

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MAY 13, 2009 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, May 13, 2009. Mayor Heymann called the meeting to order at 7:36 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 (7:50 p.m.), Cynthia L. Tutoli, Victoria Amitai

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Borough Auditor, Gary Vinci

Chief of Police, David Berrian

Chief Financial Officer, Joseph Luppino

Tax Collector, Maria Passafaro

Superintendent of Public Works, William Dahle

In the audience were:

Deputy Treasurer, Dee Woods

Tax Assessor, Angela Mattiace

Recycling Coordinator, Carol Dacey

Recreation Director, Jim Oettinger

Zoning Officer, Lenny Sinowitz

Board of Ethics Chairman, Arthur Dolson

At this time, Mayor Heymann called attention to the posters provided by the children relative to Volunteer Week and announced that the Borough would be honoring volunteers at the Council meeting of May 27th.

Mayor Heymann commended Police Officers Aldo Guerino, Matthew Thornhill and Jack McTigue as well as Harrington Park Police Officers Fierro and Sprengel who were honored by the 200 Club with special awards and who will be honored by the Red Cross as Heroes of the Year in the very near future.

Mayor Heymann announced that May is Historic Preservation Month and our officials from the Society and Commission received awards this past week. Resident Cathy Corcoran renovated one of the Demarest Homes and she was nominated for an award. The Historic Commission received an award for the development of a wall at the Library depicting the important buildings on West Street and Harrington Avenue and which will be transferred to the Borough Hall in the near future.

Mayor Heymann advised that at Noon on May 17th a new bocce court would be initiated, on May 20th through the 31st, there will be an art exhibit of the most talented Northern Valley High School students at the Belskie Museum and the month of May is also Museum month. American Legion Memorial Day Ceremonies would be held on May 25th at 9 a.m. in Volunteer Park, Fire Department ceremonies would be held on the same day at 11 a.m. in front of the Fire House and the parade will begin at St. Mary's parking lot at Noon with World War II veterans Martha D'Amico and Ann Mueller serving as Grand Marshals.

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

ORDINANCE NO. 2009:1038, "BOROUGH OF CLOSTER CALENDAR YEAR 2009

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ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

This Ordinance was introduced at the Regular Meeting held 4/6/09 and was published in the Press Journal issue of 4/16/09, as stated in the printer's affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board, in accordance with statutory requirements, and copies have been made available to the general public.

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

Steve Isaacson, 97 Columbus Avenue questioned the amount by which the Budget CAP would be exceeded and the actual Budget CAP. Mayor Heymann answered that we are not exceeding the larger CAP. Borough Auditor advised that the Ordinance provides flexibility, the CAP Bank would actually last two years beyond the current year and the proposed budget is \$900,000 below the CAP calculation promulgated by the State. This provides flexibility in future years should there be an emergent situation within the CAP. This ordinance does not create a surplus fund but only a ceiling up to which the Borough can budget. It has no bearing on the tax rate and only provides a calculation as to how much can be spent to operate the municipality. The ordinance provides for a maximum increase of 3½ %, which is 1% over the original State limitation of 2½ %.

Motion approving adoption of Ordinance No. 2009:1038 was made by Councilman Kashwick, seconded by Councilwoman Tutoli and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai

5. PUBLIC HEARING AND ADOPTION OF THE 2009 MUNICIPAL BUDGET AND RELATED RESOLUTIONS @ 7:30 P.M OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

The 2009 Municipal Budget was introduced at the Regular Meeting held 4/6/09. Summary of the Municipal Budget was published in the Press Journal on 4/16/09, as stated in the printer's affidavit of publication. Reprint of the Summary was posted on the Municipal Bulletin Board, in accordance with statutory requirements, and copies have been made available to the general public. A copy of the Municipal Budget was hand delivered to the Closter Library on 5/4/09 for review by the public, as stated in the Municipal Clerk's memo to the Mayor and Council dated 5/4/09.

Michael Kafer, 261 Parsells Lane, expressed his disappointment that the budget was not available on line as in past years for citizen review. In the proposed 2008 budget, \$100,000 was set aside to pay for accumulated sick leave and he questioned how much has been set aside in the 2009 Budget for this potential liability. Mayor Heymann said the primary effort this year was to keep the budget as low as possible; and the money that was reserved is being used this year to pay pension and other terminal issues so that there would be no allocation for accumulated sick leave. It is our hope that this fund could be reinstated even though there is no requirement by law to do so. Borough Auditor advised that the current liability is \$1.2 million and Councilman Hennessey advised that \$1,000 was budgeted in 2008.

