

Minutes of the Special Council Meeting of the Borough of Hillsdale held at 2:00 pm on Tuesday, October 25, 2022

CALL THE MEETING TO ORDER:

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

OPEN PUBLIC MEETING STATEMENT:

This is a Special Meeting of the Hillsdale Borough Council on this 25th day of October 2022. 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 Members DeRosa, Escobar, Horvath, Lundy, Pizzella, Council President Trochimiuk, Mayor Ruocco, (Borough Administrator David Troast, Borough Clerk Denise Kohan, Borough Attorney Mark Madaio) Councilmember Horvath was absent.

PUBLIC COMMENT:

Jonathan DeJoseph – Hillsdale

Asked why the Ordinance and the resolution for the roads are being done on the same day. Mayor deferred to the Administrator, Borough Attorney and the Borough Clerk. The Borough Attorney stated he has been in discussions regarding this and the Clerk has been in discussions with the Bond Council who found the manner in which we are doing this is acceptable, therefore he is comfortable moving forward.

Seeing that no one else wishing to speak, Mayor Ruocco closed Public Comment.

ORDINANCES:

[22-17 – \(Adoption\)](#)

Bond Ordinance to Authorize the Reconstruction of Shady Side Lane, Alpine Terrace and Sierra Court in, by and for the Borough of Hillsdale, in the County of Bergen, State of New Jersey, to appropriate the sum of \$290,000 to Pay the Cost Thereof, to Authorize the Issuance of Bonds to Finance Such Appropriation and to Provide for the Issuance of Bond Anticipation Notes in Anticipation of the Issuance of Such Bonds

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

Section 1. The Borough of Hillsdale, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to reconstruct Shady Side Lane (from Mountain View Terrace to Horizon Terrace), Alpine Terrace (from Sierra Court to end) and Sierra Court (from northerly to southerly intersections with Alpine Terrace), including curb and drainage improvements, where necessary, in, by and for the Borough. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor, and shall be undertaken in accordance with plans and specifications prepared or to be prepared by the Borough Engineer and hereby approved and incorporated herein by this reference thereto. Such plans and specifications are on file or shall be placed on file with the Borough Clerk and made available for public inspection during regular business hours. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$290,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. It is anticipated that a grant in the amount of \$201,000 from the State of New Jersey Department of Transportation shall be received by the Borough to finance the cost of the improvements described in Section 1 hereof. Said grant funds shall be applied as set forth in Section 9 hereof. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of the Borough, (2) it is necessary to finance said purpose by the issuance of obligations of the Borough pursuant to the Local Bond Law, (3) the estimated cost of said purpose is \$290,000, (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$290,000, and (5) the cost of said purpose, as hereinbefore stated, includes the aggregate amount of \$55,000, which is estimated to be necessary to finance the cost of said purpose,

including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. To finance said purpose, bonds of the Borough of an aggregate principal amount not exceeding \$290,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of the Borough of an aggregate principal amount not exceeding \$290,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of the Borough, and that such statement so filed shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$290,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 9. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose shall be applied to the payment of the cost of said purpose or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 10. The capital budget is hereby amended to conform with the provisions of this 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 11. The Borough intends to issue bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of such bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real

property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Motion to open public hearing on Ordinance 22-17 Council President Trochimiuk Second Councilmember Lundy

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

Nays: None

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No 22-17, 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. 22-17 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 22-17 Council President Trochimiuk Second Councilmember DeRosa

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

Nays: None

Motion to adopt Ordinance No. 22-17 Council President Trochimiuk Second Councilmember DeRosa

Councilmember Pizzella asked if it was confirmed that these roads are not going to be opened by any public utilities.

The Administrator stated that there is no plan but in a case of an emergency it still could be. The Engineer did its due diligence, but if the utility has open the road due to a an emergency then there is nothing that we could do to stop that emergency road opening. Mayor Ruocco stated that it is his understanding that if the utility does open the road, they would be responsible for repaving that area.

Council President Trochimiuk asked how the other towns know when their street are being worked on. Councilmember Pizzella does not know if all other towns, but you are able to go onto the PSEG website and you can get the information. She read an email from the Engineer stating that they typically check with utilities to see if they have any plan to open roads. To her, this tells her they did their due diligence and did check with the utility and other than an emergency so they have no plan to open the roads that we are voting on. Councilmember Lundy checked the PSE&G website and you can search your town and they have a list of roads that they will be working on and she did not see these proposed roads on their website as roads they plan on working on and this is being updated weekly. It was confirmed by the Administrator and the Mayor that this is a full grant and this grant will cover the majority of the work.

Ayes: Council Members Horvath, Lundy, Pizzella, Council President Trochimiuk, 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.

RESOLUTIONS:(Consent Agenda): R22195 through R22197:

[R22195](#) Resolution Accepting the Bid and Awarding the Contract for the NJDOT FY 2022 Reconstruction of Shady Side Lane, Alpine Terrace and Sierra Court

WHEREAS, on September 8, 2022, the Borough of Hillsdale received five (5) sealed bids for the NJDOT FY2022 Reconstruction of Shady Side Lane, Alpine Terrace and Sierra Court; and

WHEREAS, American Asphalt & Trucking LLC of 818 Summer Avenue, Newark, New Jersey 07104 was the lowest responsible bidder in the base bid amount of Two Hundred Twenty-Nine Thousand Eight Hundred Seventy-Nine Dollars and Ninety-One Cents (\$229,879.91) for the project that includes one (1) Base Bid consisting of roadway improvements along Shady Side Lane, Alpine Terrace and Sierra Court; and

WHEREAS, Borough Engineer has reviewed the bid package and found it to be in order and recommends that the contract be awarded to the lowest bidder; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hillsdale, in the County of Bergen, New Jersey that the bid submitted by American Asphalt & Trucking LLC for the NJDOT FY2022 Reconstruction of Shady Side Lane, Alpine Terrace and Sierra Court, be accepted and it be awarded the contract, in a total contract amount of \$229,879.91.

[R22196](#) Resolution Authorizing the Award of a Non-Fair and Open Contract for Fleet Maintenance – F&S Friendly Service, Inc

WHEREAS, the Borough of Hillsdale has a need to acquire the services of F & S Friendly Service, Inc located at 333 Kinderkamack Road, Hillsdale, NJ 07642 for fleet maintenance for Borough vehicles as 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, F & S Friendly Service, Inc has submitted a proposal on October 17, 2022 indicating they will provide fleet maintenance at a shop labor rate of \$110.32 per hour, however actual labor times can differ at times due to aftermarket add on accessories on cars and trucks; and

WHEREAS, the Qualified Purchasing Agent has determined that the cost of this service could result in an excess of the “Pay-to-Play” Threshold; and

WHEREAS, F & S Friendly Service, Inc has completed and submitted a Business Entity Disclosure Certification which certifies that F & S Friendly Service, Inc has not made any reportable contributions to a political or candidate committee in the Borough of Hillsdale in the previous one year, and that the contract will prohibit the F & S Friendly Service, Inc from making any reportable contributions through the term of the contract, 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 F & S Friendly Service, Inc as described herein.

[R22197](#) Resolution Authorizing the Execution of an Interlocal Agreement for the Maintenance and Repair of Vehicles 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 labor and maintenance services on vehicles owned by the Borough of Hillsdale; and

WHEREAS; both of the parties to such an 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 labor and maintenance services in is the best interest of the taxpayers of the respective municipalities.

NOW THEREFORE, BE IT RESOLVED, that the agreement shall commence immediately and end on January 31, 2023 but may be extended by either party by means of a written request and acceptance by each party and may also be terminated via the same means.

BE IT FURTHER RESOLVED, that the cost of same is set forth in the agreement received by the Borough of Hillsdale on October 17, 2022, the terms of which are incorporated by reference herein; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Hillsdale hereby authorize the Mayor and/or Borough Administrator to execute the Interlocal Services Agreement with the Borough of Paramus.

Motion Councilmember Lundy Second Councilmember DeRosa
Ayes: Council Members Lundy, Pizzella, Council President Trochimiuk, DeRosa, Escobar, Horvath
Nays: None

OFF-CONSENT:

[R22198](#) Resolution of the Borough of Hillsdale, County of Bergen, State of New Jersey Overriding the Mayor’s Veto of Portions of Ordinance 22-16 Adopting an Ordinance Amending and Supplementing Chapter 63 of the Code of the Borough of Hillsdale, County of Bergen, State of New Jersey, in Order to Revise the Table of Organization of the Police Department

WHEREAS, the Borough of Hillsdale, in the County of Bergen, New Jersey (the “**Borough**”), duly adopted Ordinance No. 22-16 on October 11, 2022 amending Chapter 63 and revising the table of the Hillsdale Police Department (the “**Ordinance**”); and

WHEREAS, N.J.S.A. 40A:60-5(d) provides that every ordinance adopted by a municipal council shall, within five days after its passage, Sundays excepted, be presented to the Mayor by the Borough Clerk, and the Mayor shall, within ten days after receiving the ordinance, Sundays excepted, either approve the ordinance by affixing

his signature thereto or return it to the municipal council by delivering the ordinance to the Borough Clerk together with a statement setting forth his objections thereto or any item or part thereof; and

WHEREAS, on October 11, 2022, the Clerk of the Borough (the “**Borough Clerk**”) presented the Ordinance to the Mayor of the Borough (the “**Mayor**”); and

WHEREAS, on October 21, 2022, the Mayor delivered to the Borough Clerk a statement, a copy of which is attached hereto as *Exhibit A*, setting forth his objections to portions of the Ordinance regarding “increases the maximum number of officers from 20 to 23 by virtue of an increase in sergeants from five to six, and an increase in patrol officers from 12 to 14”. The Mayor specifically indicated that he approves all other parts of the Ordinance; and

WHEREAS, *N.J.S.A. 40A:60-5(d)* provides that the Borough Council may override the Mayor’s veto if, upon consideration of the ordinance following its return, the Borough Council resolves to override the veto, with no less than two-thirds of its membership concurring,

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HILLSDALE, IN THE COUNTY OF BERGEN, NEW JERSEY (NO LESS THAN TWO-THIRDS OF ITS MEMBERSHIP AFFIRMATIVELY CONCURRING) AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Borough Council, in accordance with the statute, hereby overrides the Mayor’s veto of a portion of Ordinance No. 22-16 and the Ordinance shall become effective in accordance with applicable law.

Section 3. This resolution shall take effect immediately.

Motion Councilmember Lundy Second Councilmember DeRosa

Seeing that half the police department is signed onto the meeting, Mayor Ruocco wanted to state that his partial veto assumes nothing about the level of police needed now or in the future; it instead focuses on the process by which future changes are made. He does not see the justification to make this change, especially since it eliminates the need for a public hearing. Addressing the question to the Police Committee Chair, Councilman Escobar, if it’s just the administrative flexibility that is needed to be enhanced, then why not follow what he suggested in his veto letter. Councilmember Escobar stated that he is following the advice of the Borough Administrator and the Police Chief to do it this way and he believes it is a good idea. Mayor Ruocco asked why his counterproposed amendment to the Ordinance did not provide the flexibility in anticipation of turnover and/or retirements as it gave the department 6 months leeway. Again, Councilmember Escobar stated that he is following the advice of the Borough Administrator and the Police Chief to do it this way and he believes it is a good idea

Councilmember Horvath feels that he would like to investigate this a bit more so he made a motion to delay this vote until the next meeting so he can do his due diligence. He motioned for a temporary postponement. Motion did not carry. .

The Administrator reiterated that he had meetings with the mayor and this alternative was never brought up and he feels this is a disservice to the person that was chosen for this position. This was approved at a 6-0 vote. The key to this ordinance is that the number of active officers remain the same. This council cannot approve another officer without going through a resolution process.

Mayor Ruocco stated that he did in fact bring this up either the night this ordinance was introduced or when it was adopted. His suggested amendment to the Ordinance was not raised at the last possible minute. Police Chief Francaviglia stated when an officer leaves it takes time to advertise, to interview, hire and go through the resolution process as well as training. They are not road worthy until about a year. He is disappointed in the lack of trust in the letter that the mayor proposed. The vote was 6-0 showing full support of the council, the department and the Borough Administrator.

Mayor Ruocco stated he has concerns about the process as envisioned by the adopted Ordinance.

Chief Francaviglia stated if this does not pass, the person who was just offered a position will now have to wait until February according to our Labor Attorney. Our organization table has to change in order to provide for this because we still have a Sergeant on the books as flexibility by our Labor Attorney. The Chief stated his door is always open for discussions. Mayor Ruocco stated he did discuss his concerns with him and the Captain. His veto was based on the process and his way eliminates the public hearing process. Also, the need to increase the cap on the # of sergeants is not clearcut, since in reality, the department only has 4 sergeants now and can increase to 5 without a cap increase.

Councilmember Lundy asked that with this change, are you, mayor under the assumption that council is just going to increase the size of the force and deviate from past practice? This sounds like you don't trust what is the norm and we would increase the force automatically. Mayor Ruocco stated what his concerns are in his letter which is below:



JOHN J. RUOCCO
Mayor

380 Hillsdale Avenue
Hillsdale, New Jersey 07642
201-666-4800 (main)
201-497-1520 (direct)
jruocco@hillsdalenj.org

Friday October 21, 2022

To: Borough Clerk Denise Kohan &
Hillsdale Borough Council

Re: Ordinance No. 22-16: An Ordinance Amending and Supplementing Chapter 63 of the Code of the Borough of Hillsdale, County of Bergen, State of NJ, in Order to Revise the Table of Organization of the Police Department

Pursuant to NJ Statute 40A:60-5, I hereby return Ordinance No. 22-16 to the Borough Clerk and Borough Council unsigned within 10 days (Sundays excepted) after it having been presented to me by the Borough Clerk for signature. In so doing, I wish to make clear as permitted to me by law that my objection applies ONLY to that portion of the Ordinance which increases the maximum number of officers from 20 to 23 by virtue of an increase in sergeants from five to six, and an increase in patrol officers from 12 to 14. I approve all other portions of the Ordinance.

The reasons set forth in favor of adopting said Ordinance were based on providing flexibility and speed for the Department to respond to resignations or retirements in the future. No hypothetical or anticipated instances were advanced to necessitate an increase. At the sergeant level, the Department is operating with only four and thus is already authorized to add an additional sergeant.

It was said that the past practice of relying on an ordinance to change the Hillsdale legal Code to accommodate future increases in staff would be too time-consuming and unwieldy. I find that argument unconvincing since the minimum number of days from ordinance introduction to ordinance adoption need only be 10 days and the usual 20-day wait period after adoption can be overridden and circumvented by Council.

The Borough has for many years closely managed the staffing level of the Department via ordinance without any harmful effect, accommodating the need for a change smoothly and quickly. Increasing the legal cap on the total Department from 20 officers to 23 in one sweep to provide flexibility for some future unspecified need, as this Council has done, makes future increases solely a function of passing a resolution. **Thus, it eliminates the need for a public hearing (as would be required when such an increase is adopted via an ordinance.) That means that an increase could be proposed and enacted with little-to-no advance notice to the public.** Indeed, a resolution to increase staffing could be proposed and adopted within minutes of each other, without even appearing on the Council's published agenda. That approach fails to recognize sufficiently that police staffing decisions have an enormous effect on the Borough's budget. The hiring of a single junior officer entails a willingness to spend several millions of dollars of appropriations over the working life of that individual. Even when discounted into today's dollars, it is on par economically with a multi-million-dollar capital investment.

Decisions of that magnitude deserve the extra consideration, due diligence, and publicity that a change via ordinance would require, as is presently the case.

Council's action raises the interesting question: "If Council is willing to increase the cap to an arbitrary level in the name of flexibility and make staffing increases subject only to the passage of a resolution, why even bother to have any legally codified caps on the size of the Department?" While that question might give rise to charges of exaggeration, the answer should be clear: municipal decision-making over so important a matter should be treated with a high level of consideration and an opportunity for public comment. Moreover, having the law specify a cap would discourage municipal officials from ignoring a sound policy control which they might otherwise find tempting to disregard.....which is why using "flexibility" as an argument to support the arbitrary increase in the legally stipulated caps is flawed and undesirable.

I urge the Council to reconsider their decision and weigh the alternative approach that I publicly suggested to them, namely, keeping the levels where they are now but adding the following language to the Code: ***"Any of these limits may be exceeded at any time for a period of up to 6 months to accommodate announced or expected resignations or retirements where hiring is deemed necessary by the Police Chief and Borough Administrator in advance of the actual or effective date of departure."***



(signed) John J. Ruocco

CC: Borough Attorney Mark Madaio
Borough Labor Attorney Ray Wiss

Mayor Ruocco stated that he wanted to explain his veto especially seeing how many members of the Police Department are on the meeting because he believes his veto could easily be misunderstood and he feels he has now clarified it

Ayes: Council Members Pizzella, Council President Trochimiuk, DeRosa, Escobar, Horvath, Lundy
Nays: None

ADJOURNMENT:

Motion to adjourn Council President Trochimiuk Second Councilmember DeRosa
Ayes: Council President Trochimiuk, Council Members DeRosa, Escobar, Horvath, Lundy, Pizzella
Nays: None

**THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE
THURSDAY, NOVEMBER 10, 2022 7:00 PM**

Denise Kohan, Municipal Clerk

APPROVED AS PRESENTED