

BOROUGH OF WESTWOOD
WORK MEETING OF THE MAYOR & COUNCIL
MARCH 5, 2013 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 Council President Sciara 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 – Absent (Arrived 7:50)
Councilmember Grefrath – Present
Councilmember Waneck – Present

Councilmember Quinn – Present
Councilmember Arroyo – Present
Councilmember Miller – Present
Council President Sciara – Present
Borough Administrator Hoffmann – Present
Borough Attorney Doyle – Present
Borough Clerk Hughes – Present

Committee Assignments:

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

3. Resolution #13 - 75: Executive Closed Session

Motion to adopt Resolution #13-75: Councilmember Miller Second: Councilmember Quinn

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

4. Reopen the Meeting:

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

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

The time was 7:58pm.

5. Roll Call II:

Mayor Birkner – Present / Councilmember Grefrath – Present / Councilmember Quinn – Present /
Councilmember Waneck – Present / Councilmember Arroyo – Present / Councilmember Miller –
Present / Council President Sciara – 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. Reports of Committees and Officials:

A) Mayor's Report

1) HUMC

Mayor Birkner reported that the hospital certificate of occupancy has been issued. Renovations

are essentially complete, and the administration is finalizing staffing requirements in anticipation of a June 1 opening. The new sign was installed today.

2) Weather Safety

Mayor Birkner reminded everyone that an impending storm is on the way, so be cautious on the way home tomorrow. The DPW and PD have asked residents to please keep vehicles off the street. There were a lot of problems with overnight parking during the last storm. Mayor Birkner requested that residents do not shovel or blow snow into the streets once they have been plowed.

3) Revaluation

Mayor Birkner advised that property revaluations will occur this year. While the Borough has not yet received final word from the County on the revaluation order, it should be received soon, so the Borough is looking towards finding a firm. Mayor Birkner has asked the Washington Township mayor about a joint bid, but has not heard back.

4) FEMA Purchases

The first of three homes acquired under the FEMA grant has been razed. Once the demolition is complete at 46 Harding, the Mosquito Commission will clean up the property and move on to 55 Harding. Mayor Birkner commends the County Executive for coming to visit the site, and the Mosquito Commission doing all the demolition at no cost to the Borough. It is a tremendous example of local, county, state and federal governments working together. While it may have taken longer and been more work than anticipated, the job got done with extraordinary efforts on all levels.

5) Boys Basketball

Mayor Birkner congratulated the Westwood High School boys basketball team for a fine season. He also congratulated Pascack Hills High School for a game well-played.

B) Borough Auditor Report

Borough Auditor Gary Vinci discussed the 2013 budget process. He highlighted the issues on the table. The assessed valuation of the Borough has declined for various reasons. Tax appeals, the buyouts, and the reduction of hospital valuation are a \$17 million reduction that affects this year's tax bill. Each average homeowner will pay \$28 more in taxes because of the loss of ratables. A tax appeals meeting is being scheduled to review outstanding appeals and review the new state procedures, which permit municipalities to seek approval from Local Finance to pay back tax appeals over time.

Increases to the 2013 budget include contractual salaries, health insurance, and pension. Debt service will be increasing due to the need to start paying down principal. Revenues from 2012 to 2013 are relatively flat, which results in an increase to tax dollars. The administration will be looking into increasing revenues, and will look at prior one-time revenues to see if they can be used again.

Mr. Vinci said the budget introduction is scheduled for March 19. After introduction the Borough can still amend its budget. The Borough historically comes in well below the spending cap, and also under the 2% tax cap as well. He explained how the cap is calculated.

Councilmember Waneck commented that the budget process began with a 9.26% tax increase. The Finance Committee met twice, the full council met twice, and cut everything they could. The budget is down to 3.61%, and the Finance Committee has been given marching orders to get lower. By March 19 the increase will be below 3.61%. She noted that the budget severely cuts capital spending in half.

Mayor Birkner thanked Auditor Gary Vinci, CFO Durene Ayer and Councilmember Waneck for their tenacity regarding the budget preparation. He emphasized that Councilmember Waneck's hard work should not go unnoticed. She has done an amazing job so far. The budget is getting worse and worse every year, and it is getting harder to find places to cut and optimize efficiencies. The Governing Body is trying to keep the level of service but things are getting harder. There will be difficult decisions in the near future, and next year will be even more difficult. Mayor Birkner said it is a double edged sword with hospital, since no one expected it to be closed for almost 5 years. In 2008 everyone expected a full service facility in 12 months. That affected the valuation. The good news is that the hospital opens in 3 months. It will be a boon in years to come, although not this year or perhaps even next year. Mayor Birkner reiterated that the next two years will be very difficult, with difficult decisions.

Councilmember Waneck commented on the phenomenal job the new part time CFO, Durene Ayer, has done with the budget.

C) Engineer's Report

a) Biweekly Report

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

b) Broadway Resignalization

Dr. Boswell said that Captain Durante would like to see a sidewalk on the west side of Broadway from Irvington Street to Washington Avenue. The parking configuration would have to change somewhat. The County has no objection but does not require the sidewalk so they will not pay for it. Dr. Boswell suggested putting it on the plan as an alternate. It can be taken off if the Governing Body does not want to do it. The project can be bid and then the Borough can decide. Dr. Boswell observed that the Borough can always negotiate with the County. Mayor Birkner said as long as the Borough can say no in the future and is not obligated, it is always worth negotiating. Dr. Boswell will add it to the plans.

Councilmember Arroyo asked if it affects the base bid by adding the siding and curbing and then pulling it. Dr. Boswell explained how unit price contract bids work. This change would not be material nor more than 25%, or 20%.

Council President Sciara thought the purpose of the project was to widen Broadway for more lanes. Dr. Boswell said it would not affect the lanes, and the Borough would only lose one or two parking spaces.

Councilmember Waneck asked if the change needs DOT approval. Dr. Boswell said the plans are not going back to NJ Transit again. The sidewalk would abut their right of way but not be in their right of way.

c) 2013 Road Paving

Dr. Boswell asked to confirm that the Borough is not doing road paving. All confirmed.

D) Presentation by GASP

Councilmember Grefrath introduced Allan Kantz and Al Ferraro from GASP. They discussed the health advantages of making Borough parks and buildings smoke free. There is a state health department grant available for a 100% smoke free parks initiative, which would provide signs for posting. They provided a sample ordinance from Passaic, which Councilmember Grefrath asked to be provided electronically to the Administrator. Councilmember Quinn commented that she thinks it is a valid program, and would like to figure out a way to support it. She said the matter had been discussed in the past, and asked the Clerk to provide the minutes.

E) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

No report.

2) Police and OEM:

a) Budget

Councilmember Miller commented that the budget was difficult and painful. He thanked Councilmember Waneck and apologized for his grumpiness.

b) OEM Office

Councilmember Miller reported that all but one interested candidate has been interviewed regarding the Deputy OEM Coordinator position. The final candidate will be interviewed before a decision is made. The committee has identified an area for the OEM office. There is a resolution on the consent agenda to accomplish it. Much of the work will be done by volunteers, but funds are still needed. The source of revenue is the 2012 private duty funds, in an amount not to exceed \$3,000.

3) Fire and Ambulance:

a) Budget

Council President Sciara reiterated how difficult the budget period has been. He believes it was the hardest one in his 10 years on the Council. He gives Councilmember Waneck a lot of credit and a big thank you.

4) Public Properties:

a) Events

Councilmember Quinn is looking forward to the opening of the hospital on June 1, Westwood Pride Day on June 2, and Taste of Westwood the following week.

b) DPW Update

Councilmember Quinn attended a meeting between the DPW and PD regarding issues during the winter storms, which the Mayor summarized earlier. The DPW and PD will issue a letter regarding snow issues. Mayor Birkner expounded on the problems with cleaning streets. The nature of the last storm made cleanup difficult. It was a heavy wet snow that got compacted, then froze and was covered with light fluffy snow. It is difficult for the DPW to plow if people shovel snow back into the street, and don't move their cars. Councilmember Quinn said this letter is a great example of how departments work

together for the betterment of the Borough.

5) Land Use: RA

a) Historic Preservation Commission

Councilmember Arroyo advised the Historic Preservation Commission will discuss the certificate of appropriateness at their March 13 meeting.

b) Land Use Boards

Councilmember Arroyo said the Planning Board approved the Ginger and Cream application. They will not be addressing the matter of the chickens. The good news is there will be no more chicken jokes. The Planning Board will be discussing whether to change sign colors. They are tweaking the proposed ordinance pertaining to garages and total coverage.

The Zoning Board denied the 711 application. They felt it did not conform with the LB3 zone.

6) Health and Recreation: PG

a) Recreation Update

Councilmember Grefrath reminded everyone that at the budget meeting he had mentioned Girls Softball wanted to put up a covering at Field C. They will fund project, so they just need the Governing Body's go-ahead. Construction will not affect the landfill cap in any way. Mayor Birkner said it is not construction. They will merely extend the fence posts that already exist..

Councilmember Grefrath said Westvale A drainage is a project for fall, so it can be discussed at a later time.

b) Lighting Fees

Councilmember Grefrath said the lighting fee numbers of \$500 and \$750 that were discussed at the budget meeting would be lower than the original suggested fee calculation. He would like to go back to the original. Mr. Hoffmann said they are looking at fees and just need a little more research to make sure they are conforming with Green Acres law, which stipulates fees can only be 2x more for non resident use.

Councilmember Waneck pointed out that the budget has a line item for the cost of lighting. Whatever fees are charged will be a revenue source to offset the cost, but there is now a number in the budget for lights.

F) Attorney's Report

a) Revaluation Timeline

Mr. Doyle reviewed the timeline for the revaluation. He explained that while there is no need for public bidding or RFPs, he recommends RFPs be sent out to the five eligible entities. He is hoping the contract can be awarded by the end of April and work completed by October 1st in order for the revaluation to be effective for 2014. Mayor Birkner asked if the contract can be awarded as a professional service. Mr. Doyle said it seems prudent to send out RFPs even though it is not required.

G) Administrator's / Clerk's Report

a) Copier Leases

Mr. Hoffmann pointed out the resolution to approve the bid process for copier leases.

b) Taxi and Limousine Ordinance Revision

Mrs. Hughes explained that the taxi and limo ordinance will be split into two separate ordinances. She anticipates having draft copies for review shortly.

8. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Miller

Second: Councilmember Waneck

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

Angelo Pira, 34 St. Nicholas, Westwood Softball President – thanked the Governing Body for approval of the work on the field. Mr. Pira expressed surprise that the lights were on the agenda. After the meeting on February 11th with the sports groups, he thought there was not enough information for an ordinance or fee schedule, and there needed to be more due diligence before coming up with a number. Mr. Pira asked for more transparency, and that the organizations be spoken with in advance. He doesn't want to see it on an agenda and then have to come find out what it is about. Mr. Pira commented that there must have been discussion behind closed doors. Mayor Birkner stated the Governing Body cannot and did not have closed door discussions about fees. It was discussed at the public budget meeting. Council President Sciara reiterated that the Governing Body is transparent and does not do things behind closed doors. He pointed out that a councilmember did not request the item be put on the agenda, which triggered a discussion on who authorized the lights to be put on the agenda. Mayor Birkner said it was discussed at a budget meeting and put on this agenda for further discussion, but more information is needed. Mr. Pira said he did not come to the meeting to be combative. If it was a mistake on the agenda, that's fine, he just wants to be part of the process. Councilmember Grefrath said he reported back after the February 11th meeting so the Council is fully aware of what went on. Councilmember Waneck added that the Governing Body is waiting for recreation to give a summary of what they expect to be the reduction to the hours of use of the lights.

Alex Myack, 38 Euclid Ave, President Westwood Football – looking to find exactly how fees are billed, what peak times are, how it is being billed to the municipality, where are funds being accrued from, and generally how it works. Mr. Myack was thrown off by costs incurred at what they thought were non peak hours. As far as usage of field lighting, he said there is no power source for the sound system so it is plugged into the lights, which have to be turned on prematurely for the sound system to work. He hopes electric outlets at Westvale are being addressed.

Robert Bicocchi, 7 Lockerby Lane – asked if Westvale is the only user that gets charged at peak demand. Councilmember Waneck said no. Mr. Bicocchi asked if the Borough is on peak demand billing. Councilmember Waneck explained that there are peak hours for all utility usage. Mr. Bicocchi questioned whether PSEG delivers the electricity. Mr. Hoffmann said the carrier uses PSEG lines. Mr. Bicocchi asked if the charges are from PSEG. Mr. Hoffmann explained that 60% of the bill is the carrier, and 40% is PSEG. Mr. Bicocchi asked who charges the demand fee. Mr.

Hoffmann said PSEG. Mr. Bicocchi asked if the Borough contacted PSEG. Mayor Birkner said numerous times.

Alex Myack, 38 Euclid Ave, President Westwood Football – asked what transpired when speaking with the utility, had the Borough gotten information on peak demand. Mr. Hoffmann explained peak demand charges and hours, which run from June 1 to September. Mr. Myack asked how they come up with that, since it's confusing. Mr. Hoffmann said this is specifically peak demand for recreation lighting. PSEG requested this from the BPU. It is not peak demand for overall energy consumption. The Borough has contacted the BPU but haven't gotten an answer to our request for relief.

Motion to close the Agenda/Public Forum: Councilmember Waneck

Second: Councilmember Miller

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

9. Ordinances of First & Final Reading:

Ordinances on Final Reading

13-4 An Ordinance To Amend Article XIV, Chapter 195, Section 121 RW Retail Wholesale District

Mrs. Hughes explained that she put the ordinance on this meeting in error. The advertised hearing date is March 19.

10. 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 t and u were added at this time. Councilmember Waneck would like resolutions to reflect the budget line item. Councilmember Arroyo questioned the refund amount on resolution h, which appears to be a type-o. Mrs. Hughes will email the correct amount in the morning.

Resolutions as Consent Agenda:

- a) **Resolution #13 - 76: Bill List & Statement of Cash**
- b) **Resolution #13 - 77: Budget Reserve Transfers 2012**
- c) **Resolution #13 - 78: Amending Resolution #13-44 Certificate of Redemption #12-00013**
- d) **Resolution #13 - 79: Amending Resolution #13-43 Certificate of Redemption #12-00003**
- e) **Resolution #13 - 80: Authorizing Refund of Taxes B2108 L10**
- f) **Resolution #13 - 81: Authorizing Refund of Taxes B104 L19**
- g) **Resolution #13 - 82: Authorizing Refund of Taxes B1409 L4**
- h) **Resolution #13 - 83: Authorizing Refund of Taxes B1002 L11**
- i) **Resolution #13 - 84: Authorizing Refund of Taxes B411 L5**
- j) **Resolution #13 - 85: Authorizing Refund of Taxes B907 L4**
- k) **Resolution #13 - 86: Authorizing Refund of Taxes B907 L9**
- l) **Resolution #13 - 87: Award of Contract for Pascack Valley Cooperative Pricing**

System (#107-PVCPS) 2013 NJDOT Project (Roosevelt Avenue Improvements)

- m) Resolution #13 - 88: Consent to the Assignment of the Municipal Waste Contract to Action Carting**
- n) Resolution #13 - 89: Authorize Construction of OEM Office**
- o) Resolution #13 - 90: Approval of Berkeley Elementary School PSO Application to Consume Alcoholic Beverages on Public Property**
- p) Resolution #13 - 91: Authorize Bid Specifications for Copier Leases**
- q) Resolution #13 - 92: Street Closure – Christopher Hrbek 5K Run**
- r) Resolution #13 - 93: Authorizing Disposal of Surplus Property by Online Auction**
- s) Resolution #13 - 94: Authorizing Payment to Resto Corp. for Flood Damage Repair**
- t) Resolution #13 - 95: Authorizing Redemption of Tax Sale Certificates #12-00004 & 12-00005**
- u) Resolution #13 - 96: Authorizing Westwood Girls Softball to Perform Improvements at Westvale Park Field C**

Motion to Move Resolutions 13-76 through 13-96: Councilmember Grefrath

Second: Council President Sciara

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

11. Adjournment:

Motion to adjourn: Council President Sciara Second: Councilmember Miller

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

The time was 9:20 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk