

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – DECEMBER 26, 2012 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:03 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

Although no Roll Call was made, the following persons were present:

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

The following persons were absent:

Councilpersons John C. Glidden, Jr., Arthur Dolson and Victoria Amitai

3. MAYORAL APPOINTMENT OF _____ 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)

4. 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; 8/22/12; 9/12/12; 9/24/12; 10/10/12; 10/24/12; 11/7/12;11/19/12/12/12/12):

<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

5a. VOTE ON CONSENT AGENDA ITEMS

At 8:35 p.m., Motion to approve the Consent Agenda minus Item Nos. 6 (previously removed at 8:03 p.m.), 11, 13, 16, 17, and 18 was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick and Barad.

RESOLUTIONS

At 8:03 p.m. Motion to adjourn the following Resolution to the Sine Die Meeting scheduled to be held January 2, 2013 at 7:00 p.m. was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick and Barad.

6. RESOLUTION AWARING CONTRACT FOR SOLID WASTE, BULK TRASH, RECYCLABLE MATERIALS & VEGETATIVE WASTE COLLECTION SERVICES (BID OPENING HELD 11/6/12 @ 10 A.M.) Received from Administrator 12/6/12 (Adjourned from RM 12/12/12)

The Borough Attorney advised as follows: "The matter has been adjourned to the next meeting. There will be no further discussion on it tonight either by the Council or the members of the public. At the Sine Die Meeting (to be held January 2, 2013 @ 7:00 p.m.), if the Council opts to continue discussion on this, it will be opened to the public for all comments from either side; and there will be no vote taken until all members of the public have had an opportunity to comment and ask questions."

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Motion to return to the Work Session at 8:07 p.m. was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick and Barad.

7. ~~POSSIBLE~~ RESOLUTION SUPPORTING ASSEMBLY BILL A-2753 REQUIRING DIRECT PAYMENT OF ENERGY TAXES TO MUNICIPAL GOVERNMENT (6a. M.L. 12/20/12)
8. RESOLUTION RE CANCELLATION OF UNEXPENDED BALANCES OF APPROPRIATED GRANT RESERVES (Received from Administrator 12/20/12)
9. RESOLUTION CORRECTING TRANSFER RESOLUTION NO. 2 (Received from Administrator 12/20/12)
10. RESOLUTION AUTHORIZING BOROUGH ADMINISTRATOR TO SIGN AGREEMENT WITH CAPTUREPOINT.COM FOR ON-LINE REGISTRATION SOFTWARE FOR THE CLOSTER RECREATION COMMISSION (Received from Administrator 12/20/12)

Councilman Kashwick questioned if this Resolution would negate the need for checks to come to the Borough; and Borough Administrator advised that some individuals would still register in person but the move is to go to credit cards. It is hoped that the on-line registration would be up and running for the Spring and he felt this is a very good program with a lot of options. The registration fee would be increased due to a credit card transaction fee.

- ~~11.~~ RESOLUTION CANCELLING CAPITAL ORDINANCE BALANCES TO CAPITAL FUND BALANCE AND OPEN SPACE (Received from Administrator 12/20/12)
12. RESOLUTION AUTHORIZING MAYOR TO EXECUTE GRANT WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION – 2013 GREEN COMMUNITIES GRANT – COMMUNITY FORESTRY MANAGEMENT PROGRAM - GRANT IDENTIFIER: PF13-025 (\$3,000/50% match to be made up of in-kind services) Received from Administrator 12/20/12
- ~~13.~~ ~~POSSIBLE~~ RESOLUTION AUTHORIZING THE WAIVER OF PERMIT FEES ASSOCIATED WITH REPAIRS FOR DAMAGE CAUSED BY “SUPER STORM” SANDY (Received from Borough Attorney 12/21/12)
14. RESOLUTION APPOINTING EDIS MARTINEZ AS PART-TIME FINANCE CLERK IN THE FINANCE DEPARTMENT – PROBATIONARY, FOR AN AVERAGE 25 HOUR WORK WEEK, AT THE RATE OF \$17 PER HOUR, EFFECTIVE 12/27/12 (Received from Administrator 12/20/12)
15. RESOLUTION AUTHORIZING THE ADVERTISEMENT OF BIDS FOR THE CONSTRUCTION OF RESTROOM FACILITIES AT SCHAUBLE & MOLLICONE PARKS (Received from Administrator/QPA 12/21/12)

MOTIONS

- ~~16.~~ 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)
- ~~17.~~ MOTION APPOINTING _____ AS BOARD OF HEALTH MEMBER FOR A 4-YEAR UNEXPIRED TERM (ROTHSCHILD) TO 12/31/14 (10. M.L. 12/6/12)
- ~~18.~~ 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; 8/22/12; 9/12/12; 9/24/12; 10/10/12; 10/24/12; 11/7/12; 11/19/12; 12/12/12):

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

19. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES:
 (Distributed via web portal on 12/21/12) NO ABSTENTIONS
 - a. REGULAR MEETING HELD 12/12/12
 - b. WORK SESSION HELD 12/12/12

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20. MOTION APPROVING THE BELOW LISTED EAGLE SCOUT PROJECTS FOR NAMED BOY SCOUT TROOP 63 MEMBERS, SUBJECT TO RECEIPT OF APPROVALS FROM RISK MANAGEMENT CONSULTANT REGARDING REQUIRED INSURANCE SUBMISSIONS:
- a. ALEX YOUNG TO RENOVATE THE EXTERIOR OF THE CLOSTER SENIOR CITIZENS BUILDING PROPERTY (9. M.L. 12/6/12/W.S. 12/12/12)
 - b. ZACH ROLAND TO BUILD A WALKING BRIDGE ACROSS THE SPILLWAY AT MOLLICONE PARK FOR BETTER ACCESS TO THE GIRL SCOUT CABIN (7. M.L. 11/29/12/W.S. 12/12/12)
 - c. RIVER VASQUEZ TO REVITALIZE VETERANS PARK ALONG HERBERT AVENUE (12. M.L. 12/6/12/W.S. 12/12/12)

21. REPORTS

- a. CHIEF OF POLICE – NOVEMBER 2012 (Received 12/13/12)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

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

Mayor Heymann opened the meeting to the public. No one wished to be heard.

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

Mayor Heymann said that the Borough lost one of its finest volunteers with the passing of Ann Beddoe. She had worked in many of the Borough's non-profit organizations including the Girl Scouts, the PTA and churches. She was the mother of an employee Brian Beddoe and was a faithful and hard worker for the Borough for many years.

Councilman Barad said he does not approve of stifling discussion as we did today by posting something on the Borough Web Site, which tied our hands legally. He suggested in the future that this not be done. Mayor Heymann said she sent the notice to everyone for approval and she felt it seemed to be the wish of everyone. Councilman Kashwick said his reply included a request to check with the Borough Attorney. Borough Attorney said the notice said there was not going to be a discussion. Mayor Heymann said that she had been requested to post the notice, that she felt it would be misleading to have the discussion without everyone being in attendance and that it would be a warning to all that there would be no discussion. None of the Council members had concerns after the notice was sent to them. Councilman Barad said he misunderstood the posting but his reply questioned if the item could be legally postponed that is already on the agenda without a vote. Councilwoman Latner said we were all uncomfortable with the posting knowing that so many of the Council members would not be here and it was a misunderstanding. Borough Attorney said he read the posting and had no objection to same but he was contacted by David Watkins saying that he and Mr. Miele were not attending the meeting; and if there was discussion, they would be instituting a lawsuit. Borough Clerk said all postings should be checked and when posted, ownership of the posting should be taken so that there is accountability. Borough Attorney said that the website should not be used for Agenda items other than posting the actual Agenda.

Councilman Barad thanked the Borough Clerk for forwarding the PDF (received from Lauren St. Helaire, Executive Assistant to the County Executive) on the Analysis of the Proposed Demarest Police (and County Police Merger) Agreement. He said that same should be reviewed (which is also on the County web site) and Mayor Heymann said that the County is proposing to provide dispatch service to municipalities at no cost.

Councilman Kashwick referred to the letter received from Ramaswamy Nilakantan (2. M.L. 12/20/12) requesting a resolution of support asking Congressman Scott Garrett not to bow to the extremes of his party relative to the fiscal cliff.

- 15a. RESOLUTION URGING CONGRESSMAN SCOTT GARRETT TO CONSCIENTIOUSLY GO TO THE TABLE AND ATTEMPT TO NEGOTIATE A WELL REASONED AGREEMENT WITH THE OTHER PARTY RELATIVE TO THE FISCAL CLIFF – TO BE PREPARED BY BOROUGH ATTORNEY

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

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24. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:03 p.m. was made by Councilman Kashwick, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via web portal on January 4, 2013
for approval at the Regular Meeting
to be held January 9, 2013

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held January 9, 2013
Consent Agenda Item No. 11a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – DECEMBER 26, 2012 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, December 26, 2012. Mayor Heymann called the meeting to order at 7:45 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 Kashwick, Alissa Latner and David Barad
Borough Administrator, Richard Sheola
Borough Attorney, Edward T. Rogan
Borough Engineer, Nick DeNicola
Borough Clerk, Loretta Castano
Chief of Police, Dennis Kaine

The following persons were absent:

Councilpersons John C. Glidden, Jr., Arthur Dolson and Victoria Amitai

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF DECEMBER 13, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 7 was removed by the Borough Clerk.

Item No. 7: Received 12/12/12 hand del'd, dated 12/07/12 from Donald M. Farrell, Treasurer and Board Member, Belskie Museum of Art & Science Inc. re Request for approval to serve wine at the monthly opening receptions during calendar year 2013 (Copy to Glenn Parsells, Chief Kaine)

The Borough Clerk reminded this is the routine request for approval, (requiring a special resolution) and will be placed on the 2013 Reorganization Meeting Agenda for 1/2/13.

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WORK SESSION NOTES – DECEMBER 26, 2012 - 7:30 P.M.

b. MAIL LIST OF DECEMBER 20, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 11 was removed by Mayor Heymann.

Item No. 11: Received 12/20/12 hand del'd, dated 12/12/12 from Kathleen A. Donovan, Bergen County Executive, to Borough of Closter re Information regarding the Bergen County Department of Health Services "Employee Assistance Program" shared service program for consideration in preparation of the 2013 Municipal Budget (Copy to Administrator 12/20/12)

Mayor Heymann voiced her opinion this item was worth discussing and asked the Council if they had any comments on same. No one wished to be heard. The Mayor explained that this program lets us specify how many employees we would like to enroll for \$19.00 each per year and she thinks it has some merit. The deadline for the contract is this week. Mayor Heymann ascertained that they do not have to enroll every employee; for example the Police Department has their own program through the PBA. The Borough Administrator disagreed and said he thinks all employees should be enrolled to be offered the service. He feels it is very inexpensive for the services they are offering. The Mayor explained that this program provides psychological, drug and alcohol and other kinds of counseling that can be done anonymously. If need be, a Department Head could recommend an employee to the program. Councilman Barad voiced his opinion that one of the lessons we have learned in the past couple of weeks is that when mental health is not paid attention to, terrible things can happen. He thinks it behooves the Borough at this very reasonable rate that employees should have this advantage, though he doesn't think all 50 employees would need it and feels it should be looked into further. In answer to Councilman Kashwick, the Mayor explained that the health insurance covers a minimal amount for psychological/mental health issues and even then, it is specific issues. This program offers counseling services for those issues; and if the program is not enough, the person would be referred to a regular doctor; so this program is more of a rider to the health insurance. The Mayor explained that we get the benefit of a large group through the County.

Carl Olsson, 215 Irving Avenue, said he was trying to get an idea of how large of a group this encompasses. He asked if the Board of Education would be covered. Mayor Heymann responded that it was only for Borough Employees; and the Administrator voiced his understanding it is only for the employee – not their family.

Mayor Heymann asked that if the Council was in favor of this program that it be brought up in the Regular Meeting. The Administrator informed that an authorizing Resolution is required and as it cannot be voted on this evening, he will contact the County and inform them a Resolution will be forthcoming. In answer to Councilman Barad he informed he would find out if all employees must be covered or a specific number.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of December 26, 2012)

Mayor Heymann asked if any member of the Council or public wished to address the items on the Consent Agenda.

Councilman Barad referred to Item No. 6 and said it needs to be discussed. Mayor Heymann informed she was removing this item; and Dr. Barad said it needs to be discussed in

order to remove it.

6. RESOLUTION AWARDING CONTRACT FOR SOLID WASTE, BULK TRASH, RECYCLABLE MATERIALS & VEGETATIVE WASTE COLLECTION SERVICES (BID OPENING HELD 11/6/12 @ 10 A.M.) Received from Administrator 12/6/12 (Adjourned from RM 12/12/12)

The Borough Attorney explained for the record that Item No. 6 was discussed at our last meeting; and after hearing from the public and some of the Council members, it was tabled until this evening's meeting. Unfortunately, we have half of the Council missing tonight; and in the interim, the Borough web site indicated it was carried to this meeting; but it also indicated discussion and action on the possible contract and privatization of solid waste collection will be *tabled* to the Sine Die Meeting on 1/2/13 at 7 p.m. Based upon the fact that we have half the Council here, as well as the fact that there has been representation on our web site which could lead the reasonable reader to believe it would not be discussed tonight, it is his legal standpoint that it not be discussed. He reiterated that recommendation because it puts the Borough in a very vulnerable position since anyone looking and reasonably relying on the web site posting may not have come this evening, which would mean they were denied their right to comment either for or against it; and this could cut either way depending on the ultimate action taken by the Council. If the Council goes against privatization at the next meeting, there could be criticism that could come up that if the Council elicits comments from the public tonight by potential bidders, that we were somehow prejudiced or affected by comments made at a meeting they did not attend because they read this and thought it would not be discussed. Mr. Rogan again reiterated his legal opinion that this topic not be discussed at all this evening and that it be tabled in accordance with the posting on the web site that this be discussed at the last meeting of the year, which is the Sine Die Meeting to be held 1/2/13 @ 7 p.m.

Councilman Barad pointed out that if in the Regular Meeting they are going to table the issue, they would have to discuss tabling it; so in some form, they will have discussed it. The Borough Attorney affirmed it would need to be discussed to a degree to table it or carry it or vote on it tonight. Based upon the web posting, he is advising that it should not be discussed other than to table it.

Jack Kelly, 132 Herbert Avenue, reminded at the last meeting the issue came up regarding the safety of our roads and striping and marking and because a lack of this ..

Before Mr. Kelly continued, the Borough Attorney again advised at this time there should be no discussion on the matter but that it could be brought up at the Sine Die Meeting. He advised that this is a Work Session but said the Mayor could certainly call for a consensus regarding the issue as there were people waiting to see if it will be discussed in the Regular Meeting.

Mayor Heymann explained that if they were to not discuss Item No. 6 after all of the items have been read in the Regular Meeting, someone will ask to pull Item No. 6 and have it carried. The Mayor explained for the audience that the official vote must be taken in the Regular Meeting, but the Borough Attorney suggested they take a consensus to let the public know. The Borough Attorney advised a Council member could ask for a motion to adjourn the Work Session for the limited purpose of taking action on Item No. 6 and that would be the cleanest way to handle it.

In answer to Carl Olsson, the Borough Attorney clarified this item would be carried to the next meeting Agenda; and, at that time, a vote could be taken on the issue.

At 8:03 p.m., Motion to leave the Work Session to go to the Regular Meeting for the limited purpose of taking action on Consent Agenda Item No. 6 was made by Councilman Kashwick, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick and Barad.

Mayor Heymann resumed the Work Session at 8:08 p.m. and asked if anyone wished to discuss any other Consent Agenda Items at this time. No one wishing to be heard, Mayor Heymann asked for Committee Reports.

6. COMMITTEE REPORTS

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

- 1) STATUS REPORT RE CLOSTER WEBSITE
- 2) REPORT – Councilman Dolson was not present this evening; therefore, no report was provided.

B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

- 1) REPORT – In the absence of Councilman Glidden, Mayor Heymann asked Chief Kaine if he had anything he would like to report.

Chief Kaine reported that the Police Department has achieved reaccreditation for three more years with CALEA as they passed with flying colors.

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

- 1) REPORT – Councilwoman Latner informed she had nothing new to report other than she has had frequent meetings with Billy Dahle (Superintendent of Public Works) regarding various issues.

Councilwoman Latner reported the Library Board of Trustees will be meeting tomorrow night.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

- 1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad reported the Ordinance Committee met in the beginning of December; and both of the ordinances they had referred to the Council at that time were on the Agenda and have been adopted. Currently the Committee is still looking into the 2-family house issue; and other than that, they are awaiting new agenda items.

- 2) REPORT

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

- 1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported the Human Resources Committee did not meet this month but they are scheduled to meet in early January.

- 2) REPORT – Councilman Kashwick reported the Environmental Commission and Historic Preservation Commission do not meet in December; therefore, he had no report.

Councilman Kashwick reported the Shade Tree Commission has completed this year's plantings and they are finalizing their Tree City USA application.

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

1) REPORT – Councilwoman Amitai was not present this evening; therefore, no report was provided.

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

Jack Kelly, 132 Herbert Avenue, said at the last meeting, the Mayor, Mrs. Latner and Billy (Dahle) made a statement that our highways, signs, roads and sewers are being neglected. He asked for an explanation if they were all aware of this neglect.

Mayor Heymann voiced her opinion the word “neglected” is being misused in this case. She said what the DPW Superintendent was trying to say is not that they are being neglected but they are not being serviced according to the standards that are set in the Borough. What they were trying to indicate is that apart from contractual matters, the DPW is grossly undermanned and needs extra help because all of the work that is on their table cannot be completed with the number of people they have right now. In answer to Mr. Kelly, she explained that the DPW creates and maintains the aesthetic component of the Borough in keeping it as well appointed as possible. She clarified the standards she is referring to are not monetary but rather keeping our streets cleaned and properly monitored with signs and stripes; maintaining the parks and keeping the buildings fit.

Mayor Heymann disagreed that the standards were subject to interpretation and voiced her opinion they are on the same page in that they want an hour’s worth of work for every 60 minutes. Mr. Kelly voiced his opinion that we are not getting that.

Mr. Kelly said he loves Mrs. Latner but questioned her knowledge of John Deere equipment and loaders and such. Mayor Heymann informed Mrs. Latner has professionals who advise her on those matters such as the DPW staff and the Administrator. Mr. Kelly voiced his opinion there is a problem with the DPW. He said Ken’s Tree Care is capable of doing 4 loads of chips; but when he was hired during Hurricane Sandy, he only did 2 loads of chips per day. He said they get coffee breaks and then at 2:30 p.m. head back to the DPW; and he voiced his frustration that he is paying for that.

Mr. Kelly reminded that the Mayor, Mrs. Latner and Billy Dahle all admitted there was neglect on the highways and the sewers. He referred to the Borough Engineer and asked if he was correct that the life expectancy of sewers is 50 years on average; to which Mr. DeNicola affirmed same. Mr. Kelly voiced his opinion they need to do something about getting an honest day’s work for an honest day’s pay.

At this time, Mayor Heymann informed Mr. Kelly his 5 minutes were up as there were others wishing to comment and thanked him for his contribution.

Councilwoman Latner wished to clarify for Mr. Kelly that a lot of times they are not going to look around town and see the things that are in neglect. The point is that these things are not being done at the rate they want to do it; and, unfortunately, because some of the things are not urgent, due to the shortage of manpower. It seems that things are running smoothly when really there are outstanding items that cannot be completed for that reason. In answer to Mr. Kelly she voiced her understanding that nothing was going to be eliminated rather they were trying to resolve issues.

Kurt Haiman, (384 Blanch Avenue), wanted to know the latest on the Plaza situation. Mayor Heymann said 50% owners and managers, Edens and Avant, withdrew their original application. We have no idea when they will return at this point. The Mayor voiced her understanding that they planned to revamp their application.

Mr. Haiman voiced his opinion that the Plaza is an embarrassment; and asked if it was a matter of a zoning law, why the governing body can't get together and change it or why can't a member who sits on the Zoning Board of Adjustment do something like that. The Plaza is one vacant store after another and it is embarrassing. He said it's not a wonderful town but it could be; but this has been dragging and dragging. He questioned why, as elected officials, they cannot get together as a group and get this moving along.

Mayor Heymann agreed and said it is the obvious way to deal with things but she can tell him everyone on the Council would like to see it improved; and they are more embarrassed than he is because they are the Council. She thinks they are doing whatever they can to get the managers at the Shopping Center to a conclusion; but in terms of communicating with them, there is a danger that any attempt they make to meet with them could be interpreted negatively and bring forth a lawsuit. They have eschewed going to them to make sure that whatever does happen is done properly. The Mayor sympathizes with Mr. Haiman as in 2011 she promised it would be in 2011; in 2012 she promised it would be by Christmas; and she will be very lucky if anything happens in 2013. She informed that she did speak to the owner of Closter Commons who expressed willingness to cooperate with Closter Plaza for improvements which is something they were unable to accomplish with the previous owner. She hopes that when we do get the Plaza that it will be better than ever. The Borough Administrator added that he spoke to the Regional Managers two weeks ago; and they voiced their eagerness for this to continue to move forward. They have no questions about moving forward with the project; and when they do, it will progress very quickly.

10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

At this time, Councilman Kashwick informed he had questions regarding Item Nos. 11 and 13 on the Agenda before they moved on.

Regarding Item No. 11, he asked for clarification if there were any other balances that were not cancelled. The Borough Administrator informed he went back as far as 2005 and only went to 2008 or 2009. He said a lot of the projects had been worked on and had a leftover balance; and he did not do anything with the ones that have not been started yet. The remaining Capital Ordinance balances will return to Surplus; and Open Space funds will return to Open Space. Mayor Heymann informed she did not have a chance to look at these yet; and asked that this Resolution be postponed to the next meeting so she and the Finance Committee can have time to

review it. In answer to Mayor Heymann, Councilman Kashwick said that if the balances have not been expended yet, it is only fair to return them to where they came from and reapply for them. Mayor Heymann noted some of the projects are only two years old and the Administrator informed there are a lot of them. Mr. Kashwick recalled they started putting expirations on things in 2010 or at least one year they did that. The Mayor said a lot of these things have unspent balances but that sometimes they may be aware of something that comes up against those balances that the Administrator is not aware of, so it would be a good idea to review it. Mr. Kashwick said he is not aware of any outstanding projects but that he will review the ones for Open Space. He suggested Councilman Dolson may be interested in reviewing the ones for Capital.

Regarding Item No. 13, Councilman Kashwick questioned how they were going to be sure these permits were actually going to be for replacements due to storm damage and not just someone doing other types of work. Mayor Heymann explained she has had numerous conversations with Paul Demarest regarding this issue; and it turns out that the Building Department went out right after the storm to survey the damage and made note of the homes that were a problem; and there are actually very few. On the other hand, a lot of transformers were damaged and the repair for the electrical inspection is \$70-\$75 and there were a number of those. She explained the homeowner has paid those fees and they would need to be refunded.

The Borough Attorney advised that the Resolution before them does not provide for refunds; and they would need to be done separately by list and designation of property address, after recommendation has been made by the appropriate official. In answer to Councilman Kashwick, the Mayor said they do have a list of the damaged homes and a separate list of the transformers that were repaired. He asked if they should be making reference to that list; and the Mayor said this Resolution is only granting permission to do that; and then there will be a Resolution where everything is specifically listed so nothing is open-ended.

The Borough Attorney disagreed with the Mayor's explanation of the current Resolution and explained that it was his understanding that what was requested were two separate Resolutions: one to enable the Construction Code Official going forward from today that if he is aware of property damaged by the storm, to waive the fee. The refunds would come after that because they are an expenditure of Borough money as opposed to waiving a fee. Councilman Barad explained the question is how the Construction Official will know the property is qualified for this waiver and be able to verify it. The Borough Administrator suggested an affidavit from the homeowner that is notarized. The Borough Attorney said it is a step but not a solution. Councilman Barad asked if this was going to have a time limit and if the Council has received a listing of the properties that have noted damage. He suggested that any waiver should be subject to review and that the time limit should be in the Spring. The Administrator said the deadline should be by the end of March 2013. Councilman Barad voiced his opinion that we should be doing it without any holes in it; and the Council would be providing oversight to the Construction Official who would be in effect our proxy. He said we don't want to make this open-ended; and a date should be put in the Resolution so people know there is a limit to it. The Borough Attorney clarified that this Resolution will not be adopted this evening but revisions will be made for the Sine Die meeting.

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

12. ADJOURNMENT

Motion to adjourn the Work Session at 8:35 p.m. was made by Councilman Kashwick, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council via
web portal on January 4, 2013
for approval at the Regular Meeting
to be held January 9, 2013

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held January 9, 2013
Consent Agenda Item No. 11b.