

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – APRIL 13, 2011 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:17 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, Arthur Dolson and
Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano

The following persons were absent:

Councilman David Barad
Borough Engineer, Nick DeNicola
Police Chief, David Berrian

3. PROCLAMATIONS, PRESENTATIONS, MOMENTS OF SILENCE

- a. MAYORAL PROCLAMATION DECLARING THE FOLLOWING DATES AS ARBOR DAY (Received from Mr. Kashwick 3/24/11):
THURSDAY, 4/28/11, AT HILLSIDE SCHOOL AND TENAKILL SCHOOL
SATURDAY, 4/30/11, AS ARBOR DAY IN THE BOROUGH OF CLOSTER

Mayor Heymann read and so declared. Councilman Kashwick advised that the events on Thursday, April 28th, will be held at 10 a.m. and 11 a.m. respectively; and on Saturday, April 30th, at 3 p.m. at Hagen Park. All are invited to attend. He also informed that the Borough has been named Tree City U.S.A. for the 11th consecutive year.

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

The following Ordinances were introduced at the Regular Meeting held 3/9/11 and were published in The Press Journal on 3/17/11 as stated in the printer's affidavit of publication. Reprints of these Ordinances were posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public:

- a. ORDINANCE NO. 2011:1088, "AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$244,750.00 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS"

Mayor Heymann declared a Public Hearing.

Steve Isaacson, 97 Columbus Avenue, asked for clarification of the appropriation in the Ordinance; and Borough Administrator advised that only a range for the pavilion has been indicated; and no monies have been authorized for the pavilion only for the bathrooms at Mollicone and Schauble Parks. The \$37,500 indicated is the Borough match for the County grant for playground equipment. Mr. Isaacson cited the economic conditions in the Borough noting that the Borough is spending money rather than saving same. Borough Administrator explained that there is approximately \$1,000,000 in the Open Space Trust Fund; and Mayor Heymann informed that the money cannot be spent to pay down the Debt Service.

No one else wishing to be heard, Motion approving adoption of Ordinance 2011:1088 was made

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

b. ORDINANCE NO. 2011:1089, “AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 TO FUND CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES”

Mayor Heymann declared a Public Hearing; and no one wished to be heard.

Motion approving adoption of Ordinance 2011:1089 was made by Councilman Dolson, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Dolson and Amitai.

5a. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 6a, 20, 23 and 24 was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Dolson and Amitai.

6. INTRODUCTION OF THE FOLLOWING ORDINANCE(S) - PUBLIC HEARING(S) - TUESDAY, 4/26/11, 5/11/11 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

a. ———ORDINANCE NO. 2011:1087, “AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF THE BOROUGH OF CLOSTER” (Received from Borough Attorney 4/6/11) – Borough Attorney asked that the ordinance be removed and redrafted. No objections were expressed by Council members.

b. ~~POSSIBLE ORDINANCE NO. 2011:1093~~ RE PAYMENTS RE INTERBOROUGH (RM 3/23/11) - TO BE PREPARED BY BOROUGH ATTORNEY
TITLE OF ORDINANCE: “ORDINANCE AUTHORIZING THE ONE-TIME WAIVER OF CODE SECTION 48-9 AND PAYMENT OF ONE MONTH OF COBRA COSTS FOR DISPATCHERS BEING LAID OFF DUE TO TRANSFER OF INTERBORO RESPONSIBILITIES TO THE COUNTY”

Borough Administrator explained that the Borough Code provides for certain payments for accumulated sick time; and in the case of the Interborough transfer, where some full time employees who are not retiring are taking jobs with the County system, it was considered financially advantageous for the Borough to pay the sick time benefits for those employees that have accrued same. Borough Attorney said the ordinance is a follow up to the Resolution adopted March 9, 2011 that treats the dispatchers as if they were retiring. Without this safety net, the employees could have used their accumulated sick time; and the Borough would be using police officers at a much higher overtime rate to cover the shifts.

Mayor Heymann advised that Friday, April 15, 2011, is the last day Closter will use the dispatch system; and from that point on, the dispatchers will be under the aegis of the County. Since the building in Mahwah is not ready, the Interborough calls will be serviced from Closter but the dispatchers will be under the supervision and pay scale of the County.

RESOLUTIONS

7. BILL RESOLUTION – APRIL 13, 2011
TO BE PREPARED BY DEPUTY TREASURER

8. RESOLUTION AUTHORIZING BOROUGH ADMINISTRATOR OR HIS DESIGNEE TO APPLY FOR A GREEN ACRES GRANT FOR THE PURPOSES OF ACQUIRING BLOCK 1805 LOT 1 (Received from Borough Attorney 3/17/11)

In answer to Councilwoman Amitai, Mayor Heymann advised that the property in question is the Swim Club.

9. RESOLUTION PROTESTING THE 5% FEE INCREASE FOR 2011 FROM THE BERGEN COUNTY UTILITIES AUTHORITY (7. M.L. 3/17/11)

10. RESOLUTION AUTHORIZING THE MAYOR TO SIGN AMENDMENT TO ROCKLAND

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ELECTRIC COMPANY, INC. AGREEMENT (Received from Borough Attorney 3/30/11)

11. RESOLUTION OPPOSING THE RE-LICENSING OF INDIAN POINT NUCLEAR REACTORS (Received from Mr. Kashwick 4/1/11 and 4/6/11)
12. RESOLUTION URGING THE LEGISLATURE TO PASS A-3430, A-3431 AND A-3432 TO STRENGTHEN MUNICIPALITIES IMMUNITY FROM TORT CLAIMS (Received from Mayor's office 3/28/11 – 9a. M.L. 3/31/11)
13. RESOLUTION AWARDED CONTRACT FOR RECREATION UNIFORMS FOR 2011 RECEIVED AT BID OPENING HELD 3/31/11 @ 4:00 P.M. TO THE SOLE AND LOW QUOTATION FROM SPORT'S TIME INC., DATED 3/24/11, FOR AN AMOUNT NOT TO EXCEED \$26,500.00 (Received from Administrator 4/6/11)
14. RESOLUTION AWARDED CONTRACT FOR FIELD MAINTENANCE SERVICES FOR 2011 RECEIVED AT THE BID OPENING HELD 4/1/11 @ 4:00 P.M. TO THE SOLE AND LOW QUOTATION FROM LUPARDI'S NURSERY INC. DATED 3/24/11 FOR AN AMOUNT NOT TO EXCEED \$19,710.00 (Received from Administrator 4/6/11)
15. RESOLUTION AWARDED A NON-FAIR AND OPEN CONTRACT FOR DIAGNOSIS & REPAIR OF GARBAGE TRUCK TO CENTRAL JERSEY COLLISION DBA ELIZABETH TRUCK CENTER FOR AN AMOUNT NOT TO EXCEED \$52,016.84 (Received from Administrator 4/6/11)
16. RESOLUTION DESIGNATING THE DIRECTOR OF PUBLIC WORKS AS STORMWATER PROGRAM COORDINATOR FOR THE MUNICIPAL STORMWATER REGULATION PROGRAM PURSUANT TO THE REQUIREMENTS OF THE BOROUGH OF CLOSTER'S TIER A MUNICIPAL STORMWATER PERMIT (NJPDES GENERAL PERMIT NO. NJ0141852) Received from Administrator 4/6/11)
17. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$56,017.97 TO R.ROTHMAN FOR REDEMPTION OF TAX SALE CERTIFICATE #10-6 FOR BLOCK 2101 LOT 1 ALSO KNOWN AS 358 RUCKMAN ROAD, SOLD AT THE MUNICIPAL TAX SALE HELD 9/29/10 FOR 2009 DELINQUENT TAXES AND ISSUING A SEPARATE CHECK IN THE AMOUNT OF \$46,100.00 IN THE PREMIUM PAID AT TAX SALE TRUST ESCROW ACCOUNT (Received from Collector 4/6/11)
18. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK TO WELLS FARGO HOME MORTGAGE FOR DUPLICATE PAYMENTS RECEIVED IN THE FOLLOWING TAX ACCOUNTS: BLOCK 510 LOT 8 - \$470.04; BLOCK 901 LOT 24 - \$198.81; BLOCK 1710 LOT 1 - \$164.30; BLOCK 2002 LOT 1 - \$2,517.90 (Received from Collector 4/6/11)
19. RESOLUTION SUPPORTING A-3412 SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL REFUNDS (Received from Administrator 4/8/11/4g. M.L. 4/7/11)
20. 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)
21. ~~POSSIBLE~~ RESOLUTION AUTHORIZING THE EXTENSION OF CONTRACT BETWEEN THE BOROUGH OF CLOSTER AND KEN'S TREE CARE FOR COMPOSTING AND RELATED SERVICES (Requested by Borough Attorney 3/28/11)

Borough Attorney noted that previously the Council had entered into a contract, after public bid, with Ken's Tree Care in April 2009 which contained a 2-year option to renew. There have been discussions with the Council and input from the Superintendent of Public Works that he is happy with the service; and this Resolution would exercise that 2-year option.

- 21a. RESOLUTION AUTHORIZING CAPITAL SURPLUS FUNDS IN THE AMOUNT OF \$90,267.00 OF THE INTERBOROUGH RADIO DISPATCH SYSTEM AND HELD BY THE BOROUGH OF CLOSTER AND NO LONGER NEEDED FOR CAPITAL PURPOSES TO BE RELEASED TO THE INTERBOROUGH RADIO DISPATCH SYSTEM FOR GENERAL OPERATING SUPPORT (Received from Administrator 4/11/11)

MOTIONS

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22. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES
 (Distributed via e-mail on 3/31/11) NO ABSTENTIONS:
 a. REGULAR MEETING OF MARCH 23, 2011
 b. WORK SESSION OF MARCH 23, 2011

23. MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO FILL THE FOLLOWING
NON-SALARIED APPOINTMENTS MADE AT THE REORGANIZATION MEETING HELD ON
 1/4/11 (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>
CLOSTER IMPROVEMENT COMMISSION Member	_____	2 Year	12/31/12

24. MOTION APPOINTING THE FOLLOWING INDIVIDUAL(S) TO FILL THE FOLLOWING
NON-SALARIED APPOINTMENTS MADE AT THE REGULAR MEETING HELD ON 1/26/11
 (Which have not been accepted as of the time of preparation of this Agenda)

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
IMPROVEMENT COMMISSION Member	<u>Jay Pontrelli</u>	_____	2 Year	12/31/12

25. MOTION APPROVING RECOMMENDATION BY CLOSTER IMPROVEMENT COMMISSION
 TO CONDUCT A STREET FAIR IN THE BOROUGH ON SUNDAY, 9/18/11 FROM 11:00 A.M.
 TO 7:00 P.M. (Requested by Ms. Amitai 3/31/11)

26. MOTION APPROVING THE FOLLOWING APPLICATION(S) AS NEW MEMBERS OF THE
 KNICKERBOCKER HOOK AND LADDER COMPANY (Completed applications received 4/6/11):
 TRAVIS T. WATKINS; JASON M. RODRIGUEZ

27. MOTION GRANTING APPROVAL FOR JEWISH FAMILY SERVICE OF BERGEN AND
 NORTH HUDSON TO CONDUCT THE WHEELS FOR MEALS: A RIDE TO FIGHT HUNGER
 IN BERGEN COUNTY, PARTIALLY THROUGH THE BOROUGH ON SUNDAY, 5/1/11,
 BETWEEN THE HOURS OF 8:00 A.M. AND 1:00 P.M. (Approval received from Risk Management
 Consultant 4/6/11)

28. MOTION GRANTING APPROVAL FOR THE CLOSTER LIONS CLUB TO CONDUCT
 HOLE-IN-ONE CONTEST AT CLOSTER GOLF, INC., 153 HOMANS AVENUE, CLOSTER,
 NJ 07624, ON 6/25/11 AND 6/26/11 FROM 9:00 A.M. TO 6:00 P.M. (Completed application
 received and appropriate fees paid 4/6/11)

- 28a. MOTION GRANTING APPROVAL FOR RECREATION COMMISSION TO CONDUCT
 ANNUAL LITTLE LEAGUE PARADE ON SUNDAY, 5/1/11, BEGINNING @ 12:30 P.M. AT
 CLOSTER BOROUGH HALL AND PROCEEDING THROUGH TOWN TO MEMORIAL FIELD
 FOR THE OPENING DAY CEREMONIES - PARADE FORMATION AT BOROUGH HALL
 @ 12:30 P.M./KICK OFF AT 12:45 P.M.(2. M.L. 4/7/11)

29. REPORTS

- a. CONSTRUCTION OFFICIAL – MARCH 2011 (Received 4/5/11)
 b. FIRE CHIEF – MARCH 2011 (Received 4/7/11)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

30. 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 in the audience wished to be heard.

Motion approving the following Resolution at 8:39 p.m. was made by Councilman Kashwick,
 seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote
 of Councilpersons Glidden, Latner, Kashwick, Dolson and Amitai.

- 30a. OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body

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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 NJ.S.A. 10:4-12 (b)(4), “A Collective Bargaining Agreement”, N.J.S.A. 10:4-12(b)(7), “Pending or anticipated litigation or contract negotiations”; and 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 matters which should be within 8 weeks.

Mayor Heymann resumed the Regular Meeting at 9:05 p.m.

- 31. ANY OTHER MATTER WHICH MAY COME BEFORE THE GOVERNING BODY
- 32. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:05 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided via e-mail to the Mayor and Council on April 21, 2011 for approval at the Regular Meeting to be held Tuesday, April 26, 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 April 26, 2011
Consent Agenda Item No. 22a.

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BOROUGH OF CLOSTER

WORK SESSION NOTES – APRIL 13, 2011 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, April 13, 2011. Mayor Heymann called the meeting to order at 7:32 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. 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 for publication on January 9, 2011 and The Press Journal for publication on January 13, 2011, posted on the Municipal Clerk's bulletin board and has remained 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, Arthur Dolson and
Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano

The following persons were absent:

Councilman David Barad
Borough Engineer, Nick DeNicola
Police Chief, David Berrian

At this time, Councilman Glidden congratulated Mayor Heymann on her article in *Municipalities* magazine regarding the MacBain Farm. He voiced his opinion that it was an excellent article and it does extremely well for Closter. Mayor Heymann said she thinks the whole community is proud of the farm.

Councilman Glidden announced that today was Councilman Dolson's birthday, which elicited well wishes from all.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF MARCH 24, 2011 - Mayor Heymann asked if any member of the Council

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or public wished to address any matter or provide any comments. No one wished to remove any items for discussion.

b. MAIL LIST OF MARCH 31, 2011 - 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 Kashwick

Item No. 1: Received 03/25/11, Hand del'd by Administrator, dated 03/23/11 from Thomas Stevens, Compliance Inspector, Bureau of Legal Services & Stewardship, NJDEP Green Acres Program, to Quentin Wiest re Informing that Project #'s 0207-10-277, Ruckman Road Park; 0207-10-278, Pollack Square Park; 0207-10-279, Nelson Park; 0207-10-280, Ver Allen Street Park; 0207-10-281, Metropolitan Tract; 0207-10-282, Vossler Park; 0207-10-294, Blanch Avenue Park; 0207-83-012, Tenakill Brook Tract; 0207-86-070, Tennis Courts; 0207-92-098, Park Acq. were inspected on 2/4/22 and found to be in compliance with the exception of a missing Green Acres acknowledgment sign to be posted at Tenakill Brook Tract (Block 1006, Lots 21, 23 & 24); and informing a sign for same shall be sent under separate cover and requesting acknowledgment of receipt of same

Councilman Kashwick commented that a number of the titles of the listed units go by different names now; and inquired how we can go about changing those titles. Mayor Heymann responded that it is rather difficult and explained she had spoken to the Borough Engineer about this in the past, as he is the only one who can do that. He has to enter the appropriate papers with the DEP Green Acres Area and they are not very flexible. She said she was glad he commented on this item for anyone else who reads this. She explained there have been changes in the park names but in addition to that, the Environmental Commission and the DPW should all be commended for having such a good record here and the commendation no fault finding by the DEP examiner.

c. MAIL LIST OF APRIL 7, 2011 - 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. 3 was removed by Mayor Heymann.

Item No. 3: Received 04/01/11, dated 03/25/11 from Robert P. Koska, Director, Local Programs & Minibus Support, NJ Transit, to Clerk, Closter Borough Availability of funding from FTA to the State of New Jersey for purchase of equipment for transportation of senior citizens and people with disabilities under the FTA Section 5310 Grant Program; Application deadline: 5/6/11; application available online at <http://www.njcttp.org>

Mayor Heymann wished to share her disappointment with everyone as she called to question the Borough's potential in accessing some of the available grant money and she was told that if we were not already on the grant list, we were not eligible to ask for any more money. The only municipalities that are on the list are municipalities that have census tracts that are below set incomes; and towns like Closter are just simply not even eligible, which is disappointing.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of April 13, 2011)

13. RESOLUTION AWARDING CONTRACT FOR RECREATION UNIFORMS FOR 2011 RECEIVED AT BID OPENING HELD 3/31/11 @ 4:00 P.M. TO THE SOLE AND LOW QUOTATION FROM SPORT'S TIME INC., DATED 3/24/11, FOR AN AMOUNT NOT TO EXCEED \$26,500.00 (Received from Administrator 4/6/11)

In answer to Councilman Kashwick, Borough Administrator explained that under the Fair and Open Process, the solicitation is published on the website; and, perhaps, if same was done earlier, additional bids may have been forthcoming. It is hoped that an earlier solicitation could be accomplished next year. The solicitation was not published in the newspaper not only to save money but there are existing services that monitor websites and publish the solicitations in their information bulletins. The award number is very similar to the bid received last year.

Mayor Heymann invited all to come out on May 1st at 1:00 p.m. to see the children in their new tee shirts.

Steve Isaacson, 97 Columbus Avenue, suggested that the names of the winning bidders be obtained from the surrounding towns; and bids be solicited from same to obtain the best prices and suppliers. Borough Administrator expressed support for the suggestion.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE CONTRACTS:

a. BOROUGH ADMINISTRATOR (RM 5/13/09) – The Borough Attorney reported this contract has been completed and is just awaiting signature; but it has been finalized.

b. MAC BAIN FARM AGREEMENT – The Borough Attorney reported this contract has been verbally finalized; however, Mr. McCaffrey's attorney has not sent the contract yet. He informed he has been in touch with the attorney, that there is no problem with the contract, it is just a matter of his being able to get in the office and sign it to return it. Mr. Rogan explained the attorney had been on a trial, and then merged his practice with another law firm; but he is hopeful that the contract will be signed in the next week or so.

2) REPORT RE PREPARATION OF SPECIFICATIONS FOR ADVERTISEMENT OF BIDS FOR SANITATION/TRASH COLLECTION (RM 1/26/11) – Mr. Rogan informed he is still awaiting some specifics from the DPW and the Borough Administrator; it is ready to go subject to the actual statistics that need to be attached to it. Mr. Wiest informed as follows: one of the things that's a little tricky with Closter is we currently have an in-force contract for commingled recycling and also for a transfer station. So, basically the way it works out is that if we award a contract, the contractor initially, at least until the end of 2012 can't collect commingled recycling because we have an existing contracting program. At the end of 2012, that potentially expires, so we have to somehow decide how to weave that in to these bid specifications. The other thing is that since we have an existing contract for a transfer station that is also good through the end of 2012, it would actually require a winning contractor to use that transfer station initially but perhaps not through the length of the contract, since ordinarily you can

6. PROFESSIONAL REPORTS (Continued)

A. BOROUGH ATTORNEY (Continued)

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choose some other transfer station if you wish. So these are a couple of wrinkles that other communities don't have and we are trying to finalize how we're going to deal with that now, but otherwise we are substantially complete on the document.

3) SUSTAINABLE DEVELOPMENT ORDINANCE (Requested by Borough Attorney 4/6/11) – Mr. Rogan reminded that several months back, we received a recommendation from the Planning Board concerning the sustainable development; which is basically a policy of being committed to a “green” building policy which is starting to be adopted throughout the United States. At that time there was some confusion from the Planning Board as to what percentages of development and building coverage that they had wanted on their initial list was not correct. He informed he met with John Lignos (Chair, Planning Board) a few weeks ago and that has all been worked out. The Borough Attorney explained as follows: right now, we have a recommendation to make to the Council; and, in turn, to the Planning Board – because it is a zoning ordinance. It has been discussed at Ordinance Committee level; and, basically, what it does is encourages green development in that it's preserving more open space for future developments in the residential and business zones. He informed he has a draft ready for review which he then passed around; and, hopefully, by the next meeting, the Council can make the recommendation as to whether or not it wants the Planning Board to consider it. The Planning Board would then have input and get it back to us; and if everyone is in accord on that, we can adopt the sustainable development ordinance. Mayor Heymann explained the intent is to provide stiffer measures for open space to be able to have a leeway to reward those builders and developers who use green building methods. So the potential for using green methods is tied to the coverage of the property.

The Borough Attorney explained it also addresses some of the issues raised over the past few years and some of the frustrations we've had with Planning Board and Zoning Board developers; which is when a developer comes in with his initial application and builds to the full capacity that it can, and then the Board is struggling a year or two later with the owner of the property who wants to put a deck on or something. This gives us a little leeway here so we can avoid that situation; and the non-knowledgeable buyer who buys something with the intention they would like to make additions won't be faced before a board to be told they are maxed out on their coverage. It is also advantageous that it addresses a number of concerns that the Council has heard from the Boards over that frustration; so he feels overall it is a good proposal for the Council to consider.

4) REPORT – Mr. Rogan updated on tax appeals which he noted had to be postmarked by April 1st. He informed the volume is up this year compared to other years; and right now, in his office, they have 77 County Board appeals; 2 of those are commercial and 75 are residential. He has been told by Angela (Mattiace, Tax Assessor) that she has an additional 25 so we are just slightly over 100. Those are the County Board petitions. On top of that, there were 13 direct tax appeals. He explained that depending on the value of your property, you have the option to file directly to the Tax Court and skip the County Board. He explained that most people go to the County Board first; and then, if they're not happy, they go to Tax Court. Eight (8) of the 13 are commercial and 4 are residential; one of which is the vacant Flamm property. He wanted to make the Council aware there are a fair amount of tax appeals. He is aware they don't report on it much but they have been successful with the appeals that have been filed in prior years. Mr. Rogan reported that in 2010 there were 33 tax complaints; and over 14, after some discovery and pushing,

6. PROFESSIONAL REPORTS (Continued)

A. BOROUGH ATTORNEY (Continued)

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were dismissed; and a number of others were settled with a couple of others pending. He informed that once they have a better idea as to what this means potentially dollar wise, he will report back on same.

Mr. Rogan informed he has some brief matters to discuss in Closed Session: two regarding litigation and one is on personnel.

B. BOROUGH ENGINEER

Mr. DeNicola was not present this evening; therefore, no report was provided for the following items:

- 1) STATUS REPORT RE 2009 SAFE STREETS TO SCHOOL SIDEWALK PROJECT – NJDOT \$275,000 (not to exceed \$52,100) RM 6/24/09
- 2) REPORT RE NJDOT 2011 MUNICIPAL AID PROGRAM – HERBERT AVENUE SECTION 4 (\$150,000 awarded 1/26/11) 11. M.L. 2/3/11
- 3) 2010 COMMUNITY DEVELOPMENT BLOCK GRANT FOR BARRIER FREE CURB CUTS - \$50,000 AWARDED (2. M.L. 6/17/10)
- 4) REPORT

7. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS REPORT RE NEW BOROUGH WEB SITE – Mr. Wiest informed they are using the Borough web site to post all of our bids, whether they are just “Fair and Open” requests for quotations or formal public bids. He hopes this will add to people seeing them and add a little more transparency in the process.

2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S):
a. CORE Fitness – 6th Annual “Sweat for the Cure” to be held 5/7/11 (10. M.L. 4/7/11) – Mr. Wiest reported paperwork he just received and put in process for insurance coverage for that event. In response to Mr. Glidden the Borough Administrator informed the event is scheduled for May 7, 2011 and is sponsored by CORE.

b. AMERICAN DIABETES ASSOCIATION, TOUR DE CURE – 6/5/11 (2. M.L. 3/10/11) added 4/13/11

3) STATUS REPORT RE COORDINATION OF ADVERTISEMENT OF BIDS FOR VARIOUS EQUIPMENT AND IMPROVEMENTS (RMA 10/13/10)

4) STATUS REPORT RE PURSUIT OF “FAIR AND OPEN” PROCESS IN AWARDED CONTRACTS FOR FIREHOUSE ROOF REPLACEMENT AND COMMUNICATIONS EQUIPMENT FOR THE FIRE DEPARTMENT TO BE AWARDED IN THE BOROUGH OF CLOSTER (RMA 11/8/10) – The Borough Administrator reported that they have just placed the advertisement for the receipt of bids for the firehouse roof replacement that was somewhat delayed from earlier in the year to make changes to a certain section of the bid specifications which required legal research to make sure we had that right. It will be advertised and bids will be coming in the first week of May.

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

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- 5) REPORT RE POSSIBLE AWARD OF FOLLOWING BIDS RECEIVED:
- a. PROFESSIONAL PLANNER - MASTER PLAN (Opening held by Borough Clerk 3/30/11 @ 1:30 p.m.) – Mr. Wiest reported that a number of qualifications were submitted and have been distributed to the Council and the Planning Board. Mayor Heymann said two recommendations were made by the Planning Board out of the 5 that were submitted. She informed they were supposed to get in touch with them but she has not done so yet. Mrs. Amitai clarified that there was a recommendation to invite those 2 members in to speak to the Council so they can ask questions. Mayor Heymann added that it will be for the Council as the Planning Board has done their part.
 - b. HERBERT AVENUE, SECTION 4 & MEMORIAL FIELD BASKETBALL COURT IMPROVEMENTS (Opening held 3/30/11 @ 11:30 a.m.) – Mr. Wiest informed that since Mr. DeNicola is not here, they received 10 bids on the Herbert Avenue Improvements which were very aggressive; and they will be preparing a recommendation for award at the next meeting. He explained it looks like we will be comfortably below the anticipated cost and have a fair amount of money left over.
 - c. ROLL-OFF TRUCK (published in The Record, 4/7/11 (Opening to be held 4/20/11 @ 11 a.m.) – Mr. Wiest informed that right now we are out to bid on the roll-off truck system and all of its options for the DPW. The bid opening is scheduled to be held next Wednesday, 4/20/11, at 11:00 a.m.

Councilman Kashwick asked for clarification that the Planners will try to be at the next Mayor and Council meeting to interview them. Mayor Heymann disagreed explaining she thought a subcommittee could interview them; she said it's more of getting a feel for the 2 in terms of what they could do in Closter and how much they would charge because it was an RFQ that did not include costs; and that would be something we would question at that point; and she said he would be part of that.

Mr. Dolson asked for clarification that a subcommittee would be meeting with them and not the Council. Mayor Heymann said the subcommittee would make a recommendation to the Council. Mr. Dolson questioned that they wouldn't all get to meet the Planners; and Mayor Heymann said they are more than welcome to do so. Mrs. Amitai voiced her understanding that they were supposed to come in front of the whole Planning Board; and questioned if she is mistaken. Mayor Heymann explained the Planning Board made the recommendations of the two people. Mrs. Amitai said it was a recommendation to invite these two people to speak. Mayor Heymann clarified it was a recommendation for the Council, and the Council has to pick it up from there. Mrs. Amitai voiced her understanding it should be the Planners asking the questions as they know planning better than the Council. Mayor Heymann clarified it is the Council's task to choose; and Mrs. Amitai said she must have misunderstood.

B. BOROUGH CLERK

1) STATUS REPORT RE 2011 APPOINTMENTS – Ms. Castano informed that she was sorry to say that although we see it listed that these two people are members of the Improvement Commission, we have never received an Oath of Office acknowledging acceptance of their appointment. Ms. Amitai agreed to follow up with Grace Kim Kook and Jay Pontrelli; and Ms.

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

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Castano explained we have been very patient but a lot of time has passed.

2) REPORT RE 2011 OATHS OF OFFICE

3) STATUS REPORT RE 2011 LICENSES – The Borough Clerk informed that licenses for 2011 are current.

4) REPORT RE 2011 MEETING DATES – Ms. Castano reported that meeting dates are current; and informed that the Board of Ethics has scheduled a Special Meeting to be held on Thursday, 4/28/11 (at 8 p.m.). The Notice of Special Meeting is going to be published on 4/14/11 in the Press Journal and The Record. She explained that, unfortunately, they were going to be canceling their April meeting (4/12/11) and the next one was scheduled for 5/10/11. She explained having attended a seminar where they were informed by the Director of the Local Finance Board that Financial Disclosure Statements have to be filed by 4/30/11, otherwise fines will be imposed. She did not want anyone to be fined because they forgot to file; so they will have a meeting for that sole purpose, after which time she can send the final batch to the Local Finance Board in Trenton.

5) REPORT RE FINANCIAL DISCLOSURE STATEMENTS – Ms. Castano reported that at this time they have approximately 25 Financial Disclosure Statements outstanding out of 108 due.

6) REPORT RE ELECTIONS

a. Primary (to be held 6/7/11 from 6 a.m. to 8 p.m.) – Petitions for Republican Council members were hand delivered to the Clerk's office prior to the 4 p.m. deadline on 4/11/11. The candidates are incumbents: David H. Barad and John W. Kashwick, Jr. No nominations were filed for the Democratic Party. Ms. Castano informed she mailed the certified copies of the sample Primary Ballots to Marlene Verrastro, County Clerk, Elections Division, and awaits further instructions.

b. Annual School Election will be held Wednesday, 4/27/11, from 2 p.m. to 9 p.m. Ms. Castano explained we have been getting some paperwork which has been slightly delayed because they are preparing for the Primary at the same time as the School Election. We received information from the warehouse that the machines will be delivered to the schools on 4/19/11.

Ms. Castano informed that normally the County delivers the Voter Registration books to the Police Department; and questioned how it would work now that we are making major changes as of 4/15/11 as far as gaining access to the Police Department. Mayor Heymann commented that this was a very good question but voiced her opinion that nothing would be affected until the dispatch system is out of the building; and it will remain in the building for some further unknown time. Ms. Castano informed she sent the customary memo to the Chief of Police reminding of the procedures for Election Day.

The Borough Clerk offered a special thank you to Bonnie Switzer who covered our office the last day to register to vote in the School Election (4/6/11). She explained our office had to be open to the public from 9 a.m. to 9 p.m.; and Bonnie covered for us from 9 a.m. to 2 p.m. and Arlene covered the Office from 2 p.m. to 9 p.m. as Ms. Castano was attending an MCANJ Conference. She added that no one came to the office to register to vote that day.

7) REPORT – Ms. Castano reported she attended the MCANJ Conference in Atlantic City and it was an excellent conference for the (566) Clerks; they met the new Director of the Division of Local Government Services, Thomas Neff, who said he didn't realize what a job it

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

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was to be taking over and trying to explain to everyone that “we just don’t have enough money”. She informed having received a lot of information on electronic communications, Government Records Council and Certification Unit of the Division of Local Government Services. The highlight was Esther Nevarez, the Community Relations Manager to the NJ Division of Civil Rights, Ethical Standards in the Workplace and all levels of government. Ms. Castano explained she is a very interesting speaker who is very willing to conduct seminars in which no one falls asleep.

Ms. Castano reported that “Going Green” was highly stressed - the use of modern technology. We are proceeding with trying to provide the cost savings if we went paperless. The balancing act is always the cost of the laptops. We saw also in the *Municipalities* magazine the article from the Borough of Roselle. The Borough Clerk of Roselle, Rhona Bluestein, explained to her that the cost was not that great compared to what they are going to be saving. Ms. Castano informed she would be stressing how much we are going to save and Rhona suggested we spread it out over a 3 year period as they did, because that is how long their Council serves in office. She voiced her opinion that if we do that the cost won’t be so bad; and she will be providing a report on same. Mr. Kashwick asked the Borough Clerk to continue this item on the Agenda to keep it on everybody’s mind; and Ms. Castano agreed to do so.

C. CHIEF OF POLICE

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

Mayor Heymann asked if Mr. Glidden had anything to report; and he informed he did not.

At this time, Mayor Heymann invited Brian Beddoe (Assistant Director, Recreation Commission) to share anything he wished to report. Mrs. Amitai commented that Ruckman Field is looking so nice and asked him to tell everyone about the building there. Mr. Beddoe reported that the building is going fine thanks to Tom Hennessey, who he said is a very nice guy; and the project is in very good hands. He explained he is helping however he can; and it has been a pleasure to get to know Tom Hennessey. Mayor Heymann informed she wanted all of the taxpayers to know that both Brian and Tom Hennessey, who is supervising the entire job, are volunteering their services, and the town is very grateful. Mr. Glidden asked when it would be ready and Mr. Beddoe informed they hoped it would be by opening day. He voiced his opinion that Tom is doing a great job and he is hopeful the job will be complete in a month.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

Mayor Heymann informed she had nothing new to report regarding grants; but she wished to mention two things:

She commended the Closter Food and Assistance Board; voiced her opinion that their minutes and the activities they have planned are really outstanding; and noted it is a pleasure to have people who had not served in the Borough earlier on who are coming in and doing such a great job. She commended Pamela Jones, who has been on the Board for some time, and Annette Vasiloff, who wrote the minutes and is doing a fantastic job.

7. REPORTS (Continued)

D. MAYOR (Continued)

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Mayor Heymann informed she had signed her personal support for the State to return to the municipalities the energy tax receipts and CMPTRA revenue replacement funding, which are different taxes on state corporations that appear on our bills from the utilities as contribution to municipalities. The State has collected those funds for some long time and they only give us back a small portion of what the utilities tell their customers the municipalities are getting. She explained that this has been a long time controversy because the State keeps taking more and more money out of that and from what she understands, the League of Municipalities is finally taking the State to court over that.

a. FILED

- 1) DEP Greenhouse Grant Reduction (pre-application) WS 12/9/09
- 2) 2011 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM) WS 9/7/10
- 3) CDBG GRANT APPLICATION (\$20,000) TO IMPROVE ACCESSIBILITY TO THE CLOSTER PUBLIC LIBRARY (RM 8/11/10)
- 4) 2010 BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT APPLICATION (Municipal Park Improvement Program/Purchase of Playground Equipment/Memorial Park - \$37,500/match – RM 9/22/10)

b. AWARDED

1. BERGEN COUNTY OPEN SPACE TRUST FUND MUNICIPAL IMPROVEMENT PROGRAM 2009 Grant (\$37,000) basketball courts/Memorial Field (filed 7/27/09) Award of \$36,500 reported WS 6/9/10
2. FY09 BUFFER ZONE PROTECTION GRANT PROGRAM (BZPP) FOR TARGET HARDENING OF THE ORADELL DAM - \$24,608 AWARDED (RM 2/9/11 Authorizing execution of grant documents)

c. TO BE FILED - To be announced by Mayor

- 2) REPORT

8. OLD BUSINESS

9. NEW BUSINESS

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 11) EXCEPT FOR ITEMS SCHEDULED FOR PUBLIC HEARING AT THE REGULAR MEETING

11. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

Steve Isaacson, 97 Columbus Avenue, apprised everyone of a Chamber of Commerce Meet & Greet this Friday at the Elks Club at a cost of \$15 at the door or \$10 in advance. He explained there will be two door prizes totaling less than \$50 in order to comply with State regulations.

11. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE (Continued)

He questioned if the Fire Department roof would have solar panels; and the Borough

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Administrator explained that the solar panels are not part of this project at this time but a solar analysis is being conducted. Mayor Heymann said the State regulations for green construction of municipal structures pertains to new construction only. Mr. Isaacson said that the High School rebuilt the roof to withstand the heavier load of the solar panels; and Borough Administrator said that at this time only the shingle is being replaced.

Relative to the School Board Election, Mr. Isaacson said that he had requested a Candidates Night at the School Board Meeting and was advised that a Candidates Night was not going to occur, but if he was interested, he should contact the Mayor and Council. He said that the Mayor and Council is allowing the School Board to deprive the public of the opportunity to meet the candidates for a school board election.

Mr. Isaacson referred to a newspaper article on pensions and noted that the previous Superintendent of Schools and Board Secretary are double dipping. He urged the Mayor and Council to discuss this matter.

Robert Maurer, 119 Kensington Avenue, Norwood, informed he owns property in Closter which includes Wards 5 & 10, TerriLee Togs and Gaetano (Tailor Shop). Mr. Maurer referred to an article in the Record regarding the Mayor and Council readdressing the sign ordinance and the composition of the committee; and voiced his frustration with the composition of the committee. He explained that years ago he was on a committee, and at that time the one they worked on was never brought for consideration to be voted on; and he did not know the reason for this. Mayor Heymann advised that in response to the article he had written to the Editor, contrary to his beliefs, she was not involved in the sign ordinance rewrite and was never the chair of the committee. She explained the only one she was involved in was the very last time a committee was established; but it was not chaired by her. She expressed her understanding of his frustration and those of other people, which is why she has involved several members of the Chamber of Commerce this time.

Mr. Maurer noted that the sign ordinance affects every business, primarily the retail community, and questioned if anyone from Closter Commons, Closter Plaza, the five strip malls or Heidenberg Plaza was on the committee to which Mayor Heymann answered no. In answer to his question regarding Main Street businesses, she affirmed there are representatives from those businesses on the committee. Mr. Maurer responded to the Mayor that Jerry Boyarsky's business is on Clinton Avenue. In response to Mrs. Amitai, he asked whether Mr. Watkins was a retailer; and informed he has an illegal sign on his property that has a logo of the scales of justice.

He reiterated that his point was that of all the businesses it is going to affect the most, there is not one representative from the retail community on the committee. Mayor Heymann asked Mr. Maurer not to jump to any conclusions; and voiced her opinion that his memories are different from hers. She said that the committee is trying to formulate a new way of looking at the sign ordinance and to represent business as much as possible with the least legal impositions to keep the Borough looking neat and appropriate.

11. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE (Continued)

Mr. Maurer referred to the signs that are popping up in front of schools, of which Mrs. Amitai had

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expressed her adamant displeasure. Mayor Heymann said that the Borough has the right to control signs and that would include the variety and size. Mr. Maurer questioned if they have the right to determine whether signs have to be half in English and half in another language. Mayor Heymann informed that when it was previously discussed, they believe they came to the appropriate decision on that issue; and informed nobody has called them down on it.

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

13. ADJOURNMENT

Motion to adjourn the Work Session at 8:16 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 April 21, 2011 for approval at the Regular Meeting to be held Tuesday, April 26, 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 April 26, 2011
Consent Agenda Item No. 22b.