

BOROUGH OF WESTWOOD
WORK MEETING OF THE MAYOR & COUNCIL
APRIL 1, 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
Councilmember Owens - Present
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 - 96: Executive Closed Session

Motion to adopt Resolution #14-96: Councilmember Arroyo Second: Councilmember Miller

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Owens - - Yes 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 8:20 pm.

5. Roll Call II:

Mayor Birkner – Present / Councilmember Arroyo – Present / Councilmember Bicocchi – Present / Councilmember Grefrath – Present / Councilmember Miller – Present / Councilmember Owens - Present / 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

Mayor Birkner shared that he has been dealing with a family member suffering from heroin addiction, which has reached epidemic proportions in the country. He noted that the Bergen County Prosecutor is training a County task force to deal with heroin addiction, which knows no

social boundary. Mayor Birkner wished the best to all those struggling with addictions.

B) Engineer's Report

1) Biweekly Report

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

2) Environmental Monitoring

Dr. Boswell advised that the Section 3B well is done. Garbage pickup in the 3B area was completed today by prisoners. They will clean the ball fields tomorrow. Dr. Boswell said all that remains is the fence and then 3B is completed. Council President Waneck mentioned the need to cleanup along the tracks by Meadowbrook. Mayor Birkner pointed out that there is a resident who collects newspapers and throws them in a ditch along there.

3) Third and Washington Intersection

Mayor Birkner said the design of the Third and Washington intersection has been completed and submitted to the County. He asked Dr. Boswell to review the County questions. Dr. Boswell said the key is that it has to look like a driveway as opposed to a road. He thinks the grading and rain runoff is solved. Mr. Hoffmann said the County left the message that all drainage issues are taken care of, including ensuring no leakage into the buildings.

4) Emerson Road Pump Station

Mr. Hoffmann noted that the Emerson Road pump station is down to one pump, which has had problems all day. Dr. Boswell said he would like to make another run at a gravity system, but in the meantime there is a need to fix this pump. He is not sure what the problem is, whether it's the starter, motor or pump. Everything seems fine, but they will pull the pump to check it. Council President Waneck asked about the fix done in January. Mr. Hoffmann said that was a bypass. Dr. Boswell said this is now pump 3, which is hardly ever used so it's hard to understand the problem.

5) NJDOT Grants

Mr. Hoffmann advised that the Transportation Alternatives and Safe Routes to Schools grant applications are due May 15. Dr. Boswell advised that the cost for the applications will probably be \$5,000 because he will have to do design to apply, since the grants are very competitive. Council President Waneck said the Boswell plan would affect wetlands and disrupt the bus. Mayor Birkner said he would like to see a path around the perimeter of fields, to get up to the sidewalk on Harrington. Dr. Boswell said there might be time to get it in this year but the Borough would have to decide quickly. This is a yearly competitive program, which is scored based on the best project, so it might be best to look at it for 2015. The consensus is to wait for next year.

6) I&I Draft Ordinance

Mr. Hoffmann asked to discuss the I&I ordinance while Boswell is present. He said this is based on the study Boswell did last year, which showed the Borough treated 168 million gallons more water that came into the Borough. The first issue was to look at the top users. Dr. Boswell said he did that, and it was not the problem. The big issue is infiltration and inflow,

and one of the big inflow issues is sump pumps. Mr. Huntington said one check for the CCO process is whether there is an illegal sump pump, but the problem is the owner disconnects it for the inspection. Council President Waneck said there were top users that were worth looking into, and it might be easier to look into. Dr. Boswell noted that the main offender turned out to have no real overuse. He feels sump pumps are the bigger issue. He suggested using the BCUA or NBCUA to TV lines to look for cracks to be sealed. Mayor Birkner said it is one of the things that is done during repaving. Dr. Boswell said inflow is always a bigger number than infiltration. Mr. Hoffmann would like to make a concerted effort to address sump pumps so in 2015 the Borough can reduce meter charges. Mayor Birkner said the Borough has \$928,000 per year in sewer charges, which is a problem with older infrastructures and old sewers and sump pumps. This is not a matter of saying no sump pump, it's just changing discharge. Councilmember Arroyo asked the amount for overtreatment. Mr. Hoffmann thinks it can be reduced about \$180,000 or 20%. Mr. Huntington observed that the Borough could bond and still be cash flow positive. Dr. Boswell said it is easy to get the first 50%, then it becomes harder. The first step is to eliminate connections by sump pump with an ordinance and inspection. The second step is to TV lines, then seal and either replace or slip line sewers. With sump pumps the only cost is for enforcement. Other solutions cost the Borough money. Mr. Hoffmann said with the Waldwick ordinance as a model, he would like to come back with a plan. Dr. Boswell said the ordinance should specify that residents can't cut through the curb. Boswell can help with the technicalities of the ordinance. It should allow residents to hook into an inlet, under the auspices of the DPW. Mayor Birkner asked Dr. Boswell for a list of recommendations.

Mr. Hoffmann said the Construction Official has found 6 illegal sump pumps in the course of inspections, and they are already corrected. Councilmember Owens asked how often inspections occur. Mr. Huntington said the Borough needs a pretext to inspect, a regulatory event or consent to go into a house. Mayor Birkner pointed out that Allendale accessed without it. Councilmember Owens asked how many houses per year the Borough accesses on average. Mr. Hoffmann will find out.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Eagle Scout Project for Veterans Park

Councilmember Grefrath advised that he connected Eagle Scout candidate Matt Yale with Ed Snieckus regarding the project to restore the well in Veterans Park.

b) Veterans Park

Councilmember Grefrath reminded the Governing Body that he has asked for suggestions regarding naming the loop in the park. He also requested input on library parking. He will compile what he receives by next Tuesday and discuss it at the next meeting.

c) Environmental Committee/Community Garden

Councilmember Grefrath said the Community Garden is up and running and looking for volunteers. The official kickoff is May 3rd. The Environmental Committee is looking forward to participating in Westwood Pride Day. Councilmember Grefrath noted that he's looking for volunteers for the Council table for Pride Day.

d) Budget Overview

Tonight the Governing Body is introducing the 2014 Municipal Budget.

One of the notable goals of this budget is to maintain or improve the level of service to our constituents while controlling expenditures. With the documents presented tonight, we believe we have met this goal for the 2014 fiscal year.

The total budget being introduced for 2014 is \$17,715,837, an increase of \$885,721 over last year's adopted budget of \$16,830,116 or 0.97% increase. The budget introduced tonight is under the state mandated Appropriation and Tax Levy Caps.

Please keep in mind that this budget represents only the municipal portion of your tax bill. The remainder of the tax bill includes the school and county adopted budgets.

Once again, our volunteers, department heads, boards, and employees are being asked to do more with less. Despite a strong 98.77% tax collection rate, the Borough's overall revenue decreased in 2013 as a result of a decrease in construction fees and increase in tax appeal settlements, while our state aid remained constant. This decrease in revenue results in a decrease in the amount of surplus the Borough was able to generate to offset some of the budget costs and keep taxes more controllable.

The proposed 2014 budget utilizes \$1.2 million of surplus, the least amount of surplus used since the 2007 adopted municipal budget. However, due to the decrease in revenue over the past years, this amount results in approximately 65% of the overall surplus available. This percentage is consistent with the previous three years amount of surplus used.

The Major Budget Appropriation Increases Include:

- Contractual Salaries and Wages – up \$190,000
- Employee Group Insurance - \$89,000
- Debt Service - \$53,000
- Reserve for Tax Appeals - \$125,000
- Deferred Charges for Tax Appeals - \$292,000
- Special Emergency Deferred Charges (from the State-mandated Revaluation) - \$58,000

Major Budget Revenue Decreases Include:

- Surplus – down \$263,000
- Interest on Investments \$30,000
- Uniform Construction Code Fees - \$49,000
- Inter-local Agreements - \$29,000
- Other Trust Fund Reserves - \$35,000

The total increase in appropriations and decrease in revenues resulted in a total municipal tax levy increase of approximately \$1.375 million -- from \$12,343,628 in 2013 to \$13,718,650 in 2014. This translates into a municipal tax rate increase from 0.721 in 2013 to 0.788 in 2014, or an increase of \$180 per year on an average home assessed at \$387,000. This increase includes the funding of the library, which is above the state mandated minimum amount by \$63,000.

Unfortunately, based on the Borough's past practice of providing very lean budgets in an effort to limit the overall tax impacts to its residents -- while the School and the County have had suitable increases -- the Borough has come to a point that in order to meet future state mandated, contractual, and legal responsibilities, it must continue to put forth a fiscally responsible budget as it has always done.

On the upside, as we all are aware, the Borough has just completed a mandated revaluation. Taking into consideration the new assessed valuations, the recently introduced School Board budget, and anticipated 2% County tax increase, the Governing Body anticipates that the overall tax impact to the residents including the Municipal Budget introduced here tonight, will be a decrease of approximately \$99 on the averaged assessed home.

So, I believe the budget presented here tonight will lay a solid fiscal foundation for Westwood for subsequent years.

Now I would like to thank all of the people who played an important role in developing this fiscally responsible budget including our Finance Department CFO Durene Ayer and Finance department members Gloria Seidel and Stefanie Stokes; our Finance Committee, which includes Council President Waneck, Mayor Birkner and Administrator Bob Hoffman; our Borough Auditor Gary Vinci; as well as the department heads and municipal staff members, who made informed and difficult budget reductions within their groups. Finally, I would like to thank the entire Governing Body, who was called upon several times to make extremely difficult discussions.

The public will have an opportunity to review this budget and comment at our public hearing on Tuesday, May 6, 2014 at 8:00 p.m., here at the Municipal Center.

e) Introduction of Ordinance # 14-6: An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank

BE IT RESOLVED that Ordinance #14-6 entitled “**An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank**” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a May 6, 2014 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Grefrath

Second: Council President Waneck

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Owens – Yes Council President Waneck – Yes

f) Resolution #14 - 97: Introduction of 2014 Municipal Budget

Motion to adopt Resolution #14-96: Councilmember Grefrath Second: Council President Waneck

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Owens- Abstain Council President Waneck – Yes

2) Fire and Ambulance:

a) Ambulance Corps Update

Councilmember Miller reported that the Westwood Ambulance Corps is in need of volunteers. The rig is out of service between 1-7 pm several days a week due to lack of manpower. Volunteer levels of service include EMT, which requires a large commitment for training; ride/assist which requires CPR skills; or driver, which requires the least training. Councilmember Miller encouraged anyone who is home during the day to consider volunteering, since it does not necessarily require an enormous training commitment.

b) Library Update

Councilmember Miller announced that the Library is hosting a regional school district art show on April 10th. He reminded everyone that Taste of Westwood will be June 8th at the Community Center. Story time registration has begun for children and will continue through May 29th. The after-school for students in second grade and up begins April 27th. Mayor Birkner commented that moving Taste of Westwood to the Community Center is a good idea.

3) Health and Recreation:

Councilmember Owens plans on meeting with the Recreation Director tomorrow, so he will have a report in a few weeks. Mayor Birkner welcomed Councilmember Owens to the Governing Body.

4) Land Use:

a) Historical Landmark Budget

Councilmember Bicocchi said the Historical Committee has determined the cost to apply for a certificate of eligibility to register the bandstand as a historic structure, which is expensive. Mr. Hoffmann explained the total cost is \$7000+. They would be applying for a 50% matching grant, which is not in the budget. The total HPC budget is less than the application cost. The discussion in the past was on replacing or repairing the bandstand roof. It would cost around \$6,800 to repair the roof, as opposed to replacing it at \$48,000, according to the Construction Official. Mr. Hoffmann reiterated that the proposed cost to apply for historic designation exceeds the HPC budget. Councilmember Bicocchi said with the designation the Borough would have to give an easement to the state for the property. Mayor Birkner said his brother owns an historic home in Gettysburg and is extremely limited in what he can do. Mr. Hoffmann does not recommend applying. Councilmember Owens said the Borough has control of the property, so there's no need to designate it as historic to keep the property from being changed.

b) Trust Accounts

Councilmember Bicocchi thanked Mr. Hoffmann for his memo on trust funds. He said questions from the Governing Body can go to Mr. Hoffmann.

c) Cell Tower Ordinance

Councilmember Bicocchi said the cell tower ordinance is in the agenda book for review. He will put it forward for introduction at the next meeting.

Councilmember Bicocchi noted that there has been no snow accumulation since resolution 14-60.

5) Police and OEM:

a) CERT

Councilmember Arroyo reported that he and Councilmember Miller met with Deputy OEM Coordinator Nick Ariemma about incorporating CERT into the Borough. Right now it is run through the County. That will be an ongoing conversation. There is a desire to increase CERT membership. Mr. Ariemma has asked the County to set up a CERT table at Westwood Pride Day, with CERT and CART individuals manning it.

b) Drug Take-Back Day

Councilmember Arroyo announced that April 26th is a prescription drug take-back day at the Police Department from 10-2. No questions are asked about the drugs.

c) Police Hiring Process

The written test for the Police hiring process has been held, and the top 50 candidates are scheduled to take the physical exam at the Police Academy on April 12th. This will reduce the candidates to 25.

d) Sergeant Exam

The sergeant exam date has not been established. Councilmember Arroyo reviewed the posting and application process. He anticipates that the written exam would probably be held in June.

e) Heroin Initiative

Regarding the Mayor's comments on the heroin epidemic, Councilmember Arroyo said the recent advertisement by the County Prosecutor in The Record very informative. The statute makes you liable for sharing drugs with friends, so if the person dies you are liable. The Westwood Police are engaged with the Prosecutor's office. They are not looking to punish but to get treatment to addicts. Law enforcement is working on all levels to intercept sales.

6) Public Properties:

a) DPW Update

Council President Waneck reported that the DPW always looks for ways to share equipment. The mechanics are working on Board of Education vehicles, and the program is going very well. The Borough has started a program with Hillsdale to provide fuel. The Borough continues making these small revenue increases.

Mayor Birkner said he received a letter from a resident on Seely commending the DPW for removing trees. The homeowner is pleased with the DPW's professionalism and pleasantness.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

Mr. Hoffmann shared that his son's high school had a special assembly on heroin for students, and will also have one for parents. Mayor Birkner said a similar assembly will happen in Westwood in April. The Rotary Club is also very active in education and eradication of heroin addiction.

1) Future Revenue Options

Mr. Hoffmann noted that the future revenue options for the Governing Body's review were requested at the March 11th meeting. The Borough is taking actions on 1, 2 and 3 at the moment.

2) Employee Handbook Update

Mr. Hoffmann explained that the Employee Handbook update is done every two years. The Governing Body will be asked to review highlighted changes. The new Social Media Policy is being included. Councilmember Miller asked about a handbook for supervisors. Mr. Hoffmann said there has not been one since 2004. The content was rolled into the regular handbook. Councilmember Miller thought the Borough was looking to reestablishing a separate handbook. Mr. Hoffmann said that is something the JIF is suggesting be done. Mr. Hoffmann will talk to the attorney about it. Councilmember Miller said if it is a policy and procedure manual, then he strongly recommends it. If it is the same as the employee handbook but for supervisors then he sees no value.

3) Model Local Civil Rights Resolution

Mr. Hoffmann said the proposed civil rights resolution is also from the JIF, and can be adopted at the April 15th meeting.

4) Train Signalization Update

Mr. Hoffmann reported that the focus of today's train signalization meeting was to review the remaining items in the project and the budget. Mr. Hoffmann then reviewed the financial status. He explained that there is an escrow deposit for CVS that the County was going to bill separately but ultimately rolled it into the project. Mr. Hoffmann said he will probably ask to amend the project ordinance to roll the escrow into the ordinance.

The Engineer Inspector said the paving in some areas will need 3 inches of asphalt for proper drainage. He has been asked for specific quantities, which Mr. Hoffmann anticipates receiving by April 11.

Council President Waneck is confused by the hours estimated. The 270 hours based on four officers for milling and paving includes 72 hours for work on the County road. Council President Waneck said the Borough doesn't have money to do those kinds of hours. Mr. Hoffmann said he was accurately reporting the discussions. The contractor is estimating four officers. Mayor Birkner asked who will make the determination. Mr. Hoffmann said himself, Chief Regino and Sgt. McClutchy. An option is to close a lane or the road, but for how long? Council President Waneck said when she sees the contractor he says he asks for less police hours but gets more. Mayor Birkner will bring that up at the next progress meeting on April 23rd.

Council President Waneck asked about the escrow for CVS. Mr. Hoffmann said it covers the sidewalk, trees, and drainage work, for approximately \$25,000. Council President Waneck thought that was part of the building project. Mr. Huntington said it is cash in lieu of work, which is not uncommon when the municipality can do work more efficiently. Council President Waneck said as long as it is clear that it is money owed to the Borough. Mr. Hoffmann said it was not part of the original calculation. Council President Waneck said the work was not part of the original plan, either. Mr. Hoffmann said it was supposed to be originally charged to escrow account but Bergen County wouldn't do that. They paid the contractor, and will expect Westwood to reimburse them. Westwood needs to use that escrow money to pay for the work. The sidewalk and streetscape were supposed to tie into the existing streetscape. Council President Waneck thought that had all been done with the CVS project. Council President Waneck and Councilmember Miller would like more information and clarity.

Councilmember Grefrath asked if the millings will go to the parking lot in the park. Mr. Hoffmann said Meadowbrook and Westvale will receive the millings. Councilmember Owens asked about Lincoln between Garden and Stueben, and Trenton. Mr. Hoffmann said millings are used every other year on Trenton.

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 Miller Second: Councilmember Bicocchi

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

9. 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. Mr. Huntington noted that the refunds are not for tax appeals but for overpayments. Councilmember Miller requested resolution h be removed for separate vote.

Resolutions as Consent Agenda:

- a) Resolution #14 - 98: Bill List & Statement of Cash
- b) Resolution #14 - 99: Authorizing Refund of Taxes B1109 L22
- c) Resolution #14 - 100: Authorizing Refund of Taxes B209 L9
- d) Resolution #14 - 101: Authorizing Refund of Taxes B1906 L13
- e) Resolution #14 - 102: Authorizing Refund of Taxes B1805 L5
- f) Resolution #14 - 103: Authorizing Refund of Taxes B1902 L5
- g) Resolution #14 - 104: Authorizing Redemption of Tax Sale Certificate #13-00012

Motion to adopt resolutions #14-98 through 104: Councilmember Grefrath Second:

Councilmember Miller

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes
Councilmember Grefrath – Yes Councilmember Miller – Yes
Councilmember Owens - Yes Council President Waneck – Yes

h) Resolution #14 - 105: 2014 Council Liaisons Revised

Motion to adopt resolution #14-105: Councilmember Grefrath Second:

Councilmember Miller

Roll Call: Councilmember Arroyo – Yes

Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes

Councilmember Miller – No. He welcomes the assignments, but his vote is about the process.

Councilmember Owens - Yes

Council President Waneck – Yes

10. 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 9:31 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk