

Council Meeting
February 12, 2013

Minutes of a Council Meeting of the Borough Council held at 7:30 P.M. on Tuesday, February 12, 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.

ANNOUNCEMENT OF MEETING

Mayor Arnowitz stated, "This is a Meeting of the Hillsdale Borough Council on this 12th day of February 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

Municipal Clerk Witkowski called the roll those present being as follows: Councilmembers DeGise, Frank, Kelley, Looes, Meyerson and Pizzella. Also in attendance Administrator DeJoseph, Borough Attorney Bernstein and Clerk Witkowski.

Mayor Arnowitz said the Council previously discussed holding one meeting on the dais and one meeting around the table to get more dialogue going. After we do this for a while, he will ask the Council's opinion and the public's opinion.

PRESENTATIONS

Revaluation Overview

Patrick Wilkins, Tax Assessor, reported that the revaluation program will be complete by the end of February. All property owners in town were mailed a letter indicating new property values. It also gave detail for residents and property owners to contact the revaluation firm to schedule an appointment to review their records. About 90% of the properties were entered to evaluate.

Mayor Arnowitz asked Mr. Wilkins to review the appraisal process and how they can appeal to the county by May 1st.

Mr. Wilkins said at this point the numbers have not been finalized. He encouraged everyone to come in and review their records and once that process is done, anyone who had a meeting will be informed again as to the final outcome and the tax list will be submitted to the county. In early March, a post card from the county will be sent out and that will be the new formal recording of the tax assessment.

Mayor Arnowitz said mistakes have been made in the past and encourages residents to make the appointment and review their property records.

Historic Preservation Committee:

Peter Hard said his concern now is that certain members of the Council are interested restoring the RR station and making repairs. In 1982/83, the first project began. In order to make the proper repairs and restoration back to its original, we will have to obtain grants. Being an Ad Hoc Committee, we need council approval. He would like to look into the National Grants as this is the last RR station of its kind in the country, architecturally. He would like to get someone in the state level and national level interested in sponsoring this renovation. Mr. Hard wants to do some of this work initially, prior to the grants.

His second point is he would like to be able to use the website that the town has to advertise for manpower. The restoration alone last time took almost 35 people; we had an organization for the restoration, we had six to 10 people working on the fund raising.

Another project he would like is a blog; to make the history of Hillsdale, then and now. He would like to start recognizing some of the people who made this town what it is, some of the companies that made this town, that have come and gone; Sam Braen came and went but he really supplied a lot of construction material for this town.

The last item is we are going to write a book about Hillsdale and the book is going to be similar to what you find in a Barnes and Noble store, basically a photo journal. He has already been in touch with two publishing companies and they are very excited. The only problem is we need a minimum of 150 photos; after all the collections he has gone through such as George Jepson and Neil Stewart, Fred Winkler, all we have are photos of the RR station, the firehouse and a couple of buildings downtown. If you know of anyone with a history of Hillsdale that can show you some things such as the Overbrook Estate. He wanted the Council to understand that as he starts to advertise this, more and more people will want to join the organization understanding the Mayor makes the appointments.

Mayor Arnowitz said he would be happy to appoint anyone to your committee who you feel you can work with. He wants people who will put forth the time and effort. He asked that Mr. Hard reach out to the Legion as they did a great interview process of some of the older firemen. With regard to the RR station, the Administrator and he have been working on a grant for the RR station, as it is in need of a cleaning and repair.

Councilmember Meyerson asked what Mr. Hard meant by stating the RR station was the "last one of its kind".

Peter Hard said years ago when they still had the Worlds Fairs there was one held in New Orleans and he had the opportunity to go there. There was a photo of our RR station on display and it said the last of this architectural style, in the country. Park Ridge is similar.

Tracy Glasner, 61 Plymouth Road -
He has lived in town for 25 years and has a passion for remembering the gems of our town. We had a nice beginning "My Hillsdale" and that was circulating among the residents.

Unfortunately, that disappeared but we were on that track.

Mayor Arnowitz said the hospital had sponsored "My Hillsdale" in the past. He recently submitted the Demarest Family for recognition for historic preservation of the farm. The county has asked for names of people that were instrumental in preserving the community. He would like to start this again. He asked the Council if they had any comments. He would be happy to appoint to the committee, but would not do so with the consent of the Council and if the majority of the Council agrees.

Councilmember Kelley believed this is a great idea and support the project.

Councilmember Pizzella said he will contact a person in Hillsdale who has information and photos and will put him in contact with Mr. Hard.

APPROVAL OF MINUTES

Approval of Minutes the Regular Meeting of February 5, 2013.

Motion to approve was made by Councilmember Kelley, seconded by Councilmember Meyerson.

Roll Call Vote:

Ayes: Councilmembers Frank, Kelley, Looes, Meyerson,
and DeGise

Nays: None

Abstain: Councilmember Pizzella

CORRESPONDENCE:

1. LETTER DATED FEBRUARY 6, 2013, FROM JIM MOLDOW, 21
OVERBROOK PLACE, VARIOUS CONCERNS - ENTIRE COUNCIL.

Motion to receive, file and approve was made by Councilmember Kelley, seconded by Councilmember Meyerson.

Roll Call Vote:

Ayes: Councilmembers Kelley, Looses, Meyerson, Pizzella, DeGise
And Frank

Nays: None

Mayor Arnowitz asked the pleasure of the Council. We do have a anti-nepotism which may need some review and updating. As a supervisor, you cannot hire relatives. The kids that work at Stonybrook are from town.

The second one is the Public Service subservice issue, he has taken this up with Public Service, they do not want to discuss it. We have never had a flooding issue.

DPW contract the Mayor cannot discuss, it is in negotiations.

There are several buyouts for properties which have already been done.

2. LETTER DATED FEBRUARY 8, 2013, FROM NEW JERSEY LIBERTARIAN
PARTY, BOROUGH LOITERING CODE - ENTIRE COUNCIL.

Motion to receive and file was made by Councilmember Meyerson,

seconded by Councilmember Kelley.

Roll Call Vote:

Ayes: Councilmembers Looes, Meyerson, Pizzella, DeGise, Frank
And Kelley

Nays: None

Councilmember Meyerson referred this to Borough Attorney Bernstein who will report to the Council when he has reviewed case law. He will have this for the March meeting.

DISCUSSION

1) Summer Concert Series, Elizabeth Ward.

Mayor Arnowitz said Mrs. Ward worked very hard last year to put these summer concerts together at no cost to Hillsdale. She did a great job getting sponsors. We received a suggestion to move the concerts back to the park but was concerned that would preclude some of the merchants. He feels that concerts in the center of town bring business to their operations. He believed the concert series were well-appreciated by the residents and in favor of continuing the concert series and possibly expand them.

Elizabeth Ward, 47 E. Liberty Avenue -

Last year we have five concerts, four of which took place in center of town. A number of merchants have been asking to expand the number of concerts to perhaps seven or eight, starting right after the July 4th holiday and running them to the end of August. A number of merchants said they would support them again but would like to see them in the center of town. A couple have already said there would be no real benefit to their business if the concerts were moved. She noted that the lines were out the door at the Iscreamery during intermission. We encouraged people to come down and many did. She agreed that the concerts should stay in the center of town. A good percentage of our donations came from local merchants in the center of town.

Councilmember Kelley asked if it would be possible to have some of the concerts at the band shell and some in the center of town.

Ms. Ward said it depends on the amount of money raised. One idea she had was to expand the offerings and perhaps have a couple of concerts that would appeal to younger residents, perhaps at Beechwood Park.

Councilmember Kelley said he could contact some of the bands in the area and provide Ms. Ward with their names.

Ms. Ward believed we should schedule as many concerts as possible and that would eliminate confusion as to having them here, there and all over.

Mayor Arnowitz said this is part of the Rec Program so it should go through Patty Hughes. He wants to go forward, create the letter that need his signature, and Ms. Ward can solicit donations.

Ms. Ward said a program to consider, a high school student was interested on doing a program on Teddy Wilson, a jazz musician

who lived in Hillsdale in the '60's and '70's. She talked to a couple of people about having it at the Library involving some of the music students from the high school.

Mayor Arnowitz had no problem with that, we have an email list and can send out a notification of dates, etc.

2. Benches and Bike Racks.

Borough Administrator DeJoseph, working with the DPW Superintendent, decided on bike racks as well as benches for the down town to match with outside of borough hall. He had a copy of the catalog for Council's review. We have requested color samples that should be here in a week or two to confirm the actual color. We can still sell sponsorships after the fact.

Councilmember Pizzella asked if those six benches get sponsored very quickly, can someone sponsor a bench somewhere else in town.

Administrator DeJoseph said he could work with the DPW Superintendent on this.

3) Accident Insurance Policy, Quasi Entities.

Administrator DeJoseph said we had a finance committee meeting two weeks ago and it was discussed that the accident policy is going to be the responsibility of the quasi-organizations.

Councilmember Kelley said baseball, football, soccer and hoops. Lacrosse is on its own.

Administrator DeJoseph invited Ms. Hughes to address the council from the podium and discuss the decision by the finance committee to have them provide accident insurance or pay the borough for the policy.

Councilmember Kelley questioned if this was discussed with the presidents of committee as they have set their budgets for 2013.

Mayor Arnowitz said you just can't make policy without having some discussion with the group that is going to be responsible.

Administrator DeJoseph said roughly this will cost \$4.00 per participant.

Councilmember Kelley explained, for example, soccer has approximately 800 kids. If they didn't budget for the additional fee, based on their budget, it is a large expense without prior discussion. Some notice that this additional fee is to be implemented, we can't just throw this on them.

Administrator DeJoseph said this will take effect July 1st.

Mayor Arnowitz said it depends when they do their budget.

Councilmember Kelley believed baseball has already done their registration and their budget was done months ago.

Councilmember Frank said there is a bigger issue here with the quasi organizations. He asked the borough attorney if we can ask for or are we entitled to get an audited financial statement for each of these sports associations; they are playing on

fields maintained by the borough.

Borough Attorney Bernstein said in the absence of understanding that the creation of the organizations are, what the basis for their existence, it is difficult to answer yes they are entitled to a financial audit. If the Mayor and Council wishes, he could sort things out but determining who is responsible for what and go from there.

Councilmember Frank said the budget finance committee had discussion with Ms. Hughes about the fact that these entities set all the prices for participation by the children in the programs. He is sure many parents believe that is a town activity and they are paying the town, when in fact it is not. These are separate entities, we have no oversight and in some cases if it is \$4.00, it totals \$3,200 for soccer for insurance. How much money is it for fees, that is a lot of money not to have some oversight to the town. An important issue a part of the budget, what fees and what costs should go to these private organizations.

Councilmember Meyerson asked when this will take effect and what is the process. This should not be done immediately, they should have insurance up to July 1.

Councilmember Kelley said Hillsdale Baseball has summer baseball, they have fall ball, they are almost year round. If we are going to do this, at the very least we should invite the four presidents in to explain what the Council plans to do. They could explain the process, time frame, and their sports uses. We can then ask them for a yearly audit of their budget.

Councilmember DeGise said the finance committee should continue to work on this aspect.

Councilmember Meyerson said Patty Hughes will discuss this with the four presidents.

Councilmember Looes asked if the organizations have a choice of providing their own accident insurance or don't municipalities have to provide insurance for athletics and/or recreation. Legally, doesn't a municipality have to have accident insurance for anybody who uses their field, whether they are an independent organization or whether it is run under the Rec program. She thought it was municipal law that the town had to provide it, they did not have a choice.

Borough Administrator DeJoseph said under baseball, soccer, your larger organizations are not part of Rec, they are part of JIF, and either the borough or the organization provides the insurance.

Councilmember Looes believed at one of the meetings the organizations were told they could not provide their own insurance or parents could not sign off that their children have insurance. They were told that the town would provide it and it would offset the cost.

Administrator DeJoseph was told that it can either be from the organization providing the borough insurance and coverage or they could pay the borough for the insurance.

Councilmember Looes thought they could not get a waiver.

Councilmember Pizzella said when he was on the Rec Commission one of the things we talked about with the associations specifically the HBSA was what exactly is the relationship of each organization to the town, i.e. recreation or not. Clarification is needed to determine what insurance is required and where the responsibility lies to fund.

Borough Attorney Bernstein would like the JIF to put in writing exactly what they will cover and what they won't cover and if they won't cover, what will they accept. In case of an accident, the Borough of Hillsdale will be named defendant.

Councilmember Looes asked how you distinguish a child playing on a playground.

Attorney Bernstein said you start off with a combination; we ascertain what the relationships are and get exactly from JIF what their coverage is, what they will accept in terms of supplemental coverage, whether they will allow supplemental coverage. Assuming you are past that part, he understands the finance committee's concern apparently we are spending extra money for coverage we may or may not need. If JIF says they will cover everything and we will manage, that is one thing. If JIF says they only cover "x" and "y" that is the decision we will have to make.

Councilmember Frank did not believe the town has reassessed and re-evaluated our relationship with Rec and these private associations in quite some time. We do know Hillsdale Hoops is a town function.

Councilmember Looes said Hillsdale Hoops is independent; while a few are independent, but the Council has to realize they are doing a service. All of these organizations be lumped into Rec, these are run by organizations. Soccer, an independent organization, we have children involved in it and it is run by all volunteers; if you put that under Rec, we are going to need a Rec staff.

Councilmember Frank said his point is, that we have a huge amount of money being paid by residents for children to participate in these sports associations and the town government has no oversight. It should be through the Rec Commission, there should be some oversight discussion and we should be informed and we are not informed.

Councilmember Kelley said they are not borough entities, the only relationship they have with the borough is the fact that they use the borough fields. Other than that, they collect the money, they run the program, they do everything and the borough does not pay them any money.

Mayor Arnowitz said this has been going on for a very long time. A report is needed from the Borough Attorney clarifying the different programs. We have had parents coming to us and complaining about these programs. They are very concerned when we say that is a separate entity. We have a plethora of fields in town but we don't have enough.

Councilmember Frank said we don't want to take it over.

Councilmember Looes said we need to find out from JIF what

insurance we are required to have, what they will cover. This is a separate issue because basically it comes down to field usage. Organizations run their programs, they are non-profit, they are using their money toward the program. A conflict occurring is with field usage, within the programs we don't have a lot of fields and then there are conflicts due to weather, which no one can control.

Councilmember Pizzella said you need to give these separate entities the opportunity to negotiate in good faith for you to have oversight and for them to get something out of it as well. Because they are separate entities, you can't tell them to do this or that.

Mayor Arnowitz said he didn't know what you want to take over.

Councilmember Frank did not believe anyone wanted to take anything over. These are non-profits, we audit our books. People should know what is going on.

Attorney Bernstein said non-profit has the right to audit non-profit books. He suggested we obtain the by-laws of the organizations that are independent.

Councilmember Meyerson said this a struggle between taxpayers property taxes and who is in charge. The whole chunk of money we pay for insurance; the question is do we want to transfer this cost to these organizations for user charge is part of our property taxes. That is the issue here. It is important that solve this issue soon and set a date on which we will implement this.

Councilmember Kelley said we haven't had a vote on Council to decide we are going to implement this. We haven't had a discussion with these groups yet, he will do it with Patty but this is the first he has heard of this. He needs numbers. At the Rec Commission meeting on Thursday, he asked about it, this hasn't been discussed by the Council. He could not answer questions that were instantly thrown at him. He advised he didn't know anything about this, the price, the options, the cost. We have to get our facts straight and on paper and sit down with the organizations and present to them and get their feedback and give them the opportunity to come before the Council and argue their case.

Mayor Arnowitz said if the sports associations have not been aware of this, they are now aware of it. It is unfair that we are discussing this and implementing a fee without any input from them.

Councilmember Meyerson said there are no budget books, we have fiscal statements from auditors, we have information and this is a small part of one person's budget. He was under the impression that when these things come up, the entire Council discusses everything.

Attorney Bernstein said the underlying discussion between paying for something you need the initial question answered. The initial questions answered from a fiscal point of view and that view is how much money are we talking about. If the answer is you are paying \$200,000 a year for insurance and the amount of money extra is a separate specific policy. Is it a separate policy for quasi groups or separate policy for anybody who

happens to walk on any piece of borough land irrespective of whether they are playing a sport or not.

Administrator DeJoseph said the accident policy is a policy for recreation participants and programs of the borough and as well as the quasis.

Attorney Bernstein said it is very difficult and unless you are writing a separate policy just for quasi based individuals it is difficult to ascertain cost. You can't determine the difference between what is a recreation based program and a quasi based program when it comes to how much you are paying in premium.

Councilmember Frank said Ms. Hughes was going to gather information on number of teams, and number of participants.

Administrator DeJoseph said the total cost of the policy is \$11,000.

Councilmember Looes said total policy for all recreation, all quasi? Or both? How do you split it? We need to find out from JIF what is covered and what is not covered.

Attorney Bernstein said JIF will be able to tell you, they are writing the policy.

Mayor Arnowitz wanted to point out that we are not implementing anything until we get more information. He wanted the finance committee to handle this. If you want to implement something, then bring in the four heads for discussion.

Councilmember DeGise said we are not looking to implementing anything at this Council meeting, it is only a matter of discussion.

4) Snow Storm.

We had a lot of snow, three (3) trucks broke down, one truck not repaired and put back on the road. The town is very conscious of the kind of blades we use and we are one of the few towns that use rubber blades to try to prolong street surfaces. One of the disadvantages is when we don't have to get salt coverage out there on the street and with the ice packs on the roads the rubber blades jump up.

Starting at 8AM on Sunday, the larger trucks with steel blades and went out and worked tirelessly until 1:30PM. We are looking for a new type of blade to get for the East side plow and he has been in touch with the Borough Administrator to purchase one. No one in the area has tried such a blade and use that on a flat street on the east side.

Mayor Arnowitz said we brought in outsiders to supplement the crews. We have 54 miles of streets that require plowing.

Councilmember DeGise said there are coops for small municipalities. You can sign up and become a member and there is no fee. They give you an hourly rate for equipment and if you are a small town and you have a truck break down, you are on that pool and if you call them and indicate that you need a salter, they guarantee within an hour they will have a piece of equipment coming from their coop.

Mayor Arnowitz suggested that the DPW Superintendent research this and come up with cost.

OPEN PUBLIC MEETING:

Mayor Arnowitz invited comment from the audience.

Kevin O'Brien, 61 Parkview Drive -

The last time he was here he shared concerns in October and January regarding violations between the borough and violator. He shared pictures among Councilmembers. He got a copy of the agreement created between the borough and violator. The pictures he submitted to the borough in October are not consistent with the inspection report that was done by the borough. In the agreement it talks about all the vehicles on the particular property; the borough code says the vehicles shall be operational. If you have a vehicle up on jacks and has a disassembled engine and is non-operational, even though it is registered, the borough ordinance says that is not acceptable but the agreement created by the town and the property owner says it is acceptable. He is at a loss of what to do. We had another vehicle come in on a flat bed truck; there is a dirt bike, no plates, no helmet on the operator, riding out on the public streets.

Borough Attorney Bernstein asked for a copy of the agreement. The Clerk handed him such copy. He said Mr. O'Brien communicated with him separately on a whole range of issues and many had nothing to do with this conversation. He will look at the agreement and will have conversations with appropriate parties to find out where we are on meeting the requirements and based on that, he will give advice accordingly.

Mr. O'Brien (Contd).

He went back to Montvale to listen to the court recording and is not part of the court order. His understanding is that these are new violations.

Attorney Bernstein said the first word states "proposed;" he needs to ascertain whether or not it is agreed to or merely a discussion of parties. He doesn't see any signatures, sees what appears to be a set of ground rules. He needs to ascertain what the understanding of the parties in regard to whether or not they are required to meet. If the parties entered into an agreement and the agreement differs from code provisions, then the agreement would take precedence over the code provision because if I agree to do something different from what the code says and is more restrictive than what the code says, I am bound by whatever the understanding is. However, in the absence of knowing whether or not the parties entered into an agreement and to understand the understanding. Then he can't say "x" is happening and "y" is supposed to happen or if either are supposed to happen. He will see what he can do to move the process along.

Mr. O'Brien (Contd).

Gasoline cans are left out on the driveway for weeks on end, motorcycle operated in an unsafe manner. No more tickets, just compliance.

Attorney Bernstein said law enforcement has the right to make independent determinations by itself. While you and I might

find that the actions in question are totally and completely incomprehensible, neither one of us is authorized by law to make that decision.

Mr. O'Brien (Contd).

September 4 closed session minutes, page two, the Mayor indicates we are sticking to our plan for dispatch. Is there a different plan in place?

Attorney Bernstein is trying to get his hands on a bunch of things, the least of which are intimate closed session minutes. He will be having a conversation with the governing body tonight about that issue. A couple were released.

Mr. O'Brien (Contd).

If the dispatch matter was resolved months ago and kept in house, why are the minutes still kept private. In the October 9, 2012, minutes, the Mayor referred to blue acres said enough is enough and we are going to get into blue acres. Does that mean before October 9, 2012.

Regarding to the train station, Oradell did a wonderful job; please with plans to preserve the train station.

Martin Ward, 47 E. Liberty Avenue -

He has attended Council meeting for a couple of years. He asked if we could get a five minute session as the previous speaker wastes a lot of everyone's time.

Mayor Arnowitz said we don't have a time limit.

Jim Moldow, 21 Overbrook Place -

He wrote a letter recently about Centennial Field and the ordinance restricting use before noon on Sunday. He asked if those restrictions could be loosened and allow some games on Sunday morning at 9 or 10 o'clock on a trial basis. He said this would be for about 25 players during the summer.

Councilmember Kelley said this came up at Rec. Rec advised that he would have to come to Council because Rec cannot give him that permission because we have a resolution.

Mayor Arnowitz suggested sitting down with Rec and possibly reaching out to the neighbors.

Councilmember Kelley spoke to two residents there and they were appalled that we would even think about it.

Mayor Arnowitz said when Centennial Field was built, we put out a lot of restrictions. All restrictions were an agreement after lengthy negotiations with the neighbors because of the impact of the field and the impact of the lights. Everything was kind of rescinded except for the Sunday morning which they called peace for the weekend.

Councilmember Kelley did not believe it was just Centennial, he didn't believe any borough fields are used before noon on Sunday.

Mayor Arnowitz said originally we had a rule of not playing on

Councilmember Kelley said he will put the word out and discuss it at a Rec meeting, then they will report back to Council.

Mr. Moldow (Contd).

PSE&G substations in the flood zone. The BPU was ordered by the governor and they are addressing substations in the flood zone.

Mayor Arnowitz has also spoken to the Public Service people and the only way that will be done is if the governor issues an edict and according to their office, the governor is not doing that. That is minor compared to the issue of the residents homes being flooded.

Mr. Moldow (Contd).

Westwood has received about 2-1/2 million dollars for buyouts and we are in a different basin. He asked for clarification.

Mayor Arnowitz said we are in a different flood zone than Westwood. Westwood was able to apply for different funding. Hillsdale has applied for and signed off everything we can possibly get. The DEP and BPU informed him that all Phase II money is going to depressed areas and we are not a depressed area. They will not buy out a home piece meal, an entire area has to be bought out.

Mr. Moldow (Contd).

He asked if there was an update on United Water project for the Woodcliff Lake dam.

Mayor Arnowitz is awaiting the report from the engineer.

After a discussion with the Council, the public portion of the meeting was closed.

PROFESSIONALS No reports

ORDINANCES

13-01 (Introduction): AN ORDINANCE ESTABLISHING SALARIES FOR THE STAFF OF THE HILLSDALE SWIMMING POOL COMMISSION FOR THE CURRENT YEAR 2013 IN THE BOROUGH OF HILLSDALE, COUNTY OF BERGEN, STATE OF NEW JERSEY.

Mayor Arnowitz asked the Council if they have any discussion on the Ordinance.

Attorney Bernstein said he is handing out to the governing body two chapters of the current code; one is Chapter 71 which talks about the Swimming Pool Commission and the other Chapter 252 about the club. He said Mr. Campbell does have power. Part of the discussion last week was exactly that question - what powers does the Commission have, what powers does the borough have, and the inter relation between the two related to these two ordinances. It is fair to say that the balance of power is in your hands at the moment.

Jay Campbell said we need to pass an ordinance in order to pay the staff and an ordinance to advertise the rates.

Councilmember Frank brought up how we have minimums and maximums on ranges for lifeguard. If you look at lifeguards and someone is in their eighth year, looking at their ninth year, they will receive a 20% increase because they are moving up a bracket plus

you shifted all the brackets as well. In most of the cases here you are looking at 8% to 10% or more increases for lifeguards. He is not sure if that was intended or it would actually happen in terms of how you hire people. It seems like that was a high increase for lifeguards based on some of the discussions we had with finances and demographics.

Patty Hughes said if you are at 9th year lifeguard you are already at college so we can't pay college graduates \$7/hour. If you just come in and do your job you are at the bottom of rank. You do have an opportunity to go to a higher range.

Councilmember Frank said if you are an 8 year lifeguard last year you got paid \$9.57/hour. This year you would be in the 9th year and go to \$11.58/hour. That is a 20% increase.

Patty Hughes said in last year's ordinance there probably was a mistake on three years, 7th, 8th and 9th year.

Jay Campbell said years back we had a specific number of lifeguards. We gave her the range to pay in order to pay some people based on merit. We found that to be very beneficial for our guards. He sees the point how it shifts this year from last year and thought Patty should go on the low end of the next scale.

Councilmember Frank said the overall salary for all of Stonybrook in the budget this year is a slight decrease from last year's actual, yet we have a lot of increases, for lifeguards anyway,

Patty Hughes said we don't have 35 lifeguards this year. She believed we need to have a range. You have employees who do their basic jobs and you have an employee who does their job and the job of others. They show leadership and management skills and that is how we end up promoting from within.

Mayor Arnowitz said years ago we use to have a flat salary and we had a hard time retaining people and getting people to come back. People are now coming back because they know there is a bit more money. If the minimum range is increased are we o.k. with the min/max on the low end.

Patty Hughes said we do not have to pay a minimum range because we are a recreation facility.

Mayor Arnowitz did not want to introduce another ordinance to correct it.

Borough Attorney Bernstein said the increase in the minimum wage will be on the November ballot.

Jay Campbell said the economy was not good in 2012 nor was it good in 2011. In 2011, we had more members than in 2012. Stonybrook's members range in all ages. The core of the club is families with children between 2 years and up to 12; when they are 12 years old, they are no longer interested. A lot of members come back as well. This year we are accepting credit cards. Last year we were late in getting some of the materials out to residents. With regard to surplus, the only surplus we have is in case of a "rainy day." Last year the pump on the pool broke; we also have surplus to use for capital improvements. We have surplus for the renovation of the club.

That money is now budgeted and there is no borrowing. There is still \$168,000 in surplus this year. With regard to the Sandy storm, the shore will not be the place to go and we believe membership will increase this year. We would provide an affordable place to go.

Patty Hughes said about 65% are outside members of the pool.

Councilmember Kelley said he has been a member for a long time and his family enjoys it. He said Patty does a great job.

Mayor Arnowitz said the rates cannot be published and cannot start the season so we should move forward with this ordinance. He has in his packet two salary ordinances, one dated February 12 and one February 5 and they have different amounts. We are voting on the ordinance dated February 12.

Motion to approve Ordinance 13-01 was made by Councilmember Meyerson, seconded by Councilmember Looes.

Roll Call Vote:

Ayes: Councilmembers Pizzella, DeGise, Frank, Kelley, Looes and Meyerson

Nays: None

ORDINANCE No. 13-02 (Introduction): AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE 09-01 CHAPTER 138 "FEES" AND CHAPTER 71 SWIMMING POOL COMMISSION.

Motion to approve Ordinance No. 13-02 was made by Councilmember Meyerson, seconded by Councilmember Kelley.

Roll Call Vote:

Ayes: Councilmembers Pizzella, DeGise, Frank, Kelley, Looes and Meyerson

Nays: None

RESOLUTIONS (Consent Agenda)

Mayor Arnowitz asked if there was any discussion by the Council on these matters.

Mayor Arnowitz read the Consent Agenda of Resolutions.

R13042 Payment of Bills

BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale that the following bills in the sum of \$4,854,679.81 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.

R13043 Banning Assault Weapons

WHEREAS, the United States of America has found itself with a proliferation of illegal guns on our streets; and

WHEREAS, the Federal Assault Weapons Ban (AWB) prohibited for ten years the sale of 19 types of semi-automatic military-style guns, including AK-47s, and was signed into law by President Clinton in 1994 and expired in 2004; and

WHEREAS, without the approval of Congress and the President the ban ended, allowing these weapons to return to the streets where they have been used as tools of mass murder capable of killing dozens of people in minutes without the need to reload; and

WHEREAS, the Court makes distinctions with respect to types of speech under First Amendment, the Court should make distinctions among types of weapons under the Second Amendment; and

WHEREAS, research has shown that having guns leads to more gun violence; and

WHEREAS, the Hillsdale Borough Council respects the rights of residents, as guaranteed by the Second Amendment of the United States Constitution, to bear arms; and

WHEREAS, the Council recognizes that the right to bear arms, like all constitutional rights, is subject to reasonable regulation to promote the common good and to protect the members of the community; and

WHEREAS, there have been more than 70 mass shootings in the United States since January 2011 according to the Brady Campaign to Prevent Gun Violence; and

WHEREAS, the massacre of 20 young children and 7 adults in Newtown, CT, on December 14, 2012 by a young man with assault weapons with high capacity magazines has focused our attention on the easy access of private citizens to assault weapons and large-capacity magazines as well as the increasing amount of gun violence in our country; and

WHEREAS, the Council is all too painfully aware of the multitude of incidents in the recent past during which innocent bystanders, attendees at movie theaters, gatherers at political events, school children, and others have been fatally killed by individuals wielding and firing semi-automatic weapons; and

WHEREAS, there may be many causes for such massacres, one is clearly the availability of assault weapons with large-capacity magazines; and

WHEREAS, the possession of semi-automatic weapons and multiple-ammo clips does not further any legitimate interests of hunters or other sportspersons; and

WHEREAS, the failure of officials on the federal and state level to address this issue should not serve to detract from the efforts of the Borough of Hillsdale's Mayor and Council to proclaim that federal and state officials MUST strike the proper balance between the Second Amendment right to bear arms and the

right of all citizens to be safe and secure in their homes, schools, and public areas; and

WHEREAS, California Senator Dianne Feinstein and other members of Congress have proposed reauthorization of the federal assault weapon ban for an additional ten years and to expand the definition of assault weapons; and

WHEREAS, the Borough of Hillsdale must do all that it can to prevent gun violence on our streets and the Mayor and Council believe that the right of the public to be free of and safe from gun violence is of paramount importance; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hillsdale, by the adoption of this Resolution, hereby SUPPORT legislation that would reauthorize the federal assault weapons ban to reduce the availability of such weapons in the United States; and

BE IT FUTHER RESOLVED, that the Mayor and Council of the Borough of Hillsdale, hereby SUPPORT legislation that would require more extensive background checks prior to the issuance of any gun permit; and

BE IT FURTHER RESOLVED that the Mayor and Council of Hillsdale support the current efforts of The Brady Campaign to Prevent Gun Violence to take measures to protect the health and safety of the public from gun violence by banning assault weapons and high-capacity magazines and by enacting other measures to protect the health and safety of the public from gun violence; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to President Obama, Vice President Biden, Senator Frank Lautenberg, Senator Robert Menendez, Senator Diane Feinstein, Governor Christie, Congressman Scott Garrett, Senator Bob Gordon, Assemblywoman Connie Wagner, Assemblyman Tim Eustace, County Executive Kathleen Donovan, the Bergen County Freeholders, the League of Municipalities, the Brady Center to Prevent Gun Violence and the Mayor of every municipality in Bergen County.

R13044 Award of contract to Tyco Animal Control Service, 1 Stout Lane, HoHoKus, NJ 07423, in the amount of \$11,280 for the period of January 1, 2013 through December 31, 2013.

WHEREAS, the Borough of Hillsdale received two (2) quotes for animal services for the year 2013; and

WHEREAS, the Borough Administrator reviewed and evaluated both said quotes; and recommends an award of contract to:

Tyco Animal Control Service
1 Stout Lane
Ho-Ho-KUS, New Jersey 07423

In the amount of \$11,280.00 for the period of January 1, 2013 through December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor be authorized to execute said contract between the Borough of Hillsdale and Tyco Animal Control Services.

R13045 Authorize the Borough Clerk to advertise for bid for Central Avenue and Cross Street Improvement.

BE IT RESOLVED, that the Borough Clerk is hereby authorized to advertise for sealed bids for the 2013 Central Avenue and Cross Street Improvement program for the Borough of Hillsdale.

R13046 Authorize the Borough Clerk to advertise for bid for 2013 ADA Curb Ramp Program

BE IT RESOLVED, that the Borough Clerk is hereby authorized to advertise for sealed bids for the 2013 ADA Curb Ramp Program for the Borough of Hillsdale.

Mayor Arnowitz said as previously discussed, members of the Fire Department, Jason DeGise and Thomas Kelley, abstain from any payments for Fire Department.

Motion to approve the foregoing Resolutions was made by Councilmember Kelley, seconded by Councilmember Meyerson.

Roll Call Vote:

Ayes: Councilmembers Kelley, Looes, Frank, Meyerson, DeGise
And Pizzella

Nays: None

DEPARTMENT REPORTS:

Construction Department Year End Report 2012

| | <u>2012</u> | | <u>2011</u> |
|----------------------------------|--------------|-----|--------------|
| Permits Issued | 717 | vs. | 667 |
| Permit Updates Issued | 62 | vs. | 74 |
| UCC Fees Collected | \$265,232.00 | vs. | \$195,235.00 |
| UCC Penalties Collected | \$20,500.00 | vs. | \$14,700.00 |
| UCC Waived Permit Fees | \$15,194.00 | vs. | \$61,606.0 |
| Year to Date Certificates Issued | 576 | vs. | 744 |

The current year end reports indicate that based upon the collected fees of the Uniform Construction Code and the expended budget of the department, a resulting net surplus of over \$90,000.00 has been realized for the Borough.

Councilmember DeGise reported that the report was received, signed off by construction official and CFO, and submitted to the DCA.

Councilmember DeGise questioned how the surplus is addressed every year along with the dedication of fees in the accounts.

Mayor Arnowitz said the dedication of fees have been discussed by the Finance Committee.

Councilmember DeGise continued

He reported on the surplus of fees. There is a surplus in the UCC Department. In past years it was zeroed down and there needs some guidance as to management of these fees.

Borough Attorney Bernstein said the Finance Committee and council should have the last (2) two years UCC reports for 2010 and 2011. Might be an anomaly, and not necessarily required to reduce, if this practice is ongoing, the DCA might have some issues. He suggested consulting with the Construction Official and does she see a pattern for 2013.

Councilmember DeGise reported the last (3) three years carried a surplus, and projecting 2013 an increase balance due to the Shop Rite project.

Attorney Bernstein stated that the department is not to make or lose money, pay as you go and if a long standing issue, a discussion is necessary with finance committee. The official should then have a recommendation to address this balance issue. Any action to adjust the provision of fee will need to be addressed through the fee ordinance and must be approved by the state. The official needs to address with the CFO.

Mayor Arnowitz asked if construction is up or down for 2012.

Councilmember DeGise said it was up from 2011.

Motion to Record was made by Councilmember Kelley, seconded by Councilmember Meyerson.

Roll Call Vote:

Ayes: Councilmembers Meyerson, DeGise, Frank, Kelley, Looes
And Pizzella

Nays: None

COUNCIL COMMENTARIES

Councilmember Looes thanked the DPW for doing a great job with regard to snow removal, phone calls, emails, truck and equipment issues.

She reported on February 20 the senior luncheon will be held at St. Johns.

Councilmember Meyerson thanked Westwood for holding the green film festival and glacier ice movie.

Councilmember DeGise thanked the DPW and all the volunteers as they do a great job.

Borough Administrator DeJoseph thanked the DPW for their hard work. It was very hard to clean 54 miles of road, went through about 150 tons of salt. He congratulated safety committee, the borough is receiving the gold award, along with that a monetary award of \$2,500 for the borough.

Councilmember Kelley said he loves Hillsdale and finds it to be a great town. One of our employees who was plowing for 29 hours was going home to take care of his driveway. However, when he

got home his driveway was completely cleaned by his neighbors. This is what makes us Hillsdale and he loves it.

Councilmember Frank thanked the DPW for their work on the storm. Today February 12 is Lincoln's Birthday, one of our greatest Presidents and a Republican. The American Legion sponsors boys state and girls state each year; it is a one week program put and we are going to take applications for juniors who have a B or better average in the local high schools. It is a great opportunity to learn how governments work. Anyone interested should talk to their guidance counselor.

He attended the Library board meeting last night, we have the highest circulation. The Directors annual report will be sent to each Councilmember.

Councilmember Pizzella said he was happy to be back on Council. He reported on the donor drive for Karen Takla-Farag, who has leukemia; the town put this on their website, on the board downtown. We received over 250 new registrations, raised over \$2,850; the Meadowbrook moms that bake raised over \$850. He thanked everyone in Hillsdale for participating. He was in Westwood and met a man whose son has an auto immune disease and they are having a fund raiser March 1, 2013, at 7PM at St. Johns Church, 19 Williams St. in Bergenfield.

Mayor Arnowitz is still awaiting a report regarding the issue we had with the generator at the Ambulance Corps. He asked what the original agreement was, that they would allow people in, give them a warm cup of coffee and they would determine whether they would go to a shelter. He does not want people staying there, that is not what it was set up for. He wants this straightened out.

Councilmember Kelley said we are not going to give the generator away.

Mayor Arnowitz said 24 hours before Sandy was to hit, he was part of the conversation and explained to the President, what we were trying to accomplish and he said no one is allowed in the Ambulance Corps other than members.

Mayor Arnowitz asked to see the agreement.

Councilmember DeGise wanted to get some background on this because it goes a lot deeper and goes back to our OEM planning. The Ambulance is not designed at a shelter; it is a triage center and therefore, the generator has to stay. If we had a disaster that is the place for doctors and nurses.

Councilmember Kelley said not as a shelter, as a triage.

Mayor Arnowitz does not want this as a shelter and clarification by the Ambulance Corps. It needs to be in writing, confirmation of what the OEM calls for and what you are saying. The year before, someone stayed there overnight and no one knew about it. He would not have allowed it.

Councilmember Kelley will speak to the Captain and they will take care of this.

Mayor Arnowitz said it was brought to his attention that we had a Police Officer retire with 25 years of service and never gave

him a plaque. He asked for permission from the Council to obtain a plaque and a second plaque for James Grobel of the DPW with 36 years of service. We congratulated them at a meeting but never officially gave them a plaque.

The town has always asked our residents, to shovel around a fire hydrant if you have one in front of your home.

Mayor Arnowitz said we will be going into Closed Session.

CLOSED SESSION

R13047 Closed Session

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 of 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.
PBA, DPW, UPSEU
- (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.
DPW/PT employees health ins. coverage
- (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.

***non payment of membership Stonybrook, former concessionaire; opinions former Administrator and Clerk, Mr. Karns and Mr. Sandt; reimbursement for retirees, co-pays; tree removal, closed session protocol*

Borough Attorney Bernstein said these are the following items we

are going to Executive Session. Under the concept of pending or anticipated litigation, non-payment of membership from Stonybrook, pending potential litigation regarding former concessionaire at Stonybrook, opinions regarding the former Municipal Clerk and Municipal Administrator, Mr. Karns and Mr. Sandt. Under personnel, DPW Superintendent as well as part-time employees on health insurance coverage under negotiations for collective bargaining, PBA negotiations, DPW negotiations and UPSEU which is white collar employees, and attorney/client privilege, reimbursement for retirees, co-pays, issue of tree removal and closed session protocol.

On a motion at 9:49 p.m. to go to Closed Session at was made by Councilmember Kelley, seconded by Councilmember DeGise.

Roll Call Vote:

Ayes: Councilmembers Frank, Kelley, Looes, Meyerson, DeGise
And Pizzella

Nays: None

ADJOURNMENT

On a motion at 12:30 a.m. to adjourn was made by Councilmember Kelley, seconded by Councilmember Frank, and unanimously carried.

Roll Call Vote:

Ayes: Councilmembers Frank, Kelley, Looes, Meyerson, DeGise
And Pizzella

Nays: None

2-12-13

Susan Witkowski
Municipal Clerk

APPROVED AS PRESENTED

Susan Witkowski
Municipal Clerk