

## Council

Meeting

February 8, 2011

Minutes of a Council Meeting of the  
Borough Council held at 7:30 P.M. on  
Tuesday, February 8, 2011, in the Council  
Chamber, Hillsdale, New Jersey.

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

## ANNOUNCEMENT OF MEETING

Borough Clerk Sandt stated, "This is a Meeting of the Hillsdale Borough Council on this 8<sup>th</sup> day of February 2011. Notice of the time and place of this meeting has been provided to The Review, 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:

Borough Clerk Sandt called the roll those present being as follows: Councilmembers Frank, Giancarlo, Schiavone and Weinstein. Also in attendance Borough Attorney Paul. Absent: Councilmembers DeJoseph and Hanlon.

## CORRESPONDENCE:

1. CHRISTOPHER STATILE, BOROUGH ENGINEER, NOTING A DEP APPLICATION FOR FLOOD HAZARD VERIFICATION AS INCOMPLETE.

Received and filed on motion by Councilmember Giancarlo, seconded by Councilmember Frank, and unanimously carried.

Councilmember Giancarlo said we are keeping a close eye on this situation and nothing has been submitted to the Planning Board.

## APPROVAL OF MINUTES:

On motion by Councilmember Weinstein, seconded by Councilmember Giancarlo, and unanimously carried, the Council Meeting of February 1, 2011 and Special Council Meeting of January 26, 2011, were approved as presented.

## DISCUSSION:

- 1) Proposal for Temporary Cell Tower. (Referred from 1/11/11 Meeting.

Mayor Arnowitz said late in December Metro PCS requested a 100 ft. tower be erected behind the firehouse or in the west lot. Since that time, the Police Department suggested putting the tower behind the borough hall to replace the present communications tower which is old and inadequate. Councilmember DeJoseph was in touch with Metro and they were willing to put their tower behind the borough hall. Before we expend any more funds, the Mayor wanted to be certain that the Council is interested in putting the tower behind the borough hall.

The tower they are suggesting is over 100 ft. and they would do their research to determine the exact height they would require. The temporary tower in the firehouse parking lot would be 100 ft.

Councilmember Frank said the tower we have is not the best and should we decide to do something like this, it would help because the police could replace their antennas as well.

Mayor Arnowitz said when we put the tower behind the firehouse, he was under the impression that all communications equipment that was on that tower was supposed to be moved across the street. Police communications equipment was put on the tower behind the firehouse and the communications room has police equipment. When we originally heard the application for this tower it was supposed to be one going up and one is coming down and the one coming down never came down. Another tower on the roof of the borough hall was supposed to come down also.

Councilmember Frank said he would like to proceed with this but he doesn't sense the Council is interested in a cell tower and he did not want to spend any more time or money on it.

Councilmember Weinstein thought the Police Chief could speak with the Council and inform us exactly what the towers are supporting.

Mayor Arnowitz said he did not know what is on the tower behind the firehouse and he was under the impression that everything was going

to be moved there. We could derive income from a tower and get some emergency equipment for it.

Councilmember Giancarlo said he doesn't have an opinion one way or the other. He agreed that we shouldn't spend money if there is a consensus if we don't, but he didn't know if that consensus exists. The vote away from the west side tower was because that was clearly in a residential part of town and this is in a different zoned area of town. We haven't had the discussion yet and for him, it is a question of what types of zones do we want to have towers if we want to have them at all. He hasn't gotten there yet but he did not want to rule it out on an emotional reaction.

Councilmember Frank said it appears to him that it is residential in the back of the borough hall on Central Avenue. If our concerns which he heard are safety and being close to Smith School, this is another tower close to George White School and close to residential and after the meeting last week, he did not see how we could consider this one.

Councilmember Giancarlo said that is a valid criticism but other people came out from more of a zoning angle.

Mayor Arnowitz said many more residents will be affected by a tower behind the borough hall and firehouse than they ever would be on the west side because of the density. You have residential on top of the commercial district on Broadway but behind it, abutting the tower location is residential. It would be closer to George White School than the tower on Smith School. These are all factors. If you want to listen to the professionals and move forward, that is our prerogative and he is looking for a consensus now.

Councilmember Weinstein said it would sense to put it on the Agenda for the first meeting in March. He will meet with the police chief and the police committee prior to the meeting to get a fair understanding.

Mayor Arnowitz said the expenditures we had before involved the Borough Engineer reviewing plans and drawing up recommendations. We had Police Department Emergency Services and Fire Department drawing up things they needed, the Borough Attorney drawing up Bid Specs that needed to go out. There is no sense in expending funds if the answer is definitely "no." They offered \$36,000 yearly to put it across the street. The tower behind the firehouse is maxed out with the 14 ft. spire being added. It is quite possible if you put a tower behind the borough hall you can get other tenants other than Metro PCS. The tower behind the firehouse originally had two tenants and now there will be five. There are more and more communications companies looking for sites and obviously this is a viable site. There are pluses but he is just asking for an opinion

and we will discuss it March 1<sup>st</sup>.

- 2) Approval for Tax Assessor to Request the County Tax Board for a Reassessment of Properties.

Councilmember Frank said our original concept was to do a reval because tax appeals were costing us a lot of money and there is still a lot of potential. We applied in November and received an answer saying that we could not do a reval because the property value to assessed property ratio was not big enough and we were not over assessed enough to justify that. To do any reval or reassessment requires approval by the Board of Taxation. The recommendation that came from the Tax Assessor was to go with a reassessment which would include 100% inspection which would be comparable to a reval and he was planning to present that to the Board in Hackensack tomorrow and he needs approval to do so. The cost was approximately the same.

He met with the Tax Assessor today and pressed him why and what the benefit of doing this was and the bottom line is the only benefit we would get in a reassessment with 100% inspection would be that we would get into every home and see any work that might have been done without a permit and we did not have on the records. We already did that in 2006, the opportunity to gain additional assessed value was unknown and assumed not too great. After discussion, he asked if we could just do a desk top reassessment which we wanted to do which would require no inspections and that would allow us to accomplish the primary objective that we are looking for now which is to equalize the assessments across all the commercial and residential areas of town. The cost would be significantly less than a 100% inspection and if we went ahead with assessment and 100% reval, there is no way we could accomplish it in 2011. We wouldn't see any changes to the assessments until 2013. By going with a desk top reassessment, we save money and would be able to accomplish it this year. The Tax Assessor will need approval to go and request this at the Board of Taxation in lieu of requesting the 100% inspection.

#### Motion for Tax Assessor to Get Approval for a Desk Top Reassessment

Motion to approve was made by Councilmember Frank, seconded by Councilmember Giancarlo, and unanimously carried.

Mayor Arnowitz said there will be one additional resolution to go to one day a week garbage collection in the colder weather and this was approved by Waste Management. He spoke to each individual Council member before the meeting and everyone was comfortable with this change.

GENERAL PUBLIC HEARING:

Mayor Arnowitz opened the meeting to the public and invited comment from the audience.

Michael Brinzey, 33 Highland Avenue -

He thought a cell tower was needed to close the dead areas of communication within the borough. Will a tower behind the borough hall close the gap on the dead areas? Putting the tower in an area where you have dead areas would allow that communication company to service it plus the additional dear areas in town. He didn't see where a cell tower behind the borough hall will make any improvement to the communications other than adding on a new communicator to the list. He quoted "ask not what the government can do for you, ask what you can do for the government" which means the choices the Council makes will benefit us all. We have paper collections, plastic collections at the DPW but he did not know the cost of removing the compactors to and from and the processing of that material. Substantial money is involved and if we can eliminate paper and the plastic completely, you will lessen the overtime of your employees.

Sonya Kinzler, Norwood -

She asked the exact location of the proposed tower behind the borough hall.

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

#### ORDINANCES:

Ord. No. 11-02	At the Mayor's request, the Borough
(Adoption)	Clerk read by title only proposed Ordinance
Establishing	No. 11-02 as follows:
Recreation	
Summer Camp	AN ORDINANCE ESTABLISHING RECREATION
Fees	DEPARTMENT PROGRAM AND SUMMER CAMP FEES FOR
	THE YEAR 2011 IN THE BOROUGH OF HILLSDALE.

The Borough Clerk confirmed to the Mayor that copies of the ordinance have been posted in the Municipal Building and that no written objections to the ordinance had been received.

Mayor Arnowitz then opened the public hearing on the proposed ordinance and asked if anyone in the audience cared to discuss it. There being no response, the public hearing was closed on Ordinance No. 11-02.

Following is the result of the roll call vote on the foregoing Ordinance No. 11-02:



## CHAPTER 71 SWIMMING POOL COMMISSION

The Borough Clerk confirmed to the Mayor that copies of the ordinance have been posted in the Municipal Building and that no written objections to the ordinance had been received.

Mayor Arnowitz then opened the public hearing on the proposed ordinance and asked if anyone in the audience cared to discuss it. There being no response, the public hearing was closed on Ordinance No. 11-04.

Mayor Arnowitz asked the Borough Clerk to read the resolution adopting the ordinance on final reading.

Following is the result of the roll call vote on the foregoing Ordinance No. 11-04:

Ayes: Councilmembers Frank, Giancarlo, Schiavone and Weinstein

Nays: None

Absent: Councilmembers DeJoseph and Hanlon

(SEE COPY OF THE AFORESAID ORIGINAL RESOLUTION AFFIXED HERETO)

Ord. No. 11-05	At the Mayor's request, the Borough
(Adoption)	Clerk read by title only proposed Ordinance
Establishing	No. 11-05 as follows:
2011 Stonybrook	
Swim Club	AN ORDINANCE ESTABLISHING SALARIES FOR THE
Salaries	2011 HILLSDALE SWIMMING POOL COMMISSION
	STAFF.

The Borough Clerk confirmed to the Mayor that copies of the ordinance have been posted in the Municipal building and that no written objections to the ordinance had been received.

Mayor Arnowitz then opened the public hearing on the proposed ordinance and asked if anyone in the audience cared to discuss it. There being no response, the public hearing was closed on Ordinance No. 11-05.

Following is the result of the roll call vote on the foregoing Ordinance No. 11-05:

Ayes: Councilmembers Frank, Giancarlo, Schiavone and Weinstein

Nays: None

Absent: Councilmembers DeJoseph and Hanlon

(SEE COPY OF THE AFORESAID ORIGINAL RESOLUTION AFFIXED HERETO)

## RESOLUTIONS: (Consent Agenda)

Mayor Arnowitz read the Consent Agenda of Resolutions.  
He will hold out Resolution 11046 for separate discussion.

11038 Payment of Bills was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

11039 Appoint Municipal Housing Liaison was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

11040 Raffles License, Hillsdale Fire Department, Non-Draw Wheels & Games was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

11041 Raffles License, Hillsdale Fire Department, Off-Premise 50/50 Cash was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

11042 Transfer of Funds was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

11043 Change Order - 2010 Wierimus Road Improvement Program was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

11044 Developers Agreement Release of Performance Guaranty, Block 1525, Lots 9 & 10, was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

11045 Designating a Bond Anticipation Note as a Qualified Tax-Exempt Obligation was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

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

Following is the result of the roll call vote on the foregoing Consent Agenda of resolutions.

Ayes: Councilmembers Frank, Giancarlo, Schiavone and Weinstein

Nays: None

Absent: Councilmembers DeJoseph and Hanlon

11046 Authorize Settlement with Waste Management and the Borough of Hillsdale was introduced by Councilmember Frank, seconded by Councilmember Giancarlo.

Mayor Arnowitz said as of March 1<sup>st</sup>, we will go to one day a week garbage collection curbside. This will be discussed with the DPW

at the Budget Meeting. On May 1<sup>st</sup>, we will go back to two day a week garbage collection and we will stay in the warm weather mode until September 15 when we will go back to one day a week garbage collection curbside. We are doing away totally with backyard pickup and again September 15 we will go back to one day a week curbside pickup only. This is being done for substantial savings to the borough so that we can accomplish our goals in the budget hearings this year and in future years within the 2% CAP. This Council has been working very diligently on the budget but when you only control a very small part of the budget, and so much of the budget is contractual and mandated, these types of savings are substantial and far reaching.

Motion to approve 11046 was made by Councilmember Frank, seconded by Councilmember Giancarlo.

Following is the result of the roll call vote on the foregoing Resolution 11046:

Ayes: Councilmembers Frank, Giancarlo, Schiavone and Weinstein

Nays: None

Absent: Councilmembers DeJoseph and Hanlon

(SEE COPIES OF THE AFORESAID ORIGINAL RESOLUTIONS AFFIXED HERETO)

LAST GO ROUND

Councilmember Frank said we have a Budget Meeting tomorrow evening at 6:30PM and will be meeting in the back conference room. We will cover Code and DPW.

Councilmember Weinstein said we voted tonight on the establishment of the Stonybrook Swim Club fees and he wanted everyone to be sure they knew that the fees remained flat over last year, no increases, and he extended his gratitude to the Swim Club Commission who continue to provide a great product and hold the line on the costs to the residents.

Councilmember Giancarlo said new assessments, property taxes we pay, bonding takes a lot of work and complimented the Council. The town just got a double "A" rating on bonds, we have taken a lot of our long term debt and rolled it into a bond which has an interest rate of 2.76; it took a lot of patience and a lot cast iron stomach for people to wait until they thought the yield curb bottomed out. We guessed right and thanked the whole financial team in the town. This benefits the taxpayers.

Mayor Arnowitz said our server had a glitch with the OPRA

reporting. If someone wants an OPRA report, there is a gap. If you delete your emails within that gap, they are lost forever. He asked everyone not to delete emails until the gap is closed. We are working with the communications company and they will give us quotes on two ways to close the gap.

He sent an email to everyone, thanks to Councilmember Schiavone, regarding our sister city in Spain. Kevin O'Brien from Westwood received an OPRA request regarding the property in Woodcliff Lake on Broadway; we have the plans which he will turn them over to Harold Ritvo.

Mayor Arnowitz referred to Ell Road and was told that the Weinbergs are going to move forward with that project in the warmer weather. Now there is another appeal and it may be held up, but he asked the Board of Health to be proactive. The property must be baited in a certain amount of time and checked; everything has to be done be done well in advance of their construction as the borough ordinance calls for.

He said we had a \$67,000 note due that we could not roll into the bond. The bank we presently have would not negotiate the rate which was 3.75%. When the Pascack Bank opened on Broadway, the owner came to him asking to do business with the Borough and he contacted Cathy Henderson. We got a rate of 1% which is substantial. Cathy will do an RFQ which means you reach out to all the local banks and ask what services they can or cannot provide and for what fees and we then evaluate it and determine what bank we want to use. The law now says a small bank like Pascack Bank vs. TD Bank, which we presently use, has much more leeway in what they can and cannot offer. The Council will make a decision.

He thanked Councilmember Frank for stepping up to the plate for all the work he has been doing since the Administrator left. He also thanked Borough Clerk Sandt who also stepped up to the plate and taken over a lot of the duties.

ADJOURNMENT:

A motion to adjourn was made by Councilmember Weinstein, seconded by Councilmember Frank, and unanimously carried.

2-8-11

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Robert P. Sandt, RMC  
Borough Clerk

APPROVED AS PRESENTED

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Robert P. Sandt, RMC  
Borough Clerk