

Minutes of a Council Meeting of the Borough of Hillsdale held at 7:30 p.m. on Tuesday, October 8, 2013, in the Council Chamber, Borough of Hillsdale, 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 8th day of October, 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:

Council Members DeGise, Frank, Kelley, Looes, Meyerson, and Pizzella were present. Mayor Arnowitz, Borough Administrator/CFO DeJoseph, Borough Attorney Bernstein and Borough Clerk Witkowski were also in attendance. Council Member DeGise was absent.

Mayor Arnowitz announced that a long time resident of Hillsdale, ex-Chief of the Fire Department, Founding Father of the Fishing Contest and sports programs, helped build the fields, started the Ambulance Corps, Neil Hering, a big help to this community for many years has passed away.

APPOINTMENTS:

Environmental Commission, Mayor Appointment ~Elizabeth Snieckus

Motion to record was made by Council Member Frank, Second by Council Member Pizzella, and unanimously carried.

OATH OF OFFICE:

Environmental Commission ~ Elizabeth Snieckus
Mayor Arnowitz administered the Oath of Office to Elizabeth Snieckus.

PROCLAMATIONS: none

PRESENTATIONS:

Hillsdale Crossing Guards- Mayor Arnowitz
Arlene Meier, thirty (30) years of service

Mayor Arnowitz thanked Ms. Meier for her 30 years of service to the town.

Girl Scout Silver Award Recognition- Mayor Arnowitz
Cassidy Freeman
Carley Wiseman
Mary Kate Viceconte
Advisor: Kathleen Viceconte

Mayor Arnowitz read the background for girls in Troop 434, earning their Bronze Award in 2010. They began working as registered individual Girl Scouts on their Silver Award which is the highest award a girl scout can earn. Their final action was to select an action project for their community, Hillsdale. They chose to beautify and enhance the Welcome to Hillsdale sign located on the southbound side of Broadway. They worked with a landscape architect to develop the idea of enhancing the area around the sign, raised money and worked with a local landscaper to implement and complete the project. He thanked the scouts for all they did and presented them each with a certificate of appreciation.

Overview Public Health Nurse position Barbara DeCaro, President, Board of Health
Barbara DeCaro-148 Riverdale Street

The state has two statutes, Administrative Code #26. Health and Vital Statistics Statute which defines the policy and powers of the local Boards of Health. The Administrative Code follows the standards of the CDC and basically designs the core functions and the essential public health services and that is where you find the Public Health Nurse, her duties. As you review these you will understand the rules of our public health provider which is Northwest Bergen Regional Health Commission Regional Health Commission who provides our Health Officer, Sanitarian/Environmental Specialist. The Public Health Nurse works very closely with them. The second employee that we have and most important would be the Public Health Nurse. Beyond that, is also our Secretary/Deputy Registrar in our department. The face of our Public Health Nurse is the one the residents see the most. We do all kinds of clinics such as flu, shingles, rabies shots, skin cancer in the summer and babysitting. The programs they also offer are anti-smoking, poster contest with all the schools for about 23 years and our nurses have been able to get doctors, nurses, health providers all over to help do this without charging any fees. Our citizens can have these services without paying for them. Our nurses also perform home visits on a variety of cases, provide resource information, give medical information and also help with counseling. There is a great collaboration between our Fire Department, Police Department, Building Department, especially in time of need such as Floyd and Sandy. Members of the Board of Health include the doctor, nurses, school nurses and other health professionals. We also have a Social Worker on board. We encourage the continuing education of our employees and we welcome all kinds of information from all services but mostly from Northwest Bergen Regional Health Commission. We understand and appreciate the uniqueness of our town and strive to serve the town in collaboration with the Mayor and Council with the best possible health services.

Mayor Arnowitz said he is an advocate of the Board of Health and which does not give diligence to what a nurse really does in this town. Public Health Nurses have performed a lot more duties than what was just read, there were things on the side that we don't know about and a lot of interactions with the public.

Ms. DeCaro said in the packets there is a list of some of the things the Public Health Nurses do and they are the hearts and ears of our residents. We have probably 25% of our residents as senior citizens. There has been discussion about using the county; this is not a good choice, if we want to continue to have the hearts and ears for our seniors. When it comes to the Affordable Care starting 2014, the biggest problem that we see is that you will lose a lot of home health care coverage and insurance. Our Public Health Nurses are going to doing a lot more home health visits because of that.

Mayor Arnowitz said in the past they have worked with the food pantry. The Public Health Nurse assisted when we had the bird flu pandemic. The population of Hillsdale and the surrounding towns is changing and the health nurse is needed more today for necessity than it was 10 years ago. He believed we had a duty to society to help if we can.

Ms. DeCaro said within the past twenty plus years there have been a lot of changes and we felt our child health clinic could be expanded when people were required in New Jersey for children to have insurance. Those kinds of changes did impact us and the changes we are going to see in 2014 will be changing the entire area, and have a lot to do with what the future. A lot of our seniors feel it is difficult to stay in our area and their needs are unique and you will see in all families a need for a Public Health Nurse, whether helping them get services and the networking and resourcing. They can get free hearing and dental work for the kids who can't afford it.

Council Member Meyerson asked what kind of pressure it puts on Hillsdale's Public Health Nurse when towns surrounding us don't have one.

Ms. DeCaro said it has been with the child health clinic. We were losing the numbers of children coming to us. Our Public Health Nurse reached out to all the towns in our area, not only the ones in Northwest Bergen Regional Health Commission, but Alpine, Closter, Oradell, fifteen different towns that we have been using. With Affordable Health Care we probably won't need to service them but we will need to service the people in our town. By law we need to keep the child health clinic open. The towns around us are either going to other servers or to the county. Rabies shots comes from the state and you have to provide that and she did not believe this is a burden.

Council Member Frank referred to Page 2 of Mandated Board of Health Activities.

Ms. DeCaro said that comes from the county.

Council Member Frank asked if these are required by the statute and administration code or are there things besides.

Ms. DeCaro said Public Health Standards, Administrative Code Chapter 52. We are discussing a situation in town where there are animals being fed, and there are rats, eating leftovers, it is a concern in a particular area in Hillsdale.

Council Member Pizzella asked the greatest change in the last five or six years.

Ms. DeCaro said the scare of the flu shots, scares of the new global diseases, things happening in our waters; people come back from vacation and now we have this amoeba disease going around. Our Public Health Nurses are so good at keeping up to date on all that so they know what to recommend, the next medication needed. We were going to set up pods in the event we need to medicate a large number of people in our town. Our link to Northwest Bergen Regional Health Commission, how we would distribute and whether we would use the post office to get the medications to people's homes, this would be the most recent threat to public health.

Council Member Kelley said we discussed options, hiring someone else, use Northwest Bergen Regional Health Commission and the other is the county, which is new and untested and not something we are looking at very seriously. What is the difference?

Ms. DeCaro said this town expects that personal touch. The people that we have been using and the people we have trained in the past will serve this town very well. According to Statute 26, the Board of Health is autonomous and it has the right to hire and employ the Public Health Nurse or any other employee that it deems to meet the duties of the state and the Public Health Nurse. This Board of Health believes they have the right to hire a Public Health Nurse.

Mayor Arnowitz said the Council will have to decide what they are going to do. It is his opinion and Ms. DeCaro's opinion, and he is of the opinion based on past history, the people who have been in that position, the health nurse as of yesterday was important, and the health nurse of tomorrow is just as important and he feels we need to have our own health nurse. He wants to save money anywhere he can but when it comes to the health nurse and the things that could be in the future and what he has observed these people doing in the past, he did not think that is an area to be considered. The county has good programs they put together but he did not believe they have been in the business long enough to provide us with the service we expect. Northwest Bergen Regional Health Commission has been around a while but did not think we would get the personalized service we are used to and need. This is a big company and works in many different towns, they do a good job but was not sure they would do the job that we are used to. He did not believe the savings are that great to justify a change. His recommendation to the Council is to allow the Board of Health hire the person that they interviewed and move forward.

Council Member Looes has been Liaison to the Board of Health since January and there is an issue of putting a value to a service, not necessarily a monetary value but a value to the town. This is a service that has been here and adapted as the years have passed. The Board of Health and Public Health Nurse is not set up in the same way it was twenty years ago, it is adapted to our residents and it does provide a service that our residents currently need. That is what she has observed in the past eight months; the Public Health Nurse brings to the board, what is going on, what is available, the resources she has. They don't just have clinics, they reach out to people. We need to weigh the value to our town that it is giving to our town, not just in dollars.

Mayor Arnowitz said he can guarantee that the Board of Health with Barbara DeCaro, President, is very considerate and concerned about the dollars we spend. We used the Methodist Church in the past for our flu clinic but due to changing times, it was decided to do it here to save a few dollars because they are concerned about the money we spend. If no one feels we should make any changes meaning the Board of Health hires the person they want, we don't have to take any action.

He asked for a motion to change the system.

Council Member Frank said it doesn't sound like we have the authority to do that and didn't know why we are talking about it.

Mayor Arnowitz instructed Ms. DeCaro to continue and thanked the entire board for what they have done. Lois Kohan, has been a great asset and brings a wealth of knowledge and he hoped the Council would choose to put her on.

Council Member Meyerson asked if the Public Health Nurse deals with issues of domestic violence.

Ms. DeCaro said she never hears of the Public Health Nurse dealing with domestic violence in Hillsdale.

APPROVAL OF MINUTES:

September 3, 2013 regular and closed; September 10, 2013 regular and closed and September 23, 2013 regular and closed

Motion to approve was made by Council Member Kelley, Second by Council Member Looes, and unanimously carried.

OLD BUSINESS:

NEW BUSINESS:

CORRESPONDENCE:

DISCUSSION:

Mayor Arnowitz said the Mayor and Council chose to change how we do things. Last week we had a work session and at that work session everything that we are going to vote on tonight were discussed at length and in some instances were changed. All things were discussed and tonight we will vote on them.

PUBLIC COMMENT:

Mayor Arnowitz opened the meeting to the public.

Martin Ward, 47 E. Liberty Avenue –

He spoke to the River Vale Borough Administrator regarding the senior project on Cedar Lane. It is now tied up in federal paperwork which means nothing is getting done. Their plan is to put shovels to the ground at the end of the year or early 2014.

Anytime we had a situation we thought domestic violence or substance abuse, we called in the nurse, who is a member of Ambulance Squad, they were phenomenal. It is a great service to the town and a few months ago there was a question about lighting the field and the need for a \$10,000 stipend; some associations said they would pay and it was in the budgets and now they weren't going to pay. Has anything been resolved on that?

Borough Administrator DeJoseph sent a letter to the Recreation Commission last week, he is currently in discussion with the Recreation Commission and anticipates having a comment for the Council next month.

Mr. Ward (Contd).

We have a lot of hand shake deals in this town and we have to start putting things in writing. It has to change.

John Ruocco, 25 Rivervale Street -

He said the Mayor announced that the ordinances were discussed at a prior meeting and asked if they were on the web.

Mayor Arnowitz said they shouldn't be on the web until we vote on them.

Mr. Ruocco (Contd).

He said he found 13-11. He said 13-10, 13-13 and 13-12 are not there.

Mayor Arnowitz said after the introduction tonight they will go on the web. When we adopt, it changes to adopt. We can't put it on the web because there could be changes.

Mayor Arnowitz closed the meeting to the public.

ORDINANCES: *Adoption and Introduction*

13-10 (Introduction)

AMEND AND SUPPLEMENT CHAPTER 138, FEES OF THE CODE OF THE BOROUGH OF HILLSDALE

BE IT RESOLVED, that Ordinance No. 13-10 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal Building, 380 Hillside Avenue, Hillside, New Jersey, on November 12, 2013 and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Ridgewood News once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

Borough Attorney Bernstein said the issues has been raised and that is the issue of garage sales. We can create a number or create a chapter.

Motion was made by Council Member Frank, Second by Council Member Kelley.

Roll Call Vote:

Ayes: Council Members Looes, Meyerson, Pizzella, Frank, Kelley

Nays: None

Absent: Council Member DeGise

Borough Attorney Bernstein said for purposes of the governing body's information before this is ultimately published, we will work out with the Clerk the placement of the garage sale, showing that it either has its own chapter or sub-chapter within the chapter itself. At the moment, that is the outstanding issue.

13-13 (Introduction)

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE, AMOUNT AND METHOD OF PAYMENT OF COMPENSATION TO PERSONS HOLDING CERTAIN OFFICE AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF HILLSDALE, COUNTY OF BERGEN, STATE OF NEW JERSEY

BE IT RESOLVED, that Ordinance No. 13-13 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal Building, 380 Hillside Avenue, Hillside, New Jersey, on November 12, 2013 and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Ridgewood News once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

Borough Attorney Bernstein said the law permits a municipality to introduce an ordinance on first reading by title only. There are issues relative to the salary range ordinance for non-union employees and the need for the Finance Committee to address some of these "missing" minimums on some of these positions. Rather than hold this up, you will introduce and the Finance Committee will review it and advise his office where they want numbers to change and we will put them in and the Clerk will publish it and at that point we can have a second reading. It might possibly be held until the December meeting.

Motion to Introduce was made by Council Member Meyerson, Second by Council Member Kelley.

Roll Call Vote:

Ayes: Council Members Meyerson, Pizzella, Frank, Kelley, Looes

Nays: None

Absent: Council Member DeGise

13-11 (Adoption)

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF HILLSDALE, ENTITLED CHAPTER 29, "FIRE DEPARTMENT", MOST NOTABLY SECTION 29-6, "BY-LAWS AND RULES OF BOARD OF FIRE OFFICERS"

PUBLIC HEARING:

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 13-11, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Motion to open the meeting was made by Council Member Frank, Second by Council Member Meyerson.

Mayor Arnowitz and Council Member Kelley recused themselves. Mayor Arnowitz said we will sit here but will not participate.

Borough Attorney Bernstein asked if all in favor. Council Members Frank, Looes, Meyerson and Pizzella were in favor. Mayor Arnowitz and Councilmember Kelley recused themselves and stepped off the dais.

Borough Attorney Bernstein asked if anyone wished to be heard on Ordinance No. 13-11 on second reading.

I entertain a motion that the public hearing on Ordinance No. 13-11 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the

Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 13-11 was made by Council Member Meyerson, Second by Council Member Frank, and unanimously carried. Council Member Kelley recused.

Motion to adopt Ordinance No. 13-11 was made by Council Member Meyerson, Second by Council Member Frank.

Roll Call Vote:

Ayes: Council Members Frank, Looes, Meyerson, and Pizzella

Nays: None

Recuse: Council Member Kelley

Absent: Council Member DeGise

13-12 (Adoption)

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF THE BOROUGH OF HILLSDALE, MOST NOTABLY CHAPTER 138-7 ENTITLED FEES FOR “ANIMALS”

PUBLIC HEARING:

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 13-12, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Motion to open the meeting to the public was made by Council Member Kelley, Second by Council Member Looes, and unanimously carried.

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

I entertain a motion that the public hearing on Ordinance No. 13-12 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Motion to close Public Hearing by Councilmember

Motion to adopt Ordinance No.13-12 Council Member Frank, Second by Council Member Meyerson.

Roll Call Vote:

Ayes: Council Members Kelley, Looes, Meyerson, Pizzella, Frank

Nays: None

Absent: Council Member DeGise

RESOLUTIONS: R13192 through R13196, R13198 through R13202, R13204 (Consent Agenda):

R 13192 Award of State Contract RICOH Copiers (2)

WHEREAS, the Borough of Hillsdale wishes to lease two (2) copiers (with options quoted) from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Ricoh Americas Corporation, 5 Dedrick Place, West Caldwell, NJ 07006, has been awarded New Jersey State Contract # 82709 for New Jersey Cost per Copy Contract for the period (09/01/12 to 06/30/14); and

WHEREAS, the Qualified Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the cost for the lease of one (1) Ricoh MP 5002SP copier for Administration and one (1) Ricoh MP 2352SP copier for the Construction Office at a monthly rate of three hundred three dollars and sixty five cents (\$303.65) for twenty three thousand five hundred (23,500) impressions per month. The lease term is for forty-eight (48) months. The total cost should not to exceed fourteen thousand five hundred seventy five dollars

and twenty-five cents (\$14,575.25) over the term of the contract for forty-eight (48) months. The contract is for a total of, one million one hundred twenty eight thousand, (1,128,000) impressions, overages in excess of one million one hundred twenty eight thousand (1,128,000) impressions will be invoiced at a rate of \$.0109. The rates are firm for the full length of the contract.

WHEREAS, there has been filed with the Borough Council the certification required by the procedural resolution adopted by the Local Finance Board on October 20, 1975, pursuant to R.S. 52:27BB-10; Based upon the annexed certification of availability of funds, it is hereby determined that the funds required for the hereinafter authorized contract is appropriated in the Municipal Budget and that there shall remain under said appropriation a sufficient balance to pay for the expenditure hereby authorized;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale that the contract for the lease of one (1) Ricoh MP 5002SP copier and one (1) Ricoh MP 2352SP copier be awarded to Ricoh Americas Corporation, 5 Dedrick Place, West Caldwell, NJ 07006 and the Mayor and Borough Clerk are authorized to execute this purchase.

R 13193 Authorize Borough Clerk to advertise for 2014 Borough Professionals

BE IT RESOLVED, that pursuant to N.J.S.A. 19:44A-20.4, et seq. that the Borough Clerk is hereby authorized to advertise for the above mentioned services for the following positions for year 2014:

Borough Attorney
Borough Auditor
Borough Appraiser
Borough Bond Counsel
Borough Engineer
Special Projects Engineer
Borough Labor Attorney
Attorney for Tax Appeals
Borough Prosecutor
Alternate Borough Prosecutor
Borough Planner
Borough Public Defender
Risk Management Insurance Consultant

R 13194 Authorize award of contract for Municipal Court Shared Services Feasibility Study with RiverVale and Westwood not to exceed \$17,750.

WHEREAS, on August 29, 2013 proposals were received at River Vale Township Hall for a Shared Services Feasibility Study of the Municipal Courts of Hillsdale, River Vale and Westwood; and

WHEREAS, the Township of River Vale is the lead agency for this project; and

WHEREAS, the three (3) participating municipalities have funded this project, each contributing up to \$5,916.67 for a total of \$17,750; and

WHEREAS, the proposals have been reviewed by the Administrators of each of the participating municipalities and based on the review of the two (2) proposals submitted, LKM Consulting, LLC provided the best value; and

WHEREAS, the Chief Financial Officer has certified that funds are available in an amount not to exceed \$5,916.67; and

WHEREAS, on September 9, 2013 the Township of River Vale, as lead agency, adopted Resolution 2013-197 awarding a contract to LKM Consulting, LLC, 11 Harter Road, Morristown, New Jersey 07960, on behalf of the municipalities of Hillsdale, River Vale and Westwood in an amount not to exceed \$17,750.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hillsdale, agree to and ratify the award of the contract to LKM Consulting, LLC to conduct a Shared Services Feasibility Study on behalf of the three (3) municipalities; and

BE IT FURTHER RESOLVED that the Borough of Hillsdale will reimburse the Township of River Vale for its one-third portion of this contract.

R 13195 Authorization to enter agreement with Bergen County for Municipal Court Shared Services Feasibility Study Grant in the amount not to exceed, \$5,000.00

BE IT RESOLVED, that the Mayor and Council of the Borough of Hillsdale wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$5,000. For the purpose of Joint Municipal Court Study 13-00692(001724) and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Max Arnowitz to be a signatory to aforesaid Grant Agreement; and

NOW, BE IT RESOLVED, that the Mayor and Council hereby authorizes Jonathan DeJoseph to sign all county vouchers submitted in connection with the aforesaid project.

R 13196 Authorize execution of documents BCIA Banc Program for 2014 Ford police Interceptor SUV, not to exceed \$35,000

WHEREAS, under the Bergen Municipal Banc Program (as defined herein), various municipalities, school districts, sewerage authorities, municipal and county utilities authorities within the County of Bergen (the "County") and the County ("Local Governments") and other corporations, including non-profit corporations (each a "Participant") submit a request (the "Application") to the Bergen County Improvement Authority (the "Authority") to borrow funds from the Authority (the "Bergen Municipal Banc Program") to finance the lease purchase of certain capital equipment and, if applicable, other personal property (the "Equipment"; the financing of the Equipment under the Bergen Municipal Banc Program may be referred to herein as the "Project");

WHEREAS, under the Bergen Municipal Banc Program, the Authority intends to enter into the hereinafter defined Authority Lease with Banc of America Public Capital Corp (the "Lessor");

WHEREAS, under the Bergen Municipal Bank Program, the Lessor intends to provide funds in the amount not to exceed \$35,000 to acquire a 2014 Ford Police Interceptor SUV all wheel drive and all of the associated equipment for the Hillsdale Police Department from Winner Ford under NJ State Contract #A82925 the Equipment over time, and immediately lease the Equipment to the Authority, all pursuant to the terms of that certain "Master Lease Purchase Agreement" to be entered into by and between the Lessor, as lessor, and the Authority, as lessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Authority Lease"); and,

WHEREAS, under the Authority Lease, the Authority shall make rental payments solely from amounts received by the Authority from the Participant under the hereinafter defined Participant Lease;

WHEREAS, simultaneously with the Authority Lease, the Authority will sublease the Equipment to the Participant pursuant to the terms of that certain "Sublease Purchase Agreement" to be entered into by and between the Authority, as sublessor, and the Participant, as sublessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Participant Lease"), under which Participant Lease the Local Government Participant will make rental payments that are subject to annual appropriation of said Participant in an amount sufficient to pay the corresponding rental payments applicable to the Equipment, and as appropriated by the Authority under the Authority Lease, plus all administrative expenses of the Bergen Municipal Banc Program; and

WHEREAS, in accordance with the terms of that certain agreement entitled "Agreement to Effectuate the Bergen County Improvement Authority's Bergen Municipal Banc Program" between the County and the Authority (the "County Agreement"), the County intends to appropriate moneys to the Authority to the extent the lease payments made by the Authority to the Lessor are not sufficient;

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Hillsdale, New Jersey (the "Borough") as follows:

Section 1. That the Participant Lease, in the form presented to this meeting, be and the same is hereby approved, and the Mayor, Chief Financial Officer or Business Administrator of the Borough (each, an

“Authorized Participant Representative”) is hereby authorized to, and one of such officers shall execute the Participant Lease, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on such Participant Lease, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Participant Lease and for carrying out the sale, issuance and delivery of the lease obligations, and all related transactions contemplated by this resolution.

Section 3. This Resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Equipment prior to the date that the Borough incurs obligations under the Participant Lease. The Borough reasonably expects to reimburse such expenditures with the proceeds of obligations to be incurred by the Borough under the Participant Lease. The maximum principal amount of obligations expected to be issued for payment of the costs of the Equipment is \$35,000.

Section 4. This resolution shall become effective immediately.

R 13198 Authorization to enter into agreement 2013-2014 CDBG Grant for Handicapped Accessible Pool Lift Stonybrook Swim Club in the amount of \$26,000

BE IT RESOLVED, that the Mayor and Council of the Borough of Hillsdale wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$26,000., twenty six thousand dollars in 2013-2014 Community Development Block Grant, contract number PV-HLTL-03-13, 07/01/13 through 06/30/14, funds for:

HANDICAPPED ACCESSIBLE POOL LIFT STONYBROOK SWIM
HILLSDALE, NEW JERSEY

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor Max Arnowitz to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Jonathan DeJoseph to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Hillsdale is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

R 13199 Authorization to enter into agreement 2013-2014 CDBG Grant for Handicapped Accessible Bathrooms Borough Hall in the amount of \$65,000

BE IT RESOLVED, that the Mayor and Council of the Borough of Hillsdale wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$65,000, sixty five thousand dollars in 2013-2014 Community Development Block Grant, contract number PV-HLTL2-03-13, 07/01/13 through 06/30/14, funds for:

HANDICAPPED ACCESSIBLE BATHROOM~BOROUGH HALL
HILLSDALE, NEW JERSEY

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor Max Arnowitz to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Jonathan DeJoseph to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Hillsdale is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

R 13200 Authorization to enter lease agreement with New Cingular Wireless PCS a/k/a AT&T at DPW yard

WHEREAS, the Borough of Hillsdale promulgated requests for proposals for the construction of a cellphone tower to be located at the Borough of Hillsdale Department of Public Works, 371 Washington Avenue, Hillsdale, County of Bergen, State of New Jersey, commonly known as Block 1107, Lot 9 on the tax map for the Borough of Hillsdale, County of Bergen, State of New Jersey; and,

WHEREAS, the all-inclusive best and final offer for cellphone tower construction was submitted by New Cingular Wireless PCS, L.L.C. a/k/a AT&T (hereinafter referred to as "AT&T"); and,

WHEREAS, AT&T has agreed to lease one thousand four hundred seventy (1,470) square feet of land located at 371 Washington Avenue, Hillsdale, County of Bergen, State of New Jersey, from the Borough of Hillsdale for Twenty-Five Thousand Five Hundred Dollars (\$25,500.00) per year plus any and all annual increases pursuant to the Consumer Price Index (hereinafter referred to as the "CPI"); and,

WHEREAS, the Borough of Hillsdale has agreed that AT&T will own the cellphone tower and all rights to receive tower rent from any and all other carriers that may enter into a co-location agreement with AT&T; and,

WHEREAS, the Borough of Hillsdale will be entitled to receive ground rent from AT&T, as set forth above, and from any and all other cellphone carriers utilizing the cellphone tower; and,

WHEREAS, AT&T has also agreed to make a one (1) time payment of Ten Thousand Dollars (\$10,000.00) toward the Borough of Hillsdale's communications systems; and,

WHEREAS, AT&T has also met all of the specifications for the provision of the construction and subsequent leasing of a cellphone tower.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the contract for the construction and subsequent leasing of a cellphone tower is hereby awarded to New Cingular Wireless PCS, L.L.C. a/k/a AT&T and the Mayor and Borough Clerk are hereby authorized, on behalf of the Borough, to execute any and all documents with New Cingular Wireless PCS, L.L.C. a/k/a AT&T for the construction of a cellphone tower and the subsequent leasing of the cellphone tower for Twenty-Five Thousand Five Hundred Dollars (\$25,500.00) per year plus CPI and a one (1) time payment of Ten Thousand Dollars (\$10,000.00). A copy of the executed Agreement shall be on file in the office of the Borough Clerk.

R 13201 Authorize SWAN application to the Watershed Institute's Small Grants Program

WHEREAS, the Borough of Hillsdale has been subjected to numerous flood events in the past few years and;

WHEREAS, the Borough is actively looking for new and innovative solutions to mitigate flood risks to Borough Residents and;

WHEREAS, the Borough is interested in improving the quality of the water and ecological resources within our communities and;

WHEREAS, Bergen SWAN is recognized as a successful local non-profit environmental education organization that has championed open space preservation and watershed stewardship throughout our region for over 25 years.

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the Borough of Hillsdale hereby adopt this resolution supporting Bergen SWAN's application to the Watershed Institute's small grants program seeking funds in the amount of \$9,400 to support their project entitled "Preservation & Ecological Restoration Inventory for the Upper Hackensack River Watershed." It is understood that this resolution does not commit the Borough of Hillsdale to any financial obligation nor commit Borough labor resources to this proposed project beyond general cooperation. We look forward to reviewing the final work products generated from this project.

R 13202 Authorization to enter into agreement 2013-2014 CDBG Grant for Public Service Senior Citizens Grant in the amount of \$3,274.00

BE IT RESOLVED, that the Mayor and Council of the Borough of Hillsdale wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$3,274.00, three thousand two hundred seventy four dollars in 2013-2014 Community Development Block Grant, contract number PS-HILLSSR13, 07/01/13 THROUGH 06/30/2014, funds for:

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor Max Arnowitz to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Jonathan DeJoseph to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Hillsdale is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

R 13204 Authorize to enter a developers agreement for 50 Windham Rd, Kesoglou, B802/L19

WHEREAS, the Hillsdale Planning Board, September 11, 2013, approved the application presented by Thomas and Xanthi Kesoglou with respect to Block 802, Lot 19; and

WHEREAS, the applicant shall enter into a Developer's Agreement with the Borough of Hillsdale to ensure compliance with the terms of the Planning Board Resolution; and

WHEREAS, all requirements to this Developers Agreement have been met; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk are authorized to execute this agreement on behalf of the Borough.

Motion to approve R13192 through R13196, R13198 through 13202, and R13204 was made by Council Member Frank, Second by Council Member Kelley.

Roll Call Vote:

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

Nays: None

Absent: Council Member DeGise

OFF CONSENT AGENDA: R13197

R 13197 Authorize execution of documents BCIA Banc Program for 2014 Chevy Tahoe SSV 4WD, not to exceed \$50,000

WHEREAS, under the Bergen Municipal Banc Program (as defined herein), various municipalities, school districts, sewerage authorities, municipal and county utilities authorities within the County of Bergen (the "County") and the County ("Local Governments") and other corporations, including non-profit corporations (each a "Participant") submit a request (the "Application") to the Bergen County Improvement Authority (the "Authority") to borrow funds from the Authority (the "Bergen Municipal Banc Program") to finance the lease purchase of certain capital equipment and, if applicable, other personal property (the "Equipment"; the financing of the Equipment under the Bergen Municipal Banc Program may be referred to herein as the "Project");

WHEREAS, under the Bergen Municipal Banc Program, the Authority intends to enter into the hereinafter defined Authority Lease with Banc of America Public Capital Corp (the "Lessor");

WHEREAS, under the Bergen Municipal Bank Program, the Lessor intends to provide funds in the amount not to exceed \$50,000 to acquire a 2014 Chevrolet Tahoe SSV 4WD and all of the associated equipment for the Hillsdale Volunteer Fire Department NJ State Contract #A82926 the Equipment over time, and immediately lease the Equipment to the Authority, all pursuant to the terms of that certain "Master Lease Purchase Agreement" to be entered into by and between the Lessor, as lessor, and the Authority, as lessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Authority Lease"); and,

WHEREAS, under the Authority Lease, the Authority shall make rental payments solely from amounts received by the Authority from the Participant under the hereinafter defined Participant Lease;

WHEREAS, simultaneously with the Authority Lease, the Authority will sublease the Equipment to the Participant pursuant to the terms of that certain "Sublease Purchase Agreement" to be entered into by and between the Authority, as sublessor, and the Participant, as sublessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Participant Lease"), under which Participant Lease the Local Government Participant will make rental payments that are subject to annual appropriation of

said Participant in an amount sufficient to pay the corresponding rental payments applicable to the Equipment, and as appropriated by the Authority under the Authority Lease, plus all administrative expenses of the Bergen Municipal Banc Program; and

WHEREAS, in accordance with the terms of that certain agreement entitled "Agreement to Effectuate the Bergen County Improvement Authority's Bergen Municipal Banc Program" between the County and the Authority (the "County Agreement"), the County intends to appropriate moneys to the Authority to the extent the lease payments made by the Authority to the Lessor are not sufficient;

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Hillsdale, New Jersey (the "Borough") as follows:

Section 5. That the Participant Lease, in the form presented to this meeting, be and the same is hereby approved, and the Mayor, Chief Financial Officer or Business Administrator of the Borough (each, an "Authorized Participant Representative") is hereby authorized to, and one of such officers shall execute the Participant Lease, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on such Participant Lease, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 6. That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Participant Lease and for carrying out the sale, issuance and delivery of the lease obligations, and all related transactions contemplated by this resolution.

Section 7. This Resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Equipment prior to the date that the Borough incurs obligations under the Participant Lease. The Borough reasonably expects to reimburse such expenditures with the proceeds of obligations to be incurred by the Borough under the Participant Lease. The maximum principal amount of obligations expected to be issued for payment of the costs of the Equipment is \$50,000.

Section 8. This resolution shall become effective immediately.

Motion to approve was made by Council Member Pizzella, Second by Council Member Meyerson.

Roll Call Vote:

Ayes: Council Members Meyerson, Pizzella, Frank and Looes

Nays: None

Recuse: Council Member Kelley

Absent: Council Member DeGise

R 13203 Payment of Bills

BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale that the following bills in the sum of \$2,269,451.59 as authorized by the Department Head and approved by a Council member liaison, be paid; and that the Mayor, Clerk and Chief Financial Officer be and they are hereby authorized and directed to issue warrants in payment of same.

Motion to approve was made by Council Member Frank, Second by Council Member Looes.

Roll Call Vote:

Ayes: Council Members Pizzella, Frank, Looes and Meyerson

Nays: None

Recuse: Council Member Kelley

Absent: Council Member DeGise

Council Member Kelley abstained from any other checks pertaining to the Fire Department.

MONTHLY DEPARTMENT REPORTS:

(The following correspondence on file in Borough Clerks Office)

Ambulance Corp -

Borough Engineer-dated September 25, 2013

Borough Administrator/CFO-dated September 24, 2013

Borough Attorney-

DPW-

Fire Department- dated August 31, 2013

Police-

Recreation/Stonybrook-dated October 2013

Motion to receipt and file all reports was made by Council Member Meyerson, Second by Council Member Looes

Roll Call Vote:

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

Nays: None

COUNCIL COMMENTARIES:

Council Frank said Neil Hering who passed away was part of the WWII generation. He did some phenomenal things in town and will be missed. He sadly reported that we lost 11 members of the American Legion this year so this whole generation is disappearing.

We have two elections coming up, October 16 Senate race and November 5 is the General Election. This is our last meeting before those two dates and encouraged everyone to vote.

Council Member Pizzella congratulated Elizabeth Snieckus who has a great deal of experience in environmental issues, Rutgers graduate, landscape engineer. One of our greatest assets are our residents especially skilled residents. She will be a great resource for the Environmental Commission. He also congratulated Arlene Meier; she wore a great hat with feathers and was located at the Smith School. He thanked the girl scouts and also thanked Lois Kohan who has been a tremendous asset to the town. She is a great volunteer, she has done so much for the seniors and she will be missed. He hoped she would be included in whatever they will do.

Fright night on October 19 at Beechwood Park and St. Johns will have their October Fest on October 19 will be held during the day.

Council Member Kelley expressed thoughts about Neil Hering and his family.

Council Member Meyerson echoed Council Member Frank's comments because there is a connection between the Hering family and his service in WWI. His father was part of that generation and voted because there is a direction connection between those two. There are so many people in this country who gave everything so you can vote and it is a responsibility.

Council Member Looes reminded everyone that Sunday, October 13, Emergency Services will hold an open house from 11AM to 1PM; Fire Department, Police Department and Ambulance Corps. On October 16, Wednesday, the senior luncheon will be held at St. Johns.

Borough Administrator DeJoseph said Park Avenue will be paved, weather permitting this Friday from 6PM to 6AM starting on Central Avenue heading west to Patterson Street.

Municipal Clerk Witkowski said if anyone needs to register to vote she will be here on October 15, Tuesday evening until 9PM. That is for the November election.

Council Member Pizzella said the Local Assistance Board in Hillsdale is taking donations for Thanksgiving, such as turkeys, etc. Please contact the Local Assistance Board or email the Borough.

Mayor Arnowitz reminded everyone that due to the election, the November meeting will be held on Wednesday, November 6. On October 19, we will have a memorial to Bob Hewitt, a longtime resident of Hillsdale who passed away, and a light lunch at the firehouse and everyone in town is invited.

At the last meeting he informed the Council of his desire to de-snap the brook by the bridge and take out the island. He was informed that the Mosquito Commission will not do so without a permit and that is not easily obtained. He would consider this for next year and will speak to the Mayor of Westwood of possibly doing something together to save on permitting fees. We have to clear some of the blockage in the stream especially the one by the bridge and hopefully we can get this done next year.

He received a call from the Record who was preparing Neil Hering's obituary and asked what he thought of Neil being gruff. He went through some tough times, WWII, through the depression but inside he was a giving man and he gave a lot to this community.

ADJOURN TO CLOSED SESSION:

R 13205 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

Motion by Council Member Kelley, Second by Council Member Pizzella AT 8:32 p.m. and unanimously carried.

Borough Attorney Bernstein read the resolution listing bargaining agreements, white collar DPW and PBA, matters related to litigation negotiations in terms of client privilege, matters related to the employment relationship DPW Superintendent.

RECONVENE REGULAR MEETING:

Motion to go to open session was made by Council Member Meyerson, Second by Council Member Looes at 9:00 p.m. and unanimously carried.

Attorney Bernstein said let the record reflect that all members of the governing body present at the Executive Session and present at the Open Session as well as the Borough Administrator/CFO, Borough Clerk and Borough Attorney.

There was discussion about ongoing issues with the three contract negotiations, no formal action to be taken at this time. There was also discussion relative to the upcoming terminal leave of the DPW Superintendent and issues related thereto. Direction to the Administrator and Finance Committee as well as the Mayor for guidance to try to come up with a solution that can be addressed at the November 6 meeting and the Clerk is authorized to send Rice Notices necessary to accomplish such.

ADJOURNMENT:

Motion to adjourn was made by Council Member Pizzella, Second by Council Member Looes at 9:01 p.m. and unanimously carried.

**THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE
WEDNESDAY, NOVEMBER 6, 2013 ~BEGINNING AT 7:30 P.M.**

Susan Witkowski, Municipal Clerk

APPROVED AS PRESENTED
November 12, 2013

Witkowski, Municipal Clerk