

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MARCH 23, 2011 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:22 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 present were the following:

Mayor Sophie Heymann  
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad,  
Arthur Dolson and Victoria Amitai  
Borough Administrator, Quentin Wiest  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola  
Chief of Police, David Berrian  
Officer in Charge, Dennis Kaine

3. RESOLUTION AUTHORIZING CALCULATION OF RESERVE FOR UNCOLLECTED TAXES USING THE THREE-YEAR AVERAGE METHOD (Received from Administrator 3/11/11)

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

4. INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING, TUESDAY, 4/26/11, @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Auditor 3/17/11):

ORDINANCE NO. 2011:1092, "BOROUGH OF CLOSTER CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Motion approving Introduction of Ordinance No. 2011:1092 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.

5. RESOLUTION INTRODUCING THE 2011 MUNICIPAL BUDGET - PUBLIC HEARING – TUESDAY, APRIL 26, 2011, @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Auditor 3/17/11)

Motion approving Introduction of the 2011 Municipal Budget was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

6. PROCLAMATIONS, PRESENTATIONS, MOMENTS OF SILENCE

- a. MAYORAL PROCLAMATION DECLARING MARCH 26, 2011 FROM 8:30 P.M. TO 9:30 P.M. AS "EARTH HOUR" (RM 3/9/11)  
Mayor Heymann read and so declared.

7a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 9a, 11, 24, 27, 29 and 30 was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

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8. PUBLIC HEARING(S) ON ORDINANCE(S) FOR FINAL PASSAGE  
(None at this time)
9. INTRODUCTION OF THE FOLLOWING ORDINANCE(S) – PUBLIC HEARING (S)– TUESDAY, 4/26/11, @ 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 3/17/11)~~
  - b. ORDINANCE NO. 2011:1090, “AN ORDINANCE AMENDING CHAPTER 171-1 OF THE CODE (Received from Borough Attorney 3/9/11)
  - c. ORDINANCE NO. 2011:1091, “AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE RECONSTRUCTION OF HERBERT AVENUE, SECTION 4 IN AND FOR THE BOROUGH OF CLOSTER AND APPROPRIATING \$190,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$40,000 IN BONDS OR NOTES OF THE BOROUGH OF CLOSTER TO FINANCE THE SAME” (Received from Bond Counsel 3/16/11)

RESOLUTIONS

10. BILL RESOLUTION – MARCH 31, 2011 TO BE PREPARED BY DEPUTY TREASURER
- ~~11. POSSIBLE TRANSFER RESOLUTION NO. 6 (Requested by Administrator 3/11/11)~~
12. RESOLUTION (NO. 3) AMENDING TEMPORARY BUDGET APPROPRIATIONS FOR 2011 (Received from Administrator 3/11/11))
13. RESOLUTION ENDORSING SUBMISSION OF 2010 MUNICIPAL RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF RECYCLING, AND DESIGNATING CAROLE DACEY TO ENSURE APPLICATION IS PROPERLY FILED (Requested by Recycling Coordinator 3/10/11)
14. RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12a. and N.J.A.C. 5:34-7.29(c) for Commodity/Service: Tires & Tubes; Vendor: C&C Tires Inc., 21 Route 17 South, East Rutherford, NJ 07073; State Contract #A71687; Max. Amt.: \$4,100.00 and Commodity/Service: Park & Playground Equipment & Parts; Vendor: Marturano Recreation Co., Brook 35 Park, 2130 Route 35 Bldg. B/Ste. 222, Sea Girt, NJ 08750; State Contract #A59092; Max. Amt.: \$69,000.00 (Received from Administrator 3/11/11)
15. RESOLUTION AWARDED BID RECEIVED AT THE BID OPENING HELD 2/10/11 FOR ONE VERMEER MODEL 1800 XL BRUSH CHIPPER OR EQUAL, TO THE SECOND LOW BIDDER, VERMEER NORTH ATLANTIC SALES AND SERVICE, LUMBERTON, NJ, IN THE AMOUNT OF \$51,700.00; AND REJECTING THE LOW BID SUBMITTED BY NORTHEASTERN ARBORIST SUPPLY AS “NOT RESPONSIVE” (Received from Administrator 3/11/11)
16. RESOLUTION AWARDED BID RECEIVED AT BID OPENING HELD 2/10/11 FOR 2011 JD 624K WHEEL LOADER OR APPROVED EQUAL TO THE SECOND LOW BIDDER, JESCO OF SOUTH PLAINFIELD, NJ, IN THE AMOUNT OF \$184,900.00 AND REJECTING THE LOW BID SUBMITTED BY TRICO EQUIPMENT SERVICES LLC AS “NOT RESPONSIVE” (Received from Administrator 3/11/11)
17. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$26,357.26 TO JOHN FINAN FOR REDEMPTION OF TAX SALE CERTIFICATE #10-00008 FOR BLOCK 1313 LOT 3, ALSO KNOWN AS 540 DURIE AVENUE, SOLD AT THE MUNICIPAL ACCELERATED TAX SALE HELD 12/10/10 FOR 2010 DELINQUENT TAXES (Received from Collector 3/10/11)
18. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$2,016.47 TO NVE BANK DUE TO THIRD QUARTER 2008 TAX OVERPAYMENT FOR BLOCK 1318 LOT 3 (Received from Collector 3/11/11)

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19. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$6,304.72 TO KONSTANTINA VLACHOS TRUST ACCOUNT DUE TO FIRST QUARTER 2011 TAX OVERPAYMENT FOR BLOCK 2303 LOT 10 (Received from Collector 3/17/11)
20. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$67,040.71 TO ROYAL TAX LIEN SERVICES, LLC FOR REDEMPTION OF TAX SALE CERTIFICATE #08-00007 FOR BLOCK 1606 LOT 3, ALSO KNOWN AS 47 TRAUTWEIN CRESCENT, SOLD AT THE MUNICIPAL TAX SALE HELD 7/8/09 FOR 2008 DELINQUENT TAXES, **AND** ISSUING A SEPARATE CHECK IN THE AMOUNT OF \$46,600.00 IN THE PREMIUM PAID AT TAX SALES TRUST ESCROW ACCOUNT (Received from Collector 3/17/11)
21. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$19,623.28 TO M & D ASSOCIATES FOR REDEMPTION OF TAX SALE CERTIFICATE #08-4 FOR BLOCK 1607 LOT 3.10, ALSO KNOWN AS CLOSTER COMMONS UNIT C10, SOLD AT THE MUNICIPAL TAX SALE HELD 6/19/08 FOR 2007 DELINQUENT TAXES (Received from Collector 3/17/11)
22. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$119,910.62 TO ROBERT ROTHMAN FOR REDEMPTION OF TAX SALE CERTIFICATE #08-8 FOR BLOCK 2306 LOT 14, ALSO KNOWN AS 6 MEADOWS LANE, SOLD AT THE MUNICIPAL TAX SALE HELD 6/19/08 FOR 2007 DELINQUENT TAXES (Received from Collector 3/17/11)
23. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE TOTAL AMOUNT OF \$68,254.59 TO CORE LOGIC FOR TAX OVERPAYMENTS CREATED BY DUPLICATE PAYMENTS IN THE 40 LISTED TAX ACCOUNTS, REQUESTED BY THE MORTGAGE COMPANY (Received from Collector 3/17/11)
24. ~~APPOINTMENTS OF THE FOLLOWING *SALARIED* EMPLOYEES MADE AT THE REORGANIZATION MEETING HELD 1/4/11 (Which have not been accepted at time of preparation of this Agenda) TO BE PREPARED BY ADMINISTRATOR~~

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
DESK DISPATCHER			
PART TIME	<u>Charles X. Anders, IX</u>		Undetermined term not
PART TIME	<u>Neal Richards</u>		to exceed 1 Year

25. RESOLUTION AUTHORIZING THE DEPUTY TREASURER TO RELEASE PERFORMANCE BOND IN THE AMOUNT OF \$290,485.20 POSTED BY K&H GROUP, LLC RE DEVELOPER'S AGREEMENT FOR BLOCK 1601 LOTS 1 & 2 FOR SATISFACTORY COMPLETION OF REQUIRED IMPROVEMENTS (Received from Deputy Treasurer 3/17/11)
26. RESOLUTION AUTHORIZING THE RUDICK FAMILY TO PLANT A RED OAK TREE AT MEMORIAL FIELD IN MEMORY OF RICHARD RUDICK (Received from Borough Attorney's office on 3/17/11 in absence of Administrator and Administrative Secretary)
27. ~~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)~~

MOTIONS

28. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed via e-mail on 3/18/11)
  - a. REGULAR MEETING OF MARCH 9, 2011 - ABSTENTION: AMITAI
  - b. WORK SESSION OF MARCH 9, 2011

CLOSTER MAYOR AND COUNCIL  
 REGULAR MEETING MINUTES – MARCH 23, 2011 - 7:30 P.M.

29. 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	<u>Grace Kim Kook</u>	2 Years	12/31/12
RECREATION COMMISSION Associate Member	<del>Mark Sheeran</del> D. Pangburn	1 Year	12/31/11

30. 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 Years	12/31/12

31. REPORTS

Acceptance of the following reports:  
 (None received at time of preparation of this Agenda)

6b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

32. 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)

Jesse Rosenblum, 65 Knickerbocker Road, questioned the total amount of tax reductions in tax appeals this year. Borough Attorney advised that the Tax Assessor would have that figure and would be able to break down the figure. Mayor Heymann said that the number and expense was less than average because of the revaluation done on 2009.

Steve Isaacson, 97 Columbus Avenue, expressed his disagreement with how the meeting was opened to the public. He thanked Mayor Heymann for looking into the bus issue, which is very important to the Borough. He questioned if it was determined who hacked down the tree at the Library; and Chief Berrian noted that same is still under investigation. Mr. Isaacson reminded the Council that the School Budget meeting would be held tomorrow at the Middle School Library. He referred to the use of Ken's Tree Service for chipping in exchange for use of the field and questioned why the Borough was buying a chipper. Mayor Heymann answered that the chipper is needed for what is put out along the Closter streets and is not meant to be used at the compost site. Relative to his question on the CAP, Mayor Heymann said that the CAP is not being exceeded. Borough Administrator explained that the Ordinance provides a CAP Bank that could be used in a future year if there were extraordinary circumstances that required it. The ordinance allows the Borough to add to the CAP Bank each year the amount by which we are under the CAP; and, at present, it amounts to several hundred thousand dollars. This is not money but capacity that we could use.

Jerry Boyarsky referred to the Land Use Meeting (held 3/19/11) and the interest in attracting people to the middle of town. He suggested that the middle of town become a restaurant row concept that could be successful in attracting people to the business center of Closter. Cooperation of the business owners and the Mayor and Council would be necessary. There could be programs of cooperative advertising, coupons, sidewalk dining or late night closing times. Mayor Heymann said that a planner would be hired to investigate the improvement of the Closter Dock Road area as one of his/her specific duties. There would be a public hearing to present different ideas; and, at present, sidewalk dining is allowed by ordinance. Mr. Boyarsky said that a planner would take months; and now is the time to start something since we are at the beginning of Spring. Councilwoman Amitai expressed her support.

Steve Isaacson, 97 Columbus Avenue, noted that if half of the stores are daytime stores and half are nighttime stores, the parking problem would be eliminated. Nighttime stores should be encouraged.

Jesse Rosenblum, 65 Knickerbocker Road, asked if Hometown Hardware could put a barbecue outside the store and prepare food. Borough Attorney said that permits for same would be needed. Selling of food at Memorial Field is regulated by the Board of Health and permission from the Mayor and Council is needed.

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES – MARCH 23, 2011 - 7:30 P.M.

- 32a. Motion approving the following Closed Session Resolution at 8:52 p.m. was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann on an 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)(7)“A matter falling within the attorney-client privilege; 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 6 weeks.”

Mayor Heymann resumed the meeting at 9:39 p.m.

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

Mayor Heymann announced that this was the week to sign up for mulch. She referred to a letter from the Zonta Club sponsoring a walk on April 30<sup>th</sup> and she asked that it be placed on the next Mail List. Mayor Heymann noted that she had written an article for the Press Journal on Police Consolidation; and Mr. Glidden voiced his appreciation for same.

Borough Attorney referred to the resolution memorialized this evening regarding the deviation from our ordinance for the payment of sick time to dispatchers whose positions are being eliminated; and asked for authorization to prepare an ordinance to that effect for introduction at the next meeting.

33a. RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO PREPARE AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF SICK TIME TO DISPATCHERS WHOSE POSITIONS ARE BEING ELIMINATED.

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

- 33b. In response to the Borough Attorney’s request regarding COBRA, and Dr. Barad’s inquiry, Ms. Amitai encouraged pursuit for the payment of COBRA.

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

34. ADJOURNMENT

Motion to adjourn the meeting at 9:42 p.m. was made by Councilman Kashwick, seconded by Councilman Glidden and declared unanimously carried by Mayor Heymann.

Provided via e-mail to the Mayor and Council on April 1, 2011 for approval at the Regular Meeting to be held April 13, 2011

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held April 13, 2011  
Consent Agenda Item No. 22a.

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION NOTES – MARCH 23, 2011 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, March 23, 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 and published on January 9, 2011 and to the Press Journal and published on January 13, 2011, posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

Those present were the following:

Mayor Sophie Heymann  
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad,  
Arthur Dolson and Victoria Amitai  
Borough Administrator, Quentin Wiest  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola  
Chief of Police, David Berrian

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF MARCH 10, 2011 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 4 was removed by Councilman Glidden.

Item No. 4: Received 03/07/11, dated 03/03/11 from Wallace Nowosielecki, Treasurer, CFO, Bergen County Utilities Authority (BCUA), to Loretta Castano re Notice of BCUA 2011 Wastewater Service Charges in the amount of \$792,073.62; original invoice #INV0003026 in the amount of \$198,099.62 for 1<sup>st</sup> Quarter 2011 Wastewater Service Charge (Copy of letter & ORIGINAL invoice to Administrator on 3/07/11)

Councilman Glidden questioned the Administrator if \$792,073.62 was the number we expected for sewer charges; and Mr. Wiest affirmed it was to the penny.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – MARCH 23, 2011 - 7:30 P.M.

At this time, the Mayor remarked about a bulletin provided to her by Steve Isaacson, which she feels is related to this issue. Mayor Heymann informed that Red and Tan Bus Line is eliminating essentially all of the routes that go between Closter and the George Washington Bridge. Since they had previously eliminated a good many of those trips that were on Route 20 a long time ago, these eliminations pertain to Route 14. In the period of time that we were trying to encourage people to use public transportation, Red and Tan was going in the other direction. She called Matt Morris, our liaison to the Governor's Office and explained this was an urgent matter; and he really took up on it. He called NJ Transit, who held a meeting within the past 24 hours and responded to the Mayor via voicemail. She said she would keep everyone apprised as to what we can do or if we can petition them in some way, hopefully, tomorrow. If there is some rational solution they are preferring, because the question posed was: Can NJ Transit, a publicly funded corporation, take over any of the responsibilities of Red and Tan for business reasons. She will advise as soon as news is received.

b. MAIL LIST OF MARCH 17, 2011 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 6 was removed by Councilman Barad; Item No. 7 was removed by Councilman Glidden.

Item No. 7: Received 03/16/11, dated 03/16/11 from Lauren P. Vande Vaarst, RMC, Clerk, City of Englewood, to Robert E. Laux, Executive Director, BCUA, c: Bergen County Executive, Clerk to the Bergen County Board of Chosen Freeholders, Municipal Clerks re Resolution # 077-03-15-10 Protesting the 5% Fee Increase for 2011 from The Bergen County Utilities Authority

Councilman Glidden wanted to make a note of this item because feels the 2011 BCUA charges are already bloated. Borough Administrator spoke to the BCUA earlier in the year and it was explained that their rates would be going up 5%. He explained this does not directly mean that any particular town's bill goes up 5% because they base your town's bill on the gallonage of the flow rate they measure for the prior year, and the dissolved solids they find in your material; and noted it is an elaborate formula. He further explained that in any one year some towns go up and some towns go down; this year we went up a little over 3% which is still more than we would like; and there were other towns that went up more and some that went down. The same rates apply to everybody and went up just over 5%. In response to Councilman Barad, Councilman Glidden explained that the rate itself is set by the number of flow. The problems a lot of towns are facing is a lot of inflow of rainwater which makes the rates go up. He explained that everybody's individual rates are based on their individual flow. In response to Dr. Barad, the Borough Engineer agreed that if we had a steady flow, our charges would remain the same, but we actually had a little less this year. Dr. Barad pointed out that the resolution reminds that we have a 2% cap and the BCUA is increasing rates by 5%. Dr. Barad feels it would be a good idea to echo the same resolution. Councilman Glidden recommended that a similar resolution be prepared for the next meeting to be held April 13, 2011; and no objections were voiced.

Item No. 6: Received 03/16/11, dated No Date from Bergen County Division of Cultural & Historic Affairs, to Mayor re 2011 Bergen County Historic Preservation Commendation Awards Nomination Form; Nomination Deadline: Friday, 4/1/11 (Copy to Historic Preservation Commission)

Councilman Barad questioned if anyone has looked into a recommendation or if it is something we need to work on. Mayor Heymann explained that as there were two awards made

last year, it would be worth their while to contact the HPC to see what they have in mind. Councilman Kashwick voiced his understanding that the Commission was going to nominate the committee that arranged the 300<sup>th</sup> Anniversary last year.

6. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING  
(Refer to Regular Meeting Agenda of March 23, 2011)

At this time, Mayor Heymann announced she wished to inform anyone who did not receive her e-mail response to the question posed at the last meeting as to why there were so many tax overpayment resolutions. She read from certain portions of her e-mail; and noted that a number of banks pay real estate taxes for their clients in bulk and do not check if an attorney or homeowner is also paying the taxes. Mayor Heymann explained that only the actual amount owed is credited to the property; and the balance goes into a special account that is not included in real estate receipts. Refunds come out of that account and have no impact on our actual budget.

Mayor Heymann added that the Tax Collector informed her that this will be true this month since one bank alone overpaid by \$68,000 and all of that has to be reconciled.

Councilman Dolson clarified that the question that was posed was why did we accept the checks without verification that there is an outstanding balance. He noted they all understand there are clerks out there who are making mistakes, but why should we become part of that group. Mayor Heymann explained that revenues that are received must be deposited within (48) hours according to law; so we can't hold anything because the law does not permit it. Councilman Glidden asked why the checks were not sent back. Councilman Dolson asked how many hours could it take to take to check and verify the account. Borough Administrator advised that the Borough Auditor indicated to him as well as Mr. Mariniello that upon refinancing of a mortgage, there is another lender involved and overpayments occur.

At this time, Mr. Wiest informed he wished to remove Consent Agenda Item No. 11 advising that there would be no additional transfers necessary for 2010.

Mayor Heymann reminded that she would be removing Consent Agenda Item No. 27.

At this time, in answer to Councilman Kashwick, Mayor Heymann explained that the Legislature and Governor have removed Library funding from the CAP and must be listed separately outside of the Budget on the tax bill but would still be part of the total budget. Borough Administrator advised that every town in New Jersey would have to amend its budget as a result of this change; it does not change what taxpayers would pay only the presentation of same would change.

Mayor Heymann asked if any member of the Council or public wished to discuss any item(s) on the Consent Agenda and invited comments at this time.

9. INTRODUCTION OF THE FOLLOWING ORDINANCE(S) – PUBLIC HEARING (S)–  
TUESDAY, 4/26/11, @ 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  
3/17/11)

Borough Attorney advised that this amendment is for the Board of Ethics and provides for a definition of public member. Section 18-4(A-1) has been amended to provide for information to be sought from various entities 30 days prior to an appointment; and if no information is received, the Mayor and Council has the right to make the appointment. It is the intent to take the Board out of politics and maintain Board objectivity. Councilman Barad requested that the 30 days be from the date of receipt of the notification by the Chairmen. No objections were expressed by Council members. Therefore, the introduction of this Ordinance was removed from the Consent Agenda for the necessary changes to be made.

### RESOLUTIONS

11. *POSSIBLE TRANSFER RESOLUTION NO. 6 (Requested by Administrator 3/11/11)*
  
14. RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12a. and N.J.A.C. 5:34-7.29(c) for Commodity/Service: Tires & Tubes; Vendor: C&C Tires Inc., 21 Route 17 South, East Rutherford, NJ 07073; State Contract #A71687; Max. Amt.: \$4,100.00 and Commodity/Service: Park & Playground Equipment & Parts; Vendor: Marturano Recreation Co., Brook 35 Park, 2130 Route 35 Bldg. B/Ste. 222, Sea Girt, NJ 08750; State Contract #A59092; Max. Amt.: \$69,000.00 (Received from Administrator 3/11/11)

Steve Isaacson, 97 Columbus Avenue, referred to Resolution No. 14 and questioned what was the money being spent on; and Borough Administrator advised that this was a matching grant from the County of Bergen that had been received some time ago for playground equipment at Ruckman and Memorial Parks. Mr. Isaacson again requested an accounting of Recreation expenses; and Mayor Heymann said that she had provided the information. Councilman Glidden advised that a major portion of the expense is for equipment at the northern end of Memorial Park which is extremely old and deteriorated. Councilman Barad questioned if this was new equipment we were purchasing, or if it was a memorialization of something we already bought and Borough Administrator clarified it was for a new acquisition. Councilman Dolson reminded these are public parks that are open to all residents, not just specifically for use by the Recreation Commission. Councilman Barad questioned if we identified yet what we were buying and Borough Administrator explained that beyond the description of slides and swings – it is playground equipment. Mayor Heymann noted it is replacements and Mr. Wiest corrected that some are but some are new additions.

26. RESOLUTION AUTHORIZING THE RUDICK FAMILY TO PLANT A RED OAK TREE AT MEMORIAL FIELD IN MEMORY OF RICHARD RUDICK (Received from Borough Attorney's office on 3/17/11 in absence of Administrator and Administrative Secretary)

In answer to Councilman Kashwick, Mayor Heymann explained that the resolution was intended to provide a policy for future decisions. Borough Attorney explained it is a policy call but strongly recommended that criteria should be established going forward. Councilwoman Latner explained the family's intent was to establish a protocol to go forward. Mayor Heymann voiced her understanding that the rules were spelled out but not the policy. Mr. Rogan explained that going forward we should look at it again to memorialize it objectively as opposed to using names. Councilman Barad questioned the manner in which this would be accomplished. Borough

Attorney explained it would be an administrative policy; and encouraged its being memorialized in a resolution. Dr. Barad suggested bringing the resolution to the Commissions responsible for participating in this to make sure they agree and then bring it back as a formal resolution.

27. 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).

Mayor Heymann noted that this resolution has been removed from the Consent Agenda.

7. COMMITTEE REPORTS

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

1) STATUS REPORT RE CLOSTER WEBSITE – Councilman Dolson informed he had nothing new to report regarding the website.

2) STATUS REPORT RE MUNICIPAL BUDGET – Councilman Dolson noted they had just discussed the introduction of the budget and related ordinances and resolutions this evening. He voiced his opinion that the Committee worked very hard on it and it is in good shape. Mr. Dolson remarked that he feels it is not at all like the ones they see in the papers that are not in good shape and we can be proud and grateful for all the input from all the participants and he feels they should support it. Mayor Heymann reiterated that we are in the minority of communities that provide all the information including pre-adoption of the budget and other measures on the web for the community to review it and participate in it. She said there is such a dearth of other communities that are doing this that the Legislature is contemplating regulations requiring this.

3) REPORT – Councilman Dolson informed he had no Council Liaison reports this evening.

B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

1) REPORT – Councilman Glidden informed he had no report except some small items for closed session. Borough Attorney inquired of the nature of the matters and no reply was provided.

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

1) REPORT – Councilwoman Latner reported there will be a DPW meeting next week and she had nothing new to report since the last meeting.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad informed the next Ordinance Committee meeting is scheduled to be held April 5th. They are still working on changes to the tree ordinance; unfortunately he missed the meeting on the sign ordinance which was held last evening; he attended the Joint Board Meeting held Saturday, 3/19/11, which promises to give the Ordinance Committee some work in the future but nothing yet because they are waiting for guidance from the Planning Board. Dr. Barad spoke to the Chamber of Commerce members after that meeting; and he feels it will be useful to obtain input from them as to their specific objections. So far, all we have heard is that they are not happy, but as they get more organized, now that they are close to 100 members, maybe we can get a better idea of what they are not happy about. He said perhaps they can adjudicate those things and see how things will be affected going forward, especially as we discuss zoning and planning. He is looking forward to

7. COMMITTEE REPORTS

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

it. Mayor Heymann said some of those things were discussed at the Joint Meeting and she feels it was very productive. She informed some of those issues were discussed again at the Sign Committee meeting last night which had 12 attendees not including Dr. Barad.

- 2) REPORT RE FOLLOW UP OF MAYOR AND COUNCIL RESOLUTION NO. 15c ADOPTED AT RM 1/12/11 “AUTHORIZING THE FORWARDING OF A PROPOSED REVISION TO THE HISTORIC PRESERVATION ORDINANCE TO THE PLANNING BOARD FOR REVIEW AND COMMENT FOR THE PURPOSES OF CLARIFYING TWO SECTIONS” (WS 1/26/11) – Dr. Barad requested that this item be removed

from his Agenda.

- 3) STATUS REPORT RE REQUEST FOR NAME CHANGE AT VETERAN’S MEMORIAL PARK AND A NEW SIGN
- 4) REPORT

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS - Councilman Kashwick informed the Human Resources Committee has not met in the past few weeks but they are trying to schedule one for next week.

- 2) REPORT – Councilman Kashwick reported on the following:

a. Historic Preservation Commission – The new historic street signs for 4 locations are in and should be installed shortly. The streets that are going to receive the signs are as follows: Demarest Avenue & Durie Avenue; High Street & Durie Avenue; Legion Place & Demarest Avenue; and outside of Borough Hall. The Commission is looking for other properties or a district to do this year; they have been working on that. He informed that the Commission members are registered at Drew University for a number of courses this year to maintain their knowledge of historic preservation.

b. Shade Tree Commission – He will have the Arbor Day Proclamation ready for the Mayor to sign at the next meeting. They have not heard about the Tree City designation as of yet. Arbor Day is scheduled for Friday, 4/29/11, at Hillside and Tenakill Schools; and an event is planned for the afternoon of Saturday, 4/30/11 at Hagen Park. The planting schedule for 2011 will take place only in the Fall; there will be no Spring planting this year.

c. Environmental Commission – The plans for the barn are coming along. The Green Team is planning a cleanup for the same day as the Nature Center cleanup to be held on Saturday, 4/9/11, from 10 a.m. to 1 p.m. The next meeting will be 3/31/11 at 6 p.m. at the Closter Nature Center. Regarding the Conservation Zone, Beth Ravit (Chair, E.C.) had a conversation with John Lignos (Chair, Planning Board) and he had said because it was only Borough properties, the Planner would not be needed for this; Mr. Kashwick requested clarification. Mayor Heymann informed the Planner is involved in this and the RFQ is going to include the Conservation Zone. The Borough Attorney explained that he was present at that meeting and Mr. Lignos stated that if we wanted to speed it up, the Conservation Zone could be done separate and apart from other properties which would make it much quicker as opposed to adding on other private properties which could lead to objections and zoning issues and will slow the process down. The conversation was that it could be done in an expedited manner whereas if you are going to link it to the others, it will slow it down.

7. COMMITTEE REPORTS

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

Mayor Heymann informed that a while ago, JoAnn (Riccardi) had explained to her that creating a conservation zone is more than an ordinary ordinance; it is creating a whole system. She felt that someone who was specifically qualified to do that should be assisting us. The Borough Attorney clarified that was only if we intended to include other properties; and reminded that at the time of the discussion, they had a list that included private properties. Mayor Heymann informed this was a recent conversation where it was discussed that the writing of a separate zone was more complex; and the Borough Attorney stated that he agreed only if it included more than Borough property. The Mayor said the Planning Board had given the idea of including other than Borough property some time back. Dr. Barad informed they had tried to bring this back to the Ordinance Committee after the last time it was discussed and at that point, JoAnn made a recommendation that we needed a Planner. The Borough Attorney clarified that it would help but is not really necessary, only it protects them from somebody challenging it. In response to Mr. Kashwick, the Borough Attorney said if we have a Planner we could run it by him, but not to hold up on the project for that. He does not feel that we need a study of our own property. Mayor Heymann voiced her understanding that it was not to complete a study, rather to have assistance in drafting the ordinance.

At this time, in light of the events in Japan, Mr. Kashwick pointed out there is a nuclear power plant only 20 miles north of us, which is an aging facility – about 40 years old – has re-licensing coming up in 2014. He questioned if the Council would be amenable to passing a Resolution encouraging our elected officials to write the NRC to oppose the re-licensing of this facility. It was identified by the Nuclear Regulatory Commission as being at the highest risk of core damage as a result of an earthquake, even greater risk than the one built on the San Andreas Fault in California. No objections were voiced; and Mr. Kashwick informed he would prepare a Resolution regarding same for the next meeting (RM 4/13/11). Dr. Barad wanted to see how it would be written so that it is specific to this site due to its age.

At this time, the Borough Engineer remarked that he has seen other historic signs placed elsewhere in the Borough that do not conform to the new requirements of the Manual Uniform Traffic Control Devices. He informed there needs to be mixed height lettering with capital and lower case, with the lower case being 75% of the height and a lot of other technicalities; and the new signs don't conform to that. He suggested they contact the sign vendor and explain that these are nice signs but they do not conform to the current standards that are mandated as of 1/9/12. If at all possible, he suggested sending them back and requesting new signs that conform to the standards. In response to Mrs. Amitai, Mr. DeNicola clarified that all signs need to conform to the new regulations as of 1/9/12. There have been a lot of comments that this is a very quick turnaround and there's no way they can get all of their signs replaced in a two year period. They think the date should be amended, but thus far they haven't done so. Mr. Kashwick questioned if all non-conforming signs in the Borough had to be replaced; and the Borough Engineer affirmed that all street name signs need to be replaced because currently they are all capital lettering. He informed they are no longer standard. In response to Dr. Barad, the Borough Engineer informed there was no exception for historic districts – only plaques are excluded from that because this pertains to street name signs. Mr. Kashwick questioned the expense for every municipality to replace all of their signs; and Mr. DeNicola affirmed that is why they are pushing for legislation to push the date back. People have been asking for a year and nothing has changed yet. His suggestion was that all signs going forward be ordered compliant in case the legislation doesn't change. In response to Mr. Kashwick he clarified this was FHWA – a federal document.

7. COMMITTEE REPORTS

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

At this time, Dr. Barad wished to inform that he spoke to someone yesterday who complained they were having trouble navigating the website to contact the Green Team; and questioned if that information was on yet. Mr. Kashwick responded that he did not believe it was but they do need to get that up there. Mayor Heymann informed she would follow up on same.

F. ~~PRIVATE CONSTRUCTION, LAND USE, ZONING ENFORCEMENT & NEW-BUILDINGS~~ LAND USE AND CONSTRUCTION – AMITAI (BARAD/DOLSON)

(per ByLaws adopted RM 3/9/11)

1) REPORT – Councilwoman Amitai reported on the following:

a. Building Department – Mrs. Amitai informed she spoke to the Building Department today and there is a substantial application coming in from Locale for an outdoor café. Mrs. Amitai informed there haven't been any demolitions lately but there are a few coming in. Piermont Road where Peking Duck was is moving along and significant work is being done. Across the street from that - 380 Piermont (Road) is actually reconstruction even though only 2 little walls remain, it is not considered a new house. Mayor Heymann informed it is a small lot and the Borough Engineer added that it is a narrow lot.

Mrs. Amitai informed that a couple of jobs have been stopped due to work being done without a permit. Youngmin Woo is still working on Closter Plaza and parking lot repair. Property Maintenance regarding 131 West Street; neighbors keep coming in to the Building Department asking when it is going to happen – please resolve it because they can't sell their property. The Borough Attorney informed he spoke to one of the neighbors the day before yesterday; and he told her it would be approximately 45 days. He updated the Council that the Construction Official is going to prepare a report in conjunction with the Board of Health and Fire Official. Once that is prepared, Councilman Dolson will be contacted and a hearing will be scheduled. Mr. Rogan informed there are noticing requirements that have to be taken care of which is why he is estimating 45 days.

Mrs. Amitai reported that regarding Denny Wiggers, she understands that Lenny (Sinowitz, Zoning Officer) did a cease and desist on the work that is being done on that property because of Westminster. In response to Mrs. Amitai, the Borough Attorney explained that on Saturday, Lenny had told him that Mr. Wiggers hadn't filed an appeal; maybe he had and Lenny was just not aware of it yet, which is also possible. Mr. Rogan said that if he has filed, and it was within 45 days, it would probably stay the action.

Mrs. Amitai reported that they are working on cleaning up old scofflaw residents; owners of property that have not gotten their Certificate of Occupancy in more than 4 years. She explained that one each week is being brought to Municipal Court.

b. Improvement Commission spoke again about the intersection of Herbert Avenue and Closter Dock Road and they were wondering if the electronic sign could be placed there that says "You must stop for crosswalk" and maybe even post a Policeman there who will issue a ticket if they don't, for a short period of time. Chief Berrian informed that currently the sign is on Herbert Avenue for speed; and now that it is nicer, it will get moved about town for different public safety issues.

Mrs. Amitai reported they have a few new members on the CIC from a younger generation who do everything online – from all their shopping, registering their children for school and ordering lunches etc. They have requested we take a look at our website to make it more user friendly; and they will be providing a list of suggestions based on things they have been trying to do but can't accomplish easily, and also provide information from other websites as examples.

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F. ~~PRIVATE CONSTRUCTION, LAND USE, ZONING ENFORCEMENT & NEW BUILDINGS~~ LAND USE AND CONSTRUCTION – AMITAI (BARAD/DOLSON)

(per ByLaws adopted RM 3/9/11)

They have also requested we try to do something better for our youngsters in the Summer months; Tenafly and Cresskill have wonderful summer month programs. They and their other friends don't understand why they have to go to another Borough. Mrs. Amitai knows we have a small program here in town, but it is not the kind of program they are looking for. Mayor Heymann reminded that we had tried to get a day camp 2 years ago and it came before the Council for quite a long time. She wanted to add that at that time it did not work out. Mrs. Amitai recalled that it was from an outside vendor and these other towns use their Recreation Departments. Mayor Heymann explained that they had discussed it both ways – through the Recreation Fund or through an outside vendor; and at that time, neither way panned out. She explained that one of the problems that arose was that they had no place to have the children if the weather was poor so that we couldn't run a camp if it was pouring rain or 102 degrees out.

Mayor Heymann said it was pointed out to her that the Girl Scout Cabin at Mollicone Park is available and the Lions will refurbish it. She said it has very good facilities which would mean we have a really great place with a ball park and an inside building. Mayor Heymann voiced her opinion that it takes a very long time to set something like this up; and it is a very large responsibility. She doesn't think it could be done for this year, but maybe at the end of the Fall they could see about setting it up for 2012.

Mr. Glidden wanted to point out that other towns, like Tenafly, that are around 16,000 people is double the size of Closter; and you do have to have a certain core of demand for that service. There has been a question on the part of the Recreation Commission as to whether there were enough youngsters to make up a viable program. They have done their best to facilitate these youngsters from Closter to get into programs in other towns. Mrs. Amitai questioned how many children under the age of 13 do we have in town. Mayor Heymann estimated there are about 1,100 students in the schools and she said we could guess from that. Mrs. Latner said she is familiar because her children's friends attend Tenafly Rec. because it is a full day; and she remembers when Recreation did send out questionnaires to gauge interest. She is familiar with the Girl Scout Cabin but isn't sure how many children it could hold - certainly not enough room for an entire rainy day. The problem still resurfaces because people want a full day program and an option when the weather is not good.

There was some discussion regarding the sign boards in front of Borough Hall and the fact that they aren't updated regularly. It was suggested that if they were not going to be updated on a regular basis that they be removed entirely. Mayor Heymann informed we have 2 signs that we keep up to date: one in front of Borough Hall and the other one is to the west of the building owned by the Senior Citizens, which we have no disposing rights over them. Mrs. Amitai relayed that it is felt that this is an antiquated way of getting messages out. She explained that people with children in school get text and e-mail messages from the school as opposed to a sign. Dr. Barad voiced his opinion that most people would rather have a sign board than junk e-mail. Mayor Heymann noted that the students, faculty, and moms at the high school who had the fashion show begged us to put a message on the sign board because they wanted to reach more people that way. Mrs. Amitai also relayed the sentiments that the landscaping placed up against the sign make it harder to reach. Mayor Heymann responded that Marek (Skowron, Building Maintenance) could change it any time they want him to do so. Mr. Dolson remarked about the new electronic sign in Demarest at the corner of Hardenburgh Road and County/Piermont Road. The Council members

7. COMMITTEE REPORTS

F. ~~PRIVATE CONSTRUCTION, LAND USE, ZONING ENFORCEMENT & NEW-BUILDINGS~~ LAND USE AND CONSTRUCTION – AMITAI (BARAD/DOLSON)

(per ByLaws adopted RM 3/9/11)

voiced their opinions about the sign and its location. Mrs. Amitai relayed another request from the CIC members asking to remove the fake snow in front of Borough Hall; and Mayor Heymann responded that same is already gone.

The Improvement Commission would like to hold a Closter Family Fair in late September or early October that would incorporate rides, contests, a petting zoo and vendors. She hopes some of the other committees will assist in the planning.

Mrs. Amitai questioned Mr. Kashwick regarding the Shade Tree Commission Minutes that she did not see the CIC on the list for trees at the foot of Herbert Avenue and Homans Avenue. Mr. Kashwick responded that those were included as a planting location for memorial trees.

7. OLD BUSINESS

8. NEW BUSINESS

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

10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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

12. ADJOURNMENT

Motion to adjourn the Work Session at 8:20 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided via e-mail to the Mayor and Council on March 31, 2011 for approval at the Regular Meeting to be held April 13, 2011.

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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 13, 2011  
Consent Agenda Item No. 22b.