion to adopt resolutions #14-68 through #14-77: Councilmember Grefrath

Second: Council President Waneck

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – Yes

Vacant Council President Waneck – Yes

Resolutions for individual consideration:

- k) **Resolution #14 - 78: Approval of Berkeley Elementary School PSO Application to Consume Alcoholic Beverages on Public Property**

Motion to adopt resolution #14-78: Councilmember Grefrath Second: Councilmember Miller

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – No Councilmember Miller – Yes

Vacant Council President Waneck – Yes

11. 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