

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – FEBRUARY 27, 2013 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at the Borough Hall on Wednesday, February 27, 2013. Mayor Heymann called the meeting to order at 7:30 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 published in The Record and the Star Ledger on January 8, 2013, 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, Arthur Dolson,
Victoria Amitai (7:31p.m.)

Borough Administrator, Richard Sheola

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, Dennis Kaine

The following persons were absent:

Councilman David Barad

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

- a. MAIL LIST OF FEBRUARY 14, 2013 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. No one wished to remove any item.
- b. MAIL LIST OF FEBRUARY 21, 2013 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Mayor Heymann removed Item No. 1 and Item No. 7.

Item No. 1 Received 2/18/13, dated 2/15/13 from Rev. Robert Holsten, St. Paul's Lutheran Church re Request for permission to conduct one hour Easter service at 7 a.m. on 3/31/13 in the Closter Memorial Field Bandstand Area; certificate of insurance to be provided to the Borough.

Mayor Heymann noted that the Certificate of Insurance and Hold Harmless Agreement have not been received but she had called this matter to their attention.

Item No. 7 – Received 2/20/13, dated 02/15/13 from Ann E. Fay, Clerk-Administrator, Borough of Haworth to Municipal Clerk re Synopsis of Ordinance No. 13-02 introduced 2/13/13 amending the Borough of Haworth’s Land Use and Environmental Assessment Regulations and Borough Zoning Map to incorporate certain recommendations in the Master Plan Periodic Reexamination Report – Public Hearing 3/6/13 @7:30p.m.

Mayor Heymann noted that the ordinance is a total revision of the Haworth Zoning Ordinance and same would be discussed at a meeting to be held 3/6/13. She said she had spoken to Ann Fay who advised that the changes are minimal and that the review has been ongoing for two years. A complete copy of the ordinance would be forthcoming and Mayor Heymann said she would share same with the Council.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of February 27, 2013)

Mayor Heymann asked if any member of the Council or public wished to address the items on the Consent Agenda. Councilman Kashwick referred to Item No. 13.

RESOLUTIONS

13. MOTION GRANTING APPROVAL FOR THE AMERICAN CANCER SOCIETY TO CONDUCT THE GEORGE WASHINGTON BRIDGE CHALLENGE PARTIALLY THROUGH THE BOROUGH ON 6/9/13 (7. M.L. 1/17/13/Approval received from Risk Management Consultant 2/13/13)

Councilman Kashwick questioned the route to be taken and was advised that same was contained in a previous mailing and the activity did not include motorized vehicles.

At this time, Borough Administrator referred to an amendment to the 2013 Temporary Budget and resolutions received from the Borough Attorney to be included in the Consent Agenda, which would provide for a temporary employee in the Borough Clerk’s office and the memorialization of the authorization to sell the surplus fire truck.

- 15. a. RESOLUTION AMENDING TEMPORARY BUDGET APPROPRIATIONS FOR 2013
(received from Administrator 2/27/13)
- b. RESOLUTION APPOINTING PART TIME CLERK (Received from Borough Attorney 2/27/13)
- c. RESOLUTION AUTHORIZING THE SALE OF SURPLUS FIRE APPARATUS NO LONGER NEEDED FOR PUBLIC USE AT PUBLIC AUCTION (Received from Borough Attorney 2/27/13)

6. COMMITTEE REPORTS

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

- 1) STATUS REPORT RE CLOSTER WEBSITE – brief report
- 2) REPORT - Councilman Dolson reported that the Committee is in the last

stages of finalizing the 2013 Budget and should be ready for presentation to the governing body shortly.

6. COMMITTEE REPORTS (Continued)

B. PUBLIC SAFETY - GLIDDEN (LATNER/BARAD)

- 1) REPORT - Councilman Glidden reported as follows:
 - a. Public Safety – He will be calling a Public Safety Committee meeting within the next two weeks.
 - b. Recreation - The bathrooms are slowly moving along; and the second reading of the Ordinance (No. 2013:1139) would be held at the next meeting (3/13/13) with a contract to be awarded thereafter.

Chief Kaine reported that the Department applied for a \$4,000 State Click It or Ticket Grant; and Mayor Heymann advised that the grant application had been accepted.

C. PUBLIC WORKS - LATNER (DOLSON/GLIDDEN)

- 1) REPORT - Councilwoman Latner displayed the new logo for the Library designed by Kurt Haiman and Antoinette Fabricante in addition to using a quote from the newspaper by Mayor Heymann. She reported that the musical Urinetown would be performed at the High School on Friday and Saturday evening at 7:30 p.m. and Sunday afternoon at 2:00 p.m. An I-pad survey is being done for the High School and many of the requirements are changing.

Borough Administrator reported that the Ad-Hoc Solid Waste Committee is meeting next Tuesday night and he and the Public Works Superintendent have been invited to attend. Councilwoman Latner said the committee would be meeting monthly thereafter to review all of the applicable information that is available.

Mayor Heymann noted that the officials of the High School are meeting tonight with the Mayors of all the districts; and she had asked Don Farrell to represent Closter at the meeting. She said that the Environmental Commission would be working on recycling education for the residents.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

In the absence of Dr. Barad, no report was provided for the following:

- 1) REPORT RE ORDINANCE COMMITTEE MEETINGS
- 2) REPORT

E. HUMAN RESOURCES - KASHWICK (DOLSON/LATNER)

- 1) REPORT RE PERSONNEL COMMITTEE MEETINGS - Councilman Kashwick reported that the Human Resources Committee had met this evening and Department Head goals had been discussed in addition to having a meeting on goals for the members of the Council. The Borough Administrator said he had suggested an outside consultant for this process since he had experience with same in another municipality and this gives the process more credibility. The end result was a compilation of the top ten goals for the organization and ultimately there was a report on how the goals would be accomplished. There is good value in the process that would give the employees a clear direction that the governing body would be taking. Mayor Heymann said that the Borough has undertaken this goal setting process in the past in addition to a study by an outside management consultant and she is very familiar with the process. She has not found either

of these exercises useful.

6. COMMITTEE REPORTS (Continued)

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

2) REPORT - Councilman Kashwick reported as follows:

a. Environmental Commission – They are discussing the preparation of a flyer to encourage recycling and other environmentally friendly habits. The Commission applied for a federal recreational trails grant to replace some of the boardwalk on the Closter Trail by the Dave Scholz bridge and Brook Street. The Green Team is preparing for a clean up on April 6th from 10a.m. to Noon.

b. Shade Tree Commission - The annual accomplishment report has been filed by the Shade Tree Commission and the Commission is working on the five year Community Forestry Management Plan.

c. Historic Preservation Commission – The Commission has approved changes to the chicken coop at 119 Hickory Lane. Designation proceedings have started for the Railroad Station and Lustron. Talks with Toby which were scheduled for today were cancelled due to a scheduling conflict and will likely resume next month.

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

1) REPORT - Councilwoman Amitai reported as follows:

a. Planning Board – They have not met since the last Council meeting but have a scheduled meeting for this Thursday.

b. Building Department – Ms. Amitai said that due to personal reasons she had to cancel last evening's Building Department meeting but she hoped to have the meeting within the next two weeks.

c. Improvement Commission – The Commission is working on a music festival project, which is moving forward. Art for the triangle by the Clock Tower is still being considered with a committee being formed. Electricians are attempting to obtain quotes for lighting of some of the trees downtown, which would require electric boxes; and Mayor Heymann said that lighted trees are against the Borough Code except during the Christmas season. Councilwoman Amitai said that George Futterknecht is experiencing trouble watering the planters and a solution is needed. Mayor Heymann suggested contacting the Boy Scouts about undertaking this project. Councilwoman Amitai referred to the condition of the Borough especially the old part of town and said that the Commission has suggested the improvement be through code enforcement or some other method; and it is hoped to engage the Chamber of Commerce with the storekeepers.

7. OLD BUSINESS

8. NEW BUSINESS

Mayor Heymann advised that she has more material on “The Battle of the Bulge” including an online application. As soon as 100 applicants are registered, the contest will start. There are two opportunities to win. One is based on a point system with two monthly prizes and an I-Pad to the person losing the most weight at the end of six months.

Mayor Heymann distributed the Equalized Valuation Table and noted that Closter is close to the 100 mark. She referred to a story on the Northern Railroad that indicates all of the stations. Councilman Dolson said he has the original publication of the book and he had copied some of the

pages, which he provided to the Symposium Director in Tenafly. He said he had provided a route map and why he felt it was not practical to make the route electric when the other two branches

8. NEW BUSINESS (Continued)

are diesel. If all three lines are diesel and regular rail, the trains and equipment can be rerouted if there is an emergency on one line.

Mayor Heymann said there have been meetings in Harrington Park on the lightning detection system that indicates a potential lightning strike at any ball field or high school; and the final distribution of costs is being compiled.

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

Steve Isaacson, 97 Columbus Avenue, clarified that the downtown storeowners are not the building owners; and, therefore, cannot be told to keep their store looking nice. He said there must be incentive to keep the stores looking nice such as waiving fees and rules for six months. He suggested an “Adopt a Planter” program and Mayor Heymann noted that the scarecrows had been maintained very nicely. Mr. Isaacson questioned how much money in fees the stores paid for karaoke and sitting outside; and the Borough Administrator said that he would have to go through the entire ledger to obtain those figures but he would guess it was several thousand.

Mr. Isaacson referred to correspondence he received from Value Appeal, which indicated that his property was valued at 80% of true market and that he is overpaying by \$1,900. Mayor Heymann said that she had checked with the Tax Collector who indicated that she had not received many responses from the public. Borough Clerk voiced her understanding that the Assessor is the one to contact about this matter which was agreed to by the Administrator and Borough Engineer and the Borough Attorney informed that the filing has gone down over the last year or two.

10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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

12. ADJOURNMENT

Motion to adjourn the Work Session was made by Councilman Kashwick, seconded by Councilman Dolson and declared unanimously carried by Mayor Heymann at 8:10 p.m.

Provided to the Mayor and Council via e-mail on March 8, 2013 for approval at the Regular Meeting to be held March 13, 2013.

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held March 13, 2013
Consent Agenda Item No. 16b.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – FEBRUARY 27, 2013 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:10 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 published in The Record and the Star Ledger issues of January 8, 2013, 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, Arthur Dolson,
Victoria Amitai

Borough Administrator, Richard Sheola

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, Dennis Kaine

The following persons were absent:

Councilman David Barad

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 Ordinance was introduced at the Regular Meeting held 1/9/13 and was published in The Record on 1/15/13 as stated in the Borough Clerk's 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. 2013:1137, "AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CLOSTER, SPECIFICALLY, CREATING ARTICLE XVIII, CONSERVATION ZONE"

Mayor Heymann declared a public hearing

Mayor Heymann advised that at the Regular Meeting held February 13, 2013, the Governing Body voted to adjourn the Public Hearing and Adoption of the above noted Ordinance to this meeting. The Planning Board had not submitted their report on the Ordinance. The Planning Board has approved the Ordinance but have not adopted a formal resolution, which will be approved tomorrow. The Council has the right to adopt the ordinance this evening or wait for the formal resolution.

Councilman Kashwick noted there were two minor changes dealing with Ruckman Park and Borough Attorney said that the changes were diminimus.

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

Motion to adopt Ordinance No. 2013:1137 was made by Councilman Kashwick, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Dolson and Amitai.

b. The following Ordinance was introduced at the Regular Meeting held 1/23/13 and was published in The Record on 1/29/13 as stated in the printer's 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. 2013:1138, "ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200, ZONING, SPECIFICALLY, 200-69E"

Borough Attorney advised that the time in which the Planning Board may act on this Ordinance has not elapsed as yet. He said that we have received a letter from the Planning Board Attorney indicating the Board's recommendations. Mayor Heymann recommended that action on this ordinance be pended until receipt of the formal Planning Board report. Councilwoman Amitai requested further discussion on the Ordinance.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – FEBRUARY 27, 2013 - 7:30 P.M.

Motion to adjourn Ordinance No. 2013:1138 to the next meeting was made by Councilman Kashwick, seconded by Councilwoman Latner:

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

DENIED: 2-3

Mayor Heymann indicated that the Planning Board went to a lot of trouble to discuss this ordinance, which is a planning issue and responsibility. Borough Attorney said the Board did report by virtue of the letter from the Planning Board Attorney, which indicated what the resolution noted that the proposed ordinance would be amended to include business, commercial and industrial. If that is the ultimate recommendation of the Planning Board, it would not be a diminimus change; and in his opinion, the ordinance would have to be reintroduced even if the majority of the Council wished to go forward. Borough Attorney advised that in order to bring the Ordinance to the table to discuss same, there would have to be a motion to adopt the ordinance.

Motion to adopt Ordinance No. 2013:1138 was made by Councilwoman Amitai, seconded by Councilman Dolson.

BEFORE ROLL CALL VOTE, Councilwoman Amitai, as a member of the Planning Board, explained that the ordinance was not reviewed by the Planning Board or subcommittee; and the only action taken by the Board was to vote that it was not inconsistent with the Master Plan. In other words no work was done proving that it might be or not be a smart decision for the Borough long term. Regarding this ordinance, on January 9th a Council colleague moved the ordinance but no one seconded same; on January 23rd a Council colleague again moved the ordinance and this time the vote was changed to three for and three against with the Mayor breaking the tie. On January 25th, our Planner, Mr. Banisch sent a letter, on January 29th he took parts of other town ordinances and subsequently we received a letter from Jesse Rosenblum asking about the word “lot”. Borough Attorney provided a definition for the word “lot”. She said there has been rush to get the ordinance through and it felt suspect to her. She said the Ordinance might be appropriate for the Business District since there are other lots that contain more than one building but certainly not for the other zones which have not been assessed.

Mayor Heymann, speaking as another member of the Planning Board, said except for the fact that it did not go to a subcommittee, the Planning Board gave it much thought and discussion as they have with other matters of this sort. The Board received input from the Planner and additionally this ordinance corrects something that is presently on the books that is out of sync with appropriate planning and should have been corrected a long time ago. She felt that action should be taken as soon as possible after receipt of the resolution from the Planning Board. She said that it is appropriate to give the Planning Board as much opportunity to discuss the ordinance. Councilwoman Amitai said that the Planning Board did not study this ordinance noting that the only thing the Board said that it was not inconsistent with the Master Plan. The Board did not look at different properties in town to determine the effect that would be created by making these changes. She said as a member of the Council Ordinance Committee, she was not in favor of the Ordinance nor is she in favor now. She noted that what the Board is doing is returning the ordinance to the Mayor and Council for a decision. Mayor Heymann noted that the Planning Board did have the opportunity to study the information contained in their packets and to ask questions. Councilwoman Amitai explained the procedures followed by the Board subcommittee in the past and she referred to a five-page report from the Planning Board Attorney in which it was indicated that it would be very poor judgment to have any changes in zoning while we have an application before the Board. Borough Attorney said that the Planning Board voted on the ordinance but recommended changes.

Councilman Kashwick recommended that the governing body delay the vote on this ordinance so that the Planning Board can be made aware of the Council’s concerns. Mayor Heymann said it will give the Board the opportunity to share information with the Council; and noted that the only step that was skipped was sending the ordinance to the Board subcommittee since they were not meeting during that period. Councilwoman Amitai said that sending the ordinance to the subcommittee was most important and an ordinance should not be passed without going to the subcommittee for study. Borough Attorney noted that the Council liaisons could pass on to the Board the concerns of the Council; and even though the Board has indicated that the proposed ordinance is not inconsistent with the Master Plan, it does not preclude them from making recommendations to the Council. Mayor Heymann suggested that tomorrow the Planning Board could ask for a waiver of time in which to take action and refer the ordinance to the subcommittee. Councilman Dolson indicated that there is a concern about excessive density, spot zoning and the fact that there are two cases before the Zoning Board because of this issue, one of which is a remand from the Court. Borough Attorney explained spot zoning and noted that this is not a question of spot zoning because the ordinance includes three districts.

Mayor Heymann opened the meeting to the public.

Jesse Rosenblum, 65 Knickerbocker Road, said the ordinance makes no mention of the Master Plan; and Borough Attorney said the Planning Board, after reviewing the proposed ordinance, must confirm that it

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – FEBRUARY 27, 2013 - 7:30 P.M.

13. MOTION GRANTING APPROVAL FOR THE AMERICAN CANCER SOCIETY TO CONDUCT THE GEORGE WASHINGTON BRIDGE CHALLENGE PARTIALLY THROUGH THE BOROUGH ON 6/9/13 (7. M.L. 1/17/13/Approval received from Risk Management Consultant 2/13/13)

14. MOTION GRANTING APPROVAL FOR ST. MARY RC CHURCH TO CONDUCT OFF-PREMISE DRAW RAFFLE AT THE SCHOOL BUILDING, 300 HIGH STREET, ON 4/20/13 FROM 7 P.M. TO 11 P.M. (Completed application filed and appropriate fees paid)

15. MOTION GRANTING APPROVAL FOR CLOSTER ELKS #2304, 148 RAILROAD AVENUE, CLOSTER, NJ 07624, TO CONDUCT INSTANT RAFFLES AT 48 RAILROAD AVENUE FROM 3/1/13 TO 3/1/14 AS FOLLOWS: EVERY MONDAY THROUGH FRIDAY FROM 3 P.M. TO 12 MIDNIGHT; EVERY SATURDAY FROM 12 P.M. TO 12 MIDNIGHT; EVERY SUNDAY FROM 12 A.M. TO 2 A.M. AND 12 P.M. TO 10 P.M. (Completed Application filed and appropriate fees paid)

- a. RESOLUTION AMENDING TEMPORARY BUDGET APPROPRIATIONS FOR 2013 (received from Administrator 2/27/13)
- b. RESOLUTION APPOINTING PART TIME CLERK (Received from Borough Attorney 2/27/13)
- c. RESOLUTION AUTHORIZING THE SALE OF SURPLUS FIRE APPARATUS NO LONGER NEEDED FOR PUBLIC USE AT PUBLIC AUCTION (Received from Borough Attorney 2/27/13)

16. REPORTS
(No reports received at time of preparation of this Agenda)

4b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

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)

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

17a. Motion approving the following resolution at 8:50 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, 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)(8), "A matter involving public employees"; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the matter which should be within 2 weeks.

Mayor Heymann resumed the Regular Meeting at 9:00 p.m.

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

18a. RESOLUTION AUTHORIZING THE MAYOR TO SIGN EMPLOYMENT SEPARATION AGREEMENT WITH MICHAEL McGLOIN

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

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – FEBRUARY 27, 2013 - 7:30 P.M.

19. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:01 p.m. 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 March 8, 2013 for approval at the Regular Meeting to be held March 13, 2013

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held March 13, 2013
Consent Agenda Item No. 16a.