

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – APRIL 9, 2008 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, April 9, 2008. Mayor Heymann called the meeting to order at 7:32 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 (7:38 p.m.) Victoria Roti Amitai (7:38 p.m.)

Acting Administrator/Treasurer, John DiStefano

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

The following persons were absent:

Councilwoman Cynthia L. Tutoli

Chief of Police, David Berrian

At this time, Mayor Heymann recognized Acting Superintendent of Public Works, William Dahle, and Chairman of the Environmental Commission, Dave Scholz, and members of the Environmental Commission, Richard Ryan and Beth Ravit, Chair of the Library, Chair of the Belskie and member of the Zoning Board of Adjustment.

4. MAYORAL PROCLAMATIONS:

- a. DECLARING MONTH OF APRIL AS AUTISM AWARENESS MONTH
(13. M.L. 3/27/08)

Mayor Heymann read the Proclamation and so declared.

At this time, Mayor Heymann expressed her gratitude to the Lions Club for their major effort in having their Pancake Breakfast this past week which was devoted to Autism Cure, where they collected at least \$8,000. Mike Lewis clarified that this amount was approximately correct.

- b. DECLARING MONTH OF JUNE AS SCLERODERMA AWARENESS MONTH
(7. M.L. 4/3/08)

Mayor Heymann read the Proclamation and so declared.

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.

Donald Farrell, explained that he, as well as a number of others in town are concerned about the purchase of the Flamm property. They are not against preserving it as open land and as a catch basin for valuable water resources. He questioned whether it would stay the way it is without its being purchased. He then asked if the Borough Engineer has looked at the potential for development; and, if so, he requested the findings of same. He explained that everyone he has spoken to about the matter agrees that it could never be developed; and if it could be, they would have to adhere to very strict environmental regulations. If it were developed, it would be zoned office building and would create ratables; it could only be built subject to keeping that land for filtering water to the reservoir. He asked the Mayor and Council and the Borough Engineer what they have found out about the potential building on that property. He further noted that the property owner is paying \$19,000 a year in taxes to the town; and they are currently looking for revenues. He doesn't understand why they are spending this money for something that is going to be there anyway.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

Mayor Heymann explained as follows: she thinks there are other people in the audience who want to speak to the matter; if the land were valued less, it wouldn't be evaluated at \$19,000 worth of taxes; that is self contradictory; most importantly, this was widely discussed before the Borough applied for the Grant and again after they received the Grant, when the Borough made a Resolution to accept a Grant with a much higher price tag than it is likely to cost at this point; all were welcome to say something, but at this point, the Borough already has the Grant and they negotiated with the owner; she would like to hear from other people in the audience; she agreed that the Borough Engineer has given an opinion on the developable ability of the land, noting that it is in the The Record, as well as the Minutes.

At this time, Mr. Glidden explained that this was addressed at the last meeting; and added that he is concerned whether or not there is something that can be brought to the property to give it some serious value. He asked the Borough Engineer for his opinion as to how this land could be developed in the future. Mr. DeNicola explained as follows: a majority of the property is wetlands; the exact delineation hasn't been approved by the DEP, nor has one been done; however, they did a walk through the site, a predominant amount is wetlands; if not wetlands, it would be a buffer to wetlands; you can develop anything; the question is what the cost will be; if you disturb wetlands, you have to do a two-to-one mitigation or go to the mitigation bank of the State; the most recent approximated rate to mitigate wetlands was roughly \$400,000 an acre; therefore, if you disturb one acre, you have to create two acres of wetlands elsewhere at a cost of \$400,000 an acre; this is a ballpark figure; so it can be built upon and regulations can change.

Mr. Farrell voiced his opinion that the disclosure of the pricing was being held back and asked what the owner was asking for the property. Mr. Rogan advised that any time a municipality negotiates a contract, especially for land, while the contract negotiations are going on, it cannot be disclosed. The reasoning for this is so that some other developer or purchaser doesn't know what's going on, because it is a private matter. It is one of the exceptions to the Open Public Meetings Act that while the negotiations are pending, that number can't be discussed. Once the number is agreed to, it is divulged prior to the vote. Therefore, there will be a public hearing and a public vote by the Mayor and Council before anyone is authorized to sign the contract.

Mayor Heymann informed that it will be on the Agenda, adding that discussions have revolved around a sum that is considerably less than the assessed value of the property and very much less than the amount that was considered in the Grant from the County. Mr. Farrell voiced his understanding that the assessed value one year ago was approximately \$500,000; and Mayor Heymann corrected him, explaining that the assessed value of the property, according to Borough records, was \$1.3 or \$4 million. Mr. Rogan informed that there are two pieces of property.

Donald Farrell explained he had received the tax value from the tax office and noted that for one property was \$221,000; the tax value for the other parcel was \$307,000 so the total of two properties is \$528,000. Mayor Heymann explained that these figures are not the same ones that she received from the Assessor's Office, assuring that she will double check it. Mr. Farrell asked who would be negotiating for the Borough; and Mr. Rogan informed that he and the Mayor had some negotiations in person after there was a consensus of the Council. The number was already agreed to; they are going back and forth with the contract.

Beth Ravit, member of the Environmental Commission, explained she had a copy of the assessed value there when the appraiser did the assessment. Block 4 is assessed at \$307,000 and Lot 3 is assessed at \$2, 210,000. In response to Mr. Farrell, Mayor Heymann explained that there is a discrepancy. Mr. Farrell voiced concern that they shouldn't overpay for something that should not be purchased.

Mike Lewis, 311 Durie Avenue, explained that he only knew of one individual who had bid on the property in the 52 years he has lived in Closter. Therefore, he questioned the high appraisal. He suggested that the owners of the property take the advantage of a tax break for themselves and donate the land to the town. He also pointed out that although this is Grant money, it is still taxpayer money and voiced his opinion that they shouldn't be entering into this at this time.

Jennifer Rothschild, explained she was in attendance this evening to speak on behalf of the Closter Nature Center. She requested a possible waiver for permit fees to hold a tag sale, which is what she referred to as the "second art sale," to be held on May 10, 2008. She clarified that it would be a waiver of permit fees for a garage sale. Ms. Rothschild also informed that they have just entered into contract to re-roof the building. She questioned the possibility of a waiver of

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

permit fees for the roofing. Mayor Heymann advised that they would discuss this during the Work Session. Ms. Rothschild further informed that Mary Mayer had written a letter pertaining to one of the topics, noting that she is not here this evening. In response to Ms. Rothschild's inquiry, the Borough Clerk explained that the letter from Mary Mayer was submitted after the deadline for the Mail List, adding that it is listed on the next Mail List and everyone has been provided with a copy. Ms. Rothschild read the letter aloud (2. M.L. 4/10/08).

Jack Kelly, 132 Herbert Avenue, asked that there be a moment of silence in honor of our Troops at all Council Meetings. He informed he was one of the first people to vote for the Flamm property when he was on the Council. He is against purchasing a piece of property that will cost the Borough money at this particular time in their fiscal problems. He referred to a comment that the Borough Engineer had made at the last meeting, regarding trying to improve it. If they did so, they would have to divert the water onto other properties. He doesn't think they should be spending the money at this particular time. He voiced his understanding that they have collected a lot of money in the Budget and none of it has gone to Open Space so far. He cautioned that they must be careful about spending money.

Mayor Heymann informed as follows: if they purchase the property, not one cent of the Borough's budgeted funds, its surplus or any other Closter taxpayer funds would be going into it, beyond what has already been spent; the Grant money is not Closter Budget money; whatever monies have been spent from Closter's funds have been spent for engineering and permitting fees, which needed to be done prior to the Grant proposal.

Mr. Kelly explained that they approved \$100,000 at the last meeting to build a bridge; however, he read in the newspaper that they are spending \$250,000 for the bridge. Mayor Heymann disagreed, noting that it was a bid at \$78,000. The entire project grant is a \$125,000 matching grant, which means it could go up to \$250,000; the bridge itself will cost \$78,000. The rest of the trail will probably exceed that cost, but will not be anywhere near \$250,000. The original Grant allowed for \$250,000, but they don't have to spend it; and they won't.

Frank A Laurence, First Street, explained he has a two family house, for which he is trying to receive a permanent Certificate of Occupancy. He has conformed to all inspections and is unaware of why he is being denied. Mayor Heymann explained that she was not familiar with the particulars of his case, adding that he could call her tomorrow morning to review the issues so she could possibly help him out.

Dave Scholz, 30 Grove Street, referred to the Flamm property. He pointed out there is no permanent answer to preserving property; and explained that because it is wetlands now and there are restrictions on wetlands, that doesn't mean it is guaranteed to stay the same within five years from now. He also pointed out that Lot 4 is perfectly buildable and is a desirable location, being right near the streets. He understood that it has not sold in the past; however, there was no incentive for the family to sell. Mr. Scholz added that to say that it hasn't sold in the past is poor oversight, because economic times change. All grant monies come from tax dollars. Our direct expense is absolutely minimal at this point. It ties into a lot of undeveloped land and it provides a buffer that ends the business district. Even if they only build on Lot 4, a lot of water will still go in there. The town will have to pay for wherever it's going to go. They can get this property now at a low real estate value; our costs are minimal within the town itself; the fact that they have not pushed to sell in the past does not mean that they won't do so in the future. He spoke in favor of purchasing the property at an equitable price.

Michael Kafer, 261 Parsells Lane, thanked the Mayor for her display at the Earth Day Fair, as well as Mr. Glidden's son. He then referred to the DPW and informed that he had several questions. In response to Mr. Kafer, Mr. Dahle explained as follows: the DPW has 15 men for sanitation, two mechanics and nine men on the roads, including himself; there are four routes for Sanitation in the town, adding that the east side is done Monday and Thursday and the west side is done Tuesday and Friday, each crew consisting of two men; there is a driver and one man on the back of the truck. Mayor Heymann asked Mr. Kafer to explain the reasoning for his questions and Mr. Kafer pointed out that they will be voting on the 2008 Municipal Budget soon; and he would like to know how the money is being spent in the DPW. In response to Mr. Kafer's inquiry, Mayor Heymann informed that the town doesn't pick up its own recycling. Mr. Dahle informed that they do recycle paper and cardboard, as well as brush and leaves. Since it was discovered that it is not cost efficient for the town to recycle cans and bottles, they are picked up by Mr. Miele. In response to Mr. Kafer, Mayor Heymann explained as follows: they are currently working with three less full-time people than they had several years ago, achieving the same amount; if they are saving money on payroll in any one Department, it is the Department of Public Works; we get credit for recycling. Mr. Kafer clarified that he was asking what value they

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

put on the recycling. Mr. Dahle informed that he had this information in his office, noting that he would give him a complete list if he wanted it. He added that they are saving a lot of money; they used to put a full sanitation and road crew out every Wednesday; and it wasn't cost efficient. Mr. Kafer indicated that there is a value that will change every year. Mr. Dahle assured he would have the figures ready for him tomorrow, adding that he would work out the figures for 2007 and 2008. He also informed that they are saving by using Mr. Miele, as they are not sending trucks to Paterson on a weekly basis. He referred to Mr. Kelly's earlier comment that no open space was preserved, and voiced his understanding that Mr. Kelly had been referring to the Budget. Mr. Kafer referred to Sheet 43 in the Budget to verify his reasoning for this.

Steve Isaacson, 97 Columbus Avenue, suggested that the purchase be held off until after November. He explained that he attended the meeting for the Charter, and voiced his opinion that this was a waste of time and taxpayer's money. They didn't learn anything new. It is time to start acting on the problems, instead of continuously discussing them. Mayor Heymann explained that the State of New Jersey mandates the system for developing Master Plans, as well as guided public meetings. She added that the one they had is the highest level of that kind of public meeting; and, hopefully, there are always new ideas that are presented. Mr. Isaacson disagreed that there had been any new ideas. Mayor Heymann informed that they will be making a summary of the meeting available to anyone interested.

Mr. Isaacson referred to the development of Ruckman Park, recalling an issue with the DEP regarding completing of the trail because of the wetlands. However, they are now building brand new tennis courts there. He asked if a permit was ever obtained from the DEP for this. Borough Engineer explained that they didn't need one, since they were putting back the same courts. Mr. Isaacson disagreed, noting that they had to excavate and fill, disturbing the wetlands by changing the structure of whatever was there. However, Mr. DeNicola explained that there is still the same amount of impervious areas; and the runoff pattern is still toward the wetlands. Mr. Isaacson questioned why a DEP permit is not required to install two large tennis courts if it is required to put in a trail where nothing is being changed. Mr. DeNicola explained that they reconstructed the basketball courts to be a roller hockey rink, but they didn't need a DEP permit; this is the same situation. It is an existing facility that they are maintaining. It is already developed. Mayor Heymann informed that it is not being changed. Mr. DeNicola advised that they would need a permit if they were changing it, such as enlarging it.

Joe Bianco, 7 MacArthur Avenue, explained he did not notice the letter on the Agenda for the American Institute of Architects (AIA). He informed he is representing the Association. They are requesting permission to meet at Temple Emanu-El for their monthly meeting. He explained that Mike Lewis and the Belskie Museum was one of the first locations they picked for their Society to meet about a year ago. He asked for a positive response. Mr. Bianco informed that besides himself, there are three other members of the Society who live in Closter. They are John Lignos, Bobby Kaplan and Lorin Sonenshine. Mr. Bianco went on to name his accomplishments, describing himself to be the only person in the room who attempted to develop the Flamm property. However, there were issues with wetlands and the cost. He voiced his opinion that if there is a problem in real estate that money can solve, then there is no problem. Being in real estate, he is aware of a bank that would like to relocate to that corner, which is possible. He explained that there had been an incident years ago, where two firemen plowed into a tractor trailer that was parked where the (Press) Transfer Station used to be located, when turning the corner of Ruckman Road and Homans Avenue. He asked them to consider what price they put on safety and the quality of air, noting that they need something to offset the drainage and air pollution in the town. They would not be spending money that would affect the tax rate; this comes from the County. If they decided not to do this, it would not lower the taxes; therefore he is 100% in favor of it. He congratulated the Administration, as well as Mr. Kafer.

Beth Ravit, 460 Piermont Road, explained she is a faculty member at the Department of Environmental Sciences at Rutgers University in New Brunswick. The majority of the work she does is related to urban wetlands systems. Even before this evening, she has heard some Closter residents say that they think there is no need to develop the Flamm property, as they feel that wetlands cannot be developed. In the course of her work, she has found that the perception that wetlands cannot be filled, to be completely false. She wished to clarify the misunderstanding, noting that the DEP estimates that the State is losing about 150 acres of freshwater wetlands each year. The reason for this is population growth and development. In 48 of the 50 states, the US Army Corps. of Engineers regulates wetland permits. There are two states that have taken over this responsibility themselves; and New Jersey is one of them. Since 1992, New Jersey has been the regulatory authority over wetlands. In the case of New Jersey, of a developer can show the NJDEP that there is a compelling reason to develop a wetland, the DEP has the power to issue

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

the permit that allows a wetland to be filled. A striking example is the fact that the State of New Jersey was prepared and advocated that Xanadu be built on over 500 acres of wetland fill in the Meadowlands. That fill would have been the largest wetland fill east of the Mississippi since the passage of the Clean Water Act. That was under the McGreevy Administration. Even though Xanadu ultimately moved to the old Continental Arena site, they were still given permits to fill 12 acres of wetlands. Some people might wonder how we can be filling wetlands and not have loss of wetlands. When a permit is issued, it is required by State regulation to mitigate the wetlands that are lost in three ways as follows: they can build new wetlands, they can pay money to the State of New Jersey to go to the New Jersey Wetlands Mitigation Council; they can buy mitigation credits from a wetlands mitigation bank. This only occurs when an individual or a business restores or creates a wetland and they run it as a business. When they do this, they sell credits to developers who fill up wetlands.

Dr. Ravit explained that the mitigation bank for our area is located in the Hackensack Meadowlands district. It's called Marsh Resources Inc. and it was developed by Williams, which is the company that owns the Transco gas pipeline. The Marsh Resources Inc. bank is so successful they have permits in front of the Army Corps. of Engineers to develop their Phase 3. This is an indication of how many wetlands credits they are selling. The fate of our freshwater wetlands is not governed by the Law; it is governed by NJDEP Division of Land Use. She printed out information regarding wetlands and the map showing the different mitigation banks in the State of New Jersey. This information comes from the Edward J. Bloustein School of Planning and Public Policy, the National Wildlife Federation, Environmental Law Institute. There is also a report to Congress regarding wetland loss in the U.S. Dr. Ravit urged the Council to use the money that the County has voted for this, which can only be used for this purchase. She urged the purchase of the property so that there will never be a question whether this is to be filled for any reason.

Richard Ryan, 212 Knickerbocker Road, informed that on April 26, 2008, the Closter Environmental and Shade Tree Commissions will be having a tree planting event to be held at the Nature Center. They get free trees and they are looking for volunteers to help. They will start at the Nature Center and then go to Mollicone Park.

Mr. Ryan referred to the Flamm property and explained as follows: he had worked on it five years ago with Mayor Emeritus Fred Pitofsky; they had a Grant to buy it; at that time, they were told that they could not go forward with the Grant, as there was some opposition because it could be built on; there is no doubt that this property can be built on, but it does hold value; they have an Open Space Tax Fund that collects money for these purposes; a lot of people in town don't understand the two tax bases that we have; one is the General Fund to support the Municipality and the School System; the other one is for the Open Space, which purchases open space and helps with the recreation; we have the money and the opportunity from Closter and the County; if we don't spend the money from the County, other towns will get it. He encouraged that the Borough should move forward with it.

Jesse Rosenblum, 65 Knickerbocker Road, voiced his understanding as follows: the property can be purchased for less than the total Grant money; Mayor Heymann explained that the grant is \$500,000 and it is a matching fund grant; therefore, it will be purchased for less than \$1,000,000; in the files, there is a report from an engineer/planner that only eight percent of the property is developable; that means that the bulk of the property will remain Open Space; the property throws off about \$40,000 a year in revenue and they would get between 80% and 92 % of open area. He noted that it seemed as though the Borough would get the best of everything. Referring to the condition of the property, Mr. Rosenblum explained that it is more than just wetlands. There is also a stream running along its border, which makes it a more difficult property to develop as far as the DEP is concerned. The Closter Plaza has water problems contributing to that stream, as well as the nearby spa. Basically, the property has many difficulties; and if it can be filled or used, it would be very little. He added that we would get the money stream and a small office building.

6. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCES @7:30 P.M.
OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

The following Ordinances were introduced at the Regular Meeting held March 12, 2008 and were published in the Press Journal issue of March 20, 2008, as stated in the printer's affidavit of publication. Reprint of these Ordinances were posted on the Municipal Bulletin Board, in accordance with statutory requirements, and copies have been made available to the general public.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

a. ORDINANCE NO. 2008:1006, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35, ARTICLE I, PLANNING BOARD

Mayor Heymann declared a Public Hearing. No one wishing to be heard, Mayor Heymann closed the Public Hearing.

Motion to approve adoption of Ordinance No. 2008:1006 was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

b. ORDINANCE NO. 2008:1007, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 173, SPECIFICALLY SECTION 173-83E, TEMPORARY SIGNS”

Mayor Heymann declared a Public Hearing.

Michael Kafer, 261 Parsells Lane, asked if there had been an issue with election signs in town; and Mayor Heymann explained that there had been a problem with their placement; therefore, they wanted to make it very clear. Mr. Kafer explained his reasoning as to why he didn't think this would pass muster. He explained that this was an existing Ordinance that they are making more liberal. They are changing it from 28 days to 30 days; and they are allowing people to place the signs within six feet of the curb, which was not permitted under the old Ordinance.

No one else wishing to be heard, Mayor Heymann closed the public hearing.

Motion to approve adoption of Ordinance No. 2008:1007 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

c. ORDINANCE NO. 2008:1008, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59, SHADE TREE COMMISSION”

Mayor Heymann declared a Public Hearing. No one wishing to be heard, Mayor Heymann closed the Public Hearing.

Motion to approve adoption of Ordinance No. 2008:1008 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

d. ORDINANCE NO. 2008:1009, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 81, BRUSH, GRASS & WEEDS”

Mayor Heymann declared a Public Hearing. No one wishing to be heard, Mayor Heymann closed the Public Hearing.

Motion to approve adoption of Ordinance No. 2008:1009 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 and Amitai.

e. ORDINANCE NO. 2008:1010, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 142, PARKS AND PLAYGROUNDS

Mayor Heymann declared a Public Hearing.

Steve Isaacson, 97 Columbus Avenue, voiced his disapproval. He explained that it is now a law that you are not allowed to step on a grass lawn because the Recreation Commission erected a sign. He voiced his opinion that this is wrong, as that is what all open space is about. Dr. Barad pointed out that the Police have to erect the sign. Mr. Isaacson informed that this is another taxpayer expense; and it is public land.

Richard Ryan informed that there is a reason why they put the signs on the lawns.

No one else wishing to be heard, Mayor Heymann closed the public hearing.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

Motion to approve adoption of Ordinance No. 2008:1010 was made by Councilwoman Amitai, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick and Amitai; Dr. Barad voting No.

f. ORDINANCE NO. 2008:1011, “BOROUGH OF CLOSTER CALENDAR YEAR 2008 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK” (N.J.S.A. 40A:4-45.14)

Mayor Heymann declared a Public Hearing. No one wishing to be heard, Mayor Heymann closed the Public Hearing.

Motion to approve adoption of Ordinance No. 2008:1011 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

7. COMMUNICATIONS

a. MAIL LIST – MARCH 27, 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: Mr. Hennessey asked that Item No. 9 be removed; Mr. Rosenblum asked that Item No. 2 be removed.

Item No. 2 – Received 03/24/08, dated 03/22/08, from Jesse Rosenblum, 65 Knickerbocker Road, to Mayor and Council and Edward Rogan, Esq., regarding Suburbanite article, 03/19/08 "Parameters of Miele property..." (Copy to Joe Miele); Borough Attorney

Jesse Rosenblum, 65 Knickerbocker Road, referred to the land sale and asked if Mr. Miele did anything right. Mrs. Amitai informed that Mr. Miele is going to pay for the insurance for the Girl Scout Cabin. Mr. Rogan explained that he wished to discuss his observations and conclusions with the Mayor and Council, as he has not been able to do so. In response to Mr. Rosenblum, he explained that the better way to deal with this matter would be to compare the deed restriction to the site inspections. He noted that an aerial photo doesn't show what piece of property the town sold to him. The restriction only applies to the land that was purchased from the town. The only way to really do that would be to go on site to see where the borders are located. Mr. Rosenblum explained that the aerial and the deed restriction talk about a property that is 50 feet wide; and if you look at the area, you can see that there is nothing on that property. Mr. Rogan advised that he would speak to the Council, adding that the sale was not contingent upon his building on it; it was not part of the deed restriction. Mr. Rosenblum asked whether the conditions presented to the Mayor and Council must be considered to make the deal; and Mr. Rogan assured he would discuss it with the Mayor and Council.

Item No. 9 – Received 03/26/08, dated 03/24/08, from The Closter PTO, represented by Grace Park, President, Closter Parent-Teacher Organization, to Mayor, regarding Expression of concern re need for more sidewalks (Copy to Bill Dahle); Borough Engineer; Hennessey/DPW

Borough Engineer explained to Mr. Hennessey that this was a PTO letter of support for the Grant request to the State.

b. MAIL LIST – APRIL 3, 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: Mr. Kashwick asked that Item No. 6 be removed; Dr. Barad asked that Item No. 5 be removed.

Item No. 5 – Received 03/31/08, NO DATE, from Steve Friedrich, Chairman, Safety and Awareness, A.B.A.T.E. of the Garden State, (American Bikers Advocating Training and Education); to Mayor, regarding Joint Resolution 9, recognizing May as "Motorcycle Awareness Month" which was signed by Governor Corzine on 8/6/07; with request to display banner to be provided in April promoting same; response form to be completed and returned before 4/7/08 (Copy to Chief Berrian); COPY TO MAYOR ON 4/2/08 FOR RESPONSE; Mayor Heymann

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

Dr. Barad explained his hesitance to support a resolution regarding Motorcycle Awareness Month. He explained he understood its purpose; however, he believed it would be sending a message that the town is encouraging riding motorcycles; and felt it was a health hazard. He explained he may agree with a different wording of the resolution, instead of “Motorcycle Awareness Month”. Mayor Heymann explained that the reason it was not a proclamation or a resolution was because she wanted the Council members to voice their opinions. Mayor Heymann advised that this would be discussed in the Work Session.

Item No. 6 – Received 03/31/08, dated 03/31/08, from Jesse Rosenblum, 65 Knickerbocker Road, regarding Benefits of not buying the Flamm property, Block 1308, Lots 3 and 4. Assess \$2,517,000 (Taxes- \$39,517) (Copy to Assessor)

Mr. Kashwick explained that the assessment Mr. Rosenblum had been referring to was one of several assessments that gave a different opinion on the wetlands on that particular property. He also reminded that the DEP regulations do change, adding that Commissioner, Lisa Jackson, recently revoked an Order. He cautioned that in 2009 there will be a Governor’s race; and one cannot foresee what will happen with the DEP afterward. The \$500,000 Grant that was received from the County was contingent upon the fact that the property was wetlands.

Donald Farrell, explained that when negotiating, the difference between the appraised value of and assessed value of one-third of that, raises two questions. He asked if they were negotiating for the appraisal or the assessed value. He also questioned why the Borough is only assessing it at \$500,000 when it is worth much more. Mayor Heymann assured that they would check all of the figures and pointed out that Mr. Rosenblum’s assessment says \$2,517,000, adding that there have clearly been some changes in the assessed valuation. She assured they would follow through on the matter.

Dr. Beth Ravit pointed out that before Green Acres provides grant money and accepts a purchase price, they require that a property be assessed by a Green Acres approved Assessor. The former Mayor and Council, at the time that the Resolution was passed, voted to contribute 10% of the final purchase price up to a maximum of \$200,000. That maximum was prepared because, at the time the grant was written, that property was assessed at \$2.5 million. The negotiation that has occurred in the meantime has brought the purchase price down dramatically. Mayor Heymann assured that there is no way the Borough will pay more than the fair value, as determined by the two independent certified State Assessors.

Mike Lewis explained that he would like to know what offers were made in good and bad times 50 years ago. Mayor Heymann informed that they will find out.

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

No one wished to be heard.

9a. 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

10.* RE-INTRODUCTION OF ORDINANCE NO. 2008:1005, “AN ORDINANCE ENTITLED PAY TO PLAY WITHIN THE BOROUGH OF CLOSTER, COUNTY OF BERGEN, STATE OF NEW JERSEY” - PUBLIC HEARING – 5/14/08 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Requested by Borough Attorney 4/4/08)

11.* INTRODUCTION OF ORDINANCE NO. 2008:1012, “ORDINANCE AMENDING CHAPTER 92, DRIVEWAYS, OF THE CODE SPECIFICALLY, SECTION 92-2(E) PURSUANT TO THE RECOMMENDATION OF THE PLANNING BOARD – PUBLIC HEARING – 5/14/08 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Borough Attorney 4/2/08)

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

12.* BILL RESOLUTION – APRIL 15, 2008
TO BE PREPARED BY TREASURER

13.* RESOLUTION ACCEPTING THE LOW BID OF D.R. MULLEN CONSTRUCTION CO., INC., 38 EDISON AVENUE, OAKLAND, NJ 07436 RECEIVED AT THE BID OPENING HELD MARCH 28, 2008, IN THE AMOUNT OF \$78,634.00 FOR THE CLOSTER NATURE TRAIL PROJECT (Received from Borough Attorney 3/31/08)

MOTIONS

14.* APPROVING THE FOLLOWING MINUTES:

- a. WORK SESSION HELD MARCH 12, 2008 – ABSTENTION: AMITAI (Distributed 3/27/08)
- b. SPECIAL MEETING HELD MARCH 19, 2008 – ABSTENTIONS: BARAD AND AMITAI (Distributed 3/27/08)
- c. REGULAR MEETING HELD MARCH 26, 2008 – ABSTENTION: BARAD (Distributed 4/3/08)
- d. WORK SESSION HELD MARCH 26, 2008 – ABSTENTION: BARAD (Distributed 4/3/08)

15.* 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

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
DEPUTY BOROUGH CLERK	VACANT	<u>removed</u>	1 Year	12/31/08
CONSTRUCTION CODE OFFICIALS				
Building and Fire Inspector	John Lazar	<u>removed</u>	1 Year	12/31/08
DESK DISPATCHERS	Costa Katsapis Gary Nicholas	<u>removed</u>	1 Year	12/31/08
*ENVIRONMENTAL COMMISSION				
Associate Member	VACANT	<u>removed</u>	1 Year	12/31/08
HEALTH, BOARD OF				
Alternate No. 2	Phyllis Buonomo	<u>removed</u>	2 Year	12/31/09
HISTORIANS				
	VACANT	<u>removed</u>	1 Year	12/31/08
IMPROVEMENT COMMISSION				
Member	Maria Danziger	<u>removed</u>	2 Year	12/31/09
Member	Wilson Reimers	<u>removed</u>	2 Year	12/31/09
Alternate No. 1	Frank Rodriguez	<u>removed</u>	2 Year	12/31/09
Alternate No. 2	Bobbie-Bouton-Goldberg	<u>removed</u>	Unexp. 2 Year	12/31/09
RECREATION COMMISSION				
Associate Member	VACANT	<u>removed</u>	1 Year	12/31/08
SHADE TREE COMMISSION				
Member	Susan Boudet	<u>removed</u>	Unexp. 5 Year	12/31/09

* MAYORAL APPOINTMENT

16.* MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO FILL THE FOLLOWING APPOINTMENTS MADE AT THE REORGANIZATION MEETING HELD 01/02/08 (Oaths of Office have not been returned accepting appointments):

<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
Shade Tree Commission Alt. No. 1	Boudet	01/02/08	2 year	12/31/09

(This appointment was removed by Mayor Heymann)

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

- 17.* MOTION APPOINTING Jayanthi V. Ramaswami TO SERVE AS ALT. NO. 1 MEMBER OF THE ENVIRONMENTAL COMMISSION FOR AN UNEXPIRED 2-YEAR TERM (CAPPELLUTI) TO 12/31/09 (3. M.L. 3/27/08)
- 18.* 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)
- | <u>Appointee</u> | <u>Class</u> | <u>Term</u> | <u>Expiration</u> |
|--------------------------|--------------|-------------|-------------------|
| a. <u>no appointment</u> | | | |
| b. <u>no appointment</u> | | | |
- 19.* MOTION APPROVING RAFFLES APPLICATION NO. RA:553 FOR CLOSTER ANIMAL WELFARE SOCIETY (CLAWS), P.O. BOX 172, 217 CLOSTER DOCK ROAD, CLOSTER, NJ 07624, TO CONDUCT OFF-PREMISE 50/50 CASH RAFFLE; DRAWING TO BE HELD AT CLOSTER PUBLIC LIBRARY, 280 HIGH STREET, CLOSTER, NJ 07624 ON 10/15/08 AT 8:00 P.M. (Completed application filed and appropriate fees paid)
- 20.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:
- a. None received at time of preparation of this Agenda

The following items were by the following individuals: Dr. Barad asked that Item Nos. 11 and 13 be removed; Mr. Kashwick asked that Item No. 17 be removed.

9b. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 11, 13 and 17 was made by Councilman Glidden, seconded by Councilman Hennessey and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

21. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

11. INTRODUCTION OF ORDINANCE NO. 2008:1012, “ORDINANCE AMENDING CHAPTER 92, DRIVEWAYS, OF THE CODE SPECIFICALLY, SECTION 92-2(E) PURSUANT TO THE RECOMMENDATION OF THE PLANNING BOARD – PUBLIC HEARING – 5/14/08 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Borough Attorney 4/2/08)

Dr. Barad explained that this amendment will allow residents to reconstruct driveways in the same format, as long as they haven’t changed the amount of coverage, which is the essential revision to this. He voiced his understanding that all were in favor of same and acknowledged JoAnn Riccardi’s cover letter, which was on behalf of herself and Mr. Rogan. She stated that they had felt uncomfortable about how this Ordinance came to be this evening. She had indicated that the Resolution they received from the Planning Board did not specifically reference the part of the Code they were suggesting to be amended. They had to retrofit and guess what the Board wanted done. Dr. Barad explained he is publicly pointing out that it would expedite their ability to do this in a way that they are all comfortable with if, in the future, the Planning Board was clear in saying what there suggestion is. Mrs. Amitai assured she will follow up on this.

Borough Attorney explained that this Ordinance borders on Zoning, which statutorily requires input from the Planning Board. He explained that the way this proposal was sent to us, they used the term non-conforming structural element to mean driveway. A non-conforming structural element could be a number of things; and the understanding from discussions held both publicly and by the Council, was that they were looking to grant relief to individuals who have had driveways for many years and are looking to repave them, not expanding the dimensions. However, the term which was used seemed as though it would open the door to many variance arguments that should not be made. He thanked Dr. Barad for bringing it up, because it should come from the Planning Board with a recommendation to go into the Zoning or driveway code so that they have a paper trail and a better understanding as to what the recommendation is. Borough Engineer questioned if the Council could change the verbiage to say “driveway,” instead of “non-conforming structural element,” and Mr. Rogan informed that he had done so, replacing their term with “existing driveway”. Dr. Barad confirmed that they are introducing the Ordinance with said change, noting that the Planning Board will have to voice any concerns they may have.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

At this time, Mrs. Amitai asked for confirmation from Borough Engineer as to whether or not they ran this by the Zoning Officer. Mr. DeNicola explained that he was unaware of this, as the Zoning Officer doesn't sit on the Planning Board. Mr. Rogan explained that he had spoken to the Mr. Sinowitz, who wrote a letter in November of 2007, supporting the concept, but not agreeing with the language of the Planning Board. He spoke with him two weeks ago and he supports it.

Donna Kelly, 333 Demarest Avenue, explained that when she went the Planning Board Meeting, it was brought to her attention that it would be any structure on her property, because while she was conforming at some point, she is now non-conforming. She cannot change a thing on her property without going for a permit, because she is so non-conforming. So at the Planning Board Meeting, a driveway situation was mentioned and he did say anything you want done on your property would be covered by this. It wasn't just supposed to be driveways. She has a postage stamp sized patio that needs to be repaired on her property; and that along with the driveway, cannot be touched. Mr. Rogan explained that this would be a major change to the Zoning Ordinance, noting that most homes in Closter are non-conforming. She explained that existing structures were replaced without permits regarding the replacement of the tennis/basketball courts. However, she cannot do this on her own property.

Mr. Rogan explained that this is a policy decision which the Council can discuss. Mr. DeNicola clarified that they did have to obtain DEP permits to do this work. Mayor Heymann explained that there is a dichotomy between what the Council envisions and what the Planning Board wanted to do. The Mayor and Council thought they could expedite matters if they narrowed the terms so that there would be no controversy. Mayor Heymann explained as follows: if you feel it is necessary to send it back to the Planning Board for a clearer definition, they will wait for that process to take place; and she will recommend to the Council that they hold this in abeyance. In response to Ms. Kelly, Borough Attorney informed that the Planning Board had made the recommendation; however, the Council decides the final language and writes the ordinances. Ms. Kelly asked for clarification that they wished to make it a driveway ordinance; and Mayor Heymann pointed out that this way, there would be no controversy. In response to Ms. Kelly's agreement to accept the driveway ordinance as it is, Dr. Barad assured that he is not unsympathetic to the other issues; however, they will take much more time to resolve.

At this time, Mr. Hennessey pointed out that the Ordinance didn't specify what materials need to be used; and Mr. Rogan noted that nothing they are changing would affect that. Dr. Barad informed that the other rules for making driveways still exist; this is simply an amendment to the existing ordinance.

Todd Bradbury, 292 West Street, mentioned he knows about some of this and how it would benefit people's circumstances in the past when they make changes to paved surfaces. He explained he is not biased either way, but cautioned that if you feel that that addresses patios and walkways, when it comes into play, you're not. Mayor Heymann informed that there are a lot of issues involved with changing anything else on that property. It is impervious coverage. Narrowing it down makes it non controversial.

Borough Attorney advised that other changes can be made in the future in different portions of the Ordinance. This specifically, is in the driveway section of the Ordinance.

Motion approving adoption of Ordinance No. 2008:1012 was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

13. RESOLUTION ACCEPTING THE LOW BID OF D.R. MULLEN CONSTRUCTION CO., INC., 38 EDISON AVENUE, OAKLAND, NJ 07436 RECEIVED AT THE BID OPENING HELD MARCH 28, 2008, IN THE AMOUNT OF \$78,634.00 FOR THE CLOSTER NATURE TRAIL PROJECT (Received from Borough Attorney 3/31/08)

In response to Dr. Barad, Mr. DeNicola reported as follows: the low bid was \$78,634 and the high bid was \$127,495 for an average bid of approximately \$98,000; it was basically right near our estimate, which was just under \$100,000; this is the same contractor who installed the Demarest pedestrian bridges, so he is familiar with the area and the process; they scheduled a pre-construction meeting to be held next Tuesday if this is awarded this evening. In response to Mr. Kashwick, Mr. DeNicola explained that site clearing is the clearing of whatever may be required in order to allow for a 500 foot bridge to be carried through the woods, adding that this includes the removal of trees and brush. Mr. Glidden questioned if Mr. DeNicola had walked that area, noting that he was under the impression that it would not be an overburden in terms of tree removal.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

At this time, Mayor Heymann explained as follows: the project called for four bridges all together; one is a large bridge that they just discussed; another is a smaller bridge that is going to be prefabricated and installed; two of them were being constructed by the DPW, one of which is completed at this point; and she recommended that all go to see it behind the A&P. Mr. DeNicola advised that this project would have an approximated August completion date, due to the lead time for the bridge.

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

17. MOTION APPOINTING Jayanthi V. Ramaswami TO SERVE AS ALT. NO. 1 MEMBER OF THE ENVIRONMENTAL COMMISSION FOR AN UNEXPIRED 2-YEAR TERM (CAPPELLUTI) TO 12/31/09 (3. M.L. 3/27/08)

Although this item was at the discretion of the Mayor, Mr. Kashwick wished to clarify that they already have an Alternate No. 2; and the Mayor is appointing a new individual as Alternate No. 1. Mayor Heymann asked if he wanted to change this and Mr. Kashwick informed that he was only being informative, as this is at the Mayor's discretion. Mayor Heymann explained that the current Motion would be changed to say "Alternate No. 2," instead of "Alternate No. 1." Dr. Barad pointed out that they would then have to create another Motion for "Alternate No. 1;" however, Borough Attorney clarified that this is a Mayoral appointment, which doesn't require a vote of the Council. Mayor Heymann clarified as follows: Steve Isaacson would be Alternate No. 1 (for a 2-year unexpired term (Cappelluti) to 12/31/09 and Jayanthi V. Ramaswami will be Alternate No. 2 (for a 2-year unexpired term (Isaacson) to 12/31/08).

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)

Mayor Heymann explained that there is no parking space fee to be discussed this evening. They have been trying to resolve this matter; however, the Assessor has been on vacation; and she will determine the amount when she returns.

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

Mayor Heymann recessed the Regular Meeting at 9:12 p.m.
Mayor Heymann resumed the Regular Meeting at 10:12 p.m.

At this time, Mayor Heymann asked for a vote of the waiver of fees for the Nature Center.

- 23a. Motion waiving requirement of permit fee for construction of new roof at the Closter Nature Center Building at Ruckman Road (7. M.L. 4/10/08) was made by Councilman Glidden, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.
- 23b. Motion waiving requirement of permit fee to conduct "Second R" Tag Sale to be held May 10, 2008 was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai. (7. M.L. 4/10/08)

At this time, Dr. Barad suggested that the Borough Clerk purchase a new computer; and no objections were voiced.

- 23c. Motion approving submission of application for the SAGE Grant/Safe Routes to School Program was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

- 23d. Motion approving the following Resolution at 10:12 p.m. was made by Councilwoman Amitai, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai:

OMNIBUS OPEN PUBLIC MEETINGS ACT Resolution authorizing the Mayor and Council, 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)(5), “a matter involving the expenditure of public funds for the acquisition of real property N.J.S.A. 10:4-12(B)(7), Pending litigation and contract negotiations; N.J.S.A. 10;4-12(B)(8), a matter involving public employees; and that the items under discussion in the closed meeting will be disclosed to the public at the conclusion of the matters which should be within 8-12 weeks

Mayor Heymann resumed the Regular Meeting at 10:41 p.m.

24. ADJOURN

Motion to adjourn the Regular Meeting at 10:42 p.m. was made by Councilman Kashwick, 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 utilizing
recording and Borough Clerk’s notes

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

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – APRIL 9, 2008 - 7:30 P.M.

Mayor Heymann called the Work Session to order at 9:17 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick,
David Barad, Victoria Amitai
Acting Administrator/Treasurer, John DiStefano
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola

The following persons were absent:

Councilwoman Cynthia Tutoli
Chief of Police, David Berrian

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. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE 28 FOURTH STREET, BLOCK 17 AND 18 – Mr. Rogan sent a letter to the current and previous property owners informing that the Borough would remove the encroachment. He received a response from both attorneys and property owners; and next Monday they will make a proposal for the purchase and will be applying for a subdivision to keep the strip of land in accordance with the original proposal.

2) STATUS REPORT RE FOLLOWING DEVELOPER'S AGREEMENTS:

a. PLANNING BOARD - SAM LEE, CLOSTER DOCK ROAD, BLOCK 1305 LOTS 5 & 6 FINAL SITE PLAN APPROVAL (6. M.L. 5/30/07)- They are still awaiting the Developer's Agreement and Mr. Chagaris is affirming this will be completed soon.

3) REPORT RE PREPARATION OF CONTRACT WITH D.R. MULLEN CONSTRUCTION CO., INC., RECEIVED AT THE BID OPENING HELD 3/28/08 IN THE AMOUNT OF \$78,634.00 FOR THE CLOSTER NATURE TRAIL PROJECT (Resolution approved at RM held 2/26/08)

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

3. PROFESSIONAL REPORTS (Continued)

A. BOROUGH ATTORNEY (Continued)

4) REPORT – Mr. Rogan reported as follows:

- a. They have received a great number of tax appeals in the past week; there are five going directly to the Tax Court and there is a total of 41 County appeals. This is an increase from last year; and he confirmed that they are beyond the deadline. The bulk of these have come in during the past week and they are all in at this point. In response to Mayor Heymann, Mr. Rogan informed that the amounts being sought opposed to assessment are greater; whereas last year they had a smaller differential.
- b. He had three Closed Session matters regarding the expenditure of public funds, pending litigation and contract negotiation. Mrs. Amitai added that she had a matter for Closed Session as well regarding personnel.

In response to Councilman Barad’s request for clarification regarding the issue of “infringing on someone’s rights”, Mr. Rogan explained that they had the issue of public solicitation with that group a few years ago and this is a form letter sent out to any town with hawkers, peddlers and canvassers. The Borough has an ordinance that restricts this to a reasonable fine, but they do not like this, claiming that it infringes on their rights to freedom of speech and they should be able to come at any time. The ordinance requests a list of the names of the people that will be in town and they do not like this either. This is the first letter in five years. He will respond to this.

Mayor Heymann informed that they had received a request and Chief Berrian had already replied and documented it. Borough Clerk explained that in the past her office would receive requests and phone calls accusing Ms. Castano of not being fair when she had never even received a request. Those requests that were received were honored; and they would be informed that they had every right to canvass in the Borough, but they would be asked to curtail canvassing to occur before dark, as we have many senior citizens who are wary of people knocking on their doors at night. They usually would concur with the request. She added that this is the most forceful she has seen. Mayor Heymann concurred that this was the way it was in the past; and someone tried and complained, but anyone can look at the documentation.

B. BOROUGH ENGINEER

1) STATUS REPORT RE CONSTRUCTION OF PERMANENT TRAFFIC LIGHT INTERSECTION OF HOMANS/OAKLAND AVENUES (Meeting held 3/13/08)

Mr. DeNicola explained that the contractor is installing curb and sidewalk and they are still holding the project up because Verizon has to relocate that pole and then Orange and Rockland has to transfer their facilities onto the pole. There will be a temporary signal outage lasting from 2-5 days; the hindrance to this project is Orange and Rockland and they are estimating 4-6 weeks to set the pole. The completion of this project is from 8-10 weeks; and they are trying to keep the project moving as much as possible.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

3. PROFESSIONAL REPORTS (Continued)

A. BOROUGH ENGINEER (Continued)

Mayor Heymann gave her assurances that the place that Joseph Bianco referred to regarding the safety of the emergency vehicles coming around the corner would be solved because the corner is going to be augmented; it will be rounder and larger. Dr. Barad noted that the light would also improve the area; Mr. DeNicola confirmed that this is not a guarantee but it could help drastically improve the safety.

- 2) STATUS REPORT RE 2007 ROAD IMPROVEMENT PROGRAM - AWARDED TO ROCKBORN TRUCKING AND EXCAVATING INC. (\$998,521.21 for 2007 Road Improvement Program – Approved RM 02/13/08) –

The Contractor is working on the tennis courts and will begin the parking lot soon. The fabric and stone will be down at the end of the week with paving on Saturday and Monday, after which they will have to do the final surfacing of the tennis court including the asphalt and acrylic surface. The Borough chose Florida green as the color of the actual court with maroon around the perimeter; Councilman Glidden noted that this was at the recommendation of a professional and after much discussion. Mr. DeNicola explained that once this is done, the contractor will begin the road resurfacing.

Mr. DeNicola spoke to Billy Dahle who informed him that as the contractor was resetting the heads, a lot of the inlets were found to be damaged over the 30-40 years of use. The traffic impact on the roads has deteriorated the structural integrity of the inlets; and some of the inlet catch basins will have to be reconstructed. They have agreed with the contractor that the DPW would fix some of them and the contractor would fix the others. The cost to repair is approximately \$5,000 to \$10,000; this is not a big deal because there is leeway in the contract with items and amounts so they will still come under budget, but there will be a change order to come.

- 3) REPORT RE PREPARATION OF PLAN ENTITLED TENAKILL BRIDGE PLAN, DATED 3/08, FOR A CERTAIN PUBLIC IMPROVEMENT GENERALLY DESCRIBED AS TENAKILL BRIDGE PLAN (Approved at RM 03/26/08) – The Borough bid for this project a week ago.
- 4) REPORT RE PREPARATION OF PLAN ENTITLED 2007 CURB AND SIDEWALK PROGRAM, DATED 3/08, FOR A CERTAIN PUBLIC IMPROVEMENT GENERALLY DESCRIBED AS 2007 CURB AND SIDEWALK PROGRAM (Approved at RM 03/26/08) - This is for the

installation of sidewalks on Knickerbocker, Harrington, Piermont and Hickory roads. They combined the base and alternate bids; and they are due to be received on 4/17/08 at 11:30 a.m. He will report the results of this bid at the following meeting.

- 5) REPORT – Mr. DeNicola reported as follows:
 - a. He referred to the SAGE application due 4/18/08, noted that the application was due before the next meeting, questioned if they had authorized this and requested same upon return to the Regular Meeting.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

3. PROFESSIONAL REPORTS (Continued)

A. BOROUGH ENGINEER (Continued)

At this time, Mayor Heymann explained that they are filing the application to the NJDCA for the Safe Routes to School Grant proposal, which is due on 4/18/08. She advised that the resolution coming from the Borough to support that grant proposal will need to have a general vote upon return to open session. In response to Councilwoman Amitai, Mayor Heymann confirmed this was for Storig Avenue, Cedar Lane and Harrington Avenue; Mr. DeNicola concurred and noted it was for around the Tenakill School area.

4. REPORTS

A. ACTING BOROUGH ADMINISTRATOR

- 1) STATUS REPORT RE 2008 MUNICIPAL BUDGET (Introduced at SM 03/19/08; Public Hearing 04/23/08 @7:30 P.M.) – There will be a meeting for the

Budget 4/23/08 and they are working with the auditors on an extension of the temporary budget through June. They will see this on the RM Agenda of 4/23/08 because they are going out for the extraordinary aid. In response to Ms. Castano, Mr. DiStefano explained there would be some line item adjustments; the overall dollars will stay the same; and any addendums and amendments will not occur until they have information regarding the extraordinary aid and cap waiver. All changes will be put in at that time.

- 2) STATUS REPORT RE BOROUGH WEBSITE – They will be putting up the ACH payments for May and have two minimal issues with the bank which they are working on.

- 3) STATUS REPORT RE PARIS GRANT (Approved at RM 1/9/08) – He has not received anything; and questioned if Ms. Castano had heard anything regarding the grant. Ms. Castano informed that she and Cynthia will be attending a Bergen County Clerk's luncheon/seminar on 4/17/08 regarding this subject; and she will provide a report.

- 4) REPORT RE INSURANCE ITEM(S) FOR FOLLOW UP:

- a. JERRY FINK Z"1 MEMORIAL 5- K RUN/WALK to be held on 5/18/08 (1.M.L.8/9/07) – He will attend to this tomorrow and get the information.

Mayor Heymann suggested that he could get the vote on that in principle and get the resolution. Ms. Castano noted that they cannot do this because they have not received approval from the Risk Management Consultant. Mr. DiStefano noted that he has not seen the approval and he would verify if they did or not. Mrs. Amitai noted there was something in the packets from Glen Parsells, and the Borough Clerk clarified it did not pertain to this matter.

- 5) STATUS REPORT RE CONTRACT FOR 2007 ROAD IMPROVEMENT PROGRAM – AWARDED TO ROCKBORN TRUCKING AND EXCAVATING INC. (\$998,521.21 FOR 2007 Road Improvement Program – RM 02/13/08)
- 6) REPORT RE ACCEPTANCE OF LOW BID OF D.R. MULLEN CONSTRUCTION CO., INC., RECEIVED AT THE BID OPENING HELD 3/28/08, IN THE AMOUNT OF \$78,634.00 FOR THE CLOSTER NATURE TRAIL PROJECT (Resolution approved at RM held 2/26/08)

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

4. REPORTS (Continued)

A. ACTING ADMINISTRATOR (Continued)

- 7) REPORT RE BID OPENING FOR 2007 CURB AND SIDEWALK PROGRAM
(Published in The Record on 03/31/08 – Bid Opening to be held 4/17/08 at 11:30 a.m.)

They will be opening bids next week and half of this money comes out of the sidewalk fund; part is from the Capital Account and part from the Trust Account collected over the years. Mr. DeNicola questioned if the Borough had signed contracts with Rockbourne to get this done and Mr. DiStefano assured he would check.

- 8) REPORT – Mr. DiStefano gave no further report.

B. BOROUGH CLERK

1) STATUS REPORT RE 2008 APPOINTMENTS – Current with the Regular Meeting Agenda; with three new appointments added.

2) STATUS REPORT RE 2008 OATHS OF OFFICE – Current with this Agenda; and we are allowing 30 days for return of the Oaths which were sent out recently.

- 3) STATUS REPORT RE 2008 LICENSES – Annual licenses are current.

Regarding liquor licenses, there are two person-to-person transfers in process: one is Delmonico's and the other is Korea Palace. Delmonico's is still in business and Korea Palace has shut down. They had a for rent sign, and it appeared as though they were going to rent the building and do a person-to-person transfer of the liquor license. They explained that the reason they put the sign up is because there were people parking in that parking lot across from Ruckman Park; they have removed the "for rent" sign. This is a person-to-person transfer; and the application indicates that it will be in operation once the transfer takes place. In response to Councilman Hennessey, Ms. Castano confirmed it would be in full operation once this transfer takes place, which should be in about one month; and Delmonico's should be approximately two weeks.

Liquor license renewals have been received from the Division of Alcoholic Beverage Control; and packets are being prepared by the Borough Clerk's office to be sent out on Friday to the 13 licensees of record. They will be informed of the procedure for renewing the liquor license for the term from 7/1/08 to 6/30/09. The tentative date for the Resolution approving the 2008-2009 Renewals is scheduled for the Regular Meeting of 6/11/08 and the second meeting to be held 6/25/08 for the ones who have not complied by the first meeting.

4) STATUS REPORT RE 2008 MEETING DATES – Current with possible addition of Special Meeting for the Board of Ethics to take place in April

- 5) REPORT RE ELECTIONS

a. PREPARATIONS FOR ANNUAL SCHOOL ELECTION TO BE HELD

TUESDAY, APRIL 15, 2008 – The machines will be delivered this week and registered voters have received their sample ballots through the mail. Sample ballots have been posted on both the first and second floors of Borough Hall. At this time, Councilman Glidden expressed his opinion that the election cycle in Closter is ridiculous. There are two primaries, the School Election and the General Election; there are too many elections and it's expensive.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

4. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

Mayor Heymann commented that Closter was not at the top of the list, as there are communities with non-partisan elections in May in addition to the others. She informed that the school election date will be posted on the electronic sign that the Police have; and it will be in front of the clock tower for the next few days. In response to Councilwoman Amitai, Mayor Heymann clarified this is not a digital sign and it will be set up to say the School Election will be held April 15.

At this time, Mayor Heymann informed she wished to mention the School Election in order to give it maximum publicity. Ms. Castano explained that the newspapers are giving the maximum publicity to this election, announcing that this was a very important election and everyone should come out and vote. There is a maximum of 10-30 percent turnout; and after the election, residents complain about high taxes, which becomes a continuing cycle.

b. PRIMARY TO BE HELD TUESDAY, JUNE 3, 2008- We received partisan petitions for governing body members and members of the County Committee for each of the 6 Districts by 4 p.m. on Monday, 4/7/08. The Council incumbents are Republicans David H. Barad and John Kashwick, on the Democratic ticket are Leonard Asch and Michael J. Kelly; both parties for the County Committee are elected in even years. The Clerk's Office has to hand-deliver certified copies of the Primary Election ballots to the County on Monday, 4/14/08.

c. GENERAL ELECTION TO BE HELD TUESDAY, NOVEMBER 4, 2008 – There will be information forthcoming regarding this election.

6) STATUS REPORT RE CODIFICATION – SUPPLEMENT NO. 15 – Ms. Castano called Jan Medina today and explained that since she had not received a corrected quote and Earl Babb and John DiStefano had not yet made contact, she would process the estimate as is. Ms. Medina informed her that she would fax her an amended estimate, and Ms. Castano noted that she would proceed once it has been received.

7) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – The Borough Clerk's office has received many financial disclosure statements; and the deadline from the Chairman of the Board of Ethics's second memo was 4/11/08. The meeting dates that they have are 4/16/08 and 5/13/08; and they may have to schedule another between those two, which will have to be advertised. Ms. Castano recommended that in the future they schedule more meetings in April to review the statements rather than having only one meeting scheduled. This will reduce the cost of publication in two newspapers each time a special meeting is requested. The Board of Ethics can always cancel a meeting if they have no need to hold it.

8) REPORT – Ms. Castano reported as follows:

a. The scanner has been taken out of the box and they are waiting for it to be installed and for training to take place. The Clerk's office is moving ahead; and Donelle Bright has done a superior job. In response to Dr. Barad, Ms. Castano informed this would not mean they would become paperless, but definitely reduce the amount of paper because the governing body members and officials would obtain information from the Clerk's office through their e-mail.

b. Ms. Castano informed she had a matter to discuss in Closed Session re personnel.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

4. REPORTS (Continued)

C. CHIEF OF POLICE

1) REPORT – In the absence of Chief Berrian, Councilman Glidden reported as follows:

a. Installation of video security at the Closter Library was completed last week; and this was recommended due to two recent incidents originating from two computers in the library.

b. A General Assistance Grant in the amount of \$28,000 was awarded to Interborough Radio even though New Jersey recently changed the guidelines of this grant and Interborough was no longer eligible. They had presented justification to the State and they reconsidered. Mayor Heymann commented that Interborough was not eligible because they did not cover a large enough population; with the intervention of the Mayor in Haworth and a revisit to the matter by James Winters, they were able to resubmit the grant proposal. They made it clear that in addition to the population of the Interborough, they also cover the Palisades Interstate Parkway as well as the surrounding areas, and have gotten calls from Rockland and Westchester Counties. By making this case, they received the \$28,000.

At this time, Mr. DeNicola explained that he spoke with the County Engineer yesterday and informed that the County usually has its own resurfacing program, as in prior years. They receive funds from the State, which takes a great deal of time; they recently received a ruling from the State mandating the installation of handicapped ramps on the corners of County roads, dating back from 2005 to the present. They are requesting that the Borough take on this task and then be reimbursed the construction costs. There will be an inspection by either the County or the Borough, which has not been worked out yet; there will be a letter soon regarding this new process. Councilman Barad questioned how this could be done; Mr. DeNicola assured he questioned this as well; and they explained it is much like an NJDOT grant, where someone can certify the funds are available at the County for that project.; they are not sure of the ins and outs of the situation as of yet, but someone will have to certify that the funds are available.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS

a. GRANTS FILED

1. FY 2007 NATIONAL TRAIL RECREATION GRANT - \$25,000 - \$10,000 MATCH FOR TRAIL MAINTENANCE (Extension requested???) – This is for

the Nature Center to repair the existing trails and put fresh chips on them.

2. MUNICIPAL ALLIANCE - \$14,000 \$11,500 (Requested to be removed at W.S. of 1/9/08; discussed at RM 1/23/08; request by Mayor 2/6/08 that it be continued to this meeting) – This can be removed.

3. GREEN COMMUNITIES 2008 APPLICATION FOR \$4,500 WITH A MATCHING SUM FROM CLOSTER IN THE AMOUNT OF \$1500 (Requested by Mayor Heymann 11/7/07) – They received this grant and are working on it.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

4. REPORTS (Continued)

D. MAYOR (Continued)

b. GRANTS AWARDED

1. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND & HISTORIC PRESERVATION TRUST FUND; DUE 7/7/06; FILED BY COUNCILMAN KASHWICK - 50% LOCAL MATCH REQUIRED - ACQUISITION OF FLAMM PROPERTY END OF RUCKMAN ROAD/HOMANS AVENUE- \$500,000 AWARDED 7/11/07 FOR BLOCK 1308, LOTS 3 AND 4, 37 HOMANS AVENUE (8.M.L.7/26/07) – Mayor

Heymann noted this was not a 50% match.

2. BERGEN COUNTY OPEN SPACE TRUST FUND - 2004 FUNDING ROUND FOR MUNICIPAL PARK IMPROVEMENT AND LAND ACQUISITION PROGRAM (50% local match); APPLICATION DEADLINE: 10/29/04 (8.M.L.8/26/04) (~~\$190,000.00~~ \$120,000.00 for Recreational Trails Program/RM10/27/04 - \$120,000 Recommended Award - County Public Hearing 5/26/05) – There is no change.
3. NATIONAL TRAILS RECREATION PROGRAM - \$25,000 (local match of \$10,000 required) filed 12/15/05 – This is an old recreational trails grant, and they

have asked for and received extensions; they will proceed with Blanch Avenue.

4. (DCA) DOMESTIC VIOLENCE TRAINING REIMBURSEMENT GRANT FOR SWORN OFFICERS \$1,411.92 Awarded/ rec'd 9. M.L. 5/24/07)

5. ANJEC GRANT - \$20,000 requested/\$6,000 received - This is helping to provide a green component to the Master Plan.

6. 2008 NJDOT MUNICIPAL AID PROGRAM FOR WEST STREET (SECTION 3) \$150,000 awarded (5. M.L. 12/27/07) – In response to Mayor Heymann, Mr. DeNicola explained that the request has been put in for Section 3 and construction has not begun. In response to Mr. DeNicola, Mr. DiStefano informed that he is waiting to hear back from the Auditor.

7. 2007 NJDOT LOCAL AID APPLICATION FOR IMPROVEMENTS TO WEST STREET (SECTION 3) FROM NORTH OF VAN SCIVER STREET TO HARRINGTON AVENUE (for a distance of 0.52 miles) INCLUDING MILLING, RESURFACING, DRAINAGE UPGRADES AND CURBING - COST ESTIMATE: \$485,000.00; SPONSOR REQUESTING \$388,000 IN STATE FUNDS; AND ANTICIPATES CONTRIBUTING \$58,200 (RM 7/25/07) – In response to Mayor Heymann, Mr. DeNicola explained that the

one that was constructed in 2007 was Section 2, which is completed and can be removed.

8. HAZARDOUS DISCHARGE SITE REMEDIATION FUND APPLICATION (Requested by Mayor Heymann 11/7/07) – At the WS of 03/12/08, Mayor Heymann reported that \$6,600 was awarded for this grant. – 12. ML 03/06/08

–
This is a grant which is fully funded by the State to investigate the Super Value site. There is a \$500 fee noted on the Mail List (1.M.L. 3/27/08) which cannot come out of the grant; even though the grant is fully funded by the State, the Borough still has to pay the \$500.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

4. REPORTS (Continued)

D. MAYOR (Continued)

b. GRANTS AWARDED (Continued)

Mr. DeNicola questioned if they could use Open Space money for this; and Mr. Glidden was concerned that if the Borough pays the fee if they are acknowledging responsibility in any way; Mayor Heymann affirmed this was not the case, and it was to merely have the grant processed, the Borough has no responsibility. Mayor Heymann requested a motion be made upon return to the Regular Meeting.

c. GRANTS TO BE FILED

1. MUNICIPAL ALLIANCE GRANT (\$2,000), TO PROVIDE PROGRAM AT TENAKILL SCHOOL FOR 9/07 (Reported by Mayor WS 5/9/07- WS 1/9/08) – This has already been taken care of; it was a leftover from the 2007 grant.
2. APPLICATION FOR OPEN SPACE ACQUISITION PROJECTS THROUGH THE TRUST FUND'S COUNTY PROGRAM (Not more than \$500,000 to fund acquisition of Watkins Farm; Deadline 8/31/07 (RM 8/8/07) – Mayor Heymann informed she had pulled this and this should be removed.
3. NJDOT GRANT RE ROAD PROGRAM - At W.S. 1/9/08, the Mayor reported that the Borough will be applying for \$250,000 – This can be removed.

- 2) REPORT RE STATUS OF COAH 3RD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN DOCUMENT COMPLETION; DEADLINE: 11/26/07 (4. M.L. 8/2/07) – They extended the time and the new proposal they are going to ask

for a 9/8/08 report in order to be covered by COAH protection. The issue here is that those towns that have spent a great deal of money thus far are troubled because COAH has changed all the rules after the first Board hearing. The rules have been discussed, but not fully adopted; if they are not fully adopted in time, they will be disputed in Court anyway and it will be futile to meet the deadline of 9/8/08. However, they will do this in time to be covered, but she's not sure it will be due 9/8/08.

- 3) STATUS REPORT RE SKATE PARK DONATION (Letter received from Borough Attorney 10/2/07) – There is nothing new to report.
- 4) FOLLOW UP REPORT RE DOCUMENTATION OF ACTIONS VIS-A-VIS TREE INSPECTIONS (Requested by Mayor 2/8/08 to be placed on Agenda –

Discussed at WS 2/13/08) – Mayor Heymann explained as follows: Leslie Weatherly has been setting up a spreadsheet on the tree responsibilities when there is a tree request. The request can be put on the Closter website; there is a form for remediation. There are very clear-cut responsibilities for tree issues now and they come before the Planning or Zoning Boards. Mayor Heymann expressed her opinion that everything was currently going well and everyone is on the same page; they have good references for any questions that may come up along the process for repairing, remediating, trimming or cutting down trees. She added that at the last meeting (R.M. 3/26/08), they authorized a road opening; and in the meantime, they have reviewed with the Safety Commission. The opening was granted because it would have saved a tree that was bordering that location; however, that tree was not healthy and the opening would destroy it; therefore, that opening will not be taking place, and the tree will come down.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

4. REPORTS (Continued)

D. MAYOR (Continued)

5) REPORT – Mayor Heymann reported as follows:

- a. She referred to the Motorcycle proclamation and suggested that they do not have to respond to every request they get. Councilwoman Amitai agreed, noting they should let it go.
- b. They also received in their packets a request from Joe Bianco (I.M.L. 4/10/08) to use Temple Emanu-El on Piermont Road for the Architect's League of Northern New Jersey as they are looking for interesting buildings to hold their meetings, and the Temple was designed by Robert Stern, who was an international architect. In response to Councilwoman Amitai and Councilman Barad, Mayor Heymann explained that they need to give permission for this because in the Developer's Agreement, the Temple pledged to make the facilities available to its own members; this is a variance on that pledge and must be authorized. Mrs. Amitai questioned if this would set a precedent; and Mayor Heymann and Councilman Barad affirmed that it has been done before and is on a case-by-case basis.

In response to Councilman Kashwick, Mayor Heymann believed there to be no negatives to this because the Developer's Agreement is in place. Borough Attorney advised that some criteria is needed to be set for consistency for this and other applicants. They would not want an affair with over 2,000 cars; Dr. Barad suggested that they would want it set that the affair must be consistent with onsite, existing parking accommodations. Mayor Heymann noted that this group had only 70 members; Dr. Barad advised that acknowledgement should be included in this resolution of the 70 members and that they all park onsite, creating a precedent that they can come back to if need be. In response to Councilwoman Amitai, Mr. Rogan asserted that there was well over 70 parking spaces. Mayor Heymann requested a motion be made regarding this upon return to the Regular Meeting. Councilwoman Amitai further questioned if this would require Police assistance; Mayor Heymann clarified that the Temple had many more cars per day for religious ceremonies.

At this time, Mayor Heymann referred to Item No. 8.

5. OLD BUSINESS

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

Mayor Heymann noted that they have come to a decision, the Closter Boy Scouts have volunteered to take ownership of the cabin and they will share with the Girl Scouts so they can still use it. The Boy Scouts will maintain it and possibly share it with the Northvale Boy Scouts. The cabin's use will be enhanced and they will keep it in shape. In response to Ms. Castano's query regarding asking the American Legion, as had been mentioned by Mayor Heymann, she informed that it is a Scout cabin and they are trying to keep it with the Scouts.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

5. OLD BUSINESS (Continued)

Mr. Glidden clarified that the Boy Scouts are taking over the Girl Scout Cabin at Mollicone Park; and they have their own cabin as well at Ruckman Park. Mayor Heymann explained that the Boy Scouts are growing and they need the extra space, while the Girl Scouts are diminishing so this is a good exchange, which is flexible enough to be changed in the future as membership changes. In response to Councilman Barad and Councilwoman Amitai, Mayor Heymann explained that they are involved because the Girl Scouts requested input and the Northvale Scouts requested potential space from the Closter Boy Scouts because they need the cabin space. In order to offset the cost of the work to maintain the cabin, the Closter Boy Scouts suggested letting the Northvale Boy Scouts use it and help in maintenance. Councilman Kashwick questioned if any other groups had been offered the cabin; Mayor Heymann informed that there was a small suggestion at the last meeting to the American Legion, but she was not sure they were very serious about it. She explained that the Scouts own it and are paying money for it.

Councilman Kashwick noted that the Girl Scouts have relinquished their rights to own it and it would be good to offer it to other groups within the Borough; they could offer it and ask for proposals for what the cabin would be used for and then they could decide what to do from there. Mayor Heymann remarked that this was done at the last meeting; Councilwoman Amitai expressed concern over people coming in from outside of the town. She explained that Mr. Miele offered to pay the insurance for five years and added that there could be another financial sponsor to help with the cost of maintenance. In response, Mayor Heymann acknowledged that it was not the finances of maintenance that was the issue, but rather the physical power of maintaining it was not there, the Girl Scouts did not have enough people to do so. Councilwoman Amitai questioned why they would need a third party from outside of the Borough to maintain the building if the Girl Scouts and the Boy Scouts would be using it. Mayor Heymann explained that they could say that it cannot be used by anybody else, but they are talking about shared services, which can be translated in this way as well; if the Council felt that it was inappropriate to let another town use the cabin, it is their choice.

Councilman Barad expressed that he was not opposed to this, but he believed the organizations in town should have the chance, as he did not wish to see another town group displaced because a group from another town was using it. He noted he did not wish to see it empty, but agreed with Mr. Kashwick and informed they should let other groups be aware, who may be looking for a meeting place. Councilman Hennessey questioned as to what the difference would be if the Boy Scouts were from Closter or Northvale; Mr. Kashwick informed that not everyone was at the last meeting and they should at least let the groups in town know it is available.

Mayor Heymann explained that if another group takes the cabin over, it will put out the Girl Scouts; if the Boy Scouts take it over, the Girl Scouts can still use it. In response to Dr. Barad, she explained that if the American Legion was to use it, for example, and make it into the American Legion house, it would put out the Girl Scouts. If the Boy Scouts take it, they would make the pledge to let the Girl Scouts fulfill their needs, and the Girl Scouts would retain what they have had for more than 50 years. Dr. Barad commented that this arrangement could be built into the agreement with anyone who takes over the cabin, if they wanted to make this a point; he reiterated that this is public land and they should offer this to other organizations. Council-woman Amitai questioned if the scouts were allowed to sleepover with tents at the camp at Mollicone.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

5. OLD BUSINESS (Continued)

Jesse Rosenblum, 65 Knickerbocker Road, questioned whether the neighbors should be notified, as they may have comments and they are looking for input. He also questioned about parking. Mayor Heymann explained that there is no parking and the children are driven there on a very steep, narrow road and she has parked there many times and it is difficult. The rules for when the Girl Scouts use the cabin is that they are permitted two to three cars to deliver and that is all the parking that is available.

At this time, Councilman Kashwick questioned if they were going to discuss the request made by Jennifer Rothschild. Mr. Rogan advised this was to be done in the Regular Meeting. Mr. Kashwick noted that Mayor Heymann requested this be done in the Work Session and reminded all that this was regarding the waiver for the roof of the Nature Center building and the waiver for the fee for the tag sale. Mayor Heymann informed if there were no concerns, they could pick this up in the Regular Meeting; and no one wished to be heard on the matter.

6. NEW BUSINESS

a. STATUS OF DOCUMENTATION OF ACTIONS VIS-AVIS TREE INSPECTIONS
(Requested by Mayor 2/8/08 – Discussed at WS 3/12/08) – Discussed previously under Mayor Heymann's Report.

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

No one wished to be heard.

8. OPEN MEETING TO THE PUBLIC

Jesse Rosenblum, 65 Knickerbocker Road, referred to Temple Emanu-El, explaining that what Mr. Stern originally designed was altered and he did not want his name associated with it because the materials used to build the Temple were not originally in his plan and were cheaper to use. Mayor Heymann clarified that the changes were minor; and in response to Mr. Rosenblum, she affirmed that the Temple would not benefit from this and would not get a "cut."

Borough Attorney informed that there is to be no other catering in the Temple other than for religious service-related activities such as bar mitzvahs and weddings. Mayor Heymann explained they would have lunch; and this is why they are asking for this variance because they will be having catering. Borough Attorney advised this is something that should be included in the Resolution because the approval specifically said it was not to be a catering hall. Councilman Barad expressed that this should not be made "on the fly," and it needs to cover the bases legally. Mr. Rosenblum expressed his understanding that the Temple would benefit from this because the people who go to the Temple pay for the wear and tear. Mayor Heymann informed that the Temple did not initiate this and it was the architects who did so; Mr. Rosenblum did not agree, stating that they did not know for sure who initiated it. He did not believe the Borough should bend over backwards for the Temple because it does not follow the parking plan and has been in violation from day one. He would turn the request down, as Mr. Rogan stated that it does not agree with the original agreement. Mr. Rogan explained that he would put something together and show the Council what would have to be waived for that approval and what precedent that would set.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, APRIL 9, 2008 – 7:30 P.M.

8. OPEN MEETING TO THE PUBLIC (Continued)

Ms. Castano informed that there has been an established deadline for years on Mail List items. Although the Borough Clerk's Office attempts to accommodate urgent requests, the deadline is 12 noon the Thursday before the meeting; and items such as this should not be recognized until the following meeting after it has been placed on the Mail List, the involved Departments and Borough Officials have been notified and their input provided. Councilman Barad explained that because it was introduced this evening, they have the opportunity to respond to it in a timely manner. Mayor Heymann added that this is a discussion; and they will have a written Resolution to respond to at the next Regular meeting. Ms. Castano informed this would customarily be on the Mail List for discussion at that time.

At this time, Mayor Heymann referred to Item No. 5a.

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

No one wished to be heard.

10. ADJOURNMENT

Motion to adjourn the Work Session at 10:15 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 April 24, 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
Borough Clerk's notes

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