

Council Meeting
September 11, 2012

Minutes of a Council Meeting of the Borough Council held at 7:30 P.M. on Tuesday, September 11, 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.

Mayor Arnowitz asked everyone to pause and reflect on the people who were lost on 9-11 and those who are still hurting. Mayor Arnowitz then led the Salute to the Flag.

ANNOUNCEMENT OF MEETING:

Mayor Arnowitz stated, "This is a Meeting of the Hillsdale Borough Council on this 11th 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.

APPROVAL OF MINUTES:

On motion by Councilmember Giancarlo, seconded by Councilmember Hanlon, and unanimously carried, the Minutes of the Council Meeting of September 4, 2012, and Closed Meeting of September 4, 2012, were approved as presented.

CORRESPONDENCE:

1. LETTER DATED AUGUST 31, 2012 AND APPLICATION DATED SEPTEMBER 6, 2012, REQUESTING PERMISSION TO HOLD A BLOCK PARTY ON SEPTEMBER 15, 2012; 3-9PM, 335 LIBERY AVENUE, NO RAIN DATE.

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

DISCUSSION:

1) Policy for Electronic Sign.

Mayor Arnowitz has received inquiries about the electronic sign and the website; what goes on it and what does not go on it. Some thought it was reserved exclusively for borough events. For example, this morning the 9-11 Service by the Fire Department is not considered a borough event, or the Rich Curran function at 7PM this evening at Veterans Park was not considered a borough event. He felt they were borough events and warranted to be on the website and on the electronic sign. He asked if anyone had any objections.

Councilmember Frank commented that we should have the discretion of the Borough Clerk and the Borough Administrator to decide what will go on. We have general guidelines that we do anything significant in town, it doesn't have to be a town event.

Mayor Arnowitz said when John Costello, Eagle Scout, did the roof project which benefited the town by giving his free labor to fix the dugout, we couldn't get it on the sign because we didn't know. He felt it should have been but he needed more direction. Now, he has it and he feels something like that can go on the sign.

Councilmember Hanlon said last night she attended the Library board meeting and a young man was working on his Eagle Scout project at the Library. He beautified the patio area by re-sanding the benches that were there, constructing new benches, etc. She thought something like that should also be included.

Mayor Arnowitz said Costello was looking for help. Councilmember Hanlon said the Eagle Scout was looking out for help and finances also because he has put out almost \$1000. Last night the Library voted to give him some money from Friends of the Library. She believed that is a borough event.

Mayor Arnowitz believed that is what the sign and website is for, to keep the public informed as to what is going on in the town, whether it is borough function or chamber function; it doesn't cost to put them on the sign.

Councilmember Giancarlo said whenever you get into a subjective area, it always gets a little dangerous. In the future he believed what you will see is a commercial venture wanting to be posted. Half of the proceeds would go to the Leukemia Society or something like that and that is the type of gray area that start getting into.

Mayor Arnowitz would not recommend that.

Councilmember Frank was requested to look into possibly putting "Happy Birthday" to Bob and charges the residents \$25.00 to run it for a day (this is done at Woodcliff Lake). He brought it up at the request of an individual.

Mayor Arnowitz is not looking for that but he is looking for borough events. In the past we have put up notices about church functions such as a rummage sale; is that questionable? He did not have a problem with that and no one complained to him about it. It doesn't cost to put anything on the website or the electronic sign; he does not want to see a lot of messages

because people tend to tie up traffic.

Councilmember Frank believed we could put more information on the website than we do on the sign because the sign has a time element. The more things we put on the website the more people will go on the website and it becomes a better vehicle of communication.

2) New Jersey Historic Preservation.

Borough Administrator DeJoseph said the downtown train station is getting older, shabby looking. There is a grant available from the State of New Jersey for Historic Preservation; we would have to do a study of the property by an architect that is 25% matched by the borough. We should be able to get funding for studies and move forward with additional funding to do work after the study is completed.

Mayor Arnowitz said we received funds from the parking spaces along the railroad tracks and additional funds for fees for spaces in front of the railroad station, the daily parking. We share that money with railroad, 50-50. The 50% for the railroad portion is what this money goes for, it goes for the maintenance of the railroad, the upkeep of the railroad station, the electric cost for their area, technically shoveling the platform, etc. He asked if anyone had a problem with putting that in the budget next year.

Administrator DeJoseph said there is a resolution on the agenda for this. The grant we are applying for the 25% match the borough's responsibility would be \$3750 and the grant amount is \$11,250.

GENERAL PUBLIC HEARING:

Mayor Arnowitz invited comment from the audience.

Jim Moldow, 21 Overbrook Place -
He has been involved in scouts for many years and usually there is a time line of three days before an annual event could be posted. He has baseball games scheduled and believed that something like that should be permitted to be posted on the sign and website. There have been fund raiser events, car washes, charity events and should be posted.

Kevin O'Brien 61 Parkview Drive -
He has reviewed the borough minutes and noticed there are closed session minutes and according to requirements of state law, before you go into a closed session meeting, you are supposed to create a resolution identifying specifically what you are going to talk about and when you will be making those records available to the public. That is under NJSA 10, 12, and 4-13. Where are the meeting resolutions since March that he has not been able to find on the website and where are the meeting minutes.

Borough Attorney Paul said the Borough Clerk is the official custodian of records and your inquiry would be properly directed to her.

Mr. O'Brien (Contd).

No sir that would be if I wanted a copy of them.

Borough Attorney Paul said he did not believe this is a forum for debate between the public and members and employees of the borough. The law says this is the time for people to express their concerns. Mr. O'Brien is free to express his concern but his suggestion to Mr. O'Brien that this not become some kind of a back and forth debate at his pleasure.

Mr. O'Brien (Contd).

Prior than going into any closed session meeting a resolution must be adopted stating both the subject matter that will be discussed.

Borough Attorney Paul said Mr. O'Brien does not need to requite the quotes he has already quoted. Please state your concerns, thank you.

Mr. O'Brien (Contd).

When will the information be available? If the public body meets in a private session under the Open Public Meetings Act, the minutes of such meetings will be generally available to the public.

Borough Attorney Paul said to the Mayor that this resident is unresponsive to his request to simply state his concern. He persists on simply quoting things ostensibly part of it, perhaps from the law, but his suggestion is if the gentleman is not going to state his concerns simply - for example, my concern is such and such and my suggestion would be this would not be the proper forum.

Mr. O'Brien (Contd).

Under the June 12, July 10, August 4, motion to go into closed session supported by Giancarlo, supported by Hanlon, seconded by Frank. May 3 page 16, closed session supported by Giancarlo yet I don't see a single reference with respect to a closed session resolution when those meetings would be made available. The last time I stood before this Council the mayor quite candidly stated that he wanted to discuss the issue he raised in closed session.

Mayor Arnowitz said this is my meeting.

Mr. O'Brien (Contd).

It's not your meeting.

Mayor Arnowitz asked Mr. O'Brien to please sit down.

Mr. O'Brien (Contd).

Is it a question or a concern here? The Borough Attorney tells me I have ..

Mayor Arnowitz said if you have a concern for the Council please raise it, please don't make accusations. This is not your normal town, you got away with this in other towns, you are not getting away with this.

Mr. O'Brien (Contd).

This is state law. This is not a dictatorship, there are Council members here and they should have the right under your diligence.

Mayor Arnowitz said this is our meeting.

Borough Attorney Paul said this is to be the time for the public to address concerns and for the last time he is asking Mr. O'Brien to succinctly state his concerns, not to quote lengthy passages, not to rehearse all kinds of history, but simply state, hopefully, in a sentence - my concern is such and such.

Mr. O'Brien (Contd).
Will the Council

Borough Attorney Paul said that is not a concern, that is a question. This is a time for you to be available to state your concerns. If you are willing to state your concerns, this is the forum, not questions, sir.

Mr. O'Brien (Contd).
I've tried but you keep interrupting me.

Borough Attorney Paul said because you are not listening to what I am saying.

George Zahnleiter, 42 Washington Avenue -
Last week he was at this meeting and there was talk about email. Councilmember Pizzella tried to do the honorable thing and talk about it and he was cut right off.

Mayor Arnowitz said this is my meeting and I run the meeting and people are supposed to address the Chair to ask to speak. Because it is a legal matter, we decided that the Attorney would speak for us in this matter. When someone threatens to sue the Borough or says they are going to bring suit against the Borough in any way, shape or form or trying to do a political agenda, my position and the Council's position is let the legal mind answer it, let their lawyer speak to our lawyer. I am not an attorney, I don't know what the law is, so instead of getting the town in trouble, the best thing to do is let the attorney speak. Mr. Pizzella, even though he is a lawyer, sitting up here is a Council person just like anyone else.

Mr. Zahnleiter (Contd).
Why won't you release them? I called the Governor's office.

Borough Attorney Paul said once again for the benefit of the Mayor and Council, the OPRA statute has very specific mechanisms in place on which you can request and have the request made by a reply; those guidelines are being followed by our custodian, has been followed and will continue to be followed. That is the method; those methods have been followed and will continue to be followed. I know that sometimes it is hard to understand the process of how all these things work - a lot of times things seem to move slowly, but there is a process in place, requests have been made, they have been responded to according to law and under the direction and guidance of the Government Records Council. I know sometimes it is a little hard to understand why things look the way they do but there is a mechanism and it is being followed.

Mr. Zahnleiter (Contd).
There's only two major things here, either medical or a terroristic event.

Borough Attorney Paul said you might be bringing up some important points about things that perhaps should not be

disclosed, but again my suggestion is if you have a concern about OPRA, if you have a request about OPRA, please follow those guidelines. If you are not sure what they are, our Clerk is well versed.

Mr. Zahnleiter (Contd).
I did. If you read emails

Borough Attorney Paul said I'm sorry I am interrupting, what emails?

Mr. Zahnleiter (Contd).
The emails in the paper.

Borough Attorney Paul said I am sorry, I don't remember seeing any emails in the paper.

Mr. Zahnleiter (Contd).
You didn't see any in the Community Life and Pascack Press?

Borough Attorney Paul said I didn't see any email. It could possibly be an email subject and as you know, people are innocent until proven guilty. That is a legal concept so it will definitely be unfair to try to accuse anyone or certainly not finding one guilty because of some mention of some subject matter and some email that has not even been reviewed. Do you agree with that sir?

Mr. Zahnleiter (Contd).
I agree with that. I can not get anywhere with that. When is the court building going to be done?

Mayor Arnowitz said I am hoping barring any problems, we will be in there for the next meeting, which would be the first Tuesday in October. If this meeting were next week, we could have met over there because we can meet at the table below, the podium is not done. He was just informed tonight that the podium is being put up today.

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

PROFESSIONALS:

Patty Hughes, Director of Stonybrook. She wanted to give an update. This Saturday is Town Day at Stonybrook. We had a nice response to our donation letters, Shop Rite has donated over \$3000 in food for us to sell and donated money to the pantry. The Bible Church, some of the local vendors, even the Park Ridge Diner has sent us some money. Everything is ready to go and we are going to have entertainment, one of those bouncy things for the kids sponsored by the Pascack Bible Church, cotton candy, a face painter, hair braider. She has a staff of 14 girls and they will come in to do the face painting and hair braiding and it won't cost the borough much to have that. We do have an entry fee which is a donation \$2.00 for an adult, \$1.00 for seniors and kids, kids under four will be free; donations for the food pantry, Hillsdale Helping Hillsdale. We have the pools, two slides available to residents of Hillsdale. This is our first year we are open weekends in September. She will make a recommendation to the Pool Commission that we might want to make it open to the general public during September weekends and utilize the guest pass fee which would allow people to see the facility for those who have never been there.

We had a successful camp this year, we had 257 campers, we made a small amount of money. We decided this summer with the help of our Administrator that all of our Rec programs are going to go through Community Pass next year in the fall. All the small programs we have are done through coordinators, they still have to register and send their money into the borough and it will give her a better tracking device, what are we spending, better record keeping.

We had the senior lunch today at Stonybrook, it was very nice. Unfortunately, no one went swimming, it was chilly. We are more on track with Stonybrook financially than we thought in the beginning of summer.

Mayor Arnowitz didn't see any construction going on.

Patty Hughes said we are still in the process, she has to meet with Engineer Statile and the architect to do the final o.k.'s and then we will go out for bid. We are behind schedule but hopefully we will have it out the next month or two and get this project going.

Councilmember Frank asked if this would be late winter or spring?

Patty Hughes said if we have a mild winter maybe they could start the outside work and once that is done, finish up in the spring.

Mayor Arnowitz saw a trailer parked in the lot, did she o.k. that?

Patty Hughes said no she did not; the CFO called the police and it was gone. She was not sure if it was the property of someone across the street that used the parking lot.

ORDINANCES:

Ord. No. 12-14 (Introduction) Authorize the Acquisition of One Vehicle as Borough Property	Mayor Arnowitz read by title only proposed Ordinance No. 12-14 as follows: AUTHORIZE THE ACQUISITION OF ONE VEHICLE AS BOROUGH PROPERTY.
--	---

Mayor Arnowitz asked the Council if they have any discussion on the Ordinance.

Councilmember Frank said the fact that the Fire Department went out and got a vehicle donated to them is in line with a lot of things we ask them to do and hates not to support that. Anything we can do to help them do their job well is needed, but he has concerns about this vehicle. It is 23 years old and having driven a lot of old vehicles in his time, no matter what kind of condition it is in today it could very quickly go sour and cost us money. From the money standpoint, he looked at our capital requests from the Fire Department over the last couple of years and a vehicle of this type was never on it. We have a number of good projects that the Fire Department needs; we need air tanks replaced on a regular basis and we didn't fund it this year. We had turnout gear which we did fund but not as much as the Fire Department would like. This is nice to have and it wouldn't cost us any money, but it will cost money and move resources that we could be using for more critical equipment for the Fire Department into something that is nice to have. For that reason, he is not in favor of us accepting this donation. If times were better and not holding back on things the Fire Department needed, he would be in favor of it, but I am not now.

Councilmember Pizzella understood his concerns about the age of the vehicle, however, the vehicle has very low mileage. The town mechanic looked at it and it seems to be in very good condition. It was never requested before but it is something that was a find, something the Fire Department went out and got and Jason Durie explained at the last meeting how it will help them to do their job better. They are also expecting some other things that didn't come through when it came to United Water and this helps them out as well. He is for this, it will really benefit the town. If it should ever get to the point where it is not repairable, they did put in their report that they don't expect it replaced and will not end up costing the town anything. They are also getting donations and he thinks it is a very good thing for the town and a good way for us to show support for them as well. He is for it.

Councilmember DeRosa asked if it was Councilmember Frank's concern about repairing it.

Councilmember Frank said absolutely. It was brought up last week that it needed brakes and it would be \$49 for the brakes. The Borough Mechanic would have to do the brake job. It will require insurance and a number of things that are going to cost, if not this year, then next year and it has never been on the priority list. He sees some very important things on the Fire Department list that we need to spend money and that we haven't fully funded. He would rather use money to pay for turnout gear; we actually need swift water gear and here we are getting a truck to put it in that is going to cost us money but we don't

have all the swift water gear we need. To me it is a matter of priorities.

Mark Durst, Fire Chief -

He spoke to the Deputy Chief earlier today and the only concern is \$150 to put on a set of brakes and this is minute. As to insurance, the Mayor was to look into this.

Mayor Arnowitz said we were under the impression it is covered but we are not certain.

Mark Durst said Councilmember Frank said we were looking for air tanks, chief's car, gear, we are looking for a lot of things, but we haven't gotten any of it. This vehicle was a donation, has over 30,000 miles, no rust and the Fire Department is not looking to replace the vehicle if and when something happens to it. He did not believe that it will break down, it has a diesel engine and the spark plugs are new that were replaced a year ago. The truck is sound motor-wise.

Councilmember Frank said he understood the Chief's comments, they are well taken. His concern was that meeting with him for the past couple of years on budgets and he sees the capital list, he is concerned about diverting money away that in some cases we haven't spent and we need to spend on keeping the tanks replenished on schedule. The Fire Department is critical for the success of Hillsdale and we have to give the best things that you have identified.

Councilmember MacEwen said keeps hearing swift water, is the intended use of this for swift water? You will roll it out should there be a work construction fire so you can get manpower. It serves multiple purposes in town.

Mark Durst said at one time the Fire Department had five vehicles; three engines, a ladder and a rescue. We downsized to two engines, a ladder and a rescue. Years ago we were looking for an extra vehicle to transport manpower and we have not pursued that because volunteerism is low. By picking up this vehicle, we will use it as a rehab station, whether it be winter and warm inside, summertime with air conditioning, etc.

Councilmember Giancarlo said he is going to vote for this. Something like this has the tendency to take on a meaning more than its real contribution. The Fire Department worked hard to get this and he does understand Councilmember Frank's point that we really need tanks and would use the money for that purpose. To put a car on the road, it does cost. A lot of people worked for this, it symbolizes a lot, it is also symbolic on how hard the volunteers worked to make do with less right now and it is an important message to send.

Mayor Arnowitz said he has a concern about the people who drive this are not just people who drive a car, so please make sure they are qualified and trained and that the Chief receives an o.k. as to who is driving and we will add them to the list. He did not see a need for a mechanic, he does not need to be paid and the drivers not to be paid.

Motion to approve the Ordinance No. 12-14 was made by Councilmember Pizzella, seconded by Councilmember DeRosa.

Following is the result of the roll call vote on the foregoing Ordinance No. 12-14:

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

Nays: Councilmember Frank

(SEE COPY OF THE AFORESAID ORIGINAL ORDINANCE AFFIXED HERETO)

Ord. No. 12-15
(Introduction)
Authorize
Acquisition
One Trailer
As Borough
Property

Mayor Arnowitz read by title only
proposed Ordinance No. 12-15 as follows:

AUTHORIZE THE ACQUISITION OF ONE TRAILER
AS BOROUGH PROPERTY.

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 approve Ordinance No. 12-15 was made by Councilmember Hanlon, seconded by Councilmember MacEwen.

Following is the result of the roll call vote on the foregoing Ordinance No. 12-15:

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

Nays: None

(SEE COPY OF THE AFORESAID ORIGINAL ORDINANCE AFFIXED HERETO)

RESOLUTIONS: (Consent Agenda)

Mayor Arnowitz read the Consent Agenda of Resolutions.

R12172 Payment of Bills was introduced by Councilmember Frank, seconded by Councilmember DeRosa.

R12173 Authorize the Borough Clerk to Advertise RFP for Banking Institutions was introduced by Councilmember Frank, seconded by Councilmember DeRosa.

R12174 Authorizing Settlement of Tax Appeal, Block 107, Lot 9, Property Known as 7 Ridge Court in the Amount of \$1,701.00 was introduced by Councilmember Frank, seconded by Councilmember DeRosa.

R12175 Authorizing an Application for the Municipal Alliance Grant for Year 2013 in the Amount of \$9,876.00 was introduced by Councilmember Frank, seconded by Councilmember DeRosa.

R12176 Authorizing Enabling Resolution 2012 NJ Historic Site Management Grant Hillisdale Train Station was introduced by Councilmember Frank, seconded by Councilmember DeRosa.

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

Roll Call Vote:

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

Nays: None

(SEE COPIES OF THE AFORESAID ORIGINAL RESOLUTIONS AFFIXED HERETO)

DEPARTMENT REPORTS:

Board of Health Report for the months of July & August 2012.

Motion to receive and file on motion by Councilmember Hanlon. She said the Flu Clinic will be held on September 18 in the Council Chamber.

Construction Department report for the months of January through August 31, 2011; January 1 through August 31, 2012.

Motion to receive and file on motion by Councilmember MacEwen.

(SEE COPIES OF THE ORIGINAL REPORTS AFFIXED HERETO)

COUNCIL COMMENTARY:

Councilmember Pizzella wanted to remember 9-11 in a positive way. It was one of the most devastating events in American History, we lost a lot in Hillsdale, and wanted to remember.

Councilmember DeRosa he also wanted to remember 9-11. He thanked the Baseball Association for donating to Town Day and encouraged everyone to come to Town Day on Saturday.

Councilmember Hanlon thanked Rich Curran and Jenny Frantin for their continuing efforts every year to have a ceremony in the Park. This year it was a little earlier, 7PM. We had a good representation. We had a very nice senior luncheon today and enjoyed by all.

Borough Administrator DeJoseph said the RFP for the dam engineer is on the borough website. The cell tower bid will be out either tomorrow or Thursday. The state acquired the Bergholtz property which is directly behind the Library parallel to the brook. It will be demolished shortly. The Vaccaro property which is two doors down should be acquired by the state shortly as well; those are acquired through the Blue Acres Program at no cost to the Borough.

October 6 is shredding day at the DPW from 8AM to 12PM, no charge for residents. United Water is having a hearing on a rate increase at the BPU, Bergen County Building, 1 Bergen County Plaza, October 1; Monday evening at 5:30PM will be held at Bergen County Board of Freeholders.

Municipal Clerk Witkowski said we have closed out on the auction; all of the details are not in yet but as of right now we sold \$2,295 worth of items. The items consisted of different things, ladders, kick boards, cash draw, volley ball nets, miscellaneous items, sign maker, processor, etc. As of this afternoon, \$2,197 was paid; people are still picking up and at the next meeting we will have a spread sheet of what we sold.

Councilmember Giancarlo said when we go into Closed Session we talk about personnel matters; if we were to release the information before the matter is closed, if the town was involved in a lawsuit and lost, the taxpayers would be responsible. We must be diligent about what we release and say. In this particular case, there was a request for 20 Closed Sessions. We had a Closed Session a year and a half ago on the Planning Board and only now can it become open because that case was resolved. Many times there is a case pending, lawsuit pending, involves an employee in the town that would not appreciate going public with the circumstances. Those are the types of things we are not talking about. He has every confidence that our Municipal Clerk is following everything; however, she is overwhelmed especially when there is a request for 20 different days, multiple emails. When you are on a budget and you are trying to keep up with one individual, and it is extremely frustrating. We are trying to protect everyone by not releasing private information; it goes through a phase and when the case is closed, it goes through the proper channels and we all get a copy if desired. Just to satisfy curiosity or to be provocative with letters to the editor, we are not going to play along. We are always open if anyone wishes to speak to us personally, but that type of information cannot be released.

Councilmember MacEwen reminded everyone that Town Day is this weekend and asked everyone to join us. He said we also have a shredding day at Pascack Community Bank on the 22nd of September in town, a truck will be in their lot.

Councilmember Giancarlo added the topics that are covered by Closed Session and we can't divulge are matters required by law to be confidential, when release of information would impair the rights to receive funds, matters involving individual privacy and many of them, more than 90% fall under that category, collective bargaining agreements, matters relating to purchase or release of acquisition of real property or the investment of public funds, matters relating to public safety and property, relating to litigation, employment relationships and potential imposition of a penalty. These are things people are demanding to know right away and until those cases are clear to defendant and the plaintiffs, we are not giving in to that temptation.

Councilmember Frank recognized the heros of 9-11 and watching TV you have victims and you have heros and those were the 343 firefighters that went up the stairs into the towers, police officers that were there; people at the Pentagon who pulled out of the burning building including our Secretary of Defense. The passengers of Flight 93 were heros as well. They saved more lives than we can imagine.

The Citizens Budget Advisory Committee is back, it was founded in 2004. It was a group of concerned and involved citizens led by ex-Mayor Al Murphy who looked at various parts of the government and how money was being spent and gave advice to the Mayor at that time as to what things could be done to better control spending and be more financially responsible. They expressed an interest in helping and that we can get extra knowledge from experienced people. We will start our first meeting this Thursday evening and will be reviewing the results of the last study plus some of the audits we have had from the state and looking at a couple of new areas to see if we can find additional ways to do things better, faster, cheaper. That will be a process to help us as we start the budget process for 2013 which we are looking at right now.

Mayor Arnowitz reminded everyone that on October 7 at 3PM Hillisdale Food Pantry is celebrating their anniversary and everyone is invited to Open House from 3PM to 7PM.

Mr. O'Brien has come before this Council on numerous times on the record and has mentioned or given threats as to his ability to sue and the cases that he has brought in other towns. He has also told him that personally. When someone does that, he believes the best way to deal with someone like that is to allow that person to deal with the Attorney. Our form of government here the Mayor runs the meeting, he puts together the agenda and it is his meeting. When the Council agreed that we weren't going to get into a back and forth with this gentleman, that is why I told Councilmember Pizzella last week that he didn't address the Chair to ask for the information and we all agreed (at previous Council meetings that he was not aware of) that you can't get into an argument with someone like this. The issue with the emails has been taken care of; the Borough Attorney went to the state and got clarification and the state said that all the actions that our Borough Clerk has taken so far have been according to state law. Anyone can read a law and interpret what they want to read out of that law; the bottom

line is the people who write the law have to interpret and the interpretation was after the facts were given that the Clerk handled everything properly. Training classes are in the works and they are still in the works and all borough employees, volunteers, Council, Mayor will be taking classes for sexual harassment, cyber space use, drinking, drugs, everything will be all encompassing and will probably take more than one class for each group; everyone in very short order will be taking that class. He did not believe the Sports Associations need to take it but will consider it if JIF deems it necessary. The Borough insurer, Joint Insurance Fund, has been recommending this for the past six months and we are scheduling these classes since it was recommended.

It is not being done because of what took place with the emails and the Pascack Press that were reported by Mr. Hogan from Washington Township, it was already being done. As far as the 140 emails, all the paper mentioned was the subject matter. They didn't give the body of the email and our Clerk went through every one of those emails to find out what was in them. She found two problems and both of them were handled, they were not as egregious as the subject matter made them out to be. Don't believe everything you read in the paper, letters to the editor, think about what it says. We are handling it, it has been handled, our employees have been spoken to. It has all been addressed according to law.

We do have a closed session for the purposes of a matter of litigation. Mr. O'Brien made a comment that we don't do a resolution every time we go to Closed Session. He has to sign a resolution, he has to make a statement and on this resolution there are many different things that we go into Closed Session for. The attorney tells me which one and tonight we are going into Closed Session for No. 7 which is matters relating to litigation, negotiations and the attorney-client privilege.

CLOSED MEETING:

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

(SEE COPY OF THE ORIGINAL RESOLUTION AFFIXED HERETO)

Mayor Arnowitz said the RFP for the dam engineer is on the website. We will just go back to Open to adjourn, everything else is done.

OPEN SESSION:

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

ADJOURNMENT: 9:05PM

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

9-11-12

Susan Witkowski
Municipal Clerk

APPROVED AS PRESENTED

Susan Witkowski
Municipal Clerk