

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
JULY 22, 2014 MINUTES
MUNICIPAL COMPLEX
101 Washington Avenue
7:00 PM Executive Closed Session/8:00 pm Public Session**

1. Opening of the Meeting:

The meeting was called to order by Mayor Birkner at 7:00 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:

Committee Assignments:

Mayor Birkner – Present	
Councilmember Arroyo – Present	Police & Emergency Management
Councilmember Bicocchi – Present	Land Use
Councilmember Grefrath – Absent	Finance, Administration & Capital Projects
Councilmember Miller – Present	Fire & Ambulance
Councilmember Owens - Present	Health & Recreation
Council President Waneck – Present	Public Properties
Borough Administrator Hoffmann – Present	
Borough Attorney Huntington – Present	
Borough Clerk Hughes – Present	

3. Resolution #14 - 161: Executive Closed Session

Motion to adopt Resolution #14-161: Councilmember Miller Second: Councilmember Arroyo
Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes
Councilmember Grefrath – Absent Councilmember Miller – Yes
Councilmember Owens- - Yes Council President Waneck – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Arroyo Second: Councilmember Owens
Voice Vote: A voice vote was taken with all present voting in the affirmative.
The time was 8:08 pm.

5. Roll Call II:

Mayor Birkner – Present / Councilmember Arroyo – Present / Councilmember Bicocchi – Present /
Councilmember Grefrath – Absent / 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

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

7. Approval of Minutes: April 15, 2014 Work Session

Motion to Adopt: Councilmember Miller Second: Councilmember Bicocchi
Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes
Councilmember Grefrath – Absent Councilmember Miller – Yes
Councilmember Owens - Yes Council President Waneck – Abstain

Approval of Minutes: May 6, 2014 Work Session

Motion to Adopt: Councilmember Miller Second: Council President Waneck

Roll Call: Councilmember Arroyo – Yes	Councilmember Bicocchi – Abstain
Councilmember Grefrath – Absent	Councilmember Miller – Yes
Councilmember Owens - Yes	Council President Waneck – Yes

Approval of Minutes: May 20, 2014 Work Session

Motion to Adopt: Councilmember Miller Second: Councilmember Bicocchi

Roll Call: Councilmember Arroyo – Yes	Councilmember Bicocchi – Yes
Councilmember Grefrath – Absent	Councilmember Miller – Yes
Councilmember Owens - Yes	Council President Waneck – Yes

8. Proclamation Honoring Westwood’s First Olympic Gold Medalist

Mayor Birkner and Council President Waneck presented a proclamation to Ed Murtagh in commemoration of winning a gold medal at the 2014 Special Olympics.

9. Girl Scout Bronze Award Project Presentation

Troop 337 presented a petition requesting the DARE program be reinstated in the schools.

10. Fire Department Scholarship Presentation

Chief Mawdsley apologetically explained that the scholarship recipient was unable to attend the meeting.

11. Oaths of Office for Police Officers

Mayor Birkner administered the Oaths of Office to John Svenda and Michael Drake.

12. Reports of Committees and Officials:

A) Mayor’s Report

a) Train Resignalization

Mayor Birkner reported that the synchronization of the traffic lights is working well. Right now PSE&G’s Energy Strong project to replace gas mains is affecting the downtown. A total of 81 streets will be affected, with continuous construction for the next 6 months.

b) Hillsdale and Westwood Flood Solution Group Presentation

Mayor Birkner announced that the Hillsdale and Westwood Flood Solution Group (H&WSFG) would be making a 15 minute presentation. Resident comments are to be held until the public portion of the meeting at the normal agenda spot.

Jon Royland of the H&WSFG presented the concerns of the group regarding the Woodcliff Lake Reservoir dam project. He addressed issues including United Water, DEP, flooding, reservoir levels, gate levels, reservoir and brook dredging, and water releases. Mr. Royland asked the Governing Body to be a consistent catalyst regarding the remediation of flood issues. He requested a committee be formed, noting that residents would like to participate.

Mayor Birkner agreed with many of the concerns presented by Mr. Royland. He reviewed the steps the Borough has taken in lobbying the DEP to change the operating procedures for the dam. He emphasized the Borough’s commitment to mitigate the flooding situations.

Donald MacLachlan, the H&WFSG attorney, thanked the Governing Body for their efforts to date. The H&WFSG would like to see the pressure stepped up on the DEP, and is looking to Westwood to provide leadership. They are suggesting that like-minded communities form a committee to pursue grant funding. Mr. MacLachlan said the group is currently in litigation against United Water and the DEP, which gives him access to information not readily available to the municipalities that would aid the committee in contending for flood relief.

Mayor Birkner asked Mr. Morris of Boswell Engineering to comment. Mr. Morris noted that the DEP has strict regulations and until those are broken he does not know where this will go. Mayor Birkner said there is an existing County organization working on a global look at the county-wide issue, formatting policy and procedures towards accelerating action in the state to bring funding and resources into the area. Mayor Birkner noted he will be meeting with representatives of the H&WFSG in a few days and looks forward to further discussion.

B) Engineer's Report

1) Biweekly Report

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

2) Curb Ramps

Mr. Senkevich discussed a letter from a resident questioning the absence of curb ramps in some areas along Harrington Avenue. Harrington and Westwood Avenues are county roads, and those ramps are done when the area roads are resurfaced. He noted there is a grant pending for curb work. Mayor Birkner reminded that he has been asking for curb cuts for that area for two years.

Mayor Birkner said another area of concern is 8th and Mill, which he asked Boswell to take look at. There is no catch basin, so water flows up the ramp and floods out property. He requested Boswell look at drainage in the area.

Mayor Birkner asked the status of the drainage work on Fourth Avenue. Mr. Morris said they have not heard anything further from the County after submitting plans. He will find out for the next meeting.

3) Emerson Road Pump Station

Mr. Hoffmann asked Mr. Morris to give a quick recap on the need for work at the Emerson Road pump station. Mr. Morris explained the process to convert the pump station to gravity feed, which it should have been since day one. Mr. Hoffmann said there is also a repair to the existing pump on the consent agenda. Mr. Morris clarified that rebuilding the station will not be an immediate process so repairs to the existing pump is required.

C) Council Liaison & Committee Reports

1) Fire and Ambulance:

a) Ambulance Corps Update

Councilmember Miller reported that the annual Ambulance Corps carnival is under way. It is a prime source of revenue for a group that does great good for the community, and a chance for families to enjoy time together. He encouraged all to attend.

b) Library Update

While breakfasting with his two oldest grandchildren on Sunday, Councilmember Miller said they

complained they were bored. He told them to go to the library. The summer reading program will give them another world. Councilmember Miller encouraged all Westwood residents to visit the library during the summer. Mayor Birkner said that is a great way to look at it.

2) Health and Recreation:

a) Recreation Update

Councilmember Owens said the summer concert series has been very well attended, with a few more concerts to go.

3) Land Use:

a) Land Use Boards Update

Councilmember Bicocchi reported that the Zoning Board reviewed the Westgate application, which is for the former Ford property. There was a special meeting on July 21 to hear further on the matter. The hearing will continue at the next meeting. Meanwhile the Planning Board heard the Teledyne application.

b) Eagle Scout Projects

Councilmember Bicocchi remarked that the Eagle Scout projects are going well. The boys are doing an excellent job. Mayor Birkner explained that one Eagle Scout project is a well cover over the Osterdonk well in Veterans Park, while the other is the pavilion at Hegeman Park on Sand Road.

4) Police and OEM:

a) Police Update

Councilmember Arroyo reported that promotional written and oral exams for sergeant promotions are completed. The Police Committee is working on making recommendations. A resolution authorizing the promotional process for command positions is in the book, following the time line set out at the beginning of the year.

5) Public Properties:

a) DPW Update

Council President Waneck advised that the pump station budget has been exceeded. The Borough is no longer encumbered by legal issues so gravity feed is the best solution.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

a) Borough Hall Renovations

Mr. Hoffmann explained that the Borough had contacted 8 architects regarding the Borough Hall renovations, using parameters put together with Bill Martin. Two architects responded. A subcommittee of Councilmember Bicocchi, Construction Official Armand Marini and Mr. Hoffmann met with them, after which one architect submitted a proposal. Councilmember Bicocchi said Ryback & Associates was very detailed. The doghouses were improperly installed, so they discussed expanding them which would also help storage. They also discussed lighting,

windows and energy savings. There are a whole list of menu items. Mayor Birkner clarified that the doghouses are on the roof. Mr. Hoffmann noted that the window replacement would include the leaking skylight. Councilmember Miller asked if there is the ability to track energy savings. Councilmember Bicocchi explained how it could be done. It would require new fixtures which would track energy. Councilmember Miller is skeptical of savings and wants to make sure it's trackable and provable. Councilmember Bicocchi said its based on hours. Councilmember Miller said as long as its trackable.

13. Agenda/Public Forum:

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

JayMee Hodges, 40 Second Ave, and Oliver – Oliver thanked the Governing Body for having a dog-friendly borough hall where he gets treats from the Clerk's. Mr. Hodges said he was here to address the Council on the DPW issue of creating a position to make the transition of retiring personnel much easier. He remembered an employee from years ago when the Borough had its own sewer treatment plant at the DPW. When that employee retired he walked away with a vast amount of knowledge. He had shared some of it with other DPW employees but it set the department back for a while. Mr. Hodges noted that Mr. Trivisoni is eligible for retirement, and Mr. Woods is also at that point. He commended the Council's decision to put people in place to be mentored by a boss to become a boss.

Tom Bisdale, 71 Stuben Ave - believes the DEP and United Water position is unacceptable and untenable. Mr. Bisdale stated that some of the United Water statements are untrue. They haven't done studies, they don't know how rainfall will affect the water supply. They are operating with inadequate data. Desnagging will be helpful but reports have shown that is not the problem. The Hillsdale study proves the Pascack Brook cannot handle more than 1-1/2 inches of water. Mr. Bisdale said the DEP and United Water position that levels can't be adjusted is unacceptable.

Mark Fedorchek, 121 Cypress – shares the same sentiment as Mr. Hodges. Mr. Fedorchek said it's important to establish a chain of command for the DPW and police, and is vital to all emergency services. There is a need to move people forward as people retire. Regarding the petition to bring back DARE, Mr. Fedorchek has taught DARE for years. He believes it is a vital program that can be implemented at almost no cost to the taxpayer if implemented properly. In his opinion the petition signatures could have been doubled. Mr. Fedorchek commended the girls. He asked the Mayor and Council to look at it seriously. The rewards for children are great, and the needs to be implemented. Mr. Fedorchek is willing to volunteer his services.

Gail Frasco, 21 Mill Street – lives where First and Mill meet. Mrs. Frasco said since the reconstruction there have been NJ Transit buses coming around that bend on a daily basis. Buses going over the double yellow line, blocking the bend. There have been some bad accidents there in the past. She is asking for support to stop this. No more than four tons is allowed on that road. It will be dangerous when school is back in session, when leaves are on the road, in the snow. Mayor Birkner said buses are being temporarily rerouted during the construction. The Borough is working with NJ Transit on other routes, and buses will be sent up Park when it becomes two way, but the

construction is still going on now. Mrs. Frasco appreciates it, but hopes no one gets hurt. Mayor Birkner reiterated the Borough is actively looking at the rerouting of bus routes and working with NJ Transit to eliminate the First Avenue route. There is no choice during the construction but to reroute the buses.

Mary Jo Guadagno, 11 Newark Ave – distributed a packet of information. Ms. Guadagno thanked the Governing Body for the work to alleviate flooding on Newark Avenue. She is cautiously optimistic, as there has been no accumulation of water thus far. She said the new pipe is larger and longer than the original pipe. Ms. Guadagno reviewed the documents she handed out. Her concern is with how much of the pipe is now exposed. Her neighbor's letter, included in the packet, claims there was no discussion on exposure and visibility. She is grateful that the work was done but to not restore the pipe to the way it looked before is a violation of the deed. Ms. Guadagno is asking that the pipe be cut so it looks as it did before the work was done. She understands the pipe is larger but doesn't understand why 7 feet should be extended. It looks like the pipe is too big for the spot. Mayor Birkner asked if she wants to go back to the 18 inch pipe. Ms. Guadagno doesn't want the pipe visible. Mayor Birkner observed that there looks to be more pipe visible in the 'before' photo. Ms. Guadagno insisted that the area beyond the fence where the pipe dumps into the ditch should be restored.

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

14. Ordinances of First & Final Reading:

Ordinances on Introduction

14-16 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Acquisition Of A Garbage Truck For The Borough Of Westwood Department Of Public Works And Appropriating \$241,500 Therefor And Providing For The Issuance Of \$229,425 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

BE IT RESOLVED that Ordinance #14-16 entitled "An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Acquisition Of A Garbage Truck For The Borough Of Westwood Department Of Public Works And Appropriating \$241,500 Therefor And Providing For The Issuance Of \$229,425 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 August 19, 2014 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Council President Waneck

Second: Council President Miller

Roll Call: Councilmember Arroyo – Yes

Councilmember Grefrath – Absent

Councilmember Owens – Yes

Councilmember Bicocchi – Yes

Councilmember Miller – Yes

Council President Waneck – Yes

14-19 Authorizing Sale of Land Without Public Auction - Lot 7 Block 703

BE IT RESOLVED that Ordinance #14-19 entitled “Authorizing Sale of Land Without Public Auction - Lot 7 Block 703” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an August 19, 2014 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Council President Waneck

Second: Councilmember Bicocchi

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes
 Councilmember Grefrath – Absent Councilmember Miller – Yes
 Councilmember Owens – Yes Council President Waneck – Yes

14-20 Authorizing Sale Of Land Without Public Auction - Lot 19 Block 1907

BE IT RESOLVED that Ordinance #14-20 entitled “Authorizing Sale Of Land Without Public Auction - Lot 19 Block 1907” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an August 19, 2014 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Council President Waneck

Second: Councilmember Bicocchi

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes
 Councilmember Grefrath – Absent Councilmember Miller – Yes
 Councilmember Owens – Yes Council President Waneck – Yes

14-21 An Ordinance Concerning Traffic Control On Private Construction By The Westwood Police Department

BE IT RESOLVED that Ordinance #14-21 entitled “Authorizing Sale Of Land Without Public Auction - Lot 19 Block 1907” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an August 19, 2014 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Arroyo

Second: Councilmember Bicocchi

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes

Councilmember Grefrath – Absent Councilmember Miller – Yes
Councilmember Owens – Yes Council President Waneck – Yes

14-22 An Ordinance of the Borough of Westwood, In the County of Bergen, New Jersey, Amending and Supplementing Chapter 59 of the Borough Code of the Borough of Westwood

BE IT RESOLVED that Ordinance #14-22 entitled “An Ordinance of the Borough of Westwood, In the County of Bergen, New Jersey, Amending and Supplementing Chapter 59 of the Borough Code of the Borough of Westwood” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an August 19, 2014 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Arroyo

Second: Councilmember Bicocchi

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes
 Councilmember Grefrath – Absent Councilmember Miller – Yes
 Councilmember Owens – Yes Council President Waneck – Yes

14-23 An Ordinance of the Borough of Westwood, In the County of Bergen, New Jersey, Providing for the Replacement of the Emerson Road Pump Station and Other Related Expenses in and for the Borough of Westwood and Appropriating \$400,000 Therefor, and Providing for the Issuance of \$380,000 in Bonds or Notes of the Borough of Westwood to Finance the Same

BE IT RESOLVED that Ordinance #14-23 entitled “An Ordinance of the Borough of Westwood, In the County of Bergen, New Jersey, Providing for the Replacement of the Emerson Road Pump Station and Other Related Expenses in and for the Borough of Westwood and Appropriating \$400,000 Therefor, and Providing for the Issuance of \$380,000 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 August 19, 2014 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Council President Waneck

Second: Councilmember Bicocchi

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes
 Councilmember Grefrath – Absent Councilmember Miller – Yes
 Councilmember Owens – Yes Council President Waneck – Yes

Ordinances for Adoption

14-15 An Ordinance of the Borough of Westwood, in the County of Bergen, New Jersey, Providing for the 2013 NJDOT Pascack Road Improvements Program and Appropriating \$190,000 Therefor and Providing for the Issuance of \$180,500 in Bonds or Notes of the Borough of Westwood to Finance the Same

BE IT RESOLVED that Ordinance #14-15 entitled “An Ordinance of the Borough of Westwood, in the County of Bergen, New Jersey, Providing for the 2013 NJDOT Pascack Road Improvements Program and Appropriating \$190,000 Therefor and Providing for the Issuance of \$180,500 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 Miller Second: Councilmember Biccocchi
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 Miller Second: Councilmember Biccocchi
Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #14-15 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 Miller Second: Councilmember Biccocchi

Roll Call: Councilmember Arroyo – Yes Councilmember Biccocchi – Yes
 Councilmember Grefrath – Absent Councilmember Miller – Yes
 Councilmember Owens - Yes Council President Waneck – Yes

Ordinance for Reconsideration

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

Council President Waneck motioned to enact ordinance 14-14, said motion to be recorded as a resolution.

Motion to Adopt Resolution #14-162: Council President Waneck Second: Councilmember Arroyo

Roll Call: Councilmember Arroyo – Yes
 Councilmember Biccocchi – Yes
 Councilmember Grefrath – Absent
 Councilmember Miller – Yes. Councilmember Miller said he has stated his position. It did not prevail. It is time to move on.
 Councilmember Owens - Yes
 Council President Waneck – Yes

15. Presentation of Bills, Financial Reports and Resolutions:

Councilmember Miller 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 v and w were added at this time.

Resolutions as Consent Agenda:

- a) **Resolution #14 - 163: Bill List & Statement of Cash**
- b) **Resolution #14 - 164: Authorizing the Issuance of a Duplicate Tax Sale Certificate Pursuant to Chapter 99 of the Public Laws of 1997 for Tax Sale Certificate #09-00001**
- c) **Resolution #14 - 165: Certification of Annual Audit**
- d) **Resolution #14 - 166: 2013 Audit Corrective Action Plan**
- e) **Resolution #14 - 167: Cancellation of Current Fund Grant Receivables and Grant Reserves**
- f) **Resolution #14 - 168: Chapter 159-FY 2014 Alcohol Education and Rehabilitation Enforcement Fund**
- g) **Resolution #14 - 169: Chapter 159 - Federal Ballistic Vest Fund**
- h) **Resolution #14 - 170: Authorizing Execution of a Developer's Agreement Between the Borough of Westwood & ETD Discount Tire Centers, Inc.**
- i) **Resolution #14 - 171: Renewal of Shared Service with Washington Township for Electronic Recycling (107-PVCPS Pascack Valley Cooperative Pricing System)**
- j) **Resolution #14 - 172: 2014-2015 Limo License Renewal - ARA Limousine, LLC**
- k) **Resolution #14 - 173: 2014-2015 Limo License Renewal - NA Limo Inc.**
- l) **Resolution #14 - 174: Authorizing the Preparation of Specifications for Maintenance of HVAC Equipment**
- m) **Resolution #14 - 175: Fire Department Matters of Personnel**
- n) **Resolution #14 - 176: Resignation of CFO**
- o) **Resolution #14 - 177: Appointment of Acting CFO**
- p) **Resolution #14 - 178: Authorization to Bid The Collection And Disposal Of Solid Waste**
- q) **Resolution #14 - 179: Hiring of Parking Authority Enforcement Officer**
- r) **Resolution #14 - 180: Authorizing Construction of ADA Ramps by Concrete Construction under the County Of Bergen ADA Cooperative Curb Ramp Construction Grant Program 2012**
- s) **Resolution #14 - 181: Authorizing Promotional Process for Command Positions**
- t) **Resolution #14 - 182: Authorizing Electrical Work at Westvale Park**
- u) **Resolution #14 - 183 Authorizing Disposal of Surplus Property by Online Auction**
- v) **Resolution #14 - 184 Authorizing Repair to Emerson Road Pump Station Pump**
- w) **Resolution #14 - 185 Appointment of Alternate Prosecutors**

Motion to adopt resolutions #14-163 through #14-185: Councilmember Miller

Second: Council President Waneck

Roll Call: Councilmember Arroyo – Yes

Councilmember Bicocchi – Yes, with recusal on #179
Councilmember Grefrath – Absent
Councilmember Miller – Yes
Councilmember Owens – Yes
Council President Waneck – Yes

16. Adjournment:

Motion to adjourn: Councilmember Miller Second: Council President Waneck

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

The time was 10:03 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk