

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

1. Opening of the Meeting:

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

2. Roll Call:

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

Committee Assignments:

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

3. Resolution #14 - 227: Executive Closed Session

Motion to adopt Resolution #14-201: Councilmember Miller Second: Councilmember Arroyo
Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes
Councilmember Grefrath – Yes Councilmember Miller – Yes
Councilmember Owens- - Yes Council President Waneck – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Council President Waneck Second: Councilmember Miller
Voice Vote: A voice vote was taken with all present voting in the affirmative.
The time was 8:15 pm.

5. Roll Call II:

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

6. Flag Salute

Mayor Birkner led those present in the salute to the flag.

Mayor Birkner said he originally was not going to attend tonight due to a personal obligation, and will need to leave at 9 pm. He asked that the order of business be changed to open the meeting to the public at this time.

7. Agenda/Public Forum:

Motion to open Agenda/Public Forum: Councilmember Grefrath Second: Council President Waneck

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

The following relayed stories of the negative impact the downtown construction has had on their businesses:

Lee Tremble, 11 Lyons Place, owner Iron Horse
David Oliver, Park Ridge, owner Banchetto Feast
Dan Vonderlieth, Westwood Sleep Center
Howard Goldberg, 22 Meadow Road, Goldbergs Bagels
Charles Weinfeld, Westwood Properties
Terraco, Car Wash on Lake
Rashidzada, Papillon Men's Store
Luke Farley, PJ Finnegan's
Bruce Meisel, 263 Center Ave
John Oberg, 400 Lafayette, Oberg & Lindquist

Additionally, Mr. Tremble suggested keeping one lane of traffic open on Washington Avenue to keep traffic flowing into Westwood by utilizing traffic control at either end of the lane. Mr. Farley suggested taking a positive approach by replacing "closed, used alternate route" with specific street detour information, and providing parking information. Many speakers would like to see a recovery program to bring business back into the downtown.

Mr. Miesel asked who is acting as an advocate for the Borough with PSE&G. He voiced concern with the compaction process being used for the trenches. He suggested utilizing Dr. Boswell as advocate. Mr. Miesel proposed a committee be formed to work on a recovery plan. He also advocated for a parking meter program to get the 'meter feeders' out of the downtown.

During the Public Forum, Richard Steier commented on Ordinance 14-29. During the ordinance hearing, Mr. Huntington asked if Mr. Steier would like his earlier comments reflected under the ordinance in the minutes. He agreed.

Motion to close Agenda/Public Forum: Council President Waneck Second: Councilmember Owens
Voice Vote: A voice vote was taken with all present voting in the Affirmative.

Mayor Birkner said the remarks were a good commentary on the project. He updated the status of the resignalization project and reviewed the upcoming work schedule for resignalization and for PSEG. Mayor Birkner addressed some of the comments from the public, stressing that the Borough has been well aware of the impact on the businesses and the Police Department has done an outstanding job directing and rerouting traffic. He asked for Council comments.

Councilmember Miller said library attendance was noticeably impacted.

Council President Waneck asked if the Borough has the ability to stop the job. Chief Regino said the job was stopped that morning. Sgt. McClutchy said the police are constantly driving the routes and correcting problems. Council President Waneck likes the idea of the flagman. Chief Regino said it would be considered. Sgt. Pontillo thinks the road width won't permit it.

Councilmember Grefrath would like Dr. Boswell in attendance at the PSE&G construction meetings. Councilmember Arroyo asked Dr. Boswell how he would handle the project. Dr. Boswell said one key is getting control of the project by taking a direct approach and telling them what streets to close. It is a matter of looking at the whole project and moving traffic with the least possible disruption.

Mayor Birkner left at 9:26 pm.

Councilmember Grefrath asked Dr. Boswell for a not-to-exceed amount. Sgt. Pontillo pointed out all the PSE&G meetings have included some individuals from the Borough. Concerns have been heard and worked on. Mr. Miesel disagreed.

8. Reports of Committees and Officials:

A) Engineer's Report

1) Biweekly Report

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

2) Train Signalization/PSEG Energy Strong Project

Councilmember Miller asked about the paving process for the trenches. Dr. Boswell explained how such paving works utilizing cold joints. He commented that he would not have allowed some of the street closing situations. Dr. Boswell explained the trench filling process and is not concerned with how it was performed by the PSEG contractor.

Dr. Boswell provided a not to exceed amount for project oversight as resident engineer of \$9000. He estimated there are five weeks left, although Council President Waneck pointed out that paving would be done in two weeks. Dr. Boswell said it is a matter of control to get the contractor to comply. Council President Waneck asked about overseeing the paving. Dr. Boswell said detours have to be thought out and designed. Council President Waneck asked about converting Park Avenue to two-way. Councilmember Miller said paving completion is pledged for October 10. Dr. Boswell said he will get involved in all of that. Everything can be controlled except the weather.

B) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Time Capsule

Councilmember Grefrath would like to have the time capsule organized in October.

2) Fire and Ambulance:

a) Library Update

Councilmember Miller reported that the library ran programs over the summer. They recognized their volunteer High School students for their time.

b) Fire Department Annual Inspection

Councilmember Miller reminded everyone that the annual Fire Department inspection is October 10th.

c) Internal Equity

Councilmember Miller asked for the signoffs for the internal equity letter so that it can be

distributed.

3) Health and Recreation:

a) Recreation Update

Councilmember Owens noted there is a resolution to move the alternate Recreation Board members up to full membership to fill vacancies. He is trying to get the word out for the alternate vacancies. Council President Waneck Mrs. Hughes to provide the volunteer list to Councilmember Owens.

4) Land Use:

No report.

5) Police and OEM:

a) CERT/CART Team Ordinance

Councilmember Arroyo pointed out the revised CERT ordinance for introduction. Discussion was held on background checks. It was determined to simply state that membership is subject to background check rather than go into details.

b) DARE Discussion

Councilmember Arroyo asked if the Governing Body would like the Chief Regino to tailor a DARE-type program to the Westwood schools. The schools are open to it. It would be for next year. The consensus was yes.

c) Police Update

Councilmember Arroyo said the sergeant interview process is completed and Officer Foley is the #1 candidate. Based on the timeline established at the beginning of the year the Police Department would like to move forward with that promotion in November. Councilmember Miller congratulated the committee for their fairness and professionalism. Council President Waneck noted the candidates were all so close.

Councilmember Arroyo advised that the command promotion process was authorized and posted. No one applied for it. Council President Waneck asked if the process is closed. Councilmember Arroyo said yes.

6) Public Properties:

a) DPW Update

Council President Waneck explained how the capital budget included a garbage truck for \$200,000 but the DPW Superintendent was able to locate a demo with only a few hours and a full warranty for \$164,900.

Council President Waneck said there are problems with electronic recycling. It is manageable right now but at \$1000 per dumpster the program will have to be considered carefully next year.

Dr. Boswell returned to update the not to exceed amount for overseeing the downtown construction from \$9000 to \$36,000.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) Best Practices

Mr. Hoffmann advised that the Best Practices checklist will be discussed at the next meeting.

2) CDBG Block Grant

Mr. Hoffmann suggested ADA curbs for the CDBG grant.

3) 2015 Meeting Schedule

The Governing Body reviewed the 2015 meeting schedule. The consensus was for a 7 pm start for the July and August Council meetings.

4) Court Consolidation

Councilmember Miller asked for a status update on the court consolidation. Mr. Hoffmann said it is currently in limbo with no follow up discussion with the other communities and no answers to the questions. Councilmember Arroyo asked the continued level of interest from the other municipalities. Mr. Hoffmann thinks one is still interested and one is less so. Councilmember Owens asked if analysis on space and foot traffic has been done. Mr. Hoffmann said there is some data but mostly it would have to be done.

5) HRA

Councilmember Miller voiced concern with the HRA numbers. The report seems to indicate that some have not used the HRA. Mr. Hoffmann thought they had not used the maximum, but Councilmember Miller said that it not was the report says. Mr. Hoffmann will follow up on the validity of the numbers.

Mayor Birkner returned at 10:10 pm.

6) Resignalization Follow Up

Councilmember Miller applauded Mr. Hoffmann for meeting with the downtown merchants. He requested Mr. Hoffmann continue doing so but include all of them, and ask what was done right, what could have been done better, and what are their thoughts on recovery. Mayor Birkner interjected that he and Mr. Hoffmann have been out for months speaking with the business owners. Councilmember Miller asked for the information gleaned to be formalized and shared. He also asked Mr. Hoffmann to answer the three questions from his perspective, as it is valuable insight.

9. Ordinances of First & Final Reading:

Ordinances for Introduction

**14-32 An Ordinance To Create The Westwood Community Emergency Response Team
("CERT")**

Mr. Huntington noted the amendments that were discussed earlier.

BE IT RESOLVED that Ordinance #14-32 entitled "An Ordinance To Create The Westwood

Community Emergency Response Team (“CERT”)” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an October 14, 2014 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Arroyo

Second: Councilmember Owens

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

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14-33 An Ordinance To Amend Ordinance 14-19 Authorizing Sale Of Land Without Public Auction Of Lot 7, Block 703

BE IT RESOLVED that Ordinance #14-33 entitled “An Ordinance To Amend Ordinance 14-19 Authorizing Sale Of Land Without Public Auction Of 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 October 14, 2014 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Grefrath

Second: Councilmember Bicocchi

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

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14-34 An Ordinance To Amend Ordinance 14-20 Authorizing Sale Of Land Without Public Auction Of Lot 19, Block 1907

BE IT RESOLVED that Ordinance #14-34 entitled “An Ordinance To Amend Ordinance 14-20 Authorizing Sale Of Land Without Public Auction Of 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 October 14, 2014 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Grefrath

Second: Councilmember Owens

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

14-35 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Amending Ordinance No. 13-24 Of The Borough Finally Adopted October 1, 2013, Providing For Construction Of ADA Curb Ramps Along Fourth Avenue, Third Avenue And Washington Avenue In The Borough Of Westwood And Appropriating \$200,900 (Including A Grant In The Amount Of \$185,900 Expected To Be Received From The County Of Bergen ADA Cooperative Curb Ramp Construction Grant Program 2012) And Appropriating \$15,000 Therefor From The Borough's Capital Improvement Fund

BE IT RESOLVED that Ordinance #14-35 entitled "An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Amending Ordinance No. 13-24 Of The Borough Finally Adopted October 1, 2013, Providing For Construction Of ADA Curb Ramps Along Fourth Avenue, Third Avenue And Washington Avenue In The Borough Of Westwood And Appropriating \$200,900 (Including A Grant In The Amount Of \$185,900 Expected To Be Received From The County Of Bergen ADA Cooperative Curb Ramp Construction Grant Program 2012) And Appropriating \$15,000 Therefor From The Borough's Capital Improvement Fund" is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an October 14, 2014 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Grefrath

Second: Councilmember Owens

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

Ordinances for Adoption

14-29 An Ordinance To Amend Article XIV, Chapter 195, Zoning Of The Borough Of Westwood

BE IT RESOLVED that Ordinance #14-29 entitled "An Ordinance To Amend Article XIV, Chapter 195, Zoning 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 Arroyo Second: Councilmember Biccocchi
Voice Vote: A voice vote was taken with all present voting in the affirmative.

Public Comments:

Bruce Miesel, 263 Center Ave - commented that the ordinance originated with the Planning Board, who recommended it because it's common in Westwood to define uses specifically in each zone. Mr. Miesel said the introduced ordinance was sent to the Planning Board, who found it consistent with the Master Plan. Mr. Miesel believes it is a useful tool for Westwood and entirely consistent.

Richard Steier, 11 Maple Avenue, Closter - these are Mr. Steier's earlier comments from the public forum - Mr. Steier voiced opposition to the medical office ordinance. He is part of an application for

an urgent care center. He sees the ordinance as making a permitted use into a non-permitted use. Mr. Steier explained the purpose of an urgent care center and how it differs from an emergency room. He has heard there is concern about the hospital, but these centers are all over Hackensack and Teaneck where there are hospitals. Mr. Steier read a statement from Robert Garret of HUMC in favor of urgent care, that they provide less expensive alternative for those who need less acute care. Mr. Steier thinks the ordinance is rushed and needs more consideration.

During the ordinance hearing, Mr. Steier said he feels strongly that urgent care is a benefit to a community in every way. He believes it is a good use for the property. Mr. Steier feels the ordinance is to thwart the application. The use is proper. Such facilities are licensed under the State of New Jersey and are permitted uses in other jurisdictions. Mr. Steier reiterated that the ordinance is ill-conceived and at least should be given further consideration.

Bruce Miesel - noted that that discussion is held at the Planning Board level. This ordinance just defines the use.

Council President Waneck asked Mr. Huntington for an opinion on whether the ordinance is further defining or adding a new non-permitted use. Mr. Huntington thinks it is further defining. He asked that the resolution from the Planning Board be added to the record, which states the reasons for the recommendations. Mrs. Hughes will include it with the ordinance.

Motion to close the public hearing: Councilmember Bicocchi 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 #14-29 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 Bicocchi Second: Councilmember Miller

Roll Call: Councilmember Arroyo – Yes Councilmember Bicocchi – Yes
Councilmember Grefrath – Yes Councilmember Miller – Yes
Councilmember Owens - Yes

Council President Waneck – Yes. She said since it is only further defining existing definitions, and the Planning Board has said it is consistent with the Master Plan, she votes yes.

10. 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. Resolutions m through p were added at this time. Resolution o will have a separate vote.

Resolutions as Consent Agenda:

- a) **Resolution #14 - 228: Bill List & Statement of Cash**
- b) **Resolution #14 - 229: 2015-2016 CD Grant Endorsement- Thomas J. Riley Senior Center Corp.**
- c) **Resolution #14 - 230: Approval To Submit A Grant Application And Execute A Grant Contract With The New Jersey Department Of Transportation For The First Avenue Improvements Project**
- d) **Resolution #14 - 231: Authorizing Agreement for Elevator Inspection**

- e) **Resolution #14 - 232: Approval of Westwood Community Band Application to Consume Alcoholic Beverages on Public Property**
- f) **Resolution #14 - 233: Approval of Westwood Fire Department's Application to Consume Alcoholic Beverages on Public Property**
- g) **Resolution #14 - 234: Directing the Undertaking of a Continuing Disclosure Review and Authorizing Participation in the Municipalities Continuing Disclosure Cooperation Initiative of the Division of Enforcement of the US Securities and Exchange Commission**
- h) **Resolution #14 - 235: Authorization to Enter Into a 2014-2015 CDBG Grant Agreement for ADA Curb Ramps**
- i) **Resolution #14 - 236: Authorization to Outfit OEM Office**
- j) **Resolution #14 - 237: Authorizing Disposal of Surplus Property by Online Auction**
- k) **Resolution #14 - 238: Municipal Resolution of Support - Bergen County Floodplain Protection Program Application**
- l) **Resolution #14 - 239: Award of Bid for Rear Garbage Packer Truck**
- m) **Resolution #14 - 240: Authorizing Purchase of Leaf Hopper**
- n) **Resolution #14 - 241: Appointment to Recreation Advisory Board**
- p) **Resolution #14 - 242: Authorizing Issuance of RFQs for Select Professional Services**

Motion to adopt resolutions #14-228 through #14-242: Councilmember Grefrath

Second: Councilmember Bicocchi

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

o) Resolution #14 - 243: Authorizing Borough Agent for Project Oversight

Motion to adopt resolution #14-243: Councilmember Grefrath

Second: Councilmember Miller

Councilmember Arroyo asked how to fund the \$36,000. Mr. Hoffmann will check with the CFO. It was stressed that this is a not to exceed number subject to available funds. The Governing Body discussed the parameters of the oversight and the terms of the resolution. Mr. Huntington revised the resolution language and read it.

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

11. 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 10:35 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk