

Council Meeting  
June 14, 2011

Minutes of a Council Meeting of the  
Borough Council held at 7:30 P.M. on  
Tuesday, June 14, 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 14<sup>th</sup> day of June 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 and Weinstein.  
Also in attendance Borough Attorney Paul. Absent: Councilmembers  
DeJoseph, Hanlon and Schiavone.

APPROVAL OF MINUTES:

On motion by Councilmember Giancarlo, seconded by Councilmember  
Frank, and unanimously carried, the Minutes of the Council Meeting  
of June 6, 2011, were approved as presented.

PRESENTATION: Boy Scout Pack 109 and Cub Scout Pack 331

Motion

Motion to approve Dylan Bader as a Cadet in the Hillsdale Fire  
Cadet Company was made by Councilmember Frank, seconded by

Councilmember Weinstein, and unanimously carried.

OATH OF OFFICE: Borough Clerk Sandt administered the Oath of Office to Robert Culhane, Steven Timpanaro and Dylan Bader as members of the Hillsdale Fire Cadet Company.

CORRESPONDENCE:

1. BOARD OF CHOSEN FREEHOLDERS REQUESTING RECOMMENDATIONS FOR A POTENTIAL FLOOD ADVISORY COUNCIL FOR BERGEN COUNTY.

Received and filed by Mayor Arnowitz and unanimously carried.

Mayor Arnowitz said this will not be directed specifically to Pascack Brook and the problems that we face in Hillsdale but general flooding throughout Bergen County. It is important that Hillsdale be represented for our needs.

DISCUSSION:

- 1) Solar Panels - PSE&G.

Mayor Arnowitz said he and the Borough Engineer discussed with Frank Czigler of PSE&G the possibility of installing Solar Panels at a field at Centennial Field rather than installing them on poles.

Mr. Czigler provided handouts to the Council and explained that one is in the form of a power point presentation and summarizing key points. The second set of handouts are the frequently asked questions and answers.

Borough Engineer Statile arrived at this time.

Mr. Czigler said he is with PSE&G and Director of Renewable energy projects with the company. He said the program initiated as the states put together their energy master plan a decision was made to increase the amount of electricity that is generated and used in the state that would come from renewable energy. The requirement in New Jersey is that by the year 2020, 20% of all electricity used in the state will come from renewable sources and 3% needs to come from solar. The Board of Public Utilities brought in the utilities who could make that a reality or come up with recommendations and come to the table and we made several recommendations to them. In July 2009, the Board of Public Utilities approved three of those recommendations from PSE&G and came to an agreement and in this point, it is an order from the Board of Public Utilities to implement these requirements.

These three requirements make up PSE&G Solar For All Program. We are rolling this out to benefit all of New Jersey. The first is a solar loan program and that is where residents can come to PSE&G and request a loan to put solar panels on their roof including industrial and commercial establishments. The second and third part of the solar program are investments that PSE&G is making in actual solar farms; the first part is 40 mg. of solar farms either on PSE&G property or third party properties, ground mount, roof mount, and canopies which are parking lot structures. The third part of the program is our neighborhoods solar program which is installing solar units on utility poles. Their interest is that we use existing infrastructure that would save open space and we are required to put in 40 mg. worth of solar power on utility poles. That will require approximately 180,000 utility poles of our approximately 800,000 utility poles in PSE&G's territory to have solar panels installed on them.

If all those solar panels were to be also put on land, ground mount facilities, it would take 170 acres or about 130 football fields worth of space as opposed to putting it on existing structures. The Board order came out in July of 2009; at the end of 2009 we started installations after about several months of testing of these solar units and they were found to be safe, they went through wind tunnel testing as well as ice balls the size of softballs, as part of a testing process to make sure they don't shatter and when they shatter to see how they behave. The top layer of the panels are shatter proof glass and when it shatters it stays together; the center is the technology behind the solar panel; the bottom layer is a layer of plastic sheeting. It is bordered with aluminum border and each panel weighs approximately 60 lbs. They do not fall off the poles, they withstand a Category 2 hurricane and have been tested to a Category 3 hurricane.

We will need poles that meet the installation criteria; the installation has to have open access to the southern sky, there has to be household voltage distribution lines the poles, the installation cannot be in the way of existing infrastructure.

He said this is a quick synopsis of the process; in late 2009 we started installing these units and we are at the half way point. We have not had any safety issues. The solar units are supplied by a supplier in New Jersey in South Plainfield. Jobs have been created and we are going to into 2013 to make these installations. The pole selection is made by highly trained personnel who look for the criteria and they bypass pole by pole until they find one that fills the requirement. The panels are standard solar panels.

Mayor Arnowitz said obviously our proposal for use the field at Centennial is a "no." He wanted this for the record. You are going on the poles and not one field for all the panels.

Mr. Czigler said the reason is the Board of Public Utilities approved use of existing infrastructure specifically utility poles. We did approach the Board of Public Utilities and indicated to them that if they would like to take solar further, then we believe the best opportunity would be additional central station solar and they should consider municipalities, county governments, and the like so that we could put them on roofs that need engineering requirements and continue that process which would require us to come to an agreement to lease from the landowner or facility owner where we would replace the equipment in the future if more solar is required.

Mayor Arnowitz asked if ice will build up on the panel and if it does, can it fall on a car, child, windshield and cause an accident.

Mr. Czigler said it should not cause such a problem and over the past two winters, we have not had any such issues. The panels are tilted at 30 degrees, solar panels by their nature do get slightly warmer than the air so that as snow falls on them, the snow should melt and accumulation in a very heavy snowfall would be equivalent to other equipment on the poles. Some could accumulate and slowly melt off but we have not seen any problems.

PSE&G is very much a part of New Jersey, we will not go away, we stand behind our equipment. These solar panels are PSE&G property, we stand behind them.

Mayor Arnowitz said Hillsdale has a lot of high tension wires because of our transfer facility and we have experienced a lot of wires coming down over the years. If a wire comes down on or near one of these panels, are there any concerns other than we presently have for the Fire Department? We have had poles catch on fire.

Mr. Czigler said one of the things we did at PSE&G we asked who is out there instructing the Fire Department, general safety on solar, how they recognize certain hazards, how they turn them off on houses or industrial or commercial establishments. We put together a solar safety training program that has been initiated to go out to all the Fire Departments in PSE&G's territory. At this point, Hillsdale should have gone through this training, but if not, it will be scheduled.

Mayor Arnowitz said they would be more than happy to take the course but he is specifically asking about one of those high tension wires should fall on a panel, should anything different be done.

Mr. Czigler said no, do the same thing as before. If a pole falls

over, treat the unit just like any other utility pole.

Councilmember Frank asked if total megawatts is total for entire state and how many houses that equates to.

Mr. Czigler said roughly 64,000. The output of the Bergen generating station is 350 megawatts.

Councilmember Frank said once these are up, trees continue to grow and asked what is going to happen with the solar panels as trees continue to grow.

Mr. Czigler said they realize that tree trimming is necessary in order to maintain reliability of the lines. We will not touch trees as a result of this program; if a tree overshadows an installation we bypass. Once the installation is made and if a tree grows and overgrows so that we don't have efficient energy generation off that unit, we will adjust or remove that installation and either put it in our warehouse or deploy it somewhere else.

Councilmember Frank said you estimate 150 or 250 units will be installed. What is the limitation you put in for one particular town.

Mr. Czigler said in an area where they have underground utilities we cannot put up these panels. In a town that has utility poles, they are all evaluated and in the towns where there are less mature trees, they will be a little on the high side. In towns where there are more mature trees, it will be on the low sides. It is difficult to estimate how many will be installed. He believed in Hillsdale it will be on the low side.

Councilmember Weinstein asked if 150 or so panels are put in, how much energy does that create?

Mr. Czigler said each panel is 225 watts; when we started they were 200 watts. Each panel itself doesn't produce all that much but when you aggregate them all together, it produces 40 megawatts. In the summertime when there is high demand, there is less like to have a voltage fluctuation. There is no cost to the Borough. Solar energy is more expensive than fossil fuel we should make some progress towards that.

Councilmember Giancarlo said the Engineer's suggesting that these panels be placed on an area of property made sense to him. The panels on poles are not attractive and we were not previously invited to do this in an isolated field where people don't have to see them. He does not see partnership, we are presented with something that we have to like and these panels will not be useful

in 10 years. He feels this a rush to do this, a rush not to ask the town how the town would like to do this and the fact that they will be obsolete in 10 years.

Mr. Czigler said until New Jersey got on a campaign of putting more solar requirement, New Jersey is second to California in pushing for solar. Instead of these panels being made in China factories have been popping up in New Jersey to make these panels. He hopes they will become obsolete, they are guaranteed to last for 20 years just like a computer, but they will be mass producing them and people need to buy them and install them. This is like putting in the first generation of mass production. He hears feedback such as this and he brings it back to PSE&G.

People have come to him saying this is something new on a utility pole, something we will get used to.

Borough Engineer Statile asked what is the problem of installing solar panels in one place; the answer is not can you do it but why don't you do it. What is the problem with the Public Utilities Commission, what is the problem with PSE&G? We have a perfectly good place to put all the panels. In 10 years when these panels will not be in service, who is going to take them down? It takes years to get a utility pole. You have to put a panel on one pole in my front yard when you could put 50 in a field; we could be the best in New Jersey vs. California. The point here is that there is absolutely no reason why we can't do it. He has no correspondence from Public Service or the Public Utilities Commission or anybody and no one has been here for a Council meeting. He loves solar panels but there is a better engineering way to do this; there is no reason other than you don't want to do it.

Mr. Czigler said you may not satisfy a lot of people but at this point once the Public Utilities reviewed all the different opportunities or possibilities for solar to come out, at that point they had open hearings and after that point it becomes an order. For PSE&G to swap one type of installation vs. another, we simply cannot do it. It is his understanding it is the law and PSE&G must follow basically the course that has been set with the utility poles. We have to be very fair, one of his responsibilities is to make sure that we follow this process that is basically outlined in a Board order, how these poles are selected, that they are all evaluated and so on. The program has been thought out, there have been open hearings with Public Utilities.

As far as removing the solar panels, in the overall financial budget for this process, there is a correct amount funded going out for the solar units and yes, once the life span is over for them or we find out they stopped generating because they are not functioning and beyond warranty, there is money in the budget and

he guarantees that to remove them. For more solar through another program PSE&G will entertain that.

Mr. Czigler promised the Mayor that he would take back the suggestion of using the field, he was shown the piece of property that potentially we could do something with, and he brought it back to his superiors, talked it over, and they explained that they would be breaking the law if they did this. They have ordered to implement this 40 megawatts as stated on a utility pole infrastructure.

Borough Attorney Paul asked if Mr. Czigler could provide him with those specific sites, cases, administrative law, statutes that support what you are saying that would be breaking the law to change the configuration.

Mr. Czigler said he will speak to PSE&G.

Borough Engineer Statile said he has seen nothing in the Land Use Law unless they changed the law which allows them to skip past our Planning Board.

Mr. Czigler said he involved in the ground mount solar farms, they definitely fall into the purview of Planning Board and whenever we go to put one in, we go to the Planning Board. He was a part of that until he was drafted into the neighborhood solar project, however, it is his understanding and he will gladly pass that on to his attorney that the rights of ways regarding utility poles do not fall into that jurisdiction.

Mayor Arnowitz said you mentioned utility poles, meaning Public Service poles. We have quite a few poles in town that are Verizon's because when we tried to get them removed, PSE&G told us to go to Verizon. Does that mean you are not putting them on non-PSE\*G poles?

Mr. Czigler said it when a utility pole is changed over, they are really not Verizon poles, they are PSE&G poles; we jointly have equipment on them but the changeover process is such that when a new pole is set, if one breaks, PSE&G takes equipment and moves it onto the new pole. We notify Verizon then they need to take their equipment and put it on the utility pole and the last entity that removes their equipment, that is the person responsible to take the old pole remnant out.

Mayor Arnowitz said we had instances where we had poles in the street because the streets were widened and when we complained, PSE&G said it was not their problem, it was a Verizon pole.

Mr. Czigler said what they mean is it is Verizon's responsibility

at that point; we are not allowed to touch their equipment.

Borough Attorney Paul said once he receives those citations we could compare notes.

Mayor Arnowitz appreciated Mr. Czigler's presence and informing the Council and said he was not happy with PSE&G's decision.

Mr. Czigler said the work in Hillsdale will commence 30 days from now. It will give everyone an opportunity for follow-up questions and the attorney to exchange information with the PSE&G attorney.

## 2) Administration of COAH units in Hillsdale.

Caroline Reiter was present.

Mayor Arnowitz said he had a list from Councilmember DeJoseph with a list of questions.

Caroline Reiter said she is the Planner with Consulting Firm of Statile Associates and has been the Borough Planner for several years as well as the Planning consultant for the Planning Board. She has done a lot of work for the Borough for COAH; she is not going to get into COAH tonight. The situation we are in right now has to do with the building located at 55 Patterson Street, which building is pretty well into construction. That building upon completion is a residential unit of which four are going to be affordable units pursuant to COAH standards, that were part of the Planning Board's approval. There are 12 called market rate which are non-COAH units and four which are COAH units. It was approved in the COAH plan and sent down to COAH and it is a great opportunity for the town with their COAH obligation or their affordable housing obligation. What needs to be done for these four units there needs to be some type of administrative agent and many towns have used the County providing services, but the Bergen County Housing Authority no longer taking on new municipalities for this job.

Fortunately we spoke with someone at the State, New Jersey Housing & Mortgage Financing and they provide many of the same services. This has to do with income eligibility for proposed renters, assisting them with the required marketing programs. New Jersey Housing has forwarded their proposal which was sent to the Clerk; our contact just started recently and there are still a few things that need to be clarified. We need to move forward very quickly with this because these units are very close to completion and four months before completion, these administrative processes need to begin so that on completion of the units, you are ready to move forward. The proposal shows the fees that are involved; \$2000 a

one-time fee and \$500 each year.

Mayor Arnowitz did not understand why the town should have to bear those expenses, those expenses should be borne by the owner and come out of his rental fees.

Caroline Reiter believed those fees could come out of our COAH Trust Fund Account; this Fund is what the developers or individual property owners building one house pay a certain percentage of the assessed valuation of the property, which is what the development fees are. That account has over \$50,000 in it. You are permitted to use 20% for administrative purposes.

Mayor Arnowitz said the COAH account is not rejuvenating each year unless we put COAH units in.

Caroline Reiter said this administrative fee or however the Borough provides this administration by an administrative agent as well advertising fees, things like that need to be done. New Jersey Housing has offered many times to meet with the Borough to go over the services they provide and she suggested using a conference call because they are located in Trenton. She herself has a few questions about their proposal, she found a couple of conflicting things. There are certain things they do and she wanted to make sure everything is clear so there is no confusion.

Mayor Arnowitz relied on Ms. Reiter's expertise to keep this going. He suggested a conference call between Ms. Reiter and Borough Clerk Sandt and he would willingly sit in on the call.

Ms. Reiter suggested that the Borough Attorney also be available for this conference call. She will arrange such a call. She wants the Council to be prepared as soon as possible in light of the fact that these units will be completed very soon. In addition to the proposal, we might also forward municipal agreements.

Mayor Arnowitz said we have only one meeting scheduled for July and should we plan to do this in July or can it wait until August.

Ms. Reiter would prefer to do this in July as she did not want anything to happen to slow down this process.

Borough Clerk Sandt suggested that a conference call could be made Thursday morning at the borough hall.

Ms. Reiter said it would be very helpful for her to go over step by step as to what the state does.

3) Cell Tower Downtown.

A Representative from the law firm representing Metro PCS was present. Technically, Metro PCS has a coverage gap in and around the borough which is proposing to address by developing wireless communications in the borough. Metro has been in contact with the borough in the past two and a half years seeking various municipal sites none of which worked out. We are here tonight proposing a light site, a temporary communications facility with a 125 ft. tower. It is temporary, not a permanent site. We have been trying to work with the borough to solicit a site and in the meantime we are looking for a resolution from the Mayor and Council for this light site. If the borough is not interested, we will probably pursue a private landlord as we have possibly two that are interested. If nothing can work out with the borough we are going to pursue this.

Councilmember Frank had questions previously and he received a report from Metro PCS the day of our meeting and after reviewing it, it looked fine. After reading it, the REM is so low, it is a non-issue to him, he was concerned about the safety issues with two towers in proximity but with the REM's so low, his questions have been answered.

Mayor Arnowitz said two companies, Metro PCS and AT&T reached out to us. When you say a light tower will that accommodate more than one client? AT&T has the same coverage problem and the same requests for the same area and we don't want towers all over the borough. Will the light tower accommodate more than one client.

Metro PCS representative said the tower she is proposing is built to only accommodate Metro PCS, one carrier.

Mayor Arnowitz said we will approve one tower, do a bidding process the same way we proceeding with the tower across the street and asked if she would be amicable to that.

Metro PCS representative said she would have to check with her client.

A representative of Metro PCS who was present said yes, they would agree to do the bid as we have done the bidding process prior. The proposal for the light site is just so that we can get quick coverage here in Hillsdale because we have no coverage. That would come down when the permanent tower goes up. It is a temporary structure and once the equipment is ordered, it takes a day to install and it is very quick. The bidding process will take 60 days and all in all would take another year. Metro PCS has been trying to get into the town for 2-1/2 years and we want to close that gap as soon as possible and that is why we are proposing the light site at the DPW.

Mayor Arnowitz said the DPW is in a flood zone and Metro PCS would have to overcome this to put a tower in the area.

The representative was at the DPW site with the engineer who is also an environmental specialist and the location we are proposing in the front entranceway we will be able to get permits. It would be located on the left right after the gate and it would be a pole that would be replaced and we would require a 20 x 20 space. It would be placed on a platform in the event of flooding. Their engineer is an environmental specialist pulled the 100 year flood plain and he determined the height of the building we would not be approved by the DEP. In a floodway you have to remove a structure to insert a structure.

Borough Engineer Statile said you can't erect anything in a floodway. He did believe a temporary structure would require Planning Board approval.

Councilmember Weinstein said not to put in a 125 ft. tower is anything but conspicuous whatever you put in. In the DPW that is the area most front and center along the RR tracks, closest to the parking and asked if there are any other alternatives on that site or is everything else floodway.

Borough Engineer Statile said anything on the east side of the building is eligible along the tracks and further south. He said the shed building is as far as you can go.

Chris Olson, Engineer, said we discussed how far down the RR tracks was possible and still be within the area we need.

Mayor Arnowitz said we are looking for something decorative with a permanent pole, but the temporary poles are just poles.

Mr. Olson said what is nice about this pole is that it doesn't have any extensions, it is simple. He showed a picture of the light tower to the Council and audience.

Mayor Arnowitz said the permanent tower would have to be erected in the same exact spot as the light tower and how is the replacement of the tower handled? You need the base and cabinetry.

Mr. Olson said there are various solutions .

Mayor Arnowitz said the reason we picked that site is it is the least distant from the school. The site the Council decided upon is because of the site where it is situated and now you are saying we have a small area where a temporary pole can be erected. He has no problem locating the tower inside the fence.

Metro PCS representative said we can put in the agreement with light site that we will commission the light site and go on the permanent tower.

Mr. Olson said there are four rows of plows and we can use the site.

Councilmember Frank asked what happens if Metro PCS is not the successful bidder.

Mayor Arnowitz said the winning bidder controls the tower and puts it up and gets choice of location on the tower; the second bidder gets the second location and so on. We are looking to have multiple tenants because we don't want multiple poles. We will put this on the Agenda for the July 12 meeting.

### Use of Public Fields

Councilmember Giancarlo said we discussed the use of the public fields. Dawn Timpanaro of the Rec Commission is present to discuss our current field use policy.

Dawn Timpanaro said she is currently Vice-Chairman of the Rec Department. We have an issue with our field issues, apparently there is a group of 12 year old boys who want to be part of the Travel Program, decided to have their own team, did not have tryouts and would like a field. We do a blanket permit with the Rec Department as well as HSBA and we let them handle wherever they want to allocate the fields to all the children. Softball, baseball there are a certain amount of fields in this town well allocated by HSBA. This group in question did not have tryouts, did not follow the guidelines of HSBA and their bylaws as well as the Rec Department. We came up with a couple of issues this year where people just want to keep doing random teams and making teams and taking the best players and not following the guidelines and rules of the Associations. We just would like to say that they are not just trying to get a field permit for one game, they want a field permit for the entire summer for their 12 year old boys. They let the HSBA start their own team, join the league, and now they want to use the Hillsdale fields as a regular home base. Keith Durie is constantly managing the fields but there are no fields and field time, it basically goes by HSBA.

Mayor Arnowitz said one of the complaints was that the fields are open and there are rain dates that are blocked out in case there is rain. If it didn't rain the field would be open. If they want to hold a pickup game on any field that is not scheduled for use they can go there and play. If anybody wants to go to a field and throw a ball around, they can do that as long as the field is not in use

for an organized sport within the town. Since this became publicized, he has had three other calls from different people that also have teams or leagues who want the same privileges. He did not see how they could all be accommodated and this is a Rec problem.

Dawn Timpanaro said it is up to HSBA to allocate the fields for each travel team, every level has at least three or four travel teams. There is a lot of baseball being played and there are not enough baseball fields. The travel teams are in the HSBA program but for baseball there is Memorial Field, two fields at Centennial and two fields at Smith School. That is it and there are a lot of travel teams.

Angelo said we have two teams for each travel grade which are the all star teams and the kids who signed up for HSBA. The amount of time we have is being allocated for those teams. That field needs to rest at sometime, you can't play on those fields 24 hours per day.

Mayor Arnowitz said the DPW Superintendent who is responsible for the fields has said that the existing programs over use our fields and additional usage just makes the problem worse.

Angelo said another issue is this is an independent team, this is a team of Hillsdale residents but they are not sanctioned and there are tryouts that they did not have. The bigger picture is when you open it to one travel team or club team there are 2,000 other club teams in New Jersey and what is to stop another club team from trying to take field time as well.

Mayor Arnowitz said they have Hillsdale kids who play and they feel they have the same rights.

Angelo said there is a process in making changes in organizations; he went to meetings and you have to be present at 60% of the meetings in order to get a right to vote in our organization and those are the bylaws. He did that, he became a Board member and there are certain ways you can go about trying to make changes if you are not satisfied or bring it up to the board and get on the board and make the changes. The biggest problem here is that it has to be made clear that these fields are for Hillsdale HSBA and pickup games but when you bring in another league that we are not in or another league association that is not part of our organization, those are additional games that will have to be added. If you put on three teams you could possibly adding 15 extra games a week and this is what you have to look at.

Mayor Arnowitz said they exist, they go to other towns, they don't play in Hillsdale.

Angelo said these teams are in the Rec program, they are playing baseball in our program, we have never once said they cannot play with us. We have bent over backwards trying to get them to stay and we have done everything we could so this wouldn't happen. Unfortunately, it did. We have to protect our organization in some manner so that this doesn't create something and have all the teams break away and we would lose an institution we have had for many years and has been successful. Teams have done that in the past and this is something you have to try to address and make a compromise. Having HSBA in Hillsdale makes our town a better town to live in children wise. The children participate and they are kept off the streets and the Rec Program does a great job overseeing that and guiding us and giving us suggestions. Another issue is once you open the door to let an independent or club team come in and use Hillsdale fields, how do you stop others from coming in?

Councilmember Weinstein said there were continued emails during the week with various people making their statements. We talk about HBSA as an entity and there were some accusations of HBSA looking out for its own interests. The reality is HBSA is Hillsdale's baseball and softball Rec program, that is it, there are no other Rec programs that our town sponsors for our kids to play baseball and softball. You are an extension of Hillsdale and you are our Rec program and you are representing the community that puts out 800 kids on the fields every year.

Dawn Timpanaro said the problem is all the children do live in Hillsdale. They had 12 children and they wanted to have their own team and that is the problem.

Mayor Arnowitz said the Rec Commission had a meeting on Thursday and you discussed this situation and came up with a decision and that is we can't accommodate them at this time, we don't have enough fields; they are more than welcome to play in the HSBA or the Hillsdale Rec Program which they do. Is there anything the Council has to do to help Rec help them and let the Council know.

#### Woodcliff Lake Reservoir

Mayor Arnowitz said when he said the Woodcliff Lake Reservoir represents 1% of their holdings, that is not true. Mr. Henning of United Water reached out tonight said it is about 4% or 10%, in that area. He is not talking about draining the whole reservoir, he is talking about lowering to 88 or 91 which is a small portion of that 10%.

GENERAL PUBLIC HEARING:

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

Jim Moldow, 21 Overbrook Place -

He also was on HSBA several years ago and was the field coordinator for fall baseball and there was a club team comprised mostly of Hillsdale residents, but they had tryouts and he was able to accommodate them and they were able to get practice time and field time. It was not exclusionary, it was open to full tryouts. He thanked the Council for recent emails going around on the flooding issue and taking a position to try to mitigate the flooding problems.

The Memorial Day Charity baseball game was rained out and we were hoping to raise \$600 to \$900. Joe Famoso volunteered to umpire the game at no charge and we would like to do a July 4 game and raise the money and apply it towards the senior luncheon program.

Councilmember Frank said he checked with Rec and was assured it would be approved for July 4.

Tom Kelley, 41 Sycamore Avenue -

United Water provides truths from the point of view that United Water wants them to see and one is lowering to 88. That is not what he asked for but is asking for a permanent lowering to 88. There is so much rain, it builds up so fast, it won't help and with 11 inches of rain he will flood. We are looking for help with the smaller storms and they don't seem to understand us or our legislators. The Borough Engineer from Westwood who also works for United Water describes water in a bucket and they bought this full. They say if you have water in a bucket and you put water in it, it comes out and that is what they are equating this to. If you take three inches out of it, you put water in it, it fills quickly and then come out. What they are not seeing is these last several times we flooded has not been when the bucket filled up and spilled out, it was when they took the bucket and dumped it on us. They don't say that and that is what happened; it builds up, they don't let out what is coming in come out, they open the gate wide and are taking the full bucket and holding back and let it go and that's when we flood. They are not getting that. If they do lower it to 88 ft. it will fill up and they are stating they will keep the gates closed and it will build up and will have to open it again. If they leave it set at 88 ft. long before flooding occurs, the initial rain when it comes in will go over so it is a lot more water than just letting it build up. There's a lot more time to allow this water to go down. It could be pouring for hours and the brook is still trickling because they are holding it all back until they decide we don't need it and let's turn over the bucket. That is the process that we have to try to change.

We need help from someone with some of these numbers. Westwood has a great engineer to dispute it except that he is on their payroll. United Water is one of their clients. He did not know who can fight this. He asked if anyone has spoken to the BPU, it is another organization that controls utilities and the DEP controls them because of the water. He said this reservoir is classified as a water supply reservoir and he wondered if it would be possible to get it reclassified. There is a flood control classification that is different from a reservoir. He felt we are being wronged by this company and their policies.

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

ORDINANCES:

Ord. No. 11-12 (Introduction) Amending Soil Movement Fees	At the Mayor's request, the Borough Clerk read by title only proposed Ordinance No. 11-12 as follows:  AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 138 FEES (SOIL MOVEMENT-CHAPTER 248)
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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. 11-12:

Ayes: Councilmembers Frank, Giancarlo, Weinstein and Mayor Arnowitz

Nays: None

Absent: Councilmembers DeJoseph, Hanlon and Schiavone

(SEE COPY OF THE AFORESAID ORIGINAL RESOLUTION AFFIXED HERETO)

RESOLUTIONS: (Consent Agenda)

Mayor Arnowitz read the Consent Agenda of Resolutions.

11098 Developers Agreement Release of Performance Guaranty, Block 1525, Lot 9 & 10 was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

11099 Participation in Grant Funding was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

11100 Payment of Bills was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

11101 Designating Mayor as Appropriate Authority carried to July 12 Meeting.

11102 Awarding Cleaning Services at Stonybrook Swim Club was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

11103 Authorize Inclusion in the Bergen County Community Development Program was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

11104 Awarding Recycling Containers was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

11105 Authorize Tax Collector to Issue Estimated Tax Bills was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

11106 Authorizing 2011 Road Program Bid and Lead Agent Designation was introduced by Councilmember Giancarlo, seconded by Councilmember Frank.

Roll Call Vote on all Resolutions with the exception of 11101:  
Ayes: Councilmembers Frank, Giancarlo, Weinstein and Arnowitz  
Nays: None  
Absent: Councilmembers DeJoseph, Hanlon and Schiavone

(SEE COPIES OF THE AFORESAID ORIGINAL RESOLUTIONS AFFIXED HERETO)

LAST GO ROUND

Mayor Arnowitz said we are not going to have a Closed Session tonight, the issue is still pending, but it will be held at another time.

Councilmember Weinstein said a ruling was based on a different school district that was going through a similar process that we have been going through in regard to potential separation with regard to a recalculation of a funding formula for the schools and that was voted down. A school district tried to secede and ultimately it went to the courts and the courts did not allow the school district to secede rather back to the school districts to say figure out how to reallocate the funding formula. It seems to have sparked some conversation in Montvale to reconsider their

position. The Mayor and I have set up some dates to River Vale to reconvene how our committee and the professionals that our Counsel, DeCotiis, will suggest. We will come back to Council with next steps and stay on top of this.

Councilmember Frank thanked the Library Board of Trustees and Stonybrook Committee to agreeing to host Town Day at Stonybrook on September 17. We will have a combination along with the Green Team and they have agreed and will do a lot of it with volunteers, look for some vendors and sponsors to give us financial support. We are putting together a plan now and the Boy Scouts will handle the clean up and Girl Scouts will do some of the children's activities. This could not be a very expensive event for the town and it would be utilizing a tremendous asset which is Stonybrook.

He said the 4<sup>th</sup> of July was traditionally celebrated as America's birthday but the idea of an annual day specifically celebrating the flag is believed to first originated in 1885 in Fredonia, Wisconsin public schools. The anniversary of the Flag Resolution of 1777 was officially established by Woodrow Wilson on May 30, 1916, and while celebrated in communities for years after Wilson's Proclamation it was not until August 3, 1949, that President Truman signed an active Congress designating June 14 of each year as National Flag Day.

He has had a lot of Europeans visit on business and they have always commented on how many flags we have in our towns and they don't see that in Europe. Part of it could be that they have a unified culture and the flag is not that important but in a diverse society as we have, a flag is a unifying symbol for us and he would encourage people to fly their flags. It is a great way to show the unity that we have as a country so Flag Day is special.

Councilmember Giancarlo said it is a proper to thank our Armed Services veterans and thank those who do the fire, ambulance and all our professionals in town. He thanked the people who are putting together Town Day. It is exciting to be on Council and you see PSE&G, United Water, cell tower companies basically dictating what we have to do in town. It is a time to stand up and choose what your liberty and what your town is going to look like and what you want your town to look like and to fight for the ability to have a say in the way we want our town to look. He hopes that small towns and small Councils like our own are always invigorated with citizens who are eager to fight for their own liberty.

Mayor Arnowitz said next month we will only be having one meeting and asked everyone to come in and sign bills. He thanked the Rec Commission and Councilmember Giancarlo for handling a very difficult situation, we all want to help and include everyone but sometimes it can't be done.

He thanked Borough Clerk Sandt for all of the Certificates he provided. The cub scouts and their smiles made it worth it. The boy scouts who cleaned up were very appreciated. He made a lot of little boys happy.

Mayor Arnowitz spoke to Councilmember DeJoseph indicating that we still do not have a viable email backup. We have to move forward on this and he has a proposal from the company that presently handles our computers and assured him it meets all the standards. Councilmember DeJoseph said it doesn't and he doesn't understand it.

Borough Clerk Sandt said Councilmember DeJoseph did not find another company.

Mayor Arnowitz wanted to move forward on this to make sure we have information available.

Last week he made a comment that he has to rescind about putting a traffic light on Hillsdale Avenue to break the traffic. After speaking to neighbors on the street, they are not thrilled with the idea and according to the Police Chief, he didn't think it would get passed by the county and did not know if it would help that much. If we could try to get the speed limit lowered to 25MPH the entire length of Hillsdale Avenue from the River Vale border to Wierimus he felt it would help and he would like to start that process.

He will give the Borough Clerk a letter he received from Michael Doherty from the 23<sup>rd</sup> District Senator who wants us to pass a Resolution supporting legislation that he is proposing to change the funding that the town receives for schools, not how we fund our high school. We get two cents back for each dollar we send to Trenton.

Borough Clerk Sandt said his son spoke to him about Concerts in the Park which we do not have this year about moving it downtown in the Park. Store owners who are open would appreciate it and anyone offering refreshments would appreciate it and there is enough room in the Park for people to bring their beach chairs, etc. In light of that, this year we don't have a concert series but there is a group that has been emailing him offering to conduct a concert in the Park for free by the gazebo. He would need Council's approval to go ahead with it.

Councilmember Frank said Councilmember Hanlon emailed him stating that Care Plus made an offer to fund our concert series for the summer. Someone made the offer and we have to get back to that person to see if it is real.

Councilmember Weinstein thought it a great idea if the music is appropriate and it is free and it is a great idea to move it to the center of town.

Borough Clerk Sandt said they are an up and coming band called the Underwater Country Club.

The Council approved this.

ADJOURNMENT

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

6-14-11

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Robert P. Sandt, RMC  
Borough Clerk

APPROVED AS PRESENTED

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Robert P. Sandt, RMC  
Borough Clerk