

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – OCTOBER 14, 2009 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, October 14, 2009. Mayor Heymann called the meeting to order at 7:31 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. OPEN PUBLIC MEETINGS ACT STATEMENT

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

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick (7:37 p.m.),  
David Barad (7:48 p.m.), Cynthia Tutoli, Victoria Amitai (7:37 p.m.)

Borough Administrator, Quentin Wiest

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

Others in attendance were:

Tax Collector, Maria Passafaro

Board of Ethics Chairman, Arthur Dolson

Mary Mayer, Environmental Commission member, Closter Nature Center Association  
member

Dr. Beth Ravit

4. PRESENTATION TO BEN PINCZEWSKI (Requested by Mayor 10/7/09)

At this time, Mayor Heymann presented Benjamin Pinczewski with an award acknowledging his volunteer services to the Borough and representing the Borough when there was a conflict of interest on the part of the Borough Attorney. He spent countless hours on research and in court pro bono and won the case for the Borough. Mayor Heymann read a resolution that had been adopted on August 12, 2009 recognizing his services. Mr. Pinczewski updated the governing body on a subsequent appeal of the current lawsuit and a previous suit on the same subject and said that he had ordered a record of the cases so that same would be available to the Borough if a similar suit was filed in the future.

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

The following Ordinances were introduced at the Regular Meeting held 9/9/09 and were published in the Press Journal on 9/17/09 as stated in the printer's affidavit of publication. Reprint of these Ordinances were posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public:

- a. NO. 2009:1054, "AN ORDINANCE TO DETERMINE THE RATE, AMOUNT, SALARIES, WAGES, COMPENSATION, AND THE METHOD OF PAYMENT THEREOF TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF CLOSTER FOR THE YEARS 2009 AND 2010, OR AS OTHERWISE NOTED"

Mayor Heymann declared the public hearing open and asked if anyone wished to be heard either for or against this Ordinance.

Jack Kelly, 132 Herbert Avenue, questioned if any of the employees had received salary increases; and Mayor Heymann advised that the mechanism to provide salary increases has not been approved as yet. The police are under contract and, therefore, have received their salary increases; and this ordinance would provide increases for the non-contractual employees.

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Steve Isaacson, 97 Columbus Avenue, questioned the \$20 per hour rate for a Recreation Aide and Mayor Heymann explained that the rate is a range with \$20 per hour being the maximum. The rate would be based on the applicant's experience. Mr. Isaacson questioned the total payroll for last year and how many aides received benefits. Mayor Heymann said that none of these employees receive benefits; and Borough Administrator advised that the total salaries for Recreation were less than \$100,000 per year.

Motion to adopt Ordinance No. 2009:1054 was made by Councilman Glidden seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

- b. NO. 2009:1055, "AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$182,000.00 FROM OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS"

Mayor Heymann declared the public hearing open and asked if anyone wished to be heard either for or against this Ordinance. Mayor Heymann explained that the breakdown had been provided.

Michael Kafer, 261 Parsells Lane, questioned if any of the money would be used for the purchase of open space. Borough Administrator advised that the last item on the list would be for related costs such as soft costs. Mr. Kafer referred to the Open Space portion of the current budget indicating that the Borough had raised roughly \$1,500,000 over the 10 years since same was enacted and that zero has been raised to purchase open space. Mayor Heymann noted that the Borough has invested money to purchase Blanch Avenue, which was ultimately reimbursed. In that period of time, the Borough did acquire considerable open space and was fortunate to obtain grants to cover the purchase. In the framing of the open space tax, other expenses were included and she credited Mr. Kafer for making this possible.

Mr. Kafer noted that \$15,000 was being allocated from the Open Space Fund in the 2009 Budget for administrative or lawn cutting services and was not indicated in the ordinance. Borough Administrator said that monies from the Open Space Fund can be used for improvements to open space areas such as work on the trails by the Department of Public Works and administrative costs associated with same.

Councilman Barad entered the meeting at 7:48 p.m.

Jack Kelly, 132 Herbert Avenue, asked if the amendment to the open space money indicated that same could be spent on the Department of Public Works. Mayor Heymann said that the Open Space Fund Ordinance has a listing of allowed expenditures and that as of now \$500,000 has been spent.

Steve Isaacson, 97 Columbus Avenue, speaking as a member of the Environmental Commission noted that it was his understanding that the work performed by the Department of Public Works was an in-kind contribution made by the Borough.

Motion to adopt Ordinance No. 2009:1055 was made by Councilman Kashwick seconded by Councilman Hennessey and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai. Councilman Barad abstained.

- c. NO. 2009:1056, "AN ORDINANCE TO CREATE THE POSITION OF BUILDING MAINTENANCE/ROAD DEPARTMENT FOR THE BOROUGH OF CLOSTER'S DEPARTMENT OF PUBLIC WORKS"

The following Ordinance was introduced at the Regular Meeting held 9/23/09 and was published in the Press Journal on 10/1/09 as stated in the printer's affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public:

Mayor Heymann declared the public hearing open and asked if anyone wished to be heard either for or against this Ordinance.

Jack Kelly, 132 Herbert Avenue, asked for an explanation of the ordinance and Mayor

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Heymann advised that the individual hired would eliminate the need for the Borough to hire specialized contractors. Borough Administrator advised that the individual would provide maintenance for public buildings and a job description has been developed.

Linda Albelli, 353 High Street, questioned the skills that would be required. Borough Administrator read the listing of the skills for the position. Ms. Albelli noted that boiler inspection would require a specialized license; and Borough Administrator said that the employee could do preliminary inspections before a licensed individual is called in. The employee would be full time and have health benefits.

Steve Isaacson, 97 Columbus Avenue, questioned the present salaries for members of the Department of Public Works. Borough Administrator said that the salaries depend on the grade of the employee and the starting salary is \$46,000. Mr. Isaacson said that the Superintendent of Public Works advised him that he already has someone for the position; and he questioned the advertisement being placed in the Press Journal. Mayor Heymann said that the Press Journal is the newspaper of record that the Borough must use in addition to The Record. Borough Attorney said that the notice in question is to advertise the Ordinance creating the position. Mayor Heymann indicated that no one has been selected for the position. Mr. Isaacson questioned the listing of DPW Superintendent, Acting DPW Superintendent and Deputy Superintendent. Mayor Heymann explained that until Billy Dahle gets his certification, he is the Acting Superintendent.

Motion to adopt Ordinance No. 2009:1056 was made by Councilman Hennessey seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

- c. ORDINANCE NO. 2009:1057, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$709,501.00 FROM OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR THE ACQUISITION OF BLOCK 1308, LOTS 3 AND 4 COMMONLY KNOWN AS 37 HOMANS AVE.”

Mayor Heymann declared the public hearing open and asked if anyone wished to be heard either for or against this Ordinance.

Jack Kelly, 132 Herbert Avenue, expressed his opposition to the purchase of the property and Mayor Heymann said that a recent appraisal indicated that the property is worth twice as much as the Borough is paying. Councilman Glidden expressed his support for the Ordinance noting that most of the property is under water and cannot be built upon; and he compared same with the Meadowlands which the State did not have the foresight to acquire and is now being developed. He believed that the technology to build on this land will exist; and in the future there could be development, but the Borough has had the foresight to purchase this land by using open space funds.

Michael Kafer, 261 Parsells Lane, said that the property has been for sale for as long as he has lived in this town and felt this property is a poor choice for your first purchase since it may not be owned by, but it is certainly managed by the Zoning Board Chairman.

Dr. Beth Ravit, 460 Piermont Road, said that the property consists of two lots, one measuring 3½ acres which is wetlands; and wetlands have been filled in the past in New Jersey and will probably be filled in the future. The remaining parcel is uplands and could be developed since it is zoned commercial and is not protected. This property came before the Council at the request of the Environmental Commission and both she and Councilman Kashwick had looked at other properties that were available for purchase and they believed that this property was the most important property for the Borough to purchase. There are C-1 streams running through the wetlands that feed our reservoir and our drinking water supply in addition to connecting to our Nature Center property thereby increasing contiguous open space. The County Open Space Committee supported this decision. Mayor Heymann said that it is not that the Borough has not found another parcel to purchase in ten years but that we were fortunate enough to get full granting for the purchase that we did make which include three parcels on Blanch Avenue as well as the preservation of the Brooks Farm on Hickory Lane. Councilman Kashwick said that the ordinance provides for \$709,000 but we do have a grant from the County in the amount of \$245,000; and Green Acres funding is being sought to cover most of the balance.

Jack Kelly, 132 Herbert Avenue, said that the property is a retention basin and most of the

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water from the High Street area works its way to this property and this water would have to be diverted in order for the property to be developed. Borough Engineer said that development is possible with berms and dikes to divert the water.

Motion to adopt Ordinance No. 2009:1057 was made by Councilman Kashwick seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

6. 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.

Linda Albelli, 353 High Street, reminded that tomorrow is a National Day of Awareness for Pregnancy Loss and Infant Loss and there will be a Community Candlelight Service at 7 p.m. at the Ambulance Corps Building. She asked all who plan to attend to bring a candle and for those who cannot attend, she asked that they light a candle at 7 p.m. for all the angels we have lost. She expressed her thanks to Lisa Vreeland who coordinated this service.

Steve Isaacson congratulated Linda and Don Albelli on their 30<sup>th</sup> Anniversary. He announced that the 2<sup>nd</sup> Annual Mac Bain Farm Harvest Festival would be held on October 24<sup>th</sup> from 4 p.m. to 6 p.m.

Hugh Johnson, 107 Demarest Avenue, referred to the September 20<sup>th</sup> article in the Record and asked for the resignation of the Mayor. Mayor Heymann said that she would not resign. He said that he had started a recall of the Mayor; and he asked the Council to consider a motion to censure the Mayor or a vote of no-confidence based on that article.

Councilman Barad said that the article is reporting on news that has been discussed for several months; and on behalf of the Council, he felt there would not be a no-confidence vote this evening. Mr. Johnson advised that he was told by a police officer that the Chief of Police had told him not to speak to him this evening and that his wife was forced to resign because of harassment by the former Administrator. There was an attempt by the hierarchy of the Police Department to cover up the harassment, the Mayor threatened this person's job if she continued; and all of this information is in the hands of the criminal justice department. Borough Attorney said that Mr. Johnson has accused the Police Chief and Mayor of certain actions; and he questioned if any of these persons were willing to discuss same with the Mayor and Council. He suggested that he allow the investigation to take its course; and as in the past, we would await their decision.

Mr. Johnson referred to the clock and a conversation with Dan Verden, in addition to the company sales person and maintenance person who said that no one was taken to task about the clock. He referred to pages 91 to 99 in the Audit Report, which contained the recommendations of the Auditor noting there is indication of favoritism awarding contracts.

7. COMMUNICATIONS

a. MAIL LIST – SEPTEMBER 24, 2009 – 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: Steve Isaacson removed Item Nos. 3a and 3b. Councilman Barad removed Item No. 3c.

Item No. 3a – Received 9/18/09, hand delivered to Clerk by Mayor for Mail List, dated 9/13/09 from Jamie Kopf, Closter, to Mayor, Acting Planning Board Chairman, Members of the Closter Planning Board, Arthur No. Chagaris, Esq. Re. Expressing support for the Whole Foods Application for Closter Town Square.

Item No. 3b – Received 9/18/09, hand delivered to Clerk by Mayor for Mail List, dated 9/14/09 from Mona Seltzer, 70 Venus Drive re. Supporting the redevelopment of Closter Plaza including the Whole Foods application.

Steve Isaacson, 97 Columbus Avenue, said the applicant in this matter is not Whole Foods and he felt that the governing body should educate everyone on the process. Mayor Heymann said that those attending Planning Board meetings understand the facts.

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Item 3c.Item 3c – Received 9/18/09, hand delivered to Clerk by Mayor for Mail List, dated 9/15/09 from Donna J. Bott, Community Hospice of Bergen County, Inc. re. Request for assistance with Fundraisers for Community Hospice and information on upcoming events.

Councilman Barad asked if we would be publicizing these fundraisers. Mayor Heymann said that the letter did not include specifics on the fundraisers and the organization would be contacted.

b. MAIL LIST – OCTOBER 1, 2009 – 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 individual: Steve Isaacson removed Item Nos. 4 and 5.

Item No. 4 – Received 9/28/09, dated 9/24/09 from Leslie Brunell, PhD, PE and Joseph Corrado, PE, BCEE, 2 Taylor Drive to the Great Atlantic & Pacific Tea company c: Mayor Heymann, Closter Planning Board, Arthur N. Chagaris, Esq. Re. Letter expressing concerns regarding A&P's position on the Whole Foods application and supporting the current boycott against A&P.

Steve Isaacson, 97 Columbus Avenue, noted that once again a person who has attended Planning Board meetings does not understand that Whole Foods is not the applicant.

Item No. 5 – Received 9/28/09, with no date, from Matthew Maretic, 574 High Street to Mayor re Letter requesting consideration by the town to open a skate park at either the park at the end of High Street or at Hillside.

Steve Isaacson, 97 Columbus Avenue, asked if the Borough currently has skateboard equipment that had been donated; and expressed support for a skateboard park and opposition to fundraising for the park that no other sport had to do. He said that a portion of the Open Space Funds could have been used. Councilman Glidden explained that the donated equipment does not meet the standards for a skateboard park; and suggestions on the park have not been received as requested from the Recreation Commission. Mr. Isaacson objected to the fact that the Recreation Commission does not provide any activities for children above the eighth grade level. Councilman Barad asked that a response be given to Matthew Maretic.

c. MAIL LIST – OCTOBER 8, 2009 – 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 item was removed by the following individual: Borough Administrator removed Item No. 4.

Item No. 4 – Hand delivered 10/5/09, dated 10/05/09 from Jay Mufson, Events Coordinator, Dave Paladino, Director of Fitness, CORE, 91 Ruckman Road, Closter re. Announcement re "Sweat for the Cure" fundraiser to be held 11/7/09; with request for approval to conduct Ruckman Road 5K Race starting at 10 a.m. with race to take approximately 1 to 1½ hours AND to hang banner over Vervalen Street to help promote the event (Copy to Glenn Parsells, Chief Berrian, Construction Official, L. Sinowitz)

Borough Administrator advised that we have received insurance documentation which would be forwarded to the (Risk Management Consultant) for review.

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

Mayor Heymann indicated that she had already opened the meeting to the public on communication items.

9a. 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

10.\* INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING – MONDAY, 11/9/09, @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

- a. NO. 2009:1058, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 48 OF THE CLOSTER CODE REGARDING PERSONNEL POLICIES, SPECIFICALLY VACATION LEAVE AND SICK LEAVE” (Received from Borough Attorney 10/8/09)
- b. NO. 2009:1059, “AN ORDINANCE ADOPTING THE SEPTEMBER 2009 CLOSTER PERSONNEL MANUAL” (Requested by Borough Attorney 10/8/09)
- c. NO. 2009:1060, “AN ORDINANCE ADOPTING THE CLOSTER POLICE DEPARTMENT RULES AND REGULATIONS MANUAL (REVISED 2009) (Received from Borough Attorney 10/1/09)

11.\* BILL RESOLUTIONS:

- a. SEPTEMBER 30, 2009
- b. OCTOBER 15, 2009

TO BE PREPARED BY DEPUTY TREASURER

12.\* *POSSIBLE* APPOINTMENT(S) OF SALARIED EMPLOYEES (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) RESOLUTIONS TO BE PREPARED BY ADMINISTRATOR Adjourned from RM 1/14/09; 1/28/09; 2/11/09; 2/25/09; 3/11/09; 3/25/09; 4/6/09; 4/22/09; 5/13/09; 5/27/09; 6/10/09; 6/24/09; 7/8/09; 7/22/09; 8/12/09; 8/26/09; 9/9/09; 9/23/09):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
DEPUTY TAX COLLECTOR	_____	1 Year	12/31/09
DESK DISPATCHER			
FULL TIME	_____	1 Year	12/31/09
POLICE MATRON	_____	1 Year	12/31/09
SCHOOL CROSSING GUARD	<u>Mario LaViola</u>	1 Year	12/31/09

13.\* RESOLUTION AUTHORIZING THOSE LICENSEES WHO HAVE NOT RECEIVED THEIR TAX CLEARANCE CERTIFICATES FROM THE DIVISION OF TAXATION, WHO HAVE COMPLIED WITH ALL OTHER REQUIREMENTS FOR RENEWAL OF THEIR 2009-2010 ANNUAL LIQUOR LICENSE RENEWALS, TO APPLY FOR AN AD INTERIM PERMIT UNTIL SUCH TIME AS THEIR TAX CLEARANCE CERTIFICATE IS OBTAINED FROM THE DIVISION OF TAXATION

14.\* RESOLUTION AUTHORIZING RELEASE OF CLOSED SESSION NOTES OF MARCH 11, 2009 AND MARCH 25, 2009 – TO BE PREPARED BY BOROUGH CLERK

15.\* RESOLUTION AUTHORIZING REFUND OF 2008 REAL ESTATE TAX OVERPAYMENT TO CHIANG, WILLIAM & YANIKA, 74 CEDAR COURT, FOR BLOCK 403, LOT 13, IN THE AMOUNT OF \$657.20 (Received from Tax Collector 9/25/09)

16.\* RESOLUTION AUTHORIZING TAX COLLECTOR TO CANCEL THE AMOUNT OF \$2,396.71 (3<sup>RD</sup> AND 4<sup>TH</sup> QUARTERS 2009 FINAL TAXES) AND \$2,054.77 (1<sup>ST</sup> AND 2<sup>ND</sup> QUARTERS 2010 PRELIMINARY TAXES ON BLOCK 309 LOT 1 ASSESSED TO THE BOROUGH OF CLOSTER (10 BETHANY CIRCLE) (Received from Tax Collector 9/28/09)

17.\* RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE \$1,000.00 CASH ESCROW TO MIKE KATZNELSON POSTED AS REQUIREMENT OF ROAD OPENING PERMIT NO. 2006:001 TO INSURE RESTORATION OF A TRENCH OPENING AFTER CONSTRUCTION AT BLOCK 509, LOT 6.01, 36 HAWTHORNE TERRACE, IN ACCORDANCE WITH CHAPTER 171 OF THE BOROUGH CODE (Received from Deputy Treasurer 10/8/09)

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- 18.\* RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE \$1,000.00 CASH ESCROW TO SANDRA WELBERT POSTED AS REQUIREMENT OF ROAD OPENING PERMIT NO. 2008:001 TO INSURE RESTORATION OF A TRENCH OPENING AFTER CONSTRUCTION AT BLOCK 1718, LOT 3, 12 FOURTH STREET, IN ACCORDANCE WITH CHAPTER 171 OF THE BOROUGH CODE (Received from Deputy Treasurer 10/8/09)
- 19.\* RESOLUTION AUTHORIZING ANNUAL RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-005-003, MODERN BAR, LLC (*inactive/pocket*) FOR 2009-2010 (Approval of Special Ruling received from the Director of the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control on 9/25/09)
- 20.\* RESOLUTION AUTHORIZING PURCHASING AGENT TO PURCHASE CERTAIN GOODS OR SERVICES FROM APPROVED COUNTY OF BERGEN CONTRACT VENDORS ON THE ATTACHED LIST FOR OFFICE PAPER, GASOLINE AND DIESEL FUEL, PURSUANT TO ALL CONDITIONS OF THE INDIVIDUAL COUNTY CONTRACTS (Received from Administrator 10/5/09)
- 21.\* RESOLUTION ENDORSING CDBG GRANT APPLICATION IN THE AMOUNT OF \$50,000 PROPOSED BY THE BOROUGH OF CLOSTER FOR THE INSTALLATION OF ADA BARRIER FREE RAMPS AT SIDEWALK INTERSECTIONS (This does not obligate the financial resources of the municipality and is intended solely to expedite the expenditure of the aforesaid CDBG funds) Received from Administrator 10/7/09
- 22.\* RESOLUTION AUTHORIZING MAYOR TO EXECUTE COUNTY OF BERGEN CONTRACT NO. NV-CLSTR-02-09 IN THE TOTAL AMOUNT OF \$7,000.00 FOR SECURITY SYSTEM, REPLACE WINDOW, 4 ROOF SUPPORT COLUMNS, SIDEWALK AT SENIOR CENTER (Requested by Administrator 10/8/09)  
RESOLUTION TO BE PREPARED BY ADMINISTRATOR
- ~~23.\*~~ RESOLUTION AUTHORIZING THE ABATEMENT OF NUISANCES AND CHARGES TO BE ASSESSED AND LEVIED UPON THE AFFECTED PROPERTIES (Received from Borough Attorney 10/8/09)
- 24.\* RESOLUTION APPROVING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-002-004 (*inactive/pocket*) FROM 208 PIERMONT CORP, INC. TO GASHI & HAHN LLC, 208 PIERMONT ROAD
- 24a.\* RESOLUTION ENDORSING THE “GREEN ACRES, WATER SUPPLY AND FLOODPLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION BOND ACT OF 2009” (Received from Councilman Kashwick 10/14/09 @ 12:32 p.m.)

MOTIONS

- 25.\* MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) Adjourned from RM 1/14/09; 1/28/09; 2/11/09; 2/25/09; 3/11/09; 3/25/09; 4/6/09; 4/22/09; 5/13/09; 5/27/09; 6/10/09; 6/24/09; 7/8/09; 7/22/09; 8/12/09; 8/26/09; 9/9/09; 9/23/09:

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOARD OF HEALTH ALT. NO. 2	_____	2 Year un- expired to	12/31/09
HISTORIC PRESERVATION COMMISSION/MEMBER	_____	4 Year	12/31/12
IMPROVEMENT COMMISSION MEMBER	_____	2 Year	12/31/10
ALT. NO. 2	_____	2 Year	12/31/10
RECREATION COMMISSION ASSOCIATE MEMBER	_____	1 Year	12/31/09
**SHADE TREE COMMISSION ALT. NO. 2	_____	2 Year	12/31/10

\*\* Mayoral Appointment

Mayor Heymann removed this item.

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26.\* APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 9/3/09):

- a. REGULAR MEETING OF SEPTEMBER 23, 2009 - ABSENTIONS: BARAD, AMITAI
- b. WORK SESSION OF SEPTEMBER 23, 2009 - ABSTENTION: AMITAI

~~27.\*~~ MOTION APPOINTING \_\_\_\_\_ TO SERVE AS MEMBER OF THE ZONING BOARD OF ADJUSTMENT FOR AN UNEXPIRED 4-YEAR TERM (MATTES) TO 12/31/09 (14. M.L. 6/25/09) Adjourned from RM 7/8/09; 7/22/09; 8/12/09; 8/26/09; 9/9/09; 9/23/09

Mayor Heymann removed this item.

28.\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

- a. CONSTRUCTION OFFICIAL – SEPTEMBER 2009 (Received 10/1/09)
- b. FIRE CHIEF – SEPTEMBER 2009 (Received 10/8/09)

The following Consent Agenda Items were removed by the following individuals: Mayor Heymann previously removed Item Nos. 25 and 27. Councilman Hennessey removed Item No. 23 and Councilman Kashwick removed Item No. 24a.

9b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 23, 24a, 25 and 27 was made by Councilman Glidden seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

29. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

23. RESOLUTION AUTHORIZING THE ABATEMENT OF NUISANCES AND CHARGES TO BE ASSESSED AND LEVIED UPON THE AFFECTED PROPERTIES (Received from Borough Attorney 10/8/09)

Councilman Hennessey questioned who would be performing the work. Borough Attorney advised that in accordance with State statute, the Department of Public Works would be performing the necessary work; and it is unusual because of the volume of work due to the excessive number of foreclosures. Under normal conditions, the homeowners would be notified and given a certain amount of time to do the work; but due to foreclosures, the banks are selling the mortgages but the State has mandated that if a bank takes over a foreclosed property, the municipality must be notified. The Department of Public Works will certify the costs for the clean up for approval by the Mayor and Council and imposition of a tax lien for the costs. Borough Administrator suggested if the Department of Public Works is performing the work as part of a normal work day, the bank would be charged; but if an outside contractor is hired, payment would have to be made up front with the hope that the Borough would ultimately get repaid. Councilwoman Amitai noted that the costs were high and Councilman Barad felt it might be reasonable to give the property owner an option to hire their own contractor. Borough Attorney advised that all of the property owners have been given numerous notices and there has been no response. Property Maintenance Officer, Jim Whitney, said that the properties that are listed are badly overgrown and in serious condition.

Motion to approve Consent Agenda Item No. 23 was made by Councilman Hennessey seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

24a. RESOLUTION ENDORSING THE “GREEN ACRES, WATER SUPPLY AND FLOODPLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION BOND ACT OF 2009” (Received from Councilman Kashwick 10/14/09 @ 12:32 p.m.)

Councilman Kashwick provided the background for this particular resolution endorsing the passage of the question on the November 3<sup>rd</sup> ballot to renew the Garden State Trust Fund and encouraged voter support.

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Motion to approve Agenda Item No. 24a was made by Councilman Kashwick seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

At this time, Mayor Heymann read the following Resolution into the record and explained that the Borough has been chosen as a test site for street lighting on Vervalen Street east of Closter Dock Road and would consist of 6 street lights, 3 of which would be LED lights and 3 would be regular lights for quality of light comparison. Any savings would be given to the Borough at the end of the pilot program.

29a. RESOLUTION AUTHORIZING AN AGREEMENT WITH ORANGE AND ROCKLAND UTILITIES INC. CONCERNING A PILOT PROGRAM FOR LED STREET LIGHTS.

Councilman Kashwick said he had been in favor of LED lighting but expressed concern about blueness of this type of lighting interfering with wildlife and bird migration patterns.

Mayor Heymann said that there would be no costs involved for the Borough; and the long range assessment cannot be determined immediately, but these types of lights do not lose power over time unlike the present street lights. The company engineers would do the assessment and the report should be available to the municipality which could be made part of the Resolution.

Motion to approve the aforesaid Resolution 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, Tutoli and Amitai.

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

Hugh Johnson, 107 Demarest Avenue, referred to a message he sent to Chief Berrian referring to information he had received; and explained that he had not received a return call nor did he respond this evening. Based on that, he believed the information to be true. He advised that the Tax Collector has him in court for harassment. She is a public official and he as a citizen is entitled to criticize a public official. He again noted that her initials appear on the transfer for John DiStefano. Relative to Joe Bianco, he has initiated a harassment suit as a counter claim after an incident in Closter Plaza. He again asked for a response relative to the Borough Audit regarding the recommendations and faulty bookkeeping. He questioned why the same contractors are being used. Mayor Heymann said that no irresponsible or illegal acts were ever committed. Mr. Johnson again referred to the harassment of the former Administrator's secretary and her eventual resignation.

In answer to a question from Councilwoman Amitai, Borough Attorney advised that the governing body should not be taking a position one way or another on an Application pending before the Planning Board.

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

Borough Attorney advised that a closing on the Vantage property has been scheduled for next week and proposed the following Resolution to assign to the Van Sciver Corporation the Agreement for certain payments in lieu of taxes to the Borough.

31a. RESOLUTION AUTHORIZING THE ASSIGNMENT TO VAN SCIVER CORPORATION OF AGREEMENT FOR PAYMENT IN LIEU OF TAXES BETWEEN THE BOROUGH OF CLOSTER AND VANTAGE HEALTH SYSTEMS FOR USE CONSISTENT WITH THE BOROUGH'S PHASE III COAH OBLIGATIONS

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

Hugh Johnson, 107 Demarest Avenue, referred to the Closter Plaza parking lot and noted that he had filed a complaint with the Closter Building Department and he questioned if any determination has been made. Borough Attorney said that day to day decisions are controlled by the individual inspector.

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Jesse Rosenblum, 65 Knickerbocker Road, questioned the Vantage property and Borough Attorney advised that the Borough is transferring a piece of property to Vantage to qualify for COAH credits and has nothing to do with the business operations. Vantage will operate the facility as long as it benefits the Borough relative to the COAH credits and if the credits are denied to the Borough, the property reverts to the Borough. The only condition for Van Sciver is payment in lieu of taxes and if the payments are not made, the Borough would foreclose on the property. At that time, the Borough would probably attempt to locate another entity to provide COAH credits and enter in to an agreement with them. Under a reverter clause very little legal costs would be incurred.

Mayor Heymann asked for a motion to recess the Regular Meeting to go into the Work Session at 9:10 p.m.

Motion to recess the Regular Meeting at 9:10 p.m. was made by Councilman Glidden seconded by Councilwoman Amitai and declared unanimously carried by Mayor Heymann.

Mayor Heymann resumed the Regular Meeting at 9:45 p.m.

Motion approving the following Resolution at 9:45 p.m. was made by Councilman Glidden, seconded by Councilman Hennessey and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

- 31b. OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(4), “A collective bargaining agreement”; N.J.S.A. 10:4-12(b)(5), “A matter involving the expenditure of public funds for the acquisition of real property”; N.J.S.A. 10:4-12(b)(7), “Pending or anticipated litigation or contract negotiations” and “A matter falling within the attorney-client privilege”; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the contract negotiations, litigation and matter which should be within 6 weeks.

Mayor Heymann resumed the Regular Meeting at 10:12 p.m.

32 ADJOURN

Motion to adjourn the Regular Meeting at 10:12 p.m. was made by Councilman Glidden seconded by Councilwoman Amitai and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on October 22, 2009 for approval  
at the Regular Meeting to be held  
October 28, 2009

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Loretta Castano, RMC  
Borough Clerk

Prepared by Carol A. Kroepke, RMC  
utilizing recording and Borough Clerk's  
notes

Approved at the Regular Meeting held October 28, 2009  
Consent Agenda Item No. 21a.

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Mayor Heymann called the meeting to order at 9:09 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann  
Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick, David Barad, Cynthia Tutoli and Victoria Amitai  
Borough Administrator, Quentin Wiest  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola  
Chief of Police, David Berrian

Also present in the audience was Arthur Braun Dolson, Chairman of the Board of Ethics.

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

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

3. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT - Borough Attorney reported he had two (2) closed session matters regarding litigation and contract negotiations. He advised that there is an arbitration scheduled for tomorrow morning regarding the DPW grievance matter to be held at Borough Hall at 10:00 a.m. He will report back to the Mayor and Council at the next meeting regarding the outcome.

Mr. Rogan explained he received a letter from Arthur Chagaris from the Closter Planning Board requesting additional information as to what the Mayor and Council have asked the Planning Board to do within the Historic Preservation District. Apparently when the adoption of said ordinance was discussed, the Planning Board did not receive a full copy of what they needed to review. We have to meet the provisions as soon as possible.

B. BOROUGH ENGINEER

- 1) STATUS REPORT RE ROAD IMPROVEMENT PROGRAM  
(Bid Awarded to Rockborn Trucking & Excavation, Inc.  
RM 5/13/09/\$1,494,692.50) – Borough Engineer reported that this project is complete with the exception of re-striping the handicapped spaces in the rear of parking lot, at which time a change order for a few hundred dollars will be submitted.
- 2) STATUS REPORT RE 2009 SAFE STREETS TO SCHOOL SIDEWALK PROJECT – NJDOT \$275,000 (not to exceed \$52,100) RM 6/24/09 – The design is under way. He reminded that this is a Federal Aid Grant and it will probably go to bid next Spring.

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3) REPORT – Borough Engineer advised for his report he only had a question regarding the proposal (Boswell Engineering) had submitted for JIF services. There was a JIF report put out in June or July outlining a few deficiencies that need to be rectified and he was not clear whether the Mayor and council wanted to pursue the project or not. He will resend the proposal to the Council for the next meeting.

At this time, the Mayor asked Mr. DeNicola that prior to bid proposal to check with all the homeowners once more because they do have their accord from the original one. He suggested a meeting be set up to insure that all are on board and perhaps we could get a signed easement agreement if possible. We could explain that we would be possibly grading on their property to install a sidewalk. Mayor Heymann advised she does have the original acquiescence before they looked for the grant and she concurred we did need to have another one now. They agreed to discuss it at a later date.

4. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS REPORT RE 2009 MUNICIPAL BUDGET – Borough Administrator reported that they Mayor and Council now have the latest circulated Budget Status report. After the last meeting it was picked up that there was a misposting in terms of the debt payments – one of the debt charges – on the back of the report. He believes it was a bond interest item that should have been a note interest item, and it has been corrected. They have also resolved some other items that needed transfers or journal entries. As we are getting close to the end of the year we are watching all of the items closely. We are working on salary recommendations that will go to the Finance Committee shortly. He asked that in reviewing these items, if there were any questions within next two weeks to let him know as soon as possible.

2) STATUS REPORT RE BOROUGH WEB SITE – They are making preparations for changing to a new content management provider. Kevin Whitney has provided a simple draft contract from the provider which he is reviewing now. It is a less expensive platform than the one we are currently using, so while it is something Kevin likes working with better, he is anticipating a smooth transition to the new web portal; and at the same time, we should be saving money in the process.

3) REPORT – Mr. Wiest advised he had two (2) brief items for closed session. One is regarding land acquisition and the other is regarding a litigation matter.

At this time Councilman Barad asked for a status report regarding the cell tower. Mr. Wiest explained he had been asked some time ago to look into future options for the cell tower on the Borough property. The contract runs through some point in 2013, but we do have routine requests we have received from other providers who would like to get on the existing tower or be placed on a tower somewhere else in the Borough. They did suggest to a site consultant for Verizon that they look at the DPW property and they did report back that it could be a feasible location. They will be coming back for a re-inspection in the next week or so to take a look at some other issues but their first look is at the DPW site being suitable for a tower. That may give the Borough an option going forward to retain what we have here and rebid this site here or consider another location. We could make arrangements to accommodate at least 2 other providers looking to get on our site, as our current tower is at the contractual maximum right now and has been for some time. He believes there are currently 5 different carriers on the tower. It seems as though we have options that will begin to develop.

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Councilwoman Amitai asked about the possibility of those companies sharing the expense to relocate the tower. It would not be the responsibility of the Borough. Councilman Barad reminded that we do not own the tower. Mr. Wiest advised it is the provider's equipment and we wouldn't spend money on it unless we could make money. Councilman Hennessey questioned if we were going to add a new tower or build a new tower. Dr. Barad explained that if we don't renew the lease on the existing tower, the companies would have the option of discontinuing service or relocating to the new tower. Mr. Wiest added that we would have more flexibility than we have ever had and we are following one step at a time to make sure we cover all of the bases. In response to Ms. Amitai, he explained that we could do it close to the end of the lease or a year before. Dr. Barad advised it would be up to the new bidder to want to do this. Borough Engineer reminded that it is a process that requires work and needs to appear before the Planning Board. Mr. Wiest added that the provider has to spend a lot of money prior to erection of a new tower.

**B. BOROUGH CLERK**

1) STATUS REPORT RE 2009 APPOINTMENTS – Borough Clerk reported that we are winding down at this point in time with 2009 appointments and are beginning to prepare for the 2010 Reorganization Meeting. She will be sending a memo to Borough Boards and Commissions on Friday for response by the first Friday in November for appointment recommendations.

2) STATUS REPORT RE 2009 OATHS OF OFFICE – We are current on Oaths of Office at this time. We have been filing them trying to get everything in order for the Reorganization Meeting which is scheduled to take place the first Monday in January (1/4/2010).

3) STATUS REPORT RE 2009 LICENSES – Tonight Modern Bar, LLC renewal has finally been approved by Special Ruling as a pocket license because they do not have a location and haven't had one for 2 years. We approved the 208 Piermont Corp. transfer to Gashi & Hahn LLC as the person-to-person transfer requirements have been fulfilled. This is the restaurant located at the corner of Piermont Road and Ruckman Road.

4) STATUS REPORT RE 2009 MEETING DATES – Our dates are current for 2009. On 10/9/09, this office sent out a memo to Borough Boards and Commissions requesting reply by 12/4/09 regarding 2010 meeting dates. Upon receipt from all the Boards and Commissions we will send the notice to two newspapers for publication no later than 10 days after the Reorganization meeting.

5) REPORT RE GENERAL ELECTION – We received the sample ballot which has been approved. Our office was open from 9 a.m. to 9 p.m. yesterday, and, as usual, we had no one come to register to vote. Ms. Castano will be attending a Bergen County Municipal Clerk's Association meeting tomorrow, where they will be meeting with the County Clerk, Elections Division, County Clerk, Superintendent of Elections and Commissioner of Board of Elections to review the procedures before the General Election. She will be providing the customary memo to the Chief of Police requesting that the police deliver the books to the polls at 5:00 a.m.; the polls will be open from 6 a.m. to 8 p.m. Ms. Castano explained we have two polling places, Tenakill School and Hillside School.

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6) REPORT - Borough Clerk reported as follows:

a. First course for Arlene Corvelli – Introduction to the Duties of the Municipal Clerk – she aced it with a 98% and we are very proud of her. She is very proud of her accomplishment and is looking forward to attending the next class.

b. Codification – On 9/17/09, Ms. Castano sent 14 adopted Ordinances which they (General Code) posted on our website. She requested an estimate for Supplement No. 16, which they provided; and she will review same with the Mayor and Borough Administrator. Ms. Castano reported she received the estimate which included questions regarding placement in certain chapters of the Code Book which she referred to the Borough Attorney's office for response. She received the responses will forward them to General Code.

c. Financial Disclosure Statements – Last evening Arthur Dolson, Chairman of the Board of Ethics had a meeting of the Board. Ms. Castano will be sending the seven (7) statements (to the Local Finance Board) which were received in the interim since we sent the final roster. Ms. Castano thanked Mr. Dolson for his patience. He explained the Board of Ethics has spent a long year trying to obtain compliance from everyone required to file. He is not sure of the exact number but he believes it is 96. They have faxed, mailed, e-mailed and called, and reported that unbelievably seven (7) people have ignored their requests to date. Mr. Dolson advised they will try verbally communicating again to see what happens. Mayor Heymann expressed her gratitude to Arthur for not only being patient, but working very hard to keep track of it all, completing spreadsheets with all of the information. She said it has been a pleasure to work with him. Ms. Castano agreed. Councilwoman Amitai asked if when we receive our notice whether a copy of our previous year's statement would hasten the process. Mr. Dolson explained that they are supposed to be contemporaneous, which means current. He realizes there could be some people with very static lifestyles where nothing has changed, but some don't. He mentioned, duly noted, to Councilman Barad, he has his own copies back to 1991 since they started filing. He expressed that perhaps being an accountant, it isn't hard to do the paperwork, but for others it may be, and he apologized for those who feel it is.

Borough Clerk advised that next year her office plans to send out the statement to the newly appointed people the first week in March. She explained the problem with tracking is that even if we advise appointees that the forms are available on the website for downloading, we would have no way of knowing who got them and who did not. We have always had to use a dual system of mailing paper to be sure they were received; and it is a frustrating because reports have to be provided (to the Local Finance Board).

d. OPRA Requests – We are up to No. 75 for the year – changes are ongoing, we keep getting them and requests are referred to the Borough Attorney's office for review, as well as the Administrator. We are finding that the new rules are making it very easy for the public to obtain records that they request. We have to clarify most of the time that it needs to be a request for an actual record. Currently we have a dilemma, as our old hard drive has been removed from the recorder and we have a request from Jesse Rosenblum for recordings on CD of files that are on the old hard drive. At this point we don't know what the process will be for obtaining those files, and she needs to respond to Mr. Rosenblum's request. She has advised him of the dilemma. He had suggested that she speak to the Borough Administrator about resolving the issue; she has done so; and is again informing him at this meeting with Jesse and the Borough Attorney as witnesses.

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e. Final Arrangements for League Conference in A.C. have been made. Pre-Registrations have been completed and paid for and hotel accommodations have been made and paid for those who plan to attend.

f. As far as this new recording system, if we didn't have Arlene (Corvelli) who is very computer conversant, most of us would not really know how to use this new system. We will learn as we go along. She voluntarily sat here, listened and printed up a sheet of instructions for all of us to use. Bonnie (Switzer, Court Administrator) was unsure of the procedure, and Rose (Mitchell, Planning Board Clerk) had a meeting last evening and had some difficulty, but Arlene has been a great benefit to all of us; and we really appreciate her gracious assistance.

At this time, Borough Engineer questioned who gets hard copies of the updated code. Ms. Castano advised that she, the Borough Attorney and Mayor Heymann have hard copies. He asked to whom would the request for updated copies be directed for the Planning Board members. Mayor Heymann advised she had Chapters 200 and 173 copied in their entirety, and those copies are located in the Planning Board office.

Borough Clerk advised that in the past, 50 Code books were updated by the personnel in her office; it became too time consuming; therefore, the Supplements were provided to the 50 Code book holders whom we found did not insert the updates. Once the Code book was placed on our web site, it was easier for all to have access to the Code online. Presently, only 5 books are continually updated. There are two in her office, the Borough Attorney has one; the Mayor has one; and the Administrator. She reminded all that the official keeper of the Code Book is the Clerk; and if anyone wants a copy of an Ordinance or a Chapter from the updated Code, they should ask her.

4) CHIEF OF POLICE

1) REPORT – Chief Berrian advised he has meeting tomorrow with the supervisors; and Quentin Wiest will be present for the first time to meet with everybody. The CALEA accreditation is moving along nicely. Friday we have a status update with the certification managers. Confiscated funds have been applied to some of the payments due to the Rodgers Group for CALEA certification. We recently purchased a piece of equipment, which is boring in some sense and interesting in another. We have a computer downstairs that receives messages on a local, county, statewide, regional and national basis. We get messages all the time from all over the country. Some software has been developed and approved, which is called NCIC Green; and, hopefully, we will no longer be going through roughly 20 cases of paper a year for that computer. The information we want will appear on the screen and we can print individual pieces of the report.

5) MAYOR

1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS:  
Mayor Heymann advised she would like to talk about grants. For Open Space, she mentioned she did talk about the Flamm Property; and one of the things we need to do in order to get the grant from the Green Acres state grant, is to provide a ROSI List, which is a list of open spaces the Borough owns which are dedicated to Open Space in perpetuity. She will be working with the Borough Engineer to get that done.

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a. GRANTS FILED  
(None at this time)

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) – nothing

further to report.

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) - \$80,000 has been spent on a \$240,000 grant. A matching grant of \$120,000 for us and \$120,000 for the county. We will finalize some of the items in that grant to go through the \$240,000. Some of the expenses that will be incurred in incorporating the pathway through the water company into our own trail will easily take care of the next \$60,000.

3. NATIONAL TRAILS RECREATION PROGRAM - \$25,000 (local match of \$10,000 required) filed 12/15/05 - \$6,500/Match \$2,800 – We have a new grant that is going to be given to us automatically with the right proposal.

4. 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) – Mayor Heymann reminded that we had asked for this grant, which was given to us, to have Langan Engineering Company investigate the toxicity of the site and what needed to be done to it. This is a 3-part event where the first \$6,000 would pay for the initial investigation. Then there was to be an additional investigation to determine exactly how much it would cost to remediate. The final grant, if we were to apply for it, was going to pay for the cost of remedying the property, in which case we would have an obligation to acquire it, because at that point, so much money would have been spent into it. She had a conversation with Neil Rivers from Langan, he was looking for information, and it turned out in fact it was found out that the first part of the investigation the grant was supposed to pay for, had already been done by the new owner, Fred Daibes. Mr. Daibes acquired the property; and he has done the testing; and according to Bob Travers, the attorney for Daibes, they have actually uncovered the fact that the property is much cleaner than they expected it to be. They are going to recommend that the property remedy itself without any further help. They spoke about what would be the appropriate use for that property. It is a small lot on a busy street. It was suggested twice to be improved upon as a gas station but Mr. Travers advised her that Mr. Daibes has no intention of putting a gas station there. He was actually looking into what can be done with that property. She is sure everyone would like to see something improved on it. If the Borough had gone through the entire process, which at this point she doubts we would do because of the circumstances, but if we had, it would have been turned into a park as we would have left it to be

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open space. We have the choice of buying the property from Mr. Daibes or suggesting what we would like to see in that location. They will be open to suggestions as soon as the property is clean enough to be used. Councilman Glidden said one suggestion he heard from Daibes was that he might be interested in acquiring a different piece of property in Closter and in return donating that property to the Borough. Councilman Kashwick questioned if Daibes installed the fence around the property. The Mayor responded that before they could perform the test borings, they had to install the fence.

Borough Engineer added that the DOT has a contractor installing intersection improvements at Old Hook Road and Schraalenburgh Road. He has spoken to the property manager several times, as he had sent letters a few times without success; and as part of that program, the DOT is willing to install a handicapped ramp on the southeast corner, which is their corner, and provide crosswalks across Schraalenburgh (Road). Due to the uniqueness of the lot, and the geometry, they would have to close the driveway at the corner. In any event, they would have to close that up before they appear before the Planning Board with an application, or the County Planning Board, and they have not done that yet. In order for the DOT to actually close that driveway off, they would need a written letter from the property owner stating that he takes no exception to the DOT installation. Mayor Heymann suggested he speak to Bob Travers and said she will provide his number.

5. CERTIFIED LOCAL GOVERNMENT GRANT OF \$20,000 FOR HISTORIC PRESERVATION PLAN ELEMENT (7. M.L. 7/30/09) – Mayor Heymann advised there is a \$25,000 grant the Historic Preservation Commission needs to finalize. They need to hire an historian and an attorney in order to develop a Preservation Plan Element, for which they received a \$25,000 grant.

6. COMMUNITY DEVELOPMENT BLOCK GRANT - \$7,000.00 Grant for Senior Center Security System (7. M.L. 6/4/09) – Mayor Heymann advised that they are in the process of implementing the \$7,000 grant from the county for the Senior building.

c. GRANTS TO BE FILED  
(None at this time)

- 2) REPORT
- 5. OLD BUSINESS
- 6. NEW BUSINESS
- 7. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
- 8. OPEN MEETING TO THE PUBLIC
- 9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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10. ADJOURNMENT

Mayor Heymann adjourned the Work Session at 9:44 p.m. to return to the Regular Meeting.

Provided to the Mayor and Council on October 22, 2009 for approval at the Regular Meeting to be held October 28, 2009.

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Loretta Castano, RMC  
Borough Clerk

Prepared by Arlene Corvelli  
utilizing recording and Borough  
Clerk's notes.

Approved at the Regular Meeting held October 28, 2009  
Consent Agenda Item No. 21b.