

Minutes of a Council Meeting of the Borough of Hillsdale held at 7:30 P.M. on Tuesday, September 1, 2015, in the Council Chamber, Borough of Hillsdale, New Jersey.

The meeting was called to order by Council President Pizzella, who also led the Salute to the Flag.

**OPEN PUBLIC MEETING STATEMENT:**

This is a meeting of the Hillsdale Borough Council on this 1<sup>st</sup> day of September, 2015. Notice of time and place of this meeting has been provided to The Ridgewood News, Pascack Press, The Record and Community Life; a copy was posted on the bulletin board outside of this meeting room and provided to any interested parties.

Please notify the Municipal Clerk for any disability requirements necessary for attendance at Mayor and Council meetings. The fire exits are located through the double doors to your left. Please silence all cell phones and pagers.

**ROLL CALL:**

On roll call those in attendance were Councilmembers DeRosa, Looes, Meyerson, Ruocco and Council President Pizzella. Also in attendance were Borough Attorney Madaio and Borough Administrator/Borough Clerk Witkowski. Councilmember DeGise and Mayor Arnowitz were absent this evening.

**APPOINTMENTS:** *tonight*

Sgt. Alexandra Vergnes

Auxiliary Police, Promotion

**RECOGNITION:**

Life Save

Officer Tom Smith

Police Chief Robert Francaviglia spoke about Officer Tom Smith who came to the aid of Mr. Yung on August 7, 2015, when he saw Mr. Yung sitting on the side of the road near a bicycle. Officer Smith called the EMS who transported Mr. Yung to the hospital. Officer Smith later learned that Mr. Yung was suffering a major heart attack and if not for his quick response Mr. Yung would have expired in approximately 20 minutes. Chief Francaviglia recognized Officer Smith for a life-save. Mr. Young came forward and thanked Officer Smith for his help and said that Officer Smith was his guardian angel.

Chief Francaviglia introduced Lt. Smith who is the liaison for the Police reserve. Lt. Smith stated that Auxiliary Police are the unsung heroes of Hillsdale and participate in many Borough events such as the carnival and the triathlon. He added that this is all volunteer work. Lt. Smith introduced Capt. Andy Perez who took over as head of the Auxiliary Police last year, and said that the unit is energized and the organization is running smoothly. Capt. Perez presented a plaque to Tom Ivancich to recognize his 21 years of service to Hillsdale.

Capt. Perez introduced Alexandra Vergnes, who is a fourteen year resident of Hillsdale, and has been a member of the Auxiliary Police for the past five years. Shortly after she joined the force, she was hired as a per diem dispatcher in the Hillsdale Police Department. She is currently a full time dispatcher and is attending William Paterson University where she is pursuing a degree in criminology/criminal justice. As a result of her hard work, Ms. Vergnes is being promoted to the rank of Sargent of Auxiliary Police. Ms. Vergnes was sworn by Councilman Ruocco.

Council President Pizzella thanked everyone for their service to the Borough.

**PRESENTATION**

Council President Pizzella announced that there would be a presentation by Maura DeNicola, Bergen County Freeholder, on September 8<sup>th</sup>. The topic will be Access for All.

## **PROCLAMATIONS**

There were no proclamations this evening.

## **APPROVAL OF MINUTES**

Council President Pizzella stated that on September 8<sup>th</sup>, 2015, there will be the approval of the minutes for the combined meeting of July 7<sup>th</sup>, 2015, and Closed Session Minutes for June 9<sup>th</sup>, (two, early and late session) and July 7<sup>th</sup>, 2015.

## **PROFESSIONALS REPORT/MONTHLY DEPARTMENT HEAD REPORTS:**

Greg Polyniak, Neglia Associates, Borough Engineer

Mr. Polyniak reviewed his report and spoke about the grants that have been forwarded on behalf of the municipality to different State and County agencies.

1. The Bergen County Historic Preservation Grant associated with Open Space - The Borough will receive a letter stating that the County is providing a matching grant in the amount of \$100,000 to address the Hillsdale train station. The grant application was filed at the beginning of last year.
2. Bergen County Community Development – The Borough has received another award for \$49,800 to make the rest room in the train station ADA compliant.
3. New Jersey Department of Transportation (NJDOT) Discretionary Aid Grant Application – An application was filed for Hillsdale Avenue which is presently under review by the State.
4. 2016 Department of Transportation (DOT) Municipal Aid – This application is due by October 20<sup>th</sup>, and Mr. Polyniak suggested that the Borough consider other options. He has prepared an estimate for Hillsdale Avenue. The funds requested are in excess of \$600,000, for sidewalk improvements and for paving and striping the existing parking lot adjacent to the field. If two separate grants are applied for and received, the Borough will come closer to completing this project.
5. Bergen County Development Application for 2016 – This application is due October 9<sup>th</sup>. Mr. Polyniak recommended ADA door openers at the Fire House similar to those used at Borough Hall.
6. Year 2016 Bergen County Open Space Application – This was submitted last week for the outdoor fitness center at Stonybrook Park.

Mr. Polyniak stated that the slope vegetation at the Hillsdale Land Fill has been removed. Installation of the indoor building methane sensors has been completed. The contractor will be providing a schedule of training sessions for OEM and Recreation Members and Coaches who are interested in attending. The field sensors are expected by the beginning of October, with installation a couple of weeks later. The facility will include the data recorder which is located in the stainless steel box adjacent to the existing club house building.

Mr. Polyniak reported that his office will have documents on the 2015 Road Program completed later this month. He recommended that this construction be scheduled for the spring of next year due to the fact there could be cold weather and storms by the end of October or in early November. He suggested going out to bid with a construction time frame in the spring.

Regarding the vacation by PSE&G on Knickerbocker Avenue, Mr. Polyniak said that his office inspected the facility and issued a report which was forwarded to Ms. Witkowski and the Borough Attorney. The report recommends that the Police and Fire Departments inspect the roadway, along with OEM as it relates to access and flooding relative to the Pascack Brook. Mr. Polyniak stated that there will be a meeting on September 9<sup>th</sup>, at 11 A.M., with PSE&G at the terminus of Knickerbocker Avenue to walk the area and discuss the next steps.

Ambulance Corp-no report

Construction Department- no report

DPW-Dan O'Rourke, Interim Superintendent

Mr. O'Rourke recalled that at the last meeting he said he would have definite costs for equipment maintenance; however, he is still waiting for more information on the cost of a garbage truck. He has reached out to other municipalities for information on what they have paid, but he doesn't want to give any numbers until he has something more accurate. Mr. O'Rourke explained that the DPW will be participating in the bidding process rather than the State Contract process. This means that it will take longer to receive items. He is looking into the possibility of renting machinery for leaf and snow season. Mr. O'Rourke said he is working with the Borough CFO to try to find different revenue sources to cover the cost of the equipment.

Mr. O'Rourke stated that the slope is almost complete at the land fill. A few outstanding items remain, but he expects completion very soon. He reported that the senior's bus broke down last week. He will find out how much the bus is worth because it isn't feasible to spend more money on repairs if the cost is excessive. Mr. O'Rourke said that the department is short-handed and hopes to hire someone in the near future.

Councilmember DeRosa stated that it appears that the estimates they received for the purchase of these items are not correct. Mr. O'Rourke said that the numbers stated by the previous DPW supervisor were estimates and not hard quotes. He is endeavoring to get exact numbers. Upon questioning about leaf season, Mr. O'Rourke said the three garbage trucks are ready to go, and the department will begin working on the leaf vac shortly. The DPW has an additional machine to work on low leaves and Mr. O'Rourke added that in the event of a break down he is hoping he could borrow equipment from a neighboring town.

Councilmember Ruocco said that if resources are limited, Mr. O'Rourke should itemize and prioritize the most important pieces of equipment that are needed. Mr. O'Rourke said that he is most interested in equipment that can be used year round or for as long as possible during the year.

Ms. Witkowski said that Mr. O'Rourke has been working very hard to do a lot with limited resources. She recently received two emails praising Mr. O'Rourke and the DPW. An email from Dan Mitnik thanked the DPW for their quick and efficient response when a tree limb fell at his property. Another email from Andre DeMino, 12 Kent Road, described a problem with a blocked storm drain which he reported to the DPW on August 16<sup>th</sup>. Mr. O'Rourke personally came out to inspect the area, and the following day a crew responded and resolved the pipe blockage. Mr. DeMino said that this was a fine representation of Hillsdale public services and he thanked Mr. O'Rourke for his quick action to resolve this matter.

#### Fire Department-

Fire Chief Jim Domville reported on the month of July which included responses by the department to nineteen calls for service resulting in 168 man hours. Upcoming events include a ceremony at Veterans Park on September 11<sup>th</sup>. There will be a few minutes of reverence to remember those killed when the two planes crashed into the Twin Towers. Members of the Fire Department gather at 8:30 A.M. On Sunday, October 11<sup>th</sup>, the Fire Department will hold their Open House as part of Fire Prevention Week which will take place between October 4<sup>th</sup> and October 10<sup>th</sup> this year. Tracy Jeffrey has volunteered to stay on and help as an active member of the fire service and she is working with Firefighter Jack Costello and Fire Official Darren Blankenbush. The Open House will run from 11 A.M. to 1 P.M. and this year's theme is "Hear the beep when you sleep".

