

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – AUGUST 22, 2012 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:34 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 6, 2012 and to the Star Ledger and published on January 7, 2012, was posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

2. ROLL CALL

The following persons were present:

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

3. 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 4/11/12 and were published in The Record on 4/17/12 as stated in the affidavit of publication. Reprint 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.

At the Regular Meeting held 5/9/12, these ordinances were adjourned to the Regular Meeting of 5/23/12.

At the Regular Meeting held 5/23/12, these ordinances were adjourned to the Regular Meeting of 6/13/12.

At the Regular Meeting held 6/13/12, these ordinances were adjourned to the Regular Meeting of 6/27/12.

At the Regular Meeting held 6/27/12, these ordinances were adjourned to the Regular Meeting of 7/11/12.

At the Regular Meeting held 7/11/12, these ordinances were adjourned to the Regular Meeting of 7/25/12.

At the Regular Meeting held 7/25/12, these ordinances were adjourned to this Regular Meeting.

At the Regular Meeting held 8/8/12, these ordinances were adjourned to this Regular Meeting.

A) ORDINANCE NO. 2012:1122: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CLOSTER AND AMENDING SCHEDULE A: LIMITING SCHEDULE"

B) ORDINANCE NO. 2012:1123: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CLOSTER AND AMENDING SCHEDULE A: LIMITING SCHEDULE TO ADD PROVISIONS FOR HISTORIC PRESERVATION AND AMENDING CHAPTER 35, ARTICLE VII, HISTORIC PRESERVATION, TO CROSS REFERENCE THE LIMITING SCHEDULE"

Mayor Heymann announced that Ordinance Nos. 2012:1122 and 2012:1123 were being removed from the Agenda. Councilman Barad explained the Planning Board Attorney advised that to adopt these ordinances would be illegal so they were being pulled. Councilwoman Amitai requested a vote to determine whether the Council wished to pursue the subject matter of these ordinances in the future. Mayor Heymann explained that it would only be fair to allow the Planning Board and Legislative Committee bring something to the Council that reflects the appropriate point of view on the matter and said they are not starting at square one, rather rewriting the legislation because it does not represent what the Planning Board actually decided.

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Councilwoman Amitai again requested a poll be taken to see if they wished to pursue these items at all. The Borough Attorney explained the process would involve a motion to move and see if a second is made and if there is a vote taken; but without a second it dies on the floor.

Mayor Heymann reiterated that the intent of the Planning Board is not reflected as these ordinances are written and to take a vote would be to go against the Planning Board. She requested they be rewritten to properly reflect the intent to be fair to all parties. The Borough Attorney advised Mrs. Amitai that they cannot take a vote whether or not to pursue an issue; the vote would be to approve adoption of the ordinances.

Motion to adopt Ordinance No. 2012:1122 was made by Councilwoman Amitai.

Dr. Barad again explained that even if these ordinances were voted down, it doesn't preclude them from proposing similar ordinances; and Mrs. Amitai said she understood. Councilman Glidden voiced his understanding that the Council does understand what these ordinances are all about and the Planning Board has spent a great deal of time drafting and rewriting them. He feels the Planning Board is owed a letter on the Council's behalf if it is, in fact, their position to be in favor or not in favor of them.

Mayor Heymann explained that when they realized that what was published in the paper and what is up for adoption does not specifically cover the intent of the Planning Board, the Legislative Committee had an emergency meeting on the subject. It was decided the Legislative Committee would prepare the new draft and send it to the Planning Board after it has been checked by the Council, effectively reversing the process. Councilman Glidden voiced his opinion to take a vote on these ordinances knowing they are not written as intended would not be appropriate. He offered to call Chairman John Lignos personally and inform him the Council wishes to express their opinion openly on these subjects.

In answer to Councilman Dolson, the Borough Attorney affirmed that without a vote to adjourn or a second, these ordinances will die. Councilman Barad reiterated at this point in time the proposal is for these ordinances to die; that is why they are being pulled. He explained his intention to bring these back to the Council after having been written appropriately. These ordinances do not require a vote as they are already a dead subject. The underlying premise will come back to the Council.

Councilman Glidden expressed his desire to hear the Council's opinion on same so they could relay their position to the Planning Board. He voiced his opposition to LEEDS.

Borough Attorney advised they needed to address the motion and agreed with Councilman Barad this is not the appropriate forum to discuss one's favor or opposition.

The Borough Attorney announced that no second was made; and due to the lack of a second, Ordinance No. 2012:1122 dies without further comment.

Motion to adopt Ordinance No. 2012:1123 was made by Councilwoman Amitai.

The Borough Attorney announced that no second was made; and due to the lack of a second, Ordinance No. 2012:1123 dies without further comment.

4. MAYORAL APPOINTMENT OF No Appointment TO SERVE AS MEMBER OF THE ENVIRONMENTAL COMMISSION FOR A 3-YEAR UNEXPIRED TERM (RAVIT) TO 12/31/14 (3. M.L. 6/21/12 – Resigned effective 6/17/12)

5. MAYORAL APPOINTMENTS (*NON SALARIED*) TO THE FOLLOWING COMMISSIONS (Not made at the Reorganization Meeting held 1/3/12/Adjourned from RM 1/11/12; 1/25/12; 2/8/12; 2/22/12; 3/14/12, 3/28/12; 4/11/12; 4/25/12; 5/9/12; 5/23/12; 6/13/12; 6/27/12; 7/11/12; 7/25/12; 8/8/12):

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
ENVIRONMENTAL COMMISSION				
Alt. No. 2	(Adam Nock resigned)	_____	2 Year un-expired to	12/31/12
SHADE TREE COMMISSION				
Alt. No. 2	Kathi Cochran	_____	4 Year	12/31/15

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6a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 7, 7a., 7b., 8, 14 and 15 was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

ORDINANCES

7. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING – MONDAY, 9/24/12 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

ORDINANCE NO. 2012:1130 – “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 173 OF THE CODE OF THE BOROUGH OF CLOSTER, SPECIFICALLY SECTION 173-27D” (Received from Borough Attorney 8/9/12)

7a. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING – MONDAY, 9/24/12 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

ORDINANCE NO. 2012:1131, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$55,000.00 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Administrator 8/20/12)

7b. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING - 9/12/12 @ 8:00 P.M.:

ORDINANCE NO. 2012:1132, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$65,000.00 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Administrator 8/22/12)

RESOLUTIONS

8. BILL RESOLUTION – AUGUST 31, 2012  
TO BE PREPARED BY DEPUTY TREASURER

9. RESOLUTION MEMORIALIZING ACTION TAKEN AT THE PUBLIC HEARING HELD 8/8/12 APPROVING WAIVER OF THE SIDEWALK REQUIREMENT OF CLOSTER CODE FOR PROPERTY LOCATED AT 51 WILLOW ROAD, BLOCK 1901, LOT 26 (Received from Borough Attorney 8/10/12)

10. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE REFUND CHECK IN THE AMOUNT OF \$2,557.50 TO HARDING, LLC & THE IRWIN LAW FIRM, P.A. FOR 2011 REAL ESTATE TAX OVERPAYMENT DUE TO TAX COURT JUDGMENT (TCJ RENDERED 7/27/12) FOR BLOCK 1305 LOT 3 (Received from Collector 8/9/12)

11. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE REFUND CHECK IN THE AMOUNT OF \$5,868.92 TO TITLE SOURCE FOR 3<sup>RD</sup> QUARTER 2012 REAL ESTATE TAX OVERPAYMENT FOR BLOCK 2209 LOT 2, 7 ARNOLD AVENUE, DUE TO A DUPLICATE PAYMENT (Received from Collector 8/13/12)

12. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$10,241.87 and \$32,100.00 FOR PREMIUM PAID AT TAX SALE TO US BANK CUSTODIAN PRO CAPITAL 1 FOR REDEMPTION OF TAX SALE CERTIFICATE #12-00002 FOR BLOCK 1605, LOT 14, ALSO KNOWN AS 30 TRAUTWEIN CRESCENT, SOLD AT THE MUNICIPAL TAX SALE HELD 6/28/12 FOR 2011 DELINQUENT TAXES (Received from Collector 8/14/12)

13. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE REFUND CHECK IN THE AMOUNT OF \$2,119.35 TO CORE LOGIC FOR 3<sup>RD</sup> QUARTER 2012 REAL ESTATE TAX OVERPAYMENT FOR BLOCK 1706 LOT 13, 427 CLOSTER DOCK ROAD, DUE TO A DUPLICATE PAYMENT (Received from Collector 8/14/12)

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- 13a. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR THE 2012 BERGEN COUNTY ADA SIDEWALK GRANT IN THE AMOUNT OF \$65,000.00 (Received from Administrator 8/22/12)
- 13b. RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES DURING CERTAIN LABOR DAY ACTIVITIES (Received from Borough Attorney 8/22/12)

MOTIONS

- 14. MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS/BOARDS AND COMMISSIONS (Not made at the Reorganization Meeting held 1/3/12/Adjourned from 1/11/12; 1/25/12; 2/8/12; 2/22/12; 3/14/12; 3/28/12; 4/11/12; 4/25/12; 5/9/12; 5/23/12; 6/13/12; 6/27/12; 7/11/12; 7/25/12; 8/8/12):

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
IMPROVEMENT COMMISSION				
Member	Wilson Reimers	_____	2 Year	12/31/13
Alt. No. 1	Donna Arbietman	_____	2 Year	12/31/13

- 15. MOTION APPOINTING \_\_\_\_\_ AS BOARD OF HEALTH ALT. NO. 2 FOR A 2-YEAR UNEXPIRED TERM (RAVIT) TO 12/31/13 (3. M.L. 6/21/12 – Resigned effective 6/17/12)
- 16. MOTION GRANTING APPROVAL FOR CORE THE CENTER FOR FITNESS TO CONDUCT 4<sup>TH</sup> ANNUAL 5K RUN AND SENIOR WALK ON SATURDAY, 9/15/12, BEGINNING AT 9:30 A.M. FOR APPROXIMATELY 1 ½ HOURS ON THE ROUTE PROVIDED (SWEAT FOR THE CURE FUNDRAISER TO BENEFIT ST. JUDE CHILDREN’S RESEARCH HOSPITAL) **AND** TO POST A TEMPORARY BANNER ON THE CORE THE CENTER FOR FITNESS PROPERTY AT 91 RUCKMAN ROAD **AND** TO POST TEMPORARY SIGNS IN BOROUGH RIGHTS OF WAY AT THE FOLLOWING LOCATIONS: CORNER OF PIERMONT ROAD AND CLOSTER DOCK ROAD; TRIANGLE AT OLD CLOSTER DOCK ROAD AND VER VALEN STREET; CORNER OF RUCKMAN ROAD AND PIERMONT ROAD, BY ENTRANCE TO CLOSTER A&P; CORNER OF HIGH STREET AND SCHRAALENBURGH ROAD (Approvals received from Risk Management Consultant 8/6/12 and 8/13/12)
- 17. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES: (Distributed via e-mail on 8/20/12) ABSTENTION: KASHWICK
  - a. REGULAR MEETING HELD 8/8/12
  - b. WORK SESSION HELD 8/8/12
- 18. MOTION GRANTING APPROVAL FOR TEMPLE BETH EL OF NORTHERN VALLEY, 221 SCHRAALENBURGH ROAD, TO HOLD A BARBEQUE FOLLOWED BY A SHABBAT SERVICE AT SCHAUBLE PARK ON FRIDAY, 9/7/2, FROM 5 P.M. UNTIL 9 P.M. (3. M.L. 8/16/12) (Approval received from Risk Management Consultant 8/14/12)
- 19. *POSSIBLE* MOTION GRANTING APPROVAL OF REQUEST BY DENISE SCAGLIONE FOR WAIVER OF \$75.00 CONSTRUCTION FEE FOR INSTALLATION OF WHEELCHAIR RAMP AT 34 LEGION PLACE (8. M.L. 8/16/12) – Councilman Kashwick recused himself from this vote.
- 19a. MOTION GRANTING APPROVAL FOR B.P.O. ELKS LODGE 2304, 148 RAILROAD AVENUE, TO POST SIGNS ADVERTISING THE COUNTRY WESTERN DAY TO BE HELD AT THE LODGE ON 9/15/12 FROM 5:00 P.M. TO 10:00 P.M.; THE SIGNS TO BE POSTED AT THE FOLLOWING LOCATIONS: S/W SIDE OF PIERMONT ROAD OPPOSITE THE CLOSTER ANIMAL HOSPITAL; S/W SIDE OF VER VALEN STREET OPPOSITE ENTRANCE TO MOVIE THEATER - PER DRAWINGS SUBMITTED (9. M.L. 8/9/12/Approval received from Risk Management Consultant 8/20/12)

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- 19b. MOTION GRANTING APPROVAL FOR USE OF FIRE PREVENTION VEHICLES (771 AND 775), FIRE CHIEF'S VEHICLE (751), ASSISTANT CHIEF'S VEHICLE (752) AND SUPPORT VEHICLE (767) FOR THE PURPOSE OF ATTENDING THE NJ STATE FIREMEN'S CONVENTION IN WILDWOOD, NJ, FOR THE DATES OF 9/13/12, 9/14/12, 9/15/12 AND 9/16/12 (4. M.L. 8/9/12)

20. REPORTS

- a. FIRE CHIEF – JULY 2012 (Received 8/8/12)

6b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

7. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING – MONDAY, 9/24/12 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

ORDINANCE NO. 2012:1130 – “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 173 OF THE CODE OF THE BOROUGH OF CLOSTER, SPECIFICALLY SECTION 173-27D” (Received from Borough Attorney 8/9/12)

Councilwoman Amitai voiced her recollection that the Planning Board had approved this change about a year ago and said she did not realize it was coming up. She informed she called Mike Sartori (Construction Code Official) and spoke to him and called Arthur Chagaris (the Planning Board Attorney) and spoke to him; and noted that something was missing in this ordinance. Mrs. Amitai explained there was a 4-5 page form or questionnaire that was supposed to be attached that is not with this ordinance; and it does not tell the entire story unless the whole package is present. The other issue is that Mr. Chagaris feels this ordinance is incomplete, as written, because it does not address the rules of the State under the Construction Official. Mr. Chagaris suggested that this be amended to address that as well. Mayor Heymann questioned why he waited until the last minute to raise these issues.

The Borough Attorney explained this ordinance originated from a letter from Mr. Chagaris. Mrs. Amitai informed she spoke to Mr. Chagaris today; and he said he feels it is incomplete. Dr. Barad voiced his understanding that we have been waiting for this ordinance from the Planning Board for almost a year and they finally got a letter from Mr. Chagaris saying to go ahead; and now he says today it is incomplete. Dr. Barad said he does not like the way this Planning Board works; he does not like the way their representatives to the Planning Board bring things to the Council and he is really disappointed. He reminded that this issue has been discussed at every Ordinance Committee meeting; and he has reported on it at every Council report that they are waiting for Mr. Chagaris to move forward on it. He said we finally got a letter and it was discussed at the Joint Meeting and with the Chamber of Commerce; and questioned why this was only being brought up now when it has been discussed at every single meeting for a year. Mrs. Amitai said she was not at the last Ordinance Committee meeting.

The Borough Attorney advised as follows: with regards to the affidavit, you do not attach an affidavit to the ordinance. It is referenced in the body of the ordinance and states that the proposed user must submit an affidavit and other documents satisfactory to the administrative offices. That affidavit was forwarded to us by the Planning Board; it is already an affidavit in use within the Zoning Department.

In answer to Mrs. Amitai, Mr. Rogan explained the affidavit was attached to the letter before this ordinance was introduced. He requested it from Mr. Chagaris; and it appeared on the Mail List two to three weeks ago (11. M.L. 6/28/12). Mrs. Amitai voiced her opinion that it would be most helpful to have everything in one place when they are reviewing something on which to vote. Mr. Rogan reiterated that the complete packet was provided previously. He explained his understanding is that the affidavit has existed for years and is in current use. Mrs. Amitai said she has seen many versions of this; and they had discussed making changes to it. Mr. Rogan advised no changes have been made; and he was not informed of any requests for changes to be made. Dr. Barad reminded that is not part of the ordinance; it is an administrative issue. The Borough Attorney advised that form is not part of the ordinance; and the offices that use it can alter it to suit their needs as they see fit. He reiterated this is a zoning issue and the Construction Official does not have any input regarding zoning issues such as this. Construction has nothing to do with this. This is a change of use within the same use group. A matter of any construction would need to be referred to Mike Sartori, but it is not related to this.

Councilman Dolson requested that after the term “proposed use”, the words “as defined in Chapter 3 of the 2006 Industrial Building Code of the New Jersey edition” be added because it explains what all of the uses are, not just zones. He added that within any given zone there can be 25-30 uses (use and occupancy classifications). Mr. Dolson suggested for the benefit of the property owners/prospective tenants/real estate agents there should be a reference list of what

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they can and cannot do to avoid having an issue where someone puts his/her heart and soul into a project and faces a multitude of issues. The Borough Attorney clarified Councilman Dolson was requesting to reference the National Code within the ordinance. He said he does not have a problem with this but that is the law to which they have to refer anyway. The Borough Attorney advised we already reference the UCC, and noted the ordinance states as follows: “(Upon receipt of satisfactory information, the Zoning Officer, in conjunction with the Construction Code Official) where issues are related to the New Jersey Uniform Construction Code, may approve the use administratively.”

At this time, the Borough Engineer emphasized the UCC references the Uniform Construction Code. It was noted by the Borough Attorney that the ordinance stated “commercial” instead of “construction” which would be a diminimus change to reflect the appropriate title “Uniform Construction Code”.

Motion to introduce Ordinance No. 2012:1130, as corrected, 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.

7a. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING – MONDAY, 9/24/12 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

ORDINANCE NO. 2012:1131, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$55,000.00 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Administrator 8/20/12)

Councilman Kashwick explained he wished to have a separate vote on this ordinance.

Motion to introduce Ordinance No. 2012:1131 was made by Councilman Glidden, seconded by Councilman Barad.

ROLL CALL VOTE: Mr. Glidden – Yes	Dr. Barad - Yes
Mrs. Latner – Yes	Mr. Dolson - No
Mr. Kashwick – No	Mrs. Amitai – No

TIE VOTE: 3-3

Mayor Heymann: Yes

CARRIED: 4-3

7b. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING - 9/12/12 @ 8:00 P.M.:

ORDINANCE NO. 2012:1132, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$65,000.00 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Administrator 8/22/12)

Councilman Kashwick questioned if the Committee could be incorporated into this. Borough Attorney explained if the Committee comes back with better alternatives, they can report back to the Council and can move to not adopt the ordinance. This vote is only to approve the introduction of the ordinance. If there is a better option available, the Council can vote it down.

Motion to introduce Ordinance No. 2012:1132 was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick and Barad. Councilpersons Dolson and Amitai voted No.

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At this time, the following motion was made by Councilman Kashwick, seconded by Councilwoman Amitai:

- 19c. MOTION GRANTING APPROVAL FOR WAIVER OF SIDEWALK REQUIREMENT FOR PROPERTY LOCATED AT 256 PARSELLS LANE (BLOCK 2305 LOT 11.01)

BEFORE ROLL CALL VOTE, Councilman Glidden reiterated his sentiments from the Work Session that if they were to delay the vote until the next meeting, he could view the street personally and could be persuaded.

ON THE MOTION,

ROLL CALL VOTE:	Mr. Glidden - No	Dr. Barad - No
	Mrs. Latner - Yes	Mr. Dolson - No
DENIED: 2-4	Mr. Kashwick - Yes	Mrs. Amitai - No

The Borough Attorney informed he would prepare a memorializing resolution to formalize this action.

21. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12 (a)  
(Subject to 5-minute limit per By-Laws General Rule No.11)

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

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

- 22a. Motion approving the following Closed Session Resolution at 10:07 p.m. 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.

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), "Pending or anticipated litigation or contract negotiations" and that the item under discussion in the closed meeting would be disclosed to the public at the conclusion of the contract negotiations which should be within 8 weeks.

Mayor Heymann resumed the Regular Meeting at 10:26 p.m.

23. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:26 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

Provided to the Mayor and Council  
via e-mail on August 31, 2012 for  
approval at the Regular Meeting to  
be held September 12, 2012

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Loretta Castano, RMC  
Borough Clerk

Prepared by Arlene M. Corvelli, RMC  
utilizing recording and Borough Clerk's  
notes

Approved at the Regular Meeting held September 12, 2012  
Consent Agenda Item No. 19a.

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION NOTES – AUGUST 22, 2012 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, August 22, 2012. 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 6, 2012 and to the Star Ledger and published on January 7, 2012, was posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

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

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

- a. MAIL LIST OF AUGUST 9, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. No one wished to remove any items for discussion.
- b. MAIL LIST OF AUGUST 16, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item Nos. 7 and 9 were removed by the Borough Clerk; Item No. 1 was removed by the Borough Engineer and Item No. 6 was removed by Steve Isaacson.

Item No. 1: Received 08/10/12, dated 08/08/12 from Chris Christie, Governor, State of New Jersey, Department of Transportation, to Mayor, c: Municipal Clerk, Municipal Engineer re Notification that applications will now be accepted for the FY2013 NJDOT Municipal Aid, Transit Village, Bikeways and Safe Streets to Transit Programs; Separate applications for each project must be submitted on or before **10/16/12** on-line through SAGE; Program descriptions and

applications available at [www.state.nj.us/transportation/business/localaid/stateaid.shtm](http://www.state.nj.us/transportation/business/localaid/stateaid.shtm)

Mr. DeNicola explained the applications are available; and the Borough must submit roads to the NJDOT for consideration for grant approval to receive the Local Aid funds. He provided a list prepared by himself and Billy Dahle and noted there are 5 roads in the proposal: in order of hierarchy Ruckman Road (1500-2000 ft. section by the pond), Oakland Street, Perry Street, the main portion of Cedar Lane (from Knickerbocker Road to Poplar Street) and Hickory Lane. He reminded Hickory Lane will cost a lot of money because so much work is entailed. They felt because of these issues combined with the farm issues, that Hickory Lane was low on the priority list. In his opinion, the best candidate would be Ruckman Road because the dredging was just completed. From there, Ruckman Road leads into Oakland Avenue. If there is money left over, Perry Street would be the next logical step because they are all in one area.

In answer to Councilwoman Latner, the Borough Engineer explained approximately 10 years ago it was discussed to improve Hickory Lane. At that time, the majority of residents were against improvement because they preferred the old style. He informed that he does not know what the sentiment would be today, but agreed with Councilman Barad that the road is falling apart. Mayor Heymann explained that in 1999, they had an engineer who performed the Hickory Lane study and at that time the cost was over \$500,000. The Borough Engineer added tighter restrictions with permitting and that adds a tremendous cost in addition to time as well as the addition of costs for construction. Councilman Barad voiced his opinion they would have to do something soon. The Borough Engineer agreed and advised the best thing to do is to set a little money aside each year because you cannot tackle a project of this magnitude all at once. He recalled he put together a list in 2002 of what the cost would be and it came in around \$1 million 10 years ago. Mayor Heymann informed she contemplated obtaining federal grants to do portions as suggested. She said the Local Aid grants they get for roads like Herbert Avenue only run approximately \$145,000 a year. Councilman Barad suggested if we define the project and the parameters of the project, then we can start building towards how we're going to fund it and complete it. He agreed if grants come up, it is easier to apply for those if there are projects that can be looked into.

The Borough Engineer explained the first step is to perform the actual survey because all they have right now is a rough estimate. He suggested the Borough work it into next year's budget to allow the engineers to perform the study to get the appropriate estimate for the project. The Borough Administrator informed he already made a notation in the 2013 Budget file to create a line item called "Reserve for Road Improvements". The Borough Engineer informed he will come up with an estimate for Ruckman Road, Perry Street and Oakland Avenue and requested a Resolution to authorize the application for the first meeting in September.

Steve Isaacson, 97 Columbus Avenue, referred to the Court ruling that the stream is not a C-1 stream on Hickory Lane and questioned how that will affect Hickory Lane in general as it means everyone can build on there now. The Borough Engineer explained it makes the permitting process easier now that the areas have been determined where the stream runs. To the North and East is where the C-1 stream is and to the south and west it is okay to obtain a permit.

Item No. 6: Received 08/14/12, dated 08/08/12 from Victoria L. Sidrow, President & CEO, Vantage Health System re Expression of gratitude to the Mayor and Council for their \$1,000 contribution to Vantage Health System; and informing of workplace services and presentations available for (municipal) employees

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Steve Isaacson, 97 Columbus Avenue, referred to the check issued at the last meeting for \$243,000 and said he does not recall this ever being discussed by the Mayor and Council. Mayor Heymann informed it was discussed in 2008 and affirmed that a resolution was passed. In answer to Mr. Isaacson, she advised it was part of the spending plan for COAH; and he should be able to obtain a copy of same through an OPRA request.

Item No. 7: Received 08/16/12 via e-mail, dated 08/16/12 from Roy Friedman, 32 Patton Lane, Applicant re Request for Waiver of Sidewalk Requirements for property located at 256 Parsells Lane, (Block 2305 Lot 11.01); photos attached (Copy to Construction Official)

At this time, the Borough Clerk invited Mr. Friedman to come forward to speak on behalf of his request.

Roy Friedman, 32 Patton Lane, affirmed the Borough Engineer's question if there are sidewalks going uphill. In answer to Councilman Glidden he affirmed Parsells Lane is a dead end street and his house is situated in the middle of the street. Mr. Friedman explained there is a sidewalk going up the hill from his house but not down the hill; and across the street there is no sidewalk at all except for the corner of Anderson Avenue and Parsells Lane. In answer to Councilman Dolson, he informed that 32 Patton Lane is his current residence; they built a new residence on Parsells Lane and intend to move there. Councilman Glidden requested Mr. Friedman's reasoning for requesting the waiver.

Mr. Friedman voiced his opinion that the sidewalk will never be used; from what he personally observed when the sidewalk ends he will not use it. He said it is difficult for him to push their stroller on and off because there is no incline or decline except when you cross a driveway. He voiced his opinion that for them it is aesthetic to their house and the rest of the street. The Borough Engineer affirmed the residence does meet the minimum setback requirements.

Councilman Barad voiced his understanding that it has been past precedent of the Council that when a street has sidewalks on one side and not the other side, it is their purview to continue the sidewalk on the side that has it. He said since the residence is in the middle and his house is the next point going down, and they would request as the other houses are developed below his, the precedent is that they ask for sidewalks in this situation. Their purview has been to extend the sidewalks on at least one side. Mr. Friedman voiced his understanding that the other homes on his side of the street are not older homes so he questioned if they would ever be knocked down and rebuilt. He said there will be patches of sidewalk because the homes below his are grass and nobody is going to walk on someone's grass to get to the sidewalk that will be on his property. He believes they will continue to walk up the street.

The Borough Engineer affirmed that the sidewalk built up the street to the Friedman property was placed there in the past one to two years by jurisdiction of the Planning Board. Councilman Barad said to allow this waiver would create precedent for the other two homes down the hill from the Friedman's to also request the waiver and have the sidewalk end at the address above theirs. Councilman Glidden explained he agrees with the precedent issue and suggested putting off a vote on the matter so everyone has time to go view the property in question. Councilwoman Amitai agreed.

The Borough Attorney questioned if Mr. Friedman was critical on timing for a C.O. and would it be that bad for him to wait three weeks until the next meeting for a decision.

Mr. Friedman explained they need to continue with the construction and driveway and it would be tight to wait the issue. In answer to Councilman Kashwick, he said he understood there would be a monetary requirement if it was waived, but he was requesting the waiver because the sidewalk will not be used. He said nobody can predict when and if these houses are going to be knocked down and rebuilt because they are not that old. To have patchwork on the street just doesn't look nice. The Borough Engineer said if any improvements were to be made to those homes, a sidewalk requirement would be made. Councilwoman Amitai expressed her gratitude for having sidewalks for her children to ride their bikes on as a mother of three. Mr. Friedman voiced his understanding and said that as a father of one on Patton Lane, he does not use those sidewalks because they are all uneven, and up hill it is even harder, so he just uses the street.

Councilman Barad voiced his opinion that if they were to vote on the issue this evening, he is guessing they will not grant the waiver; but if he could wait for three weeks until the next meeting after they have had the chance to look at it, he might have a better chance. Mr. Friedman said he is not sure as he needs to get back to the contractor with their plans for hardscaping and what they could do for them.

The Borough Attorney informed this issue would be discussed in the Regular Meeting right after the Work Session and a decision would be made that that time.

Item No. 9: Received 08/13/12, dated 08/13/12 from John Hogan, Bergen County Clerk, to Closter Borough Clerk re Request for assistance in attempting to determine first contact regarding environmental issues

In answer to the Borough Clerk, Councilman Glidden said without further details provided by the County, he suggests the contact be the Borough Administrator. Councilman Kashwick requested the issues also be forwarded to the Council via the Borough Administrator.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING  
(Refer to Regular Meeting Agenda of August 22, 2012)

Mayor Heymann referred to the Consent Agenda Items and asked whether any member of the Council wished to discuss any item: Item Nos. 7a., 7b. and 19 were removed by Councilman Kashwick.

7a. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING – MONDAY, 9/24/12 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

ORDINANCE NO. 2012:1131, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$55,000.00 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Administrator 8/20/12)

Councilman Kashwick expressed concern about expending funds on property the Borough does not own at this point in time; and questioned if this expenditure is within the scope of the allowed funding. Mayor Heymann noted that in order to be able to submit a plan to COAH for the property, the Borough needs more information that would be provided by the proposed testing. She said that the Swim Club property is contaminated and the property is reverting to the Borough. Borough Attorney advised that the property automatically reverts to the Borough at a

cost of \$6,000; and Mayor Heymann said that the Borough has an obligation with the EPA and the DEP to clean up contaminated property but the testing must be done before any clean up can take place. Borough Engineer estimated that the potential clean up cost could be \$500,000 based on today's information.

Steve Isaacson, 97 Columbus Avenue, asked about the Swim Club's insurance and was advised by the Borough Attorney that same did not cover environmental issues. He expressed support for doing nothing and selling the property without doing the testing once it reverts to the Borough. Mayor Heymann said that the Borough had been willing to purchase the Swim Club before the contamination was discovered; and Borough Attorney said that possible funding was explored but a contract was never drawn up. Mr. Isaacson supported use of the COAH money downtown.

Jesse Rosenblum, 65 Knickerbocker Road, noted the other contaminated properties in the Borough and supported taking the Swim Club property and doing nothing because under existing law, the DEP does not force an owner to clean up the property. The property will clean itself in the future. Mayor Heymann noted that the DEP did follow up on the clean up of the DPW property. She noted that permission would be requested to use COAH money for the clean up after the initial testing had been completed. Borough Engineer reminded that all of the property is in the C-1 buffer; and you could not develop in the wooded wetland areas.

7b. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING - 9/12/12 @ 8:00 P.M.:

ORDINANCE NO. 2012:1132, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$65,000.00 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Administrator 8/22/12)

Councilman Kashwick noted that this Ordinance would be needed prior to the award of the contract for the facilities. Mayor Heymann noted that the cost is not completely for the bathrooms but also for the installation of water and sanitary sewer lines. Councilman Dolson expressed objection to the cost of the construction and the location of same. Borough Engineer noted that at Mollicone Park the location is limited because of the Tenakill Brook, the existing culvert and the existing trees, which cannot be cut down. The larger cost is at Schauble Field where the existing tower eliminated the location behind third base and moved the facility further back. Composting toilets were not considered. Councilman Dolson cited the disparity in the submitted bids and Borough Engineer noted that there had been a mathematical error in the \$656,000 bid and same should have been \$199,000. Mayor Heymann noted that the low bid is approximately \$15,000 less because the bidder is in town at this time and would not have to move their equipment back and forth. Councilwoman Amitai supported reviewing the location of the facilities to further reduce the cost. Councilman Glidden supported the need for bathrooms at both parks but had concerns about the cost. Borough Administrator advised that award of the bid must take place within 60 days of the bid opening; and if the ordinance is adopted at the meeting on September 12, the Borough would be within the limits to award the bid. If the ordinance is not introduced this evening, there would be insufficient time to award the bid unless a special meeting is held. An extension could be requested from the three lowest bidders. Councilman Glidden suggested the formation of a Committee consisting of two Councilpersons, the Borough Administrator and Borough Engineer to review the project and the cost. Councilwoman Latner expressed support for a further review of

the project. Borough Engineer said that there is an extra \$20,000 to extend the sewer line at Schauble, service connections are \$15,000 for each building and \$10,000 for the storage area. Councilman Dolson noted that the facility is in kit form coming from the west coast at a cost of \$55,000. Borough Engineer advised that the models were given to us by the Recreation Commission. Mayor Heymann said that the specifications on these kits were received three or four years ago and were the cheapest available. Borough Administrator suggested introducing the Ordinance this evening and the time before the public hearing would be used to review the project. Mayor Heymann asked that Councilman Glidden and Councilman Kashwick be on the Committee.

Steve Isaacson, 97 Columbus Avenue, suggested contacting the Lions Club and the Elks to construct the facilities and include citizens from town to be on the committee. He also suggested that the title of the ordinances be worded to explain the purpose of the ordinance.

19. *POSSIBLE MOTION GRANTING APPROVAL OF REQUEST BY DENISE SCAGLIONE FOR WAIVER OF \$75.00 CONSTRUCTION FEE FOR INSTALLATION OF WHEELCHAIR RAMP AT 34 LEGION PLACE (8. M.L. 8/16/12)*

Councilman Kashwick expressed support for the waiver of the construction fee for his neighbor due to their health circumstances.

6. COMMITTEE REPORTS

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

1) STATUS REPORT RE CLOSTER WEBSITE

2) REPORT – Councilman Dolson reported on the following:

a. Board of Health – he reminded he mentioned this in his last report and noted they discussed a few issues at this meeting. One of the issues discussed is to bring back a smaller scale Flu Clinic; he believes the date will be 9/29/12 from 10 a.m. to 2 p.m. It will be co-sponsored by our local CVS Pharmacy and they will take insurance. In addition, there will be eye screening, dental and foot screening and blood pressure screening. It will be held at the Senior Citizens Building for all Closter residents.

Mr. Dolson reported two additional issues came up which probably have to be addressed on the legal side. The first one is that the State does not allow local Boards of Health to regulate massage parlors. They are looking for guidance on that issue. The second is that there is a new program out encouraging the prohibition of smoking in public places and parks. Some communities have already passed ordinances to this effect. The Borough Attorney advised it could be both a Municipal and Board of Health Ordinance. Mr. Dolson informed he found out earlier this year that he has emphysema from second hand smoke so he feels this is a major issue in public places. Mayor Heymann noted that new information has determined that second hand smoke outdoors is just as damaging as it is indoors.

b. Technology – Mr. Dolson reported that on 8/9/12 there was a quasi-IT/staff meeting to discuss the paperless packets/implementation of the laptops. Wanda Worner, the Borough Clerk from Northvale, came to give a presentation and Loretta Castano, Arlene Corvelli, Rich Sheola, Kevin Whitney and himself were present. The demonstration was for Kevin and Rich so everyone is fully aware of the direction we would like to be heading; and the intention is to move forward and get it done before the summer is over. Ms. Castano informed she spoke to Kevin today and Chris Pesce (Pesh-Electric) will be in the building next week to install the new electrical outlets as discussed.

6. COMMITTEE REPORTS (Continued)

B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

1) REPORT - Councilman Glidden reminded everyone of the Closter festivities next weekend culminating in the fire works on Sunday night and the awards ceremony after the 5K race. He informed he would be having a Public Safety meeting on a date to be ascertained during the first week of September. Chief Kaine reported that all the department heads are ready for the festivities.

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

1) REPORT - Councilwoman Latner said she had nothing to report at this time but there would be a DPW meeting on the first Tuesday of September. There have been no Library meetings during the summer.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS - Councilman Barad referred to the adjournments of Ordinance Nos. 2012:1122 and 2012:1123 and asked that same be pulled permanently to review same. He also noted that the Committee had not received a timely response from the Planning Board. The Board Attorney has questioned the legality of some aspects of the ordinances. The Committee believes in the importance of the ordinances but same must be enforceable and accomplish its goals. The Committee is introducing a change to 173-27D so that a use change can be done by the Zoning Officer.

2) REPORT - Relative to garbage collection of small commercial properties, an exception cannot be made for one person without creating potential issues, which may impact our budgeting and equipment. This matter has to be reviewed carefully. Mr. Isaacson noted that it was more about recycling than garbage collection; and Councilman Barad said he would take note for the Committee to review same.

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS

2) REPORT - Councilman Kashwick reported that the Borough Administrator has distributed employee evaluations for return in the middle of September. The Human Resources Committee would be meeting to finalize job descriptions. The Shade Tree Commission did not meet in August; and the Historic Preservation Commission will be meeting next week. The Environmental Commission met last night; and Mr. Isaacson reported that a meeting is being planned with Alpine, Demarest, Norwood and the New York/New Jersey Trail Conference during September to discuss the trail connection. Mary Mayer reported on the pond dredging. The Vehicle Idling Ordinance was discussed and Chief Kaine said there would be an enforcement issue. Mayor Heymann said the schools cannot enforce it but felt there should be discussion with the local schools. Councilwoman Latner stressed that there should be heightened awareness. Mayor Heymann referred to the Environmental Newsletter outlining the environmental grants received by schools and noted that Closter was not a recipient of same. Councilwoman Amitai suggested attendance at the next Joint School Board Meeting to express our concern.

At this time, in response to Mr. Kashwick's inquiry relative to the Conservation Zone, Mayor Heymann said it is Number 1 on the Planning Board Agenda. The Planner, Frank Banisch, has not begun his work in Closter; but he has all of the background information. Dr. Barad asked for confirmation that the Council has the right to create a Conservation Zone. Mayor Heymann voiced her understanding that the ordinance should be written by a planner. Borough Attorney

6. COMMITTEE REPORTS (Continued)

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

reminded he had already provide an opinion which stated that a Planner is not required for a Conservation Zone on public property only if same includes private property. After some discussion among the members of the Council, it was noted by Mr. Kashwick that there was a consensus that this matter will be included on the next Legislative Committee Agenda.

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

1) REPORT - Councilwoman Amitai reported that the Building Department is busy, plans have not been received for Closter Plaza; and it is hoped that same would be received for the Planning Board meeting to be held October 3<sup>rd</sup>. No Planning Board meeting was held this month. Eagle Scout Steven Lee will not being doing the Dumpster Art Project since same was rejected by his superiors. The Girl Scouts may benefit from his work. Mayor Heymann noted that Old Closter Dock Road and Closter Dock Road are both valid for addresses.

At this time, Mayor Heymann made the following announcements: The Korean Music and Performing Arts performance was held last Saturday. Borough Attorney Edward Rogan was submitted as a candidate for the Ethical Attorney Award and she requested an endorsement from the Council. The Mayor reminded the Council about the 911 Memorial informing that Mark Lupardi is taking the top Committee role and Leslie Weatherly is also on the Committee. She noted that storage containers are presently legislated in the Borough Code Book. Relative to light rail, Norwood Mayor, Jim Barsa, is taking a lead role; and a meeting is scheduled to be held on 9/13/12 in Newark.

7. OLD BUSINESS

Councilman Glidden referred to a discussion on the use of COAH funds for the Village School and Borough Attorney said he spoke to David Watkins about the downtown areas and the Village School. He said there is interest. Mayor Heymann said that Kitty Koo would be willing to restart the project except that the original project was for 55 plus which is no longer marketable; and she would be looking for a waiver from the original approval of the Zoning Board.

8. NEW BUSINESS

Borough Engineer reported that the roads have been milled under the Road Improvement Program and that paving should start tomorrow with completion by the end of August.

Relative to the Nature Center Pond, Mayor Heymann noted that the heavy equipment has been removed, dredging has been completed and the pond is filling naturally. Nothing has been draining out. She suggested that we have a ceremony to thank all those who worked so diligently to accomplish this arduous undertaking. The Mayor cited the major cost of dredging expended by two neighboring municipalities and expressed her gratitude for the Bergen County Mosquito Commission's work at the reduced cost of \$20,000 which was completed slightly ahead of schedule. Councilman Dolson said that special thanks should also be given to the landscapers who donated some of the large boulders.

Borough Engineer noted that now that we have a "sidewalk" area behind the guide rail

adjacent to the pond, a fence should be installed along the pond. He added that there is no lighting there at night, and it is rough gravel ground. It would be advisable to put a fence on the top of the bank along Ruckman Pond. Mayor Heymann asked if he had discussed this with the Superintendent of Public Works who is opposed to it. She said that installation of a fence may be difficult due to the ground and solid rock.

Borough Engineer explained there is approximately 3' to 4' from the back of the guide rail to the top of the bank where the stone is located. If you plant something there, there is no sidewalk area left. He noted it is a safety issue. Councilman Dolson suggested that the guardrail be relocated at its original location with reflector lights since you can't have lighting.

Mayor Heymann expressed her intentions the guard rail should be on the other side of the additional land that is being built there, but it is not the way she understands the Engineers or the DPW experts visualized it. They want the walk inside the guard rail so that the children using the facility would be sheltered from the cars. The walk will be inside the guard rail and away from the road.

Mr. DeNicola explained that a rock base was installed with soil on top of it. There will be soil on top of the rock between the guide rail and the top of the bank where it starts going down to the pond. There will also be a grassy stretch. He voiced his concern that if children or adults walk behind the guide rail and trip, they will go into the pond.

Mayor Heymann suggested all review the site to see for themselves as the process is being completed. Compost soil will be put on top of the dirt which will be seeded with grass, but it is fairly narrow.

Borough Attorney asked that the resolution he distributed tonight be added to the Consent Agenda upon return to the Regular Meeting. It is to memorialize the discussion held at the last meeting regarding consumption of alcoholic beverages at the field during Labor Day activities as has historically been honored.

Mr. Sheola referred to the memo distributed by the Municipal Clerk regarding the disposal of the ladder truck and suggested that an appraisal of the truck be obtained. No objections were expressed by Council members.

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

Steve Isaacson, 97 Columbus Avenue, thanked the Borough for the new sidewalks on Durie Avenue and the new bus shelter. He referred to the condition of 381 Durie Avenue; and the Borough Attorney said that ownership must be determined before the matter can be pursued.

Mr. Isaacson referred to the Village School development and COAH regulations and Mayor Heymann said if there is new COAH development, it must be 50% market rate and 50% COAH. The development must be balanced. The Village School project has been approved and is part of the plan. Relative to the idling cars, Mr. Isaacson suggested that police be stationed by the school so that it would look official.

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Mr. Isaacson referred to the story in The Record on Old Closter Dock Road listing all the names it has been called. He asked if there have been any meetings with Closter Plaza. Mayor Heymann said that there has been a concept review. Borough Attorney said he has not met with the applicant's attorney but Planning Board attorneys frequently meet with attorneys for an applicant. Mr. Isaacson expressed concern about the intersection of Piermont Road and VerValen and also suggested elimination of the parking ordinance for the entire town. Borough Engineer said that the Borough did the driveway from Main Street to the South Parking Lot with the fee money.

Jesse Rosenblum, 65 Knickerbocker Road, cited the width variation on Cedar Lane; and Borough Engineer said widths would not be changed with the resurfacing. No edging treatment would be installed on Ruckman Road. Relative to a drainage ditch on Hickory Lane, Mr. Rosenblum cited that same originates at 140 Hickory Lane but may be piped further north. Borough Engineer said he has no record of same. During the 1930/40s they drew it there and that is where you initially see the stream.

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 9:33 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
via e-mail on August 31, 2012 for  
approval at the Regular Meeting to  
be held September 12, 2012

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held September 12, 2012  
Consent Agenda Item No. 19b.