Mr. Kafer questioned the Open Space Fund expenditures and Borough Auditor answered that at the end of 2008 approximately \$517,000 remained in this fund. He explained that capital ordinances are adopted for the purchase of properties and the funding would come from the trust account. Relative to pension obligations, Borough Auditor advised that the full amount has been budgeted in the amount of \$591,000 for Police and Fire and \$217,000 for public employees

Mayor Heymann explained that the introduced budget has been amended downward in order to make the levy as low as possible and noted that the Chief Financial Officer, Chairman of the Finance Committee and the Borough Auditor have worked with her in this effort; and there are a series of amendments to be made to accomplish same in accordance with State law.

At this time, Mayor Heymann closed the Public Hearing on the 2009 Municipal Budget.

6. INTRODUCTION OF AMENDMENT TO 2009 MUNICIPAL BUDGET – PUBLIC HEARING - 5/27/09 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Requested by Auditor 5/7/09) TO BE PREPARED BY AUDITOR

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Mayor Heymann explained that dormant accounts have been reviewed in addition to re-assigning previous expenses to different categories in order to increase revenues. Some expenditure categories have increased because of information received from vendors as was the case for the fire hydrants and an additional expense for water well monitoring. The tax increase for the average homeowner would be \$101 for the municipal portion of the tax rate. The total 2009 expense figure is lower than 2008. Councilwoman Amitai asked that the budget be put on line for the residents.

Motion approving introduction of Amendment to 2009 Municipal Budget was made by Councilman Kashwick, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

7. MAYORAL PROCLAMATIONS DECLARING THE FOLLOWING:

- a. MONTH OF MAY AS VOLUNTEER APPRECIATION MONTH AND WEDNESDAY, 5/27/09 AS CLOSTER'S OFFICIAL "THANK A VOLUNTEER DAY" (Received from Mayor's office 4/27/09) – Mayor read and so declared.
- b. THE MONTH OF SEPTEMBER AS OVARIAN CANCER AWARENESS MONTH (3. M.L. 5/7/09) – Mayor read and so declared.

8. 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)

Jesse Rosenblum, 65 Knickerbocker Road, questioned if a deed is being prepared inasmuch as the Zoning Board has approved the Vantage Health application; and Borough Attorney advised that same should be accomplished within the next 45 days. Mr. Rosenblum questioned if any conversations were held with the owners or agents of Closter Plaza or Whole Foods and he cited the recently adopted ordinance increasing the size of a building to 45,000 square feet that gives prior accommodation to an applicant . Mayor Heymann answered that any applicant could use that accommodation; and it was a matter of realizing that if we wanted to improve Closter Plaza, we needed to provide for a space that would accommodate a desirable occupant. It was of mutual interest and a lot of people were involved; and if there is any conflict of interest, she, as a Planning Board member, would not vote on the application.

Carl Olsson, 215 Irving Avenue, questioned the Reserve for Uncollected Taxes in the Budget. Mayor Heymann advised that the Tax Collector has indicated that our collections are improved over last year; and the figure contained in the budget is conservative and should allow for any problems.

Angela Mattiace, Borough Assessor, expressed her opposition to a request from the Mayor that she move from her current office to second floor space that is unsuitable and unsecured. She was not consulted on this matter. She indicated that the proposed space is unacceptable for fiscally irresponsible reason of throwing away taxpayer dollars on office furniture to try to make an unsecured space secure, in addition to proposed Attorney General guidelines that would prohibit anyone other than the Registrar of Vital Statistics to have access to that space. The Assessor's office works in conjunction with the Tax Collector's office to assist the taxpayers. These changes are being made to accommodate a Mayor who may only have another 18 months in office and this disruption comes less than 30 days before her preparation and defense of over 75 tax appeals before the Bergen County Board of Taxation. Proper protocol has not been followed to move the County equipment. The burden is being placed on the Assessor's office to accommodate the Mayor's office; and she has made this decision to accommodate herself and will not move to the Mayor's office which is on the second floor. The Mayor is currently occupying what has always been the Administrator's office, which is also currently occupied by her aide and a part-time person who enters purchase orders. The Mayor does not wish to give up her space and her defense is that the incoming Administrator does not wish to share the space; however, if the Mayor moves upstairs to the Mayor's office, her aide moves to the Police Department, the part-time person can move to the Finance Office where he belongs. The Mayor is in an office she never should have occupied. She requested that this burden of moving not be put on her office in addition to this unnecessary burden on the taxpayers. Mayor Heymann explained that nothing was changed or contemplated in the Assessor's office and today was the first

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time she and Kevin Whitney looked at the space but no moves were made to change anything. Kevin Whitney advised her that the computer was tied to the County and could not be moved except by the County. The Mayor's office on the second floor is now being used by the Recreation Department and it had been set up for Mayor Pitofsky who was working full time and needed very little space. The Administrator's office was built for Erik Lenander and the Tax Assessor is here for a very few hours only in the evening and there is no one here at that time to interfere with her operation. There is no intention of spending any Borough money since there is furniture in all of the offices and all of the file cabinets are locked and can remain secure in a different location.

Steve Isaacson, 97 Columbus Avenue, noted that there was an increase in revenue from Cablevision and Mayor Heymann said that this money has always be put in MYRNA and added to the Surplus the following year. He referred to the big project coming to Closter in multiple phases over many years and the governing body in the beginning approved the phases. He felt it would be prudent to deal with one phase before approving the total project. Mayor Heymann said that there was a greater fear that the project would not be carried out rather than the governing body not being happy with the project. All the items required in phase 1 would have to be accomplished before moving on to phase 2. The Planning Board has not had a formal meeting on the project. Borough Attorney said that the Planning Board has jurisdiction in this matter. Mr. Isaacson suggested that the Mayor and Council require permits for everyone; and Mayor Heymann said that the Borough is improving the operation in this area.

Hugh Johnson, 107 Demarest Avenue, complimented the children on the posters. Relative to Closter Plaza, he noted that the cones around the sinking manholes have disappeared and that Lt. D'Amico had contacted the management and advised them that the area would be barricaded by the police if necessary. If there is an accident, the Borough and the Plaza would be liable and he noted that he has a claim for his damaged tire. He urged the governing body to do something about the problem. Mayor Heymann said she would have the building department look into the matter.

Mr. Johnson said that he had received mail from Superior Court relative to a pre-indictment conference on a charge by the Construction Official of stalking; and he noted that the Construction Official better win because if he does not, the Borough and the Mayor would be liable since the Mayor told him specifically that she had no control over an employee on his own time. Borough Attorney answered that the proceeding was not instituted by the Borough; and if an employee has a private matter in municipal court, it is dealt with in that court. At this point, it is a private matter between two people and the Borough cannot be involved. The employee has not filed any charges to this governing body's knowledge that arise out of his employment with the Borough to the extent that the Borough is a party to this action; and the governing body should have no comment.

Kyle Dennerlein, 7 Wilson Place, questioned the allocation for fire hydrants in the proposed budget and Mayor Heymann said it pays for maintenance but she suggested that he contact United Water about the charge.

Diane Larsen, 49 John Street, referred to the recent joint meeting and felt it was inappropriate for any applications to be on the agenda or discussed at that meeting. Borough Attorney said it should not have been on the agenda. Ms. Larsen said she had heard that John DiStefano is receiving unemployment benefits and Deputy Treasurer advised that he is receiving benefits and that Mayor Heymann had signed for same. Mayor Heymann said that anyone who is fired can collect unemployment.

9. COMMUNICATIONS

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

At this time, Mayor Heymann said the Borough and the media have given a lot of publicity about the American Recovery and Reinvestment Act and noted she has investigated every grant that has been listed but Closter has not been eligible. She has contacted Senator Menendez's office to complain.

No one wished to have anything removed.

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- b. MAIL LIST – APRIL 30, 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.

- c. MAIL LIST – MAY 7, 2009 – Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

Item No. 7 – Received 5/7/09 from Travis Brueck and Fausto Geraldo, 7th Graders at Tenakill Middle School re Petition signed by 31 “Residents in Closter in Favor of Skate Plark” (copy to Glenn Parsell, Jim Oettinger)

Rhonda Starr, 7th Grade Language Arts Teacher, said that the letter was part of an assignment to write a persuasive letter. Fausto Giraldo, 28 Naugle Street and Travis Brueck, 23 John Street, thanked the governing body for considering their request and said that the skate park would keep children safe and the new park would be treated with respect. He said that they would try to raise money by placing donation cans in area stores or by charging a seasonal fee. Commercial advertising could be provided for shops that cater to skate boarding needs. They suggested that the skate park be located near Shauble Park or at Ruckman Field using removable equipment.

Jim Oettinger, Recreation Director, proposed that the boys find a location and that the cost of the last proposal for a skate park was estimated at approximately \$100,000. He said that Old Tappan has a roller rink that turns into an ice skating rink in the winter. He felt that the basketball area at Ruckman Field is too heavily used and he suggested High Street Park. He said that more kids should be involved in the project, discuss the rules that would have to be enforced and the matter would have to be discussed with the Joint Insurance Fund. He urged them to pursue the project and do further research for a location. Councilwoman Tutoli said the last group was advised that if 50% of the cost was raised, the Borough would provide the remaining 50%. Councilman Glidden congratulated the boys on the work they have done and said this is a big project that would take a lot of effort, time and money but the governing body would support them. In answer to Ms. Starr, Mayor Heymann said that the funding would have to be reviewed and that if the funds raised by the use of donation cans is not enough, an alternate source should be investigated. There are grants for this type of endeavor and it takes approximately one year and she would discuss same with the teacher.

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

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

- 11a. 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

- 12.* INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING –
6/10/09 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:
- a. ORDINANCE NO. 2009:1041, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 48 OF THE CLOSTER CODE AND CLARIFYING ORDINANCE NO. 2009:1026 REGARDING PERSONNEL POLICIES” (Received from Borough Attorney 5/5/09)
- b. ORDINANCE NO. 2009:1042, “ AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 103 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING FENCES” (Received from Borough Attorney 5/5/09)
- e. ORDINANCE NO. 2009:1043, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$68,100.00 FROM BERGEN COUNTY MUNICIPAL PARK IMPROVEMENT & LAND ACQUISITION PROGRAM FOR PARK AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Mayor’s office 4/23/09)
- d. ORDINANCE NO. 2009:1044, “A CAPITAL ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$150,000.00 FOR WEST STREET SECTION IV IMPROVEMENTS TO

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BE UNDERTAKEN BY THE BOROUGH OF CLOSTER AND TO APPROPRIATE \$150,000 FOR A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT” (Received from Mayor’s office 4/24/09)

13.* *POSSIBLE* RESOLUTION RE TAX REIMBURSEMENT CERTIFICATION (Received from Recycling Coordinator 4/15/09/Adjourned from RM 4/22/09)
TO BE PREPARED BY BOROUGH ATTORNEY

14.* BILL RESOLUTION – MAY 15, 2009
TO BE PREPARED BY DEPUTY TREASURER

14b.* BILL RESOLUTION – APRIL 30, 2009
 (Received from Deputy Treasurer 5/12/09)

15.* *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):

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

~~** 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

16.* RESOLUTION ACCEPTING THE LOW BID RECEIVED AT THE BID OPENING HELD 4/3/09 @ 11:30 A.M. FROM ROCKBORN TRUCKING & EXCAVATION, INC., 12 TAYLOR ROAD, WHARTON, NJ 07885 IN THE AMOUNT OF \$1,494,692.50 FOR THE 2009 ROAD IMPROVEMENT PROGRAM (Received from Borough Attorney 5/4/09)

17.* RESOLUTION AUTHORIZING THE BOROUGH TREASURER TO ISSUE REFUND CHECKS TO THE FOLLOWING:

a. THE AMOUNT OF \$4,744.16 TO MANNA, ROLANDO & SUSANA, 249 IRVING AVENUE, FOR BLOCK 1901 LOT 6 DUE TO SECOND QUARTER 2009 OVERPAYMENT BY HOMEOWNER (Received from Tax Collector 4/20/09)

b. THE AMOUNT OF \$2,932.75 TO CLIFTON SAVINGS BANK FOR BLOCK 910 LOT 6 FOR 4TH QUARTER 2008, 1ST AND 2ND QUARTERS 2009 DUE TO A COUNTY BOARD JUDGEMENT (Received from Tax Collector 5/6/09)

18.* RESOLUTION APPROVING THE SETTLEMENT OF BER-L-8874-07 (Requested by Borough Attorney 5/5/09) RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY

19.* RESOLUTION AUTHORIZING THE SUBMISSION OF SUSTAINABLE JERSEY SMALL GRANTS FUNDED BY WAL-MART (Received from Mayor’s office 5/7/09)

20.* RESOLUTION AUTHORIZING THE RENEWAL OF THE RECYCLING AGREEMENT WITH MIELE SANITATION COMPANY (Received from Borough Attorney 4/30/09)

