

Minutes of a Council Meeting of the Borough of Hillsdale held at 7:30 PM on Tuesday, March 5, 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 5th day of March, 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. (Mayor Ruocco, Attorney Madaio, Borough Clerk Kohan)
Absent: Council President Pizzella, Council Member Segalas, CMFO DeJoseph arrived after roll call).

Mayor Ruocco recognized four Boy Scouts who were present from Troop 109 who are here to observe a Council Meeting and they are working on their citizenship in the community merit badge

BY-LAWS OF THE BOROUGH COUNCIL:

Mayor Ruocco proposes the re-adoption of the 2018 By-Laws for the Hillsdale Borough Council for the year 2019.

Mayor Ruocco said normally By-Laws are adopted every year by the new Council at the Re-Org meeting. At this past Re-Org meeting the Council chose not to accept some minor changes to the By-Laws that I had proposed since some members wanted more time to consider them. I understand from Council President Pizzella who is not here tonight that that process is about to start. I conferred with him and the Borough Attorney and while it is logical for the Council to assume the 2018 By-Laws remain in place, from a technical perspective it might not be defensible or advisable and I am reluctant to let the current uncertain situation continue and possibly exposing procedural actions of the Council or Council Member or Council Committee to any challenge. He is asking the Council to carry over any January 2018 By-Laws until such time as changes are proposed by any Council Member to those By-Laws.

Motion by Council Member DeRosa, to adopt same By-Laws as adopted in January 2018 Second by Council Member Horvath.

Roll Call Vote:

Ayes: Councilmember Lundy, DeRosa, Escobar, Horvath

Nays: None

Absent: Council President Pizzella and Council Member Segalas

PROMOTIONS/PROCLAMATIONS/RECOGNITIONS

COUNCIL COMMITTEES:

Mayor Ruocco announces the proposed change for the following **COUNCIL STANDING COMMITTEE:**
(With advice and consent of Council)

Economic Growth & Development	John Escobar (replacing Zoltan Horvath)

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

Roll Call Vote:

Ayes: Councilmember DeRosa, Escobar, Horvath, Lundy
Nays: None
Absent: Council President Pizzella and Council Member Segalas

OATH OF OFFICE/APPOINTMENTS:

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

Mayor Ruocco opened the Initial Public Comment at this time and invited anyone in the audience to come forward, seeing no one, the Initial Public Comment was closed.

PRESENTATIONS:

APPROVAL OF MINUTES:

Council Meeting Minutes February 14, 2019
Closed Session Minutes February 14, 2019

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

Roll Call Vote:

Ayes: Council Members DeRosa, Escobar, Horvath
Nays: None
Abstain: Council Member Lundy
Absent: Council President Pizzella and Council Member Segalas

PROFESSIONALS REPORT/MONTHLY DEPARTMENT HEAD REPORTS:

(The following correspondence on file in Borough Clerks Office)

Hillsdale Fire Department Report – February 2019
[Hillsdale Police Department Report](#) – February 2019

Fire Chief Tom Kelley
Lt. Dan McLaughlin

Fire Chief Tom Kelley, Fire Department. In January we had 19 calls and last month we responded to mutual aid with our ladder truck. Since that fire River Vale's truck has been down, the tower is not working, the truck works, it can transport people but the tower is down and they were quick to call us for mutual aid. We also responded to a fire in River Vale as well, Hillsdale has been quiet. The people at the budget meeting heard about a new drill curriculum we are doing, it was kicked off last night, and an average of about 13 or 18 members of the drill, last night we had 45. We invited Westwood and Woodcliff Lake and had some members from those towns. Our new curriculum started off well and at a peak and he is happy to report that. We had Hook & Ladder Company event on the 22nd which was successful and had more players than last year and a very good night. Hose Company is coming up with a fund raiser Comedy Night and you can find details on the Fire Department Facebook page for April 6. That is always a very good event, Saturday night, and they will have three comedians and they never disappoint. You can go to the Facebook page or events for April 6.

Police Department (Chief Francaviglia absent). There were 84 dispatch shifts and shifts covered by non-sworn personnel. There were 338 motor vehicle stops, 23 criminal arrests. This year we are continuing program implemented by Councilman DeRosa Safe Routes to School and the Chief, Captain and myself take a student who has done a good deed and we pick them up and take them to school, it is a nice thing and we thank Councilman DeRosa. He reminded the public to be sure to slow down and stop for pedestrians in cross walks and pay attention in the school zones. He thanked the DPW for their phenomenal job with this past storm.

Borough Engineer Statile said the Administrator wants us to resurvey the streets to update the 2017 roster due to the condition of the streets. The pavement freezes and bunches up and thaws out and that cracks asphalt.

Mayor Ruocco asked if he thought we would have to increase our capital budget. We have been putting in about \$500,000 and are you are saying we have to increase that?

Engineer Statile said yes, we have to complete the survey but yes. We are waiting until we can see the moisture and cracks so if by next week the snow melts and we can get the snow off the roads we can proceed with the survey.

Mayor Ruocco said we should look to put extra money in the capital budget.

Engineer Statile said he did that analysis a few years ago and you assume a 15-year life cycle and you need money to keep up, roads deteriorate constantly. There is always a negative side, not a plus side. The railroad crossing, I know we have had detours which the Police Department has been handling, he has not heard if they got their budget in place to replace the grade crossings with NJ Transit to provide the information on the rail signals as well as the actual placement of the storm panels across the intersection. NJ Transit has some problems with staffing and is not sure when that is going to happen. We are staying on top of DOT about it and I always let the Mayor know if we hear anything different.

Mayor Ruocco said the holes are is becoming bigger on Hillsdale Avenue.

Engineer Statile said the 2018 DOT Pedestrian Improvement Project is ready to go out for bid. The Administrator has the plans and any minor changes or corrections will be put on the plans.

Mayor Ruocco said a resident complained about the slowness of that.

Engineer Statile said we would not do any concrete work until we are done with salt. We need a 35 or 40 day minimum and by the time we advise for the contract and award the contract we should be fine. I would say probably April. Public Service is continuing with the substation and completed the recent round of power driving and expects to do some more power driving in the fall. They are finishing up the GIS building, the insulated substation building is being finished up inside. The last tour was cancelled because of the weather and he is waiting for them to get back to him. Centennial Field monitoring is going well and we haven't had any issues with ground water or methane monitoring and we are upgrading six of the wells heads that have methane sensors in them and we have contractors to effect those minor changes. It makes the equipment run much better. Most of the other items are on hold right now.

Mayor Ruocco asked about the Lincoln Avenue paving.

Engineer Statile said the Administrator is working that out and whenever they are ready to go with it, we will put money into it. They have enough DOT money to do the whole road and both sides and the Administrator feels we should kick in half the money because they already got the money from the DOT. We got \$200,000 to pave a couple of blocks on Lincoln. As long as they award a contract with 18 months of the grant award you are o.k. The DOT Local Aid money we expect announcements in May and he can't say when those announcements will be made; they have done their vetting of the applications and are in the Commissioner's office in Trenton and there will be speech on the budget soon and they are waiting for that before they provide the award letters. The County Open Space Grants for Memorial Field will be meeting tomorrow night and once that is approved, we can move forward, that was money from last year that we can spend this year. What we apply for in May will be for next spring, you can do more than your \$80,000 match if you want to. The State matches any materials that you purchase, not just contractual work you do; if you decide to purchase material towards the park you can include that in your reimbursable list. Labor provided by volunteers doesn't count. He will find out Friday if it has been approved. The 2020 grant applications are open now for Open Space. The Freeholders just hired a consultant to design and replace Kinderkamack Road Bridge over Pascack Brook by the Elks Club. Kinderkamack could be closed and the engineers have to be smart and you can indicate you don't want the road closed and stage construction. Maintaining traffic will be a trick, it is up to the Borough what you decide what to do. It will take a year to get the design done, permits with the state, etc. He estimates construction time for six to nine months depending on the type of bridge. Transit is getting worse and worse, it is just rubber.

Mayor Ruocco said we should bring them down to see that. If they can replace the rubber let them do that to make it level. You have a four to five inch drop as you go over.

Engineer Statile said to the Mayor, tomorrow pick up the phone and call the Executive Director on a matter that is very important and get the Executive Director on the phone, forget about letter writing, just call and tell him you are going to be fixing it soon in the next six to nine months but this should be repaired immediately before someone gets hurt.

Mayor Ruocco said it could be remediated for a temporary period of time. The Mayor asked for a contact number and he will call. The Engineer will provide the number.

Borough Clerk Kohan asked the Engineer for a copy of his report as she did not get it.

William Haffler, DPW Superintendent. He said one of the worst parts at the railroad crossing was the south, they replaced the rubber with concrete and made it better so you might mention that to them. They need to expand on

the temporary fix. This was the Hillsdale crossing closest to the train station and replaced the rubber with the concrete pads they are using. There are a lot of projects going on; Council Chamber has been repainted, taken care of, new frame on the quilt, everything matches, new carpeting, new paint. We are doing renovations to the Recreation Office. There have been a lot of vehicle repairs lately, fire apparatus, police cars, DPW vehicles, things seem to break easier now. He just received Opening Date, April 6 Baseball, Softball opening day. The fields are covered with snow, wet and as the snow melts and the ground thaws there will be a lot more water. We hope it dries off in time.

Councilman DeRosa said you do what you can and concentrate on the water. He commended the DPW for their work the last couple of days in the storm and people coming through were aware of the cleanup and the great job and you have taken care of some potholes.

Mr. Haffler said we are using our winter mix and it is a temporary fix with good weather we will be doing hot asphalt patching because there is plenty to do this year. We do street sweeping with a sweeper we are trying out; we did the center of town around the parking lots to see what it would do and it seems to be pretty good. Vegetative collection is scheduled to start March 18 for the season.

COMMITTEE REPORTS:

- Councilman - Anthony DeRosa
- Councilman - John Escobar
- Councilman – Zoltan Horvath
- Councilwoman - Abby Lundy
- Councilman – Steven Segalas
- Council President – Frank Pizzella

Councilman DeRosa advised of an election held in December at the Local Board of Education. Ambulance Service is expecting the new ambulance delivered in the September/October time frame and are having beefsteak on May 19 and he will obtain more information on that. Amazon has a Smile Program for charitable organizations and fund raising and if you go on Smile.Amazon.com and search for Hillsdale Volunteer Ambulance Service you can make Amazon purchases and use that code, no additional cost to you so keep that in mind. They expressed to the Finance Committee the contribution goes to this coming year. He has been reporting that the four Districts, Montvale, Woodcliff Lake, River Vale and Hillsdale have been working with the Superintendent of Schools at the high school to form this union in the Valley effort and is coming together nicely and there is an event on March 19 at 7:00 at Pascack Valley and will include students, members of law enforcement, members not just of the high school but grammar school, educators and municipal leaders and will come out for educational purposes and also to prove that the incidents of hate, while atrocious, accurately portray who we are as a community. He is happy that the four towns are working together and this is a kick off to what we hope will be several additional, educational, events throughout the year. A special guest speaker will be the State Attorney General who will be speaking about his own experience with discrimination and how he overcame that road and become the highest-ranking officer in the state. Our police department will be there for security reasons and for attending. Mr. Haffler, the Mayor and Administrator, me met with two representatives of Maser, the firm we contracted to do a feasibility study on the recreational fields and he has a very good feeling that they are a good selection and know what they are doing. They should file a preliminary report in April and is looking forward to seeing that.

Councilman Escobar said there has been no official report at the Board of Health since the gentleman reported on Urgent Care. By-Law changes and child conference and fees are going on now.

Councilman Horvath said there are a number of committees that he is chairing and involved on a sabbatical for a month so when they come back, he will report on those. He thanked the DPW for the great job they did. The seniors will be having a luncheon at St. Johns just before St. Patrick’s Day and will be having a special luncheon with an Irish theme and if you are a senior, it is a good time to come out and take part.

Councilwoman Lundy said a Finance Committee meeting will be held a week after next and the CFO is working on the budget and information will be forwarded to the Finance Committee. The Library is currently seeking foundation members for its newly formed foundation and anyone interested can get information on the Borough and Library website. Stonybrook registration starts March 15 and the first open house May 18. Snack Bar bids were open today and should be approved next month. The pool and the Library both were voted runners up in the Best of Bergen magazine poll. This is something to be proud of.

Mayor Ruocco said the Library Board of Trustees is looking for members to join the foundation and this is for the purpose of setting forth the use and further fund raising and to steward the donation and is a great opportunity for anyone in the community who wants to get involved.

Councilwoman Lundy said information is on the website; marketing, fund raising, finance, skills necessary for that particular role. Last night Access for All met and Council President Pizzella being absent she mentioned that they will be having guest speakers. After checking with the Borough Attorney there was a suggestion that they create a Facebook page and provide information and services and we will do that shortly.

Borough Attorney Madaio said we are accumulating a list of resources for the website and Facebook.

Mayor Ruocco said he attended three events in the last four weeks and one was a Mayors monthly meeting on February 19 where we had our County Executive, Jim Tedesco, and a few things he mentioned of importance. He said there would be a stable county tax rate this year and he didn't know if that means there will be no increase as you can have a stable rate depending upon the assessments of property and you will be paying more in tax. He wasn't sure at that point; The County Executive spent a lot of time talking to the Mayors about the importance of shared services particularly on emergency dispatch 9-1-1 services and made an interesting comment within five years he says only the largest towns will be able to justify maintaining their own dispatch desk because the daily operating costs and the costs of keeping up with the expected technological and security requirements will become prohibitive. The second event I went to again involved Mr. Tedesco at a state of the county address on February 26 and devoted a portion of his presentation to the growth of county- provided 9-1-1 dispatch services. Tedesco praised county for doing what they had done in the past two to three years but more interestingly announced a policy goal for his administration to have all municipalities migrate to a centralized 9-1-1 dispatch service at the county facility in Mahwah for all police, all fire and all medical responders. His administration has formed a task force to see how to make that happen so that the risk and cost to municipalities that presently stand alone are eliminated except to the extent that all residents will pay for it because they pay county tax. That is how they pay for it. The plan stands in sharp contrast to the Council's decision earlier this year of having to invest a third of a million dollars to maintain our own 9-1-1 dispatch desk. I will continue to report to the Council on this matter as I learn more but this is something that should give us all thought. I think the County Executive was talking about tis happening over the next year or two, he was vague.

The third event I attended was a round table with Congressman Gotheimer on February 25 at Bergen Community College and he stressed the importance of the Gateway Project and I think we will be getting a resolution for our review probably in the next meeting or two from the other Mayors who will be designing it from Pascack Valley to support and press the Federal Government to allocate money to the Gateway Project. This is something I think we could get on board easily with because it affects the use of our property here in Hillsdale and all along train lines that shuttle commuters into the city through those two tunnels. If one of those tunnels goes down, this area will face a really hard time in terms of getting people into New York City and a number of people in this town work in New York City. The Congressman also talked about the SALT work around and acknowledged that towns have not moved ahead on his charitable trust proposal. Mayors explained to him how the complexity, uncertainty, and costs of the state rules were an issue. Towns are sort of at a standoff on that topic. The Congressman talked about the 1033 Program; Mayor Ruocco said our police have used this program to obtain equipment from the federal government. Mayor Ruocco knew there was a military program and the Police Chief had told him about the equipment he has gotten, but there is a separate program for non-military equipment, pens, computers, other stuff that is done under the GSA auspices. I have asked the Borough Administrator to explore that fully, we have not used that yet and the BA he is going to spend some time in the next month or two to look at that. Finally, Mayor Ruocco said an idea relevant to any thoughts we had on moving ahead on a community center surfaced during the meeting. Fair Lawn which has a community center established a 501C3 to help with this process. It was sort of an adjunct to the support of the town; I don't know how they constructed it but it was an idea that stuck in my mind at the meeting and I thought I would bring it to us so that when it is our turn and wrestle how we are going to do a community center this is one supplementary idea we could probably latch onto. That concludes my report.

NEW BUSINESS:

CORRESPONDENCE:

1. Letter dated February 11, 2019 from the Sundial Garden Club requesting permission to use the Hillsdale Railroad Station for its Annual Plant Sale on May 11, 2019.

Motion to approve, receipt and file: Motion by Council Member Horvath, Second by Council Member Lundy, and unanimously carried.

- 2. Email from Gail Mangold requesting to have signs for the Hills Valley Coalition April 3rd event placed throughout the Borough.

Motion to approve, receipt and file: Motion by Council Member Lundy, Second by Council Member DeRosa, and unanimously carried.

DISCUSSION:

2019 Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund Announcement

Borough Administrator DeJoseph

Borough Administrator DeJoseph said annually Bergen County has the Open Space Trust Fund which is a good opportunity for municipalities for park improvements. We have to submit our intent by March 19 and the grant application is due in May. To submit the Letter of Intent he spoke to the County with regard to this and we can submit our two projects and the best project for the Borough.

Mayor Ruocco said there was some concern expressed by some members of the Council as to how specific you had to get and apparently, we don't have to get that specific in the Letter of Intent.

Administrator DeJoseph said a good project, truly a capital project.

Mayor Ruocco asked if in our Letter of Intent, it is going to be one of these two. The BA responded affirmatively.

PUBLIC COMMENT:

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

ORDINANCES: (Introductions/Adoptions)

19-03 – Introduction

An Ordinance Establishing Salaries for the Staff of the Hillsdale Swimming Pool Commission for the Current Year 2019 in the Borough of Hillsdale, County of Bergen, State of New Jersey

BE IT ORDAINED, by the Borough Council of the Borough of Hillsdale in the County of Bergen and State of New Jersey as follows:

SECTION I:

The compensation of all personnel whose services are required for the operation, maintenance and regulation of the Facility as approved by the Swimming Pool Commission is as follows:

TITLE	<u>2019 SALARY RANGE</u>
	<u>MAX</u>
A. Manager/Director	\$47,802.30
B. First Assistant	\$12,000.00
C. Second Assistant	\$9,500.00
D. Third Assistant	\$7,800.00
E. Fourth Assistant	\$7,000.00
F. Office managers	\$7,800

G. Maintenance/Handyman	Hourly \$15.00
H. Pre-Season Maintenance	Hourly \$10.00
I. Secretary-Hourly	Hourly \$17.00
J. Maintenance Manager	\$4,300

SECTION II:

Trained Lifeguards: Part-time minimum age 15 years, Full-time 16 years, Gate 15 years , Recreation and Minimum 14 years, Maintenance staff age 17 years

<u>YEARS WORKED</u>	<u>HOURLY RANGE</u>	<u>GATE & REC. LEVEL</u>	<u>HOURLY RANGE</u>
<u>LIFEGUARDS LEVEL</u>	<u>MAX.</u>		<u>MAX</u>
1	\$7.75	1	\$7.50
2	\$8.25	2	\$7.75
3	\$8.60	3	\$8.00
4	\$9.25	4	\$8.25
5	\$9.75	5	\$8.60
6	\$10.00	6	\$9.27
7	\$10.50	7	\$9.78
8	\$11.25	8	\$10.50
9	\$12.00	9	\$11.50
10	\$13.00	10	\$12.00
11	\$14.05	11	\$12.75
12	\$15.00	12	\$13.25

MAX

Coordinator of Group Swim Lessons	\$2,000
Guard Safety Training Instructor	\$900.00
Head Guard - Lifeguard	\$2,000
Business manager of Swim/Dive Team	\$1,100
Managing Lifeguard	\$2,000
	LEVEL
Kid's Korner Coordinator (3)	1. \$4,300 2. \$4,300 3. \$3,400
Gate Manager	\$800.00
Camp Coordinator	\$3,000
Guppy Camp director	\$3,000

SECTION III:

A part-time /substitute Guard must earn at least \$4,000 the previous season to advance a step.

ADDITIONAL RATES:

Water Safety Instructor assistant	\$.050 hr.
Certifies Water Safety Instructor	\$1.50 hr.
CPR Instructor	\$1.00 hr.
EMT Certification	\$1.25 hr.
	\$18/half hour
Teach Private Swim Lessons	
Teach Private Swim Lessons (2 kids MAX)	\$30/ half hour
Certified Pool Operator Hourly emp.	\$2.00 hr.

LEVEL

	<u>Max</u>
Swim Team Coach	\$5,000
	Level 1-\$500
	Level 2-\$600
	Level 3- \$700
	Level 4- \$800
Assistant Swim/Dive Coaches	Level 5- \$900
Diving Team Coach	\$4,000
Aqua Aerobics Instructor	\$1,000
Yoga Instructor	\$1,000
Certified Pool Operator Salary employee	\$1,500
Fall/Winter Help-Hourly	\$17.34
Fall/Winter Secretary-Hourly	\$17.34
Coach Hourly –Head coaches only private or specialty for club	\$25.00

Any full time guard who is scheduled 80 hours per pay period (2 weeks) will be guaranteed a minimum of 20 hours per pay period (2 weeks) (i.e. early closing-rain). When club is open full time only for the months of July and August.

SECTION IV:

The Compensation fixed and determined by this ordinance for the persons holding the respective offices and position of employment herein named, shall be in lieu of all other fees, costs and

charges received and collected by such officers and employees shall be remitted promptly to the Borough of Treasurer.

SECTION V:

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

SECTION VI:

This ordinance shall take effect immediately after final passage, approval and publications of notice

Thereof as required by law and the provisions of this Ordinance shall be retroactive to January 1, 2019.

BE IT RESOLVED, that Ordinance No. 19-03 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal Building, 380 Hillsdale Avenue, Hillsdale, New Jersey, on April 2, 2019 and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Ridgewood News once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

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

Roll Call Vote:

Ayes: Council Members Lundy, DeRosa, Escobar, Horvath

Nays: None

Absent: Council President Pizzella and Council Member Segalas

19-05 – Introduction

An Ordinance to Update Ordinance 18-17 that Establishes Specific Decibel Standards to Control Noise in the Borough

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,

WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

WHEREAS the people have a right to, and should be ensured of, an environment free from excessive sound, and

WHEREAS it is the policy of the Borough of Hillsdale to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

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

Sections 1-28 Chapter 208 of the Borough Code is hereby amended and supplemented by adding a new Section entitled Noise Control. This ordinance shall apply to the control of sound originating from sources within the Borough of Hillsdale.

I. Definitions

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

II. Applicability

(A) This model noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Public service facilities;
4. Community service facilities;
5. Residential properties;
6. Multi-use properties;
7. Public and private right-of-ways;
8. Public spaces; and
9. Multi-dwelling unit buildings.

(B) This model noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Public service facilities;
3. Community service facilities (i.e. non-profits and/or religious facilities)
4. Residential properties;
5. Multi-use properties;
6. Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

III. Exemptions

(A) Except as provided in VIII. and IX. below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.

(B) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.

(C) Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and VIII except as provided for in III. below.

IV. Enforcement Officers

(A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.

(B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.

(C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another’s municipal noise ordinances.

V. Measurement Protocols

(A) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in VIB of this ordinance and with the definition of "real property line" as contained herein.

(B) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

VI. Maximum Permissible Sound Levels

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in II.(A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in V(B).

(B) Impulsive Sound

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels.

Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**TABLE I
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED OUTDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	65	50	65

**TABLE II
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED INDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, or non-residential portion of a multi-use property,
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	55	40	55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

TABLE III
MAXIMUM PERMISSIBLE OCTAVE BAND
SOUND PRESSURE LEVELS IN DECIBELS

Receiving Property Category	Residential property, or residential portion of a multi-use property		Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility	Commercial facility, or, non-residential portion of a multi-use property
	OUTDOORS		INDOORS		OUTDOORS	INDOORS
Octave Band Center Frequency, Hz.	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
Time	7 a.m.-10 p.m.	10 p.m.-7 a.m.	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57

500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

VII. Sound Production Devices

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in V(B) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**TABLE IV
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS
WITHIN A RESIDENTIAL PROPERTY**

Week nights - 10:00 p.m. - 7:00 a.m. Weekend nights - 11:00 p.m and 9:00 a.m.	All other times
3 dB(C)	6 dB(C)

VIII. Restricted Uses and Activities

The following standards shall apply to the activities or sources of sound set forth below:

A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.

D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.

E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.

F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;

G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

(1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,

(2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

IX. Motor Vehicles

Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

(A) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.

(B) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.

(C) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.

(D) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

X. Enforcement

(A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.

(B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

(C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

(D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.

1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.

2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the Noise Control Officer, Noise Control Investigator, or other designated official. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.

(E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.

(F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.

(G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

(H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.

(I) Any claim for a civil penalty may be compromised and settled based on the following factors:

1. Mitigating or any other extenuating circumstances;
2. The timely implementation by the violator of measures which lead to compliance;
3. The conduct of the violator; and
4. The compliance history of the violator.

XI. Consistency, Severability and Repealer

(A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

(C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

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

BE IT RESOLVED, that Ordinance No. 19-05 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal Building, 380 Hillside Avenue, Hillside, New Jersey, on April 2, 2019 and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Ridgewood News once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

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

Roll Call Vote:

Ayes: Council Members DeRosa, Escobar, Horvath, Lundy
 Nays: None
 Absent: Council President Pizzella, Council Member Segalas

Mayor Ruocco said the purpose of this Ordinance is to make a minor change in the existing ordinance that we passed last year.

19-01 – Adoption

An Ordinance to Amend and Supplement Ordinance 09-01 Chapter 138 “Fees” and Chapter 71 Swimming Pool Commission

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

SECTION 1: Chapter 138 of the Code of the Borough of Hillsdale is amended and supplemented to include membership fees in the following schedule and definition:

CHAPTER 71, Swimming Pool Commission

RATES FOR 2019

RESIDENTS-				***RESIDENTS volunteers discount 25%			
TYPE	PRICE			TYPE	PRICE		
	On or	6-May	After		On or	6-May	After
	Before	5-May	29-May		Before	5-May	29-May
A. Family of Two	\$561.00	\$590.00	\$620.00	A. Family of Two	\$421.00	\$443.00	\$465.00
B. Family (3 persons)	\$574.00	\$605.00	\$635.00	B. Family (3 persons)	\$431.00	\$453.00	\$476.00
C. Family (4-5 persons)	\$630.00	\$663.00	\$697.00	C. Family (4-5 persons)	\$473.00	\$497.00	\$523.00
D. Family (6 + persons)	\$697.00	\$733.00	\$770.00	D. Family (6 + persons)	\$523.00	\$550.00	\$577.00
E. Individual (18+)	\$399.00	\$420.00	\$441.00	E. Individual (18+)	\$299.00	\$315.00	\$331.00
F. Senior Citizen (62+)	\$227.00	\$239.00	\$251.00	F. Senior Citizen (62+)	\$170.00	\$179.00	\$188.00
G. 2 Senior Citizen	\$333.00	\$350.00	\$368.00	G. 2 Senior Citizen	\$250.00	\$263.00	\$276.00

I. Sponsored by a family membership must show proof \$150 per person , senior grandparent, 2 maximum per family

NON-RESIDENTS				***NON-RESIDENTS discount 25%			
TYPE	PRICE			TYPE	PRICE		
	On or	6-May	After		On or	6-May	After
	Before	5-May	29-May		Before	5-May	29-May
A. Family of Two	\$809.00	\$852.00	\$895.00	A. Family of Two	\$607.00	\$639.00	\$671.00
B. Family (3 persons)	\$864.00	\$909.00	\$955.00	B. Family (3 persons)	\$648.00	\$682.00	\$716.00
C. Family (4-5 persons)	\$901.00	\$949.00	\$996.00	C. Family (4-5 persons)	\$676.00	\$711.00	\$747.00
D. Family (6-7 persons)	\$911.00	\$959.00	\$1,007.00	D. Family (6-7 persons)	\$683.00	\$719.00	\$755.00
E. Family (8+ persons)	\$937.00	\$987.00	\$1,036.00	E. Family (8+ persons)	\$703.00	\$740.00	\$777.00
F. Individual (18+)	\$585.00	\$616.00	\$647.00	F. Individual (18+)	\$439.00	\$462.00	\$485.00
G. Senior Citizen (62+)	\$278.00	\$293.00	\$308.00	G. Senior Citizen (62+)	\$208.00	\$219.00	\$231.00
H. 2 Senior Citizen	\$428.00	\$450.00	\$473.00	H. 2 Senior Citizen	\$321.00	\$338.00	\$355.00

I.* J. Sponsored by a family membership must show proof \$150 per person, senior grandparent membership, 2 maximum per family

**** VOLUNTEER:

Swim Team Rental (outside)	\$5,000 to	\$35,000.00
Swim team rental per lane per hour		\$20.00
Ping Pong balls		\$0.25
Camp Fees – HD &RV per camper		\$50.00
ID Card Replacement Fee		\$10.00
Chair Storage - per chair		\$10.00
Birthday Parties (children under 16) 2 hours	\$50 to	\$80.00
Parties - Family (2 hours)		\$225.00
Spirit Wear clothing		\$5 to \$100
Yoga Members and Non-members		\$5-\$40
Fitness examples: Spin, Pilates, Zumba and Cardio Kickboxing	\$5 -\$50.00	per class
Aqua Aerobics Members and Non- members	\$5-\$40per	class
Selling of snacks and food		.50-\$10.00
Camp rentals outside (HD, RV)	\$300-\$2,000	per day
\$10 till 10 (nonmembers (5pm to 10pm) Friday nights		\$15.00

***NO REFUNDS AFTER MAY 31st, 2019**

SECTION IV:

This ordinance shall take effect immediately after final passage, approval and publication of notice thereof as required by law, and the provisions of this ordinance shall be retroactive to January 1, 2019.

- * If a child is on both swim and dive team the maximum payment per child is \$125.00
*** New Members Only *** Promotion of 10 -20% off - one per family discount at designated open house or special promotion events

Motion to open public hearing on Ordinance 19-01 by Council Member Lundy, Second by Council Member Horvath, and unanimously carried.

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 19-01, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing no one, I entertain a motion that the public hearing on Ordinance No. 19-01 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public.

Motion to close public hearing on Ordinance 19-01 by Council Member Horvath, Second by Council Member Lundy, and unanimously carried.

Motion to adopt Ordinance No. 19-01 by Council Member Lundy, Second by Council Member Horvath.

Roll Call Vote:

Ayes: Council Members Escobar, Lundy, Horvath, DeRosa

Nays: None

Absent: Council President Pizzella and Council Member Segalas.

Now, therefore, be it resolved that this ordinance be adopted and the Borough Clerk is authorized to advertise the same according to law.

19-02 – Adoption

Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Hillsdale in the County of Bergen finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 1% increase in the budget for said year, amounting to \$102,074 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$357,261, and that the CY 2019 municipal budget for the Borough be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion to open public hearing on Ordinance 19-02 by Council Member Horvath, Second by Council Member Lundy, and unanimously carried.

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 19-02, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing no one, I entertain a motion that the public hearing on Ordinance No. 19-02 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public.

Motion to close public hearing on Ordinance 19-02 Council Member Horvath, Second by Council Member DeRosa, and unanimously carried.

Motion to adopt Ordinance No. 19-02 by Council Member Lundy, Second by Council Member DeRosa.

Mayor Ruocco said this type of Ordinance is normal; this is an ordinance which every town has to pass in order to take advantage of the flexibility built into the law so that when you don't tax residents to the fullest extent that you are permitted every year that you take a certain portion of that and put it in a CAP bank so that the following year you have some greater head room to use that before you have to tax the residents. I guess that is the best way of putting it. We are not asking the Council to adopt an ordinance that will violate any law, this is done every year.

Roll Call Vote:

Ayes: Council Members Escobar, Lundy, Horvath, DeRosa

Nays: None

Absent: Council President Pizzella and Council Member Segalas

Now, therefore, be it resolved that this ordinance be adopted and the Borough Clerk is authorized to advertise the same according to law.

RESOLUTIONS:(Consent Agenda): R19061 through R19065:

[R19061](#) Resolution Authorizing the Execution and Award of a Fair and Open Contract for an Alternate Public Defender

WHEREAS, the Borough of Hillsdale has a need to retain an Alternate Public Defender as a Fair and Open contract pursuant to the provisions of N.J.S.A. 19:44A-20.7; and,

WHEREAS, funds will be available by way of budget and bond ordinances to compensate said Alternate Public Defender; and

WHEREAS, N.J.S.A. 19:44A-20.4 et seq. commonly known as the “New Jersey Local Unit Pay to Play Law” that took effect on January 1, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough Council has determined that Jeffrey Steinfeld, 27 Warren Street #302, Hackensack, NJ 07601 will be the most advantageous to the Borough; and

WHEREAS, Jeffrey Steinfeld has completed and submitted a “Contribution Statement by Professional Business Entity” as required by Hillsdale Borough Ordinance No. 04-14, entitled, “An Ordinance Establishing a Borough Policy for the Awarding of Public Professional Service Contracts”; and Ordinance No. 11-19 “Amending Chapter 12, Contracts, Public Professional Service and Chapter 305, Contribution Disclosure Statements”

BE IT RESOLVED THAT, the Mayor and Borough Clerk are authorized to execute such contract with Jeffrey Steinfeld at the rates specified in his proposal submitted February 5, 2019.; and

NOW, THEREFORE, BE IT RESOLVED, that the Hillsdale Borough Council hereby award a contract to Jeffrey Steinfeld through December 31, 2019 or until a successor is qualified or appointed.

[R19062](#) Resolution Recommending the Hiring of Police Dispatcher Kelly McCann

WHEREAS, there exists a vacancy in the Hillsdale Police Department for a police dispatcher; and,

WHEREAS, the Borough has gone through the process of applications and interviews to employ the services of a police dispatcher and,

WHEREAS, the Chief of Police has recommended the hiring of a police dispatcher for the Hillsdale Borough Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the recommendation of Chief Robert Francaviglia to employ Kelly McCann as a Police Dispatcher with the Hillsdale Police Department is accepted and Kelly McCann is hereby appointed as a Full Time Police Dispatcher with the Hillsdale Police Department, at a salary of \$34,489.00/year, effective March 4, 2019.

[R19063](#) Resolution Authorizing the Release of the Maintenance Bond for Block 1007, Lots 13-16 ~ Crossroads-Broadway, LLC

WHEREAS, a Developers Agreement was entered into between Crossroads-Broadway, LLC, 20 Ridge Road, Mahwah, New Jersey 07430 and the Borough of Hillsdale; and

WHEREAS, Crossroads-Broadway, LLC provided a two-year Maintenance Bond for the above noted project on November 10, 2016 and;

WHEREAS, Crossroads-Broadway, LLC has now requested the release of the Maintenance Bond for this major subdivision and site plan with variances; and

WHEREAS, the Planning Board Engineer, as set forth in his letter of February 14, 2019, indicates that based on his recent site inspections recommends the release of the Maintenance Bond; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hillsdale hereby authorizes the release of the Maintenance Bond for Block 1007, Lot 13-16, in the amount of \$93,450.00; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby instructed to provide a certified copy to:

- a) Christopher Statile, PA – Planning Board Engineer
- b) Crossroads-Broadway, LLC, Owner
- c) Planning Board

[R19064](#) Resolution Authorizing the Borough Clerk to Advertise Bids Regarding Supplemental Garbage Truck Rental and Operator for the 2019 Leaf Removal Season

WHEREAS, the Borough desires to utilize supplemental garbage truck(s) and operator(s) for leaf removal throughout the Borough during the leaf season; and

WHEREAS, in order to effectuate such use, the Borough desires to rent a supplemental garbage truck(s) and hire an operator(s) for the truck(s), which would serve this purpose; and

WHEREAS, there is a need to publicly advertise for bidders for the rental of an additional garbage truck(s) and operator(s) during the leaf season; and

WHEREAS, bid specifications shall be prepared and utilized in connection with this matter.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Hillsdale, County of Bergen, State of New Jersey, that the Municipal Clerk is hereby authorized to advertise for Bids regarding the rental of supplemental garbage truck(s) and operator(s) of truck(s) for the upcoming 2019 leaf season.

[R19065](#) Resolution Authorizing the Borough Clerk to Advertise for Bids Regarding the Disposal of Vegetative Waste

WHEREAS, the Borough of Hillsdale has a need for to dispose of the Borough’s residential and municipal vegetative waste at a facility that is licensed and permitted by the State of New Jersey Department of Environmental Protection (“DEP”) or by the State of New York Department of Environmental Conservation (“DEC”); and

WHEREAS, the Borough needs to solicit proposals from licensed and permitted disposal facilities that will dispose of vegetative materials including but not limited to leaves, brush, tree parts, stumps, wood chips and grass; and

NOW THEREFORE, 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 proposals from licensed and permitted disposal facilities that will dispose of vegetative materials including but not limited to leaves, brush, tree parts, stumps, wood chips and grass.

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

Roll Call Vote:

Ayes: Council Members DeRosa, Escobar, Horvath, Lundy

Nays: None

Absent: Council President Pizzella and Council Member Segalas

OFF-CONSENT:

Motion to adopt _____ Second _____

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

COUNCIL COMMENTARIES:

Council Member Lundy reminded everyone daylight saving time Saturday and spring ahead.

Council Member DeRosa said the county is bringing in volunteers on the 2nd, 24th and 25th and encouraged persons to get their passports redone. It is extremely convenient, just come in and take your picture and your passport will be mailed to you. He believed there was one more day to register for softball and baseball.

Council Member Horvath said American Legion Post 162 of Hillsdale asked us to notify the public that they are in the process of updating the monument in town for the veterans and you can go to the website American Legion Post 162.org and get information and the benefits of helping update the monument.

Mayor Ruocco thanked the DPW for the job they did. He went to the train station and talked to about 25 commuters who were waiting for the 9:15 train and asked how their commute to the RR station was and they all had great praise, the roads were clear by then; they heard the plows coming through at 4:30am and 5:00am and they did a good job. Assemblywoman Holly Schepisi and her staff are coming to the Borough Hall on March 21 at 10:00 AM for a three hour session to answer any questions, facilitate any actions that residents would like to discuss regarding state legislation. This is done periodically. We had anti-harassment training for the staff and the Council and wanted to remind everyone about that, if you haven't attended you are expected to and schedule for an appointment sometime next week. Another class which is training for employment practices and JIF has arranged for council members of towns. We will have a session here next Tuesday, March 12 before the Council meeting starting at 6:00 PM in the Council Chamber. It is important for every Council Member who shows up we save \$250. We could get \$1750 off our premium.

ADJOURN TO CLOSED SESSION:

[R19066](#) 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 – *Redevelopment, Waste Management, Personnel*

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 – *Redevelopment, Waste Management*
- (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 by Council Member Lundy, Second by Council Member Horvath, and unanimously carried.

RECONVENE REGULAR MEETING:

Motion to reconvene by Council Member Lundy, Second by Council Member DeRosa, and unanimously carried.

ADJOURNMENT:

Motion to adjourn by Council Member Lundy, Second by Council Member Horvath, and unanimously carried.

THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE

TUESDAY, March 12, 2019

Denise Kohan, Municipal Clerk

APPROVED AS PRESENTED