

**BOROUGH OF WESTWOOD
WORK MEETING OF THE MAYOR & COUNCIL
DECEMBER 6, 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 Finance, Administration & Capital Projects
Councilmember Phayre - Present Public Properties
Councilmember Quinn - Present Health & Recreation
Councilmember Sciara - Present Fire & Ambulance
Councilmember Waneck - Absent Land Use
Council President Miller - Present Police & OEM
Borough Administrator Hoffmann – Present
Borough Attorney Doyle - Present
Borough Clerk Hughes - Present

3. Resolution #11 - 267: Executive Closed Session

Motion: Council President Miller Second: Councilmember Quinn

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 8:18 pm.

5. Roll Call II:

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

6. Flag Salute

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

7. Minutes – October 18, 2011 Executive Session

Motion to adopt the minutes: Councilmember Phayre Second: Council President Miller

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

8. Ordinances of First & Final Reading:

Ordinances on Final Reading

11-16 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Various Improvements As A Result Of Hurricane Irene And Related Flooding At Various Locations In The Borough Of Westwood And Appropriating \$365,000 Therefor And Providing For The Issuance Of \$346,750 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

BE IT RESOLVED that Ordinance #11-16 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Various Improvements As A Result Of Hurricane Irene And Related Flooding At Various Locations In The Borough Of Westwood And Appropriating \$365,000 Therefor And Providing For The Issuance Of \$346,750 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Phayre Second: Council President Miller

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

Public Comments:

Fran Yates, 172 Harding Avenue – asked if this is being reimbursed. Mayor Birkner said there will be partial reimbursement from insurance claims. CFO Herr explained that this is a funding mechanism to pay for bills relating to the hurricane. He anticipates most or all costs will be covered by insurance and FEMA. Mrs. Yates asked how much of the total would be covered. Mr. Herr is hoping for the full amount.

Mrs. Yates asked about the temporary hires mentioned in the past who would be doing the stream cleaning work. Mayor Birkner said that is not part of this. Mr. Herr said that is funded through another mechanism. The Borough is paying the salaries but getting reimbursed.

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

BE IT RESOLVED that an Ordinance known as #11-16 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 Phayre Second: Council President Miller
Roll Call: Councilmember Grefrath – Absent Councilmember Phayre - Yes
Councilmember Quinn – Yes Councilmember Sciara - Yes
Councilmember Waneck – Absent Council President Miller – Yes

9. Reports of Committees and Officials:

A) Mayor's Report

1) Storm Update

Mayor Birkner reported that two employees have been hired under the County grant to clean up from the storm. The hot tub and shed have been removed from the banks of the brook, and other debris is now being removed. The Borough is looking for two more employees to come on board to aid in this work over the next two months.

2) FEMA Meeting

Mayor Birkner reported on the FEMA meeting held on December 3rd in conjunction with NJ State OEM personnel. Approximately 100 people attended, representing 43 homeowners. Mr. Hoffmann said at least 46 properties were represented. Mayor Birkner said FEMA outlined its program, and their presentation on the Borough website. He assured that the Borough will continue to work with FEMA, the state OEM and residents who have submitted a letter of interest.

3) Reservoir Report

The Governing Body has received the report from Boswell engineering, which has been posted on the Borough website for public review. Mayor Birkner will reach out tomorrow to the Mayors in the Pascack Valley to advise that the report is available for their Engineers' review and comments. He explained that the report allows the Borough to put its foot in the door at the DEP to push for the recommendations regarding the operations of the dams that are outlined.

4) HUMC

Mayor Birkner said he was happy to report that on November 29th the State Health Planning Board met to review the Certificate of Need application, hold the hearing and provide their recommendation. The Planning Board supported the Department of Health and Senior

Services staff recommendation that the Certificate of Need be awarded. The last step is for the Commissioner of Health to render her final decision. It is expected that the competing hospitals in Bergen County will attempt to file litigation. HUMC is prepared to proceed with renovations of the hospital, spending approximately \$40 million to renovate and open in the latter part of 2012. Councilmember Phayre asked if there will be partial opening. Mayor Birkner thinks not, but he does not know what the construction plan is beyond moving the ER to the opposite side of the hospital. The Mayor credited all the residents who have been diligent in supporting the hospital. The State Health Planning Board noted the involvement of the community and the commentary and letters from the public. Mayor Birkner commended the residents for their actions.

B) Engineer's Report

1) Bi-weekly Report

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

2) Train Resignalization/Broadway Intersection Improvements

Dr. Boswell advised that they are still waiting for NJ Transit to approve the Broadway intersection plans. Councilmember Sciara asked if there will be running lanes to allow traffic to flow north and south. Dr. Boswell explained that the lights will be kept green going north/south when the gates come down, with much larger stacking lanes for both directions. Right now the light turns red in all directions. Councilmember Phayre remembered how the Borough tried to get that done but the traffic signals were too old for reprogramming.

Councilmember Sciara said while at the League conference he saw vendors that sold traffic light cameras. There are always cars going through the lights. Mayor Birkner believes a lot of that may be corrected by the new traffic patterns. Councilmember Sciara said it is just something to give thought to. Dr. Boswell pointed out that the Borough would have to be adamant that the light vendor cannot shorten the yellow. He explained that a longer yellow light decreases accidents but the vendor decreases the length of the yellow light to increase revenue. Mayor Birkner reiterated that the reconfiguration will help that.

At this time Mayor Birkner dismissed the Borough Engineer. However, resident Rod Cassidy interrupted the meeting to insist that it would be improper for Dr. Boswell to leave without discussing the report. Mayor Birkner asked for a motion to open the floor for the Public Forum.

10. Agenda/Public Forum:

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

Second: Councilmember Quinn

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

Rod Cassidy, 132 Harding Avenue – stated that he has no access to the internet personally, so asked

for Dr. Boswell to give a summary of the reservoir report.

Dr. Boswell summarized the reservoir report at this time. From 1935-1999, four significant storms occurred that reached 1500 CFS. He reiterated there were 4 storms in 65 years. From 1999-2010 there were four more significant storms. In 2011 there have been four significant storms. Flooding has occurred more frequently because it is raining more, based on the USGS Flood data and gauge stations.

Pertaining to the reservoir exacerbating flooding, Boswell developed a model. They ultimately noted that in five events not once did the reservoir cause flooding. Either it had no effect or aided in controlling flooding. The data used is solely from USGS, run through Boswell's formula, which is conservative. The DEP formula shows the reservoir as even more helpful in controlling flooding. Dr. Boswell next explained the working of bascule gates for managing the water flow over the dam.

The report looked at ways to operate the dam to help with flooding, and ignored the water supply issue in its analysis. The final conclusion is to recommend that the dam be operated in winter mode year round. Dr. Boswell specified that this is the equivalent to protection against a 5 year storm. However, in another Irene, Floyd or nor'easter where there is large-scale flooding, operating in winter mode would not alleviate the flooding. If United Water won't operate the dam in winter mode year round, it could be moved to that level in anticipation of storm, but Dr. Boswell noted that the DEP rules say you can't do that. However, United Water said they have done so with DEP permission. The folks from DEP that Dr. Boswell spoke to said the issue is the variability of weather forecasting. The United Water issue, DEP issue and Westwood issues are all different.

Dr. Boswell pointed out that starting next year the bascules will be locked at 89 feet for two years for dam repair. Residents will see the full effect of the rainfall with no buffering for those two years.

Councilmember Phayre asked the capacity of the reservoir. Dr. Boswell stated the entire system consists of four reservoirs, holds 13 billion gallons, of which the Woodcliff Lake Reservoir is less than 10%. Councilmember Phayre asked if winter mode would have prevented the June flood. Dr. Boswell would have to research it.

Jerry Rodman, Hillsdale – questioned the overall effects of operating the reservoir in winter mode based on the assumption that it would not have helped during Hurricane Irene. Dr. Boswell explained the buffering effect of the dam. Mr. Rodman asked what the lack of the buffering effect for the next two years during construction on the dam will mean. Dr. Boswell said residents will notice the lack of buffering during lesser storms; big ones will still be big.

Frances Yates, 72 Harding Avenue – asked if Irene was a 100 year storm, as was Floyd. Dr. Boswell said Floyd definitely was, but he not sure about Irene. The standards have changed but he thinks Irene was close. Mrs. Yates said during Irene they emptied the reservoir to 90 ½, and it acted as a buffer until it had to be dropped more the next morning. There was only flooding after that drop. Up until that point the area was able to handle the runoff prior to the drop at 6:30 am. Mrs. Yates said

she understands Dr. Boswell's concern over the locked gates during construction but she thinks it will be okay. Dr. Boswell said no it wouldn't and explained why. The time of concentration and how long it takes water to get to the reservoir is the issue. Mrs. Yates asked what if United Water were to lower the reservoir to 88 feet. Dr. Boswell said any lowering is a benefit. The report gives a jumping off point for discussion with the DEP. Dr. Boswell explained that water supply and flood protection are two mutually exclusive goals to the DEP. Water companies and the DEP are in sync on one thing, they are terrified of droughts. Mayor Birkner interjected that there have been 8 declared droughts over the last 20 years, with 8 major floods in the past 12 yrs. Dr. Boswell said the DEP believes the water supply is paramount, and people should not live in flood plain. Getting them to view it differently would be a big step. Dr. Boswell said if the Borough makes the pitch, the people who are against this will be surprising, such as environmental groups. Mrs. Yates asked if there was any data from United Water in the report. Dr. Boswell said only how they ran the dam, but Boswell Engineering actually confirmed that process themselves.

Rod Cassidy, 132 Harding Avenue – thanked Dr. Boswell for the summary. Mr. Cassidy said Dr. Boswell mentioned four floods, does he know the amount of rain. Until the June 23 storm Mr. Cassidy didn't know what a flash flood was. His son and daughter in New Milford got nothing, but Westwood flooded, which he doesn't understand. Dr. Boswell explained the effects of runoff from rain in other areas on Westwood. He noted that the Oradell reservoir has a higher buffering capacity. Mayor Birkner pointed out the tidal influence of the Hackensack River.

Mr. Cassidy thanked the Governing Body for their help, this is the strongest support for flood victims he has ever seen and he appreciates it.

Jim Moldow, 21 Overbrook Place, Hillsdale – seconded Mr. Cassidy's comment that there is an outstanding effort by Westwood and Hillsdale. Mr. Moldow asked if there is any benefit for those downstream if United Water had an engineer at the spillway to monitor the flow. Dr. Boswell said probably not because the computer system is sophisticated. Mayor Birkner added that the computer system is monitored 24/7. Dr. Boswell said United Water used to allow 2 feet of water over the dam, but has adjusted it to relieve flooding. However, 1.5 feet is about as low as they can go. Mayor Birkner stated that 95 ¼ is the 'magic number' level. Dr. Boswell opined that one solution for the Hackensack basin, which wouldn't affect Westwood but would help New Milford, is to construct a tunnel. A bi-state agency is investigating it. Boswell Engineering looked into piping the Pascack Brook, but it would cost approximately \$250 million in concrete and construction so it is not a practical solution. Mr. Moldow suggested pumping water to the Parkway median. Dr. Boswell said there is not enough water volume to successfully pipe it. Mr. Moldow asked about the summer/winter mode, which Dr. Boswell explained. Mr. Moldow said several Hillsdale residents have attacked Dr. Boswell personally, and he wanted to apologize to Dr. Boswell for it.

Mr. Huntington asked if the impact of a storm is affected by pre-storm conditions. Dr. Boswell agreed. This year saw 50% above normal rainfall. The time of concentration is affected by intensity and pre condition. It now takes half as much rain as in 1965 to raise the reservoir as much due to

development.

Mr. Moldow asked if the Palisades Mall hurt the Pascack Valley. Dr. Boswell said that particular runoff comes to the Hackensack River and Oradell reservoir. Mr. Moldow asked if the report will reflect that. Dr. Boswell said the goal is to get the DEP to look at the order operation of reservoirs differently.

Jerry Rodman, 3 Hoffman Street, Hillsdale – asked if flooding results from GPM moving over dam, which means lowering the dam would result in more water. Mr. Rodman assumed water flowing over the dam would be at a greater rate than if there was no dam or reservoir at all, which would have resulted in a bigger surge on the morning of Irene. He asked why that thinking that wrong. Dr. Boswell said it seems logical but he has looked at the data from those storms and the flow rate in and out of the reservoir. He explained why the reservoir does not exacerbate flooding.

Fran Yates, 72 Harding Avenue – recognized that the spillover is not greater than what came into the reservoir. Dr. Boswell concurred. Mrs. Yates asked if there is anything that is not measured. Dr. Boswell said no, everything relating to the stream and reservoir is measured, and the gauges were correlated.

Jim Moldow, 21 Overbrook Place, Hillsdale – listed where the gauges are and that the USGS reconfigured the gauge below Woodcliff Lake to report every 15 minutes. Mr. Moldow said the County Executive's office was going to fund another gauge at the spillway and asked the Mayor to look into it. Dr. Boswell noted there is a link to the USGS gauges on the Borough website.

Fran Yates, 72 Harding Avenue – asked where we go from here. Mayor Birkner said the report is dated today. Westwood will look at it, and have other municipalities look at it if they so choose. The goal is to have DEP change the operation of the dam. The report provides scientific data to say conditions have changed so they need to change the dam operation. Mayor Birkner said Cindy Randazzo of the DEP was very receptive when he approached her on this. Mayor Birkner expounded on the background of why this report was commissioned and what will be done with it.

Anthony Catalano, 44 7th Avenue – presented an Eagle Scout project to restore the French mortar cannon base in Veterans Park. The project would include refurbishing the signs. Councilmember Quinn asked if this has been shared with Councilmember Grefrath, since he has been working on the park improvements.

Anthony Catalano, Sr. – voiced concern with a potential change to traffic where the cannon is now located. Mayor Birkner explained that the discussion was purely conceptual but there was no change to the cannon area. Mr. Catalano said has spoken to a mason, and they have to demolish the base, so his son is suggesting moving it to the right about 10 feet to get it away from the sidewalk and tree. Mayor Birkner said the Governing Body is in favor of the project but it will need to be coordinated

with Councilmember Grefrath. Mayor Birkner will reach out to him. He asked the time frame. Mr. Catalano said next year in the late spring.

The project was approved by acclamation subject to the exact location. Councilmember Phayre directed Mr. Catalano Jr. to keep in touch with Borough Historian Jim Gines and the Heritage Society and Stephen Gaunt of the Veterans Council, and take pictures of the project.

Motion to close the Agenda/Public Forum: Councilmember Sciara

Second: Council President Miller

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

11. Reports of Committees and Officials, cont'd:

C) Council Liaison & Committee Reports

1) Police and OEM:

Council President Miller had no report.

2) Fire and Ambulance:

a) Fire Department Update

Councilmember Sciara reported that this past Saturday the Fire Department escorted Santa into town during Home for the Holidays. Fire Department officer elections are being held this evening.

3) Public Properties:

a) DPW Truck

Councilmember Phayre reported that the Volvo garbage truck was recently damaged. A replacement is too expensive so the recommendation is to repair it.

b) Meeting Times

Councilmember Phayre deferred the discussion on meeting times until the next meeting.

4) Land Use:

a) Hours of Operation

Councilmember Quinn relayed a request from Councilmember Waneck for everyone to start thinking about the hours of operation question.

5) Health and Recreation:

a) Home for the Holidays

Councilmember Quinn reported that Recreation, Health and the Library all participated in Home for the holidays. It was a very nice event with no safety incidents. Mayor Birkner discussed how a significant fire in Emerson was spotted by one of the Westwood Police officers on surveillance duty on a rooftop.

D) Attorney's Report

1) Greentree Developers

Mr. Huntington reminded that an ordinance will be necessary to effectuate the parking scheme for the Greentree Developers project. He will work with the Police Department to draft something.

E) Administrator's / Clerk's Report

1) Electronic Auction

Mr. Hoffmann reported that the Borough held its first online electronic auction. He commended those who participated in setting it up.

2) Professionals

The proposals from the Borough Professionals have been distributed. They will be appointed at the 2011 rates with the Governing Body reserving the option to review and increase rates after the budget is finalized.

3) Election

Mrs. Hughes asked for feedback on her memo regarding elections.

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. Councilmember Quinn asked that resolution 'c' be voted on separately.

Resolutions as Consent Agenda:

- a) Resolution #11 – 268: Bill List & Statement of Cash**
- b) Resolution #11 - 269: Authorizing Refund of Taxes B1303 L7**
- d) Resolution #11 - 270: Towing Licenses 2012**
- e) Resolution #11 - 271: Budget Transfers 2011**
- f) Resolution #11 - 272: Supporting the Drive Sober or Get Pulled Over 2011 Year End Statewide Crackdown**
- g) Resolution #11 - 273: Authorizing Repair of DPW Garbage Truck**
- h) Resolution #11 - 274: Authorizing Disposal of Surplus Property by Online Auction**

Motion to adopt resolutions #11-268 through #11-274: Councilmember Phayre

Second: Council President Miller

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

c) Resolution #11 -275: CDL Agreement 2012

Councilmember Sciara asked why this was removed for separate vote. Councilmember Quinn advised that she would be abstaining.

Motion to adopt resolution #11-275: Councilmember Phayre

Second: Council President Miller

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

13. 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 9:52 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk