

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – AUGUST 13, 2008 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, August 13, 2008. Council President Barad called the meeting to order at 7:37 p.m.

1. PLEDGE OF ALLEGIANCE

Council President Barad invited all to join in the Pledge of Allegiance.

2. OPEN PUBLIC MEETINGS ACT STATEMENT

Council President Barad declared that the meeting was being held in compliance with the provisions of the Open Public Meetings Act.

3. ROLL CALL

The following persons were present:

Council President David Barad

Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick,
Cynthia L. Tutoli, Victoria Roti Amitai

Acting Administrator/Treasurer, John DiStefano

Borough Attorney, Edward T. Rogan

Deputy Borough Clerk, Cynthia L. Meyer

Borough Engineer, Nick DeNicola

Borough Auditor, Gary Vinci

Chief of Police, David Berrian

Acting Superintendent of Public Works, William Dahle

The following persons were absent:

Mayor Sophie Heymann

Borough Clerk, Loretta Castano

4. PUBLIC HEARING AND ADOPTION OF THE 2008 MUNICIPAL BUDGET, WITH RELATED RESOLUTIONS:

The Municipal Budget was introduced at the Special Meeting held March 19, 2008. Synopsis of the Municipal Budget was published in the Press Journal on April 3, 2008, as stated in the printer's affidavit of publication. Reprint of the Synopsis was posted on the Municipal Bulletin Board, in accordance with statutory requirements, and copies have been made available to the general public. A copy of the Municipal Budget was hand delivered to the Closter Library on March 25, 2008 for review by the public, as stated in the Municipal Clerk's memo to the Mayor and Council dated March 25, 2008.

At the Regular Meeting held April 23, 2008, the public hearing and adoption of the Municipal Budget was adjourned to the Regular Meeting of May 28, 2008.

At the Regular Meeting held May 28, 2008, the public hearing and adoption of the Municipal Budget was adjourned pending receipt of word from the State regarding Extraordinary Aid.

At the Regular Meeting held July 9, 2008, Mayor Heymann adjourned the public hearing and adoption of the Budget to the Regular Meeting of July 23, 2008 (On July 11, 2008, written communication was received from the Commissioner of the Department of Community Affairs that the Borough had received \$250,000 in Extraordinary Aid (2. M.L. 7/17/08.)

At this time, Council President Barad informed he was turning over the meeting to the Borough Auditor and Acting Administrator/Treasurer.

Gary Vinci, Borough Auditor, explained that this is the public hearing on the 2008 Municipal Budget, which was introduced in March, was approximately \$13.9 million, \$500,000 greater than the 2007 Municipal Budget. The major increase was due to the increase in the Borough's state pension contribution by \$221,000, an increase of \$70,000 in sewer charges that the Bergen County Utilities Authority levies, and the utilities and fuel costs increased over \$130,000. The Borough also lost State Aid, as there is a formula rate the Governor introduced that reduced the Borough's aid by \$122,000; in addition to this, the surplus that the Borough had at the end of 2007 vs. 2006 was \$590,000 less; therefore, less is applied to the 2008 budget. The

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March budget had a municipal tax increase of just over 4 tax points; the average home in Closter is \$780,000; that budget would have levied a \$340 increase to the average homeowner.

Mr. Vinci further explained that the Borough was informed in July they would receive \$250,000 of extraordinary aid due to the conditions in the Borough.

After the hearing is closed, there will be an amendment this evening to include this \$250,000 as a revenue source. The Finance Committee met last week and there will also be reductions in the budgets of various departments, which will also reduce the tax impact to this year's budget. The Amendment will present a tax levy of approximately \$670,000 greater than last year, which will provide an increase of only \$164 compared to March's budget increase of \$343.

At this time, Council President Barad opened the meeting to the public.

Michael Kafer, 261 Parsells Lane, thanked Mr. Vinci and referred to the state aid received, noting it was approximately 1 tax point, which would reduce everyone's taxes by approximately \$80. Mr. Vinci affirmed this. Mr. Kafer referred to the BCUA charge of \$667,000 and questioned if they use the taxes to pay for the BCUA charge rather than an individual meter so more expensive homes pay more for a sewer charge than the less expensive homes. Mr. Vinci explained that this would be if it was built into the tax levy. Mr. Kafer further added that if the less expensive home had more people and used more water, they would still be paying less while the more expensive home, even if it had less people, would be paying more according to their assessment. He informed they also collect revenue from the Borough of Alpine for the sewer charge and asked where that would show up; he noted that he had called Mr. DiStefano regarding this matter last week. Mr. Vinci explained that it could be part of the non-budget revenue, as he is not sure of the exact dollar amount. Mr. DiStefano informed that it is \$400 per block and lot and is not much as there are approximately 1 dozen.

Mr. Kafer explained that his house is an average house, assessed at \$800,000 and in 2007 he was charged \$200; he believed those houses in Alpine are assessed significantly more than double his assessment. He expressed his belief that the Borough is essentially giving welfare to the residents of Alpine for their sewer charges. He also noted that on page 17 they have a separate charge of \$19,000 and questioned what this was. Mr. DiStefano explained that this is the cost of operating expenses for the sewer department for the DPW; he further explained that this could be equipment and grates. Mr. Dahle explained that it would also be for lateral repair, as they have to hire someone from outside to do this. The Borough is one of the only towns responsible for the sewer main to curb line. In response to Mr. Kafer's remark that the \$19,000 is part of the overall sewer cost, Mr. Dahle noted that this would be just for Closter, as they will not touch Alpine's lines. Mr. Kafer stated that they will not touch the lines for his house either as they are only to work on the sewer that goes into the streets; and Mr. Dahle clarified that this is for lateral from the main to the curb line so if that line breaks, they would repair that line.

Mr. Kafer explained that under Anderson Avenue, a main sewer line is divvied into by Alpine residents; therefore, when there is a repair, it could be coming from an Alpine house or a Closter house and should be included in the Alpine cost. In response to Mr. Kafer, Mr. Dahle confirmed that the DPW can do all of the snaking of sewer lines and Mr. DiStefano noted that the sewer charge that he is referring to is part of the DPW and is not necessarily when they have to hire someone. Mr. Dahle explained that it is also under equipment, to which Mr. Kafer noted should not be under this item, but rather under a general appropriation. Mr. DiStefano stated that anything the DPW has to snake that can be repaired is taken out of that line item and personnel comes out of the general DPW expense and is not allocated expressly to the sewer department. Mr. Kafer acknowledged that it should be allocated to the sewer, because if they are going to charge the Borough of Alpine for their fair-share usage according to the assessed valuation, and so they are not subsidizing the people of Alpine, it needs to be a fair cost of what it is costing Closter for the system. They also have depreciation on the sewer and it will have to be repaired at some point; if they charge \$1000, it would be more than fair according to the assessed valuation.

Mr. Kafer expressed his belief that the budget needs to reflect direct department usage of anything; they have done a tremendous job getting the Borough to use less energy and fuel but if the Departments were allocated in their budget for fuel and electricity, there may be a greater sense of conserving their fuel. He gave the example of the baseball fields throughout the town, noting they use a great deal of water and electricity. On page 17, there is a tremendous spike in water usage this year and he concluded it was from the fields, which is something Recreation should pick up; therefore, they may water the fields less frequently.

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At this time, Council President Barad informed Mr. Kafer that his 5-minutes were up; Mr. Kafer noted that the 5-minute limit does not apply to the Budget. He further added that the air conditioner at the Memorial Field rec-house has been running non-stop, 24 hours a day for 3 weeks. He expressed his belief that if Recreation knew how much it cost to run that everyday, they might reduce its use.

a. At this time, Council President Barad referred to the following:

Item No. 4a. “RESOLUTION (S) AMENDING THE 2008 MUNICIPAL BUDGET
(Requested by Acting Administrator/Treasurer 8/8/08)

TO BE PREPARED BY BOROUGH AUDITOR

He began to read the resolution provided by the Auditor. When he reached the “Anticipated Revenues” section of the Resolution, he asked Mr. Vinci to summarize the details of the Amendment. Mr. Vinci summarized as follows: the amendment includes the additional \$250,000 in extraordinary aid, as well as a net spending reduction of \$295,000 from the various departments; therefore, the state tax levy is being reduced approximately \$545,000 from the budget that was introduced in March. The hearing on the amendment will take place 8/27/08, at which time the budget can be further amended or adopted; the state has reviewed the amendment and tentatively approved the Borough’s budget. Dr. Barad clarified that the budget was introduced in March and not adopted.

Michael Kafer, 261 Parsells Lane, questioned if the approved amendments will put the Borough above the State’s cap. Mr. Vinci noted that the Borough is now under the tax levy cap; this is the first year that the municipalities had to deal with a tax levy cap as well as a spending cap. The proposed budget, as amended, is now below both caps and it will not need state approval. Mr. Rogan advised that the hearing will take place 8/27/08 at 7:30 p.m.

5. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING BOND ORDINANCES AT 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

The following Ordinances were introduced at the Regular Meeting held 7/9/08 and were published in the Press Journal issue of 7/17/08, 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. ORDINANCE NO. 2008:1015, “AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS IMPROVEMENTS IN AND FOR THE BOROUGH OF CLOSTER AND APPROPRIATING \$385,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$366,645 IN BONDS OR NOTES OF THE BOROUGH OF CLOSTER TO FINANCE THE SAME “

Council President Barad declared a Public Hearing and asked whether anyone wished to be heard either for or against this Ordinance. No one wished to be heard.

b. ORDINANCE NO. 2008:1016, “AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$50,000 FOR THE ACQUISITION OF A PUMPER FOR THE FIRE DEPARTMENT AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF CLOSTER AND APPROPRIATING \$50,000 THERFOR, AND PROVIDING FOR THE ISSUANCE OF \$47,615 IN BONDS OR NOTES OF THE BOROUGHOF CLOSTER TO FINANCE THE SAME”

Council President Barad declared a Public Hearing and asked whether anyone wished to be heard either for or against this Ordinance.

Jesse Rosenblum, 65 Knickerbocker Road, wished to know the cost of the pumper. Mr. DiStefano informed as follows: the cost is coming in at approximately \$460,000, but that figure will be firmed up shortly, as it is going out to bid now.

Richard Ryan, 212 Knickerbocker Road, questioned as to the purpose of getting a new pumper. Mr. Dahle explained that the truck is 20 years old and the state’s recommendation is to replace every 20 years to stay in regulation for insurance. Mr. DiStefano added that Chief Pierro explained that the cabs themselves are not up to today’s safety specifications. Mr. Dahle noted that it is a safety issue and the way the engines are put in and with the gear they have to put on, it

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is not practical to get a refurbished pumper. In response to Mr. Ryan, both Mr. DiStefano and Mr. Dahle clarified that a refurbished pumper would give them an additional 10 years, not 20. Mr. Dahle and Mr. DiStefano did not recall the cost of the refurbished pumper and Mr. Dahle further explained that it was really a safety issue.

Steve Isaacson, 97 Columbus, wished to know what they were doing with the old pumper and the amount they would be receiving for it. Mr. DiStefano informed they were selling it and will receive approximately \$25,000 that will go in to offset some of the cost. He confirmed that it would roughly cost \$455,000; he will be able to give a firmer price once the specs come in.

Motion to adopt Ordinance No. 2008:1015 was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Council President Barad upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

Motion to adopt Ordinance No. 2008:1016 was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Council President Barad upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

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)

Council President Barad opened the meeting to the public.

Jennifer Rothschild, 32 Hickory Lane, questioned if anything had been done about the Sign Ordinance in regards to the constitutionality of limiting the positioning of political signs in yards to 30 days prior to an election. This has been covered in the paper for weeks and she asked that they adopt a resolution ceasing the enforcement of the current Sign Ordinance, which she believed was unconstitutional according to the ACLU until the Sign Ordinance can be amended until its constitutionality is put back into place. She noted that she could not find the Sign Ordinance on the website after searching and was not sure if it limited to 30 prior to the election; Council President Barad confirmed that it does state 30 days. Ms. Rothschild asked if she would be receiving a notice of violation, should she put up signs tomorrow; Dr. Barad was not sure of the amount of citations being given out. Ms. Rothschild asked the Council to suspend the current enforcement of the Sign Ordinance so that the town would not be sued by the ACLU.

Ms. Rothschild asked that the website be updated with appropriate information, as she went to it today and noted that Michael Prigoff, who had resigned from the Board of Ethics, was still listed as Chair. She read the information pertaining to the Board of Ethics online information, noting that it directs one to contact the Chair at an address not present and contact information specific to Michael Prigoff. This information is incorrect and should not be on the website, and Dr. Barad agreed; she further informed that she had brought this to the attention of Mayor Heymann and John DiStefano two weeks ago and nothing has been done. Ms. Rothschild expressed her opinion that if they are limiting entries to be only official entries on the website, the official in charge should be on top of things. Dr. Barad thanked her for her comments.

At this time, Councilwoman Amitai offered to call Kevin Whitney to have the information updated. Mr. DiStefano noted he would call Mr. Whitney tomorrow. Councilman Glidden questioned if the Board of Ethics has met since Mr. Prigoff resigned; Mr. Rogan noted they had not.

Richard Ryan, 212 Knickerbocker Road, requested that the trail being put into town be named James John O'Shaughnessy. James was a Vietnam soldier who died at the age of 21; Mr. Ryan knew his aunt and uncle, who had shared his story. Being a resident of Closter, he thought he should be honored for being a soldier who served his life for our country. He asked that they take this recommendation. If the Council would approve this, he would go forward to the VFW and contact his parents/next of kin. Council President Barad asked for clarification that this was for the trail and not the bridge. Mr. Ryan explained that he had made a recommendation, and Mayor Heymann came back with another recommendation and rather than challenging it, he felt it was a better way to honor this individual. He confirmed he was speaking about the trail name.

Councilman Glidden explained that there were a number of different trails that came off the trail system and questioned if he was proposing to name the entire trail system after this individual. Mr. Ryan confirmed this; and Mr. Glidden noted this was a noble gesture and would take a lot of research. Mr. Ryan clarified that the background would be done after approval from the Mayor and Council.

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Ken Poro, representative of Wells, Dorsky & Liebman, informed that he was representing James Crimmins and Robert Armaniaco. He noted that they received a notice from the Chief of Police with regards to the paper street of Westminster. They have responded to the notice letter and, in good faith, they are looking to cooperate. Westminster is a street that has caused problems for his client, forcing him to construct trees on Mr. Armaniaco's property and a retaining wall on Mr. Crimmins' property to protect their properties from the soil and debris that is currently on that location. If they remove the trees that were planted and the retaining wall, it would become a trespasser nuisance on their properties. They have put this in written notice to the Chief of Police and have the intention of cooperating with the municipality.

On behalf of his clients, Mr. Poro asked that they look into establishing that street once it is cleared, as it does serve a purpose in the community. His clients would even entertain a special assessment, which would enable them to establish the street without an additional cost to the other residents of the municipality; the cost would be imposed as a special assessment upon those benefiting from the street. He noted another possibility could be to vacate the street, which has been done in the past. He asked that they look into having a study on this as well. They would like to see the street established or vacated; and he thanked Chief Berrian for being very professional and looked forward to this being amicably resolved.

Chief Berrian informed he had sent a letter to 4 property owners with a certified return receipt and he received a response from all of them. Mr. Poro represents two of those property owners. Mr. Wiggers, who owns the largest portion of the property, contacted Chief Berrian the day after receiving the letter and wishes to cooperate. He noted in his letter that action should be taken by 8/11/08, to which Mr. Wiggers informed it would be nearly impossible due to the volume of material there. He was looking for a cooperation signal by the 8/11/08 date; and in the spirit of cooperation, he wished to report that the property owners are interested in rectifying the situation or do whatever the Borough decides.

Steven Isaacson, 97 Columbus, member of the Broadband Committee, informed that they would be meeting with Cablevision at the next meeting. He informed that having lived in Closter for 17 years, his cable bill has increased from approximately \$25 to \$150 and he doesn't have anything special. He questioned what the Borough has gotten from those companies in those years and noted they had received nothing. He expressed his opinion that this was the Borough's opportunity to as he termed "nail them to the floor" and tell them to do something for Closter or they would open up the fields to competition. He also wished to bid farewell to Catherine Wilde, who will be leaving next week; and noted she has reported fairly for Closter.

Mr. Isaacson explained that they had changed the Korean hospital name from Pascack to Holy Name and questioned if they should have appeared before someone prior to this change, as the Borough had made an agreement with Pascack Valley and not Holy Name. In response to Dr. Barad, Mr. Isaacson confirmed they had changed the signage. Dr. Barad informed that they would have had to obtain a permit to do so. In response to Mr. Isaacson, Mr. Rogan clarified that this was not a usage change; and changing owners does not affect any board review; one would not need a variance or any type of permission. Dr. Barad reminded that they were unsure as to a permit being issued and would have to look into that.

Mr. Isaacson referred to a house that was bordering on Borough property that the Mayor and Council was going to sell a piece of land to the owner. Mr. Rogan informed this was 28 Fourth Street and noted they are still talking to the property owners regarding this; they had asked for another piece, which the Council denied; they are now back to the original request. Mr. Isaacson explained as follows: for the Borough to be taking out Green Acres grants to purchase land and then sell Open Space land is a shame; he believed they should keep every bit of land the Borough had, as they would be better off in the long run.

Mr. Isaacson informed he and his wife had attended the Barbeque House on Old Closter Dock Road and they tried to walk across the field to return home. However, there was taping and flags; he was just notified that there is no more tape or flags, but that now the gates have been padlocked. He also noticed that the football team is practicing on the Tenakill Middle School field. He voiced his opinion that Recreation seemed to be very powerful and in control of many things; they don't have an accurate account of what Recreation spends or what they take in. He added that Recreation does not offer anything to anyone above the age of 12, but they are spending sums of money to fix the fields so that anyone with a business idea and some money can come use the Borough's fields. He questioned if the field was being beautified for Labor Day; and noted that if Recreation wanted to preserve the field, they shouldn't allow them to use it just for Labor Day; if the public isn't allowed to use it 6 months of the year, the public should be kept off the fields and they shouldn't have the celebrations on Memorial Field if it costs that much money to fix it up. Mr. Isaacson noted that if one is concerned about the sewage fee, they should also be concerned about the amount of money being spent on Recreation and the money not being accounted for, including fees, cash, expenditures, big contracts, etc. He suggested the

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Mayor and Council form a special committee and do a forensic audit. He referred to the Coaches Association, acknowledging that they do a great job, and explained that they do this so they can use private money for special interest groups. They raise private money and they no longer have to take care of the public. He believed the Coaches Association should be put back with the Recreation Commission; and the Mayor and Council should have more control over Recreation and the way they limit the public and spend taxpayer money.

Councilman Glidden agreed there should be accountability and controls over what is spent by the Recreation Commission. He expressed his belief that if they do an audit, they will not find anything amiss, but it should be initiated to reassure the Borough.

Hugh Johnson, 107 Demarest Avenue, wished to know the status of Keith Sager, the Construction Code Official. Mr. DiStefano informed that he had no comment and he would not comment on any personnel issues; he also confirmed that Mr. Sager is still working. Mr. Johnson informed that he had filed a complaint with the Administrator and a police report and two addendums including a criminal complaint of attempted criminal assault and aggravated assault. In response to Mr. Johnson, Borough Attorney clarified that the procedure of filing a complaint with the Administrator and then having it sent to the Personnel Committee would be a procedure for an employee for a supervisor. This is a personnel procedure; and a taxpayer or anyone else filing a municipal court complaint against anyone would be heard in municipal court before a municipal court judge. He further added that informing Mr. DiStefano of the criminal complaint would be kept on file, but the Mayor and Council does not get involved in matters heard by the municipal court. In response to Mr. Johnson, Mr. Rogan explained that any type of complaint received by the Administrator or any Department in the Borough will be considered; and there will be a discussion with that employee, but there is no procedure, as that is solely related to the Personnel Manual.

Mr. Johnson explained he was recently informed as follows: Mr. Sager forced himself into a home several weeks ago, pushing the husband and wife of the southwest corner of Knickerbocker and Demarest Avenue in order to gain entrance; he forced his way in. Mr. Johnson informed he would speak to this individual tomorrow. Councilwoman Amitai noted she had a comment for this matter. Mr. Rogan advised that it remain limited, as if someone has a complaint regarding a house inspection, they have the right to do that; however, hearing it as hearsay or double hearsay makes it difficult to comment or consider. Mr. Johnson noted that he would collaborate this tomorrow.

Mr. Johnson informed as follows: he spoke to the Acting Mayor yesterday and wished to bring this to the Mayor and Council. He explained that there was an e-mail sent to Jennifer Rothschild on 7/30/08 at 6:43:21 a.m. with no subject from mayor@closterboro.com to JenniRoth@aol.com. It comes from Mayor Sophie Heymann, 295 Closter Dock Road, Closter NJ 07624 Telephone number 201-784-0600 ext 500 Fax 201-784-9727. He read the message as follows:

“Jennifer, I found out why you chose not to reply to me when I called. Hugh Johnson told me he was with you when I called.”

At this time, Mr. Johnson informed he was not with Ms. Rothschild, but rather on the telephone with her when she called. He continued,

“And he told you not to return the call. He also said that I forced you to take minutes for the Zoning Board, which I did not.”

At this time, Mr. Johnson commented that this was a lie and continued,

“Since he is not mentally sound, I do not take him seriously, but I am disappointed that you do. Sophie.”

Mr. Johnson noted that the Borough Attorney has warned the Mayor and Council of this in the past and he was going to take legal action: liable, slander, defamation and character assassination and Mayor Heymann has committed political and legal suicide. He suggested they listen to the Borough Attorney; and if they were going to make comments about members of the public, they should at least do it verbally and not in writing and not so it comes out on the internet.

7. COMMUNICATIONS

a. MAIL LIST – JULY 24, 2008 – Council President Barad reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Ms. Tutoli referred to Item No. 1d and Councilwoman Amitai asked for clarification of Item No. 13.

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Item No. 1d - Received 07/18/08, dated 07/18/08, from William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Mayor; re *Mayor's Fax Advisory* re Public Safety Related Costs Property Tax Relief (S-1976/A-2982)

Councilwoman Tutoli wished to bring up for consideration that if they endorse the resolution for the increase in state police surcharge to defray costs to the local police services, even if they get the minimum \$5,000, it would help with the budget. Dr. Barad suggested they could discuss this in the Work Session.

Item No. 13 - Received 07/23/08, dated 07/22/08, from Michael L. Prigoff, to Borough Clerk; re Resignation as member of Closter Board of Ethics effective immediately - 5-year term to 12/31/2011 (D) Shade Tree Commission recommendation

Councilwoman Amitai asked for clarification as to the “Shade Tree Commission recommendation.” Mr. Rogan explained that in the Ordinance, each member of the Board of Ethics is nominated by a different Commission or Committee. Mr. Prigoff was nominated by the Shade Tree Commission at his time of nomination. The Commission is supposed to make nominations to the Mayor and Council, and they are considered when the appointment is made. The idea behind this is that it is a non-political board; the Shade Tree Commission should be reminded of that and should be asked to give recommendations based on that. Mrs. Amitai noted that other Commissions could not make recommendations for this particular slot, to which Mr. Rogan confirmed, explaining that this will limit the possibility that only one commission would be making all the nominations. If they cannot come up with names, it will go to other commissions. In response to Dr. Barad, Councilman Kashwick questioned if they would need a formal letter to the Shade Tree Commission informing them of this, to which Mr. Rogan informed this should be done.

b. MAIL LIST – JULY 31, 2008 – Council President Barad reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Both Councilman Kashwick and William Dahle wished to remove Item No. 3.

