

Minutes of the Council Meeting of the Borough of Hillsdale held at 7:30 P.M. on Tuesday, March 1, 2016, in the Council Chambers, Borough of Hillsdale, New Jersey.

OPEN PUBLIC MEETING STATEMENT:

This is a meeting of the Hillsdale Borough Council on this 1st day of March, 2016. Notice of the time and place of this meeting has been provided to The Ridgewood News, Pascack Press, The Record and Community Life; a copy was posted on the bulletin board outside of this meeting room and provided to any interested parties.

Please notify the Municipal Clerk for any disability requirements necessary for attendance at Mayor and Council meetings. The fire exits are located through the double doors to your left. Please silence all cell phones and pagers.

ROLL CALL:

Council Members DeRosa, Karcich, Looes, Lundy and Ruocco
(Mayor Frank, Borough Attorney Madaio, Deputy Borough Clerk Kohan)

Absent: Council President Pizzella

PRESENTATION: none

PROCLAMATIONS: none

PUBLIC COMMENT:

Mayor Frank opened the First Public Comment Session which is a time limited session and is for new topics only and one speaker per topic. He invited the public to come forward and identify yourself with name and address.

Marissa Cefali, 6 Manson Place –

She indicated she wanted to make a statement and understood the Council would be unable to comment. She was sad to read the article on February 11 about the road block and the purchase of the Tandy Allen property with Open Space Funding. Hillsdale has less than 5% of vacant land left. Council President Pizzella said in the article that you would continue to look for opportunities to preserve open space. At the moment the Planning Board is hearing an application for a 49 unit apartment building to be constructed on Patterson Street. This parcel of land is over eight acres with only two acres suitable for building. The remaining acres are wetlands. She was aware that the Council cannot discuss an application being heard before the Board but it never hurts to find an alternative. She suggested the Council consider this property for open space; the parcel borders the Pascack Brook and the Public Service substation which flooded terribly in the past. Public Service is spending \$626,000,000 to raise the substation. This project will only add to the flooding issues along the brook and downstream. In the news last week it was reported that this area is where the turkeys surrounded the mail truck and the police were called. She is now known as the turkey lady because she was on several news casts. United Water removed a large number of trees a block from this property for the dam project and wildlife is being squeezed into smaller and smaller areas. Hearing that the state will be funding a walking trail along the reservoir and thought it would be awesome if we could purchase this as open space and somehow connect it to the path. If that is impossible, turning it into a wetland park for educational purposes would be another option. She thanked the council for the time allotted to her for her comment.

Kurt Wolckenhauer, 19 Hopkins Street -

Recently we had about three inches of rain and fortunately we did not flood because the reservoir was low. He went to the new bridge by the post office and asked why the beams are lower than four or five feet? There is a yellow sign indicating three feet right underneath the beams and asked why the beams were

placed so low at the bridge. Does the water company plan to continue lowering the level of the reservoir because we could have had a lot of flooding last week?

Mayor Frank said the reservoir will be going back up to where it was before the dam project in terms of the elevation which is 95 feet. We requested it be lowered to 91 feet. All the work on the dam was to strengthen the dam so that it wouldn't fail. When the water level is low in the reservoir it serves to buffer to absorb rain water that might increase the flooding downstream.

Mr. Wolckenhauer (Contd).

We have new neighbors and they are concerned. We haven't had flooding in the past four years. He asked again why the bridge was built so low and it looked like it was almost touching the bottom of the beams.

Engineer Statile said whenever you have three inches of rainfall you are very likely to risk what we call out of bank flow where the water will come out of the bank. Most of the rivers in New Jersey can carry a three inch rainfall. When you see rainfall of three inches, you will see flooding some place in town. The Patterson Street Bridge was lowered because it is downstream of the old bridge giving the impression it is lower. The river is going downhill and the bridge is going downhill. The actual opening size of the bridge is slightly larger than the old bridge. It is not as tall but it is wider. We had to show the state that we do not disrupt the water surfaces because we build a new bridge. If we wanted to open the bridge another 10 feet causing flooding in Westwood, we are not allowed to do that because the DEP will see the model and not allow it. We have to make sure a new bridge model is like the old bridge so it is a little squattier but a little wider so the actual opening is the same as the old bridge but again it is a larger bridge. It has the same capacity. At three inches of rain is where you are about to see water over the banks and you will probably have problems.

Mr. Wolckenhauer (Contd).

If the reservoir is full and we have three inches of rain how much flooding will we have? Does it depend on what the reservoir levels are?

Engineer Statile said the reservoir when full has no capacity so what comes in goes out. With three inches of rainfall it is very likely you will have some flooding downstream. That is the answer. If you have a little deficit in the reservoir of five feet, you have a little buffer but that is a very small reservoir.

Mayor Frank said we can't guarantee anything as to what will happen with rain.

Engineer Statile said we have what is called antecedent moisture which is moisture content of the soil. It is like August and the soil is like a rock because it hasn't rained in three months. The water hits it and it runs. If it is this time of year, March, September or October, the soil has a little more moisture in it, it absorbs the water.

Mayor Frank said an engineering study was done a couple of years ago and it indicated that quite a bit of the flooding was due to water that entered into the stream after the dam from all the storm drains that feed in from everything below the dam so if the ground is hard, there is no absorption and there is more runoff.

Mr. Wolckenhauer (Contd).

He referred to the new building by Shop Rite, he notice retention walls and when anyone builds in Hillsdale has to place them in.

Burt Simpson, 197 Forest Drive –

He gave the Council his more extensive feelings on the Sign Ordinance which deal with three addressing aspects which may or may not be appropriate to deal with at this point, but in a half page he summarized some or the more basic issues that should be dealt with. He also found some other issues in the ordinance and he might change picture to image perhaps; under premises, you refer to a person, he would use goods available on the premises instead; on political, he would add county is one of the possible elections. On sign limitations toward the back it refers to directory sign for upper story, non-residential uses, you might allow for the possibility there might be other units on the ground level that might not be visible from the street that would need a directory as well. One thing that should not remain is to allow a corner commercial building to post the address on both street frontages. If it is included on the other street, there should also be the name of the primary street so that you know it is associated with the other street. That should also apply to any commercial properties that have through block lots as well.

Mr. Wolckenhauer (Contd).

You have the reverse 9-1-1, can we put our cell numbers on house numbers because we received so many 900 numbers and is there a way to put our cell numbers on?

Councilmember DeRosa said if a resident wishes to change their current phone number, you can email him on the website and he will be sure it gets to the proper location.

Mayor Frank closed the meeting the public.

APPROVAL OF MINUTES:

Closed Session Minutes August 31, 2015

Motion to approve and file by Councilmember Looes, Second by Councilmember DeRosa.

Roll Call Vote:

Ayes: 2015 Council Members DeRosa, Looes, Ruocco

Abstain: 2016 Council Members Karcich, Lundy

Absent: Council President Pizzella

Meeting Minutes November 10, 2015

Motion to approve and file Councilmember Looes, Second by Councilmember DeRosa.

Roll Call Vote:

Ayes: 2015 Council Members DeRosa, Looes, Ruocco

Abstain: 2016 Council Members Karcich, Lundy

Absent: Council President Pizzella

Closed Session Minutes February 9, 2016

Motion to approve and file Councilmember Looes, Second by Councilmember DeRosa.

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco

Nays: None

Absent: Council President Pizzella

PROFESSIONALS REPORT/MONTHLY DEPARTMENT HEAD REPORTS:

(The following correspondence on file in Borough Clerks Office)

Borough Engineer –
Ambulance Corp-
DPW-
OEM-
Fire Department-
Health Department-
Police- February 25, 2016
Recreation-
Stonybrook-

Borough Engineer Statile said the Public Service Substation Phase II will begin. They hope to have their work completed by May. There will be noise with pile driving, the police department is aware of this. If anyone has a problem or the neighbors they can call him so that he is aware of it.

Our architect has reviewed another project, the train station handicapped bathrooms. Councilmember Looes said we never received an engineering report.

Councilmember Karcich said he received a report but it was a separate email.

We will be taking care of the culvert and stabilize the baskets.

Councilmember DeRosa asked Mr. Statile if he has had any discussion with Woodcliff Lake about distribution of the cost.

Engineer Statile said he had the baskets installed many years ago to protect the culvert and they are doing just that.

Councilmember DeRosa said he knew there was an issue and if that issue has progressed. You have come down on the cost estimate which originally was six figures.

Engineer Statile said the figure will be lower than \$50,000. There are two projects on Saddlewood Drive that are being addressed by the other engineer, one is relining the metal pipe which is near Hillsdale Avenue and the other is rebuilding the manhole for another culvert crossing. That project is awaiting better weather to begin. The 2015 road program which was bid last year and awarded in November, we will wait until April to schedule that work which is in Glenbrook Park. There was a change order excluding Sycamore.

Councilmember Ruocco pointed out the dead end sign at the intersection of Glendale and Sycamore indicating Sycamore is a dead end and he did not believe it was.

Engineer Statile said it was not and he will take this up with the Public Works Director.

Mayor Frank said we talked about doing the road survey and an analysis of the road priorities. We are looking at the possibility of adding some roads in 2016 and need help in getting priorities.

Engineer Statile said we just completed the four wells and stream at Centennial and should receive results shortly. We have had an issue with them for the past 25 years; we also authorized a purchase order to do the probes on the field itself for methane gas that might be picked up. Methane air quality testing is a \$35,000 item and did not know if that was authorized yet.

Train station relocation – Council President Pizzella is following up with New Jersey Transit real estate to get an agreement to allow us to undertake the work on the roof. We measured the bathroom and will start working on the plans for access improvements to the bathroom. Stonybrook Swim Club we took bids on February 25 for new pumps for the diving pool, the kiddie pool and the intermediate pool. Those bids came in at \$35,500. He believed a contract was to be awarded next week. The work should be done by May 13 and asked that be placed on the next agenda.

Regarding grants for 2016, Bergen County Open Space for the walking athletic trail, they will have their meeting shortly to approve all the open space grant awards for the county, not just for Hillsdale. We will receive an agreement from the county, sign the agreement, and we can begin work once the agreement is executed. DOT, Local Aid, the Borough applied for Hillsdale Avenue last year but we haven't heard as yet, usually we hear in the spring. Those grants usually amount to \$150,000. If we receive the award, we can start right away. You get a percentage of the money up front before you do anything.

Engineer Statile said Hillsdale Avenue has high traffic volume and is an excellent road for DOT. We paved it about 15 years ago and we will probably hear from the state in the spring. We may not cover all the way to River Vale not at \$149,000, he did not know if it would be enough to go that far. The worst part is between Beechwood and Kinderkamack.

Councilmember Looes said the portion Everdell to Cedar Lane is the only part that she has heard residents refer to curbs or additional sidewalks, not so much a road issue as much as a curb or sidewalk issue. If you walked from Beechwood Park to Stonybrook there is no sidewalk.

Engineer Statile said we put in a grant for Community Development accessibility for the firehouse access doors with the county. He does not yet have any information on that grant. The next part of his report are development applications before the Planning Board.

Mayor Frank said we want to hear about them but not here. We talked about replacing the speed bump on Yessler.

Engineer Statile said a smaller bump.

Mayor Frank said the one there was a chassis scraper, it slowed the traffic down very well but it also annoyed the neighbors because it made a lot of noise.

Councilmember Ruocco referred to the road program and asked who handles the painting of the roads, the white across the street. Is that vendor or is that us?

Engineer Statile said is done by the vendor who does the work.

Councilmember Looes believed our DPW renewed some of the lines in the springtime.

Engineer Statile said the vendor uses plastic that melts into the asphalt that lasts five or six years. The DPW uses the latex paint that is purchased at the hardware store. We should consider doing the entire town with plastic and put out a bid for that. It gets all done and you get five years out of it, every crosswalk, every stop line and you get a better price if you do the entire town at once. It is usually done in July or August and there for five years. Plastic dries in 10 seconds where with the paint you have to put up the cones, take them down, etc. It is something to look at it.

Captain Smith, Police Department –

During the month of February there were 87 dispatch shifts which were all covered except for two shifts which were covered by patrol staff. There was a tabletop exercise for patrol staff involving active shooting, there was an actual shooter tabletop exercise that was conducted with the Pascack Valley High School Administration. There were 123 motor vehicle summonses issued, 183 motor vehicle warnings, and five criminal arrests as well as a group of turkeys. Last week the Hillsdale PBA Local 207 hosted a Pasta Dinner for the Hillsdale House seniors which was very nice.

Councilmember Karcich said before he got on Council, he was impressed with the planning that was going on with active shooter and for the people at home, could you clarify what tabletop means vs. other ways you go about the training.

Captain Smith said when Chief Francaviglia took over this was one of his wishes that get an active shooting scenario conducted at the Pascack Valley High School on a larger scale. We are in the beginning phases what we call tabletop, but we sent out several officers to be trained, very intensive training. These officers are now highly trained and in this phase we do tabletop exercises which consist of having a map of every classroom and layout blueprint of the Pascack Valley High School. There are many different scenarios that can happen at the high school and that is the largest concentration of people in Hillsdale at one particular time. We set officers on their shifts and have them talk us through what they would do in this instance and it generates a lot of feedback and discussion. We took it one step further and sat down with the Administration and security personnel there. We put a plan in place and speaking with other police departments and schools, we are way ahead of the curve. We have to have a plan, we are working on it, and it is progression.

Councilmember Karcich said when he met with the police he was very impressed with the amount of planning and procedures laid out to protect our schools.

Councilmember Looes said she heard from students in the Forensics Class and the added value in our high school because of the education that the kids have with having an officer there giving them real life experience, explaining laws to them, really talking about things that could happen, will happen, and the kids took a lot from it. It is a real value to our community that the kids have this resource and know they have someone they can talk to.

Captain Smith said we are very privileged to have an officer in the high school and we want to continue that on a full time basis. At times it is a strain on the schedule but we love having him there. Officer Zimmerman today conducted a self-defense for female class. She had two trained officers come in from another jurisdiction and it was well received. We continue to concentrate on our high school which is our number one concentration.

Mayor Frank said we do have innovative and progressive leadership in our Police Department and we greatly appreciate it.

COMMITTEE REPORTS:

Councilman - Anthony DeRosa

Councilman - Scott Karcich

Councilwoman - Chris Looes

Councilwoman - Abby Lundy

Council President - Frank Pizzella

Councilman - John Ruocco

Councilman DeRosa said the Regional Board of Education just completed two days of virtual school days and a survey was sent out to parents and students. The reaction was very positive from the students, mixed

from the parents leaning more towards positive. The conclusion of the survey was that the students felt as though virtual class that involved the teacher and some sort of participation was preferred than the other version where they were given the opportunity of just listen. The Board is also considering recording of meetings and awaiting a report from the policy committee on that, would it be audio record or actual record. They are also considering a transgender policy, an interesting topic and suggested attendance at the meetings if you have an opinion. It would involve what type of gender the person declares. Case law states that facility changing rooms, locker rooms, bathrooms is available to that person depending on what gender they declare. It presents issues on both sides. There will be a meeting next Monday evening.

Councilmember Karcich –

Next week we will officially swear in for membership Joseph Solda who will be a great addition to the Fire Department. We are actively looking at taking advantage of the state's tuition reimbursement program and from a building perspective at the firehouse, we are going to look at the roof along with the other rooves of the borough buildings meaning borough hall, DPW and see what the numbers are because we have many leaks in all these buildings. We are looking to repair the apron in front of the firehouse and the back of the firehouse where the doors go down and get bids on that and roll it in with the Ambulance Corps as well. They held a successful poker night last Friday.

With regard to the DPW, they are actively preparing to get all the ballfields ready for opening day and the different sports seasons that are starting. They are beginning to fill some of the small potholes with cold patch and are waiting for it to warm up a little more before they start filling up the larger potholes. Dan reassessed the tree program and came up with a priority list of trees; he has an immediate and secondary priority list and tree cuttings will begin soon. On March 21, Future Sanitation will start grass pickup.

Councilmember Looes –

Regarding the tree program, last year we discussed a tree maintenance program, not tree cutting. This included maintaining the trees because trees were planted by Beechwood Park and there was concern that no one maintains the trees that are planted and they die. It was discussed, it always comes up, and the following spring there are problems with maintenance and making sure they are being watered in certain areas, etc. on borough land.

Councilmember Karcich will discuss this with the DPW. We were discussing which would be done by PSE&G and which ones are our responsibility, which ones will cause imminent danger to people or property and others that would only need trimming. He will report to the Council.

Councilmember Looes said the Mayor mentioned Public Service and the building department as did our engineer and difference to our variance code. Construction will begin at 7AM instead of 8AM so they can finish the job as soon as possible. There is a difference in the Sunday construction as long as there is no work on the pile drive by Public Service. The only thing is the additional hour in the morning and construction on Sunday but not the noisy construction just so that the project can be moved along.

At the end of March there will be a meeting to see if we will get the grant money for the extra exercise space at Stonybrook. There is also a meeting this week discussing healthy towns with Northwest Mutual and our health department's assistance. She will be attending that meeting to see if Hillsdale does get help.

Councilmember Lundy –

Stonybrook received two bids for their concession stand for 2016 and it is being reviewed by Mr. Madaio. The higher bid is the previous concessionaire; they also received bids for the pumps which are also being reviewed. The RFQ for the dome is still under review and Patty will be meeting with Chris Statile to get all of the particulars in place. Stonybrook will be advertising for the upcoming season starting March 14 and registration will open on March 14, there will be a 10% discount given to all new members. Work will begin on the new pools in mid-March to get them ready for opening. Next week the Pool Manager, Patty Hughes, will be attending the New Jersey Pool Association dinner.

We are getting good exposure for Makers Day which is coming up and for our large print catalogs at the Library.

Councilmember Ruocco –

The Finance Committee completed its work in terms of meeting with all of the departments. We have drafted a preliminary budget and seek to introduce it next Tuesday assuming we can publish it March 26. We are targeting adoption on April 12. That is on target.

On March 16, there is a luncheon for seniors at 11:30AM at St. Johns which will be a corned beef luncheon to coincide with St. Patrick's Day. There is a Community Development meeting tomorrow at Old Tappan

late in the afternoon. It is primarily a reorganization meeting for that group and did not believe any key decisions or announcements of grants will be given out at that meeting. The SOS Group and Demarest Farms, Mr. Madaio and myself participated in a mediation session last evening in Hackensack and progress is apparent. The parties appear willing to work together.

OLD BUSINESS:

1. Recreation Sports Agreements- Council Member DeRosa

Councilmember DeRosa said each of the associations has a copy of the Agreement, they have circulated it through their membership, waiting for some to have their next meeting cycle. Tomorrow evening he will explain a little further to the associations. Presently he only has one signed Agreement.

2. Electronic Recycling

Mayor Frank said we discussed this last month where the cost of recycling electronics that we collect at the DPW yard has doubled over last year. It is becoming a significant expense. He offered some options to the Council for consideration and we need to come up with a decision. First, we could no longer take electronics and have residents bring them to the county where they have centralized collection four times a year; locations are at Bergen Community College, Campgaw and at their facility in Moonachie. Second, we could limit the number of times that we accept recycling at the DPW to four times a year and we could reduce our costs significantly. Third, after discussions with our DPW Superintendent, if we were to purchase our own container and collect electronics and deliver the recycling goods to a recycler, it would lower our costs. However, that gets us in the business of transporting it, collecting it and we would have to buy a large container to do it. The container would have to be closed because if the electronics would get wet, there would be some leaching and there a lot of issues related to that. Today he received an email from a new potential source for electronics recycling that we have to explore. Council should consider these options soon. He suggested Councilmember Karcich meet with Dan O'Rourke and come up with a plan that is financially viable plus good service to the residents.

Councilmember Karcich was not adverse to the container idea but he wanted to be sure we have a piece of equipment to actually transport recyclables as it will be a heavy load wherever they are going.

3. PSE&G Substation

Mayor Frank said we are working with PSE&G on their substation. This is Phase II of three Phases; Phase III is yet to go before the Planning Board and the Borough Engineer said they are hoping to finish Phase II by the end of May into June. We have a resolution on the Agenda tonight to pass to give them the variance to the construction hours allowing them to finish early. The purpose is to get the construction over before the summertime and if we didn't give the concession on Sunday hours, the work could easily stretch into June and July when residents are outdoors more frequently.

4. Sign Ordinance

Mayor Frank said the Sign Ordinance is scheduled for adoption next week. We had the Zoning Officer contact some of the commercial establishments in town who have the most egregious displays that will require corrective action and give them a heads up. The only comments we have received regarding this ordinance were from Mr. Simpson.

5. Garden State Parkway Cell Tower

Mayor Frank said we have a group of citizens on the west side who are opposing the construction of the 85 ft. cell tower by 18 ft. right at the bridge on Hillsdale Avenue over the Parkway. We currently have a 30 ft. cell tower there is attached to a light post and they would remove. The 85 ft. cell tower will be noticeable. There is a strong objection to it. We had a meeting with AT&T and New Jersey Turnpike Authority here on January 28, subsequent to that they collected more information. He wrote a letter with a copy to the Governor and Senator Cardinale and Assemblywoman Schepisi who were supportive. He received a call yesterday from the Governor's office, Chief Counsel, and was advised that the Governor wanted the Chief Counsel personally to contact him and let him know that the Governor is paying attention to this and offering support. Next week he has a meeting scheduled with the chief operating officer of the New Jersey Turnpike Authority who will look at it and to discuss our objections. He will report to the "no more cell towers" group as well as the Council.

6. Waste Management Permit Renewal

Mayor Frank said we are objecting to the renewal of their transfer station permit. We sent our objection and are waiting for a response. We requested a public hearing and were told by requesting this, we will be entitled to have a public hearing but we haven't heard further. He believed it is important that we clear Waste Management from our industrial area to allow us to look at the area for redevelopment.

NEW BUSINESS:

1. Commingled Recycling – updated list of items accepted

Mayor Frank said when Council President Pizzella questioned the limited number of plastic items that are available for recycling; items with only one, two and five in the triangle on the plastic are now accepted which excludes such things as Styrofoam. Today he removed Styrofoam from his recycling bin and put it into the trash. He wasn't aware that this change occurred and how it was communicated but the Council has in their packet a list of different items, by category, one through seven plastics, and we are currently only taking one, two and five. The public should be aware of that. The recycler advised that this relates back to the green wall which they refer to in China when they stopped accepting all the recycled products from the U.S. because there were a lot of impurities, products that were not supposed to be included, so they began sending the ships back. With the tremendous reduction of the Chinese economy, their need for raw materials has dropped as well. The value of these products has gone down to next to nothing. He has attempted to research what can be done with Styrofoam and some of the plastics no longer available for recycling but he has not found anything but will continue to check into it.

Councilmember Looes asked that this information be available in the Hillsdale News, on the website, etc. because she did not know how many people would hear of this.

Mayor Frank gave the Deputy Borough Clerk the information to be posted on the website and perhaps our PR group could look into ways to get this circulated.

Councilmember Looes said perhaps the schools could include this in their newsletters advising what we are not accepting. Shop Rite is collecting bags including non-Shop Rite bags.

DISCUSSION:

CORRESPONDENCE:

1. Emailed received February 10, 2016 use of roads in Hillsdale for the Go for the Distance for Autism Ride on Sunday, May 22, 2016. Pass through is expected between 7:45 am and 11:15 am.

Motion to receive, approve and file by Councilmember Looes, Second by Councilmember Karcich.

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco. and unanimously carried.

Nays: None

Absent: Council President Pizzella

2. Letter dated February 12, 2016 from Bo Petkovich requesting approval for the 2016 Pascack Valley Triathlon on Saturday August 27, 2016 at Stonybrook Swim Club.

Motion to receive, approve and file Councilmember Lundy, Second by Councilmember Looes.

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, and unanimously carried.

Nays: None

Absent: Council President Pizzella

3. Letter dated February 11, 2016 from Burt Simpson regarding the new Sign Ordinance

Motion to receive, approve and file by Councilmember Looes, Second by Councilmember Karcich.

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, and unanimously carried.

Nays: None
Absent: Council President Pizzella

4. Membership Application for Joseph L. Solda III, Hillsdale Volunteer Fire Department

Motion to receive, approve and file by Councilmember Looes, Second Councilmember DeRosa.

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, and unanimously carried.
Nays: None
Absent: Council President Pizzella

ORDINANCES: *Adoptions*

16-03 (Adoption)

AN ORDINANCE SUPPLEMENTING CHAPTER 228, PROPERTY MAINTENANCE OF THE BOROUGH CODE REGULATING THE CARE, MAINTENANCE, SECURITY, AND UPKEEP OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN FORECLOSURE

WHEREAS, the Borough of Hillsdale regulates the maintenance of residential property within the Borough by and through Chapter 228 of the Borough Code, "Property Maintenance"; and

WHEREAS, the Legislature and the Governor of the State of New Jersey have enacted P.L. 2014, c.35, described as "[a]n Act concerning the maintenance of certain residential properties, supplementing chapter 48 of Title 40 of the Revised Statutes..." (The Act); and

WHEREAS, The Act authorizes the Borough to adopt an ordinance for the purpose of regulating the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential properties for which a creditor has filed a summons and complaint in an action to foreclose; and

WHEREAS, The Act authorizes designated Borough officials to issue notices to creditors that have filed a summons and complaint in an action to foreclose, if the public official determines that the property is vacant and abandoned and that the creditor has failed to provide for the care, maintenance, security, and upkeep of the exterior of the property; and

WHEREAS, The Act authorizes the Borough to impose monetary fines and penalties for each violation of this ordinance and its respective provisions in the Borough Code; and

WHEREAS, the Borough wishes to amend the Borough Code to enact the provisions of P.L. 2014, c.35; and

WHEREAS, the Governing Body finds that it is in the best interests of the Borough to amend the Borough Code as hereinafter provided to enact the provisions of P.L. 2014, c.35.

NOW, THEREFORE BE IT ORDAINED as follows:

Section 1. The Borough Code, Chapter 228, "Property Maintenance" shall be amended to add section 5 as follows:

228-5 MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES

228-5.1 DEFINITIONS

- A. "Creditor" shall mean, consistent with section 3 of P.L. 2008, c.86, a State chartered bank, savings bank, savings and loan association or any credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act," and any entity acting on behalf of the Creditor named in the debt obligation, including but not limited to, servicers.
- B. "Vacant and Abandoned" residential property shall mean, consistent with section 1 of P.L. 2010, c.70 (C.2A:50-73), residential real estate for which a notice of violation has been issued pursuant to Section 159-10.3 of this Chapter and subsection b. of section 1 of P.L. 2014, c.35. Where a notice of violation has not been issued pursuant to Section 159-10.3 of this Chapter and subsection b. of section 1 of P.L. 2014, c.35, residential property shall be

deemed “Vacant and Abandoned” where a mortgaged property is not occupied by a mortgagor or tenant as evidenced by a lease agreement entered into prior to the service of a notice of intention to commence foreclosure according to section 4 of the “Fair Foreclosure Act,” P.L. 1995, c.244 and at least two of the following conditions exist:

- (1) overgrown or neglected vegetation;
- (2) the accumulation of newspapers, circulars, flyers or mail on the property;
- (3) disconnected gas, electric, or water utility services to the property;
- (4) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (5) the accumulation of junk, litter, trash or debris on the property;
- (6) the absence of window treatments such as blinds, curtains or shutters;
- (7) the absence of furnishings and personal items;
- (8) statements of neighbors, delivery persons, or government employees indicating that the residence is vacant and abandoned;
- (9) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- (10) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (11) a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (12) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (13) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (14) a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property; and
- (15) any other reasonable indicia of abandonment.

228-5.2 CREDITOR RESPONSIBILITY FOR VACANT AND ABANDONED PROPERTIES

- A. A Creditor filing a summons and complaint in an action to foreclose on a residential property within the Borough shall be immediately responsible for the care, maintenance, security, and upkeep of the exterior of the property, after the property becomes Vacant and Abandoned as defined in this Chapter.
- B. Where a Creditor is located out-of-State, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor’s behalf for the purpose of satisfying the requirements of Paragraph A of this Section. Notice of said representative or agent shall be provided to the Borough clerk in a manner that is consistent with subsection a. of section 17 of P.L. 2008, c.127 (the “Save New Jersey Homes Act of 2008”), and shall further include the full name and contact information of the in-State representative or agent.

228-5.3 NOTICE

- A. Any public officer designated by the Borough or authorized municipal official responsible for the administration of any property maintenance or public nuisance code shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Borough, if the public officer determines that

the Creditor has violated this Chapter by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to Section 10-12.2 of this Chapter and the Save New Jersey Homes Act of 2008.

- B. The notice referenced in Paragraph A of this Section shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.
- C. The issuance of a notice pursuant to Paragraph A of this Section shall constitute proof that a residential property is “Vacant and Abandoned” for the purposes of this Chapter.

228-5.4 VIOLATIONS AND PENALTIES

- A. A Creditor subject to this Chapter that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Chapter shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this sub-section shall commence 31 days following the Creditor’s receipt of the notice, except where the violation is deemed to present an imminent risk to the public health and safety, in which case any fines shall commence 11 days following receipt of the notice.
- B. An out-of-state Creditor subject to this Chapter that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on an out-of-state Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L. 2008, c.127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
- C. No less than 20 percent of any money collected by the Borough pursuant to this Section shall be utilized by the Borough for municipal code enforcement purposes.

If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provision of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

PUBLIC HEARING:

Motion to open public hearing on Ordinance 16-03 Councilmember Ruocco, Second by Councilmember Looes.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Karcich, Looes, Lundy, Ruocco, and unanimously carried.

Nays: None

Absent: Council President Pizzella

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 16-03, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

I entertain a motion that the public hearing on Ordinance No. 16-03 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Deputy Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 16-03 by Councilmember Ruocco, Second by Councilmember DeRosa.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Karcich, Looes, Lundy, Ruocco, and unanimously carried.

Nays: None

Absent: Council President Pizzella

Motion to adopt Ordinance No. 16-03 Councilmember Ruocco, Second Councilmember DeRosa.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Karcich, Looes, Lundy, Ruocco.

Nays: None

Absent: Council President Pizzella

16-04 (Adoption)

AN ORDINANCE ESTABLISHING RECREATION DEPARTMENT PROGRAM AND SUMMER CAMP FEES FOR THE YEAR 2016 IN THE BOROUGH OF HILLSDALE

BE IT ORDAINED by the Borough Council of the Borough of Hillsdale as follows:

SECTION 1. The Hillsdale Summer Camp season for children of Hillsdale and River Vale residents and for children attending Hillsdale schools (St. John’s included) shall operate continuously for 5 weeks.

SECTION 2. The **Summer Camp Fees** per registrant for the year 2016 are as follows:

| | Hillsdale/ River Vale <u>Resident</u> | St. John’s Student/ <u>Non-Resident</u> |
|---|--|--|
| Camp Pascack, Grades 1 – 4 | \$800 | \$850 |
| Camp Adventure, Grades 5 – 6 | \$850 | \$900 |
| Field Trip Camp, Grades 7 – 9 | \$900 | \$950 |
| Late registration fee after May 7, 2016 | \$50 | \$50 |
| Before Camp Program (8:00 – 9:00 am) | | |
| Pre-Registered (all weeks) | \$180 | \$185 |
| Pre-Registered (per week) | \$60 | \$60 |
| Pre-Registered (per day) | \$20 | \$20 |
| No pre-registration (per day) | \$25 | \$25 |
| After Camp Program (3:00 – 6:00 pm) | | |
| Pre-Registered (all weeks) | \$340 | \$345 |

| | | |
|-------------------------------|-------|-------|
| Pre-Registered (per week) | \$100 | \$100 |
| Pre-Registered (per day) | \$25 | \$25 |
| No pre-registration (per day) | \$30 | \$30 |
| Late pick-up (after 6:00 pm, | \$15 | \$15 |

Per 15 minute increment.)

NO REFUNDS

SECTION 3. The Recreation Program Fees per registrant for the year 2016 are as follows:

| | <u>Hillsdale Resident</u> | <u>Non-Resident</u> |
|--|---------------------------|---------------------|
| Men's Basketball | \$70 | \$70 |
| Duplicate Bridge | \$20 | \$40 |
| Indoor Soccer | \$55 | \$65 |
| Youth Basketball (1,2,3 clinic Grade) | \$55 | \$60 |
| Youth Basketball (3 rd to 8th Grade, | \$80, 1 child | \$85 |
| Youth Basketball (9th to 12 th Grade,*RV) | \$80, each child | \$80 |
| Women's Volleyball | \$55 | \$55 |
| Girls Instructional Volleyball | \$50 | \$50 |
| Men's 18 & over Softball | \$400/per team | N/A |
| Men's 35 & over Softball | \$50 | \$55 |
| Women's 18 & over Softball | \$50 | \$55 |
| Wrestling | \$125 | \$125 |
| Rutgers Coaches Class | \$45 | \$45 |
| Art Program, per class or (session) | \$95 - \$100 | N/A |
| Cooking per class or (session) | \$5-100 | N/A |
| PGA Golf Program | \$100 | N/A |
| Tennis Program | \$100 | N/A |
| Ski Program | \$50-\$100 | \$50-\$100 |
| First Friends (per child) | \$5-10 | \$5-10 |
| Ice Skating | \$125-130 | \$125-130 |
| Returned Check Fee | \$20 | \$20 |
| Car show participant's | \$20-30 | \$20-30 |
| Vendors (car show) | \$30-\$50 | \$30-\$50 |
| 5k run (rover clover) | \$5-\$75 | \$5-\$75 |
| Late Fee | \$25 | \$25 |
| Credit Card Convenience Fee | 3% | 3% |
| Use of Beechwood Park rental Band | | |
| Shell & picnic area | \$25 | \$50 |

All programs are NON REFUNDABLE

*Grades 9-12 includes Pascack Valley High School Students (river vale)

SECTION 4. All ordinances and resolutions inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies.

SECTION 5. This ordinance shall take effect immediately after final passage, approval and publication of notice thereof as required by law and shall be retroactive to January 1, 2016.

PUBLIC HEARING:

Motion to open public hearing on Ordinance 16-04 by Councilmember Ruocco, Second Councilmember DeRosa.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Karcich, Looes, Lundy, Ruocco, and unanimously carried.

Nays: None

Absent: Council President Pizzella

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 16-04 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

I entertain a motion that the public hearing on Ordinance No. 16-04 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Deputy Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 16-04 by Councilmember Ruocco, Second by Councilmember Looes, and unanimously carried.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Karcich, Looes, Lundy, Ruocco, and unanimously carried.

Nays: None

Absent: Council President Pizzella

Motion to adopt Ordinance No. 16-04 by Councilmember Looes, Second by Councilmember Lundy.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Karcich, Looes, Lundy, Ruocco.

Nays: None

Absent: Council President Pizzella

16-05 (Adoption)

AN ORDINANCE ESTABLISHING 2016 SALARIES FOR THE RECREATION DEPARTMENT

WHEREAS: by the Borough Council of the Borough of Hillsdale as follows:

SECTION 1. The compensation of all personnel whose services are required as general staff for the operation of the Borough of Hillsdale – Summer Day Camp Program is as follows:

| <u>Years worked, step guide</u> | <u>Hourly Wage range</u> | |
|--|--------------------------|---------|
| | MINIMUM | MAXIMUM |
| HS Sophomore | 7.25 | \$8.25 |
| HS junior | 7.50 | \$8.25 |
| HS senior | 7.75 | \$8.25 |
| College freshman | 8.00 | \$8.50 |
| College sophomore | 8.25 | \$8.75 |
| College junior | 8.75 | \$9.25 |
| College Senior or 22+ years old | 9.25 | \$9.50 |
| College Graduate, 1 st year | 9.50 | \$10.50 |
| College Graduate, 2 nd year | 10.50 | \$11.50 |
| College Graduate, 3 rd year | 11.50 | \$12.50 |
| College Graduate, 4 th year | 12.50 | \$13.50 |
| College Graduate, 5 th year | 13.50 | \$14.50 |
| College Graduate, 6 th year | 14.50 | \$15.50 |

Camp Hillsdale Experience Benefit

A flat rate of \$25.00 will be applied for every paid year of Camp Hillsdale experience that each counselor has with the Borough of Hillsdale. This adjustable experience benefit will be paid at the completion of the summer day camp season in August.

SECTION 2. The range salary amount to be paid to a **Specialist** who must have an education degree/certification is \$1,000 to \$3,500 (based on the applicant’s related camp experience and camp time length). This is an appointed position.

SECTION 3. The range salary amount to be paid to a **Camp Director (one)- \$10,000 and \$20,500 or Assistant Director’s (each)** is \$3,000 to \$9,500 (based on applicant’s related camp experience and camp time length). This is an appointed position.

SECTION 4. Additional hourly increments on top of base rate may be earned for the following recognized certifications:

| | |
|-------------------------|---------|
| First Aid Certification | \$0.505 |
| CPR: Adult and Child | \$0.75 |
| Lifeguard Certification | \$0.75 |
| Head Counselor | \$0.35 |

SECTION 5. The compensation of all personnel whose services are required as Program Supervisors for the Recreation Commission Programs is as follows:

| <u>Program</u> | <u>Rate</u> |
|------------------------------|-----------------------------|
| Men's Basketball | \$200/season |
| Duplicate Bridge | \$400/season |
| Indoor Soccer | \$300/season |
| Women's Volleyball | \$100/season |
| Girls' Volleyball Instructor | \$400/season |
| Youth Basketball: primary | \$2,000/season |
| Youth Basketball: secondary | \$2,000/season (2-3 people) |
| Men's 18+ Softball | \$400/season |
| Men's 35+ Softball | \$400/season |
| Women's 18+ Softball | \$400/season |
| Summer Concert Coordinator | \$n/a/season |
| PV Junior Wrestling | \$400/season |
| Pt Recreation Secretary | \$3,000-\$17,000 |
| Basketball referee | \$15 per game |
| Basketball clock, scoreboard | \$10 per game |
| Keeper | |
| Hall monitors | \$10 per hour |
| Professional Referee | \$30-\$50 per game |

SECTION 6. The compensation fixed and determined by this ordinance for the person holding the respective office and position of employment herein named, shall, except as otherwise provided by statute, ordinance or resolution, be in lieu of all other fees, costs and charges received and collected by such office and employee shall be remitted promptly to the Borough Treasurer.

SECTION 7. All ordinances and resolutions inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies.

SECTION 8. This ordinance shall take effect immediately after final passage, approval and publication of notice thereof as required by law.

PUBLIC HEARING:

Motion to open public hearing on Ordinance 16-05 by Councilmember Looes, Second by Councilmember Lundy.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Karcich, Looes, Lundy, Ruocco, and unanimously carried.

Nays: None

Absent: Council President Pizzella

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 16-05 please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

I entertain a motion that the public hearing on Ordinance No. 16-05 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Deputy Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 16-05 by Councilmember Ruocco, Second by Councilmember Looes.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Karcich, Looes, Lundy, Ruocco, and unanimously carried.

Nays: None

Absent: Council President Pizzella

Motion to adopt Ordinance No. 16-05 by Councilmember Looes, Second Councilmember Karcich.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Karcich, Looes, Lundy, Ruocco.

Nays: None

Absent: Council President Pizzella

RESOLUTIONS:(Consent Agenda): R 16063 through R16071

R16063 Resolution Showing Support for the Pascack Valley Mayor's Opposition to the Pension & Health Benefit Study Commission Report Dated February 24, 2015.

WHEREAS, the Governor created the New Jersey Pension and Health Benefits Study Commission which released a report dated February 24, 2015; and

WHEREAS, this report recommends merging all nine (9) public employee pension funds in the State of New Jersey into one plan that would be merged into a new defined contribution plan (also known as a 457 plan); and

WHEREAS, local governments would have to pay an additional four (4) percent for each employee in the proposed new plan as well as fund a new pension liability for the two (2) local pension plans PERS and PFRS that would be frozen while current retirees receive their benefit; and

WHEREAS, the report also recommends that the State of New Jersey transfer the responsibility for teacher pension payments to the local school districts; and

WHEREAS, the report further recommends that the school districts absorb and make payment on an as yet undetermined portion of the over \$80,000,000 unfunded liability for the teachers' pension plan; and

WHEREAS, if these two (2) recommendations related to the Teacher's Pension Plan are enacted, it will mean an immediate property tax increase to cover these costs which are currently paid for by the State or are future funding obligations of the State; and

WHEREAS, of the nine (9) public employee pension plans in the State of New Jersey, the seven (7) established for State employees will become insolvent within six (6) to seventeen (17) years; and

WHEREAS, there are two (2) pension plans that support local government employees, local PERS for municipal employees is solvent into perpetuity at current funding levels, local PFRS for police officers and firefighters is fully funding for the next forty (40) years at current funding levels; and

WHEREAS, the New Jersey State League of Municipalities, the New Jersey Municipal Management Association (NJMMA), and the Government Finance Officers Association (GFOA) are in agreement that the two (2) solvent local government pension plans should not be merged with the seven (7) State pension plans that are on the road to insolvency.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Hillsdale opposes the findings outlined in the Roadmap to Resolution Report dated February 24, 2015; and

BE IT FURTHER RESOLVED, that the Governing Body of the Borough of Hillsdale urge all municipalities and school districts in the State of New Jersey to review the cost allocation estimates of pension liability for each one percent of payroll contribution report which was prepared by Professor Raphael J. Caprio, Ph.D. dated July, 2015 published by the Bloustein Local Government Research Center which can be found at the following link: <http://tinyurl.com/paxvpty>.

BE IT ALSO RESOLVED, that a copy of this resolution be sent to the Governor, all State Legislators, all municipalities in Bergen County, the New Jersey State League of Municipalities and the Pascack Valley Mayor's Association.

16064 A Resolution Authorizing the Execution of an Interlocal Agreement for the Establishment of the Public Safety Answering Point Telephone system by and between the Borough of Paramus and the Borough of Hillsdale.

WHEREAS, the Borough of Paramus and the Borough of Hillsdale seek to enter into an Interlocal Agreement wherein the Borough of Paramus will provide telephonic access to the "Public Safety Answering Point" (PSAP) service on behalf of the Borough of Hillsdale, and;

WHEREAS, pursuant to N.J.S.A. 52:17C-1 et seq., all Municipalities of the State of New Jersey are required to provide telephonic access to an appropriate "PSAP" service, and;

WHEREAS, regionalized providing of such services is a concept specifically endorsed by the aforementioned statutory scheme, and;

WHEREAS, both of the parties to such an Agreement are authorized by law to enter into an agreement with one another to provide jointly for any lawful service to and for the residents of the respective municipalities pursuant to the provisions of the "Interlocal Services Act" N.J.S.A. 40:8A-1 et seq., and;

WHEREAS, the Borough Councils of the Borough of Paramus and the Borough of Hillsdale recognize that the implementation of an Interlocal Agreement to provide "PSAP" service, on a regionalized, cost-sharing, basis is still in the best interest of the taxpayers of the respective municipalities.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey, hereby authorizes the execution of a "PSAP" Interlocal Services Agreement with the Borough of Paramus for a period of one year.

BE IT FURTHER RESOLVED, that the cost of same shall be in the amount of \$5,269.50 for calendar year 2016.

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey, hereby authorizes the execution of the attached Agreement with the Borough of Paramus.

BE IT FURTHER RESOLVED that the Agreement shall take effect upon the execution of the Agreement and adoption of Resolutions by both parties as provided by law.

BE IT FURTHER RESOLVED that a copy of the Agreement be maintained on file and open to public inspection at the office of the Borough Clerk.

R16065 A Resolution Authorizing the Mayor and Acting Borough Clerk to Extend the Solid Waste Service Agreement with the Bergen County Utilities Authority

WHEREAS, the Borough of Hillsdale is interested in extending their contract for utilization of a solid waste transfer station with the Bergen County Utilities Authority (hereinafter referred to as "BCUA"); and,

WHEREAS, the BCUA, the agency designated and empowered by the Bergen County Board of Chosen Freeholders to supervise the implementation of the Bergen County Solid Waste Management Plan, through applicable purchasing procedure, has contracted with Covanta 4Recovery LP (hereinafter referred to as “Covanta”) for the acceptance, processing and disposal of municipal solid waste pursuant to Contract No. 13-04; and,

WHEREAS, the Municipal and County Utilities Authority Law, N.J.S.A. 40:14B-1 et seq. authorizes and permits contracting units, such as the BCUA and the Borough of Hillsdale, to enter into a Solid Waste Service Agreement as contemplated for herein; and,

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and specifically, N.J.S.A. 40A:11-5(2), authorizes and permits contracting units, such as the BCUA and the Borough of Hillsdale, to enter into a Solid Waste Service Agreement as contemplated for herein without competitive bidding for same; and,

WHEREAS, the Borough of Hillsdale is desirous of extending their Solid Waste Service Agreement with the BCUA, pursuant to which the Borough of Hillsdale shall deliver municipally-generated solid waste to the Transfer Station Facility for processing, transportation and disposal, and the BCUA shall provide such solid waste processing, transportation and disposal services to the Borough of Hillsdale at a rate of \$68.00 per ton and for a term commencing on the date of execution of the Agreement until May 31, 2017; and,

WHEREAS, funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the Mayor and Deputy Borough Clerk are hereby authorized to execute the Extended Solid Waste Service Agreement between the Borough of Hillsdale and the Bergen County Utilities Authority for solid waste services located at the aforementioned Transfer Station Facility; and

R16066 A Resolution Authorizing Refund of Tax Payment Block 1307 Lot 14

WHEREAS, Corelogic Tax Service, 95 Methodist Hill Dr., Suite 100, Rochester, NY 14623, paid 1st quarter 2016 taxes in error;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hillsdale authorize the Tax Collector to refund Corelogic Tax Service, the following taxes:

Property – 15 Harrington St.
Block 1307 Lot 14 \$4,026.10

R16067 A Resolution Authorizing Refund of Tax Payment Block 1412 Lot 5

WHEREAS, Shirley A. Erdman, 87 Stockton St., Hillsdale, NJ 07642, sold her home December 29, 2015 and paid 1st qtr 2016 taxes in error;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hillsdale authorize the Tax Collector to refund Shirley A. Erdman, the following taxes:

Property – 87 Stockton St.
Block 1412 Lot 5 \$2,554.99

R16068 A Resolution Denying a Grievance Filed by a Retired Police Officer Regarding Insurance Coverage

WHEREAS, a Police Officer (the “Officer”) retired from the Hillsdale Police Department and receives health insurance coverage through Medicare and the Borough’s health insurance plan (“Horizon”); and

WHEREAS, the Officer utilizes Medicare as his primary insurer and is obligated to comply with the terms thereof and the Borough’s Health Insurance carrier (“Horizon”) is the supplemental and secondary insurer; and

WHEREAS, the Officer has utilized physicians who are not in the applicable Medicare Network and the submission of medical bills to Medicare has been declined. Accordingly, the Officer has submitted unpaid bills to Horizon which has similarly declined them inasmuch as their responsibility is secondary and only after Medicare pays full amounts due utilizing “in Network” providers; and

WHEREAS, a claim has been made to the municipality for unpaid amounts – which claim has been refused – and a grievance has been filed which has been elevated to the Police Commissioner and Governing Body seeking the payment of unreimbursed medical bills on behalf of the Officer; and

WHEREAS, the PBA has declined the grievance and referred such denial to the Governing Body for adoption; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the aforesaid grievance is hereby denied at by the Governing Body.

R16069 Interlocal Services Agreement Mutual Aid Plan & Rapid Deployment Force –Police

WHEREAS, the Police Departments in Bergen County have a day to day responsibility to provide for the security of lives and property, for the maintenance and preservation of the public peace and order, and

WHEREAS, Law Enforcement Officials also have a responsibility to provide for preparedness against natural emergencies, such as floods, hurricanes, earthquakes, major storms, etc., man-made causes, civil unrest, and civil disobedience such as riot, strikes, jail or prison riots, train wrecks, aircraft crashes, major fires, ethnic disorders, riots, terrorist incidents and bombings, state and national emergencies, and

WHEREAS, the Bergen County Police Chief’s Association has proposed a Mutual Aid Plan and Rapid Deployment Force to deal with these emergencies, and

WHEREAS, this Plan is adopted in accordance with the provisions of N.J.S.A. 40A:14-156, N.J.S.A. 40A:14-156.1, N.J.S.A. 40A:14-156.4 and N.J.S.A. App. A:9-40.6, and

WHEREAS, this Plan will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of an emergency, riot or disorder, in order to protect life and property, and

WHEREAS, it is also recognized that the Borough of Hillsdale, Chief of Police, in accordance with the provisions of N.J.S.A. 40A:14-118 and under the authority of the Bergen County Prosecutor, has the authority to assign officers to a Task Force, Rapid Deployment Team, or Regional SWAT Team operated in conjunction with the Bergen County Prosecutor’s Office, and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Hillsdale to participate in a Mutual Aid Plan and Rapid Deployment Force in accordance with the Plan as submitted by the Bergen County Police Chief’s Association.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hillsdale that the Police Department of the Borough of Hillsdale, under the direction of the Chief of Police, cooperate with the Bergen County Police Chief's Association to create an Interlocal Services Agreement with all municipalities in the County of Bergen in order to put into place the Mutual Aid Plan and Rapid Deployment Force, and

BE IT FURTHER RESOLVED that a copy of the Resolution be forwarded to the County Executive, the Board of Chosen Freeholders, the County Prosecutor, and all municipalities in the County of Bergen.

R16070 Resolution Opposing Senate Bills S 781 and S 782 that are attempting to further revise our Current OPRA and OPMA Laws

WHEREAS, Senate bills S 781 and S 782 are attempting to further revise our current OPRA and OPMA laws in the name of transparency, and

WHEREAS, it is the position of the Bergen County League of Municipalities (BCLOM) which represents all 70 municipalities in Bergen County, that the existing OPRA and OPMA laws already make municipalities transparent, and

WHEREAS, there comes a time when staffing and budget requirements are exhausted just to accommodate a select few people who bombard our municipalities with public records requests, and

WHEREAS, our website are always updated and contain all the information required by law; our meeting minutes are online and available by the next meeting or as soon as reasonably possible; our agendas and budgets are online for the public, and

WHEREAS, under the existing laws OPRA fees are reasonable for the amount of time and effort that must go into searching for "older" documents; it takes valuable time away from our staff – not only in the Clerk's office – but also in many other departments that may be involved in the same request, and

WHEREAS, the OPRA law also allows outside business seeking construction permits and plans or animal rights groups to utilize municipal services for their private commercial gain, and

WHEREAS, the OPMA laws for Open Public Meetings, proposed changes will add secretarial expenses and additional reports to the cost of running subcommittee meetings, and

WHEREAS, subcommittee meetings are open to the public and rarely do people wish to come, and

WHEREAS, subcommittees are mostly volunteers along with representatives from the local governing body; to produce minutes in a formal fashion whether quarterly or semiannually would be another unfunded mandate, and

WHEREAS, subcommittees keep notes and any formal actions or expenditures come back to the main governing body for approval anyway.

NOW THEREFORE BE IT RESOLVED, that the BCLOM respectfully requests the New Jersey Senate and Assembly take no further action on Senate bills S 781 and S 782.

R16071 A Resolution Allowing a Temporary Deviation from Code Approved Hours for PSE&G construction on Substation

WHEREAS, the Borough of Hillsdale has limited construction in the Borough to certain hours during the day; and,

WHEREAS, there exists an urgency for PSE&G to upgrade the substation, located on Knickerbocker Ave and Patterson Street, as part of PSE&G's program to secure and upgrade electrical service; and

WHEREAS, the Borough Council believes it to be in the best interest of the Borough's residents and public safety to extend special hours for PSE&G to assure the substation is back up and running as soon as possible.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that PSE&G has permission to continue construction activity on the substation through the end of June 2016, as follows:

- a. Monday through Friday, 7:00am through 8:00pm. (Any high noise activity, such as pile driving, cut saws, jack hammering shall be limited to 8:00am through 6:00pm.)
- b. Saturday from 8:00am through 8:00pm. (No pile driving activity allowed.)
- c. Sunday from 8:00am through 6:00pm. (No pile driving activity allowed.)
- d. Construction activity on Saturday and Sunday shall be limited to low noise activity.

BE IT FURTHER RESOLVED, determining the noise level of any activity shall be in the sole discretion of the Borough.

Councilmember Ruocco had a question on R16065. We are only extending the agreement for a year.

Mayor Frank said yes, that is all they offered us.

Motion by Councilmember Looes, Second by Councilmember Lundy.

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco.

Nays: None

Absent: Council President Pizzella

OFF-CONSENT:

PUBLIC COMMENT:

Mayor Frank said this is the second public comment session and opened the meeting to the public.

Burt Simpson, 197 Forest Drive –

If Hillsdale Avenue will be paved by Beechwood Park he suggested this be inspected when ball games are taking place because some parents have work trucks, crew camp pickup trucks, suburbans, etc. they come in very close to the lane of traffic. The curb for the front end of the cars be moved further away from the lane of traffic, it might include moving the sidewalk. It can be tight there when larger vehicles are in those spaces.

Mayor Frank said that is a difficult spot when people back out in traffic. That is a good point.

Mr. Simpson (Contd).

It will make it more expensive but if it can be done, it will be helpful. He asked why we are publishing notices in the Ridgewood News when he doesn't think the residents of Hillsdale receive the Ridgewood News.

Mayor Frank said that is a statutory newspaper. We are limited to what newspapers we are allowed to advertise in the area.

Mr. Simpson (Contd).

He said he didn't know who determines this but a newspaper that doesn't serve residents in the area is an issue and is not very effective and is questioning that and should be looked at.

With respect to the transgender discussions at Pascack Valley and as a parent of a transgender child, for the kids are not transgender, life is tough enough already; for a transgender child, it is even worse. People do not do this unless they feel there is a need to do it and should be supportive.

Mayor Frank recommended that he attend the Board of Ed meeting and speak out.

Linda Parisi, 24 Hunters Court –

With regard to recycling, you have the new electronic board in the center of town, why isn't some of the information posted there? Many people stopped at the red light read it.

Kurt Walckenhauer, 19 Hopkins Street –

Public Service just repaved his street and before this was done he spoke to the DPW about two berm that were there to prevent the water coming down the street. They was not replaced and asked if the berms could be put back in, one was two inches in front of his driveway. The DPW Superintendent installed them years ago.

Mayor Frank said we should be able to get PSE&G to come back because they are coming to resolve a few other issues.

Mayor Frank said seeing no one, he closed the public portion of the meeting.

COUNCIL COMMENTARIES:

Councilmember Ruocco thanked Burt Simpson for reviewing the sign ordinance and his great comments.

He said when schools are out residents driving on the road need to slow down and be mindful of the kids that are out and the kids are to be more mindful of the traffic laws and when they can cross the street. We are looking at for signage but as a town we need to slow down and watch for pedestrians.

Councilmember Looes wanted everyone to be informed about recycling and old habits die hard. We wanted the word to be spread so residents would know that there have been changes.

Councilmember DeRosa reminded everyone that hazardous household waste will be collected on Saturday in Moonachie. You just drive up, people take the material out of the car, and it is in and out and very quick. There is a mobile office passport service sponsored by the county coming here March 15, 16, and 17 from 10AM to 2 PM and if your passport is to expire soon, he suggested this be taken under advisement. It is very simple; photos are taken here and the passports are delivered by mail within a couple of weeks.

Regarding our microphones, we did some testing and they are rather good. We get a hum that comes through on both cable systems so the next step is to get the cable companies in here and take a look at them. We are also asking a couple of companies to bid on possibly putting up monitors and perhaps another camera. When we start talking about images, streets and photos we can have them on the wall and hopefully they can be seen at home too.

Mayor Frank said the additional images are more important to the Planning Board, people watch the Planning Board sessions. All the drawings and images are put on the wall but you can't see anything if you are watching from home.

Councilmember Lundy said just a reminder that Saturday, March 4, the three young men that we gave Proclamations to at our last meeting will be presented with their Eagle Scout awards at Holy Trinity Church at 4:00 PM.

Councilmember Karcich referred to the matter of the passports. It is important that people understand that if your passport has less than six months to expire, you run the risk upon seeking return back to the U.S., you will not be allowed in the U.S. by some countries. Some people have been caught, especially the younger college students and it is something to keep your eye on. It is an important document.

Councilman Ruocco congratulated Patrick Cohn and Joseph Henney, Troop 91, who achieved Eagle Scout status and will be having their Court of Honor on May 7 at Christ Lutheran Church. He also thanked Xavier Catalona who met with the Mayor and himself last Saturday who is considering an Eagle Project that involves a total refurbishment of the signs in front of borough hall.

Councilman Ruocco said that there is a St. Patrick's dinner this Saturday at 6 PM at the parish center at St. Johns. He did not believe it was restricted to parishioners.

Deputy Borough Clerk Kohan said our pancakes for Parkinsons is coming up on March 19 at the Hillsdale United Methodist Church, \$5.00, pancakes, bacon, sausage, juice, coffee and tea. All money raised will go to the Parkinsons Unity Walk in the city coming up on April 23. Also on the same date is the Easter Egg Hunt at Beechwood Park at 9 AM.

Councilmember DeRosa said most people don't know the impact OPRA requests can have on a town and the way it is already, people can come in and ask for documents for whatever reason they want which is their right. The laws they have now are fair and in balance, but if they tinker with this it can cost the borough a lot of money if any business or particular person, just on a hunt for documents, can run up a bill that can cripple the borough. In Seattle when they implemented body cameras just to try to test them out, a resident requested all footage and this amounted to 10,000 hours of footage and they had to redact license plates, people's faces, all sorts of things and the bill amounted to something like 14 million dollars. They ended not going with body cameras because of the way the OPRA laws were set in Seattle where any resident can ask for this. Our laws are fair and good and that is why he supported this resolution.

Mayor Frank said we have a shredding event for paper shredding May 21 at the DPW, it is free, and they will shred everything for you confidentially.

When he ran for Mayor, he had no idea the first two months being Mayor would be so interesting. Without a Borough Administrator, no CFO, no QPA, he has been very fortunate to have a very dedicated, competent staff at borough hall, the work gets done. On Monday, March 7, Jonathan DeJoseph will be starting as our Borough Administrator, CFO, QPA, and is looking forward to Jonathan's return. He has knowledge of the town, knowledge of the job. He thanked all the employees, they are dedicated, know their jobs especially Denise for her help, Dan O'Rourke, DPW, who is doing a great job. He thanked Councilmember Ruocco who helped with the budget and other projects as well. After a brief transition working with Jon, he hopes to get back to being Mayor and the Mayor's job is oversight of all things we are doing and help keep us focused on our project list. He will be working with the Borough Administrator to make sure we have high visibility, prioritize, and keep accountability as to who is responsible for each one of these projects. He will be monitoring them constantly.

Hillsdale has fallen behind the curve in terms of redevelopment and keeping up with the times in terms of developing our town. We need economic development for a number of reasons and we have a couple of areas that are ripe. He intends to meet with the Council and Planning Board, with Council President Pizzella who has a strong background in this area of business as an attorney, and he thought we could come up with a plan that will make sense for Hillsdale and take us forward for the future. We can't sit back with a business district that has not been updated in 40 years and think everything is fine and preserve it. We do have to preserve our history and we have to preserve the quality of life and there is a lot we can do to enhance the experience of living in Hillsdale. We are going to work on that. We have had a lot of discussions on the infrastructure of the town, everything from roads to bridges to roofs on these buildings. There is a lot of equipment at DPW and he intends to revisit all the initial plans put in place in 2015 budget where we had a lot of items identified for DPW. We revised our road program from the 2015 capital plan, we are looking at some of the old funding we had that will open up some opportunities for us, so it is his intention to focus on getting a good, solid plan to upgrade and maintain our infrastructure. We also plan to deal with the debt and funding we took on to establish some of that.

ADJOURN TO CLOSED SESSION: @

R16072 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 – Future Sanitation

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 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
- ___ (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 – *Future Sanitation*
- ___ (8) Matters relating to the employment relationship
- ___ (9) Matters relating to the potential imposition of a penalty.

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

Motion to adjourn to closed session by Councilmember Looes, Second by Councilmember Lundy. and unanimously carried.

Absent: Councilmember Pizzella.

RECONVENE REGULAR MEETING: @

Motion to reconvene by Councilmember Looes, Second by Councilmember DeRosa, and unanimously carried.

Absent: Council President Pizzella

ADJOURNMENT: @

Motion to adjourn Councilmember Looes, Second by Councilmember DeRosa, and unanimously carried.

Absent: Council President Pizzella

**THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE
TUESDAY, March 8, 2016 ~BEGINNING AT 7:30 P.M.**

Denise Kohan, Acting Municipal Clerk
APPROVED AS PRESENTED

Denise Kohan, Acting Municipal Clerk