

**BOROUGH OF WESTWOOD
WORK MEETING OF THE MAYOR & COUNCIL
MAY 7, 2019 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 Collins – Present

Councilmember Montana – Present
Services

Councilmember Bicocchi – Present

Councilmember Dell – Present

Councilmember Murphy – Present

Council President Arroyo - Present

Borough Attorney Huntington – Present

Borough Administrator Kezmarsky – Present

Borough Clerk Hughes – Present

Committee Assignments:

Land Use

Finance, Administration & Capital Projects; Shared

Fire & Ambulance

Health & Recreation

Public Properties

Police & Emergency Management

3. Resolution #19 - 140: Executive Closed Session

Motion to Approve Resolution #19-140: Council President Arroyo Second: Councilmember Murphy

Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes

Councilmember Bicocchi – Yes Councilmember Dell - Yes

Councilmember Murphy – Yes Council President Arroyo – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Murphy Second: Councilmember Collins

Voice Vote: A voice vote was taken with all present voting in the affirmative. The time was 8:47 pm.

5. Roll Call II:

Mayor Birkner – Present / Councilmember Collins – Present / Councilmember Montana – Present /
Councilmember Bicocchi - Present / Councilmember Dell – Present / Councilmember Murphy -
Present / Council President Arroyo - Present / Borough Administrator Kezmarsky - Present /
Borough Attorney Huntington – Present / Borough Engineer Boswell – Present / Borough Clerk
Hughes - Present

6. Flag Salute

Mayor Birkner asked the Brownies to lead those present in the salute to the flag.

7. Brownie Project Presentation

Brownie Troop 7647 presented their project to plant a butterfly garden in the Community Garden. They described what type of plants they would use and the types of butterflies that could be attracted. The consensus was to approve the project.

8. Eagle Scout Project Presentation

Jonathan Maul of Boy Scout Troop 350 presented his Eagle Scout project to revitalize the bird sanctuary. There will be no car access due to site line issues on Westwood Avenue. The consensus was to approve the project.

9. Reports of Committees and Officials:

A) Mayor's Report

1) Flooding Report

Mayor Birkner reviewed the reservoir and stream levels, which are higher due to extensive rain over the weekend. Had the reservoir been at the winter height there would have been flooding. He is working with the Hillsdale/Westwood Flood Solution Group to set up a meeting with the DEP Commissioner on inland flooding.

2) Business Openings

Mayor Birkner noted that several new businesses held Grand Openings over the weekend. He said the Master Plan review is going well, and the public is participating in the discussions on the Central Business District.

3) Mental Health Symposium

Mayor Birkner reminded everyone that there will be a Mental Health Symposium at the Community Center on May 19th from 2:00 to 4:00 pm.

4) Sand Road Project

Mayor Birkner advised that the Sand Road project is completed other than the Durabonding of the crosswalk at Sand and Harrington. He would like to use that same material and color scheme on the speed tables, which are in compliance with DOT regulations but could use some visual aid. He requested a price from Boswell Engineering for the next meeting.

5) Mill Street

Mayor Birkner asked for an update on the Mill Street project. Mr. Senkevich is concerned that PSEG is going to rip up the street as part of their Energy Strong project. Mayor Birkner asked him to find out what PSEG is doing.

6) Healthy Town

Mayor Birkner announced that Westwood has once again been designated a Health Town. The NJ Healthcare Quality Institute specifically noted the SNAP program, and Mayor Birkner thanked Councilmember Montana and his wife Maria for their many years of work on that program. He also thanked Councilmember Murphy and Lisa Bontemps for their tireless efforts. He invited Councilmember Montana to the presentation on Monday at 3:30.

7) Opiod Epidemic

Mayor Birkner reported that the Police responded to an overdose death, which was the 8th death in the past few years.

8) Officer Injury

Mayor Birkner wished a speedy recovery to the Police Officer who was injured in a car accident

due to the mechanical failure of the vehicle.

9) Westwood's 125th Anniversary

Mayor Birkner asked Mrs. Hughes to give a brief history on the incorporation of the Borough of Westwood. Mrs. Hughes informed that the vote for incorporation was held on May 8th, 1894, with 94 voters in favor and 14 against.

B) Council President's Report

Council President Arroyo tabled his Council President report until the Public meeting.

C) Engineer's Report

1) Biweekly Report

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

D) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects; Shared Services: CM

No report.

2) Fire and Ambulance: RB

a) Fire Department

Councilmember Bicocchi reported that the Fire Department held a drill with Woodcliff Lake on forced entry.

b) Ambulance Corps

Councilmember Bicocchi said the Ambulance Corps held a drill on CPR for cats and dogs.

3) Health and Recreation: BD

a) Westvale Parking

Councilmember Dell led a discussion on prohibiting parking at Westvale Park on the gravel pathways and the lower ballfield paths. The consensus was to install signs, which may require an ordinance.

b) Senior CPR Class

Councilmember Dell advised about the Senior CPR class being held at the Riley Center on May 16th.

c) Forever Young Program

Councilmember Dell reported that Recreation was going to charge Washington Township for their residents' participation in the Forever Young program, but Township did not include it in their budget. Beginning May 1st Township residents are being charged the same as other non-residents. Councilmember Montana said Washington Township residents should take it up with their Mayor and Council.

d) Library

Councilmember Dell reviewed the recent visit by the BCCLS Director to discuss the book delivery program. The Library may need to be able to receive books at 6:00 am.

Councilmember Dell wished a Happy Mother's Day to her colleagues and the Clerk.

4) Land Use: EC

a) Historic Preservation Commission

Councilmember Collins reminded all that the County will be honoring the Historic Preservation Commission for their walking tour project on Thursday at 6:30 pm. The next meeting of the Historic Preservation Commission is May 16th.

b) Celebrate Westwood

Councilmember Collins gave an update on the Celebrate Westwood preparations, which include a T-shirt design.

c) Land Use Boards

Councilmember Collins reported that the Zoning Board reviewed a variance application for the cryotherapy business. The only issue is the safety protocols for the liquid nitrogen. Mayor Birkner asked if the use variance was approved in light of the Master Plan review. Councilmember Collins said yes and explained how cryotherapy is a personal service like a hair or nail salon. The Planning Board will be discussing the prohibited use list for the CBD at Thursday's meeting. Councilmember Collins thanked Borough Planner Ed Snieckus for consolidating the public comments.

d) FEMA Flood Maps Ordinance

Councilmember Collins explained the requirement to adopt a new ordinance revising the flood maps to be in compliance with FEMA. She pointed out the proposed changes to the existing ordinance.

5) Police and OEM: RA

a) Land Use Boards

Council President Arroyo suggested that the Zoning Board provide a report on D1 variances to the Planning Board for use in the Master Plan review.

b) Van Buren Dead End

Council President Arroyo reviewed the results of the test period for the dead end on Van Buren Ave. The Police Department is recommending it become permanent. An ordinance is not required since dead ends are not in the Borough Code. Mayor Birkner asked about curbing and a buffer. Various possibilities were discussed. The consensus was to make the dead end permanent, with a resolution added to the next meeting. Creating an appealing dead-end barrier will be discussed further.

c) Road Opening Ordinance

Council President Arroyo reviewed the reasons for revising the road opening ordinance. Mr. Kezmarsky explained how the draft ordinance differs from the existing ordinance. Councilmember Montana would like escrow for road repair failures, and recourse for repairs on newly paved roads. Council President Arroyo asked everyone to send him their questions.

6) Public Properties: JM

a) FEMA Flood Map

Councilmember Murphy pointed out that Councilmember Collins needed a consensus on the proposed changes to the flood map code. All are in agreement with making the changes.

b) Shade Tree Committee

Councilmember Murphy thanked the Girl Scouts and Governing Body for attending the Arbor Day celebration and tree planting at Girl Scout Park. She advised that the Shade Tree Committee is now meeting quarterly and the next meeting is June 11th.

c) DPW

Councilmember Murphy said the DPW has ordered reusable bags to give away at Westwood Pride Day. The millings at Westvale Park that were causing obstructions have been spread by the DPW. In the future she hopes they will be dropped to the side or coned off.

d) Sustainable Jersey

Mrs. Hughes asked if everything is good with the Sustainable Jersey application. Councilmember Murphy said the Green Team will be able to retain the Bronze certification. Council President Arroyo asked about the plastic bag initiative. Councilmember Murphy said the Sustainable Westwood team doesn't want to scare anyone, they want to encourage reusable bag use through education and will be working on incentives. They want to make it beneficial and not a hardship.

E) Attorney's Report

No report.

F) Administrator's / Clerk's Report

a) Direct Energy Install

Mr. Kezmarsky pointed out the resolution for participation in the Direct Install program for the Borough Hall HVAC units. The program pays 70% and the Borough pays 30%. He hopes it will be less than the amount on the resolution.

b) DPW Grievance

Mr. Kezmarsky explained that a DPW employee has been Rice Noticed and elected to have discussion of a grievance in the public session. Mr. Kezmarsky said the Governing Body has received the information on the grievance. He is asking for affirmation of the decision. Mayor Birkner said a consensus of the Governing Body is needed. He explained that a Rice Notice provides an employee with a personnel matter affecting him the right to be present when action is taken. Normally personal matters are addressed in closed session, but the employee has the right to waive that closed session discussion, which is the case here. Approval is being sought for the action and recommendation of the Administrator. Mayor Birkner asked for a consensus. It was agreed to put the matter on the Consent Agenda for approval.

10. Agenda/Public Forum:

Motion to open Agenda/Public Forum: Council President Arroyo Second: Councilmember Biccocchi

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

Gary Haight, 84 Lincoln Blvd., Emerson, Westwood DPW employee – filed a grievance at the

beginning of December 2018 that still has not been resolved. He would like to follow the procedures according to the timeline of the contract. Mayor Birkner said he will look into it with the Administrator.

JayMee Hodges, 40 Second Avenue, Planning Board Chair – pertaining to the resolution on the Consent Agenda for a Technical Assistance Team, Mr. Hodges reviewed how the Planning Board has addressed the items outlined in the resolution. He expressed concern with the redundancy of bringing in an outside agency that doesn't know the Borough to address matters already being addressed, and the impact on the Board's enthusiasm. He asked for reconsidering the Technical Task Force and allowing the Planning Board to handle matters.

Lisa Bontemps, 136 Lafayette Terrace – explained that the resolution on the Technical Assistance Team is part of Westwood For All Ages. Ms. Bontemps said the impetus is from the Taub Foundation and NJ Future desiring to work with the Borough to become more age-friendly in more ways. They are willing to pay for the Technical Committee to interact with the Planning Board, Administrator, Council and residents. There is no specific agenda that any recommendations they offer become implemented. It would pull all stakeholders into a thin tank situation. It's not meant to challenge or intercept Planning Board actions, it's just meant to be free advisory consulting that engages multiple stakeholders and educate the public about decision made as a result of the planning process. Ms. Bontemps reassured that it's non-binding, it merely means a conversation at this state, and the town makes the decisions. Mayor Birkner commented that it doesn't change the land use laws. The resolution is consistent with the philosophy of the Borough and an opportunity to enhance work done in the age-friendly initiatives. Ms. Bontemps said there is no pressure, this is merely an offer by the Taub Foundation to fund a professional service team. The Borough can have one meeting with them and then tell them there is no interest. Mayor Birkner added that they will provide ideas, at no cost to the Borough. Councilmember Dell said it would be an extra meeting for the planner. Ms. Bontemps replied that it wouldn't impact the Planner, it would mostly impact the Administrator. The Borough would not have to pay the professionals involved. There would be two workshop meetings plus follow up. Mayor Birkner said it can occur during land use board meetings. On a related topic, Ms. Bontemps advised that Bergen Leads is focusing on master planning this year, and looking at master plans throughout the County. Westwood is being featured as the most proactive and forward thinking at the June 11th class starting at 2:30 pm. Ms. Bontemps gave kudos to all involved and especially Mr. Hodges as Planning Board Chair.

Philip Bicocchi, 7 Lockerby Lane – asked Councilmember Collins if Mayor for a Day Eve had gotten her ice cream for breakfast yet. Councilmember Collins said not yet.

Motion to close Agenda/Public Forum: Councilmember Bicocchi Second: Councilmember Dell Voice Vote: A voice vote was taken with all present voting in the affirmative.

11. Ordinance for Introduction and Adoption

Ordinances for Adoption:

19-5 Bond Ordinance To Authorize The Design And Installation Of A Fiber Optic Cable System In, By And For The Borough Of Westwood, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$215,000 To Pay The Cost Thereof, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The

Issuance Of Such Bonds

BE IT RESOLVED that Ordinance #19-5 entitled “Bond Ordinance To Authorize The Design And Installation Of A Fiber Optic Cable System In, By And For The Borough Of Westwood, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$215,000 To Pay The Cost Thereof, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds” having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Collins Second: Councilmember Dell
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 Bicocchi Second: Councilmember Murphy
Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #19-5 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 Collins Second: Councilmember Bicocchi
Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes
Councilmember Bicocchi – Yes Councilmember Dell - Yes
Councilmember Murphy – Yes Council President Arroyo – Yes

19-6 Bond Ordinance To Authorize The Installation Of Security Cameras At The DPW Facility, Westvale Park And The Recreation Center In, By And For The Borough Of Westwood, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$50,000 To Pay The Cost Thereof, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds.

BE IT RESOLVED that Ordinance #19-6 entitled “Bond Ordinance To Authorize The Installation Of Security Cameras At The DPW Facility, Westvale Park And The Recreation Center In, By And For The Borough Of Westwood, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$50,000 To Pay The Cost Thereof, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds” having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Dell Second: Councilmember Collins
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 Bicocchi Second: Council President Arroyo
Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #19-6 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 Dell Second: Councilmember Collins
Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes
Councilmember Bicocchi – Yes Councilmember Dell - Yes
Councilmember Murphy – Yes Council President Arroyo – Yes

12. Presentation of Bills, Financial Reports and Resolutions:

Councilmember Dell asked if there were any resolutions to add to the Consent Agenda. She stated that any Councilmembers who wished to remove any Resolution(s) to be voted upon separately could do so at this time, otherwise the Consent Agenda would be enacted in one motion. Resolutions l through q were added at this time. It was noted that resolution n hires a DPW Laborer off of the current list of eligible. Resolution p is contingent upon completion of all requirements of the hiring process within the Borough and with the Federal agency. Councilmember Montana requested resolution h be removed for discussion.

Resolutions as Consent Agenda:

- a) Resolution #19 - 141: Bill List & Statement of Cash**
- b) Resolution #19 - 142: Authorizing Refund of Taxes – 436 Center Ave B802 L11**
- c) Resolution #19 - 143: Authorizing Refund of Taxes – 509 Fourth Ave, B915 L8**
- d) Resolution #19 - 144: Street Closure & Use of Veteran’s Park for Celebrate Westwood**
- e) Resolution #19 - 145: Weekly Use of Sidewalks – Chamber of Commerce**
- f) Resolution #19 - 146: Authorization to Tie Into Storm Sewer**
- g) Resolution #19 - 147: Authorization to Hire DPW Laborer**
- i) Resolution #19 - 148: Honorary Street Name Designation**
- j) Resolution #19 - 149: Urging The New Jersey Board Of Utilities To Require Landline And Wireless Telephone Service Utilities To Implement The Necessary Technology To Block Robocalls To Their Customers, Free Of Charge, And To Enact Regulations To Prevent Robocalls From Reaching Customers**
- k) Resolution #19 - 150: Approval of Friends of Westwood Library Request to Consume Alcoholic Beverages on Public Property**
- l) Resolution #19 - 151: Authorizing Direct Install Program for Borough Buildings**
- m) Resolution #19 - 152: Supporting Potential Brownfield Remediation At The Westwood Pistol Range, Borough Of Westwood, Bergen County**
- n) Resolution #19 - 153: Authorizing Offer of Employment for DPW Laborer**
- o) Resolution #19 - 154: Authorizing Offer of Employment for Police Officer**
- p) Resolution #19 - 155: Authorizing Participation in HSID Task Force Officer Program**
- q) Resolution #19 - 156: Affirming Disciplinary Action**

Motion to adopt resolutions #19-141 through #19-156: Councilmember Dell

Second: Councilmember Collins

Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes

 Councilmember Bicocchi – Yes Councilmember Dell - Yes

 Councilmember Murphy – Yes Council President Arroyo – Yes

h) Resolution #19 - : Resolution Requesting Services of A Technical Assistance Team

Councilmember Montana voiced his concern with the duplication of existing boards and professionals, and the lack of specificity to Westwood. He believes it is another layer for matters already addressed by existing boards, and any resident is welcome to come to any meeting and give ideas. Mayor Birkner believes it is another tool and an opportunity for grants with no down side. After discussion of the pros and cons, it was recommended that NJ Future attend a Planning Board meeting to explain the purpose and parameters of the Technical Team. Ms. Bontemps said they would be happy to do so.

13. Adjournment:

Motion to adjourn: Councilmember Bicocchi Second: Councilmember Murphy

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

The time was 10:45 pm

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk