

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING AGENDA – MARCH 23, 2011 - 7:30 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 sent to The Record and published on January 9, 2011 and to the Press Journal and published on January 13, 2011, 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

3. RESOLUTION AUTHORIZING CALCULATION OF RESERVE FOR UNCOLLECTED TAXES USING THE THREE-YEAR AVERAGE METHOD (Received from Administrator 3/11/11)

4. INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING, TUESDAY, 4/26/11, @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD  
(Received from Auditor 3/17/11):

ORDINANCE NO. 2011:1092, “BOROUGH OF CLOSTER CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

5. RESOLUTION INTRODUCING THE 2011 MUNICIPAL BUDGET - PUBLIC HEARING – TUESDAY, APRIL 26, 2011, @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Auditor 3/17/11)

6. PROCLAMATIONS, PRESENTATIONS, MOMENTS OF SILENCE

a. MAYORAL PROCLAMATION DECLARING MARCH 26, 2011 FROM 8:30 P.M. TO 9:30 P.M. AS “EARTH HOUR” (RM 3/9/11)

7a. VOTE ON CONSENT AGENDA ITEMS

8. PUBLIC HEARING(S) ON ORDINANCE(S) FOR FINAL PASSAGE  
(None at this time)

9. INTRODUCTION OF THE FOLLOWING ORDINANCE(S) – PUBLIC HEARING (S)– TUESDAY, 4/26/11, @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

a. ORDINANCE NO. 2011:1087, “AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF THE BOROUGH OF CLOSTER” (Received from Borough Attorney 3/17/11)

b. ORDINANCE NO. 2011:1090, “AN ORDINANCE AMENDING CHAPTER 171-1 OF THE CODE (Received from Borough Attorney 3/9/11)

c. ORDINANCE NO. 2011:1091, “AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE RECONSTRUCTION OF HERBERT AVENUE, SECTION 4 IN AND FOR THE BOROUGH OF CLOSTER AND APPROPRIATING \$190,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$40,000 IN BONDS OR NOTES OF THE BOROUGH OF CLOSTER TO FINANCE THE SAME” (Received from Bond Counsel 3/16/11)

RESOLUTIONS

10. BILL RESOLUTION – MARCH 31, 2011 TO BE PREPARED BY DEPUTY TREASURER

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING AGENDA – MARCH 23, 2011 - 7:30 P.M.

7a. VOTE ON CONSENT AGENDA ITEMS (Continued)

RESOLUTIONS (Continued)

11. *POSSIBLE* TRANSFER RESOLUTION NO. 6 (Requested by Administrator 3/11/11)
12. RESOLUTION (NO. 3) AMENDING TEMPORARY BUDGET APPROPRIATIONS FOR 2011 (Received from Administrator 3/11/11))
13. RESOLUTION ENDORSING SUBMISSION OF 2010 MUNICIPAL RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF RECYCLING, AND DESIGNATING CAROLE DACEY TO ENSURE APPLICATION IS PROPERLY FILED (Requested by Recycling Coordinator 3/10/11)
14. RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12a. and N.J.A.C. 5:34-7.29(c) for Commodity/Service: Tires & Tubes; Vendor: C&C Tires Inc., 21 Route 17 South, East Rutherford, NJ 07073; State Contract #A71687; Max. Amt.: \$4,100.00 and Commodity/Service: Park & Playground Equipment & Parts; Vendor: Marturano Recreation Co., Brook 35 Park, 2130 Route 35 Bldg. B/Ste. 222, Sea Girt, NJ 08750; State Contract #A59092; Max. Amt.: \$69,000.00 (Received from Administrator 3/11/11)
15. RESOLUTION AWARDED BID RECEIVED AT THE BID OPENING HELD 2/10/11 FOR ONE VERMEER MODEL 1800 XL BRUSH CHIPPER OR EQUAL, TO THE SECOND LOW BIDDER, VERMEER NORTH ATLANTIC SALES AND SERVICE, LUMBERTON, NJ, IN THE AMOUNT OF \$51,700.00; AND REJECTING THE LOW BID SUBMITTED BY NORTHEASTERN ARBORIST SUPPLY AS “NOT RESPONSIVE” (Received from Administrator 3/11/11)
16. RESOLUTION AWARDED BID RECEIVED AT BID OPENING HELD 2/10/11 FOR 2011 JD 624K WHEEL LOADER OR APPROVED EQUAL TO THE SECOND LOW BIDDER, JESCO OF SOUTH PLAINFIELD, NJ, IN THE AMOUNT OF \$184,900.00 AND REJECTING THE LOW BID SUBMITTED BY TRICO EQUIPMENT SERVICES LLC AS “NOT RESPONSIVE” (Received from Administrator 3/11/11)
17. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$26,357.26 TO JOHN FINAN FOR REDEMPTION OF TAX SALE CERTIFICATE #10-00008 FOR BLOCK 1313 LOT 3, ALSO KNOWN AS 540 DURIE AVENUE, SOLD AT THE MUNICIPAL ACCELERATED TAX SALE HELD 12/10/10 FOR 2010 DELINQUENT TAXES (Received from Collector 3/10/11)
18. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$2,016.47 TO NVE BANK DUE TO THIRD QUARTER 2008 TAX OVERPAYMENT FOR BLOCK 1318 LOT 3 (Received from Collector 3/11/11)
19. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$6,304.72 TO KONSTANTINA VLACHOS TRUST ACCOUNT DUE TO FIRST QUARTER 2011 TAX OVERPAYMENT FOR BLOCK 2303 LOT 10 (Received from Collector 3/17/11)
20. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$67,040.71 TO ROYAL TAX LIEN SERVICES, LLC FOR REDEMPTION OF TAX SALE CERTIFICATE #08-00007 FOR BLOCK 1606 LOT 3, ALSO KNOWN AS 47 TRAUTWEIN CRESCENT, SOLD AT THE MUNICIPAL TAX SALE HELD 7/8/09 FOR 2008 DELINQUENT TAXES, AND ISSUING A SEPARATE CHECK IN THE AMOUNT OF \$46,600.00 IN THE PREMIUM PAID AT TAX SALES TRUST ESCROW ACCOUNT (Received from Collector 3/17/11)
21. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$19,623.28 TO M & D ASSOCIATES FOR REDEMPTION OF TAX SALE CERTIFICATE #08-4 FOR BLOCK 1607 LOT 3.10, ALSO KNOWN AS CLOSTER COMMONS UNIT C10, SOLD AT THE MUNICIPAL TAX SALE HELD 6/19/08 FOR 2007 DELINQUENT TAXES (Received from Collector 3/17/11)

7a. VOTE ON CONSENT AGENDA ITEMS (Continued)

CLOSTER MAYOR AND COUNCIL  
 REGULAR MEETING AGENDA – MARCH 23, 2011 - 7:30 P.M.

RESOLUTIONS (Continued)

22. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$119,910.62 TO ROBERT ROTHMAN FOR REDEMPTION OF TAX SALE CERTIFICATE #08-8 FOR BLOCK 2306 LOT 14, ALSO KNOWN AS 6 MEADOWS LANE, SOLD AT THE MUNICIPAL TAX SALE HELD 6/19/08 FOR 2007 DELINQUENT TAXES (Received from Collector 3/17/11)
23. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE TOTAL AMOUNT OF \$68,254.59 TO CORE LOGIC FOR TAX OVERPAYMENTS CREATED BY DUPLICATE PAYMENTS IN THE 40 LISTED TAX ACCOUNTS, REQUESTED BY THE MORTGAGE COMPANY (Received from Collector 3/17/11)
24. APPOINTMENTS OF THE FOLLOWING *SALARIED* EMPLOYEES MADE AT THE REORGANIZATION MEETING HELD 1/4/11 (Which have not been accepted at time of preparation of this Agenda) TO BE PREPARED BY ADMINISTRATOR

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
DESK DISPATCHER			
PART TIME	<u>Charles X. Anders, IX</u>	Undetermined term not	
PART TIME	<u>Neal Richards</u>	to exceed 1 Year	

25. RESOLUTION AUTHORIZING THE DEPUTY TREASURER TO RELEASE PERFORMANCE BOND IN THE AMOUNT OF \$290,485.20 POSTED BY K&H GROUP, LLC RE DEVELOPER’S AGREEMENT FOR BLOCK 1601 LOTS 1 & 2 FOR SATISFACTORY COMPLETION OF REQUIRED IMPROVEMENTS (Received from Deputy Treasurer 3/17/11)
26. RESOLUTION AUTHORIZING THE RUDICK FAMILY TO PLANT A RED OAK TREE AT MEMORIAL FIELD IN MEMORY OF RICHARD RUDICK (Received from Borough Attorney’s office on 3/17/11 in absence of Administrator and Administrative Secretary)
27. RESOLUTION AUTHORIZING THE MAYOR TO SIGN CROWN CASTLE LEASE AMENDMENT (allowing placement of pad and cabinet within existing lease area of cell tower site) (Received from Administrator 2/2/11/Adjourned from RM 2/9/11/RM 2/23/11/RM 3/9/11)

MOTIONS

28. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed via e-mail on 3/18/11)
- a. REGULAR MEETING OF MARCH 9, 2011 - ABSTENTION: AMITAI
- b. WORK SESSION OF MARCH 9, 2011
29. MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO FILL THE FOLLOWING *NON-SALARIED* APPOINTMENTS MADE AT THE REORGANIZATION MEETING HELD ON 1/4/11 (Which have not been accepted as of the time of preparation of this Agenda)

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
CLOSTER IMPROVEMENT COMMISSION			
Member	<u>Grace Kim Kook</u>	2 Years	12/31/12
RECREATION COMMISSION			
Associate Member	<u>Mark Sheeran</u> D. Pangburn	1 Year	12/31/11

30. MOTION APPOINTING THE FOLLOWING INDIVIDUAL(S) TO FILL THE FOLLOWING *NON-SALARIED* APPOINTMENTS MADE AT THE REGULAR MEETING HELD ON 1/26/11 (Which have not been accepted as of the time of preparation of this Agenda)

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
IMPROVEMENT COMMISSION				
Member	<u>Jay Pontrelli</u>	_____	2 Years	12/31/12

- 7a. VOTE ON CONSENT AGENDA ITEMS (Continued)

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING AGENDA – MARCH 23, 2011 - 7:30 P.M.

31. REPORTS

Acceptance of the following reports:  
(None received at time of preparation of this Agenda)

6b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

32. 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)

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

34. ADJOURNMENT

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

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION AGENDA – MARCH 23, 2011 - 7:30 P.M.

1. 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 sent to The Record and published on January 9, 2011 and to the Press Journal and published on January 13, 2011, 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
4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS
  - a. MAIL LIST OF MARCH 10, 2011
  - b. MAIL LIST OF MARCH 17, 2011
6. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING  
(Refer to Regular Meeting Agenda of March 23, 2011)
7. COMMITTEE REPORTS
  - A. FINANCE AND TECHNOLOGY - DOLSON (GLIDDEN/ KASHWICK)
    - 1) STATUS REPORT RE CLOSTER WEBSITE
    - 2) STATUS REPORT RE MUNICIPAL BUDGET
    - 3) REPORT
  - B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)
    - 1) REPORT
  - C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)
    - 1) REPORT
  - D. ORDINANCES - BARAD (KASHWICK/AMITAI)
    - 1) REPORT RE ORDINANCE COMMITTEE MEETINGS
    - 2) REPORT RE FOLLOW UP OF MAYOR AND COUNCIL RESOLUTION NO. 15c ADOPTED AT RM 1/12/11 "AUTHORIZING THE FORWARDING OF A PROPOSED REVISION TO THE HISTORIC PRESERVATION ORDINANCE TO THE PLANNING BOARD FOR REVIEW AND COMMENT FOR THE PURPOSES OF CLARIFYING TWO SECTIONS" (WS 1/26/11)
7. COMMITTEE REPORTS (Continued)

CLOSTER MAYOR AND COUNCIL  
WORK SESSION AGENDA – MARCH 23, 2011 - 7:30 P.M.

- D. ORDINANCES - BARAD (KASHWICK/AMITAI) (Continued)
  - 3) STATUS REPORT RE REQUEST FOR NAME CHANGE AT VETERAN'S MEMORIAL PARK AND A NEW SIGN
  - 4) REPORT
  
- E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)
  - 1) REPORT RE PERSONNEL COMMITTEE MEETINGS
  - 2) REPORT
  
- F. ~~PRIVATE CONSTRUCTION, LAND USE, ZONING ENFORCEMENT & NEW BUILDINGS~~ LAND USE AND CONSTRUCTION – AMITAI (BARAD/DOLSON)  
(per ByLaws adopted RM 3/9/11)
  - 1) REPORT
  
- 7. OLD BUSINESS
  
- 8. NEW BUSINESS
  
- 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
  
- 10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
  
- 11. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
  
- 12. ADJOURNMENT

**MAIL LIST**  
March 10, 2011

NO.	DATE REC'D	DATE	FROM	SUBJECT *COPY ATTACHED	AGENDA/COMMITTEE/ LIAISON
1.	03/04/11	03/03/11	Shivaun Gaines, Director, Montclair State University, to Office of Mayor	Notice of Assembly Budget Committee public hearing (for residents to voice their concerns specific to education, higher education and local governments in Governor Christie's proposed FY 2012 NJ State Budget) to be held on Montclair State University Campus on 3/16/11 @ 9:30 a.m. (distributed 3/4/11)	Mayor Heymann
2.	03/04/11	03/03/11	Alan J. Auerbach, American Diabetes Association, Manager, Tour de Cure, to Mayor	*Requesting permission for Tour de Cure to travel through the Borough on 6/5/2011 between 11 a.m. and 3 p.m. per enclosed proposed route; and requesting if approved the return of the Notification and Approval of Event form enclosed (Copy to Glenn Parsells, Chief Berrian, William Dahle, III)	Administrator/Insurance
3.	03/07/11	02/28/11	Kenneth J. Luperi, P.G., Senior Project Manager & Kenneth T. Hart, R.E.P., Principal, The Elm Group, to Kirstin Pointin-Hahn, NJDEP Bureau of Case Assignment and Initial Notice - Case Assignment Section c: Loretta Castano, Borough Clerk Sam Yanovich, Health Officer Joon E. Kim	*Submittal of Receptor Evaluation Form and Supplemental Information re Kim Property, 277 Herbert Avenue, Closter, SRP PI# 032793, Case Tracking #08-04-28-0857-06 - letter only! (Copy to Health Officer - letter only!) Complete copy to Construction Official, Environmental Commission)	Borough Engineer Dolson/Health Kashwick/Environmental
4.	03/07/11	03/03/11	Wallace Nowosielecki, Treasurer, CFO, Bergen County Utilities Authority (BCUA), to Loretta Castano	*Notice of BCUA 2011 Wastewater Service Charges in the amount of \$792,073.62; original invoice #INV0003026 in the amount of \$198,099.62 for 1 <sup>st</sup> Quarter 2011 Wastewater Service Charge (Copy of letter & ORIGINAL invoice to Administrator on 3/07/11)	Administrator
5.	03/09/11	03/08/11	William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Municipal Clerks	*League Alert(s) re: a. League President Mayor Chiarello Presents League Perspective on State Budget Proposal b. I. S-2718, Senate President Sweeney's Health Care Benefits Reform II. Calculation of the Reserve for Uncollected Taxes	

**ALSO DISTRIBUTED:**

The Recycling Bin, Vol. XXIII, Issue No. 1 - WINTER 2011 (Received 3/10/11)

**MAIL LIST**  
March 17, 2011

<b>NO.</b>	<b>DATE REC'D</b>	<b>DATE</b>	<b>FROM</b>	<b>SUBJECT</b> <b>*COPY ATTACHED</b>	<b>AGENDA/COMMITTEE/ LIAISON</b>
1.	03/11/11	03/07/11	Kevin Kratina, Bureau Chief, NJDEP Bureau of Underground Storage Tanks, to Russell and Jeanne Gurnee c: Municipal Clerk Health Department	*Rescinding the No Further Action letter dated 3/26/10 due to contamination not properly investigated and remediated re property known as 120 Railroad Avenue, Block 1201, Lot 5.01; Program Interest # 232411, Activity #: USR090001, Document Title: 94-09-21-1637-44 BUST C1 (Copy to Health Officer, Construction Official, Environmental Commission)	Dolson/Health Kashwick/Environmental
2.	03/11/11	03/11/11	Rose Mitchell, Planning Board Coordinator, to David Watkins, Attorney for Applicant c: Nick DeNicola Leonard Sinowitz Loretta Castano	*Resolution granting Site Plan Approval memorialized on 3/2/11 re Capital Young Properties, 10 Railroad Avenue, Block 1205, Lot 8 - DEVELOPER'S AGREEMENT REQUIRED for off-site improvements.	Borough Attorney Borough Engineer Amitai/Planning
3.	03/14/11	No Date	Bergen County Utilities Authority, to Loretta Castano	*Response Document to comments received at the 12/7/10 Public Hearing re the proposed AnythingIT, Inc., Class D Recycling Facility, Bergen County Solid Waste Plan Amendment (Copy to William Dahle, III)	Borough Attorney Latner/DPW
4.	03/14/11	No Date	James Weinstein, Executive Director, New Jersey Transit Corporation, to Municipal Clerk	*Fiscal Year 2011 Request for Federal Financial Assistance; Public comments on the noted projects due by 4/18/11	
5.	03/15/11	02/23/11	Yut'se O. Thomas, Acting Assistant Commissioner, State of New Jersey, Division of Finance, to Municipal Clerk, County Boards of Taxation, Board Secretaries/School Business Administrators and County Superintendents	*2011-2012 Municipal Percentage Shares for Tax Levies for Regional School Districts and Districts Merged Pursuant to P.L. 2009, c. 78	Barad/Education Borough Administrator
6.	03/16/11	No Date	Bergen County Division of Cultural & Historic Affairs, to Mayor	*2011 Bergen County Historic Preservation Commendation Awards Nomination Form; Nomination Deadline: Friday, 4/1/11 (Copy to Historic Preservation Commission)	Mayor Heymann Kashwick/HPC
7.	03/16/11	03/16/11	Lauren P. Vande Vaarst, RMC, Clerk, City of Englewood, to Robert E. Laux,	*Resolution # 077-03-15-10 Protesting the 5% Fee Increase for 2011 from The Bergen County Utilities Authority	

			Executive Director, BCUA c: Bergen County Executive, Clerk to the Bergen County Board of Chosen Freeholders, Municipal Clerks		
8.	03/16/11	03/16/11	William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Municipal Clerks	*League Alert(s) re: I. Oppose S-2664 “Market Competition Consumer Choice Act” as a Loss for Local Communities II. 13 <sup>th</sup> Annual Baseball Appreciation Day III. Available for Download: “Collaborating on Real Solutions to the 2% Cap”	Barad/Cable TV Advisory

**ALSO DISTRIBUTED:** Via E-Mail

Unapproved Minutes of Regular Meeting held 3/9/11

Unapproved Minutes of Work Session held 3/9/11

**ALSO DISTRIBUTED:**

NJLM Legislative Bulletin, March 2011, No. 1, 2010-2011 Legislative Session (Received 3/14/11)

Volunteer Center of Bergen County, Inc., “THE VOLUNTEER CENTER NEWS” - Volume LXV, Winter 2011, Number 1 (Received 3/17/11)