

Minutes of a Council Meeting of the Borough Council held at 7:30 P.M. on Tuesday, June 5, 2013, in the Council Chamber, Borough of Hillsdale, Hillsdale, New Jersey.

The meeting was called to order by Mayor Arnowitz who also led the Salute to the Flag.

OPEN PUBLIC MEETING STATEMENT

Mayor Arnowitz stated that this is a meeting of the Hillsdale Borough Council on this 5th day of June 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:

Present: Council Members Frank, Kelley, Looes, Meyerson, Pizzella. Absent: Council Member DeGise. Also present: Mayor Arnowitz, Borough Administrator/CFO DeJoseph, Borough Attorney Bernstein and Borough Clerk Witkowski.

APPOINTMENTS:

PRESENTATIONS:

- | | |
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| James Groebel-Department of Public Works
Retired May 1, 2013, 36 years of service | Mayor Max Arnowitz |
| Sgt. John Scordato-Police Department
Retired July 31, 2012, 25 years of service | Mayor Max Arnowitz |
| Tracy Jeffery-Zoning Inspector, Fire Prevention Bureau, Building Department
May 18, 1993~Twenty (20) years of service | Mayor Max Arnowitz |

OATH OF OFFICE:

PROCLAMATIONS:

Father Tom Norton Mayor Max Arnowitz

Mayor Arnowitz spoke of a personal incident he had with Father Norton. He is non-discriminatory and Mayor Arnowitz benefitted, this meant so much to him.

Father Norton thanked the Mayor and Council Members, Borough Attorney, Borough Clerk for his recognition this evening. He was present at the ceremony to honor Sergeant Sean Smith on the beautiful volume he did as a member of the Pascack Historical Society, Board Member and presently Secretary. The Mayor read the different assignments he has had over the years and how he is a new HUMC at Pascack Valley volunteer. He has retired from the Archdiocese of Newark. Hillsdale has a special place in his heart and thanked everyone once again for this opportunity.

Chief Stalter said Father Norton has been the Chaplain for Bergen County Police Chief's Association; we meet once a month and he does the Invocation and Benediction.

CHIEF'S ASSIGNMENT:

Patrolman Adam Hampton, Juvenile Detective Chief Chip Stalter

Chief Stalter thanked the Council for the opportunity to make an assignment in the Police Department. It is great to recognize someone in the department who does an outstanding job but it is difficult when you have an excellent staff working behind you for the residents. He said Adam is a graduate of New Jersey City University, has a BS in Criminal Justice Administration. He started as a dispatcher in January 1999, appointed a regular police officer in 2001, he is a certified community policing officer, a DARE instructor, department IT officer, web master and handles our Twitter and Nexel accounts. In January of this year, he has been assigned as

our school resource officer position and juvenile officer. Tonight we would like to recognize his efforts by giving his gold Detective Shield.

APPROVAL OF MINUTES:

Approval of minutes of the Regular Council Meeting of May 7, 2013; Executive Session of May 7, 2013; Regular Council Meeting of May 14, 2013 and Executive session of May 14, 2013

Motion to approve was made by Council Member Kelley, seconded by Council Member Pizzella.

Roll Call Vote:

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

Nays: None

Absent: Council Member DeGise

DEPARTMENT HEAD REPORTS:

Police—Chief Stalter reported about the DARE Graduation at St. Johns, thanked the Mayor and Council Member Pizzella for attending. On Sunday from 11AM to 1PM, we are having “talking with cops” at Starbucks Coffee; Detective Adam Hampton and Sergeant Bob Francaviglia put this program together with help from Starbucks who will donate coffee. Articles have been prepared by local newspapers. We will be there so people can come and have informal discussions. On Friday, the Special Olympics Law Enforcement Torch Run will be coming through Hillsdale on Broadway, they stop at Shop Rite for a break at 8:30AM and a photo-op of Pascack Valley towns.

Ambulance Corps—Captain John Beattie reported that there were 82 requests for service last month, 59 were handled by Hillsdale, 23 outside mutual aid agencies and of those 59 we answered 25 were to assist other towns. We have increased our call volume, with the summer months and warmer weather more people for the ambulances. We have new members, our members are training for epinephrine so for the summer months if anyone goes into shock with an allergic reaction, we will carry epi-pens on our ambulances.

DPW-none

Recreation/Stonybrook-none

CORRESPONDENCE:

1. Letter dated May 16, 2013 from Anthony Jannicelli, 142 Washington Avenue, requesting an amendment to the Borough Code, Chapter 208-11, Exempt Noises~referred to Councilmember DeGise (*see also discussion-DI*)

DPW Superintendent Durie said in our codes we have a conflict and unless we bring attention to it, it doesn't come out. In our Noise Ordinance, Chapter 208, Section 11: basically anybody using tools such a lawnmower, leaf blower, agricultural equipment of that sort can utilize these pieces of equipment between Saturday, 8 a.m. to 8 p.m. on Sunday 9 a.m. to 8 p.m. and holidays. Continuing down to Chapter 208, 13 F. you are allowed to have construction between the hours of 7 a.m. to 6 p.m. In essence, a contractor can pull up to a house at 7 a.m. and start taking the house down with a backhoe for demolition with permits in place, but the neighbor next door cannot start his lawnmower and cut his grass until 8 a.m.. A resident wrote a letter, an employee of another neighboring town, and being cognizant of ordinances he is asking that we look at the our ordinances with regard to grass cutting and possibly extending it to a later time during the week. The resident arrived home later one night and was still cutting his lawn after 8:00 p.m. while it was still light. A neighbor approached and complained that he could not cut his grass any longer, he explained that he had only about twenty minutes to go before he was finished. The request of the resident is to have us look at the ordinances and see if there is a possibility of extending landscaping portion of the noise ordinance to 9:00 p.m.; wintertime no, but in the summertime when there are activities, yes. He felt it is reasonable to look at the extended time period for that type of activity. For the homeowner with a job and gets home at 7:00 p.m. to 7:30 p.m. they would have the opportunity to possibly cut the grass.

Mayor Arnowitz suggested that the Building and Code Committee, Councilmembers Kelley, Looes, and DeGise, meet with Superintendent Durie and come up with recommendations for change.

Motion to receipt and file Mr. Jannicelli's letter was made by Council Member Kelley, seconded by Council Member Looes, and unanimously carried.

2. Letter dated May 17, 2013 from Varoujan Tourian, 61 Trinity Place, re: Church Nursery of Hillsdale United Methodist Church~referred to the entire council.

Motion to receipt and file was made by Council Member Frank, seconded by Council Member Meyerson., and unanimously carried.

3. Letter dated January 2, 2013 from Bo Petkovich, 115 Everdell Avenue, requesting approval for Pascack Valley Marathon, first Sunday in October~referred to Councilmember Looes

Motion to receipt, file and approve was made by Council Member Looes, seconded by Council Member Meyerson, and unanimously carried.

Council Member Meyerson said there have been concerns by the Police Chief as well as DPW; there are a lot of things that go into shutting down the number of roads in a marathon.

Chief Stalter said we already have the 5K and the Triathlon, there will be two of those, and now we have this request. He would like to see their conceptual plan, road route. This needs to be submitted before it is approved. These are covered by Police Auxiliary as they need to provide adequate staffing.

Mayor Arnowitz said the Administrator should notify them that before we can consider this they have to meet with the Police Department, review the details. Mayor Arnowitz asked for a motion to send a letter asking to submit the details of the route planned.

Motion by Council Member Looes, seconded by Council Member Meyerson, and unanimously carried.

DPW Superintendent Durie said these are wonderful events, they take up a lot of time; barricades and cones need to be supplied and then pick everything up during the course of the day. It accounts for two to two and one half hours for two to three people to set up each event.

Mayor Arnowitz said prior to approval it will be discussed again and an opportunity for additional comments.

DISCUSSION:

1. Noise Ordinance: Exempted Hours~Administrator DeJoseph/DPW Supt. Keith Durie
2. Emergency notifications between OEM Twitter feed and borough email notification system~Councilmember Meyerson/Jon Najarian

Jon Najarian, Deputy OEM Coordinator, 257 Liberty Avenue –

After Sandy, we started the Twitter Account and we are trying to get as many residents as we can to sign up for this. The Police, Fire and OEM have Twitter accounts and we want the ability to advise as many residents as possible for road closures, flooding, warning of any other events, fire, emergencies quickly and properly. The idea was to send one email notification form to all the sports associations, school system, Pascack Press and Community Life, public buildings, churches, seniors and get as many people as possible to sign up for it.

Mayor Arnowitz said it is a great program, the more information we can get out to the public the better; any means you can find to get the message out. We should run additional campaigns to get people to sign up.

Borough Administrator DeJoseph said the schools should sign up as well for distribution.

3. Joan D'Alessandro Memorial update~Councilmember DeGise

Mayor Arnowitz said Council Member DeGise is not here, Council Member Pizzella provided information.

Council Member Pizzella said the committee met – Councilmembers DeGise, Looes, Kelley and DPW Superintendent Durie and Borough Administrator DeJoseph. We met and discussed the potential location for the D'Alessandro Memorial and determined that the location at the train station is acceptable. We responded to Ms. D'Alessandro with suggested changes on the plans, nothing substantial, and he anticipates a final draft on a plan for the first meeting in July.

4. Eagle Scout Project~Mayor Arnowitz

Mayor Arnowitz said an Eagle Scout reached out to him with regard to a project in Veterans Park.

Eric Stigliano, 6 Conklin Avenue –

He would like permission to create a 9-1-1 Memorial in Veterans Park. He feels it would be very fitting with the other memorials there. He provided hand-outs to the Council. This would be some sort of monument to help remember 9-1-1 in Veterans Park, it would be in the center possibly surrounded with benches nearby. He

has spoken to people involved in creative stones. Crown Trophy would be providing stones for the actual monument and a plaque, if this project is approved.

Mayor Arnowitz said in regard to Veterans Park, he would like Eric to speak to the American Legion as a courtesy. He spoke to the Commander about this project, he did not have a problem with it, but as a courtesy, discuss it with him. He also spoke to Rich Curran who is a Scout Leader. The Council would like to see a proposed drawing, the position, etc.

Mayor Arnowitz asked about the funding of this project.

Eric he would do a car wash and some services would be donated.

Mayor Arnowitz said we have a grant with a 50% match and if there are funds that have not been dedicated and approve the use of these funds.

Eric said the estimated cost would be \$2,200.

Council Member Kelley suggested a committee to work with Eric.

Council Member Frank had a question with regard to the Legion and the location in the Park.

Mayor Arnowitz said if you are facing the park from Hillsdale Avenue by the path to the left, somewhere between the big tree and the small tree, closer to Hillsdale Avenue, the tracks and pathway.

Council Member Meyerson asked about names being placed on the plaque.

Eric will research those names.

Mayor Arnowitz said Veterans Park is the proper place to put this. People who lost their lives at the World Trade Center lost their lives due to an act of war, terrorism, and it is fitting they join the people who gave their lives.

Eric said hopefully if this project is approved, it would be ready for 9-11-2013. The project should take three or four weekends. He awaited approval before moving forward with the project.

Mayor Arnowitz said let's move forward.

Council Member Pizzella said the scout project should incorporate a plan to be presented to the Council.

5. Green Team, Sustainable Jersey~Councilmember Pizzella

Council Member Pizzella said we are currently approved for bronze status but are not near getting that. There will be no extensions permitted. However, Sustainable Jersey would allow us to recertify for bronze provided we indicate our planned actions and the application. These planned actions must be completed through November 13. We currently have 50 points and need another 150. The primary contact is the County Administrator and since then he has registered himself as a contact and would like to register the Green Team Members but only if Council makes a determination that they wish to pursue compliance. He did not believe that previous Council or current Council really understands the level of commitment and the hours and the cost necessary for us to comply with Sustainable Jersey if we only certify for bronze. He attended a work session with Sustainable Jersey and discussed our status with the volunteers who did the work the first time around. Based on those discussions, the Council needs to understand if it wants to be compliant and why. If it determines it wants to be compliant, then we need to determine at what level and whether the goal is important enough to direct the town administrator and staff to complete the various tasks necessary. It is a really involved process; before we move forward to meet with the Green Team in a work session. The Green Team has offered to do this because nobody wants to put all of this effort into something that is going to cost the town money if we really don't want to be behind this. The work session would be a time for us to understand what has to happen to become compliant and if it is even feasible. We need to evaluate whether or not we should return the Green Team back to a grass roots sort of group and not have them figure out how to get points, etc. Would everyone be willing to meet or sit and have the people from the Green Team to give a presentation?

Mayor Arnowitz had a discussion with three people on the Green Team; Meredith and Grace didn't think it was worthwhile to the town to go forward with the certification because of the expense and time involved.

Council Member Pizzella said these are resident volunteers who put a lot of work into what we did the first time around. As you get more involved with Sustainable Jersey the town itself has to have the mindset necessary to become compliant. It involves Police Department, DPW, Rec Dept. and it is quite involved and Hillsdale has to understand what it is getting itself involved in before we ask these residents to do more work and commit ourselves and our own resources.

Mayor Arnowitz said when he spoke to them they indicated it would be an expensive proposition and tried to get a ballpark number, they have none. We can't approve or discuss something unless we have an idea. They have already given him a presentation and he told them before we do anything, they have to give some numbers.

Council Member Pizzella said the presentation they will give will be more informative as to what goes into it. He can provide numbers based on recertification of bronze but that is based on man hours and the level of work. A lot of these towns utilize their own staff to do this.

Council Member Looes asked if they want to do this. Are they aware of the work in the town and the fact that there will be a high cost? Do they want to continue as a Green Team but not Sustainable Jersey Green Team?

Council Member Pizzella said to accurately answer that question you have to listen to them and the processes. You need the backing of an authoritative group which is this Council and this town. If the Council does not feel it is appropriate right now for the Green Team to do what it needs to do, is it willing to put forward staff, they might be interested but there is no point in letting go through all that.

Council Member Looes asked do they have an interest, do they want it and have they resolved that having a Sustainable Jersey too much, we want to continue the other way. Before we decide that the Council wants to support, does the Green Team itself want that?

Council Member Pizzella said Green Team wanted to do this for some time but they don't feel they have the support they need from the Council.

Council Member Meyerson assumed the procedure and what needs to be done is posted on the Sustainable Jersey web site.

Council Member Pizzella said you can register your email to get into Hillsdale; based on the past they would provide man hours, man power based on the work they have done in the past, how many people and what is involved.

Council Member Meyerson said if we are going to have a presentation, we need from them what they need from professionals who are paid, employees and their estimated cost.

Council Member Pizzella felt confident they could provide that, they are residents, they are volunteers.

Mayor Arnowitz said this has to be done at a regular meeting, whether it is a special meeting or one of our meetings. We can't just hold a meeting, it has to be advertised unless it is a committee meeting. He suggested we tie it into one of our meetings. It will not be done in June because there is no time available on the Agenda.

Council Member Pizzella said if it goes past that you will be unable to meet the deadlines that are necessary even to recertify. In his opinion, he does not believe this town is ready to go and commit itself to this. He thought it is important that we all become informed as to what Sustainable Jersey is; if we go past July, don't put these people through it because you will not make the necessary deadlines.

Borough Administrator DeJoseph was involved with the initial certification for the Borough of Hillsdale for Sustainable Jersey. Councilman Giancarlo, Keith Durie, volunteers on the Green Team, Meredith Kates and Grace Beiner submitted almost 90% to 95% of the work. The number of estimated hours is close to 2000 hours which is equivalent to one full-time person. Keith put in numerous hours, Chris Statile provided information, Administrator DeJoseph provided information with vouchers, purchase orders, invoices; Bob Sandt the previous Borough Clerk provided information as well as Council Member Pizzella who said resolutions would be required. It is a great program as we all know but is it worth going down this route?

Mayor Arnowitz said that is exactly what they said to him; it is such a big expense and so much work and unfortunately the team can't do it anymore; they maxed out as to what they are capable of doing and we are better off just being a Green Team. He was in favor of bringing them in and we can make a decision.

6. Super Bowl Host Committee~Administrator DeJoseph

Borough Administrator DeJoseph said in everyone's folders there are proposals from the Super Bowl Committee and decide if the Borough wants to take part. You can use their name in advertising.

Council Member Looes said we are an official Host Community.

Mayor Arnowitz suggested everyone read the information and if we want to move forward, we will place this on the Agenda again.

7. Financing of vehicles: Bond Ordinance vs. Lease Agreement~Administrator DeJoseph

Borough Administrator DeJoseph is looking to verify that we will go forward with two financed/leases from TD Bank through the BCIA for a police vehicle and a fire department vehicle.

Council Member Meyerson said we had discussions to change this because the timing of the vehicles would delay the police vehicle for several months. The Finance Committee is recommending leasing both.

Administrator DeJoseph confirmed that at the end of the five year lease, they will be owned by the borough. The original title is in the borough's name.

Council Member Frank said we own the title from the day we buy the car.

Administrator DeJoseph said we will have a resolution next week to enter into an agreement with TD Bank for the lease for financing. The Police Chief and Fire Chief will have the vehicle prepared and we will do separate resolutions to award the purchase of the vehicle as well.

Council Member Meyerson said this "non-lease" lease, nothing will be paid this year whatsoever. It is a BCIA approved program.

Administrator DeJoseph said a copy of the amortization schedule is in your packets, 2.1% interest with 1-1/2% origination fee.

8. 2013 Road Program~Administrator DeJoseph

Administrator DeJoseph said the road program will be done through a bond ordinance introduced next week and adopted in July.

9. June 11, 2013 meeting parameters~Administrator DeJoseph

Administrator DeJoseph said he was requested to put this topic on based on a meeting we had last week.

Mayor Arnowitz said we expect a lot of people to speak and discussed the possibility of putting a time limit.

Borough Attorney Bernstein said at next week's meeting there will be a presentation and questions regarding the studies done by GEI Consultants with regard to the Woodcliff Lake Dam. The discussions between himself, Council President and Mayor, his recommendations that a series of ground rules be established in advance of next week's meeting, posted on the web site, governing body conducting and end by 9:30 or 10 p.m. The Planning Board has similar rules. This would allow people to get up and make a statement for a five minute duration; if group one speaker would be allowed to speak on their behalf and allow a certain period of time, about ten minutes.

Council Member Meyerson suggested when they speak on behalf of a group, they submit a list of names and addresses. That is standard operating procedure.

Council Member Kelley referred to the flood group, limiting the time to Don MacLachlan to 10 minutes, he will want more than 10 minutes. He is representing at least 30 residents.

Borough Attorney Bernstein said we set ground rules and suggested keeping the rest of the Agenda as light as possible.

Council Member Frank said 10 minutes is tight if you are speaking for a group, but we don't want to go into one hour dissertations. He said a 20 minute limit makes sense.

Council Member Meyerson asked if there is a limit to the engineer's presentation.

Borough Attorney Bernstein said a half hour.

Administrator DeJoseph said we have to decide the end time of the meeting.

Mayor Arnowitz said there will be Council commentaries, we spent 2.5 hours at the engineer's office with questions. He asked the Council to try to limit their questions; we would like to end the dam portion of the meeting by 9:30PM. If you give 20 minutes to MacLachlan and 5 minutes to anyone else not represented, people from other towns will speak. This would give approximately one hour for commentary from the Council and the public.

Council Member Kelley said we can set the time for 9:30PM and if we need to extend it 30 minutes, we can always do so.

Council Member Meyerson asked if comments from MacLachlan and the audience limited to comments and presentations or can they question the engineer?

Borough Attorney Bernstein said questioning the engineer is part of the 20 minutes; if they want to make a presentation that is part of the 20 minutes.

Mayor Arnowitz will attempt to keep this to the report that the engineer prepared, United Water's project on Church Road. We will try not to go off on tangents about flooding, etc; what does the project do to the Borough of Hillsdale and anyone down stream.

Council Member Meyerson said we would limit it to questions/comments about the report.

Mayor Arnowitz said hopefully this presentation will put to rest some of the misinformation going on as to what is being done and not being done, rumors. There will be 20 minutes for someone representing a group like MacLachlan and someone speaking for themselves, five minutes. We will adopt such a resolution tonight. We will limit the capacity in this room to whatever we are allowed and we will have a screen for presentation.

10. LOSAPS-update~Administrator DeJoseph

Council President Kelley said there is an issue with LOSAP. If you are on reserve duty or National Guard duty and you are called away for a year, that time accounts for LOSAP.

Mayor Arnowitz said what was approved and suggested we continue doing so, Mr. Tuffy was called to Afghanistan and served for a year, but served on active Ambulance duty the year before, served when he came back, and we paid his LOSAP for that year. We were concerned about someone joining the Ambulance or Fire Department and then joining the Army and being away for three years, we were not going to pay for that. In the case of being in the reserves and getting called up for six months or a year and comes back, and if he gets called again, we will pay LOSAP. It is not for someone who decides to join the military.

Council President Kelley said we discussed putting in the ordinance being called for active duty for a certain amount of time he would get paid for LOSAP. Whatever we do for the Ambulance Corps we should do for the Fire Department.

Borough Attorney Bernstein stated the Ambulance Corp and Fire Department should be separate. The Fire Department needs to submit a separate request for the change.

William Tuffy, Ambulance Corps did not have a problem with the parameters, they just want something in writing.

Mayor Arnowitz said we will write this up, get to the Ambulance Corps and as long as you agree with what we are doing. We will then vote on it.

Borough Attorney Bernstein asked for the language to be included and this can be amended for introduction at the July meeting.

PUBLIC COMMENT:

Mayor Arnowitz opened the meeting to the public.

Andy Pearson, 15 Forest Drive –

He is President of Soccer Association. We run a 10 week recreation program for all children from ages 3 up to 9th grade. This includes about 600 children and run by volunteers, we spend close to \$8000 volunteering our time over the year and lost money for the past two years. He said he understood that the council passed a budget which includes contribution for lighting from the associations. We did not agree to this and a vote was passed stating we will not be contributing this year; we are very willing to work for the town but you have to find a long term solution to this problem. It makes no sense financially, we have a 10 week program and the nights we use lighting during September, October and November, we average about 48 hours worth of lighting. Our contribution last year was \$4,263 for our 48 hours. If we pay the proposed \$6,000 this year we are paying \$120 an hour for lighting. It makes no financial sense whatsoever, we can't afford to do this, but we would work with the town to find a long term solution. We have made several suggestions, reduce the number of bulbs, investigate led lighting.

Mayor Arnowitz said a big portion of the expense for lighting is a stand by fee because of the energy that is required. We put the project together to include the power that was required for the existing lights, they would still charge us the \$1000 or \$1100 per month stand by fee on top of the cost of the electric. That is why it is so high.

Council Member Kelley said if we did switch to led lighting because they use so little power. He has reached out to the company for the cost of this. He mentioned to PSE&G running a generator and we would not have that stand by fee. It is not soccer and baseball's fault that this fee comes to the borough every month but we have to figure this out.

Mayor Arnowitz said we specified the lighting they felt they needed; the engineer and we did not think we needed as much lighting as they said they did. PSE&G said the stand by fee is not just for the stand by fee, it is because of the cost of installing the power lines that went from wherever the transformers are to the fields and then the boxes, etc. We never pay that off. You cannot power that facility with a generator 24/7.

Council Member Kelley questioned if we switched to led lighting.

Mayor Arnowitz said you can't have a generator running 24/7; you have emergency lighting, lightning detectors, there is a lot more going on than just playing of the games. You have refrigeration, this isn't something to discuss now, but if you don't want to be part of it, if we disconnect the lights for the time for three months, we would save the \$3,300 and stand by fee by disconnecting the meter three months early. We disconnect the meter after Thanksgiving.

Mr. Pearson (Contd).

He would be happy to work with the town but to pay the money every year makes no sense.

Council Member Kelley asked if he notified the Administrator that they were not going to pay.

Council Member Pizzella said this was brought up during the Rec Committee meeting and we discussed various options that the associations talked about and how we could lower the cost of the lighting. Possibly the Administrator could meet with the association leaders and investigate some alternatives, maybe they can find a compromise and not as drastic as not paying and shutting the lights.

Administrator DeJoseph met with Bill Franklin, Ms. Sadders met possibly two or three years ago to discuss options.

Council Member DeGise arrived at this time, 9:10 p.m.

Administrator DeJoseph said we looked at MUSCO lighting, we reduced the number of fixtures from 188 down to 110 or 120, by doing that you reduce the consumption and reduce the stand by charge. The problem is the upgrade for material alone was \$100,000 to \$150,000, not including labor.

Council Member Kelley asked the savings over time.

Administrator DeJoseph did not have the number at hand but it was not a substantial number. With regard to LED lighting, he is not a lighting engineer, he has not heard of any LED light for sports field lighting and the engineer has not installed any as well.

Council Member Pizzella asked if the engineer could meet with the association leadership and think about their suggestions in lowering costs.

Council Member Meyerson asked how much of a hardship is it for the soccer association not to play at night. Is it a hardship not to have your normal schedule.

Mr. Pearson (Contd).

We have games at night, we have little kids where we put first and second graders under lights one night of the season and it would be a hardship. We would lose a lot of games; we use about 48 hours over the season just under lights.

Council Member Meyerson said why can't ask the engineer to give us a presentation without having to meet with the Rec Commission, just to let us know if there are any other alternatives that would reduce the price. It is overall our sports programs; this needs to be debated amongst the entire group here. The Finance Committee talked about it, when you have a small group of people and you have Chairman of the Recreation programs looking at dollars, it is easy to say pass the cost on to the Recreation program. We are trying to save taxpayers money, it is much bigger than simply handling it as an Ad-Hoc basis, this needs to be a full discussion as to the total cost of the lights, what are we going to do as a town with respect to our recreational programs and on how we are going to pass the costs on or absorb them in our taxes. There is not a consensus and what should be the charge of the associations and cost of property taxes. No one wants to increase taxes but there are things in this town that are important enough that need to be spread out across the taxes. Lights and use of fields come up all the time and it is time to have a discussion.

Council Member Pizzella said that is what the Rec Commission was working on; we met to discuss the various services that these associations provide to the town and there is a cost element with that. The next step is to figure out what these associations get from the town, combine that into a agreement between the two parties and

then discuss what they need, what we are going to provide, what they are willing to provide. That is something that the committee is working on.

Council Member Kelley said they are not going to pay for lights this year; they want to use the lights so if they are not going to pay for it, this Council has to decide to turn off the lights. That is what has to be decided, these children need those lights. Adding fees like this to organizations is extra taxes, taxes in a different way.

Council Member Frank said we have a Recreation Commission and sports associations that were developed in cooperation with the Recreation Commission. The Recreation Commission has to have a position on this as there is a lot of money being collected by the sports associations. When you come in and say you can't afford it, you need to make that case to the Rec Commission and show that you can't afford it and let them come to the council. We do need a debate; someone has to say here is where we are spending our money and this is why we can't afford it.

Mr. Pearson (Contd).

Our committee printed up our expenses, what we do, what we offer and what we charge. We have not raised fees because we feel parents shouldn't have to pay for the lights in taxes and then pay again because they volunteer their time. This is a very bad move for us, financially and morally.

Council Member Frank said this is a good move to provide this information to the Rec Commission.

Council Member Looes said that is the issue. The Rec Commission that Patty Hughes is involved with is the one that needs to have the information because that is the one who needs to see the relationship is with the associations.

Council Member Pizzella said unfortunately that Commission isn't really empowered to do much if you look at the ordinance. That was another thing we talked about months ago is why we put the Rec Committee in place. We were supposed to address the services which the associations provide, we were going to address and establish service agreements, also update the ordinance to empower the Rec Commission to do what it is supposed to do. He asked the Rec Commission to send representatives to the committee but they still haven't done that. We had the town counsel comment if that was the appropriate way to go which Mr. Bernstein said was acceptable. That is how we have been pursuing it and it wasn't until our last meeting he basically told the association that he heard from soccer they weren't going to pay \$8000. We were unaware that you were not going to pay it but there is a committee that has been set up to address this very issue in an organized step approach.

Council Member Looes said that there needs to establish what the relationship between Recreation and the Associations. Then determine what rights the associations have in Hillsdale. We are keeping a whole group out of the loop.

Mr. Pearson (Contd).

I have attended almost every Rec Commission as President and there doesn't seem to be a forum at all.

Council Member Pizzella said a committee was created and asked each association and Recreation Commission to send two representatives. Council Member Kelley is part of the committee as well as Liaison. We had two meetings and the Rec Commission still has not sent anyone. There is a need for all to interact and determine what the relationship should be and what the services are that these associations provide. Determine a dollar amount so that the town can understand that these associations contribute, what we should be providing them and also what they should provide the residents. At the same time we retain their services and it is in a formal service arrangement.

Council Member Kelley stated as Liaison to the Commission; even though they, the Associations, are not part of Recreation Commission, when they have issues they come to Rec Commission and either the Liaison or Patty will bring it to Council. The Commission does not have teeth, all budget issues are decided here and this is where it belongs. He doesn't want to pass this to the committee or the Rec Commission, the Council should handle this, it shouldn't go anywhere else.

Council Member Frank has a concern about the relationship between the independent sports associations and the Rec Commission because there is none. If you look at the town ordinances the Rec Commission can set relationships with the individual sports associations if they come back to the Council and get approval. They have never done that and that is what needs to be done. The problem here is we have some great sports associations providing good serve for the kids, we have a Council that desires to support the programs, and we have a Recreation Commission in the middle that has fallen down on their responsibilities to formalize and get these arrangements in place. We do approve the Recreation budget for the programs administered each year, with input from the Rec Commission, it doesn't happen in a vacuum. He thinks the approach taken by Council

Member Pizzella is the right one to get these things formalized. We need clarification of all the things the soccer association provides to the town, costs, and maybe define what we will contribute and what we won't. Right now we don't know.

Council Member Meyerson said there is a disconnect between the budget process and the individual sports associations, we don't have any control over your budget or what you charge people to play sports. The department head comes to us with a proposed budget and in that budget is discussed the costs of the use of the fields, lighting, etc. The Finance Committee decides what will be budgeted. The problem is there is no real input by the individual sports associations because there is the disconnect between the budget process and the individual sports associations. We have no concept of what you collect and charge individual members.

Mayor Arnowitz said three years ago, the topic of charging for lights discussed with the sports associations. We advised what the total cost for lighting and looking for an x amount of percentage. The sports associations and said they will decide who pays what, somewhere in the hierarchy in the organization decided what football would pay, what baseball would pay, what soccer would pay. Football only uses the lights at Beechwood and some lighting at Memorial Field; baseball and soccer use Centennial field. We took all expenses together and said at that time it was about \$49,000/year and they said they will divide it up and that is how the numbers came about.

Council Member Looes said the numbers were 25%, and now the numbers have increased.

Mayor Arnowitz said the number was 25% the first year, 33-1/3% the second year, 50% third year. This was discussed, not something in writing, but we said this is what we are looking for and we also said that the cost would be based on the prior years electric cost. The first year by disconnecting the meter we were able to save almost \$10,000 by shutting off the lights in a timely manner and disconnecting the box as soon as the season was over after Thanksgiving and not reconnecting until April and that saved us \$5,000/year at that time. We were able to reduce the costs.

Council Member Meyerson said that doesn't solve the immediate problem.

Mayor Arnowitz said the immediate problem is the budget is set, you are expecting money from them, and if the money doesn't come from them then we are going to have to go to the other sports associations to see what they will pay, otherwise you will have to find it in the existing budget. You have to make the decision; if they are not going to pay, you either have to shut off the lights or absorb the cost or pass the cost on to the other sports associations.

Council Member Pizzella said from what he understands, they said they would be willing to pay. The soccer association is at a disadvantage because they lose quite a bit. When this was discussed at the Rec Committee meeting he said he would bring this up at the Council meeting to see how we would deal with the \$8,000.

Mr. Pearson (Contd).

We split it evenly with baseball who play spring, summer and fall; we play for 10 weeks.

Council Member Pizzella said the other thing brought up at the meeting was this sort of discussion always comes about during the budget time but no one ever follow through in resolving the issue and the next budget cycle comes again and we have discussions. It is a budget issue; the committee that he was allowed to set up is not going to address that.

Council Member Meyerson said let us move on and discuss how we will solve this problem.

Mayor Arnowitz said we are not going to solve this problem tonight but we have to do something before the season starts. You have three choices: absorb the money, hope the other sports associations pick up the slack or shut off the lights. Council Member Kelley does not want the lights turned off but there is an impact on the other sports associations. It is not fair that other associations have to pay and soccer does not who only use it 20% of the time and should only pay for 20% of the total cost of 50%. The taxpayers still pay the 50% of the cost of the electric and 100% of maintenance of the facilities. He said the Finance Committee knows the budget.

Council Member Frank suggested that the Borough Administrator meet with the sports association heads and find out their plans for contributing this year, bring it back to the Finance Committee and figure out what to do.

Mayor Arnowitz said as far as the Rec Committee, they have to move forward. We want this committee to resolve this problem that we have with Rec but we have a more immediate problem which is financial and move forward the way you have with this committee. The sports program is very important in this town to our children.

After a discussion with the public, Mayor Arnowitz closed the meeting at this time.

PROFESSIONALS REPORT:

Gregory Polyniak, Neglia Associates –

Our office issued an Engineer's Report on June 5, 2013. We submitted a pool spray project at Stonybrook, bids were received May 30, 2013, and are under review by the borough and pool consultant.

Secondly, we prepared and issued the "Certification of Municipal Affordable Housing Trust Fund Status" form as related to COAH and the document was submitted to the borough for signature by the Mayor on June 9. On May 14, 2013, there was an injunction by the state which halted the seizure of the funds. There was a hearing related to the injunction on June 5, NJ League of Municipalities recommended that none of the documents be submitted prior to June 10. Thirdly, we were requested to look at Centennial Field regarding ponding at the fields. We also reviewed the design documents as it relates to the field construction, un-delineated surfaces across the field, cover, irrigation boxes, electrical conduit boxes throughout the complex. We also reviewed a series of design manuals and visual inspections and it appears there are numerous locations across the field that are less than 1% slope which means water will continue to pond. To address that there would be three options: importing fill, compact the soil correctly, provide proper slopping, truck in additional drainage and field turf or astro-turf through the complex. We also provided roadway estimates as requested by the governing body and Borough Administrator.

Mayor Arnowitz asked if he had any cost estimates on any of the suggestions for Centennial Field

Engineer Polyniak said the importing of fill would be the cheapest option. The fill would be placed across the entire site, compacted correctly, and resurface it.

Mayor Arnowitz asked if that is easily done because that is a landfill; do we need permits?

Engineer Polyniak said you would have to review the existing permits on site.

Council Member Kelley said speaking to coaches and parents, it is a big problem.

Engineer Polyniak said bringing in fill is substantial. You would need a clean fill; he would do a site walk to determine the necessary amount of fill and completely overhaul. He believed it would be a six figure expense looking at the complex.

Administrator DeJoseph said it would require top soil, sod, irrigation.

Engineer Polyniak said you would definitely have to address the top soil, reconstruct the existing inlets to bring them to grade, electric boxes. He believed it was a result of time and action over the land fill.

Mayor Arnowitz said when the facility was designed, it was brought to our attention since we have a landfill and we have to cap it with certain material by law, we would have water problems. We also talked about the feasibility of putting in turf and the problem with artificial turf at that time you couldn't put it in because the landfill was still settling. The bulk of material in the landfill is leaves, there was no household waste in the landfill so we would always have settling. It has been about 10 to 12 years now and asked if the settling be done or will it continue to settle.

Engineer Polyniak said other facilities areas were surcharged and testing synthetic surface.

Administrator DeJoseph said when the soccer fields were put in those were meant to be soccer fields as well as football. There might be a questions of the pitch.

Engineer Polyniak said visually he does not see a 1% slope which would be the absolute minimum you would want in a baseball complex. Looking at existing soil soccer field slope you would want close to 2% slope in those fields to be sure there is adequate drainage. Visually he didn't see that but needs further survey.

Mayor Arnowitz was disappointed in the denial of the borough under the 2013 grant for road programs and we always seemed to have gotten this in the past. In the past he has written letters and met with Cardinale and Schepisi through the engineer's office and we were able to maintain grants. Is there anything you can recommend we do to maintain this grant?

Engineer Polyniak said there are other programs throughout DOT discretionary aid grants which we have acquired for other municipalities. It is funds that municipalities don't use on an annual basis. He did not believe there is anything we can do with this grant because that money has been appropriated.

Mayor Arnowitz asked if he plans to go for that discretionary aid.

Engineer Polyniak said he would submit on the borough's behalf.

Councill Member Meyerson asked if he typically applies for grants throughout the year?

Engineer Polyniak said we prepare grants for open space which is due August 31. We work on our own with the help of the Borough Administrator. When we receive grant or an opportunity we forward it to the borough and has been doing that. This past week he received an email from Bergen County related to Bergen County open space, national grant program for recreational projects and if the borough desires, we could prepare an application.

Mayor Arnowitz said in the past you must have an open space program, we don't. Hillsdale voted not to have an open space tax. We weren't eligible for open space funds.

Administrator DeJoseph received an email from the County which he forwarded to the Mayor and Council looking for suggestions. DPW Superintendent recommended a project for Veterans Park putting pavers under the patio areas.

Council Member Meyerson said he hopes the engineer will continue to notify the Administrator of any grants that are available on a yearly basis that Hillsdale did not get that should be applied for.

Engineer Polyniak said there are Community Development, open space grants, discretionary aid grants which would be for additional roadway work and would be for sidewalk projects, safe routes to school, path and trails, bikeways.

Mayor Arnowitz said we did a project that took us from Smith School to Meadowbrook so that we could alleviate some of the busing. Those sidewalks are in disrepair and should be looked at.

Administrator DeJoseph said our sub-region pays ¼ cent out of all of our property taxes to Bergen County for open space. We get paid per resident and our complete sub-regions gets only \$140,000 which in his opinion, the borough is not getting its funding back from the county. We have to share with the neighboring towns; there's not much money for Centennial. You can only apply for one grant per year for open space and only one location.

Borough Attorney-no report

ORDINANCES: *Adoption and Introduction*

RESOLUTIONS: R13114 through R13133 (Consent Agenda):

Borough Attorney requested R13133 be removed from the Consent Agenda for discussion in Executive Session.

Remove R13132 from packets. He changed the last paragraph as follows: NOW, THEREFORE, BE IT RESOLVED that the meeting of June 11, 2013 shall end no later than 9:30 P.M. and with the Borough Council having the right to extend such time beyond 9:30 P.M., but absolutely no later than 10:30 P.M. and there will be a time limit of five (5) minutes per speaker in order to give those a chance to address the Council. Any individual representing between two (2) and ten (10) individuals shall be limited to no more than ten (10) minutes on behalf of all parties. Any individual representing eleven (11) or more individuals shall be limited to no more than twenty (20) minutes on behalf of all parties. Anyone being represented by such person(s) shall not be allowed to speak individually. Such time shall include any questions to a Borough Professional and/or consultant and/or statements as to the study.

Mayor Arnowitz also removed R13117 from Consent Agenda.

R 13114 Authorize the Borough Clerk to advertise for the 2013 Road Improvement Program

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

R 13115 Authorize the Mayor and Borough Clerk to execute agreement for bank treasury management with TD Bank

WHEREAS, the Borough of Hillsdale is in need of bank treasury management services to provide certain specified banking services for its municipal bank accounts; and,

WHEREAS, TD Bank, N.A. is in the business of providing treasury management services and has provided treasury management services to the Borough of Hillsdale for its municipal bank accounts in the past; and,

WHEREAS, TD Bank, N.A. has submitted an updated Cash Management Master Agreement for the following scope of work:

- eTreasury Services
- Wire Transfer Services; and,
- Escrow Direct Services; and,

WHEREAS, the Borough of Hillsdale is desirous of obtaining the services of TD Bank, N.A. to perform all those services contemplated in the aforementioned Cash Management Master Agreement, as if same were set forth at length herein; and,

WHEREAS, due to the longstanding history and knowledge possessed by TD Bank, N.A. as it relates to the Borough of Hillsdale's municipal bank accounts and TD Bank, N.A. has also met all of the specifications for municipal banking and processing.

NOW, THEREFORE, BE IT RESOLVED by 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 updated Cash Management Master Agreement with TD Bank, N.A., without the need for any further action of this Borough Council.

R 13116 Authorize the Borough Clerk to advertise Request for Proposal for an Alternate Prosecutor

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:

Alternate Borough Prosecutor

R 13119 Authorize cancellation of taxes on Block 1108 Lot 9, known as 57 Beechwood Drive

WHEREAS, the Borough of Hillsdale has acquired 57 Beechwood Drive through the donation of the owner, Doris Gardner, and therefore has become tax exempt as of February 22, 2013;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hillsdale hereby authorize the Tax Collector to cancel the tax amount of \$594.00 due on the 2013 tax roll and,

BE IT FURTHER RESOLVED that a certified copy of the resolution is forwarded to the Tax Collector, Tax Assessor and Borough Auditor.

R 13120 Authorize Bergen County to utilize municipally owned land (B1107/L102) for Patterson Street Bridge project

WHEREAS, the County of Bergen intends to replace the Patterson Street Bridge over the Pascack Brook due to structural and functional deficiencies, and

WHEREAS, the Borough of Hillsdale desires the County to undertake the project, and

WHEREAS, the County is desirous to utilize municipal property for the relocation of the bridge to a better geometric location as previously approved by the Borough's Police Department, and

WHEREAS,, the County of Bergen had previously given numerous parcels of County-owned lands to the Borough of Hillsdale which was formerly to be used for road improvement purposes,

THEREFORE, BE IT RESOLVED, that the County of Bergen is granted authority to utilize municipally-owned Lots 1 and 2 of Block 1107 which were previously transferred to the Borough from the County for public purposes, in order to undertake construction of the new bridge and its realignment. Said new bridge shall remain under the auspices and control of the County of Bergen.

R 13121 Authorize redemption and premium, B1119/Lot10, 78 Taylor Street

WHEREAS, The Tax Collector held a Tax Sale on July 18, 2012 and at the sale a lien was sold on Block 1119 Lot 10, also known as 78 Taylor Street, Hillsdale, NJ 07642 for 2011 Delinquent taxes and,

WHEREAS, this lien, known as Tax Sale Certificate #12-00005 was sold to Rosehill Fund 1 LLC, PO Box 503, Rye, NY 10580 for 0% redemption fee and a \$20,000.00 premium and,

WHEREAS, Lereta Corporation, 1123 South Parkview Drive, Covina, CA 91724 has effected redemption of Certificate #12-00005 in the amount of \$40,161.15.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is authorized to issue a check in the amount of \$40,161.15 payable to Lereta Corporation for the redemption of this certificate.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to issue a check in the amount of \$20,000.00 (Premium) to the aforementioned lienholder.

R 13122 2012 Annual Audit, Group Affidavit

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director, Thomas H. Neff, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Municipal Council of the Borough of Hillsdale, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

WHEREAS, the 2012 Annual Audit of the Borough of Hillsdale, conducted by Garbarini & Co. P.C., Certified Public Accountants, contained certain recommendations requiring action; and

WHEREAS, these recommendations have been reviewed by the Chief Financial Officer; and

WHEREAS, the Chief Financial Officer, in accordance with the requirements promulgated by the New Jersey Division of Local Government Services, has developed a plan to address the recommendations listed by the auditors;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hillsdale, that the Corrective Action Plan for the 2012 Annual Audit, hereto attached, is hereby approved and accepted; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the Division of Local Government Services.

R 13124 Authorize the Mayor to execute access agreement with Cablevision Lightpath to install fiber optic cable

WHEREAS, the Borough of Hillsdale (hereinafter referred to as "Borough"), a municipal corporation of the State of New Jersey, having its principal place of business located at 380 Hillsdale Avenue, Borough of Hillsdale, County of Bergen, State of New Jersey; and,

WHEREAS, Cablevision Lightpath NJ, L.L.C, (hereinafter referred to as "Lightpath"), is a limited liability corporation, organized under the laws of the State of New York, with its principal place of business located at 200 Jericho Quagdrangle, Jericho, New York, 11753; and,

WHEREAS, Lightpath is duly authorized and permitted to provide local exchange and interexchange telecommunications services throughout the State of New Jersey, pursuant to an Order issued by the New Jersey Board of Public Utilities (hereinafter referred to as the "BPU"), bearing Docket Number TE7120883; and,

WHEREAS, Lightpath, by letter dated April 26, 2013, has requested permission of the Borough to install fiber optic cables into the building located at 383 Hillsdale Avenue, Borough of Hillsdale, Bergen County, New Jersey for an indefinite time period for the sole purpose of servicing Sprint Wireless customers; and,

WHEREAS, after due consideration of the matters set forth herein, it is determined to be in the best interests of the Borough and the citizens it serves to enter into a "Property Access Agreement", as attached hereto, to permit Lightpath to utilize and occupy the building and real property located at 383 Hillsdale Avenue, Borough of Hillsdale, Bergen County, New Jersey for this very specific and limited purpose; and,

WHEREAS, by way of the "Property Access Agreement," Lightpath has agreed, *inter alia*, to indemnify, defend and hold the Borough harmless as to any and all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights of way and provide policies of liability insurance coverage for both personal and property damage to the Borough, naming it as an additional insured.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen and State of New Jersey hereby authorizes the Mayor and Borough Clerk to sign and/or execute on behalf of the Borough of Hillsdale, any and all such documents, including, but not limited to a "Property Access Agreement" that may come before them in furtherance of the purposes set forth herein, without the need for any further formal action of this Borough Council; and,

BE IT FURTHER RESOLVED that permission to utilize the building located at 383 Hillsdale Avenue, Borough of Hillsdale, Bergen County, New Jersey for the sole purpose of installing fiber optic cables in order to provide telecommunication services to the Borough and the citizens it serves is hereby approved, subject to the following terms and conditions:

1. Lightpath shall in all instances, fully comply with the terms and conditions set forth in the "Property Access Agreement" as if it were fully set forth at length herein.
2. The Borough of Hillsdale, in its sole discretion, can terminate the permissions granted herein and in the Property Access Agreement should Lightpath breach any of the terms and/or conditions of said Agreement.

R 13125 Authorize Renewal of 2013-2014 PRC Liquor License, Bensi

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Consumption License Renewal Application for renewal approval for the license renewal term of 2013-2014;

Lic# 0227-33-001-007 Bensi of Hillsdale Inc. 387 Washington Avenue
t/a Domani of Hillsdale

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

R 13126 Authorize Renewal of 2013-2014 PRC Liquor License, Osso Buco, LLC

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Consumption License Renewal Application for renewal approval for the license renewal term of 2013-2014;

Lic# 0227-33-009-006 Osso Buco LLC 343 Broadway

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

R 13127 Authorize Renewal of 2013-2014 PRC Liquor License, Golden Dynasty

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Consumption License Renewal Application for renewal approval for the license renewal term of 2013-2014;

Lic# 0227-33-002-004 Dynasty Chinese Restaurant Corp. 295 Kinderkamack Road
t/a Golden Dynasty Chinese Restaurant

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

R 13128 Authorize Renewal of 2013-2014 PRC Liquor License, Lous Tavern

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Consumption License Renewal Application for renewal approval for the license renewal term of 2013-2014;

Lic# 0227-33-008-002 Palisades Park Bar Liquor & Delicatesson Inc. 74 Broadway
t/a Lous Tavern

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

R 13129 Authorize Renewal of 2013-2014 PRD Liquor License, Shop Rite

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Distribution License Renewal Application for renewal approval for the license renewal term of 2013-2014;

Lic# 0227-44-005-007 Shop Rite Liquors of Hillsdale, Inc. 372 Broadway
t/a Shop Rite Liquors of Hillsdale

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

R 13130 Authorize Renewal of 2013-2014 PRD Liquor License, Bottle King

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Distribution License Renewal Application for renewal approval for the license renewal term of 2013-2014;

Lic# 0227-44-003-006 Hillsdale Bottle King, Inc. 377 Washington Avenue
t/a Bottle King Discount Liquors

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

R 13131 Authorize Renewal of 2013-2014 PRC Liquor License, The Cornerstone

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Consumption License Renewal Application for renewal approval for the license renewal term of 2013-2014;

Lic# 0227-33-007-014 4 Palms 84-88 Broadway
t/a The Cornerstone

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

R 13132 Set Meeting protocol for June 11, 2013

WHEREAS, the governing body of the Borough of Hillsdale will hold a regular meeting on June 11, 2013 as per the annual meeting notice; and

WHEREAS, the governing body will be discussing the *Woodcliff Lake Dam Study* at the meeting of June 11, 2013; and

WHEREAS, said study is of interest to the residents of Hillsdale; and

WHEREAS, the governing body sets aside a public comment portion at each meeting for interested parties to address the council; and

WHEREAS, Section 8 of the By Laws approved annually by the governing body at the reorganization meeting which states "by a majority vote of Council, Council may limit the time for each person to speak or the time of the day that the opportunity for the public to address the Council shall end".

NOW, THEREFORE, BE IT RESOLVED that the meeting of June 11, 2013 shall end no later than 9:30 P.M. and with the Borough Council having the right to extend such time beyond 9:30 P.M., but absolutely no later than 10:30 P.M. and there will be a time limit of five (5) minutes per speaker in order to give those a chance to address the Council. Any individual representing between two (2) and ten (10) individuals shall be limited to no more than ten (10) minutes on behalf of all parties. Any individual representing eleven (11) or more individuals shall be limited to no more than twenty (20) minutes on behalf of all parties. Anyone being represented by such person(s) shall not be allowed to speak individually. Such time shall include any questions to a Borough Professional and/or consultant and/or statements as to the study.

R 13133 Authorize Court Merger Feasibility Study

We will do R13114 through R13133 with the exception of R13117 and R13133 which we will have a separate vote.

Motion by Councilmember Meyerson, seconded by Council Member Kelley.

Roll Call Vote:

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

Nays: None

RESOLUTIONS OFF CONSENT AGENDA:R13118

R 13117 Authorize the Mayor to execute Developers Agreement, Block 2004, Lots 2 & 11, known as 23 Ruckman Road and 8 Meadow Drive, Donald Oriolo

WHEREAS, Donald Oriolo (hereinafter referred to as “Developer”) is the owner of real property located at 23 Ruckman Road, Borough of Hillsdale, County of Bergen, State of New Jersey and wishes to develop said real property along with 8 Meadow Drive, Borough of Hillsdale, County of Bergen, State of New Jersey; and,

WHEREAS, Developer obtained consent from John Looes, the owner of the real property located at 8 Meadow Drive, Borough of Hillsdale, County of Bergen, State of New Jersey; and,

WHEREAS, together the aforesaid properties are commonly known as and referred to as Block 2004, Lots 2 and 11 of the Tax Assessment Map for the Borough of Hillsdale, County of Bergen, State of New Jersey (hereinafter referred to as the “Property”); and

WHEREAS, Developer submitted a minor subdivision application to and received approval from the Borough of Hillsdale Planning Board (Application No. PZ-23-11) for the minor subdivision of the Property into three (3) lots for the purpose of constructing two (2) single-family homes on two (2) of aforementioned lots; and

WHEREAS, Developer has obtained the necessary Performance Insurance Bond for the Project; and,

WHEREAS, the Borough of Hillsdale, with a principal business address located at 380 Hillsdale Avenue, Borough of Hillsdale, County of Bergen, State of New Jersey wishes to enter into the Developer’s Agreement (hereinafter referred to as “Agreement”) for the Project and has determined that it is in the best interests of the Borough to enter into the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey hereby that the Mayor of the Borough of Hillsdale shall execute the Agreement and any and all necessary documents associated with the Agreement on behalf of the Borough. A copy of the executed Agreement shall be on file in the office of the Borough Clerk.

Motion to approve R13117 was made by Council Member Meyerson, seconded by Council Member Frank.

Roll Call Vote:

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

Nays: None

Abstain: Council Member Looes

R 13118 Authorize transfer of solicitors deposits to General Fund

WHEREAS, Chapter 138 Fees require Peddlers and Solicitors to deposit \$25.00 as security for the issuance of a Borough of Hillsdale badge; and

WHEREAS, the deposits are placed in escrow accounts from Peddlers and Solicitors; and

WHEREAS, there are Peddlers and Solicitors that fail to return expired badges for a refund of said deposit; and

WHEREAS, it has become cumbersome and costly to maintain the escrow accounts.

NOW, THEREFORE, BE IT RESOLVED, that escrow amounts from Peddlers and Solicitors on deposit for greater than one year after expiration be transferred to the Borough of Hillsdale General Fund.

Motion to approve was made by Council Member Frank, seconded by Council Member DeGise.

Roll Call Vote:

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

Nays: None

MONTHLY DEPARTMENT REPORTS

(The following correspondence on file in Borough Clerks Office)

None

COUNCIL COMMENTARIES:

Council Member Looes attended DARE program at George White for 5th grade graduation; attended the Eagle Scout ceremony and is impressed with these young men and their accomplishments; thanked Council Member Frank and committee on the great Memorial Day Parade, congratulated the winners of the essay and posters. Lois Kohan thanked the borough for their supporting the Parkinson fund raiser.

Council Member Meyerson thanked Detective Hampton and Council Member Frank. The reading of the names on Memorial Day was more than appropriate.

Council Member Kelley said on Saturday is the 100th anniversary NY/NJ Fireman's Association and the parade starts at the firehouse in Pearl River at 1:00PM and ceremonies 6:30/7:00PM.

Council Member Pizzella thanked the Council for being open minded in dealing with the budget and the lease option; happy to hear both automobiles will be lease-purchased. He congratulated Adam Hampton; thanked Police Department for DARE at St. Johns; he thanked everyone involved with the Memorial Day Parade and thanked Cub Scouts Pack 81 in building the float. The Historical Committee is compiling a list of framed photos that were stolen from the railroad station and would like to see the framed photos of the Mayors in the Council Chamber. He did meet with baseball, football and soccer association heads regarding costs associated with running those services and they provided those costs to him and they are now putting a general service agreement for each respective association. We are awaiting the costs and the general agreements will spell out in terms what they provide to the borough in the way of services. He will then meet with Keith Durie to understand what the borough currently provides each association and move on to final drafts.

Council Member Frank has a strong interest in pedestrian safety and said the new signs in the crosswalks reminding people they have to yield are great and thanked the DPW and Police Department for getting those out. Tomorrow the County Executive will be visiting the American Legion hut; a program of military appreciation to veterans will be awarded to 19 veterans who applied for it. It is a nice recognition for those who served. He thanked everyone who helped on Memorial Day; Demarest Farms helped, Pascack Pharmacy, American Legion Post and Stonybrook Condo association. Police Auxiliary helped along with the Police, DPW, Chief Stalter. He thanked the Borough Clerk on the newsletter that went out and is a great way to get information out to the residents.

Borough Clerk Witkowski reminded the Council what Governor Christie has put in place for August and October; we have a primary election August 13, and a general election in November. We have a Council Meeting August 13 and would recommend moving the Council Meeting to August 15.

Motion to advertise change of the meeting to August 15 was made by Council Member Meyerson, seconded by Council Member Looes, and unanimously carried.

Borough Clerk Witkowski will advertise the change. She said Primary Elections cost \$10,000.

Mayor Arnowitz said we will have to find the money in the budget.

DPW Superintendent Durie thanked Ben Evans of 14 Boulevard South for replacing two dugout roofs with the scouts at Memorial Field. Another Eagle Scout was able to do some striping at St. Johns Church. Today the County started their paving program in Hillsdale and paved a portion of Wierimus Road. Starting next Monday or Tuesday they will mill Pascack Road from Washington Township border to the Woodcliff Lake border and resurfacing that road from end to end in the Borough of Hillsdale. After that they will be working from Overlook Drive south to Hillsdale Avenue and picking up the balance of Van Emburgh Avenue to the Washington Township borderline and resurfacing that. Later they will start at Hillsdale Avenue and Wierimus Road and resurfacing Hillsdale Avenue after milling it from Hillsdale and Wierimus to Kinderkamack Road. Upon completion of that as soon as we get our curb cuts in, they will be doing Washington Avenue from

Broadway to Demarest Avenue and resurface Kinderkamack Road from Westwood border line to Woodcliff Lake border.

Administrator DeJoseph said we had a DPW meeting and discussed the road program. We came out with an alternate for that. The Stonybrook kiddie pool bids was opened and being reviewed by the architect and Stonybrook Commission. Cleaning proposals were opened on May 30 and a meeting will be held with department heads for review. Hillsdale still has funding available for temporary staff for Hurricane Sandy cleanup and hopefully place an ad in the paper which will be discussed in executive session. The Environmental Commission took it upon themselves to install 60 trees down Broadway downtown area, Hillsdale Avenue as well as most of our sports fields and was done by Ken Barber and Scott Raymond. It was awarded to Stacey Landscaping in Fort Lee. Without Scott Raymond this project would not have been completed this year.

Mayor Arnowitz directed a letter under his signature thanking them for their work.

Administrator DeJoseph and Keith Durie met with the vendor for AT&T Wireless and possible cell tower location at the DPW and a report will be made in Closed Session as well.

Mayor Arnowitz thanks Council Member Frank for all his work on the Memorial Day Parade. The reading of the names of military people who lost their lives in the service of our country was moving and appreciated it. School will be letting out soon and drive safely. He also thanked Father Norton and how important what he did for him was also a thousand times over for many other people and we all thank him.

ADJOURN TO CLOSED SESSION:

R 13134 To provide for a meeting not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act N.J.S.A. 10:4-12

WHEREAS, the Borough Council of the Borough of Hillsdale is subject to certain requirements of the Open Public Meetings Act N.J.S.A. 10:4-6 et seq; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Borough of Council of the Borough of Hillsdale to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12(b) and designated below:

- (1) Matters required by law to be confidential.
- (2) Matters where the release of information would impair the right to receive funds.
- (3) Matters involving individual privacy.
- (4) Matters relating to collective bargaining agreements.
- (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
Cell Tower; Shared Services-Court; Cleaning Services
- (8) Matters relating to the employment relationship. Staffing Police Dept.; Staffing-Hurricane Sandy Grant
- (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.

Motion was made at 10:16 p.m. to adjourn to closed session by Council Member Kelley, seconded by Council Member Frank, and unanimously carried.

RECONVENE REGULAR MEETING:

Motion was made at 10:18 p.m. to reconvene the regular meeting by Council Member Kelley, seconded by Council Member Looes, and unanimously carried.

Borough Attorney Bernstein stated that all members present for the closed session as well as the regular meeting . There was discussion regarding PBA, DPW and UPSEU negotiations, no further action at this time;

discussion regarding the Cell Tower location with direction given to the Administration, and discussion regarding Police staffing.

Authorization for a resolution hiring one police officer, already trained and certified, motion by Councilmember Kelley, seconded by Councilmember Meyerson. Unanimously carried.

Discussion regarding an ongoing issue with vendor, direction given to the Administrator.

Discussion of shared service of DPW with Woodcliff Lake, no further action.

R 13133 was amended on the floor to authorizes the Administrator and Councilmember Meyerson to obtain information to begin discussions of a shared/joint Municipal Court.

WHEREAS, the Boroughs of Hillsdale and Westwood, as well the Township of River Vale, believe that it is in the best interests of its residents to research the feasibility of a Municipal Court merger and/or Shared Services Agreement that would save taxpayers money; and,

WHEREAS, it is conceivable that a merger of and/or shared services agreement amongst the various municipal courts could generate efficiencies based on direct and indirect costs for the participating municipalities; and,

WHEREAS, a court merger/shared services agreement could consist of a new consolidated Court and/or a shared services agreement between the parties; and,

WHEREAS, the governing body of the Borough of Hillsdale has authorized Borough Administrator DeJoseph and Councilmember Meyerson to obtain information prior to discussions of a shared services and/or joint municipal court with the Borough Administrators of each municipality and their elected representatives, if so desired as to a new court arrangement; and,

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Hillsdale that Administrator DeJoseph and Councilmember Meyerson are hereby authorized to obtain all the information necessary and meet with the appointed and elected officials of Westwood and River Vale to discuss and come up with recommendations as to a possible joint municipal court or shared services agreement amongst the three (3) municipalities.

Motion by Councilmember Meyerson, seconded by Councilmember Kelley. Unanimously carried.

Authorize the hiring of three temporary employees with Sandy Relief Funds.

Motion by Councilmember Kelley, second by Councilmember Pizzella. Unanimously carried.

Authorize the hiring of one per diem Public Work employee as needed through end of December.

Motion by Councilmember Kelley, seconded by Councilmember Looes. Unanimously carried.

Borough Attorney Bernstein asked if there was any questions regarding the Dam Report submitted. There were none at this time.

Councilmember DeGise stated that he would not be attending the meeting of June 11, 2013, due to a prior commitment.

ADJOURNMENT:

Motion by Councilmember Looes, seconded by Councilmember Kelley to adjourn the regular meeting at 11:10 p.m. All in favor, yes.

THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE
TUESDAY, JUNE 11, 2013 BEGINNING AT 7:30 P.M.