

**BOROUGH OF WESTWOOD  
PUBLIC MEETING OF THE MAYOR & COUNCIL  
FEBRUARY 19, 2019 AGENDA  
MUNICIPAL COMPLEX  
101 Washington Avenue  
8:00 pm Public Session**

**1. Opening of the Meeting:**

The meeting was called to order by Mayor Birkner at 8:00 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 Collins – Present

Councilmember Montana – Present

Councilmember Bicocchi – Present

Councilmember Dell – Present

Councilmember Murphy – Present

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Borough Attorney Huntington – Present

Borough Administrator Kezmarsky - Present

Borough Clerk Hughes – Present

Committee Assignments:

Land Use

Finance, Administration & Capital Projects

Police & Emergency Management; Shared Services

Health & Recreation

Public Properties

Fire & Ambulance

**3. Flag Salute**

Councilmember Bicocchi gave the invocation. Mayor Birkner led the Pledge of Allegiance.

**4. Approval of Minutes: January 2, 2019 Sine Die and Reorganization; January 15, 2019 Public Meeting**

**Motion to Approve Sine Die Minutes:** Councilmember Dell Second: Councilmember Bicocchi

Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes

Councilmember Bicocchi – Yes Councilmember Dell - Yes

Councilmember Murphy – Abstain

**Motion to Approve Reorganization Meeting and January 15<sup>th</sup> Minutes:** Councilmember Dell Second: Councilmember Bicocchi

Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes

Councilmember Bicocchi – Yes Councilmember Dell - Yes

Councilmember Murphy – Yes

**5. Oath of Office – Raymond Arroyo**

Former Councilmember and Notary Alyssa Dawson administered the Oath of Office to Raymond Arroyo. Councilmember Arroyo thanked his supporters and discussed the reasons he pursued the election challenge.

**6. Presentation by Environmental Committee**

Christine Blaney of the Environmental Committee reviewed the many ways former Councilmember Peter Grefrath had supported the Environment Committee during his tenure as liaison. The Committee unveiled a plastic composite bench that had been earned through the Trex Plastic Bag Recycling Program and

dedicated to Mr. Grefrath. They thanked him for this passion and inspiration. Mr. Grefrath thanked them.

## **7. Reports of Committees and Officials:**

### **A) Mayor's Report**

#### **1) Shared Services**

Mayor Birkner asked Councilmember Arroyo to join him at a Shared Services meeting requested by Washington Township on Thursday, February 21<sup>st</sup>. Moving forward the meeting will be held monthly on Thursdays. Mayor Birkner is hoping to see some initiatives come out of it.

#### **2) County Clerk Satellite Office**

Mayor Birkner announced that the County Clerk will be holding a satellite office in Westwood on April 30<sup>th</sup> and May 1<sup>st</sup> and 2<sup>nd</sup>. Resident will be able to file applications for passports, notary, and business trade names, and obtain Senior and Veteran photo ID cards.

#### **3) Flooding Report**

Mayor Birkner reviewed the reservoir and stream levels, which are normal despite all the precipitation.

#### **4) Age Friendly Designation**

Mayor Birkner announced that Westwood has been designated as Age Friendly by the AARP, and is only the 300<sup>th</sup> town in the nation to receive that designation.

#### **5) Sand Road Project**

Mayor Birkner reviewed the parameters of the NJDOT Sand Road Paving Project. He pointed out that the intersection with Harrington Avenue will be reconfigured to force vehicles to slow down when making the turn onto Sand Road and improve pedestrian safety.

#### **6) Budget Discussion**

Mayor Birkner commented that the 2019 budget looks to significantly pay down debt and eliminate a tax levy this year. He thanked the former CFO Durene Ayer and former and current Council members for continuously paying down debt while investing in municipal infrastructure. Councilmember Montana pointed out that the budget will be introduced on March 5<sup>th</sup>. He introduced the new CFO, Frank Elenio, who bring public and private sector experience. Councilmember Montana commented that the 2019 budget is in a good place, with a very low proposed municipal tax increase, significant debt reduction and an eye on the future. Mr. Elenio distributed budget worksheets and then reviewed the proposed 2019 budget. Mayor Birkner credited the department heads for taking a deep look at their budgets. He noted that the 2019 budget funds the surplus for tax appeals, terminal leave, capital surplus, and the self insurance plan. Municipal debt is the lowest it has been in decades. The 2019 municipal tax levy will increase by \$10. Mayor Birkner stressed that the municipal portion of the budget is the only area the Governing Body controls, although he met with the County Executive just that morning and was told the County will hopefully have a flat budget this year. Councilmember Montana pointed out that the \$10 increase is on the average home of \$426,000. He noted the assessed value of the Borough's homes has gone up significantly through the rolling reassessment program while the tax levy has come down, which is all working the way the Finance Committee had foreseen. Councilmember Montana asked the Governing Body to review the budget documents and send any questions to the CFO and Borough Administrator. Mayor Birkner asked the Borough Auditor, Gary

Vinci, if he had anything to add. Mr. Vinci noted the surplus at the end of 2018 was the highest in 20 years. Financially the Borough is extremely solid. Mr. Vinci reviewed the budget introduction and adoption dates, and explained that the budget can be modified prior to adoption so the introduced budget is not necessarily the final budget.

#### **7) Cyber Incident Road Map**

Mayor Birkner said the JIF has issued a cyber incident road map to help municipalities experiencing a cyber attack. Westwood recently had an incident but was able to recover. The Bergen JIF has paid out hundreds of thousands of dollars in claims.

#### **8) Franchise Fee**

Mayor Birkner announced the annual franchise fee payment from Altise/Cablevision of \$101,951.00.

#### **9) Resolution #19 - 62: Appointment of 2019 Liaisons**

**Motion to Adopt Resolution #19-62:** Councilmember Collins Second: Councilmember Murphy  
Discussion: Councilmember Montana had different recommendations for the deputy liaison positions, emphasizing the need for experience in some situations. Councilmember Murphy suggested she be assigned to Police since she is the only one not names in the pending litigation. Councilmember Montana appreciated her thinking but doesn't think the litigation has impact. Mayor Birkner explained that his recommendation is to rotate the Council so members gain experience.

Roll Call: Councilmember Collins - Yes Councilmember Montana – No  
Councilmember Bicocchi – No Councilmember Dell - No  
Councilmember Murphy – Yes Councilmember Arroyo – No

Motion is defeated.

#### **10) Resolution #19 - 63: Appointment of 2019 Liaisons**

Councilmember Montana read is proposed list of liaison appointments.

**Motion to Adopt Resolution #19-63:** Councilmember Montana Second: Councilmember Dell  
Roll Call: Councilmember Collins - No Councilmember Montana – Yes  
Councilmember Bicocchi – Yes Councilmember Dell - Yes  
Councilmember Murphy – No Councilmember Arroyo – Yes

Mayor Birkner pointed out that the reappointment of some liaisons violates the Governing Body's By-Laws.

#### **11) Resolution #19 - 64: Suspension of ByLaw 7.3**

**Motion to Adopt Resolution #19-64:** Councilmember Montana Second: Councilmember Bicocchi  
Roll Call: Councilmember Collins - No Councilmember Montana – Yes  
Councilmember Bicocchi – Yes Councilmember Dell - Yes  
Councilmember Murphy – No Councilmember Arroyo – Yes

#### **12) Resolution #19 - 65: Appointment of 2019 Boards and Committees**

**Motion to Adopt Resolution #19-65:** Councilmember Murphy Second: Councilmember Collins  
Roll Call: Councilmember Collins - Yes Councilmember Montana – No

Councilmember Bicocchi – No      Councilmember Dell - No  
Councilmember Murphy – Yes      Councilmember Arroyo – No

Motion is defeated.

Discussion was held on the appointment to the Parking Authority. Liaison Councilmember Arroyo recommends the reappointment of Mr. Letizia since that individual is involved in finalizing the parking app. Mayor Birkner objected to the reappointment because his conduct is not consistent with a public employee or board member. Councilmember Arroyo said he would not object to expanding the board membership to include Mayor Birkner’s proposed appointment of Mr. Conkling, but he is recommending the reappointment. After further discussion, Councilmember Arroyo asked if that is the only issue with the Board appointments. Upon confirming that to be the case, Councilmember Arroyo made the motion to reappoint Mr. Letizia to the Parking Authority, with all other proposed board appointments and reappointments as proposed by Mayor Birkner. He said he would meet with the Borough Attorney to see if the statute allows for expanding the membership of the Parking Authority.

**13) Resolution #19 - 66: Appointment of 2019 Boards and Committees**

**Motion to Adopt Resolution #19-66:** Councilmember Murphy Second: Councilmember Collins

Roll Call: Councilmember Collins – No. (Originally voted yes but asked to change her vote after it was explained to Councilmember Murphy that the vote was on the specific slate and did not include expanding the Parking Authority membership).

Councilmember Montana – Yes

Councilmember Bicocchi – Yes. He thinks Mr. Conkling would be a better appointment to a land use board.

Councilmember Dell – Yes. She agreed that Mr. Conkling would be better for land use. She noted she had compromised on a few of the appointments she had hoped to see.

Councilmember Murphy – No. She asked if the voted included expanding the Parking Authority. Mayor Birkner explained that it was not a vote on the subjective but a vote on a specific slate.

Councilmember Arroyo – Yes

**B) Council President’s Report**

**1) Resolution #19 - 66: Appointment of 2019 Council President – Raymond Arroyo**

**Motion to Adopt Resolution #19-66:** Councilmember Bicocchi Second: Councilmember Montana

Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes

Councilmember Bicocchi – Yes

Councilmember Dell - Yes

Councilmember Murphy – Yes

Councilmember Arroyo – Yes

**C) Engineer’s Report**

**1) Biweekly Report**

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

**2) Westwood Avenue Sidewalk Project**

Councilmember Montana asked Dr. Boswell about the project timeline and whether the Borough

should be negotiating to seek an extension of the grant. Dr. Boswell said there is not a tremendous amount of time required but the contractor has been difficult. He will work with Mr. Huntington on encouraging the contractor to proceed with the project.

**D) Council Liaison & Committee Reports**

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

**a) Pedestrian Safety**

Councilmember Montana thanked everyone for allowing him to be Council President for two years and two months. The pedestrian safety initiative was started under his tenure and will be picked up by Council President Arroyo. The first of the electronic speeds signs has been deployed on Harrington Avenue. They will be rotated between locations.

**b) HART**

Councilmember Montana is still waiting for a proposal from HART.

**c) Heart Health Month**

Councilmember Montana noted that February is American Heart Month, and reviewed the statistics on cardiovascular disease. He recommended that residents participate in the hospital's wellness program in March and take health more seriously.

**2) Fire and Ambulance: RB**

**a) Fire Department**

Councilmember Bicocchi reported that the Fire Department responded to the recent RiverVale fire. They were able to retrieve personal effects for the family. Mayor Birkner noted that the Westwood Fire Department was on standby for the surrounding communities during the Marcal fire, since the Borough's ladder truck is still out for repairs. He thanked those who responded to Marcal and is thankful there were no injuries.

**b) Assemblywoman Schepisi Mobile Office**

Councilmember Bicocchi introduced former Councilmember Dawson, who advised that staff members from Assemblywoman Schepisi's office would be setting up a mobile office at the Riley Center on February 26<sup>th</sup>.

**3) Health and Recreation: BD**

**a) Recreation**

Councilmember Dell reported that the winter Recreation programs are going well. The Recreation Committee is optimistic about completing the Brookside Park basketball court renovations prior to the summer camp. The Recreation Director is looking into installing a panic alarm in the preschool classroom.

**b) Library**

Councilmember Dell reviewed various library programs and projects, including the connection of the HVAC to the alarm panel; the new website; and the 'fine-free February' program.

**c) Board of Health**

Councilmember Dell said a second Babysitting Clinic has been added on March 7<sup>th</sup>. The Board of Health is requesting that their seasonal employee become permanent. Mayor Birkner said that is a personnel discussion for closed session.

**d) Celebrate Westwood**

Councilmember Dell reported that Celebrate Westwood planning is going great. She hopes the celebration line item in the budget has been increased.

**4) Land Use: EC**

**a) Historic Preservation Commission**

Councilmember Collins reported that the Historic Preservation Commission met on February 21<sup>st</sup> and swore in its new member.

**b) Land Use Boards**

Councilmember Collins apprised that the Planning Board meeting on February 14<sup>th</sup> was cancelled. The next scheduled meeting is February 28<sup>th</sup>. The Zoning Board will meet on March 4<sup>th</sup> and reorganize.

**c) Heritage Society**

Councilmember Collins announced that the Heritage Society will meet on March 6<sup>th</sup>, and the museum will be open on March 9<sup>th</sup>.

**5) Police and OEM; Shared Services: RA**

No report.

**6) Public Properties: JM**

**a) Environmental Committee**

Councilmember Murphy said the Environmental Committee's Master Gardener is setting up for the 2019 Community Garden season.

**b) Sustainable Westwood**

Councilmember Murphy advised that the Sustainable Westwood team will be meeting with the Glen Rock Green Team to get tips on how to go for silver certification.

**c) DPW**

Councilmember Murphy reported that the DPW has been mulching the parks, and is preparing for winter weather that may or may not happen.

Councilmember Murphy said as someone who lost everything in a fire when she was young, hearing that the Fire Department was able to save some things is fantastic.

Mayor Birkner interjected at this time that he would like to see a notice posted at Borough Hall that there is no smoking within 50 feet of the building. Mr. Kezmarsky believes it is court-related and will look into it.

**E) Attorney's Report**

Mr. Huntington welcomed back Council President Arroyo.

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

Mr. Kezmarsky also welcomed back Council President Arroyo.

**8. Agenda/Public Forum:**

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

Gary Conkling, 406 Kinderkamack Ave – presented photos of a car on Kinderkamack Road during the last snowstorm that did not get ticketed. Mr. Conkling also presented a photo of a snow pile at the entrance to the Highlands that extended into the street. Mayor Birkner said the Administrator will discuss these matters with the Police and DPW respectively. Mr. Conkling voiced concern with the high speed plowing on Kinderkamack that throws snow and ice onto sidewalks. He feels ordinances are not being enforced. He next asked about air bnbs and daily rentals. Mayor Birkner said the Planning Board will be addressing them as part of the Master Plan review. Mr. Conkling asked if the Borough is following the rental ordinance for air bnbs. Mayor Birkner said there needs to be complaints first.

MaryEllen Yale, Lowell Street – voiced concerns on behalf of the neighborhood with the traffic pattern change at Berkeley School. Ms. Yale said it was not communicated well to the residents. She doesn't want their lack of response to imply approval. She distributed a list of concerns, which included the 24/7 affect on the residents of the one-way on Berkeley that is only needed for one hour a day. Ms. Yale said the residents are concerned about being notified of the evaluation meeting after the 90-day trial.

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

**9. Ordinance for Introduction and Adoption**

**Ordinances for Introduction:**

19-1 An Ordinance Amending Ordinance 18-15 Of The Borough Of Westwood, In The County Of Bergen, New Jersey Providing For Energy Efficiency Upgrades At Borough Buildings And Related Expenses And Appropriating \$40,000 Therefor From The Borough's Capital Fund Surplus

**BE IT RESOLVED** that Ordinance #19-1 entitled "An Ordinance Amending Ordinance 18-15 of the Borough of Westwood, In the County of Bergen, New Jersey Providing For energy Efficiency Upgrades at Borough Buildings And Related Expenses And Appropriating \$40,000 Therefor From the Borough's Capital Fund Surplus" is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with a March 5, 2019 hearing date in the official newspaper according to law.

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

Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes  
Councilmember Bicocchi – Yes Councilmember Dell - Yes

Councilmember Murphy – Yes      Council President Arroyo – Yes

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19-2 An Ordinance To Amend Chapter 195 Article XVI Of The Westwood Borough Code, Entitled “Land Use And Development – Zone Districts And Permitted Uses” And The Standards Associated With The Zone In The Borough Of Westwood

**BE IT RESOLVED** that Ordinance #19-2 entitled “An Ordinance To Amend Chapter 195 Article XVI Of The Westwood Borough Code, Entitled “Land Use And Development – Zone Districts And Permitted Uses” And The Standards Associated With The Zone In 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 March 5, 2019 hearing date in the official newspaper according to law.

**Motion to pass the ordinance on First Reading:** Councilmember Collins Second: Councilmember Biccocchi

Roll Call: Councilmember Collins - Yes      Councilmember Montana – Yes  
            Councilmember Biccocchi – Yes      Councilmember Dell - Yes  
            Councilmember Murphy – Yes      Council President Arroyo – Yes

#### **10. Presentation of Bills, Financial Reports and Resolutions:**

Councilmember Dell asked if there were any resolutions to add to the Consent Agenda.

She 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. There was discussion as to whether Resolution d was for 2019 or 2018 budget transfers. Mr. Kezmarsky confirmed it should be for 2018 and Mrs. Hughes will revise the title.

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

- a) Resolution #19 - 68: Bill List & Statement of Cash
- b) Resolution #19 - 69: Authorizing Refund of Taxes – 56 Emerson Road
- c) Resolution #19 - 70: Authorizing Refund of Taxes – 617 Taco Avenue
- d) Resolution #19 - 71: ~~2019~~ 2018 Budget Reserve Transfer
- e) Resolution #19 - 72: Revised Request for Review of Spending Plan
- f) Resolution #19 - 73: Authorizing Release of Maintenance Bond – Pascack Valley Health System, LLC
- g) Resolution #19 - 74: Endorsement of Community Development Projects – BC HOME Investment Partnership
- h) Resolution #19 - 75: Authorizing Preparation of Plans and Specifications, Bidding, and Construction Inspection for the Basketball Court Replacement Project at Brookside Park – Superseding Resolution #19-51
- i) Resolution #19 - 76: Authorizing Bid for Pistol Range Remediation
- j) Resolution #19 - 77: Hire of Part Time Recreation Aide

**Motion to adopt resolutions #19-68 through #19-77:** Councilmember Dell

Second: Councilmember Collins

Roll Call: Councilmember Collins - Yes      Councilmember Montana – Yes

Councilmember Bicocchi – Yes  
Councilmember Murphy – Yes

Councilmember Dell - Yes  
Council President Arroyo – Yes

**11. Adjournment:**

**Motion to adjourn:** Council President Arroyo      Second: Councilmember Dell

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

The time was 10:16 pm

Attest:

*(signed) Karen Hughes*

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk