

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MAY 23, 2012 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:57 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
and Arthur Dolson
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, Dennis Kaine
Fire Chief, Nick Varni

The following persons were absent:

Councilwoman Victoria Amitai.

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 this meeting.

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"

Motion adjourning the Public Hearing on Ordinance No. 2012:1122 to the Regular Meeting of June 13, 2012 was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

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 the Public Hearing on Ordinance No. 2012:1123 to the Regular Meeting of June 13, 2012 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 and Dolson.

b. The following Ordinances were introduced at the Regular Meeting held 4/25/12 and were published in The Record on 5/1/12 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:

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1) ORDINANCE NO. 2012:1124, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 65 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING ALARMS, SPECIFICALLY SECTION 65-10, LOCAL ALARMS”

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

Motion approving the adoption of Ordinance No. 2012:1124 was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

2) BOND ORDINANCE NO. 2012:1125, “AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE RECONSTRUCTION OF VARIOUS ROADWAYS IN AND FOR THE BOROUGH OF CLOSTER AND APPROPRIATING \$455,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$294,500 IN BONDS OR NOTES OF THE BOROUGH OF CLOSTER TO FINANCE THE SAME”

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

Motion approving the adoption of Ordinance No. 2012:1125 was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

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; RM 1/25/12; RM 2/8/12; RM 2/22/12; RM 3/14/12/RM 3/28/12; 4/11/12; 4/25/12; 5/9/12):

| <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 12/31/15 | Kathi Cochran | _____ | 4 Year | |

5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 6, 8 and 15 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 and Dolson.

1) ORDINANCES

A) INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING - 6/13/12 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2012:1127, “AN ORDINANCE TO CREATE NEW TITLES AND TO 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”(Received from Administrator 5/22/12)

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

B) INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING – 6/27/12 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2012:1128, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200 AND CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER PURSUANT TO THE RECOMMENDATIONS OF THE BOROUGH’S PLANNER AND IN FURTHERANCE OF AFFORDABLE HOUSING NEEDS”

Motion introducing Ordinance No. 2012:1128 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 and Dolson.

RESOLUTIONS

~~6. BILL RESOLUTION – MAY 31, 2012~~

TO BE PREPARED BY DEPUTY TREASURER

7. RESOLUTION ADOPTING PERSONNEL MANUAL AND PROCEDURES (Received from Borough Attorney 5/17/12)

Mayor Heymann explained that this is not a new manual but a revision of same to meet JIF requirements. Borough Attorney said the original manual was done in conformance with JIF regulations; and periodically changes must be made that do not change our ordinances. Non-compliance means a rate increase. In answer to Councilman Barad, the Borough Attorney explained these changes are currently in the form of an Addendum and they anticipate completing a new manual in its entirety throughout this year.

8. RESOLUTION APPROVING/REJECTING REQUEST OF MICHAEL J. HUBSCHMAN, P.E., P.P. RE JOE SPIVACK, 40 JOHNSON COURT, BLOCK 2304, LOT 21, FOR CONSTRUCTION OF 14’ RETAINING WALL ON TWO (2) BOROUGH EASEMENTS

(Requested by Borough Engineer – WS 5/9/12) RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY AFTER DISCUSSION AT THIS MEETING!

9. RESOLUTION APPROVING THE PLANS PREPARED BY BOSWELL ENGINEERING FOR THE PROJECT KNOWN AS HERBERT AVENUE SECTION 5 & BLANCH AVENUE IMPROVEMENTS, 2012 ROAD IMPROVEMENTS, & SCHAUBLE FIELD WALKING PATH (Received from Borough Administrator 5/15/12)

10. RESOLUTION AUTHORIZING THE BIDDING OF PROJECT KNOWN AS HERBERT AVENUE SECTION 5 & BLANCH AVENUE IMPROVEMENTS, 2012 ROAD IMPROVEMENTS, & SCHAUBLE FIELD WALKING PATH (Received from Borough Administrator 5/15/12)

11. RESOLUTION ACCEPTING THE SOLE BID RECEIVED AT THE BID OPENING HELD 5/11/12 BY PIERCE MANUFACTURING INC. IN THE AMOUNT OF \$1,079,579.00 FOR THE 95’ MID-MOUNTED AERIAL PLATFORM LADDER TRUCK OR EQUAL (Received from Borough Administrator 5/15/12)

12. RESOLUTION TO REAFFIRM THE BOROUGH OF CLOSTER’S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS (Received from Borough Attorney 5/15/12)

Borough Attorney explained that this resolution is in conjunction with Item No. 7 and outlines changes required by the JIF in summary fashion. Item No. 7 is the Borough incorporating it into the Manual and readopting it.

13. RESOLUTION APPROVING RENEWAL OF *INACTIVE/POCKET* PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NO. 0207-33-005-003, SUBJECT TO 12.39 SPECIAL RULING FROM THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL FOR THE 2011-2012 AND 2012-2013 LICENSE TERMS FOR MODERN BAR LLC (Appropriate fees paid, and required approvals received from the Division for Alcoholic Beverage Control and Division of Taxation)

13a. APPROVING 2012-2013 RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NO. 0207-33-009-010 – FRESCO INC. T/A PAULIES RESTAURANT BAR

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(Inspection approvals received from Borough Officials; Tax Clearance Certificate received from the Division of Taxation; and appropriate fees paid as of 5/23/12)

MOTIONS

14. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES
 (Distributed via e-mail on 5/18/12) NO ABSTENTIONS:
- a. REGULAR MEETING OF MAY 9, 2012
 - b. WORK SESSION MEETING OF MAY 9, 2012
 - c. SPECIAL MEETING OF MAY 9, 2012

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

| <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 | | | |

15a. MOTION GRANTING APPROVAL FOR THE CHAMBER OF COMMERCE TO CONDUCT THE ANNUAL SIDEWALK SALE ON THE FOLLOWING DATES AND TO WAIVE THE PERMIT FEE: Thursday, 7/26/12, Friday, 7/27/12, and Saturday, 7/28/12 (11. M.L. 5/17/12/Approval received from Risk Management Consultant 5/15/12) *

~~*(REQUESTS FOR PERMISSION TO CONDUCT THE FOLLOWING TO BE DISCUSSED:~~

AND TO

a. HANG SIDEWALK BANNER ACROSS VER VALEN STREET IN EARLY JULY (location/dates to hang banner/to remove banner) three weeks prior and promptly thereafter).

b. POST 25 YARD SIGNS ON PRIVATE AND BOROUGH PROPERTY TO ADVERTISE THE EVENT – TO BE REMOVED 6/29/12) (locations) PENDING RECEIPT OF WRITTEN REQUEST INCORPORATING LOCATIONS

- 15b. MOTION GRANTING APPROVAL FOR CLOSTER RECREATION COMMISSION TO HOLD ANNUAL BARBECUES AND SOFTBALL GAMES AND SERVE BEER TO COACHES AT ALL EVENTS AT MEMORIAL FIELD ON THE FOLLOWING DATES: FRIDAY, 5/25/12, FRIDAY NIGHT, 6/29/12, FRIDAY NIGHT, 8/31/12 (LABOR DAY WEEKEND); RAIN DATES: SUNDAY, 5/27/12, @ 4 P.M.; SATURDAY, 6/30/12, @ 7 P.M.; SATURDAY, 9/1/12, @ 4 P.M. (5. M.L. 5/24/12/Distributed 5/23/12)

16. REPORTS

- a. CHIEF OF POLICE – APRIL 2012 (Received 5/8/12)

At this time, Mayor Heymann added the following Motion to the Consent Agenda:

15c. MOTION GRANTING APPROVAL FOR THE PLACEMENT OF FARM SIGNS PENDING RECEIPT OF SPECIFIC LOCATIONS

At this time, Borough Attorney added the following Resolutions to the Consent Agenda, which he brought to the Meeting this evening and distributed to the Mayor and Council:

13b. RESOLUTION AUTHORIZING THE HIRING OF RICHARD J. SHEOLA AS BOROUGH ADMINISTRATOR

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13c. RESOLUTION AUTHORIZING THE HIRING OF RICHARD J. SHEOLA AS CHIEF FINANCIAL OFFICER

13d. RESOLUTION AUTHORIZING THE HIRING OF RICHARD J. SHEOLA AS PURCHASING AGENT

Mr. Rogan explained this was more of a designation than of a hiring.

At this time, Mayor Heymann informed that in conjunction with the above noted Resolutions just read by the Borough Attorney, she wanted to make the following appointments for Richard Sheola: AFFIRMATIVE ACTION OFFICER, APPROPRIATE AUTHORITY, PARKING RESERVE ADMINISTRATOR, TREASURER.

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

8.——RESOLUTION APPROVING/REJECTING REQUEST OF MICHAEL J. HUBSCHMAN, P.E., P.P. RE JOE SPIVACK, 40 JOHNSON COURT, BLOCK 2304, LOT 21, FOR CONSTRUCTION OF 14' RETAINING WALL ON TWO (2) BOROUGH EASEMENTS

(Requested by Borough Engineer – WS 5/9/12) RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY AFTER DISCUSSION AT THIS MEETING!

Borough Engineer explained he would provide the revision to the resolution relative to the height of the wall as discussed in the Work Session.

Motion approving the resolution, as revised, 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 and Dolson

Mayor Heymann said that we have our outgoing and incoming Administrators here this evening which speaks well for the transition. She thanked Mr. Wiest for his service to the Borough and welcomed Mr. Sheola to the Borough. Mr. Sheola thanked the governing body and said he looked forward to coming to the Borough on June 4th.

17. 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)

Fire Chief Varni said that the fire truck approved earlier this evening would be delivered in 9 months after the contract is signed. Mr. Wiest advised that there are opportunities to save additional monies through pre-payment decisions to be made that provide discounts. The decision would be to provide the payment of more money in advance. If you take advantage of the discounts, the purchase price could be reduced by \$20,000 to \$25,000.

Linda Albelli, 353 High Street, thanked the Mayor and Council on behalf of the Chamber of Commerce.

Motion approving the following Closed Session Resolution at 9:22 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

17a. OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(7) “A matter of pending litigation or contract negotiations” and N.J.S.A.10:4-12 “a tax collection issue” and that the item(s) under discussion in the closed meeting would be disclosed to the public at the conclusion of this meeting.

Mayor Heymann resumed the Regular Meeting at 9:45 p.m.

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

18a. RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO PREPARE A RESOLUTION REGARDING A VETERAN'S EXEMPTION AT 69 CEDAR LANE ,

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CLOSTER, FOR THE VA FINDING OF DISABILITY OF FALL 2011; THE MAYOR AND
COUNCIL RETROACTIVELY HONORING THE VA'S DECISION OF 2 YEAR
RETROACTIVE FINDING OF DISABILITY

Motion of approval 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 and Dolson.

Borough Attorney asked for a consensus that the Borough of Closter would be receptive to the Bergen County Agricultural Board suggestion that we submit to a State mediation overseen by the State Agricultural Board for the property located on Hickory Lane formerly known as Brooks Farm and now known as Metropolitan Farm.

18b. The following Motion 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 and Dolson:

MOTION APPROVING STATE MEDIATION OVERSEEN BY THE STATE
AGRICULTURAL BOARD FOR THE METROPOLITAN FARM LOCATED ON HICKORY
LANE

19. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:47 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Council
2012

Provided to the Mayor and
via e-mail on June 8,

for approval at the Regular Meeting
to be held June 13, 2012

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 13, 2012
Consent Agenda Item No. 27a.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – MAY 23, 2012 - 7:30 P.M.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – MAY 23, 2012 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, May 23, 2012. Mayor Heymann called the meeting to order at 7:34 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 and Arthur Dolson
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, Dennis Kaine
Fire Chief, Nick Varni (7:37 p.m.)

The following persons were absent

Councilwoman Victoria Amitai

At this time, Mayor Heymann asked for a Moment of Silence in memory of Prosper Buchhart who was active in the Fire Department for over 50 years as well as working in the Borough as an appraiser and other volunteer activities.

Mayor Heymann extended congratulations to Arlene Corvelli, who passed her exam and is ready to be certified as a Registered Municipal Clerk and appointed Deputy Borough Clerk.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF MAY 10, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 4 was removed by Councilman Dolson.

Item No. 4: Received 05/07/12, dated 05/01/12 from County of Bergen, Board of Taxation , to

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – MAY 23, 2012 - 7:30 P.M.

Municipal Clerk re Final Equalization Table, County of Bergen for the Year 2012

Councilman Dolson noted the Borough came in at about 98% so it looks like we are recovering a little bit economically compared to other towns. Mayor Heymann congratulated our staff in their efforts to reach this level.

b. MAIL LIST OF MAY 17, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 4 was removed by Councilman Dolson; Item No. 11 was removed by Councilwoman Latner.

Item No. 4: Received 05/14/12, dated 05/08/12 from Senator Paul Sarlo, Senator Linda Greenstein and Assemblyman Troy Singleton, New Jersey Legislature, to Mayor re Informing of legislation introduced to return hundreds of millions of dollars that had been cut from municipal aid through the State=s diversions of money from the Energy Tax Receipts

Councilman Dolson explained this is legislation to urge the State to return energy receipts tax to municipalities and said years ago this was called the Gross Receipts and Franchise Tax. This used to make up 14% of our utility bill which was collected in lieu of real estate taxes; and we used to get it back. He explained that we presently get less than 50% of what it was and we are probably paying 400% more than what the cost used to be. Mayor Heymann informed that a resolution in support of this legislation was passed at the 5/9/12 meeting.

The Mayor explained she wrote an “Op-Ed” for The Record and was invited to testify in front of Senator Sarlo’s Budget Committee for the Legislature. She said he was very welcoming and approachable. Mayor Heymann said that in the interim, the State is not collecting the money it anticipated; and she is afraid all of these efforts will go for naught. She said the committee she testified for was bipartisan and very welcoming to the idea and understood the need. Senator Sarlo said he would try to bring it back over a 5-year period so she thinks it is worth it to keep up the efforts.

Item No. 11: Received 05/16/12 hand del’d, dated 05/07/12 from Linda Albelli, Closter Chamber of Commerce re Requesting permission to conduct the 2012 Sidewalk Sale on Thursday, 6/26/12, and Friday, 6/27/12, from 9 a.m. to 9 p.m. and Saturday, 6/28/12, from 9 a.m. to 6 p.m.; AND requesting the fees for same be waived; Hold Harmless Agreement and Certificate of Insurance attached; AND requesting permission to hang the Sidewalk Sale banner across VerValen Street in early July AND to post 25 yard signs on private and Borough property to advertise the event which will be removed on 6/29/12; list of participants is to be provided (Complete copy to Glenn Parsells 5/16/12/Copy to Chief Kaine, Board of Health, DPW Superintendent, Zoning Officer, Construction Official - letter only!

Councilwoman Latner clarified the typo that the Mail List should read July. The Borough Clerk wished to call attention to the additional requests in the letter regarding hanging a banner and posting signs. She explained these items were placed on this evening’s Agenda noted with questions regarding same. Mayor Heymann invited Mrs. Albelli to speak on the matter.

Linda Albelli, 353 High Street, co-owner of Angelina’s Gifts and Goodies at 252 Closter Dock Road, appeared on behalf of the Chamber of Commerce to request permission for the 2012 Sidewalk Sale. She voiced her understanding that all of their paperwork is in order. Mrs. Albelli explained the request for the waiver of merchant participation fees has been requested this year to encourage local business to not only join the Chamber of Commerce but to also participate in the sale.

Regarding the request to hang a banner, Fire Chief Nick Varni explained the poles in question are the ones in front of Closter Plaza that were traditionally used for the Swim Club and Lions Club banners. Mrs. Albelli explained they would hang the banner approximately 3 weeks before the event and it would be promptly removed following the sale. In addition, the yard signs they are requesting would

be similar to the kind used during campaign season to be placed on Borough property approximately two and a half weeks before the sale and removed the day after the sale is over.

The Borough Attorney informed a written request with property owner names and addresses must be submitted for consideration to place the yard signs in advance of the sale. Mrs. Albelli informed the Chamber is meeting again over the weekend and thanked the Mayor and Council for their consideration.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of May 23, 2012)

At this time, Mayor Heymann advised that she would be listing on the Consent Agenda a request from the Hickory Lane residents to place lawn signs partially on Borough property.

1) ORDINANCES

B) INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING – 6/27/12 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2012:1128, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200 AND CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER PURSUANT TO THE RECOMMENDATIONS OF THE BOROUGH’S PLANNER AND IN FURTHERANCE OF AFFORDABLE HOUSING NEEDS”

Borough Attorney explained this is necessary to take action on this Ordinance expeditiously because the Governor has instituted a requirement that municipalities allocate funds that have been collected over the years for affordable housing or risk the State taking those funds on or about July 17. This ordinance would protect the Borough and must be introduced and adopted within 30 days. After introduction this evening, the Ordinance would be forwarded to the Planning Board Attorney for action by the Board at their next meeting. In conjunction, the Borough Planner would be proposing a spending plan

8. RESOLUTION APPROVING/REJECTING REQUEST OF MICHAEL J. HUBSCHMAN, P.E., P.P. RE JOE SPIVACK, 40 JOHNSON COURT, BLOCK 2304, LOT 21, FOR CONSTRUCTION OF 14’ RETAINING WALL ON TWO (2) BOROUGH EASEMENTS

(Requested by Borough Engineer – WS 5/9/12) RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY AFTER DISCUSSION AT THIS MEETING!

Joe Spivak, 40 Johnson Court, said that his home is at the bottom of a slope; and behind same is an antique retaining wall, which he proposes to replace. The property is bounded by two storm sewer and drainage easements and it proposed to locate a retaining wall on one of the easements, which would stabilize the slope. A representative of Hubschman Engineering distributed copies of the plan and the exhibits. Mayor Heymann advised that this matter came before the Planning Board; and it is mandatory that the placement of the retaining wall on the easement be addressed by the Council.

Borough Engineer advised that approval is only necessary for the placement of the wall in the easement by the Council and that the Planning Board would ultimately approve the design. The plan indicates that the three timber walls are rotted and need to be replaced; and it is proposed to replace same with a new block wall. There are existing drainage and storm sewer pipes in the easement; and the three walls cross the sewer pipe and run parallel to the property. In order to mitigate the existing situation, it is proposed to construct a new wall 4 feet high and 1 foot off the property line within the easement. On the other side of the property there is another easement; and it is proposed to

construct a wall on the property line. Borough Engineer apprised the Council of the location of existing trees that would have to be removed. He said the plan has been revised so as to locate the majority of the wall outside of the easement improving access to the Borough easement; and he and the DPW have no problem with the plan. .

10. RESOLUTION AUTHORIZING THE BIDDING OF PROJECT KNOWN AS HERBERT AVENUE SECTION 5 & BLANCH AVENUE IMPROVEMENTS, 2012 ROAD IMPROVEMENTS, & SCHAUBLE FIELD WALKING PATH (Received from Borough Administrator 5/15/12)

11.

Borough Engineer explained the scope of work and noted that the three asphalt projects would be included in one bid. Mayor Heymann said that she has filed a complaint regarding the \$905 fee to the Soil Conservation District that is needed in order to build this small walking path.

- 13a. APPROVING 2012-2013 RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NO. 0207-33-009-010 – FRESCO INC. T/A PAULIES RESTAURANT BAR (Inspection approvals received from Borough Officials; Tax Clearance Certificate received from the Division of Taxation; and appropriate fees paid as of 5/23/12)

In answer to Councilman Glidden, Borough Clerk advised that this Resolution renews the liquor license and must be done first before the transfer can take place.

- 15a. MOTION GRANTING APPROVAL FOR THE CHAMBER OF COMMERCE TO CONDUCT THE ANNUAL SIDEWALK SALE ON THE FOLLOWING DATES AND TO WAIVE THE PERMIT FEE: Thursday, 7/26/12, Friday, 7/27/12, and Saturday, 7/28/12 (11. M.L. 5/17/12/Approval received from Risk Management Consultant 5/15/12) *

*(REQUESTS FOR PERMISSION TO CONDUCT THE FOLLOWING TO BE DISCUSSED:

- a. HANG SIDEWALK BANNER ACROSS VER VALEN STREET IN EARLY JULY (location/dates to hang banner/to remove banner)
- b. POST 25 YARD SIGNS ON PRIVATE AND BOROUGH PROPERTY TO ADVERTISE THE EVENT – TO BE REMOVED 6/29/12) (locations))

Councilman Barad suggested that the request be approved pending receipt of the sign locations. Borough Attorney advised that the Ordinance is specific that the locations must be submitted, in writing, and in advance of placement.

6. COMMITTEE REPORTS

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

1) STATUS REPORT RE CLOSTER WEBSITE

2) REPORT - Councilman Dolson reported the Borough has adopted the 2012 Municipal Budget and it is pending formal approval from Trenton. The County has finally determined the tax rate so we should know what the result will be soon. He said a call still needs to be made to the State to get the figures for the energy tax receipts discussed earlier to see if our estimated figure is the same as the actual one.

Councilman Dolson thanked the Borough Clerk for the reminder e-mail she sent today regarding the Paperless Packet Project. He said that, in an unrelated committee meeting, the issue was discussed; and he will personally make contact to see if we can get the project going.

Councilman Dolson reported that he has been unable to attend any meetings as Liaison due

to his recent eye surgery.

6. COMMITTEE REPORTS (Continued)

B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

1) REPORT – Councilman Glidden reported that Chief Kaine informed him of the “Click It or Ticket” campaign tomorrow and invited him to speak regarding same. Chief Kaine reported the Resolution including the grant monies in the Budget were adopted at the last meeting. The Chief said road blocks are being put up and details will begin tomorrow.

Councilman Glidden reported the Recreation Commission is having a Coaches softball game this Friday (5/25/12) and reminded that the Memorial Day Parade will be held Monday (5/28/12). As a matter of clarification, Mr. Glidden announced the parade will follow its traditional route.

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

1) REPORT – Councilwoman Latner reported there is a Library Board of Trustees meeting scheduled tomorrow but they are currently finalizing the contractor who will install the handicapped accessible front doors. The Library would also like to look into getting a “Welcome” sign to place above the entrance.

Councilwoman Latner reported there will be a Fire Department Meeting in a few weeks and a report will be provided after same.

Councilwoman Latner reported, regarding the DPW, that Billy Dahle has started generating reports each month to let the Governing Body know what the Borough has done as far as recycling and paper, etc. As an example, Mrs. Latner said in the month of April, paper payments were received over \$500 and cardboard was \$360, so the total for the month was \$941. In March, between white goods and debris there was a good deal of tons of garbage and that month’s payments totaled \$1,173. Mrs. Latner said we will now be able to gauge how much we are receiving from those payments.

At this time, the Borough Clerk commended Marek (Skowron) for coming to Borough Hall on an emergency basis to her office this afternoon because our air conditioner was not working in the Council Chambers. He worked for approximately an hour and a half making sure it was fixed so everyone would be comfortable this evening.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad informed he had nothing significant to report. He reminded that the LEEDS ordinances and the emergency COAH ordinance will be discussed by the Planning Board. They are scheduled to meet the first week of June; and we expect to hear back shortly thereafter. Dr. Barad reported the Ordinance Committee will not be meeting until the second Tuesday in June.

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported the Committee has been very busy with the opening for Borough Administrator. He informed the Resolutions are in front of them tonight for consideration. He explained that over 40 resumes were received for the position and culled the pool down to 12 individuals with Borough Administrator experience. The Committee interviewed the 12 candidates and 6 were chosen from that. Those 6 individuals then met with a Staff Committee chaired by the Borough Clerk and 2 individuals were chosen from those interviews and interviewed by the Council at the last meeting. Councilman Kashwick voiced his expectation to appoint (Richard J.) Sheola as the new Borough Administrator.

2) REPORT – Councilman Kashwick reported on the following:

a. Shade Tree Commission met last week but he was out of town and unable to

attend the meeting.

b. Historic Preservation Commission met this past Monday where there were hearings on several issues regarding the structures at the Resolvert Nagel Homestead at 119 Hickory

6. COMMITTEE REPORTS (Continued)

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

Lane. The Commission approved the replacement of gutters and a roof on some of the structures. Another request to demolish the chicken coop was withdrawn by the applicant; who as it appears, will

2) REPORT (Continued)

be bringing it before the County because they feel they have jurisdiction over that.

c. Environmental Commission will have a landmark tree request. They had several trees they wanted designated but only one resident returned the form allowing permission. He requested this item be placed on the Agenda for the next meeting.

Councilman Kashwick said the Commission secured funding for a bike rack and wanted to obtain input from the Mayor and Council as to placement. At present, suggestions include Pfeiffer Park near the bus stop on Piermont Road and (Olaf and Ingeborg) Hagen Park. Mayor Heymann voiced her opinion that to have a bike rack near the bus stop was a very good idea.

Councilman Kashwick informed he walked some of the trails recently and he noticed there are “No Dumping Signs” posted with fines that do not all match. He spoke to the Mayor about the issue and informed he would bring same up to the Ordinance Committee if there are no objections from the Council.

At this time, Councilman Kashwick questioned if there was any change in the status of the proposed Conservation Zone. Mayor Heymann informed that the Planning Board hired a Planner and that is very much on their agenda.

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

1) REPORT – Councilwoman Amitai was not present, 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

David Garfunkel, 3 Wendy Lane, said there was talk of blocking access to the farm property so that there could not be a rear driveway and he questioned the viability of vacating the street. Mayor Heymann said that there are legal issues that would have to be addressed and Borough Attorney advised that his office is researching the matter but noted that vacation of the street is highly unusual and the property owners would be assuming responsibility for the road including the sewer, plowing and garbage collection. When you offer property as a vacation of a road, it is typically a paper street with one owner on each side of the street. In this case it is complicated because there is a third owner at the end allowing all three to bid on the property.

In answer to Jim Buscemi, 74 Susan Drive, Borough Attorney advised that he is in daily contact with the County Counsel and we are being provided with certain information but no hearing date has been established. The County has suggested a State mediation for this issue and must be agreed to by all three participants. If there is an agreement, a State Agricultural Board mediator would

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hear the dispute and make recommendations for a solution. Borough Attorney advised that everyone has access to the property deed and a conservation plan is in the process of being completed and should be received by next Friday. Mayor Heymann said that the Conservation Plan that was presented when the development rights were sold expired at the time the property was sold; and a new conservation plan is the obligation of the new owner. Borough Attorney advised that the new owner has one year to present a new conservation plan but it will be much faster in this case. Mayor Heymann said that the issues would be included on the Borough website. Borough Attorney said that the DEP is currently reviewing the removal of trees located within 300 feet of a C-1 stream; and, if found to be true, there would be remediation directed by the DEP. Borough Engineer said that there would be enforcement action which could be monetary or trees to be planted. Referring to the retaining walls, Mr. Buscemi said that the walls are not 4 feet high but 10 feet high as depicted in a picture taken from his fence. Borough Engineer voiced his understanding that this matter is being handled by our Construction Code Official; Borough Attorney informed he was at the site multiple times and last week, a permit application was requested. He is not aware of the present status. Mr. Rogan concurred with Mayor Heymann who informed that initially, the Construction Code Official advised it was okay. Councilman Barad thanked Mr. Buscemi for his letter outlining his concerns.

Itzhak Pearl, 43 Hickory Lane, explained he would like to present a request for approval by the Mayor and Council for the placement of temporary lawn signs noting they have some of the members listed; and, if acceptable, he will submit a fax to the Borough Clerk containing approximately 240 signatures of those individuals who want to post the signs for which they have only 100. Mayor Heymann asked him to provide the Borough Clerk with the present request with the addresses included to which he concurred. Borough Attorney advised that written requests to the Mayor and Council for permission to place signs in the Borough right of way with names and addresses are required pursuant to our long-standing ordinance in Borough Code Chapter 173-83.

Mr. Pearl referred to the filed complaint and Borough Attorney explained that the Historic Preservation Ordinance outlines the process to alter an historic structure which includes appearance before the proper forum. The complaint was to insure nothing else was done to the property and that requirements of the ordinance were followed. The Borough's position would be that the Historic Commission, not the Farm Board, would have jurisdiction over the farm structures. In response to his understanding that a letter would be written to the Governor regarding this case, Mayor Heymann said that that it is within the Legislature's prerogative to change legislation to make it more favorable to the suburban residents that are affected by the Farm Act. She noted that the Legislature has recently changed the minimum farm sales requirement from \$500 to \$1,000.

Ira Rothbaum, 83 Hickory Lane, said it was confirmed by Senator Cardinale that the stream on 119 Hickory Lane is a C-1 stream. He said that the DEP has priority over a C-1 stream and Metropolitan Plant cut down the trees without approval based on environmental issues. If the Mayor and Council had acted progressively on this issue a permit would have been needed from the DEP. Mayor Heymann said according to our official maps it is not listed as a C-1 stream and if it was determined to be a C-1 stream by the DEP afterwards, it was not within our knowledge. Mr. Rothbaum said that Senator Cardinale advised him that Governor McGreevy had designated almost 100% of the streams as C-1 streams and since then there have been discussions on same. He requested confirmation from the Mayor's office that this was not a C-1 stream. Borough Attorney said that the DEP is reviewing the issue. Approximately 7 years ago during a neighborhood dispute the Newark DEP issued a ruling granting permission to build within 300 feet of the stream after finding that the stream was not a C-1 stream and this contradicts a Trenton DEP ruling on the sidewalk issue. Soil testing on the soil brought on the property would be discussed with the Mayor and Council during Closed Session this evening.

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In answer to Itzhak Pearl, 43 Hickory Lane, Mayor Heymann said the C-1 stream that interfered with the sidewalk was on the south side of Hickory Lane. At the same time in 2007 a neighbor got permission to build by the stream on the north side of Hickory Lane, which the DEP determined was not a C-1 stream. Borough Engineer said that there is a conflict within the DEP.

In answer to Makoto Sato, 240 Anderson Avenue, Borough Attorney said that he understands his concerns and it would be pointed out to the Boards that oversee this type of operation the difference between operations in densely and sparsely populated areas. The State law at this point does not recognize a difference. This difference may be argued in a mediation process. Mayor Heymann said that the Borough Attorney would be working for the rights of the residents to the best of his ability.

10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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

Motion approving the following Closed Session Resolution at 8:43 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann on an affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(8), “A matter involving public employees”; and that the item(s) under discussion in the closed meeting would be disclosed to the public at the conclusion of the investigation and contract negotiations which should be within 4 weeks.

12. ADJOURNMENT

Motion to adjourn the Work Session at 8:55 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 June 8, 2012 for
approval at the Regular Meeting
to be held June 13, 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 13, 2012
Consent Agenda Item No. 27b.