

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – APRIL 23, 2008 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, April 23, 2008. Mayor Heymann called the meeting to order at 7:30 p.m.

1. PLEDGE OF ALLEGIANCE

Mayor Heymann invited all to join in the Pledge of Allegiance.

2. OPEN PUBLIC MEETINGS ACT STATEMENT

Mayor Heymann declared that the meeting was being held in compliance with the provisions of the Open Public Meetings Act.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick,

David Barad (7:44 p.m.), Cynthia L. Tutoli, Victoria Amitai (7:36 p.m)

Acting Administrator/Treasurer, John DiStefano

Borough Attorney, Edward T. Rogan

Assistant to Borough Clerk, Cynthia Meyer

Borough Engineer, Nick DeNicola

Acting Superintendent of Public Works, Billy Dahle

The following persons were absent:

Borough Clerk, Loretta Castano

Chief of Police, David Berrian

4. AT 7:30 P.M OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD
PUBLIC HEARING AND ADOPTION OF THE 2008 MUNICIPAL BUDGET AND
RELATED RESOLUTIONS

The Municipal Budget was introduced at the Special Meeting held March 19, 2008. Synopsis of the Municipal Budget was published in the Press Journal on April 3, 2008, as stated in the printer's affidavit of publication. Reprint of the Synopsis was posted on the Municipal Bulletin Board, in accordance with statutory requirements, and copies have been made available to the general public. A copy of the Municipal Budget was hand delivered to the Closter Library on March 25, 2008 for review by the public, as stated in the Municipal Clerk's memo to the Mayor and Council dated March 25, 2008.

At this time, Mayor Heymann declared a Public Hearing. However, Mr. DiStefano asked that the Council adjourn the hearing to the second meeting in May; and he read an e-mail he received from the Auditor, which he read into the record as follows. "The Auditor's are advising the Mayor and Council that the hearing on the Borough's 2008 proposed budget be adjourned until such time that the State of New Jersey has reviewed the Borough's request for additional State aid under their extraordinary aid program. Historically, the state has advised those eligible communities in July if they have been awarded additional aid."

Mr. DiStefano added as follows: "I'd like to add to that, in speaking with Mr. Rogan today, the reason why we would like to postpone it for the second meeting of May to see if we have any additional information from the State as it pertains to our cut in State Aid that we receive. As you all know, June timeframe is when the State has to produce their Budget; so at least we'll be able to see if we are going to get a portion or all of the \$122,000 that was taken away from us. That's one piece. In saying that again, as the Auditor's recommended, the Extraordinary Aid portion is not told to us until the July/August timeframe. Once we find that number out, then we can see where we are with the 4% tax cap waiver; if we need one or not. So, it's a multi-process environment here; and that's why they're requesting that we postpone at this time and not discuss the Budget, because it can change in any number of ways. I'd like the Council to make a motion to adjourn it."

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Borough Attorney advised that it would be a motion to adjourn the Budget hearing and adoption until the May 28, 2008 Council Meeting.

Said Motion was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick and Tutoli. Having just entered the meeting, Mrs. Amitai did not vote on the matter.

At this time, Mayor Heymann informed that she wished to make some announcements.

She mentioned the dogwoods that she had placed in front of everyone at the dais, informing that this was a last call from the dogwood tree on the side of Borough Hall, which will be cut down in the next few days to make room for a transformer that the Borough desperately needs. Mr. DiStefano informed that it was for an emergency generator. Mayor Heymann further informed that the Borough's generator blew up; and the Police Department cannot function without it. It will be put on the east side of the Borough Hall where the dogwood is currently located. She encouraged all to take some dogwood branches before leaving this evening.

She also expressed the sincere condolences of the Mayor and Council and the Community to Chief Berrian, who lost his father this week, and retired Lieutenant, Jimmy Gordon, who lost his mother at the same time.

At this time, she asked all to join in a moment of silence for the men lost in the war in Afghanistan and Iraq.

5. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12 (a) (Subject to 5-minute limit per General Rule No. 10)

Mayor Heymann opened the meeting to the public.

Leonard Asch, 201 High Street, understands they are not discussing the 2008 Municipal Budget, however, he made reference to Sheet 29, in the lower right hand corner, noting that there may be a typo in this section.

Dolores Witko, questioned the recycling of light bulbs in town which contain mercury. Mr. Dahle informed that he would check on this.

Ms. Witko also referred to the Girl Scout Cabin, informing that there are paintings inside.

Mayor Heymann informed that the Girl Scouts will retain full use of the cabin and will share the maintenance with the Boy Scouts; it will remain with the Closter Scouts.

Mr. Glidden questioned the mercury in the light bulbs and Ms. Witko informed that the topic has been all over the news. Mr. Dahle explained that the County has accepted them at four different sites throughout the year. He explained that he would get a hold of his recycling coordinator and he will find out if Closter can start collecting them and then have someone from the Road Department drop them off on a Saturday.

At this time, Mr. Kafer referred to the collection of hazardous waste and informed that there was one held on April 6, 2008; and there will be one on May 15, 2008 in Mahwah.

Michael Kafer, 261 Parsells Lane, explained he had a few questions regarding the Budget and referred to Sheet 15A. He informed that it refers to the repair of vehicles as \$80,000 and asked if this number was the salary for the people who repair vehicles or for parts needed to repair vehicles or a contract that is used to repair vehicles. Mr. DiStefano informed that this is for parts, not labor. In response to Mr. Kafer, Mr. DiStefano informed as follows: the Police have their vehicles maintained by the DPW and a dealership, depending on the situation; if they are under warranty, they go to the dealer for warranty purposes; if not, they go to the DPW and the mechanic checks it to make sure they can handle it. Mayor Heymann explained that they are looking over some other possibilities. In response to Mr. Kafer, Mr. DiStefano explained that they lease the Police vehicles for three years; and they are all under warranty. Therefore, Mr. Kafer questioned if all of the Police vehicles are being serviced by the dealer since they are all under warranty and Mr. DiStefano agreed. Mr. Dahle explained that the DPW does the service and the dealership does the warranty work; the warranty only covers major problems. Mr. Kafer then referred to Sheet 15c. of the Budget, which pertains to Solid Waste Disposal Fees, and explained that this is the tipping fee that we pay to get rid of garbage. Since he noticed it has been coming down, he asked if Closter is dropping off less garbage. Mayor Heymann agreed, noting that the fee is going up. In terms of the tonnage, Mr. Kafer asked if there was any way they could determine how many times they drop each year. Mr. DiStefano informed that this is shown on every single monthly bill for every truck. He offered to accumulate this information

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for Mr. Kafer, who asked if it was fair to assume that less garbage was generated from 2006 to 2007.

Mr. Hennessey explained that part of this is due to the fact that the DPW does not co-mingle branches and brush in the garbage trucks, as done so in the past. Mr. Kafer voiced his understanding that there is less tonnage being dumped than in the past, because recycling has made a tremendous difference. He then questioned the actual meter charge for the sewer service, as opposed to the rate charge. Mr. Glidden explained that this rises every year; however, Mr. Kafer rephrased his question, asking if the flow changed from 2006-2007. Mr. Glidden informed that the charge is determined by the meters that they have in their systems and they measure the flow. In times of heavy rain, some rain does get into the sewer system, which adds to the flow, causing an increase in charges. They are trying to decrease the amount of water that gets into the sewer systems to decrease the charges. Mr. Dahle informed that it has been going up, as they've been having a problem with people putting their sump pumps into the sanitary, which has been getting much worse than usual, as people are not allowed to dump their water in the road anymore. He informed that they sometimes open up the manholes when it rains and look inside to determine whether they have infiltration coming into the system. When they find an area, they investigate it, but it eventually it does go up, because the system is getting old. Mr. Dahle agreed that the flow has increased from 2006 to 2007. Mr. Kafer asked if it is quantifiable that they can measure the difference in the flow between 2006 and 2007 and Mayor Heymann agreed that it is. It would show up on the BCUA statement.

Mr. Glidden explained that they could provide him with a copy of the annual BCUA charges. He also referred Mr. Kafer to the BCUA itself, which has hearings every year about their charges to municipalities. Mr. Kafer pointed out that they will not change their charges, but the Borough can change its flow. Mr. Glidden disagreed, adding that he is not sure they can control the flow any more than the BCUA can change its charges. Mayor Heymann voiced her understanding that Mr. Dahle was attempting to point out that they do monitor the flow in terms of checking to see if there are any unreasonable incursions into the system. They have monitors in the sewer system; and if they find a leak, they repair it; they also check the manhole covers to ensure they are being sealed properly. These are things that are being done to make sure they control the flow to the lowest possible level. Mr. Kafer pointed out that he did not indicate in any way that nothing is being done to control the flow. He is simply trying to find out whether there is unnecessary flow and his question was answered that there is excess flow that they shouldn't be paying for.

Diane Larsen, 49 John Street, questioned the Surplus, asking where the additional surplus went to from last year. Mayor Heymann explained as follows: the problem is with the language that the State mandates for us to use, which is "Anticipated Surplus." That word does not describe what really happens; you should take that word away, forget it is there and just think of surplus; they had surplus to take from the previous year of \$1.3 million and they had surplus to take from the current year of \$3/4 of one million; the reason there is a discrepancy is because their income in 2007 wasn't big enough to replenish the surplus.

Ms. Larsen then questioned why the Borough mail has been going to Mayor Heymann's home address, as she noticed this on the Mail List. Mayor Heymann informed that she was unaware of this. However, she pointed out that sometimes, when she participates in anything and they ask for an address, she gives them her home address, under the impression that this is what they are asking for. When they mail things to her, which she knows are Borough items, she brings them unopened, to the Borough Clerk, where it is recorded. She doesn't keep any Borough mail.

Steve Isaacson, 97 Columbus Avenue, spoke as a member of the Environmental Commission, congratulated Mr. Dahle as well as the DPW for doing a wonderful job on the trail so far. They built the two bridges and everything is moving along nicely. He also referred to the mercury-filled light bulbs, noting that it has been on the Commission's Agenda; and since they only meet once a month, they cannot get everything done at one meeting. However, they are trying to work out something with the DPW as far as getting a collection point in Closter, so that it can be taken to the regional hazardous waste sites. It is a matter of education. People are not being told of the hazards of these bulbs.

Referring to today's newspaper, he informed that Teaneck is installing a bridge for \$147,000, adding that Closter is paying much less, due to the Environmental Commission's efforts.

Mr. Isaacson referred to the 2008 Municipal Budget and asked if it indicates how much money is actually spent by each individual department. Mr. DiStefano explained that everything is done by department. Mr. Isaacson pointed out that they have been collecting an open space tax for the past ten years. When he asked Mr. DiStefano for a full accounting for the past ten years, he's given him one sheet of paper and informs that there is a little hand written file that the previous administration had been collecting. Mr. DiStefano explained that the Open Space was not on the

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machines when it began, so they are in the basement trying to dig it all up, so he can provide Mr. Isaacson with a clear picture. Mr. Isaacson pointed out that these are tax dollars; and if there is no accountability for the tax dollars, then they might as well rescind the tax. Mr. DiStefano explained that there is total accountability because the Auditors audits it every year. However, the Budget has been on the machine and the Budget is by line item, by department, to the penny. He can view this at any point in time.

Mr. Isaacson informed that he has nothing against recreation; however, it is a business. They collect fees from outside organizations and they use Closter's facilities. When you allow the Police Department to erect their signs that the public has to keep off of their grass lawns, it's not their grass lawns. It is not a business; it is a public park. As a tax payer, a parent, a citizen and a member of the Environmental Commission, he feels that this is wrong. He defies them to look at those fields after the sports season and look at the damage that was done by baseball. They are obviously alluding that the kids who play soccer may get in trouble for the compacted soil. If that is the case, then they might as well keep everyone off the lawns.

Mayor Heymann indicated that Mr. Isaacson had misunderstood and explained that those fields are the possession of the people of Closter. As something that they own, they want to take good care of them. Doing this means that they keep people off of those fields when they can be damaged. She would venture to say that in the future, they may be able to see whether they can move the time up by a week. While the grass is germinating, you must keep off the grass. Mr. Isaacson indicated that they spend millions of dollars repaving the roads and now they are falling apart again. Therefore, he asked if it was her solution to keep all the cars off of the roads to protect the investment. These are the people's parks; and a small special interest group is determining how the people's parks are used and he believes that this is wrong. If this is the case, he doesn't want to have to pay the Open Space tax anymore.

Diane Larsen, 49 John Street, referred to the field issue, informing that her son is not active in sports; however, she doesn't want to have to worry about him being kicked off of the fields. She questioned where they are supposed to go to play. Mayor Heymann assured that there are only two parks that are closed and there are five that are open. She explained that Memorial Field is closed, which is the closest park to her house. Therefore, if Memorial cannot be used and there is a game at the Tenakill Field, she asked where they are supposed to go. She voiced her wish to have every child eligible to use the fields. Mayor Heymann wanted to be sure that Closter's property is taken care of as well as it can be and explained if they are inconvenienced for a week or two in order to maintain our jointly owned property, she doesn't believe that this is a very big sacrifice. She assured that the field is open to everyone after April 26, 2008. Ms. Larsen voiced her opinion that her son should be able to go play in the fields whenever he wants to. Mayor Heymann assured it would be there for him.

Leonard Asch, 201 High Street, referred to Sheet 43 in the 2008 Municipal Budget and explained that there is a presentation of the Municipality's Open Space Fund. It reveals collections and expenditures to date, as well as a number of other expenses. He looked at the 2007 Municipal Budget and did not find a similar sheet. Mr. DiStefano explained as follows: he spoke to someone about this; and they discussed the acreage; the acreage that they have gotten has been because of grants; the grants they have gotten have been because of the Open Space Trust Fund; where you see we haven't purchased any land from this Open Space, that is the reason why; if we saw it, you would see it here. Mr. Asch explained as follows: for 2007, in the expended columns, there is essentially "0," actually, it adds up to about \$12,000 out of \$237,000; there is no indication on the presentation as to where the money went. Mr. DiStefano informed that it was not on this form. They are trying to get this from Mr. Isaacson, but they need to get it from day one, when it was established.

Fran Pappas, 3 Venus Drive, explained they have been living there for the past 36 years, adding that they recently received a certified notification of Mr. Kim's building permit at 456 Ruckman Road. She informed of the plans, noting that it promotes a serious water problem. She explained that her two sump pumps are constantly running. This major water problem causes many other problems in her home and her yard. For the past two days, her neighbors at 14 Venus Drive had Arid Basement Water Proofers doing their whole basement. She asked why this issue wasn't addressed during the time of Mr. Kim's purchase of the property. She further explained the history of the issue.

Mr. DeNicola informed that the soil moving process is not the purview of the Mayor and Council; it is a Planning Board issue. He explained that if there had been a hearing, since she was within 200 feet of the property, she would've been notified of the hearing and the date. Ms. Pappas informed that the hearing was cancelled and it is being discussed again on May 7, 2008.

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Mr. DeNicola advised that this would be the time and place where she should raise this issue, as it is the purpose of the hearing to obtain input from surrounding neighbors. In response to Mrs. Amitai, Mr. DeNicola informed of the dimensions of the large amount of soil. Mayor Heymann informed that the reason the Mayor and Council enacted the soil moving ordinance they now have, is to give residents the chance to speak to the Planning Board about the issues they may have with the property to be altered and the soil to be moved. Since she had received the notice, there will be a hearing on it. The Planning Board is prepared to listen to those issues and to alter, adjust or forbid the movement of the soil, according to Mr. Kim. She suggested she present her letter to the Planning Board and explained that the Mayor and Council does not have the power to act on this issue. Ms. Pappas commended the Mayor, adding that there is a difference in the town.

Mike Pisano, 44 Columbus Avenue, voiced concern regarding the Girl Scout Cabin, asking for clarification that the Closter Scouts will retain usage of it. He also asked if it would be used by the American Legion. He also referred to discussion about paving the road and cutting trees. He also asked if there was a problem with maintenance and offered to form a committee. Mayor Heymann explained that the Girl Scouts would retain use of the cabin and it will not be used by the American Legion. Also, there will be no paving of the roads or cutting the trees down. She informed that it is a problem for the Girl Scouts to maintain it on a continuing basis; and suggested that he and the neighbors watch out for vandalism of the property when the Scouts are not there.

6. COMMUNICATIONS

a. MAIL LIST – APRIL 10, 2008 – Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Mayor Heymann removed Item No. 1; Donald Schmidt asked that Item No. 3 be removed; Mr. Hennessey referred to Item No. 7.

Item No. 1 – Received 04/04/08; hand del'd by Mayor 9:45 a.m. (no envelope), dated 04/03/08, from Kim V. Vierheilg, AIA LEED AP, President, Architect's League of Northern New Jersey, regarding request for approval for use of Temple Emanu-El for monthly membership meeting to be held 6/19/08 from 4:30 p.m. to 9:30 p.m. (Total number of members 70) (Copy to Chief Berrian) DISTRIBUTED 4/4/08; Borough Attorney; Mayor Heymann; Possible approval RM 4/9/08

Mayor Heymann informed that this was not going to happen.

Item No. 3 – Received 04/07/08, dated 03/28/08, from David M. Watkins, to Borough Clerk, regarding Notice re Planning Board Hearing to be held 4/16/08 @ 8 p.m. re Application of Desan Enterprises, Inc. for Block 1301, Lot 10 & 11, 170 Closter Dock Road; Amitai/Planning

Donald Schmidt, 162 Closter Dock Road, explained that this is not a Planning Board matter; it is a Zoning Board of Adjustment matter. He added that they already had the hearing and it will continue. He asked that it be corrected that it is a Board of Adjustment hearing. He also informed that notices were sent out to the public that this is a Planning Board meeting and it should be changed.

Item No. 7 – Received 04/09/08, hand delivered at RM 4/9/08, dated 04/09/08, from Jennifer Rothschild, Trustee, The Closter Nature Center, regarding Request for waiver of permit fees for Closter Nature Center for construction permit for new roof and "Second R" Tag Sale for 5/10/08; (Copy to Keith Sager); RM 4/9/08

Mr. Hennessey explained that they already put the roof on the building and asked if the fee was waived. Mr. Rogan explained that it was waived at the last meeting, even though the correspondence didn't make it on the Agenda until this meeting. A resolution was prepared by his office prior to the work being done.

At this time, Mayor Heymann referred back to Mr. Schmidt's issue; and Mr. Rogan asked for clarification that the notices which Mr. Watkins had sent out were incorrect. Mr. Schmidt concurred and informed that there was no public notice published before the Zoning Board of Adjustment in lieu of or in addition to this. He explained that the meeting of April 16, 2008.

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which was a regular Zoning Board meeting date, it was noticed to the general public within 200 feet of the property that this was going to take place. Mr. Rogan asked whether the Zoning Board took evidence or heard testimony; and Mr. Schmidt informed nobody picked it up; at the Work Session they indicated that the application was complete, and it should have been picked up at that time but no one noticed the error. Mr. Rogan advised that he would speak to the Zoning Board Attorney in the morning, noting that it will have to be republished and redone entirely. Mr. Schmidt agreed this should be done as he is aware there will be an appeal of this case.

b. MAIL LIST – APRIL 17, 2008 – Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Steve Isaacson asked that Item No. 3 be removed.

Item No. 3 – Received 04/15/08, dated 04/15/08, from Harold Dasenbrock and Gertrude Moy, 491 Ruckman Road, regarding Request that Borough send engineer to make inspection re healthy tree in back yard of their house (complaints filed 10/17/07 and 4/12/08) situated on Borough easement and their neighbor's property uplifting off the ground and causing havoc on the drainage (Copy to Bill Dahle, Ray Cywinski, Keith Sager, Louise Ungar); Borough Engineer

Steve Isaacson, 97 Columbus Avenue, asked if this should be referred to the Shade Tree Commission, as it is a tree that is on a Borough easement. Mayor Heymann explained that this was an error on the resident's part, noting that Mr. Dahle went to check it and showed her that it is not Borough property.

7. OPEN MEETING TO PUBLIC FOR COMMUNICATION ITEMS ONLY (Subject to 5-minute per By-Laws General Rule No. 10)

Mayor Heymann opened the meeting to the public.

8a. REVIEW OF CONSENT AGENDA ITEMS
(PROCEDURE TO BE EXPLAINED BY MAYOR HEYMANN)

Mayor Heymann reviewed the items on the Consent Agenda and asked if any member of the Council or Public wished to remove or discuss any item.

ORDINANCES AND RESOLUTIONS

9.* BILL RESOLUTION – APRIL 30, 2008
TO BE PREPARED BY TREASURER

11.* RESOLUTION AUTHORIZING TREASURER TO RELEASE PERFORMANCE BOND \$20172 FROM FIRST INDEMNITY OF AMERICA INSURANCE COMPANY FOR \$256,296.00 POSTED BY CHEMTEK AT ALPINE WITH THE BOROUGH OF CLOSTER (Received from Acting Administrator/Treasurer 4/17/08)

12.* RESOLUTION AWARDING/REJECTING LOW BID FOR THE 2007 CURB AND SIDEWALK PROGRAM (Bid Opening held 4/17/08 at 11:30 a.m.)
TO BE PREPARED BY BOROUGH ATTORNEY

~~13.*~~ POSSIBLE RESOLUTION GRANTING APPROVAL FOR THE ARCHITECTS LEAGUE OF NORTHEASTERN NEW JERSEY TO HOLD THEIR MONTHLY MEMBERSHIP MEETING AT TEMPLE EMANU-EL ON JUNE 19, 2008 FROM 4:30 P.M. TO 9:30 P.M. (Requested by Mayor at WS 04/09/08/Borough Attorney to provide report)

~~12a.~~ RESOLUTION WAIVING THE REQUIREMENT FOR A PERMIT FOR THE INSTALLATION OF A HOT WATER HEATER FOR THE CLOSTER NATURE CENTER (Received from Mayor 4/23/08)

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MOTIONS

- 14.* APPOINTMENTS NOT MADE AT THE REORGANIZATION MEETING HELD 1/02/08;
 Adjourned from Regular Meetings held 1/09/08, 1/23/08, 2/13/08, 2/27/08, 3/12/08, 3/26/08, 4/9/08

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
HEALTH, BOARD OF Alternate No. 2	Phyllis Buonomo	_____	2 Year	12/31/09
IMPROVEMENT COMMISSION				
Member	Maria Danziger	_____	2 Year	12/31/09
Member	Wilson Reimers	_____	2 Year	12/31/09
Alternate No. 1	Frank Rodriguez	_____	2 Year	12/31/09
Alternate No. 2	Bobbie-Bouton- Goldberg	_____	Unexp. 2 Year	12/31/09

No appointments were made at this time.

- 15.* MOTION APPOINTING THE FOLLOWING INDIVIDUAL TO FILL THE FOLLOWING
 APPOINTMENT MADE AT THE REORGANIZATION MEETING HELD 01/02/08 (Oath of Office
 has not been returned accepting appointment) – Adjourned from RM 04/09/08:

<u>Office</u>	<u>Appointee</u>	<u>Appt. Made</u>	<u>Term</u>	<u>Expires</u>
Recreation Commission Member	Martire	01/02/08	5 year	12/31/12

No appointments were made at this time.

- 16.* MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO SERVE AS MEMBER(S) OF THE
 HISTORIC PRESERVATION COMMISSION TO FULFILL REQUIREMENT MADE BY
 ADOPTION OF ORDINANCE NO. 2008:1004 ON 3/12/08
 (Term to be determined by Borough Attorney in accordance with N.J.S.A. 55D-107) – Adjourned from
 RM 04/09/08

<u>Appointee</u>	<u>Class</u>	<u>Term</u>	<u>Expiration</u>
a. _____			
b. _____			

Mayor Heymann informed that she would have the names of the appointees and their resumes ready
 for the next meeting.

- 19.* MOTION APPROVING RAFFLES APPLICATION NO. RA:554 FOR ENGLEWOOD CLIFFS
 EDUCATIONAL FOUNDATION, INC., 10 SOUTH VIRGINIA DRIVE, ENGLEWOOD CLIFFS, NJ
 07632, TO CONDUCT ON-PREMISE 50/50 CASH RAFFLE; DRAWING TO BE HELD AT THE
 ASSEMBLY, EAST HILL, 577 PIERMONT ROAD, CLOSTER, NJ 07624 ON 05/30/08 FROM 6:00
 P.M. TO 11:00 P.M. (Completed application filed and appropriate fees paid)
- 20.* MOTION APPROVING ROAD CLOSURES FOR THE MORNING OF SUNDAY MAY 18, 2008,
 FOR THE CONDUCT OF THE 2ND ANNUAL JERRY FINK z’1 MEMORIAL RUN/WALK TO
 BEGIN AT APPROXIMATELY 9:00 A.M. AND TO END AT APPROXIMATELY 10:30 A.M.
 (Approval of Certificate of Insurance and Hold Harmless Agreement received from Risk Management
 Consultant 4/11/08)
- 21.* GRANTING APPROVAL FOR ISSUANCE BY POLICE DEPARTMENT OF THE FOLLOWING
 HAWKERS AND PEDDLERS PERMIT FOR CALENDAR YEAR 2008; APPROVAL TO BE
 OBTAINED FROM BOARD OF HEALTH (Received from Chief of Police 4/10/08):
 a. 2008-003 – LEROY S. MEADE AMERICAN LEGION POST 111, P.O. BOX 29,
 CLOSTER, NJ 07624, TO SELL HOT DOGS AND SODA IN THE CLOSTER PLAZA
 PARKING LOT ON WEDNESDAYS DURING THE SUMMER MONTHS; AND WAIVING
 FEE; APPROVAL TO BE OBTAINED FROM BOARD OF HEALTH
- 22.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:
 a. CONSTRUCTION OFFICIAL – MARCH 2008 (Received 4/8/08)
 b. CHIEF OF POLICE – MARCH 2008 (Received 4/9/08)

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At this time, two residents in the audience referred to a Mail List item that they wished to speak about. Mayor Heymann explained that they are currently on the Consent Agenda, adding that they would go back to the public section of the meeting shortly.

The following items were removed by the following individuals: Mayor Heymann removed Item Nos. 12 and 12a.

8b. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 12 and 12a. was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

At this time, Mayor Heymann referred back to Item No. 3 on the Mail List of April 17, 2008.

Item No. 3 – Received 04/15/08, dated 04/15/08, from Harold Dasenbrock and Gertrude Moy, 491 Ruckman Road, regarding Request that Borough send engineer to make inspection re healthy tree in back yard of their house (complaints filed 10/17/07 and 4/12/08) situated on Borough easement and their neighbor's property uplifting off the ground and causing havoc on the drainage (Copy to Bill Dahle, Ray Cywinski, Keith Sager, Louise Ungar); Borough Engineer

Gertrude Moy and Harold Dasenbrock, 491 Ruckman Road, explained that they understand that the easement is the neighbor's easement, but there is a drain there; their concern is to whom the drain belongs. Mr. Dahle explained that they usually help the residents out and make payment, but the Borough doesn't own that property. Ms. Moy informed that the easement is on the neighbor's property; however, they are unaware of which neighbor it belongs to. Mayor Heymann advised that the town has no jurisdiction over this so they must find a mediation for this with the neighbors. Mr. Rogan asked if it was confirmed that it is a drainage easement and reviewed a map of the area. He explained as follows: just because there is an easement noted on the map, doesn't mean the Borough owns it; he suggested that they check the deed to their house, because it will say that there is an easement reserved to someone, based on the map, it looks like a private easement, if it belongs to the neighbor, it must be worked out with the neighbor; if it belongs to the Borough, then a copy of the deed should be sent to the Borough; the owner of the easement is responsible; the town only takes care of town property.

Steve Isaacson, 97 Columbus Avenue, voiced his understanding that Item No. 12 was removed; however, he explained as follows: he doesn't see any mention that the Architects League of Northeastern New Jersey is Jewish; he brought it up once before that the Temple is making money for non-religious purposes and that they should be looked into to be taxed on that portion of money; this is another situation where it is not any religious thing; it is an association of architects who are paying to use the Temple; the Temple should be paying the Borough a fee.

Mayor Heymann explained that she removed this item from the Consent Agenda, as this will not be happening. If they were going to use the Temple, they would not be paying for it. Therefore, she described his argument to be invalid. Mr. Isaacson questioned all of the other events that take place there, such as weddings and parties. Mayor Heymann pointed out that no one is allowed to hold an event there without first being a member of the organization. However, Mr. Isaacson pointed out that they are not members for a long period of time, asking if this is what he termed as "skirting the issue," since the people are joining the Temple just to have a party there. Mayor Heymann informed that the legality of the issue is that they are following the letter of the law and the Resolution of the Borough.

In response to Dr. Barad, Mr. Rogan informed that the Resolution was part of the Site Plan, adding that it was very specific that it can only be used by members of the Temple or their family. He informed that the issue of somebody who were to choose to try to clarify that in terms of how long one might need to be a member was not clarified in the Resolution. Dr. Barad asked for the Borough Attorney's legal opinion; and Mr. Rogan explained that he doesn't think there is any recourse way to do this. That language is not in it; it limits the use to members or their family. It is more than just taxing it; it would be violating the Agreement itself. Mr. Isaacson asked what the dues are for the Temple; and Mayor Heymann informed that they are in the four figures.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, APRIL 23, 2008 – 7:30 P.M.

21. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA
22. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
a. CONTINUED DISCUSSION RE PARKING SPACE FEE (Requested by Mayor 1/18/08)

At this time, Mayor Heymann explained she had two items she wished to discuss.

First, she mentioned a letter regarding Closter resident, Stuart Isacoff, who is giving a series of lectures at the Metropolitan Museum of Art.

She also informed that she has been asked by members of the Environmental and Shade Tree Commissions whether the Borough could fly its flag, which labels us as Tree City USA, for the next few weeks at Borough Hall, to indicate Earth Day and Arbor Day. In response to Mrs. Amitai, Mayor Heymann explained that it would be on the same flag pole, underneath the Borough flag.

Motion approving same was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

Mayor Heymann recessed the Regular Meeting at 9:34 p.m.
Mayor Heymann resumed the Regular Meeting at 8:59 p.m.

Motion approving the following Resolution at 9:00 p.m. was made by Councilman Barad, seconded by Councilman Hennessey and declared carried upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

- 21b. OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(7) "Pending or anticipated litigation or contract negotiations"; and NJSA 10:4-12 (b)(8) "A matter involving public employees"; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the litigation which should be within 20 weeks.

23. DISCUSSION OF PUBLIC COMMENTS OR ANY OTHER TIMELY MATTER, IF APPROPRIATE

At this time, Mr. Kashwick referred to the discussion regarding the assessment for the Flamm property and asked if Mayor Heymann could state, for the record, that Mr. Farrell was incorrect with his price. He wished for this to be in the Minutes. Mayor Heymann agreed that his numbers were incorrect and informed that he was very apologetic.

24. ADJOURN

Motion to adjourn the Regular Meeting at 9:23 p.m. was made by Councilman Barad, seconded by Councilman Glidden and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
May 1, 2008 for approval at the
Regular Meeting to be held
May 14, 2008

Loretta Castano, RMC
Borough Clerk

Prepared by Cynthia L. Meyer

Approved at the Regular Meeting of 5/14/08
Consent Agenda Item No. 26a.1)B)

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, APRIL 23, 2008 – 7:30 P.M.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, APRIL 23, 2008 – 7:30 P.M.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – APRIL 23, 2008 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:41 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick,
David Barad (7:44 p.m.), Cynthia Tutoli, Victoria Amitai (7:36 p.m.)
Acting Administrator/Treasurer, John DiStefano
Borough Attorney, Edward T. Rogan
Assistant to Borough Clerk, Cynthia Meyer
Borough Engineer, Nick DeNicola

The following persons were absent:

Borough Clerk, Loretta Castano
Chief of Police, David Berrian

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2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

Mayor Heymann declared that the meeting was being held in compliance with the provisions of the Open Public Meetings Act.

3. COMMITTEE REPORTS

A. FINANCE AND TECHNOLOGY - KASHWICK (GLIDDEN/TUTOLI)

- 1) STATUS REPORT RE CAPITAL BUDGET/CAPITAL PLAN – Councilman Kashwick informed they would be meeting regarding this in the next few weeks.
- 2) STATUS REPORT RE TRANSPORTATION (Northern Valley Transportation Group Meeting held 10/25/07/possible meeting early February)
- 3) STATUS REPORT RE CLOSTER WEBSITE
- 4) STATUS REPORT RE IN-KIND MATCH OF \$25,000 FOR COMMUNITY FORESTRY GRANT (Work to be done by DPW) RM 6/27/07
- 5) REPORT – Councilman Kashwick reported as follows:
 - a. He thanked Bill Dahle and the DPW for the construction of the bridges.
 - b. The third annual Tree Planting Day will be held this Saturday, 4/26/08, at 9 a.m., beginning at the Closter Nature Center. They will then go over to Mollicone Park for the planting.
 - c. He announced that Closter has been named Tree City, USA for its eighth consecutive year.
 - d. The Shade Tree Commission wished to know the status of moving the sign in front of Borough Hall, as they were told it would be in April. Mayor Heymann explained as follows: she had only just spoken to Susan Boudet yesterday; and the intention was to remove the brick sign completely and take the sign and replace it so that it will not be in that vicinity at all. In response to Councilman Kashwick, Mr. DiStefano informed that this should take place within one week.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, APRIL 23, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

A. PUBLIC SAFETY - GLIDDEN (HENNESSEY/TUTOLI)

1) REPORT – Councilman Glidden informed there was nothing new to report.

C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN)

1) REPORT – Councilman Hennessey reported as follows:

a. All is going well with the DPW.

b. He noted that Chief Berrian wrote a letter to the County regarding the use of the inmates and asked Bill Dahle, Acting Superintendent of Public Works, to follow-up on this matter. Mr. Dahle explained that they are going to try to bring the inmates in again for leaf season to take care of the parks, as they worked very well last year. They are also going to use them for the Environmental Commission’s work of putting in benches and signs and cleaning the trails.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Dr. Barad reported that he had another what he termed as “slimmed down” Committee meeting with JoAnn Riccardi on the phone, as he forgot about the previous meeting. Mayor Heymann explained that this was two months in a row that she did not get the packet. Dr. Barad explained as follows: JoAnn and he completed a few items. There were a few things that were rather thick in the packet; they talked about the use-to-use issue and they are going to take it off their Agenda as they want the Planning Board to further clarify what their intentions were. He asked for someone to make the Planning Board aware of this at the next meeting; noted they have already been put on notice that it was illegal, and questioned whether there is another mechanism. He added that the fact that Leonard Sinowitz is already reviewing all of these things seems to be redundant.

Councilman Barad further explained as follows: at their last “slimmed down” Ordinance Committee meeting, they discussed the soil movement and asked JoAnn to pull Tenaflly’s soil movement. One of the differences was that Tenaflly has intermediate soil movement criteria; Closter has a minimal, which is less than 25, and Tenaflly has an intermediate up to 250, and greater than that is the regular. They go by a graded level as to who has to review. Theirs goes to 500, or 2-250 in one year. He questioned if they were to consider changing their ordinance, would this “250” make a difference in changing what goes before the Planning Board. The last time they looked at this, there was a minimal effect in terms of decreasing work.

Mayor Heymann explained that there are so few cases in that intermediate frame and the major purpose of making these appear before the Planning Board is because it may be the only opportunity the neighbors have to speak to this issue. Tonight’s evening shows how valuable this issue may be if the soil moving was not sent directly to the Planning Board. Dr. Barad clarified that Mrs. Pappas, who spoke during the Regular Meeting, was speaking regarding an area that was 640 yards; this is referring to something that is only 250 yards, which would not have as big of an impact. Mayor Heymann noted that this would have an impact; Dr. Barad explained that the purpose of this was to streamline the process to see if it made a difference in terms of the burden. They could still require people to send notices to neighbors. Mayor Heymann clarified that they would still have to have a hearing and explained as follows: the problem is that the rules are created by the State and not the municipalities; and the only way they can give a platform to the neighbors to comment on the issues is to come before the boards.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, APRIL 23, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

D. ORDINANCES - BARAD (KASHWICK/AMITAI) (Continued)

Borough Engineer explained that the number regarding the yardage is arbitrary. One could dump 25-50 cubic yards and it could cause a major drainage problem, but they could move 1,000 yards as well and not have a problem, so numbers are arbitrary. The Board is trying to look at the surrounding towns. It is currently 250; they are trying to get an average, looking at Oradell, Oakland, Tenafly and they went with 250. He didn't think the Board had a definite position on this issue; he didn't think it mattered if it was 300 or 350, but it was more so neighbors could have a chance to comment; someone who has been living next door to a house for 30 years will know what the issues are more than someone who has not been living there for 30 years. This is somewhat of an arbitrary number but the purpose is to get it out in the open so people can comment on it in a public forum. Dr. Barad noted that they are more than 25 but less than 250 currently.

Dr. Barad added that Tenafly's fees are greater than Closter's so they will look into this as well. Mayor Heymann commented that they already put the wheels into motion for the department heads to review all of their fees and bring them to the Department Head meeting in two weeks. She and Mr. DiStefano will review these and make a recommendation to the Mayor and Council to review all the fees of all the departments.

Dr. Barad informed that Mr. DeNicola gave notes on infrared and road opening issues and he wished to question if it was okay to put into the Ordinance what type of macadam to use or if this was something that changes quickly so they might have to write the Ordinance in a more general way. Mr. DeNicola explained that it does occasionally change, as DOT dictates the materials used and the names are changed constantly; next year it will change from being called "Hot-mix asphalt" to "Superpave." In response to Dr. Barad, Mr. DeNicola noted that they can use the term "hot-mix asphalt" as a general term. Dr. Barad explained he was trying to use general language so it did not have to be changed every year. Borough Attorney advised this could be tied into the Ordinance, explaining it could be tied to the current DOT regulations; Dr. Barad agreed this would be ideal and thanked Mr. DeNicola for his input.

2) REPORT – Councilman Barad reported as follows:

a. Dr. Barad informed he had a matter for Closed Session.

E. HUMAN RESOURCES - TUTOLI (KASHWICK(/BARAD)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilwoman Tutoli reported that they had their first meeting; and they will begin the evaluation process for next year.

2) REPORT – Councilwoman Tutoli reported as follows:

a. The Fire Department and Library are doing well.

b. She will plan another Broadband Committee Meeting.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, APRIL 23, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

F. LAND USE AND CONSTRUCTION - AMITAI (BARAD/HENNESSEY)

1) REPORT – Councilwoman Amitai reported as follows:

- a. The Closter Improvement Commission is in the process of filling vacancies and informed that if anyone had any suggestions as to anyone who would be interested, the Commission would be happy to talk to and consider them. They will be making these decisions very soon and they have people they would like to ask to fill some of the vacancies.
- b. She spoke to someone from the Record who is going to write an article about Closter. She informed Councilman Glidden that he will be receiving a call from Vera Lawlor, who will be visiting the Borough on Saturday to take photos. Mrs. Amitai gave Ms. Lawlor a list of areas where photos could be taken and she is hoping for a nice write-up in the paper.
- c. The Building Department is beginning to pick up regarding applications. Mr. Sager has had some health issues, but he's doing well right now.
- d. In response to Mayor Heymann, Mrs. Amitai informed that they wish to hold the Spring Festival next year for three days. They did not lose money on the Festival, but they did not make much. The High School received a donation of \$100; and they believe that they made about \$300. They would like to do this again and are already looking at next year, looking at the possibility of keeping it in-town for just Closter residents.

4. OLD BUSINESS

- a. CONTINUED DISCUSSION RE GIRL SCOUTS CABIN (Requested by Mayor 03/18/08 – discussed at WS 03/26/08, 04/09/08)

Mayor Heymann explained that the American Legion stated specifically that they were not interested in having the cabin; the Girl Scouts informed her that they are interested in maintaining the cabin. Therefore, they will maintain the status quo and the Boy Scouts will help the Girl Scouts with the maintenance; and they received an anonymous donation that will cover the insurance for the next five years. Therefore, this financial burden will not fall on anyone.

Mr. DeNicola wished to update the Council on the Road Paving Program; he explained that they have completed Collins Avenue and Laurence Court and started Trautwein Crescent. They have milled Brodil Court, Maple and another. If they complete Trautwein and Brodil by the end of the week, they should be able to complete the rest by the end of June. The preliminary base for the field has been put down for the parking lot and the tennis courts; this should be topped in the next two to three weeks with the acrylics placed thereafter.

Councilman Barad referred to an issue he had in the past and questioned if anything could be done about the one-hour parking signs on Main Street. He understood that there must be parking limits posted, but wondered if there was another way of doing this. He also informed, as he was told by Ann Brewster, that the sign in front of Borough Hall is peeling; Councilwoman Tutoli added that the word Nature was misspelled as well; and Councilman Hennessey noted that the glass was broken; and recommended that they get an electronic sign. Mr. DiStefano commented that Ms. Brewster should speak to her husband about this matter.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, APRIL 23, 2008 – 7:30 P.M.

5. NEW BUSINESS

No one wished to be heard.

6. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY

No one wished to be heard.

7. OPEN MEETING TO THE PUBLIC

No one wished to be heard.

8. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

No one wished to be heard.

9. ADJOURNMENT

Motion to adjourn the Work Session at 8:59 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on May 1, 2008 for approval at
the Regular Meeting to be held
May 14, 2008

Loretta Castano, RMC
Borough Clerk

Prepared by Donelle Bright
utilizing recording and
Asst. to Borough Clerk's notes

Approved at the Regular Meeting held 5/14/08
Consent Agenda Item No. 26a.2) B)