

Minutes of a Council Meeting of the Borough Council held at 7:30 P.M. on Tuesday, March 5, 2013, in the Council Chamber, 380 Hillside Avenue, Hillside, 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 Hillside Borough Council on this 5th day of March 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 Borough Administrator DeJoseph, Borough Attorney Bernstein and Borough Clerk Witkowski.

OATH OF OFFICE

1. Letter from Hillside Volunteer Fire Department, dated February 2, 2013, seeking approval for Matt Lapin as a member of the Hillside Volunteer Fire Department.

Motion to approve was made by Councilmember Looes, seconded by Councilmember Frank, and unanimously carried.

Mayor Arnowitz administered the Oath of Office to Matt Lapin, Hillside Volunteer Fire Department.

PRESENTATIONS

Mayor Arnowitz said Fred Winkler presented him with a copy of the book "The History of the Hillside Police Department" compiled by Sean Smith, which he turned over to Clerk. This book will be on display in the Borough Hall at the counter during the day for anyone who wishes to look through it. It may not be removed and after the presentation at the Library, Fred will take the book.

Fred Winkler, 49 Crosley Terrace -

A part of history was in the Community Life last week and another part of Hillside will begin at the Railroad Station by the Historic Preservation Committee. Three weeks ago he was presented with a book. The book will be available at the Library for two weeks, March 12<sup>th</sup> through March 19<sup>th</sup> between 7 p.m. and 9 p.m., slides will be shown, there will be newspaper clippings and a discussion about the book.

Several years ago this building was redone and all paraphernalia on the walls removed. When it was time to put things back,

there was a problem finding some of the material. He was called to assist and he started looking; people asked about the baseball pictures on the wall. He was fortunate a few weeks ago when he came to the borough hall and was told to go to the file room and found a box of pictures that had been on the wall and they go back to the early 1900's. He asked the Council to consider placing those pictures back on the wall; he had copies made and presented them to the families. He also asked that the pictures of the past Mayors be hung on the wall. He asked that this be placed on the agenda for discussion. Mayor Arnowitz said the former Mayors pictures are in the closet in the Mayor's office. He would like to have this book registered in this state and in the capital, the Railroad Station is already registered in the capital. He will be very happy to provide any information needed. He thanked Sergeant Smith again.

He said the date for the Fishing Contest is April 20 and looking forward for another successful contest. He thanked the Fire Department, the Borough, the Elks in Westwood and the Borough of Westwood.

Mayor Arnowitz said the former Mayors pictures are in the closet in the Mayor's office.

#### APPROVAL OF MINUTES

Minutes of the Regular Meeting of February 12, 2013, Closed Session of February 12, 2013.

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

Roll Call Vote:

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

Nays: None

#### CORRESPONDENCE

2. LETTER FROM BOARD OF PUBLIC UTILITIES, UNITED WATER, DATED FEBRUARY 20, 2013.

Motion to receive and file was made by Councilmember Meyerson, seconded by Councilmember Frank and unanimously carried.

3. LETTER FROM MAIREAD M. JENSEN, DATED FEBRUARY 2013, SEEKING PARKING ACCOMMODATIONS.

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

Police Chief Stalter addressed the Council regarding exceptions. There will be another 25 businesses behind requesting exceptions. Every year we get a request; many businesses buy parking permits for their employees to park in the West Borough Lot. They are advised that if the employees come in after 10AM that the meters in the west lot are free to use. She is looking for exceptions in the three hour parking lot but there are three other beauty salons on the block plus a couple of nail salons.

Councilmember Kelley said are you recommending no?

Chief Stalter said correct, we have adequate parking for commuters, employees in the downtown area. At the intersections we have painted crosswalks and "DO NOT WALK SIGNS". They are adequately lit; over to the municipal parking lot. Very rarely

do we make exceptions as there are multiple businesses looking for exceptions.

Mayor Arnowitz said we have had this request before. If we were to allow this, one of the problems you have is you are limiting her potential patrons a place to park, he would not suggest doing this. There is ample parking in both the west lot and the commuter lot along the tracks and after 10AM they can park. If they have a parking sticker, they can park in the west lot.

Councilmember Meyerson was under the impression that parking was there for consumers that is why there is a three hour limit.

Police Chief Stalter said yes, that is correct; one hour on Broadway and at the lot parking area zoned for three hours. Our parking areas are zoned so you can't move to the next parking space and get another three hours.

Mayor Arnowitz said there are four or five spaces in the east lot that do not belong to the Borough, professional building space and they are all marked out private property.

He asked if the Council wishes to amend or change the parking ordinance. If we are not going to take action, we don't need a motion. He feels the store owner should be informed of our decision and the Administrator will send a note.

Chief Stalter said to get a permit, there is an expense involved and some businesses buy them for their employees.

The Council was unanimously in favor to make no change.

4. LETTER FROM ROBERT J. MALOOF, DATED FEBRUARY 14, 2013,  
RE: B1405, L32, LARGE AVENUE.

Mayor Arnowitz said if they are interested in buying a piece of borough property, we have to take a vote. We talk to the Tax Assessor, who estimates the value of the property, get a professional estimator to estimate the value of the property. We do set restrictions on certain properties, you can't subdivide, and that has to be decided by the Council. If the Council wishes, he will have the Administrator turn this over to the Tax Assessor who will decide on the valuation and put it on the agenda. We cannot abandon property unless the Tax Assessor says the property has no value and does not increase the value of their property, and based on his review. It could be minimal value or considerable value according to what it does for the homeowner's property. It is better that we don't have these small lots all over because they generate no income and we should be maintaining them.

Motion to receive and file was made by Councilmember Kelley, seconded by Councilmember Looes, and unanimously carried.

5. LETTER FROM KEVIN O'BRIEN DATED FEBRUARY 8, 2013, REGARDING  
OPMA VIOLATIONS.

Motion to receive and file was made by Councilmember DeGise, seconded by Councilmember Pizzella, and unanimously carried.

6. LETTER FROM KEVIN O'BRIEN DATED FEBRUARY 21, 2013, REGARDING  
COMPLIANCE 71 PARKVIEW DRIVE.

Motion to receive and file was made by Councilmember Looes, seconded by Councilmember Kelley, and unanimously carried.

7. LETTER FROM PASCACK ART ASSOCIATION, INC., DATED FEBRUARY 25, 2013, REQUESTING PERMISSION TO HOLD THE SECOND ANNUAL ART IN THE PARK AT VETERANS PARK, SATURDAY, JUNE 1, 2013.

Mayor Arnowitz explained that this is an annual event, we approve and require insurance documents, including a hold harmless to be provided as standard procedure.

Motion to receive, file and approve was made by Councilmember Looes, seconded by Councilmember Kelley, and unanimously carried.

8. LETTER FROM BOROUGH OF WESTWOOD, ADMINISTRATOR HOFFMANN, DATED JANUARY 18, 2013, REGARDING PASCACK VALLEY SHARED SERVICED UTILITY BILL AUDIT AND COST RECOVERY.

Motion to receive and file was made by Councilmember Meyerson, seconded by Councilmember DeGise, and unanimously carried.

Mayor Arnowitz said Borough Administrator DeJoseph worked on this and the Auditor is reviewing our utility bills.

#### DISCUSSION

- 1) Update Camera Council Chambers.

Borough Administrator DeJoseph and Municipal Clerk Witkowski have been going back and forth with Verizon, Cablevision having all the vendors here. FIOS works well at home; Cablevision has audio problems. The camera needs to be changed. It has been discussed by members of the Council looking for options. In the packets there is a proposal from Sony PTZ camera for \$1,225 which would be an upgrade or you can go with a professional quality camera made by Hitachi for \$5,700. Those are the only two quotes we have at this time, looking for direction from the Mayor and Council.

Councilmember Frank asked if a test was done on these cameras to see what they look like. There is a big difference in price and specifications and asked if we could arrange for them to come in for a demonstration. That would be needed before we make a decision on the way to go.

Councilmember Kelley said it makes sense that one system could be perfectly fine and the other not well on audio.

Administrator DeJoseph said when Cablevision was going out without video, the audio was crystal clear. We put the old camera and there is a slight improvement.

Councilmember Meyerson said we are not the only municipality that televises and tapes these meetings and on the other channels, it is crystal clear. They have different cameras and does Cablevision have any idea other than guessing that it is the camera.

Administrator DeJoseph said we ran brand new wires from the cabinet down to the D mark downstairs and from the D mark downstairs it is fiber to the head end on Cablevision. They checked everything showing that it is proper.

Mayor Arnowitz said of the towns that are on the air, we probably have the least expensive, old surveillance camera from Centennial Field years ago. Washington Township has a professional studio; Woodcliff Lake has something similar.

Municipal Clerk Witkowski said Gary Shaw is the Government Affairs Official we deal with from Cablevision. As we went back and forth, and when he came and saw the difference he could not believe how poorly the video and audio was going out. He determined we are still having problems and went back to Cablevision with the information. She updated the Council on all of the happenings and we are working on it.

Councilmember Meyerson agreed with Councilmember Frank that these cameras should be tried out before we buy them.

Mayor Arnowitz said we did have a professional come in and look at our whole system about four years ago and the cost would have been about \$60,000 to put in something similar to Washington Township. We decided we didn't have the income for that. The cameras will be tested and before we buy one we will bring this back to the Council.

## 2. Sign Ordinance Update.

Borough Administrator DeJoseph met with the Zoning Official as well as Tracy Jeffery to discuss the sign ordinance and enforcement updates. Approximately 35 packets have been delivered and dropped off, compliance is coming along with most of the businesses. Next to be addressed is the business district from Broadway, Washington Avenue to Cross Street. They are going out dropping the ordinance packet to the business owner, they are looking at it and reviewing it and are giving 90 days to comply with photos of the building.

Mayor Arnowitz said since Tracy's husband owns the building in that strip, someone other than Tracy handle that one business. Councilmember Kelley said Keith Durie has already addressed that.

Councilmember Kelley said there are still problems and one of the problems the amount of time they put in for each individual business and any fines associated with this ordinance are \$50.00. A normal zoning fine is between \$500 and \$1000, \$50.00 doesn't cover even close to the time put in. We are losing money by fining businesses for their signs. We have to look at how this ordinance is written.

Mayor Arnowitz said the problem we have with the sign ordinance and the previous Council, we thought the existing ordinance was sufficient; other people in town thought it necessary. We didn't want to beat up our merchants in poor economic times because they didn't adhere to it and fees and fines were issued. We are hoping they will comply with our thoughts of starting in low and after a while increase it if the Council felt it was necessary.

Councilmember Frank came on Council when it was being voted on and discussed. Apparently a new sign ordinance had been bouncing back and forth for several years and we were spending a lot of money on revisiting and revising. It passed with a marginal vote with the understanding that we were not going to push and penalize our businesses at a time when the economy wasn't good and take a slower implementation of it. We waiting six months before it was started. The fines are not significant but we were not looking to punish our business but looking to bring a better look and more consistent look as to how signage is put in. It is not a revenue producer, but the purpose of the ordinance in the beginning, was to clean up the signs.

Councilmember Kelley said he is not looking for revenue but

Tracy Jeffery has to do her work and then go to court to show what she did. He believed this is very restricting and he didn't agree with a lot of it but a lot of these businesses have already fought and gone to court. Between the low fee, all the work involved and the court involved when they fight this, we are losing a lot of money enforcing this ordinance.

Mayor Arnowitz said any ordinance can be changed by the majority of the Council. It took seven to eight years to put this ordinance together. There were at least five or six attorneys involved in various stages, different engineering firms going over this, different Council people starting from scratch all over again. It was one of the most difficult ordinances put together and one of the problems was that our Zoning Official didn't feel our existing ordinance was enforceable. All of the entities were involved but as far as the merchants involvement, he went to all the businesses and asked for input, etc., but none came to the meetings to give their input. The ordinance was passed, not unanimously. and now we are in the boat we are in now. If you wish to change it, he would be more than happy to entertain it but it is a very cumbersome, lengthy, in-depth ordinance that requires a lot of professional help to ensure that what you are doing is enforceable.

Councilmember Pizzella said we should review it again, sign ordinances are difficult and we don't want to beat up the business owners, and it doesn't seem to be getting any better. We also want to clean up the downtown, we want to help businesses thrive.

Mayor Arnowitz said all the main visible stores are just going to be hit now. It is a very time consuming for our Code Department, Tracy Jeffery is handling it and doing it in sections to limit the exposure. They are doing it in an exact way so that there is no confusion; he did not believe we have given this a fair shot to see if there is compliance. As far as fees and fines are concerned, they are low and it was done purposely.

Councilmember Meyerson agreed; we haven't given this enough opportunity to even try to work. We have to respect the fact that there were seven years, Chamber of Commerce involved, hearings held and need to give it an opportunity to work. Anytime you make a change to the sign ordinance and requires owners to change the front, it is going to be onerous on any business owner. People will not want to comply but he likes the idea of low fines and acts as a bit of encouragement to comply.

Mayor Arnowitz said we should give them a minimum of six months after all the stores have been noticed and explained.

Councilmember Meyerson said we need to speed up the process. The approach taken by Tracy is, go to each place, give them a packet, spend hours with them going through the ordinance. He did not think that is an appropriate way to disseminate this. When it is done, we have to give it an opportunity to work.

Councilmember Pizzella asked if we can get a schedule from Zoning telling us in three months everybody will receive notice and have certain due dates for certain things and run the process along.

Mayor Arnowitz directed the Borough Administrator to get a schedule from Keith Durie when he expects the town to be in compliance and what is the next step and time frame to get it done.

3) Evening Hours, trial basis.

Administrator DeJoseph said this was discussed at the February Council meeting and to fill a void with evening hours for residents to come in. He spoke to the Borough Clerk and Department Heads and we came up with the first Tuesday of the month from 6:30PM to 7:30PM having the borough hall open for residents to drop off or pick up items strictly as a trial basis.

Mayor Arnowitz said we must be sure there is ample security here, a way to contact the desk downstairs if there is a problem.

Administrator DeJoseph said there are phones on all desks as well as emergency panic buttons.

Councilmember Frank said if this is the first Tuesday of every month, a Council meeting will be going at the same time. He would prefer two days a month but start with one on a trial basis.

Mayor Arnowitz said before we begin, this will be put on the sign and website.

Administrator DeJoseph said the Tax Assessor is here on Tuesday evenings as well and we would rotate one person from the building department and one from the administrative side.

Councilmember Kelley asked to keep a log of how many people are come in.

4 Pascack Valley Tribe (cheerleading), Quasi Insurance.

Councilmember Kelley spoke to the Risk Manager, Administrator DeJoseph, and Patty Hughes, Recreation Director. A woman in River Vale is working on putting together a joint River Vale/Hillsdale Cheerleading squad. She personally went to River Vale about getting insurance but they denied her and came to us. We looked into it and doesn't look like something we can do either, so we cannot accommodate her. Patty will reach out to her and advise.

5) Professionals, RFQ Evaluations.

Borough Administrator DeJoseph said the Bond Counsel appointed in January is no longer with that firm so he is looking for direction from the Council with regard to appointing or hiring a new Bond Counsel. We need a bond ordinance for paving Central Avenue and Cross Street as well as the ADA ramps.

Councilmember Meyerson understood that our Auditor, Mr. Lerch, has recommended someone.

Administrator DeJoseph said his proposal was handed out tonight by the Borough Clerk. They are both basically the same.

Mayor Arnowitz said it is beneficial to hire someone who is familiar with the auditing firm and if that is who you want to choose, make a motion.

Borough Attorney Bernstein said you can make a motion subject to price, qualified under pay to play, to appoint John Draikiwicz, Esq., Gibbons P.C.

Councilmember Meyerson made a motion, seconded by Councilmember Kelley.

Roll Call Vote to hire the firm based on Attorney Bernstein:

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

Nays: None

Councilmember Meyerson believed there were other issues on RFQ's.

Borough Administrator DeJoseph looked for direction on appoint an engineer, special project engineer, borough planner. We have received their RFQ's.

Mayor Arnowitz asked for a recommendation from the Council.

Councilmember DeGise wanted to handle this one at a time. He asked for the Borough Engineer to be carried for one more week.

Borough Attorney Bernstein asked what action the Council wants to take. Do they want to put a package together and if they want to vote separately.

Councilmember Kelley wanted to vote one at a time.

Councilmember DeGise motioned for Dennis Haraka as Prosecutor.

Mayor Arnowitz said he recommended Dennis Haraka, he is our current Prosecutor.

Councilmember Frank asked if any of these bid packages or evaluations were distributed to Council.

Councilmember Pizzella said he can't vote on something he didn't get.

Mayor Arnowitz said the Borough Attorney confirmed that if we hold off the Prosecutor carries over from last year. He asked that the resumes be distributed and be prepared to vote on them next week.

Administrator DeJoseph asked if the appointments will be under the fair and open process or under the non-fair and open process.

Borough Attorney Bernstein said the appointments will be made under the fair and open process.

Borough Clerk Witkowski said she has a box of RFQ's in her office and that Council can review in the office.

Councilmember DeGise suggested that the Council be prepared to vote at the Council Meeting of March 12, 2013.

6) Correspondence - BPU. Attorney Bernstein, Closed Session

7) Cell Phone, Mayor

Mayor Arnowitz requested a cell phone, he is the only Mayor who does not have a borough issued cell phone. His cell phone bills are getting out of hand with all of the calls he receives. If he does not get a borough issued cell phone, his personal cell phone will not be available for calls. He receives money for the weddings he performs for the borough, he does not bill the

town for mileage and this past year he added about 3,000 miles to his personal automobile. He does not bill the town for any additional expenses.

Councilmember Frank said the Mayor should have a cell phone; we have been to meetings in other towns and he has seen the expenses for members of the Council covered.

Mayor Arnowitz said the Administrator informed him that the cost would be about \$50/month. He asked for a phone that would provide him with email ability, calendar, talk and text.

Councilmember Meyerson said we do receive a stipend and he thought the stipend was for things like mileage and cell phone usage. Everybody here has a cell phone and we have borough email on our cell phones.

Mayor Arnowitz said that was his opinion until his accountant told him last year his net salary was \$1200 after expenses on a \$9000 salary. He spoke with other Mayors who advised that they all have an expense account which covers dining; they get a town car at their disposal, none have a car to take home, or they put in for mileage at 52-1/2 cents a mile. For 2-1/2 years he has been paying for his own phone.

Councilmember Frank made a motion that a cell phone be approved for the Mayor, seconded by Councilmember Meyerson.

Roll Call Vote:

Ayes: Councilmembers Looes, Meyerson, Pizzella and Frank

Nays: Councilmembers DeGise and Kelley

#### 9) Committee Assignments

Councilmember Pizzella wished to confirm his committees and also offer a suggestion. His understanding is he is on the Board of Ed for the local schools, Environmental Commission, Local Assistance Board. Councilmember Frank suggested that the liaison to the Green Team and the Environmental Commission be the same. He does not have an issue taking on Liaison to both. He discussed it with both groups who thought it was a good idea to have the same Liaison. He also noted no one on certain special committees; Chamber of Commerce and the other Historic Preservation.

Mayor Arnowitz asked Councilmember Kelley to provide a list for next week. He directed the Municipal Clerk to provide a list and asked if we can put Councilmember Pizzella on the Green Team and remove Councilmember Frank.

#### 10) Tree Removal Policy.

Borough Administrator DeJoseph said he enclosed in everyone's packet numerous ordinances and references from other municipalities throughout the state. It ranges from the borough's responsibility to removing trees from the borough right-of-way, to the homeowner who owns the tree and removal, and everywhere and anywhere in between. He is looking for direction.

Councilmember Frank was under the impression that we were going to leave it the way it was; the removal of stump grindings after the DPW removed a tree, at the discretion of the DPW Superintendent. To address will require an ordinance.

Councilmember Meyerson said there is an outstanding issue with

stump grinding and we asked the Administrator to come back and tell us how many there were. He was advised there were 15 to 20 and cost about \$75 to grind and remove.

Councilmember Frank said you will spend more on creating an ordinance than grinding stumps.

Councilmember Meyerson he will make a motion for \$1500 to approve this and move on, these people have been hurt badly enough by this hurricane.

DPW Superintendent Durie said we have been directed by our insurance over the years that we are not to be responsible for something that we don't have knowledge of. You have to be careful that if you address a tree that has fallen in a storm and you don't have prior knowledge that this tree was in jeopardy, you take the responsibility outside of Title 59. He will be more than happy to do so, he can put a list together and take care of it, however, we are going to set a precedent regarding trees that fall in storms.

Councilmember Meyerson is not interested in setting a precedent, not everything we do is precedential, and it is reasonable to assume it is in response to an emergent situation and instead of discussing it, he wants to get it done.

DPW Superintendent Durie said some will have to be ground and some will have to be dug out and there might an extra cost.

Mayor Arnowitz said what Councilmember Meyerson is talking about and what we talked about with stumps of trees that we removed because they fell during the storm. We are not talking about going in and taking down trees at this point of time. If we took down a tree that fell during the storm in the borough right-of-way, we want them ground, dug up.

Councilmember Frank seconded Councilmember Meyerson's motion.

Borough Attorney Bernstein said directly related to Sandy pursuant to discussions as to the trees were removed, the trees were cut down and this is not in anyway shape or form binding upon the borough going forward.

Roll Call Vote:

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

Nays: None

#### PUBLIC COMMENT

Mayor Arnowitz invited comment from the audience.

Mayor Arnowitz said discussion on the Agenda an item was moved to closed session. We are going to discuss the letter from the BPU and DEP because it involves litigation.

Don McLaughlin, Counsel, Hillsdale/Westwood Flood Solution Group, McLaughlin Law offices, Upper Saddle River.

The BPU decision that you will discuss in closed session left the municipal land use law and the Hillsdale ordinances intact. It is time for Hillsdale to move forward on the flooding issues and part of that is on United Water New Jersey project. The Hillsdale/Westwood Flood Solution Group on behalf of the entire community of flood affecting residents, respectfully calls on the Hillsdale Council to accomplish the following. First,

promptly and vigorously formulate a comprehensive and specific plan for resolving the flooding in Hillsdale. This plan includes a rigorous, thorough, transparent and objective evaluation of the downstream environmental impact and emergency safety of United Water Dam Project as proposed. Evaluation needs to be by means of site plan review or other municipal land use process. We are calling Hillsdale to initiate this.

Next, we are calling on the Hillsdale Council to form an action committee to be comprised of citizen stakeholders, that is flood affected residents drawn from the entire flood affected community in Hillsdale, including our group. We want individuals to demonstrate willingness to take on the work of the committee and their willingness to take prompt and rigorous action. The purpose of the committee of the citizens and professionals and hopefully members of our group will be on the committee to make recommendations to the Council as to what can be done to resolve flooding. This goes beyond the current United Water project, it goes to the heart of the Pascack Brook.

The Hillsdale/Westwood Flood Solution Group is appearing tonight, first as residents of Hillsdale, but we are really much more. We are here as a representative of the entire flooded community of residents downstream from the reservoir. The Flood Solution Group also appears before the Council as an interested party, that is the legal term. We have status beyond simply residents; an interested party is granted intervener status by the BPU and fully litigated the administrative action before the BPU. We are a party just like Hillsdale in that action. We are an interested party as defined by the MLUL at NJSA 40:55D-4 definitions, we have legal standing under the municipal land use law that governs the action of this Council and also the Planning Board. We ask this Council to enforce the ordinances of Hillsdale and seek enforcement ourselves.

We are an interested party with regards to the enforcement of the Hillsdale ordinances as set forth within the MLUL NJSA 40:55D-18 "Enforcement". We qualify as parties primarily concerned as defined under NJSA 40:55D-19. It is in all these capacities that the Flood Solution Group appears before the Council and request that this Council convene a meeting with the representatives of the Hillsdale Flood Solution Group in closed session. We are requesting that this body consider a Resolution to do that; we are offering to the Hillsdale community our legal work product and requesting to meet with you in closed session. We want to share our view on the DEP letter to United Water; DEP is taking the initiative. Our group has been advocating that Hillsdale should take the initiative. DEP has decided to go ahead and assert their turf, our view is Hillsdale has concurrent simultaneous jurisdiction. All the DEP letter does is say to United Water to start on the project. The DEP letter does not exclude Hillsdale and we are here tonight to get going.

We would like to discuss the formation of the committee, we would like to outline the actions which may be recommended by the committee without significant expenditures. This is not going to tax the budget. We are including ways for Hillsdale to obtain funding for flood prone areas. We would discuss in closed session the broad legal authorities that support Hillsdale's prompt action of a rigorous, thorough, transparent and objective evaluation of the downstream environmental impact of the United Water project as well as emergency services safety impact of lowering of Church Road. We would discuss the Hillsdale conditional use in other ordinances. We don't want to share with the Council in public. We want to discuss additional statutes which are relevant to the United Water dam

rehabilitation project; discuss pending prerogative writ action. This is the lawsuit filed by United Water against Hillsdale which is going to go forward.

The Flood Solution Group is are requesting to meet with you in closed session.

Mayor Arnowitz said we will get a report in closed session from our engineer. He appreciated Mr. McLaughlin comments and will be taken under consideration.

Councilmember Meyerson asked if we have a time concern.

Mayor Arnowitz said we will talk about it tonight.

#### PROFESSIONALS

Ambulance Corp Captain, John Beatty, 64 Westdale Avenue - He wanted to give state of the union address about how the Ambulance Corps is doing. January 1-3, 5, 2013, we already responding to 93 calls between the town of Hillsdale and the towns we serve, Emerson, Old Tappan, River Vale, Tri-Boro which is Montvale, Park Ridge and Woodcliff Lake, Washington Township and Westwood. We have responded to 33 calls outside Hillsdale, a total of 148 calls; the 93 calls that we have taken were answered by 13 active members, with 6 provisionary members and we have a total of 6 active members that are EMTS, we have 17 at this time and we have another 7 members on academic leave. We are always looking for members.

Mayor Arnowitz said he was with the County Administrator, Kathy Donovan, who reiterated that if you ever get into a bind during the day and can't fill a shift, the county still has their ambulance service available. They do bill when they respond. If you have insurance, insurance pays; if you don't have insurance, they don't come back.

Captain Beatty said of those 148 calls for service, not a single one has been answered by any paid ambulance. Anyone who has had ambulance services do get a bill, it is not from us.

Mayor Arnowitz said you provide a very valuable service. We had a misunderstanding over use of the generator and use of the building during Sandy. He asked for something in writing, a policy from the Ambulance Corps, clarifying usage. It is part of the charter of the Ambulance Corps, no one is supposed to stay there overnight. He did not know an individual was there; it was wrong. He is looking for usage as a triage, you decide whether they will go to a shelter, have a cup of coffee, or go to the hospital.

Councilmember Kelley said he met with the Captain, President and Trustee of the Ambulance Corps and spoke with the OEM Coordinator Franklin. The Ambulance Corps is not in favor of outsiders coming in because they have to be responsible for them, they have their own members and calls. When we had the snow storm, Franklin was prepared to use the council chamber for someone who needed shelter until they could get something permanent. This room would be a better idea than the Ambulance Corps and cots have been purchased.

Mayor Arnowitz said that is totally different than what I am looking for; he is looking for the agreement we had with the Ambulance Corps when we moved the generator there and agreed to provide fuel, maintenance and licensing for the generator and they would do their triage there. If they are not in service,

they cannot do triage. During Floyd, Ambulance was doing triage outside the firehouse because they had no place to go. When we regenerated the firehouse, instead of trading in the generator, we move into the Ambulance Corps so you could do the triage inside. That is all I am looking for. If you want to put people here on cots, he had no problem with that. Instead of doing it on the street, you are doing it inside a warm building. The majority of expenses of the Ambulance Corps are purchased by them.

Rod Cassidy, 132 Harding Drive, Westwood - Beechwood Drive is his backyard in Hillsdale. He has lived there for 14 years. He attends meetings in Hillsdale and Westwood and if there is a possible solution; they we want some positive help to get it done. He referred to the condos that are supposed to go in at Orchard Street.

Mayor Arnowitz said if you are talking about Orchard Street, that was a Planning Board/Zoning Board issue and denied by the Planning/Zoning Board and moving forward to appeal at the county level in Superior Court. He said 55 Patterson Street project, before the Zoning Board as a zoning issue; Council does not get involved.

Mr. Cassidy (Contd.)

That is another issue for us. He asked that the Zoning Board consider this whole area. Does United Water want to show face at all, is there any discussion and can you organize some type of meeting to let the residents talk with United Water.

Mayor Arnowitz said United Water refuses to come to a meeting other than to present their plan. This issue is before the Planning/Zoning Board so that they can hear testimony from professionals, question professionals, and possibly bring in their own professionals if they don't get the answers they want. They have offered to come before prior Councils and give a speech and we said we are not looking for speeches. We want to have United Water a good partner in town and do the right thing.

Mr. Moga, 17 Sycamore Avenue -

United Water is in the process of a project changing the dam. The DEP has been charged to supervise and oversee this project with rules and regulations. We want them to comply and provide protection of the environment. Their group wants a written statement from the DEP with rules which apply to this project and know ahead of time the rules and regulations.

John D'Allesandro and Rosemarie D'Alessandro, 45 Florence Street Mrs. D'Allesandro is requesting a memorial garden for the 40<sup>th</sup> anniversary in memory of her daughter Joan at Veterans Park. She thanked the Council for the vigil. She desires a White Butterfly Garden, symbolizing child protection and safety to help society, residents of Hillsdale, affected residents and a memorial is needed. The maintenance would be taken care by a variety of people. The vigil and garden is a borough event, 20 years ago we had a vigil and she was able to get chairs and a podium. That is what she is asking for now.

Mayor Arnowitz said the vigil has been approved, the garden is questionable because it is Veterans Park. He spoke to the veteran organization in town; there are a number of trees planted to various people whether they be veterans, emergency service people. That park is there for the veterans that gave their lives in service of the country. There is a tree there and if you would want to put a little monument, that would not be a problem. We have Sapienza Gardens and you could requestto

put a proper garden there.

Mrs. D'Allesandro (Contd).

Joan lost her life in the line of duty, in service to her community. This is different.

Mayor Arnowitz researched this based upon her request, he talked to various veterans who made the comment. As far as the firemen's monument is concerned, that is an annex of Veterans Park, where the firemen's monument is technically not part of Veteran's Park. They established that as a separate entity and Veteran's Park is dedicated to veterans who served. He encourages the vigil.

Councilmember DeGise said he didn't hear anything on the garden.

Councilmember Meyerson saw the plans about it in emails.

Mayor Arnowitz said the discussion of the plans took place with the previous Council and at the same time, Mrs. D'Allesandro asked for a vigil. That is when he reached out to the various groups and passed the information to Mrs. D'Allesandro.

Mrs. D'Allesandro (Contd).

She said plans were handed out, she spent a lot of time on it, and only found out on February 27 this park is only for veterans.

Mayor Arnowitz said the Council has to decide whether the park is dedicated to the veterans who served us and keep it veterans park or if we will open it up to gardens, that is a Council decision.

Councilmember Kelley said this is special, it is not a normal request. He is a veteran and this would not bother him but this would get a lot of foot traffic.

Councilmember Frank said we put in a flag pole monument in next to the veterans monument last year and a lot of kids congregate there. He sees footprints where they climb up on the marble where the flag is but he can't tell from her drawing where the garden would be located and how large it would be. He agreed with the Mayor if that there is another place in town where it would be better suited and protected.

Councilmember DeGise said he is hearing this for the first time and asked if the Mayor could form a special committee to research this and would like to serve on it.

Mrs. D'Allesandro (Contd).

It is very time sensitive because the anniversary vigil will be held on April 22.

Councilmember Pizzella applauded Mrs. D'Allesandro. He would like to look into this and would like more information.

Councilmember Kelley said this will take time to see what can be done, he needs to speak to veterans.

Mayor Arnowitz said he will form a committee and reach out to the Legion and bring this to one of their meetings. Councilmember DeGise, Councilmember Kelley and Councilmember Pizzella will comprise the committee and will get back to the Council. He asked if permits are necessary.

Borough Attorney Bernstein said yes, permits are necessary only

if borough ordinance require it.

Councilmember Meyerson said it is more complicated than just planting a garden because maintaining a garden is a long term proposition and there has to be money available for that. We will need to know what the plan is going forward.

Mayor Arnowitz said we would require a hold harmless agreement, better drawings, look at other sites as well.

Steve Mochat, 4 Austin Court -

He is a member of the American Legion, and said veterans opinion should matter. We have no idea what this garden looks like and how much space it is going to take and/or where it is to be located. We have a time constraint and the legion's opinion should be heard.

Councilmember Kelley said we can't get this done right away and we must discuss this with the Legion.

Councilmember Meyerson said it is a complicated process and he does want to hear from the Legion also. He is desirous of having the Legion attend a Council meeting also and make themselves heard.

Mr. Mochat (Contd).

We will send representatives once we know what the project looks like.

Alfred J. Murphy, Jr., 5 Cherry Place -

Have we received from the revaluation company what the total value is.

Administrator DeJoseph said yes, we discussed this at our finance committee meeting. 2013 total assessed value 1.67 billion dollars. 2012 total assessed value 1.95 billion. It is down roughly 14% on a residential household.

Mr. Murphy (Contd).

Was this broken down between commercial and residential? Commercial properties have been appealing more successfully than residential.

Administrator DeJoseph said he does not have it on his sheet.

Mayor Arnowitz said we did this to stop the amount of appeals on commercial property. Commercial property only represents 9% of our total property values.

Mr. Murphy (Contd).

He is looking for a sense of what happened to his property. He has a letter telling him his value and he has to look at the tax book for his old value. How much is he in comparison with the rest of the community.

Councilmember Meyerson said the average went down 14%.

Mayor Arnowitz said a lot of commercial properties had already appealed and had their property valuated.

Mr. Murphy (Contd)1

He asked if there will be a report made to the public.

Mayor Arnowitz said we have to have a public meeting on the budget where we go over the budget to see if there are any questions and at that time, he believes this report will come

out. This report should be on the agenda. You are looking for the overall report that breaks everything down and he did not believe we have received it.

Administrator DeJoseph said we have a breakdown for the building class, everything is a draft, nothing is completed. It should be completed when the county strikes the book.

Councilmember Frank said you cannot take what your property change vs. the entire town because it is done by grouping area. It is complicated.

Councilmember Kelley said when these reports are available, you can review them as all the residents may do.

Mr. Murphy (Contd.)

This is a public report, at some point in time it is going to be available to the public. He will do his own survey and ask people he knows what was their value and what is the value now. Also, when will the Council talk about the budget.

Mayor Arnowitz said we will schedule a meeting and advertise a meeting and discuss the overall budget in the Council Chamber. If anyone needs to bring in department heads, that would be the time to do so. The public has the opportunity to hear and speak.

Councilmember Frank said the procedure changed this year. Last year we had open meetings as we met and the public was invited, this year the Chairman of the Finance Committee decided to meet separately as the Finance Committee with the department heads and put the budget together that way and have a public introduction which will be next week.

Mr. Murphy (Contd).

Where is the inter action between the Council members on the budget process. It is a lot different from a committee meeting.

Councilmember Meyerson said he is not planning to have a meeting of the whole Council.

Mr. Murphy (Contd).

He said he did not believe that is a Councilman's decision, the Council has to decide whether they want to do it.

Mayor Arnowitz said he believes the public is entitled to hear the budget, discuss the budget, and go over the budget. It is usually a meeting not in conjunction with this meeting because it is a time consuming factor.

Councilmember Meyerson said what we unanimously decided as a committee that we are introducing the budget resolution next week and we will have a public hearing four weeks later, the second meeting in April, we will have a public presentation and the public is invited to speak at that time. We will be giving out the information to the Council sometime within the next few days, a complete packet of all the information to go together with the budget books. At that time the Council will have ample opportunity to review the budget as a whole.

Mayor Arnowitz said he has a budget book but does not know if it is complete. He has numerous questions about various things within the budget. When can he ask the Council their feeling, for example he is looking at the road program and didn't see any money there of consequence to continue the road program and asked what is the plan.

Councilmember Meyerson said we need to get the AFS. The Auditor will compose a packet for each council member. He scheduled a Finance Committee meeting so we could review this on the day it was presented to us. This was the first opportunity the Finance Committee to see the entire packet.

Mayor Arnowitz referred to the actual work sheets and what the department heads requested, what they spent last year and what they are requesting this year. The whole Council will sign off on the budget. He has a lot of questions.

Councilmember Meyerson said next week we are going to be presenting a budget resolution. There are four weeks to schedule a special meeting and you can ask questions. If there are any amendments to be made, they have to be done at least a week prior to the public hearing. The meeting needs to be held between March 12<sup>th</sup> and the beginning of April.

Councilmember Meyerson said the process is what you choose it to be and what they have done previously is have every department head come to a meeting of the Council and go through with the Finance Committee. We chose to do it differently this year, every department came to us, we went through every line item that was proposed. We made recommendations to the department heads and incorporated it into the final budget book. We had to wait until Garbarini delivered the final numbers which was delivered to us today. That leaves about six weeks before we can have a hearing.

Mayor Arnowitz asked the Council if they felt it necessary to have this meeting, we will bring the budget books, questions, ask the Finance Chairman any questions and if you feel department heads to be present, you could bring them in at that time.

Councilmember DeGise said the final draft is going out within the next couple of days from Paul Lerch's office and every Council member will have it before the next meeting. Any questions you may have can be discussed on Tuesday at the meeting along with the introduction of the budget.

Mayor Arnowitz has questions and he wants to discuss them before the public, that is what a public hearing is for. Your public hearing is you are going to read the budget, say how much the tax impact is and that is the end of it. The public is entitled to know what we are buying, what is in capital, what do you plan to do with the road program. He wants a meeting where everyone brings in their budget book and asks their questions. As far as transfers are concerned, he will work with Administrator to find out if they are or are not being funded or spent elsewhere which is not necessary for the public to hear. In the past, the public came up with their questions and they are entitled to ask.

Councilmember DeGise said the Borough Auditor will have a slide show presentation for the Council and the public. Immediately following that is going to be questions by the public.

Mayor Arnowitz asked if the public will be able to see the budget before this presentation.

Councilmember Meyerson asked the Council if they want a meeting around the week of March 25<sup>th</sup> because we could then make amendments to the budget as proposed.

Borough Administrator DeJoseph said he is sending a draft of the state document for everyone to look at.

Motion for a special meeting on Wednesday, March 27, to review the budget at 7:30PM was made by Councilmember Pizzella, seconded by Councilmember DeGise.

Roll Call Vote:

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

Nays: None

Councilmember Meyerson said Mr. Lerch will attend to answer any question. He asked if the Council prefers to have department heads present.

Mayor Arnowitz said he would only have department heads present if there is a specific question.

Mr. Murphy (Contd).

If this is a public meeting of the Council, will the meeting be advertised. Will documents be available to the public.

Councilmember Meyerson said copies of the state forms will be available.

Mr. Murphy (Contd).

Will there be an executive session this evening and will formal action be taken after the meeting.

Mayor Arnowitz said he cannot guarantee it but it could happen.

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

#### PROFESSIONALS

Borough Engineer Statile said he believed the county is going to advertise Patterson Street and hopefully receive bids in April and be awarded in May and probably begin construction when school is out. The Central Avenue, Cross Street design contract is out for bid with the ADA ramps contract. We still have grants that are awaiting word from the state, one grant for barrier free improvements to borough hall.

Mayor Arnowitz asked about the culvert on Hillsdale Avenue and the closure of Hillsdale Avenue and asked the engineer to take care of that.

Councilmember DeGise asked if Statile forwarded to the Borough Clerk all the projects that he is working on so we have the information when we discuss that position next Tuesday.

Borough Engineer Statile said he will do so tomorrow.

Police Chief Stalter on March 12 and 19, at 7PM, Sergeant Sean Smith will be at the Library discussing the history of the Hillsdale Police Department. He said the book is phenomenal.

Downstairs we are in the midst of some renewal and he thanked the Administrator and Council to allowing them to upgrade, filing cabinets, carpets.

We still have one officer out on sick leave but does not have a return date.

Mayor Arnowitz received another request for a crosswalk and he told her it was county related.

Chief Stalter will discuss it with her.

Councilmember Pizzella had a question about an incident he read about on the corner of Hillsdale and Cedar Lane.

Chief Stalter said a resident was arrested for possessing child pornography, an arrest by the state police. It was a joint task force that did along with numerous other residents throughout the state. We assisted with the investigation when they raided the house in the morning hours. The media alluded that they had access to children but he was not one of them.

Patty Hughes was here for her ordinances and if anybody has any questions.

Mayor Arnowitz has not heard of any concerns.

Ms. Hughes said we are getting ready for registrations for Stonybrook; the Administrator finalized our banks for credit cards. The bids came in for the snack bar concession, pool opening and closing, landscaping and will be on the agenda for March 12. Basketball ends this Saturday and are having a Parkinsons fund raiser at the game at the White School. We are also having a bake sale to raise money in conjunction with the high school who is going to have a bake sale at George White for cancer research. We are starting work on the camps and in your packets a six week camp which was not approved, but we are back to the five week camp. She was asked by the Borough Clerk to get the by-laws for all the quasi sports associations which she did obtain. Councilmember Frank asked that she look into their funds and get them audited and get a copy of their funds. She was not sure that was in her job description.

Councilmember Kelley asked if we have the right to ask the organizations for this information.

Councilmember Frank said we have non-profit organizations that use all of our fields that we spend hundreds of thousands of dollars a year maintaining, they charge fees for all the kids to participate in the sports, we have no idea how much they collect, we have no idea how they spend that money, and a lot of residents assume these are town sponsored activities when in fact they are a private entity and any opportunity for malfeasance that could happen in unaudited operation like that without any kind of oversight. Businesses don't allow any subsidiary not to survive without a financial statement. It is an area of responsibility.

Councilmember Pizzella asked if the Borough Attorney was going to get the by-laws and look into this before we went any further with them.

Borough Attorney Bernstein is in the process of starting to look at the by-laws, depending on what they say may or may not have any impact on the issue whether we are entitled to or ask for.

Councilmember Frank said it is also a matter protecting the people who run these non-profits. We are talking about tens of thousands of dollars every year.

Mayor Arnowitz said if we have the legal right to do it, then the Council can decide whether or not they want to move forward.

Councilmember Kelley said he is Rec Liaison and this is what we want to do, the Liaison and Rec Commission should handle this.

Councilmember Pizzella said the Rec Commission in this town doesn't understand its authority, the ordinance is not very clear about what the Rec Commission can do. When he was on the Rec Commission one of the things he proposed was that we update our ordinance so that Rec Commission knows what power it has. The Rec Commission is not empowered to do much and that is what the Borough Attorney will determine.

Councilmember Meyerson said the bigger issue is you are dealing with a non-profit organization. Whether or not our ordinance says one thing or another, it is irrelevant. His wife runs a rather large non-profit organization, she has an independent audited financial statement every year, not just for her own protection but for the protection who donates money to the organization. The procedure who it should go through is a much bigger issue and something reasonable that this Council should discuss going forward whether or not our independent organizations, non-profit, has protection. There is no oversight and he did not know if this Council is the proper oversight but there should be some sort of audited statements that are independent audited statements. This is should be discussed by this body as to whether we should have the power or whether they should be doing it on their own and we need to talk about it.

Councilmember Pizzella said the ordinance dictates what these people think they should be doing, what they can or cannot do. Our ordinance is unclear; these are separate organizations, they are protected but we don't understand how to relate to these organizations.

Councilmember Meyerson said the question is should they have independent audits. If the by-laws say they don't have to have it, then they should change their by-laws.

Administrator DeJoseph said in your packets you have MEL Bulletin 06-14 is an application for a quasi class 3 or class 4 and one of the questions is are financials available. That is a request from the MEL.

DPW Superintendent Durie said after 37 years James Grobel will be leaving us who started in 1976.

With technology and ability to purchase pedestrian signs, we were able to find a portable Yield for Pedestrian sign today for \$60 each instead of \$300 each. We are going to order eight of them for our major crosswalks which will be in the budget of the Public Works Department. If they are hit by a car, they can be reassembled.

We were asked to install signs on Liberty Avenue due to a complaint of people letting their children out of the car and crossing the street in the middle of the block and not crossing at the crosswalk. The signs will be installed tomorrow.

Mayor Arnowitz said there is a resident complaining about paraphernalia at Centennial Field and asked that it be cleaned up.

Superintendent Durie said it was taken care of today.

#### ORDINANCES

**13-01 (Adoption): 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.**

We will now open the meeting to the public. If anyone desires to be heard regarding Ordinance 13-01 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record. Borough Clerk said no written objections.

I entertain a motion that the public hearing on Ordinance No. 13-01 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance was made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Motion to close the public hearing was made by Councilmember Kelley, seconded by Councilmember Looes, and unanimously carried.

Motion to adopt the ordinance was made by Councilmember Meyerson, seconded by Councilmember Looes.

Roll Call Vote:

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

Nays: None

**13-02 (Adoption): AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE 09-01 CHAPTER 138 "FEES" AND CHAPTER 71 SWIMMING POOL COMMISSION**

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 13-02 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record. Borough Clerk said no written objections.

I entertain a motion that the public hearing on Ordinance No. 13-02 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Motion to close the public hearing was made by Councilmember Frank, seconded by Councilmember Meyerson, and unanimously carried.

Motion to adopt the ordinance was made by Councilmember Kelley, seconded by Councilmember Pizzella.

Roll Call Vote:

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

Nays: None

**13-03 (Introduction): AN ORDINANCE ESTABLISHING 2013 SALARIES FOR THE RECREATION DEPARTMENT.**

Mayor Arnowitz asked if the Council had any discussion on this Ordinance.

BE IT RESOLVED that Ordinance No. 13-03 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal building, 380 Hillside Avenue, Hillside, New Jersey, on April 2, 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 to adopt the ordinance was made by Councilmember Meyerson, seconded by Councilmember Pizzella.

Roll Call Vote:

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

Nays: None

**13-04 (Introduction): AN ORDINANCE ESTABLISHING RECREATION DEPARTMENT PROGRAM AND SUMMER CAMP FEES FOR THE YEAR 2013 IN THE BOROUGH OF HILLSDALE.**

Mayor Arnowitz asked if the Council had any discussion on this Ordinance.

BE IT RESOLVED that Ordinance No. 13-04 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal Building, 380 Hillside Avenue, Hillside, New Jersey, on April 2, 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 to adopt the ordinance was made by Councilmember Looes, seconded by Councilmember Meyerson.

Roll Call Vote:

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

Nays: None

RESOLUTIONS: R13048 through R13049 (Consent Agenda)

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

Mayor Arnowitz read the Consent Agenda of Resolutions.

R13048 Appointing a Municipal Housing Liaison

WHEREAS, the Governing Body of the Borough of Hillside petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 23, 2008; and

WHEREAS, the Borough of Hillside's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act

(N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., the Borough of Hillsdale is required to appoint a Municipal Housing Liaison for the administration of the Borough of Hillsdale's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, the Borough of Hillsdale has amended the pertinent Chapter to provide for the appointment of a Municipal Housing Liaison to administer the Borough of Hillsdale's affordable housing program.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Hillsdale in the County of Bergen, and the State of New Jersey that Jonathan DeJoseph is hereby appointed by the Governing Body of the Borough of Hillsdale as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with the Hillsdale Borough Code.

R13049 Recommendation of award of contract, NJDEP Green Acres Program, demolition 46 Glendale Avenue, B1106/L27 to CAP Services, Inc., 81 Heckel Street, Bellville, NJ 07109 in the amount of \$12,800 and 66/68 Hazelwood Avenue, B1106/L24-25, to Lombardo Excavating Inc., 33 Fawn Hollow Drive, Newton, NJ 07860 in the amount of \$11,000.

WHEREAS, the Borough of Hillsdale ("Borough") sought bids for a Contract for the Flood Buy-Out Demolition for 46 Glendale Avenue ("Glendale") and 66/68 Hazelwood Avenue ("Hazelwood"); and

WHEREAS, six (6) sealed bids were received and opened by the Borough on January 23, 2013; and

WHEREAS, the following bids were submitted as follows:

VENDOR	46 Glendale Avenue B1106/L27	66/68 Hazelwood Avenue B1106/L24-25	TOTAL BID
Canales & Sons Constructon, LLC 6808 Newkirk Avenue North Bergen, NJ 07047	\$19,460.00	\$35,400.00	\$54,860.00
CAP Services, Inc. 81 Heckel Street Belleville, NJ 07109	\$12,800.00	\$19,500.00	\$32,300.00
Caravella Contractors, Inc. 40 Deforest Avenue East Hanover, NJ 07936	\$14,250.00	\$18,500.00	\$32,750.00
Cinelli Group Corp. 134-136 Peshine Avenue Newark, NJ 07108	\$25,116.00	\$33,136.00	\$58,252.00
Lombardo Excavating Inc.			

33 Fawn Hollow Drive			
Newton, NJ 07860	\$16,000.00	\$11,000.00	\$27,000.00
Two Brothers Contracting Inc. 250 Rutherford Blvd.			
Clifton, NJ 07014	\$28,000.00	\$24,100.00	\$52,100.00

WHEREAS, Courtney Wald Wittkop, Project Manager, State of New Jersey, Department of Environmental Protection, Green Acres Program indicated that the bid documents submitted by CAP Services, Inc. are in order and therefore the Contract for the Flood Buy-Out Demolition for 46 Glendale Avenue should be awarded to CAP Services, Inc. for the total bid amount of \$12,800. as the lowest responsive and responsible bidder; and

WHEREAS, Courtney Wald Wittkop, Project Manager, State of New Jersey, Department of Environmental Protection, Green Acres Program indicated that the bid documents submitted by Lombardo Excavating, Inc. are in order and therefore the Contract for the Flood Buy-Out Demolition for 66/68 Hazelwood Avenue should be awarded to Lombardo Excavating, Inc., Inc. for the total bid amount of \$11,000. as the lowest responsive and responsible bidder; and

WHEREAS, the Borough recommends the award of the Contract to CAP Services, Inc. and Lombardo Excavating, Inc. as the lowest responsive and responsible bidders.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, and State of New Jersey as follows:

1. The Contract for the Flood Buy-Out Demolition for 46 Glendale Avenue, B1106/L27, for the total bid amount of Twelve Thousand Eight Hundred dollars (\$12,800.), is hereby awarded pursuant to the terms and conditions as contained in the Borough bid specifications to CAP Services, Inc. located at 81 Heckel Street, Belleville, NJ 07109 as the only responsive and responsible bidder.

2. The Contract for the Flood Buy-Out Demolition for 66/68 Hazelwood Avenue, B1106/L24-25, for the total bid amount of Eleven Thousand dollars (\$11,000.), is hereby awarded pursuant to the terms and conditions as contained in the Borough bid specifications to Lombardo Excavating, Inc. located at 33 Fawn Hollow Drive, Newton, NJ 07860 as the only responsive and responsible bidder.

3. The Mayor and Borough Clerk are hereby authorized and directed to execute the contract subsequent to execution by CAP Services and Lombardo Excavating Inc. and said officers, together with all other officers, professionals and employees of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.

3. This award is subject to the Contractor's compliance with the requirements of P.L. 1975, c.127 (N.J.S.A. 10:5-31 et seq.) and the regulations thereunder regarding affirmative action.

4. This Resolution shall take effect as herein provided.

Mayor Arnowitz asked for a motion on the resolutions.

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

Roll Call Vote:

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

Nays: None

RESOLUTIONS (OFF CONSENT)

R13050 Budget Transfer

WHEREAS, there are certain appropriations with balances in excess of the amounts needed and there are other appropriations on which commitments to be entered into will possibly exceed the amount of the original appropriations; and

WHEREAS, under Title 40A:4-59 of the State of New Jersey, permission is given to transfer from one budget account to another during the first three months of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale that the Chief Financial Officer be and he is hereby authorized and directed to make the following transfers:

	FROM		TO
APPROPRIATIONS	ACCOUNT		ACCOUNT
CURRENT FUND			
WITHIN CAPS			
Tax collector Other Expenses	\$650.00		
Assessment of taxes S&W			\$650.00
Planning Boards Other Expenses	\$460.00		
Zoning official Other Expenses			\$460.00
Road Repair Other Expenses	\$4,500.00		
Road Repair S&W			\$3,000.00
Buildings and Grounds Other Expenses			\$1,500.00
Board of Health S&W	\$500.00		
Board of Health Other Expenses			\$500.00
Municipal Court Other Expenses	\$265.00		
Municipal Court S&W			\$265.00
TOTAL TRANSFERS WITHIN CAPS	\$6,375.00		\$6,375.00

Motion to approve the foregoing resolution was made by Councilmember Meyerson, seconded by Councilmember Pizzella.

Roll Call Vote:

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

Nays: None

MONTHLY DEPARTMENT REPORTS

(The following correspondence on file in Borough Clerks Office)

R 1 Hillsdale Fire Department Chief's Report

Councilmember Looes said the lettering was removed on the special operation unit ambulance that was donated and done free of charge by Pascack Auto Body. The total volunteer hours were 9,034.

Motion to Record was made by Councilmember Looes, seconded by Councilmember Pizzella.

Roll Call Vote:

Ayes: Councilmembers Looes, Meyerson and Pizzella and Frank

Nays: None

Abstain: Councilmembers Kelley and DeGise

R 2 Board of Health Report

Councilmember Looes said there were seven births in the month of January, four deaths, two marriage and 19 transcripts. There was a hearing screening in February, they are preparing for their health fair on April 20 and the hearing screening will also be one of the exhibitors at the health fair. As of now there are over 20 exhibitors that will be there.

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

Roll Call Vote:

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

Nays: None

COUNCIL COMMENTARIES

Councilmember Frank said the fishing derby is offering a shirt for a \$20 donation on April 20. They are also available at Pascack Pharmacy. The Hillsdale Library is having a canned goods drive during the month of March. Staff and volunteers will create a huge sculpture called cannedstruction with the cans displayed in the library during National Library Week April 14 to the April 20. All cans will then be donated to Helping Hand Food Pantry at Hillsdale United Methodist Church and they serve 500 people in the community every month. All cans will be accepted but the desired size is standard 4-3/8" high variety. They make elaborate structures out of these cans.

He had the opportunity to look at Sergeant Smith's book and it is fabulous. He will put a link on the website to the book after he is done with the Library presentations and the book is also available for purchase. It costs over a couple hundred dollars per copy.

Councilmember Pizzella welcomed Matt Lapin to the Fire Department. He is involved with the MMFA, Meadowbrook Family and Faculty Association and they are holding a blue jean ball Friday March 8 and tickets may be obtained from MMFA.

With regard to the sign ordinance, there are many businesses downtown that do keep up their property and others that don't. We depend on these businesses to make our downtown what it is and they have approached him saying they put a lot of effort into their business and store front what is the town going to do to help me so I can make more money. It is very important that we support all of our businesses but especially the people who are neighbors and productive advocates for Hillsdale. They are

truly trying to make the downtown a better place.

Councilmember Kelley said hundreds of kids come to the fishing contest and put in an enormous amount of fish in the Pascack Brook. The volunteers have run it for 21 years and it is his son's favorite day of the year. He would like to add to next week's agenda discussion on our community channel that this meeting and Planning Board and it is a resource we don't use. There has to be ways to get more information and perhaps utilize the high school and the kids could help us out. It would be another way to get information out to our residents.

Mayor Arnowitz suggested that he look into George White as we were able to get a grant through Cablevision when they first came into town and it was for what you are talking about.

Councilmember DeGise said it was refreshing to see Mrs. D'Allessandro here; he has known her for many years and the heartaches that her family went through. He appreciates her efforts.

Councilmember Looes congratulated three young people that recently graduated from Fire One at the academy, they devoted their entire summer, seven week course all day. It is Steven Cook, Matt Chupa and Lauren Kubler and commended them for making the commitment.

The senior luncheon will be held on March 20.

Councilmember Meyerson commented on the rich history in this town and congratulated Sergeant Smith who put together several hundred pages of pictures of the history of the Police Department. He was born in this town and lived here his whole life and it does have an incredible history. You should take those Mayors pictures and put them back on the wall. It shows the continuity of this town from way back to when this town was originally created over 120 years ago.

Mayor Arnowitz said Mayor Deutsch and Mayor Sapanara never had their pictures taken. He said the book that they were talking about published by Sergeant Smith is in the borough hall and is available for people to view in the borough hall, not to take out.

The fishing contest is the Hillsdale kid's, whatever you want to call the fishing contest, asked the adults to give the kids a chance, it is there for the kids. The people who conduct the fishing contest also clean up along the brook for the town and it is appreciated.

He sent a notice to the press that Hillsdale/River Vale attorney has issued a report as to their findings on the potential disillusionment of the schools that Woodcliff Lake is requesting, on the website. We handed it in to the Superintendent on the 1<sup>st</sup> of March; the report that we issued is available to anyone that wants to look at it on the website. He sent it to the Council and if the residents are interested, it can be viewed; it is interesting and does not reflect some of the rhetoric he heard over the past four or five years regarding savings. Our report shows that Woodcliff Lake would save a small amount of money, about \$400+ for the family, but Montvale would pay additional. Even though the report was designed to mimic the education process for our children, that if the schools be separated, could we and did we offer everything that is presently offered because we don't want to affect the education process. We have a great school system in the local

schools K through 8 and in the high schools. He believes that separating the school region into two regions would affect education and our report proves that. It is virtually impossible for us to duplicate all the education programs that we presently offer and keep taxes at a sane level. He strongly advised that this should not happen; there will be an election that the Superintendent will hold for the residents of Hillsdale. Woodcliff Lake is talking about changing our school system for \$450 a year and that is not a lot of money.

ADJOURN TO CLOSED SESSION

R 13051 Closed Session Resolution

TO PROVIDE FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSERY 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. **DPW and 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 **BPU**
- (8) Matters relating to the employment relationship.
- (9) Matters relating to the potential imposition of a penalty.

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

Borough Attorney Bernstein said we are going into Closed Session pursuant to Public Meetings Act N.J.S.A. 10:4-12B and going in under B4 matters relating to collective bargaining agreements, Local 125, UPSEU and BPA and under B7 matters relating to litigation, negotiations, attorney client privilege; BPU retiree benefits reimbursement Harold Karns. There may or may not be formal action taken at the conclusion of the executive session when we commence to the open session.

Motion to go to Closed Session was made by Councilmember Kelley, seconded by Councilmember Pizzella.

Roll Call Vote:

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

Nays: None

#### RECONVENE REGULAR MEETING

At 11:52 p.m. Borough Attorney Bernstein said let the record reflect all members of the governing body present at the commencement of the executive session are present for the commencement of the open session as well as the Borough Attorney, Borough Clerk, Borough Administrator/CFO, present during partial discussion involving the BPU litigation, Borough Engineer. There was an update given to the governing body regarding negotiations between the borough and Teamster Local 125 and direction is being requested from former current members of the negotiating committee and Borough Attorney and no formal action needs to be taken at this time regarding the status of the memoranda of understanding. The Borough Attorney also gave the governing body an update on the negotiations with United Public Service Employee Union representing the white collar employees and a brief update on the negotiations with the PBA. No formal action needs to be taken on either of those items. There was an update regarding the potential issues involving insurance as to a former administrator. The current administrator will be providing the Borough Attorney with information in order to reach out for Council for Karns in order to see whether or not the matter can be resolved amicably. I do not need formal action at this time. There was an update regarding retiree reimbursement for two former members of the PBA, the governing body - there is going to be a need for formal action on one item. Attorney Bernstein needs a motion to authorize Mr. DeJoseph to pay the reimbursements on the two individuals in question.

Motion by Councilmember Meyerson, seconded by Councilmember Looes, and unanimously carried.

Borough Attorney Bernstein said let the record also reflect there was a lengthy discussion amongst the governing body, the Borough Attorney, Borough Engineer and Borough Administrator regarding the litigation involving United Water and the Woodcliff Lake Dam. The governing body has authorized the Borough Attorney and Councilman Meyerson to meet with the flood group representatives in the near future and the Borough Attorney has asked the governing body to consider various options available on the hope we get some direction potentially for the next Council meeting, no further action at this time. Based on the motion previously relative to reimbursement no further formal action needs to be taken your Honor, a motion to adjourn.

#### ADJOURNMENT

A motion to adjourn at 11:55 p.m. was made by Councilmember Kelley, seconded by Councilmember Meyerson, and unanimously carried.

Mayor Arnowitz said he received a thank you card from Joann Beutel addressed to the Council.

3-5-13

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Susan Witkowski  
Municipal Clerk

APPROVED AS PRESENTED

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Susan Witkowski  
Municipal Clerk