

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
JUNE 17, 2014 MINUTES
MUNICIPAL COMPLEX
101 Washington Avenue
7:30 PM Executive Closed Session/8:00 pm Public Session**

1. Opening of the Meeting:

The meeting was called to order by Mayor Birkner at 7:30 pm. Mayor Birkner then read the Open Public Meetings Law Statement: "This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regular Borough Council meeting. Notices have been filed with our local official newspapers and posted on the municipal bulletin board."

2. Roll Call:

Mayor Birkner – Present
Councilmember Arroyo – Present
Councilmember Bicocchi – Present
Councilmember Grefrath – Present
Councilmember Miller – Present
Councilmember Owens - Present
Council President Waneck – Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington – Present
Borough Clerk Hughes – Present

Committee Assignments:

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

3. Resolution #14 - 146: Executive Closed Session

Motion to adopt Resolution #14-146: Councilmember Arroyo Second: Councilmember Miller

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Owens- - Yes Council President Waneck – Yes

4. Reopen the Meeting:

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

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

The time was 8:10 pm.

5. Flag Salute:

Councilmember Miller gave the invocation. Mayor Birkner led those present in the salute to the flag.

6. Approval of Minutes: April 1, 2014

Motion to Adopt: Councilmember Grefrath Second: Council President Waneck

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Owens - Yes Council President Waneck – Yes

7. Reports of Committees and Officials:

A) Mayor's Report

Mayor Birkner apologetically announced that he will need to leave at 9:00 pm.

1) Senior Picnic

Mayor Birkner announced that the Bergen County senior picnic will be held on Tuesday,

September 16th from 10 AM to 3 PM in Van Saun Park in Paramus. The County requested that the Borough provide transportation for our seniors. Mayor Birkner requested that arrangements are made to do so to promote attendance by our seniors.

2) Borough Events

Mayor Birkner observed that June was a very busy month in the Borough. There was the Taste of Westwood, Westwood Pride Day, the Chris Hrbek Run and high school graduation. The Mayor wished the High School Class of 2014 the best of success in their future endeavors.

3) Chamber Request for Sidewalk Displays on Thursdays

Mayor Birkner invited Mike Fitzsimmons, representing the Chamber of Commerce, to present the Chamber's request. Mr. Fitzsimmons explained that the Chamber is trying to get more traffic in the shopping district on Thursday nights by asking the retailers to consider staying open until 8 or 9 PM. Some of the retailers who had interest wanted to know if they could put a rack of clothing or some setup on the sidewalk provided they left a 4-foot clearance. It would only be on Thursdays from 5 to 8 pm during the warmer summer months through September. The Chamber is hoping the items on the sidewalk will attract people driving by, which would encourage other retailers on the avenue to stay open. Mr. Fitzsimmons said nothing would be set up in the street, just in front of the stores. Mayor Birkner indicated that a resolution was the agenda which talks about the modified use of the sidewalk. Council President Waneck reiterated the need for the 4 foot corridor to leave room for pedestrians and strollers. Mr. Huntington asked whether a retailer who did not have a store on the Avenue could come up and sell on the sidewalk. Mr. Fitzsimmons indicated that the Chamber has a blanket insurance policy but retailers who are not members of the Chamber would have to have their own liability insurance. Mr. Huntington suggested it be set up on a permit basis requiring proof of insurance. Councilmember Owens suggested limiting it to just the Avenue with the resolution specifying the CBDSPE district. Mayor Birkner asked that the resolution be amended to state Thursdays from 5 – 8 PM in the CBDSPE district only from June 1st to September 30th. The amended resolution was placed on the consent agenda.

B) Engineer's Report

1) Biweekly Report

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

2) Westvale DEP Visit

Dr. Boswell reported that Janet Hottinger of the DEP Solid Waste Division and staff from Enforcement conducted a site visit of Westvale Park. The restrooms were vandalized and DPW will have them repaired by June 20th with the new fans. The DEP was satisfied with the garbage cleanup in Phase 3B and the work performed by the prisoners. There was no disruption of the wetlands. The DEP was satisfied with the rehabilitation of the monitoring well #3.

They've asked that a fence be installed and the landfill closure will be complete. Some millings were found in the parking lot. The DEP reminded the Borough as well as Rick Woods that millings are no longer allowed to be used because of the organic contamination that comes off them. They have to be heated and sealed or removed and replaced with stone. This is not a change in policy. The millings were somewhat fresh so they had an obvious odor. There was also some construction debris within 50 feet of the top of the bank. Mr. Woods indicated that a local contractor was allowed to place it there. The DEP said it must be removed and the practice

stopped. The DEP observed some wood chips that were left by the DPW and they took no exception. There was a lengthy discussion about venting the landfill. The DEP has asked for a proposed design by the end of July. Boswell will meet with the DEP in August to discuss how to put that in.

Councilmember Arroyo asked if the design for methane to be presented to the DEP in August is the same design shown to the Governing Body at the meeting in July. Dr. Boswell indicated that the design that would be given to the DEP in August would be given to the Governing Body before that meeting. He explained that it appears the most cost effective way to handle the problem is to put a perimeter vent around fields A and B. On the capped part of the landfill where the fields are, Boswell Engineering will figure out the minimum length of pipe that would be needed to install a new system at the right depth. Boswell had looked at using the low point, collecting the water and pumping it out. The DEP was not enamored with that approach. It was less expensive but the DEP was not moved by that idea. The DEP preferred the pipes be put at the right elevation below the cap. The capital costs for this would be a little more but the operating costs would be zero because there is no pump. Mayor Birkner commented that essentially it's being done now the way it should have been done in the first place.

Councilmember Arroyo asked if it was confirmed that the pipe was not installed correctly. Dr. Boswell said it appears that the pipe and cap are not level and are crossing. Leachates were found in the water which means that the water in the pipe was both rain water and landfill water.

3) Lake Suzanne Dam

Dr. Boswell reported on the impact that the breaching of the dam at Lake Suzanne would have on the Woodcliff Lake Reservoir. He explained that Lake Suzanne generally has a capacity of 14 million gallons. When it is full, it can be as high as 30 million gallons. By comparison, the Woodcliff Lake Reservoir holds 871 million gallons. Just as a percentage basis, if it were at 14 million gallons, it would add 1.6% capacity; 30 million gallons would add 3.4%. To put it in better perspective, if the Woodcliff Lake Reservoir were at elevation 95 and all of Lake Suzanne's water was released instantaneously, the level would go from 95.0 to 95.75. The response the Borough should make to them is that we have no problem with them breaching the dam but (a) do it when it's not raining and (b) do it slowly. Then there will be no impact on the Woodcliff Lake Reservoir. Council President Waneck thought they were doing away with the dam entirely. Dr. Boswell explained that breaching and doing away are the same thing. He reiterated that the only request Westwood should ask is that when the dam is breached it is done slowly and when it's not raining.

4) Pascack Road

Dr. Boswell reviewed the schedule for the work on Pascack Road under the NJDOT grant from 2013. He noted that as there will probably be drainage work necessary, paving should be put off until the spring. The project must be totally complete by June 14, 2015. Mayor Birkner would like to meet with Dr. Boswell to discuss the design of Pascack Road and any stormwater issues.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Community Garden

Councilmember Grefrath reported on the dedication of the sign at the Community Garden.

While at the garden, the lightning detection system went off. The lights flashed and the siren sounded so we know the system works. Mayor Birkner added that the ice cream made by one

of the members from strawberries harvested from the garden was absolutely delicious.

2) Fire and Ambulance:

a) Taste of Westwood

Councilmember Miller reported that the 6th Taste of Westwood event was a wonderful success. He thanked the residents who attended, the restaurants who participated and the Library who organized it.

b) Ambulance Corps Carnival

Councilmember Miller reminded everyone that the Ambulance Corps carnival will be held next month. He requested that anyone who could attend do so. It is an important fundraiser for the Ambulance Corps.

3) Health and Recreation:

a) Recreation Update

Councilmember Owens reported that the Summer Playground recreation program is well under way. Registration is open and enrollment is high. The summer concert series is right around the corner. Sponsorship was good this year, and sponsors are already signed up for next year.

4) Land Use:

a) Planning Board Update

Councilmember Biccocchi advised that after extensive review the Board approved the Diamond Financial application. The Borough will receive a new fire hydrant at the location. This application turns some vacant land into new lots and takes a Borough lot and puts it back on the tax role. The application is a win-win.

Councilmember Biccocchi also commended the Taste of Westwood.

5) Police and Emergency Management:

a) Police Department Update

Councilmember Arroyo announced that on Wednesday, June 11th Officers Mark Foley and Mike Fortunat were honored at the annual Mothers Against Drunk Drivers breakfast, receiving the 2013 Law Enforcement Distinguished Service Award along with other officers throughout the state.

Three Officers have completed their one-year probationary patrol officer period. They are Kevin Mulaney, Tristan Gantner and Keith Bott.

The Sergeants exam is on schedule to be conducted during the last week of June.

6) Public Properties:

a) DPW Update

Council President Waneck said the DPW has finished its tree planting for this year. They are currently taking classes on tree pruning.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

a) Closed Session Start Time

Mr. Hoffmann introduced a discussion on the start time for closed session. Councilmember Grefrath recommended closed sessions start at 7 because the Governing Body has been slightly tardy to open public sessions. Mayor Birkner said it should depend on what the agenda looks like. Councilmember Grefrath pointed out that the closed agenda had one item tonight and ran over. Council President Waneck said with one meeting per month in July and August the closed session should start at 7. Mayor Birkner prefers case by case but for July he agrees with 7 pm. Mrs. Hughes will advertise.

b) Community Development Representatives

Mr. Hoffmann advised that it was time for the annual appointment of the Community Development representatives. Councilmember Owens was chosen, with Mr. Hoffmann as alternate.

9. Agenda/Public Forum:

Motion to open Agenda/Public Forum: Councilmember Miller Second: Council President Waneck

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

Donald MacLachlan, Hillsdale & Westwood Flood Solution Group - announced that members of the group were present to address the Council but since the Mayor is leaving they will defer to another time. Mayor Birkner instructed that in the future if they planning on making a presentation of length they need to contact the Borough ahead of time to make considerations in the agenda, like the Chamber did this evening. He would certainly be able to accommodate them and allocate the time. Advanced notice makes it easier. Mayor Birkner apologized for having to leave at 9 pm. Mr. MacLachlan said it was no problem. He would like to be scheduled for the next agenda, as the group has a presentations and a number of members are residents. Mayor Birkner told Mr. MacLachlan to contact him so the presentation can occur under the Mayor's report rather than under the public comment portion.

Ruth Nass, 530 Fairview – complained about loud music at GLOW. Ms. Nass said the business was designated for children's parties up until 9 pm, with a maximum of 15 children. The website advertises adult parties up to 30 people. She didn't think it was designed to be a club with loud music. It can be heard at the Roxbury. Ms. Nass called the PD at 11 pm, and they came to hear the music but nothing was done. Apparently the Zoning Official didn't receive any complaints, and Mr. Marini has told her he didn't receive any complaints from the police about noise. Mayor Birkner asked if the police made report. Ms. Nass said they took her name and phone but didn't call her back. She said you can hear music on Wednesday nights, loud, if anyone wants to come over.

Motion to close Agenda/Public Forum: Councilmember Miller Second: Councilmember Arroyo

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

10. Ordinances of First & Final Reading:

Ordinances on Introduction

14-15 An Ordinance of the Borough of Westwood In the County of Bergen, New Jersey,

this date.

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

BE IT RESOLVED that an Ordinance known as #14-11 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 Grefrath Second: Councilmember Bicocchi

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Owens - Abstain Council President Waneck – Yes

14-12 An Ordinance to Establish a Schedule of Salaries, Wages and Compensation of the Public Officials, Officers and Employees of the Borough of Westwood in the County of Bergen, and to Establish a Method of Payment of Such Compensation During Calendar Year 2014

BE IT RESOLVED that Ordinance #14-12 entitled “An Ordinance to Establish a Schedule of Salaries, Wages and Compensation of the Public Officials, Officers and Employees of the Borough of Westwood in the County of Bergen, and to Establish a Method of Payment of Such Compensation During Calendar Year 2014” having hereby been read by title, shall have a hearing held on this date. Councilmember Grefrath noted for the record that the ordinance has been amended as set forth in Mr. Hoffmann’s June 12, 2014 memo. The amendments are not considered substantive.

Motion to open the public hearing: Councilmember Grefrath Second: Councilmember Miller
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 Grefrath 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 #14-12 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 Grefrath Second: Councilmember Bicocchi

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Owens - Yes Council President Waneck – Yes

14-14 An Ordinance Amending Chapter 24 Department Of Public Works

BE IT RESOLVED that Ordinance #14-14 entitled “An Ordinance Amending Chapter 24 Department Of Public Works” having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Council President Waneck Second: Councilmember Bicocchi

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

Public Comments:

No comments.

Motion to close the public hearing: Council President Waneck Second: Councilmember Miller

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

Mayor Birkner asked the record to again reflect that he does not agree with this ordinance. He does not believe the position is necessary.

BE IT RESOLVED that an Ordinance known as #14-14 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: Council President Waneck Second: Councilmember Bicocchi

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – No

Councilmember Owens - Yes

Council President Waneck – Yes. Stated that all agree the DPW is an essential service provider. Creating the position will create continuity for reasons she has previously discussed.

11. Presentation of Bills, Financial Reports and Resolutions:

Councilmember Grefrath asked if there were any resolutions to add to the Consent Agenda. He stated that any Councilmembers who wished to remove any Resolution(s) to be voted upon separately could do so at this time, otherwise the Consent Agenda would be enacted in one motion. Resolutions k, l, m, and n were added at this time.

Resolutions as Consent Agenda:

a) Resolution #14 - 147: Bill List & Statement of Cash

b) Resolution #14 - 148: Authorization to Issue Estimated Tax Bills

c) Resolution #14 - 149: Chapter 159 - Solid Waste Administration FY 2014 Clean Communities Grant

d) Resolution #14 - 150: Re-Adopting Personnel Policies and Procedures

e) Resolution #14 - 151: 2014-2015 Community Development Representatives

f) Resolution #14 - 152: Authorization to Hire DPW Assistant Foreman

g) Resolution #14 - 153: 2014-2015 Renewal of Taxi/Limo Licenses - NA Limo, Inc.

h) Resolution #14 - 154: Renewal of Pascack Theater License

i) Resolution #14 - 155: Award of Bid for Vending Machine Concession

j) Resolution #14 - 156: Award of Contract for Pascack Valley Cooperative Pricing

System (#107-PVCPS) 2014 Road Paving Program

k) Resolution #14 - 157: Authorize Upgrade of Electric Service in Veterans' Park

l) Resolution #14 - 158: Authorizing Design and Bid of 2013 NJDOT Pascack Road Improvement Project

m) Resolution #14 - 159: Authorizing Back Payment

n) Resolution #14 - 160: Modified Use of Sidewalks - Chamber of Commerce

Motion to adopt resolutions #14-147 through #14-160: Councilmember Grefrath

Second: Councilmember Miller

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Owens – Yes Council President Waneck – Yes

12. Adjournment:

Motion to adjourn: Councilmember Bicocchi Second: Council President Waneck

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

The time was 9:01 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk