

Minutes of a Council Meeting of the Borough of Hillsdale held at 7:30 P.M. on Tuesday, August 11, 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 11<sup>th</sup> day of August 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. Also in attendance were Mayor Arnowitz, Borough Attorney Madaio and Borough Administrator/Borough Clerk Witkowski. Councilmember DeGise and Council President Pizella were absent this evening.

**CORRESPONDENCE:**

1. Letter from Hillsdale Volunteer Fire Department dated August 3, 2015, for approval of membership application for Michael Alburtus, Hillsdale Fire Cadet.

Motion to approve by Council Member Looes, second by Council Member Ruocco, and unanimously approved.

2. Letter from Hillsdale Volunteer Fire Department dated August 7, 2015, for approval of membership application for Matthew Domville, Hillsdale Fire Cadet.

Motion to approve by Council Member Looes, second by Council Member Ruocco, and unanimously approved.

**APPOINTMENTS/OATHS OF OFFICE:**

Michael Alburtus, Hillsdale Fire Cadet Council Member Looes

Matthew Domville, Hillsdale Fire Cadet Council Member Looes

**RECOGNITION:**

Girl Scout Gold Award Recipients:  
Caitlyn Meindl, Alyssa Zoll and Brisa Siegel John Ruocco, Council Member

No Girl Scouts were present this evening.

Eagle Scout Recipients:  
Ryan Viceconte, Jeff Werthweim and Paul Giovanni Max Arnowitz, Mayor

**BOROUGH OF HILLSDALE  
OFFICE OF THE MAYOR**

**PROCLAMATION**

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**Ryan Viceconte**

- *WHEREAS*, Ryan Viceconte, of BSA Troop 109, labored diligently to achieve the highest award in the Boy Scouts of America, the Eagle Scout Award; and,
- *WHEREAS*, Scouting is well known as a vital organization that enables the development of self-esteem and leadership skills in young men; and,
- *WHEREAS*, Ryan has learned the enduring values of Scouting and his dedication and devotion to the principles of scouting is an inspiration to all young men;

- *NOW, THEREFORE, BE IT RESOLVED*, I, Mayor Max Arnowitz, on behalf of the citizens of the Borough of Hillsdale, commends and congratulates Ryan Viceconte for his accomplishments and extends our best wishes for continued success.

IN WITNESS WHEREOF, I, Max Arnowitz, Mayor of the Borough of Hillsdale, have hereunto set my hand this 11th day of August.

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**BOROUGH OF HILLSDALE  
OFFICE OF THE MAYOR**

**PROCLAMATION**  
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**Jeffrey Wertheim**

- *WHEREAS*, Jeffrey Wertheim, of BSA Troop 109, labored diligently to achieve the highest award in the Boy Scouts of America, the Eagle Scout Award; and,
- *WHEREAS*, Scouting is well known as a vital organization that enables the development of self-esteem and leadership skills in young men; and,
- *WHEREAS*, Jeffrey has learned the enduring values of Scouting and his dedication and devotion to the principles of scouting is an inspiration to all young men;
- *NOW, THEREFORE, BE IT RESOLVED*, I, Mayor Max Arnowitz, on behalf of the citizens of the Borough of Hillsdale, commends and congratulates Jeffrey Wertheim for his accomplishments and extends our best wishes for continued success.

IN WITNESS WHEREOF, I, Max Arnowitz, Mayor of the Borough of Hillsdale, have hereunto set my hand this 11th day of August 2015.

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**BOROUGH OF HILLSDALE  
OFFICE OF THE MAYOR**

**PROCLAMATION**  
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**Paul Giovanni**

- *WHEREAS*, Paul Giovanni, of BSA Troop 109, labored diligently to achieve the highest award in the Boy Scouts of America, the Eagle Scout Award; and,
- *WHEREAS*, Scouting is well known as a vital organization that enables the development of self-esteem and leadership skills in young men; and,
- *WHEREAS*, Paul has learned the enduring values of Scouting and his dedication and devotion to the principles of scouting is an inspiration to all young men;
- *NOW, THEREFORE, BE IT RESOLVED*, I, Mayor Max Arnowitz, on behalf of the citizens of the Borough of Hillsdale, commends and congratulates Paul Giovanni for his accomplishments and extends our best wishes for continued success.

IN WITNESS WHEREOF, I, Max Arnowitz, Mayor of the Borough of Hillsdale, have hereunto set my hand this 11th day of August 2015.

Council Member Looes congratulated Ryan Viceconte for his success in attaining the rank of Eagle Scout and read the proclamation from the Borough of Hillsdale.

Council Member Ruocco stated that the Girl Scout Gold Award is the highest award in Girl Scouting. Caitlyn Meindl made a video on animal cruelty and had volunteered at an animal shelter. Brisa Siegel organized a concert in Hillsdale to raise funds for Homes for the Troops. This is an organization that ensures adequate housing for returning soldiers. She performed at

the concert with her father who is a musician. Alyssa Zoll improved the effectiveness of Early Childhood Reading Programs in Fort Lee by creating a set of interactive DVDS to help first graders whose parents could not speak English. Council Member Ruocco read the proclamations for the three Girl Scouts.

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

Dan O'Rourke, Superintendent DPW

Mr. O'Rourke reported that the Library project is complete and the fence has been installed. This results in additional parking and more area for the fire apparatus. The DPW has repaired ten to twelve storm drains which has saved the Borough \$1,000 because the work was done in-house. Unfortunately, truck #9 has broken down and he is hoping to make a successful transfer from the transmission of another truck that is unusable at the moment. This will depend on the cost of labor involved and how long the work will take.

Mr. O'Rourke announced that one of the DPW employees gave notice that his last day of work will be this coming Thursday. Mayor Arnowitz said that Mr. O'Rourke can work with the Administrator to hire a replacement. Mr. O'Rourke was concerned because the department is already shorthanded and leaf season is approaching. Mayor Arnowitz said that there is approval for temporary personnel as long as there is money in the budget.

Mr. O'Rourke stated that the DPW is already half way through the work relative to the Department of Environmental Protection (DEP) on the slope at Centennial Field. When they have finished, he have the trees removed by the contractor. Mr. O'Rourke is confident the work will be finished within a week and will be compliant with DEP regulations.

Mayor Arnowitz spoke about the salt shed and said that there shouldn't be anything outside of the shed. Mr. O'Rourke said that the contents have now been covered with tarp. Mayor Arnowitz asked if Mr. O'Rourke has been working on the inventory. Mr. O'Rourke said that he met with the liaisons yesterday to discuss the cost of snow removal equipment and vehicles. Mayor Arnowitz recommended that Mr. O'Rourke get this done as soon as possible so that they have what the equipment they need to get through winter.

**RECOGNITION**

Council Member Looes congratulated Paul Giovanni who arrived at 7:58 p.m. for his success in attaining the rank of Eagle Scout and read the proclamation from the Borough of Hillsdale.

**BOROUGH OF HILLSDALE  
OFFICE OF THE MAYOR**

**PROCLAMATION**

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**Paul Giovanni**

- *WHEREAS*, Paul Giovanni, of BSA Troop 109, labored diligently to achieve the highest award in the Boy Scouts of America, the Eagle Scout Award; and,
- *WHEREAS*, Scouting is well known as a vital organization that enables the development of self-esteem and leadership skills in young men; and,
- *WHEREAS*, Paul has learned the enduring values of Scouting and his dedication and devotion to the principles of scouting is an inspiration to all young men;
- *NOW, THEREFORE, BE IT RESOLVED*, I, Mayor Max Arnowitz, on behalf of the citizens of the Borough of Hillsdale, commends and congratulates Paul Giovanni for his accomplishments and extends our best wishes for continued success.

IN WITNESS WHEREOF, I, Max Arnowitz, Mayor of the Borough of Hillsdale, have hereunto set my hand this 11th day of August 2015.

**8:00 P.M. ~ PUBLIC HEARING ON 2015 BERGEN COUNTY OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, FARMLAND & HISTORIC PRESERVATION TRUST FUND GRANT APPLICATION-Hillsdale Outdoor Fitness**

Councilmember Looes made a motion to open the public hearing, seconded by Councilmember Meyerson, all ayes.

I will now open the meeting to the public. Notice of public hearing on 2015 Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund Grant Application – *Hillsdale Outdoor Fitness* was advertised fifteen (15) days before the date set therefore, on July 25, 2015. If anyone desires to be heard regarding the application, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Ruocco

Nays: None

Absent: Councilmember DeGise and Council President Pizzella

If anyone desires to be heard regarding the application, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Kevin O'Brien, 61 Parkview Drive, asked for a synopsis of what the project involves. Councilmember Looes stated that this project has been discussed under many different names for several years. The location is on Piermont Avenue where the old children's playground was located at the Stonybrook Field. The new plan calls a path to be setup with stations with different equipment and explanations as to the most efficient use of the equipment. There will be room for expansion of the equipment in the future.

Councilmember Ruocco asked if the equipment is the same as gymnasium equipment, or what is found at Rockland Lake. Mayor Arnowitz said that the equipment is weatherproof with bars for leg-ups and chin-ups, etc. Councilmember Looes said that this equipment is made to withstand the elements. Mayor Arnowitz said that he understands that initially there would be someone from the Board of Health at the park to help guide people through the various stations.

Motion to close the public hearing was made by Councilmember Looes, seconded by Councilmember Meyerson.

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Ruocco

Nays: None

Absent: Councilmember DeGise and Council President Pizzella

R 15167        Endorsing Municipal Trust Fund Application for 2015 Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund Grant Application – *Hillsdale Outdoor Fitness*

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the Borough of Hillsdale desires to further the public interest by obtaining a matching grant of Twenty-Five Thousand Fifty Dollars (\$25,050) from the County Trust Fund to fund the following project: Hillsdale Outdoor Fitness; and,

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body/board received public comments on the proposed park improvements in the application on August 11, 2015; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Hillsdale:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of **September 3, 2015**, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Governing Body of the Borough of Hillsdale, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Governing Body of the Borough of Hillsdale is committed to providing a dollar for dollar cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Governing Body of the Borough of Hillsdale agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

Motion to accept R 15167 made by Councilmember Meyerson, seconded by Councilmember DeRosa

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Ruocco

Nays: None

Absent: Councilmember DeGise and Council President Pizzella

**PRESENTATIONS**

Access for All

Freeholder Maura DeNicola

Mayor Arnowitz stated that Freeholder DeNicola was ill this evening and is scheduled to appear on September 1<sup>st</sup>.

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Proposed DRAFT Sign Ordinance

Darlene Green, Borough Planner  
Tracy Jeffery, Zoning Official

Darlene Greene, Borough Planner with Maser Consulting, introduced herself and stated that consideration of amendments to the sign ordinance have been ongoing for some time. Maser Consulting was retained to overhaul the sign ordinance completely due to deficiencies with the ordinance. The sign ordinance is somewhat outdated and doesn't deal with items such as LED lights. The scope of work includes a complete review of all the issues to bring the ordinance into the 21<sup>st</sup> Century. Ms. Greene said that she and Ms. Jeffery have been working on the ordinance for over a year and are on their fifth draft. The ordinance was sent to Mark Madaio for legal review. Ms. Witkowski sent the ordinance to the Council in May and the Council, in turn, asked the Borough Planner to attend a Council meeting to address questions and comments from Councilmembers.

Ms. Greene referred to the ordinance and noted that some sections are new while other sections have been amended. Definitions were added as needed to the existing language and explanations were added for everything that is new in the draft sign ordinance. Graphics have been incorporated to better explain certain concepts such as the measurements for sign area and different sign types. These definitions run from page one to page five. Information on the actual sign code is contained in Section 310-61. Section 61 contains the general provisions of ordinance in one location. Section A contains general provisions, and Section B covers prohibited signs in the Borough of Hillsdale. The current code only contains regulations regarding sign prohibition in the commercial district. Ms. Greene said that a section has been created that covers the entire Borough, including signs that are not allowed in the municipality. Section B, Page 6, includes all signs in the Borough that are prohibited. The language has been copied from the existing code with the addition of LED illuminated signs with the exception of open signs. Letters L through Q have been added which deal with signs consisting of balloons, blimps, streamers, etc. Also included are signs with more than two faces. Letter Q refers to vehicle signs or signs wrapped on vans or cars, being displayed when the vehicle is not regularly parked. These mobile billboards, that are not delivery trucks, cannot be parked within 50 feet of the right-of way.

Ms. Greene explained that Section C is new and will give the Building Department some clout that is missing at the moment. This section deals with non-conforming signs and the removal of those signs. A non-conforming sign which suffers damages in excess of 50% will not be allowed to be re-built. The sign would have to be brought up to present standards including type,

illumination and size of sign. The same regulation would be in effect for a free standing sign. A single occupancy business would be required to remove sign faces within sixty days if that business ceases to operate. When a thirty period for compliance period is exceeded; fines will be issued. This provides more enforcement power for the Building Department.

Ms. Greene referred to Section D which encourages certain types of signs. Many of these provisions were taken from the existing code and include identifying signs and street address signs. Some new additions are political signs and directional signs. Open signs will be allowed throughout the business district, as well as temporary construction signs and real estate signs. Temporary windows signs continue to be allowed for twenty days rather than fourteen days. Ms. Greene stated that the Section dealing with sign permits remains the same.

Ms. Greene noted Section 310-62 pertains to signs permitted for certain usage. She explained that there are certain uses that occur in residential and non-residential districts and it is difficult to regulate these signs by district. Some examples are public buildings, schools and churches that are in different zones. These uses have been incorporated in one section with standards for public parcels, schools and churches. This section is more lenient than what exists today. Section D on page 13, refers to flyers for charitable events such as a 5 K race. These signs or flyers are not allowed currently, and the new ordinance would allow a flyer or small banner to be posted on the window of a business. However, the flyer or banner would have to comply with the window signage parameters and the business owner would have to make a decision as to which, if any flyers he wants to display.

Ms. Greene spoke about the requirements concerning signs in residential districts. This section is essentially the same with the exception of small, freestanding identification signs used for townhome or senior citizen developments in the Borough. There are no guidelines for these types of signs and this section would allow small identification signs. Section 64 deals with the Industrial District which is not covered in the existing sign code. There is a general rule that a 10 square foot sign is allowable and a decision was made to allow wall signs; free standing signs where the property has two or more tenants on site; and directory signs. There is a provision to allow American flags and one corporate flag per parcel. Incidental signs will be permitted in the industrial zone which will help people making deliveries.

Ms. Greene stated that Section 65 includes the commercial district which has totally been revamped. The business owner will have options. A business owner with a ground floor establishment will be allowed to have a wall sign, projected sign or an awning sign. A supplemental wall sign would be allowed if there is parking in the rear with a business entrance. A business owner on the second floor is permitted a directory sign. A free standing sign is only allowed in the case of a building that is setback 360 feet. Window signs and menu boxes will continue to be allowed and the rule for flags is the same as in the industrial district. Temporary grand opening signs will be allowed to encourage and support new businesses locating in Hillsdale.

Ms. Greene referred to conditional uses for gas stations signs which have been amended slightly to conform to the draft ordinance. The free standing requirements have been changed to comply with the eight foot maximum height requirement contained in the beginning of the code. The same wall and window signs allowed in the commercial district will be allowed for gas stations.

Councilmember Looes asked if the landlord would be responsible for the removal of a sign if a tenant leaves. Tracy Jeffery, the Hillsdale Zoning Official, said that the landlord would be responsible if the tenant leaves and doesn't take the sign with them. Ms. Greene interjected that this will be clarified in the final document.

Councilmember Ruocco referred to Section 61 B which states that signs painted into barrels or onto posts are prohibited. He questioned the regulations pertaining to yard sale signs. Ms. Jeffery said that garage sale signs have never been permitted, but this provision has never been enforced. Regarding political signs, Councilmember Ruocco noted that one political sign per candidate is permitted on each parcel of land. Mayor Arnowitz asked if the Borough is following the state and federal laws. He recalled that this had been discussed some time ago when the ACLU indicated that the Borough can pass an ordinance; however, that ordinance isn't legal if it doesn't adhere to federal laws. Ms. Green said that the law is not being violated and the attorney had reviewed the ordinance. Ms. Jeffery added that the ordinance does not violate freedom of speech law. In the case of three candidates per party, only one sign would be permitted. Councilmember Meyerson was concerned about whether the proposal meets what is allowed under the constitution and he suggested that they look into this further and Mr. Madaio, Borough Attorney said he would research this further. Mr. Madaio indicated that he has no problems with the limitations in the ordinance, but some people living on a corner lot will place two signs in each section of their lot. He didn't find this unreasonable as long as site triangle

wasn't blocked. The alternative is not to do anything, but Mr. Madaio said that he favors limitations that includes a reasonable amount of time when displaying a sign before the election with removal required in a reasonable time frame after the election. Perhaps they should consider allowing one sign per front yard, but in reality anyone can put up anything they want when it comes to free speech. Ms. Jeffery explained that over the years the Borough has received more and more complaints about the proliferation of political signs. She said that it is impossible to mandate a start time for these signs, however; the proposed sign regulations call for signs to be removed seven days after the election. Mayor Arnowitz said that before this ordinance is passed, he wants a definitive answer to the open questions on all of the signs regulations, but most importantly political signs. It was his understanding that the existing sign ordinance was not enforceable and he wants the Borough to prevail if there are any lawsuits as a result of this new ordinance.

Councilmember Meyerson asked whether every existing sign will be grandfathered and considered legal after this ordinance has passed. Ms. Jeffery explained that an existing sign can remain, but if it is destroyed in excess of 50%, or the tenant leaves, any new or replacement sign must be conforming. Councilmember Meyerson said that many signs were grandfathered in because the town implemented a moratorium on signs so that the Borough could amend and enforce new ordinance which would require compliance by every business. He is concerned because he is hearing something different this evening. Mr. Madaio said that an ordinance could never be passed that ignores the concept of grandfathering and added that in order to enjoy grandfathering protection the signs had to be legal at some point. Councilmember Meyerson said that any grandfathering clause should apply to the current zoning laws and any signs preceding the current zoning law could be considered grandfathered for the new zoning law. Mr. Madaio explained that in order for a sign to be grandfathered it would have had to be lawful at the date of inception whether inception was 1929 or 2015.

A question was raised relative to the reasoning behind the moratorium on enforcement of the sign ordinance. Mayor Arnowitz explained that the previous code enforcement officer refused to enforce the existing sign ordinance because he thought it wasn't enforceable. Mr. Madaio recalled that the Council intended to write a new sign ordinance which explains why the code enforcement officer did not write any tickets concerning signs. Councilmember Looes said that there was an agreement not to enforce the ordinance because there was a conflict over which businesses would be fined and which would not and the length of time it would take for compliance by all businesses. Councilmember Meyerson recalled that the Council agreed to the moratorium on enforcement of the sign ordinance until a new ordinance could be drafted because the Borough needed an ordinance that made sense and treated everyone fairly.

Mr. Madaio suggested that anyone who doesn't comply with the current ordinance would have to show that a permit was issued or have proof that the sign is grandfathered. In other words, everyone is expected to comply with this ordinance unless they have a permit issued under a prior ordinance that establishes conformance at that time.

Councilmember DeRosa questioned whether or not this code was enforceable. Ms. Jeffery said that this ordinance is clear and concise and states that whatever the address or business there must be a sign permit on file relative to the block and lot. Obviously everyone will not be happy, but the Borough has to start somewhere. Ms. Jeffery said that in the past she has gone door to door delivering copies of the sign ordinance and requiring the business owner's signature as proof that it was received. They were given sixty days to comply with the provisions of the ordinance. At that time, business owners were allowed one non-conforming sign regardless of whether or not it was on record with the Borough because the Borough was trying to eliminate additional non-conforming items. Ms. Jeffery stated that the proposed ordinance is easier to understand and enforce. She said they have tried to make it reasonable for both the businesses in town and the Borough itself. She pointed out that the Borough has to work with the businesses and she recommended scheduling one meeting open to those who own businesses in the Borough. The meeting should take place thirty days after the final draft of the ordinance is made available to the businesses for pick-up at the Borough Hall and online. After the meeting, the Council can decide whether or not to make amendments to the ordinance based on comments from business owners.

Councilmember Ruocco asked why signs restricting architectural features are prohibited. Ms. Green explained that there are many downtown areas with wonderful architectural features such as cornices. A business may want to obstruct the feature with a sign that results in damage to part of the building and this is the reason for the prohibition. A business is free to seek a variance to allow a sign in a prohibited area of the structure. There was a question relative to the definition of an architectural feature and Ms. Green said that definitions could be added to the ordinance; however, it was noted that this determination would be based on the opinion of the

enforcement official. Ms. Jeffery said that a business owner can appeal any decision of the zoning official in front of the Zoning Board for an interpretation of the ordinance.

Regarding a further discussion of this ordinance, Councilmember Ruocco said that if there are no more comments he would be in favor of moving this to a public hearing. The Council agreed to send to send their comments to Ms. Witkowski who will forward them to Ms. Green. She will make the changes accordingly. Mayor Arnowitz recommended that Ms. Green reply to all Councilmembers not just the individual who raised the question. Mr. Madaio was directed to do further research on political signs.

Mayor Arnowitz announced that Tracy Jeffery is leaving the Borough for another job and he thanked her for the time she had devoted to the Borough both as an employee and volunteer. He added that she has gone above and beyond to do a wonderful job.

### **APPROVAL OF MINUTES**

Work Session June 3, 2015 and Regular Meeting June 9, 2016

Motion to approve by Councilmember Looes, second by Councilmember DeRosa

#### **Roll Call Vote**

Ayes: Councilmembers DeRosa, Looes, Meyerson, Ruocco

Nays: None

Absent: Councilmember DeGise and Council President Pizzella

Closed Session #1, June 9, 2015 and Closed Session #2, June 9, 2015 will be held until September meeting

These minutes will be on the September 2<sup>nd</sup> agenda for approval.

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

**(CONTINUED)**

Borough Engineer, August 4, 2015

Greg Polyniak, Borough Engineer, reviewed his report dated August 5<sup>th</sup> and stated that his office has submitted a Discretionary Aid Grant Application for the potential funding of improvements to Hillsdale Avenue.

Regarding the landfill, Mr. Polyniak reported that the contractor is in the process of installing the building methane sensors. This work is expected to be completed in two weeks and there will be a subsequent training session held with sports boosters, coaches, etc. to witness the functionality and to gain an understanding of what to expect if the alarm goes off. A preconstruction meeting was held two weeks ago in connection with the field sensors. The sensors are on order and delivery is expected in four to six weeks. The sensors will be installed at the landfill and the stainless steel silver box which includes the recorder and the alarm system will be made functional at that time when there will be another training session for interested parties.

Mr. Polyniak spoke about the train station grant and announced that the freeholders had approved the matching grant for \$100,000 to address the roof and the existing building structure itself. The documents will be forwarded for execution by the governing body.

Mr. Polyniak referred to a report by his office relative to Ralph Avenue pursuant to a complaint from a resident. The report listed items for consideration by the Mayor and Council and he pointed out that the rain storm which caused this ponding and flooding issue was intense measuring three to four inches in one hour. No drainage improvement in Bergen County would have been able to accommodate that amount of runoff, and flooding occurred throughout the County as a result.

Mr. Polyniak said that a letter soliciting projects for municipal Department of Transportation (DOT) grants has been distributed both to the Engineers Office and the Borough Hall. The application must be submitted by October 20<sup>th</sup>, and he explained that his office works with the DPW and the Mayor and Council to select a roadway. Mr. Polyniak suggested submitting a Municipal Aid grant for Hillsdale Avenue that would include some sidewalk improvements as they relate to the Safe Routes to Schools Grant, but they can also consider other roadways.

Mayor Arnowitz questioned the status of Cedar Street between Maple Avenue and Hillsdale Avenue. The street has been dug up and Mayor Arnowitz was told that they are waiting for the street to settle. Mr. Polyniak said that his office has been working with the DPW and Ms. Witkowski to switch out some of the paving which is occurring at the moment so that this roadway could be addressed. PSE&G has been provided the necessary information regarding this road and it is Mr. Polyniak understanding that PSE&G will be addressing the milling and

paving of the road. Mayor Arnowitz recalled that when the street was excavated by PSE&G, they indicated they would pave the entire street in a timely fashion. This hasn't been the case and Mayor Arnowitz was concerned about the upcoming winter. Mr. Polyniak anticipates that PSE&G will do the work in the next month or so.

Councilmember DeRosa referred to the library and stated that the part they needed was the incorrect size. He asked when the new part would be delivered. Councilmember Looes explained that the part had to be remanufactured and should ship on August 14<sup>th</sup>. Library employees think that the repairs will be made the week after that.

Ambulance Corp-no report

Fire Department- no report

Health Department- August 1, 2015

Police – July 28, 2015

Chief Francaviglia presented the report for July 2015, which included 93 dispatch shifts – no overtime; 292 motor vehicle stops; 120 summonses issued; and 14 arrests. He announced the results of a study which found Hillsdale to be the fourteenth safest town in New Jersey. Mayor Arnowitz said that he was contacted by the Suburbanite and the reporter was quite surprised to learn of the programs initiated by Chief Francaviglia. The Mayor stated that Chief Francaviglia and the Police Department should be very proud of this achievement. Councilmember Meyerson read the article which focused on the difference that community policing and crime prevention can make as well as relationships that are forged with the residents of the town. Chief Francaviglia said that programs such as “Night Out” and the “Safe Zones” make a tremendous difference.

Councilmember Looes stated that on August 3<sup>rd</sup>, the Police, Fire Departments and the Ambulance Corp had a joint drill night at Stonybrook. The two departments took part in the rescue of a fire fighter from a building and it was impressive to watch the three entities work together to help each other out.

Councilmember Ruocco stated that he met with the Office of Emergency Management on July 16<sup>th</sup> including Jon Najarian and Butch Franklin. They reviewed many items and he gained an understanding of why and how things are done. Councilmember Ruocco asked if they are getting the support they need from the Borough and they indicated that they are.

### **OLD BUSINESS**

1. COAH Update Joint Meeting with Planning Board Dates -Ms. Witkowski asked for some dates from the Council she could submit to Planning Board Members for a special meeting.

2. Sports Agreements – Councilmember DeRosa reported that the Recreation Committee approved the draft agreement and forwarded it to the head of the sports associations. The heads of the sports associations have been asked to attend the September Recreation Meeting where they will review the agreement point by point.

3. Flood Plain Manager – Ms. Witkowski reported that she has contacted staff at the State level. There was a volunteer who was concerned about time constraints on his end and questioned if there were any online courses available. There are no online courses, but Mr. Jim Want, from the DEP, Floodplain Management Area indicated that he was willing to come to Hillsdale and spend as much time as was needed to review and give an overview of what is involved and websites where this volunteer could obtain the information necessary to be more educated in this area. Councilmembers agreed to this plan.

4. Environmental Committee Recommendations – Councilmember Ruocco recalled that the Environmental Commission had made a presentation at the previous Council Meeting. The Borough received a critical letter from Carol Stanko who is the Acting Chief of the State Bureau of Wildlife Management. She said that in her view there were misinterpretations and misconceptions that she wanted to address. He recommended inviting her to speak at an upcoming Mayor and Council meeting since the deer population is becoming so prevalent in Hillsdale. Mayor Arnowitz asked Ms. Witkowski to make the necessary arrangements.

5. Pedestrian Signs at Broadway and Park Avenue – Ms. Witkowski said that she and Chief Francaviglia continue to work on this. Chief Francaviglia said that the sign for Park Avenue and Broadway is \$8,200. This is more expensive than anticipated because the sign presents four points of contact. Approval has been received from Bergen County, and Ms. Witkowski

reported that the Chief Financial Officer is trying to find the money for the sign. Mayor Arnowitz said he would like to get this done as soon as possible.

6. Employee Handbook/Employee Evaluation Process – Ms. Witkowski said she has contacted the Personnel Committee, among others, to select a date to meet. After some discussion, Mayor Arnowitz and Councilmember Looes decided on August 19<sup>th</sup> at 1:30 P.M.

7. PSE&G Additional Lighting on Broadway – Ms. Witkowski reported that she walked Broadway with a Dan O'Rourke, DPW Superintendent and a representative from PSE&G. She pointed out areas where more lighting was needed such as in the area of Broadway/Orchard and Broadway/Avenue. PSE&G indicated that they could install two lights on one corner and another light at the corner by the gas station. The lights will be longer and will be on a diagonal and should do a much better job of lighting the intersection. The lighting will cost approximately \$43.47 per month.

8. PSE&G Request to Vacate Knickerbocker Avenue – Mayor Arnowitz said that he has issues with this request. There is a repair business in the rear that uses either a driveway or the continuation of the street to access their property. He questioned whether vacating the street would put this person out of business. Chief Francaviglia said that this was an auto repair shop and Councilmember Looes said that the business must be purchased in order to proceed. Chief Francaviglia indicated that there is an issue with cars from this business parking in front of the gym. The first one thousand feet in front of the gym should be for gym members, and the employees could park off of Knickerbocker Avenue when construction begins. Councilmember Looes recalled that a representative from this business said they were going to lease parking spaces.

Mayor Arnowitz said that accommodations must be made for the businesses on this street. Ms. Witkowski clarified that area in question is from Prospect St. west. Councilmember Looes asked if the Tax Assessor was able to clarify the tax implications. Ms. Witkowski explained that it is a matter of whether the Borough has to maintain the street, versus the maintenance of the street being the responsibility of another entity. She also spoke to PSE&G who indicated their willingness to work with the Borough either way. Greg Polyniak, Borough Engineer, said that no analysis has been done relating to the zoning, and his concerns pertain to easements that would be necessary in order for PSE&G to supply users prior to the vacation of the roadway in addition to utilities in the roadway. PSE&G should be required to deposit escrow to do research as it relates to utilities. Mr. Madaio stated that every vacating ordinance begins with a legal description and PSE&G would be required to post the necessary escrows with the Borough Engineer. It is required that they must furnish the exact description of the portion of the street being vacated. The Borough must preserve the right for the continuation of any Borough piping, sewers, utilities and anything else located under the area.

Councilmember Meyerson said his concern is that if one of the lots is non-conforming, does this create an automatic merger resulting in one tax lot instead of two. He wants PSE&G to agree to pay the taxes on two lots if that is the case. Mr. Madaio said that there must be an agreement with PSE&G that this vacation will not affect Hillsdale's taxes either way. Councilmember Meyerson stated that the Borough Engineer should be authorized to begin the process of writing a legal description and to investigate the existing piping. He must ensure that the rights to that piping are preserved along with easement agreements and the examination of zoning questions.

Mr. Polyniak suggested that escrow be collected from PSE&G initially, followed by the gathering of information relative to the utilities. Councilmember Meyerson asked who would determine the escrow amount. Mr. Polyniak explained that the Borough Administrator will calculate the amount of time needed by Borough professionals and determine an escrow amount. Councilmember Meyerson urged Mr. Polyniak to begin the process now.

1. Status Year End 2014 Annual Audit Report – Ms. Witkowski said that this report should be available by the end of the week.

2. DPW Capital Budget Equipment – Mayor Arnowitz stated that Mr. O'Rourke presented the capital budget report on the equipment

3. Grant Application Fitness Playground – Mayor Arnowitz said this was done earlier this evening.

4. Synopsis of Presentation on Grant Identification/Application by Capital Alternative Corp to District 39 – Councilmember Ruocco said that Assemblyman Auth invited the Mayors and Administrators to attend a presentation given by Capital Alternatives Corp which is a grant identification company. This company is involved in grant writing for municipalities in northern

New Jersey including Federal, State and County grants. They provide research service and then take the grant application to the next level. Capital Alternatives charge a sliding scale fee and take 10% of the grant award amount up to \$500,000 when the fee is reduced. All the grants they work with are reimbursable grants meaning that the initial funding comes from the municipality but Capital Alternatives does the work. Councilmember Ruocco explained that if the Borough were to hire Capital Alternative, they would assess the needs with the governing body and conduct a review of the capital budget. They would then develop a strategy based on grants that make sense and might be attainable. He said that Westwood, River Vale and Park Ridge are only a few of their clientele. Representatives from Capital Alternatives explained the scoring practice used by the grantors and they pointed out that if the bid process is not done correctly, the municipality could be penalized when applying for subsequent grants.

Councilmember Ruocco asked if the Council would like Capital Alternative Corp to make a presentation to the Council, or are they content with the current process of grant research and writing. Mayor Arnowitz said that to his knowledge, both the existing and prior engineer were extremely success in obtaining grants that far surpassed anything received by the other towns. He said that they have researched hiring grant writing firms in the past, and additional expense are incurred whether grants are successful or not.

Councilmember DeRosa thought that the Council should listen to a presentation. Councilmember Ruocco said that Marlene Casey and Len Kearny from Capital Alternative would make the presentation. Councilmember Meyerson commented that he thinks grant writers can be successful; however, he is opposed to payment on a contingency basis. Mr. Polyniak commented that the Borough does not pay his firm on a contingency basis when they have applied for grants from DOT, Municipal Aid, Open Space or Historical Preservation. There are other grants that are worthwhile to consider and Mr. Polyniak said he would be happy to attend this presentation. After more discussion, Ms. Witkowski was directed to set a date for the presentation by Capital Alternatives.

5. Sale of Tobacco – Raising the Age – (Ordinance 15-15 up for adoption this evening) – Mayor Arnowitz said that the State Law to buy tobacco legally is nineteen, but the Borough ordinance specifies eighteen. The Borough ordinance cannot be less restrictive than the State law and it must be amended. He added that many people want the age increased to twenty-one. Mr. Madaio stated that since the Council first discussed amending the ordinance, the Borough has received correspondence from Global Advisors on Smoke Free Policy who are asking to include electronic smoking devices in the ordinance. He added that State law covers these devices. Councilmember Looes reported that the Board of Health has discussed the e-cigarettes and have made changes to their regulations relative to the display of the items pertaining to e-cigarettes and where they could be sold.

Councilmember Ruocco made a motion to adopt the ordinance with the adjustment for the e-cigarettes and vaping devices. Mr. Madaio recommended that the ordinance be re-introduced because this constitutes a major change. Councilmember Ruocco withdrew his motion and the ordinance will be rewritten and introduced in September.

### **CORRESPONDENCE**

3. Letter from The International Association of Lions Clubs dated August 2, 2015 - proposing the establishment of a Lions Club in Hillsdale.

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

4. Letter from Senator Loretta Weinberg dated July 29, 2015 regarding proposed changes to OPMA and OPRA issues.

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

Mr. Madaio stated that this letter was a synopsis and he isn't sure why they are voting. Councilmember Ruocco noted that the League of Municipalities does not support these changes. The Council asked that a letter be written noting their concerns.

5. Letter of Resignation from Michael Mullins dated August 4, 2015

Motion to accept, receipt and file by Councilmember Meyerson, second by Councilmember Looes, and unanimously approved. Mayor Arnowitz asked that a letter be written thanking Mr. Mullins for his service to the Borough.

6. Letter from Neglia Engineering Associates dated July 27, 2015 regarding drainage conditions vicinity of 116 Ralph Avenue.

Motion to receipt and file by Councilmember Looes, second by Councilmember Ruocco, and unanimously approved. Mayor Arnowitz asked that the resident be forwarded a copy of this letter.

7. Eagle Scout Service Project, Hugh Cassidy, Nature Trail Beech wood Park.

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

8. Letter of resignation from Tracy Jeffery dated August 10, 2015, Zoning Official/Fire Prevention Secretary, effective August 20, 2015.

Motion to accept, receipt and file by Councilmember Looes, second by Councilmember Ruocco. Mayor Arnowitz asked that a letter be written to Ms. Jeffery thanking her for her service to the Borough.

9. Letter from Erica Demyen dated August 10, 2015, regarding 240 Saddlewood Drive, Block 808, Lot 9, Notice of Violation, Fence Encroachment.

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

Mayor Arnowitz opened the public portion of the meeting.

Erica Demyen, 240 Hillsdale Avenue, said she purchased the home four years ago. At the time of purchase, the property was fenced along Hillsdale Avenue and Saddlewood Drive. The fence was deteriorating and she requested a permit to replace the PVC fencing. Tracy Jeffery responded to Ms. Demyen's permit request and stated that the fence along Saddlewood Drive was improperly located and the replacement fence would have to be moved back by one foot. The Demyens had recently done some extensive landscaping and the problem was that the fence would have to be moved to the location of the landscaping. Ms. Demyen had obtained the necessary permits for the landscaping which was subsequently inspected by Borough officials. She wondered why Borough officials didn't tell her at the time that the existing fence was located in the right-of-way area. Ms. Demyen noted that a Certificate of Occupancy was issued when she purchased the house which would lead her to believe that the fence was in compliance with Borough standards. While she understands that there is an ordinance which requires the fence to be ten feet from the Borough right-of-way, she is asked the Councilmembers to consider allowing her to replace the fence in place. She is willing to have legal papers drawn at no cost to the Borough stating that if the town requests it, she will have the fence removed within a reasonable time frame. She indicated her willingness to sign paperwork removing liability on behalf of the Borough.

Ms. Demyen asked that the Council allow the fence to remain in its present position. She has spoken to the neighbors who have no objections to having the fence remain as it has for over fifteen years. Mr. Madaio stated that the fence was put up without a permit and is located within the Borough right-of-way. The fence must be set back from the Borough right-of-way by ten feet meaning that the fence would have to be moved twelve and a half feet. The request is to move the fence so that it is no longer on Borough property. Ms. Demyen said that conformance with this request is a complex issue due to the costly landscaping that had already been done. Mr. Madaio said that the fence is probably shown on the survey and the title insurance company probably named and included the mis-location of the fence as an exception to the title insurance. Ms. Demyen stated that the fence is shown outside of the property line on the survey.

Councilmember Meyerson drove by the property and observed very tall trees on the other side of the fence which are also located within the right-of-way. If the Borough right-of-way regulations were enforced, it would cost Ms. Demyen thousands of dollars to remove her landscaping and these large trees. The replacement fence would be an improvement to the overall appearance of this area. Mayor Arnowitz pointed out that the right-of-way concept means that the Borough has a right to utilize the property if necessary and the property actually belongs to Ms. Demyen.

After a short discussion, Councilmembers agreed to allow the fence to remain in its present location. Councilmember Looes asked about documentation and Ms. Demyen said she would have her lawyer prepare a document to be reviewed by the Borough Attorney. Ms. Demyen inquired about a new fence and Mr. Madaio said that when the agreement has been executed she can apply for the permit and the zoning officer would issue the permit.

## PUBLIC COMMENT

Gordon Hampton, 42 Cedar Street, stated that the condition of Cedar Street is horrible. The crown of the road is nine to eleven and a half inches high. Although it is expensive, the street needs to be taken down since over the years the street has been made higher and higher as a result of years of repaving. He noted another issue with the drain at the northeast corner of Maple Avenue and Cedar Street. It is a foot lower and when people come around the corner there is a risk that the exhaust pipes could be ripped from the cars. Mr. Polyniak said he will look at the issues raised by Mr. Hampton. Upon questioning by Mr. Hampton, Mr. Polyniak stated that the standard cross slope is 2% but this does vary. Mayor Arnowitz asked Mr. Polyniak to make recommendations which would be passed to PSE&G. The Council will have to discuss options if PSE&G is not willing to address the issues.

Elizabeth Ward, 47 East Liberty Avenue, presented an update on the Summer Concert series. She said that they are two thirds through the series. Once again, they have partnered with a yoga studio which gives a free one-hour class before each concert and the class is open to everyone of any age. Tomorrow evening is the second annual family fun night with Lisa La-La providing musical entertainment for children. The summer recreation staff will be on hand to do face painting and temporary tattoos and there will be an appearance by Bubbles the Clown. The Waldwick Band will perform from 7:30 P.M. to 9:30 P.M. with the theme being Broadway and Bond, James Bond. Ms. Ward said that two concert nights remain and are scheduled on August 19<sup>th</sup> and August 26<sup>th</sup>. She commented that attendance has been very good and they have received kudos in the local press.

Jim Pelligino, 116 Ralph Avenue, spoke about the drainage issue. He said that four different storm drains were located as well as five different (sounds like blocks) that converge into his storm drain in the front of his property. He stated that if a pipe were installed from his property to the main storm drain, a third of the problem would be alleviated. He pointed out that across the street the drain can accommodate the water without incident. Mr. Polyniak has inspected the area and he reported that there are several roadways coming together at this point. The Residential Site Improvement Standards (RSIS) state that catch basins are supposed to be located within 400 feet hundred feet of one another. In this area, the catch basins are located in areas that exceed 450 feet and do not meet RSIS standards. RSIS design standards call for individual catch basins to capture run-off from a one quarter acre area. During strong storms, catch basins are unable to accept the surge of water. Mr. Polyniak said that based on preliminary analysis, this catch basin covers an area of 2.5 acres or ten times the recommended area. The drainage system for this housing development was installed well in advance of the RSIS which is the case throughout most of Hillsdale. This design of the system has been grandfathered in and he assumes this issue exists in numerous locations in the Borough. Mr. Polyniak noted again that this was a twenty five year storm event, and five or ten catch basins in that area would not be able to handle three to four inches of rain that fell in one hour.

Mr. Pellegrino continued to ask that a new storm drain be installed in front of his property. Mayor Arnowitz explained that there was no money in the budget to cover the extensive work requested by Mr. Pellegrino. Mr. Polyniak said that it would cost at least \$10,000 for one catch basin and that is without having any idea as to additional problems they could find under the street. Mr. Polyniak reiterated that no catch basin and or additional piping within the roadway would have been able to address the amount of rain on that date.

Mayor Arnowitz stated that on many occasions residents have complained that when catch basins in front of their properties flood, debris and water enters their homes. The Borough is not able to do anything about this without huge capital investment. Mr. Pelligino indicated that debris and water comes half way up his driveway. Mayor Arnowitz said that the Council would have to decide whether Ralph Avenue should be a priority, but he could not guarantee anything. Mr. Pellegrino thanked the Council for their time tonight and said he might be willing to split the cost with the Borough in order alleviate this problem.

Kevin O'Brien, 61 Parkview Drive, referred to the sign ordinance and mentioned that in Ridgewood a permit is necessary to display a for sale sign. A fee is required from the real estate agency and this is a revenue generator that the Borough should consider.

Mr. O'Brien referred to the Municipal Land Use Law (MLUL) and he said that under Section 40:55D,10-18 Enforcement the governing body of the municipality shall enforce the act and any ordinance or regulations made and adopted thereunder. He said that the Planning Board Attorney has made a finding on evidence; however, Section E on hearings states that technical rules of evidence shall not be applicable to the hearings. In the past, he has attempted to present government records and records with State seals. Mayor Arnowitz said that the Council has no control over the Planning Board.

Mr. Madaio said that the Borough enforces through the Administrative Officer and designated Zoning Officials. He asked if Mr. O'Brien was referring to the introduction of evidence at a hearing. Mr. O'Brien indicated that this was correct and Mr. Madaio said this would be within the purview of the Planning Board. Mr. O'Brien cited Borough Ordinance 310-31, regarding Land Use which says that Technical Rules of evidence shall not be applicable, and the same thing should apply at the Planning Board. Mr. Madaio indicated agreement.

Regarding the Walsky application, Mr. O'Brien stated that the Planning Board Engineer wrote a letter on May 22, asking the Board to withhold any decisions until all Department Head referrals were returned to the Board. However, when he reviewed the file on August 5<sup>th</sup>, he found no correspondence from any Municipal Department Heads relative to this application. He asked whether the Planning Board requires this process of the Department Heads. Mr. Madaio explained that when the Planning Board hears an application that might affect access by emergency vehicles they will often ask for a report by the Fire Chief or the Zoning Official and this is what that section refers to.

Mr. O'Brien referred to the State Controller's investigation at the end of June when he noted that there appeared to be a double entry for volunteers in the Volunteer Fund. The fund was overpaid by \$10,000 when the allowable fund is only allowed \$1,100 per year. He asked how this happened. Mayor Arnowitz said that the fund was \$1,100 when it was initiated and was increased by a percentage, as allowed by the State each year for the first four years. At that point, it was stopped. Mayor Arnowitz explained LOSAP was introduced in 1999. Mayor Arnowitz asked the Administrator if LOSAP was available to a member serving in two departments within Hillsdale. He questioned whether a member is eligible for LOSAP if he serves in multiple towns, and is a member who was paid by the town to serve as a DPW member, for example, eligible to receive LOSAP points. He was informed last night by the President of the Fire Department in Hillsdale as well as several staff member he questioned from the State which is that if a person who makes LOSAP in both departments makes the points that are required for both departments and doesn't mix the two, that person would be eligible. Mayor Arnowitz said that there are two individuals in Hillsdale that were paid approximately \$10,500, over the years in increments of \$1,100 to \$1,325. One individual is higher than the other because he served more time on the ambulance corps. Hillsdale was audited and the State said that these people were overpaid and the Borough was in violation because an individual can only collect one LOSAP. Lincoln Financial is the only financial institution in the State that is allowed to pay LOSAP. They established the fund and were successful in getting Senators to introduce the program. Lincoln Financial told Ms. Witkowski that all municipalities did the same thing as Hillsdale in 1999. In 2008, the Borough stopped paying two LOSAPs.

Mayor Arnowitz said he is working on a plan that will allow the Borough to take the money back from LOSAP. It is his opinion that the money belongs to the individuals since they earned it under the terms that the Borough thought was legal at the time. He went on to say that Hillsdale followed the rules meaning that when an individual received LOSAP they actually made the calls in both the Ambulance Corps and the Fire Department. Mayor Arnowitz stated that they are referring to \$10,000 over a nine year period which he feels is a minimal amount and they are handling the situation.

Mr. O'Brien commented on the sign ordinance and said that he can't imagine that the Council who creates rules and regulations would not support these same rules and regulations. Mayor Arnowitz indicated agreement with Mr. O'Brien and said that when he made a similar comment he received no support from Councilmembers. He added that he was referring to a former Council. The former Code Enforcement Officer never issued a violation and Mayor Arnowitz felt that if a violation or summons was issued, it would be up to the Judge to make a determination.

At this time, Mayor Arnowitz announced he was not feeling well and would leave. In the absence of the Council President, the remainder of the meeting was run by the most senior member of the Council who is Councilmember Looes.

There were no other comments from the public at this time, so Councilmember Looes closed the public comment portion of the meeting.

#### **ORDINANCES** *Adoption and Introduction*

#### **15-15 (Adoption)**

### **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 363 FO 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 the age to purchase tobacco products as 18; and

WHEREAS, the Mayor and Council of the Borough of Hillsdale desire to amend the age to purchase tobacco to 19.

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 tobacco/cigarettes to a person under 19 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 19 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 19 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 tobacco/cigarettes to any individual without requesting and examining identification from the purchaser positively establishing the purchaser's age as 19 years or greater, unless the seller has some other conclusive basis for determining the buyer is over the age of 19 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.

Mr. Madaio recommended that this ordinance be carried because of the instructions to make changes to the proposed ordinance.

Motion to *table* the ordinance by Councilmember Meyerson, second by Councilmember DeRosa, all in favor.

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**15-16 (Adoption)**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13 OF THE REVISED GENERAL CODE OF BOROUGH OF HILLSDALE ENTITLED “FIRE PREVENTION” TO PROVIDE FOR ACCESS TO FIRE HYDRANTS IN ALL NON-RESIDENTIAL ZONES AND FOR THE USE OF KEY BOX RAPID ENTRY SYSTEMS**

WHEREAS, the General Code of the Borough of Hillsdale, Chapter 146 provides for Fire Prevention; and

WHEREAS, said Code does not specify provisions for access to fire hydrants in all non-residential zones and the use of Key Box Rapid Entry System; and

WHEREAS, the Mayor and Council of the Borough of Hillsdale have determined that there exists a need to include these items in the General Code,

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

Chapter 146-13 shall be added to read as follows:

**Fire Hydrants.** To insure access to fire hydrants in all non-residential zones in the Borough of Hillsdale for the safety and welfare of the public, a clear area of (3) three feet must be maintained in all directions from the fire hydrant as well as meeting the road side parking requirements.

The owner or lessee of any property within three (3) feet of a fire hydrant shall be responsible to see that a three (3) foot clear space is provided in all directions from the fire hydrant. The requirements of this section shall be completed by the responsible party not later than twenty-four (24) hours after any natural obstruction such as snow shall prevent access to the fire hydrant and within twelve (12) hours of any other type of obstruction.

Upon the failure of any person in maintaining the open space for all fire hydrants in accordance with this section, shall be deemed a violation of the Fire Safety Code.

Chapter 146-14 shall be added to read as follows:

**Key Box Rapid Entry System.**

1. Key Boxes Required. The Fire Official shall require a “Key Box Rapid Entry System” (“Knox” or similar) to be installed in all non-residential zones in an accessible location where immediate access is necessary to verify the existence of a fire or other emergency in these buildings equipped with or required to be equipped with, fire detection or fire suppression systems or equipment.

All new commercial and/or manufacturing buildings constructed after the effective date of this section, all existing commercial and/or manufacturing buildings which undergo remodeling in excess of One Thousand (\$1,000.00) dollars after the effective date of this section, and all existing commercial and/or manufacturing buildings when requested by the Borough Fire Official, shall be provided with a Key Box Rapid Entry System at a location approved by the Fire Prevention Bureau. Such box shall be provided with master keys necessary for access to all portions of the premises. Such box and keys shall be provided prior to occupancy and/or final inspection.

All buildings equipped with elevators shall be provided with a Key Box Rapid Entry System as in the preceding paragraph.

2. Type, Contents, Installation. The key box shall be of a type approved by the Fire Official; shall contain keys to gain necessary access as required by the Fire Official, and shall be installed in a manner approved by the Fire Official. The Fire Official shall require a key box tamper switch connected to the building’s fire alarm system.
3. FDC CAPS. FDC Caps shall be required to be installed on all Fire Department Sprinkler connections, and Fire Department Stand Pipes.
4. Penalties. Any building owner violating the requirements of this subsection, after receiving due notice by the Fire Official shall be subject to a fine up to five hundred (\$500.00) dollars.

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.

I will now open the meeting to the public.

Motion to *open public hearing* on Ordinance 15-16 made by Councilmember Meyerson, second by Councilmember Ruocco.

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Ruocco

Nays: None

Absent: Councilmember DeGise and Council President Pizzella

If anyone desires to be heard regarding Ordinance No. 15-16, please raise your hand to be recognized, come forward to the microphone, and state your name and address for the record.

Kevin O'Brien, 61 Parkview Avenue, complimented the Mayor and Council on the position of Darren Blankenbush who has done an outstanding job. He is taking a pro-active approach which is supported by Mr. O'Brien.

No one else came forward.

Motion to *close the public hearing* on Ordinance 15-16 by Councilmember Ruocco, second by Councilmember Meyerson.

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Ruocco

Nays: None

Absent: Councilmember DeGise and Council President Pizzella

I entertain a motion that the public hearing on Ordinance No. 15-16 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 Clerk is authorized to advertise the same according to law.

Motion to *adopt* Ordinance 15-16 made by Councilmember Meyerson, second by Councilmember DeRosa.

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Ruocco

Nays: None

Absent: Councilmember DeGise and Council President Pizzella

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**15-17 (Introduction)**

**ORDINANCE OF THE BOROUGH OF HILLSDALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO AMEND CHAPTER 294 OF THE BOROUGH CODE ENTITLED "VEHICLES, IDLING OF"**

WHEREAS, the Borough of Hillsdale has adopted §294-3, an ordinance to establish prohibited acts and exceptions pertaining to idling vehicles in the Borough; and

WHEREAS, the Borough desires to expand §294-3 regarding prohibited acts and exceptions of idling vehicles.

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

§294-3 Shall be amended to read as follows:

A. No person shall cause, suffer, allow or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, with the following exceptions :

(1) A motor vehicle at the vehicle operator's place of business where the motor vehicle is permanently assigned may idle for 30 consecutive minutes.

- (2) A motor vehicle may idle for 15 consecutive minutes when the vehicle engine has been stopped for three or more hours and ONLY if temperature is below 25 degrees Fahrenheit.
- (3) Buses may idle while actively discharging or picking up passengers for 15 consecutive minutes in a 60 minute period.
- (4) No idling is allowed in a parking space with available and functioning electrification technology.

B. The provisions of Subsection A above shall not apply to:

- (1) A motor vehicle stopped in a line of traffic.
- (2) A motor vehicle whose primary power source is utilized in whole or part for necessary and definitely prescribed mechanical operations, such as refrigeration units for perishable loads, hydraulic lifts, "cherry pickers", or similar equipment and other than propulsion, passenger compartment heating or passenger compartment air conditioning.
- (3) A motor vehicle being or waiting to be examined by a state or federal motor vehicle inspector.
- (4) An emergency motor vehicle in an emergency situation.
- (5) A motor vehicle while it is being repaired.
- (6) A motor vehicle while it is engaged in the process of connection or detachment of a trailer or of exchange of trailers.
- (7) Operation of auxiliary or alternate power systems for cabin comfort.
- (8) A motor vehicle with a sleeper berth, equipped with a 2007 or newer engine, or that has been retrofitted with a diesel particulate filter *while the driver is resting or sleeping in the sleeper berth*. Other idling is still prohibited.

The remainder of §294-3 shall remain unchanged.

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.

BE IT RESOLVED, that Ordinance No. 15-17 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal Building, 380 Hillsdale Avenue, Hillsdale, New Jersey, on September 8, 2015 and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Ridgewood News once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

Motion by Councilmember Meyerson, second by Councilmember DeRosa

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Ruocco

Nays: None

Absent: Councilmember DeGise and Council President Pizzella

**RESOLUTIONS (Consent Agenda): R15168 through R15185, R15188:**

R 15168      Ratifying Purchase of 2016 Police Interceptor from NJ Cooperative Purchasing Program, #A88728 in the amount of \$25,788.00 from Winner Ford, Cherry Hill, NJ (operating budget)

WHEREAS, the Borough of Hillsdale, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program and other approved Cooperative Purchasing Programs for any State or Cooperative Purchasing contracts entered into on behalf of

the State by the Division of Purchase and Property in the Department of the Treasury and/or by the approve the Cooperative Purchasing Program; and

WHEREAS, the Borough of Hillsdale is a member of the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the Borough purchased a 2016 Ford Explorer AWD for the Police Department through the State Cooperative Purchasing Program in 2015 on Contract #A88728; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Hillsdale ratifies the Purchase of a 2016 Ford Explorer AWD from Winner Ford, Cherry Hill, New Jersey, \$25,788.00 in accordance with the State of New Jersey Cooperative Purchasing Program, Contract # A88728.

R 15169 Adopt Cash Management Plan Year 2015

WHEREAS, N.J.S.A. 40A:4-14 requires each municipality to have a cash management plan;

and

WHEREAS, the Chief Financial Officer has prepared the attached plan

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hillsdale that the attached plan be adopted as the Cash Management Plan of the Borough of Hillsdale.

I. STATEMENT OF PURPOSE

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Borough of Hillsdale, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. DESIGNATION OF OFFICIALS OF THE BOROUGH OF HILLSDALE AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN

The Chief Financial Officer of the Borough of Hillsdale is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan.

III. DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any Certificates of Deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

State of New Jersey Cash Management Fund, Oritani Bank, TD Bank, Valley National Bank and Pascack Community Bank.

IV. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL.

The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Officials(s) of the Borough of Hillsdale referred to in this Plan may deal for purposes of buying and selling securities identified in this Plan as Permitted Investments or otherwise providing for Deposits:

No designated brokerage firm.

v. AUTHORIZED INVESTMENTS

A. Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this plan, to the extent not otherwise held in deposits, in the following permitted investments:

- (1) Bonds or other obligations of the United States of America or obligations Guaranteed by the United States of America (any investment contracts providing for resale arrangements with the supplier should be analyzed for legality and should be specifically authorized in the cash management plan);
- (2) Government money market mutual funds;
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (3) Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
- (4) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase approved by the Division of Investment of the Department of the Treasury for investment by Local Units;
- (5) Local government investment pools;
- (6) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c.281 (C.52:18A-90.4); or
- (7) Agreements for the repurchase of fully collateralized securities if:
  - (a) the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a;
  - (b) the custody of collateral is transferred to a third party;
  - (c) the maturity of the agreement is not more than 30 days;
  - (d) the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C.17:9-41); and
  - (e) a master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms "government money market mutual fund" and "local government investment pool" shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

- (a) which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940", 15 U.S.C. sec 80a-1 et seq., and operated in accordance with 17 C.F.R. sec. 270.2a-7.
- (b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase

agreements that are collateralized by such U.S. Government securities; and

- (c) which has:
  - (i) attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
  - (ii) retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the "Investment Advisors Act of 1940," 15 U.S.C. sec.80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool. An investment pool:

- (a) which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
- (b) which is rated in the highest category by a nationally recognized statistical rating organization;
- (c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- (d) which is in compliance with rules adopted pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
- (e) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- (f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

## VI. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN

To the extent any Deposit or Permitted Investment involves a document or security which is not physically held by the Borough of Hillsdale, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Borough of Hillsdale to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investment that involve securities shall be executed by a "delivery versus payment" method to insure that such Permitted Investments are either received by the Borough of Hillsdale or by a third party custodian prior to or upon the release of the Borough's funds.

## VII. REPORTING REQUIREMENTS

On the first day of each month during which this Plan is in effect, the Designated Official(s) referred to in Section III hereof shall supply to the governing body of the Borough of Hillsdale a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Borough of Hillsdale as a Deposit or a Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments to the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the governing body of the Borough of Hillsdale.

#### VIII. TERM OF PLAN

This Plan shall be in effect from January 1, 2015 to December 31, 2015. Attached to this Plan is a resolution of the governing body of the Borough of Hillsdale approving this Plan for such period of time. The Plan may be amended from time to time. To the extent that any amendment is adopted by the Council, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan as so acknowledged,

R 15170 Authorize Borough Clerk to advertise for Supplemental Snow Plowing, 2015-2016 Season

WHEREAS, the governing body sees a need for supplemental snow plowing services for the 2015-2016 snow season; and

BE IT RESOLVED, that the governing body authorizes the Borough Clerk to advertise for supplemental snow plowing services for 2015-2016 snow season.

R 15171 Authorize Borough Clerk to advertise for Supplemental Snow Removal Services for Sidewalks, 2015-2016 Season

WHEREAS, the governing body sees a need for supplemental snow removal services of Sidewalks for the 2015-2016 snow season; and

BE IT RESOLVED, that they governing body authorizes the Borough Clerk to advertise for Supplemental snow removal services of sidewalks for 2015-2016 snow season.

R 15172 Contract Amendment Request (CAR) #1 increase for additional methane monitoring, Hillsdale Municipal Landfill (Centennial Field) in the amount of \$750.00, Partner Engineering & Science, Inc. 611 Industrial Way West, Eatontown, NJ 07724

BE IT RESOLVED by the Mayor and Council of the Borough of Hillsdale, Bergen County, New Jersey upon the recommendation for the Borough Engineer that the Change Order for the Contract listed below be and is hereby approved.

TITLE OF JOB: Item 1: Additional Methane Monitoring

CONTRACTOR: Partner Engineering and Science, Inc., 611 Industrial Way West,  
Eatontown, NJ 07724

CHANGE ORDER N<sup>o</sup>: 1

AMOUNT OF CHANGE THIS RESOLUTION: Increase \$750.00

AMOUNT OF CHANGE TO DATE: Zero (0)

REASON FOR CHANGE: See attached Change Order.

PROJECT #: 07443101000

This Resolution to take effect upon certification of this Resolution by the Borough Treasurer that sufficient funds are available.

R 15173 Authorize Agreement for Professional Services Year 2015 Road Program to Neglia Engineering, 343 Park Avenue, P.O. Box 426, Lyndhurst, NJ 07071, NTE Construction Management \$17,910.00 and Engineering and Surveying Services, \$18,400.00

WHEREAS, the Governing Body of the Borough of Hillsdale has determined for the year 2015 road program that the following roads will be included in the program:

Everdell Avenue (from East Liberty Avenue to Piermont Avenue

Sycamore Avenue

Lafayette Avenue

WHEREAS, there exists a need for Construction Management Services for the year 2015 Road Program in the Borough of Hillsdale at a cost not to exceed, time and material basis, of \$17,910.00; and

WHEREAS, there exists a need for Engineering and Surveying Services for the year 2015 Road Program in the Borough of Hillsdale at a cost not to exceed lump sum of \$18,400.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hillsdale, that NEGLIA Engineering Associates, 343 Park Avenue, P.O. Box 426, Lyndhurst, NJ 07071 be awarded a contract in the amount not to exceed \$36,310.00 and that the Mayor and Municipal Clerk be directed and authorized to enter into and execute a contract, in a form approved by the Borough Attorney subject to certification by the Chief Financial Officer.

R 15174 Authorize expenditure for Hills Valley Coalition Coordinator for year 2015, \$2,500.00

WHEREAS, the HillsValley Coalition is a community based organization providing and promoting a substance free environment for youth and families in the Pascack Valley Regional High School district; and

WHEREAS, the Coordinator provides significant assistance in grant writing, maintaining funding accuracy, coordinating programs associated with the grant and acting as liaison to local officials; and

WHEREAS, the Hills/Valley Coalition has requested \$2,500 from each sending municipality of the school district to continue the coordinator's work; and

WHEREAS, this Inter-Local Services Agreement attached and in full shall be made part of this resolution; and

NOW, THEREFORE, BE IT RESOLVED, the Council hereby authorizes the expenditure of \$2,500 to the Hills/Valley Coalition Coordinator.

R 15175        Authorize the execution and award of contract for Logistics and Recycling Services of used electronics with E-Revival, LLC, 141 Lanza Avenue, Bldg. 5, Garfield, NJ 07026 for a period of one (1) year with the option of one (1) year extension, \$550.00 per trip

WHEREAS, the Borough of Hillsdale wishes to discard various electronic equipment for the residents of the Borough at the Borough's recycling center and to pay the Borough for such.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the Borough shall enter into a contract for electronic waste recycling with E Revival LLC, 141 Lanza Avenue, Building 5, Garfield, New Jersey 07026 for a period of one (1) year, with one (1) year extension available at the Borough's sole discretion for the recycling of electronic equipment for Borough residents and businesses.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute any and all documents necessary on behalf of the Borough to carry out the provisions of this Agreement.

R 15176        Renewal of membership Bergen County JIF, year 2016

WHEREAS, the Borough of Hillsdale is a member of the Bergen County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2015 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. The Borough of Hillsdale agrees to renew its membership in the Bergen County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Bergen County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

R 15177        Authorize Renewal of 2015-2016 PRC Liquor License, Osso Buco LLC, 343 Broadway

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Consumption License Renewal Application for renewal approval for the license renewal term of 2015-2016;

Lic# 0227-33-009-006                      Osso Buco LLC                      343 Broadway

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

R 15178 Authorize Renewal of 2015-2016 PRD Liquor License, Shop Rite Liquors of Hillsdale, Inc., t/a Shop Rite Liquors of Hillsdale, 372 Broadway

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Distribution License Renewal Application for renewal approval for the license renewal term of 2015-2016;

Lic# 0227-44-005-007 Shop Rite Liquors of Hillsdale, Inc. 372 Broadway  
t/a Shop Rite Liquors of Hillsdale

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

R 15179 Authorize Renewal of 2015-2016 PRC Liquor License, 4 Palms t/a The Cornerstone, 84-88 Broadway

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Consumption License Renewal Application for renewal approval for the license renewal term of 2015-2016;

Lic# 0227-33-007-014 4 Palms 84-88 Broadway  
t/a The Cornerstone

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

R 15180 Authorize endorsing BCCDG resolution for AAH of Bergen County, Inc. for permanent supportive housing in Hillsdale, in the amount of \$12,918.

WHEREAS, a Bergen County Community Development grant of \$12,918 has been proposed by AAH of Bergen County, Inc. for permanent supportive housing in the municipality of Hillsdale, 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 municipality of Hillsdale, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

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

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 15181 Authorize submission and execution of grant application with BCCD for Hillsdale Senior Activities in the amount of \$4,500, FY 2016

WHEREAS, a Bergen County Community Development grant of \$ 4,500.00 has been proposed by the Borough of Hillsdale for Borough of Hillsdale Senior Activities in the municipality of Hillsdale, 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

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

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

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 15182        Authorize redemption and premium for Block 1804, Lot 17 aka 41 Westdale Drive, for 2009 delinquent taxes as follows: redemption \$131,732.95 and premium \$18,000.

WHEREAS, The Tax Collector held a Tax Sale on September 29, 2010 and at the sale a lien was sold on Block 1804 Lot 17, also known as 41 Westdale Drive, Hillsdale, NJ 07642 for 2009 Delinquent taxes and,

WHEREAS, this lien, known as Tax Sale Certificate #10-00007 was sold to R. Rothman, 411 Grand Avenue, Englewood, NJ 07631 for 0% redemption fee and a \$18,000.00 premium and,

WHEREAS, Judith C. Reilly, Attorney at Law, 302 Scharer Avenue, P.O. Box 202, Northvale, NJ 07647-0202 has effected redemption of Certificate #10-00007 in the amount of \$131,732.95.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is authorized to issue a check in the amount of \$131,732.95 payable to R. Rothman for the redemption of this certificate.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to issue a check in the amount of \$18,000.00 (Premium) to the aforementioned lienholder.

R 15183        Adopt deferred compensation plan provided by AXA-Equitable as an option for investments

WHEREAS, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the Borough of Hillsdale (hereinafter referred to as “Employer”), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended (“Code”); and

WHEREAS, in 2015 the Employer adopted a DEFERRED COMPENSATION PLAN provided by AXA-Equitable and assigned the plan identifier (66-PD- Equitable-053107) Borough of Hillsdale by the Division of Local Government Services; and is hereby adopted and signed by the employer; and

WHEREAS, the offering of additional investments from another contractor will provide additional retirement investment options to participating employees; and

WHEREAS, there is no direct financial cost to the Employer to adopt and implement an additional employee deferred compensation plan and Service Agreement; and

WHEREAS, the Employer solicited written proposals from two or more contractors including AXA Equitable and Great West (Empower) for the administration of the investments of funds under a DEFERRED COMPENSATION PLAN including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule N.J.A.C. 5.37; and

WHEREAS, the following contractors submitted written proposals:  
AXA Equitable Life Insurance Company (hereinafter referred to as “AXA Equitable) and Great West (Empower) and

WHEREAS, the Borough of Hillsdale reviewed the proposals and met with representatives of the responding contractors of deferred compensation services; and

WHEREAS, it was deemed that AXA Equitable has the ability to: (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants; and

NOW, THEREFORE, BE IT RESOLVED by the Borough of Hillsdale that the Borough Administrator is hereby authorized to execute the Service Agreement (bearing the identifier: 66-SA-053107 assigned by the New Jersey Division of Local Government) with AXA Equitable for the provision of administrative and investment services.

BE IT FURTHER RESOLVED, that the Borough Administrator is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN.

BE IT FURTHER RESOLVED, that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7.

BE IT FURTHER RESOLVED, that the Borough of Hillsdale is adopting a deferred compensation plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provision added by reason of The Small Business Job Protection Act 1996 (United State Public Law no.104-188), the Tax Payer Relief Act 2001 (United States public law no.105-34) and the Economic Growth and Tax Relief Reconciliation Act 2001 (United states public law no.107-16) , and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue code section 457.The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

BE IT FURTHER RESOLVED, that a certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

R 15184        Authorization to refund tax payment, Block 903, Lot 18 aka 182 Forest Drive in the amount of \$3,791.65

WHEREAS, Hudson United Title Services, LLC, 10 Schriever Lane, New City, NY 10956 and Gebhard & Cornelia Schweigler, 182 Forest Drive, Hillsdale, NJ 07642 paid 3<sup>rd</sup> quarter taxes resulting in an overpayment;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hillsdale authorize the Tax Collector to refund Gebhard & Cornelia Schweigler, homeowner, the following taxes:

Property – 182 Forest Drive

Block 903 Lot 18    \$3,791.65

R 15185        Ratifying Purchase of 2016 Police Interceptor from NJ Cooperative Purchasing Program, #A88728 in the amount of \$25,788.00 from Winner Ford, Cherry Hill, NJ (capital budget)

WHEREAS, the Borough of Hillsdale, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program and other approved Cooperative Purchasing Programs for any State or Cooperative Purchasing contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury and/or by the approve the Cooperative Purchasing Program; and

WHEREAS, the Borough of Hillsdale is a member of the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the Borough purchased a 2016 Ford Explorer AWD for the Police Department through the State Cooperative Purchasing Program in 2015 on Contract #A88728; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Hillsdale ratifies the Purchase of a 2016 Ford Explorer AWD from Winner Ford, Cherry Hill, New Jersey, \$25,788.00 in accordance with the State of New Jersey Cooperative Purchasing Program, Contract # A88728.

+R15188      Awarding a contract to Troy & Banks Inc. for Utility Auditing Services

WHEREAS, N.J.S.A. 40A:11-11(6) permits municipalities to award public contracts without public bidding when the vendor is an approved state contractor or part of a State approved cooperative pricing system, and Troy & Banks, Inc. has been approved for an Middlesex Regional Educations Services Commission Cooperative Contract (MRESC 14/15-46), which cooperative the Borough is a member of; and,

WHEREAS, pursuant to the recommendation of the Qualified Purchasing Agent the Borough wishes to contract for the services and related goods under contract MRESC 14/15-46; and

WHEREAS, Troy & Banks, Inc. shall provide the Borough with service for twelve (12) months, commencing August 11, 2015 and expiring August 10, 2016; and

WHEREAS, a certification of funds is NOT required for this contract award.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, New Jersey that a contract with the below listed vendor is awarded with no upfront contractual cost to the Borough, but entitled to cost recovery percentage in accordance with the schedule of fees awarded through Middlesex Regional Educational Services Commission Cooperative Contract (MRESC 14/15-46); and

BE IT FURTHER RESOLVED that the Mayor and the Borough Clerk is hereby authorized to execute an agreement for the abovementioned services based upon the following information:

TROY & BANKS, INC., 2216 KENSINGTON AVENUE, BUFFALO, NY 14226

Councilmember Ruocco asked to pull R 15168, 15185, 15175, 15180

Motion made by Councilmember DeRosa, second by Councilmember Meyerson to approve all resolutions *except* R15168, 15185, 15175, and 15180

Motion on 15168 and 15185 by Councilmember Ruocco, second by Councilmember Meyerson

Councilmember Ruocco said that he has a procedural question on this resolution as well as 15185. These items are included in the budget but he thought the normal way to do things is to ratify after the purchase. He asked whether in the future they should put this in before the purchase is made. Ms. Witkowski stated that the purchase is part of the Bond Ordinance and is included in the budget. Councilmember Ruocco said that the bond authorizes the borrowing of the money. Ms. Witkowski was concerned that the order will be delayed because the next Council meeting isn't for two or three weeks. She reminded everyone that at the last meeting the Council indicated that they wanted to approve every purchase. Councilmember Ruocco said he would prefer to authorize purchases well ahead of time, if possible. There was a question as to

whether the actual expenditures of these moneys had been authorized. Councilman Meyerson said voting to ratify is ridiculous since the money is already spent. The Capital Budget authorizes the possibility of borrowing money and this should have been done a month ago. Everyone can agree that there is an intention that the Council would like the chance to authorize major purchases as opposed to ratifying major purchases.

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Ruocco

Nays: None

Absent: Councilmember DeGise and Council President Pizzella

Motion on 15175 by Councilmember Meyerson, second by Councilmember DeRosa

Councilmember Ruocco said that the Borough pays for the convenience which allows Hillsdale residents to recycle and drop off electronic recyclables at the DPW. He questioned the cost of this program. Ms. Witkowski said that it costs approximately \$5,000. Councilmember Ruocco asked if this was a good use of money when residents could drop off electronic recyclables at designated centers in Bergen County which would save the Borough money. Upon questioning, Ms. Witkowski confirmed that residents can make special appointments to drop items off at Bergen County Utilities Authority (BCUA). Councilmember DeRosa said that people should be encouraged to recycle and this is a reasonable service for \$5,000 annually. The cost is determined through cost per truckload which is approximately \$550.

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson,

Nays: Councilmember Ruocco

Absent: Councilmember DeGise and Council President Pizzella

Motion on 15180 by Councilmember Meyerson, second by Councilman DeRosa

A Councilmember asked for a clarification of what the \$12,918 would be used for. Ms. Witkowski explained that this is an endorsing resolution which allows one of the group homes in the Borough to apply annually for a grant. This is a part of their normal funding procedure and the Borough has no financial responsibility.

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Ruocco

Nays: None

Absent: Councilmember DeGise and Council President Pizzella

**OFF CONSENT: R15186**

R 15186 Bill List (amended amount)

BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale that the following bills in the sum of \$5,411,470.84 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 Meyerson, second by Councilmember DeRosa

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Meyerson, Ruocco

Nays: None

Absent: Councilmember DeGise and Council President Pizzella

**COUNCIL COMMENTARIES**

Councilmember DeGise-no report

Councilmember Ruocco congratulated the Hillsdale Police Department on the National Night Out. He complimented Officer Kaplan and the entire Police Department for their great ideas and execution. He welcomed Michael Alburtus and Matthew Domville who are the newest Cadet Firefighters.

Councilman Meyerson congratulated Police Chief Francaviglia for presiding over a town that is the fourteenth safest in the state. He noted that Pascack Valley High School has been ranked as the twenty fifth best High School in the country with the fourteenth best teaching staff. He said that this is a great place to live and congratulated the High School and the Police Department.

Councilmember DeRosa reported that the tennis courts are almost finished and will be completed in time for the girl's tennis season in September. He reported that Pascack Valley is the first school district to have every teacher and student certified in CPR. Councilmember DeRosa was expecting, but did not receive, a report on Stonybrook. He asked a representative to make a report at the next Council meeting. They are trending down but on the positive side they met with the Economic Development Committee and are discussing some long term plans.

Councilmember DeRosa stated that the Borough and the Hillsdale Baseball Association hosted a tournament that lasted several weeks and culminated with the final games in Hillsdale. He thanked Butch Franklin for his help with the lights at Memorial Field; Dan O'Rourke for the DPW help; Sue Witkowski for her co-ordination assistance; and Abby Lundy for her help with various issues and the coaches. He noted that Ms. Lundy has been asked to assist in writing the manual for the next year's group.

Councilmember Looes also welcomed Michael Alburtus and Matthew Domville to the Fire Cadets program. She stated that Tracy Jeffery will be missed after twenty-three years of service to the Borough. She was in charge of Fire Prevention week in October and is willing to help out those who will continue the program. She thanked all the officers involved in National Night Out and she said that it is important for children to have a connection with the police officers and the staff. She thanked Bergen County Office of Emergency Management for the use of their lights for National Night Out.

Ms. Witkowski reported on the CFO beginning the first class of three for QPA. She offered best wishes to one of the employees is out on medical leave.

**ADJOURN TO CLOSED SESSION @11:15 PM**

R 15187 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 personnel, shared services, COAH negotiations.

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 agreements-*negotiations, Teamsters, UPSEU, Crossing Guards, Police*

(5) Matters relating to the purchase, lease or acquisition of real property or the investment of public funds.

(6) Matters relating to public safety and property.

(7) Matters relating to litigation, negotiations and the attorney-client privilege – *personnel, DPW, Police, DBC, COAH, shared services,*

(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 DeRosa, and unanimously approved.

**RECONVENE REGULAR MEETING @ 12:25 A.M.**

Motion to reconvene regular session was made by Councilmember DeRosa, second by Councilmember Looes 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.

Borough Attorney Madaio stated let the record reflect that in closed session there was a discussion regarding the shared service feasibility study with WCL regarding the DPW and was reviewed by the Governing Body and determined to authorize the work with resolution for the borough to enter into the feasibility study with LKM Consulting potentially with DPW, WCL and Hillsdale.

Motion by Councilmember Meyerson, seconded by Councilmember Ruocco

**Roll Call Vote**

Ayes: Councilmembers DeRosa, Looes, Meyerson, Ruocco

Nays: None

Absent: Councilmember DeGise and Council President Pizzella

**ADJOURNMENT @ 12:47 AM**

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

**THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE  
TUESDAY, SEPTEMBER 1, 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