

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MARCH 25, 2009 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, March 25, 2009. Mayor Heymann called the meeting to order at 7:35 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. OPEN PUBLIC MEETINGS ACT STATEMENT

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

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

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

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

Tax Collector, Maria Passafaro

Superintendent of Public Works, William Dahle

In the audience were:

Former Councilman Jack Kelly

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.

Hugh Johnson, 107 Demarest Avenue, referred to the OPRA request on the telephone issue which is being investigated by the Finance Committee and noted that the number of companies has been reduced from 9 to 6 including Broadwing which is a long distance company even though the Borough currently has New Horizon. Councilman Kashwick said that the Committee is in the process of reviewing all of the billings; and Councilman Glidden said there was discussion on the matter that we are taking seriously. The Finance Committee investigation is not complete as of yet. Mr. Johnson cited the billings for January at \$4,913.85 and February at \$4,750.45 from New Horizons and contained therein were charges for a private line totaling \$2,836.35 for one month for calls to Ontario, Canada; Cedar Falls, Iowa for 108 minutes. Also included were many calls to New City, the County Seat of Rockland County that transferred John DiStefano's case to White Plains for indictment. Mayor Heymann said that the Finance Committee is taking this matter very seriously, the charges are being investigated and we are planning to make the system as efficient as possible. She said that the Finance Committee reviews the policy behind the finances and pares the budget where indicated but we depend on our professionals for advice on these matters. Mr. Johnson noted that the professional who signed off on these invoices all last year was John DiStefano with no input or knowledge of the Finance Committee; and as Mayor, she should have had knowledge of this given that he was your Administrator, sharing the same office and you are in charge of this town. There are no checks and balances. Mayor Heymann said that she did not give the Administrator carte blanche and he was not the purchaser of the telephone services to the best of her knowledge. The matter will continue to be discussed by the Finance Committee.

Steve Isaacson, 97 Columbus Avenue, questioned the status of the computer policy; and Mayor Heymann advised that filters have been placed on all Borough computers and we are following a policy provided by the Chief of Police. Mr. Isaacson referred to an OPRA request, which information the Mayor said was in her office; and he questioned when she would be available in her office to obtain the information inasmuch as his request indicated that the price of the information be quoted and that the information be mailed to him. He

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referred to the plans for the Buzzoni field which he had requested numerous times from John DiStefano and asked if there was a signed agreement with Ken's Tree Care for field use. He expressed support for the concept of checks and balances with taxpayer money.

Mayor Heymann said that reports on the use of the field are available in the Department of Public Works.

Jack Kelly, 132 Herbert Avenue, referred to the payment and sign off procedure for phone bills and Mayor Heymann advised that we sign off on the compilation and do not look at the individual bills. Councilman Barad said the telephone bills could be checked to see who signed off on same. Mayor Heymann said that the billings are checked but the bill may not have indicated anything out of the norm and none of us can speak to it without seeing the bill itself.

Mr. Kelly questioned if there was an expenditure of COAH funds and if the property in question was inspected for future potential. Mayor Heymann answered that no COAH money has been expended and Vantage would be saving the Borough a great deal of money.

Carl Olsson, 215 Irving Avenue, reported seeing a giant wild turkey on his property. He expressed his concern and frustration over all the talk over a \$2,800 issue when he assumes there are larger challenges facing the town. He suggested that Mr. Johnson and Mr. Kelly spend as much time scrutinizing the expenses of the Board of Education since together they take care of two thirds of our total budget. He has conflicting information on enrollment. Councilman Glidden expressed his appreciation for the comments made this evening; and he noted that the Borough has a problem in administration but interviews are ongoing with a resolve to be forthcoming as quickly as possible. We intend to answer your questions and respond to your OPRA requests. We had our Auditor in to review the books and we see nothing amiss.

Hugh Johnson, 107 Demarest Avenue, announced that he would be meeting with Superintendent Newberry tomorrow. He referred to the signs on the Mary Crain property; and Borough Attorney advised that he contacted the Code Enforcement Officer and reviewed the agreement on the matter before the County Agricultural Board and it was his understanding that they are notifying her that if she does not respond, his office would intervene. There is an agreement on file with the County Agricultural Board containing a limitation on the number and location of signs.

Hugh Johnson referred to his OPRA request for information concerning Mr. DiStefano's voucher noting that a Borough vehicle with e-z pass was not used for his trips but he was still looking into the possibility that he was paid to go back and forth to White Plains based on substantiating phone calls to New City and White Plains.

Steve Isaacson, 97 Columbus Avenue, suggested that the Borough look into his long distance carrier where voice over internet is used thereby costing him nothing to speak to his daughter in Spain.

4. COMMUNICATIONS

a. MAIL LIST – MARCH 12, 2009 – Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Steve Isaacson asked that Item No. 3 be removed. Councilman Hennessey asked that Item No. 7 be removed.

Item No. 3 – Received 03/09/09 hand delivered by Mayor, dated 03/03/09 from Sheila A. Migliarino, Case Manager, Bureau of Underground Storage Tanks, NJSDEP re Notice of Deficiency – D. Schmidt Inc. – Remedial Investigation Report re 277 Herbert Avenue, Closter, Bergen County, SRP P1#032793; Activity Number Reference: USR020001, Case #:99-08-06-0940-02 BUST c2, Closure #:N908-2927, Sec #: 4 (Copy to Board of Health, Keith Sager)

Steve Isaacson, 97 Columbus Avenue, advised that the Environmental Commission has not been copied on this matter and asked how this notification would affect the development of the property. Mayor Heymann said she did not know the answer but that she would find out.

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Item No. 7 – Received 03/11/09, dated 03/10/09 from David Scholz, Chairman, Closter Environmental Commission re quarterly Reports for the MacBain Farm for 08/09 and 10/2008 and 11/08/12/08 and 01/09 (First half of 9th fiscal year of 10 year contract with John McCaffrey – contract to expire 7/31/2010 (Copy to Glenn Parsells)

Councilman Hennessey questioned who was responsible to renew the lease on this property and Mayor Heymann advised that the Environmental Commission has been in charge of the MacBain Farm, that they would make the recommendations and the Mayor and Council does the actual negotiations. Councilman Kashwick reported that the Environmental Commission recommended that negotiations commence since the contract expires next summer and that a committee be formed for same.

b. MAIL LIST – MARCH 19, 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: Borough Engineer asked that Item No.12 be removed. Councilman Hennessey asked that Item No. 10 be removed.

Item No. 10 – Received 03/18/09, dated March 2009 from Frank Belluscio, Communications Director to the Municipal Clerks re Voter Awareness of Annual School Election (April 21, 2009) poster placed on Boro Clerk’s Bulletin Board on 3/19/09 (Copy provided to Kevin Whitney for placement on Web Site, copy to Closter Board of Education Business Administrator, NVRHA/Demarest Business Administrator)

Councilman Hennessey questioned if would be possible to include budget amounts on the web site in addition to the Voter Awareness Poster. Mayor Heymann said she would check to determine if the information was on the web site link and Councilman Barad indicated that the full document, not an edited version, would have to be put on the web site. Since the Borough had the summary page of the budget, Mayor Heymann said she would follow through on this matter.

Item No. 12 – Received 03/18/09, dated 03/16/09 from Stephen Dilts, Commissioner, NJS Department of Environmental Protection, Green Acres Program to Mayor re Availability of Applications for NJDOT Municipal Aid, Bikeway, Centers of Place, Transit Village and Safe Street to Transit Programs – Deadline for submission: 6/12/09 (Copy to Chief of Police)

Borough Engineer advised that under this program we are currently on Section 4 for West Street; and unless he hears otherwise, he would be preparing an application for West Street Section 5.

At this time, Chief Berrian advised that the private telephone line referred to earlier in the meeting is for Interboro Radio offered by the phone company and dedicated to the repeater station that provide communications beyond the site distance of the radios. This charge should be picked up by the Interboro Radio System. In answer to Councilwoman Amitai, Mayor Heymann advised that Interboro has an agreement that covers five towns at this point; and participation is based on population of the individual towns. This is not a particular bill but a summation of all the expenses including our telephone, dispatcher, utility and police officer salaries for desk supervision. The total annual cost of \$325,000 is approximately \$325,000 and apportioned to each municipality.

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

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

Mayor Heymann 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

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- 8.* INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING - 4/22/09 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:
- a. BOND ORDINANCE NO. 2009:1035, “ORDINANCE APPROPRIATING \$45,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR IMPROVEMENTS TO BOROUGH HALL IN THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY (Received from Bond Counsel 3/9/09) Mayor Heymann explained that this ordinance is a transfer of funds that have been bonded but not used for their original purpose and with the permission of Bond Counsel, they are being redirected. Councilman Hennessey said the original purpose of this ordinance was to make the building handicapped accessible and the proposed ordinance would provide for handicapped curb cuts on County roads.
- b. ORDINANCE NO. 2009:1036, “AN ORDINANCE AMENDING SCHEDULE A: LIMITING SCHEDULE, SPECIFICALLY, CHANGING THE MAXIMUM SIZE OF RETAIL STORES IN DISTRICT NO. 3 BUSINESS AREA PURSUANT TO THE RECOMMENDATION OF THE PLANNING BOARD (Received from Borough Attorney 3/17/09) Mayor Heymann explained that the recommendation was to change the maximum size from 50,000 square feet to 45,000 square feet.
- c. ORDINANCE NO. 2009:1037, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$68,100.00 FROM OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND FOR PARK AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Mayor 3/20/09) Mayor Heymann explained that this is a matching fund necessary to accept the grant from the County of Bergen.
- 9.* BILL RESOLUTION – MARCH 31, 2009 TO BE PREPARED BY TREASURER
- 10.* POSSIBLE APPOINTMENT OF BOROUGH ALTERNATE PROSECUTOR
(Opening held 1/8/09 @ 10:30 a.m.) (Adjourned from RM 1/28/09; RM 2/11/09; 2/25/09; 3/11/09)
- 11.* RESOLUTION AUTHORIZING DEPUTY BOROUGH TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$6,194.11 TO FIRST AMERICAN R.E. TAX SERVICE FOR 2009 REAL ESTATE TAX OVERPAYMENT FOR BLOCK 2402 LOT 10
(Received from Tax Collector 3/6/09)
- 12.* RESOLUTION AUTHORIZING TAX COLLECTOR TO CANCEL CERTAIN 1ST AND 2ND QUARTERS 2009 PRELIMINARY TAXES IN THE AMOUNT OF \$1,712.83 IN BLOCK 309, LOT 1, ASSESSED TO KOESTNER, FRANK, LOCATION: 10 BETHANY CIRCLE
(Received from Tax Collector 3/6/09) Mayor Heymann explained that this is the property in Bethany Circle that was deeded to the Borough.
- 13.* RESOLUTION APPOINTING MICHAELA TOMANOVA AS FINANCE CLERK FOR A ONE YEAR TERM TO 12/31/09 AT AN ANNUAL RATE OF \$31,850.00, COMMENCING APRIL 1, 2009, SUBJECT TO A COMPLETE BACKGROUND CHECK
(Received from Mayor’s office 3/17/09) Mayor Heymann explained that she has been working in the finance office and the purpose of this resolution is to increase her hours but not her salary.
- 14.* RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$17,537.56 PAYABLE TO R. ROTHMAN, 411 GRAND AVENUE, ENGLEWOOD, NJ 07631 FOR REDEMPTION OF TAX SALE CERTIFICATE #08-3 PER TAX SALE HELD 6/19/08, FOR BLOCK 1301 LOT 1, 227 WEST STREET
(Received from Tax Collector 3/9/09)
- 15.* RESOLUTION AUTHORIZING THE MAYOR AND COUNCIL TO ENDORSE CERTIFICATE OF SALE #01-1 RE BLOCK 309, LOT 1, 10 BETHANY CIRCLE, ASSESSED TO KOESTNER, FRANK W., C/O NIGITO FOR CANCELLATION RE TAX SALE OF NOVEMBER 28, 2001 DUE TO ACQUISITION PURSUANT TO N.J.S.A. 54:5-111.1
(Received from Tax Collector 3/9/09)

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- 16.* RESOLUTION PROCLAIMING MONTH OF MARCH AS CENTENNIAL AME ZION CHURCH MONTH (Received from Mayor's office 3/17/09)
- 17.*—RESOLUTION CONFIRMING AGREEMENT OF THE GOVERNING BODY TO APPROPRIATE FUNDS *OR* AUTHORIZE THE ISSUANCE OF DEBT TO FUND ANY SHORTFALL IN ITS AFFORDABLE HOUSING PROGRAM THAT MAY ARISE WHETHER DUE TO INADEQUATE FUNDING FROM OTHER SOURCES OR FOR ANY OTHER REASON, AND UPON WRITTEN NOTIFICATION BY COAH AFTER FINDING THAT INADEQUATE FUNDING EXISTS TO COMPLETE THE AFFORDABLE HOUSING PROGRAMS INCLUDED IN THE BOROUGH OF CLOSTER'S COAH-CERTIFIED HOUSING ELEMENT AND FAIR SHARE PLAN, THE BOROUGH AGREES TO APPROPRIATE FUNDS *OR* AUTHORIZE THE ISSUANCE OF DEBT WITHIN 90 DAYS OF WRITTEN NOTIFICATION BY COAH (Received from Mayor 3/18/09) Mayor Heymann explained that the resolution is mandatory for COAH to accept our plan and as things stand now, we will not have to expend any funds for any COAH because we are meeting our requirements without building any units.
- 18.* RESOLUTION CONFIRMING THE MAYOR AND COUNCIL'S WISHES TO PURSUE LOCAL INITIATIVES AND ACTIONS THAT WILL LEAD TO SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION; AND AUTHORIZING MAYOR HEYMANN TO SERVE AS CLOSTER'S AGENT FOR THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROCESS AND AUTHORIZE HER TO COMPLETE THE MUNICIPAL REGISTRATION ON BEHALF OF THE BOROUGH (Received from Mayor's office 3/18/09) Mayor Heymann explained that the League of Municipalities and PSE&G are working together to assure that all municipalities to whatever is possible to maintain sustainability for ecological reasons.
- 19.*—RESOLUTION OPPOSING THE DECISION OF THE TENAFLY PLANNING BOARD REGARDING APPROVAL FOR CONSTRUCTION OF A 21-UNIT APARTMENT BUILDING WITHIN 25 FEET OF THE TENAKILL BROOK, A C-1 WATERWAY FEEDING DIRECTLY INTO THE ORADELL RESERVOIR, A PRIMARY SOURCE OF DRINKING WATER FOR MUCH OF BERGEN COUNTY, IN THAT DEVELOPMENT SO CLOSE TO THE BROOK WOULD ADVERSELY AFFECT THE WATER QUALITY FOR THE RESIDENTS OF THE NORTHERN VALLEY; AND RECOMMENDING THAT THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REJECT THIS PROPOSAL (Received from Councilman Kashwick 3/18/09) Mayor Heymann explained that she wrote a personal letter to Senator Cardinale. Councilman Kashwick said that this was initiated by Steve Isaacson because development so close to a stream would result in runoff and other pollutants entering the Tenakill brook that runs north into Closter thereby affecting our water quality and drinking water.
- 20.*—RESOLUTION APPOINTING MIRELLA C. HERNANDEZ AS OFFICE ASSISTANT TO THE BOROUGH CLERK FOR A ONE YEAR TERM TO 12/31/09, AT AN ANNUAL SALARY OF \$32,500.00 FOR A 90-DAY PROBATIONARY PERIOD, SUBJECT TO A COMPLETE BACKGROUND CHECK
- 21.* TRANSFER RESOLUTION (Requested by Chief Financial Officer 3/18/09)
TO BE PREPARED BY AUDITOR

Mayor Heymann read the Resolution transferring \$26,221 to the Police Department as it had not been distributed by the Clerk but had been received just prior to the Council meeting and explained that during the first quarter of the year the Borough works with a temporary budget that is ¼ of the previous year's budget and since it was not directly coordinated some of the figures do not match our needs.

- 22.* 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):

<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	_____	1 Year	12/31/09
(BOROUGH CLERK)			
DEPUTY TAX COLLECTOR	_____	1 Year	12/31/09

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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

**** Note:** The following appointments are outstanding, to date, in the absence of Administrator/ Treasurer:

TREASURER	_____	1 YEAR	12/31/09
AFFIRMATIVE ACTION OFFICER	_____	1 YEAR	12/31/09
APPROPRIATE AUTHORITY	_____	1 YEAR	12/31/09

MOTIONS

23.* MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) Adjourned from RM 1/14/09; RM 1/28/09; RM 2/11/09:

<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 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

24.* POSSIBLE MOTION APPOINTING _____ TO SERVE AS MEMBER OF THE HISTORIC PRESERVATION COMMISSION FOR AN UNEXPIRED 4-YEAR TERM (REIMERS) TO 12/31/09 (13. M.L. 3/5/09) (Adjourned from RM 2/25/09) 22,23 and 24 removed by Mayor

25.* MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 3/18/09):

- a. REGULAR MEETING MINUTES:
 - 1) JANUARY 28, 2009 – NO ABSTENTIONS
 - 2) FEBRUARY 11, 2009 – ABSTENTION: HENNESSEY
- b. WORK SESSION NOTES
 - 1) FEBRUARY 11, 2009 – ABSTENTION: HENNESSEY
 - 2) FEBRUARY 25, 2009 – ABSTENTION: AMITAI

26.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:
 a CHIEF OF POLICE – FEBRUARY 2009 (Received 3/13/09)

The following items were removed by the following individuals: Mayor Heymann previously removed Item Nos. 10, 22, 23 and 24; Councilwoman Amitai removed Item Nos. 13 and 20; Councilman Hennessey removed Item Nos. 8b and 17; Mr. Isaacson asked that Item No. 19 be removed.

7b. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 8b, 13, 17, 19 and 20 was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Heymann.

27. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING -
4/22/09 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

- 8b. ORDINANCE NO. 2009:1036, “AN ORDINANCE AMENDING SCHEDULE A: LIMITING SCHEDULE, SPECIFICALLY, CHANGING THE MAXIMUM SIZE OF RETAIL STORES IN DISTRICT NO. 3 BUSINESS AREA PURSUANT TO THE RECOMMENDATION OF THE PLANNING BOARD (Received from Borough Attorney 3/17/09)

Councilman Hennessey questioned if the square footage figure was a recommendation of the Planning Board; and Mayor Heymann said that the Planning Board’s recommendation was reviewed by the Ordinance Committee and agreed with same feeling that 45,000 was an adequate amount. Jesse Rosenblum, 65 Knickerbocker Road, questioned the ordinance purpose and if the applications would stay before the Planning Board. Mayor Heymann said that the ordinance would make the use of space more flexible. Mr. Rosenblum expressed support for the applications to be reviewed by the Zoning Board of Adjustment since they are better equipped; and he cited errors made by the Planning Board on the Temple Emanu-El and the Closter Plaza applications.

Motion to approved Introduction of Ordinance No. 2009:1036, as amended, was made by Councilman Kashwick, seconded by Councilman Barad. and was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Tutoli and Amitai; Councilman Hennessey voting No.

13. RESOLUTION APPOINTING MICHAELA TOMANOVA AS FINANCE CLERK FOR A ONE YEAR TERM TO 12/31/09 AT AN ANNUAL RATE OF \$31,850.00, COMMENCING APRIL 1, 2009, SUBJECT TO A COMPLETE BACKGROUND CHECK (Received from Mayor’s office 3/17/09)

Councilwoman Amitai cited budget constraints and discussions on voluntary employee furloughs, reduction of hours for department heads in addition to a freeze on permanent employees. She referred to the stress in the absence of a Borough Administrator and inasmuch as we have interviewed two viable candidates, action on a permanent employee in the Finance Office should be held off since having a full time administrator might relieve some of the stress. It is hoped that the new administrator would assess the entire Borough staffing needs. Mayor Heymann said that the Borough is not hiring a new employee but giving a present employee additional hours; and this employee is desperately needed in the Finance Office that is undermanned. Maria Passafaro explained that her office is not running properly at this time and the employee in question is loyal, diligent and willing to work. Councilwoman Amitai said there would be a more intelligent and informed decision when a new administrator is in charge. She questioned when the ban was lifted on full time employees. Mayor Heymann indicated that hiring a new administrator would have no effect on the clerical work in the Finance Office. The fact that we have not had an Administrator in the past two months has relieved salary dollars that can be apportioned in a different way. The work that he was doing must be done by someone else and everyone in the Borough has taken a heavy dose of extra work. This will not be costing us anymore and you will note that the 2009 budget salary line, except for the police, is going down. Councilwoman Amitai said that the other Council members, not just the Personnel Committee, should have been consulted before the hiring freeze was lifted and she felt that was offensive. Maria Passafaro explained that she had requested discussion on this matter with the Human Resources and Finance Committees which was the correct protocol.

Jack Kelly, 232 Herbert Avenue, questioned the duties of a finance clerk and Maria Passafaro said the employee is doing revenue and finance. Mayor Heymann said in the past there have been as many as five employees in that office. At present there is a full time tax collector, deputy treasurer/payroll clerk, two part time employees and one employee that is split with the Tax Assessor’s office.

Hugh Johnson, 107 Demarest Avenue, said he would rather see an experienced 15 month employee who knows the operation rather than someone completely unfamiliar.

Motion to approve Item No. 13 was made by Councilman Kashwick, seconded by

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

17. RESOLUTION CONFIRMING AGREEMENT OF THE GOVERNING BODY TO APPROPRIATE FUNDS OR AUTHORIZE THE ISSUANCE OF DEBT TO FUND ANY SHORTFALL IN ITS AFFORDABLE HOUSING PROGRAM THAT MAY ARISE WHETHER DUE TO INADEQUATE FUNDING FROM OTHER SOURCES OR FOR ANY OTHER REASON, AND UPON WRITTEN NOTIFICATION BY COAH AFTER FINDING THAT INADEQUATE FUNDING EXISTS TO COMPLETE THE AFFORDABLE HOUSING PROGRAMS INCLUDED IN THE BOROUGH OF CLOSTER'S COAH-CERTIFIED HOUSING ELEMENT AND FAIR SHARE PLAN, THE BOROUGH AGREES TO APPROPRIATE FUNDS OR AUTHORIZE THE ISSUANCE OF DEBT WITHIN 90 DAYS OF WRITTEN NOTIFICATION BY COAH (Received from Mayor 3/18/09)

Councilman Hennessey questioned how much is in the COAH account and he cited the different methods of achieving COAH units. Mayor Heymann said that the information is in her office and she would provide same. It is an audited trust account. The resolution is inappropriate for Closter but COAH demands its adoption if we wish to be protected by COAH. Obeying is voluntary but choosing not to leaves the municipality open to a builder's remedy suit.

Jack Kelly, 132 Herbert Avenue, asked if COAH has approved the Vantage proposal. Borough Attorney said the contract has been done but not the deed as yet. Mayor Heymann said that the town does not have to spend any money on this matter.

Motion to approve Item No. 17 was made by Councilman Barad, seconded by Councilman Hennessey and was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

19. RESOLUTION OPPOSING THE DECISION OF THE TENAFLY PLANNING BOARD REGARDING APPROVAL FOR CONSTRUCTION OF A 21-UNIT APARTMENT BUILDING WITHIN 25 FEET OF THE TENAKILL BROOK, A C-1 WATERWAY FEEDING DIRECTLY INTO THE ORADELL RESERVOIR, A PRIMARY SOURCE OF DRINKING WATER FOR MUCH OF BERGEN COUNTY, IN THAT DEVELOPMENT SO CLOSE TO THE BROOK WOULD ADVERSELY AFFECT THE WATER QUALITY FOR THE RESIDENTS OF THE NORTHERN VALLEY; AND RECOMMENDING THAT THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REJECT THIS PROPOSAL

Steve Isaacson, 97 Columbus Avenue, updated the Mayor and Council on the Planning Board approval of this development noting that they are pushing COAH credits in front of the Tenafly Mayor and Council in order to sell this deal. Closter is downstream of this development and every town should be notified in addition to the Department of Environmental Protection. Mayor Heymann said that other communities and United Water have been asked to support this resolution. She has not heard from other towns on this matter but she noted that she would be forwarding the resolution to the Mayor of Haworth who is also the head of the Bergen County Environmental Commission.

Motion to approve Item No. 19 was made by Councilman Kashwick seconded by Councilman Barad and was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

20. RESOLUTION APPOINTING MIRELLA C. HERNANDEZ AS OFFICE ASSISTANT TO THE BOROUGH CLERK FOR A ONE YEAR TERM TO 12/31/09, AT AN ANNUAL SALARY OF \$32,500.00 FOR A 90-DAY PROBATIONARY PERIOD, SUBJECT TO A COMPLETE BACKGROUND CHECK

At this time, Mrs. Amitai explained this pertained to the same discussion she had earlier regarding the Tax Office; but she recalled that the appointment of an employee for the Borough Clerk's office had been approved a long time ago; and she knows she needs the help in her office.

Motion to approve Item No. 20 was made by Councilwoman Amitai, seconded by

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Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

28. 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

At this time, Mayor Heymann requested that the following appointments of Giuseppe LaMastra as Acting Construction Official and Joseph Zavarino as Acting Building Subcode Official be approved for an interim period in the Building Department due to the illness of the Construction Official.

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

Motion to recess the Regular Meeting at 8:45 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai

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

- 29a. Mayor Heymann resumed the Regular Meeting at 9:21 p.m. and asked for a motion approving the following Resolution:

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)(4), “A collective bargaining agreement”; 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 item(s) under discussion in the closed meeting would be disclosed to the public at the conclusion of the contract negotiations, the litigation and the matter which should be within 8-10 weeks.

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

Mayor Heymann resumed the Regular Meeting at 10:03 p.m.

30. ADJOURN

Motion to adjourn the Regular Meeting at 10:03 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 April 16, 2009 for
approval at the Regular Meeting
to be held April 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 April 22, 2009
Consent Agenda Item No. 23a.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – MARCH 25, 2009 – 7:30 P.M..

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CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – MARCH 25, 2009 – 7:30 P.M.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – MARCH 25, 2009 - 7:30 P.M.

Mayor Heymann convened the Work Session at 8:45 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick,
David Barad, Cynthia L. Tutoli, Victoria Amitai
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, David Berrian
Tax Collector, Maria Passafaro
DPW Superintendent William Dahle

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.

At this time, Mayor Heymann referred to a Mayor's Fax Advisory dealing with A-3772/S-2577 that have been passed by the Legislature and awaiting signature by the Governor. She recommended that each Councilperson phone the Governor's office to request a veto of the legislation. She explained that the legislation would allow a builder of a planned program of 55 plus housing to remove that limitation and the Borough zoning ordinance would be overridden.

3. COMMITTEE REPORTS

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

1) STATUS REPORT RE CAPITAL BUDGET/CAPITAL PLAN
(RM 7/9/08) Councilman Kashwick reported that the Budget figures are being finalized with introduction scheduled for the first week in April. He acknowledged the efforts of the Mayor in this regard.

2) STATUS REPORT RE CLOSTER WEBSITE – No Report

3) STATUS REPORT RE IN-KIND MATCH OF \$25,000 FOR COMMUNITY FORESTRY GRANT (Work to be done by DPW) RM 6/27/07 Councilman Kashwick reported that the inspections have not been done.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – MARCH 25, 2009 – 7:30 P.M.

- 4) REPORT – Councilman Kashwick reported on the following
- a. There had been discussion on what constitutes a shade tree; and this would be addressed at the joint meeting. George Futterknecht and Woods Landscaping have inspected all of the trees that were planted late last year and there has been trimming of some of the trees and fertilizing and mulching of all of the trees at no expense to the Borough. Mayor Heymann said she would send a thank you letter on behalf of the Borough. Arbor Day festivities at the school are planned for April 23rd with a rain date of April 24th.
 - b. Councilman Kashwick reported that he had walked the trails a number of times in the past several weeks; and they are in pretty good shape except for several sections. The signage should be installed within the next month or two. On April 25th the Nature Center and some members of the Environmental Commission will be at the Library for the showing of Kilowatt Hours and discussion on the sustainable Closter initiative to make the Borough a greener community.
 - c. He reported that the Historic Preservation Commission is planning a garden gathering at the Jovine residence to discuss the proposed district with the various residents. He referred to an article in the Record about the district.

B. PUBLIC SAFETY - GLIDDEN (TUTOLI/HENNESSEY)

1) REPORT – Councilman Glidden reported that the improvements to the Police Department are nearing completion; and a Council walk through would be conducted in approximately two weeks. He has asked the Police Chief to report in two weeks on the operation of the Police Department including the new schedule and the relationship between management and the Department. Chief Berrian advised that he would send an e-mail to the Council relative to the walk through.

C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN)

1) REPORT – Councilman Hennessey reported that the Ambulance Corps has sent out its first request for donations and he encouraged everyone to give generously.

a. He reported on a DPW Committee meeting on March 4th and would like to offer mulch to the residents beginning on Earth Day. DPW Superintendent advised that home delivery during working hours could be scheduled by the homeowner with the Department.

D. ORDINANCE - BARAD (KASHWICK/AMITAI)

1) STATUS REPORT RE ORDINANCE COMMITTEE MEETINGS – At this time, Councilman Barad referred to the School Board Election and urged everyone to vote. He felt the people of Closter should have decided who could run for the School Board instead of the Courts. Mayor Heymann said that this was made clear to the School Board at a meeting but the Board based their decision on the guidance given by their attorney. Councilman Barad reported that the Ordinance Committee would be meeting in April with a full Agenda.

2) REPORT – Councilman Barad reported that the Health Department has reorganized and is working with the new Health Officer.

CLOSTER MAYOR AND COUNCIL
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E. HUMAN RESOURCES - TUTOLI (KASHWICK/BARAD)

1) STATUS REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilwoman Tutoli reported that the Committee continues its weekly conference calls; and interviews for the Administrator’s position are ongoing. Names of viable candidates would be submitted to the Mayor and Council.

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

1) REPORT – Councilwoman Amitai reported that CIC is down three members and a flyer asking for members would be prepared for posting at various locations and on the website. Mayor Heymann said that she would be posting all of the openings on the website with an invitation for any interested person to contact her. Councilwoman Amitai suggested an informal gathering with the Mayor and Council and all of the newcomers. Mayor Heymann expressed support for the suggestion. Councilman Barad noted that the CIC is short of money and he questioned if grant monies would be available for this organization. Mayor Heymann said that businesses in other communities pay for the ornamentation of the municipality. The 2009 budget contains money for ornamentation that could be obtained from the Closter businesses. Councilwoman Amitai said a letter would be sent to the business owners in the Renaissance District asking for a contribution for the Christmas decorations. Councilman Hennessey advised that the DPW Superintendent has moneys available in Clean Communities for garbage containers for the downtown area. Mayor Heymann said that the expenditure listing is very limited. DPW Superintendent advised that presently the sweeper needs to be repaired in addition to other expenses that would be covered by the Clean Communities Program.

Regarding storage of wreaths, Councilwoman Amitai said it would be a lot less expensive to use the upstairs of the Senior Center. Mayor Heymann indicated that the storage issue was also tied with the set up and last year it was reported that it was not cost efficient for the DPW to do the job because it required onsite tools and parts and expertise that the DPW does not have. DPW Superintendent said that the job is in the middle of leaf season.

4. OLD BUSINESS
5. NEW BUSINESS
6. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
7. OPEN MEETING TO THE PUBLIC

Mayor Heymann opened the meeting to the public.

Hugh Johnson, 107 Demarest Avenue, advised that Mike Lewis has been in the hospital for five days and that he would be having a valve replacement and a triple bypass on Monday. He said that former Mayor Fred Pitofsky is out of his coma and there is some movement. He thanked Bill Dahle for putting up the pictures but that Mayor Pitofsky’s date he left office must be included in addition to Mayor Heymann’s name. He referred to the Welcome Wagon that used to be in town and the lack of a Chamber of Commerce. Councilman Amitai said the Boy Scouts have taken over the welcome wagon.

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Councilman Kashwick said that Primary season is approaching and he anticipates someone coming before the governing body relative to the sign ordinance. Mayor Heymann said that legally the Borough cannot control election signs; and the present ordinance is not enforceable according to the Courts.

In answer to Councilwoman Amitai relative to the Flamm property, Borough Attorney said that the money has not been received from the County as yet. Additional information has been sent to the County.

Borough Engineer reported that bids for the road program are due next Friday and a report would be given at the next meeting.

Borough Clerk reported as follows:

- a. The next Mayor and Council meeting will be held on Monday, April 6th.
- b. Monday, April 6th is the last day to submit election petitions to her by 4 p.m. for Council
- c. The last day to register to vote for the Annual School Election is March 31st. Her office will be open to the public from 9 a.m. to 9 p.m. on that day, as requested by the Superintendent of Elections.

Borough Attorney referred to past requests from telecommunication providers for space on the tower and noted that a new request has been made. He recommended that the provider be invited to meet with the Mayor and Council to explain the proposal before incurring the cost of preparing bid specifications. Mayor Heymann suggested that the Cable Committee extend the invitation to proposed applicants. No objections were expressed by Council members.

8. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

No one wished to be heard.

9. ADJOURNMENT

Mayor Heymann adjourned the Work Session at 9:21 p.m.

Provided to Mayor and Council on
April 16, 2009 for approval at the
Regular Meeting to be held
April 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 April 22, 2009
Consent Agenda Item No. 23b2)

CLOSTER MAYOR AND COUNCIL
WORK SESSION AGENDA – FEBRUARY 25, 2009 – 7:30 P.M.