Chief Domville announced the graduation of four more candidates from the cadet program in the Fire Fighter One Class on September 25<sup>th</sup>. There are now 53 active members which is an improvement over the 40 they had until recently. Hillsdale Fire Fighters have been very successful in their recruiting program with 7<sup>th</sup> and 8<sup>th</sup> graders.

Chief Domville said that United Water has agreed to install a dry standpipe which will pull water from the reservoir instead of a hydrant. This will provide access to the last few house on Church Road. He thanked John Najarian and Butch Franklin for their time and effort working with United Water.

Chief Domville stated that he was contacted by Larry DeCaro from American Legion Post 162. Mr. DeCaro asked Chief Domville to recommend anyone who has gone

above and beyond not only in the fire service, but also as a community member. Chief Domville submitted the name of a fire fighter and he expects an announcement on October 14<sup>th</sup> when the American Legion Post will honor Hillsdale residents.

Chief Domville reported that the combined drills with EMS and the Police Department are continuing. He thanked Captain Beatty, Lt. Smith, and Chief Francaviglia for their help. Chief Domville added that it has been a pleasure working with the new CFO especially on purchasing and keeping within the budget targets. He also thanked the liaison Fire Commissioner Chris Loose, who attends meetings and communicates with him on any Borough issues.

Councilmember DeRosa asked if the Fire Department still sponsors babysitting training. Chief Domville said they do not, but he could supply personnel and others with certification to demonstrate CPR training, defibulator training, etc. Ms. Witkowski advised Councilmember DeRosa to contact the Board of Health Office regarding babysitting training.

#### Police Department-

Chief Francaviglia said that for the months of August there were 93 dispatching shifts. No overtime was involved. There were 239 motor vehicle stops with 78 summonses being issued. There were 18 criminal arrests and over 800 calls for service. On September 26<sup>th</sup>, from 10 A.M. to 2 P.M., the Hillsdale Police will host the DEA's drug take back program. Residents can drop off unused or unwanted drugs during the event; however, no syringes will be accepted. Sgt. McLaughlin was successful in applying for a \$5,000 grant for the "Drive Sober or Get Pulled Over" program. This program provides for more police on the street at no cost to the Borough.

Chief Francaviglia stated that he has appointed Patrolman Dave Sayers as a full time School Resource Officer. Patrolman Sayers starts next week and he was introduced to the faculty and students, and he seemed to be well received. The Demarest Farm signs are up and next week a traffic officer will begin enforcing the parking regulations that have been approved.

Chief Francaviglia announced that two officers are attending an intense tactical training response program in New Mexico at the moment. They are in the middle of nowhere, but are getting training in bomb and suicide recognition. The program is paid for through a grant from Homeland Security. Chief Francaviglia reminded everyone that school starts tomorrow and everyone needs to be aware of all traffic signs.

Councilmember Ruocco asked for a report back from Chief Francaviglia in a few weeks relative to the Demarest Farm signage. Chief Francaviglia said it is a plan that is evolving and he will be reporting back to the Council.

### **COMMITTEE REPORTS**

Councilmember DeGise: no report

Councilmember DeRosa: last go round

- Ambulance-
- Board of Ed/Regional
- DPW
- Recreation
- Stonybrook

Councilmember Looes: next week after the departments have had their meetings

- Board of Health
- Building and Zoning
- Fire Department
- Insurance
- Local Assistance Board

Councilmember Meyerson

Shared Services – Councilmember Myerson met with Linda Murphy earlier today. She is gathering information and will have a report by Thanksgiving and interim reports before Thanksgiving.

### Councilmember Ruocco

*Financial* – Councilmember Ruocco reported that after speaking with the new CFO, he has decided to resume the idea of submitting monthly reports the Council as of July 31.

*Senior Citizens* – Councilmember Ruocco stated that the next Senior Citizen luncheon is Tuesday, September 8<sup>th</sup>, at Stonybrook with a rain date of September 9<sup>th</sup>. As Mr. O'Rourke stated earlier, the transmission in the bus that transports the Seniors needs to be repaired. A grant application for a new van has been filed through the Borough Administrator, but the best that can be hoped for is that the grant is approved in October or November. He was told it will take 12 months to obtain the van. Councilmember Ruocco said that the transmission on the van could be replaced at a cost of \$3,000 but that would be a case of throwing good money after bad. They could try combining with Westwood to do a one or two day triage for Hillsdale. An existing Borough car could be used but will only work if there are two or three people who need transportation. They could transfer money into the budget to buy a new van but that is not realistic. Ms. Witkowski has reached out to surrounding towns and he received a call from one of the Councilmembers in Westwood who will bring this situation up at tonight's Council meeting. Councilmember Ruocco is hoping for at least a Friday service. He recalled having discussions with Chris Montana from Westwood, who explained that Westwood and River Vale participate in a Shared Services Agreement. Councilmember Montana thinks that the van could be used on a temporary basis as long as the driver is supplied by Hillsdale. If this works out, the Borough Administrator in Westwood will contact Ms. Witkowski. Ms. Witkowski said that she had been contacted by the Administrator in River Vale who indicated that River Vale would not object to this arrangement as long as Westwood has no objections.

### Council President Pizzella

Council President Pizzella stated that the Economic Growth and Public Relations Committee have met several times and they are developing a draft redevelopment map. They have been working with Benecke Economics who will be confirming all the necessary information with the Borough Administrator. The draft map will be distributed to Councilmembers when it has been completed. All this information has been given to Ms. Greene, the Town Planner, who is working on a COAH program. Council President Pizzella put an article in everyone's packet which explains the development process and he asked everyone to review the article.

*Historic Preservation* – Council President Pizzella recalled that Mr. Polyniak had stated that the grant for the Hillsdale Train Station had been approved by the County. It is a \$100,000 matching grant and the Borough must come up with \$100,000 as well. The Borough will fund-raise to collect this money and the Borough will need a historic architect by January 2016, the matching \$100,000 is needed by January 2017, and the project must commence by April 2017. The project must be completed by December 2018.

*Chamber of Commerce* – Council President Pizzella spoke about combining Halloween in Hillsdale with the opportunity to fund raise for the Train Station. He proposed a cooperative effort between several members of the Recreation Committee, the Chamber of Commerce and Historic Preservation. The idea is to have one, fun day downtown in order to raise funds. He has some questions about a raffle and he also wants to know if a beer truck would be permitted and what Councilmembers think about this proposal. The beer truck would be sponsored by a not for profit organization such as a sports organization. The day would begin with the Ragamuffin Parade which would end at the train station where tickets for concessions could be purchased. There would be a band and a movie later in the day.

Councilmember Looes suggested checking with JIF to find out if there are any constraints. She questioned the need for beer since this is an event for young children. She will check with JIF on the liability aspect of an event such as this.

Councilmember DeRosa said he would like more information from the liability aspect as well. Chief Francaviglia said that the public drinking ordinance would have to be suspended for that day. They could consider public drinking in a specified confined area and Council President Pizzella agreed.

Councilmember Meyerson stated that this is not a good idea. The Ragamuffin Parade is a family event, and in addition it doesn't take much to get into your car and be guilty of

driving while intoxicated. There is a reason behind the ordinance on public drinking and there must be a way to raise money without selling alcohol. Councilmember Meyerson recommended they do a more creative job to raise more money for a great cause. Council President Pizzella said they would have to have multiple fund raising events and Councilmember Meyerson suggested a more traditional fund raiser for adults with sponsors at a venue like Season's.

Council President Pizzella was concerned because they don't have much time. He said he would bring these ideas to the Committee and Councilmember Looes indicated that she will check with JIF on liability issues.

Real Estate/Open Space – Council President Pizzella said that OSI has an agreement with the property owners. The grant application was approved and OSI has to complete their environmental due diligence. There will be a meeting with OSI along with Councilmember Looes, the Borough Engineer and Council President Pizzella on September 9<sup>th</sup>, to discuss any outstanding issues and follow up questions. They will discuss the next steps going forward.

Council President Pizzella said that the Environment Commission is trying to set up a meeting concerning tree maintenance.

Councilmember Looes commented that Mr. O'Rourke has been doing a lot of safety related maintenance work at the Fire Department. Chief Domville said that some safety issues had been identified at the Fire Department along the apron where the metal strips had become raised. This is a tripping hazard and Mr. O'Rourke met him at the Fire Department, and has since removed the strips and completed temporary concrete patching in the area. He is doing some investigation work with Ms. Witkowski concerning the tree that is leaning over the cell tower. Chief Domville praised Mr. O'Rourke for his quick response time in addition to the work he has done.

