

Minutes of the Council Meeting of the Borough of Hillsdale held at 6:00 pm on Tuesday, October 3, 2023

**CALL THE MEETING TO ORDER/PLEDGE OF ALLEGIANCE:**

Mayor Ruocco called the meeting to order with the Pledge of Allegiance.

**OPEN PUBLIC MEETING STATEMENT:**

This is a meeting of the Hillsdale Borough Council on this 3<sup>rd</sup> day of October, 2023. Notice of the time and place of this meeting has been provided to The Ridgewood News and The Bergen Record; a copy was posted on the bulletin board outside of this meeting room and provided to any interested parties.

Please silence all cell phones. Please wait to be recognized by the Mayor during the Public Hearing and the Public Comment part of the meeting. You will need to state your name and town of residence for the record.

**ROLL CALL:**

Council President DeRosa, Council Members Escobar, Fox, Horvath, Lundy, Trochimiuk, Mayor Ruocco, (Borough Administrator Mike Ghassali, Borough Clerk Denise Kohan, Borough Attorney Mark Madaio)

**ADJOURN TO CLOSED SESSION:**

[R23238](#) 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 – *Borough Professional Positions/Personnel, Police, Administration/Shared Service*

**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 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 –

X(7) Matters relating to litigation, negotiations and the attorney-client privilege – *Borough Professional Positions/Personnel- Police, Administration/Shared Service*

\_\_\_(8) Matters relating to the employment relationship –

\_\_\_(9) Matters relating to the potential imposition of a penalty.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the Borough of Hillsdale assembled in public session this date that an Executive Session closed to the public be and the same is hereby authorized for discussion of matters relating to the specified items designated above. It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

Motion Trochimiuk Second Lundy

Ayes: Councilmember Fox, Horvath, Lundy, Trochimiuk

Nays: none

Absent: Council President DeRosa, Council Member Escobar

(Councilman Escobar arrived after the vote at 6:01 pm, Council President DeRosa arrived during the closed session at 6:11 pm)

**RECONVENE REGULAR MEETING:**

Motion to reconvene Lundy Second DeRosa

Ayes: Councilmember Escobar, Fox, Horvath, Lundy, Trochimiuk, Council President DeRosa

Nays: none

**APPOINTMENTS/OATH OF OFFICE:**

[Fire Department Full Member Jack Flanagan](#)

Mayor John Ruocco

Motion Trochimiuk Second Lundy

Ayes: Councilmember Fox, Horvath, Lundy, Trochimiuk, Council President DeRosa, Escobar

Nays: none

Mayor Ruocco announces the proposed **COUNCIL LIAISONS** for the remainder of year 2023.  
(with advice and consent of Council)

TANS (Taxpayers for Aircraft Noise Solutions)	Justin Fox
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Motion: Horvath Second: Trochimiuk

Ayes: Councilmember Horvath, Lundy, Trochimiuk, Council President DeRosa, Escobar, Fox

Nays: none

**PROCLAMATIONS/RECOGNITIONS**

[First Responders Appreciation Month](#)

Mayor John Ruocco

Mayor Ruocco read the Proclamation in Recognition of First Responders Month.

**APPROVAL OF MINUTES:**

[September 12, 2023 Council Meeting Minutes](#)

Motion Lundy Second DeRosa

Ayes: Councilmember Lundy, Trochimiuk, Council President DeRosa, Escobar, Fox, Horvath

Nays: none

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

Rhonda Margolin – Hillsdale

As a result of Hurricane Ida, her house was condemned. She was approved by FEMA for a potential buyout, but she is still paying taxes on this property. She is asking for forbearance of her taxes. The Administrator is aware of the situation, but there is nothing the Borough can do. The Administrator told the resident to reach out to him and they both can look into if there is anything out there to assist the resident.

Victor Polce – Piermont, NY

He is a former Mayor and former BA in the Borough of Hillsdale and he is here in support of Ms. Margolin. He suggested looking into freezing her taxes if this is possible as she has zero use of her home.

Not seeing anyone else wishing to speak, Mayor Ruocco closed the initial public comment period.

**CORRESPONDENCE:**

1. [Hillsdale Education Foundation requesting permission to hold a Color Run on Sunday October 29, 2023 at Beechwood Park from 12:00 pm – 2:00 pm.](#)

Mayor Ruocco seeing that this event has not been approved by the various departments, this will be postponed until the next meeting.

Councilmember Lundy asked if the DPW would be able to put up the signs on the nature trail that the Environmental Commission received through their grant funds? The Administrator stated that they would take care of this.

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

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

Hillsdale Police Department – [August 2023](#)  
[September 2023](#)

Department of Public Works – [September 2023](#)

Administrator Report – September 2023

Borough Administrator Mike Ghassali

The Borough Administrator reported that during the storm on 9/8/23 the police department had some extensive flooding. Right now, the police are using the council chambers as a temporary location. Insurance will cover

most of the damages. All the rooms downstairs were tested and then they will be back to test the whole building for air quality control and the results should be in at the end of the week. For now, the downstairs of the building cannot be used.

A Business Breakfast was held in the chambers and it was a success. Businesses are already looking for the next meeting.

The Centennial Field Analysis will be done in time for the next meeting. The Borough Engineer will report on his recommendations then.

The Ambulance Service is working out very well. Projected financials were submitted for next year and there is some possibility of merging with other towns.

The car show scheduled for this weekend is being moved to next weekend because of the impending bad weather.

### **COMMITTEE REPORTS:**

Councilman – Justin Fox

Reported that the Rabies Clinic is set for November 1 at Stonybrook Swim Club.

A new exercise program was started by Lois Kohan and will be held at the library.

Janetta Trochimiuk – Reported that the Economic Development Committee has a meeting this week and will report on it at the next meeting.

### **ORDINANCES:**

[Ordinance 23-15](#) (Adoption)

**An Ordinance Vacating and Extinguishing the Public Rights in a Portion of Brookside Place in the Borough of Hillsdale, County of Bergen, State of New Jersey**

**BE IT ORDAINED** BY THE TOWNSHIP COUNCIL OF THE BOROUGH OF HILLSDALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AS FOLLOWS:

**SECTION 1. Authority.** N.J.S.A. 40:67-1 permits the governing body of every municipality to make, amend, repeal and enforce ordinances to vacate any portion of any public street, highway, lane, alley, square, place or park, or any part thereof. Additionally, Section XIII, 8. of the Hillsdale – Patterson Street Redevelopment Plan (the “Redevelopment Plan”) allows the Borough Council, under conditions referenced herein, to vacate the existing public street located between Block 1210 and Block 1211, known as Brookside Place.

**SECTION 2. Determinations and Declarations.** The Township Council of the Borough of Hillsdale hereby makes the following determinations and declarations with regards to that portion of Brookside Place as shown on the attached “Vacation Exhibit” prepared by Stonefield Engineering & Design, dated October 21, 2022, and as more particularly described in the metes and bounds description prepared by Stonefield Engineering & Design, dated October 24, 2022, the same of which are attached hereto, referenced herein and collectively marked as “Exhibit A”:

- a. The Borough of Hillsdale Planning Board, in accordance with the powers granted it under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., previously granted to Patterson Street Urban

Renewal, LLC, by way of resolution dated May 23, 2023, preliminary and final major site plan approval, soil moving permit and design waiver/exception relief in order to demolish the existing structures and construct a new multi-family residential building with amenities, a community center and multi-level parking garage on properties designated as Block 1210, Lots 10 and 11 and Block 1211, Lots 1 and 2, on the official Tax Map of the Borough of Hillsdale. As a condition of said approvals, the applicant was advised that the Township Council would need to vacate that portion of Brookside Place depicted on Exhibit A hereto in order for the applicant to construct the proposed development on the property.

- b. The portion of Brookside Place to be vacated serves no appreciable purpose and is not needed for the purposes of a public street, highway, lane, alley, square, place or park.
- c. The proposed redevelopment project is a comprehensive project that includes portions of both Block 1210 and 1211.
- d. The vacation of Brookside Place will have little impact on the necessary traffic circulation of the Redevelopment Area (as that term is defined in the Redevelopment Plan).
- e. Any costs related to such vacation shall be borne by Patterson Street Urban Renewal, LLC, as provided in the Redevelopment Plan.
- c. The best interest of the public will be served by vacating and extinguishing the public rights arising from the dedication or a public use of said portion of Brookside Place.

**SECTION 3. Vacation.** That portion of Brookside Place depicted on Exhibit A is hereby vacated and abandoned as a public street, highway, lane, alley, square, place or park in the Borough of Hillsdale, County of Bergen, State of New Jersey, and the public rights arising from the dedication or public use thereof are hereby released, vacated and extinguished.

**SECTION 4. Vesting of Interest.** Ownership of that portion of the public street, highway, lane, alley, square, place or park being herein vacated, as depicted on Exhibit A, is hereby vested in to the record owner of adjacent Block 1210, Lots 6, 8, 10 and 11 and Block 1211, Lots 1 and 2, being Patterson Street Urban Renewal, LLC, and that portion of the public street, highway, lane, alley, square, place or park being herein vacated, as depicted on Exhibit A, is hereby attached to Block 1210, Lots 6, 8, 10 and 11 and Block 1211, Lots 1 and 2.

**SECTION 5. Repealer.** Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION 6. Severability.** In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

**SECTION 7. Effective Date.** This ordinance shall take effect upon final passage and publication as provided by law.

Motion to open public hearing on Ordinance 23-15 Lundy Second DeRosa

Ayes: Council President DeRosa, Councilmember Escobar, Fox, Horvath, Lundy, Trochimiuk

Nays: None

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No 23-15, please say your name and wait to be recognized, once recognized state your name and town of residence for the record.

Jon Conti Jr was present, represents his father who is the owner of Block 1210 Lot 6. He would like to know how this vacation of this property effects his property and how is it getting divided. Borough Attorney Madaio stated that his access will stay the same. The road is split right down the middle. Maintaining the road would be up to the owners of the properties as it will no longer be a street. In essence each property will get larger.

Nancy Lotinville was present and represents Urban Renewal at Block 1210 Lot 8 and the owner of this lot Josphe Calvalri.

The concern here is that in Section 4, as this doesn't rest in one entity there is another Block and 2 lots in that parcel that is not stated here. The Borough Attorney stated that he will amend the ordinance to include Block 1210 Lots 6, 8, 10 & 11 as well as Block 1211 Lots 1 & 2. The Borough Attorney believes that this a minor change and that the ordinance can be put forward with this change. He reminded all parties that it is not his intention to file a deed. A Certified copy of this ordinance will be given to Urban who will do the consolidation of the deeds on their end.

I will now entertain a motion that the public hearing on Ordinance No. 23-15 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 23-15 DeRosa Second Lundy

Ayes: Councilmember Escobar, Fox, Horvath, Lundy, Trochimiuk, Council President DeRosa

Nays: none

Motion to adopt as amended Ordinance No. 23-15 Horvath Second Trochimiuk

Ayes: Councilmember Fox, Horvath, Lundy, Trochimiuk, Council President DeRosa, Escobar

Nays: none

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

**Ordinance 23-16** (Adoption)

**Capital Ordinance to Appropriate an Additional Sum of \$56,250 for the 2022 Beechwood Park Improvements in, By and For the Borough of Hillsdale, In the County of Bergen, State of New Jersey, To Be Raised from a Grant in the Amount of \$56,250 from the Bergen County Open Space Fund**

WHEREAS, the Borough Council of the Borough of Hillsdale has heretofore authorized various acquisitions and improvements to the Municipal Building and various improvements to Beechwood Park in, by and for the Borough and appropriated the aggregate sum of \$111,250 therefor pursuant to Ordinance No. 22-12 adopted by the Borough Council on August 9, 2022 and

WHEREAS, the Borough Council now finds and determines that the additional sum of \$56,250 is required for such improvement, NOW THEREFORE,

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

Section 1. (A) Administration. The additional sum of \$56,250 is hereby appropriated to the payment of the cost of the improvement authorized by Ordinance No. 22-12 adopted by the Borough Council on August 9, 2022. Said additional appropriation shall be raised by a grant awarded to the Borough by the Bergen County Open Space Fund. A \$56,250 County Grant received or to be received by the Borough is hereby appropriated to finance the payment of the cost of said purpose.

Section 2. Said improvement is a lawful capital improvement of the Borough having a period of usefulness of at least five (5) years. Said improvement shall be made as a general improvement, no part of the cost of which shall be assessed against property specially benefited.

Section 3. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 4. This ordinance shall take effect at the time and in the manner provided by law.

Motion to open public hearing on Ordinance 23-16 DeRosa Second Lundy

Councilman DeRosa stated that this was for the grant for fixing the bandshell and the pathway as the money was never appropriated for that grant and this ordinance will do that.

Ayes: Councilmember Horvath, Lundy, Trochimiuk, Council President DeRosa, Escobar, Fox  
Nays: none

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No 23-16, please say your name and wait to be recognized, once recognized state your name and address for the record.

I will now entertain a motion that the public hearing on Ordinance No. 23-16 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public.

Motion to close public hearing on Ordinance 23-16 DeRosa Second Escobar

Ayes: Councilmember Lundy, Trochimiuk, Council President DeRosa, Escobar, Fox, Horvath  
Nays: none

Motion to adopt Ordinance No. 23-16 Lundy Second DeRosa

Ayes: Councilmember Trochimiuk, Council President DeRosa, Escobar, Fox, Horvath, Lundy  
Nays: none

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

**Ordinance 23-17** (Adoption)

**Capital Ordinance to Appropriate an Additional Sum of \$578,818.78 for the 2023 Road, Curb, Sidewalk, Culvert, Sewer and Drainage Improvement Program, In, By and for the Borough of Hillsdale, in the County of Bergen, State of New Jersey, to be Raised from a Grant in the Amount of \$578,818.78 from the American Rescue Plan Act of 2021**

WHEREAS, the Borough Council of the Borough of Hillsdale has heretofore authorized improvements to roads, curbs, sidewalks, culverts, sewers and drainage at various locations in, by and for the Borough and appropriated the aggregate sum of \$500,000 therefor pursuant to Ordinance No. 23-12 adopted by the Borough Council on July 11, 2023 and

WHEREAS, the Borough Council now finds and determines that the additional sum of \$578,818.78, is required for such improvement, NOW THEREFORE,

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

Section 1. The additional sum of \$578,818.78 is hereby appropriated to the payment of the cost of the road, curb, sidewalk, culvert, sewer and drainage improvements authorized by Ordinance No. 23-12 adopted by the Borough Council on July 11, 2023. Said additional appropriation shall be raised by a grant awarded to the Borough through the American Rescue Plan Act of 2021. A \$578,818.78 Federal Grant received by the Borough is hereby appropriated to finance the payment of the cost of said purpose.

Section 2. Said improvement is a lawful capital improvement of the Borough having a period of usefulness of at least five (5) years. Said improvement shall be made as a general improvement, no part of the cost of which shall be assessed against property specially benefited.

Section 3. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 4. This ordinance shall take effect at the time and in the manner provided by law.

Motion to open public hearing on Ordinance 23-17 Trochimiuk Second DeRosa

Ayes: Council President DeRosa, Escobar, Councilmember Fox, Horvath, Lundy, Trochimiuk

Nays: none

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No 23-17, please say your name and wait to be recognized, once recognized state your name and address for the record.

I will now entertain a motion that the public hearing on Ordinance No. 23-17 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.

Motion to close public hearing on Ordinance 23-17 Trochimiuk Second DeRosa

Ayes: Councilmember Escobar, Fox, Horvath, Lundy, Trochimiuk, Council President DeRosa

Nays: none

Motion to adopt Ordinance No. 23-17 Trochimiuk Second DeRosa

Ayes: Councilmember Fox, Horvath, Lundy, Trochimiuk, Council President DeRosa, Escobar

Nays: none

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

[Ordinance 23-18](#) (Introduction)

**An Ordinance Amending Chapter 96, Animals, of the Borough Code to Prohibit the Sale of Dogs and Cats in Retail Stores**

**WHEREAS**, puppies and kittens sold in pet stores often come from large-scale, commercial breeding facilities where the health and welfare of the animals, including the provision of adequate space, exercise, veterinary care, and food, water and shelter, are not provided for adequately; and

**WHEREAS**, these conditions may lead to health and behavioral issues in the animals, which many consumers are unaware of when purchasing puppies and kittens from pet stores; and

**WHEREAS**, prohibiting the sale of puppies and kittens from pet stores may decrease the demand for animals bred in mills, and may increase demand for pets from animal shelters and rescue organizations; and

**WHEREAS**, many independent pet stores, as well as large chains, operate successfully with a business model focused on the sale of pet services and supplies, and not on the sale of dogs and cats, and often provide space and support to local animal shelters and rescue organizations to showcase adoptable homeless pets on their premises; and

**WHEREAS**, this Ordinance is not intended to affect a consumer's ability to obtain a dog or cat of their choice directly from a rescue organization, shelter, or hobby breeder where the consumer can view the conditions in which the dog or cat is bred and can confer directly with the hobby breeder concerning those conditions; and

**WHEREAS**, the Governing Body of the Borough of Hillsdale believes that it is in the best interest of the Borough to prohibit the sale of dogs and cats from retail pet shops.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Hillsdale, County of Bergen, State of New Jersey, as follows:

Chapter 96, Animals, § 96-1 and § 96-29, "Definitions", of the Borough Code is hereby amended to add or modify the following definitions:

**ANIMAL RESCUE ORGANIZATION**

Shall mean any non-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. "Animal rescue organization" does not include any entity that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals.

**HOBBY BREEDER**

Shall mean a noncommercial establishment where one or more breeds of dog are kept for personal breeding and where the consumer can directly view the conditions in which the dogs are bred and can confer directly with the hobby breeder concerning those conditions.

**OFFER FOR SALE**

Shall mean to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

**PET SHOP**

Shall mean a commercial retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale to the general public. Such definition shall not include an animal rescue organization, hobby breeder, kennel, or shelter.

## SHELTER

Shall mean an animal control center, shelter or pound maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

Chapter 96, Animals, of the Borough Code is hereby amended to add “Article III, Sales of Dogs and Cats in Pet Shops Prohibited”, to read as follows in its entirety.

### ARTICLE III SALE OF DOGS AND CATS BY PET SHOPS PROHIBITED

#### **§ 96.-33. Restrictions on the sale of dogs and cats**

- a. It is unlawful for a pet shop, as defined in § 96-1 and §96-29, to sell or offer for sale a dog or a cat.
- b. Nothing in this chapter shall be construed to prohibit a pet shop from providing space to an animal rescue organization or shelter, as defined in, to publicly showcase dogs or cats available for adoption.

#### § 96-34. Violations and Penalties.

- a. A pet store that violates § 96-34 shall, upon conviction thereof, be punished by a fine of \$100 for a first offense per animal sold or offered to be sold, \$500 for a second or subsequent offence per animal sold or offered to be sold, and any additional penalties in accordance with the Borough Code.
- b. Each sale or offer for sale made in violation of § 96-34 shall constitute a separate violation.
- c. In the event of a second or subsequent conviction, the court may require the establishment to cease all retail operations until such time as all animals in custody are transferred to a shelter or animal rescue organization.

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.

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

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

BE IT RESOLVED, that Ordinance No. 23-18 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 November 9, 2023 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 Trochimiuk Second DeRosa

Ayes: Councilmember Horvath, Lundy, Trochimiuk, Council President DeRosa, Escobar, Fox

Nays: none

[Ordinance 23-19](#) (Introduction)

**Capital Ordinance of the Borough of Hillsdale, in the county of Bergen, New Jersey authorizing the Replacement of the Pump in Engine 33 Operated by the Hillsdale Fire Department, Appropriating Therefor the Sum of \$70,000.00 and Providing that Such Sum So Appropriated Shall be Raised from the Borough's Capital Improvement Fund**

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

Section 1. The Borough of Hillsdale, in the County of Bergen, New Jersey (the "Borough") is hereby authorized to replace the pump in Engine 33 operated by the Hillsdale Fire Department. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$70,000 is hereby appropriated to the payment of the cost of the improvement authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from the Capital Improvement Fund of the Borough, as hereinafter provided.

Section 3. Said improvement is a lawful capital improvement of the Borough having a period of usefulness of at least five (5) years. Said improvement shall be made as general improvement, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.

BE IT RESOLVED, that Ordinance No. 23-19 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 November 9, 2023 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 DeRosa Second Trochimiuk

Borough Administrator Ghassali confirmed to Councilmember Lundy that Engine 33 that is listed here is the older engine of the two that they have. Councilmember Trochimiuk stated that the Fire Department favors the older truck because it is a better built truck. The new truck that was budgeted for and that will be purchased will be a ladder truck with a pump and this will replace the newer of the two trucks that they already have. The Administrator stated that this ordinance is overdue as the repair was already done at this point. Councilman Horvath stated that they cannot even get parts for the newer truck so this made even more sense to keep the older one.

Ayes: Councilmember Trochimiuk, Council President DeRosa, Escobar, Fox, Horvath  
Nays: Lundy

**RESOLUTIONS:(Consent Agenda): R23239 through R23243:**

[R23239](#) Approval of 2022 LOSAP List

**WHEREAS**, pursuant to N.J.S.A. 40A:14-191, emergency service organizations participating in a Length of Service Awards Program (LOSAP) shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit for the previous year, and;

**WHEREAS**, the certification shall be based on records maintained by the emergency service organization in accordance with the sponsoring agency's adopted point system, and;

**WHEREAS**, the required certifications have been presented by the Hillsdale Fire Department & by the Hillsdale First Aide Squad to the Local Plan Administrator, and;

**WHEREAS**, the Local Plan Administrator has reviewed the annual list, and supporting documentation from the Hillsdale Fire Department & from the Hillsdale First Aide Squad to substantiate the information provided, and is satisfied that the list is complete and accurate;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the certified list of volunteer members of the Hillsdale Fire Department & the Hillsdale First Aide Squad who have qualified for credit under LOSAP for the year 2022 is hereby approved, and

**BE IT FURTHER RESOLVED** that the approved certification list is posted at the office of the Municipal Clerk, and returned to the Hillsdale Fire Department & the Hillsdale First Aide Squad for posting at their locations, for a period of 30 days to allow sufficient time for membership review.

[R23240](#) Resolution Authorizing the Award of Emergency Contract Under New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-6 For Repair of Royal Park Terrace Sinkhole

**WHEREAS**, an emergency has arisen with respect to a sinkhole in the easement of Royal Park Terrace on July 22, 2023; and

**WHEREAS**, the Director of Public Works has provided a written request to the Borough Administrator requesting an emergency repair be permitted; and

**WHEREAS**, the Borough Engineer has provided a written declaration that the sinkhole did represent a health and safety concern to the residents of the Borough; and

**WHEREAS**, the Borough Administrator has advised the governing body of the need for the emergency repair; and

**WHEREAS**, the need for this repair could not have been reasonably foreseen notwithstanding a good faith effort on the part of the Borough to plan for the purchase of any goods or services required; and

**WHEREAS**, N.J.S.A. 40A:11-6 permits a contract to be negotiated or awarded without public advertisement for bids and bidding therefor, notwithstanding the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, the Borough contacted Dutra Excavating & Sewer Inc. to perform the repair who has previously completed similar work for the Borough; and

**WHEREAS**, funds are available to award a contract for the required services;

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Hillsdale in the County of Bergen, State of New Jersey hereby authorizes award of the emergency contract pursuant to N.J.S.A. 40A-11-6 to Dutra Excavating & Sewer Inc. for emergency repairs to the Royal Park Terrace sinkhole for an amount not to exceed \$45,000.00. Said contract shall be limited to duration as to meet only the immediate needs of this emergency.

**TO:** Council of the Borough of Hillsdale

**FROM:** David Young, Chief Financial Officer

**RE:** Certification of Availability of Funds

**DATE:** September 18, 2023

This is to certify to the Council that funds for the above referenced contract will be available upon approval of the emergency appropriation currently pending before the governing body.

Contractor: Dutra Excavating & Sewer Inc.

10 Stone Hollow Road

Montvale, New Jersey 07645

Contract: Emergency sinkhole repair Royal Park Terrace

DAVID YOUNG

CHIEF FINANCIAL OFFICER

[R23241](#) Resolution Authorizing the Return of Unused Escrow for Block 2303 Lot 1 (47 Kent Road)

**WHEREAS**, funds were deposited with the Borough of Hillsdale in connection with the property located at 47 Kent Road in Hillsdale, NJ 07642, Project DEF0010002; and

**WHEREAS**, a request was made by the applicant to have any unused escrow funds be returned; and

**WHEREAS**, it was reported by the Finance Department that a balance does remain in the 2023 General Trust Escrow Account and funds may be refunded to the applicant; and

**WHEREAS**, the Planning Board Secretary has reported that the all monies due have been paid on the subject property; and all escrows can be released in the amount not to exceed \$19.00; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Hillsdale, that the funds on deposit in the 2023 General Trust Account in connection with the property located at 47 Kent Road, Hillsdale, NJ 07642; be and hereby are ordered released/refunded by the Borough.

[R23242](#) Resolution Authorizing the Signing of a Small Wireless and/or Smart Pole Right of Way Use Agreement Between the Borough of Hillsdale (Hereinafter the “Borough”) and Munisite Holding Group Partners, LLC (Hereinafter “Munisite”)

**WHEREAS**, the Borough possesses and exercises control over various permanent rights-of-way that are utilized for streets, roads and highways and those rights-of-way are depicted on the current Borough Tax Map and/or other maps and documents of public record; and

**WHEREAS**, in accordance with the provisions of N.J.S.A. 48:3-11, et. seq., Munisite has petitioned the Borough for its consent to locate, place, attach, install, operate, control, maintain, upgrade and enhance its Small Wireless Facilities and/or Smart Pole in municipal rights-of-way as well as on utility poles and/or other facilities that are owned by third parties which already are located in municipal rights-of-way pursuant to municipally granted franchises or otherwise; and

**WHEREAS**, as to those utility poles or structures that are owned by third parties and which are located in municipal rights-of-way pursuant to municipally granted franchises or otherwise, Munisite has provided the

Borough with evidence, consisting of written agreements, that it has obtained consent from those third parties to use the utility poles or structures that are owned by those third parties; and

**WHEREAS**, N.J.S.A. 48:3-15 provides that, upon satisfaction of the procedures that are set forth in N.J.S.A. 48:3-11 through N.J.S.A. 48:3-14, consent for use of any street, avenue, park, parkway, highway or other public place may be granted by ordinance and not otherwise; and

**WHEREAS**, the Borough Council adopted an Ordinance number 23-13 which includes a model Right-of-Way Use Agreement; and

**WHEREAS**, the Borough of Hillsdale is desirous of entering into a Small Wireless Facility and/or Smart Pole Right-of-Way Use Agreement with Munisite, for the services designated in the contract attached hereto and made a part hereof. Said Agreement will commence on November 1, 2023.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Hillsdale, County of Bergen, State of New Jersey hereby authorizes Mayor John Ruocco to sign said the Agreement with Munisite 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.

[R23243](#) Resolution Authorizing the Signing of a Temporary Shared Services Agreement with the County of Bergen for Tree Removal Along County Roads

**WHEREAS**, as part of the County’s desire to provide shared services with local municipalities, the County of Bergen cooperates with local municipalities in removing dead or dying trees located within the public right of way along County roadways; and

**WHEREAS**, in order to aid Bergen County Municipalities in the removal of dead or dying non-County trees, and due to a policy change, it will now be necessary for each municipality to sign a Hold Harmless and Indemnification Agreement for the removal of any tree along a county road; and

**WHEREAS**, the Borough of Hillsdale is desirous of entering into a Hold Harmless and Indemnification Agreement with Bergen County, for the services designated as “Temporary Shared Services Agreement” attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Hillsdale, County of Bergen, State of New Jersey hereby authorizes Mayor John Ruocco to sign said the Agreement with the County 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.

Motion Lundy Second DeRosa

Ayes: Councilmember Trochimiuk, Council President DeRosa, Escobar, Fox, Horvath, Lundy

Nays: none

**PUBLIC COMMENT:**

Mayor Ruocco opened the second public comment period. Seeing no one wishing to speak, the mayor closed this portion of the meeting.

**COUNCIL COMMENTARIES:**

Mayor Ruocco stated that the Fall Festival was a great success and he thanked Dan Teefy and Jill Cohn, the Recreation Commission and all those that made it a great success. He announced the passing of Gloria Trupi, who was a member of the 50+ Club.

Council President DeRosa echoed the comments regarding the Fall Festival as it was a great event.

Councilmember Horvath announced that Mr. Schuck a former music teacher at George White passed away. He was an integral part of Geroge White for many years.

Councilmember Trochimiuk reminded everyone of the Gala for the 125<sup>th</sup> Birthday Celebration. They are up to 130 tickets of 150 are sold and reminded everyone to get their tickets.

Councilmember Escobar – Wished all the First Responders good health and safety as it is First Responders Month. He announced that Frank Gravina’s father passed away and sent his condolences.

**ADJOURNMENT:**

Motion to adjourn Lundy Second DeRosa

All in favor: Council President DeRosa, Escobar, Councilmember Fox, Horvath, Lundy, Trochimiuk

**THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE  
TUESDAY, OCTOBER 10, 2023**

Denise Kohan, Municipal Clerk

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APPROVED AS PRESENTED