

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

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

Mayor Heymann called the meeting to order at 9:29 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, Victoria Amitai

Borough Administrator, Quentin Wiest

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Deputy Police Chief, Dennis Kaine

The following Agenda Item was addressed in the Work Session:

3. RECOGNITION OF THE SERVICE TO CLOSTER BY THE FOLLOWING INDIVIDUALS IN THE BUILDING OF THE BATHROOMS AT RUCKMAN PARK (Requested by Mayor Heymann 7/7/11):

a. BRIAN BEDDOE

b. TOM HENNESSEY

c. DOUG RADICK

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

The following Ordinances were introduced at the Regular Meeting held 6/22/11 and were published in The Record on 6/29/11 as stated in the Borough Clerk'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. 2011:1098, "AN ORDINANCE REVISING CHAPTER 50 OF THE BOROUGH'S CODE" (Duties of Deputy Chief of Police)

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

Motion approving adoption of Ordinance No. 2011:1098 was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

b. ORDINANCE NO. 2011:1099, "AN ORDINANCE REVISING CHAPTER 106, FIRE PREVENTION" (Unsupervised Public Fires Prohibited)

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

Motion approving adoption of Ordinance No. 2011:1099 was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

c. ORDINANCE NO. 2011:1100, "AN ORDINANCE AMENDING AND SUPPLEMENTING

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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”

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

Motion approving adoption of Ordinance No. 2011:1100 was made by Councilwoman Amitai, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

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 BLOCK 1805, LOT 1”

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

Motion approving adoption of Ordinance No. 2011:1101 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.

5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 8 and 19 was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

RESOLUTIONS

6. BILL RESOLUTIONS - TO BE PREPARED BY DEPUTY TREASURER
 - a. JUNE 30, 2011
 - b. JULY 15, 2011
7. RESOLUTION AUTHORIZING BOROUGH TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$589.33 TO DAVID HAHN FOR BLOCK 2008 LOT 8 DUE TO TAX COURT JUDGMENT RENDERED 6/30/11 FOR 2009 REAL ESTATE TAX OVERPAYMENT (Received from Tax Collector 7/6/11)
8. ~~8.~~ POSSIBLE RESOLUTION AWARDING 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; RM 6/22/11)
9. RESOLUTION IN SUPPORT OF FAIR SCHOOL FUNDING LEGISLATION THAT WILL COMPLY WITH THE NEW JERSEY STATE CONSTITUTION (Received from Councilwoman Latner 6/27/11)
10. RESOLUTION OF SUPPORT AUTHORIZING THE APPLICATION FOR A SUSTAINABLE JERSEY GRANT FUNDED BY WAL-MART BY THE CLOSTER ENVIRONMENTAL COMMISSION AND GREEN TEAM (Received from Councilman Kashwick 6/22/11)
11. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS 2010 & 2011: 235 CLOSTER DOCK ROAD LLC V. CLOSTER, BLOCK 1302 LOT 14 (Received from Borough Attorney 7/5/11)
12. RESOLUTION ADOPTING THE JULY 2011 POLICE RULES AND REGULATIONS MANUAL (Received from Borough Attorney 7/5/11)
13. RESOLUTION NO. 2 RE AD INTERIM PERMIT

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14. RESOLUTION APPOINTING CHRISTOPHER BARBIERI TO THE POSITION OF PATROL OFFICER IN THE CLOSTER POLICE DEPARTMENT, EFFECTIVE 7/16/11 (Received from Administrator's Secretary 7/7/11)
15. RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURUANT TO N.J.S.A. 40A:11-12a, FROM 7/13/11 TO 12/31/11, AS FOLLOWS: Commodity/Service: Recycling Containers; Vendor: TM Fitzgerald & Assoc, 850 West Chester Pike, Suite 303, Havertown, PA 19083-4439; State Contract #: A72330; Max Amt: \$3,263.00 (Received from Administrator 7/7/11)
16. RESOLUTION GRANTING APPROVAL FOR DR. PRAKASH KANCHERLA TO RECONSTRUCT DRIVEWAY AT 10 CURTIS PLACE (Discussed at RM 6/22/11) TO BE PREPARED BY BOROUGH ATTORNEY
17. RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH BOSWELL ENGINEERING RELATING TO THE PROVISION OF ENGINEERING SERVICES IN CONJUNCTION WITH THE ENVIRONMENTAL ASSESSMENT OF BLOCK 1805, LOT 1 IN AN AMOUNT NOT TO EXCEED \$11,400.00 (Received from Administrator 7/8/11)

MOTIONS

18. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed via e-mail on 7/8/11 - NO ABSTENTIONS)
 - a. REGULAR MEETING OF JUNE 22, 2011
 - b. WORK SESSION OF JUNE 22, 2011
19. 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

20. MOTION GRANTING APPROVAL FOR SADHU VASWANI CENTER TO POST SIGN OPPOSITE PNC BANK ANNOUNCING ANNUAL CARNIVAL TO BE HELD SUNDAY, 9/18/11 (9. M.L. 6/23/11) (Certificate of Insurance and Hold Harmless Agreement approvals received from Risk Management Consultant 6/27/11)

21. REPORTS

- a. FIRE CHIEF – JUNE 2011 (Received 7/6/11)
- b. CONSTRUCTION OFFICIAL – JUNE 2011 (Received 7/7/11)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

22. 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 asked whether any actions were to be taken.

- 22a. Motion was made by Councilman Barad, seconded by Councilman Glidden to elect Councilman Kashwick as Council President for the next six months and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

Borough Attorney read the following resolution:

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- 22b. RESOLUTION AUTHORIZING, AS PER LETTER REQUESTING USE OF BASKETBALL COURT AT RUCKMAN PARK ON AUGUST 6, 2011 FROM 9 A.M. TO 3 P.M., SUBJECT TO SUBMISSION AND APPROVAL OF CERTIFICATE OF INSURANCE AND HOLD HARMLESS AGREEMENT.

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

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

- 22c. Motion approving the followed Closed Session Resolution at 9:40 p.m. was made by Councilman Barad, seconded by Councilman Kashwick 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. 10:4-12(b)(8), “A matter involving public employees”; and that the item(s) under discussion in the closed meeting would be disclosed to the public at the conclusion of the matter which should be within 6 weeks.

Mayor Heymann resumed the Regular Meeting at 10:36 p.m.

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

24. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:36 p.m. was made by Councilman Kashwick, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided via e-mail to the
Mayor and Council on July 21, 2011
for approval at the Regular Meeting
to be held July 27, 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 27, 2011
Consent Agenda Item No. 20a.

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

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, July 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, David Barad,
Arthur Dolson and Victoria Amitai (7:45 p.m.)
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Deputy Chief of Police, Dennis Kaine

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF JUNE 23, 2011 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 9 was removed by Borough Clerk; Item No. 10 was removed by Councilwoman Latner

Item No. 9: Received 06/22/11 hand del=d, dated 06/21/11 from Asha C. Jotwani, CEO, Sadhu Vaswani Center, to Mayor re Request for permission to hang banners opposite the PNC Bank and on Sadhu Vaswani premises at 494 Durie Avenue and 399 Demarest Avenue, if permitted, for annual Carnival to be held Sunday, 9/18/11, to be placed 3 weeks prior to event; AND requesting special permission to place a big banner across Durie Avenue (Copy to Zoning Officer, Glenn Parsells, Chief Berrian, Construction Official)

Borough Clerk explained this request had two parts; one of which is on this evening's Agenda for approval, and the other for placement of a banner across Durie Avenue was not because she feels it needs further investigation. Mayor Heymann explained that hanging a banner similar to this one was done in the past but has not been done in recent years; and asked if this is something the Council wished to reinstitute, now would be a good time to discuss it.

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Councilman Barad asked if since it is a town road we could grant this approval. Mayor Heymann affirmed same and explained that she doesn't think we have ever done something like this over Durie Avenue, but we have on Vervalen and Homans. Dr. Barad expressed that he is not opposed to it if the sign conforms to the safety regulations for such a sign. Borough Attorney informed we need input from the Police Department about any concerns and insurance and hold harmless coverage. Mayor Heymann assured that we have plenty of time because this is not taking place until September, so she can get back to them and inform them the Council is considering their request and ask for any required paperwork at that time. Borough Clerk noted that this item was also copied to the Zoning Officer, but no response has been received regarding same; and his input would be required also. Dr. Barad asked if this would be a temporary sign under the Sign Ordinance. It is a large banner so it's not regulated by the Sign Ordinance and we don't have a Banner Ordinance. Borough Attorney informed it was purely discretionary within the Mayor and Council. Councilman Dolson feels they should be more definitive and read aloud the details of their request. He read it to mean they want to hang three banners because the locations are not entirely specific. Dr. Barad voiced his understanding that we were not giving approval for this part of the request, that we simply wanted to request more information and locations. The Borough Attorney reassured that the Borough would inform them what would be required for same.

Item No. 10: Received 06/22/11 hand del=d at RM meeting, dated 06/22/11 from Richard Sarkisian, 39 Beechwood Place, Harrington Park, NJ re Sample Municipal Resolution in Support of H.R. 1489, the AReturn to Prudent Banking Act of 2011"

Mrs. Latner wanted to pull this and reminded that although we had some discussion about it at the last meeting, she is not feeling very comfortable on a municipal level making a determination like that. She doesn't feel reenacting that would have necessarily prevented the banking crisis. She understands the concept he was trying to present and she communicated with the Council her husband's expertise in the banking world; and he explained to her it would really be tricky waters to pursue something of a federal nature like that. Mayor Heymann thanked Mrs. Latner for sharing that information with everyone. She voiced her understanding from Mrs. Latner's comments and the lack of a rebuttal from anyone that they will just drop the issue. Dr. Barad voiced his understanding that we have muddled into areas that were not our business before. Councilmen Kashwick and Barad agree there is not enough information to go about it one way or another. Mrs. Latner offered the Council the 3 pages her husband wrote for her based on his banking and financial experience, which gave her a lot of ideas. His opinion is that Dodd Frank which was a part of the VOCA rule, that even if those things were in place it would not have prevented the blows ups of Lehmann, AIG, and those non-commercial banks. Dr. Barad voiced his opinion that we should not apply things we have no knowledge about. Mrs. Latner explained her husband's opinion was that this particular resolution was a far stretch from what we do and don't understand about it.

Mayor Heymann apprised the audience of the history from the last meeting. He asked us to support a Resolution that will return the Glass-Steagall Act which concerns the separation of banking, real estate and stock operations separately. We held it in abeyance looking for more information, which we did get from Mrs. Latner. Dr. Barad requested a letter be sent to Mr. Sarkisian informing him of our discussions. Mayor Heymann affirmed same.

b. MAIL LIST OF JUNE 30, 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

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discussion.

c. MAIL LIST OF JULY 7, 2011- Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 2 was removed by Councilman Kashwick; Item No. 7 was removed by Councilman Glidden; Item No. 16 was removed by Councilman Barad.

Item No. 2: Received 07/05/11, dated 07/01/11 from Edward B. Baker, Project Manager, EnSafe Inc., to Ms Loretta Castano, Clerk, c: Richard Gay – Weyerhaeuser, Jennifer O=Keefe, LSRP - EnSafe Inc., re Former Weyerhaeuser Company Containerboard Packaging Plant, 10 Railroad Avenue, Closter, New Jersey (letter only!) (Copy to Construction Official, Board of Health, Environmental Commission - letter only!) CD ON FILE IN BOROUGH CLERK=S OFFICE

Councilman Kashwick read from the letter that EnSafe will make a copy of any reports available upon request; and he questioned if they shouldn't be sending that to them automatically. In response to Mr. Kashwick, Borough Engineer explained to make a formal request they use the DEP Case # on record at the Health Office. If there are any questions as to the status or what issues there are, in that case call the DEP. They are required to cc certain milestones with the Borough.

Item No. 7: Received 06/29/11 via e-mail from Mayor Heymann, dated 06/29/11 from Joshua Lee, Movement Intern at The Supply Education Group, 277 Closter Dock Road, to Mayor Heymann re Ruckman Park Reservation for the Supply Education Group - Request for permission to rent out four basketball courts at Ruckman Park on 8/6/11 from 9 a.m. to 3 p.m. to conduct 3-on-3 basketball tournament, comprised of approximately 150 people, as part of their fundraising campaign - fund to go toward building school in the slum village of Lenana, Kenya, to insure a sustainable future for The Supply and Lenana (copy to Glenn Parsells, Deputy Chief Kaine, William Dahle III)

Mayor Heymann announced there is a gentleman in the audience who represents The Supply Education Group and asked if anyone had questions for him. Councilman Glidden said they have spoken in the past but this is the first time we had a request for the use of Ruckman Park for a private group of 150 people. He asked Deputy Chief Kaine if he had any comments on the parking situation. Deputy Chief Kaine said on Ruckman Road west of Piermont Road, they are only allowed to park on the north side of the roadway. Mayor Heymann added that they could park on the side roads as well. Deputy Chief Kaine stated there will be no parking allowed at Locale Restaurant.

Councilman Glidden expressed his concern is the precedent it might set for such large groups at one of our parks. He feels this particular request from a non-profit group is a valid request and he would like to support their efforts; but he wants to make sure there are no concerns as to the number of people and the use of the park.

Borough Attorney advised as follows: We have talked about this before with a request for a wedding and a request for different things. My opinion is if the Council is going to entertain this type of thing where we're renting out public – the letter indicated a rental type of arrangement of some sort – rental was used. In answer to Mayor Heymann, Borough Attorney said irrespective of whether it's rented or given away, my concern from a legal standpoint is that a criteria be set; otherwise I can envision requests every week. And then the question becomes why did you give it to one group and not another. Is it totally non-profit; is it religious; is it religious and non-profit; whether it's a fundraiser; is it just an activity by a church that wants to have a field day. In other words I am

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suggesting that if the Council wants to do this, which the town has never done before, that we have some sort of criteria so that the Council is not subjected to an allegation down the line that you gave it to one group or two groups but you didn't give it to ours. Whether it be the tennis courts, the basketball courts, the fields, the hockey court, whatever; I think we should at least have some criteria spelled out so it's defensible.

Mayor Heymann invited Jim Oettinger, Recreation Director, for any comments. Mr. Oettinger said he heard what he (Borough Attorney) is saying; and he doesn't want to put the burden on the Mayor and Council for something like this, but he thinks having the ability to offer this to make a difference in the world would be a good thing. He thinks that organizations making a request to use the parks should look at each one as an individual stand alone – these guys did their due diligence by sending a letter to the Mayor and Council. The park that we're talking about is the basketball court – it's not going to be heavy use of the fields; if it was, he would ask for insurance from them to cover any damages. Borough Attorney informed, in his opinion, they are required to submit insurance regardless. He said that any other organization would need to understand going in that if there was any damage done, they would be responsible for it. In this situation, they are talking about carpooling in to eliminate a lot of the traffic and the cars. He and Deputy Chief Kaine reviewed the parking and think they could work it out. He said to check their web site. It is a worthy cause.

Mrs. Latner reiterated what Jim Oettinger was saying and noted the Temple had used it when they had an outdoor field day. The company Joshua works for is at 277 Closter Dock Road. She feels that since they are based in Closter, that in itself is a decent enough criteria; and she feels it is a worthwhile cause so she would support it.

Eddo Kim, 337 Lambert Avenue, Northvale, the Director of the Organization, thanked the Mayor and Council for having them. He offered a side note to what they do: their organization started work in Kenya and other depressed communities. And they've found they are making a lot of headway with making a difference here in Northern Valley. As an example, one of the Seniors just did an entire school supply drive and some teachers and staff at Northern Valley Old Tappan became a part of their organization and are very supportive. A lot of the members who will be participating in this tournament will be the young students we have made an impact on. He feels this will be a great community event and their cause is seems pretty big, but their organization is really trying to bring that cause to the local community as well and show students even the smallest gesture of participating in a basketball tournament can go a long way in making a difference in this world. He thanked the Mayor and Council for their time.

Mr. Glidden asked how quickly we needed to move on this event and noted it is for 8/6/11. Dr. Barad voiced his opinion that we have to know what we want to do and start moving on it.

Steve Isaacson, 97 Columbus Avenue, voiced his opinion that this is a great idea. He thinks they've had many problems with cars before on high holy days – that area is covered. He suggested letting them use Hillside School parking lot or part of the Closter Plaza parking lot and use shuttle buses. But he agrees that if they are going to allow one group to use a public park, you're going to have to allow everyone to use it; it's a public park and that's how it is. It's not ours and we use Green Acres funding. He thinks it's a great cause and they should go ahead and do it and encourage other groups to do the same because it makes Closter look good.

Mr. Glidden said he agrees with the Borough Attorney that we should establish criteria. Whether or not we just go ahead with this and then establish criteria, or we establish criteria before we

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give our approval, he is not sure what the procedure is. Mr. Kashwick said he doesn't think we could cursorily decide right now what the criteria is going to be in the future, but he thinks if we are going to do this, we are going to have to approve it and discuss it later. Dr. Barad feels we could go on record in principle that he agrees with what Mr. Isaacson said that one precedent may open the door to others. He feels there is a difference between opening the basketball court for one day and renting out the parks for summer soccer programs. He doesn't think it necessarily opens the door to the whole thing. He is not opposed to this action.

Mr. Glidden said he is not opposed to the idea of setting up shuttles as he mentioned to alleviate the parking for the 150 people. Mr. Kim explained they split the event up into brackets so there won't necessarily be 150 people all at the same time, that is the maximum number of players they will have; and they will be splitting it so players will come and then the next batch and so on. They are going to try to alleviate the parking concerns. Mrs. Latner mentioned a similar tournament that was held in another town for the Temple and said that there were usually never more than a core group of that age group, so they weren't all there at the same time.

Mayor Heymann asked Mr. Kim if he applied for a rain date when he filed his papers and he said it would be rain or shine. They are hoping for good weather. Dr. Barad asked the Borough Attorney if they should do their due diligence between now and then and pass it next time. Mr. Rogan agreed and said the only thing he has seen is this e-mail. Mayor Heymann informed the insurance papers have already been handed in. The Borough Attorney said he doesn't know about it and didn't know we did that before approval but that's fine. He noted the letter is dated June 29th. The Borough Clerk informed the requestor that it would be on the Mail List and we would discuss it if they want to come. Mayor Heymann said Mr. Wiest should have already received the insurance; and he responded that he is not sure but he will check it out and have it ready for the next meeting. The Borough Attorney informed he has not seen any insurance or the hold harmless agreement. Dr. Barad asked the Borough Attorney if they can in principle support it but not vote on it today and schedule it for the next meeting. Mr. Rogan said they could take a consensus if they wanted to just to give them some direction. Dr. Barad and Mr. Glidden agreed that nobody is opposed to the approval. Mr. Glidden explained the next steps to Mr. Kim. The Borough Clerk informed the Borough Attorney that the approval was received from the Risk Management Consultant but that it came Friday, not in time for the Agenda. The Borough Attorney informed they could do a verbal Resolution in the Regular Meeting and make it contingent upon confirmation of hold harmless agreement and insurance policy. Dr. Barad informed they will have some kind of a Resolution later in the evening.

Item No. 16: Received 07/07/11, dated 07/07/11 from Arthur N. Chagaris, Planning Board Attorney, to Loretta Castano, c: Mayor Heymann, Edward T. Rogan, Victoria Amitai, John Lignos re Ordinance and Resolutions for consideration at the Regular Meeting to be held 7/13/11, as follows: a. Ordinance concerning Chapter 200 as to LEED Certification; b. Resolution concerning suggested changes to Parking Ordinance; c. Resolution concerning suggested changes to Site Plan; d. Resolution concerning hiring of Banisch Associates as Professional Planners (re Closter Dock Road and Piermont Road between High Street and Homans Avenue); e. Resolution concerning hiring of Hakim Associates as Professional Planners (re Industrial Area identified as District No. 5 know as Zoning and Implementation of a Comprehensive Conservation Zone throughout the Borough)(Copy to Zoning Board of Adjustment)

Mrs. Amitai entered the meeting at 7:45 p.m.

Dr. Barad explained the letter concerned five items that the Council had sent back to the

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Planning Board, which have now been sent back to the Council. He further explained that this doesn't necessarily mean they are going to immediately approve these; it just means the Planning Board has reviewed them and advised us and sent them back to the Mayor and Council; the Ordinance Committee will be reviewing these individually and then they will be brought up one by one. He thanked Mr. Chagaris for providing same. Mr. Glidden said they haven't seen any information in writing relative to these Ordinances and Resolutions. Dr. Barad agreed and clarified that these items emerged from the discussions at the last two Joint Meetings (of the Boards) and are somewhat in response to the Master Plan that was discussed at those meetings. Now that we have advisement from the Planning Board, the Ordinance Committee can begin to work on ordinances as they see fit and bring them back to the Mayor and Council. He doesn't think they'll get hit with all five at once; and they will be discussing the items and sharing with the Council.

Mr. Dolson informed he has a draft dated 5/15/11 referencing #1 on that list – Chapter 200 regarding LEED Certification. He wished to state for the record that he is totally opposed to this recommendation. He explained what it is doing is increasing the Limiting Schedule, therefore, eliminating the homeowners living in town from utilizing their property to the extent that they can today because it will decrease the amount of lot coverage. He voiced his opinion that it will make more homes subject to zoning approval and applications – not that almost every home in town isn't subject to it as it is. His opinion is when that happens, it will decrease property values because people will be able to use less and less of their land; and, therefore, it's not going to sell for the same value as it would in another community. Thirdly, his understanding is that the LEED Certification is a very difficult thing to acquire and that the product must be manufactured and distributed within a 500 mile radius of the construction site; and the likelihood of finding those products in that small a circle in this Northeastern area is rather remote. He said he also feels it punishes unfairly the current residents of the community and rewards future multimillionaires who might be able to put up this type of house. He doesn't feel it is favorable to the community and he said he will withhold the words he would like to use

Mayor Heymann voiced her opinion that Mr. Dolson has a particular point of view which does not cover all the bases adequately. He questioned if she was referring to his personal opinion or if she thinks his opinion was influenced. She reiterated that she thinks he developed a point of view that doesn't cover all the bases and she thinks there is a lot more to it; and that he came to some conclusions that may not be valid. The Mayor suggested that he speak with a member of the Planning Board, one of which was sitting right next to him, and John Lignos, the Chair of the Planning Board because his outlook on the LEED Certification and the measures that the Planning Board took to provide that for Closter do not include any hardship for anyone. The way it was explained to her doesn't work out the way that Mr. Dolson seems to feel it will. She said there are too many ways of avoiding the kind of restrictions that he is talking about; people don't have to go through LEED; it isn't necessary. And the changes in the land coverage that he is objecting to is something that the Planning Board wanted to do anyway, because they wanted to provide a cushion when people want to add to their home either a deck, or a pool, or whatever it is; that cushion didn't exist; and the issues came regularly to the Planning Board or the Zoning Board; this would provide a cushion that could be used for additional developments so it protects people's rights rather than taking them away.

Mr. Dolson disagreed. He reiterated that his point is that last year when he brought this to the attention of this Governing Body the fact that the Zoning Board is giving away carte blanche too many application permissions. One of them is the 20% lot coverage of a building; they're still letting them put in pools and decks and patios. If a person is building a house to the maximum possible footprint of the property, they should not be given a variance. He said a person like himself who has owned his

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house for 40 years and it was totally legal when it was built, and two applications later now is totally non-conforming and he did nothing to increase the size of his house. He voiced his opinion that this type of legislation is shallow and short-sighted; and he thinks it's a detriment to the community to continually have to apply before an already overburdened and understaffed zoning situation to keep getting permission to do a little bit of repairs on their homes.

In response to Mr. Dolson, Mayor Heymann explained her understanding that John Lignos and other Members of the Planning Board see it exactly the opposite way. Mr. Dolson informed he is aware of that; that's why it is written down here. Dr. Barad reiterated that we are far from voting on this right now; it's going to go back to the Ordinance Committee where they will be looking it over; and if we bring it back and it's presented here, then we'll be discussing it and can change it accordingly; but we're not in any position to alter this right now because we don't even have anything on the table to alter; this is a note from the Planning Board. Mr. Dolson voiced his opinion that sometimes these recommendations are followed haphazardly and all of a sudden it becomes law; and we've made a mistake and it's too late. Dr. Barad reminded not unless he and Mr. Dolson vote on it; and Mr. Dolson said he would not be. He wished to reiterate that he is clearly opposed to these recommendations.

Steve Isaacson, 97 Columbus Avenue, questioned if this buffer zone thing happens, what happens to all the properties that have been maxed out so far. Mr. Dolson responded that they would be non-conforming and the Borough Engineer agreed they would be in non-conforming condition. In response to Mr. Isaacson's question that they would never be able to expand, the Borough Attorney said not without a variance. Mr. Isaacson question if they could just spend \$20,000 to go green or LEED; and the Borough Engineer reiterated that there is no ordinance yet; these are just recommendations. In response to Mr. Isaacson's question regarding how it would affect Closter Plaza, Mr. Dolson responded that if someone spends enough money on a lawyer, you can get all the variances you want. He said the average homeowner in this community cannot afford this process; that's thousands and thousands of dollars and it's unfairly shifted to the wealthy only and not to the average person in this community. Mr. Isaacson said it's like shutting the barn door after all the animals have gone out; all the building is pretty much done already and everybody is maxed out. Mayor Heymann voiced her understanding that is not necessarily true because statistically houses are being built smaller that they were a few years ago. Closter is involved in a number of teardowns right now and there is new building going on. Mr. Kashwick questioned if the Planning Board did any kind of study to indicate how many people would be moved into non-conforming status; the Borough Engineer responded in the negative. Mr. Dolson said he was willing to bet a dollar that it would be at least 90%.

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

Mayor Heymann asked whether any member of the Council or public wished to remove for discussion any of the following Consent Agenda Items: Councilman Kashwick removed Item Nos. 8 and 10; Councilman Barad removed Item No. 9; Councilman Dolson removed Item No. 20.

8. *POSSIBLE* RESOLUTION AWARDED 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;

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RM 6/22/11)

In answer to Councilman Kashwick, Borough Attorney said he would need clarification from the Planning Board Attorney as to the wording of both of the resolutions regarding the planners. The title of the resolution differs from the wording in the body of the resolution. He would be contacting the Planning Board Attorney to figure out exactly what they are recommending so we know whose bailiwick that is – the Planning Board or ours. He said he would call Mr. Chagaris on same to clarify that; and, therefore, a vote on the resolution would not be taken this evening.

At this time, Councilman Glidden asked to divert from the (Work Session) Agenda and proceed to Item No. 3 (on the Regular Meeting Agenda):

3. RECOGNITION OF THE SERVICE TO CLOSTER BY THE FOLLOWING INDIVIDUALS IN THE BUILDING OF THE BATHROOMS AT RUCKMAN PARK (Requested by Mayor Heymann 7/7/11):
- a. BRIAN BEDDOE
 - b. TOM HENNESSEY
 - c. DOUG RADICK

In response to Mr. Glidden's request, Dr. Barad reminded that they were not in the Regular Meeting yet. Mr. Glidden voiced his understanding that they were going to do this early in the meeting. Mayor Heymann informed that not everybody was present that she wished to acknowledge. She affirmed she would break the Work Session when she was ready.

9. RESOLUTION IN SUPPORT OF FAIR SCHOOL FUNDING LEGISLATION THAT WILL COMPLY WITH THE NEW JERSEY STATE CONSTITUTION (Received from Councilwoman Latner 6/27/11)

In answer to Councilman Barad, Councilwoman Latner advised that the some of the general wording had been changed and Councilman Kashwick indicated that we are not looking to take away funding from the schools that are less fortunate than Closter, but to restore funding to Closter. Mayor Heymann affirmed Mr. Kashwick's comment and said that it was reported today that Closter would receive \$330,000 in additional funding. Councilwoman Latner explained that she deferred to Councilman Kashwick because she agreed with his sentiments; and expressed her support for the wording in the resolution.

10. RESOLUTION OF SUPPORT AUTHORIZING THE APPLICATION FOR A SUSTAINABLE JERSEY GRANT FUNDED BY WAL-MART BY THE CLOSTER ENVIRONMENTAL COMMISSION AND GREEN TEAM (Received from Councilman Kashwick 6/22/11)

Councilman Kashwick explained that this is to support the application of a Sustainable Jersey Grant for the barn at the MacBain Farm to provide a compostable toilet, rain garden, porous pavers and solar panels. Mayor Heymann said that a copy of the grant application should be provided to her and the Borough Clerk prior to asking for a resolution of support from the Council so it can be tracked. She pointed out that here we are passing a Resolution in support of it but nobody has a copy of the grant. Councilman Kashwick said the grant hasn't been filed yet. In response to Mayor Heymann, Mr. Kashwick agreed because the Resolution needs to be filed with the application. Mayor Heymann explained they need to support a specific grant; the process is that the grant is drawn and then it comes to the Council for support and then the grant and resolution are filed together. In this case, she does not

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have a grant; and she questioned why he was asking for support of an application that doesn't exist; Mr. Kashwick explained the application is being finalized by the Environmental Commission and the Green Team; and today would have been the last day to approve same before the July 16th deadline. The Borough Engineer and Councilwoman Amitai agreed this was discussed at length at the Planning Board. Mayor Heymann reiterated that ordinarily they would have the grant; and part of the package is the support resolution, but it goes together; and you don't do something in writing without the grant. Dr. Barad questioned if they could support the grant in principle. Mayor Heymann asked how they were going to send it in by the 16th if they haven't written it yet. Mr. Kashwick said he's sure they worked on it but it has not been finalized yet by the Green Team; and it is something they needed, so he agreed to have it placed on the Agenda. He asked the Mayor if she had received the copy he sent her three weeks ago when he sent it to the Borough Clerk; to which she responded he may have but she didn't pay attention to it. He explained he did not get any response on it at that point. She said they take it for granted that when a Resolution is being requested there is something tangible around it. She said she believes he is creating a problem for himself at this point because he has three days to get all of this together. Mrs. Latner said this would be one less thing. Mrs. Amitai requested further discussion. Mr. Kashwick explained the choices are to either not have the grant or not voting on it; those are the choices. If that is what they want to do, he will tell the Green Team. In response to the Borough Engineer, Mr. Kashwick said the components include solar panels, compostable toilet, rain garden and one other component. Mr. DeNicola reminded that it was porous pavers and Mrs. Amitai affirmed same. Mr. Kashwick said that he would have had someone from the Green Team here to speak on it if the Mayor had said something sooner. Mrs. Amitai voiced her support to try for the grant.

20. MOTION GRANTING APPROVAL FOR SADHU VASWANI CENTER TO POST SIGN OPPOSITE PNC BANK ANNOUNCING ANNUAL CARNIVAL TO BE HELD SUNDAY, 9/18/11 (9. M.L. 6/23/11) (Certificate of Insurance and Hold Harmless Agreement approvals received from Risk Management Consultant 6/27/11)

Councilman Dolson questioned if this request had anything to do with the banners they had just discussed because this says "sign". Mayor Heymann said that the original letter may have been confusing because it is a sign at PNC Bank and a banner on Durie; but clarification on the banner would be requested; and this item can be removed from the Consent Agenda until it is clarified. Borough Clerk explained that she separated the two requests; this resolution is for what they customarily ask for across the way from the PNC Bank. She said the banner is the one that we do not have at this time. Dr. Barad questioned if they could keep this one and no one expressed disagreement.

At this time Mayor Heymann announced that this past Saturday the ribbon was cut for the comfort station/snack stand at Ruckman Park and that a sketch provided by Joe Bianco was instrumental for the building of the structure. She said this is essentially the way it actually looks and offered to pass it around for all to see. She wanted to recognize the impetus here and said all must realize this is the first snack stand/comfort station that has been built since Memorial Field had its own many years ago. All of our parks have had portable stations in the mean time and the parents have been complaining. She said it took 7 years to get it going, and she is very pleased it has happened, because several Closterites have volunteered their services and this is the time she chose to recognize them. Joe Bianco did this simulated drawing; Doug Radick who did the physical sealed drawing and after that we were fortunate enough to have former Councilman Tom Hennessey who oversaw the construction. She voiced her opinion that Mr. Hennessey was absolutely the basis that it got done and got done in good time. Mayor Heymann presented Mr. Hennessey with a certificate of appreciation and he expressed his thanks for same. Mrs. Amitai announced that there were also many volunteers from

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Boswell Engineering. Mayor Heymann informed one of the volunteers is a carpenter, who is also the Associate Recreation Director, Brian Beddoe. At this time, she read aloud his letter thanking the Mayor and Council for their support of the project for the residents of Closter. She asked Jim Oettinger, Recreation Director, to present Mr. Beddoe with his certificate. Mayor Heymann said that she will be looking in the future to have similar structures built at other parks so the children have appropriate comfort stations and water fountains.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE CONTRACTS:

a. PROFESSIONAL PLANNER - MASTER PLAN (Opening held by Borough Clerk 3/30/11 @ 1:30 p.m./Possible Award RM 7/13/11) – The Borough Attorney reminded they discussed briefly the recommendations made by the Planning Board sent over however, he would like to clarify a portion of it; specifically where the Resolution indicates it is to interpret the Master Plan. He wanted to clarify that if the purpose (of the Planner) is to perhaps recommend an ordinance, then the Planning Board should be making the appointment. If the sole purpose is for the Planner to assist the Planning Board in understanding the Master Plan and thus making a recommendation for an ordinance to be considered, then it really is something that should be handled by the Planning Board. If on the other hand it's for some theoretical action into the future, then it would be more of a Mayor and Council issue. He voiced his opinion that one looks clearly to him as if they are looking for some guidance from a Planner to interpret the language that is used in the Master Plan; so if that's the case it should be more appropriately coming as a recommendation that they prepare the Professional Service Contract; but they would actually award that contract if that is what they are looking to do. It is a little confusing that the title is different than the body of the Resolutions. It may just be an issue of wording, but to him it looks like they are asking for a Planner to interpret our Master Plan. His guess is that they are doing that to recommend some ordinance changes, which is their call and where their thought process would begin.

In response to Dr. Barad, Mr. Rogan affirmed the Mayor and Council does not have to pass a Resolution because the Planning Board statutorily has the right to hire planners to assist them with the Master Plan, as long as it's funded by the Mayor and Council. He affirmed that the Council would pass a Resolution approving the funding for same. Dr. Barad voiced his understanding that if the situation were for a new idea to build something such as a park, the Mayor and Council would make that appointment; and the Borough Attorney affirmed same. He explained that regardless of who makes the appointment, the Mayor and Council still has to fund and prepare the Professional Service Agreement. We would still get it before it's done but the Planning Board would be the one rather than just making the recommendation, they would also be making the appointment; just as they did with the appointment of the Planner for the Master Plan.

Dr. Barad questioned if regarding Historic Preservation, which is mentioned in one of them, they have wording about Historic Preservation in the current Master Plan, are they asking for somebody to help them turn that into an ordinance. The Borough Attorney agreed he thinks that is what they are saying, but said they do not use those words. Mrs. Amitai reminded that this stemmed from the meeting of the Boards where everyone was saying 'let's do something green' etc, and so they thought it was best to take on a Planner before any of those things happened. Mr. Rogan said that is a good goal to have but the question is the Planning Board should only be doing that if their intent is to propose an ordinance change or a new ordinance; otherwise it's the policymakers for Closter at this

6. PROFESSIONAL REPORTS (Continued)

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A. BOROUGH ATTORNEY (Continued)

table. They have to recommend a change or a new ordinance, such as the Conservation Zone, which should come from them; and that would be legitimate for them to hire a Planner to make recommendations that should or should not be included, wording, etc.; and that appears to be what they're doing although they don't use that language. He affirmed he wanted to ask Mr. Chagaris to clarify same because they may be able to make that appointment directly.

2) STATUS REPORT RE PREPARATION OF SPECIFICATIONS FOR ADVERTISEMENT OF BIDS FOR SANITATION/TRASH COLLECTION (RM 1/26/11) – The Borough Attorney reported these are still pending. Mr. Wiest informed they are very close to finalizing that.

3) SUSTAINABLE DEVELOPMENT ORDINANCE / HISTORIC PRESERVATION COMMISSION ORDINANCES (Requested by Borough Attorney 4/6/11 & 5/11/11) – The Borough Attorney explained this is the LEED issue they spoke about earlier which is going to be looked at by the Ordinance Committee; and comments and discussion will happen in the future here when it comes up as an Agenda item.

4) REPORT – Mr. Rogan reported that tax appeals are still coming in. We do have a large volume this year so we need to be aware of that for the most part. They are not overwhelming but we do have some concerns about Flamm and Closter Plaza. Those are the only ones that could have a potential financial impact. The other ones are the same as in the past that have been controlled without any major impact on the budget.

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 – The Borough Engineer reminded this project was along Harrington Avenue, Cedar Lane and Storig Avenue. This is still awaiting authorization to bid from the State. This project started in 2008 with the application and it's still ongoing. They have not authorized us to bid on the project yet.

2) STATUS REPORT RE HERBERT AVENUE IMPVTS., SECTION 4 (2011 NJDOT Municipal Aid - \$145,846; Closter - \$5,000), MEMORIAL FIELD BASKETBALL COURT IMPROVEMENTS (2009 Bergen County Open Space Trust Fund \$37,500/Closter Open Space Trust Fund \$37,500) AND RUCKMAN ROAD IMPROVEMENTS & CRACK SEALING (remaining Funds from 2009 Road Improvement Program - \$51,895) Contract awarded (RM 4/26/11) to AJM Contractors
The Borough Engineer reported that notices have been handed out to residents along Herbert Avenue that the job will be starting next week. He explained that mostly curb and sidewalk work will be done; concrete work, followed by the milling and resurfacing of the roadway. All of that work is scheduled to be wrapped up by the end of August. At this time he informed that after bidding the project, he received a call from Mrs. Brewster, 126 Herbert Avenue, requesting sidewalk on her frontage. 126 Herbert falls on the westerly side of Herbert if you approach the industrial area at the end of Herbert. There are three lots on that sidewalk. Speaking with the residents on the other sides of the property, they have said they do not want the sidewalks; they are elderly and do not want the responsibility of caring for them. He reminded the residents don't have a choice because it is a Borough right-of-way but that is the residents' opinion. He would like direction from the Mayor and Council what to do. That request would cost approximately \$8,000-\$9,000 for the sidewalk work and a tree removal included in that. He voiced his opinion that if people don't want it done, there's no point in wasting good money on that when they can extend the milling and resurfacing of the road further. He doesn't feel that a sidewalk should be made for the person in the middle of a row of three because it will be an island of sidewalk by itself. He suggested perhaps a straw poll could be taken for a consensus. He

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

reiterated the facts to clarify for Dr. Barad who was not clear what the issue was.

Dr. Barad responded that his understanding is that the Council was in favor of a walkable community and they would like sidewalks. In response to Mrs. Amitai, the Borough Engineer explained there was sidewalk all up and down the street except for those three properties and the industrial properties also on the west side. Mr. Glidden voiced his opinion that if they were to pass on the sidewalk at this time, it would not be setting a precedent for the future. Mr. DeNicola agreed and said the issues are separate and apart; and the sidewalk could be done at any time. Mr. Glidden expressed his support of the Borough Engineer's recommendation to use the money elsewhere. Mayor Heymann noted that there are a lot of places that people do want sidewalks; and if we're going to be putting money into sidewalks, we should be using it to put them where they want it. The Borough Engineer explained there is a sidewalk on the other side of the road on the easterly side all the way through to those three houses and it ends before the industrial area. The easterly side has no more sidewalk until you get around the bend to Spectrum for Living. In response to Mr. Dolson, he said there is an approximately 42-inch tree that would have to be removed that is the only obstruction from putting that sidewalk in today. Beyond those homes there is grass and then the industrial area. He further explained that people could walk over that area on the westerly side on the topography and agreed there is no semblance of a path. Dr. Barad questioned how the sidewalk would be built if we were to build it. Mr. DeNicola explained that we would build it with State funding – the DOT grant for \$150,000. We have the option to use it to build the sidewalk or mill and resurface the roadway further. In response to Mayor Heymann he said we would not lose the money; it could absolutely be used for something like more milling and resurfacing. He then explained that he had originally wanted to put the sidewalk in until the two residents expressed their opposition to it. Dr. Barad voiced his understanding that down the road someone else will move in that area and be forced to build their own sidewalks because we didn't develop it; and Mayor Heymann reminded most people do build their own sidewalks. Dr. Barad expressed his concern for the future residents having to pay for that expense out of their own pockets. Mr. DeNicola informed the condition of the tree is "old". In response to Dr. Barad he explained the difference would be hearing from two people if the sidewalk was put in as opposed to one person if it was not. Mayor Heymann explained in response to Dr. Barad that they have an ordinance that requires a sidewalk when building is going on.

Ann Brewster, Mrs. Brewster's sister-in-law, was in the audience and explained when she previously lived at 126 Herbert Avenue, there were sidewalks there. When the properties were sold on either end, they took the sidewalks out. She reiterated that the people in the houses on the ends are elderly people, and questioned what would happen to the new residents coming in. The Borough Engineer explained the only time they would have to build a sidewalk is if they improve their property and tear down and rebuild their house; there is no requirement to automatically put sidewalk in. Mrs. Amitai, Mrs. Latner, Mr. Glidden and Mr. Dolson are in favor of improving the roadway further; Mr. Kashwick and Dr. Barad would like to have sidewalk put in.

3) STATUS REPORT RE 2010 COMMUNITY DEVELOPMENT BLOCK GRANT FOR BARRIER FREE CURB CUTS - \$50,000 AWARDED (2. M.L. 6/17/10)

Contract awarded (RM 3/9/11) to M. Ingannamorte & Son, Inc. - \$35,716.00 – Mr. DeNicola informed this project is slated to start late next week or the following week. The handicapped ramp job includes about 20 ramps throughout the Borough – mostly around Hillside School; and Durie Avenue has some and Demarest Avenue has some. This job will also be complete prior to August before school starts.

6. At this time, the Borough Engineer referred to the Mayor's question whether the Herbert PROFESSIONAL REPORTS (Continued)

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B. BOROUGH ENGINEER (Continued)

Avenue contractor, AJM, would get paid for the swim club lot. She informed they have postponed that.

4) REPORT RE DREDGING AND RESTORATION OF RUCKMAN POND, BLOCK 1901, LOT 1 (RM 6/8/11) – Mr. DeNicola reported he met with the Closter Nature Center yesterday and the application is being filed later this week. The permit is supposed to be issued sometime in October, or early November at the latest. There is debate about whether they should commence with the dredging of the pond in November or wait until next August. His recommendation is to wait until next August when you are at the driest season; there will be less issues with water because you basically have to pump the pond dry before you excavate it out. The Nature Center will take that recommendation and discuss it. The Borough Attorney informed they voted on that last night and decided to wait until the Spring.

5) REPORT RE REPLACEMENT OF SIDEWALK SLABS BY ARNOLD ROADS FROM THE 2007 ROAD IMPROVEMENT PROGRAM –WEST STREET, SECTION IV (RM 6/22/11) – This item is completed and should be removed from this

Report.

6) REPORT

7. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS REPORT RE BOROUGH WEB SITE – Mr. Wiest informed he had nothing new to report regarding the Borough web site.

2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S): Mr. Wiest voiced his opinion that for the most part the insurance issues have already been discussed, not to beat them over.

a. Bergen Bike Tour to be held 9/25/11 (2. M.L. 6/23/11) – Mr. Wiest said he believed this item would be coming up on a future Agenda.

b. Sadhu Vaswani Center to hold Annual Carnival 9/18/11 (9. M.L. 6/23/11)

c. The Supply Education Group to hold 3-on-3 basketball tournament on 8/6/11 at Ruckman Park (7. M.L. 7/7/11)

At this time, the Borough Administrator announced we are having summer concerts put on by the Recreation Commission; we do not pay for them because the bands play for free. He informed we are getting hold harmless agreements signed by them in those instances where the bands themselves are high school groups, so they don't have insurance, so they are getting the hold harmless in those circumstances.

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

4) FOLLOW UP REPORT RE ROLL OFF TRUCK (Contract received 6/23/11)

5) STATUS REPORT RE P.O.'S ISSUED FOR AWARDED CONTRACTS:

a. VERMEER MODEL 1800XL BRUSH CHIPPER OR EQUAL (Awarded RM 3/23/11 to Vermeer North Atlantic Sales - \$51,700.00)

b. 2011 JD 624K WHEEL LOADER OR APPROVED EQUAL (Awarded RM 3/23/11 to JESCO, Inc. - \$184,900.00)

c. RECREATION UNIFORMS FOR 2011 (Awarded RM 4/13/11 to Sport's Time, Inc - \$26,500.00)

d. RECREATION FIELD MAINTENANCE FOR 2011 (Awarded RM 4/13/11 to Lupardi's Nursery - \$19,710.00)

7. REPORTS (Continued)

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A. BOROUGH ADMINISTRATOR (Continued)

5) STATUS REPORT RE P.O.'S ISSUED FOR AWARDED CONTRACTS:

- e. DIGITAL VIDEO EQUIPMENT (Awarded RM 5/25/11 to L-3
Communications Mobile-Vision, Inc. - \$18,378)

The Borough Administrator explained that he could sum up items 3, 4 and 5 together. The last item we bid was the Firehouse Roof, which has been completed. He voiced his opinion that a fine job was done and final approval was issued by the Building Department last week. He said it has rained rather hard a few times since the replacement was completed; and it seems to be holding up well.

Mr. Wiest reminded that at the last meeting, they issued the award for the Roll-Off Truck and the delivery on that is a few months away, so we won't be seeing that until late fall at the earliest. With regard to the items listed in number 5: Item a – the chipper was received some time ago and is being actively used in the Borough; Item b – the front end loader was just received in the past few weeks and the DPW Committee had a chance to look at that during their last meeting; Items c and d – recreation uniforms and field maintenance are contracts that are operative throughout the year. At this point the recreation uniforms that have been supplies are for baseball season, but we'll now start to change seasons to other uniforms; Item e – digital video base station equipment is on order now and he does not believe it has been received yet. They should receive that in the next few weeks and the Police Department will be able to put that equipment into service.

- 6) REPORT RE PRICE QUOTES RECEIVED FOR JANITORIAL SERVICE AND
MAINTENANCE OF THE SENIOR CENTER GROUNDS (Approved RM 6/8/11)

Mr. Wiest informed they received a verbal quote; and he is still waiting for a written quote from a janitorial service to upgrade the maintenance of the Senior Center.

- 7) REPORT RE PREPARATION OF CAPITAL ORDINANCE RE PAPERLESS
PACKETS/BOROUGH CLERK'S OFFICE (W.S. 6/8/11) – The Borough

Administrator reported we are preparing a capital ordinance for the equipment that will be needed for the paperless packets. He admitted he has been dragging his feet a little bit because he didn't want to bring forward a capital ordinance just for those items; however, there will be a couple of other capital items that could be included for their consideration.

8) REPORT – Mr. Wiest informed everybody in the State of New Jersey is waiting for the tax rates to be finalized, but they hope that will be in the next few days.

Councilman Kashwick questioned when they should expect the capital ordinance for the paperless packets and Mr. Wiest advised the next Regular Meeting (7/22/11).

In response to Dr. Barad, he informed he spoke to Sgt. Winters about the cell tower site. If the Borough is interested in moving it to the compost area, the recommendation from the company that supplied and maintains the radio equipment is to actually move the radio equipment to that site, which would require them to locate it in a small building on the site. There are some other considerations such as changes to our FCC license but it seems doable – just a little more complicated than just moving the tower over there. Mr. Wiest said they could probably get a small prefab building that would do the trick. In response to Mayor Heymann, he said yes, you would think a tie line would do the same thing, but this is the recommendation to actually move the equipment. If you put a connection between here and there, the concern is its one more thing that can cause an issue. Dr. Barad asked how to get to the next level of information; and Mr. Wiest suggested they have a meeting with Sgt. Winters and the vendor to talk to them about what's involved. Mr. Kashwick questioned how relocating the tower would affect everyone's cell phone signal since it's on the extreme Norwood side of town and if any potential impact should be taken into consideration. Mr. Wiest concurred with the Borough

7. REPORTS (Continued)

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A. BOROUGH ADMINISTRATOR (Continued)

Engineer that the tower signal would only concern radios; and that particular concern hasn't been raised. He mentioned they have also received a very specific proposal from Metro PCS because they are very anxious to have a site in the Borough. We had given them permission quite some months ago to look at the DPW site, which they did; and they believe that is a workable site; they've provided him with a specific proposal to locate what they call a 'light site' out there; which is a mobile site at the DPW. He informed he would share that information with the members of the committee and they have offered to make a payment of \$2,500 a month to the Borough. This is not insignificant in terms of revenue; and this would only be to offer them with an opportunity to provide service for the period where we're going out to bid for the new tower.

Mrs. Amitai questioned if the Borough Administrator had any new information regarding solar energy. Mr. Wiest informed the State has issued a few different Local Finance Notices about the rules and regulations that municipalities have to follow with regard to doing Energy Saving Improvement Programs (ESIP). He voiced his understanding, as he read it, that solar installation on Borough property would be considered as such; and it's not limited to that. There are other programs that would qualify, which we have already gone through, like changing lights and hvac units in all Borough buildings. In the middle of June, the State issued a draft model of the RFP that public entities can use to seek proposals for these energy programs. It is being reviewed right now and they have scheduled a session for later in the month for entities that want to raise questions about the language in the RFP. People who want to make comments can raise them at that session; they will not be answering any questions, only taking on comments. He would expect that by early Fall they will have come out with revisions and a final document; and his guess is there will be educational sessions. Everybody in New Jersey has been beset by solar vendors who want to perform solar installations on public facilities.

His experience is that most of them don't understand the laws that we operate under. When they are asking to install solar panels on a field that you have, essentially they are asking to lease public property; it's not as easy as just signing a contract. Mrs. Amitai commented that the solar panels she has seen hanging from the poles are rather ugly. Mayor Heymann informed that there will be none in Closter because those are installed by PSE&G; and we have Orange & Rockland. Mr. Wiest noted he saw a solar installation on a house in town just the other day; and while he was there, they noticed some solar panels on a roof across the street; and its going to be eye of the beholder stuff. They're new and it's not going to look good to some people, but he feels it depends on the particular application. He feels it is a step in the right direction for the State to be writing a sort of RFP to use because it is complicated. We've seen a lot of different 'consultants' that can write the RFP for you; and he feels it is moving in the right direction although it has been taking its time. Mr. Wiest noted he is aware of some towns that have gone out on their own to try to do this; and they've been rather unhappy with their results.

In response to Mrs. Amitai, Mr. Wiest informed uniforms are primarily funded by fees raised that the parents pay for the activities. At this time, Dr. Barad raised informally that on our published Budget, there is no income line for those funds. He hoped in the future they could show the expenditures as well as the incomes. Mayor Heymann said she has already spoken to the CFO regarding same.

At this time, Mayor Heymann welcomed Mayor Emeritus Fred Pitofsky who was present in the audience.

7. REPORTS (Continued)

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B. BOROUGH CLERK

1) STATUS REPORT RE 2011 APPOINTMENTS – Ms. Castano reported that we have received two resignations from the Local Assistance Board and her understanding is that they are going to be looking at the makeup of the Board. Mayor Heymann affirmed same and agreed no appointments would be made until a new ordinance was in place regarding same.

2) STATUS REPORT RE 2011 OATHS OF OFFICE – Ms. Castano reported Oaths of Office are current.

3) STATUS REPORT RE 2011 LICENSES – The Borough Clerk informed there are Liquor License renewals on hold for O’Connors, which was recently transferred from Klip, LLC; Modern Bar, LLC, which was the Closter Rec., is awaiting a Special Ruling because they have been inactive for two successive years; Fresco, Inc. is obtaining Ad Interim Permits pending receipt of a Tax Clearance Certificate. All of the others have been renewed. Presently we have a transfer in progress for the Expansion of Premises for Locale Restaurant. She received a report from the Fire Official and is awaiting the report from the Construction Official and then that should go through, most likely by the next meeting.

4) STATUS REPORT RE 2011 MEETING DATES – Ms. Castano reported Meeting Dates are current.

5) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – The Borough Clerk reported Financial Disclosure Statements are current.

6) REPORT RE ELECTIONS – Ms. Castano reported we are slowly preparing for the General Election to be held November 8, 2011.

7) STATUS REPORT RE PAPERLESS PACKETS – Ms. Castano asked if she should remove this item from her report and Councilman Kashwick advised her not to do so until the Resolution is there.

8) REPORT - The Borough Clerk reported on the following:

a. Codification - She sent to General Code the ordinances which have been adopted – Ordinance Nos. 2010:1082 to 2011:1093. She voiced her opinion that we are moving along with Ordinances and there will be another batch; so eventually there will be a request for codification down the road in the future.

b. SIDEWALK SALE DUE TO BE HELD 7/21, 22 AND 23 – Ms. Castano informed she should be receiving something from Lisa (Smith, Closter Bootery) with information as to participating stores, which she will forward to Deputy Chief Kaine and the Board of Health to follow through on any food vendors.

Mr. Wiest informed he spoke Lisa Smith and she indicated that most of the arrangements are being handled by someone else this time. Mayor Heymann asked if anyone from the Chamber of Commerce present in the audience wished to add anything.

Anthony Gorga, (Gorga Consulting) Director of the Chamber of Commerce, informed he is assisting in the coordination of the Sidewalk Sale. He informed he actually just came from the Police Department because Don Winters informed they were not notified of the event. His understanding was that at the last Mayor and Council Meeting there was discussion regarding the Sidewalk Sale. Mayor Heymann explained that the request was to grant a waiver for the \$35.00 permit fee. In answer to Mr. Gorga’s question she responded in the negative and informed the Council simply granted the fee waiver. At this time, Mr. Gorga informed they pulled running the event from Lisa, who had been the Chair of the event and running it for years, and they said ok because they want people who are participating in the event to be on the committee. As of 10 days ago, advertisements had been taken

7. REPORTS (Continued)

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B. BOROUGH CLERK (Continued)

out but nothing had been done, so the Board of Directors ruled to take over the event. He offered to the Mayor and Council a registration form that they could have which tells about the event. Mayor Heymann explained that we still need the insurance information and Hold Harmless Agreement. The Police also need the information. The Borough Clerk clarified that approval was already given to the Chamber of Commerce for the Sidewalk Sale because the insurance was received and approved by the Risk Management Consultant. She informed the only thing she was waiting for was the list of participating businesses which Lisa customarily provided to her; which had there been permits, we would already have. The Mayor and Council waived the fee, but we need to know which stores are involved as well so the Police Department has an idea. Mr. Gorga informed he could have that in the next three days because the deadline for advertising was yesterday, and they have a 48 hour grace period. Mayor Heymann reiterated that they have to have their arrangements clearly with the Police so they know what to cover etc. At one point when the issue first came up, a suggestion was made that you might have some additional entertainment; and if that is the case, that's a whole different cup of tea. Mr. Gorga announced the clown is a definite on Saturday; but thus far, the DJ hasn't gelled out. He agreed to inform the Mayor and Council as soon as possible with any updates regarding entertainment. He noted that there are still some additional ideas being floated around, for example, if Mr. Miele brings his horse and carriage, they would communicate that immediately as well.

Steve Isaacson, 97 Columbus Avenue, Member of Chamber of Commerce, informed he spoke to the Police Department today about the possibility of All Body Fitness having a friend of theirs come with a food truck. He told them they would have to register with the Health Department and it will be on his property. There is also the possibility of one of the employees bringing his band to play in the parking lot of his property. When he spoke to Sgt. Winters, he indicated it was fine because it was their property.

Mrs. Amitai questioned if the event was advertised on our web site and Mr. Gorga said probably not. Mayor Heymann informed the procedure to get something posted on our web site was to make a request through the Borough with Quentin Wiest. In response to Mrs. Amitai, she informed the sign board was taken up until the time of the event. Mr. Gorga informed they have a banner, to which the Borough Attorney informed they did not, and Mayor Heymann explained there are specific channels to go through for approval for a banner.

Michael Brown, Caldwell Banker, President of Chamber of Commerce in Dumont and Member of the Closter Chamber of Commerce, informed that they always have a banner over a County Road. The Borough Attorney informed they need approval from the Board of Freeholders and the Mayor and Council. Mr. Brown clarified he was simply trying to encourage the banner issues. In response to Mr. Brown, the Borough Attorney said it was fine if they wanted to present the request for next year, but it was too late for it to happen this year due to the lengthy process. He informed the process could easily take several weeks; and his understanding is that the request needs to be renewed every year. The Borough Attorney voiced his opinion that if they wanted to have a band this year on private property, he doesn't see a problem with that. The Mayor and Council expressed their support and wished them well with their event.

10) REPORT

C. CHIEF OF POLICE

1) DEPUTY CHIEF REPORT – Deputy Chief Kaine had no report this evening.

7. REPORTS (Continued)

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D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

a. FILED

1) DEP Greenhouse Grant Reduction (pre-application) WS 12/9/09 – Mayor Heymann informed this item can be removed.

2) CDBG GRANT APPLICATION (\$20,000) TO IMPROVE ACCESSIBILITY TO THE CLOSTER PUBLIC LIBRARY (RM 8/11/10) – Mayor Heymann informed this has just been granted.

3) 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) – Mayor Heymann announced this is about to be granted.

4) 2012 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000) Authorization for application RM 6/8/11

b. AWARDED

1. 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)

2. 2011 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM) WS 9/7/10/ \$10,000 Awarded – Reported at WS 5/11/11)

3. FY11 CLEAN COMMUNITIES GRANT - \$13,191.51 (2. M.L. 5/5/11)

c. TO BE FILED - To be announced by Mayor

Mayor Heymann announced we will be filing for a new Open Space Grant and the one for the Green Team/Environmental Commission.

2) REPORT

8. 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 per request of Dr. Barad 4/26/11

Mayor Heymann reported that the Ordinance Committee is reviewing same in addition to other changes for the sign ordinance, which should be available at the next meeting.

9. NEW BUSINESS

Mayor Heymann announced that on July 23rd at 2 p.m., at the Closter Public Library the Nature Center will have speaker David Wheeler who authored the book “Wild New Jersey-Adventures in the Garden State”, which has a section on Closter and there will be visual demonstrations on same. In addition to the book signing, there will be a 40-foot wall in the Library featuring the locations indicated in the book.

At this time, Councilman Barad said he would be nominating Councilman Kashwick as Council President at the Regular Meeting.

Councilman Barad referred to the Memorial Day Parade and conversations he had with Mayor

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Heymann. He voiced his opinion that the residents who attended the meeting were off base since it seems that if the Mayor, Loretta and other members of the Borough had not acted, we might not have had a parade, which would have been a great insult to the veterans. He thanked the Mayor and other members of the staff for what they did on short notice to allow us to have the parade. He asked that in the future organizers be more proactive and start their planning in advance.

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

Ann Brewster, 15 Taillon Terrace, said there was nothing wrong with the way the Memorial Day Parade was organized. The American Legion, the Elks and the Firemen started planning in February and there was nothing said in any meeting about changing the route. The Mayor and Council was not called in at the last moment.

Steve Isaacson, 97 Columbus Avenue, again requested that the meeting revert to its original format. He also asked why the banner for the Indian Temple cannot be put on their own property. Mayor Heymann said that this matter would be the subject of further discussion. Mr. Isaacson referred to the sign in front of Mr. Segal's house, which Mr. Sinowitz said he would look into. He thanked the Mayor and Council for dredging the pond and for trimming the bush across the street. He referred to the planner who did the Historic Element who would now be reviewing his own plan. Borough Engineer said it is the same planner but the issues are different inasmuch as the Historic Element is not part of the review since the Borough has an historic ordinance at this time. Mayor Heymann noted that the Jack in the Box Nursery School has volunteered to maintain the island at Closter Dock Road and Vervalen Street, at their expense. Mr. Isaacson noted that the School Director is the Secretary of the Chamber of Commerce.

Prakash Kancherla, 110 Harrington Avenue, thanked the Council for the approval to reconstruct his driveway. He asked if Curtis Place could be vacated which is an extension of Harrington Avenue and is the sole access to his property. Borough Engineer said if the street is vacated only half of the street would go to him and would not provide the property owner with the requisite frontage required by the code. If any improvements were requested to the property, the lot would be considered non-conforming and would require a variance from the Zoning Board.

Karen Seagaard, 249 Knickerbocker Road, cited the countless accidents at the intersection of Knickerbocker Road and Demarest Avenue especially the one on July 7th that was not cleaned up properly thereafter. After reporting same to the Police Department, it was cleaned up but she had to pick up more debris. Deputy Chief Kaine cited the number of accidents at the intersection and the stop signs that have been installed on the surrounding streets intersecting with Demarest Avenue. He said the duty tow responsible for this clean up would be contacted.

In answer to Mike Brown, Chamber of Commerce, Borough Engineer said that the Sustainable Development Ordinance was removed for further discussion with the Planning Board Attorney.

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

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Motion to adjourn the Work Session at 9:29 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 July 21, 2011 for approval at the Regular Meeting to be held July 27, 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 27, 2011
Consent Agenda Item No. 20a.