

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES - MARCH 12, 2008 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, February 27, 2008. Mayor Heymann called the meeting to order at 7:31 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. OPEN PUBLIC MEETINGS ACT STATEMENT

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

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann  
Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick,  
David Barad (7:40 p.m.), Cynthia Tutoli (7:32 p.m.)  
Acting Administrator/Treasurer, John DiStefano  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola  
Chief of Police, David Berrian  
Assistant Director to Recreation Commission, Brian Beddoe  
Chairman of the Environmental Commission, David Scholz

The following persons were absent:

Councilwoman Victoria Amitai

4. PUBLIC HEARING AND ADOPTION OF ORDINANCE NO. 2008:1004, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35, LAND USE PROCEDURES, ARTICLE VI, HISTORIC PRESERVATION COMMISSION, OF THE CODE OF THE BOROUGH OF CLOSTER"

This Ordinance was introduced at the Regular Meeting held February 13, 2008 and was published in the Press Journal issue of February 21, 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.

Mayor Heymann opened the meeting to the public for any comments regarding Ordinance 2008:1004.

No one wished to be heard.

Mayor Heymann closed the meeting to the public and asked for a motion of approval.

Motion approving adoption of Ordinance No. 2008:1004 was made by Councilman Kashwick, seconded by Councilman Glidden, and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, and Amitai.

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

Tom Migliore, 7 Asmus Road, informed he is a life-time resident of Closter. He was speaking as a citizen and was not speaking as part of any organization. He referred to the displacement of the holiday Crèche. He has been asking people in town how long the Crèche has been in front of Borough Hall, and most responded that there hasn't been a time when it was not displayed. He noticed in mid-December that there was neither the holiday Crèche nor the Menorah in front of Borough Hall; he contacted the Acting Administrator's office

## CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, MARCH 12, 2008 – 7:30 P.M.

and spoke with Mayor Heymann. Her response was that the Mayor and Council unanimously decided to place it in an area of more prominence. Mr. Migliore questioned how the front of Borough Hall was not the most prominent area, with an intersection of four major roads. He informed the Mayor Heymann explained that there was no room in front of Borough Hall because of the way it was landscaped by Susan Boudet. He did not believe that pavers and a park bench could interfere with the placement of the Crèche; and asked Mayor Heymann if it had to do with the menorah being placed at the Senior Center. He explained that she responded by informing of her personal belief that she did not believe in religious symbols having a place in front of Borough Hall. By moving the Crèche, she had leverage to move the Menorah and the ceremony. He found the Crèche displayed on the traffic island in the center of town; and it was partially hidden between a birdhouse and a gnome. The back of the Crèche was facing the sidewalk and the opening was facing a tailor shop. Those driving through town would not notice it; and it was rarely lit.

He spoke with Susan Boudet, whose landscaping company reworked the front of Borough Hall, and questioned why there was no space in front of Borough Hall to place the Crèche or Menorah. In response, Ms. Boudet informed him that there was plenty of space for both; and the landscaping should not be used as an excuse. When he spoke to Father Paul Cannariato at St. Mary's, he confirmed his knowledge of the Crèche being moved. Fr. Cannariato informed that Mayor Heymann approached him in October, following a service, and asked if he had any objection to the removal of the Crèche; his response was that he would not object if it was due to separation of church and state, but would if it was due to religious intolerance. He was assured it would be moved to a place of prominence, but was not aware it would be placed onto the traffic island and that she used the Crèche as leverage to move the Menorah ceremony.

Mr. Migliore voiced his belief that Closter was close to being religiously intolerant. He went to other towns, noting that Haworth displays both the Crèche and Menorah prominently in front of Borough Hall; Tenafly places both in the center of a commercial area in a park; and Demarest displays theirs at the end of a commercial area in a park. He suggested that the decision to remove the symbols representing the beliefs of the residents be reversed; and they should be prominently displayed in front of Borough Hall, as they have been in the past. They should prominently display the symbols which represent the fabric of the religious beliefs of the Community in front of the government center. He thanked Councilmen Glidden and Hennessey for voting against this decision.

Councilman Glidden thanked Mr. Migliore for looking into this issue and noted it is something the Mayor and Council should take up and reconsider next year, and perhaps go back to the way it was before. Councilmen Barad and Kashwick informed they will be in opposition.

Steven Isaacson, 97 Columbus Avenue, referred to his request from John DiStefano for a breakdown of the Open Space and who has been receiving the money as well as a breakdown of the hockey rink and the money involved in that. Mr. DiStefano informed this would be available in a little while and within the next ten days. He explained that part of the problem is that the roller hockey rink was pulled from different ordinances and to try and make some semblance out of it, he can't give an exact number because he doesn't have the time to research all of this in the past. However, he can give Mr. Isaacson an approximate number on that. Mayor Heymann informed that Mr. DiStefano was out sick for a while and Mr. Isaacson was aware of this.

Mr. Isaacson informed that he was married on Fire Island, commonly referred to the land of "No." Recently, he was noticing the proliferation of signs that are banning people from doing things, such as: no pets, keep off field, no parking, no left turn, etc... He believed there are signs going up everywhere; and the sign ordinance should be enforced because people are putting signs up at whim. Mayor Heymann informed that there was a sign ordinance and at the present time they are short of property maintenance officials that could enforce the ordinance. Any suggestions for hire would be welcome.

## 6. COMMUNICATIONS

a. MAIL LIST – FEBRUARY 28, 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: Brian Beddoe commented on Item No. 5.

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES – WEDNESDAY, MARCH 12, 2008 – 7:30 P.M.

6. COMMUNICATIONS (Continued)

b. MAIL LIST – MARCH 6, 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. 3, noting it was a very important issue; Councilman Glidden removed Item Nos. 7 and 15; Jesse Rosenblum wished to removed Item No. 7, already removed by Councilman Glidden, and Item No. 9; Mayor Heymann asked Mr. Kafer to speak regarding Item No. 1.

Item No. 6 - Received 02/29/08, dated 02/27/08, from Leonard Asch, Treasurer, Closter Democratic Club; re Invitation to attend Closter's Earth Day Fair to be held Saturday, 4/5/08 from 11 a.m. to 4 p.m. at the Tenakill Middle School.

Michael Kafer, 261 Parsells Lane, informed that he and the Democratic Club of Closter are organizing an Earth Day Fair. They sent out invitations to the Mayor and Council as well as elected officials from the Governor to State Assemblymen, Senators and Freeholders. United Water will be there; and there was a recent article informing of pharmaceuticals in the drinking water. There will be a representative there to answer questions. They will have the Boy Scouts, Girl Scouts, Cub Scouts, Historic Society, and Closter Nature Center exhibits. Smart Car of Englewood will be there for test drives in Closter. Various solar panel companies will be attending as well.

Mr. Kafer informed this would be a green event and they are trying to use as little paper as possible. They have been chalking sidewalks to promote the Fair. There was a chalking event done at the A&P on their property; it was a big hit. The Library agreed to have it done on their property; and they are going to other property owners as well. This may be a new way for the town to communicate as well. The Closter PTO is infamous for sending out tremendous amounts of paper; maybe they could use this to method. He sent an e-mail to the Mayor and Council to consider this.

Councilman Barad asked if people are getting the information from the chalking. It would be interesting to know if the chalking works. They will have a registration desk at the Fair; and he intends to have a question asking how the attendee learned about the Fair. Dr. Barad noted that if this could be proved that the chalking worked, it would be a good case for others to use that system. Mr. Kafer noted he will add it to the registration; and he got the idea from his daughter in College. Councilman Barad acknowledged his appreciation of this effort.

Item No. 7 - Received 03/03/08, dated 02/29/08, from Jesse Rosenblum, Editor, I.C.I.C. c: Mayor, Council, Nick DeNicola; cc: Borough Attorney; re Informing of violation of terms of the land sale by Miele Sanitation (Letter only!) Mr. Rosenblum informed Borough Clerk that copies had been distributed to the members of the governing body and the Borough Engineer.

Councilman Glidden questioned if the Borough Attorney had any comment on this. Mr. Rogan informed that he was not present at the Planning Board Meeting and was not aware of any conversation. He noted there was a deed restriction prohibiting certain usage on the property. Therefore, the next step is to determine if the usage is on that part of the property. If it is there, they should give him notice and remind him that it is in the deed. If it is not removed, it would be in the Council's decision, should they continue that policy, to have it removed or the property reverts back to the Borough.

Jesse Rosenblum, 65 Knickerbocker Road, added that there are some good things happening in District 3 as follows: Weyerhaeuser is leaving Railroad Avenue, the John Street violators are in Court, and Vantage will be residing on and there are residential lots for sale on VanSciver Street. Mr. Rosenblum voiced his opinion that Mr. Miele did what he termed as "a Spitzer" on Railroad Avenue; he thought he couldn't be caught, but Mr. Rosenblum asked the Mayor and Council to take him to Court to get the property back and suggested Arthur Chagaris act as lead counsel, since Mr. Rogan was involved as Mayor in selling the land. He noted that the violations are obvious, he didn't go to a board, and he used the property for things that were not permitted.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, MARCH 12, 2008 – 7:30 P.M.

Mayor Heymann informed that the information he provided would indicate this, but she would leave it to the Attorney to formalize and double-check this.

Item No. 9 - Received 03/04/08, dated 03/03/08, from Robert Rosen, President, East Hill Construction & Building, to Mayor; cc: Bill Dahle, Glenn Parsells, Nick DeNicola; re Underground Water Line Installation at Block 2104, Lot 2, 17 Bradley Place – Request for permission to open road approximately 3 feet to install new curb box for 1 inch water line; previous approval having been given by the Mayor and Council at RM 2/28/07 for opening of road to install underground utility line.

Bob Rosen, President of East Hill Construction, noted that they had an application to cut the road in order to put a new curb box to expedite putting in a 1-inch water line into the home of Dr. Steven Hockstein and his family. They have previously been before the governing body for underground service; they used the system of lasering the road so there is no upheaval. They made this application, spoke to the DPW and the water company was ready to do this. The DPW got in touch with the town, at which time they were informed they must go through a formal application with the town. They had previously cut the road from one side to the other; now they will only be cutting a couple of feet into the road to install the new curb box, as the water main is on that side. Their past history has shown that they are very responsible; and they will be using the laser cut again so there is no upheaval.

Borough Engineer informed that the only reason they are coming before the governing body is because this is within the three-year time period in which the road had been opened; it was opened last in 2006. The Mayor and Council have given a waiver in the past vis à vis the infrareading of the road, which has been done in the past with this property. Mr. Rosen added that at this point in time, it is such a small area; they have to get the curb box to the water main, which he confirmed was only two-feet into the road. In response to Councilman Barad, Mr. Rosen noted that they would only have to cut the road edge. The approval for the last cut was made 2/27/07, and the road has held up fine.

Councilman Hennessey questioned as to why this was not done when the road was first opened. Mr. Rosen informed they were not aware at the time they would have to cut the road at that point to get to the main water line. The curb box was already on Dr. Hockstein's property but the water company informed they could not tie it into the curb box. This is in a different spot; this is 20-30 feet down the road; even if this was known before, they are not cutting the same spot.

- 6.b.1) Motion to approve the cutting of the road was made by Councilman Barad. Borough Engineer informed it would have to be cut by the infrared method. Said motion was seconded by Councilman Kashwick.

BEFORE ROLL CALL VOTE, Borough Clerk asked that this action be memorialized in the form of a Resolution.

Mayor Heymann informed that we would proceed with the vote and the Borough Attorney would prepare a Resolution.

Said motion was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Tutoli.

Item No. 15 - Received 03/06/08, dated 03/05/08, from Arthur Dolson, 734 Closter Dock Road; cc: Chief Berrian; re Informing of incident which occurred on 2/27/08.

Councilman Glidden informed he took this letter very seriously, as Arthur Dolson has contributed a great deal of his own time to this Community. Mr. Glidden informed he had asked Chief Berrian to look into this and noted he would be able to give a report on the incident in two weeks.

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

No one wished to be heard.

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES – WEDNESDAY, MARCH 12, 2008 – 7:30 P.M.

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.\* INTRODUCTION OF THE FOLLOWING ORDINANCES - PUBLIC HEARING - APRIL 9, 2008 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Borough Attorney )

a. ORDINANCE NO. 2008:1005, “AN ORDINANCE ENTITLED “PAY TO PLAY” WITHIN THE BOROUGH OF CLOSTER, COUNTY OF BERGEN, STATE OF NEW JERSEY” (Received from Borough Attorney 3/6/08)

b. ORDINANCE NO. 2008:1006, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35, ARTICLE I, PLANNING BOARD” (Received from Borough Attorney 2/28/08)

c. ORDINANCE NO. 2008:1007, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 173, SPECIFICALLY SECTION 173-83E, TEMPORARY SIGNS” (Received from Borough Attorney 2/28/08)

d. ORDINANCE NO. 2008:1008, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59, SHADE TREE COMMISSION” (Received from Borough Attorney 2/28/08)

e. ORDINANCE NO. 2008:1009, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 81, BRUSH, GRASS & WEEDS” (Received from Borough Attorney 2/28/08)

f. ORDINANCE NO. 2008:1010, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 142, PARKS AND PLAYGROUNDS” (Received from Borough Attorney 2/28/08)

g. ORDINANCE NO. 2008:1011, “BOROUGH OF CLOSTER CALENDAR YEAR 2008 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK” (N.J.S.A. 40A:4-45.14) (Received from Auditor 3/7/08)

10.\* BILL RESOLUTION – MARCH 15, 2008 TO BE PREPARED BY TREASURER

11.\* RESOLUTION APPROVING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NO.0201-33-011-011 FROM KYH, INC. TO MOO KUNG WHA RESTAURANT, LLC – TO BE PREPARED BY BOROUGH CLERK

12.\* RESOLUTION APPOINTING NORMA T. KETLER AS TAX COLLECTOR FOR THE BOROUGH OF CLOSTER AS OF APRIL 1, 2008 AT A PER DIEM RATE BASED ON HER SALARY OF JANUARY 2008, NOT TO EXCEED AN ANNUAL SUM OF \$10,500 ON SUCH DAYS AS DESIGNATED BY THE TREASURER (Received from Acting Administrator/Treasurer 3/6/08)

13.\* RESOLUTION APPROVING AVAILABILITY TO THE PUBLIC OF BOTH MEMORIAL FIELD AND RUCKMAN FIELD ON APRIL 26, 2008 (Received from Acting Administrator/Treasurer 3/6/08)

14.\* RESOLUTION AUTHORIZING BOSWELL MC CLAVE ENGINEERING TO PREPARE SPECIFICATIONS AND ISSUE BIDS FOR THE PROJECT KNOWN AS THE TENAKILL BRIDGE (Received from Administrator/Treasurer 3/6/08)

15.\* RESOLUTION AUTHORIZING BOROUGH CLERK TO RELEASE THE PERFORMANCE BOND \$20172 FROM FIRST INDEMNITY OF AMERICA INSURANCE COMPANY FOR \$256,296.00 POSTED BY CCA, LLC WITH THE BOROUGH OF CLOSTER (Received from Administrator/Treasurer 3/6/08)

16.\* RESOLUTION AUTHORIZING TREASURER TO RETURN REMAINING ESCROWS IN THE AMOUNT OF \$204.92 FOR POLICE TRAFFIC DIRECTOR SERVICES TO AS THE WORLD TURNS IN COMPLIANCE WITH LOCAL FINANCE NOTICE 2000:14 (Received from Chief of Police 2/28/08)

17.\* RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR DONATIONS FOR THE REVITALIZATION OF DOWNTOWN CLOSTER (Received from Auditor 3/7/08)

CLOSTER MAYOR AND COUNCIL  
 REGULAR MEETING MINUTES – WEDNESDAY, MARCH 12, 2008 – 7:30 P.M.

8a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

ORDINANCES AND RESOLUTIONS (Continued)

17a.\* RESOLUTION APPROVING SUBMISSION OF THE 9-1-1- PSAP (PUBLIC SAFETY ANSWERING POINT) GENERAL ASSISTANCE GRANT IN THE AMOUNT OF \$51,635.52 FROM THE STATE OF NEW JERSEY (Received from Mayor Heymann 3/10/08 @12:35 P.M.)

MOTIONS

18.\* a. APPROVING THE FOLLOWING MINUTES (Distributed 3/6/08):

- 1) REGULAR MEETINGS HELD
  - A) FEBRUARY 13, 2008 - NO ABSTENTIONS
  - B) FEBRUARY 27, 2008 - ABSTENTION: TUTOLI
- 2) WORK SESSION NOTES OF MEETINGS HELD
  - A) FEBRUARY 13, 2008 - NO ABSTENTIONS - (Distributed 2/28/08)
  - B) FEBRUARY 27, 2008 ABSTENTION: TUTOLI

19.\* 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

Mayor Heymann informed that no actions would be taken on the following appointments:

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
DEPUTY BOROUGH CLERK	VACANT	_____	1 Year	12/31/08
CONSTRUCTION CODE OFFICIALS				
Code Enforcement Officer	John Lazar	_____	1 Year	12/31/08
Building and Fire Inspector	John Lazar	_____	1 Year	12/31/08
DESK DISPATCHERS	Costa Katsapis Gary Nicholas	_____ _____	1 Year 1 Year	12/31/08 12/31/08
*ENVIRONMENTAL COMMISSION				
Associate Member	VACANT	_____	1 Year	12/31/08
HEALTH, BOARD OF Alternates No. 2	Phyllis Buonomo	_____	2 Year	12/31/09
OFFICE HISTORIANS				
	VACANT	_____	1 Year	12/31/08
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
RECREATION COMMISSION				
Associate Member	VACANT	_____	1 Year	12/31/08
SHADE TREE COMMISSION				
Member	Susan Boudet	_____	Unexp. 5 Year	12/31/09

\* MAYORAL APPOINTMENT

20.\* GRANTING APPROVAL FOR THE RECREATION COMMISSION TO CONDUCT THE ANNUAL LITTLE LEAGUE PARADE ON SUNDAY, 4/27/08, BEGINNING AT 1:00 P.M. AT BOROUGH HALL (10.M.L. 2/28/08)

21.\* GRANTING APPROVAL FOR THE RECREATION COMMISSION TO SERVE BEER AT THE ANNUAL COACHES PICNICS AT MEMORIAL FIELD, BEGINNING AT 7 P.M. ON THE FOLLOWING DATES: FRIDAY, 5/23/08, THURSDAY, 7/3/08, FRIDAY 8/29/08; RAIN DATES: SATURDAY 5/24/08, FRIDAY 7/4/08, SATURDAY 8/30/08 (11.M.L. 2/28/08)

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES – WEDNESDAY, MARCH 12, 2008 – 7:30 P.M.

8a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

22.\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

a. CONSTRUCTION OFFICIAL – FEBRUARY 2008 (Received 2/4/08)

The following items were removed from the Agenda by the following individuals: Borough Attorney removed Item No. 9a; Tom Migliore asked for Item No. 11 to be removed; Councilman Glidden removed Item No. 13; Acting Administrator removed Item No. 15; Mayor Heymann previously informed that no action would be taken on Item No. 19.

23. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

Motion approving the Consent Agenda minus Item Nos. 9a, 11, 13, 15 and 19 was made by Councilman Glidden, seconded by Councilman Kashwick, and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Tutoli.

9a. ORDINANCE NO. 2008:1005, “AN ORDINANCE ENTITLED “PAY TO PLAY” WITHIN THE BOROUGH OF CLOSTER, COUNTY OF BERGEN, STATE OF NEW JERSEY”  
(Received from Borough Attorney 3/6/08)

Borough Attorney explained about this matter as follows: this Ordinance was introduced at an earlier meeting; the Board of Ethics made comments at a meeting, due to the timing, it died. It was sent to the Ordinance Committee who has reviewed it and wishes to make minor changes. Mr. Rogan wanted to be sure that this was not introduced prematurely and noted, in response to Councilman Barad, that there was an indication to have a full discussion with the Council prior to introduction. Dr. Barad recalled the discussion held with the Chairman of the Board of Ethics; and informed that the Ordinance Committee took his suggestions into serious consideration. They did not make all of the changes. In reference to Mr. Prigoff’s suggestion regarding the wording under paragraph B, noting the person making a contribution could not violate the ordinance in the way the paragraph was written, the ordinance was restricting the town; this wording was changed so it made sense with the context. They are being very careful as they want to limit election contributions, not create a trap for people providing public service. They wish to be careful about the way public officials receive contributions; however, they do not want to create pitfalls. The way this is worded accomplishes these goals; he asked they read it carefully with Mr. Prigoff’s suggestions and discuss it in more detail.

Borough Clerk informed that this will be published in the paper; however, it was already published. She suggested that, in order to save money, the Attorney could prepare a summary of the Ordinance for publication. Dr. Barad informed he felt comfortable with it; and the Borough Attorney so confirmed.

Motion to introduce Ordinance 2008:1005 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.

11. RESOLUTION APPROVIING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NO.0201-33-011-011 FROM KYH, INC. TO MOO KUNG WHA RESTAURANT, LLC – TO BE PREPARED BY BOROUGH CLERK

In response to Mr. Migliore’s inquiry, Borough Clerk informed that Moo Kung Wha is the restaurant downtown by the Clock in the middle of town. Borough Attorney clarified that in the past it had been the location of Closter Stationers. Mayor Heymann clarified this was moving from one restaurant to another.

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

13. RESOLUTION APPROVING AVAILABILITY TO THE PUBLIC OF BOTH MEMORIAL FIELD AND RUCKMAN FIELD ON APRIL 26, 2008 (Received from Acting Administrator/Treasurer 3/6/08)

Councilman Glidden informed that he had spent a great deal of time with the Recreation Commission regarding this matter. He acknowledged frustration by the public, as they are not permitted to use the fields during certain times. Mr. Glidden stated that it was very important to maintain the fields.

In response to Mr. Glidden, Brian Beddoe, Assistant Director of the Recreation Commission, informed they spent a great deal of time and money to recondition Memorial Field. Professionally, they are going by what is suggested to keep the turf for the months it will be used. It would be nice to keep the children on them for the whole year, but they do this to protect the fields. In response to Councilman Barad's question as to whether they could rotate the schedule, Mr. Beddoe informed they are very fortunate to have many fields in Closter. They can accommodate other sports on other fields that have not been reconditioned. Then, in the Fall, the fields that have been reconditioned can be used for soccer and the other fields, such as Mollicone and Schauble Park, have a chance to recover. This is the rotation they use.

Dr. Barad noted there was a difference between playing football on the field and flying a kite. Mayor Heymann explained that she checked into this as well, but the fields are barely above a clay base; if any moisture settles there, it becomes a field of mud. They cannot prohibit people on the field on a day-to-day basis. Most of the time, mud footprints are put on the field; and the sod and surface is ruined. It is not because of general wear and tear, but to avoid disruption of the smooth surface. Councilman Hennessey questioned if they routinely close the fields; Mr. Beddoe noted that they have closed the fields during winter months since 1997 when they reconditioned Memorial Field for over \$100,000. The fields need the time to recover. This is done for both Memorial and Ruckman because the town has spent a great deal of money reconditioning; this is especially important for Ruckman because it used to be a landfill and there are only big boulders beneath the surface. Memorial drains better than Ruckman, but it still needs this time.

Councilman Hennessey suggested an Ordinance prohibiting usage from January 1 to April 21. Mr. Glidden noted that this Ordinance does this in effect by shutting it down until April 26. Mayor Heymann explained that the Recreation Commission has the authority to do this in accordance with the Ordinances. This was incorporated in order to assure the clarity of the law and that the staff in town has the right to issue summonses. Councilman Glidden added that the Recreation Commission feels it is not in the position to enforce this Ordinance; it should be enforced by the Police Department. Councilman Barad noted that it was the Recreation Commission's responsibility to maintain their fields. Mr. Glidden explained that they do an incredible job and they research what it takes to upkeep the fields. He went to Memorial Field over the weekend and noted that his feet sunk in; one can tell that if it were continually used, it would not have grass.

Mayor Heymann noted that Item Nos. 9e and 9f, Ordinances 2008:1009 and 2008:1010 make particular permanent changes. It takes a while for the Ordinances to take effect and this Resolution is only for this year. Borough Attorney confirmed this and explained that this was a permanent change.

Tom Migliore informed he was a member of the Coaches Association; and maintenance is important. At this time of year, someone walking across Ruckman field would be up to their ankles in water. That damage can cause hundreds of thousands of dollars. He has seen people golfing, chipping balls, and bicycle paths; this takes a great deal of time, effort and money for the DPW to repair. It's not feasible to have the field open year-round; if it is opened up and the field is torn up, someone will scream about the money being spent to repair a field. He would rather have fields closed that remain safe rather than repair fields because it was opened up and someone ruined it with their bicycle.

Dave Scholz, member of the Environmental Commission, noted that the Commission did research when they were looking into artificial turf for the fields; one of the things the New York City Parks Commission determined through evaluation of turf was that natural grass needs a 3-month undisturbed dormancy period for restoration.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, MARCH 12, 2008 – 7:30 P.M.

Steve Isaacson, 97 Columbus Avenue, thanked the Council and the Commissions for trying to protect the taxpayer investment; however, he reminded the Mayor and Council that this was every taxpayer's investment and everyone has been donating to the Open Space tax fund. Most of the money developed to maintain these areas is obtained through these tax dollars, not special interest group dollars. They are underselling the people of the town; and he assured that most would not go onto a muddy field.

Mayor Heymann informed that this week, after a heavy rain, which makes Ruckman Field very muddy, she walked by the field on her way to Norwood and noticed a family feeding the geese. She told them that they are violating two Borough ordinances and they left. People do violate these ordinances even with the signs there. Mr. Isaacson acknowledged this, but stated that one or two people would not do what the Tenakill school football team does to a field. This is public space and should be kept open to the public. He suggested restricting certain areas, such as the outfield, to the public.

Debra Migliore, 7 Asmus Road, wished for clarification that the other areas of the park can be used. Mayor Heymann confirmed this.

Mr. Beddoe explained that casual use would not damage the field; however, he was afraid that if one person was seen on the field, that more would follow. Regarding Ruckman Park, he noted that Mr. DiStefano would be providing information in reference to the roller rink. Historically, they had a dangerous basketball court, which was well-used by the public from other towns. It is still used as a basketball court but had to be refurbished. Mayor Heymann clarified that it was both a basketball court and a roller rink and is used for both purposes.

Motion approving this Resolution was made by Councilman Glidden, seconded by Councilman Hennessey, and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, and Tutoli, with Councilman Barad voting no.

15. RESOLUTION AUTHORIZING BOROUGH CLERK TO RELEASE THE PERFORMANCE BOND S20172 FROM FIRST INDEMNITY OF AMERICA INSURANCE COMPANY FOR \$256,296.00 POSTED BY CCA, LLC WITH THE BOROUGH OF CLOSTER (Received from Administrator/Treasurer 3/6/08)

Mr. DiStefano informed that they will have further discussion; and he will review information with the Borough Clerk and the Borough Engineer.

24. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY  
a. CONTINUED DISCUSSION RE PARKING SPACE FEE (Requested by Mayor 1/18/08)

Mayor Heymann recessed the Regular meeting at 8:35 p.m.

Mayor Heymann resumed the Regular meeting at 9:25 p.m.

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

- 25a. Motion to schedule a Special Meeting to be held on Wednesday, March 19, 2008 @ 7:00 p.m. for the purpose of Introducing the 2008 Municipal Budget 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.

Motion approving the following Resolution at 9:26 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 and Tutoli:

- 25b. 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), "Pending or anticipated litigation or contract negotiations"; 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 10 months.

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES – WEDNESDAY, MARCH 12, 2008 – 7:30 P.M.

26. ADJOURN

Motion to adjourn the Regular Meeting at 9:34 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on March 20, 2008 for approval at the Regular Meeting to be held on March 26, 2008

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting of 3/26/08  
Consent Agenda Item No. 14.a.1)