

**BOROUGH OF WESTWOOD  
WORK MEETING OF THE MAYOR & COUNCIL  
APRIL 2, 2019 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 Collins – Present  
Councilmember Montana – Present  
Councilmember Bicocchi – Present  
Councilmember Dell – Present  
Councilmember Murphy – Present  
Council President Arroyo - Present  
Borough Attorney Kool – Present  
Borough Administrator Kezmarsky - Present  
Borough Clerk Hughes – Present

**Committee Assignments:**

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

**3. Resolution #19 - 111: Executive Closed Session**

**Motion to Approve Resolution #19-111:** 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

**4. Reopen the Meeting:**

**Motion to reopen the meeting:** Councilmember Dell Second: Council President Arroyo

Voice Vote: A voice vote was taken with all present voting in the affirmative. The time was 8:00 pm.

**5. Roll Call II:**

Mayor Birkner – Present / Councilmember Collins – Present / Councilmember Montana – Present / Councilmember Bicocchi - Present / Councilmember Dell – Present / Councilmember Murphy - Present / Council President Arroyo - Present / Borough Administrator Kezmarsky - Present / Borough Attorney Kool – Present / Borough Engineer Senkevich – Present / Borough Clerk Hughes - Present

**6. Flag Salute**

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

The meeting was adjourned briefly to allow the Governing Body to relocate to the Council Chambers for the appointment and oath of a new Police Officer.

**7. Resolution #19 - 112: Appointment of Police Officer**

**Motion to Approve Resolution #19-112:** Council President Arroyo Second: Councilmember Bicocchi

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

Mayor Birkner with Council President Arroyo administered the Oath of Office for Police Officer to Stephanie Hallihan. Mayor Birkner and Council President Arroyo each congratulated her and said a few words, as did Chief Pontillo.

There was a brief adjournment to return to the conference room to continue the work session.

**8. Reports of Committees and Officials:**

**A) Mayor's Report**

**1) Flooding Report**

Mayor Birkner reviewed the reservoir and stream levels.

**2) Senior Birthday Celebration**

Mayor Birkner reminded everyone that the Library will host the annual Senior Citizen Birthday Celebration this Sunday.

**3) Harlem Wizards Game**

Mayor Birkner announced that he will be part of the faculty team at the Harlem Wizards game this Sunday at the High School.

**4) Sand Road NJDOT Project**

Mayor Birkner reported that the Sand Road project has begun with catch basins, curbs and sidewalks. The curb bump out, which seems a little short to him, will be discussed by the Engineer. The goal is to reduce the crosswalk length and install a visible crosswalk. The project is expected to be completed in the spring. Mayor Birkner thanked school officials for their help in scheduling the milling and paving, which will be done during spring break, weather permitting.

**5) Westwood Avenue Sidewalks**

Mayor Birkner advised that the Westwood Avenue Sidewalk project is virtually done, but he does have a question for the Engineer about the railing.

**6) PSEG Energy Strong Project**

Mayor Birkner reviewed the timetable for the PSEG Energy Strong project, which will begin in the Goodwin Park area.

**7) NJDOT Mill Street Project**

Mayor Birkner noted that the Borough has received the notification of award from NJDOT for the Mill Street project, which will require coordination with PSEG.

**8) Vivian Avenue/James Street Project**

Mayor Birkner said the bids came in lower than expected for the Vivian Avenue/James Street project. He reviewed the grants that were received by Emerson and Westwood. The project will come in under those grants at \$260,000.

**9) Eagle Scout Presentation**

Joseph Bergen of Troop 250 presented his Eagle Scout project to install a sand volleyball court at Brookside Park, which was vetted by the Recreation Director. Joseph plans to fundraise with a volleyball tournament, and the Recreation Department has offered to help with covering costs. He planned to start construction in June, which will take 6-7 weeks. While the Governing Body liked the concept, they had concerns with the location. Dr. Boswell pointed out that while the planned dimensions are correct, the sand depth is not. Councilmember Murphy pointed out that construction would be occurring during the Summer Playground program. Mayor Birkner asked Dr. Boswell to confirm whether the proposed location is doable based on proximity to the brook and the flood plain. suggested that Joseph proceed with fundraising while other options for the location are being discussed.

**B) Council President's Report**

No report.

**C) Engineer's Report**

**1) Biweekly Report**

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

**2) Sand Road Project**

Dr. Boswell advised that he will look at the radii of the turn at Sand and Harrington.

**3) Westwood Avenue Sidewalk**

Dr. Boswell advised that the railing for the Westwood Avenue Sidewalk should be in the week of the 15<sup>th</sup> or 22<sup>nd</sup>. Councilmember Montana asked if the railing will extend beyond the end of the walkway where it's raised. Dr. Boswell said anywhere over 39 inches has to have a railing.

**4) Brookside Basket Court**

Councilmember Dell asked the timeline for the Brookside Basketball Court project. Dr. Boswell said getting the DEP permit to work next to the brook is what takes time. When Mayor Birkner asked about the surface Dr. Boswell said it will be tiles over the existing surface.

**D) Council Liaison & Committee Reports**

**1) Finance, Administration and Capital Projects; Shared Services: CM**

**a) Budget Presentation, Hearing and Adoption**

Councilmember Montana reviewed the budget numbers and highlights. He thanked the Department Heads, Budget Committee, and Mr. Kezmarsky as Acting CFO. He then introduced the Borough's new CFO to present the budget.

Mr. Elenio gave a Power Point presentation on the details of the 2019 budget. Borough Auditor Gary Vinci commented on the fiscal health of the Borough.

**i) Hearing on Introduced 2019 Municipal Budget**

Motion to open Budget Hearing: Councilmember Montana Second: Councilmember Bicocchi  
Voice Vote: A voice vote was taken with all present voting in the Affirmative.

No one wished to speak.

**Motion to close Budget Hearing:** Councilmember Montana Second: Councilmember Bicocchi  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**ii) Resolution #19- 113: Resolution to Amend 2019 Budget**

Mr. Elenio explained that the budget needed to be amended to include a drunk driving enforcement grant that was recently awarded to the Borough.

**Motion to Approve Resolution #19-113:** Council President Arroyo Second: Councilmember Dell

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

**iii) Ordinance #19-3: An Ordinance to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank**

**BE IT RESOLVED** that Ordinance #19-3 entitled “An Ordinance to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank” having hereby been read by title, shall have a hearing held on this date.

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

**BE IT RESOLVED** that an Ordinance known as #19-3 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 Montana Second: Councilmember Bicocchi

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

**iv) Resolution #19 - 114: Governing Body Certification of Compliance With The United Stated Equal Employment Opportunity Commission’s “Enforcement Guidance On The Consideration Of Arrest And Conviction Records In Employment Decisions Under Title VII Of The Civil Rights Act Of 1964**

Mr. Kezmarsky explained that the Borough complies with Title VII of the Civil Rights Act of 1964.

**Motion to Approve Resolution #19-114:** Councilmember Montana Second: Councilmember Bicocchi

Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes

Councilmember Bicocchi – Yes      Councilmember Dell - Yes  
Councilmember Murphy – Yes      Council President Arroyo – Yes

**v) Resolution #19- 115: Adoption of 2019 Municipal Budget As Amended**

**Motion to Approve Resolution #19-115:** Councilmember Montana Second: Councilmember Bicocchi

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

Mr. Vinci pointed out that while the budget self-examination resolution had already been adopted at the March 5<sup>th</sup> meeting, it is supposed to be done after the budget adoption and would need to be readopted tonight.

**vi) Resolution #19- 116: Budget Self Examination for 2019**

**Motion to Approve Resolution #19-116:** Councilmember Dell Second: Councilmember Arroyo

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

**b) Autism Awareness**

Councilmember Montana pointed out that today is Autism Awareness Day, and the month of April is Autism Awareness Month. Mrs. Hughes will prepare a proclamation for the next meeting.

**2) Fire and Ambulance: RB**

**a) Ambulance Corps**

Councilmember Bicocchi reported that Ambulance Corps member Anthony Pertruccelli participated in his 600<sup>th</sup> ambulance run this week. The Ambulance Corps is looking to upgrade the carpeting in their building and is requesting to be added to the evaluation of Borough Hall. They are willing to wait as long as the Borough covers the costs. Mr. Kezmarsky will check the lease. The building upgrades are not part of the 2019 budget. Councilmember Bicocchi said he told them that only an evaluation would be done this year.

**b) Fire Department**

Councilmember Bicocchi said the Boots and Badges charity softball game would be held on Saturday the 6<sup>th</sup> at 11:30 am. The monthly Fireboard meeting will be Wednesday night.

**c) Senior Advisory Committee**

Councilmember Bicocchi noted that the Senior Advisory Committee meets on Thursday at 7:00 pm.

**3) Health and Recreation: BD**

**a) Health Department**

Councilmember Dell reported that the Board of Health had closed its window for the first time. The Health Director wanted to emphasize that the situation is temporary until the backlog is caught up, hopefully in two months. Councilmember Dell relayed the Health Director's claim

that 90% of the visitors call first, and the Deputy Clerk did not have anyone at the Clerk's window today for the Health Department while the window was closed. The decision was not made lightly. Records need to be brought into compliance. The Health Department is hoping to utilize floaters in the future to prevent this from happening again. They actually opened the window earlier than 12:30. Councilmember Murphy asked how dire the situation is if they were able to open earlier. Councilmember Dell said it is definitely dire. They opened early rather than start a task that they wouldn't be able to complete until Thursday. A lively discussion ensued on the situation.

**b) Recreation**

Councilmember Dell reminded everyone that the Recreation Egg Hunt will be April 13<sup>th</sup>. The next Recreation Advisory Board meeting will be the April 15<sup>th</sup> following the inaugural Egg Decorating event. The Recreation Committee is eager for the appointment of an architect to modify the front of the building.

**c) Library**

Councilmember Dell reported that the Library HVAC and alarm project is completed. The staff is in the process of configuring some spaces for effectiveness. All are invited to the Senior Birthday Party on Sunday, April 7<sup>th</sup>, and the Naturalization ceremony on Tuesday, April 9<sup>th</sup>.

**d) Celebrate Westwood**

Councilmember Dell said the Celebrate Westwood Committee walked Veterans Park with the DPW Superintendent to layout the inflatables. Mayor Birkner said he sent the Chair information about a model airplane club doing an airshow down at Westvale as part of Celebrate Westwood.

**e) Eagle Scout Project**

Councilmember Dell observed that any staff recommendations for an Eagle Scout project should be vetted by the Governing Body first before giving hope to a Scout. She pointed out that another Scout project was going to include parking by the Bird Sanctuary, which raised concerns from the Borough Attorney over ingress and egress. That Scout is modifying his project. Councilmember Dell would like the Scouts steered towards areas that need improvement. Mayor Birkner said he usually meets with Scouts, but there was a time restraint for this project. Councilmember Biccocchi asked if some Scouts present to Recreation. Mayor Birkner said normally they present to him or another Governing Body member. He does not recommend projects that require engineering. Councilmember Montana suggested a protocol that Scouts are directed to the Borough Administrator by other Department Heads. Councilmember Dell suggested telling the Troop Leaders to direct the Scouts to the Governing Body.

**4) Land Use: EC**

**a) Historic Preservation Commission**

Councilmember Collins reported that the Historic Preservation Commission will be reaching out to the owners of 125 properties on the historic register to see if they would like a sign for the 125<sup>th</sup> anniversary. The Chair has asked legal counsel if there are any issues with that.

**b) Land Use Update**

Councilmember Collins advised that notice of the Planning Board hearings on the CBD and CBD/SPE zones have been posted, and Board Member Yash Risbud will announce it at baseball

opening day. She also advised that the Zoning Board has changed its meeting start time to 7:30 pm.

**5) Police and OEM: RA**

**a) Police Department**

Council President Arroyo reported that the PBA contract expired 12/31/18. The Police have presented to the Administrator and Mayor. Once the Police Committee has discussed the proposal Council President Arroyo will report back to the Governing Body.

**b) Shared Dispatch**

Council President Arroyo asked Mr. Kezmarsky if the numbers are ready for the shared dispatch proposal. Mr. Kezmarsky advised that they will be ready shortly. He has spoken to his counterparts in three other towns, who are under pressure to sign with Northwest Bergen. Council President Arroyo would like to gauge whether their interest is real and move on if it is not.

**c) Berkeley Traffic Pattern**

Council President Arroyo advised that the Berkeley traffic pattern will continue until the end of the school year. He reviewed the timetable for the Police to meet with the school, implement any changes, and report to the Governing Body, who will then need to adopt the ordinance. Mayor Birkner pointed out that Teaneck has an ordinance for temporary one-way streets around their schools. Mr. Kool said the Teaneck ordinance has yet to be challenged but it is not legal in his opinion. He suggested adopting the ordinance as soon as possible. Councilmember Collins noted that the teachers are concerned with parking at Westvale after the break-ins on Sunday. Mayor Birkner said the school is amenable to extending the teacher parking lot. Council President Arroyo said for those concerned with property value impact, the Tax Assessor does not assess based on street direction. The proximity to the school is more of an issue than a one-way street.

**6) Public Properties: JM**

**a) Sustainable Westwood/Green Team**

Councilmember Murphy reported that the Green Team met with the Glen Rock Green Team for inspiration. One of the items discussed is the Glen Rock project to ban plastic bags. Councilmember Murphy said Westwood's team is planning on encouraging reusable bags.

**b) DPW**

Councilmember Murphy said the DPW is picking up the tree from the Van Saun Park Winter Wonderland, which will probably be planted in Girl Scout Park. Councilmember Dell suggested speaking with the Recreation Advisory Board for their feedback before planting trees in the parks.

**c) Shade Tree Committee**

Councilmember Murphy observed that there seems to be struggles between the Shade Tree Committee and the Borough. She suggested the ordinance be reviewed, which seems to set them up like a commission. Council President Arroyo said they are advisory. Mayor Birkner agreed, and suggested the Historic Preservation Commission should be an advisory committee as well. Councilmember Montana remarked that while liaison he had reminded the Shade Tree

Committee to limit their use of conversational emails.

**d) Westwood For All Ages**

Councilmember Murphy informed the Governing Body that she has resigned from Westwood For All Ages, but she is still supporting all that they do. Mayor Birkner thanked her for all she's done. Council President Arroyo said this is supposed to be the final year. Councilmember Murphy said there may be a two year extension, since the grantor is thinking it is better to keep the funding with the current grantees who can teach other towns how to be age-friendly. The County is getting much more involved, which is good since some initiatives are county based. Mayor Birkner said the County is using Westwood's initiatives to establish its own program. Councilmember Murphy said what's been accomplished is fantastic, especially establishing ambassadors, which is so beneficial. Councilmember Dell noted that the Library has played a big role.

**E) Attorney's Report**

**1) One Way Streets**

Mr. Kool said he had argued the case about one-way streets affecting the value of a property. The Judge threw out the case because diminution of value couldn't be proven. He will send everyone the case information.

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

**1) Veterans Park Phase IV**

Councilmember Montana asked Mr. Kezmarsky for an update on the Veterans Park project. Mr. Kezmarsky said they should be starting within 48 hours. Mayor Birkner asked about grant funding for the project. Mr. Kezmarsky said there was none. Mayor Birkner said he had requested the project be grant funded.

**2) Social Media**

Councilmember Collins asked Mr. Kezmarsky if the Borough can have a social media presence. During discussion about a social media policy, Mr. Kool pointed out that once the Borough starts posting civil and social events, all such notices will have to be posted. Mr. Kezmarsky said the events will be specific to the Borough. Mr. Kool will look for other municipal social media policies. He advised that another issue to consider is commenting on the site.

**9. Agenda/Public Forum:**

**Motion to open Agenda/Public Forum:** Council President Arroyo      Second: Councilmember Bicchichi

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

No one wished to be heard.

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

**10. Ordinance for Introduction and Adoption**  
**Ordinances for Introduction:**



**19-4 Bond Ordinance To Authorize The 2019 Road Resurfacing Program In, By And For The Borough Of Westwood, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$391,414 To Pay The Cost Thereof, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds**

**BE IT RESOLVED** that Ordinance #19-4 entitled “Bond Ordinance To Authorize The 2019 Road Resurfacing Program In, By And For The Borough Of Westwood, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$391,414 To Pay The Cost Thereof, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds” is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with an April 16, 2019 hearing date in the official newspaper according to law.

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

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

**11. 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. Resolutions j, k and l were added at this time. Resolution f was removed since it had been approved at the beginning of the meeting.

**Resolutions as Consent Agenda:**

- a) **Resolution #19 - 117: Bill List & Statement of Cash**
- b) **Resolution #19 - 118: Authorizing Cancellation of Taxes – 79 Palisades Ave B 1907 L 7**
- c) **Resolution #19 - 119: Authorizing Continuation of Berkeley School Traffic Pattern Changes**
- d) **Resolution #19 - 120: Authorizing Bergen County Trust Fund Grant Project – Hegeman Park Basketball Courts Refurbishment**
- e) **Resolution #19 - 121: Authorize Release of Maintenance Bond – Maxim Realty Trust, 25 Sullivan Street**
- f) ~~**Resolution #19 - : Appointment of Police Officer**~~
- g) **Resolution #19 - 122: Ratifying Award of Contract for Vivian Avenue/James Street Joint Project with Emerson**
- h) **Resolution #19 - 123: Appointment to Historic Preservation Commission**
- i) **Resolution #19 - 124: Approval of Mrs. Tricia Casimiro’s Request to Consume Alcoholic Beverages on Public Property for the Berkeley School PSO’s Annual Spring Fling**
- j) **Resolution #19 - 125: Endorsement – CD Grant Application for Care Plus NJ**

**k) Resolution #19 - 126: Amending Resolution #18-356 Westwood Avenue Sidewalk Change Order**

**l) Resolution #19 - 127: Authorizing Offer of Employment for DPW Laborer**

**Motion to adopt resolutions #19-117 through #19-127:** Councilmember Dell

Second: Councilmember Collins

Roll Call: Councilmember Collins - Yes    Councilmember Montana – Yes

          Councilmember Biccocchi – Yes    Councilmember Dell - Yes

          Councilmember Murphy – Yes    Council President Arroyo – Yes

**12. Adjournment:**

**Motion to adjourn:** Councilmember Biccocchi    Second: Councilmember Collins

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

The time was 10:07 pm

Attest:

*(signed) Karen Hughes*

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk