

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING AGENDA – SEPTEMBER 23, 2009 - 7:30 P.M.

1. PLEDGE OF ALLEGIANCE
  2. OPEN PUBLIC MEETINGS ACT STATEMENT
  3. ROLL CALL
  4. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCES @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

The following Ordinances were introduced at the Regular Meeting held 8/26/09 and were published in the Press Journal on 9/3/09 as stated in the printer's affidavit of publication. Reprint of these Ordinances were posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public:

    - a. No. 2009:1050, “ AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 50, POLICE DEPARTMENT, SPECIFICALLY SECTION 50-26, TO ADD APPEAL PROCEDURES”
    - b. No. 2009:1051, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 48 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING PERSONNEL POLICIES”
    - c. No. 2009:1052, “AN ORDINANCE ADOPTING THE SEPTEMBER 2009 CLOSTER PERSONNEL MANUAL”
  5. RATIFICATION OF FOLLOWING MAYORAL APPOINTMENTS (WS 9/9/09):
    - a. MARK MADDALONI TO SERVE AS MEMBER OF ENVIRONMENTAL COMMISSION FOR AN UNEXPIRED 3-YEAR TERM (GOTTHELF) TO 12/31/09 (Gotthelf resignation received from Mayor 9/11/09)
    - b. PHILIP GOTTHELF AS ENVIRONMENTAL COMMISSION ASSOCIATE MEMBER FOR A 1-YEAR TERM TO 12/31/09
  6. 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)
  7. COMMUNICATIONS
    - a. MAIL LIST – SEPTEMBER 10, 2009
    - b. MAIL LIST – SEPTEMBER 17, 2009
  8. OPEN MEETING TO PUBLIC FOR COMMUNICATION ITEMS ONLY  
(Subject to 5-minute limit per By-Laws General Rule No. 10)
  - 9a. REVIEW OF CONSENT AGENDA ITEMS  
(PROCEDURE TO BE EXPLAINED BY MAYOR HEYMANN)
- ORDINANCES AND RESOLUTIONS
- 10.\* INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING – 10/28/09 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:
    - a. NO. 2009:1057, CAPITAL ORDINANCE RE FLAMM PROPERTY (Requested by Administrator 9/17/09) TO BE PREPARED BY BOROUGH ATTORNEY
  - 11.\* BILL RESOLUTION – SEPTEMBER 30, 2009  
TO BE PREPARED BY DEPUTY TREASURER

CLOSTER MAYOR AND COUNCIL  
 REGULAR MEETING AGENDA – SEPTEMBER 23, 2009 – 7:30 P.M.

9a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

ORDINANCES AND RESOLUTIONS (Continued)

12.\* 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; 3/11/09; 3/25/09; 4/6/09; 4/22/09; 5/13/09; 5/27/09; 6/10/09; 6/24/09; 7/8/09; 7/22/09; 8/12/09; 8/26/09; 9/9/09):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
DEPUTY TAX COLLECTOR	_____	1 Year	12/31/09
DESK DISPATCHER			
FULL TIME	_____	1 Year	12/31/09
POLICE MATRON	_____	1 Year	12/31/09
SCHOOL CROSSING GUARD	<u>Mario LaViola</u>	1 Year	12/31/09

13.\* RESOLUTION AUTHORIZING THOSE LICENSEES WHO HAVE NOT RECEIVED THEIR TAX CLEARANCE CERTIFICATES FROM THE DIVISION OF TAXATION, WHO HAVE COMPLIED WITH ALL OTHER REQUIREMENTS FOR RENEWAL OF THEIR 2009-2010 ANNUAL LIQUOR LICENSE RENEWALS, TO APPLY FOR AN AD INTERIM PERMIT UNTIL SUCH TIME AS THEIR TAX CLEARANCE CERTIFICATE IS OBTAINED FROM THE DIVISION OF TAXATION

14.\* RESOLUTION AUTHORIZING THE IMPLEMENTATION OF VOLUNTARY BENEFIT PROGRAMS FOR BOROUGH EMPLOYEES (AFLAC) (Received from Borough Attorney 9/16/09)

15.\* RESOLUTION AUTHORIZING THE SALE OF TANGIBLE PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY THE BOROUGH OF CLOSTER (Received from Borough Attorney 9/16/09) EXHIBIT “A” TO BE PREPARED BY ADMINISTRATOR

16.\* RESOLUTION ACCEPTING LOW BID RECEIVED FROM LOUIS BARBATO LANDSCAPING INCORPORATED, 1600 RAILROAD AVENUE, HOLBROOK, NY 11741, AT THE BID OPENING HELD 9/17/09 @ 11:30 A.M. FOR TREES FOR PLANTING AND RELATED SERVICES FOR THE BOROUGH OF CLOSTER , IN THE AMOUNT OF \$9,840.00 (Received from Administrator 9/18/09)

17.\* RESOLUTION AUTHORIZING RELEASE OF CLOSED SESSION NOTES OF JULY 22, 2009 (Requested by Borough Attorney 9/16/09)

MOTIONS

18.\* MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) Adjourned from RM 1/14/09; 1/28/09; 2/11/09; 2/25/09; 3/11/09; 3/25/09; 4/6/09; 4/22/09; 5/13/09; 5/27/09; 6/10/09; 6/24/09; 7/8/09; 7/22/09; 8/12/09; 8/26/09; 9/9/09:

<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	_____	4 Year	12/31/12
COMMISSION/MEMBER			
IMPROVEMENT COMMISSION			
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

19.\* APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 9/3/09):

- a. REGULAR MEETING OF SEPTEMBER 9, 2009 - ABSENTION: TUTOLI
- b. WORK SESSION OF SEPTEMBER 9, 2009 – ABSTENTION: TUTOLI

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING AGENDA – SEPTEMBER 23, 2009 – 7:30 P.M.

9a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

MOTIONS (Continued)

20.\* MOTION APPOINTING \_\_\_\_\_ TO SERVE AS MEMBER OF THE ZONING BOARD OF ADJUSTMENT FOR AN UNEXPIRED 4-YEAR TERM (MATTES) TO 12/31/09 (14. M.L. 6/25/09) Adjourned from RM 7/8/09; 7/22/09; 8/12/09; 8/26/09; 9/9/09

21.\* MOTION GRANTING APPROVAL FOR THE POLICE DEPARTMENT TO IMPOSE A 9:00 P.M. CURFEW ON CABBAGE NIGHT, 10/30/09, AND HALLOWEEN, 10/31/09 (Requested by Chief of Police 9/15/09)

22.\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

a. CHIEF OF POLICE – AUGUST 2009 (Received 9/14/09)

9b. VOTE ON CONSENT AGENDA ITEMS

23. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

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

25. DISCUSSION OF PUBLIC COMMENTS OR ANY OTHER TIMELY MATTER, IF APPROPRIATE

26. ADJOURN

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

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION AGENDA – SEPTEMBER 23, 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) 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

**MAIL LIST**

September 10, 2009

<b>NO.</b>	<b>DATE REC'D</b>	<b>DATE</b>	<b>FROM</b>	<b>SUBJECT</b> <input type="checkbox"/> <b>COPY ATTACHED</b>	<b>AGENDA/COMMITTEE/ LIAISON</b>
1.	09/03/09	09/03/09	Dennis McNerney, Bergen County Executive	*Notification re Department of Planning & Economic Development "visioning sessions" to be held re updated Countywide Master Plan	
2.	09/04/09	September 2009	Bergen County Utilities Authority (BCUA)	*BCUA Solid Waste Division Recycling Update (Copy to William Dahle, III, Carole Dacey)	
3.	09/04/09	08/28/09	Lucy Vandenberg, PP, AICP, Executive Director, State of NJ Council on Affordable Housing (COAH), to Mayor	*Notice of no objections received re petition for substantive certification with COAH on 12/31/08	
4.	09/04/09	08/19/09	Blake Thompson, Program Manager & Michael Sussman, Senior Engineer, Kleinfelder East, Inc. to Borough Clerk	*Public Notification on behalf of ExxonMobil Environmental Services Company (ExxonMobil) re: a. Environmental investigation and groundwater contamination at former Exxon Service Station #15PER, 563 Piermont Road, Block 239, Lots 1A and 2. NJDEP Case #91-12-19-1357, UST #0222293, PI #022229 (letter only) (Copy to Board of Health, Construction Official - letter only) DISK ON FILE IN BOROUGH CLERK'S OFFICE! b. Environmental investigation and contamination in soil and groundwater as listed on attached fact sheet at Exxon Service Station #35410, 681 Piermont Road, Block 35, Lots 1-3. NJDEP Case #88-11-15-1503, UST #0089724, PI #008972 (letter only) (Copy to Board of Health, Construction Official - letter only) DISK ON FILE IN BOROUGH CLERK'S OFFICE! c. Environmental investigation and contamination in groundwater at Exxon Service Station #36653, 1 Knickerbocker Road, Block 702, Lot 1. NJDEP Case #94-06-23-1615, UST #0098599, PI #008959, KCSL #NJD986595635 (letter only) (Copy to Board of Health, Construction Official - letter only) DISK ON FILE IN BOROUGH CLERK'S OFFICE!	
5.	09/08/09	No Date	Richard Wierer, Acting Executive Director, Bergen County Utilities Authority (BCUA)	*Notice of Public Hearing re Computation of Connection Fees: recalculation of the connection fee for new direct or indirect connections to the Authority's sanitary wastewater collection and treatment system for the term from approximately 10/5/09 through 4/1/2010 to be held 9/24/09 @ 10:00 AM (Copy to William Dahle, III)	

6.	Hand del'd by Mayor 09/08/09	08/26/09	Charlotte Vandervalk, Assemblywoman, 39 <sup>th</sup> District, New Jersey General Assembly, to Mayor Heymann	*Letter urging District 39 municipalities to join the League of Municipalities in their challenge against the Third Round of COAH regulations.	
7.	09/08/09	No Date	Demarest Environmental Commission	*Notice of presentation by Hackensack Riverkeeper re Category 1 Waterways to be held Monday, 10/26/09 at 7:00 PM in the Demarest Mayor & Council Chambers (Copy to Mary Mayer)	
8.	09/08/09	09/08/09	William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Mayor	*Mayor's Fax Advisory Re: a. Lame Duck Issues; 1. Limits on School District Management Discretion, 2. Unused Sick Leave Pay-out Limits, 3. Ethics Issues, 4. Telecommunications Taxes, 5. Redevelopment and Eminent Domain, 6. Affordable Housing Reform b. Staples Advantage Agreement c. Urgent H1N1 Update (Copy to Vi Caputo, Quentin Wiest)	
	09/10/09	09/10/09			
9.	09/09/09	09/08/09	Denise A. Dondiego, Borough Clerk, Borough of River Edge, to Borough Clerk	*Resolution encouraging Denial of Parole for Christopher Righetti and Adherence to the Life Sentence he Received	

**MAIL LIST**

September 17, 2009

NO.	DATE REC'D	DATE	FROM	SUBJECT	☐ COPY ATTACHED	AGENDA/COMMITTEE/ LIAISON
1.	09/10/09	09/10/09	William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Mayor	*Mayor's Fax Advisory Re: a. U.S. EPA Workshop on Brownfields Clean-up Grants b. Arts Build Communities c. Two Issues for the "Lame Duck" and Beyond I. Mandates Relief II. Binding Arbitration Reform d. Unemployment Insurance Extended Benefits e. Rethinking our Region: From Infrastructure to Social Structure National Premiere of the New Metropolis f. I. State Planning Commission, Affordable Housing II. Sample Resolution for Legislative Action on the Eastampton COAH Decision g. Federal Update Road and Rail Funding h. Sustainable New Jersey Luncheon and Workshop Sessions at the 94 <sup>th</sup> Annual League Conference		
	09/11/09	09/11/09				
	09/14/09	09/14/09				
	09/16/09 09/15/09	09/16/09				
2.	09/14/09	09/10/09	Ann Lott Bistriz, Planning Board Clerk, Borough of Harrington Park, to Borough Clerk	*Copy of Harrington Park's Master Plan Re-Examination report. Public Hearing: 10/13/09 @ 8 p.m. (Copy to Planning Board, Zoning Board of Adjustment)		Amitai/Planning
3.	09/14/09	09/09/09	Sheila Migliarino, Case Manager, NJDEP, Bureau of Underground Storage Tanks to Joong E. Kim c: Closter Health Department, <b>Closter Municipal Clerk,</b> <b>14 Garry Road,</b> Michael Mahnkopf, ELM, Inc.	*Vapor Intrusion Workplan Approval dated: 8/21/09, Kim Warehouse, 277 Herbert Avenue, Closter, NJ 07624-0538; SRP PI# 032793; EA ID# SUB090002; Case # 08-04-28-0857-06, SEC: 4. (Copy to Construction Official, Board of Health, Mary Mayer/Environmental Commission)		Barad/Board of Health Kashwick/Environmental
4.	09/15/09	No date	Lorraine L. McMackin, RMC, CMC, Borough Clerk, Borough of Norwood, to Borough Clerk	*Notice of Public Hearing re Ordinance 09:10, "An Ordinance Amending Chapter 233 of the Code of the Borough of Norwood Titled "Zoning" to Permit Communications Towers and Communications Antennas as Conditional Uses", to be held Tuesday, 10/6/09 @ 8 p.m. at Fox Hill Manor, 401 D'Ercole Court, Norwood (copy to Planning Board, Zoning Board of Adjustment)		Amitai/Planning Hennessey/Zoning Board of Adjustment

5.	09/16/09	No date	Toros & Elis Tossounian, to Borough Clerk	*Notice of Meeting to Property Owners re Zoning Board of Adjustment Application for Variance for Block 701 Lot 16 (88A Knickerbocker Road) to be heard 10/5/09 @ 8 p.m.	Hennessey/Zoning Board of Adjustment
6.	09/16/09	No date	Tony Vouvalides, Thomas F. Cusanelli, to Borough Clerk	*Notice of Meeting to Property Owners re Zoning Board of Adjustment Application for Variance for Block 514, Lot 10 (55 Forest Street) to be heard 10/5/09 @8 p.m.	Hennessey/Zoning Board of Adjustment
7.	09/16/09	09/09/09	Anthony Fontana, Bureau Chief, Bureau of Transfer Stations & Recycling Facilities, to Miele Sanitation c: Municipal Clerk, Borough of Closter	*Renewal of a Recycling Center General Approval for Class B Materials, Miele Sanitation, Borough of Closter, Bergen County, Facility ID No: 197012 (Expiration date: 4/31/2010)	Borough Administrator Borough Attorney

**ALSO DISTRIBUTED:**

Unapproved Minutes of Regular Meeting held September 9, 2009

Unapproved Minutes of Work Session held September 9, 2009