

Council Meeting
November 20, 2012

Minutes of a Council Meeting of the Borough Council held at 7:30 P.M. on Tuesday, November 20, 2012, 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

Mayor Arnowitz stated, "This is a Meeting of the Hillsdale Borough Council on this 20th day of November 2012. Notice of the time and place of this meeting has been provided to The Ridgewood News, Pascack Press, The Record and Community Life; a copy was posted on the bulletin board outside of this meeting room and provided to any interested parties.

Please notify the Municipal Clerk for any disability requirements necessary for attendance at Mayor and Council meetings. The fire exits are located through the double doors to your left. Please silence all cell phones and pagers.

ROLL CALL

Municipal Clerk Witkowski called the roll those present being as follows: Councilmembers DeRosa, Frank, Giancarlo, Hanlon and MacEwen. Councilmember Pizella was absent. Also in attendance Borough Attorney Paul.

OATH OF OFFICES

Mayor Arnowitz administered the Oath of Offices to Briana Mae Cordes and James Costello as Members of the Hillsdale Fire Cadet Company.

PRESENTATIONS: Town Wide Revaluation Q&A, Realty Appraisal Company

Project Managers of Realty Appraisal will give a short presentation of overview of the program and answer questions.

Mark and Andrew Duda are both appraisers for Realty Appraisal Company and are performing the revaluation in town. He wished to explain what a revaluation is and what to expect. The last revaluation was held in 2006.

The purpose of a revaluation is to appraise real property within the municipalities to establish their market value. The State Constitution of New Jersey states that all property should be appraised at their market value. Any time properties drift 15% further away from the current market value on average the towns can request a revaluation. A reval is not to raise taxes but is there to fix the distribution of the tax burden in the town. In the time that the last reval was done, property values have changed. Some residents filed and have been successful in tax appeals.

Town Wide Revaluation are not tax assessors, they are appraisers and have been hired to appraise your property at fair market value and will be used by the Tax Assessors. They use sound data

in order to appraise property such as the style of the house, how deep the property is, the condition inside and out, number of bathrooms, bedrooms, kitchen and bath updates, things we find are important for property values. They compare your home with comparable home sales in the town and figure out what it is worth as of October 1st of this year.

Inspectors will come to your house with two forms of I.D. They will have a letter on Hillsdale letterhead signed by the Tax Assessor and will also have identification from our firm. Don't allow anyone in your house without these pieces of I.D. The inspection data also is provided to the municipality for security purposes. Inspectors are not appraisers, they are putting an appraisal on your house and are not tax assessors. It is important to give them access to your homes to gather data for the appraisal. If someone shows you their I.D. and you are still concerned, you can always call the town to verify who they are; if you see a vehicle on your street and are concerned, it is alright to call the police.

The inspectors are not looking at your taste, your furnishings, the quality of your personal life, those are not things that are appraised. They review the square footage, how many bathrooms and kitchen, the style of home you have. They are also evaluate the condition of your home. He demonstrated a copy of a property record card, the type of form that the inspectors use; there are areas where they collect the data, whether you use gas or oil, when the kitchen last remodeled, is there granite or formica, old bathroom or a new bathroom. How is your house heated and cooled, do you have central air; how will your house sell.

They send out a pamphlet prior to explaining what happens to your tax rate before and after the revaluation. Your assessment will change along with and the tax rate. If your assessment is higher it doesn't mean your taxes are going to rise, if your assessment is lower, it doesn't mean your taxes will to down. We are an appraisal company, they are not tax assessors. They are looking at comparable home sales and letting your town know what your home is worth. A letter is sent to you letting you know what your house is worth and you will be invited to discuss it. It is good to take advantage of this meeting to make sure the date collected on your house is correct, go over your property record card with a representative of our company. It will also show you how many square feet you have in your house, how many bedrooms, baths. A map of the municipality will show you the sales in your neighborhood and within the municipality to arrive at your appraisal. They use comparable homes in your neighborhood to come with that.

There are certain things they do not talk about at this meeting; such as your neighbor's appraisal. They will not review your prior tax bills or assessments. With regard to sales, we use Arms Lengths Transactions because that is what the legislation says. We will consider comparable home sales provided they are Arms Lengths sales. It is not a foreclosure, it is not state sales or a sale from a parent to a child; we look at fair market value. Following the informal review, we will send a letter and if you are not happy with your assessment, file a tax appeal with the County Tax Board before May 1. They have had very few tax appeals and have a success rate of 97% tax appeals. The meeting was open for questions and answers.

Doug Hodgman, 92 Yesler Way -

Some of the houses here are older and some are newer, heights of the stories are full heights and some are not. Are they taken into consideration?

Andrew said they are taken into consideration; we use comparable sales, use property with comparable improvements. The property consists of the land and the improvement on the land of the home. If they have similar lot size in the same neighborhood but if you have a house built in '80's or '90's and has low ceilings it would not be comparable to a new home sale.

Andrea Mathews, 85 Ralph Avenue -

How long will this take to complete.

Andrew said another six to eight weeks. Door tags are left for those not at home, a telephone number to call.

Pearl Vinces, 80 Ralph Avenue -

She asked Patrick Wilkins, Tax Assessor, what is the current ratio.

Patrick Wilkins said 103.84. Ratio is the measurement of the current assessments to sales.

John Tourian, 61 Trinity Place -

He asked what is an "arms length".

Andrew said sales with no distress, a normal sale, no bankruptcy.

Mr. Tourian (Contd).

When will the assessment be in place.

Patrick Wilkins said summer 2013 is when you will actually see the impact on taxes.

Mr. Tourian (Contd).

We will then get a new tax bill reflecting the new tax rate.

Patrick Wilkins said when the rate is struck you will get a new rate and bill.

Mr. Tourian (Contd).

Will it reflect if somebody overpaid or under paid?

Patrick Wilkins said not necessarily.

Mr. Tourian (Contd).

Does this apply to 2013, the entire year. If a house was under assessed or over assessed, will adjustments also include over payments or under payments.

Patrick Wilkins said 1st and 2nd quarters will be based on estimated taxes.

Mr. Tourian (Contd).

The third quarter will reflect the new rate and changes made for the entire two quarters.

Donna Pollack, 171 Oakland Street -

What percentage of homeowners allow you into their homes.

Andrew said 90% approximately. Only approximately eight percent have disagreed.

Ms. Pollack (Contd).

If you get into 50% of the homes and the other 50% you don't get into, how does that figure into the assessment?

Andrew said for the 1700 homes we have been in, only 14% have disagreed.

Ms. Pollack (Contd).

What do you do with the other percentage?

Patrick Wilkins said we have a 90% success rate. We have a standard process for estimating the contents of the home.

Ms. Pollack (Contd).

She lives in one of the newer developments in town, she was the only homeowner home on the particular day that the assessor came. She has a finished basement, a lot of her neighbors done as well but they did not choose to get permits. Unless you ever went into their homes you would not have a idea of what is in their basement. How do you know our next door neighbor has a finished basement.

Mr. Wilkins said we have a consistent stock in homes, use typical homes.

Councilwoman Hanlon said she had a young man came yesterday and rescheduled today. He was in and out of the house in 7 to 8 minutes and she was very satisfied.

Paul Matthews, 85 Ralph Avenue -

The literature states that you will come into the house and you do the outside measures and asked if that is all in the same visit or do you break that up in two.

Andrew said we try to do it in the same visit if we can. If the person is not at home, we will measure the home and leave a note stating when we will be back. We don't appraise the house if there is rain or snow. If you are at home and it is a nice day we will do everything in the same visit.

Mr. Matthews (Contd).

Is it correct that they are taking photographs of every home from the street?

Andrew said the same individual that comes and measures is not the individual who takes the photographs. Their information is also on file with the Police Department so that people know who is taking pictures.

Debra Benigno, Tax Assessor's Office -

The information is on our website; the inspectors photos and information on the inspectors.

Bernie Higgins, 203 Everdell -

There are two components to the revaluation; one is the improvement to the building and one is the land. How do you evaluate the land and what numbers are used for land evaluation. Your inspections, Monday through Friday, 8 to 5, does it include weekends?

Andrew answered that canvass is during the day, we will show up, we will not make an appointment in advance. We also work early evenings anytime before 8PM, Saturdays as well, we work Sundays by appointment only.

Land is a bit more complicated; where your property is located in town, how much land you have are big components of how much your property is worth. It is not just about the house; the same house on a half acre is worth more and that is the simplest way to explain it. For tax purposes we have to separate the land from the improvement value. We have construction costs; and compare the sales that are occurring in the neighborhood. They back out the depreciated building value and put the remaining dollar amount in sales. This is done a number of times to figure out how much raw land or improved land is in a neighborhood and how much of a difference it takes if you have excess in what the zoning requires. They do a land residual analysis, they figure out the cost to build the building, and depreciate it. There are depreciating tables; back out the value of the house put the remaining dollar amounts in the sale of the land. It allows us to figure how much it is worth.

Adam Tate, 17 Riverdale Street -

Do you have a survey of properties, and/or square footage of properties?

Andrew said that is done by tax maps; tax maps are provided by the towns, we don't take individual surveys from homeowners. There are informal hearings where someone may bring a survey and we will take a look at the survey and try to figure out updates.

Ann Cron, 187 Magnolia -

She has two lots, one has a house on it, the other is a land locked lot is 175 ft. by 32 ft. How do you determine what it is worth? The last reval it went from \$400 to \$1000, how do you determine that? It is not a developable lot.

Patrick Wilkins suggested that she come to see him about that lot. It might be beneficial to merge two lots. Prior assessment to a piece of property has no relative data, sales are looked at to establish value.

Doug Hodgman, 92 Yesler Way -

He has noticed that not too many houses in his area have sold in the last few years. What period do you look at for a comparable sale and how do you know it is arms length sale.

Andrew said we will look at October 1, 2011 through October 1, 2012. We know whether or there are arms length transactions by your assessor. There is a list of non-usable sales category, foreclosures, estate sales are the ones we see the most. We review deeds to determine short sales.

Mr. Hodgman (Contd).

If a tax map is already drawn of the town so you see what areas are the same as your area.

Patrick Wilkins said we have a public record of the dimensions of your lot.

Meena Kheterpal, 220 Magnolia Avenue -

She asked what kind of renovations determine value.

Andrew said the things that determine the value are siding, kitchens and baths. When we analyze the sales, typically a house with new siding will sell for a few thousand more. We try to use market data to determine value. Updating baths and kitchens are big, granite counter tops sell for more, finished basements not as much. We are licensed to do appraisals.

Andrea Mathews, 85 Ralph Avenue -

Are you going to do a normal appraisal for a five mile radius?

Appraiser said no, we look at houses within your municipality.

Ms. Mathews (Contd).

You said in a couple of weeks they will be done. We will get the assessment in the third and quarter and it could be higher which would cover the whole year. We can't appeal until the following year.

Patrick Wilkins said you will be notified prior, we will have an informal hearing process, you will meet with someone who has an understanding of how the value was arrived at. After that the tax list will be reported to the tax board. Typically in January we might get an extension. You have until May 1st, typically April 1st, to appeal reval and assessment. Whatever your assessment will affect taxes for the entire tax year.

Doug Hodgman, 92 Yesler Way -

Since the previous appraisal there have been some changes in our roads and there is quite a bit more traffic. How do you determine that as a factor?

We consider similar environmental factors; we are not going to use a house on Kinderkamack Road comparable for a house on a quiet cul-de-sac. On your street it would be great if we had sales on your street, if we don't we try to find similar affected streets within your neighborhood. We encourage an informal hearing as we will have your actual property record card in front of us and review and if necessary, send it back to the office to be redone. We try to find property as similar as possible.

Mr. Hodgman (Contd).

He bought the house in 1980 and there was very little traffic until a few years ago when the traffic patterns were changed. Now there is quite a bit of traffic and he wanted to know how you determine if that is high traffic.

Appraiser said we hope the sales tell us that in the neighborhood; it will be a based lot value for the neighborhood and we will tweak that a bit. We encourage you to review your property record card. It is the property owner's responsibility to examine their property record card and if something was missed, you can't go back in time.

Danielle Brennan, 93 Conklin -

She asked if the results would be available by the end of January.

Patrick Wilkins said we will have a much better idea in the next few weeks. Due to the hurricane, a week of inspections was completely down, loss of power, we will know better in the next couple of weeks. They want to get everything right and not rush to get it done.

Councilmember Frank wished to comment on why we did this. We didn't do this to create a lot of extra work. In the last few years we have had a number of tax appeals and it cost the town hundreds of thousands of dollars in taxes. When we lose a tax appeal we have to refund the money to the taxpayer; the municipality also returns and refunds the school tax which is 70% of the top tax dollars we collect and we have no way of recouping that. The municipal budget takes an extra hit anytime there is a tax appeal so that in the past couple of years we have had a budget issue where we are paying back money and losing tax appeals; the reduction doesn't come from the school tax, they have their money, it only comes from the municipal portion. We thought this was very important to do.

Andrew said a lot of towns were reassessed and revalued as well in 2005 and 2006 and towns done in that period had no way of recouping money.

Councilmember Giancarlo said when you have commercial appeals tens of thousands of dollars are involved and a loss to the town. That is where the taxpayers lose.

Councilmember Frank said they will suffer under the reval because they have gotten a reduction in their assessment, and the old tax rate. Now they are going to get a more even based assessment with the rest of the properties in town and tax readjustments across the board. People who had appeals and have had an advantage in the last year or two are going to lose some of that advantage.

Andrew said we have been able to defend our numbers for two years and during the past five years we have been able to defend about 97%.

Mayor Arnowitz said this is the third reval he has been on Council for, he encouraged everyone to review their work sheets. They are not perfect and sometimes mistakes are made but it gives a sense of assurance. As soon as the revaluation comes out people start calling saying their taxes have gone up. One has nothing to do with the other; the revaluation is purely what your property value is. You can't take the old tax rate, multiply by the new revaluation, and think your taxes are going down, up or staying the same. You have to wait for the new tax rate to be cut and that will be done sometime this summer.

APPROVAL OF MINUTES:

On motion by Councilmember Giancarlo, seconded by Councilmember Frank, and unanimously carried, the Minutes of the Council Meeting of November 12, 2012.

Roll Call Vote:

Ayes: Councilmembers Frank, Giancarlo, Hanlon, MacEwen
And DeRosa

Nays: None

Absent: Councilmember Pizzella

CORRESPONDENCE:

1. LETTER FROM HILLSDALE VOLUNTEER FIRE DEPARTMENT, DATED OCTOBER 25, 2012, SEEKING APPROVAL OF BRIANA CORDES AND JOSEPH COSTELLO INTO THE HILLSDALE FIRE CADET COMPANY.

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

DISCUSSION:

1) Update on 2013 Community Calendar.

Municipal Clerk Witkowski said we had a meeting last week with Patty Hughes, Recreation Director, Keith Durie, Superintendent of Public Works, and Administrator DeJoseph, Denise Kohan and myself. We discussed samples from other towns; a friend of hers emailed a template and distributed it to the Police Chief and those involved and asked that they review, choose what they would like, update it and get it done. She did receive some quotes which ranged for printing from \$3000 up to \$6000. We are moving along, there is nothing concrete yet. We would put on every page of the calendar our website and signing up for our email alert. The email alert worked well with Sandy and a lot of people signed up. It is a great communication device, it goes out at the same time, everyone reads the same thing. We would like to get this out by the last week in December, latest in January. We are still in the gathering mode.

2) Town Wide Meeting Realty Appraisal Company.

Councilmember Frank said it is normal that the third quarter tax bill is the tax bill that has the first reflection of the new taxes for any particular year. It is the way governments work, we put our budget together, it doesn't get approved until some time in April and June of the year for the budget and that is when the tax rate will be struck.

3) Donation to St. John's for use of Building during Construction.

Mayor Arnowitz said he is not looking for a donation to the church but we should compensate the church for the expenses they incurred while we were doing construction of the Council Chamber to make it handicap accessible. We held all the Planning Board meetings, three meetings, three or four Council meetings, one concert. He recommended to the Council to prepare a voucher for \$500 to compensate St. John's for expenses, etc.

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

Roll Call Vote:

Ayes: Councilmembers Frank, Giancarlo, Hanlon, MacEwen and DeRosa

Nays: None

Absent: Councilmember Pizzella

4) 2013 Meeting Schedule

Councilmember Frank said we have had conversations this past year about the scheduling for our Council meetings. Currently they are the first and second Tuesday of every month and oftentimes we end up with the second meeting being very light and the first meeting being very heavy. We discussed changing it from the first to the third which gives a two week gap and allows us to approve certain ordinances in the same month.

The other change would be converting one of our meetings to a work session. It is important that our new Council members should have some input; he finds it difficult to have communication when sitting at the dais. If you watch other towns and their meetings, they don't have a meeting like we have with the budget and they will have one of their meetings at the table where the Council sits around, facing each other, and there is much more opportunity to share information and move the agenda forward. His preference would be to create a work session either at the first or second meeting of every month and we could move all presentations, awards and the like to the formal meeting and just have the work session. He would like to have the consideration of the new Council for this schedule.

Mayor Arnowitz said that is something that is normally done at the Reorganization meeting. The new people coming in will be a deciding factor. The reasons we went to the first and second week of the month were for the purpose of paying bills. We had major problems in town in vendors who didn't want to do business with the borough because we didn't pay the bill. The schedule was not conducive to their getting paid in a timely fashion.

Another reason was to accommodate both Council and the employees that have to come to our meetings so they are able to take extended vacations if they so choose. When you have a meeting the first week and another on the third week, it makes it difficult to take a two week vacation. Another reason was to have some continuity from one week to the next so that you don't have a big break in between. He did not have a problem changing but these are the considerations the new Council should take up when you decide how you want to do it. He spoke to the Clerk and Administrator and they did not have a problem other than bill paying which both brought up.

5) 150 Magnolia Avenue.

Mayor Arnowitz said that the law says an item that is before the Planning Board, the Mayor and Council are part of the appeal process. The Mayor and Council, while citizens of this community, and everyone has an opinion about something like this, they are not allowed to say anything. The proper venue to speak about this project is at the Planning Board and they will be meeting next week. The Mayor explained that there is a group home that is before the Planning Board that is located at 150 Magnolia Avenue. In April 2012, anonymously, our Code Enforcement Department received a brochure in the mail announcing this building as ready to rent. The first inclination that they knew anything was going on over there other than what it is, a two family home that exists in Hillsdale on Magnolia Avenue. Immediately the Code Official went there, put a stop work order on the project, issued a number of violations and told them they have to go before the Planning Board. That brings us to this.

He does not sit in on zoning meetings at the Planning Board but when this went before the Planning Board for Planner Review, it came in as 122 Washington Avenue, that is where the business is or the property owner is. He did not make a correlation to 150 Magnolia Avenue. It has already gone through Planning Review and the application will be heard next week. When the meeting is open to the public, you are welcome to come up and speak but we cannot answer your questions, the venue is Planning Board.

Councilmember DeRosa said he wanted this on the agenda so that the residents would be aware of the situation. As Mayor explained, our comments are very limited on Council. He and Councilmember Pizzella worked with several residents in the Magnolia area when they received the public notice and the notice reads in part "at the hearing the applicant will be seeking an interpretation of the zoning ordinance that the proposed use of premises at 150 Magnolia Avenue, Hillsdale, New Jersey also known as Lot 3, Block 1406, on the Hillsdale Tax Map is a living facility for up to four adult males who are recovering from alcohol and drug problems on the second floor while the first floor of the applicant resides constitutes a valid two family use dwelling. Alternatively the applicant seeks a use variance to permit the proposed use on the property."

The location is very close to the George White School. We need to keep in mind that the owner of this house has a constitutional right for the full use and enjoyment of their property provided that the use complies with our applicable zoning and planning ordinances. The process is for this to go before the Planning Board and that is where it stands right now. We welcome any members of the public to speak at this meeting but the proper form is to speak before the Planning Board. That board meeting is scheduled for next Tuesday, the 27th, at 7:30 in these Chambers.

Mayor Arnowitz said the people who can speak at the Planning Board are not limited to the people that were noticed because they live within 200 feet. The Planning Board opens the meeting to the public and anyone that wishes to address the Planning Board about any of the issues that pertain to the Planning Board are more than welcome to speak. They open the meeting twice during the meeting. There is a specific time for the public to be able to speak for an application and while the testimony is going on be aware that the applicant's attorney can question the person speaking. That is when the application is at its final stages of their presentation. A Planning Board meeting is a lot more detailed, lot more law, lot more facts as to what is going on there and he is planning to be there.

Councilmember Giancarlo said we can speak as private citizens but cannot comment from the dais.

6) Environmental Commission Recommendations.

Councilmember Giancarlo said we have two vacancies and we have to fill two terms. He recommended Tom Wiseman who is Chairman of the Environmental Commission and his term is up at the end of this year. There are two terms that go another year, he would like to fill them with existing members and extend their terms another year.

Mayor Arnowitz did not understand because they will be reappointed for whatever the normal term is in January. Tom Wiseman is an outstanding Chairperson, it would be foolish not to reappoint him, but he has to stand on his own merits. He would like to fill two open slots is you could provide some names.

Councilmember Giancarlo said Stefanie Breuer and Tom Wiseman.

Mayor Arnowitz said he will speak to the individuals coming in

and still need two names now or in January plus the people whose terms are expiring.

7) Electric Pricing Data - Third Party.

Councilmember Frank said the Administrator has gotten us into the Bergen County Cooperative purchasing for electricity and saved about \$5000 a year savings. Over the past six to eight months he has gotten us into four other cooperative purchasing and lower costs for purchasing for the town. In today's paper the state is coming down on towns that are not proceeding with shared services, it looks like they are going to start with shared service requirements for 566 municipalities in the state to start something soon.

GENERAL PUBLIC HEARING

Mayor Arnowitz invited comment from the audience.

Varoujan Tourian, 61 Trinity Place -

He would like to receive an official letter of decision about the church property that he wrote about, he would like his letter answered.

Mayor Arnowitz said he did not understand his question. Last week the Borough Attorney addressed you and told you the findings of their office as to the situation between your property and the Methodist Church property. If there is anything else ongoing, it would have to be handled between the two property owners being yourself and the church. He doesn't know what he is looking for.

Mr. Tourian (Contd).

He sent a letter dated 11-1-12 and he wants an answer to that.

Mayor Arnowitz thought that was answered last week. Keith Durie sent an answer. You sent an opinion on email that Tom Randall answered Mr. Tourian as I did based on your email. Keith Durie, Code Enforcement Officer, sent you a letter, that is your answer. His findings are what the Borough Attorney checked to make sure that his findings were within the scope of his duties and the law. That is what they said last week, they didn't find anything wrong with what he reported. I know you disagree so basically the Borough Attorney last week said it now becomes a homeowner to homeowner situation that you would have to handle it however you want to handle it with the church.

Borough Attorney Paul wanted to clarify. Are you saying he sent a letter after receiving a letter from Mr. Durie?

Mayor Arnowitz said yes, he didn't agree.

Mr. Tourian (Contd).

He presented another letter to the office dated November 1st.

Borough Attorney Paul said he will take another look at it and see if there is anything further because there was a letter before Mr. Tourian's letter.

Mr. Tourian (Contd).

I came and complained because of activity that had taken place on a Saturday and the Borough Hall is closed. Mr. Durie then sent me a letter indicating that he didn't find anything wrong

with what the church had done even though it was contrary to what Mr. Hampton had said and that it would be done. What we had agreed on of going back to the Department of Community Affairs NJAC-23 concerning conservation, it is a long history. He wrote a letter saying it is o.k. I wrote a letter saying it is not o.k., I disagree and I included in the letter all correspondence which he has reserved including letters from the State about different matters. When I came here the gentleman (Attorney Randall) said that this is a matter between you and the church, therefore, you resolve it with them. Whatever is the decision that was given to the Mayor and Council noting that the letter went out after Mr. Durie's letter.

Attorney Paul believed that the conclusion you came to at the conclusion of the letter boiling it down to two things: No. one, you wanted nothing to be done to your neighbor's property that was not allowed that was a violation. No. two, was the point you made a moment ago about your neighbor agreed not to bring in more fill unless they first removed the old fill so that is why the attorney here last time and mentioned the aspect of the relationship between you and your neighbor. Your neighbor made you that promise and that would be an issue between you and your neighbor. That is where the borough would not get involved. As far as violations, the borough is involved in that and that is already a matter of public record; everyone knows, everyone has the rules they must follow and no one can do anything to their property that will violate any of those rules. That one is already in place, the No. one thing you requested. The No. two thing you requested would be a matter between you and your neighbor if they made you a promise.

Mr. Tourian (Contd).

It is a violation of soil movement which goes back to 1990 and they have the correspondence, he is taking this fact to his attorney and he wants to do this himself so that it doesn't cost the town and the officials proving even where the state is disagreeing telling the compliance officer that smoke detectors are a matter of the state and disagreeing with him and quoting sections of the law. The point is there was a variation of soil movement even by boroughs.

Attorney Paul said you are asserting that there is a violation of soil movement despite Mr. Durie going out and observing and finding there was no violation and you have come to that conclusion.

Mr. Tourian (Contd).

Exactly.

Attorney Paul said he doesn't recall specifically you having a citation, any notes in your letter as to what you are basing that on. Do you remember which ordinance that was that you are relying on?

Mr. Tourian (Contd).

It is our borough.

Attorney Paul said he will take a look again at your letter and at the ordinance on soil movement.

Mr. Tourian (Contd).

What I want is an official answer to my letter.

Attorney Paul said the official answer comes from the enforcement officer but if the Mayor desires, he will take another look at the soil movement ordinance.

Mr. Tourian (Contd).

Somebody, please answer my letter officially. If the law applies to me, every citizen of the borough, then it should apply to any tax exempt institution and if they want soil movements or site work right next to my property or whatever site work, or whatever, what applies to me should apply to them even more.

Attorney Paul said what you are saying the rules apply to everyone, the main concern you are saying it is a violation of soil movement.

Mayor Arnowitz said he did not want to spend a lot of tax dollars on reviewing what was done, review the ordinance and the letter, but both the Engineer and Code Enforcement Officer do not feel there is a violation.

Attorney Paul said one way to save money might be for the Compliance Officer himself to reply.

Mayor Arnowitz said he will have the Code Enforcement Officer who is in charge of this to specifically send you a letter again indicating his findings to your letter and then you do what you have to do.

Mr. Tourian (Contd).

There are distinct requirements for playgrounds so that children do not fall from slides and get hurt. This was delivered by me personally to the church and to the Code Compliance Officer stating that the material that is there which is cuttings with a chain saw of hard root of trees is a viable option but not on the list. What should be done is to take out the dirt, it is required by the state and sent to me and I gave it to them. What they said is right here, the material is to be carted away and then you replace it with sponge material. Twenty years from now you will have to replace it again, but that is the strong recommendation. The church has opted to save money by just putting in more and more dirt without a permit and that is not abiding by town laws or state laws.

Mayor Arnowitz said because of the holidays and limited meetings, he is sure Mr. Tourian will be back in January; there will be a new Council and you will have to explain to them once again what is going on.

Mark Durst, 99 Kinderkamack Road, Park Ridge -

On behalf of the borough employees of the DPW, they extend their thanks to Marie Hanlon for recognizing what they have done during Sandy that we recently endured, and they want to thank Councilmember Pizzella for recognizing them also.

Mayor Arnowitz said everyone on Council last week commented about the great job and the work of the department.

Mr. Durst (Contd).

There are employees who have worked 37 and 40 years and if he wasn't Fire Chief he would not know the Council people because no one ever comes to the shop and introduces themselves. He wanted to make that comment because he hears it quite often.

Danielle Brennan, 93 Conklin Avenue -
Regarding 150 Magnolia Avenue, a two family house, four adult
males upstairs, how many people per bedroom.

Councilmember DeRosa did not know.

Mayor Arnowitz said some homes in Hillsdale that have three and
four people in a bedroom because of costs. There is no law that
they can't have two or three people in a bedroom; unfortunately
big families with small incomes require that. This is a
Planning Board issue.

Jacqueline Tate, 17 Riverdale Street -
We have not had our brush removed from the storm.

Mayor Arnowitz received an email from the DPW stating they are
finally finishing up. They will not pick up brush that was put
out after the deadline which was a week ago on Monday. They are
hoping by the end of this week all the brush will be picked up.

Adam Tate, 17 Riverdale Street -
They were picking up the brush; my brush was on the sidewalk and
they ignored it. The brush was on the other side of the
driveway. They haven't done the leaves yet, they have done them
in other parts of town but we discovered we are the last street
for anything. We did not lose power in the storm but if we lost
power, we probably would still be without power now.

Mayor Arnowitz said we will mention this to the DPW and make
sure that the brush is picked up.

Barbara Finnigan, 135 Magnolia Avenue -
She asked what the other group homes in Hillsdale and for whom.

Mayor Arnowitz said we have Alzheimer's homes, homes for
mentally handicapped and drug rehab.

Ms. Finnigan (Contd).

How does that affect the tax rate for residents nearby? The
person in charge who will be living on the first floor, does she
have special training for this? Guest parking? 500 feet?
School has a playground for the kids.

Mayor Arnowitz said he is sure the Planning Board will consider
these matters.

Ms. Finnigan (Contd).

Would this be considered a boarding house if you are renting
rooms?

Mayor Arnowitz said a boarding house is not a factor anymore.
Hillsdale has some homes that you and I would consider boarding
homes; there is certain criteria that they don't meet and makes
them a family unit. You don't have to be related anymore to be
a family unit. Four complete strangers can live in a house;
they could be considered a family unit. Once again, I am not
talking about 150 Magnolia Avenue; Planning Board Attorney will
give a legal opinion. They will research this very thoroughly
so that when the case is heard, they are brought up to speed as
to what the law allows and don't allow, what they can do and
what they can't do. I can assure you that all the questions you
just asked have been asked by a lot of people; they are all

valid questions.

Ms. Finnigan (Contd).

My house is right next to the playground and children play there unsupervised.

Councilmember Giancarlo left the meeting at this time, 9:05PM.

Andrea Mathews, 85 Ralph Avenue -

She asked if Hillsdale has a certain percentage of rental properties.

Mayor Arnowitz said he did not know what it is, but yes, we do have rental properties. There is multiple family zoning homes in Hillsdale, there are two family homes in Hillsdale that are zoned two family; there may be some illegal ones but it is hard to prove. We have a number of apartment buildings, we have low income senior housing with 99 units.

Ms. Mathews (Contd).

If you wanted to go before the Planning Board now, it would be acceptable to change a dwelling into a rental unit.

Mayor Arnowitz said that is a Planning Board decision. Because of the size of Hillsdale, the Planning Board and Zoning Board are one board. It makes it more convenient for the public and easier to do the job. When this becomes a zoning issue, we all have the habit of calling it the Planning Board, it will be heard as a zoning issue. This will not be an overnight matter, it will take a while.

Mayor Arnowitz said this meeting is not being televised. The meeting is being taped so there will be recorded information on the meeting next week and any future meeting.

Sonia Kinzler, 401 D'Ercole Court -

She is a Pascack Press reporter and said she will be leaving her job as Hillsdale's correspondent. She has been covering Hillsdale for over 10 years. She has not been fired but time to retire; she is a free lance reporter and not necessarily leaving permanently. She may pop up again in other towns and Hillsdale and may drop in time and again to see what is going on. She thanked the people who have helped her over the years. She described some of her experiences while she covered Hillsdale.

Mayor Arnowitz said he always felt Ms. Kinzler has been fair and precise and he thanked her for that. She did her job well and wished her well.

Paul Matthews, 85 Ralph Avenue -

In the midst of the storm, the DPW was out there without any reservations, cutting up trees and clearing trees that fell on major roadways and they should be commended.

Mayor Arnowitz agreed. He said the public doesn't understand; we cannot jeopardize their health and their lives. They cannot, will not, and we cannot allow them to go near a tree and cut up a tree that has power lines down in them. Even if the resident claims the power line is dead; until Public Service and their professionals inform us that the power is dead and are not in jeopardy to cut up the tree, our DPW will not touch a tree with power lines in them. We will not risk anyone's life.

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

ORDINANCES:

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|--|---|
| Ord. No. 12-18 (Introduction) Establish 2012 Recreation Salaries | Mayor Arnowitz read by title only proposed Ordinance No. 12-18 as follows: AN ORDINANCE TO AMEND SECTION 3 AND SECTION 5 OF ORDINANCE NO. 12-06, ESTABLISHING 2012 SALARIES FOR THE RECREATION DEPARTMENT. |
|--|---|

Mayor Arnowitz asked the Council if they had any discussion on this Ordinance. Council had no discussion on this Ordinance.

BE IT RESOLVED, that Ordinance No. 12-18 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal Building, 380 Hillisdale Avenue, Hillisdale, New Jersey, on December 4, 2012, and at said time and place, all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said Ordinance in the Ridgewood News once, at least one week prior to said hearing, with a notice of its introduction and of the time and place when and where said Ordinance would be considered for final passage.

Motion to approve the Ordinance No. 12-18 was made by Councilmember Hanlon, seconded by Councilmember DeRosa.

Following is the result of the roll call vote on the foregoing Ordinance No. 12-18:

Ayes: Councilmembers DeRosa, Hanlon, MacEwen and Frank
Nays: None
Absent: Councilmembers Giancarlo and Pizzella

(SEE COPY OF THE AFORESAID ORIGINAL ORDINANCE AFFIXED HERETO)

Ord. No. 12-19
(Introduction)
Establish 2012
Recreation and
Summer Camp
Fees

Mayor Arnowitz read by title only
proposed Ordinance No. 12-19 as follows:

AN ORDINANCE TO AMEND SECTION 3 OF
ORDINANCE NO. 12-02 ESTABLISHING
RECREATION DEPARTMENT PROGRAM AND SUMMER
CAMP FEES FOR THE YEAR 2012 IN THE BOROUGH
OF HILLSDALE.

Mayor Arnowitz asked the Council if they had any discussion on this Ordinance. Council had no discussion on this Ordinance.

BE IT RESOLVED, that Ordinance No. 12-19 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal Building, 380 Hillsdale Avenue, Hillsdale, New Jersey, on December 4, 2012 and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said Ordinance in the Ridgewood News once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

Motion to approve Ordinance No. 12-19 was made by Councilmember Frank, seconded by Councilmember Hanlon.

Following is the result of the roll call vote on the foregoing Ordinance No. 12-19:

Ayes: Councilmembers DeRosa, Hanlon, MacEwen and Frank

Nays: None

Absent: Councilmembers Giancarlo and Pizzella

(SEE COPY OF THE AFORESAID ORIGINAL ORDINANCE AFFIXED HERETO)

RESOLUTIONS: (Consent Agenda)

Mayor Arnowitz read the Consent Agenda of Resolutions.

R12206 Payment of Bills.

R12207 Authorize the Borough Clerk to advertise for bids for demolition contractor, Bl. 1106/Lot 27; 46 Glendale Avenue.

R12208 Award of Contract for Internet Technology Services to Authorinet Consulting, LLC, 179 Cahill Cross Road, Suite 201A, West Milford, NJ 07480, maximum amount of \$27,030.00, December 1, 2012 through November 30, 2013.

R12209 Authorize Borough Administrator to Execute Memorandum of Agreement for Disaster Relief Employment Program.

R12210 Insertion of Any Special Item of Revenue, Chapter 159, Bergen County Prosecutor's Office - Forfeiture Funds, \$7,851.00.

Motion to approve the foregoing Resolutions was made by Councilmember Frank, seconded by Councilmember Hanlon.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Frank, Hanlon and MacEwen

Nays: None

Absent: Councilmembers Giancarlo and Pizzella

(SEE COPIES OF THE AFORESAID ORIGINAL RESOLUTIONS AFFIXED HERETO)

DEPARTMENT REPORTS

Fire Department Report for the month of October 2012.

Tom Kelley read the Fire Department report, stating that the Fire Department ran a total of just under 60 calls last, most of which were in the last three days. Other than the hurricane, they had a normal month.

Mayor Arnowitz reminded Mr. Kelley that we have to get our bills for disaster relief in to the Administrator.

COUNCIL COMMENTARIES

Councilmember MacEwen expressed his good luck wishes to the newly-elected Democrats on the Council.

Councilmember Frank thanked all the emergency services people for their efforts during the storm and certainly to the DPW. He wished a safe and good Thanksgiving to everyone.

Councilmember Hanlon thanked Sonya Kinzler, congratulated the Fire Cadets. Next week a senior cinema will be held at the library, the lunch was held last week as a change was made for Thanksgiving.

Councilmember DeRosa attended the regional school board meeting and made residents aware that the high school is going to add five tennis courts to the back of the high school by the track. They will get rid of the existing tennis courts which will make entry and exit easier from the high school. The board approached the county for a joint use agreement for two acres of county property; the property is about 800 ft. from the nearest residence. The courts will be open to the public during the times school is open, dusk to dawn, nets will be down in the winter. There will be no lights. The public has until December 3rd to submit any written comments to Department of Parks. The county will still own the land, it is not being sold to the district and the cost is not known yet. The school board said that will be covered by surplus. They plan to break ground in the spring of 2013.

Tomorrow there will be a public hearing at the River Vale Planning Board meeting at the River Vale municipal building to discuss the age restricted affordable housing on Cedar Lane adjacent to Hillsdale property. He wanted to thank Mark Durst, he stopped by at the DPW twice but they were so busy they were not present. He had the pleasure working with the Council, John MacEwen and Frank Pizzella.

Mayor Arnowitz said he was contacted today via email that Scholastic Bus is donating 14 million dollars to schools and libraries that suffered losses due to Hurricane Sandy. He forwarded that information to our schools and library. He said goodbye to Councilman MacEwen and Councilman Pizzella who is not here. They both served well. The election has been certified and stands the way it was published. He appreciated their presence. He wished everyone a happy and safe Thanksgiving. He cautioned residents not to park on leaves, we have car fires.

ADJOURNMENT

A motion to adjourn the meeting at 9:26 p.m. was made by Councilmember Hanlon, seconded by Councilmember Frank, and unanimously carried.

11-20-12

Susan Witkowski
Municipal Clerk

APPROVED AS PRESENTED

Susan Witkowski
Municipal Clerk