

Minutes of a Council Meeting of the Borough of Hillsdale held at 7:30 p.m. on Thursday, August 15, 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:**

This is a meeting of the Hillsdale Borough Council on this 15th day of August 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 Frank, Kelley, Looes, Meyerson, and Pizzella Also in attendance were Mayor Arnowitz, Borough Administrator/CFO DeJoseph, Borough Attorney Bernstein, Borough Clerk Witkowski. Absent: Council Member DeGise.

**APPOINTMENTS:** none

**OATH OF OFFICE:** none

**PROCLAMATIONS:** none

**PRESENTATIONS:** none

**APPROVAL OF MINUTES:**

Minutes of the Regular Meetings of July 9, 2013 and Closed Session Minutes of July 9, 2013

Motion to approve was made by Council Member Kelley, Second by Council Member Looes

Roll Call Vote:

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

Nays: None

Absent: Council Member DeGise

Mayor Arnowitz deviated from the regular Agenda and took up Correspondence No. 8. Letter dated August 8, 2013, Thomas Bielan, Eagle Scout Project. Mr. Bielan wishes to make a presentation.

Motion to approve was made by Council Member Frank, seconded by Council Member Kelley, and unanimously carried. Absent: Council Member DeGise

Thomas Bielan, 24 Orchard Lane –

He is with Troop 109, to attempt to attain the rank of Eagle Scout. His projects are to benefit the community and inform the community of the fish and wildlife around the Pascack Brook. He presented pictures to the Council and noted they are posted in Long Beach Island as well. The pictures are of durable material and resin, they will be affixed with concrete in the ground. He would like to place them behind Kings on Lafayette Avenue. Locations are flexible and he would like to provide birdhouses as well. He is seeking approval by the town.

Council Member Pizzella believed this is a great project and an asset that will attract people downtown. He is Liaison to the Green Team and asked that Mr. Bielan include the Green Team, we might actually be able to get some points or credits for this, and he is working with Sal Cambria, our Engineer, looking for ways for recertifying.

Mayor Arnowitz asked if Mr. Bielan means on the side of Kings or on the other side of the stream.

Mr. Bielan means on the other side of the stream.

Mayor Arnowitz wanted to see a drawing where they will actually be placed.

Mr. Bielan plans to erect three to five, depending on donations from fund raisers. He is accepting donations of cash and or materials.

Motion to approve was made by Council Member Kelley, seconded by Council Member Pizzella, and unanimously carried. Absent: Council Member DeGise

Mayor Arnowitz asked for the Engineer's Report.

Sal Cambria, Neglia Engineering.

Centennial Field, Lighting Review- As discussed last month, questions of whether the service charge was included in the original analysis and it was.

Mayor Arnowitz said according to the report the \$3,000 stand-by fee, electric is \$8,000, how does the electric costs go to \$3,000? He believed the \$28,000 included the stand-by but the savings didn't. Mr. Cambria said it does.

Council Member Kelley said by reducing the wattage it reduces the stand-by fee, you use a different kind of panel.

Mayor Arnowitz said when he spoke to Public Service their exact words to him were the exact cost and stand-by is predicated by equipment and service we had to bring to the field. No matter what you reduce the power to, we already put it in and you are going to pay. Unless something has changed, they told us right after we received the \$40,000 bill, the billing department said the equipment is there, you pay. We have reduced our costs through the efforts of the sports associations by a third and would like to see that stand-by fee reduced.

Administrator DeJoseph said the power pad is there and you are going to pay that monthly stand-by charge unless you change the service at the facility which will be a very large cost associated.

Mayor Arnowitz said we have to be certain about the potential savings; \$11,000 vs. \$28,000 is a substantial savings but not if you are spending \$300,000 or \$600,000 up front.

Council Member Frank asked if the best case scenario is a 25 year payback on the investment? His suggestion would be that we not spend any more time or money exploring this because that is an outrageously long payback period and the technology might be a lot different than it is now and we will be locked in.

Mayor Arnowitz said another program we looked into that might help us is when the solar panels were discussed around town, the engineer recommended that we put a solar field in Centennial on the reverse slope. Public Service said at that time that service was not available but it would be in Phase II. Phase II has kicked in and they said when they do something like that, not only would the community receive funds from the electric generators there is also an incentive for utilizing the property. We could have one offset the other.

Council Member Pizzella said one way Mr. Cambria is helping him with the Green Team and the Environmental Commission is looking at how we can become recertified and utilizing this opportunity with the lights to get some points.

Oakland Street Improvement Project-We are looking at the roadway estimates for Oakland Street and Yesler Way. The award has been given and we can proceed.

Affordable Housing Trust Fund,COAH- The package was submitted on August 2 and we will await their comments if they have any.

Sustainable Jersey – Bronze Recertification- He has been working with Council Member Pizzella for requirements recertifying the Borough.

Mayor Arnowitz said he has been waiting for the Green Team to come before us and make a presentation and give us an idea of what is involved in the cost.

Council Member Pizzella said that will be done on September 10.

Mr. Cambria will be working with Council Member Pizzella and the Green Team to make sure everything is accounted for and what is needed. By September 15 we have to get a preliminary report on line and the final deadline is November 11.

Mayor Arnowitz said we have been looking at this for almost a year.

Council Member Pizzella said the Green Team has entered early, in December, and what the Green Team needs is direction and commitment from the town. The town cannot give that direction and commitment until they truly understand what the cost is for the town and the level of commitment necessary. Cost meaning manpower as well as dollars. Sal and I with the Green Team's support on September 10 are going to provide you with an information session of what has to be done in order to be recertified as Bronze, meaning what action items before that the pros and cons are being sustainable or following Sustainable Jersey. What needs to be done and the cost that is involved and the Council can vote on the direction that they wish the Green Team to take. Recertification doesn't involve that much effort because we have done a lot of things in town already that we don't realize will impact our recertification, however, a lot of the work moving forward needs to be done by staff, town administrator, and commitment from the DPW. There is a large commitment and cost impact that the town needs to be aware of before the Green Team or anybody moves forward with Sustainable Jersey. He would hold off until September 10.

Mayor Arnowitz did not believe you are giving us enough time, five days, they should have been here before the summer started.

Bergen County Open Space – Veteran's Park Patio and Path Improvements. Mr. Cambria completed a site walk through and prepared an endorsing resolution.

Mayor Arnowitz asked the Administrator if he will bring this up for a vote this evening.

Administrator DeJoseph said he spoke with the Director before he went away and the governing body should be allowed to do this on September 3.

Mayor Arnowitz said he is referring to Veterans Park, the benches, picnic tables.

NJDOT Discretionary Aid Grant Applications – 2014 Road Program- He received notice this past week that Saddlewood Drive would be the roadway that would be part of that application. It is not discretionary but is part of that application, it is more of a formal condition, but you have more of an opportunity to get money.

Council Member Pizzella may get the packet done by September 3 so that we can submit it, they can review it for the next meeting and they will better understand what we are presenting.

Mayor Arnowitz asked if he is familiar with the PDM Grant? PDM Grant is a federal Pre Disaster Mitigation fund and grants 75% federal, 25% local. Wierimus Lane culvert which was recommended to him, moving the DPW building and stream cleaning. These are the types of grants he needs to know about as quickly as possible because we could do something with the stream and fix the culvert. He would prefer that they pay 75%. It is different from Hazmat Mitigation funds.

We will return to the regular order of business.

#### **DEPARTMENT HEAD REPORTS:**

Fire Department. Council Member Looes stated Council Member DeGise is at the Academy with Jon Najarian.

Ambulance Corps. Captain Beatty reported that during the month of July the corps had a total of 77 calls that we handled ourselves, only 37 or those were in Hillsdale, one in Old Tappan, one in Park Ridge, seven in River Vale, 17 in Washington Township, 12 in Westwood and one in Woodcliff Lake which amounted to over 181 man hours. Since January 1<sup>st</sup>, the Ambulance Corps has handled 445 calls for our town and other towns combined, currently, we have 35 active members and 4 new members. We had two EMT's taking the summer training and have six enrolled in the fall. They will be in school from September 11 to January 22.

Mr. Beatty said we have been covering a lot of other towns because their members are dwindling or on vacation. There is a Pascack Valley Mutual Aid Group website that all dispatchers have access to and at any given time they know which ambulances are available, who is on call, who is out of service, and if we are out of service on any given day, we specifically indicate which town to go to. We are proud that we are able to handle calls. Hillsdale Ambulance has a public face book page. We will be doing blood drives with the Fire Department and hopefully bring in community blood services and CPR training.

Police Department. Police Chief Stalter met with the Administrator, DPW Superintendent and N.J. Transit. They have a broken rail at Washington Avenue going to the Kings Shopping Center. Within the next three weeks part of that crossing will be closed by N.J. Transit so that they can pull up the rail and replace with rubber crossing, southbound only.

Mayor Arnowitz said notification should be given to Kings and the other merchants.

Chief Stalter said we were notified that Tilcon, Bergen County's road contractor, and their DPW Superintendent will pave Kinderkamack Road, Hillsdale Avenue, and Washington Avenue, but we don't know how quickly.

Mayor Arnowitz said he spoke with Kathleen Donovan, County Executive and emphasized that it was imperative this be done before Labor Day.

Chief Stalter said the Captain is on vacation for August, he will retire officially on September 1. We have started the Lieutenant's promotion process and are interviewing. We had some injuries resulting in overtime hours being higher. During July, we had 198, 9-1-1 calls, 25 traffic accidents, no injuries, 217 motor vehicle summonses, 204 warnings, 1 DUI arrest, 35 criminal investigations, 8 arrests; 5 street level arrests which are officer initiated arrests, 6 juvenile investigations resulting in 1 arrest, 6 child safety restraints installed by our officers and 4,263 phone calls to the desk for various reasons. He asked how we advertise the Administrator's discussion for financing new vehicles; he urged that you come up with a solution, our fleet is aging and we need a car.

Council Member Frank referred to the license plate reader mounted on one of the cars and asked if that came from a Homeland Security grant.

Chief Stalter said yes, we were in the second round to receive this. Westwood received one in first round. Training scheduled around August 25.

Council Member Frank said for the public's knowledge, that is the box mounted on the rear of the car on the black, un-marked cars.

**Public Works Superintendent, Durie arrived at 8:10 p.m. – no report**

Recreation/Stonybrook. Council Member Looes said tonight they are having an adult splash party. She provided a short update on the construction at Stonybrook, it is still in the paperwork stage. DCA came back with some recommendations and paper work they needed; there will be a pre-construction meeting in September with the architect and the construction company.

#### **CORRESPONDENCE:**

1. Letter dated July 16, 2013, Richard C. Tobin, CPA, 27 Arcadia Way, property maintenance~referred to Councilmember DeGise-hold until arrives,

Upon Council Member DeGise's arrival, he stated that towns have ordinances or don't have ordinances. It would be the Council's decision if they would desire to adopt an ordinance with regard to barriers or just have it handled as a Code Compliance matter.

Mayor Arnowitz said basically you're not saying we should ban it, just control it. He said Emerson put an ordinance together and it became so mixed up they pulled it. He asked him to work with Superintendent Durie and come up with a suggestion for the Council how to handle this.

Motion to receive and file by Council Member Kelley, Second by Council Member Looes, and unanimously carried.

2. Letter dated July 15, 2013, Kaufman Semeraro & Liebman LLP, Interest in Interlocal Agreement, DPW~referred to Councilmember DeGise-hold until arrives

Mayor Arnowitz said we have a formal letter asking us to look at an Interlocal for the DPW, whether it be sharing, merging. Woodcliff Lake is interested in all aspects or no aspects.

Council Member DeGise had a meeting with the Mayor of Woodcliff Lake and said the Council could look at the proposal but he is not in favor of this.

Mayor Arnowitz said the Mayor of Woodcliff Lake did not believe we gave him sufficient discussion.

Council Member DeGise said he spoke to him again and he wanted Hillsdale to do a study as we are dragging our feet and it doesn't make sense. His recommendation is if the Council wants to proceed, that they proceed with the study and the worst case scenario would be a full merger of departments. Council DeGise's recommendation is it is not worth selling DPW for \$100,000 without a study being made and just a merger. If you want to look at it further, it will cost about \$25,000. By selling the DPW it means moving to another town.

Mayor Arnowitz said Park Ridge showed interest but not as much as merging the DPW but sharing the Superintendent or sharing some workloads. Towns want to discuss the "what if's" but it doesn't mean we are going to do it but that it was discussed. If the public asks we can say we discussed it.

Council Member DeGise said the Finance Committee has a goal and August 15 is the deadline for resumes for the Superintendent. We have some thoughts as to what we are going to do with the reorganization and would want to continue on that path. We have already done some shared services with equipment and the borough is very aggressive in locating the cheapest contracts.

Council Member Meyerson said the Mayor of Woodcliff Lake is unhappy and the only thing discussed with him was the sharing of the building, never sharing of people, services. Simply, our building tends to be under water when it rains and it costs us manpower to get everything out. They have a new building and they have space. The results of that discussion was limited only to that and would not result in any savings to Hillsdale. The letter we received from the Mayor felt he was short shrift and this is not true.

Council Member Frank did not feel that was a problem at all. What we are trying to accomplish and how slow it is to get any shared services and if Woodcliff Lake says we are putting it all on the table, we should discuss other than the building and look at every individual area that could be shared. He spoke to Paul Lerch today who said we have to tell him what we are interested in. We have an obligation to determine what options there are where we could share services.

Council Member DeGise did not want to jump in as Montvale and River Vale had done a study. There are not enough savings to share. The rent they were talking about to Hillsdale was \$8,000 to \$10,000/month to use their facility. He is not willing to merge with another town to do that. Shared services is one thing, let us see the Finance Committee's goal and where we want to go with the Superintendent and plans for in-house savings.

Council Member Kelley said we will sit down and discuss shared services and report back to the Council.

Mayor Arnowitz said they are not only talking to Hillsdale but to Old Tappan and Park Ridge.

Council Member DeGise will meet with Old Tappan and Park Ridge with regard to shared services.

Motion to receipt and file was made by Council Member DeGise, Second by Council Member Kelley, and unanimously carried.

3. \*Letter dated July 19, 2013, State Trooper Fraternal Association of New Jersey, Inc., D'Alessandro Memorial~referred to Councilmember DeGise (see discussion item #10)-hold until arrival

Motion to receipt and file was made by Council Member Meyerson, Second by Council Member DeGise, and unanimously carried.

4. Letter dated August 1, 2013, Barbara Martine, RN, letter of resignation~referred to Councilmember Looes.

Motion to receipt, accept and file was made by Council Member Looes, Second by Council Member Kelley, and unanimously carried.

Council Member Looes said Barbara Martine was a great asset to the Board of Health, our Public Health Nurse and also worked with Lois Kohan. The position was advertised and we will look for a new Public Health Nurse for Hillsdale.

Mayor Arnowitz said this is a very important position and we cannot hold back on it. We have to work on this as quickly as possible.

5. Letter dated July 18, 2013, Borough of Westwood, Pascack Valley Waterway Report~referred to entire Council

Mayor Arnowitz said this is a bi-annual report the Mayor of Westwood provides about the level of the brook to the state trying to get it down to 91.

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

Council Member Kelley applauded the Mayor of Westwood for his attempt to reduce the level of the waterway.

6. Letter dated August 5, 2013, Kathleen Donovan, Bergen County Executive, 2013 CDBG~referred to entire Council

Motion to receipt and file by Council Member Meyerson, Second by Council Member Looes, and unanimously carried.

Borough Administrator DeJoseph met with the local Administrators on Hillsdale receiving \$65,000 for replacing the bathrooms in town hall, making them ADA compliant and removing architectural barriers. \$26,000 for handicapped accessible pool lift for Stonybrook as well as \$3,274 for senior activities. All these funds do not require borough matching of funds.

Council Member Frank believed he is doing a great job having gone the past few years to those meetings. That money is given in a block to the Pascack Valley and it is divided up and not all towns get it equally and Hillsdale has been getting more than its share and it is because we have put together good projects and getting them approved.

7. Letter dated August 1, 2013, State of NJ, Department of Education, Petition for Authorization to conduct a referendum on withdrawal of Woodcliff Lake from PV Regional School District~referred to Councilmember Meyerson

Motion to receipt and file by Council Member Kelley, Second by Council Member Looes, and unanimously carried.

Council Member Meyerson said Woodcliff Lake has filed a petition with the Department of Education so that Woodcliff Lake could disassociate itself from the Regional High School district. The ramifications to Hillsdale, our school district and our education are profound. We had a referendum a year or two ago where almost everyone in Hillsdale and River Vale voted against this. They believe the funding formula is unfair, they pay more per pupil than Hillsdale and River Vale and their approach is to terminate their affiliation. The County Superintendent has already ruled against them and now it is before the State Commission. There is a public hearing on this date August 19, 2013. It is at 3:30 PM; he asked members of the Council and citizens to attend and speak out in force against what is nothing less than an opportunity for Woodcliff Lake to state their objections. We fund schools based on property value. They are causing us a great deal of money in legal fees as well as aggravation. This is the opportunity to come and speak out to the Department of Education so that they can hear us loud and clear as we are not interested in destroying our school system and negatively impacting our town. The hearing is scheduled for 3:30 PM August 19 in the auditorium of the Bergen County Technical High School.

Mayor Arnowitz said Council Members are limited to ten minutes to speak. Council Member Frank said private citizens are limited to three minutes and we can go as private citizens as well.

Mayor Arnowitz encouraged citizens to attend the meeting. If you cannot attend, he asked that you go to the website where there is an email address and an address that allows you to send your comments to the Office of the State Commissioner, Chris Cerf. Another meeting will be held on August 27 in Trenton; it is important that your comments be made. This could impact your home at the rate of almost \$1000/year additional in taxes. Another misconception is that this formula applies to the Pascack Valley; this formula was instituted in 1975 by the State Legislature throughout the entire state, not just Pascack Valley. An article appeared in the paper saying that we are wasting our time, it was just a ruling that favored Woodcliff Lake; that is not factual, it was a ruling in Seaside Heights and this a judge that ruled not in our favor but cases that mimic each other.

Council Member Meyerson said there was also a ruling in River Dell, it depends on what applications were filed. Seaside Heights was similar to our situation where the Education Commissioner would not let a regional school district disband, similar to what Woodcliff Lake is trying to do.

Mayor Arnowitz encouraged all to send letter as Woodcliff Lake will push this as far as they can.

### **DISCUSSION:**

1. Proposal for Professional Planning Services-Sign Ordinance~Councilmember DeGise.

Mayor Arnowitz said we received a proposal for the Sign Ordinance.

Council Member DeGise said he was directed to get a proposal for the Sign Ordinance, not to redo the entire ordinance, make it understandable and enforceable. An estimate of \$5,560 to revamp the Sign Ordinance from start finish, it does not include legal fees, for attorney review.

Council Member Frank said the one we have now is on hold.

Council Member DeGise has seen the work of the attorney and it is excellent and the Code Official's recommendation is to go forward.

Council Member Meyerson as Finance Chairman does not believe we have another \$5000 available. We are talking about a number of issues here which require the expenditure of money.

Mayor Arnowitz asked if he wants to review the letter or drop it right now.

Mayor Arnowitz said it is more if you finish it this year because you have the rewriting of the actual ordinance, review of everything. It is a very long and lengthy report; the problem we have now it is not readable. If we spend this money we want to make sure it is enforceable.

Council Member Meyerson said it is important to have a sign ordinance that makes sense and right now it is on hold. There is nothing in the budget for this and maybe we should think about this and consider it next year.

Council Member Frank said we had a sign ordinance that was not enforced for a long while because he was told it is unenforceable.

Mayor Arnowitz said it was rewritten but it is still unenforceable. To his knowledge it has never gone to court where the court said this is unenforceable.

Council Member Meyerson said we have chosen not to enforce it.

Council Member Pizzella said there are a few commercial businesses out there that have been fined and you don't enforce it with everyone else. There are about seven businesses downtown that have been fined for not complying with the sign ordinance that you are not enforcing now. What are you going to do with the seven that have been fined?

Council Member Meyerson agreed, however, there is no money in the budget to spend money to rewrite it this year.

Borough Attorney Bernstein proposed that he have a conversation with Superintendent Durie about the outstanding fine issue. With regard to the attorney's letter, he would volunteer to prove First Amendment interpretations regarding such; perhaps giving his opinion on the current ordinances. He has a budget that he must work within and he would decide what needs to be done. Depending on what are his findings, the Council may then go ahead.

The Council was in agreement.

Motion to return to the Public Comment portion of the meeting was made by Council Member Kelley, Second by Council Member DeGise, and unanimously carried.

2. Board of Health, raise pet licensing fees~Councilmember Looes

Council Member Looes said the fees have not been raised for a number of years. This would be for 2014.

Mayor Arnowitz said this will be done by ordinance and the Borough Attorney will provide an amended ordinance.

3. HMGP Elevation Program~Councilmember Meyerson/Jon Najarian.

Mayor Arnowitz said this will be deferred until Mr. Najarian is present.

Borough Administrator DeJoseph was under the opinion that this was for information only. It is currently on our website and there is a deadline for an application.

Council Member Kelley asked if the borough could take advantage of this or if this is just for residents.

4. Garbage Pick Up Schedule~Mayor Arnowitz

Mayor Arnowitz said during the heat wave he received a number of calls complaining about one day a week garbage collection. If we were to do something, nothing could be done this summer; if we try for next year, go back to two days per week, the problem we have is the vendor who does our garbage is not the low bidder in this scenario. The Borough Attorney would have to research whether or not we could allow it. In January when this went into effect, every home he visited he found recycling in their barrel. The complaints at that time were not smell, it was not enough room. If people recycle properly, which is the law, then they will not be putting out that much garbage. The option for one day a week vs. two day a week was approximately \$40,000 to \$50,000. Based on the budget this year, there is not \$40,000 to \$50,000 extra in there. It is something that should be discussed and in September with the Finance Committee.

Council Member Meyerson believed it is a serious problem and the complaints he has received is that we have gone from two days to one day a week in the summer. We need to take a serious look at this.

Mayor Arnowitz said we have a five year contract and we are in the first year.

Council Member Pizzella said other towns that have gone to once a week have provided larger garbage bins and recycle bins to residents. That might help the situation.

Council Member Looes said individuals in River Vale have their own contracts with the garbage hauler. It is not a town service.

Mayor Arnowitz said an option proposed by residents is to put a dumpster at the DPW where they could bring their garbage; we cannot do this, we are not a recycling center or a transfer station and we are not licensed to do this.

DPW Superintendent Durie said there are some things to do. There is a lot of recycling that is being thrown to the garbage flow and as you ride around, you can see it sitting on top of the garbage. Future Sanitation has containers that contain recycling or cardboard out for trash. Recycling should be down to 65% at this point and 45% solid waste if recycling is done properly. Use plastic bags, vinegar or ammonia which will keep maggots from germinating inside the plastic bag and seal the plastic bag and put it out. We only had one hot week and that stimulated a lot of interest. One day a week works and it has been proven; Montvale is down to one day a week and savings of the \$250,000 is worth the effort. Recycling is the law.

Council Member Meyerson said most of the garbage we put out is over the weekend. We have to take a good look at this as these are legitimate complaints and it depends on what day their garbage is being picked up.

Superintendent Durie said he has offered assistance to anyone with recycling and garbage.

Council Member Kelley said it is not the amount of garbage but the pickup date, there is an awful smell. We did not a lot of input from the residents. We might not be able to break the contract.

Superintendent Durie said we had many discussions about this prior to awarding the contract.

Mayor Arnowitz said we will look at this and see what we can or cannot do. We talked about this for about a year in budget and public sessions, it is a substantial savings to the taxpayer.

5. BCIA, Local Finance Board Notice, Vehicle Financing, On hold~Administrator DeJoseph

Administrator DeJoseph said our approval from the Local Finance Board has not yet been approved for BCIA financing dated to July. He was looking for direction from the governing body regarding the cutoff date for the vehicle for the Fire Department which is August 22; the Police Chief mentioned as well, their vehicles are ready to be ordered. He is looking to recommend to the governing body that we finance the vehicles through TD Bank, not part of the BCIA as a backup plan. It gives us protection.

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

Administrator DeJoseph this will potentially save the borough funds. He received other quotes which were higher than BCIA's current rate; there might be a slight underwriting fee but you will not pay the 1.25% BCIA fee. We confirmed with the Auditor that we will not have to go out for public bid. We are only going for the interest amount.

Council Member Pizzella asked if this is the original proposal where you came up with TD Bank first, with the lower interest rate.

Administrator DeJoseph said the governing body approved the application for the BCIA through TD Bank. We are awaiting word from the local finance for approval. His recommendation is to authorize the Mayor to send a letter of intent to purchase the vehicle.

Council Member Pizzella asked if this is a purchase/lease where the payments are staggered over the five year period and the last payment is the last payment. It is not where we are going to owe fees later on, basically a lease.

Mayor Arnowitz said we had a motion, second to go to TD Bank and bypass the Bergen County program.

Council Member Pizzella said as an alternative.

Administrator DeJoseph asked for permission to send a letter of intent to order the vehicles.

Attorney Bernstein said there is a resolution on the agenda for TD Bank which he would advise the Council to abstain.

Council Member Pizzella said the Administrator is trying to make sure both options are available to the municipality.

Mayor Arnowitz said TD Bank is less expensive than the county.

Administrator DeJoseph wanted both options open so that the governing body does not have to come back an evening next week.

Council Member Frank said we give the Administrator the options to go ahead and authorize the Letter of Intent.

Mayor Arnowitz said we are changing the motion. Council Member Kelley rescinded his motion.

Attorney Bernstein said the motion is to authorize the Mayor to execute paper work to submit a Letter of Intent to purchase both vehicles, both the Fire Department vehicle and the Police Department vehicle.

Motion by Council Member Meyerson, Second by Council Member Pizzella.

Roll Call Vote:

Ayes: Council Members Frank, Pizzella, Looes and Meyerson

Abstain: Councilmember Kelley

Nays: None

Absent: Council Member DeGise

Attorney Bernstein said the second motion is to authorize the Administrator to seek alternate lease finance purchasing from TD Bank directly.

Motion by Council Member Pizzella, Second by Council Member Meyerson.

Attorney Bernstein added and leave the borough with the option of either going through TD Bank directly or through the BCIA program.

Motion by Council Member Pizzella, Second by Council Member Looes.

Roll Call Vote:

Ayes: Council Members Frank, Pizzella, Looes and Meyerson

Abstain: Councilmember Kelley

Nays: None

Absent: Council Member DeGise

6. \*Update D'Allessandro Memorial, letter dated August 12, 2013~entire council

Council Member Pizzella said he met with Ms. D'Allessandro a few times since our last meeting and at the last meeting there was a representative of the foundation, a representative of the Girl Scouts, Joseph Appio, a Representative of the County. We discussed the language of the memorial and there are still some comments. He read the last version "Joan was a child who enjoyed daffodils, dancing and being a Girl Scout Brownie. She left her home to deliver cookies to her neighbor three houses away and never came back. She was lured by him on Holy Thursday and her body was found in Harriman State Park on Easter Sunday, a day of Hope. Her killer was convicted of murder in the first degree and sentenced to life, he was eligible for parole after serving 14 years." What happened to Joan sparked the movement that began in Hillsdale to protect children and keep them safe. She will always be remembered for inspiring of laws that keep child predators behind bars without parole. Joan's Law in New Jersey, April 3, 1997, Federal Joan's Law October 30, 1998, Justice for Victim's Law November 17, 2000, Joan's Law New York September 15, 2004." There will also be a space after that for the law that Ms. D'Allessandro is working on now. It was in April 2006, that Joan's Mom visited the state park site for the second time and saw a white butterfly behind a large boulder in which she was found. Since then the white butterfly has become a sign of Joan's joyful and free spirit giving many

ascents of love, hope and peace. Joan's legacy protects all children in the U.S. and brings a real awareness to child safety and protection forever.

He said what he tried to do when he met with group is try to focus on more of the legality aspects of what would happen and try not to sanitize but give a good, accurate description that Ms. D'Allessandro felt comfortable with. You have a change from the words raped, murder and molested to she was lured by him and the date she was found. Also we focused on the fact that he was convicted of murder in the first degree, sentenced to life and eligible for parole after 14 years. None of the laws that were passed afterwards really do impact Joan's family, they got no benefit from it and yet she still went on to help with laws that help all children and help families that are dealing with this. We brought up an idea of a movement which began in Hillsdale and something to be proud of because Ms. D'Allessandro was supported by Hillsdale residents.

In the packet the county is o.k. with the proposed plan, dimensions and as well as the language; Mr. Appio wanted to make sure that the town as a courtesy we are o.k. with the language. He said Lynn Ippollito of the Girl Scouts was in the audience and he spoke with Ms. Garger who is also present. They are regional scouts, not local.

Betty Garger, 300 Forest Avenue, Regional Girl Scouts –

Council Member Meyerson said a number of supporters had concerns with the original language.

Ms. Garger said they had concerns about the original language as a child safety provider and we feel that the borough should consult mental health professionals and a child psychologist regarding the impact on Hillsdale adults and children. We have a member of the staff who writes for newspapers who helped draft language and for girl scouts to focus more on Joan's life and her legacy.

Council Member Pizzella read language that was proposed that evening with the Girl Scout representative there.

Ms. Garger said we are still concerned with the impact on children in Hillsdale and adults. We have a child psychologist on staff who is involved in the presentation. The monument is very inviting and the butterflies very peaceful and attractive and Joan is everyone's angel. We have a concern for all of the children in Hillsdale and visitors. In any case it is the parent's job to determine what is said and when it is said.

Council Member Meyerson asked if the Girl Scouts submit this alternative language to a mental health professional and did you hear from the child psychologist.

Ms. Garger said yes and spoke with her on the phone. She was concerned about the impact of this language on children. The child psychologist was not more specific; it is everyone's duty to protect children and maybe this is a way to do that right now.

Council Member Meyerson asked if she had a copy of the alternate language the Girl Scouts proposed and asked if she could provide it to the Council.

Council Member Pizzella said he was at the meeting; you were not there and the other representative was and the main concern at that meeting was changing Girl Scout Cookies from Girl Scout Cookies to Cookies. That was the main concern of that meeting. The concern that you are talking about now came afterwards when you spoke to Ms. D'Allessandro and you proposed language to her that the County did not see, none of the representatives at that meeting saw. Do you also have a concern with the new language that says Lord?

Ms. Garger said she came here this evening to observe. We have always been concerned about the language because of the impact on children and it impacts what people understand about what happened 40 years ago. She was not at the meeting but we are working very hard with Ms. D'Allessandro as we support her and her efforts. So this is not about the Girl Scout language vs. Ms. D'Allessandro's language vs. the original language, this is about trying to come together and find something agreeable for all involved. She emailed Ms. D'Allessandro the alternate language.

Council Member Pizzella saw the alternate language and he called Ms. D'Allessandro and asked about the alternate language and she said she changed Girl Scouts or Brownie to Girl Scout/Brownie. She changed Girl Scout Cookies and changed it to Cookies. The language you

proposed to her was not acceptable to her because it did not describe her child, it was not what she was looking for and it was completely different from the original.

Council Member DeGise did not get a copy of the alternate language but it is a concern of this Council.

Council Member Pizzella is not going to provide the alternate language unless the foundation agrees with the Girl Scouts.

Council Member DeGise said the Council is very careful what we put out to the public. We all love the project and the DPW is o.k. with this, he asked that it be forwarded to the Borough Clerk and the recommendations and we will have another meeting with Ms. D'Allessandro about the language.

Council Member Meyerson said the Girl Scouts are recommending something different, that we run this proposed language through a child psychologist or a health professional. You have already done that and what I hear you saying is the effect on children and certain adults.

Mayor Arnowitz will not sign off on this until we come up something that is acceptable to everyone. This is a memorial that will be there for a long time and a lot of people will see it, he does not want to offend anyone and doesn't want to offend Ms. D'Allessandro but it is Hillsdale and it is Hillsdale's responsibility to ensure the safety and safety is the psychology of children.

Council Member DeGise asked if it is possible for the Girl Scouts and the Council Member and psychologist get on a conference call with and Ms. D'Allessandro.

Mayor Arnowitz asked Council Members DeGise and Pizzella to take the lead on this.

Council Member Pizzella said any other meeting that he has with Ms. D'Allessandro Council Member DeGise must be present.

Mayor Arnowitz said if Council Member DeGise cannot be present, another Council Member or the Mayor would assist.

Borough Attorney Bernstein said he wants the County Executive or the County Administrator, as this is County property, to provide approval in writing prior to the Borough of Hillsdale signing off on this.

Mayor Arnowitz said he told Mr. Trawinski that he needs something in writing that is official, not a nod of the head.

Council Member Pizzella said he also said the same thing to Joe Appio and that he provide something that is a formal approval or come to the meeting. Unless he couldn't come to the meeting, he would put this on the Agenda for discussion and would propose the language that we last we came up with. We would then follow up with another meeting with the people who were present. You have heard from the Girl Scouts, you heard from Ms. D'Allessandro in a letter and you heard from some other people. Joe Appio is the media relations for the County Executive.

Mayor Arnowitz said he wants something from Mr. Trawinski or County Executive Donovan on their letterhead, signed by them.

Council Member DeGise said we will do that when we get the language. We have to send it to the head division of County Parks.

#### 7. Update 9-11 Memorial Veterans Park, Eric Stigliano~entire council

Eric Stigliano, 6 Conklin Avenue –

He distributed wording for the plaque to the Council.

Mayor Arnowitz asked if everyone was satisfied with the plaque.

Mayor Arnowitz said 9/11 is a school day. We will be unable to dedicate it during the day and asked when the dedication should be done.

Eric Stigliano was in favor of an official dedication when he received the piece of steel.

Mayor Arnowitz said when a decision is made he wants a message on the bulletin board and on the website. The money from the matching grant has been approved. He said the scouts will advise the Administrator how to obtain the dollars for the expenses; the borough received approximately \$1250, it will cost the town nothing, funds are being raised and he encouraged residents to purchase flags, water at the concert, and those funds will be matched.

Eric Stigliano said so far they have raised \$500.

Attorney Bernstein said when the final plan is put together he advised Eric to submit it to the Mayor and Clerk for signatures signifying approval by the borough.

Mayor Arnowitz said there will not be a cross on the monument; we are getting an actual piece of steel from the Port Authority for the monument. He publicly thanked Mr. Mochlar for his offer of the artifact.

#### 8. Hillsdale Football request, snack shed fund raiser~Councilmember Kelley

Council Member Kelley said for years HFA raised funds by selling food and drinks; this was run by volunteers which was a gigantic undertaking. This year the volunteers want the local businesses to run this.

Motion to authorize HFA to use the snack shed and services of an outside vendor to provide the services and to make a contribution was made by Council Member Kelley, Second by Council Member Looes.

Anthony DeGiglio, 205 Raymond Street

He asked the Council to allow Big Daddy's to operate the snack shed for the 2013 home football games. They are interested in receiving a donation of \$4,000 for operating the snack shed. They have a contract that provides detail of the agreement. He provided the information to the Council prior to moving forward.

Attorney Bernstein said there is a proposal for indemnifying and hold harmless both the HFA and the borough. There is also a proposal to procure general liability policy and names the borough as additional insured. The issue being raised by the Administrator was whether or not this is a violation of the public contract laws, i.e., do we have to go out for bid. Do we have any other use for any other borough facility for a non-profit organization or for-profit organization? When an organization uses a borough facility and there is a fee, do we make them go out for bid for services?

Mayor Arnowitz said some sports programs use our fields and the associations derive a slight amount for using the fields, they receive money for the camp. There has never been a situation like this before.

Attorney Bernstein said the threshold for requesting quotes with a qualified purchasing agent is \$5,400 which is in excess of the amount of money you are talking about here. Does the borough want to enter into an agreement with the vendor in lieu of volunteers to provide services for them?

Council Member Pizzella said the associations in the past have attempted to use the snack shed. The Football Association has been the most successful at utilizing the snack shed and making some income that goes back into the program. Different towns use different approaches. He did not have an issue with Football using the snack shed and doing it this way. Hillsdale needs to look forward when we are doing budgets. The snack sheds and fields are assets and we should try to figure out ways to support the associations in running the snack sheds and make use of the money generated back into the fields. We under- utilize as a community; the Football Association does this every year and they do it successfully and the only difference is they are having a vendor do it.

Mayor Arnowitz said this is how Stonybrook got into parceling out the snack bar, this is the way to go.

Council Member Frank agreed that we should do this but we need to have the Rec Commission to enact an ordinance to authorize Football to run the program as we do with the baseball association. It is a gap that was never done by the Rec Commission and he does not believe they

ever authorized or the borough authorized the Rec Commission to turn over the sports activities to the associations. It is paper work, let's get it done.

Mayor Arnowitz is looking for a vote tonight.

Council Member Meyerson said this is a no brainer, a fund raising event. The Council gives cart blanch to fund raise through the use of the snack shed every year. They are going to make the same amount of money with no work.

Attorney Bernstein asked the missing item in the contract is the liability amount you want insurance coverage for.

Administrator DeJoseph said there are minimum requirements as per JIF, he will check on the amount.

Mayor Arnowitz said we had a motion and a second and we need a Roll Call Vote to allow them for the year 2013 to lease to an outside vendor, Big Daddy's, for the football season.

Roll Call Vote:

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

Nays: None

Absent: Council Member DeGise

Borough Attorney Bernstein will review the contract.

Mayor Arnowitz asked the council's direction on agenda items

**PUBLIC COMMENT:**

Julie Hodgman, 92 Yesler Way –

For the past three months she has almost had head-on collisions with traffic coming the wrong way.

Mayor Arnowitz said there are warning signs indicating no exit that way.

Council Member Kelley said he believed the majority of people know it, they do not want to go around to the light.

Mayor Arnowitz said the Chief of Police is present and he will take care of it.

Ms. Hodgman (Contd).

A few doors down there is an unoccupied home and it is an eyesore, unkept.

Mayor Arnowitz asked Superintendent Durie to check on the property, determine if there is anything the Code Department can do.

Superintendent Durie said he will contact the bank that owns the property.

Ms. Hodgman (Contd),

She asked how does it affect the taxpayers when the town purchases the home.

Mayor Arnowitz said the taxes on the home are absorbed by the taxpayers. The town's responsibility will be to maintain the property and absorbing \$7000/year in taxes. We have another home that will come down in that vicinity also.

Ms. Hodgman (Contd).

She asked how residents can read the letters received by the Council.

Mayor Arnowitz said you can request any letter you want through OPRA through the Clerk.

Ms. Hodgman (Contd),

She asked if garbage disposals are allowed in Hillsdale.

Mayor Arnowitz said yes, they are allowed.

Abby Lundy, 73 Colonial Boulevard –

Hillsdale Baseball Association registration is down. They would like a charter to promote signs at the entrance to the town, such as church signs, enabling them to advertise hours.

Mayor Arnowitz said if it is in the borough right-of-way, it would be the Council's decision; he suggested she draw up what is being proposed, sizes and locations, and present it to the Council. You cannot block any sights.

Council Member Meyerson asked why registration is down.

Ms. Lundy (Contd).

She felt there are a lot of club teams coming into town.

Council Member Kelley said LaCrosse is taking over.

Mavis Romaine, Attorney, Rockland County, 65 Bogers Ave., Pearl River, NY

She urged support of the original wording. In 1973 as a student there was a brief announcement over the speaker system that something happened and were told not to discuss it. She read that Ms. D'Allessandro had words and was asked to sanitize the wording which was meant to educate about child abuse. In order to prevent child abuse we have to be as clear as we possibly can, people might be uncomfortable with the terminology used but it is necessary and if it is uncomfortable, so be it. Mrs. D'Allessandro should be able to use her original words.

Ray (inaudible), 189 Maple Avenue, Goshen, NY

He was 11 years old during this tragic event, he lived two miles from the D'Allessandro house. He had three sisters who were girl scouts and he and his brother boy scouts. There is no easy way to say what happened to Joan, the whole story of what happened to her is important to remember. We should accept her words, support the sculpture garden at the train station and accept the entire story.

**Jason DeGise arrived at 9:12 p.m.**

Mayor Arnowitz closed the public session temporarily. He referred to Correspondence 1.

After discussion of Correspondence No. 1, a Motion to return to Open Public Meeting was made by Council Member Kelley, Second by Council Member DeGise, and unanimously carried.

**OPEN PUBLIC MEETING (CONTD).**

(Inaudible), Stony Point, New York

He provided a police family history. He believed the right thing to do is to make sure this memorial to Joan D'Allessandro goes through as it is worded. Today it is an adult's job to educate our children to enlighten them and he believed this memorial in the park worded as it is is an enlightenment and gives a parent a moment to share with their kids what life is really about, very precious, very fragile. Leaders should do all they can to make children understand that this is a dangerous world. That memorial as it is worded should stand as it is.

Don McLachlan, Upper Saddle River –

He is here on behalf of the Hillsdale/Westwood Flood Solution Group, with regard to Judge Carver's decision. He suggests merging of members of the organization to pursue an appeal of the decision. There are well over 200 property owners prone to flooding. It is very important that the nature of the opinion needs to return to the Planning Board. As it currently stands the project has not been given a passing grade by the Engineer, GEI. In the GEI opinion one of the most important things they say downstream flooding cannot be calculated by a computer model by United Water and given to DEP. According to GEI one cannot know what the downstream impact will be. The opinion that came down did not address any of the meritorious arguments. The court took no evaluation of the arguments Hillsdale took to the court. By pursuing this appeal it would permit the courts to actually consider the authority of the Planning Board to decide issues beyond the approval of the project. Judge Carver said the ordinances preempted

the approval of the project, there is a lot more to that, particularly the downstream flooding which was not addressed.

Borough Attorney Bernstein asked if the client intended to appeal.

Mr. McLachlan said yes and do so with Hillsdale.

Alfred J. Murphy, 5 Cherry Place –

He encouraged everyone to attend the meeting on Monday to express their opinion regarding the breakup of the school.

Mayor Arnowitz said each board has 10 minutes to speak. He hoped Mr. Murphy could attend as a private citizen.

Council Member Pizzella could reach out to the local Board.

Donna Pollack, 171 Oakland Street –

She said her house is currently for sale and within two weeks had an offer. She discovered from the buyer's realtor that the square footage was not what was represented on the property record card. Her house was built in 1998, no sketch, and in 2007 a reval was done, the error was not caught. She was taxed on an additional 612 sq. ft. In 2013 the reval company came to her house but never measured because he never caught the mistake. Once the error was discovered, the Tax Assessor came and measured and confirmed there was a mistake of 612 sq. ft. This reduced from 750,000 to 675,000 the value based on the tax this year and the current year's rate she is paying \$2,100 more than she should be paying for taxes. She spoke to a Field Supervisor, Mark Duda, but she was not satisfied. She asked to speak to the President and was informed that the taxpayers cost to Realty Appraiser was \$227,480. He said they got into 90% of the homes, they had seven assessors in the field. The representative to her house on November 16, 2012, and the quality of his work was poor and he was fired in July. They did not alert the town of the errors nor did they advise the Tax Assessor that the property should have been re-measured. This year she is paying \$2,100 more in property taxes. It will be corrected for next year but she will not be living here. She has advised everyone in her neighborhood to have the Tax Assessor review their tax records.

Mayor Arnowitz said he implored the residents before, during and after the revaluation to come to the office and look at the property record cards. Errors have been made, errors were made and errors will be made. It is the responsibility of the homeowner to check.

Ms. Pollack (Contd).

It is almost impossible to understand everything that is requested on the records. You have to put trust that it is being done correctly.

Council Member Kelley said this company made a lot of money and asked if the borough has any recourse to assist a resident when a mistake was made.

Mayor Arnowitz said the onus is on the homeowner.

Attorney Bernstein said the problem with revaluation is that there are only a handful of companies that are approved by the state. Any contract you have with a reval company must be approved by the State Division of Taxation. The contract which is a standard contract approved by the state has significant indemnifications relative to errors, omissions and the like. When a Tax Assessor is told there is an issue they will remind you that they are employees of the state, the only thing you do is hire them and pay them. You don't set their hours because the State Statute sets their hours. Evaluation determined for a home in any municipality in the State of New Jersey is based on October 1 of the pre-taxed year, which is the value of the home October 1, 2012. He will speak to the Tax Assessor on the issue as a whole.

Borough Administrator DeJoseph said he and Council Member Frank tried doing a reassessment that would have helped to reduce costs to the borough but in Ms. Pollack's case, it still would not helped a measurement error.

Council Member Meyerson said municipalities who make mistakes end up costing a homeowner not just money but intense frustration. He wished her well in selling her home.

Mayor Arnowitz closed the meeting after a discussion with the public.

**PROFESSIONALS REPORT:**

Borough Attorney Bernstein said he had some items for Executive Session.

**ORDINANCES:** *Adoption and Introduction*

**13-09 (Introduction)**

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF THE BOROUGH OF HILLSDALE, MOST NOTABLY CHAPTER 45, "LENGTH OF SERVICE AWARDS PROGRAM"**

BE IT RESOLVED, that Ordinance No. 13-09 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 Hillsdale Avenue, Hillsdale, New Jersey, on September 10, 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.

Motion by Council Member Looes, Second by Council Member Meyerson.

Roll Call Vote:

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

Nays: None

Abstain: Council Members DeGise and Kelley

**RESOLUTIONS: R13160 through R13174 (Consent Agenda):**

Mayor Arnowitz indicated that Resolution R13166 Land Lease Agreement has been removed from the Consent Agenda.

Council Member Frank asked for a separate vote on R13163, R13165 and R13174.

Mayor Arnowitz asked for a vote on all Resolutions with the exception of R13163, R13165 and R13174.

R 13160      Payment of Bills 7/10/2013 through 8/15/2013

BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale that the following bills in the sum of \$6,685,818.17 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.

R 13161      Approval of raffle license #696, Pascack Valley High School-Gridiron Club, Inc., On-premise 50/50 cash draw raffle, 2013

WHEREAS, Pascack Valley High School-Gridiron Club, Inc., 200 Piermont Avenue, Hillsdale, NJ 07642 has made proper application for the following Raffle License to be held September 12, 27, October 10, 11, 2013; and

WHEREAS, said application contains the number of designation furnished by the Legalized Games of Chance Control Commission; and

WHEREAS, THE Police Department of the Borough of Hillsdale has reported to this Borough Council in writing that the statements contained in said application are in order, that the place wherein said Raffle(s) is to be held complies with the rules and regulations pertaining to the application.

NOW, THEREFORE, BE IT RESOLVED, that upon payment of the licensing fees, as provided by Statute, and upon filing with the Borough Clerk be and he is hereby authorized to issue a license for Raffles in accordance with said application:

Raffle License No.  
RL: 696

Type of License  
On-Premise 50/50 Cash Draw Raffle

R 13162 Authorize execution of MOU, NJ OEM, FEMA grants

WHEREAS, the Borough of Hillsdale wishes to enter into a Memorandum of Understanding with the New Jersey Office of Emergency Management (hereinafter referred to as the "NJOEM") relating to applications for grants under the Federal Emergency Management Agency (hereinafter referred to as "FEMA") Public Assistance and/or Hazard Mitigation programs for presidentially declared major disasters; and,

WHEREAS, NJOEM, on behalf of the State of New Jersey, is the grantee of FEMA funding for disaster assistance; and,

WHEREAS, FEMA has determined that the Borough of Hillsdale, the subgrantee, is eligible to apply for and/or receive FEMA funding under the Public Assistance and/or Hazard Mitigation programs; and,

WHEREAS, NJOEM has a fiduciary responsibility to FEMA to insure disaster relief funds are spent responsibly by eligible sub-grantees; and,

WHEREAS, the Memorandum of Understanding is a part of the Borough's application to receive such disaster assistance and FEMA funding; and,

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the Mayor and the Borough Clerk, if applicable, of the Borough of Hillsdale is hereby authorized, on behalf of the Borough, to execute a Memorandum of Understanding with NJOEM. A copy of the executed Memorandum of Understanding shall be on file in the office of the Borough Clerk.

R 13164 Award of contract for Alternate Prosecutor for the remainder of year 2013

WHEREAS, the Borough of Hillsdale promulgated requests for qualifications for Alternate Municipal Prosecutor for the remainder of the 2013 calendar year; and,

WHEREAS, the proposals were promulgated by the Borough; and,

WHEREAS, only Christopher E. Martin, Esquire submitted a timely application;

WHEREAS, Christopher E. Martin, Esquire has met all of the required qualifications for the position of Alternate Municipal Prosecutor.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the position of Alternate Municipal Prosecutor for the remainder of the 2013 calendar year is hereby awarded to Christopher E. Martin, Esquire. A copy of the executed Agreement, if applicable, shall be on file in the office of the Borough Clerk.

R 13166 Authorize execution of land lease agreement with New Cingular, DPW Yard Cell Tower-PULLED- update in executive session

R 13167 Rejection and authorize re-advertise for Banking RFPs

WHEREAS, the Borough of Hillsdale seeks a vendor to provide municipal banking services to the Borough; and,

WHEREAS, on June 14, 2013, in furtherance of said banking services, the Borough of Hillsdale, consistent with the Local Public Contracts Law (N.J.S.A. 40A:11-1 et.seq.), advertised a request for proposals (hereinafter referred to as the “RFP”) for such municipal banking services; and,

WHEREAS, the Borough of Hillsdale received four (4) RFP’s in response to the advertisement; and,

WHEREAS, after a thorough review of all of the responsive proposals received by the Borough of Hillsdale, the Borough has decided to substantially revise the specifications for the municipal banking RFP and is thereby rejecting all proposals received.

NOW, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that all proposals for municipal banking, received in July, 2013, shall be rejected.

BE IT FURTHER RESOLVED, that the Borough Clerk and Borough Administrator are hereby authorized to re-advertise a request for proposal for the aforementioned municipal banking service.

R 13168        Opposing United Waters request for rate increase

WHEREAS, the Borough of Hillsdale and other municipalities each received a NOTICE OF FILING OF PETITION OF UNITED WATER NEW JERSEY FOR APPROVAL OF AN INCREASE IN RATES FOR WATER SERVICE AND OTHER TARIFF CHANGES from United Water by fax and dated August 5, 2013; and

WHEREAS, the notice further state that,” On March 3, 2013 United Water, New Jersey Inc. (UANJ)(The company) pursuant to N.J.S.A.48:2-21 and other relevant statutes and regulations filed a petition with the Board of Public Utilities (the “Board”) and the State of New Jersey for an increase in their charges for Water services; and

WHEREAS, the Company is requesting an increase in base revenues of \$29,994,809 or approximately 14.69 % above the annual level of revenues for the post-test year period ending November 30, 2013; and

WHEREAS, General metered services charge changes for fixed monthly rates are proposed to be increased by 29.25%, consumption rates are to be increased by 16%; and

WHEREAS, the notice further state “If this proposal were to be adopted without further modification an average residential customer using 7480 gallons of water per month will see his /her bill increase from \$46.42 to \$54.75, an increase of \$8.33 per month or approximately 17.94%; and

WHEREAS, the Company proposes rate changes in the Distribution System Improvement Charge (DSIC) – “The maximum amount of DSIC revenues permitted to be recovered between this rate case and the next UWNJ base rate case is \$10,252,716; and

WHEREAS, these rates, if approved would be an exorbitant increase and burden on our municipal budget and our local taxpayers far exceeding the 2% mandated Cap of municipal government and would be particularly onerous on the residential and business community in these most difficult economic environment; now

BE IT RESOLVED, we request the BPU consider the economic hardship and impact on all government agencies, businesses and residents and the impact that granting this increased will have on each budget, and we remind the BPU of the 2% mandate under which all NJ government is required to meet; and

BE IT FURTHER RESOLVED, that the Borough of Hillsdale strongly opposes the increases requested in the Notice of Filing; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor Christie, our State Legislators, all Bergen County municipalities, and the Board of Public Utilities.

BE IT FURTHER RESOLVED, a copy of this resolution be delivered by a representative of the Borough of Hillsdale at the public hearing on the Company’s Petition August 28, 2013 at 5 p.m.

at the Bergen County Board of Chosen Freeholder's Meeting Room 5th Floor, One Bergen County Plaza, Hackensack, NJ.

R 13169 Award of contract bus transportation for summer camp 2013

WHEREAS, the Borough of Hillsdale promulgated requests for proposals for bus transportation services for Summer Camp 2013; and,

WHEREAS, the proposals were promulgated by the Borough Administrator; and,

WHEREAS, three (3) companies responded and provided price quotes, they were First Student Inc., Rinaldi and D & M; and,

WHEREAS, the lowest quote to include air conditioning service and after care was from First Student, Inc. in the total amount of Nineteen Thousand and Six Hundred Sixty Dollars and No Cents (\$19,660.00); and,

WHEREAS, First Student, Inc. has also met all of the specifications for the provision of municipal busing services.

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 air conditioned busing services for Summer Camp 2013 is hereby awarded to First Student, Inc. and the Mayor and Borough Clerk are hereby authorized, on behalf of the Borough, to execute any and all documents with First Student, Inc. for air conditioned busing services for Summer Camp 2013 in the total amount of Nineteen Thousand and Six Hundred Sixty Dollars and No Cents (\$19,660.00). This Resolution is corrected to reflect the awarding of the after care portion of the program which the Borough provided. A copy of the executed Agreement, if applicable, shall be on file in the office of the Borough Clerk.

R 13170 Approve change order #1, 2013 Bergen County ADA Ramp Improvement Project in the amount of <\$21,493.62>

WHEREAS, the Borough of Hillsdale has heretofore entered into a contract with Reggio Construction for 2013 Bergen County ADA Ramp Improvement Program, Capital Ordinance #13-05, in the amount of \$421,500; and

WHEREAS, Christopher P. Statile, P.A. has recommended approval of the following change order:

Change Order No. 1	Reduction of Base Bid due to reduction in As built quantities constructed	<\$21,493.62>
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NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Hillsdale, that the above-cited Change Order No. 1, decreasing the amount of the Base Bid under said contract by the sum of <\$21,493.62>, shall be and hereby is approved, and the Mayor and Borough Clerk are hereby authorized and directed to execute the same for and on behalf of the Borough of Hillsdale as directed by Borough Engineer Statile, in the form annexed hereto and hereto made part of.

R 13171 Approve change order #1, 2013 Central Avenue and Cross Street Improvements in the amount of \$13,279.59

WHEREAS, the Borough of Hillsdale has heretofore entered into a contract with J.J. Sinisi Asphalt Paving. for 2013 Central Avenue and Cross Street Improvements Program authorized by Capital Ordinance #13-05, and

WHEREAS, the municipal engineer has recommended approval of the following change order:

Change Order No. 1	Increased scope of work to fully utilize
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NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Hillsdale, that the above-cited Change Order No. 1 increasing the amount of the payment required under said contract by the sum of \$13,279.59, shall be and hereby is approved, and the Mayor is hereby authorized and directed to execute the same for and on behalf of the Borough of Hillsdale.

R 13172 Authorization of personnel committee and appointment of councilmembers for year 2013

WHEREAS, it is the recommendation of the Borough Administrator that the Borough Council amend its By-Laws and create a Council Personnel Committee; and,

WHEREAS, the Borough Council is in favor of the creation of such Council Personnel Committee; and,

WHEREAS, said Council Personnel Committee shall work with the Administrator as to any new hires and/or any other personnel issues that need to be addressed and shall consist of three (3) members of the Borough Council.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the Borough Council amends its By-Laws by creating a Council Personnel Committee, which shall work with the Administrator as to any new hires and/or any other personnel issues that need to be addressed and shall consist of three (3) members of the Borough Council.

BE IT FURTHER RESOLVED that the three (3) members of the Borough Council to be appointed to said Council Personnel Committee for the remainder of calendar year 2013 are Councilwoman Christine Looes, Councilman Jason DeGise and Council President Thomas Kelly.

R 13173 Authorize execution of agreement and documents with NY-NJ Port Authority 9/11 artifact for memorial in Veterans Park

WHEREAS, the Borough of Hillsdale desires to enter into an Agreement with the Port Authority of New York and New Jersey to obtain an artifact from the 9/11 national tragedy for display at the Borough of Hillsdale Memorial Veterans Park; and,

WHEREAS, the Borough of Hillsdale believes the acquisition of such artifact will inure to the benefit of all of the citizens who suffered through the pain and loss of loved ones associated with the national tragedy of 9/11.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the Borough Council hereby authorizes the Mayor and Borough Clerk of the Borough of Hillsdale to sign and/or execute any and all such documents that may come before him, as presented by the Borough Attorney, in furtherance of the 9/11 memorial artifact acquisition, without the need for any further formal action by this Borough Council.

Motion by Councilmember Kelley, seconded by Councilmember Meyerson  
Roll Call Vote: All voted yes.

**RESOLUTIONS: R13163, R13165 AND R13174 (Off Consent Agenda):**

R 13163 Authorize execution of Memorandum of Agreement and Collective Bargaining Agreement with UPSEU.

WHEREAS, the current collective bargaining agreement between the Borough of Hillsdale and United Public Service Employees Union, New Jersey Division (hereinafter referred to as "UPSE"), expired on December 31, 2012 and the parties have engaged in good faith negotiations for a successor agreement; and,

WHEREAS, the Borough of Hillsdale and UPSEU have arrived at a tentative collective bargaining agreement (hereinafter referred to as the “CBA”); and,

WHEREAS, the Borough of Hillsdale and UPSEU have entered into a Memorandum of Agreement (hereinafter referred to as the “MOA”) to memorialize their tentative agreement; and,

WHEREAS, when the Borough of Hillsdale and UPSEU reach a subsequent CBA, which is mutually acceptable to both parties, the parties will also need to memorialize and execute such.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the Mayor and Borough Clerk are hereby authorized, on behalf of the Borough, to execute the Memorandum of Agreement with UPSEU and any and all associated documents, including, but not limited to, a subsequent Collective Bargaining Agreement without further action by the Borough Council. A copy of the executed Agreement(s) shall be on file in the office of the Borough Clerk.

Motion by Councilmember Kelley, Second by Council Member Meyerson

Council Member Frank had an issue, being on the Negotiating Committee he was unaware of the bonuses that were put on the front end of this MOU. His concern is so many private companies are going to wage freezes and we thought that was what Hillsdale was offering. The bonuses are equal to 1% or 2% for the members of the union. It is not fair to the Crossing Guards who signed an agreement for 0, 1.5 and 2%. There is a fairness issue here.

Council Member Kelley said the girls work hard and thinks it is a good deal.

Council Member Frank said this has nothing to do with how hard our employees work, it is the economic reality. We are borrowing money this year to balance the budget because we did not have enough revenue and we are changing the fairness offer between the Crossing Guards and we have two other agreements.

Roll Call Vote:

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

Nays: Council Member Frank

R 13165 Support SWAN Grant Application.

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.

Council Member Kelley said he is opposed to any grant. We have a big flooding problem with the borough and we need to address that.

Mayor Arnowitz said they didn’t stop us, the EPA did. They agreed with the ruling of the EPA.

Motion Arnowitz said there was no motion, the resolution was defeated.

R 13174 Award of contract to Haskell Paving, 30 Greenwood Lake Tpke., Ringwood, NJ 07456, 2013 Oakland Street Roadway Improvement Project, not to exceed \$165,579.52.

Motion by Council Member Kelley, Second by Council Member DeGise.

WHEREAS, the Borough of Hillsdale is in need of a contractor to provide certain construction services for the Oakland Street Roadway Improvement Project; and,

WHEREAS, the Borough of Hillsdale previously advertised for bid proposals from contractors relating to the Oakland Street Roadway Improvement Project; and,

WHEREAS, the lowest responsible bidder was Haskell Paving, Inc., with a principal business address located at 30 Greenwood Lake Turnpike, Borough of Ringwood, Passaic County, State of New Jersey, 07456, who submitted the following bid proposal:

(a) Base Bid not to exceed	\$ 86,459.51
(b) Alternate Bid 1 not to exceed	\$ 60,695.01
(c) Alternate Bid 2 not to exceed	\$ 12,925.00
(d) Alternate Bid 3 not to exceed	\$ 5,500.00

WHEREAS, the Borough of Hillsdale desires to award the Base Bid and Alternate Bids 1, 2 and 3 to Haskell Paving, Inc. for a total contract amount that shall not exceed One Hundred Sixty-Five Thousand Five Hundred Seventy-Nine Dollars and Fifty-Two Cents (\$ 165,579.52).

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the Council hereby awards the contract for the Base Bid and Alternate Bids 1, 2 and 3 for the Oakland Street Roadway Improvement Project to Haskell Paving, Inc., with a principal business address located at 30 Greenwood Lake Turnpike, Borough of Ringwood, Passaic County, State of New Jersey, 07456, for a total contract amount not to exceed One Hundred Sixty-Five Thousand Five Hundred Seventy-Nine Dollars and Fifty-Two Cents (\$ 165,579.52).

BE IT FURTHER RESOLVED that the award is made pursuant to and consistent with the Local Public Contracts Laws of the State of New Jersey; and,

BE IT FURTHER RESOLVED that the Borough Council does hereby authorize the Mayor and Borough Clerk to sign and/or execute any and all such documents that may come before them as presented by the Borough Attorney and/or Borough Engineer in furtherance of the Oakland Street Roadway Improvement Project, without the need for any further formal action by this Borough Council.

Council Member Frank said Oakland Street is definitely in need of repair. His issue is we are borrowing the money for our road program without any plan to pay it back. He voted against our plans to borrow and he will vote against the plans to spend it.

Roll Call Vote:

Ayes: Council Members DeGise, Kelley, Looes and Pizzella

Nays: Council Members Frank

Absent: Councilmember Meyerson

#### **MONTHLY DEPARTMENT REPORTS**

*(The following correspondence on file in Borough Clerks Office)*

R1 Neglia Engineering Associates-Engineer's Report: August 12, 2013

Motion to Record and Accept by Council Member Kelley, Second Council Member Looes, and unanimously carried.

R2 Hillsdale Board of Health-July 2013.

Motion to Record and Accept by Council Member Looes, Second by Council Member Kelley and unanimously carried. Council Member Meyerson absent.

Council Member Looes said the Board of Health will be looking for a Public Health Nurse. At the Skin Cancer screening held at Stonybrook, 45 people were checked out.

R3 Hillsdale Construction Report-through July 31, 2013~Councilmember DeGise

Motion to Record and Accept by Council Member DeGise, Second by Council Member Kelley, and unanimously carried. Council Member Meyerson absent.

R4 Borough Administrator/CFO report dated August 15, 2013

Motion to Record and Accept was made by Council Member Looes, Second by Council Member Frank, and unanimously carried. Council Member Meyerson absent.

**COUNCIL COMMENTARIES:**

Council Member Looes publicly thanked Barbara Martine for her service to the Borough Hillsdale.

Council Member Frank spoke of the passing of Fred Winkler and of his dedication to the American Legion and to the American Flag. Any time a flag was tattered and worn he made it a point to see that it was replaced.

He also encouraged the public to attend the school meeting on Monday at Teterboro. It is important for the quality of our schools.

Council Member Pizzella said he will be out of the country from August 18 through September 4. We set up committees for a reason and he hoped in moving forward we allow the committees to do what they have been set up and designated to do. We take recommendations from the committees and we follow through in the process that is supposed to be followed.

Council Member Kelley said Fred Winkler was a member of the Fire Department for 70 years. He did much for the borough and said Kim Redmond prepared a fantastic article in the newspaper.

Council Member Meyerson again encouraged the public to attend the school meeting on Monday. Send an email or anything you can to contact the Commissioner of Education indicating how important this is to our town. The Office of Emergency Management will send everyone a notification to sign up for emergency information enclosed in the tax bills.

Mayor Arnowitz added his comments on Fred Winkler. He was the heart and soul of Hillsdale and his passing is a great loss. He was pleased that the American Legion interviewed Fred and kept it on tape and it will be kept forever. He encouraged the Council to review the tape, also people who are not associated with the American Legion, so that they can hear this history. There would have been a treasure trove if we had George Jepson, George Demarest tapes; we have no other history other than what was passed down from family, from son, history in their day. He thanked the Winkler family for all they have done.

He asked the Chairman of the Finance Committee, Councilmember Meyerson, to start looking at the 2014 budget. He has been informed of some shortfalls that we will experience this year, we haven't received any funds from the sports associations for lights. He provided a list to the Administrator of all the expenses that we will incur next year so he felt we should have an early start.

He reminded everyone that school starts in September and asked that everyone drive carefully. He asked the Council about an article in the local papers indicating a young lady in one of our

Girl Scout troops is striving for the achievement of Silver Award. The sign entering Hillsdale is being redone and he is curious as to what the sign will look like, what it is going to say.

Council Member Looes knew who was doing this and will make contact with them.

Council Member Pizzella said the Environmental Commission indicated that the Mayor and Borough Administrator approved it. They are revamping the garden around the sign that comes into Hillsdale; a wall will be placed around it with plants and flowers for that specific sign. They are not changing the sign, just putting in a bed of flowers. The Scout is Tom Wiseman's daughter.

Mayor Arnowitz said if you wish to send a letter with regard to the school meeting on Monday, send the letter to The Honorable Chris Cerf, Commissioner of Education, New Jersey Department of Education, P.O. Box 500, Trenton, NJ 08625-0500. The email address is [commissioner@doe.state.nj.us](mailto:commissioner@doe.state.nj.us) and they can receive emails until 5 p.m. on Monday, August 19. This is very important to Hillsdale. He said the Administrator informed him for the sake of the public on TV, if you wish to write a letter bring it to the Borough Hall on Monday until 1:30 p.m. and we will bring it to Teterboro.

Mayor Arnowitz said the furniture in the Borough Hall did not cost us anything, it was donated to Hillsdale.

Borough Clerk Witkowski said the labor was donated by the DPW members who put a lot of time and effort into moving the furniture to the Borough Hall. It was Council Member Pizzella's effort to provide the furniture to Hillsdale rather to other facilities.

#### **ADJOURN TO CLOSED SESSION:**

R 13175 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

Attorney Bernstein said we will consider under 4, PBA and DPW collective bargaining units agreements, management related to litigation, negotiations, under 7, attorney/client privilege, United Water decision, Pascack Valley Regional High School update, letter from Harold Ritvo, Esq. and cell tower. Also, under 8, the possibility of hiring a DPW staff member. Formal action may be taken.

Motion to go Closed Session at 10:50 p.m. was made by Council Member Kelley, Second by Council Member Looes, and unanimously carried.

#### **RECONVENE REGULAR MEETING:** @12:28 a.m.

Borough Attorney Bernstein said members of the governing body were present at the executive session and recommencing the open session as well as the Borough Attorney, the Borough Administrator/CFO/QPA and the Borough Clerk. Let the record reflect that there were discussions during the executive session on the ongoing litigation involving Michelle Wood, involving Pascack Valley Regional High School, possible litigation involving the Planning Board Attorney, possible litigation involving Saddlewood Hills property, Council Member Meyerson recused himself at this time, and possible litigation involving United Water. There was discussion regarding Judge Carver's decision on the United Water case, I believe there is the desire of the governing body to take formal action authorizing my office to appeal Judge Carver's decision with Superior Court.

Mayor Arnowitz said he needs a motion to appeal the Judge Carver decision.

Motion by Council Member Kelley, second by Council Member DeGise

Roll Call Vote:

Ayes: Council Member DeGise and Kelley

Nays: Council Member Looes, Meyerson, Pizzella, and Frank

Borough Attorney Bernstein said the motion fails, there will be no appeal.

Borough Attorney Bernstein said there is the question of possible administrative hires, the Council requested the Borough Administrator work out the possible details and bring it back to the governing body as applicable.

There was discussion regarding ongoing negotiations with Teamster Local 145 and the Borough Attorney's office needs direction whether or not negotiate with them. There was discussion about the proposed agreement between PBA Local 207 and the Borough of Hillsdale and your honor there is a desire to take a vote to accept or reject the proposal.

Mayor Arnowitz said I will accept a motion to approve what was presented by the Borough Attorney as far as potential MOU.

Motion was made by Council Member Meyerson, second by Council Member Kelley.

Roll Call Vote:

Ayes: Council Member Meyerson, Pizzella, DeGise, Kelley and Looes

Nays: Council Member Frank

**ADJOURNMENT:**

On a motion to adjourn the regular meeting at 12:26 a.m. by Councilmember Looes, seconded by Council Member Kelley. All in favor.

**THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE  
TUESDAY, SEPTEMBER 3, 2013 ~BEGINNING AT 7:30 P.M.**