

**BOROUGH OF WESTWOOD  
PUBLIC MEETING OF THE MAYOR & COUNCIL  
AUGUST 20, 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 – Present  
Borough Administrator Hoffmann – Present  
Borough Attorney Huntington – Present  
Borough Clerk Hughes – Present

**Committee Assignments:**

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

**3. Resolution #13 - 204 : Executive Closed Session**

**Motion to adopt Resolution #13-204:** Council President Sciara Second: Councilmember Waneck

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

**4. Reopen the Meeting:**

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

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

The time was 7:32 pm.

The Governing Body socialized until 8:00 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 – Present / Borough Administrator Hoffmann – Present /  
Borough Attorney Huntington – Present / Borough Engineer Boswell – 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: June 25, July 16**

**Motion to adopt the June 25, 2013 Public Session Minutes:** Councilmember Grefrath Second: Councilmember Miller

|   |                                    |
|---|------------------------------------|
| Roll Call: Councilmember Grefrath – Yes | Councilmember Waneck – Yes         |
| Councilmember Quinn – Abstain           | Councilmember Arroyo – Yes         |
| Councilmember Miller – Yes              | Council President Sciara – Abstain |

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**Motion to adopt the July 16, 2013 Public Session Minutes:** Councilmember Grefrath Second: Councilmember Waneck

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

**8. Outstanding Performance Proclamation - Officers Antonacci, Horst, McCarroll**

The Officers were commended for performing life-saving CPR when a woman collapsed at the Iron Horse Restaurant.

**9. Reports of Committees and Officials:**

**A) Mayor's Report**

**1) Drainage on Madison**

Mayor Birkner reported that the train signalization project is moving along on schedule. He thanked residents and business owners for their patience. Mayor Birkner acknowledged the Police Department for keeping traffic moving and flowing during peak traffic times. All in all, he believes the project is being handled as best as possible, and appreciates everyone's patience. Mayor Birkner noted that there will be partial closures in the coming weeks for drainage installation. The project will last until the end of November.

Mayor Birkner explained that there is a problem in regard to drainage on Madison that brings additional cost. The Borough will have to consider additional funding options. Councilmember Waneck asked if this is in addition to what is outlined in the agenda book. Mayor Birkner clarified that the other items include street light relocations, curbing on the park side, and parking. Councilmember Grefrath said had a request from an organization for a final map of the park as a result of the project. He is requesting that the Borough receive such a map at no charge. Mayor Birkner agreed.

Mr. Hoffmann distributed a worksheet of the additional expenses described in the agenda book. Councilmember Waneck asked what is driving the street light relocation. Mr. Hoffmann explained that the contractor found old light foundations that need to be removed. There is also the need for conduit to run lights to the new parking cutouts. Councilmember Waneck said she understands the adding parking but is surprised about the street light relocation cost. Mayor Birkner replied that the light foundations were uncovered when doing the work, and old conduit had to be replaced. Councilmember Quinn asked why drainage came up so late in the project in an area where water would have to run uphill. Mayor Birkner said that is an engineer design flaw. Councilmember Waneck noted that the Borough changed that area for the parking cutouts, so she can accept the drainage issue. She asked Boswell if it is common to pay for street lighting when something is uncovered during

construction. Mr. Morris said no one knew the old street lighting was there. Mayor Birkner observed that projects have change orders all the time. Mr. Morris said unexpected things come up when dealing with roadways, which is why there's the change order process. Mayor Birkner commented that the project is moving along quite well, and he is happy with how it is working.

**2) Shared Service with School**

Mayor Birkner met with the Interim School Superintendent. That conversation is already bearing fruit, with an interjurisdictional agreement for Borough mechanics to maintain the school fleet. The Borough will receive a fee, which saves the schools money. Mayor Birkner hopes for additional projects like this in the future.

**3) Revaluation**

Mayor Birkner advised that three public sessions were held last week regarding the revaluation. The information is now posted on the Borough website, along with photos of the appraisers and links to a map detailing the neighborhoods being worked in. The Police Department has background and vehicle information on the appraisers, so residents can verify their identities with the PD. Mayor Birkner advised residents to contact the tax assessor with specific questions, or the Mayor's office. Home inspections are now underway. Residents will be able to sit with Appraisals Systems and review the inspection data and value. He thanked Ms. Potash and Appraisal Systems.

**4) Governor's Office Review**

Mayor Birkner spent time with staff from Governor Christie's office this afternoon showing them around Westwood and discussing such projects as the sewer pipe, Westvale Park, FEMA purchases, and the intersection improvements, all of which showcased terrific multi-governmental cooperation. Mayor Birkner thanked the Governor's Office for their involvement with the reopening of hospital. Each project holds significance for Westwood's future. He also had the opportunity to discuss at length the chronic flooding in Westwood and neighboring municipalities. Mayor Birkner and the Governor's representatives reviewed the engineering study, toured flood prone areas in Westwood and Hillsdale, viewed the Woodcliff Lake dam and discussed the request to hold the reservoir level. Regional stream desnagging also discussed. A lot is being done to remedy acute flooding instances on the state level such as Sandy, but many chronic flooding issues are not addressed, so Mayor Birkner requested a review on how to best mitigate the flooding. He was promised it would be discussed in the very near future. Mayor Birkner said he will remain optimistic because this meeting was more positive than any meetings in the past with state representatives.

**B) Engineer's Report**

**1) Biweekly Report**

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

**2) 2012 ADA Curb Program**

Mayor Birkner asked about the Harrington and Berkeley Avenue curbs. Mr. Senkevich said they are not included in the program but he can ask the County to include them. Mayor

Birkner pointed out that the Borough has asked in the past and would like it included as priority.

**C) Council Liaison & Committee Reports**

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

**a) Annual Audit**

Councilmember Waneck noted that the audit was distributed, and the corrective action plan is on the agenda. She advised that the detailed departmental audit is being performed.

**2) Police and OEM:**

**a) CERT Team**

Councilmember Miller announced that OEM has issued a press release seeking volunteers for the CERT Team. This is the next step in getting people involved in advance of any more storms.

**b) Police Update**

The Drive Sober Labor Day crackdown is focused on drunk drivers. Councilmember Miller hopes everyone will address drinking and driving for the rest of their lives.

**3) Fire and Ambulance:**

**a) Ambulance Corps Update**

Council President Sciara noted that the Ambulance Corps carnival was a success once again.

**b) Fire Department Update**

Council President Sciara advised that Engine 12 is being refurbished. The new tank has been ordered.

Council President Sciara announced that the Fire Department recently received a grant from the County for two new swiftwater suits, bringing the department total to 7.

**4) Public Properties:**

**a) DPW Update**

Councilmember Quinn thanked the DPW for all their work with the train signalization project, such as putting up signs, and helping with traffic flow detours.

**b) Heritage Society Update**

The Heritage Society has cancelled the annual antique fair due to the work going on around Veterans park.

Councilmember Quinn noted that the Heritage Society opens its museum to the public every month, and every Wednesday evening they archive things that have been given them. She encouraged people to stop by, it's fascinating and fun.

**5) Land Use:**

**a) Police Promotion Process**

Councilmember Arroyo asked whether a resolution or an ordinance would be necessary if it is the Council majority's pleasure to move forward with the police promotional issue.

Mr. Huntington explained that a resolution is amended by a resolution, and an ordinance is amended by an ordinance, so it would depend on how it was put in place. Mrs. Hughes explained the difference between a resolution and an ordinance. Councilmember Arroyo asked Mr. Huntington to research and confirm what type of action would be required for either keeping the policy the same or making a change.

**b) Historic Commission Update**

Councilmember Arroyo advised that the last Historic Commission meeting was cancelled due to lack of quorum, so he is glad to see the appointments on the agenda.

**c) Land Use Board Updates**

Councilmember Arroyo reviewed the recent applications before the Planning and Zoning Boards. He noted that the Planning Board subcommittee has a draft of the revised cell tower ordinance that he will be reviewing with the Borough Administrator and Borough Attorney to clarify the administrative aspect of the process.

**d) Proposed Sign Amendments**

Councilmember Arroyo noted that there is an ordinance on the agenda to revise the sign requirements, based on recommendations that the Planning Board received from local businesses and a sign expert. He briefly reviewed the proposed revisions.

**6) Health and Recreation:**

**a) Recreation Department Update**

Councilmember Grefrath announced that the Westwood Tennis Team had an undefeated season, won the 14 and Under North Jersey Summer Junior Team Tennis League championship, and played at the USTA Summer Eastern Sectional Championships in Mt. Kisco, NY. Team Meber Jessica Ruback won the Sportsmanship Award.

The Girls Softball won the Bergen County Summer Championship.

The final concert of the Summer Concert Series will be August 22.

Due to the construction around Veteran's Park, the movies have been moved to the bandstand quad.

**b) Community Center Sidewalk**

Councilmember Grefrath said the concrete slabs in front of the Community Center have become marked and discolored. The Recreation Director and DPW Superintendent suggested painting them to match the brick on the walls. Councilmember Waneck asked if they had been power washed. Mr. Hoffmann said yes, and that he would prefer to see a few more tries at power washing, because painting becomes a maintenance issue. Councilmember Waneck agreed, and added that paint won't last.

**c) Eagle Scout Project**

Councilmember Grefrath reported that Peter Lyden of Boy Scout Troop 47 is working on an Eagle Scout project and would like to put benches at the Bird Sanctuary park. Councilmember Grefrath gave him the information on the Memorial Bench program and advised him that it is a County Park. Councilmember Waneck recalled that the County

considers it their park but the Borough maintains it. Mayor Birkner said it would be easy enough for Peter Lyden to receive approval from the County. Councilmember Grefrath will give him the contact information. Council President Sciara asked where the benches would go, since the park is flood-prone. Councilmember Grefrath said the project is just an idea at this point, there are no definites.

**D) Attorney's Report**

**1) Developers Agreement**

Mr. Huntington noted that there is a Developers Agreement for Care One on the agenda. It is another indication of the hospital's impact on that portion of town.

**2) 53 O'Toole Street**

Mr. Huntington discussed the request by Mr. Dickinson to tie into the storm sewer to alleviate flooding. He has come up with a design that is satisfactory to the DPW Superintendent. A resolution to approve is on the consent agenda.

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

**1) False Alarm Code**

Mr. Hoffmann discussed the false alarm code, and recommendations for changing it from the Police Chief, Sergeant, Judge, and Court Administrator. The revised code will allow three written warnings per calendar year for commercial properties for false alarms. The fourth alarm will start the fine process. After 12 summonses, the property owner will have to go to court. The Judge will have latitude on what can be done. The ordinance will be introduced at the September 3 meeting.

**2) Maintenance and Repair of School Vehicles**

Mr. Hoffmann explained that he and Mr. Woods met with the Acting School Superintendent after the Mayor's meeting, along with Borough and School staff, to work out details of the maintenance agreement for school vehicles. The Borough will start working on school vehicles on September 1<sup>st</sup>. The Board of Education will be doing a resolution at their next meeting. Councilmember Miller asked if this will cause overtime for the current staff. Mr. Hoffmann said no but if there is an emergency the school would pay the overtime rate as referenced in the resolution and the agreement.

**3) Madison and Park Change Order**

Councilmember Waneck asked to discuss the options for the Madison and Park Avenues change order. Mayor Birkner recommended option 1. Mr. Hoffmann pointed out that option 2 is for 11 spaces, option 1 is for four. Councilmember Grefrath asked if it includes \$1000 for a map. Councilmember Waneck said now is the time to fit in parking spaces, so she prefers option 2. Mayor Birkner commented that it would make up for spaces lost on Park Avenue. He was initially looking at funding but there is cost efficiency in making up spaces. The consensus was for option 2 plus a map at no cost.

**10. Agenda/Public Forum:**

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

Angela Perkins, 92 Cardinal Lane – asked if there is a time frame for completing the police promotion process. Mayor Birkner said it is under review.

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

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

**Ordinances for Introduction**

**13-20 An Ordinance Amending Chapter 330 Streets and Sidewalks, Article I Sidewalk Construction**

**BE IT RESOLVED** that Ordinance #13-20 entitled “An Ordinance Amending Chapter 330 Streets and Sidewalks, Article I Sidewalk Construction” is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with a September 17, 2013 hearing date in the official newspaper according to law.

Councilmember Quinn explained that this ordinance pertains to the inspection of sidewalks at the time of construction.

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

Second: Councilmember Waneck

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

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**13-21 An Ordinance Amending Chapter 195 Land Use And Development, Article XIX Sign Regulations**

**BE IT RESOLVED** that Ordinance #13-21 entitled “An Ordinance Amending Chapter 195 Land Use And Development, Article XIX Sign Regulations” is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with a September 17, 2013 hearing date in the official newspaper according to law.

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

Second: Councilmember Miller

Roll Call: Councilmember Grefrath – Yes                      Councilmember Waneck – Yes

Councilmember Quinn – Yes  
Councilmember Miller – Yes

Councilmember Arroyo – Yes  
Council President Sciara – Yes

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**12. 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 s was added.

Councilmember Miller requested resolution e be removed for separate vote. Regarding resolution r, Councilmember Waneck asked if DPW overtime or Police Reserve time would be involved. Mrs. Hughes said the organization has volunteers for clean up. Councilmember Quinn said there were no problems that required Police last year. Mayor Birkner added that the traffic flows throughout the day.

**Resolutions as Consent Agenda:**

- a) **Resolution #13 - 205: Bill List & Statement of Cash**
- b) **Resolution #13 - 206: Certification of Annual Audit**
- c) **Resolution #13 - 207: 2012 Audit Corrective Action Plan**
- d) **Resolution #13 - 208: Chapter 159 – Drive Sober Labor Day Crackdown Grant 2013**
- f) **Resolution #13 - 209: Authorizing Refund of Taxes B2300 Lot 1**
- g) **Resolution #13 - 210: Uniform Construction Code Enforcement Fees Account**
- h) **Resolution #13 - 211: Cancellation of Reserve for Redemption of Tax Sale**
- i) **Resolution #13 - 212: Cancellation of Reserve for Tax Map**
- j) **Resolution #13 - 213: Repairing Vehicles for School District**
- k) **Resolution #13 - 214: Authorizing Execution of a Developer’s Agreement Between the Borough of Westwood and Millennium Health Care Centers II, LLC, aka Care One at Valley**
- l) **Resolution #13 - 215: Authorizing 2014 NJDOT Grant Application for Pascack Road Section 2**
- m) **Resolution #13 - 216: Approval of Amusement Device License- Burke’s Bar & Grill**
- n) **Resolution #13 - 217: Appointments to Various Boards**
- o) **Resolution #13 - 218: Resolution of Approval to Tie into Stormwater System**
- p) **Resolution #13 - 219: Supporting the Drive Sober or Get Pulled Over 2013 Statewide Crackdown**
- q) **Resolution #13 - 220: Opposing United Water Rate Increase**
- r) **Resolution #13 - 221: Use of Westvale Park for Dogfest 2013**
- s) **Resolution #13 - 222: Authorizing Change Orders #1 and #2 for Madison/Park/Third Project**

**Motion to adopt resolutions #13-205 through #13-222:** Councilmember Grefrath

Second: Councilmember Waneck

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

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**e) Resolution #13 - 223: Authorizing Refund of Taxes B104 L31**

**Motion to adopt resolution #13-223:** Councilmember Grefrath

Second: Councilmember Waneck

Roll Call: Councilmember Grefrath – Yes      Councilmember Waneck – Yes

Councilmember Quinn – Yes                  Councilmember Arroyo – Yes

Councilmember Miller – Abstain          Council President Sciara – Yes

**13. Adjournment:**

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

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

The time was 9:25 pm.

Attest:

*(signed) Karen Hughes*

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk