

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
JANUARY 17, 2012 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 Grefrath –Present
Councilmember Miller - Present
Councilmember Phayre - Present
Councilmember Quinn - Present
Councilmember Sciara - Present
Council President Waneck - Absent
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Clerk Hughes - Present

Committee Assignments:

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

3. Resolution #12 - 30: Executive Closed Session

Motion: Councilmember Miller Second: Councilmember Quinn

Roll Call: Councilmember Grefrath – Yes	Councilmember Miller – Yes
Councilmember Phayre – Yes	Councilmember Quinn – Yes
Councilmember Sciara – Yes	Council President Waneck – Absent

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Miller Second: Councilmember Sciara

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 Grefrath - Present
Councilmember Miller – Present
Councilmember Phayre - Present
Councilmember Quinn – Present
Councilmember Sciara - Present
Council President Waneck - Absent
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Engineer Boswell - Present
Borough Clerk Hughes – Present

6. Flag Salute

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

7. Minutes – December 6 and 20, 2011 Work and Public meetings

Motion to adopt the minutes of December 6, 2011: Councilmember Grefrath

Second: Councilmember Phayre

Roll Call:	Councilmember Grefrath – Abstain	Councilmember Miller – Yes
	Councilmember Phayre – Yes	Councilmember Quinn – Yes
	Councilmember Sciara – Yes	Council President Waneck – Absent

Motion to adopt the minutes of December 20, 2011: Councilmember Grefrath

Second: Councilmember Quinn

Roll Call:	Councilmember Grefrath – Abstain	Councilmember Miller – Yes
	Councilmember Phayre – Abstain	Councilmember Quinn – Yes
	Councilmember Sciara – Yes	Council President Waneck – Absent

8. Land Conservancy of NJ Presentation

Barbara Heskins Davis from the Land Conservancy of New Jersey gave a presentation on their program for land acquisition. Their program is based on County, State and Municipal Open Space programs. Ms. Davis discussed the projects that have taken place to date in Pequannock Township. She noted that Westwood does not have a local opens pace trust fund, which makes it more challenging to participate in State open space programs, but not County ones.

Mayor Birkner asked how the Borough can incorporate the County's assistance. He asked if it is better to have several municipalities work together to obtain a County Open Space fund match. Ms. Davis explained that the County has an Open Space Trust fund, so the more regional the project is the more likely it will be funded. Mayor Birkner asked if it reduces exposure to the municipality. Ms. Davis said Bergen County has no requirement for municipal funding but they like to see a local contribution. Still, a municipality can make a case for the County to offset a match due to the economic situation of municipalities. Mayor Birkner said as far as funding components, he looked at corporate partnerships, and obviously looked at United Water as someone who's been touting land acquisition. How successful has the Land Conservancy been with them? Ms. Davis said they have partnered with United Water in Ringwood, as well as partnering with other water utilities, since clean, plentiful water is the #1 priority for utilities.

Motion to open the Floor for Public Comments: Councilmember Phayre

Second: Councilmember Grefrath

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

Karolina Marin, 19 Nugent Place – asked Ms. Davis how there can be interagency cooperation to come up with a total amount of funding for a given year. She also asked if the Land Conservancy can expedite the process. Ms. Davis said the Land Conservancy is an open space program. The balancing act is to identify which houses are most suitable for federal funding, and which houses make sense from an open space perspective. Ms. Davis said the Land Conservancy helps municipalities plan, identify funding sources, maximize dollars, and move forward.

Mike Pessalano, 160 Harrington Ave – asked what limitations would be on the future use of property acquired. Ms. Davis said properties purchased through their program are restricted to open space, mostly passive recreation. The point of the Land Conservancy program is open space. Having a plan and objective aids in obtaining funding. She noted ANJEC just released application for a planning grant, to update the municipal environmental planning element.

Motion to Close Floor for Public Comment: Councilmember Phayre

Second: Councilmember Grefrath

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

Councilmember Phayre asked if they are having dialogue with homeowners in the queue in Pequannock. Ms. Davis said all landowners are contacted, and advised that there is limited funding. She observed that there is a component of the constituency that is not interested in purchasing flooded homes, but if there is a recreation benefit at end the public can see the purpose.

Mayor Birkner said the Powerpoint presentation will be on the Borough website, and the information will be provided to Council President Waneck who sits on County flood advisory board.

9. Reports of Committees and Officials:

A) Mayor's Report

1) HUMC

Mayor Birkner reported on the HUMC Planning Board application for site plan modification for the exterior grounds of the hospital site. HUMC officials are seeking to replace the old office trailer at the northeast corner of the site with a generator in an enclosed structure, one of three to be located on the site. They also requested approval to reinstate the helopad, and anticipate 3-5 flights per month once the hospital is fully functioning. Other site modifications included drainage improvements and removal of the asphalt sidewalk. HUMC officials were happy to make landscape improvements requested by the Planning Board to create more of a buffer for residential homes. Additionally, the Planning Board sought consideration for a bus stop to be located on hospital property. HUMC is very amenable to exploring it. Mayor Birkner has spoken preliminarily with NJ Transit to explore an Old Hook spur, which includes moving sidings and termination from Madison Ave to the hospital. There are benefits to businesses in the area plus employees and patients at the hospital. Approvals were made with certain considerations.

B) Engineer's Report

1) Bi-weekly Report

Dr. Boswell reviewed the bi-weekly report, a copy of which is attached.

2) 2011 Road Paving Project

Dr. Boswell advised that the road paving program for 2011 is being closed out. For the third year in a row the Borough is spending less but getting all the work done. Councilmember Miller asked why there were savings. Dr. Boswell explained how he is conservative on the

quantity estimate to avoid having to make an increase to the contract. Mr. Hoffmann commented that inspections are important to a project, and the Boswell inspectors are checking tickets so there is less of a chance of an overage problem, which is a positive reflection on Boswell Engineering. Dr. Boswell expounded on the inspection process.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Budget Update

Councilmember Phayre stated that the budget process is underway. The first line-by-line budget review meeting will be held February 1st.

2) Police and OEM:

a) 2012 Goals

Councilmember Miller reviewed the 2012 goals, a copy of which is attached. He said the value of the goals is that Department Heads, employees and residents have a clear understanding of the objectives. The high standard for the Governing Body is acceptable and desirable to all members.

3) Fire and Ambulance:

a) Ambulance Corps Update

Councilmember Sciara reported that the Ambulance Corps recently held their annual awards dinner. He complimented the Corps members for being so dedicated and thanked them for their service to Westwood.

4) Land Use:

a) Land Use Update

Councilmember Quinn advised that the Shade Tree Committee, Planning Board and Zoning Board had their first meetings of the year. She is anxious to learn about the new boards.

5) Health and Recreation:

a) Recreation Update

Mayor Birkner commented that 17 years of service by Councilmember Grefrath, he has never served as Recreation liaison, but there is a first time for everything. Councilmember Grefrath noted that he has now touched on all liaisons. He has attended the first Recreation Board and Board of Health meetings, but has no report yet.

b) Veterans Park/Memorial Bench Program

Councilmember Grefrath was pleased to note that the goals include completing Phase II of Veterans Park. He reported that four people have either paid for or inquired about a Memorial Bench. The program uses benches rather than trees for honoring people. A Memorial Bench has been installed in Voorhis Park. Originally Ms. Finnegan has asked if the bench in Veterans Park could be closer to the Veterans Memorial. Now Ms. Finnegan has decided to move it away from the Memorial, closer to the Train Station. Councilmember Grefrath thinks all will be happy with it. He will map it out and put it in

the Council's mailboxes once he checks with the Veterans. At the next meeting he will ask for Council approval for placing that bench. Councilmember Grefrath will have Ed Sneickus create plan for bidding the next phase of Veterans Park which includes benches, lighting, and walkways.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) Musquapsink Brook Watershed Restoration and Protection Plan

Mr. Hoffmann explained that the 2007 study performed by the Rutgers Department of Environmental Sciences on the Musquapsink Brook is going to result in a bank stabilization project at Girl Scout Park. Other areas along the Musquapsink and possibly Pascack Brook will be stabilized as well if funding is available.

2) Additional Cost for Reservoir Report

Mr. Hoffmann advised that there is a resolution for consideration to cover additional costs for the reservoir report. Councilmember Miller asked what caused the additional charge, which Mr. Hoffmann said was due to additional data and a rewrite. Councilmember Miller asked if the scope changed. Mr. Hoffmann said it did not. Councilmember Miller questioned Mr. Hoffmann whether he thought it was appropriate to present this to the Governing Body. Mr. Hoffmann thought it was. Councilmember Miller asked Mr. Hoffmann his opinion on whether or not to pay it. Mr. Hoffmann said he thought it should not be paid at the moment. The resolution was removed for further discussion at the work session. Councilmember Miller asked who would ask the engineer to remain at future meetings if there were items under the Administrator's report that fall under engineering. Mr. Hoffmann will ask Dr. Boswell to stay.

3) Flood Advisory Council Correspondence

Mr. Hoffmann advised that the County Flood Advisory Council is looking for information/thoughts by January 30th. Council President Waneck sits on this board so any correspondence could be forwarded to her. Mayor Birkner said the Borough will submit its comments in regards to the reservoir and dam, and the land conservancy program regional approach.

4) Green Acres and FEMA Grants

Mr. Hoffmann pointed out the resolution endorsing the Green Acres grant application on the consent agenda. He also noted there is a resolution authorizing bidding for demolition services for the FEMA grant. Councilmember Phayre asked if it is required to complete the process. Mr. Hoffmann confirmed.

10. Proclamation – Wear Red for Women Day

11. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Miller

Second: Councilmember Phayre

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

Rod Cassidy, 132 Harding Avenue - voiced concern that issue of flooding will be dropped. Mr. Cassidy discussed actions that Hillsdale is taking regarding the dam renovation. Mayor Birkner has not had any updates from Mayor Arnowitz about the situation in Hillsdale. Westwood has been at the forefront to making changes to the operation of the dam. That has been presented to the DEP for advancement and will be discussed with the Bergen County Flood Advisory group. Mayor Birkner noted that the Borough has not received any commentary from any of the municipalities that received Dr. Boswell's report, nor any offer of assistance to pursue changes. Westwood is acting alone to seek those changes. Westwood is seeking to have the County involved. Westwood is working with State Legislators who have proposed additional legislation for a bistate flood group. Westwood is working to advance improvements. Regarding the 89 foot level and dam stabilization project, based on data in Boswell report Mayor Birkner's interpretation is that when the dam is maintained at 89 feet without the ability to attenuate the flow for the 2 years of the project, it puts residents at greater risk during storms of significant magnitude. Once the project is complete and the dam stabilized, the bascule gates will no longer have to be lowered at the 95 ¼ level. Mr. Cassidy requested a meeting be held with the DEP, United Water, and the Borough's engineers prior to the project.

Fran Yates, 72 Harding Ave – asked whether Mr. Boswell is required by contract to remain for the entire meeting. Mr. Huntington explained that Mr. Boswell is contracted to provide his report and remain as requested by the Governing Body. Mrs. Yates requested the amount of the additional cost for the reservoir study. Mayor Birkner said \$2000. Mrs. Yates asked if any other municipality has contributed to the cost of the report. Mayor Birkner explained that while the Mayor of Oradell at a Pascack Valley Mayors meeting had suggested all towns contribute equally for the project, and there were verbal commitments from other towns, there has been no participation to date. Westwood is moving forward, attempting to make meaningful change.

Mrs. Yates asked what the Borough's obligation would be to participate in the Land Conservancy program. Mayor Birkner explained that as it currently stand if the Borough acts alone there would be significant cost to the municipality. The Land Conservancy is a non profit foundation that takes advantage of funding opportunities under Open Space. Westwood does not have an Open Space tax, which is where the municipal portion of purchase funding would come from, so Ms. Davis discussed other opportunities to obtain that funding, such as approaching corporate neighbors or banding together with other municipalities and approaching the County about using their open space funding. Mayor Birkner observed how some municipalities object to the purchase of flood prone properties due to the tax impact. He said he felt the Land Conservancy program had merit, and invited them to speak at a Pascack Valley Mayors meeting and at this Council meeting. Westwood is trying to find solutions and relief. Mayor Birkner noted the FEMA program is difficult to follow, and the Borough was lucky to get into this small pot of money. It has been a burdensome process to get this far but pieces are falling in place. Councilmember Phayre commented that with almost 100 homeowners saying they are interested in acquisition and elevation, the Governing Body wants to bring options to the table to determine what is viable.

Mrs. Yates questioned whether Westwood has any legal standing for stopping the dam project until the utility has made it clear how it affects this town. Mr. Huntington doesn't believe the impact on Westwood gives us any standing. He has been copied on some of the correspondence about the

dam and believes the issue is more properly raised by the municipalities that host the dam. Mayor Birkner added that Westwood's argument does not have the merit that Hillsdale and Woodcliff Lake's argument has. Mrs. Yates requested a resolution supporting their actions. Mayor Birkner said when the Borough is notified exactly what those actions are it is possible.

Mrs. Yates noted that Pequannock has a ten year process to buy out homes. Does this organization give any direction or information on how the process actually works? Mayor Birkner said yes. He explained a municipality must have a ROSI element, which Westwood does. There is an ANJEC planning grant to pay for the review and revision of the Open Space element to the Master Plan. The Land Conservancy guides municipalities towards funding opportunities that are available. It must be a long term plan because only so much money is available on an annual basis.

Karolina Marin, 19 Nugent Place – noted the Land Conservancy can plan acquisition for a modest fee. Ms. Marin formally requested discussing a centralized orchestrator between Westwood and other municipalities. She also requested that the Borough expedite the Blue Acres Memorandum of Understanding and map.

Motion to close the Agenda/Public Forum: Councilmember Miller

Second: Councilmember Grefrath

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

12. Ordinances of First & Final Reading:

Ordinances For Introduction

12-1 An Ordinance to Amend Chapter 375, Vehicles and Traffic

BE IT RESOLVED that Ordinance #12-1 entitled "An Ordinance to Amend Chapter 375, Vehicles and Traffic" is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a February 21, 2012 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Quinn

Second: Councilmember Grefrath

Roll Call:	Councilmember Grefrath – Yes	Councilmember Miller – Yes
	Councilmember Phayre – Yes	Councilmember Quinn – Yes
	Councilmember Sciara – Yes	Council President Waneck – Absent

12-2 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Borough Wide Road Improvements And Appropriating \$450,000 (Including A Grant In The Amount Of \$150,000 Expected To Be Received From The State Of New Jersey, Department Of Transportation) Therefor And Providing For The Issuance Of \$285,000 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

BE IT RESOLVED that Ordinance #12-2 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Borough Wide Road Improvements And Appropriating \$450,000 (Including A Grant In The Amount Of \$150,000 Expected To Be Received From The State Of New Jersey, Department Of Transportation) Therefor And Providing For The Issuance Of \$285,000 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same” is hereby introduced by title; and
BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a February 21, 2012 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Phayre
Second: Councilmember Grefrath

Roll Call: Councilmember Grefrath – Yes Councilmember Miller – Yes
 Councilmember Phayre – Yes Councilmember Quinn – Yes
 Councilmember Sciara – Yes Council President Waneck – Absent

13. Presentation of Bills, Financial Reports and Resolutions:

Mayor Birkner advised that the following Resolutions would be enacted in one motion. Councilmembers who wished to remove any Resolution(s) to be voted upon separately, had the opportunity to do so at this time, and said Resolutions would be considered separately. Resolutions g and m were removed at this time for separate discussion.

Resolutions as Consent Agenda:

- a) **Resolution #12 - 31: Bill List & Statement of Cash**
- b) **Resolution #12 - 32: Authorizing Refund of Taxes B908 L11**
- c) **Resolution #12 - 33: Authorizing Redemption of Tax Sale Certificate #11-00012**
- d) **Resolution #12 - 34: Release of Performance Bond – Oak Realty 354 Old Hook**
- e) **Resolution #12 - 35: Abatement of Taxes B907 L21**
- f) **Resolution #12 - 36: Rejection of Lease Agreement for Co-Located Antenna Site Bid and Authorization to Rebid**
- h) **Resolution #12 - 37: Authorization to Prepare Bid Specifications for Various Services for 2012**
- i) **Resolution #12 - 38: Authorizing Disposal of Surplus Property by Online Auction**
- j) **Resolution #12 - 39: Appointment to Municipal Alliance**
- k) **Resolution #12 - 40: Authorizing 2012 Municipal Alliance Grant Application**
- l) **Resolution #12 - 41: 2011 Road Resurfacing Change Order #2 and Final**
- n) **Resolution #12 - 42: Green Acres Enabling Resolution**
- o) **Resolution #12 - 43: Authorizing Procurement of Demolition Services**

Motion to adopt resolutions #12-31 through #12-43: Councilmember Grefrath
Second: Councilmember Miller

Roll Call: Councilmember Grefrath – Yes Councilmember Miller – Yes
 Councilmember Phayre – Yes Councilmember Quinn – Yes
 Councilmember Sciara – Yes Council President Waneck – Absent

- g) Resolution #12 - : Authorization to Bid Shared Services #107-PVCPS**
m) Resolution #12 - : Authorizing the Preparation of Plans and Specifications for the 2012 Municipal Road Paving Program for the Pascack Valley Cooperative Pricing System #107-PVCPS

Councilmember Miller asked whether authorizing resolution g would preclude examining the road resurfacing program's cost effectiveness. Mr. Hoffmann said no. Councilmember Miller pointed out that plans are different than specifications. He requested the wording of resolution m be revised to remove the word "plans". Councilmember Sciara asked how this engineer was chosen. Mr. Hoffmann explained that in the past there was an Administrator that prepared the specifications for no charge. Since he is no longer in the cooperative, it was discussed at the end of last year to utilize the engineers on a rotating basis. Mayor Birkner questioned why the engineering would be rotated instead of bid. Councilmember Sciara asked who the engineer in the resolution represent. Mr. Hoffmann advised it is Rochelle Park. Councilmember Miller agreed that it should be bid. Mr. Huntington interjected that the key function is who will be inspecting the job. Mr. Hoffmann explained that each municipal engineer is responsible for inspection in their municipality as in previous years. Councilmember Miller remembers discussion last year about the engineer. Mr. Hoffmann said that was the NJDOT grant funded project. It was determined to table resolution m, and authorize resolution g with the understanding that the cost effectiveness of the project can still be discussed.

Motion to table Resolution m) Authorizing the Preparation of Plans and Specifications for the 2012 Municipal Road Paving Program for the Pascack Valley Cooperative Pricing System #107- PVCPS" Councilmember Miller Second: Councilmember Phayre
All members present were in favor of the motion.

Motion to adopt resolution #12-44: Authorization to Bid Shared Services #107-PVCPS

Councilmember Grefrath Second: Councilmember Miller

Roll Call: Councilmember Grefrath – Yes Councilmember Miller – Yes
 Councilmember Phayre – Yes Councilmember Quinn – Yes
 Councilmember Sciara – Yes Council President Waneck – Absent

14. Adjournment:

Motion to adjourn: Councilmember Sciara Second: Councilmember Miller

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

The time was 9:52 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk