

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES - MARCH 26, 2008 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, March 26, 2008. Mayor Heymann called the meeting to order at 7:32 p.m.

1. PLEDGE OF ALLEGIANCE

Mayor Heymann invited all to join in the Pledge of Allegiance.

2. OPEN PUBLIC MEETINGS ACT STATEMENT

Mayor Heymann 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:

Mayor Sophie Heymann

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

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

The following persons were absent:

Councilman David Barad

Mayor Heymann also recognized former Councilmen Jack Kelly and Michael Kafer and member of the Zoning Board of Adjustment, Joe Bianco.

4. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12 (a)

(Subject to 5-minute limit per General Rule No. 10)

Mayor Heymann opened the meeting to the public.

Jesse Rosenblum, 65 Knickerbocker Road, referred to the Borough land sale of Miele and questioned if anyone had doubts that Mr. Miele may have violated the agreement. Mayor Heymann explained that this would depend on one's interpretation of a violation and suggested that the follow through of this be left to the Attorney, which he is currently working on. Mr. Glidden indicated that he would feel comfortable receiving the Borough Attorney's input on the matter. Mr. Rogan explained he had received this late yesterday, noting that he had a discussion with Mr. Rosenblum today, as well as communication with the Construction Official and Zoning Officer. He assured a report would be prepared within the week. Mr. Glidden assured this matter is not going unheard.

Jack Kelly, 132 Herbert Avenue, questioned the status of the property on the corner of Homans Avenue and Ruckman Road. Mayor Heymann informed that they have not bought the property yet and Mr. Kelly questioned how much they are paying for same. Borough Attorney explained that there are still negotiations occurring; and a contract has not yet been signed, but should be done within the next week. At that time, the Council will be able to disclose the amount; however, in order for the Borough not to lose any advantageous bargaining position, they cannot discuss the price until the agreement is signed. It is currently out for consideration on the other side and should be signed within the week. In response to Mr. Kelly, Mayor Heymann informed that the Estate of Flamm owns this property. Mr. Kelly voiced his understanding that this property has been for sale since before 1963, noting that it is a retention base. He explained that the water from High Street, VerValen Street, the parking lot under Kmart, all feed into that area. Mayor Heymann assured that the Governing

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Body is aware of this. Mr. Kelly voiced his opinion that there is no possibility of ever building on this property. He also explained of his understanding that the Borough will be receiving a \$500,000 Grant from the County to buy this property. He discouraged the purchase of this property, noting that it is a horrible time to be spending the tax payers' money; especially for a piece of property that can never be sold or built upon; it is a waste of money.

Mr. Glidden asked Mr. Kelly for his opinion of what the potential use of this property would be if the Council doesn't buy it. Mr. Kelly explained that it has no use or value, noting that the town should condemn it. Mayor Heymann reminded that you must pay fair market value in order to condemn property, which is considerably higher than what the Borough is currently paying.

Jack Caldwell, 145 Maple Avenue, explained that although this property has not been sold in over a 40 year period, back in the 1960's, there were no restrictions on filling wetlands that could have been filled and developed. Adjacent to this property is the same kind of soil and ground conditions, where the Ambulance Corps building was constructed. Therefore, he did not agree with Mr. Kelly that is not buildable. He understands that the makeup of the property is mostly wetlands; however, he feels that the Borough should wait for the property to go into default for taxes; they shouldn't pay for it if they can't do anything with it.

Mayor Heymann voiced her understanding as follows: Mr. Caldwell and Mr. Kelly are presuming facts that aren't facts; they are talking about the fact that the property was for sale for more than 40 years, of which she is aware; however, at that point in time, it was being advertised and taxed at \$3.2 million; perhaps, at that price, it wasn't a good buy, but the estate did not have a particularly strong interest in selling it; they didn't contest the assessments; she offered them the option to review the records.

Jack Caldwell voiced his understanding that there may be an appointed member of a Committee on this Governing Body who was related to the Flamm family, which could pose a conflict of interest. Mayor Heymann assured it wasn't anyone on the Council and Mr. Caldwell stated that it was a member of an appointed body, noting that the Council appointed that particular individual to a Board in this Community. In response to Mr. Glidden, Mr. Caldwell informed that it might have been Mr. Knee. He reminded that there was mention of an \$80,000 Open Space Grant at one of the previous meetings in February; however, there was no mention prior to the Council approving that project that it was a matching grant. Therefore, he questioned if the grant for this particular project was also a matching grant. Mayor Heymann explained that nearly all grants are matching, but at different percentages. Mr. Caldwell voiced his opinion that these figures are important to be set on the table, adding that the public has the right to know. Mayor Heymann pointed out that the Council always speaks about the figures in a fair manner, noting that they have never sought to hide any of them. Mr. Caldwell insisted that they make these figures more clear, as they have not done so in the past, in his opinion. Mayor Heymann assured they would continue to make it priority to make the public aware. Mr. Caldwell voiced his opinion that the town needs more than a five acre piece of wetlands. He doesn't believe they are in a good financial state to support this purchase.

At this time, Mr. Kashwick pointed out that the Borough is only required to match 10% of the matching grant from any other source. They can use both Municipal funds and State Green Acres, of which they already have a line of credit with the State. Referring to the wetlands delineations, he explained that the DEP Commissioner recently changed the regulations from 300 to 150, so this property can become more valuable to developers at some point. Mr. Caldwell didn't disagree that the rules can be changed, noting that it is nice to have Open Space; however, this property doesn't abut anything that is Nature Center or environmentally related. Mr. Kashwick informed that it is adjacent to a C-1 Stream. In response to Mr. Caldwell, Mr. Kashwick pointed out that there is a strip of Borough land behind the DPW where that stream exists. Furthermore, Mr. Caldwell voiced his opinion that if it were adjacent to the Nature Center, then it would be worth considering.

At this time, Mayor Heymann advised that the five limit time limit was up.

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Michael Kafer, 261 Parsells Lane, explained that the Mayor had sent him an e-mail, stating that the Mayor and Council would like to participate in the Green to Green Earth Day Fair on April 5, 2008, at Tenakill School. Referring to the Agenda, he explained that he wasn't aware that there were things in which the Mayor is authorized to enter into, one of which is his waiver. He asked for clarification as to whether they wanted his item on the agenda tonight or if they feel that they don't need to have it on their agenda and that the Mayor can simply sign off on it. He explained that he had asked for permission for the Girl Scouts to do chalking messages on the town sidewalks, which also didn't make the Mail List. However, he did receive a response from the Mayor, explaining that the Governing Body had discussed the issue and found it to be unacceptable, as they described it to be visual pollution. He voiced frustration that they should allow the Girl Scouts to participate in the Fair. He also explained that if the Mayor and Council were to pass a Resolution this evening, he would gladly allow them to have a table of their own at the Fair. Borough Clerk, as well as the Mayor and Attorney all confirmed that Mr. Kafer's original request was placed on the Mail List and discussed. Mr. Kafer insisted that the chalking was not on the Mail List and reiterated that he would love for the Mayor and Council to participate in the Fair.

Joe Bianco, 7 MacArthur Avenue, referred to the Flamm property and explained that he had tried to develop this property when he was mayor, for Senior Citizen Housing. Although the rules were less restrictive at that time, the price of the property was extremely high. He also pointed out that there is at least one acre of uplands on the corner of Ruckman Road and Homans Avenue that can be built. The other four acres have development rights, which would accrue to the one acre piece. He voiced his opinion that the Administration was on the right path since, adding that they should be preserving pristine woodlands. This is another step closer to keep Closter the type of town we want it to be. He voiced his understanding that this family which was mentioned was a very wealthy family. If someone were to pick up this property, it could be used as a development tool through mitigation and recreation. They could fill in the property and recreate or mitigate in another area. He explained that this is what her termed as a "swap" of environmental land and it has done throughout the State of New Jersey. He reiterated his belief that the administration is on the right path and should continue.

Mr. Bianco also addressed the Governor's plan to penalize small towns and explained as follows: Closter, as the hub of the Northern Valley, serves a population of approximately 29,000 people, including all of the towns that touch; this is a suburban metropolitan area that we service; even though we have around 8,000 people, we service the other towns, which adds up to nearly 30,000 people; large communities are eligible to receive other Government Aid, other than the standard State Aid that we are given, which should be indexed or offset in their grant of State Aid; Closter doesn't receive these monies; he suggested that there be a movement in the State Legislature; especially for towns like Closter, that they should not be penalized, but they should be rewarded, as they are the most efficient type of Government, not only because of the paid staff, but because of the volunteers that work on the Boards and Commissions.

Mr. Bianco also explained that he never received his Financial Disclosure Statement and Ms. Castano informed that he would be getting the form in the mail. Mr. Glidden explained that he could go on the State Website and print it out.

At this time, Mr. Glidden referred to the wetlands property in question and asked the Borough Engineer what kind of processes exist right now and what is being done elsewhere. He asked what the current thinking is that this property may become valuable. Mr. DeNicola explained there are two things working against them in reference to this particular property. The first thing is the flood plain and it is also a wetlands issue; it has wetlands mitigation and hydric soils. The flood plain issue is not major, as a building can be built on stilts. However, the wetland issue is a bigger issue, because in order to build on wetlands, you must do a mitigation plan. Therefore, if you are going to disturb two acres of wetlands, you must create 2 acres of wetlands elsewhere. This means that you are actually purchasing more than just the five acres; it will actually be more since you have to make up for it elsewhere. In response to Mr. Glidden, he informed that there's no formal wetland delineation done, it been adopted by DEP and approved. His voiced his opinion that the property is by far, predominantly wetlands. In response to Mr. Glidden, Mr. DeNicola explained that in 2004, DEP came up with C-1 water designation, and noted that the tides have been going against development in New Jersey for the last few years.

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Jesse Rosenblum, 65 Knickerbocker Road, explained he saw the appraisal report regarding the Flamm property and noted that the consensus is that possibly an office building could be built on 10 or 15% of the property, if the DEP would allow it. If the building can be erected, about 85% of the property would be open acreage; and the owner would be paying a nice assessment on the property. The net affect is you get your open land and you get your taxes. He informed Mr. Kelly that in 1900, the largest factory in Closter was on that property.

Jack Kelly, 132 Herbert Avenue, explained when they were grading the golf range, the water used to run down in the back, and they graded it and pushed all of the water into the corner and they used it as a retention base.

5. COMMUNICATIONS

a. MAIL LIST – MARCH 20, 2008 - Mayor Heymann 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: Mayor Heymann referred to Item Nos. 3 and 4; Mrs. Amitai asked that Item Nos. 6 and 12 be removed; Several members of the public asked that Item No. 10 be removed.

Item No. 3 – Received 03/14/08, dated 03/07/08, from John E. Rooney, 39th District Assemblyman, NJ General Assembly, Acknowledging receipt of Borough Resolution supporting A-21, the Smart Container Act; and expressing opposition to same regarding small local businesses (Copy to Bill Dahle); Hennessey/DPW

Mayor Heymann explained that before they had received this letter, Assemblyman Rooney had criticized Closter in public, at a Mayor's meeting on this subject. She assured she had answered his complaints on the spot, verbally, followed by a personal letter, which includes the material that Closter uses to warn people when they don't recycle. She passed the letter around at this time and explained that his official reply would be provided to the entire Council in the packets. She encouraged suggestions of a reply to his response. Mr. Glidden voiced his opinion that they do need to respond.

Item No. 4 – Received 03/14/08, dated 03/13/08, from Lynn Conway, Land Use Clerk; to Mr. Jung-Ho Yae; c: Closter Mayor and Council, Keith Sager, Nick DeNicola, Leonard Sinowitz, re Certified copy of Planning Board Resolution dated 3/5/08 granting minor site plan approval for one story masonry building fronting Herbert Avenue re Wings Plus, Block 1305, Lot 6, 245 Closter Dock Road; Amitai/Planning

Mayor Heymann wished to commend Wings Plus, as well as their Attorneys and Planners, since they were able to obtain authorization from the new owner of the Wings Plus property to combine some of the parking space in different areas in town to help to bring into effect the plan that Chief Berrian and Borough Engineer put together many years ago. She complimented all who contributed to same.

Item No. 6 – Received 03/17/08, dated 03/10/08, from David M. Watkins, Esq., to Borough Clerk re Notice of Planning Board Public Hearing to be held 3/27/08 @ 8 p.m. re application of Jane Lastella for minor subdivision approval at Block 603, Lot 15, 11 Willis Drive; Amitai/Planning

Mrs. Amitai noted that this will be heard on Wednesday, April 2, 2008, as there is no Planning Board meeting being held tomorrow. Borough Clerk explained that this was the information provided to the Clerk's Office.

Item No. 10 – Received 03/19/08, dated 03/17/08, from Northstar Construction Services, Corp., re Request for waiver of Borough Code Ch. 171-33 to open road approximately 10 feet at 38 Kinkaid Avenue, Block 2209, Lot 12, in order to install new storm drain line to the catch basin (Copy to Bill Dahle and Nick DeNicola); Borough Engineer; Borough Attorney

Tim of Northstar Construction Services & Maria Paula, 38 Kinkaid Avenue, explained they were in attendance this evening to request a waiver to open the road to allow them to move forward with the construction of Ms. Paula's house. Borough Engineer asked for an explanation as to why they needed to do this. Tim explained as follows: as they were digging

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after tearing down the existing house, they came across a storm drain pipe, which has been in the area since the 1940s or 50s. Although they have tried stabilizing and redirecting the pipe, it still continues to flood out the property. Both the pipe and the road are clogged. They need to get rid of the water in order to continue with this project.

Borough Engineer explained as follows: Both Billy Dahle and Keith Sager directed him to the site about three months ago; there was an abandoned pipe that probably wasn't abandoned properly, so they were going to reroute it; in order to reroute it to the catch basin, the road needs to be opened for about 20 feet. He suggested that if the Council does grant this waiver, they require the use of infrared paving to reseal the road.

Motion to approve the waiver of the road opening was made by Councilman Hennessey, seconded by Councilwoman Amitai.

BEFORE ROLL CALL VOTE, Mr. Glidden questioned if there were any objections from any of the neighbors and Mr. DeNicola explained as follows: they tried to determine where the pipe was coming from; they went as far as the road; and it appeared to be a dead end; there must have been a pipe there in the road at some point in time; Billy Dahle did some dye testing and Keith Sager looked into it; however, no one could figure out what the situation was, because the original pipe had been abandoned; the only way to fix the problem is to reroute the pipe to the current inlet or the drain system of the Borough; that section of the road will be closed for a very short period of time; it's a local road; it's not a major issue.

Mr. Kashwick asked for clarification and Tim explained that it is coming from the center of 38 Kinkaid Avenue, noting that they found a large 14 inch pipe, which branches off into a "T" shape. He explained that when they were digging, they discovered another similar pipe, and in an attempt not to affect the neighbor's property, they rerouted the pipe and capped off the one going to Ms. Paula's property, under the direction of Keith Sager. However, water is still flooding out the property. Therefore, they had to go back to their Engineer, who had to design a new sketch so they could drain out the property.

At this time, Mayor Heymann suggested that Mr. Hennessey's Motion include all of the particulars that were mentioned and that it will be done according to all Borough regulations. Borough Engineer reminded that it would also include the posting of a bond for the infrared paving process, in accordance with the Borough's prior policy. Borough Clerk questioned if this would be memorialized into Resolution form and Mr. Rogan assured he would prepare same, consistent with all other road opening approvals.

Said Motion was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

Item No. 12 – Received 03/20/08, dated 03/18/08, from [REDACTED], re Request for use of Schauble Park for a gathering of Chinese families of the Borough of Closter on 5/4/08 from 4 p.m. to 7 p.m.(rain date 5/11/08); Facsimile transmittal from Parsells Agency approving enclosed Hold Harmless Agreement (Copy to Jim Oettinger and Glenn Parsells); R.M. Agenda 3/26/08

Mrs. Amitai questioned what the Borough required of the Temple when they were going to use our park. She asked if the Chinese group would adhere to the same guidelines. Mayor Heymann concurred that they would do so.

b. MAIL LIST – MARCH 13, 2008 - Mayor Heymann 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: Borough Clerk referred to Item No. 1; Mayor Heymann commented on Item No. 3; Ms. Tutoli asked that Item No. 6 be removed; Mr. Glidden referred to Item No. 11.

Referring to Item No. 1, regarding the Boy Scout Troop, Mayor Heymann explained that she had taken care of this and Borough Clerk questioned how this was done. Mayor Heymann explained that they were moving somewhere else. Borough Clerk informed that she had received a copy of insurance, for which the purpose was unknown.

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Item No. 3 – Received 03/07/08, No date, from Lorraine L. McMackin, Municipal Clerk, Borough of Norwood, re Certified copy of Resolution adopted 3/4/08 requesting Bergen County Board of Chosen Freeholders to commence process to have the railroad crossing at Broadway and Blanch Avenue in Norwood designated as a "Quiet Zone" (Copy to Chief Berrian and Donald Winters)

Mayor Heymann informed that Closter is participating in that hope-to-be project. The various members of this community are meeting with Donna Orbach of the County Transportation Commission regarding the subject of the railroad crossing at Old Hook Road and Schraalenburgh Road. This will be held on Friday at 1:00 p.m.

At this time, Mr Glidden referred to Item No. 11 and pointed out that the author of this letter is William Schuber, former Bergen County Executive.

Item No. 6 – Received 03/10/08, dated 03/08/08, from Frank Belluscio, Communications Director, New Jersey School Boards Association, to Municipal Clerks re Voter Awareness of Annual School Election, 04/15/08; request for placement of Voter Awareness Poster in municipal building (Posted on Municipal Clerk's bulletin board 3/11/08)(copy to Peter Iappelli)

Ms. Tutoli questioned if there was another location, in addition to the Borough Hall, where the Voter Awareness of the Annual School Election poster could be placed, as there aren't many residents who walk through Borough Hall. Mayor Heymann assured they would do all they could to make residents aware of this election.

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

7a. REVIEW OF CONSENT AGENDA ITEMS  
(PROCEDURE TO BE EXPLAINED BY MAYOR HEYMANN)

Mayor Heymann 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

8.\* BILL RESOLUTION – MARCH 31, 2008  
TO BE PREPARED BY TREASURER

9.\* RESOLUTION AUTHORIZING THE BOROUGH TREASURER TO REFUND 2008 REAL ESTATE TAX OVERPAYMENT IN THE AMOUNT OF \$2,983.00 TO FIRST AMERICAN REAL ESTATE TAX SERVICE, 1 FIRST AMERICAN WAY(Received from Deputy Tax Collector 3/10/08)

10.\* RESOLUTION APPROVING THE PLAN ENTITLED TENAKILL BRIDGE PLAN, DATED MARCH 2008 AND PREPARED BY BOSWELL MCCLAVE ENGINEERING FOR A CERTAIN PUBLIC IMPROVEMENT GENERALLY DESCRIBED AS TENAKILL BRIDGE PLAN (Received from Acting Administrator/Treasurer 3/19/08)

11.\* RESOLUTION APPROVING THE PLAN ENTITLED 2007 CURB AND SIDEWALK PROGRAM, DATED MARCH 2008 AND PREPARED BY BOSWELL MCCLAVE ENGINEERING FOR A CERTAIN PUBLIC IMPROVEMENT GENERALLY DESCRIBED AS 2007 CURB AND SIDEWALK PROGRAM (Received from Acting Administrator/Treasurer 3/19/08)

12.\* RESOLUTION AUTHORIZING BOROUGH CLERK TO ADVERTISE FOR THE RECEIPT OF BIDS FOR THE 2007 CURB AND SIDEWALK PROGRAM UPON RECEIPT OF SPECIFICATIONS FROM THE BOROUGH ENGINEER(Received from Acting Administrator/Treasurer 3/19/08)

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7a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

ORDINANCES AND RESOLUTIONS (Continued)

- 13.\* RESOLUTION ENDORSING THE SUBMISSION OF THE 2007 RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; AND DESIGNATING CAROLE DACEY TO ENSURE THAT THE APPLICATION IS PROPERLY FILED; AND THAT THE MONIES RECEIVED FROM THE RECYCLING TONNAGE GRANT BE DEPOSITED IN A DEDICATED RECYCLING TRUST FUND TO BE USED SOLEY FOR THE PURPOSES OF RECYCLING (Received from Administrator/Treasurer 3/198)
- 13a.\* RESOLUTION AUTHORIZING THE TRANSFER OF 2007 BUDGET APPROPRIATION RESERVES (Received from Auditor via e-mail 3/20/08 at 1:37 p.m.)

MOTIONS

- 14.\* a. APPROVING THE FOLLOWING MINUTES (Distributed 3/20/08):  
 1) REGULAR MEETING HELD MARCH 12, 2008 – ABSTENTIONS:  
 VICTORIA ROTI AMITAI
- 15.\* 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

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
DEPUTY BOROUGH CLERK	VACANT	_____	1 Year	12/31/08
CONSTRUCTION CODE OFFICIALS				
Code Enforcement Officer	John Lazar	<u>Keith Sager</u>	1 Year	12/31/08
Building and Fire Inspector	John Lazar	_____	1 Year	12/31/08
DESK DISPATCHERS	Costa Katsapis	_____	1 Year	12/31/08
	Gary Nicholas	_____	1 Year	12/31/08
*ENVIRONMENTAL COMMISSION				
Associate Member	VACANT	_____	1 Year	12/31/08
HEALTH, BOARD OF Alternates No. 2	Phyllis Buonomo	_____	2 Year	12/31/09
HISTORIANS	VACANT	_____	1 Year	12/31/08
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
RECREATION COMMISSION Associate Member	VACANT	_____	1 Year	12/31/08
SHADE TREE COMMISSION Member	Susan Boudet	_____	Unexp. 5 Year	12/31/09

\* MAYORAL APPOINTMENT

Mayor Heymann explained that there would be no changes to the appointments, with the exception of Keith Sager as Code Enforcement Officer.

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7a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

MOTIONS (Continued)

16.\* GRANTING APPROVAL FOR ISSUANCE BY POLICE DEPARTMENT OF THE FOLLOWING HAWKERS AND PEDDLERS PERMITS FOR CALENDAR YEAR 2008; APPROVAL TO BE OBTAINED FROM BOARD OF HEALTH (Received from Chief of Police 3/11/08):

- a. 2008-001 - ROCCO & SON CATERING, LUIGI VELLUZZI, 166 DE LONG AVENUE, DUMONT, NJ 07628, TO SELL WRAPPED SANDWICHES, PASTRIES, COFFEE AND SODA
- b. 2008-002 - DIMITRI'S CATERING, DIMITRIS A. GONIAS, 108 RIVER ROAD, 2ND FLOOR, BOGOTA, NJ, 07603 - TO SELL HOT AND COLD FOOD, CAKES, MILK, SODA, SNACKS AND COFFEE

17.\* APPOINTING JEAN-MARIE VARNI TO SERVE AS SAFETY ALTERNATE TO THE JOINT INSURANCE FUND FOR AN UNEXPIRED 1-YEAR TERM (Lisa Vreeland) TO 12/31/08 (Requested by Mayor Heymann 03/10/08)

18.\* GRANTING APPROVAL FOR THE POLICE DEPARTMENT AND RECREATION COMMISSION TO HOLD THE ANNUAL FISHING CONTEST AT THE CLOSTER NATURE CENTER POND ON RUCKMAN ROAD ON SATURDAY, MAY 3, 2008, FROM 9:00 A.M. TO 11:00 A.M. (8. M.L. 3/13/08)

19.\* GRANTING APPROVAL FOR THE USE OF SCHAUBLE PARK FOR A GATHERING OF CHINESE FAMILIES OF THE BOROUGH OF CLOSTER ON MAY 4, 2008, FROM 4:00 P.M. TO 7:00 P.M. (RAIN DATE 05/11/08) – Hold Harmless Agreement approved (12.M.L. 03/20/08)

20.\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

- a. CHIEF OF POLICE – FEBRUARY 2008 (Received 3/11/08)

Mayor Heymann asked if anyone wished to remove any items for discussion and no one wished to be heard.

21. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

22. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

No items were removed for discussion.

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

- a. CONTINUED DISCUSSION RE PARKING SPACE FEE (Requested by Mayor 1/18/08)

Mayor Heymann explained that the Borough Assessor was asked to provide a figure for this; however, she is on vacation and this will continue to be held over as a result.

Mayor Heymann recessed the Regular Meeting at 8:30 p.m.

Mayor Heymann resumed the Regular Meeting at 9:05 p.m.

24. DISCUSSION OF PUBLIC COMMENTS OR ANY OTHER TIMELEY MATTER, IF APPROPRIATE

Michael Kafer, 261 Parsells Lane, explained that he stayed for the entire meeting, as it was his understanding that the Mayor and Council would pass a Resolution to participate in the “Green to Green Earth Day Fair”. Mayor Heymann indicated that it was correct of him to remind them.

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- 24a. Motion declaring that the Mayor and Council will participate in the “Green to Green Earth Day Fair” was made by Councilman Glidden, seconded by Councilwoman Amitai.

BEFORE ROLL CALL VOTE, Mr. Kafer asked that it authorize the person signing it to sign the waiver of liability. Mayor Heymann assured that all of the details would be included in a formal resolution, which will be prepared by the Borough Attorney. Mr. Glidden voiced his opinion that this would be a huge success. Mr. Kafer reminded that this event would be held on Saturday, April 5, 2008 at the Tenakill Middle School Gymnasium between 11:00 a.m. and 4:00 p.m., adding that it was free for all. Mr. Glidden explained that his son would have an exhibit at the fair.

Said Motion was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Tutoli and Amitai.

Michael Kafer, 261 Parsells Lane, reminded that in the Work Session the Mayor mentioned the Anticipated surplus as revenue for your budget for 2008. He explained that she had mentioned how the surplus accumulates because the town valuation increases over the year, resulting in the collection of more taxes than of taxes that are billed out, because the valuation goes up when there is a booming market. Mayor Heymann explained that the valuation doesn't go up; additional homes and additions to homes make the difference; it's not the valuation of the existing home. Mr. Kafer explained that the town's overall valuation increases, as individual homes increase in value. So throughout the year, they are collecting more money than they had originally expected. The bulk of this comes because the schools account for the bulk of the Budget. So roughly 60% of surplus is generated from the school's billing, which doesn't belong to the school. He voiced his understanding that throughout the year, they are collecting their revenues. So throughout the year, they should have some grasp as to whether you're going to exceed your anticipated surplus; whether you're going to need it or not.

Mayor Heymann explained as follows: when we do the Budget, in the beginning of 2007, when we constructed the Budget that we are talking about that actually realized less income than we anticipated, we had no idea that the construction fees would be decreasing so much. Mr. Kafer explained that this was not his question, adding that when they had adopted the Budget in 2007, just like they will be adopting the 2008 Budget next month, what you anticipate for a surplus is an educated guess based on many things. However, throughout the year, after the Budget is adopted, you know how much you're collecting in revenues and you know that there are less building permits being issued and less valuations, so you know that you are not needing the surplus that you anticipated. Mr. DiStefano explained that it is too late by then and Mr. Kafer attempted to phrase his question differently. While you're collecting your revenues throughout the year, aren't you able at some point, to predict where you will come in on the anticipated number.

Mayor Heymann explained that this is labeled anticipated because that is the word that the State uses. However, it is not actually anticipated; it is surplus that they are taking out of the final 2007 number. In other words, if they were to get less or more during the year 2008, that will be reflected in 2009; it doesn't affect 2008. Mr. Kafer then referred to Sheet 39 of the Budget and explained that this shows how the surplus will be used. He again attempted to explain his question by referring to the sheet with the numbers. Mr. Kashwick explained that they always work based on what next year and years to come will look like. They do not have that on a Municipal level right now. He informed that he had made a suggestion at the last Finance Committee Meeting to start plugging in next year's numbers now, instead of waiting until the end of the year to do this; so they can see what they will have at this end of the year. They will implement his suggestion this year. Mr. Kafer pointed out that this was a good idea for the Budget; however, this question is directed to Mr. DiStefano as the Treasurer of the town, as he is in charge of accounting for the money on a day to day basis. As revenues come in, they are placed into line items, which are put onto a spreadsheet. Every month, they come up with a new spreadsheet. On the surplus, do you account for that on your spreadsheet on a monthly basis?

Mr. DiStefano explained that you don't do this with surplus, but agreed with Mr. Kafer that you can do some configurations to get it. He referred to the revenue and explained as follows: when we formulate the Budget, we are only able to take what was brought in last year; we can't bring in more than that; or we can take a portion of it if we know we're going to have a short fall in a specific line item in revenue. Mr. Kafer voiced his understanding that they would have a good idea by November as to where they are going in the Budget. Mr. DiStefano agreed that they are very close at this point and they also know if they have to stop their spending habits. However, Mr. Kafer reminded that last November 1, 2007, in response to Mrs. Albelli's letter that the surplus was being misused, they indicated that this year's surplus will be; not anticipated, but will be \$1,340,000. You didn't mention anything about anticipated and that's dangerous at that time. A careful look at the books would have said they won't come close to what they anticipated and they hope to make their goal, but they won't

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – WEDNESDAY, MARCH 26, 2008 – 7:30 P.M.

make it. They were off by at least \$400,000. Mr. DiStefano reminded that because of what the Assessor puts in, in October, it gets very late as to what those extra monies are going to be.

Mayor Heymann explained that they don't know, because the Assessor doesn't advise us of such, what her changes are until the middle of October, which is the same time when they can make the changes in November. Mr. Kafer explained that when they wrote this letter, they did the same thing back in November of 2007. In your letter, you said we will have that surplus; and you didn't have it then and you still don't have it now. He doesn't think it was right for them to address a letter like that to a private citizen. Everybody signed it, except Ms. Tutoli and he advised that they be more cautious. Mr. Glidden thanked him for his comments.

Jesse Rosenblum, 65 Knickerbocker Road, questioned Mr. Kafer if he knew what the posted capacity of the school gym was and Mr. Kafer explained that he doesn't think they will come close to beating it. Mr. Rosenblum informed that if a lot of people show up, they will have to wait outside. Mr. Kafer indicated that he would be lucky to have 20 people show up.

25. ADJOURN

Motion to adjourn the Regular Meeting at 9:20 p.m. was made by Councilman Glidden, seconded by Councilwoman Amitai and declared unanimously carried.

Provided to Mayor and Council  
on April 3, 2008 for approval  
at the Regular Meeting to be  
held April 9, 2008

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Loretta Castano, RMC  
Borough Clerk

Prepared by Cynthia L. Meyer utilizing  
Recording of meeting

Approved at the Regular Meeting held 4/9/08  
Consent Agenda Item No. 14c.

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES – WEDNESDAY, MARCH 26, 2008 – 7:30 P.M.

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION MINUTES – MARCH 26, 2008 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:39 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

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

Acting Administrator/Treasurer, John DiStefano

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

The following persons were absent:

Councilman David Barad

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

Mayor Heymann declared that the meeting was being held in compliance with the provisions of the Open Public Meetings Act.

3. COMMITTEE REPORTS

A. FINANCE AND TECHNOLOGY - KASHWICK (GLIDDEN/TUTOLI)

1) STATUS REPORT RE CAPITAL BUDGET/CAPITAL PLAN – Mr. Kashwick reported that the 2008 Municipal Budget was introduced at the Special Meeting held 3/19/08. He advised that the Extraordinary Aid request was filed and they should know by the end of the summer if they have been approved. Once they know the amount, they can apply for the 4% Tax Levy CAP Waiver.

2) STATUS REPORT RE TRANSPORTATION (Northern Valley Transportation Group Meeting held 10/25/07/possible meeting early February) – Nothing new to report.

3) STATUS REPORT RE CLOSTER WEBSITE – Nothing new to report.

4) STATUS REPORT RE IN-KIND MATCH OF \$25,000 FOR COMMUNITY FORESTRY GRANT (Work to be done by DPW) RM 6/27/07

5) REPORT- Councilman Kashwick reported as follows:

a. A subcommittee of the Environmental Commission met this evening to discuss the smaller bridges for the Trail Project; and they are moving ahead with the designs for those. He reminded that the Third Annual Tree Planting was to be held Saturday, 4/26/08, which involves public participation in the planting of tree saplings in different sites throughout the Borough.

b. The Shade Tree Commission is finalizing their Community Forestry Master Plan.

c. There was nothing to report regarding the Historic Preservation Commission.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – WEDNESDAY, MARCH 26, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

B. PUBLIC SAFETY – GLIDDEN (HENNESSEY/TUTOLI)

- 1) REPORT - Councilman Glidden noted there was nothing new to report.

C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN)

- 1) REPORT – Councilman Hennessey reported as follows:

- a. He attended his first Ambulance Corps Committee meeting this month; he noted that Helen and Michael Chang, a couple from Alpine, donated a \$175,000 ambulance to Closter. He explained that the Ambulance Corps is 100% funded through donations; and they will have their first fundraiser in April.
- b. Mr. Hennessey thanked Chief Berrian for responding to Tony Lupardi and Jean Marie-Varni’s request to have all police officers certified as first responders. It was completed last week, and it enables the police to receive a sign-off on someone who may have been in an accident and refused medical help. Therefore, the Ambulance Corps does not have to respond.
- c. The DPW started the road improvements on the west side by replacing the frames and grates on the storm sewers. In response to Councilman Hennessey, Borough Engineer informed that they are scheduled to have the work at Ruckman Field completed first, due to the baseball season; this should be completed in the beginning of May; they will then commence the road paving. They will close streets down in the middle of paving process, which is short-term/half-day; and emergency access will be maintained.
- d. At the DPW Committee meeting, they were discussing with Bill Dahle about possibly having the DPW responsible for street-opening permits. They would have to establish a procedure to achieve this. Mayor Heymann informed there would be a meeting regarding this matter next Wednesday with all of the parties involved in road-openings. She would like to set up a schedule, as was done with the tree process. There will be a spreadsheet, which will follow every road opening from the time it was requested, including by whom and for what purpose, and how it is being followed by each department.

Mr. Hennessey stressed that one department should have jurisdiction over the whole issue, whether it be the Construction Department, the DPW, etc... It should be with the DPW and they should follow through. Borough Clerk informed that the Superintendent of Public Works was the person who created the form and it was easier when the utilities were smaller and the contacts were with specific individuals from those utilities. However, it has become more complex due to insurance requirements. In response to Ms. Castano’s request, Mayor Heymann informed that she would be invited. Councilman Hennessey noted that Bill Dahle was doing an excellent job as Superintendent of the DPW; Councilman Glidden agreed. Ms. Castano clarified that he was Acting Superintendent of Public Works; and Mr. Glidden acknowledged and verified that he has ‘stepped up to the plate.’

At this time, Mayor Heymann referred to the matter regarding the Ambulance Corps. and explained that it does fund itself; however, it is her understanding that every second ambulance they receive, the Borough pays for in order to balance their accounts. They take care of all of their expenses. It was clarified by Mr. DiStefano that this was not the case. The gift of \$175,000 is an incredibly generous gift to Closter, which the family offered and was not solicited to give. She wished to commend them at an official meeting with their attendance.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – WEDNESDAY, MARCH 26, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

- 1) REPORT RE ORDINANCE COMMITTEE MEETING HELD 2/25/08
- 2) REPORT – In the absence of Councilman Barad, Councilman Kashwick

reported as follows:

a. They are continuing work on the ordinance for the in-kind replacement of existing driveways. Councilman Glidden wished to know about the timing of this matter; and Mayor Heymann informed that she spoke to the Borough Attorney regarding same. In order to expedite this, because it is pending and is a priority, there is some language that needs to be changed, which will make the proposed Ordinance clearer. It will go to the Ordinance Committee meeting with a telephone conference so that it can be provided at the next Council meeting. In response to Mr. Glidden, Mr. Rogan explained that it could be introduced at the next meeting to be held on 4/9/08, if the Ordinance Committee is comfortable with it. Mayor Heymann concurred and noted it would then have to be advertised and a public hearing would have to take place. Mr. Rogan noted it could go into effect in May, should there be no changes made. His main concern regarding this was the wording “non-conforming structural element,” which could potentially mean that someone could have a knockdown and rebuild within that footprint, and not conform to any current zoning regulations. He cautioned that they are opening it up to anything and not just a driveway, which needs to be addressed, rather than leaving the door open for future non-conformity of lots.

At this time, Councilman Hennessey informed he had one more item regarding the DPW. In reference to Ordinance No. 2008:1009, authorizing the Chief of Police, Construction Official and the policemen to issue summonses to those who do not cut their grass, Mr. Hennessey questioned if it would be appropriate for this to fall under the jurisdiction of the DPW as well. Mayor Heymann and Mr. Rogan confirmed that the DPW could not issue summonses directly. Mr. Rogan informed that they could report this; Mayor Heymann noted that by ordinance, only certain people are authorized to give summonses, and the DPW does not have this authority. Mr. Rogan affirmed that they could report to the appropriate authority who would give summonses. In response to Mr. Hennessey, Mayor Heymann informed that this authority could not be given to the DPW because it is State legislation. Borough Attorney further explained that the Construction Official is a State employee; and he has this authority in terms of State regulations.

E. HUMAN RESOURCES - TUTOLI (KASHWICK(/BARAD)

- 1) REPORT RE PERSONNEL COMMITTEE MEETINGS
- 2) REPORT – Councilwoman Tutoli reported as follows:

a. Councilman Kashwick has replaced Mrs. Amitai on the Committee; and they will be having a meeting on Friday afternoon to catch up and resolve any outstanding issues.

b. She attended the Library meeting; and informed that the children and young adult programs are growing and are very successful; they will be expanding these programs into possibly including a senior citizen program. They have Nintendo Wii and they can participate in bowling and other games using it. They are hoping to get a group of senior citizens together to bring in more of the community.

Mayor Heymann requested that the information be sent to Mr. Rogan for JoAnn Riccardi to participate in the phone conference on Friday. She also welcomed the Mattes family.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, MARCH 26, 2008 – 7:30 P.M.

3. COMMITTEE REPORTS (Continued)

F. LAND USE AND CONSTRUCTION - AMITAI (BARAD/HENNESSEY)

1) REPORT – Councilwoman Amitai reported as follows:

- a. The Closter Improvement Commission requests that rocks be placed around the base of the signs in front of Borough Hall, so that when they are changed, people do not go home with muddy shoes. Mayor Heymann referred this to the DPW.
- b. They are working on the Art Festival coming up on 4/6/08 at Northern Valley Regional High School in Demarest at 4 p.m.; she advised that tickets are available as well as books of ten tickets to invite others. Ms. Amitai added that all the Councilmembers need to be there. Mayor Heymann commended the work of Councilman Glidden's wife.

4. OLD BUSINESS

Councilman Kashwick referred to the issue of the signs that Mrs. Amitai was discussing, and explained that the Shade Tree Commission has requested that the sign be relocated for the sake of the Blue Spruce tree. Mayor Heymann confirmed this will happen.

At this time, Mrs. Amitai informed of a complaint that the clock (at Alice Barkley Square) was not working. Mayor Heymann explained that the clock has not had consistent maintenance. She added that if they are going to keep the clock, it needs to be maintained. They currently have an anonymous donor who will pay for the annual maintenance of the clock; this will go into effect; and the motor has to be replaced at the moment.

5. NEW BUSINESS

a. DISCUSSION RE GIRL SCOUTS CABIN (Requested by Mayor 03/18/08)

Mayor Heymann explained that, in accordance with the Mail List Item (13. M.L. 3/13/08), the Girl Scouts can no longer afford to pay the insurance costs, nor the maintenance of the cabin, as they no longer have the girl or mother power to do this. It is now up to the Mayor and Council to decide what to do with this cabin in Mollicone Park, which can be accessed across the Tenakill Brook through Eckerson and officially through the small road from Taillon Terrace. It has been in existence for a very long time and has been neglected/refurbished several times. At this point in time, the Girl Scouts in Closter can no longer deal with it; and the Council has the following options: they can raze the cabin or they can keep the cabin. She reminded that the Girl Scouts owned the cabin, but the Borough owns Mollicone Park; they are not interested in keeping it due to the insurance and maintenance, so it could be officially given to the Borough. Once the cabin is received by the Borough, they can raze it or offer it to one of the Borough non-profit groups.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – WEDNESDAY, MARCH 26, 2008 – 7:30 P.M.

5. NEW BUSINESS (Continued)

In response to Mayor Heymann, Jack Kelly, member of the American Legion, affirmed that the non-profit group he is associated with did not want the cabin. Mayor Heymann noted that it needs to be looked at by the non-profit groups that could use this; the Nature Center could use the cabin as an annex and it is a very nice cabin. She has the keys to the cabin and invited any one who wished to see it to let her know and she would take them there. Mr. Kelly reminded that many objected to people parking by the cabin and questioned if this was still an issue. Mayor Heymann did not believe it was; and Councilwoman Amitai noted that Mr. Kelly would do a great job at maintaining the cabin.

Mayor Heymann confirmed that the American Legion was a possibility as well as the Boy Scouts. She received a letter from Dave Scholz, dated 3/25/08, a leader for the Boy Scouts and read as follows:

“I brought up the availability of the Girl Scout Cabin at the Boy Scout meeting last night. They had an interesting idea. Northvale had approached us a year ago about sharing our cabin. They needed a meeting place and a spot to store tents, stoves, etc... We declined because the logistics of keeping everything separate would have been too difficult. What do you think of the idea of letting them use the cabin in exchange for maintenance and paying for any utilities and insurance, or perhaps a rental fee paid to the DPW and letting the DPW maintain and insure it. The idea is that the building will remain in good condition and will still belong to the town without it costing the town any money. You can approach the Northvale troop and either have us take over the cabin and deal with them or set it up for the Borough to deal with them. Give us some thought and let me know.”

Mayor Heymann believed this to be a great idea. Mr. Kelly offered to look at the cabin to see if it has heat and light in it. Mayor Heymann explained that it had electricity and is modern; it also has sleeping facilities and a kitchen; and if one gets permission, they can have a camp fire in front of it. Mr. Kelly noted he would talk to Joe about this and look at it. Mayor Heymann explained that one of the issues the Borough realized was that the path leading up to the cabin is too narrow for a fire engine. She asked for comments from the Council and informed that they received information regarding the insurance. Currently, the Girl Scouts are paying \$700 as a private, non-profit; if it were to come under the Borough's insurance, it would run about \$145 per year.

Councilwoman Amitai informed that they certainly wished to keep the cabin. Mayor Heymann asked if they wished to wait for answers from the American Legion if Mr. Kelly was serious about looking into it. Mr. Kelly confirmed same; and Mayor Heymann expressed the idea that it should first be offered to Closter organizations. She asked that this item be kept on the Agenda for an additional two weeks and would like to come back to this with more information.

Mayor Heymann explained that another issue she wished to discuss was with regards to a Letter to the Editor for the next issue of the Suburbanite (12. M.L. 3/27/08). She welcomed input from the Council, as it is a response to the article in today's Suburbanite regarding the Closter Budget. After reviewing same, she recalled to the Council that at the last meeting, they recommended that this be communicated to the public. Councilwoman Amitai questioned the loss in fees for construction revenue. Mayor Heymann explained that this was due to a decrease in construction.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – WEDNESDAY, MARCH 26, 2008 – 7:30 P.M.

5. NEW BUSINESS (Continued)

Councilman Hennessey questioned how a surplus could be lost revenue. Mayor Heymann explained as follows: the surplus comes from building assessments that take place between the last revaluation and anytime afterwards. New construction or added construction during the year is charged out on October 1st and the following year becomes part of available funds and that is from where we draw most of the surplus. Some of the surplus is actual, what one would consider surplus, as moneys that have not been spent. Mr. Hennessey questioned if this was a line-item in every budget and has always been in every budget. Mayor Heymann confirmed that the surplus is usually in every budget and the State governs the minimum that can be left in the surplus funds and encourages to not leave much more than the minimum. The State governs the ratio. Mr. Hennessey noted that the surplus is anticipated funds, not accumulated funds. Mayor Heymann disagreed and explained that the surplus taken is from accumulated funds and the following year, they build up the funds again. Mr. Hennessey informed that this was stated as anticipated surplus, and Mayor Heymann asserted that this should not state this and it is a wording issue. It is from the surplus if they take out; and it is anticipated when they put back in; she did not know why it was written incorrectly.

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

No one wished to be heard.

7. OPEN MEETING TO THE PUBLIC

No one wished to be heard.

8. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

No one wished to be heard.

9. ADJOURNMENT

Motion to adjourn the Work Session at 9:07 p.m. was made by Councilman Glidden, seconded by Councilwoman Amitai and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on April 3, 2008 for approval at  
the Regular Meeting to be held  
April 9, 2008

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Loretta Castano, RMC  
Borough Clerk

Prepared by Donelle Bright  
utilizing recording

Approved at the Regular Meeting held 4/9/08  
Consent Agenda Item No. 14d.