

**BOROUGH OF WESTWOOD**  
**WORK MEETING OF THE MAYOR & COUNCIL**  
**MAY 7, 2013 MINUTES**  
**MUNICIPAL COMPLEX**  
**101 Washington Avenue**  
**7:30 PM Executive Closed Session/8:00 pm Public Session**

**1. Opening of the Meeting:**

The special meeting was called to order by Mayor Birkner at 6:30 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 Engineer Boswell - Present  
Borough Clerk Hughes – Present

Committee Assignments:

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

**3. Flag Salute:**

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

**4. Resolution #13 - 138: Executive Closed Session**

**Motion to adopt Resolution #13-:** 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

**5. Reopen the Meeting:**

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

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

The time was 8:00 pm.

**6. Roll Call II:**

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 Engineer Boswell – Present / Borough Clerk Hughes - Present

**7. Flag Salute**

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

## 8. Reports of Committees and Officials:

### A) Mayor's Report

#### 1) PSE&G Energy Strong Program

Mayor Birkner explained PSE&G's Energy Strong initiative to make some very significant infrastructure improvements in light of the damage to poles, power lines and power substations during severe weather events. The effort has been supported by a number of municipalities locally and throughout the State.

**Resolution #13 - 139: Supporting PSE&G's Energy Strong Program:** Councilmember Grefrath Second: Council President Sciara

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

#### 2) Jeans for Troops Day

Mayor Birkner discussed Jeans for Troops Day. Last year \$175 was raised by Borough Employees for the GI Go Fund. By donating \$5.00 to the fund, employees are encouraged to wear jeans to work on Friday, May 24<sup>th</sup>. The public is invited to participate and stop by Borough Hall. There will be a photo taken with Borough staff for our troops. This resolution will be on the Consent Agenda.

#### 3) Lightning Detection

Mayor Birkner reported that he attended a meeting last week with the Westwood Board of Education, the Acting Superintendent, Borough Administrator and Washington Township Mayor Sobkowicz to discuss lightning detection. Also discussed was the potential for a joint purchasing agreement with the three entities plus the Borough of Emerson and the Emerson Board of Education. The Westwood Board of Education Business Administrator will be setting up meetings with two specific vendors who provide a different product and different service. All entities should view and hear the same information from the same people. Mayor Birkner commented that the mayors of Waldwick and Lodi are interested as well. He would appreciate a member of the Governing Body attending the presentations.

#### 4) Train Station

Mayor Birkner announced that the train station will be undergoing improvement beginning on May 20<sup>th</sup>. It will take about two weeks to complete. There will be repairs to the concrete work along the platform. Commuters and users of the train station need to be mindful of the work areas and stay clear of any barricaded areas.

#### 5) Grant Funding

Mayor Birkner announced that the Borough will receive \$150,000 in funding from the New Jersey Department of Transportation Municipal Aid Program for the Pascack Road project. Since this is half the amount required, the work will be done in stages and the Borough will apply next year for the remaining amount.

#### 6) Hospital Opening

Mayor Birkner joyfully announced that it is less than a month away from the opening of the first new hospital in New Jersey in 30 years. Thursday, May 23<sup>rd</sup> will be the official ribbon

cutting. In addition to many celebrities and dignitaries, the Commissioner of the State Department of Health, Mary O'Dowd, will be on hand as well as Governor Chris Christie. Patients will be accepted on June 1<sup>st</sup>. Mayor Birkner said it was a long, arduous road, but we are finally there. A lot of the local businesses will be involved in the opening, including a operating the coffee kiosk and gift shop inside the facility. It is anticipated that by its opening, there will be approximately 350 employees at the site. This has been a tremendous economic boost and exactly what was envisioned when the fight was on. The Mayor asked if anyone had questions. Borough Clerk Hughes said asked what time the ribbon cutting would be held. The Mayor answered 10:00 AM. He commented that interestingly enough, the opening on June 1<sup>st</sup> will be 54 years to the date when the original hospital was opened. That ribbon cutting was on May 31, 1959 and the first patient was received on June 1<sup>st</sup>.

## **B) Engineer's Report**

### **1) Biweekly Report**

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

### **2) Broadway Signalization**

Dr. Boswell reported that the County is advertising the train signalization project this week. Bids are due on May 9<sup>th</sup> and the contract is expected to be awarded at the May Freeholders meeting. Construction will start around mid-June. Dr. Boswell spoke with Councilmember Grefrath about the four trees just north of Park on the western side of the Park. The plan calls for relocating the poles and widening the road 8 feet in order to accommodate 11 more parallel parking spaces opposite the Library on the north side of the street. This will leave about 14-15 feet from the new location of the poles to the existing trees. Dr. Boswell feels the trees could be trimmed without that much of an impact on them. They would probably not have to be taken down but he can't guarantee it. Councilmember Grefrath asked if it couldn't be guaranteed, then why do the 11 parking spaces. Mr. Boswell indicated that he is looking for direction.

Councilmember Grefrath suggested eliminating the parking on the library side. Dr. Boswell noted that then parking will be on one side instead of two. He explained that currently there are 62 parking spaces in the whole Park. Boswell's original proposal brought it to 75. Because of protecting two other trees, 6 spaces were lost. So as it stands right now, there will be an increase of 7 spaces to 69. Dr. Boswell said what Councilmember Grefrath is suggesting would eliminate 11 spaces, leaving the Borough with 58 instead of the current 62 spaces.

Mayor Birkner asked what would be the deciding factor on whether the project would impact the trees. Dr. Boswell recommends asking Public Service how much trimming they require. Mayor Birkner mused that the 8 feet would have an impact on the tree branches but not the trunks. Dr. Boswell points out that there are some decorative lights that are about where the poles would be. Looking at them, his opinion is that there would be some trimming involved. His opinion is that Public Service would not require them to be taken down but that's an opinion at this point, it's not a fact.

Councilmember Grefrath pointed out that when construction was done on Fifth Avenue, he was guaranteed, as well as can be, by the contractor that none of the trees would be taken down. Councilmember Grefrath asked that on a case-by-case basis, he was to be called and would decide whether a tree could be taken down. Every morning and every evening for 10 days he received a call. By the end of the week, every single tree on the street was taken

down. Councilmember Grefrath urged the Governing Body to keep the trees and the integrity of the park.

Councilmember Arroyo asked if there has every been a traffic/parking study done that compares the 62 parking spots that are there now and the need for more. Dr. Boswell answers that the Parking Authority might have done one but his firm did not. It was felt that as long as there would be more spaces, it was an improvement.

Council President Sciara stated that he has looked down the line of trees in question and it appears that the mature trees would not have to be touched. If they did have to be trimmed or, worse case scenario, taken down, the Shade Tree Committee could purchase more mature trees to replace them. Council President Sciara believes the way this project is set up right now and is designed is the best for the movement of traffic around the downtown of Westwood. He does not believe taking commuter parking away is a positive for Westwood.

Councilmember Waneck respectfully disagreed, citing that the Borough just finished revitalizing that section. She was not in favor of this phase from day one and would be in favor of losing the 4 spots and leaving at least this part as is.

Councilmember Quinn voiced concern that the project is designed to add green area and yet there is discussion about taking down trees. She feels that if the roots are disturbed, trees will be lost. Dr. Boswell stated that the general rule is that the canopy of the tree and the root system are the same. If you take the drip line, you have an impact on the roots. The project looks to be outside that line so he doesn't believe we will have an effect on the roots.

Councilmember Grefrath suggested bringing in an arborist.

Councilmember Miller commented that once parking is removed, it doesn't come back. The trees can be replaced. You can't replace the lost parking. The Governing Body is always hearing about not enough parking and 11 spots less is 11 spots lost forever.

Mayor Birkner stated that he is mindful of the Joni Mitchell song "they paved paradise and put up a parking lot". In his unexpert opinion, in trying to gauge how much the impact would be, the poles themselves and the wires themselves do not appear to be in that canopy. But he would prefer hearing from an expert. Councilmember Waneck suggested that the road be marked out similar to what was done at Five Corners so the Governing Body could visually see exactly where the roads and sidewalks would be. Then everyone could make a firm decision. Dr. Boswell stated again that he doesn't believe there will be damage to the trees. The only question is, does PSE&G not want big trees next to their power lines? That's the bigger issue. Dr. Boswell said he can't guarantee that after Sandy PSE&G won't come back and say they're leery about the big trees near their power lines.

Mayor Birkner reflected that it is a big decision and an important one. He asked whether an arborist be able to tell with a greater degree of expertise about the impact and the overall health of the trees. Councilmember Grefrath asked if PSE&G could take a quick look and see, in their opinion, if the trees impact their lines. Dr. Boswell summarized that the Council would like an arborist to look at the trees, PSE&G consulted to see what their opinion is and then he would come back to the Council with a report. Councilmember Waneck requested that before paying an arborist, lines be sprayed where the poles would be. The DPW will be asked to mark the lines and place an X where the poles will be placed.

## **C) Council Liaison & Committee Reports**

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

#### **a) Community Garden**

Councilmember Waneck reported that the contractor will not be able to put in the fence

for the Community Garden until May 30<sup>th</sup>. The Environmental Committee has so far spent only about \$6,000 for the whole project which comes in way under what was anticipated. They will be promoting the garden at Westwood Pride Day for late summer or fall planting.

**b) Road Paving Ordinances**

Councilmember Waneck advised that the CFO is reviewing old road paving ordinances. Councilmember Waneck would prefer to pay down debt but will defer to Public Properties Liaison Quinn to discuss what she thinks should happen with that money, which could be used for paving.

**c) Note Sale**

Councilmember Waneck reported on the recent sale of the one-year Bond Anticipation Notes. CFO Ayer rolled two existing notes together and saved .25% on next year's Bond Anticipation Notes.

**d) Revenue**

Councilmember Waneck discussed Mrs. Hughes' memo on current revenue and suggestions for new sources. It includes a new custom revenue report that the Governing Body will receive quarterly. Councilmember Waneck reviewed the details of the report. She next reviewed the list of current license and permit fees and encouraged the liaisons to speak with their Department Heads about them. Finally, Councilmember Waneck reviewed the list of suggested revenue options. She discussed the proposal for instituting business licensing. With 600 businesses in the Borough, a business license at \$100 would bring in \$600,000, which makes it worth discussing. A factor to consider is that the DPW now has Saturday hours to keep the downtown clean. She asked for a consensus on whether to look into any of the suggestions.

Councilmember Miller asked if the two largest revenue producers are business licenses and EMS third party payment. He feels those should be looked into first to determine what the impact is.

Mayor Birkner voiced concern about business fees for local businesses being a burden on the merchants. Councilmember Waneck wants to explore what the businesses are entitled to for the license. Mayor Birkner said what they get, particularly if they are on Westwood Avenue, are the trash bins that their customers use and snow plowing so the businesses can be open. The Council agrees that this is definitely a conversation worth pursuing and focus should be placed on the ones that would have the largest impact.

**2) Police and OEM:**

**a) Deputy OEM**

Councilmember Miller reported that all parties interested in the Deputy OEM position have been spoken to. He expects candidates for appointment by the next meeting.

**b) Police Promotional Requirements & Process**

Councilmember Miller reviewed the opinion of the Labor Attorney on the police promotion educational requirement. He said the current process is inappropriate as it is contrary with Title 40A. Councilmember Miller read into the record: "Due consideration

shall be given to a member or officer so proposed for the promotion to the length and merit of his/her service and preference shall be given accordingly to seniority in service.” He believes the educational requirement does not allow what Title 40A:14-129 requires. Councilmember Miller explained how theoretically an individual with 20 years of service and an English Lit degree could be considered, but an individual with 20 years of service who is a leader, with numerous awards for service and vision for the future of the department, would be precluded. The Police Committee, with the support of the Labor Attorney, believes this is inappropriate and it must change. In addition, there is support by every member of the PBA about the change as something that they believe is necessary and appropriate for their department. Councilmember Miller feels the question really is, not if, but what to change to?

Councilmember Miller noted that the accreditation supports the change. He reviewed the proposed promotional process and its point system. He noted that during the last promotion testing, the difference between the two candidates was 1 point, giving the points significant impact. Councilmember Miller stated that the law says what is have in place is not acceptable, it is not proper.

Mayor Birkner commented that he thinks the current process was well intentioned but the Borough might be realizing the unintended consequences of a decision made some time ago. The current law puts the Borough a disadvantage should there be a labor dispute with regard to the promotional process.

Councilmember Quinn asked how many years the process has been contrary to Title 40. Councilmember Miller is not sure but suspects it has been a while. Councilmember Quinn asked if the policy was in place prior to the statute and was grandfathered. The answer is no. Councilmember Quinn questioned whether everything had to be revised right away. Councilmember Miller responded yes. Councilmember Quinn questioned why it wasn’t known before. Councilmember Miller said he did not realize it until the Borough received a letter from the State Chief’s Association, who is now overseeing the accreditation, which referred to Title 40. This was after the decision in December by the Governing Body not to make the educational changes. Chief Regino interjected that the accreditation requires ‘Best Practices’. Councilmember Miller explained that to follow ‘Best Practices’ you must follow the law. He reconfirmed that there is a letter from the Officers and Patrolmen stated that they stand behind the change in the promotional process.

Councilmember Grefrath reflected that he was on the Governing Body that put the education component in place. He remembered that the reason they did was that they were receiving complaints from the Police Department more than 10 years ago that there was low morale, not a clear chain of command, not a specific path for promotions and the Police wanted them to do something about it. This was one of the things they did to try to make the game fair, and gave the officers 8 years to meet these requirements. Councilmember Grefrath understands a state statute trumps a local statute but he’s hearing in the officers’ letter that there are still some of the problems as many years ago. He’s not sure if it’s inherent, but at the time the Governing Body thought the education requirement was a pretty good help. Councilmember Grefrath believes that the points being proposed for education are too low. Councilmember Miller asked what would be more appropriate. They discussed potential points.

Councilmember Miller thanked everyone for a respectful debate. He reiterated his concerns about whether an English Lit degree would justify the educational points.

Councilmember Arroyo stated that there are studies about the performance of Police Officers who have a Bachelor Degrees. They actually out perform Police Officers who have Science Degrees. One of the studies concluded that a person with a Bachelors Degree performs as well as an experienced officer with 10 years. He believes the discussion on points is down the road. The immediate question for him is whether the policy that has been in place since 2002 was vetted. Mayor Birkner and Councilmember Miller said no one knows for sure. Councilmember Arroyo would like to know if there is another jurisdiction in the State of New Jersey that requires a rank officer to have a Bachelors Degree. Councilmember Miller said that the County Police Department does not. He doesn't think the State Police require it either.

Councilmember Waneck asked about prior promotions made under an illegal criteria. Mr. Huntington said the 45-day challenge period has long since lapsed. He pointed out that two different things are being discussed interchangeably. On the one hand there is a policy that sets an absolute bar that an individual shall not be promoted without a Bachelors Degree or Masters. It is another thing entirely, and Mr. Huntington thinks the Labor Attorney would agree, to fashion a promotional program that evaluates officers on a variety of criteria including education but lets everyone participate. The officers who have relevant college credits, and that can be decided advance, can be more favorably reviewed than officers who don't.

Councilmember Miller stated that the proposed procedure allows everybody to participate. It allows them to show all the ingredients they have as a candidate. Their education, their accomplishments, their vision, everything, and then we can select the best candidate.

Borough Attorney Huntington commented that in a correctly fashioned program, with all things being equal except for the education, the person with the superior education ought to win.

Mayor Birkner feels that it comes down to an issue of compliance. Moving forward five or ten years down the road, with the department maintaining its compliance with Title 40, the education becomes the component because everybody starts off educated. Councilmember Quinn mused that the Borough can require education as a hiring qualification but we can't ask higher rank officers to have education. Mayor Birkner answered that the Borough can ask for it but according to the law, is not required.

Mayor Birkner recommended that the Labor Counsel attend the next Closed Session meeting to advise the Governing Body on the law. Councilmember Waneck wondered if the Borough should have someone from the outside look into what has created all these animosities and problems. Mayor Birkner invites Chief Regino and Captain Durante to participate in the conversation to address questions on the mechanics of the department and the perceptions that may be articulated in the letter.

Chief Regino says in his interpretation of the letter is that the officers are looking for consistency. He does not read it as animosity but as support of getting everyone on the same page. He believes everyone in the department respects each other. There are a couple of officers that, for whatever reason, have not been able to get their college education but they have had a lot of life experience and experience on the job. The department members are asking because of the Statute to include those officers in the process. By putting in an extra point system for education it would not take away from officers that have gotten their degrees. The request is just to comply with what the Statute says, comply with the Best Practices that we all bought into with the accreditation

process and move forward with a process that is all inclusive and will generate the best people. The proposed policy will eventually address all future promotions.

Councilmember Miller said the proposed policy would reward someone with a Bachelors Degree who puts in the energy to get a Masters. This encourages someone to go forward. That is not what is in place now.

Captain Durante believes that the intention of the letter was in the town's best interest. The proposed policy would give the Borough the opportunity to get the right individuals. Captain Durante explained that there are highly educated people that do a good job but some of them don't have the same people skills, which is important in this job. Some are better at giving straight up answers and resolving problems. Captain Durante said there may have been animosity because the prior promotion processes changed each time. The proposed policy will never have to change because it follows state law, recognizes education, and recognizes work ethics. The current policy excluded people who were smart and worked hard, creating friction and problems in the department.

Councilmember Miller advised that the matter will be on the agenda for further discussion at the public meeting, and requested everyone's thoughts on what they might like to see changed in the proposed policy.

**3) Fire and Ambulance:**

**a) Ambulance Corps**

Council President Sciara announced that the annual Volunteer Ambulance Corps carnival will be held from July 23<sup>rd</sup> through July 27<sup>th</sup> in the K-Mart parking lot.

**b) Fire Department**

Council President Sciara reported that the Fire Department recently trained in the Swift Water Rescue technique and were certified. That adds another 26 members in the Pascack Valley area that are Swift Water trained. It's been a two year process and it's very rewarding that 26 people took advantage of it.

**4) Public Properties:**

**a) Road Paving**

Councilmember Quinn asked whether the Council would prefer to apply the unused \$130,000 in road paving funding towards paying down debt or towards a paving project this year. Councilmember Miller asked how much paving could be done for that amount. Mayor Birkner suggested one possibility is to make up the gap for the Pascack Road project. Mr. Hoffmann said there are several options based on the quantities the engineers submitted this year. Councilmember Waneck suggested using it towards the Madison/Park project. Councilmember Grefrath agreed that it would make the most sense to pay down debt. Mayor Birkner corrected that it would keep the Borough from incurring new debt. The consensus is to apply it to the Madison/Park project. Councilmember Waneck clarified that the \$130,000 from closing out these Ordinances will go to pay off existing debt. It will not actually be used towards the specific project. Councilmember Miller noted the Borough will incur new debt at a lower rate.

**b) Westwood Pride Day**

Councilmember Quinn will distribute the Governing Body's table schedule for

Westwood Pride Day.

**c) Westvale Park Runoff**

Mayor Birkner advised that a note was received from the Bergen County Soil Conservation District, who was concerned about runoff in Westvale Park at the new connection path. Apparently, on that slope there was not a lot of vegetation. The County reached out to the Westwood DPW, who put top soil and seed down. The County covered it with hay and also replenished the seed that the Borough used. The County Department of Parks commended the Westwood DPW and the job they did.

**5) Land Use:**

**a) Proposed Zoning Amendment**

Councilmember Arroyo pointed out the memo from the Borough Planner regarding the proposed amendments based on the Master Plan Reexam. Councilmember Arroyo will move these ordinances at the next meeting.

**b) Historic Preservation Commission**

Councilmember Arroyo reported that the Historic Preservation Commission held a special meeting and invited two members of the Historic Preservation Commission in Tenafly to discuss the practical workings of Tenafly's Historic which is a well established commission. It was an informational meeting regarding the practical workings of Tenafly's Commission. It was well attended by local CBD property owners.

**c) Land Use Boards**

The Planning Board reviewed the application for the the former Arrow Stationery store property. A decision is expected at the next meeting.

The Zoning Board meeting was carried to June 3<sup>rd</sup> since no applications were ready to proceed.

**6) Health and Recreation:**

**a) Computer Inventory**

Councilmember Grefrath discussed the purpose of the computer inventory, which he will report on monthly. Councilmember Waneck commented that it's good information to have.

**b) Recreation Board**

Councilmember Grefrath reported on the various recreation programs. The Recreation Director solicited and received \$4,900 in sponsorships for the summer concert series from HUMC North at Pascack Valley, the Rainbow Academy and Atlantic Stewardship Bank. The community center and gym generated more than \$8,000 in rental fees in April. Over the past two months, \$10,500 was spent on clay, seed and stone for fields. The money came out of the trust fund and not out of the operating budget.

**c) Park Fees**

Councilmember Grefrath recommended introducing the park fee ordinance the way it is. It contains the agreed-on fees with regard to lighting usage. It does not include fees for

the youth sports organizations for this year. It is Councilmember Grefrath's understanding that the Governing Body agreed not to charge the sports organizations this year but to complete two years of actual usage data. If there is a shortfall, the Borough will inform the sports organizations by November that there will be charges in 2014.

Councilmember Grefrath asked that the ordinance be introduced this evening.

**13-3 An Ordinance Amending Chapter 243 Parks And Recreation Areas Schedule B Recreation Department Fees**

BE IT RESOLVED, that Ordinance 13-13 An Ordinance Amending Chapter 243 Parks And Recreation Areas Schedule B Recreation Department Fees is hereby introduced by title; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to advertise said ordinance with the 21<sup>st</sup> May 2013 hearing date in the official newspaper according to law.

**Motion to Pass Ordinance on First Reading:** Councilmember Grefrath

Second: Councilmember Quinn

Roll Call: Councilmember Grefrath – Yes

Councilmember Phayre – Yes

Councilmember Sciara – Yes

Councilmember Miller – Yes

Councilmember Quinn – Yes

Council President Waneck – Yes

**d) Bandstand Roof**

Councilmember Grefrath reported that he and Lee Tremble of the Heritage Society are soliciting quotes from vendors regarding the bandstand roof. Councilmember Grefrath agrees with Mr. Hoffmann that the camera that is placed in the bandstand should stay in its present configuration since the installation seems to be extremely effective and the camera in the bandstand is now making sure that the bandstand's integrity is being preserved. Accordingly, Mr. Hoffmann has inserted into the RFP for the security system upgrade two additional cameras in the bandstand that will maintain visuals of the Park.

**e) Memorial Benches**

Councilmember Grefrath said Gary Buchheister and Rick Woods just ordered a set of mid-bench armrests to try to obstruct skateboarders from jumping in the middle of the bench and riding down them. These armrests will arrive in 2-6 weeks. Mr. Woods will install them. Going forward, these armrests will be included in any new benches. The armrests cost \$148 and there is money in the trust account to handle the purchase.

**D) Attorney's Report**

No report

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

**1) Salary Ordinance**

Mr. Hoffmann advised that the Salary Ordinance is scheduled to be introduced at the May 21<sup>st</sup> meeting. It provides ranges which are in accordance with the 2% increase.

**2) Bids**

Mr. Hoffmann reported that the bid opening for IT Consulting Services is scheduled for tomorrow at 10:00 AM. Six vendors picked up bid specifications. The security system upgrade to Borough Hall bid opening will be on Wednesday, May 15<sup>th</sup> at 10:00 AM. As of the 17<sup>th</sup>, fourteen vendors picked up bid specifications and at least five vendors made a visit to Borough Hall to do a walk through. There will be a bid opening next Wednesday at 11:00 AM for an articulated wheel loader for the DPW. The award for the yard waste bid will be on the May 21<sup>st</sup> agenda for Governing Body approval.

**3) Sustainable Jersey**

Mrs. Hughes explained two resolutions that would be helpful for Sustainable Jersey effort. One has to do with anti-idling and the other encourages green building within the Borough and the consideration of green building methods if the Borough does any projects. She reported that the Sustainable Jersey recertification is moving along very well.

**9. Agenda/Public Forum:**

**Motion to open the Agenda/Public Forum:** Council President Sciara

Second: Councilmember Miller

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

Peggy Maisch, 75 Harding Avenue – Ms. Maisch discussed concerns with corner properties and the hardship she believes is created by the Borough code, especially for corner properties that are undersized. She reviewed the issues with pools and fences. Ms. Maisch voiced her frustration with needing variances. She noted that the surrounding communities all have different criteria for their setbacks, some of which are a little more flexible. Mr. Huntington explained that the Governing Body cannot address the specifics of a variance. He answered several of her questions regarding the zoning code but noted he was not in a position to debate with her. Mayor Birkner referred the matter to the Land Use Liaison to take back to the Planning Board for recommendations.

George Kraynak, 131 Washington Avenue – Mr. Kraynak suggested burying the wires in the park underground. Councilmember Sciara said that PSE&G will only bury wires on new construction. Mr. Kraynak maintains that this is new construction. Mayor Birkner said it's a good idea and the Borough will ask if it can be done. He thanked Mr. Kraynak for the suggestion.

Sam Mercurio, 36 5<sup>th</sup> Avenue – asked Mr. Huntington whether the law applies equally to same size lots when one is a corner lot. Mr. Huntington that Mr. Mercurio is correct, it does not. Mr. Mercurio asked why that isn't discrimination. Mr. Huntington explained that discrimination is when you treat people similarly situated differently. A corner lot presents different land use challenges than an interior lot. That is a principle that is widely accepted. Mr. Mercurio doesn't care about what most towns do, he is only concerned about what Westwood does. Mr. Mercurio commented that the law just doesn't make sense.

**Motion to close the Agenda/Public Forum:** Council President Sciara

Second: Councilmember Miller

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

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

**Ordinances for Introduction**

**13-12 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Amending Ordinance No. 12-22 Of The Borough Finally Adopted August 21, 2012, Providing For Various Road And Park Improvements In The Borough Of Westwood And Appropriating \$385,000 Therefor And Providing For The Issuance Of \$365,750 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same**

**BE IT RESOLVED** that Ordinance #13-12 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Amending Ordinance No. 12-22 Of The Borough Finally Adopted August 21, 2012, Providing For Various Road And Park Improvements In The Borough Of Westwood And Appropriating \$385,000 Therefor And Providing For The Issuance Of \$365,750 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 21, 2013 hearing date in the official newspaper according to law.

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

Second: Councilmember Miller

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**

**13-7 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 #13-4 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” having hereby been read by title, shall have a hearing held on this date.

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

**BE IT RESOLVED** that an Ordinance known as #13-7 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 Quinn    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. 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 f and g were added at this time.

**Resolutions as Consent Agenda:**

- a) **Resolution #13 - 140: Bill List & Statement of Cash**
- b) **Resolution #13 - 141: Cancellation of General Capital Improvement Authorization**
- c) **Resolution #13 - 142: Authorizing Refund of Taxes B1508 L11**
- d) **Resolution #13 - 143: Authorization for Community Forestry Plan**
- e) **Resolution #13 - 144: Authorization to Bid Clothing Bin Concession**
- f) **Resolution #13 - 145: Authorizing Settlement Agreement Regarding Tex the Dog**
- g) **Resolution #13 - 146: Supporting Jeans for Troops Day**

**Motion to adopt resolutions #13-140 through #13-146:** 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

**12. Adjournment:**

**Motion to adjourn:** Councilmember Sciara    Second: Councilmember Miller

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

The time was 10:20 pm.

Attest:

*(signed) Karen Hughes*

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk