

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING AGENDA – MARCH 25, 2009 - 7:30 P.M.

1. PLEDGE OF ALLEGIANCE
2. OPEN PUBLIC MEETINGS ACT STATEMENT
3. ROLL CALL
4. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12 (a)  
(Subject to 5-minute limit per General Rule No. 10)
5. COMMUNICATIONS
  - a. MAIL LIST – MARCH 12, 2009
  - b. MAIL LIST – MARCH 19, 2009
6. OPEN MEETING TO PUBLIC FOR COMMUNICATION ITEMS ONLY  
(Subject to 5-minute per By-Laws General Rule No. 10)
- 7a. REVIEW OF CONSENT AGENDA ITEMS  
(PROCEDURE TO BE EXPLAINED BY MAYOR HEYMANN)

ORDINANCES AND RESOLUTIONS

- 8.\* INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING - 4/22/09 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:
  - a. BOND ORDINANCE NO. 2009:1035, “ORDINANCE APPROPRIATING \$45,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR IMPROVEMENTS TO BOROUGH HALL IN THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY (Received from Bond Counsel 3/9/09)
  - b. ORDINANCE NO. 2009:1036, “AN ORDINANCE AMENDING SCHEDULE A: LIMITING SCHEDULE, SPECIFICALLY, CHANGING THE MAXIMUM SIZE OF RETAIL STORES IN DISTRICT NO. 3 BUSINESS AREA PURSUANT TO THE RECOMMENDATION OF THE PLANNING BOARD (Received from Borough Attorney 3/17/09)
  - c. ORDINANCE NO. 2009:1037, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$68,100.00 FROM OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND FOR PARK AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Mayor 3/20/09)
- 9.\* BILL RESOLUTION – MARCH 31, 2009  
TO BE PREPARED BY TREASURER
- 10.\* POSSIBLE APPOINTMENT OF BOROUGH ALTERNATE PROSECUTOR  
(Opening held 1/8/09 @ 10:30 a.m.) (Adjourned from RM 1/28/09; RM 2/11/09; 2/25/09; 3/11/09)
- 11.\* RESOLUTION AUTHORIZING DEPUTY BOROUGH TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$6,194.11 TO FIRST AMERICAN R.E. TAX SERVICE FOR 2009 REAL ESTATE TAX OVERPAYMENT FOR BLOCK 2402 LOT 10  
(Received from Tax Collector 3/6/09)
- 12.\* RESOLUTION AUTHORIZING TAX COLLECTOR TO CANCEL CERTAIN 1<sup>ST</sup> AND 2<sup>ND</sup> QUARTERS 2009 PRELIMINARY TAXES IN THE AMOUNT OF \$1,712.83 IN BLOCK 309, LOT 1, ASSESSED TO KOESTNER, FRANK, LOCATION: 10 BETHANY CIRCLE  
(Received from Tax Collector 3/6/09)
- 13.\* RESOLUTION APPOINTING MICHAELA TOMANOVA AS FINANCE CLERK FOR A ONE YEAR TERM TO 12/31/09 AT AN ANNUAL RATE OF \$31,850.00, COMMENCING APRIL 1, 2009, SUBJECT TO A COMPLETE BACKGROUND CHECK  
(Received from Mayor’s office 3/17/09)
- 7a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING AGENDA – MARCH 25, 2009 – 7:30 P.M..

ORDINANCES AND RESOLUTIONS (Continued)

- 14.\* RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$17,537.56 PAYABLE TO R. ROTHMAN, 411 GRAND AVENUE, ENGLEWOOD, NJ 07631 FOR REDEMPTION OF TAX SALE CERTIFICATE #08-3 PER TAX SALE HELD 6/19/08, FOR BLOCK 1301 LOT 1, 227 WEST STREET (Received from Tax Collector 3/9/09)
- 15.\* RESOLUTION AUTHORIZING THE MAYOR AND COUNCIL TO ENDORSE CERTIFICATE OF SALE #01-1 RE BLOCK 309, LOT 1, 10 BETHANY CIRCLE, ASSESSED TO KOESTNER, FRANK W., C/O NIGITO FOR CANCELLATION RE TAX SALE OF NOVEMBER 28, 2001 DUE TO ACQUISITION PURSUANT TO N.J.S.A. 54:5-111.1 (Received from Tax Collector 3/9/09)
- 16.\* RESOLUTION PROCLAIMING MONTH OF MARCH AS CENTENNIAL AME ZION CHURCH MONTH (Received from Mayor's office 3/17/09)
- 17.\* RESOLUTION CONFIRMING AGREEMENT OF THE GOVERNING BODY TO APPROPRIATE FUNDS OR AUTHORIZE THE ISSUANCE OF DEBT TO FUND ANY SHORTFALL IN ITS AFFORDABLE HOUSING PROGRAM THAT MAY ARISE WHETHER DUE TO INADEQUATE FUNDING FROM OTHER SOURCES OR FOR ANY OTHER REASON, AND UPON WRITTEN NOTIFICATION BY COAH AFTER FINDING THAT INADEQUATE FUNDING EXISTS TO COMPLETE THE AFFORDABLE HOUSING PROGRAMS INCLUDED IN THE BOROUGH OF CLOSTER'S COAH-CERTIFIED HOUSING ELEMENT AND FAIR SHARE PLAN, THE BOROUGH AGREES TO APPROPRIATE FUNDS OR AUTHORIZE THE ISSUANCE OF DEBT WITHIN 90 DAYS OF WRITTEN NOTIFICATION BY COAH (Received from Mayor 3/18/09)
- 18.\* RESOLUTION CONFIRMING THE MAYOR AND COUNCIL'S WISHES TO PURSUE LOCAL INITIATIVES AND ACTIONS THAT WILL LEAD TO SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION; AND AUTHORIZING MAYOR HEYMANN TO SERVE AS CLOSTER'S AGENT FOR THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROCESS AND AUTHORIZE HER TO COMPLETE THE MUNICIPAL REGISTRATION ON BEHALF OF THE BOROUGH (Received from Mayor's office 3/18/09)
- 19.\* RESOLUTION OPPOSING THE DECISION OF THE TENAFLY PLANNING BOARD REGARDING APPROVAL FOR CONSTRUCTION OF A 21-UNIT APARTMENT BUILDING WITHIN 25 FEET OF THE TENAKILL BROOK, A C-1 WATERWAY FEEDING DIRECTLY INTO THE ORADELL RESERVOIR, A PRIMARY SOURCE OF DRINKING WATER FOR MUCH OF BERGEN COUNTY, IN THAT DEVELOPMENT SO CLOSE TO THE BROOK WOULD ADVERSELY AFFECT THE WATER QUALITY FOR THE RESIDENTS OF THE NORTHERN VALLEY; AND RECOMMENDING THAT THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REJECT THIS PROPOSAL (Received from Councilman Kashwick 3/18/09)
- 20.\* RESOLUTION APPOINTING MIRELLA C. HERNANDEZ AS OFFICE ASSISTANT TO THE BOROUGH CLERK FOR A ONE YEAR TERM TO 12/31/09, AT AN ANNUAL SALARY OF \$32,500.00 FOR A 90-DAY PROBATIONARY PERIOD, SUBJECT TO A COMPLETE BACKGROUND CHECK
- 21.\* TRANSFER RESOLUTION (Requested by Chief Financial Officer 3/18/09)  
TO BE PREPARED BY AUDITOR

CLOSTER MAYOR AND COUNCIL  
 REGULAR MEETING AGENDA – MARCH 25, 2009 – 7:30 P.M..

7a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

ORDINANCES AND RESOLUTIONS (Continued)

22.\* POSSIBLE APPOINTMENT(S) OF SALARIED EMPLOYEES (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) RESOLUTIONS TO BE PREPARED BY ACTING ADMINISTRATOR/TREASURER (Adjourned from RM 1/14/09; 1/28/09; 2/11/09; 2/25/09):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
**ADMINISTRATOR	_____	1 Year	12/31/09
<del>DEPUTY BOROUGH CLERK</del>	_____	<del>1 Year</del>	<del>12/31/09</del>
<del>OFFICE ASSISTANT (BOROUGH CLERK)</del>	_____	<del>1 Year</del>	<del>12/31/09</del>
DEPUTY TAX COLLECTOR	_____	1 Year	12/31/09
DESK DISPATCHER			
FULL TIME	_____	1 Year	12/31/09
PART TIME	_____	1 Year	12/31/09
POLICE MATRON	_____	1 Year	12/31/09
SCHOOL CROSSING GUARD	_____	1 Year	12/31/09

\*\* **Note:** The following appointments are outstanding, to date, in the absence of Administrator/ Treasurer:

TREASURER	_____	1 YEAR	12/31/09
AFFIRMATIVE ACTION OFFICER	_____	1 YEAR	12/31/09
APPROPRIATE AUTHORITY	_____	1 YEAR	12/31/09

MOTIONS

23.\* MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) Adjourned from RM 1/14/09; RM 1/28/09; RM 2/11/09:

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOARD OF HEALTH	_____	2 Year un-	
ALT. NO. 2		expired to	12/31/09
HISTORIC PRESERVATION COMMISSION/MEMBER	_____	4 Year	12/31/12
IMPROVEMENT COMMISSION MEMBER	_____	2 Year un-	
MEMBER		expired to	12/31/09
MEMBER	_____	2 Year	12/31/10
ALT. NO. 2	_____	2 Year	12/31/10
RECREATION COMMISSION ASSOCIATE MEMBER	_____	1 Year	12/31/09
**SHADE TREE COMMISSION			
ALT. NO. 2	_____	2 Year	12/31/10

\*\* Mayoral Appointment

24.\* POSSIBLE MOTION APPOINTING \_\_\_\_\_ TO SERVE AS MEMBER OF THE HISTORIC PRESERVATION COMMISSION FOR AN UNEXPIRED 4-YEAR TERM (REIMERS) TO 12/31/09 (13. M.L. 3/5/09) (Adjourned from RM 2/25/09)

25.\* MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 3/18/09):

- a. REGULAR MEETING MINUTES:
  - 1) JANUARY 28, 2009 – NO ABSTENTIONS
  - 2) FEBRUARY 11, 2009 – ABSTENTION: HENNESSEY
- b. WORK SESSION NOTES
  - 1) FEBRUARY 11, 2009 – ABSTENTION: HENNESSEY
  - 2) FEBRUARY 25, 2009 – ABSTENTION: AMITAI

26.\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:  
 a CHIEF OF POLICE – FEBRUARY 2009 (Received 3/13/09)

7b. VOTE ON CONSENT AGENDA ITEMS

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING AGENDA – MARCH 25, 2009 – 7:30 P.M..

27. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA
28. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
  - a. CONTINUED DISCUSSION RE PARKING SPACE FEE (Requested by Mayor 1/18/08)  
RM 9/10/08
29. DISCUSSION OF PUBLIC COMMENTS OR ANY OTHER TIMELY MATTER, IF APPROPRIATE
30. ADJOURN

ALL BUSINESS WILL TERMINATE AT 11:00 P.M.

PLEASE NOTE: THE NEXT REGULAR MEETING WILL BE HELD  
ON MONDAY, APRIL 6, 2009, AT 7:30 P.M.

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MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION AGENDA – MARCH 25, 2009 - 7:30 P.M.

1. ROLL CALL
2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT
3. COMMITTEE REPORTS
  - A. FINANCE AND TECHNOLOGY - KASHWICK (GLIDDEN/HENNESSEY)
    - 1) STATUS REPORT RE CAPITAL BUDGET/CAPITAL PLAN (RM 7/9/08)
    - 2) STATUS REPORT RE CLOSTER WEBSITE
    - 3) STATUS REPORT RE IN-KIND MATCH OF \$25,000 FOR COMMUNITY FORESTRY GRANT (Work to be done by DPW) RM 6/27/07
    - 4) REPORT
  - B. PUBLIC SAFETY - GLIDDEN (TUTOLI/HENNESSEY)
    - 1) REPORT
  - C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN)
    - 1) REPORT
  - D. ORDINANCE - BARAD (KASHWICK/AMITAI)
    - 1) STATUS REPORT RE ORDINANCE COMMITTEE MEETINGS
    - 2) REPORT
  - E. HUMAN RESOURCES - TUTOLI (KASHWICK/BARAD)
    - 1) STATUS REPORT RE PERSONNEL COMMITTEE MEETINGS
    - 2) REPORT
  - F. LAND USE AND CONSTRUCTION – AMITAI (BARAD/HENNESSEY)
    - 1) REPORT
4. OLD BUSINESS
5. NEW BUSINESS
6. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
7. OPEN MEETING TO THE PUBLIC
8. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
9. ADJOURNMENT

CLOSTER MAYOR AND COUNCIL  
WORK SESSION AGENDA – FEBRUARY 25, 2009 – 7:30 P.M.

**MAIL LIST**

MARCH 12, 2009

NO.	DATE REC'D	DATE	FROM	SUBJECT	COPY ATTACHED	AGENDA/COMMITTEE/ LIAISON
1.	03/09/09	03/05/09 3/09/09	William Dressel, Executive Director, New Jersey State League of Municipalities	*Mayors Fax Advisory re: a. Age Restricted Housing Conversion Bill b. Governor's Economic Recovery Website c. Managing Government E-Mail Risks Update d. Governor Corzine's Budget Message e. Issue Alert: A Senate voting On S-770/A-01645, QPA Bill B. Inherently Beneficial Uses, A-3062 & S-1303 f. Governor Corzine's Preliminary Budget Analysis g. Support Our Troops h. New Pension Deferral Bill i. 4% Tax Levy Cap <b>REMINDER!</b> j. Age Restricted Housing Conversion Bill - <u>A-3772 &amp; S-2577</u>		
2.	03/09/09	03/06/09	Foundation of N.J. Alliance for Action to Alliance for Action Members and Friends	*2009 Transportation Fast Facts Edition (letter only!) Fast Facts on file in Borough Clerk's office!		
3.	03/09/09 hand delivered by Mayor	03/03/09	Sheila A. Migliarino, Case Manager, Bureau of Underground Storage Tanks, NJSDEP c: Health Department w/o enclosure Municipal Clerk w/o enclosure	*Notice of Deficiency - D. Schmidt Inc. - Remedial Investigation Report re 277 Herbert Ave, Closter, Bergen County, SRP P1#032793; Activity Number Reference: USR020001, Case #:99-08-06-0940-02 BUST c2, Closure #: N9o8-2927, Sec #: 4 (Copy to Board of Health, Keith Sager)		Barad/Board of Health
4.	03/9/09	03/09/09	Edward Cappelluti, Troup 63 Committee member	*Request for approval to conduct annual yard/garage sale in the municipal parking lot on 5/16/09; and asking that fee be waived (Copy to Glenn Parsells, Keith Sager, Bill Brewster, Chief Berrian, William Dahle)		RM Agenda upon receipt of approval of required insurance
5.	03/9/09	03/09/09	Judith C Reilly, Esq. to Borough Clerk	*Zoning Board Public Hearing on 3/18/09 @ 8:00 p.m. re 23 Storig Avenue, B 803, Lot 18, Orlando N. Tobia,		Hennessey/Zoning Board of Adjustment
6.	03/9/09	03/05/09	Clerk to the Board of Chosen Freeholders to Municipal Clerk	*Ordinance No. 09-04 - Bond Ordinance re Dept. of Planning and Economic Development - Capital Improvements (\$1,975,000) introduced 3/4/09, public hearing - 3/18/09		
7.	03/11/09	03/10/09	David Scholz, Chairman, Closter	*Quarterly Reports for the MacBain Farm for 08/09 and 10/2008 and		Borough Attorney

			Environmental Commission	11/08/12/08 and 01/09 (First half of 9 <sup>th</sup> fiscal year of 10 year contract with John McCaffrey - contract to expire 7/31/2010 (Copy to Glenn Parsells	
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**ALSO DISTRIBUTED:**

Bergen County's Open Space Momentum - Vol. 5, No. 1 - Winter 2009 (Received 3/9/09)

**MAIL LIST**  
MARCH 19, 2009

NO.	DATE REC'D	DATE	FROM	SUBJECT	COPY ATTACHED	AGENDA/COMMITTEE/ LIAISON	
1.	03/13/09	03/10/09	Lerch, Vinci and Higgins	*December 31, 2008 Annual Audit		Mayor	
2.	03/13/09	03/13/09	William G. Dressel, Jr., Executive Director, NJS League of Municipalities	*League Alert re:			
	03/16/09	03/16/09		a. State Property Tax Relief Numbers	*Mayors Fax Advisory re		
	03/17/09	03/17/09		b. Sustainable Jersey Grants Funded by Wal-Mart			
	03/18/09	03/18/09		c. Important New Information from the Division of Local Government Services on Budgeting			
				d. COPS Hiring Recovery Program (CHRP)			
				e. Legislative Recap: A. Pension Deferral Goes to Governor; B. Senate Releases Qualified Purchasing Agent Mandate; C. Age Restricted Housing Conversion Bill - A-3772 & S-2577 Heads to Governor; D. Commercial Fee Moratorium Passes Senate			
				f. COPS Hiring Recovery Program (CHRP)			
				g. Governor Welcomes Budget Comments			
				h. False Claims Acts Amendments Threaten Local Governments			
				i. Immediate Need for Binding Arbitration Reform			
				j. Pension Deferral Signed			
3.	03/17/09	03/10/09	Park Ridge Borough Clerk to Closter Borough Clerk	*Resolutions adopted 3/10/09 re:			
				a. No. 09-062 - Supporting position that Joseph McGowan should not be granted another parole hearing for a minimum of 35 years			
				b. No. 09-064 - Encouraging Legislature and Governor to amend the current binding interest arbitration laws to provide municipalities with a fairer and more appropriate process			
4.	03/13/09	03/13/09	<a href="mailto:egg@dca.state.nj.us">egg@dca.state.nj.us</a> ( <a href="mailto:egg@dca.state.nj.us">egg@dca.state.nj.us</a> ) to <a href="mailto:closterboroughclerk@yahoo.com">closterboroughclerk@yahoo.com</a>	*CY 2009/SFY 2010 State Aid Certifications Released		Mayor Administrator Kashwick/Finance	
5.	03/15/09	03/09/09	William Longhi, President and Chief Executive Officer to Ms. Loretta Castano	*Invitation to attend dinner and briefing on Building for a Brighter Future (3/26/09 @ 7 p.m. - RECO's Spring Valley Operations Center, 390 Route 59, Spring Valley			
6.	03/15/09	03/09/09	Lorraine Joewono, Director, Division of	*Invitation to Senior Wellness Fair, 4/15/09 from 10 a.m. to 1 p.m. at		Mayor/Seniors	

7.	03/16/09 received from Mayor's office w/o envelope	03/16/09	Senior Services, to Loretta Castano US Bankruptcy Court for the District of New Jersey	First Presbyterian Church, 150 E. Palisade Avenue, Englewood. *McCarter & English, LLP and Weil, Gotshal & Manges, LLP re TCI 2 Hooldings, LLC, et al., debtors - Notice of Commencement of Chapter 11 Bankruptcy Cases, Meeting of Creditors and Fixing of Certain Dates	Borough Attorney
8.	03/16/09 hand delivered by Mayor to Clerk	03/12/09	Borough of Maywood Clerk	*Resolutions adopted 3/12/09 re: a. No. 63-09 - Supporting position that Joseph McGowan should not be granted another parole hearing for a minimum of 35 years b. No. 64-09 - Request to Amend the Current Binding Interest Arbitration Laws	
9.	03/17/09	03/17/09	Adam E. Falk, Vice President of Government & Regulatory Affairs to Ms. Celeste Fasone, BPU Office of Cable Television	*Programming Changes	Barad/Cable TV Advisory Committee
10.	03/18/09	March 2009	Frank Belluscio, Communications Director to Municipal Clerks	*Voter Awareness of Annual School Election (April 21, 2009) Poster placed on Boro Clerk's Bulletin Board on 3/19/09 (Copy provided to Kevin Whitney for placement on Web Site, copy to Closter Board of Education Business Administrator; NVRHS/Demarest Business Administrator)	Borough Clerk Barad/Board of Education
11.	03/18/09	03/16/09	Gary Rice, Deputy Administrator, NJS Department of Environmental Protection, Green Acres Program, to Mayor	*Open Space and Recreation Plan Guidelines (Copy to Planning Board)	Mayor Heymann
12.	03/18/09	03/16/09	Stephen Dilts, Commissioner, NJS Department of Transportation, to Mayor c: Municipal Clerk Municipal Engineer	*Availability of Applications for NJDOT Municipal Aid, Bikeway, Centers of Place, Transit Village, and Safe Street to Transit Programs - Deadline for submission: 6/12/09 (Copy to Chief of Police)	Borough Engineer
13.	03/13/09	03/05/09	Nancy Wittenberg, Assistant Commissioner, NJS Department of Environmental Protection, to Mayors, Freeholder Directors and County Executives	*Mandatory Recycling (Copy to William Dahle, Carole Dacey)	Hennessey/DPW

**ALSO DISTRIBUTED:**

NJLM Legislative Bulletin, March 2009, No. 1, 2008-2009 Legislative Session (Received 3/13/09)  
Unapproved Minutes of Regular Meeting held January 28, 2009

Unapproved Minutes of Regular Meeting held February 11, 2009

Unapproved Work Session Notes of February 11, 2009

Unapproved Work Session Notes of February 25, 2009

**ON FILE IN BOROUGH CLERK'S OFFICE:**

Bergen County Heritage Newsletter, Spring 2009 (Received 3/13/09)

Hackensack Tidelines, Winter 2009, Volume XII, Issue 1 (Received 3/18/09)