Item No. 3 - Received 07/29/08, dated 07/29/08, from Gerald G. Griffin, 32 O’Shaughnessy Lane, to Mayor Heymann, c: William Dahle; re Request to emulate Westwood’s use of “used “vegetable oil mixed with diesel fuel to save on energy costs for DPW trucks as noted in The Record on 7/27/08

Mr. Dahle informed he had conducted some research on this after receiving the letter and informed that there are quite a few vehicles that are still under warranty; and Volvo refuses any warranty for engines in which they use vegetable oil; this is the same with John Deere Motors extended warrantees. They have an old wheel loader, 3 garbage trucks, and 2 dump trucks; all of the companies will not cover the warrantees if they use the oil. Also, they would have to buy, filter, store, and mix the oil properly in the equipment; he did not currently find this feasible. In response to Dr. Barad, Mr. Dahle informed he did not speak with Westwood, but rather called Volvo, John Deere, and John Deere industrial directly. Dr. Barad asked him to call Westwood to find out what they did and how it made sense to them.

c. MAIL LIST – AUGUST 7, 2008 – Council President Barad reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Dr. Barad referred to Item No. 3., Mr. DiStefano wished to remove Item No. 11.

Item No. 3 - Received 08/02/08, dated 08/02/08, from Kevin Whitney, Fire Official, c: Glenn Parsells and Chief Pierro; re Request for use of Vehicles 751, 752, 767, 771, and 775 for NJ State Firemen’s Convention in Wildwood, NJ, from 9/11/08 to 9/14/08

Dr. Barad questioned about the cost of gas to take the vehicles to the convention, noting that gas is more expensive this year. Councilman Kashwick asked how many people go in each car; and Mr. Dahle informed he was not the one who would know. These would be the Chief vehicles; and Truck 767 would be the vehicle to take down all the materials. In response to

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Councilman Glidden, Mr. Dahle informed that there would be about 20 firefighters; and explained that the Chief would have his vehicle, the Assistant Chief would have his vehicle, the utility truck would go down with 4 people in it; and he could not speak for the firemen. Mr. Glidden noted that this would be a large expense and they just spoke about the Budget. Dr. Barad suggested they discuss this later in the meeting.

Item No. 11 - Received 08/07/08, dated 08/05/08, from Jay Mufson, Events Coordinator, Dave Paladino, Director of Fitness, CORE, 91 Ruckman Road, Closter, cc: Glenn Parsells, copy letter only to Chief Berrian, Keith Sager, L. Sinowitz; re Announcement re “Sweat for the Cure” fundraiser to be held 10/18/08; with request for approval to conduct Ruckman Road 5K Race starting at 10 a.m. with race to take approximately 1 to 1 ½ hours AND to hang banner over VerValen Street to help promote the event (letter only!) (Certificate of Insurance and Hold Harmless Agreement enclosed)

Mr. DiStefano informed he would be sure this is placed on the Agenda for the next meeting. They will have all the insurance pieces together and they will talk to Chief Berrian and the Zoning Officer about the banner over VerValen Street and get back to the Council regarding this.

8. OPEN MEETING TO PUBLIC FOR COMMUNICATION ITEMS ONLY
(Subject to 5-minute per By-Laws General Rule No. 10)

Council President Barad opened the meeting to the public for communication items only.

No one wished to be heard.

9a. REVIEW OF CONSENT AGENDA ITEMS
(PROCEDURE TO BE EXPLAINED BY COUNCIL PRESIDENT BARAD)

Council President Barad reviewed the items on the Consent Agenda and asked if any member of the Council or Public wished to remove or discuss any item.

ORDINANCES AND RESOLUTIONS

- 10.* BILL RESOLUTION – JULY 31, 2008 (Adjourned from RM 7/23/08/Received from Treasurer’s office 8/6/08)
- 11.* BILL RESOLUTION – AUGUST 15, 2008
TO BE PREPARED BY TREASURER
- 12.* RESOLUTION AUTHORIZING AD INTERIM PERMIT FOR PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-006-006 ISSUED TO KLIP, LLC. t/a ASSEMBLY EAST HILL, 597 PIERMONT ROAD
- 13.* RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEAR 2008: SAFCHIK V. CLOSTER (Received from Borough Attorney 7/31/08)
- 14.* RESOLUTION CONFIRMING AND DEDICATING THE BRIDGE OVER THE TENAKILL BROOK AS THE “DAVID SCHOLZ BRIDGE”, TENAKILL BROOK, BOROUGH OF CLOSTER (Received from Mayor 7/29/08)
- 15.* RESOLUTION AUTHORIZING ISSUANCE OF CERTIFICATE OF COMPLIANCE TO JET TECH TRANSPORTATION, 231 HERBERT AVENEUE, BUILDING #2, CLOSTER, NJ 07624, PER N.J.S.A. 48:16-17, FOR THE FOLLOWING VEHICLE: 2008 Lincoln Navigator VIN NO. 5LMFL28508LJ10031 (Approval of insurance received from Risk Management Consultant 7/28/08/fee paid 7/21/08)
- 16.* RESOLUTION AUTHORIZING TREASURER TO RELEASE MAINTENANCE BOND IN THE AMOUNT OF \$12,972.00 POSTED FOR DEVELOPER’S AGREEMENT FOR 58 KINDERKAMACK ROAD, BLOCK 2306 LOTS 45.01 & 45.02, PER BOROUGH ENGINEER LETTER DATED 7/1/08 (Received from Acting Administrator/Treasurer 8/7/08)

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – WEDNESDAY, AUGUST 13, 2008 – 7:30 P.M.

17.* RESOLUTION APPROVING CHANGE ORDER NO. 1 AND FINAL DATED 7/23/08, SUBMITTED BY ARNOLD’S ROADS, INC., IN THE ADJUSTED CONTRACT AMOUNT OF \$122,227.36 FOR PROJECT KNOWN AS 2007 CURB AND SIDEWALK PROGRAM; AMOUNT OF ORIGINAL CONTRACT: \$132,088.00; AMOUNT OF CHANGE ORDER NO. 1 & FINAL (\$9,860.64) AND ACCEPTING 2 YEAR MAINTENANCE BOND IN THE AMOUNT OF \$18,334.10

MOTIONS

18.* APPOINTMENTS NOT MADE AT THE REORGANIZATION MEETING HELD 1/02/08; Adjourned from Regular Meetings held 1/09/08, 1/23/08, 2/13/08, 2/27/08, 3/12/08, 3/26/08, 4/9/08, 4/23/08, 5/14/08, 5/28/08, 6/11/08, 6/25/08, 7/9/08, 7/23/08

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
HEALTH, BOARD OF Alternate No. 2	Phyllis Buonomo	_____	2 Year	12/31/09
IMPROVEMENT COMMISSION				
Member	Maria Danziger	_____	2 Year	12/31/09
Member	Wilson Reimers	_____	2 Year	12/31/09
Alternate No. 1	Frank Rodriguez	_____	2 Year	12/31/09
Alternate No. 2	Bobbie-Bouton- Goldberg	_____	Unexp. 2 Year	12/31/09

19.* MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO SERVE AS MEMBER(S) OF THE HISTORIC PRESERVATION COMMISSION TO FULFILL REQUIREMENT MADE BY ADOPTION OF ORDINANCE NO. 2008:1004 ON 3/12/08 (Term to be determined by Borough Attorney in accordance with N.J.S.A. 55D-107) – Adjourned from RM 04/23/08, 5/14/08, 5/28/08, 6/11/08, 6/25/08, 7/9/08, 7/23/08

<u>Appointee</u>	<u>Class</u>	<u>Term</u>	<u>Expiration</u>
a. _____			
b. _____			

20.* MOTION APPOINTING _____ TO SERVE AS MEMBER OF THE BOARD OF ETHICS FOR AN UNEXPIRED 5-YEAR TERM (PRIGOFF) TO 12/31/2011 (D) SHADE TREE COMMISSION RECOMMENDATION (13. M.L. 7/24/08)

21.* MOTION APPROVING THE FOLLOWING MINUTES – NO ABSTENTIONS

- a. REGULAR MEETING HELD JULY 23, 2008 (Distributed 8/7/08)
- b. WORK SESSION HELD JULY 23, 2008 (Distributed 7/31/08)

22.* GRANTING APPROVAL FOR TEMPLE EMANU-EL TO CONDUCT TASHLICH SERVICES AT THE CLOSTER NATURE CENTER ON TUESDAY, 9/30/08, AT 5:00 P.M. (2. M.L. 7/10/08/Approval received from Risk Management Consultant 7/28/08)

23.* GRANTING APPROVAL FOR VOLUNTEER CENTER OF BERGEN COUNTY INC. TO CONDUCT THE 13TH ANNUAL BIKE TOUR PARTIALLY THROUGH THE BOROUGH ON SUNDAY, 9/28/08, FROM 7:30 A.M. TO 1:00 P.M. (12. M.L. 7/3/08/Approval received from Risk Management Consultant 7/28/08)

24.* GRANTING APPROVAL FOR BLOCK PARTY TO BE HELD AT THE END OF JOHNSON COURT ON THE CUL DE SAC ON 8/30/08 FROM 6 P.M. TO 9 P.M. (3. M.L. 7/24/08)

25.* GRANTING APPROVAL FOR BLOCK PARTY TO BE HELD BETWEEN 75 AND 85 ROBINHOOD ROAD ON 8/30/08, FROM 1 PM. TO 10 P.M.; RAIN DATES: 8/31/08, IF NECESSARY, 9/1/08 (2. M.L. 7/31/08)

26.* GRANTING APPROVAL FOR USE OF FIRE PREVENTION VEHICLES (771 & 775), FIRE CHIEF’S VEHICLE (751), ASSISTANT CHIEF’S VEHICLE (752) AND SUPPORT VEHICLE (767) FOR THE PURPOSE OF ATTENDING THE NJ STATE FIREMEN’S CONVENTION IN WILDWOOD, NJ, FOR THE DATES OF 9/11, 9/12, 9/13, AND 9/14/08 (3. M.L. 8/7/08)

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, AUGUST 13, 2008 – 7:30 P.M.

- 27.* GRANTING APPROVAL FOR BOROUGH CLERK TO SIGN STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF ALCOHOLIC BEVERAGE CONTROL, APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR BPO ELKS LODGE #2304, 148 RAILROAD AVENUE, CLOSTER, NJ 07624 TO DISPENSE MALT ALCOHOLIC BEVERAGES AT MEMORIAL FIELD ON 9/1/08 FROM 12:00 P.M. TO 9:00 P.M.; RAIN DATE: 9/6/08 (Completed application received 7/29/08) CERTIFICATE OF INSURANCE AND HOLD HARMLESS AGREEMENT TO BE FILED WITH ACTING ADMINISTRATOR FOR APPROVAL BY RISK MANAGEMENT CONSULTANT FOR USE OF MEMORIAL FIELD!
- 28.* GRANTING APPROVAL FOR BOROUGH CLERK TO SIGN STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF ALCOHOLIC BEVERAGE CONTROL, APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR BPO ELKS LODGE #2304, 148 RAILROAD AVENUE, CLOSTER, NJ 07624 TO DISPENSE MALT ALCOHOLIC BEVERAGES AT 148 RAILROAD AVENUE, CLOSTER, NJ ON 8/23/08 FROM 12:01 P.M. TO 9:00 P.M. TO CONDUCT MEETINGS AND FUND RAISING EVENTS FOR ELKS CHARITIES (Completed application received 7/29/08)
- 29.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:
a. CHIEF OF POLICE – JUNE 2008 (Received 7/22/08)
b. CONSTRUCTION OFFICIAL – JULY 2008 (Received 8/5/08)
- 29c.* MAYORAL PROCLAMATION DECLARING THE MONTH OF SEPTEMBER AS OVARIAN CANCER AWARENESS MONTH
(4. M.L. 8/14/08 – Distributed 8/8/08)

The following items were removed by the following individuals: Councilman Kashwick asked that Item No. 14 be removed; Councilwoman Tutoli asked that Item No. 13 be removed; Councilman Glidden asked that Item No. 26 be removed and Borough Engineer asked that Item No. 17 be removed. No action was taken on Item Nos. 18, 19 and 20

At this time, Mr. Fred Pitofsky referred to Item No. 29c., reminding it was on the Agenda. Council President Barad acknowledged this, read the Item, and so declared. In response to a member of the public, Susan Cohen, Dr. Barad explained that they could discuss this item.

9b. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 13, 14, 17, 18, 19, 20 and 26 was made by Councilman Glidden, seconded by Councilman Kashwick, and declared carried by Council President Barad upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

30. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

13. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEAR 2008: SAFCHIK V. CLOSTER (Received from Borough Attorney 7/31/08)

Councilwoman Tutoli questioned if there was a dollar amount regarding this tax appeal. Mr. Rogan informed that the tax rate had not been set at the time; and this is the recommendation of the Tax Assessor and the Appraiser based upon a sale price. Unlike most cases, this had a sale so they could tell what the value was; the house was listed for a period of time, marketed and sold. He did not have the dollar amount, but informed he could get that now that the Budget is in place, but they have no choice because it is a sales price. Council President Barad wished to clarify that they could get what the dollar amount was, but the adjustment is according to the sales price. Mr. Rogan confirmed this, noting that it was not based on an argument over which assessment was right; he agreed with Dr. Barad that there is no point in defending in accordance with the Tax Assessor and Appraiser. This was listed for a sufficient period of time, their market value is fair market value and is what a buyer is willing to pay and a seller is willing to take; and that trumps any appraiser's opinion.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, AUGUST 13, 2008 – 7:30 P.M.

14. RESOLUTION CONFIRMING AND DEDICATING THE BRIDGE OVER THE TENAKILL BROOK AS THE “DAVID SCHOLZ BRIDGE”, TENAKILL BROOK, BOROUGH OF CLOSTER (Received from Mayor 7/29/08)

Councilman Kashwick went to the bridge prior to tonight’s meeting, noted that it looked great and expressed his contentment that there was very little disruption of the woods in the area. He felt it was going to be an asset to the Borough and thanked the Borough Engineer for his work as well as the DPW, Environmental Commission, especially Richard Ryan and Arthur Goldberg. He wished to say a few words regarding David Scholz and explained that while he was working on the trail, Mr. Scholz injured his leg very badly and was incapacitated for about 6 months; his leg is still not where it was prior to this injury. They are naming the bridge after him due to his hard work on the Environmental Commission; he has been the Chair for a number of years and has done an outstanding job in the past three years. Mr. Kashwick expressed his pride in introducing this Resolution.

Motion to approve Item No. 14 was made by Councilman Kashwick, seconded by Councilwoman Amitai and declared carried by Council President Barad upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

At this time, Council President Barad apologized for not having the opportunity to vote on the Resolution affirmatively as well.

17. RESOLUTION APPROVING CHANGE ORDER NO. 1 AND FINAL DATED 7/23/08, SUBMITTED BY ARNOLD’S ROADS, INC., IN THE ADJUSTED CONTRACT AMOUNT OF \$122,227.36 FOR PROJECT KNOWN AS 2007 CURB AND SIDEWALK PROGRAM; AMOUNT OF ORIGINAL CONTRACT: \$132,088.00; AMOUNT OF CHANGE ORDER NO. 1 & FINAL (\$9,860.64) AND ACCEPTING 2 YEAR MAINTENANCE BOND IN THE AMOUNT OF \$18,334.10

Mr. DeNicola explained that Curb and Sidewalk project to install a sidewalk along the County road was completed successfully. The main project finished \$10,000 under budget, which was transferred to the Road Improvement Program to aid in the pavement of Ruckman Road from the DPW to Homans Avenue. This will be removed from his Agenda on the Work Session Report and is complete.

Motion to approve Item No. 17 was made by Councilwoman Amitai, seconded by Councilman Glidden and declared carried by Council President Barad upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

26. GRANTING APPROVAL FOR USE OF FIRE PREVENTION VEHICLES (771 & 775), FIRE CHIEF’S VEHICLE (751), ASSISTANT CHIEF’S VEHICLE (752) AND SUPPORT VEHICLE (767) FOR THE PURPOSE OF ATTENDING THE NJ STATE FIREMEN’S CONVENTION IN WILDWOOD, NJ, FOR THE DATES OF 9/11, 9/12, 9/13, AND 9/14/08 (3. M.L. 8/7/08)

Councilman Glidden informed that he did not have any objection to the firemen attending the convention, but in this environment with soaring gas prices, he wished for information regarding the cost and wondered if there was an alternative such as public transportation or something similar. He suggested asking Chief Pierro to attend the next meeting to explain. Dr. Barad explained that they are looking to determine if the vehicles are being used for transportation or are they going to be in the parade while there; and if so, could they use fewer vehicles; and they wish to know what it will cost. Councilman Kashwick also noted that they should know how many people per vehicle and ask if one per vehicle made sense. Mr. Glidden suggested pulling this until they hear from Chief Pierro; Dr. Barad agreed, explaining they would like to know what they are getting into.

- 29c. MAYORAL PROCLAMATION DECLARING THE MONTH OF SEPTEMBER AS OVARIAN CANCER AWARENESS MONTH (4. M.L. 8/14/08 – Distributed 8/8/08)

Mr. Pitofsky informed that the women left, but they wanted to be sure that they received a copy of the Proclamation.

At this time, Mr. Rogan reminded that Item No. 13 would be carried; Dr. Barad confirmed as they were waiting for the cost.

31. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
a. CONTINUED DISCUSSION RE PARKING SPACE FEE (Requested by Mayor 1/18/08)

Fred Pitofsky, Insurance Commissioner, announced that Mrs. Burns was appointed the Chairman of the JIF and he is now the Secretary. He also reported that he has to follow through with the list of the insurance in order to be sure that they are set up.

Hugh Johnson, 107 Demarest Avenue, explained that he was informed that the reason why Mr. Sager was at the previously discussed property was to participate in an eviction. He questioned if participation in an eviction process was part of his duty as a Construction Code Official. Borough Attorney advised that, unless it was an eviction for a Code violation, most foreclosures are handled by the Bergen County Police. In response to Councilwoman Amitai, Mr. Rogan further advised that if it was a Code violation, then certainly Mr. Sager would be involved, as he would be there to enforce the State Codes regarding construction. Mr. Johnson questioned if this meant that he would be there to physically enforce those Codes.

Mr. Johnson further explained that he had attended three sessions where he has brought Mr. Sager's actions to the Mayor and Council's attention. He notified that if the Council did not do something soon, and Mr. Sager is up for tenure in 2009, Mr. Johnson was prepared to go to the New Jersey Superior Court and file an injunction against the Borough to block his appointment until a competency hearing can be held to determine his physical and mental state. He had at least 30 valid complaints from residents that this man has abused his power, been tyrannical, been a bully, has been threatening and harassing. He informed that Mr. Sager had attempted to do this to him as well, but it did not work and he now avoids Mr. Johnson. No one else has the courage to stand up to this man and the Council has the opportunity to determine whether the residents have to tolerate this. Mr. Johnson explained this was not a threat, rather common sense that he would have to be the one to do it for the Borough, as this has to stop. He implored the Council to make it stop or he would have to do so.

At this time, Councilwoman Amitai referred to the incident most recently brought up by Mr. Johnson, informing there were two tenants living illegally in a one-family dwelling; and one of the two reported that to the Building Department. Mr. Sager needs to act when someone comes to the Building Department with an accusation like that; and he had written letters to the resident and they went unanswered. The Police Department and one of the officers obtained permission from the resident for Mr. Sager to go in and do the inspection. He had signed permission and entered the house with two police officers, as he was afraid a fight would break out between the resident that turned the person in and the owner, which did occur. She confirmed that it did not get physical.

Mr. Johnson assured that he was going to ask this of the people tomorrow; and he is not being adversarial, but merely informing of what he heard. He added that Mr. Sager did attempt to become physical with him, Mr. Johnson, and if it were not for his reflexes, Mr. Sager would have broken his fingers and wrist when he slammed the partition so hard that it broke the framework and then attempted to blame Mr. Johnson for it. Mr. Johnson asserted that Mr. Sager was out of control.

Council President Barad explained that the Council takes personnel issues very seriously, but they cannot be discussed in the public meeting; he assured that they appreciate all of his comments and feelings. Mr. Johnson expressed his understanding, continuing to inform that he was accused on the underground website of being a cicada who comes out every seven years to meet people who he doesn't like, which he found amusing. There was also a depiction of Baby Hughie from the name of Wild Blue and he informed this was Mr. Sager. He stated that he would not tolerate residents of this town being bullied. Dr. Barad noted that everyone has a right to their own opinion, but he doesn't read the website.

In response to Mayor Emeritus Pitofsky's inquiry, Dr. Barad informed he was not sure what the problem was with the air conditioning.

Council President Barad informed they would go into the Work Session.

Prior to recessing into the Work Session, Carl Olsson, 215 Irving Avenue, referred to Item 16, asked for clarification regarding 58 Kinderkamack Road and Mr. Rogan advised that 58 Kinderkamack Road, LLC is the name of the company and not the address.

Council President Barad recessed the Regular Meeting at 9:09 p.m.

Council President Barad resumed the Regular Meeting at 9:30 p.m., at which time, he asked for a motion approving the following Resolution:

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, AUGUST 13, 2008 – 7:30 P.M.

- 31b. 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)(4), “A collective bargaining agreement”; and N.J.S.A. 10:4-12(b)(7), “Pending or anticipated litigation or contract negotiations”; and that the item(s) under discussion in the closed meeting will be disclosed to the public at the conclusion of the matters which should be within 6 to 8 weeks.

Motion to approve was made by Councilman Glidden, seconded by Councilwoman Tutoli and declared carried by Council President Barad upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

Council President Barad resumed the Regular Meeting at 9:44 p.m.

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

No one wished to be heard.

33. ADJOURN

Motion to adjourn the Regular Meeting at 9:45 p.m. was made by Councilman Glidden, seconded by Councilwoman Tutoli and declared unanimously carried by Council President Barad.

Provided to the Mayor and Council
on August 21, 2008 for approval
at the Regular Meeting to be
held August 27, 2008

Loretta Castano, RMC
Borough Clerk

Prepared by Donelle Bright utilizing
recording of meeting and
Deputy Borough Clerk’s notes

Approved at the Regular Meeting held 8/27/08
Consent Agenda Item No. 26a.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, AUGUST 13, 2008 – 7:30 P.M.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – WEDNESDAY, AUGUST 13, 2008 – 7:30 P.M.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – AUGUST 13, 2008 - 7:30 P.M.

Council President Barad called the Work Session to order at 9:10 p.m.

1. ROLL CALL

The following persons were present:

Council President, David Barad
Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick,
Cynthia L. Tutoli, Victoria Amitai
Acting Administrator/Treasurer, John DiStefano
Borough Attorney, Edward T. Rogan
Deputy Borough Clerk, Cynthia Meyer
Borough Engineer, Nick DeNicola
Chief of Police, David Berrian
Acting Superintendent of Public Works, William Dahle

The following persons were absent:

Mayor Sophie Heymann
Borough Clerk, Loretta Castano

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

Council President Barad declared that the meeting was being held in compliance with the provisions of the Open Public Meetings Act.

3. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE 28 FOURTH STREET, BLOCK 17 AND 18 – Mr. Rogan reported on this earlier; they had requested more property, which the Borough rejected and there is nothing further to report.

2) STATUS REPORT RE FOLLOWING DEVELOPER'S AGREEMENT:

a. PLANNING BOARD - SAM LEE, CLOSTER DOCK ROAD, BLOCK 1305 LOTS 5 & 6 FINAL SITE PLAN APPROVAL (6. M.L. 5/30/07) – Borough Attorney advised that this can be removed as they have received the developer's agreement.

3) REPORT RE FOLLOWING DEVELOPER'S AGREEMENTS:

a. PLANNING BOARD – JANE LA STELLA, WILLIS DRIVE, BLOCK 603, LOT 15 FINAL SITE PLAN APPROVAL (6. M.L. 7/17/08) – This is a new application, as it was approved 7/17/08; they do not have the developer's agreement yet from the Planning Board attorney, but he will be following up on this.

4) REPORT – Mr. Rogan reported as follows:

a. PBA negotiations occurred 8/8/08; he submitted a summary of these to the Committee and asked that they have a Closed Session on this matter as well as the Teamsters-DPW negotiations that will begin in September. He had one other issue regarding potential litigation.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, AUGUST 13, 2008 – 7:30 P.M.

At this time, Councilwoman Amitai requested clarification that the Sam Lee application was indeed for Wings Plus, adjacent to Dunkin Donuts. Mr. DeNicola explained that there were two applications on this, one for the use and one for the expansion of the property. Mr. Rogan clarified that this is the old one for the site itself, not the individual building or businesses; this is an old developer's agreement that has been finalized. Mr. DeNicola referred to Item No. 3, noting he did not know if there was a developer's agreement with this; Mr. Rogan informed this was the first notice he had received on this.

B. BOROUGH ENGINEER

- 1) STATUS REPORT RE CONSTRUCTION OF PERMANENT TRAFFIC LIGHT INTERSECTION OF HOMANS/OAKLAND AVENUES – Mr. DeNicola informed that both Items 1 & 2 are finalized; they are waiting for the final paperwork, invoice and maintenance bond prior to completion. This should be complete by his next report.
- 2) STATUS REPORT RE 2007 ROAD IMPROVEMENT PROGRAM - AWARDED TO ROCKBORN TRUCKING AND EXCAVATING INC. (\$998,521.21/Awarded RM 02/13/08)
- 3) STATUS REPORT RE 2007 CURB AND SIDEWALK PROGRAM (Awarded to Arnold's Roads at RM 04/23/08 - \$132,088) – This is finalized and complete and can be removed.
- 4) STATUS REPORT RE CLOSTER NATURE TRAIL (\$78,634/Awarded to D.R. Mullen at RM 4/9/08/TENAKILL BRIDGE PROJECT (Approved at RM 03/26/08) – The contractor finished today, sealing the abutments with the waterproofing coat; and anchored the bridge to the abutments. They are awaiting final paperwork on that; so, it can stay on the Agenda until the next meeting.
- 5) STATUS REPORT RE QUIET ZONES (Requested by Mayor Heymann 6/19/08 (Discussion held at WS 6/25/08, 7/9/08) – They heard from Harrington Park; this is not really an engineering issue, so it can be moved to the Mayor's agenda as it is more of a political situation as to how they are going to pursue this, if at all.
- 6) REPORT – Nothing further to report.

4. REPORTS

A. ACTING BOROUGH ADMINISTRATOR

- 1) STATUS REPORT RE 2008 MUNICIPAL BUDGET (Introduced at SM 03/19/08; Public Hearing RM 04/23/08/Adjourned to RM 5/28/08/Adjourned to RM 7/9/08/ Adjourned to RM 7/23/08/ Adjourned to RM 8/13/08) – He thanked the Department heads and the personnel for using common sense on expenses so they were able to cut down on many of the line items in order to come in under the 4% CAP waiver.
- 2) STATUS REPORT RE BOROUGH WEBSITE – He is continuing to work with Councilman Kashwick and Kevin Whitney on updates.
- 3) STATUS REPORT RE PARIS GRANT (Approved at RM 1/9/08) – He is working with the Borough Clerk on this.
- 4) STATUS REPORT RE INSURANCE ITEM(S) FOR FOLLOW UP: - These are all in process at the moment and should be finalized by the next meeting. He also informed he had the performance guarantee for the fall cleanup of the West Street Improvements.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, AUGUST 13, 2008 – 7:30 P.M.

4. REPORTS (Continued)

A. ACTING BOROUGH ADMINISTRATOR (Continued)

- a. SADHU VASWANI CENTER TO HANG BANNERS OPPOSITE THE PNC BANK FOR ANNUAL CARNIVAL to be held on Sunday, 9/14/08 (6. M.L. 6/26/08)
 - b. INSTALLATION OF SIGN FOR PARKING ONLY ON SUNDAY FROM 9 A.M. TO 3 P.M. ON HARRINGTON AVENUE IN FRONT OF THE NEW LIFE CHURCH OF NEW JERSEY (10. M.L. 7/3/08)
 - c. REQUEST BY BPO ELKS LODGE #2304 TO DISPENSE MALT BEVERAGES AT MEMORIAL FIELD ON 9/1/08 FROM 12:00 P.M. TO 9:00 P.M. TO; RAIN DATE: 9/6/08 - CERTIFICATE OF INSURANCE AND HOLD HARMLESS AGREEMENT TO BE FILED FOR APPROVAL BY RISK MANAGEMENT CONSULTANT
- 5) STATUS REPORT RE FOLLOW UP OF PERFORMANCE GUARANTY AND INSURANCE REQUIREMENTS FOR CONTRACT WITH 4 CLEAN UP, INC./ \$150,048.00/ FOR WEST STREET IMPROVEMENTS, SECTION 3 (Approved RM 6/25/08/Contracts sent by Boro Attorney 6/26/08)
- 6) REPORT - Mr. DiStefano reminded that it was bocce season and he hoped to see all joining in the festivities, which will be taking place in late September. In response to Council President Barad, Mr. DiStefano confirmed they would update the personnel and committees on the website. Dr. Barad noted this would be helpful.

B. BOROUGH CLERK

- 1) STATUS REPORT RE 2008 APPOINTMENTS
 - 2) STATUS REPORT RE 2008 OATHS OF OFFICE
 - 3) STATUS REPORT RE 2008 LICENSES
 - 4) STATUS REPORT RE 2008 MEETING DATES
 - 5) REPORT RE ELECTIONS
- a. GENERAL ELECTION TO BE HELD TUESDAY, NOVEMBER 4, 2008
- 6) STATUS REPORT RE CODIFICATION – SUPPLEMENT NO. 15
 - 7) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS
 - 8) REPORT – Deputy Borough Clerk informed there was no report as Ms. Castano was on vacation; and would report at the next meeting.

At this time, Councilwoman Amitai wished for clarification as to the ribbon cutting at the bridge. Councilman Kashwick notified that this is tentatively scheduled to be held 8/23/08. Mr. DeNicola informed that the only incomplete item is the landscaping which will be done by the Environmental Commission this Fall or as part of Arbor Day next Spring.

C. CHIEF OF POLICE

- 1) REPORT – Chief Berrian distributed information and explained that it was regarding a company that he had spoken to last week. He just received these packages and will follow up at the next meeting. He asked that they take the time to look through the information. He reminded that the InterBorough meeting will be held Monday, 8/18/08, at 7:30 p.m. in Haworth.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – WEDNESDAY, AUGUST 13, 2008 – 7:30 P.M.

4. REPORTS (Continued)

C. CHIEF OF POLICE (Continued)

In response to Councilwoman Amitai, Chief Berrian explained that the company certifies police departments; they bring rules and regulations, SOPs, directives, guidelines, and bring everything up to standard against the State model. He believed accreditation would be required of all departments at some point in the near future, as it is an effective tool for the Police Department and the personnel; and it offers enhanced training. He explained that when a department is certified, there is a reduction in the liability insurance; he contacted Mayor Emeritus Fred Pitofsky in order to see what the premium reduction would be. This company would be available to give a demonstration to either the Mayor and Council or the Public Safety Committee; and he believed this was a positive and would improve the operation.

Chief Berrian informed that the cost would depend upon the size of the department and it would be cost prohibitive; however, the Bergen County Prosecutor's office recognizes its importance and has authorized the use of confiscated funds to be applied for this. He believed they would have enough to cover this, as they do have a great deal of confiscated funds; and Councilman Glidden noted he would call a Public Safety Committee meeting by the end of the month. Mayor Emeritus Fred Pitofsky suggested they speak with the Risk Manager in order to find out if the JIF offers similar training. Council President Barad clarified that this is not only training, but also SOPs and other organization. Chief Berrian agreed and explained that he attempted to initiate this 10 years ago, assigning each officer in the department a specific field/fields; however, the workload was overwhelming. He noted Paramus had over 120 officers and also tried to do this, but they outsourced as well, as they could not do it. Lodi has recently done this and Glen Rock recently signed on. He believed this would be mandated soon and noted that it would be an asset to the Borough.

In response to Mrs. Amitai, Chief Berrian informed that the towns he had mentioned used this company, but others have used other companies.

In response to the Chief of Police's inquiry regarding reduction in liability insurance, Mayor Emeritus and Secretary of the Joint Insurance Fund, Fred Pitofsky, recommended that if the Police Department became certified by the Commission on Accreditation for Law Enforcement Agencies, he would follow through with the JIF and provide an answer.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS: Council President Barad informed they would skip over this report.

a. GRANTS FILED

1. FY 2007 NATIONAL TRAIL RECREATION GRANT - \$25,000 - \$10,000 MATCH FOR TRAIL MAINTENANCE (Extension requested???)
2. GREEN COMMUNITIES 2008 APPLICATION FOR \$4,500 WITH A MATCHING SUM FROM CLOSTER IN THE AMOUNT OF \$1500 (Requested by Mayor Heymann 11/7/07)
3. PROJECT GRANT APPLICATION RE BERGEN COUNTY OPEN SPACE TRUST FUND/\$68,100.00 FOR IMPROVEMENTS TO BOROUGH PARKS IN THE MUNICIPALITY OF CLOSTER; CASH-FOR-CASH MATCH– Approved RM 6/25/08 (Requested by Mayor 7/2/08)

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, AUGUST 13, 2008 – 7:30 P.M.

4. REPORTS (Continued)

D. MAYOR (Continued)

b. GRANTS AWARDED

1. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND & HISTORIC PRESERVATION TRUST FUND; DUE 7/7/06; FILED BY COUNCILMAN KASHWICK - 50% LOCAL MATCH REQUIRED? - ACQUISITION OF FLAMM PROPERTY END OF RUCKMAN ROAD/HOMANS AVENUE- \$500,000 AWARDED 7/11/07 FOR BLOCK 1308, LOTS 3 AND 4, 37 HOMANS AVENUE (8.M.L.7/26/07)
2. BERGEN COUNTY OPEN SPACE TRUST FUND - 2004 FUNDING ROUND FOR MUNICIPAL PARK IMPROVEMENT AND LAND ACQUISITION PROGRAM (50% local match); APPLICATION DEADLINE: 10/29/04 (8.M.L.8/26/04) (~~\$190,000.00~~ \$120,000.00 for Recreational Trails Program/RM10/27/04 - \$120,000 Recommended Award - County Public Hearing 5/26/05)
3. NATIONAL TRAILS RECREATION PROGRAM - \$25,000 (local match of \$10,000 required) filed 12/15/05
4. (DCA) DOMESTIC VIOLENCE TRAINING REIMBURSEMENT GRANT FOR SWORN OFFICERS \$1,411.92 Awarded/ rec'd 9. M.L. 5/24/07)
5. ANJEC GRANT - \$20,000 requested/\$6,000 received
6. 2008 NJDOT MUNICIPAL AID PROGRAM FOR WEST STREET (SECTION 3) \$150,000 awarded (5. M.L. 12/27/07)
7. HAZARDOUS DISCHARGE SITE REMEDIATION FUND APPLICATION (Requested by Mayor Heymann 11/7/07) – At the WS of 03/12/08, Mayor Heymann reported that \$6,600 was awarded for this grant. – 12. ML 03/06/08
8. FY2008 ENHANCED 9-1-1 GENERAL ASSISTANCE GRANT- \$28,019.00 awarded (5. M.L. 04/24/08)
9. SUPER VALUE, INC./PUBLIC ENTITY GRANT - \$6,600.00 awarded for Hazardous Discharge Site Remediation – 121 Schraalenburgh Road, Block 502 Lot 3 (14. M.L. 7/3/08)

c. GRANTS TO BE FILED

1. GRANT APPLICATION IN THE AMOUNT OF APPROXIMATELY \$10,000.00 TO CARRY OUT A PROJECT TO ENHANCE PROGRAMS OF THE CLOSTER RECREATION COMMISSION CHALLENGER PROGRAMS A RECREATION PROGRAM FOR INDIVIDUALS WITH DISABILITIES (R.M. 7/9/08)
- 2) REPORT RE STATUS OF COAH 3RD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN DOCUMENT COMPLETION; DEADLINE: 11/26/07 (4. M.L. 8/2/07)
- 3) STATUS REPORT RE SKATE PARK DONATION (Letter received from Borough Attorney 10/2/07)
- 4) FOLLOW UP REPORT RE DOCUMENTATION OF ACTIONS VIS-AVIS TREE INSPECTIONS (Requested by Mayor 2/8/08 to be placed on Agenda – Discussed at WS 2/13/08)
- 5) REPORT

5. OLD BUSINESS

No one wished to be heard.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, AUGUST 13, 2008 – 7:30 P.M.

6. NEW BUSINESS

- a. KIDDIE SOCCER (Requested by Mayor 7/3/08 – Discussed at WS 7/23/08)
- b. DISCUSSION OF POSSIBLE POLICY RE USE OF BOROUGH PARKS (Requested by Mayor 7/18/08 – Discussed at WS 7/23/08)

Councilman Glidden informed that the Recreation Commission asked him to inform the governing body that they would like to increase the amount of the late fee for late registrations for sports teams. This causes a great deal of disruption in the planning as to whom will be on what teams; they wish to have the fee increased from \$25 to \$50. The Commission has to take everyone who signs up; but it is a nightmare for the Commission, as many people sign up late. Mr. DiStefano informed that they would have to check the (fee) Ordinance to see what range it is in; if it is there already and falls within the range, then they are okay, if not, they have to change the Ordinance. Mr. Glidden stated his belief that the Commission already looked into this and it is in the range, but understood they would have to check.

At this time, Council President Barad wished to know why Memorial Field was closed; Mr. DiStefano explained they were putting fungicide on the field.

Councilman Kashwick questioned if they would like to have a discussion regarding Richard Ryan's request regarding the naming of the trail. He added that because they already have a street named after the gentleman proposed, it would not be fair to other individuals such as Mollicone and Schauble. Dr. Barad explained that they typically name open spaces after these fallen heroes rather than streets. Mr. Rogan noted that this was not true, as they have more streets named, which can be seen at the memorial. Dr. Barad asked for clarification of the procedure for naming a trail after someone. Mr. Rogan informed that it is the Mayor and Council's decision; they can take recommendations from a subcommittee as well as Councilman Kashwick's consideration regarding naming multiple areas after one fallen soldier. He noted that historically, at the time they were naming streets, many soldiers were dying at war. Councilman Glidden wished to obtain input from various organizations around town, starting with the American Legion.

At this time, Mrs. Amitai reiterated that in some cases, they have both a street and a park named after a fallen soldier. Mayor Emeritus Pitofsky explained that they usually go by the historical names of people in Closter in naming developments. Mrs. Amitai asked for clarification whether the trails were all named already. Mr. Rogan explained that this was not the case, as most are named by color and not by name; and Council President Barad noted that he was not sure of the procedure for naming a trail.

Councilman Glidden suggested that Mr. Ryan approach the American Legion or other groups, as he was the one to suggest naming the trail. Mr. Rogan expressed his agreement in consulting the American Legion, adding that they may have an idea. In response to Dr. Barad's request, Mr. DiStefano informed he would consult the American Legion as well as respond to Mr. Ryan.

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

No one wished to be heard.

8. OPEN MEETING TO THE PUBLIC

No one wished to be heard.

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

No one wished to be heard.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, AUGUST 13, 2008 – 7:30 P.M.

10. ADJOURNMENT

Motion to adjourn the Work Session at 9:29 p.m. was made by Councilman Glidden, seconded by Councilwoman Amitai and declared unanimously carried by Council President Barad.

Provided to the Mayor and Council
on August 21, 2008 for approval at
the Regular Meeting to be held
August 27, 2008

Loretta Castano, RMC
Borough Clerk

Prepared by Donelle Bright
utilizing recording and
Deputy Borough Clerk's notes

Approved at the Regular Meeting held 8/27/08
Consent Agenda Item No. 26b.