

Minutes of a Council Meeting of the Borough of Hillsdale held at 7:30 p.m. on Tuesday, December 3, 2013, in the Council Chamber, Borough of Hillsdale, New Jersey.

The meeting was called to order by Mayor Arnowitz who also led the Salute to the Flag.

OPEN PUBLIC MEETING STATEMENT:

Mayor Arnowitz stated that this is a meeting of the Hillsdale Borough Council on this 3rd day of December 2013. Notice of the 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 a roll call Council Members DeGise, Frank, Kelley, Looes, Meyerson, and Pizzella were present. Also in attendance Mayor Arnowitz, Borough Administrator/CFO DeJoseph, Borough Attorney Bernstein, and Borough Clerk Witkowski.

APPOINTMENTS: none

OATH OF OFFICE: none

PROCLAMATIONS: none

PRESENTATIONS: none

APPROVAL OF MINUTES:

Regular and Closed November 6 and November 12, 2013

OLD BUSINESS:

1. Joan D' Alessandro Memorial update

Councilmember Pizzella stated that in the packets was the most updated verbiage. There was a meeting with the County, the changes were discussed and reviewed, all graphic language was removed.

Motion by Council Member Pizzella to approve the language for the Joan D' Alessandro Memorial as listed in the new changes dated December 1, 2013, seconded by Council Member Meyerson.

Roll Call Vote:

Ayes: Council Members Frank, Kelley, Looes, Meyerson, Pizzella and DeGise.

Nays: None

2. DPW-change of garbage/recycling collection day

Mayor Arnowitz said this is a major change as everything is being changed, recycling days, garbage days, and he did not think there would be a resident in town that would not be affected. If we go ahead with this change we will have to do a lot of advertising and notification so that the residents know the changes are going to take place. This procedure began because residents were complaining about one day a week garbage pickup. No matter what day garbage collection will take place, it will remain as once a week.

Council Member Meyerson did not believe a resident was complaining, it was just a proposal. Sections of town get picked up on Friday. Most people generate garbage over the weekend and they have to wait an entire week before their garbage is picked up. With the change they will not wait until the following Friday for a pickup. but it is revenue neutral and relatively easy to do. It started a change reaction because in order to do that we have to shift the recycling to Friday and vegetative waste to Monday and Tuesday.

Mayor Arnowitz said these are dramatic changes. To do this right, we have to do this after the calendar comes out and newsletter.

Council Member Franks said this has already been announced in the newsletter he received with January 8 starting date. He believed this is a great idea which was suggested by Council Member Meyerson. It will take a month for some people to acclimate.

Borough Clerk Witkowski said it is already posted on the website, it was advertised two successive weeks in the newspaper.

Council Member Looes will make an announcement at the senior citizens meeting and hopefully the newspapers will pick up on this.

Council Member Meyerson motioned that we change garbage, vegetation and waste collection in accordance with the press release in our packets, second by Council Member DeGise, and unanimously carried.

NEW BUSINESS: none

DISCUSSION:

BUDGET:

1. Tax Appeal Block 601, Lot 12, 26 Oak Trail Road
2. Update Recycling Calendar~Borough Clerk Witkowski

Borough Clerk Witkowski said just a quick update she contacted the Boy Scouts and they are on board to do hand delivery if you still want to do so when the calendar is ready. n willing to hand deliver the calendars when they are ready. Administrator DeJoseph has said advised that he can find money in the recycling budget just for printing. The only other suggestion I have was getting little bags so that they can hang them on the doors and not just thrown on the driveway or the porch. She suggested obtaining bags so that they can be hung up on the doors so that they are not thrown on the driveways. That would be a cost of \$100 to the Borough. Is that o.k. with everybody if they want to go forward, if not, let me know.

Council Member Frank said he still had a concern that sending something in January and in most houses I think you can't find it by March. It is a big heavy book that covers the whole entire year and We have already made one a change to our garbage now and there are doing discussions about maybe looking doing with regard to twice during the summer and too many things can change in a year and block our schedule and and that being our only schedule coming out in January. I thought quarterly was We used to have it monthly in My Hillsdale and thought believed that was a good way of doing it to do it. Quarterly is o.k. it which gives some flexibility.

Borough Clerk Witkowski said the cost of the calendar \$3300.

Council Member Meyerson said we discussed this in the Finance Committee yesterday and Council Member Frank had some pretty good points. We also agreed and here is the problem if we put out The calendar in the beginning of the year within a very short period of time the things that are on for March and April are completely forgotten. A better system may be to go quarterly or monthly newsletter.

Mayor Arnowitz said a quarterly newsletter is being done.

Council Member Meyerson said exactly. A calendar is a nice concept, it looks great in the beginning of the year but come June on people are just no knowing what is on the calendar and most people just can't find it any longer. It doesn't go on the refrigerator anymore.

Council Member Frank said a general policy on communicating, if you want a communicative mission do it frequently, don't do it once a year. They will be more in tune where to find the information, once a year just ...

Mayor Arnowitz said if we don't have a calendar we will have some not printed of course but copies because the borough hall needs something to hand out. People come regularly looking for schedules and calendars and that is the easy way of doing it. Just hand them a calendar. Now they are going ... maybe we'll get extra copies of the newsletter.

Borough Clerk Witkowski said excuse me the calendar you have to remember is also the "how to", "where to", and the "what to", it is not just a calendar of recycling; it has boards, commissions, if you need to register your pet how you go about doing it . It is an informational calendar.

Council Member Meyerson said he understands but from a calendar stand point he did not know if it has the same effect as the website. People with computers go to the website for their information.

Council Member Frank thought a booklet which has a lot of information.

Mayor Arnowitz said there is a lot of information in the calendar other than a calendar.

Council Member Meyerson said if we put out a booklet with how to's, we need to do that anyway. Is there any big difference to tack on a calendar? He wondered about the difference in cost.

Mayor Arnowitz said we could send something with recycling, what to recycle. A lot of information is available on the website and if it is not, we can create something.

Council Member Frank referred to the leaf schedule, leaves come down at a different time each year. That is a tough one to put a schedule on.

Borough Clerk Witkowski said we could post the calendar on the website, don't even print it.

Mayor Arnowitz asked the Council if they wanted to make a decision tonight or make the decision by next week.

Council Member Frank said we made a change to the garbage schedule and we do need to get that out. There are people who don't have access to the web.

Mayor Arnowitz said the quarterly newsletter should have a page dedicated to the calendar. If the departments want their information included, they have to get the information to him. He gathered that we are not going to do the calendar. He suggested that we need some sort of booklet and he wants to recreate the Our Town Committee.

Council Member Frank thought the calendar and the booklet should be separate items.

Council Meyerson did not believe we need to do the calendar at the beginning of the year. It is time we use the technology today combined with a three month calendar on a quarterly basis.

3. Authorize lawn maintenance fee to be added to 4th quarter tax bill for Block 1627 Lot 4, 438 Kinderkamack Road
4. Letter dated November 20, 2013 from Senator Gerald Cardinale informing the receipt of \$17,618.47 from the NJDEP Recycling Tonnage Grant based on 2011 recycled tonnage
5. Shared Services plan and update

Council Member Frank asked for an update on court and DPW. We put heavy effort into shared services with mixed results and he is not aware of the status.

Council Member Kelley said shared services are in the hands of the Administrator. Court is not going anywhere, DPW, there has been moderate discussion. He is not aware of plans to do anything more.

Mayor Arnowitz is following Montvale and River Vale.

Council Member DeGise said the shared service committee has to set up a meeting and set goals for the 2014 agenda.

Council Member Looes said with DPW a couple of things were discussed and the decision was made that we weren't going in that direction. It is a wait and see attitude. There were discussions about equipment, shared services and what is being done in other towns currently. We need to discuss what we want to pursue in 2014 and get feasible information.

Mayor Arnowitz said we owe the taxpayers in this town to look at everything and then make the decision if it is the right thing for Hillsdale. You cannot make a decision unless you research.

Council Meyerson said there was never a decision to merge the DPW. The only thing that was considered was to approach Woodcliff Lake to share a building because our building is in the flood zone and creates problems. They have a new building, they approached us with the idea and there were preliminary discussions that didn't go anywhere.

Mayor Arnowitz said you could not have made a decision on the proposal unless you looked into it. There was not enough savings to make it possible. We have an obligation to look at every possible aspect of shared or merged services and then discount if they are not viable.

Council Member DeGise said we will get back to this in January.

6. Salary Resolution
7. Approval to submit grant application and execute grant contract with CDBG, Board of Health Restroom Improvements (architect and design fees, construction administration costs)

Council Member Meyerson asked the Administrator to explain the process.

Borough Administrator DeJoseph said in everyone's packet is a copy of a draft endorsing a resolution for the project as well as the grant application for Fiscal Year 2014. The applications are due this week. The proposed project is to redo the bathrooms downstairs in the Board of Health office, which is a public facility, access to roughly 10 to 15 towns. We have a shared service with our public health nurse and well-baby health clinic downstairs.

Council Member Frank stopped by to see what the restroom looked like and could not understand how \$95,000 worth of work would go into a 3ft. by 4ft. square. This is a Community Development block grant and that money comes from HUD and divided up among the Pascack Valley towns. It is matched up with all the other projects the other Pascack Valley towns put in. If you put in for \$95,000 to revamp a bathroom someone might find a better use for that money and he was concerned.

8. Enter into Alcohol and Drug Testing Agreement with Valley Health WorkPlace Connection
9. Endorsing resolution for CDBG Senior Activities in the amount of \$4,500.
10. Approve change order #2 All State Technology Inc. for an increase of \$20,000.
11. Transfer of funds
12. Authorize payment to Wiss & Company for PVRHS study in the amount of \$9,395.15

Administrator DeJoseph said that is our amount and should be the amount in full as of the end of the year.

Council Member Meyerson believed this is the last submission before a decision is made. This was the result of a request by the state board for additional information.

Mayor Arnowitz said it doesn't mean it is the end of the litigation.

Council Member Meyerson said there are two approaches, one sue for a better deal, the other application to withdraw. If they lose this approach I am sure there will be an appeal process and start another form of litigation and this can go on for a long time.

Mayor Arnowitz was under the impression that Montvale is not interested, you never know, if the money is right, ideas change. He understands Woodcliff Lake make a proposal to Northern Valley High School but they need approval from our Pascack Valley High School district.

13. Payment of Bills
14. Authorize Tax Collector to transfer overpayments to 1st quarter 2014
15. Authorize Tax Collector to cancel tax overpayments or delinquent amounts less than \$10.00
16. Endorsing Federal Grant Entitled Fiscal Year 2013 Assistance to Fire Fighters Grant

Mayor Arnowitz said Old Tappan is leading the Pascack Valley chiefs and applying for communications equipment from FEMA and he is congratulating them for getting together and trying to do this.

17. Ken's Tree Care Leaf Grinding with Northvale in the amount of \$22,832.40

POLICY:

1. Closed Session meeting minutes policy

Council Member Frank said at the beginning of this Council year at the suggestion of our Borough Attorney we stopped verbatim closed session minutes. Prior to that we recorded everything that was said in closed session

and when the time came, they were released. He missed a meeting and came back to the closed session minutes and a topic was not informative and the second thing it is like turning the TV off. What we are saying is we don't want the public to know exactly what is said in closed session and after spending a few days at the NJ League, all they are talking about is transparency. It is his belief that we should go back to verbatim minutes.

Council Member Kelley said the attorney is here for a reason and will take his advice.

Attorney Bernstein said the Council goes in the back room and you take vacation time. You had people come here since I have been Borough Attorney complaining about what you all said about them. All he ever hears is that we have no money, we can't afford, we shouldn't spend legal fees, and if you go back to verbatim minutes they become public. Transparency is in the eyes of the beholder and the states want transparency and they also want you to limit how much you spend on other things. Every time we come into the back room and discuss issues there is litigation and there has been discussion not to spend legal fees if we don't have to. His office has to review them before they can make public certain parts and not all items discussed in executive session are public. Not all items in executive session are made public by approval of minutes. He has spent a significant amount of time and money reviewing the old minutes. The law does not require verbatim minutes. In the 30 years he has been practicing law this is the only town that he worked for had verbatim minutes. The law requires the tenure of the discussion, not each and every item. It is Council policy and he can only guarantee that some day you could acquire legal bills and that is the reason, to protect the interests of the town.

Council Member Meyerson said there is a reason why those sessions are in closed session and there are many sensitive topics that are discussed open ended as they should be, discussions about employees or about litigation strategies and settlement discussions that are specifically protected against the Open Public Meetings Act. What you call transparency, I call a reasonable approach to not allowing information to go out in ways that might prejudice the town and that is why that Act allows these things in closed session. Taking verbatim minutes under the guise of transparency and within a month disseminate basically undercuts the entire idea of having closed session.

Council Member Frank said there is a timing issue and you redact certain issues that have not been resolved and brought to some kind of solution. If you are doing adequate summary minutes those same issues that we are concerned about being exposed to the people who hire us and elect us to represent their interests. I think they have a right to know who is saying what and how these things are being developed in more detail than a summary. That is his opinion.

Mayor Arnowitz said the Borough Attorney would have to go through the minutes and nothing is disseminated until the action is completed and he feels the minutes won't jeopardize negotiations.

Council Member Meyerson said the attorney said it takes a tremendous amount of time to go through verbatim minutes.

Borough Attorney Bernstein said he can make recommendations and comments relative to whether or not this paragraph should be in because it affects certain things. People say things in closed session, it is recorded verbatim, people are accused of saying things and shouldn't be out there in the first place. Everyone starts pointing fingers. There is a reason for summary minutes.

Mayor Arnowitz was not suggesting that we go back to what we were doing; with a certain resident it wasn't minutes but emails between department heads.

Council Member Kelley said it was both.

Mayor Arnowitz said the resident saw subject matter and the subject matter didn't reflect what was in the email, but that is another story. It is up to the Council, he didn't want to be sued but he felt we had an obligation to the taxpayers who elect us that we should feel comfortable with what we say in closed session. We should not say things because we know it won't get out; we should talk with professionals in closed session the same as we do in open session. People should have the right to know how the governing body reaches a decision. He would like to go back to verbatim minutes.

Council Member Meyerson said we have sensitive litigation issues that we discuss every time we have a meeting and is not in favor of those issues to get out in town, it hurts the town, it hurts our position.

Borough Attorney Bernstein said the fact that material gets out doesn't make the policy better or worse, people understand that the discussion that go on here stays here. He said there is always a middle ground; the question becomes what that middle ground is. Verbatim is a problematic issue. You cannot make decisions in the back room, you cannot make a motion, you cannot make a second, you cannot take a vote. It is against the law. The public needs to understand that what we are having are discussions which ultimately will come to the outside or direction to my office or direction to the Administrator. This is not having secret clandestine meetings and you don't want anyone to know what happened. There are multiple options; if the Council wants him to look at various places he can. It is normal to have summaries.

Council Member Meyerson likes it the way it is, it is the appropriate way to deal with this.

Mayor Arnowitz said if the Council wants to make a change, make it in January. We will discuss it again next week but middle ground is the way to go.

2. Garbage Collection licensing at Public Works

Mayor Arnowitz said the Borough Administrator was to look into this, speak to Woodcliff Lake. The prior Superintendent advised what was possible, it is a matter of space. He didn't know where we would put this or the size of the containers.

Council Member DeGise said we have a meeting scheduled for December 4.

Borough Administrator DeJoseph said he received some information from the DEP as well as the BCUA and there are questions for the DPW and possibly Finance Committee to discuss further.

Mayor Arnowitz said possibly we could have a decision in January or February.

MISCELLANEOUS:

1. 2014 Council meeting Schedule

Mayor Arnowitz said we have always met the first and second Tuesdays of the month. This is done for payroll and bill paying purposes. We don't want to conflict with other departments; sports generally have their meetings on Wednesday. He prefers this schedule because if you want to take a vacation you have three weeks off.

Council Member Looes said we also discussed bill payments, etc.

Council Member Frank said the work session and the public session makes a big difference and is in favor of maintaining it.

Borough Attorney Bernstein said he knows when a meeting is scheduled; the length of time between a meeting and Friday becomes very difficult because he gets a plethora of requests. He is busy with resolutions and ordinances which are done by his office, Administrator and Borough Clerk the turn around time for a meeting is within a 72 hour period. He is still getting resolutions at 4:30PM the day of the meeting and the answer is we are still working on them from last week. The rationale is it does not impede on people's vacation schedule but the second meeting is difficult to meet all the criteria because of the time requirements to get things done, turn things around, get people's input.

Council Member Pizzella believed the costs increase as well when you are being pressured to finish all by the next week.

Mayor Arnowitz asked about a different schedule.

Borough Administrator DeJoseph said it affects bill paying. He believed the Borough code was the second meeting of the month. The biggest concern is we have vendors who are expecting their payment and that would delay it by a week. They are already 45 to 60 days.

Council Member Frank did not believe it is insurmountable if we wish to change.

Borough Attorney Bernstein said his bill you approve next week is for October and he believed we are always a month behind. If you change it from the second week to the third week he still is being paid a month behind.

Mayor Arnowitz said a conflict would be Planning Board as they do have a Wednesday and Tuesday meeting per month and the Wednesday meeting is the first week of the month. He asked the Council for their decision on a change of meeting date.

Council Member Frank said all the items that require resolutions which used to happen on Friday afternoon, and he understands Attorney Bernstein's comments, should be resolved tonight so that we know what is going to happen next week. There shouldn't be anything on the Agenda next week that isn't on the Agenda tonight.

Attorney Bernstein said he will start getting emails Wednesday afternoon, Thursday morning for next week's meeting. Unless you want to see the resolutions in your packets tonight those resolutions do not exist at this

time. They still have to get done. By changing the meetings, we have avoided one set of Agendas coming Friday, Saturday, Sunday, Monday, Tuesday. Now we get them for next week but the Council has to understand that if you don't see them in the packets this week, they don't exist.

Council Member Pizzella believed the attorney has a point because we see it when we receive our emails. They are under a lot of pressure to get things done and you start to see things last minute. It will increase the attorney's costs as well and this should be considered when a decision is made.

Council Member Kelley opinion was either way.

Council Member DeGise wanted to leave it the same way.

Council Member Looes said the problem is everyone keeps waiting for things. There are certain things in our packets that aren't resolutions or ordinances and there is no reason why we couldn't email to individual homes and we could start sharing in a timelier basis, not holding things until the meeting. There will always be something that is last minute so she would like it to stay the same.

Council Member Meyerson agreed and wanted it to stay as is.

Mayor Arnowitz said the consensus is that we leave it the same as is. He asked that the Planning Board be notified as to the meetings of the Council.

2. 2013 "Sine Die" Meeting date? 2012: December 27th

Mayor Arnowitz said the Sine Die meeting is held to finish up this year's business. He preferred to do this before the Reorganization Meeting and there is no change in Council.

Attorney Bernstein said there will be a resolution next week noticing the time of the Sine Die meeting.

3. Recreation Committee draft information.

Council Member Pizzella said this is an update. He still has to provide this to the Recreation Commission and get their recommendations. This is a representation agreement template that you can use for the various sports associations and gets your house in order about getting service agreements for all service providers. The sports associations are providing the service related to the sports programs and having an agreement and a formal arrangement with each one that spells out what they are providing to the town and what the town is providing to them really does a lot in getting that arrangement done. The Recreation Commission hasn't seen a draft of it yet but he has been working on it with John Corring as well as a member of each association; some associations more than others simply because some people couldn't make some of the meetings.

Mayor Arnowitz said Peter has stepped down as chairperson. He asked that this be put on their Agenda for 2014; obviously the sports associations have to understand what we are trying to do and see if they agree or disagree.

Council Member Pizzella said he discussed this with Borough Attorney Bernstein and asked if he could give an opinion on what he feels how the sports associations can benefit from this.

Attorney Bernstein said he did have a conversation with Council Member Pizzella and this does have merit to it but there might be some issues with some of the associations, but the draft is out there and they can start some conversations.

Mayor Arnowitz said these programs deal with a lot of kids, a lot of parents; we have had some problems but on the whole the system is working. He did not want to upset the apple cart. Let's walk on thin ice, make proposals to them, do what we need to do to make it right but he did not want to ruin a good thing. He wanted to be certain that all the people who share in the programs are privy to this and have an opportunity to say something before we act on it.

4. Environmental Commission Insurance.

Council Member Pizzella said asked if the Environmental Commission and sports associations are covered under our insurance policy. He did get an email from the town Administrator but he did not believe it answered his question fully. The email talks about how people are sort of included within our insurance if they are part of the governing body, department, commissions, boards, operating under our jurisdiction and are included in our fiscal budget. It also goes on to say it authorizes the auxiliaries, or volunteers, responsible to the governing body and to its commissions, boards and other units responsible to the governing body or its commissions, boards and other units are covered. He can see where the Environmental Commission volunteers are covered to

some extent; he cannot see where a non-designated agent for the town as the sports association would be covered under our insurance. He is trying to figure out if they are and he believed they should be on these arrangements. If they are not a formally designated agent for the town he doesn't see how they fit in this definition.

Mayor Arnowitz said they are appointed by the town either through committee or through the Council appointments so they are covered under JIF.

Council Member Meyerson said the Environmental Commission is appointed by the town. You bring up the point of the sports associations particularly the ones that are independent associations.

Mayor Arnowitz said if they are not insured, they are under the Good Samaritan Act.

Administrator DeJoseph said we can get this clarified by our Risk Manager but he knows for sure the quasi that are baseball, football, soccer, LaCrosse which are major quasi associations. We primarily have an accident policy which the JIF requires first, he believed \$500 deductible or \$1000. Then he believed JIF is secondary. But he will get further clarification.

Council Member Looes said it is her understanding is JIF kicks in after the individual's primary and then there is either \$500 or \$1000 deductible for the individual.

Council Member Pizzella is talking about coaches.

Council Member Looes said we would have to discuss with organizations if they have an officers policy.

Mayor Arnowitz said we have had volunteers who have been hurt and they are covered by JIF.

Council Member Meyerson said that is not they kind of policy we are talking about. We are talking about the coach being sued. The ones under our recreation program are covered, the ones that are not, quasi are not covered.

Council Member Pizzella said that is another reason why he has a concern with the agreements. If you formally designate them as agents they then would be covered as well. The Environmental Commission members were told by the Forestry Program that they are not covered and it is concerning them and they could be sued personally. He has been attempting to get clarification for this for them for some time.

Administrator DeJoseph said his assumption is based on what is provided by our Risk Manager since it is a commission but he will definitely confirm it. They are covered under our fiscal budget and will get it in writing.

Attorney Bernstein said the liability coverage and errors or omissions and they are all separate policies.

Mayor Arnowitz told the Administrator to get this back to the Council as soon as possible.

Council Member Looes said there are two parts; the Environmental Commission and our budget. There could be two separate answers.

Administrator DeJoseph said the Recreation Commission would fall also similar to the Borough under our municipal budget.

Attorney Bernstein said the way to solve the problem is to ask the Risk Manager to spell it out in writing, all they have to let us know who is included, who is excluded, and if they are not included what do we do to include them. The magic question is how much.

5. Report on NJSLOM-Councilman Frank

Council Member Frank said our Borough Attorney was at the League, Borough Administrator, Borough Clerk, Tax Assessor; it was heavily attended and Sandy was a big topic as most of the towns along the shore were hurt by Sandy. He attended five seminars and found the League to be an educational place for him to learn how to do the job of Councilman. The five seminars he attended were heavily attended by professionals and elected officials. The first was budget and audit updates understanding the process; the role and responsibility of the governing body members, local budgets meet the 21st century, coping with the CAP, success stories, and dos and don'ts of local government ethics, ethics open public meetings and open public records and civility in public discourse. The head of the Division of Local Government Services who oversees all municipalities was the speaker. From the ethics heavily attended by the governing body members, he learned there will be a new financial disclosure form that will be put on the web in January and one of the beneficiaries will be Attorney Bernstein because currently people who work for more than one town have a hard time because they have to file forms with every town. One for multiple governments will be all that is needed.

There were many discussions regarding Planning Boards and Councils. They have asked Clerks for a roster of all people responsible within the financial disclosure form and we still have problems as we don't have complete compliance on Council and Planning Board. Mr. Neff talked about violations that take up to a year to resolve and they are looking to increase the minimum fines which are \$100 presently; if someone fails to file a disclosure form at the state level, it will cost a couple of thousands of dollars. They will be working on that. This is serious because our Commissions, Planning Board and Council all deal with the public's money and it is important that we all do this. The guideline that Mr. Neff said was that if you or someone else feels the slightest bit uncomfortable with your position on a topic recuse yourself from it. Anybody who feels they have a problem, recuse yourself.

The second area was the budget and there will be no increase in state aid for 2014 and we were really counting on that. They are taking the money and diverting it to the state pension program where there have been inadequate contributions for a number of years. We expect health care increases of 6.6%. They spent a lot of time on requests for borrowing and towns who have structural imbalances being where your revenue doesn't meet your expenses and how they are looking for the government to help. With more serious re-structural balances the more of a problem you will have getting approval for notes and bonds. If you are out of balance, they are looking at towns eliminating anything that is not a basic or essential service and they are very big on user fees, any entity or any function you have that is not an essential service, the user fees should cover the cost.

