

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – SEPTEMBER 10, 2008 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, September 10, 2008. Mayor Heymann called the meeting to order at 7:32 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. OPEN PUBLIC MEETINGS ACT STATEMENT

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

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick (7:50 pm.),
David Barad (7:40 p.m.) Victoria Roti Amitai

Acting Administrator/Treasurer, John DiStefano

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Borough Auditor, Gary Vinci

Chief of Police, David Berrian

The following persons were absent:

Councilwoman Cynthia L. Tutoli

At this time, Mayor Heymann welcomed the Mayor of Harrington Park, Paul Hoelscher.

Mayor Heymann also announced that both Councilman Kashwick and Councilwoman Tutoli had called in and were delayed in traffic; and they would arrive shortly.

4. OFFICIAL RECOGNITION OF THE FOLLOWING POLICE OFFICERS FOR RESCUE AND LIFE SAVING EFFORTS PERFORMED ON JULY 14, 2008 AT THE SCENE OF A MOTOR VEHICLE ACCIDENT/CAR FIRE ON SCHRAALENBURGH ROAD

(Requested by Chief Berrian 8/25/08):

- a. CLOSTER- JOHN MC TIGUE, MATTHEW THORNHILL, ALDO GUERINO
- b. HARRINGTON PARK- DAVID SPRENGEL, JUSTIN FIERRO

Dr. Barad entered the meeting at this time.

Mr. Lewis, victim of the fire that evening, addressed those in attendance and informed that this was the first time he had seen the video, which made this even more difficult. He had always known how heroic these five gentlemen were that night; and it is even more remarkable to see it tonight. He informed he had only one little burn on his index finger; he was drenched in gasoline from head-to-toe; and they have seen the magnitude of the fire; this was a major miracle. He also informed that these officers each have families and several of them have young children and are young men themselves; their families see this and know that their husbands and sons went into the vehicle Mayor Heymann noted that it was a privilege to offer recognition this evening to members of the Police Department and Emergency Squads who have done exceptional hero service to one of the residents of Harrington Park. She asked Chief Berrian to continue.

Chief Berrian informed as follows:

On 7/14/08 at 10:30 pm., police officers from both Closter and Harrington Park performed a true act of exemplary act of bravery and heroism. There was a motor vehicle accident on Schraalenburgh Road where the vehicle overturned and was on fire. The officers, seeing what was going on with the victim trapped in the upside down vehicle made a plea over the radio for fire extinguishers and emergency services. Officers from as far away as Westwood, Emerson,

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

Cresskill and the Interborough municipalities urgently responded to the scene and were able to quell the flames and save the victim.

At this time, Chief Berrian asked Mr. Robert Lewis, Mayor Sophie Heymann, Harrington Park Mayor Paul Hoelscher, Police Commissioner John Glidden, Lt. Kevin Doerr and Sergeant Al Young to come forward. He informed that Mr. Lewis would call forward the names of the Police Officers who saved his life. Mr. Lewis called forward John McTigue, Aldo Guerino, David Sprengel and Justin Fierro; he recognized that Officer Matthew Thornhill could not be present this evening. Chief Berrian asked Sgt. Young to give a presentation of what happened that night and informed that they had a dashboard video that shows what happened. They will see nothing less than heroism; it may not capture every individual moment or act, but it is nothing less than heroism and Mr. Lewis is testament to what occurred.

Sgt. Young explained as follows: In his 29 years of being a police officer, to see what he observed from five officers was overwhelming. He wanted to show everyone here in order for people to have an appreciation for the predicament Mr. Lewis was in, but more importantly, seeing this vehicle fully engulfed in flames and watching 2-3 officers actually crawl and make entry into the car to free him, putting their own lives in jeopardy. The officers were caught by surprise after the fact because what they do as police officers is taken for granted by the community and what is on the video reinforces how sincere and dedicated the police officers are to their job; he assumed Mr. Lewis and his family in particular have a better appreciation for the local law enforcement based upon what they observed that evening. Sgt. Young explained that the video is from the dashboard camera from the Harrington Park car that evening; they began the video footage at this time and Sgt. Young narrated as follows:

The vehicle on fire is in the right of the screen and Officers Fierro and Sprengel pulled up, as they were the ones closest to the scene. They had requested mutual aid assistance when they knew they had a person trapped inside the car. At this time, Officer Sprengel is radioing that the occupant is definitely trapped and they asked the Fire Department to expedite their response. After confirmation of this, Officer McTigue made the radio request asking neighboring towns with fire extinguishers to respond to the scene. At this point, the two officers exited the vehicle with two extinguishers they had and tried to use them to bring down the fire. Another vehicle is seen pulling up on the left side of the screen; this is Officer McTigue's car and two other Closter officers pulled up on the South side of the scene. They all exited with their extinguishers and then they make an attempt with these to knock the fire down.

Sgt. Young informed that the owner of Paulie's Restaurant also was helpful in collecting the extinguishers from his restaurant. He further added that the two officers that made entry into the car were exposed to hazardous fluid, gasoline and had burns on their hands; and the owner of the restaurant also brought buckets of ice for the officers to use to try and cool themselves off as well as wash the hazardous materials from their body. They can also see now the officers using more extinguishers to knock the fire down and then one can see Officer McTigue attempting to open the door on his side of the vehicle; he will actually kneel down and crawl into the vehicle. Officer Sprengel, whom they cannot see from this angle, goes into another door and between the two of them, they cut the man out of the seatbelt in the burning vehicle; and the other officers were able to drag the man out and across the street.

After the video stops, once they free the man from the vehicle and get him across the street, the vehicle explodes about 3-4 minutes after; the officers not only saved Mr. Lewis' life, but had they been standing there for any other length of time, they could have been injured or killed as well. The fire was so severe that it burned the telephone pole behind it, they had actual flammable liquids that were on fire flowing down the street; the farm area behind it was on fire; it was a substantial scene and it was a very serious thing. At this point, they had freed Mr. Lewis and brought him across the street; and when the vehicle exploded, the officer then moved his car out of the way because he was fearful that the explosion would damage the patrol car.

Sgt. Young concluded that as the officer who was responsible for the officers on duty that night, he noted he has been involved in many rescues and in his 29 years of law enforcement, it was one of the most remarkable things he has ever seen.

At this time, Chief Berrian informed that chronicling the event were two girls who lived across the street; and they made a collage of what occurred with a burned sign, corresponding newspaper articles and the title "Courage Bravery;" he called both Gabby and Dana Tate forward and thanked them for their kindness in doing this. He then called forward Paul (Skiadis), the owner of Paulie's Restaurant, and recognized that he had a "bucket brigade" of fire extinguishers trying to knock down ?? and pulled him out without knowing who he was; and they would have done it for anybody. There are many officers in Closter and the surrounding towns and each of them would have done the same thing; he acknowledged that it was not only the officers but their families that suffer greatly from this as well. He stressed his appreciation for both the families and the officers.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

Chief Berrian informed that at the appropriate time at which different associations have requests for recognitions/awards, he would be personally recommending these five police officers to the Bergen County Police Chiefs' Association, the 200 Club and the Red Cross and any other organization that seeks officer recognition. He had no doubt that Lt. Doerr, who is with the Northern Valley PBA Awards Committee would do the same for PBA Local 233.

Mayor Hoelscher expressed his appreciation of Chief Berrian's efforts to give this recognition and it was well justified. He was truly amazed with the video he just saw and didn't realize the intensity with regard to not only what occurred, but also to the valuable asset that they have with the police that serve the communities. He also acknowledged the cooperation that exists between towns like Closter and Harrington Park; he noted this was truly an outstanding situation. He informed that it is the intention of the Mayor and Council of Harrington Park on Monday evening to honor the five men for the service they performed.

Mayor Heymann wished to "second" everything that Mayor Hoelscher said. She expressed her specific appreciation for Sgt. Young for his graphic explanation of what happened so that all can appreciate that they are there for us; she informed she appreciated it and congratulated everyone.

Councilman Glidden noted that it was an honor to be in the presence of these heroes and wished that the cooperation between these two police departments would not go unrecognized. He explained that everyone hears about towns in Bergen County as separate departments but the cooperation between the Closter and Harrington Park Police Departments exemplifies what they have; he thanked them all.

At this time, Mayor Heymann read a Proclamation, which she handed to the Borough Clerk and distributed to the Council members, informing that she declared September 27 and September 28 as Korean American Days within the Borough of Closter.

At this time, Borough Clerk apologized for not including Auditor, Gary Vinci, in the attendance.

5a. PUBLIC HEARING @ 7:30 P.M. RE RESOLUTION AMENDING THE 2008 MUNICIPAL BUDGET

At the Regular Meeting held August 27, 2008, this Resolution was approved by the Mayor and Council and a public hearing was set for the Regular Meeting of September 10, 2008 @ 7:30 P.M. Notice of this Amendment was published in the Press Journal issue of September 4, 2008, was posted on the municipal bulletin board and copies have been made available to the general public.

Mayor Heymann informed that this vote was only on the amendment to the Budget and opened the meeting to the public.

At this time, Borough Clerk asked if she could inquire at the dais or if she had to step down; and Mayor Heymann informed that she could inquire at the dais. Ms. Castano referred to a category in the Budget Amendment entitled "Accumulated Leave Compensation," and explained that she noticed that \$100,000.00 was removed from this area and there is only \$1,000.00 in the 2008 Budget. She received a copy of the Suburbanite, in which it is quoted that Mr. Hennessey had indicated that \$99,000.00 was going to be taken out of "Accumulated Leave Absence," which refers to vacation and sick time that Borough employees accrue over their tenure. She questioned how this would affect Borough employees who have accumulated sick and vacation time over the years they have worked.

Mayor Heymann expressed appreciation that Ms. Castano had asked this question and explained that this was a fund that was created two years ago as a reserve fund. She added that there was no legal obligation for them to have it; and it was a cushion for the Borough in order to improve their financial status as the years progressed. Further, it is extraneous to the actual needs of the Borough and has no affect whatsoever on any of the leaves, absences, vacations or retirement funds of any Borough employees. Ms. Castano thanked her for the explanation.

Motion to approve the Amendment to the 2008 Municipal Budget was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

5b. PUBLIC HEARING AND ADOPTION OF THE 2008 MUNICIPAL BUDGET, AS AMENDED

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

At the Regular Meeting held April 23, 2008, the public hearing and adoption of the Municipal Budget was adjourned to the Regular Meeting of May 28, 2008.

At the Regular Meeting held May 28, 2008, the public hearing and adoption of the Municipal Budget was adjourned pending receipt of word from the State regarding Extraordinary Aid.

At the Regular Meeting held July 9, 2008, Mayor Heymann adjourned the public hearing and adoption of the Budget to the Regular Meeting of July 23, 2008 (On July 11, 2008, written communication was received from the Commissioner of the Department of Community Affairs that the Borough had received \$250,000 in Extraordinary Aid (2. M.L. 7/17/08.)

At the Regular Meeting held August 13, 2008, a public hearing was held but was not closed to the public. Therefore, the hearing was carried to the Regular Meeting held August 27, 2008.

At this time, Mayor Heymann explained that since they just adopted the amendments to the Budget that was previously passed, they now need another vote to adopt the Budget as it is finalized.

Motion to adopt the 2008 Municipal Budget, As Amended, was made by Councilman Kashwick and seconded by Councilman Barad.

BEFORE ROLL CALL VOTE, Mayor Heymann asked for any comments. No one wished to be heard.

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

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

The following Ordinance was introduced at the Regular Meeting held 7/23/08 and was published in the Press Journal issue of 7/31/08, 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

At the Regular Meeting held August 27, 2008, the Public Hearing and Adoption of this Ordinance was adjourned to this meeting.

ORDINANCE NO. 2008:1017, "AN ORDINANCE AMENDING SCHEDULE A:LIMITING SCHEDULE, SPECIFICALLY CHANGING THE MAXIMUM SIZE OF RETAIL STORES IN DISTRICT NO. 3 BUSINESS AREA PURSUANT TO THE RECOMMENDATION OF THE PLANNING BOARD

At this time, Mayor Heymann referred to Item No. 6 on the Agenda and explained that this Ordinance came from the Planning Board and was slightly changed by the Borough Ordinance Committee as well as the Borough Council. Since they had additional information on the merits of the change and its effects on the Borough, they postponed it to this week. Mayor Heymann wished to make a personal recommendation that because of these factors, they send the recommendation back to the Planning Board, where it originated, for further discussion. She asked for comments at this time.

Borough Clerk explained that a Planning Board Resolution was hand delivered to her this evening, which she copied to the entire Governing Body. She informed that the Planning Board Attorney had asked Cherilyn Martinez to give the Resolution to Ms. Castano to pass along. She was simply informing of this, because she was not aware of whether it was related in any way to the ordinance. Mayor Heymann explained that it was the original ordinance that came to the Borough. Mayor Heymann again asked for comments regarding her recommendation.

Dr. Barad explained that he spoke to the Planning Board Chairman, John Lignos, this morning, who wanted to be in attendance to discuss this tonight, but he received surprise tickets to the Mets game for his birthday. However, for good reasons on his part, he expressed his feelings that 50,000 would be a more comfortable place as far as being able to bring people/stores efficiently into town. His reasoning was that if someone who wanted to develop a site needed to go both to the Zoning Board for a variance and then to the Planning Board, it

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

would extend the time that it would take them to come into town to get it all together officially. It would also increase the possibility that their application might not be approved and make them less willing to take the risk of starting down that path. For those reasons, Mr. Lignos asked that they approve the Resolution. However, Dr. Barad felt more comfortable tabling it, as the Mayor had suggested, so they could talk to the Planning Board and get a better idea of what they can do to accomplish both of their goals. The fear is that they don't want to just give carte blanche to big stores coming in, but they certainly don't want to put a freeze on development. He did not feel well enough informed at the moment to make a decision, as he is not a Planning professional. However, he is willing to be educated.

Mr. Glidden agreed with most of what Dr. Barad had explained, adding that he is concerned about bringing in large, big box stores. Because of the traffic situation, he didn't think the nature of the community is such that they would want a Home Depot at 75,000 square feet. He reminded that the A&P is between 40,000 and 45,000 square feet. He felt that they shouldn't have stores larger than that in Closter. He was also willing to be more educated; however, he still prefers the smaller restriction.

Mayor Heymann wished to comment, especially because of the headline in the Suburbanite that the K-Mart in Closter is 80,000 square feet. They are only contemplating permitting 50,000, so this should give an idea of the proportions that are being discussed. The K-Mart's 80,000 square footage was permitted before Closter had any of the most current ordinances. However, it does indicate that they have been living with that size for close to 40 years; and she asked that there be no more comments from the public or the Council. Mayor Heymann asked for a motion at this time. Since the Master Planner will be attending the next few meetings of the Planning Board, Mrs. Amitai pointed out that they can learn from him about other towns equivalent in size. Then after obtaining his advice, they can make a more intelligent decision.

In response to Dr. Barad, Mr. Rogan recommended that they withdraw this item, rather than making a motion to adjourn it, as they don't know how long it will take. Then they can reintroduce it at a later date after the Committee's meeting and the Planning Board provides its input. Mayor Heymann advised that they make a motion to withdraw and Dr. Barad asked if they needed a motion to do so. Mr. Rogan explained that they did not need a motion and that they could just drop it.

7. PUBLIC HEARING @ 7:45 P.M. ON APPLICATION OF CABLEVISION FOR RENEWAL OF ITS MUNICIPAL CONSENT

Notice of Public Hearing was published in The Record issues of July 12, 2008 and August 16, 2008. Reprints of these publications were posted on the municipal bulletin board on July 15, 2008 and copies have been made available to the general public.

At the Regular Meeting held August 27, 2008, the Public Hearing was adjourned to this meeting.

At this time, Mayor Heymann called Keith Barrack to speak on behalf of Cablevision.

Keith Barrack, from the Law Firm of Florio, Perrucci, Steinhardt & Fader, LLC, explained he was in attendance to represent Cablevision. He expressed Cablevision's apologies that an official representative could not be present this evening; and reminded that the original hearing was rescheduled due to a notice issue; and since there are only two Government Affairs representatives serving the State, who were committed to other public hearings prior to this being scheduled, he is here instead. He explained he would answer any questions that he was able to; and, if not, he will refer them.

Mayor Heymann asked him to give a two minute briefing as to what is going on and why he was here. Mr. Barrack explained as follows: Cablevision has applied, under the BPU regulations, for municipal consent; they've submitted an application to continue their franchise; this is the hearing of citizens, as required by law that permits you to voice any concerns you have regarding Cable renewal; this is just the beginning of the process to take public input; once the public input is taken, it will be up to the Council to negotiate with Cablevision as to the actual terms of service and length of consent; and he is here to listen and take any notes for which you may like them to provide answers.

Dr. Barad questioned who they would be negotiating through for Cablevision and asked for a business card. Mr. Barrack informed that it would probably be Gary Shaw and explained that he didn't have a card, but assured he would provide him with all of the necessary information. Mayor Heymann announced that Dr. Barad is the Chairman of the Council Committee that is dealing with Cablevision, so he will need as much information as possible. She then asked if there were any questions for Mr. Barrack.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

Steve Isaacson, 97 Columbus Avenue, explained that he was also a part of the Committee and asked for the length of time they are renegotiating. Mr. Barrack voiced his understanding that it was a three year term; and Mayor Heymann informed that it was longer than that, but added that the term is negotiable. Mr. Barrack explained that there is not a defined term in the Statute, but Cablevision would like the term to be as long as possible. Mr. Isaacson voiced his understanding that it was up to the Borough to choose the length of the term and Mr. Barrack explained that there is a capital commitment that has been made for negotiations. Mr. Isaacson asked if there are any government regulations that cap what Cablevisions can give back to the Borough. Mr. Barrack described the term “give back” to be very broad and asked for clarification. Mr. Isaacson referred to the negotiation process, noting that the Borough gives Cablevision the right to operate in Closter, but in exchange they are looking for certain concessions. He then reiterated his question of whether there is a government cap on what a utility, such as Cablevision, has to give back to a Borough; a dollar amount, for example. Mr. Barrack explained that there are requirements that pertain to public access channels and public educational programming; such as the level of facilities that they have to provide and the level of service they have to provide and then referred to remuneration.

Mr. Isaacson provided the following example for clarification: the Borough wants to have a \$100,000.00 camera system installed in the Council Chambers; he asked if this is something that is regulated by the Government or if it was strictly a negotiating factor. Mr. Barrack explained as follows: there are some regulations that address what Cablevision is required to do; Cablevision has an obligation to provide reasonable access to these types of public facilities; there are some in regional; it does not have to be in every single town; so the answer to the question is yes; some of it is up to negotiation, but yes; there are State regulations that do apply.

Dr. Barad asked if the State regulations limit what can be negotiated or if they don't specify what has to be negotiated. Mr. Barrack voiced his understanding that there is some ambiguity; you can negotiate anything, but there are reasonable limits regarding infrastructure with regards to regional needs that have to be met. There will be the opportunity to discuss this with Cablevision. In response to Mr. Isaacson, Mr. Barrack informed that the State passed what is called the System Wide Franchise Act which allows other entities, specifically Verizon, to come in and also, if they choose to do so, you can also negotiate with others. However, realistically, Cablevision is the incumbent; they have the infrastructure in place; and Verizon is the only other entity that would have the capability to come in.

Mr. Isaacson asked Mr. Barrack to relay the message to Cablevision that his Cablevision bill has significantly increased for no reason. He asked if Closter is getting five times as much in return, because Cablevision hasn't really done anything, but yet their revenues have increased. They are also collecting a monthly fee, which they are giving back to the Government and not paying a penny out of their own pockets; the customers pay it out of their bills every month. There is a line item on the bills that specify a collection of Municipal fees; Cablevision gives zero of the income that it is making off this Borough; and the income has increased 500% in the last ten years. He warned them to be prepared for some hard negotiation, because they are going to want at least 5,000% for the next ten years. Mr. Barrack referred to the collection of a municipal fee and voiced his understanding that this is something that is remunerated to the State and then it is returned. Mr. Isaacson understood this and explained that they make it seem as though Cablevision is paying a municipal fee to our Borough when in reality, it is the subscribers who are paying the fee. Cablevision is only collecting it and giving a check to the Borough; but they are not paying one penny. He pointed out that they can call other companies and reduce Cablevision's revenues by a lot more, unless they are willing to negotiate.

Helga Olsson, 215 Irving Avenue, explained that she has recently been involved in several testy correspondence issues with the Cablevision people and their headquarters, because she has suffered the loss of many, many channels that they had enjoyed and were just taken away from her. However, she noticed that the price that they pay every month was not then appropriately reduced to cover those losses. Therefore, she wrote to the corporate headquarters and she mentioned the issue, asking what they were going to do to fix it. Mr. Barrack questioned the possibility of some of these channels being converted to digital and that she may have an analog box. Mrs. Olsson was not aware, but informed that they have a Cable card that they bought for these channels to cover their service; and suddenly the service was gone, but the price still remained the same.

Mr. Barrack offered to take her name and number and suggested that it might be that those certain channels were converted to digital. If they were these channels and they were “basic channels”, then there is a box that Cablevision will provide to her that will restore them. It also may have been something different, such as Cablevision no longer carrying those and substituting other channels. However, he assured he would take her information and make sure that someone calls her directly to address the issue.

Mrs. Olsson explained that they had already spoken to her and informed that they couldn't do

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

anything about it. She then asked them to reduce her fee and they refused. Mrs. Olsson pointed out that Cablevision is no longer what she termed as the “only game in town.” Dr. Barad asked Mrs. Olsson to provide him with copies of this correspondence and she agreed to do so.

Mayor Heymann voiced her understanding that all of these issues will come up when Dr. Barad and his Committee negotiate with Gary Shaw, which will be taking place within the next month. She further explained that the Borough is obligated to have an ordinance in front of the Mayor and Council within 45 days and they will adhere to that obligation. However, they will do a thorough, investigative job and a thorough discussion job with Gary Shaw to see how they can obtain the fullest benefits for the Borough. She thanked Mr. Barrack for attending this evening.

8. 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.

Jennifer Rothschild, 32 Hickory Lane, referred to the service at the beginning of the meeting and described it to be very nice and she thinks it is always good to show appreciation for people who serve the community, whether they are compensated or not. She explained that during the four and a half years she served on the Ambulance Corps., she learned that the Police put themselves in harm’s way on a regular basis. They are working 24/7; and that service to the community cannot be underestimated. She explained that she could not hear the Mayor’s proclamation and Mayor Heymann assured she would give her a copy.

Ms. Rothschild explained that she moved to Closter in 1994 and in the beginning of 1995, she began to serve on the Closter Zoning Board of Adjustment. She served on the Board for ten years and reached the level of Vice Chairman. She has also been on the Board for the past two and a half years and she serves on the Historic Preservation Commission, as well as the Closter Nature Center Board of Trustees. In addition, she has done many other things for Closter by volunteering her time. She has never made a penny, but she has spent a great deal of money out of pocket through the years, for which she has never been reimbursed. She explained that she was disappointed when she received a letter from the Borough denying reimbursement of Attorney’s fees and especially the line in the letter that stated that the Council sympathized with an incident with her neighbor. She explained that this misses the point entirely, as it was not about the neighbor, but it was about the Ethics Board deviating from procedure that it was required to follow by Code, thus, throwing her into a situation in which she had absolutely no way of knowing what was going to happen next; and she felt the need to hire an attorney to protect herself from the proceedings that were running out of control. She specifically referred to rather than taking a written complaint, as it is required by the Code, they invited her neighbors to come. According to the Board’s own minutes, they met at length with these neighbors; she has e-mails from witnesses saying that they did so behind closed doors. She was not notified of this meeting, but learned that Mr. Joe Bianco knew about it two weeks prior to that meeting and told Steve Isaacson before she was informed of it. She wrote a letter to the Attorney and Mayor Heymann prior to the date of the initial Ethics Board Meeting expressing her dismay over this turn of events and also Mr. Keith Sager’s role in it.

At this time, she informed that she would read from the e-mail complaint that finally made it to the Ethics Board the very night that Lenny Sinowitz was interrogated and cross-examined without counsel and without even the knowledge that he was named in the complaint. She happened to be there with her attorney and she had several witnesses. She quoted from the complaint as follows: she informed that Mr. Sager was called to her neighbor’s house; “Sager visits the sight, asks the workers to take a break while he goes back to his office and double checks the permit; I call Mr. Sager in his office; he confirms the permit, apologizes and acknowledges that we are being harassed by Mr. Pearl and especially Ms. Rothschild”. She explained that this was the very first line of their complaint and she didn’t think a Borough Construction Official should be making those kinds of statements and causing so much ill will amongst people in the community. She informed that there is a Code of Ethics for Construction Officials, one of which is that they would never conduct themselves in such a way that it might reasonably be inferred that the influence of a personal relationship caused them to act in a biased or partial manner.

She explained that the issue is not that there was an issue in her neighborhood, but this issue is that there was a problem with a Board of this Municipality. The Ethics Board is appointed by this Council and is a part of our community; and they made errors. She was the victim of these errors; and she doesn’t know why the turn of events happened. It seemed as though the only person on that Board that really understood what was supposed to be going on was Steven Harz and she appreciated this, as most of the people remained silent. The former Chairman really seemed to want to make it go forward and to really hurt her, as well as Mayor Heymann and Mr. Sinowitz. She then explained as follows: based upon the fact that she is now making everyone

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

aware that anyone who serves on any Board or Commission named in that ordinance, which questionably includes the Shade Tree Commission, would equally be subject to this kind of treatment; since it happened to her just a couple of months ago and she didn't commit any Ethics violations; she thinks the Board is a dangerous thing; in a small community, people develop attitudes that might not be correct; they have political biases; what happened to her is what she considers to be malfeasance, which is why she asked for reimbursement; she thinks it is unfair for someone who has given so much time to have to pay; when she took an Oath of Office, she didn't know that she would have to have an attorney on retainer in this town; she shouldn't have been deprived of her due process rights; it does really hurt her and she felt a very different relationship with this community; she did want to resign from the Boards, but she decided that doing so would send the wrong message and she will continue; however, she would like for them to reconsider; if she had chosen to go a different route and simply sue the Borough, it would have cost more money just from the defense of the suit alone; she didn't want to choose that route, because it's contrary to what she has been doing as a volunteer.

Mayor Heymann expressed appreciation to Ms. Rothschild for the years of service she has provided to the Borough. She hoped she would continue in this capacity for a long time. She explained that there were some issues that needed to be answered and she asked the Borough Attorney to speak at this time.

Borough Attorney explained as follows: the Council is very well aware of things that have occurred with this particular Board of Ethics over the past two years; and the Council is addressing that and will address it further in January; the issues that are of concern are more with personnel issues, appointment individuals, as opposed to the idea or the concept of the Board; the procedural issues can and will be corrected; the Board has been in effect for over 20 years and this is the first time anything like this has occurred; in terms of reimbursing attorney's fees, the Mayor and Council has never reimbursed attorney's fees; just to clarify, Ms. Rothschild was never charged with anything; it was an inquiry; there was never a complaint filed; the Board never found probable cause; in response to Ms. Rothschild, he explained that there was never a formal complaint made by the Board; there was a resident in town, who filed a complaint; the Council, a Court or a Board of Ethics cannot stop people from making a complaint; if the complaint is not warranted, the complaint will be thrown out.

Ms. Rothschild explained that this was not the issue, reiterating that the Board spent a great deal of time with this particular neighbor, prior to receiving a complaint in writing. Mr. Rogan pointed out that they simply listened to the neighbors; and Ms. Rothschild added that it shouldn't have been behind closed doors and for such an extensive period of time. Mr. Rogan explained that issue of closed doors will not occur. In response to Ms. Rothschild, Mr. Rogan explained that there is no requirement to have a recording of the meeting; and informed that similar to the Mayor and Council Meeting, where they are required to be there every other week to listen to complaints, whether justified or unjustified, they cannot stop people from complaining. Ms. Rothschild explained that the Ethics Board deals with people's reputations; and her neighbors shouldn't have been told to come in and speak freely for so long behind closed doors. Mr. Rogan pointed out that anyone can file a complaint in Municipal Court as well as Superior Court. In response to Mr. Rogan, Ms. Rothschild explained that after two meetings of the Ethics Board, a complaint was filed by her neighbors.

Mr. Rogan assured that the procedural issue would be corrected. However, she was never charged with anything; they considered the evidence and said it was not warranted; they found in her favor and they dismissed it before it went any further. Ms. Rothschild did not think it was appropriate for them to listen; a complaint should be written and filed. The Board of Ethics should follow its own procedures. She voiced her understanding that an Ethics Board is very different from an open public meeting; and Mr. Rogan informed that it is subject to the Open Public Meetings Act; they have to have a quorum, they have to announce that it is subject to the Open Public Meetings Act when the meeting begins and they have to keep minutes. However, bizarre or justified a complaint may be, they are obligated to listen to it. They are not obligated to go any further. After listening, if they find that it does not constitute good cause or warrant any further consideration, they dismiss it, which is what happened. Procedurally, he thought the Mayor and Council was in agreement all along, even prior to her issue, that things need to be tightened up within the Board in terms of their policies. It will be and is already in the process of being corrected.

Ms. Rothschild voiced her opinion that there should be a requirement for anyone serving on any Board or Commission, but specifically the Ethics Board, that they know that there is an ordinance and that they have read it and they understand it.

Mayor Heymann assured they were in agreement with her and sympathetic. Ms. Rothschild voiced her opinion that sympathy is nice, but having to spend the amount of money that she had on an attorney was not so nice. Mr. Rogan reiterated that there was never a charge; this is a situation where someone was being questioned and they hired an attorney, but there was never

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

any type of charge. The only official action that Board took was to dismiss the complaint of her neighbor. Procedurally, the governing body does not like the way that this particular board has handled the procedure over the past year or two. The procedure can and will be corrected.

Mr. Glidden agreed with Ms. Rothschild, adding that he has personally been the subject of the wrong treatment at the hands of the Board of Ethics. He was sure that the Council would agree with him completely. It is not properly constituted or laid out in terms of what their responsibilities are. In his case, they did not know what their responsibilities were and they exceeded those responsibilities. If it doesn't change soon, he assured that he would make a personal effort to eliminate it. He voiced his understanding that there is a County Board of Ethics, which he believed would serve the Borough well. Mr. Rogan corrected him that there was a State Board. Mr. Glidden also informed that the Department of Community Affairs, as well as the Local Finance Board is involved in that. He is very concerned about it himself; and he assured that her comments are not going unheeded. He also thanked her for her many years of service. He explained he could not understand how anyone could spend so much time on the Zoning Board of Adjustment as he served on it for one year.

Referring to the NJ Department of Community Affairs, Ms. Rothschild pointed out that in their own Ethics Code, which is supposed to be the basis for Municipal Codes and which is the basis for ours, does require a written, signed complaint prior to taking any sort of action; and that is not what happened here. She also informed that she has tried to get records and they are required to be kept for five years. Both she and her attorney have made requests for documents, which she has not received. In response to Mr. Rogan, she informed that she requested through the Borough Clerk's Office; and by letter to Mr. Prigoff from both she and her attorney. She only received one set of minutes. She requested a number of things and she will request again; she would like to receive what she requests. She doesn't think there is any excuse; there are time periods involved, but there is no excuse for ignoring requests for records. Mr. Rogan and Mayor Heymann agreed with her.

Michael Kafer, 261 Parsells Lane, addressed Mr. Rogan and informed that he attended the hearing that was held by the Ethics Board, to which Ms. Rothschild is referring; and they didn't operate with a set of By-Laws. If they do have a set of By-Laws, it is unknown to any of the members. They did take action; they held a hearing, they conducted cross-examination of a Borough employee, they didn't apprise the Borough employee that he had certain civil service rights, as well as procedural due process rights. Mr. Sinowitz's job was in jeopardy. Mr. Rogan informed that Mr. Sinowitz is not subject to civil service rights; there is a big difference between the rights of a Borough employee for the purposes of questioning something. Mr. Kafer voiced his understanding that he has procedural due process rights; Mr. Rogan agreed. He also agreed with Mr. Kafer that Mr. Sinowitz has substantive due process rights. Mr. Kafer explained that Mr. Sinowitz had a job that was at stake and he was being cross-examined about it. He wasn't even aware that he was the subject of this investigation. Mr. Rogan was not aware of this; and Mr. Kafer asked if he had read the transcript of the hearing. Mr. Rogan asked who the complaint was filed against; he did not read the transcript. Mr. Kafer explained that this was because there was no transcript.

Mr. Rogan voiced his understanding that Mr. Sinowitz was not the subject of the investigation. Mr. Kafer informed that the complaint included his name; and Mayor Heymann pointed out that it included her name as well. Mr. Kafer voiced his understanding that she was not being questioned and Mayor Heymann informed that she was questioned earlier on. Mr. Kafer explained that she was not questioned at a public hearing, under oath, cross-examined; she may have been interviewed in an informal process. She was not interviewed in a formal process before the Ethics Board, in operating without the State's constitution and without the town's ordinance. Mr. Sinowitz was a subject of that complaint. He suggested that this be handled in a similar manner as when there are what he termed as "bark complaints". He explained a particular procedure and Mr. Rogan informed that this was stated in the ordinance. Mr. Kafer explained that this was not the way it was done. Mr. Rogan reiterated that there were procedural errors that have and will be further corrected. They failed to follow the procedures set forth in the ordinance. He is not disagreeing that it was mishandled. Mr. Kafer described it to be a procedural due process violation; it is a substantial violation of people's rights. It's something that shouldn't just be glossed over.

Mr. Rogan further explained that it was handled improperly and it will be handled properly; the ordinance, as written, takes into consideration procedural due process. A Board is only as good as its members, no matter what board. There can be rules established; and if the rules are not followed, then those individuals might not get reappointed. That is a policy decision, but that is a procedural issue that if they don't follow the ordinance, no matter who it is, can address at the appropriate time. Mr. Kafer explained that when the Board does not follow its procedural issues and people are hurt, those people who are hurt have had their due process violated. That is what happened in this town. Mr. Rogan reminded that no one was punished, charged or fired; they

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

were questioned.

Steve Isaacson, 97 Columbus Avenue, questioned the situation regarding the sign across the street. He reminded that this was the third meeting he has questioned this issue; and they keep telling him they will find out about it. He clarified that it was the sign for North Jersey Orthopedics. Mrs. Amitai announced that she found out about this and explained as follows: they applied for a permit and it was granted; all they did was slip out the old and put in the new. Mr. Isaacson asked if it was a use variance, because it is a business operating there, as opposed to a Korean Medical Group in affiliation with Pascack Valley Hospital and now it's Holy Name. Mr. Isaacson reminded that this coming Saturday was the Joint Meeting for Land Use and Mayor Heymann informed that she would be making an announcement.

Mr. Isaacson then asked Mr. Glidden about the accounting reports for Recreation. Mr. Glidden explained that it's still in the works; it has proved to be somewhat tedious in terms of collecting it. He agreed with the necessity for doing it; and he wanted to make sure it is done right. Mr. DiStefano explained as follows: they are at the final stages of it; Jim Oettinger needs to give him the breakdown; when they registered sports, for example, winter sports, everything is combined into wrestling, indoor soccer and basketball; we need to get that broken out; the Auditors have requested it also, so they are in the process of getting that broken down.

Mr. Isaacson asked if there was any reason why there wasn't a report at every meeting for Recreation or their Liaison as to what is going on in the town. Mayor Heymann voiced her understanding that the Liaison reports those issues that are of interest to the residents and the Council. Mr. Isaacson explained as follows: "for example, I inquired about an electrical box at Mollicone Park and there was nothing electrical about it and it took me a little while to find out that it was put in with the sprinkler system; but I don't ever recall hearing about the installation of a sprinkler system come before the Mayor and Council, let alone an electrical box; the electrical box can be for a snack stand; these are all things that are going on using public dollars, but the public has no idea as to what is going on; the box is there and the sprinklers are in".

Mr. Glidden hoped that when the financial analysis was complete, it would explain a little bit more about where the money is coming from and where it is going. A lot of the money is raised directly by users of the Recreation programs. It's appropriate to make a full accounting of that.

Mr. Isaacson referred to the land where the Nature Center is, and noted that it has not been changed from zoned industrial to parkland. Mayor Heymann informed that they are now discussing that possibility with the Master Planner; and he is going to let them know.

Mr. Isaacson referred to Durie Avenue, noting that it is now full of pot holes and they are going into the winter season when they are not going to be manufacturing asphalt anymore; he asked if this was correct. Mr. DeNicola agreed that this would happen at some point in December. Mr. Isaacson voiced his understanding that the new ordinance states that they can use cold asphalt on the streets; he asked how long they will have to put up with this.

Mr. DeNicola explained as follows: generally what you deal with when trenching in a road is you allow it to go through what is called a freeze/thaw cycle; therefore, any settlement that's produced will occur during a freeze/thaw cycle; if PSE&G resurfaces that road or trench today, when it comes to freezing and thawing in winter and spring, you will see settlement; then you're going to have a new patch that's settled and it will be just as it is today; bumpy and stony; he thinks they let it go through a freeze/thaw cycle normally. Mr. Isaacson was curious as to when all of this would be completed. Mr. DeNicola informed that they were going to resurface the trench; however, they did not specify when, so he will look into it for him.

Mr. Isaacson pointed out that they have advertisements for Closter Plaza and they want to turn it into Closter Town Square. He would really like for the Mayor and Council to consider designating the Closter Plaza sign as a landmark. Mayor Heymann explained that it was going to happen soon.

Hugh Johnson, 107 Demarest Avenue, asked for the status of Keith Sager, the Borough's Construction Code Official. He reminded that when they left it two weeks ago, the Acting Borough Administrator had mentioned that he turned Mr. Johnson's complaint, which he had signed off and reviewed, over to the H.R. Committee, whose Chair is not present this evening. The H. R. Committee Chairman had mentioned that she did not have said complaint in her mailbox. Mr. Johnson asked for another member of the H. R. Committee to inform whether the Committee had a meeting, if they intend to have one and if this matter can be reviewed. Mayor Heymann informed that he would have to wait for the Chairperson herself to answer him. Mr. Kashwick informed that he was on the Committee, as well as Dr. Barad and Ms. Tutoli. They have not met and there has been no discussion.

Mayor Heymann explained that the Chairperson, Cynthia Tutoli, has a seriously ill mother who is in the hospital right now; this takes all of her extra time. Besides that, she works full-time; and because they are all volunteers, they take consideration of one another. Under the circumstances, they are not putting her under pressure. In response to Mr. Johnson, Mayor

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

Heymann informed that this makes it very difficult to have a Committee meeting. Mr. Johnson voiced his opinion that as a responsible official in her shoes, he would turn the reigns of that chair to someone else so they may have a meeting. He asked when they would hold the next meeting; and Mayor Heymann explained that they would ask Ms. Tutoli, as it would have to come from her. In response to Mr. Johnson, Dr. Barad informed that the usual schedule for meetings is roughly once per month. Mr. Johnson explained that he would return in two weeks, with the assumption that it will have been reviewed and some action would be referred back to the Mayor and Council.

Dr. Barad explained that even if they would have the opportunity to talk about it and come up with some sort of action, they are precluded from announcing that action at a public place until it is settled, because it is a personnel matter. Mr. Johnson cautioned that November is coming fast and he will see to court action.

Mr. Johnson explained he was amazed regarding the Code Official appointment from two weeks ago, when they had three Council people who were reluctant to have anything to do with it, to postpone the meeting until a resume was distributed. There was heated discussion and they went into closed session. Now they have a Code Official at \$20 per hour. As one Council person told him recently, it was to make sure that people's lawns were being cut and this individual is an attorney; he thinks this is incredible. All of a sudden, this was acquiesced in a secret session and resumes were provided and certain people who were objecting voted for it. He asked why we need to spend \$20 per hour for someone, as an attorney, to make sure that people's lawns are cut if the Mayor is so objective to Police and DPW overtime and in concern with the beautification of this Borough. Because Mr. Sinowitz is on vacation, there seems to be paranoia.

Mayor Heymann explained that personnel issues are always discussed in closed session. She also informed that every Council person had on their desk, the resume biography of the candidate. They had no one in that position at all; and they needed to fill it. Mr. Johnson asked why they needed one; and Mayor Heymann informed that it was part of the Borough activities to have a property maintenance person. It is one of their responsibilities to maintain Closter. Also, she assured that the individual is still an attorney and offered for Mr. Johnson to check for himself. Mr. Johnson asked why the other individual left after such a short period of time. Mayor Heymann explained that it was a personnel issue; and Mr. Johnson asked if there was any guarantee that this one will stay. He noted that if people are so concerned with budgetary constraints, to spend that amount of money to make sure people's lawns are cut is a bit curious. Mayor Heymann explained that this was not necessarily everyone's point of view.

Mrs. Amitai explained that the Code Enforcement Officer has a lot of different roles. He looks at signs to see if signs are placed illegally and follows through on something of that nature; they check sidewalks and do all kinds of other things in the Borough; they do the maintenance of our downtown so that it's neat and tidy looking. They haven't had someone on a regular basis in a very long time; and they need someone on a regular basis so that they can be consistent with what they are enforcing. Mr. Johnson voiced his opinion that there is a creeping foliage situation coming across from the Demaree Farm; it is slowly creeping on to the south bound lane. He suggested that the individual take a look at this, as it is very close to the road at this point.

Mayor Emeritus, Fred Pitofsky, 7 Pearle Road, referred to Mr. Johnson's remarks and explained that it was obvious that the Borough was short on help and they went into closed session, reviewed the resume and then voted on it.

He also referred to the Lions Club sign and informed that they advertised the 9/11 ceremony. Mayor Heymann thanked him as the Vice President of the Club, noting that they did a beautiful job. She also thanked Mr. Strepparava on behalf of everyone. Mr. Pitofsky encouraged them to let the Lions know first, so they can coordinate it whenever they need something to be placed on the sign.

Mr. Pitofsky referred to Chief Berrian's inquiry as to a certification and explained that he spoke to the Risk Manager and then they spoke to the Joint Insurance Fund, so they will discuss it. He informed that Alpine denied it, because it was too expensive for certification. In response to Mr. DiStefano, Mr. Pitofsky informed that they did not come up with a number yet.

Mr. Pitofsky referred to the pictures of the former Closter Mayors and asked that they be moved into clearer sight to give recognition to these people. Mr. Glidden informed that he would take care of it. Mr. Pitofsky explained that he had asked the DPW to do it, but they wouldn't do so without the permission of Mayor Heymann, who assured they would change it.

As Insurance Commissioner, he requested that copies of the minutes be forwarded to him regularly so he knows what is happening. Mayor Heymann agreed to do so.

Mr. Pitofsky referred to the Closter Improvement Commission and asked Mrs. Amitai if they had anybody in mind to appoint as a regular. Mrs. Amitai explained that there were no suggestions; and Mr. Pitofsky informed that he had a suggestion that he would provide to her.

At 8:53 p.m., Mayor Heymann informed that the governing body would be deviating from

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

the Agenda to address Item No. 30b.in Closed Session. She invited all to remain, explaining that they would be in closed session.

Mayor Heymann asked for a motion approving the following resolution:

- 30b. 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 that the item(s) under discussion in the closed meeting would be disclosed to the public at the conclusion of the litigation which should be within 4 to 6 weeks.

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

At 9:21 p.m. Mayor Heymann resumed the Regular Meeting and continued with the Agenda.

9. COMMUNICATIONS

a. MAIL LIST – AUGUST 28, 2008 – Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Mayor Heymann and Borough Clerk commented on Item No. 6; Mr. Hennessey asked that Item No. 4 be removed.

Item No. 6 - Received 08/28/08, dated 08/27/08, from Joan C. Egan, Director, Closter ICF, Spectrum for Living, re request for consideration of adoption of Closter resolution at a September meeting supporting Spectrum for Living Closter ICF's proposal for CD Grant to defray the cost of replacing defective and damaged siding on their Intermediate Care Facility; Possible Resolution of Support - RM Agenda 9/10/08

Mayor Heymann informed that this would be on the Consent Agenda; and Borough Clerk explained that she had received a draft Resolution from Spectrum.

Item No. 4 - Received 08/25/08, dated 08/22/08, from John Diaz, PLS, Diaz Land Surveying, L.L.C.; to Keith Sager, Construction Official; cc: Thomas J. Locavare, Mayor and Council; Re: 70 Pine Street, Closter; enclosed as-built survey

Mayor Heymann explained that this should not have come to the Council. Borough Clerk explained that it was sent, and she put it on the Mail List because it should be made aware to all that the applicants are to be properly advised as to whom they should so inform.

Mr. Hennessey asked Mr. DeNicola if it was customary to require iron pins for an as-built survey. Mr. DeNicola explained as follows: not for an as-built survey; for a property point, yes, you use an iron pin, a concrete monument: one or the other; if there are already pins there, you would not need to set new pins; customarily, if you have an as-built survey, you do not need to set property points; only if it is required; in the Borough of Closter, they are required as there is an ordinance.

b. MAIL LIST – SEPTEMBER 4, 2008 – Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Mayor Heymann removed Item No. 2; Mr. Hennessey and Mrs. Amitai asked that Item No. 2 be removed.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

Item No. 2 - Received 09/02/08, dated 08/28/08, from Gail Warming Tanno, Municipal Clerk, Borough of Alpine; *Notice of Public Hearing regarding the following Ordinances introduced on 8/27/08 to be held 9/24/08 at 8:00 p.m. at the Borough Hall in Alpine:

a. Ordinance No 687, "AN ORDINANCE TO REQUIRE AS-BUILT DRAWINGS TO CONFIRM HEIGHT CONFORMANCE WITH PRIOR APPROVALS OR BUILDING REQUIREMENTS"

b. Ordinance No 688, "AN ORDINANCE TO AMEND THE SOIL MOVING ORDINANCE TO COINCIDE WITH THE TREE BUFFER REQUIREMENTS"

(Copy to Planning Board, Zoning Board of Adjustment, Keith Sager); Borough Engineer; Amitai/Planning; Hennessey/Zoning

Mayor Heymann explained that Keith Sager called this to her attention, because this is a very strange ordinance that requires an as-built during the process of the building. She asked if this was something they could require; it's an as-built that they want during the building process. Mr. DeNicola asked if it was for a foundation as-built and Mayor Heymann informed that it was not. Mrs. Amitai informed that this was for building height, noting that they wouldn't have had the issue with the Segals had this been done. Mayor Heymann didn't think they could ask for an as-built as they go along. Mr. DeNicola explained that they do ask for an intermediate as-built as construction goes forth to make sure the building is in the right position before they build up. As long as they have an ordinance or the International Building Code (IBC) calls for it, they can ask for it. He was not sure if either of those exist, but that is the only way they can require it. He asked what Mr. Sager said about it, because he should be able to give her the answer, as he has jurisdiction over it. Mayor Heymann informed that Mr. Sager informed her that it can't be done. Mr. DeNicola clarified that it can be done, if someone calls for it. Mayor Heymann asked him to look into this and Mr. DeNicola agreed to do so.

10. 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.

Jesse Rosenblum, 65 Knickerbocker Road, asked if Vantage Health sent in the audit reports. Mayor Heymann informed that they have not done so yet.

11a. 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

~~12.*~~ INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARINGS TO BE HELD ON MONDAY, 10/06/08, @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTERS MAY BE HEARD:

a. ORDINANCE NO. 2008:1019, "AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S. 40A:4-53 ENGAGEMENT OF SPECIAL CONSULTANTS FOR THE PREPARATION OF A MASTER PLAN OF THE BOROUGH OF CLOSTER, COUNTY OF BERGEN, AND FOR THE ISSUANCE OF SPECIAL EMERGENCY NOTES IN THE SUM OF \$15,000 TO PROVIDE FOR THE PAYMENT OF SAID PROGRAM IN COMPLIANCE WITH N.J.S.A. 40A:4053 AND 40:4-55 (Received from Auditor 8/13/08)

b. INTRODUCTION OF ORDINANCE NO. 2008:1020, "AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE BOROUGH OF CLOSTER'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT" (Requested by Borough Attorney 9/4/08)

13.* BILL RESOLUTION – SEPTEMBER 15, 2008
TO BE PREPARED BY TREASURER

14.* RESOLUTION AUTHORIZING AD INTERIM PERMIT FOR PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-006-006 ISSUED TO KLIP, LLC. t/a ASSEMBLY EAST HILL, 597 PIERMONT ROAD

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

- 15.* RESOLUTION RE REFUND OF 2008 REAL ESTATE TAX OVERPAYMENT TO THE FOLLOWING (Received from Deputy Tax Collector 9/4/08):
 FIRST AMERICAN REAL ESTATE TAX SERVICE 1 FIRST AMERICAN WAY
 IN THE AMOUNT OF \$2,088.10 FOR BLOCK 513 LOT 9
 MAIL CODE: DFW 1 – 3, WESTLAKE TX 76262, ATTN: REFUNDS IN THE
 AMOUNT OF \$2,911.56 FOR BLOCK 805 LOT 47
- 16.* RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS 2006, 2007 & 2008; O&P REALTY, BLOCK 1201, LOT 1, CORNER NAUGLE STREET AND RAILROAD AVENUE (Received from Borough Attorney 5/19/08)
 Adjourned from RM 5/28/08, RM 6/11/08, RM 6/25/08, RM 7/9/08, RM 7/23/08 to this meeting
- 17.* RESOLUTION AUTHORIZING MAYOR SOPHIE HEYMANN TO SIGN N.J.D.E.P. PERMIT CERTIFICATION FOR BLOCK 81.06, LOT 6, ALPINE, NEW JERSEY SASOUNESS PROPOSED SEWER CONNECTION IN ACCORDANCE WITH CLOSTER/ALPINE SEWER AGREEMENT DATED 8/5/1994, SUBJECT TO ENGINEER’S REVIEW, APPROVAL AND CONDITIONS (Requested by Borough Attorney 5/21/08)
 Adjourned from RM 5/28/08, RM 6/11/08, RM 6/25/08, RM 7/09/08, RM 7/23/08 to this meeting

At this time, Mayor Heymann informed that Item No. 17 would be put on hold.

- 18.* RESOLUTION RE SPECIAL EMERGENCY APPROPRIATION – N.J.S.A. 40A:4-53 – PREPARATION OF MASTER PLAN (Received from Auditor 8/13/08)
- 19.* RESOLUTION APPOINTING CYNTHIA MEYER TO THE POSITION OF LAND USE ADMINISTRATOR FOR THE BOROUGH OF CLOSTER AT AN ANNUAL SALARY OF \$40,425.98 COMMENCING 9/22/08 (Received from Acting Administrator/Treasurer 9/4/08)
- 20.* *POSSIBLE* APPROVAL OF CLOSTER SUSTAINABLE INITIATIVE MASTER PLAN COMPONENT (Requested by Mayor 8/25/08)
RESOLUTION TO BE PREPARED, IF AND WHEN APPROVED
- 21.* *POSSIBLE* PREPARATION OF RESOLUTION SUPPORTING APPLICATION BY SPECTRUM FOR LIVING FOR COMMUNITY DEVELOPMENT BLOCK GRANT TO HELP DEFRAY THE COST OF REPLACING CEFFECTIVE AND DAMAGED SIDING IN THEIR INTERMEDIATE CARE FACILITY (6. M.L. 8/28/08)
RESOLUTION TO BE PREPARED, IF AND WHEN APPROVED

MOTIONS

At this time, Mayor Heymann referred to Item Nos. 22 and 23; and informed that there were no new appointments for either.

- 22.* 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

<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

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

- 23.* 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

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

- 24.* MOTION APPOINTING Thomas Reinecke TO SERVE AS MEMBER OF THE BOARD OF ETHICS FOR AN UNEXPIRED 5-YEAR TERM (PRIGOFF) TO 12/31/2011 (D) SHADE TREE COMMISSION RECOMMENDATION (13. M.L. 7/24/08) Adjourned from RM 8/13/08

At this time Borough Clerk explained that she received information, which will be part of the next Mail List, and questioned if it was acceptable that the nominee was undeclared. Mayor Heymann informed that the regulations state that there may not be any more than three of one party.

- 25.* MOTION APPROVING THE FOLLOWING MINUTES – ABSTENTION: KASHWICK
a. WORK SESSION HELD AUGUST 27, 2008 (Distributed 9/4/08)

- 26.* MOTION APPROVING THE APPLICATION AS NEW MEMBER OF THE KNICKERBOCKER HOOK AND LADDER COMPANY OF ROBERT EVAN BEDDOE
(Completed application received 9/3/08)

- 27.* MOTION GRANTING APPROVAL FOR BLOCK PARTY TO BE HELD ON WHITNEY STREET (BETWEEN HIGH STREET AND DEMAREST AVENUE) ON 9/21/08 FROM 1 P.M. TO 6 P.M.; RAIN DATE: 9/28/08 (5. M.L. 9/4/08)

- 28.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

- a. CONSTRUCTION OFFICIAL – AUGUST 2008 (Received 9/3/08)

The following items were removed by the following individuals: Mayor Heymann previously removed Item Nos. 17, 22 and 23; Mr. DiStefano and Mrs. Amitai asked that Item No. 12a. be removed; Borough Attorney asked that Item No. 19 be removed; Borough Engineer asked that Item No. 17 be removed; Mayor Heymann removed Item Nos. 14, 16 and 20.

At this time, Mayor Heymann informed she was removing Item No. 16, as they had not completed this discussion; and Item No. 20, because it has not yet been approved by the Planning Board.

- 11b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 12a, 14, 16, 17, 19, 20, 22 and 23 was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

29. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

12. INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARINGS TO BE HELD ON MONDAY, 10/06/08, @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

- a. ORDINANCE NO. 2008:1019, “AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S. 40A:4-53 ENGAGEMENT OF SPECIAL CONSULTANTS FOR THE PREPARATION OF A MASTER PLAN OF THE BOROUGH OF CLOSTER, COUNTY OF BERGEN, AND FOR THE ISSUANCE OF SPECIAL EMERGENCY NOTES IN THE SUM OF \$15,000 TO PROVIDE FOR THE PAYMENT OF SAID PROGRAM IN COMPLIANCE WITH N.J.S.A. 40A:4053 AND 40:4-55 (Received from Auditor 8/13/08)

In response to Mrs. Amitai, Mayor Heymann explained it was not for COAH. Mr. DiStefano explained as follows: this is an emergency appropriation that allows us to spread the cost over five years just as was done for the revaluation. Mayor Heymann informed that it is for Preiss; and Mrs. Amitai voiced her understanding that they already approved money for Mr. Preiss, the Master

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

Planner, a long time ago. Mr. DiStefano informed that they approved it, but they didn't put it into the Municipal Budget until this year. Therefore, they have to approve the emergency appropriation, which they have in this year's Budget. This allows them to spread the cost over five years, as they did with the revaluation.

Motion to approve Item No. 12a. was made by Councilwoman Amitai, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

14. RESOLUTION AUTHORIZING AD INTERIM PERMIT FOR PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-006-006 ISSUED TO KLIP, LLC. t/a ASSEMBLY EAST HILL, 597 PIERMONT ROAD

Mayor Heymann informed that KLIP owes the Borough \$25,511.16 in back taxes. She questioned if they could still give them a license. Borough Clerk explained that there was nothing they could do as far as the licensee not paying the taxes for the Borough. The fact is that he hasn't paid taxes that are sufficient to the Division of Taxation in order to have his liquor license renewed. The Borough cannot renew it until there is a Tax Clearance Certificate and there hasn't been one provided. She also advised that they cannot be discussing that there are taxes due. Mayor Heymann asked if they could remove this from the Agenda until they received the necessary documents. Ms. Castano informed that they must leave it on the Agenda to permit the licensee to obtain an ad interim permit so that he can satisfy getting some money to possibly pay his debts.

Mr. Rogan informed that the State will keep them on a short leash. Unless they pay their State taxes within the next 30 days or so, he didn't think the Borough would have to worry about it, as he thought the State would pull it. Ms. Castano informed that it goes until the end of September, and then due to the fact that the Borough has not taken any action because they cannot do so, then the licensee has to appeal directly to the Division of Taxation.

Motion to approve Item No. 14 was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

16. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS 2006, 2007 & 2008; O&P REALTY, BLOCK 1201, LOT 1, CORNER NAUGLE STREET AND RAILROAD AVENUE (Received from Borough Attorney 5/19/08) Adjourned from RM 5/28/08, RM 6/11/08, RM 6/25/08, RM 7/9/08, RM 7/23/08 to this meeting

Mayor Heymann reminded that a discussion was held about Item No. 16 in Closed Session and asked if there were any motions.

Motion to approve the settlement agreement, as described by the Borough Tax Attorney, was made by Councilman Hennessey, seconded by Councilman Kashwick.

BEFORE ROLL CALL VOTE, Borough Attorney informed that a form Resolution for Item No. 16 was attached to the Agenda.

Said Motion was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick and Barad; Councilwoman Amitai Voting No.

17. RESOLUTION AUTHORIZING MAYOR SOPHIE HEYMAN TO SIGN N.J.D.E.P. PERMIT CERTIFICATION FOR BLOCK 81.06, LOT 6, ALPINE, NEW JERSEY SASOUNESS PROPOSED SEWER CONNECTION IN ACCORDANCE WITH CLOSTER/ALPINE SEWER AGREEMENT DATED 8/5/1994, SUBJECT TO ENGINEER'S REVIEW, APPROVAL AND CONDITIONS (Requested by Borough Attorney 5/21/08) Adjourned from RM 5/28/08, RM 6/11/08, RM 6/25/08, RM 7/09/08, RM 7/23/08 to this meeting

Mr. DeNicola informed that he had removed this item as he is being continuously questioned about the status of this matter by the applicant. He asked what the issue was, so he could inform the applicant. He knows that even if they increased the fee for the connection, they can't do it until the first of January. Mayor Heymann informed that she thinks this is what the issue is, as they are going to change it, but they cannot change the value until January. He explained that if they approve it now, all they will be doing is collecting this year's fee and then next year, collecting next year's fee. He voiced his opinion that they shouldn't be holding it up because they are going to change the fee next year. He recommended that they pass it and then increase the fees next year across the board. Mrs. Amitai asked if they could link this fee to the taxes so if the taxes get

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

increased, the fee also gets increased; and Mr. DeNicola voiced his understanding that the Mayor had already done this. Mayor Heymann informed that this is the way the present Ordinance reads and asked for a motion.

Motion to approve Item No. 17 was made by Councilman Glidden, seconded by Councilman Kashwick.

BEFORE ROLL CALL VOTE, Mrs. Amitai voiced her understanding that this would okay it so that this year they pay \$400.00 and Mr. DeNicola agreed.

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

18. RESOLUTION RE SPECIAL EMERGENCY APPROPRIATION – N.J.S.A. 40A:4-53 – PREPARATION OF MASTER PLAN (Received from Auditor 8/13/08)

At this time, Mayor Heymann informed of her understanding that Item No. 18 was the same as Item No. 12a. Borough Clerk asked for a vote on Item No. 18; and Mayor Heymann reiterated that it is the same as 12a. However, Ms. Castano informed that there is both a Resolution and an Ordinance and explained as follows: we have to introduce the Ordinance, we have to have a public hearing and then it has to be adopted; and the Resolution is approved this evening.

Motion to approve Item No. 18 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

19. RESOLUTION APPOINTING CYNTHIA MEYER TO THE POSITION OF LAND USE ADMINISTRATOR FOR THE BOROUGH OF CLOSTER AT AN ANNUAL SALARY OF \$40,425.98 COMMENCING 9/22/08 (Received from Acting Administrator/Treasurer 9/4/08)

Borough Attorney informed that he pulled this based upon the letter they received yesterday from Ms. Meyer. He voiced his opinion that this item should be tabled until they have the opportunity to discuss the matter further with Ms. Meyer.

20. *POSSIBLE* APPROVAL OF CLOSTER SUSTAINABLE INITIATIVE MASTER PLAN COMPONENT (Requested by Mayor 8/25/08)
RESOLUTION TO BE PREPARED, IF AND WHEN APPROVED

Mayor Heymann explained that she pulled this, as the Planning Board has not approved this and they need to do so before it comes to the Mayor and Council. She explained that everyone received two copies of this; and encouraged all to read and become familiar with same by October 1, 2008, when it is going to be coming before the Planning Board.

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

At this time, Mayor Heymann explained that they need to consider what they began two weeks ago and continued to the meeting tonight, which is the appointment of a COAH Planner. She urged that this be finalized because they need to get a COAH Plan in shape before December 31, 2008, which is the State's deadline.

At this time, Mayor Heymann explained that she provided the three RFPs to the Clerk the day after the last meeting which was held August 27, 2008. She noted that apparently, they only received them yesterday in a special packet. Mr. Hennessey explained that they didn't receive three of them; only two. Mayor Heymann informed that there were three, noting that one of them is very informal; the other two are more formal. She continued that the Clerk had received them from John DiStefano and herself the very next day. Borough Clerk explained that it was hand delivered to someone in her office, there was confusion as a result of both she and her Deputy taking vacation time; she found it in a pile of papers and made sure copies were made and distributed to the Mayor and Council and Borough Attorney as soon as she found it. Mayor Heymann explained that the bottom line is that it was neither her fault nor Mr. DiStefano's fault for not getting it to the Council on time. Mayor Heymann explained she felt very badly that they might not have had the opportunity to read it.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

Mrs. Amitai explained that she had noticed that Mayor Heymann was also speaking with Mr. Preiss about his COAH fee. She asked if he came up with something and Mayor Heymann informed that he had an approximate price, which was included in the e-mail. She explained that this may have been the one that Mr. Hennessey hadn't realized was the third one. Mr. Hennessey explained that Hakim gave a price of \$20,000.00 and Art Bernard gave a price of \$18,000.00; however, he never saw a third one in the packet. Mayor Heymann explained that the third one was a very large one. In response to Mrs. Amitai, Mayor Heymann informed that \$20,000 -30,000.00 was Preiss; and Bernard was \$18,000.00; Hakim, which was the big thick one, was \$16,000.00.

Mr. Hennessey questioned which one Mayor Heymann would recommend. Mayor Heymann explained as follows: as she pointed out at the last meeting, Michael Hakim has worked for Closter in the past; he lives in Harrington Park and is very accessible; he is doing COAH and Master Planning for the Boroughs of Haworth, Cresskill and Harrington Park; she thinks that they can get more service/more advice, also, his tentative calculations for the COAH obligation that they have is considerably under Art Bernard's, which helps more than anything else. Mrs. Amitai voiced concern that this was what she termed to be "worrisome", as they were apart by a hundred. She also pointed out that she could not find the price in Mr. Hakim's paperwork. She also questioned if Mayor Heymann had spoken to some of the other Mayors about this and asked if they were satisfied. Mayor Heymann assured that this was how she received the information. In response to Mr. DiStefano, Mayor Heymann informed that she spoke to all three of these individuals at long length; and none of them was interviewed directly. She also informed that she specifically remembered Mr. Hakim's price to be \$16,000.00.

Mrs. Amitai explained that Art Bernard's was \$18,000.00, but Christina Procida suggested they have a telephone interview and see if they could resurrect some of his other plan. Mayor Heymann explained that Art Bernard has all of the records already and he still wants \$18,000.00. Dr. Barad asked if she needed approval for this; and Mayor Heymann explained that it would make her feel better, since the State deadline is 12/31/08; and planners are very busy with this and they need to get the best possible advice they can get.

- 30c. Motion to appoint Hakim Associates for their COAH Planning was made by Dr. Barad, seconded by Councilwoman Amitai.

BEFORE ROLL CALL VOTE, Mayor Heymann informed that the Borough Attorney was going to have to have a formal Resolution on this. Mr. Rogan agreed, adding that there would also be a contract.

ROLL CALL VOTE:	Mr. Glidden -	No	Mr. Barad -	Yes
	Mr. Hennessey -	No	Ms. Tutoli -	Absent
TIE VOTE: 2-2	Mr. Kashwick -	Yes	Mrs. Amitai -	Abstain

At this time, Mayor Heymann voted in favor of the motion.
CARRIED: 3-2

At this time, Borough Attorney advised he would prepare a formal Resolution and get a contract.

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

Mayor Heymann reminded that they discussed the parking space fee and they will obtain a figure from the Tax Assessor for the next meeting to be held September 24, 2008. Borough Clerk informed that Mrs. Mattiace had informed that she would attend that meeting.

- b. CLOSED SESSION REGARDING THE FOLLOWING MATTERS: PENDING LITIGATION O&P REALTY V. CLOSTER (Requested by Borough Attorney 9/2/08); DISCUSSION PERTAINING TO PERSONNEL ORDINANCE AND MANUAL CHANGES (Requested by Borough Attorney 9/3/08)

Mayor Heymann voiced her opinion that the discussion for Closed Session regarding the Personnel Ordinance and Manual changes deserved more attention than it can be given this evening.

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

Mayor Heymann opened the meeting to the public.

Jesse Rosenblum, 65 Knickerbocker Road, inquired about Item No. 16 and explained that the last time he asked about it, he was told that they wanted a reduction in the land assessment. He asked if they received a reduction. Mayor Heymann explained as follows: the Assessor explained to us that the argument that comes before the Court takes in the entire sum and isn't subdivided into land and structure; but it is the entire package; they did get a reduction. In response to Ms. Castano, Mr. Rogan explained that it has been voted on so it is open to the public at this point. Mr. Rosenblum asked for confirmation that they gave a reduction on the entire package; and Mayor Heymann agreed. Mr. Rosenblum explained that the Assessor has to break down the numbers. Mayor Heymann explained that Mrs. Mattiace had advised them to accept the negotiated settlement, which was a relatively small adjustment to the total package. In response to Mr. Rosenblum, Mr. Rogan explained that the way the settlement is structured, actually three tax years are being addressed. The 2006 appeal was completely withdrawn, so they basically abandoned any appeal for 2006. The 2007 assessment was reduced from \$3,059,800.00 to \$2,559,800.00, which was a reduction of \$500,000.00 or \$7,500 for tax dollars. For 2008, the property was reduced from \$3,059,800.00 to \$2,309,800.00 for a total reduction of \$7,750.00 in appraised value. Mr. Rosenblum asked what the reasoning was for the reduction for the tax payer. Mr. Rogan informed that the tax payer appealed based upon the uniqueness of the property. The Borough had originally assessed that property at \$100 per square foot value. It is an industrial use with three buildings only one of which has heat and water. Mr. Rosenblum voiced his understanding that John J. Demarest is not zoned industrial, but they are zoned commercial. However, Mr. Rogan informed that they are zoned industrial. Mr. Rosenblum explained that the zone line is between John J. Demarest and the bus company. Mr. DeNicola voiced his understanding that this was correct and both Mayor Heymann and Mr. Rogan informed that in the presentation, it was stated several times that it was zoned industrial. Mrs. Amitai asked how they should go about correcting this. Mr. Rogan informed that they would have to ask for clarification. Mr. Rosenblum asked what the Assessor said about the zoning; and Mr. Rogan explained that she didn't mention anything about that issue this evening. Mr. DeNicola informed that it was industrial use and zoned commercial. In response to Mr. Rosenblum, Mr. Rogan informed that it was the Borough Appraiser, Mr. Izenberg, who informed them. His recommendation was based upon the fact that due to the uniqueness of the property; they would not be able to sustain \$100 per square foot value for that particular piece of property. The uniqueness of the property is that it is three acres, but it has a small building on it. In his conversation with the Zoning Officer and looking at a potential development plan for highest and best use, which arguably could be something like townhouses, there would be minimal that could be done, given the Borough's zoning regulations; they wouldn't be able to build much to make that different in terms of even if a townhouse application were to come in, there would be such severe zoning restrictions on it that value wise, it wouldn't be much higher, if any. Mr. Rosenblum questioned if he discussed a possible business use; and Mr. Rogan informed that he did not discuss a commercial business use. Mr. Rosenblum explained that Mr. Izenberg's arguments were based on misconception of the zoning. Mr. Rogan was not sure that this would alter Mr. Izenberg's opinion, but he explained that they should certainly find that out in light of the fact that he did refer to it as industrial on two occasions. Mr. Rosenblum asked if he ever put it in writing as to what the zone was. Mr. Rogan was not aware that he ever said it was; he may have if he did a formal appraisal; however, if he did, Mr. Rogan doesn't have it with him. He thinks that Mr. Izenberg simply answered questions for the Governing Body. Mr. Rosenblum voiced his opinion that Mr. Izenberg made some erroneous calculations. Mr. Rogan assured he would check with him in the morning.

At this time Councilman Glidden made a Motion to defer this evening's Work Session for two weeks.

At this time, Mr. Kashwick referred to the approval granting tax relief and asked if they should undo that vote at this point. Mr. Rogan explained that it might not be a bad idea in light of the fact that they need clarification, because he did say it twice and he doesn't think it was an inadvertent comment. Dr. Barad asked for the proper procedure and Mr. Roan informed that anyone voting on the prevailing side would make a motion to prevail.

- 16a. Motion to reverse the vote earlier taken regarding Item No. 16 and carry it for one more meeting was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad and Amitai; Councilman Hennessey Voting No.

Mr. Rogan informed that it would be adjourned to the next Regular Meeting and Borough Clerk clarified that it would be adjourned to September 24, 2008. Mr. Rogan assured he would contact Mr. Izenberg in the morning to try to obtain clarification in writing.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

At this time, Mr. Glidden reiterated his previous motion to defer the Work Session meeting to the meeting to be held two weeks from now. Mayor Heymann explained that there are a number of matters that have time lines and a number of announcements that need to be made, adding that it was only 10:05 p.m. She simply wished to inform the Council that they cannot keep postponing decisions; and they are not giving this the amount of time it deserves. Said Motion was seconded by Councilman Hennessey.

ROLL CALL VOTE:	Mr. Glidden -	Yes	Mr. Barad -	No
	Mr. Hennessey -	Yes	Ms. Tutoli -	Absent
DENIED: 3-2	Mr. Kashwick -	No	Mrs. Amitai -	No

Mayor Heymann recessed the Regular Meeting at 10:05 p.m. to proceed to the Work Session.
Mayor Heymann resumed the Regular Meeting at 10:27 p.m.

32. ADJOURN

Motion to adjourn the Regular Meeting at 10:27 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 September 22, 2008 for approval
at the Regular Meeting to be held
September 24, 2008

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held 9/24/08
Consent Agenda Item No. 22.c.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – SEPTEMBER 10 , 2008 - 7:30 P.M.

Mayor Heymann called the Work Session to order at 10:05 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick,
David Barad, Victoria Amitai
Acting Administrator/Treasurer, John DiStefano
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola

The following persons were absent:

Councilwoman Cynthia Tutoli
Chief of Police, David Berrian

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

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

At this time, Mayor Heymann asked all Borough professionals to comment only on new items.

3. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

- 1) STATUS REPORT RE 28 FOURTH STREET, BLOCK 17 AND 18
- 2) STATUS REPORT RE FOLLOWING DEVELOPER'S AGREEMENTS:
 - a. PLANNING BOARD – JANE LA STELLA, WILLIS DRIVE, BLOCK 603, LOT 15 FINAL SITE PLAN APPROVAL (6. M.L. 7/17/08) – Mr. Rogan

informed having confirmed with Arthur Chagaris that a developer's agreement is not being prepared, as they only required a site plan; therefore, this can be removed from the Agenda.

In

response to Mr. Rogan, Ms. Castano noted that it was placed on the Agenda because the requirement of a developer's agreement was included in the Planning Board Resolution.

- 3) REPORT – Mr. Rogan reported as follows:

a. TEAMSTERS negotiations will begin Wednesday, 9/17/08, at 2:30 p.m. at Borough Hall.

B. BOROUGH ENGINEER

- 1) STATUS REPORT RE CONSTRUCTION OF PERMANENT TRAFFIC LIGHT INTERSECTION OF HOMANS/OAKLAND AVENUES
- 2) STATUS REPORT RE 2007 ROAD IMPROVEMENT PROGRAM - AWARDED TO ROCKBORN TRUCKING AND EXCAVATING INC. (\$998,521.21/Awarded RM 02/13/08)

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

3. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

- 3) STATUS REPORT RE CLOSTER NATURE TRAIL (\$78,634/Awarded to D.R. Mullen at RM 4/9/08/TENAKILL BRIDGE PROJECT (Approved at RM 03/26/08)

At this time, Mr. DeNicola informed that Item Nos. 1-3 on his Agenda have been completed; and a detailed description of what is going on for each project is included in the Status Report he submitted. Due to their completion, they can be removed from his report.

- 4) REPORT – Mr. DeNicola reported as follows:

a. The County put out a contract for the 2008 Road Program; in conjunction with this, they put out a handicapped ramp project, which has to be done in concert with the Road Program. This year, they are requiring the Borough to front the monies for the inspection of the handicapped ramp program as well as the Police Officers required for that project; therefore, the Borough will be obligated if they want the roads resurfaced. The road for resurfacing this year is High Street in three sections.

In response to Mayor Heymann, Mr. DeNicola informed he had spoken to Mr. DiStefano about the money; and Mr. DiStefano informed him that it should not be an issue.

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)- Mr. DiStefano thanked them for adopting the Budget and informed that he would be going to Trenton tomorrow; and they will, hopefully, get the bills out by the end of the month.

At this time, Councilman Hennessey referred to the reserve accounts on the Budget for accumulated leave and sick pay and noted that there is no money in them and questioned where the money is to pay the employees for this. Mr. DiStefano explained as follows: it has nothing to do with the people and it comes out of the Pension Fund, which is fully funded every year and is paid; this is a fund that was established to defray future costs; one can put in as much, as little or zero on a yearly basis to build it up so when someone retires, they can use those monies to pay their retirement in order to avoid affecting the Budget for that year. This is about the establishment of a Trust Fund started two years ago; and they have some money in there and are trying to put some monies in there on an ongoing basis. This affects no Borough employee.

Councilman Barad observed that in the years that the Budget was plush, they could put money in, to which Mr. DiStefano confirmed. Mayor Heymann explained that this is similar to a reserve; Mr. DiStefano added that this was the same thing as the Snow Removal Trust. Ms. Castano voiced her opinion that it was good to hear an explanation, as it was in the newspaper. In response to Mr. Hennessey, Mr. DiStefano explained that they have the money in the Budget; they put the salaries in on a yearly basis because they do not know who retires and who doesn't normally, sometimes they do. Mr. Hennessey asked whether the money would be there if six people retired all at once, and they wanted all their accumulated leave and sick time all at once.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

4. REPORTS (Continued)

A. ACTING BOROUGH ADMINISTRATOR (Continued)

Mr. DiStefano explained that if it were in the Budget, they would put it in; if it was not in the Budget, it would be pulled out of Surplus; and they would create a deferred charge in next year's Budget. In response to Mr. Hennessey's query, Mr. DiStefano informed that if they did not have any money in Surplus, they would have to go out for money; Mr. Hennessey clarified that this meant borrowing money.

Mayor Heymann informed that because of the Audit and the State provisions, the Surplus cannot go below where it needs to be; the State is eager to have the Surplus relatively low to keep the tax rate low, but they will not allow it to go below a certain amount to avoid the Borough going bankrupt. Mr. Hennessey explained that the Surplus five years ago was almost \$2 million and next year it will be under \$300,000; he questioned how low this could get. Mayor Heymann informed that they are looking at figures from the beginning of the year at the end of the year; and suggested that if they look at the beginning of the year totals, they would seem closer to the other totals. Mr. DiStefano informed he would give an accounting to the Council when he calculates the Surplus for this year as to where the number is prior to using those numbers in the Budget. Mayor Heymann explained that according to her calculations, the Surplus should increase, as the construction in Closter has been bigger this year than last year. Mr. DiStefano assured that everything was safe and secure and without problem.

2) STATUS REPORT RE BOROUGH WEBSITE

3) STATUS REPORT RE PARIS GRANT (Approved at RM 1/9/08) – In response to Mr. DiStefano, Ms. Castano informed they received something that she looked into and found that only four municipalities got something. She advised she would call and find out why they had not been approached because they sent the Resolution in some time ago; she will not give this up because it is money they could use towards records management.

4) STATUS REPORT RE INSURANCE ITEM(S) FOR FOLLOW UP:

a. SADHU VASWANI CENTER TO HANG BANNERS OPPOSITE THE PNC BANK FOR ANNUAL CARNIVAL to be held on Sunday, 9/14/08 (6. M.L. 6/26/08) – Mr. DiStefano commented that there was no banner. Ms. Castano informed that they keep indicating banners and she advises it is not one, but it continues.

b. 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) – Mr. DiStefano will speak to Chief Berrian about this.

c. REQUEST BY BPO ELKS LODGE #2304 TO DISPENSE MALT BEVERAGES AT MEMORIAL FIELD ON 9/1/08 FROM 12:00 P.M. TO 9:00 P.M. TO; RAIN DATE: 9/6/08 - CERTIFICATE OF INSURANCE AND HOLD HARMLESS AGREEMENT TO BE FILED FOR APPROVAL BY RISK MANAGEMENT CONSULTANT – They received the insurance and Mr. Oettinger has this.

5) STATUS REPORT RE FOLLOW UP OF PERFORMANCE GUARANTY AND INSURANCE REQUIREMENTS FOR CONTRACT WITH 4 CLEAN UP, INC./ \$150,048.00/ FOR WEST STREET IMPROVEMENTS, SECTION 3 (Approved RM 6/25/08/Contracts sent by Boro Attorney 6/26/08) – They have all of this; and it can be removed.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

4. REPORTS (Continued)

A. ACTING BOROUGH ADMINISTRATOR (Continued)

At this time, Ms. Castano explained that in the past, the Mayor and Council always had the approvals for Recreation to conduct the Labor Day activities which they approved at a meeting; they received Mr. Beddoe's promise at the Regular Meeting held August 27, 2008 that there would be paperwork coming after the meeting; and she questioned if this was acceptable procedure. Mr. DiStefano informed that he would let her know that this is not acceptable; they have been on them and it has been very difficult trying to get the insurance information. Mayor Heymann concurred, noting they spent hours and hours trying to obtain this information.

6) REPORT – Mr. DiStefano had nothing further to report.

B. BOROUGH CLERK

1) STATUS REPORT RE 2008 APPOINTMENTS – Current.

2) STATUS REPORT RE 2008 OATHS OF OFFICE – Current.

3) STATUS REPORT RE 2008 LICENSES – They already discussed Klip, LLC.

4) STATUS REPORT RE 2008 MEETING DATES – Current, as Closter Improvement Commission was clarified that they would meet 11/25/08.

5) REPORT RE ELECTIONS

a. GENERAL ELECTION TO BE HELD TUESDAY, NOVEMBER 4, 2008 – They are getting ready for the election and she hoped that no one received a letter informing that they weren't registered to vote, as this has been what her office has been dealing with because people want to be reassured. The last day to register to vote in the General Election will be 10/14/08, which she will report on at the next meeting.

6) STATUS REPORT RE CODIFICATION – SUPPLEMENT NO. 15 – They have been brought up to date up to ordinance adopted to the end of 2007; she spoke to Mr. DiStefano who spoke to Earl Babb about updating the website whenever there is a newly adopted Ordinance. There is a fee involved and she informed she received two bills, one for \$400 for an annual fee for appending raw legislation to the E-Code and another \$100 for term tracker license and maintenance fee. Mr. DiStefano explained he would check into this.

7) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – Current.

8) REPORT – Mrs. Castano reported as follows:

a. She received the arrangements for the League of Municipalities Conference from Trump Plaza for the Department heads, but has not received anything further for the Council at the Sheraton. She will be sending out information asking when they will be attending in order for her to prepare a voucher and submit it as this has to be paid for by 10/17/08.

C. CHIEF OF POLICE

1) REPORT – Councilman Glidden informed there was nothing to report.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

4. REPORTS (Continued)

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS:

a. GRANTS FILED

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. 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) – They have an informal agreement with the Committee that by next month the Freeholders will vote on this formally. They received the \$68,100 for improvements to Borough parks.

b. GRANTS AWARDED

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) – She has been speaking to the Borough Attorney and Mayor Emeritus regarding this and they are investigating possible toxic matter in the soil. The report had a verdict of incomplete; they have some more work to do that won't take much time, but it will cost approximately \$12,000, which she will be speaking to Mr. Rogan about.
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) – Regarding the trails, the Nature Center has set 9/13/08 as a time.
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)

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

4. REPORTS (Continued)
- D. MAYOR (Continued)
- 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)
 - 2) REPORT RE STATUS OF COAH 3RD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN DOCUMENT COMPLETION; DEADLINE: 11/26/07 (4. M.L. 8/2/07) – This can be removed as she is taking care of it.
 - 3) STATUS REPORT RE SKATE PARK DONATION (Letter received from Borough Attorney 10/2/07) – This can be removed as nothing is happening.
 - 4) FOLLOW UP REPORT RE DOCUMENTATION OF ACTIONS VIS-A-VIS TREE INSPECTIONS (Requested by Mayor 2/8/08 to be placed on Agenda – Discussed at WS 2/13/08) – This can be removed as they are doing tree inspections appropriately; and it will come up this Saturday at the Joint Meeting, as they will all get samples of what they are doing for tree inspections.
 - 5) 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)- She was interviewed by The Record; and there may be a story out on that.
 - 6) REPORT – Mayor Heymann reported as follows:
 - a. Governor Corzine will be at the Sadhu Vaswani Center on Sunday, 9/14/08, at 4:30 p.m.
 - b. Tomorrow morning at 8:30 a.m., they are going to memorialize 9-11 and she hoped that everyone would be attending.

At this time, and in response to Councilwoman Amitai, Ms. Castano informed that they had not gotten to the issue of Kiddie Soccer yet and Mayor Heymann informed she was going down the list of numbers.

- c. Mayor Heymann continued, informing that the Borough of Emerson is having a meeting on 9/24/08 on Kinderkamack Road; she put invitations in their packets regarding same. She explained that these are two items that need to be taken care of this evening and this is why she wanted to have the meeting open.
- d. Regarding Pascack Valley Hospital, there was a request (3. M.L. 8/28/08) for a Resolution to support giving the Certificate of Need to Pascack Valley Hospital for their emergency spaces and for some small in-house hospital beds. She asked for a vote on this; Ms. Castano asked for clarification if they would have it on the Regular Meeting Agenda for next time and Mayor Heymann confirmed. Therefore, it was agreed that this item will be placed on the Regular Meeting Agenda for 9/24/08.
- e. The communities in the Northern Valley and in the State are trying to support the League of Municipalities in their suit against COAH; and they have requested \$500 per municipality to support the suit. She asked that if all are in favor of this, she would ask Mr. Rogan to prepare a resolution; and it was agreed upon that the Council members were in favor of this.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

5. OLD BUSINESS

No one wished to be heard.

6. NEW BUSINESS

a. KIDDIE SOCCER (Requested by Mayor 7/3/08 – Discussed at WS 7/23/08)

Mayor Heymann reminded that her recommendation, after speaking with the Council, was that they ask the Recreation Commission to come up with generalized standards that they can apply even if they vote on this on a case-by-case basis; they can have standards of proper usage. She suggested that because the Commission is the one that works with the parks, that they should draft the standards, which would not be mandatory standards, but rather guidelines. In response to Mr. Rogan's reminder that this still would have to go out to bid, Mayor Heymann noted that they aren't taking anything; and this would be a case-by-case basis; and they would have something to go by. Councilman Barad clarified that they would be able to know what damage they would expect to see, how much the fields would be used; and they would have parameters for a standard set of information.

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

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

No one wished to be heard.

8. OPEN MEETING TO THE PUBLIC

Jesse Rosenblum, 65 Knickerbocker Road, referred to the participation in the lawsuit against COAH; and questioned if the Borough has the same grievances as the other Boroughs. Mayor Heymann noted that this is not entirely the case and explained as follows: the statistics backing the new regulation are incorrect; Closter goes along with that, but some of the other Boroughs are more damaged in terms of the results than Closter would be; there are some things in there such as the RCAs (regional contribution agreements) that are bad for everyone. Mr. Rosenblum questioned if Mr. Rogan advised that the outcome would be favorable or if it would be a waste of money. Mr. Rogan informed he would not attempt to predict what would happen on a COAH case, as there is a struggle between the Legislature and the Supreme Court since Mount Laurel was first handed down; and now there is a struggle between COAH and the Courts at the Appellate Division where they threw out the whole ruling; it is hard to say what would/would not be successful.

Mr. Rosenblum questioned if they wanted to put the Closter's name on COAH's "bad" list; Mayor Heymann explained that there are already more than 200 communities that have signed onto this list; and it is a matter of being collegially available to something that is in the interest of all the people in New Jersey. In response to Mr. Rosenblum, Mayor Heymann clarified that it is only a \$500 charge; and Mr. Rogan explained that this is a contribution to assist payment to the League of Municipalities' Attorney; and affirmed that he would have no legal input based upon what they have just discussed; this would be a resolution supporting the lawsuit and contributing \$500 towards it.

8. OPEN MEETING TO THE PUBLIC (Continued)

Mr. Rosenblum referred to the mention of the presence of toxic materials on the Flamm property. Mr. Rogan and Mr. DeNicola clarified that there is a potential that there are toxic materials on the property. Mr. Rosenblum stated that the last time he asked about the property, Mr. Rogan had informed that there was nothing wrong with the soil. Mr. Rogan stated that he did not say this and they only just received the environmental report two weeks ago. Mayor Heymann explained that the property has been fallow since 1923; and whatever is there is not easily retrievable; Langan Associates did a cursory job and came back saying that in order to vouch that there is not a problem, they need to conduct further testing. Mr. Rosenblum questioned if costs would be deducted from the price paid to the seller; Mayor Heymann informed that Langan suggested that the Borough obtain a government grant to pay for this testing so it would not cost either the Borough or the seller anything.

In response to Mr. Rosenblum's question, Mr. Rogan explained that he had previously explained that there would not be any type of purchase or closing until they obtain a clear environmental report; he denied saying there was anything wrong with the soil, as it was impossible for him to do so at the time, since he had only received it that night and didn't read it until the next day. They had ordered the report; and under the contract, they reserved the right to get out of the contract if that report is negative. Mr. Rosenblum questioned if the toxic material could get into the stream; and Mayor Heymann and Mr. Rogan clarified that there has been nothing found that is toxic; and the company only stated that they would like to do another test; there is no report that says there is toxic material or contamination.

Mr. Rosenblum stated that for anyone who buys or sells property, they should say "why not do it?" and questioned if they are required to do the testing. Mr. Rogan informed they are not required, but explained that it has been practiced this way so that one would not buy property and find out they are purchasing contaminated property; they always reserve that right to get out of the contract if toxins are found. He further explained that this is part of the whole inspection; and confirmed that this is a portion of the total cost of the purchase. He acknowledged that there may be a way to recover the money, but added that the inspection costs are typically borne by the buyer to protect their rights. In response to Mr. Rosenblum, Mr. Rogan confirmed that this was, in fact, discussed in the negotiations by the buyer and is in the contract; if there are negative findings, the Borough has the option to opt out or have the property cleaned up at the owner's expense.

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

No one wished to be heard.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, SEPTEMBER 10, 2008 – 7:30 P.M.

10. ADJOURNMENT

Motion to adjourn the Work Session at 10:29 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 September 18, 2008 for approval at
the Regular Meeting to be held
September 24, 2008

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

Loretta Castano, RMC
Borough Clerk

Approved at the Regular Meeting held 9/24/08
Consent Agenda Item No. 22.b.