

Council Meeting  
September 4, 2012

Minutes of a Council Meeting of the Borough Council held at 7:30 P.M. on Tuesday, September 4, 2012, at the St. John's Parish Center, 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 4th day of September 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 Borough Attorney Paul.

CORRESPONDENCE:

1. LETTER FROM HILLSDALE VOLUNTEER FIRE DEPARTMENT, DATED AUGUST 27, 2012, REQUESTING APPROVAL OF JAMES PATRICK RICHARDS, NEIL MILES STEWART, CHRISTOPHER THOMAS CONTI, AND CHRISTOPHER JOHN KELLEY AS MEMBERS OF THE CADET COMPANY.

Received, filed and approved on motion by Councilmember Pizzella, seconded by Councilmember Giancarlo, and unanimously Carried.

OATH OF OFFICE:

Mayor Arnowitz administered the Oath of Office to James Patrick

Richards, Neil Miles Stewart and Christopher John Kelley.

APPROVAL OF MINUTES:

On motion by Councilmember Hanlon, seconded by Councilmember Frank, and unanimously carried, (Councilmembers DeRosa and Giancarlo abstained) the Minutes of the Council Meeting of August 14, 2012, and Closed Meeting of August 14, 2012, were approved as presented.

PUBLIC HEARING

APPLICATION FOR 2012 BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT - MEMORIAL FIELD IMPROVEMENTS.

Mayor Arnowitz then opened the meeting to the public and invited anyone to be heard regarding this application.

Motion by Councilmember Frank that the public hearing on this application be closed, seconded by Councilmember DeRosa.

ROLL CALL VOTE:

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

Nays: None

CORRESPONDENCE:

2. LETTER FROM GERALDINE BEATTY, DATED AUGUUST 23, 2012, REQUESTING PERMISSION TO HOLD A BLOCK PARTY ON SEPTEMBER 22, 2012: 2-9PM, WESTDALE AVENUE, RAIN DATE SEPTEMBER 23, 2012.

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

3. ELECTRONIC NOTIFICATION FROM MICHAEL LAVITOL, DATED AUGUST 18, 2012, REQUESTING POST APPROVAL TO HOLD A BLOCK PARTY ON SEPTEMBER 1, 2012; OAKLAND STREET, RAIN DATE SEPTEMBER 2, 2012.

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

4. LETTER FROM AMERICAN LEGION, DATED JUNE 25, 2012, ASKING PERMISSION TO RUN A "TOWN WIDE GARAGE SALE", SATURDAY, APRIL 27, 2013, 9AM-5PM.

Mayor Arnowitz said we will not discuss this as the American Legion cannot have an exclusive on that date. The Municipal Clerk will discuss this further with the American Legion.

DISCUSSION:

1) Donation of Gulf Sream Coach Trailer - OEM.

Mayor Arnowitz explained that we received a letter from OEM explaining what they want to do with this trailer.

Jon Najarian, 257 Liberty Avenue -  
OEM Deputy Coordinator.

Councilmember Frank asked where the trailer would be kept as it is in the commuter parking lot and he was concerned with security.

Mr. Najarian said it will be stored at the DPW inside the gated area and the cell tower location once it is approved; Stonybrook and Demarest Farms offered a parking space. In the event of a storm or weather event it has everything, bathrooms, kitchen, bedrooms, lights, etc. They will handle all of the maintenance. It needs a radio and lettering which will be donated.

Councilmember Giancarlo expressed his thanks saying something like this takes a lot of initiative and hard work.

Mayor Arnowitz said a vote to accept this will be taken at next week's meeting and become a part of the OEM fleet.

2) Donation of PasCan from River Vale, Fire Department.

Jason Durie, 57 Conklin, Assistant Fire Chief -

Councilmember Frank asked how the use of this will be different. If we have the OEM trailer for shelter during storms, how will this be different than have the OEM Command Center?

Mr. Durie said we would not want to utilize the same piece of equipment as a rehab facility, a place for our swift water, dry suits, water gear; we want them away from the Command Post in the operations area or people clustering around where the operations are, talking to the press, Mayor, County, State, etc. It will not be able to transport medically injured, etc; it would be use for emergency responders only to gear up and get

into our dry suits. Doing that in the parking lot is not the best means. This would not be tying up our rescue truck which we have been doing in the past and allow that to respond to other emergencies in town.

Secondly, it would not be just for water rescue, it can be utilized for fire calls. It has air conditioning which is useful is someone is injured and needs their gear removed; backup to our existing rescue squad. It will help the Fire Department on a broad spectrum of ways and the fact that out of pocket cost is minimal to the borough other than insurance.

Mayor Arnowitz was under the impression that we pay a blanket fee for our equipment and if this is a piece of our equipment, it should be covered. He will look into this.

Mr. Durie said there will be a radio on board and could be used as a secondary means of a command post for a fire department where we will not be calling OEM to bring their trailer out. This would be used on a smaller scale. Fuel costs this year have been under our allotment; and regarding outfitting, we have our swift water gear from the past and we are seeking other donations from different projects that include the water company. We are not looking from our budgetary dollars to outfit unnecessary equipment, we are going to use what we have now and slowly build up overtime.

Councilmember Frank said moving maintenance dollars from other vehicles within the fire department to this vehicle and we know we run surplus every year because the department heads do a good job; even if it is \$50 here and \$50 there and the next thing it is gas, insurance, all of that affects our ability to replenish our surplus. Is there any way that donations for the expenses for this year associated with that truck be used?

Mr. Durie did not think it is possible with fuel; the borough mechanic along with himself and Chief checked it out completely and the only thing it needs is about \$50 for brake pads, but he could ask for donations. Fuel would be an issue.

Mayor Arnowitz said if you are not going to use the rescue truck the amount of fuel burned would be the same anyway, the rescue truck probably uses more. It is diesel and it is minimal.

Mr. Durie said it will not pull the OEM trailer, he would not recommend it.

Councilmember Pizzella asked if we currently have such a vehicle at our disposal.

Mr. Durie said no, we use our rescue truck right now. Oradell has a similar truck, Waldwick and Wyckoff also. A new vehicle would probably cost \$150,000; it would be custom fit for other needs. For a 1990 vehicle, it has under 40,000 miles and only 2,000 hours on the motor; it started up after sitting for two months. The fire department has been looking for something, not as a priority, and this became available. It is parked in house presently.

Mayor Arnowitz asked if he would qualify people driving this vehicle and only 21 year old people will be able to drive this the same as our other vehicles.

Mr. Durie said no one will be able to drive it until they go through private qualifications.

Mayor Arnowitz asked if the OEM trailer is going to become part of the borough fleet, we have to make sure that the people that are towing it are covered. Jason Durie and Mark Durst to develop plan for driver qualifications. Mayor Arnowitz asked if either new driver will receive driver pay. Jason Durie said not at this time.

Mr. Durie recommended that the first priority be the trailer, whether it be using the pickup truck or mason dump or something from DPW.

Mayor Arnowitz said if it is being towed and it is a borough vehicle and is covered under the insurance if something happened. One of the problems we did have with a PasCan truck with the lack of use, we had problems starting it.

Mr. Durie said the Pascack Chiefs last fall had a private auto service replace the batteries, electrical system, and everything is up to snuff.

Mayor Arnowitz said if it should end up in the parking lot at the firehouse, confirm with the Ambulance Corps. He said this will be on the September 11 Agenda for a vote.

3) New Jersey Department of Transportation (NJDOT) FY 2013 State Aid Programs.

Administrator DeJoseph said he, the Borough Engineer, DPW Superintendent Durie are looking for any other roads before we applied for this.

Mayor Arnowitz mentioned calming devices in front of the schools, especially PVHS. He spoke with the County Road Manager and he thought they might be able to do something, it was not definite. He is looking for something similar that we have on Magnolia to slow the traffic down in front of the high school and if we could get a grant, he would like it done at Meadowbrook.

Engineer Statile said the county does have a contract to do that system. It is best done when putting down new macadam.

Councilmember Frank said the grant says safe streets to transit and he has been at the train station early in the morning when people are running from the deli, coming from all different directions trying to get to the train station. Is there something that can be done.

Engineer Statile said he applied before and would like to apply again and colorize a couple of commuter sections downtown. This would include Park and Broadway, Patterson Street, a major section of Broadway and Hillsdale.

Councilmember Pizzella asked about a Transit Village program.

Engineer Statile said if you want to be a Transit Village, you will have to change your zoning laws. You would open the downtown to mixed use, you would encourage transit location, train station, bus stops, etc. It is a major process to change the Master Plan, change zoning, etc.

Mayor Arnowitz stated the Planning Board rejected Transit Village concept.

Engineer Statile said you could have a New Jersey "Center" and is more commercial in nature and attracting more commercial businesses in the downtown. We have a transfer station, weigh

station, and set aside a New Jersey Center; you would have to apply for this.

Councilmember Giancarlo said this was in Vvogue about 10 years ago under the old Smart Growth Plan. Everything east of 287 was earmarked to be transit hubs and everything west of 287 to retain more of its rural character and in his opinion, towns like Hillsdale were sold down the river to make them train hubs where people from surrounding towns would park in our downtown area and there would be mixed use in the downtown area. Hillsdale would lose a lot of its character.

#### 4) Cell Tower.

Councilmember Frank said the cell tower is a potential source of revenue and there are things we need to consider. We are ready to put out a RFP for a cell tower at the DPW lot and we have to recognize some of the process that has been made in the last couple of months. We have continued control over spending by the department heads and that is a positive. We are getting good cooperation from some of our unions and employees will help us go forward next year as well. We have a garbage contract with bid openings next month for a new garbage contract and we anticipate to see some savings there. We are entering in a new way of handling dispatch which will provide considerable savings. A cell tower could be a significant plus for us. The cell tower we have now in the back of the fire department is over 10 years old and we put a lot of equipment needed in with the RFP. It reduces the revenue and we have spent a couple of months trying to get a list to put out with the RFP and unfortunately we should put the RFP out pure and simple for a cell tower. If the equipment is needed, we should justify it which we do all of the time and get it for our emergency services one way or another. It is important to recognize what is the revenue we get from the cell tower.

Mayor Arnowitz said the money we got up front did not affect the fees. Our fee structure was higher when we went out for bid and was higher than any of the other towns. We went to Sprint to fix our problem; we didn't say we wanted this or that. They offered us \$2500 to fix the problem. The Council at that time said no, fix it. We did not specify as we are doing now. It was fix communication problems within town; we have a lot of dead spots and we needed antennas, repeaters, etc. We are getting more money on that tower than anyone else, about \$150,000/year.

Councilmember Frank said the temporary tower is going to take effect from a revenue stand point next month but that doesn't provide anywhere near the revenue that we would get out of the permanent tower and he didn't want to continue holding this up.

Mayor Arnowitz said you only have one tenant where the permanent tower has multiple tenants. We are getting \$36,000 from the temporary. His suggestion is to put out the RFP with the equipment you are looking for or put it out two ways; how much with no equipment and how much with the equipment.

Councilmember Frank said we need revenue.

Mayor Arnowitz said so many towers went up in the area he did not know how many tenants we will get because the companies are merging and space isn't needed. He asked the Administrator to move on this and give a report to the Council at the first meeting in October.

You put the tower out for bid; the top bidder gets control of the tower and once it is built, they turn possession of the tower over to us but they maintain the tower. The top bidder gets the choice of space on the tower, the next bidder gets the space and so on and so forth.

Councilmember Giancarlo would like to be sure there is enough space on the tower for six spots. We outgrew our tower and he would not like to see that happen 10 years from now and outgrow another tower. He would prefer less towers and more tenants per tower.

Engineer Statile said each tenant receives 20 feet between carriers.

Administrator DeJoseph said there are two major players not currently on our facility and that is Metro PCS and Cingular/AT&T. Your minimum is 100 feet high.

Councilmember DeRosa asked if we have outgrown the tower for our own communications.

Mayor Arnowitz said our communications are fine. By law these people have to be accommodated and we do have dead spots with some carriers, Metro PCS and AT&T. If they can prove need, then we must accommodate them. We have agreed that we will accommodate Metro PCS with a temporary tower with the understanding that when we go to a permanent tower, we want one

tower and no more. The problem we have is location and they only go four or five miles and they need another one.

We have a list of equipment emergency services, Police, Fire, OEM gave to us that they could use over the next five years. We were going to include that in the RFP to get them to pay for it. However, Councilmember Frank is saying we might be able to get more money up front to help the budget by not asking for the equipment. He did not believe how much this would cost when they put up the first tower, he doesn't know if that is the case now.

Councilmember Frank said if we can't get more money for the tower without the equipment, something is wrong with our businesses.

There will be a bid report next week.

#### 5) Upgrade Traffic Lights at Non-County Intersections.

Borough Administrator DeJoseph said he has been looking at this with the Borough Engineer, DPW Superintendent, Police Department, to keep the safety of our residents, vehicles and pedestrians. We have non-county intersections in town which would be Hillsdale Avenue, Pascack, Kinderkamack and as well as Hillsdale Avenue, Kinderkamack and Piermont. Those are non-county intersections. The county would possibly take over those intersections for us if we obtain easements. We would go from eight inch fixtures to 12 inch fixtures.

Engineer Statile said we would get an agreement with the county and easements which they require and they would install themselves.

Mayor Arnowitz said one of the problems he has with the county intersections we have vs. the ones they have, when the tower goes out the police can put a generator next to ours, not the county's.

Engineer Statile said the county doesn't have battery backup. Our equipment is out dated, the county would be authorized by the Commissioner.

He said Pascack and Hillsdale would be able to have the arrow under the county.

Mayor Arnowitz told the engineer to go ahead. He asked if we

need to get easements for turning lanes?

Engineer Statile said yes, we will get preliminary plans so you can decide where we want to go. He will prepare a letter to the County indicating the Mayor's decision to proceed.

Mayor Arnowitz asked that the dam engineer be here for discussion. The Borough Engineer has a number of recommended companies that are willing to bid on it.

#### GENERAL PUBLIC HEARING

Mayor Arnowitz invited comment from the audience.

Kevin O'Brien, 61 Parkview Drive -  
He requested OPRA requests and the feedback he received is disconcerting.

Mayor Arnowitz said the Borough Administrator has looked into it and the Borough Clerk has dealt with it, training classes to train people more clearly on this. We are already in the works; the issues has been taken care of and he agreed that they are disturbing. Action has been taken immediately.

Mr. O'Brien (Contd).

It resides on the borough server. Those records are to be made available and why won't the borough make them available if they sit on the borough server and they are borough records. Who needs codes; it went between two borough employees and that is a concern and especially when he raised issues with respect to the codes. Codes relate to borough business and should be made readily available. "Council Bomb" relates to Council and why is it being denied if there is nothing to hide and it is a government record. HFD - two emails were requested and again denied by the Borough Clerk. He questioned others. Those are private emails and shouldn't be on the borough server. He asked if he will get those emails?

Borough Attorney Paul said process for OPRA request, to make a request for the request to be responded to, for you as the requestor if you have an objection to it, to be heard. It is his understanding that that process has been in place and is still taking place.

Mr. O'Brien (Contd).

He made a request, he made a list of 18, followed the directive of the Borough Clerk which was created on August 3, where she

specifically stated he needed to provide content for subject matter, the date, who it was to and who it was from. He was told they are not government records, he is not entitled to them. He responded back in writing and asked where those records are. He doesn't have to come back a second time. He is coming back in good faith saying will you give me the records.

The process is the borough has seven days to respond; if the borough is going to deny, they have to provide specific reasons within those seven days.

Borough Attorney Paul said we are at the point where you have sent in a request, it has been responded to, you are responding back. You are awaiting the next response from the clerk. If you are not satisfied, there is a next step to follow and this is it.

Mr. O'Brien (Contd).

Under Article 22, Section 4 of the ByLaws, the Mayor shall see that the laws of the State of New Jersey will be executed.

Attorney Paul said if it is the opinion of the Mayor that the process of OPRA as outlined in statutes are being carried out in the back and forth correspondence, then that is part of how the statutes are carried out.

Mayor Arnowitz deferred saying he relies on his Clerk and Attorney.

Attorney Paul said to his knowledge, Mr. O'Brien has not followed all the possible steps involved if he has an objection.

Mr. O'Brien said according to NJ State Law 48 hour advance notice is required for meeting and the Planning Board, although a separate body, is still under the borough umbrella. Forty eight hours are not provided for the Planning Board meetings of August 27 and August 28.

Councilmember Giancarlo said there was a change in venue because the room wasn't ready. We put out a notice at the beginning of the year the date and time all Planning Board meetings. Because of the construction, we had to move the meeting here. That does not fall under the 48 hour notice. There was a sign to anyone who came there to come here.

Mr. O'Brien (Contd).

Meeting minutes are to be provided before the next public meeting session. Under the Planning Board, that process has not been consistent.

Cell Towers technology has changed over the years and more cell towers are needed for speed. As speed continues to increase you will need more cell towers. An email went out today with respect to the West Nile and he thought that was great. The town adopted the International Property Maintenance Code.

Mayor Arnowitz said these are issues that have been raised in the past, they have been mitigated and discussed and handled within a court system. The court made rulings and it was handled. If it wasn't handled to your satisfaction, you know the process that you have to take and asked that our time not be wasted. If you have a question or statement, make it.

Mr. O'Brien (Contd).

The borough adopted the plan of the International Property Maintenance Code. It indicates how proper procedures should be done; that means inspections shall be done in writing. Various complaints were made over violations of property maintenance issues, the owner only got a verbal one. One letter actually indicated they refused to accept the standards and welcome the opportunity of challenging the borough. Violation of that particular property continues, there is no written notification, no inspection report. Why do you have rules and regulations if you are not going to abide by them? He said he discussed this with the Borough Administrator and with a representative of Bob Schroeder's office and that particular property in question was discussed. At that time the Administrator said he would have someone perform an inspection of the property with respect to

what was there. He asked for a copy of that inspection report from the Administrator who said he would direct the official to do so. There is no inspection report.

The Property Maintenance Code also talks about vehicles, they have to work and they have to be registered. Section 288-5 makes reference to abandoned vehicles; which one applies?

George Zahnleiter, 42 Washington Avenue -  
He was here previously to talk about a situation where a neighbor cut down a tree and nothing was done about it. He received many phone calls from residents and attorneys. He received a call from the Municipal Court saying Mr. O'Hara has been arrested and the case is on again. We have a new court date of October 10; he came to the borough hall and did not find anyone in the Council Chamber working. Why wasn't the court transferred to River Vale? This is five months since the tree was cut down.

Mayor Arnowitz said the architect designed the Council Chamber according to the architectural plans. We were made aware of a problem and the plans were changed.

Mr. Zahnleiter (Cond).  
He complained about the condition of Washington Avenue, discussed emails and letters in the Pascack Press.

Sonya Kinzler, 401 D'Ercole Ct., Norwood  
She is a freelance reporter for the Pascack Press. She wanted to clarify what this gentleman was referring to in the Pascack Press.

Mayor Arnowitz said there were numerous letters to the editor about property where two residents have a problem. They were written by residents.

Councilmember Giancarlo said this emanated from a neighborly dispute and has blown out of proportion. It has been to the court.

Mayor Arnowitz said it has nothing to do with Ms. Kinzler's reporting.

Bert Simpson, 197 Forest Drive -  
His Eagle Scout son completed placing addresses on the curb. He did so on the eve of his 18<sup>th</sup> birthday.

Mayor Arnowitz said Mr. Simpson's son attained Eagle Scout status and one of his projects was painting addresses on curbs. He had to obtain signed statements from residents that they would be willing to have this done. He achieved his goal.

Mr. Simpson (Contd).

He completed 501 curbs; he received additional approvals which he will do subsequently.

James Dronzek, 201 Wierimus Lane -

His property adjoins the brook with a bridge. We had a tremendous rain storm and the water took the debris upstream and came over the bridge, the roadway and everything was flooded. There is a continuing problem and asked what the long term plan. The Mosquito Commission was there, there is a lot of debris that collected. That is the second time they came in a year. The culvert is not completely cleaned.

Mayor Arnowitz directed the Administrator to have this taken care of by the DPW. If required, have the Mosquito Commission come back.

DPW Superintendent Durie said a tree came down that night and the Mosquito Commission removed the tree.

Mr. Dronzek (Contd).

The cabbian walls that were repaired years ago seem to be ripped out.

Mayor Arnowitz said we will take care of the initial problem, the debris. The Engineer will look at the culvert.

Engineer Statile said after Hurricane Floyd the culvert was in jeopardy of collapse. The cabbian walls were placed below the spillway; we came up what is called a "stilling basin" where water comes out the culvert, falls into a basin and trash will accumulate. The basin itself is sound. After Hurricane Irene we applied for additional FEMA money for embankments. The county has never taken the duty to reinforce or cabbian walls along any streams in the community along private properties. It is on the downstream side of the culvert. These walls protect the culvert itself. The walls are being eroded; we are putting in additional cabbian baskets.

Mr. Dronzek (Contd).

He thought this fix might be aggravating the erosion. The property owners on each side own up to the middle of the brook,

we may have the responsibility of doing something and DEP permission to do anything would be needed. He wants to meet with Engineer Statile and Administrator DeJoseph so he knows what to do, where to apply for permits.

Mayor Arnowitz suggested that this be cleaned out, get the FEMA money and fix whatever they can fix. Then a decision can be made.

Mr. Dronzek (Contd).

He heard that the cabbian basket on the bottom is wire with rock in it. What happens is when trees come down and mosquitoes come, they are ripping it all out and it becomes useless. Rather than doing that some type of smooth concrete surface could be applied and water runs over. Perhaps the cabbian baskets are causing more debris to accumulate there.

Kevin O'Brien, 61 Parkview -

Tomorrow the Planning Board will hear the final resolution of the facility on Orchard Street. When Washington Township challenged the gas station on the corner, the Police Department submitted a traffic report. He asked if the Hillsdale Police Department was requested to submit a police report and if not, is it too late to do it now.

Mayor Arnowitz said it is a Planning Board issue, it is not a Council issue.

Mr. O'Brien (Contd).

The issue of the burning and non-burning wood, the police report set the record straight. The material was in violation of a 22 year New Jersey, just to put the record straight. On the issue of the OPRA he asked for, there are two additional options he has available: one is to go to government records council and request those records and to go to Hackensack Superior Court.

Sonya Kinzler, 401 D'Ercole Court, Norwood -

At the last meeting held at St. Johns, she was able to hear on her tape recorder which she depends upon; questions are very detailed, very technical about things she may not know much about. This time there are no microphones.

Mayor Arnowitz said none of these microphones are for audio, they are only for the tape. He cautioned everyone to speak loudly so everyone can hear. This is the same set up as the last meeting. We will be here next week again.

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

PROFESSIONALS:

Engineer Statile said with respect to county resurfacing, Hillsdale is not on the list for resurfacing by the county. The Administrator reached out to the county.

Borough Administrator DeJoseph said he and the Borough Engineer went to the county months ago before they entered the reimbursement agreement.

Engineer Statile said under the ADA you have to upgrade all handicap ramps corners. It took the county two years to negotiate a change order with their contractor to get the ramps done. River Vale paved one street, two years behind schedule. On Washington Avenue we have to get the ramps done at the corners.

Mayor Arnowitz said we are redoing the ones that were done already because they were done improperly.

Engineer Statile said in October, Community Development Block Grants applications for handicapped access grants, such as for borough hall, firehouse bathrooms, are the only ones we can apply for. Stonybrook wants handicapped access work and now is the time to do it. Beechwood Park and Smith School all qualify.

LKL has Vermont plates, the contractor for the council chamber is from Ramsey. He has the truck registered in Vermont because it is cheaper. Unfortunately some changes were made, we had bullet proof shield and to get the materials it is complicated. He is a very conscientious contractor and sometimes it takes a little longer. It should be done in a month. You cannot penalize contractors in New Jersey and he explained this to the Council.

We need additional work for the projects on Patterson Street, sidewalks, bridge. The sidewalks at Wendy's, down Washington Avenue, more paving, more striping, it will be all dressed up. We had a pre-construction meeting with Crossroads Construction and they will be starting in September. Paving work, drainage work, should be done by early October. That also includes the repairs to Melville for the storm damage.

Mayor Arnowitz asked about the culvert by Wilkes Deli. During the storm we had that was flooded and we lost Melville but the rest of Hillsdale Avenue wasn't flooded. What Emergency Services is talking about is happening; we need to take care of that culvert and get the water flowing we will have less flooding on Hillsdale Avenue. Engineer Statile will address the county.

Councilmember Giancarlo asked about the bid that is going out for the study of the dam.

Statile said it is posted and will reach out to the engineer.

DPW Superintendent Durie said there was an inspection today at the property that we were talking about. There was a list that the Judge from Montvale and the Prosecutor came up and the Defense Attorney and we had agreement. The 12 or the 13 items have been met and there is one small outstanding item. He is satisfied. He said Kurt Walkenhauer has been a very nice person helping her out, he volunteered his time. He lost his leg, he put up a shed and did a lot of work for the family.

Mr. Costello replaced two roofs on the dugouts at Memorial Field. They have another Eagle Scout project starting in a couple of weeks. The roof at the Smith School snack shed was replaced which cost us minimally because they had fund raisers for the projects. We are winding down with our patching; we started painting our stop bars and be finished by the end of next week. Memorial Field has been transformed into a football field now with all the safety devices put in place this year.

Councilmember Frank asked if anything has been done with the county on the crosswalk by the library and others.

Superintendent Durie said we spoke to Mr. Connolly, Foreman, and we are putting together a list. He didn't guarantee anything but was going to sit down with his foreman and hopefully we will get some of that work done before winter. It is plastic and something we can't do and we can't paint over plastic.

Regarding Councilmember DeRosa's email about a loose roof, he had the person who repaired it return to be addressed and it will be dealt with before the end of the week.

He will talk to the Mosquito Commission regarding the previous discussion; the main section is the section behind the post office.

Starting the 17<sup>th</sup> of this month, we will be starting the one day a week garbage pickup, the same route we had last winter. There are four sections of town; East side will be Monday and Thursday, west side Tuesday and Friday. The upper manor section is always picked up on Tuesday.

Mayor Arnowitz said the information is on the web and people are complaining that it is too small. He asked Superintendent Durie to get a copy to him.

Administrator DeJoseph said once we have a new vendor the leaf and garbage schedule we will do one full schedule for the remainder of 2012 as well as the full 2013.

Superintendent Durie said with the Clean Communities funding, we can fund that so it will not be taken out of the budget.

### Police

Chief Stalter said we continue our interviewing process from 31 candidates down to 10. This will be completed by Friday and make a decision to hire a replacement. We may have some forthcoming personnel issues which he will talk about in Closed Session. We will start the Sergeant promotional process.

School opens tomorrow and Friday we will have Crossing Guards for their annual training and safety class. We heard from PEOSHA today regarding the extensive inspection of the Police Department. There were a few issues and policy issues, we received a letter that we are in full compliance.

He said if anyone wants to come in and sign a complaint against the other, you write a statement, we sign the complaint. The complaint is not issued by the court, it has to go for probable cause. Sometimes people get confused when they think they signed a complaint, it is not issued by us, we didn't issue the offense, we didn't witness the offense as neighbor against neighbor. People sign it and it goes before the Judge. We are just a means of conveying it to the court. When it goes to court it actually goes before the Judge who holds the probable cause hearing to see if the Judge feels that there is enough fact there to meet what has been alleged to have happened that it go before the court and have a trial. Oftentimes residents may get confused as to thinking that is the trial that the Judge says there is probable cause or not. We have a new court date set, we have another court session or two, and now it is set for

a trial. If there is a dollar value involved and the dollar value goes above a certain threshold, then it can't be heard in our court, it has to go to Superior Court in Hackensack. Then you had another step and another time lapse. It goes to Superior Court where it is reviewed, they can either take it into Superior Court or send it back to Hillsdale. This is how things can go on and on and on.

Mayor Arnowitz congratulated his department when we had the helicopter landing and comments on how well the Police Department handled it and you should be proud.

Councilmember Hanlon thanked the Chief for the help the Police Auxiliary provided for the summer concerts.

#### Drug Date Takeback

Mayor Arnowitz said this date will be put on the electronic sign and website.

#### Fire Chief

When the helicopter took off at Greenwood Lake it would four minutes to Hillsdale. We had 30 calls between drills, fire calls for the month of July which amounted to 486 man hours. Fire Prevention Week starts October 1 through October 5. Tracy Jeffery is in charge with our Code Compliance Officer. It runs Pre-K through 4<sup>th</sup> grade, 1200 students. October 7 is Open House at the firehouse from 11AM - 1PM. We will bring Ho-Ho-Kus smoke house which is live home with smoke going through the home. There will be no Operation Edith. The students will perform that drill in their own homes and will come to the firehouse Open House.

Mayor Arnowitz believed Operation Edith was dangerous for the people on the trucks and dangerous for children.

Councilmember Giancarlo said it is a good precedent that the Chief is coming here. The Fire Department gives so much for the town and it is good that everyone sees that.

Chief Durst said we have close to a dozen Fire Cadets. It is an advantageous program and the kids do a great job.

RESOLUTIONS: (Consent Agenda)

Resolutions 12171 and 12172 were pulled from the Consent Agenda.

Mayor Arnowitz read the Consent Agenda of Resolutions.

12161 Authorize Mayor to Execute (3) Three Deed Restrictions for Deauville Apartments, 55-59 Patterson Street.

12162 Authorize Raffle License (RL 685) St. John the Baptist Church, December 8, 2012.

12163 Approval of Corrective Action Plan for Audit of 2011.

12164 Authorize Application of 2012 Bergen County Open Space, Recreation, Farmland, and Historic Preservation Trust Fund Grant for Memorial Field Improvements.

12165 Appoint Municipal Representative for Open Space Committee, September 1, 2012 through September 1, 2013.

12166 Authorize Municipal Finance Officer Representative to the Bergen County Community Development.

12167 Authorize Refund of Tax Payment Block 1805, Lot 8 in the amount of \$4,300.00.

12168 Authorize Refund of Tax Payment Block 1907, Lot 9 in the amount of \$2,852.17.

12169 Insertion of any Special Item of Revenue, Chapter 159, 2012 Bergen County Community Development Grant Program, \$10,225.00.

12170 Authorize the Borough Clerk to advertise for bids for demolition contractor, B1106/Lots 24 & 25; 66 Hazelwood Avenue.

12171 Appointing County of Bergen Community Development Block Grant Representatives.

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

Councilmember Frank said there is no one designated on 12171 to be the Committee Members for Community Development.

Administrator DeJoseph said he would be head person and would need the second person and two alternates.

Mayor Arnowitz said 12171 and 12172 removed from the Consent Agenda.

Motion by Councilmember Giancarlo, seconded by Councilmember Hanlon.

Roll Call Vote:

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

Nays: None

12171 Appointing County of Bergen Community Development Block Grant Representatives.

Mayor Arnowitz said the regular member is the Administrator; Alternate CD Member Councilmember Frank.

Motion by Councilmember Giancarlo that Councilmembers DeRosa and MacEwen are the Council's representatives, seconded by Councilmember Frank.

Roll Call Vote:

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

Nays: None

(SEE COPIES OF THE AFORESAID ORIGINAL RESOLUTIONS AFFIXED HERETO)

DEPARTMENT REPORTS:

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

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

(SEE COPIES OF THE ORIGINAL REPORTS AFFIXED HERETO)

## COUNCIL COMMENTARY

Councilmember Pizzella thanked the professional volunteers that bring assets to the town and saving money. He wished the Hillsdale students and teachers best wishes for the new school year. We have a new Superintendent; the Parent Organization at the Meadowbrook School just refurbished the entire library with donations.

Councilmember DeRosa thanked the DPW and Administrator for getting the lights repaired at Centennial Field. The public school website is new and up in time for the start of the school year. Hazardous material collection this Saturday in Mahwah.

Mayor Arnowitz asked him to remind everyone at the next Rec meeting with the sports associations to have the kids police the dugouts and sidelines for empty bottles, garbage, etc.

Councilmember Hanlon said on September 11 the senior annual picnic at the pool. September 15 is Town Day at the pool, flyers are out. She thanked everyone who helped with the Concert Series and already has partially booked four to five programs for next year, one which will a teen night.

Administrator DeJoseph said he will start the budgets for 2013. He will be speaking to the department heads over the next week or two, looking for capital requests for the next five years. The town shredding day is October 6 at the DPW from 8AM to 12PM at no cost to the residents.

Councilmember Giancarlo said if a neighbor is fighting a neighbor and we are subjected to one side of the argument, our Municipal Clerk is issued numerous OPRA requests and taking time from her day to answer this one resident and a particular resident is calling and emailing the state so many times, the case is closed, we don't want to deal with it anymore. They have been answered satisfactorily, the same with the county and the other towns in the Pascack Valley that this resident has lived in, the same types of things officials have said over and over again. People in towns have their family members named, their wives mentioned in letters, come to council meetings, disparaging. Every citizen has a right but we have fewer people and spending their time answering one person's repetitive requests over and over again is becoming a nuisance. Other residents have a right to be heard. When is enough enough? He sees this escalating into a dangerous situation.

Councilmember MacEwen thanked DPW Superintendent with the Administrator for the lights at Centennial. It has been great with the initial training sessions for soccer as well as practices. He congratulated the Eagle Scout, it is an amazing award.

Councilmember Frank reiterated pedestrian safety, kids will be out on the street. Please be cautious. We are making progress on the budget. The speed of government and the speed of business are two different speeds and when we have the opportunity to save money or to get additional revenue, we have to move faster than we do. Speed is important. The reval is in process, every residence and business has to be photographed as well as inspected. A list of the photographers is on the website. The initial inspections will be done in October. Stonybrook is opened weekends until the end of September.

Mayor Arnowitz wished his Jewish friends Happy New Year. The kids are out and excited about going to school, leaves are coming down, roads get slippery, sun glare, please drive safely.

He said the Fire Department will do their usual 9/11 Ceremony and he will be out in uniform. We gather at the firehouse at 8AM, at the center of town before 8:43AM when the first plane hit and are done when the second plane hit. No speeches and are out there thinking of what happened. At 7PM the scouts will do their Candlelight Vigil at Veterans Park.

As far as Mr. O'Brien and my attitude towards him, he has found whenever he answers him, it becomes confrontational. The easiest way of answering him is not answering him. He has a policy for the 26 years he has served Hillsdale that when someone threatens to sue or makes threats to sue, my policy is let them talk to the Borough Attorney. As far as this case is concerned, he has complete faith in his department head that handles this; he handled it well, kept him informed, followed the procedures the way they are supposed to be followed. Mr. O'Brien did not like the way it was handled. We follow the law but Mr. Durie followed all the rules and regulations established by state and federal law. To make accusations is unfounded and improper and that is the reason I don't answer him.

CLOSED MEETING

Motion to go to Closed Session was made by Councilmember Giancarlo, seconded by Councilmember DeRosa, and unanimously

carried.

OPEN SESSION

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

Mayor Arnowitz asked for a motion to allow the Police Chief to move forward, in the event a police officer in his department turns in a letter of resignation within the next month, and to replace that individual; he will be interviewing and attempting to hire two people.

Motion by Councilmember Hanlon, seconded by Councilmember Giancarlo, and unanimously carried.

ADJOURNMENT

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

9-4-12

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Susan Witkowski  
Municipal Clerk

APPROVED AS PRESENTED

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Susan Witkowski  
Municipal Clerk