

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JULY 8, 2009 - 7:30 P.M.

Mayor Heymann called the meeting to order at 7:32 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. OPEN PUBLIC MEETINGS ACT STATEMENT

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

3. ROLL CALL

Those present were the following:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick,
David Barad and Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, David Berrian

The following persons were absent:

Councilwoman Cynthia L. Tutoli

At this time, Mayor Heymann requested a Moment of Silence on the passing of Rae Volk, mother of Councilman Glidden.

Mayor Heymann extended the Borough's thanks to the members of the Department of Public Works, Police Department, Fire Department and Ambulance Corps for the job they did last night during the storm and today dealing with its aftermath.

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

The following Ordinances were introduced at the Regular Meeting held 6/10/09 and were published in the Press Journal on 6/18/09 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. 2009:1045, "A SUPPLEMENT TO THE 2008 SALARY ORDINANCE"

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

Motion approving adoption of Ordinance No. 2009:1045 was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

b. No. 2009:1046, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 48 OF THE CLOSTER CODE AND CLARIFYING ORDINANCE NO. 2009:1026 REGARDING PERSONNEL POLICIES"

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

Motion approving adoption of Ordinance No. 2009:1046 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

c. No. 2009:1047, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER

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170, STORMWATER MANAGEMENT”

Mayor Heymann declared a Public Hearing.

Jack Kelly, 132 Herbert Avenue, questioned the purpose of this Ordinance. Mayor Heymann explained that the Ordinance replicates mandates from the State relative to storm water management. Borough Engineer explained that the Ordinance provided for a change in the name of the Ordinance Administrator to William Dahle.

Motion approving adoption of Ordinance No. 2009:1047 was made by Councilman Hennessey, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick and Amitai.

5. 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)

Jack Kelly, 132 Herbert Avenue, questioned the scope of improvement for Herbert Avenue; and the Borough Engineer advised that the road would be improved only up to the curve due to budget limitations. The prior improvement was done under a State grant up to Carlson Court and this improvement would complete the section not done in 1995. Mr. Kelly said that the trees between the curb and the sidewalk are dangerous; and it had been decided in the past not to plant trees in that area. He referred to a notice he received to fix his sidewalk; and Mayor Heymann advised that the notice was from the Property Maintenance Officer who treats everyone equally. Mr. Kelly objected to the notice citing the economic conditions noting that people are having a hard time buying food. Mayor Heymann explained that the warning included an avenue of appeal.

Mr. Kelly questioned why Herbert Avenue was not included in the \$1,700,000 Road Program; and Borough Engineer explained that Herbert Avenue was done in 1995 and completed under this program. Mayor Heymann informed that this matter would be checked out.

Mr. Kelly referred to the Pat Tillman sign which he felt was a disgrace; and expressed his feeling that all men and women who wear the uniform are heroes. He also referred to the media coverage given to the death of Michael Jackson while very little coverage was given to our troops killed in Afghanistan. Mayor Heymann expressed her agreement with his remarks.

Diane Larsen, 39 John Street, questioned the selective Code enforcement of the allegedly illegal contractor yards in the Borough. Mayor Heymann advised there are actions against a great many of those that are more than a decade old; and the newer ones would be addressed.

Ms. Larsen referred to the renting of Ruckman Field noting that Teels and Hoop Stars do not have approval to be in the building they are renting; and this matter should be investigated before the Borough enters into a rental agreement. She reminded that the Developer's Agreement for Northern Valley Sports Academy is not being followed. Mayor Heymann requested that the Borough Administrator follow up on this matter.

Hugh Johnson, 107 Demarest Avenue, expressed his agreement for the Moment of Silence for Councilman Glidden's mother and the plaudits given to the Department of Public Works who provided an essential service to the Borough during the storm. He cited the emergency crews, Fire Department, Police Department and the Ambulance Corps who did a tremendous job.

Mr. Johnson said that he has been informed by the Borough Attorney that he would be receiving a letter stating that his time in Borough Hall, which he is entitled to as a citizen and taxpayer, is not welcome. He said he would not accept the letter that the Borough Attorney was manipulated into doing and would return it. Borough Attorney explained that the letter indicates that a resident has a right to access Borough Hall, but due to repeated complaints from Borough personnel about the excessive amount of time being taken up, it is requested that he cease taking up excessive time and monopolizing the personnel at the Borough's expense. It is also requested that he cease unnecessary contact with the Construction Code Official, Keith Sager; and Mr. Rogan cited the playing of a tape recorded message at the last meeting that Mr. Johnson believed was Keith Sager, which it was found out later it was not Keith Sager. He added that the request is not to deny Mr. Johnson access to the Borough, but to limit his comments to official Borough business. In answer to Mr. Johnson, Borough Attorney said he was not entitled to the names of the complainant personnel. Chief Berrian noted that he had

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sent several letters last year on his own volition, without input from the Mayor and Council, to Mr. Johnson relative to his interaction with Borough employees. Mr. Johnson noted that Jesse Rosenblum comes down to Borough Hall four or five times a week and he asked the difference; and Borough Attorney advised the complaints were not about the number of times but the amount of time spent on things that are not official Borough business.

Mr. Johnson referred to the back page of the unemployment form for John DiStefano that the Mayor had signed on February 9, 2009 and noted that the form indicates that same must be completed in its entirety. He said he had a copy of John DiStefano's vacation pay for 15 days in 2008 and that Mr. DiStefano told him in August that he went to Iowa to view his son's graduation from basic training; and two months later he again went to Iowa. He said he had his vacation and he had his pay so the Borough double dipped him. In 2009 there was a form that was filled out and a duplicate one initialed by the Finance Committee giving him his full vacation pay for 2009 when he only worked five weeks. The initials were subsequently crossed out when the Council found out that this was done. He indicated another duplicate form for the same amount, signed off by Dee Woods, the Deputy Treasurer, who is a friend of Mr. DiStefano that he brought here specifically to do his work for him; and her signature is on everything.

Steve Isaacson, 97 Columbus Avenue, expressed his condolences to Councilman Glidden. He questioned the status of the tree ordinance; and Mayor Heymann explained that the Environmental Commission would be asked to review the ordinance and other tree ordinances from surrounding municipalities. Mr. Isaacson referred to the Egg Harbor tree ordinance and regulations in San Francisco. He questioned why there are no survey markers on either side of the cemetery property; and he suggested that a stake out survey be done for properties bordering a right of way or easement. Mayor Heymann said that a metal detector would be used to find the markers.

Mr. Isaacson referred to a letter received by homeowners on Brook Street relative to brown water; and Mayor Heymann informed she had contacted United Water on the matter. Mr. Isaacson questioned if any properties are still connected to cesspools since there is a smell of sewage on Durie Avenue. Borough Engineer informed that when sewers were installed, it was required that everyone be connected but there may be old septic tanks.

Mr. Isaacson referred to an article in the Record on Little Leagues in which two teams from Ridgewood and Teaneck were congratulating themselves after the game on our fields. Mayor Heymann read a letter from Jim Oettinger explaining the use of the field for a 4th of July tournament. Mr. Isaacson voiced his objections to Mr. Oettinger's letter and that it was made part of the public record. He noted that the Coaches Association has a free picnic on Memorial Day, 4th of July and Labor Day. Councilwoman Amitai suggested that an accounting be conducted of the Recreation Commission.

Michael Kafer, 261 Parsells Lane, thanked the Mayor and Council for posting the 2009 Budget on the website so that costs, such as tax collection, could be compared with surrounding towns which he felt could be accomplished by a multi-jurisdictional effort.

Relative to visual pollution, Mr. Kafer noted that a monument erected in a park is government speech even if its erection was delegated to some other entity. He cited that the signs and equipment in Memorial Field are in blue whereas the Tillman sign is in red; and he felt this was done without any forethought of the appearance. The sign stands in front of the veterans who died in the 1st and 2nd World Wars as if his death overshadows theirs. The monument is poorly constructed and overgrown with vegetative growth. He expressed objection to the verbiage on the sign and the length which he felt was inappropriate. He referred to Veterans Park where there are private monuments to a deceased spouse of a veteran, the Democratic Club and the Palisades Nursery School all of which have nothing to do with veterans. He suggested guidelines and a committee for commemorating people and events be established in the future. Mayor Heymann expressed her agreement and said we will follow through on these issues.

James Crimmins, 517 High Street, questioned the return of his bond money for 71 Harrington Avenue that was approved in February. Borough Administrator responded that he would look into the matter.

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a. MAIL LIST – JUNE 25, 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 item was removed by the following individuals: Borough Clerk removed Item No. 1.

Item No. 1 – Received 06/19/09, dated 06/15/09 from Ilene S. Anesini, Executive Director, Temple Emanu-El to Mayor, Notice of Tashlich service to be held at the Closter Nature Center on Sunday, 9/20/09 (Copy to Glenn Parsells). Borough Clerk explained that this request would require approval of the Risk Manager and same was placed on the Work Session Agenda under the Borough Administrator’s report for follow-up.

b. MAIL LIST – JULY 2, 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.

No one wished to have anything removed.

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 15, 2009
TO BE PREPARED BY DEPUTY TREASURER

~~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):

<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

~~11.*~~ 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 7/2/09) Mayor Heymann pulled this item.

~~12.*~~ RESOLUTION FIXING SALARIES FOR 2009 – BOROUGH ADMINISTRATOR - \$107,000.00 (Received from Mayor’s office 6/2/09)

13.* RESOLUTION AUTHORIZING THE DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$10,212.13 TO ANGIOLETTI, LOUIS & LOUISA FOR BLOCK 1005 LOT 15.01 DUE TO OVERPAYMENT BY AV ON INCORRECT BLOCK AND LOT (Received from Tax Collector 6/24/09)

14.* RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$7,355.71 TO VERIZON NEW JERSEY FOR BLOCK 1301 LOT 15 DUE TO TAX OVERPAYMENT (Received from Tax Collector 6/30/09)

15.* RESOLUTION AUTHORIZING RELEASE OF REMAINING PLANNING BOARD

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ESCROW MONIES TO EIGHT (8) NAMED APPLICANTS WHO HAVE SATISFACTORILY COMPLETED ALL REQUIRED IMPROVEMENTS
 (Received from Deputy Treasurer 7/2/09)

- 16.* RESOLUTION AUTHORIZING RELEASE AND RETURN OF REMAINING ESCROW FUNDS TO THIRTEEN (13) NAMED APPLICANTS WHO SATISFACTORILY COMPLETED IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF BOROUGH CODE CHAPTER 108, “FLOOD DAMAGE PREVENTION”, ARTICLE II, “ZERO INCREASE IN STORM-WATER RUN OFF” (Received from Deputy Treasurer 7/2/09)
- 17.* RESOLUTION AUTHORIZING RETURN OF BALANCE OF ESCROW MONIES TO THIRTEEN (13) NAMED APPLICANTS FOR SATISFACTORY COMPLETION OF IMPROVEMENTS, IN ACCORDANCE WITH THE REQUIREMENTS OF BOROUGH CODE CHAPTER 167, “SOIL MOVEMENT” (Received from Deputy Treasurer 7/2/09)
- 18.* RESOLUTION AUTHORIZING THOSE LICENSEES WHO HAVE NOT RECEIVED THEIR TAX CLEARANCE CERTIFICATE 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

MOTIONS

- 19.* 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:

<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

- 20.* APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 7/2/09) NO ABSTENTIONS:

- a. REGULAR MEETING OF JUNE 24, 2009
- b. WORK SESSION OF JUNE 24, 2009

- 21.* 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)

- 22.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

- a. CONSTRUCTION OFFICIAL – JUNE 2009 (Received 6/30/09)

Mayor Heymann noted that this report was more promising than the previous one and was a good economic signpost.

The following items were removed from the Consent Agenda by the following individuals:

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Mayor Heymann previously removed Item Nos. 10, 11, 19 and 21. Councilman Kashwick removed Item No. 12.

8b. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 10, 11, 12, 19 and 21 was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

23. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

12.* RESOLUTION FIXING SALARIES FOR 2009 – BOROUGH ADMINISTRATOR - \$107,000.00 (Received from Mayor's office 6/2/09)

Councilman Kashwick requested that the wording of the Resolution be corrected relative to the salary being pro-rated.

Motion of approval was made by Councilman Kashwick, seconded by Councilman Hennessey, with the correction of the salary being pro-rated, and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

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

Hugh Johnson, 107 Demarest Avenue, commended the Lions Club for the two historic displays at Borough Hall. He questioned what Councilpersons had crossed off their initials for the vacation pay for John DiStefano; and Councilman Kashwick and Councilman Barad indicated they had done so because they had questions. Mr. Johnson noted that Mayor Heymann paid him anyway just as John DiStefano and Dee Woods signed off on the ten communications companies. He noted that Lt. Dan O'Brien has taken over the criminal case; and he would be interviewing him; and certain Borough employees who are afraid of losing their jobs will not be interviewed. He referred to the report given by Cindy Saidel two weeks ago; and he has requested that the Police Department watch her back. Chief Berrian said he is in charge of the Department and that he should speak to him about any employee in his Department.

Relative to Keith Sager, Mr. Johnson noted that he had been in the Building Department regarding a driveway permit, that Mr. Sager would be gone in two weeks and that he had no intention of speaking to him. He said that Mayor Heymann has turned members of the Borough government against him by being aggressive towards them. He advised that Dee Woods had stated three times that she could not find the voucher he had indicated in his OPRA request but it finally arrived.

Steve Isaacson, 97 Columbus Avenue, questioned the lease of a portion of land on Wellington Avenue; and Borough Attorney advised that it was a portion of the street that could be leased because it is not dedicated; and explained that same was removed from the Agenda to confirm this. The Council has opted not to sell the area to the property owners but lease same. This could also be done for other businesses on paper streets.

Relative to Mr. Isaacson's request for an update on Super Value, Mayor Heymann informed that Daibes owns the property at this time and the Borough did receive a fully paid for grant to start to investigate what could be done with the property. When that phase is completed, there would be another fully State funded survey to determine what needs to be done and the cost. If the Survey indicates that the costs are prohibitive and nobody were to pursue it, then Daibes would be stuck with the property. If the property can be rehabilitated, it would be done with a new grant; and at that point in time, the Borough would acquire the property because with the kind of investment it would take, it would not be reasonable to allow a private individual to have it. Mr. Isaacson objected to the expense that should be the responsibility of the property owner. Mayor Heymann said we are trying to protect our residents as this happens to be a property right off the reservoir. She asked Mr. Isaacson, as she is sure he has researched the issue before, how many summonses and actions have gone against Super Value by both the Borough and the State. The first phase is only going to particularly document what has happened in the past. It is not an investment. If it becomes an investment to improve the property, then the Borough will acquire it so the taxpayers will be refunded for the expense they have incurred by getting the property. At

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this time, she ensured Mr. Isaacson that if this were to happen, which is not necessarily the case, there will be no profit for Daibes.

Mr. Isaacson referred to the letter from Jim Oettinger e-mailed to Councilman Glidden and noted that his rights are being stepped on by a Borough employee who is talking about him behind his back and embarrassing him in public. He requested an apology in person at the next meeting.

At this time, Chief of Police advised that he just served Mr. Johnson with the letter to him dated July 7, 2009 from the Borough Attorney and Mr. Johnson informed he would not read it.

Jack Kelly, 132 Herbert Avenue, referred to Wellington and in response to his inquiry, Borough Attorney explained the property could be vacated, which means the Borough is giving up it's rights to the paper street, whereas under the law, a line is drawn down the middle and each side is offered the property for 50% of whatever the value of it is. He confirmed that at this point in time, there is only discussion and clarified that the Borough is considering leasing the property, not selling it. Mr. Kelly questioned if this would lead to a conclusion to the property situation relative to Wellington Avenue and the Borough Attorney expressed it could be one of a couple of options.

Mr. Kelly referred to the monuments in the parks; and Mayor Heymann said that she would be investigating the matter; and expressed support for a committee to monitor the use of Borough properties for memorials in parks and his involvement on the committee.

Mr. Kelly questioned the status of Mr. Bates, the DPW employee; and Borough Attorney explained that the employee was terminated several weeks ago, that a hearing was conducted at which he was represented by a Union attorney and an arbitration notice was filed.

Mr. Kelly asked for support of Veterans who are in need of basic necessities; and he cited the armory in Teaneck where there is a food pantry and donations are needed.

Steve Isaacson, 97 Columbus Avenue, cited the overgrown vegetation at intersections obscuring visibility. Mayor Heymann noted that the Police Department and Property Maintenance Officer are cognizant of the situation.

Hugh Johnson, 107 Demarest Avenue, advised that he had ripped up the letter from the Borough Attorney without reading same and had no intentions of doing so. Borough Attorney explained to him that he would appreciate Mr. Johnson's not saying in the future what the letter said without having read it. Mr. Rogan noted that Mr. Johnson had already made representations as to what it said and admitted that he hadn't read it in the same breath.

Mr. Johnson requested that Mayor Heymann not tape the telephone conversation he had with her at 3:15 p.m. today; and Mayor Heymann advised that the conversation was not taped.

Mayor Heymann asked for a motion to recess the Regular Meeting to go into the Work Session at 8:50 p.m.

Motion to recess the Regular Meeting at 8:50 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Mayor Heymann resumed the Regular Meeting at 9:29 p.m.

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

Motion approving the following Resolution at 9:29 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

- 25a. 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 8 weeks.

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Mayor Heymann resumed the Regular Meeting at 10:07 p.m.

At this time, Mayor Heymann read a letter from William Dahle, DPW Superintendent requesting the employment of Jeff Daly for 11 weeks at 37½ hours per week, at \$14 per hour and Michael Cywinski for 7 weeks at 37½ hours per week, at \$7.50 per hour and the hourly rate is based on seniority.

At this time, Borough Engineer requested a decision on road paving; and it was decided by the Council to pave Ruckman Road and a portion of Herbert Avenue. It was agreed to hold off on the (Oradell Reservoir) footbridge as well as the survey at Susan Drive for two weeks.

25b. Motion to carry the Dispatcher for two weeks was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

25c. Motion to proceed with the resurfacing of Ruckman Road and a portion of Herbert Avenue utilizing the remaining monies in 2009 Road Improvement Program was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick and Barad. Councilwoman Amitai abstained.

26. ADJOURN

Motion to adjourn the Regular Meeting at 10:10 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 July 16, 2009 for approval at the
Regular Meeting to be held
July 22, 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 July 22, 2009
Consent Agenda Item No. 20a.

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WORK SESSION NOTES – JULY 8, 2009 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:50 p.m.

1. ROLL CALL

Those present were the following:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick,
David Barad and Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, David Berrian

The following persons were absent:

Councilwoman Cynthia L. Tutoli

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

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

3. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT - Borough Attorney reported on the following matters:

a. The Ruckman Park bid specs were prepared and published immediately following the last meeting per the instruction of the Council.

b. Last week his office filed a response to the lawsuit of Rosenblum vs. The Borough of Closter and Planning Board arising out of the Borough Council's adoption of the increase of square footage for retail space and also counts against the Planning Board. The Planning Board will be represented by Arthur Chagaris. Borough Attorney noted he filed an answer on behalf of the Mayor and Council.

c. Regarding the Flamm Property, Borough Attorney advised the updated title from the title company and the certified survey were forwarded to the County last week; so, hopefully, the County's timetable will start to run to enable us to receive the monies from them.

d. Borough Attorney requested a brief Closed Session to update the Council regarding DPW contract negotiations and File Bank.

B. BOROUGH ENGINEER

1) STATUS REPORT RE WEST STREET PROJECT (Bid Awarded to Arnold's Roads RM 2/25/09/\$114,215) – Borough Engineer advised that this Local Aid Project has been completed and they are in the process of submitting the final voucher, change order and maintenance bond which should be a Resolution on the next Mayor and Council Agenda for approval for that project to be finalized.

2) STATUS REPORT RE ROAD IMPROVEMENT PROGRAM (Bid Awarded to Rockborn Trucking & Excavation, Inc. RM 5/13/09/\$1,494,692.50) – Borough

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Engineer advised that with the paving of the portion of Herbert Avenue up to Blanch Avenue, all of the paving is completed in the 2009 Road Improvement Program. He reported there is approximately \$200,000 left over because there are areas of pavement where the depth was sufficient and others where the depth was unknown. There is approximately \$200,000 left out of the \$1,500,000 received. He spoke to the Mayor as there was talk about paving Ruckman Road and it was not completed because it was thought there was not enough money, but it appears there is enough money to do Ruckman Road if the Council so desires. He advised that upon return to the Regular Meeting, he would recommend paving the road as we were given a good price at \$59.00 a ton, and the contractor's paving is going well. Councilman Kashwick questioned if the Borough Engineer was referring to the stretch from Piermont Road to the Fire House. Borough Engineer clarified that the residential section should be completed as there are no residences on the stretch previously referred to. Councilman Hennessey asked what work was currently being done; if it was just curb work and Borough Engineer responded that it was. Mr. Hennessey questioned at \$59.00 a ton, will it come to \$199,999. In response, Mr. DeNicola explained he wanted to report that we can accomplish Ruckman Road within our current budget for the Road Program. He cannot estimate what it will come to as the tonnage could vary. If the Council desires to move forward, they can accomplish it within the current budget because no change order would be required. At this time, Mayor Heymann questioned if there is a real problem with Herbert Avenue; and he responded he will have to look at it as the road was last done in 1992 or 1995. The Mayor asked if it was not previously considered; and he explained the only reason Herbert Avenue is in the Road Program is because before we bid the job, Bill Dahle, DPW Superintendent asked that the curb be replaced as it was breaking up due to heavy truck traffic. We did not investigate Herbert Avenue as a possible option at the time as it was paved in the 90's. The Mayor asked Borough Engineer if he will take a look at Herbert Avenue and he responded he will take a look at it to see if it needs to be done. Mr. Glidden questioned if there were any other immediate streets that need to be done; and Borough Engineer informed there are three major streets that need to be done: Ruckman Road; Alpine Drive; and Hickory Lane. He added that Hickory Lane is a split among the residents as some want it improved and some want it left in its current country-like state. He suggested that if the Council does want to spend the remaining monies, they should finish Ruckman Road. He noted we have completed all of the other streets off Ruckman Road: Wendy Lane, Caroline Court, Venus Drive, North Star Road; and Ruckman is a feeder for all of those roads. He advised he feels it would be a good thing to get that whole section of town completed. As far as the category of the roads, Ruckman Road is in the same shape as Alpine Drive roughly, neither is worse than the other as they are both pretty poor so his recommendation would be to complete Ruckman if the Council desires. Councilman Barad noted that Alpine Drive is larger than Ruckman Road and Borough Engineer responded we would not be able to complete Alpine Drive in its entirety as it is a winding road whereas Ruckman runs more of a straight line.

Councilman Hennessey informed that Billy Dahle had reported damage to Alpine Drive and Hickory Lane. Borough Engineer responded there is always damage to Hickory Lane because it is uncurbed and it is extremely old and Mr. Hennessey noted the damage is recent. Borough Engineer replied he was aware it was damaged last night, but after discussion a few years ago with the residents, half of them wanted it approved and half didn't want it approved. It is a C-1 stream. We can't widen the road; if it is 24 feet wide, it gets paved 24 feet wide. The

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road cannot be improved in any other shape, way or form, or brought up to Borough standards other than current alignment and curb width.

Councilman Hennessey questioned if it would make sense to have Rockborn, who is here now, repair the streets in lieu of the town doing it. Borough Engineer answered if there is actually paving work that needs to be done for repairs from potholes or to improve gutter flow – yes it would because Rockborn is more proficient in paving than the DPW. Borough Engineer stated that it will not cost tens of thousands of dollars, only a few thousand here or there so it would not impact upon this extra work at all. Borough Engineer advised he will look for direction on that when we return to the Regular Meeting.

3) REPORT RE PREPARATIONS FOR 2009 SAFE STREETS TO SCHOOL SIDEWALK PROJECT – NJDOT \$275,000 (not to exceed \$52,100) RM 6/24/09 – Borough Engineer reported the Council awarded this project to Boswell Engineering at the last meeting and they have completed the topographical survey and are in the process of fine tuning the right of way and the boundary of the road in the vicinity. They should have the additions nailed down by the next meeting and will be inclusive of the right of way lines. That will help what easements are needed to initiate the sidewalk program.

4) REPORT - Borough Engineer reported he submitted a proposal only recently to the Borough for the staking out of Susan Drive, referring to the Borough property leading into the cemetery – the amount was exactly \$2,100.00. He had previously advised the Borough it was approximately \$1,500.00. Mr. DeNicola clarified that his surveyor explained to him that this was because there is no monumentation up there to actually go off of; and it was more difficult than he had anticipated. The Borough now has the proposal for the surveying services relative to that parcel which is for the setting of two monuments along the property requested, as the westerly property owner was accused of planting trees on Borough property.

4. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS REPORT RE 2009 MUNICIPAL BUDGET – Mr. Wiest distributed the Budget Status Report on the Municipal Budget adopted last month and explained with the loading of the numbers on the system, he will now start producing these reports on a regular basis so the Mayor and Council can see how things flow, both through Salaries and Wages and Other Expenses. Borough Administrator cautioned that they haven't finished making the journal entries that are required. The next report the Mayor and Council receives should be cleaner as Chief Financial Officer, Joseph Luppino, will work with Deputy Treasurer, Dee Woods, on journal entries. Right now the report gives the Mayor and Council a sense of where we are and how we're doing.

2) STATUS REPORT RE BOROUGH WEBSITE – Borough Administrator informed that he and Councilman Kashwick have a meeting scheduled next week to discuss the website. He voiced satisfaction that we are doing good job of keeping things up to date. A lot of new information has been posted but they still have a lot to talk about. Kevin Whitney has already been helpful in suggesting ideas of things they might do in the future.

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3) STATUS REPORT RE FOLLOW UP WITH FILE BANK FOR STORAGE OF RECORDS (Requested by John DiStefano at WS 10/6/08) – Mr. Wiest reported that at this time he does not have anything further to add to what the Borough Attorney reported regarding same other than we relocated all the files from the storage container out back into the basement. He thanked Mr. Hennessey for developing the plan to have them moved and having the shelving developed and installed.

4) REPORT RE INSURANCE ITEM(S) FOR FOLLOW-UP:

a) TASHLICH SERVICE TO BE HELD AT CLOSTER NATURE CENTER ON 9/20/09 (1. M.L. 6/25/09) – Borough Administrator reported he was unfamiliar with this Service and thanked the Borough Clerk for adding it to his Agenda. He advised although he does not understand some of the historic things that happen in the Community, he realizes there is an insurance requirement; the Mayor and Council does have the correspondence, and the Service is to be held in September; and we will follow up on the insurance requirements.

5) REPORT RE PREPARATIONS FOR BID OPENING SCHEDULED TO BE HELD 6/16/09 @ 2:00 P.M. FOR LEASE OF PORTION OF RUCKMAN PARK FOR UP TO THREE MONTHS (RM 6/24/09) – Borough Administrator reported the Mayor and Council already know what they need to know as the bid opening will be held on the 16th at 2:00 p.m.

6) REPORT – Mr. Wiest reported that the Borough will be sending out estimated tax bills, through no fault of the Borough. It is a result of both the State being slow to start certifying the municipal budgets back to the County Board so they could strike their rates, and to the County itself because it was unable to strike the rate because of all the appeals. He advised he was questioned by Munidex today as to whether the Mayor and Council wants any kind of message in the tax bill. He understands there was a message sent out last year; and he does not know if they would like to put anything in this year. His sense is the public is more alert to these things now; and if the Mayor and Council would like to include any message to the community of some sort with the estimated bill, the time to do that is now, otherwise they are ready to go. Councilwoman Amitai voiced her opinion the Borough should send an explanatory message so people aren't surprised or upset. Mayor Heymann responded the estimated tax bill looks just like the regular tax bill; and the only difference is there might be a correction in the next round; and they would receive another bill. Councilwoman Amitai noted she is aware of this and explained it would be nice to include that on the first bill. Mayor Heymann informed she wrote a letter last year to include, and she agrees with Mr. Wiest that people are now more aware of this. She is sorry the press is no longer at the meeting, because she realizes every community is equally affected by this problem. She understands some communities chose not to send any bill out at all until they had the actual numbers. The Mayor advised she will write another letter and requested the opinion of the Council. Councilman Barad recalled that last year the letter did not go out with the bill, so possibly a lot of people were unaware of the situation as they did not get to see the letter. He voiced his opinion it might be helpful to see something such as an explanatory note with the tax bill; and, hopefully, Munidex will efficiently get it out this year. Councilman Glidden agreed with Councilman Barad. Councilman Kashwick questioned if there will be additional cost for this; and Mayor Heymann voiced expectation that Munidex would not charge for this service. Borough Administrator advised there may not be an additional cost other than handling and not to worry about the cost. If the Mayor and Council think they want to send out a message, send out the message. Councilman Kashwick asked if it would be printed on the bill itself; and Borough Administrator and Mayor Heymann concurred it would be a separate letter

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inserted, which is what it was intended to be last year and wasn't.

B. BOROUGH CLERK

1) STATUS REPORT RE 2009 APPOINTMENTS – Borough Clerk reported we are now current with the addition of what was on the Regular Meeting Agenda.

2) STATUS REPORT RE 2009 OATHS OF OFFICE – Borough Clerk reported we are still in the process of reviewing them.

3) STATUS REPORT RE 2009 LICENSES – Borough Clerk reported regular licenses are up to date.

a. 2009-2010 LIQUOR LICENSE RENEWAL

(i) Borough Clerk advised the Regular Meeting Agenda this evening has approvals for Ad Interim Permits for two establishments that have not satisfied the tax requirement with the State so they need to be issued Ad Interim Permits until the next Council meeting. Moo Kung Wha is working to receive clearance before the 2nd meeting of this month and Assembly East has informed the Clerk that their clearance will take some time.

4) STATUS REPORT RE 2009 MEETING DATES – Borough Clerk reported the meeting dates are current.

5) REPORT – Borough Clerk reported on the following items:

a. OPRA – OPRA Requests have been coming in at a steady pace. At this point there have been approximately 60 requests that have been processed. Borough Clerk reported that last year there were about half as many; and every year it is growing, but requests are followed through as best as can be. Ms. Castano advised that she spoke to the Borough Administrator about this issue; and he raised the possibility that at the next Department Head meeting it would be good to raise with all of the Department Heads how to follow through with the OPRA requests in a timely fashion; it is 7 business days and they do have to be answered. Borough Clerk voiced her opinion that she feels it has been working well since her last report.

b. DARM – Borough Clerk reported having attended the ARTEMIS seminar at Bergen Community College on June 24, 2009 and learned that most of the requests for destruction of records can now be done on line. The first step to be made is the hardest, which is going through the documents and determining which documents can be listed for destruction and receiving approval from the Division of Archives and Records Management (DARM) to do same. She mentioned that the Board of Health Secretary has just processed her request with the State which was completed manually. Ms. Caputo advised her that the State was agreeable to her using the older forms which she had in her possession. The new way, the ARTEMIS way would be a step into the 21st Century. Councilman Barad questioned what was required to be submitted to the State to complete these requests. Borough Clerk explained the first step is determining the retention period. At this time, Mayor Heymann interjected that there is a Manual of instructions everyone must follow for this. Borough Clerk continued that we would next indicate by cubic foot how much is being listed for destruction; it is a slow process, but she feels once everyone has started the procedure, they will become more comfortable with it. Councilman Hennessey asked if the Clerk has to certify everything that needs to be destroyed and Ms. Castano explained it is included on the form (as Item No. 4. "Request Approved By (Custodian of Public Records Signature)"). She informed that each Department has its own specific list to refer to in order to determine the "life span" of the documents retained in their office. Once the department head determines which documents can

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be destroyed, they list same on the (Request and Authorization for Records Disposal) and sign same; she is one person who signs off on it and the Auditor signs off on it as well. Then the request is sent to the State which customarily gives approval very quickly. Another big step is destroying the records and informing the State how and when the records have been destroyed, i.e. “shred, recycle, transfer to archives”. This ensures that when a member of the public comes to request an item that is no longer kept, there is documentation showing the State’s approval for destruction of those records. Ms. Castano explained that the process is needed for all of us to gain access to our building which has been overrun with paper. Councilman Barad questioned if the documents showing the destruction of the records needs to be saved; and Ms. Castano advised they have to be maintained. Councilman Barad voiced his opinion that we will still be generating paper, and Borough Clerk advised it would be a one page sheet as opposed to boxes upon boxes. She added that when we utilize the ARTEMIS system, it would be paperless. Councilman Hennessey noted in setting up the files downstairs there were a lot of boxes that had to be carried downstairs. Borough Clerk advised if the records are permanent records, they must be kept forever. Borough Administrator noted that in the Building Department, they are required to keep documents for the life of the structure. He is not aware if we are doing it, but it would be a good idea to go into the files and identify the documents on the old buildings and send a request in so they can be destroyed, otherwise over time they will compile sets of documents for buildings that no longer exist.

At this time, Mr. Wiest explained he wants to stress to the Department Heads, that even if we do it little by little if we can, as it is recommended in the Concorde Study, we should not keep records to be disposed of in the same place with files to be retained. We should identify them and take them out and put them where they are less sensitive so we can start to get control over our space. The sooner we do this, the better. Borough Clerk voiced her relief that there is agreement with regard to this matter.

At this time, Mayor Heymann requested the status of Financial Disclosure forms. Borough Clerk advised that the forms are coming in very slowly, and the Mayor pointed out they are already four months late. Ms. Castano explained that the Chairman of the Board of Ethics stopped in the Monday she took a vacation day. She reported that they have received approximately five at this point in time. Mayor Heymann voiced her understanding that we are missing approximately 20 Financial Disclosure Statements. Borough Clerk informed she is unaware of the total, as she has not taken a count, because it is her understanding that the Chairman would handle that and let her know. Ms. Castano reiterated that this is a slow process. She informed that the only time the Board of Ethics had 100% compliance was when the then Chairman (Herb Nathansen) went to everyone’s home with the forms and waited while they were filled out and signed. Councilwoman Amitai suggested we link the process to the Reorganization Meeting and supply the forms at that time. Borough Clerk advised that (The Closter Board of Ethics) does not receive the forms from the State until after the Reorganization meeting; and noted it would be easier, but it does not come until later on. She added that there have been problems with receiving return of Oaths of Office to date as well.

c. SIDEWALK SALE - As follow up to the RM 6/10/09 approval to the Chamber of Commerce for the Sidewalk Sale to be held 7/23, 7/24 and 7/25, Borough Clerk advised she

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sent a letter of approval to Lisa Smith at the Closter Bootery indicating that her office would be accepting the \$35 application fee per applicant; and the deadline is 7/20/09.

C. CHIEF OF POLICE

1) REPORT – Chief Berrian stated he has nothing to report and advised he has a Closed Session matter.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS:

a. GRANTS FILED

1. 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) - Mayor Heymann informed we did not receive this grant; therefore, she asked that it be removed.

2. COMMUNITY DEVELOPMENT GRANT OF ~~\$110,000~~ \$205,000.00 FOR A.D. ACCESSIBLE BATHROOMS IN TWO PUBLIC PARKS (SHAUBLE AND MOLLICONE) RM 9/24/08 – The Mayor requested at WS 10/6/08 that this addition be made to her Report in the amount of \$210,000 - No 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). No report.

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/RM 10/27/04 - \$120,000 Recommended Award - County Public Hearing 5/26/05) – Mayor Heymann reported we are going to have to add money to build. She wanted to advise the Council members who were not aware that United Water is granting us permission to continue the Cross Closter Trail along the Oradell Reservoir inside their fence. There is one hang up regarding an unnamed stream that has to be crossed. The proposal was submitted by Boswell on that. Councilman Barad asked if there were any other stipulations to this, such as will the gate be open. Mayor Heymann advised at the present time the gate is only open to those who pay the fee and get the clearance from United Water; however, that will not be the case for the residents who use the trail. It will be open to everybody. However, the Borough will be responsible for opening the gate at daylight and closing it again in the evening; so when it can't be patrolled in the evening, it will be closed. The only access will be during daylight hours. That is the only stipulation other than to keep it clean. Councilwoman Amitai questioned if the Borough would be responsible if anything happens. Mayor Heymann advised we would be

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responsible as if it were our own Borough property; and United Water is drawing up a contract to be reviewed by all. Councilwoman Amitai asked what would happen if some kids got locked in the gate because it was closed. The Mayor advised we have to make sure that nobody is inside when the gate is closed. Councilman Barad questioned again who was responsible for opening and closing the gate; and the Mayor informed the original agreement made was that when the Closter Police go on their regular rounds, they would stop by there and take care of it. Borough Administrator advised there is a list of conditions to be circulated for everyone to review and take a crack at them. Mr. Wiest advised that from United Water's perspective, they are not unreasonable, they are just things somebody thoughtful would ask for, and we should be aware of them. Chief Berrian voiced his concern he would like to provide input regarding a gate and Mayor Heymann responded that they already had that discussion as it was the first question she had asked him in the beginning of the project before any commitment was made with the water company, if it was it feasible for the Police Department to open and close the gate. Chief Berrian was surprised to hear this.

3. NATIONAL TRAILS RECREATION PROGRAM - \$25,000 (local match of \$10,000 required) filed 12/15/05 - \$6,500/Match \$2,800 - No report.
4. ANJEC GRANT - \$20,000 requested/\$6,000 received – Mayor Heymann reported that this is complete; therefore, it can be removed.
5. 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) - No report.
6. 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). No report.
7. FY 2007 NATIONAL TRAIL RECREATION GRANT - \$25,000 - \$10,000 MATCH FOR TRAIL MAINTENANCE - No report.

c. GRANTS TO BE FILED
No report

2) STATUS REPORT RE RESOLUTION CALLING FOR CHANGES TO OPRA APPROVED BY NJS LEAGUE OF MUNICIPALITIES – Mayor Heymann advised there has been nothing further on this issue. The Borough sponsored commendation for The League of Municipalities to have this on their Agenda to correct the OPRA issues and there were two problems, which she will share now. The League of Municipalities was in favor of OPRA because they would like to have as much transparency in government as possible; and they like to use OPRA themselves. They had to skirt around their own wishes because there was a clear vote in favor of the League coming out in favor of being against OPRA, so they had mixed feelings about it as far as pushing for it, and she doesn't think they did their utmost. The other problem is that the media wanted OPRA in the first place so there will be no help there at all. It is a very difficult Statute to eliminate even though every single municipality and every single county and even the State government is under great deal of pressure about the costs OPRA is causing everyone. Borough Clerk advised at this time that OPRA does not allow you to charge for the time required to respond to these requests. Mayor concurred it is a most unfortunate situation.

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- 3) REPORT – Mayor Heymann informed that the above items conclude her 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) - Mayor Heymann asked that this item be removed.
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, informed he has a question for the Borough Administrator. He complimented that his OPRA requests have been received in a timely fashion, with the exception of the three requests for vouchers for John DiStefano to Dee Woods, where he again repeated that he received written notification that he will present to the Administrator that no such vouchers were there, until they “miraculously”, inexplicably appeared. He commended the Borough Clerk for doing a great job under great duress. His question to Mr. Wiest was whether the “Auditor’s Report” he referred to was the one from Joseph Luppino. Borough Administrator responded it was, but the Audit has not yet been finalized and he expects we will see it within the next month.

Mr. Johnson questioned if the missing tile in the Tax Assessor’s office has been replaced yet. Borough Administrator responded that it was and Mr. Johnson expressed his happiness that when Mr. Wiest came, it got done.

Mr. Johnson explained as follows: Rockborn Trucking repaved, resurfaced Hawthorne Terrace last week on Tuesday, Wednesday, Thursday, Friday. The noise ordinance prohibits construction from starting until 7 a.m. On Thursday, they had engines running at 6:20 a.m. right around the corner. On Friday, it was 6:25 a.m. Mr. Johnson contacted the Police Department and Watch Commander, Richard D’Amico, sent an officer who informed them, and Mr. Johnson informed them that the noise ordinance prohibits noise before 7 a.m. As it is the beginning of the summer, there are children on the street, who would like to enjoy vacation not getting awakened at 6:25a.m. He does not know if any fines were issued to them or if they were made aware of the situation. Borough Engineer responded that he would re-emphasize that to the contractors.

Mr. Johnson stated he would like to compliment Councilman Barad and Councilman Kashwick for crossing out their initials and for verifying the fact they were not happy with the vacation awards for John DiStefano.

Finally, Mr. Johnson informed the Mayor and Council that Lt. Daniel O’Brien is the Supervisor of Detectives assigned to the Criminal Justice Division of the State Attorney General’s Office, and he is personally conducting the investigation and will meet with Mr. Johnson; and since no other Borough employee wishes to testify with him what is the truth, it comes up to Superman. Mr. Johnson wished the Mayor and Council a nice evening.

Jesse Rosenblum, 65 Knickerbocker Road, questioned regarding the (United) Water Co.

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property, how long the trail is. Borough Engineer asked if he was referring to the entire segment and advised the entire segment is between one half and three quarters of a mile. For clarification, Mr. Rosenblum asked if that was within the Water Co. property; and Borough Engineer responded that it was. Mr. Rosenblum questioned if the trail could be navigated by a patrol car; and Mayor and Borough Engineer responded no to same. He continued as to whether a bicycle or motorcycle could navigate the trail; and Borough Engineer explained a bicycle probably could but not a motorcycle. He expressed his opinion that if the Police are closing and opening the gate, they would want to check the trail before they lock the gate. Mayor Heymann advised these issues would be discussed. Borough Engineer questioned how far should the town go, for example if they check the trail, should they check the property adjacent to the trail? Mr. Rosenblum jokingly suggested leaving a ladder by the gate.

Regarding the Grant for Bathrooms, Mr. Rosenblum remarked he sees it is for \$205,000 and questioned whether that is an estimate by engineering. Mayor Heymann advised the \$205,000 grant covers other things besides bathrooms.

Mr. Rosenblum suggested when sending a message with the tax bill, it would be interesting to include what the current valuation of property is, noting that in 2006 it was 100%. Mayor Heymann noted this was a good point and thanked Mr. Rosenblum.

Hugh Johnson, 107 Demarest Avenue, questioned regarding the gate, he assumes there will be there will be signage informing when the trail is open and closed so the public will know. Mayor Heymann informed they absolutely will have a sign and those items will be discussed.

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

10. ADJOURNMENT

Motion to adjourn the Work Session at 9:27 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 July 16, 2009 for approval at
the Regular Meeting to be held
July 22, 2009.

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held July 22, 2009
Consent Agenda Item No. 20b.