

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – AUGUST 12, 2009 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, August 12, 2009. Mayor Heymann called the meeting to order at 7:35 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., John Kashwick, David Barad,
Cynthia L. Tutoli (7:37 p.m.), Victoria Amitai (7:50 p.m.)
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Engineer, Nick DeNicola
Chief of Police, David Berrian
Chief Financial Officer, Joseph Luppino
Court Administrator, Bonnie Switzer
Tax Collector, Maria Passafaro

The following persons were absent:

Borough Clerk, Loretta Castano
Councilman Thomas Hennessey

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)

Linda Albelli, 353 High Street, informed that former Police Department Captain, Fire Chief and Ambulance Corps Captain Thomas Phillips was laid to rest today. She requested a Moment of Silence in memory of Captain Phillips.

Mrs. Albelli advised that Fire Chief Kurt Vreeland and his wife Lisa, former Ambulance Corps Captain gave birth to their son Robert. Mayor Heymann extended congratulations to the Vreeland family.

In answer to Jack Kelly, 132 Herbert Avenue, Borough Attorney said there is a tax appeal pending on the golf course property and noted that part of the owner's argument was that revenue is down. In defense of this litigation, the Borough hired a forensic accountant to perform a business evaluation. The property owner did not request a meeting with the Mayor and Council to discuss settlement of the tax appeal. Mr. Kelly cited the economic conditions and its impact on the residents and businesses in Closter.

Hugh Johnson, 107 Demarest Avenue, requested that the road signs on High Street be removed; and Borough Engineer explained he would contact the County on this matter. Mr. Johnson referred to the landscaping done by Susan Boudet at a cost of \$34,000. Mayor Heymann provided a bill for \$16,000 for the landscaping and the three estimates that had been received for the project. \$11,280 was spent in 2007, which the Borough Engineer explained were the plantings at Lindemann and Brook Streets mandated by the Department of Environmental Protection as part of the 2007 Road Program. Mayor Heymann said in 2008, \$2,041 was spent for other plantings around Borough Hall and the generator; and during 2007, 2008 and 2009, Susan Boudet received a total of \$4,080 for additional work done in the small parks.

5. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCES @7:30

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – AUGUST 12, 2009 – 7:30 P.M.

P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

The following Ordinances were introduced at the Regular Meeting held 7/22/09 and were published in the Press Journal on 7/30/09 as stated in the printers affidavit of publication. Reprint of these Ordinances were posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public:

- a. NO. 2009:1048, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 171 OF THE CODE OF THE BOROUGH OF CLOSTER”

Mayor Heymann declared a Public Hearing. No one wishing to be heard, Mayor Heymann closed the Public Hearing.

Motion approving adoption of Ordinance No. 2009:1048 was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

- b. NO. 2009:1049, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING FEES AND DEPOSITS”

Mayor Heymann declared a Public Hearing. No one wishing to be heard, Mayor Heymann closed the Public Hearing.

Motion approving adoption of Ordinance No. 2009:1049 was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

6. COMMUNICATIONS

- a. MAIL LIST – JULY 23, 2009 – Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide and comments.

The following items were removed by the following individuals: Councilwoman Amitai removed Item No. 2 and Hugh Johnson questioned Item No. 14.

Item No. 14 – Received 7/21/09, dated 7/21/09 from Joseph V. Doria, Jr., Commissioner, State of New Jersey, Department of Community Affairs to Borough Clerk via e-mail. Re Notice of Adopted Changes to the Residential Site Improvement Standards, N.J.A.C. 5:21.

In answer to Mr. Johnson, Mayor Heymann advised that at the time the correspondence was forwarded to the Borough, Mr. Doria was the Commissioner of the Department of Community Affairs and that he subsequently resigned from that position.

Item No. 2 – Received 7/17/09, dated 7/16/09 from Paul Demarest, Land Use Coordinator/Zoning Board of Adjustment, to David Bole, Esq., Winne, Dooley & Bole, PC re Notice granting approval of application for 38 Fairview Avenue, Block 704/Lot 10, Case #Z-2009-02.

Councilwoman Amitai noted that this is an example of the Zoning Board application for hardship because the architect or engineer had made an error in building coverage and floor area ratio; and she felt these types of applications should be addressed. Borough Attorney noted that it would be up to the Zoning Board to deny the application and remove the encroachment. In addition, he noted that the Zoning Board is quasi-judicial and must decide each case on its own merits; and the Mayor and Council should not get involved in instructing either the Planning or Zoning Board. The Borough cannot place any restrictions in a deed involving a private transaction. The remedy would be to appoint different people to the Board that they feel would follow the policies of the Borough. Councilman Barad explained that the remedy for numerous incorrect calculations on the part of an architect or engineer is the State Department that licenses these professionals. Councilman Glidden said that our individual opinions could be addressed to the members of the Zoning Board.

- b. MAIL LIST – JULY 30, 2009 – Mayor Heymann reviewed the correspondence

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – AUGUST 12, 2009 – 7:30 P.M.

distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

c. MAIL LIST – AUGUST 6, 2009 – 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.

At this time, Jack Kelly, 132 Herbert Avenue, questioned the County Open Space Grant listed on the 7/23/09 Mail List as Item No. 13 and was advised by Mayor Heymann that the grant had been approved and that the Borough would not receive the money in advance but after same is expended. This matter had been discussed a number of times; and depending upon the cost, some of the improvements may not occur.

The following items were removed by the following individuals: Hugh Johnson removed Item No. 10.

Item No. 10 – Received 8/5/09, dated 8/4/09 from Irene Stella, Acting Chairperson, Closter Historic Preservation Commission re Report on Designation Hearing for the West Street/Harrington Avenue District, District Map and List of Properties.

Mr. Johnson, 107 Demarest Avenue, advised that all of the bushes have been removed at 290 Harrington Avenue and same was a historic hedge. Mayor Heymann said that the Borough cannot prohibit actions on private property. Mr. Johnson referred to the Borough clock that is not working and that same is costing the Borough money. Mayor Heymann said that the Borough has a contract with the clock company that is paid for by a private donor; and the service contractor has been notified. Councilman Barad noted that the West Street/Harrington Avenue is a proposed historic district and there is a broad range of opinion on this matter.

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

Mayor Heymann opened the meeting to the public for communication items only.

8a. REVIEW OF CONSENT AGENDA ITEMS
 (PROCEDURE TO BE EXPLAINED BY MAYOR HEYMANN)

Mayor Heymann explained the procedure and 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

9.* BILL RESOLUTION – JULY 31, 2009
TO BE PREPARED BY DEPUTY TREASURER (Requested by Deputy Treasurer 7/22/09)

10.* BILL RESOLUTION – AUGUST 15, 2009
TO BE PREPARED BY DEPUTY TREASURER

11.* POSSIBLE APPOINTMENT(S) OF SALARIED EMPLOYEES (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) RESOLUTIONS TO BE PREPARED BY ACTING ADMINISTRATOR/TREASURER (Adjourned from RM 1/14/09; 1/28/09; 2/11/09; 2/25/09; 3/11/09; 3/25/09; 4/6/09; 4/22/09; 5/13/09; 5/27/09; 6/10/09; 6/24/09; 7/8/09; 7/22/09):

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

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – AUGUST 12, 2009 – 7:30 P.M.

- 12.* RESOLUTION AUTHORIZING THOSE LICENSEES WHO HAVE NOT RECEIVED THEIR TAX CLEARANCE CERTIFICATES FROM THE DIVISION OF TAXATION, WHO HAVE COMPLIED WITH ALL OTHER REQUIREMENTS FOR RENEWAL OF THEIR 2009-2010 ANNUAL LIQUOR LICENSE RENEWALS, TO APPLY FOR AN AD INTERIM PERMIT UNTIL SUCH TIME AS THEIR TAX CLEARANCE CERTIFICATE IS OBTAINED FROM THE DIVISION OF TAXATION
TO BE PREPARED BY BOROUGH CLERK
- 13.* RESOLUTION EVIDENCING COMPLIANCE BY THE GOVERNING BODY WITH N.J.S.A. 40A:5-4 AND N.J.S.A. 40A:5-6 RE 2008 AUDIT (Audit Report rec'd. 7/21/09/distributed 7/21/09) GROUP AFFIDAVIT FORM CERTIFICATION OF GOVERNING BODY RE 2008 AUDIT REPORT (to be signed by each member of the Governing Body certifying they have personally reviewed and are familiar with at least the "Letter of Comments and Recommendations" Section of the Annual Report of Audit)
- 14.* RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE \$1,000.00 CASH ESCROW TO MICHAEL NOBILE RE ROAD OPENING PERMIT NO. 2006:003 FOR RESTORATION OF TRENCH OPENING AFTER CONSTRUCTION AT BLOCK 2002, LOT 5, 45 PRINCETON STREET, IN ACCORDANCE WITH BOROUGH CODE CHAPTER 171 (Received from Deputy Treasurer 8/4/09)
- 15.* RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$804.54 TO GAWLIK, THOMAS & DIANE, FOR BLOCK 2403 LOT 7, 26 VIVIAN LANE DUE TO 2009 REAL ESTATE TAX OVERPAYMENT (Received from Tax Collector 8/4/09)
- 16.* RESOLUTION AUTHORIZING ADVERTISEMENT OF BIDS FOR THE PURCHASE OF TREES AND RELATED SERVICES (Received from Borough Attorney 8/6/09)
- 17.* RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE THE REMAINING ESCROW BALANCE IN THE AMOUNT OF \$685.64 TO 58 KINDERKAMACK ROAD LLC FOR SATISFACTORY COMPLETION OF DEVELOPMENT OF BLOCK 1604 LOTS 4, 5 AND 6 (Received from Administrator 8/6/09)
- 18.* RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12a as follows:
(Commodity/Service: Temporary Labor; Vendor: Beattys Services Inc., Hackensack, NJ; State Contract: A62207, Maximum Amount: \$9,500; Duration: from 8/12/09 to 12/31/09
(Received from Administrator 8/6/09)
- 19.* RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK TO O&P REALTY CORP. & THE IRWIN LAW FIRM, P.A. IN THE AMOUNT OF \$22,059.43 FOR BLOCK 1206 LOT 1 DUE TO TAX OVERPAYMENT (TCJ rendered 7/24/09) Received from Tax Collector 8/6/09
- ~~20.*~~ RESOLUTION AUTHORIZING THE ADVERTISEMENT OF BIDS FOR THE LEASE OF A PORTION OF LAND CURRENTLY LOCATED AT WELLINGTON AVENUE IN THE BOROUGH (Received from Borough Attorney 8/6/09)
- ~~21.*~~ *POSSIBLE* RESOLUTION REFERRING THE REPORT OF THE HISTORIC PRESERVATION COMMISSION TO THE PLANNING BOARD (10. M.L. 8/6/09)
(Received from Borough Attorney 8/6/09)
- 22.* RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE TO DEVELOPER MADISON CONSTRUCTION, LLC RE MINOR SUBDIVISION AT 71 HARRINGTON AVENUE (BLOCK 70 LOTS 11 AND 13), UPON RECEIPT OF \$19,690.00, THE AMOUNT OF \$9,846.22 IN ESCROW, LEAVING CASH ESCROW BALANCE OF \$2,077.50 FOR OUTSTANDING INSPECTION COSTS FOR THE BOROUGH ENGINEER (Received from Administrator 8/6/09)

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – AUGUST 12, 2009 – 7:30 P.M.

MOTIONS

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

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOARD OF HEALTH ALT. NO. 2	_____	2 Year un- expired to	12/31/09
HISTORIC PRESERVATION COMMISSION/MEMBER	_____	4 Year	12/31/12
IMPROVEMENT COMMISSION MEMBER	_____	2 Year un- expired to	12/31/09
MEMBER	_____	2 Year	12/31/10
ALT. NO. 2	_____	2 Year	12/31/10
RECREATION COMMISSION ASSOCIATE MEMBER	_____	1 Year	12/31/09
**SHADE TREE COMMISSION ALT. NO. 2	_____	2 Year	12/31/10

** Mayoral Appointment

At this time, Mayor Heymann made the following appointments:

<u>Office</u>	<u>Appointee</u>	<u>Term</u>	<u>Expiration</u>
Closter Improvement Commission Member	Jeanette Di Carlo	2 year unexpired to	12/31/09
Planning Board Alternate No. 1	Adrienne Isacoff **	2 year unexpired (Procida) to	12/31/10
Planning Board Alternate No. 2	William Barretta **	2 year unexpired (Kim) to	12/31/09
Class II Member of the Planning Board	Leonard Sinowitz **	1 year unexpired (Isacoff) to	12/31/09

** Mayoral Appointment

- 24.* APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 7/30/09) NO ABSTENTIONS:

- a. REGULAR MEETING OF JULY 22, 2009
- b. WORK SESSION OF JULY 22, 2009

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

- 26.* GRANTING APPROVAL FOR VOLUNTEER CENTER OF BERGEN COUNTY INC. TO CONDUCT THE 14TH ANNUAL BIKE TOUR PARTIALLY THROUGH THE BOROUGH ON SUNDAY, 9/27/09, FROM 7:30 A.M. TO 1:00 P.M. (7. M.L. 7/23/09 Approval received from Risk Management Consultant 7/23/09)

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – AUGUST 12, 2009 – 7:30 P.M.

- 27.* GRANTING APPROVAL FOR THE RECREATION COMMISSION TO CONDUCT THE FOLLOWING LABOR DAY ACTIVITIES (13. M.L. 8/6/09):

FRIDAY 9/4/09 @ 7 p.m. – COACHES ASSOCIATION PICNIC

SATURDAY, 9/5/09 @ 11 a.m. - 13th ANNUAL 4 PERSON VOLLEYBALL TOURNAMENT

SUNDAY, 9/6/09 @ 10 a.m. - 29th ANNUAL DOM MIRCOVICH MEMORIAL 5K RUN

(KIDS FUN RUN TO START @ 9:30 a.m.)

SUNDAY, 9/6/09 12 Noonish - 4th ANNUAL “GUNS AND HOSES” SOFTBALL GAME (POLICE VS. FIRE DEPARTMENT)

MONDAY, 9/7/09 @ 1 p.m. – ANNUAL LABOR DAY FIELD DAY EVENTS TO INCLUDE: KIDS RIDES**, pony rides (no approval received as yet); Ambulance Corps Food and Drink concession, Elks Beer Truck, three concerts, Annual Recreation awards; Fire Works** beginning @ approximately 8:45 p.m. - 9 p.m.

Rain Date: Sunday, 9/13/09 @ 1 p.m.

- 28.* MOTION GRANTING APPROVAL FOR BLOCK PARTY TO BE HELD AT THE END OF THE JOHNSON COURT CUL DE SAC ON SATURDAY, 9/5/09, FROM 6 P.M. TO 9 P.M. (15. M.L. 7/23/09)

- 29.* MOTION 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 9/7/09 FROM 12:00 P.M. TO 9:00 P.M.; RAIN DATE: 9/13/09 (Completed application received 8/7/09) - CERTIFICATE OF INSURANCE AND HOLD HARMLESS AGREEMENT TO BE FILED WITH ADMINISTRATOR FOR APPROVAL BY RISK MANAGEMENT CONSULTANT FOR USE OF MEMORIAL FIELD!

- 30.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

- a. CONSTRUCTION OFFICIAL – JULY 2009 (Received 7/31/09)

The following items were removed from the Consent Agenda by the following individuals. Mayor Heymann previously removed Item Nos. 11 and 25. Councilwoman Amitai removed Item No. 20. Councilman Kashwick removed Item No. 21. Borough Administrator removed Item No. 17.

- 8b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 11, 17, 20, 21, and 25 was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

31. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

17. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE THE REMAINING ESCROW BALANCE IN THE AMOUNT OF \$685.64 TO 58 KINDERKAMACK ROAD LLC FOR SATISFACTORY COMPLETION OF DEVELOPMENT OF BLOCK 1604 LOTS 4, 5 AND 6 (Received from Administrator 8/6/09)

Borough Administrator requested a change from the amount of \$685.64 to \$686 based on the July statement of the account.

Motion of approval was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – AUGUST 12, 2009 – 7:30 P.M.

20. RESOLUTION AUTHORIZING THE ADVERTISEMENT OF BIDS FOR THE LEASE OF A PORTION OF LAND CURRENTLY LOCATED AT WELLINGTON AVENUE IN THE BOROUGH (Received from Borough Attorney 8/6/09)

Councilwoman Amitai expressed her opposition to the resolution for the release of the Street.

Motion of approval was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad and Tutoli. Councilwoman Amitai voted no.

21. ~~POSSIBLE~~ RESOLUTION REFERRING THE REPORT OF THE HISTORIC PRESERVATION COMMISSION TO THE PLANNING BOARD (10. M.L. 8/6/09) (Received from Borough Attorney 8/6/09)

Councilman Kashwick asked that the word “possible” be removed from the resolution.

Motion of approval was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

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

At this time, Mayor Heymann extended her congratulations to Irene Stella on the Historic Report and noted that a resolution was adopted to forward the report to the Planning Board.

Councilman Barad commended the Borough Engineer for his recent accomplishment of having enough asphalt to pave an entire street rather than just half. He also announced that this evening there would be a meteor shower.

Jack Kelly, 132 Herbert Avenue, referred to the property on Wellington Avenue and was advised that it was the paper street on the south side of the Miele property and runs east and west.

Mr. Kelly questioned if any money was going into Surplus and Chief Financial Officer advised that the Surplus balance as of 12/31/08 was \$666,925. Mr. Kelly expressed his concern about the spending practices in the Borough.

Linda Albelli, 353 High Street, referred to the Open Space Fund allocation for 2009 and Mayor Heymann advised that the Borough Administrator is preparing a report on same. Borough Administrator advised that the 2009 allocations have not been done but he could provide a report on the 2008 authorizations. The Borough has a dollar match that must be provided and those Open Space monies have not been expended as yet but that \$68,100 has been reserved for agreed upon improvements. All of the financial records pertaining to the grant must be submitted to the County for reimbursement.

Mrs. Albelli referred to the purchase of the Homans Avenue property; and Borough Attorney advised that the closing has not taken place as yet; and based on information from the County, the closing should take place within the next several weeks.

Hugh Johnson, 107 Demarest Avenue, said the Closter Sidewalk Sale was an absolute disaster with only a few participating stores.

Mr. Johnson referred to his OPRA requests relative to John DiStefano’s vacation pay and the responses received from Dee Woods with a copy of the voucher which he went on to describe. He questioned the involvement of the Tax Collector in this matter. Borough Attorney advised that the ordinance provides that an employee earns vacation as of January 1 of each year. Mr. Johnson questioned who wrote “John DiStefani” and forged his signature; and was it his friend Dee Woods. Borough Attorney said when you accuse a lay person of a crime, you are subjecting yourself to a libel/slander lawsuit. You indicated that it was a forgery, which is a crime in the State of New Jersey and you indicated that against a person who is not a public official. He noted that he represents the Borough of Closter and with that goes the employees of the Borough.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – AUGUST 12, 2009 – 7:30 P.M.

Jack Kelly, 132 Herbert Avenue, questioned when the County tax rate would be available. Mayor Heymann said that the County rate has been established and Tax Collector advised that the estimated bills are official bills and the new bill would be provided shortly.

Mayor Heymann read the following Resolution and asked for a motion approving same:

32a. RESOLUTION AUTHORIZING THE RELEASE OF THE BUILDING SUB-CODE OFFICIAL FROM HIS UNEXPIRED TERM

Councilman Barad voiced his opinion that Mr. Sager served the Borough well and commended him for his code enforcement.

Motion of approval was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

Mayor Heymann read the following Resolution and asked for a motion approving same:

32b. RESOLUTION IN APPRECIATION OF THE SERVICES PROVIDED TO THE BOROUGH BY BENJAMIN M. PINCZEWSKI, ESQ.

Motion of approval was made by Councilman Glidden seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

Hugh Johnson, 107 Demarest Avenue, asked the status of the replacement for the Construction Code Official; and Mayor Heymann advised that the interview process is taking place. Borough Administrator informed that the process is ongoing and several candidates have expressed an interest; and the Borough should be in a position to take action by the end of the month or shortly thereafter. He explained he would be reporting on the matter later in the evening.

At this time, Borough Attorney referred to a letter received from Vantage Health relative to the transfer of real estate to them for the purpose of construction of housing that would assist the Borough in satisfying our third round COAH obligation. In the contract agreement is a reverter clause indicating if the property is used sometime in the future in a manner that no longer assists the Borough, the property would revert back to the Borough. There was also a no assignment clause. Vantage Health has formed a subsidiary under the name of Van Sciver Corp. for the purpose of developing and managing the site; and a request has been received for the Borough's consent to assign its rights to this subsidiary. This would not change any other conditions of the agreement. Van Sciver is set up as a corporation and specifically limited to provide low-income housing.

32c. Motion of approval for the consent to assign the rights of Vantage Health under an agreement to develop Block 1104, Lot 18 dated December 4, 2007 to Van Sciver Corp. was made by Councilman Glidden seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

Mayor Heymann asked for a motion to recess the Regular Meeting to go into the Work Session at 9:00 p.m.

Motion to recess the Regular Meeting at 9:00 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Mayor Heymann resumed the Regular Meeting at 9:36 p.m.

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

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – AUGUST 12, 2009 – 7:30 P.M.

APPROPRIATE

- 33a. Motion approving the following Resolution at 9:36 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai:

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)(7), “Pending or anticipated litigation or contract negotiations”; and N.J.S.A. 10:4-12(b)(8), “A matter involving public employees; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the contract negotiations, litigation and matter which should be within 6 weeks.

Mayor Heymann resumed the Regular Meeting at 10:00 p.m.

- 33b. The recording began at this time with the Administrator informing as follows:
..... during the period that Youngmin (Woo) (Part time Code Enforcement Official) is on vacation, this week and next, it is proposed to increase Joe Zavarino’s hours not to exceed 25 hours per week. In response to Mrs. Amitai’s inquiry, Mr. Wiest explained that Mr. Zavarino is currently working 6 hours per week (Building/Technical Inspector; Fire SubCode Official); and in order to take up Building Subcode, our estimate is that it is another 8 to 10 hours. He doesn’t know how long it would take to clear things up in the office to be current. He doesn’t believe Mr. Zavarino wants to work 25 hours, but he is providing him with the opportunity to do so.

Mr. Wiest also requested that Guiseppe LaMastra (Building Technical Inspector; Plumbing Sub-Code Official) be allowed to work up to 9 hours per week. Presently, he is working 6 hours per week.

Borough Administrator explained that both the increases in hours would be effective until September 15, 2009 at which time they can reassess.

Motion of approval was made by Councilman Glidden seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

MEMORIALIZING RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY

34. ADJOURN

Motion to adjourn the Regular Meeting at 10:03 p.m. was made by Councilman Barad, seconded by Councilman Glidden and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on August 20, 2009 for approval at
the Regular Meeting to be held
August 26, 2009

Loretta Castano, RMC
Borough Clerk

Prepared by Carol A. Kroepke, RMC
utilizing recording and Court Administrator’s
notes

Approved at the Regular Meeting held August 26, 2009
Consent Agenda Item No. 21a.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – AUGUST 12, 2009 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:07 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., John Kashwick, David Barad,
Cynthia Tutoli and Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Municipal Court Administrator, Bonnie Switzer
Borough Engineer, Nick DeNicola
Chief of Police, David Berrian
Tax Collector, Maria Passafaro

The following persons were absent:

Councilman Thomas Hennessey
Borough Clerk, Loretta Castano

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

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

3. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT Borough Attorney reported on the following matters:

a. For informational purposes, Mr. Rogan informed that the Borough was served this week with an additional lawsuit regarding the retail space ordinance which was passed and increased the maximum retail space from 40,000 to 45,000 square feet. The main Plaintiff is the A&P and two private residents were named as additional Plaintiffs. He expressed his belief that the allegations are unwarranted and advised he will be filing an answer to the suit within the next two weeks and then moving for a motion to dismiss shortly thereafter.

b. He already reported on Vantage during Open Session and had nothing further to add on this issue.

c. Mr. Rogan requested a Closed Session to discuss an issue regarding potential litigation.

d. He looked into the home contractor's registration issue as requested by Councilman Hennessey at the last meeting. For the most part, our ordinance does provide for a licensing provision for any home improvement contractors, however it also provides for a number of exceptions, one being if you were doing your own work, and the other being if the State issues a license for that particular area of expertise. If the State issues a license, then the Borough cannot require an additional license. As of 2006 the State started registering home

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – AUGUST 12, 2009 – 7:30 P.M.

improvement companies; so, for the most part, we are pre-empted. In “subsection d” to our Ordinance which says in the event that the State has opted to license that particular area, it is not applicable. If there is another area of home improvement type of activities, then they should and are required to obtain a license within the Borough. Councilman Barad questioned if the clause stated it was not necessary, meaning that we couldn’t change that ordinance, or was it a State thing. Mr. Rogan explained that this was really a State pre-emption and that the ordinance mimics the State law, which is if a State has determined to regulate an area, a County or local municipality is pre-empted. His expectation is that at the time the Ordinance was drafted, it was mimicking the State law. Dr. Barad responded that he feels it was the Council’s goal to use that as a tool to have an opportunity to sanction at the local level, contractors who have repeatedly gone against our policies. Mr. Rogan expressed that similar to the other issue, where architects who maybe either make an error or deliberately misstate something on an application, the Borough does have the right if the issue becomes repetitive or does appear to be some sort of pattern, to monitor that internally and report somebody to the State Board. Dr. Barad suggested that perhaps we needed to focus more on our internal monitoring procedures; and Mr. Rogan concurred that perhaps we should look into monitoring that tighter than we had in the past.

e. He advised that approximately two weeks ago, we did have an application regarding whether the Council would have an objection to a traffic light being installed at the corner of Piermont Road and Vervalen Street. He was not sure where that issue stood as far as reporting back to anyone. The request was made by the owner of the property of the Assembly, inquiring whether or not there would be an objection by the Council if the property was released or sold to someone else. Councilwoman Amitai requested clarification of the intersection and Mayor Heymann reiterated that it was an “if” scenario. Mr. Rogan advised that there is currently no contract pending but the inquiry was, probably depending on what the answer was, whether or not they would have to fight for it, that they could sell to one person as opposed to another. Mayor Heymann clarified that the issue was that it is a County road, and ultimately we do not have a say, but the owner wanted to know if we would file an objection. She feels the answer should be probably no, we don’t file any objections to traffic lights put in by the County, because we could certainly use it there. Ms. Amitai questioned if that should be a part of the whole study for the downtown Closter Plaza; and Mayor Heymann responded that it was. Dr. Barad reminded that there was nothing proposed; and we can’t give a hypothetical approval. Our sense it that we wouldn’t have a major objection; but if they proposed something ridiculous, we would have the right to object; and the Mayor agreed. The Borough Engineer explained that the traffic has to meet a certain warrant analysis, 2 of 7 criteria he believes; so if it is not justified, it can’t be put in. Mayor Heymann wanted to clarify that the major sense of the Council was that if somebody wanted to put one in, there would be no objection; and the Council agreed.

At this time, Mr. Rogan advised he has nothing further to report other than the Closed Session items regarding litigation and a personnel matter.

B. BOROUGH ENGINEER

1) STATUS REPORT RE WEST STREET PROJECT

(Bid Awarded to Arnold’s Roads RM 2/25/09/\$114,215) - Mr. DeNicola advised that this job had been completed and the final reimbursement paperwork was sent to the DOT and should be coming to the Borough soon, so this item could be removed from his report.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – AUGUST 12, 2009 – 7:30 P.M.

2) STATUS REPORT RE ROAD IMPROVEMENT PROGRAM (Bid Awarded to Rockborn Trucking & Excavation, Inc. RM 5/13/09/\$1,494,692.50) - All of the paving has been completed to date but there is some remediation work, called a punch list, of items that need to be completed by the contractor. Two items remaining are the striping and the crack sealing; and they are expected to be completed in the next couple of weeks. The job will come in right about budget; and as the Council is probably aware, we were able to complete the upper half of Ruckman Road and all of Alpine Drive, as Councilman Barad alluded to earlier.

3) STATUS REPORT RE 2009 SAFE STREETS TO SCHOOL SIDEWALK PROJECT – NJDOT \$275,000 (not to exceed \$52,100) RM 6/24/09 - This is an NJDOT Grant with Federal Aid Money involved also. We have completed the survey and are working on the paperwork and proposed sidewalk locations. This project will probably be ongoing for about a year due to the Federal funding and the various hoops that we have to jump through for that funding.

4) REPORT – Mr. DeNicola advised the above items concluded his report.

Mayor Heymann asked if anyone had any questions and Councilman Barad noted that the paving was completed so quickly, in about a week. She expressed she wished they could have seen that how the work was being done. Over the years she had seen a lot of paving work done and she had never seen anything done exactly like that. They were able to show up with a hopper and distribute the tar right there and keep going; and it was like a seamless operation. It was wonderful to watch it happen.

4. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS REPORT RE 2009 MUNICIPAL BUDGET – Mr. Wiest advised there had been a brief meeting with the Finance Committee before the Regular Meeting; and while most areas of the Budget are looking okay at this point in the year, they had one significant disappointment, in the COPS MORE Grant that we had received for the Police Department in the prior years. We failed to receive that grant for this year; and it was anticipated in the budget; and they will be looking into ways to close that gap; and that is part of the reason Joseph Luppino was here earlier in the evening. There are a couple of other areas that we are looking into; but this was probably the most significant area of concern right now. Councilman Barad questioned whether we did not receive the grant because there were no funds or because we were not awarded it. Mr. Wiest clarified that we did not rate high enough on the rankings and advised that Chief Berrian distributed the rankings, which they could make available to the Council to review in terms of the points. Mayor Heymann expressed to Councilman Barad she felt there had probably been many more requests for a grant that is given annually than previously, and the way the rankings were settled, the favoritism went towards the urban areas.

2) STATUS REPORT RE BOROUGH WEBSITE – Mr. Wiest expressed that he felt Councilman Kashwick had given a very thorough report on the status of the website at the last meeting so he had nothing further to add. Mr. (Kevin) Whitney is returning from vacation in a few days, and they will meet again to follow up on the items previously indicated, such as going to a new content management platform in the coming year to update the look of the current

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – AUGUST 12, 2009 – 7:30 P.M.

website. Councilman Barad mentioned that a constituent brought up to him that since they could pay their taxes online, they wanted to know if they could pay their taxes on a monthly basis instead of a quarterly basis. Mayor Heymann advised there were two answers to this question. They had initiated the possibility of paying taxes on the web; they had to discontinue it because it wasn't working and it was costing the Borough money. By State law, we pay quarterly. We have no control over that. He questioned what would happen if someone wanted to make more steady monthly payments; and Mayor Heymann said she thought they would accept it and asked Maria Passafaro for clarification. Ms. Passafaro advised the State frowns upon installment payments. Mr. Wiest advised the State also frowns upon partial payments which is really what Ms. Passafaro is talking about. She clarified that if a payment was made each month, it is considered a partial payment. An installment payment is the total full amount due and payable on the due date. Dr. Barad explained that the notion was that this would give the Borough access to money ahead of time, and give the homeowner the opportunity to have a more regularly budgeted payment. Mayor Heymann advised that needed to be discussed with the State authorities that handle that. For further clarification, Dr. Barad asked if saying it is frowned upon, is it the same thing as saying it is illegal; and Ms. Passafaro responded that it wasn't.

3) STATUS REPORT RE FOLLOW UP WITH FILE BANK FOR STORAGE OF RECORDS (Requested by John DiStefano at WS 10/6/08) – Mr. Wiest advised the bill list this evening did include payments to File Bank in settlement of our outstanding balance with them, which is a negotiated amount. We will be making arrangements to get our files back from File Bank within the next week or 10 days and that should bring us to a conclusion on our relationship with File Bank.

4) REPORT RE INSURANCE ITEM(S) FOR FOLLOW-UP: He reported he is following up actively on both of the pending insurance items; and at this time, their insurance certificates are not in place; and he is having communications with Parsells Insurance Agency regarding obtaining those certificates.

- a) SADHU VASWANI TO POST SIGN OPPOSITE PNC BANK ANNOUNCING ANNUAL CARNIVAL TO BE HELD SUNDAY, 9/13/09 (6a. M.L. 7/30/09)
- b) APPROVAL FOR USE OF MEMORIAL FIELD BY BPO ELKS LODGE #2304 TO DISPENSE MALT ALCOHOLIC BEVERAGES AT THE LABOR DAY ACTIVITIES ON 9/6/09 (RM Agenda 8/12/09)

5) REPORT RE BID OPENING HELD 6/16/09 @ 2:00 P.M. FOR LEASE OF PORTION OF RUCKMAN PARK FOR UP TO THREE MONTHS (RM 6/24/09) – He expressed he reported at the last meeting that we did not have any bids on the Ruckman park lease. In fact we did not have anyone pick up the bid documents. At the end of the day, there was no bid opening. We will see if this issue comes up again next year. He thinks the company that stepped forward and expressed interest probably learned there is a little bit more to regulation of what they are doing than they realized. If it comes up again, he assumes they will be better prepared.

6) REPORT – At this time Mr. Wiest wanted to comment on the earlier mentioned transition in the Building Department. As you know, interviews are ongoing and we have several candidates. As I indicated earlier I think Council members will be quite comfortable in making a decision in the very near future. However, in order to move things through the department, I

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – AUGUST 12, 2009 – 7:30 P.M.

would like to request that we authorize this evening some interim changes, perhaps for a period up until the end of the month or through 9/15/09. Number one, Joe Zavarino, who previously served as the Construction Official in the Department has agreed to, on a very short term, as an “acting only” basis, to issue the permits and pick up on some of the building sub-code work. I have spoken to him about that and I would like to ask the Mayor and Council to authorize that change for a short period of time. Mr. Zavarino is not interested in the permanent position, as we have discussed, but in order to keep serving the public, he is quite willing to move the permits for the time being as both the Construction Official and Building Sub-Code Official. I would ask that his hours be increased on a temporary basis, perhaps to as many as 25 hours per week from what he is doing now. In response to Councilwoman Amitai’s inquiry, he clarified he is currently working about 8-10 hours a week; and asked Paul Demarest if that estimate was about right. Paul advised it is closer to 6 hours. Mr. Wiest said he feels he would probably not utilize the entire 25 hours per week, but he would like it there in case he needs to do it to clear things out of the office. And this would be for about a month.

Secondly, Guiseppe LaMastra, who works 6 hours per week as the Plumbing Sub-Code Official has also expressed a willingness to pick up some additional inspections. He would like him to be authorized to go from 6 hours a week to 9 hours a week. He expressed he thinks Mr. LaMastra is probably working more than 6 hours a week now and he would like to formalize that so that he can be paid for that additional effort.

Lastly, we have a short term issue in Code Enforcement, where one of the Part-Time Code Enforcement Officials is on vacation, and we find that when that happens, we really would like to increase the hours of the other Code Enforcement Official. Jim Whitney, who presently works about 20 hours a week anyway, we would like to ask that his weekly time be authorized to increase to 29 ½ hours per week so that he can pick up some of the activity that is not yet addressed while Youngmin is on vacation. Councilwoman Amitai questioned how long he would be away; and Mr. Wiest said only a couple of weeks. He reiterated that he is only looking for fairly short term changes. He asked that upon return to the Regular Meeting, it be addressed.

B. BOROUGH CLERK

In the absence of the Borough Clerk, no report was provided for the following items:

- 1) STATUS REPORT RE 2009 APPOINTMENTS
- 2) STATUS REPORT RE 2009 OATHS OF OFFICE
- 3) STATUS REPORT RE 2009 LICENSES
- 4) STATUS REPORT RE 2009 MEETING DATES
- 5) REPORT

C. CHIEF OF POLICE

- 1) REPORT – No report.

D. MAYOR

- 1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS:

a. GRANTS FILED

1. COMMUNITY DEVELOPMENT GRANT OF ~~\$110,000~~-\$205,000.00 FOR A.D. ACCESSIBLE BATHROOMS IN TWO PUBLIC PARKS (SHAUBLE AND

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – AUGUST 12, 2009 – 7:30 P.M.

MOLLICONE) RM 9/24/08 - Mayor Heymann requested at WS 10/6/08 that this addition be made to her Report in the amount of \$210,000 – Mayor Heymann informed that the Borough did not receive this grant, therefore it should be removed from her report.

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 - \$6,500/Match \$2,800
4. 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)
5. RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT AWARD \$10,000 (for all persons with varying disabilities in the NVRS District /7. M.L. 9/11/08) – Mayor Heymann reported that this grant is completed.
6. FY 2007 NATIONAL TRAIL RECREATION GRANT - \$25,000 - \$10,000 MATCH FOR TRAIL MAINTENANCE– Mayor Heymann reported that this grant is completed.
7. CERTIFIED LOCAL GOVERNMENT GRANT OF \$20,000 FOR HISTORIC PRESERVATION PLAN ELEMENT (7. M.L. 7/30/09) – At this time Mayor Heymann wanted to reiterate that we had just received this grant filed at the request of the Historic Preservation Commission which would include the Historic Preservation Plan Element as part of the Master Plan and make the Borough eligible for grants that we are not currently eligible for. Getting this grant, which would solidify our ability to plan appropriately in terms of keeping Closter’s historic areas clear for the future and make us eligible for grants. She congratulated the Historic Preservation Commission and Leslie Weatherly who helped get this grant. In response to Councilwoman Amitai, Mayor Heymann expressed that with this addition to the Master Plan, we will have all of the elements the State authorizes us to have because we have one which is mandated for housing, we have a green element and the now the historic element.

c. GRANTS TO BE FILED (None at this time)

- 2) STATUS REPORT RE RESOLUTION CALLING FOR CHANGES TO OPRA APPROVED BY NJS LEAGUE OF MUNICIPALITIES – Mayor Heymann advised there is nothing new to report. The OPRA regulations the way they are have been a

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – AUGUST 12, 2009 – 7:30 P.M.

tremendous burden to the Borough. She is keeping a file of the most egregious requests, but does not feel it will do much good because the media and the League of Municipalities want to be able to take advantage of that and they are not looking at the deficiencies, they are only looking at the positives.

3) REPORT – No further report.

5. OLD BUSINESS

At this time Mayor Heymann informed of an issue with United Water mainly as an explanation. United Water, as she reported earlier on, has approved Closter's usage of United Water property to extend the Cross Closter Trail from Harrington Avenue to the end of West Street. Part of that is to develop a contract with United Water to assure that everybody's needs and rights are taken care of. The Environmental Commission has written a report with their recommendations and our attorney has reviewed it as well. We really need to reconcile all of those issues and she will be reporting more on that in the future.

6. NEW BUSINESS

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

8. OPEN MEETING TO THE PUBLIC

Hugh Johnson, 107 Demarest Avenue, referred to Hickory Lane and questioned the possibility of a temporary improvement because the road is absolutely horrible. Mayor Heymann responded that she wanted to answer this question to share something interesting that happened to her today. Mr. Johnson interrupted that he was speaking to Mr. DeNicola; and the Borough Attorney advised him that the Mayor has a right to run the meetings. Mayor Heymann added that she would like the opportunity to say something. She said in addition to the work that was done by Rockborn, with cooperation from the DPW, she had received a message yesterday conveying the same concern Mr. Johnson has just expressed asking whether there is any chance some pothole filling can be done on Hickory Lane. She advised her answer was yes, there is, because she was already aware it was intended to happen. She received an almost immediate reply back saying that as the resident was reading the Mayor's response, she looked outside and saw that the potholes were being filled at that moment. The Mayor advised that if Mr. Johnson had looked today, he would see that up and down Hickory Lane, the potholes have been filled to the best of their ability.

Mr. Johnson addressed Chief Berrian regarding his expression of concern three weeks ago about the parallel parking in front of Paulie's making it difficult to make a left turn onto Schraalenburgh Road from Demarest Avenue. Chief Berrian advised he will take a look at the situation.

At this time he addressed Councilwoman Amitai and asked that something be done about the Chamber of Commerce. She asked him hadn't they invited him to become a member of the Chamber. He responded that he was not a member, he was a little stressed right now, but said she has to agree, something needs to be done about it. Ms. Amitai concurred and informed Mr. Johnson that they would like him to Chair the Chamber; and he responded that he does not own a

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – AUGUST 12, 2009 – 7:30 P.M.

business in town. She assured him that was not an issue because they needed as much help as they could get; and they do not have someone doing that at present.

Mr. Johnson mentioned he was going to speak to Mr. Whitney regarding his position as Property Maintenance Official because there were still two depressing manholes that still do not have barricades. A woman had hit one and was injured. He asked Mr. Whitney to go down and survey the situation. He continued that there were some real caverns opposite from PNC and Whole Foods. He expressed that the public is at risk, people are at risk and drivers are at risk. Mr. Rogan reminded him that was private property and not the responsibility of the Borough. Mr. Johnson reiterated that the public is at risk and Mr. Whitney should look at that. Mr. Rogan responded that there is certainly nothing wrong with the Borough requesting that. Mr. Johnson replied that even though the Police have requested something be done, the owners have done nothing because they are awaiting approval for Whole Foods. Mayor Heymann advised the Borough would follow up on that.

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

10. ADJOURNMENT

Motion to adjourn the Work Session at 9:35 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on August 20, 2009 for approval at
the Regular Meeting to be held
August 26, 2009.

Loretta Castano, RMC
Borough Clerk

Prepared by Arlene Corvelli
utilizing recording and Court
Administrator's notes.

Approved at the Regular Meeting held August 26, 2009
Consent Agenda Item No.21b.