

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MARCH 13, 2013 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:50 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, Alissa Latner, John Kashwick, David Barad,
Arthur Dolson

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

Mr. Glidden was called from the meeting at 8:51 p.m.

The following persons were absent:

Councilwoman Victoria Amitai

2a. INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING,
4/10/13 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

(Requested by Administrator 3/11/13/Received from Administrator 3/12/13@5:17 p.m.):
ORDINANCE NO. 2013:1141, "BOROUGH OF CLOSTER CALENDAR YEAR 2013
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)"

Borough Administrator explained that the Borough is under a 2% CAP but by statute can increase the CAP to 3½%; and whatever is not used up to 3½ % can be banked for future use. We have had 2 years of banks and only a little of one was used this year. It is good to have this in case there is a budget year where budget flexibility is needed. These funds can roll forward for two years. Procedurally this ordinance must be introduced prior to introduction of the Budget and must be adopted before adoption of the Budget.

Motion approving introduction of Ordinance No. 2013:1141 was made by Councilman Kashwick, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad and Dolson.

2b. RESOLUTION INTRODUCING THE 2013 MUNICIPAL BUDGET - PUBLIC
HEARING – 4/10/13 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE
HEARD (Requested by Mayor 3/11/13/Received from Administrator 3/12/13@5:17 p.m.)

Borough Administrator said that this is a good budget from a lot of perspectives since it is balanced at \$14,791,107 and it only increases the municipal rate by ½ point over 2012. On the average home assessed at \$650,000, the municipal portion of the taxes would increase \$32.50 per year. We are under the levied cap by \$198,000 and under the appropriation cap by \$67,000 plus. He thanked the Council Budget and Finance Committee and Mayor Heymann for all their help and guidance. Mayor Heymann said a copy of the Budget including pie charts will be posted on the web and we will continue to review the budget with a fine tooth-comb.

Motion approving introduction of the 2013 Municipal Budget was made by Councilman Dolson, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad and Dolson.

3. 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 2/13/13 and was published in The Record on 2/22/13 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. 2013:1139, "AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$50,000.00 FROM THE CLOSTER OPEN SPACE RECREATION FARMLAND AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND AND HISTORIC PRESERVATION IMPROVEMENTS"

Mayor Heymann declared a public hearing.

Steve Isaacson, 97Columbus Avenue, expressed concern about the wording of the ordinance relative to the funding; and Borough Administrator advised that there was an appropriation through an ordinance adopted in 2012 for this project and the proposed ordinance would add the additional funds to this project. He believed the original funding was \$180,000 and the additional funds are being allocated because the project was bid once with a certain design and bid amounts exceeded the budget. It was determined to redesign the project and rebid same; and those bids came in at the amount of money that was allocated; however, it did not include contingencies or inspection and design costs. The \$50,000 is being allocated but it is anticipated that some of this money would be canceled upon completion of the project and returned to the Open Space Fund. Councilman Dolson noted that the original funding was \$164,000.

Jesse Rosenblum, 65 Knickerbocker Road, said he thought the bathrooms would be done with volunteer help. Mayor Heymann said that after public discussions it was determined that volunteer help was not as cost effective; and it was going to be difficult to recruit additional volunteer help.

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

Motion approving adoption of Ordinance No. 2013:1139 was made by Councilman Barad, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad and Dolson.

4a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 5, 10 and 15 was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad and Dolson.

ORDINANCES

5. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING AND ADOPTION

4/10/13 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2013:1140, "AN ORDINANCE TO DETERMINE THE BASE RATE, AMOUNT, SALARIES, WAGES, COMPENSATION, AND THE METHOD OF PAYMENT THEREOF TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF CLOSTER" (Received from Administrator/CFO)

RESOLUTIONS

6. BILL RESOLUTION – MARCH 15, 2013 (Received from Deputy Treasurer 3/8/13)

7. RESOLUTION AMENDING TEMPORARY BUDGET APPROPRIATIONS FOR 2013 - AMENDMENT NO. 2 (Received from Administrator/CFO 3/7/13)

8. TRANSFER RESOLUTION NO. 5 – AUTHORIZING THE TRANSFER OF 2012 BUDGET APPROPRIATE RESERVES (Received from Administrator/CFO 3/7/13)

9. RESOLUTION AUTHORIZING THE DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$511.50 TO DANIEL G. KEOUGH, TRUSTEE, FBO WALLACH, IRA AND TRACI FOR BLOCK 703 LOT 3.01 DUE TO TAX COURT REDUCTION ON 12/28/12 OF ASSESSMENT CREATING A TAX OVERPAYMENT FOR 2011 (Received from Collector 2/25/13)

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – MARCH 13, 2013 - 7:30 P.M.

~~10.~~—RESOLUTION AUTHORIZING THE DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$19,601.04 (REFUND OF 2011 & 2012 REAL ESTATE TAX OVERPAYMENT) TO RONALD KURZEJA, ESQ., FBO TORRES, JOSE MIGUEL DUE TO TAX COURT JUDGMENT RENDERED 2/15/13 FOR REDUCTION IN REAL ESTATE ASSESSMENT ON TAX TITLE LIEN ACCOUNT CREATING A TAX OVERPAYMENT (Received from Collector 3/6/13)

11. RESOLUTION AUTHORIZING THE DEPUTY TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$51,497.62 TO R. ROTHMAN, 111 GRAND AVENUE, ENGLEWOOD, NJ 07631, FOR REDEMPTION OF TAX SALE CERTIFICATE #10-00001; AND A CHECK IN THE AMOUNT OF \$15,500.00 FOR PREMIUM PAID AT TAX SALE ON 9/29/10 RE BLOCK 602 LOT 10, 6 WILLIS DRIVE (Received from Collector 3/7/13)

12. RESOLUTION AUTHORIZING BIDS FOR LEASE OF CELL TOWER (Received from Borough Attorney 3/6/13) Amended

13. RESOLUTION AWARDED CONTRACT FOR CONSTRUCTION OF RESTROOM FACILITIES AT MOLLICONE AND SCHAUBLE PARKS (Received from Administrator 3/7/13)

14. RESOLUTION SETTING FEE OF \$817.00 FOR SEWER SERVICE TO ALPINE PROPERTIES FOR CALENDAR YEAR 2013 (Received from Administrator 3/7/13)

~~15.~~—RESOLUTION OPPOSING S2364/A3553 REGARDING EARLY VOTING (3f. M.L. 3/7/13/Requested by Mayor 3/6/13)

MOTIONS

16. MOTION APPROVING THE FOLLOWING MINUTES – ABSTENTION: BARAD (Distributed 3/8/13)

- a. REGULAR MEETING HELD 2/27/13
- b. WORK SESSION HELD 2/27/13

17. MOTION GRANTING APPROVAL FOR ST. PAUL’S LUTHERAN CHURCH TO HOLD A ONE- HOUR EASTER SERVICE WITH MUSIC AT 7:00 A.M. ON SUNDAY, 3/31/13, IN THE CLOSTER MEMORIAL FIELD BANDSTAND AREA (1. M.L. 2/21/13/Approval received from Risk Management Consultant 3/1/13)

18. MOTION GRANTING APPROVAL FOR CLOSTER PTO TO CONDUCT ON PREMISE 50/50 CASH RAFFLE AT TENAKILL MIDDLE SCHOOL, 275 HIGH STREET, ON FRIDAY, 4/26/13, FROM 7:00 P.M. TO 11:00 P.M.; DRAWING TO BE HELD: 10:30 P.M. (Completed application filed and appropriate fees paid)

19. MOTION CORRECTING AND APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS TO THE FOLLOWING COMMISSION:

Mayor Heymann announced the following correction and recommended the following appointments:

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
IMPROVEMENT COMMISSION			
Alt. No. 1 (Arbietman/Vacant) to 12/31/13	Tina Stratton	2 year	Unexpired
Member	Maria Kim	2 year	12/31/13 (Correction)
Member (HP/ Class B)	Irene Stella	2 Year	Unexpired to 12/31/13
Member 12/31/13	Andrew Albaum	2 Year	Unexpired (Frieese) to
Member 12/31/13	Shiran Slutsky	2 Year	Unexpired (Clarke) to
Member 12/31/14	Michelle Bhagat	2 Year	Unexpired (Stratton) to

Mayor Heymann
 recommended the following appointments
 due to the resignation of Evan

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – MARCH 13, 2013 - 7:30 P.M.

Elias:

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
			ZONING BOARD OF ADJUSTMENT
		2 Year	Alt. No. 2 Joan Marks Unexpired (Elias) to 12/31/13
		2 Year	Alt. No. 3 John Galluccio Unexpired (Marks) to 12/31/14
		2 Year	Alt. No. 4 Phillip Kwon Unexpired (Galluccio) to 12/31/13

Mayor Heymann made the following Committee appointment mentioned previously by the Borough Attorney:

CELL TOWER COMMITTEE: Councilman Dr. David Barad, Mayor Heymann, Richard Sheola, Edward T. Rogan, Esq.

20. REPORTS

- a. FIRE CHIEF – FEBRUARY 2013 (Received 3/4/13)
- b. CONSTRUCTION OFFICIAL - FEBRUARY 2013 (Received 3/1/13)
- c. CHIEF OF POLICE – FEBRUARY 2013 (Received 3/8/13)

4b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

5. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING AND ADOPTION

4/10/13 @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2013:1140, “AN ORDINANCE TO DETERMINE THE BASE RATE, AMOUNT, SALARIES, WAGES, COMPENSATION, AND THE METHOD OF PAYMENT THEREOF TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF CLOSTER” (Received from Administrator/CFO)

Mayor Heymann said she was unaware that the ordinance was to be introduced this evening and she wished to have an opportunity to review same. She said that there is no effect on the Borough inasmuch as it is a minimum/maximum schedule. Borough Administrator advised that there would be an impact on the calculation of the retroactive pay when salary adjustments are made. The 2013 Budget contains the projected salary adjustments. Borough Clerk noted that the years for the ranges are not indicated in the ordinance and the title itself has customarily indicated the number of years. Borough Administrator said he tried to project out the maximum salaries so that the ordinance would not have to be changed for two to four years. Mayor Heymann noted her concern that this was an official act governing several years of potential increases and she would like an explanation of the increases and their justification. Councilman Barad said it would be helpful to know the changes that are proposed; and if there is a significant change for an individual, how this would affect negotiations. Borough Administrator explained that the ordinance sets the ranges but the resolution would set the actual salaries.

10. RESOLUTION AUTHORIZING THE DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$19,601.04 (REFUND OF 2011 & 2012 REAL ESTATE TAX OVERPAYMENT) TO RONALD KURZEJA, ESQ., FBO TORRES, JOSE MIGUEL DUE TO TAX COURT JUDGMENT RENDERED 2/15/13 FOR REDUCTION IN REAL ESTATE ASSESSMENT ON TAX TITLE LIEN ACCOUNT CREATING A TAX OVERPAYMENT (Received from Collector 3/6/13)

Borough Attorney advised that this is a large amount that was discussed and it has taken this long for the Tax Court to approve the actual judgment. He advised that the house was new construction, the shell was built but since the individual builder was never there, the Tax Assessor was not able to gain entrance to perform the assessment. The assessment indicated was based on an assumption as to what the house contained. The house was never occupied but was assessed for 2011 and 2012 at close to \$1.5 million; but after bankruptcy and foreclosure, we finally gained access and found that it was a complete shell; and, therefore, over assessed. The house ultimately sold for \$850,000 in 2011. Currently the house is assessed at \$1.1 million and the refund is based on the difference of \$400,00 for the two years. After the house is improved, the Borough may be able to conduct a reassessment. Mayor Heymann said we should be pleased that it was being assessed at that number because for quite a few years our Assessor had a policy of not assessing at all until there was a Certificate of Occupancy and this is a big improvement.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – MARCH 13, 2013 - 7:30 P.M.

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

15. RESOLUTION OPPOSING S2364/A3553 REGARDING EARLY VOTING (3f. M.L. 3/7/13/Requested by Mayor 3/6/13)

Councilman Kashwick said he has stated his opposition to this resolution and he suggested amending the resolution or having a separate vote on same. Councilman Barad supported a separate resolution. The resolution was adjourned for an amended resolution.

21. 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.

21a. Motion approving the following Closed Session Resolution at 9:15 p.m. was made by Councilman Kashwick, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons 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)(7), "Pending or anticipated litigation or contract negotiations"; N.J.S.A. 10:4-12(b)(8), "A matter involving public employees"; and N.J.S.A. 10:4-12(b)(5), "A matter involving the expenditure of public funds for acquisition of real property"; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the matters which should be within 26 weeks.

Mayor Heymann resumed the Regular Meeting at 10:30 p.m.

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

23. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:30 p.m. was made by Councilman Barad, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
March 22, 2013 for approval at the
Regular Meeting to be held
March 27, 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 27, 2013
Consent Agenda Item No. 11a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – MARCH 13, 2013 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at the Borough Hall on Wednesday, March 13, 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 Early Meetings which was sent to The Record and The Star Ledger and was published in both newspapers on December 18, 2012, was posted on the Municipal Clerk's bulletin board and has remained posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

Councilpersons John C. Glidden, Alissa Latner, John Kashwick, David Barad, Arthur Dolson

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:

Councilwoman Victoria Amitai

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF FEBRUARY 28, 2013 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. The following items were removed: Mayor Heymann – Item Nos. 5 and 12; Borough Administrator - Item No. 8; Borough Clerk - Item Nos. 4b. and 10.

Item No. 5 – Received 2/22/13 dated 2/22/13 from Closter Historic Preservation Commission re Three notifications regarding the following hearings to be held 3/18/13 at 8 p.m. a. Historic Designation proposed for the Railroad Depot Building, 1 Staation Court, Block 1317 Lot 6 meeting on March 18, 2013. b. Historic Designation proposed for the Lustron House 421 Durie Avenue, Block 1003, Lot 21. c. Historic Designation proposed for the Lustron House, 421 Durie Avenue, Block 1003 Lot 21.

Mayor Heymann said it would be up to the Council to consider the designation requests and Councilman Kashwick asked that discussion be deferred until after the Historic Preservation Commission decision on same. In answer to Councilman Barad, Mayor Heymann advised that the designations had been proposed by the Commission

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – MARCH 13, 2013 - 7:30 P.M.

Item No. 8 – Received 2/26/13, dated 2/25/13 from Richard M. Ryan, 212 Knickerbocker Road to the Shade Tree Commission Chairman re Letter requesting pruning and repair of “town trees” bordering the property including High St. trees which were reviewed by County of Bergen and attributed to Closter Borough.

Borough Administrator advised he had responded to the letter indicating that the trees were his responsibility.

Item No. 4b - Received 2/22/13 dated 2/22/13 from Deputy Clerk Westwood re Authorizing the Preparation of Specifications for the 2013 Municipal Road Paving Program for the Pascack Valley Cooperative Pricing System #107-PVCPS.

Borough Clerk said she forwarded a copy of the letter to the Borough Engineer for his information.

Item No. 10 – Received 2/27/13 dated 2/25/13 from Yael Lazar – re request for permission to use Schauble Park on 5/12/13 from 9 a.m. to 11:30 a.m. for closing activities of Religious School.

Borough Clerk advised that the insurance information has not been received.

Item No. 12 – Received 2/28/13 dated 2/25/13 from Katherine Friese re Resignation as member of Closter Improvement Commission (2 year to 12/31/13).

Mayor Heymann noted that Ms. Friese is home recovering from heart surgery.

b. MAIL LIST OF MARCH 7, 2013 Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. The following items were removed: Dr. Barad – Item No. 1, Borough Clerk – Item Nos. 3f and 3i, Mayor Heymann – Item Nos. 15 and 18.

Item No. 1 – Received 2/28/13, dated 2/26/13 from Elvira Testa Caputo, Secretary, Closter Board of Health, to the Recordm re Notice of Introduction on 2/21/13 of Board of Health Ordinance No. 2013-1 “Amending Article IV, Section 250-35 of the Code designating the President of the Board of Health as the Health Officer in the event of an emergency in a hazardous situation to the public health. Public Hearing – 3/21/13 @ 7:30 p.m.

In answer to Councilman Barad, Councilman Dolson advised that there is no longer a full time health officer in the building and in absence of same, the Board of Health President would be designated as well as the official health officer that we contract for with the County. In answer to Mayor Heymann, Councilman Dolson said there would be an opportunity at the Public Hearing to question the requirement for State certification of the individual.

Item No. 3f – Received 3/6/13, dated 3/6/13 from League of Municipalities – re Mayors Advisory re S-2364 early voting bill – request for consideration to pass a resolution opposing this and other early voting bills.

Item No. 3i.- Received 3/6/13, dated 3/6/13 from League of Municipalities – re Mayors Advisory re A3553 request to pass resolution opposing this and other early voting bills.

Borough Clerk advised that a resolution opposing these two pieces of legislation is contained in the Regular Meeting Agenda for this evening.

Item No. 15 – Received 3/4/13, dated 3/4/13 from Susan Parducci, Assistant to NVRHS re request for adoption of Resolution endorsing and supporting the NVRHS capital project to install field turf and resurface the tennis courts and field tracks at each high school.

Mayor Heymann said that the funding of the project would be over \$5 million dollars to improve the current fields by making them usable year around and that Board Member and Chairman of Physical Properties Len Albanese and the Athletic Director would be attending the Council meeting on March 27th to discuss the matter. Deputy Recreation Director Brian Beddoe said we are in full support to the proposal and would encourage increased usage of the fields. Mayor Heymann said that Don Farrell attended the Mayors Meeting on her behalf and was highly in favor of the proposal. The proposal would also provide for more

usage by women's teams and by the elementary students.

Steve Isaacson, 97 Columbus Avenue, reminded the Council that in 2001 toxic turf was put down on the fields, which was found to be hazardous to the children, and had to be removed and replaced. Again in 2009 the fields had to be replaced. Old Tappan instructed their attorney to draft a resolution in opposition to the proposal and he supported the adoption of a similar resolution by Closter. He cited an article in the newspaper relative to technical projects in the high school that have not been completed nor paid for. Councilman Kashwick requested resolutions in support and in opposition to be available at the next meeting. Brian Beddoe said that the proposal is to provide new field areas.

Item No. 18 - Received 3/5/13, dated 3/5/13 from MCANJ Web Committee to New Jersey Clerks re Senate vote on Monday March 11, 2013 considering bill S-2433 concerning wagering, tourism and historic preservation committee.

Mayor Heymann said she would obtain a copy of the bill.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of March 13, 2013)

Mayor Heymann asked whether any Council person wished to discuss any item on the Consent Agenda. She informed she would be removing Item No. 5; Councilman Kashwick removed Item No. 15.

15. RESOLUTION OPPOSING S2364/A3553 REGARDING EARLY VOTING (3f. M.L.
3/7/13/Requested by Mayor 3/6/13)

Councilman Kashwick said he had concerns about the cost of the early voting noting that even though the State has indicated they will pay for same, there are no specifics in the legislation and therefore he would be inclined to oppose the resolution. Mayor Heymann said the State already allows early voting in many different ways and the legislation creates confusion by establishing new polling places and maybe creating unwarranted voting. Absentee voting is now allowed for everyone not just for work, medical or travel restrictions. Borough Clerk said at the Clerk's meeting there were questions of the logistics of early voting and that voting by mail has extended voting availability to everyone. Councilman Barad questioned if the resolution could support the concept but oppose the vagueness of the legislation.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

REPORT – Borough Attorney reported that the cell tower lease expires in October and he recommended a resolution referring the lease and potential specifications to a Cell Tower Committee to discuss the matter and provide a report to the Council. Based on that, his office would prepare draft specifications for review by the Council prior to publication and in ample time in case a rebid of the specifications is necessary. He distributed a draft resolution, which indicates a correction to indicate an appropriate sub-committee of the Council rather than a cable committee.

Relative to ASCAP, Borough Attorney noted that we entered into a license agreement in 2011 covering the Borough for any musical events; but last year there was no agreement. He recommended entering into an agreement this year to protect the Borough against copyright infringement. A straw vote of the Council indicated support for the Borough Attorney to provide a resolution for the next meeting.

Borough Attorney advised that the filing deadline for Tax Appeals is April 1st and he would have a more detailed report for the next meeting. In the past year, Closter has done very well defending the tax appeals. For Closed Session, he had two items of pending litigation, Metropolitan Plant before the Farm Board and Giua v Borough of Closter in addition to an expenditure of public funds for acquisition of property and two

items on personnel.

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER

Mr. DeNicola explained he had distributed his status report to the Governing Body by e-mail and he would provide a few updates this evening:

- 1) STATUS REPORT RE HERBERT AVENUE SECTION 5 & BLANCH AVENUE IMPROVEMENTS, 2012 ROAD IMPROVEMENTS, & SCHAUBLE FIELD WALKING PATH - Awarded to AJM Contractors, Inc./\$445,911 RM 6/27/12
- 2) REPORT – The Borough has a resurfacing program as well as a local aid program to be funded by NJDOT Local Aid. He will be providing the Borough with proposals for both projects for the next Council meeting.

The Borough should be receiving money back from the grant programs for last year's projects. Money from the 2008 Safe Streets to School project should be refunded shortly. Local Aid funding for 2013 has not been released as yet and is awaiting the Governor's signature.

7. REPORTS

A. BOROUGH ADMINISTRATOR

- 1) STATUS REPORT RE MEETING HELD WITH SWIM CLUB REPRESENTATIVES RE *POSSIBLE* ACQUISITION (W.S. 6/27/12) Committee members: Borough Attorney/Administrator/Dr. Barad - No report.
- 2) STATUS REPORT RE APPRAISAL OF LADDER TRUCK (Discussed at WS 8/22/12)

Mr. Sheola reported that not a single bid was received for the ladder truck and he would like to discuss same in Closed Session since it would require negotiation with another Fire Department.

3) REPORT – 2013 Operating Budget – Borough Administrator said the 2013 operating budget would be introduced this evening and it is a well thought out document. Introduction of the minimum/maximum salary ordinance is scheduled for this evening as well as a resolution transferring 2012 reserve funds. He cited the \$32,000 proposed to be transferred into Office of Emergency Management/Other Expenses and this was due to the number of trees that fell during Superstorm Sandy that must be removed from various streams. After the removal is accomplished, an application for reimbursement can be made to FEMA. The second transfer of \$40,000 into Snow Removal/Other Expenses will allow us to move the money into Snow Trust for the occasion of an unusually heavy winter in the future. \$43,000 is being transferred into Administration/Salary and Wages, which would then be journal entried into Accumulated Absence Fund to pay accrued time to retiring employees.

Borough Administrator said he hoped to wrap up negotiations with the Public Works Employees tomorrow afternoon. As the Appropriate Authority he is reviewing the new Police Department regulations and the Chief of Police has asked for comments by the end of April.

Borough Administrator reported that he would be preparing Capital Ordinances with Bond Counsel for introduction on April 10th in anticipation of the adoption of the 2013 Budget. The ordinance should be approved at the first meeting in May and some of the projects would be paid with cash on hand, cash from the budget but a good portion would be paid by Bond Anticipation Notes. There could be potentially four ordinances on the Agenda at that time.

Councilman Glidden noted that on the Agenda this evening is adoption of the ordinance to provide additional funding for the bathrooms and an award of the contract.

In answer to Councilman Kashwick, Borough Administrator advised that the tree removal as a result of Superstorm Sandy would cost \$35,000 and the Superintendent of Public Works advised that the trees that fell are leaning against those on private property in addition to those that fell in stream rights of way. These are the only trees that would be funded by FEMA; and the trees behind the A & P would be removed at a later date.

7. REPORTS (Continued)

B. BOROUGH CLERK

- 1) STATUS REPORT RE 2013 APPOINTMENTS - Borough Clerk reported that this is still a work in progress.
- 2) STATUS REPORT RE 2013 OATHS OF OFFICE – Ms. Castano reported that this is still a work in progress.
- 3) STATUS REPORT RE 2013 LICENSES – Borough Clerk reported that there is still one outstanding license; and we are awaiting word that the activity is not going to continue. Relative to liquor licenses, the Closter Rec on Durie Avenue transfer is still not progressing and questions on same have been referred to the Borough Attorney. A transfer application for the Moo Kun Wha license was returned at the request of the applicant. License renewals will commence in April and licenses must be renewed before a transfer can take place.
- 4) STATUS REPORT RE 2013 MEETING DATES – Current.
- 5) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – Borough Clerk reported that official notice from the Local Finance Board has not been received.
- 6) STATUS REPORT RE CODIFICATION OF ORDINANCES – Ms. Castano reported that approval to proceed was sent to General Code on 2/12/13 and codification (for Supplement No. 19) should be moving forward. Since the Borough had a credit, there would be no charge for this codification.
- 7) STATUS REPORT RE FOLLOW UP FOR PROFESSIONAL CONTRACT POSITION/ALTERNATE PROSECUTOR – Borough Clerk reported that she will definitely be following through with the procedure as soon as possible.
- 8) REPORT – Elections – Ms. Castano reported attending the annual County Clerk Elections meeting in Hackensack with the Municipal Clerks from Bergen County on 2/27/13 at which time a new informational binder was provided due to the departure of the previous Elections Supervisor, Marlene Verrastro. The current information received was as follows: Party Affiliated Petitions are due to be filed in the Municipal Clerk's office no later than 4 p.m. on 4/1/13; Independent petitions must be filed in the County Clerk's office on or before 4 p.m. on 6/4/13. The filing deadline for School Board candidates is 6/4/13.

C. CHIEF OF POLICE

- 1) REPORT – Chief Kaine reported that two lock down drills would be conducted at Tenakill School at 10 a.m. and 1 p.m. at the Hillside School; and communications would be involved. He reported that there were no major issues during the storm on Friday. The Department would be participating in the drug give back program on Saturday, 4/27/13; and notification on same would be sent out. The Department is waiting for the DWI grant

D. MAYOR

- 1) STATUS REPORT RE FOLLOWING GRANTS: Mayor Heymann informed there would be no changes in the following items:

a. FILED

1. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM SUPPORTING THE DESIRE OF THE ENVIRONMENTAL COMMISSION TO OBTAIN A GRANT IN A MAXIMUM AMOUNT OF \$25,000 TO FUND THE EXTENSION OF THE CROSS CLOSTER TRAIL PROJECT; SAID GRANT PROGRAM REQUIRES A CASH MATCH OF 20% OF THE AMOUNT AWARDED OR A MAXIMUM AMOUNT OF \$6,250.00 (Authorized RM 2/8/12)
2. 2013 ROID GRANT (REC OPPTS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000) Authorization for application RM 6/13/12

7. REPORTS (Continued)

D. MAYOR (Continued)

1) STATUS REPORT RE FOLLOWING GRANTS (Continued)

a. FILED (Continued)

3. 2013 CDBG GRANT APPLICATION IN THE AMOUNT OF \$326,300 TOWARDS POTENTIAL \$435,000 RENOVATION/REHABILITATION PROJECT FOR THE EXTERIOR OF BOROUGH HALL (Authorized RM 9/24/12)

b. AWARDED

1. 2011 BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT – LAND ACQUISITION IN THE AMOUNT OF \$283,000 FOR THE PURCHASE OF BLOCK 1805, LOT 1, COMMONLY KNOWN AS THE CLOSTER SWIM CLUB AT BLANCH AVENUE (RM 8/10/11)/Awarded \$283,000 (7. M.L. 6/14/12)

2. 2011 BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT – MUNICIPAL PARK IMPROVEMENTS – MATCHING GRANT IN THE AMOUNT OF \$40,000 FOR SCHAUBLE AND MEMORIAL PARK IMPROVEMENTS (RM 8/10/11)/ Awarded \$12,500 for Memorial Park Batting Cage/Bleachers and \$27,500 for Schauble Park Walking Path (7. M.L. 6/14/12) Memorial Park Contract No. 12-00280/Schauble Park Contract No. 12-00281

3. DEPARTMENT OF ENVIRONMENTAL PROTECTION IN AN AMOUNT NOT TO EXCEED \$3,000.00 TO FUND THE FOLLOWING PROJECT: COMMUNITY FORESTRY MANAGEMENT PLAN, GREEN COMMUNITIES GRANT (50% match of total project amount) (Authorized RM 2/22/12) Award reported by Mr. Kashwick/WS 11/19/12

c. TO BE FILED - To be announced by Mayor

2) REPORT – Mayor Heymann referred to a news article about making a path on the unused CSX tracks and she would be working together with Northvale and Norwood on the project. CSX has advised in the past that most of the track would not be released in Closter because of the reuse potential; however, the tracks north of the Elgin Plant has not been developed; and we would work to bring the path down to that point. This would augment our existing trail. Councilman Kashwick questioned if CSX could be forced to upgrade the tracks in Closter and noted that ideally we would like the trail to reach Closter Dock Road. Mayor Heymann said she would address this with the new contact person at CSX.

Mayor Heymann said she had requested further information from Jim Whitney on the properties not being maintained in the Borough; and she had a list of a dozen properties that are in disrepair. Last year we reached an impasse on improving those properties and financing the corrective measures. Last year we did get a contractor who was willing to perform the improvements and wait for payment until the Borough was reimbursed; and this could solve the problem. Some of the properties are in serious disrepair; and Councilman Dolson said there is a basic rule on trespassing since the properties are privately owned in addition to the fact that banks are not foreclosing on properties. He said this is not only a visual problem but also health and safety. Borough Attorney said the Borough has had some success getting properties cleaned up if they are bank owned; but the bulk of the properties are privately owned. Mayor Heymann said that the Borough needs a listing of the steps to be taken; and the Borough Attorney said that the issue is serving a summons on a property that is abandoned.

8. OLD BUSINESS

Councilman Kashwick referred to the discussion on goals and the possibility of hiring an outside consultant noting that the Committee would still like to establish goals for senior management. The Borough Administrator explained the procedure that would be followed by the facilitator who would discuss goals with senior management and then with the Council who would rank the goals. The cost had been \$1,800 when he had last been involved and the same facilitator when contacted proposed a cost of \$2,000. Development of the Borough would be discussed in broad terms that would potentially develop a policy to be given to the Planning Board or governing body to develop ordinances. The session was held in a public form but while the public could attend, there was no public participation. Councilman Kashwick expressed his support for the proposal that would give an opportunity to talk. In answer to Councilman Dolson, Borough Administrator said he had the report that he had previously drafted on each of the goals, milestones, suggestions and a narrative. The facilitator would lead all of the discussions, prepare a written report after meeting with senior management and governing body and provide the top goals that were selected. Councilman Kashwick cited the benefits for having an outside consultant and Mayor Heymann noted that the Volunteer Bureau has a specialist that performs these functions. Borough Administrator said that he would contact the organization.

9. NEW BUSINESS

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

Steve Isaacson, 97 Columbus Avenue, questioned how much money is in the Parking Fund, the Sidewalk Fund and how much has been used from each fund. He also questioned purchases using the Open Space Fund and Borough Attorney said it was partially used to purchase of the Blanch Woods property next to the Swim Club. Mr. Isaacson referred to the bus route switch which should be done before the completion of the Closter Plaza project. He asked what is being done to address downtown parking and he suggested a committee to review the subject. Mayor Heymann said there are movements to improve the parking and she has spoken to Michael Brown on the subject. This matter has been discussed for many years by the Council and better signs have been approved by the Council. Mr. Isaacson cited the ASCAP licensing agreement and questioned if any town had ever been sued and Borough Attorney said he did not think the Joint Insurance Fund would cover a copyright lawsuit but he would check into the matter. Mayor Heymann said we have good insurance and we pay a \$10,000 deductible.

Kurt Haiman extended an invitation to a show of work from Israel opening Sunday at the Belskie Museum from 4 p.m. to 7 p.m. by the Jewish Federation of Bergen County. He requested an update on the Plaza and Mayor Heymann said it will happen but there have been various procedural problems. A new plan should be presented to one of our boards in the very near future. Mr. Haiman cited the length of time it has taken and the deepening of the potholes. Councilman Dolson said the property owners have created the problems.

11. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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

13. ADJOURNMENT

Motion at 8:49 p.m. to adjourn the Work Session was made by Councilman Kashwick, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
March 22, 2013 for approval at the
Regular Meeting to be held
March 27, 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 27, 2013
Consent Agenda Item No. 11b.