

Minutes of a Council Meeting of the Borough of Hillsdale held at 7:30 PM on Tuesday, September 4, 2018, 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 4th day of September, 2018. 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, Horvath, Karcich, Lundy, Segalas (Attorney Madaio, CMFO DeJoseph, Borough Clerk Kohan)

PROMOTIONS/PROCLAMATIONS/RECOGNITIONS

OATH OF OFFICE/APPOINTMENTS:

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

Mayor Ruocco opened the Initial Public Comment to the public, seeing no one, the Public Comment period was closed.

PRESENTATIONS:

[Presenting Project for Girls Scout Award](#)

Julia Scozzafava

Julia Scozzafava, 167 Magnolia Avenue –

She said this is part of the Girl Scout Gold Award and is the highest award a Girl Scout can earn, equivalent to the Eagle Scout Award. This is done individually and requires more than 80 hours of work. Her Gold Award work is about over population in animal shelters and to help with this issue she wants to host a dog show at the Hillsdale Festival and to educate the public. She contacted Patty Hughes, the Recreation Department and the Hillsdale Festival is the perfect place for this project because it is for people with and without animals and opens up an opportunity for adoptions. She also invited two rescue organizations to come and show their adoptable dogs hoping we can get some adoptions. Her plan is that the dogs will come out one at a time and her friends have volunteered to be judges for the event. We will take a break for the judges to make their final decisions, she will give a short speech on over population in animal shelters and how everyone can help and adoptable dogs will come up and she will introduce them to the audience.

Mayor Ruocco asked how she will attract residents to bring their dogs to the Festival.

Julia contacted some people and she will put flyers everywhere and advertise in the newspaper.

Mayor Ruocco was concerned where this would be physically in the park but he spoke with the Rec Committee who assured him they had this all thought out. He asked if there was enough time between now and the Festival to people who own dogs to come.

Julia said she has already started contacting people and didn't think that was an issue.

Mayor Ruocco said the animal shelters will bring their own dogs and encouraging people to adopt dogs.

Council Member DeRosa said he would like to see more Girl Scouts doing these type of projects.

Motion by Council Member DeRosa, Second by Council Member Karcich, and unanimously carried.

APPROVAL OF MINUTES:

Closed Session Minutes August 14, 2018

Motion by Council Member Karcich, Second by Council Member Lundy, and unanimously carried.

PROFESSIONALS REPORT/MONTHLY DEPARTMENT HEAD REPORTS:

(The following correspondence on file in Borough Clerks Office)

[Hillsdale Police Department – August 2018](#)

[Hillsdale Fire Department – July 2018](#)

[Borough Engineer Report – August 2018](#)

Police Chief Robert Francaviglia

Fire Chief Patrick Doody

Christopher Statile

Police Chief Francaviglia said during the month of August we have 93 dispatching shifts all covered with non-sworn personnel. In August we had 195 vehicle stops which resulted in 140 summonses and five criminal arrests. He previously reported on National Night Out and thanked his staff for putting on an event that was worthy of the residents. We have been meeting with Demarest Farms and they submitted an Event Management Plan for 2018 which looks pretty good. He can distribute it to the entire Council if they so wish, it is lengthy. We will be meeting every Wednesday with farm management during picking season to go over the next week's events and how best to approach them. We did this last year and we will continue to do so this year. School is back in session tomorrow and wanted to remind everyone to drive carefully and pay attention to the Crossing Guards; they have a very dangerous job and wanted everyone to pay attention to them.

Borough Engineer Statile said we made an application for the Transportation Alternative Grant and submitted it on August 20 electronically, it is a Federal Program and the Grant is for improvements of Patterson Street, Parkview Drive, through the Industrial zone, downtown and then along Hillsdale Avenue from Central Avenue going easterly to Kinderkamack Road. The application was submitted timely and for \$1.44 million dollars because it is a Federal Program they want you to come in larger grant sizes. This kept him preoccupied. The 2018 improvements along Piermont Avenue, he met with the residents to review the work going on in front of homes, no problems. He has spoken with all of the residents and will get the job out to bid. His staff just finished work for the opposite the high school and the sidewalk is included as well. Our consultant for Centennial Field will schedule a meeting with the DEP for rounds for air quality testing which have not shown unusual so we are going to be making an appeal to reduce that. We will be asking for reductions in the sand bar testing and ground water testing; we have created a matrix of tests to show there is nothing amiss at the landfill. The band shell has been painted and we will apply a second coat of paint on that this week, that project is moving along well and should be completed in time for the affair. The Recreation Trail grant from 2016 along the Suez property at the reservoir, he sent a grant licensing agreement to NJDEP Bureau of Legal Services; the purpose of that is that the DEP will look at it, review it, and make comments on it. We are doing this because the DEP actually controls the water shed properties around the reservoir. It is owned by Suez, DEP has an easement and we need a vote from the DEP to put a pathway along there consistent with the easement requirements. Once that is approved, the project will be reviewed by the state watershed but this has to be approved first so that everything is o.k. with the deed restriction, legal agreement and go on with the next chapter. This requirement for licensing has always been out there and you can't go there yet until this is taken care of. Suez has been dragging their feet on this. In October we will be submitting grants for the 2019 Safe Routes to School application for about \$300,000 to put sidewalks along Hillsdale Avenue and Everdell Avenue. This will be serving two schools and we will have a 2019 grant application for town aid servicing money. We usually get out of the 23 cent tax per gallon that we are all paying and that will be early October. We will be applying for St. Nicholas Avenue again between Broadway and Kinderkamack Road and a second application as well. That grant will be in the range of \$220,000.

Mayor Ruocco said the DEP is not known for speed and we continue to do the testing and it costs us about \$30,000 per quarter. Are we promised any dates, any expectations?

Engineer Statile said they are reducing the air quality testing and that was signed off and sent to the state. Under the air quality permit we are allowed to do that and we are going to start to slow down and save money and that is the first step. He wants to depend on a licensed professional on this and we are working on this. There has been absolutely no difference in the testing and results.

DPW Superintendent Haffler said we have all the barricades out for the Demarest Farms No Parking for the picking season, all signs are up, we are short a couple and he is working with the Traffic Lieutenant on a couple of ideas before purchasing barricades. Regarding air monitoring, he looked at his budget and it is about \$154,000 yearly. Two new employees started, temporary employees, and they are being taught what to do. He anticipates they will work out for the fall for the upcoming leaf season and he anticipates hiring one more temporary worker. He received a call from a disabled resident on Knickerbocker and she said Gaeta had not picked up the garbage.

He will mail out a report this week so the Council will be able to see what we are doing. Instead of getting hand written notes on everything that is happening in Hillsdale, he is getting them in the system and we disseminate it. It is working out and what we have to get to is seen. We can prioritize certain things and deem what is critical. We will have the tree contractor out to Beechwood before the Fall Festival; the first painting has been completed on the band shell and work has started inside the bathroom which is being painted as well. We got the fences up at the soccer field and our team is working together and doing a great job. At Knickerbocker field we have the netting temporarily for backup; there are holes in certain areas that were not able to be repaired perfectly but it is useable for the fall season. We looked at the dugouts at Knickerbocker field and we came up with a plan to completely rectify the water issue there. All the soccer fields have been painted this week, we put up the temporary fence at Stonybrook, and we made a lot of repairs today at Centennial. He doesn't know if we will have an early or late fall so he would like to get leaves picked up on the ground and not wait until they pile up. He has the return of another temporary employee who has been with us for a couple of seasons, a loader operator, an experienced operator who helps out. We have good equipment and good guys. The new senior van has been out and they love it, we haven't got it lettered yet and on a rainy day one of the employees will take it into the garage and he is getting a lot of good feedback on it.

Engineer Statile said on 273 Broadway Ken Bauer Kitchens, the contractor will start taking trees down tomorrow for the 14 unit development there. He doesn't everyone to be shocked seeing all the trees coming down. They have Planning Board Approval and Developers Agreement on hand.

COMMITTEE REPORTS:

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

Councilman Segalas said several weeks ago it has been recommended that we adopt resolutions. The Board of Health had a meeting tonight but there is not much to report.

Councilwoman Lundy said yesterday was the last day Stonybrook was open for the season. She does not have the final numbers yet but their revenues were \$880,000 but there are items that have not been paid.

Administrator DeJoseph said that is pretty close to the actual revenue; he doesn't have the snack bar information.

Councilwoman Lundy congratulated the Dive Team, they came in third. The Library has a meeting on the 17th so she will have further reports after that meeting. She wanted to report on the summer reading program, 260 youths signed up, the younger children read 1300 books, and the participation was huge. The Library would like to thank the Friends of the Library Board for donating \$2500 in crafts to subsidize the summer reading program. For the 2019 poll on NorthJersey.com, The Library Board of Trustees and the Stonybrook Commission are asking the residents to vote for Stonybrook as the best pool and the best Library. There will be two tables at the Fall Festival and you can vote there as well. The Finance Committee is meeting tomorrow.

Councilman Karcich said the Chief works hard to keep Hillsdale safe as our fellow officers. They are keeping our department efficient and responsible within budget compared to other towns in the Valley where their overtime is insane. He is always coming up with ideas to save the Borough money either by technology, shared services or something else, and he wanted to thank the Chief. It is refreshing to have a DPW Superintendent so active, communicative and we are getting great responses from the residents.

Councilman Horvath said the meeting of the 50+ Club takes place the second and fourth Thursday of each month and the next meeting is Thursday, September 13 at 11:30. If you are 50+ contact Patty Hughes and you will be welcomed. The DPW is in the process of returning temporary employees and is in the process of getting new vehicles to augment some of the equipment that needs attention especially with leaf removal coming up. Hillsdale Historical Preservation Committee is making headway on historical preservation projects and will iconic memorabilia at the Fall Festival September 15 at Beechwood Park. Please join us in celebrating Hillsdale's 125th birthday. September 11 is the anniversary of the 9/11 tragedy; for years the Police Department, Fire Department, EMT, American Legion will be paying tribute at the center of town at 8:30 AM, please join us.

Councilman DeRosa said he will have more details for next week. Several meetings will be held between now and then; a meeting this Thursday at Pascack Hills and the Ambulance Committee with several members will

meet to discuss several items and one is that Hillsdale responds to so many calls outside of Hillsdale more than other towns. It is not being reciprocated from some towns and we need discussion on that. Some towns definitely are not carrying their weight. The Rec Commission is meeting on Thursday and they are planning for the Hillsdale Festival and he believes this year will be better than last year's. The DPW covered the temporary fence at Stonybrook; Soccer Association tended to the fixing of items at the field and a reminder that Rutgers will be here at Hillsdale on September 17 at 6:30 PM. If you want to coach any program in the State of New Jersey you have to be certified. The Naming Recognition Committee will go before the Library Board to advise of recommendations and get approval and go before the Mayor and Council.

