

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
JUNE 21, 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 Council President Miller at 7:30 pm. Council President Miller 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 – Absent (arrived 7:55 pm)
Councilmember Grefrath - Present
Councilmember Phayre - Present
Councilmember Quinn - Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller - Present
Borough Administrator Hoffmann – Present
Borough Attorneys Huntington and 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 - 144: Executive Closed Session

Motion: Councilmember Sciara Second: Councilmember Waneck

Roll Call: Councilmember Grefrath – Yes	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 Grefrath Second: Council President Miller

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

The time was 8:22 pm.

5. Roll Call II:

Mayor Birkner – Present
Councilmember Grefrath - Present
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 Engineer Boswell - Present
Borough Clerk Hughes – Present

6. Flag Salute

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

7. Oath of Office for Fire Department Cadets

Mayor Birkner administered the oath of office to Fire Department Cadets Adam Loyola and Andrew Cavaniola.

8. Fire Department 2011 Scholarships

Chief Kelley awarded the Fire Department annual scholarships to Michelle Laeo, Michael Penn and Brian McNeely.

9. Proclamation Supporting Aphasia Awareness Month

10. Approval of Minutes: May 3, 17

Motion to adopt the minutes of May 3, 2011: Councilmember Grefrath

Second: Councilmember Phayre

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

Motion to adopt the minutes of May 17, 2011: Councilmember Grefrath

Second: Council President Miller

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

11. Reports of Committees and Officials:

A) Mayor's Report

1) Westvale Park

Mayor Birkner advised that a preconstruction meeting was held on the project to connect the County park to the Westvale bike path. Work is set to begin on the first week of July. No construction materials will be staged in Westvale Park.

2) HUMC

The Certificate of Need application has been filed with the State Department of Health and is under review. Mayor Birkner noted that Valley and Englewood Hospitals continue their attempts to stall and stop the process.

3) Waterway Management Task Force

Mayor Birkner advised that the Waterway Management Task Force is reviewing data from the stream walk. They will conduct a debriefing, which includes reviewing United Water policies and procedures.

4) Westwood High School Graduation

Mayor Birkner announced that Westwood High's graduation will be Thursday at 6:30 at the WRMS school field.

B) Engineer's Report

1) Bi-weekly Report

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

2) Pascack Brook Sewer Pipe

Dr. Boswell reported that the Pascack Brook sewer has been inspected by the DEP. Two trees need to be replaced, and grass seeding and haying performed. Dr. Boswell noted that Mr. Ciolino's attorney has sent a letter citing problem. He will follow up on those issues.

3) 2011 Road Resurfacing Project

Dr. Boswell commented that they had recommended St. Nicholas be bid as an alternate but it was included in the base bid. It did not appear that the bid specifications included police traffic directors.

Council President Miller questioned whether the paving cooperative saved money. Dr. Boswell said there has not been a savings. He is involved in many cooperatives and there have been virtually no savings. Last year there was an additional cost for asphalt because one of the municipalities was not ready for the project and the delay caused a price adjustment of \$18,000. Council President Miller asked if larger users benefit the least. Dr. Boswell stated that is mostly correct and explained why.

Councilmember Phayre asked if the marginal road should have been done last year. Dr. Boswell said yes, due to lack of money it was put off last year.

Mr. Hoffmann clarified that there is police protection included in the bid, just not as a separate line item. Regarding the \$18,000, it pertains to a delay in the 2010 NJDOT road project, not road paving. Mr. Hoffmann noted that the 2009 road paving was also delayed because of an issue in Westwood.

4) 2011 NJDOT Project

Dr. Boswell commented that the design portion of the project is paid for by the Borough, and the construction management is paid for by the NJDOT grant.

Council President Miller asked for clarification on whether the design portion of the project is the only thing the Borough will pay for. Dr. Boswell explained that if the amount of the project

exceeds the grant then the Borough will pay the difference. The DOT allows 15% of the grant for inspection and testing. The size of the project, the amount of the bids, and the size of the grant determine the amount paid. Dr. Boswell doesn't feel the lowest proposal is adequate for the engineering work that needs to be done.

Mr. Hoffmann pointed out that regarding 2011 NJDOT program, the engineers all responded to the same request for proposals as in 2009 and 2010. He is not sure what the difference is in those three years. Did anything change in the bid document? Dr. Boswell said no, but having done it in 2010 he knows how much it costs to do the job the way Boswell likes to do the job and protect Westwood.

Council President Miller asked if construction management costs are not something that the Borough bears and therefore should not be part of the equation. Mr. Hoffmann said the Borough pays $\frac{1}{4}$ of the total. Council President Miller noted that Dr. Boswell is saying the inspection is paid by the grant. Mr. Hoffmann said the grant is for \$150,000. It covers construction, inspection, whatever else. Mayor Birkner asked if the grant is for paving. Mr. Hoffmann said it is for everything. Dr. Boswell said it all depends on how much is spent. The Borough is eligible for reimbursement based on how much is spent on asphalt. Design fees are on the Borough. Referring to Mr. Hoffmann's memo, Council President Miller commented that Column 1 is a direct cost, and Column 2 is reimbursed. Dr. Boswell clarified that it is potentially reimbursed. Council President Miller asked Mr. Hoffmann if he sees it differently. Mr. Hoffmann said the Borough has a grant for \$150,000, out of which comes paving, design, and construction management. Council President Miller inquired what was done in previous years. Mr. Hoffmann said the same as is being proposed this year was done for the past two years. Council President Miller asked if construction management was reimbursed. Mr. Hoffmann will have to go back and look at it. Council President Miller said the cost of the decision is different. Councilmember Waneck pointed out that the Borough didn't bid but rather accepted proposals. She asked for a list of what is being included for the cost. Mr. Hoffmann will have the proposals scanned and sent to the Governing Body. Dr. Boswell explained that construction management is a matter of how many hours someone is in the field to supervise. Councilmember Waneck said they can compare the proposals to see if hours are similar, or costs. Mayor Birkner said this should be included in the decision.

Mr. Hoffmann commented that for the future it would have been helpful to have these questions during regular business hours. He and Dr. Boswell should have had this conversation earlier. Councilmember Waneck asked the deadline for approving the engineer. Mr. Hoffmann responded that there is time. When Mayor Birkner pointed out that the next meeting will be the third week in July, Mr. Hoffmann said it will cause a delay but paving can occur in the fall.

5) Westvale Park

Councilmember Sciara asked whether the electrical bids for Westvale contained specific requirements for weather protection for the electrical equipment. Dr. Boswell will have to

look. Councilmember Sciara said the equipment is rated for outside and securely mounted, but it is only bolted to plywood. He is concerned how long the plywood will last in the weather. He thinks it could be a project in three years to secure the electrical equipment. Councilmember Sciara wanted his concerns on record.

Mayor Birkner said the steering committee has been discussing that and looking at putting up tiny shed type kiosks to protect them. Councilmember Quinn asked if the equipment is weatherproof. Councilmember Sciara said all equipment is weatherproof, it's just what it's mounted on that is not. Councilmember Sciara said he has to voice his concern because of his background. Mayor Birkner asked if the electrical work was approved by construction management and the electric inspector. Dr. Boswell said yes. Councilmember Waneck pointed out that it may pass inspection but not be what was required. Dr. Boswell agreed that it may meet code but does not meet spec. Mayor Birkner asked if Boswell was supposed to check to make sure it meets spec. Dr. Boswell said yes and he will. Mr. Hoffmann advised that there is a letter going to Mike Nannini on punch list items.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Veteran's Park Update

Councilmember Grefrath advised that the Veterans Park design concepts were distributed in late May for Phase 2, which is the rehabilitation of the area around the bandstand. He would like more comments on the plan. Councilmember Grefrath asked permission for a 10 minute presentation in July to discuss some additional information. Money for the project will be coming from leftover existing grants and ordinance 10-4. Councilmember Grefrath advised that someone has purchased the first memorial bench, but it cannot be installed until the design concept is approved.

b) Shade Tree Update

Councilmember Grefrath reported that the Shade Tree Committee is working on an ordinance to replace 05-14. A tree specialist has been hired using grant money and would like to make a 15 minute presentation at the July 19th meeting to explain the ordinance to the Governing Body.

2) Police and OEM:

a) Police Update

Council President Miller announced that the Police Department will be receiving its accreditation certificate on July 19th.

Council President Miller summarized the successes of the yearly Click It or Ticket campaign.

3) Fire and Ambulance:

a) Fire Department Update

Councilmember Sciara commended the Fire Department for awarding scholarships. He relayed the Governing Body's pride in the two youth who joined the Cadet Corps.

b) Ambulance Corps Update

Councilmember Sciara reported that the Ambulance Corps pancake breakfast was well attended.

4) Public Properties:

a) DPW Update

Councilmember Phayre noted there seems to be a discrepancy about where the shade tree software is at. He would like to meet with Councilmember Grefrath and Mr. Woods on a Saturday to see where it stands. Councilmember Grefrath is willing. He was told by Shade Tree that the project was completed, which is why he announced it.

5) Land Use:

a) Environmental Committee Update

Councilmember Waneck reported that at the Environmental Committee meeting last night hosted a representative from Pascack Valley Solar Company, which is a Westwood-based company run by a Westwood High graduate that will be opening a solar education center in Westwood. The education center will be able to demonstrate what it really means to have solar panels on the roof. Pascack Valley Solar Company is going to do an overlay for Westwood and bring it to the Environmental Committee to see what can be done. Westwood Pride Day was very good for the Environmental Committee. The simulation on where garbage ends up was well received. Both the BCUA and Americorps had great demonstrations.

b) Land Use Board Update

The Planning Board continues to review the master plan. The H, HSO, LN and RW zones were started at the last meeting and will continue this Thursday. There has been much contribution from residents on these and all zones.

6) Health and Recreation:

a) Library Update

Councilmember Quinn reported that the Taste of Westwood was very successful for the community. Mayor Birkner commended Councilmember Quinn for her remarkable action at Taste of Westwood. When an attendee fell ill in the middle of the event, she cared for the woman and stayed with her, monitoring her condition. Councilmember Quinn noted that two hands can save a life. Chest compressions only can save lives, mouth-to-mouth is not necessary.

b) Recreation Update

Details on the Recreation summer program are posted on the website. Councilmember Quinn noted that the playground program starts next week, so keep in mind the children and their safety. Counselors have been trained in CPR.

The summer concert series is posted in Veterans Park. Recreation is expecting another great success.

D) Attorney's Report – no report

E) Administrator's / Clerk's Report

1) DPW Fencing

Mr. Hoffmann relayed that fencing for the DPW was discussed at a steering committee meeting. He is asking for input and authorization. Council President Miller recalls the Governing Body saying to resolve the playground before bringing this out. Mayor Birkner responded that a separate source of funding for this has been identified. It is more of a protection of the DPW area, although there is benefit for Westvale in securing access. Mayor Birkner remembered that in 2008 when the A and B fields were fenced, DPW fencing was discussed in regards for safety and curb appeal. Fencing would prevent and deter illegal dumping during off hours. Mayor Birkner feels now more than ever is a security measure.

Council President Miller said this was not part of capital planning for 2011. He asked what is coming off the capital budget and what will not be funded so this can be. Mr. Hoffmann said the funding would come from the capital reserve. The capital improvement fund is the down payment for ordinances. Money from previous years constitutes the reserve, which is where the funding would come from. Councilmember Waneck questioned whether that money used to pay down debt. Mr. Hoffmann said it is usually used as a 5% down payment, and has been used for items with more than a five year life expectancy. Councilmember Grefrath pointed out that it is also for emergencies, and then asked if this is an emergency basis. Mr. Hoffmann replied that he was asked to identify funding, and this was the logical place.

Councilmember Waneck asked if a barrier could be put in to keep vehicles from driving on the bike path. Mr. Hoffmann said bails of hay had been used. Councilmember Waneck thinks it should be more substantial. Councilmember Phayre pointed out that there does need to be vehicle access. Councilmember Sciara suggested pipes with a chain to cut road access. He said it is a beautiful facility. With the concession stand and playground in the center, children will gravitate there. There haven't been any children wandering into the DPW in the past. Councilmember Sciara urged to finish the playground, then next year budget for the fence. He doesn't agree it's imperative for the safety of the field, which he feels is already safe. He would rather secure the electrical service with that \$18,000 than use it for fencing.

Mayor Birkner responded that the fencing is to secure the DPW, not the park. He added

that there are quotes for securing the electrical panels. Mayor Birkner feels this fencing is a DPW expenditure.

Councilmember Grefrath said when he first saw this a few months ago, he commented that there could be one project per month to add to the park that is legitimate. The point is at this time he'd like to finish it and then start adding to it. Councilmember Grefrath urged to finish the project and then start adding to it. He said Councilmember Sciara seems confident that it is safe. Councilmember Grefrath agrees it is a DPW project to budget for next year.

Councilmember Waneck said she thought the JIF was going to review the park and look for danger. Mr. Hoffmann confirmed that the JIF went down there. Councilmember Waneck said then it must be safe. Mayor Birkner asked when the inspection was done. Mr. Hoffmann will have to check, but thinks it was earlier this year.

Councilmember Quinn said when the fencing was first brought to the steering committee, she asked why fencing was being put onto Westvale rather than the DPW, wasn't it a DPW project. She doesn't want it thought to be part of Westvale, it is part of the DPW. Mayor Birkner said that's correct. Councilmember Quinn said it was shifted onto Westvale, now it is shifting back. Mayor Birkner clarified that the location is both Westvale and the DPW. He sees the benefit as securing the DPW, with the side benefit that it enhances the park. Council President Miller said the recommendation by the steering committee makes it seem like a Westvale issue and not a DPW matter. While the Superintendent may have been in attendance at the meeting, the recommendation came from steering the committee. Mayor Birkner understands.

2) 2011 Road Paving Program

Mr. Hoffmann explained that there is funding available in the 2009 road paving ordinance to cover the difference between the budgeted amount and bid amount for the 2011 road paving program.

Councilmember Quinn asked how long money stayed in the system. She thought the old ordinances were cleared. Mr. Hoffmann explained that most of the ordinances over 5 years old were retired. The more recent ones have not yet been retired. Councilmember Quinn commented that the money stays in the system until the Governing Body cancels it. Mr. Hoffmann confirmed. Councilmember Waneck pointed out that this is where money is being found for Westvale. Councilmember Phayre emphasized that the Borough has spent several years working on retiring the old ordinances. It is a process that must be done regularly. Mr. Hoffmann said starting in 2007 he reviewed ordinances back to the 1980's, and the council has been canceling them.

3) NJDOT Engineering Proposals

Councilmember Waneck asked about the appointment of the engineer for the NJDOT project.

Mr. Hoffmann recommends it goes forward. Councilmember Waneck asked if any of the four engineers can be chosen. Mr. Hoffmann said it is a recommendation, which the shared

services committee would have to review should the Governing Body reject it. Council President Miller pointed out that it was decided earlier to pull the resolution to resolve the questions. Mayor Birkner agreed. Councilmember Waneck commented that it puts off the paving until the fall. Council President Miller said the impact is not known.

4) Energy Audit

Council President Miller asked about the status of tracking the energy savings. Councilmember Waneck said she has asked for revised report from Mr. Hoffmann. He will update the first quarter report. Council President Miller asked if the expected savings are being experienced. Councilmember Waneck replied that the updated report will be an indicator. Mr. Hoffmann estimates from the preliminary review a saving of 9.8% in kilowatt usage. Council President Miller asked for dollars, which Mr. Hoffmann said will be part of the spreadsheet. Council President Miller asked if Mr. Hoffmann considers it a lot of savings. Councilmember Waneck suggested waiting to speculate until there are 6 months worth of invoices. Mr. Hoffmann thinks its good but he is not sure how good. Mayor Birkner reiterated that the data is not compiled yet.

12. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Sciara

Second: Council President Miller

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

Nancy Saccente, representing day care center on Bergen Street – requested the Governing Body’s input on whether they would allow two on street parking spots to be used by the day care. Mayor Birkner advised that it would be an issue for the Parking Authority to consider, and under the purview of the Planning Board. The Governing Body will not comment on the issue. There are other venues that are more appropriate. Ms. Saccente said she spoke informally to Mr. Sauer, but has not presented to the board yet. Councilmember Waneck asked who recommended she go to the Governing Body. Ms. Saccente said Mr. Hodges informally recommended it. Councilmember Grefrath pointed out that parking is tricky. Although Ms. Saccente is suggested 2 parking places the Planning Board could require six, in which case an ordinance at this time for two would do no good. Councilmember Waneck pointed out that the surrounding businesses need the opportunity to comment on the application. Mayor Birkner referred her to the Parking Authority and suggested she file an application with the Planning Board.

Maria Parisi, owner of building - explained that parents can park in the property driveway to drop children off. Ms. Saccente said that will be discussed.

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.

**13. Ordinances of First & Final Reading:
Ordinances For Introduction**

Ordinance For Adoption

11-10 An Ordinance To Establish A Schedule Of Salaries, Wages And Compensation Of The Public Officials, Officers And Employees Of The Borough Of Westwood In The County Of Bergen, And To Establish A Method Of Payment Of Such Compensation During Calendar Year 2011.

BE IT RESOLVED that Ordinance #11-10 entitled “An Ordinance To Establish A Schedule Of Salaries, Wages And Compensation Of The Public Officials, Officers And Employees Of The Borough Of Westwood In The County Of Bergen, And To Establish A Method Of Payment Of Such Compensation During Calendar Year 2011”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Grefrath Second: Councilmember Phayre

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

Councilmember Sciara inquired why the upper salary range for the electrical inspector was lower than the upper range for the plumbing inspector. Mr. Hoffmann was unsure and will check.

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Grefrath Second: Councilmember Phayre

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

BE IT RESOLVED that an Ordinance known as #11-10 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 Grefrath Second: Councilmember Phayre

Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - No
 Councilmember Waneck – Yes Council President Miller – No

11-11 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For A Special Emergency Appropriation Of \$20,000 For The Review Of The Borough's Master Plan

BE IT RESOLVED that Ordinance #11-11 entitled "An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For A Special Emergency Appropriation Of \$20,000 For The Review Of The Borough's Master Plan", having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Grefrath Second: Councilmember Phayre
Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
Councilmember Quinn – Yes Councilmember Sciara - Yes
Councilmember Waneck – Yes Council President Miller – Yes

Mr. Hoffmann pointed out that the term 'emergency appropriation' is State verbiage which allows for payment over a multi-year period.

Public Comments:
No comments.

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

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

14. 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.

Resolution 'm', Taxi License, was added, along with resolution 'n', Renewal of 2011-2012 Liquor License, Bibiz Lounge. As per earlier discussion, resolution 'h', Approval of Engineering for 2011 NJDOT Road Resurfacing Program was removed. Councilmember Waneck then requested resolution

'm' be removed from the consent agenda for separate consideration.

Resolutions as Consent Agenda:

- a) **Resolution #11 - 145: Bill List & Statement of Cash**
- b) **Resolution #11 - 146: Authorizing Refund of Taxes B1103 L36**
- c) **Resolution #11 - 147: Authorizing Refund of Taxes B1805 L4**
- d) **Resolution #11 - 148: Confirming Settlement of Tax Appeal**
- e) **Resolution #11 - 149: Authorizing Redesign of Handicap Curb Ramps for the Broadway Intersection Improvement Project**
- f) **Resolution #11 - 150: Authorize Inclusion in the Bergen County Community Development Program**
- g) **Resolution #11 - 151: Award of Contract for Pascack Valley Cooperative Pricing System (#107-PVCPS) 2011 Road Paving Program**
- i) **Resolution #11 - 152: Renewal of 2011-2012 Liquor Licenses**
- j) **Resolution #11 - 153: Renewal of 2011-2012 Center Convenience Liquor License**
- k) **Resolution #11 - 154: Renewal of Pascack Theater License**
- l) **Resolution #11 - 155: Use of Veterans Park for Car Show**
- n) **Resolution #11 -156: Renewal of 2011-2012 Liquor License - Bibi'z Lounge**

Motion to adopt resolutions #11-145 through #11-156: Councilmember Grefrath
Second: Councilmember Sciara

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

m) Resolution #11 - 157: Limo/Taxi License

Motion to adopt resolution #11-157: Councilmember Grefrath

Councilmember Sciara asked why the resolution was removed from the consent agenda. Councilmember Waneck voiced her concerns with licensing process issues that the Clerk has alerted her to. Mrs. Hughes explained the problems with the licensing process but noted that this particular vehicle has passed its inspections and the licensee provided all the appropriate paperwork and fees.

Councilmember Grefrath withdrew the motion for adoption and motioned to table the resolution.

Council President Miller asked if this resolution is a separate issue. Mr. Doyle said yes, the issues of procedure are separate from the licensing of this vehicle. Councilmember Waneck wants the whole picture seen before voting. Mayor Birkner said the issues should not bear on

the specific resolution, but should bear on the process going forward. Mr. Doyle explained that the Governing Body is voting on the merit of this application only.

Mayor Birkner asked for a second on the motion to table. No second was given. The motion failed.

Motion to adopt resolution #11-157: Councilmember Grefrath

Second: Councilmember Sciara

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

15. Resolution #11 - 158: Executive Closed Session II

Mayor Birkner noted that the Governing Body may take action upon return from the closed session. Councilmember Sciara moved the resolution with the caveat that there would be a 15 minute time limit to the session.

Motion: Councilmember Sciara Second: Council President Miller

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

The time was 10:09

16. 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 10:36 pm.

Resolution #11 – 159: Authorizing the DPW Negotiating Committee to Finalize an Agreement with the Teamsters Local 125

Councilmember Sciara motioned to give the DPW Negotiating Committee authority to move forward with finalizing the contract as they see fit, as agreed to during the Executive Session discussion. The Committee is comprised of Councilmember Phayre, Council President Miller, Mayor Birkner and Mr. Hoffmann. Mr. Doyle further clarified that the resolution authorizes the Committee to finalize an agreement between the Borough and the DPW collective bargaining unit, as long as it is unanimously accepted by all Committee members

Motion to adopt resolution #11-157: Councilmember Sciara Second: Councilmember Waneck

Roll Call: Councilmember Grefrath – Yes	Councilmember Phayre - Yes
Councilmember Quinn – Yes	Councilmember Sciara - Yes

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Councilmember Waneck – Yes

Council President Miller – Yes

17. 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 10:39 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk