

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
NOVEMBER 10, 2015 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 Owens – Present
Councilmember Montana – Present
Councilmember Dell - Present
Councilmember Grefrath – Present
Councilmember Bicocchi - Present
Council President Arroyo – Present
Borough Attorney Huntington – Present
Interim Administrator Kezmarsky - Present
Borough Clerk Hughes – Present

Committee Assignments:

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

3. Resolution #15 - 252: Executive Closed Session

Motion to adopt Resolution #15- 252: Councilmember Montana Second: Councilmember Bicocchi
Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes
 Councilmember Dell - Yes Councilmember Grefrath - Yes
 Councilmember Bicocchi – Yes Council President Arroyo – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Council President Arroyo Second: Councilmember Grefrath
Voice Vote: A voice vote was taken with all present voting in the affirmative. The time was 8:07 pm.

5. Roll Call II:

Mayor Birkner – Present / Councilmember Owens – Present / Councilmember Montana – Present /
Councilmember Dell - Present / Councilmember Grefrath – Present / Councilmember Bicocchi -
Present / Council President Arroyo – Present / Interim Administrator Kezmarsky - Present /
Borough Attorney Huntington – Present / Borough Engineer Senkevich – Present / Borough Clerk
Hughes - Present

6. Flag Salute

Council President Arroyo asked for everyone's thoughts and prayers on behalf of Mario Ciocca, a long-time Parking Authority employee who had suffered a heart attack. (Mr. Ciocca died later that evening.) Mayor Birkner led those present in the salute to the flag.

7. Approval of Minutes: June 23, July 21, August 4 Special Meeting, August 18, August 25 Special Meeting, September 1

Motion to Adopt Minutes of June 23: Councilmember Grefrath Second: Councilmember Bicocchi

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes
 Councilmember Dell - Abstain Councilmember Grefrath - Yes
 Councilmember Biccocchi – Yes Council President Arroyo – Yes

Motion to Adopt Minutes of July 21: Councilmember Grefrath Second: Councilmember Owens

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes
 Councilmember Dell - Abstain Councilmember Grefrath - Yes
 Councilmember Biccocchi – Abstain Council President Arroyo – Yes

Motion to Adopt Minutes of August 4: Councilmember Grefrath Second: Councilmember Biccocchi

Roll Call: Councilmember Owens - Yes Councilmember Montana - Abstain
 Councilmember Dell - Abstain Councilmember Grefrath - Abstain
 Councilmember Biccocchi – Yes Council President Arroyo – Yes

Motion to Adopt Minutes of August 18: Councilmember Grefrath Second: Councilmember Montana

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes
 Councilmember Dell - Abstain Councilmember Grefrath - Yes
 Councilmember Biccocchi – Yes Council President Arroyo – Yes

Motion to Adopt Minutes of August 25: Councilmember Grefrath Second: Councilmember Owens

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes
 Councilmember Dell - Abstain Councilmember Grefrath - Yes
 Councilmember Biccocchi – Abstain Council President Arroyo – Yes

Motion to Adopt Minutes of September 1: Councilmember Grefrath Second: Councilmember Owens

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes
 Councilmember Dell - Abstain Councilmember Grefrath - Yes
 Councilmember Biccocchi – Yes Council President Arroyo – Yes

8. Resolution #15 - 253: Westwood Volunteer Fire Dept. Matters of Personnel

Motion to adopt Resolution #15- 253: Councilmember Grefrath Second: Council President Arroyo

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes
 Councilmember Dell - Yes Councilmember Grefrath - Yes
 Councilmember Biccocchi – Yes Council President Arroyo – Yes

Mayor Birkner administered the Oath of Office to Cadet Brandon Woods. He noted that Brandon exemplifies why Westwood is so great, because its young people are willing to step up and take responsibility and follow in their parents' footsteps.

9. Reports of Committees and Officials:

A) Mayor's Report

a) Streetscape Project

Mayor Birkner gave an update on the Westwood Avenue streetscape project being done by the Taxpayer's Alliance. He advised that tree replacement will occur in the spring.

b) Veterans Day Observance

Mayor Birkner reminded all of the Veteran's Day service to be held in Veterans Park at 11:00 am on November 11. He commended the recent renovation of the Veterans memorial by Eagle Scout candidate Rich Maul, who is another example of Westwood youth honoring their community and those who came before.

Mayor Birkner congratulated Council President Arroyo and Councilmember Grefrath for their recent reelection.

B) Engineer's Report

1) Biweekly Report

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

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects: PG

a) Finance Update

Councilmember Grefrath announced that the Borough maintained its AA+ bond rating, and increased from standard to good due to the five year projection plan. This was an important rating for the \$8.4 million bond sale that occurred today. Roosevelt and Cross with 2.361% was the winning low bidder.

Department heads are working on their 2016 budget requests, which are due Friday. Initial reviews will be held December 8 - 15.

Having electronic reviews of requisitions appears to be successful. Councilmember Grefrath commended the Council for taking this step.

b) Fire Department

Councilmember Grefrath noted there will be a Fire Officer meeting tomorrow night.

2) Library

Councilmember Dell reported on the book talk presently by former Councilmember Robert Miller, which was nicely attended. The Antiques Roadshow program was great success. There is a French film festival and a concert series coming up.

3) Health and Recreation:

a) Shade Tree

Councilmember Montana thanked the DPW and Rick Woods for getting in the 2015 plantings before the frost.

Councilmember Montana congratulated Mayor Birkner, Councilmember Grefrath and Council President Arroyo on their reelections. He also congratulated Cadet Woods.

4) Land Use:

Councilmember Bicocchi congratulated Mayor Birkner, Council President Arroyo and Councilmember Grefrath. He also congratulated the newly-elected Woodcliff Lake Mayor, who is a personal friend. He thanked Brandon Woods for becoming cadet, and observed that dad will now go to more calls, so mom gets the remote more often.

5) Police and OEM:

To comfort Brandon Woods, who had become emotional at the end of his oath of office, Council President Arroyo recalled the words of Hubert Humphry: a man who has no tears has no soul and is not a man at all.

a) Police Update

Council President Arroyo reported that on November 30th, the Police Department is sending three officers to a LEADS refresher course. LEADS is the replacement for the DARE program. Beginning in January, Officers McCarrol and Neuberger will go for the full five day training. Mayor Birkner thanked the officers who are a driving force, pushing for the program. Given the heroin epidemic in Westwood and the Pascack Valley, the program lessons are extremely important.

Council President Arroyo congratulated Mayor Birkner on his reelection.

6) Public Properties:

a) DPW Update

Councilmember Owens discussed the need for a ride-on leaf blower to compensate for the reduced manpower at the DPW due to a retirement. There is sufficient money in the budget. Councilmember Owens reminded all that when last year's joint purchase of a tractor with the Board of Education was approved, there was discussion of also purchasing a seeder-aerator. The funding is available in the Recreation trust fund. The consensus was to add both items to the consent agenda.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) Overnight Parking

Mr. Kezmarsky reviewed the issue of overnight parking. Mayor Birkner said there has been a lot of discussion on this, and it has been brought before the Parking Authority and Planning Board for their input. The Planning Board was adamant that they were not in favor of seeing the ordinance changed as it relates to the Master Plan. Any discussion of providing relief by initiating a permit system for using municipal lots for overnight parking is on a back burner until the Parking Authority report is released in early 2016. The issue at hand is for the Governing Body to weigh in on whether to modify the ordinance to allow on-street overnight parking or maintain status quo. Mayor Birkner declared that there is no appetite to change the ordinance.

2) Annual Calendar and Meeting Schedule

Mrs. Hughes pointed out that the draft annual meeting schedule and holiday calendar is in the agenda book for the Governing Body's review and comment.

3) Film Permit

Mrs. Hughes made the Governing Body aware of a film permit request that will include fireworks. Mayor Birkner reminded all that the American Diner Revival episode featuring Jack's Café will appear on the Food Network on the Friday after Thanksgiving.

10. Agenda/Public Forum:

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

Patricia Grisolia, 48 Roosevelt – had high expectations in the beginning but realized early on that the overnight parking ordinance would not be changed, which is disappointing. Mrs. Grisolia encouraged discussion on utilizing the Borough parking lots to alleviate the parking problems year-round, not just in the summer. She anticipates her daughter moving out in 2016 so she will no longer have the problem. She understands there is a process and appreciates the meetings that were held.

Bob Harper, 213 Lafayette Ave – had questions regarding a letter he received from the Recreation Director regarding his status as a coach. Mayor Birkner explained that the Borough and Governing Body has the discretion to approve or disapprove volunteers for various positions in the Borough. Decisions includes and is not limited to a code of conduct. Mr. Harper asked whether parental complaints or petitions were forwarded. Mayor Birkner explained that the Governing makes decisions based on applications for positions within programs and boards, and those decisions are based on any number of criteria that are determined to be in best interest of the Borough. It has been decided not to accept Mr. Harper's request to serve as coach. Mr. Harper said he is disappointed he was not allowed to make comments prior to the decision, and would like to make comments at this time. Mayor Birkner noted that he would like to hear Mr. Harper's comments, as this was the time for the public to do so. Mr. Harper reviewed his coaching history with the Recreation Department. He spoke in detail of the incident that occurred at a December 20, 2014 Recreation travel team basketball game. He offered to sit and review the videotape with any Governing Body member frame by frame. Mr. Harper said he has been upstanding member of community for 16 years, and never had an incident of this kind in all his years of coaching. He respectfully asked the Council to reconsider their decision. Mr. Harper pointed out that there are parents and two assistant coaches in the audience that support him.

Anthony Rivera, 249 David Hooper Place – as a fellow coach, spoke in support of Mr. Harper.

Lee Robertson, 106 Hillside Ave – as a fellow coach, spoke in support of Mr. Harper. Mr. Roberston suggested putting Mr. Harper on probation and responsible to him as Head Coach.

Joe Letizia, 21 James Street – understands the flooding on his street will be on the next agenda and is making himself available if anyone needs anything. Mr. Letizia thanked everyone for the work already done. Mayor Birkner said Boswell will providing a potential plan to address the runoff from Emerson that floods James Street. He recommends the Governing Body pay a visit to the property if they haven't yet seen it.

John Woods, 26 Sycamore Court – regarding coaches, he said they do great job with the kids. Mr. Woods pointed out that there was email a few weeks prior to the incident about parents staying in their seats, which is what they did at the incident.

Jack Antonis, 17 Wheeler Ave - asked the Governing Body to reconsider reinstating Mr. Harper, by comin up with a probationary period.

Rosemary Bustard, 59A Kinderkamack – had question about removing medical uses in the LB3 zone. Ms. Bustard asked the motivation, since it seems to be suddenly restrictive, and she currently has a podiatrist renting there. Mayor Birkner said the recommendation came from the Planning Board, which sets guidelines. Mr. Huntington said his understanding is that they found the section ambiguous and wanted to make it clearer. Mrs. Bustard asked if there is a written explanation. Mayor Birkner said it would be in the minutes of the Planning Board, probably from March 2015, and the minutes are on the Borough website.

Gavin Robertson, 106 Hillside Ave – supporting Coach Harper who has coached him since 2nd grade, helped him become a varsity basketball player at Westwood High and encouraged him to be a camp counselor. Mr. Robertson believes not reinstating Mr. Harper would deprive kids and he himself of an excellent coach. He lauded Mr. Harper as a teacher, mentor, friend.

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

11. Ordinances of First & Final Reading:

Ordinances for Introduction

15-27 An Ordinance to Amend Chapter 237 Parking Lots, Municipal

BE IT RESOLVED that Ordinance #15-27 entitled “An Ordinance to Amend Chapter 237 Parking Lots, Municipal” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a December 15, 2015 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 Owens - Yes Councilmember Montana - Yes
 Councilmember Dell – Yes Councilmember Grefrath - Yes
 Councilmember Bicocchi – Yes Council President Arroyo – Yes

15-28 An Ordinance to Amend Article XIV, Chapter 195, Zoning, Chapter 128 Cemetery District

BE IT RESOLVED that Ordinance #15-28 entitled “An Ordinance to Amend Article XIV, Chapter 195, Zoning, Chapter 128 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 December 15, 2015 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Council President Arroyo Second:
Councilmember Montana

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes
 Councilmember Dell – Yes Councilmember Grefrath - Yes
 Councilmember Bicocchi – Yes Council President Arroyo – Yes

Ordinances for Adoption

15-24 An Ordinance To Establish A Schedule Of Salaries, Wages And Compensation Of The Public Officials, Officers And Employees Of The Borough Of Westwood In The County Of Bergen, And To Establish A Method Of Payment Of Such Compensation During Calendar Year 2015

BE IT RESOLVED that Ordinance #15-24 entitled “An Ordinance To Establish A Schedule Of Salaries, Wages And Compensation Of The Public Officials, Officers And Employees Of The Borough Of Westwood In The County Of Bergen, And To Establish A Method Of Payment Of Such Compensation During Calendar Year 2015” having hereby been read by title, shall have a hearing held on this date.

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

BE IT RESOLVED that an Ordinance known as #15-24 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 Grefrath Second: Councilmember Bicocchi

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes
 Councilmember Dell – Yes Councilmember Grefrath - Yes
 Councilmember Bicocchi – Yes Council President Arroyo – Yes

15-25 An Ordinance To Amend Article XIV, Chapter 195, Zoning Of The Borough Of Westwood

BE IT RESOLVED that Ordinance #15-25 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 Bicocchi Second: Councilmember Montana
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 Bicocchi Second: Councilmember Montana
Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #15-25 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: Council President Arroyo

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes
 Councilmember Dell – Yes Councilmember Grefrath - Yes
 Councilmember Bicocchi – Yes Council President Arroyo – Yes

15-26 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey Providing For The Acquisition Of Various Equipment For The Borough

**Fire Department And Related Expenses And Appropriating \$50,000 Therefor
From The Borough's Capital Improvement Fund**

BE IT RESOLVED that Ordinance #15-26 entitled "An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey Providing For The Acquisition Of Various Equipment For The Borough Fire Department And Related Expenses And Appropriating \$50,000 Therefor From The Borough's Capital Improvement Fund" having hereby been read by title, shall have a hearing held on this date.

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

BE IT RESOLVED that an Ordinance known as #15-26 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 Grefrath Second: Councilmember Bicocchi

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes
 Councilmember Dell – Yes Councilmember Grefrath - Yes
 Councilmember Bicocchi – Yes Council President Arroyo – Yes

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.

Resolutions as Consent Agenda:

- a) **Resolution #15 - 254: Bill List & Statement of Cash**
- b) **Resolution #15 - 255: Authorizing Refund of Taxes B907 L18**
- c) **Resolution #15 - 256: Authorizing Redemption of Tax Sale Certificate #15-00003**
- d) **Resolution #15 - 257: Authorize Release of Performance Bond - 39 Kinderkamack Properties, LLC,-Goodyear**
- e) **Resolution #15 - 258: Bergen Municipal Employee Benefits Fund Resolution to Renew**
- f) **Resolution #15 - 259: Approval of Amusement Device Licenses - K-Mart**
- g) **Resolution #15 - 260: Authorization to Issue RFP/RFQs**
- h) **Resolution #15 - 261: Authorization to Bid Various Projects**
- i) **Resolution #15 - 262: Authorization for Community Development Grant Agreement for (Senior Citizen Program) 2015-2016**
- j) **Resolution #15 - 263: Authorization to Purchase Blow-Vac**
- k) **Resolution #15 - 264: Authorization For Joint Purchase with Board of Education for Seeder**

Motion to adopt resolutions #15-254 through #15-264: Councilmember Grefrath
Second: Councilmember Montana

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes
 Councilmember Dell – Yes Councilmember Grefrath - Yes

Councilmember Bicocchi – Yes

Council President Arroyo – Yes

14. Adjournment:

Motion to adjourn: Councilmember Bicocchi Second: Council President Arroyo

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

The time was 9:19 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk