

Council

Meeting

July 13, 2010

Minutes of a Council Meeting of the
Borough Council held at 7:30 P.M. on
Tuesday, July 13, 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 13th day of July 2010. 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, Hanlon, Schiavone and Weinstein. Absent: Councilmember DeJoseph. Also in attendance Borough Attorney Paul and Borough Administrator Polce.

Mayor Arnowitz requested the Council pause for a moment in remembrance of Rich Harrada, a Volunteer, who passed away.

APPROVAL OF MINUTES: On motion by Councilmember Weinstein, seconded by Councilmember Hanlon, the minutes of the Council Meeting of June 1, 2010, Meeting of June 8, 2010, and Special Meeting of June 22, 2010, were approved as presented.

APPOINTMENT: Max Arnowitz and Zachary Weinstein to the
Green Team Advisory Committee

CORRESPONDENCE:

1. KENNETH HOFFMAN, EMERSON COUNCIL MEMBER, EXPRESSING CONCERNS OVER THE PROPOSED DISSOLUTION OF TETERBORO.

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

Councilmember Giancarlo wished to study and discuss this at a later date, either the August or September meeting.

DISCUSSION:

- 1) Green Team Grant.

Mayor Arnowitz said the Green Team is looking for a grant to purchase containers for recycling and garbage; automatic solar powered cans. This would not be a matching grant.

Motion to approve the grant was made by Councilmember Giancarlo, seconded by Councilmember Hanlon, and unanimously carried.

- 2) Cell Tower

Mayor Arnowitz said Woodcliff Lake is in the process of putting up the cell tower but he wishes to continue with the process. The Council should decide what we want, where we want it, how high, etc. Send this information to the Planning Board before we go out for bid for their interpretation and public comment. The Council could then pursue it further. We discussed three locations: Stonybrook, west of side of town by Overlook, Centennial Field. There was some discussion of a possible cell tower at the DPW.

The tower across the street is 110 feet tall. The tower considered at Overbrook was 120 feet. He believed if there was available another 10 feet, we could possibly have another tenant, however, the location would determine the size.

Councilmember Giancarlo wanted more information to determine if the extra 10 feet brings in an extra \$30,000 revenue, is it in a residential area or DPW, and that is the type of question he has.

Mayor Arnowitz said the height would have to be determined for the bid specs and the style would have to be approved.

Councilmember Schiavone said we could use ratables and she was in

favor of the extra 10 feet.

Mayor Arnowitz said we are not opposed to 120 feet. A tripod style is available, flag pole, a tree or the same style across the street. He said we will put together bid specs that reflect 120 feet, a tree style tower, on the Overbrook property.

3) Vaccaro/Berkholtz Property.

Mayor Arnowitz said the Berkholtzs are interested in having the government purchase their property. He received information that Blue Acres was willing to purchase the property, tear down the house, and the borough would be responsible for maintaining the property. He asked the Council if they wish to proceed with this request.

Councilmember Schiavone said if this is taken off our tax rolls we will no longer collect taxes on the property. There are other property owners in the same situation who would wish to be absolved of their obligation. She said there is cloudiness surrounding this whole property to begin with; it was built without approval, later on approved, the borough already cognizant that there was a potential problem, the borough already said no, but it was built anyway. It was not Ms. Vaccaro at the time but unfortunately that is the situation. Does it benefit the community or does it just benefit the one homeowner? In this situation, she feels it just benefits the one homeowner, not the community. In this economy we have to worry about every penny so when we are talking about several thousands, we have to take a conservative view and say the borough cannot afford to lose this ratable. Even though we don't have to put forth the initial expenditure, we still lose in the long run on the taxes we can no longer collect.

Mayor Arnowitz said this request from the State was for two properties and he had two other homeowners who reached out to him inquiring about this process.

Councilmember Weinstein said we have discussed this over the past several months and this would be setting a precedent.

Mayor Arnowitz said we will reply to the State that we are not going to support the application and not interested in going forward.

4) Cornerstone Outdoor Dining Fence.

Mayor Arnowitz received complaints with regard to the fence that was built on Hillsdale Avenue in front of Cornerstone. The Borough Attorney researched our ordinance to determine if a fence could be erected on borough property.

Borough Attorney Paul said he would prefer to work with the Compliance Officer on this matter. There is an update of a sketch that would have been given by Cornerstone when they first set up the Café. That will help clarify what they have and where. That is one of the purposes of submitting the drawing in the first place. From there, we can make a better determination of whether it fits the requirements.

Every fixture that is permanently there should be on the drawing and there should be five feet of unobtrusive pavement surface that is allowed for pedestrian traffic. There is the issue making sure the intersection is not obstructed with reference to vision and finally the possibility of whether that be considered a temporary fence under Section 310:56 in the Ordinance which might trigger other requirements in addition to the sidewalk café requirements. He wishes to meet with the Compliance Officer, review these ordinances and possibly see if the drawings are up to date and use that observation to determine if there is anything out of compliance with the ordinances as they stand.

Mayor Arnowitz said we have an outdoor dining ordinance that allows an establishment to place tables and chairs outside and it does not say anything about tables, chairs and a fence. It is his opinion something cannot be erected in a borough right of way without approval. The fence blocks the view of people congregating in front and he does not want this fence up permanently.

OATH OF OFFICE:

Borough Clerk Sandt administered the Oath of Office to Zachary Weinstein to the Green Team Advisory Committee at this time.

5) Sign Ordinance.

Councilmember Hanlon said Councilmember Schiavone contacted the Chamber of Commerce and their only concern is the 20% of the window signage.

Borough Engineer Statile referred to prohibition of replacement of sign structure or sign message of a non-conforming sign. Even though the sign is non-conforming, they are still permitted to replace the actual message within the sign itself. You cannot restrict changing a message.

Councilmember Schiavone said perhaps it was worded properly but the intent was that another business could not come in and put their new sign message.

Engineer Statile said Case Laws allow them to do that; abandon the old sign first. He will provide the Council with a copy of the Case Law.

Mayor Arnowitz said this will be on the Agenda again for August.

6) Town Day.

Mayor Arnowitz said there has been discussion among Council Members that we cannot afford Town Day. Town Day brings out a lot of residents at the beginning of September and we have a very, very important election coming up. It is a great time to get our message across to the residents about the referendum on the 28th of September. It is his opinion that this is the most important Town Day that we could have. We don't have a Town Day Committee with volunteers. He said we should establish a committee. The budget is not the problem but the DPW help which is not budgeted. Their time is not budgeted, there are four to six people working and they average about \$50/hour which amounts to \$400 per person times four or six.

Councilmember Hanlon believed two DPW workers are enough. We are a town of volunteers and we should reach out and specify that we need help.

MOTION

A motion to go forward with Town Day this year was made by Councilmember Hanlon, seconded by Councilmember Weinstein, and unanimously carried.

Councilmember Schiavone said we still have time to get information on Town Day in My Hillisdale and we should post a column that we are looking for volunteers and provide a specific person to contact. She said we should also cut down to two DPW workers.

GENERAL PUBLIC HEARING:

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

Lyn Birenbaum, 83 Craig Road -

She is concerned that we have four garbage pickups per week and other towns are cutting back on pickups and that would help our taxes a great deal.

Mayor Arnowitz said this has been discussed in the past and previous Councils have voted not to change the garbage pickup and we went ahead with a long term contract. However, our

Administrator has met with Waste Management to try to change the contract so that we could cut back.

Administrator Polce is favorably disposed to cutting back, however, the legality could prevent us from doing this. We have a conference call set up with the DEP some time next week to discuss this and bring forward our concerns. Some conditions have been imposed on Hillsdale by the state which requires us to move in this direction. Other towns may have renegotiated their contract, however, we are in the middle of our contract and we are 2-1/2 years into a five year contract and there are legal issues involved here.

Sonya Kinzler, 7 Nottingham Court, Montvale -
She asked for the date for Town Day.

Councilmember Hanlon said September 25.

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

ORDINANCES:

Ord. 10-08 (Adoption) Amending the Land Use Code, Definitions Section	At the Mayor's request, the Borough Clerk read by title only proposed Ordinance No. 10-08 as follows: AMENDING THE LAND USE CODE, DEFINITIONS SECTION, FLOOR AREA RATION (F.A.R.)
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Borough Engineer Statile said the Planning Board received the ordinance and it was consistent with the Master Plan. In the interim, it was requested a modification of a few items and asked that this be deferred to August.

Ord. 10-09 (Adoption) Authorize Sale of Borough Property	At the Mayor's request, the Borough Clerk read by title only proposed Ordinance No. 10-09 as follows: AUTHORIZE THE SALE OF BOROUGH PROPERTY NOT INTENDED FOR PUBLIC USE, BLOCK 2101, LOT 22.04.
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Mayor Arnowitz confirmed 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.

Seeing no one, the public hearing was closed.

Motion by Councilmember Giancarlo, seconded by Councilmember Hanlon.

Following is the result of the roll call vote on the foregoing Ordinance No. 10-09:

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

Nays: None

Absent: Councilmember DeJoseph.

(SEE COPY OF THE AFORESAID ORIGINAL RESOLUTION AFFIXED HERETO)

Ord. No. 10-10
(Introduction)
Bond Ordinance
For the
Resurfacing
Of Werimus
Lane

At the Mayor's request, the Borough read by title only proposed Ordinance No. 10-10 as follows:

BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF WERIMUS LANE BY AND FOR THE BOROUGH OF HILLSDALE, TO APPROPRIATE THE SUM OF \$225,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT TO APPROPRIATE A STATE GRANT AND A CONTRIBUTION FROM THE BOROUGH OF WOODCLIFF LAKE, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Borough Clerk Sandt confirmed that the Supplemental Debt Statement has been filed in the Clerk's Office and that copies will be forwarded to the Director, Division of Finance, Department of Community Affairs, Trenton, N.J. for certification prior to final adoption of the proposed ordinance.

Borough Clerk Sandt confirmed that a copy of the ordinance has been posted at the Borough Hall and that copies are available to such members of the public who may require them.

Mayor Arnowitz asked the Council if anyone wished to discuss the proposed ordinance.

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

Motion by Councilmember Weinstein, seconded by Councilmember

Schiavone.

Following is the result of the roll call vote on the foregoing Ordinance No. 10-10:

Ayes: Councilmembers Frank, Giancarlo, Hanlon, Schiavone
And Weinstein

Nays: None

Absent: Councilmember DeJoseph.

(SEE COPY OF THE AFORESAID ORIGINAL RESOLUTION AFFIXED HERETO)

RESOLUTIONS: (Consent Agenda)

Mayor Arnowitz read the Consent Agenda of Resolutions.

10089 Payment of Bills was introduced by Councilmember Giancarlo, seconded by Councilmember Hanlon.

10090 Tax Exemption, Disabled Veteran, Block 1401, Lot 9.01 was introduced by Councilmember Giancarlo, seconded by Councilmember Hanlon.

10091 Supporting Participation in the sustainable Jersey Municipal Certification Program was introduced by councilmember Giancarlo, seconded by councilmember Hanlon.

10092 Requesting Approval of Items of revenue & Appropriation Barrier Free Improvements was introduced by Councilmember Giancarlo, seconded by Councilmember Hanlon.

10093 Requesting Approval of Items of Revenue & Appropriation alcohol Education Grant was introduced by Councilmember Giancarlo, seconded by Councilmember Hanlon.

10094 Requesting Approval of Items of Revenue & Appropriation Senior Activities was introduced by Councilmember Giancarlo, seconded by Councilmember Hanlon.

10095 Authorizing a Municipal Sustainable Land Use Pledge was introduced by Councilmember Giancarlo, seconded by Councilmember Hanlon.

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

Roll Call Vote:

Ayes: Councilmembers Frank, Giancarlo, Hanlon, Schiavone
And Weinstein

Nays: None

Absent: Councilmember DeJoseph

(SEE COPIES OF THE AFORESAID ORIGINAL RESOLUTIONS AFFIXED HERETO)

DEPARTMENT REPORTS:

Fire Department Report for the Month of May 2010, and Board of Health report for the Month of June 2010.

Motion to approve the Fire Department report was made by Councilmember Schiavone, seconded by Councilmember Hanlon, and unanimously carried.

Motion to approve the Board of Health report was made by Councilmember Hanlon, seconded by Councilmember Giancarlo, and unanimously carried.

(SEE COPIES OF THE AFORESAID ORIGINAL REPORTS AFFIXED HERETO)

Mayor Arnowitz said he asked for a Closed Session regarding the letter he received from Harold Ritvo on COAH. He did not believe Closed Session was necessary unless the Council had questions. However, Mr. Ritvo recommended a discussion take place in Closed Session with the Engineer's office.

Councilmember Schiavone did have several questions therefore, Mayor Arnowitz said the Council will have a closed session on the matter.

LAST GO ROUND

Police Chief Stalter commented on the outdoor café. He believed that the Council was not in favor of the lattice work that was put up. He indicated that in the ordinance, under the outdoor café section, indicates no tables, chairs or other equipment used in outdoor café shall be attached, chained in any manner fixed to any tree, post, sign, curb, sidewalk, etc. The lattice is attached to posts in containers. The Borough Engineer said it would be defined as a fence and there is no provision for a private entity to put up a fence on public property. The Code Officer asked the police if they had a problem with it as far as alcoholic beverage consumption and observing who is at the tables, it was indicated to him that we would like to be able to see the tables and see who is sitting at them if it was going to be done. The ordinance seems to be more permissive; it tells you what you can have versus what you can't have.

Borough Attorney Paul said he intends to speak to the Compliance

Officer. It is possible we will have a three way meeting.

Police Chief Stalter informed the Council that retired Police Sergeant Neil Stewart passed away and funeral arrangements will be held July 23 at Becker Funeral Home. He was a great historian.

Our Joint Junior Police Academy with the Township of Washington, Township of Westwood, was a great success. We had over 90 children from the three towns involved. We hold it at Westwood Junior/Senior High School. We also had DARE graduations at George White and St. Johns.

One officer had to have emergency surgery this week for appendicitis and that officer will be out for a month or so.

Mayor Arnowitz said on Sunday one of our fire trucks was involved in an accident with a car. Officer Sayers was on the scene and he handled the situation magnificently. He did the job he was required to do and he did it well.

Borough Engineer Statile we are in the midst of putting together the DOT applications for funding for next year and there are three categories Hillsdale can qualify for. One is roads which we always apply for, Dwight Avenue is in need right now; there is also a category for a Safe Routes to Transit and he would like to do something with the intersection at Park and Broadway. It was suggested that we could have better lights across the crosswalks. The last category is bike paths; we prepared an application and we would like to apply for bike path money with DOT \$300,000 maximum. This is actually a construction application. We haven't heard about our Planning application. They do not want to fund bike paths; it is just an idea to go for the money. We are also applying for Community Development money for the fire house bathrooms. Various problems about town were discussed at this time.

Councilmember Weinstein mentioned that Rich Harrada who passed away this morning was an exceptional volunteer in our community in sports, boy scouts, religious organizations, and he was a wonderful and exceptional person.

Councilmember Hanlon referred to the September 28 election and said the Borough Clerk has a generous supply of absentee ballots. The people who have not yet registered were encouraged to vote. This is a very critical election.

Mayor Arnowitz said Ann Cron has volunteered to help us in our endeavors with the special election. We have formed a small group who meets every two weeks with River Vale counterparts, the Mayors, and putting our plan of action together. He has met with many

groups in town; he needs the residents to talk to their friends to get the word out, he does not want to win by a margin, he wants to slam dunk this. We have to send a loud, strong message to Trenton that we do not want to hurt our schools and changing this formula will affect a lot of money for the taxpayers of Hillsdale and can affect the education of our children. It would cost the average home in town \$850 in the first year and the following year could be \$850 and the normal increases we face every year which go up 2% to 3%. It would have a dramatic effect and it could cause people moving out of town, especially seniors. When seniors move out, young people come in with children and we have to educate them. We are creating a Facebook page; we will have a meeting late August and everyone is invited. We are looking for donations; the town of Hillsdale or the town of River Vale cannot expend any tax dollars by law to promote a negative or positive vote for this referendum. We want to purchase signs which will be about \$2500. We need help and we need to get the word out on Town Day. He said absentee ballots are available at borough hall, at the library. You don't have to go to the polls, just mail in an absentee ballot. We will have a bus to drive people to the polls and other available transportation.

A problem the municipality has with the budget, we are fighting the KFC drive through and they are appealing. We had an \$8,000 legal bill which is one of many to defend our position that he should not be allowed to have a drive through. When KFC built he knew he could not have a drive through; it is expensive so when you see taxes going up, these are things you just can't control.

He does not have much information on the 2% Cap and he has to check on what we can or cannot do. He set the Finance Committee, Department Heads, Administrator in motion and they are looking for areas of increased revenue and decrease in expenses so that we can meet this Cap without dramatic changes to our community and personnel.

He asked the Council to answer the Administrator when he sends out an email in a timely fashion so that he can move forward.

He received a lot of complaints from residents who received their estimated tax bill. That bill cannot be multiplied by four; it is an estimated tax bill and you should wait until August when the actual bill comes out, they should not be as high as the estimate.

Councilmember Schiavone referred to Mayor's comments regarding donations for signs, etc. for the special election. The Mayor said we do not have that information as yet. She would volunteer to deliver absentee ballots if residents would call saying they need a ballot. She is available during the day to do that because we can't mail them and they just need to call the borough with the

request.

CLOSED SESSION

A motion to go to Closed Session was made by Councilmember Weinstein, seconded by Councilmember Hanlon, and unanimously carried.

OPEN SESSION

A motion to go to Open Session was made by Councilmember Weinstein, seconded by Councilmember Hanlon, and unanimously carried.

Mayor Arnowitz said he was invited to go to an Army Football Game on October 2nd. He offered to anyone who would like to go.

ADJOURNMENT:

A motion to adjourn was made by Councilmember Hanlon, seconded by Councilmember Schiavone, and unanimously carried.

7-13-10

Robert P. Sandt, RMC
Borough Clerk

APPROVED AS PRESENTED

Robert P. Sandt, RMC
Borough Clerk