

**BOROUGH OF WESTWOOD
WORK MEETING OF THE MAYOR & COUNCIL
JUNE 4, 2014 MINUTES
MUNICIPAL COMPLEX
101 Washington Avenue
7:30 PM Executive Closed Session/8:00 pm Public Session**

1. Opening of the Meeting:

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

2. Roll Call:

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

Committee Assignments:

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

3. Resolution #14 - 134: Executive Closed Session

Motion to adopt Resolution #14-134: 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 Arroyo

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

The time was 8:23 pm.

5. Roll Call II:

Mayor Birkner – Present / Councilmember Arroyo – Present / Councilmember Bicocchi – Present / Councilmember Grefrath – Present / Councilmember Miller – Present / Councilmember Owens - Present / Council President Waneck – Present / Borough Administrator Hoffmann – Present / Borough Attorney Huntington – Present / Borough Engineer Senkevich – 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) Broadway Resignalization

Mayor Birkner reviewed the progress of the resignalization project. He said he is not offering a timeline for additional work since every time he does it ends up wrong. Things are moving along at

government pace. Mayor Birkner appreciates the patience of businesses and residents. Sometime in the near future there will be scarifying and restriping, and new signage, but he is not promising when.

Mayor Birkner said the decorative fencing along the train tracks must be installed before the end of the month, with NJ Transit the County paying that entire bill. That will clean the area up and make it look a lot nicer.

2) NJDOT 2014 Grant Denied

Mayor Birkner announced that the NJDOT has denied the Borough's grant application for a 2014 grant for Pascack Road section 2. The Borough has funding for half the project, and was counting on this. The Borough may want to address what to do in the interim to make fixes to Pascack Road with the money in hand. There are no guarantees for next year, and it can't wait another full grant cycle. Borough Engineer Jeff Morris said the 2013 grant will have to be spent this year.

3) Sidewalk Sale

Mayor Birkner reported that the Chamber of Commerce has requested authorization to put tables or merchandise on the sidewalks on Thursdays. He thinks it is a good idea. The Chamber is meeting tonight and will get Mayor Birkner more information for discussion at the next meeting.

4) Downtown Parking

Mayor Birkner said the Chamber has raised parking concerns in the downtown business district. The long term meters on Fairview are being occupied by employees, so the merchants are requesting those spots be returned to two hour shopper parking. Councilmember Owens said he thought it was established to get employees to park away from the downtown. Council President Waneck thought one of the problems was over employees feeding meters. She remembers the Parking Authority discussing permits and parking further out after the parking study. Councilmember Bicocchi said there is a long term parking problem but also on weekends there's no turnover on the parking spaces so the local restaurants loose customers. It was suggested to designate spots in the lot that employees or merchants can purchase on a monthly pass. Mayor Birkner said it is irrelevant after 6 pm as it is more of a daytime problem. He said Council President Waneck is right, the employees are the most egregious violators, and shopkeepers are not policing employees. Councilmember Owens asked where the issue is. Mayor Birkner said by the post office. Mr. Huntington pointed out that this was labor intensive research intended to be dumped on the Parking Authority. Councilmember Arroyo said he will bring it to the Parking Authority. He knows that they look at it as spots closer to core take up more valuable real estate, and discuss raising meter fees as a deterrent for employees to park there all day. Mayor Birkner said he has been hearing about it but there's been no action. Council President Waneck suggested the Chamber attend the next Parking Authority meeting.

5) Riverkeeper Challenge

Mayor Birkner announced that the annual Riverkeeper Challenge is this weekend. He will attempt to recapture the trophy.

6) Dad's Dash

Mayor Birkner wished the men a Happy Father's Day. He invited everyone to come out and run

or walk the annual Father's Day Dad's Dash at Westvale.

Mayor Birkner wished Council President Waneck a happy birthday.

B) Engineer's Report

1) Biweekly Report

Mr. Senkevich reviewed the biweekly report, a copy of which is attached.

2) FEMA Buyouts

Mr. Senkevich advised that the preliminary assessment for 27 Nugent is almost finished. Mayor Birkner asked about funding through the County for additional acquisition of one more properties on Nugent that makes sense to acquire. He asked if there were any Open Space funds. Mr. Morris said perhaps Superstorm Sandy buyout funds were available. Mr. Hoffmann said if there is interest in additional FEMA funds the Borough can send a letter. The consensus was yes. Mr. Hoffmann advised that the County has asked for comments on new formula for acquisition of flood prone properties, which he will forward to the Governing Body and Boswell. Mr. Morris said the FEMA funds would be perfect for one last house on Nugent. Mr. Hoffmann is not sure of the time line, and it could be close to when 3 year FEMA grant expires. Mayor Birkner said it would be in the next round. Meanwhile he would like to spend whatever existing funding is left for the rehabilitation of properties already purchased, since the Borough has an obligation to improve them.

3) Pistol Range Remediation Grant

Mr. Senkevich said the pistol range packet is complete except for funding information. The DEP was asking for a better description of the use, and also had questions with the deed. Mr. Hoffmann asked how the information is submitted. Mr. Senkevich thinks it is through the Borough via SAGE.

4) 2013 NJDOT Grant

Mr. Hoffmann asked for the timeline for the 2013 NJDOT Pascack Road project. Mr. Morris explained that the grant had an 18 month window, so the Borough will now have to move forward with plans and specs and the project award. Otherwise the Borough would be listed as a poor performer, making it difficult to get future grants. Mr. Hoffmann recommended authorizing plans and specs at the July meeting, bidding by September and awarding in October. Mayor Birkner asked for Boswell's recommendations on how to get most bang for buck on that project. Mr. Morris explained that NJDOT grant competition in Bergen county has increased, and the road did not score high.

5) Lake Suzanne Dam

Council President Waneck said Mr. Hoffmann wrote a brief memo about Ramapo, NY eliminating the Lake Suzanne dam possibly affecting the Pascack Brook. She suggested obtaining data from Boswell on how it will affect Westwood. This could definitely be something the Governing Body petitions against. Mr. Hoffmann said he spoke yesterday with the Ramapo town supervisor's office assistant, who confirmed that is what they want to do. She thought an engineer was hired to do calculations for it. He left a message to speak with the Ramapo

administrator. Mayor Birkner pointed out that this is what we want our state legislators and the bistate flood commission working on. Council President Waneck suggested to send a letter to the state legislators about this, but she reminded everyone that the DEP ignored Mayor Birkner on the flooding matter. Mayor Birkner said a meeting was once again postponed by the DEP. He is not sure what their agenda would be if the meeting occurs since they will not support the Borough's request to lower the reservoir. Mayor Birkner said people complain about United Water but the DEP will not let United Water change how they operate the dam. Council President Waneck asked if we will look into the affect of the Lake Suzanne dam. When Mr. Hoffmann asked about contacting the bistate commission, Mayor Birkner said he's not sure if they exist. Council President Waneck wants Boswell involved in it. Mayor Birkner asked what they would do. Council President Waneck wants Dr. Boswell's impression on whether and how it will affect Westwood. Mayor Birkner directed Boswell to research the matter.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

No report.

2) Fire and Ambulance:

a) Library Update

Councilmember Miller reminded everyone that the Taste of Westwood is Sunday at the Community Center.

3) Health and Recreation:

a) Recreation Update

Councilmember Owens said the parking lot at Westvale has new millings thanks to an arrangements worked out with Waldwick by Recreation and the efforts of the DPW to spread the millings across the lot. Mayor Birkner observed that normally we use millings from our own road projects but we haven't done one yet.

Mayor Birkner pointed out that the dog park is going to be closed during the Dad's Dash on Sunday.

4) Land Use:

No report.

5) Police and OEM:

a) Police Update

Councilmember Arroyo announced that there are two new police hires that will be sworn in at the July 15th Council meeting.

b) Parking Authority Update

Councilmember Arroyo noted there is a resolution on the consent agenda to hire a replacement for a departing Parking Authority employee.

6) Public Properties:

No report.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) I&I Ordinance

Mr. Hoffmann asked the Governing Body to email any questions on the I&I ordinance. He would like to proceed on this ordinance this summer, since there has been a 44% increase in fees from 2007 to 2014. Council President Waneck said flow is not the issue, it is not tied to increase in price. Councilmember Owens said flow looks consistent, considering 2011 was Hurricane Irene. Mayor Birkner observed there were infrastructure upgrades to major lines and pumping stations throughout the system. Council President Waneck said it doesn't seem as if flow is increasing dramatically. Mayor Birkner said it's stabilized. Mr. Huntington noted the hospital was closed during the time period of the statistics. Councilmember Arroyo voiced concern about the right of entry language. Mr. Huntington has severe reservations about right of entry in absence of warrant or complaint. Right of entry occurs only when performing governmental functions, and we can't create new categories. Councilmember Arroyo said the way it is currently worded the Borough can request entry but if entry is denied there is a penalty clause. Mr. Huntington doesn't see it happening. Mr. Huntington will rework the ordinance.

2) Landscaper and Snowplow Ordinance

Councilmember Owens started a discussion on concerns with the draft ordinance to license landscapers and snow plow operators. The Governing Body decided the cons outweighed the pros and opted not to pursue the matter any further.

3) Employee Handbook

Mr. Hoffmann advised that the Employee Handbook needs to be readopted by the end of the month. He has met with Councilmember Miller already. Mr. Hoffmann asked if there were any additional questions. Councilmember Miller said there were concerns with the format and signing for the social media police. Mr. Hoffmann said that is coming out of the handbook. Councilmember Miller noted that the new draft is adding language that would preclude part timers from breaks during the day. All part timers are not the same, some work two hours, some work 8 hours. It was not there before, so he feels if it is changed there should be a distinction. Council President Waneck thought breaks were mandated. Mayor Birkner said they are mandated on hours worked. Councilmember Miller said leave it as it was. He next noted that employee evaluations were being changed, and that Mr. Huntington agreed with the recommendation. Councilmember Miller asked concerning longevity whether a part time employee who becomes full time gets credit for service as part time. Mayor Birkner said longevity starts at full time. Councilmember Miller agreed, but it is a decision of the full Governing Body. The consensus was yes. Mr. Hoffmann asked if the handbook can be approved with those clarifications, all agreed.

4) Additional FEMA Funds

Mr. Hoffmann said based on the earlier discussion he will send a letter to FEMA requesting additional funds.

8. Agenda/Public Forum:

Motion to open Agenda/Public Forum: Councilmember Bicocchi Second: Councilmember Arroyo
Voice Vote: A voice vote was taken with all present voting in the Affirmative.

No one wished to be heard.

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

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

9. Presentation of Bills, Financial Reports and Resolutions:

Councilmember Grefrath asked if there were any resolutions to add to the Consent Agenda. He stated that any Councilmembers who wished to remove any Resolution(s) to be voted upon separately could do so at this time, otherwise the Consent Agenda would be enacted in one motion. Resolution c was removed at this time. Councilmember Arroyo noted that resolution e for the parking authority appointment should include 'subject to background check.' Council President Waneck said that the appointment to the Environmental Committee should have been vetted first. Councilmember Grefrath apologized and explained that the proposed member is the husband of the master gardener for the Community Garden. He thought he was being responsive by putting someone on the committee who is active. Council President Waneck asked if the volunteer form had been completed. Councilmember Grefrath said yes. Council President Waneck said as a blanket statement that the Governing Body shouldn't get away from the vetting process. Mayor Birkner noted that the Community Garden sign came in. Councilmember Grefrath will let them know.

Resolutions as Consent Agenda:

- a) **Resolution #14 - 135: Bill List & Statement of Cash**
- b) **Resolution #14 - 136: Resolution Authorizing Redemption of Tax Sale Certificate #13-00007**
- ~~e) Resolution #14 - : Authorization to Issue Estimated Tax Bills~~
- d) **Resolution #14 - 137: Authorizing the Execution of Various Documents in Connection with the Bergen County Improvement Authority's Bergen Municipal Bank Program**
- e) **Resolution #14 - 138: Appointment to Parking Authority**
- f) **Resolution #14 - 139: Appointment to Environmental Advisory Committee**
- g) **Resolution #14 - 140: Annual Snow Plowing Agreement 2014-2016**
- h) **Resolution #14 - 141: Approval of Friends of the Westwood Library Application to Consume Alcoholic Beverages on Public Property**
- j) **Resolution #14 - 142: Authorizing Settlement in Diernisse Lawsuit**
- k) **Resolution #14 - 143: Authorizing Inclusion in the Bergen County Community Development Program**
- l) **Resolution #14 - 144: Settlement with New Horizon**

Motion to adopt resolutions #14-135 through #14-144: 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

Resolutions for Individual Consideration:

i) Resolution #14 - 145: Renewal of 2014-2015 Liquor Licenses

Motion to adopt resolution #14-145: 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

10. Adjournment:

Motion to adjourn: Council President Waneck Second: Councilmember Bicocchi

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

The time was 9:15 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk