

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – AUGUST 27, 2008 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, August 27, 2008. Mayor Heymann called the meeting to order at 7:33 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, David Barad,  
Cynthia L. Tutoli, Victoria Roti Amitai

Acting Administrator/Treasurer, John DiStefano

Borough Attorney, Edward Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Fire Chief, Brian Pierro

Assistant Recreation Director, Brian Beddoe

The following persons were absent:

Councilman John Kashwick

Chief of Police, David Berrian

At this time, Mayor Heymann informed that Mr. Kashwick's absence will be excused, as he is in India. Ms. Amitai pointed out that this was the first meeting he has missed.

4. MAYORAL PROCLAMATION DECLARING THE MONTH OF SEPTEMBER AS OVARIAN CANCER AWARENESS MONTH (4. M.L. 8/14/08 – Distributed 8/8/08)  
Proclamation to be read by Mayor although it was declared by the Council President at the Regular Meeting held August 13, 2008, in the absence of the Mayor.

Mayor Heymann explained that she wished to read this proclamation, which was declared at the previous meeting, but not read. She especially wished to call it to attention in memory of her best friend, who died of ovarian cancer just over a year ago. Several young people in Closter have also been victims of this disease, which can most often not be detected until it is too late. Mayor Heymann read and so declared.

5. PUBLIC HEARING AND ADOPTION OF THE 2008 MUNICIPAL BUDGET, WITH 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 the Regular Meeting held April 23, 2008, the public hearing and adoption of the Municipal Budget was adjourned to the Regular Meeting of May 28, 2008.

At the Regular Meeting held May 28, 2008, the public hearing and adoption of the Municipal Budget was adjourned pending receipt of word from the State regarding Extraordinary Aid.

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At the Regular Meeting held July 9, 2008, Mayor Heymann adjourned the public hearing and adoption of the Budget to the Regular Meeting of July 23, 2008 (On July 11, 2008, written communication was received from the Commissioner of the Department of Community Affairs that the Borough had received \$250,000 in Extraordinary Aid (2. M.L. 7/17/08.)

At the Regular Meeting held August 13, 2008, a public hearing was held but was not closed to the public. Therefore, this matter has been continued to this meeting.

Mayor Heymann explained that this was also taken up at the last meeting and by pro-former mistake, it was not finalized; so all they need is a vote on this, because all of the procedures have been taken care of. Therefore, she asked for a member of the Council to propose Item No. 5a.

Motion to approve Item No. 5a. was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Barad, Tutoli and Amitai.

a. RESOLUTION(S) AMENDING THE 2008 MUNICIPAL BUDGET

(Requested by Acting Administrator/Treasurer 8/8/08)

TO BE PREPARED BY AUDITOR

At the Regular Meeting held August 13, 2008, no vote was taken on this item.

Therefore, it has been carried to this meeting.

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

The following Ordinance was introduced at the Regular Meeting held 7/23/08 and was published in the Press Journal issue of 7/31/08, as stated in the printer's affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board, in accordance with statutory requirements, and copies have been made available to the general public:

ORDINANCE NO. 2008:1017, "AN ORDINANCE AMENDING SCHEDULE A:LIMITING SCHEDULE, SPECIFICALLY CHANGING THE MAXIMUM SIZE OF RETAIL STORES IN DISTRICT NO. 3 BUSINESS AREA PURSUANT TO THE RECOMMENDATION OF THE PLANNING BOARD"

Mrs. Amitai explained that they met with a Master Planner last night; the Planning Board Sub Committee has met with their Master Planner. Although they didn't discuss it in full, some remark that was made led her to believe that they should research it a little further; to discuss it further with him and the Planning Board and introduce it again at the end of October. Mayor Heymann confirmed that she wished to move to adjourn this item and Mrs. Amitai agreed. Mr. Glidden thought the issue was that they need to determine what they feel comfortable with in terms of the maximum square footage of a particular property. He doesn't know that this has been fully vetted yet. He would like more consideration of the maximum.

Motion to adjourn this item to the Regular Meeting of 9/10/08 was made by Councilwoman Amitai, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Tutoli and Amitai; Councilman Barad Voting No.

7. PUBLIC HEARING ON APPLICATION OF CABLEVISION FOR RENEWAL OF ITS MUNICIPAL CONSENT @7:45 P.M.

Notice of Public Hearing was published in The Record issues of July 12, 2008 and August 16, 2008. Reprint of these publications was posted on the municipal bulletin board on July 15, 2008 and copies have been made available to the general public.

At this time, Borough Clerk explained that the published time for the public hearing is 7:45 p.m. and it was only 7:43 p.m. at this time. She suggested that they move to the next item and return to Item No. 7 to give the public more time. Borough Attorney agreed. Mayor Heymann referred to Item No. 8 at this time.

At 7:51 p.m. Mayor Heymann read Item No. 7 and asked if anyone wished to be heard regarding this matter.

Steve Isaacson, 97 Columbus Avenue, explained he was speaking as a member of the public, because Cablevision has significantly increased his bill since he moved to Closter and he has basic cable. He voiced frustration that their income is being raised by nearly 500% and the Borough is getting nothing. He asked if Councilman Barad had checked into any complaints by

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citizens that have been registered with the Utility Board's Commission. Dr. Barad informed that he has not received any complaints; and questioned if Mr. Isaacson was aware of any. Mr. Isaacson voiced his opinion that he was not happy with the service. Dr. Barad explained that the Borough has an opportunity right now that they only get every ten years to try to improve what Cablevision can do for the Borough, including what they can provide to the schools and the public buildings and what they can provide to pay for the franchise. Mr. Isaacson pointed out that this was regulated by the Government and that they have their hands tied with this. However, Dr. Barad explained that he was not sure of this entirely; he thinks they have some discretion because the Borough does have the opportunity to approve or disapprove the franchise; so if they disapprove the franchise, then there is no Cablevision.

Mr. Isaacson voiced his understanding that they could invite Comcast, who is a bigger Cable operator, to come in and compete with FiOS and OptOnline. He reminded that the Mayor and Council had been considering setting money aside to put cameras in the room for the Court for security reasons. He suggested that those hidden cameras could be used to televise the meetings that are held in this room. If they could get all of this for free from the Cable Company, it would be a good idea. In response to Mr. Isaacson, Dr. Barad informed that Cablevision was supposed to attend the meeting this evening to discuss this. They have one month from this evening to settle this matter; tonight is just to hear and introduce the matter; and then they have a month; they can get an extension beyond that. Mr. Isaacson asked if they could deny them the franchise for a month or two to try and pressure them a little. Dr. Barad explained that they have to make a decision at a certain point. Mr. Isaacson reiterated his belief that they are getting very little for the amount that Cablevision is getting in return. They did make an investment, but they did so because they knew that Verizon was coming in with their products; they had no choice. Now the poles in Closter are dotted with their equipment all over town and he thinks the Borough should be getting a lot more out of them than they are right now.

At this time, Mayor Heymann asked for Dr. Barad to explain the process; and whether there would be some kind of a negotiation with Cablevision. Dr. Barad informed that they have the opportunity to do this after tonight. Mayor Heymann asked if they should approve the renewal and then negotiate; and Dr. Barad informed that they do not approve the renewal; this is the public hearing. He hoped that they would have attended the meeting this evening. He thought that they were going to be here this evening to introduce their proposal and then they would have been able to ask some direct questions so that Cablevision could comment. Mayor Heymann explained that they would hold the public hearing this evening and that they would be in touch with them to negotiate and report back directly.

Mr. Isaacson questioned if they could have another public meeting with Cablevision present so they could ask questions before a decision is made. Dr. Barad reiterated that they could ask for an extension on this part for 30 days and ask them to come back to the next meeting or the meeting after that. In response to Dr. Barad, Borough Attorney informed that their next meeting is on September 10, 2008, but the Statute states that the hearing must be held within 90 days. They will have to ask for an extension, as Cablevision should be in attendance in order to hold the public hearing; there is no one to answer any questions or address any concerns. Mayor Heymann confirmed that they would carry this over to September 10, 2008.

In response to Dr. Barad, Mr. Rogan explained as follows: after the hearing, the Borough will come up with a proposed Ordinance that gets filed with the State; in this situation, they must ask both Cablevision and the State for permission; once they get to the point where something is approved, before actually introducing it, it gets approved by the State; the language gets approved to get sent back to the Borough; then they can have the introduction. Mrs. Amitai asked if Mr. Rogan would do this; and he agreed.

At this time, Mayor Heymann referred to Item No. 9.

8. PUBLIC HEARING RE REQUEST FOR WAIVER OF SIDEWALK REQUIREMENT (CODE CH. 171, SECTION 29A(2) FOR PROPERTY AT 38 FAIRVIEW AVENUE (PREVIOUSLY 40 FAIRVIEW AVENUE), LOT 10, BLOCK 704 (8. M.L. 8/21/08)

Edna J. Jordan, Law Firm of Winne, Dooley & Bole, explained she was present on behalf of Viray, LLC., of whom are the owners of said property. She is here because her clients are in the process of selling property and in doing so; they had to obtain a C/O. The Code for the sidewalks requires that a sidewalk be installed because their property had a requirement for that; because they had an existing house there; they took it down and they raised it. The Code also provides for a waiver request and her clients had asked her to come before the Mayor and Council to ask them to grant that waiver. It is simply due to the fact that the street; which she drove past today; that street and other streets in that particular neighborhood do not have sidewalks on either side of the

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streets. They have approximately ten houses on either side of the street, with no sidewalks at all. Her clients' property happens to be in the middle of that. So by putting a sidewalk in that area, it wouldn't be consistent with that neighborhood scheme. Therefore, they have asked for her to come before them to request that they grant the waiver request. She also had the opportunity to speak with Mr. DeNicola, who said he also had the chance to look at the property and he is familiar with it. She also asked if she should bring her builder or her client, but she was told that it was unnecessary and she offered to answer any questions anyone may have.

Mr. Rogan explained that this is his former home where he grew up, adding that it is a knock-down; he lived at the 40 Fairview Avenue address for 28 years. She informed that the closing took place in approximately August of 2006. Mr. Rogan informed that he has nothing to do with this application, but he was simply stating for the record that this was his former residence. Mr. Glidden asked for confirmation that it never had a sidewalk when he was living there and Mr. Rogan agreed. Mrs. Amitai pointed out that this was another Ordinance that they touched upon last night at the Master Plan Session and they are going to be reviewing that as well. It will be coming to them once again and they will see what kind of advice they get from the Master Planner.

At this time, Councilwoman Amitai made a Motion to grant the sidewalk waiver. Mayor Heymann asked that she add, "provided that the appropriate costs are paid for". Mr. DeNicola added the following amendment: "that a deposit be made for installation of a sidewalk in another part of the Borough in lieu of the sidewalk being installed at that location".

At this time, Ms. Jordan informed that she discussed said requirements with Mr. DeNicola, who has explained to her that there is an escrow or a fund that must be paid with respect to obtaining the certificate of occupancy. Her client is aware of this and he will be making that payment in lieu of installing a sidewalk no matter what the amount is. Mayor Heymann pointed out that this is not an escrow amount; it's a finite amount.

Mr. DeNicola explained that he calculated the amount and explained as follows: there is a 75 foot frontage; that would equate to approximately \$2,100.00 for a sidewalk at that location. Ms. Jordan confirmed that she has indicated that this is the amount that her client will pay to go obtain the final C/O.

At this time, Mayor Heymann asked for a Second to the Motion. Said Motion was seconded by Councilman Hennessey.

BEFORE ROLL CALL VOTE, Dr. Barad asked for confirmation that the client's interest – if they are going to be contributing money to the sidewalk fund – is not to save the money, but to not install a sidewalk on part of their property that would otherwise have grass there. Ms. Jordan agreed that this was correct, adding that there is currently grass up to the street and if the sidewalk were to be installed, there would be just the cement just in the frontage of that property; with grass on either side, as well as the opposite side of the street. Mr. Rogan informed that the streets are very narrow and Mr. DeNicola added that it is a narrow right-of-way. Mr. Rogan continued that there is no room for the sidewalk. Mr. DeNicola informed that the right-of-way is only 40 feet, as opposed to 50 feet, which they generally have in the Borough in a right-of-way; it could be squeezed in, but it's tight. Mrs. Amitai questioned if the Ordinance states that they must pay a fee. Both the Borough Attorney and the Borough Engineer reminded that this has in fact been the Borough's policy for nearly ten years. Mayor Heymann pointed out that the Ordinance calls for a sidewalk; the Council may waive that and take the fee in lieu of the sidewalk. Mr. Rogan added that the concept was to get a fund so that the busier roads; the ones that were more dangerous; that the Borough would have funds to do those roads and/or curbs on a more heavily traveled road.

Dr. Barad questioned if this was a quieter road that wouldn't require a sidewalk to make it safer. Mr. DeNicola explained that unless they were going to add sidewalks to the entire stretch, this section of the sidewalk would not improve the safety of the road. Dr. Barad questioned the possibility of the houses in this community turning over and other homes coming up for this consideration over the next few years; and ultimately it would be sidewalks. He explained that his street had no sidewalks or asphalt when he moved in there and now it's almost all sidewalks. So, one at a time, you install sidewalks, which is the way the Ordinance is designed to work. He clarified that the real question is not whether they are the first ones or not, because somebody will always be the first one. The question should be whether it would serve the community, have a safety benefit or encourage pedestrian traffic, which is what the governing body is trying to do; he has not seen this area of the neighborhood, so he is not aware of these things.

Mr. DeNicola explained that it is a very local road; it is residential; it's not an arterial road like Demarest or Knickerbocker. He added that it is a judgment call, as two people could look at it differently. He agreed that any sidewalk on the street would improve the safety, but it could

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also be perceived that installing sidewalks on an arterial road would be more of a safety benefit. Mr. DeNicola advised that the sidewalk fund is used to fund the latest program to build sidewalks on Demarest Avenue, Knickerbocker Road, Piermont Road and Hickory Lane. Dr. Barad asked if it was a service to the people living on this street not to implement this. Mr. DeNicola explained he was not able to speak for these people; and voiced his opinion that if they felt strongly about it and if they knew about it, he would think that someone would have shown up tonight; however, he could not answer this question. Dr. Barad questioned if this was the first house turning over this level of building. Mr. Rogan informed that there about four new houses on that side of the street; one right next door. In response to Dr. Barad, Mr. DeNicola and Mr. Rogan informed that they have waived the sidewalks on the other houses. Mr. DeNicola informed that they are not waiving the curb, whether there is an old one or a new one, it is still required. However, if there is a newer curb, it is not something to worry about. Ms. Jordan explained that she is not familiar with the curbing and she assured she would bring this to the attention of her client. She also pointed out that in order for her client to obtain a C.O., any other requirements should be clarified with her client.

At this time, Mayor Heymann asked for a vote. Borough Clerk requested that the determination of this matter be memorialized in Resolution form, so that it would be in writing for all necessary parties to be aware of the outcome. Mr. Rogan agreed to formalize this into a Resolution.

Said Motion was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Tutoli and Amitai; Councilman Barad Voting No.

At this time, Ms. Jordan asked for clarification as to what was decided; and Mr. Rogan advised that it has been approved four to one and he will prepare a Resolution for the Borough Clerk.

At this time, Mayor Heymann referred back to Item No. 7.

9. 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.

Joe Bianco, 7 MacArthur Avenue, asked if could have the results of the tabling of the Ordinance on the square footage of the stores. Mayor Heymann informed that the vote was four to one. Mr. Bianco asked the Borough Attorney for the number of members that would be required to vote if a protest petition is filed to overturn a Zoning Ordinance and it states that it requires two-thirds of the full membership of the Governing Body. Mr. Rogan voiced his understanding that this would be the full membership present at that meeting; therefore, it would be two-thirds of the quorum. Mr. Bianco asked if Mr. Rogan could research this issue regarding a protest petition. He informed that he has researched same and he found a different answer; it is the full authorized membership of the governing body. Mr. Rogan asked if he was referring to his question or something else. Mr. Bianco explained that he was asking in general in reference to protest petitions; he has been told that two-thirds of seven is five. Mr. Rogan informed that it could not possibly be seven, as the Mayor is not a voting member. Mr. Bianco pointed out that the law states “full authorized membership of the governing body”.

Dr. Barad asked what a protest petition is and Mr. Bianco explained as follows: say you change some kind of Zoning law and the public did not like it; they file a protest petition with either 20% of the property owners within the district that are being affected or 20% of the surrounding properties being affected; then they can file a petition and it would take two-thirds of the full authorized membership of the governing body; that would be five votes; therefore, if two councilmen voted in the negative, the ordinance could pass; this has happened in the past; he is not making a new creation; right now, he is talking hypothetically.

Mr. Bianco then referred to Item No. 18 on the Consent Agenda and asked for the amount to the Vantage Tax Abatement. In response to Mr. Rogan, Mr. Bianco informed that he wanted the term in years, the dollar amount and how it was arrived at. Mr. Rogan explained as follows: it was a percentage of rent, which is 6.33% of rental units; he believed it was gross rent; this is annually; and it is renewed each year; it is reviewed at the end of each year; it is 6.33% gross sheltered rents of 157,800; so the payment in lieu of taxes comes out to \$9,988.74; this is for one year; then it is to be renewed, just as Spectrum has been done annually.

Mr. Bianco referred to Spectrum 1 and asked if they have still been collecting. Mr. Rogan informed that they have been. He asked if there has been any increase on Spectrum 1 since its acceptance. Mayor Heymann informed that the increase is automatic, because it is based on the

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rents the same way that Vantage is; if they have greater rents, then there is an automatic increase. Mr. Bianco disagreed with this and informed that he was on the Council when they did Spectrum 1 and there may have been a different formula. In response to Mr. Bianco, Mr. Rogan informed that he is not familiar; however, he knows that it is handled by the Tax Collector. Mr. Bianco voiced his understanding that the check comes from the State.

Mr. Bianco asked for the amount of Spectrum 2; and Mayor Heymann informed that they were never taxed for this, as the issue never came up; she voiced her understanding that most of the current Council members were not involved. She has been speaking to the Attorney about this and asking him to follow through to see what can be done. At the present time, they don't pay anything.

Referring back to Spectrum 1 and the addition they put on, Mr. Bianco asked if they had those numbers. Mr. Rogan informed that he does not have numbers; and this is handled by the Tax Collector.

Robert Ludwig, 73 West Street, thanked the Mayor and Council for the completion of the roadway in front of his house. He then referred to the earlier discussion regarding sidewalks and informed that they could use a sidewalk on his street. He explained he has a ten year old, who will be going to Tenakill School this year and there are also a couple of other small children who are going. He noted that if sidewalks could be considered in that area, it would be a very good idea. In response to Mr. Glidden, Mr. Ludwig explained that he is located on the east side, closer to Blanch, south of VanSciver.

Mr. Ludwig explained that the real reason he was in attendance was because he has concerns about the Weyerhaeuser property. He has heard that there is a container company that is interested in obtaining this piece of property. He does not know the status, but he suggested that the Mayor and Council should consider the impact that this is going to have on the neighbors of the property and on the town as far as the traffic is concerned. With Weyerhaeuser, he calculated that they had approximately 300 tractors that go through the town everyday. It has been a lot quieter and better for them as neighbors and a lot better for the town. He hoped they would consider their peace.

Mayor Heymann explained that they will be coming in front of the Planning Board, not the Mayor and Council. So far, they have not received any applications. When they do, they will be public; and he can testify. He will testify, but he just wanted to voice his opinion about it early on, so that people are aware of the situation on West Street. He had a long battle with Weyerhaeuser about noise complaints from back there; it was a constant problem. He explained that he suffered unnecessarily through that and he doesn't want himself or his neighbors to suffer through it again.

Mr. Glidden thanked Mr. Ludwig for coming to express himself. He asked for clarification that Mr. Ludwig thought that this container company would have just as much traffic as Weyerhaeuser did, which is his issue. Mr. Ludwig believed that they probably would and informed that a container company will make their money moving these containers; they will be on the move. He thinks it will cause a great deal of traffic for the neighbors of West Street. This is his concern at this point. Mr. Glidden asked if he has heard of any other potential companies coming in of different kinds. Mr. Ludwig informed that he had not heard of any other company coming in; he only heard of this container company. He does not know if it is factual or not, but it is enough to concern him.

At this time, Mr. Bianco informed that he had a room full of people and there is no Clerk. Mayor Heymann informed that Mr. DiStefano would take care of it.

Brian Beddoe, Assistant Recreation Director, was in attendance to report on behalf of the Commission about Labor Day; and explained as follows: there are a bunch of new events coming; they got some Commission members to volunteer to run some more events; all of the permits, insurances and documentation will be in the Mayor's office tomorrow. Mayor Heymann asked Mr. Beddoe to review the items on the schedule and also informed that the program for Labor Day is on the Closter Website and very easily accessible. Mr. Beddoe continued as follows: traditionally, it will be pretty much the same; they will have a puppet show for the younger kids at 1:00 p.m.; they will have games and rides for the kids throughout the day; they have the awards ceremony for all of the children at 2:00 p.m.; they have the field events for the children; they have the rock band at 4:00 p.m.; the Waldwick Big Band at 7:00 p.m.; tug-of-war at 6:00 p.m. and fireworks are at 8:30 p.m.; they will also have a couple of events that the certain factions of the Recreation Board have that are run for the children; little games to play, such as soccer shoot out and home-run derby that will run throughout the day; hopefully, they will have good weather; and all of the documents will be in the Mayor's office tomorrow. In response to the Borough Clerk, Mr. Beddoe informed that he was not aware of whether the pony rides will be there; but there will be kiddy rides.

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Mayor Heymann thanked Mr. Beddoe and Jim Oettinger, as well as all of the volunteers because these are very special services they are giving to Closter. She asked that he convey the message to all the volunteers. Mr. Beddoe explained that they all want to make the town a little bit better; especially for the children. Mr. Glidden asked which members of the Council would be attending the Labor Day festivities. Mr. Glidden also thanked Mr. Beddoe, who pointed out that next year may be the 50<sup>th</sup> year. Mr. Beddoe thanked everyone for their support.

Jesse Rosenblum, 65 Knickerbocker Road, reminded that there was a presentation by Vantage Health about a month ago. He asked them to supply two audit reports; and Mayor Heymann had confirmed same. He asked if they had sent it in; and Mayor Heymann informed that she had not received anything. She offered to follow up on this.

Mr. Rosenblum then asked if the Borough had closed on the Flamm property; and Mr. Rogan advised that they had not, and that they just received the Environmental Report today. It was contingent upon the Borough being entitled to an environmental inspection; however, he has not reviewed the report, as it was handed to him just before the meeting. Mayor Heymann pointed out that the report recommends further investigation, so she doesn't think that they will be signing off very soon. Mr. Rogan added that the contract is contingent upon that being clear. Mr. Rosenblum questioned if there would be an examination of the soil; and Mr. Rogan explained that the examination of the soil has already happened. The sale is contingent upon the Borough getting that report and its being satisfactory.

Steve Isaacson, 97 Columbus Avenue, thanked the Borough for installing the street signs. However, he was curious as to why they put these signs on Borough property when they could have easily been put across the street. He noted that they are crowding Borough property with all of this signage and voiced his opinion that in his terms it is pretty tacky. In response to Mrs. Amitai, Mr. Isaacson informed that he was referring to the signs that say Closter Dock Road, VerValen Street and Lewis Street; which is right on the corner of the Borough property. Mayor Heymann asked if the Police or the DPW takes care of this; and Mr. Hennessey voiced his understanding that the DPW would be responsible. Mayor Heymann informed that she would check into it.

Mr. Isaacson asked if they ever checked into the signage issue with the Korean Medical Center and Holy Name. Mayor Heymann informed that she just read about this now. Mr. Isaacson informed that there is also a North Jersey Orthopedics operating out of there and there is a huge sign on the building. He asked if they ever applied for anything or if they needed a permit. Mayor Heymann informed that she did not know the answer, but assured she would check into it. Mr. Isaacson then referred to the sidewalk waivers and voiced his concern that during the winter when there is a snow storm on these narrow streets and the roads are plowed, cars are parked in the street; and there is no place for anyone to walk. He noted that this is something to think about. He agreed with Councilman Barad that they have to start somewhere; you can't just say there are no sidewalks, because if there is one sidewalk, then there will be no arguments about this.

Mr. Isaacson referred to what he termed as the Zoning thing they would be doing in the future and commented that the bigger the box, the more traffic they will get in Closter and the larger their COAH obligation is going to be. He reminded that for every 25 employees, they have another unit they are due for; they have a big enough obligation as it is.

Mr. Isaacson informed that he walked from Demarest through the Nature Trail to Closter today. The bridge and the trails are great, but he heard a lot of motorized dirt bikes back there; and he is sure they are not coming from Closter. He added that they can be heard from the High School; someone should be in there between Demarest and Closter, trying to stifle this, because the Borough is going to be responsible if anything happens. He also informed that they could not get across the field to see the barbeque house recently, because they were spraying insecticide on the field. He has been making calls and there are no regulations that prevent them from doing this; however, it is so close to a C-1 stream that it concerns him. He pointed out that they have beautiful fields, but they have to drink the water; and if the water is being tainted, then they are all going to have cancer. He thinks it is something that the Borough should think about. Another thing to think about is that in two days they had two football related deaths; two children have died. He asked what the Borough's liability is if a child were to die when a private organization is having a football game on our fields. Mr. Rogan informed he did not believe they would have any liability, unless the town was somehow on notice of some sort of medical condition; he doesn't believe there is any particular standard vis-a-vi a Borough's liability. Mr. Isaacson hoped it would never happen and informed that one death occurred in Waldwick and another in Cliffside Park.

Mr. Glidden informed that the reports had stated that both families had filled out the proper medical forms; and there was no indication in either case that there was a medical condition. Therefore, he clarified that Mr. Isaacson was questioning the Borough's liability. He informed

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that as long as the proper medical forms are taken care of and the kid is certified without any conditions, he didn't think the Borough would have a liability. Dr. Barad voiced his opinion that the physician who signed the medical form might have some liability. Mr. Isaacson asked if they could have the Borough physician certify this; and Mr. Rogan advised he would not recommend this.

Mr. Isaacson was curious as to how much money the Recreation employees make each year in salaries and benefits. Mr. Glidden explained that in response to Mr. Isaacson's question two weeks ago, he has asked for an accounting of where the money comes from and where it goes. He has asked the Finance Department to prepare an analysis of that, along with Jim Oettinger of the Recreation Commission; and this is in process. He explained that if Mr. Isaacson could wait until this is done, he thinks it would answer a lot of questions.

Hugh Johnson, 107 Demarest Avenue, questioned the status of the Construction Code Official, Keith Sager. He asked if he was still employed by the Borough; and Mayor Heymann agreed that he is. Mr. Johnson asked for the status of the criminal report of which he provided a copy to the Acting Administrator, John DiStefano. Mr. DiStefano informed that it is a criminal situation; and Mr. Johnson disagreed, noting that it was a complaint. Mr. DiStefano informed that it was a complaint that Mr. Johnson provided to him at the last meeting and he gave it to the Attorney and copied it to the Chairperson of the Personnel Committee; and that is as far as it is going to go.

Mr. Johnson asked Ms. Tutoli if she received a copy of this; and she agreed that she had. In response to Mr. Johnson, she also confirmed that she was the Chairperson of the Personnel Committee and that she had reviewed a copy of the complaint. Mr. Johnson asked for the Committee's assessment; and Ms. Tutoli informed that they have not met since this has come up; and they will be meeting about this soon.

10. COMMUNICATIONS

a. MAIL LIST – AUGUST 14, 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 commented on Item No. 10; Mrs. Amitai referred to Item No. 12; Mr. DeNicola commented on Item No. 7; Dr. Barad asked that Item No. 13 be removed.

Item No. 10 - Received 08/13/08, dated 08/08/08, from Andy Kim, President, The Korean-American Association of New Jersey; to Mayor Heymann, re Invitation to attend the Opening Ceremony of the 7th Annual Korean Thanksgiving Festival of New Jersey on 9/27/08 at 4:30 p.m. at Overpeck County Park in Leonia, NJ; request proclamation or congratulatory letter noting the event, which will be printed in the program journal; Possible Proclamation; R.M. Agenda 8/27/08

Mayor Heymann explained that this is worth the while if you have any friends or family who want to attend a really super carnival atmosphere with wonderful bands and dancing, she recommended this highly, as it is a great occasion; especially for children.

Item No. 12 - Received 08/14/08, dated 08/08/08, from Raymond R. Jacobus, Business Administrator/Board Secretary, Northern Valley Regional High School District, regarding Notice of Special Meeting of the Northern Valley Regional High School Board of Education to be held 8/19/08 at 6 p.m.; open meeting to public to commence at 6:30 p.m.; Barad/Board of Education

Mrs. Amitai questioned the topic of the Special Meeting of the Board of Education. Mr. Isaacson voiced his understanding that this was the meeting where they decided to re-open the field.

Item No. 7 - Received 08/12/08, dated 08/08/08, from James A. Caporrino, Esq., Park, Weinstein & Caporrino, LLC, regarding Notice re Planning Board Hearing to be held on 8/28/08 at 8 p.m. regarding the application of Dae Ung Kim for soil movement approval at Block 510, Lot 16, 29 Hawthorne Terrace; Amitai/Planning Board

Mr. DeNicola noted that the Planning Board Meeting has been postponed to the first Wednesday in September.

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Item No. 13 - Received 08/14/08, dated 08/11/08, from Senator Gerald Cardinale, 39th District, regarding Guide to reduce energy costs in the Borough facilities

Dr. Barad asked how they can make sure they are implementing some of these things. Mayor Heymann voiced her understanding that they already were implementing some of them. She asked that any suggestions be called to her attention. She has gone through it; and as far as the recommendations are concerned, she felt that the Borough was ahead of the game. Dr. Barad described it to be a useful document and asked if it was available to the members of the public. Mayor Heymann was sure it was; and informed that she had hers with her. Mrs. Amitai asked if there was a sensor of some kind that would turn air conditioning on and off, like a light sensor. Mayor Heymann informed that Mr. DeNicola or Mr. DiStefano may want to address this, but informed that air conditioning is much more efficient when you don't switch it on and off. However, she explained that they have it set for 74 degrees on the main floor, so that it does not go below that and cost the Borough additional energy. Mrs. Amitai informed that she has been here in the evening on many occasions where the meeting room is so cold and there is no one around. Mr. DiStefano informed that it is a separate unit. Mr. Hennessey informed that they are planning on getting their alterations going to move the Building Department over here. He added that they can address this matter at that time and possibly install programmable thermostats.

b. MAIL LIST – AUGUST 21, 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. 3 and commented on Item No. 6; Mr. Hennessey asked that Item No. 10 be removed.

Item No. 6 - Received 08/18/08, dated 08/18/08, from David Scholz, Chairman, Closter Environmental Commission, to Mayor, Council Members and Closter Recreation Commission, Requesting permission to set up an information table at the Labor Day celebration at Memorial Field on 09/01/08; including 2-3 posters; table to be manned from 1 p.m. to 3 p.m.; possibly 4 p.m. (copy to James Oettinger and Glenn Parsells); RM Agenda 08/27/08

Mayor Heymann commented that the Labor Day Festival is under the aegis of the Recreation Commission, which it should be, because it is an active ball field, which is under the aegis of the Recreation Commission. When there are special requirements which need special permits or variances, then they must come to the Council. She believes that an ordinary table such as this, which has already been permitted by the Recreation Commission Administrator, there is no need for it to come to the Council. She simply wished to clarify this in case there were any questions.

Item No. 3 - Received 08/15/08, dated 08/14/08, from William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Mayor, Re 2008 League Conference Resolutions; Summary deadline: 10/03/08; Full text deadline: 10/17/08

Mayor Heymann informed that she would like to have the Council consider, during the Work Session, a particular resolution to send to the Resolutions Committee of the New Jersey League of Municipalities. She is specifically talking about the excessive amount of OPRA requests they are getting in the Borough.

Item No. 10 - Received 08/20/08, dated 08/21/08, from Jun Wang and Ning Yang, 511 Homans Avenue, to Mayor Heymann and Council, Requesting review of existing driveway posts at 511 Homans Avenue, located on Borough property, and seeking a final decision in the matter; request for consideration of driveway posts to remain where they are (Copy to Keith Sager, Leonard Sinowitz)

Mr. Hennessey explained that the builder for Mr. and Mrs. Yang constructed some masonry foundations by the street and put little lights on them. He noted that apparently the structure is in the Borough right-of-way and they are requesting it be overlooked to allow these structures to stay there. Mr. Hennessey expressed his concern that this not be allowed, as it should be taken down. Mayor Heymann informed that the family was present to testify regarding this matter.

At this time, Jun Wang and Ning Yang thanked the Mayor and Council for their support throughout the continuing construction. As to the details, they explained that as home-owners, when they saw the posts built, they were trying to align them with the neighbors.

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They have requested a review by the Council regarding this situation. She informed that they had looked around and noticed that the neighbors all have their driveway posts built at a similar distance from the street. For example, 537 Homans Avenue has driveway posts built 9 feet from the curb to the posts; their distance is 11 feet; 366 Homans Avenue is 14 feet and 430 Homans Avenue distance is 4 feet. They looked around other towns as well and felt that where theirs are was a natural spot to build their driveway posts. They also felt it good to have lights for safety reasons for her family, especially her mother that likes to walk after dinner outside and for pedestrians as well. They would respect the governing body's final decision, but would hope they would consider their existing position as long as it is not interfering with pedestrians and/or any other public activities.

In response to Councilman Glidden, Mrs. Yang informed that this is construction on 511 Homans Avenue, closer to Anderson; and Mr. DeNicola confirmed it was on the north side. Mrs. Yang noted that they had not realized it was a busy street and that the public property is set further back into the private properties due to this; however, they were trying to line it up with the neighbors on Homans Avenue. In response to Councilman Glidden, Mr. DeNicola informed this was a Construction Official matter; and looking at the tax map, one can note that the right-of-way varies from 50 to 55 to 60 along this corridor of Homans Avenue; and they happen to be in the 60-foot right-of-way width, which is why they are normal.

Mayor Heymann explained that the Borough right-of-way is more than 20 feet at that point; and Mr. DeNicola noted to Mr. Glidden that they are unsure of how far the posts are into the right-of-way. Mrs. Yang informed that the site plan does show the pillars and showed to the Council where they were built. Councilman Hennessey commented that they look to be about 15 feet into the right-of-way. Mrs. Yang informed they were considering removing and building in another area, but it would be sitting in the middle of their front yard. She restated the foot-distance for the neighboring homes.

In response to Councilwoman Amitai, Mrs. Yang explained that they realized the posts were on public property when Mr. Sager came to seal the T.C.O for them, saying that they needed to get written permission from the Mayor and Council for the existing driveway for building the 4 lights on public property. Mrs. Yang also confirmed that if they did not build the driveway on public property, there would be a big gap from the pedestrian walk to their property, which is why they thought the posts should be where they currently are. Mayor Heymann informed that the driveway, because of functionality, always goes to the curb no matter how large the right-of-way is.

Mr. Wang explained that they had looked around and many neighboring properties have posts closer to the curb than they currently have at their home. Mr. Hennessey informed that their builder should know this; Mrs. Yang apologized for their builder not being able to know this. Mayor Heymann informed that the plans that were given to the Building Department did not include any of those posts; there was no way for the Building Department to caution the developer because it was not on the original plan. Mrs. Yang confirmed this and explained that in the middle of construction, they decided that they would be able to and liked to have that feature, as others had it as well. She added that they had talked about if at some point the Borough needed to widen the road, should they need to knock them down, they would.

In response to Councilman Barad, Mr. DeNicola noted that the only thing these posts may do is block the vision of someone backing out; if they had showed this on their plans before, it would not have been approved and would have been denied. Mr. Rogan reminded that they cannot grant a variance as it is not a variance issue because they cannot build on someone else's property with a variance. This is similar to the Fourth Street situation where there was a barbeque built on Borough property; and they are now talking about them buying it due to the encroachment. Councilwoman Tutoli questioned how the right-of-way could vary so greatly on the street; Mr. Hennessey added that the road was relatively straight. Mr. DeNicola explained that depending upon when these subdivisions were done to create these properties, the Borough could have required different widths because of the different Boards. In response to Mr. Hennessey, Mr. DeNicola stated that in regards to purchasing property, the right-of-way width directly east and west of this property is 55 feet and theirs is 60, which is approximately 5 more feet. If there was a 5-foot deviation, it would make sense, but this is more than 5 feet; it's approximately 10 feet in the plan; and he confirmed it would be less than their standard and they would still have to move.

Mrs. Yang informed that there is a 4-foot distance between the driveway and the curb at 430 Homans Avenue. Mr. Hennessey noted that it could be that those people also have foundations in the Borough right-of-way. Mrs. Yang added that this was done recently and further added that 537 Homans is only 9 feet from the curb. Mr. DeNicola clarified that this is going up for a C.O. and the others may be pre-existing conditions; Mr. Rogan reminded that these others were still on Borough property as well. Mayor Heymann stated that the posts Mrs. Yang was referring to

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at other properties may be on Borough property as well and are subject to removal as soon as they find out; the fact that they are there does not make it right; the Mayor and Council will try to be evenhanded with everyone in that district, as it is more important to be evenhanded even if they have to deal with those that have already been built. She explained to the Council as follows: they can read the calculation on the tax map for every street in the Borough; the right-of-way is calculated as a residue of the paved part of the street; and if the street is listed at being 50 feet and is only 30 feet wide, that leaves 20 feet over; and if calculating from the center of the street, there is a right-of-way that belongs to the Borough of 10 feet on each side. Mr. DeNicola clarified that this is an approximation, as the right-of-way may not be from the center. Mayor Heymann further added that if the development is put out and the negotiations with the Borough, which is the case in Homans Avenue, allowed for a 60-foot right of way and the road is only 30 feet, it leaves 15 feet on each side as opposed to the 10 feet.

Councilman Barad expressed his understanding of the need to enforce the Borough Ordinances; however, there is something about this where the builder needs to be sanctioned and perhaps those who he had been building for should have been more sanguine as to what was going on. He added that it is the builder giving advice and he wished that a sanction could be taken for B&H for helping to create this situation. Mr. Rogan advised that this is between the homeowner and the builder, not the Council. Dr. Barad expressed his opinion that they need to recognize that these people contracted with somebody to do this in good faith. Mr. Rogan agreed, but was not sure why they would have wanted to close without a C.O., which is a separate issue. Councilman Hennessey explained that any violation is against the property owner; Mr. DeNicola reiterated that they could not sanction the contractor; Mr. Rogan confirmed that the property owner could go after the contractor.

In response to Mr. Hennessey, Mrs. Yang informed she was in the middle of settling with the contractor. Mr. Rogan questioned if they had closed without a C.O. or if they had owned the property prior to the house being built. Mrs. Yang informed that they bought the property and then built the house last year; they knocked down the existing house. Mr. Glidden expressed his concern that they have come to the Council to get a waiver; he does not wish for them to be inconvenienced as it would cost a great deal to relocate the lights. He further added that this affects other people on the street and wished to have knowledge as to how it affects the rest of the street; he wished to know how many people are in the right-of-way on Borough property. They need to make a uniform decision and he wished for more information.

Mr. Rogan advised that whatever the Council decides needs to be consistent, as they cannot have someone get an exception and someone else not; this should really be consistent throughout town as it will affect Fourth Street as well. If the Borough is going to waive building on property, Fourth Street is going to have to be waived as well and is actually less of an encroachment than this. Councilwoman Amitai commented that they would then have their hands full; Mr. Glidden added that either way, it must be a uniform decision and it shouldn't matter whether it is 6 or 15 feet in. In response to Mrs. Amitai, it was clarified that the right-of-way should not be uniform. Mr. Hennessey added that the purpose in coming here is to have them removed. Mr. DeNicola clarified that this is up to the Council to decide; Mr. Glidden explained that they are not telling them to remove them now because they want more information to make a uniform decision. If this results in the posts being removed, then they are going to have to have the other people remove them as well. Mr. Hennessey stated that this would not affect the Yangs.

Mrs. Amitai suggested that she speak to Mr. Sager and ask him to look at 430 and 537 Homans and find out if their columns are in the right-of-way; if he realized this one, he may have noticed the others and addressed them already. Mr. DeNicola explained that it is easier with this plan as the applicant has a right-of-way line defined on the plan, but the other properties may not have the lines and will not be as clear-cut. He recommended that they should not put anything in the right-of-way because it is setting a precedent; and if there is one, there will be many. Mr. Glidden stressed that before they deny their request, they should get more information about what is on the street.

Mrs. Yang informed that they did not mean to use anyone's property and they were not aware, as they have been living here for 10 years and respect the law. Mr. Glidden explained that they are not trying to inconvenience them and cost them money, but they need to make a uniform decision. Mayor Heymann suggested that because of the nature of this, and it is very expressly not permitted, that they take a position on this request and follow up to be sure that no one else violates the right-of-way anymore. Therefore, they can follow through by making sure that no matter when this was done, as with the barbeque on Fourth Street, that they would not permit it as soon as they are aware of it. In response to Mr. Glidden, Mr. DeNicola explained that Mayor Heymann was saying to give a decision on this and carry it out to the other properties. Mr. Glidden stated he was not ready to make a decision on this until there was more information on the other properties; Mayor Heymann asserted it was a suggestion.

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Mrs. Yang questioned if, in general, it was the responsibility of the residents to take care of public property regarding lawn mowing and doing the grading. Mr. Rogan clarified that this is a Statewide law, and includes shoveling the sidewalk and maintaining the grass. Mrs. Yang expressed her desire to be treated fairly. Mr. Glidden explained that he would like to see that the others are considered as well; and Mrs. Yang noted they would respect the decision of the Council and only wished to be treated like everyone else.

11. 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 for communication items only.

12a. 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

13.\* INTRODUCTION OF ORDINANCE NO. 2008:1018, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF CLOSTER SPECIFICALLY, ADDING CHAPTER 93, CONSTRUCTION AND REPAIR OF SIDEWALKS AND CURBS: PERMIT REQUIRED” (Received from Borough Attorney 8/20/08) – PUBLIC HEARING 9/24/08 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

14.\* BILL RESOLUTION – AUGUST 31, 2008  
TO BE PREPARED BY TREASURER

15.\* RESOLUTION AUTHORIZING AD INTERIM PERMIT FOR PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-006-006 ISSUED TO KLIP, LLC. t/a ASSEMBLY EAST HILL, 597 PIERMONT ROAD

16.\* RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEAR 2008: SAFCHIK V. CLOSTER (Received from Borough Attorney 7/31/08) Adjourned from RM 8/13/08

At this time, Borough Attorney explained as follows: at the request of Councilwoman Tutoli, for purposes of taxes, the difference between the two numbers-the old assessment and the sales price and the proposed new assessment-is \$1,500.00 for the year; the Assessor had assessed that property at \$1,092,600 8:58:08; it had been listed for sale for a period of time and the actual sales price was \$995,000.00; so the differential would give rise to a tax collection difference of \$1,500.00. Mayor Heymann requested that Mr. Rogan provide Ms. Castano with the Resolution with the corrected figures. However, Mr. Rogan informed that they don't put figures in it; the figures that are in there are just the value of the assessment; not the tax dollars. Mayor Heymann informed that she was not referring to the tax dollars and informed that there was nothing in there, which is why it was pulled. Mr. Rogan explained that it was pulled, because Ms. Tutoli questioned the dollar amount. Mayor Heymann reiterated that there were no figures in there at all. Mr. Rogan assured he would check this.

17.\* RESOLUTION AUTHORIZING BOROUGH ATTORNEY TO PREPARE THE NECESSARY NOTICE TO BIDDERS, BID PACKAGE AND SPECIFICATIONS AND FOR BOROUGH CLERK TO ADVERTISE FOR BIDS FOR TRIPLE COMBINATION PUMPER (Received from Borough Attorney 8/19/08)

18.\* RESOLUTION AUTHORIZING TAX ABATEMENT – VANTAGE HEALTH SYSTEMS (Received from Borough Attorney 8/20/08)

Mayor Heymann informed that this was not a tax abatement, but it was a payment in lieu of taxes.

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- 19.\* RESOLUTION APPROVING APPOINTMENT OF JOHN ANTHONY BART TO THE POSITION OF CODE ENFORCEMENT OFFICER AT THE FOLLOWING RATE OF MAXIMUM OF 20 HOURS PER WEEK AT \$20.23 PER HOUR ON A PROBATIONARY PERIOD TO DECEMBER 31, 2008 (Received from Administrator/Treasurer 8/20/08)

Mayor Heymann informed that she had this candidate’s biography, which she assured she would pass around.

- 20.\* RESOLUTION CONFIRMING ENDORSEMENT OF FY 2008 BERGEN COUNTY (COMMUNITY) DEVELOPMENT GRANT OF \$5,000.00 FOR INSTALLATION OF A FIRE ALARM SYSTEM AT THE CLOSTER SENIOR CENTER (This Resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the CD Funds) (Received from Mayor 8/20/08)

- 21.\* RESOLUTION APPOINTING JUSTIN KRAPELS TO THE POSITION OF DISPATCHER TRAINEE, A PER DIEM POSITION, FOR A PERIOD NOT TO EXCEED 180 DAYS AT AN HOURLY RATE OF \$11.36 (Received from Chief of Police 8/15/08)

- 22.\* RESOLUTION EVIDENCING COMPLIANCE BY THE GOVERNING BODY WITH N.J.S.A. 40A:5-4 AND N.J.S.A. 40A:5-6 RE 2005 AUDIT (Audit Report rec’d. 8/19/08/distributed 8/22/08) GROUP AFFIDAVIT FORM CERTIFICATION OF GOVERNING BODY RE 2007 AUDIT REPORT (to be signed by each member of the Governing Body certifying they have personally reviewed and are familiar with at least the “Letter of Comments and Recommendations” Section of the Annual Report of Audit) 9. M.L. 8/21/08

MOTIONS

- 23.\* 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, 4/23/08, 5/14/08, 5/28/08, 6/11/08, 6/25/08, 7/9/08, 7/23/08, 8/13/08

<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

- 24.\* 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 04/23/08, 5/14/08, 5/28/08, 6/11/08, 6/25/08, 7/9/08, 7/23/08, 8/13/08

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

Mayor Heymann referred to Item Nos. 23 and 24 and explained that there was nothing new on either one.

- 25.\* MOTION APPOINTING \_\_\_\_\_ TO SERVE AS MEMBER OF THE BOARD OF ETHICS FOR AN UNEXPIRED 5-YEAR TERM (PRIGOFF) TO 12/31/2011 (D) SHADE TREE COMMISSION RECOMMENDATION (13. M.L. 7/24/08) Adjourned from RM 8/13/08

Mayor Heymann explained that there is nothing new for Item No. 25 at the present time, but there will be next month.

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- 26.\* MOTION APPROVING THE FOLLOWING MINUTES – NO ABSTENTIONS
- a. REGULAR MEETING HELD AUGUST 13, 2008 (Distributed 8/21/08)
  - b. WORK SESSION HELD AUGUST 13, 2008 (Distributed 8/21/08)
- 27.\* GRANTING APPROVAL FOR USE OF FIRE PREVENTION VEHICLES (771 & 775), FIRE CHIEF’S VEHICLE (751), ASSISTANT CHIEF’S VEHICLE (752) AND SUPPORT VEHICLE (767) FOR THE PURPOSE OF ATTENDING THE NJ STATE FIREMEN’S CONVENTION IN WILDWOOD, NJ, FOR THE DATES OF 9/11, 9/12, 9/13, AND 9/14/08 (3. M.L. 8/7/08) Adjourned from RM 8/13/08
- 28.\* GRANTING APPROVAL FOR CORE THE CENTER OF FITNESS TO CONDUCT THE RUCKMAN ROAD 5K RACE ON SATURDAY, 10/18/08, AT 10 A.M. TO START IN FRONT OF THEIR FACILITY AT 91 RUCKMAN ROAD, MAKE A LEFT AT ANDERSON AVENUE, A LEFT DOWN BOWERS LANE, ACROSS BUZZONI CROSSING OVER RUCKMAN ROAD TO VENUS DRIVE BACK UP HILL TO RUCKMAN AND RETURN TO THE FACILITY (11. M.L. 8/7/08/Approval received from Risk Management Consultant 8/11/08)
- 29.\* GRANTING APPROVAL FOR CLOSTER VOLUNTEER AMBULANCE CORPS TO ERECT A STAND AT MEMORIAL FIELD ON 9/1/08 TO SELL FOOD AND BEVERAGES DURING THE LABOR DAY ACTIVITIES, SUBJECT TO RECEIPT OF APPROVALS FROM THE BOARD OF HEALTH AND FIRE INSPECTOR (3. M.L. 8/14/08)
- 30.\* GRANTING APPROVAL FOR ENVIRONMENTAL COMMISSION TO SET UP AN INFORMATION TABLE AT THE LABOR DAY CELEBRATION TO BE HELD AT MEMORIAL FIELD ON 9/1/08, INCLUDING 2-3 POSTERS; TABLE TO BE MANNED FROM 1 P.M. TO 3 P.M., POSSIBLY 4 P.M. (6. M.L. 8/21/08)
- 31.\* GRANTING APPROVAL FOR LABOR DAY FIREWORKS  
(Approval received from the MEL/received from Mayor’s Office 8/21/08;  
Risk Management Consultant report dated 7/9/08)
- 31a.\* GRANTING PERMISSION FOR SADHU VASWANI CENTER TO HANG BANNER OPPOSITE PNC BANK FOR ANNUAL CARNIVAL TO BE HELD SUNDAY, 9/14/08 (6. M.L. 6/26/08/Approval received from Risk Management Consultant 8/26/08)
- 32.\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:
- a. CHIEF OF POLICE – JULY 2008 (Received 8/15/08)

The following items were removed by the following individuals: Mayor Heymann previously removed Item Nos. 23, 24 and 25; Mr. Hennessey asked that Item Nos. 13 and 19 be removed; Fred Pitofsky asked that Item No. 23 be removed

12b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 13, 19, 23, 24 and 25 was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Barad, Tutoli and Amitai.

33. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

13. INTRODUCTION OF ORDINANCE NO. 2008:1018, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF CLOSTER SPECIFICALLY, ADDING CHAPTER 93, CONSTRUCTION AND REPAIR OF SIDEWALKS AND CURBS: PERMIT REQUIRED” (Received from Borough Attorney 8/20/08) – PUBLIC HEARING 9/24/08 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

Mr. Hennessey reminded that they have discussed this before and asked the Borough Engineer if it was feasible to have curbs, sidewalks and street openings all under the jurisdiction of the DPW and not the Building Department. Mr. DeNicola explained that either one should be equipped to handle it, adding that street openings are currently done by DPW; this is saying that curbs and sidewalks will be done by the Construction Code Official. They are probably more in tune with the requirements of the State. He informed that it could be done the way Mr. Hennessey had inquired about, but it makes sense the way it is.

Mayor Heymann explained that no one is in charge right now, which is why they are having problems. They have a current problem of a curb that was built incorrectly and needs to be

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replaced; the owner wants the Borough to be responsible. Mr. Hennessey explained that his questioning this is because of his own experience with Building Departments. He sees street openings, curbs and sidewalks fall within the DPW jurisdiction in a lot of towns. Mayor Heymann pointed out that this is only the introduction to the ordinance and they can check into it.

Mrs. Amitai referred to what was discussed at last night's meeting that the Master Planner is going to be making a recommendation regarding sidewalks, and questioned whether or not they should do this at this time. Mayor Heymann explained as follows: what they are discussing is technical; there is disagreement about when sidewalks and curbs are being built; the issue is that they should be inspected and right now, there is no methodology for inspecting them. Mrs. Amitai pointed out that this was because they don't have a full time Code Enforcement Officer. Mayor Heymann continued that Mr. Hennessey's question was whether it would be appropriate to have it all fall under the Construction Department or the other way around. The point is that they are talking about technical things, such as the grade and the depth of concrete, which she believed to go better in the Construction Department better than it does in the DPW. Mr. DeNicola reiterated that either one would have experience in handling that.

Mrs. Amitai now that they do have another Code Enforcement Officer, hopefully the code enforcement will be more consistent. Dr. Barad explained that the point of this Ordinance is simply to update the specs for how you build a sidewalk or how you open and close a street. Mr. Hennessey added that it is also putting it under the jurisdiction of the Building Department, which is where it has been. Mrs. Amitai agreed, but noted that they never had Code Enforcement for enough hours, as the individual was only here for six hours per week. Now that they will have someone for 20 hours per week, she hoped they could be more consistent and have methodology. Mayor Heymann stressed that the issue was that they had no ordinance that anyone could enforce; not the DPW, nor Construction or Zoning. Nobody could enforce it because they don't have an ordinance. This is an ordinance that gives them the right to inspect. Mrs. Amitai explained that she was talking about something else.

Motion to approve Item No. 13 was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Barad, Tutoli and Amitai.

19. RESOLUTION APPROVING APPOINTMENT OF JOHN ANTHONY BART TO THE POSITION OF CODE ENFORCEMENT OFFICER AT THE FOLLOWING RATE OF MAXIMUM OF 20 HOURS PER WEEK AT \$20.23 PER HOUR ON A PROBATIONARY PERIOD TO DECEMBER 31, 2008 (Received from Administrator/Treasurer 8/20/08)

Mr. Hennessey suggested that they hold off on voting on this Resolution until they can see the individual's credentials. Mayor Heymann had this information with her, which she showed him at this time. Mr. Glidden asked that they adjourn this item, as they are not going to have time to review his credentials during the meeting tonight. Mayor Heymann pointed out that they currently don't have anyone taking this job. However, Mr. Glidden was concerned with appointing someone of whom they know nothing about. Mayor Heymann assured she was passing the information around. Mr. Glidden reiterated that they adjourn this, so that they could review it at their leisure. However, Mayor Heymann explained that if they were to postpone this for another two weeks, they will have no one doing inspections of properties in Closter.

At this time, Mr. Glidden made a Motion to adjourn this item.

In response to Mrs. Amitai, Mr. Rogan confirmed that they were discussing the appointment of John Anthony Bart. Mrs. Amitai pointed out that the appointment is only until the end of December. The person who was hired a few months back didn't work out. Mr. Glidden asked she had the opportunity to review the credentials of this person and Mrs. Amitai informed that she did not. However, she informed that Mr. DiStefano reviewed it, as well as Keith Sager. Mr. DiStefano informed that the candidate seems to be bright and energetic and willing to learn what he has to do. Mayor Heymann described him to be enormously overqualified. Mr. Glidden questioned if there was some kind of an emergency that would require them to take action this evening. Mr. DiStefano explained that they don't have anyone else for the position. Mr. Hennessey suggested they wait and check the person out. In response to Mayor Heymann, Mr. Hennessey explained that she had interviewed him, while he knows nothing about this person. Mr. Glidden added that he is seeing this name and resume for the first time. Mayor Heymann explained that his predecessor didn't work out, of whom there were never any questions about. Mr. Hennessey questioned who had recommended that his predecessor be hired. Mr. DiStefano explained that they normally don't run it through the Council, but they will. Mr. Rogan said for appointment purposes. In response to Mr. Hennessey, Mr. DiStefano informed that the previous person was hired through the recommendation of Keith Sager and Mr. DiStefano.

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Ms. Castano confirmed that they wished to adjourn this to the Regular Meeting of September 10, 2008, and no objections were voiced. Mr. Glidden explained that if it were that much of an emergency, someone could have sent him the resume a week in advance. Mrs. Amitai pointed out that he could have inquired about it if he had read his packet. Mr. Glidden pointed out that the resume was not in the packet, nor was there any indication that there was an emergency to get this done tonight. Mayor Heymann informed that there was never any request for a resume for a part-timer working as a sub in a department; they have never seen the resumes of anyone else in that department. Mr. Glidden asked why they have not seen the resumes of similar hires in the past.

Motion to adjourn this item to the Regular Meeting of September 10, 2008 was made by Councilman Glidden, seconded by Councilman Hennessey.

BEFORE ROLL CALL VOTE, Mayor Heymann explained as follows: they should not come to her afterwards and say there are illegal signs or broken sidewalks or anything of the sort; the Borough right now is in jeopardy; they have no one in place. Dr. Barad inquired whether they have to vote on this adjournment, pointing out that it was moved and seconded. Ms. Castano informed that the Mayor was giving an explanation before the roll call vote and noted that she

would call the roll when the Mayor was finished. Mayor Heymann continued that the fact that it has been motioned and seconded does not obviate discussion altogether.

At this time, Mayor Heymann asked if Mr. Pitofsky wished to comment on this.

Fred Pitofsky, 7 Pearle Road, suggested that they discuss this as a personnel matter under Closed Session, re-open the Regular Meeting and vote on it at that time. Mrs. Amitai voiced her opinion that this was a good idea and thanked Mr. Pitofsky.

Said Motion was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey and Tutoli; Barad and Amitai Voting No.

At this time, Mayor Heymann explained that anyone who voted on the prevailing side could recommend that they have a further discussion today and bring it back after, to the Work Session. Mrs. Amitai suggested they have a further discussion today; however, Mayor Heymann informed that she had not voted on the prevailing side. Mr. Rogan stated that it would have to be one of the three majority votes. Mr. Glidden was open to discussion in Closed Session this evening and asked the Borough Attorney if this was appropriate. Mr. Rogan informed that they could discuss this in Closed Session if they so choose. Mr. Glidden voiced his opinion that they should move on, as the vote is done with and the item has been adjourned. Mayor Heymann questioned if they needed another vote on this and Mr. Rogan informed that they didn't; they could simply bring it up in Closed Session and confirmed that as of right now, it is adjourned to 9/10/08. This is subject to change if one of the three majority votes were to change their mind before the end of the meeting.

23. 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, 4/23/08, 5/14/08, 5/28/08, 6/11/08, 6/25/08, 7/9/08, 7/23/08, 8/13/08

<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

Mr. Pitofsky explained that Vicky Amitai is the Liaison to the Closter Improvement Commission, and voiced his opinion that this is “ridiculous”. He further added that this has been on the agenda since the Reorganization Meeting in January. He questioned the status of Bobbie-Bouton-Goldberg and Mrs. Amitai informed that she had resigned and is now on the Historic Preservation Commission. Mr. Pitofsky pointed out that they have Frank Rodriguez as an alternate member and suggested they move him up as a regular member, as he has shown up to all of the meetings. In response to Mr. Pitofsky, Mrs. Amitai confirmed that two other members had also resigned and she had no other recommendations for this slot. Mr. Pitofsky reiterated that they should move Frank Rodriguez to a regular member, as he has been at every meeting. Mayor

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Heymann asked for a motion.

- 23a. Motion to appoint Frank Rodriguez from Alternate No. 1 to a Regular Member of the Closter Improvement Commission was made by Councilwoman Amitai, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Barad, Tutoli and Amitai.

Mayor Heymann thanked Mr. Pitofsky, who announced that he was the Vice Chairman of the Closter Improvement Commission.

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

a. CONTINUED DISCUSSION RE PARKING SPACE FEE (Requested by Mayor 1/18/08)

Borough Engineer informed that he had e-mailed a request to John DiStefano to access the Borough Hall property here in the front in connection with the monitoring going on across the street. He referred to the abandoned gas station on the corner and informed that they are doing test wells to try to gather data of how far the contamination has gone. They want to install a monitoring well right inside the sidewalk at the corner of Borough Hall property; approximately five feet in. He further informed that he sent the e-mail to the Administrator, who has the information. They would basically come and do the monitoring well in the day, test the water and seal it back up; but the Council has to okay this.

At this time, Mayor Heymann asked for a motion approving the following Resolution to go into Closed Session to discuss pending or anticipated litigation including a tax appeal and a matter involving public employees

At this time, Mrs. Amitai inquired whether they were having the Closed Session before the Work Session. Dr. Barad voiced his understanding that the Closed Session would come at the end of the meeting; and Mayor Heymann explained that they could have a Closed Session whenever they wanted to. She explained she was giving everyone the opportunity to use their very best wits earlier in the evening to deal with the Closed Session matters; they will continue with the Work Session afterwards.

At this time, Mr. Pitofsky asked if the Consent Agenda was voted on and Mr. Rogan informed that it has been passed.

- 34b. At this time, Ms. Castano referred to Mr. DeNicola's inquiry and asked if he wanted a vote on this matter. Mr. DeNicola explained he needed a vote if the Council wanted to see this through. In response to Mayor Heymann, Mr. DeNicola informed that there must be an authorization so they can access Borough property through the monitoring well. Mr. Rogan questioned if they were going to provide insurance and Mr. DeNicola assured that he would have the individual contact Mr. DiStefano for the requirements. However, the Council must vote on it first.

Mayor Heymann asked if they would like to formulate a vote to give approval to a monitoring well five feet inside the Borough property. Mr. Rogan added the phrase, subject to approval of all certificates of insurance and hold harmless agreement.

Motion to approve a monitoring well five feet inside the Borough property subject to approval of all certificates of insurance and hold harmless agreement was made by Councilman Glidden, seconded by Councilman Hennessey and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Barad, Tutoli and Amitai.

Mr. DeNicola informed that he would get in touch with Mr. DiStefano tomorrow.

At this time, Dr. Barad asked if they could open the meeting to the public before they went into Closed Session, so that people who have something to say could go home if they chose, instead of waiting. Mayor Heymann informed that she just had it open for anything else pending and she made another announcement inviting anyone to speak at this time. She assured that they would open the meeting to the public during the Work Session.

Hugh Johnson, 107 Demarest Avenue, noticed that the time does not stand still anymore in town now that the clock has been repaired and the hands are back on. He was wondering what the mechanical problem was that caused it to take so long. Mr. DiStefano informed that the motor needed to be replaced and they couldn't get a technician here in time, as it is not simple; the people come in from Pennsylvania. He asked where the clock was originally purchased. Mr. DiStefano informed that it was purchased from the Verdin Company and Mayor Heymann explained that this was in Ohio.

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Fire Chief, Brian Pierro, referred to the vehicles going down to Wildwood and voiced his understanding that a question had been raised about this. He explained that the listed vehicles actually transport the members of the department; they have 26 life members that go to the convention and five State delegates. The vehicles that are going will be going down full of people; there will not just be one or two people in the vehicles. While the vehicles are down there, they are transporting these 31 people to the convention, from Wildwood Crest to the Convention Center, which is more toward the northern Wildwood border. In the past, they have put in for these vehicles. Last year and the year before, they did not use all of them, but they do put the request in for all five vehicles. Then it is already approved that they can take them, just in case they do need it. Last year, they didn't take the Assistant Chief's vehicle; it stayed behind for support here in Closter. Also in the past, the fuel costs came out of the pockets of the department members; it was not a Borough expense. The only fuel they used of the Borough was the fuel that was already in the vehicles on the way down. He reiterated that this comes out of their pockets and it is not an expense of the Borough. He welcomed any questions at this time.

Mayor Heymann explained that she spoke for the entire Mayor and Council, as well as the residents of Closter, and informed that they appreciate everything that the Fire Department does for the town and they are happy to allow them to use the vehicles for an activity that you have been using it for, for many years. Mr. Pierro thanked them.

At 9:24 p.m., Mr. Rogan asked for a formal motion approving the above noted Resolution to go into Closed Session. The following motion was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Barad, Tutoli and Amitai:

- 34c. 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 N.J.S.A. 10:4-12(b)(8), "A matter involving public employees; and that the item(s) under discussion in the closed meeting will be disclosed to the public at the conclusion of the litigation and the matter which should be within 6 to 9 weeks..

Mayor Heymann resumed the Regular Meeting at 9:51 p.m.

- 34d. Motion approving the appointment of John Anthony Bart to the position of Code Enforcement Officer at the following rate of maximum of 20 hours per week at \$20.23 per hour on a probationary period to December 31, 2008, subject to a background check, was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Barad and Amitai; Councilpersons Hennessey and Tutoli voting No.
- 34e. Motion providing authorization to hire a hearing officer for a Police disciplinary action for an amount not to exceed \$1,500.00 was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Barad, Tutoli and Amitai.
- 34f. Motion providing authorization to file a tax appeal on the County Board's reduction of the Watkins property taxes was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Barad, Tutoli and Amitai.

Motion to adjourn the Regular Meeting to go into the Work Session was made by Councilman Barad, seconded by Councilwoman Amitai and declared unanimously carried by Mayor Heymann.

At this time, Mayor Heymann informed as follows: she wished to reiterate what Ms. Castano had brought to her attention; by Statutory Law, they have had to have reviewed the recommendations of the Auditor for the 2007 Audit and each Council member as well as she has to sign off on it; as most of you are familiar with that, if you would like, John can give you an explanation of what you are signing off on. Mr. DiStefano explained that when they do the Corrective Action Plan, they will do that and they will fill in the Finance Committee ahead of time; and he will also send out an e-mail to the Council; so they will all have it ahead of time in an explanation that's in English.

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In response to Dr. Barad's inquiry, Borough Clerk informed that on the Consent Agenda (Item No. 22), they signified that they reviewed the Comments and Recommendations in the Audit Report. Dr. Barad asked for confirmation that they are simply signing to indicate that they have them, they have seen them and they exist; Ms. Castano agreed that they are signing that they have received the Audit report and they have reviewed the comments and recommendations. She informed that she would circulate the Group Affidavit for everyone to sign including the Mayor.

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

No one wished to be heard.

36. ADJOURN

Mayor Heymann adjourned the Regular Meeting at 9:54 p.m. to proceed to the Work Session.

Provided to the Mayor and Council  
on September 11, 2008 for  
approval at the Regular Meeting  
to be held September 24, 2008

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Loretta Castano, RMC  
Borough Clerk

Prepared by Cynthia Meyer and  
Donelle Bright from recording and  
Borough Clerk's notes

Approved at the Regular Meeting held 9/24/08  
Consent Agenda Item No. 22.a.

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REGULAR MEETING MINUTES – WEDNESDAY, AUGUST 27, 2008 – 7:30 P.M.

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION NOTES – AUGUST 27, 2008 - 7:30 P.M.

Mayor Heymann called the Work Session to order at 9:55 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann  
Councilpersons John C. Glidden, Jr., Thomas Hennessey, David Barad  
Cynthia L. Tutoli, 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:

Councilman John Kashwick  
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. COMMITTEE REPORTS

At this time, in the absence of Councilman Kashwick, Mayor Heymann informed that they would move on to Item No. 3B.

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

- 1) STATUS REPORT RE CAPITAL BUDGET/CAPITAL PLAN (RM 7/9/08) -
- 2) STATUS REPORT RE TRANSPORTATION MEETING HELD IN ENGLEWOOD 6/30/08
- 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

B. PUBLIC SAFETY – GLIDDEN (HENNESSEY/TUTOLI)

- 1) REPORT – Councilman Glidden reported as follows:
  - a. Chief Berrian gave the proposal to the Council to have the Police Department accredited by the State Police Chief's Association; this will be taken up at the Public Safety Committee meeting that he will call the second week of September.

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3. COMMITTEE REPORTS (Continued)

C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN)

1) REPORT – Councilman Hennessey reported as follows:

(a) They have the final preliminary layout for the final alterations on the second floor to bring the Building Department into the Meeting Room next door. There are minor renovations to the Land Use Office, Court Administrator, Board of Health and Tax Assessor. Since one part of the Department could be phased in right away, they could start the process within a month. Mr. DiStefano noted they could begin in September. Mr. Hennessey gave a target date for the Building Department vacating the building in November, which was confirmed by Mr. DiStefano in response to Councilwoman Amitai, as being the end of the lease. Mr. Hennessey informed that Doug Radick would update the drawings. In response to Mrs. Amitai, Mr. Hennessey explained he had not gone over the drawings with Mr. Radick yet, but was sure it would work out.

At this time, Mayor Heymann commended Councilman Hennessey for the work he had done regarding this, making good suggestions, carrying them through and showing drawings. Councilman Glidden noted that the outside of Borough Hall looked great and thanked Mayor Heymann for keeping up with this.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETING HELD 8/19/08 VIA CONFERENCE CALL – They held a brief meeting to discuss the Personnel Manual and some ordinance issues and they are still working on that.

2) REPORT – Nothing further to report.

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

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilwoman Tutoli informed that when Mr. Kashwick returns, they will schedule an early morning sit-down Personnel Committee meeting to go over the Manual. Mayor Heymann explained that they are going through the negotiations with not only the PBA but also the Teamsters Union with the DPW; and it is important to have these in place before hand. In response to Dr. Barad, Mayor Heymann informed that Mr. Kashwick will be back next week, but will go away on vacation a week later, as he is currently on a business trip.

2) REPORT – Nothing further to report.

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

1) REPORT – Councilwoman Amitai reported as follows:

(a) Regarding the space for the Christmas decorations, the Closter Improvement Commission has found out that they need 12'x12'x12' to cover the storage. They have 31 round globe wreaths that mount above and below the lights; and they are each 4' in diameter and 6" thick. There are 2 wreaths for the clock tower, 82 bows, 1-4' diameter candle wreath for Borough Hall that is 6" deep, 1 small box of garlands for the bottom of the clock; they also have 20-2' wreaths that didn't go up last year. The wreaths that go up would require two men to put them up and would require instruction the first time, which they are willing to do; it would also require a bucket truck to hold the wreath above the lamp and a ladder for the second man.

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3. COMMITTEE REPORTS (Continued)

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

The set up and storage charge for Riley last year was \$3,700; and this year it would be \$4,100; Mrs. Amitai questioned if they had paid last year's fee, to which Mr. DiStefano affirmed. In response to Councilman Hennessey, Mrs. Amitai confirmed that this price included the set up, take down and storage; and she explained that some towns have an annual sponsorship or "in memory of" plaques placed on the poles. This has been successful in other towns that support that; and it is their share of the cost to maintain it. She questioned if they wish for this to be commercial as in other towns; and expressed her opinion that she did not agree with it, but wished to hear from others.

(b) Mrs. Amitai stated that the Improvement Commission is also anxious to see what the budget will be. Mr. DiStefano informed that the total budget is \$8,000 and noted he had given her a breakdown of what they spent over the year.

(c) Regarding Code Enforcement, she informed that they have had 14 complaints about cars parking on lawns. The Police Department has been very busy logging these complaints and bringing them to the Building Department. Mayor Heymann informed that someone came in to complain about all of their neighbors parking on their lawns on Cedar Lane. In response to Dr. Barad, Mayor Heymann informed that parking on lawns is illegal; Mr. Rogan noted that it had to do with Property Maintenance; and Mrs. Amitai added that it dealt with Code Enforcement.

Dr. Barad noted that if he parked on the street, he'd get a ticket, so to avoid this, people could be parking on their lawns. Ms. Tutoli informed that if one parks on the street and calls the Police Department, depending on what mood they are in, it can be good to park for three days.

(d) The Commission also met regarding the next Arts/Cultural activities; and they will finalize the date within the next two weeks, which will be the last weekend in April or the first in May 2009. They would love to get all the organizations to participate; and are looking for sponsorship from the businesses in town in order to get a large tent for Closter Plaza, if they can get their permission.

4. OLD BUSINESS

No one wished to be heard.

5. NEW BUSINESS

a. KIDDIE SOCCER (Requested by Mayor 7/3/08)

Councilwoman Amitai reported that she had called various boroughs regarding this and some towns do rent out, some do not, and some have and do not ever want to do it again. For the most part, towns do not do this; it's not a moneymaker and not too many people do ask. She can bring the specifics of what she gathered to the next meeting.

b. DISCUSSION OF POSSIBLE POLICY RE USE OF BOROUGH PARKS  
(Requested by Mayor 7/18/08/Discussed WS 7/23/08)

Mayor Heymann questioned if they wished to get Mrs. Amitai's information or if they should form a policy now. After some comments, it was agreed that this would be continued.

5. NEW BUSINESS (Continued)

## CLOSTER MAYOR AND COUNCIL

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- c. STATUS REPORT RE ORGANIZATION CHART (Discussed WS 7/23/08)  
(Requested by Mayor 8/20/08)

Mayor Heymann informed they had been working on this, as they have been trying to create one for at least a dozen years. She distributed the information.

Councilwoman Amitai questioned what the other alternatives were, if this worked and if this is the way it should be. Councilman Barad asked for clarification regarding the heading of “Contract Professionals.” Mr. DiStefano agreed that this was the case; and Dr. Barad noted it should not be a square, but rather a circle or diamond so that it is not seen as a separate entity. Borough Clerk questioned why they could not use the original, simplified version of this.

In response to Councilman Barad, Mayor Heymann informed that the Administrative Assistant is Leslie Weatherly. Dr. Barad questioned if this was her title; and Ms. Castano informed she had never been appointed as such. In response to Mayor Heymann, Ms. Castano informed that Ms. Weatherly’s title is Records Clerk/Secretary; Mr. DiStefano affirmed it was for the Police Department. Councilman Barad suggested that if they were going to make a Table of Organization, it should reflect existing titles, or titles that they want to create, and Administrative Assistant is too general. Ms. Castano informed that they should conform to the Salary Ordinance, which has all the titles. Mayor Heymann acknowledged that the Administrative Assistant needed to be changed to the appropriate title; and Dr. Barad commented that it could be changed to whatever they want it to be in order to interpret the diagram.

Councilwoman Amitai clarified that all of the Borough Boards, Commissions, Contract Professionals, Police Chief, Borough Administrator, Borough Clerk, and Municipal Judge all report to the Mayor and Council. She noted that she had never met the Judge; in response to Mrs. Amitai, Mayor Heymann informed he was Terry Bottinelli and she explained that he is independent once he is appointed, as judges are. Ms. Castano explained that the appointments are made by the Mayor and Council; and in some cases, the Mayor makes appointments without the ratification of the Council; she referred to the numbers (in parentheses), noting they are for those individuals who also report to the State and County, adding this would have to be changed for the Borough Clerk, who also reports to the County for elections. Ms. Castano expressed her opinion that what they originally had was simple; and that further clarification is making it more complicated.

At this time, Councilwoman Amitai asked her to pass the organization chart around. Borough Clerk indicated she would make copies and distribute them. She left the meeting to do so and in her absence the following discussion took place:

Mayor Heymann clarified that Ms. Castano wished to add the number 5.

Councilman Barad referred to the dotted line and questioned if this meant that the Borough Administrator acts cooperatively with the Police Department. Mr. DiStefano informed that the Appropriate Authority would have contact; Mayor Heymann added that this is what was discussed in a Closed Session; and they decided that he wasn’t going to be performing these duties for that particular time. Councilwoman Amitai questioned if the Police Chief did not

5. NEW BUSINESS (Continued)

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, AUGUST 27, 2008 – 7:30 P.M.

c. STATUS REPORT RE ORGANIZATION CHART (Discussed WS 7/23/08)  
(Requested by Mayor 8/20/08)

report to him and if the Police do; Mr. DiStefano explained as follows: the Police Department reports to the Bergen County Prosecutor's office and the Prosecutor overrides the Chief; the day-to-day operations are the responsibility of the Chief, who, he confirmed, reports to the Council.

Dr. Barad reminded that in Closed Session, they decided that Mr. DiStefano was not the appropriate person to act as the Appropriate Authority; and questioned if there were other circumstances where he would be the Appropriate Authority. Mr. DiStefano explained that under day-to-day circumstances and grievances, he is a part of that authority. Mayor Heymann explained that this would be if they are complicated in a lawsuit elsewhere; in response to Dr. Barad's question, she further explained that the Administrative Assistant is a part-timer for the Police Department and a part-timer for her and Mr. DiStefano. She used to be only the Records Clerk and they cut her hours with the Police and then appropriated hours for her to serve in the Administrative Office; this is why she is essentially their Administrative Assistant and the Records Clerk. Dr. Barad questioned memorializing this on a Table of Organization, as this is a temporal existence. Mayor Heymann noted they could leave her as the Records Clerk, but when she would act as an Administrative Assistant, they would not be following the chart.

Councilwoman Amitai questioned what they would be doing with this chart and if they would be putting it online. Dr. Barad added that they should have a Record's Clerk and an Administrative Assistant on the chart as two separate things; Ms. Weatherly would be both of these. Mrs. Amitai questioned if she would have two separate salaries for this; and Dr. Barad noted that she should, as she is being paid for both. Councilman Glidden suggested that this be taken into consideration, make some changes, and bring their suggestions to the next meeting. Mayor Heymann welcomed this, noting that the chart that Ms. Castano had was not accurate and this is why they have been trying for years to reduce it; noting that she is making copies. Dr. Barad stated that beyond these questions, it seemed to be easy. In response to Mrs. Amitai, Mayor Heymann explained that every once in a while someone asks where it is and every appropriate organization should know what place everyone deserves; this is something they need to have in place such as the personnel manual.

At this time, the Borough Clerk returned to the meeting explaining that someone had turned off the copy machine, and there was no paper in the machine which took a great deal of time. She distributed the copies.

d. STATUS REPORT RE COAH PLANNER (Discussed WS 7/23/08)  
(Requested by Mayor 8/20/08)

Mayor Heymann informed that this would be something they would have to go back in to the Regular Meeting to discuss, but explained that they must have a 3<sup>rd</sup> Round proposal with the DCA by 12/31/08 in order to remain protected under the COAH clause. She noted that they interviewed and asked for proposals from three potential planners; they are working on one and the motion from Councilwoman Amitai will have to be made in open session.

5. NEW BUSINESS (Continued)

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, AUGUST 27, 2008 – 7:30 P.M.

d. STATUS REPORT RE COAH PLANNER (Discussed WS 7/23/08)

(Requested by Mayor 8/20/08)

In response to Councilwoman Amitai, Mayor Heymann informed that she did interview them and she has the documents, which she gave to Mrs. Amitai. Mrs. Amitai noted that she had the prices.

At this time, Councilman Glidden questioned if they were recommending a particular individual for this. Mayor Heymann confirmed this and stated this was why she gave the motion to Councilwoman Amitai, as she was on the COAH Committee. In response to Mr. Glidden, Mrs. Amitai informed she had not interviewed the people; Mr. Glidden questioned if she had seen their resumes and checked them out; Mrs. Amitai assured it was probably in the paperwork. Mayor Heymann explained that they asked three potential planners to give their RFP's and they chose the least expensive with the most experience in this particular neighborhood. Mr. Glidden expressed his desire to know who it is and check them out. Mrs. Amitai expressed her opinion that the COAH Committee should meet the one that Mayor Heymann feels is the best. Mayor Heymann stated that there was no problem with this except it must be done soon because of timing. In response to Mr. Glidden, Mrs. Amitai noted she was on COAH and questioned who else was on the Committee.

Borough Clerk explained that there had never been an appointment made at a Council meeting and noted that there may have been something done by the Planning Board. Mrs. Amitai recalled that when they had to hire a planner, there was a committee that interviewed him as well as one that interviewed Art Bernard. Mayor Heymann asserted this was the Planning Board. Councilman Barad clarified what Mr. Glidden was asking; and stated that they should get recommendations from someone if they are going to be approving something. In response to Mr. DiStefano, Mr. Glidden agreed they should have some recommendations from some group of people and have the opportunity to look over the resume in order to satisfy themselves that they are making the right appointment. Mr. Glidden added that he might want to speak with the person and see how prior projects have panned out. After some discussion, Mr. DiStefano and Mayor Heymann agreed that this was possible; Mr. Glidden questioned why it was coming before him this evening. Mayor Heymann explained that they were only able to get the third recommendation recently and they needed three RFP's before they came to the Council. Mr. Glidden stated that Mayor Heymann made the conclusion herself about one particular person; Mayor Heymann stressed that she had spoken to the Committee members.

Mr. Glidden informed that if it was a "hurry up" thing, had he gotten a call 3-4 days ago with a resume, he would have been ready to make a decision this evening; however, this is the first time he is hearing about this. Mayor Heymann explained that it dealt with the COAH Committee of the Planning Board; she spoke to the members and discussed it. Mrs. Amitai informed that she had called Christine (Procida), but she was unable to reach her; she suggested this be done at the next meeting. Councilman Hennessey asked that the three resumes be sent to everyone; and Mayor Heymann agreed to do so. Mr. Glidden stated they could act on this quickly, but he needed the information; he agreed that this would not be voted on until 9/10/08.

At this time, Mayor Heymann informed that another issue they have is the JIF report that Fred Pitofsky is requesting. Mr. DiStefano stated that this has to do with the certification of the Police Department and the credit that the JIF would give to the Borough.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, AUGUST 27, 2008 – 7:30 P.M.

5. NEW BUSINESS (Continued)

Mayor Heymann informed they received a letter asking for suggested resolutions for the League of Municipalities convention, which was in the packets. She asked that they consider a resolution asking for the OPRA statute to be amended so that it would not be so onerous for small communities that don't have the staff to deal with OPRA; it is a major burden to this Borough. Mrs. Amitai recalled that they were all going to contribute a list; Mayor Heymann informed that she had followed through on this as it was for unfunded mandates and how they affect individual departments. She added that just about everyone is affected by a version of OPRA and this is why she is suggesting they offer a resolution to the League about this.

Councilwoman Amitai questioned the pros and cons of OPRA requests. Mr. Rogan stated that from the Borough's side, there are no pros other than the philosophical point that they should have open government and be able to see what is going on; from the Borough's perspective it is very onerous and time consuming. It is also unfair in the way the statute is written; it does not take into consideration the time that it takes. He explained that there is an established fee for copies of pages, which is fine, if the pages are right there, but when someone comes in and requests 5 years of records, they have to remove someone from their regular duties to go look up all the information while the person requesting gets the documents. The Borough has to drop everything to do so. Mrs. Amitai referred to modern technology and questioned if it was possible for those requesting the information to get it for themselves. Mr. Rogan informed that most of the time this is not the case; Mr. DiStefano stated that they must be careful what is in that information because personal information cannot be given out to the public and has to be redacted. Mr. Rogan further explained that if there was an old record where they used to give out social security numbers without thinking about it, now the Borough would have to sit down and look at the document and determine 90% of the document can be given, but the other portions have to be blackened or white-out. Mrs. Amitai suggested a resolution be made.

In response to Mayor Heymann, Borough Clerk informed she was hesitant to say anything for fear it would be used against her. She further explained that the Open Public Records Act has been a very difficult to deal with especially for all Municipal Clerks who are personally liable.

In response to Councilman Glidden, Mrs. Amitai informed she had one more question. Mr. Glidden stated that they began at 7:30 p.m.; and expressed his opinion that Council meetings do not need to last three hours.

Councilwoman Amitai referred to the Sewer Easement for Alpine and questioned if this could be discussed next time. Mayor Heymann confirmed.

At this time, Mrs. Castano suggested the discussed resolution be prepared first and then they could put it on the next agenda.

Mayor Heymann referred to the Sustainable Closter Initiative, which will be part of the discussion on 9/15/08 and then again with the Planner. Mrs. Amitai suggested reading the yellow highlighted areas, as they know what the other information is.

e. JOINT BOARD MEETING TO BE HELD 9/13/08 (Requested by Mayor 8/20/08)

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, AUGUST 27, 2008 – 7:30 P.M.

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 10:29 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 September 4, 2008 for approval at  
the Regular Meeting to be held  
September 10, 2008

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held 9/10/08  
Consent Agenda Item No. 25.a.