

**BOROUGH OF WESTWOOD**  
**WORK MEETING OF THE MAYOR & COUNCIL**  
**APRIL 2, 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 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 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 - 114: Executive Closed Session**

**Motion to adopt Resolution #13-114:** Councilmember Miller Second: Council President Sciara

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 Miller Second: Council President Sciara

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

The time was 8:24 pm.

**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 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) Gun Violence Reso**

Mayor Birkner explained that the gun violence resolution in the agenda book is not the one he

wants to present to the Governing Body. He wants to include information from Mayors Against Illegal Guns, an organization started by Mayor Bloomberg of NYC. He is a strong proponent of national level gun control, and believes the issue is bringing guns in from other states.

## **2) Sand Road Speed Survey**

Mayor Birkner summarized the Sand Road speed and enforcement concerns and actions taken. He advised that subsequent to resident comments at the January meeting, the Police have completed a speed survey of Sand Road. The average speed was 23.9 mph. While there certainly were incidents where vehicles exceeded the 25 mph speed limit, what was determined was vehicles stopped for speeding were overwhelmingly driven by those who live in the area. One issue is that streets are narrow so there is a perceived speed when that speed is at or under the speed limit. Recommendations include continued police presence, enforcement, education, and additional signage. Mayor Birkner does not believe the speed tables were installed adequately or properly and so are not high enough. They worked at first but people became comfortable and learned to go over them quickly. Mayor Birkner asked Captain Durante to address the Governing Body on the speed survey. Captain Durante said Mayor Birkner explained it well. One suggestion would be when road improvements are done in that area, mill down the approaches to the speed humps to make the slope more severe and slow drivers. Captain Durante also suggested chevrons and signage on dark curves, and upgrade some speed signs and children at play signs. Regarding truck traffic concerns, the Police did not see anything along those lines. The highest recorded speed at 40 mph was a local resident. Captain Durante observed that the design of the road limits options. Dr. Boswell commented that in order to make the speed limit below 25 mph, the Borough would have to do a study and submit it to the DOT. Every time they have done that the DOT has recommended raising the speed limit. Mayor Birkner agreed that besides the slope of the speed tables being inadequate, they are not marked to provide a visual calming measure. He would like to add reflective paint on the speed tables. Captain Durante pointed out that temporary paint will wear off. Councilmember Miller asked if the survey was conducted when the residents thought it would be appropriate. Captain Durante said it had been at random times, mostly during rush hours. Councilmember Miller asked if the volume of traffic was high. Captain Durante said it was not large or excessive, but normal for the road. Councilmember Miller wondered if there was a difference in volume when compared to an earlier survey. Captain Durante noted that the speed humps helped somewhat, but the volume was only a little higher prior to their installation. Mayor Birkner expounded on the safety concerns and implementing suggestions to aid controlling speeds in the area.

## **3) Superbowl Event Opportunities**

Mayor Birkner reported that he was contacted by the Meadowlands Chamber of Commerce and Freeholder Zur regarding initiatives taking place in the Meadowlands to promote municipalities as the Superbowl approaches. The Westwood Chamber of Commerce is trying to set up a meeting date to get involved and take advantage of the opportunities.

## **4) Lightning Detection System**

As result of recent newspaper coverage, the Emerson Mayor has expressed interest in participating in a shared lightning detection system. A meeting has been arranged with a

vendor on April 4<sup>th</sup>. Officials from Westwood, Washington Township and Emerson are scheduled to attend.

**B) Engineer's Report**

**a) Biweekly Report**

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

**b) Lightning Detection System**

Dr. Boswell has installed lightning systems. He explained that they are lightning prediction systems, not protecting. If the system doesn't go off it doesn't mean there won't be lightning. The general rule of thumb is if you hear thunder, go inside.

**c) Broadway Resignalization**

Councilmember Grefrath asked about the effects of the Broadway/Madison/Third projects on events in Veterans Park. Dr. Boswell said supervision of the project still hasn't been awarded, but if Boswell receives the contract, he understands the Westwood issues and will work with the Borough. He estimates the project will be awarded by June 1<sup>st</sup> and a notice to proceed issued by June 10<sup>th</sup>. Councilmember Waneck asked if NJ. Transit is looking at changing any easements or configurations. Dr. Boswell said that has not been brought up. Mr. Hoffmann noted that the original plan for construction was to start at the crossings. Dr. Boswell will suggest that the contract begin at the northernmost intersection and work south, but he can't order that they do that. Mr. Huntington suggested temporary fencing be included in the bid spec to encourage the contractor to demobilize in the evening. Dr. Boswell said it is already there as a function of how the job is to be run. The contractor is liable and has incentive to make sure site is safe and secured at night.

**C) Council Liaison & Committee Reports**

**1) Finance, Administration and Capital Projects:**

No report.

**2) Police and OEM:**

**a) Library Update**

Councilmember Miller reported that recent programs held by the Library were well attended. The Library Board is still gathering quotes for fixing the downstairs HVAC, since it did not meet requirements for any grants. The lobby project should start the end of April and conclude by Memorial day. The pathway to the old front door will be used during construction. June 9<sup>th</sup> is the annual Taste of Westwood.

**3) Fire and Ambulance:**

**a) Fire Department Update**

Council President Sciara relayed that the Fire Department is very grateful for the use of the recently purchased FEMA properties. They held many drills at the sites that were very beneficial.

**b) Ambulance Corps Update**

Council President Sciara reported that the Ambulance Corps is working on its annual carnival.

**4) Public Properties:**

**a) Local Assistance**

Councilmember Quinn announced that the Local Assistance Board has two vacancies. Needs revolve around Thanksgiving and Christmas. If anyone has an interest please send in a volunteer application, which are available in the Clerk's office. Councilmember Quinn said volunteers can also call Kathy Elgert for information. An offshoot of Local Assistance is Westwood Cares. The two organizations work together but independently.

**5) Land Use: RA**

**a) Land Use Ordinance**

Councilmember Arroyo discussed draft language for the residential zone ordinance. Borough Planner Ed Snieckus is still revising the language on garages. Councilmember Waneck finds that the driveway reference in 195-77F, is redundant and confusing. Councilmember Arroyo said the Planner feels it's necessary due to code definitions. It may be confusing but there is a logic to it per the Planner. Councilmember Arroyo pointed out there is confusion about the size of different structures. This ordinance is trying to clarify sizes and setbacks, to get larger structures further off side and rear yards. Councilmember Waneck asked about garages. Councilmember Arroyo said this pertains to shed and accessory structures. Councilmember Waneck remembered that there is language elsewhere that specifically discusses garages. Councilmember Arroyo said yes, there is a 10 foot setback. Councilmember Waneck wants to be sure that it fits in with this. Councilmember Arroyo will convey that to the Planning Board, who may need to tie it into the garage section. Councilmember Waneck said it is confusing.

Pertaining to 195-130G, Councilmember Waneck asked why not just talk about fences over 4 ft. Councilmember Arroyo explained that a fence under 4 ft to 1.6 ft requires a zoning permit only. Less than that requires no permit. Councilmember Waneck thought anything under 4 ft required no permit. Councilmember Miller said there was a reason why that was done. Councilmember Waneck thought it had to do with tripping, which was Councilmember Miller's thought also. Mayor Birkner pointed out that decorative borders are under 1.6 feet and would require a permit if not for the language. Councilmember Waneck would like to make it anything over 4 feet only.

Councilmember Arroyo said proposed language in section 195-113D regarding porches, setbacks, total surface coverage is going to be revised but will still preserve the meaning.

Councilmember Miller was still confused about the fences. Mayor Birkner suggested reading it the other way around, that anything above 1.6 feet requires a permit. The language is cumbersome.

**b) NFIP Community Rating System**

Councilmember Arroyo explained the NFIP community rating system, which is similar to Sustainable Jersey's point system. A municipality is awarded points for various programs

and activities in place to make residents aware of flooding. Successful participation affects resident flood insurance rates. Westwood would be prime for a #8 rating, which would mean a 10% reduction of flood insurance rates for the flood zone. Brooker Engineering has offered to manage the program and forego billing until the next budget cycle. They also would take no money unless they can produce the #8 rating. Councilmember Waneck said it is a great initiative. She is wondering about the flood maps which are in flux and whether new maps will significantly change properties. She asked whether the program should start now or hold off until the new flood maps are adopted. Councilmember Arroyo said there are 355 flood insurance policies in the Borough, equaling \$406,000 in premiums. Mayor Birkner said the Borough is one of the top 7 in Bergen County for flood insurance. Councilmember Arroyo said the rating discount applies to whoever buys a policy.

Councilmember Waneck and Councilmember Quinn noted they have to recuse themselves because they would benefit from this.

Council President Sciara said this is a good idea. The Borough would have to ask Brooker to work with the changing maps. Councilmember Arroyo pointed out that flood policy subsidies will be expiring and rates going up, so it will be beneficial to the Borough's residents in the coming years. For residents in the flood zone, it helps mitigate the costs of tax increases. Mayor Birkner asked what type of items garner points. Councilmember Arroyo reviewed the point system. In terms of cost, it will cost about \$8000 which is deferred or may not be paid at all if Brooker does not obtain the 8 rating.

## **6) Health and Recreation:**

### **a) Smoking Ordinance**

Councilmember Grefrath pointed out that the smoking sample ordinance presented by GASP is in the agenda book, as well as minutes from prior discussions. He believes there are three things to decide: ask the attorney to hone the draft ordinance for Westwood; decide if more information is needed; or decide if an ordinance is needed at all. The ban on smoking has been endorsed by the Recreation Director, the Recreation Board, and the Board of Health. Councilmember Waneck observed that tobacco is already prohibited in indoor and outdoor recreation facilities by ordinance. The NJ Smoke Free Air Act seems to cover everything else, so why go through the cost and effort. The matter was discussed at length. Karen Blumenfeld, the Executive Director from GASP, was present and participated in the discussion. It was determined that the Borough's code and the State's Smoke Free Air Act were sufficient, so another ordinance did not need to be adopted. Ms. Blumenfeld will request smoke-free park signs from the State Department of Health for the Borough to post.

### **b) Farmer's Market**

Councilmember Grefrath advised that the Parking Authority discussed the request by the Chamber of Commerce regarding farmers market. They believe the best parking lot to use would be the commuter lot right outside the municipal building, on Saturdays from 10 am to 3 pm. The Chamber plans to run the market from the end of April through the beginning of November. Councilmember Grefrath asked if the Council wants to approve it, or does it need more development. Councilmember Miller asked the benefit would be from this

program. Councilmember Grefrath asked Chamber Executive Director Joe Abou-Daoud to give a brief presentation. Mr. Abou-Daoud explained that the Farmers Market was brought up to the Chamber by residents, and is a green initiative. He has picked out the best market vendors, so it will not be a flea market. The market will bring awareness of Westwood and the destination that we are. All funds are going to the Chamber's scholarship fund. It will not compete with any business in town, and in fact the businesses are welcome to have table. Mayor Birkner thinks it is a great idea. Council President Sciara has discussed it with the Environmental Committee, who approves, and it is good for Sustainable Jersey credit. Councilmember Waneck asked if parking will still be available in the lot. Mr. Abou-Daoud said yes. Councilmember Grefrath asked about cleanup of the site. Mr. Abou-Daoud said student volunteers from the schools will clean up and earn credits towards the ability to compete for the scholarship. He is also working with the hospital to solicit volunteers. Councilmember Arroyo asked what the market hours would be. Mr. Abou-Daoud said 10-3. Councilmember Quinn pointed out that the Division of Senior Services gives out vouchers for Farmers Markets. Mr. Abou-Daoud noted that the Chamber will work with the Health Department to meet code. The consensus was to move forward with a resolution approving the Farmers Market.

