

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JUNE 22, 2011 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, June 22, 2011. Mayor Heymann called the meeting to order at 8:50 p.m.

1. 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 Record and published on January 9, 2011 and to the Press Journal and published on January 13, 2011, 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.

2. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., 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

3. SWEARING IN CEREMONY - DENNIS KAINE AS DEPUTY CHIEF OF POLICE
(Requested by Councilman Glidden RM 6/8/11) The Ceremony was conducted during the first part of the Work Session instead of this meeting.

This Agenda Item was addressed in the Work Session!

4. PUBLIC HEARING OF THE FOLLOWING AMENDMENT TO ORDINANCE NO. 2011:1094 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

The following Amendment to Ordinance No. 2011:1094 was introduced at the Regular Meeting held 6/8/11 and was published in The Record on 6/13/11 as stated in the Borough Clerk's affidavit of publication. Reprint of this Amendment was posted on the Municipal Bulletin Board in accordance with Statutory requirements and copies have been made available to the general public:

AMENDMENT TO ORDINANCE NO. 2011:1094, "AMENDMENT TO ORDINANCE 2011:1094 TO MAKE ADDITIONAL CHANGE TO CHAPTER 181, TREE PRESERVATION AND REMOVAL, MITIGATION SECTION"

Mayor Heymann declared a Public Hearing. No one wishing to be heard, Mayor Heymann closed the Public Hearing.

Motion adopting Amendment to Ordinance No. 2011:1094, was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

5. ADOPTION OF ORDINANCE NO. 2011:1094, AS AMENDED, "AN ORDINANCE REVISING CHAPTER 181, TREE PRESERVATION AND REMOVAL AND CHAPTER 59, SHADE TREE COMMISSION"

The above noted Ordinance was introduced at the Regular Meeting held 4/26/11 and was published in The Record on 4/30/11 as stated in the Borough Clerk'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.

The Public Hearing on this Ordinance was held at the Regular Meeting of 5/25/11. At that time, it was determined that an amendment was required to correct a certain portion of the ordinance. Therefore, the adoption of this ordinance is being carried on the Agenda pending introduction of the Amendment to the Ordinance, public hearing and adoption

After the public hearing and adoption of the Amendment this evening, this Ordinance

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – JUNE 22, 2011 - 7:30 P.M.

will be adopted, As Amended.

Motion approving adoption of Ordinance No. 2011:1094, As Amended, was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

In response to request made by Councilman Kashwick, Borough Clerk informed that a certified copy of the entire ordinance, incorporating the amendment, will be provided to the Building Department as well as other Officials and Departments involved.

6. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCE @8:00 P.M OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

The following Ordinance was introduced at the Regular Meeting 5/25/11 and was published in The Record on 5/30/11 as stated in the Borough Clerk's affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with Statutory requirements and copies have been made available to the general public:

ORDINANCE NO. 2011:1097, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING HISTORIC PRESERVATION"

Mayor Heymann declared a Public Hearing.

Jerry Boyarsky, 102 Venus Drive said West Street is the only Historic District; and he questioned if a property can be designated without the owner's approval. Mayor Heymann said theoretically yes but that this Council does not work against the wishes of its residents. Councilman Barad said that the Council looks at each situation. Mr. Boyarsky recommended that the wording be revised that property can only be designated with the owner's approval.

Jennifer Rothschild, 32 Hickory Lane, Chairman of the Historic Preservation Commission, explained the history behind the proposed ordinance. The Borough Attorney crafted the language and it has nothing to do with the Historic Element of the Master Plan. The ordinance limits the exterior changes to the historic structure to those in public view. Historic Preservation is part of zoning. She offered the case of the historic Penn Central Station case; but it is settled law and the ordinance cannot be changed the way Mr. Boyarsky is suggesting because it is contrary to the MLUL (Municipal Land Use Law) which is a part of zoning.

The Borough Attorney affirmed that what Mr. Boyarsky is referring to has nothing to do with this particular issue; the ordinance amendment is very narrow and is limited and gives the owner more discretion in an area that cannot be seen. Ms. Rothschild indicated that the Commission reviews the applications for renovation to historic structures and makes recommendations; and if not considered appropriate by the homeowner, an appeal can be heard by the Zoning Board. Mayor Heymann recognized the Historic Preservation for their testimony during this process.

Steve Isaacson, 97 Columbus Avenue, said there is confusion regarding the meaning of historic; and the wording should be clarified. He questioned if the Village School is a landmark; and Mayor Heymann said that same has not been designated a landmark. Mr. Isaacson expressed his sentiments that the public's confusion stems from the very definitions that people do not understand.

Mayor Heymann closed the Public Hearing.

Motion approving adoption of Ordinance No. 2011:1097 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

7a. VOTE ON CONSENT AGENDA ITEMS

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – JUNE 22, 2011 - 7:30 P.M.

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

ORDINANCES

8. INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING – 7/13/11 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:
- a. ORDINANCE NO. 2011:1098, “AN ORDINANCE REVISING CHAPTER 50 OF THE BOROUGH’S CODE” (Duties of Deputy Chief of Police)
 - b. ORDINANCE NO. 2011:1099, “AN ORDINANCE REVISING CHAPTER 106, FIRE PREVENTION” (Unsupervised Public Fires Prohibited)
 - c. ORDINANCE NO. 2011:1100, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING FEES AND DEPOSITS, SPECIFICALLY CREATING A LATE FEE FOR APPLICATIONS FOR USE OF TOWN GROUNDS”
 - d. ORDINANCE NO. 2011:1101, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$18,000.00 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR THE ACQUISITION OF LOT BLOCK 1805, LOT 1 (Received from Administrator 6/22/11 @ 12:55 p.m.)

Borough Administrator noted a correction in the title of the Ordinance to indicate Block 1805, Lot 1.

RESOLUTIONS

9. BILL RESOLUTION – JUNE 30, 2011
TO BE PREPARED BY DEPUTY TREASURER
- ~~10.~~ POSSIBLE RESOLUTION AWARDDING CONTRACT TO _____ FOR PROFESSIONAL PLANNER – MASTER PLAN, RECEIVED AT OPENING HELD 3/30/11 @ 1:30 P.M. - TO BE PREPARED BY BOROUGH ATTORNEY (Adjourned from RM 4/26/11; RM 5/11/11; RM 5/25/11 – Borough Attorney advised at this meeting the need for the Planning Board to put in writing a request that further information be provided regarding the RFP’s submitted for consideration since the deadline for award is past 30 days; Adjourned from RM 6/8/11)
11. RESOLUTION AUTHORIZING THE MAYOR TO SIGN CROWN CASTLE LEASE AMENDMENT (allowing placement of pad and cabinet within existing lease area of cell tower site) (Received from Administrator 2/2/11/Adjourned from RM 2/9/11; RM 2/23/11; RM 3/9/11; 3/23/11; 4/13/11; 4/26/11; 5/11/11; 5/25/11; 6/8/11)
- ~~12.~~ RESOLUTION APPOINTING _____ TO SERVE AS MUNICIPAL COURT JUDGE FOR AN UNEXPIRED 3-YEAR TERM (BOTTINELLI) TO 12/31/13 (7. M.L. 6/2/11) Adjourned from RM 6/8/11 - TO BE PREPARED BY ADMINISTRATOR
13. RESOLUTION APPOINTING KEVIN WHITNEY TO SERVE AS FIRE OFFICIAL FOR A 2-YEAR TERM FROM 8/1/11 TO 7/31/13
14. RESOLUTION NO. 2 APPROVING 2011 – 2012 LIQUOR LICENSE RENEWALS
15. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE REFUND CHECKS TO CORE LOGIC DUE TO TAX OVERPAYMENTS CREATED BY A DUPLICATE PAYMENT IN THE 3RD QUARTER 2009 IN WHICH THE MORTGAGE COMPANY REQUESTED A REFUND: \$7,286.68 FOR BLOCK 2102 LOT 37.05, 51 McCAIN COURT; \$3,819.45 FOR BLOCK 2211, LOT 34, 103 ALPINE DRIVE (Received from Tax Collector’s office 6/15/11)
16. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – JUNE 22, 2011 - 7:30 P.M.

APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR THE 2011 NEW JERSEY “ROID” GRANT IN THE AMOUNT OF \$10,000.00 (Received from Administrator 6/13/11)

17. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR THE 2011 ALCOHOL EDUCATION AND REHABILITATION GRANT IN THE AMOUNT OF \$862.96 (Received from Administrator 6/13/11)
18. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR THE BUFFER ZONE PROTECTION PROGRAM GRANT IN THE AMOUNT OF \$24,608 (Received from Administrator 6/13/11)
19. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR CLEAN COMMUNITIES GRANT IN THE AMOUNT OF \$13,191.51 (Received from Administrator 6/13/11)
20. RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH BOSWELL ENGINEERING RELATING TO THE PROVISION OF ENGINEERING INSPECTION SERVICES IN CONJUNCTION WITH THE REPLACEMENT OF SIDEWALK SLABS BY ARNOLD ROADS FOR AN AMOUNT NOT TO EXCEED \$4,500 (Received from Administrator 6/13/11)
21. RESOLUTION AUTHORIZING INCLUSION IN THE BERGEN COUNTY COMMUNITY DEVELOPMENT PROGRAM (URBAN COUNTY ENTITLEMENT PROGRAMS – CD BLOCK GRANT PROGRAM AND HOME INVESTMENT PARTNERSHIP ACT PROGRAM) FOR PROGRAM YEARS 2012, 2013, 2014 (7/1/12-6/30/15) (Received from Administrator 6/13/11)
22. 2011 SALARY RESOLUTION (Requested by Administrator 6/14/11)
TO BE PREPARED BY ADMINISTRATOR
- ~~23.~~ RESOLUTION IN SUPPORT OF FAIR SCHOOL FUNDING LEGISLATION THAT WILL COMPLY WITH THE NEW JERSEY STATE CONSTITUTION (Requested by Councilwoman Latner WS 6/8/11)
24. RESOLUTION NO. 1 RE AD INTERIM PERMITS
- 24a. RESOLUTION APPROVING ISSUANCE OF 2011 CERTIFICATES OF COMPLIANCE TO JOHN PETERS PROFESSIONAL LIMOUSINES, 231 HERBERT AVENUE, CLOSTER, NJ, FOR TWELVE (12) NAMED VEHICLES PURSUANT TO N.J.S.A. 48:16-17; EXPIRATION: 12/31/2011 (Appropriate fees paid and approvals received from Risk Management Consultant and Borough Attorney on 6/20/11)
- 24b. RESOLUTION APPROVING TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NO. 0207-33-006-005 (INACTIVE/POCKET) FROM KLIP, LLC. TO ROSEMARIE O’CONNORS, SUBJECT TO RECEIPT OF TAX CLEARANCE CERTIFICATE

MOTIONS

25. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed via e-mail on 6/17/11) ABSTENTION: AMITAI
 - a. REGULAR MEETING OF JUNE 8, 2011
 - b. WORK SESSION OF JUNE 8, 2011
- ~~26.~~ MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO FILL THE FOLLOWING *NON-SALARIED* APPOINTMENTS MADE AT THE FOLLOWING MEETINGS (Which have not been accepted as of the time of preparation of this Agenda)

<u>OFFICE</u>	<u>MEETING</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
IMPROVEMENT COMMISSION				
Member	_____	_____	2 Years	12/31/12
Member	RM 2/23/11	<u>Tina Stratton</u>	2 Years	12/31/12

27. REPORTS

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – JUNE 22, 2011 - 7:30 P.M.

- a. CONSTRUCTION OFFICIAL – MAY 2011 (Received 6/8/11)
- b. CHIEF OF POLICE – MAY 2011 (Received 6/15/11)
- c. FIRE CHIEF – MAY 2011 (Received 6/8/11)

7b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

28. 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.11)

Mayor Heymann opened the meeting to the public. No one wishing to be heard, Mayor Heymann closed the meeting to the public.

- 28a. Motion approving the following Closed Session Resolution at 9:16 p.m. was made by Councilwoman Amitai, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, 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. 10:4-012(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 discussion.

Mayor Heymann resumed the Regular Meeting at 9:37 p.m.

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

12. RESOLUTION APPOINTING THOMAS R. BETANCOURT TO SERVE AS MUNICIPAL COURT JUDGE FOR AN UNEXPIRED 3-YEAR TERM (BOTTINELLI) TO 12/31/13 (7. M.L. 6/2/11) Adjourned from RM 6/8/11

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

Mayor Heymann called the Governing Body’s attention to an e-mail received this afternoon from the League of Municipalities noting “Urgent Action Needed Now” regarding Pension and Health Benefits Reform Assembly Floor Vote Tomorrow” and noted that since all were in agreement she did not have to do anything further at this time.

30. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:40 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided via e-mail to the Mayor and Council on July 8, 2011 for approval at the Regular Meeting to be held July 13, 2011.

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held July 13, 2011
Consent Agenda Item No. 18a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – JUNE 22, 2011 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, June 22, 2011. 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 Record and published on January 9, 2011 and to the Press Journal and published on January 13, 2011, 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 John C. Glidden, Jr., 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
Deputy Police Chief, Dennis Kaine

At this time, the following Agenda Item from the Regular Meeting was addressed:

SWEARING IN CEREMONY - DENNIS KAINE AS DEPUTY CHIEF OF POLICE
(Requested by Councilman Glidden RM 6/8/11)

Councilman Glidden announced the promotion of Sergeant Dennis Kaine to Deputy Police Chief. He noted that Sergeant Kaine started his career in 1985 as patrolman until 1998 whereupon he was assigned to the Detective Bureau. While assigned to the Bureau, he was actively involved in over 2,000 investigations and was promoted to Sergeant. In 2009 he was appointed Accreditations Manager in the CALEA Accreditations Program, which was successfully completed and in 2010 Closter became the first department to receive this accreditation. He holds an Associate Arts from Bergen Community College in Business Administration and Associate Science degree in Criminal Justice. He is married with two children. Since 1986 he has been a member of the Closter Fire Department.

Mayor Heymann administered the Oath of Office to Deputy Chief Dennis Kaine. The Mayor and Council and members of the public offered congratulations and a round of applause.

Councilman Glidden recognized Chief David Berrian for his 39 years in the Closter Police Department. He informed that he was a member of the Marine Corps during the Vietnam War and received a Meritorious Field Combat Promotion to the rank of Corporal after which he received a BA degree in Criminal Justice from Mercy College. Chief Berrian joined the Police Department in 1972 and was sworn in as Chief in 1995. He was elected President of the Bergen County Police Chiefs Association in 2003. Councilman Glidden thanked the Chief for his service to the Borough.

Mayor Heymann expressed her thanks to Chief Berrian and presented him with a plaque for his years of service. The Mayor and Council and members of the public offered congratulations and a round of applause.

Councilman Barad expressed his thanks to Chief Berrian and commended him for his leadership of the Police Department and meeting all of the challenges. Borough Administrator expressed his thanks to Chief Berrian for his assistance when he joined the staff at Borough Hall. He was supportive, friendly and cooperative. His leadership in the CALEA project with the manager Deputy Chief Kaine was a credit to the community. Councilwoman Amitai thanked Chief Berrian for his support.

Chief Berrian thanked everyone and congratulated Deputy Chief Kaine who will do a fantastic job and receive the support of the Council. He said that Deputy Chief Kaine will make the right choices, not always the most popular.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

- a. MAIL LIST OF JUNE 9, 2011 - 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 items for discussion.
- b. MAIL LIST OF JUNE 16, 2011- Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 7 was removed by Councilwoman Amitai; Item No. 2 was removed by Mayor Heymann.

Item No. 7: Received 06/16/11, dated 06/16/11 from Paul Demarest, Land Use Coordinator, Zoning Board of Adjustment, to David M. Watkins, Esq. re Certified copy of Resolution granting, in whole or in part, approval for the application of Locale Restaurant/Bar, 208 Piermont Road, Block 1901, Lot 47 for a D(2) Variance, Bulk Variances and Site Plan Approval for an outdoor cafe/dining area

Councilwoman Amitai voiced her understanding that there is a little bit of a problem that exists on this site and asked who was dealing with it. Mayor Heymann informed that the Building Department has been asked not to issue a CCO until the problem is cleared.

Item No. 2: Received 06/13/11, dated 06/06/11 from John Driscoll, Jr., Freeholder Chairman, County of Bergen, Board of Chosen Freeholders re Request for recommendations and resumes for potential members to their Flood Advisory Council for Bergen County to address extreme flooding issues

Mayor Heymann explained this item is requesting recommendations and resumes and asked the Borough Engineer if he thought Frank Rossi (Boswell McClave Engineering) would be a good candidate for that slot. In response to the Mayor's question, he said Mr. Rossi works in a

lot of communities and it would probably be a good idea. Mr. DeNicola explained that Frank Rossi is an Environmental Engineer with Boswell and handles DEP issues and flood plains, wetlands and contamination issues. He is currently working on flood control project in New Milford and had worked on a similar project in Ridgewood years ago; so he is very familiar with the flooding in Bergen County across the board. Mayor Heymann informed she will follow up on the recommendation and asked the Borough Engineer to provide the necessary information. Mr. DeNicola mentioned that Mr. Rossi is also willing to go to the Passaic Coalition as well.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of June 22, 2011)

Mayor Heymann asked whether there were any items on the Consent Agenda that the Council or members of the public wished to discuss.

Mr. Kashwick asked to discuss Item No. 23; Mayor Heymann wished to remove Item No. 11; Dr. Barad asked to discuss Item No. 11.

11. **RESOLUTION AUTHORIZING THE MAYOR TO SIGN CROWN CASTLE LEASE AMENDMENT** (allowing placement of pad and cabinet within existing lease area of cell tower site) (Received from Administrator 2/2/11/Adjourned from RM 2/9/11; RM 2/23/11; RM 3/9/11; 3/23/11; 4/13/11; 4/26/11; 5/11/11; 5/25/11; 6/8/11)

Dr. Barad reminded we have been carrying this item for some time; and explained it concerns the company who currently leases the cell tower behind Borough Hall. They want to add an equipment box and upgrade it a little bit. Their lease is running out in 2013; and we are looking into possibly moving the tower, possibly with other people, so we have linked these two things together because they are related. He thinks if they are ready to start talking about our plans and what we would like to have or what we would like for the new tower to be, if at an entirely different site, it may be time to authorize them to upgrade the tower if they choose to, and remind them their lease is up and that the tower will potentially come down in 2013.

He disagreed with the Mayor's sentiments to pull the item because he feels it is time to informally tell them what the parameters will be when we are asking for the new tower. He suggested approving this item. The Borough Attorney agreed that either way Crown Castle should be informed, whether or not a definite decision has been made because, otherwise, this item could stay on the Agenda for another year and a half. The Borough Engineer suggested asking Emergency Management whether it is possible. He informed he received some input from Sgt. Jim Winters but not all of the information.

Everyone was in agreement that they wanted to convey they are exploring the possibility of moving the tower. The Borough Attorney advised we shouldn't tell them it is definitely being moved but felt they should be informed of what was going on. Dr. Barad requested keeping this item on the Consent Agenda for a vote; Mayor Heymann agreed to same since she feels it is the only way to inform them what is going on.

23. **RESOLUTION IN SUPPORT OF FAIR SCHOOL FUNDING LEGISLATION THAT WILL COMPLY WITH THE NEW JERSEY STATE CONSTITUTION** (Requested by Councilwoman Latner WS 6/8/11)

Councilman Kashwick expressed concern about the funding legislation that would supply the same amount to each school district; and he felt it would harm districts that are more in need.

He expressed a need for change but felt this legislation would not help special needs children or ESL children. Councilwoman Latner said the moneys were not distributed fairly in the past but change is needed. She said this was a start in the right direction. Mayor Heymann expressed her disappointment with the results of the Abbott Districts but felt there should be a more equal distribution of funds. She objected to the wording of the resolution and encouraged a review of the resolution by Councilwoman Latner and Councilman Kashwick. Therefore, the resolution was removed from the Consent Agenda.

6. COMMITTEE REPORTS

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

1) STATUS REPORT RE CLOSTER WEBSITE – Councilman Dolson reported they have not yet finalized the recommended revisions to the site for the Borough Clerk’s office. They are waiting for some response to the recommendations that were made; and hope to have them shortly so they can use them for a model for the rest of the site.

2) REPORT – Councilman Dolson reported on the following:

a. Board of Health did not meet last week due to lack of a quorum. Mr. Dolson wished to inform the Ordinance Committee that the Board of Health is visiting an issue of feeding stray wildlife on private properties; and he believes they have somewhat of a companion ordinance in the Borough Code; and for simplistic and legal reasons, the Board feels they should mirror each other. The enforcement wouldn’t then be a comparity of the exact same issue regardless of whatever enforcing agency is addressing it.

b. Ambulance Corps is midway through their annual fundraising appeal and he wished to remind the residents if they haven’t had the opportunity yet to make a contribution to that valiant effort to please do so. Mr. Dolson informed residents will get a few more reminders in the mail.

c. Zoning Board of Adjustment – Mr. Dolson informed he had nothing to report at this time other than they have an extremely heavy caseload coming up; and he had voiced his opinion to the Board that it was overwhelming.

Mr. Dolson reported that we are coming up on the 6 months to the year; and a review by the Finance Committee will be forthcoming with a report to see how well we are standing; he voiced his understanding that the review won’t reveal any problems.

B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

1) REPORT – Councilman Glidden reported they are continuing to monitor the experience with dispatch coming out of Mahwah. He explained that although we have concerns about this because it is a change, we are not aware of any incidents that caused Public Safety concerns. He informed they will keep monitoring the situation.

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

1) REPORT – Councilwoman Latner reported that the Library recently got a gift in terms of two metal sculptures that were offered to them by a sculptor who had her work presented at the Belskie a few years ago. She announced that there were a few members of the Fire Department in the audience; and said she would let them speak for themselves.

6. COMMITTEE REPORTS (Continued)

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad reported the Ordinance Committee met in June and will meet again in July. He noted they are introducing an ordinance this evening prohibiting public fires, which means there will be a need to obtain a permit and get appropriate permission. Dr. Barad informed they are trying to get some commuter parking to free up other areas for shoppers. He mentioned they are looking at trying to set up a new system to encourage requests to use the town grounds in a more timely way and provide for a penalty if that does not occur.

2) REPORT – Dr. Barad reported that regarding the cell tower, they have come together and decided on most of the parameters they are looking for. So far the Committee is interested in exploring moving the cell tower over to the chipping area by Blanch Avenue and Albany Boulevard. He explained that in that area, even though it is very tall, the tower would not be seen because of the trees; but there is no power over there, so they have some ideas as to how to get it there. He said our goal is to get the tower away from Borough Hall because it is an eye sore, but they want to be sure that emergency services can use the new tower so they have some more to do on this.

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported the Human Resources Committee met twice over the past two weeks. Last week they met to discuss salaries; and they met earlier this evening to discuss the candidates for Municipal Court Judge - which will be a Closed Session item later this evening.

2) REPORT – Councilman Kashwick reported on the following:

a. Historic Preservation Commission does not meet until this coming Monday (6/27/11); therefore, he had nothing to report.

b. Shade Tree Commission has received back some bids for the tree removals scheduled for this year, which will take place in about a month or so. The Commission is looking for a solution for the grates in the Downtown area with the root conflicts for the Pear trees. There is a tree inventory currently underway in the east side of town; so if anyone sees people on that side of town, he informed that was what is taking place.

c. Environmental Commission met last night and it was reported that the Farm is planted for this growing season. They will be working on blazing the water company section of the trail and have also been looking into location for the bike racks that were mentioned at the last meeting. Mr. Kashwick reported the Commission, in conjunction with the Green Team, will be applying for a Sustainable Jersey Grant for the project at the barn at the farm, so he hopes to have a Resolution in support of that grant for the next meeting.

At this time, Mr. Kashwick mentioned there was discussion last night regarding the trucks parked at Mollicone Park; and he voiced his understanding that the Mayor received an e-mail about this issue. He printed out pictures that he brought with him if anyone wished to review them. Mayor Heymann informed that the Borough Engineer sent a response to this; to which Mr. Kashwick informed he did not receive same. Mr. DeNicola explained that someone in the DPW had advised them they could park there not knowing exactly where they were going to park. Mayor Heymann explained that it was only for two days last week while there were repairs being made to the sidewalks on Knickerbocker Road. Mr. Kashwick informed that last year when the

6. COMMITTEE REPORTS (Continued)

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON) (Continued)

repairs were being made to the sewer line, they had parked there at that time as well. The result was compressing the soil; and plants were just beginning to recover; and now it has happened again. He questioned if there was anything that could be done to prevent this from happening again in the future so trucks aren't parking on our public lands. He questioned why they couldn't have parked on the street; and Mrs. Latner asked why they hadn't parked on Bergenline Avenue. Mayor Heymann said it is much safer to get a big truck like that off the street; and Mr. Kashwick said there was no reason they couldn't have parked on Eckerson Avenue. The Borough Engineer informed he spoke to the DPW and they said they hadn't been thinking about the safety of the trees and whatnot; they were thinking more along the lines of pedestrian safety and bicyclists at night. He relayed that the DPW is now aware of the problem; and they will be paying a lot more attention to the issue in the future. Mayor Heymann suggested speaking to Billy Dahle to make sure he gets the message.

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

1) REPORT – Councilwoman Amitai reported on the following:

a. Improvement Commission – Mrs. Amitai informed the CIC agreed to pull the date of 9/18/11 they had scheduled for the event they were going to hold. She said that in a conference with the committee, they decided it would be better to work with the Recreation Commission to do something jointly with them; and they currently have a meeting scheduled for next week to discuss same.

b. Planning Board – Mrs. Amitai reported that the sub-committee met to discuss some of the ordinances. She informed Councilman Kashwick that once the Planner is hired, that person will be writing up the ordinance regarding the Conservation Zone. Mrs. Amitai said they will begin with the Borough owned properties; and before they know it, they will be before them at the Ordinance Committee and the Council.

Mr. Kashwick questioned the status of the hiring of the Planner; and Mrs. Amitai informed they should have something from their attorney next week. Mayor Heymann added that it would be conveyed to the Council. Mrs. Amitai explained the candidates were asked for additional information on more than one occasion and that is why it has taken so long.

7. OLD BUSINESS

- a. STATUS REPORT RE REQUEST FOR NAME CHANGE AT VETERAN'S MEMORIAL PARK AND A NEW SIGN (3. M.L. 2/17/11; referred to O&L Committee for W.S. 3/23/11; Placed on WSA 5/11/11 per request of Dr. Barad 4/26/11)

Mayor Heymann advised that the name changes would be taken care of by the Council Ordinance Committee at a meeting next month as well as other park name changes.

The Mayor announced that there will be a Memorial Service for Charles Windeknecht on June 25th at 11 a.m. in St. Paul's Church.

Mayor Heymann announced that the bathroom and snack stand at Ruckman Park would be completed this Friday. She thanked all of the volunteers and workers and especially Tom Hennessey who made this possible.

8. NEW BUSINESS
9. OPEN MEETING TO THE PUBLIC FOR ANY MATTER PER NJSA 10:4-12(A) (SUBJECT TO A 5-MINUTE LIMIT PER GENERAL RULE NUMBER 11) EXCEPT FOR ITEMS SCHEDULED FOR PUBLIC HEARING AT THE REGULAR MEETING

David Watkins appeared before the Council as a spokesman for the members in the audience regarding the Memorial Day Parade. He said that in all the years he has worked on the parade, the administration has never interfered or been involved in the parade. Mayor Heymann said that the administration had nothing to do with the parade. Mr. Watkins said to show respect for veterans, one should not short-circuit a parade by changing the route of the parade. The Veterans were not given a chance to salute their fallen comrades. The change was not made by the Elks or the American Legion. He said that the route would not be changed in the future nor would the administration be allowed to take on the responsibilities of the parade. He questioned who changed the route. Mayor Heymann said she was advised of the changes and she did not nor did anyone in the administration have anything to do with the parade. She expressed her disappointment in the shortness of the parade.

James Ricciutti of the Elks, said that when he went to her office to ask permission to conduct the parade, they discussed the 10:30 a.m. change; and she provided a press release that had been formatted with the route change. He said his letter asked for a time change not a route change. He noted that on file is the letter in which he asked for permission and a time change. Nowhere did he state anything about a route.

Commander Organo noted that at the Senior Citizen Meeting, Mayor Heymann indicated because of excessive heat at the parade last year, a child fainted because the parade was too long. David Watkins said that next year there would be no route change; and he had a problem with the Elks and the Legion being accused of changing the route when in reality it was Mayor Heymann.

At this time, Councilman Barad confirmed with Mr. Watkins that the time change was acceptable but the route change came somehow from the administration.

James Ricciutti said he was happy with the 10:30 a.m. change but not the route change. Councilman Glidden expressed his disappointment with the route change and said he did not have prior knowledge of same. Mr. Watkins said there is no question in his mind that Mayor Heymann changed the route; and in the future, she should stay out of business she does not belong in. Mayor Heymann said she personally would assure that the parade route would remain; and if she stays out of the parade, she would not be responsible for the consequences. She said she and her office worked very hard to make the parade happen but she would be happy to stay out of it in the future.

Richard Sarkisian, 39 Beechwood Place, Harrington Park, referred to HR 1489, which is the prudent banking act to reinstate the glass eagle law that separated commercial banking from investment banking. He read from several articles on the subject and felt the municipalities would be affected by passage of this legislation. He provided a resolution in support of prudent banking act. He cited support from other municipalities in Pennsylvania and New Jersey.

Jerry Boyarsky referred to the amendment to the Historic Preservation Ordinance and was advised that West Street is a Historic District, not the 250 properties indicated in the Master Plan.

In answer to Steve Isaacson, 97 Columbus Avenue, Councilman Barad said a public fire is one that is on public property. Mr. Isaacson referred to shade trees planted on Durie Avenue that

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – JUNE 22, 2011 - 7:30 P.M.

are growing into utility lines; and Councilman Kashwick said they should be planted inside the sidewalk not by the curb. Mr. Isaacson suggested that the trees be planted on the other side of the street.

In answer to Mr. Isaacson, Mayor Heymann said that the scheduled tax sale is for residential and commercial properties leftover from 2010.

Dr. Prakash Kancherla, 110 Harrington Avenue, said the access to his property is from 10 Curtis Place and that he has asked for permission to pave the street at his expense. Borough Engineer said that it is a Borough right-of-way that only leads to his property. Curtis Place used to be a through street and a portion was vacated to provide two dead-ends. The approximate length is 100 feet and 24 feet wide. He said it is a very flat area; and if approved by the Mayor and Council, the Department of Public Works should oversee the project so that any drainage problems are not exacerbated. The Borough is responsible for the pavement but the resident has indicated he would improve same at his own expense. Dr. Prakash said that the Department of Public Works does not maintain the road; and his garbage is put at the curb on Harrington Avenue. He said that it is planned to remove the existing pavement and install new asphalt. Borough Attorney said he would provide a resolution for review at the next meeting.

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

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

Provided via e-mail to the Mayor and Council on July 8, 2011 for approval at the Regular Meeting to be held July 13, 2011.

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 July 13, 2011
Consent Agenda Item No. 18b.