

## Council

Meeting

January 11, 2011

Minutes of a Council Meeting of the  
Borough Council held at 7:30 P.M. on  
Tuesday, December 14, 2010, 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 11<sup>th</sup> day of January 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 DeJoseph, Frank, Giancarlo, Hanlon, Schiavone and Weinstein. Also in attendance Borough Attorney Paul, Borough Engineer Statile.

Mayor Arnowitz read a letter addressed to the Mayor and Governing Body which stated that Victor Polce resigned his position as Borough Administrator for personal reasons effective Tuesday, April 12, 2011.

APPROVAL OF MINUTES: On motion by Councilmember Hanlon, seconded by Councilmember Weinstein, the minutes of the Reorganization Meeting of January 2, 2011, and the Sine Die Meeting of January 2, 2011, were approved as presented.

## APPOINTMENT:

Mayor Arnowitz presented the name of Christopher Statile as Borough Engineer for a three (3) year term ending December 31, 2013.

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

Roll Call Vote:

Ayes: Councilmembers DeJoseph, Frank, Giancarlo, Hanlon,

Schiavone and Weinstein

Nays: None

Mayor Arnowitz presented additional five (5) new auxiliary drivers of Borough vehicles for the year ending December 31, 2011.

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

Roll Call Vote:

Ayes: Councilmembers DeJoseph, Frank, Giancarlo, Hanlon, Schiavone and Weinstein

Nays: None

Mayor Arnowitz appointed Terence Beutel as Alternate #1 to the Environmental Commission for a two (2) year term ending December 31, 2012.

CORRESPONDENCE:

1. LISA CANDURRO, METRO PCS, PRESENTING A PROPOSAL FOR TEMPORARY CELL TOWER.

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

Mayor Arnowitz said the letter pertains to a tower in the east lot, the west lot and an alternate location at the DPW.

Councilmember DeJoseph said this letter is from Metro PCS who is a bidder on a cell tower across the street to add an addition on the tower.

Borough Attorney Paul said the correspondence is public information and the Council is not deliberating on any negotiations.

Councilmember DeJoseph said Metro PCS was the losing bidder on the tower across the street and they are now looking to get service in

the downtown area and want to put up a temporary cell tower adjacent to the Fire Department parking lot or in the west parking lot between Friendly's and Wendys. Nothing has gone out to bid, it is just a request for new areas. He asked that this matter be placed on the Agenda for discussion February 1<sup>st</sup>.

2. VOLUNTEER AMBULANCE SERVICE REQUESTING ADJUSTMENT TO LOSAP CREDITS.

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

Councilmember Giancarlo said the Ambulance Service is requesting to change their LOSAP credits which are based on the realities of running a modern day Ambulance Corps and they are changing some of the qualifications.

Mayor Arnowitz said LOSAP was established by State Ordinance and passed by the Borough by referendum. LOSAP is an award to maintain active people and before any changes are made, we have to find out if it is legal.

Councilmember Giancarlo will investigate and will advise the Council.

3. FIRE DEPARTMENT REQUESTING USE OF THE WEST LOT FOR CARNIVAL PURPOSES.

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

Councilmember Frank wanted to be certain they have the facilities for recycling during the carnival.

DISCUSSION:

1) Master Plan Re-Examination report/End of Year Summary Report.

Jason DeGise Chairman of the Planning Board said they were present to discuss the Master Plan. They had 19 variances, 4 were denied and the rest were approved. Overall, they did not have a busy year. The Master Plan was reviewed by the Borough Engineer's office based on adjustments made, and then it was forwarded to the Planning Board and Zoning Board. It was further discussed, voted on, and it passed with proper notice to the public and approved. The Planner, Caroline Reiter, was invited to go over what was done and to present a synopsis to the Council.

Caroline Reiter said the Engineer's Office has provided planning

and engineering services to Hillsdale for a number of years. Last year the Planning Board went through the Master Plan re-examination; the N.J. Municipal Land Use Law requires that towns re-examine their Master Plans every six years and we were due for re-examination. Affordable Housing regulations played significantly into our discussions and there is much talk about changing that in the future. There may be some affordable housing regulation-type changes, whether it is done by the legislature, whether it is done by new COAH rules or by some other mechanism, but that is something we may be seeing over the next several months; the obligations, etc.

Ms. Reiter said we looked at the previous maps done in 2003, looked at the changes that have come about; affordable housing regulations, demographic changes, economic changes, environmental impacts, etc., whatever type of changes there are and see if the recommendations made in the past still make sense; if you want to continue, make revisions, how you want to move forward. The Master Plan is adopted by the Planning Board that takes Hillsdale to the future of development, zoning recommendations, parks and recreation, etc. That is the purpose of the Master Plan. Ordinances and final decisions are made by the governing body. She is here this evening to review the recommendations that are in the Master Plan and we will have discussions on how to proceed.

Mayor Arnowitz said our budget is approximately 12 million dollars, 2% of that is \$240,000, so that is how much we can go up and stay within the CAP. We are faced in 2011 with contractual increases of 3.5% or 8%, the higher being police which is most expensive. We are faced with an 8% water increase, 4% hydrant increase, we will have health increases. We did not replace DPW workers however, we still spend \$65,000 for health benefits each year as that is the contractual agreement they had with the town. We have stopped giving life time benefits to new hires. To make the 2% CAP and to allow people in the town not to be overwhelmed with taxes, we have to look at everything possible. We did save money by going to a two day a month recycling at the DPW but with all the increases, savings are just not happening. We are looking at cell towers, looking at organizations to help with electric bills, and cutting back.

Councilmember Weinstein agreed with everything that has been said. This Council has been very prudent in opportunities offering savings to the residents. It is important to keep in mind that for every cost increase, there is an implied increase of tax going to a particular group of people who are already paying taxes. It makes the decision difficult when you try to take expenses that some people perceive to benefit the entire town but really focus on a particular group of people. He believed the lights fall into that category. The associations are run separate from Hillsdale, there

are hundreds of volunteers. Hillsdale doesn't contribute directly to the organization of the sports, they are run by individual associations made up of parents and boards. The tradeoff is that Hillsdale pays for the maintenance of the fields and lights, etc. That is not a bad tradeoff and Hillsdale comes out ahead if the alternative would be to save if the associations are not going to run these programs and Hillsdale were forced to create an infrastructure to support baseball, football and soccer like other towns, manned by their own employees. We would not be able to maintain the expensive programs we offer if Hillsdale were responsible for the day to day management. There is a huge commitment by the families and huge commitment by Hillsdale and he perceives that as beneficial to the entire community. It keeps our property values elevated. He believed other areas of the community would be affected as well. As a community we all benefit by the balance we have achieved.

The recommendations have to do with the redevelopment. We have been working toward certification and the purpose of having this in the Master Plan is recognizing the importance of it and recognizing the Master Plan recommends continuing in this process. Our Commercial Area was discussed significantly; economic vitality and things we can do for our commercial area. The idea of mixed use elsewhere was discussed for consideration; homes and nonresidential businesses within walking distance of the train station and other transportation. We did come up with a few areas where mixed use would make sense and she depicted this on the map in the Master Plan. The affordable housing situation is in the back of our minds throughout this whole discussion.

Jason DeGise said the Mayor and Council have seen what is going on at Patterson Street and reflecting the style of Hillsdale.

Ms. Reiter said when the apartments will be occupied it will bring more people toward the downtown. The buildings are attractive. She discussed all the areas that could be considered for mixed use in the borough and where they can be increased and strengthens the downtown.

Councilmember Frank asked the impact on the residential owners for those properties if the zoning is changed for mixed use or commercial.

Ms. Reiter said in any situation, if you change the zone so that what is there is no longer permitted, then it becomes previous non-conforming use. In laymen terms, it was there, it was permitted at one time, and now it is not permitted because the zoning has been changed. They would need variances for certain types of changes. It all depends on how the zoning ordinance is prepared and adopted by the governing body.

Mr. DeGise said these lots are looked at as a transitional area, very commercial, and we try to look at an area that would least affect people. There has been interest in certain areas to move forward from developers so we are looking at easy transition and there might be a soft transition that you can put in that area that helps expand the downtown.

Mayor Arnowitz said commercial property brings in a ratable, it also brings in children which affects our schools, and asked if the Planning Board considered the impact on the schools. Whatever gain from commercial we might lose in educating children. He asked if traffic studies were done on Hillsdale Avenue to have a commercial property that opens up onto Hillsdale Avenue which is already one of the busiest thoroughfares in the town. He is concerned about all of the mixed use properties, not just on Hillsdale Avenue, and the impact on the schools.

Ms. Reiter said a traffic study was not done in particular although an applicant came in which the traffic impact would be less than that of a permitted commercial use in the area which is Patterson Street.

Mayor Arnowitz said he was not concerned about the traffic on Patterson Street as he is on Hillsdale Avenue.

Ms. Reiter said mixed use does very well for the downtown area. The Planning Board members felt favorably toward some of the applications they had seen involving a residential component and that is what initiated much of this discussion. The recommendation is for lower density and that would have to be handled by the ordinance.

Mr. DeGise said what we are finding in mixed use there are no children; in the townhouses and condos we are finding the children because of the setup.

Ms. Reiter said with these apartments, there is the ability to use the trains or available transportation and you can walk to these areas and shop in the downtown. It is possible these potential apartments would not bring in more traffic.

The 2003 Master Plan made recommendations for the northeastern section of town; the consideration was for a larger lot zoning situation for this property and it was felt this recommendation should remain. This will be discussed further when our affordable housing rules come out but she did believe there are changes coming. COAH rules were overturned in October in court. COAH has been directed to prepare new rules and there has been legislative movement to eliminate COAH and if it is eliminated, it will not

eliminate an affordable housing obligation but will be handled differently. Our growth share projection was for 48 units which we whittled down to 35. She believed there will be an assigned number as there have been under previous COAH rounds.

The next recommendation has to do with the age restricted housing ordinance and the borough could take another look at it because there have been changes on the state level. These changes in certain situations permit an approved age restricted housing development and permitted with certain things being shown for a developer to come back to the Board that approved the application and request that the age restricted component be removed so that it is not restricted. This is not a done deal, it needs to be proven in terms of sewer capacity, facilities for children, etc. and there has to be an affordable housing component along with it. This was not in place when the age restricted ordinance was adopted and this should be looked at again in light of the change on the state front. This is a New Jersey thing, not a Hillsdale thing.

Mr. DeGise said you may want to see what the end result of the state guidelines are and then we would come back with a recommendation on how our current ordinances read.

Ms. Reiter said this has to do with the ordinance and not with any specific development approved but has to do with an ordinance that permits age restricted development and that certain conditions are met in certain areas of the town. Since that ordinance has been adopted, there have been changes on the state front legislatively that now permit these approved types of developments to come back and make changes. This has nothing to do with a any specific development, the purpose is considering the future when the borough is looking at age restricted housing but is not as clear cut. Maybe this has to be looked at this again and the Planning Board will look at it again and they can forward a letter to the Council for action or inaction. This is for newer developments.

Councilmember Schiavone said the Planning Board should come back to us with a recommendation for a lower density for these current zones, not to remove them but to make them lower density so that we are protecting ourselves from exposure in case it ever gets overturned. For the RA zone, no action has been taken, so why don't we go ahead and write an ordinance to take action on that as well.

Ms. Reiter said another recommendation involves Cross and Knickerbocker permitting office use in that area as conditional use for those properties fronting on Broadway between Cross and Knickerbocker but not removing the residential use but adding this

as a conditional use. Conditional use requires Planning Board approval; the conditional use has to fit the conditions associated with it. The applicant has to show that the conditions are met; if the conditions are not met, then a variance is needed.

Councilmember Schiavone thought that providing zoning in that area would make those properties more marketable for the current owners. We could explore that again and we attempted to rezone but there was so much opposition by all landowners that we decided not to. We could do it again and see what kind of response we get.

Mr. DeGise referred to the application by Woodcliff Lake on Broadway and Lincoln Avenue and the rumors are that there will be a five story office building there. The last time that developer came in with regard to that site, this Board had Mr. Ritvo attend the meetings at Woodcliff Lake and he requested that the Council approve the attendance of Mr. Ritvo at the meetings.

The Borough Council agreed that Mr. Ritvo attend the meetings in Woodcliff Lake.

#### Sign Ordinance

Mr. DeGise said the Planning Board will provide their recommendations on the Sign Ordinance in February.

There are also pending litigations with KFC and one in Superior Court and one in Appellate Division.

Ms. Reiter said the Council needs to make some decisions about administration of affordable units to be built. The affordable units we have now at Hillsdale House are administered through their mechanism and several other affordable units in town are administered through their regulations. What we have coming up very soon is new development of 16 apartments and those units need to be administered properly. Our office has been contacted by the developer several times in terms of questions on administration, how it should be handled. We have always directed him to Mr. Polce, the Administrator. Other towns utilize Bergen County Housing Authority for administration of their units but we were advised they are no longer involved in this process. She could look into providing the service and will provide a proposal for costs or provide more proposals from other companies. Someone will have to be liaison for the municipal housing and they will have to sign documentation and be trained by COAH and overseeing many things.

Mayor Arnowitz directed that this be placed on the February 1 Council Meeting.

Budget Hearing Dates.

Mayor Arnowitz said the Council has to make a decision if they wish to meet tomorrow night. The Council has to look into Saturday meetings and they will have to decide when to schedule these meetings. He is proposing to the Council that if extra help is needed, the CFO and the Auditor and Finance Chairman be available to help us get through. He recommended that the individual liaison to the various committees and boards meet with them and review their budget as the Administrator would have done, then the entire budget could be presented to the full Council.

Councilmember Frank said his recommendation is that we do not have a budget meeting tomorrow evening as there is nothing that has been prepared. Our CFO's top priority is to get information on the bonding and the Finance Committee is working on it. The individual department budgets were due December 20 and she does have most of them but not all. At that point in time we can prioritize; the Police and Board of Health are ready and we can schedule them first.

Borough Attorney Paul said as long as the functions are fulfilled, the Clerk does not need to be present.

Councilmember Weinstein suggested tomorrow night's meeting be cancelled and begin next Wednesday; everyone can give thought to their availability for Saturdays and we can coordinate. The Council agreed to start on Wednesday, January 19 at 6:30 PM.

Mayor Arnowitz said he and Councilmember Frank will be coming into the borough hall on a regular basis, not to take over the Administrator's duties, but if there is something that needs to be signed or a situation of some sort, we can take care of it.

## GENERAL PUBLIC HEARING:

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

Phillip Cohn, 31 Royal Park Terrace -  
He read an email he sent to the Mayor, Councilmembers Weinstein and DeJoseph on December 24 stating his position. He read he is writing to you as a concerned citizen of and for Hillsdale. I grew up in Paramus and moved in Hillsdale in 2002, because of the small town charm and strong sense of community. My wife, 13 year old son and 9 year old daughter enjoy all the town has to offer and expected to spend many years at our home at 31 Royal Park Terrace. Recently, however, I have become concerned about what seems to be a potential short term view in decision making while neglecting a long term negative impact on the town and its citizens. I write to

you specifically today about the proposed 120 ft. cell tower at the corner of Wierimus Road and Overlook Avenue. I am sensitive to the fact that Hillsdale like every family and community has been affected by the challenging economic environment and needs to consider additional revenue streams. I am a business man and have been for many years and deal with this challenge every day but through all stay focused on long term impact in my decisions. My concern regarding the cell tower as one solution is not about the idea in and out of itself although it doesn't seem that this area needs yet another cell tower but about the proposed execution of the idea and the long term repercussions. Placing a tower in the heart of a residential area seems counter to the spirit and sense of community that most of us have come to know in Hillsdale. While it may seem self-serving for me to voice my strong opposition to the plan and on a certain level it is because the tower will be visible from my front yard, I implore you to consider the impact to the town and whether the revenue generated from the tower is truly a net gain in the long term. Putting aside the unknown health and safety impact of having a cell tower in a heart of a residential area, the tower will bring with it lower property values and therefore lower tax revenues. In addition, it sends a message to those considering settling in Hillsdale that the quality of life here and concern for its citizens has taken a back seat. I look forward to learn more about the details of the plan and will take an active role in doing so but I respectfully request as elected officials that you balance the need for the short term revenue with the long term impact on the community and consider all options before implementing something that would negatively affect the small town charm of Hillsdale. I wish you and your families a very happy and healthy holiday season and a joyous new year.

He continued that that was his letter and it really underscores his true concern about the direction this Council is moving in. He is not up to speed on all the details and he is anxious to hear what the Council has planned and what the direction and time line for making these decisions.

Mayor Arnowitz said you heard about cell towers tonight and presently we put out bids for one new cell tower (the one Mr. Cohn referred to) and one existing cell tower. The bids for the new cell tower were received; there were two tenants with total revenue of approximately \$55,000. That is as far as it has gone and we have not discussed it and have not awarded it.

Behind the fire house, METRO PCS proposed themselves as an additional tenant on the tower and the way they would accomplish that is by putting a 13-1/2 ft. whip on top of the existing tower. The Borough has to go out for bid as we just cannot do that. Metro PCS was the low bidder. With the towers there are other fees and costs to the tenants; when the tower at the fire house was built,

we received about \$240,000 in emergency services equipment that we needed and could not afford to buy. The tower on the west side has about \$150,000 in improvements to emergency service communications equipment. The federal government is changing frequencies and we have to change radios, etc. and continually upgrade. Over and above the \$55,000 there would be an automatic escalator each year.

At the time the tower behind the fire house was discussed and discussed at length, professionals came in and talked to us about the effects of radio waves, etc., and there was nothing proven at that time and to his knowledge nothing has changed. Also if a communication company can prove they have a need, a municipality cannot deny the ability for them to put in a tower. The municipality has to accommodate them. The Borough has an ordinance that states towers have to be on borough property. There is a tower being erected on the west side, construction has already started by the water company in Woodcliff Lake and there is a tower going up at the Washington Township borough hall and another tower on the Parkway in Washington Township. He hoped that with the tower on Wierimus and Overlook we will get rid of the one that is presently on the Parkway attached to the bridge and below the bridge; that is not our property and we have no say nor do we receive any revenue.

With regard to the west lot, when Metro PCS lost the bid, they claim they have a need for service in this area; they sent a proposal to the Council on December 20 and it is on the agenda for discussion the first week in February. Their proposal was to build a 100 ft. tower in the same parking lot as the fire house but in the corner across from the ambulance corps, the southwest corner of the firehouse lot. The second proposal, if that location was not satisfactory, to build a tower in the northeast corner of commuter parking lot between Friendly's and Wendys. Each of these locations is in close proximity to homes; the tower we proposed on the Parkway at Wierimus was changed to a tree style which would be less offensive. This is where we stand on towers. He was advised that the high school was approached by communications companies desiring a tower on Pascack Valley High School; the four schools would then share the revenue.

Metro PCS talked about the feasibility of a tower at Centennial Field, Stonybrook as potential locations.

Councilmember Weinstein said when something is put out for bid he wants to know what the revenue would be. He does not wish to rule out things without having all the information. He does care about property values, people who have dead cell phone areas, other cell towers but he will take in all the information; he understands how the residents feel. We want to get all the facts before we come to any conclusions.

Mr. Cohn (Contd).

Has anyone weighed the concerns of the property values as a net gain? Residents will challenge their tax bills and it is a reality and he is very concerned.

Mayor Arnowitz said we are looking for other sources of income because by law we cannot arbitrarily raise taxes. We have an obligation to look at everything and weigh all the factors. We put bids out for two towers, the fire house and the west side, other than that, nothing else has gone out for bid. If we plan to put up the tower on the west side, the Planning Board has to go through the same process as any developer would and the public has the opportunity to bring in expert witnesses and the applicant has to counter that. You have the opportunity to voice your opinion here and there and the Planning Board will come back to the Council with their recommendation and then we move forward.

Rashella Roznitsky, 344 Ell Road -

She is a Doctor of Pharmacy and a Professor at Fairleigh Dickenson University and a mother of three children under the age of 10. A tower being built in a residential area so close to all these houses and children and a school close by, whose job is it to think about the effect a tower will have on the children radiating radio frequency waves over our homes 24/7. Studies have shown that radio frequency waves can cause cancer in people but especially in children. A thought to put a tower near a school, families, and children is preposterous and whose job is it to think about that. The revenue from a tower is insignificant compared to what it would cost if someone gets cancer. She said the west side of Hillsdale will be alienated and you are putting money ahead of our families and children.

She said her father-in-law is a professional in radio frequency emissions and he could come to discuss and show data as to their effects.

Mayor Arnowitz said this would be better suited to the Planning Board because it gives the applicant the opportunity to counter it.

Councilmember Frank said we are sensitive to the issue of cell towers and we have received objections and a request to dismantle the tower in town. There is a tremendous reliance on cell phones within the town by the residents in the town; children in the schools have cell phones with them at all times. We are not looking for cell towers, people are coming to us and we are responding. If we remove the towers, parents will not reach their children in school; as the demands continue to increase, there will be a need. There is no easy solution and we are sensitive to the

concerns, it is not just about money, it is also about serving the needs of the populace.

Ms. Roznitsky (Contd).

If they are putting towers in Woodcliff Lake and Washington Township and everyone's cell phones work, why do we need more?

Mayor Arnowitz said if a cell tower company proves they have a need for a tower, we have to accommodate them. There are so many cell companies and a tower can only accommodate so many tenants. The Planning Board will hear the testimonies and then a decision will be made. Woodcliff Lake fought for eight years and lost after spending hundreds of thousands of dollars and lost every level of appeal.

Ed Bayarski, 39 Royal Park Terrace -

He said there is no gap in coverage on the west side. It has been said we expect our elected officials to be honest; expect elected officials to act responsibly and it is not just about money; be responsible to the people who elected you. He asked the Council to consider the benefits and cost of the Wierimus cell tower and asked if the Council found any benefits. He asked how many visited the site of the proposed tower and asked if they were concerned that there is a house 100 ft. from the tower and if it fell, it would hit one of the houses. How does the zoning board allow a 100 ft. monstrosity to expand as they are doing here at the firehouse? He listed the items that are not included in the 2% CAP; he said there is a lack of transparency. He said letters to the Council are not listed on the agenda. He said awarding of a bid to build cell towers prior to receiving Planning Board is illegal and reflects lack of research and preparation for business to save people taxes. You are willing to build cell towers in residential areas so close to homes that will lose hundreds of thousands of dollars in value causing major financial damage to its owners. Everyone in this town is affected and every decision the Council makes has long term consequences.

Premand Ramachandran, 64 Royal Park Terrace -

He is opposed to the proposed towers. His house would be 150 ft. from the tower and asked the Council to weigh all the health risks as well as property devaluation.

Councilmember Giancarlo said the public can give us facts, do their research and we appreciate it. However, running a stream of insults time and time again is counter productive. He suggested making suggestions constructive.

Mr. Bayarski (Contd).

He said you don't like my style, he doesn't like the Council's style. Prove him wrong, he believed it is a done deal and we shall

see.

Adam Kotz, 15 Royal Park Terrace -

He moved here two years ago; he did look at the surrounding towns but chose Hillsdale. He was interested in a house in Woodcliff Lake but there was no cell phone reception in the house and he had to go to the end of the driveway to make a call. He said if you have to build a tower don't put it in a spot near homes. Putting a tower between Friendly's and Wendys, all the high school students will be hanging out there. He is concerned that a tower be built so close to a school and putting the population in harm's way. He suggested that taxes be raised if revenue is needed and if he has to pay more money to give his child a better life style most of us would do it.

Mayor Arnowitz said we cannot raise taxes any more; we are under fiscal restraints mandated by the state. The law says if a tower company can prove that they have a need, you have to accommodate them. We passed an ordinance that if a cell tower is built it needs to be put on borough property. There have been three instances since the tower at the firehouse was built where residents came before us advising the cell company wanted to put a cell tower on their property. We have a 2% CAP; we can increase taxes 2% which is \$160,000; our contractual obligations to our employees which we tried to renegotiate and failed have significant raises of 3.5% to 4% for the next two to four years; other rates have gone up, water rates went up 8%; lighting went up. He understands the problem of a tower going up on the west side. This Council has a lot to discuss and how does Hillsdale accommodate the 2% CAP and still provide services. Everyone's concerns will be considered, at the Planning Board level, Council's level; the west side tower has been discussed for two years at the Council level. He writes a monthly newsletter to the community where he has mentioned the cell tower; the newspapers have mentioned the cell tower and our discussions. The cell tower at the firehouse generates \$150,000 and now we will get an additional \$30,000 with an automatic escalator each year. He mentioned the cuts that have been made; we are trying our best to accommodate everyone in town. We do have to present a budget to the State of New Jersey with a 2% CAP.

Unidentified -

She said it is important that the Council knows that the west side of Hillsdale has a very strong voice about this tower. She asked that the Council fight for the children; her cell phone continues to work. It is important that you hear our voice and we need to fight harder.

Christine Verbraska, 80 Horizon Terrace -

The placement of this cell tower is not at the highest point around

and it is going on land and houses are above it. Houses are higher or at the same height as these towers. In the case of the firehouse the radio waves are above the homes and in this case it would be our level and right at the schools. When you think of the placement it is not only how close it is to homes but also the elevation. The tower on the water company property is around the bend and away from the homes but she is also concerned even if you don't see it when you come into our neighborhood.

Mike Mazza, 40 Verizon Terrace -

There is nothing we in the community can do about the tower, we as a community cannot put up the other tower and that is a big difference. It is in close proximity and is there still a demonstrable need for another tower that close?

Doug, 55 Royal Park Terrace -

He said the Council is welcome to come to his house; his kitchen window has the view of that tower. You are applauded for looking for additional revenue but this is not one that you want. If forced by a cell phone company, he would hope that the Council would fight it tooth and nail. He has a wife and 2 year old daughter and they are far more important than revenue.

Alfred J. Murphy, Jr., 5 Cherry Place -

Listening to some of the charges made this evening he feels it is grossly unfair. He has been involved in the Borough of Hillsdale since the mid-'50's and to hear questions raised about the honesty of the individuals on the Council is a miscarriage of justice. There are people on the Council and on the Council before that he did not agree with politically but that doesn't mean that you are not honest and to hear those kinds of charges made are grossly improper. Things said at the Council meeting will be on the Planning Board record because that is the legal venue where everything is recorded for court proceedings that may follow. The place to present things as a sworn witness is at the Planning Board. When he goes by the high school and by the grammar schools he sees children and young adults coming out with a phone to their ear and what it does to them as pedestrians when they are engrossed to the phone call rather than they are walking and where they are going. A young woman was killed not too long ago and there is some indication that she might have been on the phone. He sees people talking on the phone and walking out into traffic and that concerns him just as much as a radio tower. He will follow it at the Planning Board meetings because that is where the testimony will be sworn and that is where expert witnesses for advocates and adversaries will have the opportunity to present their evidence.

Rick Margolis, 30 Ellen Court -

The cell tower is a critical issue and he does not mean to demean its importance. You cannot make everyone happy. He is sure the

Council's passion is to make the town a better place and it is not a financial reason why persons are on the Council. He is a volunteer in the sports organizations and was very involved and at the last meeting in December, there was a lot of discussion about revenues from baseball, soccer, football to help pay for the lights. He is not representing any of those associations but is here as an individual. He is asking the Council to look at the budget try to uncover every single item. He mentioned the senior lunches, busing; if the sports associations are willing to make contributions there are no free lunches and perhaps we can look at revenues across the board. Everybody should pay for the services they use including free lunches for seniors, busing; don't just consider the cell towers but everything across the board. Open meetings are an opportunity for the public to speak; it is not an obligation to the Council to get into an argument or give a response and is purely a one-way street.

Mayor Arnowitz said each senior is asked to pay \$2.00 towards the cost of the lunch and that goes to the food pantry which is in desperate need of money. With regard to busing, we receive a grant from the County that pays for a lot of services they receive and if we didn't provide lunches and busing we wouldn't get the grant. We are looking at every service and the potential of charging.

Alfred J. Murphy, Jr., 5 Cherry Place -

He enjoyed the Master Plan recap review but suggested that you have a special meeting for that in the future. With regard to the ordinances, he asked the amount of the increases in salaries. People out of work are having trouble paying for services. With regard to resolutions, he asked the location of Block 1206, Lot 10. He asked for information on the Temporary Budget Amendment.

#### Recess

Mayor Arnowitz called for a recess at this time.

#### Reconvene

Mayor Arnowitz reconvened the meeting.

Roll Call:

Present: Councilmembers DeJoseph, Frank, Giancarlo, Hanlon,  
Schivone and Weinstein

#### ORDINANCES:

Ord. No. 11-01	At the Mayor's request, the Borough
(Introduction)	Clerk read by title only proposed Ordinance
Amend Chapter	No. 11-01 as follows:
22 Traffic	
And Parking	ORDINANCE TO AMEND CHAPTER 22, TRAFFIC AND
(no parking)	PARKING OF THE REVISED ORDINANCES OF THE

& time limits) BOROUGH OF HILLSDALE.

Mayor Arnowitz asked the Council if there was any discussion on the proposed ordinance.

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

Following is the result of the roll call vote on the foregoing Ordinance No. 11-01:

Ayes: Councilmembers DeJoseph, Frank, Giancarlo, Hanlon,  
Schiavone and Weinstein

Nays: None

(SEE COPY OF THE AFORESAID ORIGINAL RESOLUTION AFFIXED HRETO)

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

Mayor Arnowitz asked the Council if there was any discussion on the proposed ordinance.

Councilmember Frank said we are premature, we have not had any discussion on the ordinance and recommended it is too early to pass this ordinance. Councilmember Hanlon agreed.

Recreation Director Leonard said these fees pay for themselves and we are not talking about the Recreation budget. The fees cover all of our expenses plus there is leeway and the ones that were raised needed a little more leeway. The Recreation budget is completely separate from the fees.

Councilmember Frank understands but said we want to look at both the Borough budget and the individual operating units to make sure everything is maximized. We are going to have some very difficult decisions to make.

Mayor Arnowitz said the fees for the Rec program covering their costs, that is just the raw costs of the program but it does not include any fixed costs such as part of the Director's salary, the office. There are payroll costs, office costs, taxes and insurance that should be covered partly or all by the fees we collect. The fees should be established in August so that we have the

opportunity to review them. The fees can be put up for discussion but a vote cannot be taken.

Councilmember Weinstein as Liaison will discuss the fees with the Recreation Director.

Mayor Arnowitz said we will not take up Ordinances No. 11-02, 11-03, 11-04 or 11-05 at this time.

RESOLUTIONS: (Consent Agenda)

Mayor Arnowitz read the Consent Agenda of Resolutions.

11022 Payment of Bills was introduced by Councilmember Weinstein, seconded by Councilmember Giancarlo.

11023 Developers Agreement Release of Performance Guaranty, Block 1206, Lot 10, was introduced by Councilmember Weinstein, seconded by Councilmember Giancarlo.

11024 Authorizing the Combining of Several General Improvement Bonds into a Single Issue was introduced by Councilmember Weinstein, seconded by Councilmember Giancarlo.

11025 Authorizing the Combining of Several Swim Pool Bonds into a Single Issue was introduced by Councilmember Weinstein, seconded by Councilmember Giancarlo.

11026 Authorize Publication of Notice of Sale for Bonds was introduced by Councilmember Weinstein, seconded by Councilmember Giancarlo.

11027 Animal Control Services Contract was introduced by Councilmember Weinstein, seconded by Councilmember Giancarlo.

11028 Temporary Budget 2011 Amendment was introduced by Councilmember Weinstein, seconded by Councilmember Giancarlo.

11029 Transfer of Funds was introduced by Councilmember Weinstein, seconded by Councilmember Giancarlo.

Roll Call Vote:

Ayes: Councilmembers DeJoseph, Frank, Giancarlo, Hanlon, Schiavone and Weinstein.

Nays: None

(SEE COPIES OF THE AFORESAID ORIGINAL RESOLUTIONS AFFIXED HERETO)

DEPARTMENT REPORTS:

Health Department report for the month of December 2010. Received and filed on motion by Councilmember Hanlon, seconded by Councilmember Schiavone, and unanimously carried.

(SEE COPIES OF THE AFORESAID ORIGINAL REPORTS AFFIXED HERETO)

#### LAST GO ROUND

Borough Engineer said there has been nothing to report and he thanked the Council for appointing his firm for another three years.

Councilmember Weinstein said Caroline Reiter had a very informative presentation and thanked her.

Police Chief Stalter said the schools are closed tomorrow, there will no recycling pickup. No street parking until the roads are plowed and reminded everyone to shovel their sidewalks 24 hours after the snow stops. His department budget is in and there is a 5% reduction on operating expenses on top of the 5% last year. Dispatcher Haffler is back to work after maternity leave.

Mayor Arnowitz received a complaint from a resident at 111 Central about people parking on the street and blocking the plows and it slowed the DPW response. He spoke to the PBA President at Tom Farrell's dinner about dispatching and fires.

Councilmember Weinstein said we have had issues for the past several months about the audio and now we have a visual problem tonight.

Borough Clerk Sandt said Verizon FIOS is blacked out also.

Councilmember Weinstein said we were broadcasting well two months ago and it changed.

Mayor Arnowitz said we need to get something done. He will look into it.

Councilmember DeJoseph said there will be no paper pickup, Christmas Tree recycling will take place on Friday curbside. He asked who will be attending the insurance seminar at Washington Township February 3. It is a MEL meeting at 5:30 and we save \$250 per person. He wanted to be sure everyone will attend. He will email the dates to everyone.

Councilmember Giancarlo said the Green Team will have an event, open to the public, on Tuesday, January 25 at 7PM. They will do an

assessment of the safety and efficiency of various kinds of furnaces, boilers, water heaters, ranges, gas fireplaces, steps towards lowering your energy bills. It will be held at the Library.

Mayor Arnowitz said we received \$64,000 from FEMA. He knows nothing about reval. He said we can sign in lieu of the Administrator. He said comments have been made about the way the Finance Committee and Shared Service Committee and what they are charged to do and he will email them to the Council and he would like a vote. If we are in violation of any kind of constitutional law we will have to change that. He have ideas of the Finance Committee's job and the Shared Services and their job and he wanted to get that settled once and for all. He is going to see Governor Christie on the 13<sup>th</sup> and has invited anyone who wants to come. He will attend the water company meeting on the 18<sup>th</sup> and the JIF meeting and the Ambulance Corps dinner. We have a February 3<sup>rd</sup> MEL meeting at 5:30. The next senior luncheon is next week.

At the next meeting we will have a closed session to decide how we are to proceed with the Administrator's resignation.

ADJOURNMENT:

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

1-11-11

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Robert P. Sandt, RMC  
Borough Clerk

APPROVED AS PRESENTED

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Robert P. Sandt, RMC  
Borough Clerk