

Council Meeting
October 2, 2012

Minutes of a Council Meeting of the Borough Council held at 7:30 P.M. on Tuesday, October 2, 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 2nd day of October 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, MacEwen and Pizzella. Also in attendance Attorney Tom Randall for Borough Attorney Paul.

APPROVAL OF MINUTES:

On motion by Councilmember Hanlon, seconded by Councilmember Giancarlo, and unanimously carried, the Minutes of the Council Meeting of September 11, 2012, and Closed Meeting of September 11, 2012, were approved as presented.

PROCLAMATION: Put the Brakes on Fatalities Day -
October 10, 2012

CORRESPONDENCE:

1. APPLICATION FROM NOREEN BUOYE DATED SEPTEMBER 19, 2012, REQUESTING PERMISSION TO HOLD A BLOCK PARTY ON OCTOBER 27, 2012; 2-11 PM, 52 LARGE AVENUE, RAIN DATE NOVEMBER 3, 2012.

Received, filed and approved on motion by Councilmember DeRosa and unanimously carried.

2. APPLICATION FROM ED SANDT, DATED SEPTEMBER 26, 2012, REQUESTING PERMISSION TO HOLD A BLOCK PARTY ON OCTOBER 14, 2012; 2-8 PM, 50 CLAYTON STREET, RAIN DATE OCTOBER 20, 2012.

Received, filed and approved on motion by Councilmember DeRosa and unanimously carried.

DISCUSSION:

- 1) CY2012/SFY2013 Best Practices Inventory.

Borough Administrator DeJoseph said this is our third year doing the Best Practices Inventory as required by the State of New

Jersey and determines the percentage of your state aid. A few municipalities/cities are not doing the Best Practices or in line with the Best Practices. He noted the last page of the Local Finance Notice packet shows you how many answers you answered correctly, the best you can get is 50 answers correct, you get 100% of your state aid. When you go below 41 questions, it will be reduced to 80%, 60%, 40%, 20% and all the way down to zero. There are many with a total of 50 questions asked, some you are allowed to answer yes, some you are allowed to answer no, some are perspective, some are not applicable, depending on what type of question it was. Some are repetitive, you cannot answer perspective the second year in a row so it has to be a yes or no answer. One of the questions for example is State Health Benefits Coverage, is your municipality coming up for negotiations with bargaining units, question No. 32. Does your municipality negotiations proposal seek contract provisions allowing its employees to be switched to State Health Benefits. We are currently using State Health Benefits so it does not apply to us but we are doing one of the best practices recommendations from the state.

Does your municipality exclude from health care for workers working less than 35 hours. Our answer is yes, we do exclude that you have to work 35 hours with the borough to obtain health insurance. Does your monthly municipality conduct a review of health benefits covered for employees, to delete employees, spouse and dependents no longer receiving coverage? Our answer is yes because we obviously do that every month.

Going through this we are able to answer thirty seven yes, one no, three not applicable and nine perspectives. So we had zero percent of our state aid withheld this year. That is a good accomplishment for the borough, the Mayor and Council should be very proud of that.

Councilmember Frank said each year you get a new set of Best Practices.

Administrator DeJoseph said some of the answers as perspectives this year are probably going to be on there next year so we have to answer yes or no next year, so it is not a free pass by answering perspectives.

2) Centennial Field Lighting Hours.

Councilmember DeRosa said the ordinance we have to prohibit the use of Centennial Field for Sundays, that is fine, we don't want to change that. There is no ordinance as far as the time that games can end on Centennial on the weekends, there is an agreement with the residents around Centennial that games would not go past 6PM at night on the weekends. The Association can get another set of games in if they can play later on weekends until 8PM. Councilmember MacEwen and he talked to eight neighbors in and around Centennial, all of them do not have a problem using the lights until 8PM. He suggested that at the next meeting we consider allowing that.

Attorney Randall said normally if it is not an ordinance and you are controlling it, you can take a vote for a resolution.

Mayor Arnowitz said it is not an ordinance, but he believed it was a Resolution establishing this.

Councilmember DeRosa said perhaps it was a gentleman's agreement.

Mayor Arnowitz suggested a Resolution if that is what the Council wants to do.

Councilmember Pizzella asked if the residents to whom they spoke will be o.k. if they know that a Resolution is being passed changing the time.

Councilmember DeRosa would like to discuss it now and vote on it next week so if someone should have disagreements.

Mayor Arnowitz said his suggestion was to have a Resolution ready for the next meeting outlining all of the times if that is what you want, when and where. You will also have to look into the computer as he did not know what is involved.

Councilmember DeRosa said we would have to have somebody come out and do that and the Baseball Association is willing to share that cost.

Mayor Arnowitz said this would have to be worked out with the Administrator and asked if they were looking to do that this year.

Councilmember DeRosa said yes, he was looking to do that this year so that they could get two or three weekends in there.

Administrator DeJoseph believed a company from Long Island does programming.

3) November Meeting Date Change, November 13 to November 12.

Mayor Arnowitz said a mistake was made when we set up our meetings for this year; we said in the past that we would not hold a meeting the night of the election. He recommended that the first meeting in November will be the 12th of November and the second meeting on the 20th. We will still have two meetings in November.

Motion to approve the change was made by Councilmember Giancarlo, seconded by Councilmember Pizzella, and unanimously carried.

4) Garbage Contract.

Administrator DeJoseph said on the 18th of September we received bids from seven contractors for the garbage collection as well as recycling for the town. Some questions have come up and he deferred to Attorney Randall for his recommendation.

Attorney Randall said bids were opened and reviewed. There was an irregularity in the submission of the lowest bidder, Ferriti. It did not have its most recent New Jersey Department of Environmental Protection report, only 2010 report was attached. Apparently nothing was filed. In consultation with his office and the Borough Administrator with the NJDEP, Mike Catalbo, the issue focused on Administrative Code 7.6.6.H which requires that; that the lowest responsible bidder comply with all specifications and requirements. This was a state specification, not one developed by Hillsdale, though we are entitled to have more specifications. This was in violation of

the minimum state DEP specifications so based on those issues; there is a secondary issue as to whether they would be the lowest responsible bidder, but as far as the defect in the submission and the discussions and reading of Administrative Law, it would appear that they were not the lowest, responsible bidder. This leaves the second lowest bidder Future Sanitation as the one that would be considered by the Council for the award.

Mayor Arnowitz asked if the Administrator researched the second lowest bidder and ability to perform the duties for the services we are seeking?

Administrator DeJoseph said he and the DPW Superintendent reviewed this.

DPW Superintendent Durie said there are various different references checked regarding both bidders. His research indicated that the second lowest bidder was able to do the job with the equipment available through their company. Their resources were available to us who would complete the job that we required through the bid contract and also that communities have had work performed by them and were pleased and happy with their services. The bid that the Council will award tonight has a couple of different options. He wished to speak about the option which involves allowing Hillsdale to go to one day a week garbage pickup town-wide. Option No. 1. Due to the confusion we experienced going from two days a week to one day a week back to two days a week has been very, very confusing for the residents because they get used to one program and we are back to the two days a week during the summer again. Researching Montvale, Woodcliff Lake, Westwood, with one day a week garbage pickup. Researching Old Tappan and River Vale with optional garbage pickup because garbage is not included in the tax base, it is not provided by the borough and is a separate entity and you can pick and choose your level of service. The people who do provide the garbage services in the tax base Montvale, Woodcliff Lake and Westwood, have been able to successfully have garbage pickup one day a week which increases recycling within the community. People are now finding that they are recycling properly, they will have more recycling than they will have solid waste, due to the fact that there is so much paper, so much plastic and glass that you have a small amount of food waste but there is more recycling and it is a benefit to being greener. He is recommending as Recycling Coordinator that we continue the one day a week garbage pickup and utilize plastic bags at times when it gets to that point. The amount of garbage is not there any longer. If you are doing what you are supposed to be doing and recycling properly by law, one day a week garbage pickup is fine. We have to save every dollar we can due to increased utilities, etc., and this is one way we can save a good amount of money.

Mayor Arnowitz said his question is which option we are going with.

Administrator DeJoseph said No. 1 is for one day a week service year round. Option No. 2 is where the contractor would do only recyclable material not the borough. Option No. 1 is exactly the way we have service now, the borough receives the benefit of marketing the recyclables which is commingled paper and cardboard. Option No. 2 is the vendor would own that material. Option No. 3 is for the collection only during the summer months

for additional pickup.

Councilmember Giancarlo asked the savings for Option No. 1.

Councilmember Frank said we have \$608,000 in the budget this year for garbage pickup, he would say it is about \$230,000 a year which is significant. When you think of the budget situation we are in now between the projected savings from dispatch, we made staffing changes, reduction of the storm expense from last year, we are looking at about \$800,000 improvement over the budget of 2012 going into 2013 on these selected items. There are still cost increases in health cost and insurance, utilities offsetting this, but this is a good benchmark of what we see right now in terms of savings.

Councilmember Giancarlo said when you say \$800,000 he always uses this as a benchmark. When he gets to \$170,000 in savings to him that says the average taxpayer with the average house saves \$100.

Councilmember Frank said the \$800,000 is about 6%. This is a very positive move.

Mayor Arnowitz said it is the efforts of our Administrator. With the last contract with Waste Management, we had one bidder, Waste Management. We had to go out again and Waste Management got the bid. If you look at the second column, the second bidder is our present purveyor, over five years we save \$700,000 by getting additional people to bid.

Councilmember Frank said in addition, the Borough Administrator included some additional pickups that are not in our previous contract.

Mayor Arnowitz said our barrels downtown will be picked up and recycling containers are now part of the contract.

Dan Ferretti, Ferretti Carting Company, Hackensack
He has been in contact with the Borough Administrator in regard to a couple of concerns with the bid spec. With regard to the bid they submitted Option 1, Option 2, based on their price structure from bidder No. 1 if he was the lowest responsible bidder which is in question, we offer a price savings to the town of \$256,335. If you went with Option 2 we brought savings to the borough of \$784,175. In regards to their bid submitted to the town, he feels they submitted the proper documentation that they had available at the time of bid. In the questionnaire it states that we submit the most recent annual report as submitted to the State of New Jersey, which at that point in time the 2010 annual report was submitted to the state but not the 2011. Since the 2011 report is required to be filed on May 31st, we were three months out of sending to the DEP. That does not revoke our license or suspend your license if that report is submitted late, it is basically an information report submitted to the state. He is a licensed contractor in the State of New Jersey who picks up solid waste, recycling, garbage and demolition. His company is in operation and the DEP Mike Catalbo should explain to the Council in regards to any of these matters. There is an extension that the DEP will allow to submit the annual report and if they do not file the extension there is a \$5/day penalty, but at no point in time does that revoke your operation motion to move forward with bidding in the State of New Jersey. It could be questionable in the language

of the verbiage that the Attorney or DEP may have read to the Council and his Counsel is here. We submitted the pricing structure to the town as aggressively as they could to save the taxpayers money. In a bid that is submitted there is something called Fatal Flaw; a Fatal Flow is not submitting a bond with your bid. A Fatal Flaw is not submitting an annual report; we did submit an annual report. Before the town makes its determination to award to the second bidder which is a reputable company, before he walks away from this bid, he wants to town to know the legalities.

John Ambrosio, Attorney - Ambrosio & Ferretti Carting Company - 8 Hillside Avenue, Suite 103, Montclair, New Jersey 07042. He represents Mr. Ferretti and his company and represents other solid waste companies.

He learned about this yesterday afternoon, the issue concerning the annual report which hadn't been filed for 2011. Generally the annual report's function with the DEP is so that they can collect and assess their annual fee. The annual fee is based upon the gross revenues from solid waste collections only. We have a lot of companies that actually provide other revenue streams such as recyclable materials. Those are completely left off the report. There are also a lot of parties that do work in New York, he had a client who only did work in New York but they had a license in New Jersey and year after year, their annual report showed zero revenue. The point he wanted to make is what is in the annual reports is not an accurate reflection of the strength of the company. Basically they establish that you have a license in the State of New Jersey. If it is a new company rather than submitting an annual report, you submit your financial statement. This is a waiveable defect and if you read the specific section in the Questionnaire #13 - it says "supply the most recent annual report, as required by the NJDEP." The reason for the comma is to say not that the report was due that year, finding what annual report they are talking about. This Council is well aware every corporation has to submit an annual report to the Division of Revenue. That is much different than the annual report you submit to DEP. His point is it is not that you don't have a right to submit a bid if you don't get your annual report in on time for that year, it is just that you submit the most recent one on file with NJDEP. That being the case, questions remain that Council has over a five year period the Council will save \$200,000. He thinks it is worth exploring that particular item at least until the next Council meeting so that you can get a definitive answer from the DEP. There is no case law interpreting that section of the uniform bid specifications. He also spoke to Debra Pinto DEP Supervisor this afternoon and she indicated that the DEP does not take position in the uniform bid specifications, either to knock someone out or support an application. The forms themselves state that if you submit your report late, there is a \$5/day penalty, this is not a situation where the DEP will take any type of enforcement action. Ultimately if they fail to submit a report, they can lose their license. Presently right now his license is in good standing, there are no outstanding violations.

Borough Administrator DeJoseph said the Council can discuss this in Closed Session if they so choose.

Mayor Arnowitz said this will be discussed in Closed Session and when the meeting is open, we will take action or delay if we can

do so legally.

GENERAL PUBLIC HEARING:

Mayor Arnowitz invited comment from the audience.

Kevin O'Brien, 61 Parkview Drive -

He publically thanked the Police Department for the work they did on the corner of Broadway and Parkview on September 27. There was a radar check, pamphlets were provided to people who were jay walking. The feedback from the public was very positive about the safety actions that were being administered for those going back and forth across the street. He suggested that statistics be kept if this were to be done again that could be made available to the press.

On June 12-19, the Community Life made reference to a policy in the firehouse. He asked if a policy has been created and made available with the status on that.

Mayor Arnowitz said it is being worked on and Councilmember Pizzella will be make a report on it tonight.

Mr. O'Brien (Contd).

Open Public Records access has been in the paper recently. He requested access to Closed Session Minutes of the Council which has not been made available for the past 14 months and asked if this could be resolved tonight and make those records available as required.

Attorney Randall said the request is still in review. They will be reviewed and released when appropriate.

Mr. O'Brien (Contd).

He realizes certain things may not be made available. Coming back to Closed Session, he reviewed resolutions and they seem to be overly broad negotiations. That gives no indication to the public whether that purchase of a new fire truck, whether it is sanitation, whether is dispatching in the Police Department. When you get into certain topics, the public should have enough knowledge to understand what you are talking about as opposed to being overly broad so we can track what is taking place with the Council and begin to review what you discussed after the fact. Can some adjustments be made?

Attorney Randall said there is a list of what is covered. Sometimes there are things concerning personnel and their name. We are following the guidelines in confidentiality, that is what the statute under the Sunshine Law allows you to talk about in Closed Session and it has always been that way. He has not seen most Councils in most towns that he has represented who make a great deal of announcements in what they are going to talk about. There are several exceptions that are in the Open Public Meetings Act which cover what should be discussed in closed and how it going about.

Attorney Randall said it is not purview. This is an elected body, this body forms policy. When asked for emails, open public record, that is the Clerk's responsibility, the Clerk is the statutory allegation, a position. The Council or Mayor do not tell the Clerk how to do their job in that regard. He understands Mr. O'Brien wants to bring it up again but this is not the proper form because this is not where that concern can

be aired.

Mr. O'Brien (Contd).

I asked four times without one specific email and have not received a response yes, no, protected, denied. It seems it has gone through a black hole. Four times I asked for a specific one.

John Chiaia, Chiaia & Associates, LLC

750 Valley Brook Ave., Lyndhurst -

He is an attorney representing Future Sanitation.

We came tonight to introduce ourselves in anticipation of a favorable vote on a Resolution because of the quality of service it provides to the town. This is a close knit community and he does not know of anyone better to advise on how to best serve the town. The owner of the company is here, they have over 100 trucks , they service over 25 municipalities and being a new hauler in this town, we want to start off on the right foot and ask the Council's advice on some of things. When they make collections they put the lids back on the containers and make sure everything is where it belongs. They have employees who wear reflective and safety gear necessary, they make sure to leave the town early, and check in with the town to make sure they haven't missed anybody. They pride themselves on having clean trucks and giving excellent service. They look forward to a potential award at some point and will work very closely with your Borough Administrator and DPW Superintendent.

Having heard the legal opinion that was given by the Counsel tonight, he wasn't prepared to make a legal argument tonight, but having heard the Counsel's opinion he agrees that the regulation 7:26h-6.8 would govern here and the testimony of the other bidder did admit that they did not submit their annual report. He pointed out that Question 13 of the bid specifications indicated it did not require the most recent annual report but merely required an annual report. They said since they sent an annual report they should be given a pass. Question 13 goes on to say that if you don't have the most recent annual report available, you will also supply the most recent financials of the company for the prior two years. You should inspect the specifications and proposal of the other bidder to determine if they submitted two years of financials because New Jersey Case Law is very well settled on financials are primary concerns of governing body and making a decision in awarding a bid. They must have some indication that the company has the financial wherewithal to complete the contract.

NJDEP has seen fit to streamline that so that they have a maximum amount of competitors and they don't limit anybody, they say just simply having your most recent annual report submitted with your bid is good enough for the town to determine if the company is financially suitable to do the job. The most recent annual report will show whether the company is profitable, what kind of revenues they have, what they spend on labor and gives you an opportunity to really assess who you are going to contract with. Financials under Case Law are extremely important and unless the bidder has given you a reason to believe that they have the financial strength by either giving you the most recent annual report or the most recent, previous two years of financials, he does not see how that is a responsive bid. He did not see how the town could possibly assess if they have financial responsibility.

There is another issue with respect to the bond, whether it had a rating of A, that was another specific requirement in the specifications. With respect to everything the governing body has to decide, we hope you make a decision quickly.

Mayor Arnowitz said the latest decision would be next week but it could possibly be tonight. We will go to closed session and then come back to public and state whatever action is necessary.

George Zahnleiter, 42 Washington Avenue -
He asked if court will be held here next week. This has been a long, involved process. He asked why aren't the emails that people want released and asked why is that.

Attorney Randall said things are reviewed, there are certain exceptions to releasing information, certain things are not subject to being released. As far as minutes and documents are concerned, they have to be reviewed whether they are appropriate as to subject matter; when the matter is closed and completed they may be released. It is done within the law.

Mayor Arnowitz said the Clerk reviews all the emails and found that of all the emails, two were questionable. He said of all that were sent out was the subject matter. The body of the email is not part of government and it is personal. It is an individual's personal information; should they be using the borough email? No, and that has been taken care of but by law we cannot release personal information. We have laws that we have to abide by.

Councilmember Giancarlo said there have been hundreds of requests by one person. You get 10 or 20 and then you get another 20 next week and there are another 20. The Clerk is trying to keep up with the volume, he cannot believe the volume of requests by one person. Everyone else doesn't have the problem of release, they make regular requests for information just like anyone of us as a citizen of this town, however, there is one person who keeps on asking for almost hundreds of things and it is taxing everyone. The Clerk has to spend about an hour of every eight every day complying with the sheer volume of requests from this one gentleman. He is asking for hundreds. We are complying as fast as the law says we have to. There are some that we cannot release and it is repeated over and over again.

Mayor Arnowitz suggested that Mr. Zahnleiter be sure that the court is here because we discussed this with the Court Clerk yesterday. He is hoping that the court will be here.

Mr. Zahnleiter (Cond).
He complained it's been five months.

Mayor Arnowitz said both of these contractors got high reviews, the law says we have to take the lowest bidder as long as that bidder meets his criteria that is established. It is not like your home.

John Touliau, 61 Trinity Place -
He submitted a letter and is apologizing because he didn't give enough notice. The event took place recently.

Mayor Arnowitz said the letter will be on the next agenda and we will receive the letter. Anything to be put on the agenda must

be received by Thursday at noon the week before.

Jim Moldow, 21 Overbrook Place -

He referred to the garbage contract discussed. He said the DPW has been very responsive to the community, dumpsters were brought in quickly.

Mayor Arnowitz said this has all been discussed, he discussed our options with the Administrator and Finance Chairman, and nothing has changed. We had a relationship with Waste Management and he is sure will continue with the successful bidder.

Councilmember Giancarlo said we have a flooding issue in town and every once in a while dumpsters have to be brought into neighborhoods that are flooded and debris collects. We have some special needs.

Mr. Moldow (Contd).

He commented on OPRA requests. He has always found the former Clerk very responsive to OPRA requests and it is wonderful if it is used to benefit the community. He praised the Clerk and Administrator for providing the information quickly.

Marty Ward, 47 East Liberty Avenue -

We had a reverse notification from the Mayor regarding mosquitoes in August. He did some research and we have Japanese/Chinese type of mosquitoes now. You cannot spend any time in your back yard this year.

Mayor Arnowitz said he reached out to the Mosquito Commission for the whole town as did the Administrator and every town was looking to them. It is a very big concern this year, worse than ever. We have to be careful. The town is not allowed to do anything, such as spraying.

Mr. Ward (Contd).

He attended the River Vale meeting and they are working on a flood abatement program and wanted the Council to be aware of this.

Kevin O'Brien, 61 Parkview Drive -

He wanted to address the comments made by Councilmember Giancarlo. It would be very simple if the meeting resolutions and closed minutes, once they are promptly released, were made available on the website. They would be available to everyone and he wouldn't have to ask that the Council take action to release records that should have been promptly released.

Councilmember Giancarlo responded that he sees the requests that he makes and essentially there are 20 on each page. In this area you put in so many requests and you tax the system so much. As far as being released, they are complying with the law and that is the opinion of the attorney and that is the opinion of the Clerk. They are upholding the law and trying to keep up with the sheer volume of what you are personally submitting. No one else has that problem in this town and he asked that he look at how many he is submitting and asking if you are being a bit unreasonable.

Mr. O'Brien (Contd).

The law is not unreasonable, the law is factual. My request for 18 very specific emails, he learned he was not entitled to them. The one he still comes back to and wrote to the Council specifically why it should be released. The nine resolutions for minutes to go to Closed Session, if it was posted, he wouldn't have to ask.

Councilmember Giancarlo said you can see how we enter into negotiations where everything is litigious nowadays; even a contract is a potential for this town. If we are careless, the people in town will pay the price of our carelessness.

Municipal Clerk Witkowski answered that the closed session minutes all have to be reviewed by the attorney, every town does it this way, the attorney reviews them. If the situation is addressed, it has come to a close, then it can be released to the public. She has listened to him and had many conversations with Mr. O'Brien, she has worked with him, she told him from day one how she operates. She has done her best to meet her requirements, she had met by the letter of the law. The one email that Mr. O'Brien is requesting she has deemed not to be a government record under the Government Record definition. It has nothing to do with a code, it is totally not what you are thinking of as the other ones I have given you which you accuse me of not giving to you and I have proved that I have given to you. We are working on closed session and as soon as they are available she will give it to you, but until it is reviewed by the attorney, approved by the Council, then she will go into action and she will give it to you. I told you this from Day One. All these issues do not resolve in one week, two weeks or six months.

Attorney Randall asked that this conversation cease at this point. The requests have been brought up and addressed.

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

PROFESSIONALS:

Patrick Wilkins, Tax Assessor -

A quick report - all property owners have been notified. We have ongoing inspections throughout town, things have been very quiet. We have reached out on very basic questions from a small handful of owners; there has been good feedback on the website, it has been informative. The revaluation company is ongoing sales analysis, photography and everything is going very well at this point.

Mayor Arnowitz has been informing residents that they have a right to come down and review their worksheet. He asked if that is an open form or do people make appointments.

Mr. Wilkins said they make appointments and he encourages people to do so.

Mayor Arnowitz said once the reval is done, the reval will be at the borough hall with all the sheets. They can review their worksheets to be sure that everything they are being charged for is there.

Mr. Wilkins said it is to communicate the record, make sure your information is correct, it is also the homeowners opportunity to

bring anything to light, sales evidence that they want reviewed, correspondence, etc.

Administrator DeJoseph commented that it is advisable to let the inspectors into your house and your property.

Mr. Wilkins said if they don't get into your house they have to assume they have the same construction all over again, see the highest potential in those homes, finished basements, kitchen updating and if they don't get in, they have to assume that.

Councilmember Frank asked if they will conclude their inspections the end of October.

Mr. Wilkins said there are 3600 residential properties in town, if they have five staff members inspecting about 20 houses a day which is average, that is about 6-1/2 weeks of full inspections. That is exterior inspection, you will not get everyone at home the first time so inspectors go back doing interior inspections. He would say November.

Police Chief Stalter said this past weekend we participated in Operation Take Back for medicines expired, used or not needed. We took in a record of 70 lbs. It is not going into our landfills or water, etc. We do this twice a year in conjunction with DEA because they take the drugs and destroy them.

Next Monday, our latest hire, Ryan Wharton will be replacing Jeff Angemeyer who left for the Prosecutor's office. Ryan is coming to us from Montclair State University, he was a police officer there. He came very highly recommended. Patrolman Cruz will possibly be leaving and we will know tomorrow if he is getting a job offer and would be sworn in October 16. He has given us two weeks notice. We do have another candidate lined up, ready to go and would allow the process of preparation. He is currently working for another law enforcement agency and does not anticipate any issues.

With regard to promotions, we are just about complete with our interview process, we will finish on Friday and a final decision will be made next week. That is promotion to sergeant, filling the vacancy by Sergeant Scordato. We are still down one person.

Mayor Arnowitz said as soon as you make the decision, the person can start immediately.

Chief Stalter said he can be sworn in at the first Council Meeting in November; we will have two swearing-in's for two officers, promotion to Sergeant's position and four people for recognition for two different incidents; citizens who assisted us and who we would like to recognize.

Open House Sunday, Police Department and Fire Department, 11AM-1PM, rain or shine.

Councilmember Giancarlo asked for a meeting with the Police Department regarding the changes.

Chief Stalter said the Mayor is invited to an award ceremony at the Brownstone. There is an ordinance up for introduction this evening which involves housekeeping and did not bring it to the police committee. It is adding Hillsdale Avenue on the north side of Hillsdale Avenue along Beechwood Park, the nature trail,

where it becomes a mud bowl this time of the year. We put up No Parking signs.

Councilmember Frank said anytime there is activity at the ballfields is when it is needed. You are also going to limit weekends on Holdrum Street on one side.

Stalter said people can't get out of their driveways when we double side. Parking is tight when we hold games on all of the fields and people are using the park. That is Holdrum Street which is on the west side of Beechwood Park, restricting that Saturdays and Sundays 9AM-5PM. Orchard Street by St. Johns Academy and they now have four school buses that we have to fit in there. We are eliminating that parking and having it for buses only during school hours. That is an area around dismissal time that gets too tight with cars and we couldn't get emergency service through.

DPW Superintendent said this Saturday at the recycling center we have a shredding day, 8AM-12PM for residents. A mass amount of shredding is done in a very short period of time. We will also be shredding documents from the Board of Health and other agencies all approved.

October 29 our leaf notice will be going out. We will start our leaf program Zone A, Zone B, Zone C. A is from Magnolia Avenue to the River Vale border line; B is from Magnolia to Pascack; C is from Pascack Road to the Saddle River border line. When we get the award of the contract we will set up the different zones and have that put in print so everyone will be aware where we are going with recycling, garbage and leaf pickup.

Administrator DeJoseph said we will send out a combined mailer within the next week or two.

Superintendent Durie said since the recent wind storm, we still have residents who think we are picking up piles of brush that they have dragged from their backyard, untied to the road. He is noticing people on their doorsteps and that they are putting the leaves out too early and requesting them to get the leaves out of the street because of the storm water laws. We need to keep our drains and catch basins open, it is a major task. Vegetative waste will be stopped the last Thursday and Friday of October. That concludes vegetation for the season.

This week is Fire Prevention Week and we are in the schools doing our fire prevention classes. We have firefighters who have taken the week off from work to make sure they get the word out. Jack Costello teaches the kids every year, Paul Muller, Tracy Jeffery, Kim Saul, Kathleen LaFrance and Keith.

We have three temporary seasonal employees coming back for leaf season. They worked through the October storm, worked our leaf program and went to the county for Hurricane Irene Grant and worked to get the town cleaned up. They know what it takes to do the job.

Councilmember Pizzella received requests from several people to check the playground at Beechwood Park. There is exposed metal and they need woodchips.

Superintendent Durie said the fall zone material that they use is a finer material rather than the heavy wood chips and this is

what the insurance company wants there around the playground equipment. Due to the heavy rainstorms we had this summer, some washed away. He received an email from Environmental Commission Member and he will be addressing the situation.

Councilmember Frank asked how the report of a problem via email to the DPW is working.

Superintendent Durie said overwhelmingly well. He makes Councilmember Frank and the Administrator aware of the problems and what is being done to resolve them.

Administrator DeJoseph said the Dam RFQ was opened last week by the Borough Clerk. There was one response; the Borough Clerk has copies of the proposals that are bound. The proposal came in at \$12,500; the RFQ requested the proposal to come back not over \$10,000 so this will have to be discussed.

The JIF training will be held here at the borough hall October 15 for managers, David Grubb will be present. We will have a safety committee before that at 9AM, JIF training at 10AM. Something will be set up for volunteers and Council.

ORDINANCES:

Ord. No. 12-16	Mayor Arnowitz read by title only
Introduction	proposed Ordinance No. 12-16 as follows:
Amending & Supplementing Chapter 292 Traffic & Parking	AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 292 "TRAFFIC AND PARKING" OF THE BOROUGH CODE OF THE BOROUGH OF HILLSDALE, BERGEN COUNTY, STATE OF NEW JERSEY.

Mayor Arnowitz asked the Council if there was any discussion on the proposed ordinance, there being no response, the Mayor read the Resolution adopting the Ordinance on first reading.

Motion to introduce the Ordinance on first reading was made by Councilmember Frank, seconded by Councilmember Hanlon.

Following is the result of the roll call vote on the foregoing Ordinance No. 12-16:

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

(SEE COPY OF THE AFORESAID ORIGINAL ORDINANCE AFFIXED HERETO)

RESOLUTIONS: (Consent Agenda)

Resolutions 12185 was removed from the Consent Agenda.

Mayor Arnowitz read the Consent Agenda of Resolutions.

12177 Transfer Overpayment 2012 Taxes, Block 1406, Lot 3.

12178 Authorization to enter into Co-op Pricing Agreement with Middlesex Regional Educational Services Commission.

12179 Authorize 2013 NJDOT grant application and execution of grant agreement for reconstruction of Oakland Street for the amount of \$245,500.

12180 Authorize 2013 NJDOT grant application and execution of grant agreement for reconstruction of Baylor Avenue and Kent Road for the amount of \$237,970.

12181 Authorize 2013 NJDOT grant application and execution of grant agreement for Bikeway Construction project for the amount of \$499,000.

12182 Authorize 2013 NJDOT grant application and execution of grant agreement for Safe Streets to Transit project for the amount of \$219,310.

12183 Authorize 2013 Community Development Block Grant application for ADA Compliant Pool Access Lifts at Stonybrook Swim Club for the amount of \$26,000.

12184 Authorize 2013 Community Development Block Grant application for ADA Compliant renovations to the borough Hall for the amount of \$65,000.

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

Administrator DeJoseph said the total amount of grants being applied is \$1.3 million dollars. We are joining the Middlesex Regional Education Cooperating and there is no cost to the borough to join and is strictly a savings for the borough.

Roll Call Vote:

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

Nays: None

DEPARTMENT REPORTS:

Fire Department Chief's Report for the month of August 2012.

Councilmember Pizzella said there were 27 incidents, one helicopter. Last night they had a drill at a home that was ready to be demolished that was done by Brotherhood Instructors, LLC who provided hands-on instruction to firefighters who do it nationwide. The cost of the training session was \$1200 and it was covered by the Fire Department.

He has been working with Chief Durst and Deputy Chief Durie on the policy regarding alcohol consumption. We made a combination alcohol consumption policy and substance abuse policy; we have a rough first draft and he provided a copy in everyone's mailbox. He needs input from the Council and we will go back and come up with a final, first draft which we will put up for a formal review.

Motion to receive and file on motion by Councilmember Pizzella, and unanimously carried.

(SEE COPIES OF THE ORIGINAL REPORTS AFFIXED HERETO)

COUNCIL COMMENTARY:

Councilmember MacEwen reminded everyone of the shred day this weekend.

Councilmember Frank said Monday is Columbus Day and good wishes to the Italian members of the Council.

Councilmember Hanlon said our next senior luncheon will be held October 17, sponsored by the PBA. She will not be able to be there and asked Councilmember Frank and anyone else to bring the seniors up to date with some of the information that was mentioned tonight. She is currently working on the summer concert series and has a couple of commitments already from the banks for them to sponsor our concerts next year. She will be distributing certificates to the businesses in town and residents who contributed to our summer concert series.

Mayor Arnowitz congratulated Councilmember Hanlon as he heard from merchants that there is a lot of excitement and energy about the Chamber.

Councilmember Hanlon feels we will have a good, strong Chamber of Commerce with different people, different views. There was a suggestion of a Farmer's Market in the center of town, car shows, new ideas. We have a new manager at Boiling Springs Bank who is going to look into contributing to our summer concert series at no cost to the town.

Councilmember DeRosa was happy that the Fire Commissioner is working with the Fire Department on the ordinance. On the local school board side, Smith Meadowbrook, White School, there will be a regular meeting on October 15. They will be discussing the results of the most recent NJASK scores.

Councilmember Pizzella said there is a NJ Urban Transit Hub Grant that is out there. It is called Transit Hub and Grow NJ Tax Credit Program. He wanted the Administrator to look into it to determine if there was any benefit. Also, he thanked DPW for allowing the cub scout den to use the garage at the DPW to prepare something for fright night over the past weekend. Fright Night is October 13 and there is a Harvest Festival at the Meadowbrook School on Thursday afternoon on October 14, Rain date October 15, 3PM-6PM.

Mayor Arnowitz said the Ragamuffin Parade is October 26; line up next to the borough hall and go to George White, rain or shine. Open House on Sunday, 20th anniversary of the Food Pantry at 3PM at the Methodist Church and October 13 St. Johns is having their harvest fair.

Mayor Arnowitz read the Closed Session Resolution for Personnel and Negotiations.

CLOSED MEETING: 9:12PM

Motion to go to Closed Session was made by Councilmember Giancarlo, seconded by Councilmember Pizzella, and unanimously carried.

OPEN SESSION: 9:35PM

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

Borough Attorney Randall said we are returning from Closed Session before which it was announced by the governing body that

we might return from Closed Session and in fact to take action still remaining on the Agenda. The one item that was discussed was the award of the solid waste contract with the Borough. The Council's opinion has not changed at this point; the response to the specifications was not compliant and deficient pursuant to Administrative Section 7:26h-6.8, the lowest responsible bidder which can speak for itself but in particular the lowest bidder had not submitted the appropriate document for the NJDEP annual report for 2011. That was specifically required and that is specifically set forth in the black letter requirements that conform to all requirements of the bid specifications is required. We still find and recommend that the bid be awarded to the second lowest bidder as the most responsible bidder in this case.

RESOLUTION:

12185 Authorize Execution of Garbage Collection Contract.

Mayor Arnowitz clarified that Option 1 is \$371,915.00 and the same for years 2, 3, 4, and 5; Total \$1,859,575.00.

Motion to approve Resolution 12185 was made by Councilmember MacEwen, seconded by Councilmember Frank.

Roll Call Vote:

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

Nays: None

(SEE ORIGINAL COPY OF THE AFORESAID RESOLUTION AFFIXED HERETO)

ADJOURNMENT: 9:38PM

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

10-2-12

Susan Witkowski
Municipal Clerk

APPROVED AS PRESENTED

Susan Witkowski
Municipal Clerk