

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – AUGUST 26, 2009 - 7:30 P.M.

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

Those present were the following:

Mayor Sophie Heymann  
Councilpersons Thomas Hennessey, John Kashwick, David Barad (7:40 p.m.),  
Cynthia Tutoli, Victoria Amitai (7:42 p.m.)  
Borough Administrator, Quentin Wiest  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola  
Superintendent of Public Works, William Dahle, III

The following persons were absent:

Councilman John C. Glidden, Jr.

At this time, Mayor Heymann announced that a Special Meeting of the Mayor and Council was held on August 19, 2009 at which time the Council approved a non-binding referendum on the reopening of Pascack Valley Hospital be placed on the November ballot. She referred to an editorial in the Suburbanite opposing the referendum.

Mayor Heymann extended congratulations to the Closter Elks Little League Baseball team for winning the 2009 National League Title for this area.

Mayor Heymann congratulated the Borough Engineer for shepherding the Road Program with the help of the Superintendent of Public Works and noted that both are true public servants.

Mayor Heymann asked for a prayer for David Scholz, the head of the Environmental Commission, who is in the hospital with pneumonia.

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)

Steve Isaacson, 97 Columbus Avenue, provided a hand drawn trail map drawn by Dave Nelson of the Demarest Nature Center depicting a combination of the southern section of the Closter trail system and the Demarest trail system; and suggested that a folder be put together for persons to walk through the two municipalities.

Mr. Isaacson advised that Dave Scholz went to Pascack Valley Hospital but he was so sick that he had to be sent to Hackensack Hospital; and if Pascack Valley Hospital was open, he would be closer to home. He noted that Valley Hospital is planning a \$750 million expansion after the expansion at Englewood Hospital; and he questioned the motive behind the opposition to reopening Pascack Valley Hospital. He expressed support for the reopening of the hospital in addition to a trauma unit.

Councilman Barad arrived at this time.

Mr. Isaacson questioned the status of the cemetery; and Mayor Heymann explained that it is in the process of being taken care of with negotiations with the homeowner.

Jack Kelly, 132 Herbert Avenue, questioned why nobody attended the meeting relative to

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Whole Foods. Mayor Heymann said she had not been invited to the meeting; and Borough Attorney advised that attendance at the meeting by members of the governing body may not have been appropriate. He said that the meeting was not a Borough meeting but a private meeting. Mr. Kelly reported on the confusion at the meeting; and voiced his understanding that if the deal is not accomplished by the end of November, Whole Foods would be pulling out. He felt it was incumbent on the Council to get something done on this matter; and Borough Attorney advised that while an application is pending, members of the Planning Board should not be meeting at a public relations meeting with the applicant.

Councilwoman Amitai arrived at this time.

Mr. Kelly questioned if the water problem had been addressed on Forest Street. Borough Engineer advised that the problem has been rectified and that the contractor who did not do a good job in that area would be paying for the repair. He said that the concrete work has been inspected and noted that there is a punch list of unacceptable work that must be rectified including handicapped ramps, curbing and ponding on Colgate Street. Relative to Smith Street, the punch list cited unacceptable work; and Borough Engineer said he would review the matter with his inspectors.

Beth Ravit, 460 Piermont Road, requested the status of the acquisition of the property at Homans Avenue and Ruckman Road. Borough Administrator advised that he is seeking a meeting with the County to finalize the amount of the funding in addition to preparing a Green Acres application to seek additional funding. The Green Acres application would not hold up the closing on the property but the amount of the County funding is necessary before the closing can take place.

Ms. Ravit reviewed the funding and grants that had been in place and expressed concerns about the funding for the project and if the passage of time was jeopardizing the acquisition of the property. Borough Administrator explained that there are sufficient moneys to acquire the property but the County wishes to reduce their contribution because the purchase price is significantly lower than what had been originally presented. This reduction was presented to the Borough in July and must be discussed with the County. There are sufficient Closter Open Space monies in order to offset a possible reduction in County funding. He has had conversations with the County in addition to internal discussions; and he saw no reason why the closing of the property would not take place before the end of the year. Borough Attorney explained that the County had lost the entire packet of documents in March; and when a duplicate packet was provided by the Borough, the County proceeded to offer less money than originally promised. He advised that the Borough had negotiated a significant reduction in the purchase price and that since the property is under contract to the Borough, there would be no development of the property. He said it would be a policy decision on the part of the governing body to accept \$250,000 from the County or continue to negotiate with the County to make them live up to the resolution awarding \$500,000 to the Borough without contingencies. Borough Administrator clarified the funding documentation on file in the County that includes Green Acres, Bergen County and Closter Open Space. Mayor Heymann said the County has advised her that the original County commitment of \$500,000 was not the specific contract with the Borough; and nothing is finalized until that contract is signed. The purchase price is covered but the Borough is trying to salvage enough money in order that Closter funds could be encumbered for other projects.

Borough Administrator advised that the State has Green Acre funding available for Closter because of our status as a Planning Incentive Community; and the application for this property must be completed for the money to be assigned to this property. There may be other limitations on the money provided by Green Acres and that another appraisal of the property may have to be accomplished. It may be too early to say if the Borough accepts \$250,000 from the County, then the Closter share would be 10% because it may be more. Mayor Heymann explained the differences in obtaining money from Green Acres and Bergen County. Ms. Ravit said that the Green Acres Program is in danger of running out of money and would be dependent on a referendum in November.

Hugh Johnson, 107 Demarest Avenue, commended the Borough Engineer on the paving of Alpine Drive but felt Hickory Lane needed more patching. The Borough Hall parking lot entrance has a pedestrian impediment. The Property Maintenance Officer has made an inspection of Closter Plaza and Mr. Johnson felt that the area should be cited for safety reasons. Superintendent of Public Works noted that the area is private property; and there would be discussions with the owner. Mr. Johnson referred to a meeting with the Deputy

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Chief Paul Castellani and Lieutenant Dan O'Brien in Whippany on Monday and he again referred to the John DiStefano voucher for \$10,821.30.

5. COMMUNICATIONS

a. MAIL LIST – AUGUST 13, 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.

Item No. 6 – Received 08/10/09, dated 08/06/09 from Dennis McNerney, Bergen County Executive to Mayor Heymann re Invitation to attend the 8<sup>th</sup> Annual Bergen County World Trade Center Memorial at Overpeck County Park in Leonia on Friday 9/11/09 at 4:30p.m. in order to honor those lost and support family members. Mayor Heymann reminded everyone that the Borough's service would be held at the 911 Memorial at 8:30 a.m. and hoped that everyone would participate.

b. MAIL LIST – AUGUST 20, 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.

The following items were removed by the following individuals: Steve Isaacson, 97 Columbus Avenue removed Item No. 3d,

Item No. 3d – Received 8/19/09, dated 8/19/09 from William G. Dressel, Jr., Executive Director, N.J.S. League of Municipalities, to Mayor re Affordable Housing: I. Update on Commercial Development Fee (2.5%) Moratorium and Refunds; II COAH Grants Extension to Highlands Municipalities; III. Regional Development Planning and Coordinator Program Guidelines; IV COAH litigation Update.

Mr. Isaacson asked for the status on the moratorium. Mayor Heymann said that the moratorium is in place and retroactive. The development fee would go back into effect in 2011 but there is no guarantee at this point. Borough Administrator advised that developers who have paid the fee could apply to have same returned.

6. 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.

7a. 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

8.\* INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING –  
9/23/09 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

- a. NO. 2009:1050, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 50, POLICE DEPARTMENT, SPECIFICALLY SECTION 50-26, TO ADD APPEAL PROCEDURES”
- b. NO. 2009:1051, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 48 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING PERSONNEL POLICIES”
- c. NO. 2009:1052, “AN ORDINANCE ADOPTING THE SEPTEMBER 2009 CLOSTER PERSONNEL MANUAL”

9.\* BILL RESOLUTION – AUGUST 31, 2009  
TO BE PREPARED BY DEPUTY TREASURER

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~~10.\*~~ 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; 8/12/09):

<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
none			

~~11.\*~~ RESOLUTION AUTHORIZING THE CONVEYANCE OF LAND TO VAN SCIVER CORPORATION (A.K.A. VANTAGE HEALTH SYSTEMS) FOR USE CONSISTENT WITH THE BOROUGH’S PHASE III COAH OBLIGATIONS (Received from Borough Attorney 8/20/09)

12.\* RESOLUTION AUTHORIZING THE TEMPORARY INCREASE IN HOURS AND COMPENSATION FOR CERTAIN EMPLOYEES OF THE BUILDING DEPARTMENT (Requested by Borough Attorney 8/20/09) TO BE PREPARED BY BOROUGH ATTORNEY

~~13.\*~~ RESOLUTION APPOINTING BRYAN MONE AS DISPATCHER TRAINEE, A PER DIEM POSITION, FOR A PERIOD NOT TO EXCEED 180 DAYS, AT AN HOURLY RATE OF \$12.17, EFFECTIVE 9/1/09 (Received from Chief of Police 8/18/09)

14.\* 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) - to be completed at this meeting.

15.\* RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK TO WELLS FARGO HOME MORTGAGE IN THE AMOUNT OF \$5,081.20 FOR BLOCK 506 LOT 1 DUE TO 2009 REAL ESTATE TAX OVERPAYMENT (Received from Tax Collector 8/12/09)

16.\* RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK TO MERCANDETTI, ALEX J & ROBERT IN THE AMOUNT OF \$2,328.62 FOR BLOCK 515 LOT 2 DUE TO 2009 REAL ESTATE TAX OVERPAYMENT (Received from Tax Collector 8/19/09)

~~17.\*~~ RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 (\$25,000 FROM THE STATE OF NEW JERSEY STATE FORESTRY SERVICES CSIP GRANT AND LIKE SUM OF \$25,000 BE APPROPRIATED UNDER THE CAPTION OF “STATE FORESTRY SERVICE 2006 CSIP GRANT PF08-276”) (Received from Administrator 8/19/09)

18.\* RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 (\$6,000 FROM THE STATE OF NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND TOTAL SUM OF \$6,000 APPROPRIATED UNDER THE CAPTION OF “STATE OF NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY HAZARDOUS DISCHARGE GRANT”) (Received from Administrator 8/19/09)

At this time, Mayor Heymann explained that the prior two resolutions were necessary for the receipt of funds from the State of New Jersey.

19.\* RESOLUTION AUTHORIZING THE DEPUTY TREASURER TO RETURN THE

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REMAINING ESCROW IN THE AMOUNT OF \$78.84 TO MCA CREATIVE SERVICE, 20 WEST 22<sup>ND</sup> STREET, SUITE 1605, NEW YORK, NY 10011 FOR POLICE TRAFFIC DIRECTOR SERVICES IN COMPLIANCE WITH LOCAL FINANCE NOTICE 2000-14 (Received from Chief of Police 8/20/09)

MOTIONS

20.\* 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; 8/12/09:

<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	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

21.\* APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 8/20/09):  
 a. REGULAR MEETING OF AUGUST 12, 2009 - ABSENTION: HENNESSEY  
 b. WORK SESSION OF AUGUST 12, 2009 – ABSTENTION: HENNESSEY  
 e. SPECIAL MEETING OF AUGUST 19, 2009 – ABSTENTIONS: TUTOLI, AMITAI

22.\* ~~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; 8/12/09  
 None

23.\* MOTION APPROVING/DENYING APPLICATION FOR HAWKER & PEDDLER PERMIT NO. 2009-003 FOR VERIZON EMPLOYEES: EDWIN KINGALAHUA, DEEPAK SHARMA AND LUIS VALDES TO GO DOOR TO DOOR IN RESIDENTIAL NEIGHBORHOODS ADVERTISING VERIZON FIOS (Received from Chief of Police 8/18/09)

24.\* ~~POSSIBLE~~ MOTION GRANTING APPROVAL FOR USE OF MEMORIAL FIELD BY BPO ELKS LODGE #2304 TO PLACE BEER TRUCK TO DISPENSE MALT ALCOHOLIC BEVERAGES AT THE LABOR DAY ACTIVITIES ON 9/6/09; RAIN DATE: 9/13/09, SUBJECT TO RECEIPT OF APPROVAL FROM THE RISK MANAGEMENT CONSULTANT OF CERTIFICATE OF INSURANCE AND HOLD HARMLESS AGREEMENT (WS 8/12/09)

Mayor Heymann asked that the word “possible” be removed.

25.\* ~~POSSIBLE~~ MOTION GRANTING APPROVAL FOR SADHU VASWANI CENTER TO POST SIGN OPPOSITE PNC BANK ANNOUNCING ANNUAL CARNIVAL TO BE HELD SUNDAY, 9/13/09 (6a. M.L. 7/30/09), SUBJECT TO RECEIPT OF APPROVAL FROM RISK MANAGEMENT CONSULTANT OF CERTIFICATE OF INSURANCE AND HOLD HARMLESS AGREEMENT (WS 8/12/09)

Mayor Heymann asked that the word “possible” be removed.

26.\* MOTION GRANTING APPROVAL FOR BLOCK PARTY TO BE HELD ON ROBINHOOD ROAD ON 9/5/09, FROM 12 P.M. UNTIL 10 P.M.; RAIN DATE: 9/6/09; ALTERNATE RAIN DATE: 9/7/09, IF NEEDED (7. M.L. 8/13/09)

27.\* GRANTING APPROVAL FOR CLOSTER VOLUNTEER AMBULANCE & RESCUE

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CORPS, INC. TO ERECT STAND AT MEMORIAL FIELD ON MONDAY, 9/7/09, TO SELL FOOD AND BEVERAGES DURING THE LABOR DAY ACTIVITIES, SUBJECT TO RECEIPT OF APPROVALS FROM THE BOARD OF HEALTH AND FIRE INSPECTOR (10. M.L. 8/13/09)

28.\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

Mayor Heymann explained that no reports had been received at this time.

The following items were removed from the Consent Agenda by the following individuals: Mayor Heymann previously removed Item Nos. 10, 20, 22. Councilwoman Amitai removed Item No. 21c. Borough Administrator removed Item No. 17. Hugh Johnson removed Item No. 14. Steve Isaacson removed Item No. 11. Jack Kelly removed Item No. 13.

7b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 10, 11, 13, 14, 17, 20, 21c and 22 was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Hennessey, Kashwick, Barad, Tutoli and Amitai.

29. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

11. RESOLUTION AUTHORIZING THE CONVEYANCE OF LAND TO VAN SCIVER CORPORATION (A.K.A. VANTAGE HEALTH SYSTEMS) FOR USE CONSISTENT WITH THE BOROUGH'S PHASE III COAH OBLIGATIONS (Received from Borough Attorney 8/20/09)

Steve Isaacson, 97 Columbus Avenue, referred to the Mail List of 8/13/09 Item No. 8 relative to a letter from Vantage Health and Borough Attorney explained that Vantage Health, as the purchaser, wished to ascertain if the property contained any contaminated soil. Councilman Barad explained that this matter had been discussed. Borough Engineer said that neither the Borough nor Vantage Health was aware of any contamination but test borings revealed the contamination from old railroad ties and that portion of the fill must be removed. Borough Attorney indicated that this would be the responsibility of the buyer. In response to Mr. Kelly's inquiry, Borough Engineer informed that the applicant obtained the necessary permits and removed the fill.

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

13. RESOLUTION APPOINTING BRYAN MONE AS DISPATCHER TRAINEE, A PER DIEM POSITION, FOR A PERIOD NOT TO EXCEED 180 DAYS, AT AN HOURLY RATE OF \$12.17, EFFECTIVE 9/1/09 (Received from Chief of Police 8/18/09)

Jack Kelly, 132 Herbert Avenue, questioned the hiring of a dispatcher at this time. Mayor Heymann explained that there is a need for dispatcher inasmuch as there is a need for a minimum amount of dispatchers to provide the necessary coverage and this is being accomplished at a lower hourly rate.

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

14. 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) - to be completed at this meeting.

Hugh Johnson, 107 Demarest Avenue, questioned the outcome of the Audit and Borough

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Administrator advised that the Borough's finances are sound. Borough Attorney explained that the Borough would not be able to operate with a deficit by statute.

Michael Kafer, 261 Parsells Lane asked that the recommendations of the Borough Auditor be reviewed since all were not published in the newspaper and Borough Clerk answered that the Synopsis of Audit, including all of the recommendations, was published as provided by the Borough Auditor. She said that the Proof of Publication was in her possession and same was posted on the Municipal Bulletin Board. Mr. Kafer questioned the recommendations carried over from prior years noting that the public had been assured that same would be cleared up by 2008 but apparently this is not the case. Mayor Heymann said that the prior recommendations are being addressed and she referred to an article in the Record relative to audits in other municipalities. She said the Borough is doing the best that can be done with a seriously short staff and without an Administrator for many months. Mr. Kafer noted that the audit was for 2008 when there was a full staff including an Acting Administrator; and Mayor Heymann indicated that the books for 2008 closed in February of 2009 when many of these issues took place.

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

17. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 (\$25,000 FROM THE STATE OF NEW JERSEY STATE FORESTRY SERVICES CSIP GRANT AND LIKE SUM OF \$25,000 BE APPROPRIATED UNDER THE CAPTION OF "STATE FORESTRY SERVICE 2006 CSIP GRANT PF08-276") (Received from Administrator 8/19/09)

Borough Administrator asked that this Resolution be removed. He explained that the grant funds have been received but the Borough Auditor has requested that the grant funds be handled in a different manner.

21. APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 8/20/09):  
c. SPECIAL MEETING OF AUGUST 19, 2009 – ABSTENTIONS: TUTOLI, AMITAI

Councilwoman Amitai had requested that this item be removed and voted upon separately because she was not present at the meeting of August 19, 2009. Borough Clerk indicated that the abstention had been noted on the Agenda.

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

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

At this time, Mayor Heymann asked that consideration be given to the listing of the 2009 Open Space Trust Fund recommendations that had been provided to the Council by e-mail and distributed to them this evening at the meeting. She explained that testimony was given by the Nature Center, the Historic Preservation, Environmental and Recreation Commissions and the Library. Some of the grants that had been requested required matching funds and some of the work would be done by our Department of Public Works and these costs would be reimbursed. Borough Administrator indicated that part of the application to Green Acres for the Flamm property is to provide a project reference map that includes wetlands delineation; and the Borough Engineer has been requested to provide a cost estimate for the map. Funds for an appraisal would also be required for the Green Acres application.

Michael Kafer, 261 Parsells Lane, questioned the appropriateness of discussing an item that would be brought up at a future meeting without disclosing to the public the details of said item other than in a broad sense. Borough Attorney explained that the listing of Open Space funding items was prepared by the Borough Administrator for review by the Council. There would not be a vote this evening on this matter and this is merely a memorialization of what various Commissions have requested. Mayor Heymann said that former governing bodies have been criticized for spending Open Space funds in a less than fully transparent method and she wanted to make sure that the public is fully informed on this matter. Mr. Kafer said

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he felt the matter should be discussed at a Work Session; and he questioned raising the money for the purchase of the Flamm property. He referred to the line item in the Budget relative to the amount of money spent to purchase property and the amount was zero. Borough Attorney explained that the document that was provided by the Borough Administrator is an outline of requests by Commissions; and this matter would be discussed at a Work Session.

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

Jack Kelly, 132 Herbert Avenue, questioned the cost of the appraisal and engineering for the Green Acres application and Borough Engineer said that the cost estimate has not been provided as yet. Borough Attorney said the cost estimate would be reviewed and discussed by the Council before same is approved.

Jesse Rosenblum, 65 Knickerbocker Road, referred to the Flamm property appraisal and Mayor Heymann answered that Green Acres had not been contacted on this project and therefore this item has not been addressed as yet. Borough Attorney noted that the previous appraisals pertained to the negotiations for the purchase of the property and not grant applications.

Mr. Rosenblum referred to Closter Plaza as a private property, open to the public and in many court cases would liken same to a public square. Borough Attorney said that Closter Plaza is not a public square for purposes of the court cases alluded to and you cannot go on the Plaza to ask for donations without permission of the owner. Mr. Rosenblum referred to the property maintenance officer and the ongoing development application. Borough Attorney said it would not make any difference to property maintenance enforcement and if there is a code violation on any property in the Borough, there should be a citation issued in accordance with normal procedure.

Hugh Johnson, 107 Demarest Avenue, expressed his concerns about the condition of Closter Plaza and cited safety problems. The Property Maintenance Officer should cite these unsafe conditions. Mayor Heymann said that the Property Maintenance Officer follows the code and would issue citations if necessary. Mr. Johnson noted that he inspected the clock, which is now working but is in poor condition. He suggested that a group of citizens be formed to contribute funds and address the beautification and maintenance of the clock.

. At this time, a presentation was given by Philip Gotthelf, an Alternate Member of the Environmental Commission, on energy saving lighting for use in the Borough

Mayor Heymann asked for a motion to recess the Regular Meeting to go into the Work Session at 9:11 p.m.

Motion to recess the Regular Meeting at 9:11 p.m. was made by Councilman Kashwick, seconded by Councilman Hennessey and declared unanimously carried by Mayor Heymann.

Mayor Heymann resumed the Regular Meeting at 9:34 p.m.

- 31a. Motion approving the following Resolution at 9:34 p.m. was made by Councilman Barad, seconded by Councilman Hennessey and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Hennessey, 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), “A matter falling within the attorney-client privilege”; 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 matters which should be within 4-6 weeks.

Mayor Heymann resumed the Regular Meeting at 10:30 p.m.

32. AJOURN

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Motion to adjourn the Regular Meeting at 10:30 p.m. was made by Councilman Barad, seconded by Councilman Hennessey and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on September 3, 2009 for approval  
at the Regular Meeting to be held  
September 9, 2009

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Loretta Castano, RMC  
Borough Clerk

Prepared by Carol A. Kroepke, RMC  
utilizing recording and Borough Clerk's  
notes

Approved at the Regular Meeting held September 9, 2009  
Consent Agenda Item No. 17a.

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WORK SESSION NOTES – AUGUST 26, 2009 – 7:30 P.M

Mayor Heymann called the meeting to order at 9:20 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann  
Councilpersons Thomas Hennessey, John Kashwick, David Barad,  
Cynthia Tutoli and Victoria Amitai  
Borough Administrator, Quentin Wiest  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola  
Superintendent of Public Works, William Dahle, III  
Assistant Fire Chief, Nick Varni

The following persons were absent:

Councilman John C. Glidden, Jr.

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. COMMITTEE REPORTS

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

1) STATUS REPORT RE CAPITAL BUDGET/CAPITAL PLAN (RM 7/9/08)  
Councilman Kashwick advised that the Finance Committee needs to meet regarding the Capital Budget shortly to go over those items.

2) STATUS REPORT RE CLOSTER WEBSITE – (IT Coordinator) Kevin Whitney inquired again as to whether the Borough would be willing to change providers and he expressed his agreement. No objections were voiced from the Council.

3) REPORT - Councilman Kashwick reported on the following items:  
a. As mentioned in the public meeting, the Open Space request for this year will be voted on at the next meeting.  
b. Environmental Commission had two items, one of which he mentioned to the Borough Attorney regarding a horse. The McCaffrey family has requested to keep a family horse on their property which is currently housed at their home in western NJ. The family would like to live here and there were some concerns from Mr. Rogan regarding liability should the horse get loose. The Borough Attorney advised his suggestion would be to obtain a Hold Harmless Agreement from the owner so that the Borough is not deemed to be responsible should something happen. Mr. Kashwick explained that it was a rescued horse that had apparently been abused in the past. Councilwoman Tutoli added that most horse owners have liability insurance.

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c. Historic Preservation Commission voted to approve the West Street/Harrington Avenue District at the Special Meeting that was held at the beginning of August. There was one person who spoke in favor of the district, and no one spoke out against the district. There was discussion of the \$20,000 grant that the Borough received and they expressed thanks to the Mayor for her preparation of the grant and the work she put into that, as well as Leslie (Weatherly). They inquired as to whether there was anything they needed to do to implement that grant and they have offered their services.

d. The Shade Tree Commission did not meet this month but he advised the Borough Administrator that the Borough should be receiving a \$3,000 payment from the Community Forestry for the Plan Renewal.

Mayor Heymann expressed her understanding that there will be a comprehensive report for Councilman Kashwick to provide at the next meeting.

The Mayor added regarding the 300<sup>th</sup> anniversary (of Closter) on April 26, 2010, that the Historic Preservation Commission is the lead agency doing that. There will be a meeting on 9/3/09 for anyone who wishes to participate and for anyone who is on a Commission or Committee who would be interested. The Mayor asked that they please make note of this. She said the general public is invited and the meeting will most likely take place at the Senior Center. In response to Councilwoman Amitai's question if the Boy Scouts, Girl Scouts and everyone would be invited, Mayor Heymann advised that it may be premature to discuss as there were still some things she needed to follow up on before the 9/3/09 meeting.

**B. PUBLIC SAFETY - GLIDDEN (TUTOLI/HENNESSEY)**

1) REPORT – In the absence of Councilman Glidden, no report was given.

**C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN)**

1) REPORT – Councilman Hennessey advised he had no report for Public Works but there was one topic he wanted to discuss in Closed Session regarding the work force.

**D. ORDINANCE - BARAD (KASHWICK/AMITAI)**

1) STATUS REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad reported that the Ordinance Committee met in the early part of August and most of their work was approved at the Regular Meeting tonight, which included the personnel manual and two other ordinances. Mayor Heymann expressed her thanks to JoAnn (Riccardi) for her follow through. Dr. Barad added that she works very efficiently and they are always grateful to JoAnn and Ed (Rogan) for the way they make their job so easy.

2) REPORT – Dr. Barad questioned the Borough Attorney regarding the status of the recommendation from the Planning Board that was circulated with regard to the height ordinance. Mr. Rogan advised that it was being discussed in the Committee. Dr. Barad advised that it had been discussed at the last (Ordinance Committee) meeting; and they voted to move forward on it. The Borough Attorney noted it would be in the packet this coming week. In response to Councilwoman Amitai's inquiry, Dr. Barad explained that the Planning Board had recommended it; and it was forwarded to the Ordinance Committee to be voted on. Mr. Rogan clarified that the proposed height ordinance was in the process of being finalized and would be in the packet coming this week.

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E. HUMAN RESOURCES - TUTOLI (KASHWICK/BARAD)

- 1) STATUS REPORT RE PERSONNEL COMMITTEE MEETINGS - Councilwoman Tutoli reported that the 2009 Personnel Manual had been completed.
- 2) REPORT – Councilwoman Tutoli reported on the following:
  - a. The Library will reconvene next month.
  - b. The Fire Department Fundraiser is under way; therefore, please be as generous as possible. A proposal recommendation will be submitted for the equipment building, which is in desperate need of a roof. She will have more detailed information for a future report. Councilman Kashwick questioned which equipment building; and Assistant Fire Chief, Nick Varni, clarified that it was the ‘Horn House’ on Bergenline Avenue. He also mentioned that the ‘Horn House’ stores Police Department, Fire Department, OEM and DPW equipment in addition to the horn.

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

- 1) REPORT – Councilwoman Amitai reported on the following:
  - a. Regarding the Building Department, Joe Zavarino has been filling in as well as Guiseppe LaMastra, performing the inspections that Keith Sager had been doing. Young Min Woo will be returning from vacation shortly and Mr. (James) Whitney has been continuing with Code Enforcement as best he can in Young Min’s absence. The Building Department did not have any new house applications this month.
  - b. The Closter Improvement Commission will not be meeting in August. Eric Mattes, the Chairman of the CIC had attended some of the Planning Board presentations regarding Whole Foods and the application; and he had many comments that he will bring forth.

4. OLD BUSINESS

Mayor Heymann asked if there was any old business and no one wished to be heard.

5. NEW BUSINESS

Mayor Heymann asked if there was any new business and no one wished to be heard.

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

At this time, Mayor Heymann opened the meeting to the public for comments or questions.

Hugh Johnson, 107 Demarest Avenue, questioned how much the fireworks display for Labor Day cost. The Borough Administrator responded that it cost \$10,000.

He wanted to address an ugly rumor going around that if Whole Foods is not approved by the end of November that they were going to pull out. He is aware from attending two Planning Board meetings that they have already retained an architect, who can’t decide how many halls he

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had designed, but he estimated somewhere between 20-50. He voiced his opinion about Segreto, the attorney for two residents. It had gotten back to Mr. Johnson from Fran (Closter Plaza Manager) there are 13 or 14 Asian stores wanting to get in. He understands the passion of the Council to get Whole Foods, and he agrees that it would be a great addition. He questioned if they see a realistic possibility of approval by November because it is so drawn out. Mayor Heymann explained that the issue is in front of the Planning Board, and as a member of the Board, she could not comment at this time and asked for his understanding. He said the Chairman did not control the meeting and looked as if he was scared. John Lignos was pacing outside and the Vice Chairman was away on vacation. He told Mr. Lignos the reason he had a gavel was to control the meeting and move things along. Mayor Heymann expressed she was sure Mr. Lignos was doing the very best he could. The Borough Attorney advised that this was a Planning Board matter; and in terms of the timing, that was up to the applicant. They had a right to request a special meeting if they wanted to expedite it and to have another meeting in August. Mr. Johnson expressed that maybe the pending litigation was the ploy that prevented them from going in. Mr. Rogan advised it was not something the Mayor and Council could be involved in. Mr. Johnson voiced his understanding and noted he just wanted to make the Council aware of this information he received.

7. OPEN MEETING TO THE PUBLIC
8. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
9. ADJOURNMENT

At 9:34 p.m., Mayor Heymann adjourned the Work Session to return to the Regular Meeting.

Motion to adjourn was made by Councilman Barad, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on September 3, 2009 for approval at the Regular Meeting to be held September 9, 2009.

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Loretta Castano, RMC  
Borough Clerk

Prepared by Arlene Corvelli  
utilizing recording and Borough  
Clerk's notes.

Approved at the Regular Meeting held September 9, 2009  
Consent Agenda Item No. 17b.