**c) Technology Committee Update**

Councilmember Grefrath said the Technology Committee will review the computer spreadsheet before handing out to the Council for their review.

**d) Veterans Park Update**

Councilmember Grefrath reported that Veterans Park hosted the annual Egg Hunt and Easter Bunny. Mr. Hoffmann is following up with Charlie Johnson to get the lighting installation finished.

**e) Bandstand**

Councilmember Grefrath reviewed the options for the Bandstand roof. Councilmember Waneck asked when the roof was installed. Councilmember Grefrath said it was installed in 1928 and last repaired 20 years ago. Councilmember Waneck noted that it was never made a historic landmark but is just a symbol. Councilmember Grefrath said that may be a job for the Historic Commission.

Councilmember Grefrath explained that the sheathing underneath the roof is in good shape. Councilmember Arroyo said Mr. Marini could not find any evidence of rot on the underside of the roof. There are loose tiles on top, which could result in water damage at those tiles. There could be rot on the surface layer. Mayor Birkner suggested just fixing the tiles that are loose. Councilmember Grefrath said in order to fix them, all the tiles will have to be removed first. Mayor Birkner and Councilmember Waneck asked why. Councilmember Grefrath said there may be roof rot. Council President Sciara would like to have a roofer look at it. He believes spot repairs can be made. Councilmember Grefrath said it was a roofer that gave the estimate. Mayor Birkner said if the Borough's Construction Official says there is no damage and no water problem, just loose tiles, can't the loose tiles be fixed? Councilmember Quinn observed that it was not given as an option. Councilmember Grefrath said the roofer did not believe replacing just

the loose tiles was doable. Councilmember Arroyo pointed out that the Heritage Society had said the roof is tied in but the Construction Official doesn't know what they are talking about. Councilmember Grefrath offered to speak with the roofer again, but the consensus was to find someone else. It was suggested he speak with homeowners whose houses have tile roofs. Councilmember Quinn asked if the Borough could apply for a historical preservation grant for the bandstand. Mayor Birkner said yes, but Councilmember Waneck said the bandstand must be designated as historic first.

**f) Memorial Benches**

Councilmember Grefrath updated the Governing Body on the status of the Memorial Bench program.

**D) Attorney's Report**

No report.

**E) Administrator's / Clerk's Report**

**1) Fishing Derby Insurance**

Mr. Hoffmann explained that the resolution on the consent agenda to add the Fishing Derby to the Borough's insurance will be at no cost to the Borough.

**2) Taxi and Limousine Ordinances**

Mrs. Hughes reported that work is progressing on the taxi and limousine ordinance revisions. They will be distributed to the Governing Body for review and comment 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.

Joseph Abou-Daoud – advised that the Ambulance Corps carnival is July 23-27. Mr. Abou-Daoud said he lives in the Sand Road area and signed the petition. He believes the issue is not so much speeding as a lack of stop signs, such as at the bottom of Palisade Ave. Mayor Birkner said the complaint from the group was speeding. He will refer Mr. Abou-Daoud's suggestion for other traffic control measures to the Captain.

Gary Conkling, 406 Kinderkamack Road – agree that no one stops at the Sand Road stop sign. Mr. Conkling pointed out that people park anywhere on Sand Road. He feels the speed bumps are a joke. Mayor Birkner agreed that the speed bumps need to be built up more. He reiterated the perceived speed issue. Mr. Conkling said most people throughout the Borough feel there is speeding in the 25 mph zones in their area. Mayor Birkner remembered having that same issue when his kids were small. Mr. Conkling said on Kinderkamack Road there is speeding, but having an officer stationed at the Elks Club doesn't affect it. Speeding occurs at the dip. Mr. Conkling believes Kinderkamack Road needs to be a 25 mph zone but it won't happen.

