

Minutes of a Council Meeting of the Borough of Hillsdale held at 7:30 p.m. on Tuesday, February 4, 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 4<sup>TH</sup> day of February 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:**

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

**APPOINTMENTS:**

**OATH OF OFFICE:**

Travis L. Woods, Probationary Police Officer

Max Arnowitz, Mayor

Council Member Meyerson administered the Oath of Office of Probationary Police Officer Travis L. Woods.

Police Chief Stalter said Travis comes to us from the Carteret Police Department where he was a Special Law Enforcement Officer Class II. He was also previously in Point Pleasant Beach. He was in the US Navy Reserve, Intelligence Specialist, he assures me he didn't work for the NSA and he attended Middlesex County College in Montclair and currently is living in Edison and hopes to relocate to this area. We are happy to have him and believe he will be a fine asset to our department.

**PROCLAMATIONS:**

**PRESENTATIONS:**

**APPROVAL OF MINUTES:**

Sine Die Meeting January 5, 2014; Reorganization Meeting January 5, 2014; Special Meeting January 10, 2014; Regular Meeting January 23, 2014; Closed Session Meeting of January 23, 2014

Municipal Clerk said this will be voted on at the next Council Meeting.

**PROFESSIONALS REPORT:**

Borough Engineer – dated January 28, 2014

Greg Polyniak, Neglia Engineering Associates –

Our office issued an engineering report dated January 28, 2014, for tonight's meeting. It lists a compilation of grant funding opportunities as it relates to 2014 submissions. These are packages that we intend to work with to address some of the grant needs this upcoming year. In addition, we have been speaking with the Police Department and understand they will be providing some information as it relates to a safety grant that will be submitted to the DOT. That grant application is due in April that is not included in the list and that will be a grant which we will be submitting. On Page 2 we list a series of grants that we filed on behalf of the Borough last year as it related to some infrastructure projects. We contacted each of the individual agencies for this upcoming year and it required some decision dates and as those decisions as they relate to the grants come in we will be forwarding that information to the Borough. In addition, we supplied PSE&G some information as it related to roadway projects that potentially may occur in the future so that there aren't any issues with respect to roadways getting repaired and then being cut for utilities in the future. That concludes our report.

Mayor Arnowitz thanked him for this report. Transportation Enhancement – I believe that this was something we went to once before which is something we tried to use to fix up the Railroad Station so he would be interested in that. Safe Routes to School – We have used that before to fix up our sidewalks leading around the three schools and he would like to look at that and the high school also. He needs the engineer's input as to what else – for example there is flood mitigation here, what are they willing to do? Rip rap, cleaning? We

talked at the Mayors meeting in the past that if we were going to do any work on the streams we would probably do it as a joint project of all the towns, from Woodcliff Lake to Harrington Park.

Mr. Polyniak said I know we do work with Bergen County as it relates to their own county and global wide hazardous mitigation program. In the future, they will be acquiring some equipment as it relates to stream cleaning and dredging; he knows that the Pascack Brook in Hillsdale is going to be at the top of the list. So the County in the future is going to be looking into addressing that in a county wide and global wide area. The permit that would need to be acquired which is a county wide permit will be submitted through DOT process, it would take a couple of months to acquire and then the equipment and grant funding through FEMA would have to go on line. You will be looking at least a year before you saw any movement as it relates to this. That is on the table and they are looking to address that.

Council Member Frank said we have a Community Development Block Grant last year or the year before to redo the bathrooms ADA here in Borough Hall. He understands that there is a time frame where if you don't spend money they take it back. I'm wondering if the clock is running out on that.

Mr. Polyniak will be glad to look into it and gather information from them and report back.

Council Member Frank believed it was \$65,000 grant.

Mayor Arnowitz said he believed everything was done in 2012, but he doesn't know. We have three bathrooms and if there was enough money they were going to try to put the additional funds to redoing the doors so that the doors leading outside had that automatic push the button and the doors open, but that was the second part of the project. The bathrooms were first and if there was any money left over.

Council Member Frank said it was his understanding those funds were awarded to us. It is just a matter of getting the project up and running.

Mr. Polyniak will acquire a copy of the resolution and the award from the county and we will address it.

Council Member Pizzella asked if he is aware of any town center grants; he noted you have Transit Village on here, but there is another type of grant which he has been reading about which is Town Center Grant and it is used to enhance downtowns, but there isn't a requirement for mixed use. Normally in a transit village you have this mixed use requirement but in a town center it is more commercial and business related. Can you add that to your list?

Mr. Polyniak said we can.

Attorney Bernstein arrived at 7:43 PM.

Mayor Arnowitz thanked him for this list and suggested that everybody review it again. One thing in your packets is a request from the Environmental Commission about Beechwood Park and he responded on his email. We have done it four or five times. It was the opinion of the previous engineer and some of the people working on the project, the wetness of the area, no matter what you do there, it is not going to last. He said he wasn't willing to put any more money into that area but he wanted the area looked at where the scouts do their Fright Night in Beechwood Park and maybe we could work on something back there.

Council Meyerson said the project you are talking about is grants that came from the county or the state but not Hillsdale taxpayers' money.

Mayor Arnowitz said she is asking if we would be willing to get a grant; in the past it has been Hillsdale's dollars for the scout project, various schools that did it. There's been a lot of time and energy to replace a lot of it, DPW worked on it, and it just doesn't last. It lasts maybe two years and then it is all chopped up.

Council Meyerson asked if there is a permanent solution that we could get grant money for.

Council Member Pizzella asked for this to be put off because the Environmental Commission has a group of citizens that are willing to do a lot of the work for free. Their meeting was the same date as our last meeting and asked if we could hold off on this discussion until he goes to their next meeting, which is Thursday and get more information and then get back to the Council. They do have a group of residents that are willing to do a lot of this work and they are also willing to do a lot of the grant application work to support documentation required. He didn't really know how much of it or how much is entailed, so he needs some time to get back with the Environmental Commission as to what they are actually looking into.

Mayor Arnowitz did not feel taxpayers' money should be spent there, either grant or matching funds. It doesn't seem to be worth it when there are so many other things that could be done to enhance our town and trails.

**MONTHLY DEPARTMENT REPORTS:** *(The following correspondence on file in Borough Clerks Office)*

Ambulance Corp-  
Construction Department-  
DPW-  
Fire Department-Summary Year 2013  
Board of Health-  
Hillsdale Library-  
Police-  
Recreation/Stonybrook-

**OLD BUSINESS:**

1. Sign ordinance update~Councilman Pizzella.

Council Member Pizzella said he doesn't have an update, he asked that this be put on because he received a couple of comments from businesses downtown about the sign ordinance asking where the sign ordinance is. The last time we talked about this, there were businesses that were assessed either fines or required to comply with it, then there were a large amount of businesses that were not required and we were going to hold off on the ordinance. Where are we with it because he is starting to think about the Chamber of Commerce and wanted to start approaching businesses but every time he even broaches the issue, the sign ordinance comes up. We did last discuss how we would hold off but how we would try to rectify the fact that some businesses were made to comply and some were not.

Mayor Arnowitz said as of right now, the sign ordinance as written was enacted and approved and is law. The governing body chose not to enforce it. To his knowledge there was no additional work to redo it, it has been done at an estimated cost from the Planner and we couldn't afford it.

Council Member Meyerson said the last time we talked about it was to have our Attorney go through it.

Mayor Arnowitz thought it was Planner but we didn't have the money.

Borough Attorney Bernstein said he did months ago and he provided an opinion letter relative to the issue in question.

Council Member Frank thought we were going to budget for it this year.

Council Member Pizzella asked how we rectify or justify some businesses that were made to comply but others were not. For example, the jewelry store downtown.

Council Member Meyerson said this issue came up last year and we tried to put it on hold until we got the chance to have a complete new sign ordinance and if we are to go forward. We are still in that position. We had a proposal from the Planner to review it; we couldn't afford it last year and take a look at it this year and potentially fund the Planner to have a full review of this coupled with what our attorney has done. I thought that was where we are heading. We are still in that moratorium mode so the fact that some people complied before, there was a relook at this by the current Council who felt that we ought to look at the ordinance before we start enforcing it further. There are some recommendations by the Borough Attorney and we want a Planner before we start enforcing or re-enforcing it further.

Council Member Pizzella asked the Borough Attorney how he should respond if a business questioned why they would have to comply with this and my neighbor next door didn't.

Borough Attorney Bernstein said the Borough is choosing not to enforce the provisions of the ordinance at this time. If they have any further questions, they can contact us and we will deal with them.

Council Member Pizzella said I can say that some were forced to comply.

Borough Attorney Bernstein said there was a point where the governing body decided prior to January 2013 that the enforcement of the ordinance would commence. There came a point early last year when the Council decided to advise Mr. Durie at the time not to go forward with the issue of the enforcement while we reviewed it.

2. Bi-State Clean Up Day, April 26<sup>th</sup>~Mayor Arnowitz (Fishing Derby 5/3/14)

**NEW BUSINESS:**

**DISCUSSION:**

**BUDGET:**

1. Payment of Bills
2. Approval of annual tonnage grant report and application for year 2013
3. Approval of TYCO Animal Control Service through December 31, 2014
4. Letter from Sprint, non-renewal of lease agreement, cell tower, Nextel, 383 Hillsdale Avenue

Mayor Arnowitz said we knew this was coming and believed it was in the \$30,000 range. This is the tower at the DPW but there is no gain.

5. DPW Teamsters Local 125, update~Borough Attorney Bernstein

Attorney Bernstein is waiting for a signed Memorandum of Agreement. He has given them a deadline and if we don't have it by the deadline, he will be back to the Council relative to where we go next.

6. Shared Services Update

Council Meyerson said we had a Shared Service Committee meeting. If you recall, just for the Council's edification, that we had approved to have a study by a particular company with respect to merging or a joint municipal court. Everybody has a copy both Westwood and River Vale also. We met with the person who did the proposal, we asked a lot of questions, we have a lot of information and we will be discussing in Closed Session because it involves potential negotiations with the other two towns, which is River Vale and Westwood. We don't need the attorney for this. There are several steps that need to be taken and the quicker we begin to take these steps because there is a lot of lead time down the line. He will give a five minute presentation and discuss what the issues are in closed session.

7. Execute lease Agreement with Metro PCS-Attorney Bernstein (R14045)

Mayor Arnowitz said we are doing this tonight.

**POLICY:**

1. Hiring procedure~Councilman Kelley

Council Member Kelley put this on hold until the next meeting.

2. Municipal Wastewater Management Plan~Borough Engineer

Greg Polyniak said the Borough received a letter in December as it related to their county wide Wastewater Management Plan for the Borough and county wide. The Borough has one or two options, one would be to enter into the BCUA County Wastewater Plan or prepare their own plan. We have contacted the BCUA directly to review the plan which the Borough is in at this point in time. There are no materials or very minimum material changes that would affect any municipality within Bergen County. The Borough should contact the BCUA and also contact the DEP and get the correspondence together illustrating that it wishes to remain within the county wide BCUA Plan. In addition as it relates to the correspondence there are a series of ordinances that the DEP put forth in 2008 and 2010 as it related to steep slope requirements and repairing buffer requirements. I don't believe the Borough had adopted at that point in time those required ordinances as part of this process; the Borough would be required to adopt those two ordinances. We forwarded them to the Borough Clerk/Acting-Administrator for distribution to the governing body for review and consideration at a future meeting.

Mayor Arnowitz said we do share some sewer lines with other towns, that doesn't affect us.

Mr. Polyniak said materially, no, it is just basically formalized and the same plan that exists with respect to the BCUA connections, pump stations, shared sewer lines within the municipality.

Mayor Arnowitz said one of the things we are going to have to look at, we do have something I believe on Ruckman and we might have a shared sewer line on Cedar where River Vale has their senior housing which could affect the flow. I don't believe we have the deed; this has been going on way before my coming on Council. I don't know what they pay, I don't know how the billing comes about, I don't know how we handle that. I certainly don't want to pay for their wastewater.

Mr. Polyniak asked if the Mayor would like him to contact the BCUA.

Mayor Arnowitz said yes, let us know. Does everybody understand what we are talking about? We have some sewer lines that, for expediency, Hillsdale pays for flow.

Council Member Frank said Woodcliff Lake is attached to our system up there.

Mayor Arnowitz thought Park Ridge and River Vale had some too. I don't know. That is something that should be checked periodically especially since Woodcliff Lake had a lot of development, River Vale will have development and we have to make sure we are not subsidizing any of the towns. He is sure other towns don't want to subsidize this.

### 3. Community Development Representatives

Municipal Clerk Witkowski said she received a phone call from Bergen County Community Development who requested that we submit a new Resolution naming the Representatives. Last year it was the Administrator with Council Member Frank, an alternate and two Council Members. She asked that this be placed on the Agenda next week and asked who should be named on the Resolution.

Council Member Frank said basically the primary representative for all the towns is the Administrators. When you go to a meeting it is all the Administrators and he was the Alternate, he went to some of the meetings but the former Administrator went to all the meetings.

Municipal Clerk Witkowski said two Council Members as well.

Council Member Frank said there are a handful of meetings during the year when they cut up the pie as to how much money is being allocated to the Pascack Valley. We have to get our projects in similarly as we did with the ADA bathrooms here, the ADA bathroom in the Health Department. We got some lifts for the swimming pool; the Community Development Block Grants all come from there. It is a pie that gets split up. You negotiate for the pieces of the pie. Primarily when you go to the meetings, it is the Borough Administrators and no one else from the majority of the towns. Occasionally, someone will fill in if the Administrator can't make it.

Council Member Meyerson said basically you are looking for an alternate.

Municipal Clerk Witkowski said the alternate will be named on the Resolution.

Mayor Arnowitz named B. Council Member Kelley, A. Council Member Frank and D. Council Member Looes.

### **MISCELLANEOUS:**

#### 1. Insurance Fund Commissioner~Mayor Arnowitz

Mayor Arnowitz recommended appointing Council Member Looes as our representative to replace Jonathan DeJoseph.

Municipal Clerk Witkowski will have a resolution on the agenda.

#### 2. Letter from Christopher Statile, P.A. regarding the Patterson Street Bridge Replacement Project, Status Report

#### 3. Economic Development~Councilman Pizzella

Council Member Pizzella said this should say Business and Public Relations. He was appointed to this committee and he wanted to start to find some residents who have finance skills and maybe some other sort of development-related skill sets and start to have meetings and bring economic development into the town. He wanted to know if that is o.k. It dovetails with Chamber of Commerce and he wanted to go ahead on that.

Mayor Arnowitz said no problem.

#### 4. Letter from Manal Sous, M.D. asking for support A4464

Mayor Arnowitz said his Dr. Sous' daughter was killed in an accident and asked a law be passed so that every time someone has a fatal accident a blood test be administered.

Council Member Meyerson said there were two potential laws. The first one only had one page and didn't have that part they were going to change so he was not able to review it.

Borough Attorney Bernstein said since the date is 2014, they may or may not have been reintroduced. The second one is the same issue. Before you do anything we need to find out whether or not the bills are reintroduced and renumbered.

Council Member Meyerson said the second one was different. It is a proposal that the State Assembly pass a law that indicates distracted drivers. He read it and did not think it was Constitutional.

Mayor Arnowitz does not see any problem with this. If you are involved in a fatal motor vehicle accident, you have a blood test.

Borough Attorney Bernstein will take a look.

Council Member Meyerson said the second one deals with is people eating in the car, drinking coffee in the car.

Mayor Arnowitz said the Attorney will let us know and we will decide whether we want to support it.

5. Tax Certification for year 2013 recycling

6. Open Space Grant application due April 2~Mayor Arnowitz

Mayor Arnowitz said everything dealing with Open Space requires an Open Space Tax and we don't have one.

Council Member Pizzella will look into it as he is on the Open Space Committee.

Mayor Arnowitz said be aware, anything that comes out of FEMA or Blue and Green Acres, County Open Space, Hillsdale has to have an Open Space Tax and we don't have one.

7. Letter Hillsdale Police Department, PBA Board of Officers

Mayor Arnowitz said this letter shows the changes in the Officers of the PBA; Adam Hampton President.

8. Municipal Housing Liaison

Municipal Clerk Witkowski said Jonathan was the Municipal Housing Liaison and asked if the Council would like the Administrator to be put in there as well.

Mayor Arnowitz wished to continue anything the previous Administrator did.

Municipal Clerk Witkowski said she will go forward to be certified by the COAH Funds.

**ORDINANCES:** none

**PUBLIC COMMENT:**

Mayor Arnowitz opened the meeting to the public at this time. Seeing no one, the public portion of the meeting was closed.

**RESOLUTIONS:**

R 14045 Authorize and Execute First Amendment to Communications Site Lease Agreement with Metro PCS New York, LLC

WHEREAS, the Borough of Hillsdale, Bergen County, New Jersey (hereinafter "Borough") and MetroPCS New York, LLC (hereinafter "MetroPCS"), are parties to a certain Communications Site Lease Agreement dated September 22, 2011 (the "Agreement") whereby the Borough leases to MetroPCS a portion of the Borough's Property for a communications facility; and,

WHEREAS, by mutual agreement, and pursuant to the terms and conditions of the aforementioned Agreement, MetroPCS and the Borough desire to amend the Agreement relative to the Term and Terminations provisions contained in Paragraph 3 of the current Agreement; and,

WHEREAS, a First Amendment to the Agreement has been prepared to effectuate the amendment as required by the terms of the current Agreement; and,

WHEREAS, after review and approval of the First Amendment to the Agreement by the Borough Attorney, the Borough Council is desirous of executing the First Amendment document.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey, that it hereby authorizes the Mayor and Borough Clerk to execute, on behalf of the Borough, the First Amendment to the Communications Site Lease Agreement; and,

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

Roll Call Vote:

Ayes: Councilmembers DeGise, Frank, Looes, Meyerson, Pizzella, Council President Kelley

Nays: None

## **COUNCIL COMMENTARIES:**

Council Member Kelley said we had a snow storm Sunday night, we have another coming tonight, and a possible storm on Sunday. Please shovel out your hydrants to make sure if we are needed, we can get our water supply. On February 28 we are conducting a fund raiser at the Firehouse "Texas Hold Em;" and March 28, Comedy Night.

Council Member Pizzella had no comments.

Council Member Frank said this is just a reminder that we don't have a QPA right now which means our purchasing procedures have to change until we get a QPA. It means the threshold before we have to get three bids on every purchase has been dropped automatically as well as the threshold for when we have to go out for public bid. Until we get a QPA, he wanted to make sure our purchasing department is aware of that. Just a reminder that any text we send or receive while we are up here is a public document. It is subject to public disclosure.

Council Member Meyerson cautioned everyone to drive carefully.

Council Member Looes congratulated Chief Durie and this past weekend he was honored at the Chief's dinner at Seasons and looks forward to working with him.

Council Member DeGise thanked the DPW for an outstanding job. The DPW holds 400 tons of salt and as of early morning we have five tons left. There is a state-wide shortage of salt; today NJOEM took over the supply of salt under their management control and ceased all loads of salt going out from the Port Authority and trucking is only coming in from Albany. You may not have salt on every side road but they have been concentrating on county roads with the salt. We did get gritting which is a sandstone mixture that will be put on primary roads and secondary streets may be slippery and cautioned drivers to drive slowly. The State OEM doesn't think this will pass anytime soon, there another two storms pending in the forecast besides the two coming this week.

Mayor Arnowitz received an informal complaint which has been a problem for our DPW over the years. The overhangs of basketball courts impedes plowing. It is his opinion they should be required to move them, push them out of the way. It causes problems for drivers to have to go around them and it does slow them down. He didn't want residents to get tickets but he wanted them to get them out of the way. Perhaps a warning before we start ticketing people, it is not fair to the DPW.

Borough Attorney Bernstein said Council Member Frank is correct that there is an absence of a QPA; what that means is we are back to the good old days which is the bid threshold that existed under local public contract law before we got answers. The current is about 17,500 instead of about 32,000. We will deal with it.

Municipal Clerk Witkowski added to Council Member DeGise's statement. The Superintendent was on a live conference call with the county and everything Council Member DeGise said came from that. She posted on the website tonight a warning that the main streets will not be salted, drive carefully. Public Service phone numbers are posted; they stressed that they don't know when your power goes out. She asked that residents write down the number in case they lose power, charge your phones, and if you need to call them, call them, it is an 800 number.

Mayor Arnowitz reminded everyone that taxes are being paid now. The grace period ends on the 10<sup>th</sup>. He asked everyone to be careful when they leave tonight.

**ADJOURN TO CLOSED SESSION:** @8:14p.m.

R 14044 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~Personnel: DPW, Zoning, Finance, Administration. It is necessary for the Borough Council of the Borough of Hillsdale to discuss in this session certain matters relating to the item or items authorized by N.J.S.A. 10:4-12 B and designated below seven matters related to negotiations, litigations and attorney client privilege.

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.
- X (7) Matters relating to litigation, negotiations and the attorney-client privilege *Shared Service Court Study*
- X (8) Matters relating to the employment relationship *Interim CFO, Zoning Official*
- \_\_\_ (9) Matters relating to the potential imposition of a penalty.

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

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

**RECONVENE REGULAR MEETING:** @ 8:51 p.m.

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

Borough Attorney Bernstein said let the record reflect that all members of the governing body present at the executive session as commencement of the regular session, including the Borough Clerk and Borough Attorney. The Mayor and Council has given direction to the Interim Borough Administrator regarding the issue of the shared service court study, the Zoning Official position, and there is a resolution to hire the Interim CMFO on a part time basis, not less than 17.5 hours per week.

On a motion by Councilmember Meyerson, seconded by Council President Kelley to appoint Durene Ayer to the position of Interim CMFO through August 31, 2014 unless a permanent CFMO is appointed. All in favor and unanimously carried.

**ADJOURNMENT:** @ 8:53 p.m.

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

**THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE  
TUESDAY, FEBRUARY 11, 2014~BEGINNING AT 7:30 P.M.**