Mayor Ruocco asked if we need their approval.

Councilman DeRosa said it is more of a courtesy.

Fire Department report given by Deputy Chief Tom Kelley. Recruitments are going well and we have two more Cadets and regular applications that have come in and two other applications for regulars have come in. We will continue on that effort. Christmas is coming and we are still going to push that food drive and we will keep doing that every month. On Tuesday, 911, we will have our annual solemn observance by the train station at the Park and begins at 8:46 AM. It is a silent observance lasting about 20 minutes. Everyone is welcome. Firemen's convention is next week at Wildwood and we will be relying on Mutual Aid and that has been worked out.

NEW BUSINESS:

CORRESPONDENCE:

1. [Letter dated August 13, 2019 from Senator Cardinale in regards to athletic fields that are regularly being sprayed with substances.](#)

Mayor Ruocco said a resident expressed concern when it is safe to return to fields after spraying and asked for notice; our folks post notice when the fields are treated in compliance with NJDEP but the flag doesn't say when you can go back. That is not required. The DEP says you can go back within x number of hours and when the dust settles. In the past we've told folks on the web that x field will be treated and will be safe to go back on that field in a day. He asked if the Council is content with the practice we are using now. We do want to look at organic possibilities.

Council Member DeRosa said the job is to look at the chemicals we are using in the fields, in the buildings.

Mayor Ruocco said organic may be less effective. We will look at this when we get the quote and any other issues but at this point the Council doesn't see any reason to change the practice and being in compliance with NJDEP. He believed the issue is that people don't know when they can come back on a treated field. He wanted to be sure there were no concerns by Councilmembers.

Motion to approve, receipt and file: Motion by Councilmember DeRosa, Second by Councilmember Karcich, and unanimously approved.

2. [Email from Hillsdale Hawks Football/Cheerleading President Devon Flanagan requesting to put signs around the Borough to promote their 5K Run in Hillsdale.](#)

Motion to approve, receipt and file: Motion by Councilmember Horvath, Second by Councilmember Karcich, and unanimously approved.

3. [Email from Don Dickstein Founder of Riding to Help Others asking permission to place lawn signs throughout the Borough to promote "Riding to Help Others" an annual Motorcycle Benefit held in Haworth on September 9th.](#)

Motion to approve, receipt and file: Motion by Councilmember Horvath, Second by Councilmember Karcich, and unanimously approved.

DISCUSSION:

Motion to approve, receipt and file: Motion _____ Second _____

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

PUBLIC COMMENT:

Mayor Ruocco opened the Public Comment period of this meeting and invited the public to come forward, seeing no one, the Public Comment period was closed.

ORDINANCES: (Introductions/Adoptions)

18-06 – (Adoption)

An Ordinance of the Borough of Hillsdale, County of Bergen, State of New Jersey, to Amend Chapter 264 of the Borough Code entitled “Swimming Pools, Private”

WHEREAS, the Chapter 264 of the Borough Code of the Borough of Hillsdale pertains to swimming pools on private property; and

WHEREAS, the Borough desires to add a section regarding permit requirements for the removal of swimming pools to the aforesaid section.

NOW BE IT ORDAINED, by the Mayor and Council of the Borough of Hillsdale as follows:

§264-6 shall be added as follows:

§264-6 Swimming Pool Removal Permit Requirements

Swimming pools on private property may be removed upon cessation of use. Pools may NOT be filled in or abandoned in place. A demolition permit is required for the removal of all pools, prior to the required removal and demolition work.

Permit Requirements shall be as follows:

- a) The pool shell must be removed, regardless of material type.
- b) The pool void shall be filled with crushed rock material (3/4” minimum size to 1’1/2” maximum size) for a minimum of 12” deep at the bottom and then clean fill, or other approved material shall be added on top to match adjacent grade level.
- c) All gas, water and sewer lines to the pool shall be securely capped off with an approved fitting (gas line is required to have a screw fitting).
- d) All electric pool equipment, including the breaker in the electrical panel underground wiring, conduit or other items, shall be removed.
- e) If a structure is to be constructed above or near the filled area, a geotechnical report/letter prepared by a soils engineer shall be required, in the discretion of the construction official.

Inspections

Two inspections are required for pool removals. The in-progress inspection shall be scheduled during the demolition and removal process. Final inspection shall be scheduled after all work is completed and the site/soil is stabilized.

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

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

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

Motion to open public hearing on Ordinance 18-06 by Council Member Karcich, 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. 18-06, 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. 18-06 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Borough Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 18-06 by Council Member DeRosa, Second by Council Member Karcich, and unanimously carried.

Motion to adopt Ordinance No. 18-06 by Council Member Lundy, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members Karcich, Lundy, Segalas, DeRosa, Horvath

Nays: None

Absent: Council President Pizzella

18-09 – (Adoption)

An Ordinance of the Borough of Hillsdale, County of Bergen, State of New Jersey, to Amend Chapter 310 of the Borough Code Entitled “Land Use”

(Being pushed as the Planning Board Meeting was canceled on 8/28/18)

Mayor Ruocco said this has been going back and forth between the Council and Planning Board. We revised an earlier version of this, sent it to the Planning Board and they came back with comments. We sent it back to the Planning Board and we are awaiting comments from the Planning Board and they have 35 days.

Borough Attorney Madaio said they were jammed up because their August meeting was cancelled and this was carried on the Agenda as a place keeper and will be on the Agenda October 9.

Mayor Ruocco said the Borough Clerk was asked specifically to present it this way on the Agenda as a reminder/placekeeper.

Borough Attorney Madaio said that would be inappropriate. The red letters are there to advise the public.

Mayor Ruocco said we can move to the next ordinance.

18-17 – (Adoption)

An Ordinance to Establish 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:

Section ___ Chapter ___ 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-way's;
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 III. 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 III 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.	All other times
Weekend nights - 11:00 p.m and 9:00 a.m.	
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

Motion to open public hearing on Ordinance 18-17 by Council Member Segalas, Second by Council Member Karcich, and unanimously carried.

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 18-17, 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. 18-17 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Borough Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 18-17 by Council Member DeRosa, Second by Council Member Karcich, and unanimously carried.

Mayor Ruocco said there was some discussion on this ordinance there was some concern that we needed more enforcement and we will be training one of our Police Officers in this effort so that they can enforce the law. The ordinance is very particular about what constitutes a violation under different circumstances.

Motion to adopt Ordinance No. 18-17 by Council Member DeRosa, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Council Members Karcich, Lundy, Segalas, DeRosa, Horvath

Nays: None

Absent: Council President Pizzella

18-18 – (Adoption)

An Ordinance to Amend Chapter 310: Land Use of the Revised General Ordinances of the Borough of Hillsdale to Require a Continuing Certificate of Inspection for the Sale of a One or Two-Family Residence

(Being pushed as the Planning Board Meeting was canceled on 8/28/18)

Mayor Ruocco said this too, as the earlier ordinance, is before the Planning Board.

Council Member DeRosa said if they come back with changes how does that work?

Attorney Madaio said we can accept them or ignore them, in either case this is advisory

Mayor Ruocco said there is nothing to be done with that particular ordinance and we will await comments from the Planning Board if there are any.

18-20- (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

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 1. The rate of compensation of persons holding any of the hereafter named offices and positions of employment, which compensation shall be on an annual basis unless otherwise specified, is hereby fixed and determined to be as set opposite the title of each of the hereinafter named offices and positions of employment. Whenever there shall be set forth a minimum and maximum rate of compensation the employee or officer shall be compensated at an annual rate within such range.

SECTION 2. Each employee set forth in this Section shall receive annual compensation as set forth below.

	TITLE	MAXIMUM
1	Mayor	\$ 9,000.00
2	Councilmembers	\$ 6,000.00
3	Police Chief	\$ 175,000.00
4	Police Captain	\$ 167,000.00
5	Police Lieutenant	\$ 156,060.00
6	Borough Administrator	\$ 46,818.00
7	Borough Clerk	\$ 75,480.00
8	Certified Municipal Financial Officer and Qualified Purchasing Agent	\$ 93,942.00
9	Assistant Managers-Finance	\$ 57,528.00
10	Tax Assessor	\$ 22,860.00

11	Tax Collector	\$	46,410.00
12	Assistant Managers-Finance	\$	19,89000
13	Confidential Administrative Assistant- <i>per hour</i>	\$	19.38
14	Executive Assistant- <i>per hour</i>	\$	20.00
15	Municipal Housing Liaison		\$2,000.00
16	Superintendent of Public Works	\$	93,000.00
17	Acting Recycling Coordinator	\$	2,000.00
18	Licensed Sewer Operator	\$	5,000.00
19	Class III Police Officers (2017-2018 School year)	\$	41,256.00
20	Class III Police Officers * (2018-2019 School Year)	\$	42,564.00
21	Class III Police Officers (2017-2018 School Year) Hourly		Not to exceed \$30.00/hr
22	Class III Police Officers * (2018-2019 School Year) Hourly		Not to exceed \$30.00/hr
23	Fire Official	\$	10,404.00
24	Municipal Judge	\$	18,977.00
25	Court Administrator	\$	53,458.00
26	Court Violations Clerk- <i>per hour</i>	\$	20.81
27	Prosecutor	\$	12,191.00
28	Alternate Prosecutor per court session	\$	200.00
29	Public Defender	\$	4,370.00
30	Alternate Public Defender per case	\$	200.00
31	Welfare Director		15,817.00
32	Community - Seniors Activity Director	\$	14,745.00
33	Recreation Director	\$	16,296.00
34	Construction Official	\$	22,188.00
35	Building Sub-Code Official	\$	22,187.00
36	Zoning Official- <i>per hour</i>	\$	30.60
37	Board Secretary- <i>includes preparing minutes-per meeting</i>	\$	50.00
38	OEM Coordinator	\$	2,000.00
39	OEM Deputy Coordinator	\$	2,000.00

40	Volunteer Ambulance Corps Stipend	\$	600.00
41	Volunteer Fire Department Stipend	\$	600.00
42	Fire Chief	\$	3,400.00
43	Deputy Fire Chief	\$	2,650.00
44	Senior Captain	\$	1,650.00
45	Junior Captain	\$	1,350.00
46	First Lieutenant	\$	1,050.00
47	Second Lieutenant	\$	900.00
48	Third Lieutenant	\$	750.00
49	Forth Lieutenant	\$	600.00
50	Mechanic (per apparatus)	\$	200.00
51	Advisor	\$	500.00
52	Fit Test Administrator	\$	200.00
53	Air Bank Tech	\$	400.00
54	Radio Tech	\$	250.00
55	Training Advisor	\$	350.00
56	Cadet Advisor	\$	350.00
57	Driver (per apparatus)	\$	50.00
58	Board Clerk	\$	1,300.00
59	Education beyond Fire Fighter 1	\$	35.00

		MINIMUM	MAXIMUM
60	Borough Temporary or Per-Diem Worker	\$ 10.00	\$ 50.00
61	DPW Seasonal or Per-Diem Worker	\$ 10.00	\$ 100.00

SECTION 3. If an employee performed a unique assignment of exceptional value to the Borough requiring significant time and effort in addition to his/her usual responsibilities, the Borough Council may grant a bonus not to exceed \$5,000 to this employee.

SECTION 4. The compensation fixed and determined by this Ordinance for the persons holding the respective offices and positions of employment herein named, shall, except as otherwise provided by statute, ordinance or resolution, be in lieu of all other fees, costs and charges received and collected by such offices and employees shall remit such funds promptly to the Borough Treasurer.

SECTION 5. All ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies.

SECTION 6. This Ordinance shall take effect immediately after final passage (in accordance with state law), approval (in accordance with state law), and publication of notice thereof as required by law, and the provisions of this Ordinance shall be retroactive to January 1, 2018, unless otherwise noted (*excludes Class III Officers (salaried& hourly) for the 2018-2019 School Year).

Motion to open public hearing on Ordinance 18-20 by Council Member DeRosa, Second by Council Member Karcich, and unanimously carried.

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 18-20, 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. 18-20 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Borough Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 18-20 by Council Member DeRosa, Second by Council Member Karcich, and unanimously carried.

Borough Clerk Kohan said there is a change in one of the full-time salaries; \$42,564 change to \$42,287.

Mayor Ruocco said we can make that change; the change will be made to the ordinance after this meeting.

Motion to adopt Ordinance No. 18-20 as adjusted by the Borough Clerk was made by Council Member DeRosa, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Council Members Karcich, Lundy, Segalas, DeRosa, Horvath

Nays: None

Absent: Council President Pizzella

RESOLUTIONS:(Consent Agenda): R18201 through R18213:

[R18201](#) Resolution Requesting a Change in Custodian for Petty Cash

WHEREAS, Susan Witkowski was custodian of the Municipal Clerk Petty Cash Fund, and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Borough of Hillsdale is changing custodians to Borough Clerk Denise Kohan; and

WHEREAS, Denise Kohan is bonded in the amount of \$ 1,000,000.00 by virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hillsdale, County of Bergen hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval

[R18202](#) Resolution Authorizing the Extension of the Contract for Supplemental Snow Plowing

WHEREAS, on October 17, 2017 the Borough of Hillsdale awarded the bid for Supplemental Snow Plowing to Downes Tree Service Inc., 65 Royal Avenue, Hawthorne, New Jersey 07506 for a one-year period ending April 30, 2018; and,

WHEREAS, the Borough wishes to extend the contract for a one (1) year period beginning November 1, 2018 through, April 30, 2019 in accordance with N.J.S.A. 40A:11-1 et seq; as the contract service had been performed in an effective and efficient manor; and

WHEREAS, the Borough is satisfied with the proposal submitted by Downes Tree Service Inc. as being responsible and being in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and which satisfies the best interests of the Borough; and,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that it hereby awards and authorizes the extension of the contract for Supplemental Snow Plowing with Downes Tree Service Inc., at the rate of \$245.00 per hour/per truck, snow plow and operator (base bid) and \$245.00 per hour/per truck, snow plow and operator (alternate bid #1) and \$295.00 per hour/per truck, snow plow and operator (alternate bid #2); and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute the contract for Supplemental Snow Plowing for the rates as set forth in the contract and in accordance with the bid specifications and proposal submitted; and,

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

[R18203](#) Resolution Opposing Suez Water's Rate/Tax Increase

WHEREAS, On May 31, 2018 Suez Water New Jersey filed a petition for approval of a rate increase to the BPU; and

WHEREAS, the requested rate increase would affect the Consumption and Monthly Facilities Charges for all consumers who service is provided by eleven (11) different meter sizes ranging from 5/8" up to 12", and

WHEREAS, the actual rate increase for each of the eleven (11) meter sizes equates to an actual 65.5% rate increase, and

WHEREAS, the actual monthly dollar amount of the proposed rate increase ranges from \$7.12 for the 5/8" to \$1,175.40 for the 12" meter sizes, and

WHEREAS, The SUEZ Water Utility Notice states that the Company is requesting an overall increase in water revenues of \$32,104,860 or 12.05%, and

WHEREAS, the Borough of Hillsdale, and all Municipalities in the State are restricted to a Two Percent (2%) Annual CAP within the budget and utilities fall within the State mandated CAP, and

WHEREAS, any increase beyond two percent (2%) has a very chilling effect of municipal budgets; and

WHEREAS, every increase of over 2%; comes at a direct cost to municipal budgets reducing available funds in the balance of the budget, and

WHEREAS, utility costs cannot be bid or negotiated, any increase must be incorporated into the budget, regardless of available funds; and

WHEREAS, Homeowners and businesses report annual wage increases of less than 2% annually, State, County, Municipal and School budgets are stressed to a point of breaking; now

THEREFORE, BE IT RESOLVED, that SUEZ Water New Jersey not be granted this exorbitant increase, be mandated instead to provide service within the budget parameters mandated by the State on all government agencies within the State with any future rate increases in a timely and appropriate manner consistent with State mandate for public budgets, and approved so any increase can be placed within the budget in a timely manner; and

BE IT FURTHER RESOLVED, that the Borough of Hillsdale strongly opposes the 65.5% meter rate hike overall that Suez Water New Jersey is currently requesting so that this public utility will be able to earn 12.05% more than it did in previous years and urges the BPU to consider an appropriate raise, if any, to be slowly and

incrementally placed to reflect the 2% CAP imposed by the State on all government agencies, and that the BPU be keenly aware that rate increases have the chilling effect of causing the State of New Jersey to continue to hold the lead as one of the MOST TAXED STATES IN THE UNION, and

BE IT ALSO RESOLVED, that copies of this resolution be sent to Governor Murphy, our State Legislators, all Bergen County municipalities, and the Board of Public Utilities, care of Secretary BPU 44 South Clinton St, 9th floor Trenton, NJ 033625-0350 and The Office of Administrative Law, 33 Washington St. Newark, NJ 07102.

[R18204](#) Resolution Hiring Temporary Laborer Matthew Velhaus – Public Works

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

WHEREAS, Matthew Velhaus meets the requirements to fill the position at the Department of Public Works; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council Borough that Matthew Velhaus is hereby appointed to the position of Temporary Laborer in the Department of Public Works, effective August 27, 2018, at the rate of \$15.00 per hour.

[R18205](#) Resolution Hiring Temporary Laborer Kenneth Kasper – Public Works

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

WHEREAS, Kenneth Kasper meets the requirements to fill the position at the Department of Public Works; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council Borough that Kenneth Kasper is hereby appointed to the position of Temporary Laborer in the Department of Public Works, effective August 27, 2018, at the rate of \$15.00 per hour.

[R18206](#) Resolution Appointing an Hourly Class III Special Law Enforcement Officer to the Hillsdale Police Department for the 2018-2019 School Year – John Scordato

WHEREAS, On July 12, 2017 the Mayor and Council of the Borough of Hillsdale adopted an Ordinance Amending and Supplementing Chapter 63 of the Borough Code to revise the Table of Organization of the Police Department to add the position of Class III Special Law Enforcement Officer; and

WHEREAS, the Borough is desirous of appointing John Scordato as a Class III Officer for the 2018-2019 school year; and

WHEREAS, John Scordato is desirous of accepting the full-time position; and

WHEREAS, all funding is subject to reimbursement from the Hillsdale Board of Education; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Hillsdale, County of Bergen, State of New Jersey, that John Scordato, is hereby appointed as Class III Officer of the Hillsdale Police Department for the term of September 5, 2018 thru June 30, 2019 with an annual salary of \$42,287.00.

[R18207](#) Resolution Appointing Class III Special Law Enforcement Officer to the Hillsdale Police Department for the 2018-2019 School Year – Hugh Ames

WHEREAS, On July 12, 2017 the Mayor and Council of the Borough of Hillsdale adopted an Ordinance Amending and Supplementing Chapter 63 of the Borough Code to revise the Table of Organization of the Police Department to add the position of Class III Special Law Enforcement Officer; and

WHEREAS, the Borough is desirous of appointing Hugh Ames as a Class III Officer for the 2018-2019 school year; and

WHEREAS, Hugh Ames is desirous of accepting the position; and

WHEREAS, All funding is subject to reimbursement from the Hillsdale Board of Education; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Hillsdale, County of Bergen, State of New Jersey, that Hugh Ames, is hereby appointed as Class III Officers of the Hillsdale Police Department at an annual salary of \$42,564.00 covering the 2018-2019 school year.

[R18208](#) Resolution Providing for the Insertion of Any Special Item of Revenue in the Budget of any county or Municipality Pursuant to N.J.S.A. 40a4-87 (Chapter 159), P.L. 1948- Class III Special Law Enforcement Officer (SLEO III) – Hillsdale Board of Education

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

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

SECTION 1

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hillsdale, in the County of Bergen, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum not to exceed \$56,500.00 which is now available as revenue from an Agreement with Hillsdale Board of Education to provide Class III Special Law Enforcement Officers (SLEO III) to George White Middle School, Meadowbrook School, and Ann Blanch Smith School.

SPECIAL ITEM OF REVENUE OFF-SET WITH APPROPRIATIONS

Class III Special Law Enforcement Officer (SLEO III) – Not to exceed \$56,500.00

Pursuant to the provisions of the statute; and

SECTION 2

BE IT FURTHER RESOLVED, the like sum not to exceed \$56,500.00 and the same is hereby appropriated under the caption of:

OPERATIONS EXCLUDED FROM “CAPS”

PUBLIC AND PRIVATE PROGRAMS OFF-SET BY REVENUE

Class III Special Law Enforcement Officer (SLEO III) - Not to exceed \$56,500.00

SECTION 3

BE IT FURTHER RESOLVED, the above is the result of an agreement with the Hillsdale Board of Education to provide Class III Special Law Enforcement Officers (SLEO III) to George White Middle School, Meadowbrook School, and Ann Blanch Smith School, that were not available at the time of the adoption of the 2018 budget.

NOW BE IT RESOLVED, that the Certified Municipal Finance Officer (CMFO) will submit an electric copy of this resolution to the Director of Local Government Services for approval.

[R18209](#) Authorizing the Signing of the Agreement with the Hillsdale Board of Education to Assign Class III Special Law Enforcement Officers

WHEREAS, recent legislation has enabled municipalities to establish the position of Class III Special Law Enforcement Officer (SLEO III) for the purpose of serving as school security officers under the control and supervision of the Chief of Police; and

WHEREAS, upon the recommendation of the Chief of Police of the Borough of Hillsdale Police Department, the Mayor and Council enacted an Ordinance to establish such a position in the Borough to assist with school security; and

WHEREAS, the Hillsdale Board of Education (hereinafter “HDBOE”) has requested the assignment of SLEO IIIs at George White Middle School, Meadowbrook School and Ann Blanche Smith School; and

WHEREAS, the parties have agreed, or shall agree, to the terms and have created an Agreement whereby a Class III member of the Hillsdale Police Department, a Borough employee under the direction of the Hillsdale Police Chief, shall be assigned duty at George White Middle School, Meadowbrook School and Ann Blanche Smith School; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Hillsdale, County of Bergen, State of New Jersey, that upon final agreement, Mayor Ruocco is hereby authorized to sign said Agreement with HDBOE, and all other appropriate Borough professionals are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of said document.

[R18210](#) Resolution Authorizing Bergen County Cooperative Pricing system #11-BeCCP; Contract Purchasing System #CK04 – Service Commodity: Diesel Fuel

WHEREAS, the Borough of Hillsdale is a member of the Bergen County Cooperative Pricing System and desires to use the Co-Op for the purchase of diesel fuel; and

WHEREAS, the Bergen County Cooperative Pricing System (ID #11-BeCCP), awarded to various vendors under the Co-Op Bid #17-42 for the purchase of diesel fuel; and

WHEREAS, the Contract Period is September 21, 2017 through September 20, 2019; and

NOW THEREFORE, BE IT RESOLVED, that the Borough of Hillsdale authorizes the purchase of diesel fuel under the Bergen County Cooperative Pricing System ID #11-BeCCP, Bid #17-42 under the county contract prices with an additional amount not to exceed fifteen thousand dollars and no cents (\$15,000.00).

[R18211](#) Resolution Authorizing the Execution of an Interlocal Agreement for Street Sweeping Services by and Between the Borough of Hillsdale and the Borough of Paramus

WHEREAS, the Borough of Hillsdale and the Borough of Paramus seek to enter into an Interlocal Agreement wherein the Borough of Paramus will provide street sweeping services for the Borough of Hillsdale; and,

WHEREAS, both of the parties to such Agreement are authorized by law to enter into an agreement with one another to provide jointly for any lawful service to and for the residents of the respective municipalities pursuant to the provisions of the “Interlocal Services Act” N.J.S.A. 40:8A-1 et seq.; and,

WHEREAS, the governing bodies of the Borough of Hillsdale and the Borough of Paramus recognize that the implementation of an Interlocal Agreement to provide street sweeping services is in the best interest of the taxpayers of the respective municipalities.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hillsdale hereby authorize the execution of an Interlocal Services Agreement with the Borough of Paramus for a period of one (1) year; and

BE IT FURTHER RESOLVED that the Agreement shall commence on January 1, 2019 and end on December 31, 2019; and

BE IT FURTHER RESOLVED that the cost of same shall be per street sweeping Four Thousand Five Hundred Dollars (\$4,500.00); and

BE IT FURTHER RESOLVED that the cost of street sweeping services for special events with a maximum of five (5) miles of roadway for one (1) time sweep at a cost of \$400.00; and

BE IT FURTHER RESOLVED that the Agreement shall take effect upon the execution of same and adoption of Resolutions by both parties as provided by law

BE IT FURTHER RESOLVED that a copy of the Agreement be maintained on file and open to public inspection at the office of the Borough Clerk.

[R18212](#) Resolution Approving the Purchase of One 2001 Mack Rear load Garbage Truck and One 2002 Mack Garbage Truck

WHEREAS, the Borough of Hillsdale has a need to purchase garbage trucks for the Borough from LMR Disposal LLC through a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, LMR Disposal LLC has completed and submitted a Business Entity Disclosure Certification that LMR Disposal LLC has not made any reportable contributions to a political or candidate committee in the Borough of Hillsdale in the previous year and that they contract will prohibit LMR Disposal LLC from making any reportable contributions through the term of this contact; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hillsdale authorizes the Borough of Hillsdale to enter into a contract with LMR Disposal LLC as described herein; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the Borough of Hillsdale hereby retains LMR Disposal LLC of PO Box 309, Phillipsburg, New Jersey 08865 in the amount not to exceed \$19,750.00 for the purchase of one 2001 Mack Rear Load Garbage Truck and in the amount not to exceed \$20,000.00 for the purchase of one 2002 Mack Garbage Truck; and

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and the Borough Clerk and CMFO are hereby authorized to execute any and all documents with LMR Disposal to carry out the provisions of this Resolution for a total amount not to exceed \$39,750.00.

[R18213](#) Resolution Authorizing the Mayor to Enter into and Sign a Grant Agreement with FEMA for the FY 2017 Assistance to Firefighters Grant

WHEREAS, the Governing Body of the Borough of Hillsdale desires to further the public interest by obtaining a grant from FEMA in the amount of \$213,715.00 (two hundred thirteen thousand seven hundred fifteen thousand dollars and no cents) to fund the following project:

Fiscal Year 2017 Assistance to Fire Fighters Grant

WHEREAS, the Governing Body resolves that Mayor Ruocco is authorized (a) to execute a grant agreement with FEMA for a grant in the amount of \$213,715.00 (two hundred thirteen thousand seven hundred fifteen thousand dollars and no cents, and (b) to execute any amendments thereto which do not increase the Grantee's obligations, and (c) to sign and/or execute any documents that are required as well as allowing the CMFO and the Fire Chief to execute any documents/vouchers that are needed.

WHEREAS, the Mayor and Council authorizes and hereby agrees to a cost match in the amount of \$10,685.00 (ten thousand six hundred eighty-five dollars and no cents) of non-Federal funds, or 5 percent of the Federal contribution in the amount of \$213,715.00 (two hundred thirteen thousand seven hundred fifteen dollars and no

cents, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified.

NOW THEREFORE BE IT RESOLVED, the Grantee agrees to comply with all applicable Federal, State, and municipal laws, rules and regulations in its performance pursuant to the agreement.

Mayor Ruocco said he would like R18210 pulled just for clarification. Councilmember Segalas asked that R18212 be pulled.

Motion to adopt the Resolutions minus R18210 and R18212 was made by Council Member DeRosa, _ Second by Council Member Lundy.

Roll Call Vote:

Ayes: Council Members Segalas, DeRosa, Horvath, Karcich, Lundy

Nays: None

Absent: Council President Pizzella

Mayor Ruocco asked for a clarification of R18210 from the Borough Administrator. He asked if this is in addition to what we had budgeted.

Administrator DeJoseph said we had an inadequate amount in the budget, this is for the DPW only, \$15,000 worth of diesel fuel.

Mayor Ruocco said we had an amount in the budget but it was inadequate.

Motion on R18210 was made by Council Member DeRosa, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Council Members DeRosa, Horvath, Karcich, Lundy, Segalas

Nays: None

Absent: Council President Pizzella

Motion on R18210 was made by Council Member DeRosa, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Horvath, Karcich, Lundy, Segalas

Nays: None

Absent: Council President Pizzella

OFF-CONSENT:

Motion to adopt_____ Second _____

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

COUNCIL COMMENTARIES:

Councilmember Karcich said he will leave his comments for the next meeting.

Councilmember Horvath had no comment at this time.

Councilmember DeRosa had no comments at this time.

Councilmember Segalas had no comments.

Councilmember Lundy had no comments.

Mayor Ruocco thanked the public for their letters with regard to Waste Management. Last month Senator Cardinale requested a meeting with the NJDEP and the Borough intends to be present when the meeting takes place. Our elected representatives in the Assembly are also doing what they can to inform our relevant decision makers about our concerns. The BCUA continues to study the matter because they have a say in terms of what our solid waste management plans should be for the county and they will be looking at whether there is a need for the Hillsdale transfer station. It is a long process. He urged the residents to continue to write letters and

emails to them and the Commissioner at DEP. He posted in his letter the relevant contact information from the website. He held up for the public to see the voluminous appeal to the courts on the issue and a good part of this is about 200+ letters from residents; these residents sent letters to the DEP over a year ago. He hoped that all those residents now send emails and follow his advice on the web to write new emails to the BCUA as well as new Commissioner McCabe to indicate your displeasure with the Hillsdale transfer station being here in town.

He believes the Fall Festival will be a great event and there are activities for the family; there will be music, informational booths, dog shows, food, dunk tank and it is a great time to get together as a community. Be mindful of the Sign Ordinance, it affects the public of your events. We have several organizations in and out of town that put up signs on public property so he encourages all to be mindful of that sign ordinance and come to the Mayor and Council when appropriate.

Woodcliff Lake withdrawal from Pascack Valley Regional High School issue; that referendum has been postponed. Woodcliff Lake has requested an indefinite postponement which the Interim Superintendent has granted and he will inform the Council in closed session about that. He did not know when the referendum will be planned or if one will ever take place.

He is looking forward to serving dinner tomorrow night at the Bergen County Housing and Human Services Center to indigent families; it is being held in Hackensack tomorrow and he and other Mayors in the Pascack Valley will be going at approximately 3:30 PM to begin preparations for serving dinner.

School is now opened, please be careful in terms of pickup of children, when you are traveling through the area. It is new for the kids, be alert and slow down.

ADJOURN TO CLOSED SESSION:

[R18214](#) 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 – *Waste Management, Personnel, Library, PVRHS/Woodcliff Lake, Shared Services*

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 –*Waste Management, Library, PVRHS/Woodcliff Lake, Shared Services*
- (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 Councilmember DeRosa, Second by Councilmember Lundy, and unanimously carried.

RECONVENE REGULAR MEETING:

Motion to go to Open Session made by Councilmember Horvath, Second by Councilmember Lundy, and unanimously carried.

Borough Attorney Madaio said there will be no further business this evening and requested the Mayor to call for a motion to adjourn.

These two resolutions will not be discussed at this time.

[R18215](#) Authorizing the Purchase and Installation of Radio Communication Equipment for the Hillsdale Police Station

[R18216](#) Resolution Authorizing the Construction, Labor and Materials to Replace the Dispatch Desk at the Police Department Through the State of New Jersey Cooperative Purchasing Program N.J.S.A. 40A:11-12

ADJOURNMENT:

Motion to adjourn by Councilmember DeRosa, Second by Councilmember Karcich, and unanimously carried.

THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE

September 11, 2018 7:30 pm

Denise Kohan, Municipal Clerk

APPROVED AS PRESENTED

Denise Kohan, Municipal Clerk