

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

Mayor Arnowitz stated, "This is a meeting of the Hillside Borough Council on this 12<sup>th</sup> 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 was Business Administrator DeJoseph, Borough Attorney Bernstein, and Borough Clerk Witkowski.

**APPOINTMENTS** None

**OATH OF OFFICE** None

**PRESENTATIONS** None

**APPROVAL OF MINUTES** None

**2013 BUDGET INTRODUCTION**

**13-07 (Introduction):**

**CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Mayor Arnowitz asked if there was any discussion on this ordinance?

On a motion by Councilmember Kelley, seconded by Councilmember Meyerson.

Councilmember Frank said this is to establish a bank when we do not use all we are allowed to use for tax increases. We have had the bank for the past few years and the way this is worded states that we are exceeding CAP. He wants to be sure that this ordinance just authorizes us to have the CAP bank.

Borough Administrator DeJoseph said yes, it is to keep the current CAP bank. It is required to introduce this ordinance prior to introduction of the 2013 budget and prior to adoption of the 2013 budget.

Mayor Arnowitz said what he just read is the 2013 ordinance to exceed the municipal budget. He hasn't heard anything about exceeding the 2% CAP. This does not allow us to exceed the 2%, it just allows us to bank any percentages that were below the 2% CAP.

Administrator DeJoseph said this allows you to go up to 3.5% increase but obviously that is not the goal of the Mayor and Council.

Councilmember Kelley asked why we have to introduce it that way if that is not what we plan to do.

Borough Attorney Bernstein said this is standard language of the State.

Mayor Arnowitz asked for a roll call approving the introduction.

BE IT RESOLVED, that Ordinance No. 13-07 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 April 9, 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.

Roll Call Vote:

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

Nays: None

### **BUDGET RESOLUTION**

#### **R 13068** Introduction of 2013 Budget

On a motion by Councilmember Meyerson, seconded by Councilmember Kelley.

Mayor Arnowitz said we will be having a public hearing on Wednesday, March 27, 2013, beginning at 7:30PM. We will review the entire budget and the public will have the opportunity to ask questions.

Roll Call Vote:

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

Nays: None

Mayor Arnowitz asked the Borough Administrator how much of an increase is this budget? Borough Administrator DeJoseph said the average increase per household is \$57.00, at 1.9%.

Councilmember Meyerson said the 1.9% is the increase in the budget.

Mayor Arnowitz said the average increase for a home in Hillsdale will be 1.9% and that is just the municipal portion as there is no budget vote on the two school systems and could increase upward 2% and then the county tax is additional. That is the increase of the introduction of the budget; that might change when adopted. There will be a budget hearing. There are some things that might have been left out and we have an opportunity to adjust the budget for a certain amount.

Councilmember DeGise said the Borough Auditor asked if the Mayor or Council have questions for the public meeting, send him any questions beforehand so he can provide answers that evening. He will provide Mr. Lerch's email to the Council.

### **CORRESPONDENCE**

1. Letter from Sustainable Jersey, dated February 25, 2013, recertification application deadline.

Motion to Receive and File was made by Councilmember Pizzella, seconded by Councilmember Looes, and unanimously carried.

2. Letter from Friends of the Pascack Brook, dated March 2013, asking permission to use Police Booth on April 20, 2013.

Motion to Receive, File and approve was made by Councilmember Looes, seconded by Councilmember Kelley, and unanimously carried.

3. Letter from EBI Consulting, dated February 25, 2013, comments on proposed project, GSP Mile 168 2.

Councilmember Frank said this appears to be directly next to the bridge next to the parkway by Smith School. They are looking for a historic building within range of the tower, they haven't asked for anything more than that.

Mayor Arnowitz said based on what we heard of the discussion about the tower on the west side, we have no say in anything that goes on on the parkway. It is state land. They have an easement through the towns. Right now the tower is attached to the GSP bridge; we tried to get it removed but we have no say.

Borough Attorney Bernstein suggested the Borough Administrator contact the N. J. Highway Authority regarding the plans of the Highway Authority relative to the tower.

Motion to Receive and File was made by Councilmember Looes, seconded by Councilmember Meyerson, and unanimously carried.

4. Letter from Joseph M. Tripodi, dated February 12, 2013, 285 Magnolia Avenue, Block 1519 Lots 6-7.

Councilmember DeGise said this is a letter from a resident who had an application and is seeking relief from a resolution. He followed up with the Borough Engineer and this Council has no jurisdiction on the signed resolution. The applicant is present tonight, but he will have to go back to the Planning Board for any type of relief.

Mayor Arnowitz said he is asking to change the Borough ordinance on trees.

Councilmember Meyerson said it is equivalent to a variance which has to be granted by the Planning Board.

Borough Attorney Bernstein said he is asking relief from Planning Board Resolution PZ-07-10.

Mayor Arnowitz said there is no action that the council can take.

Motion to Receive and File was made by Councilmember Looes, seconded by Councilmember Meyerson, and unanimously carried.

#### **DISCUSSION**

1. Joan D'Alessandro Memorial Foundation, Inc.: Vigil.  
Councilmember DeGise followed up with Mrs. D'Alessandro regarding the location of the memorial Garden. She has agreed to move the location in front of the RR station. He asked the DPW Superintendent if the area was feasible for this and he said it was feasible. He asked the Council for permission for this location.

Councilmember Kelley said this is the perfect spot, right in the center of town; it is not part of Veterans Park and is in favor.

Councilmember Pizzella agreed.

Mayor Arnowitz said it is not flat.

Councilmember DeGise said he met with Mrs. D'Alessandro and she is o.k. with it.

Mayor Arnowitz said until we see the plans, we can't approve anything. He suggested a plan be drawn so that the Council could review it.

Councilmember DeGise asked if the Mrs. D'Alessandro has a microphone and table and chairs for her event.

Mayor Arnowitz said we have tables but we don't have a microphone.

Councilmember Frank said Patty Hughes has a microphone which is Receptions. He will reach out to her. Councilmember Frank also said we borrowed chairs from George White School in the past so we get the necessary items.

Councilmember Meyerson would like to see detailed plans.

Mayor Arnowitz said we are not voting on this tonight, it is just to see if the site is acceptable.

Councilmember Kelley said she was waiting for an approved location and now she will go out for funding and get the plans together.

Councilmember Pizzella asked that Mrs. D'Allessandro be informed that he does have someone who is willing to do the plans for her at no cost.

## 2. PSE&G utility infrastructure.

Borough Administrator DeJoseph said there is flooding at the switching station and this is one of their priority projects as Hurricane Irene shut it down. There is a resolution on the agenda tonight for that project.

Councilmember Kelley asked if this project relieves flooding at the substation or create more flooding?

Mayor Arnowitz said his information comes from the paper and some discussions he has had with Hollenback, our PSE&G Representative. It is raising of the equipment, a wall was never mentioned. Some of the equipment is already raised; the one area where the cabinets are, that will have 4" concrete and is something that would have to be raised. He will ask for a set of plans.

## 3. Recreation Committee, Quasi Public Entities.

Councilmember Frank brought up questions at the last few meetings about the Rec Commission, Quasi Public Entities. He did not believe we had any Quasi Public Entities but he did want to talk about the Rec Commission. He attended their last meeting and will be present for their next meeting next month to explain his thoughts. Our entire Rec program is broken into three pieces. The first piece is the municipal part that is funded by taxpayers. That includes our senior programs, Ragamuffin Parade, Memorial Day Parade; it used to include Town Day and Concerts in the Park but we funded those through sponsors.

The next part is the Rec Trust which is run by the Rec Commission and our Rec Director, Patty Hughes. That is not funded by the town, that is self-supporting by all the fees that people pay to participate in the various activities under the Trust. It appears to be self-sustaining, books are maintained by the town and subject to review by Auditors.

The third part is Quasi but they are actually Private, Non-Profit programs that are run by separate legal entities. They run football, baseball, softball, soccer, LaCrosse and did not believe there is any legal connection between them and the town. He thanked the people who run this because it can be a thankless job; the amount of hours that go in, the coaches and those who run these programs provide a tremendous service to the town. It enhances our property values, provides an opportunity for sports for kids, teamwork; Hilldale Hawks is probably the reason PV has a good football team. He does not think it is broken and he is not trying to fix it. He believed there was some misunderstanding.

He looked at the ordinance for the Rec Commission and how it was established. The ordinance dates back to 1972; it is outdated, it is sketchy. He read from the code book "the powers and duties and limitations. The Commission shall propose plans for the development and improvement of public park and playground lands owned and leased by the borough. Proposed methods are arrangements for the proper maintenance and care of such lands and the improvements thereof. Proposed rules and regulations for the public use of such lands and improvements. Submit all plans, methods, arrangements, rules and regulations to the Mayor and Council for their consideration and action thereof. No. 5 is to put into effect such plans, methods, arrangements, rules and regulations which have been approved and authorized by the Mayor and Council and exercise administrative and supervisory authority in connection therewith. The last item which is relevant is the Commission shall not have the power to incur and obligations in the name or for the account of the Borough except as authorized from time to time by the Mayor and Council."

He hasn't seen anything added to our Code Book since 1972; if there are more ordinances to modify this, he is not aware of it. It started with the Finance Committee when we looked at the liability insurance that the taxpayers were paying for the private, non-profit entities and our objective was to move that off the taxpayers backs and move it into either the trust first and then maybe to the private entities. That is what we are working towards. He looked at the fact that we even have private entities and he didn't see any authority that was ever given to the Commission to set them up; he doesn't see any legal agreements to establish the rules of what services they are providing the town and what the town is giving them. Are there written agreements, is this all verbal? We are talking about a lot of kids and a lot of things that go on in this town in the Rec Programs. They schedule our fields, etc., and it is quite a bit. There are no approvals he could find or written agreements; last year Councilmember Pizzella started to document and formalize the relationship between the private entities and the town. We need to revisit this without upsetting what we are doing now, we have too much invested with the private, non-profits who are running all of these programs. It would be good to clarify what the Rec Commission should be doing and they should in turn document and come back to the town with some clear, legal agreement between the borough and Rec Commission and private non-profits running these programs.

Mayor Arnowitz asked if he is recommending forming a committee to look into this or if the present Liaison working with the Rec Commission could do that.

Councilmember Frank thought a committee would be good. Councilmember Pizzella started on it, he has reviewed a lot of concepts, he could coordinate it from a legal perspective with the Borough Attorney and a small committee outside of the Rec Commission would be the best way to do it. Whatever we do, we want representatives from the private non-profits, as well as people on the Rec Commission.

Mayor Arnowitz asked Councilmember Pizzella to bring in the leaders of the sports agencies so that they are part and parcel of this plus the Chairperson of the Rec Commission and the Liaison to the Rec Commission. Anything we do has to run through the Borough Attorney.

Councilmember Pizzella said in the past he was trying to update the ordinance so that the Rec Commission understood its role and that it was empowered to do the things the Council wants it to do; also empower to do things that most other Rec Commissions are empowered to do. He wanted to set up a committee to discuss arrangements with each and every association because each association provides a service to the town. We don't understand all the things these associations do for the town that saves the town quite a bit of money. If we can sit down and understand what each association does and get a cost savings factor, we would be in a

better position to create an arrangement with them so that were designated truly to be the Rec Program for each individual sport they represent and move on from there. Now you have implied agreements and creates a lot of exposure for the town as well for the individual associations. No one communicates and it pits them against the Council and it is better if we communicate and work together. He would ask each Association's President to be on the committee and from the Rec Commission and Liaison.

Borough Attorney Bernstein said it is a good idea to review the ordinance. Councilmember Pizzella said whatever we come up we would propose first to Councilmember Kelley, Liaison, as a review and then come to the Council.

Councilmember Kelley agreed.

Councilmember Frank said we don't want to make any changes to how we are doing things, just a background project; document everything they are presently doing for future Councils and clarify the responsibility and authority of the Rec Commission.

Mayor Arnowitz said you have to get their agreement in the scheme of things; include them, discuss with them and work with them.

#### 4. Bi-State Watershed Cleanup of The Hackensack River.

Mayor Arnowitz said there is a conflict between the Fishing Contest and the cleanup. The cleanup is on the 20<sup>th</sup> and a state-wide thing; the fishing contest is on the 20<sup>th</sup>. The people who run the fishing contest clean the stream so it is not necessary for the people who are going to do the town-wide cleanup to worry about the stream, there are plenty of other properties that we can pick up trash. He notified Meredith Kates and Tom Wiseman of the Rec Commission and Green Team of his concern is that most of the people who do the cleaning are the kids and the kids are going to be fishing so they could have a problem getting volunteers. He doesn't see a conflict but he did not believe they will get as many volunteers as in the past. He agreed to use Clean Community money; this is a yearly thing we do, we supply food, they can meet in the park, the stream is in use from 7AM to 4PM. This is a state-wide thing and they want to be part of it so we can't reschedule. He left it up to the Environmental Commission what they want to do. He thought the kids would rather fish and get a prize rather than clean up. He did not think it is too late to change the date.

Councilmember Pizzella said they don't want to put it off is because it is not just a state-wide event it also involves New York and they put a tremendous effort into this and would not ask them to delay.

Mayor Arnowitz said Beechwood Park could be cleaned up, the property behind Friendly's in the park section, along Hillsdale Avenue; area between the library and church. People fishing are down by the stream and there are plenty of areas to clean. He encouraged everyone who can to help.

#### 5. Sustainable Update.

Councilmember Pizzella said this was not on the agenda originally but because they pushed up the due date for the Environmental Commission he wanted to discuss the Sustainable Jersey update. The Green Team is looking to get certified and the recertification date has been pushed up to June 15. Hillsdale has 220 points, but need 130 points more by June. Each action that is necessary gives them 10 more points and there are 10 to 13 different things that this Council has to do before June 15. They need the Council's decision whether you want the Green Team to get its certification. Since the last certification completed, several new actions count towards recertification including community outreach programs. There is a list of ideas such as lead education programs, municipal carve and footprint, bi-local campaign, farmland preservation and all these various things we choose as Council to push forward to get

the points they need. You can get the details on [www.sustainablejersey.com](http://www.sustainablejersey.com) and the advantages of the program is that it brings in grant money into the town, recognition and opportunity to the borough, facilitates plan of action to enhance Hillsdale through cost savings and environmentally friendlier means to residents, businesses and municipality. The disadvantage is it is a significant amount of work to document, run the programs and needs full backing and support by the Council in a very short period of time. It is possible to submit an incomplete application and be awarded extra time to complete elements over subsequent months. The borough needs to decide immediately whether or not they want the Green Team to pursue it. According to Meredith Kates, she didn't know whether we voted to have them pursue it or not. Councilmember Frank said she was going to get back to us because of the actions involved, it is a lot of work and she would give us an idea what would be required.

Councilmember Pizzella said the other option you have is the Green Team can continue to work on sustainable actions for Hillsdale without participation in the state program. He would be in favor of continuing the program as it brings a lot to the town.

Councilmember Looes said we wanted to continue with the program; they wanted an idea of the direction we wanted them to go. We would support the direction they want to go.

Councilmember Pizzella was pleased and would relay that message and continue to work with them.

#### **PUBLIC COMMENT**

Abby Lundy, 73 Colonial Boulevard -She believed the comments made by Councilmembers Pizzella and Frank with regard to the Rec Commission is a good idea. She extended an invitation to the Mayor and Council to attend their opening day March 30 at 10AM at Memorial Field.

Alfred J. Murphy, 5 Cherry Place -He didn't see anything on the Agenda about the rate increase by United Water. The Council should send a letter to United Water that they are opposed to the increase.

Administrator DeJoseph it is an increase of 18%.

Mayor Arnowitz said the Clerk will put together a Resolution opposing the increase for the April 2 meeting. He pointed out that the water is inside the CAP. How do we keep a 2% CAP and get these types of increase.

Mr. Murphy (Contd).

Maybe you could put something on the website how to contact them.

Borough Administrator DeJoseph said Administrators are coming up with a similar resolution for the BCUA due to sewage fees which increased 8% this year.

Mr. Murphy (Contd).

The Budget introduction and CAP is confusing.

Councilmember Meyerson said we are not voting to exceed the budget. It is a required statute of the ordinance that we have to pass.

Borough Attorney Bernstein said it the language of the state; since the day they enacted the CAP in the '70's and in spite of the fact they are changing the CAP and changing the ordinance, they don't want to change the language.

Mayor Arnowitz said on the record the intention of the Council is important.

Mr. Murphy (Contd).

Correspondence No. 3 has to do with the cell tower, is there a deadline date to submit a comment.

Councilmember Looes said within the next 30 days, the letter is dated February 25.

Borough Administrator DeJoseph will call Wednesday morning.

Mr. Murphy (Contd).

You should contact everyone who was here last year or the year before complaining about putting the tower on the west side of town. Those same people should be objecting to that tower. He also asked about Mrs. D'Alessandro plans.

Mayor Arnowitz said Councilmember Pizzella has someone who can draw up professional plans and we should take advantage of it.

Mr. Murphy (Contd).

He shared concerns of raising of the power station and PSE&G plans. Mayor Arnowitz will reach out to Mr. Hollenbach and ask for plans but he doubts there are plans at this time. His discussion was totally raising the station not building walls.

Mr. Murphy (Contd).

Resolution 13058, how many tax sale certificates?

Borough Administrator DeJoseph said there are taxpayer liens that we never closed out properly. The municipality is going to stop paying county tax and school tax on these properties.

Mr. Murphy (Contd).

The resolution supporting the Pascack Valley Shared Services.

Administrator DeJoseph said that is a five year renewal for Hillsdale to rejoin Cooperative Pricing. We go out for bid for certain utilities, etc.

Mr. Murphy (Contd).

Regarding the closed session, there is no indication of what type of a closed session.

Mayor Arnowitz said we announce it when we get there, the Borough Attorney reads a resolution specifically stating the reason for the closed session. It changes during the course of the meeting.

Mayor Arnowitz closed the meeting to the public.

## **PROFESSIONALS**

### **ORDINANCES** *Adoption and Introduction*

#### **13-05 (Introduction):**

#### **AN ORDINANCE PROVIDING FUNDING FOR IMPROVEMENTS AT CENTRAL AVENUE AND INSTALLATION OF ADA RAMPS FOR THE BOROUGH OF HILLSDALE AND APPROPRIATING \$421,500 FOR SUCH PURPOSE**

Administrator DeJoseph said this is discretionary aid, we will be paid for the paving as well as the inspections, ADA Ramps for Bergen County specifically required in advance of paving. We entered into an agreement last year with the county who will reimburse us for design, layout, construction as well extensions to the end of the project. Again 100% match.

BE IT RESOLVED, that Ordinance No. 13-05 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 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 by Councilmember Kelley, seconded by Councilmember Meyerson.

Roll Call Vote:

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

Nays: None

**13-06 (Introduction):**

**AN ORDINANCE TO REPEAL CHAPTER 130 OF THE BOROUGH CODE ENTITLED "DISORDERLY CONDUCT"**

BE IT RESOLVED, that Ordinance No. 13-06 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 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 by Councilmember Meyerson, seconded by Councilmember Kelley.

Councilmember Frank asked if this is removed completely, what happens to someone who is disorderly other than loitering.

Councilmember Meyerson said there is a state law that deals with disorderly conduct and this pre-empted because of the state law. The purpose of having the pre-emption rule is to make sure every jurisdiction treats everybody the same. The state law controls all jurisdictions. The community police try to give the people a break and when someone is charged with a state statute, you try to negotiate a plea bargaining agreement. This ordinance allows you to drop it down to a borough ordinance for disorderly conduct and by eliminating it, there is no longer that option. Defendants will have to deal with the state law. The result is if someone is convicted for disorderly conduct, it is a state violation and in order to get rid of this, you have to wait five years in order to file for expungement, whereas with the borough ordinance you wait 18 months. The penalties are much more severe.

Councilmember Frank asked about the fines.

Councilmember Meyerson said the fines go to the state, the town gets a percentage.

Borough Attorney Bernstein said you can convict people for something they are not being convicted of because no judge will convict someone for disorderly conduct. It is not legal, unconstitutional.

Councilmember Meyerson said up until the time the court announced this was unconstitutional it was standard operating procedure to drop down someone accused of disorderly conduct state-wide to a borough ordinance.

Mayor Arnowitz asked by doing so take any ability for the prosecutor or judge in Hillsdale to properly adjudicate the problem.

Councilmember Meyerson said they didn't have it anyway, that is the reality. We just codified what was already law.

Roll Call Vote:

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

Nays: None

**RESOLUTIONS: R13053 through R13065, R13069 through R13071 (Consent Agenda):**

**R 13053 RESOLUTION OF THE BOROUGH COUNCIL TO EXTEND CONTRACT WITH ACE TREE SURGEONS FOR SHADE TREE AND STUMP REMOVAL**

WHEREAS, the Borough of Hillsdale was and continues to be in need for services relating to shade tree and stump removal; and,

WHEREAS, the Borough of Hillsdale previously advertised for proposals relating to shade tree and stump removal services; and,

WHEREAS, the Borough of Hillsdale found Ace Tree Surgeons, located at 507 North Fairview Avenue, Paramus, New Jersey 07652, to be the lowest responsible bidder for shade tree and stump removal services for the Borough; and,

WHEREAS, pursuant to Borough of Hillsdale Resolution Number 11082, adopted May 3, 2011, a copy of which is attached hereto and made a part hereof, the Borough of Hillsdale awarded a two (2) year contract for Shade Tree and Stump Removal Services to Ace Tree Surgeons in an amount not to exceed Thirty-Eight Thousand Three Hundred Twenty-Five (\$38,325.00) Dollars per annum; and,

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:11-15, the Borough of Hillsdale is desirous of extending the contract for Shade Tree and Stump Removal Services with Ace Tree Surgeons for an additional two (2) year period of time, pursuant to the identical terms and conditions of the original contract, which is attached hereto and made a part hereof; and,

WHEREAS, the Borough Council of the Borough of Hillsdale finds, as a matter of fact, that the services provided by Ace Tree Surgeons are being performed in an effective and efficient manner; and,

WHEREAS, said extension does not extend the contract beyond a total of five (5) consecutive years nor are any other changes contemplated from the original terms.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey hereby extends the contract for shade tree and stump removal services with Ace Tree Surgeons, located at 507 North Fairview Avenue, Paramus, New Jersey 07652, for an additional two (2) year period of time, pursuant to identical terms and conditions of the original contract which is attached hereto and made a part hereof, at the annual price set forth above.

**R 13054 RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE BOROUGH TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WALLOVER ARCHITECTS, INC.**

WHEREAS, the Borough of Hillsdale is in need of an Architect to provide certain specified Architectural Services as they relate to the Stonybrook Swim Club; and,

WHEREAS, Wallover Architects, Inc. is in the business of providing Professional Architectural Services and has provided Professional Architectural Services to the Borough of Hillsdale for the Stonybrook Swim Club in the past; and

WHEREAS, Wallover Architects, Inc. has submitted a proposal for the following scope of work:

-Kiddie Pool Plaster Replacement and Surge Tank Upgrade, dated February 27, 2013; and,

WHEREAS, the Borough of Hillsdale is desirous of obtaining the services of Wallover Architects, Inc. to perform all those services contemplated in the afore mentioned Proposal, as if same were set forth at length herein; and,

WHEREAS, due to the longstanding history and knowledge possessed by Wallover Architects, Inc. as it relates to the Borough of Hillsdale's Stonybrook Swim Club, the Professional Services Agreement is awarded pursuant to a "non-fair and open" process as set forth in N.J.S.A. 19:44A-20.5 and Wallover Architects, Inc. qualifies as such.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey hereby authorizes the Mayor and Borough Clerk, on behalf of the Borough, to sign the within referenced Professional Services Agreement with Wallover Architects, Inc., without the need for any further action of this Borough Council within the parameters of the proposal submitted by Wallover Architects, Inc., in an amount not to exceed Fourteen Thousand Seven Hundred Fifty (\$14,750.00) Dollars.

**R 13055 PAYMENT OF BILLS**

BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale that the following bills in the sum of \$4,038,664.97 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 13056 RAFFLE LICENSE**

WHEREAS, Pascack Valley High School, 200 Piermont Avenue, Hillsdale, NJ 07642 has made proper application for the following Raffle License to be held May 16, 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.	Type of License
RL: 690	On Premise 50/50 Cash Raffle

**R 13057 RAFFLE LICENSE**

WHEREAS, Pascack Valley High School, 200 Piermont Avenue, Hillsdale, NJ 07642 has made proper application for the following Raffle License to be held May 16, 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.	Type of License
RL: 691	On-Premise Merchandise Draw Raffle

**R 13058 AUTHORIZE FORECLOSURE ON OUTSTANDING MUNICIPAL TAX SALE CERTIFICATES**

WHEREAS, the Borough of Hillsdale holds four (4) Tax Sale Certificates for properties within the municipality, and the Tax Collector certifies the following pursuant to NJSA 54:5-104.35, and

WHEREAS, the attached "tax foreclosure list" is a list of Tax Sale Certificates held by the Borough of Hillsdale and the lands affected by said Certificates, together with the amounts due, to the date hereof, on said Tax Sale Certificates and for subsequent municipal liens with interest, penalties and costs; including the amounts required to redeem, as they appear in the records of the Tax Collector, and the ownership of said lands as they appear on the last tax duplicate of the Borough of Hillsdale, and

WHEREAS, more than six (6) months have expired form the date of the tax sales out which any such Certificate arose and all or any portion of the general land taxes levied and assessed against the land for the twenty-one (21) months next preceding the commencement of the action, other than those subject to payment by installments authorized by a Resolution adopted pursuant to RS 54:5-65;

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Hillsdale that this Governing Body hereby determines that the Borough of Hillsdale foreclose by short title In Rem, as provided in the In Rem Tax Foreclosure Act (1948), NJSA 54:5-104.29 et seq., on the Tax Sale Certificates held by the municipality, as listed on the tax foreclosure list attached hereto;

NOW BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to forward to the Town's appointed attorney, Michael G. Pellegrino, Esq. of Pellegrino & Feldstein, LLC, the "tax foreclosure list" to begin said process.

**R 13059 RESOLUTION SUPPORTING PSE&G's ENERGY STRONG PROGRAM**

BE IT RESOLVED, by the Governing Body of the Borough of Hillsdale, County of Bergen, State of New Jersey as follows:

WHEREAS, the State of New Jersey has experienced a series of extreme weather events over the last two years, including but not limited to: Hurricane Irene, the October 2011 snowstorm, Superstorm Sandy and an accompanying Nor'easter; and

WHEREAS, the Borough of Hillsdale was impacted by said extreme weather events, including but not limited to: power outages due to flooding at substation; and

WHEREAS, Public Service Electric and Gas Company ("PSE&G") provides the Borough of Hillsdale electric and/or gas service; and

WHEREAS, said extreme weather events severely damaged PSE&G infrastructure, including but not limited to: flooded electrical substations due to storm surges, downed power lines and poles due to high winds and fallen trees, and the destruction of gas meters due to contact with water; and

WHEREAS, said damages to PSE&G infrastructure contributed to the Borough of Hillsdale's said impacts; and

WHEREAS, the New Jersey Board of Public Utilities ("BPU") issued an order on January 23, 2013 directing the State's electric and gas utilities, including PSE&G, to implement certain recommendations in the areas of: "Preparedness efforts", "Communications", "Restoration and response", "Post event", and "Underlying infrastructure issues"; and

WHEREAS, PSE&G submitted an infrastructure filing on February 20, 2013 entitled "Energy Strong"; and

WHEREAS, "Energy Strong" proposes an investment of \$3.9B worth of infrastructure projects over a 10-year period to enhance PSE&G's electrical and gas system, including but not limited to: fortifying electrical stations, replacing and modernizing cast iron gas mains, deploying smart grid technologies, improving pole distribution systems, creating more redundancies, undergrounding of electricity lines, and protecting gas metering stations; and

WHEREAS, the Borough of Hillsdale, would benefit from the proposed investments in the "Energy Strong" filing.

NOW, THEREFORE BE IT RESOLVED, that formally declares its support for PSE&G's "Energy Strong" program.

**R 13060 AUTHORIZE BOROUGH CLERK TO ADVERTISE FOR KIDDIE POOL PLASTER REPLACEMENT AND SURGE TANK UPGRADE**

BE IT RESOLVED, that the Borough Clerk is hereby authorized to advertise for sealed bids for the Kiddie Pool Plaster Replacement and Surge Tank Upgrade at Stonybrook Swim Pool, in the Borough of Hillsdale.

**R 13061 AUTHORIZE THE BOROUGH CLERK TO ADVERTISE REQUESTS FOR QUALIFICATIONS FOR BOROUGH PROFESSIONALS**

BE IT RESOLVED, that pursuant to N.J.S.A. 19:44A-20.4, et seq. that the Borough Clerk is hereby authorized to advertise for the above mentioned services for the following positions for year 2013:  
Borough Bond Counsel

**R 13062 RESOLUTION OF THE BOROUGH OF HILLSDALE AWARDING GRASS CUTTING IN PUBLIC PLACES FOR 2013 AND 2014 PROJECT TO CUTTING EDGE LAWN SERVICE**

WHEREAS, the Borough of Hillsdale promulgated bid specifications to obtain bids for grass cutting in public places for 2013 and 2014 (the "Project"); and,

WHEREAS, the bid opening was held on March 5, 2013 for the Project; and,

WHEREAS, six (6) bidders responded to the bid; and,

WHEREAS, the lowest responsible bidder was Cutting Edge Lawn Service with a bid of Eighty-Six Thousand Six Hundred Fifty-Four (\$86,654.00) Dollars for both 2013 and 2014 pursuant to the Bid Proposal submitted, (Parts 1 and 2); and,

WHEREAS, Cutting Edge Lawn Service has also met all of the bid specifications for the Project.

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 Grass Cutting in Public Places for 2013 and 2014 is hereby awarded to Cutting Edge Lawn Services, 2 Stage Road, Pine Island, New York 10969 and the Mayor and Borough Clerk are hereby authorized, on behalf of the Borough, to execute an Agreement with Cutting Edge Lawn Service for the entire Project in the amount of Eighty-Six Thousand Six Hundred Fifty-Four (\$86,654.00) Dollars. A copy of the executed Agreement shall be on file in the office of the Borough Clerk.

**R 13063 RESOLUTION OF THE BOROUGH OF HILLSDALEAWARDING THE SEASONAL OPENING AND CLOSURE OF THE MUNICIPAL POOL FOR 2013 AND 2014 CONTRACT TO V. LEHMANN CONSTRUCTION CO., INC. D/B/A/ LEHMANN POOLS & SPAS**

WHEREAS, the Borough of Hillsdale promulgated bid specifications to obtain bids for the seasonal opening and closure of the municipal pool for 2013 and 2014 (the "Project"); and,

WHEREAS, the bid opening was held on March 5, 2013 for the Project; and,

WHEREAS, one (1) bidder responded to the bid; and,

WHEREAS, the lowest responsible bidder was V. Lehmann Construction Co., Inc. d/b/a/ Lehmann Pools & Spas with a bid of Two Hundred Three Thousand One Hundred Dollars (\$203,100.00) Dollars; and,

WHEREAS, V. Lehmann Construction Co., Inc. d/b/a/ Lehmann Pools & Spas has met all of the bid specifications for the Project.

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 Seasonal Opening and Closure of the Municipal Pool for 2013 and 2014 is hereby awarded to V. Lehmann Construction Co., Inc. d/b/a/ Lehmann Pools & Spas, 644 Wyckoff Avenue, Mahwah, New Jersey 07430 and the Mayor and Borough Clerk are hereby authorized, on behalf of the Borough, to execute an Agreement with V. Lehmann Construction Co., Inc. d/b/a/ Lehmann Pools & Spas in the amount of Two Hundred Three Thousand One Hundred (\$203,100.00) Dollars. A copy of the executed Agreement shall be on file in the office of the Borough Clerk.

**R 13064 RESOLUTION OF THE BOROUGH OF HILLSDALE AWARDING THE CONCESSION STAND 2013, 2014 AND 2015 CONTRACT TO P & M FOOD CONCESSIONS, INC.**

WHEREAS, the Borough of Hillsdale promulgated bid specifications to obtain bids for the concession stand for 2013, 2014 and 2015 (the "Project"); and,

WHEREAS, the bid opening was held in February, 2013 for the Project; and,

WHEREAS, one (1) bidder responded to the bid; and,

WHEREAS, the lowest responsible bidder was P & M Food Concessions, Inc. with a bid for the calendar year of 2013 of Sixteen Thousand One Hundred (\$16,100.00) Dollars; and,

WHEREAS, the lowest responsible bidder was P & M Food Concessions, Inc. with a bid for the calendar year of 2014 of Sixteen Thousand Four Hundred (\$16,400.00) Dollars; and,

WHEREAS, the lowest responsible bidder was P & M Food Concessions, Inc. with a bid for the calendar year of 2015 of Sixteen Thousand Seven Hundred (\$16,700.00) Dollars; and,

WHEREAS, the total contract amount for the calendar years of 2013, 2014 and 2015 amounts to Forty-Nine Thousand Two Hundred (\$49,200.00) Dollars; and,

WHEREAS, P & M Food Concessions, Inc., has met all of the bid specifications for the Project.

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 Concession Stand for 2013, 2014 and 2015 is hereby awarded to P & M Food Concessions, Inc., 186 Mallinson Street, Allendale, New Jersey 07401 and the Mayor and Borough Clerk are hereby authorized, on behalf of the Borough, to execute an Agreement with P & M Food Concessions, Inc. in the total amount of Forty-Nine Thousand Two Hundred (\$49,200.00) Dollars. A copy of the executed Agreement shall be on file in the office of the Borough Clerk.

**R 13065 RESOLUTION OF THE BOROUGH COUNCIL REJECTING ALL BIDS RECEIVED FOR THE WIERIMUS LANE CULVERT GABION WALL IMPROVEMENT BIDS**

WHEREAS, the Borough of Hillsdale seeks a vendor to perform improvements to the culvert gabion wall located on Wierimus Lane in the Borough of Hillsdale; and,

WHEREAS, in furtherance of said gabion wall improvement project, the Borough of Hillsdale has retained the professional services of Christopher P. Statile, P.A., Consulting Engineers & Planners to serve as the Professional Engineer on this Project; and,

WHEREAS, in furtherance of said gabion wall improvement project, the Borough of Hillsdale has, consistent with the Local Public Contracts Law (N.J.S.A. 40A:11-1 et.seq.), advertised and solicited bids for the gabion wall improvement project on February 5, 2013; and,

WHEREAS, the Borough of Hillsdale received thirteen (13) bids in response to the February 2013 solicitation; and,

WHEREAS, a review of all the responsive bids received by the Borough of Hillsdale, the lowest responsible bid substantially exceeds the cost estimates for the project.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that it hereby authorizes the rejection of all bids received.

**R 13069 RESOLUTION SUPPORTING PASCACK VALLEY SHARED SERVICES**

WHEREAS, in 2007, the Pascack Valley Mayors' Association unanimously charged each Municipal Administrator with meeting together on a regular basis, as the Mayors do, to work cooperatively and examine different means of sharing services to cut costs; and

WHEREAS, the Pascack Valley Administrators began meeting monthly and have successfully taken on many initiatives, such as jointly fighting proposed utility rate increases and coordinating local and DOT grant road resurfacing projects, that have saved millions of municipal tax dollars; and

WHEREAS, due to the fact that 5 years have passed since the inception of the Administrators' group and different Mayors and Council members have been elected in a number of municipalities throughout the region, and

WHEREAS, the governing bodies of each Pascack Valley municipality wish to re-affirm their commitment to sharing services; and

WHEREAS, this re-affirmation of the Administrators' Shared Services group shall be in the form of a nominal \$500 annual membership fee to be placed in the Borough of Westwood's budget as the legally designated "Lead Agency," and

WHEREAS, there shall also be an offsetting appropriation in Westwood's budget so as not to affect its CAP in any way, and

WHEREAS, this aforementioned required fee shall be paid annually by each municipality before May 1 and shall help to cover various costs incurred while carrying out the myriad of issues initiated, considered and carried out by the Pascack Valley Administrators on behalf of their respective governing bodies, and

WHEREAS, these costs shall be approved by a majority vote of the Administrators present at each month's meeting.

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the Borough of Hillsdale hereby authorizes \$500 to be paid to Westwood, as the Lead Agency, to continue its participation in the Pascack Valley Administrators Shared Services group.

**R 13070 AUTHORIZING RENEWAL OF COOPERATIVE PRICING SYSTEM 107-PVCPS**

WHEREAS, N.J.S.A. 40A:11-10 authorizes two or more contracting units to establish a Cooperative Pricing System and enter into a Cooperative Purchasing Agreement for its administration; and

WHEREAS, the Borough of Westwood, County of Bergen, State of New Jersey is desirous of renewing a Cooperative Pricing System (107-PVCPS) with other contracting units; and

WHEREAS, the Borough of Westwood has agreed to serve as the Lead Agency for a Cooperative Pricing System with other contracting units for the remainder of calendar year 2013; and

WHEREAS, the Borough of Woodcliff Lake has agreed to serve as the Lead Agency for the Cooperative Pricing System (107-PVCPS) with the other contracting units for the period January 1, 2014 through March 31, 2018; and

WHEREAS, on February 19, 2013, the Governing Body of the Borough of Westwood, County of Bergen, State of New Jersey, duly considered the renewal of a Cooperative Pricing System for the provision and performance of goods and services,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hillsdale, as follows:

**COOPERATIVE PRICING SYSTEM RENEWAL**

The Borough of Hillsdale hereby authorizes the renewal of the Pascack Valley Cooperative Pricing System 107-PVCPS with the Borough of Westwood serving as the Lead Agency until January 1, 2014, at which time the Borough of Woodcliff Lake will become the Lead Agency for the period January 1, 2014 through March 31, 2018.

**COOPERATIVE PURCHASING AGREEMENT**

The Mayor is hereby authorized to enter into separate Cooperative Agreements with the participating contracting units and said Agreement shall be deemed a single Agreement.

**COPY OF RESOLUTION TO  
THE DIVISION OF LOCAL GOVERNMENT SERVICES**

A single certified copy of this resolution shall be forwarded to the Division of Local Government Services as part of the renewal package for the renewal of this Cooperative Pricing System.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

**R 13071 RESOLUTION OF THE BOROUGH OF HILLSDALEAWARDING MUNICIPAL CREDIT AND DEBIT CARD PROCESSING FOR A ONE (1) YEAR TERM**

WHEREAS, the Borough of Hillsdale promulgated price quotes for municipal credit and debit card processing for a one (1) year term; and,

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

WHEREAS, four (4) companies responded and provided quotes, they were Bank of America, N.A, First Data, Global Payments, and T.D. Bank, N.A.; and,

WHEREAS, the lowest quote was from Bank of America, N.A. for the interchange rate plus ten percent (10%); a twenty cent (\$.20) fee per transaction; an annual account fee of Ninety-Four Dollars and Seventy Five Cents (\$94.75); and, zero (\$0.00) fees for account set up, daily batch fees and monthly transactions; and,

WHEREAS, Bank of America, N.A. has also met all of the specifications for municipal credit and debit and processing.

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 Municipal Credit and Debit Card Processing for a one (1) year term is hereby awarded to Bank of America, N.A. and the Mayor and Borough Clerk are hereby authorized, on behalf of the Borough, to execute an Agreement with Bank of America, N.A., for the interchange rate plus ten percent (10%); a twenty cent (\$.20) fee per transaction; an annual account fee of Ninety-Four Dollars and Seventy Five Cents (\$94.75); and, zero (\$0.00) fees for account set up, daily batch fees and monthly transactions. A copy of the executed Agreement shall be on file in the office of the Borough Clerk.

Motion made by Councilmember Kelley, seconded by Councilmember Meyerson.

Roll Call Vote:

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

Nays: None

**RESOLUTIONS (Off Consent):**

**R 13052 RAFFLE LICENSE**

WHEREAS, Hillsdale Volunteer Fire Department has made proper application for the following Raffle License to be held June 29, 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.	Type of License			
RL: 689	Off	Premise	Draw	Raffle -
Merchandise				

BE IT FURTHER RESOLVED, by the Borough Council that the fees for the aforesaid license are hereby waived.

Motion by Councilmember Frank, seconded by Councilmember Looes

Roll Call Vote:

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

Nays: None

Abstain: Council Members Kelley and DeGise

**R 13066      TRANSFER OF FUNDS**

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
<b>CURRENT FUND</b>		
<b>WITHIN CAPS</b>		
Zoning      Official      Other		
Expenses	\$460.00	
Zoning Official S&W		\$460.00
<b>TOTAL TRANSFERS WITHIN CAPS</b>	<b>\$460.00</b>	<b>\$460.00</b>

Motion by Councilmember Looes, seconded by Councilmember Meyerson

Roll Call Vote:

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

Nays: None

**PROFESSIONAL APPOINTMENTS**

Councilmember DeGise recommended Rod Harraka be re-appointed for Municipal Prosecutor, seconded by Councilmember Meyerson.

**R 13072      AUTHORIZING THE EXECUTION AND AWARD OF A FAIR AND OPEN CONTRACT FOR BOROUGH PROSECUTOR**

WHEREAS, the Borough of Hillsdale has a need to retain a Borough Prosecutor as a Fair and Open contract pursuant to the provisions of N.J.S.A. 19:44A-20.7; and,

WHEREAS, funds will be available by way of budget and bond ordinances to compensate said Engineer; and

WHEREAS, N.J.S.A. 19:44A-20.4 et seq. commonly known as the "New Jersey Local Unit Pay to Play Law" that took effect on January 1, 2006; and

WHEREAS, the Borough has fully complied with the "fair and open" process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough Council has determined that Dennis G. Harraka of the firm Ferrara, Turitz, Harraka & Goldberg, will be the most advantageous to the Borough; and

WHEREAS, the firm Ferrara, Turitz, Harraka & Goldberg has completed and submitted a "Contribution Statement by Professional Business Entity" as required by Hillsdale Borough Ordinance No. 04-14, entitled, "An Ordinance Establishing a Borough Policy for the Awarding of Public Professional Service Contracts"; and Ordinance No. 11-19 "Amending Chapter 12, Contracts, Public Professional Service and Chapter 305, Contribution Disclosure Statements"

BE IT RESOLVED THAT, the Mayor and Borough Clerk are authorized to execute such contract with the firm Ferrara, Turitz, Harraka & Goldberg as per the 2013 Salary Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Hillsdale Borough Council hereby award a contract to Dennis Harraka as Borough Prosecutor through December 31, 2013 or until a successor is qualified or appointed.

Roll Call Vote:

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

Nays: None

Councilmember DeGise presented the name of Christopher P. Statile as Special Municipal Engineer, seconded by Councilmember Looes.

**R 13074 AUTHORIZING THE EXECUTION AND AWARD OF A FAIR AND OPEN CONTRACT FOR BOROUGH SPECIAL PROJECTS ENGINEER**

WHEREAS, the Borough of Hillsdale has a need to retain a Borough Special Projects Engineer as a Fair and Open contract pursuant to the provisions of N.J.S.A. 19:44A-20.7; and,

WHEREAS, funds will be available by way of budget and bond ordinances to compensate said Engineer; and

WHEREAS, N.J.S.A. 19:44A-20.4 et seq. commonly known as the "New Jersey Local Unit Pay to Play Law" that took effect on January 1, 2006; and

WHEREAS, the Borough has fully complied with the "fair and open" process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough Council has determined that Christopher P. Statile, P.A. will be the most advantageous to the Borough; and

WHEREAS, Christopher P. Statile, P.A. has completed and submitted a "Contribution Statement by Professional Business Entity" as required by Hillsdale Borough Ordinance No. 04-14, entitled, "An Ordinance Establishing a Borough Policy for the Awarding of Public Professional Service Contracts"; and Ordinance No. 11-19 "Amending Chapter 12,

Contracts, Public Professional Service and Chapter 305, Contribution Disclosure Statements"

BE IT RESOLVED THAT, the Mayor and Borough Clerk are authorized to execute such contract with Christopher P. Statile, P.A. at per the proposal of February 12, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Hillsdale Borough Council hereby award a contract to Christopher P. Statile, P.A. as Borough Special Projects Engineer through December 31, 2013 or until a successor is qualified or appointed.

Roll Call Vote:

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

Nays: Councilmember Pizzella

Councilmember DeGise put forward the name of Mike Neglia, Neglia Engineering as Borough Engineer, seconded by Councilmember Kelley.

**R 13075 AUTHORIZING THE EXECUTION AND AWARD OF A FAIR AND OPEN CONTRACT FOR BOROUGH ENGINEER**

WHEREAS, the Borough of Hillsdale has a need to retain a Borough Engineer as a Fair and Open contract pursuant to the provisions of N.J.S.A. 19:44A-20.7; and,

WHEREAS, funds will be available by way of budget and bond ordinances to compensate said Engineer; and

WHEREAS, N.J.S.A. 19:44A-20.4 et seq. commonly known as the "New Jersey Local Unit Pay to Play Law" that took effect on January 1, 2006; and

WHEREAS, the Borough has fully complied with the "fair and open" process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough Council has determined that Neglia Engineering Associates will be the most advantageous to the Borough; and

WHEREAS, Neglia Engineering Associates has completed and submitted a "Contribution Statement by Professional Business Entity" as required by Hillsdale Borough Ordinance No. 04-14, entitled, "An Ordinance Establishing a Borough Policy for the Awarding of Public Professional Service Contracts"; and Ordinance No. 11-19 "Amending Chapter 12, Contracts, Public Professional Service and Chapter 305, Contribution Disclosure Statements"

BE IT RESOLVED THAT, the Mayor and Borough Clerk are authorized to execute such contract with Neglia Engineering Associates as per the proposal of February 12, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Hillsdale Borough Council hereby award a contract to Neglia Engineering Associates as Borough Engineer through December 31, 2013 or until a successor is qualified or appointed.

Mayor Arnowitz asked if we will have two engineers attending our meetings.

Councilmember DeGise said no only if the Board requires a special engineer and if you have questions.

Roll Call Vote:

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

Nays: Councilmember Frank

Councilmember DeGise put forth the name of Maser Consulting as Borough Planner for Town Planner, seconded by Councilmember Pizzella.

**R 13073 AUTHORIZING THE EXECUTION AND AWARD OF A FAIR AND OPEN CONTRACT FOR BOROUGH PLANNER**

WHEREAS, the Borough of Hillsdale has a need to retain a Borough Planner as a Fair and Open contract pursuant to the provisions of N.J.S.A. 19:44A-20.7; and,

WHEREAS, funds will be available by way of budget and bond ordinances to compensate said Engineer; and

WHEREAS, N.J.S.A. 19:44A-20.4 et seq. commonly known as the "New Jersey Local Unit Pay to Play Law" that took effect on January 1, 2006; and

WHEREAS, the Borough has fully complied with the "fair and open" process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough Council has determined that Maser Consulting, P.A. will be the most advantageous to the Borough; and

WHEREAS, Maser Consulting, P.A. has completed and submitted a "Contribution Statement by Professional Business Entity" as required by Hillsdale Borough Ordinance No. 04-14, entitled, "An Ordinance Establishing a Borough Policy for the Awarding of Public Professional Service Contracts"; and Ordinance No. 11-19 "Amending Chapter 12, Contracts, Public Professional Service and Chapter 305, Contribution Disclosure Statements"

BE IT RESOLVED THAT, the Mayor and Borough Clerk are authorized to execute such contract with Maser Consulting at the rate of per their proposal of February 12, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Hillsdale Borough Council hereby award a contract to Maser Consulting, P.A. as Borough Planner through December 31, 2013 or until a successor is qualified or appointed.

Mayor Arnowitz said we will have two sets of eyes looking at all the plans because the Planning Board Planner has to report to the Council.

Councilmember DeGise said the Planning Board Planner will consult the Planning Board on any projects that are before the Planning Board. If the Mayor and Council has a separate project then the Borough Planner would work at our consent.

Mayor Arnowitz said any plan has to be put before the Planning Board and they will have the Planning Board Planner duplicating the work.

Roll Call Vote:

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

Nays: Councilmember Frank

Councilmember Meyerson said we had a resignation two months ago, a Labor Attorney. We have been operating for the most part with Mr. Bernstein doing the work of the Labor Attorney in 90% of what we do. Mr. Wiss has been handling a couple of cases that were left over cases. Mr. Bernstein submitted an RFQ for Labor Attorney. He proposed and moved that Mr. Bernstein officially act as our Labor Attorney as well as Borough Counsel.

**R 13076 AUTHORIZING THE EXECUTION AND AWARD OF A FAIR AND OPEN CONTRACT FOR A LABOR COUNSEL**

WHEREAS, the Borough of Hillsdale has a need to retain a Labor Counsel as a Fair and Open contract pursuant to the provisions of N.J.S.A. 19:44A-20.7; and,

WHEREAS, funds will be available by way of budget and bond ordinances to compensate said Labor Counsel; and

WHEREAS, N.J.S.A. 19:44A-20.4 et seq. commonly known as the "New Jersey Local Unit Pay to Play Law" that took effect on January 1, 2006; and

WHEREAS, the Borough has fully complied with the "fair and open" process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the firm of Florio Perrucci Steinhardt & Fader, LLC, has resigned from the appointment to the position approved on January 6, 2013, resolution #13022: and

WHEREAS, the firm of Eric M. Bernstein & Associates, LLC has completed and submitted a "Contribution Statement by Professional Business Entity" as required by Hillsdale Borough Ordinance No. 04-14, entitled, "An Ordinance Establishing a Borough Policy for the Awarding of Public Professional Service Contracts"; and Ordinance No. 11-19 "Amending Chapter 12, Contracts, Public Professional Service and Chapter 305, Contribution Disclosure Statements"

BE IT RESOLVED THAT, the Mayor and Borough Clerk are authorized to execute such contract with Eric Bernstein of the firm of Eric M. Bernstein & Associates, LLC at the rate of \$95.00 per hour, and

NOW, THEREFORE, BE IT RESOLVED, that the Hillsdale Borough Council hereby award a contract to Eric M. Bernstein & Associates, LLC through December 31, 2013 or until a successor is qualified or appointed.

Roll Call Vote:

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

Nays: None

#### **MONTHLY DEPARTMENT REPORTS**

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

R 1 Construction Department Report Ending February 28, 2013~Councilmember DeGise

Motion to Record and approve was made by Councilmember DeGise, seconded by Councilmember Looes.

Roll Call Vote:

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

#### **COUNCIL COMMENTARIES**

Councilmember Meyerson said we are not sitting at the table this evening, but we received a number of comments that the audio was not working on almost all of the devices set up on the table below. Until we get that worked out, we will be sitting up here, and hope to resolve the problem as soon as possible.

Councilmember Looes congratulated Tamara Peterson who was granted lifetime membership by the Fire Department for her 16 years of service. She thanked the 5<sup>th</sup> grade at George White for inviting her to speak to them today. They had questions about local government and were curious how things run and the makeup of Hillsdale's government. They have been following in the paper the different articles what goes on at the meetings. She reminded the seniors that on Thursday, March 14, there will be a performer performing some Irish songs which will take place at the United Methodist and sponsored by the Hillsdale 50+ Club. On March 20, the senior luncheon will be held at St. Johns. On Saturday, March 30, is opening day for baseball at Memorial Field.

Councilmember DeGise said he has been in contact with Councilmember Kelley daily concerning the sign ordinance and we are still having major problems with the current sign ordinance. He discussed this today with the potential Borough Planner and their background. He is not looking to reinvent the wheel, we have a good ordinance, we need to look at it in certain places that have to be reworded and asked for permission to put on a 30 day hold on enforcement of the ordinance. He wanted a second pair of eyes to look at it and softening some of the language in the existing businesses that have been there 50+ years who are having a problem with it.

Councilmember Frank asked how many businesses have already come into compliance.

Councilmember DeGise said not many. It is not getting done, there is some verbiage that needs softening. He is requesting a 30 day period to get some recommendations. One of the towns the Planner worked on was a similar project in Paramus. He wants a fresh set of eyes to look at what we already have.

Councilmember Kelley agreed, a lot of these signs have been there a very long time and we now have someone to help us and he felt it was a good idea.

Mayor Arnowitz said he was not in favor of changing the sign ordinance in the first place. It took eight years to get to where we are, he can't count the number of attorneys that were paid and attorneys that were not paid who worked on this sign ordinance. There were Mayors that were attorneys, Council members who were attorneys; he did not see this changing in 30 days. He did not believe this ordinance was given enough time to be enforced. He chastised the business community for not coming here and commenting to the Council when being discussed to formulate ordinance. If you want 30 days, take the time.

Councilmember Frank had no problem with the 30 days. When he came on Council he was told that we were not enforcing the ordinance that was on the books because it was deemed unenforceable legally. This has been going on for seven years, he was not in favor of putting 17 page sign ordinance like that out. When he balances that against the fact that we have haphazard signs because they haven't been enforced and there was no discipline as to what was going on in town for a long period of time, the potential that if we voted it down, certain elements would keep pushing it, keep spending money on engineering it, rewriting it and spending thousands of dollars, he thought it was a good idea to pass it and work on it slowly. If 30 days and some minor revisions without spending a lot of money makes a difference, do it.

Councilmember Meyerson said our dissemination of the new ordinance is non-existent and, he assumed that at least the dissemination of the ordinance and packets handed out could still go on over the next 30 days.

Councilmember Kelley said if we change something we have to reissue the packets again.

Councilmember Meyerson said we want the business community to respond to the new ordinance. Without disseminating it, how are we going to ask them to respond?

Councilmember Kelley said the responses we are getting from the businesses who received it are very negative.

Councilmember Meyerson said that is exactly his point; people out there that haven't gotten it yet.

Councilmember Kelley said 36 businesses out of 330 have gotten it.

Councilmember Meyerson said we should at least send the new ordinance to all businesses so that if people are going to complain about it, they have the basis upon which to complain.

Councilmember Kelley said we are looking for a better way to move forward.

Councilmember Meyerson said he did not understand how you can give a voice to only 36 businesses and not the others. You are asking for 10% of the businesses to speak for the other 90% and that is not fair. He would like to see 300 businesses come here and complain to us with regard to their problems. Send it to them through the mail, send them a copy of the 17 pages and say we are putting a moratorium enforcing it until we get a subsequent hearing on this issue with complaints. Let's give everybody a chance.

Councilmember Pizzella asked even if this is a past ordinance can you send it out indicating that we are having someone else look at it. They will have the opportunity to come in. What about the people who have already complied; when you are reviewing this ordinance again with Maser, you also have to figure out how you will deal with some of the businesses that are compliant.

Councilmember DeGise said the ones that have complied are the ones who had to take articles away from the windows, they haven't had a major expenditure complying with the ordinance. We are not trying to re-invent the wheel but we did poorly in rolling the program out. This new company should review and make recommendations as to how to proceed. Rushing to get a quick mailing out to all the businesses is absurd; give it the 30 days and wait for a recommendation. If the company comes back and says this ordinance is great, send it out with a copy of their report.

Councilmember Meyerson asked if there will be a public hearing for businesses to come here and speak about this ordinance.

Mayor Arnowitz said he went door to door to the Broadway businesses and pleaded with them to come to a Council meeting. None came. If we are going to change the ordinance, it takes more than 30 days. We will have to rewrite the ordinance.

Councilmember Meyerson said if there are changes, we will extend the moratorium; we will have our new Planner look at this, make some recommendations.

Councilmember Kelley said if you change the ordinance you have to have an introduction and a second reading. You have a comment period there.

Mayor Arnowitz said before we spend money writing up ordinances shouldn't we hear from the businesses? He will try again. He said the reporters can say in their articles if the businesses want to know what is in it, come to the meeting.

Councilmember Meyerson said the majority of businesses do not have a copy of the ordinance as yet.

Councilmember Pizzella said if they don't have a copy how are they going to comply with it? There are problems with it, let's look at it one more time and then let's disseminate it.

Councilmember Meyerson said the problem with that approach is that businesses that received this have complaints about it.

Councilmember DeGise said even the businesses that haven't received it this to are vocalizing what is coming because they have all seen it. If

you give the bad news to one person, it goes to 10 people very fast. Hillsdale does not have a spokesperson, an active Chamber of Commerce so they reach out to the locals. They know all about it.

Mayor Arnowitz said we did have an active Chamber of Commerce; Marie Hanlon and I attended their meetings. We handed out the present ordinance that we introduced and at the Chamber meetings we asked if anyone questions or problems, get back to us but they didn't.

Councilmember Meyerson asked if he is the only one who remembers a packed Council with members of the Chamber of Commerce and business community many, many years ago when they first proposed the new sign ordinance.

Mayor Arnowitz said yes that is true but they never came back.

Borough Attorney Bernstein said there is a motion to authorize the enforcement officer to hold off on the signs for 30 days.

**Motion by Councilmember Kelley to hold off 30 days, seconded by Councilmember Looes.**

Roll Call Vote:

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

Nays: None

Borough Administrator DeJoseph will notify Keith Durie.

Administrator DeJoseph said the Hillsdale Safety Committee was awarded a gold award today as one of the most consistent and asked that the presentation be done at the April 2 meeting.

Vegetative collection will start this Friday on the east side of town and next Thursday and Friday town-wide.

Councilmember Pizzella said school calendar for 2013/2014 has been created and congratulated Ms. Flynn who was selected to fill the vacancy left by Mrs. Loganchuck. She will serve until November at which time she will be required to run for reelection. The Board of Ed established a new, real time emergency contact system allowing for additional parent notification options, phone, email, text messaging options. This was a huge issue during Hurricane Sandy trying to get information to the parents. He reported the status at the George White School as a focus school. That status is for two years regardless of any progress; it was required to create a school improvement plan and it was reviewed by the regional achievement center. Approval for the plan was received October 26 and January the regional achievement visited George White to complete its review of the school and the progress and they were very pleased. Their next visit is April 3. The Superintendent will be visiting the various PTA meetings this month; the Board of Ed completed its preliminary budget. It is 1.97% increase to the tax levy, represents a net increase of \$99 per family for the year, the average assessed home of \$549,000, using the 2012 average assessed home value.

The Green Team ran a community program late February on residential options for homeowners in light of increasing storms in Hillsdale. It was about weatherizing homes and rebates offered from the state. You can contact the Green Team who will give a lot of information about how you can get rebates for energy, efficient home changes. They are working with the BeeHive Salon and Earth Day Community Event and need Council approval for the vendors and he asked this be placed on the April 2 Agenda.

The Environmental Commission is working with the Borough Administrator on the maintenance and installation plan for receipt of a donation of 450 trees for possible tree farms, preparation for Arbor Day in schools.

There is some discussion to start the community garden in the public lands.

He thanked the Police Department and Chief Stalter who participated in Read Across America held earlier this month.

There is a great article written by Kim Redmond regarding the visibility studies on Pascack Valley school districts submitted to the County Superintendent.

Councilmember Frank said he had the opportunity to visit the BCUA Hazard Waste Collection and it is a great way to get rid of old paint. Another is scheduled April 14 at Bergen Community College and one at Campgaw in Mahwah on May 18 and encouraged people to take advantage.

Both studies for the regional high school are on the website and people should become familiar with. There is an overwhelming argument that splitting up the high school is a bad move.

Mayor Arnowitz said on March 17, we have the dog walk at Meadowbrook School, registration at the school, and the walk starts at Stonybrook.

Sean Smith's book will be discussed at the Library on March 19. There is a discussion tonight also. The Fire Department Hook and Ladder Company plant sale starts on March 27.

**ADJOURN TO CLOSED SESSION:**

**R 13067 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**

Borough Attorney Bernstein said we are going for matters relating to collective bargaining agreement with Local 125 and PBA. Under No. 7 we have matters of litigation, negotiation and attorney/client privilege which is BPU, United Water litigation, cell tower negotiation with Metro PCS and ATT and matters related to Harold Karns. There may be formal action taken at the conclusion of this meeting.

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. *Teamsters Local 125*

\_\_ (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.

X (7) Matters relating to litigation, negotiations and the attorney-client privilege *BPU, Cell Towers*

X (8) Matters relating to the employment relationship. *Harold Karns*

\_\_ (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.

On a motion to adjourn to closed session at 9:08 p.m. by Councilmember Looes, seconded by Councilmember DeGise.

Roll Call Vote:

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

Nays: None

#### **RECONVENE REGULAR MEETING**

On a motion at 9:45 p.m. by Councilman Kelley, seconded by Councilmember Pizzella to reconvene the regular meeting.

Roll Call Vote:

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

Nays: None

Borough Attorney Bernstein stated that in the executive session the following matters were discussed. An update to the Council of the Teamsters Union 125, no formal action to be taken at this time; Negotiations with the PBA, no further action to be taken at this time; Proposed Cell Tower by Metro PCS at The DPW building, no further action to be taken at this time; information from Mr. Karns' attorney relative to the matter, no further action to be taken at this time; and a lengthy discussion regarding United Water and Bergen Public Utilities, no further action to be taken at this time.

#### **ADJOURNMENT**

On a motion at 9:46 p.m. by Councilmember Kelley and seconded by Councilmember Pizzella to adjourn the meeting.

ROLL CALL VOTE:

AYES: Council Members Frank, Kelley, Looes, Meyerson, Pizzella, DeGise

NAYS: None

THE NEXT **SPECIAL MEETING** OF THE MAYOR AND COUNCIL WILL BE  
THURSDAY MARCH 27, 2013 BEGINNING AT 7:30 P.M.  
~REVIEW OF THE 2013 MUNICIPAL BUDGET PRIOR TO ADOPTION~