

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
FEBRUARY 21, 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 - Absent
Council President Waneck - Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present

Committee Assignments:

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

3. Resolution #12 - 66: Executive Closed Session

Motion: Councilmember Miller Second: Councilmember Grefrath

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

4. Reopen the Meeting:

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

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

The time was 7:45 pm.

5. Roll Call II:

Mayor Birkner – Present
Councilmember Grefrath - Present
Councilmember Miller – Present
Councilmember Phayre - Present
Councilmember Quinn – Present
Councilmember Sciara - Absent
Council President Waneck - Present
Borough Administrator Hoffmann – Present
Borough Attorney Doyle - Present
Borough Engineer Senkevich - 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 – 2011 Sine Die Meeting, January 3, 2012 Reorganization Meeting,
January 17, 2012 Public meeting**

Motion to adopt the Sine Die and Reorganization Meeting Minutes: Councilmember Grefrath

Second: Councilmember Quinn

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

Motion to adopt the January 17, 2012 Public Meeting Minutes: Councilmember Grefrath

Second: Councilmember Quinn

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

8. Proclamation – Read Across America

After Mrs. Hughes read the proclamation, Mayor Birkner gave the times and dates for participating in Read Across America at the Westwood Regional Schools.

9. Reports of Committees and Officials:

A) Mayor’s Report

1) HUMC

Mayor Birkner noted there is no news on the reopening of the hospital, although there was a Bergen Record editorial in this past Sunday’s paper endorsing the reopening. Mayor Birkner reiterated the Borough’s support for the hospital. All are eagerly awaiting a final decision.

2) Bus Route

Mayor Birkner reported that a preliminary meeting was held with NJ Transit and HUMC officials regarding adding a bus route along Old Hook Road with a bus stop on hospital property. NJ Transit requested the County planners be involved, as they have long wanted to bring buses up to Alpine. Mayor Birkner reviewed possible routes.

3) Broadway Resignalization

Mayor Birkner reviewed a meeting held February 9th on the train resignalization with representatives from Boswell, NJ Transit, Bergen County, and NJDOT. Administrative details and minor site revisions remain to be worked out. The County is intent on bidding in April, with construction completed by the end of summer. There will be a second meeting with Boswell and the County to handle smaller details, including moving the bus stop at Broadway and Washington Avenue across the street, closer to the train station, to help with traffic flow into the Washington Avenue intersection. It will also enable a wider pedestrian right of way.

Councilmember Grefrath commented that as a person who uses the bus stop and has been told so long the stop will be relocated to Broadway and Irvington, what the Mayor is saying makes sense. He asked if two parking spaces would be lost. Mayor Birkner said yes but they

may gain several on the other side and the First Avenue side.

4) Joint School Meetings

Mayor Birkner announced that this Thursday there will be a joint meeting with Washington Township and Board of Education officials to continue the regularly scheduled meetings.

5) Shared Services

Mayor Birkner reported that discussions for shared dispatch services continue with area municipalities. A meeting was held at the County facility on Thursday. The Borough had to postpone the dispatch test to March 6 to ensure adequate phone lines are in place.

6) FEMA

Mayor Birkner advised that the Borough has not yet received data from FEMA or the NJ State OEM on the flood grant. The Green Acres application has been submitted, and NJDEP is in the process of identifying funding.

B) Engineer's Report

1) Bi-weekly Report

Mr. Senkevich reviewed the bi-weekly report, a copy of which is attached.

2) Road Paving

Mr. Senkevich advised that the 2012 Road Paving Program is being planned. Council President Waneck asked if the 15 year plan could be updated annually so it can be regularly updated on the web site. Mr. Senkevich will provide it.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Budget Update

Councilmember Phayre reported that the Budget process is well underway. Westwood has successfully refunded its 2003 bonds for a savings of \$323,000, and a partial savings this year of over \$12,000.

2) Police and OEM:

Councilmember Miller had no report since the dispatch was already covered.

3) Public Properties:

a) Website Update

Council President Waneck reported on a conference call with the website host. The Borough will be making visual enhancements to its site such as a site map, color changes, and general reorganization. Council President Waneck would like to move forward with superforms, which she will discuss at the next work session, along with some design changes. Councilmember Phayre asked if these are the forms Mrs. Flannery handles. Council President Waneck said yes and no.

b) DPW Update

Council President Waneck noted that the HUMC Paramedics that have been hosted by the DPW are getting ready to pack up and move out to the hospital building. Mr. Hoffmann pointed out that their presence saved the life of one of our employees. Councilmember Phayre expounded on how the Paramedics aided in more life-saving situations.

4) Land Use:

a) Shade Tree Committee Update

Councilmember Quinn announced that the Shade Tree Committee received notice that they were awarded a \$4500 grant from the State Forest Service through the American Recovery & Reinvestment Act. Council President Waneck asked if Shade Tree had applied for the grant. Mayor Birkner confirmed.

5) Health and Recreation:

a) Veterans Park Revitalization

Councilmember Grefrath advised that Borough Planner Ed Snieckus is putting the final touches on the Veterans Park site map, which will be shown to the Committee on February 29th. After that meeting Mr. Snieckus will be at a work session to review the changes to Quad 2, which includes sidewalk reconfiguration. With Council approval the project will then go to bid. The installation of the Finnegan Memorial Bench in Quad 3 is just waiting for warm weather in order to do the concrete. A third bench, which will be the second for Voorhis Park, is in progress. A fourth will be in the bandstand quad, and a fifth in Quad 2.

b) Recreation Update

Councilmember Grefrath reported that at his first Recreation Board meeting, a Board member wanted to institute an ice hockey clinic. He asked Mr. Buchheister for help in pulling it together, and by the second Recreation Board meeting they had already had their first clinic. Councilmember Grefrath felt that it was incredible to it get done that fast, and at \$5 per person a great value. Recreation may end up with a team and league as a result.

D) Attorney's Report

No report.

E) Administrator's / Clerk's Report

No report.

10. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Phayre

Second: Councilmember Miller

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

Kevin O'Brien, 28 Summit Avenue - Discussed a lead paint issue at 28 Summit Avenue. Mr. O'Brien reviewed his various correspondences to the Borough on the matter. He also addressed a door, fire alarm, and heat issue. Mr. Huntington advised the Governing Body not to comment on a personnel matter. Mr. O'Brien stated he gave a hard copy of the correspondence to the State.

Mayor Birkner said the Borough has addressed matters, and legal issues are being mitigated. Mr. O'Brien believes these are issues of public health, welfare and safety that have been ignored for a year. He has been moved to do this to help others.

With respect to commercial vehicles, Mr. O'Brien observed that in the past there were 3 pages of vehicles listed as receiving permits, but only 7 in 2012. He asked whether rules and regulations are not being enforced.

Fran Yates, 72 Harding Avenue – asked for a status report on the Bergen County Flood group, whether anything had come of the Borough's report and its goal of trying to get the reservoir lowered. Mayor Birkner said Council President Waneck met with the DEP at the last Bergen County Flood Advisory Council meeting. The Borough has not had any feedback from the DEP. He believes they are still reviewing the report. Mrs. Yates asked if the County has started any initiatives to meet with New York State. Council President Waneck said all 70 municipalities were contacted for feedback on flooding issues. The County Flood Council is looking at the bigger picture, not just Westwood, and trying to promote far reaching alternatives. As for reaching out to New York, there was another group that did meet with New York State officials but Council President Waneck doesn't know whether it went anywhere. She reported that white papers and studies on reservoirs are being done by the DEP. Mrs. Yates asked for a follow up with the DEP on the report. She asked the status of the dam project. Mayor Birkner said as far as he knows the project is moving forward as scheduled but the Borough is not being informed. Mrs. Yates asked for the Borough to find out the status.

Kevin O'Brien, 28 Summit Avenue – regarding the dam project, Mr. O'Brien understands that there has not been an application before the Planning Board yet in Hillsdale. He believes it is still in the discussion stage.

Motion to close the Agenda/Public Forum: Councilmember Miller

Second: Councilmember Quinn

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

11. Ordinances of First & Final Reading:

Ordinances on Final Reading

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", 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 - Absent
 Councilmember Waneck – Yes Council President Miller – Yes

Public Comments:

No comments.

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

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

BE IT RESOLVED that an Ordinance known as #12-2 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 - Absent
 Councilmember Waneck – Yes Council President Miller – Yes

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”, having hereby been read by title, shall have a hearing held on this date.

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

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

Public Comments:

No comments.

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

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

BE IT RESOLVED that an Ordinance known as #12-1 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: Councilmember Grefrath

Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Absent
 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. Resolution e was removed for separate consideration. Resolution g was added.

Resolutions as Consent Agenda:

- a) **Resolution #12 - 67: Bill List & Statement of Cash**
- b) **Resolution #12 - 68: Authorizing Refund of Taxes B2110 Lot 2**
- c) **Resolution #12 - 69: Tax Reimbursement Certification**
- d) **Resolution #12 - 70: Tonnage Grant Application**
- f) **Resolution #12 - 71: Authorizing Disposal of Surplus Property by Online Auction**
- g) **Resolution #12 - 72: Authorizing Interlocal Agreement Between the Borough of Westwood and Borough of Hillsdale**

Motion to adopt resolutions #12-67 through #12-72: 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

e) Resolution #12 - 73: Reappointment of Construction Official

Motion to adopt resolution #12-73: Councilmember Grefrath Second: Councilmember Quinn

Roll Call:

Councilmember Grefrath – Yes

Councilmember Miller – an affirmative vote tonight on resolution e is at least a \$2 million decision. In my 40 years of senior HR management positions, I've seen firsthand employees whose performance declined over time, employees whose performance was acceptable and then declined for many reasons. Tenure makes managing performance difficult, if not impossible. I'm not questioning the talents or achievements of this individual. From all accounts this is a good employee, one who has served the community well in their first four years. I am questioning, and opposed to, giving anyone lifetime employment, and certainly, only after four years. The law that provides this protection from being managed is no longer needed. When it was first enacted there was no protection available for wrongful termination. There are currently many laws protecting employees from discrimination, for improper involvement with Governing Bodies, from whistleblowing. Today's situation is not the same, and giving lifetime employment in my opinion is ineffective management. We have an alternative, one that allow the employee to continue to make positive contributions and still protect the residents of today, and future residents. I am opposed to granting lifetime employment, and certainly when there's

another option. To look 20 years in the future and say with any degree of certainty how anyone will perform is a talent I don't possess. To protect the future residents, I vote no.

At this time Mr. Huntington explained that under NJ statute certain employees are given tenure upon reappointment.

Councilmember Phayre – yes

Councilmember Quinn – yes. I am happy to move this forward because I think this employee will continue to do a good job.

Council President Waneck – yes. My understanding is that not reappointing would be the alternative, therefore I vote yes to the reappointment.

13. Adjournment:

Motion to adjourn: Councilmember Phayre Second: Councilmember Miller

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

The time was 8:47 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk