

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – FEBRUARY 10, 2010 - 7:30 P.M.

The Mayor and Council of Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, February 10, 2010. Mayor Heymann called the meeting to order at 7:30 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., Alissa Latner, David Barad (7:40 p.m.), Arthur Dolson, Victoria Amitai

Borough Administrator, Quentin Wiest

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

The following persons were absent:

Councilman John Kashwick

At this time Mayor Heymann welcomed Boy Scout, Christopher Ho, 370 Knickerbocker Road and he explained that he is working toward his citizenship badge which requires attendance at a town meeting.

4. PROCLAMATION DECLARING MARCH 2, 2010 AS “READ ACROSS AMERICA DAY” IN THE BOROUGH OF CLOSTER (6. M.L. 1/28/10)

Mayor Heymann read aloud and so declared.

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

Mayor Heymann opened the meeting to the public.

6. COMMUNICATIONS

a. MAIL LIST – JANUARY 28, 2010 – 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.

b. MAIL LIST – FEBRUARY 4, 2010 - 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.

At this time, Mayor Heymann called attention to a letter that was distributed this evening from Jim Oettinger re Dedication for George “Coach” Potterton and would be listed on the Mail List of 2/11/10. Permission for the erection of a memorial stone, with appropriate wording, provided by a group of citizens from the Borough, to be installed at the George Potterton Field in honor of his dedication to the recreation program in the Borough. The dedication would take place on Labor Day. Funding of the memorial would be provided through donations. Councilman Glidden proposed that the request be approved subject to final review of location and wording. There was discussion on the type of memorial and the final decision was for a plaque that would be installed under the baseball field sign.

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Motion approving the placement of a memorial plaque subject to final review of the location and wording was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Barad, Dolson and Amitai.

Councilman Barad explained that in order to allow the Council to establish its position on Agenda items, it is proposed to change the order of business. The Borough Clerk provided a survey of the neighboring municipalities and advised that there is no statutory basis for the Agenda form that is presently in use. In general, when Agenda items come up, the first opportunity for Council to speak on same is after public comment; and it was felt that time could be saved if the Council had an opportunity to discuss the items publicly at a work session. The formal agenda items could be discussed at a work session beginning at 7:30 p.m. with public input; and at the formal meeting, the Consent Agenda would be addressed. This would involve an amendment to the By-Laws; but before that, the procedure would be done on a trial basis starting in March. He said he would circulate an outline of the Agenda to the Council members.

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

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

8a. REVIEW OF CONSENT AGENDA ITEMS  
 (PROCEDURE TO BE EXPLAINED BY MAYOR HEYMANN)

Mayor Heymann explained the procedure and reviewed the items on the Consent Agenda and asked if any member of the Council or Public wished to remove or discuss any item.

ORDINANCES AND RESOLUTIONS

9.\* BILL RESOLUTION – FEBRUARY 15, 2010  
TO BE PREPARED BY DEPUTY TREASURER

10.\* POSSIBLE APPOINTMENT(S) OF SALARIED EMPLOYEES (NOT MADE AT THE  
REORGANIZATION MEETING HELD 1/4/10; RM 1/13/10)  
RESOLUTIONS TO BE PREPARED BY ADMINISTRATOR

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
*ALTERNATE PROSECUTOR	_____	1 Year	12/31/10
DEPUTY BOROUGH CLERK	_____	1 Year	12/31/10
CONSTRUCTION OFFICIAL	_____	4 Year	12/31/13
DEPUTY TAX COLLECTOR	_____	1 Year	12/31/10
DESK DISPATCHER			
FULL TIME	_____	1 Year	12/31/10
PART TIME (added 2/10/10)	_____	1 Year	12/31/10
PERMANENT CLERICAL FLOATER	_____	1 Year	12/31/10
POLICE MATRON	_____	1 Year	12/31/10
**QUALIFIED PURCHASING AGENT	_____	1 Year	12/31/10
SCHOOL CROSSING GUARD			
PART TIME	_____	1 Year	12/31/10

\* (Fair and Open Process)

\*\*Permissive (1b. Mail List 12/23/09 – recommended Borough Attorney review)

11.\* POSSIBLE RESOLUTION APPROVING/REJECTING REQUEST FOR WAIVER OF  
SIDEWALK & CURB REQUIREMENT FOR PROPERTY LOCATED AT 551 CLOSTER  
DOCK ROAD (BLOCK 1709, LOT 12) (5. M.L. 1/21/10/Discussed at RM held  
1/27/10/Adjourned to this meeting)  
TO BE PREPARED BY ADMINISTRATOR

12.\* POSSIBLE RESOLUTION APPOINTING \_\_\_\_\_ AS ALTERNATE  
PROSECUTOR FOR A 1-YEAR TERM TO 12/31/10 (Resumes received 2/2/10  
and distributed to Mayor and Council 2/5/10)  
TO BE PREPARED BY ADMINISTRATOR

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- 13.\* RESOLUTION URGING THE LEGISLATURE TO AMEND THE OPEN PUBLIC RECORDS ACT TO ADDRESS VARIOUS TECHNICAL AND PRACTICAL ISSUES (7. M.L. 12/17/09/ Requested by Mayor 2/2/10)
- 14.\* RESOLUTION URGING THE ELIMINATION OF 4% CAP ON LOCAL TAX LEVY (Received from Mayor 2/2/10)
- 15.\* RESOLUTION AUTHORIZING THE MAYOR TO SIGN CROWN CASTLE LEASE AMENDMENT (Received from Attorney 1/29/10)
- 16.\* RESOLUTION APPROVING LIST OF 24 MEMBERS SUBMITTED BY PRESIDENT OF THE CLOSTER VOLUNTEER AMBULANCE AND RESCUE CORPS FOR 2009 LOSAP CONTRIBUTIONS AND AUTHORIZING TREASURER TO MAKE THE CONTRIBUTION ON BEHALF OF THE CORPS - (Requested by Administrator 1/22/10/Removed from RM Agenda 1/27/10/Received from Administrator 2/4/10)
- 17.\* RESOLUTION AUTHORIZING DEPUTY TREASURER PER N.J.S.A. 40A:14-157b. TO ISSUE A CHECK IN THE AMOUNT OF \$90.00 TO SCHWARTZ, ALLISON, 42 CEDAR COURT, WHO HAS BEEN DEEMED TO BE THE FULL OWNER OF FOUND OR RECOVERED PROPERTY WHICH WAS HANDED OVER TO THE MUNICIPAL POLICE DEPARTMENT AND HELD FOR SIX (6) MONTHS AND WHOSE OWNER DID NOT CLAIM THE PROPERTY (Received from Tax Collector 1/16/10)
- 18.\* RESOLUTION AUTHORIZING PARTICIPATION IN THE MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION COOPERATIVE PURCHASING PROGRAM (Received from Administrator 2/4/10)
- 19.\* RESOLUTION SUPPORTING THE PARIS GRANT AND COMMITTING TO PARTICIPATION THEREIN (Received from Administrator 2/4/10)
- 20.\* RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED COUNTY CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-11; Duration of Contract: 2/10/10 to 9/30/10; Commodity/Service – Rock Salt #11-BeCCP; Vendor: International Salt; County Contract No. Bid #09-74 awarded by Reso. #1280 by Bd of Freeholders; Max. Amt.: \$6,500.00 (Received from Administrator 2/4/10)
- 21.\* RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12a.; Duration of Contract: 2/10/10 to 12/31/10; Commodity/Service: Police Supplies; Vendor: Lawmen Supply Co. NJ Inc.; State Contract #: A73992; Max Amt.: \$2,258.08 (Received from Administrator 2/4/10)
- 22.\* RESOLUTION FIXING SALARY FOR 2010 (Plumbing Subcode Official: \$21,330.00 for 468 hours annually) (Received from Administrator 2/4/10)
- 23.\* RESOLUTION FIXING SALARY FOR 2010 (Building Subcode Official: \$12,000 for 338 hours annually) (Received from Administrator 2/4/10)
- 24.\* RESOLUTION AUTHORIZING BOROUGH OF CLOSTER TO OBTAIN A GRANT FROM THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF NOT LESS THAN \$7,000 NOR MORE THAN \$7,000 TO FUND THE FOLLOWING PROJECT: 2009 BUSINESS STIMULUS FUND GRANT (BSF) (Received from Councilman Kashwick 2/3/10)
- 25.\* RESOLUTION OPPOSING LEGISLATION AMENDING THE TIME OF DECISION RULE (Received from Attorney 2/4/10)
- 26.\* BOROUGH OF CLOSTER RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE BOROUGH OF CLOSTER AN AGREEMENT BETWEEN THE BOROUGH OF CLOSTER AND TEAMSTERS LOCAL 125 WHICH HAS BEEN PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS NEGOTIATED BETWEEN THE PARTIES (Received from Attorney 2/4/10)

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MOTIONS

27.\* APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES:

(Distributed 2/4/10) NO ABSTENTIONS:

- a. REGULAR MEETING OF JANUARY 27, 2010
- b. WORK SESSION OF JANUARY 27, 2010

~~28.\*~~ MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/10; RM 1/13/10):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOARD OF ETHICS (R) Member/Environmental Commission (Dolson)	_____	5 Year un- expired to	12/31/11
IMPROVEMENT COMMISSION Member (corrected from Associate Member - 2/3/10)	_____	2 Year	12/31/11

29.\* MOTION GRANTING APPROVAL FOR THE 23<sup>RD</sup> ANNUAL GEORGE WASHINGTON BRIDGE CHALLENGE TO BE HELD PARTIALLY IN THE BOROUGH ON SUNDAY, 6/13/2010 (Approval of Certificate of Insurance and Hold Harmless Agreement received from Risk Management Consultant on 1/29/10)

30.\* MOTION APPROVING RAFFLES APPLICATION FOR ST. MARY R.C. CHURCH TO CONDUCT OFF-PREMISE DRAW RAFFLE, ON SATURDAY, 4/17/10, AT THE SCHOOL BUILDING, 300 HIGH STREET, CLOSTER, NJ 07624; DRAWING TO BE HELD: 7:00 P.M. (Completed Application filed and appropriate fees paid 2/2/10)

31.\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

- a. CONSTRUCTION OFFICIAL – JANUARY 2010 (Received 1/29/10).

The following items were removed from the Consent Agenda by the following individuals: Mayor Heymann previously removed Item Nos. 10, 11, 12, 14 and 28. Councilman Glidden removed Item No. 25. Councilwoman Amitai removed Item No. 23. Councilman Barad removed Item No. 15. Hugh Johnson, 107 Demarest Avenue removed Item No. 26.

8b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 10, 11, 12, 14, 15, 23, 25, 26 and 28 was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Barad, Dolson and Amitai.

32. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

11. *POSSIBLE* RESOLUTION APPROVING/REJECTING REQUEST FOR WAIVER OF SIDEWALK & CURB REQUIREMENT FOR PROPERTY LOCATED AT 551 CLOSTER DOCK ROAD (BLOCK 1709, LOT 12) (5. M.L. 1/21/10/Discussed at RM held 1/27/10/Adjourned to this meeting)  
TO BE PREPARED BY ADMINISTRATOR

Borough Attorney reported on an additional problem with the property in that the developer overbuilt the property with a three-car garage and driveway, which exceeds the impervious surface requirement that would require a waiver from the Planning Board. Mayor Heymann advised that the property owners were clearly informed of the sidewalk problem including the need for a retaining wall prior to signing the paperwork. Councilman Barad indicated that there seemed to be no failure to disclose only a failure to act on the information provided.

Motion to reject the proposal was made by Councilman Barad, seconded by Councilman Glidden.

Before Roll Call Vote, Hugh Johnson, 107 Demarest Avenue, said it was his understanding and according to a member of the Building Department that he would not name, the information was

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received after the fact. He advised that he had viewed the property in question and supported the compassion for the property owners. Mayor Heymann said that she does try to help people if they are honest with her; but in this particular case, the Building Department was very firm that the property owner knew of the problems with the property. Borough Attorney advised that a Certificate of Occupancy cannot be granted unless the sidewalk is installed or the money is deposited in the sidewalk fund. They bought a house without the Certificate of Occupancy; and, therefore, assumed the risk. He could not recommend the issuance of a Certificate of Occupancy as part of a five-year arrangement for the installation of the sidewalks since the property could be subsequently sold prior to the end of the five years; and the new property owner would be addressing the same issue with the Mayor and Council.

The motion to reject the request was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Barad and Dolson. Councilwoman Amitai abstained.

14. RESOLUTION URGING THE ELIMINATION OF 4% CAP ON LOCAL TAX LEVY  
(Received from Mayor 2/2/10)

Councilman Dolson clarified that the resolution has nothing to do with the Municipal Budget but is to join with multiple communities in the State alerting the Legislature that their mandates are out of control. They have mandated how to spend money and now are mandating how the money can be raised. He supported a stronger and more emphatic resolution telling the State that they are doing a disservice to the citizens of the State. We are losing revenue to the economy and the State; and even with a flat budget, the Borough would have to raise revenue through real estate taxes. He urged the public to communicate with the Legislature. Councilman Glidden said the 4% CAP was imposed to limit the increase of property taxes; and over the last 20 years, it has raised the awareness of comparing taxes from one year to the next. Application to exceed the CAP can be made to the Local Finance Board, which usually approves same; and he questioned why this resolution would send a message to the Legislature to eliminate unfunded mandates. Mayor Heymann said that there is a CAP of 3½ % on increases in expenses and a 4% CAP is unrealistic and cannot be made if the expenses remain flat and the revenue decreases. She agreed that this is a methodology on the part of the State to put the onus on the municipalities.

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

15. RESOLUTION AUTHORIZING THE MAYOR TO SIGN CROWN CASTLE LEASE  
AMENDMENT (Received from Attorney 1/29/10)

Councilman Barad questioned if the Council should make them aware that we are considering not renewing the lease at its expiration date. Borough Administrator advised that the resolution allows Crown Castle to install a telephone box inside the fence. Borough Attorney said they are aware of the expiration date and there is no commitment on a long-term obligation after the expiration of the lease in 2013.

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

23. RESOLUTION FIXING SALARY FOR 2010 (Building Subcode Official: \$12,000 for  
338 hours annually) (Received from Administrator 2/4/10)

In answer to Councilwoman Amitai, Borough Administrator clarified the salaries and hours for the officials in question in the Building Department. The salaries are now annualized based on the hours worked. The Fire Subcode official works approximately 3 hours per week. He said that he would provide a listing of the hours worked.

Motion of approval was made by Councilwoman Amitai, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Barad, Dolson and Amitai.

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25. RESOLUTION OPPOSING LEGISLATION AMENDING THE TIME OF DECISION RULE  
(Received from Attorney 2/4/10)

Borough Attorney explained the time of decision rule and informed that this resolution opposes the elimination of same, which has been very beneficial to municipalities.

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

26. BOROUGH OF CLOSTER RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE BOROUGH OF CLOSTER AN AGREEMENT BETWEEN THE BOROUGH OF CLOSTER AND TEAMSTERS LOCAL 125 WHICH HAS BEEN PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS NEGOTIATED BETWEEN THE PARTIES (Received from Attorney 2/4/10)

In answer to Hugh Johnson, 107 Demarest Avenue, Borough Attorney advised that the resolution authorizes the Mayor to sign the agreement with the Department of Public Works. Mayor Heymann said that the bid specifications for privatization have not been prepared; and it would be a minimum of three months before any action would be taken.

Motion of approval was made by Councilman Barad, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Barad, Dolson and Amitai.

Mayor Heymann asked for a motion to recess the Regular meeting to go into the Work Session at 8:24 p.m.

Motion to recess the Regular Meeting at 8:24 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

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

Mayor Heymann resumed the Regular Meeting at 8:55 p.m.

In answer to Hugh Johnson, 107 Demarest Avenue, Borough Attorney advised that there has been no change on the Whole Foods matter.

Mr. Johnson questioned the options for the property owner now that the sidewalk waiver has been rejected. Borough Attorney said they can install the sidewalk or put the \$25,000 in the sidewalk fund. The cost is based on a review of the site by the Borough Engineer who would provide a cost for sidewalk installation. The fund was established mainly for sidewalk installation on side roads or dead end streets where sidewalks are not practical but the Council has held the position that sidewalks are a necessity on main roads. If sidewalks are deemed necessary on a main road for safety purposes where there is no construction or development, the fund can be used to cover the cost of the installation. Relative to the 87 Harrington Avenue waiver, Borough Engineer said that there was a drainage issue in that area and there is a sidewalk program for the south side of Harrington Avenue. The money for sidewalks at 87 Harrington Avenue was put in escrow. Relative to the sidewalk at 551 Closter Dock Road, the waiver has not been granted and the sidewalks must be installed or the money posted before a Certificate of Occupancy is issued.

Motion approving the following Resolution was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Barad, Dolson and Amitai.

- 33a. 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)(8), "A matter involving public employees"; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the matters which should be within 4-6 weeks.

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

Mayor Heymann resumed the Regular Meeting at 9:25 p.m.

- 34a. Motion authorizing Borough Clerk to advertise the position of Alternate Prosecutor on the Web site was made by Councilwoman Amitai, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Barad, Dolson and Amitai.

35. ADJOURN

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

Provided to the Mayor and Council  
on February 18, 2010 for approval at the  
Regular Meeting to be held  
February 24, 2010

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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 February 24, 2010  
Consent Agenda Item No. 14a.

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WORK SESSION NOTES – FEBRUARY 10, 2010 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:25 P.M.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

Councilpersons John C. Glidden, Jr., Alissa J. Latner, David Barad, Arthur B. Dolson  
and Victoria Amitai

Borough Administrator, Quentin Wiest

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

The following persons were absent:

Councilman John Kashwick

Chief of Police, David Berrian

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) STATUS REPORT RE CONTRACTS: The Borough Attorney reported on the following items:

a. BOROUGH ADMINISTRATOR (RM 5/13/09) – This contract should be completed by next week.

b. PROFESSIONAL SERVICES – REORG. MTG. 1/4/10 – All contracts have been prepared with the exception of Alternate Prosecutor, which is to be discussed in Closed Session this evening.

2) REPORT – Mr. Rogan reported on the following:

a. Bid packages are being worked on and being exchanged between the Borough Administrator and the DPW Superintendent for both Control Link Lighting and Solid Waste Collection drafts. Those items are not yet finalized but are on target to be discussed in the near future.

b. An update to the Wiggers issue - they did make some attempt at cleaning up a good portion of the property that is the Borough right of way. The parties have been scheduling and rescheduling meetings; and he does not know if the meeting scheduled for tomorrow or Friday will happen due to the snow. If not, then next week will be an onsite inspection with Mr. Wiggers, his attorney and representatives from the Borough, but they have at least made some effort to clear off the Borough right of way.

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B. BOROUGH ENGINEER

- 1) STATUS REPORT RE 2009 SAFE STREETS TO SCHOOL SIDEWALK PROJECT – NJDOT \$275,000 (not to exceed \$52,100) RM 6/24/09 – Mr. DeNicola advised there is no change in the status of this project.
- 2) REPORT RE STATUS OF IMPROVEMENTS TO WEST STREET, SECTION 5 (Notice published in The Record 2/2/10 – Bid Opening to be held 3/2/10 @ 11:30 a.m.) – Borough Engineer reported that bids will be accepted in the first week of March; and he anticipates on the first Mayor and Council Agenda for March the approval of the low bidder, whoever that may be.
- 3) REPORT – Mr. DeNicola reported he and the Borough Administrator will be meeting with the BCUA (Bergen County Utilities Authority) next Wednesday to discuss the issue of their charges and see where the increases emanated from. Councilman Glidden advised he had sent the numbers to Richard Wierer and noted he would like to attend the meeting. Mr. DeNicola informed he would forward the meeting information to him. It is scheduled to be held at the BCUA at 9:30 a.m.

4. REPORTS

A. BOROUGH ADMINISTRATOR

- 1) STATUS REPORT RE PREPARATION OF 2010 MUNICIPAL BUDGET – Mr. Wiest reported that we are starting to dig into the numbers on the Municipal Budget; and he distributed to the Council the statement of revenues for the actual results from 2009. He noted it is informative, particularly if you've never been through the process before. In the left-hand column is the Actual Anticipated Revenues included in the 2009 Budget, and the next column is the Actual Results of 2009. You can see where we achieved the projections and where we missed on projections. He noted there is one item on the list that did not appear in the Budget, and that is the item near the bottom of the Miscellaneous Revenues column called Hazardous Discharge Grant, Chapter 159. He explained that a Chapter 159 is a grant that comes in during the year after you have adopted your Budget, and a Resolution is passed recognizing the Grant as Revenue, and also authorizing an expenditure in the same amount. What happens is even though you have adopted your budget, the grant becomes an amendment to the budget, so here he is listing it because it was added to the budget. You can see that we had some misses in the areas of permit and fees; and we had a fairly substantial miss on interest on investments, and he feels we were likely in the company of just about every other community in New Jersey on that one. Some good news on the list is under "Receipts from Delinquent Taxes", that is actually the amount of money that was collected in 2009 for delinquent taxes from a previous year. We collected \$459,000 which has helped cushion the impact of some of the shortfalls. He expressed that this is a critical schedule in the preparation of the Budget because it will help us anticipate properly revenues for the coming year. The Budget schedule remains that introduction is required by 3/31/10 and we do expect to be on that schedule. We also expect the audited Financial Statements for 2009 to be in our hands next week. In the meantime, we are working on salary information and some of the salary numbers. Mayor Heymann noted the State advised they would not have their numbers ready until April, which means the County will not have its figures ready until April; and it is most likely that the entire Budget will not be completed in time to send out regular tax bills; and we will have to

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have temporary ones as we had last year. Mr. Wiest agreed that is very likely; and he recalled the Budget was adopted in June of last year and he anticipates we will be on a similar schedule this year.

2) STATUS REPORT RE NEW BOROUGH WEB SITE – Borough Administrator reported he had nothing new to add regarding the website and Mr. (Kevin) Whitney is continuing to update information including the current appointments.

3) STATUS REPORT RE PLANS FOR NEW FORMAT FOR MAYOR AND COUNCIL MEETINGS (Discussed at RM 1/27/10/O&L Committee Mtg. 2/2/10 to begin 3/10/10) – Mr. Wiest noted that the new format for the meetings was already commented on by Dr. Barad during the Regular Meeting.

4) REPORT – Mr. Wiest reiterated that Mr. DeNicola already informed of the date for the BCUA meeting; and since it is a budgetary item for us, it is important considering that it is one of our largest increases for 2010. At this time, the Borough Administrator advised he had an item regarding Personnel for Closed Session and concluded his report.

Mayor Heymann informed that regarding the deficit in the Building Department, Michael Sartori (Acting Construction Official) prepared a very cogent newly organized list of fees from the Building Department, organized in a different way and raised in some cases. She explained we would hope that we will balance the Building Department Budget this year even if there isn't too much activity. The reason there was a shortfall last year is because there is much less activity than there had been; but, hopefully, it will work better this year. The Ordinance Committee will be getting that (fee) schedule.

At this time, Councilman Barad wanted to mention, regarding the website, that when Iris (Barad) was looking for Loretta's e-mail (Borough Clerk), she was unable to find it and the page said "in progress", though he did not look for himself to confirm. He explained he felt it was important to have the Borough Clerk's e-mail address listed on the temporary Clerk's page even if it was listed elsewhere. Mayor Heymann advised Dr. Barad that the person to bring that up to was Kevin Whitney; and he explained he was bringing it up to the Borough Administrator. Ms. Castano explained we are hoping to have a virtual Municipal Clerk's Bulletin Board in the near future; and Dr. Barad expressed he was sure that it would be great, and just wanted to note that one person who was looking for that information was unable to find it. Mayor Heymann agreed with Dr. Barad's sentiments and reiterated that a lot of information has been switched over and there will be glitches; but if everyone does their part and notes incorrect or missing information, it can be addressed.

**B. BOROUGH CLERK**

1) STATUS REPORT RE 2010 APPOINTMENTS – Ms. Castano reported that 2010 appointments are current and vacant positions are being carried on the Agenda.

2) STATUS REPORT RE 2010 OATHS OF OFFICE – Regarding Oaths, she was unhappy to report that 24 Oaths were outstanding in the month following the Reorganization Meeting. She explained she would confer with the Borough Attorney whether it was appropriate to re-place those appointments on the next Agenda since return of the Oaths would mean acceptance of the appointments and failure to do so indicated non acceptance. Ms. Castano added that she would provide a list to the respective Council Liaisons in order to have them follow up with the individuals.

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3) STATUS REPORT RE 2010 LICENSES – Licenses are current for 2010.

4) STATUS REPORT RE 2010 MEETING DATES – Meeting Dates are current but she recommended that any changes needing to be made in the future be done so by the individual Boards and Commissions as opposed to the Borough Clerk's office having to do it. She explained that it is easier for each Board or Commission to provide accuracy. After reviewing meeting notices from other municipalities, she was made aware that other Clerks are not providing Annual lists of meeting dates for every Board or Commission; and explained that historically this office has done it and will continue to do so. Dr. Barad requested that a form or instructions be provided for the procedure regarding meeting notices; and Mayor Heymann noted that most of them are already aware of the procedure, and the Planning and Zoning Boards already do so. Ms. Castano also informed that she felt each Board and Commission needed to be provided a copy of the Open Public Meetings Act as she was very surprised to find out that most people on these Boards and Commissions are not fully aware of their responsibilities under that Act. Councilwoman Amitai suggested group training; and Ms. Castano reminded that it will be very hard to get all of the parties involved in the same place at the same time. She suggested sending the Act to each Board and Commission and then addressing any questions they may have after reviewing it.

5) STATUS REPORT RE CODIFICATION OF SUPPLEMENT NO. 16 – Ms. Castano reported that it can be seen on the Website that the Code is now updated to include the Supplement. She received five (5) hard copies of the Supplements which were distributed to the Mayor and Borough Attorney, and the three books in the Borough Clerk's office. There are also two (2) individuals who provide sufficient monies to receive copies for their own Code Books. We sent reminders to those individuals on 2/5/10; and once payment is received, we will mail the Supplements to them. Ms. Castano clarified for Mrs. Amitai that we are current as of October 2009. Now, we begin the process of sending the adopted Ordinances to General Code for placement on our web site as adopted but not yet codified. They will not charge for this service until the next Codification, hopefully, to occur next year.

6) STATUS REPORT RE IMPLEMENTATION OF CITIZEN SERVICE ACT (LOCAL FINANCE NOTICE -LFN 2009-24, 11/12/09) On 2/5/10, we sent the Sample Directory to our Borough Attorney for review and approval. Arlene has done a laudable job on this monumental project. Once we have his approval, we can follow through with the Directory. Mayor Heymann noted that it should be pointed out that there were 150 appointments, which means 150 volunteers for Closter and that speaks very well for our community.

7) REPORT RE PREPARATIONS FOR 2010 ELECTIONS (School/Primary/General) - On 2/3/10, Ms. Castano attended the Annual County Clerk's Election meeting for all 70 Municipal Clerks and received 2 pounds of paper in preparation for the 2010 Elections. She explained that the deadline for filing petitions in the Municipal Clerk's office for Mayor and Council is Monday, 4/12/10, by 4:00 p.m. This is an even year; therefore, petitions for County Committee will be included. She will be providing the County Chairperson for the Republican and Democratic parties with the paperwork and instructions by this Friday but will call first to so inform them. Ms. Castano noted the following election dates and times: Primary - Tuesday, 6/8/10, from 6 a.m. to 8 p.m.; Annual School Election - Tuesday, 4/20/10, from 2 p.m. to 9 p.m.; General Election - Tuesday, 11/2/10, from 6 a.m. to 8 p.m.

8) REPORT RE FINANCIAL DISCLOSURE STATEMENTS - On 2/5/10, Ms. Castano sent to the Local Finance Board the first batch of FDS which had to be provided within

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30 days of appointment. She explained that one problem was that the Board of Ethics did not have a quorum for their first meeting scheduled to be held 1/12/10; and, since they were scheduled to meet last evening, she hoped to receive a report from them. Of the batch that was sent to the Local Finance Board, she did hold a copy of each for the Board of Ethics. Mayor Heymann informed that Edward Archer was heading up the Ethics Board this year; and she was sure Ms. Castano would receive information regarding same.

Regarding the Citizen Leadership Act, Ms Castano explained she is experiencing a problem, as she had provided to all of the Boards and Commissions a copy of the Act and Oaths that they were to use to swear in the members of their Boards and Commissions; and she has only received completed forms from three (3) Boards. Mrs. Amitai advised she would follow up for the CIC as she had administered those Oaths and paperwork was to be followed up on by Eric Mattes. Mayor Heymann voiced her understanding that most of them took it seriously, and Ms. Castano agreed but noted that follow up is the hardest part of it.

9) REPORT – Regarding the Paris Gant, Ms. Castano informed she was to provide a follow up to the request made by Christine Napolitano regarding the 2009-2010 Grant. She explained that our grant is in jeopardy because she was to provide a letter explaining why we have not followed through on that. On this evening’s Regular Meeting Agenda, we are pursuing the future Paris Grant, but we still have to take care of the old one. She asked the Borough Attorney and Administrator if they could meet to compose a letter because it is now encompassing more departments.

C. CHIEF OF POLICE

1) REPORT – Chief Berrian was not present this evening; therefore, no report was provided.

At this time Councilwoman Amitai noted that after reviewing the Shade Tree Commission minutes, there has been no publicity for the Closter 300<sup>th</sup> Anniversary Celebration; and asked when it was going to begin as it is only two months away. Mayor Heymann informed that there is a meeting tomorrow night and a lot of things are in place, including the Copper Beech tree. Kurt Heymann has set up a tri-fold that has all of the information including the calendar and blurb about all of the activities. She has also spoken to the Northern Valley Press about publishing same; and it would be delivered to approximately 14,000 families. All of these issues will come up tomorrow night. Irene Stella wrote a press release that Mayor Heymann sent to the Northern Valley Press today with a photograph as well. Mrs. Amitai asked if it would be sent to the Suburbanite; and Mayor Heymann advised she would do so tomorrow as she ran out of time today and the NV Press has an earlier publication deadline. Mrs. Amitai also informed the County has an online calendar and suggested we could have that information published on there as well to get the information out.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

a. GRANTS FILED

1. Reported by Mayor at Work Session held 12/9/09 as follows:

A) Historic Preservation Grant (\$2,000) for proposed 300<sup>th</sup> Anniversary Celebration

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- B) Community Development Block Grant (\$50,000) for curb cuts
- C) Shade Tree Grant (\$11,200) for business stimulus
- D) DEP Greenhouse Grant Reduction (pre-application)
- 2. Reported by Mayor at Work Session held 1/13/10 as follows:
  - E) Safer Grant (\$50,000) filed 12/18/09 on behalf of Fire Dept.
  - F) (BERGEN COUNTY OPEN SPACE TRUST FUND MUNICIPAL PARK IMPROVEMENT PROGRAM 2009) Grant (\$37,000) for basketball courts at Memorial Field filed 7/27/09)

Mayor Heymann noted there were no changes other than the grant reported earlier this evening; and reiterated that it was \$36,500 we received for improvements to the basketball courts at Memorial Park. The Borough Engineer asked if the Borough wanted a proposal from Boswell Engineering for this project; and Mayor Heymann referred same to the Borough Administrator. Mr. Wiest explained he felt we should obtain a proposal; and Mr. DeNicola advised he would obtain same.

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)
- 2. SUPER VALUE, INC./PUBLIC ENTITY GRANT - \$6,600.00 awarded for Discharge Site Remediation – 121 Schraalenburgh Road, Block 502 Lot 3 (14. M.L. 7/3/08)
- 3. CERTIFIED LOCAL GOVERNMENT GRANT OF \$20,000 FOR HISTORIC PRESERVATION PLAN ELEMENT (7. M.L. 7/30/09)
- 4. COMMUNITY DEVELOPMENT BLOCK GRANT - \$7,000.00 Grant for Senior Center Security System (7. M.L. 6/4/09) RM 10/28/09 - alarm repairs, window replacement, roof support columns and sidewalk improvements
- 5. Reported by Mayor Heymann at WS 1/13/10 as follows:
  - A) GDL 2009 ENFORCEMENT AND EDUCATION CAMPAIGN, NATIONAL HIGHWAY TRAFFIC SAFETY (NHTSA) SECTION 402, STATE AND COMMUNITY HIGHWAY SAFETY GRANT (\$2,000) filed 4/9/09/awarded 5/2009

c. GRANTS TO BE FILED

- 1. 2010 ROID Grant (\$10,000) for Recreation Commission Challenge Routine (W.S. 12/9/09) (REC OPPS FOR INDIVIDUALS WITH DISABILITIES 2010 DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM)
- 2) REPORT – Mayor Heymann noted this item concluded her report.

5. OLD BUSINESS

6. NEW BUSINESS

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7. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
8. OPEN MEETING TO THE PUBLIC

Mayor Heymann asked if anyone had any issue to bring before the Governing Body and no one wished to be heard.

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
10. ADJOURNMENT

Motion to adjourn the Work Session was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann at 8:50 p.m.

Provided to the Mayor and  
Council on February 18, 2010  
for approval at the Regular Meeting  
to be held February 24, 2010

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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 February 24, 2010  
Consent Agenda Item No. 14b.