

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MONDAY, NOVEMBER 24, 2008 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Monday, November 24, 2008. Mayor Heymann called the meeting to order at 7:32 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. OPEN PUBLIC MEETINGS ACT STATEMENT

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

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

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

David Barad (7:36 p.m.), Cynthia L. Tutoli, Victoria 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

Mayor Heymann read a proclamation from President George W. Bush declaring Thanksgiving Day 2008.

At this time, Mayor Heymann asked Acting Administrator, John DiStefano, to address the Corrective Action Plan since there was an article in The Record today.

Mr. DiStefano explained he would like to review in detail the Audit findings of 2007. He will go down the list of what the Auditor's recommendations are and entertain any questions.

1. **“Internal controls regarding the preparation of the Borough’s general ledgers and financial reports be reviewed to ensure that general ledgers for all Borough funds are complete and reconciled with the subsidiary ledgers on a monthly basis”**. Mr. DiStefano advised that this has been done since the beginning of this current year. It was done for the Current Fund prior to that and the Capital Fund. It was not done for Trust Accounts because they were not in a condition to have a General Ledger attached to them because of the nature of the software. That has all been adjusted. As of January, we have beginning balances for Trust Accounts which allows us to reconcile those individual Trust Accounts the way we reconcile the Current and Capital Funds.

2. **“The encumbrance system be enhanced to ensure that purchase orders are issued prior to incurring expenditures”**. Mr. DiStefano explained that up until a few years ago purchase orders were done manually and sent down to the Finance Office. A few years ago, we installed an automated requisition system. That system has a series of controls. It logs the individual order and allows the Department Head to review and approve the order prior coming to the Finance Office. All encumbrances to the Budget are put into the requisition system; and once approved by the Finance Office, affect the Budget. An individual Department cannot expend monies above their Budget. Mr. DiStefano said he is the only one who can authorize within the system any override. Any override must be explained to the Auditors. It can't be done off the top of his head on a whim. It is all accounted for and adjusted.

3. **“A review of the various Other Trust Fund miscellaneous reserve accounts be made to classify the deposits to their respective accounts and furthermore determine if the accounts require dedication by rider resolutions in accordance with N.J.S.A. 40A:4-39”**. Mr. DiStefano explained we have a number of trust accounts open for many years that were never sent down to the Division of Local Government Services for approval for a Dedication by Rider. It must be approved by the DLGS. It is a clean up of past Trust Accounts. That has already been done. In fact, they closed down two accounts and consolidated three others. They are going to

be putting in a Dedication by Rider for one more.

**4. “Documentation pertaining to state contracts be attached to the respective purchase order”.** Mr. DiStefano explained this was something also asked for last year. What they did was try and get all the state contracts and put them into a binder so that at the end of the year, when the audit is done, they would be able to reference them. The Auditor would like the State Contract attached to the physical purchase order. It is very onerous. There is no State regulation as far as Mr. DiStefano knows. The Auditors just want it for their internal control. We are accommodating them.

**5. “The vendor history report be reconciled on a periodic basis with the Borough’s check registers”** Mr. DiStefano explained that up until recently, an error in the way it represented wires which threw off the overall total accounts. That has been adjusted by the software vendor. The Vendor History Report is now run on a monthly basis. It reconciles directly to all the check registers.

**6. “Internal control procedures relating to purchasing and accounts payable to be reviewed and enhanced”.** Mr. DiStefano explained that what they found last year due to the transition that there were things that were misfiled. There were Purchase Orders that were misfiled. When the Auditors were here we had a hard time finding them. Later, all of those things were found and everything has been reconciled. We put in, from the beginning of the year, specific controls that at the end of every month we go back and we verify every single purchase order just to make sure that everything that needs to be on there is on there. That has been going on for many, many months and has been resolved.

**7. “Master/blanket orders be issued for monthly recurring expenditures”.** Mr. DiStefano explained we issue Master Blanket Orders for everything recurring except for one item and that is the New Jersey State Health Benefits Program. The reason why we don’t is because the system has a very specific level in the way it handles wires. It is the one recurring purchase order that is not paid by check. It is paid by a wire. When we implement the information into the purchase order to specify that it is a wire, the purchase order does strange things. So, we put in an individual purchase order for each month. He will have the software vendor make the correction so we won’t have to put in that specific purchase order on a monthly basis. This will, hopefully, be corrected by the end of the year.

**8. “Continued efforts be made to enhance the internal controls of the Recreation Department”.** Mr. DiStefano advised that this item has been looked at; and it has been addressed and fixed since the beginning of the year.

All deposits are made on a timely basis according to State statute. All purchasing is done on a timely basis with the appropriate authority signing off on every single purchase. Mr. DiStefano explained that number eight we feel will be removed from next year’s audit. He said we have addressed this and are confident that we have addressed all the issues of the Auditors.

**9.”Purchases made through State contract vendors be approved by the governing body and included in the official minutes”.** Mr. DiStefano advised that this is something that we will do. The Auditors have asked for a list of all the State Contract Vendors that we deal with to be placed on a Resolution for the Governing Body’s attention and approval. Mr. DiStefano advised that will be done on the meeting of December 10<sup>th</sup>.

**10. “Fixed asset ledgers be reconciled and in agreement with the audit balances”.** Mr. DiStefano explained that this issue was brought up last year for the first time. The Auditors wanted them to put physical buildings that the Borough owns (i.e. Borough Hall, D.P.W.) on the listing. They put those on. Mr. DiStefano happened to use the insurance number with the full contents of the building. The Auditors have come back and advised him that they don’t want the number with the full contents of the building, just the physical building. That has been adjusted and done already.

**11. “The Borough solicit public bids for purchases which in the aggregate will exceed the public bid threshold”.** Mr. DiStefano explained that during the course of the year, we purchase many goods from specific vendors. Anything that is in excess of \$4,350 by State mandate must go out for a quote; go out for bids. They do that consistently and even go out when sums are less than that. Mr. DiStefano advised that because he is a QPA, he cannot go over \$29,000 in aggregate. From January to December, we have many vendors that are paid out of trusts, paid out of capital. Anything over \$29,000 in aggregate has to be put out to bid. It is egregious, but it is a State Law. It will be monitored on a monthly basis to ensure that we do not go over the \$29,000.

The last piece that is in this year’s recommendation is that we begin adjusting journal entries on a monthly basis. This was always done by the auditors at the end of the year. In talking to them they feel confident that we should be able to do those on a monthly basis. The Auditors will review that at the end of the year. Any adjustments that they need to make they can. We will be taking care of those. Mr. DiStefano feels we are in good shape on our books and we will be able to take care of this as we have done so in the past.

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Mayor Heymann wanted to add a few things and reiterate some things that are very important. She felt the article reflected poorly on our entire Borough and all of them deserve better than that. The article done was on the Audit performed in 2008 based on books that closed December 2007. This reaction is to the things that happened in the year 2007. None of the concerns express anything in 2008. What happened in 2008 and the auditors were aware of it. Most of their concerns had been remedied by the time the auditors went through our books for 2007. It is the custom of Auditors to enter recommendations. They will never say it's perfect. The Mayor invited anyone to look at the recommendations in years past. Each year the recommendations become more specific in the narrow sense. We always try to accommodate the Auditors to the best of our ability.

The Mayor reiterated that the items picked up by The Record this morning were based on 2007 recommendations which have been remedied through 2008. If there are any questions, the books are open to everyone in this Borough and anyone else. You can see how we take the advice of our Auditors and improve each year. The last specific recommendation was a compliment to us because the Auditors are giving the Borough the responsibility that they have kept to themselves the year before.

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

Al McWhirr, 24 Second Street, is bothered by the statement: "They are not using the taxpayer's money wisely". He appreciates what everyone in Borough Hall does. It is a major concern. This happened in Dumont and this happened in Bergenfield. They sat there and said it is not a problem that they have it under control. Now, one guy is going to jail and another guy got run out of town. He does not think it's under control; and if it is, he wants a retraction from the Auditor. Officials failed to seek bids for projects and Borough employees made purchases without approval. What did they buy and where is it? Are we going to pay for it in our tax bill? We get a letter in the mail, in the tax bill and then we see this article. Everyone has to tighten his belt. House values are going down; and this is annoying. The Borough has to tighten its belt too. We cannot pay past discrepancies with our money. It's not just a pool of money for people to grab and use. If you choose to run for office, if you choose to volunteer, if you choose to become an employee, you have a responsibility. If you can't fulfill it, then step down.

Mayor Heymann said she will look to the Auditor to make a formal denial of some of the issues. She agreed that Bergenfield and Dumont did get into serious trouble, didn't oversee what was going on. Bergenfield did make excuses for a long time. We, in the Borough of Closter, do not behave that way. You are more than welcome to examine all of our books and to discuss this with our Auditors and the State Division of Local Municipalities. We are using our tax dollars wisely. The costs of running this Borough's operations are way below the average of the State of New Jersey, way below the average. She advised anyone is welcome to look at the books and how we save you money.

He hopes that there will be some retractions in the newspaper from the Auditor. The Mayor hopes so too.

Diane Smith, 419 Closter Dock Road, said no disrespect to Mr. DiStefano, you are an Acting Administrator; are there plans for you to become permanent? Will we have a new one appointed? Mr. Stefano said that's up to the Council. Mrs. Smith asked if he was a C.P.A. Mr. DiStefano said he is not a C.P.A. Mayor Heymann advised he is in the process of taking exams. Mrs. Smith said if we are finding this, then you are acting; and you probably inherited some of this. Do we need a C.P.A? If the article is what it is; and it has been rectified; this is a scare tactic. She reviewed other reports from the firm of Lerch, Vinci and Higgins and they are thorough. What is says here also is if there is a possibility of hiring a Chief Financial Officer. How does it go with the Administrator salary? Are we tightening our belts? Can she have some comment on that?

Mayor Heymann explained that the Borough Administrator quoted in the article from South Brunswick is not known to us and has never seen Closter to the best of her knowledge. Why he was quoted in what is happening in Closter the Mayor cannot tell you. But, she can say his experience in South Brunswick is different from that in Closter. South Brunswick is much larger and has a much larger staff. Our CFO is hired on a part time basis. We cannot afford with a Borough our size to have a CFO in addition to the rest of the salary.

Mrs. Smith asked how the gentleman fit into this article. He's from South Brunswick and just

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happens to appear. Mayor Heymann and Mr. DiStefano said it is a mystery to them. Mrs. Smith asked when this man was asked for this comment. Mr. DiStefano advised late on Friday afternoon. Mrs. Smith said it was interjected as another scare tactic. Her concern is that if we are at a point where all this is rectified and we move on, will we start seeing numbers that there was a shortfall of \$500,000 that's been rectified by budget cuts and State aid, then we are fine.

Mayor Heymann explained that a shortfall means we do not have enough money to pay our bills. The shortfall that should have been discussed in the article is the difference between the original wish list that the budget makers receive and the income they originally foresee. A process of blending and cutting the wish list and finding other sources of income come together to get a balanced budget. We have a balanced budget and we don't have a shortfall of funds.

Mrs. Smith said that everything is fine then. The article is O.K. and everything has been rectified.

Mrs. Smith then addressed that on Saturday she received this letter (from the Borough Assessor). She is not happy with it. She found out today that Mrs. Mattiace was supposed to be in the building today at 5:30 p.m. She took it upon herself 3 times to call her. She hit the loop but does not like talking to machines. From what she understands everyone in town received this letter. What bothers her is the part of the letter that says the purpose of this letter is to ensure all properties are fairly and uniformly assessed reflecting current market conditions. When they had the last assessment, they measured every part and every perimeter of her house. He was very thorough. Why are they coming back now? She has no clue why. If you are looking for people who had added on and not gotten permits, so be it. She does not like the slant of this letter. She thinks it implies things that shouldn't be. It also says that the re-assessment requires a certain number of properties need re-inspection. She said it's like pointing a finger. Why is it her street, her house, her area as opposed to another one? She does not like the phrasing of the letter. If we have a reason to site someone, so be it; that is our job. But to send a letter out here it puts the wrong idea in her mind. She felt that she was well evaluated and does not feel that she will be evaluated again. If you sent it out, we may be doing your house. It implies a bit of prejudice. What is the purpose of it? If the tax value is going down, she might be saving money. She doesn't want to hear that her taxes are going up and the taxes are going up. So what we are doing is flip flopping. What's interesting is that we have Exhibit A and Exhibit B. They are very close together. Are they canceling out each other out?

Mayor Heymann was glad she addressed this matter. The Tax Assessor operates independently of the Borough. We cannot control when she comes in; we also cannot control what action she takes. The Mayor advised that she has spent the day answering questions like hers. Other people have also had the same concerns. For those people who think we are impractical idiots going through re-assessment route instead of changing the ratio, we tried having it done. The State refused for us to do so. They said the only way we could change the values was through some physical inspection. We needed to do something because we want to protect people like you who have lived in their home for some time because, in effect, every sale/purchase that took place on a home for less dollars than the assessed value could automatically get a decrease in their assessed valuation on the purchase price. The money that was eliminated from our ratable had to be carried by somebody else. In essence not only were they getting a lower value, but you were going to eventually have to pay more to offset what they were getting. We wanted to be fair with all of our residents. The only way we could do it was by reassessing. We could not just change it on a percentage basis. It just happened that the appraiser was in the building. Mayor Heymann asked her who they would be appraising. The letter has to go to everyone by State mandate. The Appraiser told her that he was given a list of all the homes that changed hands or had major changes since the end of 2006. Those are the homes that are going to be inspected. After that, he would get another list. Right now, it is a very logical process.

Mrs. Smith said Mayor Heymann's explanation is clearer than this (letter). She had to come and ask because she was not happy with the implications. But with the explanation, she can now understand it is the right thing to do.

Jesse Rosenblum, 65 Knickerbocker Road, on the same subject, you mentioned the appraisal people will appraise houses that sold within two years. Would it apply to all houses, just those houses? Mayor Heymann said she doesn't know how they are going to calculate it. She only found out since the man was in the building today and introduced himself.

Mr. Rosenblum asked if what they are saying is that only a percentage of the homes will have different evaluations. Mayor Heymann advised no they are going to use a percentage and

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extrapolate from that to cover the entire area. Mr. Rosenblum asked how many houses total will be examined? Mayor Heymann said she doesn't know.

Michael Kafer, 261 Parsells Lane, apologized for not hearing the beginning of John's presentation, but he is looking at the Audit that concluded 2006; the Audit before that. They made various recommendations in that Audit too; and those recommendations carried over to 2007. One caught his eye. It was carried into 2007 and then corrected. It was No. 1, 2006 Audit, which had to do with General Ledger – current fund. How the General Ledger, the effect, is not utilized to analyze the Borough's financial position on a monthly basis. Was that one of those carried into 2007?

Mr. DiStefano advised that it was taken care of. What transpired on this carry over pertained to the Trust Fund. They lumped them all together. Mr. DiStefano explained the Trust Fund: anything with escrows [fire protection, fire prevention]. There were a number of subsets within the one fund. The Auditors requested that we produce a general ledger for every single subset of the Trust Fund. The software system was not able to do that. It takes the general ledger by the fund not the subset. So, we sat down with the software vendor and came up with a system to extrapolate the subsets of the fund to create a General Ledger. To do that properly you have to have beginning balances and that's where we were as of January. We ended the year; we created beginning balances now for 2008. We have isolated all those trust accounts. When we close, we will have ending balances. It's the same procedures we use for the Capital Fund we use for the Current Fund.

Mr. Kafer addressed the other part of the 2006 had to do with the General Ledger utilized on a monthly basis that was incorporated in the 2007 operation. That is what troubles him. Last year almost to the day he was at this meeting and he questioned about the existence of the Surplus Fund that had been carried over 2006 into operating year 2007 what is called Anticipated Surplus. He read a letter from the Mayor and Council to the public saying that the Anticipated Surplus they started with was \$1,200,000. And in 2007 they expected with two months left on the year that it would be \$1,300,000. But, it came in drastically short, \$900,000 short. If you had incorporated that and were able to analyze on the General Ledger on a monthly basis, then we should have known that the Anticipated Surplus was not \$1,300,000 but \$200,000. Mr. DiStefano said that's what the journal entries are for. Mr. Kafer said he is reading from the 2006 audit. Mr. DiStefano said the journal entries allow us to get to the position that you are requesting. The entries were always done at the end of the year by the Auditor.

Mr. Kafer questioned why we were off \$900,000 as to what the surplus was if you had a journal entry. Mr. DiStefano said it goes back to what he said earlier, that the auditors run the final at the end of the year. That gives you the exact amount of where you are going.

Mr. Kafer said to be off \$900,000 was a lot. Mr. DiStefano said we were not off by that. Mr. Kafer said we were. The Mayor and Council published a letter to the newspaper on November 1, 2007. It stated we started with a surplus of \$1,200,000 and that we anticipated we'll have \$1,300,000. They were wrong at that time.

Mayor Heymann said he may have misinterpreted the latter and asked to see the letter. Mr. Kafer said we admitted at that time that we were wrong. And that with two months left in the year, you should know close to the dollar; but you were off by \$900,000. Mayor Heymann said that at that time of the year, we were working on the next year's budget as he knows. Mr. Kafer said no that is not what they told him. At the time he read them the letter and they said that's what we wrote and that we anticipate a surplus of \$1,300,000. She wrote it in response to a former Councilwoman Albelli who had said they left you with a surplus of \$1.2 million and that the surplus was drastically reduced and your response to that was, no it's not. We anticipate that we will have a surplus of \$1,300,000 dollars.

Mayor Heymann said one of the things that might explain, and she will follow through, is that the surplus we indicate in the Budget for the following year anticipates the ... say in this particular case the 2008 income added to what the total for 2008 would be. It is not the same as what is at the end of 2007.

Mr. Kafer said this letter was drafted November, 2007 less than 2 months left in the year. At that point you knew the Anticipated Surplus would not be \$1,300,000.

Mayor Heymann said she wanted to see it and we'll discuss it then. Mr. Kafer said she

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admitted it last year that they had made an error; and he guesses she will make it again.

Jack Kelly, 132 Herbert Avenue, explained he didn't like the article and feels the town is in trouble. After listening to Mr. DiStefano he feels safe. He explained everything, so these guys don't know what they're talking about. Mr. DiStefano said not at all. Mr. Kelly said either the Auditor is crazy or everything is crazy because everything we look at is trouble. He wanted to know since there were 11 negatives, if they just came up with that number. Mr. DiStefano said no, he went through every one of them. Mr. Kelly wanted to know how many carried over from 2004. Mr. DiStefano said he did not know from 2004. He counted 6 that were done before. Mr. Kelly looked it up and he thinks 2 we had over and over. He confirmed that we accumulated 9. The reason he brings this up is because every time we pick this up it indicates that the Democrats destroyed the town. I just want to make sure we are not here to destroy the town; we are here to try to help the town. Mr. Kelly went on to say that through the year you were taking care of all the problems. Over the course of the year as the Auditors were bringing things to our attention, you addressed these as they came up.

Mayor Heymann said that was not so, they were brought to our attention at the 2007 audit. During the year 2008 they were all corrected by the time the Auditors filed their report the auditors knew the issues were taken care of. They knew these issues were already taken care of when they wrote these recommendations. Mr. DiStefano advised Mr. Kelly where you see the asterisk, it reflects 2006; and were worked backwards. The asterisks indicate 2006.

Mr. Kafer said that in 2006 there are only two asterisks. Mr. DiStefano counted 5. Mr. Kafer advised him that he's counting 2007, and that in 2006 there are only 2 asterisks. Mr. DiStefano advised Mr. Kafer that they could have been from before and that you have to go back to all of them; go back to priors. They were all adjusted and taken care of this year. Mr. Kelly confirmed that in other words, we do not need a CFO. We can straighten this out ourselves. Mr. DiStefano advised that they have been taken care of already. It has been taken care of.

Mr. Kelly then asked in regards to the Audit who the financial chair is. Mr. Kelly asked when the audit finally came out. Mr. DiStefano advised that the Audit was completed at the end of June. Mr. Kelly said the Borough received it on the 19<sup>th</sup> of August 2008. It goes into the Press Journal and then after that is a Corrective Action Plan. Then you get 45 days to fix it up. He thinks the audit wasn't received until the 6<sup>th</sup> of November. That's 70 days later. When he saw this he said to himself this is crazy. You were running for election; and if this audit had come out on time, we might have snuck in here. We are not out yet. These are things that don't look too swift. The Borough received the audit on 8/19/08. Synopsis (was published) in the Press Journal 8/28/08. Corrective Action Plan not later than 45 days from publication. Audit received 11/6/08. Mr. DiStefano advised it wasn't the audit. The Corrective Action Plan was received later from the CFO. Mr. Kelly said yeah 70 days later.

Mr. Kelly then asked the Mayor if she has any control over the Tax Assessor. Mayor Heymann advised absolutely none. Mr. Kelly said that means she can come and go as she pleases? Mayor Heymann said absolutely. Mr. Kelly asked if we pay her. Mayor said yes, it is a state mandated position. We cannot even ask her to put her hours down. Mr. Kelly asked if we cut her time because at one time she did work a full day, now she only works a couple of hours, so who did that? Mayor Heymann said it was a different administration. Mayor Heymann told Mr. Kelly if he can get her to come down here for certain hours and share the information with us in a timely fashion, she would be grateful because she has no control over it. He still wonders and is concerned about the audit not going out on time. He asked them if we held it up until after the election. Mr. DiStefano advised that the audit went out on time. Mr. Kelly said it did on 11/06/08. He advised Mr. Kelly it was not the audit but the Corrective Action Plan.

Steve Isaacson, 97 Columbus, said that whether the article was correct or not, he's glad it came out because it's answering a lot of questions. Mr. Isaacson asked about the Route 9 bus and when it's coming down to Closter. Mayor Heymann said she left a message for Mr. McPherson; and there's no answer so far. Mr. Isaacson said the Mayor needs to be more diligent. Mr. Isaacson said he'll hound him. Mayor Heymann said she did try.

Mr. Isaacson asked what's going on with the trees at the cemetery. Mayor Heymann said she checked with the Environmental Commission and Dave Scholz is here and knows she checked into it. So far, she thinks he does not understand what the issue is. She will go back and explain it again. Mr. Isaacson said the bottom line is that someone went on someone else's property without permission and cut down trees; and they had no right to do it. Are they going to be punished? Mayor Heymann said if we can do so, then yes. Mr. Isaacson said she's the Mayor; she should do it. They illegally cut down the trees. Councilman Kashwick advised that to the

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best of his understanding the owners gave permission to have the trees taken down. He further advised that Tim Adriance gave permission to the homeowner behind him with the pool. Mr. Isaacson said he cannot argue with an elected official. Mayor Heymann said it was Tim Adriance who complained to her about the damage to the grave stones. Councilman Kashwick said he's aware of the damage complaint, but the owner was O.K. with the trees being taken down and that he wanted even more trees taken down. Mr. Isaacson said fine but no permits were taken out. Councilman Kashwick corrected that the issue is that no permits were taken out not that they went on someone's property without permission.

Mr. Isaacson wanted to know who had the maps of the compost. Mr. DiStefano has it.

Mr. Isaacson went on to ask, in reference to the Nature Center zoning, he wanted to know when it was going to be changed from industrial park zoning to parks. Mayor Heymann said that is one of the Ordinances recommended by the Master Planner.

Mr. Isaacson wanted to know what the Recreation Budget was. Jim Oettinger advised from \$35,000 to \$42,000.

Mr. Isaacson appreciates the fact that the Borough is allowing to have holiday displays in the front. He didn't agree with the article though because it said the Mayor and Council acted upon the majority. There were 20 people here, 400 signatures on a petition. He doesn't know how many of them were voters or tax payers or children. He just doesn't like the fact that he's come here many times and asked to have things done and has offered petitions, but we have given him as much cooperation as sand and Vaseline. Then all of a sudden someone comes in and asks for something and they get what they want. He thinks that the Mayor and Council should treat everyone on a level playing field. It wasn't a majority. It was a minority; and it wasn't a legitimate petition, but we accepted it as such. The article is misrepresented of what this town is about. He thinks the Mayor and Council next time shouldn't bow to that kind of pressure and should do this as a resolution. Not just slip it into the agenda as we've done many times.

Hugh Johnson, 107 Demarest Avenue, has 3 points. Item No. 1: Coming back tonight he passed by "OSTER" Plaza. CL has been dark for weeks. Since we are so interested in town beautification as evidenced by the flora and fauna and the improvements in Borough Hall. Why can't you get a hold of the landlord and have them light the sign. If we want a modern supermarket, Whole Foods, then at least they should come in to a Plaza that is spelled correctly. Mayor Heymann will call the manager tomorrow.

Item No. 2: a week and a half ago he asked about the Construction Code Official's capacity. We went into Closed Session with personnel. What is going to happen with that position? Is the current Construction Official staying? What came out of the closed session? Mayor Heymann advised that, at the present time, there has been no concrete conclusion; and we have no obligation to release information on personnel before there is a conclusion. Mr. Johnson said we will keep it up until the end of July. Mayor Heymann said no; we are going to keep it up until we have a meeting of the minds. Mr. Johnson asked how many meetings will we have? We have a report from H.R. Committee you have to make a decision. Borough Attorney, Mr. Rogan, said there is no deadline or magic number on a personnel issue. The Mayor and Council have the prerogative to discuss it as long as they like. He is an appointed official with a term of office. That term has not expired; and as of today, the Council has not made a decision. Mr. Johnson wanted to know when will they? Mr. Rogan said it's up to the Mayor and Council. Mr. Johnson said he will have the prerogative to go to Court in Hackensack, Superior Court to terminate his position. He will not have the citizens of this town have a lame duck individual who has terrorized, bullied, and pushed people around and had an action filed by him for attempted aggravated assault. He will do the job for us. This is not a threat. It is a promise. In two weeks he'll be in court.

Item No. 3: he will let it go until later.

Jo Dhin 23 Bogert Street, is anyone welcome to review books and records. He wants to see the books and records and wants to know how to do that. Mr. DiStefano invited him to come right down to his office. Mr. Dhin asked how long does he have? Mr. DiStefano said he can look at it as long as he likes. Just tell him what exactly he needs and we will let him look at it.

Hugh Johnson, 107 Demarest Avenue, came back to Item No. 3. He mailed a letter to Vinny Bonelos the Public Information Officer and head of New Jersey State Inspector General's Office. It outlines some discrepancies he found within our local government. He will be visiting us.

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REGULAR MEETING MINUTES – NOVEMBER 24, 2008 – 7:30 P.M.

Mayor Heymann welcomes him. Mr. Johnson said we will have to. He will be here in a couple of weeks. We will have to provide information about the Audit and they will do their own audit and they will do it zealously.

Jim Oettinger voiced his concern. He asked if there will be a retraction sent to the paper. Mr. DiStefano explained there will be an appropriate response.

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

The following Ordinance was introduced at the Regular Meeting held 10/22/08, was published in the Press Journal in its issue of 10/30/08, as stated in the printer's affidavit of publication. Reprint of this Ordinance was posted on the municipal bulletin board in accordance with statutory requirements and copies have been made available to the general public: ORDINANCE NO. 2008:1022, "AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$96,692.00 FROM OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK AND HISTORIC PRESERVATION IMPROVEMENTS"

Mayor Heymann opened the public hearing.

No one wished to be heard.

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

6. COMMUNICATIONS

a. MAIL LIST – NOVEMBER 13, 2008 – Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Councilwoman Tutoli removed Items No. 5, 7, and 8.

Item No. 5 – Received 11/12/08, dated 11/10/08, from David Kaniel of the Chanukah Ceremony Committee of Closter, re written request for permission to conduct Chanukah Ceremony in the public area in front of, and adjacent to the Closter Senior Citizen Center on Tuesday 12/23/08. Also requesting permission to erect a display Menorah in the area designated by the Town at the clock tower from 12/18/08 through 12/29/08 (Copy to Chief Berrian) (distributed 11/12/08 )

Item No. 7 – Received 11/12/08, dated 11/12/08, from David Kaniel of the Chanukah Ceremony Committee of Closter, re letter requesting to use the front of Borough Hall to place menorah in light of the petition circulated by Tom Migliore (Copy to Chief Berrian) (distributed 11/12/08)

Item No. 8 – Received 11/12/08, dated 11/12/08, from Nick D'Amico, re requesting permission to place the Nativity Creche on the front lawn of the Closter Borough Hall beginning 12/10/08. Removal will be prior to 1/5/09 (Copy to Chief Berrian) (distributed 11/12/08)

Councilwoman Tutoli asked for clarification as to how it was resolved. Mayor Heymann advised it was resolved by resolution. Mr. Glidden said it passed two weeks ago. Councilwoman Tutoli wanted to know when it would happen. Councilman Glidden advised one is about the ceremony and the other is about the Menorah in front of Borough Hall. Councilwoman Tutoli said they were requesting it by the clock. Mr. Glidden advised that was before the meeting. Councilman Barad asked if the ceremony will be at the Senior Center and then move it over to the front. Mayor Heymann advised the ceremony will be by the Senior Center. The Crèche and the Menorah will be in the front of Borough Hall.

b. MAIL LIST – NOVEMBER 20, 2008 – Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Councilwoman Amitai removed Item No. 2.

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Item No. 2 – Received 11/13/08, dated 11/13/08, from Margaret B. Beiran, Project Manager, Balanced Environmental Management (BEM), re Results of Baseline Groundwater Sampling and Proposed Delineation Sampling Plan at Former Hotel Research Laboratories Site located in Closter, N.J. (Copy to Louis Apa, Keith Sager)

Councilwoman Amitai wanted to know where the property is and if it's in Closter. Mayor Heymann informed her it's what they call the Perry Street block off Demarest Avenue. It was used by Colgate-Palmolive for many years; they have contaminated soil and have been working on it for at least fifteen years.

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. No one wished to be heard.

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, RM 11/12/08  
TO BE PREPARED BY BOROUGH ATTORNEY  
Removed by Borough Attorney for discussion later

~~10.\*~~ INTRODUCTION OF ORDINANCE NO. 2008:1024, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING FEES AND DEPOSITS" – PUBLIC HEARING – ~~11/24/08~~ 12/22/08 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Borough Attorney)

11.\* BILL RESOLUTION – NOVEMBER 30, 2008  
TO BE PREPARED BY TREASURER

12. 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, 11/12/08)  
RESOLUTION TO BE PREPARED, IF AND WHEN APPROVED  
Removed by Mayor

12. RESOLUTION AUTHORIZING THE ADVERTISEMENT OF BIDS FOR SOLID WASTE TRANSFER SERVICES (Received from Borough Attorney 11/13/08)

14.\* 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); Adjourned from RM 11/12/08)  
TO BE PREPARED BY BOROUGH ATTORNEY  
And authorization to submit the plan to COAH before 12/31/08

~~15.\*~~ RESOLUTION AUTHORIZING TREASURER TO ISSUE A REFUND CHECK TO MADISON TITLE AGENCY, LLC. IN THE AMOUNT OF \$5,206.90 FOR BLOCK 1712 LOT 3 DUE TO TAX OVERPAYMENT (Received from Deputy Tax Collector 11/13/08)

~~16.\*~~ RESOLUTION AUTHORIZING TREASURER TO ISSUE A REFUND CHECK TO MADISON TITLE AGENCY, LLC. IN THE AMOUNT OF \$2,525.82 FOR BLOCK 1712 LOT 3 DUE TO TAX OVERPAYMENT (Received from Deputy Tax Collector 11/13/08)

CLOSTER MAYOR AND COUNCIL

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17.\* RESOLUTION AUTHORIZING TREASURER TO RETURN REMAINING ESCROWS TO COLONNELLI BROS., 409 SO. RIVER STRET, HACKENSACK, NJ 07603, IN THE AMOUNT OF \$1,000.00 FOR POLICE TRAFFIC DIRECTOR SERVICES IN COMPLIANCE WITH LOCAL FINANCE NOTICE 2000-14 (Received from Chief of Police 11/17/08)

17a.\* RESOLUTION APPROVING RENEWAL OF LIQUOR LICENSE NO. KLIP, LLC, T/A/ ASSEMBLY EAST – Borough Clerk asked that this resolution approving the renewal of the liquor license for KLIP LLC be added to the Agenda. She explained having received a phone call from the Division of Taxation today informing her that the Tax Clearance Certificate will be forthcoming. They sent it on Thursday, but it has not yet arrived.

MOTIONS

18.\* 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, 11/12/08

<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
NO APPOINTMENT				

19.\* 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, 11/12/08

<u>Appointee</u>	<u>Class</u>	<u>Term</u>	<u>Expiration</u>
a. _____			
b. _____			
NO APPOINTMENT			

20.\* 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, RM 11/12/08)  
NO APPOINTMENT

21.\* MOTION GRANT APPROVAL TO THE NEW LIFE CHURCH OF NJ FOR WAIVER OF ANY AND ALL FEES PERTAINING TO HANGING OF TEMPORARY SIGN (HOLIDAY BANNER) AT FOLLOWING PROPERTY SITE: 283 HARRINGTON AVENUE, BLOCK 1301 LOT 20 (12. M.L. 11/20/08)

22.\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

a. CHIEF OF POLICE – OCTOBER 2008 (Received 11/14/08)

The following items were removed by the following individuals: Deputy Tax Collector, Maria Passafaro, removed Item No. 15; Councilwoman Amitai removed Item Nos. 15, 16 and 21; Borough Attorney removed Item No. 13; Councilman Hennessey removed Item No. 10; Item Nos. 9, 12, 18, 19, 20 were previously removed.

8b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 9, 10, 12, 13, 15, 16, 18, 19, 20 and

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REGULAR MEETING MINUTES – NOVEMBER 24, 2008 – 7:30 P.M.

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

23. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

10. INTRODUCTION OF ORDINANCE NO. 2008:1024, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING FEES AND DEPOSITS” – PUBLIC HEARING – ~~11/24/08~~ 12/22/08 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Borough Attorney

Mr. Hennessey noted they referred to fees in the Building Department. Where did the recommendations come from? Most of them seem to be unchanged. Mayor Heymann explained they received two lists one was a list of changes and one was an entire list indicating changes so you could find them. Mr. Hennessey advised that the second list he received shows a lot of them were unchanged fees. Mayor Heymann explained it was the entire category. When Ms. Riccardi formulated it to be published, she wanted to make it concise and clear so that the entire fee structure is on one list. Those items that contain the changes were put in the resolution (Ordinance) in order to make it possible to publish it correctly. Mr. Hennessey read a portion of a letter from Mr. Rogan’s office dated November 18<sup>th</sup> : Ordinance amending Chapter A301 2009 fee changes. Mr. Rogan advised to look at the resolution (ordinance) itself explaining this is an outline comparing one to another, the Ordinance which is attached. Mr. Hennessey said he’s reading from the Ordinance. Mr. Rogan corrected him saying the Ordinance is not attached to the letter. He further explained that the letter he’s referring to is just something the Ordinance Committee had requested we send for comparison. The other one is the actual Ordinance where it starts off Subsection 7 shall be amended.....Mr. Hennessey said that some of the fees for Building Department have not been changed, correct? Mr. Rogan said no; they weren’t all changed. Mayor Heymann advised that the fees have to balance the expenses. The Building Department has to run at no cost to the Borough and no cost to the applicants - no profit. Mr. Hennessey said he sees the monthly fees that are collected; and those fees are less than what it costs to run the Building Department. He has been asking over the year to take a look at the fee structure within the Building Department and it hasn’t been done. Mayor Heymann advised that they have to be in sync with the fees that are ordained by other communities like ours. Mr. Hennessey said right, but he’s asked for this for over a year and hasn’t gotten it. Dr. Barad advised that all the fees are in the packet he received. Mr. Hennessey said that they did not change any fees within the Building Department. Construction Official, Keith Sager, advised that he did change the fees and said that Mayor Heymann and he worked on it; and there have been changes of approximately 30%, driveways, zoning permits, buildings, sidewalk, curbs, went from .30 cents per thousand dollars to now .60 cents which is on the scale of Bergenfield, Dumont, Ridgefield. He took the average from Dumont. He advised that the copy he sent out has all the changes. He has it on his desk; and it is highlighted in yellow of what the changes were. The volume scale went up from .30 cents to .60 cents. That is double. Mr. Hennessey said he is a part of the Committee and never received a copy of this. Mr. Sager said he didn’t know why. Mr. Hennessey asked for a copy. Mr. Sager will give it to him. Mayor advised we are only authorizing the publication, not the changes. Mr. Hennessey said before the public meeting he would like to collect all the information to review it. Mr. Sager said that there are now even soil fees which were never collected. Mr. Hennessey said you may have added fees, but we didn’t change the essential fees. All the fees have been changed said Keith Sager. All the information is in the packet. Mayor Heymann apologized to Mr. Hennessey that he didn’t have the information. She took it as an Ordinance issue rather than a building issue; and it went through the Ordinance Committee. That is why Dr. Barad has it. Mr. Sager explained that all base fees have been raised at about 30%. The fees have not been changed since 2001. He took it upon himself to bring it up. He sat down with the Mayor who was very helpful. He took at least 7 towns and averaged them out on the same scale. He will give Mr. Hennessey a copy. Mr. Rogan just confirmed that we are going to move the introduction of the Ordinance for the fee schedule.

Motion to approve Item No. 10 was made by Councilman Hennessey, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

13. RESOLUTION AUTHORIZING THE ADVERTISEMENT OF BIDS FOR SOLID WASTE TRANSFER SERVICES (Received from Borough Attorney 11/13/08)

Borough Attorney advised that there are two contracts coming up; and he misspoke at the last

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – NOVEMBER 24, 2008 – 7:30 P.M.

meeting. One is recycling, but this one involves the transfer station. He just wanted to clarify this because it was on the Agenda the last time; and he referred to it as recycling which the contract is also coming up; but this one should be done first. He referred to it as recycling as it was printed on the Agenda was originally correct. We are working on something for recycling but that's not ready for a resolution.

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

15. RESOLUTION AUTHORIZING TREASURER TO ISSUE A REFUND CHECK TO MADISON TITLE AGENCY, LLC. IN THE AMOUNT OF \$5,206.90 FOR BLOCK 1712 LOT 3 DUE TO TAX OVERPAYMENT (Received from Deputy Tax Collector 11/13/08)

Deputy Tax Collector and Ms. Amitai explained this is an error. Mrs. Passafaro has pulled it. It is an error. It has been removed.

16. RESOLUTION AUTHORIZING TREASURER TO ISSUE A REFUND CHECK TO MADISON TITLE AGENCY, LLC. IN THE AMOUNT OF \$2,525.82 FOR BLOCK 1712 LOT 3 DUE TO TAX OVERPAYMENT (Received from Deputy Tax Collector 11/13/08)

Ms. Amitai confirmed with Maria Passafaro that this Resolution was the correct one.

Motion to approve Item No. 16 was made by Councilwoman Amitai, seconded by Councilwoman Tutoli and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

21. MOTION GRANT APPROVAL TO THE NEW LIFE CHURCH OF NJ FOR WAIVER OF ANY AND ALL FEES PERTAINING TO HANGING OF TEMPORARY SIGN (HOLIDAY BANNER) AT FOLLOWING PROPERTY SITE: 283 HARRINGTON AVENUE, BLOCK 1301 LOT 20 (12. M.L. 11/20/08)

Ms. Amitai referred to letter she received from Grace Kook. Mayor Heymann explained it is in the packet. Ms. Amitai explained having spoken to Keith Sager; and today there was some confusion because the church is in a residential zone. We sometimes permit houses of worship to hang banners for a short period of time. That is what they are asking and it will be gone the next day after Thanksgiving. Ms. Amitai asked if we have to vote on this. Ed Rogan said we do have to vote on it to waive the \$50.00 fee. It is just a Happy Thanksgiving sign. He is not sure the Ordinance was meant to affect those. It is temporary and they are asking the Council to waive the permit fee. It needs to be voted on to satisfy the Building Department and compliance with the Ordinance.

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

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

- a. CONTINUED DISCUSSION RE PARKING SPACE FEE (Requested by Mayor 1/18/08) RM 9/10/08

Nick DeNicola asked that we need to get the Tax Assessor in or should we remove this item from the Agenda. Mayor Heymann said we do need to change it drastically in order to be prepared for 2009. Mayor Heymann advised she will follow up on it. In response to Ms. Amitai's question, Nick explained we need a memo informing of the value of the commercial property is X dollars per square foot. We just need a number. We don't need to meet with her a general meeting.

- 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, 11/12/08)

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

Steve Isaacson, 97 Columbus Avenue, explained that we did not open the meeting to the public

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – NOVEMBER 24, 2008 – 7:30 P.M.

regarding the open space money. He wants a breakdown of where the \$96,000 is being spent. He was given 3 copies.

Mayor Heymann asked for a motion to recess the Regular Meeting to go into the Work Session at 9:03 p.m.

Motion to recess the Regular Meeting at 9:03 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Mayor Heymann resumed the Regular Meeting at 9:57 p.m. and asked for a motion approving the following resolution to go into Closed Session:

- 25a. 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)(4), “A collective bargaining agreement; N.J.S.A. 10:4-12 (b)7), “Pending or anticipated litigation or contract negotiations” and N.J.S.A. 10:4-12 (b)(8), “A matter involving public employees”; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the contract negotiations and the litigation which should be within 6-8 weeks.

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

Mayor Heymann resumed the Regular Meeting at 10:35 p.m. and asked for a motion to adjourn the meeting.

26. ADJOURN

Motion to adjourn the Regular Meeting at 10:35 p.m. was made by Councilman Kashwick, seconded by Councilman Glidden 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

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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 – MONDAY, NOVEMBER 24, 2008 - 7:30 P.M.

Mayor Heymann convened the Work Session at 9:10 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. COMMITTEE REPORTS

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

1) STATUS REPORT RE CAPITAL BUDGET/CAPITAL PLAN  
(RM 7/9/08) – No report.

2) STATUS REPORT RE TRANSPORTATION MEETING HELD IN  
ENGLEWOOD 6/30/08 - No report.

3) STATUS REPORT RE CLOSTER WEBSITE – No report.

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

5) REPORT – Mr. Kashwick reported as follows: Last Tuesday night the Historic Preservation Commission had its presentation at the Library regarding the historic district of West Street and Harrington Avenue. It went very well and 50 to 60 people attended. Doug Radick gave an excellent presentation on the history of the homes. He realizes many people were unable to attend due to the Atlantic City Conference, but he reported it was a great turn out. He thanked the members of the Commission who worked on that including Doug Radick, Jennifer Rothschild, Irene Stella, and especially Bobbie Bouton-Goldberg. He also thanked Northern State Bank and one of their V.P.'s, K.C. Clark for providing refreshments for the evening.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – MONDAY, NOVEMBER 24, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

B. PUBLIC SAFETY - GLIDDEN (HENNESSEY/TUTOLI)

1) REPORT – Mr. Glidden advised that he has nothing to report. He has several public safety issues to discuss in Closed Session.

C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN)

1) REPORT – Mr. Hennessey advised the D.P.W Committee did not meet this month. He wanted to recognize that Paul Demarest, the Zoning Board Secretary, is doing an excellent job.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) STATUS REPORT RE ORDINANCE COMMITTEE MEETINGS – Dr. Barad reported that they finally had a meeting. The important things will be held off until JoAnn Riccardi returns from vacation.

2) STATUS REPORT RE DISCUSSION WITH CABLEVISION FOR RENEWAL OF ITS MUNICIPAL CONSENT - PH held 9/10/08 – Dr. Barad reported that JoAnn Riccardi will work on the Cablevision ordinance to get back out to the O.C.T. before it comes back to us.

3) REPORT RE PREPARATION BY BOROUGH ATTORNEY OF AMENDMENT OF BOROUGH RECYCLING ORDINANCES TO INCLUDE ADDITIONAL MATERIALS AS DESIGNATED RECYCLABLES (PER BERGEN COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN AMENDMENT (3. M.L. 10/2/08) – Discussed RM 10/6/08; DEADLINE: 8.\* On or before 3/31/09 - Dr. Barad explained he is not aware of what this is. Borough Attorney advised him it pertains to the recycling ordinances coming up in 2009; and his office is in the process of putting that together.

4) REPORT – Mayor Heymann commented in regards to Ordinances. She advised that the approval today regarding the COAH Plan calls for Ordinances; and the attorney will prepare them. The draft ordinances need to be in the COAH report due before 12/31/08 - just drafts. Dr. Barad asked what the timeline was. Mayor Heymann advised that we just have to O.K. them as drafts. He planned, along with the Borough Attorney, to get those drafts and introduce them at a work session. Mr. Rogan advised that Mr. Hakim will give us the format for it. It is heavily regulated by COAH. Mayor Heymann also reminded the Council that we originated a new position for the Trust Fund for COAH, a borough employee, and they did not nominate an employee. She informed that it has to be done for that person has to attend classes. It is still open and will go on the Agenda as an appointment. There are no candidates in mind as of yet. At this time, Borough Clerk agreed to place this item on the next Regular Meeting Agenda.

9.\*

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

1) STATUS REPORT RE PERSONNEL COMMITTEE MEETINGS – Ms. Tutoli Reported that the personnel manual is still a work in progress and it is to be discussed in closed session.

## CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – MONDAY, NOVEMBER 24, 2008 – 7:30 P.M.

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

1) REPORT - Mrs. Amitai reported that the Christmas decorations have been installed downtown. She thanked the DPW for shadowing Rileigh, the company that actually did the installation. At the next Building Department meeting they will discuss it more fully with Bill Dahle. He said it will take a lot of time and space to store the wreaths; they need a place.

At this time, Mayor Heymann advised that the wreaths were put up; and it takes more material and knowledge. They look absolutely lovely driving through town; however, they use a lot of electricity; and the Borough is supposed to be saving electricity. She wanted everyone to think about the Borough using energy in an aesthetic fashion rather than in a need fashion. The Mayor explained that we have to think about spending energy and dollars between now and the end of the holiday season. She spoke to Billy Dahle about putting them on timers; but it is not practicable. They are set up on top and it couldn't be changed. She also suggested just having them lit only over the week end; but that is not practical because they need to be unplugged and plugged. He suggested to not use them until the third week in December. Mrs. Amitai asked how much does it cost and Mayor Heymann explained it uses a lot of electricity. Mrs. Amitai asked if it's more than the Recreation Department uses on their ball fields. Mayor Heymann advised they are paid for by the dues of the traveling players. She checked into it. Dr. Barad said there are two points: one is the fiscal issue and the other is the example of using energy, the carbon foot print and green issues. He explained they should be discussed separately. He has no idea what a season of outdoor lights costs the Borough; but supposed that it could not be more than a few hundred dollars as they are relatively low energy lights. He voiced his opinion that while we are trying to save every penny, adding the panache to the down town area will be money well spent. In keeping with the holiday season he supported it. Mr. Kashwick explained he liked the Mayor's suggestion of delaying to turn them on closer to the holidays. Mrs. Amitai said maybe a week or three days after Thanksgiving. It doesn't have to be on before, although Englewood's is on, Tenafly's is on, Cresskill's is on. Mr. Kashwick added that it does look more festive. Mayor Heymann gathered that the consensus was to leave well enough alone and no objections were voiced.

Mrs. Amitai reported that the CIC sub-committee met for the first time to look at the sign ordinance. There are more coming. They reviewed their first application for signage from Radio Masters. They have not yet heard from the Land Use Office. She knows from Mr. Sinowitz that it has been bounced back to the Planning Board for CIC review; and so having the file, she took it upon herself to meet to have some response in a timely fashion. She explained that there's a little disconnect. Mayor Heymann said there certainly is for both and that Mrs. Amitai is connecting. Mrs. Amitai said she's not the liaison yet, but they should be getting it legally.

The Building Department has moved into Borough Hall and she wishes them lots of luck with that. Dr. Barad asked Mr. Demarest if they are doing business there; and Mr. Demarest responded that they are. Mayor Heymann advised they are still in the process of getting organized, but hopes that all have the time to come take a look.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – MONDAY, NOVEMBER 24, 2008 – 7:30 P.M.

4. OLD BUSINESS
5. NEW BUSINESS
  - a. KIDDIE SOCCER (Requested by Mayor 7/3/08)
  - b. DISCUSSION OF POSSIBLE POLICY RE USE OF BOROUGH PARKS  
(Requested by Mayor 7/18/08/Discussed (WS 7/23/08))
6. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
7. OPEN MEETING TO THE PUBLIC
8. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
9. ADJOURNMENT

Motion to adjourn the Work Session at 9:25 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on December 9, 2008 for approval at  
the Regular Meeting to be held  
December 12, 2008

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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.