

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – TUESDAY, SEPTEMBER 7, 2010 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Tuesday, September 7, 2010. Mayor Heymann called the meeting to order at 8:50 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was sent to the Press Journal and The Record and published in both newspapers on January 7, 2010, posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

Councilpersons Alissa Latner, John Kashwick, David Barad,  
Arthur Dolson 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

OEM Coordinator, James Winters

The following persons were absent:

Councilman John C. Glidden, Jr.

Also present in the audience were: Irene Stella, Historic Preservation Commission/Closter Improvement Commission

4. PROCLAMATION

MAYORAL PROCLAMATION DECLARING THE MONTH OF OCTOBER AS  
"DOMESTIC VIOLENCE AWARENESS MONTH" (2. M. L. 8/12/10)

Mayor Heymann read aloud and so declared. Chief Berrian and OEM Coordinator, James Winters said that domestic violence affects everyone and the Department takes it very seriously.

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

The following Ordinance was introduced at the Regular Meeting held 8/11/10 and was published in the Press Journal on 8/19/10 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:

a. BOND ORDINANCE NO. 2010: 1075, "AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS IMPROVEMENTS IN AND FOR THE BOROUGH OF CLOSTER AND APPROPRIATING \$600,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$570,000 IN BONDS OR NOTES OF THE BOROUGH OF CLOSTER TO FINANCE THE SAME"

Mayor Heymann declared the public hearing open and asked if anyone wished to be heard either for or against this Ordinance. No one wishing to be heard, Mayor Heymann closed the public hearing.

CLOSTER MAYOR AND COUNCIL  
 REGULAR MEETING MINUTES – TUESDAY, SEPTEMBER 7, 2010 - 7:30 P.M.

Motion to adopt Ordinance No. 2010:1075 was made by Councilman Kashwick seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad, Dolson and Amitai.

6a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 7a, 9, 10, 16, 19, 20, 21 and 22 was made by Councilman Barad seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad, Dolson and Amitai.

7. INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING – 10/13/10 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

- a. ORDINANCE NO. 2010: 1079, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 167 OF THE CODE OF THE BOROUGH OF CLOSTER” (Received from Borough Attorney 8/30/10) - removed
- b. ORDINANCE NO. 2010:1080, “AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A PORTION OF VAN SCIVER STREET, BLOCK 1205, LOT 17.02” (Received from Borough Attorney 8/31/10)
- c. ORDINANCE NO. 2010:1081, “AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A PORTION OF VAN SCIVER STREET, BLOCK 1205, LOT 17.03” (Received from Borough Attorney 8/31/10)

RESOLUTIONS

8. BILL RESOLUTION – SEPTEMBER 15, 2010 TO BE PREPARED BY DEPUTY TREASURER

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

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
DEPUTY BOROUGH CLERK	_____	1 Year	12/31/10
DEPUTY TAX COLLECTOR	_____	1 Year	12/31/10
DESK DISPATCHER			
FULL TIME	_____	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

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

10. RESOLUTION NO. 5 RE AD INTERIM PERMIT

11. RESOLUTION AUTHORIZING RENEWAL OF MEMBERSHIP IN THE BERGEN COUNTY MUNICIPAL JOINT INSURANCE FUND FOR A 3-YEAR PERIOD FROM 1/1/2011 TO 1/1/2014 @ 12:01 A.M. (8. M.L. 8/5/10)

12. RESOLUTION AUTHORIZING TAX COLLECTOR TO CREDIT THE FOLLOWING ACCOUNT IN THE AMOUNT OF \$1,098.74 FOR TAX YEAR 2010 AS THE BOROUGH HAS ENTERD INTO A RECIPROCAL EASEMENT AGREEMENT STIPULATING PROPORTIONAL (22%) TAX ABATEMENT ON THE LAND VALUE FOR PROPERTY USED BY THE BOROUGH: CAEA, LLC (Charles & Elaine Amorosso), BLOCK 1302 LOT 21 (Received from Tax Collector 8/30/10)

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – TUESDAY, SEPTEMBER 7, 2010 - 7:30 P.M.

13. RESOLUTION AUTHORIZING ADMINISTRATOR TO ISSUE A PURCHASE ORDER FOR THE PURCHASE OF FINANCIAL MANAGEMENT SOFTWARE, WITHOUT COMPETITIVE BIDDING PURSUANT TO N.J.S.A. 40A:11-5(1)(dd), TO EDMUNDS AND ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$24,685 (Received from Administrator 8/30/10)
14. RESOLUTION ADOPTING A REVISED DEFERRED COMPENSATION PLAN FROM LINCOLN FINANCIAL (Received from Administrator 9/1/10)
15. RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH BOSWELL ENGINEERING RELATING TO THE PROVISION OF ENGINEERING SERVICES FOR INSTALLATION OF PREFABRICATED BATHROOM FACILITIES AT MOLLICONE AND SCHAUBLE FIELDS (Received from Administrator 9/1/10)
- ~~16.~~ RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH HAKIM ASSOCIATES RELATING TO THE PROVISION OF PLANNING SERVICES (Received from Administrator 9/1/10)
17. RESOLUTION AUTHORIZING THE DEPUTY TREASURER TO ISSUE CHECK IN THE AMOUNT OF \$19.08 TO KAGAN, SUSAN ROSE, FOR THIRD QUARTER 2010 TAX OVERPAYMENT, RE BLOCK 1906, LOT 05 (Received from Tax Collector 9/1/10)
- 17a. RESOLUTION NO. 4 – RENEWING 2010-2011 LIQUOR LICENSES (Approval received 9/7/10 from Division of Taxation re Tax Clearance Certificate)

MOTIONS

18. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 9/2/10) NO ABSTENTIONS
  - a. REGULAR MEETING OF AUGUST 25, 2010
  - b. WORK SESSION OF AUGUST 25, 2010
- ~~19.~~ MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/10; RM 1/13/10; 1/27/10; 2/10/10; 2/24/10; 3/10/10; 3/24/10; 4/14/10; 4/28/10; 5/12/10; 5/26/10; 6/9/10; 6/23/10; 7/14/10; 7/28/10; 8/11/10; 8/25/10:

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
IMPROVEMENT COMMISSION Member	_____	2 Year	12/31/11
*SHADE TREE COMMISSION Member (Ryan) (3. M.L. 3/11/10) <i>* Mayoral Appointment</i>	_____	5 Year un- expired to	12/31/11

- ~~20.~~ MOTION APPOINTING \_\_\_\_\_ TO SERVE AS ZONING BOARD OF ADJUSTMENT ALTERNATE. NO. 3 FOR A 2-YEAR UNEXPIRED TERM (IAFRATE) TO 12/31/10 (3. M.L. 5/27/10) (Adjourned from RM 6/9/10; RM 6/23/10; RM 7/14/10; RM 7/28/10; RM 8/11/10; RM 8/25/10)

- ~~21.~~ MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO FILL THE FOLLOWING APPOINTMENTS MADE AT THE REORGANIZATION MEETING HELD ON 1/4/10 (Which have not been accepted as of the time of preparation of this Agenda):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
IMPROVEMENT COMMISSION Member	_____	2 Year un- expired to	12/31/10
*SHADE TREE COMMISSION Alternate No. 2  <i>*Mayoral Appointment</i>	_____	4 Year un- expired to	12/31/11

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES – TUESDAY, SEPTEMBER 7, 2010 - 7:30 P.M.

- ~~22.~~ MOTION APPOINTING \_\_\_\_\_ TO SERVE AS MEMBER OF THE BOARD OF ETHICS FOR AN UNEXPIRED 5-YEAR TERM (ARCHER) TO 12/31/2013 (6. M.L. 7/15/10) (Adjourned from RM 7/28/10; 8/11/10; 8/25/10)
23. MOTION GRANTING APPROVAL FOR BLOCK PARTY TO BE HELD ON WHITNEY STREET ON SUNDAY, 9/19/10 FROM 1 P.M. TO 7 P.M.; RAIN DATE: SUNDAY, 9/26/10 (6. M.L. 9/2/10)
24. ACCEPTANCE OF THE FOLLOWING REPORTS:  
(No reports were received at time of preparation of this Agenda)
- 6b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA
16. RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH HAKIM ASSOCIATES RELATING TO THE PROVISION OF PLANNING SERVICES (Received from Administrator 9/1/10)

In answer to Councilman Kashwick, Borough Administrator advised that the contract was being revised to provide for additional time that was necessary to complete the Planning Incentive Grant beyond the original time estimate and for additional monies to provide for additional work that may be needed which would be charged to either the Planning Board budget or other appropriate budgetary activities.

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

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

No one wished to be heard.

26. ANY OTHER MATTER WHICH MAY COME BEFORE THE GOVERNING BODY

Mayor Heymann explained she would read the following Resolution which was prepared by the Borough Attorney as a result of his being authorized to do so by the Governing Body at the Regular Meeting held August 25, 2010:

- 26a. RESOLUTION IN SUPPORT OF HOSTING THE INTERBORO REGIONAL POLICE COMMUNICATIONS NETWORK

Motion of approval was made by Councilman Kashwick, seconded by Councilwoman Latner.

BEFORE ROLL CALL VOTE, Borough Attorney explained that this Resolution was passed conceptually and this is the memorialization.

Said motion was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad, Dolson and Amitai.

- 26b. Motion approving the following Closed Session Resolution No. 2 at 9:10 p.m. was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad, Dolson and Amitai.

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 item under discussion in the closed meeting would be disclosed to the public at the conclusion of the matter which should be within 4 weeks.

Mayor Heymann resumed the Regular Meeting at 9:34 p.m.

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES – TUESDAY, SEPTEMBER 7, 2010 - 7:30 P.M.

27. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:34 p.m. was made by Councilman Barad, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on  
September 16, 2010 for approval at the  
Regular Meeting to be held  
September 22, 2010

---

Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held September 22, 2010  
Consent Agenda Item No. 20a.

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION NOTES – TUESDAY, SEPTEMBER 7, 2010 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Tuesday, September 7, 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. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was sent to the Press Journal and The Record and published in both newspapers on January 7, 2010, posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann  
Councilpersons Alissa Latner, John Kashwick, 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  
Chief of Police, David Berrian  
Tax Collector, Maria Passafaro  
OEM Coordinator, James Winters

The following persons were absent:

Councilman John C. Glidden, Jr.

- 3a. Motion approving the following Closed Session Resolution No. 1 at 7:35 p.m. was made by Councilman Kashwick, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad, Dolson and Amitai.

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 item under discussion in the closed meeting would be disclosed to the public at the conclusion of the matter which should be within 4 weeks.

Mayor Heymann resumed the Regular Meeting at 7:55 p.m.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

- a. MAIL LIST OF AUGUST 26, 2010 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. The following items were removed by the following individuals: Item No. 1 was removed by Councilman Barad and Item No. 3 was removed by

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – TUESDAY, SEPTEMBER 7, 2010 - 7:30 P.M.

Councilman Dolson.

Item No. 1: Received 08/19/10, dated 08/19/10 from Paul Demarest, Land Use Coordinator, Zoning Board of Adjustment to Wells, Jaworski & Liebman, LLP, c: Zoning Officer, Borough Clerk, Deputy Treasurer re Certified copy of Resolution memorialized 8/18/10 granting in whole or part, approval of application, Crimmins, 49 John Street (Block 1203/Lot 5)

Councilman Barad explained that this item appears to discuss the Zoning Board resolution regarding the Crimmins property. He noted that it was very wordy and he was not clear as to what it was saying. He referred to letter “G” on page 7, “SPECIFIC CONDITIONS” which states as follows: “The applicant shall make a request to the Mayor and Council of the Borough of Closter, and participate in municipal efforts to improve and open Westminster Avenue, and the Board grants a waiver from municipal standards for the improvements to Westminster Avenue, so that Westminster Avenue may be opened to commercial traffic even if the improvements are not fully compliant with municipal standards...” Councilman Barad questioned what the request is supposed to be. Borough Engineer voiced his opinion that it appears they want it to be a through street and open it up. Councilman Dolson explained that the resolution the Zoning Board is adopting is that the three applicants on John Street, who are changing the use from residential to business, are required to pay a share in the improvement of Westminster; and once it is improved, they are to use Westminster to enter and exit the properties they currently own. What this resolution is saying is that the applicants are agreeing to pay for the cost of that street to be improved.

Mr. DeNicola questioned if the Mayor and Council still had to approve a request for same; and Borough Attorney concurred and asked what happens if they did not approve the request. Mayor Heymann explained that this is a very specific problem because not only does the Mayor and Council have to give its approval for these various issues; they are asking for a waiver of municipal standards. The road is too narrow and they are asking for certain restrictions that will be taking place. In order for the system that they are recommending to be workable, the three owners of property on Westminster have to cooperate; and at this point, they are not. She explained she feels it is a very “iffy” issue.

Councilwoman Amitai voiced her opinion that if the street were open, they would not be able to block it by storing firewood etc. The Borough Engineer reminded they weren’t supposed to be doing that anyway; it would just make it harder. Councilman Barad expressed his concern that this resolution says the applicants are going to request us (Mayor and Council) to say what we’re going to do; and it is kind of forcing our hand. Mayor Heymann informed that she has been complaining about this for the past five months.

The Borough Engineer questioned if it was contingent on this approval; and Borough Attorney informed he interpreted it the same way; it is contingent upon an approval by the Mayor and Council. Mayor Heymann explained that if the Council says no, the applicants have to go back to the Zoning Board. In response to Councilwoman Amitai, Borough Engineer explained he believes they are not looking to open up the entire street but open up a portion of it to allow access from Railroad Avenue. Councilman Barad expressed his confusion as to what the roles are here because he is unclear what the Council is supposed to do. The Borough Attorney advised it is a very unusual approval.

Councilwoman Amitai asked for affirmation that on the east edge of Westminster, there is a street that butts up to it – the Borough Engineer responded that it was the eastern side of Railroad Avenue. Councilman Barad clarified that he was not talking about the road or its purpose; he is talking about the process where the Zoning Board is making something contingent upon the Mayor and Council giving approval. Councilwoman Amitai voiced her feeling that this could potentially alleviate some of the industrial traffic; Mayor Heymann affirmed that is the intent, but it is very presumptuous that the Mayor and Council and all of the residents affected by this clause will cooperate and whether it is even physically feasible to the extent that they expect it to be.

The Borough Attorney explained that most conditions placed upon an applicant are conditions that are totally within their own control such as building a certain number of feet from the side yard or put in a

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – TUESDAY, SEPTEMBER 7, 2010 - 7:30 P.M.

certain type of façade and things of that nature. He voiced his opinion that directing them to make application to the Mayor and Council is a very unusual provision and not one he feels we should encourage. In response to the Mayor, Mr. Rogan informed we should request that the Zoning Board explain why it was done this way; therefore, he advised he would contact the attorney for the Zoning Board and ask for him to contact his office to follow up on same.

Item No. 3: Received 08/20/10 hand del'd by Mayor/no envelope, dated 08/09/10 from Charlotte Vandervalk, Assemblywoman, 39<sup>th</sup> District re Homestead Credit Program

Councilman Dolson explained this letter was regarding the Homestead Credit Rebate; and as we have experienced it in the past 3, 4 or 5 years, essentially it is being abolished. They have come up with this program to give credits on tax bills. In order to give the credit on the tax bills, the Tax Department has to be notified and they have to republish the tax bills. He voiced his opinion that this is another issue the State has come up with as a bizarre mandate that we are going to be double tax billing for 3 quarters out of 4, plus the extra tax bill that we had to make the estimate because they were behind in their budget; and then they are eliminating the people who were previously qualified; so, basically, they have raised the taxes for the citizens of New Jersey again, by omission of handling their own responsibilities. Mayor Heymann voiced her opinion that it is justified to add this to the list that we have been asked to fill out of unfunded mandates that have not yet been discussed.

b. MAIL LIST OF SEPTEMBER 2, 2010 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. No one wished to remove any item for discussion.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING  
(Refer to Regular Meeting Agenda of September 7, 2010)

Mayor Heymann welcomed discussion on any of the items on the Consent Agenda.

Dr. Barad asked that the following item be removed; and Mayor Heymann and the Borough Attorney concurred:

7. INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING – 10/13/10 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

a. ORDINANCE NO. 2010:1079, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 167 OF THE CODE OF THE BOROUGH OF CLOSTER” (Received from Borough Attorney 8/30/10)

RESOLUTIONS

10. RESOLUTION NO. 5 RE AD INTERIM PERMIT

Borough Clerk advised that the Tax Clearance Certificate had been received from the Division of Taxation; therefore, this resolution would not be necessary and could be removed from the Consent Agenda. In its place is an Addendum Item No. 17a. approving renewal of the license for 2010-2011.

15. RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH BOSWELL ENGINEERING RELATING TO THE PROVISION OF ENGINEERING SERVICES FOR INSTALLATION OF PREFABRICATED BATHROOM FACILITIES AT MOLLICONE AND SCHAUBLE FIELDS (Received from Administrator 9/1/10)

Steve Isaacson, 97 Columbus Avenue, questioned if the building at Ruckman Park would have a

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – TUESDAY, SEPTEMBER 7, 2010 - 7:30 P.M.

snack stand and if the other facilities mentioned in the resolution would also have snack stands. Mayor Heymann said that Ruckman Park would have a snack stand but the other facilities would not. Mr. Isaacson questioned if we are using public dollars to place facilities on public park space, why is Recreation in charge of these facilities and what gives them the right to only open same when they have a game. He said that since public funds are being used for the improvements, the bathrooms have to be open 24/7/365. Mayor Heymann recalled having heard in a Council meeting in the past that the facilities should only be open when a game is scheduled and they can be monitored; and it is hard to satisfy both sides. Mr. Isaacson reminded that this is Green Acres encumbered property and Mayor Heymann informed partially. He reiterated that you are using taxpayer money to build a public facility in a public park on Green Acres encumbered property; and Recreation cannot be given the authority to be in charge of same.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE CONTRACTS:

a. BOROUGH ADMINISTRATOR (RM 5/13/09) – The Borough Attorney reported he believes they have almost finalized this contract; and it will be forwarded to the Council Committee prior to execution.

b. MAC BAIN FARM AGREEMENT – This agreement is in the process of being finalized. He asked for clarification from Mr. Kashwick that the McCaffrey’s attorney is going to be reviewing it and providing input from their side. He added that we have one more change on our side regarding insurance, otherwise it is probably 90% agreed upon. He feels it would be only a matter of weeks or days until it is finalized.

2) STATUS REPORT RE POSSIBLE STREET VACATION – VAN SCIVER STREET CUL-DE-SAC (Requested 8/5/10) – The Borough Attorney reported that the ordinances for the vacation of Van Sciver Street are on tonight’s Agenda; and pending approval of same, this item can be removed from his report for the future.

3) REPORT – Mr. Rogan reported that regarding the litigation of A&P and Rosenblum v. Irani and the Borough of Closter; depositions are currently scheduled for Borough representatives for 9/16/10 commencing at 5 p.m. Regarding Schmidt v. the Borough of Closter, he filed a summary judgment seeking dismissal of Mr. Schmidt’s claim against the Borough and that is scheduled in court for 10/1/10.

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 – Borough Engineer informed he had provided his Quarterly Status Report to the Council and there is no change regarding this project.

2) STATUS REPORT RE IMPROVEMENTS TO WEST STREET, SECTION 5 - Awarded RM 3/10/10 to Vincent J. Construction, LLC (\$137,041) – Mr. DeNicola advised this item can be removed from his report. He has received the executed change order from the State which means they have accepted the project as final; if the Borough has not already received their final payment, they should be in the very near future.

3) REPORT – The Borough Engineer is in the process of designing the Basketball Court improvements at Memorial Field and he will be meeting with Recreation Director, Jim Oettinger, to discuss timing as far as when it should take place in the Spring, with a Winter bid to get a good price for the asphalt and construction to start in the early Spring. He will finalize the timing with Mr. Oettinger and the Borough Administrator accordingly.

7. REPORTS

A. BOROUGH ADMINISTRATOR

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – TUESDAY, SEPTEMBER 7, 2010 - 7:30 P.M.

- 1) STATUS REPORT RE NEW BOROUGH WEB SITE – no report.
- 2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S):
  - a. REPORT RE FOLLOW UP OF INSURANCE REQUIREMENTS REGARDING RECREATION COMMISSION 'S LABOR DAY ACTIVITIES (RMA 8/25/10) –

The Borough Administrator reported that the Labor Day activities went off with some issues that were odds and ends; and it was generally a successful day. He toured the field last night before the fireworks and spoke to some people who felt they were well delivered by the volunteers, by the staff and by everyone. He thinks that to get ahead of things in the future they will seek to have a meeting with Recreation in the coming month to plan in advance all of the activities that come up over the course of a year that have insurance issues related to them because the insurance issues are the ones that seem to be last resolved as we come closer to these events. It is certainly possible right now to sit down and accurately predict 90-95% of the events that are going to go on within the next year – whether they be Summer camp programs, Labor Day or other activities that may use outside contractors and may have insurance requirements. For that reason, we feel we can do a much better and smoother job in the future of pulling insurance requirements together well in advance of the events. From that standpoint, we had a pretty good day yesterday, but internally there are some things we can do to work more smoothly.

- b. INSURANCE RE FALLEN ANGELS CONTRACT (WS 7/28/10)
- 3) DISCUSSION WITH RECREATION COMMISSION RE PLAQUE IN MEMORY OF GEORGE POTTERTON (COACH) (Discussed at RM 7/28/10) – The Borough

Administrator reported that the plaque is in place and he hopes everyone who did not get to see it over this past weekend takes the opportunity to go down to the field and view that, and understand his full contribution to our Community.

B. BOROUGH CLERK

- 1) STATUS REPORT RE 2010 APPOINTMENTS – Ms. Castano reported that at this point we are current regarding appointments.
- 2) STATUS REPORT RE 2010 OATHS OF OFFICE – The Borough Clerk's office is current at this time regarding Oaths of Office.
- 3) STATUS REPORT RE 2010 LICENSES – Ms. Castano happily reported that the renewal of the last liquor license has been accomplished before the end of the year which a wonderful feat.
- 4) STATUS REPORT RE 2010 MEETING DATES – The Borough Clerk informed she will be providing the Governing Body with reminders about the meeting dates because we will be holding some meetings on Mondays rather than the regularly scheduled Wednesdays. This meeting has been the most unusual with us, having a meeting on a Tuesday, due to Labor Day on Monday and Rosh Hashanah on Thursday being honored on Wednesday evening.
- 5) STATUS REPORT RE IMPLEMENTATION OF CITIZEN SERVICE ACT (LOCAL FINANCE NOTICE -LFN 2009-24, 11/12/09) – Ms. Castano advised she had nothing new to report regarding the Citizen Service Act.
- 6) STATUS REPORT RE PREPARATIONS FOR 2010 GENERAL ELECTION TO BE HELD TUESDAY, 11/2/10, FROM 6 A.M. TO 8 P.M. – Ms. Castano reported that final arrangements have been made for the Board Workers class to be held in the Council Chambers on 10/14/10 @ 6 p.m. Invitations were sent out regarding the mandatory course that is going to be offered here for the Closter Board Workers to make it easier for them to travel.

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

- 7) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – Ms. Castano informed that she has not had anyone contact her from the Board of Ethics and she hopes that an

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – TUESDAY, SEPTEMBER 7, 2010 - 7:30 P.M.

appointment will be forthcoming at the next meeting.

8) REPORT – Borough Clerk reported that Arlene (Corvelli, Assistant to Borough Clerk) has done a fantastic job of purging Borough records: obtaining approval for destruction, having the destruction take place and has moved approximately 110 boxes.

a. ARTEMIS is a new system that the Division of Archives and Records Management is embarking on and finalizing where they are hoping to have paperless communication as far as the departments requesting and receiving approval from DARM to purge records. At present, we have to send numerous copies back and forth but this should make the process much easier.

b. CLOSTER TELEPHONE DIRECTORY – The Borough Clerk’s office is getting a lot of calls from people complaining that they are falling asleep by the time they reach the point where it says how you can reach the Borough Clerk. While she does have a sense of humor, she would appreciate it very much if there would be some process taken where the Borough Clerk’s office would not be under “Additional Offices”. She voiced her opinion that it is insulting and she requested again that action be taken. Mayor Heymann noted that the right person is listening as Jim Winters is in the audience.

C. CHIEF OF POLICE

1) REPORT – Chief Berrian informed that although he was away this past Labor Day weekend, he read the blotter and saw that everything was quiet in town. The Chief reported that the schools opened today without a problem. He also reminded those present on the dais and the public that there will be a 9/11 service at the monument (at 8:30 a.m.) on Saturday.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

a. FILED

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

- A) Shade Tree Grant (\$11,200) for business stimulus
- B) DEP Greenhouse Grant Reduction (pre-application)

Reported by Mayor at Work Session held 6/9/10 as follows:

- C) COPS More Grant (Reported at WS 6/9/10)
- D) 2011 NJDOT LOCAL AID FOR HERBERT AVENUE (WS 6/9/10/RMA 7/14/10)  
(5. M.L. 6/24/10) (Requested to be moved from B.E. Agenda 8/11/10)

b. AWARDED

1. 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 informed that the clean-up on this property has been taken over by the private new owner. She believes we should let the contractor who was awarded the \$6,600 know about the take over; though she has been unsuccessful so far in doing so.

2. CERTIFIED LOCAL GOVERNMENT GRANT OF \$20,000 FOR HISTORIC PRESERVATION PLAN ELEMENT (7. M.L. 7/30/09)

3. 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

7. REPORTS (Continued)

D. MAYOR (Continued)

1) STATUS REPORT RE FOLLOWING GRANTS:

b. AWARDED

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – TUESDAY, SEPTEMBER 7, 2010 - 7:30 P.M.

4. 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) Mayor reported on award at WS 3/10/10
5. 2010 COMMUNITY DEVELOPMENT BLOCK GRANT FOR BARRIER FREE CURB CUTS - \$50,000 (2. M.L. 6/17/10)
6. BERGEN COUNTY OPEN SPACE TRUST FUND MUNICIPAL IMPROVEMENT PROGRAM 2009) Grant (\$37,000) for basketball courts at Memorial Field filed 7/27/09) Award of \$36,500 reported WS 6/9/10)
- c. TO BE FILED

At this time, Mayor Heymann informed that the 2011 ROID (Recreational Opportunities for Individuals with Disabilities) Grant application was filed as of this past week.

Mayor Heymann informed she had two additional items to discuss as follows:

The first is a Resolution in Support of Hosting the Interborough Regional Communications Network; which she believes they are all familiar with, and asked if everyone received a copy. There being no objections, Mayor Heymann asked the Council to introduce this at the Regular Meeting.

The other item the Mayor wished to discuss was to compliment Maria Passafaro (Tax Collector); however, she was no longer present. Mayor Heymann explained that Maria has followed through on getting the pilot monies from Spectrum (for Living) that had been neglected for a number of years and she picked that up. She informed all in attendance that for four Quarters from the two Spectrum facilities in Closter we are receiving over \$27,000 in PILOT – which is payment in lieu of taxes because they are non-profits.

8. OLD BUSINESS

Councilman Kashwick referred to the Conservation Zone questioning if all of the Nature Center was included. Borough Attorney said a combined zone or just the Fast Stream Nature Center would be a policy decision.

At this time, Mayor Heymann called a 5-minute recess.

Mayor Heymann resumed the Work Session at 8:25 p.m.

The Mayor announced that after the Regular Session, she would like to have a Closed Session.

9. NEW BUSINESS

- a. STATUS REPORT RE SIDEWALK REPAIR PROCEDURE (Requested by Mayor 7/2/10/Discussed WS 7/14/10; WS 8/25/10) – no discussion

10. OPEN MEETING TO THE PUBLIC FOR ANY MATTER PER NJSA 10:4-12(A) SUBJECT TO A 5 MINUTE LIMIT (PER GENERAL RULE NUMBER 10) EXCEPT FOR ITEMS SCHEDULED FOR PUBLIC HEARING AT THE REGULAR MEETING

Fred Goetz, attorney for Charles and Susan Lyons, 323 Durie Avenue, Closter, and for the estate of Lois Lillian Barnitt, formerly located at 316 Durie Avenue, said that his clients feel they have been unfairly targeted for sidewalk repair. He cited the municipal property at Mollicone Park in addition to commercial properties as being in far worse condition than his clients' sidewalks. He believes this is a matter of selective enforcement and noted that the estate of 316 Durie Avenue has been advised that a certificate of occupancy necessary for the sale of the property would not be issued until the sidewalks are repaired. Mayor Heymann answered that the Borough is not selectively enforcing the ordinance noting that there are other neighborhoods where sidewalk repair warnings have been issued. The sidewalk inspections are being

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – TUESDAY, SEPTEMBER 7, 2010 - 7:30 P.M.

done consistently across the town, the Borough has spent a considerable sum to repair the sidewalks in front of Borough Hall and the Borough would take care of any other Borough owned sidewalks that need repair. The Borough has been very lenient with results of the warnings noting that the warning provides for a considerable length of time for the necessary repairs as long as the property owner keeps the Borough informed of the progress being made. Borough Attorney said that the Continuing Certificate of Occupancy ordinance has been in place for quite some time and requires that inspection of the property be made prior to the sale. Mr. Goetz said that the problem existed with the sidewalk repair because the property was already under contract to be sold, then his clients received the repair warning giving them 30 days to effectuate the repair and did not receive the benefit of the recent change in the format of the repair warning. Borough Attorney said that there has not been selective enforcement and the inspections have been ongoing for the past three years.

Janet Lukach, 290 Durie Avenue, said that she received a sidewalk violation for the 178 feet of frontage on Durie Avenue and the Code Enforcement Officer sprayed orange dots on the sidewalk. Four contractors have given estimates on the repair noting that this is differential settling. To replace the 54 lineal feet would create a hodge-podge effect and ruin the streetscape. She cited other Borough properties that should be maintained and felt that the Borough is being arbitrary in this matter. Mayor Heymann said that specific criteria for marking the sidewalk was presented by the Property Maintenance Officer and noted that the Borough is in the process of repairing Borough sidewalks. Mrs. Lukach noted that she had requested that her deteriorated curb be replaced for the past 18 months. Borough Engineer said that there is no curb replacement program at this time but would include her property in the next program.

Steven Isaacson, 97 Columbus Avenue, questioned the disrepair at Closter Plaza that is ongoing. Mayor Heymann noted that the owners have been in court and have been issued summonses by the Borough of which \$5,000 has been paid to date. She noted that no one on Durie Avenue has been fined under the sidewalk repair program. Mr. Isaacson also referred to the change in the meeting time; and he requested that the previous meeting schedule be resumed. Mayor Heymann said the matter would be discussed; and Councilman Barad said that he was not inclined to change the meeting schedule.

Janet Lukach, 290 Durie Avenue, read from the sidewalk warning notice that she received indicating that the violation is to be corrected within 30 days. Mayor Heymann explained that the wording of the notice is being changed.

- 11. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
- 12. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY

- 13. ADJOURNMENT

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

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – TUESDAY, SEPTEMBER 7, 2010 - 7:30 P.M.

Provided to the Mayor and Council  
on September 16, 2010 for approval  
at the Regular Meeting to be held  
September 22, 2010

---

Loretta Castano, RMC  
Borough Clerk

Prepared by Arlene Corvelli and  
Carol Kroepke, RMC, utilizing recording  
and Borough Clerk's notes

Approved at the Regular Meeting held September 22, 2010  
Consent Agenda Item No. 20b.