### **OLD BUSINESS**

1. Status of Sports Association Agreements – Councilmember DeRosa reported that the Recreation Commission will be meeting with the Heads of Baseball, Football and possibly Lacrosse to review the agreement and answer any questions. The Heads of these sports can report back to their groups and he is hopeful that an agreement will be signed by each association by the end of the year.
2. Flood Plain Manager Update – Ms. Witkowski reported that Ed Alter, as a volunteer, sat with representatives from DEP and FEMA for over two hours. They went over a number of different things including a review of maps, ordinances and, requirements, etc. She received an email from Mr. Alter thanking everyone for their time but he feels this role is too much for him to take on at this time. Council President Pizzella said that Mr. Alter took a pro-active role. He was a resident who learned of the need and was willing to learn about the job but realized that he didn't have the qualifications to take on this role. There was an idea to combine the former job of Tracy Jeffreys and the job of Flood Plain Manager. Ms. Witkowski recalled that Mr. Alter had suggested that this job be part of the role of the Construction Official. This will be discussed in Closed Session.
3. Economic Development update – A report was given earlier by Council President Pizzella.
4. Environmental Commission update – A report was given earlier by Council President Pizzella.
5. Chamber of Commerce update - A report was given earlier by Council President Pizzella.
6. Historic Preservation /Train Station update - A report was given earlier by Council President Pizzella.
7. Open Space/Tandy Allen update - A report was given earlier by Council President Pizzella.
8. Presentations – Deer – October 6<sup>th</sup> – Councilmember Meyerson asked if the Council planned to take action. Council President Pizzella said that other

municipalities are drafting ordinances. The Environmental Commission made recommendations on how the problem should be addressed. Ms. Stanko from the Division of Wildlife Management took exception to some of the conclusions by the Hillsdale Environmental Commission. She was asked to appear in Saddle River where the problem is even worse than it is in Hillsdale. It would be a good idea to have Ms. Stanko appear in Hillsdale and the Council can decide how to address the issue after that.

9. Presentation Grant Writing – October 6 – Ms. Witkowski said that a representative from Capital Alternatives will speak to the Council.

10. Engineer report PSE&G Roadway Vacation – Mr. Polyniak spoke about this earlier this evening.

### **NEW BUSINESS**

Councilmember Ruocco pointed out that the back-up material that the Councilmembers have in front of them is not available on the Borough's website. Ms. Witkowski pointed out that in 2014, none of the supplemental material for a work session was available and in 2015, the availability was inconsistent. Councilmember Ruocco was concerned about the fact that this information is not accessible by the public. Mr. Madaio, Borough Attorney, pointed out that both monthly meetings are public meetings under the law.

Motion to place work session material on the Borough website made by Councilmember Myerson, second by Councilmember Ruocco, and unanimously approved.

### **DISCUSSION**

1. DOT project to submit (Engineer)—A report was made earlier this evening by Mr. Polyniak.

### **BUDGET**

1. Proposal from Key Tech for Bituminous Concrete Core Drilling and Testing -
2. Proposal from First Environment for performance of air permitting compliance tasks Centennial Field.
3. Authorize refund of tax payment, B1526 L8 – 112 Central Avenue
4. Authorize redemption premium, B1119 L10 – 78 Taylor Street
5. Letter from Bergen County Executive approving CD Grant for Handicapped Accessible Bathrooms at Train Station - \$49,800
6. Stonybrook Report – present at September 8
7. Resolution confirming bid threshold adjustment by State Treasurer
8. DPW equipment update
9. Electronic message board
10. Video-stream/public access channel
11. Audit update-Mrs. Witkowski reported that the Audit was received today, will be reviewed and recommendations will be presented next week, a group affidavit will be signed, it will be advertised and posted to the web site.
12. Police Department Equipment
13. Senior Van Update
14. Resolution authorizing advertising for bids 2015 Road Program

### **POLICY**

Employee Handbook Update – Ms. Witkowski stated she along with the Mayor, Councilmembers Looes and Ruocco met with the labor attorney Ray Wiss to review the Employee Handbook. They spent approximately two hours reviewing the handbook,

and are about half way through it. She asked Councilmembers to look at the calendars to determine a date for a follow-up meeting to complete the review.

2. Letter from NJ Alliance for Immigrant Justice re: Support Expanding Access to Driver Licenses to Undocumented New Jerseyans – Mr. Madaio referred to the letter from the NJ Alliance for Immigrant Justice asking that the Council adopt a resolution supporting the idea that undocumented aliens would be entitled to obtain driver’s licenses. Mr. Madaio suggested that Councilmembers review this resolution and he added that several other states have adopted similar resolutions. This model resolution can be discussed at the next meeting.

Councilmember Ruocco said that there is not overwhelming support for this resolution at the State level. The resolution appears to be a type of moral statement, and the Council should be focusing on issues that are more relevant for the administration and the management of the Borough. This is an issue that is being debated at the national level and should be discussed at the State level. Councilmember Meyerson pointed out that this Council often adds its support or non-support to proposed legislation at the State level.

Council President Pizzella recommended that everyone read the resolution and be prepared to discuss it at the next meeting.

### **MISCELLANEOUS**

1. Letter to United Water regarding flooding with regard to the dam project – Councilmember Ruocco asked if a tour of the area was possible. Ms. Witkowski said that she would make inquiries and she added that the project is scheduled for completion by the end of the year.

2. Letter from Hillsdale Volunteer Fire Department, 2015 Board of Fire Officers – Councilmember Looes explained that a long time Fire Captain has relocated and resigned from his position. Because this individual held a high ranking position the volunteers felt that it was necessary to hold an election to select his replacement. There will be another election in November as scheduled.

3. Letter from R. Peter & Carol M. Burrows, 93 Queen Court requesting road surface milling/repair for Queen Court – Councilmembers agreed that the Engineer should drive by and assess the situation.

### **ORDINANCES** for September 8, 2015

#### **15-15 : AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 363 OF THE REVISED GENERAL CODE OF BOROUGH OF HILLSDALE ENTITLED “TOBACCO SALES” TO INCLUDE ALL TYPES OF TOBACCO PRODUCTS**

WHEREAS, the General Code of the Borough of Hillsdale, Chapter 363 provides for Tobacco Sales; and

WHEREAS, said Code states tobacco/cigarettes shall not be sold to any person under the age of 19; and

WHEREAS, the Mayor and Council of the Borough of Hillsdale desire to amend the products to include tobacco in any form, including smokeless tobacco, cigarette paper, and electronic smoking devices.

Chapter 363-1 shall be amended to read as follows:

- A. It shall be unlawful to sell any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco, or any electronic smoking devices that can be used to deliver nicotine or other substances to the person inhaling from the device, including but not limited to, an electronic

cigarette, cigar, cigarillo or pipe, or any cartridge or other component of the device or related product to a person under 19 years of age.

- B. Sign Requirements. The following six-inch by eight-inch sign shall be posted in a conspicuous place near each cash register in all retail establishments which sell tobacco products:  
“SALE OF TOBACCO PRODUCTS TO ANY PERSON UNDER THE AGE OF 19 IS PROHIBITED BY LAW. Legal proof of age must be shown. A person who sells or offers to sell a product to a person under 19 years of age may be prosecuted in accordance with state and local ordinances.”

Chapter 363-2 shall be amended to read as follows:

It shall be unlawful for a tobacco/cigarette retailer to sell or permit to be sold cigarettes or other tobacco products to any individual without requesting and examining identification from the purchaser positively establishing the purchaser's age as 19 years or greater, unless the seller has some other conclusive basis for determining the buyer is over the age of 19 years.

All Ordinances of parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

This Ordinance shall take effect upon passage and publication as provided by Law.

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**15-17: ORDINANCE OF THE BOROUGH OF HILLSDALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO AMEND CHAPTER 294 OF THE BOROUGH CODE ENTITLED “VEHICLES, IDLING OF”**

WHEREAS, the Borough of Hillsdale has adopted §294-3, an ordinance to establish prohibited acts and exceptions pertaining to idling vehicles in the Borough; and

WHEREAS, the Borough desires to expand §294-3 regarding prohibited acts and exceptions of idling vehicles.

NOW BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HILLSDALE AS FOLLOWS:

§294-3 Shall be amended to read as follows:

- A. No person shall cause, suffer, allow or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, with the following exceptions :
- (1) A motor vehicle at the vehicle operator’s place of business where the motor vehicle is permanently assigned may idle for 30 consecutive minutes.
  - (2) A motor vehicle may idle for 15 consecutive minutes when the vehicle engine has been stopped for three or more hours and ONLY if temperature is below 25 degrees Fahrenheit.
  - (3) Buses may idle while actively discharging or picking up passengers for 15 consecutive minutes in a 60 minute period.
  - (4) No idling is allowed in a parking space with available and functioning electrification technology.
- B. The provisions of Subsection A above shall not apply to:
- (1) A motor vehicle stopped in a line of traffic.

- (2) A motor vehicle whose primary power source is utilized in whole or part for necessary and definitely prescribed mechanical operations, such as refrigeration units for perishable loads, hydraulic lifts, “cherry pickers”, or similar equipment and other than propulsion, passenger compartment heating or passenger compartment air conditioning.
- (3) A motor vehicle being or waiting to be examined by a state or federal motor vehicle inspector.
- (4) An emergency motor vehicle in an emergency situation.
- (5) A motor vehicle while it is being repaired.
- (6) A motor vehicle while it is engaged in the process of connection or detachment of a trailer or of exchange of trailers.
- (7) Operation of auxiliary or alternate power systems for cabin comfort.
- (8) A motor vehicle with a sleeper berth, equipped with a 2007 or newer engine, or that has been retrofitted with a diesel particulate filter *while the driver is resting or sleeping in the sleeper berth*. Other idling is still prohibited.

The remainder of §294-3 shall remain unchanged.

All Ordinances of parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

This Ordinance shall take effect upon passage and publication as provided by Law.

Borough Attorney Madaio explained this ordinance refers to excessive idling of trucks

#### **PUBLIC COMMENT**

Kevin O’Brien, 61 Parkview Drive, Hillsdale, acknowledged that Captain Smith had been given credit for the free zone in the Bergen Record. Mr. O’Brien referred to Mr. Alter who had been an active member of the Planning Board for some time. It struck Mr. O’Brien that Mr. Alter was always the most prepared of all Board members. He said that Mr. Alter may have been overqualified to be on the Planning Board even though he may not be qualified enough to be the Flood Plain Manager. Mr. O’Brien encouraged the Council to appoint Mr. Alter to the Planning Board again. Mr. O’Brien described an incident at his home requiring the assistance of the new Fire Inspector, Darren Blankenbush. Mr. O’Brien found Mr. Blankenbush to be outstanding in addition to being very organized and candid.

Mr. O’Brien spoke about the last Planning Board meeting and referred to a proposed apartment building on Patterson Road. There was no input from any Borough Departments even though the Borough Engineer requested input from Department Heads in a letter dated May, 2015. Mr. O’Brien finds this disturbing because the apartment complex contains forty-nine units. He referred to the devastating fire in Edgewater, and said there should be input from the Fire Department and the Police Department as well as the Board of Health and the Environmental Committee. Upon questioning from Council President Pizzella, Mr. O’Brien said that the Planning Board commented that it has been a challenge to get any responses from Borough Departments. Mr. O’Brien has filed an OPRA request for any communications from the Planning Board asking the various department heads to issue reports to or testify in front of the Board.

Regarding the sign ordinance, Mr. O’Brien said he wasn’t sure if the ordinance had been adopted yet. He commented that allowing a business or individual 30 days to correct a problem or remove a sign before any action is taken by the Borough seems excessive. There are businesses in the Borough with lawn signs should know that these signs aren’t allowed because of frequent warnings. If a violation is found, the sign should be removed immediately. Mr. O’Brien said he wasn’t sure how to deal with signs on vehicles and he wondered how one type of sign could be different or distinctly separate from another type of sign.

Mr. O'Brien stated that PSE&G were asked to address the short comings at the Library. There is a rotten utility pole in the rear of the property against the railroad ties. Ms. Witkowski said she had spoken to PSE&G about this also. Mr. O'Brien said that there is a light pole on Orchard Street that has been down for three months. Ms. Witkowski said that this pole doesn't belong to PSE&G. Ms. Witkowski said that the pole belongs to Mr. Lupino.

Mr. O'Brien asked about the possibility of Hillsdale being designated as a transit village similar to what has been done in Park Ridge. He asked if the applications been filed in support of a transit village or have any Councilmembers looked into this. Council President Pizzella said that there have not been any applications filed, and at the moment they are looking at opportunities for the creation of a redevelopment zone in the Borough. No formal action has been taken, but they are developing a map noting the appropriate areas for growth. Mr. O'Brien stated that there is information relative to a map and other pertinent details regarding the transit village concept on the DOT website. Council President Pizzella remarked that this venture is costly, and Mr. O'Brien commented that there would be tax incentives.

James Irwin, 40 Jefferson Street, Hackensack, said that he has been visiting various towns in Bergen County asking them to raise the allowable age for tobacco purchase from 19 to 21. He said that his mother worked on the Oncology Floor at Englewood Hospital for 45 years. He added that his father died of pancreatic cancer and his four uncles also died from cancer. Other family members have died as a result of smoking related illnesses which is the number one preventable death in the world. Mr. Irwin said that eight towns in Bergen County have passed ordinances similar to the one that Hillsdale is considering on September 8<sup>th</sup>.

Mr. Madaio stated that the initial introductory draft ordinance did not included electronic cigarettes; however, as a result of a letter from GASP, electronic cigarettes and cartridge components or devices have been added to the ordinance. The ordinance raises the age for tobacco purchase from 18 to 19 and Mr. Madaio pointed out that Mr. Irwin is suggesting that the age be increased to 21.

Mr. Irwin said he was surprised that any town in Bergen County still allowed 18 year olds to purchase tobacco. He referred to an article in the Washington Post dated March 23<sup>rd</sup>, 2015, encouraging states and municipalities to increase the age for tobacco purchase to 21. He urged the governing body in Hillsdale to enact this strict law.

Keivn O'Brien, 61 Parkview Drive, complimented Councilmember Meyerson on his point that alcohol should not be served at the Halloween in Hillsdale event because it is a family event

### **COUNCIL COMMENTARIES**

Councilmember Meyerson wished Mayor Arnowitz a speedy recovery. He said that school starts tomorrow and he asked everyone to drive carefully. He said that the tobacco ordinance will be discussed at the next meeting, and he thanked Mr. Irwin for sharing his thoughts with the Council. Councilmember Meyerson asked Ms. Witkowski to find out which towns have adopted an ordinance raising the age for tobacco purchase to 21.

Councilmember DeRosa wished everyone a safe and successful school year.

Councilmember Looes congratulated Policer Officer Tom Smith for the wonderful job he has done and she wished him well in retirement. She also congratulated Alex Vergnes on her promotion to Sgt. of Auxiliary Police.

Councilmember Ruocco also congratulated Officer Tom Smith and said he was moved by the article in the paper. He noted that September is National Hunger Action Month and Shoprite has a year round "Partners in Caring" program that was created in 1999. Shoprite encourages residents to donate food at the store on September 16<sup>th</sup>, for local community food banks including Helping Hands Pantry in Hillsdale. Councilmember Ruocco said that Councilmembers have been asked to participate in bagging at 5:30 P.M. on September 16<sup>th</sup>, and he hopes to see everyone there.

Ms. Witkowski received a call from the Administrator in Old Tappan about the street sweeper that had been shared by both municipalities. The Administrator continues to try to get Bergen County to place the vehicle into an auction.

Mr. Madaio addressed Councilmember Meyerson's question on towns that have raised the age for tobacco purchase to 21. He said that some of the towns include Bogota, Englewood, Sayreville, Rutherford, East Rutherford, Teaneck, Princeton, Highland Park and Garfield. Mr. Madaio advised that the ordinance would have to be re-introduced if any substantive changes were made to the ordinance as it stands now. Mr. Madaio was asked if a change to the ordinance would be constitutional, and he explained that the municipality could give more stringent guidelines than those of the State only if there is an enabling Statute that allows the local ordinance.

Mr. Madaio reiterated that the ordinance would have to be re-introduced. He added that if the ordinance is passed citing the age limit to be twenty-one it could be challenged. He said he could give no assurance that the ordinance could be upheld after Councilmembers had spent significant time, effort and money discussing the ordinance. Mr. Madaio added that there is a reason that out of the 570 towns in New Jersey, only twelve have passed such a restrictive ordinance.

Council President Pizzella welcomed the students back to school and he thanked all of the Hillsdale staff and employees for their hard work. He encouraged anyone who wants to help with the Halloween in Hillsdale event to call him at 551-427-4334. His email is on the Borough website.

**ADJOURN TO CLOSED SESSION @11:15 PM**

R 15190 To provide for a meeting not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act N.J.S.A. 10:4-12 negotiations Teamsters/Crossing Guards/UPSEU, non-union personnel, COAH litigation, shared services WCL and Twp./personnel Zoning.

WHEREAS, the Borough Council of the Borough of Hillsdale is subject to certain requirements of the Open Public Meetings Act N.J.S.A. 10:4-6 et seq; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Borough Council of the Borough of Hillsdale to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12(b) and designated below:

- (1) Matters required by law to be confidential.
- (2) Matters where the release of information would impair the right to receive funds.
- (3) Matters involving individual privacy.
- (4) Matters relating to collective bargaining agreements-  
*UPSEU/Teamsters/Crossing Guards/non-union personnel/personnel Zoning*
- (5) Matters relating to the purchase, lease or acquisition of real property or the investment of public funds.
- (6) Matters relating to public safety and property.
- (7) Matters relating to litigation, negotiations and the attorney-client privilege –  
*COAH litigation, shared services WCL and Twp.*
- (8) Matters relating to the employment relationship
- (9) Matters relating to the potential imposition of a penalty.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Hillsdale assembled in public session this date that an Executive Session closed to the public be and the same is hereby authorized for discussion of matters relating to the specified items designated above. It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

Motion to adjourn to closed session made by Councilmember Ruocco, second by Councilmember Looes, and unanimously approved.

**RECONVENE REGULAR MEETING @ 11:15 P.M.**

Borough Attorney Madaio stated that the members of the Governing Body attending the closed session are present for the Open Session, no further action is required and the appropriate motion if no further business is to adjourn.

**ADJOURNMENT @11:18 P.M.**

Motion to adjourn was made by Councilmember Myerson, second by Councilmember Looes, and unanimously approved.

THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE  
**TUESDAY, SEPTEMBER 8, 2015** – BEGINNING AT 7:30 p.m.

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Denise Kohan, Deputy Municipal Clerk  
APPROVED AS PRESENTED

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Denise Kohan, Deputy Municipal Clerk