

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

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

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, November 12, 2008. Mayor Heymann called the meeting to order at 7:34 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,

Cynthia L. Tutoli, Victoria Roti Amitai

Acting Administrator/Treasurer, John DiStefano

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

Deputy Tax Collector, Maria Passafaro

Zoning Board Official, Leonard Sinowitz

Technical Assistant and Zoning Board Secretary, Paul Demarest

Deputy Clerk, Jennifer Moretti

The following person was absent:

Councilman David Barad

4. MAYORAL PROCLAMATIONS DECLARING THE FOLLOWING:

a. NOVEMBER 8, 2008 AS UNITED STATES MARINE CORPS APPRECIATION

DAY – Mayor Heymann read full proclamation aloud proclaiming Saturday November 8, 2008 to be known as United State Marine Corps. Appreciation Day. She noted that this has already taken place, but the proclamation had been presented at one of the events that the Marine Corps. had on that special day.

b. NOVEMBER 2008 AS FAMILY CAREGIVERS MONTH – Mayor Heymann read full proclamation aloud declaring the month of November 2008 as Nation Family Care Givers Month.

Mayor Heymann also pointed out that yesterday was a day when we gave thanks to those many among us who have served in the military in one way or another and to all their families who gave up time for those heroes, especially those who came back from a conflict with injuries of one sort or another and who are going to be living with that for the rest of their lives. Mayor Heymann expressed the gratitude of the Borough particularly to the men and women who have given service to their country.

Before opening the meeting to the public, Mayor Heymann would like to make a few comments. First she would like to give the floor to John Kashwick who wants to tell everyone, while he has a large audience, about the program on Historic Homes that we are going to be having.

Mr. Kashwick announced that on next Tuesday the 18th at the Closter Public Library there will be a slideshow and talk by Architect Douglas Radick regarding the historic homes on West Street and Harrington Avenue. It will be a very informal talk about some of the people who lived in the homes as well as the architecture. He hopes that a lot of people can attend. He also added that it starts at 7:30 p.m.

Mayor Heymann informed everyone that the Closter Borough calendar did not follow through with the end of the month or end of the year with the dates of our next Mayor and

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Council meetings. She would like to alert and invite everyone to attend the next council meetings on November 24th, December 10th, and December 22nd.

Finally, Mayor Heymann because she knows that many people are here for that purpose, she let everyone know the Council members have consulted with each other informally and they are of one mind that there will be a Crèche and a Menorah in front of Borough Hall this year throughout most of the month of December and into January. She wanted to forestall any concerns people had on that basis. She advised that we will not be able to make a formal vote to that effect because; well, maybe we can we now have the letters, because of some details that might still be missing. But, it will come up in the agenda and you should all be aware of the fact there will be a Menorah and a Crèche in front of Borough Hall and that the celebration that is customary for the Chanukah Feast of Lights will be taking place as it did last year in back of Borough Hall and in front of the Senior Citizen Center.

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.

Tom Migliore, 7 Asmus Road, he said that based on what Mayor Heymann just announced he will keep this a lot shorter than what he anticipated, saying that she killed a good speech. He first of all would like to thank the Mayor and Council for their foresight into this matter; he didn't think they might have realized the depth in town about how people felt like this. He thinks you should know there are a couple things he would like to point out: In about 8, 9 days time we collected about 431 signatures, over 300 electronic and about another 100 in paper and got about a dozen emails from people; and he didn't believe there has been an issue that has unified the town in their thinking; and he's talking about people from different religions and all walks of life all united in their underlying point was we really need to come together at this time of year. These symbols are part of that coming together. Based on their actions tonight, Mr. Migliore thanked the Council. He also thanked a number of people who came out tonight in support of this; and he would really like to thank them because they are the ones who put this together, not him, he just provided and collected the information. It's really the 431 names that stepped up and did this. He most of all thanked his wife Deb for getting him fired up about this again and getting him out doing something on this because he really laid low for awhile, but if it wasn't for Deb's guidance this all wouldn't have happened so he wanted to say thank you very much.

Mayor Heymann thanked Mr. Migliore as well. Mayor Heymann also pointed out that she, along with the rest of the council, always welcome participation by the members of our community and it's the best version of Democracy when you have people come out during formal meetings like this. She said don't wait for a controversy come at any time and if you have any questions or concerns you are most welcome at the council meetings.

Mr. Glidden commented as well saying that Mr. Migliore has done a great job at spear heading this and he knows there are other initiatives that are very important issues in Closter and he wants to know next time that we have a big issue like that if we count on Mr. Migliore to push it for us. Mr. Migliore accepted. Mr. Glidden thanked him.

Jack Kelly, 132 Herbert Avenue, applauded the Mayor for recognizing the Marine Corp., but is disappointed that the day after Veterans' Day we don't have a moment of silence.

Mayor Heymann advised we could have a moment of silence.

Jack Kelly continued saying that was not why he was here. He is working on his house, himself; the reason he is working on it himself is that he can't afford to hire somebody to do it. He continued saying that the Borough's inspector tells him that he needs a permit. He said he's been in this town a long time and never realized that if you work on your own house that you needed a permit. Mayor Heymann responded to Mr. Kelly by saying she thinks the wording of the ordinance was specifically given to him. She asked him if that was correct. Mr. Kelly said that there is nothing in there that says a homeowner or a contractor or nothing it doesn't imply anything. Mayor Heymann says it implies everybody. Mr. Kelly asked if it does? He reiterated that he's been in this town a long time and asked Mayor Heymann what is happening. He said that yesterday she was there and they talked about freedom. We went out into the world and defended this country and brought back freedom. On Sunday night we watched how they tried to deprive a Jewish person of his shop, his business and they pushed him out. Here we are in

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Closter; we used to be able to do our own lawn, fix our own house; and now we need a permit. He asked where this was coming from and what we are doing here.

Mayor Heymann responded by saying that there hasn't been any change. She asked Mr. Sinowitz to help answer this. Mr. Kelly said to forget Mr. Sinowitz; he's talking to the Mayor and Council here. The people here have to tell him that he can't work on his own house without subsidizes. Mayor Heymann said that the people here haven't made any of those decisions and in fact were not party to them and are unaware of it. The law was made many, many years ago and the fact that it was not necessarily observed doesn't change the fact that there is such a law, correct? Mr. Kelly said so? Mayor Heymann said so, if we didn't observe it in the past, should we continue to mismanage that or should we observe the law?

Mr. Kelly asked if that says he doesn't know what he's doing? Mayor Heymann said no it only says everyone who makes certain changes on their home has to have a permit. Mr. Kelley asked what type of change? Mayor Heymann said any repairs. Mr. Kelly asked what repair? Mayor Heymann said whatever. Mr. Kelly what happens if he changes a door inside the house, what should he do? The Mayor responded that those are not some of the things listed. There are specific things and there is a list and he knows that because he has done work yourself for other people as well as for himself. He knows that he needs to get permits for certain activities. Mr. Kelly asked the Mayor what's going on? Slowly but surely you are taking away his freedoms. He said one time the lawn had to be cut down lower than six inches. Mayor Heymann responded by saying she is not keeping him from anything. Mr. Kelly said Oh good so I don't have to get a permit. Mayor Heymann said that has nothing to do with it. We are not keeping you from doing anything. Just register your intent. Mr. Kelly said all right I will do that.

Mr. Kelly reminded the Mayor about the moment of silence.

Mayor Heymann declared a moment of silence to honor the heroes that have given their lives for our country, at Mr. Kelly's request.

Debbie Migliore asked why we can't have a resolution done [regarding the Crèche] because last year it was moved with no one's knowledge and people didn't ask questions about where it was.

Mayor Heymann interrupted asking for her name and address.

Deborah Migliore, 7 Asmus Road, she appreciates that we are saying that we are going to do that for this year; but she wants something so we don't have to look for this every year. Last year it just disappeared and then found the Crèche on the traffic island. She'd like to know that this is something, she's been in town for 24 years and it has always been there and she'd like to know it'd always be there.

Mayor Heymann said that it can come up as a motion by one of the council people.

Mr. Glidden stated that he intends on making a motion.

Mrs. Migliore said she doesn't want to feel that every year you know it gets too late. Last year it was too close to Christmas to do anything and we did come here after the holidays and expressed our feelings and didn't hear anything back. This is why we did the petition because we thought our voice wasn't heard.

Mr. Glidden reiterated that they plan on drafting a motion this evening being specific as where it will be and everything else.

Mrs. Migliore thanked him very much.

Steve Isaacson, 97 Columbus Avenue, a couple weeks ago he had mentioned speaking with Mayor Heymann about bringing the 9W bus down here and wanted to know where she has gotten with that. Mayor Heymann said that so far she has gotten nowhere, but she did call America Coach USA. Mr. Isaacson advised the Mayor to call the Westwood office and speak with Al McPherson; he is a teacher up at the high school and is the head of it and is sure he can get something going. Mayor Heymann said she would contact him.

Mr. Isaacson continued saying that he noticed in the paper that there are certain towns that are combining efforts with COAH because when they are going to fight the state, they are going to

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be fighting many attorneys and stuff like that. He is curious to why we are not joining that effort to have the region, our region, fight the state against COAH.

Mayor Heymann said that we are. We are combined with the entire state and we pledged \$500 dollars as a contribution to fight COAH. Mr. Isaacson asked what about joining the towns in our area. Mayor Heymann advised that the towns in our area asked us to do that. In fact, the Mayor of Alpine is one of the leaders in the effort to do that; and there will be a special meeting for the Mayors at the beginning of the convention next week.

Mr. Isaacson commented that we had the Health Fair this weekend, which he appreciates that it happens every year. But, he went on the Borough website to look when the date was it was listed as November 1st; there was nothing on the front page to tell anybody about the Health Fair, when it was, where it was, what time it would be, nothing. He asked what is the point or the purpose of having a website if you are not going to keep it up to date and current. Mayor Heymann said he has every right to complain about this, however, she explained to him and to everyone else that the website is only as good as the people who give the information. The individual commissions and boards and committees are responsible for getting any information to the web master who incidentally puts it on immediately. Kevin Whitney who takes care of this does not waste a minute putting on information when he gets it. If Mr. Isaacson would like to make sure that every commission, board, and committee send relevant information to the web master, people will get on.

Mr. Isaacson said he appreciates what she is saying, but they are only volunteers. Mayor Heymann said so are we all. Mr. Isaacson said we don't have time to do all of this. He asked if what she is saying that this is the blame of the Health Department. Mayor Heymann said that in this case, she would say so; and they are not volunteers. Mr. Isaacson said to keep in mind the web master and everyone else who is sitting here are paid Borough employees. If you are going to spend the money for the website, then spend the money to keep it updated. Mayor Heymann countered saying that is not his job to find out what the Board of Health is doing. The Board of Health has two paid employees. Mr. Isaacson said this is something that happens every year; it's not like it's a special occasion.

Mr. Isaacson just wanted to also get one thing straight, he appreciates the fact that, and agrees that, we should have the Menorah and the Crèche out front; but now it's basically open to anybody correct? Mayor Heymann said he is absolutely correct.

Diane Larsen, 49 John Street, speaking in regards to the fields that were closed last week, Memorial and Ruckman. She understands they are designated Green Acres. Mayor Heymann said yes. Ms. Larsen asked if they are then we received multiple grants to improve them she understands that Green Acres is not only open to Closter residents but all residents of NJ. Mayor Heymann said correct. Ms. Larsen asked how we could close them for half the year. Mayor Heymann said we are not closing it. Ms. Larsen advised that the signs are up; the fields are closed. Mayor Heymann advised that they are closed to organized team activity. Everybody else can get on there and we had the discussion and we explained why they had to be closed for organized team activity and not for anything else. In fact we welcome people to walk their dogs, we welcome children playing, we welcome everyone except for teams that can damage a freshly. Ms. Larsen asked if a group of neighborhood kids can go down to the ball field and play a game of ball. Mayor Heymann said if they don't abuse the field. It's a matter of a turf being renovated and she can tell you that Mark Lupardi and his crew worked for a whole week last week at Ruckman Field to renovate the turf. You as a taxpayer want to make sure that it stays in good shape. Ms. Larsen explained that her child does not play organized sports; so it's closed when her kid is available to play because in the months that it is open, it's monopolized by organized sports all for 6 months. Mayor Heymann did advise her that we have two other parks in town with fields; we are not closing all of them; we are closing the two that have very valuable turf surfaces. The two that have not been renovated are open all year round to everybody. Ms. Larsen said well, we live near Memorial and that's the field my child would go to. Mayor Heymann said he could walk a few more blocks to Mollicone Park. Ms. Larsen reiterated that if the park is Green Acres, she didn't know how you're closing it. Mayor Heymann said we are not closing it. Ms. Larsen said that the Mayor is saying that the kids can't go down and play a game of ball. Mayor Heymann advised her to check with Green Acres because they would be more than happy to make the same recommendations they are making because it is a matter of safe guarding our land. Ms. Larsen said we are safe guarding it for recreational sports only. Mayor Heymann advised we are safe guarding it for everyone by maintaining the field. Ms. Larsen countered, but if they are closed 6 months out of the year.....Mayor Heymann said they are not closed. Ms. Larsen just wanted to make sure that when her kids go down there to play

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they're not going to be run off. Mayor Heymann said that if one or two kids go down and play that's perfectly all right. Ms. Larsen said you can't play a game of ball with just one or two kids you need about 8 or 9. Mayor Heymann said it's not for team playing, but for everything else. If they want a team game they can go to Mollicone or Schauble. Ms. Larsen said OK we'll see what happens when they go I guess.

Steve Isaacson, 97 Columbus Ave, many times he has brought up converting the Nature Center to zoning from industrial to conservation/easement and wants to know when this is going to be done. This has been years that he has been asking. Mayor Heymann said that the reason it has not been done was because the Planning Board, and Mrs. Amitai who is on the Planning Board, can back her up, has been struggling with the right way to formulate that for quite a long time. It is at the top of their agenda. Mr. Isaacson said he would like them to set-up a time limit. Will it be done in 6 months, in a year, in his lifetime? Mayor Heymann said she would hope for it to be done in less than six months.

Mr. Isaacson has also been asking for years if there is a way to set up a park between the Buzzoni Tract and the Nature Center to run along the south part of the chipping field. He wants to know what the objection is to that. Mayor Heymann and Mrs. Amitai asked him to explain further. Mr. Isaacson explained it's where Ken's Tree Service has their stuff set up he'd like to see a 150 foot strip that connects the Nature Center or the Industrial Zone with the Buzzoni Tract. Mayor Heymann said that there is and it's on Blanch Avenue. Mr. Isaacson was referring to the South side. Mayor Heymann said that on the South side she doesn't think we can do that because of DEP regulations. We need every single bit of space to accommodate the compost pile the way it is and she's not sure we can steal any space at all from the compost pile on the South side. On the North side it's away from the compost pile. The compost pile is about 3 and a half acres and it's the absolute minimum that we need in order to accommodate the amount of composting that we do there. She said he can check and see with the DEP. Mr. Isaacson says that the compost piles are to the North, Ken's Tree Service is to the South, and he believes Ken's Tree Service takes up about 3 acres so why can't part of that land be used. It's like a 9-acre tract. Mayor Heymann said that whatever size the tract is it's the minimum size the DEP requires. There are two sections one is for recycling which is what he's talking about the other section is for composting and between the two sections we need for this Borough we are using the minimum amount of space that we are allowed. Mayor Heymann welcomed to investigate if we can put a path in. Mr. Isaacson said he would look into that.

Hugh Johnson, 107 Demarest Ave, he asked about the Construction Code Official's status. He doesn't want to hear, have you hide behind personnel. This community and the taxpayers are entitled to an answer. He will not tolerate him being here until August. He is prepared as of a week construction on my home is finished to file an injunction to force your hand. Mr. Johnson claims that we have not taken him seriously, but we will now. He will spend money to make sure the taxpayers of this community are entitled to a person who is thorough, who is professional, and is not a tyrant. Seriously personnel committee has made a recommendation to the Mayor and Council and he would like to know what it is. We are entitled to know under the freedom of information act. Mayor Heymann said he is correct and they are correct in telling him there has been no final decision. Mr. Johnson wanted to know when there will be one. Mayor Heymann advised they have a closed session. Mr. Johnson interrupted saying they have a closed session every two weeks. Mayor Heymann said we are having one tonight. Mr. Johnson wanted a guarantee that it will be finalized by next meeting. Mayor Heymann said she cannot guarantee that. Mr. Johnson said he's giving us two weeks.

Mr. Johnson discussed how the Deputy Clerk left this week on Monday. Cynthia Meyer was a valued employee and we now have a Borough Clerk who is saddled with work. He advised that she worked here for 3 years, she did a great job, she is now in Little Falls, temporarily, she will be back I will promise you. But he feels she left here because she could not take the pressure that was forestalled upon her and it is his understanding that she filed a complaint of harassment. She was told that she could have another position that is the Zoning and Planning Board Secretary and she chose to stay because for 3 years this was her expertise. She had taken courses, she had been certified by the county, she filled in very well when Loretta Castano was on vacation; and because she was harassed and the Mayor and the Administrator did not stand by her, she left. And the harassment according to her and a few other people was from the Borough Clerk herself. She could not stand to work for the Borough Clerk under those conditions. Mayor Heymann interjected saying it's inappropriate. Mr. Johnson screamed that it is very inappropriate that we have lost a valuable asset. The Borough Attorney, interceded as well saying this is inappropriate and is purely a personnel issue. Mr. Johnson asked why did she leave? Mr. Rogan advised that people have the right to leave their jobs; they have a right to be happy or not be

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happy at their jobs. Mr. Johnson said they have a right to be supported and to not feel miserable and a right not to cry on my shoulder when she left. Mr. Rogan advised that the difficulty is that the individuals he has referenced in the last couple of months have indicated things to you have rights. There's a personnel manual and procedures that they could follow. For a non-employee to appear regularly at council meetings pleading the cases of employees or in this case a past employee doesn't assist or comply with our personnel manual. The Borough is the employer of dozens of people. Mr. Johnson said if there is a complaint the procedure is to forward it to the H.R. committee and he understands correct him if he's wrong, she was given the choice of another position and she chose not to because that is her expertise. Mr. Rogan explained that it was her choice. Mr. Johnson said it was not her choice to be harassed. Mr. Rogan said it is not fair to say it was harassment. Harassment has a very defined definition. Mr. Johnson said uncomfortable working. Mr. Rogan said unfortunately many people are uncomfortable where they work. Mr. Johnson said a lot of people in this administration in this Borough Hall are uncomfortable working under you Mrs. Mayor. He went on to say that Mayor Heymann is detested. Mr. Rogan said this will not be discussed at a public meeting it is purely a personnel issue. If she has a problem, she can follow the personnel manual; she can put a report in and it will be dealt with like any other personnel issue. Mr. Johnson said it was not dealt with. Mr. Rogan replied maybe not to his satisfaction. Mr. Johnson said it was not dealt with by her satisfaction because she left. Mr. Rogan said she has legal rights and personnel manual rights that she can pursue if she so chooses. You or anyone else cannot pursue them on her behalf. He is not her attorney; and if she feels like something illegal was going on, you use the word harassment, and that brings about certain defined legal terminology. Mr. Johnson continued by saying, hating to come to work, as many Borough employees do, because of you [meaning Mayor Heymann] because you are detested, you don't use the words thank you, you do not appreciate the hard work. And don't smile at me with that smile because it's not washing. And don't tell me that I am a liar because I have caught you in four lies. [People from the audience calling 5 minutes] Mr. Johnson continued on saying we have lost a valuable 23-year-old girl who has gone to Little Falls, but she will be back. I will promise you that.

At this time, Mr. Hennessey asked to bring a motion to the floor in regards to the Crèche and the menorah so that the Council can make a vote on it. Mayor Heymann said he may. Mr. Hennessey made a motion to allow the public display of the Menorah and Nativity and any other display by a recognized religious organization to the front lawn of Borough Hall. Requests for Display should be in writing. Displays to be installed on the West lawn of the Borough Hall by the flag poll and only be displayed during the holiday season beginning in December and ending first week in January. He explained that the actual wording can be reviewed. Mr. Glidden seconded the motion. Mr. Kashwick questioned same asking to have the Borough Attorney specify religious organization or would it have to be any organization. Mr. Rogan just asked that the motion be amended to just be sure it passes constitutional muster with the Supreme Court and Federal Courts throughout the country which have gone all different ways on it, but one thing they are unanimous on is that if there is such a display on public property that it be termed holiday display rather than a religious display meaning it could also include some holiday festivities things: a candy cane, a Christmas tree has been deemed not a religious symbol as opposed to a Menorah and a Crèche. These are just examples that some cases have used to just connote a holiday festivity as opposed to favoring or selecting one or two religions over others. With that caveat in mind that would be up to the Borough and how it does the display as long as it's consistent with the case law that has come down. But, don't term it a religious display for legal purposes because it's a very sticky area it's a holiday display. Mr. Hennessey also said that likewise the timing involved too. Mr. Rogan said the timing should be such that it does not appear at any given time that the Borough is promoting one religion over another. We shouldn't have one religious display for a period of time without another. It needs to be combined holiday display so it doesn't give the impression to a disinterested observer that we are either supporting Christianity, Judaism, or some other type of religion. Mr. Hennessey said that you might not necessarily have both displays up for the identical amount of time. Mr. Rogan said as long as the display is holiday in nature, we are fine.

Mayor Heymann asked for any comments on that motion and no further comments were made.

Therefore the following motion made by Councilman Hennessey and seconded by Councilman Glidden was memorialized by the Borough Attorney as follows:

MOTION GRANTING APPROVAL FOR A PUBLIC HOLIDAY DISPLAY

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INCLUDING A MENORAH AND NATIVITY, TO BE PLACED ON THE WEST LAWN IN FRONT OF BOROUGH HALL, BY THE FLAGPOLE, FOR A PERIOD BEGINNING IN DECEMBER TO BE REMOVED THE FIRST WEEK IN JANUARY 2009; REQUEST FOR DISPLAYS TO BE PRESENTED TO THE MAYOR AND COUNCIL

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

6. COMMUNICATIONS

a. MAIL LIST – OCTOBER 23, 2008 - Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council or the public wished to address any matter or provide any comments.

The following items were removed by the following individuals: Borough Clerk referred to Item No. 1

Item No. 1 – Received 10/20/08, dated 10/16/08, from Frank McGlynn, Project Manager, United Water, to Borough Clerk re request for approval of extension form and sketch re Harrington Avenue water main extension, including resolution for signature if project is approved.

Borough Clerk explained she received this letter from United Water in the past and it has been referred to the Fire Official and the Fire Chief for their review. Mr. DiStefano has made a note of it but has not heard anything back from them. Ms. Castano advised Mr. DiStefano to keep track of it because they do wait for a response if they want or do not want.

b. MAIL LIST – OCTOBER 30, 2008 - Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council or the public wished to address any matter or provide any comments.

The following items were removed by the following individuals: Mr. Steve Isaacson Item No. 3 and Councilwoman Amitai Item No. 6

Item No. 3 – Received 10/27/08, dated 10/23/08, from Frederick B. Parsells, 11 McKinley Street, Keene, NH 03431 re expressing pleasure re presentation sponsored by the Closter Historic Preservation Commission at the Naugle/Auryansen Cemetery on 10/18/08 and expressing disappointment at the present condition of Village School; recommending that the building be restored and put to modern-day use.

Mr. Isaacson, 97 Columbus Ave, it is to his understanding that the Mayor and Council support the idea of recommending the building be restored to modern day use. He asked if there is any chance that the Borough would consider buying that property and using it for the Borough? Mayor Heymann said there has been permission given for a complete set of plans and to the best of her ability and knowledge the thing that is holding them back is financing. Mr. Isaacson said that could be another 5 or 10 years. Mayor Heymann said that the same thing goes for the Borough. There's no financing. She doesn't believe the financing is any better for the Borough than it is for an individual at this time. Mr. Isaacson understands but in the meantime nothing has been done with that property for many, many years; and it should be used for the Borough one way or another.

Item No. 6 – Received 10/30/08, dated 10/23/08, from Robert P. Koska, Director, Local Programs & Minibus Fleet Support, NJ Transit, to Clerk, Closter Borough re availability of funding from FTA to the State of New Jersey for purchase of equipment for transportation of senior citizens and people with disabilities under the FTA Section 5310 Grant Program.

Mrs. Amitai asked if we can apply for that for our seniors? Mayor Heymann advised that if you read the grant application requirements they are primarily for urban districts and they have applied for it in the past. This is a grant that comes through every year only there is less money every year so the chances are even less. Mrs. Amitai inquired about the possibility of sharing services with Haworth since they have a senior bus. Mayor Heymann said she talked to Haworth about this 12 years ago and right now Haworth is cooperating with Harrington Park she thinks. Northvale also has a bus, which is available to Closter, and we have a shared service agreement with Northvale. Mrs. Amitai wondered why don't our handicapped seniors... Mayor Heymann

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said they do, they do. Mrs. Amitai said she knew one in particular that doesn't. Mayor Heymann said they may not be aware of it. Mrs. Amitai asked what does one have to do to partake in it. Mayor Heymann advised that it runs to meetings for the senior citizens, you just make a reservation; they are also available for trips to the supermarkets at stated times and to a limited degree only for medical appointments. Ms. Amitai asked if it went to the library. Mayor Heymann said not as far as I can tell, but that doesn't mean it's not so. Mrs. Amitai asked again how one goes about signing up and getting on the list. Mayor Heymann said you can ask me and I will conduct you to the right people. It is the administrator to the Northvale Senior Center that is the right person to contact.

Jack Kelly, he asked if we make a contribution each year to Northvale and for how much. Mayor Heymann advised that we do. It used to be \$5,000 but we cut it down this year. Mr. DiStefano will check into that. Mrs. Amitai asked Mr. Kelly if he knows anyone who uses it. Mr. Kelly and Mayor Heymann both said yes.

c. MAIL LIST – NOVEMBER 6, 2008 - Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council or the public wished to address any matter or provide any comments.

The following items were removed by the following individuals: Mayor Heymann, Item No. 4, Item No. 5, and Item No. 11. Mr. Jesse Rosenblum Item No. 10

Item No. 4 – Received 10/31/08, dated 10/29/08, from Farouk Ahmad, P.E, Director of Bergen County Department of Planning and Economic Development to Mayor Heymann; c: Administrator/Clerk re Bergen County Comprehensive Farmland Preservation Plan - Invitation to Mayor to attend a public information meeting on 11/12/08 @ 7:00 p.m. at Mahwah's Township Hall.

Mayor Heymann has responded to the letter expressing the Borough's interest. The meeting is taking place at this very moment in Mahwah which conflicts with our Mayor and Council meeting here, but there will be further meetings. She will continue to push for some money for Closter.

Item No. 5 – Received 11/03/08, dated 10/30/08, from PERMA, Risk Management Services re *2008 Dividend - total amount to Closter \$9,460.20; *pending approval from Departments of Banking & Insurance and Community Affairs*. Request for return of form to PERMA no later than 12/10/08 indicating Borough's choice to either take part of dividend as a check or a credit towards next year's first assessment installment.

Mayor Heymann motioned to accept the dividend as a credit for next year's installment.

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

Item No. 11 – Received 11/05/08, dated 11/04/08 from David N. Grubb, Executive Director, Municipal Excess Liability Joint Insurance Fund re Elected Officials' Training Seminars - The MEL will reduce each member's 2009 workers' comp claims premium by \$250 for each municipal elected official and authority commissioner who completes the course by deadline of 4/30/09.

Mayor Heymann reminded the Council that each one of them earns \$250 for the Borough against our insurance bill for attending these conferences and she is going to keep talking about it until they all attend it. The Mayor and Ms. Amitai may be attending the meetings provided in Atlantic City and for those who are not attending Atlantic City will find other meetings and make sure you go.

Mr. Glidden advised that in previous years Fred Pitofsky arranged meetings here in Borough Hall for this purpose and was wondering if he was going to do that again this year.

Fred Pitofsky advised that there are other meetings in Mahwah and Washington Township, but if no one goes to those he'll arrange a meeting here because he wants to get that \$250 dollar discount.

Item No. 10 – Rec'd 11/03/08, dated 11/03/08, from Jesse Rosenblum re Miele Sanitation Co.

Jesse Rosenblum advised that a few years ago the Council wrote a letter to the DEP saying they

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didn't want garbage trucks lining up on Wellington Avenue and he wanted to know if the Council has changed their policy. Mayor Heymann said she doesn't know what he is referring to. Mr. Rosenblum said he enclosed a 4-page letter. Mr. Rogan advised that we are in communication with the DEP and are in the process of working that out with them and we are going to have it as a closed session discussion tonight. He has already discussed it with Chief Berrian and Mr. DiStefano. Mr. Rosenblum asked if we haven't decided to stay with that policy. Mr. Rogan said it's not my decision, but are going to follow what the DEP requires basically will be his recommendation to the Mayor and Council. He expects to have that matter resolved no later than next meeting. Mr. Rosenblum said he doesn't think that's a DEP requirement. Again Mr. Rogan stated it would be resolved by next meeting.

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

Mayor Heymann opened the meeting to the public for communication items only.

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.* POSSIBLE INTRODUCTION OF ORDINANCE NO. 2008:1021, "ORDINANCE AMENDING CHAPTER 92, DRIVEWAYS" – PUBLIC HEARING – 11/24/08 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Requested by Borough Attorney 9/30/08) Adjourned from RM 10/6/08, RM 10/22/08
TO BE PREPARED BY BOROUGH ATTORNEY

Removed by Borough Attorney for further discussion by the Ordinance Committee at their 11/17/08 meeting. He will have additional comments on the trial regarding same which was heard before Judge Jonathan Harris.

~~10.*~~ INTRODUCTION OF ORDINANCE NO. 2008:1023, "AN ORDINANCE TO DETERMINE THE RATE, AMOUNT, SALARIES, WAGES, AND COMPENSATION AND THE METHOD OF PAYMENT THEREOF TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF CLOSTER FOR THE YEARS 2008 AND 2009 OR AS OTHERWISE NOTED" PUBLIC HEARING – ~~11/24/08~~ 12/10/08 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Acting Administrator 11/6/08)

11.* BILL RESOLUTION – OCTOBER 31, 2008 (Adjourned from RM 10/22/08)
TO BE PREPARED BY TREASURER

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

~~13.*~~ POSSIBLE APPROVAL OF CLOSTER SUSTAINABLE INITIATIVE MASTER PLAN COMPONENT (Requested by Mayor 8/25/08/Adjourned from RM 9/10/08, 9/24/08, 10/6/08, 10/22/08) - RESOLUTION TO BE PREPARED, IF AND WHEN APPROVED
Removed by Mayor

~~14.*~~ RESOLUTION AUTHORIZING THE ADVERTISEMENT OF BIDS FOR SOLID WASTE TRANSFER SERVICES (Requested by Borough Attorney 10/29/08)

15.* RESOLUTION AUTHORIZING TREASURER TO RETURN REMAINING ESCROWS IN THE AMOUNT OF \$98.58 TO CORE, 91 RUCKMAN ROAD, CLOSTER, NJ 07624, FOR POLICE TRAFFIC DIRECTOR SERVICES IN COMPLIANCE WITH LOCAL FINANCE NOTICE 2000-14 (Received from Chief of Police 10/24/08)

16.* RESOLUTION AUTHORIZING TREASURER TO RETURN REMAINING ESCROWS IN THE AMOUNT OF \$68.58 TO RELIABLE TREE SERVICE, 547 SAINT PAUL AVENUE, CLIFFSIDE PARK, NJ 07010, FOR POLICE TRAFFIC DIRECTOR SERVICES IN COMPLIANCE WITH LOCAL FINANCE NOTICE 2000-14 (Received from Chief of Police 10/24/08)

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- 17.* RESOLUTION TO CANCEL TAXES RECEIVABLE FOR 1ST AND 2ND QUARTERS 2008 PRELIMINARY TAXES IN THE AMOUNT OF \$3,070.14; FINAL TAX IN THE AMOUNT OF \$3,355.63 ON BLOCK 1302; LOT 13 ASSESSED TO FONRAEL REALTY C/O E. FONDER (Received from Deputy Tax Collector 10/23/08)

- 18.* RESOLUTION AUTHORIZING TAX COLLECTOR TO CREDIT THE FOLLOWING ACCOUNT FOR TAX YEAR 2008: CAEA, LLC, BLOCK 1302, LOT 21 IN THE AMOUNT OF \$896.78, CHARLES AND ELAINE AMOROSSO (Received from Deputy Tax Collector 10/22/08)

- 19.* RESOLUTION TO PURSUE A “FAIR AND OPEN” PROCESS IN AWARDDING CONTRACTS FOR CERTAIN CONTRACTS AWARDED IN THE BOROUGH OF CLOSTER FOR THE FOLLOWING POSITIONS: BOROUGH ATTORNEY, BOROUGH BOND ATTORNEY BOROUGH PUBLIC DEFENDER, BOROUGH PROSECUTOR, BOROUGH ALTERNATE PROSECUTOR, ATTORNEY TO THE PLANNING BOARD, ATTORNEY TO THE BOARD OF ADJUSTMENT, BOROUGH AUDITOR, BOROUGH ENGINEER; INCLUDING PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT, RISK MANAGER (Received from Borough Attorney 10/27/08)

- 20.* RESOLUTION APPOINTING JENNIFER MORETTI AS DEPUTY BOROUGH CLERK FOR A ONE YEAR UNEXPIRED TERM (MEYER) TO 12/31/08, AT AN ANNUAL SALARY OF \$40,000.00, FOR A 90-DAY PROBATIONERY PERIOD COMMENCING 11/03/08 (Received from Acting Administrator 11/06/08)

- 21.* RESOLUTION APPROVING CORRECTIVE ACTION PLAN FOR THE 2007 ANNUAL AUDIT (Received from Acting Administrator/Treasurer 11/6/08)

- 22.* RESOLUTION AUTHORIZING RELEASE OF THE FOLLOWING CLOSED SESSION NOTES: MARCH 14, 2007; SEPTEMBER 26, 2007 (Requested by Borough Attorney 10/29/08)
TO BE PREPARED BY BOROUGH ATTORNEY

- 23.* RESOLUTION ACCEPTING THE RECOMMENDATION OF THE PLANNING BOARD TO APPROVE AND ADOPT THE REVISED HOUSING ELEMENT AND FAIR SHARE PLAN PREPARED BY HAKIM ASSOCIATES (Requested by Borough Attorney 11/4/08) (Draft received from Borough Attorney on 11/6/08)
TO BE PREPARED BY BOROUGH ATTORNEY

- 24.* RESOLUTION APPROVING ESTIMATE #2 AND FINAL, AND CHANGE ORDER #1 AND FINAL IN THE AMOUNT OF \$20,329.92 SUBMITTED BY 4 CLEAN UP, INC. FOR WEST STREET IMPROVEMENTS – SECTION 3; TOGETHER WITH 2-YEAR MAINTENANCE BOND #A13514M FOR 15% OF THE FINAL AMOUNT TOTALING \$20,665.00 (Received from Acting Administrator/Treasurer 11/6/08)

MOTIONS

- 25.* APPOINTMENTS NOT MADE AT THE REORGANIZATION MEETING HELD 1/02/08; Adjourned from Regular Meetings held 1/09/08, 1/23/08, 2/13/08, 2/27/08, 3/12/08, 3/26/08, 4/9/08, 4/23/08, 5/14/08, 5/28/08, 6/11/08, 6/25/08, 7/9/08, 7/23/08, 8/13/08, 8/27/08, 9/13/08, 9/24/08, 10/6/08, 10/22/08

<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	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

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- 26.* MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO SERVE AS MEMBER(S) OF THE HISTORIC PRESERVATION COMMISSION TO FULFILL REQUIREMENT MADE BY ADOPTION OF ORDINANCE NO. 2008:1004 ON 3/12/08
 (Term to be determined by Borough Attorney in accordance with N.J.S.A. 55D-107) – Adjourned from RM 04/23/08, 5/14/08, 5/28/08, 6/11/08, 6/25/08, 7/9/08, 7/23/08, 8/13/08, 8/27/08, 9/13/08, 9/24/08, 10/6/08, 10/22/08

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

- 27.* MOTION APPROVING THE FOLLOWING MINUTES:
 a. WORK SESSION NOTES OF MEETING HELD OCTOBER 22, 2008 (Distributed 11/6/08) NO ABSTENTIONS
 b. REGULAR MEETING MINUTES OF OCTOBER 22, 2008 (Distributed 11/6/08 NO ABSTENTIONS

- 28.* POSSIBLE MOTION APPOINTING _____ TO SERVE AS MEMBER OF THE BOARD OF ETHICS FOR AN UNEXPIRED 5-YEAR TERM (HARZ (R) Public Member) TO 12/31/08 (9. M.L. 10/16/08) (Adjourned from RM 10/22/08)

- 29.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:
 a. CHIEF OF POLICE – SEPTEMBER 2008 (Received 10/22/08)
 b. CONSTRUCTION OFFICIAL – October 2008 (Received 11/3/08)

The following items were removed from the Consent Agenda by the following individuals:
 Item No. 10 was removed by Mrs. Amitai, Item Nos. 10 and 21 were removed by Diane Larsen, Item No. 23 was removed by Mr. Hakim, Item No. 14 was removed by Jack Kelly, Item No. 24 was removed by Mr. DeNicola; Borough Attorney previously removed Item No. 9; Mayor Heymann previously removed Item Nos.13, 25, 26 and 28.

At this time, Jesse Rosenblum inquired whether the Resolution for Item No. 23 was ready. Borough Attorney informed that the Borough Clerk had same. He clarified with Mr. Rosenblum that it was the Planning Board Resolution that he was speaking of. Mr. Rosenblum said no his resolution. Mr. Rogan advised that his Resolution was prepared by title only as we were awaiting the certified copy of the Resolution from the Planning Board.

At this time, in response to inquiry made by Michael Kafer. The Borough Clerk advised that the following Consent Agenda items were removed: 10, 14, 21, 23, and 24.

Ms. Amitai explained that she pulled Item No. 10 because she just received it this evening and she would like to review it and compare it to the rest of the information. Mr. DiStefano explained that it was e-mailed to everyone. Mr. Rogan also explained this is just an introduction. There will also be a public hearing on it.

Mayor Heymann explained that before we discuss any items removed she asked for a motion approving the items

Motion of approval was made by Councilman Glidden, seconded by Councilman Kashwick.

8b. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 9, 10, 13, 14, 23, 24, 25, 26 and 28 was made by Councilman Kashwick, seconded by Councilman Hennessey and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

31. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

10. INTRODUCTION OF ORDINANCE NO. 2008:1023, “AN ORDINANCE TO DETERMINE THE RATE, AMOUNT, SALARIES, WAGES, AND COMPENSATION AND THE METHOD OF PAYMENT THEREOF TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYEMENT IN THE BOROUGH OF CLOSTER FOR THE YEARS 2008 AND 2009 OR AS OTHER WISES NOTED” PUBLIC HEARING – 11/24/08 12/10/08 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Acting Administrator 11/6/08)

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Diane Larsen, John Street, voiced her understanding that this item was approved earlier this year. Mr. DiStefano informed that it was an addendum; that it could be added and they do not have to be filled as they could be filled by multiple individuals. Ms. Larsen asked what was going to be added. Mr. DiStefano said these positions. Mayor Heymann informed they were stated in the Ordinance and provided Ms. Larsen with her copy. She voiced her understanding that there will be a public hearing on this ordinance (on 12/10/08) and has been made aware that the Borough Employees will be receiving a 2 ½ % increase. She questioned the timing of same since the end of the year is rapidly approaching.

Mr. DiStefano advised that nothing has been approved as yet, that there is a Salary Resolution which is going to be discussed with the Personnel and Finance Committees and will be brought up on the 24th. He clarified that no one has determined the amounts as yet. Ms. Larsen pointed out that it was the middle of November and wanted to be sure the Borough employees were receiving their raises. He advised that the Borough personnel will be receiving their pay raises this year.

13. *POSSIBLE APPROVAL OF CLOSTER SUSTAINABLE INITIATIVE MASTER PLAN COMPONENT (Requested by Mayor 8/25/08/Adjourned from RM 9/10/08, 9/24/08, 10/6/08, 10/22/08)*
RESOLUTION TO BE PREPARED, IF AND WHEN APPROVED

Mayor Heymann explained at this time that she pulled Item No. 13 as we do not have the paperwork and a final resolution to vote on. It will be voted on November 24th.

At this time, Motion was made by Councilman Glidden to approve introduction of this Ordinance No. 2008:1023. Said motion was seconded by Councilman Kashwick and was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick and Tutoli; Councilwoman Amitai voting no.

14. RESOLUTION AUTHORIZING THE ADVERTISEMENT OF BIDS FOR SOLID WASTE TRANSFER SERVICES (Requested by Borough Attorney 10/29/08)

Jack Kelly, 132 Herbert Avenue, asked if specifications were drawn up. Mayor Heymann advised yes. Mr. Kelly asked if he could receive a copy. Borough Attorney agreed to do so when they are available.

Mr. Kelly referred to Item No. 13 and inquired if there would be a public hearing on this before a decision is made on the Master Plan. Mayor Heymann explained as follows: there have been a series of public meetings on this; this is the sustainable initiative which is the green portion of the Master Plan which was approved by the Environmental commission and the Planning Board, it has to be incorporated into the final Master Plan and will be discussed further.

Michael Kafer, 261 Parsells Lane, referred to Item No. 14. In response to his request, Borough Attorney advised as follows: The Resolution authorizes his office to prepare and finalize the bids. He read from the resolution which stated as follows: “NOW, THEREFORE, BE IT RESOLVED by the Borough of Closter that Borough Attorney and Acting Borough Administrator are hereby authorized to prepare the necessary Notice to Bidders and Bid Package and the Borough Clerk is hereby authorized to advertise for bids for the aforementioned project”. He explained further that we will have the actual specifications finalized for review and it won't be bid for a meeting or two. Mr. Kafer asked for clarification that the Borough has basic specifications. Mr. Rogan advised they are basically the same as the specifications from the last contract with updates. It is renewal of a contract which has expired and we are looking to prepare updated specifications.

Mr. Kafer wanted to know if we were looking for bids to transfer from DPW trucks to transfer station or bids to pick up garbage from households. Borough Attorney explained it is for recyclables, not garbage pick up. It is the Miele contract which has expired; the bids will be updated, redrafted and bid.

Mr. Kafer advised that there was no mention of recyclables, it says solid waste. Mr. Rogan advised that the meaning of that is recyclables. It is not garbage pick-up. Mr. Kafer verified that this is not municipal waste, but recyclables. Mr. Rogan said correct, it's the Miele contract that is expired. The bids will be updated, drafted over, and re-bid. Getting back to the resolution authorizing his office to prepare the bids, Mr. Kafer advised the resolution says solid waste not recyclables. Mr. Rogan said we can make the modification for the vote for renewal time.

Mr. Kafer wanted to know if there is a committee or arm of the Mayor and Council which is

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involved with recyclables and solid waste. Mr. Rogan advised that the DPW Committee will receive same and the Chairman is Councilman Hennessey.

Mayor Heymann asked if there are any other comments on that.

Jack Kelly asked for clarification that it is for recyclables only. Mr. Rogan said correct.

Mayor Heymann asked for a motion on Item No. 14 and asked to change the wording from “solid waste” to “recyclables”. Motion was made by Councilwoman Amitai, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

21. RESOLUTION APPROVING CORRECTIVE ACTION PLAN FOR THE 2007 ANNUAL AUDIT (Received from Acting Administrator/Treasurer 11/6/08)

Diane Larsen, John Street, questioned why this has not been approved and implemented and what were the corrections that needed to be made. Mr. DiStefano said once the Audit is done and approved, our CFO looks at the Audit recommendations and prepares a Corrective Action Plan. Ms. Larsen asked if this generally runs a full year later. Mr. DiStefano advised this is normally around the time it is presented in October/November time frame. It is customarily late.

Michael Kafer, 261 Parsells Lane questioned who the CFO is; and Mr. DiStefano informed it is Joseph Luppino. He confirmed that this was the Audit that ended December 31, 2007. He asked what were the steps to obtain a full Corrective Action Plan as he had to pay \$50.00 to obtain the Audit last time? Mr. DiStefano offered to give him a copy of the Corrective Action Plan.

Motion to approve Item No. 21 was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

23. RESOLUTION ACCEPTING THE RECOMMENDATION OF THE PLANNING BOARD TO APPROVE AND ADOPT THE REVISED HOUSING ELEMENT AND FAIR SHARE PLAN PREPARED BY HAKIM ASSOCIATES (Requested by Borough Attorney 11/4/08) (Draft received from Borough Attorney on 11/6/08)
TO BE PREPARED BY BOROUGH ATTORNEY

Mayor Heymann explained as follows: This is the Resolution accepting the recommendation of the Planning Board to approve and adopt a revised housing element in the Fair Share Plan prepared by Hakim and Associates. She explained further that the Planning Board already had a public hearing and approved it; the approval was sent to the Mayor and Council who will be discussing it tonight. Mr. Hakim and his Assistant, Christie O'Donnell, are here to talk about it.

Mr. Hakim introduced himself and explained as follows: On 10/30/08 the Planning Board adopted a resolution adopting the Fair Share Plans an element of the Master Plan. It should have included a recommendation to the Mayor and Council to have your attorney prepare revised ordinances related to affordable housing Fair Share Plan. They are here this evening to ask that the Resolution be passed by the Mayor and Council that takes 3 actions. Number 1: Endorses the action of the Planning Board. Number 2: Authorizes the attorney to take memorandum regarding part of the Fair Share Plan which identifies the types of changes needed to be made to the Fair Share Ordinances that authorize the Borough Attorney to prepare the draft Ordinance for submission to COAH. Number 3: Authorize the submission of the Fair Share Plan to COAH by deadline date of 12/31/08.

Mrs. Amitai commented that at the Planning Board meeting at the Library a couple of changes were to be made. She wanted to confirm that they were included on this because she didn't see it in her copy that the zone number and description be referred to in each case.

Mayor Heymann explained that the official copy, which was corrected, was given to the Borough Clerk and it has all these changes. Ms. Castano advised that it was given to her this afternoon. Mayor Heymann explained that Ms. Castano only got the corrected copy today which is why the copy Mrs. Amitai got doesn't have the corrections. They changed certain items to indicate that each district would be listed by title and number. Those changes were made. Borough Clerk advised they were made around 1 p.m. today.

Mrs. Amitai said in addition it mentions that the overlay will be placed in close proximity to shopping. Mayor Heymann advised that change was made as well. Mayor Heymann volunteered

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to read it to her. It is item no. 3 on page 5 and the full correction was read to Mrs. Amitai

Mrs. Amitai asked if it said “business zone”. Mayor agreed and proceeded to read to her on page 3. Mrs. Amitai asked her to read the 4th paragraph. As the Mayor began reading Mr. Kashwick interrupted.

Mr. Kashwick said that with all due respect he doesn’t believe we are ready to vote for it if we are still having discussions. Mayor Heymann then recommended that it be voted on November 24, 2008. The discussion can take place today and we will have the Resolution to vote on November 24th. This means we will be adopting this at the same time we’ll be adopting the sustainable Closter Resolution as well. It will all be ready for the December 3rd final public hearing before the Planning Board.

Mrs. Amitai asked if it was on e-mail. Borough Clerk reported receiving this at 1:15 p.m. from the Mayor with corrections on it. Mr. Hakim asked if it was dated October 31st on the bottom. Mayor Heymann clarified that this copy did not have the corrections. Mayor Heymann will speak to Mr. Hakim.

Mayor Heymann asked if anyone in the audience had questions to ask.

Jesse Rosenblum, 65 Knickerbocker Road, asked if Mr. Hakim had you seen the resolution to the Planning Board adopting it? He said he has not.

Item No. 1 – Exhibit B has been accepted and adopted by the Mayor and Council.

Ed Rogan said the Borough Clerk just explained it was just received by her at 1:15 pm. Mr. Rogan explained this Resolution was prepared in anticipation of several days ago having that prior to today.

Mr. Rosenblum said if Exhibit B has been accepted and adopted by the Mayor and Council is anything else going to be written regarding exhibit B. Mr. Rogan explained Exhibit B is the Planning Board Resolution which was voted on 10/30/08. The problem was at the time we prepared this in anticipation of tonight’s meeting his office did not have the Planning Board Resolution. It has not been accepted by the Mayor and Council.

Mr. Rosenblum continued: Item No. 2. reads that Exhibit A is going to COAH. He asked if Exhibit B will go to COAH. Mayor Heymann advised that the adopted COAH plan will go to COAH. The proposed amendments that need to be adopted to make the plan workable will stay within Closter but COAH gets the list of the amendments. Mr. Rosenblum asked if that was Exhibit B. Mr. Rogan explained that Exhibit B is the Planning Board resolution. Mr. Rosenblum asked if that will that go to COAH. Mr. Rogan explained the changes will be made before it goes to COAH. Exhibit B will determine what Exhibit A says. The Planning Board made certain changes after the meeting which they hand written out. It will be given to Mr. Hakim’s office and they will revise it. Exhibit A when it is adopted will reflect those changes. Mr. Rosenblum asked if Exhibit B will go to COAH. Mr. Rogan said they are entitled to the Planning Board Resolution. The two should be consistent at that point.

Mr. Hakim pointed out that this is just the body of the Fair Share Plan. There will be maps that identify the sites and there will be a series of appendices which will be the draft resolutions and existing Fair Share Ordinances that you have. Our adopted housing element will be an appendage as well but that was adopted a couple of years ago.

Mrs. Amitai asked Mr. Hakim who will see and approve those maps. Mr. Hakim said there will be three maps. One will be a map of New Jersey locating Bergen County. One will be a map of Bergen County locating Closter. The third map will identify the sites that are in here. It’s not really an item that will need your approval. It simply will show the Vantage site, the Spectrum site and Village site and the downtown area. That’s all it will be.

Mrs. Amitai asked for a copy of it. Mr. Hakim said absolutely. They went through a lengthy struggle with Bergen County Planning to get the parcel mapping for Closter. They do have it now, but that is why the mapping is not completed. There is nothing controversial about the maps.

Mrs. Amitai knows they talked about legalizing two-family houses with the possibility of using part of the two-family houses as a COAH credit. She asked Mr. Hakim to confirm if that should be mentioned in the plan or is that part of the marketing strategy that comes later. Mr. Hakim said they discussed it at the Planning Board level as a potential component of the Fair Share Plan; and it was decided that would be a secondary methodology, should we need additional methodologies. We mentioned another project; these would be projects we would use later in the event some of our challenges are not successful. For example, our challenge to get our second round obligation accepted through the existing Spectrum development. Should that not occur we may need to go to

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other options. The Planning Board had sufficient methods of accommodating the Affordable Housing obligation as the plan stands today.

Mrs. Amitai voiced her understanding that she knew we had enough credits garnered. She just wasn't sure it was in the town's best interest, overall. Mr. Hakim advised that was the determination of the Planning Board.

Donald Schmidt, 162 Closter Dock Rd, wanted to know when the Planning Board Resolution would be ready for the public. Mayor Heymann advised any time.

Jack Kelly asked if it is his understanding that the two-family is out. Mayor Heymann advised he doesn't understand it. It is a matter of timing and methodology answered.

Mr. Hakim was certain that we had that document in plenty of time; so, obviously there was a crossing of electronic wires somewhere. Before he leaves this evening he would like our marked up copy and he will make the changes the Planning Board has requested and mail directly to her. As soon as the map is ready he will provide it. In the event that we are going to prepare a draft Resolution for adoption on November 24th he asks that it includes all three items that he requested earlier. Number 1: Endorses the action of the Planning Board. Number 2: Authorizes the attorney to take memorandum regarding part of the Fair Share Plan which identifies the types of changes needed to be made to the Fair Share Ordinances that authorize the Borough Attorney to prepare the draft Ordinance for submission to COAH. Number 3: Authorize the submission of the Fair Share Plan to COAH by deadline date of 12/31/08.

Mayor Heymann reassured Mr. Hakim that it will and she would give it to him.

24. RESOLUTION APPROVING ESTIMATE #2 AND FINAL, AND CHANGE ORDER #1 AND FINAL IN THE AMOUNT OF \$20,329.92 SUBMITTED BY 4 CLEAN UP, INC. FOR WEST STREET IMPROVEMENTS – SECTION 3; TOGETHER WITH 2-YEAR MAINTENANCE BOND #A13514M FOR 15% OF THE FINAL AMOUNT TOTALING \$20,665.00 (Received from Acting Administrator/Treasurer 11/6/08)

Borough Engineer explained as follows: This was the West Street project, West Street Section 3. The project was finalized. The original amount of the contract was in the amount of \$150,048 dollars. The final change order was in the amount of negative \$12,000 approximately, bringing the contract in under \$140,000 dollars. The \$20,000 noted in the actual agenda is the amount of last estimate certificated. The actual change order was in the amount of negative \$12,000. The change order reduction was due to the fact that the police were not utilized in the project so much.

Mayor Heymann asked if that would go to offset the sidewalk fund. Mr. DeNicola advised it will go to offset inspection cost to the Borough.

Motion of approval was made by Councilman Glidden, seconded by Councilman Hennessey and declared carried by Mayor Heymann upon the affirmative vote of Council- persons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

Mayor Heymann advised that prior to going into Closed Session she asked for any comments from the public.

31. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
a. CONTINUED DISCUSSION RE PARKING SPACE FEE (Requested by Mayor 1/18/08) RM 9/10/08
b. CLOSED SESSION REGARDING THE FOLLOWING MATTER: DISCUSSION PERTAINING TO PERSONNEL ORDINANCE AND MANUAL CHANGES (Requested by Borough Attorney 9/3/08; Adjourned from RM 9/10/08, RM 9/24/08, RM 10/6/08; 10/22/08)
32. DISCUSSION OF PUBLIC COMMENTS OR ANY OTHER TIMELY MATTER, IF APPROPRIATE

Michael Kafer, 261 Parsells Lane, referred to what he termed as the "Alpine Relief Act" which is the welfare they give to Alpine to subsidize their use of our sewer system. The way they pay for

CLOSTER MAYOR AND COUNCIL

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

it is fair or uniform because what they do is they take the total sewer charge of what the BCUA charges along with all the ancillary charges and put it all in the general budget and it gets allocated to home owners according to their tax rate and assessed value. So, a person who has seven people in the house and flushes the toilet all day long that is assessed at \$500,000 they would pay one fourth of the tax rate of the sewer charge as someone who is a senior citizen living by himself in a 2 million dollar house one that's worth 4 times as much. It's not uniform when we deal with folks in Alpine of roughly 12 homes that pump into our sewer system. We charge them a flat rate of \$400 a house. Mayor Heymann said no. Mr. Kafer said that was what was quoted to him. Mr. DiStefano will look into it. Mr. Kafer continued saying that \$400 would be an evaluation of about 1.5 million but said there are very few homes on the Alpine side that sell for under \$1.5 million so in essence we are subsidizing them. A fair solution would be to charge according to usage which is a system used across the country. Other municipalities essentially go by the water bills and charge in relation to how much water it uses. He believes this would be fair and equitable rather than people paying more than their fair share. It goes into the tax system which has to be uniform, fair and equitable. In the 2009 budget year he wants to see a fairer and equitable method for billing the sewers.

Mayor Heymann agreed with Mr. Kafer. Unfortunately we have a contract with Alpine that calls for a flat fee, which can be adjusted. Unless the contract is renegotiated, we can't change the methodology, but can increase the flat rate. But, we can't change the methodology.

Mr. Kafer said if we can't go by flow or water charge to at least go by assessed evaluation since that is how we are charging everyone in the town. Everyone is paying by assessed valuation.

Mayor Heymann said that we can't change the contract. Mr. Kafer said she drafted the contract. Mayor Heymann advised that she did not. The contract calls for a flat rate.

Mrs. Amitai inquired when the contract would be up. Mr. Kafer inquired as well.

Mr. DiStefano will look into that as well. Mayor Heymann is unhappy, but a contract is a contract.

Mr. Kafer asked that we charge them for the ancillary charges too such as the maintenance. He questioned how often men are sent out to clean out the lines, and the capital pieces such as the sewer machine are used. Mayor Heymann said we are increasing the rate considerably.

Hugh Johnson, 107 Demarest Avenue, questioned the status of the vacant school, Village School. He read about a year ago that Mr. Watkins was going to attempt to convert it to senior housing but has heard nothing since. Mayor Heymann advised that for 2 years plans have been brought to the Zoning Board to convert the school to plus 55 senior housing. The plans have been approved but are on hold because of a financing issue. Mr. Johnson questioned how much longer it would take. Mayor Heymann said she had no idea. Mr. Glidden said not anytime soon in this market. Mr. Johnson asked if we are still getting ratables out of it. Deputy Tax Collector confirmed that it is being taxed.

Diane Larsen, asked if it was true that the Board of Education was going to sell that building to the Borough for \$1.00 and we turned it down. Mayor Heymann said that it was absolutely not true and immaterial and this point. It has never been proven that the Board of Education ever owned the building. The documents are too old to prove anything one way or the other.

Steve Isaacson, 97 Columbus Avenue, was curious about what ever happened after the trees were cut down at the cemetery and if any action was taken. Mayor Heymann said she is not sure, but will check into it. Mr. Isaacson also wanted to know in regards to renting out Borough property if we could incorporate into our leases, let's say to Tenakill Middle School where the football team practices there and we've spent a lot of money putting sod down, why can't it be that if the Borough is to allow any organization to use our property that they have to leave it in the same condition or better. It would no longer make it the burden of the tax payers to maintain the fields; it's the burden of those who rent it. Mayor Heymann advised that no one rents at Tenakill Middle School except the school. Mr. Isaacson said that the football team practices there for 2 or 3 months. He said it's not the school kids who eat up that field. If organized sports are ripping up the field, they should be responsible for restoring it, not for us to have to. We spent \$60,000 to rehab that field that should be something that the sports organizations pay for not the tax payers. Mayor Heymann informed she will check into it.

At 9:20 p.m. Motion approving the following Resolution was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative

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vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

- 26c. OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12 (b)7), “Pending or anticipated litigation or contract negotiations” and N.J.S.A. 10:4-12 (b)(8), “A matter involving public employees” and finance; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the matters which should be within 12 weeks.

Mayor Heymann resumed the Regular Meeting at 10:37 p.m.

Motion to adjourn the Work Session to November 22, 2008 was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Mayor Heymann made congratulated our Borough Attorney for obtaining the money coming to us from the state for Blanch Avenue. We finally received a check in the amount of \$265,000.

Mayor Heymann also advised that we have an intern from Bergen Community College whose salary is being paid with federal funds and an 8th grade aide helping the Land Use Office 3 days a week after school at no cost to the Borough.

Donald Schmidt informed he stayed to discuss something under the Web Site. He said we do not get minutes out or agendas out. Mayor Heymann explained she discussed the problem earlier in the meeting. He explained that he waited to discuss this under John DiStefano’s Report .in the Work Session. Mr. DiStefano advised that it goes back to what the Mayor said earlier. Mr. Schmidt realizes there have been a lot of changes going on in the Borough but reminded that the Department Heads should know that a lot of people look at it. He will be away for 4 months but would like to be apprised of what is going on in the Borough. Mayor Heymann pledged that we will continue to improve it; explained that there are errors and many omissions but it is a work in progress. He noted that the Mayor and Council have two sites. It should not be in two places. He spoke to John about several items and is hoping that they will be done. He reminded them that this is his town and he would like to keep current.

33. ADJOURN

Motion to adjourn the Regular Meeting at 10:42 p.m. was made by Councilman Glidden seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
December 4, 2008 for approval at the
Regular Meeting to be held Monday,
December 10, 2008

Loretta Castano, RMC
Borough Clerk

Prepared by Jennifer Moretti,
Deputy Borough Clerk, utilizing
recording and Borough Clerk’s
notes

Approved at the Regular Meeting held 12/10/08
Consent Agenda Item No. 35

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – WEDNESDAY, NOVEMBER 12, 2008 - 7:30 P.M.

Mayor Heymann convened the Work Session at 9:25 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

Chief of Police, David Berrian

Zoning Board Secretary, Paul Demarest

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

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

3. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE 28 FOURTH STREET, BLOCK 17 AND 18 – Mr. Rogan reported that, at this point, the current home owner is using David Watkins, who was the Attorney for the prior owner, in order to go forward with the subdivision. It is his understanding that they are working on a minor subdivision application and are in the process of getting a survey. Once that is done, they will be appearing before the Planning Board for a minor subdivision. Things will finally resolve themselves with that.

2) REPORT RE RESULTS OF RFQ RECEIVED BY BOROUGH CLERK ON 11/6/08 @ 10:00 A.M. FOR POSITIONS IN THE BOROUGH OF CLOSTER, COUNTY OF BERGEN: PUBLIC HEALTH ADMINISTRATION, ENVIRONMENTAL HEALTH SERVICES – Mr. Rogan reported that we only received one RFQ. Borough Clerk confirmed that only one RFQ was received.

3) REPORT – Mr. Rogan advised he has no other issues to discuss. He has two matters which will be discussed during the closed session: One pertains to the P.B.A. arbitration, which was held today, and another involving a pending law suit.

Mr. Rogan also reported that on the Flamm property, they did receive the updated or second phase of the environmental report. There are no major developments. The next step would be to schedule a closing

B. BOROUGH ENGINEER

1) REPORT – Mr. DeNicola reported that the Borough received a grant from the

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WORK SESSION – WEDNESDAY, NOVEMBER 12, 2008 - 7:30 P.M.

3. PROFESSIONAL REPORTS (continued)

B. BOROUGH ENGINEER (continued)

NJDOT for this year's Local Aid Program. The amount for West Street is \$150,000. He gave the Borough Administrator a proposal for that work. Mr. DeNicola explained that usually the Borough does that early on so that we can get an early bid in the Spring. The earlier we get it done, the better bids we get since they do a lot of their work first thing in the Spring. The second item is finalizing the road program. Mr. DeNicola explained as follows: as you may recall, we did extra work on Ruckman Road, we resurfaced it from the D.P.W. down to Homans Avenue. There was an issue with some ponding on the southerly curb line. In talking with D.P.W and former Fire Chief, Tom Reinecke, because the way the road was constructed there has always been a ponding problem. In order to eliminate the ponding problem, which is somewhat minor but a nuisance, we would have to reconstruct the road and change the slope of the road or install drainage both of which can get rather expensive. In talking with the Mayor and the other two individuals, they explained they can live with the way it is. That job has been finalized. The Borough Administrator will release final payment which will be tomorrow and that will be done.

4. REPORTS

A. ACTING BOROUGH ADMINISTRATOR

- 1) STATUS REPORT RE 2008 MUNICIPAL BUDGET (Introduced at SM 03/19/08; Public Hearing RM 04/23/08/Adjourned to RM 5/28/08/Adjourned to RM 7/9/08/ Adjourned to RM 7/23/08/ Adjourned to RM 8/13/08)/ Adjourned to RM 8/27 – Adopted, As Amended RM 9/10/08 – Mr. DiStefano advised this can be removed.
- 2) REPORT RE PREPARATIONS FOR 2009 MUNICIPAL BUDGET- Mr. DiStefano is expecting departmental and commission budgets to come in at any time. Then we will be able to schedule some finance meetings during the months of December and January.
- 3) STATUS REPORT RE BOROUGH WEBSITE – A work in progress which continues to be worked on and updated by departments and commissions.
- 4) REPORT RE CONTACT WITH FILE BANK FOR STORAGE OF RECORDS (Requested by John DiStefano at WS 10/6/08) – Mr. DiStefano informed as follows: while down at the League Conference he and the Borough Clerk met with File Bank; they are an organization for storage of records and are also bonded for destruction of records and off-site data storage; we contracted with them to begin getting all our boxes of information that we have in the basement and in the building off premises; they have a bonded warehouse used across the State and feel very comfortable using them. He thanked the Borough Clerk for as he termed it “lighting a fire under them”.
- 5) STATUS REPORT RE INSURANCE ITEM(S) FOR FOLLOW UP:
 - a. INSTALLATION OF SIGN FOR “PARKING ONLY ON SUNDAY FROM 9 A.M. TO 3 P.M.” ON HARRINGTON AVENUE IN FRONT OF THE NEW LIFE CHURCH OF NEW JERSEY (10. M.L. 7/3/08) – removed by Mr. DiStefano who informed it was discussed with Chief Berrian

CLOSTER MAYOR AND COUNCIL
WORK SESSION – WEDNESDAY, NOVEMBER 12, 2008 - 7:30 P.M.

4. REPORTS (continued)

A. ACTING BOROUGH ADMINISTRATOR

- 6) STATUS REPORT RE SCHEDULED MEETING ROOM CHANGES AS OF 10/3/08 – removed by Mr. DiStefano.
- 7) REPORT RE FOLLOW UP OF CONTRACT RE ONE (1) TRIPLE COMBINATION PUMPER OR EQUAL RECEIVED FROM PIERCE MANUFACTURING, INC. IN THE AMOUNT OF \$458,818.00 (Awarded RM 10/22/08) – Mr. DiStefano reported that the pumper has been done. The pumper has been encumbered and the purchase order is off to Pierce.
- 8) REPORT – Mr. DiStefano advised that one thing that attendance at the League Seminars that he and the Borough Clerk attended were they pounded on OPRA and e-mails. He informed that next week, all of the Council will be given Borough e-mails to be used. They are e-mail addresses with instructions on how to access them. That will be their form of communication from an e-mail perspective. The Council has said and wants to be ensured that their own private records are not touched in any way, shape, or form. They will be given information next week from Kevin Whitney with their e-mail addresses and how to access it. It will come off the internet.

At this time, Mayor Heymann explained she wanted to emphasize that e-mail is considered just like letters; and, therefore, become documents which are open to the public. Telephone calls are not in that category. Telephone calls can still be used for private business. She implored that any e-mail that refers to anything in the Borough, please, for your own protection, use the Borough e-mail address.

Mrs. Amitai informed they stressed that our e-mail address should be our job, not our name. It should be for example: Councilwoman@Closterboro.com, and the subject we should have a filing system. So if we should be litigated in the future, we would be able to retrieve those files and to not cost the Borough a ton of money to try to retrieve them. The point she came home with was that the e-mail would be the job, not the person, because the players will change. She may not be here in three years but the subject matter might be. Dr. Barad advised that if the public is e-mailing, you can't tell them what to put on the subject line. If this is regarding the Building Department, please reference the Building Department. E-mails are searchable. OPRA request for e-mail will be easier if it is in this format. Borough Clerk said, hopefully, there will be rules established for approval to destroy because that can add up.

Mayor Heymann advised the OPRA Resolution that was authorized for the League of Municipalities to pass as one of their resolutions for 2009 was passed. Therefore, the changes in OPRA are on the agenda for the League of Municipalities. The changes will focus on paying us appropriately for the time it takes to fill requests.

CLOSTER MAYOR AND COUNCIL
WORK SESSION – WEDNESDAY, NOVEMBER 12, 2008 - 7:30 P.M.

4. REPORTS (continued)

B. BOROUGH CLERK

1) STATUS REPORT RE 2008 APPOINTMENTS/PREPARATIONS FOR 2009-
Borough Clerk explained we are trying to stay as current as possible with 2008 appointments.

As to 2009 Appointments, a memo was sent to all Borough Boards, Commissions and Departments on 11/5/08 for response by 11/28/08 to assist the Borough Clerk's office in preparing for the Appointments list for the Reorganization Meeting to be held in January 2009.

2) STATUS REPORT RE 2008 OATHS OF OFFICE/PREPARATIONS FOR 2009-
Current.

3) STATUS REPORT RE 2008 LICENSES/PREPARATIONS FOR 2009 – 2008
Ms. Castano informed that , hopefully, the last of the 13 liquor license renewals can be finalized. It should have been finalized in July but we are attempting to do so at the end on November. Ms. Castano informed having sent a notice to Chief Berrian for inspection for the 2009 Licenses for the Borough for a response; and she will check with the Chief to see if we have that so her office can send letters indicating the fees for all of the licensees in the Borough.

4) STATUS REPORT RE 2008 MEETING DATES/PREPARATIONS FOR 2009 -
Ms. Castano explained she is aware that there was a discussion and possibility about the reorganization meeting date. She sent out a memo to all the Borough Boards, Departments and Commissions on 10/22/08 for response by Friday, 12/5/08. She knows they wanted to combine this with the calendar but she still has not received complete responses from all the Borough Boards and Commissions. The purpose of her doing that is that in accordance with the Open Public Meetings Act, she has to publish in two newspapers all of the meeting dates and times of the Boroughs Boards and Commissions for 2009. In this way, each and every Commission, Board, and Department is protected so that if they have a meeting, it has to be substantiated that the meeting date was set at the beginning of the year in January. It is done for all the Borough Boards and Commissions and it's going to take some time to compile it. She is not sure how to coordinate it with the calendar except to place an explanation on the calendar informing that they are to check the website for meeting dates, times and places. Ms. Castano added that we also do not know where people are going to be meeting. We have the Senior Center; and, hopefully, the Library will be utilized as well. Mayor Heymann advised she doesn't think they'll need to and advised everything is working out alright with the Senior Center. Mrs. Amitai asked if she would like them to remind each of their committees. The Borough Clerk advised that they have already been sent memos which is something that is done on an annual basis. The memo was sent, and the deadline was set for return to her. She agreed to attempt to inform each Councilperson if she sees that we are getting close and she hasn't heard from a specific Board or Commission.

1) REPORT RE GENERAL ELECTION HELD TUESDAY, 11/4/08, FROM 6
A.M. TO 8 P.M. – The results came in. As of now, we have Council/Elect Barad and Kashwick. She congratulated both adding that they are an asset to the Council.

2) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – current
with return of FDS of Tom Reinecke as a member of the Board of Ethics.

CLOSTER MAYOR AND COUNCIL
WORK SESSION – WEDNESDAY, NOVEMBER 12, 2008 - 7:30 P.M.

4. REPORTS (continued)

C. BOROUGH CLERK (Continued)

- 1) STATUS REPORT RE FINAL ARRANGEMENTS FOR 93RD ANNUAL LEAGUE CONFERENCE TO BE HELD IN A.C. FROM 11/17/08 TO 11/21/08

Ms. Castano informed that this was a very interesting conference. The common theme was that we are all doing more with less. It was interesting to hear about the e-mails and it was an eye opener for all. Dealing with destruction of records, she informed there are certain documents that are permanent records but there are many items we can list and send for approval to destroy. The problem is the length of time it takes to compile the list for the approval from the Division of Archives and Records Management.

D. CHIEF OF POLICE

- 1) REPORT – No report.

E. MAYOR

Mayor Heymann informed she would only report on the changes as follows:

- 1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS:
 - a. GRANTS FILED – Mayor Heymann had nothing new to report.
 - 1) FY 2007 NATIONAL TRAIL RECREATION GRANT - \$25,000 - \$10,000 MATCH FOR TRAIL MAINTENANCE (Extension requested?)
 - 2) GREEN COMMUNITIES 2008 APPLICATION FOR \$4,500 WITH A MATCHING SUM FROM CLOSTER IN THE AMOUNT OF \$1500 (Requested by Mayor Heymann 11/7/07)
 - 3) COMMUNITY DEVELOPMENT GRANT OF ~~\$140,000~~ \$205,000.00 FOR A.D. ACCESSIBLE BATHROOMS IN TWO PUBLIC PARKS (SHAUBLE AND MOLLICONE) RM 9/24/08 - Mayor requested at WS 10/6/08 that this addition be made to her Report in the amount of \$210,000
 - b. GRANTS AWARDED – Mayor Heymann advised that we are finally getting the \$265,000 dollars that was coming to the Borough for the Blanch Avenue properties that we have been trying to get for better than 3 years. She explained they actually offered us more money than we had coming to us. They made a mistake in their calculations after all that time. It is almost twice as much as we were entitled. This money had originally been given to us to purchase the Brooks Farm and there was a large sum we are still drawing against and there's still money left in that kitty.
 - 1) BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND & HISTORIC PRESERVATION TRUST FUND; DUE 7/7/06; FILED BY COUNCILMAN KASHWICK - 50% LOCAL MATCH REQUIRED?- ACQUISITION OF FLAMM PROPERTY END OF RUCKMAN ROAD/HOMANS AVENUE- \$500,000 AWARDED 7/11/07 FOR BLOCK 1308, LOTS 3 AND 4, 37 HOMANS AVENUE (8.M.L.7/26/07)

CLOSTER MAYOR AND COUNCIL
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4. REPORTS (continued)

E. MAYOR

- 2) BERGEN COUNTY OPEN SPACE TRUST FUND - 2004 FUNDING ROUND FOR MUNICIPAL PARK IMPROVEMENT AND LAND ACQUISITION PROGRAM (50% local match); APPLICATION DEADLINE: 10/29/04 (8.M.L.8/26/04) (~~\$190,000.00~~ \$120,000.00 for Recreational Trails Program/RM10/27/04 - \$120,000 Recommended Award - County Public Hearing 5/26/05)
- 3) NATIONAL TRAILS RECREATION PROGRAM - \$25,000 (local match of \$10,000 required) filed 12/15/05
- 4) (DCA) DOMESTIC VIOLENCE TRAINING REIMBURSEMENT GRANT FOR SWORN OFFICERS \$1,411.92 Awarded/ rec'd 9. M.L. 5/24/07)
- 5) ANJEC GRANT - \$20,000 requested/\$6,000 received
- 6) 2008 NJDOT MUNICIPAL AID PROGRAM FOR WEST STREET (SECTION 3) \$150,000 awarded (5. M.L. 12/27/07)
- 7) HAZARDOUS DISCHARGE SITE REMEDIATION FUND APPLICATION (Requested by Mayor Heymann 11/7/07) – At the WS of 03/12/08, Mayor Heymann reported that \$6,600 was awarded for this grant. – 12. ML 03/06/08
- 8) FY2008 ENHANCED 9-1-1 GENERAL ASSISTANCE GRANT- \$28,019.00 awarded (5. M.L. 04/24/08)
- 9) SUPER VALUE, INC./PUBLIC ENTITY GRANT - \$6,600.00 awarded for Hazardous Discharge Site Remediation – 121 Schraalenburgh Road, Block 502 Lot 3 (14. M.L. 7/3/08)
- 10) PROJECT GRANT APPLICATION RE BERGEN COUNTY OPEN SPACE TRUST FUND/\$68,100.00 FOR IMPROVEMENTS TO BOROUGH PARKS IN THE MUNICIPALITY OF CLOSTER; CASH-FOR-CASH MATCH – Approved RM 6/25/08 (Requested by Mayor 7/2/08) – \$68,100 awarded; Mayor reported at WS 9/10/08
- 11) RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT AWARD \$10,000 (for all persons with varying disabilities in the NVRS District (7. M.L. 9/11/08)

c. GRANTS TO BE FILED

- 1) GRANT APPLICATION IN THE AMOUNT OF APPROXIMATELY \$10,000.00 TO CARRY OUT A PROJECT TO ENHANCE PROGRAMS OF THE CLOSTER RECREATION COMMISSION CHALLENGER PROGRAMS A RECREATION PROGRAM FOR INDIVIDUALS WITH DISABILITIES (R.M. 7/9/08) – Mayor advised that this is the same as Item No. 11 under “Grants Awarded” and needs to be removed.
- 2) STATUS REPORT RE QUIET ZONES (Requested by Mayor Heymann 6/19/08 (Discussion held at WS 6/25/08, 7/9/08) Moved from Engineer’s Report 8/13/08)

The Borough of Norwood and the Borough of Closter put aside money for a joint investigation into the possibility of amending the present rail notification system. The Borough of Harrington Park, which started this ball rolling, reneged completely claiming their residents are not interested in pursuing this. It is an idle issue and not sure we can do anything about it. Mayor asked that this also be removed.

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4. REPORTS (continued)

E. MAYOR

3) REPORT RE RESOLUTION CALLING FOR CHANGES TO OPRA FOR NJS LEAGUE OF MUNICIPALITIES (Discussed at 8/27/08)- Mayor Heymann informed having already reported on this.

4) REPORT – The Mayor informed that we have two new interns at the Borough: one from Bergen County Community College who is graduating in December. She will continue on to Montclair State. She is working out very nicely in the Accounting Office. She is an Accounting major and will be here through December and is being funded by the Federal Government costing the Borough absolutely nothing. After December, we will have to pay her a minimal hourly wage.

Mayor Heymann also advised that we also have an intern in the Land Use Office. She is an 8th grader at Tenakill School who wanted to develop community credits. Paul Demarest reported she is doing wonderfully. Mrs. Amitai asked again if this was a Child Labor Law issue and if she works all alone. The Mayor advised no; she came in with her mother

At this time, Mr. Kashwick asked if there has been a decision on the date of the reorganization meeting. Mayor Heymann thought that there had. He asked the Borough Clerk if we have to vote on this. She said she can put it on the meeting agenda of 12/10/08.

5. OLD BUSINESS

6. NEW BUSINESS

a. KIDDIE SOCCER (Requested by Mayor 7/3/08 – Discussed at WS 7/23/08) – Mayor Heymann asked the Recreation Commission to develop standards that we could use uniformly although each issue would be discussed individually we need uniform standards. She asked Mr. Glidden to remind them to do that. The Mayor advised that goes together with the use of Borough parks.

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

At this time, Mrs. Amitai informed we should have some kind of explanation on the web site concerning the letter regarding the reassessment. Mayor Heymann advised she answered all the questions. Mrs. Amitai encouraged that there should be something that explains the letter. The Mayor informed she will send the answer she gave to all the people who sent her the e-mails. She explained what our obligations were and what we went through regarding the need for assessment. She will send it to all and check it out if there are any corrections. Then they will put it on the web site. Mrs. Amitai asked if we should include that most likely their taxes will not go down. Mayor Heymann explained that when income goes down and expenses go up, something has to be done.

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

8. OPEN MEETING TO THE PUBLIC

Hugh Johnson asked where the former Mayor's pictures have gone. He was advised they are being framed. He noted that while she was at the League Conference, he realized we received a

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WORK SESSION – WEDNESDAY, NOVEMBER 12, 2008 - 7:30 P.M.

sizeable donation for the food drive - cases of food that stayed there 4 days unsecured. He mentioned it to Cindy, the Desk Dispatcher on duty. He advised her it is there for the taking; not in storage; no one had the key. He expressed his opinion that we need to take preventive measures that when we receive items, they go into the locker.

Mayor Heymann advised the key is available to several Borough employees. Mr. Johnson said Cindy said she would look into it. Mayor Heymann advised that Vi Caputo and Leslie Weatherly have the key. Dolores Lenander also has the key. She informed that this afternoon the Borough prepared full Thanksgiving baskets for all the families. At the Thanksgiving Service at Temple Beth El they offered the Borough additional food. She also found out that the AME Church has a food locker and 18 bags of food were going to the AME Church.

Mr. Johnson reported that on the Today Show they said although we are having rough financial times; the outpouring of donations has been astronomical.

Mr. Johnson informed as follows: we have an unofficial web site in the town and have a Borough official who is part of the unofficial web site; he has libeled and slandered him; he was likened to a cicada on the site, which he found amusing; he doesn't think it's amusing that he's referred to as Wild Blue is the Construction Official; he is on his case; he now has changed his handle to RU Moron; he described him as a megalomaniac and dangerous two weeks ago; this past week he insinuated that he came from a mental facility and wears mental facility garb; you should talk to him; control him; he is a public official under your jurisdiction; he thinks, to put it mildly, it's inappropriate and ignorant and stupid. Mayor Heymann explained we have no control over the unofficial web site. She has been libeled more seriously than he has on this site. It is a private enterprise and the laws of the land allow free speech.

Jesse Rosenblum, 65 Knickerbocker Road, asked that after the appraisal company finishes their current job, will all assessed values drop to reflect the market? Mayor Heymann said they are not all going to drop. Mr. Rosenblum voiced his understanding that most of them should drop. Mayor Heymann said they should drop to reflect the current market. One of the issues with the appraisers was that at the time the appraisal was taken, commercial properties were appraised for less than the relationship to the residential properties; and, hopefully, it will take care of that.

Mr. Rosenblum explained he is only concerned with the residential saying they will probably drop.

Victoria Amitai informed having picked up a brochure. It is the introduction to the Ft. Lee Police Department. In it there is a message from chief, patrol division, detective bureau, and contact information. She explained that for as long as she lives in this town, she does not know the police officers. She asked whether we could do something like that on our Police Department calendar - possibly a photograph of the whole staff. Mayor Heymann advised we have referenced the Police Department on the calendar with quite a bit of information, but no photographs. It is just a page. Mayor Heymann informed she would like to look at it. Mr. Glidden did advise that we have a budget problem right now and it will cost money to make.

Jesse Rosenblum, 65 Knickerbocker, suggested that we have an invite a cop to dinner.

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

No one wished to be heard.

CLOSTER MAYOR AND COUNCIL
WORK SESSION – WEDNESDAY, NOVEMBER 12, 2008 - 7:30 P.M.

10. ADJOURNMENT

Motion to adjourn the Work Session at 9:55 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Mayor Heymann advised that in the Closed Session they will discuss a collective bargaining agreement, pending or anticipated litigation or contract negotiation and a matter involving public employees.

Provided to the Mayor and Council
on December 9, 2008 for approval at
the Regular Meeting to be held
December 10, 2008

Loretta Castano, RMC
Borough Clerk

Prepared by Jennifer Moretti
utilizing recording and
Borough Clerk's notes

Approved at the Regular Meeting held 12/10/08
Consent Agenda Item No. 36a.