Mr. Conkling asked if the ordinance for the revaluation is out of the cap. Councilmember Waneck said it is within the capital budget, not within the 2% cap. Mayor Birkner explained that only

a portion of the costs would be payable this year.

**9. Ordinances of First & Final Reading:**

**Ordinances for Introduction**

13-7 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Acquisition Of Equipment For The Borough Of Westwood Department Of Public Works And Appropriating \$150,000 Therefor And Providing For The Issuance Of \$142,500 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

**BE IT RESOLVED** that Ordinance #13-7 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Acquisition Of Equipment For The Borough Of Westwood Department Of Public Works And Appropriating \$150,000 Therefor And Providing For The Issuance Of \$142,500 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same” is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with an May 7, 2013 hearing date in the official newspaper according to law.

**Motion to pass the ordinance on First Reading:** Councilmember Waneck

Second: Councilmember Grefrath

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

**Ordinances on Final Reading**

13-5 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For A Special Emergency Appropriation Of \$300,000 For The Preparation And Execution Of A Mandatory Complete Program Of Revaluation Of Real Property For The Use Of The Local Assessor Of The Borough Of Westwood, In The County Of Bergen, New Jersey

**BE IT RESOLVED** that Ordinance #13-5 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For A Special Emergency Appropriation Of \$300,000 For The Preparation And Execution Of A Mandatory Complete Program Of Revaluation Of Real Property For The Use Of The Local Assessor Of The Borough Of Westwood, In The County Of Bergen, New Jersey” having hereby been read by title, shall have a hearing held on this date.

**Motion to open the public hearing:** Councilmember Waneck    Second: Councilmember Grefrath  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**Public Comments:**

No comments.

**Motion to close the public hearing:** Councilmember Waneck    Second: Councilmember Grefrath  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**BE IT RESOLVED** that an Ordinance known as #13-5 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

**Motion for final adoption:** Councilmember Waneck    Second: Councilmember Grefrath  
Roll Call: Councilmember Grefrath – Yes                      Councilmember Waneck – Yes  
                    Councilmember Quinn – Yes                      Councilmember Arroyo – Yes  
                    Councilmember Miller – Yes                      Council President Sciara – Yes

**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 d was removed at this time.

**Resolutions as Consent Agenda:**

- a) **Resolution #13 - 115: Bill List & Statement of Cash**
- b) **Resolution #13 - 116: Resolution Providing For The Financing Of A Special Emergency Appropriation Of The Borough Of Westwood, In The County Of Bergen, New Jersey By The Issuance Of Special Emergency Notes Of The Borough**
- c) **Resolution #13 - 117: Authorizing Redemption of Tax Sale Certificate #10-00001**
- ~~d) **Resolution #13 - 118: Authorizing Project 2013-04 Community Garden**~~
- e) **Resolution #13 - 118: Authorizing Project 2013-05 Handicap Accessible Doors at Borough Hall**
- f) **Resolution #13 - 119: Authorizing HAVA Grant Project to Install Handicap Accessible Doors at the Community Center**
- g) **Resolution #13 - 120: Authorizing Preparation of Plans and Specifications for Backhoe**
- h) **Resolution #13 - 121: Authorization to Bid Vegetative Waste**
- i) **Resolution #13 - 122: Authorization to Add Fishing Derby to Borough's Insurance Policy**
- j) **Resolution #13 - 123: Award of Contract for Revaluation Appraiser**

**Motion to adopt resolutions #13-115 through #13-123:** Councilmember Grefrath  
Second: Councilmember Waneck

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

**11. Adjournment:**

**Motion to adjourn:** Councilmember Miller    Second: Councilmember Quinn  
Voice Vote: A voice vote was taken with all present voting in the affirmative.  
The time was 10:06 pm.

Attest:

*(signed) Karen Hughes*  
Karen Hughes, RMC, Borough Clerk  
Proofed by: Denise Holmes, Deputy Clerk