

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
JUNE 18, 2019 MINUTES
MUNICIPAL COMPLEX
101 Washington Avenue
7:00 PM Executive Closed Session/8:00 pm Public Session**

1. Opening of the Meeting:

The meeting was called to order by Mayor Birkner at 7:00 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
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 Services
Fire & Ambulance
Health & Recreation
Public Properties
Police & Emergency Management

3. Resolution #19 - 184: Executive Closed Session

Motion to Approve Resolution #19-184: 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

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 8:23 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 Senkevich – Present / Borough Clerk
Hughes - Present

6. Flag Salute

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

7. Approval of Minutes: April 2 & 16, 2019

Motion to Approve April 2 & 16 Minutes: Councilmember Dell Second: Councilmember Bicocchi

Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes
 Councilmember Bicocchi – Yes Councilmember Dell - Yes
 Councilmember Murphy – Yes Council President Arroyo – Yes

8. Certificates – Kaavya Muthuraman & Ryan Elizondo

Mayor Birkner thanked the two interns for their contributions. Mrs. Hughes explained the high school intern program and its benefits.

9. Resolution #19 - 185: Westwood Volunteer Fire Department – Matters of Personnel

Motion to Approve Resolution #19-185: Councilmember Bicocchi Second: Councilmember Montana

Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes

Councilmember Bicocchi – Yes Councilmember Dell - Yes

Councilmember Murphy – Yes Council President Arroyo – Yes

Councilmember Montana said he is sorry to see Elaina Pietrocco resign.

10. Reports of Committees and Officials:

A) Mayor’s Report

1) Alumni In Recovery

Mayor Birkner thanked Alumni in Recovery for a wonderful program at the Library about opioid overdoses. A recovery walk is planned for September 27th.

2) Flooding Report

Mayor Birkner reviewed the reservoir and stream levels, which are high due to the rain. Fortunately the rain is slow and steady so while the levels are high they are not at flood stage.

3) CD Grant for Sidewalk

Mayor Birkner noted there will be an added resolution to endorse a Community Development Block Grant of \$50,000 to do the sidewalk on Old Hook.

B) Council President’s Report

a) Federal Officer Loan Program

Council President Arroyo asked if there was consensus to move forward with the program to loan a Police Officer to a Federal task force. Chief Pontillo was invited to answer questions about the program, including how forfeiture funds could be used, the impact on the Police Department staffing and officer morale, the budgetary and overtime impacts, the obligation to the task force, the use of specials, and the return on investment. Council President Arroyo noted that the Chief is asking for the Governing Body’s buy in and consensus even though he could make the decision on his own. Council President Arroyo asked Chief Pontillo if in the future the Governing Body or Appropriate Authority has concerns about staffing and things not being taken care of, would he stand on the statute that gives him autonomy to run the department. Chief Pontillo said no, it is important to work together. Council President Arroyo asked for consensus.

Motion to Support Federal Officer Loan Program: Council President Arroyo Second: Councilmember Dell

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

C) Engineer’s Report

1) Biweekly Report

Mr. Senkevich reviewed the biweekly report, a copy of which is attached.

2) NJDOT Sand Road Project

Mayor Birkner asked about road markings for the speed bumps on Sand Road. Mr. Senkevich said the cost estimate hasn't come in yet. Mayor Birkner asked about the crosswalk at Sand and Harrington. Mr. Senkevich said the pavement has to be done first. Councilmember Montana asked if the signs for the speed bumps can be pulled back to give more notice. Mr. Ascolese said all signs and marking are installed in accordance with federal regulations, but he will check to make sure it was done correctly.

3) Tax Map Revisions

Councilmember Collins asked about doing tax map revisions in advance of the Master Plan review. Mr. Senkevich said the tax map has to be updated anyway before the zoning updates are done.

3) 95 Sand Road

Mr. Senkevich requested the DPW use their sewer camera to investigate a 30-40 foot deep concrete cylinder found on the 95 Sand Road property. It has been covered by a plate for now. Mr. Huntington said Boswell and Habitat for Humanity are looking into solutions.

4) Brookside Basketball Court

Mr. Senkevich said the bids received today for the Brookside Basketball Court project are being reviewed but appear high. Councilmember Dell asked if the numbers can be negotiated; Mr. Senkevich explained the process. Councilmember Montana asked if the estimate was off. Mr. Senkevich said the estimate was for \$100,000, so the bids at \$108,000 are not that off.

5) Mill Street Project

Mayor Birkner noted that Mill Street is being marked out for the PSEG gas main replacement. Mr. Senkevich said it will begin after school gets out. Mayor Birkner asked Mr. Kezmarsky look into PSEG work on Clairmont, since that was only recently repaved. Mr. Senkevich said it was repaved in 2017. Mayor Birkner said Mill Street will see the gas main replacement, drainage work and paving.

6) Final Recommendations for Berkeley School Traffic

Mr. Ascolese reviewed his investigation into whether state law would allow for Berkeley Avenue to be one way southbound during certain temporary time periods. There was nothing that fit. NJSA 39:4-197.3 enables the Governing Body to establish temporary traffic measures for a maximum of three months. When NJDOT was contacted about interpretation they were very rigid and said the statute did not allow for one way temporarily at certain times and then back to two way. NJSA 40:67-16.7 enables a Governing Body to temporarily close off streets for ingress and egress of schools during certain hours of the day. It appeared hopeful, although the statute is rather cumbersome. There are a number of things in the statute that did not jive with allowing the street to be one way during certain hours. It allows temporarily closing the street to through traffic under proper supervision and to provide adequate police facilities for such supervision, which infers you can only do it with an officer present. The thought was to use temporary signs, gates and barricades that could be placed and removed from the roadway, but the statutes speaks of police facilities and police supervision. Mayor Birkner asked what constitutes police facilities. Mr. Ascolese said it doesn't state that. Council President Arroyo said a facility suggests some kind of structure. Mr. Ascolese said that was just one issue. Another issue is

that it doesn't state whether with a road closure you're still allowed to run traffic down, which is the concept wanted. Mr. Huntington said it seems you could close the road with a cop at each end. Mayor Birkner said we don't know that and would like it clarified. It can be interpreted many ways. Mr. Ascolese agreed, but based on the way it's written it appears to require an officer and a police facility, and the road to be officially closed without allowing through traffic. Based on his interpretation the road would have to be closed completely with an officer present. He said the Borough could pursue an interpretation through the Attorney General's office. He and Council President Arroyo have tried speaking with people at the DOT and it depends on who you get. Mayor Birkner said we're not experts, everyone has an opinion and we don't know what it means. The DOT is in the best position to interpret and apparently they don't know what it means. Mr. Ascolese said it depends on who you talk to at the DOT. Mr. Huntington said he is inclined to agree with Mr. Ascolese's interpretation but will look at it and get back to the Governing Body. Mr. Ascolese said seeing what is in place now is working, it's a lot less chaotic and a lot safer. He understands it is to the detriment of some of the residents but he believes it is a much safer situation with the way the street is marked at the present time. Mr. Ascolese said a more in depth legal investigation could be done. Council President Arroyo pointed out that whatever needs to be done needs to be in place for September when school goes back. Mayor Birkner asked how proper supervision and police facilities are defined. Mr. Ascolese said they don't. Council President Arroyo reviewed the research that he and Councilmember Collins have done along the same lines with the DOT. The takeaway is that it might be doable but it is not enforceable. After further discussion by Councilmembers on the interpretation, Chief Pontillo was asked to review what is currently implemented on Berkeley Avenue and the surrounding area. After itemizing the implemented changes to the traffic and parking patterns, Chief Pontillo said the new plan works well and the additional changes are effective. He does not know of a better way to do it, although he believes the school could make some changes to help. He recommended making the traffic and parking changes permanent. Councilmember Dell said the common complaint at the meeting was enforcement, and the homeowners stressed that. Chief Pontillo said they can only enforce State statute or Borough ordinances. The Police don't necessarily want to issue tickets but it's a tool. Education is an important piece. Mayor Birkner reiterated the importance of getting the ordinance done before September. Chief Pontillo said he liked a suggestion made by Councilmember Collins for a feedback mechanism. There was further discussion about teacher parking and the outside lineup. Chief Pontillo said this is the pattern that promotes the most flow. Councilmember Collins believes it is the most responsible way to handle it. Mayor Birkner asked if there is an ordinance prepared. Council President Arroyo said it will be ready for the July meeting.

D) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects: CM

a) Celebrate Westwood

Councilmember Montana recognized Lauren Letizia, Roseann Ciarlante, Mike Fitzsimmons, Jim Gines, Councilmember Dell and Councilmember Collins for an unbelievable event for Celebrate Westwood.

b) Environmental Committee

Councilmember Montana thanked student member Ryan Elizondo for an exception job as member of the Environmental Committee. Ryan is working on one last project, the design of covers for the water tanks at the Community Garden, which was discussed at the previous

meeting. There is no health risk with algae but it is unsightly. An option would be to run a water line from the dog park, sprinkler system or DPW. Councilmember Montana will reach out to Mr. Woods about power washing the tanks.

c) Finance

The Personnel Committee will meet on Tuesday to conduct CFO interviews.

d) Pedestrian Safety

Councilmember Montana reviewed the locations where poles are installed for the electronic speed signs. The signs will be moved between locations.

e) HART Program

Councilmember Montana said he is working with the Police Chief and Prosecutor to include Westwood on printed materials for the HART program. A timeline and program launch are also being developed.

2) Fire and Ambulance: RB

a) Ambulance Corps

Councilmember Bicocchi reminded the Governing Body to volunteer for the annual Ambulance Corps carnival.

b) Senior Advisory Committee

Councilmember Bicocchi reported that the Senior Advisory Committee met at the beginning of the month to work out participation in the celebration events. He reviewed their accomplishments to date. The seniors are enjoying the senior parking at Kmart, and would like to discuss a designated senior spot at Borough Hall.

c) Fire Department

Councilmember Bicocchi said the Fire Department responded to a fire on Fairview Avenue and reported the details, including two firefighters with minor injuries.

d) Gritman Pond

Councilmember Bicocchi said he was approached by a resident requesting an aerator at Gritman Pond to address the algae. Councilmember Montana asked Mr. Kezmarsky to look at capital surplus. Councilmember Bicocchi said the cost is about \$1200. Electric is already there.

3) Health and Recreation: BD

a) Health Department

Councilmember Dell reported on the senior babysitting class held at the Riley Center. She noted the Health Department is shying away from the measles vaccine, since anyone born before 1967 has received it. Any measles inquiries should be directed to the Board of Health.

b) Recreation

Councilmember Dell advised that the new parking signs are posted at Westvale Park, and information about ticks is displayed in the snack stand notice board. New cabinets have been installed at the

Community Center. The Recreation Director is requesting the investment of some capital improvement funds for landscaping at Westvale Park. Studio Five Architects are working on the lobby redesign. Councilmember Dell reviewed the concert schedule. She noted there is discussion about a joint raffle with the Chamber of Commerce.

c) Library Board

Councilmember Dell said the Library Board will meet on Monday. She thanked the library for hosting the Alumni in Recovery program, which was phenomenal.

Councilmember Dell wished all the graduates a happy graduation, and all residents a happy and safe Fourth of July.

4) Land Use: EC

a) Historic Preservation Commission

Councilmember Collins said the agenda for Thursday's Historic Preservation Commission Meeting will include potential uses and grants for the Washington Avenue house.

b) Land Use Boards

Councilmember Collins discussed the applications reviewed by the Zoning Board on June 10th. The Planning Board discussed various zones as part of the Master Plan review on June 14th. Discussion included the impact of a parking garage at the hospital. NJ Futures will be presenting at the July 11th meeting. That agenda will include discussion on short term rentals. Councilmember Collins noted the Affordable Housing compliance hearing is Monday.

c) Call Buttons at Parks

Councilmember Collins said in the wake of a coyote attack at a park in Fairfield, that municipality installed panic call buttons at their parks. She would like to explore that for Westwood.

5) Police and OEM; Shared Services: RA

a) Pedestrian Safety

Council President Arroyo reviewed the implementation of recommended safety changes to the intersection of Broadway and Irvington Street. He noted the County has been contacted about restriping Harrington Avenue for the school parking changes.

6) Public Properties: JM

a) DPW

Councilmember Murphy said a sewer break that occurred on June 12th was fixed within a day by the DPW. She noted Mr. Woods just scrubbed the Community Garden tanks in April. She is eager to hear the solutions that the Environmental Committee comes up with.

b) Shade Tree Committee

Councilmember Murphy advised that the Shade Tree Committee is in need of two members. They are interested in informing the public about their existence. She noted they are having problems accessing their voice mail.

c) Green Team

Councilmember Murphy announced that the Green Team is holding a Green Screen at the Community Center on July 15th at 7:00 pm of a shortened version of the documentary Plastic Ocean. A marine biologist will be present to speak after the film.

d) Alumni in Recovery Walk to Remember

Councilmember Murphy said the date for the Walk to Remember for opioid addiction is Sunday, October 27th.

Councilmember Murphy commented that her sister was recently featured in a Boston Herald article for surviving a horrific helicopter accident a few years ago. She is back at work and fully recovered today. Councilmember Murphy said it is a good reminder to value your days.

E) Attorney's Report

No report.

F) Administrator's / Clerk's Report

1) 2019 Road Program

Mr. Kezmarsky advised that the Cooperative is about to go out to bid for the 2019 Road Program. He noted that Suez is about to start paving Ackerman Avenue, which is on the Borough's road program, so he is working on coordinating the paving so Ackerman will be paved all at once.

2) Upcoming Projects

Mr. Kezmarsky advised that the security cameras and fiber optic project will be on upcoming meeting agendas.

11. Agenda/Public Forum:

Motion to open Agenda/Public Forum: Council President Arroyo Second: Councilmember Bicochi
Voice Vote: A voice vote was taken with all present voting in the Affirmative.

Margaret Boyce, Emerson Environmental Commission – discussed an ongoing issue with mountain bikers creating trails and causing damage in the Emerson Preserve and on Suez property. Ms. Boyce alleged that a former Westwood Councilman and several employees of Westwood Cycle are involved, so she is requesting support and assistance from Westwood in addressing the problem.

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

12. Ordinance for Introduction and Adoption

Ordinances for Introduction:

19-9 An Ordinance Amending Chapter 175 Flood Damage Prevention

BE IT RESOLVED that Ordinance #19-9 entitled "An Ordinance Amending Chapter 175 Flood Damage Prevention" is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a July 16, 2019 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Murphy Second:
Councilmember Dell

Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes
 Councilmember Biccocchi – Yes Councilmember Dell - Yes
 Councilmember Murphy – Yes Council President Arroyo – Yes

19-10 Bond Ordinance To Authorize The Making Of Various Public Improvements And The Acquisition Of New Additional Or Replacement Equipment And Machinery And New Information Technology Equipment In, By And For The Borough Of Westwood, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$147,500 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 #19-10 entitled “Bond Ordinance To Authorize The Making Of Various Public Improvements And The Acquisition Of New Additional Or Replacement Equipment And Machinery And New Information Technology Equipment In, By And For The Borough Of Westwood, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$147,500 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” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a July 16, 2019 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Montana Second:
Councilmember Biccocchi

Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes
 Councilmember Biccocchi – Yes Councilmember Dell - Yes
 Councilmember Murphy – Yes Council President Arroyo – Yes

Ordinances for Adoption:

19-8 An Ordinance Repealing and Replacing Chapter 330, Streets and Sidwalks, Article V, Street Openings

BE IT RESOLVED that Ordinance #19-8 entitled “An Ordinance Repealing and Replacing Chapter 330, Streets and Sidwalks, Article V, Street Openings” having hereby been read by title, shall have a hearing held on this date.

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

BE IT RESOLVED that an Ordinance known as #19-8 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: Council President Arroyo Second: Councilmember Dell

Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes

Councilmember Bicocchi – Yes Councilmember Dell - Yes
Councilmember Murphy – Yes Council President Arroyo – Yes

13. 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. Resolution j was added at this time. Councilmember Dell removed resolution f from consideration since there are some changes that need to be made to it. Discussion was held at this time about the CDBG representatives. Councilmember Dell volunteered, and Mr. Kezmarsky was chosen as the alternate.

Resolutions as Consent Agenda:

- a) Resolution #19 - 186: Bill List & Statement of Cash
- b) Resolution #19 - 187: Appointment of Community Development Representatives
- c) Resolution #19 - 188: Chapter 159 - Clean Communities
- d) Resolution #19 - 189: Chapter 159 - Recycling Enhancement
- e) Resolution #19 - 190: Renewal of 2019-2020 Liquor Licenses
- ~~f) Resolution #19 - 191: Authorizing the 2019 Farmers Market~~
- g) Resolution #19 - 191: Authorizing Preparation of 2020 NJDOT Grant Application for Fairview Avenue
- h) Resolution #19 - 192: Change Order #1 for 2018 Pascack Valley Cooperative Road Program
- i) Resolution #19 - 193: Resolution in Support of Electric Cars
- j) Resolution #19 - 194: Endorsement - CD Grant Endorsement of Old Hook Road Sidewalk Project

Motion to adopt resolutions #19-186 through #19-194: Councilmember Dell

Second: Councilmember Bicocchi

Roll Call: Councilmember Collins - Yes Councilmember Montana – Yes

Councilmember Bicocchi – Yes Councilmember Dell - Yes

Councilmember Murphy – Yes Council President Arroyo – Yes

14. 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 10:28 pm

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk