

BOROUGH OF WESTWOOD
WORK MEETING OF THE MAYOR & COUNCIL
JUNE 11, 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 – Absent
Borough Administrator Hoffmann – Present
Borough Attorney Huntington – Present
Borough Clerk Hughes – Present

Committee Assignments:

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

3. Resolution #13 - 164: Executive Closed Session

Motion to adopt Resolution #13-164: Councilmember Miller Second: Councilmember Grefrath

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

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Arroyo Second: Councilmember Miller

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

The time was 8:05 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 – Absent / 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) Railroad Signalization Pre-Construction Meeting Update

Mayor Birkner reported that work will commence July 12 at Broadway & Irvington. For two weeks the crossing will be completely closed to traffic, which will require rerouting of traffic

and bus staging. During construction there will be no train service between 9 am to 4 pm, from Emerson north. Coach bus service will be contracted to provide shuttle service from stations along the Pascack Valley line to the Oradell bus station. Prior to 9 am and after 4 pm service will be normal. Work will be conducted on weekends between 7 am and 9 pm, with no train service during those hours. The next intersection will be First and Broadway, resulting in a similar situation with the train. The third intersection will be Broadway and Washington. The final phase will be Madison, Third and Park. The bulk of the train crossing work is expected to be done by September. The entire project is scheduled to be completed by the end of November. The contractor is currently working on the staging of construction materials. Residents are reminded that this is a major construction project, so please be patient, it will improve the flow of traffic when completed. There will be additional meetings with the Chamber to get the word out to local businesses. The Borough will do its best to advertise routing, delays, and traffic patterns. Councilmember Grefrath questioned whether the project would start on a Friday. Mayor Birkner said yes, they will be able to work straight through the weekend.

2) Lightning Detection System

Mayor Birkner advised that the second meeting on the lightning detection/prediction system would be June 12th at Westwood Regional High School. Mayor Birkner would like a member of the Governing Body to attend. Officials from Washington Township, Emerson, and the Emerson and Westwood Regional Boards of Education will also be in attendance. Mayor Birkner expects to discuss a joint purchasing agreement after the presentation. With the school year ending shortly, he would like to have a decision by the next Council meeting.

3) Hospital Update

Mayor Birkner announced that the wait is over. The Governor came back to Westwood on May 23rd to cut the ribbon for the hospital. The first baby was born less than two hours after the doors opened on June 1st.

B) Engineer's Report

a) Biweekly Report

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

b) Fourth and Ward

Mr. Hoffmann discussed a request from residents at Fourth and Ward regarding drainage issues. Mr. Hoffmann and Mr. Woods met with the Emerson Administrator and DPW Superintendent. Water from Emerson comes down onto Fourth Avenue and sheets onto properties. Mr. Hoffmann is requesting consideration for a joint drainage study.

Dr. Boswell noted that Fourth Avenue is a County Road. There is no drainage for water from Lincoln or Ward. The solution would be to bring drainage up Fourth towards Lincoln to pick up that water. He would just have to check the capacity of downstream drainage, which he thinks is a 30 inch pipe and capable. The question is who will pay for it. Mayor Birkner said the water is coming from Emerson, similar to the situation on James Street. Dr. Boswell agreed. Mr. Hoffmann observed that almost all houses in the area have drainage coming out to the curbs. Dr. Boswell said it is a hill with no drainage, so water will flow down and sheet

across. Solvable, but it is a jurisdictional issues. Dr. Boswell suggested he meet with the County Engineer and ask them to put it on their agenda to be done. The consensus was yes. Councilmember Waneck said it would be in lieu of a joint study. Councilmember Arroyo asked the cost for the project. Dr. Boswell estimated a couple of hundred dollars. For six inlets at \$3,000 each, he estimates \$18,000. Three to four hundred feet of pipe would be \$40-50,000. That brings it to about \$100,000. Mr. Huntington jokingly said the rest is engineering costs. Dr. Boswell parried with "From your lips to God's ears." Based on the quick math, Dr. Boswell revised the estimate to \$80-100,000. It all depends on how many inlets and pipes. He noted that the project works better the further you chase the water up the hill. Councilmember Grefrath commented that Emerson didn't do any of this. Dr. Boswell agreed. He believes he should be able to meet with the County before the next Council meeting.

c) Hillsdale Report on Woodcliff Lake Dam

Mayor Birkner commented on the results of the study commissioned by Hillsdale about the effects of the Woodcliff Lake dam projects. Dr. Boswell recapped the summary of the report, which says the work will not have either a negative or a positive impact. He noted that Westwood's concern is bigger, which is maintaining the level of the reservoir.

d) Fourth & Forest Pump Station

Dr. Boswell explained that there are two issues with the Fourth and Forest pump station. One is corrosion in the wet well, the other is the elevation of controls which are now low. The least expensive way to remediate is in his proposal. Welding is strongly recommended against for the well, it should be replaced. And if replacing the well, it makes sense to check the life expectancy of pump, since the Borough may want to replace that as well. Then part of the process would be to put the controls up higher. Dr. Boswell noted this is a 2014 item. Councilmember Waneck asked if there is a sleeve that could be used. Dr. Boswell said the corrosion would continue. However, it may be possible to sandblast and recoat if the corrosion hasn't penetrated deeply enough. Councilmember Arroyo asked how old it is; Dr. Boswell thinks 20 years. Mr. Hoffmann said it is from the 60's. Councilmember Arroyo asked if new polymers can be used. Dr. Boswell said coatings are better now. The Borough can also look at using stainless, since it's such a small piece of the overall project that it can go higher and only affect 1% of the cost. Dr. Boswell explained the corrosion process in detail.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Community Garden

Councilmember Waneck reported that the Environmental Committee had an active table at Westwood Pride Day. Seven Committee members have expressed interest in a Community Garden Plot. The rain has hampered the ability to move forward and lay the gravel foundation, but the fence has been installed and the boxes are in and constructed.

b) Finance Department Update

Councilmember Waneck said the CFO is working on closing out bonds. There are some

questions regarding the Westvale irrigation bond, which is being researched so she can report back to the Council. A cash management fund that was making no money has been closed and the funds transferred into another account. The CFO is working on inputting all fund account information into Edmunds.

c) Business Licensing

Councilmember Waneck thanked Mrs. Hughes for her detailed memo on business licensing. Councilmember Waneck said the idea is timely, since there are certain events that the Chamber asks for which can cost money. This is an excellent example of downtown businesses participating in a fee to cover labor and cleanup, etc of the downtown area. Councilmember Waneck would like to put together a proposal based on the memo. She asked the Governing Body to get back to her with preferences on a flat fee, footage fee, etc. The next step would be to send a letter to the Chamber members to discuss implementing business licenses at a public session. Councilmember Waneck stated that no one likes to add fees but the Borough is currently spending an additional \$22,000 to keep up the downtown. Councilmember Arroyo voiced concern about implementing the license during the disruption downtown. Councilmember Waneck said the license would not go into effect until next year.

2) Police and OEM:

a) Police Promotional Requirements & Process

Councilmember Miller thanked all for being active partners in the police promotion discussion. He believes discussing how future leaders of the Police Department are selected is time very well spent, since the Police are the largest cost center to the Borough, and it allows residents to rest peacefully at night and trust they are being protected. Councilmember Miller called it the most significant conversation of the year. These appointments are virtually lifetime, so there must be serious and thoughtful decision. Councilmember Miller noted that he is talking about opening up the process. It is not a predetermination of selection. The Police Committee objectives are to select the best possible candidate for each position; to establish the largest pool of candidates to select future leaders; to judge each candidate on the largest body of work; and to establish a process that is as objective as possible. Councilmember Miller thanked Councilmember Grefrath for providing an alternative. The removal of education as a gatekeeper aspect is significant. Councilmember Miller agrees with Councilmember Grefrath that putting education within the 100 point system makes it a significant statistical value. Councilmember Miller wants to discuss the suggestion for a criminology degree. Only Stockton College offers a criminology degree in New Jersey. Criminology is used interchangeably with criminal justice, but they are different degrees. No one on the Police Department has a criminology degree. Councilmember Miller said there are other items in Councilmember Grefrath's proposal that need tweaking. It doesn't recognize a masters degree; there's no recognition of majors and minors; and no recognition for partial credit towards a degree. Councilmember Miller also thinks the process should credit both education AND experience. Councilmember Miller pointed out that colleges such as Thomas A. Edison College look at employment and other training and give college credit for it.

There will be a resolution on the June 25 meeting. The Police Committee will tweak Councilmember Grefrath's suggestions while sticking to objectives. He will attempt to distribute it beforehand so the Governing Body can review and think about it, and comment.

Councilmember Grefrath noted that his plan said criminology but his notes said criminal justice. He likes the suggestions. Education was established as a gatekeeper for reason. If changing the process then he feels it has to make education as part of the criteria because it helps develop management skills. Education should be in concert with other criteria.

Councilmember Quinn pointed out that the next meeting is only two weeks away. Will this be prepared in a week? Councilmember Miller said he is hoping to get it out in a week. Councilmember Quinn would like to discuss it before it is moved on. Councilmember Miller said it will be a hybrid of what is already seen. He emphasized the need to move. Councilmember Quinn corrected that it is a need to move or not move. Mayor Birkner reassured that the draft will not be given out the Monday or Friday right before the meeting. When Councilmember Quinn said that happens many times, Councilmember Miller said the Council will get it before that time and will not feel pressured.

Councilmember Arroyo said one point in Councilmember Grefrath's plan is to reduce the percentage allotted to the review by the Police Chief and Committee from 40 to 20 percent due to removing the objective measure of a degree. Councilmember Miller is not sure of the percentage but each piece will be weighted appropriately.

Councilmember Quinn asked if it will be a new proposal. Councilmember Miller said it will combine Councilmember Grefrath's with what was before, and will keep to the objectives.

Councilmember Arroyo pointed out that there are 23 out of 27 officers that have degree. There are 13 out of 20 who have associate degrees and qualify with length of service for promotions to sergeant. Three out of five who qualify for Lieutenant or higher. He questioned whether that is not enough. Councilmember Miller said the Committee is trying to take a longer view. The Governing Body has been criticized for constant change to the process. Currently there can be four sergeants with associates degrees that would never be eligible for lieutenant. Mayor Birkner clarified that they would be ineligible to apply. Councilmember Arroyo said the assumption of the current policy is that the Police officers would continue with their education and get a degree. Councilmember Miller agreed. Councilmember Waneck stated that all new hires meet the education requirement. Councilmember Miller said the Police Committee believes it is important so they have looked for education in the new hire process. Councilmember Waneck said if education is not a requirement of new hires now, perhaps it should be. Councilmember Miller doesn't disagree.

Councilmember Arroyo said at one point the Borough incentivized Police officers to get a degree. Mayor Birkner said it was not specific to Police education, and individuals got higher education outside of law enforcement. Councilmember Grefrath said qualifying the education is important to the process.

3) Public Properties:

a) Heritage Society Update

Councilmember Quinn commented that Westwood Pride Day was a great success. Mayor Birkner thanked Councilmember Quinn for her work on the Governing Body's table.

Councilmember Quinn announced that the Heritage Society gave out their annual scholarship awards.

Chief Regino interrupted the proceedings to thank everyone for their time and consideration on the matter of the Police promotions.

4) Land Use:

a) Land Use Boards

Councilmember Arroyo reported that the ETD tire proposal was reviewed at the June Zoning Board meeting. The Planning Board will meet Thursday to discuss issues with corner lots, signs, and the outdoor café ordinance.

b) Certificate of Appropriateness

Councilmember Arroyo advised that the draft Certificate of Appropriateness was in the Council's meeting package for information purpose. The Certificate is part of the mandate in the Historic Commission ordinance.

5) Health and Recreation:

a) Technology Committee Update

Councilmember Grefrath reviewed the work done on the various Borough computers in 2013, which totals 24 hours of maintenance plus hardware and server work for \$19,623 in costs to date.

b) Field Lighting Report

Councilmember Grefrath reported on the meeting with sports groups regarding field lighting. The groups were all supportive, but voiced concern about the absence of a power supply for their PA system. Councilmember Grefrath noted there is a 5% increase to the PSEG bill as of June 2013. Mr. Hoffmann reported that in response to his letter, the BPU sent a 6 page letter with a 32 page attachment that contains definitions of the demand charges. Mr. Hoffmann said PSEG will be reading the Borough's meters on the last day of every month, making it easier to schedule lighting use for sports group. Councilmember Grefrath would like numbers by the end of November to determine whether sports groups will have to pay in 2014 or not. Lagging the bills will not help the effort. Mr. Hoffmann relayed that PSEG said if a field is not used for 10 or more days per month then there is a break point involved.

Councilmember Waneck noted that lighting bills for January through March 2013 were almost double for the same time period for 2012. She asked if PSEG explained it. Mr. Hoffmann said the kilowatt usage for the fields is over 15 kw. Councilmember Waneck said the lights are not going on during that time. Mr. Hoffmann explained that the lights have the capacity of over 150 kw. Councilmember Waneck asked if the Borough can be charged for what the lights are capable of doing. Mr. Hoffmann said yes,

there is a surcharge. Mayor Birkner pointed out that Hillsdale has a similar situation.

Councilmember Waneck questioned why bills are so much more when everything was at that capacity in 2012. Mr. Hoffmann explained that the Borough was initially categorized at the general lighting (GLP) rate. This year the Borough was placed on the large power and lighting service rate (LPLS). Mayor Birkner asked if Meadowbrook is GLP. Mr. Hoffmann said if it is under 150 kw then yes. Mr. Huntington suggested disconnecting the lights. Mayor Birkner said there would be a charge per pole to reconnect. Councilmember Waneck asked when the Borough went from GLP to LPLS. Mr. Hoffmann said this year.

Councilmember Arroyo asked if the first designation was an estimate, then after a year of usage it was changed. Mayor Birkner said no, and it is an issue for the BPU. Councilmember Waneck asked how PSEG is determining the kilowatt capacity. Mr. Hoffmann said they are reading the meters. He said he hasn't yet looked back at the original specs on the lights. The Borough had received an estimate for kilowatt hours but not demand charges. Councilmember Arroyo observed that the Borough is being charged twice for standby. Mr. Hoffmann agreed. Councilmember Waneck asked if the information will be relayed in an understandable manner for the sports groups. Councilmember Grefrath will ask Mr. Buchheister to put it in writing.

Councilmember Miller asked about standby vs. usage fees. Mr. Hoffmann said the first year's bills reflected more for fees than actual usage. Councilmember Grefrath noted there was burn in time also. Councilmember Miller pointed out that if the focus is on usage, it is not going to make a difference if it is only 20% of the total cost. Mayor Birkner said spring and fall are the biggest use time. Councilmember Grefrath relayed that the teams said they will end by dark. Councilmember Arroyo said the Borough has to capture costs on this.

c) Recreation Update

Councilmember Grefrath reported that the Westwood Junior Tennis Program received a grant.

The preschool held its graduation last week. There were 22 graduates.

d) Memorial Benches

Councilmember Grefrath reported that the two remaining Memorial Benches in Quad 2 at Veterans Park have been purchased. He will redo the brochure to indicate there is a waiting list for Quad 3. Construction on that quad will commence in 2014.

e) Renaming Madison Avenue

Councilmember Grefrath said since Madison Avenue will be broken in half with the construction, he is suggesting the street be renamed. He asked the Veteran's groups for a name. They suggest Veterans Way. Councilmember Quinn said the park honors more than veterans. There is the 911 memorial, and the memorial benches. She thought Memorial Way or something similar, would be appropriate. Councilmember Grefrath there is two months to decide. He just doesn't think it should stay as Madison Avenue.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) 2013 Bergen County Open Space Trust Fund/Tennis Court Grant

Mr. Hoffmann advised that the 2013 Open Space Trust Fund application is due August 29th. It is a 50-50 match. The Borough had applied for a tennis court grant, and is on schedule to receive \$26,000. A final decision on it is due in June. Councilmember Waneck thought that it was taken off the capital budget. Mr. Hoffmann said the consensus during the budget process was to hold matching funds for expenses in Westvale or lighting. Mayor Birkner asked how much revenue is generated by the tennis courts. Councilmember Miller asked Mr. Hoffmann to repeat that consensus statement. Mr. Hoffmann said it is a matching grant. Councilmember Waneck stated it was taken out of the capital improvements. Mr. Hoffmann said yes, but he wanted to confirm that the Borough is taking a pass on the grant. Councilmember Waneck said yes. Councilmember Miller asked about the matching monies. Mr. Hoffmann remembered that during the budget process, part of the discussion was to ensure adequate funds for lighting costs at Westvale Park. Councilmember Waneck asked what it has to do with the Open Space grant. Mayor Birkner clarified that the question is whether the Council wants to say no or consider accepting the grant. Councilmember Waneck pointed out that the decision was made. She asked what has changed. Mr. Hoffmann just wanted to confirm that he should be sending the letter to refuse the grant to county. Mayor Birkner is still interested in seeing the revenue for the tennis courts. Councilmember Waneck noted that money was already set apart for the lights, and the recreation trust fund would be used if more is needed. Mayor Birkner agreed.

2) Highlands Information & Proposed Resolution

Mr. Hoffmann pointed out that the draft resolution regarding the Highlands that was presented at the last meeting is in the agenda book.

3) Court Consolidation Study

Mr. Hoffmann informed that a preliminary court consolidation meeting has been held between Westwood, River Vale, and Hillsdale administrators. River Vale passed a resolution last night to move forward. Councilmember Grefrath remembers it being discussed two years ago. Mayor Birkner said it was but now it has momentum. Mr. Hoffmann said there was an ad hoc subcommittee at that time consisting of Councilmember Grefrath and Councilmember Phayre. Hillsdale passed a resolution last week to go forward with the study but did not put funding into it. They are potentially revisiting it tonight or at their July 9th meeting. Mr. Hoffmann asked if Westwood wants to go forward with a study for a joint municipal court. Councilmember Waneck asked how this differs from the study Judge Karch offered. Mr. Hoffmann said the Judge provided the Administrative Office of the guidelines, a spreadsheet of data for the three towns, and a copy of the Triboro study. Councilmember Waneck thought the judge offered a plan, and asked why the Borough would pay for what has already been done. Mr. Hoffmann said it is not a study, there is just the Administrative Office's plan for a study. A specific study would be done to see if it makes sense for these entities to consolidate. Councilmember Waneck is in favor, she just doesn't want redundancy. Mayor

Birkner said the Judge has compiled data to assist in the process. With Hillsdale and River Vale interest high, it's the right time to move forward. River Vale funded \$7,000. Mayor Birkner thinks it's wise for Westwood to follow suit. Mr. Hoffmann said the Triboro study was done by an independent contractor who has been contacted for an estimate. They will also look into who else is available for the study. Mayor Birkner asked for a consensus to add a resolution to fund the Westwood portion of a multi-jurisdictional study of a consolidated court. Councilmember Grefrath wants to do it at the next meeting once it's known what the others allocated.

4) Web Hosting

Mr. Hoffmann advised that the Borough's web host is going out of business effective July 21st. The technology consultant is taking steps to move the Borough's email accounts to another company. It was unexpected but it will be handled.

5) HVAC System

Mr. Hoffmann noted that the Borough will be making its last payment on the Borough Hall in August. The mechanicals for the building are 20 years old. It will cost a fair amount of money in repairs to keep them working. He has prepared a memo on the matter and will be asking for guidance on how to approach this for the 2014 budget.

6) Plantings on FEMA Grant Properties

Mr. Hoffmann announced that the DPW was able to plant 4 trees on Harding Avenue this weekend. Kids were playing catch on the former 60 Harding Avenue property.

8. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Arroyo

Second: Councilmember Miller

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

Tom Smith, 424 Center Ave – regarding police promotions, Mr. Smith is an officer in a neighboring town where there is no education requirement for hiring or rank. It seems to work out, and the municipality promotes and hires with no problem. Mr. Smith believes years of service should be considered for a lot, since there is a certain amount of education one get from being on the road. He doesn't feel that education should be the be-all and end-all.

Michael Goldberg, 38 Best Street – asked if the intersections for the resignalization construction would be closing one after the other. Mayor Birkner reiterated the schedule. Mr. Goldberg said this way he knows so he can go a different way. Mayor Birkner said that's why he talked about the making public aware to plan alternates routes. Mr. Smith asked if it is a weekend project also. Mayor Birkner said yes.

Motion to close the Agenda/Public Forum: Councilmember Miller

Second: Councilmember Waneck

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

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. Resolution 'e' was added at this time.

Resolutions as Consent Agenda:

- a) **Resolution #13 - 165: Bill List & Statement of Cash**
- b) **Resolution #13 - 166: Authorize RFP for Phone System**
- c) **Resolution #13 - 167: Renewal of 2013-2014 Liquor Licenses**
- d) **Resolution #13 - 168: Street Closure – Westwood Chamber of Commerce**
- e) **Resolution #13 - 169: Authorization to Issue RFP for Cell Tower Lease**

Motion to adopt resolutions #13-165 through #13-169: 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 – Absent

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 9:05 pm.

Attest:

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