

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JUNE 13, 2012 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:45 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

At this time, Mayor Heymann asked for a Moment of Silence on the passing of two long time residents Perry Antoshak, a member of the School Board and active with the Recreation Commission and Harold Doelling, who was active with the Senior Citizens.

3. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCES @8:00 P.M.

OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

A. 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.

1) 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"

2) 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"

Motion adjourning Ordinance No. 2012:1122 and Ordinance No. 2012:1123 to the Regular Meeting of June 27, 2012 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

B. The following Ordinance was introduced at the Regular Meeting held 5/9/12 and was published in The Record on 5/15/12 as stated in the affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public.

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ORDINANCE NO. 2012:1126, “AN ORDINANCE REVISING CHAPTER 67, ALCOHOLIC BEVERAGES, OF THE BOROUGH’S CODE”

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

Motion approving adoption of Ordinance No. 2012:1126 was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

C. The following Ordinance was introduced at the Regular Meeting held 5/23/12 and was published in The Record on 5/29/12 as stated in the affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public.

ORDINANCE NO. 2012:1127, “AN ORDINANCE TO CREATE NEW TITLES AND DETERMINE THE BASE RATE, AMOUNT, SALARIES, WAGES, COMPENSATION, AND THE METHOD OF PAYMENT THEREOF TO PERSONS HOLDING SAID OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF CLOSTER FOR THE YEAR 2012, OR AS OTHERWISE NOTED”

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

Motion approving adoption of Ordinance No. 2012:1127 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

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):

<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				

5. MAYORAL APPOINTMENTS TO COMMUNITY DEVELOPMENT FOR A 1-YEAR TERM FROM 7/1/12 TO 6/30/13:

- a. RESOLUTION AFFIRMING APPOINTMENT OF MAYOR SOPHIE HEYMANN AS COMMUNITY DEVELOPMENT REPRESENTATIVE FOR A 1 YEAR TERM FROM 7/1/12 TO 6/30/13
- b. RESOLUTION APPOINTING Richard J. Sheola AS MAYOR’S ALTERNATE TO COMMUNITY DEVELOPMENT FOR A 1 YEAR TERM TO 6/30/13

6a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 19, 28 and 31 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

RESOLUTIONS

7. BILL RESOLUTION – JUNE 15, 2012 TO BE PREPARED BY DEPUTY TREASURER

8. RESOLUTION MEMORIALIZING REVISED APPROVAL OF REQUEST OF

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MICHAEL J. HUBSCHMAN, P.E., P.P. RE JOE SPIVACK, 40 JOHNSON COURT, BLOCK 2304, LOT 21, FOR CONSTRUCTION OF 44' RETAINING WALL ON TWO (2) BOROUGH EASEMENTS – Discussed at RM 5/23/12

~~TO BE PREPARED BY BOROUGH ATTORNEY~~

9. RESOLUTION APPROVING REAL PROPERTY TAX REFUND TO DISABLED VETERAN LEE SCOTT GROSS (Received from Borough Attorney 6/6/12)
10. RESOLUTION GRANTING APPROVAL FOR RELEASE AND RETURN OF REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES TO TWO (2) NAMED APPLICANTS FOR SUCCESSFUL COMPLETION OF SERVICES RENDERED (Received from Deputy Treasurer 6/6/12)
11. RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ENTRY AND TESTING AGREEMENT FOR GLOBAL SIGNAL ACQUISITIONS II, LLC, A DELAWARE LIMITED LIABILITY COMPANY (“CROWN”) AND THE BOROUGH OF CLOSTER RE 90 SQUARE FEET PORTION OF PROPERTY UNDER THE CONTROL OF OWNER LOCATED AT 295 CLOSTER DOCK ROAD (Received from Borough Attorney 5/30/12)
12. RESOLUTION AUTHORIZING MAYOR AND CLERK TO EXECUTE THE FOLLOWING AGREEMENTS (5/29/12) RECEIVED FROM COUNTY OF BERGEN:
 - A. ADA COOPERATIVE ENGINEERING DESIGN GRANT AGREEMENT
 - B. COOPERATIVE CURB RAMP CONSTRUCTION GRANT PROGRAM(Received from Borough Attorney 6/7/12)
13. RESOLUTION AUTHORIZING MAYOR AND CLERK TO EXECUTE 2012-2014 SNOW PLOWING PROGRAM AGREEMENT (8. M.L. 5/24/12)
14. RESOLUTION INCREASING THE BIDDING THRESHOLD TO \$36,000 (Requested by Borough Attorney 6/7/12) ~~TO BE PREPARED BY BOROUGH ATTORNEY~~
15. RESOLUTION IN SUPPORT OF S-302 SPONSORED BY SENATOR JOE PENNACCHIO – THE “TRANSPARENCY IN GOVERNMENT ACT” WHICH WOULD CODIFY AND EXPAND ON THE STATE PUBLIC FINANCE WEBSITE (6. M.L. 5/24/12)
16. RESOLUTION AUTHORIZING MAYOR AND ADMINISTRATOR TO APPLY FOR AND OBTAIN A GRANT IN THE AMOUNT OF APPROXIMATELY \$10,000.00 FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS TO CARRY OUT A PROJECT TO ENHANCE RECREATIONAL ACTIVITIES OF THE CLOSTER RECREATION COMMISSION CHALLENGER PROGRAM (2013 ROID GRANT)
17. RESOLUTION AUTHORIZING MAYOR AND CLERK TO SIGN AMENDMENT AGREEMENT RE GRANT FOR RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES (AMENDMENT #:2011-05150-0412-02 – TOTAL AWARD AMOUNT: \$8,848.50/REDUCTION OF FUNDING BY \$1,151.50) (Requested by Administrator) ~~TO BE PREPARED BY BOROUGH ATTORNEY~~
18. RESOLUTION APPROVING RENEWAL OF (4 OF 13) LIQUOR LICENSES FOR 2012-2013
19. RESOLUTION AWARDED BID TO

IN THE AMOUNT OF _____ FOR HERBERT AVENUE, SECT. 5 & BLANCH AVENUE IMPROVEMENTS, 2012 ROAD IMPROVEMENTS, & SCHAUBLE FIELD WALKING PATH, RECEIVED AT THE BID OPENING HELD 6/8/12 @11:30 A.M.
~~TO BE PREPARED BY BOROUGH ATTORNEY~~
20. RESOLUTION AUTHORIZING TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-009-010 FROM FRESCO, INC. TO QUEEN ANNE WINE EXCHANGE, INC. (Approval received from Borough Attorney 6/8/12)
21. RESOLUTION APPOINTING Victoria Amitai AS COMMUNITY DEVELOPMENT GOVERNING BODY REPRESENTATIVE FOR A 1 YEAR TERM TO 6/30/13
22. RESOLUTION APPOINTING John Kashwick AS COMMUNITY

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DEVELOPMENT GOVERNING BODY ALTERNATE REPRESENTATIVE FOR A 1 YEAR
TERM TO 6/30/13

23. RESOLUTION APPOINTING MAYOR SOPHIE HEYMANN AS MUNICIPAL REPRESENTATIVE TO PARTICIPATE IN BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND (PER ORDINANCE NO. 1999:811) FOR A 1-YEAR TERM TO 6/30/13
24. RESOLUTION CHANGING TITLE OF BUILDING MAINTENANCE/ROAD DEPARTMENT WORKER (Received from previous Administrator 6/8/12)
25. RESOLUTION COMBINING TITLES UNDER DEPUTY TREASURER (Received from previous Administrator 6/8/12)
26. RESOLUTION REVISING TITLES OF PAYROLL AND BENEFITS CLERK AND FINANCE CLERK (Received from previous Administrator 6/8/12)
- 26a. RESOLUTION AUTHORIZING THE HIRING OF RICHARD J. SHEOLA AS CHIEF FINANCIAL OFFICER (correcting amount in Resolution originally adopted 5/23/12/ Received from Borough Attorney 6/8/12)
- 26b. AUTHORIZING THE HIRING OF RICHARD J. SHEOLA AS QUALIFIED PURCHASING AGENT (correcting Resolution originally adopted 5/23/12 as Purchasing Agent/Received from Borough Attorney 6/8/12)
- 26c. RESOLUTION CHANGING TITLE OF THE BOROUGH CLERK OFFICE ASSISTANT TO DEPUTY BOROUGH CLERK (due to receipt of certification as RMC/Received from previous Administrator 6/11/12)
- 26d. RESOLUTION FIXING BASE SALARIES FOR 2012 (Received from Administrator 6/11/12)

MOTIONS

27. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES
(Distributed via e-mail on 6/8/12) ABSTENTION: AMITAI
a. REGULAR MEETING OF MAY 23, 2012
b. WORK SESSION MEETING OF MAY 23, 2012
- 28.—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):

<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				

29. MOTION APPOINTING William J. Martin (Architect) TO SERVE AS CLASS A MEMBER OF THE HISTORIC PRESERVATION COMMISSION FOR A 4-YEAR UNEXPIRED TERM (RADICK) TO 12/31/12
30. MOTION RATIFYING NON-SALARIED APPOINTMENTS MADE FOR ADMINISTRATOR, RICHARD J. SHEOLA, AT THE REGULAR MEETING HELD 5/23/12 AS FOLLOWS: AFFIRMATIVE ACTION OFFICER, APPROPRIATE AUTHORITY, PARKING RESERVE ADMINISTRATOR, TREASURER, NJ MOTION PICTURE ADMINISTRATOR
- 31.—*POSSIBLE* MOTION GRANTING APPROVAL FOR CHAMBER OF COMMERCE TO POST 25 YARD SIGNS ON PRIVATE AND BOROUGH PROPERTY TO ADVERTISE THE SIDEWALK SALE TO BE HELD ON 7/26/12, 7/27/12 AND 7/28/12 (Written request incorporating locations has not been received as of the date of preparation of this Agenda)

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32. REPORTS

- a. CONSTRUCTION OFFICIAL - MAY 2012 (Received 6/6/12)
- b. FIRE CHIEF - MAY 2012 (Received 6/11/12)
- c. CHIEF OF POLICE – MAY 2012 (Received 6/12/12)

6b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

33. 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)

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

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

- 34a. MOTION APPROVING THE FIREWORKS DISPLAY TO BE HELD AT MEMORIAL PARK ON SATURDAY, 6/16/12, COMMENCING AT 9:30 P.M., WITH THE REQUIRED POSTING OF A REFUNDABLE BOND IN THE AMOUNT OF \$2,500.00 AND FIRE PREVENTION PERMIT FEE IN THE AMOUNT OF \$331.

At this time, Mayor Heymann advised that approval is needed for a change to the housing expenditure schedule that would limit the amount for administrative fees so that more money would be allocated to the housing fund. The amount on the projected expenditure schedule for 2012 for Vantage would be \$212,145 and will be expended as soon as same is authorized in the original spending plan submitted in 2008. If there is an additional expenditure needed in the future, there can be a reallocation. The expenditure chart was pending approval in 2008 when the Housing Plan was first established but never completely finalized because the third round was never fully approved. Borough Attorney said that the State wants a proposed spending plan for funds collected over the years from developers for affordable housing; and this would allow the funds to remain with the Borough rather than revert to the State.

- 34b. Motion approving the revision to the Housing Expenditure Schedule for Affordable Housing was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

- 34c. Motion approving the following Closed Session Resolution at 10:07 p.m. was made by Councilman Barad, seconded by Councilman Dolson 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 relative to the Crown Castle Lease". 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 4 weeks.

Mayor Heymann resumed the Regular Meeting at 10:32 p.m.

35. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:32 was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via e-mail on June 22, 2012 for
approval at the Regular Meeting
to be held June 27, 2012

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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 June 27, 2012
Consent Agenda Item No. 12a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES - JUNE 13, 2012 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, June 13, 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 for publication on January 6, 2012 and The Star Ledger on January 7, 2012, posted on the Municipal Clerk's bulletin board and has remained posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick,
David Barad (7:37 p.m.), 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 MAY 24, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. No member of the Council or public wished to remove any items for discussion.

b. MAIL LIST OF MAY 31, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. No member of the Council or public wished to remove any items for discussion.

c. MAIL LIST OF JUNE 7, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 8 was removed by the Borough Clerk.

Item No. 8: Received 06/06/12 via e-mail, dated 06/06/12 from Mark P. Fierro, Esq. to Borough Clerk, c: Mayor, Parsells Agency, Chief of Police, Jim Oettinger, Fire Official re Request for Mayor and Council permission to conduct private fireworks display (public is invited) the evening of Saturday, 6/16/12; attached approvals received from Fire Official, Recreation Commission Chairman, Chief of Police, Risk Management Consultant

Mark Fierro, 16 Center Street, explained his daughter graduated from college a few weeks ago and her best

friend's (Blake Funston) father had gotten fireworks to celebrate the occasion. He explained that unfortunately their event got rained out and they only have a limited window in which to use them. Blake suggested to his daughter since they are having her party this Saturday night (6/16/12) that they ask the Borough for permission to use them at her party. Mr. Fierro expressed his gratitude to the Borough employees he has spoken to regarding his request. He explained that Jim Oettinger, Recreation Director, thought it was a wonderful idea because there is going to be a Little League baseball game which is the finals between Closter, Haworth and Demarest. A Mayor's trophy is to be presented to the winner; and as he understands the game will be over in time to enjoy the fireworks, he informed the public is invited. Mr. Fierro said he spoke to Kevin Whitney, Fire Official, who indicated there would be no issue because it is being completed by a professional pyrotechnic engineering firm. He said Colleen Holdsworth at the Parsells Agency obtained the necessary paperwork for the Risk Manager's office in order to line up the insurance; and to Mr. Rogan and his associate. Mr. Fierro explained he will be the sponsor and he will pay the permit fee as well as the requisite \$2,500 bond that needs to be posted. He spoke to Chief Kaine about an area of one road that would need to be closed off and he indicated it would not be a problem. Mr. Fierro is requesting a 12 minute show to commence at 9:30 p.m. with 4 ½ inch shells which are appropriate for a residential area.

Councilman Barad arrived at 7:37 p.m.

In answer to Councilman Dolson, Mr. Fierro said the audience would be at Memorial Field and across the street at Tenakill (School) but the fireworks will be shot off from behind the trees behind the band shell in the open area by the bridge. His contact person, Charles Rappa, met with Jim Oettinger today and wanted to view the area where the fireworks are traditionally shot off by the Borough.

Councilwoman Latner voiced her opinion that this is a great idea because of the playoff games; and asked Mr. Oettinger if he would circulate an email to the Rec. list to apprise everyone.

Jim Oettinger said he met with Charlie today at the site and he believes Kevin Whitney has it all under control. He voiced their hopes that the Mayor and Council would attend because it's the Mayor's Trophy Game. In answer to Mrs. Latner, he said they do have an email list that he would send the message out to; and he hopes to get something in the papers really quick because it is a unique story. Mayor Heymann asked someone to remind her to call The Record tomorrow morning if everyone is in accord and a Resolution is offered for same in the Regular Meeting.

The Borough Clerk asked if the \$2,500 bond was going to be posted and with whom. The Borough Attorney informed she would collect the bond payment; and Mr. Fierro said he would write a check tonight for same.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of June 13, 2012)

Mayor Heymann asked if anyone wanted to remove any item for discussion.

Borough Engineer asked that the following item be removed due to the fact that the period of estoppel for Bond Ordinance No. 2012:1125 must expire prior to award of this bid.

19.——RESOLUTION AWARING BID TO _____
IN THE AMOUNT OF _____ FOR HERBERT AVENUE, SECT. 5 &
BLANCH AVENUE IMPROVEMENTS, 2012 ROAD IMPROVEMENTS, & SCHAUBLE FIELD
WALKING PATH, RECEIVED AT THE BID OPENING HELD 6/8/12 @11:30 A.M.
TO BE PREPARED BY BOROUGH ATTORNEY

Therefore, this item was removed from the Consent Agenda.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT – The Borough Attorney requested a Closed Session at the end of the Regular Meeting to discuss a matter regarding the Crown Castle Lease.

Mr. Rogan informed he has some additional items for discussion which have been added to this evening's Agenda and have been distributed, some of which were already placed on an Addendum courtesy of the Borough Clerk. Mr. Rogan listed the following items that were added by his office: Appointing Mr. Sheola as Chief Financial Officer; Appointing Mr. Sheola as Qualified Purchasing Agent; increasing the bidding threshold for the QPA to \$36,000; and the memorialization of the verbal approval given at the last meeting to 40 Johnson Court to construct a retaining wall on Borough Easements subject to Planning Board and Engineer approval.

The Borough Attorney reported that Tax Appeals were heard at the County Board on 5/24 and 5/31; and judgments will not be issued by the County Board until approximately 6 months from now. He said an appeal came in for the Watkins Farm Assessment; and Mr. Rosenblum filed a brief requesting an appeal. His brief is due in July and the Borough's is due in August. Mr. Rogan explained this appeal comes from the Judge's dismissals of the cases from 2005 to 2011.

The Borough Attorney clarified there are a few items that the Mayor and Council intimated will not be heard this evening and that includes Ordinance Nos. 2012:1122 and 2012:1123. He explained these are zoning related items which were forwarded to the Planning Board for review and comment. Mr. Rogan received a letter from Mr. Chagaris, Planning Board Attorney, dated 6/8/12 informing that the Board did not have a meeting in May; and they requested additional time for the Board to consider those proposed Ordinances. Pending receipt of the Planning Board's report, those items can be heard at the next meeting. The Borough Attorney informed these items concluded his report.

B. BOROUGH ENGINEER

1) STATUS REPORT RE 2009 SAFE STREETS TO SCHOOL SIDEWALK PROJECT NJDOT \$275,000 - Authorization to proceed rec'd 8/9/11; Awarded to Marini Bros. Construction Co., Inc. at RM 10/12/11 – The Borough Engineer reported the contractor completed this project and we are in the process of preparing a final estimate and voucher for the Borough to pay the contractor. Subsequently, the Borough will be reimbursed by the State and this project can be removed from his Report.

2) STATUS REPORT RE HERBERT AVENUE IMPVTS., SECTION 4 (2011 NJDOT Municipal Aid - \$145,846; Closter - \$5,000), MEMORIAL FIELD BASKETBALL COURT IMPROVEMENTS (2009 Bergen County Open Space Trust Fund \$37,500/Closter Open Space Trust Fund \$37,500) AND RUCKMAN ROAD IMPROVEMENTS & CRACK SEALING (remaining Funds from 2009 Road Improvement Program - \$51,895) Contract awarded (RM 4/26/11) to AJM Contractors – Mr. DeNicola reported this project is finally completed with AJM having remediated the puddle issue at the corner of Ruckman Road and Reuten Drive. The Borough Engineer informed this project can be paid prior to the next meeting; and this project can be removed from his Report.

3) STATUS REPORT RE DREDGING AND RESTORATION OF RUCKMAN POND, BLOCK 1901, LOT 1 (RM 6/8/11) – Borough Engineer reported there was a meeting today with the Nature Center and Bergen County Mosquito Commission. The project is proceeding slowly due to the weather; with rain almost every day, they have to wait at least a week for the materials to dry out to be loaded onto a truck; otherwise, it runs all over the road. He anticipates the project to be hopefully completed by the end of August.

4) REPORT RE FIRE DEPARTMENT RAMP (WS 4/25/12/Requested by Councilwoman Latner) – Mr. DeNicola reported he spoke to Bill Dahle and Nick Varni briefly regarding

6. the driveway. It is up for repair since it was last completed 10 years ago; and due to the soft nature of the
PROFESSIONAL REPORTS (Continued)
B. BOROUGH ENGINEER (Continued)

soil underneath it, having been built on a landfill, he explained the life expectancy is between 5 and 10 years. He said it will need to be milled and resurfaced next year and can be incorporated into projects for the 2013 resurfacing season.

5) REPORT RE MEMORIAL FIELD TRACK (WS 4/25/12/New Business) – The Borough Engineer reported this track was installed prior to Boswell’s appointment, possibly in 2000 or 2001, by a contractor for the Recreation Commission. At this time, the track is deteriorating and cracked and is a hazard in some locations. He said he spoke to Jim Oettinger and Bill Dahle about replacing all or part of the track next year, also, as a part of the 2013 road resurfacing program. Mr. DeNicola informed the Borough will need to set budgets aside next year for both this and the Fire House driveway project.

6) REPORT - Borough Engineer reported that AJM Contractors was the low bidder for the Herbert Avenue Section 5 Project; and it will, hopefully, be awarded at the next meeting. The project was combined with the 2012 Road Resurfacing Program and the Schauble Field Walking Path and the bid came in at roughly \$450,000. Mr. DeNicola informed these items concluded his report.

7. REPORTS

A. BOROUGH ADMINISTRATOR

Mr. Sheola reported he is in the process of locating and reviewing all of the files for Item Nos. 1 - 6. He hopes at the next meeting to have a more detailed update on these items.

- 1) STATUS REPORT RE BOROUGH WEB SITE
- 2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S):
 - a. Report re follow up of insurance requirements for use of Senior Center (WS 10/26/11)
 - b. Report re follow up of following Mail List requests:
 1. St. Paul’s Anniversary Committee (9. M.L. 1/19/12) request to hold a block party on 9/9/12, time TBA
- 3) STATUS REPORT RE PREPARATION OF SPECIFICATIONS FOR ADVERTISEMENT OF BIDS FOR SANITATION/TRASH COLLECTION (RM 1/26/11)
- 4) STATUS REPORT RE REQUEST FROM RECREATION COMMISSION (4. M.L. 11/17/11) TO REMOVE “DANGEROUS TREES” IN THE PARKS
- 5) STATUS REPORT RE: NEW ROOF AND CHIMNEY/MASONRY WORK/ MAC BAIN FARM HOUSE (WS 12/14/11)
- 6) REPORT RE HERBERT AVENUE SECTION 5 & BLANCH AVENUE IMPROVEMENTS, 2012 ROAD IMPROVEMENTS, & SCHAUBLE FIELD WALKING PATH (2012 NJDOT Municipal Aid - \$146,500) Notice to Bidders published in The Record 5/26/12/Bid Opening held 6/8/12 @11:30 a.m. – The Borough Administrator reiterated that the award of this bid will take place at the next meeting (6/27/12)

7) REPORT – Mr. Sheola informed he had a report covering his first 8 days. He reported they are starting to review some of the internal operations and planning for office relocations throughout the building. Mr. Sheola reported he is generally getting acclimated to the offices, employees and Closter Borough in general; and he is loving his first 8 days.

B. BOROUGH CLERK

- 1) STATUS REPORT RE 2012 APPOINTMENTS - The Borough Clerk reported we are current; and other appointments are being added to the Agenda as needed. Outstanding appointments have been maintained on the Agenda for action.
- 2) STATUS REPORT RE 2012 OATHS OF OFFICE – Ms. Castano reported that at this time there are only two Oaths outstanding and she is following through on those.
- 3) STATUS REPORT RE 2012 LICENSES - The Borough Clerk reported the following:

a. Local Licenses are current for calendar year 2012

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

b. Liquor License renewals are in progress for 2012-2013. There are four (4) licenses on the Agenda for renewal this evening and two (2) were renewed at the last meeting. There are currently seven (7) licenses in progress pending receipt of approvals from Borough Officials. One (1) license is awaiting a Tax Clearance Certificate and one (1) requires a Special Ruling. Renewals are due by the end of June and she is in touch with the individuals asking them to follow through.

4) STATUS REPORT RE 2012 MEETING DATES - The Borough Clerk reported Meeting Dates are current.

5) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS — Ms. Castano reported we were issued a form (Local Finance Board Notice LFN-2012-8) from the Local Finance Board informing of the change in the procedure for the filing of the Financial Disclosure Statements with the State. The new deadline is June 29th and the completed forms must be scanned to pdf format and e-mailed to the State. The State will maintain a file; and it will cut costs for them by using this procedure.

At this time, we are waiting receipt of information from the Board of Ethics, who is scheduled to meet tomorrow, as to whether they followed through with all of the people who have not yet filed their FDS. Ms. Castano has not had any updates from the Board since their last meeting but hopes to have some information after tomorrow's meeting. She added that in accordance with the Local Finance Notice, the Municipal Clerks and Secretaries to Boards of Ethics have been charged with the task of e-mailing the completed forms to the State by the deadline.

6) STATUS REPORT RE PAPERLESS PACKETS - The Borough Clerk reminded she had estimated we would have received the laptops by June; however, with the transition currently going on, she said perhaps they have to be more patient.

7) STATUS REPORT RE ELECTIONS – Ms. Castano reported the Primary was held 6/5/12 from 6 a.m. to 8 p.m. and there was only an 8% turnout. Ms. Castano voiced her opinion there should be more publicity as far as this election is concerned. It was a very busy day with many different unusual situations which were taken care of; and all the Board Workers explained it was good practice before the Presidential Election in November. Certification of all County Committee persons was sent to the County Clerk's Office Election Division.

8) REPORT - The Borough Clerk voiced her opinion that the transition of the new Administrator has been running very smoothly. She welcomed Mr. Sheola and explained that either he is very efficient or the previous Administrator removed everything in his office before he arrived. Ms. Castano voiced her satisfaction that it was most beneficial to the Borough to have an experienced Administrator, Chief Financial Officer and Qualified Purchasing Agent in the Borough for the first time.

C. CHIEF OF POLICE

1) REPORT – Chief Kaine reported that in May the Borough received a grant for the “Click-It or Ticket” program. The Department performed 79 hours of detail for the program and issued 157 tickets including two (2) DUI's. He voiced his understanding that the Borough Administrator did the final reimbursement through SAGE so we can be reimbursed for that. Chief Kaine said the New Jersey Department of Highway Safety has awarded Sgt. (Thomas) Brueck and Ptl. (Vincent) Aiello the DWI Top Gun Award for 2011 for having the most DWI's in the Borough last year; each had eight (8).

Chief Kaine reported the County will complete the paving of Schraalenburgh Road tomorrow with the patch between Old Hook Road and Cedar Lane. Schraalenburgh Road, Old Hook Road and Durie Avenue were milled and paved.

At this time, Mayor Heymann thanked Chief Kaine for the reverse 9-1-1 call initiated to inform residents about the paving.

7. REPORTS (Continued)

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS: At this time, Mayor Heymann informed she would like to report on some grant awards that have been made or changed or that are subsequently being asked for this evening on the Agenda. She noted all three issues are in regards to the “ROID” grants for differently abled challenger recreational opportunities.

Regarding the 2011 ROID Grant (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM -WS 9/7/10/\$10,000 Awarded – Reported at WS 5/11/11); Mayor Heymann reported the Borough did not use the full amount, therefore, the award has been amended to \$8,875.00 which is the final grant amount.

a. FILED

1. 2012 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000) Authorization for application RM 6/8/11 – Mayor Heymann reported that we asked for \$10,000; and though we were disappointed, we were congratulated by our Legislators on the award of \$5,000.00 for the 2012 program.
2. 2011 BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT – LAND ACQUISITION IN THE AMOUNT OF \$283,000 FOR THE PURCHASE OF BLOCK 1805, LOT 1, COMMONLY KNOWN AS THE CLOSTER SWIM CLUB AT BLANCH AVENUE (RM 8/10/11) – Mayor Heymann reported the County awarded the Borough \$283,000 for the eventual purchase of the Closter Swim Club, which is on hold until the remediation of the property is complete.
3. 2011 BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT – MUNICIPAL PARK IMPROVEMENTS – MATCHING GRANT IN THE AMOUNT OF \$40,000 FOR SCHAUBLE AND MEMORIAL PARK IMPROVEMENTS (RM 8/10/11) – Mayor Heymann reported the Borough was awarded \$27,500 for the track project at Schauble Field that the Borough Engineer spoke of earlier; and \$12,250 for the bleachers and batting cage at Memorial Park.
4. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM SUPPORTING THE DESIRE OF THE ENVIRONMENTAL COMMISSION TO OBTAIN A GRANT IN A MAXIMUM AMOUNT OF \$25,000 TO FUND THE EXTENSION OF THE CROSS CLOSTER TRAIL PROJECT; SAID GRANT PROGRAM REQUIRES A CASH MATCH OF 20% OF THE AMOUNT AWARDED OR A MAXIMUM AMOUNT OF \$6,250.00 (Authorized RM 2/8/12)
5. DEPARTMENT OF ENVIRONMENTAL PROTECTION IN AN AMOUNT NOT TO EXCEED \$3,000.00 TO FUND THE FOLLOWING PROJECT: COMMUNITY FORESTRY MANAGEMENT PLAN, GREEN COMMUNITIES GRANT (50% match of total project amount) (Authorized RM 2/22/12)

Mayor Heymann reported there is a Resolution on the Agenda this evening to authorize the application for the 2013 ROID Grant in the amount of \$10,000.

b. AWARDED

1. CDBG GRANT APPLICATION (\$20,000) TO IMPROVE ACCESSIBILITY TO THE CLOSTER PUBLIC LIBRARY (RM 8/11/10) (Award received 11.M.L. 7/7/11) (Contract authorized for execution/RM 10/12/11)
2. 2010 BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT APPLICATION (Municipal Park Improvement Program/Purchase of Playground Equipment/Memorial Park - \$37,500/match – RM 9/22/10) (Contract authorized for execution/RM 10/12/11)

c. TO BE FILED - To be announced by Mayor

7. REPORTS (Continued)

D. MAYOR (Continued)

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- 2) REPORT – At this time, Mayor Heymann informed she had some announcements to make.

Mayor Heymann congratulated Det. Brueck and Ptl. Aiello on their Top Gun awards. She extended congratulations to Jennifer Rothschild (Chair) of the Historic Preservation Commission for obtaining her certificate from Drew University for studies regarding same.

At this time, Councilman Kashwick referred to the letter sent to the Mayor from Mayor Barsa of Norwood regarding the possibility of extending the Northern Branch to Norwood; and questioned if she would be attending the meeting regarding same. The Mayor said she will attend and informed she also extended the invitation to Donald Winters and Erik Lenander though she has not heard back from them yet. Councilman Dolson reminded he attended the presentation in Tenafly and noted that even though the plans call for terminating the line in Tenafly, they do have plans for Closter off the line. He said he wrote a letter to them personally expressing the need of the Northern Valley to reinstate the line in its totality; including freight and passenger lines. Although the South River Line near Newark is working quite well, he feels if enough people convey their thoughts and needs, perhaps they will listen a little more. Councilman Kashwick voiced his opinion that it would mitigate some of the objections Tenafly has about congestion in their area. Mr. Dolson explained he wrote in his letter that if the lines were used similar to what they were 60 years ago, there would be no parking issue. Even the Pascack Valley line has small parking lots along the way; and there is no real need for a parking garage if the line is continued all the way up. Mayor Heymann informed the Borough Clerk had provided her with an old agenda from 1998 that shows Teaneck was opting for the West Shore and Tenafly was opting for the Northern Railroad; the County wanted to have East-West instead. She said this shows this has been going on all this time.

At this time, Councilman Glidden reported the Recreation Commission will be having Summer Concerts again this year on Thursday nights at 7:30 p.m. and they are paid for by Recreation. The first concert will be 6/21 featuring Johnny Youth and The Verdict; 6/28 is The Willies; 7/5 is My Anxiety; 7/12 is Shaved Ham and on 7/19 is The Slackers. Mr. Glidden said they are a lot of fun and expressed his hopes that a lot of people will take advantage of them. Jim Oettinger reported the Commission will be following up with Leslie (Weatherly) to get all of the insurance and hold harmless agreements in; and he hopes they will have a great concert season.

At this time, Councilman Barad referred to the pool issues the Mayor spoke of earlier and asked if we were going to be inviting them back to meet with us. He voiced his opinion it would be best not to treat it passively and get the full group of people back together to discuss what all of the issues are. Mayor Heymann informed she had a conference call with the DEP this past week and they provided her with some insight. She said Steve Mufson from the Swim Club Board was on the call with her; and the DEP provided information that was more far reaching and less onerous than what we originally received from the Boswell report. The DEP is studying that and she asked Steve Mufson to follow up on same. She informed she also asked Mark Maddaloni, who is an expert from the EPA, to help her interpret what she received from the DEP. In addition, the Swim Club Board is on top of that as well, so she will have further reports as we go along.

At this time, Councilman Barad referred to the Consent Agenda item regarding the Chamber of Commerce request to post lawn signs. He noted that none of the requested information has been received. The Borough Clerk voiced her opinion that it would probably take them some time to come up with the list; and it may be best to carry it until the information is received. Dr. Barad agreed and no one voiced any disagreement to same.

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

Steve Isaacson, 97 Columbus Avenue, representing the Closter Chamber of Commerce, referred to a letter dated 10/28/11 from Mayor Heymann stating that at the March 2011 meeting of the Joint Boards there was interest in measures to be taken to alleviate legal barriers to establish businesses in Closter. He referred to the four items that were highlighted in the letter and asked for an update on same. Mayor Heymann said that the Planning Board passed the first item by resolution to the Council and same will be pursued

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immediately through the Ordinance Committee, the Council and thereafter back to the Planning Board; and the process should take approximately 2½ months. In answer to Mr. Isaacson, the Mayor said the Planning Board has received from the Borough Engineer a list of the standard parking for various businesses, which will be incorporated into our parking regulations. The Committee has been reviewing the sign ordinance and is coming to a reasonable conclusion. Regarding the commensurate fees for parking, she informed this is tied into the review of the parking regulations.

Rose Tubito, Esq., on behalf of the Closter Residents Protection Group, questioned the status of the environmental testing, soils and engineer's report relative to the Brooks Farm. Borough Attorney said an engineering report was prepared and forwarded to the County and the Borough indicating that the soil was picked up from a County Park in Westwood, that the soil was tested and the appropriate paperwork was filed with the State indicating that there were no contaminants in the soil. Relative to the soil that was disturbed, Borough Engineer advised that there is no required soil testing; and Borough Attorney said he did not know of any legal authority to allow the Borough to do so. Testing is only done when an oil tank is removed or there is a spillage; and to test pre-existing soil on private property with tax payer funds may not be legal or financially justifiable. Testing of pre-existing soil in the Borough has never been done absent some compelling reason.

Ms. Tubito was advised by Mayor Heymann that if she was speaking on behalf of the residents in the audience, she would provide an additional five minutes but that her clients in the audience would forfeit their right to speak to this issue.

Ms. Tubito said that there is a temporary restraining order in place; and the landowner is not to build permanent structures; and she questioned whether the ongoing construction at the site is permanent or temporary. Borough Attorney said that the Borough does not enforce private court orders; and if the plaintiff believes the order has been violated, relief would come from the Judge. Ms. Tubito questioned why the Mayor and Council did not file an appeal to the Bergen County Agricultural Committee and Borough Attorney reminded, as he had explained to her previously, the Mayor and Council are not individuals that can make a split second decision. New Jersey State law provides that a governing body meets at a public meeting so that the public hears the discussion and then votes on the matter. Any decision to expend Borough funds to commence litigation or defend litigation is done in public. In the instance of the appeal, the Mayor and Council did not meet between the dates of the two appeals. The only exception to the law is an emergent matter which has been defined in the Courts as extreme; and an appeal is not extreme. Ms. Tubito expressed her disagreement and stood by the argument in her complaint. At this time she played a tape purported to be Denny Wiggers, a Bergen County Agricultural Board member who voted on the issue, having a conversation with someone, the name of whom she would not reveal, and which she felt indicated Mr. Wigger's conflict of interest.

Borough Attorney said that the Mayor and Council has nothing to do with a matter pending before the State Agricultural Board inasmuch as it was a solely jurisdictional point by the County sending the matter to the State. The State Agricultural Board will decide if the property is a farm or not; and if they feel there was a conflict of interest, the matter would be referred back to the County where Mr. Wiggers would be told not to vote. If it is determined that the property is a farm, there is jurisdiction; and the State Board will hear the matter. Borough Attorney said it was his legal opinion that the appeal was a mistake and that the matter is better off with the State Agricultural Board and not the County of Bergen. Ms. Tubito said that the Mayor and Council should have supported their appeal but agreed that the State is the best venue for the issues. Mayor Heymann said that the Council has sent a letter to the Governor and we are doing every thing that can be done within the law to support the residents.

Richard Ryan, 212 Knickerbocker Road, said that promoting the use of sidewalks to walk to school is a great issue but felt that walking on the sidewalks on Knickerbocker Road and High Street is not safe noting that the handicap skid plate on the northeast side of the intersection has been off for a year and it should be corrected. There should be additional time allotted for a police officer to be present to assist the crossing guard. Relative to the Brooks Farm, he questioned if a Green Acres Grant was used to purchase the

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property; and Mayor Heymann said the Borough obtained grants from the State and County but that the owner would not sell the property to the Borough. During this time Mrs. Brooks was negotiating for the development rights with the County, which she obtained. Borough Attorney said that the County paid \$2,000,000 so that the property would remain a farm. Mr. Ryan questioned if the issue of endangered species had been investigated.

In answer to objections from the residents present who are represented by attorney, Rose Tubito, Mayor Heymann said she had made it clear to the attorney that if she wished to take longer than five minutes, the time would be taken from the residents she represented since by law you forfeit your right to speak on the matter; but in the spirit of cooperation, she would allow the residents to speak but to be very brief.

David Hecht, 51 Hickory Lane, said he questioned the attitude of the Mayor and Council who should be sympathetic to the residents. He said the group has hired a civil engineer and there is an environmental engineer present that could speak to putting new soil over old soil that was heavy with pesticides used many years ago. He said the group has collected approximately \$19,000, which has been almost completely spent; and he requested funds from the Council to retain an environmental engineer. Mayor Heymann said that the Council is sympathetic to your concerns; but as representative of the entire community, Borough funds cannot be expended for only certain members of the community. The budget is for the entire community; and we cannot overspend the budget unless there are true emergencies. Borough Attorney said when a private individual comes into the Borough to build, the Borough cannot spend money to oppose a project. Every application before a Borough board has a certain number of residents upset; and the municipality cannot get involved in neighborhood lawsuits. Councilman Glidden said he would continue to listen and support them and would bring up the request for funds with the Mayor and Council. He thanked Mr. Hecht for being respectful and felt Ms. Tubito should act in the same manner; to which she took issue.

Borough Attorney said there are rules for this public meeting of an elected official body of the State of New Jersey; and Ms. Tubito's semantics this evening are not appropriate and totally disrespectful. He asked that she not speak unless addressed. Five minutes is given to everyone, the governing body listens respectfully and answer questions if possible. There cannot be cross interruptions by her or other people.

Jim Buscemi, 74 Susan Drive, said he contacted a non-profit land preservation trust and their land conservation officer, whose credentials he outlined, who said there is a smear campaign. The agencies volunteered information to him that the owner was trying to be a good neighbor who provided plans that the town refused to review. He noted that he confirmed this is not true with a member of the Council. More visibility is needed in the press because the agencies believe that the owner is being cooperative and providing all the plans. He noted that the land conservation officer said the SADC program is to protect the agricultural industry not open space. We have attempted to get the SADC to consider conservation values; and several members of the SADC are horticultural farmers who support this activity because it is profitable. He felt there would be no relief before this board. Mayor Heymann said that she has reached out to many parties to mediate this issue from the beginning and she will continue to do so. Councilman Barad said we should keep pressure on our elected officials because the Farm Act is being abused and should be reformed.

Nathan Amitai, 35 Wendy Lane, said perception counts; and many residents feel the Mayor and Council are not supportive. This is not a private matter; and the outcome can change the nature of the entire town. He said they need the Borough's financial help and it should be considered. Mayor Heymann said we have gone out of the way to help the residents and she outlined the actions that have been taken.

Steve Gross, President of Hudson Highlands Environmental Consulting, outlined the functions of the firm and found that this is not just a local issue. He said the house dates back to the original settlement of the area which is an incredible resource. The Farm Act says there should be no action that could endanger the value of the property as agricultural property, but it is happening. Outside soil has been brought in and compacted which has caused cracks in neighboring homes. Compacting can destroy agricultural value of

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soil; and if destroyed, no other farmer can come in and use the property. This is a clear violation of the Farm Act. All the good intentions of the County and State have been violated by one property owner for profit.

David Garfunkel, 30 Wendy Lane, referred to a recent Closter Historic Preservation Commission meeting where it was indicated that their interest was in the home not the property; and he cited the guidelines for accessory buildings on the Commission website which noted the historical value of trees and landscaping on the properties. He felt the Commission was ignoring its own guidelines.

Marie Hartwell, 1 Bradley Place, said that she has been attempting to get a copy of the original conservation act but has been advised that it is confidential due to homeland security. Mayor Heymann said it has been requested but nothing has been received as yet; but she would continue to pursue it. Borough Attorney said it was his understanding that the conservation plan has not been completed by the new owner and Mayor Heymann said that Mrs. Brooks never submitted the plan to the Borough. Documentation for the removal of the oil tanks has been provided to the Building Department and testing was done by the DEP.

Barry Sprung, 12 North Star Road, said the attitude of the Council disturbs him. The Borough Attorney advised that farming and greenhouses are permitted uses but when variances are needed, applications have to be made to the Planning or Zoning Boards. Additional access to the property would require an application to a municipal board. The complaint that was filed was for the removal of the trees.

Councilwoman Latner explained we have had no power over the matter because it is protected farmland but we are doing everything we can. We have addressed the matter with the Governor because it is an abuse of the Act. Borough Attorney cited the case of Closter vs. Abram Demaree farm in which the court cited what the town can and cannot do. Councilman Kashwick said that the residents should contact the State Representatives and voice concerns.

Mindy Rothbaum, 83 Hickory Lane, apologized for the hostility during the meeting noting that the residents are frustrated. It is felt that the governing body is not on their side. Mayor Heymann said she sympathizes with the residents; and information is not being held back from the residents but passed on as soon as same is received. Borough Attorney said we are not allowed to go on the property and we could be sued for trespassing if we did. We have done everything that can be done under the law.

Michael Kopf, 10 Buzzoni Drive, felt that the Mayor and Council are not doing everything that can be done. Mayor Heymann said that if anything happens on the farm under our jurisdiction, action will be taken before any construction takes place.

Wally Barker, 140 Hickory Lane, cited the traffic and said this is a reason to stop the development. Mayor Heymann said that this is not a reason to stop development; but measures can be taken to limit traffic through ordinances.

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

13. ADJOURNMENT

Motion to adjourn the Work Session at 9:37 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

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Provided to the Mayor and Council
via e-mail on June 22, 2012 for
approval at the Regular Meeting
to be held June 27, 2012

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held June 27, 2012
Consent Agenda Item No. 12b.