

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING AGENDA – OCTOBER 24, 2012 - 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 6, 2012 and to the Star Ledger and published on January 7, 2012, 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

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 9/24/12 and was published in The Record on 10/1/12 as stated in the 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. 2012:1133, “AN ORDINANCE TO PROHIBIT SMOKING IN THE PUBLIC PARKS AND PARKLANDS WITHIN THE BOROUGH OF CLOSTER”

4. MAYORAL APPOINTMENT OF \_\_\_\_\_ TO SERVE AS MEMBER OF THE ENVIRONMENTAL COMMISSION FOR A 3-YEAR UNEXPIRED TERM (RAVIT) TO 12/31/14 (3. M.L. 6/21/12 – Resigned effective 6/17/12)

5. MAYORAL APPOINTMENTS (*NON SALARIED*) TO THE FOLLOWING COMMISSIONS (Not made at the Reorganization Meeting held 1/3/12/Adjourned from RM 1/11/12; 1/25/12; 2/8/12; 2/22/12; 3/14/12, 3/28/12; 4/11/12; 4/25/12; 5/9/12; 5/23/12; 6/13/12; 6/27/12; 7/11/12; 7/25/12; 8/8/12; 8/22/12; 9/12/12; 9/24/12; 10/10/12):

| <u>OFFICE</u>                          | <u>INCUMBENT</u>     | <u>APPOINTEE</u> | <u>TERM</u>          | <u>EXPIRATION</u> |
|--|----------------------|------------------|----------------------|-------------------|
| ENVIRONMENTAL COMMISSION<br>Alt. No. 2 | (Adam Nock resigned) | _____            | 2 Year un-expired to | 12/31/12          |
| SHADE TREE COMMISSION<br>Alt. No. 2    | Kathi Cochran        | _____            | 4 Year               | 12/31/15          |

6a. VOTE ON CONSENT AGENDA ITEMS

ORDINANCES

7. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING – 11/19/12 (MONDAY) @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

ORDINANCE NO. 2012:1134, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 141 OF THE BOROUGH’S CODE CONCERNING OUTDOOR CAFES” (Received from Borough Attorney 10/11/12)

RESOLUTIONS

8. RESOLUTION APPOINTING \_\_\_\_\_ AS PUBLIC DEFENDER FOR AN UNEXPIRED 1-YEAR TERM (JUNG-HO “MIKE” YAE) TO 12/31/12 (Adjourned from RM 10/10/12) RESOLUTION RE NON-FAIR AND OPEN APPOINTMENT TO BE PREPARED BY BOROUGH ATTORNEY

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6a. VOTE ON CONSENT AGENDA ITEMS (Continued)

RESOLUTIONS (Continued)

9. RESOLUTION AWARDING A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ARCHITECTURAL SERVICES TO CLARKE CATON HINTZ IN CONJUNCTION WITH THE PROCESS FOR NOMINATING CLOSTER BOROUGH HALL TO THE STATE AND FEDERAL REGISTERS OF HISTORIC PLACES, PER PROPOSAL DATED 9/18/12, IN AN AMOUNT NOT TO EXCEED \$5,000 (Received from Administrator 10/4/12) Adjourned from RM 10/10/12
10. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE REFUND CHECKS TO LI-TONG CHIANG IN THE AMOUNT OF \$7.00 AND MARIA PASSAFARO IN THE AMOUNT OF \$10.00 REGARDING DISPOSITION OF FOUND OR RECOVERED PROPERTY HANDED OVER TO THE MUNICIPAL POLICE DEPARTMENT AND HELD FOR SIX MONTHS WITH THE OWNER NOT CLAIMING THE PROPERTY PURSUANT TO N.J.S.A. 40-157b (Received from Deputy Treasurer 10/10/12)
11. RESOLUTION AUTHORIZING CORRECTION OF THE 2012 TAX RECORD FOR BLOCK 1312, LOT 14, OWNED BY 200 CDR ASSOCIATES (Received from Borough Attorney 10/16/12)
12. RESOLUTION OPPOSING A2586 EXEMPTING PRIVATE UNIVERSITIES & COLLEGES FROM LAND USE LAW (Received from Councilman Kashwick 10/16/12)
13. RESOLUTION TO PURSUE A “FAIR AND OPEN” PROCESS IN AWARDING CONTRACTS FOR CERTAIN CONTRACTS AWARDED IN THE BOROUGH OF CLOSTER FOR THE FOLLOWING POSITIONS: BOROUGH ATTORNEY, BOROUGH BOND ATTORNEY, BOROUGH APPRAISER – COMMERCIAL PROPERTIES, BOROUGH APPRAISER – RESIDENTIAL PROPERTIES, BOROUGH PUBLIC DEFENDER, BOROUGH PROSECUTOR, BOROUGH ALTERNATE PROSECUTOR, ATTORNEY TO THE PLANNING BOARD, ATTORNEY TO THE BOARD OF ADJUSTMENT, BOROUGH PLANNER (MASTER PLAN REEXAMINATION), COAH PLANNER, BOROUGH AUDITOR, BOROUGH ENGINEER; INCLUDING PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT, RISK MANAGER, DULY LICENSED PERSONNEL TO CARRY OUT THE FOLLOWING PUBLIC HEALTH ACTIVITIES (a) PUBLIC HEALTH ADMINISTRATION: HEALTH OFFICER, ELECTRONIC INFORMATION NOTIFICATION (LINCS), HEALTH EDUCATION (b) ENVIRONMENTAL HEALTH SERVICES – REGISTERED ENVIRONMENTAL HEALTH SPECIALIST (24 Hours per week) – ALL SERVICES IN (a) & (b) SHALL MEET “PUBLIC HEALTH PRACTICE STANDARDS OF PERFORMANCE FOR LOCAL BOARDS OF HEALTH IN NEW JERSEY” (Received from Borough Attorney 10/11/12)
14. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK TO RUSSO, VINCENT & TERESA AND CHASAN LEYNER & LAMPARELLO PC IN THE AMOUNT OF \$7,861.87 FOR BLOCK 2302 LOT 52 DUE TO REDUCTION IN ASSESSMENT CREATING A TAX OVERPAYMENT FOR 2011 AND 2012 (Received from Tax Collector 10/17/12)
15. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE TREE BOND ESCROW MONIES IN THE AMOUNT OF \$5,400.00, POSTED ON 1/6/11, TO APPLICANT: LIAM SHEMTOV/QM TECHNOLOGIES INC. FOR SATISFACTORY REPLACEMENT OF TREES AT BLOCK 2303 LOT 5, 3 LAURENCE COURT (Received from Deputy Treasurer 10/18/12)
16. RESOLUTION MEMORIALIZING THE AUTHORIZATION OF THE CHAMBER OF COMMERCE’S REQUEST TO USE THE ALLEY WAY BETWEEN CELEBRITY HAIR SALON AND THE EMPTY VASE ON 10/20/12 (Received from Borough Attorney 10/18/12)
17. RESOLUTION DENYING THE WAIVER OF FEES ASSOCIATED WITH BUILDING PERMIT SUB CODE APPLICATIONS IN THE AMOUNT OF \$25.00 FOR THE GENERAL CONTRACTOR REGISTRATION FEE AND \$125 FOR THE ZONING PERMIT APPLICATION FOR CLOSTER KINGDOM HALL OF JEHOVAH’S WITNESSES, 25 HARRINGTON AVENUE (Received from Borough Attorney 10/18/12)

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6a. VOTE ON CONSENT AGENDA ITEMS (Continued)

RESOLUTIONS (Continued)

18. RESOLUTION MEMORIALIZING THE APPOINTMENT OF THE BOROUGH CLERK TO ACT AS BOROUGH ADMINISTRATOR FROM MIDNIGHT OCTOBER 12 TO MIDNIGHT OCTOBER 22, 2012 (Received from Borough Attorney 10/18/12)

MOTIONS

19. MOTION APPOINTING \_\_\_\_\_ AS BOARD OF HEALTH ALT. NO. 2 FOR A 2-YEAR UNEXPIRED TERM (RAVIT) TO 12/31/13 (3. M.L. 6/21/12 – Resigned effective 6/17/12)
20. MOTION APPOINTING STUART TRAY AS CLASS A MEMBER OF THE HISTORIC PRESERVATION COMMISSION TO FILL AN UNEXPIRED 4 YEAR TERM (LOBOSCO – CLASS C) TO 12/31/12 (Requested by Mayor Heymann 10/15/12)
21. MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS/BOARDS AND COMMISSIONS (Not made at the Reorganization Meeting held 1/3/12/Adjourned from 1/11/12; 1/25/12; 2/8/12; 2/22/12; 3/14/12; 3/28/12; 4/11/12; 4/25/12; 5/9/12; 5/23/12; 6/13/12; 6/27/12; 7/11/12; 7/25/12; 8/8/12; 8/22/12; 9/12/12; 9/24/12; 10/10/12):

| <u>OFFICE</u>          | <u>INCUMBENT</u> | <u>APPOINTEE</u>        | <u>TERM</u> | <u>EXPIRATION</u> |
|------------------------|------------------|-------------------------|-------------|-------------------|
| IMPROVEMENT COMMISSION |                  |                         |             |                   |
| Member                 | Wilson Reimers   | <u>Katherine Friese</u> | 2 Year      | 12/31/13          |
| Alt. No. 1             | Donna Arbietman  | _____                   | 2 Year      | 12/31/13          |

22. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES:  
(Distributed via web portal on 10/19/12) NO ABSTENTIONS

- a. REGULAR MEETING HELD 10/10/12  
b. WORK SESSION HELD 10/10/12

23. REPORTS

- a. FIRE CHIEF – SEPTEMBER 2012 (Received 10/5/12)  
b. CHIEF OF POLICE – SEPTEMBER 2012 (Received 10/12/12)  
c. CONSTRUCTION OFFICIAL – SEPTEMBER (Received 10/17/12)

6b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

24. 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)

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

26. ADJOURNMENT

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

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION AGENDA – OCTOBER 24, 2012 - 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 6, 2012 and to the Star Ledger and published on January 7, 2012, 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
4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS
  - a. MAIL LIST OF OCTOBER 11, 2012
  - b. MAIL LIST OF OCTOBER 18, 2012
5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING  
(Refer to Regular Meeting Agenda of October 24, 2012)
6. COMMITTEE REPORTS
  - A. FINANCE AND TECHNOLOGY - DOLSON (GLIDDEN/ KASHWICK)
    - 1) STATUS REPORT RE CLOSTER WEBSITE
    - 2) 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
  - E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)
    - 1) REPORT RE PERSONNEL COMMITTEE MEETINGS
    - 2) REPORT
  - F. LAND USE AND CONSTRUCTION – AMITAI (BARAD/DOLSON)
    - 1) REPORT

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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**  
OCTOBER 11, 2012

| NO. | DATE<br>REC=D                          | DATE                     | FROM  | SUBJECT ~COPY ATTACHED   | AGENDA/<br>COMMITTEE/<br>LIAISON  |
|-----|--|--------------------------|---|--|-----------------------------------|
| 1.  | 10/08/12                               | 10/08/12                 | David D. Hollenbeck, Regional Public Affairs Manager, PSE&G Bergen County, to Municipal Clerk   | *Notice: PSE&G customers to pay less to heat their homes this winter; 9th residential gas price reduction in a row; 39% savings in supply costs since January 2009   |                                   |
| 2.  | 10/10/12<br><br>10/11/12               | 10/10/12<br><br>10/11/12 | William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Municipal Clerks  | *League Alert(s) Re:<br>a. I. FROM TIME TO TIME – A Quarterly Report on the Activities of the New Jersey League of Municipalities, July – September 2012<br>II. New Jersey State League of Municipalities – 97th Annual League Conference REMINDER: Ticketed Meal Functions<br>b. I. Homestead Benefit Application Extension             |                                   |
| 3.  | 10/10/12                               | 10/04/12                 | Karen Mastriano, Clerk to the Board of Chosen Freeholders, to Governor Chris Christie to Municipal Clerk                                      | *Certified copies of the following Resolutions adopted 10/3/12:<br>a. #1390-12 declaring October 2012 as Domestic Violence Awareness Month<br>b. #1391-12 proclaiming October 2012 as Breast Cancer Awareness Month  |                                   |
| 4.  | 10/10/12<br>Hand<br>del'd<br>7:27 p.m. | No Date                  | Katherine Friese, Event Planner, Closter Chamber of Commerce  | *Requesting permission to use the public walk-thru between The Empty Vase and Celebrity Hair Salon on Closter Dock Road for live music, food and fun for the “Scarecrow Walk of Fame” scheduled to take place on 10/20/12 between 12:00 p.m. – 4:00 p.m.   |                                   |
| 5.  | 10/10/12<br><br>10/12/12               | 10/09/12<br><br>10/12/12 | Arthur N. Chagaris, Beattie Padovano, LLC, Planning Board Attorney, to Mayor<br>Rose Mitchell, Planning Board Coordinator, to Loretta Castano | *a. Copy of cover letter with LEED Certification Ordinance sent to Rose Mitchell<br><br>b. Certified copy of Resolution to Amend Chapter 200 of the Closter Code to Include Elements of the Sustainable Closter Initiative, which was Incorporated by Reference into the 2008 Master Plan Reexamination Report of the Borough of Closter | Borough Attorney                  |
| 6.  | 10/11/12                               | No Date                  | Elliot W. Urdang, Esq., Attorney for Applicant, to Borough Clerk  | *Notice of Zoning Board of Adjustment Hearing scheduled to be held 10/24/12 at 8:00 p.m. re the Appeal of D. R. Schmidt Realty, LLC, 170-176 Closter Dock Road, Block 1301, Lots 10 & 11, Owner: Gaetano Desantis  | Dolson/Zoning Board of Adjustment |
| 7.  | 10/11/12                               | No Date                  | Mark D. Madaio, Esq., Attorney for Applicant, to Borough Clerk  | *Notice of Zoning Board of Adjustment Hearing scheduled to be held 10/24/12 @ 8 PM re the application of Desan Enterprises, Inc for property located at 170-176 Closter Dock road, Block 1301, Lot(s) 10 and 11  | Dolson/Zoning Board of Adjustment |



**MAIL LIST**  
OCTOBER 18, 2012

| NO. | DATE<br>REC=D                        | DATE                                 | FROM   | SUBJECT ~COPY ATTACHED  | AGENDA/<br>COMMITTEE/<br>LIAISON                     |
|-----|--------------------------------------|--------------------------------------|--|---|--|
| 1.  | 10/11/12<br>10/12/12<br><br>10/17/12 | 10/11/12<br>10/12/12<br><br>10/17/12 | William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Municipal Clerks   | *League Alert(s) Re:<br>a. Proposed Rules for Non-State Health Benefits Plan<br>b. I. A-2006 (Allows Contracting for Construction Code Services)<br>II. COAH 3 <sup>rd</sup> Round Rules Challenge Scheduled for NJ Supreme Court Oral Argument<br>III. Important Conference Sessions Sustainable Jersey<br>c. I. Update on S-1451 and S-1452 – Amendments to OPRA and OPMA<br>II. A-3393 Would Clarify Telecommunications Tax Law Correct Court Decision in Verizon v. Hopewell<br>d. A-2586 & S-1534, Exempts Private Institutions of Higher Education from MLUL Requirements | Borough Attorney                                     |
| 2.  | 10/12/12                             | 10/12/12                             | Cindy W. Randazzo, Director, Office of Local Government Assistance, NJDEP, to Mayor and Municipal Clerk  | *Announcement re NJDEP Revised Grant and Loan Page at <a href="http://www.nj.gov/dep/grantandloanprograms/">www.nj.gov/dep/grantandloanprograms/</a>  | Mayor/Grants   |
| 3.  | 10/12/12                             | 10/12/                               | Joe Rogers, Program Coordinator, Office of Local Government Assistance, NJDEP, to Mayor and Municipal Clerk  | *NJDEP Press Release: Motorists Urged to be Cautious for Deer on Roads this Fall (Copy to Chief Kaine, William Dahle, III)  | Glidden/Public Safety                                |
| 4.  | 10/12/12                             | 10/11/12                             | Donald F. Moore, P.G., Associate/Hydrogeologist, Stantec Consulting Services, Inc., to NJDEP Bureau of Case Assignment & Initial Notice, Site Remediation Program<br>c. Closter Town Clerk<br>Closter Health Officer | *Re: Notification and Public Outreach, A&P Shopping Plaza, 400 Demarest Avenue, Closter, NJ, SRP PI# G000033803, Tax Block 1006, Lots 25 and 26; Informing contamination has been identified in site soils and groundwater; Photos of posted sign, letter and Public Notification and Outreach Form attached, with enclosed CD (Copy to Construction Official, Board of Health, Environmental Commission)   | Dolson/Board of Health<br>Kashwick/<br>Environmental |
| 5.  | 10/15/12                             | 10/10/12                             | David M. Watkins, Esq., Attorney for Applicant, to Borough Clerk   | *Notice of Planning Board Hearing scheduled to be held 10/25/12 @ 8:00 p.m. re the application of 540 Durie Land, LLC, Block 1313, Lot 3, 540 Durie Avenue for site plan approval for interior alterations and storefront upgrades to the existing dwelling   | Amitai/Planning                                      |

|     |          |          |   |   |                                   |
|-----|----------|----------|---|---|-----------------------------------|
| 6.  | 10/15/12 | No Date  | Joseph L. Basralian, Esq., Winne, Banta, Hetherington, Basralian & Kahn, P.C., Attorney for Applicant, to Borough Clerk               | *Notice of Planning Board Hearing scheduled to be held 10/25/12 @ 8:00 p.m. re the application of Closter Marketplace (EBA), LLC and Centennial AME Zion Church, for installation of parking spaces and sidewalks at the Church, located in Block 1310, Lot 2 and the renovation, modernization and improvement of Closter Plaza located in Block 1607, Lot 1 | Amitai/Planning                   |
| 7.  | 10/15/12 | 10/10/12 | Arthur Ondish, President, League of Municipalities, Mayor, Mount Arlington, to Mayor and Governing Body Members                       | *a. 2nd REMINDER re: 15th Annual Elected Officials Hall of Fame with nomination form<br>b. Legislative Bulletin, October 2012, No. 5, 2012-2013 Legislative Session   |                                   |
| 8.  | 10/16/12 | 10/15/12 | R. Thurman Barnes, Area Director Government & Public Affairs, Cablevision, to Office of the Mayor                                     | *Copy of letter dated 10/12/12 to Kristi Izzo, NJ Board of Public Utilities re Launch of One World Sports and new Japanese Package; Tariff referenced in letter to follow   | Barad/Cable TV Advisory Committee |
| 9.  | 10/17/12 | 10/15/12 | David M. Watkins, Esq., Attorney for Applicant, to Borough Clerk  | *Notice of Zoning Board of Adjustment Special Hearing scheduled to be held 10/31/12 @ 8:00 p.m. re the application of Aurora Bairan for validation of a 6 family residential use for property located at 318 Harrington Avenue, Block 1312, Lot 10  | Dolson/Zoning Board of Adjustment |
| 10. | 10/17/12 | 10/17/12 | Becky Wright, Assistant to Wm. Dressel, Jr., to Municipalities Supporting the Appeal of the Tax Court Decision on Verizon v. Hopewell | *A-3393 Would Clarify Telecommunications Tax Law Correct Court Decision in Verizon v. Hopewell  | Borough Attorney                  |

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

State of New Jersey, Department of the Treasury, Division of Taxation "2012 Certification of the Table of Equalized Valuations" – rec'd 10/17/12

**ALSO DISTRIBUTED:**

Unapproved Minutes of Regular Meeting held 10/10/12 (sent via e-mail 10/19/12)

Unapproved Notes of Work Session held 10/10/12 (sent via e-mail 10/19/12)