

**BOROUGH OF WESTWOOD  
PUBLIC MEETING OF THE MAYOR & COUNCIL  
MAY 15, 2012 MINUTES  
MUNICIPAL COMPLEX  
101 Washington Avenue  
7:30 PM Executive Closed Session/8:00 pm Public Session**

**1. Opening of the Meeting:**

The meeting was called to order by Mayor Birkner at 7:30 pm. Mayor Birkner then read the Open Public Meetings Law Statement: "This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regular Borough Council meeting. Notices have been filed with our local official newspapers and posted on the municipal bulletin board."

**2. Roll Call:**

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

**Committee Assignments:**

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

**3. Resolution #12 - 135: Executive Closed Session**

Motion: Council President Waneck Second: Councilmember Sciara

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

**4. Reopen the Meeting:**

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

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

The time was 8:09 pm.

**5. Roll Call II:**

Mayor Birkner – Present  
Councilmember Grefrath - Present  
Councilmember Miller – Present  
Councilmember Phayre - Present  
Councilmember Quinn – Present  
Councilmember Sciara - Present  
Council President Waneck - Present  
Borough Administrator Hoffmann – Present  
Borough Attorney Huntington - 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 – April 3, 2012 Work Session and April 17, 2012 Public Meeting**

**Motion to adopt the April 3, 2012 Work Session Minutes:** Councilmember Grefrath

Second: Councilmember Phayre

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

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**Motion to adopt the April 17, 2012 Work Session Minutes:** Councilmember Grefrath

Second: Councilmember Phayre

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

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**8. Reports of Committees and Officials:**

**A) Mayor's Report**

**1) Westvale Update**

Mayor Birkner reported that improvements continue at Westvale Park. The entrance of the park and DPW is scheduled to be paved either tomorrow or Thursday, and parking will be closed until approximately 4 pm.

**2) Rutgers Stream Bank Stabilization Project**

The Musquapsink Brook bank stabilization by the Rutgers Cooperative is ongoing at Girl Scout Park. The Borough is waiting for word on when work will begin at Gritman Park.

**3) Woodcliff Lake Dam Stabilization**

Mayor Birkner reported that on May 11<sup>th</sup> he met with the NJDEP Bureau of Dam Safety, United Water, and representatives from Hillsdale and Woodcliff Lake to review the dam stabilization project. The discussion included the impact on public safety and flooding. Mayor Birkner announced that there will be two public meetings in coming weeks in Westwood and Woodcliff Lake. The NJDEP will be present to explain the project. Mayor Birkner encourages public participation and comment. During the meeting they also discussed the engineering report and the possibility of maintaining the water level at 91 feet after the dam project. As soon as Mayor Birkner hears from the DEP the Borough will post dates for the meetings.

**4) Flood Property FEMA Buyouts**

Mayor Birkner announced that the Joint Budget Oversight Committee has met and approved the DEP Green Acres funding match to the FEMA grant. He thanked Assemblywoman Schepisi for working with Senator Sarlo to move the funding forward. Right now the Borough is waiting for the DEP to provide specific language for the resolution.

**B) Engineer's Report**

**1) Bi-weekly Report**

Dr. Boswell reviewed the biweekly report, a copy of which is attached.

**2) Broadway Intersection**

Dr. Boswell advised that at a meeting with the County on the Broadway Intersection Improvements project, the County is now requesting audible crossings. This change in the plans will take about 2-3 weeks to complete, after which NJ Transit must review them. Council President Waneck asked if the changes entail more finances. Dr. Boswell said no.

**3) Road Resurfacing**

Dr. Boswell said the Road Resurfacing program would begin after Memorial Day. He reviewed the streets being paved. Councilmember Miller noted that Hawthorne recently purchased asphalt and asked Dr. Boswell how the cost compared to Westwood. Dr. Boswell said their price was comparable at \$70 per ton. Councilmember Miller asked why they would get a better bid. Dr. Boswell relayed that the pavers say the price isn't better because they need to bill each municipality, mobilize equipment, etc., so there's no incentive to them. Councilmember Miller said he's hearing that the cooperative may not have a financial incentive. Mr. Hoffmann noted that the cost of oil had dropped at the time Hawthorne opened its bid. Dr. Boswell said it was not enough, since asphalt is only 10% of the cost. Councilmember Miller asked Mr. Hoffmann to look at whether going with the cooperative is worthwhile and report on whether there is any financial benefit. There may be other reasons to go with the cooperative, which Councilmember Miller would like made clear.

**C) Council Liaison & Committee Reports**

**1) Finance, Administration and Capital Projects:**

**a) Budget Update**

Councilmember Phayre reported that there will be a Budget Committee meeting in June to start looking at the 2013 budget.

**2) Police and OEM:**

**a) OEM Update**

Councilmember Miller announced that there is an opportunity to volunteer with the Office of Emergency Management. Interested residents should give their information to the Clerk.

**b) Historic Preservation Commission**

Councilmember Miller stated that the Historic Preservation Commission meetings are the second Wednesday at 7:30 pm at the train station.

**c) Police Update**

Councilmember Miller reported that on April 28<sup>th</sup>, the Westwood Police Department held Operation Take Back, which gave residents a chance to turn in unused prescription drugs. About 60 pounds of prescription drugs were turned in by Westwood residents. Mayor Birkner noted the environmental impact on the ecosystem if those drugs are put into the

system.

Councilmember Miller noted that on May 9<sup>th</sup> Officer Horst received a Valor Award from the 200 Club.

The Days of Summer traffic safety campaign has begun.

**3) Fire and Ambulance:**

**a) Vision Credit Union Grand Opening**

Councilmember Sciara announced that Vision Federal Credit Union will hold a ribbon cutting next week. They are open to proposals on use of the building next door since they are not yet occupying it.

**b) Resolution #12 - 136: Westwood Volunteer Fire Dept – Matters of Personnel**

**Motion to Adopt Resolution #12-136:** Councilmember Sciara

Second: Councilmember Miller

Roll Call: Councilmember Grefrath – Yes Councilmember Miller – Yes

Councilmember Phayre – Yes Councilmember Quinn – Yes

Councilmember Sciara – Yes Council President Waneck – Yes

Mayor Birkner and Councilmember Liaison Sciara administered the Oaths of Office to Ryan McKinley as a member of the Cadet Corp.

**4) Public Properties:**

**a) Library Update**

Council President Waneck reminded that June 3 is the Taste of Westwood at the library.

**b) DPW Update**

Council President Waneck announced that once a week recycling pickup begins July 4<sup>th</sup>, and the contractor will be picking up on the holiday.

Twice a week garbage pickup has begun for the season.

**c) FEMA Buyouts**

Council President Waneck suggested having Habitat for Humanity take items out of the FEMA buyout houses before demolition. Mayor Birkner thinks items must be new for Habitat to use them. Councilmember Grefrath said no, he donated items from his mom's house. They have a resale store, and use the money to buy building supplies. Mr. Huntington said when it gets to that point the Borough will have to make sure the rules allow it. Mr. Hoffmann said he has had conversations with FEMA. There is a component for recycling in the demolition bid specs with specific requirements.

**5) Land Use:**

**a) Shade Tree Update**

Councilmember Quinn said 50 trees were received by the Borough and planted. She thanked the Shade Tree Committee for ordering and the DPW for planting. Councilmember Quinn reminded residents to water and care for the trees. Trees were also planted at the dog park and Veterans Park.

The Shade Tree Committee distributed packets to the schools for Arbor Day. Westwood has been awarded Tree City status for the ninth year.

**b) Land Use Update**

The Planning Board is working on ordinances based on the Master Plan reexam. Three are being adopted tonight, with more coming at the next work session.

Councilmember Quinn commended the Planning and Zoning Board members for reviewing and using the land use ordinances to guide them in making decisions.

Councilmember Quinn announced that the Zoning Board Chairman was reappointed to the County Historical Advisory Board.

**6) Health and Recreation:**

**a) Recreation Update**

Councilmember Grefrath said the Recreation Board discussed ways for the parks to be spruced up. The Board discussed the nuances of placing a defibrillator at Westvale Park, including the concern that one would then be required in every park.

**b) Memorial Bench Update**

Councilmember Grefrath updated the status of the Memorial Bench Program. Trust account R41 should have \$2600 for benches that are going to be installed.

**c) Veterans Park Revitalization**

Councilmember Grefrath advised that Mr. Snieckus has concerns that the two trees near the bandstand could lift the pavers that are going to be installed. He is suggesting the removal of those trees, which would fall within the budget of the project. Councilmember Grefrath has looked at the trees and the shade they provide. He recommends compensating for the tree roots and leaving them there. The pavers around the bandstand are very heavy duty, thick, and can hold up to trucks, so he is not sure they could truly be moved by the trees. Council President Waneck voted for keeping the trees.

**D) Attorney's Report**

No report.

**E) Administrator's / Clerk's Report**

**a) Energy Savings**

Councilmember Miller asked when the energy-saving changes were installed. Mr. Hoffmann thinks it was a little over a year ago. Councilmember Miller said a commitment was made that it would be cost neutral, and asked where the savings tracking stands. Mr. Hoffmann said usage has been monitored from January 2010 to November 2010, and compared to 2011. The Borough saved approximately \$33,000 and reduced consumption by 11 ½ %. Councilmember Miller asked for that report. He asked if the Borough is on pace based on what was committed. Mr. Hoffmann will have to look at it. He advised that the Borough has joined the County Cooperative for purchasing energy. Councilmember Miller said that should be excluded. Mayor Birkner said the information should focus on infrastructure improvements. Councilmember Miller would like to look at the report, and may want to post it on the

Borough web page.

**9. Agenda/Public Forum:**

**Motion to open the Agenda/Public Forum:** Councilmember Sciara

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 Miller

Second: Councilmember Sciara

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

**10. Ordinances of First & Final Reading:**

**Ordinances on Introduction**

**12-12 An Ordinance To Amend Chapter 249, Peddling And Soliciting**

**BE IT RESOLVED** that Ordinance #12-12 entitled “An Ordinance To Amend Chapter 249, Peddling And Soliciting” is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with an June 19, 2012 hearing date in the official newspaper according to law.

**Motion to pass the ordinance on First Reading:** Councilmember Quinn

Second: Councilmember Sciara

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

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**12-13 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Various Capital Improvements And Other Related Expenses In And For The Borough Of Westwood And Appropriating \$560,000 Therefor, And Providing For The Issuance Of \$532,000 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same.**

**BE IT RESOLVED** that Ordinance #12-13 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Various Capital Improvements And Other Related Expenses In And For The Borough Of Westwood And Appropriating \$560,000 Therefor, And Providing For The Issuance Of \$532,000 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same” is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with an June 19, 2012 hearing date in the official newspaper according to law.

**Motion to pass the ordinance on First Reading:** Councilmember Phayre

Second: Council President Waneck

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

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**12-14      An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Costs Associated With The Closure Of A Landfill Located In The Borough Of Westwood And Appropriating \$35,000 Therefor And Providing For The Issuance Of \$33,250 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same**

**BE IT RESOLVED** that Ordinance #12-14 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Costs Associated With The Closure Of A Landfill Located In The Borough Of Westwood And Appropriating \$35,000 Therefor And Providing For The Issuance Of \$33,250 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same” is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with an June 19, 2012 hearing date in the official newspaper according to law.

**Motion to pass the ordinance on First Reading:** Councilmember Phayre

Second: Council President Waneck

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

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**Ordinances for Adoption**

**12-6      An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Monitoring Of Landfill Emissions For The Borough Of Westwood And Appropriating \$60,500 Therefor And Providing For The Issuance Of \$57,475 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same**

**BE IT RESOLVED** that Ordinance #12-6 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Monitoring Of Landfill Emissions For The Borough Of Westwood And Appropriating \$60,500 Therefor And Providing For The Issuance Of \$57,475 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

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

**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 #12-6 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: Council President Waneck

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

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**12-8      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 2012**

**BE IT RESOLVED** that Ordinance #12-8 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 2012”, having hereby been read by title, shall have a hearing held on this date.

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

**Public Comments:**  
No comments.

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

**BE IT RESOLVED** that an Ordinance known as #12-8 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 Waneck

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

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**12-9      An Ordinance To Amend Article XXI, Chapter 195, Outdoor Dining Regulations Of The Borough Of Westwood**

**BE IT RESOLVED** that Ordinance #12-9 entitled “An Ordinance To Amend Article XXI, Chapter 195, Outdoor Dining Regulations Of The Borough Of Westwood”, having hereby been read by title, shall have a hearing held on this date.

**Motion to open the public hearing:** Councilmember Quinn Second: Council President Waneck  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**Public Comments:**  
No comments.

**Motion to close the public hearing:** Councilmember Quinn 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 #12-9 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 Quinn Second: Council President Waneck  
Roll Call: Councilmember Grefrath – Yes Councilmember Miller – Yes  
Councilmember Phayre – Yes Councilmember Quinn – Yes  
Councilmember Sciara – Yes Council President Waneck – Yes

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**12-10 An Ordinance To Amend Article XIV, Chapter 195, Zoning Of The Borough Of Westwood**

**BE IT RESOLVED** that Ordinance #12-10 entitled “An Ordinance To Amend Article XIV, Chapter 195, Zoning Of The Borough Of Westwood”, having hereby been read by title, shall have a hearing held on this date.

**Motion to open the public hearing:** Councilmember Quinn Second: Council President Waneck  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**Public Comments:**  
No comments.

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

**BE IT RESOLVED** that an Ordinance known as #12-10 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 Quinn Second: Councilmember Sciara  
Roll Call: Councilmember Grefrath – Yes Councilmember Miller – Yes  
Councilmember Phayre – Yes Councilmember Quinn – Yes  
Councilmember Sciara – Yes Council President Waneck – Yes

**12-11 An Ordinance To Amend Article XIV, Chapter 195, Zoning Of The Borough Of Westwood**

**BE IT RESOLVED** that Ordinance #12-11 entitled “An Ordinance To Amend Article XIV, Chapter 195, Zoning Of The Borough Of Westwood”, having hereby been read by title, shall have a hearing held on this date.

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

**Public Comments:**

No comments.

**Motion to close the public hearing:** Councilmember Quinn 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 #12-11 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 Quinn Second: Council President Waneck

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

Council President Waneck commented that she is very excited to have a clear definition fo what a restaurant is. Mayor Birkner said a lot of work went into the ordinances and congratulated Council President Waneck and Councilmember Quinn for their contributions. He commented that it is nice to have increased uses in the downtown area.

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**11. 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 i, j and k were added. Councilmember Phayre questioned an item on the bill list for a golf cart under Municipal Alliance. Mr. Hoffmann said he will look into it and report back. The bill list was motioned pending approval of the golf cart.

**Resolutions as Consent Agenda:**

- a) **Resolution #12 - 137: Bill List & Statement of Cash**
- b) **Resolution #12 - 138: Authorizing Refund of Taxes B2102 L4**
- c) **Resolution #12 - 139: Authorizing Refund of Taxes B1504 L5.01**
- d) **Resolution #12 - 140: Authorizing Refund of Taxes B704 L7**
- e) **Resolution #12 - 141: Authorizing Settlement Agreement**
- f) **Resolution #12 - 142: Accepting Retirement of Alternate Deputy Registrar Valerie Kerekes**

- g) Resolution #12 - 143: 2012-2013 Community Development Representatives**
- h) Resolution #12 - 144: Authorization to Solicit Proposals for Renovations of Brookside Park Rest Rooms**
- i) Resolution #12 - 145: Resolution Approving Misha Easement**
- j) Resolution #12 - 146: Authorizing Execution of a Developer's Agreement Between the Borough of Westwood and Pascack Valley Health Systems, LLC**
- k) Resolution #12 - 147: Authorization to Proceed with Bid Process for Appraiser, Title Company and Demolition Services**

**Motion to adopt resolutions #12-137 through #12-147:** Councilmember Grefrath  
Second: Councilmember Phayre

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

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**12. Adjournment:**

**Motion to adjourn:** Councilmember Sciara      Second: Councilmember Miller  
Voice Vote: A voice vote was taken with all present voting in the affirmative.  
The time was 9:08 pm.

Attest:

*(signed) Karen Hughes*

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk