

**BOROUGH OF WESTWOOD  
PUBLIC MEETING OF THE MAYOR & COUNCIL  
AUGUST 21, 2012 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 Miller - Present  
Councilmember Phayre – Present  
Councilmember Quinn - Present  
Councilmember Sciara - Present  
Council President Waneck - Present  
Borough Administrator Hoffmann – Present  
Borough Attorney Huntington - Present  
Borough Clerk Hughes – Present

**Committee Assignments:**

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

**3. Resolution #12 - 225: Executive Closed Session**

Motion: Councilmember Sciara Second: Councilmember Miller

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

**4. Reopen the Meeting:**

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

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

The time was 8:00 pm.

**5. Roll Call II:**

Mayor Birkner – Present  
Councilmember Grefrath - Present  
Councilmember Miller – Present  
Councilmember Phayre - Present  
Councilmember Quinn – Present  
Councilmember Sciara - 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. Minutes – June 19 Public Meeting**

**Motion to adopt the June 19, 2012 Work Session Minutes:** Councilmember Grefrath

Second: Councilmember Miller

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

---

**8. Presentation of Flag Flown in Afghanistan**

Mrs. Hughes told the Governing Body about the responses received to the staff's cards and photos that were sent to soldiers serving overseas. She presented the Governing Body with a flag flown in on a Medevac mission in Afghanistan.

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

**A) Mayor's Report**

**1) HUMC Update**

Mayor Birkner noted that renovations on the hospital are moving forward at a great rate. Everything is on track for a spring 2013 opening.

**2) Shared Services**

Mayor Birkner reviewed the steps taken by the Governing Body over the past 2-1/2 years towards shared dispatch services. There are definitely efficiencies to be gained by shared dispatching. The Borough is now engaged in serious discussion with Washington Township and will continue to work with them to satisfy their questions. Mayor Birkner believes there will be an increase in service if dispatch is shared. He noted how Rivervale and Old Tappan have shared dispatch successfully since 1961. Mayor Birkner is certain that Westwood and Washington Township can successfully share dispatch services. He looks forward to meeting with Township officials again soon.

**3) Anti Idling Campaign**

Mayor Birkner received a letter from the DEP asking that the Borough participate in the Stop the Soot campaign against vehicle idling. He gave the information to Councilmember Sciara as liaison to bring to the Environmental Committee.

**B) Engineer's Report**

**1) Bi-weekly Report**

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

**2) Rainbow Academy**

Dr. Boswell asked Councilmember Quinn if she could confirm whether Rainbow Academy was required to resurface the road as part of the Planning Board resolution. Council President Waneck thinks it was part of the Developer's Agreement. Mr. Huntington will let Dr. Boswell know.

**3) Berkeley and Harrington Curb Cuts**

Dr. Boswell contacted the County as requested about Berkeley and Harrington curb cuts. Their normal policy is to not pay for curb cuts unless they are resurfacing the road. However, the County suggested the Borough submit a letter and they will do what they can to improve the handicap ramps and curb radius. Dr. Boswell has already sent the letter.

**4) Broadway Resignalization/Madison and Park**

Council President Waneck asked if we are waiting for NJ Transit and the DOT to approve the plans for Madison and Park. Dr. Boswell said they don't approve them, the plans are simply inserted into the bid documents. Council President Waneck asked if there is any update on NJ Transit's latest review. Dr. Boswell said no but he will keep on them.

**5) Landfill Closure**

Councilmember Grefrath asked where the 3B phase of the landfill closure stands. Dr. Boswell explained that Phase 3B is ancillary to the main project and does not affect the clock, which started in 2009. For Phase 3B, the Borough is waiting on the executed permit and then the DPW can remove the debris.

**C) Council Liaison & Committee Reports**

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

**a) Acting CFO**

Councilmember Phayre advised that final interviews for the CFO position will be held on August 23<sup>rd</sup>.

**b) Finance Update**

The Finance Committee will be reviewing the audit and implementing its recommendations.

**2) Police and OEM:**

**a) Police Interviews**

Councilmember Miller advised that the second round of interviews for Police Officer candidates will be held on August 24<sup>th</sup>.

**b) OEM**

Councilmember Miller thanked the media for their articles on the need for an OEM Deputy. The Borough has received numerous responses. The committee will be defining the process and requirements. Mayor Birkner said he has received emails from interested candidates who reside outside of Westwood.

**c) Historic Preservation Commission**

Councilmember Miller reported that the Historic Preservation Commission gave an informal presentation on the Westwood Avenue historic designation. Many folks spoke out. Based on the comments, the Chairman cancelled the formal presentation and vote in favor of discussing what was heard at this presentation. The September 12<sup>th</sup> meeting will be in the Borough Hall conference room.

**3) Fire and Ambulance:**

No report.

**4) Public Properties:**

**a) DPW Update**

Council President Waneck reported that due to the additional manhours available since recycling is no longer done in house, and despite vacations, the DPW was able to accomplish over 100 hours of tree work that was sorely needed. They also were able to do another storm drain cleaning before the deluge last week. Councilmember Phayre has noticed the street sweeper making its rounds more frequently. This is a shared vehicle with Rivervale.

Mayor Birkner commented that the study performed by Boswell Engineering was verified during that storm and highlighted how the dam SOP needs to be changed. The levels must be held at 91 feet to help prevent flash flooding.

**5) Land Use:**

Councilmember Quinn announced that the Master Plan ReExam ordinances will be introduced later.

**6) Health and Recreation:**

**a) Veterans Park Update**

Councilmember Grefrath pointed out that construction has begun in Quad 2 of Veterans Park. He reviewed what has been accomplished so far. He hopes all are pleased when the project is finished in October. Councilmember Grefrath noted that Phase 3 will be the monument portion of the park.

Mayor Birkner added that the new sign for Veterans Park was part of an Eagle Scout project by Anthony Catalano. Councilmember Grefrath said the mortar stand is outstanding and looks fantastic.

**D) Attorney's Report**

No report.

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

No report.

**10. Agenda/Public Forum:**

**Motion to open the Agenda/Public Forum:** Councilmember Phayre

Second: Councilmember Miller

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

Joe Rivers, 46 Harding Avenue – is in favor of Westwood Avenue as a historic district. Mr. Rivers would even expand it. He suggested a poll at the next election on whether there should be a historic district.

Mr. Rivers suggested there be no right on red on Lafayette at Washington Avenue going north.

Mayor Birkner asked Mr. Rivers to submit his comments in writing to be forwarded to the Historic

Commission.

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

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

**Ordinances on Introduction**

**12-15 An Ordinance To Amend Chapter 195, Zoning, Article XIX, Sign Regulations, Of The Code Of The Borough Of Westwood**

**BE IT RESOLVED** that Ordinance #12-15 entitled “An Ordinance To Amend Chapter 195, Zoning, Article XIX, Sign Regulations, Of The 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 a September 18, 2012 hearing date in the official newspaper according to law.

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

Second: Council President Waneck

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

---

**12-16 An Ordinance To Amend Chapter 195 Article XIV, Zone Districts And Permitted Uses, Of The Code Of The Borough Of Westwood To Add A Cemetery District**

**BE IT RESOLVED** that Ordinance #12-16 entitled “An Ordinance To Amend Chapter 195 Article XIV, Zone Districts And Permitted Uses, Of The Code Of The Borough Of Westwood To Add A Cemetery District” is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with a September 18, 2012 hearing date in the official newspaper according to law.

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

Second: Councilmember Grefrath

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

**12-17 An Ordinance To Amend Chapter 195 Article XIV, Zoning And Permitted Uses, Specifically The LM Light Manufacturing District, Of The Code Of The Borough Of Westwood**

**BE IT RESOLVED** that Ordinance #12-17 entitled “An Ordinance To Amend Chapter 195 Article XIV, Zoning And Permitted Uses, Specifically The LM Light Manufacturing District, Of The 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 a September 18, 2012 hearing date in the official newspaper according to law.

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

Second: Council President Waneck

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

---

**12-18 An Ordinance To Amend Chapter 195 Article XIV, Zoning And Permitted Uses, Specifically The LB-3 Limited Business District 3 Of The Code Of The Borough Of Westwood**

**BE IT RESOLVED** that Ordinance #12-18 entitled “An Ordinance To Amend Chapter 195 Article XIV, Zoning And Permitted Uses, Specifically The LB-3 Limited Business District 3 Of The 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 a September 18, 2012 hearing date in the official newspaper according to law.

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

Second: Councilmember Grefrath

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

---

**12-23 An Ordinance To Amend Article XIX Sign Regulations To Include Temporary Signs In Hospital Zone**

**BE IT RESOLVED** that Ordinance #12-23 entitled “An Ordinance To Amend Article XIX Sign Regulations To Include Temporary Signs In Hospital Zone” is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with a September 18, 2012 hearing date in the official newspaper according to law.

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

Second: Councilmember Grefrath

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

---

**Ordinances for Adoption**

**12-22      An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Various Road And Park Improvements In The Borough And Appropriating \$270,000 Therefor And Providing For The Issuance Of \$256,500 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same**

**BE IT RESOLVED** that Ordinance #12-22 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Various Road And Park Improvements In The Borough And Appropriating \$270,000 Therefor And Providing For The Issuance Of \$256,500 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 Phayre    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 Phayre    Second: Councilmember Quinn  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**BE IT RESOLVED** that an Ordinance known as #12-22 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 Phayre    Second: Councilmember Miller

Roll Call: Councilmember Grefrath – Yes                      Councilmember Miller – Yes  
                  Councilmember Phayre – Yes                      Councilmember Quinn – Yes  
                  Councilmember Sciara – Yes                      Council President Waneck – No

---

**12. Hearing on Proposed Bergen County Open Space Recreation, Farmland & Historic Preservation Trust Fund Grant**

Mr. Hoffmann explained that this resolution supports an Open Space grant application for improvements to the tennis courts at McKinley Park. Councilmember Phayre asked if the repairs will withstand flooding. Mr. Hoffmann will check with the engineer. Councilmember Miller questioned whether this was part of the budget process, and why not. Mr. Hoffmann explained that it had been discussed in the past and brought up at this juncture because of the grant opportunity. Governing Body members expressed concern about the match funding. Mr. Hoffmann said it could come from the Recreation Trust Fund. Mayor Birkner pointed out that the resolution is an endorsement of the grant application and funding would not have to be accepted or matched until next year. Mr. Hoffmann advised that the County Open Space Committee will have to meet to determine the amount of funding to be awarded. He reminded the Governing Body that the cost estimate was a requirement of the grant application and had been approved at a prior meeting.

Council President Waneck requested an accounting of the Recreation Trust Fund.

**Motion to open the public hearing on the Proposed Bergen County Open Space Recreation, Farmland & Historic Preservation Trust Fund Grant for the Tennis Courts at McKinley Park:**

Councilmember Grefrath Second: Councilmember Phayre

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.

**Resolution #12 - 226: Endorsement Bergen County Open Space Recreation Farmland & Historic Preservation Trust Fund Grant – Tennis Courts McKinley Park**

**Motion to adopt resolution #12-226:** Councilmember Sciara Second: Councilmember Phayre

Councilmember Phayre emphasized that the resolution is in support of the application only. If the match is not available in the budget the Borough will relinquish the grant funds. Mayor Birkner stressed that the Borough was not obligated to accept the grant. Councilmember Grefrath asked when the match would need to be provided. Mr. Hoffmann said once the Borough is notified of the grant approval, which in 2011 occurred in June. Council President Waneck noticed that the projected cost is less than the engineering estimate. Mr. Hoffmann said some work can be done by the Borough staff, and items such as the wind screen can be purchased later.

Councilmember Phayre would like information on the ability of the facility to withstand flooding. Councilmember Quinn would like it confirmed that there are no special permits required for the project that have not been taken into account.

Councilmember Grefrath – Yes. He senses frustration that this is another resolution asking for money with no time to research, but is voting yes because the funding commitment is not required until 2013.

Councilmember Miller – No. He understands and appreciates that it is not commitment. However, he believes the budget process should not be theoretical but a real document. He

is not comfortable with having significant questions unanswered. The perception of free money is inaccurate; it comes with strings. He is also uncomfortable with the lack of time.

Councilmember Phayre – Yes. Open Space grants have been used by the Borough in the past, so we have a good understanding of how process works. If we don't move forward it guarantees we won't have any money. The Borough can always turn it back in, which is something we have benefited from in the past from other municipalities turning back their grant money.

Councilmember Quinn – Yes. She has attended CDBG grant meetings in the past, and has been there when money was turned back in to benefit Westwood. She is not voting to spend the funds at this time. She asked if this could have been discussed prior to this meeting. Mr. Hoffmann said this grant packet was provided to the Borough in June at a County meeting, along with the CDBG grant application that is due October 1. It is a tighter turnaround than previous year. At the June meeting the Governing Body authorized the Borough Engineer to prepare the estimate. Mayor Birkner confirmed it was discussed at a prior meeting.

Councilmember Sciara – Yes.

Council President Waneck – Yes. She hears Councilmember Miller's concerns but this vote is not for committing fully to spending the money. She reiterated that she wants to review the Recreation trust fund.

### **13. 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 m was added.

Council President Waneck questioned the potential addition of a resolution for refinishing the Community Center floors. Mr. Hoffmann explained it is the annual cleaning of the Community Center that is usually performed in August. Councilmember Grefrath was aware it was coming but did not know the cost. Council President Waneck and Councilmember Miller want clarification on whether it was budgeted. Councilmember Grefrath will ask the Recreation Director. The resolution was not added to the consent agenda.

Councilmember Miller asked the time frame for the cameras to be installed. Mr. Hoffmann estimated it would be two weeks after they are ordered.

#### **Resolutions as Consent Agenda:**

- a) **Resolution #12 - 227: Bill List & Statement of Cash**
- b) **Resolution #12 - 228: Authorizing Redemption of Tax Sale Certificate #12-00001**
- c) **Resolution #12 - 229: Authorizing Redemption of Tax Sale Certificate #12-00007**
- d) **Resolution #12 - 230: Authorizing Redemption of Tax Sale Certificate #12-00013**
- e) **Resolution #12 - 231: 2011 Audit Corrective Action Plan**
- f) **Resolution #12 - 232: Change Order #1 and Estimate #4 and Final for the 2011 CDBG Barrier Free Curb Ramps Program**
- g) **Resolution #12 - 233: Change Order #1 and Final Payment for the 2009 Pascack**

**Valley NJDOT Project / Irvington Street Section 2**

- h) Resolution #12 - 234: Award of Bid for DPW Truck**
- i) Resolution #12 - 235: Authorize Agreement for Cost Benefit Analysis for Sanitary Sewer Excess User Fee System**
- j) Resolution #12 - 236: Authorizing the Purchase and Installation of Security Cameras for Westvale Park**
- k) Resolution #12 - 237: Revising Resolution #12-219, Authorization to Purchase Claw Bucket**
- l) Resolution #12 - 238: Approval of Amusement Device License- Burke's Bar & Grill**
- m) Resolution #12 - 239: Supporting New York State Finance Committee Bill S5126**

**Motion to adopt resolutions #12-227 through #12-239:** Councilmember Grefrath

Second: Council President Waneck

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

**14. Adjournment:**

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

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

The time was 9:13 pm.

Attest:

*(signed) Karen Hughes*

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk