

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
SEPTEMBER 18, 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 - 252: Executive Closed Session

Motion: Council President Waneck Second: Councilmember Sciara

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 8:10 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 – August 7, 2012 Work Meeting, August 21, 2012 Public Meeting

Motion to adopt the August 7, 2012 Work Session Minutes as amended in closed session:

Councilmember Grefrath Second: Councilmember Phayre

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

Motion to adopt the August 21, 2012 Public Session Minutes: Councilmember Grefrath

Second: Councilmember Quinn

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

8. Presentation to Westwood Baseball 9/10 U Travel Team

9. Resolution #12 - 253: Westwood Volunteer Fire Dept. Matters of Personnel

Motion to adopt Resolution #12-253: 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

Mayor Birkner administered the Oath of Office to Derek Blankenbush Jr., assisted by Councilmember Sciara.

10. Reports of Committees and Officials:

A) Mayor's Report

1) United Water Rate Increase

Mayor Birkner announced the information for the public hearing on the proposed United Water rate increase.

2) Shared Dispatch Services

Mayor Birkner reported that he and Captain Durante attended the September 10th Washington Township Council meeting to answer questions regarding shared dispatch. One question that they could not answer regarded fees beyond the five years being proposed. Washington Township had received a County contract reflecting a 1% per year increase. Mayor Birkner advised that Westwood cannot give absolute numbers for 10 years out but can provide verifiable estimate based on historical data and increases in employee benefit costs. This will be a guide only for moving forward. Mayor Birkner will be providing the information later in the week to Mayor Sobkowitz. He noted that unlike the County, the Borough costs are actual and not deferred among other municipalities.

B) Engineer's Report

1) Bi-weekly Report

Dr. Boswell reviewed his bi-weekly report, a copy of which is attached.

2) Train Resignalization and Park & Madison Traffic Flow Revision

Dr. Boswell advised that the final revisions are being incorporated into the plans. The County has budgeted the project for 2013, with bidding anticipated to be done in January/February, and construction beginning in March or April of 2013. Mr. Hoffmann interjected that the County cautioned that this is an aggressive timeline. More realistically, the project would begin in the summer. Dr. Boswell mused that if they bid in February and awarded in April, only the weather would delay the start.

Dr. Boswell suggested moving the Madison Avenue redesign 8-10 feet to the east to save trees and avoid redoing the work that has already been done in Veterans Park.

Council President Waneck noted that the timeline for designing the project has gone on much longer than originally hoped. She requested an accounting for the expenses to date. Dr. Boswell will provide it for the next meeting.

Council President Waneck requested an estimate on the cost for police traffic details for the train signalization and the Madison and Park work. She asked who is paying for the traffic signals. Dr. Boswell said the County is paying for state of the art signals plus audible crosswalks.

Council President Waneck asked if the bus stop is being moved across the street. Dr. Boswell advised that it has already been moved and is not going across the street.

Councilmember Grefrath asked the estimated construction time. Dr. Boswell will confirm but thinks it is 9 months. Councilmember Grefrath said it sounds like the project is starting in May 2013, and ending in February 2014. Dr. Boswell explained that that is the time allowed but the contractor will actually be in the field for probably 5-6 months. They have to make the bid specification time realistic or the project comes in high for overtime. Councilmember Grefrath noted that nine months causes a disruption of magnitude. Dr. Boswell said they will be sensitive to the Christmas shopping season, and will not hurt merchants in town. Councilmember Grefrath observed that Home for the Holidays is important as well. Dr. Boswell said the only things left to do by that point would be minor.

Councilmember Quinn questioned the move of the Madison Avenue design. Dr. Boswell explained that the plan call for angled parking on both sides of Madison. In order not to disturb the recent beautification in Veteran's Park, he is suggesting to just shift the design 8 feet to the east, which will then take from the infield between Madison Avenue and the railroad station. Councilmember Grefrath asked if this means taking down less trees. Dr. Boswell discussed the saving of 4-6 trees. Council President Waneck pointed out that some of the smaller trees would be relocated, with which Dr. Boswell agreed. Council President Waneck asked how many mature trees are involved. Dr. Boswell said there were 11 originally. Now there is a maximum of 7, and there will be new trees planted.

Mayor Birkner asked if the plan change was due to the sidewalk. He pointed out that the new sidewalks go around existing trees, and asked if the parking plan can weave around the trees also. Dr. Boswell will look at it.

Mr. Huntington reiterated that the contractor would demobilize around Christmas. Dr. Boswell confirmed that they would shut down, cover over the work, and protect the merchants. Mr. Huntington suggested putting that into the specifications. Dr. Boswell is already discussing it with the County but if the County doesn't want to put it in they will be paying for it. Dr. Boswell advised that pertinent dates will be discussed at the preconstruction meeting. Dr. Boswell is assuming he is doing the inspection although the County hasn't yet decided.

Councilmember Phayre asked about the northwest corner utility relocation. Dr. Boswell

will show him on the drawings.

Councilmember Quinn asked if shifting Madison will affect Second and Park. Dr. Boswell said it is so minor it will not affect them.

Council President Waneck said there was discussion by the Department Heads to take from the train side of the street to minimize trees that would come down. Dr. Boswell pointed out that Mayor Birkner has suggested losing a parking space or two to save a tree. Dr. Boswell has heard that parking is critical, so he will weigh the options and let the Council decide.

Councilmember Sciara wants to make sure that Park Avenue is going from one way to two way, and will have traffic calming speed humps. Dr. Boswell said the device hasn't been decided on, but there will be traffic calming on Park. Councilmember Sciara stressed the need for the traffic calming. Dr. Boswell said it is the Borough's street, so the Borough can do what it wants. He would recommend getting the Police Department involved in that discussion. Mayor Birkner said this reiterates a condition that was originally approved. Councilmember Quinn asked if there is an extra cost. Dr. Boswell said there is and will work out a number. It is just a matter of asphalt.

Councilmember Phayre asked if the work will be done on all three intersections at once. Dr. Boswell surmises that the curb work will progress from one end to the other. There could be work on multiple intersections but he will ensure there are no consecutive detours and minimal impact on the area.

Council President Waneck remembered that NJ Transit said they don't have the budget for the project. She asked if the Borough would be picking up any of the cost. Dr. Boswell said the DOT has agreed to pick up the NJ Transit costs. The Borough will not be paying for transit improvements.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Finance Department Update

Councilmember Phayre announced that the new CFO will begin working October 1.

Councilmember Phayre will review the Best Practices checklist with Mr. Hoffmann before it is submitted.

There will be a Finance Committee Meeting before the end of the month.

2) Police and OEM:

a) OEM Update

Councilmember Miller advised that the search for an OEM Coordinator is moving forward. There will soon be a press release inviting candidates to apply. He thanked the media for their help in getting the word out.

b) Historic Preservation Committee

At the Historic Preservation Committee, the board discussed the need to balance historic buildings and areas against the need to not be a burden on property owners.

Councilmember Miller said no conclusion was reached. The decision is not time driven but fact driven. The October meeting will be open to the Planning and Zoning Board Chairs for their thoughts and input.

3) Fire and Ambulance:

a) Fire Department Update

Councilmember Sciara advised that the Board of Fire Officers is looking for direction on how they could help offset costs by reporting on their drills at Safety Committee Meetings. There is currently no Fire Department representative on the committee. Mr. Hoffmann said the committee has rotating members. He believes the Ambulance Corps rotated on this year. There has been Fire Department representation in the past. Councilmember Sciara said the Board of Fire Officers would like to put a procedure in place for future officers to follow so they can help the Borough get credit towards an insurance reduction. Mayor Birkner asked Mr. Huntington if the submission of a report is sufficient. Mr. Huntington said there is a scoring protocol, and he will speak with the JIF to obtain the scoring criteria. Councilmember Phayre pointed out that the Police Reserves drill also, and Mayor Birkner said perhaps other departments might want to be involved. Mr. Huntington will double check to make sure the Borough is achieving premium credit. Mr. Hoffmann said there is a rotation of committee members. Councilmember Sciara thinks it would be beneficial for the Fire Department to submit written reports. Mr. Huntington will find out.

b) Environmental Committee Update

Councilmember Sciara reported that last year's student member of the Environmental Committee, Conor Odell, is taking time off before going to college and would like to stay on the committee. The Environmental Committee would like to make him a full member to fulfill an unexpired term. They are reaching out to the High School to see if there is anyone interested in filling the student seats. The Committee has asked Mr. Hoffmann to contact Sustainable Jersey about their Biggest Loser project. Mr. Hoffmann said the Committee was supposed to send the information directly to Sustainable Jersey.

Councilmember Sciara asked where the Community Garden grant stands. Mr. Hoffmann said it is in the signature stage. The Committee requested that the plot at Westvale for the Community Garden be staked and taped so it can be seen.

Councilmember Sciara asked if the empty FEMA purchase lots could be Community Gardens.

4) Public Properties:

a) Library Update

Council President Waneck announced that there are two vacancies on the Library Board. She is reviewing the list of volunteers and reaching out to those who are interested in that board.

b) Westvale Comfort Station

Council President Waneck noted that there has been additional damage at the Westvale comfort station. The cameras should be installed by next week, which hopefully will end the damage or make it possible to follow up afterwards.

5) Land Use:

a) Land Use Boards

Councilmember Quinn advised that there are five master plan reexam ordinances for adoption tonight. She said the Planning Board still has a few more to work on.

6) Health and Recreation: PG

a) Board of Health Update

Councilmember Grefrath announced that the Board of Health will give flu shots on October 2 and 16.

b) Veterans Park Update

The construction in Veterans Park ongoing. The decision on the type of tree to use, Sergeant Cherry or Dogwood, is ongoing. Councilmember Grefrath confirmed that there are irrigation lines to the planters.

c) Memorial Bench Program

Councilmember Grefrath reviewed the status of all Memorial Benches. He gave an accounting of the Bench trust account.

Mayor Birkner thanked Councilmember Grefrath for organizing the annual Golf Outing. It was a great event and a lot of fun. Councilmember Grefrath is looking forward to being healthy and playing next year.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) United Water Rate Increase

Mr. Hoffmann said that while United Water has requested a rate increase, he cannot find out what that increase is. The websites list the dollar amounts but not the percentage increase. Mr. Hoffmann suggested a letter be submitted for the October 1 hearing protesting the increase. Council President Waneck noted that it didn't have any affect on the last increase, but Mayor Birkner said it had an affect on the hydrant fees. Councilmember Phayre wants to find out if the increase is consistent with the cap. Mr. Hoffmann will prepare a letter for the Governing Body to review.

2) Request for Tax Relief Legislation

Mr. Hoffmann discussed the need for property tax relief for municipalities purchasing flood prone properties under the FEMA grant. He explained how taxes work in the purchase process. Mr. Hoffmann suggested the Governing Body follow up on urging legislation alleviating the tax burden be adopted. Mayor Birkner said he has already followed up, and Assemblywoman Schepisi is working on how to implement it. Mayor Birkner explained that come January 1st, if properties aren't closed they remain on the tax rolls for the rest of the year, making the Borough responsible for county and school taxes for the year. Hopefully the Borough will close on the flood prone properties before December 31st or legislation will be enacted to grant amnesty for those portions of taxes.

Council President Waneck said the Borough cannot use FEMA funds for those costs. Mr. Hoffmann said that is correct. Mayor Birkner reviewed the status of the buyouts. He said if the homes are purchased by December 31st the Borough will not be responsible for 2013 taxes. Councilmember Phayre pointed out that the Administrator's memo says the cutoff is December 1st. Mayor Birkner said that is correct.

3) Recreation Trust Fund

Mr. Hoffmann discussed the recreation trust fund breakdown provided as requested. Councilmember Miller asked what unaudited means. Mr. Hoffmann explained it was not part of the 2012 audit. Councilmember Miller asked if the starting balance was provided by the auditor. Mr. Hoffmann confirmed. Councilmember Miller asked about revenue for basketball. Mr. Hoffmann explained that basketball fees come in the prior year and are applied to the following year expenses. Mayor Birkner said for winter sports there is an overlay between receiving funds and incurring costs. Council President Waneck asked for a breakdown of expenditures on the fields & buildings and donations line items. Mr. Hoffmann will provide for the October work session. He gave a few examples of donations. Councilmember Quinn asked if there is revenue for the concession stand. Mayor Birkner said concessions aren't done by the Recreation Department. Councilmember Quinn thought that was part of the original plan but Mayor Birkner said no.

4) Best Practices Checklist

Mr. Hoffmann reviewed the Best Practices Checklist. The Borough scored 46 out of 50, which meets the criteria so the Borough is not in danger of losing state aid.

5) Community Development Block Grant

Mr. Hoffmann advised that the CDBG grant application will include the counters in Borough Hall to make them lower and handicap accessible.

6) Private Duty Expense Breakdown

Councilmember Miller asked when the private duty expense breakdown could be expected. Mr. Hoffmann will have it by end of next week. Councilmember Miller recalls that there are very specific and defined places those funds can be used. They cannot be used in the current year, and are specific in nature for use. He is curious on how expendable funds are used. He has received the revenue side but would like expense side, so he can confirm if it is an appropriate use. Councilmember Miller cannot figure the math on the report provided in July.

10. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Phayre

Second: Councilmember Sciara

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

No one wished to be heard.

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 for Adoption

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”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Quinn Second: Councilmember Grefrath

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 Quinn Second: Councilmember Grefrath

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

BE IT RESOLVED that an Ordinance known as #12-15 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 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

12-16 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”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Quinn Second: Councilmember Grefrath

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

BE IT RESOLVED that an Ordinance known as #12-16 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 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”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Quinn 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 Quinn 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 #12-17 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 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

12-18 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”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Quinn 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 Quinn 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 #12-18 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 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”, having hereby been read by title, shall have a hearing held on this date.

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

BE IT RESOLVED that an Ordinance known as #12-23 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 Quinn Second: Councilmember Sciara

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

12. 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. Resolutions k and l were added, and d was revised.

Resolutions as Consent Agenda:

- a) **Resolution #12 - 254: Bill List & Statement of Cash**
- b) **Resolution #12 - 255: Authorizing Refund of Taxes B 2113 L14**
- c) **Resolution #12 - 256: Change Order #1 for Veterans Park**
- d) **Resolution #12 - 257: Authorization to Submit an NJDOT Grant Application for the Pascack Road Project**
- e) **Resolution #12 - 258: Authorization for Community Development Grant Agreement (Senior Citizen Program) 2012-2013**
- f) **Resolution #12 - 259: Approval of 70th Birthday Party Application to Consume Alcoholic Beverages on Public Property**
- g) **Resolution #12 - 260: Approval of an Engagement Party Application to Consume Alcoholic Beverages on Public Property**
- h) **Resolution #12 - 261: Authorization to Hire Crossing Guard**
- i) **Resolution #12 - 262: Appointment of Alternate Plumbing Inspector**
- j) **Resolution #12 - 263: Endorsement of CD Projects – ADA Compliant Counters for Borough Hall & Library**
- k) **Resolution #12 - 264: Authorizing Payment to Shade Tree Professional**
- l) **Resolution #12 - 265: Authorizing Grant Application for Community Forestry Management Plan**

Motion to adopt resolutions #12-254 through #12-265: 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

13. 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 9:35 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk