

**BOROUGH OF WESTWOOD
WORK MEETING OF THE MAYOR & COUNCIL
NOVEMBER 1, 2011 MINUTES
MUNICIPAL COMPLEX
101 Washington Avenue
7:30 PM Executive Closed Session/8:00 pm Work 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 – Excused Absence
Councilmember Phayre - Present
Councilmember Quinn - Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller - Present
Borough Administrator Hoffmann – Present
Borough Attorney Doyle - Present
Borough Clerk Hughes - Present

Committee Assignments:

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

3. Resolution #11 - 239: Executive Closed Session

Motion: Council President Miller Second: Councilmember Sciara

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

4. Reopen the Meeting:

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

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

The time was 8:02 pm.

5. Roll Call II:

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

6. Flag Salute

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

7. Resolution #11 - 240: Appointment of Police Officer Michael J. Fortunat

Mayor Birkner administered the Oath of Office, assisted by Police Liaisons Council President Miller and Councilmember Sciara.

8. Veterans Day Salute to Westwood's Vietnam War Veterans.

The Governing Body presented the Veterans with a Certificate of Honor in appreciation for their service to America during Vietnam.

There was a brief recess at this time. The Governing Body reconvened the work meeting in the conference room.

9. Reports of Committees and Officials:

A) Mayor's Report

1) Westvale

Mayor Birkner advised that the fields are closed due to the snow. The work connecting Pascack Brook Park to Westvale Park is underway. The work has not yet begun on the Westvale playground, but the equipment has been delivered.

2) HUMC

The Certificate of Need Hearing in Trenton has been rescheduled due to lack of quorum. The new date is November 29.

3) Dispatch Study

Mayor Birkner reported that shared dispatch services are being discussed on several fronts. Chief Regino was asked to update the Governing Body on the status of the Chiefs' meetings. The Chief advised that the consultant has been retained and all pertinent information from the 6 towns has been turned over to him. The consultant should have an estimate at the end of next week.

Mayor Birkner advised that the Township of Washington provided him with an RFP pertaining to the Prosecutor's grant to study shared dispatch service. It was received late today so it still needs to be reviewed. The RFP is due on November 15. Council President Miller thought the Prosecutor's grant could only be used to study the feasibility of using the County dispatch center. Mayor Birkner and Council President Miller discussed the parameters of the Prosecutor's grant. Mayor Birkner said dispatching services are part of an overall and comprehensive review funded by the grant, which includes a total merger that the Borough is not interested in.

Council President Miller asked Mr. Hoffmann to confirm that the RFP deadline is immovable. Mayor Birkner suggested that the Police Committee may want to meet with the Prosecutor

directly.

4) School Safety Signs

Captain Durante explained that the change in the structure of the schools last year required some changes to the traffic patterns, which have brought new problems. He has spoken to the area residents about these proposed changes. Captain Durante reviewed the issues at Berkeley School, where they are considering a one-way designation during the peak time to create a pick up/drop off zone in front of the school, along with striping to help the situation. Sgt. McClutchy noted that the principal had asked for help with the traffic. Captain Durante said they have been working with the schools and would like the changes to go into effect after the holiday season. It will require education and be backed by constant enforcement.

Captain Durante then reviewed the traffic issues at the Middle School, where they are still investigating a no left turn possibility

At Brookside School, congestion occurs at West End and Clairmont. Captain Durante feels a stop sign on Clairmont will fix the visibility issue without too great an impact on residents. Councilmember Phayre pointed out that the intersection of West End and Lake is a terrible turn for emergency vehicles in traffic. He would like to see discussion on using the grassy area on the southeast corner, which is school property, to make the intersection wider.

Councilmember Waneck said the road couldn't be widened because of the proximity of the stream. Councilmember Sciara encouraged the Captain to do what he can to make the traffic situations safe. Dr. Boswell added that school improvements must confirm with uniform traffic control, so there will have to be an ordinance for one way restriction for the hours or there can be no summonses. Captain Durante said the first phase is education so they don't yet need enforcement.

5) Madison and Irvington Traffic

Mayor Birkner asked the Chief, Captain and Sergeant for input on Madison and Irvington traffic concerns. Residents from the area have complained about crosswalks and blocked intersections. Chief Regino said the situation will be helped by the train resignalization project. Captain Durante suggested repainting the crosswalks for now. Mayor Birkner asked about enforcement. Captain Durante pointed out that the area is dramatically affected by the trains.

Councilmember Waneck addressed the concern from area residents that the new Paragon building would create more problems. She advised that the drive-thru will exit onto Washington.

Captain Durante thought there was an entrance on Irvington. Councilmember Waneck read from the Planning Board resolution. She does not believe Paragon will add to the problem.

Councilmember Sciara said the buses are using Roosevelt as a cut through again. Captain Durante said it happens every year and he will make the call to the bus company. Everyone agreed there should be no tolerance.

6) Hurricane Power Issues

Mayor Birkner reported on the recent Bergen County League of Municipalities meeting where discussion was held with PSE&G on power issues caused by substation flooding during Hurricane Irene. They are working on a study with the NJDEP regarding United Water reservoirs and dams, with a goal of determining how high the equipment would need to be elevated to avoid future flooding. Mayor Birkner has reached out to the NJDEP on the PSE&G study with the intent of obtaining information for the Borough Engineer. The lack of communication by the utility during and after the storm was also discussed.

B) Engineer's Report

1) Bi-weekly Report

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

2) Pascack Brook Study

Dr. Boswell advised that the Pascack brook study has entailed substantially more than 40 hours. All data is from independent sources such as the USGS and DEP. The only information from United Water pertains to how they operate the dam. He anticipates the draft report will be completed by the end of the week. It will be quite thick. Councilmember Phayre suggested it be supplied as a PDF. Mrs. Hughes requested at least one hard copy for her file. Mayor Birkner pointed out that this is a draft document pending Borough review. Councilmember Waneck thought it was Boswell's final report that would then either be amended or reviewed. Councilmember Sciara said the plan was to receive a draft of the report which would be distributed to other municipalities for their engineers to review. The input from those municipalities would be forwarded to Dr. Boswell to use in forming the final copy. Mayor Birkner said that was exactly correct. Councilmember Sciara stated it is a work in progress.

3) Kmart Drainage

Councilmember Waneck asked whether Kmart is required to clean its stormwater systems once a year. Dr. Boswell said yes and no. That that requirement is generally put into the resolution if there is one, but there is nothing in the Kmart developer's agreement to that effect. Dr. Boswell believes it is within rights for the Borough's building department to receive yearly certification that the system is cleaned and operating properly. Mr. Doyle agreed. Councilmember Waneck directed Mr. Hoffmann to ask the Kmart owners regarding the last time they cleaned the system. Councilmember Sciara suggested he ask for a certification. Mayor Birkner noted it has been asked before and Kmart indicated landscaper was going to do it. Dr. Boswell clarified that the landscaper would clean the exposed stream, not the retention system. Mr. Hoffmann will inquire about the cleaning of the stream and underground retention system.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

Councilmember Phayre noted that the Finance Committee had met and Mr. Hoffmann would have further information under his report.

2) Police and OEM:

a) Shared Dispatch Services

Council President Miller has asked Mr. Hoffmann to create two spreadsheets regarding the proposed shared dispatch, one comparing finances on the current system and two options, with the second spreadsheet comparing services. Mayor Birkner noted the DPW is an integral part of emergency response. Council President Miller agreed and said it needs to be known if a proposal excludes them. Councilmember Phayre pointed out that one scenario that should be included is redundancy and whether the Borough still be able to function if the system goes down. Council President Miller said that will be answered in the services spreadsheet.

b) Police Hiring

Council President Miller reported on the progress of the Police hiring process. The accreditation requires sharing information on opportunities. Of the top 50 who passed the written test, 14 are in protected classes. A total of 217 tested. No one left when the statement on the refund was provided. The next step would be a physical, which will reduce the number of candidates to 25. Councilmember Waneck commented that it was agreed the written test was the final step until a position was available, Council President Miller thought it was just on hold for now. He felt it was clearly agreed that nothing would happen. Councilmember Waneck's understanding was that the test was it for now, there would not be further steps taken to move forward towards choosing an applicant. Council President Miller said he heard 'for now' but it didn't mean until. They agreed to review the minutes from that meeting. Council President Miller said certainly nothing is moving forward until it comes back here. Mayor Birkner confirmed that no further action would be taken until it is discussed. Councilmember Waneck asked how many passed out of the 217 that took the written exam. Council President Miller is not sure, since the procedure is just to take the top 50.

3) Fire and Ambulance:

a) Fire Department Update

Councilmember Sciara commended the Fire Department for their tireless efforts during the storm.

b) Ambulance Corps Garden

Councilmember Sciara introduced Ambulance Corps member Kevin Brennan, who will be planting a garden next to the Ambulance Corps bay. Councilmember Waneck asked how

the public will be educated on what has been planted. Mr. Brennan suggested advertising a planting day for people to come. He is preparing the site now but planting will be done in the spring. Mayor Birkner suggested coordinating the planting with Earth Day. Councilmember Sciara suggested adding the garden to the Boy and Girl Scout tours to educate them, and asking Mr. Tremble to include it in his tours with the schoolchildren. Councilmember Waneck pointed out that the garden will include a rain barrel. Councilmember Sciara said Kevin is looking for approval for going forward with the project. Councilmember Waneck confirmed with Kevin that the Ambulance Corps is funding the project. The consensus is to permit the project.

4) Public Properties:

a) DPW Update

Councilmember Phayre reported that while the DPW is doing the best they can to clean up from the snowstorm, some regular routines may be disrupted as they try to open up roadways and move branches. He relayed the Borough's pride in its DPW.

b) Roll Off Containers/Dumpsters

Councilmember Phayre advised that the Borough's roll off containers/dumpsters are rotting to the point that they are leaking debris. Proposals for replacements have been obtained by the DPW Superintendent. The Borough will be able to use grant money to replace four containers, which would be a reimbursement process. The consensus was to add a resolution to the consent agenda approving the purchase.

5) Land Use:

a) Master Plan Revaluation

Councilmember Waneck reported that the Planning Board is ready to wrap up the Master Plan revaluation and will hold a hearing on its findings on November 17. She reviewed some of the census data that the Borough Planner presented. There is a slight decline in Westwood's population, which is aging, meaning residents are staying. Rental properties still entail approximately 40%. Drivers have decreased by 4%. Westwood is the second highest user of rails and buses in the County. The median income has increased.

b) Historical District

Councilmember Waneck advised that the Historical district designation ordinance is prepared for introduction tonight to allow sufficient time for the notice and adoption process to occur before the end of the year.

c) United Water Rate Increase

Councilmember Waneck commented on United Water rate increase. She feels it is crucial to fight them on this. She will attend the BPU hearing, and bring this to the waterways

task force. The language of the resolution was amended slightly.

6) Health and Recreation:

a) Board of Health Update

Councilmember Quinn reminded everyone to call the Board of Health regarding the effects of the power loss on their refrigerated and frozen food. Seniors without heat or power can go to the Riley Center for a hot meal and a warm place to relax.

b) Request to Waive Fee

Councilmember Quinn advised that she will check with the Recreation Director regarding a request to waive a \$500 fee for an event, since it is unclear why that fee is applied.

The updated Recreation fee schedule has been provided to the Governing Body. Councilmember Quinn asked for any questions to be forwarded to her in anticipation of the ordinance on November 22nd.

She asked the Administrator if the fee increases will cover some of or the majority of costs for irrigation, lighting, etc, or if they are arbitrary amounts. Mr. Hoffmann will verify.

c) Library Board Vacancy

A Library Board vacancy has occurred. Councilmember Quinn will review all volunteer forms and come back with a recommendation.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

1) Hurricane-Related Expenses – Pump Station

Mr. Hoffmann informed that the Pump station repairs due to the storm are required in relation to previous litigation. Costs incurred will be covered by insurance, but the work needs to be approved now because of the long lead time on the parts.

2) Hurricane-Related Expenses

Mr. Hoffmann will spreadsheet the overall costs for the hurricane. Councilmember Waneck requested it include the loss of construction fees. Mr. Hoffmann advised that the Auditor is reviewing statutes for creating appropriations to accept insurance money, grant funding, and other solutions for hurricane expenses. He will ask the Auditor to include the loss of fees. Expenses are approximately \$420,000 without the loss of fees included. Councilmember Phayre noted time is of the essence with the appropriations. Mr. Hoffmann agreed and will have resolutions for the November 22nd meeting.

3) Police Vehicle Lease

The Police Department is requesting to lease unmarked vehicles in December when the current lease expired. Councilmember Waneck asked why hybrid vehicles weren't being suggested. Councilmember Sciara explained that hybrids aren't available for lease. The Police will be going with a small car. Council President Miller said there is a premium on a hybrid, and discussed gas mileage and savings.

4) Recording System

Mrs. Hughes discussed the issues with the Council chambers computer. She also recommended new recording software. Mrs. Hughes was directed to research funding. The Court Administrator will ask the County about using Court funds towards the software.

5) Taxi Ordinance

Mrs. Hughes explained there is new State tax legislation that will require an ordinance revising certain taxi licensing requirements. She asked how many taxi licenses the Governing Body wanted to authorize in the Borough. Council President Miller asked the value of a taxi license at auction. Mrs. Hughes will research. Councilmember Waneck suggested establishing a second license that could be auctioned later if the Governing Body desires.

6) Election Change

Councilmember Phayre asked about election costs for having three languages on the ballot. Mrs. Hughes is not sure at this point what, if any, costs will be incurred by the Borough.

7) Energy Update

Council President Miller asked the status of tracking savings for energy investments. Mr. Hoffmann reviewed the upgrades and advised that the return on investment is being tracked. Council President Miller requested the tracking be posted on the website.

Council President Miller said lights are on upstairs in the hallway on weekends. Mayor Birkner said it has been investigated and is a circuitry wiring issue. Councilmember Sciara advised breaking the line and installing a switch. Councilmember Phayre noted there is an issue with upstairs lights at the firehouse that were installed during the energy audit. He asked Councilmember Sciara to discuss it with Fireboard and report back.

10. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Council President Miller

Second: Councilmember Phayre

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

No one wished to be heard.

Motion to close the Agenda/Public Forum: Councilmember Waneck

Second: Council President Miller

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

11. Ordinances of First & Final Reading:

Ordinances For Introduction

11-15 An Ordinance Establishing The Jefferson Avenue Historic District

BE IT RESOLVED that Ordinance #11-15 entitled “An Ordinance Establishing The Jefferson Avenue Historic 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 20, 2011 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Waneck

Second: Councilmember Quinn

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

12. 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 h, i and j were added at this time.

Resolutions as Consent Agenda:

- a) **Resolution #11 - 241: Bill List & Statement of Cash**
- b) **Resolution #11 - 242: Authorizing Redemption of Tax Sale Certificate #09-00008**
- c) **Resolution #11 - 243: Award of Contract For Heating and Cooling Systems Maintenance**
- d) **Resolution #11 - 244: Award of Contract for CDBG Barrier Free Curb Ramps**
- e) **Resolution #11 - 245: Authorization to Apply for Workers Through the Hurricane Irene National Emergency Grant Program in Bergen County**
- f) **Resolution #11 - 246: Approval of Berkeley Elementary School PSO application to Consume Alcoholic Beverage on Public Property**
- g) **Resolution #11 - 247: Opposing United Water Rate Increase**
- h) **Resolution #11 - 248: Authorization to Bid Cell Tower**
- i) **Resolution #11 - 249: Authorization to Purchase Generator for Emerson Road Pump Station**
- j) **Resolution #11 - 250: Authorization to Purchase Dumpsters**

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Work Meeting of the Mayor and Council
November 1, 2011

Motion to adopt resolutions #11-241 through #11-250: Councilmember Sciara

Second: Council President Miller

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

12. Adjournment:

Motion to adjourn: Councilmember Sciara Second: Council President Miller

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

The time was 10:45 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk