

Minutes of a Council Meeting of the Borough Council held at 7:30 P.M. on Tuesday, June 11, 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 11th 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:

Council Members Frank, Kelley, Looes, Meyerson, Pizzella. Councilmember DeGise was absent. Also present was Mayor Arnowitz, Borough Administrator/CFO DeJoseph; Borough Attorney Bernstein and Borough Clerk Witkowski.

APPOINTMENTS: none

OATH OF OFFICE: none

PROCLAMATIONS: none

PRESENTATIONS:

Food Pantry Donation by Hillsdale P.B.A.

PtIm. Chris Donaldson, President, P.B.A.
PtIm. Tom Smith, Hillsdale Police Department

PtIm. Donaldson said the food pantry collects food for people in need and donations dwindle this time of year. Lois Kohan, a representative of the food pantry, was present to receive a donation of \$1,000 by the PBA for the food pantry. Lois Kohan thanked everyone for supporting the food pantry and that the food pantry helps 400 people every month, mostly from Hillsdale but many from Westwood and we need donations in the summertime.

The History of the Hillsdale Police Department Book

PtIm. Chris Donaldson, President, P.B.A.
PtIm. Tom Smith, Hillsdale Police Department

Patrolman Donaldson said Sgt. Sean Smith compiled a book of the Hillsdale Police Department's history from 1898 to 1979. The book has been sought after and requested by residents, veterans and Library. The PBA saw it fit to present books to different organizations: Hillsdale Public Library, Borough of Hillsdale so that it can be archived into historic documents and Hillsdale Police Department.

The books were presented to Mayor Arnowitz for the borough, Warren Harris and Barbara Braun for the Library, and by Police Chief Stalter for the Police Department.

Woodcliff Lake Dam Study

Sean T. DiBartolo, P.E., LEED AP
Project Manager-GEI Consultants

Mayor Arnowitz reviewed the history of the dam project. United Water was directed by the State Dam Authority that they had to reconstruct Church Road to reinforce the dam. We reviewed the plans and were concerned. There was a lot of misinformation given out regarding the effects the dam would have on Hillsdale and the surrounding areas. Hillsdale went out to bid and hired an engineering firm. Three of the representatives from the firm, GEI, are present to give the results of their study of the project on Church Road. He will open the meeting the public for input and questions from the public regarding the dam project. The public can ask their questions while we are in this process. We passed a resolution so that we can move forward and we don't want repetitiveness.

Sean DiBortolo, GEI Consultant, Kerri Price and Joe Engles, Engineers

Mr. DiBortolo is a former resident of Hillsdale, his parents still live here, is familiar with the aspects of the flooding and the dam on Church Road. GEI are technical water resources engineering, environmental and engineering services group, we provide engineering complications and were engaged by the town to perform a study. We have 28 offices nation-wide, we have offices in Montclair and Mt. Laurel, N.J. We were engaged by the town for these general aspects, to review the existing documents for the proposed dam construction, evaluate the possible adverse affects during the course of the construction period, United Water's hydraulic model to evaluate flooding in the Pascack Brook. As we present our findings for the third bullet, we were not able to address the items of the third bullet because the existing hydraulic model for Pascack Brook was not developed enough to accomplish this. We do have some thoughts on the flooding issues and will turn it over to Kerri Price for presentation.

Kerri Price said we do have some thoughts on this situation. We will present this in two pieces: Part One we will talk about the dam and specifics to Woodcliff Lake and then talk about flooding during the post construction period. The second part will deal with flooding, how the dam operates, hydrology element, stream encroachment and our opinions are on why the flooding is occurring. We will look at the Part One Terminology, low level outlet and the drain for the dam. It's a low level outlet, a jaded outlet and if you should lower the water surface elevation when it falls below in relation to the amount of water that goes over the spillway the brook capacity is pretty small. At Woodcliff Lake as at all dams the low level outlet is located at the upstream side underneath the water way at the bottom. It drains through the dam to a pipe that goes underneath the dam and releases into the Pascack Brook. The next piece is the primary spillway, which defines the specific behavior characteristics which will become important later. The spillway can be gated or ungated Woodcliff Lake is a gated spillway and those gates are a source of service. It is called a service spillway and the spillway controls the amount of water that goes over the dam. In Woodcliff Lake the primary spillway has two gates, 65 feet long each, the top elevation can be set at 95 and can be lowered to 89. Lastly, it is an auxiliary spillway which is located at the highest elevation and if water reaches the highest elevation, that is when the auxiliary spillway comes into play. It operates first on the low level outlet, then the primary spillway then the auxiliary spillway. It is also called the emergency spillway and always ungated to control dam failure. Right now Woodcliff Lake dam does not have an auxiliary spillway and United Water engineers have designed one. The design they came up with is that they are going to lower Church Road to an elevation of 96.75. That is about four inches above the level of Hurricane Floyd. You would have to have a very large flood for that spillway ever to come into play.

Why is the rehabilitation needed? The DEP notified United Water that the dam cannot pass the spillway design flood, we approximate that to a 1000 year event. This means this has the probability of occurring 1 in a 1000 times in a different year. The proposed construction is going to be done in three phases; first the auxiliary spillway, second the lower level outlet, and the third the shore line work raising the embankment. The auxiliary spillway is a seven month construction period and the contractors will be lowering the section at the top of the dam, provide riprap on top for protection of the dam. They will widen Church Road as well. During this phase the gates will be lowered to elevation 89 and during this period, the flows will remain in the same manner. The flood risk is the same.

The second stage of the construction is for the low level outlet which is a two month construction period and the work to be completed is lower the water surface elevation from 89 down to elevation 60. It will provide a temporary dam inside the reservoir to protect the work they will be performing, protect the pipe that runs under the dam as well as inlet structure that holds the pipe in place. They will repair and rehabilitate the pipe and refill the reservoir to elevation 89 and remove the temporary dam. What we anticipate will happen during this phase of construction we think there will be three different stages that reservoir will behave a little bit differently. We looked at each one of these stages. The first is when the water level is at 89 and going through this lowering phase to get it down to the bottom. It takes about 30 days to lower the reservoir because it has to be lowered at a prescribed rate. During this 30 days there is additional storage behind the dam and there would additional storage capacity and the water level will be raised back up to 89. You would have this extra buffer during Phase One. During Stage Two when they are building the temporary dam and performing some of their work basically you have a similar situation except the water level is basically empty, the water will come in and have some storage capacity and fill it and the contractor will be rerouting the water appropriately.

The third Stage is when you go from the empty reservoir back to full reservoir, it doesn't take quite as long to fill it back up, during that point you have additional storage behind dam because the water level is a lot lower. This phase is similar to the first phase. Gates locked at 89; the proposed construction period lasts about 13 months and the work going on will be filling shoreline, low lying areas. It is important because you want the water to go out where it is designed to go out. The dam will control the flow as the gates are operational and the flood rates will be the same. We do not anticipate that the flood risks will increase during this period. The things that are different with the gates are really not that different. The spillway still controls the amount of

flow that goes over the dam and into the brook and that is based on the geometry of the performance; it happens whether the gates are up or down. The reservoir will still continue to accumulate flow. The low level outlet is still operational during this period and the level can be lowered in advance of a flood.

How much water can physically be passed over the dam. The dam spillway structure is called a weir. Based on the length of the weir, the width of the weir and the amount of water coming over the top of it, they are predictable that tell us how much water there is. We consider that to be concrete equations in our water resources. A weir is a notch; as the water level behind the reservoir goes up the flow over the weir increases and you have to have outflow greater than inflow in that situation. If the water level in the reservoir is going down that means the outflow is greater than the inflow. You have gated weirs and actually changes or doesn't change how the weir performs. There are two weirs out there and 65 feet long each. How does the spillway perform? It is the measure of the water surface elevation minus the top of the gates. For example, 1.25 ft of water going over the gates and can use these prescribed relationships and develop equations to figure out how much flow that is. You calculate 1.25 ft. equals 581 cfs.

An example –flooding occurs May 23rd and we looked at how the dam should have performed if the gates were operating as prescribed in United Water's operating maintenance manual. The red line is the water surface elevation that was recorded at the dam. In the first day and a half, the water surface elevation is decreasing, the outflow has to be greater than the inflow. This is where the low level outlet is open and water is releasing from the dam, there is not enough flow in the dam to keep reservoir elevations the same, outflow is greater than inflow. Once the flows begin to increase, the water surface elevation increases, this indicates the reservoir is storing water and once you reach the magic number of 95.25 the elevation should begin to be lowered according to United Water's maintenance manual. Then they would begin to lower the gate. The first gate is supposed to lower 2 inches over five minutes. If the water surface elevation ever goes below 95 you are supposed to raise it back up ; if it hovers between this area 95.25 and 95, you are supposed to hold it in place. If the gates were operated the way they are supposed to be operated during the flood, the gates would be set and the elevation would be at 95. During the first 10 minute gap, the gates lower and lower some more, and over 30 minutes you get six inches of drop. At that point the water surface elevation is between 95.25 and 95. If it goes below the prescribed level, they raise them up. What does that mean in how much flow is over the dam. The peak elevation recorded during the event is 95.34, the minimum elevation should have been set at 94.5, the amount of water over the gate was 8.4, 320 cfs. If you put it in a low level outlet contribution the total flow that passed the dam was 410 cfs. So if only 410 cfs. passed the dam how is it possible that 1500 cfs. Showed up at the gauge in Westwood? Where did that water come from. It comes from additional drainage area in the area that is located between the dam and the gauge. You have your inflow in precipitation, there is nothing we can do about that. The other pieces that are fixed how much water can infiltrate into the soil and how much runs off. It depends on what kind of soil it is, vegetation, etc. Historical precipitation from 1895 to 1970 mean average 43.86 inches; for the next 30 years we saw an increase in precipitation 47.20 and over the last 13 years, an increase up to 50 inches per year. In 2011, Hillsdale flooded five times and probably that happened because you had more historical precipitation than was ever recorded in modern history. When it hits the ground it depends on what the ground looks like. If you have natural areas that infiltration excess water into the ground there is less because the water is in the soil. If you have clay soil that doesn't absorb the water, there is an increase in flow, some runs off and some goes into the ground. In highly urban settings like what we have in Hillsdale, parking lots and streets, you see the discharge is incredibly high. None of the water goes into the ground and the water moves and collects faster and that produces a hydrograph that produces more discharge really quickly. The other piece of precipitation is how much area is being rained on; rain that falls out of your water shed you don't have to care about; water that falls inside your water shed is eventually going to end up in gauges and in the brook. The water shed boundary that contributes to the USGF gauge at Park Ridge the drainage area of 13.4 square miles. As we move down the water shed, Woodcliff Lake discharges an additional six square miles, further down we see the water shed area how much more land contributes to the gauge that flows in Westwood. All the water accumulated in the green area totally independent of anything that happens at the dam. To finish off the watershed, we have a small couple square miles that finishes at the Oradell Reservoir.

On May 23rd the gauge recorded 1260 cfs., representing an area of 13.4 sq. miles; basically how much water does your water shed generate. We came up with 94 cfs. (that is cubic feet per second); what was recorded at the gauge was 1540 cfs. Obviously that went over the reservoir, through the dam and where that water comes from. The drainage area is almost 30 sq. miles, 2.2 times the amount of drainage area but we only get 1.2 times of stream flow. You have an increase of 300 cfs., not double. If you go back to the calculations on how the dam performs; if we take out everything that we know came over the dam, minus 1540, the green area by itself generated 1100 cfs. It is about 100 cfs. similar to what was generated at the water shed above. What happened there – if the dam wasn't there and the water shed all contributed at the same rate of about 100 cfs. per sq. mile, all the rain contributed put into the brook. It would almost be 3000 cfs. You still flooded on May 23. Basically how much water the stream can hold before the banks overflow. The numbers we have seen in different reports are 1400 and 1600 cfs. 1400 cfs. is how much water a channel can hold without topping; that is an event that would occur once ever year, 1900 cfs., a one year event is larger than the capacity of the channel.

Flood Plain Encroachment. The flood capacity we talked about is a measure of what can be contained in the channel itself. Flood plain is divided up into two different ranges, floodway which accounts where the channel is and the flood fringe. It is o.k. to build in the flood fringe and we have developed rules and regulations on how to do that now. You calculate how much area where water can't go and you build higher. We did not have technology years ago to determine an accurate flood print, no good mapping technology or regulations.

Flooding Analysis. We believe that high levels of development within the water shed produce more runoff and larger flows. The channel capacity is very limited and on an average the channel capacity is smaller, and lastly the houses are too low.

Mayor Arnowitz said when he first saw this report, there was a lot of information that he didn't know. A report like this was necessary to educate the public as to what is going on over there. We will only take questions about the dam and what we heard, five minutes, ten minutes if you represent one to ten people, twenty minutes if you represent eleven people or more.

Dan MacLachlan

He based his objection to the procedure, this report has taken a long time to prepare. He represents a lot of people and you have a report prepared that affects this community so deeply and limit discussion on a 64 page report. He asked the Council to allow him at least five minutes each for the 25 people that are here with him tonight.

Mayor Arnowitz said we passed the resolution, 20 minutes so that we can get done and allow people who aren't represented have a chance to talk. You are extremely knowledgeable and have spoken in the past. Let us move forward. Your objection is on the record.

Mr. MacLachlan directed his question to GEI Engineers.

Have you determined that the United Water engineer's report unsuitable to flooding of the Pascack Brook.

Kerri Price said yes.

Mr. MacLachlan said it should not evaluate downstream flooding.

Kerri Price did not think it has been.

Mr. MacLachlan asked if DEP relied on that report?

Kerri Price did not know.

Mr. MacLachlan asked if DEP or United Water relied on the report that you yourself found to be unsuitable and should not be used to evaluate flooding would the conclusion based on that report be incorrect.

Mayor Arnowitz said this meeting was about the effect of the dam and the project the dam presented to us, not downstream flooding. We are already outside the scope of what we tried to accomplish here.

Kerri Price said her answer is that the evaluation we have done at the dam and the downstream flooding are an independent analyses. We used different calculations and different models to do the analysis of the dam than you were to calculate the amount of flooding downstream. They are independent pieces, the conclusions that would be reached are independent of the model that the conclusions of the dam are independent of that model. I am saying their conclusions. What happens at the dam happens downstream.

Mr. MacLachlan asked if she knew the zoning location of the Woodcliff Lake dam. Do you know the location is on the residential form? Did you provide a copy of the Hillsdale conditional use ordinance 1210 for public utilities? Were you requested to evaluate and express an engineering opinion as to whether United Water/Woodcliff Lake dam project complies with the Hillsdale ordinance? Your answer is no. Do you know whether the Land Use standards are in force in Hillsdale. No. The model is inadequate and should not be used to evaluate downstream flooding as it currently exists. The model you have cannot serve that purpose.

No. 3 under ES2, summary response. You were asked to review the dam improvement plan and consider the design alternatives. Did you consider the primary cause of downstream flooding and the limited channels to the Pascack Brook and the encroachments and restrictions. Did you evaluate the extent to which there would be flood scenarios where the Woodcliff Lake dam was not causing but contributing flooding down stream.

Kerri Price said we looked at where the dam could contribute to flow and to make things worse. The answer is yes.

Mr. MacLachlan asked at what circumstances determine the release of water from the Woodcliff Lake dam and contribute to flooding of the Pascack Brook.

Kerri Price said any water that comes over the dam shows up in the stream.

Mr. MacLachlan said we just saw your presentation that the Pascack Brook at some point will fill and as it fills during the early part of the storm, we will see that the reservoir will store up water.

Kerri Price said that will happen during any part of the storm.

Mr. MacLachlan said there are certain points where the reservoir reaches its capacity.

Kerri Price said incorrect. As long as the water continues to increase, the capacity of storage continues to increase.

Mr. MacLachlan said there is a certain point where the gates have to change their position and the dam doesn't have unlimited storage capacity.

Kerri Price said it doesn't have a limited storage capacity. As long as the water continues to increase the capacity of storage continues to increase.

Mr. MacLachlan said there is a certain period when the gates have to be changed and the dam doesn't have the storage capacity.

Kerri Price said even when the gates go down, the water level behind the dam continues to go up. Even if the gates are being lowered additional water is still stored behind the dam.

Mr. MacLachlan said there is a certain point where the brook reaches its capacity based on areas of runoff. The brook has reached its capacity; at that point does the Woodcliff Lake reservoir release its water, will that contribute to the Pascack Brook going over the top?

Kerri Price said that any water that goes over the dam is going to show up in the stream. Whether or not that was the same amount of water that came into the reservoir that is a different point. That is a smaller quantity of water than what came in and even though it is contributing to the amount of over topping though flooding, is there less than what came in? Yes because that water level still continues to go up.

Mr. MacLachlan asked if the dam and its reservoir is a man made formation? Water is impounded behind it and is a man made occurrence. Joe Engels responded yes. So you agree when during the storm when the Pascack Brook has reached its capacity from the green area runoff, then it will be impounded water at seal level 95 ft. and that is not the natural level of the Pascack Brook. The question is when you have water that is impounded and released into the brook which has reached its capacity, that will contribute to downstream flooding. Yes. On Page 12 of your report you give outline scenarios that you are recommending to this Council to be pursued in terms of operational changes at the dam. Yes. You are saying that pending operational changes that should be looked into.

Mayor Arnowitz said the Council has not discussed that aspect of the report because there is an additional charge and we have not charged this company to do the work.

Mr. MacLachlan asked if prior to making any operational changes lowering of water, you mention time releases are a way of making operational changed. Yes. In your presentation you also agree lower level of the reservoir reduces flooding risk. You agree that a lower level will reduce flooding risks. He asked for a copy of the presentation and that it can be sent to the public.

Mayor Arnowitz said the presentation is available on pdf on the Borough website.

Mr. MacLachlan said you indicated the benefit of the project is while lowering water level there is additional storage capacity and you say flood risks reduced. If you have additional storage capacity and lower the level of the reservoir there is a reduced flood risk.

Kerri Price said while we are lowering the water level down to elevation 60 the engineering concept is that making broad generalizations like additional storage capacity and in this case, flooding is reduced. Always, no.

Mr. MacLachlan said your engineering concept is when you have additional storage capacity in the reservoir, in Stage 1 because of water levels being lowered there is reduced flood risk. Do you stand by what you wrote there?

Kerri Price said in the context that it is taken from.

Borough Attorney Bernstein interrupted and said let her answer the questions.

Mr. MacLachlan said it says right here there is additional storage capacity and that translates that the same flood risks are reduced. Is that correct?

Kerri Price answered yes.

Mr. MacLachlan said in Stage 3 you indicated that there would be additional storage capacity during this stage of the construction and as a result of additional storage capacity the flood risk reduced.

Mayor Arnowitz said this is not a court room, they are not on trial. You are not cross examining them.

Mr. MacLachlan said continuing in your report, you indicated that the following should be considered with respect to operation. First, there should be accurate rainfall forecast with sufficient time to allow release of the water. Section 441, you don't see accurate rainfall forecast being implemented by United Water.

Joe Engles, Engineer, said United Water engineers could do that.

Mr. MacLachlan said you indicate that controlling channel capacity downstream in the reservoir needs to be identified. You are saying clearly in your report that you do not know the capacity of the Pascack Brook.

Mr. Engles said that was not part of our scope.

Mr. MacLachlan said you picked the number that was cited 1400 cfs. and used as a surrogate number.

Kerri Price said not exactly; there is evidence that people correlated saying this is what the gauges read downstream and this is what we have observed over time.

Mr. MacLachlan said you do not know what the actual capacity of the brook. The next recommendation is the HEC-RAS Modeling capable of predicting flood depths and optimizing released timing, needs to be developed. That would be another one of your recommendations as to operational changes to the Woodcliff Lake dam.

Mr. Engles said if they were going to optimize they would have to have a well-developed HEC-RAS model.

Mr. MacLachlan said the HEC-RAS model should be run by a trained operator in advance of a storm to help optimize. It is a question of how they would optimize the release time in advance of a storm.

He saw in the list of documents that you have provided a summary of the 14 different design alternatives used by United Water engineers. Did you evaluate those 14 options to determine which ones would be optimal to facilitate the types of operational changes such as time release recommended and are possible. Alright, this was not included. At this point it is possible there are other alternative designs that United Water engineers can put forward that could serve to optimize the type of changes that you have put forward. Were you asked as one of your nine tasks to evaluate whether the proposed United Water dam rehab project as constructed and operated would comply with Hillsdale's conditional use ordinance. No, you were not asked to look at that question. Did you evaluate the construction and operation of the Woodcliff Lake rehab project for compliance of the Hillsdale conditional use ordinance or any other land use ordinances for utility development in a residential site. No. Is it your intention that your report should be a substitute for the evaluation of a site plan application by full legal process during land use hearings sworn testimony at cross examination regarding the project before the Hillsdale Planning Board. Would you recommend that your report would be acceptable.

Mr. Engle said no, he is not sure what those requirements are.

Mr. MacLachlan said you found many errors in calculations put forward by United Water.

Kerri Price said in the HEC-RAS model there were calculation errors.

Mr. MacLachlan said on Page 6 you set forth all the errors and on Page 7 you set forth all the errors. You set forth multiple errors in calculations by United Water and inaccuracies put forth for the reconstruction.

Kerri Price said the HEC-RAS model was insufficient and these are the reasons why. That is what the section outlines.

Mr. MacLachlan said you did indicate there were a number of under estimates and over estimates in the calculations and go back to United Water for recalculations. Is that a fair summary of what you said?

Mr. Engle said that part of it, yes.

Mr. MacLachlan said in regard to solutions, you did list a number of proposals that would provide some flood mitigation. You used storage of flood water, diversion, channel improvements, protecting individual properties and on Page 12 time release and operational changes. Could you add time release and operational changes in another way? Did you consider water towers?

Mr. Engle said we did not consider everything possible.

Mr. MacLachlan asked about using water towers during a storm.

Mr. Engle said tanks would be a possibility.

Mr. MacLachlan asked if they considered a pipeline from Woodcliff Lake to the Oradell reservoir.

Kerri Price said that was an option that was told to us that was looked at and determined to be infeasible. We didn't go any further with that option.

Mr. MacLachlan asked if they wrote that in their report to indicate your evaluation on it?

Mr. Engle said no, this is not meant to be 100% comprehensive lists of everything.

Mr. MacLachlan asked if they would be available to answer their questions about the various options you made, various other possible solutions or possible ways to help mitigate downstream flooding, remove constrictions and obstructions.

Mr. Engle said if they are engaged to do that, they would be happy to do so.

Mr. MacLachlan noticed you recommended moving constrictions and obstructions from the Pascack Brook. Would it be bridges too low and stop the water from flowing.

Mr. Engle said that would be one way or modify them.

Mr. MacLachlan asked if it was their recommendation that this Council pursue improvement of the Pascack Brook to move more water rather than flooding.

Mr. Engle said if there are ways to mitigate that there are various places to get that. We would be very to be engaged and do engineering work to try to help with the problem.

Mr. MacLachlan said you stand by your report and there are suggestions made that could lead to mitigation of downstream flooding.

Mr. Engle said you have a very difficult problem so it is not going to be an easy fix. Nothing's impossible.

Mayor Arnowitz said he must report to the group once again that the reason for this report has nothing to do with flooding downstream. It was the concern and fears that he had, the Council at that time had, the residents had, the comments the residents brought to us about the possible disaster that could take place if we allow the Woodcliff Lake dam to be lowered. That was what we were looking to find out. As far as all the remedies for flooding, the property floods, Pascack Brook floods; this is not a Hillsdale problem, not a Westwood problem nor an Oradell problem. This is a regional problem that includes New York state. We are not going to solve the problem. To reassure all the residents of Hillsdale and the people down stream all of the bridges in Hillsdale except the Patterson Street bridge have been modified to the extent that we are allowed by law. The Patterson Street bridge will be started hopefully in the next couple of weeks and that completes all the bridges in Hillsdale. He cannot speak to the other towns.

He opened the meeting to the rest of the public. If you are not represented by Mr. MacLachlan, you have an opportunity to speak. What he wanted to know if the roadway is lowered four feet, will United Water's dam flood you out more than if it was kept at the same level. What he got out of the report is lowering the roadway does not affect flooding, it certainly doesn't improve flooding, but it doesn't affect flooding and that is what he wanted to know. They are not putting in additional gates, they are only lowering the roadway because the DEP is telling them they have to lower it for dam safety. United Water has said at numerous meetings they are not thrilled spending \$25 million dollars on a dam they don't feel is not safe. He will not stop a project and put his

seal on it and something happens. They are lowering the roadway and at the bottom of the reservoir there is a gate valve, that gate valve has had some problems in the past, they are repairing the gate valve and making it bigger. That puts the normal every day water into the stream, the gates put the water over the spillway and making our lives miserable.

Kurt Wolckenhauer, 19 Hopkins Street –

How much water will go through the new gates/valve that they will replace. He asked if the pipe that goes through the reservoir will be replaced.

Mayor Arnowitz said the gate valve inside the pipe is being repaired and the pipe itself is being made bigger and water capacity will increase 20%. Once in a while we get a smell in town and he was told because water builds up, the bottom line that goes away.

Kerri Price said now 90 will be 200.

Council Member Kelley said last week the valve was not wide open, they could have opened it and let more water out, they chose not to.

Mayor Arnowitz said OEM came up with a guide, it is not accurate, it is for their own purposes. When it reaches a certain point which 4.5 what to do, when at 5 what to do, when at 3 what to do.

Mr. Wolckenhauer said when this project is done United Water can dump water out of the reservoir when we have a heavy rainstorm, last Friday they did not dump it.

Mayor Arnowitz said it is United Water's argument and they continue to do this they will only release or lower the levels of the dam if the governor's office orders them to. Otherwise, they are not. On Thursday morning before the flooding he spoke to the governor's office numerous times and sent an email and the response was the governor was not going to order the dam lowered because the DEP recommended that it wasn't necessary. He did get a call from governor's office later and it was that you didn't have to lower the dam. They don't need to do this project to give them the ability to lower the gates or open the valves prior to a storm, but they are not going to do it unless they are ordered to.

Jan Bidwell, 20 Weiss Road, Upper Saddle River –

What could go wrong in the building of the dam. What should citizens prepare for?

Kerri Price said during the auxiliary spillway construction, the worst possible scenario would be that at elevation 89 that the dam would fail. At that point, all the water stored behind the reservoir is released. Based on our analysis during the different stages of construction, we don't feel that your risk is any higher than if the dam were fully operational. One of the realistic worst case scenario is Church Road will be closed longer.

Mayor Arnowitz said the DEP, EPA who have dam experts assured him that they are on site inspecting each step of the way ensuring the safety of the community and ensuring that what they do is according to whatever has to be done. The DEP Dam Engineers are the overseers and say yes or no, inspect the footings, etc. to make sure all is according to the plan and done in a safe manner. The Bergen County Flood Coalition represents Upper Saddle River, Oakland, and we are trying to get New York State involved because any solution they came up with, you can't do something with Woodcliff Lake dam that affects Westwood, if you do something in Westwood, it affects Oradell. We want to get Assemblymen involved.

Council Member Kelley said there are different organizations within the County and have not done any significant work with flooding region wide. Hillsdale and Westwood mean very little when it comes to solving this problem. It should be done, it is not easy to be done; if you want more of a study it is going to cost a lot more money.

Marisa Cefali, 6 Manson Place –

We have a funnel which runs into the Pascack Brook, United Water is making it larger but funneling will still occur into the Pascack Brook.

Kerri Price talked sink analogy; when water gets to the edge of your sink that is the part they are working on, that is the emergency spillway. It goes through the drain and you also have a back up hole behind your sink and that is where most of the water goes out of.

Mr. Engle said the emergency spillway is designed for 1000 year storm and is being designed for that, one that is bigger than Floyd.

Ms. Cefali asked if a large construction project within 300 feet of the stream cause an impact on the brook?

Kerri Price said when you are talking about areas the size of a parking lot, that area is not significant. We are talking about square miles. It will change it.

Ms. Cefali said this development will be going in, removing trees, etc.

Wendy Xavier, 38 Esplanade –

She does not want to be satisfied with anything with the construction; Hillsdale, Westwood and Washington Township should link together. She thanked the Council for their ideas this evening.

Ron Cassidy, 132 Harding Avenue, Westwood –

He thanked the council for the presentation. He hasn't seen the report, points a to b via Pascack Brook; has United Water considered the flow of water between point a to b. Is there anything in United Water's report that specifies their thoughts on this or is it just a and b. He has attended meetings where they mention Bill S54.

Kerri Price was not sure that falls under their responsibility and did not know if it is realistic for us to assume that is something they will provide. What she has from them is primarily how the water can be lowered in the reservoir. They have to make room on the downstream reservoir before they can lower enough upstream. Their reports are based more on their system. They are ultimately responsible for safety regulations, increasing the auxiliary emergency spillway capacity. If the flow ever did come over it was not part of they are looking at doing their analysis.

Mr. Cassidy said in your report you mention Pascack Brook. In your report you should include the flow from a to b.

Mr. Engle said we are trying to provide some suggestions on what possibly could be done to make things better.

Council Member Kelley said one thing we discussed was a further study to determine that. The problem is it is going to cost a lot more money, an in depth survey of the entire brook and it is not so simple and will cost a lot of money to do it. United Water doesn't see the brook as their responsibility and they don't care, the dam and the reservoir is their responsibility.

Mayor Arnowitz said once again he has to point out to the public that is not what we asked them to do. If we choose to go further he will try to get all the towns to fund something. What we wanted to know was the effect of the project itself, to alleviate your fears you came and spoke to me about that project.

Vishal Chaturveoi, 8 Beechwood Drive –

He lives in the flood zone. He moved here and has been flooded two times in a month.

Council Member Kelley said United Water is a private company and they are building the dam to make more money. If this Council controlled the water way there would operational changes to improve flooding but we don't. They are not for flood control, they are for water supply.

Mayor Arnowitz said there is nothing that anyone in this audience, any engineer or yourself can bring to this council that we haven't already discussed. We discussed the feasibility of charging United Water for pouring water down the stream. We discussed suing United Water every time you are flooded, we can't do it. We discussed what would happen if we went up there and started controlling the dam. We talked about laying down on the roadway, they said you can do anything you want but it is not going to help. United Water is in the business of selling water. Unless the state legislature changes their attitude and fights for Hillsdale and any other legislator that lives along the brook because this is not just our problem, then make United Water get into the water control business and water selling business, then our problems could be somewhat alleviated. It is frustrating. You are getting water in your home and basement. The solution is buying people out but there is not enough money. There are so many rules and regulations and the impact is passed on to the rest of the residents. You pay taxes to offset operation of the schools and the town. We bought two houses there and the town lost \$12,000 in taxes. Now we have to maintain the property; we have bought out 25 homes over the years and the residents have to absorb the loss of taxes. The solution is we should not allow building of malls in upstate New York.

Council Member Kelley said they will not lower to 91 because it reduces the amount of water in the system that might be needed for consumption of water by residents in this area.

Mayor Arnowitz does not accept any responsibility for flooding, or for water control. All they are responsible for is sending you a bill every month and supplying you with water. They are lowering the dam because the dam safety organization of the State of New Jersey told them they have to. They don't want to do it. If you

want to go over the history of what we have done we will do so. Our Council President is affected by flooding, he lost a house there. There are no answers.

Don MacLachlan said it is very hard to listen to the litany of nothing can be done, this is a global problem, we are wringing our hands in spite of everything. Now is the time, you have currently a Planning Board Ordinance that requires that project to exacerbate flooding in this town.

Attorney Bernstein said the public be aware that there is pending litigation before Judge Carver on which we are awaiting his decision whether to keep that application from going before the Planning Board. United Water should be before the Planning Board; the borough passed the ordinances, United Water went to court and got an order to show cause and we are now awaiting Judge Carver on the issue whether the dam safety act and another applicable flood control act pre-empts the borough's ordinance. If he rules in our favor the other piece of the puzzle still has to be addressed as to whether or not the ordinances in of themselves are reasonable and both aspects come in our favor and the appeals are over. There is no requirement per se for United Water to appear before the Planning Board.

Mr. MacLachlan said the Land Use Law of Hillsdale requires the final site plan applications for the proposed development, have not filed a site plan application. They are in violation of the law in Hillsdale, there has been no stay of that law. United Water went ahead and they did file action and we did go to Hackensack and he represents these people here tonight. He believed he did a good job arguing the case before the judge. He perceives an unwillingness of Hillsdale to go forward on this issue. The law is currently being violated by United Water, there is no stay of the law. The Planning Board should be enforcing the law. We are awaiting whether or not the judge will accept United Water's stay of preemption. We are still a long way away from that issue finally being resolved. This report which the Mayor said is not about downstream flooding is only supposed to find out if lowering the road is going to have an impact. Why wasn't it about downstream flooding? Downstream flooding is why all these people are here.

Mayor Arnowitz said that is not what we asked for, that is not what I was concerned about nor the Council. Mr. MacLachlan you got up here and gave us the parameters of what you wanted. You don't make law in this town, the Council does. The Council sat down, passed a resolution as to what they wanted to do and it wanted to address our concerns, the Planning Board's concerns, and everyone else's concerns about the project of lowering the roadway. That is it, we know downstream floods, that is not what we were trying to accomplish.

Mr. MacLachlan said why have you not commissioned a report? Why have you not authorized these engineers to go forward.

Mayor Arnowitz said because we spent \$20,000 of taxpayers money and we don't have another \$50,000 and \$100,000 to spend on it. It has to be done regional. He told him at the beginning of this presentation that the Council has not discussed the ramifications of the additional plan, that has to be discussed. When we put this plan together we could have done an overall plan, we wanted to just do the aspects of the dam. We authorized \$10,000, then \$15,000 and we had an additional bill, we spent almost \$20,000 on this report. You came up to this board and kept saying that life is coming to an end if we lower this roadway. That is what we were trying to accomplish, to alleviate the fears of the residents as to what is going to happen if the roadway is lowered. That is what this engineering report was for. Don't write into the report more than we requested. If this Council chooses to spend additional funds on additional studies, then we will and report back to the residents of Hillsdale and the surrounding areas.

Mr. MacLachlan said there are potential ways to mitigate downstream flooding.

Mayor Arnowitz said every potential way they presented to him at a meeting has been discussed and discussed with the EPA and found to be illegal. We have fixed every bridge, we cannot put a pipe into Washington Township and flood them out. We can't put more water into Lake Tappan and flood them out. Everyone of those options were looked at, we talked about that. We are not going to build a big storage shed and buy out thousands of homes so that they can filled in with water, it is not feasible. The solution is getting all the bridges downstream repaired, the solution is to get United Water to work more closely with the communities and start lowering the dams. It is not lowering the Woodcliff Lake dam because to lower the Woodcliff Lake dam they have to lower New Milford and Oradell before us. That is a 24 hour process. When he calls the governor's office every time we get flooding and get an answer back. We replaced the Fairview Avenue bridge, the Broadway Avenue bridge, we put a pipe under the railroad bridge so more water can flow. We are getting Patterson Street bridge replaced, we replaced the Hillsdale Avenue bridge, we cleared every obstruction that the DEP and Mosquito Control Commission told us we should do. We constantly maintain the stream, we have a very active OEM Department that maintains flooding.

Mr. MacLachlan said currently they are not complying with the laws of Hillsdale.

Mayor Arnowitz said that is your opinion. We asked the prior attorney and the current attorney can we sue United Water for anything, the answer is no. The Planning Board that you keep talking about has absolutely no power unless United Water puts a plan in and asks to go before the Planning Board. You keep going to the Planning Board urging them on and I go to them stopping them from using taxpayer dollars, Mr. Bernstein is the attorney handling this. We went to the BPU with two attorneys to plead our case and lost. I don't what you expect from us, you represents residents and tell them things that are not true or on the borderline of being true.

Mr. MacLachlan said you have a law and your are not enforcing it.

Attorney Bernstein said you have more than adequately represented your clients but wish you would stop lecturing my client what they should do or not do. He represents the borough as to what their legal options are and are not and I will continue to do so. It is my opinion at the moment when Judge Carver is in the process of writing a decision and we know it is going to be sooner than later, he is retiring at the end of August. In the next 11 weeks I am anticipating a decision, therefore, until the decision comes about I am not going to give advice to this governing body to take an action to go back to court. You want us to force United Water to go before the Planning Board. He will not order United Water to go to Hillsdale Planning Board while he has a pre-emption decision before him. Tell your clients whatever you want to tell them but I advise you as a borough as a whole we are not going to go to court and put money in anyone's pocket in order to go before the judge while I am waiting for the judge to tell me whether or not we can do it.

Mr. MacLachlan asked if the Council is going to petition these engineers to continue to develop ways to mitigate flooding.

Attorney Bernstein said his recommendation to this governing body is while we await Judge Carver's decision that we look at the options being rendered by GEI and decide with whatever comes up what to do next. We will ask GEI for a potential proposal; in anticipation of what is coming, we at least have a draft proposal that he will be discussing with his client.

Tony Xavier, 36 Esplanade –

The spillway chart indicates with the new road will be 96.75, top of the gate is 95. If water goes over the emergency spillway where does it go? Is there a new channel built at the bottom or will this flood the brook.

Kerri Price said because of the nature of emergency spillways, it is for emergencies only and infrequent use of it. It is not a requirements that they have to go through concrete structure at the bottom of the present spillway. That is the way the laws are set up. At this point the water would go over the top of the emergency spillway go down the back side of the dam and go in the area beneath the down stream of the dam.

Mr. Xavier said he wasn't here for Floyd but was told that during Floyd the water actually came over the existing roadway.

Mayor Arnowitz said no, it went over the causeway in Woodcliff Lake but not Church Road.

Frances Yates, 72 Harding Avenue, Westwood-Boswell Engineering did a study years ago and in the course of that study he reached out to surrounding towns to see if they wanted to be part of that study. She suggested the three towns with the studies share reports.

Mayor Arnowitz said their studies were on flooding in general. He will be attending a Mayors meeting tomorrow evening and that is on the agenda. Not just three towns, all Pascack Valley Mayors that are there to see if there is anything they would like to do. He also plans to bring it up to the Bergen County Flood Coalition.

Frances Yates was told that this whole project will impact the area. Why is there a contradiction that the engineers believe if they lower it it will be o.k. whereas Boswell says we are going under.

Mayor Arnowitz read the Boswell report, he did not think they really went into depth as to the machinations of the project.

Frances Yates said the level of that roadway, 89, 91, 95. There needs to be a meeting of the minds here.

Mayor Arnowitz said the opinion of the engineer and we did not talk to them beforehand, and the opinion of the EPA dam engineer, DEP engineer and United Water is the findings that this engineering firm came up with.

Frances Yates also spoke to the governor's office assured her the reason they were not lowering the dam before an event because they were worried about downstream flooding. They are worried about downstream flooding, how about the people up here? Whoever is giving information to the DEP are not being presented factually.

Council Member Kelley said Rich Henning told Channel 2 news; he didn't say downstream flooding, he claimed that they released water during Irene which we all know they didn't, and that was part of southern Bergen County's flooding from that storm.

Frances Yates said DEP is aware that the stream is too narrow, major sand bars.

Mayor Arnowitz said it doesn't have any sand bars they feel are hindrance. He walked with the Mayor when we walked the stream, the DEP was part of that.

Frances Yates asked that the results of the Mayors meetings can be brought to a Council meeting.

Mayor Arnowitz said anything he is allowed to report, he does so to the Council and to the public.

Mayor Arnowitz closed the meeting to the public and invited the Council to discuss the report.

Council Member Meyerson said he read the report but the presentation really put it in context. The problems are complicated and there are two issues, one is construction of the new dam going to create more flooding that what we see now vs. general problem of flooding. You don't believe the construction of the dam or repair of the dam will cause any more increase in flooding. Flooding in general is really the problem; did the engineer get an opportunity to speak to the DEP?

Kerri Price said she did call them and asked a few specific questions related to United Water's responsibilities. That was the extent of her contact with them.

Council Member Meyerson said according to your estimation, you think the flooding is caused by three different problems: houses are too low in the flood fringe, too much building in the water shed which created run off, and development went wild and the accumulative effect caused much more run off than needs to be which creates more volume in the Pascack Brook. In addition, that the channel is not deep enough to hold all the water. Did you get a chance to ask the DEP what they thought was causing the flooding?

Kerri Price did not talk to them about that.

Council Member Meyerson asked if you have any idea what they think is causing the flooding?

Kerri Price would not want to guess what their thoughts are.

Council Member Meyerson asked do you have any idea what they think would be a way in which the flooding could be mitigated?

Joe Engle said this was not pursued.

Council Member Meyerson said you talked about the HEC-RAS model, just explain what that is.

Kerri Price said that HEC-RAS which is Hydraulic Engineers Center – River Analysis System and that is a model that developed by Army Corps of Engineers. It is a program that we use to model stream flow. It would take the geometry of the channel as well as a hydrograph quality to it and based on the geometry of the inflow, what it can tell us is how fast the water is moving, how deep the water. You could run different scenarios and this is what would happen under a five year event. It tells us how the channel itself performs.

Council Member Meyerson said you said the model is not a good model. Why is that.

Kerri Price said the model that was prepared and is her opinion as a professional engineer, HEC-RAS has some loopholes, output with correct input, it has methodologies that allow the program to run calculation even if it doesn't have what it needs to run on. It has backup calculations that it draws from. Without going into too much depth of what those calculations are, what can happen if you are not conscientious about how that model is designed what happens is you develop output that is not necessarily any good. Some of the things that we saw in the models did not seem appropriate. When we looked at their model it did not really make any physical sense on what you expect in stream performance. Their primary purpose was to look at the spillway performance, look at the concrete construction. They used it to make sure that the design was sufficient and create problems. You have to know somewhere where the water stops and the best place to do that is at the Oradell Reservoir.

Council Member Meyerson asked what is the problem with the model.

Kerri Price said this particular model was not used for flooding.

Councilmember Meyerson said if United Water was predicting a large rain storm and if they were to release water prior to the rain storm, would that mitigate flooding.

Kerri Price said from an engineering stand point you have to be careful, lowering the water surface elevation and setting the gates at 91 for 89 and raising the gates immediately before the storm starts, that may not actually do what you are hoping it to do if you are not careful about it. The point is what water are you capturing. The flow starts low and over time increases and then it decreases again. Depending on which water you catch in the reservoir you could end up releasing water at the same time. She showed water stored behind the dam and there is a finite amount of storage that you can store. Output of the reservoir would be zero because you storing the water and then you start releasing at the peak of the hydrograph and this is why it is important to have knowledge about the storm that is coming and how properly model and predict the flow. If you have the right tools and let the water run out over here first and then you try to close the gates when the water gets high. If you have a good model to help you predict that, then you can do better with your operations and timing is important.

Council Member Kelley said if they are releasing water, storing at a certain point, releasing water at the peak time of inflow would be the incorrect time to do it because you would have the most coming in and going out plus being released at the same time. You don't want to release at the peak inflow time.

Kerri Price said if you have the choice of time operations that is the worst time to try it. Don't make generalizations, you need tools to try and make this optimized.

Council Member Meyerson asked if such as model exists and can it exist? Is it a matter of mathematics?

Kerri Price said yes, it is a matter of mathematics and money.

Jim Engle said we do quite a bit of this work in California, they manage it very carefully and spend a lot of money doing it. It is a regional thing because you have dams upstream. It is very complicated and a lot of assumptions confirmations and things, but you can do it.

Council Member Meyerson said if this is done and they do time release management in a proper fashion, it would mitigate significantly the flooding problem.

Joe Engle said we don't know enough to say how significant.

Council Member Looes asked when the HEC-RAS model was done, how often are they done? Are they updated from the '70's?

Kerri Price said there are different models. Army corps did one a long time ago. The specific model we have been discussing was done in 2010.

Council Member Looes said doing a time release without a good model, then the results are skewed?

Kerri Price said if you don't have good inflow and a good way to predict what is going to happen you are doing it blind.

Council Member Frank was concerned that Mr. MacLachlan may have left the impression that this Council hasn't done enough and we are as frustrated as you are. People live in a flood zone but never anticipated having four floods in a year and the amount of frequency is out of whack. The Council has not worked on anything more constantly than flooding, we talk about it all time. He believes United Water could do more to alleviate the flooding. It is frustrating when you walk through the brook and DEP saying you can't move the sand bars, you have no idea how tight the regulations are, and there is very little you can do to that stream. It is a high priority for the town; the one thing we could do was validate what United Water was doing with the dam. We couldn't solve the flooding issue but before we went through all the complexities of legal things going on and the study of this engineering company did related to the dam, would it make things worse or keep it the same. He believed they did a good job in giving us that answer. As far as how much further the town wants to go ahead, that is something we have to decide.

Council Member Pizzella said one of the first meetings he attended the dam was discussed. He thanked Mayor Arnowitz as he was new on Council and were discussing what we were going to do, whether agree with what is going on or hire a dam engineer. Here we have this very good study and it tells us what they are going to put there is safe, it is not going to increase flooding during the project. My concern is time release and continue to

say what they are supposed to be doing, and do you feel they are consistent with what they are supposed to be doing.

Kerri Price said we can only predict our equations and our analysis based on the public data we have been given on their prescribed operations. We don't have any data to confirm or disconfirm how it actually operates.

Council Member Pizzella said the two lines together, red and blue, that red seems so different from what is supposed to be done.

Kerri Price said the red line was the measured surface water elevation. That fluctuates by natural occurrences. That's o.k. The blue line shows where the gate was supposed to be.

Joe Engle said if they didn't do it that way and follow their operation of maintenance manual, we are not saying they did it or didn't, we don't know. That is based on their manual.

Council Member said it was a limited scope. It is very difficult with a limited scope to assess what is really going to truly impact flooding, what is going to cause it, what is going to make it stop. After reading the report, he was pleased with the outcome based on the limited budget and limited scope. He was pleased with the results.

Council Member Kelly said he has a better understanding of the project. Regarding operational owner, shall not operate the dam in a manner that will increase flooding above what would occur. In other words, if that dam was not there, what would the stream be. The dam does cause flooding regardless of what Boswell says. There is no meter giving us cubic feet per second coming out of the Woodcliff Lake reservoir. United Water knows exactly and will not let us know it; there is a cfs meter in Westwood and that is way down stream where there is a green area that has a lot more run off and where it is red is including a much larger area. It is his belief that if we did have something between the library and dam somewhere close enough where there is very little or no run off from their outlet, every single drop in Hillsdale is put there by United Water specifically. I want to know if there is 1280 cubic feet coming in from Park Ridge and there is 18 cubic feet per second leaving the dam, why is it that much higher. United Water will not give us their numbers. We have been asking for years for a meter to be put in after the Woodcliff Lake dam so we could see and have been stopped every time. He is going to try to look into it. He looks forward to working with GEI in the future and continue our studies.

Mayor Arnowitz wanted to reiterate on the report, that your opinion of the increasing of the gate valve at the bottom of the dam and lowering of Church Road as an auxiliary spillway will not affect additional flooding, it won't improve the situation, it won't make the situation worse. In your opinion, do you think the Borough of Hillsdale should try to stop or limit building in the flood plain.

Kerri Price said there should be a conscientious approach to watershed management.

Joe Engle said not have parking lots, you can use porous pavement and have catch basins installed so that they recharge into the ground under the pavement. There are things you can do but overall is it going to affect the flooding that happens in the brook, it will hurt but it probably will not be that significant. If you do it town wide, eventually you have enough area that it will be more significant.

Council Member Pizzella asked if a ectoderm area, like a park that is eco friendly to that specific type of environment swampy, flooding, would that help flooding?

Joe Engle said that would have some positive effect, however, he is not sure how significant.

Mayor Arnowitz thanked GEI for their report, thanked the public. We tried our best, got our report and we have to go forward with this report. This doesn't end the efforts of Hillsdale to try to protect your homes. We do not have a solution, but you have an entire Council to try to stop this and try to do whatever we can humanly do.

APPROVAL OF MINUTES: none

DEPARTMENT HEAD REPORTS:

Fire Department-
Ambulance Corp-
Police-
DPW-
Recreation/Stonybrook-

CORRESPONDENCE: none

DISCUSSION:

1. Joan D’Alessandro Memorial update ~ Councilmember DeGise

Mayor Arnowitz said Council Member DeGise is not in attendance this evening to update.

PUBLIC COMMENT:

Vishal Chaturvedi, 8 Beechwood Drive- stated that the street lights are not bright enough.

Borough Administrator said the street lights in all the neighborhoods are pretty much the same; generally speaking every other street light or every third street light has a light. Auxiliary lighting does not replace household lighting.

Mayor Arnowitz said it is just supposed to give a light glow so you can see where you are going. When they put lighting in downtown, it is like Broadway. That is not supposed to be accomplished.

Mayor Arnowitz asked the Borough Administrator to look into this and speak to Hollenbeck for an opinion.

Ron Cassidy, Westwood –

When a house is purchased by new owners, is it legal that they have to be advised that the property floods.

Attorney Bernstein said if they have done the necessary title search, they know they are in the flood zone. There is the requirement of the Disclosure Act and the Real Estate Agent provides it.

Marisa Cefali, 6 Manson Place –

Apartment buildings are going to be built on Orchard Street, the Planning Board turned it down, apparently the builder was trying to overturn.

Mayor Arnowitz said he has overturned, he is in court appealing it. That is a Planning Board matter and the Planning Board attorney handling it.

Mayor Arnowitz closed the meeting to the public.

PROFESSIONALS REPORT:

Borough Engineer –
Borough Administrator/CFO-
Borough Attorney-

ORDINANCES: *Adoption and Introduction*

13-08 (Introduction)

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$200,000 FOR 2013 ROAD IMPROVEMENT PROGRAM IN AND BY THE BOROUGH OF HILLSDALE, IN THE COUNTY OF BERGEN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION

BE IT RESOLVED, that Ordinance No. 13-08 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 July 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.

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

Council Member Frank said he will vote no because there is no defined pay back program.

Roll Call Vote:

Ayes: Council Members Kelley, Meyerson, Pizzella and Looes

Nays: Council Member Frank

Absent: Council Member DeGise

RESOLUTIONS: R13135 through R13140, R13143-13144 (Consent Agenda):

R 13135 Authorize purchase of gasoline under state contract #58885, for the period June 1, 2013 through August 31, 2013, not to exceed \$30,000.

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12 and the Borough of Hillsdale has a need to purchase gasoline for borough vehicles under the State of New Jersey Cooperative Purchasing program; and

WHEREAS, Gulf Oil Limited Partnership Fleet Services has been awarded New Jersey State Contract No. 58885; and

WHEREAS, the administration recommends the utilization of this contract, for the period June 1, 2013 through August 31, 2013, not to exceed \$30,000.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hillsdale approves the acceptance of the above-sited contract subject to the certification of funds from the Chief Financial Officer.

R 13136 Authorize the Mayor to execute cooperative pricing agreement with Hunterdon Regional Educational Services Commission

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on June 11, 2013 the governing body of the Borough of Hillsdale, County of Bergen, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Hillsdale

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

R 13137 Award of contract, bus transportation for summer camp 2013 to First Student

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

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

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

WHEREAS, the lowest quote to include air conditioning service was from First Student, Inc. in the total amount of Nineteen Thousand and Twenty Dollars (\$19,020.00); and,

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the contract for air conditioned busing services for Summer Camp 2013 is hereby awarded to First Student, Inc. and the Mayor and Borough Clerk are hereby authorized, on behalf of the Borough, to execute any and all documents with First Student, Inc. for air conditioned busing services for Summer Camp 2013 in the total amount of Nineteen Thousand and Twenty Dollars (\$19,020.00). A copy of the executed Agreement, if applicable, shall be on file in the office of the Borough Clerk.

R 13138 Award of contract 2013 Janitorial Services to Excellent Building Services, 70 S. Jefferson St. Orange, NJ 07050, in the amount of \$23,976.00

WHEREAS, the Borough of Hillsdale promulgated requests for proposals for janitorial/cleaning services for the Borough from July 1, 2013 to June 30, 2014; and,

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

WHEREAS, three (3) companies responded and provided price quotes, they were Excellent Building Services, Inc., Mark Floria d/b/a Ocean Clean and Luis Caldas d/b/a/ Winnett's Cleaning Service; and,

WHEREAS, the lowest responsible bidder was Excellent Building Services, Inc. to provide janitorial/cleaning services at the Borough Hall, Borough Police Department and Borough Library for a contract price not to exceed Twenty-Six Thousand One Hundred Seventy-Six Dollars (\$26,176.00); and,

WHEREAS, should the Borough decide there is also a need for janitorial/cleaning services at Stonybrook, Excellent Building Services, Inc. will provide janitorial/cleaning services at the Borough Hall, Borough Police Department, Borough Library and Stonybrook for a total contract price not to exceed Thirty Thousand Two Hundred Fifty-Six Dollars (\$30,256.00); and,

WHEREAS, Excellent Building Services, Inc, has also met all of the specifications for the provision of municipal janitorial/cleaning services.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the contract for municipal janitorial/cleaning services for the 2013 calendar year is hereby awarded to Excellent Building Services, Inc. and the Mayor and Borough Clerk are hereby authorized, on behalf of the Borough, to execute any and all documents and/or Agreement with Excellent Building Services, Inc. for municipal janitorial/cleaning services from July 1, 2013 to June 30, 2014 at the Borough Hall, Borough Police Department and Borough Library for a contract price not to exceed Twenty-Six Thousand One Hundred Seventy-Six Dollars (\$26,176.00), and should the Borough decide there is also a need for janitorial/cleaning services at Stonybrook, for a total contract price not to exceed Thirty Thousand Two Hundred Fifty-Six Dollars (\$30,256.00). A copy of the executed Agreement, if applicable, shall be on file in the office of the Borough Clerk.

R 13139 Award of Contract to Chas S. Winner Ford, State Contract #A82925, 2014 Police Interceptor Utility Vehicle AWD, at a cost, not to exceed \$26,124.40

WHEREAS, the Borough of Hillsdale wishes to purchase a 2014 Police Interceptor Utility Vehicle All Wheel Drive (with options) from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Chas S. Winner Ford of Cherry Hill, NJ has been awarded New Jersey State Contract # A82925 for 2014 Police Interceptor Utility Vehicle All Wheel Drive for the period (12/14/2012 to 12/13/2013); and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the purchase of 2014 Police Interceptor Utility Vehicle All Wheel Drive is expected not to exceed \$26,124.40; and

WHEREAS, there has been filed with the Borough Council the certification required by the procedural resolution adopted by the Local Finance Board on October 20, 1975, pursuant to R.S. 52:27BB-10; Based upon the annexed certification of availability of funds, it is hereby determined that the funds required for the

hereinafter authorized contract is appropriated in the Municipal Budget and that there shall remain under said appropriation a sufficient balance to pay for the expenditure hereby authorized;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale that the contract for a 2014 Police Interceptor Utility Vehicle All Wheel Drive be awarded to Chas S. Winner Ford, 250 Berlin Haddonfield Road, Cherry Hill, NJ 08034 and the Mayor and Borough Clerk are authorized to execute this purchase.

R 13140 Authorize the Mayor to execute lease agreement, Police Interceptor SUV

WHEREAS, under the Bergen Municipal Bank Program (as defined herein), various municipalities and school districts within the County of Bergen (the "County") and the County ("Local Governments") and other corporations, including non-profit corporations (each a "Participant") submit a request (the "Application") to the Bergen County Improvement Authority (the "Authority") to borrow funds from the Authority (the "Bergen Municipal Bank Program") to finance the lease purchase of certain capital equipment and, if applicable, other personal property (the "Equipment"; the financing of the Equipment under the Bergen Municipal Bank Program may be referred to herein as the "Project"); and,

WHEREAS, under the Bergen Municipal Bank Program, the Authority intends to enter into the hereinafter defined Authority Lease with TD Equipment Finance (the "Lessor"); and,

WHEREAS, under the Bergen Municipal Bank Program, the Lessor intends to provide funds in the amount not to exceed \$35,000 to acquire a 2014 Ford Police Interceptor SUV all wheel drive and all of the associated equipment for the Hillsdale Police Department from Winner Ford under NJ State Contract #A82925 the Equipment over time, and immediately lease the Equipment to the Authority, all pursuant to the terms of that certain "Master Lease Purchase Agreement" to be entered into by and between the Lessor, as lessor, and the Authority, as lessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Authority Lease"); and,

WHEREAS, under the Authority Lease, the Authority shall make rental payments that are subject to annual appropriation of the Authority solely from amounts received by the Participant under the hereinafter defined Participant Lease; and,

WHEREAS, simultaneously with the Authority Lease, the Authority will sublease the Equipment to the Participant pursuant to the terms of that certain "Sublease Purchase Agreement" to be entered into by and between the Authority, as sublessor, and the Participant, as sublessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Participant Lease"), under which Participant Lease the Local Government Participant will make rental payments that are subject to annual appropriation of said Participant and the non-Local Government Participant will make rental payments that are general obligations of said Participant in an amount sufficient to pay the corresponding rental payments applicable to the Equipment, and as appropriated by the Authority under the Authority Lease, plus all administrative expenses of the Bergen Municipal Bank Program; and,

WHEREAS, in accordance with the terms of that certain agreement entitled "Agreement to Effectuate the Bergen County Improvement Authority's Bergen Municipal Bank Program" between the County and the Authority (the "County Agreement"), the County intends to appropriate moneys to the Authority to the extent the rental payments made by the Authority to the Lessor are not sufficient; and,

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of, County of Bergen, State of New Jersey as follows:

Section 1. That the Participant Lease, in the form presented to this meeting, be and the same is hereby approved, and the Mayor, Chief Financial Officer Manager or Business Administrator (each, an "Authorized Participant Representative") is hereby authorized to, and one of such officers shall execute the Participant Lease, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on such Participant Lease, such approval to be conclusively evidenced by the execution and delivery thereof; and,

Section 2. That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things

necessary or proper for the execution and delivery of the Participant Lease and for carrying out the sale, issuance and delivery of the lease obligations, and all related transactions contemplated by this resolution: and,

Section 3. This resolution shall become effective immediately.

R 13143 Payment of Bills

BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale that the following bills in the sum of \$3,474,553.32 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 13144 Authorize Tax Collector to issue Estimate Tax Bills

WHEREAS, the Borough of Hillsdale's 2013 Municipal Budget has been adopted and the County of Bergen is unable to certify the Borough's current 2013 tax rate; and

WHEREAS, the Tax Collector will be unable to mail the Borough's 2013 tax bills on a timely basis; and

WHEREAS, the Hillsdale Tax Collector in consultation with the Hillsdale Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification summarizing the tax levies for the previous year, the tax rates and the estimated tax levies for the 2013 calendar year;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Hillsdale, in the County of Bergen and State of New Jersey on this 11th day of June, 2013 as follows:

1. The Borough of Hillsdale Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2013 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The estimated calendar year tax levy for 2013 is hereby calculated at \$43,165,164.63. The maximum amount that the Borough will utilize in the preparation of the 2013 estimated tax bills is less than 105% of the 2012 calendar year tax levy is hereby notifying the State of New Jersey of the attached certified rate.
3. In accordance with New Jersey Statutes, the third installment of 2013 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Motion by Council Member Kelley, Second by Council Member Looes

Roll Call Vote:

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

Nays: None

Absent: Council Member DeGise

RESOLUTIONS OFF CONSENT AGENDA: R 13141 and R 13142

R 13141 Award of Contract to Day Chevrolet, Inc., Monroeville, PA, NJ State Contract #A82926, 2014 Chevrolet Tahoe SSV 4WD, at a cost, not to exceed \$28,720.25

WHEREAS, the Borough of Hillsdale wishes to purchase a 2014 Chevrolet Tahoe SSV 4WD (with options) from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Day Chevrolet, Inc. of Monroeville, PA has been awarded New Jersey State Contract # A82926 for 2014 Chevrolet Tahoe SSV 4WD for the period (10/25/2012 to 10/24/2013); and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the purchase of 2014 Chevrolet Tahoe SSV 4WD is expected not to exceed \$28,720.25; and

WHEREAS, there has been filed with the Borough Council the certification required by the procedural resolution adopted by the Local Finance Board on October 20, 1975, pursuant to R.S. 52:27BB-10; Based upon the annexed certification of availability of funds, it is hereby determined that the funds required for the hereinafter authorized contract is appropriated in the Municipal Budget and that there shall remain under said appropriation a sufficient balance to pay for the expenditure hereby authorized;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale that the contract for a 2014 Chevrolet Tahoe SSV 4WD be awarded to Day Chevrolet, Inc. 3996 William Penn HWY Monroeville, PA and the Mayor and Borough Clerk are authorized to execute this purchase.

Motion by Council Member Frank, Second by Council Member Looes

Roll Call Vote:

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

Nays: None

Abstain: Council Member Kelley

Absent: Council Member DeGise

R 13142 Authorize the Mayor to execute lease agreement, Chevrolet Tahoe SSV 4WD vehicle

WHEREAS, under the Bergen Municipal Bank Program (as defined herein), various municipalities and school districts within the County of Bergen (the "County") and the County ("Local Governments") and other corporations, including non-profit corporations (each a "Participant") submit a request (the "Application") to the Bergen County Improvement Authority (the "Authority") to borrow funds from the Authority (the "Bergen Municipal Bank Program") to finance the lease purchase of certain capital equipment and, if applicable, other personal property (the "Equipment"; the financing of the Equipment under the Bergen Municipal Bank Program may be referred to herein as the "Project"); and,

WHEREAS, under the Bergen Municipal Bank Program, the Authority intends to enter into the hereinafter defined Authority Lease with TD Equipment Finance (the "Lessor"); and,

WHEREAS, under the Bergen Municipal Bank Program, the Lessor intends to provide funds in the amount not to exceed \$50,000 to acquire a 2014 Chevrolet Tahoe SSV 4WD and all of the associated equipment for the Hillsdale Volunteer Fire Department NJ State Contract #A82926 the Equipment over time, and immediately lease the Equipment to the Authority, all pursuant to the terms of that certain "Master Lease Purchase Agreement" to be entered into by and between the Lessor, as lessor, and the Authority, as lessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Authority Lease"); and,

WHEREAS, under the Authority Lease, the Authority shall make rental payments that are subject to annual appropriation of the Authority solely from amounts received by the Participant under the hereinafter defined Participant Lease; and,

WHEREAS, simultaneously with the Authority Lease, the Authority will sublease the Equipment to the Participant pursuant to the terms of that certain "Sublease Purchase Agreement" to be entered into by and between the Authority, as sublessor, and the Participant, as sublessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Participant Lease"), under which Participant Lease the Local Government Participant will make rental payments that are subject to annual appropriation of said Participant and the non-Local Government Participant will make rental payments that are general obligations of said Participant in an amount sufficient to pay the corresponding rental payments applicable to the Equipment, and as appropriated by the Authority under the Authority Lease, plus all administrative expenses of the Bergen Municipal Bank Program; and,

WHEREAS, in accordance with the terms of that certain agreement entitled "Agreement to Effectuate the Bergen County Improvement Authority's Bergen Municipal Bank Program" between the County and the Authority (the "County Agreement"), the County intends to appropriate moneys to the Authority to the extent the rental payments made by the Authority to the Lessor are not sufficient; and,

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of, County of -Bergen, State of New Jersey as follows:

Section 1. That the Participant Lease, in the form presented to this meeting, be and the same is hereby approved, and the Mayor, Chief Financial Officer Manager or Business Administrator (each, an “Authorized Participant Representative”) is hereby authorized to, and one of such officers shall execute the Participant Lease, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on such Participant Lease, such approval to be conclusively evidenced by the execution and delivery thereof; and,

Section 2. That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Participant Lease and for carrying out the sale, issuance and delivery of the lease obligations, and all related transactions contemplated by this resolution: and,

Section 3. This resolution shall become effective immediately.

Motion by Council Member Frank, Second by Council Member Looes

Roll Call Vote:

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

Nays: None

Absent: Council Member DeGise

MONTHLY DEPARTMENT REPORTS

(The following correspondence on file in Borough Clerks Office)

Board of Health Reports, May 2013 ~Councilmember Looes

Council Member Looes read the report. At the meeting we discussed the food pantry and how at this time of year is in need of donations and asked people to continue to drop off their donations.

Motion to Record and Accept was made by Council Member Kelley, seconded by Council Member Meyerson.

Roll Call Vote:

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

Nays: None

Absent: Council Member DeGise

COUNCIL COMMENTARIES:

Council Member Looes reported George White had their 8th Grade Dance, Friday the Student Council and Teachers Association host a breakfast at the school for the seniors which is decorated for dance, 9 a.m. to 10:30 a.m. There is a courtesy bus that will pick up at Stonybrook promptly at 8:45AM and return to Stonybrook. More information is available on the website. On Tuesday, June 18, is our last senior luncheon until September at Stonybrook.

Council Member Kelley congratulated the 8th Grade next Wednesday. On Monday, the Hook and Ladder Company will hold their golf outing and there are spots available. He thanked the Fire Department and surrounding towns for a fire at Wierimus Lane and they did a fantastic job taking care of it.

Council Member Frank reminded all that June 14 is Flag Day and display your flags.

Council Member Pizzella said on Friday is the Meadowbrook Family Faculty softball game at Knickerbocker Field at Centennial at 6PM.

Council Member Frank said the Library starts its used book sale on the 13th to the 15th and it is a great opportunity to pick up a book. Tomorrow between 5PM and 7PM there is a fund raiser at ICECREAMERY for the Library, a speed eating contest of a banana split. There is a \$10 entry fee.

Mayor Arnowitz said the Fire Department attended a parade that went from Pearl River into Montvale. The Fire Department worked for a month with cadets cleaned the trucks, polished and repaired the trucks, which

saved the taxpayers of Hillsdale thousands of dollars on maintenance and extended the life of the trucks. He thanked the Fire Department.

ADJOURN TO CLOSED SESSION:

R 13145 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
- (8) Matters relating to the employment relationship.
- (9) Matters relating to the potential imposition of a penalty.

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

Attorney Bernstein said they are matters involving bargaining agreements 10:4-12 UPSEU, PBA and certain matters related to litigation and attorney/client privilege.

On a motion at 10:51 p.m. to adjourn to closed session, made by Councilmember Kelley; seconded by Councilmember Looes.

Roll call vote: All in favor.
Absent: Councilmember DeGise

RECONVENE REGULAR MEETING:

Attorney Bernstein said they are matters involving bargaining agreements 10:4-12 UPSEU, PBA and certain matters related to litigation and attorney/client privilege.

Motion by Councilmember Kelley, Second by Council Member Looes to reconvene regular meeting, unanimously carried.

Attorney Bernstein said let the record reflect that we recommence the open session. There will be a brief update on the ongoing negotiations, white collar union, blue collar union, police union. No formal action will be taken at this time and update on attorney/client privilege matters relative to the action the governing body and no formal action to be taken.

ADJOURNMENT:

On a motion at 10:59 to adjourn the regular meeting by Council Member Kelley, Second by Council Member Meyerson and unanimously carried.

THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE

TUESDAY, JULY 9, 2013 BEGINNING AT 7:30 P.M.