We have some good stuff coming in 2014; we saved \$450,000 with 2012 garbage; we have \$176,000 non-recurring expense from last year from Hurricane Sandy and we are getting 75% of that back from FEMA and that will go into our fund balance which is surplus and \$176,000 won't be there next year. We also have about \$90,000 in accumulated absences that won't repeat and get increased contributions on health care from our employees. In 2014, Mother Nature has helped us more than anyone else and hopefully we can put together a budget that doesn't include borrowing and has a minimal tax increase.

He recommended in the future that the governing body attend the seminars as you can learn something. You will meet a lot of people who have the same problems as you have.

6. Approval Calendar Raffle St. John's Baptist Church
7. Approval of Robert Lapin to Fire Department
8. Supplemental Snow Plowing Bid Results

Council Member DeGise said it was a bid that the Administrator put out. The committee discussed it, he was given direction, and he will have a meeting with the DPW committee and foreman on Friday and will provide the Council with their recommendations.

Mayor Arnowitz hoped the employees had been told what we were doing before the fact so that the employees did not have to read it in the paper. He informed a DPW employee who explained to them what we were doing so that there is no misunderstanding. If we are doing something the liaison should meet with these people and keep everyone informed. One of the employees said it looks like we are leaning towards Montvale, the Mayor said he is observing what is happening there and if it works, we will look at it.

9. Authorize Mayor to execute E-Recycling Contract
10. Correspondence dated November 20, 2013, Pyramid Brokerage Company, Metro PCS

Administrator DeJoseph spoke with a representative and Metro PCS was acquired by T-Mobile. T-Mobile is across the street at the Fire Department currently in place and T-Mobile has a temporary tower at the DPW. This firm is looking at evaluating all contracts. We receive \$2,500/month approximately for the temporary tower at the DPW. There is no guarantee which one they will keep.

ORDINANCES:

PUBLIC COMMENT:

Mark Durst, 99 Kinderkamack Road, Park Ridge –

He represents the DPW, as he is shop steward. He wished to enlighten the Council and Borough what the DPW actually does so you can think about this when you think about consolidation. In spring, summer we are out doing 11 ball fields every day, five days a week. We scarify, line, clean dugouts, pick up the garbage; we care for four football fields, line them once a week, we have soccer fields that we maintain and paint every week. We do tree trimming, snow plowing, when a tree comes down at 3:00AM, we are there in snow and rain to clear the roads, employ chain saws that is life threatening work that we do; this past year we did over 30 catch basin repairs, sewer repairs. It is a tough job. He reiterated to Council Member DeGise that he read in the newspaper a couple of weeks ago that our contract that we have been discussing for two years, ended in 2011. Before the new

Council came in, we had discussions with Council Member Frank, Administrator DeJoseph and the Mayor and all of the sudden he was informed by Council Member Frank that we have no money. He pounded the table. In that respect a couple of months later I found a list that everyone received a raise in 2012, but the town has no money, and he did not understand the Council's philosophy.

Council Member Frank said if you want to talk about a conversation we had a year and a half ago, he would explain that while the DPW was getting 3.75% over the last three year contract every year, the people on that list went a year with no raise, had another year at 2%, so the people on that list made a sacrifice for the town and the DPW had a very sweet contract.

Mr. Durst (Cont'd).

When you promoted a patrolman to a sergeant and the town had no money, the sergeant's salary went up \$7000. You keep pounding the DPW membership but you have money for everyone else. Some people here received 4% raises.

Council Member Frank said none of those people received the accumulated amount that the DPW got over three years.

Mark Durst (Contd).

The DPW doesn't earn much overtime either. If I am lucky, my overtime salary is \$5000 a year. If it doesn't snow, it is even less. The hours for the recycling center were taken away and everything that is taken away hurts. You said before you are happy that medical is going up and we have to pay more. Our attorney for the union has been attempting to contact the Borough Attorney multiple times, sent multiple emails to the Borough Attorney, and the Borough Attorney has not gotten back to him. We are trying to complete the contract and signed before the end of the year because we all have families and he understands the borough attorney is holding it up.

Borough Attorney Bernstein said you might want to check with your attorney about the text message he sent late last week in which he indicated the union is thinking about filing an unfair labor practice and Bernstein suggested there is an offer on the table and the membership ought to agree with it.

Mark Durst (contd).

He hasn't seen an offer on the table. We were supposed to get together with the Borough Attorney, our attorney and the bargaining unit.

Attorney Bernstein said his direction was that there was an offer on the table and the membership needs to address it. That is all I am going to say at this point.

Mark Durst (contd).

Since he has been trying to contact you, would you call him and set up a date so that we can sit down and talk about the agreement.

Attorney Bernstein will reach out to Mr. Leder.

Seeing no one else, Mayor Arnowitz closed the meeting to the public.

PROFESSIONALS REPORT:

1. Borough Engineer – November 22, 2013

Council Member DeGise said as liaison he had a discussion with the Neglia Engineering firm and asked the owner and his staff to be here to give us a report as to what is going on this year, inform us what has been done as this has been a change for us, concerns of the Council and educate us.

Greg Polyniak, Neglia Engineering –

He said Council Member DeGise had questions regarding grants that we had filed this past year and what the status is of each individual one, which ones the borough received and not received this year. We all know all budgets throughout the state, municipal, county, state, federal are pitched pretty tightly. There is a smaller pool of funds as it relates to grants and each year the grant pool gets smaller. In our engineer's report which we submitted for tonight's meeting, there is a list of five grants that we filed, actually six as it relates to two separate community development block grants this past year. All of them were filed in either August or past that date. Grants for 2013 funding that you received this year whether it's a substantial amount of money or very little amount of money relate to grant applications that were submitted last year by your prior engineer consultant or by the municipality at that point in time. Any grant money that was or was not received this year is unrelated to anything our office had filed. The grants that we filed this year will be funded either late 2013 or

will be funded in 2014; Bergen County open space which relates to the paver patio that was discussed at Memorial Park tonight the borough has received an email from Robert DeMarco, that they anticipate providing funding for that project to the borough late this year. The first grant application that our office has filed the borough will be receiving funding. Another grant application that we were directed to file was discretionary aid DOT grants for Kent and Baylor which the municipality did not receive grant funding through municipal aid from last year's application. We took that project forward and funds that were allocated by the DEP and acquired that grant that wasn't acquired. We understand that notification from the DOT will be provided either January or February 2014 and that grant application was filed in August. Another grant application that we filed relates to local aid and roadway improvements for Saddlewood Drive; that application was filed in September 2013, our office spoke to the DOT which relates to funding that application which was filed would be in June or July 2014. The applications are being filed this year and notification will be occurring next year. There were two applications discussed tonight, one was the Board of Health restroom for block grant from Bergen County and the other was senior services grant for \$4500 as it relates to Bergen Community block grant. The borough will potentially hear from Bergen County in spring or summer 2014 as it relates to these applications and they are being filed at this point in time.

