

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MAY 28, 2008 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, May 28, 2008. Mayor Heymann called the meeting to order at 7:32 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. OPEN PUBLIC MEETINGS ACT STATEMENT

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

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick (7:35 p.m.)

David Barad (7:40 p.m., Cynthia L. Tutoli, Victoria Amitai (8:50 p.m.)

Acting Administrator/Treasurer, John DiStefano

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Office of Emergency Management, Sergeant Winters

Acting Supt. DPW, William Dahle

Fire Chief, Brian Pierro

Deputy Tax Collector, Maria Passafaro

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

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

At the Regular Meeting held April 23, 2008 the Public Hearing and Adoption of the 2008 Municipal Budget was adjourned to this Regular Meeting at 7:30 p.m. or as soon thereafter as the matter may be heard.

At this time, Mayor Heymann informed that there would not be a Budget Hearing this evening, noting that she announced this two weeks ago. This is because the Borough has asked for Extraordinary Aid from the State and that aid will not be distributed, if at all, until sometime mid July at the earliest. Therefore, the Budget cannot be finalized until that time. She offered to answer any questions anyone had between now and the time the Budget is adopted, adding that they are not closing the discussion this evening. However, they are simply informing that an official hearing cannot take place until they know how the Budget will be framed, which they cannot foretell until they know how much money they will receive from the State of New Jersey.

Mr. Glidden asked the Mayor to explain to the public that the Borough will have to send out estimated tax bills. Mr. DiStefano informed that he would pull this item from the Consent Agenda later in the meeting.

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

Mayor Heymann opened the meeting to the public.

Carl Olsson, 215 Irving Avenue, explained that he read in the Bergen Record a few weeks ago that the State is facing a shortfall in tax receipts; revenues are down, so they are scrambling to find additional cuts. The article mentioned that emergency aid to the towns is off the table. He

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asked what the story is with emergency aid. Mayor Heymann explained that Mr. DiStefano could give the specific answer of how much money is in the kitty, which is less than last year, but there are fewer applicants for it, so that it doesn't affect Closter's chances of getting money. Mr. DiStefano explained as follows: there are 96 towns that applied and it was over 100 last year; but the total amount of what has been asked for is \$72 million; the kitty for Extraordinary Aid is going to be substantially less than that; it hasn't been decided yet as to the amount that the State Budget will allow for Extraordinary Aid; so it's going to be a substantial cut from last year; there will be a given, but it will not be a substantial amount of Aid; just to go back, once they find out what the Extraordinary Aid is, if they get any; the next step is to apply for the 4% CAP waiver with the Local Finance Board; so that's why when they get into it, he will discuss it a little further, they are going to have to put out estimated tax bills this year; Northvale did it last year and they will be doing it again, as well as Norwood and a number of other towns. Mayor Heymann stated that there was an article in the Record last week about Lincoln Park; and Mr. Olsson informed that he knew the story about this town. In response, Mayor Heymann explained that Closter's story was identical, adding that they are in no way unique. Referring to CAPs in School Budgets, Mr. Olsson asked if CAPs are also with respect to towns and property taxes. Mayor Heymann informed that this was so, noting that they have two CAPs. Mr. DiStefano explained that they have an Appropriation CAP, which is salary and wages and overhead; that's 3 ½ %. In response to Mr. Olsson, Mayor Heymann informed that this is inclusive of most benefits. Mr. DiStefano added that it changes from year to year, but the 4% is overall. Mayor Heymann informed that there is a Tax CAP and that one is set at 4%. There is a tax on salaries, wages and other expenses, which is set at 3 ½ %, but they can increase to 4 ½% with an appropriate resolution, which they did. As it turns out, they are well within that parameter. Mr. DiStefano clarified that it is 2 ½ and then 3 ½ with the Resolution, which they passed and they are within the 3 ½. If it was any normal year, they would be passing the Budget; they would be adopting it. In response to Mr. Olsson, Mayor Heymann informed as follows: the schools have their own CAPs, which is 4%; and that is separate; from here on in, CAP or no CAP, the School Budgets are going to be fully examined by the Superintendent of the County so that the School Budgets will have another layer of review besides their own Boards of Education. Mr. Olsson stated that he was looking forward to November voting for the Boards of Education. Mayor Heymann referred to the meeting she attended earlier today, informing that the League of Municipalities voted to back the November election date. Mr. Glidden pointed out that this was the first time this has ever been done. Mayor Heymann informed that it is introduced in the Assembly by the speaker of the Assembly, so it has a very good chance of passing. Mr. Olsson urged that they must do something.

Joe Bianco, 7 MacArthur Avenue, suggested that Mayor Heymann have someone fix the microphones and the recording system, as it is hard to hear her speak. Mayor Heymann pointed out that Bobby Knee was recently here to look at it; and Mr. Bianco recommended that she find someone else to do it.

Mr. Bianco also explained that he was in attendance this evening to ask the Mayor and Council to consider all of the good public works they are doing; the good work of the DPW. He specifically referred to the work at the corner of Piermont and Ruckman Roads. There happens to be a 39 foot curb to curb dimension. If it is possible, because of the new rearrangement of the parking lot, at the tennis court, that we have a double lane going east and a single lane going towards town. This will allow the queuing of the cars in the left hand lane as they are going east, to pull into the lot at the tennis court. Mayor Heymann informed that this is a Police traffic issue and Mr. Bianco objected that he measured it. Today, he was at the intersection of Forest Avenue and Soldier Hill Road. They have the same exact problem of the traffic flow at that intersection. It measures 39 feet and ours measures 39 feet. He asked that the Engineer look at this; and Mayor Heymann explained that the initial effort must come from their own traffic department, which is part of their Police Department. Mr. Bianco didn't believe that they did this. Fletcher Creamer was on the job and they did a sewer reconstruction in the middle of the street.

Mr. DeNicola explained that the signal would have to be modified to potentially have a right turn, because you would be creating two lanes. Mr. Bianco informed that this is being done now anyway; they're just channeling because it's a safety issue. Mr. DeNicola assured he understood the issue.

Mr. Bianco wished to talk about what he termed as "the good, the better and the best" and explained as follows: the good is that the DPW is doing a good job and other departments as well; the better is that you are applying for grants and trying to get this tax situation in good hands; he understands it is difficult; he congratulated them, noting that the best thing they have done was to preserve the five acres in the back of the Borough Hall; each further generation will look back at your actions, which will be justified, even through all of the criticism.

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Michael Kafer, 261 Parsells Lane, questioned the Open Space portion of the Budget, which he voiced his understanding, referred to approximately \$2,500 as salary. He asked whose salary line this comes out of; and Mr. DiStefano explained from 'Streets and Roads' for mowing the lawns. They purposely have to make it small; it's watched very closely and it's done with the Auditor's approval. There are some towns that really expand on those numbers and they were asked not to do that. This is the first time it is being used this way and it is allowed, legally, for them to do so. Mr. Kafer pointed out that the town is working off of a Temporary Budget, since they have not adopted a Budget yet. He asked how often a Temporary Budget is adopted and when the last one was adopted. Mr. DiStefano informed that they usually adopt every three months and explained that they adopted again at the last meeting, since the Sine Die Meeting, which should last them another three months. Mr. Kafer referred to the adopted Temporary Budgets, which are now half way into the year, noting that it is not only a Temporary Budget, but it is a de facto budget. The problem he sees with that is that, should the Mayor and Council decide not to adopt the Budget as it has been presented, they will be seriously forced into making the changes that have already been in effect for half of the year. Mr. DiStefano assured that they are looking at those numbers very closely on a monthly basis. The department heads are doing a phenomenal job of working with it and it's extremely difficult. Mr. Kafer understood that they fully intend to comply with the Temporary Budget and he was sure the Council would not present a Budget that it didn't think that it wanted to pass. Nonetheless, after a couple of meetings and public hearings and testimony, Council people, being open-minded as they all are, very well might not adopt that Budget and they will be then forced to drastically change their spending to the second half of the year because they will have overspent for the first half.

Mayor Heymann explained that they are monitoring that Budget so closely that they are not spending a full third of it in each quarter. They are holding the line back so that if they didn't get any additional and the Budget would have to be balanced with the resources they had put into the original Budget, they wouldn't get hurt. Mr. Kafer voiced concern about the revenue line, rather than the spending line, as the revenue line was a much more serious issue. That issue came up last year where they did a nice job keeping within the spending limits, but unfortunately, the revenue didn't come in as it was projected. When he asked about this last time, one of the answers was that they don't get a clear idea as to the revenue until almost the last two or three months of the year. This might be so because of their tax bill, but they should have a clearer idea as to the valuation of the town. The reasoning for this is because of tax appeals that are going on, as for sales are being made and the County equalizing the home sale. They should be able to pick up on those on a much quicker basis. They certainly have an idea as to the change in valuation.

Mr. DiStefano explained they constantly meet with the Building Department to see what type of revenues they are looking at from that perspective. Mr. Kafer questioned if he was referring to fees or the valuation of properties. Mr. DiStefano informed that they are looking at fees, permits, what is being built and what the potential is for knock-downs, noting that this all comes into play. Mr. Kafer voiced his understanding that it comes in when the deeds are recorded in Hackensack and the County looks at the deed fee and compares. Mr. DiStefano informed that is when they get their numbers and Mr. Kafer said they get them all of the time. Mr. DiStefano objected and offered for the Deputy Tax Collector to confirm this with him. Mayor Heymann explained that they are facing problems, as they have a Tax Assessor who is not responsible to the town, but only for getting the information from Hackensack, which doesn't come to them in a timely fashion. There are two areas of income in the Real Estate area, to which he was referring. One is the change in the purchase prices, which they do not get in a timely fashion. The other is the building activity that takes place after the year's assessments have been completed. If any real estate tax is charged on the building activities, then the Borough doesn't have to pay the County and School portion of those taxes. Then, they would retain a much larger amount of that new building component than they do of their other real estate taxes, of which the Borough only gets about 30%. That is the part they lost last year.

Mr. Kafer explained that when a homeowner goes and gets reassessed, and his taxes come in lower than the town had anticipated, they lose out. Mayor Heymann assured they were aware of this, noting that it is a different situation and it will be under discussion this evening. The areas which they cannot control are the amount of building that goes on in town in any one year, which they don't know in advance. They also are unaware of the sales, which they don't get in a timely fashion. Mr. Kafer asked for clarification and Mayor Heymann directed his question to Maria Passafaro, Deputy Tax Collector, who explained that deed prices are recorded at the County. The Borough acts upon the County asking them to reval; or they go to the County. They can't foresee what is going on at the County level; they only know what is submitted to them through paperwork. As far as deed and sale prices, it is recorded at the County level. It is also recorded at the Assessor level, but the Borough is not responsible for that. In response to Mr. Kafer, Mrs. Passafaro explained that they are advised within six months to a year to record a deed. Mr. DiStefano assured that it would not affect this year's Budget. Mrs. Passafaro agreed that it is open

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public records, but according to the Statute, they cannot change a legal deed until they receive a recorded copy from the County. In response to Mr. Kafer, she informed that an Assessment is done at the County level or Tax Court level. Whether or not it is granted, the Borough has copies of it, as well as knowledge of hearing dates and judgments. At this time, Mayor Heymann informed that Mr. Kafer's five minutes were up.

Steve Isaacson, 97 Columbus Avenue, referred to the Budget, pointing out that street lighting, telephone and telegraph and water have gone from \$181,300 to \$272,500, which is more than a 50% increase. Referring to the water, he asked if this was because of all of the sprinkler installations. Mayor Heymann informed that the water company raised the amount. Mr. DiStefano added that there were extra areas where they put in new meters. Mr. Glidden suggested Mr. Isaacson check his home water bill for increases. Mr. Isaacson referred to the Municipal Court equipment for the Capital Budget Current Year 2008 and asked what the \$90,000 was for. Mr. Glidden voiced his understanding that this was for cameras, which was State mandated. Mayor Heymann explained that it was mandated by the State Attorney General. In response to Mr. Isaacson, Mayor Heymann also informed that this was not a funded mandate, adding that she would refer to this later on this evening as one of the unfunded mandates that the Borough has to pay for. Mr. Isaacson then questioned the \$205,000 reserved for improvements to recreation facilities. He pointed out that he has nothing against recreational parks; however, it seems as though there are many different areas where the money is coming from. Mr. DiStefano explained that the Budget sheet that Mr. Isaacson was referring to was planned, noting that it is a conglomeration of a year or two year's worth of information that they are planning for. It doesn't mean anything and there are no funds committed at this point in time; it is just a wish list. Speaking as a tax paying citizen of Closter, Mr. Isaacson informed that there is a classified ad on the website for the position of 'Land Use (Administrator/Planning, Zoning) Secretary.' He was told that certification is required to become a secretary. Mr. DiStefano informed that he did not say this, adding that this is what they are looking for; it is not what is needed, but it's what they want. Mr. Isaacson asked if anyone has had this certification before and whether it was certification as a secretary or a board administrator. Mr. DiStefano informed that (former employee) Maria DeSimone had certification, of which he was unsure. Mr. Isaacson pointed out that they are setting certification requirements for certain jobs, and questioned whether they are aware of what these qualifications mean. He voiced his understanding of the requirements to become secretary and administrator to this position. He asked what kind of certification they were seeking; and Mr. DiStefano explained that they wish to find someone with Administrative certification. Referring to the intern who is working in the Land Use Office for the next three months, Mr. Isaacson asked if the Borough would be willing to accept someone and pay for training for certification if they didn't find someone with certification by that point. Mr. DiStefano informed that this was the decision of the Planning and Zoning Boards. He questioned if there were other employees throughout the Borough who were taking classes on Borough time that are paid for by the Borough; and Mr. DiStefano agreed that there were.

Jesse Rosenblum, 65 Knickerbocker Road, asked if the Borough has determined that the price paid for the new generator is a good one. Mr. DiStefano explained as follows: it's a good price; he spoke to John Perkins today, who is a Business Administrator for Dumont, who is putting in a new generator; they are physically just pulling out the old one and replacing it in the same exact place; no extras; it is the same exact size of what they had before; we have a different environment, but theirs was \$75,000. Mr. Rosenblum asked if the current machine in the basement was on line and ready to go. Sergeant Winters explained that the generator will run, but it will probably fill the whole building with exhaust and carbon monoxide, so they would have to evacuate the building to use it. Mr. Rosenblum asked if there was any attempt made to make that discharge line leak proof. Mr. Dahle said yes, noting that his mechanic went down there and did it, but it has a blown cylinder and the engine on the generator could blow up at any minute. Mr. Rosenblum voiced his understanding that the exhaust line was the main problem with the generator; and Mr. DiStefano disagreed, indicating that it's the whole generator. Sergeant Winters pointed out that there are two different problems. In response to Mr. Rosenblum, Sergeant Winters informed that the parts for the generator are no longer available; and they would have to somehow acquire them. He informed that a water pump had gone bad about two years ago, which they had to retrieve from someone in Georgia. In the meantime, they rented an emergency generator for ten days, which cost the Borough \$10,000 until they received the part. This time, the generator is not repairable.

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Steve Isaacson, 97 Columbus, explained he found the same generator the Borough has online for approximately \$25,000 and asked if it was possible to simply switch it with the old one. Mr. Hennessey explained that the existing generator is a 30 kilowatt generator, which primarily powers the radio room in the Police Department. The new generator will power the entire building. You cannot take a 100 kilowatt generator and put it in the place of a 30 kilowatt generator. He thinks it is important to have a generator that supports the entire building, including the elevator. If there is a power failure and someone is in the elevator, then they won't be able to get out until the power comes back on. Mayor Heymann explained that it's not only the cost of the generator. The difference in the cost of the generator that was chosen for the Borough and the one that Mr. Isaacson may have seen online is not very large. She explained that because the generator is being moved and new lines and switches have to be installed, it adds up to a high amount. Referring to this case, Mr. Isaacson asked what constitutes an emergency. Mr. DiStefano informed that OEM classifies it as an emergency. In response to Mr. Isaacson, Mr. DiStefano assured that it is not a way of circumventing the bidding process, adding that he checked with the Auditors and the CFO. There are a number of steps and everyone must agree and sign off that it is an emergency. It is also sent down to the State for their approval. In this business, it takes time to prepare bids.

As a member of the Environmental Commission, Mr. Isaacson voiced curiosity regarding why this was never run past the Environmental Commission because of the drainage ditch and the testing well that is adjacent to the area where they want to put the generator. Mayor Heymann informed that the generator is going to be placed to the side of the drain and the drain pipes themselves are going to be moved away from there so there is no conflict. Mr Isaacson asked for clarification that \$90,000 was a guestimate and there may be overruns and Mayor Heymann informed this amount was the actual bill. Mr. Isaacson voiced concern that it will affect a line that goes directly into the water supply. It is obvious that someone was once concerned, as there is a testing well there. However, Mr. DiStefano disagreed.

Joe Bianco, 7 MacArthur Avenue, explained that he helped renovate this building 30 years ago. The generator, at the time, supported everything, which is something they needed. He is a licensed Building Inspector and has checked to assure that everything that has been done has been done properly. There should not be this type of generator in a building; especially in the basement. If there were to be a fire in the building while the generator is running, it won't work. He also referred to the fuel tank, noting that it should not be inside of the building. He suggested they do a forensic audit on the cost of this installation to settle the matter. He also priced this generator and it's on the high side.

6. COMMUNICATIONS

- a. MAIL LIST – MAY 15, 2008 – Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Mr. Isaacson asked that Item No. 8 be removed.

Item No. 8 – Received 05/15/08, dated 05/12/08, from Gwen Cogan, Senior Staff Consultant-Franchise Service Management, Verizon Video Solutions to Municipal Clerk, Re Verizon's BPU Petition to Relocate the Paramus NJ Local Business Office; Borough Attorney

Mr. Isaacson was curious as to where they wanted to relocate their office. Mr. Rogan provided the following address: 556 North State, Route 17, Paramus, NJ.

- b. MAIL LIST – MAY 22, 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.

No one wished to be heard.

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

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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 – MAY 31, 2008
TO BE PREPARED BY TREASURER

10.* RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION FOR 2008 NJDOT LOCAL AID FOR WEST STREET, SECTION 4; AND AUTHORIZING MAYOR TO SUBMIT AN ELECTRONIC GRANT APPLICATION IDENTIFIED AS MA-2008-CLOSTER BOROUGH-00129 TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (Received from Acting Administrator/Treasurer 5/19/08)

~~11.*~~ RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS 2006, 2007 & 2008; O&P REALTY, BLOCK 1201 LOT 1, CORNER NAUGLE STREET AND RAILROAD AVENUE (Received from Borough Attorney 5/19/08)

At this time, Borough Clerk asked that the Block be corrected to Block 1206; instead of 1201. Mayor Heymann explained that she would pull this item off the Agenda.

~~12.*~~ RESOLUTION AUTHORIZING MAYOR SOPHIE HEYMANN TO SIGN N.J.D.E.P. PERMIT CERTIFICATION FOR BLOCK 81.06, LOT 6, ALPINE, NEW JERSEY SASOUNESS PROPOSED SEWER CONNECTION IN ACCORDANCE WITH CLOSTER/ALPINE SEWER AGREEMENT DATED 8/5/1994, SUBJECT TO ENGINEER'S REVIEW, APPROVAL AND CONDITIONS (Requested by Borough Attorney 5/21/08)
TO BE PREPARED BY BOROUGH ATTORNEY

13.* RESOLUTION APPROVING THE TRANSFER OF PERSON-TO-PERSON PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-002-002, HERETOFORE ISSUED TO KORYEO, INC. TO 208 PIERMONT ROAD, INC. (INACTIVE/POCKET) FOR PREMISES LOCATED AT 208 PIERMONT ROAD, CLOSTER, NEW JERSEY; AND DIRECTING THE BOROUGH CLERK TO ENDORSE THE LICENSE CERTIFICATE TO THE NEW OWNERSHIP

~~14.*~~ *POSSIBLE* RESOLUTION APPROVING/REJECTING REQUEST BY NORTHERN VALLEY SPORTS ACADEMY, 100 OAKLAND AVENUE, CLOSTER, NJ, TO USE THE FIELDS AT RUCKMAN PARK FOR TEN 5- DAY WEEKS FROM 6/23/08 TO 8/29/08 FOR SUMMER DAY CAMP FOR CHILDREN AGES SIX TO TWELVE, , FOR A FEE (7. M.L. 5/8/08)
Discussed at RM 5/14/08
TO BE PREPARED BY ACTING ADMINISTRATOR/TREASURER

~~15.*~~ RESOLUTION AUTHORIZING BOROUGH ATTORNEY TO PREPARE THE NECESSARY NOTICE TO BIDDERS, BID PACKAGE AND SPECIFICATIONS, AND FOR BOROUGH CLERK TO ADVERTISE FOR RECEIPT OF BIDS FOR BRUTE V-BOX SPREADER FOR USE BY THE CLOSTER DEPARTMENT OF PUBLIC WORKS (Received from Borough Attorney 5/22/08)

~~16.*~~ RESOLUTION APPROVING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$6,400.00 FOR HOMANS AVENUE AND OAKLAND AVENUE INTERSECTION IMPROVEMENTS (Requested by Borough Engineer 5/22/08)
RESOLUTION TO BE PREPARED BY ACTING ADMINISTRATOR/TREASURER

Mayor Heymann explained that she would pull this item also.

~~17.*~~ RESOLUTION AUTHORIZING THE BOROUGH OF CLOSTER TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C.72 (Received from Auditor 5/22/08)

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MOTIONS

- 11.* APPOINTMENTS NOT MADE AT THE REORGANIZATION MEETING HELD 1/02/08;
 Adjourned from Regular Meetings held 1/09/08, 1/23/08, 2/13/08, 2/27/08, 3/12/08, 3/26/08, 4/9/08,
 4/23/08, 5/14/08

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

Mayor Heymann informed that no changes were to be made.

- 12.* MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO SERVE AS MEMBER(S) OF THE
 HISTORIC PRESERVATION COMMISSION TO FULFILL REQUIREMENT MADE BY
 ADOPTION OF ORDINANCE NO. 2008:1004 ON 3/12/08
 (Term to be determined by Borough Attorney in accordance with N.J.S.A. 55D-107) – Adjourned from
 RM 04/23/08, 5/14/08

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

Mayor Heymann informed that no changes were to be made.

- 20.* APPROVING THE FOLLOWING MINUTES (Distributed 5/22/08):
 1) REGULAR MEETING HELD MAY 14, 2008 – ABSTENTIONS: GLIDDEN, KASHWICK
 2) WORK SESSION NOTES OF MEETING HELD MAY 14, 2008 – ABSTENTIONS: GLIDDEN,
 KASHWICK

- 19.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

- a. No reports at time of preparation of this Agenda

The following items were removed by the following individuals: Mayor Heymann removed Item Nos. 11, 12, 16, 18 and 19; Mr. Glidden asked that Item No. 14 be removed; Mr. Hennessey asked that Item No. 15 be removed; Mr. DiStefano asked that Item No. 17 be removed; Ms. Tutoli asked that Item No. 11 be removed.

- 8b. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 11, 12, 14, 15, 16, 17, 18, 19 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.

- 21.* REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

11. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS 2006, 2007 & 2008; O&P REALTY, BLOCK ~~4204~~ 1206, LOT 1, CORNER NAUGLE STREET AND RAILROAD AVENUE (Received from Borough Attorney 5/19/08)

Mayor Heymann explained that she felt it was necessary to discuss this item, adding that this is a tax appeal for the property owned by John J. Demarest Lumber Yard in Closter and the appeal covers three years ever since the last evaluation. She was informed by the Borough Attorney that the dispute dealt with the type of assessment that the reval involved, which was the fact that the John J. Demarest is both the retail establishment as the retail sales building and warehouse for its lumber. Apparently, the entire property was assessed the retail value, which is higher than the warehouse value. She is concerned about the amount that was granted, which she explained was

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provided to the Council in their packets. She thought there should be a discussion as to whether they wish to go with the suggestion by Louis Izenberg, who is an expert on that field or whether they feel they should go back to the drawing board. Mr. Glidden asked how much money they were contemplating.

Mr. Rogan explained that the total tax dollars are about \$2,200 a year for three years; roughly \$7,000 resolves the three years in contest and then it locks in the next three years. Ms. Tutoli voiced concern that this is commercial property, noting that with the revals, it seems as though the residential areas were hit much harder than the commercial areas already. She questioned if this would cause problems as to set a precedent with other commercial establishments. Mayor Heymann explained that she sees it as another commercial property getting a tax break and the amount of that tax break has to be covered by the residential home. Therefore, the residents in Closter will have a bigger burden by the amount that is being granted. Ms. Tutoli pointed out that this was exactly her point and reiterated what she had said before. Mr. Hennessey questioned how the property had been taxed prior to the reval. Mayor Heymann informed that she was unaware of this at this time. Mr. Hennessey pointed out that this would set precedents on what they should do.

At this time, Deputy Tax Collector, Maria Passafaro, explained as follows: prior to the reval, it's taxed the same way; it's just the assessed value changed; the ratio is different. Mr. Hennessey asked if it was always taxed 100% retail and Mrs. Passafaro explained she cannot attest to this, as she is not the Assessor. Mr. Hennessey pointed out that this is what they need to check. Mr. DiStefano explained that they need to get this information from the Assessor and Mr. Rogan suggested that they could ask Mr. Izenberg to give them a breakdown on this. The details he gave for his recommendation is in the letter of May 16, 2008. However, he did not specify percentages; he basically based it upon the dollar values. The Council does not have to follow the Assessor or Appraiser's recommendation. After conferencing the case with the court and the Appraiser and Attorney for John J. Demarest, the Appraiser's recommendation was to adjust the value down. O&P Realty is really the property owner. John J. Demarest is a tenant. The only consensus that is valid is that of the Council. Dr. Barad questioned the proposed remedy of the business owners if the Council should decide not to approve this.

Mr. Rogan informed that the case gets tried before a Tax Court Judge. This is the first recommendation they have had from this appraiser. Based upon what it will cost the Borough to pay the Assessor to testify and what the likelihood of success is to settle the three years, the Assessor feels that \$2,200 a year is something the Council should consider. Mayor Heymann questioned how he got the figures, as she compared it to the proposed Resolution, and voiced her understanding as follows: it says for the 2008 year, the reduction of \$750,000, which adds up to nearly \$8,000. Mr. Rogan explained that this is for all of the years and Mayor Heymann informed that it didn't read that way. Mr. Rogan explained as follows: in part of the settlement, the 2006 appeal is withdrawn, so that year gets zero reduction; for the 2007, property is reduced for \$500,000; 2008 it's a reduction, but it comes out to a total tax dollars of approximately \$7,000 for 2007; but that dismisses 2006 and 2007 because of the property value reductions; they can ask for Angela or the Appraiser to come in or they can ask specific questions and ask them to provide more details; it was indicated to Mr. Rogan that the difference in taxes is \$7,000.

Mr. Glidden informed that he would like to defer the matter and get the answers to the questions that Mr. Hennessey asked. Mr. Rogan advised that he will charge if they ask him to come to the meeting. In response to Mr. Hennessey, Mr. Rogan agreed that he could get the answers over the phone and asked for them to inform him of exactly what questions they have. Mr. Glidden informed that they wanted to know how it was broken down for the reval percentage-wise. Mayor Heymann also and how the pattern in changed from previously, if at all. Mr. Rogan informed that it would be adjourned to the next meeting and he will obtain answers to those questions, which he will provide to the Council ahead of time.

12. RESOLUTION AUTHORIZING MAYOR SOPHIE HEYMANN TO SIGN N.J.D.E.P. PERMIT CERTIFICATION FOR BLOCK 81.06, LOT 6, ALPINE, NEW JERSEY SASOUNESS PROPOSED SEWER CONNECTION IN ACCORDANCE WITH CLOSTER/ALPINE SEWER AGREEMENT DATED 8/5/1994, SUBJECT TO ENGINEER'S REVIEW, APPROVAL AND CONDITIONS (Requested by Borough Attorney 5/21/08)
TO BE PREPARED BY BOROUGH ATTORNEY

Mayor Heymann explained she removed this because she wanted to be sure that they were charging as the 1994 agreement allows us to do; charging commensurate with our actual costs. She thinks they need to check into what their costs are before they can finalize any agreement. She adjourned this to the next meeting.

14. *POSSIBLE RESOLUTION APPROVING/REJECTING REQUEST BY NORTHERN VALLEY SPORTS ACADEMY, 100 OAKLAND AVENUE, CLOSTER, NJ, TO USE THE FIELDS AT RUCKMAN PARK FOR TEN 5-DAY WEEKS FROM 6/23/08 TO 8/29/08 FOR SUMMER DAY CAMP FOR CHILDREN AGES SIX TO TWELVE , FOR A FEE (7. M.L. 5/8/08)*

Discussed at RM 5/14/08

TO BE PREPARED BY ACTING ADMINISTRATOR/TREASUER

Mr. Glidden explained his understanding that there was discussion on this at the last meeting, for which he was absent. He is in favor of it for the following reasons: it is revenue to the town; The Northern Valley Sports Academy is a very good corporate citizen in this town; it is not displacing other activities; it has been well discussed at the Recreation Commission.

Donna Kelly, 333 Demarest Avenue, explained she is in favor of this, and explained as follows: with so many businesses leaving Closter, the Northern Valley Sports Academy has a good, standing business that people know and respect; they have been fabulous with regards to any contributions they need for PTO; they supplied all the “Keep Closter Green” bottles of water at Opening Day; they sponsored the Domirkovitch 5-K Run; they gave the t-shirts out; they are always there to help out; also, with the Budget being cut, this will be a nice win for Recreation. Mr. DiStefano asked what kind of income they were looking at. Mr. Hennessey reminded that it was \$100 per week. Mayor Heymann informed that the proposed amount, which can still be negotiated if they so choose, was \$500 per week for ten weeks for a total of \$5,000. Ms. Kelly voiced her understanding that the Recreation Commission was behind this and asked why there would be any dispute, as this is a win/win situation for everybody for this town.

Christina, Manager of Northern Valley Sports Academy, explained that Mr. Brown could answer any questions with regard to the camp and the operation. She wished to speak briefly regarding the outstanding insurance issues. As per the Hold Harmless Agreements, she voiced her understanding that they have satisfied all outstanding issues. She was told that their “claim” had been rejected by the Borough’s Insurance Company. She called the Insurance Company today, who had two issues. One was that there was no sports accident policy listed. She informed that she has this and she will have the documentation tomorrow. Also, they wanted their transportation company’s insurance. She informed that she contacted them. They listed NVSA as certificate holder, and not the borough, so she will have this first thing tomorrow morning. As per the agents at Parsells, all issues will be cleared up by the morning if that is a concern.

Danny Brown, owner of Hoop Zone in Englewood, NJ, just joined NVSA this past November. He explained as follows: he came here because of who the partners are and because of the reputation they had built; we decided to partner up and move our operation to the Northern part; he believed they have an outstanding reputation in Englewood, noting that he is very good friends with Michael Wildes, the Mayor; he is a very big supporter of what they did and what they were able to do with the kids in Englewood and Teaneck, but he would be happy to answer any questions pertaining to what they do and how they intend to use the properties.

Mr. Glidden confirmed that the ages are 6 to 12 and it is open to anybody. In response to Mr. Hennessey, Mr. Brown informed that the camp would be from 9:00 a.m. to 4:00 p.m. Dr. Barad questioned how much of the park they are expecting to use and Mr. Brown explained that the only areas they agreed to with Mr. Oettinger are Ruckman Field, the basketball courts and an area that they can also have for shade that they can put up a tent. Mr. Hennessey asked if they would be installing portable toilets and Mr. Brown informed that this was there by the Borough of Closter and it was part of the contract that they would be able to use the port-a-potties there. The agreement was also for \$500 per week, which included two free basketball clinics for Closter Recreation, offered by him in the fall whenever they could at the Tenakill School. He and his staff would run this for anyone involved in basketball for Recreation. Mr. Kashwick asked how many children would be participating in the camp and Mr. Brown anticipated no more that 40 – 50 per week. He specified that there would be no more than three groups of 25 kids in total on a particular day. They have about 8-10 kids per group. In response to Mr. Hennessey, Mr. Brown agreed that he was providing a full day summer recreation program and they will be using NVSA, the Closter Swim Club and Ruckman Field. Mr. Hennessey asked if the Recreation in Closter provided this type of program.

Brian Beddoe explained as follows: they don’t provide this, but they hope to; Mr. Oettinger is on vacation, but they have spoken about it; they provide a 2 ½ hour program from 9:30 a.m. to 12 noon for free, historically, for the last 40 years, but they will hopefully be in competition with NVSA next summer; however, their providing this now is something the parents and children of Closter are looking for, as they go to Tenafly now because they provide an all day program for them; the revenue would be nice, but recreation is not about revenue; it is about healthy atmosphere for

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children; they know the history of NVSA and Hoop Zone and they provide nothing but that. Mr. Hennessey voiced his opinion that this is a public service. They applaud the effort and Recreation is not about the money. They provide something for the town that they can't provide right now.

Dr. Barad pointed out that their first impulse is that these are public lands and resources, as there will now be a private firm occupying a space that is usually open to the public at all times. He feels that they must be sensitive to this. Not everybody has a child and the people who won't be sending a child there are the people who will be displaced from these facilities. He wondered how the Recreation Commission felt about this. Brian Beddoe doesn't think they would be displacing people. He didn't believe displacing five children should be something they should be afraid of in this day in age, as they are either on the computer or at camp. Dr. Barad asked what they could do to accommodate people who shop up and want to use the facility. Mr. Beddoe explained that one of the beauties of this town is that they have a lot of baseball fields; they are very fortunate. There are four other places for them to go; there are plenty of basketball courts and baseball fields and they are all in top shape. He doesn't want to not do something out of fear. Dr. Barad reiterated that they need to be able to accommodate.

John Kilduff, 180 Herbert Avenue, explained he is also an assistant of Jim Oettinger's. One of his responsibilities is to take care of the fields. In July and August, the fields are very quiet. They rake the field because they play softball there at 6:00 p.m. There is nobody down there. They can go to Memorial or Mollicone, as well as Tenakill. He is there almost every day during the summer and there aren't many people there; it is too hot.

Donna Kelly, 333 Demarest Avenue, referred to the half-day rec program that Closter has, noting that the kids sign up for it and they participate, but outside children are allowed to come onto Memorial and use the playground and use the sprinkler and use the facilities, even though they have the camp going on. She wondered if this would work in the same way.

Danny Brown assured that this was the case, adding that he would work out something so that those who are displaced would feel accommodated. Safety would be his only concern, but otherwise, he would not turn anyone away.

Mr. Glidden offered a Motion; however, there were more people who wished to speak on the topic.

Steve Isaacson, 97 Columbus Avenue, voiced concern relating to Dr. Barad's, noting that the fields are closed to the public six months per year and this will close them another two months. Next year, if Closter Recreation has a full day summer camp, then both fields will be used and the children will have nowhere to go. He asked why this was never proposed to the Board of Education, which is closed during the summer and it is their fields. Mr. Rogan explained that this particular field is a Borough field. He explained that Tenakill and Hillside Schools both have fields and he questioned why these are not being used instead.

Mr. Brown explained that he didn't run the camp last year, as the camp rented from Harrington Park. He thought it to be silly to have a camp here and to be able to offer a partnership with the town that would not interfere with the use of the field, where he has never seen anyone. He thought this was going to be a win/win situation. He approached Mr. Oettinger about it and he thinks it would be a great relationship. Referring to Mr. Isaacson's concern about next year, explained that he hoped to be in this seat next year, hoping they can somehow partner up and help run that. If they want the best in class, they should partner up with the best in class and have the best summer camp program in Closter. They can offer this to residents and non-residents and this is a good test. It would be something they can look at to judge how they preformed. He doesn't see how it would be displacing anyone with the amount of fields and courts Closter has. Mr. Isaacson asked if the \$5,000 fee would cover all of the town's expenses. Mayor Heymann explained that the fee is above any expenses there might be if something were damaged; the contract would require them to take care of it.

Mr. Isaacson reminded that the whole reason why the field was closed was because Recreation was concerned about the use that people may ruin it. However, now they will have all of these young kids running on the fields. He asked if the amount of money they will have to spend to rehab the fields is equivalent to \$5,000. He also pointed out that the town will also have to supply the port potties and he asked why this expense couldn't be picked up by the camp. Closter is a rich town and he questioned how many kids would actually participate in the program. He also asked what options are being offered to kids who are not into athletics for summer camp. Recreation is a very broad and encompassing thing. If the Borough doesn't want to offer this to the entire community,

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then they are defeating the purpose of the term “recreation.”

Mayor Heymann explained that she is paying close attention to everyone; however, Jim Oettinger, the Recreation Commissioner, wrote a letter, which she wished to read at this time, noting that it answers many of the posed questions and may raise some others. She read the letter out loud at this time. Mayor Heymann confirmed that the only area they are interested in is the baseball field. She also asked Mr. Brown for the fee they will be charging for each camper. Mr. Brown informed that they will each pay approximately \$400 per week.

Brian Beddoe, explained as follows: the grass in the dormant stage, when stepped on, is dead for a long time; the grass in a growing stage, like the summer and the spring, will come back on its own; that’s why the fields are closed at that point; recreation offers arts and crafts, as well as entertainment and music at their camp; they also have a music program and a dance program; there are things at their camp more than just the softball and basketball, so the kids get a nice taste of the arts if they go down there.

Diane Larsen, 49 John Street, also referred to what the camp would be charging, and voiced her opinion that they should go a little bit higher in price as to what they will pay the Borough for the use of the field, since it will be \$400 per child per week. Mayor Heymann suggested that the fee could still be negotiated. Mr. Brown pointed out that the clinics they are offering, monetarily value, they run them for about twelve towns in the County and they charge approximately \$2,500 for each clinic.

Carl Olsson, 215 Irving Avenue, explained that he does see people using the jogging track. He voiced concern of the fact that these are public facilities, they do have asset values and people are going to make money on this. He wanted to make sure that the Mayor and Council was cognizant of the amount of fees the town gets in proportion to the value, the assets and the profit they make from those assets. He explained that if there are so many kids; 30 of which being from other towns, then it is not really serving the Closter community. Mayor Heymann informed that the argument that has been made is that it serves Closter children, not necessarily only Closter children. In response to Mayor Heymann, Mr. Brown informed that they would like to get a field for about 42% of Closter children.

Steven Mufson, asked if it makes a difference if it is for Closter kids or not, as long as it is a benefit to the town. He explained that Mr. Olsson no longer has children in his home and he is paying a lot of money in taxes. However, Mr. Mufson has children in his house and he is paying less taxes. This is more of a benefit to him, but you cannot look at it that way. This is a camp that is willing to offer the town money; it is a benefit. They should just let them have it.

At this time, Mayor Heymann reminded Mr. Mufson that he must address the Mayor and Council and not Mr. Olsson, as they make the decision.

Joe Argenziano, 45 Bethany Circle, explained he is also a Recreation Commissioner and referred to the comment that the field is a public asset and informed that he would agree if they were turning somebody down who was offering a lot more money. He has four kids and he coaches just about everything in town, noting that the fields are empty unless there is an organized event. His wife takes the little kids to the playground and it has a much better atmosphere if there is some activity on the fields, as opposed to the fields being dead empty. The jogging track is used and it will not be affected. An asset has value if someone is willing to pay for it. He explained that the fields are closed for six months so they are able to trample them. Whether or not every kid there is from Closter doesn’t matter, because they are still offering a service to the town of Closter so they have the opportunity to use that field. He thinks that Mr. Oettinger wouldn’t have been ok with the idea if he thought there would be any harm done to the fields and he encouraged them to approve this.

Ms. Tutoli asked about the contract and Mr. DiStefano explained that they currently don’t have a contract in front of them. Ms. Tutoli asked if routine maintenance would be the responsibility of the DPW and whether or not overtime would be involved in this sort of thing. Mayor Heymann explained that she would like to limit the discussion to the concept and not the specifics because they will have to go to bid because of the amount of money involved. However, Mr. Rogan confirmed that it may have to go to bid. Any approval would have to be subject to checking that and a review of any contract. Mayor Heymann explained that the contract terms would have to be clarified with the Borough Attorney and the applicants; the insurance would also have to be in place. Right now, they are only discussing the concept.

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Joe Bianco, 7 MacArthur Avenue, explained he has had experience in this level of Government. He has dealt with many events and he suggested that instead of a contract, they could do what is called a “right of entry,” which is a form. It requires some kind of insurance. Mr. Rogan explained that the insurance is already being discussed. Mr. Bianco also questioned damage and maintenance to the field. He asked where NVSA is based and Christina informed that they are at the corner of Homans and Oakland Avenues. He explained that they have the worst parking lot in Closter, noting that they never landscape. If they want to be a good neighbor, part of the deal should be to spruce up our down-town area.

Donna Kelly, questioned why they would need to go out to bid for this and reiterated that NVSA has been outstanding, encouraging the approval of this. Mayor Heymann explained that the idea of having a bid, if they need one, is in order to obey the State Statutes. Mr. DiStefano reminded that they have a contract in front of them.

Mr. Glidden offered a motion subject to the negotiation of a contract and compliance with State Law and asked for the Resolution to be read. Borough Clerk informed that a Resolution has not yet been prepared. Mayor Heymann suggested that they only approve the concept and if it is approved, Mr. Oettinger and the Borough Attorney and NVSA can finalize the details. Mr. Glidden agreed. Mayor Heymann explained that they are approving the concept of NVSA using the field for a summer camp for a certain fee.

Motion to approve the concept as stated was made by Councilman Glidden, seconded by Councilman Barad.

BEFORE ROLL CALL VOTE, Mrs. Amitai asked if this opens it to other people that would want to rent the space and Mayor Heymann agreed that it would. Ms. Tutoli asked if there would be consideration of anyone from Closter getting a lower rate and Mr. Brown explained that this wouldn't happen, unless the town partnered up with them for next year for the Recreation Department to run a camp.

Said Motion was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Tutoli; Councilwoman Amitai abstained.

15. RESOLUTION AUTHORIZING BOROUGH ATTORNEY TO PREPARE THE NECESSARY NOTICE TO BIDDERS, BID PACKAGE AND SPECIFICATIONS, AND FOR BOROUGH CLERK TO ADVERTISE FOR RECEIPT OF BIDS FOR BRUTE V-BOX SPREADER FOR USE BY THE CLOSTER DEPARTMENT OF PUBLIC WORKS (Received from Borough Attorney 5/22/08)

No discussion was held pertaining to this matter.

16. RESOLUTION APPROVING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$6,400.00 FOR HOMANS AVENUE AND OAKLAND AVENUE INTERSECTION IMPROVEMENTS (Requested by Borough Engineer 5/22/08)
RESOLUTION TO BE PREPARED BY ACTING ADMINISTRATOR/TREASURER

Mayor Heymann explained that this is a Resolution approving the change order to move the electric box that is now in front of the monument at Oakland and Homans from that location to the north eastern corner of the intersection in order for it not to partially cover the monument where it is right now. The cost of moving it is \$6,400. She pointed out that if it gets moved to the opposite corner, which would be on the property that they are in the process of purchasing right now, and if they want to improve the edge of that property to make it look pretty, which is what she is hoping to do; the property will remain untouched, but the walk outside can certainly be cleaned up and made prettier with the appropriate plantings and a bench or two. If they go that route, it would be just as unsightly on that side of the street as on the other and she was wondering whether they really wanted to spend \$6,400.

Borough Engineer explained that this has been discussed so many times. They actually started the work already. It's almost like a moot issue. Mayor Heymann and Mr. Hennessey both asked if the work has begun to move the box. Mr. DeNicola explained that some of the work has been done like the time they spent on it. The cabinet is still in serial condition. In response to inquiries made by Mayor Heymann and Mrs. Amitai, Mr. DeNicola informed that it would be the same exact cabinet and it will be moved from one side of Oakland Avenue to the other side. Mrs. Amitai asked if they could embellish it and access from behind, as not to show it, since it is ugly. Borough

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Attorney questioned if it would be far back enough when they relocate it to where they can put a buffer of bushes around it. Mr. DeNicola explained that the cabinet is approximately five to six feet tall, adding that you can't hamper the sight distance at an intersection and you want it to be in the right-of-way. Mayor Heymann explained that they own the property and Mr. DeNicola informed that they own it through Green Acres money. He questioned if Green Acres was ok with a traffic cabinet being put on that. In response to Mr. Hennessey, Mr. DeNicola explained that they would not put a lien on the job for the work that was already done if they were to deny this.

Mrs. Amitai asked if they could plant a few slow-growing trees in front of it. Dr. Barad voiced his understanding that they do not yet know what they want to do beautifying the sidewalk and they don't own the other property yet. Therefore, he thinks it is a premature issue and that they should adjourn it. Mr. Rogan informed that it would be relocated in the right-of-way and not on the Flamm property, which is approximately ten feet from the curb.

Motion to approve the Change Order to relocate the traffic cabinet from the northwest corner to the northeast corner was made by Councilman Hennessey, seconded by Councilwoman Amitai.

ROLL CALL VOTE:	Mr. Glidden -	Yes	Mr. Barad -	No
	Mr. Hennessey -	Yes	Ms. Tutoli -	No
DENIED: 2-4	Mr. Kashwick -	No	Mrs. Amitai -	No

17. RESOLUTION AUTHORIZING THE BOROUGH OF CLOSTER TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C.72 (Received from Auditor 5/22/08)

Referring to estimated tax bills, Mr. DiStefano explained that these will need to go out. He added that they have worked with the Auditors, the CFO, Maria Passafaro and Norma Ketler to get everything organized and ready for tax bills. They have split them out in a way that there is an equal portion for the August and then any adjustment for the November. They have tried to figure out exactly where they might be so that August and the November bill will be very close, very similar. He reminded that it is a burden, adding that it is an extra \$5,000 expense to put out the estimated bills, but because we have no Budget, we're not going to have a choice. Otherwise, we're not going to have any cash flow and we won't have money to pay our bills. That's the purpose of the estimated tax bill, for cash flow. He asked if there were any questions.

Steve Isaacson, 97 Columbus Avenue, asked if there was some way that the town could charge the same amount they charged last year and then later on, a credit or another bill could be issued. Mr. DiStefano informed that there was a specific formula to be followed and you're within a specific percentage range. Mr. Isaacson understood, but pointed out that they are concerned about a cash flow problem. Mr. DiStefano explained that he must issue bills, as without them, he would have no cash coming in the door. Legally, he has to issue bills. Ms. Tutoli voiced her understanding that Mr. Isaacson was suggesting that they repeat what they currently have. Mr. DiStefano informed that they have to follow this year; they have to follow statutory rules. Maria Passafaro informed that they cannot do this. They have to follow a formula by the CFO and the Collector and they can't just give what they gave last quarter. It is to be done by Resolution and if it is over the CAP of 105%, you have to go to the Division of Local Government Services for approval for that also; and then put out the estimated tax bills. They have to estimate a levy. Mr. DiStefano explained it is a tremendous burden, as they now have to do them twice. It's an estimate now and then there is an adjustment in November. We have no choice in the matter.

Mayor Heymann explained that they had briefly discussed this two weeks ago, when she voiced her understanding that for Closter rights, this is going to be a very difficult transition because it hasn't happened in Closter. Some communities do this every year and people are used to getting estimated tax bills, while others have not done it before and have not prepared their communities and had the sky falling down on them. She hopes to send a comprehensive letter together with the estimated tax bill to explain to all of our residents and tax payers exactly what the process is that they are mandated to follow and how it's going to affect them in August and November. She welcomed any suggestions that would inform her of what the questions and concerns might be so they can be explained in the letter.

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Joe Bianco, 7 MacArthur Avenue, referred to the Northvale experience last year and suggested that Closter learn from those mistakes. Mr. DiStefano informed that they did not communicate with the tax payers, which is what Closter needs to do. No matter how involved they get with this, Maria will still be bombarded with phone calls. People will have a lot of questions because they have never experienced it before, but it is something they need to do.

Ms. Tutoli voiced her understanding that the estimated bill would be elevated from current and asked if it would be elevated again afterward or if there might be a reduction. Mayor Heymann informed that there was a small possibility of a reduction. Mrs. Passafaro explained that they do have this with a current tax bill; there are properties that do see that where their August payment is a little higher than their November payment. Ms. Tutoli complained that the 2007 bill was \$3,000 more than the 2006 bill. Mrs. Passafaro pointed out that there would be an increase if the rate increases. Mr. DiStefano explained as follows: they have gone back and forth with the Auditors on this to try to make the August bill as close to what they think November will be so that people don't experience a big spike. Mrs. Amitai voiced her understanding that they are increasing 6.7% and asked if they could simply take 3% from each bill. Mr. DiStefano informed that there is a formula that is being followed.

Motion to approve 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, Tutoli and Amitai.

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

Steve Isaacson, 97 Columbus Avenue, questioned the idea of establishing a bus route in Closter through NJ Transit. He was also curious about the building of more bus shelters so that people will not have to wait in inclement weather for mass transit. Mayor Heymann explained as follows: she called NJ Transit and was given an answer that turned up in the newspaper several days later; the number 14 bus is being eliminated and the number 84 is picking up some of those routes. Mr. Isaacson explained that this bus route is much more local and it would take him an extra 15 minutes to commute; plus he would have to walk from the bus stop to his house. With the price of gas increasing and more people commuting, he suggested petitioning NJ Transit to service the area. They need to take control of their transportation and the only way they will find a solution is to do something. Mayor Heymann agreed with him and assured she is pursuing this.

Mr. Isaacson also questioned the situation on Durie Avenue, where they are installing new gas mains and voiced his understanding that they recently repaved it. Mr. DeNicola informed that Durie Avenue is a County road, which the Borough does not repave. Mr. Isaacson asked if the company was going to repave it. Mr. DeNicola explained that this was an agreement between the County and the gas company. Mr. Isaacson asked if the Mayor and Council could ask the County if they could repave that road for the town, as it happens to be one of Closter's major roads. Mr. DeNicola suggested that the Mayor and Council write a letter to the County Engineer, requesting that upon completion of the PSE&G work on Durie Avenue, the County repave the road, as it is a major roadway. Mr. Isaacson asked if they could do any remaining work that needs to be done underneath the road now. Mayor Heymann assured they would follow through as possible.

Sergeant Winters explained that PSE&G is a good partner, and thought that part of the project might be to repave the whole lane. The trench they are digging is probably about two feet wide and they will probably mill a four or six foot section and repave the whole thing. Mr. Isaacson referred to the side of the road that is going west and informed that the asphalt is beginning to fall apart.

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

Motion to recess the meeting at 9:28 p.m. was made by Councilman Glidden, seconded by Councilwoman Tutoli 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 10:35 p.m.

Mayor Heymann asked for a Motion to approve West Street, Section 3, as per Mr. DeNicola's request in the Work Session, who explained that this is funded by a Local Aid Grant.

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24a. Motion of approval was made by Councilwoman Amitai, seconded by Councilman Hennessey and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

Motion to revisit Consent Agenda Item No. 16 “RESOLUTION APPROVING THE CHANGE ORDER NO. 1 IN THE AMOUNT OF \$6,400.00 FOR HOMANS AVENUE AND OAKLAND AVENUE INTERSECTION IMPROVEMENTS’ previously voted on and denied, was made by Councilwoman Amitai, seconded by Councilman Glidden.

Ms. Castano asked why she wished to revisit the matter; and Mayor Heymann informed that she would need to make another motion.

Mrs. Amitai asked if moving the cabinet to the other side would be good enough and Mr. DeNicola explained that according to the Fire Department and Ambulance Corps., there was a lot of aggravation with it even being placed there temporarily

16a. Motion to vote to approve the Change Order for the Homans Avenue and Oakland Avenue signal for the relocation of the traffic cabinet from the northwest corner to the northeast corner (from the island to the Flamm property) in the amount of \$6,400.00 was made by Councilwoman Amitai, seconded by Councilman Glidden.

ROLL CALL VOTE: Mr. Glidden - Yes Mr. Barad - No
Mr. Hennessey - Yes Ms. Tutoli - No
TIE VOTE: 3-3 Mr. Kashwick - No Mrs. Amitai - Yes
Mayor Heymann voted Yes
CARRIED: 4-3

At this time, Mayor Heymann asked for another motion to prepare a Resolution to have an overtime freeze.

24b. Said Motion was made by Councilman Glidden, seconded by Councilwoman Tutoli and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Barad, Tutoli and Amitai; Councilmen Hennessey and Kashwick Voting No.

At this time, Mayor Heymann commended the Council members on their individuality pertaining to voting on each matter.

At this time, Mr. DeNicola asked about a motion to approve the SPCC Plan for the next meeting. Mayor Heymann explained they would need to take a vote to formalize it into a Resolution.

24c. Motion authorizing Boswell Engineering to prepare the paperwork for the SPCC Plan through NJDEP was made by Councilman Hennessey, seconded by Councilman Kashwick.

BEFORE ROLL CALL VOTE: Mr. DeNicola explained he had indicated in his letter that it would be in the amount of \$800.00.

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

At this time, Mayor Heymann referred to information she wished to share with the Council, which, she informed, would be placed in the packets. She explained as follows: the information to which she is referring is a compilation that the Town Manager of Hardyston, which is a town of 6,000 population and 2/3 the size of Closter; the Town Manager compiled all of the unfunded mandates and how much it is costing Hardyston; she sent it to all of the Legislatures in Sussex County and Closter may be able to do the same in Bergen County; Mayor Heymann encouraged all to pay close attention to this, adding that it is very revealing.

Motion approving the following Resolution at 10:40 p.m. 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:

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, MAY 28, 2008 – 7:30 P.M.

- 24d. OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(5), “A matter involving the expenditure of public funds for the acquisition of real property”; N.J.S.A. 10:4-12(b)(8), “A matter involving public employees”; and that the item(s) under discussion the closed meeting will be disclosed to the public at the conclusion of the matters which should be within 8-12 weeks.

Mayor Heymann resumed the Regular Meeting at 11:02 p.m.

24.* ADJOURN

Motion to adjourn the Regular Meeting at 11:02 p.m. was made by Councilman Glidden, seconded by Councilman Hennessey and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
June 9, 2008 for approval at the
Regular Meeting to be held
June 11, 2008

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held 6/11/08
Consent Agenda Item No. 24a.1)

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, MAY 28, 2008 – 7:30 P.M.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, MAY 28, 2008 – 7:30 P.M.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – MAY 28, 2008 - 7:30 P.M.

Mayor Heymann called the Work Session to order at 9:30 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

Borough Engineer, Nick DeNicola

Acting Superintendent of Public Works, William Dahle

The following persons were absent:

Chief of Police, David Berrian

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

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

3. COMMITTEE REPORTS

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

1) STATUS REPORT RE CAPITAL BUDGET/CAPITAL PLAN – They are planning to have a meeting this week, possibly through a conference call.

2) STATUS REPORT RE TRANSPORTATION (Northern Valley Transportation Group Meeting held 10/25/07/possible meeting early February)

3) STATUS REPORT RE CLOSTER WEBSITE

4) STATUS REPORT RE IN-KIND MATCH OF \$25,000 FOR COMMUNITY FORESTRY GRANT (Work to be done by DPW) RM 6/27/07

5) REPORT – Councilman Kashwick reported as follows:

a. He and George Futterknecht of the Shade Tree Commission walked the Downtown area, marking locations for the tree plantings. Those trees should be going in soon. Also, the Commission completed its five-year Community Forestry Master Plan and this should be delivered to the State.

b. The Historic Preservation Commission has been working with the Historical Society; there should be a Newsletter coming soon.

c. Regarding the Environmental Commission, Mr. Kashwick informed he was unable to attend the most recent meeting; and, therefore, he had nothing to report.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, MAY 28, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

B. PUBLIC SAFETY - GLIDDEN (HENNESSEY/TUTOLI)

1) REPORT – Councilman Glidden informed there was no report.

C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN)

1) REPORT – Councilman Hennessey reported as follows:

a. At the First Aid meeting last week, the members of the First Aid Squad were informed by Hackensack Medical Center that they will have an operational emergency room at the old Pascack Valley Hospital at the end of this year; they are also planning to have an operational 200-bed facility next year.

b. There was a DPW Committee meeting last week, at which Bill Dahle was reviewing Capital items for needed equipment. These include two salt-sprayers, which are in the budget and will replace the 30-year old equipment; purchase of a new leaf machine- Mr. DiStefano informed they will have to go out to bid on this item; a new pickup truck to replace one of the trucks that is over ten years old; and a surveillance system for the yard to watch over the fuel. Mr. Hennessey informed that Mr. Dahle noted to him that the fire alarm system in Borough Hall is in disrepair and at least two of the floors are not protected, as the system is turned off because they could not solve the issues with the system. He suggested that they go out to bid and collect at least three bids to replace the fire alarm system, as the current system is over 13 years old and the smoke detector heads are a photoelectric type. Once there is an issue, it is very difficult to trace through the wiring to determine where the problem is; this would be for an addressable system, compatible with the NFPA13 Code.

Mr. DiStefano informed they would need to put together a spec with Mr. Hennessey's help. Councilman Hennessey explained this was not necessary, that they only had to ask for an addressable system in compliance with the Fire Code. Mr. DiStefano informed that they were not going out for bid because it falls under the \$29,000 threshold, but they need to be informed as to what they are quoting; Mr. Hennessey stressed that they only need to be told that the system has to be in compliance with the Fire Code. This is something that needs to be done as soon as possible because the building is not protected; he suggested acquiring battery-operated detectors, to which Mr. Dahle informed one would have to check with the Fire Official.

At this time, Mr. Dahle, explained that a few months ago, there was an alarm going off in the attic. The Fire Department came and found no smoke conditions; however, they found that they had 900-parts/million carbon monoxide in the basement going up to the dispatch area, which could have been fatal. The system has been wired backwards in the past and they have always had problems with the system. Currently, they are in violation with the Fire Code; and he will check with Kevin Whitney tomorrow to get information regarding the battery backup detectors. In response to Councilwoman Amitai, Mr. Dahle informed that there was work going on in the basement and with the heater coming on, they didn't have the proper exhaust. This has been fixed, but the issue was that the system didn't know where it was going and they are currently in violation with the Fire Code.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, MAY 28, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN) (Continued)

Councilman Hennessey informed that the other Capital Item Mr. Dahle was looking for was a pole barn. He distributed information and explained he had made two cuts to demonstrate where the money would be coming from; he noted that they are looking for two-5,000 sq. ft. buildings to be used primarily for storage to park the vehicles under the structures. Councilman Hennessey further added that the pole barns are relatively inexpensive buildings and are usually used in agriculture; Mr. Dahle proposes to have connections for gas, water, electricity and heat, as well as a propane wash bay in order to wash down the vehicles, which will be mandated by the DEP.

In response to Mr. Hennessey, Mr. Dahle added that they needed improvement regarding the storm-water permits and reports. The inspector was impressed but was not happy that the Governor was promoting storm-water. Also, they have a C-1 stream running behind the garage and rain is falling onto the trucks, washing the oil from the trucks into the C-1 stream; eventually it will be mandatory that they have a building for these. They also have to consider the cost of repairs, as they keep all the machines outside. They had to replace the circuit board in the leaf machine because it was getting wet; they try to cover the machines. They are trying to take care of all of the snowplows they put aside, the cost of wheels are approximately \$400 each, making each \$800 per plow; and because they sat in the rain for the whole summer, they are in need of repair. He informed that he foresaw the cost of repairs decreasing with these buildings, as all of the equipment would be under cover. Currently they have one of these buildings and it's full of salt; they have had this for 15-18 years and they have never had a problem with it.

At this time, Councilwoman Tutoli asked for elaboration regarding the one building. Mr. Hennessey referred to the map, noting that the building closest to Ruckman Road would have utilities to the building, including gas, water and electricity; this would be more than a garage. The other would be more like a carport, where the cars would be parked in there. The other building would be the site of the wash bay, which the DEP will require to wash the vehicles, as they cannot be washed in the parking lot with the grease and oil washing into the stream. One building will cost more than the other; Mr. Dahle informed that, if caught, they would get a \$25,000 fine for washing a vehicle outside. He added that they would have to get an oil separator in the garage, which would mean a jackhammer in the floor of the garage; there will be a twenty-foot section for washing vehicles and the other area would be used for storage.

Councilman Hennessey informed that it is feasible to put the washbay in the existing garage with certain building modifications; to retrofit the existing building with a washbay and a new overhead so the trucks could pass through would be approximately \$50,000. The cost of the pole barns is \$50,000 each; he disagreed with Mr. Dahle on the total cost to build and bring utilities to the washbay building. Mr. Dahle explained that initially they were going to go with 10,000 sq. ft. for the building, 100x100; however, when he received the quote, the salesman informed that if they did two of the barns at 100x50, they would get the cost down between \$100-120,000 for both structures. They will have three sides and will match the tree line; they will have blacktop floors, so there is no cost to that. They are proposing to take 20 feet away and make it a washbay. They have to play with the figures to see which way would be more cost efficient, taking 20 feet from one of the new buildings or to redo the oil separator and use the current building. Mr. Hennessey clarified they will still need a new oil separator in the remote building.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, MAY 28, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN) (Continued)

In response to Dr. Barad, Mr. Dahle explained that the barns would be where the vehicles are lined up currently. Mr. Hennessey agreed that they are far away from the existing building and informed that running the utilities to the structure is about 300 feet. He noted that winterizing one of the buildings for a washbay and putting in lighting could add an additional \$225,000. Mr. Dahle clarified that the lighting would only be necessary for the washbay. Mayor Heymann informed that the washbay mandate has not been enforced as it will not come in until 2009. Knowing what the State has been doing and the complaints that have been registering regarding unfunded mandates, she suggested that they postpone the construction of the washbay; and then they can decide carefully if they need to put one in, whether it should go in the existing garage or in the pole buildings. The pole buildings can be put in now at a reasonable cost and be used now and then. They can see about the washbay, as that is the expensive part.

Mr. Hennessey expressed opposition to this form of construction and stated that if they were going to build something, they should allocate the funding and construct a building that will last forever. Mr. Dahle informed that the other towns are using these, including Norwood, Tenafly, and Cresskill. In response to Mr. DiStefano, Mr. Hennessey stressed that he did not know how much it would cost to construct these, as they would have to determine where they would build first; the pole barns are similar to tents. Mayor Heymann explained that the barn does what it is meant to do; she mentioned that they are putting a canopy at Ruckman field near the playground, which is essentially the same structure, without walls. The buildings in the catalog she had, which are ¼ the size of this proposed building, would run \$29,000 as an uninstalled kit; therefore, this is a good deal. After some discussion, Mr. Dahle informed that he had the price quotes from the same person they used for the barn they currently have, who is the same person that built them in Norwood; and the price was over \$82,000 for both in November/December. He stated that the man informed him that they should budget close to \$120,000 because the prices are going up and by the time it is approved, it could be more and this is why they are using a higher number.

Councilman Hennessey expressed his concern that they have to look at spending \$250,000 for the building while people's taxes are going up. Mr. Dahle explained they were only asking for \$120,000 because they are putting the washbay on hold until they find out what the DEP wants to do. Mayor Heymann concurred and Mr. Dahle added they could wait to see if the washbay will be mandatory and possibly receive grant money from the State; Mayor Heymann informed that the volume of objections to unfunded mandates is increasing. She will try to contact the contractor who spoke with Mr. Dahle and noted they may be able to save money at Ruckman Park.

Councilman Hennessey stressed that they need the washbay; they wash the trucks everyday, including the garbage trucks. Mayor Heymann questioned if they were polluting the streams, Mr. Dahle noted that they weren't, and she added that they have done this for years and not had any issue. Mr. Hennessey expressed they should do the right thing and do the right job by installing the washbay. Mayor Heymann informed that the washbay was not a requirement as of yet and questioned why they should put it up; Mr. Hennessey noted that they need the washbay, to which Councilman Kashwick concurred that this is the right thing to do.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, MAY 28, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN) (Continued)

After some discussion, it was noted that a motion cannot be made regarding this matter, as this was only Mr. Hennessey's report.

c. He would like to speak about Don Sheiss, who is the longest employed at the DPW with 24 years. Mayor Heymann and Mr. DiStefano noted they would discuss this matter in Closed Session.

At this time, Mayor Heymann suggested that they do not drop the issue of the DPW pole barn, and recommended that someone make a motion in the Regular Meeting, so that the motion could be turned into a resolution to be made for the following meeting.

d. Councilman Hennessey added that Mr. Dahle had informed him that the trash receptacles on Main Street needed replacement; and the Closter Improvement Commission would like two new standards for the trash enclosures. Mr. Dahle noted that this would be postponed due to the price, which he confirmed was \$475. Councilwoman Amitai explained that CIC was asking to use the new standard, not purchase the older ones, and put them in a place where only two are required, such as Oakland Avenue. Mr. Dahle noted they could sit in on one of the CIC meetings and they will discuss and look at the catalog.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETING HELD 5/20/08 VIA CONFERENCE CALL – The Committee has completed most of its Agenda items; and they will be preparing a resolution for the upcoming meeting, suggesting the formation of a regional Ethics Board to complement or take the place of the local Ethics Board in order to get shared/more regionalized services. In response to Mr. Glidden, Dr. Barad informed that they would approach the surrounding towns in the Northern Valley area.

2) REPORT- Councilman Barad reported as follows:

a. He thanked Mayor Heymann for attending the last Board of Health meeting in his place.

b. There is more to discuss in Closed Session.

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

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilwoman Tutoli informed their monthly meeting will take place tomorrow; she will have more to report at the next meeting.

2) REPORT – Councilwoman Tutoli reported as follows:

a. The Fire Department meets this Tuesday.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, MAY 28, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

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

1) REPORT – Councilwoman Amitai reported as follows:

- a. The Closter Improvement Commission is working on the next Arts Festival, hoping to expand the festival to three days, dividing the different acts and inviting participation from the Boy Scouts and other organizations to make it a community affair. They are also ready to send out welcome packets again.
- b. The signboard outside is in disrepair; Ann Brewster will contact Mr. DiStefano; the CIC is suggesting that a letter be written with his signature and maybe someone would answer the phone. Mr. DiStefano informed that the sign will be moved by Susan Boudet. In response to Mrs. Amitai, Mr. DiStefano suggested e-mailing him a letter and he will put it on letterhead.
- c. Regarding updating the CIC website, she will send information to Mr. DiStefano and Kevin Whitney.
- d. The Sidewalk Sale will take place the last weekend in July; the CIC will not be involved as the Chamber of Commerce is no longer. The CIC is requesting to know the amount they will be receiving this year for their Budget.
- e. Mrs. Amitai addressed Mr. Dahle, informing that the Senior Center has a trash receptacle near the sidewalk that is never used; and it was suggested that if it was needed somewhere in town, they could use that one. In response, Mr. Dahle noted he could use that one in front of the Garden State Dairy and he will do this.
- f. She referred to discussions regarding consolidation of the signs on Main Street, as there are several signs rather than a few. Mayor Heymann explained that there are several signs that are mandated to be a certain way by various agencies, including the Department of Transportation. Therefore, she believed they could not do this; however, she will look into this. In response to Dr. Barad, Mayor Heymann affirmed they are regulated not by statute, but rather by State agencies; Mr. DeNicola gave the example of stop sign regulation by the DOT. Councilwoman Amitai informed this was not about stop signs, but rather the No Parking signs, etc...; and she noted she would write Chief Berrian regarding same.

4. OLD BUSINESS

Dr. Barad informed that he had spoken to (Mayor Emeritus) Fred and he is still recovering; he suggested calling him to see how he was doing, as he has been in a two-month antibiotic course thus far.

5. NEW BUSINESS

Mayor Heymann noted that she had a few issues to discuss. She informed she was very eager to do everything possible to make the Borough eligible for extraordinary aid. She spoke to Vincent Doria to find out the specs for eligibility and believed that the Borough meets their requirements. However, they must prove that they have done everything possible to lower expenses in the Borough. She would like to do some of these things in order to show that they are doing everything possible to save the taxpayers' money. The largest expense is the Police Department, which they cannot do much about as they are under contract; however, one of the

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, MAY 28, 2008 – 7:30 P.M.

5. NEW BUSINESS (Continued)

largest expenses that they incur in addition to their salary is their overtime.

The other departments have been very good about saving overtime. Chief Berrian tries hard, but it is very difficult to control under their circumstances. The issue is that because they have the minimum amount of people on at once, if someone calls out sick or someone is testifying in Court, that person has to be replaced. She explained that a few years ago, the Department had five less people than now, with the same number of residents, and they were able to have enough summonses, no overtime and the residents were fine; the Police Department was proficient. Mayor Heymann proposed to put a freeze on all overtime in all Departments unless there is a serious emergency, which is declared by the Mayor and Council or the Administrator.

Councilman Barad questioned if this would be for a particular time period or would it be from now until otherwise noted. Mayor Heymann confirmed this would be from now until further noted. Dr. Barad referred to the overtime by the DPW during snow season, to which Mayor Heymann and Mr. DiStefano informed that would be a declared emergency. Councilman Kashwick questioned the legality of this, and Mr. Rogan advised that there didn't seem to be anything illegal about this; they would have to define an "emergency." Mayor Heymann added that they will have to get permission from the Police Department because they will claim that there is a safety issue when there aren't enough people on staff; this can be expected. In response to Councilman Hennessey, Mayor Heymann explained that there is a certain level of overtime in other Departments occasionally; Mr. DiStefano clarified that this has pretty much ended unless there is an emergency and every other Department has it very well under control.

Councilwoman Amitai noted that it behooves the Council to make the effort for the residents. Mayor Heymann informed that the overtime for the Police Department runs into six figures. Councilman Hennessey stated that this could not be done without a policy change in the Police Department, to which Councilman Glidden noted, was what Mayor Heymann was proposing. Mayor Heymann further explained that they do not have much leeway with the Police, as the Chief sets the schedule; however, they do have a control over the purse strings; because overtime is not part of the contract, they can control that expense. In response to Mr. Hennessey, Mayor Heymann concurred that this would be giving the Chief an order to not replace someone on overtime should they call in sick. Councilman Barad referred to multiple people calling in sick, to which Mayor Heymann affirmed this was a gray area and could be declared by the Mayor and Council or the Administrator. Mr. Rogan advised that this could not be the Mayor and Council as a body, as this could happen multiple times in a week and they wouldn't be able to convene a meeting. They could set a policy to designate someone to make that decision, but it is not going to work if they have to convene a meeting every time someone calls in sick.

In response to Councilman Hennessey, Mr. Rogan informed that there is nothing in the contract that states how many police officers must be on the desk; this is a decision that relies heavily on past practices. They are going to hear about past practices, safety; there is nothing in the contract; and the Chief decides what he feels is appropriate. Councilman Barad agreed this was a reasonable policy, the Mayor and Council approval was not feasible, and felt that this was not fair to give that responsibility to the Administrator; he believed this should be the decision of the Administrator and Mayor, or the Council President when the Mayor is not available.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, MAY 28, 2008 – 7:30 P.M.

5. NEW BUSINESS (Continued)

Mr. Dahle suggested that they put Department heads in the position of deciding this so they do not have to contact the Mayor or Administrator in the middle of the night if there is an emergency. Mayor Heymann disagreed, noting that if this was so, the Chief would have to answer to his men. In order to do this, they have to have the same rules. She emphasized that she be called if there was an emergency; she felt that in order to be able to do this, they will meet more than halfway; and they will accept waking up more people if necessary. If agreed, they will place a formal Resolution on the next Regular Meeting Agenda (RM 6/11/08)

Mayor Heymann informed that she was requesting advice regarding something that would eventually save them money; they could develop a buy-out policy to have a smaller staff. The buy-out policy would be controlled in the same manner, across the board, and would be limited to people who have worked in the Borough for a certain number of years, so the offer would not be given to everybody. This would give an opportunity to lower the level of people particularly in those departments that are heavily loaded. Councilman Barad asked for clarification. Mr. DiStefano noted they are talking about making some changes, which will be discussed later in the Ordinance Committee and will be done in Closed Session; he did not want to impact anybody with those changes. Mayor Heymann explained that they are discussing this part in the Work Session rather than Closed Session so they are being completely open and honest; this would mean they would design certain specifications for people that are eligible. Councilman Barad expressed his opinion that this needed to be talked about more; and Mayor Heymann noted they would hold that up for further discussion.

Mayor Heymann referred to the Minutes from the Mayor and Council, Planning Board and Zoning Board of Adjustment, which she explained are very extensive minutes. They are very good and very extensive and take a great number of hours to produce. They do not have to be as extensive; the Zoning Board, Planning Board and Mayor and Council have complete records of the meetings on disc and on the hard drive. It seemed to her that in order to save time, they can have minutes which are less comprehensive and do not depend upon the minute producer to listen to the entire meeting again; therefore, by taking notes, the minutes would deal only with the actions taken and the main reasons for those actions.

Borough Clerk added that she did not know what the interpretation of the law was, questioning if it was comprehensible or comprehensive, as the Legislature is pressing for more comprehensive minutes; she noted that the Borough Attorney had to make that interpretation of the Open Public Meetings Act. She explained this would mean people would have to come in and listen to the recording of the meeting. Mayor Heymann explained that copies could be made of the discs and she is aware there is a charge of \$3-\$5. Ms. Castano informed that her office currently charges \$1 because that is all it costs the Borough to purchase the discs; and not many people want the disc, they want the minutes in writing to quickly review and can also read it online on the Web site.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, MAY 28, 2008 – 7:30 P.M.

5. NEW BUSINESS (Continued)

Dr. Barad informed that the problem with abbreviated minutes is that it requires what he termed as “editorial presence”; therefore, someone has to reduce a 25-minute conversation to a few lines, which is a big responsibility. It may even take more time to get the meaning in the reduction than it does to transcribe the words; he suggested they think of the practicality unless they want the minutes to say that “this ordinance was presented and it was passed”. Mayor Heymann explained this is all they really need, as they have the backup on the hard drive and disc; she explained that she enjoyed reading the minutes, but she calculated that the writing up of the minutes for those three organizations takes up one full work week. Councilwoman Amitai suggested distributing the disc; Borough Attorney advised they must have minutes of some sort. Mayor Heymann informed that there must be a record of what happened, with the discs containing the intensive details.

Councilman Kashwick questioned if the audio files could be posted on the website, to which Mr. DiStefano noted he would look into the possibility. Mr. Rogan informed that the official record is the minutes; and the audio file could be a supplement; typically, he added that the audio file was used in litigation; and, historically, the minutes are the official record. He explained that the minutes must reflect what happened of any importance. Dr. Barad stated that Closter is not the only municipality dealing with this issue; and Mayor Heymann informed of her understanding that minutes of other municipalities are short and one page in some cases.

Borough Clerk explained as follows: more municipalities are maintaining more extensive minutes; she had the girls in her office respond to ads they had seen online; and more and more towns were saying they did not want brief minutes, they require more comprehensive minutes. This is not only her interpretation of the law (The Open Public Meetings Act); they could make them very brief, but a great deal of information would be lost. She informed that she has learned that over the years, and voiced concern that the Mayor had not spoken to her prior to the meeting regarding this matter. Ms. Castano added that it takes longer for someone to be comprehensive as they have to be familiar with the terminology. She explained that she has two girls that have been with her for three years and they are only just learning to synopsise, which takes time. She reminded that she has always said from the beginning that it takes three years for someone in her office to learn the terminology and familiarize themselves with the history of the Borough because a broad variety of subjects are discussed. She has two very intelligent young women who are not discouraged by doing minutes; and they are at the point where they can go to the next step. If the Council wanted minutes to only include who made the motion and who seconded the motion with little discussion, at a later date they would not be satisfied, as they will question the items they each discussed; and she would eventually have to give the disc to those who questioned the matter. Ms. Castano voiced support at having the recording on line; however, reiterated, they still need the written record.

In response to Councilwoman Amitai, Ms. Castano informed that Vi Caputo is responsible for preparing the Health Department minutes; Mayor Heymann concurred, adding that she spends a great deal of time on those minutes as well. Councilman Hennessey questioned if it was still necessary, with the audio, to still have to transcribe minutes; Borough Clerk explained that the law required written minutes of the meeting; she noted that the Auditor asks every year to review the minutes in order to see which actions were and were not taken.

CLOSTER MAYOR AND COUNCIL
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5. NEW BUSINESS (Continued)

Ms. Castano again expressed concern that she had no knowledge that this matter was going to be discussed tonight. Mayor Heymann noted that they were trying to save money and were looking for every possibility.

At this time, Mayor Heymann explained that she would proceed with the other matters since as she explained it “she wasn’t getting the troops with her on this one”.

Mayor Heymann referred to the request for her to write a letter to the Board of Education. In response to Councilwoman Amitai, Dr. Barad confirmed it was Mr. Olsson; and Mrs. Amitai noted he should be copied on that letter. In response to Mayor Heymann, Mr. Glidden commented, stating that the people of Haworth will appreciate the current Superintendent that they have here, as they were happy to get rid of him there. Mayor Heymann noted that she was not focusing on this, as she did not need to know that and this is only showing Closter’s good will.

Mayor Heymann informed that Councilman Glidden’s son was on the front page of the Suburbanite and is being honored by the Governor as a Junior Environmentalist. Mr. Glidden added that his son’s group was presenting to the School Board tomorrow evening, requesting they consider a resolution to limit car idling in the parking lot when parents are picking up their children.

Mayor Heymann referred to the letter received from Boswell Engineering informing they need to recertify the SPCC and they need a Resolution for this; she wished to inform there will be a Resolution for next meeting and asked if anyone wished to comment. Borough Engineer explained SPCC was Spill Prevention Control Countermeasures to mitigate spills; this was done five years ago; and the DEP requires it to be certified every five years to make sure things are still in place. It will cost \$500-800.

At this time, Councilwoman Amitai asked if the changes in RSIS affected Mr. Keith Sager in any way; Mr. DeNicola explained this affects the Planning Board mostly. This sets forth standards across the State, so when residential units are built, it is the same here as in South Jersey. The Planning Board needs to only know they exist.

Mayor Heymann informed that she had a personnel issue and a real estate issue for Closed Session.

Councilwoman Amitai referred to the vote regarding the removal of the 5-foot structure, (RM Consent Agenda Item No. 16) noting that it was important to so many people. She originally felt that if it was tree-d on this side or that side of the street, she did not see a difference and wanted to note that she voted in that manner because she wanted to save the money; however, she noted that if it makes a great deal of people unhappy, it’s not too late to revisit it. Mayor Heymann informed that she could ask for a new vote. In response to Mrs. Amitai, Borough Attorney advised that she could make the motion upon return to the Regular Meeting. Mayor Heymann informed that because Mrs. Amitai voted on the prevailing side, she

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5. NEW BUSINESS (Continued)

could reopen the discussion. Mrs. Amitai explained that there is a great number of volunteer ambulance and fire people involved, which she did not realize, as she thought it was only an aesthetics issue; with that in mind, she reminded that they should keep the volunteers happy as they give a great number of hours to the Borough.

Mr. DeNicola referred to the Local Aid Project that was designed for West Street Section 3; he explained that the item on the Agenda was for West Street Section 4 for the grant application to be made for next year's funding. They completed the design specs for Section 3; he gave a set to the Administrator for his office and will provide the Borough Clerk with a set, if necessary. He would like to have approval this evening to go out to bid on that project, if possible, so the resolution can be formalized for next meeting in order for the job to be completed before school is back in session in September. He requested a motion be made to authorize the bidding for West Street Section 3 in open session to formalize the resolution.

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

No one wished to be heard.

7. OPEN MEETING TO THE PUBLIC

No one wished to be heard.

8. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

No one wished to be heard.

9. ADJOURNMENT

Motion to adjourn the Work Session at 10:31 p.m. was made by Councilman Barad, seconded by Councilman Glidden and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on June 9, 2008 for approval at
the Regular Meeting to be held
June 11, 2008

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held 6/11/08
Consent Agenda Item No. 24a.2)