

Minutes of a Council Meeting of the Borough of Hillsdale held at 7:43 P.M. on Tuesday, December 1, 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 1st day of December 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, Myerson, Ruocco, and Council President Pizzella. Also in attendance were Mayor Arnowitz, Borough Attorney Madaio and Borough Administrator/Borough Clerk Witkowski. Councilmember DeGise was absent this evening. Mayor Arnowitz announced that Council President Pizzella would take over the meeting this evening because he was having breathing problems.

APPOINTMENTS/OATHS OF OFFICE:

There were no appointments or oaths of office taking place this evening.

RECOGNITION:

There were no recognitions this evening.

PRESENTATION

Mayor Arnowitz stated that there would be a presentation on behalf of Hillsdale Helping Hillsdale, which is part of the Hillsdale Food Pantry. Nancy Culhane, president of Hillsdale Helping Hillsdale, introduced herself along with Lillian Jeffery, who is the treasurer of this organization. Ms. Culhane stated that Hillsdale Helping Hillsdale is a non-profit organization providing financial assistance to individuals and families in the areas of emergency housing, utilities, medical bills and clothing. They also distribute Thanksgiving Baskets and gifts for the holidays. The Board is composed of the town social worker, the public health nurse, and local assistance board members who are dedicated to helping residents in need. Hillsdale Helping Hillsdale is not affiliated with the Hillsdale Hand Food Pantry. Ms. Culhane explained that both organizations work with the Food Pantry. The Food Pantry refers clients whose needs go beyond

food assistance to Hillsdale Helping Hillsdale. Financial and material support is received from Pascack Valley Volunteer Business Organizations, as well as churches, synagogues, schools, and organizations such as the American Legion, the Hillsdale Post Office, the Hillsdale Fire Department, the Ladies Auxiliary, and many more. As a result, Hillsdale Helping Hillsdale has been able to provide support to the elderly, needy families, the disabled, and veterans. Ms. Culhane reported that over the past five years the organizations has distributed over \$79,000 and have helped over 100 individuals and families.

Ms. Culhane stated that there has been a significant drop in donations, and funds are at their lowest point ever, resulting in the organization being stretched to the limit. Hillsdale Helping Hillsdale is in desperate need of donations to prepare for the Holiday gift giving season. Ms. Culhane asked the Mayor and Council to help get the word to residents and businesses about how they can contribute through donations. The organization needs the support of the Mayor and Council throughout the year as well. In the past a significant donation was received from Town Day, which has now moved from Beechwood Park to Stonybrook. Since that move the amount of donations has dropped substantially, and Ms. Culhane asked the Mayor and Council to consider moving Town Day back to Beechwood, which seems to be a location that residents can't miss. In addition, Hillsdale Helping Hillsdale would welcome any assistance from the Mayor and Council to encourage businesses and residents to donate, and get involved throughout the year.

Mayor Arnowitz thanked Hillsdale Helping Hillsdale for the marvelous job they have done helping out the community. He said they would get information out to the community via email blast. Lillian Jeffery stated that the group is in desperate need of any types of donation. Councilmember Ruocco suggested putting a notice in the St. John's bulletin on a periodic basis.

PROCLAMATIONS

There were no proclamations this evening.

APPROVAL OF MINUTES

There were no minutes for approval this evening.

PROFESSIONAL REPORTS/MONTHLY DEPARTMENT REPORTS

(The following correspondence on file in Borough Clerk's Office)

Borough Engineer – dated November 24, 2015

Greg Polyniak, Borough Engineer, referred to his report of November 24, 2015, which included information on the Hillsdale Train Station. The Borough has received a grant from Bergen County in the amount of \$200,000, which requires a signature from New Jersey Transit. Mr. Polyniak stated that the Borough Administrator is following up on this. He reported that the

field methane sensors were installed and completed during the week of November 9th, at the Hillsdale Landfill. An inspection and training session was held on November 20th, and the sensors are functioning properly. An annual maintenance contract is recommended to ensure that the sensors continue to function correctly. Mr. Polyniak stated that his office is in receipt of an operations and maintenance manual, calling for this contract, and he reiterated that the Borough DPW should have a copy of this document on hand. Mr. Polyniak stated that the larger ballfield at the rear of the site appears to have been damaged by a piece of equipment. The Borough Administrator was looking into the possibility of filing a Police report, and the engineering office was compiling a list of three potential contractors who could be utilized and he recommended soliciting bids for repairs to the vent.

Mr. Polyniak referred to the 2016 Road Program, and said that contract have been signed, and will be returned for signature by the Mayor. The work will occur during April 2016, with completion expected within 45 calendars days.

Mr. Polyniak spoke about the bridge and drain improvement projects located throughout the Borough. He recalled that the State Engineer had inspected the municipally owned bridges throughout Bergen County, and the following areas have been noted as requiring repairs. In the area of Everdell Ave a heaving sidewalk was mentioned. The DPW has installed asphalt to smooth out the surface and eliminate the tripping hazard. Mr. Polyniak reported that his office issued a compliance letter.

Mr. Polyniak addressed the Wierimus Lane Bridge, which is split between Hillsdale and Woodcliff Lake. There are two separate projects relating to this bridge, with the first being the cracks and voids within the bridge. Quotes for repairs and rock work were solicited, and the lowest submitted quote was in the amount of \$18,000 from Inganamorte Contractors. Repairs are required to be done within two to three months as per State regulations, and this contract should be reviewed and awarded in December. The cost should be split between the two municipalities. Repairs to this bridge will include work on the gabion baskets located at the base of the brook. These gabion baskets ensure that the stream bank will not erode causing a bridge failure. Mr. Polyniak estimates that this project will cost \$345,000, and includes design work, and construction management services. The work will occur in the stream bed, which requires substantial Department of Environmental Protection (DEP) permitting. He explained to the State Engineer that an emergency will have to be declared, and this could not be done until the summer of 2016. The State Engineer agreed that work should occur during the summer of 2016 and the Borough should publically bid the project in order to see advantageous pricing.

Mr. Polyniak stated that the Saddlewood Drive Bridge is heaving, and was cited for repairs. Fill is recommended to be placed throughout the joints underlying the culvert, as well as construction of the manhole. The lowest quote for the repairs was submitted by Zuccaro at \$22,000. A

recommendation letter was issued for this priority two culvert, and Mr. Polyniak recommended that the Mayor and Council authorize repairs to be complete during December.

Mr. Polyniak stated that repairs for the Wierimus Lane should be split equally with Woodcliff Lake. Councilmember Myerson asked if Woodcliff Lake is aware of this arrangement, and Mr. Polyniak said they know about the monetary contribution. He suggested that the attorneys for the two Boroughs draw up the legal documentation as necessary.

Mr. Polyniak reported on the bridge at Saddlewood Drive and Hillsdale Avenue. A broken corrugated metal pipe is located below the drain, and there are signs that the pipe is going to fail within the next few months. Contractors have been solicited and asked to give an estimate for the cost to line, and to structurally secure the pipe. The anticipated cost for the work is \$60,000. One bid for \$45,000 has been received, and another quote is anticipated in the next few days. Work on this bridge is required within one month, which means that the work needs to be done in December.

Mr. Polyniak said that the next item on the list is the Wierimus Road corrugated pipe, which has eroded and is similar to the culvert at Saddlewood Drive. The pipe has eroded due to rain storms, and needs to be replaced. The estimate for these improvements is approximately \$285,000, with no time frame set.

Council President Pizzella said that a letter has been sent to New Jersey Transit (NJT) relative to the train station, and NJT has forwarded the letter to their real estate department. He asked Mr. Polyniak if he has a contact at NJT who could move this along more quickly. Mr. Polyniak said he would reach out to NJT. Council President Pizzella said that he has contacted a historic architect who was born and raised in Hillsdale, and currently works in New York City. She is trying to get her firm to volunteer their services. Mr. Polyniak noted that there is a list of architects who are stipulated as being certified and qualified as historic architects.

Council President Pizzella expressed dissatisfaction with the fact that the State inspects various bridges within municipalities, who are then told that repairs must be made, and have no recourse. Mr. Polyniak indicated his frustration with these demands, and said he doesn't understand how the State selects the towns for inspection. Council President Pizzella said he has never heard of this practice, however, he doesn't want the Borough to go unprotected after having a State Engineer put the Borough on notice with respect to priority requirements, which are stipulated within the Department of Transportation if (DOT) code. Council President Pizzella added that he would like to find out where their authority comes from and how long the DOT has been conducting these inspections.

Councilmember Ruocco said that these repairs constitute a big expense of \$600,000 in the budget. He wondered how often the State engineers will be making these types of inspections. Mr. Polyniak said he would look into this further. Council President Pizzella questioned whether the State was giving any aid money to assist municipalities in having the repairs made. Councilmember Myerson said he is disturbed to learn of the conditions of these bridges, and he asked why the Borough hasn't made their own inspections. He said that in this case he is glad that the State took the initiative since the Borough doesn't seem to have a plan. Council President Pizzella questioned the procedure for bridge inspections by individual towns. Mr. Polyniak replied that towns will sometimes hire contractors for inspection work if it cannot be handled by the DPW. Upon more questioning about inspections, Mr. Polyniak said he is aware that the State is picking random locations throughout the State and there could be more potential inspections in Hillsdale.

After more discussion, Council President Pizzella said that the Council has the following questions for Mr. Polyniak.

1. Get information relative to the requirements for inspection, how often an inspection is necessary, and who conducts these inspections.
2. What is the jurisdiction of the State, and where does the authority come from to inspect the bridges, and inform the municipality that there is a specific timeframe for repairs to be made. Are there any extension periods available because this has a tremendous effect on the budget. Is there any money available for assistance with these repairs.

Mr. Polyniak stated that there is a DOT code, which includes definitions and priority items. He stated that Everdell Avenue was repaired by the DPW due to the trip hazard. Council President Pizzella asked which of the items mentioned is in imminent danger of failure. Mr. Polyniak noted that these conditions are public health and safety issues, and the Council may have to rethink the road program. Councilmember Ruocco asked the Borough Administrator about a possible cut back to the road program, but she said that contracts have been signed. Mr. Polyniak indicated that he will address eliminating some roads with the contractors. This is an emergency appropriation of \$60,000, and Councilman Ruocco said he will try to arrange an emergency meeting of the Finance Committee and the Borough CFO on Thursday in order to discuss financing options that might be available. Mr. Polyniak recommended the authorization of between \$18,000 and \$22,000 over the next three months for the work to be done by Ingannamorte. He said that the work will not require the closing of Hillsdale Avenue because the lining of the pipe will be done below grade.

Council President Pizzella recapped stating that there will be a Finance committee meeting on Thursday. Mr. Madaio will look into the contract. Mr. Polyniak will follow up with answers to questions from Councilmembers, and this item will be discussed again at the next meeting.

Department of Public Works

Dan O'Rourke, Interim Superintendent of Public Works, reported that the DPW has made one complete pass through the Borough for leaf pick up. They are working as hard and as fast as they can to finish the second go round. There have been several incidents of equipment break down, and they are making the necessary repairs quickly. Mr. O'Rourke stated that he made arrangements to borrow a truck from another town at no cost, and the staff has been working nights and Saturdays to catch up.

Councilmember Myerson asked Mr. O'Rourke when he expected to finish leaf pick up. Mr. O'Rourke said that the job should be completed during the week before Christmas. Councilmember Myerson commented that the volume of leaves is much greater in many areas now than the first time the DPW came through. Mr. O'Rourke referred to equipment break downs, and said that when this happens they lose half a day. Councilmember DeRosa asked what was more important, equipment or manpower. Mr. O'Rourke said that the purchase of one or two one man equipped trucks would be extremely useful. These trucks could be spread out through the town and pick up time would be much faster. Councilman Myerson asked what could be purchased that would enable the DPW to get done in two weeks what it takes them three weeks to get done now. Mr. O'Rourke said that a second pusher, and seven workers to drive four garbage trucks, plus another loader and vacuum truck would make a considerable difference.

Mr. O'Rourke pointed out that weather conditions determine when leaves will fall. Trees hold onto their leaves during warmer weather. He suggested bagging or barreling the leaves for quicker pick up and to prevent them from blowing all over. This would eliminate the need for the leaf vac. Council President Pizzella asked Mr. O'Rourke to come up with other suggestions as to how leaf pick up could be improved for the next meeting.

Police Department

Chief Robert Francaviglia reported that there were 90 dispatched shifts during November, only one of which was covered by an officer. Sgt. McLaughlin, Mr. Madaio, and Chief Francaviglia attended the Bergen County Agricultural Meeting on November 19th, involving Demarest Farms. The complaints were introduced along with the parties involved, and he is waiting to hear if this matter will be part of mediation or a hearing.

Chief Francaviglia stated that he attended a meeting with the County regarding the River Vale Road stabilization project. This project will result in delays for parents dropping off students at

the High School and at Meadowbrook School, and parents need to plan accordingly. The intersection of concern is Ruckman Road and Piermont Avenue, and he asked the County Engineer to have a temporary traffic signal installed, which was rejected. He also requested that a County Police Officer be posted at the intersection during drop off and pick up times, and this request is in the process of approval. This project will commence after the New Year and is expected to last five months.

Chief Francaviglia stated that he, Sgt. McLaughlin, and Councilmembers toured the Reservoir Road dam. They documented some issues that were passed onto the Borough Administrator, and he hopes to work towards a resolution. An Autism Awareness training program was sponsored by Hillsdale Special Services on November 5th, which was well attended. Chief Francaviglia thanked Shoprite for providing coffee and donuts for the Coffee with a Cop program, and he thanked Adam Hampton for coordinating the program.

Chief Francaviglia stated that there were 13 criminal arrests in November; 132 motor vehicle summonses; and 189 motor vehicle warnings issued. Sgt. McLaughlin applied for and has received a \$5,000 Drive Sober Holiday crackdown grant, which will begin this month and last through January 1, 2016. Chief Francaviglia reported that to date the Police Department has spent \$48,042 in overtime, which is down significantly from previous years.

Chief Francaviglia thanked School Resource Officer Dave Sayers, and Pascack Valley High School Nurse, Dianne Fallon and Al Coleman, who were the first responders to a pedestrian accident in front of the High School yesterday. The pedestrian is doing well. Chief Francaviglia spoke about the School Resource Officer, and said that he attended 99 administrative meetings in November, with 175 assists to school personnel. He taught 45 classes and attended 14 outside activities, in addition to mentoring 65 students.

Chief Francaviglia stated that the Hillsdale PBA is participating in the annual Toy Drive, and he urged everyone to drop off two unwrapped toys at the Police Department. The toy drive will benefit five different organizations. He said that November was No Shave November to benefit cancer research, and \$1,500 was raised through donations and matching funds. Chief Francaviglia announced that Hillsdale Police Officers will be assisting Santa Claus on Saturday, December 5th, and the following Saturday, December 12th, from 11:00 A.M. to 3:00 P.M. to benefit the Hillsdale Food Pantry. He thanked Zoltan Horvath for organizing this wonderful charity event.

Chief Francaviglia recognized life-long resident Michael Babba, who has been looking at some of the safety issues in the Borough, including the pedestrian crossing at Park Avenue. He has made a donation that will cover the cost of an electronic sign recommended by the Police Department several weeks ago. This donation was made in memory of his mother, who was a

crossing guard at the Police Department many years ago. The Borough will now be able to go ahead with the recommended signage. He added that a plaque recognizing Jeanette Babb's service to the community will be installed at the pedestrian crossing.

COMMITTEE REPORTS

Councilmember DeRosa – Councilman DeRosa had no reports this evening.

Councilmember Looes –

Board of Health – Councilmember Looes announced that the Board of Health has initiated a Stigma Free Campaign in Hillsdale. The first training session is fully booked and will be held this week. She added that the County also offers the training and anyone interested can contact them for a location in the area.

Councilmember Meyerson

Shared Services – Councilmember Meyerson will report in Closed Session

Councilmember Ruocco

Police Department/OEM – Councilmember Ruocco reported a delay in the receipt of an emergency generator, which is covered by a grant. Matt Duvall has advised that a design build should be done, which is under contract with Middlesex County. The generator is built from scratch to Hillsdale's specifications. The QPA is finalizing the documents.

Councilmember Ruocco stated that he is the liaison for Demerast Farms, and he referred to Chief Francaviglia's report of a meeting on November 19th with the County Agriculture Development Board. Residents, farm management, police, and the Borough Attorney were present. The Board acknowledged 18 formal complaints. Demerast Farms was certified as a commercial farm at that meeting making them eligible to receive the protection of the Right to Farm Act. Demerast Farm has tentatively scheduled a site visit for December 9th at 10:00 A.M. A public hearing to take formal testimony has been scheduled for January 26th at 6:00 P.M. in Hackensack, and the Board is allowing monthly public hearings at least through March, with the hope of a decision in May. As Chief Francaviglia pointed out mediation has been agreed upon, with formal notices to be sent to the complainants, but as of this time no date has been set.

Council President Pizzella – Council President Pizzella said he would make his reports next week.

OLD BUSINESS

1. Sports Agreement – Councilmember DeRosa reported that he has what he hopes to be the last round of revisions. There is a Recreation meeting on Thursday where he will present the revisions, and he will ask if they want to proceed relative to an agreement with the associations.

It is his understanding that all of the questions have been answered, and the concerns of the association have been addressed, which leads him to believe that there is nothing stands in the way of approval.

Council President Pizzella asked if the Council would be in a position to sign the agreements next week. Councilmember DeRosa said he thinks it will take another month before sign off by the Council is necessary.

2. Senior Van Update –Councilmember Ruocco stated that they are waiting for results from the Saddle Brook Council Work Session tonight followed by their regular Council Meeting on Thursday. Saddle Brook financed the purchase of their senior van under a grant, which means Hillsdale may not be charged for the van. Hillsdale is now going into the fourth month without a van for the seniors, and Councilmember Ruocco thanked the staff at Borough Hall for the wonderful job they have done arranging car service to shuttle the seniors to various activities. The Borough Administrator indicated that Saddle Brook would like to donate the van to Hillsdale because they don't need it.

3. Donation of police vehicle to Ambulance Corp – Councilmember DeRosa said that a member of the Ambulance Corp will be at next week's meeting.

4. Emergency Repair of Wierimus Lane – This was discussed earlier this evening.

NEW BUSINESS

There was no new business this evening.

DISCUSSION

There were no items for discussion this evening.

BUDGET

1. Authorize release of security deposits/funds of MetroPCS, vacation of site 371 Washington Avenue, NY5613.

2. Authorization to use fuel cred card services, State Contract awarded to Gulf Oil Limited Partnership for the period December 1, 2015 to March 1, 2016, not to exceed \$30,000. – Councilmember Ruocco asked that the correct date of March 1, 2016 be clarified on the entity name. He asked for clarification because this refers to Gulf Oil Limited Partnership, but the documents refer to Fleet Car doing business as Impact Fleet. Council President Pizzella said that the entity name will be clarified.

3. Authorize Borough Clerk to advertise for Request for Qualifications: Borough Electrician Councilmember Myerson asked why a Borough Electrician was necessary. After some discussion, Councilmembers agreed to put this off until 2016. Council President Pizzella asked if there were any requirement for monitoring the sensors, and Mr. Polyniak said there was not. Councilmember Looes referred to the maintenance of the lighting detectors, and she recalled that they weren't working correctly for some time. She said that the Borough needs someone to maintain and monitor these systems. Council President Pizzella said that this matter will be researched by the Finance Committee.

4. Authorize Interlocal with Paramus for the services of Street Sweeping, year 2016 – Council President Pizzella said that the County will be submitting final prices for comparison purposes.

5. Letter from Neglia Engineering Associates re: bridge Saddlewood Drive over Pascack Brook Tributary, Priority #2 repair, recommendation to award contract to Zuccaro, Inc. – discussed previously.

6. Authorize Chapter 159, Body Armor Fund, \$2,015.49.

7. Authorize Chapter 159, CDBG Senior Activities, \$4,500.00.

8. Authorize Chapter 159, Distracted Driver Grant, \$5,000.

9. Acceptance of Municipal Alliance Grant, Fiscal Year 2017, in the amount of \$19,749.00.

POLICY

1. Resolution supporting the maintenance of 4.25 feet of freeboard year-round Woodcliff Lake Reservoir – Councilmember Ruocco said that this was very technical, and he wondered if the governing body is capable of making such a determination. He does not feel comfortable considering this because he isn't an engineer. Councilmember Myerson said this is a good resolution and there hasn't been one flood since this practice was implemented two years ago. However, this is a feel good resolution with no bearing on reality. Councilmember Ruocco recommended that this be tabled until some date in the future, seconded by Councilmember Myerson.

Roll Call Vote

Ayes: Councilmembers DeRosa, Myerson, Ruocco

Nays: Looes, Pizzella

Absent: DeGise

The matter will be tabled until a future date.

2. Shared Services with Woodcliff Lake for Senior Van – This has been discussed earlier.
3. 2016 Council Meeting Schedule - Mr. Madaio stated that there has been a proposal to make the Council Meetings two weeks apart instead of one week apart, which is the present procedure. This will be discussed at the next meeting.

MISCELLANEOUS

1. Correspondence inquiring about Block 719; Lot 9 available to purchase.
2. PSE&G Knickerbocker Avenue Roadway Vacation.
3. Resignation letter from Matthew Cavallo, QPA effective December 31, 2015 – Council President Pizzella explained that by contract Michael Kaufman the CMFO, is required to take classes to become a QPA, which is part of his contract. However, the Mayor and Council can designate Mr. Kaufman as temporary QPA because he is in the process of taking classes.

ORDINANCES: *for December 8, 2015*

Adoption

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE, AMOUNT AND METHOD OF PAYMENT OF COMPENSATION TO PERSONS HOLDING CERTAIN OFFICE AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF HILLSDALE, COUNTY OF BERGEN, STATE OF NEW JERSEY

Questions and comments pertaining to the ordinance will be heard next week.

RESOLUTIONS

There were no resolutions.

PUBLIC COMMENT

Ann Cron, 187 Magnolia Avenue, stated that a deer had been hit prior to Thanksgiving at the corner of Stockton Road and Kinderkamack Road. This is a very long time to wait for the animal to be picked up and children have been passing it on their way to school daily. The Borough contracts with Tyco for animal control, however, Mayor Arnowitz indicated to her that Tyco could not pick up anything from a County road. Ms. Witkowski was asked to contact the County relative to their response time.

Ms. Cron referred to leaf pick up and said that Magnolia Avenue and Cross Street have not had their leaves picked up as of yet. It is expensive for her to have her landscaper come and blow the

leaves back into the street on a weekly basis. She stated that when the Borough was broken into zones for leaf pick up she would only have to have her landscaper at her property once to blow the leaves into the street.

Mr. O'Rourke explained that zones can be problematic because if there is an equipment breakdown they fall behind and can't get to the zones on time. Ms. Cron said that she saw the leaves being picked up on Large Avenue, which is close to her home, and expected to see DPW workers on Magnolia soon after, however they went onto Broadway. Council President Pizzella said he would have Mr. O'Rourke look into this, which Mr. O'Rourke assured him he would do. He commented that he can't follow them all day long, and he is trying to keep on top of the situation

Kevin O'Brien, 61 Parkview Avenue, spoke about the leaf issue and said that the bags are a wonderful idea. This is the way the leaves are handled in Emerson and he suggested that the Borough consult with Emerson for advice. Hillsdale may be able to combine with Emerson to save some money. Mr. O'Brien wondered if erecting a warning sign in the area of the culvert collapse would be warranted.

Mr. O'Brien stated that he has volunteered in Hillsdale for the past several years. He said that Donna Lally is a profiteer, who is seeking to decimate public policy, capitalize on the less fortunate, and exploit the law for her own gain. He understands that a settlement will most likely be discussed in tonight's closed session, and there are individuals here who will take part in litigation discussions. Mr. O'Brien recalled that he shared a complaint he sent to the Department of Community Affairs (DCA) with the Mayor and Council. He described this complaint stating that in November 2014, Hudson County Superior Court Judge Hector Valesquez, ruled against a sober home in Kearny citing the operation of a boarding house in a single family residence zone. The same inspector from the DCA Bureau of Boarding House Standards conducted an inspection of both the Kearny location and the Hillsdale location. The inspector is an expert in his field with over 22 years of experience. An official in Kearny stated that the municipality has a statutory mandated obligation to enforce State multiple zoning laws, and Hillsdale should do the same. Mr. O'Brien stated that in March 2015, the Mayor had been quoted as saying that if the applicant had been in a different location perhaps things could have been different. Mr. O'Brien said that this quote was off base, and the Board based their unanimous decision on a number of reasons, including the fact that the applicant will only take males without children, and her refusal to accept handicapped individuals. She refused to accept people from the military with PTSD and indigenes, and she failed to support a certification of need as required in the Urban Farms case. Mr. O'Brien pointed out that the applicant tried to avoid the DCA requirement for sprinklers if there are more than 6 occupants of a boarding house. He cited many other violations and quoted from previously heard cases around the country.

Matthew Scozzafava, 167 Magnolia Street, read from a statement written by Marianne Sanford, 103 Conklin Avenue. Ms. Sanford wrote that she opposed any vote to settle the lawsuit brought against the Borough of Hillsdale by Donna Lally, 225 Washington LLC, 150 Magnolia House. Ms. Sanford is afraid the community is about to be permanently damaged by fear. She said that it is believed that the Borough is about to settle this frivolous discrimination lawsuit regarding the property at 150 Magnolia Avenue. Ms. Lally has long sought to open what appears to be a high priced boarding house disguised as a “sober living facility” to take advantage of New Jersey’s lack of regulations regarding sober living housing. Ms. Sandord is under the impression that Hillsdale feels there could be great financial harm to the town if the suits are not settled. In sworn testimony this facility admits that it will offer no professional oversight, no recovery services, or any other benefit other than a place to sleep. The sole intent of this entity is to create a huge revenue stream.

Ms. Sanford stated that after two years of testimony, the Hillsdale Planning Board ruled that this plan was not allowed as per the current Master Plan. The entity has sued complaining that the ruling is discriminatory to disabled persons, or those struggling with substance abuse. The entity stated that the target population of the boarding house were those in need of sober living, however, these people only appear to be four and six professional males over 35 years of age, who can afford to pay \$2,500 to \$4,000 per person/per month. She asked that the Mayor and Council pay particular attention to the income, gender and age discrimination practices planned by this entity; however, they are suing Hillsdale for discrimination. This entity is hoping that Hillsdale is so fearful of financial hardship that it will settle. Ms. Sanford stated that the fear of financial harm is speculation and conjecture. She noted that the Planning Board decision was based on substantial case law. This lawsuit is inflammatory and meritless, and has been carefully concocted for financial gain. Settling this lawsuit will threaten the character of the town, and will result in a substantial change to the Master Plan.

Ms. Sanford stated she hopes the Mayor and Council will be able to differentiate between perceived and real risk. She encouraged them to listen and decide for themselves, and to avoid listening to lawyers and insurance companies, who are only interested in limiting their losses. She asked that they remember the quality of life of all Hillsdale residents. If these lawsuits settle precedent will be established, and any citizen who does not agree with rulings by the Planning Board will sue to get what they want.

Julia Scozzafava, 167 Magnolia Avenue, said that she is in seventh grade. She stated that her mother, father, and many neighbors have spent many hours working together for two years for the fair treatment of all town residents. They oppose a boarding house being opened on Magnolia Avenue. Through this process she has learned a lot about how you have to fight for what you believe is right, and how much time, research, and discussion goes into something like this. She has learned how to think about being fair, about people in need, and following rules

and the law. Her mother has told her the fight is almost over, but Miss Scozzafava wanted the Mayor and Council to know that she wants to feel safe in her neighborhood, and when she goes to school.

Diane Scozzafava, 167 Magnolia Avenue, stated that the application for 225 Washington Avenue MJL LLC also known as 150 Magnolia House should not be settled, and should be heard in Court. The applicant has not provided adequate information to demonstrate that this facility will be maintained in a responsible manner for recovering alcoholics and drug addicts. This could lead to abuse and economic exploitation of handicapped individuals. The applicant has asked for an interpretation of Hillsdale's zoning ordinance by the Planning Board who have ruled that this would be an illegal use of a non-conforming two family house in a residential zone. Based on information relative to the intended use of the residence it is clear that the use does not meet the definition of a family unit. Family units do not advertise for occupants on sober.com, which was done by 150 Magnolia House, and they do not require that each occupant have a separate formal lease with varying terms. Family units do not administer drug testing by a landlord or another third party. Ms. Scozzafava stated that the applicant's expert testified that the occupants would have a six to twelve month stay, and that this should be considered as transitional housing, which is inconsistent with a family unit. She stated that during the course of the application process, the applicant gave vague and conflicting testimony, which failed to clearly define its organizational structure, oversight of the clients, or a mediation plan should a client relapse. 150 Magnolia House falls in an R-4 Hillsdale residential zone, and the applicant is seeking to expand an already non-conforming structure for commercial use and economic gain. Residents are concerned and wonder what would stop other residents of Hillsdale from running a for profit boarding house in an R-4 residential zone. If this application is successful it will change the nature of this wonderful and carefully managed town.

Ms. Scozzafava pointed out that the applicant has not presented a letter of support from any of the local hospital or treatment facilities. The applicant indicated she would only seek applicants of one gender and a specific age group, which is blatant discrimination against large segments of the recovering population. This is not an inherently beneficial use for the community and the applicant is seeking to make a large profit by charging a number of unrelated individuals a large sum of money to live together.

Ms. Scozzafava stated that she and other residents request that Hillsdale not settle with 225 Washington Avenue LLC-Donna Lally.

Ms. Scozzafava updated the Mayor and Council on legislation that would regulate addict's homes in New Jersey that is being considered by the Assembly at this time. Marianne Sanford has been in contact with Assemblyman Raz Vaghazi of Jersey City, who sponsored the bill because he believes that oversight is necessary relative to these homes. Gaps in the regulations of these homes came to light in 2009 when a 23 year old man died in a fire in a home run by a

couple from Bright New Horizons. The three bedroom home had been packed to twice its capacity, and had no fire safety equipment. Michael Frank who runs three houses for recovering addicts commented that sober living is not regulated. Some sober homes are licensed through, and run by treatment centers that have connections with the State Department of Human Services, but most are unaccredited and unlicensed. Although these homes are required to register as boarding houses by the State DCA, the majority does not, and the DCA only identifies them when complaints are filed.

Ms. Scozzafava stated that the bill sponsored by Mr. Vaghazi is named for Nick Rhodes, who died of a heroin overdose after being thrown out of a sober living home. His mother learned that he was evicted from a home that was under investigation for operating without a license. The Assembly will vote on a bill on Thursday, which would require that parents be notified when a child is evicted from one of these sober homes. The other bill on state oversight of the sober houses will be voted on next month.

Victor John Tourian said that on June 3, 2015, 50 cubic yards of mulch again was spread over the church property. The Council decided this was an incident between neighbors, and he asked if there are any State laws covering these actions.

Council President Pizzella recalled that Mr. Tourian has been in front of the Council on several occasions. The Borough Administrator indicated the Mr. Tourian had spoken with the new Borough Zoning Official, Eric Suljic, who will investigate this issue of fill on the property. Mr. Tourian said that another 50 cubic yards was delivered and spread today. He took pictures and sent them to the Borough Administrator, as well as the New Jersey Department of Environmental Protection (NJDEP), and the Bergen County Board of Public Utilities (BPU). He said that there are questions concerning the five buildings that are connected to a small 1,000 gallon septic tank. He does not think that the dumping of 50 cubic yards, which has taken place twice this year is simply an issue between neighbors. Council President Pizzella said he was sure that the NJDEP and the BPU, who have been put on notice, will look into this issue.

Theresa Henry, 14 Cross Street, said she is part of a group of Hillsdale residents who have been following the application of Donna Lally before the Planning Board, which would convert the residence at 150 Magnolia Avenue into a Sober Living Facility. The application first suggested that the tenants were a family, and therefore allowed to reside in her home as a separate family unit. The alternative application indicated that her facility would be an inherent beneficial use to Hillsdale. Ms. Henry's group carefully refuted both counts of these applications, which demonstrated a clear misuse of facts, and showed that her case did not come close to meriting approval for either of her applications. The Planning Board unanimously voted the application down in October 2014 resulting in the subsequent lawsuit, which could create a financial burden for the town. Ms. Henry stated that Hillsdale cannot collapse to the financial clout of a bully

with deep pockets, and the town cannot set a precedent by changing its position on a case as weak as this one because of threatening litigation. Ms. Henry stated that strong zoning regulations can make or break a town, and she asked that Hillsdale not be broken tonight. She urged the Planning Board, and the Mayor and Council to continue to govern with clarity and fortitude because severely harmful decisions cannot be undone.

Michael Breen, 183 Magnolia Avenue, said he attended most meetings of the Planning Board concerning this issue, and it was clear that the application was being given pain staking consideration. The applicant was given considerable latitude to explain her position, when the Board and concerned residents asked many questions. The applicant's planning expert seemed unable to give straight answers to many questions. The applicant's substance abuse expert stated that success rates for substance abuse addicts are woefully low even in well monitored programs. Mr. Breen stated that the property is already a non-conforming house, and if this use goes through it will set a precedent that will allow businesses into residential zones. Many are aware of the tragedies that have occurred in sober houses, which are proliferating throughout the State. A reputable program of support may be warranted, and Mr. Breen believes several homes have been established in Hillsdale. This would not be the case in this instance because this enterprise will take advantage of those in need, with rents much higher than those warranted for a typical two family house. Mr. Breen concluded stating that he hoped the Mayor and Council will take the time necessary to consider this issue, its impact on the community, and the future of its residents.

Kevin O'Brien, 61 Parkview Avenue, said he would not be attending the next Council meeting. He wanted to take this opportunity to thank Councilmember Myerson for the time he has devoted to the Mayor and Council and the residents of Hillsdale.

There were no other comments from the public at this time, and Council President Pizzella closed the public comment portion of the meeting. Councilmember Myerson thanked Mr. O'Brien for his kind comments.

COUNCIL COMMENTARIES

Councilmember Myerson recognized Elaine Meyerson, Executive Director of Shelter Our Sisters, who is retiring at the end of the month after 30 years of service.

Councilmember Looes thanked the Fire Department who participated in a barbeque for the residents. The barbeque was attended by the Ladies Auxiliary, prizes were donated, and the residents were very appreciative.

Councilmember Ruocco extended prayers to a 70 year old woman, who was hit at Pascack Valley High School on Piermont Road. He was not aware of her identity, but wanted to extend

the best wishes of the Council to her. Councilmember Ruocco announced the Christmas Lunch for the 50 Plus Club at Seasons on December 11th, at noon. There will be a Senior's Lunch at St. John's on December 16th, at 11:30 A.M. Councilman Ruocco wished everyone a Happy Hanukah, and he stated that the tree lighting will take place on December 9th, at 7:00 P.M.

Council President Pizzella thanked the residents for voicing their opinions tonight. People are never going to agree consistently, but that should never discourage residents from speaking up. He said that a good example of the town coming together as one is the Demarest Farms issue, which says a lot about the residents.

ADJOURN TO CLOSED SESSION @9:40 PM

R 15252 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 – Negotiations/Unions and Non-Union; SOBER Litigation; COAH; Shared Services WCL

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

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

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

- (1) Matters required by law to be confidential.
- (2) Matters where the release of information would impair the right to receive funds.
- (3) Matters involving individual privacy.
- (4) Matters relating to collective bargaining agreements-unions and non-unions
- (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 –SOBER litigation;COAH; shared services WCL
- (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 Looes, second by Councilmember Myerson, and unanimously approved.

RECONVENE REGULAR MEETING @ 11:20 P.M.

Motion to reconvene regular session was made by Matthew Madaio, unanimously approved.

Regarding Magnolia House, Councilmember Looes made a motion to settle effectively both actions based on conditions and the Planning Board Attorney's advice and comments on conditions. Councilmember Myerson seconded the motion and stated that the Planning Board was to hold a whispering woods hearing.

Councilmember DeRosa said that this was a difficult decision, however, after weighing the potential financial impact on the Borough he decided to support settlement of the lawsuit.

Councilman Myerson stated that he also recommends settlement after two years of testimony and legal advice. A whispering wood hearing will be required.

Councilmember Looes said that the Council has discussed many aspects of the settlement along with Planning Board recommendations. She added that there are caveats included in the agreement.

Councilmember Ruocco echoed the comments made by Councilmembers Myerson and DeRosa. There have been lengthy discussions, and this has been a difficult case for everyone. There were both financial and emotional aspects of the discussion, and the concerns of both arenas had to be blended together. They are relying on advice of lawyers and their assessment of what it would cost to continue the case, and the likelihood of prevailing in this case. Therefore, Councilmember Ruocco stated that he decided to support the settlement subject to conditions note previously. He understands that this will be difficult for some residents to accept, but the Council represents the financial well-being of the entire town.

Council President Pizzella says he has given this issue much consideration, and has decided that this use is not inherently beneficial to Hillsdale. This project appears to be a money maker, which is not right for Hillsdale. He added that it will have a negative effect on the neighborhood.

Roll Call Vote

Ayes: Councilmembers DeRosa, Looes, Myerson, Ruocco

Nays: Pizzella

Absent: DeGise

ADJOURNMENT @11:30 P.M.

Motion to adjourn was made by Councilmember Ruocco, second by Council President Pizzella, and unanimously approved.

THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE

TUESDAY, DECEMBER 8, 2015 – BEGINNING AT 7:30 p.m.

Denise Kohan, Acting Municipal Clerk

APPROVED AS PRESENTED

Denise Kohan, Acting Municipal Clerk