

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JULY 24, 2013 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:17 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 Alissa Latner, John Kashwick, 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
Superintendent of Public Works, William Dahle, III

The following persons were absent:

Councilman John C. Glidden, Jr.
Councilman Dr. David Barad

3. MAYORAL APPOINTMENTS (NON-SALARIED) TO THE FOLLOWING BOARDS/COMMISSIONS (Made at the Reorganization Meeting held 1/2/13 – Oath not received at the time of preparation of this Agenda):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
ENVIRONMENTAL COMMISSION Alt. No. 2	_____	2 Years	12/31/14

4. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCE @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

The following Ordinance was introduced at the Regular Meeting held June 26, 2013 and was published in The Record on July 2, 2013 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. 2013:1148, "AN ORDINANCE DESIGNATING 1 STATION COURT A HISTORIC LANDMARK AND AMENDING CHAPTER 200, ZONING, ATTACHMENT 3, DESIGNATION OF HISTORIC LANDMARKS"

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

Motion approving adoption of Ordinance No. 2013:1148 was made by Councilman Kashwick, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Dolson and Amitai.

5a. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 9, 16 and 23 was made by Councilwoman Amitai, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Dolson and Amitai.

ORDINANCES

6. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING AND ADOPTION 8/14/13 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Borough Attorney 7/17/13):

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – JULY 24, 2013 - 7:30 P.M.

ORDINANCE NO. 2013:1149, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING FEES AND DEPOSITS, SPECIFICALLY FOR THE BOROUGH CLERK’S FEES REGARDING LIVE ENTERTAINMENT”

RESOLUTIONS

7. RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CREDIT THE FOLLOWING ACCOUNT FOR TAX YEAR 2013 DUE TO RECIPROCAL EASEMENT AGREEMENT WITH THE BOROUGH WHICH STIPULATED A PROPORTIONAL 22% TAX ABATEMENT ON THE LAND VALUE FOR PROPERTY USED BY THE BOROUGH IN THE AMOUNT OF \$1,147.31 TO CAEA, LLC (Charles & Elaine Amorosso), BLOCK 1302 LOT 21 (Received from Tax Collector 7/16/13)
8. RESOLUTION AUTHORIZING TAX COLLECTOR TO CANCEL THE FOLLOWING AMOUNTS FROM THE TAX RECORDS FOR THE YEARS 2013/2014 DUE TO A RECIPROCAL EASEMENT AGREEMENT (SECTION 13C) FORMULATED IN SEPTEMBER 1994 FOR FONRAEL REALTY C/O E. FONDER, FOR BLOCK 1302 LOT 13, 3RD AND 4TH QUARTERS 2013 IN THE AMOUNT OF \$2,731.61 AND 2014 PRELIMINARY TAX TOTALING \$2,708.43 (Received from Tax Collector 7/16/13)
9. RESOLUTION EVIDENCING COMPLIANCE BY THE GOVERNING BODY WITH N.J.S.A. 40A:5-4 AND N.J.S.A. 40A:5-6 RE 2012 AUDIT (Audit Report rec’d. 7. M.L. 7/11/13/distributed 7/10/13) GROUP AFFIDAVIT FORM CERTIFICATION OF GOVERNING BODY RE 2012 AUDIT REPORT (to be signed by each member of the Governing Body certifying they have personally reviewed and are familiar with at least the “Letter of Comments and Recommendations” Section of the Annual Report of Audit)
10. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A: 4-87 FOR THE 2013 MUNICIPAL AID GRANT IN THE AMOUNT OF \$150,000.00 (Received from Administrator 7/17/13)
11. RESOLUTION AUTHORIZING REFUND OF RESIDENTIAL CERTIFICATE OF OCCUPANCY PERMIT (FEE - RCCO PERMIT#13-31195 DATED 5/13/13 TO LIAT ORON & AVIV DRORI IN THE AMOUNT OF \$100.00 DUE TO ISSUANCE OF DUPLICATE PERMIT ON 6/27/13 - RCCO #13-31225 FOR PROPERTY LOCATED AT 103 TAYLOR DRIVE) (Received from Administrator 7/17/13)
12. RESOLUTION DECLARING A “NO BID” WITH RESPECT TO LEASE OF TELECOMMUNICATIONS TOWER (LOCATED AT 295 OLD CLOSTER DOCK ROAD) (DUE TO NO BIDS RECEIVED FOR THE BID OPENING ON 7/17/13 AT 11:00 A.M. AND DIRECTING THE ADMINISTRATOR AND BOROUGH ATTORNEY TO FORMULATE NEW SPECIFICATIONS AND AUTHORIZING THE RE-BID OF THE LEASE) (Received from Administrator 7/17/13)
13. RESOLUTION AUTHORIZING AN AMENDMENT TO THE (PROFESSIONAL SERVICES) CONTRACT WITH BOSWELL ENGINEERING TO PROVIDE ENGINEERING SERVICES FOR BOROUGH ROAD ASSESSMENTS (FOR THE PURPOSE OF DEVELOPING A 5-YEAR PROJECTED ROAD PROGRAM FOR AN AMOUNT NOT TO EXCEED \$1,500.00/PER PROPOSAL DATED 7/17/13) (Received from Administrator 7/17/13)
14. RESOLUTION AUTHORIZING AN AMENDMENT TO THE (PROFESSIONAL SERVICES) CONTRACT WITH BOSWELL ENGINEERING TO PROVIDE ENGINEERING SERVICES FOR HICKORY LANE TOPOGRAPHIC SURVEY (FOR AN AMOUNT NOT TO EXCEED \$14,625.00 PER PROPOSAL DATED 7/16/13) (Received from Administrator 7/17/13)
15. RESOLUTION AUTHORIZING THE DISPOSAL OF POLICE DEPARTMENT SURPLUS PERSONAL PROPERTY (ANTIQUATED/DAMAGED EQUIPMENT) NO LONGER NEEDED FOR PUBLIC USE (Received from Administrator 7/17/13)
16. RESOLUTION IN SUPPORT OF BERGEN COUNTY HISTORIC PRESERVATION TRUST FUND GRANT APPLICATION (Received from Councilman Kashwick 7/18/13)
17. RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AMENDMENT TO THE HOST COMMUNITY AGREEMENT (Received from Borough Attorney 7/19/13)
- 17a. RESOLUTION CHANGING STATUS OF EMPLOYEES IN THE DEPARTMENT OF PUBLIC WORKS - STREETS & ROADS DIVISION (Cody Watkins and Vincent DiLuzio are changed in status to full time effective August 1, 2013) Received from Administrator at meeting

MOTIONS

18. MOTION APPROVING THE FOLLOWING MINUTES (Distributed 7/19/13) NO ABSTENTIONS:
 - a. REGULAR MEETING HELD 7/10/13
 - b. WORK SESSION HELD 7/10/13

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – JULY 24, 2013 - 7:30 P.M.

19. MOTION GRANTING APPROVAL FOR VOLUNTEER CENTER OF BERGEN COUNTY INC. TO CONDUCT THE 18TH ANNUAL BERGEN BIKE TOUR PARTIALLY THROUGH THE BOROUGH ON SUNDAY, 9/29/13, FROM 7:30 A.M. TO 1:00 P.M. (1. M.L. 6/27/13 - Approval received from Risk Management Consultant 7/16/13)
20. MOTION GRANTING APPROVAL FOR CLOSTER CHAMBER OF COMMERCE TO CONDUCT SIDEWALK SALE ON THURSDAY AND FRIDAY, 8/1/13 AND 8/2/13, FROM 9 A.M. TO 9 P.M.; AND SATURDAY, 8/3/13, FROM 9 A.M. TO 6 P.M.; **AND TO WAIVE THE PERMIT FEE (OF \$35.00 PER PARTICIPANT)** (Approval received from Risk Management Consultant 7/9/13)
21. ~~POSSIBLE~~ MOTION GRANTING APPROVAL FOR CLOSTER CHAMBER OF COMMERCE TO HANG BANNER ACROSS MAIN STREET (VERVALEN STREET) IN MID JULY ANNOUNCING THE SIDEWALK SALE TO BE HELD 8/1/13, 8/2/13 AND 8/3/13, ~~SUBJECT TO RECEIPT OF APPROVAL FROM RISK MANAGEMENT CONSULTANT OF REQUIRED INSURANCE~~ AND TO POST 4 X 4 SIGNS ONE IN FRONT OF BOROUGH HALL NEAR THE SENIOR SIGN AND THE OTHER ON THE CORNER OF CLOSTER DOCK ROAD AND PIERMONT – NEAR THE WELCOME TO CLOSTER SIGN BOARD (Approval received from Risk Management Consultant 7/23/13)
22. MOTION GRANTING APPROVAL FOR SADHU VASWANI CENTER TO POST SIGN OPPOSITE PNC BANK ANNOUNCING THE ANNUAL CARNIVAL TO BE HELD SUNDAY, 9/15/13, (Change of date from original request) (Approval received from Risk Management Consultant 7/18/13)

~~23.~~ MOTION APPROVING APPOINTMENTS TO THE FOLLOWING BOARDS/COMMISSIONS:

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOARD OF HEALTH Alt. No. 1	<u>Dr. Jeanne Baer</u>	_____	2 Years	12/31/14
BOROUGH HISTORIAN	<u>William Cahill</u> (non-acceptance)	_____	1 Year	12/31/13
HISTORIC PRESERVATION COMMISSION Member	<u>Stuart Tray (Class A)</u> (non-acceptance)	_____	4 Years	12/31/16
IMPROVEMENT COMMISSION Member/HP Liaison	<u>Irene Stella</u> (resigned)	_____	2 years unexp. (Stella) to	12/31/13
Member	<u>Tina Stratton</u> (non-acceptance)	_____	2 Years	12/31/14
Member	<u>(Cherylin Clarke)</u> (resigned)	_____	2 Years unexp. (Clarke) to	12/31/13
Alt. No. 1	<u>Shiran Slutzky</u> (resigned)	_____	2 Years unexp. (Slutzky) to	12/31/13
Alt. No. 2	<u>Wilson Reimers</u> (non-acceptance)	_____	2 Years	12/31/14

24. MOTION GRANTING APPROVAL FOR BOROUGH CLERK TO SIGN STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF ALCOHOLIC BEVERAGE CONTROL, APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR THE CLOSTER ELKS CLUB, 148 RAILROAD AVENUE, CLOSTER, NJ 07624, TO DISPENSE WINE AND MALT ALCOHOLIC BEVERAGES ON 9/21/13 FROM 4:00 P.M. TO 10:00 P.M. (Completed application received 7/19/13)

25. REPORTS

- a. CHIEF OF POLICE - JUNE 2013 (Received 7/10/13 @2:51 P.M.)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

- ~~9.~~ RESOLUTION EVIDENCING COMPLIANCE BY THE GOVERNING BODY WITH N.J.S.A. 40A:5-4 AND N.J.S.A. 40A:5-6 RE 2012 AUDIT (Audit Report rec'd. 7. M.L. 7/11/13/distributed 7/10/13) GROUP AFFIDAVIT FORM CERTIFICATION OF GOVERNING BODY RE 2012 AUDIT REPORT (to be signed by each member of the Governing Body certifying they have personally reviewed and are familiar with at least the "Letter of Comments and Recommendations" Section of the Annual Report of Audit)

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – JULY 24, 2013 - 7:30 P.M.

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

16. — RESOLUTION IN SUPPORT OF BERGEN COUNTY HISTORIC PRESERVATION TRUST FUND GRANT APPLICATION (Received from Councilman Kashwick 7/18/13)

Councilman Dolson noted that there had been a 5-1 vote not to pursue historic designation of the Lustron house inasmuch as it was felt the Borough was not prepared to incur the expense to maintain the house given its present condition. He said he voted no on the designation and is prepared to vote no to acquire the house. Councilman Kashwick noted that we have discussed the importance of the property. In answer to questions, Councilman Kashwick said that it would remain to be determined who would maintain the house but at this point in time the grant application should be submitted. Mayor Heymann said that designation of the house does not have any direct bearing on obtaining a grant but there is a time limit of August 28th to submit the application for 2013. There is no obligation to go forward with the grant application after submission.

Motion of approval was made by Councilman Kashwick, seconded by Councilwoman Amitai.

ON THE MOTION,	Ms. Latner – No	Mr. Dolson - No
ROLL CALL VOTE:	Mr. Kashwick - Yes	Ms. Amitai - Yes
CARRIED 3-2	Mayor Heymann - Yes	

16a. RESOLUTION AUTHORIZING THE MAYOR, BOROUGH ADMINISTRATOR AND BOROUGH ATTORNEY TO ENTER INTO NEGOTIATIONS WITH THE PROPERTY OWNERS TO DETERMINE INTEREST IN POSSIBLE ACQUISITION

Mayor Heymann noted that this does not obligate the Borough but it is a possibility in terms of benefiting the Borough.

Motion of approval was made by Councilman Kashwick, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick and Amitai. Councilman Dolson voted no.

26. 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)

Leslie Ringelstein, 1 County Road, voiced her frustration as she did not know how much more time and energy could be put into this property. She urged the Council to let them sell the house. Borough Attorney explained the Council is not stopping her from selling the house only authorizing the Borough to possibly be a purchaser. Mayor Heymann said you are totally free to negotiate with anyone at any time. The resolution has no bearing on your freedom to do whatever you want to do. Ms. Ringelstein said the property has been on the market for 6 months without an offer because of the moratorium. Mr. Rogan said the Council already voted not to designate the house; and Mayor Heymann said there is not going to be another moratorium nor is the Council going to change its vote on the designation.

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

28. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:40 p.m. was made by Councilwoman Latner, seconded by Councilman Dolson and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
August 2, 2013 for approval at the
Regular Meeting to be held
August 14, 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 August 28, 2013
Consent Agenda Item No. 15a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – JULY 24, 2013 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session on Wednesday, July 24, 2013. 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 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 Alissa Latner, John Kashwick, 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
Superintendent of Public Works, William Dahle, III

The following persons were absent:

Councilman John C. Glidden, Jr.
Councilman Dr. David Barad

At this time, Mayor Heymann expressed the sympathy of the Mayor and Council to Borough Administrator on the passing of his father in law.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF JULY 11, 2013 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 7 was removed by Michael Kafer and Item No. 9 was removed by Borough Clerk.

Item No. 7: Received 07/09/13, dated 07/08/13 from Gary J. Vinci, RMA, Lerch, Vinci & Higgins, LLP re Letter re Report of Audit for the year ended December 31, 2012 (Audit Reports distributed to Mayor and Council, Administrator/CFO on 7/10/13)

Michael Kafer, 261 Parsells Lane referred to the Audit Report and noted that, as part of the Solid Waste Committee Report, they indicated there has been no value placed on the Host Community Benefit; and it is neither reflected in the Municipal Budget nor the Audit. Prior to the adoption of the Audit, he wished to know if in fact it is included. Mayor Heymann voiced her opinion that was a fair question to ask and invited the Borough Administrator to respond to same. Mr. Sheola explained he has looked through previous year's Audit reports and he has never seen any references to the Host Community Benefit or any value for same. He voiced his understanding that the Auditors would not include it because it would be very difficult to establish a value. Mr. Kafer noted his Committee was able to put a value on it; and although they agreed there has never been a value placed on it, they feel there is no reason there should never be a value placed on it specifically because the Audit is used financially for people who are looking to invest in the town. He explained that it goes almost line by line into the debt borrowing statement; and so when the Borough goes out to sell their bonds, it shows the value of your town. The Committee feels that if the Borough does not have to pay for a service which in this case is recycling that it should be reflected in the Audit. He noted the Auditor was paid this year to determine the solid waste labor cost and therefore should be able to put a value to it but he needs to be reminded of it. Mr. Kafer informed there are only a few municipalities in the entire State that have the benefit of Host Community. The Borough Administrator explained the Audit Report is an audit of the municipality's books and accounts. The reason the Auditor was involved was to verify or at least come up with a cost of solid waste, which, as Mr. Kafer pointed out, is not part of the Audit and it was for a separate fee; therefore, he is not involved with solid waste or Host Community Benefit on an intimate basis. Mr. Kafer said the value should appear as a footnote or a note somewhere. At one point in time, the Borough had resolved litigation with the water company regarding a tax appeal; and those payments were carried in the Audit as footnotes for a period of years. In answer to Mr. Kafer, Mayor Heymann voiced her understanding that the Audit procedure is controlled by State mandate and there are certain things that are different on government audits in comparison to private audits. She informed she would check with the Auditor about the possibility of entering something as a footnote but feels that if it was something that could have been included as a line item, it would have been already. In response to Mr. Kafer, the Borough Administrator informed that as CFO, he has not inquired of same of the Auditor.

At this time, Councilman Kashwick pointed out that pursuant to the Council's By-Laws the time for opening the meeting to the public is once at the end of the Work Session not during Communications.

Item No. 9: Received 07/09/13, dated 06/19/13 from Linda Albelli, Closter Chamber of Commerce re Request for permission to conduct the 2013 Sidewalk Sale on Thursday, 8/1/13, and Friday, 8/2/13, from 9 a.m. to 9 p.m. and Saturday, 8/3/13, from 9 a.m. to 6 p.m.; AND requesting the permit fees for same be waived; Hold Harmless Agreement and Certificate of Insurance attached; **ALSO** requesting permission to hang the Sidewalk Sale banner across VerValen Street in mid-July; list of participants is to be provided (Complete copy to Glenn Parsells 7/9/13/Copy to Chief Kaine, Board of Health, DPW Supt., Zoning Officer, Construction Official - letter only!)

The Borough Clerk reported receiving an update from the Chamber of Commerce. The Risk Management Consultant approved the banner across VerValen Street. Their additional request, which she distributed this evening, is for the placement of 4 x 4 signs. There are two involving public property: one in front of Borough Hall by the Senior Center sign and one on the corner of Piermont Road and VerValen Street; the other two are on private property. The Risk Management Consultant approved the insurance for placement of these signs if the Governing Body chooses to approve same.

b. MAIL LIST OF JULY 18, 2013 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 5 was removed by Councilwoman Latner and Item No. 10 was removed by Councilwoman Amitai.

Item No. 10: Received 07/17/13, dated 07/17/13 from Ed Piehler, Chief of Administrative Services, Office of the Bergen County Clerk, to Bergen County Municipal Clerks re Reminder regarding deadline of 8/16/13 for any Public Question to be Placed on the Ballot for the November 5, 2013 Election

Councilwoman Amitai raised the question of whether or not to address the privatization of solid waste with our residents. Mayor Heymann voiced her understanding that the original discussion was not to make the issue a referendum this year but said if the Council wished to discuss it, they may. Councilpersons Kashwick and Amitai did not recall a conversation regarding same. Mrs. Amitai suggested posing the question to residents and indicating what the potential cost difference would be on their taxes.

Councilman Dolson voiced his opinion that he does not feel they could give a fair and actual number of what it cost at this time to pose to the public to be able to make a judgment on that basis alone. The Borough Attorney explained we would have to break everything down internally to figure out exactly what it cost and then estimate because we would not have enough time to get out bids before the August deadline; and we would not have sufficient information. At this point in time, financially it would be very difficult for anybody to be able to make a comparison because we would have to go out to bid to get “apples to apples” so to speak. Mrs. Amitai suggested an open ended question just about privatizing and Councilman Kashwick suggested a non-binding conceptual resolution. The Borough Attorney advised that could be done but said he does not recommend anything regarding finances. Mayor Heymann said she thinks it would be a hard time framing something to come up with an objective answer.

Councilman Dolson suggested posing the question regarding privatization if there was to be a cost savings involved; but realizes it is still a big “if” because we do not know if that will be the case. He explained there are two members of the Finance Committee also on the DPW Committee; this has been a current topic at every DPW meeting; and they are looking into every possibility regarding in-house collection to be able to make the comparison in the future.

Councilwoman Latner voiced her opinion that it is like putting the cart before the horse to go out to referendum right now because there is not enough solid information on the subject. Councilman Dolson wished to point out before there is a misunderstanding, that as the Chair of the Finance Committee it is not that there’s not proper accounting of the funds of the taxpayers; it is that everybody in the Borough, and the DPW in particular, wears more than one hat. There is not a sophisticated enough accounting system in the DPW at this time to be able to cull those numbers in and out. He noted that many members of the sanitation department participate in activities other than sanitation; and that is why it is difficult to do so. There are labor costs and vehicle costs that have to be factored but the truck could be utilized for something other than sanitation purposes.

Mayor Heymann noted the Solid Waste Committee suggested adoption of their recommendations in increments and that is another layer that would make it difficult. Councilwoman Latner voiced her understanding of Mrs. Amitai’s point of putting it out as a litmus test to see what happens but she feels it is a constantly evolving process so it is hard to say definitively at any point.

Item No. 5: Received 07/16/13, dated 07/12/13 from Ann E. Fay, Borough Clerk/Administrator, Borough of Haworth re Certified copy of Resolution adopted 7/9/13 Supporting Additional Research and Public Input Prior to Northern Valley Regional High School District’s Adoption of a

Random Drug Testing Policy

Councilwoman Latner reminded we adopted a resolution opposing the drug testing and said in addition to receiving this letter from Haworth informing of same she has heard that Emerson also adopted a resolution. She informed she would report further in the meeting under her committee report. The Borough Attorney informed Haworth is only requesting a further study.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of July 24, 2013)

Mayor Heymann asked if anyone wished to discuss any item on the Consent Agenda. The following items were removed by the following individuals: Borough Attorney removed Item No. 12, Councilman Kashwick removed Item Nos. 16 and 17; Borough Clerk removed Item No. 21.

12. RESOLUTION DECLARING A “NO BID” WITH RESPECT TO LEASE OF TELECOMMUNICATIONS TOWER (LOCATED AT 295 OLD CLOSTER DOCK ROAD) (DUE TO NO BIDS RECEIVED FOR THE BID OPENING ON 7/17/13 AT 11:00 A.M. **AND** DIRECTING THE ADMINISTRATOR AND BOROUGH ATTORNEY TO FORMULATE NEW SPECIFICATIONS AND AUTHORIZING THE RE-BID OF THE LEASE) (Received from Administrator 7/17/13)

Borough Attorney said the specifications were published and no bids were received. The formulation of new specifications is not required because under the law we have the right to republish the exact same bid. If there is no bidder after the second bid, the Borough has the right to directly negotiate with potential contractors. Unless there is a change indicated by the Council, he would recommend that the bid be re-advertised.

16. RESOLUTION IN SUPPORT OF BERGEN COUNTY HISTORIC PRESERVATION TRUST FUND GRANT APPLICATION (Received from Councilman Kashwick 7/18/13)

Councilman Kashwick said after the last Council meeting during which the Lustron House was not designated, the County contacted the Borough encouraging submission of a grant application to seek funding to acquire the house. The resolution would enable submission of the application; and he would request a second resolution authorizing the Mayor, Borough Administrator and Borough Attorney to enter into negotiations with the property owner.

17. RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AMENDMENT TO THE HOST COMMUNITY AGREEMENT (Received from Borough Attorney 7/19/13)

In answer to Councilman Kashwick, Borough Attorney advised that the Host Community contract was renewed for one year; and this is a proposed revision or amendment to the contract agreed to by the hauler. The contract is due to expire on December 31st of this year after which the Agreement must be renegotiated. Superintendent of Public Works advised that there are no hard numbers on the savings for paper pickup; and the fee for the recycled paper at the time of dumping is offset by the cost of the trucks going out of town, so there is not much of a profit. Borough Administrator advised that in lieu of paying the Host Community fee, the contractor will be picking up paper and cardboard. Borough Attorney said theoretically the Borough could go out to bid for recycling if we wished to segregate it from the Host Community fee.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – JULY 24, 2013 - 7:30 P.M.

Mayor Heymann said from time to time paper is a profitable enterprise for the Borough. At this time, according to the Superintendent of Public Works, there is very little value in the paper inasmuch as it is taken up by the cost of collection and the cost of transporting same to Paterson. Co-mingled recycling would remain the same on Wednesday and paper would be picked up on Thursday twice a month. Twice a month pickup should increase the recycling numbers; and for every ton that goes to recycling instead of solid waste, there is an increased fee to the Borough from the State. The Superintendent of Public Works advised that his secretary is working on the numbers and is presently being broken down; and it is hoped that the tonnage would go down. Councilwoman Amitai suggested that action on this Resolution be held until the remaining members of the Council are present; and the Borough Attorney said the longer the current contract stays in place, the Borough is paying \$4 more per ton and paper is not picked up by the contractor. Councilwoman Latner advised that Councilman Glidden was at the meeting where this was discussed and time is important.

Michael Kafer, 261 Parsells Lane said there are labor costs involved as well as fuel costs which are much more significant as well as depreciation of the trucks. The cost of pick up is \$30,000 to \$40,000. Councilman Dolson said the solid waste tipping fee would be reduced; and there should be a significant benefit to the community with this agreement. Borough Administrator said that based on the collection of solid waste last year, there should be an approximate \$12,000 in savings.

- 17a. RESOLUTION CHANGING STATUS OF EMPLOYEES IN THE DEPARTMENT OF PUBLIC WORKS STREETS & ROADS DIVISION (Cody Watkins and Vincent DiLuzio are changed in status to full time effective August 1, 2013) Received from Administrator at meeting

Borough Administrator distributed this Resolution to the Governing Body and requested that it be included in the Consent Agenda. He advised that the status of the employees has been discussed with the Superintendent of Public Works and would be effective on August 1st if approved by the Mayor and Council. No objections were expressed by Council members after review of the resolution.

21. ~~POSSIBLE~~ MOTION GRANTING APPROVAL FOR CLOSTER CHAMBER OF COMMERCE TO HANG BANNER ACROSS MAIN STREET (VERVALEN STREET) IN MID JULY ANNOUNCING THE SIDEWALK SALE TO BE HELD 8/1/13, 8/2/13 AND 8/3/13, ~~SUBJECT TO RECEIPT OF APPROVAL FROM RISK MANAGEMENT CONSULTANT OF REQUIRED INSURANCE~~ AND TO POST 4 X 4 SIGNS ONE IN FRONT OF BOROUGH HALL NEAR THE SENIOR SIGN AND THE OTHER ON THE CORNER OF CLOSTER DOCK ROAD AND PIERMONT – NEAR THE WELCOME TO CLOSTER SIGN BOARD (Approval received from Risk Management Consultant 7/23/13)

Borough Clerk advised that the motion would be amended to include the posting of additional signs advertising the sidewalk sale upon Governing Body approval.

6. COMMITTEE REPORTS

- A. FINANCE AND TECHNOLOGY - DOLSON (GLIDDEN/KASHWICK)
1) STATUS REPORT RE CLOSTER WEBSITE
2) REPORT – Councilman Dolson reported the tax bills went out on a timely basis

6. COMMITTEE REPORTS (Continued)

A. FINANCE AND TECHNOLOGY - DOLSON (GLIDDEN/KASHWICK) (Continued)
and he thanked everyone who assisted in getting them out. He checked the math from last year to this year; and the actual cash increase only went up 1.0385%. He feels the Borough did a prudent job maintaining the community at a good level. Mayor Heymann announced that it is considerably lower than the cost of living index.

Councilman Dolson informed he reviewed the Budget and there are items that are called front-loader which are paid at the beginning of the year in the first 3 months and it lasts for 12 months. Those elements include insurance and pension and those type of thing; and at this point in the year, our budget expenditures are at 51% of the total; so the Budget seems to be right on the mark. He noted we also budgeted for collection of delinquent taxes and we've collected 77.92% of that this year and he thanked those individuals and wished them well for continued financial stability.

Councilman Dolson pointed out for those who were not aware if they receive the Homestead Benefit that it is calculated right on the tax bill this year as opposed to being mailed separately so there is an environmental savings.

Mayor Heymann noted this year they were also sent labels in their tax bills to send the envelopes back, so it should be helpful to the residents as well as the employees because it makes it very clear. The entire cost of this project was less than \$200.00. Councilman Dolson informed stickers for the resident's calendars were included reminding them of when the taxes are due.

At this time, Councilwoman Amitai noted the new mailbox in the basement hallway and questioned if that was for after hours when the building could not be accessed. Mayor Heymann affirmed same but said directions will have to be provided because it is not to collect payments for all departments. It is appropriate for Finance and Recreation but not so good for the Building Department or Court.

B. PUBLIC SAFETY - GLIDDEN (LATNER/BARAD)

1) REPORT – Councilman Glidden was not present this evening, therefore, the Chief of Police provided a report on his behalf. Chief Kaine reminded at the last meeting he reported several residents had complaints about excessive speeds on Hickory Lane and the road conditions. The Police Department conducted ten road surveys using hand-held radar with unmarked cars and radar with marked cars. He reported there were found to be no excessive speeds with the exception of one resident who lives at Hickory and McCain traveling 40 mph. The details were varied in times and days of the week and the overall average speed was 26 mph.

Chief Kaine reported that “No Parking” signs were erected at the corner of Herbert Avenue and Homans Avenue because there was an issue where it is an ordinance prohibiting parking on the east side of Herbert Avenue but no signs were posted. The issue was primarily the counselors from the Palisades Country Day School parking along the road and obstructing the vision of drivers trying to turn onto Herbert. Mayor Heymann noted the signs were put up for safety reasons and they will be enforced. As a result of this situation, she said they were able to look again at the local parking situation; and the DPW Superintendent and some staff members have been discussing improving parking.

At this time, Councilwoman Amitai questioned the 40 mph reading on the hand-held radar and said it doesn't seem like a very large number. She said she supposes if you were in a Range

6. COMMITTEE REPORTS (Continued)

B. PUBLIC SAFETY - GLIDDEN (LATNER/BARAD) (Continued)

Rover perhaps one could do 40 mph but she doesn't see how anyone could do more than 17 mph without damaging their vehicle. Chief Kaine clarified the reading was done on the upper part of Hickory Lane by McCain Court.

Orlando Tobia, (65 Colgate Street) wished to thank the Police Department because he called earlier today, after thinking he had an emergency, because two cars responded within two minutes and they reassured him everything was okay.

C. PUBLIC WORKS - LATNER (DOLSON/GLIDDEN)

1) REPORT – Councilwoman Latner said there was a meeting held with Joe Miele (Miele Sanitation) and they made a lot of good progress in terms of discussing their concerns. The Resolution up for adoption this evening has two benefits for us to start experiencing before the end of the year to really start to compare.

Councilwoman Latner reported there were no Library Board of Trustees or Fire Department meetings this month. She informed there was a Board of Education meeting this past Monday that she was unable to attend because she was out of town. A petition was started last Friday on Change.org to petition the Northern Valley Regional High School Board of Education to abandon the plans for random drug testing and urging them to listen to the public. As of 5 p.m. tonight the petition passed its original goal and now has 869 supporters; but that does take into account that there is no requirement to be a resident of those towns to sign the petition. Mrs. Latner reported she was told that the meeting was not opened to the public until 11:24 p.m. and the public was only given 36 minutes to speak. As of now, there were a lot of comments from the parents and the petition was mentioned, but discounted for its language and the fact out of area residents could sign the petition because those signatures don't count. The Board Members all answered about their votes at the previous meeting and will still proceed with creating a committee to comprise an RDT policy. Mrs. Latner noted there were two recent articles in the paper and she passed both around. She said there is still a lot of determining that needs to be going on in terms of allowing the public the opportunity to address their concerns.

In answer to Mrs. Amitai, Mrs. Latner explained the testing will only be done for sports and parking privileges because legally everyone is entitled to free education. The only way testing can be done is by having what is considered a privilege: being in a club, an activity, a sport or parking privileges; so that means a large portion of the student population will never be tested. Mrs. Latner said that nobody is saying that we don't want drug-free schools; it's more about educating the parents and what else can be done education-wise. The other thing is before enacting this policy figuring out if everything has truly been done before making that leap. Though many people may think this is a sudden issue, the Board will remind that a survey was done in 2007; and although it has been quiet the past few years, it has come up again in part due to the rise in heroin use reported in the news lately. In answer to Mrs. Amitai, she explained that information will only be as accurate depending on where your sources come from. A lot of the main issue is that people want to be more involved in the process. Mrs. Latner expressed her opinion that the petition was accurate because many people just want to slow this down as the Board plans to implement the policy in January 2014. She said one of the most disturbing aspects is that there are people who believe what they want and won't admit that there are other avenues of pursuit because RDT was only 1 of 5 options suggested in the ad hoc report and none of the other options have been explored. It is a very complicated issue and opinions on it differ greatly.

6. COMMITTEE REPORTS (Continued)

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad was not present this evening; therefore, no report was provided.

E. HUMAN RESOURCES - KASHWICK (DOLSON/LATNER)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported the Human Resources Committee met to discuss the evaluations for senior management in the Borough; and they hope to have that completed in the next month.

2) REPORT – Councilman Kashwick reported on the following:

a. The Shade Tree Commission is in the process of sending out the specs for the Fall plantings.

b. The Historic Preservation Commission brought up the idea of a Hall of Fame of Closter residents; and they are working on possible designations on High Street.

c. The Environmental Commission is working on additional trails; and it was reported that the Senior Service Student from NVRHS did a lot of work at the farm and at the Nature Center.

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

1) REPORT – Councilwoman Amitai reported that Paul Nyfenger appeared before the Improvement Commission to report that the band shell at Memorial Field is in very poor condition. He feels it is unsafe; there are spotlights everywhere and hanging wires. There is a storage area in the back that he said has been taken over by field animals and needs to be cleaned out.

At this time, Mayor Heymann informed the band shell was given to the Borough by the Lions Club; of which Mr. Nyfenger is President. She also noted tomorrow night is the last concert of the season; and in Councilman Glidden's absence, she wanted to point out same.

Mrs. Amitai continued explaining that the roof is in terrible condition and said the estimates are that it could be fixed for between \$8,000-\$10,000. Walter Hubbard and Tony Lupardi Sr. looked at it. She inquired if we could apply for a grant to use for this sort of thing. Mayor Heymann explained they could not but said this would qualify under Open Space so we can take care of it if necessary. The Borough Administrator informed he has not seen any grants available for the repair of non-historic structures but he will look. Mrs. Amitai informed she sent an e-mail late this afternoon to the Mayor and Borough Attorney regarding the needed repairs.

In answer to Mrs. Amitai, the Borough Attorney informed it could potentially put the Borough in a position to be sued if something were to fall on someone if any negligence was shown. He said certainly Code Enforcement could take a look and provide an opinion as to how emergent the repairs are and make recommendations as to whether it should be addressed this Fall or in the Spring.

At this time, Mayor Heymann wished to add to Councilwoman Amitai's report saying that in the past the CIC was looking for ways to improve the Borough parking lots. One of our merchants has decided to assist with that; and if they look at the edge of the South parking lot, they will see that Sally (Tayeb) from Zendiggi has started to prepare to plant rose bushes which are very easy to maintain. The bushes will be planted on 8/31/13 and she is asking for volunteers

6. COMMITTEE REPORTS (Continued)
 - F. LAND USE AND CONSTRUCTION – AMITAI (BARAD/DOLSON) (Continued)
to assist with same. In answer to Mrs. Amitai, the Borough Administrator informed that the location where the planting is to take place is actually Borough property.
7. OLD BUSINESS
8. NEW BUSINESS

Borough Administrator reported that the Goals Report draft was forwarded to the Human Resources Committee. He suggested that the report be sent to the entire governing body along with a request to respond back by the end of September on items that could be accomplished within the next six months. From that a priority based report could be formulated. Borough Clerk asked that she be provided with a copy of the report that is sent to the Council.

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

Orlando Tobia, 65 Colgate Street, referred to the band shell that was built by the Lions Club 30 years ago and said that after an inspection by Walter Hubbard, it was determined that the roof has to be replaced. It would involve removing the roof shingles to determine the extent and cost of a new roof. He said that the lights have been damaged by someone playing tennis and must be replaced. Mayor Heymann thanked Mr. Tobia and Mr. Hubbard for his ongoing support and help in maintaining structures in town.

In answer to Re Hartwell, 1 Bradley Place, Mayor Heymann said there was a presentation made by Edens Architect relative to Closter Plaza and an e-mail of 69 slides from the presentation is available. The next meeting is scheduled for August 7th and 8th. Borough Attorney said that the court did not rule that the Watkins property is not a farm but did rule that there be a trial on the issue. The case is presently in Tax Court and the trial date is in January. The determination will be made by the Judge not by the State Agricultural Department. He said so far two judges and an appellate decision have ruled that there needs to be more factual findings before dismissal. If it is found not to be a farm, three years of back taxes can be collected as provided by the statute. Relative to Brooks Farm, Ms. Hartwell reminded the Council of the promise of buffer trees to be planted along Hickory Lane, Borough Attorney said that this is part of the case before the State Agricultural Board.

Linda Bogladino, owner of property at 127 Cedar Lane, advised that the house at 129 Cedar Lane has been abandoned for three years and this has resulted in high grass, bugs, rodents and weeds; and she apprised the Council of the research she has ascertained from various municipalities who are dealing with this problem. Mayor Heymann said this matter has been discussed thoroughly and Borough Attorney said that the Borough is notified but there is a gap of time between notification and the actual sheriff's sale. Bank of America is not responsive to the issue of maintenance. If the property is still bank owned we will try to get the bank to clean up the property or if not attempt to have a contractor perform the work, with a tax lien then being placed on the property. Borough Administrator said he has contacted a contractor who is interested in providing a cost estimate for same and the Borough Attorney said a contract must be drafted to make this

exempt from bidding laws to provide flexibility for an early resolution to the problem.

Donald Schmidt, 162 Closter Dock Road, referred to a Zoning Board matter relative to a neighboring property and the fact that a resolution has not been adopted since the meeting of March 20, 2013, nor is there a current certificate of occupancy or a site plan. He advised that this will be another court case; and he felt that the Zoning Board of Adjustment is not being run properly. He said that building permits have been issued to totally renovate the building but ordinances have not been followed. Borough Attorney said he would contact the Zoning Board Attorney the following morning to determine the status.

Steve Isaacson, 97 Columbus Avenue, thanked the Superintendent of Public Works for the work done on the south parking lot. He referred to the random drug testing and felt that the Board is not allowing public input. Parents should be doing the testing and should start in Middle School. Mr. Isaacson referred to recycling collection and Mayor Heymann said Miele accepts all plastics 1 through 7; and same is not listed on the calendar because when we do the recycling ourselves, the contractor only accepts 1 and 2. If we have a contract with Miele, 1 through 7 will be collected thereby reducing solid waste tonnage. Mr. Isaacson noted that Miele is reducing our tipping fee to \$70 from \$74, which is the same as other towns have been paying. He referred to the bus route and the need for a traffic signal at Vervalen and Piermont Roads; and Mayor Heymann said she asked the architect for the Closter Plaza to make accommodation for the bus stop. Mayor Heymann said that she would need written support from the County relative to the traffic signal.

Corrine Corcoran, 604 Closter Dock Road, questioned the procedure for the Building Department and the Zoning Board relative to applications inasmuch as the initial application is 9 years old and she related the history of the property at 626 Closter Dock Road. She felt there should have been a check on the progress of any work being done; and she cited all of the variances that would be needed on the property. She said that the building permits should have expired years ago; and open permits should be checked on an ongoing basis. Councilman Dolson said that two visits were made to the property and it was the considered opinion of the builder and engineer that the house is not safe to repair; and this will be brought up to the Zoning Board Attorney for a determination if the application should be heard. Borough Administrator said that permits are good for 6 months; and as long as some work is done during that time, the six months keeps going on.

Leslie Ringelstein, 1 County Road, gave an update on the Lustron House noting that the property is still up for sale and there are still no offers. Borough Attorney advised that the moratorium is over and the house could be put up for designation at any time by a Board or Commission or future Council.

Joel Zelnik, 65 Chestnut Street, expressed support for Resolution No. 16 inasmuch as the Lustron house is a monument to government concern for returning World War II veterans. It would be a great shame if the Council does not preserve the house by obtaining the matching funds from the County.

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

12. ADJOURNMENT

Motion to adjourn the Work Session at 9:17 p.m. was made by Councilman Dolson, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
August 2, 2013 for approval at the
Regular Meeting to be held
August 14, 2013

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held August 28, 2013
Consent Agenda Item No. 15b.