

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – FEBRUARY 11, 2009 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular meeting at Borough Hall on Wednesday, February 11, 2009. Mayor Heymann called the meeting to order at 7:33 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 (7:50 p.m.), Cynthia L. Tutoli, Victoria Amitai

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

Fire Chief, Kurt Vreeland

Tax Collector, Maria Passafaro

The following person was absent:

Councilman Thomas Hennessey

- 3a. Mayor Heymann read a letter from Russell Stern of Harvest Bistro dated commending the Borough's emergency response team.

Mayor Heymann requested a moment of silence to honor the memory of Police Lieutenant Richard D'Amico's father and Evelyn Stewart, wife of Senior Club Past President Charlie Stewart.

Mayor Heymann asked that everyone offer prayers for a resident who is a UN official who was abducted in Pakistan.

Mayor Heymann requested a moment of silence to honor the memory of George Potterton.

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.

Diane Smith, 419 Closter Dock Road, suggested that the letter from Russell Stern of Harvest Bistro be forwarded to the newspapers.

Hugh Johnson, 107 Demarest Avenue, said the emergency response at the restaurant was immediate. He asked if the Police contract has been signed and approved. Mayor Heymann noted that the contract has just been received, there has been discussion between the PBA and the Borough Attorney on the wording and same would be approved.

Linda Albelli, 353 High Street, noted that the Mayor and Council has been trying to place blame for the Borough's financial crisis and the John DiStefano matter on the previous administration and administrator, Erik Lenander, which is unconscionable. She explained the circumstances under which Mr. DiStefano was hired as a purchasing agent with the responsibility of cutting purchase orders. The current administration promoted him with a \$45,000 increase for a job he was not qualified to do. She expressed her support for Mr. Lenander and his work ethic and the Finance Committee commended him for his work on behalf of the borough. She cited a petition being circulated to rehire Erik Lenander as the Borough Administrator and she cited his experience in this position. Mayor Heymann

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assured the audience that the Borough is not in shambles. The financial business of the Borough is being handled by our Chief Financial Officer who is in the Borough on a daily basis.

Jack Kelly, 132 Herbert Avenue, said that he listened to the tape of the meeting that indicated that 4 people were laid off at the DPW. Mayor Heymann answered that she did not lay off any people at the DPW but had 4 less people due to attrition. He questioned why the Building Inspector is working on Sunday. Mayor Heymann explained that the Building Inspector's hours are his own, he does not punch a clock and if there is a need, he does inspections on a weekend

Hugh Johnson, 107 Demarest Avenue, cited a court date of March 12 for two felonies and a major misdemeanor for harassment and identifying himself as an FBI agent when he called on my wife and myself and felt the Mayor and Council should take this into account before you decide to continue his employment with the Borough. He also cited the pot holes at the exit from Closter Plaza and Mayor Heymann said she had received word from the DPW Superintendent that the pot holes had been filled.

Dr. Barad entered the meeting at 7:50 p.m.

Kathy Friese, 139 Alpine Drive, addressed her concern relative to the possible layoff of police officers and voiced her opinion that the budget could be trimmed in other areas.

Steve Isaacson, 97 Columbus Avenue, cited the potholes located on Durie Avenue and requested that same be patched soon . He questioned the status of the graveyard tree cutting and if there had been fines levied. Mayor Heymann explained that there was no violation since permission had been given by the Historic Preservation Commission.

Mr. Isaacson referred to an article in the Suburbanite relative to the Haworth sewer truck and the 5 year plan to inspect the sewer system. Mayor Heymann remarked that Closter has been involved in this type of program for years and Councilman Glidden explained that this process had enabled the Borough to reduce the water flow into the sewer system and to improve our sewer system. It has save the Borough a substantial amount of money.

Mr. Isaacson questioned the Borough policy on schooling for Borough employees and expressed support for same. Mayor Heymann noted that she did not know if there was a stated policy but that it is an item that can be discussed. He also noted that considering what happened with Mr. DiStefano, there should be an internet policy in place.

Carl Olsson, 215 Irving Avenue, commented on the police arbitration decision and its impact on the Borough in this economic climate.

Kurt Vreeland, 587 High Street, asked the status of the catch basin in front of his home and requested follow-up on the problem. Mayor Heymann assured him that she would follow up on the problem. He said that he has contacted the County on this matter but they have referred it back to the municipality and there is still the noxious odor. He said that he has spoken to Mr. Dahle who said he would take preliminary steps to reduce the smell. Councilman Glidden asked the Borough Engineer to investigate the matter and keep Mr. Vreeland advised.

Mr. Vreeland questioned the status of the Mutual Aid Agreement and Borough Attorney advised that same should be included in the next meeting Agenda.

Linda Albelli, 353 High Street, referred to the posting regarding construction in her back yard which was being investigated and noted that her building permit has been compromised and the construction project tainted. She said her husband was approached about the construction of an apartment over the garage and that this information came from a Borough employee. She questioned if the Flamm property has been closed on and Borough Attorney advised that the Borough is waiting for a closing date and funding clarification. Relative to the building permit, Chief Berrian said the investigation is ongoing.

Jack Kelly, 132 Herbert Avenue, said during his tenure on the Council sewer flow metering was instituted. He questioned the life expectancy of the sewer system and due to its age the Borough should be constantly using the sewer camera. He advised the Council that the tree removal contractor has not been paid for the trees that were removed from the grave-

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yard. Mayor Heymann explained that the check was ready and the contractor advised but that he did not pick it up. Relative to Railroad Avenue, Mayor Heymann explained that the principals are in court. They have appeared before the Zoning Board to discuss the issues and develop buffers.

Mr. Kelly referred to the 2002 Master Plan Review and it was determined that all of the trucks originating on Railroad Avenue exited onto Blanch Avenue and eventually onto Herbert Avenue. There is not as much traffic today but the whole area should be considered due to the smoke and noise from the buses and trucks. There should be a place for people to park their trucks. Mayor Heymann noted that the Master Planner included these comments in his recommendations.

Hugh Johnson, 107 Demarest Avenue, questioned if the Borough is advertising for a permanent administrator and in the meantime who is doing the work. Mayor Heymann advised that the Borough is advertising for a series of positions inasmuch as the Mayor and Council has not decided how to fill that position. Councilman Glidden noted that an advertisement was placed on the League of Municipalities website.

Relative to the police contract, Mr. Johnson apprised the Council of a serious motor vehicle accident at the intersection of Durie Avenue and Schraalenburgh Avenue and Patrolman Foley sustained a back injury. There were five backup cars at the scene within five minutes and he questioned the status of laying off a police officer stating that during emergencies we need all the police officers available. Councilman Glidden said there is no indication that there would be a layoff at this time.

Diane Smith, 419 Closter Dock Road, referred to the signing of the police contract. Mayor Heymann explained that the Borough has no choice due to the arbitrator's decisions. Borough Attorney said that the contract does not mandate the number of police officers and the monetary issue only affects the budget.

Linda Albelli, 353 High Street, noted that the police schedule has been posted and if there is still contemplation of a lay off, the schedule would have to be filled at time and a half thereby costing the Borough additional money. Mayor Heymann said the Chief has assured her that he is maintaining overtime.

Steve Isaacson, 97 Columbus Avenue, pointed out a typographical error in the Employee Policy signed by the Mayor and Council where the Borough will reimburse an employee one time for any given tuition or training in order to assist the employee to obtain a passing grade. In the event the employee must repeat the training and incur additional tuition in order to obtain a passing grade, the "employer" must bear the cost. Mayor Heymann said the wording would be checked out with the Borough Attorney.

Jack Kelly, 132 Herbert Avenue, questioned the amount paid in sewer fees last year and expressed support for use of the camera to inspect the system. Councilman Glidden explained that it was approximately \$600,000 but same is increasing every year. Mayor Heymann said the camera is in use.

Diane Larsen, 49 John Street, questioned when the Borough would be pursuing the other illegal contractors in town. Mayor Heymann answered that this matter would be pursued. On a question about payment to Mr. Luppino, Mayor Heymann said that the Borough is not paying him additional monies at this time.

Lewis Gianuzzi, 465 Closter Dock Road, questioned if the two damaged police cars are being replaced. Chief Berrian said the destroyed vehicles are being processed through insurance and he had addressed the one damaged in December with the Mayor and Council.

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

These Ordinances were introduced at the Regular Meeting held 1/14/08 and were published in the Press Journal issue of 1/22/09, as stated in the printer's affidavit of publication. Reprint of these Ordinances were posted on the Municipal Bulletin Board, in accordance with statutory requirements, and copies have been made available to the general public.

At this time, Borough Clerk asked that Item No. 5 a. be removed and Item No. 5d.

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on the Addendum No. 3 be added.

- a. ~~NO. 2009:1026, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 48 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING PERSONNEL POLICIES”~~
- b. NO. 2009:1027, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 127, ARTICLE I, MISCELLANEOUS LICENSES, OF THE CODE OF THE BOROUGH OF CLOSTER”
- c. NO. 2009:1028, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 142, PARKS AND PLAYGROUNDS”
- d. NO. 2009:1029, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A-301 K) POWER TO WAIVE FEEES OF THE CODE OF THE BOROUGH OF CLOSTER”

Mayor Heymann opened the public hearing for each of the above noted Ordinances..

No one wished to be heard.

- 5b. Motion was made by Councilman Kashwick, seconded by Councilman Barad to approve Ordinance No. 2009:1027 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 127, ARTICLE I, MISCELLANEOUS LICENSES, OF THE CODE OF THE BOROUGH OF CLOSTER” and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons, Glidden, Kashwick, Barad, Tutoli and Amitai.
- 5c. Motion by Councilman Kashwick seconded by Councilman Barad to accept Ordinance No. 2009:1028 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 142, PARKS AND PLAYGROUNDS” and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.
- 5d. Motion by Councilman Kashwick seconded by Councilman Barad to accept Ordinance No. 2009:1029“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A-301 K) POWER TO WAIVE FEEES OF THE CODE OF THE BOROUGH OF CLOSTER and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

6. COMMUNICATIONS

- a. MAIL LIST – JANUARY 29, 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: Steven Isaacson removed Items No. 3 and 4; Hugh Johnson removed Item No. 6.

Item No. 3 – Received 01/26/09, dated 01/20/09 from Verizon, 770 Elm Street, Manchester, NH 03101, to Closter Borough Clerk re. check dated 12/18/08 in the amount of \$17,833.72 in payment of 2008 Franchise Fee.

Item No. 4 – Received 01/28/09 hand delivered by Mayor, dated 01/26/09 from Joseph T. LaPaglia, President, Pascack Valley Mayors’ Association to Mayor Sophie Heymann Offering moral support re recent arbitrator’s award of 4% retroactive for 2008 to PBA Local 233 – Closter Unit; and welcoming attendance at their next meeting to be held 2/11/09 @ 6:30 p.m. in Hillsdale.

Item No. 6 – Received 01/29/09 from Mr. Leon Manole, 523 Deer Trail Road, Hillsdale, NJ Supporting Mayor Heymann and Essex County Executive Joseph DiVincenzo in their Efforts to fight binding arbitration for police departments.

Steven Isaacson, 97 Columbus Avenue, reminded everyone that although Verizon is generous, these funds are collected from every one of their customers and given to us. He referred to Item No. 4 and was advised the meeting was in Hillsdale.

In answer to Hugh Johnson, 107 Demarest Avenue, relative to Item No. 6, Mayor Heymann reported that she had been invited by the Essex County Executive to participate in a press conference with him. Mr. Johnson said he felt the Mayor is being

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arbitrary and capricious against the Closter Police; and Mayor Heymann said that she has nothing against the Closter Police Department only an argument with binding arbitration refusing to recognize our current economic condition. She expressed her respect for each member of the Closter Police Department.

b. MAIL LIST – FEBRUARY 5, 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: Councilwoman Amitai removed Item No. 3. Steve Isaacson removed Item No. 13.

Item No. 3 – Received 02/02/09 dated 02/01/09 from Dave Scholz, Chairman, Environmental Commission to Richard Ryan, Shade Tree Commission re Annual Tree Planting – 2009

Item No. 13 –Received 02/05/09 dated 01/30/09 from Margaret B. Beiran, Project Manager BEM Systems, to Hrushikesh Orza, NJ Department of Environmental Protection Bureau of Northern Case Management re. Former Hotel Research Laboratories Site, Closter, Bergen County, NJ, ISRA Case No. 85774, Results of Preliminary Soil Vapor Intrusion Assessment.

Steve Isaacson, 97 Columbus Avenue, indicated that the Environmental Commission should be given copies of Item No. 13.

Relative to Item No. 3, Councilwoman Amitai cited a lot of bus parking at the foot of Homans Avenue at the north side of the railroad tracks looking west and she questioned if trees could be planted on our property at that location to block visibility. This matter was referred to Councilman Kashwick.

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

No one wished to be heard.

8a. 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

9.* INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING – 3/11/09 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

a. NO. 2009:1032 “AN ORDINANCE PROVIDING FOR THE INSTALLATION AND OPERATION OF A TRAFFIC CONTROL SIGNAL AT THE INTERSECTION OF HOMANS AVENUE AND OAKLAND AVENUE IN THE BOROUGH OF CLOSTER”

b. NO. 2009:1033 “ORDINANCE AMENDING CHAPTER 92, DRIVEWAYS, OF THE CODE PURSUANT TO THE DECISION OF THE SUPERIOR COURT IN DOCKET NO. BER-L-7852-05”

c. NO. 2009:1034 “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 169, SOLID WASTE”

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

11.* TEMPORARY EMERGENCY RESOLUTION (Requested by Auditor 1/21/09/Adjourned from RM 1/28/09) - TO BE PREPARED BY AUDITOR

12.* RESOLUTION EXTENDING BEST WISHES TO HEALTH OFFICER, LOUIS APA, ON HIS RETIREMENT AFTER FAITHFULLY SERVING THE NEEDS OF THE CITIZENS OF THE BOROUGH OF CLOSTER FOR 33 YEARS (Received from Mayor 2/11/09)

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- 13.* RESOLUTION PROTESTING NEW JERSEY LEAGUE OF MUNICIPALITIES RESOLUTION (LEGISLATURE 2008-03 RESOLUTION) RECOMMENDING AMENDMENT REGARDING TAX LEVIES FOR FREE PUBLIC LIBRARIES (Received from Councilwoman Tutoli 1/28/09)
- 14.* RESOLUTION AUTHORIZING APPLICATION TO COUNTY OF BERGEN OFFICE OF COMMUNITY DEVELOPMENT FOR A PORTION OF FUNDING OF A REPLACEMENT GENERATOR OF APPROXIMATELY \$95,814.00 (Received from Mayor 1/28/09)
- 15.* POSSIBLE APPOINTMENT OF BOROUGH ALTERNATE PROSECUTOR (Opening held 1/8/09 @ 10:30 a.m.) (Adjourned from RM 1/28/09)
- 16.* 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):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
ADMINISTRATOR	_____	1 Year	12/31/09
DEPUTY BOROUGH CLERK	_____	1 Year	12/31/09
OFFICE ASSISTANT (BOROUGH CLERK)	_____	1 Year	12/31/09
DEPUTY TAX COLLECTOR	_____	1 Year	12/31/09
DESK DISPATCHER			
FULL TIME	_____	1 Year	12/31/09
PART TIME	_____	1 Year	12/31/09
POLICE MATRON	_____	1 Year	12/31/09
SCHOOL CROSSING GUARD	_____	1 Year	12/31/09

- 17.*—RESOLUTION TO AMEND SALARIES FOR 2008 (Received from Mayor’s office 2/5/09)
- 18.*—STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION (Received from Borough Attorney 2/5/09)
- 19.* RESOLUTION AUTHORIZING TREASURER TO REFUND TO FIRST AMERICAN RE TAX SVC. THE AMOUNT OF \$2,053.64 FOR 2009 TAX OVERPAYMENT FOR BLOCK 704 LOT 16 (Received from Tax Collector 2/6/09)
- 20.* AT APPROXIMATELY 9:30 P.M. - OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION EXCLUDING THE PUBLIC IN ORDER TO PERMIT THE GOVERNING BODY TO DISCUSS A MATTER OF PERSONNEL IN EXECUTIVE SESSION (Rice Notice mailed 1/30/09)
- 20a.* RESOLUTION GRANTING APPROVAL FOR RELEASE OF THE FOLLOWING CLOSED SESSION NOTES: ABSTENTION: HENNESSEY, TUTOLI - 1/11/06,1/25/06, 2/8/06, 2/22/06, 3/8/06, 3/22/06, 7/12/06, 7/26/06, 8/9/06, 8/23/06,11/8/06 (ALSO AMITAI), 12/13/06 (HENNESSEY ONLY); NO ABSTENTIONS: 1/10/07, 2/14/07, 2/28/07, 3/28/07, 4/11/07, 5/9/07, 5/23/07, 7/11/07, 7/25/07, 8/8/07, 8/22/07, 9/10/07, 9/26/07 (Distributed 1/9/09)
- 20b.*—RESOLUTION ESTABLISHING ANNUAL RATE OF \$660.00 FOR THE YEAR 2009 FOR EACH ALPINE SEWER CONNECTION (Received from Mayor 2/10/09)

MOTIONS

- 21.* MOTION APPOINTING LOUIS APA TO SERVE AS BOROUGH HISTORIAN FOR A 1-YEAR TERM TO 12/31/09 (Requested by Borough Clerk 1/30/09)
- 22.* MOTION GRANTING APPROVAL FOR CERTAIN ROADS TO BE CLOSED THE MORNING OF 5/17/09 TO CONDUCT THE ANNUAL JERRY FINK z”l MEMORIAL RUN/WALK, PARTIALLY THROUGH THE BOROUGH; RUN: 8:30 A.M . TO 9:15 A.M.; WALK: FROM 8:45 A.M. TO 10:15 A.M. (12. M.L. 2/5/09) Approval received from Risk Management Consultant 2/5/09.
- 23.* MOTION GRANTING APPROVAL FOR THE AMERICAN CANCER SOCIETY TO

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CONDUCT THE 22ND ANNUAL GEORGE WASHINGTON BRIDGE CHALLENGE PARTIALLY THROUGH THE BOROUGH ON SUNDAY, 6/14/09 (14. M.L. 12/4/08)
 Approval received from Risk Management Consultant 2/6/09

24.* MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) (Adjourned from RM 1/14/09; RM 1/28/09):

<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
ZONING BOARD OF ADJUSTMENT ALT. NO. 4	_____	2 Year un- expired to	12/31/09

** Mayoral Appointment

Mayor Heymann removed this informing there were no further appointments to be made.

24a.* MOTION GRANTING APPROVAL FOR CLOSTER ELKS LODGE #2304 TO CONDUCT INSTANT RAFFLES AT 148 RAILROAD AVENUE FROM 3/1/09 TO 3/1/10 AS FOLLOWS: EVERY MONDAY THROUGH THURSDAY FROM 3 P.M. TO 12 A.M.; EVERY FRIDAY FROM 3 P.M. TO 12 A.M.; EVERY SATURDAY FROM 12 A.M. TO 2 A.M. AND 12 P.M. TO 12 A.M.; EVERY SUNDAY FROM 12:00 A.M. TO 2 A.M. AND 12 P.M. TO 10 P.M. (Completed Application No. 561 received and fees paid 2/11/09)

25.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

- a CONSTRUCTION OFFICIAL – JANUARY 2009 (Received 2/2/09)
- b. FIRE CHIEF – JANUARY 2009 (Received 2/3/09)

Mayor Heymann removed Items No.13, 15, 16 and 24. At this time, Councilwoman Amitai had a question on Item No. 23 if same is for biking, walking or running and was Formed by Chief Berrian that the Bridge Annual was for biking.

Councilman Barad requested the removal of item no.22 and 23, Councilwoman Tutoli requested the removal of 25b, Tax Collector requested the removal of Item No. 17 and 20b, Steve Isaacson requested the removal of Item No.18

8b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda Items minus Item Nos. Item Nos. 13, 15, 16, 17, 18, 20b, 22, 23, 24 was made by Councilman Glidden, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

26. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

16. 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):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
ADMINISTRATOR	_____	1 Year	12/31/09
DEPUTY BOROUGH CLERK	_____	1 Year	12/31/09
OFFICE ASSISTANT (BOROUGH CLERK)	_____	1 Year	12/31/09

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DEPUTY TAX COLLECTOR	_____	1 Year	12/31/09
DESK DISPATCHER			
FULL TIME	_____	1 Year	12/31/09
PART TIME	_____	1 Year	12/31/09
POLICE MATRON	_____	1 Year	12/31/09
SCHOOL CROSSING GUARD	_____	1 Year	12/31/09

Mayor Heymann removed Item No. 16 with no discussion.

17. RESOLUTION TO AMEND SALARIES FOR 2008 (Received from Mayor's office 2/5/09)
- 20b. RESOLUTION ESTABLISHING ANNUAL RATE OF \$660.00 FOR THE YEAR 2009 FOR EACH ALPINE SEWER CONNECTION (Received from Mayor 2/10/09)

Tax Collector, Maria Passafaro requested copies of Resolution 17 and 20b for her office.

Motion to approve Item Nos. 17 and 20b 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.

13. RESOLUTION PROTESTING NEW JERSEY LEAGUE OF MUNICIPALITIES RESOLUTION (LEGISLATURE 2008-03 RESOLUTION) RECOMMENDING AMENDMENT REGARDING TAX LEVIES FOR FREE PUBLIC LIBRARIES (Received from Councilwoman Tutoli 1/28/09)

Motion was made by Councilman Glidden to table the Resolution. No second was received.

Councilman Glidden expressed support for the Closter Library and before approving the aforesaid resolution protesting the funding reduction resolution from the League, he would need to determine its effect on the Closter Library. We are in dire economic times and he did not want to see the funds to the Library cut but wished to know the actual numbers. He said that the Library Board has indicated that they have more money than they need. Mayor Heymann explained the funding law for the library as it exists. The Library received close to \$900,000 last year and it was a huge impact on the budget. She expressed her support for the Library but the amount of funding is out of proportion to other expenses and that is why the League is requesting a change in this proportion. The Library has not reduced its staff while we are pinching pennies. Borough Attorney explained the ramifications of the League resolution.

Motion to approve Item No. 13 was made by Councilwoman Amitai seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Kashwick, Tutoli and Amitai; Councilmen Glidden and Barad Voting No.

18. STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION (Received from Borough Attorney 2/5/09)

Steve Isaacson, 97 Columbus Avenue requested that a copy of this Resolution be forwarded to the Environmental Commission.

Motion to approve Item No. 18 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.

22. MOTION GRANTING APPROVAL FOR CERTAIN ROADS TO BE CLOSED THE MORNING OF 5/17/09 TO CONDUCT THE ANNUAL JERRY FINK z"l MEMORIAL RUN/WALK, PARTIALLY THROUGH THE BOROUGH; RUN: 8:30 A.M. TO 9:15 A.M.; WALK: FROM 8:45 A.M. TO 10:15 A.M. (12. M.L. 2/5/09) Approval received from Risk Management Consultant 2/5/09.

23. MOTION GRANTING APPROVAL FOR THE AMERICAN CANCER SOCIETY TO CONDUCT THE 22ND ANNUAL GEORGE WASHINGTON BRIDGE CHALLENGE PARTIALLY THROUGH THE BOROUGH ON SUNDAY, 6/14/09 (14. M.L. 12/4/08) Approval received from Risk Management Consultant 2/6/09

Item Nos. 22 and 23 - Fire Chief Vreeland asked that the paperwork be forwarded to the

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Fire Department and Ambulance Corps. His concern was which streets are to be closed. Nick DeNicola voiced concerns that the West Street project may be involved, and the Chief of Police explained they weren't.

Motion to approve item Nos. 22 and 23 was made by Councilman Glidden, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons: Glidden, Kashwick, Barad, Tutoli and Amitai

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

- a. CONTINUED DISCUSSION RE PARKING SPACE FEE (Requested by Mayor 1/18/08)
RM 9/10/08

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

Mayor Heymann opened the meeting to the public.

Steve Isaacson, 97 Columbus Avenue, questioned the \$900,000 for the Library and why the Mayor and Council gave them an additional \$7,500 in Open Space funding to cut down trees. He supported keeping the Open Space tax for more important items. Mayor Heymann noted that the Open Space funding was given to the Belskie Museum not the Library.

Diane Smith, 419 Closter Dock Road referred to Item Nos. 22 and 23 and requested a breakdown on what streets would be closed. Mayor Heymann said it would be posted on the website. Borough Clerk advised that the closings would be coordinated with the Police Department and Police Chief said the information would be posted on the Message Board.

Hugh Johnson, 107 Demarest Avenue, expressed concern about the position of Administrator in addition to the Borough Clerk who has no one to assist her. Mayor Heymann said that the Borough Clerk has advertised for the position of Deputy Borough Clerk in addition to the position of Administrator. She said that many of the tasks provided by the Acting Administrator have been reassigned and potential candidates interviewed. In the interim the following are specific duties that have been placed elsewhere:

Affirmative Action Officer – former Mayor Steven B. Harz
Appropriate Authority – former Mayor Steven B. Harz
NJ Motion Picture TV Commission - Leslie Weatherly
Parking Authority – Maria Passafaro//Leonard Sinowitz
Pension Certifying Agent – Maria Passafaro
JIF – Alternate Commission – Sophie Heymann
Personnel – there is a possibility we will have next Tuesday a meeting with Paychecks Corp. to discuss that .
Treasurer – Diane Bono – who is very well versed in the Munidex.system; and is coming in tomorrow morning to help with that.

Diane Smith, 419 Closter Dock Road, questioned the qualifications of the administrator that have been advertised. Mayor Heymann said that they are posted on the website and Councilman Glidden suggested she obtain a copy from the Borough Clerk.

Hugh Johnson, 107 Demarest Avenue, said there is concern since the former Administrator did not have any experience in finance and administration and somehow through a relationship with someone in this town in this town was put into finance and then elevated to Assistant Administrator. Councilman Kashwick said the candidates will have their qualifications thoroughly reviewed.

Cindy Saidel, explained that this is her 21st year of employment with the Borough and she recommended that the Mayor and Council immediately draft and enact an ordinance that all future candidates for employment undergo a thorough criminal background check including resume and references. Agreement to this proposal was expressed by the Mayor and Council.

Motion to recess the Regular Meeting at 9:04 p.m. was made by Councilman Glidden,

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING AGENDA – FEBRUARY 11, 2009 – 7:30 P.M..

seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

At 9:05 p.m. Mayor Heymann asked for a motion to approve the following resolution.

- 28a.* 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 N.J.S.A. 10:4-12(b)(7) “A matter falling within the attorney-client privilege; 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; the litigation; and at the conclusion of the matter which should be within 8 weeks.

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

Mayor Heymann resumed the Regular Meeting at 10:34 p.m.

Motion authorizing the Mayor to sign the PBA contract, which was modified in accordance with the Arbitrator’s decision, was made by Councilman Glidden seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai.

29. ADJOURN

Motion to adjourn the Regular Meeting at 10:35 p.m., was made by Councilman Glidden seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on March 19, 2009 for
approval at the Regular
Meeting to be held
March 25, 2009

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held March 25, 2009
Consent Agenda Item No. 25a2)

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING AGENDA – FEBRUARY 11, 2009 – 7:30 P.M..

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CLOSTER MAYOR AND COUNCIL
REGULAR MEETING AGENDA – FEBRUARY 11, 2009 – 7:30 P.M..

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – FEBRUARY 11, 2009 - 7:30 P.M.

Mayor Heymann called the meeting to order at 10:11 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

Councilpersons: John C. Glidden, Jr., John Kashwick, David Barad, Cynthia Tutoli

Victoria Amitai

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

The following persons were absent:

Thomas Hennessey

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 had nothing to report

B. BOROUGH ENGINEER

1) STATUS REPORT RE WEST STREET PROJECT (W.S. 12/10/08) Mr. DeNicola reported that bids will be received tomorrow at 11:30AM. Work is being done in front of an historic house at 151 West Street consisting of road widening of approximately 1 foot to install a curb. Because it is an historic house, the process is lengthy and funding could be lost, this will be one property without a curb. The revised plan will be submitted for approval.

2) REPORT - Mr. DeNicola reported on the following items:

a. Relative to handicapped ramps at county roads intersections, Closter has not signed a purchase order or a contract with the contractor and same must be accomplished in the very near future. The Borough would be reimbursed the cost of the project by the County.

b. Relative to the 2009 Road Improvement Program, Mr. DeNicola reviewed the approximate costs for each road and the total cost is approximately \$2,009,900.00. Cost of asphalt is at a recent low. Mayor Heymann said that all of the necessary materials should be sent to Congressman Scott Garrett's office. Authorization for the plans at \$40,000 has been approved and the cost of the bonding is 5% of the total cost of the project. Councilman Barad expressed his support for the project and for attempting to secure some of the federal funds that may become available.

4. REPORTS

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – FEBRUARY 11, 2009 - 7:30 P.M.

A. ACTING BOROUGH ADMINISTRATOR

- 1) REPORT RE PREPARATIONS FOR 2009 MUNICIPAL BUDGET - Mayor Heymann reported that the Committee has met twice, salary figures are being compiled; and after further committee review, the auditor will prepare the budget books.
- 2) STATUS REPORT RE BOROUGH WEBSITE – Leslie Weatherly is monitoring the website and will be proactive to obtain information from the boards, commissions and departments. There will be tighter control of the website and the web master will be taking instructions from us. Councilwoman Amitai suggested inclusion of links for the local shop owners. Borough Attorney advised that there would be no problem as long as same is available to all of the shop owners.
- 3) STATUS REPORT RE CONTACT WITH FILE BANK FOR STORAGE OF RECORDS (Requested by John DiStefano at WS 10/6/08) Mayor Heymann reported on a serious money problem. File Bank is in the middle of a contract to encode our information; and a portion of the money was assigned to 2008 but a lot remains to be done for 2009. The information is now being coded for access. Borough Clerk reported that the Acting Administrator was dealing directly with File Bank and she was not involved. She reported that she would be receiving a PARIS Grant through the County for our records; and based on the review of her office, they would be willing to pay people to provide support in her office. It was suggested that File Bank provide a written report on the project.
- 4) STATUS REPORT RE INSURANCE ITEM(S) FOR FOLLOW UP: (none)
- 5) REPORT – No further report was provided.

B. BOROUGH CLERK

- 1) STATUS REPORT RE 2009 APPOINTMENTS – Borough Clerk reported that she would need someone to enter the appointments into Term Tracker. An ad for a Deputy Borough Clerk was placed on the State Municipal Clerk’s website but no responses have been received and through the County Clerk’s website, one application was received from someone with no municipal experience. An ad will be placed on the website
- 2) STATUS REPORT RE 2009 OATHS OF OFFICE – Someone is needed to enter the appointments into Term Tracker.
- 3) STATUS REPORT RE 2009 LICENSES – Licenses are current.
- 4) REPORT RE 2009 MEETING DATES – 2009 Meeting Dates are current.
- 5) REPORT – Two representatives of the Concorde Group, Inc. (Michele Rothenberg and Jennifer Narzikel) from PARIS Grant sponsored by Bergen County took

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – FEBRUARY 11, 2009 - 7:30 P.M.

an entire inventory of the Borough records on 2/3/09. They spent an entire day and left at approximately 3:30 p.m due to the snow. A follow up report will be provided.

C. CHIEF OF POLICE

REPORT – No report.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS: Mayor Heymann informed that a spreadsheet has been formulated providing a procedure to track the grants and to incorporate same into the Borough's financial records. A number for the grant is given upon approval; and perhaps a local grant number process could be instituted at the application level.

a. GRANTS FILED

1. FY 2007 NATIONAL TRAIL RECREATION GRANT - \$25,000 - \$10,000 MATCH FOR TRAIL MAINTENANCE (Extension requested???)
2. GREEN COMMUNITIES 2008 APPLICATION FOR \$4,500 WITH A MATCHING SUM FROM CLOSTER IN THE AMOUNT OF \$1500 (Requested by Mayor Heymann 11/7/07)
3. COMMUNITY DEVELOPMENT GRANT OF ~~\$140,000~~ \$205,000.00 FOR A.D. ACCESSIBLE BATHROOMS IN TWO PUBLIC PARKS (SHAUBLE AND MOLLICONE) RM 9/24/08 - Mayor requested at WS 10/6/08 that this addition be made to her Report in the amount of \$210,000

b. GRANTS AWARDED

1. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND & HISTORIC PRESERVATION TRUST FUND; DUE 7/7/06; FILED BY COUNCILMAN KASHWICK - 50% LOCAL MATCH REQUIRED?- ACQUISITION OF FLAMM PROPERTY END OF RUCKMAN ROAD/HOMANS AVENUE- \$500,000 AWARDED 7/11/07 FOR BLOCK 1308, LOTS 3 AND 4, 37 HOMANS AVENUE (8.M.L.7/26/07)
2. BERGEN COUNTY OPEN SPACE TRUST FUND - 2004 FUNDING ROUND FOR MUNICIPAL PARK IMPROVEMENT AND LAND ACQUISITION PROGRAM (50% local match); APPLICATION DEADLINE: 10/29/04 (8.M.L.8/26/04) (~~\$190,000.00~~ \$120,000.00 for Recreational Trails Program/RM10/27/04 - \$120,000 Recommended Award - County Public Hearing 5/26/05)
3. NATIONAL TRAILS RECREATION PROGRAM - \$25,000 (local match of \$10,000 required) filed 12/15/05
4. ANJEC GRANT - \$20,000 requested/\$6,000 received

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5. 2008 NJDOT MUNICIPAL AID PROGRAM FOR WEST STREET (SECTION 3) \$150,000 awarded (5. M.L. 12/27/07)
6. FY2008 ENHANCED 9-1-1 GENERAL ASSISTANCE GRANT- \$28,019.00 awarded (5. M.L. 04/24/08)
7. 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)
8. PROJECT GRANT APPLICATION RE BERGEN COUNTY OPEN SPACE TRUST FUND/\$68,100.00 FOR IMPROVEMENTS TO BOROUGH PARKS IN THE MUNICIPALITY OF CLOSTER; CASH-FOR-CASH MATCH – Approved RM 6/25/08 (Requested by Mayor 7/2/08) – \$68,100 awarded; Mayor reported at WS 9/10/08
9. 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)

c. GRANTS TO BE FILED

- 2) STATUS REPORT RE RESOLUTION CALLING FOR CHANGES TO OPRA APPROVED BY NJS LEAGUE OF MUNICIPALITIES
- 3) REPORT

5. OLD BUSINESS

- a. STATUS REPORT RE KIDDIE SOCCER/POSSIBLE POLICY ESTABLISHED BY RECREATION COMMISSION RE USE OF BOROUGH PARKS (Discussed at W.S. 11/12/08)

6. NEW BUSINESS

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

8. OPEN MEETING TO THE PUBLIC

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

Mayor Heymann opened the meeting to the public.

Hugh Johnson asked if the Council was going to disclose what took place in Closed Session and Mayor Heymann said that as previously noted, disclosure would take place when the matter was settled which should be within 8 weeks. Regarding the pending police contract, Mayor Heymann advised that she had no choice but to sign the contract.

10. ADJOURNMENT

Motion to adjourn the Work Session at 10:35 p.m. was made by Councilman Glidden seconded

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – FEBRUARY 11, 2009 - 7:30 P.M.

by Councilman Barad and declared unanimously carried by Mayor Heymann.

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on March 19, 2009 for approval at
the Regular Meeting to be held
March 25, 2009.

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held March 25, 2009
Consent Agenda Item No.25b1)