

Minutes of a Council Meeting of the Borough Council held at 7:30 P.M. on Tuesday, May 6, 2014, in the Council Chamber, Borough of Hillsdale, Hillsdale, New Jersey.

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

OPEN PUBLIC MEETING STATEMENT:

This is a meeting of the Hillsdale Borough Council on this 6th day of May 2014. 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:

At roll call, those in attendance were: Council Members DeGise, Frank, Kelley, Looes, Meyerson, and Pizzella. Also in attendance were Mayor Arnowitz, Borough Attorney Bernstein, and Borough Clerk Witkowski.

Mayor Arnowitz said he received a number of complaints from people during the budget hearing about Council Members talking while the public was asking questions, or using their cell phones for texting. Mayor Arnowitz said he has asked the Council Members that they refrain from texting during meetings, and not to talk to each other while members of the public are speaking so that everyone can participate. If Mayor Arnowitz sees it happening, he will stop the meeting until the person is finished, after which time the meeting will resume. This will give the public an opportunity to get their questions asked, and the Council Members have an opportunity to hear the questions and respond accordingly.

APPOINTMENTS: for May 13, 2014

Mayor Arnowitz said the following appointments will be made next week: for the Fire Department, Will Farrell; and for those who are not aware, former Hillsdale Police Detective and firefighter Peter Hard is being reinstated with the Fire Department; and to Fire Cadets, Michael Jeffrey and Joe Solda III.

OATH OF OFFICE: for May 13, 2014

Fire Department: Will Farrell
Reinstated: Peter Hard
Fire Cadets: Michael Jeffery and Joe Solda III

PROCLAMATIONS: for May 6, 2014

Municipal Clerk Week

Max Arnowitz, Mayor

Proclamation

WHEREAS, the Office of the Municipal Clerk, a time-honored and vital part of the local government, exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Municipal Clerk provides a professional link between citizens, the local governing bodies, and the agencies of government at other levels; and

WHEREAS, the Municipal Clerks are pledged to be ever mindful of their neutrality and impartiality in rendering equal service to all; and

WHEREAS, the Municipal Clerk service as the information center on functions of local government and community; and

WHEREAS, the Municipal Clerks continue to try to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops, and the annual meetings of the State, Providence, County, and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hillsdale do hereby proclaim:

MAY 4, 2014 – MAY 10, 2014

As

MUNICIPAL CLERKS' WEEK

and further extend appreciation to our Municipal Clerk, Susan Witkowski, and to Municipal Clerks for their vital services they perform and their great determination to the communities they represent.

Mayor Arnowitz said he has read many Proclamations over the years, and many do not fit the occasion, but this particular Proclamation does. The Office of the Clerk is extremely important to the municipal government. In order for the government to survive, it is necessary to have a strong Clerk to get the work done, which Hillsdale has. He commended Ms. Witkowski for being such a strong Clerk, and those in attendance applauded Ms. Witkowski.

Week of May 19, 2014 – June 1, 2014 “Click It or Ticket” campaign. Anyone not wearing seatbelts will be ticketed.

PRESENTATIONS: There were no presentations.

RECOGNITION: None

APPROVAL OF MINUTES: for May 13, 2014
Regular Meeting April 1, 2014 and April 8, 2014
Closed Session Meeting of April 1, 2014, April 8, 2014

PROFESSIONAL REPORTS:

Greg Polyniak of Neglia Engineering Associates, Borough Engineer, discussed a report issued by his office dated April 30, 2014. Mr. Polyniak went over some of the highlights, as well as some of the items not included in the report. The first item relates to the Safe Routes to School Grant, for which his office has been diligently preparing the application. They have been working with the Police Department and the Board of Education to get some information that needs to be uploaded as part of the application. Once that information is available, the application will be submitted. It is due June 30, 2014, which gives a window of time for the information to be obtained. It was originally due May 15, 2014, and the State has extended the time frame for all municipalities.

Regarding municipal aid, the New Jersey State Department of Transportation has given the Borough \$149,000 to address road improvements on Saddlewood Drive.

Mr. Polyniak mentioned the Community Development Block Grant for the ADA pool lift which the Borough had received from Bergen County. His office recently held a pre-construction meeting, (cannot understand what he says there). The project should begin shortly, and would be completed prior to the pool opening on May 18. Mr. Polyniak also noted another item related to the grant that the Borough received for the ADA restrooms, which was that in the initial pre-construction meeting, the Bergen County Community Development Office determined that the grant that was originally filed for the project was filed erroneously by the prior Borough Engineer and Borough Administrator. Mr. Polyniak’s office has had discussions with the Office of Community Development, and they intend to reprogram the funds, so that the Borough is not penalized in any way in relation to that grant. The funds will be reprogrammed to address automatic door openers for the rear of Borough Hall, for the parking lot; the Police Department front doors; and the ADA restrooms. In addition, as authorized by the Borough, Mr. Polyniak’s office prepared the annual storm water reports, which was submitted. The Borough was also provided with roadway estimates to be included for the co-op for the \$100,000 that the Borough chose to address some capital improvements, including Forest Drive and Sherwood Drive. A stunned the bidding and the prices received by the County, sections of the roadway will be completed accordingly.

In addition, Mr. Polyniak mentioned that at the direction of the Borough Council, his office made an effort to address the existing sidewalk slab that has been heaving at the rear of Borough Hall. The lowest quote received to replace the sidewalk was \$2,500. The area where the gun range is located, which is below grade, has a small step for access. Mr. Polyniak provided two alternatives to address the trip hazard they believe exists in that area. One of those alternatives would be the installation of three planters, at a cost of \$1,050, to block that area to prevent someone tripping in that area. The other alternative would be to install a railing, at a cost of \$2,625. Either of those choices could be selected to address the trip hazard if the Borough Council wishes. Mr. Polyniak asked for direction as to whether either one of those contracts should be authorized.

Mayor Arnowitz asked a question regarding the proposed solution to the trip hazard, specifically the railing, which Mr. Polyniak mentioned. Mayor Aronsohn pointed out that the roof in that area leaks from time to time due to the alternating heat and freezing temperatures, and wondered if the railing would preclude anyone from going into call the affected area, as they have done in the past. Mr. Polyniak responded that the sidewalk in question is approximately 6 feet wide, and ADA requirements state that the sidewalk must be at least four feet wide. The railing would be located on the lower side, so the area mentioned by Mayor Arnowitz would not be affected. Mayor Arnowitz suggested that the only thing left to do would be for Council Member Meyerson, and Borough Clerk Witkowski, to attest that the funds are available. Council Member Meyerson said he thought that Mr. Polyniak was only asking for direction as to whether to implement the planters or the railing, and as Mr. Polyniak for confirmation about the costs involved. Mr. Polyniak repeated that they really would cost approximately \$2,625, and the planters would cost \$1,050 for all three of them. Council Member Frank mentioned that the Department of Public Works (DPW) had mentioned that they were building some planters, and Council Member Meyerson asked for confirmation that the cost of the planters is separate from what the DPW is doing. Mr. Polyniak confirmed that the cost of the planters is independent of what the DPW is doing, and that the Borough Council could select neither option, and let the DPW address the situation. Council Member Meyerson pointed out that if the planters are chosen, the DPW would build the planters, to which Mr. Polyniak agreed. Council Member Meyerson expressed the opinion that planters seem to be nicer than railings. Mayor Arnowitz pointed out that in the past, people have used planters to extinguish their cigarettes, although smoking is prohibited in that area. Council Member Meyerson stated that plants look much nicer than railings, as far as he is concerned, and Mayor Arnowitz agreed. Mayor Arnowitz added that he believes the DPW replaced the sidewalk slab before, and wondered at the slab was also to be replaced. Mr. Polyniak responded that five contractors were solicited, and prices were given for the sidewalk slab, the planters, and the railing. It was assumed that the sidewalk slab was the base bid, and the two alternative bids would be for the planters or the railing. Mayor Arnowitz asked Mr. Polyniak was

suggesting that the DPW would take care of the slab, or would an outside contractor do it. Mr. Polyniak said the recommendation is that a contractor should perform the work on the sidewalk slab, which would be doweled in to address some of the heaving. Council Member Meyerson asked if it is for the Council Members to decide whether to erect a railing or planters there, or is that something for the administration to decide. Borough Clerk Witkowski noted that it is also necessary to ensure that the money is available in the Buildings & Grounds funds, and Council Member Meyerson said the question was raised, but he did not remember what the answer was. Borough Clerk Witkowski said she would get the answer. Mayor Arnowitz asked if the project could be authorized next week, and Mr. Polyniak answered that it could.

Council Member Frank noted that Mr. Polyniak mentioned that the last Community Development Block Grant was erroneous, and he asked if it was because the Borough already has a handicapped-accessible, ADA-compliant facilities, and the grant was to modify both the men's and ladies' restrooms, which Mr. Polyniak confirmed. Councilman Frank asked if that also applies to the grant which Mr. Polyniak was working on with the Board of Health for the \$95,000 ADA-compliant bathroom to be installed in the Board of Health offices. Mr. Polyniak responded that it does not, and added that the Office of Community Development would allow it to continue to be filed, if the Borough Council wished to do so. It would not fall within the same requirements as the other project. Council Member Frank asked what the status of the Board of Health restroom is. Mr. Polyniak into that it is still under review by the Office of Community Development.

Council Member Meyerson said Michelle Popkin, the Contractor for the Office of Community Development covering the Hillsdale, made an inspection, and noted that there is already a handicapped-accessible bathroom on this floor, and thought there was no reason to put it another one downstairs, and it would not be required. Therefore, either she or the Borough pulled the grant as a result of that conversation, and it is Council Member Meyerson's understanding that the money could be used for something else. Council Member Frank disagreed, and thought that the installation of the bathroom downstairs might also be one of money. Mr. Polyniak said he believed the problem was due to the fact that installation of the bathroom would require the demolition of a load-bearing wall.

Mayor Arnowitz asked a question about the situation at the train station, because he saw that we are awaiting information from the Department of Transportation. Mr. Polyniak explained that a letter has been requested from New Jersey Transit (NJT), and if the letter is issued, the Borough could then file for a Tap grant. The Borough does not yet have that letter, and Mr. Polyniak has been reviewing the grant with the Borough Administrator, and based on information that has been acquired, it appears that this project, as it currently stands, has a low chance of being approved for grant. For that reason, Mr. Polyniak said it is not recommended that the Borough move forward at this time. Council Member Meyerson asked why the probability is low, and Mr. Polyniak responded that there have been some discussions, and there is the potential that funding, as it relates to these grants, could be directed to other locations within the State that sustained significant damage during Hurricane Sandy. Council Member Meyerson pointed out that the grant is a rather large one, of approximately \$150,000. Mr. Polyniak confirmed this, adding that the grant requires \$150,000 of improvements, and could range up to as high as \$1 million in soft cap, due to the fact that in the majority of these instances, a municipality might require a historic preservationist, which costs a substantial amount of money. Council Member Meyerson asked if the words "soft cap" are used because such things are outside the cap, or because it includes soft costs. Mr. Polyniak answered that it is because soft costs are included.

Mayor Arnowitz asked if when Mr. Polyniak was discussing Borough Hall, and he mentioned the rear entrance doors as well as the Police Department doors, was the Board of Health entrance also considered. Mr. Polyniak responded that when Ms. Popkin made her inspection, she recommended that grant applications be filed on the specific areas he mentioned. Mayor Arnowitz pointed out that it is quite likely that the Board of Health would have more handicapped people using its entrance than the other two entries would. Mr. Polyniak agreed, and he suggested that the Borough Council might address in a future Community Development Block Grant. Council Member Meyerson congratulated Mr. Polyniak on the other grant.

Council Member Pizzella asked if in Mr. Polyniak's assessment of the grants, he looked at anything under "Town Center Grants" or "Town Center Redevelopments". Mr. Polyniak said they did not, although he does know that there is funding with respect to the DOT town center grants. However, he does not know of anything that relates to any solicitations for projects at this time, but he looks forward to receiving the information from the State, so that his office can file applications for grants for the municipalities they represent. Council Member Pizzella said he is aware that New Jersey has recently updated its transit grants that are in and around historic train stations, with a seminar coming up given by McCarter & English. Council Member Pizzella wondered if Mr. Polyniak will be attending the seminar, and if he has any other information about the type of grant. He asked Mr. Polyniak to email any information he might have to Council Member Pizzella.

OLD BUSINESS:

1. Ban Fracking in Bergen County – Mayor Arnowitz

Mayor Arnowitz explained why this subject is on the agenda, because he did not realize that when the issue of banning fracking in New Jersey was discussed in the past, he did not believe it was feasible. However, there is an area between Hackensack Bay, through Hillsdale and into Rockland County, that is the area in which fracking was considered. Mayor Arnowitz said he is not have a problem with fracking being done in the Midwest, but he does not believe it should be done in heavily populated areas, as in Bergen County. He asked that a resolution be approved banning fracking in Bergen County.

Council Member Frank said it is not his intention to be anti-environment, because his whole family lives in New Jersey, and he would not like anything to be done that would damage the environment. However, he did obtain information from the website of the Environmental Protection Agency (EPA), which states that natural gas plays a key role in our nation's clean energy future. The United States has vast reserves of natural gas that are commercially viable as a result of advances in horizontal drilling and hydraulic fracturing technologies, enabling greater access to gas and shale formations. Responsible development in America's shale gas resources offers important economic energy security and environmental benefits. Council Member Frank said he has

spent a lot of time this past week looking into this matter to understand what is going on, and he thinks it is premature for the Borough Council to take any action at this time. The EPA is finishing up a multi-year study on hydraulic fracking, and the biggest concern is what to do with the wastewater. There are secondary concerns about cracks that form when going down into the wells. Council Member Frank commented that he was involved in cement fracturing in the oilfields years ago. Some good things have come out of all of the natural gas that comes from fracking. The first is that gas prices have dramatically lowered; Council Member Frank noted that his own gas bills are approximately 1/3 less than they were two years ago, due to the fact that there is a huge supply of natural gas due to fracking activities. Because of those reduced prices, many of the coal-fired plants in the Midwest have retrofitted and switched to natural gas, which burns clean. According to one of the articles Council Member Frank read, there has been a 450 million ton reduction in the amount of carbon dioxide emissions from the energy industry in that same period of time, while Europe, which does not have low-cost natural gas, has seen an increase in carbon dioxide emissions. Therefore, Councilman Frank said he does not want to see he will still get involved with the wastewater from the fracking operations, and he does not want a gas well anywhere in Hillsdale. However, he does know something about the economics of business, and he does not think the real estate values in Bergen County would lend themselves too many gas wells. Moreover, Governor Christie has vetoed the extension of the moratorium imposed by the State, which expired in 2013, because of the constitutional issue associated with dealing with the wastewater, not because of the drilling itself. Now he says he wants to wait to see what the study by the Environmental Protection Agency (EPA) reveals. Council Member Frank said he would rather have the Hillsdale Council act responsibly and wait until the EPA study is published before any action is taken.

Council Member Pizzella agreed that fracking is something for the future, although he does not necessarily agree that it will happen in New Jersey. However, the moratorium has been lifted and there is a shale basin that extends farther than the Hackensack River basin, from the North Bay up to Rockland County. Furthermore, while Hillsdale may not be directly impacted, other towns may be affected to a greater degree, such as Closter and Paramus, as well as Westwood. Council Member Pizzella said he is aware that Closter and Paramus have recently passed their own resolutions to ban fracking. In addition, he does not believe that a Borough resolution will ban fracking in New Jersey, however, passing a resolution in Hillsdale will signify to the County, which is also considering a similar resolution, that Hillsdale is opposed to fracking in this area, and that it will support the County and other municipalities in the area that may be further impacted by fracking. It also gives Hillsdale a bit of leverage and negotiating power if and when fracking comes to New Jersey. Having a resolution in effect that opposes fracking does not necessarily stop fracking, but it is similar to having utility companies in that once the companies come into a particular area, they essentially have the monopoly in that area, as well as the control in that area. If there is a resolution in effect, it gives the municipality a bit more negotiating power in the future.

Council Member Meyerson said everything he has seen about fracking, and he agreed that it lowers the cost of natural gas. The supply of natural gas in the United States dwarfs the amount of oil available worldwide. On the other hand, there is a lot of evidence available as a result of the fracking that has been ongoing in the west might be leading to undesirable effects. Therefore, Council Member Meyerson believes it would be prudent to ban it until it is determined that it will not cause harm. It is his opinion that there is too much that is already being done that could have harmful environmental effects, which may not be realized until it is too late to do anything to reverse it. He agrees with Council Member Frank that a resolution banning fracking in Hillsdale will not necessarily stop the State from doing so. Mayor Arnowitz believes such resolutions to help by showing support for the opposition of fracking. He believes that if enough municipalities feel the same way, the State might take notice. Council Member Meyerson said that before any fracking takes place, he would like to see reputable research indicating that it is not dangerous. He has seen reports indicating that it has even led to some minor earthquakes.

Mayor Arnowitz commented that Meredith Kates and members of the Environmental Commission were present at the meeting, if the Council Members wanted to hear from them.

Council Member Looes noted that the Board of Health had a very informative presentation showing how fracking is affecting people's health, as well as the environment and communities. It also showed how the process of fracking and the water usage are reducing the available water in vibrant towns in other areas, causing droughts, although it is also lowering the cost of natural gas. The presentation also showed how fracking affects other areas. Council Member Looes stated that while fracking is not yet in this area, there was a time when the affected communities also did not have to address the issue. Therefore, Council Member Looes believes that Hillsdale should be proactive and support a resolution banning fracking.

Mayor Arnowitz said it sounds like the Council Members want to put a resolution on the agenda for the May 13 meeting to ban fracking in Hillsdale. Therefore, the resolution will be put on the agenda for the May 13 meeting.

Meredith Kates, 140 Sebastian Court, said she is the chairperson of the Environmental Commission. She thanked the Council Members for their support, and added a special thanks to Council Member Frank for taking the time to research the issue so thoroughly. Speaking as the Environmental Commissioner, Ms. Kates referenced the Association of New Jersey Environmental Commission (ANJEC), which has said that it is time for the commissioners must bring this forward, based on what is occurring in other areas, and what is predicted to happen. That is why Ms. Kates thinks this is timely, and it is important for the Council Members to take action. Mayor Arnowitz suggested that Ms. Kates and the rest of the Commission members should come to the meeting next week to make comments when the resolution is introduced. Ms. Kates commented that there are various issues affected by fracking, including economics, as well as what it does to people's health, water, and air. Council Member Meyerson asked Ms. Kates if she had seen similar evidence showing that fracking can lead to minor earthquakes, which she confirmed.

Gail Bruner, Northwest Bergen Regional Health Commission, said she has been a New Jersey Health Inspector for 30 years charged with protecting the public health of the communities, and this is something that is a major concern. She agreed that there have been earthquakes recorded in Ohio that are associated with fracking. It is toxic to air and water, and it is a huge concern. She thanked the Council Members for their support for the resolution to ban fracking.

Council Member Meyerson requested to be allowed to ask Ms. Kates a question on a different environmental issue. He asked Ms. Kates if her organization is involved in the project at LG Technologies. Ms. Kates responded that they are aware of the situation, as is the Planning Board. She asked if Council Member Meyerson was referring to the environmental impact of the project in Englewood Cliffs. He responded that the environmental impact is part of it, but LG is proposing to build a huge building in an area with high limitations, and having seen pictures of the proposed project, it will change the look of the Palisades, and has the potential to create a rush to build high-rise buildings in that area. Ms. Kates responded that she is aware that there was a meeting about the project last week, and it was very hard for the public to get into the meeting. However, it can be researched online, and

information about the struggles that the Environmental Commission have been facing can also be found on the website. Council Member Meyerson asked if the Hillsdale Council should be aware of what is going on there, or if the Council Members should take a position on it. Ms. Kates said if there are strong feelings either way, it might be a good idea. She knows that many people are very concerned about it, because it is a historical area, as well as an environmentally important area. Once a high-rise building is built in the area, others will follow, which will have a definite impact. Ms. Kates recommends people look at the site www.protectthepalisades.org, where groups can sign-on and give reasons why the project should not be allowed, and building heights should be limited. Council Member Meyerson stated that he is aware that the proposal is to limit the height of buildings so that they do not go beyond the tree lines.

Mayor Arnowitz said one of the things that bothers him about that project is that, growing up in West New York in the 1960s, a similar project was undertaken there, and the Borough fought and lost a similar battle. Now, going through West New York, the town looks nothing like it did 50 years ago. After building so many apartment houses in succession, skyline is no longer visible from the scenic areas. Council Member Meyerson pointed out that the current project is a bit different, and LG is proposing to change the entire skyline of the current Palisades Park by building a huge building that is much higher than what is allowed. Many towns surround the Palisades, and Council Member Meyerson hopes that the Governor of New York is also against this project. Ms. Kates commented that Governor Cuomo is writing letters in opposition to it, and Council Member Meyerson said he does not believe that Governor Christie is doing the same thing. Mayor Arnowitz pointed out that the problem is that the unions are supporting the project, and Ms. Kates agreed, saying that the unions have packed recent meetings in relation to the project, making it difficult for members of the public to attend to express their opposition. Mayor Arnowitz stated that the reason he compared the current situation with that in West New York from so many years ago is that they are both towns situated along the Palisades, a beautiful area that has been destroyed in Hudson County for financial gain. Many people made a lot of money while changing the skyline along the Palisades, and Mayor Arnowitz believes the same thing will happen as a result of the current project involving LG Technologies. The only difference seems to be that the current project involves corporate offices, while the past projects involved apartment buildings. He said he is willing to put a resolution on the agenda opposing that project, and although Mayor Arnowitz understands that there are many jobs involved, the number of jobs would not necessarily be affected if the height of the building were decreased. Council Member Meyerson said he is not sure if the other Council Members would be willing to consider a resolution, because it is not a hill still issue, but Mayor Arnowitz pointed out that everyone Hillsdale lives in the State of New Jersey, and when the aesthetics of the State are subject to change, all citizens have the right to say whether they like it or not. Mayor Arnowitz asked Ms. Kates if there any sample resolutions available to use for this, and Ms. Kates responded that she can probably find some, or the Borough could sign-on as a partner organization to protect the Palisades. The resolution will be put on the agenda for the May 13 meeting.

2. Status of Sports Association Agreements and Recreation Ordinance Update

Mayor Arnowitz asked whether this would be discussed tonight, or if it should be put on the agenda for next week. Council Member Looes responded that this was discussed at the last Borough Council meeting, and she is now working on it. The Recreation Commission meeting scheduled for May 1 was canceled, due to a lack of quorum. Council Member Looes does not believe she will have information ready for next week, but she hopes to have it ready for the June meeting. Council Member Frank noted that in the previous meeting, he had said that the Borough Council had been waiting for this for the past year and a half, but actually, the wait has been two years. Council Member Looes agreed that it is overdue, but she has been trying to simplify the situation, rather than having a complicated contract.

3. Sign Ordinance

Eric Bernstein, Borough Attorney, commented that he is currently working with the Borough Administrator on this. Council Member Frank asked if money was allocated in the budget this year to get that cleaned up. Ms. Witkowski responded that the funds had been allocated, and she was hoping that the Borough Council to get started on it. Council Member Pizzella noted that a few months ago, there was a discussion about the sign ordinance, and he pointed out that the ordinance was enforced against some business owners, and not against others. He thought that there was some process in place by which, if a person was ticketed or fined, s/he could submit a voucher for reimbursement of those funds. Council Member Pizzella wondered if that was true. Mr. Bernstein answered that when the question was raised, he indicated that anyone who believes that s/he may have been inappropriately addressed regarding the ordinance should contact Tracy Jeffreys, as well as the Borough Administrator, who would contact Mr. Bernstein to try to resolve the situation.

4. Tax Appeal, Five Cherry Hill Court, Blocks to 201, Lot 19, Fixelle/Fox

Mr. Bernstein explained that, like any other conflict, if there is a belief that contributions were made to a specific organization, and any member of the governing body believes that s/he has a potential conflict regarding such contributions, that person should abstain from any votes. If the Borough Council once a broad conflict opinion, the ultimate decision will be that it is up to the individual Council Member to determine whether s/he believes there is a conflict. Mr. Bernstein, or any other Council Member, can give an opinion regarding that conflict, but it is still up to the individual Council Member to determine for him or herself if such a conflict exists. However, Mr. Bernstein also said there is another alternative, but he asked that it be discussed in Closed Session. Council Member Pizzella commented that, in general, he noticed the tax appeals do come up, and he does not know that much about tax appeals, or what goes into tax appeals. Sometimes he feels very uncomfortable as a Council Member who is not very informed about such appeals when he is called upon to vote on them. He asked if it would be possible for the Tax Assessor to give a brief update on each tax appeal, or explain why the appeal might be appropriate or inappropriate. Council Member Pizzella understands that most of the appeals are done at the County level, not at the municipal level, but when something requires a vote and a Council Member does not feel that s/he is very informed about the situation, it can be uncomfortable for that Council Member to vote on the issue. Mr. Bernstein said he would address that in Closed Session, as well.

Mayor Arnowitz reminded the Council Members that when they attended the Municipal Excess Liability Joint Insurance Fund (JIF) seminar, the opinion of David Grubb, the Executive Director, is that if something does not pass the "smell test," the individual Council Member should abstain from voting on it. If there is a quorum, and there are enough required votes on any issue, it is not necessary for a Council Member to feel compromised. Council Member Meyerson pointed out that Mayor Arnowitz's statement does not answer the question, which is a simple one: when a tax appeal issue is voted, if that person has made a campaign contribution, does that constitute a conflict of interest for the Council Member. Mayor Arnowitz pointed out that

Mr. Grubb said that it does. Council Member Meyerson responded that there is no “smell test” involved, but it is a rule. Mayor Arnowitz said he was giving a general opinion. Council Member Meyerson said he understands that, and he deals with conflicts every day in his office, but this was not the issue in the particular situation. The Fixelles currently have a tax appeal, and Council Member Meyerson wonders if he is supposed to find out if they made a contribution to the Democratic Party when he was running for office. He wanted it to be clear that that was what was being discussed. Therefore, Council Member Meyerson believes it is now necessary, whenever there is a tax appeal, to determine if the homeowner has made any political contributions, whether the individual Council Members knew about it at the time or not. Council Member Meyerson stated on the record that when the last tax appeal was voted on, he had no idea that the owner had made a campaign contribution, and was the owner of the building referenced in the newspaper. None of the Council Members recognize the name, or associated it with anything in particular. Council Member Meyerson pointed out that there is case law stating that if a Council Member does not know about a conflict, there is no conflict. However, he said that he would be on notice from now on that every time a tax appeal is filed, it will be necessary to find out if the property owner made a political contribution. Council Member Frank noted that only contributions in excess of \$300 are reported.

Several of the Council Members noted that they had trouble signing on to do the online seminar, and Mayor Arnowitz suggested that perhaps they could try to get another class scheduled. Council Member Looes said she believes the seminar is still available online. Mayor Arnowitz noted that it is worth doing, because it will give Hillsdale a \$250 per person insurance discount.

5. Environmental Commission Grant Update

Council Member Pizzella said that there was a good discussion about repairing the walkways at Beechwood Park. He congratulated the Environmental Commission for obtaining a \$1,500 grant, and Council Member Pizzella explained that the monies can only be used to purchase supplies, and all labor must be volunteer-based. The grant application also required a timeline and a proposed plan, which will be made public at the first Planning Meeting on May 19. Subsequent volunteer dates will be set after that time. It is planned that the work will begin in June, and a few businesses have already signed up to help, including Raymond Brothers; Timber Tree; and MEVO. If anyone else is interested in helping, Council Member Pizzella asked that they email the Environmental Commission at hec@hillsdalenj.org, or check out their blog through the Borough of Hillsdale website. He reminded everyone that the area in need of repair represents the largest passive recreational space in Hillsdale at the present time. Council Member Pizzella encouraged everyone to volunteer. He asked Ms. Witkowski if she was able to get in touch with KC Landscaping to replace the trees. Ms. Witkowski said she spoke to Ashley Scott at KC Landscaping about the recommendations made by Raymond Brothers, which she faxed to them, and she is trying to confirm that they have received them. Ms. Witkowski has called Ms. Scott three times, but she has not yet called back.

RESOLUTIONS: next week

NEW BUSINESS:

1. HBSA/Field Maintenance & DPW

Council Member Pizzella said he received some emails from residents complaining about an initiative that the Hillsdale Baseball/Softball Association (HBSA) is currently promoting. What is happening is that when it rains, many of the fields are not ready for games. For example, if it rains on Friday, the fields are not ready for the Saturday games. Therefore, the HBSA decided to ask parents to get involved and help clean the fields. Council Member Pizzella thought this was a wonderful idea, and he also signed up as a resident to help. Several residents contacted Council Members Pizzella asking why they are required to do this, because they pay taxes to get this work done. Council Member Pizzella pointed out that this is not a requirement for residents to do, but it is suggested. It is not a Borough initiative. Many of the emails asked why the Department of Public Works (DPW) is not doing this. Council Member Pizzella wanted to clarify that the DPW is a union employee, and having them work on a weekend will increase the cost to the Borough. It is quite likely that overtime pay will be required, and Council Member Pizzella does not believe that would be appropriate, nor is it a necessity. DPW employees have been used in the past for emergency situations. Council Member Pizzella asked for this to be placed on the agenda because he wondered if anyone else had been contacted about the situation. He believes the HBSA is doing a great thing, and it is made better when the kids get involved.

Mayor Arnowitz noted that the DPW does take care of the fields in Hillsdale, and he asked if Council Member Pizzella was only referring to situations in which there is rain on a Friday, which Council Member Pizzella confirmed. Mayor Arnowitz understood that in that situation, DPW workers would not be asked to clean the fields, so that overtime pay would not be required.

Council Member DeGise said this is the first time he was hearing about this, and as the DPW liaison, and he was sure that the situation usually arises if there is rainfall on consecutive days, because it is believed that the fields will still be too wet on Saturday. After talking with people from the DPW, the opinion is that they do not want the sports associations to go on the fields to lay clay and change puddles. If the fields are deemed unplayable on Friday, they remain unplayable on Saturday. Council Member Pizzella noted that Abby Lundy, President of HBSA, was in attendance at the meeting, and she spoke to some people at the DPW about the situation. Council Member Pizzella said his point was to make it clear that this is not a town initiative, and that parents are not being forced to clean the fields. Council Member DeGise said he would have a separate meeting with the DPW to discuss the matter. He invited Ms. Lundy to join that meeting.

DISCUSSION:

BUDGET:

1. Authorization for Statile & Associates to Prepare Emergency Management FEMA Plan

Mayor Arnowitz noted that this authorization is in the amount of \$672.50, and asked if it was something old. Council Member Meyerson responded that it is not, but it came from the Finance Committee, and the members of the committee had a question about how this came about. Council Member Frank responded that Butch Franklin is accustomed to dealing with Statile & Associates, and he requested this. Council Member Frank assumed that a purchase order was issued. Council Member DeGise said he knows how this came about, and he questioned it. Mr. Statile was contacted by Mr. Franklin, and Mr. Statile said he was

already working on it and the work was almost done, at which time he was going to submit a bill. Mr. Franklin did not think that the Borough would be charged for it, because according to Mr. Franklin, the work was 99% completed, and was comprised of files that he had previously worked on. Council Member Frank asked Ms. Witkowski if a purchase order was issued, and if a voucher was signed by Mr. Statile. Ms. Witkowski responded that she received a voucher, but she does not know if a purchase order was issued, because there was a question about whether there was a resolution authorizing the payment of the voucher. Council Member Frank asked if it is not customary that when a voucher is issued, it means that a purchase order was issued. Ms. Witkowski explained that the work must be encumbered, after which time a purchase order is issued to be signed by the department heads and put on the bill list. Mayor Arnowitz asked if this is something old, and the response was that it is not. Council Member DeGise said it is his opinion that the bill should not be paid, because there was no communication between Mr. Statile's office and the Office of Emergency Management that this was billable. The communication was simply that Mr. Statile had the files, and was already working on them, and he would get them to Mr. Franklin. There was no communication indicating that a bill would be forthcoming. Ms. Witkowski said she would follow up with Mr. Statile. Council Member Looes asked in the past, who prepared these plans, and how much was the Borough charged. Council Member Frank believes the bill should be paid, the situation should be corrected, and it should not happen again. Council Member Meyerson agreed, pointing out that he does not have a problem with paying people for work that is done, but he does have a problem with the fact that Mr. Statile is not the Borough Engineer, and should not have been given the work to do.

2. TAP Grant – Railroad Station – Engineer's Report

This was reported in the earlier discussion with Mr. Polyniak.

3. NJDOT SRTS Application – Engineer's Report

This was reported in the earlier discussion with Mr. Polyniak.

4. Approval of Bond and Release Retainage Fee for Reggio Construction, Inc.

This fee is in the amount of \$13,071.70. Ms. Witkowski explained that there will be no resolution for this next week, because Mr. Reggio was supposed to pay the Borough for some Police Department overtime, which he has owed since last year. She had a conversation with Mr. Reggio in which he said he would bring the check, but Ms. Witkowski has not yet received any check. Therefore, she will not issue any check to him until he pays the outstanding balance still owed to the Borough. Council Member Meyerson asked if the amount is equivalent to \$13,000, and Ms. Witkowski explained that he owes approximately \$4,000.

5. LOSAP for Additional Ambulance Corps Members

Mayor Arnowitz asked Council Member Kelley if there were a lot of new members. Council Member Kelley responded that he does not know why there is a separate list, and asked Ms. Witkowski if she knew why. Ms. Witkowski explained that there were two ambulance corps members who did not submit the paperwork, but it had just been received in Borough Hall. Council Member Kelley asked if this is an additional \$18,000 for the ambulance corps, or if it is the total LOSAP. Ms. Witkowski said she believes it is the total, including the two additional members.

6. Authorization for Overpayment of Refunds Year 2012

7. Authorize and Release Maintenance Bond V&R Developers

POLICY:

1. Resolution for Youth in Government

Mayor Arnowitz noted that these participants would be at the Borough Council meeting next week. A resolution must be passed to turn the government over to them. He was contacted by the young lady who will be Acting Mayor, and she is extremely excited. Council Member Meyerson was contacted by his surrogate, as well. The question was asked whether the young people will be running the Council meeting next week, and the answer is that they will be, but the Council Members must also attend. Ms. Witkowski advised them to watch the Council meetings on television to understand the process.

2. Employment Policy Handbook – Sick Leave Policy, 365 Days/Disability Insurance/Department Heads

Council Member Frank said the review of the employee handbook started in 2011. It came back from the previous labor attorney, and all of the technical parts were brought up to date. The issue was that some policy decisions are the responsibility of the Borough Council. One of the things to which Council Member Frank objected at the time, which was never resolved, is the fact that it is stated in the handbook that department heads are entitled to up to 365 days of sick leave per year, although they only work 200 days per year. There is no qualification or clarification on that policy, and Council Member Frank believes it should be reviewed for common sense issues. The current policy, with some variations, offers 12 sick days for the various department staff members. Council Member Frank recommended that the Personnel Committee should review this policy, and make recommendations about the sick leave policy. Council Member Meyerson suggested that new contracts for new hires should reflect the fact that any subsequent change in the sick leave policy will be incorporated by reference into the contract. Mr. Bernstein said that language is already included.

Mayor Arnowitz said he spoke to Ms. Witkowski about this, and Denise Kohan, Deputy Borough Clerk, has the as well as the handbook recommended by the JIF for comparison. Ms. Kohan is currently taking suggestions and recommendations, after which time she will go over the handbook with Mr. Bernstein to come up with a revised handbook. Mayor Arnowitz asked that this be done as quickly as possible. Any contract signed between now and the time the handbook is completed will contain the language suggested by Council Member Meyerson. Council Member Frank asked what the changes will be, and that is why he wants the Personnel Committee to review the handbook and make recommendations. Mayor Arnowitz responded that after Ms. Kohan and Mr. Bernstein have made their revisions, the handbook can be given to the Personnel Committee for their input. Council Member Frank noted that after reading the handbook several times, the only significant issue he had that was policy-related was with the sick leave policy. He also pointed out that it is not up to Mr. Bernstein or Ms. Witkowski said that policy; that is a Borough

Council responsibility. Ms. Witkowski noted that she and Mr. Bernstein could make a recommendation, but it must ultimately be approved by the Borough Council.

3. Support Assembly Bill A2226, Establish Bergen Watershed Flood Prevention & Protection Task Force

Council Member Kelley wanted to add to the resolution. The resolution currently includes the Hackensack River, and Council Member Kelley wants to add the Pascack Brook. Mayor Arnowitz responded that the Council cannot add to an Assembly bill. Council Member Kelley asked if it had already passed, and Mayor Arnowitz pointed out that the Council is simply supporting the bill. That was Mayor Arnowitz's complaint last time, because it does not affect the Hillsdale watershed. In fact, Mayor Arnowitz suggested that the Borough Council might want to consider doing a resolution asking the similar bill be introduced by our Assembly people in support of our floodplain. However, unless A2226 is changed in the Assembly, Hillsdale cannot make any changes to it. Council Member Kelley said he is asking if the Council Members can ask the Assembly to modify the bill to include the Pascack Brook, instead of having a separate bill introduced. Mayor Arnowitz said he already made that request when the subject came up at the Mayors' Meeting. He asked why it was not all-encompassing, but he did not get an answer. That is when Mayor Arnowitz asked for a bill of similar support for the Pascack Brook, because there are two floodplains involved. Mayor Arnowitz asked Ms. Witkowski to set up a meeting with Schepisi to investigate the possibility of doing another bill for the Pascack Brook. Council Member Kelley noted that the bill includes the language "... And their tributaries," and wondered if the Pascack Brook is considered to be a tributary of the Hackensack River. Mayor Arnowitz said he does not believe so, and he thinks it refers to the tributaries coming down through the forest. Mr. Polyniak added that it is considered to be part of the watershed. Council Member Kelley asked Mr. Polyniak if he thought that the Pascack Brook will be included in the bill, and Mr. Polyniak responded that he is not yet seen the bill, but it sounds like the Pascack Brook is considered to be a tributary of the Hackensack River.

Mr. Bernstein read from the bill, and noted that it includes all of the Bergen Watershed and its tributaries. Mayor Arnowitz pointed out that he gave that information when this resolution was first proposed, and he suggested that someone could reach out to Messrs. Schepisi and Auth and Ms. Huddle, some of the bill's sponsors. A copy of the bill will be sent to Neglia Associates to review to determine if the Pascack Brook is considered a tributary.

4. Execution of Interlocal Agreement, Public Safety Answering Point Telephone System with Paramus

Mayor Arnowitz noted that this is for the current 911 service.

MISCELLANEOUS:

1. Letter Dated April 1, 2014, from the American Legion Post 162 Re: Naming of the Patterson Street Bridge

Mayor Arnowitz explained that this is predicated on an issue he raised in the past. He was hoping to be able to dedicate the bridge to the family of one of Hillsdale's past employees and volunteer firefighters, Keith Durie, but he was not able to make that happen. Council Member Pizzella did some research with the Historical Committee, and the bridge is named for someone named Patterson who developed a lot of this area. Mayor Arnowitz did tell the Legion that the Hillsdale Avenue Bridge across the Pascack Brook is the Veterans Memorial Bridge, and he is still working on plans to take the names of the people who died during wartime, and determine what streets they lived on in order to dedicate those streets with plaques showing the names, ages, where they died, and their ranks, to dedicate the streets to those fallen veterans. As far as the Patterson Street Bridge is concerned, the Historical Committee feels that the name should not be changed, because it is already dedicated.

Council Member Frank that a letter that was submitted by the American Legion: "To the Mayor and Council from American Legion Post 162. Subject is the rededication of the new Patterson Street Bridge. We request the new Patterson Street Bridge be named the Hillsdale Vietnam Veterans Bridge, dedicated to the five Hillsdale residents who were killed in the Vietnam War. They were: George Poor; Peter Warner; Ernie Helfenbein; Edward Marr; and Michael Royle. The Vietnam War took the lead to 58,000 Americans and wounded 153,000. To this day, that war has left a bitter taste in the mouths of many Americans. The dedication of the new bridge to honor five of Hillsdale's sons could help ease some of that pain. We do have a street named after one Vietnam veteran who was killed in action, but the only Hillsdale citizens who would know are the ones who live on that street. There can be no better way to honor these five brave Hillsdale sons killed in action than to have a bridge named in their honor." The letter is signed by Post Commander Phil Langner, Past Commander Zoltan Horvath, and Past Commander George DeRosa.

Council Member Frank said he had conversation with Jerry Miano, Chairman of the Historic Preservation Committee, who suggested that that the Council Members work with the Committee to establish a policy regarding who and under what conditions can something be named for a Hillsdale person, whether it be a building, street, or bridge. Council Member Frank believes that is a great suggestion, and perhaps it could be put into an ordinance that would limit the qualifications required for something to be named after a Hillsdale person. He does not believe that people who are living or politicians should have things named for them, but honors for any person should come from a citizens committee, like the Historic Preservation Committee.

Mayor Arnowitz said he does not mind asking their opinion, but he disagrees that they should be making such decisions. He added that there is already such a policy in Hillsdale, which is built on volunteers. For example, the volunteers of the Fire Department, who spend 50 years or more in Hillsdale, usually have streets named after them, such as Winkler Way; Appeld Court; Arigot Court; Schill Place, etc. Mayor Arnowitz commented that veterans who served our country, and especially those who lost their lives doing so, should be honored. The flagpole at Veterans Field is named for a veteran who was killed in Vietnam. Mayor Arnowitz also believes that the bridge on Broadway near the railroad trestle is named for a veteran, but he is not sure. In addition, there are some monuments to Hillsdale veterans in the park. The parking lot at Veterans Field is named for George Poor. Mayor Arnowitz feels strongly that the people who serve in the Fire Department for so many years should be honored, as well as those who serve in the Ambulance Corps for many years, such as Al Murphy, who has been part of the Corps for more than 50 years. There are those who believe that the members of the Fire Department get paid, and they do receive LOSAP payments. Mayor Arnowitz added that he is a member of the Fire Department, as well as an ex-Chief, and he has been a member for more than 25 years. He also said that the stipend that the firefighters received does not pay for the gas expended getting to and from the firehouse in emergencies. In order to receive the LOSAP stipend, a firefighter must respond to a minimum of 40% of the calls, or 120 calls. Most firefighters respond to 60%-80% of the calls, risking their lives on a daily basis (which does not always involve a fire). Firefighters do not know what they will find when they respond to a call. Members of the Ambulance Corps respond to

many more calls than firefighters do; they average approximately 2,000 calls per year. Hillsdale has an obligation to recognize these people who have served the community for 50 years or more. Mayor Arnowitz believes those who have given their lives definitely deserve to be honored, but the people who volunteer for so many years also deserve recognition. That is why he believes that putting up additional signs on streets to honor veterans who lived on those streets is a wonderful way to honor their memories. This was the policy in the past, and should be the policy in the future. Council Member Frank asked if the policy was a written one, and Mayor Arnowitz said it was when it was first implemented, which was for Rudy Appeld. Appeld Court was going to be named for the daughter of the developer, and when Mayor Arnowitz asked why, he was told that is how it was always done, and he suggested that policy should be changed. Therefore, any street naming done in Hillsdale will be done at the decision of the Mayor and Council, not the developer. Council Member Frank noted that the people being discussed are contemporaries of his, and they left Hillsdale to serve and never came back. Moreover, the fact that Hillsdale has five people who were killed in Vietnam makes it extraordinary in the Pascack Valley, according to Council Member Frank. Some of them still have families in the area, and some special recognition is warranted. Council Member Frank feels that supplemental recognition on a street sign is not enough. Mayor Arnowitz responded that there are many things that can be done to honor them, but he does not want to take away from the 50 years of volunteer service by a member of the community.

Council Member Pizzella said he also spoke with Mr. Miano as the liaison to the Historic Preservation Committee. He believes what the committee has proposed is not about creating criteria for the naming of everything, but about creating criteria to name historical spots in Hillsdale. When he first heard about the idea of naming Patterson Street Bridge for someone, Council Member Pizzella thought it was a very good idea. After doing research, he found that it is named for David P. Patterson, who was the *de facto* "founder" of Hillsdale, and so Council Member Pizzella feels the bridge is appropriately named. Furthermore, he is not seeking to take anything away from volunteers are given so many years of service to Hillsdale, as well as those from Hillsdale who lost their lives serving their country. He does feel that the naming should be done consistent with the individual's good works. The Patterson Street Bridge has already been named after a founding father of the town, who owned nearly all of the property that is currently downtown Hillsdale. He donated Veterans Park and brought the railroad to Hillsdale. Mr. Patterson owned the property where Borough Hall is located, as well as building the first store and hotel in Hillsdale. Therefore, Council Member Pizzella thinks that what the Council should do, and what the Historic Preservation Committee is attempting to do, is for Hillsdale to create its own history and tell its story in a correct way. He agrees that individuals have given their lives and volunteered so much time to the town should be honored in an appropriate way, but the memories of people who came before them should not be eradicated in the process, especially someone as important as David P. Patterson, who essentially founded the town. There is no knowledge of this man; his house is gone, because he donated it to St. John's, and a school was built on the property. Yet there is nothing downtown that exemplifies David P. Patterson, and Council Member Pizzella hoped that at the very least, a plaque could be placed to honor Mr. Patterson and explain who he was. In addition, perhaps a sign could be erected where his house stood. This would tell the story of Hillsdale, as well as the stories of those who gave of themselves in the past, and those who still give today.

Mayor Arnowitz assumed that the suggestion of naming the bridge for David P. Patterson will move forward. A plaque can be obtained from the County and installed on the bridge for that purpose. Another way will have to be found to honor the individuals who died in Vietnam, as well as the other individuals suggested to be honored. Council Member Frank said he would discuss it with the other members of the American Legion to find other viable option for honoring the Vietnam heroes.

2. Business Affairs and Public Relations

Council Member Pizzella, Chairman of the Chamber of Commerce, said the Chamber of Commerce works hand-in-hand with business affairs and public relations. Many businesses in Hillsdale are very interested in creating a new Chamber of Commerce. He has also been offered assistance by the liaisons and chair people of the Chambers of Commerce in Westwood and Park Ridge. However, some of the local businesses in Hillsdale feel that the Chamber of Commerce has not been as supportive as it could or should be. Council Member Pizzella feels that supporting local businesses is the first step to creating a strong Chamber of Commerce, as well as nurturing economic growth downtown. Therefore, Council Member Pizzella proposed passing a resolution encouraging local shopping and supporting local businesses by creating a preference that local business be used for town-sponsored events. This would also direct the Borough Administrator and Borough staff to use local businesses whenever possible. This will help to organize a strong and proactive Chamber of Commerce.

Mayor Arnowitz said this could be done with things that are paid for by the Borough Council. However, it was his understanding that getting such resolutions passed was difficult or impossible. Council Member Kelley said it was his belief that such things were encouraged, but not required. Council Member Looes asked for clarification that the resolution would be encouraging the use of local businesses, rather than requiring it. Her concern is that it might preclude trying to find the best prices for things. Mr. Bernstein suggested that the wording could beat the effect that the Mayor and Council prefer, whenever possible, to use local businesses, as long as it complies with the law and is economically feasible. He is not sure that would require a resolution, except to state that it is the direction in which the Council wishes to go. Council Member Pizzella that he would support that, and believes it would go a long way with the businesses in town and help establish the Chamber of Commerce. The consensus of the Council Members would be to direct the Borough Administrator to strongly encouraged using town vendors whenever possible.

3. Letter Dated April 9, 2014, from the Office of the Bergen County Sheriff

Mayor Arnowitz stated that from May 7-9, the Sheriff's Department will be in Hillsdale to do work around Stonybrook Swim Club, but the bulk of the work will be behind Kings Supermarket. One resident called Mayor Arnowitz stating that a "dumpster rolloff-type thing" was placed on Borough property around Beechwood Park, which Mayor Arnowitz indicated was for the prisoners to use for any garbage taken from the area. Ms. Witkowski asked if Mayor Arnowitz as how many inmates will be coming to town, but he did not know. He added that Hillsdale usually provides lunch for the inmates, and Councilman Looes asked if the lunches could be provided from a local business.

4. Letter Dated April 21, 2014, from George A. Kritzler

Council Member Kelley asked if this is regarding the same issue as before, and the answer was that it is not. Council Member Kelley stated that after reading the letter, it is his understanding that there is bamboo on his neighbor's property, which is now coming on to Mr. Kritzler's property, and he does not want it on his property. Councilman Kelly thought that if something is planted on a piece of property that encroaches onto a neighboring property, the person who owns the planted material would be required to remove it from the neighboring property. Council Member Meyerson explained that he read Mr. Kritzler's letter, and the article attached to it. It seems that the nature of bamboo is different from any other plant, and he believes the matter needs to

be revisited. Council Member Kelly believes that the person who planted the bamboo should be required to remove it from the neighbor's property, but Council Member Looes pointed out that many people do not realize when they plant bamboo that it will spread so quickly and so far. Council Member Kelley believed Mr. Kritzler should have some sort of recourse available to him, because it should not be permissible for this type of thing to be allowed to happen. Council Member Meyerson pointed out that the owner of the bamboo did not "allow" it to happen; it just happened. It is akin to planting a tree on the edge of a property that grows over into a neighboring property. The growth and spread of bamboo trees is impossible to control. Council Member Meyerson noted that according to the article, it can take years to get rid of bamboo, and it may require the use of herbicides, which could be a problem.

Mayor Arnowitz said the correlation between the tree in the bamboo, according to his research, is that when a transplanted, the trunk and roots are placed on one property, but the roots can grow underground into neighboring properties. Bamboo, however, will grow on neighboring properties. Council Member Kelley asked Mr. Bernstein if there is a way that the Borough could intercede without causing a problem. Council Member Meyerson reiterated that he believes the issue should be revisited. Mr. Bernstein explained that it is a two-part problem. First, this would entail the Borough to involve itself in issues between neighbors, which should be addressed between neighbors, without necessarily involving the rest of the Hillsdale taxpayers, not only in terms of cost, but in terms of liability, as well. If the Council Members want to revisit the issue, it can be revisited. An ordinance or resolution can be prepared, but they are also difficult to enforce. The current noise ordinances also difficult to enforce, but it can be reviewed. If the ordinance does not provide some enforcement power, there is no reason to have such an ordinance. Council Member Meyerson pointed out that enforcement power does not necessarily mean jail; it could also entail fines, or some other form of punishment. He considers bamboo to be a serious problem, and it is one that is occurring more often as time passes. Now that a second complaint has been received, which is very similar to the first one, it should not be ignored, particularly due to the fact that both complaints involve the same type of vegetation, namely, bamboo. Council Member Looes pointed out that so many people choose to plant bamboo because it grows so quickly, but the growth is very difficult to control. For that reason, she believes the Council will see more of this type of complaints.

Mayor Arnowitz asked Mr. Bernstein to try to come up with some kind of ordinance or resolution that keeps the Borough away from interfering between neighbors. Council Member Meyerson pointed out that the second part of this is the enforcement issue, which requires people to go out and actually enforce such ordinances and possibly assess fines or jail time.

5. Block Party Application – 332 Evergreen Street, July 12, 2014

Mayor Arnowitz said this is an automatic thing.

6. Authorize Interim Administrator to Execute Sale of Shared Street Sweeper with Old Tappan

Mayor Arnowitz said he thought this was done already. Ms. Witkowski responded that it was discussed, but there has been no resolution prepared.

ORDINANCES:

INTRODUCTION:

AN ORDINANCE PROVIDING FUNDING FOR UPGRADES TO THE POLICE DEPARTMENT COMPUTER FOR THE BOROUGH OF HILLSDALE, AND APPROPRIATING \$70,000 FOR SUCH PURPOSE.

PUBLIC COMMENT:

Mayor Arnowitz opened the meeting to the public at this time.

John Ruocco, 25 Riverdale Street, had a question about the financial statements issued in 2012, which were issued with a qualified opinion. The reason was stated in the internal auditor's letter. The new statements are not available on the Borough website at this time, and Mr. Ruocco wondered if anything had been done to address the reason for the qualification so that it does not appear again in 2013. Ms. Witkowski asked if Mr. Ruocco was referring to recommendations, and he said he was not. He pointed out that there is a qualified internal auditor's opinion on the Hillsdale financial statements, and the reason was stated, and Mr. Ruocco was curious because the new financial statements have not yet come out. Council Member Kelly pointed out that the internal audit is occurring right now, and it has not yet been finished. Mr. Ruocco said his question is whether the auditor's reason for the qualification has been addressed by the Borough. Mayor Arnowitz responded that everything mentioned in 2012 has been addressed, and he is under the impression that everything that needed to be was corrected, or is in the process of being corrected. If anything is found in the current audit, it will have to be addressed at that time. Mr. Ruocco said the qualification was that the fixed asset accounting and reporting system was not being maintained in accordance with the NJIC. Mayor Arnowitz said that the new Chief Financial Officer will review. Ms. Witkowski pointed out that a fixed asset report was completed in 2013, and Mr. Ruocco asked if the specific reason for the qualification in the financial statement had been addressed. Ms. Witkowski explained that usually, after an audit has been presented to the Council, a corrective action plan is submitted, which includes all of the recommendations and is prepared by the CFO. Mr. Ruocco said he understands that is what usually happens, and he asked if it had happened. Ms. Witkowski said she would have to go back to see what this particular recommendations were.

Council Member Frank recalled that an outside company came in to do the audit, and he thought it was after the financial statement had been released. Ms. Witkowski said she does have a fixed asset report from the auditor who performs such services, but she would have to check to see whether it meets the recommendations made in the 2012 financial statement. Mr. Ruocco asked if there had been any conversations with the internal auditors looking at the 2013 statements, as to whether there would be any qualifications on that statement. Ms. Witkowski responded that there have been many conversations with the auditors. Mr. Bernstein said the auditor would have to be asked about this, and Mr. Ruocco asked if the answer could come as soon as next week. Ms. Witkowski said she would ask, and she asked Mr. Ruocco to send an email of his request to her and she would try to answer his question.

Next, Mr. Ruocco brought up the subject of fracking. He did not understand why the Council Members are hesitant to ban bamboo, but want to ban fracking. He said he is not a proponent of fracking, because it has its deleterious effects and while it has not been

proven that fracking causes all of those deleterious effects, in some cases it has. He has spoken to some people in upstate New York, where there is a ban on fracking, especially in the Binghamton area and north. Fracking does have a tremendous long-term economic impact in the areas where fracking has begun. On the other hand, there is a lot of opposition to fracking. The only thing Mr. Ruocco found surprising in the discussion he heard was that the Council Members would ban something before knowing the full details. Council Member Meyerson interjected that it is surprising to him that Mr. Ruocco would think the Council Members would allow something without knowing all of the potential environmental impact. Mr. Ruocco raised the same issues raised by Council Member Frank, who had taken the time to do research to see whether fracking had deleterious effects. Council Member Meyerson looked at reports showing deleterious effects, and compared the discussion about whether to approve fracking to the FDA's process of approving drugs, which takes years. Council Member Meyerson said he prefers that approach, and not allowing fracking to occur until such time as it is proven that it will not kill everyone. Mr. Ruocco said this reminds him of the efforts made when the automobile was introduced to ban automobiles from cities because of the impact it might have on animals and livestock. The country moved past that. Mr. Ruocco is not saying that fracking is a good thing, but he believes that banning it outright and have the local government spending time worrying about it does not seem to be a judicious use of time, unless it is known that fracking will be deleterious to this area. He also asked there is another way to convey this concern to those who are considering fracking in this area, without an outright ban. Mr. Ruocco thinks it is premature to ban something when all the facts are not known.

Council Member Kelly pointed out that bans can be lifted if the facts prove that it is not environmentally dangerous, and that it is beneficial. However, if there is no ban, allowing fracking to proceed, and then it is discovered that it is bad, that is too late. Council Member Kelley believes it is better to err on the side of caution. Mr. Ruocco said everyone shares the same concerns over the issue, and there is the potential for harm. However, to ban fracking in this area without knowing the details strikes Mr. Ruocco as slightly precipitous. Council Member Meyerson said he believes allowing it without knowing the details is precipitous. Council Member Frank noted that the State currently has bills in the Assembly and Senate that will extend the moratorium, making it, and effect, permanent. Governor Christie conditionally vetoed the first bill because it banned any wastewater from fracking coming into New Jersey from any other state, and there was a constitutional question. That bill is currently still in negotiation. Mr. Ruocco believes that when the town bans something, that is taking a position on that issue, and he does not know if there is enough information at this time for Hillsdale to take this position. Council Member Lewis pointed out that there are huge environmental and health issues associated with fracking, and if action is taken too late, they cannot be corrected. Council Member Frank asked what would happen if someone wanted to drill and do fracking in Hillsdale at this time; would that require a permit, a structure, appearance before the Planning Board, etc. Council Member Pizzella added that there are many municipalities that have laws and resolutions on their books which are usually overlooked when the State wants to do something. If the State wanted to bring fracking to Hillsdale or Westwood or Paramus, or just about anywhere they wanted to, they will. When a municipality approves a resolution, it gives that municipality some leverage to be able to say to the State that they are infringing upon the rights of the citizens and their right to govern themselves. That is really the purpose behind the resolution to ban fracking. Mr. Ruocco said if that is the case, he can see that point of view. Council Member Meyerson pointed out that if the State passes a law either way, it will pre-empt any action taken by Hillsdale. This resolution makes a statement that Hillsdale is erring on the side of caution when it comes to environmental regulations, which is an important statement to make, particularly when there is evidence supporting both sides of the issue.

Mayor Arnowitz ended the discussion by saying that the Council Members agree to pass the resolution next week, or in June. He meant what he said when he stated that he did not want fracking in Hillsdale, or in any area that is so heavily populated.

Abby Lundy, 73 Colonial Boulevard, wanted to let the Council Members and the public know that on Saturday, HB a say and the Hills Recreation Department are hosting "Play for Parkinson's," which is the second annual event of its kind. There will be a baseball/softball tournament; home run derby; and a speed pitching contest. There will be music and food, as well as other activities for children. All proceeds will go to funding research for Parkinson's disease. Mayor Arnowitz asked if there was an email blast about the events, and Ms. Witkowski said she believed there was, and it is also noted on the Borough website. Ms. Lundy noted that it starts at 9:00 AM on Saturday.

Mayor Arnowitz closed the public portion of the meeting at this time.

MONTHLY DEPARTMENT REPORTS: for May 13, 2014
(*The following correspondence on file in Borough Clerks Office*)

Ambulance Corp-

Construction Department-January 2014

DPW-

Fire Department-

Board of Health-February 2014

Hillsdale Library-

Police Department-January 2014

Recreation/Stonybrook-

COUNCIL COMMENTARIES:

Council Member Meyerson congratulated Neglia Engineering Associates for getting two grants totaling nearly \$400,000 for road paving in Hillsdale, which he thinks is fantastic. It will certainly help with respect to the budget.

Council Member Loes reminded everyone that the Fire Department carnival will run from Monday night through Saturday. She cautions people who drive through that area to drive carefully.

Council Member DeGise said he was honored to attend the 140th anniversary of the Hillsdale United Methodist Church. He mentioned that the Hillsdale Food Pantry comes from the church, and they currently provide 400-500 meals per month for people in need of assistance.

Council Member DeGise also mentioned the street sweepers coming through town, which is a joint effort with Paramus. He commended them for doing an excellent job. Mayor Arnowitz noted that in the downtown area, where there are cutouts, the DPW will have to go on with shovels to get the debris out. Council Member DeGise said that due to the upcoming parade, it would be

possible to set up a special street sweeping event along the parade route.

Ms. Witkowski mentioned that next week there will be a resolution regarding the agreement with Paramus regarding the street sweeper. She inquired of the Administrator in Paramus about whether the equipment would be available for special events, and what the cost would be. She is also looking forward to the Youth in Government activities next week. The children and adults alike seem to learn a lot.

Council Member Kelley also said he is looking forward to the Youth in Government activities next week. In addition, as mentioned by Council Member Looes, Council Member Kelley reminded everyone about the carnival, which will be open from 6:00 PM-10:00 PM on weeknights. It will remain open until 11:00 PM on Friday, and will open from 2:00 PM-11:00 PM on Saturday. On June 16, there will be the Hook and Ladder Golf Outing at the River Vale Country Club, with dinner at Seasons in Washington Township.. Anyone interested in participating can contact Council Member Kelley.

Council Member Kelley also congratulated all of the children who participated in the fishing contest, which was very successful. In addition, he congratulated the Borough Administrator and Interim DPW Superintendent for doing such a great job on the street sweeping agreement with Paramus.

Council Member Pizzella reminded everyone about Arbor Day, which is one of the few holidays that is celebrated around the world. The Environmental Commission sponsored the planting of a tree at each school, which are funded out of monies in the tree bank. Council Member Pizzella thanked the Environmental Commission, and specifically Stefanie Breuer and Jack Stubbs, who organized the plantings, and the DPW for their support and hard work at each planting. In addition, the Earth Day Fair took place as planned, and it was bigger and better than the last year. It drew many people to the downtown area. Birds were brought in from the Tenaflly Nature Center, and there was a beef farmer there. In addition, activities included henna painting and balloon art. The fair gave an important opportunity to local home businesses. One of the things that really impressed Council Member Pizzella was the school rock activity, with many young people participating in bands that sounded very professional. He thanked the Environmental Commission, especially James, owner of the Beehive Salon, who was the main organizer and sponsor of the event.

Finally, Council Member Pizzella mentioned that Cleanup Day took place as planned, with the Environment Commission, the Green Team, residents, Earth kids, Boy Scouts, and Girl Scouts all participating in the cleaning of Hillsdale. Over 80 participants collected 25 bags of recyclable material, and 14 bags of waste. The Environmental Commission also obtained a \$300 combined grant to be split with the Girl Scout troop 189. In addition, Council Member Pizzella thanked everyone who participated, and pay particular attention to Scott Raymond, who collected the trash in his truck.

Council Member Pizzella commented that he is very honored to work with the Environmental Commission, who are some of the most intellectual, good-hearted, caring people who do a lot of good for Hillsdale.

Council Member Frank noted that the Borough is now in the final planning stages for Memorial Day, and the theme this year is "American Heroes of the Korean War". Councilman Frank was very impressed by students in the schools who participated in the poster and essay contest. The posters have already been judged, and the essays will be judged this week. Some of the work done by the students in grades 6-8 writing essays and poems about the Korean War were very impressive; some of them will be read at the end of the parade. Parade day will start early with the Boy Scout pancake breakfast at Holy Trinity Church, and the emergency services ceremony will start at 9:00 AM with the Fire Department; followed by the Police Department at 9:15 AM; and the Ambulance Corps at 9:30 AM. At 10:30 AM, the rest of the parade will begin, and the ceremony at Veterans Park will begin at 11:30 AM. Council Member Frank said it is hoped that everyone can attend these important events. It is also important to strike a balance between making it a respectful day as well as a fun day, and to honor those who lost their lives.

Next, Council Member Frank mentioned the poppy drive, which is the main fundraiser for the American Legion during the year. All of the monies are used to support veterans' charities and active-duty personnel. As an example, Council Member Frank mentioned an email he received from Hillsdale resident who is currently deployed, and mentioned the need for some folding chairs for the ready room. Council Member Frank was able to order a dozen of the chairs with funds from the poppy drive, which were then shipped, and have already been received and are now in use in the ready room.

Finally, Council Member Frank congratulated David Franz, who is not only an excellent Library Director, but a great athlete, as well. Mr. Franz recently ran a 50-mile mountain trail race at Bear Mountain, finishing in over 10 hours.

Mayor Arnowitz pointed out that over the last three or four years, he has made a mistake. He has been saying to people that the new bridge at Patterson Street would be the same height as the old bridge, which is what he thought was reported. However, it is been brought to his attention that the new bridge is lower. In addition, more water will pass under the new bridge than what was able to pass under the old bridge. Mayor Arnowitz also received two phone calls from Hillsdale residents who are concerned about the path and other construction that is going on around the bridge, as well as the roadway. Mayor Arnowitz assured them that is that when the project starts nearing completion, he will walk with the Borough Administrator and Engineer through the entire project to make sure everything is done properly, and if the pathway is damaged, it will have to be fixed to at least get it back to the way it was before the work started.

Mayor Arnowitz congratulated the people who sponsored the fishing contest, which literally costs Hillsdale virtually nothing, but bring this so many rewards. Many people come to participate, and it brings a lot of business to local merchants, and it is a fun day. The stream is clean for the event, which brought Mayor Arnowitz to his next point, which was to think those who participated in and sponsored the Cleanup Day, which was a great success. He wondered where all the garbage came from, because there have not been any major storms around Hillsdale that could have washed all that debris downstream to us. Mayor Arnowitz believes the trash is coming from passing cars. He begged people to recycle, and stop throwing plastic bottles and cans out of their cars while driving.

Mayor Arnowitz also commented on the poppy drive. He was surprised when he first got involved with it to find out how the money is utilized. It is not used for anything other than fulfilling the needs of veterans, including sponsoring events, as well as providing supplies. Mayor Arnowitz asked everyone to give whatever they could for the poppy drive.

ADJOURN TO CLOSED SESSION: @9:48 PM

R 14105 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(b)7, matters relating to litigation and negotiation of the attorney-client privilege, Block 1109, Lot 4, 44 Beachwood Drive, Gassub/Wood tax appeals; Kraycinovich; eight, matters relating to the employment relationship, Personnel, DPW, CFO, Administrator. There may be action taken at the conclusion of Executive Session.

Motion by Council Member Kelley, Second by Council Member Frank

Roll Call Vote:

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

Nays: None

RECONVENE REGULAR MEETING: @10:50 PM

Motion to reconvene regular session by Council Member DeGise, Second by Council Member Kelley, and unanimously carried.

Borough Attorney Bernstein said let the record reflect all members of the governing body present for commencement of the executive session and are present for the recommencement of the open session as well as the Borough Clerk/Interim Borough Administrator and the Borough Attorney.

There was a discussion regarding the ongoing litigation regarding Kraycinovich and the Borough of Hillsdale. The Council has given the Borough Attorney direction, and no formal action needed to be taken. The Council was given an update on the ongoing resolution and the potential settlement in the Wood v. Borough of Hillsdale, et al., matter. No formal action needed to be taken. There was discussion about the possibility of Borough property, and the governing body has authorized the Borough Attorney to advise the prospective buyer of a lack of interest in such, and no formal action needed to be taken. There was a discussion by the Borough Attorney related to the ongoing issue involving tax appeals, and asking for the Borough Council to give consideration to such recommendation. No formal action had to be taken. There was a discussion about the ongoing issues involving the CFO position, then DPW Superintendent position, and the Administrator position, and no formal action needed to be taken, except that Mayor Arnowitz is as the governing body to give some consideration to certain points made relative to the Administrator's position. There was also discussion about filling the position of Fire Official, and the Administrator will be taking appropriate action to carry that out, or the governing body will take appropriate action at the next meeting. No formal action was taken at this time.

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

Roll Call Vote:

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

Nays: None

ADJOURNMENT: @10:52 PM

Motion by Council Member Looes, Second by Council Member DeGise, and unanimously carried.

THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE
TUESDAY, MAY 13, 2014-BEGINNING AT 7:30P.M.