

Minutes of a Council Meeting of the Borough of Hillsdale held at 7:30 PM on Tuesday, October 1, 2019, in the Council Chamber, Borough of Hillsdale, New Jersey.

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

**OPEN PUBLIC MEETING STATEMENT:**

This is a meeting of the Hillsdale Borough Council on this 1st day of October, 2019. Notice of the time and place of this meeting has been provided to The Ridgewood News and The Record; 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.

**ROLL CALL:**

Council Members DeRosa, Escobar, Horvath, Lundy, Segalas, Council President Pizzella, Mayor Ruocco, (Labor Attorney R. Wiss, CMFO DeJoseph, Borough Clerk Kohan)

**PROMOTIONS/PROCLAMATIONS/RECOGNITIONS -**

[Breast Cancer Awareness Month](#)

Mayor John Ruocco

Mayor Ruocco read the Resolution regarding Breast Cancer Awareness Month.

WHEREAS, October 2019 marks the 34<sup>th</sup> anniversary of National Breast Cancer Awareness Month, the season to educate men and women of breast cancer and the importance of early detection through mammography; and

WHEREAS, One in eight women will be diagnosed with breast cancer in their lifetime; and

WHEREAS, the projected 268,600 new cases of breast cancer will be diagnosed in women and projected 2,670 new cases in men in the United States in 2019; and

WHEREAS, 41,760 women were estimated to lose their lives from breast cancer in the year 2019; and

WHEREAS, breast cancer is the most common cancer diagnosed in women other than skin cancer and is the second leading cause of death for women; and

WHEREAS, the best chance for detecting cancer early is through mammography screening and early detection gives higher survival rates; and

WHEREAS, since 1993 the United States has recognized the third Friday in October as National Mammography Day;

THEREFORE, I, John Ruocco, Mayor of the Borough of Hillsdale do hereby proclaim October 2019 as Breast Cancer Awareness Month and October 18 as Mammography Day in the Borough of Hillsdale and encourage citizens to join me in the fight against breast cancer.

IN WITNESS, WHEREOF, I have put my hand this 1<sup>st</sup> day of October 2019.

Mayor Ruocco said probably all of us in our families probably had one or another individual touched by cancer and possibly by breast cancer so this Proclamation is something that I am proud to issue.

Mayor Ruocco said the second Proclamation is declaring October as Sudden Infant Death Syndrome Awareness Month.

[SIDS Awareness Month](#)

Mayor John Ruocco

WHEREAS, Sudden Infant Death Syndrome is the leading cause of infant mortality in the United States from one month to one year of age; and

WHEREAS, the reduction of SIDS deaths since 1992 has been associated with the promulgation of evidence based on safe infant sleep guidelines of the American Academy of Pediatrics by entities such as the National Institution of Health and Maternal Child Health Bureau, Consumer Products Safety Commission and First Candle;

WHEREAS, First Candle is the first non-profit committed to Sudden Infant Death Syndrome and other sleep related infant deaths and providing bereavement support to families who have lost a baby. Every year 3600 babies die from sleep related deaths; and

WHEREAS, Nurture New Jersey, the New Jersey Department of Health, the New Jersey Department of Children and Families and First Candle are collaborating to provide extensive health education in New Jersey to reduce SIDS; and

WHEREAS, the reduction of infant mortality is an essential goal of all societies;

WHEREAS, educational programs must be public and constant so that new parents and health and child care providers can be exposed to the most up to date information; and

WHEREAS, First Candle in partnership with the New Jersey Department of Health seeks to help focus attention and initiatives;

THEREFORE, BE IT RESOLVED, that I John Ruocco, Mayor of the Borough of Hillsdale, do hereby proclaim October 2019 s SIDS Awareness Month in the Borough of Hillsdale, in the State of New Jersey.

Mayor Ruocco said another unfortunate condition that sometimes strike young families; my own son and daughter had their first child it was a concern but the period of exposure passed. It is always a concern for parents who have children; again it is something I am proud to put my hand on this Proclamation as well.

Mayor Ruocco said we have two presentations, one from Girl Scouts and one from Boy Scouts and we will start with the Girl Scouts.

**PRESENTATIONS:**

Mary Looes Girl Scout Troop – Sapienza Gardens Project

Mary Looes and friend said she is part of Girl Scout Troop 9321 in Hillsdale and for the past year has been working on her Journey Year Project for the last several Journey Projects. We would like to do plantings at Sapienza Gardens and we will also be attending the Sapienza Board of Trustees meeting on October 10. We would like to do plantings at Sapienza Gardens to complete the last step of our Journey Year Project allowing us to begin the Honor Gold Awards eventually. Over the past year we have become interested in bees and the butterfly population decline and because of this we would like to create a safe bee and butterfly sanctuary with beautiful butterfly bushes, Black Eye Susan’s and more butterfly plantings that will benefit the bees and butterflies and also help maintain Sapienza Gardens. We need bees and butterflies because they pollinate plants and create more plants and without them our food chain would collapse. Since 2006 a phenomenon of Colony Collapse Disorder has been seeping across the world and is causing decline in population and without bees everything would fall apart. One of every four bites of food people take is the courtesy of the bee population and we need to save them because they are such a big part of our everyday lives as with butterflies because they also a big part of the food we eat and animals eat and they are also a food source for animals, birds and also many butterflies are on the endangered list and we need to save them. In order to benefit the bees and butterflies we would implement an educational garden that would promote bees and butterflies. We would a variety of flowers that would attract bees and insects as well as set up signs and plaques which notes the significance of them. We can partner with local organizations and garden centers and use perennial flowers so that the flowers will come back every year with little maintenance and we can use local centers and some may be willing to donate. We are asking your permission to allow us to do these plantings at the garden and put up a sign. If you have any helpful comments or suggestions they will be appreciated.

Mayor Ruocco asked if the Sapienza Board of Trustees reviewed this.

Mary Looes said we are going to their meeting on October 10.

Councilmember DeRosa asked if they did this behind the high school.

Mary Looes said she was pretty sure they did as her Science Teacher last year was involved. We want to create separate but also to benefit the bees that are there and educational purposes with signs.

Council President Pizzella said the girls were having a difficult time getting in touch with Sapienza Gardens and were delayed in getting to Sapienza Gardens Board of Trustees for permission and they understand that they still have to go to them first and provide a description of their plans in order to go through the proper channels.

Mary Looes said they will work through the fall and hope to have it done by the end of 2019, probably even before then. We will put everything around the same location in the garden.

Mayor Ruocco asked if it need maintenance.

Mary Looes said we will plant perennials so that they keep coming up and need little maintenance. Over the years Girl Scouts and Boy Scouts do projects and go in and do cleaning if cleaning needs to be done and do maintenance but the flowers themselves will come back.

Mayor Ruocco asked if they are including milk weed because that is the plant Monarch Butterflies look for.

Mary Looes said we have various different plants we are looking at; milk weed, butterfly bushes and there are so many different types of flowers and plants that bees and butterflies are attracted to and looking out for those and whatever we can get from the garden centers.

Mayor Ruocco said Council approves, the only thing the approval is subject to the approval by the Sapienza Board of Trustees.

Luke Fiorino, Boy Scouts Eagle Scout Project said he is proposing his project and would like to plant about a dozen sugar maple trees around town specifically in two different spots, Briarcliff Forest and Chadwick. He had a drawn-out map where the trees would be. The reason he would like to plant maple trees is because in 1950's, through 1980's there used to be many maple trees in town and the scouts and schools would actually tap the trees and have a little festival. Unfortunately, in the '90's there was a disease and a lot of the trees were taken down and it has been a lost tradition and he is trying to replant the trees and restart the tradition and honor the original members of the Environmental Commission. It would be a simple maintenance project because once the trees are up there is low maintenance, you don't have to do anything to them.

Mayor Ruocco said there was a question on email from Anthony Merlino; his first reaction was it had to comply with the Land Use Ordinance and that is something you have to work with him on. There are certain requirements in regards to the material you presented to all of us. We received Mr. Merlino's email this morning so you need to work with him regarding placing trees in a certain area and comply with trees that are going to growing and they will expand as the years go by. You also have the issue of visibility for cars with decreased visibility and this is something he is looking at. I would suggest working with Mr. Merlino. The Borough Administrator said trees were planted last year. He asked how long trees have to be planted in order to be tapped.

Luke Fiorino said they don't have to be planted a long time, maybe only a year. They can only be tapped a certain time of the year. We would get 8 to 10 ft. tall trees so to start off they will not be super tall. He said he was told that there is a tree fund with the Council and he was going to ask the Council if they could donate so that he could get the trees, if not, he would have to go through local garden centers.

Administrator DeJoseph said it would depend on how much money is available and this would have to be looked into.

Council President Pizzella said the Borough Administrator and DPW need to be informed where the trees would be planted and also the Environmental Commission.

Luke Fiorino said he spoke with the DPW and the Superintendent is on board with it. They talked a couple months ago and they know there is low maintenance; he has yet to speak with the Environmental Commission and was going to speak to them after he received the Council's approval.

Mayor Ruocco said he sensed the Council's reaction that you should speak with the Environmental Commission and let us know because you will need to know the amount of funding and if money can be transferred from one account to that account. The Council would have to make the decision as to how much they are willing to give in that regard.

Councilman Segalas said the tree bank is funded from developments.

Borough Administrator DeJoseph said the money is from escrow accounts, not a tree account.

Luke Fiorino said he assumed he could get the trees from the fund but that is something I will have to look into.

Council President Pizzella said the Environmental Commission meets the third Monday of every month at 7PM here. They would want a description of where you propose to plant them and they may also have a lead on where you can get trees. They may suggest a different place.

Mayor Ruocco said it sound like you have a little more research to do and you know what you will be facing financially. It is his sense that the Council would like to have the Borough finance a portion of this.

Council President Pizzella said funds may be available to plant new trees. There are state agencies that donate trees to us and there may be county resources as well.

Luke asked the Mayor and Council if they knew of any water source there or close by?

Luke said he is aware that the trees to be planted are by a small stream and there is some natural water there.

[Luke Fiorino Eagle Scout Project](#)

**OATH OF OFFICE/APPOINTMENTS:**

Motion to approve Appointment \_\_\_\_\_ Second \_\_\_\_\_  
Council Members DeRosa, Escobar, Horvath, Lundy, Council President Pizzella, Segalas

**INITIAL PUBLIC COMMENT** (Time limited, new topics only, one topic per speaker):

Mayor Ruocco opened the Initial Public Comment portion of the meeting, seeing no one, this Initial Public Comment period was closed.

**APPROVAL OF MINUTES:**

Council Meeting Minutes September 3, 2019  
Closed Session Meeting Minutes September 3, 2019

Motion by Council Member Lundy, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members Escobar, Horvath, Lundy  
Nays: Council President Pizzella, Segalas, DeRosa  
Ayes: Mayor Ruocco

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

*(The following correspondence on file in Borough Clerks Office)*

[Hillsdale Police Department – September 2019](#)

Police Captain Sean Smith

Hillsdale Police Department, Captain Sean Smith. He said it is great to see good leadership in town, good effort and that is what makes Hillsdale a great town. Our former Mayor is in the audience, Mayor O'Reilly. During the month of September there were 90 dispatch shifts, 16 dispatch shifts covered by police officers, 4 of those shifts covered by overtime. This past month there were 300 motor vehicle stops and 7 criminal arrests. September was the start of a new school year and the Department held the annual Crossing Guard training. Hillsdale, River Vale, Montvale and Woodcliff Lake Police Departments attended the seminar on vaping at the Pascack Regional Board of Education and how vaping is harmful for young adults. The Fall Festival was held in September and was well-attended; hats off to all you who made it happen and the community came out to again make it a very special event. Holy Trinity Church held their pasta dinner for all emergency services and blessing of the badges to honor EMS and their dedication and hard work to protect our community. He wanted to promote an upcoming event, the annual open house will be held on October 13 from 11AM to 1PM and that is in conjunction with the Fire Department weather permitting; it is promised to be a great day and we are very proud of our new dispatch center and look forward to showing that off.

Department of Public Works

DPW Superintendent William Haffler

Department of Public Works, William Haffler said now that it is October 1st, most residents think you can put leaves on the street; currently, you cannot. We are getting Captain Smith from the Police Department to remind landscapers and residents that leaves cannot go out until the 20<sup>th</sup> and that information will go on the Borough weekly email. October 20 is the first day you can put leaves out on the road and we will start the pickup the following week. Leaves are out on the street and he has been trying to remove them; storm water regulations from the DEP indicate they cannot be on the roadway yet. Almost all the projects we have started are coming to fruition; paving last month looks great and the concrete work that went on in town around Beechwood Park came

out really great, he is pleased how Beechwood Park came out and it was a great day in the park from the Festival. He thanked all the volunteers who helped with that and that makes Hillsdale great. Garbage trucks are good, motors repaired, buckets being repaired and we will be on board with no problems.

[Borough Engineer – September 2019](#)

Borough Engineer Christopher Statile

Borough Engineer Statile congratulated the Girl Scouts and Boy Scouts with their projects. You see what they have to go through to plant a couple of trees and butterfly bushes, good luck with your endeavors. The DOT project is wrapping up soon; D&L paving is back on the Kinderkamack area on Piermont Avenue, and the design of the sidewalks didn't look as well as they did, we have a couple of issues with the driveways, front yards, drains, but it is close to being done and they have to start restoring the areas, finish the retaining wall and one or two more driveways to pave. PSE&G has come before the Planning Board for their fourth phase of work at the substation; they are installing two 69 KB transformers and it basically upgrades the substation so it now can be connected to the Dumont and Paramus substations and they will all be on the 69 KB which means if the power source to our substation would fail which covers Hillsdale, the other two substations can push power back up to our substation to 69 kilowatt power. It is a new standard for Public Service and they are keeping up with the electrical supply companies. To put the new transformers there they have to connect to Paramus and Dumont; we talked about this last month, wire upgrades and potentially underground work on Patterson Street. They have yet to decide which way they are going so we don't know if it is over head or underground in the immediate area of the substation. I have also talked about some other things; they are freezing the fluid around the design, cut and make connections. There is fluid around their wires and if there were to be a cut or an incident and the fluid was able to get out it would drain itself out. They are installing a check valve there that would prevent a leak and wouldn't allow a large fluid discharge. They have to freeze the hydraulic fluid around the conductors and then the insertion of their valve. That is taking a lot of time, it is slow, devious work.

Centennial Field is being continued with the quarterly monitoring; Lois Spagnola made the submission in August. The state is actively working with her on her request to change our air quality permit and she is doing that daily with the state. Several of the methane wells were completed with new covers and are water tight and we are able to get all of our monitors working, fully calibrated now and will be inviting you to visit our landfill. All the handicapped ramps in town have been completed by money received from the county as well as the money that came from the County Public Works Department. At the downtown Memorial Veterans Park, the concrete has been poured for the walks and curbing and the foundations for the various memorial stones and the contractor expects next week to set those memorial stones. You will really see that come together next week. Shortly thereafter there will be landscaping of trees and shrubs, etc.; he has to finish the light poles surrounding the monuments. That is what has been happening in town in the last few weeks, it has been busy.

Mayor Ruocco said you said the DEP will be paying us a visit, do they alert us and expect us to be there when they visit.

Engineer Statile said yes, we will walk around the field. They will walk around the field and look at everything, in the back area, etc.

Mayor Ruocco said he appreciates that because sometimes in the past they have conclusions and we have had to argue with conclusions which we could have done but because we didn't show or they didn't invite us or they didn't tell us they were coming they made their own inspections. I think it best that we are there.

Councilman DeRosa said you said how Public Service may choose to run the electrical wires underground or above?

Engineer Statile said they will have big poles because they are carrying heavy voltage. T is their choice of routes from the substation. They may go from the substation across the Pascack brook due west by Queen Court on Saddlewood Drive because they are trying to get to Pascack Road and from there they run south to Paramus. Or they can come in Pascack Road and turn down Hillsdale Avenue, they come in front of Commerce Bank, there they duck underground and go Patterson Street underground past the school. They are conducting test pits along Patterson Street to see if there is enough room to squeeze the conduits in and if that is the case they won't go underground. We are still awaiting the results of their tests. That is the choice. The other route going out to Dumont coming again down Patterson Street across Hillsdale Avenue around Washington Avenue over Broadway and they will get over to Kinderkamack Road and shoots south of Kinderkamack Road. There is no other alternate that is going to be it. On the westerly route we still don't know where they are going. The easterly route is definitely no choice. They are going overhead towards Kinderkamack Road no doubt, there is no underground route. Eventually they have to get to Kinderkamack Road and go south. Councilman Horvath asked if they will have a rendering of where the poles will be and if they are standard height? Engineer Statile

answered that they already have poles that tall in town, they are 65 ft.; as they are high voltage and that is why. They are wood poles, probably California redwood. I believe there are a couple of poles right outside town hall parking lot and those were replaced a few years ago; they are really high because they are carrying high voltage to the substation. Most people don't realize how tall poles are, they are looking at people's lawns. They have been talking about this for quite a while, this is a big project. As a matter of fact they will give us trees for the boy scout project. The Mayor could call Public Service and ask if they could contribute some trees, sugar maples, for our boy scout. They will do that, they told us in the beginning they would give us trees that we want. They are trimming trees right now; if you want butterfly bushes they will supply them, trust me. They are spending tens of millions of dollars on this project.

Mayor Ruocco said he would be glad to champion the Eagle Scouts project to them.

Engineer Statile said just find out how many trees they want, this is a potential source.

Mayor Ruocco said later this week if you are around we will call together.

### **COMMITTEE REPORTS:**

Councilman - Anthony DeRosa

Councilman - John Escobar

Councilman – Zoltan Horvath

Councilwoman - Abby Lundy

Councilman – Steven Segalas

Council President – Frank Pizzella

Councilman DeRosa said he will report next week.

Councilman Escobar said Fire Prevention Week was last week and made the rounds to the schools; there was open house at the firehouse. Chief Kelly is recovering and will be out for eight to ten weeks.

Councilman Horvath will give his report next week.

Councilwoman Lundy will also report next week.

Councilman Segalas will report next week.

Council President Pizzella said Access for All is planning a Halloween party for October 27 from 3PM to 5PM. It is for children of different ages and their families. This is on the Access for All website and thanked the volunteers as well as the Hillsdale Police Department. The Economic Development Committee will be meeting this coming Monday and we are in the process of obtaining a redevelopment plan that will help us draft a development plan and then more likely a summary presentation at a Council meeting as well as a calendar of other meetings to start to inform the public of what we are trying to do and as well inform the property owners. We need to hire the Planner; he believed the cost estimate was provided to everybody because we would like to get this done by Resolution at our next meeting so that we don't delay.

Mayor Ruocco said he believed the cost estimate was given to the members of the Economic Development Committee but not to the full Council. Can you make sure that is sent out to the Council? Councilman Pizzella agreed.

Council President Pizzella said we have also been in contact with Waste Management and they are still very serious about looking at their property as something other than rubbish. We are happy about that; a lot more will come and we are looking forward to that.

### **NEW BUSINESS:**

### **CORRESPONDENCE:**

1. [Email from Jennifer Frantin, Sapienza Gardens Trustee requesting approval to hold “Doggie Days at Sapienza Gardens” on Sunday, October 13, 2019.](#)

Motion to approve, receipt and file by Councilmember DeRosa, Second by Council President Pizzella, and unanimously carried.

## **DISCUSSION:**

### **PUBLIC COMMENT:**

Mayor Ruocco opened the Public Comment Period and invited anyone to come forward, seeing no one, the Public Comment Period was closed.

### **ORDINANCES: Adoptions/Introductions:**

Council President Pizzella said he has two things to bring to everyone's attention. Shall I do it now?

Mayor Ruocco said it depends.

Council President Pizzella said it is not on the Agenda at all. One involves water and Suez and the other a question.

Mayor Ruocco said let's make believe we are back at the discussion part of the agenda.

Council President Pizzella said he was contacted by a group of residents who want to remain anonymous and they saw for several weeks that Suez was outside their yard digging and fixing something and were not made privy to what they were fixing and digging. In fact that resident said to the worker, should I worry about my limbs falling off? , The worker said you should worry about your hair falling out. She didn't take that very well. Councilman Pizzella wondered if we could get even a notice from Suez when they do this type of work and give us some indication of where they are working and what they are doing. People are really concerned. I thought it was something I should bring up so hopefully we could do something about it.

Mayor Ruocco said he and the Administrator received a call from a Mrs. Shane Svorec. Do you have the location as I think it is one of the same? After doing some research with the Borough Administrator we put Suez in touch with her.

Administrator DeJoseph said any maintenance projects in town where they are digging up the road, they are required to obtain a road opening permit. I didn't see specifically if a permit was obtained for this project, but if it is emergency work they do the work and then they come in for a permit.

Council President Pizzella said what if the work is being done in the right of way? Can Suez dig up a front yard and not tell anyone?

Mayor Ruocco said Suez said it was a fire hydrant issue and they got in touch directly with the resident who had complained and she seemed satisfied with the answer. She did contact me directly with these concerns. She asked Suez what they were doing and they didn't answer to her satisfaction and she was drawing conclusions that weren't necessarily justified but I could see her concern with all the lead going on. Residents who have concerns should write to the Borough as this resident did.

Engineer Statile said if any resident sees any utility company doing something on their front lawn and they ask what they are doing and don't get an answer, you should call the Police Department because the first thing he will do is call me or the Public Works Director and ask what is going on. I will phone my contact at Suez and within five or ten minutes I will know why that person with the backhoe is digging up in the front yard. There are a lot of things going on daily with utility providers and we don't always know what they are doing on private property.

Council President Pizzella thought most residents don't know to do that and they just assume the town knows. Some time we don't even know.

Engineer Statile said there are so many things, gas and water, cables and they are doing it all the time. We don't necessarily need to know; generally, the Police Department would know and I would know because I have a permit on my desk. Call the Police desk and someone will get back to them, it is that simple. He would always recommend to the residents to call the Police dispatch desk and that is my suggestions to the residents in town.

Council President Pizzella said the second thing is many months ago I was asked by a department in town about a charge they get when they use the parking lot for their carnival. They get charged \$2500 and the charge is supposed to be for a clean parking lot, use of electricity and some other things. They always clean the parking lot themselves; they have separate generators for electricity and he knew there was a group working on this and it is not being addressed and asked if we can address this issue. I think when a town department or a town volunteer group is using town property for something town related, even if it is a fund raiser, I don't know if we

should be charging them that amount of money, especially if they are going to clean it up on their own or if they are not going to be using what they are paying for. He thought not only for the department but other causes. They are providing a service to residents and they are residents themselves.

Attorney Wiss said it is a legal proposition; the Code provides for a charge, but you have the power to waive those types of things; the amount related to the work, for instance the DPW or other personnel would put into cleanup because it is for a specific organization or because that effort is not going to be required; it is a case on case basis and you can waive the fee or modify the fee.

Councilmember Segalas said this is one of the ordinances that the Ordinance Review Committee is reviewing. Concerns have been expressed about making blanket changes to the ordinance which has been explained to the Council President on being able to deal with an issue as this which relieves us from constraints of time. We are working on amending the Borough ordinance. In the meantime entities should always send a letter to the Mayor and Council even if the ordinance has not been revised with their request.

Council President Pizzella said this was the Fire Department that asked.

Councilmember Segalas said one of the questions raised was if this was the department or the auxiliary which have somewhat different implications and that was a question Mr. Madaio had been looking at.

Council President Pizzella said if it is the department, they should just request that being waived.

Councilman Segalas said they should add a letter with their application requesting the waiver and to the extent the reason for the request.

Mayor Ruocco said the Council created the code and the Council is free to make changes to that code. The Council President can advise them this is an option.

Councilwoman Lundy stated that if it is from the Fire Department, such requests should go through their liaison then he can present it to the rest of the Council.

**RESOLUTIONS:(Consent Agenda): R19230 through R19239:**

[R19230](#) Resolution in Support of the New Jersey State League of Municipalities' Petition for Rulemaking to Amend the Uniform Construction Code

**WHEREAS**, the State of New Jersey has adopted a Uniform Construction Code ("UCC") with the purpose to provide for uniform construction standards to insure healthy, safe, and sanitary construction but also less expensive construction for the citizens of the State; and

**WHEREAS**, the Department of Community Affairs ("DCA") has been granted authority to amend or alter provisions of the UCC to ensure the intent and purposes of the UCC continue to be fulfilled; and

**WHEREAS**, municipal construction officials act as the enforcing agency tasked with administering and enforcing all provisions of UCC for construction within municipal boundaries; and

**WHEREAS**, permits and inspections form the foundation for the safe building environment; and

**WHEREAS**, the DCA made amendments to N.J.A.C. 5:23-1.4, 2.7, 2.14, & 2.17A, commonly referred to as the "Minor Work" and "Ordinary Maintenance" provisions of the UCC that took effect on March 5, 2018, which undermine the UCC's intent and purpose; and

**WHEREAS**, unless these amendments are retracted or further remedial amendments are made to the UCC, the health, safety, and welfare of the citizens of the State will be jeopardized and residents could see overall construction expenses increase if work is not properly performed; and

**WHEREAS**, the New Jersey State League of Municipalities along with New Jersey's six professional code official associations has filed a petition for rulemaking with the DCA requesting necessary and appropriate amendments be made to ensure the intent and purpose of the UCC is reinforced and preserved.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Hillsdale supports the rulemaking petition submitted by the League and the six professional code official associations and requests that the DCA work to expeditiously adopt the measures offered by the petition; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the Commissioner of the New Jersey Department of Community Affairs, Division of Codes and Standards, and the New Jersey State League of Municipalities.

[Backup](#)

[R19231](#) Resolution Endorsing the Submission of a Joint Grant Application with the Borough of Woodcliff Lake to NJ Transit 5310 for Operating Project Costs for the Senior Van

**WHEREAS**, the Mayor and Council of the Borough of Hillsdale, County of Bergen, State of New Jersey, along with the Mayor and Council of the Borough of Woodcliff Lake wish to submit a joint application to NJ Transit for Operating Project through the 5310 program for Operating Assistance; and

**WHEREAS**, the governing body of the Borough of Hillsdale and the governing body of the Borough of Woodcliff Lake wish to utilize monies from the grant program to initiate funding the Transportation Assistance Program in the Borough of Hillsdale and the Borough of Woodcliff Lake; now,

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Hillsdale Mayor and Council, that the Borough Administrator is hereby authorized to submit a joint application with the Borough of Woodcliff Lake to the NJ Transit 5310 Grant Program for Operating Project Costs for a senior van.

[R19232](#) Resolution Providing for the Insertion of Any Special Item of Revenue in the Budget of Any County or Municipality Pursuant to N.J.S.A. 40a4-87 (Chapter 159), P.L. 1948 – 2018 March Snow Storm Fund from FEMA

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**SECTION 1**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hillsdale, in the County of Bergen, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$50,753.05, which item is now available as revenue from the Department of Treasury, State of New Jersey.

**SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS**

2018 March Snow Storm Fund from FEMA - \$50,753.05

Pursuant to the provisions of the statute; and

**SECTION 2**

BE IT FURTHER RESOLVED, the like sum of \$50,753.05 be and the same is hereby appropriated under the caption of:

OPERATIONS EXCLUDED FROM “CAPS”

PUBLIC AND PRIVATE PROGRAMS OFF-SET BY REVENUE

2018 March Snow Storm Fund from FEMA - \$50,753.05

**SECTION 3**

BE IT FURTHER RESOLVED, the above is the result of funds due to the Borough of Hillsdale, from the Department of the Treasury, that were not available at the time of the adoption of the 2019 budget.

NOW BE IT RESOLVED, that the CMFO will forward an electronic copy of this resolution to the Director of Local Government Services for approval.

[R19233](#) Resolution Providing for the Insertion of Any Special Item of Revenue in the Budget of Any County or Municipality Pursuant to N.J.S.A. 40a4-87 (Chapter 159), P.L. 1948 – Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Fund

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

SECTION 1

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hillsdale, in the County of Bergen, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$5,500.00, which item is now available as revenue from the Department of Treasury, State of New Jersey.

SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS

2019 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Fund - \$5,500.00

Pursuant to the provisions of the statute; and

SECTION 2

BE IT FURTHER RESOLVED, the like sum of \$5,500.00 be and the same is hereby appropriated under the caption of:

OPERATIONS EXCLUDED FROM “CAPS”

PUBLIC AND PRIVATE PROGRAMS OFF-SET BY REVENUE

2019 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Fund - \$5,500.00

SECTION 3

BE IT FURTHER RESOLVED, the above is the result of funds due to the Borough of Hillsdale, from the Department of the Treasury, that were not available at the time of the adoption of the 2019 budget.

NOW BE IT RESOLVED, that the CMFO will forward an electronic copy of this resolution to the Director of Local Government Services for approval.

[R19234](#) Resolution Authorizing the Mayor and Borough Clerk to Extend the Contract for Shade Tree and Stump Removal

**WHEREAS**, the Borough of Hillsdale has a need for Shade Tree and Stump Removal Services; and

**WHEREAS**, the Borough of Hillsdale is interested in extending their contract for Shade Tree and Stump Removal Services with Ace Tree Surgeons 507 N Fairview Avenue, Paramus, NJ 07652 as an open-ended contract for non-emergency and emergency tree removal for the first extension of a one-year contract for a term expiring December 20, 2020; and

**WHEREAS**, the Mayor and Council at its sole discretion, in accordance with NJSA 40A 11-1 et seq., may, by adoption of resolution, extend the contract for one (1) one (1) year period if they determine; that the contract

service is being performed in an effective and efficient manner; and if any price change included as part of an extension shall be based upon the price of the original contract; and

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

1. The contract for Shade Tree and Stump Removal as outlined in the original bid proposal is hereby awarded to Ace Tree Surgeons effective December 21, 2019 through December 20, 2020.
2. The Borough Attorney is hereby authorized to prepare contracts and/or other documents pursuant to the award of this contract.
3. The Mayor and Clerk are hereby authorized to execute contracts and/or documents pursuant to the award of this contract.
4. The Mayor and Council will have the option to extend the contract for one additional one-year term for the 2020-2021.

[R19235](#) Resolution Hiring Temporary Laborer for the Department of Public Works – Chris Kelley

**WHEREAS**, there exists a need for a Temporary Laborer within the Borough of Hillsdale Department of Public Works; and,

**WHEREAS**, Christopher Kelley meets the requirements to fill the position at the Department of Public Works; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council Borough that Christopher Kelley is hereby appointed to the position of Temporary Laborer in the Department of Public Works, effective September 9, 2019 until approximately December 23, 2019, at the rate of \$15.00 per hour and at a rate of \$30.00 per hour for snow removal.

[R19236](#) Resolution Authorizing the Mayor to Enter into and Sign an Agreement for the Cooperative Purchasing of Electric and Natural Gas Services Through the Education Services Commission of New Jersey (ESCNJ)

**WHEREAS**, being a member of the Educational Services Commission (ESCNJ) there is an option to participate in the Electric and Natural Gas Aggregation Program by utilizing a third party to supply electric/gas for the Borough of Hillsdale; and

**WHEREAS**, the Borough of Hillsdale wishes to join the ESCNJ to participate in the Electric/Gas Aggregation Program; and

**WHEREAS**, ESCNJ will act as the agent for the Borough of Hillsdale at the time of the purchase; and

**WHEREAS**, ESCNJ will prepare bid specifications, evaluate bids submitted, award a contract for the purchase of electric and natural gas; and obtain pricing through a bid process; as well as monitor the performance of the vendor during the course of the contract; and

**WHEREAS**, this contract will be in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and which satisfies the best interests of the Borough; and

**WHEREAS**, The Borough of Hillsdale Council authorizes the Mayor to execute such agreement with ESCNJ to act as an agent for the period beginning 1/1/2020 – 12/31/22 for natural gas and 12/1/19-11/30/21 for electric service; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Hillsdale, Bergen County hereby authorizes the Mayor and Borough Clerk to execute the contract agreement with ESCNJ.

[Electric Agreement](#)  
[Gas Agreement](#)

[R19237](#) Resolution Awarding Flexible Spending Account Administration to Flex Facts

**WHEREAS**, there is a need for a Vendor to provide Flexible Spending Account Administration services for the Borough; and

**WHEREAS**, Flex Facts of 1200 River Avenue, Suite 10E, Lakewood, New Jersey 08701, Utah provided pricing in the amount three dollars and fifty cents per \$3.50 per month per participant; and

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

5. The contract for Flexible Spending Account Administration services as outlined in the attached proposal is hereby awarded to Flex Facts for a one year term effective January 1, 2020 through December 31, 2020.
6. The Borough Attorney is hereby authorized to prepare contracts and/or other documents pursuant to the award of this contract.
7. The Borough Administrator will be the Plan Administrator as well as the Authorized Signature for check printing.
8. The Mayor and Clerk are hereby authorized to execute contracts and/or documents pursuant to the award of this contract.

[Facts](#)

[R19238](#) Resolution Authorizing the Mayor to Approve and Sign the Agreement with SUEZ Water New Jersey, Inc for the Installment of a Nature Trail

**WHEREAS**, the Suez Water New Jersey, Inc (SWNJ) is the owner of the land and improvements located at Block 1006, Lot 1, and Block 1007, Lot 4 on the Tax Assessment Map of the Borough of Hillsdale commonly known as Reservoir Property; and

**WHEREAS**, the Borough, along with the Borough of Woodcliff Lake and the Borough of Park Ridge is desirous of conveying the Premises for the purpose of having a Nature Trail constructed along the property; and

**WHEREAS**, the Borough has obtained funds for the purpose of designing and improving the walking area of the proposed Nature Trail; and

**WHEREAS**, the proposed Nature Trail is subject to the review of the Watershed Property Review Board (WPRB) and the NJDEP for consistency with Conservation Easement; a formal application to the WPRB may be required and the three Boroughs will assist SWNJ as necessary with the application and pay for all the administrative and legal fees associated with the application and the approval process;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Hillsdale, County of Bergen, State of New Jersey hereby authorizes Mayor John Ruocco to sign said the Agreement with Suez Water New Jersey, Inc for the installment of a Nature Trail and all other appropriate Borough professionals are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of said document.

[Agreement](#)

[R19239](#) Resolution Authorizing the Mayor to Enter into and Sign an Agreement with the Bergen County Division of Community Development – Senior Arts and Craft Program

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Hillsdale wished to enter into a grant agreement with the Bergen County Division of Community Development for the purpose of using \$6000.00, in the FY 2019/2020 Community Development Block Grant Funds for Senior Activities in/for the Borough of Hillsdale; and

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

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

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

[Backup Agreement](#)

Motion by Council Member Horvath, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Council Members Lundy, Council President Pizzella, Segalas, DeRosa, Escobar, Horvath,

Nays: None

**OFF-CONSENT:**

[R19240](#) Resolution to Effectuate a Restructuring of the Business Administrator (BA) and the Certified Municipal Finance Officer (CMFO) Positions

**WHEREAS**, after extended evaluation of the current operational structure of the Borough of Hillsdale (“Borough”), the Governing Body has determined that it is in the best interests of the Borough to effectuate a restructure so as to provide for the appointment of a full time Business Administrator (“BA”), and the appointment of a separate part time Certified Municipal Finance Officer (“CMFO”), in place of the current combined BA/CMFO functions; and

**WHEREAS**, the aforesaid restructure will enable the Borough, through a full time Business Administrator, to more efficiently and effectively address the numerous issues confronting the Borough including, without limitation, redevelopment matters; ongoing Borough-wide projects; and management of the operational aspects of delivery of services to the residents and taxpayers of the community; and

**WHEREAS**, the Borough wishes to solicit applications/qualifications from potential candidates for the positions of a full time BA, and a part time CMFO, and to authorize any and all necessary actions with respect thereto in such manner as may be approved by the Governing Body; and

**WHEREAS**, the restructuring as aforesaid will necessarily require the retention of two (2) persons, one of which will serve in the respective position of full time BA and the other who will serve as a part time CMFO; and

**WHEREAS**, pursuant to N.J.S.A. 40A:9-137 and Hillsdale Code Section 51-24, the current combined BA/CMFO is serving with respect to the role of BA at the pleasure of the governing body; and

**WHEREAS**, pursuant to N.J.S.A. 40A: 9-138 and Hillsdale Code Section 51-24, the Borough wishes to provide at least three (3) calendar months notice to the current BA in light of the restructuring being approved herein, insofar as the current BA must be removed from his current position as BA in order to accommodate the above restructuring;

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

1. The current BA shall be given three-months' notice pursuant to N.J.S.A. 40A:9-138 and Hillsdale Code Section 51-18 of his removal effective December 31, 2019 from the position of BA in order to accommodate the restructuring being provided for herein.
2. The Borough shall forthwith solicit applications/qualifications from potential candidates with respect to the future appointment of a full time BA and a part time CMFO, in such manner as may be approved by the Governing Body.

**BE IT FURTHER RESOLVED**, that all appropriate Borough professionals, employees, elected, and appointed officials are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution; and

Council Member Lundy asked the Attorney to explain how this resolution is procedural .

Attorney Wiss said a motion should be made and then he can explain.

Motion by Council Member Lundy, Second by Council Member DeRosa.

Attorney Wiss said this Resolution is a re-introduction of the Resolution voted on at the last meeting. The Resolution at the last meeting sought to accomplish a few things, one was to bifurcate the present consolidated position of BA and CMFO, the second aspect was to authorize the solidification and the interest in the bifurcation of the positions and the third was to provide statutory notification of three months to our BA and CMFO that the position that as it currently exists would not exist at the end of the year. The first two aspects of that Resolution only requires the majority of the vote of the governing body. The vote last time was 3 to 1, 3 in favor, one opposed and one abstention. The 90 day, three months statute requires 4 affirmative votes of the governing body in order to provide notification to the BA of the elimination of the position and so that Resolution insofar as that aspect, notification aspect, failed and the day after the meeting I checked the by-laws to find out the effect of the extension was in your by-laws and the by-laws indicate that an extension is a non-vote. So that Resolution in that aspect failed. So this is back on the Agenda for the purpose of the notification in essence a vote on that aspect to provide notification. Subsequent to the meeting the governing body did authorize me to commence negotiations with Mr. DeJoseph and his attorney. I have had several discussions with Jon and with his attorney and am anticipating a return response from his attorney as early as tomorrow. So hopefully that answers your questions to why it is back on the Agenda.

Council President said when you were explaining it you said it was to give notice of termination. It is to give notice that the contract as is; is not going to be renewed in the same way it is currently written.

Attorney Wiss said it applies to facts at hand and that is correct. The statute itself though indicates that the appointment of the BA is for an indeterminate term so the language used in the statute is removal so you are correct that it applies to Hillsdale it is in essence removal because the position as currently constituted will no longer exist and following the statutory language it says 90 days will perpetuate the removal because the term is an indefinite one.

Council President Pizzella asked if he is correct that we have now provided a second step to this statute by providing an offer.

Attorney Wiss said effectively there are parallel situations going on. One is that the Counsel in the prior resolution and presumably at this position is adopted this evening expressed that the two positions should no longer be consolidated, that they be separate positions, separate in part that they be parallel and to that there are negotiations going on with Jon and his attorney with respect to maintaining the spirit of the resolution insofar as they are separate positions and discussion with his attorney whether an agreement can be reached as to both positions.

Mayor Ruocco said he had a question. If this Resolution fails tonight, the whole Resolution fails, everything here fails, the restructuring fails, the termination of this fails. Labor Attorney Wiss said that he would say yes. Mayor Ruocco asked whether any council members have any comments to make since this is for discussion before we vote?

Councilmember Horvath said my vote will be no at the forefront; I believe this is ill conceived and detrimental to the operation of the town. I feel that this is removing the BA/CFO without just cause. I am against it.

Mayor Ruocco said he would like to add comments as well if no one has any comments at this point.

Councilmember Segalas wanted clarification from the Borough Attorney. The Roberts Rules of Orders apply to this forum as to the course of this open discussion.

Attorney Wiss said that is correct.

Council President wanted to explain his position; the position of BA and CMFO are two separate employment positions. The CMFO position relies on tenure and the BA position be maintained. I believe that including the terms agreed upon by the parties in one contract is what becomes problematic. In my mind it provides for an opportunity of conflict, it makes management problematic. I think having two contracts, one with appropriate terms for each position with the appropriate salary for each position not only supports what the statute intended it protects the tenure role of the CMFO. It also protects the individual. This approach also gives the municipality more control over the terms of each relationship and allows for more management of each according to the standards required by each standard which are different. With the tenured position having achieved a standard and the BA position is not so I think it makes it easier to manage both positions and it doesn't cloud with respect to that. At the meeting that we had I abstained because I understood that the Resolution was necessary that the Borough needed to do regardless of its position to let the BA know that we were not going to renew his contract and we were running out of time and we were under time constraint to do that. We talked about different second steps, we had a personnel committee that met many times and there was a lot of discussion and when the conversation was continuing, I felt it was not going in the right direction. That is why I believed I needed a little more time to understand better what was going on, so I abstained. I am glad that I abstained because I had more time to think about how we were approaching and I feel more comfortable with the situation because we had a second step in place and if that is agreed to it doesn't create any injury to anyone. It also keeps the terms of both positions more manageable and it takes the conversation of the CFO that becomes tenured and it makes it more reasonable for that position while not lowering the individual's salary. I think it is a good compromise and I am o.k. with it.

Councilmember Horvath said according to the Resolution, the CFO and BA cannot be held by one person and in my mind that is going to create a big issue for a number of reasons that he mentioned at the last meeting and I don't think it is a good idea. I think the person in those positions is doing an admirable job. There is absolutely no need to disrupt it at this point; this is something that has been done by many towns and I would like to keep it that way.

Councilmember Lundy said separating the positions has higher accountability and higher efficiency by having two people and the community is best served by having a full time BA and a part-time CMFO. There will be many challenges in the coming year and we need a full-time BA without the additional duties of the CMFO, there will be more efficiency, expediency, segregation of duties and checks and balances. The best analogy that I can attain is that no company would allow a CFO and CEO be the same person and I feel that this applies to Hillsdale as well.

Council President Pizzella said the way he understood it the offer is for the individual to hold both contracts.

Councilman Horvath said not in this resolution and the way that it is written.

Council President Pizzella asked the Attorney to explain this.

Attorney Wiss said the Resolution calls for the bifurcation of both positions and that they be held by two separate individuals. There are parallel discussions going on with our current BA and CMFO with two contracts segregating the two positions; it would be one person holding both positions under separate contracts. There is an inconsistency in the point of one individual person vs. two individuals; there is a consistency in two discrete positions with two separate contracts. If there was an accord reached with Mr. DeJoseph on two contracts for the two positions there would be a subsequent Resolution that would remove the one that is on the Agenda tonight if approved.

Council President Pizzella said let's say 10 years from now and maybe it is a different person and the town finds itself without a CMFO and without a BA which happened in this situation and Jon was able to hold two roles. In the future if there is ever an issue again where there is no CMFO and no BA would we be precluded by hiring someone and getting two contracts.

Attorney Wiss said no, it was discussed at some length last time. This Borough has been flexible depending on what the particular governing body has to address the needs of the Borough so the employee retains ownership of the position in terms of segregation or consolidation.

Council President Pizzella said the Borough has more control over the contract, more control over the jobs, manage the two contracts and hands are not tied if it wishes to hire the same person or not the same person in the future.

Attorney Wiss said the first part is policy part and the last part is the legal part, yes you would have control.

Mayor Ruocco said it was widely reported that I am against this resolution, it's the same resolution that was addressed at the last Council meeting and as the attorney pointed out it is going to hire a full-time Borough Administrator and a part-time CFO. Presently these duties are performed by one individual Mr. DeJoseph, it calls for his removal effective at year end to accommodate the restructuring. Let us be clear about this; it is on the Agenda tonight as Council pointed out because it didn't get the necessary four votes to effectuate the termination of Mr. DeJoseph. Now Council gets a second bite of the apple, but in my view, it is a poisonous apple to the residents of Hillsdale and to the effective functioning of the municipality. I spoke out against it on September 10 and I am not going to repeat everything I said back then, it is on the record and on YouTube. I continue to urge my fellow Councilmembers to reject the resolution and at the same time I want to acknowledge my appreciation for willingness of Councilmember DeRosa and Councilman Pizzella to reconsider their positions and give it a lot of thought since the last meeting and I understand that more fruitful negotiations may result in some better outcome. That remains to be seen. I believe the resolution is irresponsible because we face a critical need for continuity and expertise that Mr. DeJoseph now provides us. Budget preparations are due to start next month and the budget is due 16 weeks thereafter. Important labor negotiations, the largest, most significant bargaining unit is going to commence later this year and likely to continue in 2020. We need an experienced BA. Let me share with you some feedback received from residents as I went from door to door in town these past weeks as I was campaigning. They read in press about this resolution, they knew about its discussions September 10 and the feedback is relevant to all of you sitting up here today. I asked residents how we are doing and I am glad to report that the residents are largely very satisfied with the current state of affairs in the Borough, especially with the services provided by the town. They said they saw improvements these past three years in leaf and snow removal, they complimented the town for street repaving, for the Beechwood Park renovations, for obtaining grants for installing new sidewalks to improve ADA compliance and implementing a solution for the farm problem, parking problem that existed three years ago. These are all the types of things that more than anything else if not done well lead to elected officials like us being booted out of office. These are all achievements that fall under the supervision of a Borough Administrator working in tandem with other department heads like in this case with the DPW Superintendent. Let me share another message from the residents; they don't mind having a Borough Administrator who monitors the spending done by this Borough as if it were his own money, they want performance, they want results. If feathers have been ruffled by interaction of Borough officers or Borough employees, they aren't alarmed about that. Scores of residents told me to my face that good results are what matters and good results are what they believe are being delivered. This brings me to what Councilman Horvath said at the last meeting, if it is not broken don't mess with it. But under this resolution Mr. DeJoseph gets messed with big time, he gets to be terminated. In the resolution it says that it is the best interest in Hillsdale to hire two individuals to replace him for what he is already doing well in the eyes of the residents. As the head of the government I find this very troubling especially given the fact that his documented performance appraisals don't justify termination but for some reason some members of this Council don't care. So why are we messing with this the present structural arrangement when we are likely to have to pay approximately \$20,000 to \$40,000 more than we pay Mr. DeJoseph now so that we can hire two individuals to replace one assuming we can even find an individual in a timely fashion. Again, I ask why are we messing with it when with the resolution is going hamper decision making and only add to the bureaucracy that already exists in government. Why, why indeed. Councilmembers Lundy and Escobar never wavered in support of the resolution and were most insistent.

Councilmember Segalas said the speaker's comments are out of order and would like to terminate this discussion.

Mayor Ruocco said I run this meeting and I make the decision.

Councilmember Segalas said a Point of Order.

Mayor Ruocco said I have the floor Mr. Segalas.

Councilmember Segalas said Roberts Rules of a Point of Order when your comments are directed specifically at members of the governing body, those comments are out of order and can result in a censure of further discussion going forward. I ask our attorney who is more familiar with Roberts Rules of Order and would appreciate guidance from our attorney.

Attorney Wiss said comments can be made without personalizing.

Mayor Ruocco said certain Councilmembers have never wavered in their support of a resolution and were most insistent that the Borough Administrator must go even before the concept of restructuring roles was proposed to achieve efficiency. I also find it curious that some of the Councilmembers reached this conclusion barely several months into their oath of office. They were silent at the last meeting when Councilman Pizzella did the best he could trying to convince us that checks and balances would be improved by having two individuals do the job of one. I spoke to our public auditor and he doesn't agree and many municipalities throughout the state obviously think the checks and balances argument is without merit since they employ the same model that we currently use now which is two positions being done by one individual and they do it for efficiency. Silence is what we heard from most Councilmembers on September 10 and silent is what I was advised to be by some Councilmembers for the sake of going along with the majority. But I didn't run for this position as Mayor to be without a voice.. I find the concept ridiculous and frankly insulting. I told the voters I stood for improving the professional management of the Borough, for transparency in revealing what things really cost around here, why we do things and to do everything I could to control taxes in a reasonable way. This resolution does the exact opposite which is dressed up as lipstick to a pig to make residents believe it furthers efficiency and effectiveness. As my Columbia Economics Professor who hailed from Nebraska used to say, it is all hog wash. As the head of the government I have no choice but to carry out the will of the governing body; I hope those who vote for this resolution will be as willing and prepared to deal with its harmful consequences as they are willing to end Mr. DeJoseph's career at this critical juncture and end it I might add in such an unprofessional manner, barely a peep from most of the Councilmembers. I guess when folks are embarrassed by their motives or actions, you don't want to advertise it. While that may be acceptable to some it has no place here; I hesitate to mention the challenges that this governing body will face in the scramble to find someone as independent and as competent as Mr. DeJoseph who would be willing to coordinate the Borough's operations, produce a tight budget, work on projects such as field improvements and redevelopment all the while expected to do this while hitting the ground running for a short period of time. Good luck with that.

Councilmember Segalas stated that we are talking about responsibilities and one of the responsibilities of government is to deal with an issue that we might be uncomfortable with. One may be with a contract coming up for termination and hesitancy and hoping they won't have to deal it at some point in time. To those residents who may think that Councilmembers don't care, you can see from the last meeting and from this meeting everybody up here deeply cares and takes seriously their obligation to discharge one's responsibilities. There is a desire to do things correctly; government makes mistakes all the time and recognizes mistakes are made. They try to correct them if they can. A contract that ties together two positions such as the one in the manner that it does and we have the highest duty of care and loyalty and for this Borough and for this body sit back and not address the poorly conceived and constructed contract put together in the first instance probably with the best intentions but ultimately it results in irresponsible boot strapping of the Borough's finances is irresponsible and if not corrected would be more irresponsible now that it is before the Mayor and Council. As our attorney mentioned having those positions ultimately filled by the manner which is acceptable by the governing body ultimately would become the issue but to say it is not broken, don't fix it when in fact it was broken from its inception is irresponsible. It is our obligation to improve, we have broken contracts, we have the responsibility to repair and how it gets repaired we are trying to figure out. We can't sit back and say we are not going to do anything let's wait because we have other things going on. To say with negotiations coming up is an excuse to avoid doing what we have to do; all we have to do is address the elephant in the room, repair what is broken and move forward.

Mayor Ruocco said can you clarify for me, Councilman, what is broken because many Boroughs around the state have exactly the same contract.

Councilmember Segalas said they don't have the same contract, this is lopsided.

Councilmember Lundy said it is not an equitable salary.

START HERE 1:21

Mayor Ruocco said excuse me I will recognize you Councilwoman Lundy as soon as Councilmember Segalas is finished.

Councilmember Segalas said we have a lopsided contract that inappropriately compensates each position and I have suspicions why it was done, they don't necessarily constitute facts, the contract as constructed is grossly imbalanced against the town. Our first position is to do something fiscally responsible for the town and it starts with fixing that contract which was broken the day it was executed.

Mayor Ruocco said I will respond then let Councilmember Lundy speak because she indicted, she wanted to speak. The contract that you say is broken it alludes to the fact that Mr. DeJoseph gets paid twice as much as CMFO as he does as a Borough Administrator. This is not uncommon throughout Boroughs and if you look at

the 12 Pascack Valley towns you will find instances of this. There is a reason for it and I explained this on September 10 and I explained it in closed session as well. The reason is Borough Administrators are subject to the whims of the political government, to attract someone to the Borough Administrator level is going to require a great deal of attention, it is hard to get a Borough Administrator without giving them some protection which is why as an example River Vale. River Vale has a Borough Administrator and they pay him a lot more money as CMFO than as Administrator, other towns do the same thing. Without that promise or hope of tenure it is hard to attract a Borough Administrator because of the fear that in three years I could be out because of a change in political party. I wouldn't characterize the contract or the arrangement as broken, you may disagree with the allocation of the salary which I think you were saying

Councilmember Segalas said they should be two separate positions, two separate contracts, how its filled is a separate issue.

Mayor Ruocco said and I think around the table, around the dais, the concept of separate contracts was discussed early on and was not found to be controversial. In fact, we internally on the personnel committee went to the full Council to ask if we could negotiate that with Mr. DeJoseph and the answer came back no, we don't want to do that. That is why I question this entire resolution and one of the reasons why I question it because the motives are definitely suspect here. Councilmember Lundy you said you wanted to talk?

Councilmember Lundy said she was just making a statement about salary. That the salary was not an equitable salary distribution.

Mayor Ruocco said equitable is in the eye of the beholder. If you measure it by time spent you are probably right, Jon spends more of his time as a Borough Administrator than he does as CMFO. I agree that the distribution is uneven, but as I explained, I didn't make the contract, you voted for it and I voted for it. When this contract was put together, we voted for it, the Council voted for it and we approved his hiring under those terms.

Council President Pizzella said yes but I think we also have to take into consideration what was going on at the time we voted. At that time, we didn't have a Borough Administrator, a CMFO, we had just gone through this and we interviewed 15 people and there were reasons why some had issues with them and we all felt as though and it is so awkward that we are having this conversation in front of Jon. Jon this is in no way an offence to you and I apologize that we have to talk in front of you. The reason why we did was because our hands were tied, we wanted to support the new Mayor, we wanted to work as a team and we knew that the individual could do both jobs. Now the contract has been changed that the disproportionate amount has been changed, the offer is a reasonable offer.

Mayor Ruocco said we can't talk about an offer.

Council President Pizzella said we are moving forward and I think if we keep talking about it, it tears apart a group of people who have to work together. At a certain point people can disagree and at the end work together.

Mayor Ruocco wanted to address one point to the benefit of the public. Mr. DeJoseph was given the option of whether to discuss this in closed or open, he chose to have it discussed in open. There is no need to apologize to Mr. DeJoseph for commenting. It is awkward and it is also awkward when we don't follow established procedures in evaluating our personnel and then we want to remove the person.

Borough Attorney Wiss reminded the Mayor that this resolution is not performance based

Council President Pizzella said he has already explained; I believe that two separate contracts based on the standards required are so much more easily manageable as evidence with this whole thing.

Mayor Ruocco said you keep talking about two separate contracts but the resolution talks about two separate positions, two individuals replacing one. We all got a letter from a Mr. Jeff Laufutter today and got letters individually 10 days ago and he resent it today and he makes an excellent case why the concept of a combined Borough Administrator/CMFO makes great business sense. I would like to offer the letter for entry today to the Clerk and she can put it on the Agenda for the next meeting for receipt and file. Again, I would ask you to keep the distinction for separate contracts different from having one person do two roles. What this resolution calls for is to split the two roles, the one position into two, you have to hire two individuals, it is going to cost the Borough money, it is going to increase inefficiency and there is no way around trying to ignore what this resolution does.

Council President Pizzella said the attorney explained to this entire group as did Mr. Segalas, how this Borough fills those roles is up to us. It may state it the way you are saying it but Mr. Wiss already explained that from a

legal perspective it allows the town more power to work on what it needs to do. It doesn't tie the hands of the town.

Mayor Ruocco said what it does it requires us to terminate Mr. DeJoseph, it says it right here in the resolution, to terminate Mr. DeJoseph because basically his position is being put out to pasture and instead of the one position, we are creating two. There is no other way to read it.

Council President Pizzella said you also have to think about the fact that you have also offered Mr. DeJoseph a replacement with two separate contracts so just telling one side of the story paints a picture that is not necessarily 100% correct. I don't know why you are trying to do this.

Mayor Ruocco said because the parallel negotiations are separate and apart from this resolution, they are distinct. (Borough Attorney Wiss agreed, they are distinct). So for us to vote for this is really a sign that the Council wants to have two people do the job that one person is doing effectively, that the residents feel is being done effectively, and you can talk about having one individual sign two contracts at whatever salary you want but this calls for two positions and for the Borough to start looking for a full-time BA and a part-time CMFO.

Councilmember Horvath asked if it is possible to table this discussion pending the outcome of the negotiations that are going on and then revisit it then.

Attorney Wiss said if the motion was made and seconded and passed.

Councilmember Horvath would like to make that motion now if I can, seconded by Council President Pizzella.

Mayor Ruocco said a motion to table takes precedence over everything else. We have a question now as to whether to table this. It takes precedence.

Mayor instructed the Borough Clerk for a Roll Call Vote:

Council President Pizzella said just wait a second, I have to ask I need to know what this entails.

Attorney Wiss said this is for the motion to table.

Council President Pizzella asked how does that impact this?

Attorney Wiss said the statute requires that there be 3-month notification.

Council President Pizzella said he withdraws the second. I am withdrawing my second.

Attorney Wiss said there is a motion on the floor waiting for a second.

Mayor Ruocco said there is no second. Is there any further discussion on this resolution?

Councilmember DeRosa said he is in favor of negotiating with Jon in the context of two separate positions and the change in the disbursement of salary. This will give Jon a chance to review what we are offering him and then we can come back to the discussion.

Mayor Ruocco said I have to ask why pass this resolution, why would you be in favor of passing this resolution if I accept what you just said on face value.

Councilmember DeRosa said because in context of two separate positions is necessary.

Mayor Ruocco said you believe two separate positions are necessary?

Councilmember DeRosa said yes.

Council President Pizzella asked Attorney Wiss why we couldn't wait until afterwards.

Mayor Ruocco asked him to clarify this, he doesn't understand the question.

Council President Pizzella said I asked the Borough Attorney why it is necessary to bring this up again without hearing back from an offer that was made. Why do this again, why put everyone through this again.

Attorney Wiss said the statute requires a three-month notification to the BA and the statute uses the word removal so to the extent this was deferred to this evening you are deferring the notification given.

Council President Pizzella said thank you for saying that because that pressure is what we all feel and that is why we need to move on; not for any other reason but that.

Attorney Wiss said that was the infirmity that was done two weeks ago.

Council President Pizzella said that was going to happen regardless, we just changed the distribution of the contract, we still have to pass this resolution. So let's stop creating something that is not there.

Mayor Ruocco asked what the effect is if it is not passed.

Mayor Ruocco clarified, if we don't give him 90 days' notice tonight.

Attorney Wiss said if it is not passed and if it was done at a future date, the three month period would run from a future date.

Mayor Ruocco said which would bring you into January.

Attorney Wiss said the statute has two alternatives; one is that the BA has to be given three months notification that he will be removed from office or he must be paid three months compensation. In order to avoid a payment this resolution is predicated on providing notice.

Councilmember Segalas said the contract expires at the end of the year. We have to act before expiration.

Attorney Wiss said the CFO position requires an affirmative reappointment for tenure, the BA position is an ongoing appointment that unless notification is effectuated pursuant to the statute, with a three-month payment is ineffective. The way the contract is constructed, it is a singular position.

Councilmember Escobar said if the resolution isn't passed tonight we lose the ability to sit down and negotiate. Attorney Wiss said no, but if it is not passed tonight with four affirmative votes then this is authorizing notification. If this was adopted, notification could be provided, the clock on the three months begins tonight.

Councilwoman Lundy stated to effectuate that ninety-day notice would be in the best interest of the Borough as to protect the Borough from having to pay out that 90 days?

Attorney Wiss said if a satisfactory agreement were reached Mr. DeJoseph could move forward as has been discussed then this resolution on a subsequent date would be officiated or rescinded. If that is not the case and there were business negotiations and were not successful, if the resolution is adopted tonight the 90 clock commences.

Mayor Ruocco said this resolution would require the Borough to look for two individuals.

Attorney Wiss said yes. If discussions with Mr. DeJoseph were not successful this resolution would be saying two positions, two individuals.

Mayor Ruocco said that is the part I feel is very inefficient for this government to adopt because of the issues that I raised at the last meeting as well as the experience of other Boroughs around the state. It is inefficient to require two individuals to do the job of one individual when residents feel services are being provided adequately right now.

Council President Pizzella said let's say Jon didn't accept the offer. In the past and we had gotten two; let's say we can't find two for the same price of the one individual. Does the Borough have the option to say it could hire one individual?

Attorney Wiss said you always have ownership of the process; two separate contracts, one contract, consolidate positions, un-consolidate positions, they are the ownership of the governing body.

Mayor Ruocco said the way this resolution is worded he can't support it, the policy issues it raises for us going forward. But it is not my decision, it is the Council's decision and you will have to live with the consequences of your decision.

Councilmember Horvath said with that consideration, would you want to table it and second it?

Council President Pizzella said the attorney just explained to you.

Councilmember Horvath said from what he is hearing we have another day to decide?

Attorney Wiss said you have the ability to consider this at a future date; this could be tabled to the meeting on the 15<sup>th</sup>, you are pushing it down the road.

Councilman Horvath said so there is no reason not to table it.

Council President Pizzella said the information is not clear. As I understood it from the very beginning that at the last meeting, we had a certain time period that we had to vote or else we would have to spend more money or it is going to cost the town more money. You are telling me now it just delays it by a week, that's not what I heard the last time.

Attorney Wiss said from the last meeting we are postponing notification for 14 days.

Council President Pizzella said I was told if we wait too long that we would have to pay a higher rate and all of the sudden it stopped, what happened. You have people up here who don't understand what is going on and that is part of the problem. The information forthcoming is not clear.

Attorney Wiss said I am not clear on what is not clear. The delay of the notification period results in a potential exposure for instance the organization and there is some justification between today's date and the approximate time of the next year's reorganization which is about three months hence. If you did not provide notification by adopting this resolution today and subsequently provided it you may be incurring exposure for some or all of the 90 day notification period.

Mayor Ruocco asked so it is the extra 15 days?

Attorney Wiss said if it is tabled until the 15<sup>th</sup> it is 30 days to the end of the month; he is entitled to 90 days notification or 90 days payment of salary.

Mayor Ruocco asked what about his position as CMFO which if he remains as CMFO into January.

Attorney Wiss said you don't want to be in a position of an argument about the e facto of reappointment; the CMFO position achieves tenure in serving a four-year term and reappointment.

Mayor Ruocco said so if we were not to deal with this tonight and instead were to deal with it October 15 on December 31 or January 1<sup>st</sup>, does Mr. DeJoseph then receive tenure as CMFO?

Attorney Wiss said again it depends on whether he is reappointed, completion of a four-year term and reappointed, those are the two elements.

Mayor Ruocco asked whether the reappointment would be the duty and option of the new Council.

Attorney Wiss said it would be next year's Council. We have two positions with different criteria. For the CMFO tenure is four years and the BA is an indefinite term; the incumbent as a BA holds the position until there is permanent action by the governing body to be removed from that position and that action is done on three months' notice or payment of three month's salary.

Mayor Ruocco said if we don't do it tonight Mr. DeJoseph remains the Borough Administrator into January until we have decided to give 90-day notice.

Attorney Wiss said if no notice is provided, and if the new governing body does not reappoint, he will be entitled to three months' salary.

Councilmember Lundy said the three-month salary would be at current CMFO rate, the higher rate.

Attorney Wiss said yes.

Mayor Ruocco said it is as clear as mud. My view remains the same--- this sets a policy that is contrary to my experience as a Mayor and it leads to inefficiency and I have to be guided by what the residents are telling me. This resolution calls for two people replacing one and when you add the two together you are going to be spending

more money, residents aren't keen on that, residents are very happy with the services being delivered by the incumbent. This resolution terminates or gives notice that the incumbent is gone in three months. I can't support it but I don't get a vote unless it is tied. So if there is no further discussion, we have a motion and a second and is there any further discussion on this.

Roll Call Vote:

Ayes: Council Members Council President Pizzella, Segalas, DeRosa, Escobar, Lundy

Nays: Council Member Horvath

[R19241](#) Authorize the Borough Clerk to Advertise Requests for Qualifications for Borough Professionals – Redevelopment

**BE IT RESOLVED**, that pursuant to N.J.S.A. 19:44A-20.4, et seq. that the Borough Clerk is hereby authorized to advertise for the above-mentioned services for the following positions for year 2020:

Special Counsel – Redevelopment

Motion by Councilmember Escobar, Second by Councilmember DeRosa.

Roll Call Vote:

Ayes: Council Members Segalas, DeRosa, Escobar, Horvath, Lundy, Council President Pizzella

Nays: None

### **COUNCIL COMMENTARIES:**

Councilmember Lundy said October is National Breast Cancer Awareness and she is part of two organizations that promote awareness of breast cancer. He is participating in a round table forum with Schepisi to make New Jersey the safest state. She appreciates awareness of this process. She congratulated Lt McLaughlin and Det Sgt on 25 and 20 years' service to the Borough. Best wishes to the Fire Chief and his swift recovery. And to those that celebrate Rosh Hashanah.

Councilmember Segalas said this Sunday St. Johns Academy is celebrating Fall Festivities all are welcome to come and join in the festivities

Council President Pizzella said when you are up here it can be very difficult and hopes we can go forward and work together and hoping to hear that from Jon and his response.

Councilmember DeRosa encouraged everyone to attend EMS open house. And he would like to recognize the quarterback from Pascack Valley High School has been named one of the nominees for 2019 USA football Giants recognition. He gets support from on line fans and can incur up to \$10,000 in honor of the school and be honored in the Giants home game. He encouraged people to go on USA.Football.com and support him and hopefully get more money for the football program.

Councilmember Horvath said what went on tonight in tonight's proceedings, back and forth just baffles my mind.

Councilman Escobar stated he had nothing to add.

Mayor Ruocco reiterated Open House on October 13 and a good event for all residents to attend and see the workings of the police and fire department. He thanked all the people who helped to make the Fall Festival so effective; the Rec Director, Rec Committee, DPW, Police Department, Ambulance Corps, Demarest Farm, all the vendors that were there, Councilman DeRosa for his involvement with the Rec Committee and the residents who turned out to make it a very pleasurable event. Voter Registrations deadline is coming up for residents, October 15, we also have the mobile DMV coming Saturday, October 19 from 10:00 to 2:00 at the west lot by Friendly's and Wendy's. Borough Clerk stated they will not be doing the NJ special license; they will come back in the spring. He wished the Fire Department Chief Tom Kelley a speedy recovery. To our Jewish residents a Happy New Year.

### **ADJOURN TO CLOSED SESSION:**

[R19242](#) To provide for a meeting not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act N.J.S.A. 10:4-12 – *Contract Negotiations, Personnel, Redevelopment*

**WHEREAS**, the Borough Council of the Borough of Hillsdale is subject to certain requirements of the Open Public Meetings Act N.J.S.A. 10:4-6 et seq; and

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Borough Council of the Borough of Hillsdale to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12(b) and designated below:

(1) Matters required by law to be confidential.

(2) Matters where the release of information would impair the right to receive funds.

(3) Matters involving individual privacy –

(4) Matters relating to collective bargaining -

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

(6) Matters relating to public safety and property –

(7) Matters relating to litigation, negotiations and the attorney-client privilege – *Contract Negotiations, Redevelopment*

(8) Matters relating to the employment relationship – *Personnel*

(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 \_\_\_\_\_ Second \_\_\_\_\_

Council Members DeRosa, Escobar, Horvath, Lundy, Council President Pizzella, Segalas

**RECONVENE REGULAR MEETING:**

Motion to reconvene \_\_\_\_\_ Second \_\_\_\_\_

Council Members Escobar, Horvath, Lundy, Council President Pizzella, Segalas, DeRosa

**ADJOURNMENT:**

Motion to adjourn Council President Pizzella, Second by Councilmember Horvath, and unanimously carried.

**THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE**

**TUESDAY, OCTOBER 15, 2019**

Denise Kohan, Municipal Clerk

APPROVED AS PRESENTED