Council Member Frank had a question as it related to the \$94,000 request for funds for the Bergen County Community Development block grant which we intend to file by the end of this week was dropped off today. If you look at the whole room as a 3ft. X 8ft. box, replacing fixtures in there, he would understand why it seemed the project would be \$10,000 to \$15,000 in restroom facilities such as that, but looking at the ADA requirements there will be substantially more work than just replacing fixtures. Walls will need to be demolished to provide adequate turning areas, doors will need to be addressed to provide adequate access and entry into that area since the restrooms split evenly between the sink side and the toilet side. It is going to be an entire reconfiguration of that restroom, not an implementation of different types of fixtures. That is why we are requesting \$94,000.

Council Member Frank said looking at the specifications and the grant to redo the dais here that there are onerous contractors and limits the number of people willing to take on government work. There are some items that he would like to discuss with Mr. Polyniak to find out how he came about some of the estimates for demolition and some of the items.

Mike Neglia explained in terms of these grant applications it is very important for municipalities to understand that the grant may come out next year and you may want to put it back in, so you want some inflation in numbers and you always want to apply so that you have sufficient funds to complete the project. The worst thing that could possibly happen is if you ask just \$75,000 and the bids come out to \$86,000 then the remainder of the funding comes out of your sources. You want to make sure you don't put it in too high that you take yourself out of consideration. It is a legitimate concern. A lot of these projects are based on merits of the project themselves. The comment was made how many grants Neglia obtained for Hillsdale and the answer was zero. That is an unfair statement. We were retained in early summer, we applied for every application that the borough has requested us. We need input.

Mayor Arnowitz said he has been up here for 26 years and has never requested a grant. The engineer brought to the Council what grants are available and the Council made the decision whether we wanted to go for it.

Council Member Meyerson said the grants that are available are Community Development grants. They don't give specifics, it is the town that has to tell them.

Mayor Arnowitz said no, the engineer in the past said there are Community Development grants out there and what does the Council want to do. When we were denied in the past, he went to our legislature and our senator and wrote them letters and we got the grant. I shouldn't be telling you that, you should be saying to me I give letters from the Mayor. He believes your organization who makes money by designing these things, which is a plus to you, should be coming to us, not the other way around. You should be saying a grant is available for paving, we have no way of knowing what grants are or not available. Another problem he had, one of our department heads came to him and said that you received a letter from your firm saying that you will write grants for \$60,000. We have never paid to write a grant. He hoped that is not true. We shouldn't be paying you to write grants, you make money off the grants.

Greg Polyniak said that is the flood hazard mitigation grant program and as far as that grant program, that is a fairly involved process which includes construction drawings, stream studies, detailed surveys for two culverts within your municipality which includes Werimus Lane culvert and the Hillsdale Avenue culvert. That project also included the DPW building dry flood proofing portion.

Mayor Arnowitz said it is not a fee to write the grant, there is a fee to design the grant, and there is a miscommunication.

Mr. Polyniak said the issue as it relates to complete the application and complete the technical documents which support the grant application. It is a fairly substantial involved process, includes the application, it includes detailed stream surveys, includes surveying of the culvert, includes design of the culvert, includes structural drawings of the culvert, includes stream survey where we remodeled two different portions of the stream at this location for over 1000 locations. It was in a cover letter and proposal submitted to the governing body.

Mike Neglia said the Mayor doesn't know anything about grant applications and all grant applications need approval by the governing body. Someone has to communicate to us through the Administrator or through the DPW what your needs are. Once we know your needs, we can go out and research grants, which we have, we have a whole host of reports.

Mayor Arnowitz said needs are anything that gives us free money for anything that is reasonable at 90%.

Mike Neglia said the 90% is the chief factor; the reason all these grant applications require governing body approval, and this is not the first town we have ever handled, we handle several towns in Bergen County. There is a pocket of money that is pretty much routine, the Community Development Grants. You have had those kinds of fundings in the past; NJDOT applications, Open Space applications. In order for us to recommend a match of a grant application or a grant program somebody has to communicate to us what your needs are. The reason they don't let engineers do it because a lot of grant applications are not allowed to be submitted by engineers. They want a representative from the municipality to be the lead. We shouldn't just be creating work for engineers, we should be filling the borough's needs. In order for us to fulfill the borough's needs, we need to know the borough's needs.

Mayor Arnowitz felt it is up to the engineer to come to the borough advising that there is a such and such a grant and is the town interested.

Mike Neglia said we have, the only problem is the process has been delayed. By November, all the DOT applications are awarded or granted to municipalities. He did not change that procedure, the state is now saying they are delaying it. They are delaying their decisions, almost pushed it out to the first of the year. He didn't know if your applications will be approved or not, he doesn't know what the state will do with the funds. We brought it to you when it was due. We brought everything that we knew and every application that we were aware of we have applied for. He believed there was miscommunication.

Mayor Arnowitz believed we were privy and applied for a lot more grants or made decision of not applying because there wasn't enough money for a 25% grant, but we were informed so we had an informed decision to make.

Council Member Frank said we have to realize that our previous Borough Engineer was with us for many years, 39 years, and he knows the streets better than I do. He knew what needed to be done, he didn't rely on us to come to him. He believed it is a learning communication issue and that is what we are dealing with.

Mike Neglia agreed. We have towns that we have represented for 50 years and we know every manhole in town. When you come in in May, we need help and guidance from not only the governing body but also the town, tell us where your high priority needs are. We will be happy to go after grants because you are correct, we want the borough to get these projects.

Council Member DeGise said we will get a monthly report on what grants are available and we will have a report in January.

Mike Neglia said any high priority problems or projects that you have put us in that direction. We just don't go out and generate work because that costs the borough money. We can't ride around town looking for projects, that is not professional. The only way we will do it is by authorization or requests and that is where we are. We will be happy with a monthly report and if you can give us a list of needs of the borough for 2014, we will do best to research the internet, research all of our colleagues and profession and find out about any grants. With regard to the road program, one of the things the borough decided on whether you do a design, pay a professional engineer to do a design of a roadway or you go to the cooperative project, you throw you quantities in and your own design. One of the problems we had this year and we worked through and in most towns we would get an accommodation for is we basically took a tax map, estimated the quantities for asphalt and we put it out. We got to the street and day one, there was no sub-base on the road. Now you don't have a design and the question came up how did we know? We didn't do borings on the road, we didn't do a design on the road, so we ended up working through that. The Administrator was aware of this, ultimately a parking lot was added to the project, then the question came up that your quantities were high. We never surveyed the quantities; the last thing he wants to underestimate quantities and all of the sudden I am in for a change order for insufficient funds and I can't complete the street. We estimated the quantities and every one of our estimates based on a tax map only, we added 10% increase to the quantities. We can't be held responsible if we didn't do the design.

He did not believe the borough wanted to pay for a design. With that there will be a sacrifice and problems at times. He advised the Administrator that he would not add another road to the road program by a change order until he made sure that the Mayor and Council got the streets that they wanted done, that was the priority and the streets that were in the bid. We worked with the contractor and we worked through it. He believed the borough got a good project out of it at an extremely low price. He is not promoting engineering design but if you have a problem street that needs an analysis you have to have a proper design otherwise you will pay for it in the long run. You pay for it via change order and you can't hold a professional responsible for something that you didn't hire him to do. In all honesty, we worked very hard for the Borough of Hillsdale in the very short period of time we were here. The bills are extremely small in terms of what we have been doing because the borough does a lot of it themselves. He has boroughs that don't want to pay people to do grants, they want to do them internally. If you want us to do it, we will be happy to present it to you, you authorize us, and we will put it all in front of you. These are difficult times for municipalities and we are experiencing them in a lot of different places, you have to make the executive decision in what you want us to be involved in and what you want to do yourself and save the money and not get us involved, and then you take responsibility for the project.

Council Member Kelley said he doesn't remember when the engineer was asked not to come to the meetings. I don't agree with it, he is going to ask the Council that we have the engineer report in person every month. He shouldn't be here too long.

Mayor Arnowitz believed we are better off with professionals present so that we can ask questions.

Mike Neglia said we have Councils that do it both ways, some people want us to stay all evening, come to a work session where it is more casual and more dialogue and get more questions answered. We would be present 20 minutes, 30 minutes, get done, we will do whatever you would like us to do.

Mayor Arnowitz said we should start this next year, he can be early on the agenda.

Council Meyerson is in favor of getting the written reports prior to the meeting and if we have any questions, we could request that they come in from an efficiency standpoint.

Mike Neglia said occasionally a town puts us on a work session and if there is a paving program that the public wanted answers from the engineer, then we come to the public meeting and answer the public.

Mayor Arnowitz said if there is some reason we don't need the engineer, we would let him know. It makes it a lot easier to do it this way. We will start this in January at the work session.

Administrator DeJoseph said he worked first hand with the construction project, they were a gem to work with, very efficient, worked well with the police department, got the roads done, we were able to do a change order, got more roads paved and parking lot. Everything was completed, certified payroll, tonnage reports and a pleasure to work with.

Council Member Meyerson said when you said you need to know from the town the needs of the town, for the example the bathroom, how do you find out whether or not that bathroom needs to be refurbished.

Mike Neglia said usually the department heads, police, fire, recreation will go through your administrator indicating their needs. We need that information and they come to us, they come all year round; especially police and fire, they are a little different they come at all different times and usually the police department knows better than us what grants are available to them and sometimes we assist them and sometimes they handle them on their own. Your road improvements, such as DOT, they are standard every year, they are applied for by the Borough of Hillsdale and boroughs all over the state. There is a criteria selection on what streets qualify so usually when those grants come up we would meet with the DPW Superintendent and review what the borough put in for last year.

Council Member Meyerson said the administrator contacts you and indicates we want to refurbish this bathroom, make it handicap accessible. Then you go out and determine that Community Development grants coming due December and let us apply for that or there are other programs you look for throughout the year.

Mike Neglia said sometime it goes in two different directions, what kind of projects are eligible for Community Development, handicap accessible, removing architectural barrier and that is one of them. When that grant comes in we will sit down with the administrator who will inform us the bathroom downstairs needs to be done. We will look at it, take measurements, and come up with an estimate.

Council Member Meyerson asked when you say a grant comes in, when you find out a grant exists and is due, is that when you contact the administrator or do you have any project.

Mike Neglia said there are the standard ones we talked about before and then there are also new grant programs that get developed every year. The DOT came out with safe streets to school which was a grant application, safe streets to schools, bikeway initiative for communities; the only problem is DOT will throw little grants out for big projects. You as a decision maker ask if you are going to get \$100,000 grant for \$1.2 million dollar project. At the end of the day you will decide unless you are willing to fund the project yourself. That is the decision you should make before you spend the money on Neglia Engineering or anyone else.

Mayor Arnowitz said a good example is safe sidewalks. He needs Neglia Engineering to say there is a grant out there for safe sidewalks and that is how we did it the last time. The first time we did all the sidewalks for all the schools, the second time we were denied, but the third time we did sidewalks to schools. We have sidewalks from one school to the other and that is the type of grant he is interested in and you tell us when this grant becomes available. He sent a list to the administrator because you asked for it; every building in town needs some work, every sidewalk in town could use some work, some more than others. Every street in this town is eventually going to have to be repaved.

Greg Polyniak said when we filed for the DOT grant as it relates to municipal aid and Saddlewood Drive was selected, Sal from our office drove around all of the streets with Mr. DeJoseph and the DPW Superintendent and we looked at all the roads and selected that roadway.

Administrator DeJoseph said we also looked at other roads and we tried to prioritize for the future.

Mayor Arnowitz said we need you, we don't know when these grants come up and if you know of a grant that you are doing for another town, let us know.

Council Pizzella said he is interested in more unique type grants; we have the walking trail by Beechwood and the boardwalk is completely destroyed. The train station is an anchor historic site downtown, town center grants, and that is the type of grant he would be interested in knowing about. Sometimes those are more available than others.

Greg Polyniak said for those types of grants there is a much larger effort and a much larger discussion that needs to occur prior to making those applications because they are much more complicated, and you are spending money for those grants.

Mayor Arnowitz said we have to spend the money for the RR station, either we are going to do it or get a grant to do it. We cannot let it go into disrepair and we have to get the RR to approve. That is something down the road and he wants Council Member DeGise's committee to look at that seriously. He will have Peter Hard working on this because he will get the work done.

Greg Polyniak said that is a perfect example, you have to get over the initial hurdle to put make yourself eligible and it is a process. If you were denied previously, you have to find out why you were denied because the project didn't fit the criteria. When we put out an application we want to make sure you have an opportunity to get it.

Police Department

Police Chief Stalter said this year our paid parking permits whether it be for non-residents using the NJ Transit lots or residents who use our west borough lot, they will be obtained online, there is a link on the borough website and on the police department website and use with community pass which people involved in the Rec programs are already using it. We will either mail it to them or they can pick it up at headquarters. The recycling permits which allow you to use the daily paid permits in the west lot are picked up in person.

Patrolman Lacher advised that he is in the running for a police job in Wall Township after a background investigation; the reason we hired him because his background was so good. We are anticipating losing him sometime in January, so we will be doing a three officer hiring. We have internal candidates currently working for us in dispatch situations, we will consider two people from the process we just did and do a process from our dispatch staff who are going to school or have completed school.

Borough Administrator

Borough Administrator DeJoseph thanked the Police Department, Clerk's Office and Detective Hampton in a great joint effort by all entities to get the parking passes set up online. It is complete and we are going to start accepting online tax payments in the first quarter 2014.

MONTHLY DEPARTMENT REPORTS: *(The following correspondence on file in Borough Clerks Office)*
Ambulance Corp-

Construction Department-
DPW-
Fire Department-November 2013
Board of Health-October 2013
Hillsdale Library-
Police-October 2013
Recreation/Stonybrook-December 2013

COUNCIL COMMENTARIES:

Council Member Meyerson commented on the good job that was done on the D'Alessandro Memorial and thanked Council Member Pizzella for his efforts.

Council Member Looes said on December 8 there will be a blood drive at the Borough Hall for a resident in town who was involved in a motor vehicle accident at Trader Joes.

Council Member DeGise reported on the progress of the leaf program; we are in the last section now requiring another four to five days. The front loader was down for 60 days and hopefully we will be able to put that crew back on the road again. We are 30 loads ahead of last year at this time and we are making progress, the vacuum truck is back in Section A. They will start secondary streets in Section A with that truck starting tomorrow and all trucks should be finishing the program around December 20.

Council Member Pizzella said the Local Assistance Board in Hillsdale Helping Hillsdale outreach efforts for Thanksgiving was very successful. We currently have an outreach effort with the giving trees that are in the post office as well as borough hall. The gifts will be bundled December 13 and distributing them December 14. With regard to the blood drive, the vehicle will be here from 8AM to 3PM and you have to make an appointment as they don't want everyone coming in all at once.

Council Member Kelley congratulated the Pascack Valley Football Team making the state finals; the game is this Saturday at MetLife Stadium 4PM. We will be in Section F and that is where the Pascack Valley people will meet for the game. We are at a crossroad in the Fire Department, we are at the lowest numbers and we are putting out letters of recruitment, working with the high schools to get more Cadets involved and anyone interested in joining the Fire Department stop by any Monday night and we will sign you up.

Mayor Arnowitz said at the last Planning Board meeting denied an applicant who wished to subdivide a piece of property for another garbage company. The Fire Department is extremely concerned about the ordinance that is being discussed regarding Woodcliff Lake charging for mutual aid in other towns. All of his information has come from newspapers and they want to charge out of town for mutual aid. He asked Chief Durie to inquire and get back to the Council and he would hope Woodcliff Lake would be the last company we called for mutual aid. It is detrimental to volunteerism, it is not what our mutual aid agreements are all about and he thought it was terrible. This has come up many times in the past and has always been stopped. He does not want Hillsdale residents to be charged by another town.

He asked the Recreation Director and Borough Clerk to plan a Christmas party for our employees and wanted to be sure the Council had no problem with that. He reiterated a rule that we have; no department head, no chairperson, or group should be reaching out to our professionals unless the Council or Administrator approves it. He received an email that a department head was reaching out to the Borough Engineer; the Council has to decide whether or not we are going to allow that. He requested the Administrator to reiterate that to the department heads.

He said the Council must make appointments in 2014 and there are a number of positions that are vacant and asked that the recommendations be presented prior to Reorganization so that everyone has an opportunity to review them. He attended a Football Breakfast and indicated the sports programs in our town are outstanding, it is a tremendous means of keeping kids out of trouble. We have to have rules but he saw a great group of young people that had fun, good advice and going down the right path.

ADJOURN TO CLOSED SESSION: @10:00 p.m.

R 13229 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

1. Employment relationship/Zoning and Police
2. Collective Bargaining Agreement/Police and DPW

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

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. *Police and DPW*
- __ (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
- __ (8) Matters relating to the employment relationship. *Zoning and Police Department*
- __ (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 by Council Member Kelley, Second by Council Member Looes, and unanimously carried.

RECONVENE REGULAR MEETING: @ 11:31 pm

Motion to reconvene regular session was made by Council Member Degise, Second by Council Member Meyerson, and unanimously carried.

Borough Attorney Bernstein said let the record reflect that all members of the governing body present were present at the executive session and present at the opening session and let the record also reflect that the Borough Administrator, Borough Attorney, Borough Clerk were also present. At some point of time during the executive session Tracy Jeffrey was present as well as the Chief and Captain of the Police Department. There was discussion regarding the open position of the Zoning Officer, the Administrator in conjunction with the need to discuss structural related items in consultation with the Finance Committee and try to come up with a potential resolution for the issue regarding the Zoning Officer position. Mr. DeJoseph and I will be in consultation. No formal action taken and there was discussion about the collective bargaining agreements; the Mayor and Council will have a resolution on the Agenda next week regarding such. There was further discussion regarding the status of negotiations with the DPW and he will discuss same with the union attorney. We also discussed possible resolution in the matter of Sean Kavanaugh of the Police Department. He is asking for a motion by the Mayor to authorize yourself and the Borough Clerk to execute a separation agreement. Motion by Council Member Meyerson, seconded by Council Member Pizzella. Roll Call Vote: Ayes: Council Members Looes, Meyerson, Pizzella, DeGise and Frank. Nays: None. Abstain: Council Member Kelley.

Attorney Bernstein said that concludes the recitation relative to the Executive Session and concludes action taken by the governing body and an appropriate motion to adjourn.

ADJOURNMENT: @ 11:34 p.m.

Motion by Council Member Kelley, Second by Council Member Meyerson, and unanimously carried.

THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE
TUESDAY, DECEMBER 10, 2013 ~BEGINNING AT 7:30 P.M.