

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
APRIL 19, 2016 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 Grefrath – Present
Councilmember Dell - Present
Councilmember Arroyo – Present
Council President Bicocchi - Present
Borough Attorney Huntington – Present
Borough Administrator Kezmarsky - Absent
Borough Clerk Hughes – Present

Committee Assignments:

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

3. Resolution #16 - 112: Executive Closed Session

Motion to adopt Resolution #16- 112: Councilmember Arroyo Second: Councilmember Montana

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes

Councilmember Grefrath – Yes Councilmember Dell - Yes

Councilmember Arroyo – Yes Council President Bicocchi – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Owens Second: Council President Bicocchi

Voice Vote: A voice vote was taken with all present voting in the affirmative. The time was 7:50 pm.

5. Roll Call II:

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

6. Flag Salute

Councilmember Arroyo gave the invocation. Mayor Birkner led those present in the salute to the flag.

7. Approval of Minutes: March 1, 8 and 15, 2016

Motion to Adopt Minutes of March 1, 8 and 15, 2016: Councilmember Grefrath Second:
Councilmember Owens

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes

Councilmember Grefrath – Yes Councilmember Dell - Yes

Councilmember Arroyo – Yes

Council President Bicocchi – Yes

8. Resolution #16-113: Westwood Volunteer Fire Department - Matters of Personnel

Motion to adopt Resolution #16- 113: Councilmember Grefrath Second: Council President Bicocchi

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes

Councilmember Grefrath – Yes Councilmember Dell - Yes

Councilmember Arroyo – Yes Council President Bicocchi – Yes

Mayor Birkner administered the Oath of Office to Fire Cadet Ian Kovalick.

9. Presentation of Girls Fourth Grade Recreation Travel Basketball Team Championship Certificates

There was a brief recess to allow team members and their families to exit the Council chambers.

10. Arbor Day Proclamation

Mayor Birkner and Councilmember Montana presented the proclamation to the Shade Tree Committee.

11. Reports of Committees and Officials:

A) Mayor's Report

a) LEADS Program

Mayor Birkner reported on a meeting held at the High School where the Police Department presented the new LEADS program. He noted that Councilmember Arroyo has been instrumental in advocating the return of a program that gets officers back into school to educate children on drugs and matters of social concern that affect youth nationwide. They also discussed the heroin epidemic, and the use of NARCAN. The Police are putting together a program about heroin to present before the end of the school year. The Governing Body, school, Police, County, Stigma Free team, hospital, and recovery coaches are all a planned part of the presentation.

b) Eagle Scout Project

Eagle Scout candidate Brian Kim of Boy Scout Troop 350 presented his proposed project to beautify the entrance to Westvale Park. The Council approved the project.

B) Engineer's Report

1) Biweekly Report

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

2) PSE&G Paving Issues

Mayor Birkner asked the status of the issues with the paving done by the PSE&G contractor. Mr. Senkevich advised that the contractor was in the Borough today to do crack sealing. Mayor Birkner asked if that was the only viable option. Dr. Boswell said yes, they won't mill and resurface. Councilmember Montana asked if there is any recourse for substandard work. Dr. Boswell pointed out that the Borough had no contract with the paver so all dealings have to be with PSE&G. Mr. Huntington is not optimistic because absent of an egregious material breach it's difficult to claim that

the road will fail in 10 years instead of 15. Councilmember Montana said it's failing now. Mr. Huntington said a present defect is a different situation. Dr. Boswell said if the Borough did the project there would be a maintenance bond but the Borough was not the contractee.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Budget Update

Councilmember Montana reminded that the budget hearing will be May 3rd.

b) Shade Tree Committee Update

Councilmember Montana reported on the Shade Tree Committee meeting, at which they elected Gil Ten Hoeve as chair and Fred Rella as secretary. Councilmember Montana requested a resolution be added to the consent agenda to purchase two trees in honor of Arbor Day. Since a suggested location had been outside the cap at Westvale Park, he would like to see one tree planted on Arbor Day and the other held as a donation to the Eagle Scout project presented earlier. The thought process is to add trees near the benches at Westvale to shade the area. Funds would come from the Shade Tree trust. Councilmember Grefrath said he was glad to hear there would be honor trees planted.

2) Fire and Ambulance; Shared Services:

a) Fire Department Update

Councilmember Grefrath announced that the new fire apparatus would be inspected on April 29th, with the expected delivery to be Saturday, May 7th. A wetdown is being planned for July or August. Location and arrangements are being discussed.

b) Fire Prevention Vehicle

Councilmember Grefrath explained that the Fire Prevention vehicle needs a \$5,000 repair, which the dealer does not recommend doing. Councilmember Grefrath suggested purchasing a new vehicle using fire prevention penalty funds, which will cover 7/8ths of the purchase. The vehicle would play a dual role with Westwood OEM and be used as a rolling office. He asked for the Council's support.

c) Environmental Committee Update

Councilmember Grefrath advised that the Rain Garden at Borough Hall may be put off until the fall, depending on the timing of the budget adoption. The watershed cleanup cosponsored by Bergen SWAN is this Saturday. Registration is at the Community Garden.

3) Health and Recreation:

a) Recreation Update

Council President Bicocchi reported that the Recreation spring programs are doing well. Westwood Baseball's opening day is this Saturday. Softball is Sunday. Park Ridge Recreation is interested in a shared service. Councilmember Grefrath will speak with Mr. Buchheister.

4) Land Use: BD

a) Farmers Market Fire Inspection Permit Fees

Councilmember Dell reviewed the fire inspection fee suggestions from the Fire Official. Mr. Abou Daoud from the Westwood Chamber of Commerce was invited to speak about his suggestion that the

Chamber pay the Borough up front and be responsible for collecting the reimbursement from the vendors. Councilmember Dell suggested a fee of \$12.50 per week, pro-rated if a vendor comes in after the start of the 22-week season. Mayor Birkner asked if that is consistent with other markets. Councilmember Dell wasn't sure but noted the Borough would get the amount up front. Councilmember Montana asked if the Fire Official would have to be there every week. Councilmember Dell said only if open flame vendors are present. He will offset Saturday hours with fewer hours during the week.

Resolution #16 - 114: Authorizing UFC Fees for the 2016 Farmers Market

Motion to adopt Resolution #16- 114: Councilmember Dell Second: Councilmember Owens

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes

Councilmember Grefrath – Yes Councilmember Dell - Yes

Councilmember Arroyo – Yes Council President Bicocchi – Yes

b) Land Use Boards Update

Councilmember Dell advised that CVS has announced curbside service, so she has reached out to the Building Dept on it.

c) Washington Avenue Cross Walk

Councilmember Dell advised that Gary Ascolese of Boswell Engineering is working on a sketch of the Washington/Third intersection based on discussions for traffic calming. She distributed a description of the proposed in-street pedestrian crosswalk sign. Councilmember Montana noted that Lt. Hutchinson was in the audience and suggested he be permitted to speak on whether the in-street sign would be more impactful than the pedestrian-actuated flashing lights. Mayor Birkner said he was in Hillsdale over the weekend and was not impressed with the lighted sign. He prefers the in-street signage. Councilmember Arroyo said the Police have voiced concern about the crosswalk becoming visually distracting. The in-street signs are inexpensive, and if they are implemented with the wheel stops on Third, that may be sufficient without utilizing higher-cost items. Councilmember Dell noted the lighted signs raise the line of vision upward. Councilmember Montana again asked for Lt. Hutchinson to weigh in, but Mayor Birkner deferred further discussion to the work session.

d) Library Update

The Library is excited about the new Creative Team, which will be headed by Librarian Martha Urbiel.

e) Historic Preservation Commission Update

Councilmember Dell reported that the HPC has sworn in its new members, and is working on historic designation for 230 Mill Street.

5) Police and OEM:

a) Police Update

Councilmember Arroyo announced that on May 9th Officer Neuberger will participate in the Police Unity Bicycle Tour, a 300 mile ride from NYC to Washington, DC to raise awareness of line-of-duty deaths and raise funds for a memorial museum. Each rider has to raise \$1,850. To date Officer Neuberger has raised \$2,284. The Governing Body is very proud of her, and wishes her a safe trip.

6) Public Properties:

No report.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

No report.

12. Agenda/Public Forum:

Motion to open Agenda/Public Forum: Council President Bicocchi Second: Councilmember Montana

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

Mike Violano, 66 Terrace Ave, Library Board Member- the library is a great institution, with great programs. Every year the hardest job of the governing body is figuring out how to allocate the tax money. The library has done a great job of managing with the same allocation each year, which means doing more with less. They will not be able to stay open on weekends in the summer with funding as it is. They have cut back on purchasing materials. They are asking for additional funds to continue to serve plus add to the services.

Cynthia Deveraux, 190 Kinderkamack Ave - frequently visits the library for its wealth of services, and hopes there will be additional support. Weekends are a pet issue for her since that is when she most goes there. Besides books there are CDs, music events, help with the internet, job services, and an amazing amount of things that happen because of the library.

Patricia Doran, 4 Staples Drive - the library educates. It was part of their decision to live in Westwood, and part of the economic engine of Westwood.

Tom Harden, 35 Second Ave - uses the library all the time. His two young daughters use the children's programs. He telecommutes, and uses the library as an informal office, which he knows others do as well. The library levels the playing field for disadvantaged families. Seniors can learn computer skills. People can rebuild their lives by using the internet at the library. The library was a recharging station after Sandy, where resident could apply for FEMA aid. Mr. Harden believes it is an irreplaceable service. He thanked the Council for their continued support.

Joseph Abou Daoud, 10 Palisade Ave - he hadn't seen the agenda, so he asked if the zoning for the Farmers Market had been approved. Mayor Birkner said not yet, it is later on the agenda. He asked if the summer festival resolution is also being approved. Mayor Birkner said it is on the consent agenda. Mr. Abou Daoud announced that for the second year in a row his daughter was accepted into the All-State Choir, this year for mixed voices.

Motion to close Agenda/Public Forum: Council President Bicocchi Second: Councilmember Montana

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

13. Ordinances of First & Final Reading:

Ordinances on Introduction

16-10 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For A Special Emergency Appropriation Of \$50,000 For The Preparation Of A Master Plan

BE IT RESOLVED that Ordinance #16-10 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For A Special Emergency Appropriation Of \$50,000 For The Preparation Of A Master Plan” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a May 3, 2016 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Grefrath Second: Council President Bicocchi

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

16-11 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For A Special Emergency Appropriation Of \$150,000 For The Payment Of Contractually Required Severance Liabilities Resulting From Retirement Of Borough Employees

BE IT RESOLVED that Ordinance #16-11 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For A Special Emergency Appropriation Of \$150,000 For The Payment Of Contractually Required Severance Liabilities Resulting From Retirement Of Borough Employees” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a May 3, 2016 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Montana Second: Councilmember Dell

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

Ordinances for Adoption

16-8 An Ordinance To Amend Article XIV, Chapter 195-128 H Hospital District, Zoning Of The Borough Of Westwood

BE IT RESOLVED that Ordinance #16-8 entitled “An Ordinance To Amend Article XIV, Chapter 195-128 H Hospital District, 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 Dell Second: Councilmember Arroyo

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

Public Comments:

No comments.

Motion to close the public hearing: Council President Bicocchi Second: Councilmember Owens
Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #16-8 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 Dell Second: Councilmember Owens

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

14. Presentation of Bills, Financial Reports and Resolutions:

Councilmember Grefrath asked if there were any resolutions to add to the Consent Agenda. He stated that any Councilmembers who wished to remove any Resolution(s) to be voted upon separately could do so at this time, otherwise the Consent Agenda would be enacted in one motion. Resolution h and i were added at this time. Councilmember Montana asked if there was an escrow for the fire truck in case of defects, or a warranty. The consensus was to conditionally approve the resolution based on a review of the documentation by the Borough Clerk to ensure there is a warranty on the apparatus.

Resolutions as Consent Agenda:

- a) Resolution #16 - 115: Bill List & Statement of Cash**
- b) Resolution #16 - 116: Tonnage Grant Application**
- c) Resolution #16 - 117: Street Closure/Use of Sidewalks - Westwood Chamber of Commerce**
- d) Resolution #16 - 118: Authorizing Continued Participation in Fair Share Analysis**
- e) Resolution #16 - 119: Authorizing Payment for Fire Apparatus**
- f) Resolution #16 - 120: Establishing a Creative Team for the Borough of Westwood**
- g) Resolution #16 - 121: Approval of Berkeley School PSO Application to Consume Alcoholic Beverages on Public Property**
- h) Resolution #16 - 122: Authorizing Preliminary Assessment for 31 Nugent Place**
- i) Resolution #16 - 123: Authorizing Purchase of Trees for Arbor Day**

Motion to adopt resolutions #16-115 through #16-123: Councilmember Grefrath

Second: Councilmember Owens

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

15. Adjournment:

Motion to adjourn: Councilmember Dell Second: Councilmember Owens

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

The time was 9:30 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk