

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES- WEDNESDAY, JANUARY 23, 2008- 7:30 P.M.
MAYOR AND COUNCIL
BOROUGH OF CLOSTER

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

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, January 23, 2008. Mayor Heymann called the meeting to order at 7:35 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. OPEN PUBLIC MEETINGS ACT STATEMENT

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

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

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

David Barad, Cynthia L. Tutoli, Victoria Roti Amitai

Acting Administrator/Treasurer, John DiStefano

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Assistant to Borough Clerk, Cynthia Meyer

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

Chairman of the Environmental Commission, David Scholz

Member of Environmental Commission/Shade Tree Commission, Richard Ryan

Member of Environmental Commission, Arthur Goldberg

Land-Use Coordinator, Lynn Conway

At this time, Mayor Heymann welcomed back Borough Clerk, Loretta Castano.

Mayor Heymann informed of the sudden death of long-time Closter resident and active member of the Recreation Commission, Jeff Brewster. She explained he had passed away suddenly this Friday at the age of 47 and she wished to pay respects to someone who was very active in Closter for a long time.

Mayor Heymann welcomed Grace Kim Kook and Shin Duk Kim and informed all that it is because of them that the Council Chambers has taken on a more welcoming, attractive look. Mayor Heymann took great personal pride because she was able to be the catalyst for a Rockleigh Planning Board member who was trying to help a neighbor run a charity event and the Mayor of Norwood, where the event decorator's sale of valuable fabrics were sold and the proceeds were donated to charity; and because she had long admired the drapes in Harrington Park's Borough Hall, an old acquaintance, Donald Schmidt, made the recommendation that she meet with Grace Kim Kook to sew drapes for the Borough Hall from the fabric she bought at the charity sale. Grace and Shin, from the New Life Church, bought the lining fabric and cut and sewed to have the drapes ready for the new year. It wouldn't have happened without the tutelage and supervision of Lenny Sinowitz, who was a decorator before he was the Zoning Officer, and Billy Dahle, who constructed the framework. The Mayor added that this is a symbol of the volunteers and cooperation of the people we have in this Community.

Prior to her presentation of the Certificate of Appreciation, Mayor Heymann explained she wanted to give credit to some other citizens who have volunteered to help with Borough Hall. It started with Wilson Reimers, who painted some murals at the lower level by the entrance, and continued with Orlando Tobia, who provided the photographs in the main lobby. The Closter seal and Closter horseman in the Chambers were retrieved from the basement of the Closter Library through the efforts of Leslie Weatherly and Ruth Rando. The telephone conference room capabilities were designed by John DiStefano, who is still busy carving new space out of old nooks and crannies. The bench in front of Borough Hall was donated by the

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Emmaus Mission Church and set out by the Closter Scouts. The plantings and new walkways were provided by Susan Boudet, and there is more to come.

Mayor Heymann expressed her deepest gratitude to the two ladies who had given so much of themselves during this very busy Christmas season to help us be proud of the Borough Hall and of the Borough. She distributed the Certificates of Appreciation and read aloud.

4. 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.

Donna Kelly, 333 Demarest Avenue, noted all she wanted was what Mayor Heymann was describing. She wants her driveway to be nice and to be happy about her property. She referred to prior discussion in August of the Ordinance changing impervious coverage so she could do her driveway over again. She was at the Mayor and Council meeting two weeks ago and it was going to go before the Planning Board. She went to see Lynn Conway today, which is what she was told was the follow-up; and there is nothing done. What is done is going to be a very long process, which is what she was told. If she goes for the variance, she will get it because it's her driveway, it's been there because houses are being built and they are getting variances, but she cannot afford the money it will cost her to get a variance. She does not want to wait much more, as it has been seven months and she wasn't sure if she was looking at another seven months or a year. Spring is coming and she wasn't sure if she has to wait for next Spring.

Ms. Kelly expressed her understanding that a process is a process, but she wondered if it was possible for the Borough, in the case of people in her situation where they want to re-do an existing structure, that they could merely pay the variance application fee, which is \$200, and move on from there. She voiced her frustration that she didn't know what the solution was, but she didn't believe it was fair that she has to wait.

Mayor Heymann expressed sympathy in their discussions, and she noted she probably should not have advised Ms. Kelly it was going to be as fast as she had informed. Unfortunately, they have to obey State Statutes, which are very restrictive as to how much they can change in their Ordinances; and the Zoning Board of Adjustment, which is a judicial body that has to stick to what is put in front of them. However, because of Ms. Kelly's problems and others such as she, they have been making efforts to change the Ordinances to fit this type of situation, which takes time. The Ordinances that were envisioned originally didn't hold, so they had to go back to scratch. She informed that Mr. DeNicola could inform where they are at now; and stated that, with considerable amount of assurance, that this will be passed to help people such as Ms. Kelly, but she cannot provide a time frame.

Borough Engineer explained that the Planning Board Subcommittee met a couple of weeks ago and discussed the driveway situation, from an impervious standpoint and a setback from the sideline. One of the conclusions they came to, in order to expedite these processes, is to give the Zoning Official some authority to supersede the cutoff of 30% impervious and a 3-foot setback for Zone B by 5%. As long as there is not over a 5% deviation in impervious or setback, he can approve it. This would require an Amendment to the Borough Code to allow the Zoning Official to have this authority. That has to go before the Ordinance Committee so they can find out if this can hold legally and doesn't contradict any other Ordinances in the Borough. The Mayor explained this hasn't happened yet, as they have only taken the first step. Mr. DeNicola explained, in accordance with what Mayor Heymann noted, they did have a solution to the problem, but it only created more issues by allowing everyone to increase their driveway by a certain percentage.

In response to Ms. Kelly, Mr. DeNicola explained that currently it goes to the Planning Board for final recommendation to the Mayor and Council, who puts it before the Ordinance Committee, and the Ordinance Committee comes back with an Ordinance for recommendation for approval. Dr. Barad added that the Ordinance Committee has been dealing with this in an ongoing manner; they have been going back and forth with the Planning Board, trying to get something that works for the residents. Ms. Amitai is getting together a list of people who would benefit from something like this if the Ordinance was changed. They have to do this in a way that accomplishes the greatest good; they can't be changing the Ordinances in a reactive way so they need something that is going to stand for a greater period of time.

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Ms. Kelly expressed her frustration that she wasn't aware of anyone following up on this. Dr. Barad noted that they did speak about this. Mayor Heymann informed that there are reams of material on this; and Ms. Kelly voiced her opinion that this did not seem like it should be such a long process. Mayor Heymann added that they not only have to follow the process of the State Statutes, but they also have to consider the backlash they can get from an Ordinance that might work for Ms. Kelly, but someone else could use it to hurt the Community. Someone else could take the same information that would help in this situation and use it to hurt in another situation. Ms. Kelly acknowledged that it would be the same as when the current Ordinance was passed to help some, but hurt her. Mayor Heymann concurred and assured that they have all been considering this.

At this time, Mayor Heymann informed that over the weekend, she was asked to give more time to the Environmental Commission over the five-minute rule. She now was asking for permission from the Council to do so. In response to Councilman Barad, Mayor Heymann confirmed that this would be under the Public five minute rule. Dr. Barad suggested that they should permit others to speak and then include them on the Agenda as a discussion. After some discussion, it was acknowledged that the Environmental Commission could commence.

Richard Ryan, member of the Environmental Commission, informed of his and the entire Environmental Commission's support and approval of the Tenakill Brook Pedestrian Bridge, with the exception of Councilman Kashwick. He acknowledged his understanding that the Mayor did not want the Bridge due to the cost and the environmental impact it could have on the area. He hoped that his presentation, which he handed out and will discuss, will change the minds of the Council in support for the project. He informed that when they were thinking about the trail, they thought about safety being part of the trail, as there could always be an accident. Right now, what was approved was one exit point and they are looking for two; and the second one was the primary one into the parkland and is the Tenakill Brook Bridge. He noted that the bridge was cost effective, as it would last for years to come. They received a Grant from Bergen County Open Space in the sum of \$120,000, and part of that trail agreement is that Closter was going to match that fund. Closter has an Open Space Fund separate from this fund that gets tax money from the people of Closter. He has been asking the Acting Administrator, John DiStefano, to provide him with specific information as to how much money is in that Fund and how it is distributed throughout Closter. He has not received this yet, but, hopefully, he will as there is a law that entitles him to such information.

The intrusion aspect is limited, as there is none. There is a sewer easement that runs along the Tenakill Creek. By the area by the bridge itself, none of the trees would be affected. He has visited the area that was picked numerous times by himself, with Councilman Kashwick and Mayor Heymann. It keeps coming back that the Borough is not going to build the bridge. The first issue is that it would cost \$200,000. Demarest has two of them; and their second one is coming through. He informed that they should find out the cost from Demarest. He spoke to them and he received all the contact information. He then received the cost from their Engineer. The Council denied soil boring tests, but once he presented the cost fees as being "worth it" and brought up the money from the County and the matching funds, they went along with the completion of the tests. The DPW will help clear this land, which is what the Borough can use as matching money for the Grant.

Mr. Ryan continued that this area is 30 acres or more that has not been accessible by the people of Closter. Most of the people back there are from Demarest because they have two bridges and multiple entrance points. They have a Commission and a Mayor that supports this type of open public recreation for all ages. The bridge can be used by all age groups and it is a win-win situation. It has a double use because of the sewer easement. The sewer easement has to be cleared, no trees are to be grown on the easement because of Bergen County regulations; this part can be seen as part of the trail. This is something that has been in the Environmental Commission for over four years. This Commission believes very strongly in this. If the trail is not there, people are going to ask why Closter didn't get these bridges. They will wonder why, when Closter had the money and the safety issues taken care of, they did not construct the bridges. He hopes that the Council will join him to walk the trail and see it first hand, and not to vote because they heard some things and are scared of ruining the environment. He expressed his belief that while the environment was important, sometimes people are more important and it is more important for them to come out and enjoy it. He hoped he convinced the Council tonight, at least to go walk the trail and see the area. Mr. Ryan showed all the Demarest bridge

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and its minimum impact.

Dave Scholz, 30 Grove Street, and Chair of the Environmental Commission, wished to reinforce Mr. Ryan's words. They have been looking at this for a very long time. The bridge is something that helps to make a town unique. He noted that Haworth had gone through a great deal with their bridge; and people identified with it. The idea of being able to cross at this location, with the idea of tying in and having access to all the trails in Demarest, the Borough benefits as much as Demarest. This is a win-win for everybody. This is not the only way to get to their trails, but it is another way, which will help to make Closter different, more people and resident friendly. There is a concern over the cost, but this is a fact of life. Money will always be tight, but currently they have the chance to only pay 50 cents or less per dollar, which they will not have again because of grants or the because of the NJ DEP and their stricter enforcement on C-1 Streams. They will not have this opportunity again, so it must be done now or never. He acknowledged concern regarding disturbance of the area and noted that they are talking about a foot bridge, not the George Washington Bridge. The area is mostly scrub brush; and much of it, due to the sewer easement, has already been changed and altered. The wildlife there has an abundant area to go to. If this is built, there is quite a bit of open space in Demarest and Closter that they can go to. The growth of the plant life will be right back where it was within a year. Any environmental impact will be short term and small.

Many people are in favor of this and they are not looking at it as dollars and cents, but rather an opportunity, between the DEP and the grant money, to do something above the minimum, making Closter more desirable. Councilman Barad questioned why the DEP would be making C-1 stream regulations stricter than they are now. Mr. Scholz explained they are trying to prevent fertilizers and pollutants from flooding in as well as protecting the flood plane. If there is careless development around the streambanks, there could be increased erosion, increasing the sediment going into the streams and reservoirs. Dr. Barad questioned why Mr. Scholz would approve of a project that would not be acceptable under these new rules if Mr. Scholz supports the movement of new regulations. Mr. Ryan informed that the DEP recommended the bridge. In response to Dr. Barad, Mr. Scholz explained that they have DEP approval for the bridge, but they do not know if they will be able to get this again; they are expanding the protection and the area from the stream center.

In response to Councilman Barad, Borough Engineer explained that the entire cost of the bridge would be approximately \$95,000, half of which would be out of the Open Space funds. Dr. Barad questioned whether the Environmental Commission would be able to use the left-over funds for some other project should it not be used on the bridge. Mayor Heymann explained that the Grant was for the trail, which includes not only that bridge, but two other bridges in the same area. The Grant did not specify how much should be spent on each phase of the trail. The trail is intended to go all the way to the northern end of the Borough near the Dwarskill. Any money not spent on this portion of the trail will be able to be used on the northern part of the trail.

Richard Ryan spoke again, informed of the northern part of the trail that was put forth, and noted that there is no more money that is needed to be spent on the northern parts of the trail. The additional amount of money that is needed to finish this trail off would bring the full budget to approximately \$55,000-\$65,000 of our money. In response to Dr. Barad, Mr. Ryan explained this included the Tenakill Street Bridge and the other parts of the trail. He noted that the costs he had received this evening from Mr. DiStefano, after three months of requests for same, he had not gotten a chance to review. This is going to be built by the DPW, which would mean no cost at all to the Borough. The DEP asked the Commission to do this because they wanted other trails to be eliminated, which they took into consideration. They denied a 6-foot gravel path and a 6-foot clearing because they wanted to keep it a dirt path maintained from people walking.

Councilman Barad clarified that he wished to know if there is something else they could use this money for, another purpose to which they can apply the money to, or is this the last thing they need to spend it on. Mr. Ryan explained that they have \$120,000 as well as Open Space fund money. After further clarification by Dr. Barad, Mr. Ryan noted that there are three other bridges to be built by the DPW at a minimum cost. They have to spend \$15,000 for a four-foot bridge by Brook Street, which can be brought down to \$2,000 or \$1,000 if the DPW constructs it. There are always other things they could spend the money on. Mr. Scholz explained, however, that there is nothing else that they would have to have sacrifices for if they construct this bridge. They could do the signage, etc... He confirmed that this would take up most of the grant money.

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Richard Ryan referred to the chart that Mr. DeNicola created and noted that there is a \$10,000 cost for clearing the lot, which can come off the cost. There is also a 10% contingency. They are looking at around \$75,000-\$80,000, with a low estimate of \$37,500; and there is the matching grant and volunteer work to bring that down. The money is a small amount of money to the overall Grant; the outcome of the Grant is less than \$800/year over a 50 year period. It is a legacy they will leave. Mr Scholz affirmed this would not rescind other parts of the trail. They have modified the plans for a considerable amount of time and have added spots for wood chips on the trail that they do not really need. Dr. Barad clarified that they did have the borings completed. Mr. Ryan thanked those who voted for the borings.

Mr. Ryan added that Jim Oettinger, Director of the Recreation Commission, had asked him about creating a bridge by the 9/11 Memorial to get people from Memorial Field there. Even with the Grant, they could squeeze that in as well. Mr. Scholz noted that they would have to go to the DEP for approval for that as it would be a new bridge.

Councilwoman Amitai questioned if the steel leached into the groundwater. In response, Mr. Scholz confirmed that it will, and there will be a surface rust on the steel structure. He added that there is already iron in the soil. Mr. Ryan informed there are things far worse than the steel for this bridge. Borough Engineer explained that there would be a small amount of leaching, but there would not be dangerous levels. Mr. DeNicola, in response to Mr. Ryan, confirmed that fertilizers in the yard would be more toxic than the steel.

Mayor Heymann expressed her understanding that the bridge was very dear to Mr. Ryan. She informed that the concept of the trail that came to the Northern Valley State line was very dear to her. She pointed out, that whereas the southern portion of the trail can be accessed in three other places, bringing the trail beyond Closter across the Dwarskill cannot be done without a bridge. The money that they would be spending on this bridge is money they are not going to have to spend on the bridge that might go across to bring it to the New York State line and be a trail that would make people really proud and make Closter part of a unified Northern Valley instead of spending it all in Closter. Mr. Ryan noted that there is money for this and Norwood does not want to build a bridge there. Mayor Heymann disagreed with Mr. Ryan, explaining that she and Arthur Goldberg attended the meeting in Norwood and they clearly stated that they wanted the bridge. Mr. Goldberg stated that Norwood informed they would probably pay for half of the bridge. Mr. Ryan explained that the money out of our grants, we would still have the money there. In response to Mr. Ryan, Mayor Heymann noted that this bridge was up for discussion as long as every other bridge. Mr. Ryan disagreed and questioned if Mr. DeNicola had drawn up maps for that bridge. Mr. DeNicola informed that it was drawn with the initial grant.

Mr. Scholz added that he has been in favor of a Dwarskill bridge from the beginning, but there has been nothing done regarding applications to the DEP. This is not an issue of whether they will have a bridge there this time next year. It took three years to get this bridge sorted out, so while the Dwarskill bridge is dear to him, it is not something on the foreseeable horizon at this point. It is a mistake to mix the funding with that bridge with this grant money; these are very different time frames. In response to Mr. Ryan, Mr. DeNicola informed he did not know the exact amount of money they currently have so he did not know if there was room in the budget for the Dwarskill bridge. Mr. Ryan stated that they have two years of plans, the DEP recommendation for the bridge; they have the money. If they want to build a bridge into Norwood, but he questioned what was back there. Here, this Borough has access; he questioned the people that actually live over by the Dwarskill. He stated that Mayor Heymann was leading this on her own path, which was close to her; he asserted that he was trying to represent what is good for the Commission and for the town. He wished to stay in Closter and enjoy their property.

Mr. Scholz explained that the Norwood side does not really have much on their side at this time. The southern part by Demarest ties into multiple trails that are already in existence on the Closter and Demarest sides. The immediate impact of that bridge is probably greater than the impact of the Dwarskill at this time. There has been a reluctance of Norwood in the past to put anything into that north woods area; their Environmental Commission is very staunch about not touching that area. They had a great fear of trail bikes going into that area. There are existing trails in the southern part, but not in the northern part.

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Mr. Ryan informed they were here this evening to speak of the Tenakill Brook bridge. They gave the cost and informed the money spent will be well spent and the bridge comes with a 10-year warranty. He appreciated Mr. Scholz's input and thought another bridge would be good, but it can be brought up at a meeting with the Environmental Commission and they need to stay on the task at hand. He stated they need to move on this and they want to get something done.

Councilman Glidden expressed his appreciation for the presentation and informed he had voted against the bridge, but he is willing to take another look at it. He has heard enough this evening.

Arthur Goldberg, member of the Environmental Commission, informed there is essentially no environmental impact with this bridge. There is Open Space in front of it and on the other side. The bridge is pretty attractive and Mr. Ryan has given photographs so they can see. The members of the Environmental Commission thought it very important to come to the meeting this evening because they believe the Mayor and Council should really be informed about what this represents. No one can really evaluate and see what they are discussing unless they walk the area. There are members of the Environmental Commission who would be happy to take out the members of the Council to the area. Mr. Goldberg informed he had only just found out that there is a horse track south of this particular area. There used to be a trotting track, but that is a side issue; when they are in there, along the Dwarskill is one of the most beautiful sites in Closter. The other important issue is that this is really a capital improvement to Closter. It is a resource and it is not that the moneys spent will be used up, but this is there for at least fifty years. This is also the access for the western part of this parkland area. There is a big community out there and this is their access. He noted that Mayor Heymann would state that they could go in from other areas or drive all the way to A&P and they could walk in there. This gives real open access to the property and is an asset for the people who live there. It is another area similar to the Adirondacks; he asked that the Council vote on this and stated that they cannot understand this issue unless they go on the trail. There are members of the Commission who are willing to take them out to the trail.

Mr. Ryan suggested supporting a Town Trail Hike event. Mayor Heymann stated that the members of the Council who have not gone to the trail will be happy to look. She assured that every member of the Council makes an independent decision on the basis of the facts as they hear and see them. None of them have any prejudice to bring to this project. Mr. Goldberg reminded that the Borough signed with the County for \$120,000 and now there may be an act. Mayor Heymann disagreed with him, and reminded him that there is no question about the grant and the bridge was not part of the grant. There was no such bridge conceived of at that time; it was a secondary plan. Mr. Ryan informed that the grant does not stipulate a bridge or no bridge. Mr. Goldberg added that they were given the money and they had approval from the DEP. The Environmental Commission has worked for years on these plans and her statement was irrelevant in this regard. In response to Mr. Ryan, Borough Engineer confirmed that the plans have contained the bridge for approximately 1½ years.

Steven Isaacson, 97 Columbus Avenue and member of the Environmental Commission, explained that he knows first hand about the trails and Blanch Avenue in Demarest. He used to get off the bus at the gazebo in Demarest and walk through the park past the recreation center and the ice skating rink. There are only two ways to get into Closter from that point, they can exit behind the high school or they can walk along the tracks and come out behind A&P. There is no way to get through Closter's Green Acres; one walks through a swamp. The point is that they have the money and the permits; many other things as far as active recreation have been shoved out. They already spent \$275,000 for artificial plastic turf for a football field. They are willing to spend \$80,000 for the cleanup of a pile of tainted soil. For a bridge that will last 50 years, they seem to be coming up with every excuse and there is maybe only one open mind.

Regarding Blanch Avenue, he reminded he was the one who got the Mayor and Council to survey that property in 1999 because Mr. Watkins kicked Mr. Isaacson off, stating it was his private driveway. It took Mr. Isaacson two years to get the Borough to recognize it as a public thoroughfare, and it was his idea to get Norwood to prevent it from being vacated. He reiterated that he was the one who got all this through and if there is going to be a trail in Norwood, it will be because of him. The point is that this will be an asset to the town. Everyone walks through that park. The last time he went through the area, they walked across the ice or across the

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shopping cart bridge because there was no way to get into Closter's woods. He believed that if they wanted to turn Closter into a green place, they have to give Closter residents access to the green so they know what they want to preserve. Mr. Ryan stated that the bridge will give access to all ages.

Mr. Isaacson acknowledged that every project is to be done in phases. Currently, they are focusing on the South phase, but they want to spread it out all over the Borough. He expressed his opinion that they should complete one area at a time and the most important thing right now is the bridge. They have the money, the permission and the permits. Passive recreation should take a precedence over active recreation.

Michael Prigoff, 23 Gwynne Court, referred to the topic of the bridge, explaining he had no knowledge of this matter prior to this meeting. He informed that it would help to know exactly how much money there is in the Environmental fund in the Borough that could be used for matching funds. He also stated that he has not heard any statements as to why the Council did not want to approve this in the first place.

Mayor Heymann explained that the Council has discussed this with the particular expense, with the budget accordingly and at least three times in the recent past. It was also discussed when the first grant proposal came around. The matching funds are available and a great many would be covered by work in kind by the DPW. This is not the issue. There were comments made here that she did not believe were totally candid. There are issues here about whether the property is easily approachable and if it needs this bridge. Also, because of the DEP constraints the original plan was changed and originally no one seemed to need the bridge and the access didn't come in from that particular location. There are a lot of issues and the Council has taken them up and they will do it again; the Council has voted several times on this. The Environmental Commission sees it differently than the Council. The Council has open minds and listens to all the arguments, which they will do again and they will have another vote at another time.

Councilmen Barad and Glidden clarified that they had a vote on the expenditure for the footings, but not on this particular issue. Councilman Kashwick explained that there was no one who was willing to put it up and therefore it was never vote on. Mayor Heymann stated that no one made a motion on the Council to spend the money on the bridge. Mr. Glidden explained that when they look at any expenditure, and they are all very conscious as to what they spend due to the tax rate in Closter and an increase in Police contracts, they are reluctant to spend money unless they see an outpouring of support and a very strong explanation of why they should spend the money. He was glad to have this presentation tonight and he will reconsider his position on it, not stating he will change his position, but he will reconsider it.

Mr. Prigoff explained that he is an active hiker in Closter and in neighboring towns, and he was not even aware that this property was accessible partially because of the access. When he goes into the woods south of there, he goes to Demarest because he can get access over the brook from the parking lot. Mayor Heymann informed that when you go to Demarest and follow their trails, it goes into Closter; you come out behind Demarest. Mr. Prigoff expressed his understanding that the DEP wants the trails to go on the one side of the brook. Mayor Heymann informed that the latest plan which was approved by the Environmental Commission and the DEP called for an additional access at that point. The original plan didn't call for that access and the DEP didn't want it because of the access, but because they wanted the trail in a different place. Councilman Kashwick added that the DEP didn't want us to traverse a boardwalk through an area of wetlands. Mr. Prigoff acknowledged this noting the problems they've had with wetlands such as the trails through the wetlands by the DPW. He urged the Council to reconsider.

Myron J. (Mike) Lewis, 311 Durie Avenue, expressed his dissatisfaction with the drop of the Municipal Alliance funding with regards to the problems that they find with drugs and alcohol abuse. He explained he hadn't read the article, but he heard that they were not making enough money; and to retain it, would be too expensive in order to keep this program going. He was here to volunteer to go over the numbers because he did not believe the numbers that were given and he would like to report back to the Mayor and Council. He will, with the permission of the Mayor and Council, volunteer his time to go through this; and if the Council is right, then they have his blessing. The purpose here where the Governor and the State has retrieved the moneys that are gained in arrests and fines and use those moneys; they are not taxable moneys, but those

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moneys given to us in grants so they can have programs. He mentioned one program in particular that he is close to because he helps the Board, but these programs can get to everyone from five year olds to the senior citizens so they can learn about drugs and alcohol abuse and how they are mixed and what happens to our citizens.

Mayor Heymann accepted this volunteer effort. Councilman Barad clarified that the position was not to do away with the programs, but they thought they could fund them less expensively than it would take to use the grant money. Their goal is to maintain the programs in the most efficient way. Mr. Lewis noted if this was true, they are on the same track. He informed he could reinsure a couple of funds people who had come into the town; he referred to a recent program they held at the Boy Scout Camp and brought kids from Englewood and their parents. Dr. Barad reiterated their goal was not to cancel the programs, but rather the funding because they shouldn't keep it if it does not make financial sense. Mr. Lewis voiced his understanding as Mayor Heymann reported to him that there was an enormous reporting that the State demanded. Maybe they could correct this, but when money is given to him, he does not give it up particularly if it is serving a purpose.

Mayor Heymann explained that the money is the Borough's either way and it should be spent wisely. Even if there is nothing against the programs, the Borough could duplicate them much more efficiently with less of a cost. Mr. Lewis explained that there are certain items with things that are solved by the people that run these 501-C3 programs in which they have professionals on the staff which the Borough doesn't have on theirs, and they'd have to go outside to get them as part of it. People who have had experience helped develop these programs when there was no help at all over the last five to ten years. It is really frustrating when you see people dedicated to these organizations giving hundreds of thousands of dollars of their own money to get this thing going, and they are not in business to make money but to help lives.

Steven Isaacson, 97 Columbus Avenue, wished to demonstrate what he termed as his "thinking out of the box." He referred to the pile of soil that could potentially cost the Borough \$80,000 to clean up and the contamination is just above the threshold for the State. He questioned the Borough Engineer as to what the harm would be if they mixed it with clean soil and brought it down below the threshold and spread it out. Mr. DeNicola explained that they cannot mix it. There are test results on record showing above DEP levels. They do not allow you to mix the soil with clean soil to reduce levels. They took the worst boring and tested it; they used only one boring for the entire thing and this may not be representative. They could spend money to do another sample to see if this is the actual level because when you take more samples, they use an average of the samples. Mr. Isaacson believed it should be the Borough's report and not their report and they should go back to bidding or at least for an RFP so they can get someone to come in and do it the right way.

Mayor Heymann backed what Mr. DeNicola stated, and informed that she was going to ask the Council to authorize some more borings to see if this particular boring was the extreme end of the contamination and an average could be much less. Mr. DeNicola explained that it may not matter because it was a good cost estimate that would be hard to beat. He affirmed that this was the cost to get rid of the contaminated soil, but it was a good cost to remove it. In response to Mr. Isaacson, Mr. DeNicola confirmed that there was no legal way to spread it around and it can be used as fill, currently under the one boring and at worse case scenario, it cannot be used as fill; it must be taken to a certified landfill and they burn it and dispose of it. This cannot be done through Miele and the closest place is Delaware.

Frank Lawrence, 50 1st Street, informed he owns a two family house and he is trying to get a certificate of occupancy. He was given one in April 2006 and, unfortunately, the people left each time; and it has been empty for three months which is hurting his income. Mayor Heymann explained that the Borough Attorney is planning to ask the Council to accept an Ordinance that will take care of you and similar situations where someone bought a house that was legal and had since, because of an Ordinance being overturned by the court, has become illegal. They are working on this and suggested Mr. Lawrence keep in touch with the Borough Attorney who will keep him up to date with all of the processes they are taking. He will be taking this up with the Council after they meet again.

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

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES- WEDNESDAY, JANUARY 23, 2008- 7:30 P.M.

5. COMMUNICATIONS

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

The following items were removed by the following individuals: Mayor Heymann commented on Item No. 10; Councilman Tutoli removed Item No. 2.

Item No. 10 - Received 1/10/08, dated 1/07/08, from Donald M. Farrell, Treasurer & Board Member, Belskie Museum; re Request for permission to serve wine at the monthly Opening Receptions during the 2008 calendar year

Mayor Heymann informed of her understanding that this item would be on the Agenda; and the Borough Clerk clarified that this will be placed on the Agenda for the Regular Meeting to be held February 13, 2008.

Item No. 2 - Received 1/04/08, dated 11/27/07, from David N. Grubb, Municipal Excess Liability Joint Insurance Fund, c: Fred Pitofsky and Glenn Parsells re Employment Practices Liability (Copy letter only!) *DVD and MEL's Employment Practices Liability Policy Checklists ON FILE IN BOROUGH CLERK'S OFFICE*

Councilwoman Tutoli informed she wished to elaborate on this, explaining that the Joint Insurance Fund (JIF) will have some harassment seminars, one of which is being held 1/31/08 at 7:30 in the Mahwah Borough Hall and an additional one on 3/07/08 at 6:00 at Washington Township Borough Hall. Mayor Heymann informed that John DiStefano will be sure to inform the employees of the Seminar on March 7.

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

The following items were removed by the following individuals: Mayor Heymann commented on Item No. 7; Councilman Barad removed Item No. 5 and wished to point out the Municipal Alliance.

Item No. 7 - Received 1/16/08, dated 1/16/08, from Benjamin L. Spinelli, Executive Director, NJ Department of Community Affairs, Office of Smart Growth; to Mayor c: Lynn Conway; re Extension for Completion of Mandatory Basic Course in Land Use Law and Planning

Mayor Heymann informed that all the Planning Board members have completed this course and the only one who has not is the new appointee who has 18 months to do so.

Item No. 5 - Received 1/16/08, dated 1/14/08, from William G. Dressel, Jr., Executive Director, NJS League of Municipalities; to Mayor; re NJEA and Read Across America

Borough Clerk advised this would be on the Regular Meeting Agenda for 2/13/08.

Dr. Barad thanked Leslie Weatherly for providing the Council with the information for review regarding the Municipal Alliance.

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

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

7. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCE AT 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:
ORDINANCE NO. 2008:1003, "AN ORDINANCE ENTITLED PAY-TO-PLAY" WITHIN THE BOROUGH OF CLOSTER, COUNTY OF BERGEN, STATE OF NEW JERSEY"

This Ordinance was introduced at the Reorganization Meeting held January 2, 2008 and was published in the Press Journal issue of January 10, 2008, 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.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES- WEDNESDAY, JANUARY 23, 2008- 7:30 P.M.

Mayor Heymann asked the Council to review the response comments from the Closter Board of Ethics. She introduced Michael Prigoff, Chairman of the Closter Board of Ethics, and asked for him to speak about these comments.

Michael Prigoff, Chairman of the Closter Board of Ethics, informed that the Board met January 17, 2008 to review the Ordinance and they authorized him to communicate their comments to the Council. He explained that the Board of Ethics does not usually involve itself in legislative matters; however, they are charged with reporting to the Mayor and Council on Ethics matters and to render advisory opinions. They felt they should share their opinions and the Council can use them as they see fit. The Board is very much appreciative of the effort to adopt a "Pay to Play" Ordinance; two of the pillars of Municipal ethics are having a level playing field, lack of bias in decision making and transparency in official decision making. They felt that an ordinance such as this would go a long way in helping to ensure that; and, hopefully, will make their job easier, giving the Board less work. They do believe, however, that there are a number of improvements which can be made, and they are outlined in the letter. He apologized for the fact the Council only just received the letter, but the Board got the letter out the day after their meeting.

The first issue is a language issue; the ordinance refers in several sections to violating Section 1A of the Ordinance: contributions made which would violate section 1A. Section 1A does not prohibit contributions, rather it states that the Borough shall not enter into a contract with people who make contributions unless they are within the limits specified in Section 1D. He explained, therefore, the only one who could really violate Section 1A would be the Borough. They have indicated the suggested changes on Page 2 and felt they should be made to the Ordinance. In response to Councilman Glidden, Mr. Prigoff referred to Section 1D and read aloud. He further reiterated that the only entity which could violate Section 1A would be the Borough. To clarify this, Mr. Prigoff noted the change would be instead of stating "without violating Subsection A" it would state "without triggering the effect of Subsection 1A of this Ordinance."

Mayor Heymann informed that this was not a substantive change and they appreciate this correction, but it doesn't affect the timing of the Ordinance. Mr. Prigoff informed that it is substantive to the extent that the Ordinance provides for penalties for violating the Ordinance it may change the ability to enforce the Ordinance. Someone could argue that the Ordinance is not clear and is vague as to what is a violation of the Ordinance. Mayor Heymann concurred that they would accept the change but this change does not affect the intent of the Ordinance. Mr. Prigoff explained that none of these changes affect the intent of the Ordinance, but there are certain issues.

The second issue they were concerned about was the Procure provision, which is Section 4, which says that violations of Section 1; and there is a violation a person can make. If someone contributes something to the Mayor and Council candidate while they are negotiating a contract for professional services, this is absolutely prohibited and is a violation of the Ordinance. Someone could be charged with this. Councilman Hennessey informed that someone could contribute money in the midst of a contract, which Mr. Prigoff clarified is also a violation of Section 1B. However, Section 4 says that if they violate the Ordinance, this can be cured by giving the money back after the election. This gives people a free-pass; people can be caught, but can still avoid the penalties of the Ordinance by giving the money back. Mr. Prigoff informed that the Board didn't see the reason for this; people should know to whom they are giving money and if they're negotiating a contract or are in the middle of the contract, they shouldn't give money to people who are giving them a contract.

Mayor Heymann informed she wanted to catch up and not miss anything. She questioned if the Board was going to make a recommendation regarding Section 2. Mr. Prigoff informed their recommendation is to delete Section 4 of the Ordinance. Borough Attorney explained that some of these are policy decisions; there is no right or wrong policy; and the Council was here to discuss the policies that were set forth in this, which is essentially the League of Municipalities recommended Ordinance for Pay to Play at this point. In terms of the specifics and the triggering event, he believed this to be verbage and wasn't sure this was a substantial change. In his reading of the Ordinance, there could be someone other than the Borough violating it, meaning that when the language is read, it contemplates someone knowingly concealing it from the Borough; and if they were to get caught, they are deemed to violate the intent of the Ordinance and the contract could be cancelled. Regarding Section 4, it was placed there by the League to

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES- WEDNESDAY, JANUARY 23, 2008- 7:30 P.M.

deal with the reality of politics in New Jersey today; historically, professionals who have served the Boroughs and the State and County government have made donations in the past; and this gives the governing body the option to state that if one of these professionals is appointed to something, they will ask that the money be taken back prior to the service, if a dollar amount was violated. This is also a policy decision entirely up to the governing body to decide.

Mr. Prigoff referred to Section 1A, noting that concealing contributions is dealt with in Section 3 and that is an independent violation. The language he was speaking of is in Section 1D, which says a professional can contribute "x" dollars and a professional business can contribute \$300 or a group can contribute \$2,400 without violating Subsection 1A. This is a policy decision and this is merely the Board's view. The Ordinance does exempt any contributions made up until now, so if the Borough were to adopt the Ordinance tonight, then anything up until now is exempt and would not be a violation. This issue should be sufficient for those who have made contributions in the past. Mr. Rogan added that there could be an inadvertent contribution, such as someone donating to a political party or to a PAC, that combined with a modest donation to the candidate will put them over the \$300 limit, disqualifying them. Mr. Prigoff explained that when someone is contracting with the Borough, the Borough is going to say that they will have to sign an affidavit under Section 3; he assumed they would also give a handout copy of the Ordinance so that people who are not aware of this will be; and it will address this issue. Mr. Rogan added that if at the time they go to sign the affidavit they realize they made an inadvertent contribution to a PAC or political party, that would be the time to straighten it out, prior to the time of signing and not after. Mr. Prigoff explained that giving the opportunity to return the money after the election is too broad.

Mr. Prigoff informed that the third issue is also a policy decision. He explained that the definition of "business entity" is too narrow and unduly favors large firms. It provides that a professional business entity, which is the entity that is prohibited from making this excess contributions, is defined to include individual partners and shareholders who own 10% or more of the business. For an example, a law firm with five partners, each would be covered because they would own 20% of the business. The believed 10% is too high to trigger the Ordinance; a law firm with 20 lawyers could say they do not have to meet this standard because individuals could contribute a lot more. Mayor Heymann believed this was not the intent at all. Mr. Prigoff referred to the standard under the Financial Disclosure law is triggered at 5% in terms of disclosing interests that are used for purposes to evaluate potential conflicts of interest. He suggested that 5% is appropriate. Mayor Heymann reiterated that the Borough Attorney informed that this was a template, and if there are any policy issues that the Board differs on it's because they really didn't question the validity of people who have been pouring over this for several years. She explained that 5%, especially if it is in sync with the statements that have to be made at the beginning of the year anyway sounds appropriate. Mr. Prigoff further referred to the terms "corporation" or "business trust" and they suggested that these be replaced by the word "entity" as they do not have a definition of "business trust."

Mr. Prigoff explained the fourth issue to be the aggregate contribution limit. Contributions are limited to \$300 annually to each Closter candidate and to each Closter, County and Party Committee. If they take an average election with 2-3 local candidates on the ballot, an individual who seeks to do business with the Borough can contribute a maximum of \$1,200-\$1,500 per year. Mr. Rogan corrected that the individual could contribute \$300 each, so the maximum would be \$900. Mr. Prigoff added that they could also make contributions to the Closter Republican Committee and a County Committee supporting Closter candidates, they could contribute \$300 to them. Mayor Heymann informed that this never happens. Borough Attorney explained that this would mean that the local Democratic or Republican Club was specifically authorized to fund the election, which does not happen in Closter. It could happen, but does not at this time. Mr. Prigoff explained that it could be possible that someone could contribute \$1,500 without triggering this Ordinance. A firm of four members would be subject to a gross limit of \$2,400; however, if there was a firm of 20 members, they would not be considered to meet the definition of business entity and thus the gross limitation would not apply to them. Mr. Prigoff explained that each of those persons could give \$900-\$1,500 without meeting that aggregate limit. Mr. Rogan affirmed that the Ordinance "favors" the bigger firm; for his firm, where it is only himself, he could only give \$300. However, for a fairly larger firm, they could each give \$300 with a maximum of \$2,400. Mr. Prigoff contested that with a firm of 20 members, they could give \$24,000-\$30,000 because they are not in a group of individuals that

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meet the definition of "business entity," as a business entity includes people with a 10% or more interest or an officer. People in law firms are not officers, they are partners and they would come under that 10%. If they change this to 5%, they are favoring the firms with over 20 members and there are many firms with more than 20 members who make contributions. He informed that the suggestion of the Board be a limit of \$1,000 and the language be changed to include all principals, partners and officers whether or not they are in the definition of business entity. Mayor Heymann concurred that she had no problem with this.

Mr. Prigoff added that there are some other miscellaneous language changes. The statement in Section 3A and B, there is a reference to certification to Section B, which really should be in Section A and the fact that the statement is made under penalty of perjury, there is a typo and it should read "offeror" and not "offer." He noted he would be glad to answer any further questions. Councilman Glidden acknowledged that a lot of work went into this and he appreciated it.

In response to Mayor Heymann, Mr. Rogan advised that these are substantive changes. Mayor Heymann informed that in lieu of the fact that they are not having a campaign in Closter until June, it is better to have this done right. They have put a great deal of effort into this already, as did the Ordinance Committee and the Borough Attorney. If they agreed that the corrections have merit, she would ask for a re-write to be re-advertised.

Motion to re-write and re-advertise the Ordinance and table the Public Hearing was made by Councilman Glidden.

In response to Borough Clerk's request for clarification, Borough Attorney advised that the entire Ordinance would have to be rewritten as these are not what he termed as "diminimus" changes. Councilman Barad added that they have not passed the Ordinance yet. It was clarified by the Borough Clerk, with consent of the Borough Attorney, that the amended Ordinance would have to be republished in its entirety and a new number given to the Ordinance.

At this time, Mayor Heymann questioned whether a motion was needed; Borough Attorney advised that a motion was not necessary and this would be directed to the Ordinance Committee for review. Councilman Glidden informed he would like to read this more closely as there are a few changes; and there may be some items with which he did not agree.

Mayor Heymann referred back to Agenda Item No. 5.

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

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

ORDINANCES AND RESOLUTIONS

9.* BILL RESOLUTION - JANUARY 31, 2008 TO BE PREPARED BY TREASURER

10.* RE FOLLOWING PROFESSIONAL SERVICE: PUBLIC DEFENDER (Request received from Boro Attorney 1/10/08)

~~11.*~~ RESOLUTION APPOINTING CYNTHIA MEYER AS ACTING BOROUGH CLERK FOR THE PURPOSES OF IMPLEMENTING THE PROVISIONS OF THE CLOSTER CODE AND NEW JERSEY LAW; WITHOUT ADDITIONAL COMPENSATION (Received from Borough Attorney 1/15/08) Mayor Heymann removed this as it was no longer relevant.

12.* RESOLUTION AUTHORIZING BOSWELL ENGINEERING TO BEGIN WORK ON THEIR PROPOSAL DATED DECEMBER 31, 2007 FOR WEST STREET IMPROVEMENTS, SECTION 3 (Received from Acting Administrator/Treasurer 1/17/08)

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES- WEDNESDAY, JANUARY 23, 2008- 7:30 P.M.

- 13.* RESOLUTION APPROVING ESTIMATE #3 IN THE AMOUNT OF \$7,496.14 AND FINAL, ALONG WITH TWO YEAR MAINTENANCE BOND FOR 15% OF THE FINAL AMOUNT; SUBMITTED BY CONQUEST INDUSTRIES, LLC.; REDUCING THE CONTRACT AMOUNT ~~BY~~ TO \$145,976.80 ON WEST STREET IMPROVEMENTS -SECTION 2 (Received from Acting Administrator/Treasurer 1/17/08)

Borough Clerk advised that a revised Resolution was received from John DiStefano yesterday, which she distributed to the members of the governing body this evening. She added that there have been some changes and advised that he explain the changes which they can review prior to the vote. Mr. DiStefano explained that this was reviewed by himself and the Borough Engineer; and they made changes based on the Change Order and the finals. He added that the numbers as a whole were exactly as is, but it needed a word change. Borough Engineer added that the wording was changed from "AMOUNT BY \$145,976.80" to "AMOUNT TO \$145,976.80."

Mayor Heymann acknowledged the word change and explained that the Consent Agenda Item should be corrected to read as such. Borough Clerk informed they had received a completely different Resolution; therefore. the wording on the Agenda was based upon the original Resolution provided at that time. She added that the information contained in the Resolution in front of the Council this evening was different; and this has been happening frequently. Ms. Castano voiced frustration that her office receives one Resolution which is distributed to the Mayor and Council in their packet before the Council Meeting, and another which is later brought to her office with changes that has to be distributed to the Mayor and Council at the meeting.

MOTIONS

- ~~14.*~~ MOTION GRANTING APPROVAL FOR THE ISSUANCE OF A LICENSE TO NORTHERN VALLEY SPORTS ACADEMY FOR THE FOLLOWING COIN-OPERATED AMUSEMENT/ENTERTAINMENT DEVICES (Completed application received 1/9/08): MINI AIR HOCKEY; SIMPSONS; NBA/BLITZ; RAMPAGE WORLD TOUR; AREA51/MAX FORCE; CRUSIN EXOTICA; MARVEL VS CAPCOM 2; REVENGE FROM MARS PINBALL; SUPER CHEXX

Borough Clerk asked that this be removed as the application is incomplete.

- 15.* APPROVING THE FOLLOWING MINUTES (Distributed 1/18/08):
a. REGULAR MEETING OF NOVEMBER 19, 2007; ABSTENTIONS: VICTORIA AMITAI; CYNTHIA TUTOLI

- 16.* APPOINTMENTS NOT MADE AT REORGANIZATION MEETING HELD 01/02/08:

| <u>OFFICE</u> <u>EXPIRES</u> | <u>INCUMBENT</u> | <u>APPOINTEE</u> | <u>TERM</u> |
|---------------------------------|------------------|------------------|-------------|
|---------------------------------|------------------|------------------|-------------|

CONSTRUCTION CODE

OFFICIALS

| | | | |
|-----------------------------|------------|-------|--------------------|
| Code Enforcement Officer | John Lazar | _____ | 1 Year 12/31/08 |
| Building and Fire Inspector | John Lazar | _____ | 1 Year 12/31/08 |

- 16.* APPOINTMENTS NOT MADE AT REORGANIZATION MEETING HELD 01/02/08:

| <u>OFFICE</u> <u>EXPIRES</u> | <u>INCUMBENT</u> | <u>APPOINTEE</u> | <u>TERM</u> |
|---------------------------------|------------------|------------------|-------------|
|---------------------------------|------------------|------------------|-------------|

ENVIRONMENTAL COMMISSION

| | | | |
|------------------|--------|-------|--------------------|
| Associate Member | VACANT | _____ | 1 Year 12/31/08 |
|------------------|--------|-------|--------------------|

HEALTH, BOARD OF

| | | | |
|-----------------------------|-----------------|-------|--------|
| Alternate No. 2 12/31/09 | Phyllis Buonomo | _____ | 2 Year |
|-----------------------------|-----------------|-------|--------|

HISTORIC PRESERVATION COMMISSION

| | | | | |
|-----------------|-----------------------|-------|--------|----------|
| Alternate No. 2 | Bobbi Bouton-Goldberg | _____ | 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 12/31/09 | Frank Rodriquez | _____ | 2 Year |
|-----------------------------|-----------------|-------|--------|

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES- WEDNESDAY, JANUARY 23, 2008- 7:30 P.M.

Alternate No. 2 Bobbi Bouton-Goldberg _____ Unexp.
12/31/09

PLANNING BOARD Unexp.
*Alternate No. 1 Robert Friedman _____ 2 Year 12/31/08

RECREATION COMMISSION
Associate Member VACANT _____ 1 Year
12/31/08

* MAYORAL APPOINTMENT

REPORTS

17.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

None at the time of preparation of this Agenda.

The following items were removed from the Consent Agenda by the following individuals: Mayor Heymann removed Item No. 11 and Borough Clerk removed Item No. 14.

8b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Items Nos.11 and 14 was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

18. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

There was no discussion of the removed items.

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

In response to the Borough Clerk, Mayor Heymann confirmed at this time that they would continue with the following:

19b. DISCUSSION RE PARKING SPACE FEE (Requested by Mayor 1/18/08)

Borough Engineer explained as follows: the hard construction cost does not include the actual property on which the space is built, for example: someone is able to build more retail or office space, whichever it may be. The cost of that item was not included in the construction cost because it was not included as it was only dealing with hard dollar components of the parking lot: i.e. excavation, stone, asphalt and striping. The Council has expressed a desire to include the actual value of the land. There is no discussion as to the value of the land; they discussed a ballpark number of 15-20/square foot but never came to a concrete conclusion as to include this or not.

In response to Ms. Castano, Mayor Heymann informed they had asked the Assessor. She questioned if they could do this without the figures. Mr. DeNicola wished to confirm if the Council wanted those figures, as it could be a waste of time. Mayor Heymann advised that the Council wants to do this in the best possible fashion, so they would like these; and added that this would be available for the next Ordinance Committee so it would not hold them back.

Motion to recess the meeting at 9:16 p.m. was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli, and Amitai.

Mayor Heymann resumed the Regular Meeting at 9:58 p.m.

Motion approving the following Resolution at 9:59 p.m. was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Tutoli:

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES- WEDNESDAY, JANUARY 23, 2008- 7:30 P.M.

- 32a. OMNIBUS OPEN PUBLIC MEETINGS ACT Resolution authorizing the Mayor and Council, pursuant to N.J.S.A. 10:4-12, to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(7) "A matter falling within the Attorney-Client privilege;" and that the items under discussion in the closed meeting will be disclosed to the public at the conclusion of the matters which should be within 4 weeks.

Mayor Heymann resumed the Regular Meeting at 10:56 p.m.

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

No one wished to be heard.

21. ADJOURN

Motion to adjourn the Regular Meeting at 10:57 p.m. was made by Councilman Kashwick, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on February 25, 2008 for approval
at the Regular Meeting to be held
February 27, 2008

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held 02/27/08
Consent Agenda Item No. 11.b

CLOSTER MAYOR AND COUNCIL
WORK SESSION MINUTES- WEDNESDAY, JANUARY 23, 2008- 7:30 P.M.

CLOSTER MAYOR AND COUNCIL
WORK SESSION MINUTES- WEDNESDAY, JANUARY 23, 2008- 7:30 P.M.
MAYOR AND COUNCIL
BOROUGH OF CLOSTER

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

Mayor Heymann convened the Work Session at 9:19 p.m.

1 ROLL CALL

The following persons were present:

Mayor Sophie Heymann

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

David Barad, Cynthia L. Tutoli, Victoria Roti Amitai

Acting Administrator/Treasurer, John DiStefano

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Assistant to Borough Clerk, Cynthia L. Meyer

Borough Engineer, Nick DeNicola

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.

At this time, Mayor Heymann informed that they would discuss the measurements regarding the Segal House. However, Borough Engineer informed that this must be done in Closed Session.

3. COMMITTEE REPORTS

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

1) STATUS REPORT RE CAPITAL BUDGET/CAPITAL PLAN - Mr. Kashwick reported that they still need to meet with the Recreation Commission and the Fire Department, which they will be doing within the next couple of weeks.

2) STATUS REPORT RE TRANSPORTATION (Northern Valley Transportation Group Meeting held 10/25/07) - The Transportation Committee hopes to have a meeting with the surrounding towns in early February.

3) STATUS REPORT RE CLOSTER WEBSITE - The Website team met earlier this evening to review the Agenda for 2008 and some of the innovations that they would like to bring forth in the coming months.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES - JANUARY 23, 2008 - 7:30 P.M.

3. COMMITTEE REPORTS (continued)

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

4) STATUS REPORT RE ~~LIKE-AND-KIND~~ IN-KIND MATCH OF \$25,000 FOR COMMUNITY FORESTRY GRANT (Work to be done by DPW) RM 6/27/07 - He met with George Futterknecht a week and a half ago to go over how they will spend the money. It will include new trees in front of Heidenberg Plaza and the planting of new trees in the surrounding streets.

At this time, Mr. Kashwick referred to the grates, and pointed out that Mayor Heymann would like to remove them, while the Shade Tree Commission is in disagreement with that. He requested that no decision be made until the Commission meets one more time to provide their full input on the matter. He also announced that the Borough has received a Community Forestry Grant in the amount of \$3,000 to go toward their management plan, which is up for renewal in 2008. Out of the \$4,500 that it will cost, two thirds of it will be coming from the State.

5) REPORT - Mr. Kashwick reported on the following:

- a. They submitted the application for Tree City USA status once again; and, hopefully, they will be hearing about that shortly.
- b. The Environmental Commission appeared in the Suburbanite this week. They are planning a sustainable Closter initiative, which will take place on 2/2/08. It will be a public meeting to go over what they are planning to do and to get input from the public. That will be held at the Closter Library on 2/2/08 from 10:00 a.m. to 12:00 Noon.
- c. They are also planning their tree planting event for April of this year. He will have more to report on this month.
- d. Mr. Kashwick also referred to A-121, The Smart Container Act, which would bring New Jersey into par with the surrounding states, in terms of having a deposit on soda bottles, water bottles, etc. It is his understanding that many people are opposed to this, as they think it is a tax. However, he informed that it is not a tax. The money would flow right back to the consumer. He believes it to be prudent for the Borough because of the additional cost they incur by disposing of these waste products that are going into our waste stream. There has been a steady decrease in the amount of material that is not being recycled in the State of New Jersey. He asked for the Council members to provide their opinion as to whether they will pass this or not, and to give him time to prepare a Resolution.

At this time, Mayor Heymann referred to Mr. Kashwick's Website report, noting that there was a good Committee Meeting. She explained that it is absolutely necessary for all to go back to the Commissions that they serve as Liaison to ask them to fill in information that is not presently on the Website and to check whether any of the Commissions has any forms that can be placed on the Website to be answered interactively. This will save everyone some time and trouble.

At this time, Mayor Heymann referred to Mr. Kashwick's last comment regarding A-121, adding that the DPW is going to be enforcing Ordinances, which Closter already has on the books, which mandate that recyclables be handled separately. Closter collects twice a month and they permit co-mingling. The DPW will now reject garbage containers that contain visible recyclables.

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3. COMMITTEE REPORTS (continued)

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

When recycling goes into the garbage, it costs them in two ways; it is additional tonnage that has to be redeemed with the cost and it is loss of the Borough for the recyclables that could be redeemed for pay. If you choose to ask for a State Law on the deposit tax, then it should be just as valid that Closter take care of its recyclables in a responsible manner.

Mrs. Amitai asked if this could be done in a way that they could notify the residents. Mayor Heymann explained that the DPW places a tag on the garbage can if they don't accept it. Mrs. Amitai suggested they do a Press Release or post a sign at the DPW. Mr. Hennessey explained that they had discussed this at the DPW Meeting, noting that the abusers know who they are. He suggested that they should have the DPW knock on resident's doors, instead of giving out stickers. Ms. Castano asked if this would mean that they would be opening people's garbage bags and Mayor Heymann disagreed, adding that it is only when it is visible. She then suggested that all representatives of the Governing Body inform friends and neighbors of this enforcement, noting that recycling is very important, as it is a Budget item. Money is saved when you recycle, rather than throwing it in the garbage. Dr. Barad agreed with Mrs. Amitai that if the order of business will be changed, then they should inform the residents, instead of placing an embarrassing sticker on garbage cans or knocking on doors. He proposed they place an article in the Suburbanite or on the Website. Mayor Heymann agreed that they should do so. Dr. Barad suggested that Mr. Kashwick write the Resolution and the Council decide whether they want to do this at a later date. However, Mr. Kashwick explained that he'd rather not take the time to do same if the Council would be opposed to it. All were in agreement that no one was opposed to it. e. Mr. Kashwick informed that they are beginning work on the cemetery project and clearing some of the growth that has taken place among the stones.

At this time, Mayor Heymann wished to comment regarding Historic Preservation, and informed that Jennifer Rothschild prepared a book of the history of Borough Hall. Donald Farrell provided her with another history of Closter from 1938, which is also very interesting. She welcomed all to review these documents, upon request. Mrs. Amitai asked for an archival type page on the Website that would share all kinds of all posters, photographs, trivia, etc.

B. PUBLIC SAFETY - GLIDDEN (HENNESSEY/TUTOLI)

1) REPORT - Mr. Glidden reported on the following:

- a. He noticed that the Chief of Police provides a monthly report to the Council in their packets on incidents in the Police Department. He wished for the Chief to comment on the end of the year, as he had some questions. However, the Chief explained to him that he would have the Annual Report prepared shortly. Mr. Glidden encouraged all to review same, as it is important for them to know what the Closter Police Department is doing, as it is the most expensive service in town. Chief Berrian informed that it would be ready by the end of next week.
- b. He explained that they had received a letter from the County Prosecutor's Office. He also informed that they occasionally send Officers down to the County Prosecutor's Office to work on

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3. COMMITTEE REPORTS (continued)

B. PUBLIC SAFETY - GLIDDEN (HENNESSEY/TUTOLI) (continued)

various types of incidents down there. Sometimes they work on very big cases, such drug busts, where there involves confiscated property, of which Closter gets a share of those funds. The letter was to inform that Closter received \$40,000 on one case.

C. PUBLIC WORKS - HENNESSEY (~~KASHWICK~~ AMITAI/GLIDDEN)

1) REPORT - Mr. Hennessey informed that there was a DPW Committee Meeting last Wednesday and reported on the following:

a. The Borough will be distributing mulch again this year. Therefore, they might want to include this in the advertisement pertaining to recycling.

b. They also discussed taking the tree grates out and planting flowers around the trees. Mr. Hennessey explained that he is opposed to this, as he thinks it would be better to put hanging baskets on the light poles.

c. The DPW will also be purchasing new garbage cans for Main Street. Mrs. Amitai requested that the Closter Improvement Commission see the garbage cans before they are purchased; and Mayor Heymann concurred. Mr. Hennessey welcomed any suggestions to be forwarded to him or John DiStefano; and Mayor Heymann explained that River Edge had very nice garbage cans that she would like to look at. She called the Administrator of River Edge regarding same, who will be getting back to her.

d. William Dahle also wanted to do something with all of the street signs in town, for which he suggested they get volunteer High School students for Community Service to do this one weekend in May. Mr. Hennessey asked if it would pay to put a public notice in the school for this. In response to Mayor Heymann, Chief Berrian informed that the signs are regulated by State standards, voicing his concern regarding the color of the signs. Ms. Tutoli asked if they were talking about the signs or the sign posts. Mr. Hennessey informed that they were talking about the sign posts. Mayor Heymann pointed out that there are signs in town that are not legible. Mr. Hennessey explained that Mr. Dahle had a list of the signs which are missing or illegible. Mr. Hennessey asked about the stone signs from Denny Wiggers; and Mrs. Amitai voiced her understanding that he was going to withdraw his offer. Mr. Hennessey asked if the CIC will work to get some sort of a sign thing going and Mrs. Amitai concurred, adding that CIC would be happy to help. She also informed of her conversation with Zoning Officer, Lenny Sinowitz, this week, who explained that the Ordinance doesn't permit them to get involved with signs. However, it was her understanding that the Historic Preservation Commission has given some suggestions through the guidelines by T. Robbins Brown, the book that the Borough Historian presented to the town. She explained that the CIC has discussed the issue of store signs in Closter; and Mayor Heymann pointed out that they were on the subject of directional and street signs; not store signs. Mr. Hennessey asked that Dr. Barad post an informational flyer in the High School about this Community Service. Chief Berrian explained that this customarily happens annually between May and June, the Seniors volunteer and the Borough doesn't have to go to the school.

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3. COMMITTEE REPORTS (continued)

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

- 1) REPORT RE ORDINANCE COMMITTEE MEETING HELD 10/15/07
- 2) REPORT - Dr. Barad reported on the following:
 - a. An Ordinance Committee Meeting was held yesterday and they still have a lot of things they have to get back from the Planning Board. He explained to Lenny Sinowitz at this time that they had a letter about impervious coverage, noting that they are all working as a group trying to make this happen. Dr. Barad asked if he wished to comment further on same; and Mrs. Amitai explained that he completed the report, which is in the Police Station, waiting for her. She will then bring it to the Planning Board.

Lenny Sinowitz, Zoning Officer, explained that there are a lot of denials he pulled up that they could refer to, as they inform of the reasons for the denials. Most of them are impervious coverage and a lot of them are side yard deficiencies with the driveway. He gave it to the Police Department to provide to Mrs. Amitai. In response to Mr. Sinowitz, Dr. Barad assured that he had his original letter, with all of his recommendations.

- b. They talked about two things that came from Keith Sager yesterday, which JoAnn Riccardi advised they need to do together. The first one has to do with the Building Officer having authority to give summonses or citations. The Borough Clerk corrected him that Keith is not the Building Officer, but he is the Construction Code Official. He explained that it was questioned of whether the Building people could issue summonses, rather than calling the Police to do so. Borough Attorney advised that the procedure should remain as it is now. Mrs. Amitai asked if this relates specifically to the International Code Book; and Dr. Barad explained that the second part is International Code, which they are working on. Mayor Heymann referred to the matter of the International Code, where they were concerned about the wording and explained that she had asked Keith Sager to speak to JoAnn Riccardi directly, as to provide her with the content of that particular issue.

- c. Dr. Barad referred to the Board of Health, noting that the (Deputy) Tax Collector, Maria Passafaro, received a letter in November in response to the cancer cluster question to this State. The letter explained that this doesn't appear to be an environmentally caused problem because the cancers were of different kinds, breast cancer takes a long time to incubate and the exposure over two years wouldn't be sufficient, even if there was a toxic cause known for breast cancer. There is no environmental toxic understanding of a cause. However, the Board of Health informed that the State had offered to come to further investigate the matter, to which they will invite a member of PEOSH to do the rest of that survey. He assured that they are taking this issue seriously.

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

At this time, Ms. Tutoli informed that the contents of her report heading should be amended, having Mr. Kashwick replace Mrs. Amitai.

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3. COMMITTEE REPORTS (continued)

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

1) REPORT RE PERSONNEL COMMITTEE MEETINGS - Ms. Tutoli explained that the February Department Head Meeting, they will briefly give them an overview about Personnel evaluations, then have a further discussion of same at the March meeting. They will resume meeting the first Monday of every month beginning in February.

2) REPORT - Ms. Tutoli reported on the following:

- a. The first Library Meeting of 2008 will be held on Monday evening, 1/28/08, at 8:00 p.m.
- b. The Fire Department will be having their Installation Dinner on 1/26/08.

Mayor Heymann explained that in the past the Council members took particular pleasure in attending the Fire Department Installation dinners. However, in the last two years, people have not been showing up. She voiced her opinion that the Fire Department looks forward to having the Mayor and Council in attendance, extending the invitation with great joy and welcoming. She hoped all would find the time to honor them, as they do so.

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

At this time, Mrs. Amitai referred to Item No. 3 c. and requested that her name be placed in the heading of "Public Works," replacing Mr. Kashwick as a Committee member.

1) REPORT - Mrs. Amitai reported on the following:

a. She referred to The State of New Jersey extension for completion of a mandatory basic course in Land Use Law and Planning, which was distributed in their weekly packets. The extension is until 3/31/08. In response to Mrs. Amitai, Mayor Heymann explained that she had discussed this earlier this evening. She reiterated that all members, but one new one, have taken the course. The new member has 18 months to complete same.

b. Eric Mattes was elected as the new Chair of the Closter Improvement Commission yesterday. Fred Pitofsky will be the Vice Chair.

c. They are going to need 100 copies of the DPW Calendar and the Borough Calendar for the Welcome Packets. Mayor Heymann explained that Leslie Weatherly had provided some of these already; and Mrs. Amitai informed that they need more. The Women's Club has given out more than 93 copies. They are also thinking of giving a copy of same to new member, Grace Kim Kook, so she can see what would be appropriate to translate into Korean.

d. The CIC has had difficulties tracing their Budget money. Therefore, once they know what their Budget is, Ann Brewster can begin logging in bills the Commission receives. Ms. Castano clarified that this was procedure that must be followed as far as expenditure of public funds. Mr. DiStefano advised Mrs. Amitai to speak with him about it. Mrs. Amitai voiced concern as to how much money the Commission has and how it is spent; and Mayor Heymann assured that she and John DiStefano would go over the procedure with Mrs. Amitai. Mayor Heymann explained as follows: the problem stems from the fact that CIC has been placing Purchase Orders without getting in touch with the Borough, which is not anything that should happen. Mrs. Amitai explained that Mrs. Madelblatt used to take care of all of the record keeping for CIC. However,

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3. COMMITTEE REPORTS (continued)

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

since she dropped from the Commission, they haven't had anyone to fill in for her. Mayor Heymann reiterated that she and John would present to her a clear procedure to prevent this from happening in the future. Ms. Castano clarified that they must encumber the funds before spending them. Ms. Castano referred to the lights in town and questioned how all of them were lit over the holiday season when it was her understanding that there was no money left for same in the Budget for CIC. In response to Ms. Castano, Mayor Heymann advised that there was a transfer of funds at the end of the year. Ms. Castano explained that this doesn't provide any example to the Commission at all, as Municipal Budgetary law allows those Departments who over expend to continue to do so by taking the unexpended monies from the frugal Department's budget to pay same. Mrs. Amitai explained that the new Chair is extremely careful with funds, noting that she broached the subject because they have been in limbo. Ms. Castano voiced her opinion that this is a lack of comprehension of the way Government works. Mayor Heymann explained that the Commission was chastised earlier on for this, adding that this is the reason there is a new Chair. However, Mrs. Amitai explained that this is not why they have a new Chair and thanked Wilson Reimers for all of his years of service.

e. The Spring event is in progress. She cannot wait for them to do the Budget, because they will be needing a down payment. Mr. DiStefano explained as follows: the Spring event is going to be handled by a Dedication by Rider as a Trust Fund; it will not be handled through the normal Budget, because you are receiving funds coming in; he has spoken to Lerch Vinci and Higgins; they are working on this together; an appropriate Dedication by Rider that will pass the State, because you want to use the funds for a very specific reason.

f. She is also receiving conflicting information from the Board of Education as to which category the Borough will fit under. They might not need as much money as they think, but she won't know until after everything has been approved next week.

g. They are thinking of selling tickets interactively, through the Website, where people will be able to purchase the tickets. She asked if this was possible; and Mr DiStefano explained that this would be done with a credit card, adding that they are not at this point yet.

h. She thanked Lenny Sinowitz for completing the report that the Sub Committee had asked of him. She will present same to the Planning Board. That work relates specifically to the Driveway Ordinance that was referred to earlier this evening by a resident.

i. She wished Keith Sager well, informing that he was hospitalized for testing and has returned.

j. The Planning Board will have a presentation on 1/31/08 which will be for the Planning Board and any public members regarding the Master Plan. Richard Price will be present. There will be another presentation to the Planning Board, to which everyone is welcome to attend, on 2/6/08. She informed that a Planner type person will be presenting some potential ideas to the Borough.

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4. OLD BUSINESS

No one wished to be heard.

5. NEW BUSINESS

At this time, the Borough Clerk reminded that the first Presidential Primary will be held on Tuesday, 2/5/08, and the polls will be open from 6:00 a.m. to 8:00 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 9:58 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

Provided to the Mayor and Council on
February 14, 2008 for approval at
the Regular Meeting to be held
February 27, 2008

Loretta Castano, RMC
Borough Clerk

Prepared by Cynthia L. Meyer
utilizing recording
and Borough Clerk's notes

Approved at the Regular Meeting held 02/27/08
Consent Agenda Item No. 11.a