

Council Meeting  
February 5, 2013

Minutes of a Council Meeting of the Borough Council held at 7:30 P.M. on Tuesday, February 5, 2013, in the Council Chamber, 380 Hillside Avenue, Hillside, New Jersey.

The meeting was called to order by Mayor Arnowitz who also led the Salute to the Flag.

ANNOUNCEMENT OF MEETING:

Mayor Arnowitz stated, "This is a Meeting of the Hillside Borough Council on this 5th day of February 2013. Notice of the time and place of this meeting has been provided to The Ridgewood News, Pascack Press, The Record and Community Life; a copy was posted on the bulletin board outside of this meeting room and provided to any interested parties.

Please notify the Municipal Clerk for any disability requirements necessary for attendance at Mayor and Council meetings. The fire exits are located through the double doors to your left. Please silence all cell phones and pagers.

ROLL CALL:

Municipal Clerk Witkowski called the roll those present being as follows: Councilmembers DeGise, Frank, Kelley, Looes and Meyerson. Also in attendance Administrator DeJoseph, Borough Attorney Bernstein, and Borough Clerk Witkowski. Absent: Councilmember Pizzella.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting of January 15, 2013, Closed Session of January 15, 2013, Special Meeting of January 24, 2013, and Closed Session of January 24, 2013.

Motion to approve was made by Councilmember Kelley, seconded by Councilmember DeGise.

Roll Call Vote:

Ayes: Councilmembers Frank, Kelley, Looes, Meyerson  
and Degise

Nays: None

CORRESPONDENCE:

1. LETTER DATED JANUARY 3, 2013, FROM HILLSDALE VOLUNTEER FIRE DEPARTMENT, REQUESTING PERMISSION TO USE THE WEST BOROUGH PARKING LOT FOR ANNUAL CARNIVAL, MAY 7-MAY 11, 2013.

Motion to receive, file and approve was made by Councilmember Looes, seconded by Councilmember Frank.

Roll Call Vote:

Ayes: Councilmembers Frank, Looes and Meyerson

Nays: None

Abstain: Councilmember DeGise and Kelley

2. LETTER DATED JANUARY 2013 FROM AMERICAN CANCER SOCIETY, INFORMING OF THE 26<sup>TH</sup> ANNUAL GEORGE WASHINGTON BRIDGE CHALLENGE, JUNE 9, 2013.

Motion to receive and file was made by Councilmember Looes.

DISCUSSION:

- 1) Format of Council Meetings, i.e. Work Sessions.

Councilmember Meyerson said he attended a Council Meeting prior to the election. He noted there was a discussion whether a work session meeting be held down at the table. Nothing has come up after that and he would like to open it for discussion to see if the Council is still interested in holding one meeting sitting around the table. He has seen it done in other municipalities, he feels this is an informal approach and friendlier.

Councilmember Frank agreed, he was one who was involved in the conversation. It is difficult to have good communication. If the work session is only for the first half hour of a meeting, we can return to the dais.

Mayor Arnowitz said in the past this meeting, the first meeting of the month, was considered the work session, and the second meeting as the public session.

Councilmember Meyerson asked the difference between a work session and a public session.

Mayor Arnowitz said in the past, the work session did not have an open portion, and the public meetings, we did not take action at a work session, we do now. There is no difference between either meeting. With the construction of the dais, he can't see all councilmembers as well; having the meeting at the table can cause problems but more dialogue back and forth. It doesn't hurt to try, and if it doesn't work, we can revert back to what we have now. We can set up microphones at the lower table. The reason they are not out is because we had a security problem and they are retrieved when not in use.

Councilmember Meyerson said our longest meeting is the first meeting of the month. He suggested the second meeting of the month as work session which is the shorter meeting. He felt the second Tuesday because of the time lag. He suggested the next meeting on the 12<sup>th</sup> of March.

Councilmember DeGise said it is fine with him.

Mayor Arnowitz asked the Council if anyone had a problem moving the work session down to the table for the next meeting. He suggested as a trial we can stay at the table for the open portion or move back to the dais for the open portion. He directed the Borough Clerk to set up microphones at the lower table for the next meeting.

- 2) Benches and Bike Rack.

Administrator DeJoseph said he received one quote and wants to hold this over until the February 12 meeting.

- 3) Borough Hall Evening Hours.

Councilmember Frank said this topic came up as part of our budget meetings and referenced the Building Department hours. We are currently open five days a week, remembering when banks were open 9 a.m. to 3 p.m. five days a week. They realized they were not providing good service to their customers by not being available evenings and weekends. He said people have difficulty coming here to do business with the town between 8 a.m. to 4 p.m., Monday through Friday. He thought it would be a good idea, to have on a trial basis, one evening a week where Borough Hall offices are open, what evening and what functions would be best should be decided upon by the Borough Administrator and the Borough Clerk and should be considered as a benefit to our residents.

Councilmember DeGise said this topic came up at the Finance Meeting. He said the Borough Administrator should take a study on the feasibility and agreed that services should be offered one evening a week. The study could be done on the ability of the current staffing and get back to the Council next month with a plan.

Councilmember Frank believed the Borough Administrator and Borough Clerk had a better feel in terms of what we have to offer. He thought being open from 6 p.m. to 8 p.m. or kept open until 7 p.m. one evening, hopefully this could be accomplished by shifting hours rather than adding hours.

Councilmember Meyerson said at the Finance Meeting it came up as a result of the Building Department bringing in its budget and the topic of hours came to the fore. He agreed that the Borough Administrator and the Borough Clerk give us an idea of how hours could be reconstructed. It is a great goal to be open at night.

Mayor Arnowitz said when we discussed taking down the wall between the Code Department and main Borough Hall, there was concern about security. He asked the Borough Administrator and Council to take the issue of security into consideration when discussing.

Borough Administrator DeJoseph asked if the Council wanted one evening a month, or one a week.

Councilmember DeGise said a discussion with the department head was one evening a week, and should be for Zoning and Building.

Councilmember Frank said also include the Borough Hall, people want pet licenses, marriage licenses, etc.

##### 5) Policy for Web Site Postings/Electronic Message Board.

Mayor Arnowitz said in the past we had taken the position that if something was posted for the good of the community it was posted. We have had messages from St. Johns about events that they were hosting for the betterment of the community. He did not have a problem with that. We have congratulated winners of events at the high schools and teams; he did not believe that the message board was just for "borough business." He believed it should be for the betterment of the borough; he was not in favor of posting messages that someone can derive a profit from or a business can derive a profit. General messages should be able to posted.

Councilmember Frank believed guidelines needed to be set. We

will get requests for fund raisers, outside charities, etc. and it will put a burden on the Administrator to say yes or no as to what is for the betterment of the community.

Mayor Arnowitz said for example, the Relay for Life will take place in May at Pascack Hills, open to the public. It is a fund raiser for Cancer and something that would warrant going on our board. We have looked into this in the past and there is no legal issue that prohibits us from doing that.

Councilmember Meyerson believed we need guidelines. Other towns must have written policies and guidelines, review them and write something appropriate for Hillsdale. Otherwise, there are no guidelines for the Borough Clerk and Administrator as to what goes on and if it fits the policy, they can make the decision.

Mayor Arnowitz said he will have the Administrator at the next Administrators' meeting to ask them to bring in their policies. We can determine if and what their written policies are.

Councilmember Frank said this was put on the agenda by the Administrator and the Borough Clerk looking for guidance.

Borough Attorney Bernstein will work on this with the Administrator.

#### 6) Fire Department Tires.

Councilmember Looes said there is a letter in Councils' packet that was addressed to the Administrator regarding Tower 31, eight tires are worn.

Mayor Arnowitz asked if this was budgeted. This should be discussed with the fleet manager and if he agrees, put it in the budget.

Councilmember Frank said it is in the budget proposal.

DPW Superintendent Durie approached the podium. He stated last year we put the tires in the budget and due to vehicle constraints we were asked to postpone it for another year. The truck is 14 years old, it carries approximately 60,000 lbs. and the tires are worn. It is his recommendation to replace the tires at the same time.

Mayor Arnowitz asked if these tires are at the point that they need to be replaced through an emergency budget or can they wait until the budget is approved?

Superintendent Durie said it can be put in the 2013 budget and plan on replacing them when the budget is approved.

Councilmember Kelley asked if they were the original tires, 14 years old?

Superintendent Durie said they are 14 years old and are the original tires.

Councilmember Frank agreed; we looked at the tires last year and it appeared that there is an alignment issue because the tread is totally gone on one outside edge. His concern is going forward; if we put on new tires, is there an alignment issue that can be done so that they don't wear so unevenly or is that

a manufacturer problem with the truck?

Superintendent Durie said when you have eight tires going around a tight corner, not all tires turn at the same rate; scuffing will wear certain parts of the tire out usually at the front or front axle that wear out faster than the ones in the rear. If they are not done at the same time, you will have uneven wearing. We have gotten our life out of the tires and now he is concerned about dry rot and did not want to wait for something to blow out. We received some numbers last year and we were looking at about \$4,500 for all eight.

Councilmember Meyerson said this was in the budget for 2012 and was postponed to 2013. Does the letter we received from the Fire Department indicate an exigency at this point?

Superintendent Durie said in speaking with the fire chief, they are not comfortable in letting this go another year.

Fire Chief Durie approached the podium. He said the reason for the letter was there was some discussion off the cuff and they might not be included in this year's budget. His job as Fire Chief is for the safety and welfare of the residents and member of the Fire Department. When a vehicle that weighs 60,000 lbs. needing tires, and not replaced in 2012, needs to be addressed. He has been asked to have an evaluation done by a company in Hackensack and he needs some direction.

Mayor Arnowitz said the determination of the tires should come from the fleet manager. We haven't gotten to the budget point where the Council sees it. We said last year if you could put it off one year, we will replace them this year. His concern when he saw the letter that it he wanted to make sure it did not have to be done through an emergency budget.

Fire Chief Durie said he wanted to verify that this will be done in 2013.

Mayor Arnowitz said he wanted to be sure that everyone understood because of budgetary restraints and requests from the Fire Department it was agreed to put it off to this year. When the truck goes around a turn, it actually slides because of the length and weight of the truck. He strongly requested the Finance Committee to consider this option; both the Fleet Manager and Chief recommended this last year.

#### 7) Designation of Municipal Housing Liaison

Borough Clerk Witkowski said this is information that she received.

Borough Administrator DeJoseph said Caroline had this required position.

Borough Engineer Statile said it is a requirement of Affordable Housing. The four units on Patterson Street have to be filled appropriately through a liaison, we can't do it ourselves. We can't get applicants; the service has to be contracted out to the county reporting to COAH.

Mayor Arnowitz said we hired a firm. We originally had a lengthy conversation with the attorney over the phone and we hired a company to manage the four units. It was supposed to be

paid for through the owner of the property. He did know that the owner of the condo balked paying for it and according to the attorney at that time, we might to have Mr. Bernstein look at that. The agency we hired said the same thing, that it was legally correct that they would pay for it, not the town. He would rather go that route because they are the professionals, they know what they are doing. Let's find out what happened to that contract and asked the Borough Administrator to have a report to the Council by March 2.

8) Update on Sign Ordinance.

Superintendent Durie said they handed out about 27 packets on various businesses, violators in regard to the sign ordinance. We issued violations after people were able to digest the packets, read through, and those violations will now be acted upon with further inspections coming up in the next week or two. We are busy in Code Office with the back up of Sandy, fire permits mailed and are being received; we are inundated with plan reviews regarding the number of applications that came in for construction permits. These have to be reviewed zoning wise, we are working slow and steadily, we are not working aggressively at this point because of the time factor.

Councilmember Kelley said since July you have been moving forward on this ordinance; with 27 packets distributed, we should be done by 2019. It is not the fault of Code Compliance, we have an ordinance that needs to be enforcement and we don't have the staff to enforce it. What we have right now is not enough to enforce this ordinance and need someone to enforce this ordinance in 2013.

Mayor Arnowitz thought that Paul Bechtel did Code Compliance.

Superintendent Durie said Paul Bechtel has been doing fire Prevention, we 360 places that have to be visited. He is not directly involved with the sign ordinance. Paul Bechtel and Jim Strabone have been taking care of all CCI inspections. Tracy Jeffery hasn't been able to do that due to the time factor and the number of homes that have been sold this past year. There are inspections and re-inspections of those homes. Jim Strabone only works 12 hours per week. He is not asking for additional help, we are restricted in what we do with regard to the sign ordinance. The health, safety and welfare of the people in fire prevention becomes more important than an illegal sign in the window. When you have to prioritize your time, he puts signs on the back burner further than other items. We have also been working in other areas of Code Compliance which takes a lot of time and it becomes a balancing act.

Councilmember Frank said we did not cut anyone in Code Compliance hours, it was in Building Department. Code Compliance still has the same staffing it had.

Superintendent Durie said we moved staff to the Board of Health from the Building Department in the morning. Tracy Jeffery's assists at the counter. Another staff begins at 9:30 a.m. Questions are asked at the counter.

Councilmember Frank said this the reason we should reduce the hours of the Building Department so we don't have people coming in at times when we don't have adequate staffing. It is not a constant flow of people to that office.

Mayor Arnowitz said the department head is enforcing the sign ordinance as best he can. If the Council feels they need the sign ordinance to be pushed to the forefront, then you will have to budget additional help. Otherwise, we will have to keep moving at the rate we are. We have 26 violations in the town that have been identified and addressed.

Superintendent Durie said we are working on a half dozen violations right now. There are other violations that have not been addressed.

Councilmember DeGise said he and Councilmember Kelley met with department head, Keith Durie, and the way the sign ordinance is being administered needs to be redesigned. His suggestion is to review the sign ordinance, the Borough Administrator needs to review how it is being presented to the businesses, and come up with a plan how this process is to be established. We have a sign ordinance, the borough approved it, the Planning Board reviewed and approved it, roll it out on a timely fashion to the businesses all at one time and they all have the same compliance dates. It will streamline the process. He asked the support of this Council that Administrator DeJoseph review with the Code Compliance and come back with a plan on how this will be completed in a timely manner within the next 30 days.

Councilmember Meyerson asked the meaning of packets being dropped off.

Superintendent Durie gave him a packet and said due to the fact that this is a new sign ordinance that was adopted last year after many years in the Planning Board and at the Council level, addressing issues that were pre-existing for 30-40 years, and will not be grandfathered any long. People are comfortable with what they have had in their window for many years. We are going to end up in front of the judge explaining both sides of the issue.

Councilmember Meyerson asked if this was sent to all.

Superintendent Durie said this was personally dropped off with an explanation and they are signing off when they receive it.

Councilmember Meyerson agrees with Councilmember Kelley and Councilmember DeGise. We need to have someone look at this, dissemination procedure, and get it done much more rapidly in a way that it does not overtax members of your staff to get this done.

Mayor Arnowitz said a recommendation was made and asked if Superintendent Durie had a problem with the Administrator putting together some sort of plan and come back in 30 days with this plan. We want to make sure it is being done fairly and efficiently and this is the way to work towards that goal.

Administrator DeJoseph asked what type of compliance?

Mayor Arnowitz said something that is feasible.

Councilmember Looes said we are not looking for a plan that says we need to hire a bunch of people to do it in 30 days, we need to see the staffing we have and what work load they currently have, how this can also be included in that. We have to find a

balance.

Mayor Arnowitz said we want a fair process, we don't want to overtax the Code Department, we just want to know what the process is. If this Council chooses that it is not expedient enough, then they might consider putting more people on. We have to know the plan first.

Mayor Arnowitz asked if there is any further discussion on the topics discussed.

PUBLIC COMMENT:

Mayor Arnowitz invited comment from the audience.

Bert Simpson, 195 Forest Avenue -  
With regard to the sign ordinance, was it presented to the Chamber of Commerce at a meeting. Does signage include posting of the business address and if not, why not.

Mayor Arnowitz said he was not sure if they were required to post an address but there was discussion about putting a number on the business to try to expand the ability of putting up a sign. You would have to look at the sign ordinance.

Mr. Simpson (Contd).  
That is a glaring omission and should be reviewed and revised.

Kevin O'Brien, 61 Parkview Drive -  
In May 2012 you adopted a sign ordinance and you had a six month time frame to comply. He filed an OPRA request and two violations were sent out.

Mayor Arnowitz said Mr. Durie reported that 26 packets were sent out and numerous violations were adjusted through discussion.

Mr. O'Brien (Contd).  
In December, January and October there was a court order with a property and there are repeat violations of that court order.

Mayor Arnowitz said a homeowner in the area of Mr. O'Brien had violations, the homeowner went to court in Montvale because of the jurisdiction, she is a borough employee. The court ruled that she had to do certain things, some were done, I don't know if all were done and that is where we are now. What is the next step?

Borough Attorney Bernstein said after the meeting he will address this with Mr. O'Brien.

Mr. O'Brien (Contd).  
Resolutions and ordinances are posted on the website. Closed sessions are not posted on the website.

Attorney Bernstein said closed session minutes are not available to the public until they are approved by the governing body and the matters in question discussed become public; i.e. the matter has been concluded; personnel are never concluded.

Mr. O'Brien (Contd).  
The closed session of September 4 concerned him and he wanted to discuss it openly. The Council had an issue with a document he sent to Councilmember Pizzella who is not present. It was a

draft of a letter of opinion, an editorial that he wrote supporting his candidacy for Council. He thought he would want to see that before it came out in the paper. When he saw the Council went on for four pages about me he was taken back, but to assume there was some collusion with Mr. Pizzella. He had a right to be offended but I have been honest the entire time.

Richard Margolis, 30 Ellen Court -

He was inquiring about a letter he sent to the Mayor and Council with respect to some damage due to Superstorm Sandy. He asked the Administrator if it was distributed among the Council.

Borough Administrator DeJoseph spoke with DPW Superintendent Durie and the Borough Attorney for direction. It is not something we have a direct answer at this time.

Borough Attorney Bernstein said the Administrator asked him for an opinion on Mr. Margolis issue. He needs guidance from the governing body in executive session and he plans to have a conversation with Mr. Margolis next Tuesday night.

Superintendent Durie said he has had a conversation with Mr. Margolis and advised him under Title 59.

Mayor Arnowitz said we will discuss it in Closed Session. Our normal closed, executive session is held after the end of the meeting but we have had these sessions earlier in the meeting.

Mr. Margolis (Contd).

Is there a need for him to send another copy.

Mayor Arnowitz said no, he is sure the letter is here and will be distributed.

Councilmember Kelley said for the record Council has not received this letter.

Administrator DeJoseph said there is no need to resend the letter and it will be sent to the Mayor and Council this evening.

Marisa Cefali, 6 Manson Place -

She heard recently that the Orchard apartments that the Planning Board had turned down, the contractor is appealing it now.

Mayor Arnowitz said it was discussed at the Planning Board meeting. Yes, he received the notice today and turned it over to the Borough Attorney for informational purposes. The Planning Board denied Orchard Street for the units the decision is being appealed.

Ms. Cefali (Contd).

What happens with the cost to the boroughs and who has to represent this now?

Mayor Arnowitz said that was discussed at the Planning Board. Usually it is just the Planning Board Attorney but because of the changes we have had in the last two years due to illness of Mr. Ritvo heard the case for a couple of meetings, then Mr. Maloof heard them for a few meetings; and then Mr. Sinisi came in. They had a closed session meeting and because he is on the Council and Councilmember DeGise is on the Council, we were asked to leave because this is a zoning issue. A Planning Board

Attorney will represent the borough and the borough will absorb the cost. Our Borough Attorney Bernstein is keeping a eye on it to make sure that we are informed of everything.

Ms. Cefali (Contd).

When it is presented to court, is the public allowed to attend that meeting and voice their opinion.

Borough Attorney Bernstein said court proceedings are open. As to how it is going to be handled; normally they are done by submission of paper work, the court may or may not entertain oral argument of Council. Occasionally testimony is taken, but not always so it is going to depend a great deal on how the appeal is filed, where it is filed, who the parties are and the process by which the court attends the hearing.

Ms. Cefali (Contd).

We put our hard money into taxes, we have a Planning Board and we have a set of codes and rules that we want to live by and the developers go to Planning Board, give them their all, and they turn around and sue us, make us pay, and they have much more funds to fight the situation. This is upsetting to her as a taxpayer to know that she has to take her tax money to fight somebody we probably will not be able to fight economically. Now we have the possibility of another 60 apartments; how do we protect ourselves?

Borough Attorney Bernstein said unfortunately the law allows people to submit applications for land development before a Planning or Zoning Board. They have a right to have their application heard, they have the right to seek a variance from the ordinances. The Board then decides whether they will or will not approve and they have the right to appeal a determination of a board that is not favorable to their application. There is nothing this municipality or Planning Board can do unless you want them to approve every application that avoids the appeal, but defeats the purpose of having a zoning law and ordinance. The developer is exercising his/her obligation to the municipality and the board will do their best to defend that case and it will be open to the court to decide what to do.

Ms. Cefali (Contd).

She did not believe anyone viewing the paper work has any idea of the impact this would have on the community. If the public is allowed to voice their opinion she asked to be notified.

Kevin O'Brien, 61 Parkview Drive -

He has asked about overnight parking on borough streets. Can we just eliminate the No Parking overnight, let the people park on the street.

Mayor Arnowitz said he would not do that. There are safety reasons that have been discussed as to why we have an ordinance of that nature. He leaves it up to the Police Department to enforce it; they do have some leeway to allow people to park on the street if they have a need.

Mr. O'Brien (Contd).

Drivers continue to roll through the stop sign at Reservoir and Parkview. Is it possible to borrow the sign from Woodcliff Lake to remind drivers to stop?

After a discussion with the Council, the public portion of the meeting was closed.

PROFESSIONALS:

Jason Durie, Fire Chief -

He did not have a Chief's Report tonight because we submitted our report early in January through the Re-Organization process. Later in the meeting you have Resolution 13034 regarding mutual aid for Fire Departments. We are asking for a change as we belong to the Pascack Valley Fire Association with eight towns. We have now been asked by two towns of Northwest Bergen Mutual Aid to join with them, they both border the town of Saddle River. Ho-Ho-Kus has asked us to become mutual aid for the Ladder Company for fires in their borough and Saddle River for equipment and manpower issues. The Board of Fire Officers discussed this and are in favor of the resolution change.

Mayor Arnowitz believed the law requires that this resolution be passed. We will do Saddle River with rescue which involves Route 17.

Mr. Durie said this would be for fire scenarios unless they get jammed up.

Mayor Arnowitz said you will have to review your equipment if you are handling heavy equipment on Route 17.

Mr. Durie said that will be handled with the other fire chiefs.

Mayor Arnowitz said we did this once before and his question is does this have to be done annually? This will be placed on the Agenda for every January that this has to renewed. He asked if anyone had a problem with this resolution. The reason to come to a meeting is not so much as to give a report; it is important what you do for the community. You were able to clarify the problem with the tires on the truck and it is important for attendance at these meetings.

Mr. Durie said we received the Title from the Township of River Vale for the special vehicle and is in the Motor Vehicle process.

Police Chief Stalter-

He said within the next month or so you may see one of our police cars putting up camera boxes on the side through a homeland security grant. The Bergen County Prosecutor's Office will receive a license plate reader. As patrol cars ride down the streets it reads license plate numbers and any license plate that might have a problem, etc., it gives a warning to the officer. It is a good tool for us.

Patrolman Kaplan is currently at the academy part-time because he was special officer when we hired him. He needs to round out his certification; he was here for a few hours. We started our DARE program in the middle school which will be going on for the next 10 weeks. The Schools Resource Officer will work on security plans at all the schools. He thanked Keith Durie, Code Office, and Health Department as the past few weeks we have had residents, most of them very elderly, and living in less than desirable conditions, almost dangerous to them. We are not equipped to deal with this, we call the Health Department, the Public Nurse, the Code Office. They are working to get the

houses cleaned up, contacting those who have family members and unfortunately most don't have family members.

Councilmember Meyerson said when you find an adult in that situation he suggested adult protective services be contacted.

Councilmember Frank said he rode with the ride along program with Officer Dietrich. It was eye opening to see the technology that he uses and the complexity of the job.

Chief Stalter said it is open any time and residents can call and schedule an appointment as well.

Mayor Arnowitz said we have the "chimney season" coming up and invited the Chief to attend the senior meetings in February, March and April to warn them about scams that go on during the spring.

Chief Stalter said we plan to do another reminder.

Borough Engineer Statile-

He said the county engineer indicated the Patterson Avenue bridge will require an additional quarter million dollars. We will advertise the project early March and award in April and begin construction in June.

Mayor Arnowitz asked Engineer Statile to clarify something when we originally discussed the project four or five years ago. Are you still of the opinion that the replacement of the bridge will not improve the condition of flooding nor make flooding worse. It is just a matter of replacing the bridge that is substandard. There is no concern that we should have as to making downstream flooding more severe because of the replacement of the bridge.

Engineer Statile said that is correct; it is a little wider, a little bit lower but hydraulically the same, flow, etc.

We are still awaiting the plans from the architect for the \$200,000 addition for Stonybrook. He suspects the project will be postpone to the fall.

Mayor Arnowitz said we have to be sure this project doesn't interfere with the season.

Councilmember Frank said they are aware that this will take place in the Fall.

Engineer Statile said we are proceeding with getting the handicap ramp contract together for the various county roads so when the county has the money they can proceed.

Borough Administrator DeJoseph said he and Superintendent Durie went through the town with Engineer Statile's office and Jason from the county and went over all the streets that are going to be paved in Hillsdale. We will do all the ADA ramps now so when funding becomes available, Hillsdale is first on the list. Washington Avenue will be paved this year.

Statile said the ramp improvements are at the county's cost, it puts us ahead of everyone else. Central Avenue we received \$193,000 Discretionary Aid. He would like to put that contract out to bid now.

Mayor Arnowitz asked if that required a motion. This is money we have received already from the state which covers the entire cost of the project.

Motion to go out for bid now was made by Councilmember Meyerson, seconded by Councilmember Kelley.

Borough Administrator DeJoseph asked if the Council wanted to go through the Pascack Valley Cooperative or bid alone.

Mayor Arnowitz said one of the problems is the Pascack Valley Cooperative is not ready to do it. You don't know when it will be done; we are not paying for the project, it is totally funded by the state. We might as well get it done. While he wants to look at the cooperatives, how long do we wait. They have not even started their process yet.

Councilmember Frank asked if we should leave that to the Borough Administrator and to the Engineer as to how to go out, we just authorize going out.

Roll Call Vote:

Ayes: Councilmembers DeGise, Frank, Kelley, Looes and Meyerson

Nays: None

Absent: Councilmember Pizzella

Engineer Statile said there are points towards how fast you process your projects and if you get behind, you get demerits and the problem with cooperatives is if the contractor is broke, it affects everyone. It is a little risky.

ORDINANCES:

13-01 (Introduction): AN ORDINANCE ESTABLISHING SALARIES FOR THE STAFF OF THE HILLSDALE SWIMMING POOL COMMISSION FOR THE CURRENT YEAR 2013 IN THE BOROUGH OF HILLSDALE, COUNTY OF BERGEN, STATE OF NEW JERSEY. **TABLED UNTIL FEBRUARY 12, 2013**

BE IT RESOLVED, that Ordinance No. 13-01 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal Building, 380 Hillside Avenue, Hillside, New Jersey, on March 5, 2013, 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.

Mayor Arnowitz asked the Council if they have any discussion on the Ordinance.

Councilmember Frank asked what is the increase.

Councilmember Looes spoke to Patty Hughes and she said 2% to 3%. We are talking about fees. She asked how many are at the maximum and there is only one person on staff currently, everybody else are not at maximum.

Councilmember Frank requesting in the past when the Stonybrook Ordinance came up that we would like manager of Stonybrook to be

present to tell us what is in it. He is not sure what was agreed to about the salary ordinance. When there is a minimum and maximum it doesn't tell you what the overall percentage increase, all it tells you is the range.

Councilmember Meyerson questioned procedures. Stonybrook came to the budget hearing and they present their budget to us and their proposals. Why is there an ordinance now which takes a part of their proposal out and asks us to vote on it first reading and eventually vote it as an ordinance. Isn't that part of the budget process.

Mayor Arnowitz said in the past we have asked Stonybrook to have their budget in place to make sure the salary ordinances and the rates that they are proposing which is the next ordinance and the budget covers it.

Councilmember Meyerson is asking a procedural question. We are in the middle of the budget process which they came before the Finance Committee and presented their budget. That will become part of the overall town budget, why are we voting on an ordinance now as to salary ranges when we haven't seen how it fits into the whole budget.

Councilmember Frank said this is utility so it is outside of the municipal budget.

Mayor Arnowitz said because of the work involved in setting up the season they need to know that the salary ordinance is in place so that they can hire people. The second ordinance which is the rates they are going to charge have to be in place so that they can advertise. We have had this come up at the Reorganization and Councils have said it is too soon.

Councilmember Meyerson said he is not ready to vote on the salary ordinance.

Mayor Arnowitz agreed.

Borough Attorney Bernstein suggested that the governing body carry this over to next week and it would still give enough time to publish and have the second reading at the Council Meeting of March 5.

Councilmember Frank would like to hold the other ordinance as there is an increase in the fees. Stonybrook is running a surplus and even with membership down should we raise the fees.

Councilmember Meyerson said at the Finance Committee they did propose an increase in fees. Without seeing the total package and the impact he cannot vote on the ordinance. He asked if we have line item vetoes procedurally on the swim club.

Mayor Arnowitz said we will hold both ordinances and have Patty Hughes and the head of the Swim Pool Commission to attend the March 5 meeting. We are not taking action on 13-01 or 13-02.

Councilmember DeGise asked that this year's rate and last year's rate be emailed to the Council.

13-02 (Introduction): AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE 09-01 CHAPTER 138 "FEES" AND CHAPTER 71 SWIMMING POOL COMMISSION-**TABLED UNTIL FEBRUARY 12, 2013**

BE IT RESOLVED, that Ordinance No. 13-02 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal Building, 380 Hillside Avenue, Hillside, New Jersey, on March 5, 2013 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.

RESOLUTIONS: (Consent Agenda)

Mayor Arnowitz asked if there was any discussion by the Council on these matters.

It was requested to vote separately on R13033 Reject Cell Tower Bids at DPW Building.

Mayor Arnowitz read the Consent Agenda of Resolutions.

**R13032 A RESOLUTION AUTHORIZING THE BOROUGH OF HILLSDALE TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Cranford Police Cooperative Pricing System (ID # 47-CPCPS), hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on February 5, 2013 the governing body of the Borough of Hillside, County of Bergen, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Hillside;

**AUTHORITY**

Pursuant to the provisions of N. J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

**R13036 DEVELOPERS AGREEMENT RELEASE OF MAINTENANCE GUARANTEE,  
BLOCK 1206, LOT 10 ~ 54 ORCHARD STREET**

WHEREAS, Laurene Di Pasquale and Robert E. Wehmann entered into a Developers Agreement with the Borough of Hillsdale; and

WHEREAS, after the completion of the improvements and the issuance of a Certificate of Occupancy, the above property owners posted a required two (2) year Maintenance Guarantee in the amount of \$6,750.00 on January 21, 2011; and

WHEREAS, the Borough Engineers office has conducted a site inspection to ensure all improvements and construction elements have been successfully maintained; and

WHEREAS, the Borough Engineers office has found that all improvements have been properly upheld and recommends the release of the Maintenance Guarantee; and

WHEREAS, the Borough Engineers office has requested the balance of \$300.00 be available in the Engineering Escrow account prior to release of the bond.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hillsdale authorize the release of the Maintenance Guarantee in the amount of \$6,477.02.

**R13037 APPROVE THE TONNAGE GRANT REPORT AND APPLICATION FOR YEAR 2012**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the municipality to apply for such Recycling Tonnage Grant for calendar year 2012 will memorialize the commitment of the municipality to recycling and to indicate the assent of the Hillsdale Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Hillsdale Mayor and Council does hereby endorse the submission of the Recycling Tonnage Grant application to the New Jersey Department of Environmental Protection and designates Keith Durie, Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**R13038 INTERLOCAL AGREEMENT BETWEEN THE BOROUGH OF HILLSDALE AND THE TOWNSHIP OF RIVERVALE FOR THE USE OF THE INDOOR POLICE PISTOL RANGE**

WHEREAS, the Borough of Hillsdale (Hereinafter Hillsdale) and the Township of River Vale (Hereinafter River Vale) are desirous of entering into an Interlocal Services Agreement under the provisions of N.J.S.A. 40:8-1 for the use by River Vale of the Hillsdale indoor police pistol range located at 380 Hillsdale Avenue, Hillsdale, NJ 07642; and

WHEREAS, the municipalities of Hillsdale and River Vale have determined that this agreement and the payment of the costs and equipment is an appropriate for use of this facility and would promote shared services between the local units and would be beneficial to them.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Bodies of these municipalities that they hereby enter into and execute this Inter-local Services Agreement generally under the terms and conditions of the agreement which shall be executed by the respective Mayors of Hillsdale and River Vale.

**R13039 TAX REIMBURSEMENT CERTIFICATION**

WHEREAS, the Recycling Enhancement Act, P.L. 2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program; and

NOW, THEREFORE, BE IT RESOLVED, the Borough of Hillsdale hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311, in 2012 in the amount of \$11,476.95 Documentation supporting this submission is available at 380 Hillsdale Avenue, Hillsdale, NJ and shall be maintained for no less than five years from this date.

**R13041 2013 FY COMMUNITY DEVELOPMENT BLOCK GRANT**

WHEREAS, a Bergen County Community Development grant of \$4,950.00 has been proposed by the Borough of Hillsdale for senior activities in The Borough of Hillsdale, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of The Borough of Hillsdale, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of The Borough of Hillsdale hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Councilmember DeGise also recommended the removal of R13035 from the Consent Agenda.

Mayor Arnowitz asked for a motion on Resolution Nos. 13032, 13036 through 13039, and 13041. Resolutions Nos. 13033 through 13035 will be voted on separately.

Motion to approve the foregoing Resolutions was made by Councilmember Kelley, seconded by Councilmember Meyerson.

Roll Call Vote:

Ayes: Councilmembers Kelley, Looes, Frank, Meyerson and DeGise

Nays: None

Absent: Councilmember Pizzella

#### **R13034 AUTHORIZE MUTUAL AID TO FIRE DEPARTMENTS - YEAR 2013**

WHEREAS, the Borough of Hillsdale recognizes the necessity for the sharing of emergency services to communities or districts inside and outside of the presently established Pascack Valley, Tri-Boro and Northwest Bergen Mutual Aid groups for the purpose of providing of personnel and fire rescue equipment; and

WHEREAS, the Borough of Hillsdale's Fire Chief or the Fire Chief's designated representative will be making decisions to provide mutual aid to area communities with brief notice; and

WHEREAS, the Borough of Hillsdale's Fire Chief or the Fire Chief's designated representative will insure that arrangements are made, prior to providing such mutual aid to other communities, for appropriate emergency protection for the Borough of Hillsdale and its residents; and

WHEREAS, Worker's Compensation will be provided by the Borough of Hillsdale (employer), General Liability is assumed by the participant of the service and Automobile Liability/Physical Damage and Property Insurance stays with the owner of the property (Borough of Hillsdale); and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hillsdale that it authorizes the Fire Chief and/or the Fire Chief's designated representative to provide mutual aid services to any community or district the Fire Chief or his designated representative deems necessary.

BE IT FURTHER RESOLVED, that the Borough of Hillsdale will provide its insurance carriers and its agents with copies of this resolution to insure that insurance coverage, in the manner as provided on an everyday basis, is provided to the Borough of Hillsdale and its representatives during the time period mutual aid is provided to another community or district.

\*\*\*\*\*

**R13035 APPROVAL RAFFLE LICENSE #688**

WHEREAS, Hillsdale Volunteer Fire Department has made proper application for the following Raffle License to be held May 7-11, 2013; and

WHEREAS, said application contains the number of designation furnished by the Legalized Games of Chance Control Commission; and

WHEREAS, the Police Department of the Borough of Hillsdale has reported to this Borough Council in writing that the statements contained in said application are in order, that the place wherein said Raffle(s) is to be held complies with the rules and regulations pertaining to the application.

NOW, THEREFORE, BE IT RESOLVED, that upon payment of the licensing fees, as provided by Statute, and upon filing with the Borough Clerk be and he is hereby authorized to issue a license for Raffles in accordance with said application:

Raffle License No.	Type of License
RL: 688	Wheels & Games

BE IT FURTHER RESOLVED, BY THE Borough Council that the fees for the aforesaid licenses are hereby waived.

Mayor Arnowitz said it is understood that Councilmember DeGise and Councilmember Kelley will abstain.

Mayor Arnowitz asked for a motion on 13034 and 13035. Motion to approve the foregoing resolutions was made by Councilmember Frank, seconded by Councilmember Kelley.

Roll Call Vote:

Ayes: Councilmembers Frank, Looes, Meyerson

Nays: None

Abstain: Councilmembers DeGise and Kelley

Absent: Councilmember Pizzella

**R 13033 RESOLUTION OF THE BOROUGH COUNCIL REJECTING ALL BIDS RECEIVED FOR THE LEASE OF PROPERTY FOR TELECOMMUNICATIONS TOWER AT DEPARTMENT OF PUBLIC WORKS YARD, 371 WASHINGTON AVENUE, HILLSDALE, NEW JERSEY 07642**

WHEREAS, the Borough of Hillsdale seeks a vendor to construct a wireless cellular tower at the Department of Public Works Yard located at 371 Washington Avenue in the Borough of Hillsdale; and,

WHEREAS, in furtherance of said cellular tower project, the Borough of Hillsdale has retained the professional services of Christopher P. Statile, P.A., Consulting Engineers & Planners to serve as the Professional Engineer on this Project; and,

WHEREAS, in furtherance of said cellular tower project, the Borough of Hillsdale has, consistent with the Local Public Contracts Law (N.J.S.A. 40A:11-1 et.seq.), advertised and solicited bids for the cellular tower project on two (2) occasions in October 2012 and again in January 2013; and,

WHEREAS, the Borough of Hillsdale received two (2) bids in response to the October 2012 solicitation, with both bids proposing an equal annual rent; and,

WHEREAS, the Borough of Hillsdale rejected all bids in October 2012 and opted to re-bid the cellular tower project; and,

WHEREAS, a review of all the responsive bids received by the Borough of Hillsdale in response to the re-bid in January 2013 again proposed equal annual rentals for the cellular tower project.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that it hereby authorizes the rejection of all bids received; and,

BE IT FURTHER RESOLVED that, in accordance with N.J.S.A. 40A:11-6.1(d), the Borough Council of the Borough of Hillsdale hereby authorizes the Administrator/CFO, in conjunction with the Borough Attorney, to enter into negotiations with the two (2) vendors who bid both times (Metro PCS Wireless, Inc. and New Cingular Wireless PCS, LLC) to ascertain which vendor will provide the most advantageous situation for the Borough, price and other factors considered; and,

BE IT FURTHER RESOLVED that all bid bonds and/or certified funds received to date shall be returned to the companies submitting the rejected bids within thirty (30) calendar days of the adoption of this Resolution.

Mayor Arnowitz asked about discussion on R13033.

Councilmember Kelley said this is the second time this has been rejected and asked why.

Councilmember Meyerson said there is a letter of explanation by the attorney.

Borough Attorney Bernstein wrote a letter to the governing body explaining the reason for the rejection. It doesn't comply with the revisions for public contracts.

Engineer Statile said when there are identical contracts he believed there can be negotiations.

Borough Attorney Bernstein said the resolution calls for the

rejection of the two bids and to authorize the Administrator to negotiate with the two bidders for a possible contract. With the resolution tonight, you will allow that process to occur.

Mayor Arnowitz asked for a motion on R13033, Reject Cell Tower Bids at DPW Building.

Motion to approve was made by Councilmember Frank, seconded by Councilmember Kelley.

Roll Call Vote:

Ayes: Councilmembers Frank, Kelley, Looes, Meyerson and DeGise

Nays: None

Absent: Councilmember Pizzella

**R13040 EMERGENCY TEMPORARY BUDGET**

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2013 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$35,625.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Hillsdale, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

Emergency temporary appropriations be and the same are hereby made in the amount of \$35,625.00 as follows:

2013	SALARIES		OTHER	
APPROPRIATIONS	AND WAGES		EXPENSES	TOTAL
<u>Dedicated Assessment</u>				
<u>Debt Service</u>				
Principal	\$ -		\$ 35,625.00	\$ 35,625.00
	\$ -		\$ 35,625.00	\$ 35,625.00

Mayor Arnowitz said this is a procedure that we pass emergency budgets until the budget is accepted and approved by the state.

Borough Administrator DeJoseph said this particular item is for Special Assessment BANS that were discussed at the Finance Committee with the Borough Auditor. It reduces cost to the borough and instead of paying interest on these BANS and to the Bond Counsel. This acknowledges a Special Assessment paid directly by the recipient of that Special Assessment. This is Ordinance #06-08 for the downtown sidewalks along Broadway.

Attorney Bernstein said this is money that was collected from the individuals and we just have to pass an emergency budget in order to pay. In order to amend that temporary budget, you have to pass Emergency Temporary Appropriation.

Motion to approve was made by Councilmember Kelley, seconded by

Councilmember Looes.

Roll Call Vote:

Ayes: Councilmembers DeGise, Frank, Kelley, Looes, Meyerson

Nays: None

Absent: Councilmember Pizzella

DEPARTMENT REPORTS:

R1 Construction Department Year End Report 2012.

Councilmember DeGise said we are still looking for clarification on some numbers and will hold it over to the March 5 meeting.

R2 Board of Health, January 2013.

ACTIVITIES FOR THE MONTH OF JAN, 2013

<u>VITAL STATISTICS</u>	<u>MONTH</u>	<u>YEAR TO DATE</u>
Births for the month of December, 2012		
Males	1	1
Females	5	5
Deaths for the month of January		
Males	5	5
Females	1	1
Marriages/Civil Unions:*	1	
Transcripts:	4	

\*Actual totals are recorded one month later because of delay in reports.

\*\*\*\*\*

The following is the result of the monies received by the Board of Health for the month of January 2013

Transcripts:	\$	40.00
CHC Fees:	\$	290.00
Marriage Fees:	\$	6.00
Food Licenses	\$	6175.00
Total:	\$	6511.00

Councilmember Looes said this was the first meeting and she met everybody. It was explained how inspections are done for all food establishments, clinics.

Motion to record was made by Councilmember Kelley, seconded by Councilmember Meyerson.

Roll Call Vote:

Ayes: Councilmembers Meyerson, DeGise, Frank, Kelley and Looes

Nays: None

Absent: Councilmember Pizzella

COUNCIL COMMENTARIES:

Councilmember Meyerson congratulated Jason DeGise, Firefighter of the Year.

Councilmember Looes said the next senior luncheon will be held

February 20.

Councilmember DeGise said this afternoon we had a meeting BGIA Risk Management, all department heads, to go over their scope of services. He was impressed with the outstanding job of calendar and its creativity. During the week the Mayor and he attended the Relay for Life kickoff which will be held at Pascack Hills High School on May 18 and 19, 2013. You can register on their website at Relayforlife.org. Last year they raised \$160,000 for the Cancer Society.

Councilmember Kelley said the calendar contains a lot of information, schedules, meetings and a great job was done.

Councilmember Frank congratulated Jason DeGise, and thanked Officer Dietrich to come out on a rainy night to educate him what it is like to be on patrol.

Mayor Arnowitz received from Cablevision that they are offering an Optimum Economy package for \$39.95.

ADJOURNMENT:

Mayor Arnowitz asked for a motion to adjourn.

On a motion to adjourn at 9:19 p.m., made by Councilmember Looes, seconded by Councilmember Meyerson, and unanimously carried.

2-5-13

---

Susan Witkowski  
Municipal Clerk

APPROVED AS PRESENTED

---

Susan Witkowski  
Municipal Clerk