

Minutes of a Council Meeting of the Borough of Hillsdale held at 7:32 PM on Tuesday, September 2, 2014, in the Council Chamber, Borough of Hillsdale, Hillsdale, New Jersey.

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

OPEN PUBLIC MEETING STATEMENT:

This is a meeting of the Hillsdale Borough Council on this 2nd day of September 2014. 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:

On a roll call those in attendance were Council Members Frank, Kelley, Looes, Meyerson and Pizzella. Also in attendance were Mayor Arnowitz, Borough Attorney Bernstein, and Borough Clerk Witkowski. Council Member DeGise was absent.

OATHS OF OFFICE:

Police Officer Brian Considine
(previously approved R14165/July 8, 2014)

Chief Francaviglia presented Officer Brian Considine, who was sworn in by Mayor Arnowitz.

APPOINTMENTS:

Membership application for Christopher Kelley, Hillsdale Volunteer Fire Department

Motion to approve by Council Member Frank, Second by Council Member Meyerson.

Roll Call Vote:

Ayes: Council Members Frank, Looes, Meyerson, Pizzella, and Council President Kelley
Absent: Council Member DeGise

OATH OF OFFICE:

Firefighter Christopher Kelley
Firefighter Kelley was sworn in by Mayor Arnowitz.

RECOGNITION: September 9, 2014

Auxiliary Police
Don Carty, Andy Perez, Jon Bologna, Mike Atheneo

PROCLAMATIONS:

PRESENTATIONS:

APPROVAL OF MINUTES: September 9, 2014
Combined Meeting July 8, 2014, and August 12, 2014.
Closed Session Meeting of August 12, 2014.

PROFESSIONALS REPORTS/MONTHLY DEPARTMENT REPORTS:

(The following correspondence on file in Borough Clerks Office)
Borough Engineer – dated August 26, 2014

Greg Polyniak of Neglia and Associates presented the Engineer's Report for August 2014. One of the items in the report is a Department of Transportation (DOT) request for municipal aid grant projects, similar to the grant that the Hillsdale received for Saddlewood. Mr. Polyniak requests the Council to consider some selections from other roadways, for which they could file a grant on the behalf of the

Borough. He suggested that the Council consider a second section of Saddlewood, or another roadway. His firm is prepared to work with the Borough Council, as well as the Department of Public Works (DPW) Superintendent. Mr. Polyniak recommends that a decision be made by this week or next week.

Next, Mr. Polyniak addressed the Kent/Baylor/Saddlewood bid opening, which is tomorrow. His firm intends to issue a recommendation letter, and potentially an award resolution, for the Council to consider by next week's meeting. If the project is awarded, Mr. Polyniak believes it could be completed this year, prior to the onset of cold weather. If the project is delayed and not approved or awarded at a meeting this month, there is the potential that only one section would be completed before the cold weather comes, with the rest of the project to be completed next year.

Regarding open space, Mr. Polyniak noted that there is also a call for municipal open space park projects. This is a matching grant, and he has distributed to the Council Members a sketch of the proposed senior park across from Meadowbrook School. If the Council desires, the application can be submitted. One item that should be noted is that it requires 15-day public notice for a public hearing to be held at one of the October Borough Council meetings. A question was asked about the estimated cost of the project, and Mr. Polyniak responded that it would be approximately \$50,000 for the improvements, and that the Borough would apply for the full amount, but would end up paying \$25,000.

Mr. Polyniak then moved on to the roadway restoration ordinance. He noted that today, he forwarded some information with respect to Harrington Park to the Council Members. Harrington Park has utilized roadway restoration ordinances to ensure that, if an Energy Strong project from PSE&G or a water main project occurs, the roadway is paved curb-to-curb to avoid the typical "patching and trenching" that occurs with such work. The information has been forwarded to the Borough Administrator and Attorney for their review, and consideration by the Council.

Mr. Polyniak mentioned that there are two particular testing methodologies for the Hillsdale landfill that must occur in October. One is methane gas testing at Centennial Field, and his firm recommends the awarding of that work for approximately \$3,000. The second is groundwater monitoring at the same area, for approximately \$3,600. Council Member Frank asked if that would be the final testing at the landfill, or if it would be necessary to repeat it periodically. Mr. Polyniak answered that from this point forward, testing would have to occur quarterly. Council Member Frank also wanted assurance there would be no disruption in usage of the sports fields, and Mr. Polyniak verified that the testing firms would utilize the fields during the off-season, or at times when there are no games or practices occurring.

Finally, Mr. Polyniak discussed the issue of the Floodplain Manager. His firm submitted some proposals for staff members who could be named as the Floodplain Manager, with an outline of the series of steps and tasks that are required for a Floodplain Manager. It would include the review of all permit submissions that occur within the Building Department, whether for a shed, a house addition, or any other work that occurs on a property to ensure that it follows the applicable floodplain regulations. It would also include maintaining the Borough's floodplain records; following and authorizing on behalf of the Borough all of the necessary documentation; being part of the OEM team during catastrophic events, such as hurricanes; reviewing all floodplain management projects within the Borough; and serving as the community liaison as it relates to floodplain management projects. The outline includes six tasks, with 12-15 tasks that would have to be adhered to by the Borough Floodplain Manager. Council Member Meyerson asked what the State requirements are for a Floodplain Manager. Mr. Polyniak responded that there is no educational requirement, but there is a program with respect to being a Certified Floodplain Manager. Council Member Meyerson said he wanted to know if there were any defined responsibilities in the State of New Jersey for Floodplain Managers. Mr. Polyniak responded that there are, and there is a checklist of items that the Floodplain Manager must follow, which he has provided to the Borough Administrator. Council Member Meyerson asked if any type of certification is required, and Mr. Polyniak answered that no particular certification is required to be appointed as a Floodplain Manager. Council Member Meyerson pointed out that anyone could be appointed a Floodplain Manager without any particular expertise, which Mr. Polyniak confirmed, but he added that there are the listed tasks that must be completed, including reviewing floodplain documents, and ensuring that a library is kept so that the Borough and its residents can acquire flood insurance at reduced rates. If the Borough does not appoint a Floodplain Manager and/or does not keep the requisite document records, potential fees and premiums can increase for the residents and Borough properties. Council Member Meyerson asked for clarification that if the Borough has a Floodplain Manager, would individual residents be able to get a reduction in their flood insurance policies, which Mr. Polyniak confirmed. Council President Kelley noted that he believes the opposite is true: if there is no Floodplain Manager appointed, the insurance premiums could increase.

Council Member Meyerson clarified that residents would pay less money for their insurance premiums if a Floodplain Manager is appointed then they would pay if floodplain manager is appointed. He then asked Mr. Polyniak how much less would be paid. Mr. Polyniak said he is not yet done a financial analysis, but he does know that premiums do increase if no one is appointed. Council Member Meyerson asked if there is a State requirement, outside of the potential increase in insurance premiums, that every municipality must have a Floodplain Manager. Mr. Polyniak stated that he is not yet reviewed the State statute with respect to whether one is required, but he believes that one is, because every municipality represented by his firm has one. Council President Kelley noted that he does not believe it is a State requirement, but a FEMA requirement. Council Member Frank asked Mr. Polyniak if his firm is the Floodplain Manager for any of its clients. Mr. Polyniak answered that they are the Floodplain Manager for the town of Wood-Ridge. Council Member Pizzella asked who else would normally serve as the Floodplain Manager, other than an engineer. Mr. Polyniak into that it could be a professional, such as a municipal engineer, or a code enforcement official. It could also be someone from the OEM staff, especially someone who has experience with flood issues within the municipality. The person selected could be professional, or someone from the municipal staff. It could also be someone hired on a part-time basis to serve in that capacity.

Council Member Meyerson asked for clarification that the federal government does not penalize municipalities that do not appoint a Floodplain Manager, except for the individual penalty imposed on those living on a floodplain, who would pay more for their insurance. Council President Kelley stated that he believes initially there is a penalty, but if a Floodplain Manager is not appointed eventually, anyone living in the floodplain, or anyone moving into that area, could potentially be denied flood insurance. Council Member Meyerson asked Mr. Polyniak if he knows that that could be such penalty, and Mr. Polyniak responded that he has not seen that happen. Council Member Meyerson wondered if that is something to be asked of the Council, or of the Borough Engineer. Mayor Arnowitz stated that he believes the Council must consider how much it would cost to hire an engineer, after discussing it with the DPW Superintendent, as well as Borough code enforcement officials to get their input. After that, a decision can be made based on those discussions. Council Member Meyerson said he agreed, but he wanted to know what the requirements are for a Floodplain Manager; what the penalty is for not having one; which agency or entity requires this; and any other criteria for the position. At this point, no information is available. Mr. Polyniak said that was a good point, and the question should be asked if any State or Federal guideline makes the position mandatory, as well as setting forth any qualifications necessary. Council Member Meyerson said it is his understanding that the Borough has already appointed a Floodplain Manager. Ms. Witkowski said that no one has been officially appointed. Council Member Meyerson said he thought that the Borough Code Enforcement Official was also the Floodplain Manager, and Ms. Witkowski said that she was not appointed as one. Council Member Meyerson asked if in the past, anyone had been appointed as the Floodplain Manager. Ms. Witkowski said based on her conversations with the previous Borough Engineer, sometimes he would sign off as the Floodplain Manager, and other times the Code Enforcement Official would sign off as the Floodplain Manager. However, he did not believe that either of them had been officially appointed as such. Counselor Meyerson asked for verification that, as far as Ms. Witkowski knows, no one has ever been appointed as the Floodplain Manager in Hillsdale, and Ms. Witkowski responded that to her knowledge, the answer was no. Council Member Meyerson asked if there was any way to find out, and Ms. Witkowski said she would check again with the previous Borough Engineer. Council Member Meyerson also asked the other Council Members whether or not if one of the penalties for not having a Floodplain Manager is that residents will not be able to obtain or renew flood insurance. Mayor Arnowitz stated that he would want to know if any penalties involved in not appointing a Floodplain Manager, to which Council Member Meyerson agreed, adding that the prohibition on obtaining or renewing insurance is a draconian penalty, and he wanted to verify that it was true.

Mayor Arnowitz asked Mr. Polyniak when he wanted a decision on this matter, and he and Ms. Witkowski responded that a decision needs to be made as soon as possible; the clock is ticking. Mayor Arnowitz asked if this to be put on the agenda for October, and Council Member Meyerson said the time is of the essence, because a resident has made requests on more than one occasion. However, he believes that the letter requires discussion in Closed Session.

Council Member Pizzella asked what the federal records which show if someone was listed as a Floodplain Manager for the Borough in the past, because he is sure that there must be some kind of federal records that require the name of a person to be listed. He also asked if a group, such as the Environmental Commission, could act as the Floodplain Manager. Mr. Polyniak said he is sure that it cannot be a body like the Environmental Commission, because there is a form that must be signed as part of the LOMA requests with respect to being in a flood hazard or floodplain area, and requires an appointed, municipal-certified official. Therefore, a particular person with that title must sign the form.

That person could be part of the Environmental Commission.

Council Member Frank stated on behalf of the other Council Members that they would like to have this completely described for them at the next meeting, so that an appointment can be made at that meeting. Mayor Arnowitz said it is his understanding that the Building Department must examine anything built in the floodplain, even something as small as a shed. He believes that if the position of Floodplain Manager existed in the Borough before, it would most likely have been someone within the Building Department who have been appointed that position. Council President Kelley noted that if anyone living in the floodplain built anything on the property, someone had to sign off on the work as the Floodplain Manager. Mr. Polyniak corrected him, saying that a signature would not necessarily be required, only that the property be examined. He added that he would discuss it further in Closed Session.

Council Member Meyerson said his reason for asking the question was that, if the Borough has never had a Floodplain Manager, and given the fact that people are living in the floodplain and have obtained flood insurance throughout that time, he finds it hard to believe that there is a correlation between the ability to get flood insurance and the appointment of a Floodplain Manager. In his own legal practice, he has presided over many closings, and the signature of a Floodplain Manager has never been required. Mr. Polyniak explained that if someone were to challenge a FEMA flood map, which is what typically occurs, a certified Floodplain Manager must get involved in those proceedings, and must sign any forms related to those proceedings.

Mayor Arnowitz said that the Council would have a decision by next week, and more discussion would take place during Closed Session.

OLD BUSINESS:

1. Status of Sports Association Agreements

Council Member Looes said that based on the comments she is received, she began to make modifications to the agreements. She will definitely send it to the Ms. Witkowski, who can forward it to the other Council Members for review before the next meeting. Once approval is obtained, she will contact the associations and go over the agreements with them. Mayor Arnowitz asked if the sports associations had seen the agreements, and Council Member Looes said they have not, because she wanted to get input from the Council Members before getting input from the associations. Mayor Arnowitz asked if everyone had made any recommendations they wish to make. Council Member Frank asked if it could be verified that the Football Association is a non-profit association, because there is no documentation support that, although such documentation exists for all of the other non-profit associations in Hillsdale. Councilman Lewis responded that after speaking to several people who had been members of the Football Association, they stated that they did not have to file a 990, which Council Member Frank said they do have to file. Council Member Looes asked for information about how the forms are filed, and what type of corporation each association is, as well as a request for documentation to explain why they have not filed, if that is the case. Council Member Meyerson believes they might have been originally started as non-profit corporations, and they must have organized themselves. Council Member Frank said he is not sure that that is the case.

2. Employee Handbook Update

Mayor Arnowitz asked if there was any update for the Employee Handbook, and Ms. Witkowski said there is no update ready yet.

RESOLUTIONS:

R14188 2013 Annual Audit

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of

New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director, Thomas H. Neff, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Municipal Council of the Borough of Hillsdale, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion by Council Member Kelley, Second by Council Member Meyerson.

Roll Call Vote:

Ayes: Council Members Frank, Looes, Meyerson, Pizzella, and Council President Kelley

Absent: Council Member DeGise

R14189 Authorization for the Mayor and Borough Clerk to Execute Agreement with Bergen County to Supersede Cooperative Agreement Dated July 1, 2000, and Amendments Establishing the Community Development Program

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended and HOME Investment Partnership Act of 1990, as amended; and Emergency Solutions Grant Act of 2012, and

WHEREAS, it is necessary to supersede an existing Interlocal Services Cooperative Agreement for the County and its people to benefit from this program; and

WHEREAS, an agreement has been proposed under which the Borough of Hillsdale and the County of Bergen in cooperation with other municipalities, will modify an Interlocal Services Program pursuant to N.J.S.A. 40:8A-1 et. seq.; and

WHEREAS, it is in the best interest of the Borough of Hillsdale to enter into such an agreement,

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Hillsdale that the agreement entitled “Three Year Cooperative Agreement”: An Agreement Superseding the Cooperative Agreement dated July 1, 2000 – June 30, 2003, to clarify the planning and implementation procedures, and to enable the Municipality to make a Three Year irrevocable commitment to participate in the Community Development Program, the HOME Investment Partnership Act Program and the Emergency Solutions Grant program for the Program Years: 2015, 2016, 2017 (July 1, 2015 – June 30, 2018) to be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately in accordance with law.

Motion by Council Member Meyerson, Second by Council President Kelley.

Roll Call Vote:

Ayes: Council Members Frank, Looes, Meyerson, Pizzella, and Council President Kelley

Absent: Council Member DeGise

NEW BUSINESS:

DISCUSSION:

BUDGET:

1. Letter of Recommendation from Neglia Engineering Associates, Dated August 20, 2014, for the Purpose of Methane Gas Survey at the Hillsdale Landfill

Discussed in professionals reports.

2. Letter of Recommendation from Neglia Engineering Associates, Dated August 29, 2014, for the Purpose of Groundwater Monitoring at the Hillsdale Landfill

Discussed in professionals reports.

3. Letter Dated August 20, 2014 from the firm of Mark A. Raso, Esquire, Regarding the Appointment of a Floodplain Manager

To be discussed in Closed Session.

4. Auction 2014
5. Authorization Redemption and Premium Tax Sale Certified 647 Hillsdale Avenue
6. Authorization Redemption and Premium Tax Sale Certified 100-101 West Street

Council Member Meyerson said he would like an explanation of what happened with this property. Council Member Frank explained that the homeowner was in bankruptcy, and the property should not have gone for sale. Council Member Meyerson said he wanted to know how that could have happened. Council Member Meyerson asked if the municipality received any notification of the bankruptcy. Patrick Wilkins, Tax Assessor, thinks this is something that may have fallen through the cracks. The information will be ready by the Council meeting next week.

7. Insertion a Special Item of Revenue (Chapter 159) BCCD ADA Pool Lift (\$26,000)

POLICY:

1. Petty Cash Policies for the Borough Clerk, Police Department, Detective Bureau, and General Public Assistance Maintenance

Ms. Witkowski pointed out that this was brought up in the audit, and the CFO has created these policies for each one of the departments to explain what they can and cannot do.

2. Release of Closed Session Minutes

Council Member Frank explained this issue came up when a question was asked about when certain Closed Session minutes would be released, what gets redacted and under what conditions, as well as who has the authority to do that. One of the answers was that there is no Closed Session minutes policy whether some things are never released, whether others are released redacted, and what the timeframe is. Council Member Frank believes it is a decision that must be made in conjunction with the Borough Attorney, and that is what the Borough has done in the past. However, it does appear that the Council Members might want to adopt the policy regarding these minutes, or at least set some guidelines. Mayor Arnowitz explained that in the past, the policy was of the Borough Attorney must approve Closed Session minutes, as well as to make a determination about whether the items included in the minutes have been completed so that the minutes can be released, and the Borough Attorney decides whether any part of the minutes should be redacted so that personal information is not disseminated. Council Member Frank suggested that something be put in writing to explain what gets redacted, what can be released, and when it will be released.

Borough Attorney Bernstein stated that there is no law or statute that requires a policy, and he believes the reason why the law is silent is due to the fact that many of these policies are subjective, dependent upon the

issue that is being discussed and when it has been deemed to be finished and can be released. Therefore, it would be difficult to enforce any type of policy regarding Closed Session minutes, because it will be necessary to make exceptions in almost every case. Council Member Meyerson asked whether there is a law covering these types of minutes. Borough Attorney Bernstein answered that the Open Public Meetings Act (OPMA) requires that minutes be taken, and that they be reasonably comprehensible. They must be released when it is in the best interests of the public, but no determination was made as to when that would be. Typically, release of the minutes is done in conjunction with Counsel and Clerk. Council Member Frank suggested that a policy need not very detailed, but he believes there should be some type of policy in Hillsdale stating who will review the Closed Session minutes; when they will be released; and who will make that decision. At present, the Borough Attorney and Borough Clerk make that decision, and the issue never comes to the Council. However, there might be a time when the Council Members might want to be involved in that decision. Ms. Witkowski noted that when she came to Hillsdale, the previous Borough Attorney would ask for a resolution to be passed by the Council to the effect that they knew that the minutes would be released, but Mr. Bernstein felt it would be redundant to approve Closed Session minutes for released to the public, when they had already been approved by the Council. Council Member Frank asked if a summary policy could be developed with some guidelines included, such as the fact that the Closed Session minutes are not published on the Borough website.

Mayor Arnowitz asked what the policy is of other towns regarding the release of Closed Session minutes. Ms. Witkowski said she is not aware of any town that publishes its Closed Session minutes on their websites. Council Member Meyerson asked if other municipalities have policies regarding the release of Closed Session minutes. Ms. Witkowski responded that in her experience, it is always be done in conjunction with the OPMA and the Borough Attorney.

MISCELLANEOUS:

1. Letter from 237 Ell Road, Asking Permission to Have a Block Party, Cul-De-Sac, Glen Lane, Sunday, September 14, 2014, 2:00 PM-6:00 PM; Rain Date September 21, 2014
2. Request to Change Date for Block Party, 87 Conklin Avenue, from Sunday, August 31, 2014, to Saturday, September 27, 2014
3. Approval of On-Premise 50/50 Cash Raffle for the Hillsdale Volunteer Fire Department, October 24, 2014
4. Block Party Application, 257 Liberty Avenue, for Saturday, September 20, 2014
5. *Block Party Application, 338 Saint Mary Street, for Saturday, September 6, 2014, Rain Date September 7, 2014

Motion to approve, receive, and file by Council Member Frank, Second by Council Member Meyerson.
Roll Call Vote:

Ayes: Council Members Frank, Looes, Meyerson, Pizzella, and Council President Kelley
Absent: Council Member DeGise

ORDINANCES:

14-14 (Adoption)

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 292 OF THE HILLSDALE BOROUGH CODE, ENTITLED "VEHICLES AND TRAFFIC," MOST NOTABLY, SECTION 292-22, ENTITLED "OVERNIGHT PARKING"

WHEREAS, there is currently a prohibition on on-street parking in various zones of the Borough of Hillsdale from 2:00AM to 6:00AM; and,

WHEREAS, the Borough wishes to allow limited on-street parking to those who work for municipal, county and State government for easy access to their vehicles to perform their essential job functions.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Hillsdale, County of Bergen, that the Hillsdale Borough Code is hereby amended, revised and supplemented as to Chapter 292, entitled "Vehicles and Traffic", most notably Section 292-22, entitled "Overnight Parking" as follows:

"292-22

- A. No person, except as noted herein, shall park a vehicle upon any street in a residential, semipublic, industrial, recreational, office, research, senior citizen housing, townhouse or condominium zone in the Borough of Hillsdale between the hours of 2:00AM and 5:00AM. Vehicles with a specific government license plate (Municipal (MG), County (CG) or State (SG)) shall be permitted to park overnight on the street of Hillsdale Borough during the hours set forth above.”

This Ordinance, if adopted by the Borough Council shall, within five (5) days after its passage, Sundays excepted, be presented to the Mayor and Borough Clerk. The Mayor shall, within ten (10) days after receiving the ordinance, Sundays excepted, either approve this Ordinance by affixing his signature thereto or return it to the Council by delivering it to the Borough Clerk together with a statement setting forth his objections thereto or any item or part thereof. This Ordinance or any item or part thereof shall not take effect without the Mayor’s approval, unless the Mayor fails to return this Ordinance to the Borough Council, as prescribed above, or unless the Borough Council, upon consideration of this Ordinance following its return shall, by a vote of two thirds (2/3rds) of all of the members of the Borough Council, resolve to override the veto.

Motion to open public hearing on Ordinance 14-14 by Councilmember Meyerson, Second by Council Member Meyerson.

Roll Call Vote:

Ayes: Council Members Frank, Looes, Meyerson, Pizzella, and Council President Kelley

Absent: Council Member DeGise

PUBLIC HEARING:

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 14-14, please raise your hand to be recognized, come forward to the microphone, and state your name and address for the record.

I entertain a motion that the public hearing on Ordinance No. 14-14 be closed, and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 14-14 by Council President Kelley, Second by Council Member Frank.

Roll Call Vote:

Ayes: Council Members Frank, Looes, Meyerson, Pizzella, and Council President Kelley

Absent: Council Member DeGise

Motion to adopt Ordinance No. 14-14 by Council Member Meyerson, Second by Council President Kelley.

Roll Call Vote:

Ayes: Council Members Frank, Looes, Meyerson, Pizzella, and Council President Kelley

Absent: Council Member DeGise

14-15 (Introduction)

AN ORDINANCE TO AMEND ORDINANCE NUMBER 14-15, TO PROVIDE FOR AND DETERMINE THE RATE, AMOUNT, AND METHOD OF PAYMENT OF COMPENSATION TO PERSONS HOLDING CERTAIN OFFICE AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF HILLSDALE, COUNTY OF BERGEN, STATE OF NEW JERSEY

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

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

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

	<u>MINIMUM</u>	<u>MAXIMUM</u>
Police Lieutenant	\$135,000	\$152,000

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

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

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

SECTION 6. This ordinance shall take effect immediately after final passage (adoption), approval and publication of notice thereof as required by law, and the provisions of this Ordinance shall be retroactive to January 1, 2014.

BE IT RESOLVED, that Ordinance No. 14-15 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 October 14, 2014, 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 said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

Motion by Council Member Frank, Second by Council Member Meyerson.

Roll Call Vote:

Ayes: Council Members Frank, Looes, Meyerson, Pizzella, and Council President Kelley
Absent: Council Member DeGise

Council Member Meyerson reminded everyone that the Finance Chairman explained that last month, an ordinance was adopted which included the Police Lieutenant’s salary. However, some things were included in that salary that should not have been included, and this ordinance amends the previous ordinance to show the proper amount of the potential Police Lieutenant’s salary, to accommodate what the Council Members authority had been included, but was not.

PUBLIC COMMENT:

Kevin O’Brien, 61 Parkview Drive, noted that during the July 8 Council meeting, the Borough Attorney made reference to a revolving door scenario in his neighborhood. Mr. O’Brien sent Mr. Bernstein the picture of the situation, after which a representative from the Borough came in August with a violation notice regarding non-operational vehicles on the property next to Mr. O’Brien’s. On August 12, that was to be abated, but on August 26, a motorcycle with no engine connected, as well as no seat and no license plate, was seen on the property. Mr. O’Brien said he does not know if the place is a chop shop, a repair center, or just a hobbyist, but the area is a residential area, and he wonders what else the residents can do about the situation. Mayor Arnowitz responded that he would pass this information onto the Police Chief for his recommendation. Mr. O’Brien noted that the former Police Chief had been out several times to speak to the property owners, and Ms. Witkowski and Councilman Pizzella have also talked to them, but he is at a loss as to how to proceed.

Next, Mr. O’Brien reminded everyone about the discussion regarding the Fornazor interest in the property adjacent to 455 Hillsdale Avenue. From his perspective, Mr. O’Brien said he was surprised at the meeting was not opened up to the Council Members to get their feedback on whether that should continue to move forward. He recalled there was a debate between Mayor Arnowitz and a retired Borough employee that was not on the agenda, so Mr. O’Brien is not sure why that came up at all. However, he noted that the conversation went in a variety of ways, and one of his concerns is that Councilman Pizzella did not make any comments on whether the Environment Committee might want to give input because the property in

question is listed within the 100-foot floodplain for the 2003 Master Plan. Mayor Arnowitz interjected that the reason he did not solicit any feedback was because he asked the Borough Attorney whether the property is potentially salable. If it is, a decision must be made whether the Council wants to sell it. The property has been designated COAH property, and it is within the floodplain. According to the previous Borough Engineer, building could be accomplished there. Mayor Arnowitz stressed the fact that he did not want to waste either the Council's time or the public's time in pointless discussion, which is why he asked the Borough Attorney to determine if the property is salable. Council Member Pizzella said that the COAH designation was the reason why the Borough Attorney was asked for his input. One person asked if the Borough would be interested in selling the property, and Mayor Arnowitz pointed out that nothing could be sold until the status of the property had been determined. At the last meeting, the Borough Attorney asked if the Borough Planner could also look at the property. However, no formal determination or action has been taken at this time.

Mr. O'Brien pointed out that the property in question also abuts a C-1 waterway, which requires a 300-foot buffer by State statute. There is clearly not a 300-foot buffer back from the stream there. Mr. O'Brien also noted that the stream Encroachment administrative checklist in 2004 asked if there is construction grading or other disturbance within the 100-foot floodplain. Mayor Arnowitz said that Mr. O'Brien was again jumping the gun, because until it is determined whether the property is salable according to the previous Borough Engineer, as well as the current Borough Engineer, the property is buildable. Mayor Arnowitz asked the question about why anyone would want to build in a COAH area. Mr. O'Brien noted that building a gazebo is still building, and nothing can be built within 300 feet of the stream. Council Member Meyerson pointed out that no one has proposed any type of building at this time. A presentation was made that surprised all of the Council Members, and no action has been taken on it. No applications have been made at this time. Council Member Meyerson considers a waste of time to discuss something that is not an issue at this time. The determination must be made if the property is salable, because if it is not, the discussion ends. Mr. O'Brien said he was concerned when he first heard the presentation, and he was concerned again when he listened to the tape on the website, because a retired Borough employee was asked if he would be interested in participating in a meeting to discuss this issue, and Mr. O'Brien believes any such discussion should be held in an open forum, not in a closed meeting. Council Member Meyerson noted that no one is discussing anything on behalf of the Borough Council, and no one has been authorized to do so. Mayor Arnowitz stated that he does not know why Mr. O'Brien has a problem with the employee, because he is an employee of the business, and a relative of the property owner, acting on behalf of Mr. Fornazor. Mayor Arnowitz pointed out that anyone can make a presentation to the Borough Council, and that is exactly what Mr. Durie did on behalf of Mr. Fornazor. At that time, Mayor Arnowitz asked the Borough Attorney to determine whether this could move forward. That is the current status of the property. Mr. O'Brien asked if a discussion took place, why it was not on the agenda. The letter was dated June 4, and received on June 5. Therefore, it was known well in advance, and should have been on the agenda. Mayor Arnowitz responded that a letter was sent to the Borough, and the writer asked if he could explain the letter to the Council. Mayor Arnowitz allowed him that time to explain it. Mr. O'Brien pointed out that the meeting was open to that person only, not to the public at large. He said it appeared to him that it was planned in advance, and should have been on the agenda.

Ms. Witkowski interjected to point out that it was on the agenda for the July 8 meeting. It was listed under "Correspondence," item #4.

Next, Mr. O'Brien turned to the subject of Closed Session meeting minutes. He reminded Ms. Witkowski that she had created a document for him relating to discussions held in 2011-2012, which contains 43 pages of redacted minutes. There is no indication in those minutes whether the action in that Closed Session was ever resolved, and Mr. O'Brien asked how the public would know what to ask for if that information is not available. Because the minutes are part of the Open Public Meetings Act, it would be ideal if they could be put on the website. He does not understand why Closed Session minutes cannot be released on the website to give more people the opportunity to review what has occurred. In addition, Mr. O'Brien pointed out that when the Council goes into Closed Session, people watching at home have no way of knowing when they will return. He asked if there is a way to move the Closed Session to the end of the meeting, or to put a message on the screen to let people know when the Council Members anticipate returning. Mayor Arnowitz responded that Closed Sessions are always at the end of the meeting, unless there is an urgent reason to have them at another time. There was an urgent reason to do so at the last meeting. Mr. O'Brien said when he logged on to watch the meeting, there was no indication that the Council was in Closed Session, and viewers had no way of knowing whether the meeting was actually taking place.

Marty Ward, 47 East Liberty Avenue, is the liaison to the River Vale Senior Project. Mr. Ward said he spoke with the Borough Administrator in River Vale today, and they are planning on breaking ground on the property sometime this month. It will take up to a year to build it, and that Mayor Arnowitz's request, they have placed vermin traps before breaking ground due to some problems with vermin in the area. Mayor

Blundo said he would keep Mr. Ward informed about any meetings. So far, there still 50 units, with 20 parking spaces. Mayor Arnowitz and Council President Kelley pointed out the 20 spaces is not nearly enough, and would result in the same problems that occurred at Hillsdale House. Stonybrook cannot be used for parking for the River Vale residents. Mayor Arnowitz pointed out that there is an ordinance in Hillsdale requiring that any digging must be done 30 days prior to construction, and he is not sure if River Vale has the same ordinance.

MONTHLY DEPARTMENT REPORTS:

(The following correspondence on file in Borough Clerks Office)

Ambulance Corps –

Construction Department – July 2014

DPW – Donald Russell presented the report for the DPW. The wheel loader is up and running. There was an issue with the fuel pump on the leaf vacuum, which is currently being repaired. New tires been obtained for the garbage trucks to replace ones with dry rot, to avoid any safety issues. Mr. Russell thanked the town of Woodcliff Lake for lending their loader from May 2014 up until now, enabling many tasks to be completed. Hillsdale staff were able to work with the County to remove the tree from the Tandy/Allen pond, which had fallen down months ago. Mayor Arnowitz said the letter would be sent to Woodcliff Lake and Bergen County to thank them for their assistance. Mayor Arnowitz also asked if the leaf map would be available this year, and when it would be ready. Mr. Russell responded that he and Ms. Witkowski are working on adjusting the dates for leaf pickup. Mayor Arnowitz said it is always a good guide for residents.

Chief Francaviglia thanked Mr. Russell for his help in various projects, especially involving the changing of the traffic pattern around George White School.

Fire Department – Deputy Chief Domville said that the dates for Fire Prevention Week are being published, and it is in the beginning of October. He mentioned the new traffic pattern at George White and how it affects Fire Department routes, but the traffic pattern will not inhibit the Fire Department. There currently working with representatives from the school about the size of the windows in the rooms designated as safe rooms, because it is not possible to get anyone out of those rooms. He also wanted to recognize Mr. Blankenbush, who has done an outstanding job since he came to the Borough. They are currently relocating knock boxes, which are the boxes containing the master keys for buildings to be used in the event of fire. Mr. Blankenbush has been instrumental in checking those boxes, and obtaining new plans to help the Fire Department.

Board of Health – Council Member Looes will be meeting with them next week.

Hillsdale Library – Council Member Frank said that yoga classes are being held in the Library, on Tuesdays for six weeks. There are also chair yoga classes. They are fee-based activities. There will also be a presentation on Social Security benefits on September 22, to help people to determine whether they should take early benefits or not. At the next “Meet the Author,” Avery Korman, the author of “Kramer vs. Kramer,” will be at the library on Thursday, September 18, at 7 PM. Council Member Frank thanked the Friends of the Library for sponsoring the summer reading program again.

Police Department – Police Chief Francaviglia presented his first official report, for the month of July 2014. After swearing in Police Officer Considine, the department staff now numbers 18. Officer Buesser has completed his field training, and is now out on his own. The promotion process for the Executive Officers’ position is underway, and should be completed by the end of the month. Hillsdale is now equipped for tasers, and is the first local Police Department in the area to have them. They are not for deadly force, but can be used as a deterrent, as well as when confronting someone who is combative.

Regarding department activities, Chief Francaviglia provided some statistical information to the effect that in July, over 40 criminal juvenile cases were handled. Arrests were made by Officers Sayers and Kaplan, both of whom made multiple arrests. There were a total of 133 traffic summonses issued, and 163 traffic warnings issued. This week, the department will be receiving some free office furniture for the Borough. Chief Francaviglia thanked Officer Diedtrich for obtaining the furniture for the Borough. Mayor Arnowitz said that a letter should be sent from the Mayor and Council thanking Officer Diedtrich and his father-in-law. At this time, the Police Department is undergoing training for the new records management system, which should be operational within the next few weeks. Chief Francaviglia thanked Detective Adam Hampton for his efforts in getting the records management system, because without him it would not impossible. The amount of money saved by the Borough is amazing. Officer Kaplan registered the department to receive military-grade equipment at no cost, and Chief Francaviglia will be meeting with the other EMS personnel to see what can be utilized through the website.

The new school traffic pattern at George White is now on the Facebook page, as well as on the website, and electronic signs have been placed near the school on Hillsdale Avenue. Sergeant MacLachlan was approached by the principal at George White, who had a safety concern with drop-offs and pickups. Sergeant MacLachlan came up with the idea of closing down Magnolia Avenue and Hillsdale Avenue, so northbound traffic cannot turn left on to Magnolia Avenue. Parents now must drop their children off on Trinity Place or Liberty Avenue, or if they are coming cell phone Magnolia Avenue, children can be dropped off on the blacktop. Officers will be posted around the school to ensure that things proceed smoothly. On September 27, from 10 AM-2 PM, Operation Take Back will occur, where residents can drop off unwanted or unused drugs at the Police Department. Mayor Arnowitz pointed out that other towns, such as Park Ridge and River Vale, do those activities 24/7 throughout the year. He asked if that is something that Hillsdale might want to consider doing. Chief Francaviglia said it does create a bit of a problem as far as getting rid of the drugs is concerned and limited staffing in Hillsdale, but people can be directed to River Vale to get rid of unwanted or unused drugs.

Recreation/Stonybrook –

COUNCIL COMMENTARIES:

Council Member Frank mentioned that former Mayor Al Murphy is in the hospital, and asked people to remember him in their prayers. The 9/11 ceremony will begin at 8:30 AM at the Fire Department; the candlelight ceremony is scheduled for 6:30 PM at Veterans Park.

Regarding recycling, Council Member Frank noted that in Hillsdale, it costs nothing to dispose of the recycling materials that are picked up. In fact, until recently, Hillsdale was paid for those materials. The value of those materials have dropped significantly, so the Borough will receive less than what was anticipated in the budget for the materials. However, disposal of materials is still free. Council Member Frank noticed that many houses still do not place recyclable materials out at the curbs. It makes him wonder if those people are not recycling, because if they are not, they are costing the taxpayers extra money to dispose of recyclable materials mixed in with garbage. Therefore, Council Member Frank encourages everyone to recycle. Some stickers were made two years ago to encourage everyone to recycle, and the contractor who picks up the garbage will be putting stickers on recyclable things that should not be in with regular garbage.

Finally, Council Member Frank said he received a letter from ShopRite inviting him and anyone else who wants to attend to, on September 17 to help back on their. People will be asked to donate food pantries, and this will help them develop their “bagging skills”.

Council Member Pizzella welcomed all the children back to school, and wished them luck and a productive year.

Council President Kelley welcomed Officer Considine to the Borough. He asked if there was a date yet for the bridge dedication, and Mayor Arnowitz responded that it has not yet been set.

On Sunday, September 7, from 12:00 noon-6:00 PM there will be a fundraiser at Lou’s for one of Hillsdale’s dispatchers who has mounting medical bills due to Hodgkin’s lymphoma.

Council Member Looes congratulated Officer Considine for joining the Police Department, as well as the Kelley family and Christopher for his acceptance of a Firefighter. The Fire Department has a wonderful program for boys and girls, and Council Member Looes recommended it to everyone.

She also reminded everyone to take care around the schools; people are being encouraged to walk to school rather than drive, so drivers should be aware that the crosswalks might be busier than usual. She also thanked the Borough employees for assistance with the Girl Scout troop members trying to get their Journey badge.

Council Member Meyerson congratulated Council President Kelley and his family, particularly Christopher, for joining the Fire Department. Council member Meyerson also noticed there have been many changes in the Police Department over the past months. They seem to be many more young officers in the Department, as well as the members of the Police Commission for facilitating the smooth transition of leadership in the Police Department. He also congratulated Officer Considine for joining the Police Department.

Ms. Witkowski stated that the Patterson Street bridge dedication will possibly be during the third week of September. In addition, Bergen County has agreed to hold \$3,000 aside in case the Council decides to close

Beechwood going one way, or some other traffic pattern. That is an option that can be considered.

As Mr. Polyniak pointed out, a sample ordinance was received from another town regarding when contractors come in an open streets, which was sent to the Borough Attorney. Ms. Witkowski hopes that an ordinance could be drafted for Hillsdale to take care of Hillsdale streets when they are opened up in that manner.

Ms. Witkowski thanked Elizabeth and Marty for doing a wonderful job on the summer concert series; it was another great season. Finally, an intern will be coming in from Pascack Valley High School next week to work in the Borough as part of a program may have in which students are placed in different jobs to learn different aspects of the jobs. The intern will be working in the Finance Department.

The Borough Attorney read a statement issued as a result of an investigation conducted by the Hillsdale Police Department. Due to concerns expressed by a resident, there was an inquiry made by the Borough, and an investigation made by the Hillsdale Police Department. This resulted in a finding of no criminal wrongdoing by any individual, or elected or appointed, affiliated with the Borough of Hillsdale.

Mayor Arnowitz thanked Marty and Elizabeth for the summer concert series. Mayor Arnowitz got a lot of positive responses about the concerts, which seem to get better every year. He pointed out that the concerts are completely funded by donations solicited by Elizabeth, and he will be sending out letters thanking everyone involved. Yoga classes were held during the last session, which were well attended by a lot of female residents, and it is hoped that more of these types of classes can be included in future concert series.

Mayor Arnowitz said he received an email from the manager of Kings Supermarket saying that he was informed that the bridge dedication would be held on September 13. However, Chris Statile said he knew nothing about that. The roadway will be opened, but Bergen County has not yet decided on the date for the dedication. Mayor Arnowitz had inquired at the County level because he received an email asking him to participate in the groundbreaking of the Pascack Valley High School tennis courts on September 18. He thought that if Ms. Donovan was going to be in Hillsdale, the bridge dedication might be scheduled for September 18, so that she could attend both on the same day. As of this past weekend, no plaque has been placed dedicating the bridge to the Memory Mr. Patterson. Councilmember Pizzella noted that the plaque has been completed, and they were supposed to let him know when it would be ready. Mayor Arnowitz said the bridge looks wonderful, but it is very close to the water. The road configuration does look great.

Mayor Arnowitz said some residents have spoken to him about keeping the street open, while other residents seem to want the road to stay closed. After speaking to Mr. Statile about class A/class B roads, Mayor Arnowitz said that Mr. Statile told him that with the new configuration of the bridge, some of the traffic will be deterred from using that street as a shortcut.

ADJOURN TO CLOSED SESSION: @9:08 PM

R14190 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 – Personnel – Police Department, CFO, and Administrator.

WHEREAS, the Borough Council of the Borough of Hillsdale is subject to certain requirements of the Open Public Meetings Act N.J.S.A. 10:4-6 et seq; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Borough Council of the Borough of Hillsdale to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12(b) and designated below:

- (1) Matters required by law to be confidential.
- (2) Matters where the release of information would impair the right to receive funds.
- (3) Matters involving individual privacy.
- (4) Matters relating to collective bargaining agreements.
- (5) Matters relating to the purchase, lease or acquisition of real property or the investment of public funds.
- (6) Matters relating to public safety and property.
- (7) Matters relating to litigation, negotiations, and the attorney-client privilege. *Flood Plain Manager*
- (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 by Council Member Frank, Second by Council Member Meyerson.

Roll Call Vote:

Ayes: Council Members Frank, Looes, Meyerson, Pizzella, and Council President Kelley

Absent: Council Member DeGise

RECONVENE REGULAR MEETING: @9:25 PM

Motion to reconvene regular session was made by Council President Kelley, Second by Council Member Frank.

Roll Call Vote:

Ayes: Council Members Frank, Looes, Meyerson, Pizzella, and Council President Kelley

Absent: Council Member DeGise

Borough Attorney Bernstein said let the record reflect all members of the governing body present for commencement of the executive session and are present for the recommencement of the open session as well as the Borough Clerk/Borough Administrator and the Borough Attorney.

There was a discussion with the governing body relative to the upcoming negotiations with the three bargaining units, whose contracts expire at the end of this year. Direction was given to the Borough Attorney and the Borough Administrator relative to the commencement of such negotiations, and to work with the Borough Council negotiating committee once the initial sessions have been concluded. No formal action needs to be taken.

The governing body also gave direction to the Borough Attorney regarding the Kraycinovich matter, and the Borough Attorney will take that direction accordingly. No formal action is required.

ADJOURNMENT: @9:27 PM

Motion to adjourn was made by Council Member Meyerson, Second by Council Member Frank.

Roll Call Vote:

Ayes: Council Members Frank, Looes, Meyerson, Pizzella, and Council President Kelley

Absent: Council Member DeGise

**THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE
TUESDAY, SEPTEMBER 9, 2014 – BEGINNING AT 7:30 P.M.**

Susan Witkowski, Municipal Clerk

APPROVED AS PRESENTED
OCTOBER 14, 2014

Susan Witkowski, Municipal Clerk