

Minutes of a Council Meeting of the Borough of Hillsdale held at 7:30 P.M. on Tuesday, October 13, 2015, in the Council Chamber, Borough of 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 13th day of October 2015. Notice of 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:**

On roll call those in attendance were Councilmembers DeRosa, Looes, Meyerson, Ruocco, Council President Pizzella. Also in attendance were Mayor Arnowitz, Borough Attorney Madaio and Borough Administrator/Borough Clerk Witkowski. Councilmember DeGise was absent this evening.

**APPOINTMENTS/OATHS OF OFFICE:**

There were no appointments this evening.

**RECOGNITION:**

There were no recognitions this evening.

**PROCLAMATIONS**

There were no proclamations this evening.

**APPROVAL OF MINUTES**

Closed Session June 9, 2015

Motion to approve by Councilmember Looes, second by Council President Pizzella with one no vote by Councilmember Ruocco.

July 9, 2015

Motion to approve by Councilmember Looes, second by Councilmember Meyerson and unanimously carried.

July 7, 2015

Motion to approve by Councilmember Looes, second by Councilmember Meyerson and unanimously carried.

**PROFESSIONALS REPORT/MONTHLY DEPARTMENT HEAD REPORTS:**

Police

Police Chief Francaviglia reported that during the month of July there were 90 dispatch shifts covered except for one. Several officers attended the D'Alessandro event for Children's Safety at the train station. There were 313 motor vehicle stops resulting in the issuance of 119 summonses and 10 arrests.

Chief Francaviglia stated that the Annual Open House took place this past Sunday and he thanked his officers for their attendance at this successful event. The Annual Drug Take Back was held recently, and the Hillsdale Police Department received 90 lbs. of drugs. He added that Bergen County Police Departments assisted in removing 2100 lbs. of prescription drugs throughout the County which means that these drugs did not go into landfills, fall into the wrong hands, or pollute the water system.

Chief Francaviglia reminded everyone of the 8:00 P.M. curfew on Cabbage Night. He was approached by Hillsdale Volunteer Ambulance Corp Captain John Beatty who inquired about receiving one of the older Ford Explorers previously used by the police. The vehicle would be used by the Crew Chief to respond directly to aid calls. and Chief Francaviglia said he is not opposed to this idea. The plan is to dispose of this vehicle at the end of the year, and he will leave this decision to the governing body.

#### Farm Report

Chief Francaviglia stated that there is a 10% to 20% annual increase in traffic at Demarest Farms since it is the only operating farm remaining in Bergen County. He recalled that last year they tried to address the traffic problem using temporary signage with no officer presence. The temporary signs were removed or relocated by residents or patrons of the farm. After learning about the amount of traffic, he assigned officers to the area which cost the taxpayers in overtime. The farm owner held two meetings last year one at Borough Hall, and the other in the spring of this year to review the plan. The Borough's plan called for permanent, seasonal no-parking signs to replace the temporary signs which were to be paid for by the farm, installed by the DPW and approved by the Mayor and Council. An officer was hired by the farm to enforce traffic regulations in the area. The farm had flaggy football and soccer relocate to open up additional parking at Smith School, and more staff were hired to assist motorists and alleviate the problem of illegal parking. They also directed motorists to various legal parking areas so that one particular area would not experience a constant deluge of traffic every day. They were advised to stop motorists from entering driveways to turn around when lost. The farm also had landscapers to clean up the debris that customers leave behind.

Chief Francaviglia stated that offsite parking was investigated at the temple and BMW. The farm owners looked into this, but it was not considered viable. Concerns were raised relative to safety and welfare of residents in the area due to traffic volume. This has been addressed by implementing parking restrictions on one side of the street which gives EMS and fire vehicles room for access. Pedestrian safety was addressed by restricting westbound traffic on Melville Road which seems to be working. Pedestrians walking on Royal Park Terrace must use the public walkway at the dead end of Royal Park Terrace, and those walking on the east side of the farm must use the sidewalk on Hillsdale Avenue.

Chief Francaviglia addressed complaints of people walking on residents' lawns and said that where there are no sidewalks customers have no alternative but to step on the lawn when exiting vehicles from the passenger side. He said that last year there was one incident reported relative to people picnicking and this hasn't happened since to his knowledge. There have been no thefts, burglaries, assaults, criminal mischief, pedestrian accidents or traffic accidents reported, and the customers coming to the farm all appear to be families.

Chief Francaviglia stated that patrols of the area have concluded that most people are obeying the parking regulations with summonses decreasing 75% over last year. About 95% of complaints continue to focus on traffic volume and most of the complaints received have been addressed either by Chief Francaviglia or Sgt. McLaughlin. He reminded everyone that the police have no control over the number of people visiting the farm. He said that fictitious complaints have been reported about littering and cars parked on roadways, and he reminded everyone that there are laws prohibiting false incident reports. There have also been rumors circulating about forming a human chain across Royal Park Terrace and he urged people not to do this. He stated that problems can be solved through mediation.

Chief Francaviglia indicated that he has received positive comments directed at his department such as appreciation for extra law enforcement in the area, and thanks for creating a plan to respond to complaints. After hearing that traffic had spread to Mountainview Terrace and side roads behind Smith School temporary no parking signs were installed. A recommendation will be made to the Mayor and Council to install permanent signs in these areas. He suggested that residents wishing to make a complaint about traffic at the farm should complete a County Right Complaint Form Act and forward it to the County. He is open to suggestions from residents

regarding the traffic situation, but he believes the plan is working. Although traffic is being spread out to other areas the plan has created a safer environment for both customers and residents.

Council President Pizzella said that as liaison to the Board of Education he received a phone call from the Superintendent of Schools. The School Board has submitted a Cease and Desist to Demarest Farms asking them to stop using their parking lot until further notice. Chief Francaviglia pointed out that this would be a problem due to the removal of 150 parking spaces which will create an even bigger traffic problem than presently exists. Council President Pizzella will advise the schools of Chief Francaviglia's reaction.

Sgt. McLaughlin reported that limiting traffic to one side of the street in this area dates back to the 1990s. In the past two years, traffic volume has increased causing other streets to be affected, and there were problems with people moving temporary signs. This causes enforcement issues resulting in even more confusion and frustration. Numerous complaints have been received about motorists driving and turning around not knowing where they were going. Numerous residents requested no parking at all on any street; however, the police are unable to legally justify this course of action. They checked with several attorneys who agreed that this action would open the Police Department up to civil litigation. Temporary signs have been replaced by permanent signs, and a noise ordinance has been put in place so that violations can be issued as warranted. Sgt. McLaughlin reported that there have been several meetings with the farm and the residents, and the farm has voluntarily addressed the concerns of the residents' complaints by placing parkers in areas in order to direct people where to park, and to let them know when areas are full. Melville Road has been closed westbound so that pedestrians cannot utilize the roadway due to lack of sidewalks. This is also an attempt to keep people off of residents' lawns. The Police cannot restrict or predict the number of people visiting the farm, and going forward they will have to limit more streets to parking on one side only. Sgt. McLaughlin repeated that more temporary signage has been added on several streets, and the same plan will continue because there are limits on just how much police can do on public roadways. He feels that expanded restrictions on all streets in the area will have an impact.

Sgt. McLaughlin addressed resident's concerns relative to access by emergency vehicles stating that according to New Jersey standards a street must be at least 29 feet wide and traffic space of 7.3 feet is acceptable. Limiting the parking to one side of the street on a 29 foot roadway results in travel space for a car of 11.5 feet which is acceptable by New Jersey standards. This provides a travel lane of 23 feet, and 20 feet is the common minimum standard for two way traffic. The roadway is 29 feet thus providing a travel lane of 21 feet with 8 feet provided for the parked cars. He has measured all of the surrounding streets and finds them to comply with the area needed for access by emergency vehicles.

Mayor Arnowitz announced that the Council has agreed to open the meeting for a discussion on Demarest Farms at this time. Normal procedure is to hear public comment at the end of the meeting, and at that point there will be further opportunity for questions. Mr. Madaio announced that Councilmember Meyerson has recused himself from this portion of the meeting.

Phil Cohn, 31 Royal Park Terrace, said that he moved to Hillsdale from Paramus in 2002 so that he could raise a family in a place with a small town feel, and where safety and quality of life are paramount. The Save our Streets Task Force is concerned that these qualities are being jeopardized by the decision to direct overflow traffic from Demarest Farms into their neighborhoods. The Task Force hopes that Demarest Farms will continue to thrive; however, it should not be at the expense of the safety, security and privacy of town residents. Residents have become prisoners forced to remain at home to direct strangers to stay off their lawns, restraining them from using the streets as garbage cans, and stopping their pets from relieving themselves on the grass and sidewalks. The constant onslaught of motorists driving up and down the streets and parking in front of the homes has created a nuisance as well as an accident waiting to happen. The current situation is creating a liability for the town and its residents. Mr. Cohn said that the Task Force appreciates the police patrols and the hiring of teenagers by Demarest

who attempt to control traffic, but this is an impossible task which will only become more difficult with the loss of other farms this fall. Mr. Cohn mentioned many traffic violations that he has witnessed including illegal U turns, visitors loitering, blaring car alarms, and a number of near misses as cars breezed through stop signs while navigating the busy streets. He is very concerned about emergency vehicle access through this chaos created by the visitor's parking lot, and he has pictures to demonstrate that there is no way emergency vehicles could get through this traffic. He added that crowds of strangers constantly walking past the homes create a feeling of uneasiness for children wanting to play outside. Another worry is that there are no sidewalks and people must unload into incoming traffic on the streets. Councilmembers were invited to drive into the affected areas on a sunny Saturday or Sunday afternoon during the picking season to experience this dire situation. Mr. Cohn urged the Mayor and Council to revisit the current plan and work with all parties to take swift action and avert permanent damage to the community.

Dr. Tracy Verico, 88 Horizon Terrace, said she currently practices in Teaneck. She has devoted herself to resolving safety issues in Bergen County, and has made a list of several safety and health issues that have emerged in the community. Ms. Verico said that the streets cannot deal with the large amount of vehicles on roads that were never meant to handle this kind of volume. Visitors are not heeding traffic signs; turns signals are not being used in neighborhoods; speed limits are being exceeded; K-turns are being used at cross roads such as Overlook Drive, and Royal Park Terrace where there is limited site distance. Patrons are loading and unloading on residential streets while on the roadway. Double parking is a result of vehicles being parked at the curb. Oversized vehicles and vans are showing up and parking on residential streets resulting in limited site distance when residents attempt to exit their driveways. Dr. Verico asked if there is anything to prevent commercial buses from parking on neighborhood streets.

Dr. Verico said that parking violations have increased, and many residents have offered pictures as proof of these violations. Parking prohibitions at school fire zones are being violated, and vehicles are stopping and standing in front of private driveways restricting access by home owners. She referred to the statement that 20 feet is needed for access by emergency vehicles, and pointed out that the street is full of children and carriages passing on either side of the street. There is no room for any margin of error, and there is just not enough room for an emergency vehicle. Blocking of mail boxes is leading to undelivered mail and the postal service mandates at least 30 feet clear approach for the safety of the mail carrier to deliver. Dr. Verico concluded that this is not attainable.

Dr. Verico stated that farm employees are acting as law enforcement officers, and are overstepping boundaries that are not in their jurisdiction. Traffic duties should not be given to inexperienced and unqualified employees. Crowds of patrons are making streets impassable, and there are no sidewalks or crosswalks available to safely walk from residential streets to the farms. Ms. Verico indicated that crime rates in the area will rise as a result of increased foot and vehicle traffic. Parents are afraid to let their children play outside due to increased stranger exposure and vehicle traffic safety concerns. Vacant cars are parked on residential streets overnight which is a violation of Borough ordinances and residents have no idea if these cars are left overs from people visiting the farm or from neighborhood visitors.

Dr. Verico noted that public school and residential legal liability risks have increased due to the potential for property damage or personal injury to visitors in the area. She noted that school property is private, and under the jurisdiction of the school board. The farm used the school property without permission of the School Board and the farm has now been warned to Cease and Desist.

Dr. Verico stated that people have been trespassing and picnicking on lawns in the area. She reiterated that all residents in Hillsdale are being exposed to liability should an injury occur. Activity at the farm has interfered with the use and enjoyment of residential land and school property. Town recreation activities were been diverted to inferior fields riddled with animal feces and parents were asked to volunteer with pooper scoopers to clear these fields. Dr. Verico

pointed out that tractors are not passing safely across congested residential streets which is another accident waiting to happen.

Dr. Verico noted that there are many health concerns including litter on residential properties which gets into storm drains. This has led to an increase in the amount of wild animals looking for food. Patrons from the farm are leaving human and animal waste on school and residential properties and exposing children to serious infection risks and odors. Dr. Verico pointed out that poor air quality resulting from vehicle emissions and second hand smoke are afflicting the area, and could result in an increase in asthma and heart attacks. There has been an increase in noise pollution due to loud music, people talking on cell phones, and blowing horns. Drug paraphernalia has been found on properties exposing residents to risk of HIV and hepatitis.

Dr. Verico read from Section 4:c14-10 within the Right to Farm Act which states that commercial agricultural operations should not be a nuisance nor shall any operation, activity or structure be deemed otherwise or invade or interfere with the use or enjoyment of any other land or property. As per Mr. Robert Abertamarco, Administrator of the Bergen County Agricultural Development Board, in general under the Right to Farm Act matters of health, safety, and welfare remain the jurisdiction of the municipal or state entities who would enforce their regulations or ordinances against all property owners in accordance with these practices. Neither the County Agricultural Development Board nor the County SADC maintains any standard of what determines a direct threat to public health and safety. The Right to Farm matters are handled on a case by case basis, and it would be the responsibility of the municipality to identify any direct threats to public health and safety at the municipal level. Dr. Verico stated that in general, the Right to Farm Act does not exempt the farm from municipal ordinances and regulations. Dr. Verico stated that the farm does have a right through the Farm Act to seek relief and exemption from certain ordinances and regulations. The farm would have to submit a site specific agricultural management practice request to the County Agricultural Development Board whereby the farmer would have to demonstrate a “legitimate agriculturally based reason” for non-compliance with the applicable municipal ordinances and or regulations.

Lisa Spadafino, 7 Arigot Court, said that in an effort to cooperate with the farm the Task Force has come up with some solutions including alternative parking lots such as the JCC, the commuter lot in Hillsdale, the K Mart in Westwood, the Woodcliff Lake pool, Stonybrook or any other Hillsdale owned land. Another creative solution would be an online registration system which would be a patron lottery system for reservations to assist with capacity.

Phil Cohn, 31 Royal Park Terrace, explained that the goal of the Save Our Streets Task Force is to achieve a permanent and collaborative agreement among all parties. The town and its residents should not be expected to take on the liability and the burden resulting from the farm’s activity. The Task Force has developed a four phase approach to address the problems with the hope of reaching a resolution during Phase One. He asked for the support of elected officials in the following Phase One Action Plan as follows:

1. Immediately create a committee with representatives from the Council, the Task Force, and Demarest Farm to work on a permanent solution.
2. Require the farm to fund an independent traffic study and direct the removal of unsightly traffic signs in the off season until the issue is permanently resolved. This would also be funded by the farm.

Mr. Cohn applauds the fact that the farms is thriving, and is part of the community, but the residents are suffering due to potential liability issues, and the inconvenience on residents across the town will continue to grow. It is not fair to have encroachment on residents due to the success of a business in the town. He asked that all of those involved work together swiftly to come to a resolution which he believes can be achieved.

Mayor Arnowitz stated that he asked Councilmember Ruocco to look into this matter with Sgt. McLaughlin, and he would recommend that they be part of any committee that is formed. He

suggested establishing a date and time for a meeting of the committee and that representatives of the farm be invited to attend as well.

Recreation/Stonybrook-October 2015

Motion to receipt and file the Recreation/Stonybrook report by Councilmember Looes, second by Councilmember Ruocco, and unanimously approved.

**OLD BUSINESS:**

1. Demarest Farms – electronic message from Phil Cohn dated September 30, 2015

**NEW BUSINESS**

There was no new business this evening.

**CORRESPONDENCE**

1. Letter dated September 18, 2015 from Neglia Engineering, 93 Queens Court, Inspection Report – Drainage Conditions

Motion to approve, receipt and file by Councilmember Looes, seconded by Councilmember Meyerson, and unanimously approved.

2. Letter of resignation dated September 24, 2015 from Christopher Wheeler, DPW laborer.

Motion to receipt and file by Councilmember Looes, second by Councilmember DeRosa, and unanimously approved.

**PUBLIC COMMENT**

Georgia Bland, 16 Royal Park Terrace, spoke about safety in the area of the homes that are located around the cul de sac. Ms. Bland stated that people walking along the path in the rear can look directly into the back yards of the homes located on the path. It would be easy for them to scope out the homes and plan a robbery. This situation makes her uncomfortable. She added that there is garbage and plant debris including pumpkins littering the walkway as a result of the success of Demarest Farms. She is confused because it appears that the situation has only gotten out of hand in the past few years. She pointed that there are nine signs on a street that is only two blocks long.

Ms. Bland referred to a former Councilmember, Mr. Sweet, who lived near the path and said that no one used the path. He said he wanted to take over the area, and the next morning there were landscapers doing extensive work outside of his property line. She was astonished and attended a Council meeting after which the land was returned to the public. She stated that this pathway was constructed as a means of egress in the time of emergency, and customers from Demarest Farm are destroying the neighborhood.

Sal Risalvato, Executive Director of the New Jersey Gasoline, Convenience Store and Automotive Association, introduced himself and said that his group represents gasoline and small retail/ convenience stores. He said that the intent of the ordinance restricting tobacco purchase to those over twenty-one is good; however; harm may be done to small businesses. This ordinance will do nothing to prevent nineteen or twenty-one year olds from smoking because they will go to another town to make their purchases. He asked the Mayor and Council to exchange this ordinance for a resolution asking the State of New Jersey to pass the law so that individuals won't have any reason to leave this town to go to another to shop. Mr. Risalvato's organization learned that a similar ordinance cost one business owner in Paramus \$7,000 in lost revenue. He again asked for a resolution requesting that Trenton pass this ordinance on a State wide basis. This has been the approach used by other municipalities in New Jersey. He added that it is also difficult to refuse someone in the military who comes in to buy tobacco due to their age.

Steve Zacone, owner of 7-11, said he has been in the neighborhood for twenty-five years. He pointed that when he first was in this business, cigarettes were the biggest part of his sales but these sales have dropped over the years. He also encouraged the Mayor and Council to support the passage of a State wide ban on tobacco purchases for those under twenty-one.

Mishel Patel, 48 Patterson Street, asked that the Mayor and Council wait until this matter is introduced on the State level because it will only hurt local business resulting in reduced revenue. People that buy tobacco products also purchase other things, and it is those lost sales that will really hurt people like himself. He asked that Hillsdale wait until a law is passed State wide because it is unfair that they should be singled out.

Peter Lucas, 749 Hillsdale Avenue, said that his home is located on Pascack Avenue and Hillsdale Avenue. There are several bus stops in the vicinity of his house, and people leave garbage in and around his home that he has to pick up. He asked if a garbage can could be put at this corner to alleviate this problem somewhat. Mr. Lucas said that the intersection where he lives is a high traffic area with traffic lights controlling traffic from all directions. There seems to be a large number of drivers speeding northbound on Pascack Avenue late at night. Many drivers do not come to a full stop when turning right on a red light, or they turn the corner very quickly if the light is green. There have been at least four accidents that he is aware of in the year that he has lived here. There has been debris left in his driveway from motor vehicle accidents. Mr. Lucas requested that a sign be posted on the southbound portion of the intersection indicating the presence of a hidden driveway to alert vehicular traffic.

Mayor Arnowitz said that Sgt. McLaughlin has taken note of Mr. Lucas' request relative to the sign. He will make the DPW aware of the request for a garbage can and he added that he knows first-hand that litter is a big problem on Pascack Road.

Pat Lucas, 749 Hillsdale Avenue, said that the safety issue is her main concern. Drivers are impatient when she signals that she is making a turn into her own driveway, and making a left turn out of her driveway in the morning is almost impossible. She added that people run the red light from Hillsdale Avenue onto Pascack Avenue, and something must be done. Mayor Arnowitz reiterated that Sgt. McLaughlin will look into this.

Dr. Tracy Verico, 88 Horizon Terrace, said that she was submitting a petition with two hundred signatures along with evidence and photos regarding the farm.

Tom Driscoll, 17 Craig Road, said that this weekend he encountered a group of people walking on his front lawn and generally congregating on his property. When asked to leave they refused, and he called the Police who said that they are allowed to hang out in the street. Mr. Driscoll asked if there were any ordinances relative to loitering and tailgating.

Chief Francaviglia said that there is no law preventing people from conversing or tailgating in the street. Mr. Driscoll asked that an ordinance be passed to prevent this behavior and Chief Francaviglia said that they are abiding by, and enforcing the laws in the State of New Jersey. Mr. Driscoll said that people were setting up chairs, and coolers outside of his house. Chief Francaviglia said that they would not be allowed to obstruct traffic, and Mr. Driscoll was advised to call the police and explain the situation more clearly if this happens again. He said that his wife witnessed someone urinating on the neighbor's property across the street. Chief Francaviglia again advised Mr. or Mrs. Driscoll to call the police. Mr. Driscoll commented that the police and elected officials are not doing enough to help the residents of the town.

Joe Rosenthal, 55 Alpine Terrace, said he moved to the neighborhood in 2001. He referred to an earlier comment that when large volumes of people are coming in something is going to happen, and sure enough in January, 2015 his house was robbed. They have been living there for fourteen years and there have never been any mishaps. While he can't say that it was people who visited the farm who are the culprits, he doesn't think it was a coincidence.

Dr. Ira Bernstein, 39 Sierra Court, said he moved into his house on a quiet cul de sac in 1978. His children could go outside and play; however; his grandchildren who live several houses down the street cannot enjoy this type of activity because of all the traffic. It is only a matter of time before someone gets killed on these narrow streets around the farm.

Pierre Howcopiam, 48 Alpine Terrace, said that he has recently moved from Hoboken, and he agrees with his neighbors who have spoken out regarding the farm situation. The farm has a business problem which through lack of planning has turned into a police problem, and a civic problem. He questioned whether the problem would be met with the same inaction if the farm were Walmart.

Karen Bloomenfeld, Smoke Free Policy, Summit, N.J. said that she wanted to comment on the ordinance relative to raising of the legal age to purchase tobacco. Ms. Bloomenfeld was told that comments are only allowed during the second reading of the ordinance. She said that she wanted to reiterate support for this ordinance, and she would return to speak next month. She added that passage of this ordinance will save lives, and she appreciates the interest of the governing body in this policy that will prevent young people from smoking. Ms. Bloomenfeld said that Councilmembers have been provided with the Office of Legislative Services memo reiterating that there are no issues with preemption and other updated materials.

Richard Carlson, 40 Royal Park Terrace, said that he has lived at this address since 1985. This is the first year that the situation with the farm has become intolerable. This is due to employees of the farm who are standing on street corners with signs indicating that parking is available on residential streets, and then assisting drivers to access these areas. In the past there may have been seven or eight cars parked on Royal Park Terrace which is nothing compared to twenty or thirty cars that are parking on the street this year. Residents on the street who want to entertain on a Sunday have no parking for their guests. He asked that traffic not be directed into his neighborhood. Mayor Arnowitz said that this was part of the plan to solve the problem. Mr. Carlson remarked that he wasn't aware of this and Mayor Arnowitz recalled that there was an announcement that meetings would take place to discuss the ordinance. Sgt. McLaughlin said that he attended several of the meetings to discuss this plan at the request of the coalition that had been formed last year. The coalition wanted Melville to be closed and parkers directed to other streets. He again noted that he could not predict the volume of traffic this year which is up at least 20%.

Mr. Carlson said that to his knowledge if a building is proposed, or some other major change to the community that affects the neighbors there is a legal and moral obligation to advise the public by notice in the Bergen Record or certified mail. The governing body should have to do the right thing for the majority of the people.

Larry Sperber, 27 Glen Oak, said that he spoke to the Mayor and Council about the situation with Demarest Farms during three or four meetings that took place last year. The situation has not been resolved, and is in fact worse. The solution is to deal with the volume of cars, not to rearrange them. He said that the town has a responsibility to the residents to deal with a 20% increase in the volume of cars. The town cannot ignore the problem and do nothing which is all that was done last year.

Georgia Bland, 16 Royal Park Terrace, said that everyone who parks on these streets converge onto Royal Park Terrace to come down the school path and it is too much.

Phil Cohn, 31 Royal Park Terrace, said that they do want to work with the Council to come up with a resolution. At this point, he isn't sure whether or not the farm would want to work with them. Mr. Cohn believes that the town sincerely wants to solve the problem but doesn't have the resources to deal with it. The police have been wonderful but they cannot manage it. The teenagers who are assisting with the parking are fearful because they are being abused by people. He is concerned for the safety of the citizens of Hillsdale as well as the visitors because they are crossing dangerous streets and making K-turns. Mr. Cohn looks forward to working with

Councilman Ruocco and the Police Department along with Demarest Farms to come up with a resolution. He agreed with a previous speaker who said that this is a civic problem, and it is everyone's responsibility to solve the problem together.

No one else came forward and Mayor Arnowitz announced that the public portion of the meeting was closed.

**ORDINANCES** *Adoption and Introduction*

5-18 (Introduction)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 363 FOR THE REVISED GENERAL CODE OF BOROUGH OF HILLSDALE ENTITLED "TOBACCO SALES" TO RAISE THE AGE FOR THE PURCHASE OF TOBACCO PRODUCTS

WHEREAS, the General Code of the Borough of Hillsdale, Chapter 363 provides for Tobacco Sales; and

WHEREAS, said Code states tobacco/cigarettes shall not be sold to any person under the age of 19; and

WHEREAS, the Mayor and Council of the Borough of Hillsdale desire to amend the products to include tobacco in any form, including smokeless tobacco, cigarette paper, and electronic smoking devices.

BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HILLSDALE AS FOLLOWS:

Chapter 363-1 shall be amended to read as follows:

- A. It shall be unlawful to sell any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco, or any electronic smoking devices that can be used to deliver nicotine or other substances to the person inhaling from the device, including but not limited to, an electronic cigarette, cigar, cigarillo or pipe, or any cartridge or other component of the device or related product to a person under 21 years of age.
- B. Sign Requirements. The following six-inch by eight-inch sign shall be posted in a conspicuous place near each cash register in all retail establishments which sell tobacco products:  
"SALE OF TOBACCO PRODUCTS TO ANY PERSON UNDER THE AGE OF 21 IS PROHIBITED BY LAW. Legal proof of age must be shown. A person who sells or offers to sell a product to a person under 21 years of age may be prosecuted in accordance with state and local ordinances."

Chapter 363-2 shall be amended to read as follows:

It shall be unlawful for a tobacco/cigarette retailer to sell or permit to be sold cigarettes or other tobacco products to any individual without requesting and examining identification from the purchaser positively establishing the purchaser's age as 21 years or greater, unless the seller has some other conclusive basis for determining the buyer is over the age of 21 years.

All Ordinances of parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

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.

This Ordinance shall take effect upon passage and publication as provided by Law.

Motion made by Councilmember Looes, seconded by Councilmember DeRosa

**Roll Call Vote**

Ayes: Councilmembers DeRosa, Looes, Meyerson, Pizzella, Ruocco

Nays: None

Absent: DeGise

15-19 (Introduction)

**AN ORDINANCE TO MANDATE DIRECT DEPOSIT FOR MUNICIPAL EMPLOYEES BY THE BOROUGH OF HILLSDALE PURSUANT TO C.52:14-15f et. Seq.**

WHEREAS, P.L. 2013 c. 28, authorizes local governments to mandate direct deposit for certain governmental employees effective after July 1, 2014; and

WHEREAS, P.L. 2013 c. 28 permits governing bodies to grant exemptions on such terms and conditions as they deem necessary.

NOW THEREFORE, BE IT ORDAINED, by the Borough of Hillsdale, located in Bergen County, State of New Jersey according to the following:

Section 1. All full time employees and elected public officials who receive compensation from the Borough of Hillsdale are mandated to have direct deposit of their compensation as of January 1, 2016 in accordance with Chapter 28 P.L. 2013, as defined under C.52:14-15f (b).

Section 2. Seasonal and temporary employees who are employed by the Borough of Hillsdale are exempt from the direct deposit mandate.

Section 3. Municipal employees may request, in writing, an exemption from the direct deposit mandate to the Borough of Hillsdale's Administrator. Such requests will be presented to the Mayor & Council within 15 days of the next scheduled Council meeting. The Mayor & Council may grant such an exemption by resolution and only for good cause.

Section 4. If any Section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the Section, paragraph subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 5. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect twenty days after final publication according to law.

All Ordinances of parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

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.

This Ordinance shall take effect upon passage and publication as provided by Law.

Motion made by Councilmember Ruocco, seconded by Councilmember Looes

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Pizzella, Ruocco

Nays: None

Absent: DeGise

**RESOLUTIONS (Consent Agenda): R15204 through R15225**

R15204 2014 ANNUAL AUDIT

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

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

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

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

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

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

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

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

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

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

R15205            Authorization to enter and execute agreement with Econsult Solutions, Inc. for the purpose of MSSDA for the purpose of COAH

WHEREAS, the Borough Council of the Borough of Hillsdale entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; an

WHEREAS, the Borough Council of the Borough of Hillsdale recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Mayor and Council of the Borough of Hillsdale has determined that it is in the best interests of the citizens of the Borough of Hillsdale to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale, as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Borough Clerk be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough Council of the Borough of Hillsdale hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Borough of Hillsdale with Econsult Solutions, Inc. The Borough Council of the Borough of Hillsdale hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the borough of Hillsdale with the approval of the Borough of Hillsdale’s designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.
4. The Borough Council of the Borough of Hillsdale further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA. In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, The Borough of Hillsdale shall only be responsible for such funding if it authorizes same.
5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough of Hillsdale.
6. This Resolution shall take effect immediately.

R 15206      Authorization Application and execute contract with NJDOT for Hillsdale Roadway Improvement Project

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Hillsdale formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Hillsdale Avenue Roadway Improvement-00117 to the New Jersey Department of Transportation on behalf of the Borough of Hillsdale.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Hillsdale and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

R 15207      Authorize Interlocal Agreement with Township of Rivervale for the use of Indoor Pistol Range for the year 2016, in the amount of \$2,366.09

WHEREAS, the Borough of Hillsdale (Hereinafter Hillsdale) and the Township of River Vale (Hereinafter River Vale) are desirous of entering into an Interlocal Services Agreement under the provisions of N.J.S.A. 40:8-1 for the use by River Vale of the Hillsdale indoor police pistol range located at 380 Hillsdale Avenue, Hillsdale, NJ 07642; and

WHEREAS, the municipalities of Hillsdale and River Vale have determined that this agreement and the payment of the costs and equipment is an appropriate for use of this facility and would promote shared services between the local units and would be beneficial to them.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Bodies of these municipalities that they hereby enter into and execute this Inter-local Services Agreement generally under the terms and conditions of the agreement which shall be executed by the respective Mayors of Hillsdale and River Vale.

R 15208      Authorization to request permission for dedication by rider for Train Station Donations

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for the receipt of donated funds by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Train Station Donation Trust are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hillsdale, County of Bergen, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A:5-29 for the exclusive purposes of depositing and expending funds donated by individuals to offset the costs of Borough train station repairs through the Train Station Donation Trust.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

R 15209      Authorization to cancel outstanding checks

WHEREAS, the following checks issued from Borough bank accounts have been outstanding for more than a year and are now stale-dated.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hillsdale that the following checks be canceled and voided and that all such funds be returned to each fund account as appropriate:

| <u>CHECK #</u> | <u>DATE</u> | <u>AMOUNT</u> | <u>FUND</u>       |
|----------------|-------------|---------------|-------------------|
| 1699           | 2/1/14      | \$ 210.00     | Public Assistance |
| 2050           | 12/1/14     | \$ 294.00     | Public Assistance |
| 2600           | 8/15/13     | \$ 50.00      | Escrow            |
| 2604           | 8/15/13     | \$ 50.00      | Escrow            |
| 23034          | 1/31/14     | \$ 5,549.00   | Current           |
| 24218          | 11/18/14    | \$ 835.19     | Current           |
| 4861           | 12/19/13    | \$ 117.00     | Stonybrook        |
| 4879           | 1/31/14     | \$ 53.00      | Stonybrook        |
| 34119          | 9/7/07      | \$ 36.40      | Payroll           |
| 48302          | 6/8/12      | \$ 11.54      | Payroll           |

|       |          |           |         |
|-------|----------|-----------|---------|
| 48484 | 6/22/12  | \$ 10.64  | Payroll |
| 49945 | 6/8/12   | \$ 234.22 | Payroll |
| 10069 | 10/11/13 | \$ 84.70  | Payroll |
| 10245 | 11/22/13 | \$ 115.36 | Payroll |
| 10319 | 11/22/13 | \$ 182.28 | Payroll |
| 10321 | 11/22/13 | \$ 266.59 | Payroll |
| 10513 | 1/17/14  | \$ 438.06 | Payroll |
| 10514 | 1/17/14  | \$ 457.06 | Payroll |
| 10961 | 5/9/14   | \$ 227.14 | Payroll |
| 11095 | 6/6/14   | \$ 54.85  | Payroll |
| 11109 | 6/6/14   | \$ 28.83  | Payroll |
| 11267 | 6/20/14  | \$ 99.55  | Payroll |
| 11280 | 6/20/14  | \$ 53.75  | Payroll |
| 11314 | 6/20/14  | \$ 74.50  | Payroll |
| 11420 | 7/4/14   | \$ 39.57  | Payroll |
| 11548 | 7/18/14  | \$ 341.70 | Payroll |
| 11562 | 7/18/14  | \$ 260.60 | Payroll |
| 11624 | 7/18/14  | \$ 12.20  | Payroll |
| 11757 | 7/18/14  | \$ 697.77 | Payroll |
| 11931 | 8/1/14   | \$ 69.43  | Payroll |
| 12691 | 9/26/14  | \$ 29.40  | Payroll |
| 12787 | 10/10/14 | \$ 38.57  | Payroll |
| 12976 | 11/21/14 | \$ 277.05 | Payroll |
| 12982 | 11/21/14 | \$ 91.43  | Payroll |
| 12998 | 11/21/14 | \$ 92.35  | Payroll |

R 15210 Authorization to enter into and execute 2014 Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund Program, matching grant, for the roof repair of the Hillsdale Railroad Station, Contract Number 15-00394, Grant Period July 15, 2015-July 15, 2018, in the amount of \$200,000.

WHEREAS, a Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund grant of \$200,000.00 has been awarded by the Board of Chosen Freeholders for restoration and rehabilitation of the Hillsdale Railroad Station of Hillsdale, New Jersey; and

WHEREAS, pursuant to the State Interlocal Services Act Community Development funds may not be spent in a municipality without authorization by the Governing body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Hillsdale, and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Hillsdale hereby confirms endorsement of the aforesaid project.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

R 15211 Authorization to enter into CDBG, non-matching grant, for Handicapped Accessible Bathroom, Hillsdale Railroad Station, Contract Number PV-01-15; Grant Period July 1, 2015-June 30, 2016, in the amount of \$49,800.

BE IT RESOLVED, that the Mayor and Council of the Borough of Hillsdale wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$49,800, forty-nine thousand eight hundred dollars in 2015-2016 Community Development Block Grant, Contract

Number PV-01-15, Term of Contract, 07/01/15 through 06/30/16, Account Number 21-213-746-235-47-57, funds for:

HANDICAPPED ACCESSIBLE BATHROOM~TRAIN STATION  
HILLSDALE, NEW JERSEY

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor Max Arnowitz to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Susan Witkowski to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Hillsdale is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

R 15212        Award non-fair and open contract to JHM Signs, 1593 Springtime Road, Alpha, NJ 08865, in the amount NTE \$17,500.86, for electronic message board

WHEREAS, the Borough of Hillsdale has a need for an electronic message board as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5. This contract is to provide a new electronic message board for the Borough of Hillsdale; and

WHEREAS, the Borough Administrator has solicited quotes for such services and determined in writing that the value of the contract will not exceed \$17,500.86; and

WHEREAS, the anticipated term of this contract is until the job is completed; and

WHEREAS, JHM Signs has submitted a proposal March 20, 2015, indicating they will provide the scope of work described to install the electronic message board for an amount not to exceed \$17,500.86; and

WHEREAS, JHM Signs has completed and submitted a Business Entity Disclosure Certification which certifies that JHM Signs has not made any reportable contributions to a political or candidate committee in the Borough of Hillsdale in the previous one year and that the contract will prohibit JHM Signs from making any reportable contributions through the term of the contract, and

WHEREAS, certification of availability of funds is hereby provided the Certified Finance Officer per N.J.A.C. 5:30-5.4.

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value to be placed on file with this resolution; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale as follows:

1. JHM Signs is hereby retained to provide an electronic message board as described above for an amount not to exceed \$17,500.86.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Hillsdale.

4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

R 15213      Authorize Michael Kaufmann, CMFO to authorize payments NTE  
\$17,000 for HEFSP from the Affordable Housing Trust Fund

BE IT RESOLVED, that Michael Kaufmann, CMFO of the Borough of Hillsdale to authorize payments for services related HEFSP as required by Housing Element and Fair Share Plan (HEFSP) on behalf of the borough at an amount not to exceed \$17,000.00. from the Affordable Housing Trust Fund.

R 15214      Affirmation of Hillsdale's Civil Rights Policy

WHEREAS, it is the policy of the Borough of Hillsdale to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Hillsdale has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Mayor and Council of the Borough of Hillsdale that:

Section 1: No official, employee, appointee or volunteer of the Borough of Hillsdale by whatever title known, or any entity that is in any way a part of the Borough of Hillsdale shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Hillsdale's business or using the facilities or property of the Borough of Hillsdale.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Hillsdale to provide services that otherwise could be performed by the Borough of Hillsdale.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Hillsdale as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Hillsdale. This communication shall include a statement from the governing

body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Hillsdale's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Hillsdale in order for the public to be made aware of this policy and the Borough of Hillsdale's commitment to the implementation and enforcement of this policy.

R 15215        Authorize creation of curfew for Cabbage Night/Halloween Night-Zero Tolerance in the Borough of Hillsdale

WHEREAS, ensuring the safety and security of Borough residents is a critical concern for Hillsdale Borough's Mayor, Council, and Chief of Police; and

WHEREAS, October 30<sup>th</sup>, commonly known as "Cabbage Night" or "Mischief Night" is the night when kids go out and engage in pranks/try to cause mischief; and

WHEREAS, the Borough Council believes it to be in the best interest of the health, safety and welfare of the Borough's residents to establish a curfew on that night and on Halloween.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Hillsdale, County of Bergen, State of New Jersey, that:

1. There is hereby established a curfew from 8:00 p.m. to 6:00 a.m. for Cabbage Night, October 30-31, and Halloween, October 31 to November 1. The curfew shall apply to each minor unaccompanied by his or her parent or guardian. Any such unaccompanied minor shall be transported to police headquarters. For the purposes of this section, "minor" shall be defined as any person under the age of 18.
2. On October 30-31, there is hereby established **A Zero-Tolerance** policy towards acts of Criminal Mischief, Trespassing and aggressive behavior. Anyone found defacing or damaging property will be brought to police headquarters and processed accordingly.
3. On October 30-31, the Police shall confiscate all potentially destructive items, including toilet paper and shaving cream, from children who are wandering unsupervised on Hillsdale streets. Names of all unsupervised juveniles will also be recorded and kept on file with the Police Department.
4. On October 30-31, any children found with items that the Police believe pose a significant threat to persons or property will be brought to headquarters and processed accordingly. These items include eggs, spray paint, paint ball guns, etc.
5. Anyone who operates a motor vehicle in violation of the law will be issued the appropriate motor vehicle summons.

R 15216        Amending term of appointment for Michael Kaufmann, CMFO to January 1, 2015 through December 31, 2018

WHEREAS, the Borough Council previously on May 5, 2015 adopted Resolution 15109 authorizing the appointment of Michael Kaufmann as the Chief Financial Officer for the Borough, and further authorized the Mayor and the Borough Clerk to execute an Employment Agreement with Michael Kaufmann to serve as the Chief Financial Officer for the period May 11, 2015 to May 10, 2019; and

WHEREAS, the Borough and Michael Kaufmann entered into an Employment Agreement dated May 11, 2015, following the adoption of Resolution 15109; and

WHEREAS, Resolution 15109 should have been more properly indicated that the term of employment to be entered into between the Borough and Michael Kaufmann is from May 11, 2015 to December 31, 2018 and the term of office between the Borough and Michael Kaufmann is from January 1, 2015 to December 31, 2018;and

WHEREAS, an amended or replacement Employment Agreement is to be entered into with Michael Kaufmann in place of, revising or amending the foregoing May 11, 2015 Employment Agreement so as to more properly set forth the term of his office with the Borough to be from January 1, 2015 to December 31, 2018 and the term of his employment with the Borough to be from May 11, 2015 to December 31, 2015;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the Borough wishes to enter into an amended/replacement/revised Employment Agreement with Michael Kaufmann to serve as Chief Financial Officer for a term of office beginning on January 1, 2015 and ending on December 31, 2018, and a term of employment beginning on May 11, 2015 and ending on December 31, 2018; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and the Borough Clerk be and hereby are authorized to execute on behalf of the Borough such amended, revised or replacement Employment Agreement setting for the terms set forth above in this Resolution.

R 15217 Authorize approval of Quasi Programs in the Recreation Program

BE IT RESOLVED that the following list, by class be included in the insurance program for the Borough of Hillsdale as Quasi Entities:

QUASI I: Hillsdale Public Safety Associations and Auxiliaries

QUASI II: Hillsdale Volunteer Ambulance Corps and Fire Department

QUASI IV: Hillsdale Baseball & Softball Association  
Hillsdale Football Association  
Hillsdale Soccer Association  
Hillsdale Hoops Association

R 15218 Authorize establishing Access for All Advisory Board and accepting By Laws

WHEREAS, the Borough of Hillsdale recognizes and acknowledges its ongoing legal commitments to meeting the needs of its employees and residents with disabilities; and

WHEREAS, the Borough of Hillsdale fully supports the provisions of the Americans with Disabilities Act (“the ADA”) regarding reasonable accommodations in the workplace and for providing all residents equal access to facilities and services; and

WHEREAS, the Mayor and Borough Council remain keenly aware of the need to be proactive in enforcing compliance with the ADA addressing the special needs of our residents with disabilities; and

WHEREAS, despite the great strides that our residents with disabilities have made with the benefits of the ADA, barriers continue to exist that deny equal access to employment as well as public and private facilities; and

WHEREAS, many Bergen County communities have established Access for All Advisory Boards composed of town residents with disabilities and local officials, who work collaboratively with the Mayor and Council to address issues of access within their boundaries; and

WHEREAS, the Borough of Hillsdale wishes to establish an Access for All Advisory Board composed of the at least 9 persons and no more than 13; 51% shall be persons with disabilities, parents of children with disabilities, or a resident family member who is a caregiver of a person with a disability. The balance of the Board may be composed of one representative from each of the following Borough Departments:

- A liaison from the Mayor and Council,

- The Building Department,
- The Recreation Department,
- The Department of Public Works,
- The Board of Education,
- One of the emergency services (either Police, Fire or Emergency Management) and
- A member of the Business Community.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hillsdale, the Borough of Hillsdale Access for All Advisory Board is hereby established and the Borough Administrator is hereby authorized to contact the various individuals and organizations as outlined above to determine representation on the Committee and advertise for membership from the community at large for selection by the Mayor and Borough Council.

R 15219 Approval of Corrective Action Plan for Year 2104 Audit

WHEREAS, the 2014 Annual Audit of the Borough of Hillsdale, conducted by Lerch, Vinci & Higgins, LLP Certified Public Accountants, contained certain recommendations requiring action; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hillsdale, that the Corrective Action Plan for the 2014 Annual Audit, hereto attached, is hereby approved and accepted; and

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

R 15220 Authorize the Borough Clerk to advertise for bids for 2016 Freightliner Model 1`14SD 6x4 Tandem Cab & Chassis

WHEREAS, there is a need for equipment for the DPW; and

WHEREAS, one such piece is a FREIGHTLINER MODEL 114sd 6x4 TANDEM CAB & CHASSIS which was approved as part of the 2015 Capital Budget; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is authorized to advertise for bids for a FREIGHTLINER MODEL 114sd 6x4 TANDEM CAB & CHASSIS for the DPW.

R 15221 Authorize the Borough Clerk to advertise for bids for Stellar Slider26 Hooklift with 54" Fixed Hook Height

WHEREAS, there is a need for equipment for the DPW; and

WHEREAS, one such piece is a STELLAR SLIDER26 HOOKLIFT WITH 54" FIXED HOOK HEIGHT which was approved as part of the 2015 Capital Budget; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is authorized to advertise for bids for a STELLAR SLIDER26 HOOKLIFT WITH 54" FIXED HOOK HEIGHT for the DPW.

R 15222 Authorize the Borough Clerk to advertise for bids for Galion Heavy Duty Crossmemberless Model 450U Stainless Steel Dump Body

WHEREAS, there is a need for equipment for the DPW; and

WHEREAS, one such piece is a GALION HEAVY DUTY CROSSMEMBERLESS MODEL 450U STAINLESS STEEL DUMP BODY which was approved as part of the 2015 Capital Budget; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is authorized to advertise for bids for a GALION HEAVY DUTY CROSSMEMBERLESS MODEL 450U STAINLESS STEEL DUMP BODY for the DPW.

R 15223        Authorize the Borough Clerk to advertise for bids for Cummins 40KW Diesel Fueled Generator

WHEREAS, there is a need for equipment for the OEM; and

WHEREAS, one such piece is a CUMMINS 40KW DIESEL FUELD GENERATOR which was approved as part of the 2015 Capital Budget; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is authorized to advertise for bids for a CUMMINS 40KW DIESEL FUELD GENERATOR for the OEM.

R 15224        Authorize Borough Clerk to advertise for Requests for Qualifications, Borough Professionals year 2106

BE IT RESOLVED, that pursuant to N.J.S.A. 19:44A-20.4, et seq. that the Borough Clerk is hereby authorized to advertise for the above mentioned services for the following positions for year 2016:

Borough Attorney  
Borough Auditor  
Borough Appraiser  
Borough Bond Counsel  
Borough Engineer  
Borough Labor Attorney  
Attorney for Tax Appeals  
Borough Prosecutor  
Alternate Borough Prosecutor  
Borough Planner  
Borough Public Defender  
Risk Management Insurance Consultant  
Library Auditor

R 15225        Authorize the Mayor and Borough Clerk to enter into and execute an Interlocal Service Agreement with the Borough of Westwood for the use of a Senior Van for six months, October 1, 2015 through March 31, 2016

WHEREAS, the Borough of Hillsdale (Hereinafter Hillsdale) and the Borough of Westwood (Hereinafter Westwood) are desirous of entering into an Interlocal Services Agreement under the provisions of N.J.S.A. 40:8-1 for the use by Hillsdale of the Westwood Senior Citizen's Bus; and

WHEREAS, the municipalities of Hillsdale and Westwood have determined that this agreement and the payment of the costs and equipment is an appropriate for use of this vehicle and would promote shared services between the local units and would be beneficial to them.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Bodies of these municipalities that they hereby enter into and execute this Inter-local Services Agreement generally under the terms and conditions of the agreement which shall be executed by the respective Mayors of Hillsdale and Westwood.

Councilmember Looes asked to pull R-15210

Councilmember Ruocco asked to pull R 15206, 15213, 15216, 15225

Council President Pizzella had questions on R-15220 through 15223 which are resolutions authorizing the Borough Clerk to advertise for bids on equipment. Mayor Arnowitz explained

that these resolutions authorize the action of going out to bid, but not the acceptance of any bids without Council approval. These resolutions do not need to be pulled.

Councilmember Ruocco asked for an explanation on 15213. Mayor Arnowitz said that this is COAH related. Councilmember Ruocco pointed out an error in the date in the third paragraph of R-15216. The resolution stated that Michael Kaufmann's employment is from May 11, 2015 to December 31, 2015. It should read from May 11, 2015 through December 31, 2018, and Mr. Madaio will change the resolution. Councilmember Ruocco said that this resolution does not have to be pulled

Councilman Ruocco referred to R-15206 Hillsdale Roadway Improvement Project, and asked if the resolution should contain an amount. Councilmember Looes explained that grant applications do not contain dollar amounts. Councilman Ruocco said that this resolution does not have to be pulled.

Councilmember Looes was confused by the dollar amount listed in R-15210. The content of the resolution varies from what is listed on the agenda. The agenda indicates \$200,000, and the resolution says \$240,000. Council President Pizzella said that the \$240,000 is a combined amount including funding.

Councilmember Ruocco spoke about R-15225 concerning authorization to enter into an Interlocal Service Agreement with Westwood for the use of a senior van. Councilmember Ruocco suggested that Ms. Witkowski report on any other alternatives she was able to find.

Mayor Arnowitz announced that after this discussion the only resolution being pulled is R-15225.

Motion to approve all resolutions with the exception of R-15225 made by Councilmember Looes, seconded by Councilmember Meyerson.

#### Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Pizzella, Ruocco

Nays: None

Absent: DeGise

Ms. Witkowski reported that she received an email from Woodcliff Lake stating that they will not hear from Park Ridge or Montvale pertaining to a van for the seniors until next Monday. She had not heard more from Mr. Eli about setting up an appointment with the mechanics to inspect the van. She spoke to the Hillsdale mechanic about the existing van and he said that there are leaks in addition to the transmission problem. The floorboard in the lift area has to be reinforced, and there are problems with the air conditioning.

Councilmember Ruocco said that these problems have been ongoing for five weeks and the seniors are only able to utilize two cars. Councilmember Meyerson noted that Ms. Witkowski reported that there was a check in the amount of \$400,000 returned to the Borough from the insurance company. He suggested that this money be put into a capital improvement budget that could be added to each year. As Chairman of the Finance Committee, Councilmember Ruocco should call a meeting to review the idea of purchasing a new van for the seniors. Mayor Arnowitz said that this is a great idea and to his knowledge \$3,000 is the amount needed to fix only the transmission on the van.

Council President Pizzella suggested proceeding with the both Finance Committee and the Interlocal Agreement with Westwood on the senior van because it will take time to get a van. This agreement with Westwood would be a temporary fix to the problem, and Mayor Arnowitz said that even if the Finance Committee makes a recommendation by the first meeting in November it will still take three months to get the van. This is why they need to approve the Interlocal Agreement. He added that they are now in a position where the Borough has matching

funds which enables them to pursue grants for this type of funding. He added that there will be no impact to the tax base.

Councilmember Meyerson said that the Finance Committee must determine the best uses for this money. A specific amount of money could be allocated specifically for matching funds for the train station among many other things. He asked how long it would take to get the van using a State bid. Mayor Arnowitz indicated that the purchase of a van should be based on specific needs.

Motion on 15225 by Councilmember Ruocco, second by Councilmember Looes.

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Pizzella, Ruocco

Nays: None

Absent: DeGise

Mayor Arnowitz said that Councilmember Ruocco and the Finance Committee need to take the recommendation made by Councilmember Meyerson and report back on the senior van at the first meeting in November.

**OFF CONSENT: R15226**

R 15226 Bill List

BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale that the following bills in the sum of \$3,909,693.97 as authorized by the Department Head and approved by a Council member liaison, be paid; and that the Mayor, Clerk and Chief Financial Officer be and they are hereby authorized and directed to issue warrants in payment of same.

Motion to approve by Councilmember Looes, second by Councilmember DeRosa

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Pizzella, Ruocco

Nays: None

Absent: DeGise

**COUNCIL COMMENTARIES**

Councilmember DeRosa said that the Police Department has an SUV that is at the end of its useful life. The Ambulance Corp is requesting that the vehicle be given to the Ambulance Corp to be used as a first responding vehicle if crew numbers were lacking, or in the event that there wasn't anyone available who is certified to drive the ambulance. The vehicle would remain at the Ambulance Corp building and would allow for a quick response to an emergency situation. The Police Chief and Captain agree with the request, and Councilmember DeRosa recommended this request.

Mayor Arnowitz asked about the cost relative to fuel and insurance. Councilmember DeRosa said he did not check into these items. Mayor Arnowitz said that he would be agreeable to this as long as the Ambulance Corps is willing to accept these additional costs.

After some discussion, Mayor Arnowitz said he would have to leave because he was not feeling well. He congratulated the Navy on their 240<sup>th</sup> birthday, and thanked everyone who has served or who is now serving in the Navy. He reminded everyone that the next meeting is on a Wednesday, November 4<sup>th</sup> because Tuesday is Election Day.

Council President Pizzella took over the meeting. Upon questioning relative to procedure, Mr. Madaio said that they could have John Beatty from the Ambulance Corp speak to the Council on this subject. Councilmember Ruocco said that he assumed the Ambulance Corp would absorb the cost including insurance and fuel; Councilman DeRosa added that the DPW would take care of minor maintenance issues, but that major repairs would be the Ambulance Coprs responsibility.

John Beatty, Captain of the Ambulance Corps, came forward and said that the SUV would never be used in lieu of an ambulance. This vehicle would supplement the other rig, and Mr. Beatty explained that it could be used when they stand by at events and supplement offerings to the community. Mr. Beatty added that the Ambulance is a large vehicle and not every member wants to drive it. This vehicle could be driven by other EMTs to assist the Hillsdale Police Department. The Ambulance Corp is not in service on Tuesdays and Wednesdays because there are no drivers, and the availability of this SUV would be very helpful.

Motion by Councilmember Ruocco to donate the Police Department SUV to the Ambulance Corp, seconded by Councilmember DeRosa. Mr. Madaio said that a resolution will be necessary for the next meeting. The donation will take place at the end of 2015.

#### Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Pizzella, Ruocco

Nays: None

Absent: DeGise

Councilmember Ruocco said that the next Senior Lunch is scheduled for October 21<sup>st</sup> at St. John the Baptist at 11:30 A.M. sponsored by Demarest Farms. He announced that there is a conference on Thursday, October 15<sup>th</sup> from 5:00 P.M. to 9:00 P.M. at the Department of Human Services at 1 Bergen County Plaza in Hackensack for anyone who is a caregiver. Those interested can email Councilmember Ruocco and he will provide more information.

Councilmember Meyerson reminded everyone to drive safely on Halloween.

Councilmember DeRosa encouraged everyone to vote on November 3<sup>rd</sup>.

Councilmember Looes thanked everyone for their work on the Emergency Services Open House.

Ms. Witkowski said that she went with the DPW and the Borough Engineer to Centennial Park. There are a few small items that need to be completed. She reported that the Fire Department has purchased a Knox box for this area.

Ms. Witkowski received an email relative to the County inspection of bridges. The County noted that the bridge on Everdell is hazardous because it is uneven in the area where the bridge meets the sidewalk. She spoke to the Borough Engineer about the possibility of applying some asphalt to smooth it over. It was suggested that a change order be done when the bids for the road program are received to include this concrete sidewalk. Because this would be a cheaper solution, Ms. Witkowski is recommending a change order to include this work on the bridge. Work is also necessary at the Fire Department garage and several other Borough garages, and she is recommending that these items also be included in the change order.

Council President Pizzella announced that October 17<sup>th</sup> is Fright Night, followed by Halloween in Hillsdale on October 24<sup>th</sup> from 3:00 P.M. to 8:00 P.M. The event includes the Ragamuffin Parade, concessions, a movie, and bands. He asked anyone wishing to donate to the Train Station Fund to make checks payable to the Borough of Hillsdale, and include in the memo section Hillsdale Railroad Restoration Trust.

Council President Pizzella addressed the Demarest Farms issue, and said that the Police Department is doing everything they can to look out for the health and welfare of the residents in that area. The Council is committed to helping the residents living near the farm within the confines of the law.

#### **ADJOURN TO CLOSED SESSION @9:50 PM**

R 15227 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. 104-12 - *COAH litigation, personnel – DPW/Clerk's office, negotiations; litigation 150 Magnolia; shared services WCL.*

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.

X (4) Matters relating to collective bargaining agreements-*DPW/UPSEU/PBA/Crossing Guards*

\_\_\_ (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 – *COAH litigation, shared services WCL, personnel/DPW/Clerk's office; litigation 150 magnolia*

\_\_\_ (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 made by Councilmember Ruocco, second by Councilmember Looes, and unanimously approved.

**RECONVENE REGULAR MEETING @ 10:58 A.M.**

Motion to reconvene regular session was made by Councilmember Looes, second by Councilmember Meyerson and unanimously approved

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

**ADJOURNMENT @10:59**

Motion to adjourn was made by Councilmember Meyerson, second by Councilmember Looes, and unanimously approved.

THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE

**WEDNESDAY, NOVEMBER 4, 2015 – BEGINNING AT 7:30 p.m.**

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Denise Kohan, Deputy Municipal Clerk

APPROVED AS PRESENTED

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Denise Kohan, Deputy Municipal Clerk