21.* RESOLUTION AUTHORIZING THE HIRING OF WILLIAM ZUCKERMAN AS TREASURER AT A SALARY OF \$52,500 PER ANNUM FOR 27 HOURS PER WEEK, FOR A PROBATIONARY PERIOD OF 3 MONTHS, SUBJECT TO AMENDMENTS TO THE BOROUGH’S SALARY RESOLUTION AND APPLICABLE ORDINANCES, EFFECTIVE

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6/1/09 (Received from Borough Attorney 5/6/09)

- ~~22~~.* RESOLUTION AUTHORIZING THE HIRING OF QUENTIN WIEST AS BOROUGH ADMINISTRATOR AT A SALARY OF \$107,000 PER YEAR SUBJECT TO AMENDMENTS TO THE BOROUGH'S SALARY RESOLUTION AND APPLICABLE ORDINANCES AND SUBJECT TO A FULL BACKGROUND CHECK AND THE EXECUTION OF AN EMPLOYMENT CONTRACT; TO WORK A 4 ½ DAY WORK SCHEDULE, SUBJECT TO SUCCESSFUL COMPLETION OF A 3 MONTH PROBATIONARY PERIOD BEGINNING JUNE 1, 2009 (Received from Borough Attorney 5/6/09)
- ~~23~~.* RESOLUTION APPOINTING ROSE MITCHELL TO THE POSITION OF LAND USE COORDINATOR FOR THE PLANNING BOARD AT AN ANNUAL RATE OF \$10,920.00 COMMENCING JUNE 1, 2009 (Received from Mayor's office 5/6/09)
- ~~24~~.* RESOLUTION APPOINTING ARLENE CORVELLI AS ASSISTANT TO THE BOROUGH CLERK FOR A ONE YEAR TERM TO 12/31/09 AT A SALARY OF \$40,000.00, SUBJECT TO A BACKGROUND CHECK, EFFECTIVE 5/11/09
- ~~25~~.* RESOLUTION ACCEPTING \$6,600.00 FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND MUNICIPAL GRANT PROGRAM THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY FOR THE PRELIMINARY ASSESSMENT AS WELL AS REPORT PREPARATION OF THE SUPER VALUE, INC. PROPERTY, BLOCK 502, LOT 3 (SCHRAALENBURGH ROAD AND OLD HOOK ROAD)
(Received from Mayor's office 5/6/09)
- ~~26~~.* RESOLUTION MEMORIALIZING COMMITMENT OF THE GOVERNING BODY TO THE REDEVELOPMENT OF PROPERTY KNOWN AS BLOCK 502 LOT 3 (SCHRAALENBURGH ROAD & OLD HOOK ROAD - SUPER VALUE) WITHIN A 3 YEAR PERIOD OF TIME TO PROVIDE PASSIVE OPEN SPACE (Received from Mayor's Office 5/6/09)
- ~~27~~.* RESOLUTION URGING THE NEW JERSEY STATE LEGISLATURE TO PASS LEGISLATION CONTAINING SUBSTANTIAL REFORMS TO THE BINDING ARBITRATION PROCESS FOR POLICE AND FIRE PERSONNEL
(Received from Mayor's office 4/24/09)
- ~~28~~.* RESOLUTION APPROVING SUBMISSION OF APPLICATION TO BERGEN COUNTY OPEN SPACE TRUST FUND IN THE AMOUNT OF \$68,100.00 FOR THE PURPOSE OF USING SAME IN 2008 OPEN SPACE TRUST FUNDS FOR IMPROVEMENTS TO BOROUGH PARKS; AUTHORIZING MAYOR SOPHIE HEYMANN TO BE A SIGNATORY TO THE GRANT AGREEMENT AND JOSEPH LUPPINO TO SIGN ALL COUNTY VOUCHERS SUBMITTED IN CONNECTION WITH SAME
(This is a dollar for dollar match for any funds awarded in accordance with the Trust requirements) Received from Mayor's office 4/23/09
- ~~28a~~.* *POSSIBLE* RESOLUTION ACCEPTING THE LOW BID OF MIELE SANITATION CO. FOR THE PROVIDING OF SOLID WASTE TRANSFER STATION SERVICES INCLUDING THE TRANSFER, TRANSPORTATION, AND DELIVERY AND PAYMENT FOR DISPOSAL OF SOLID WASTE FOR THE BOROUGH OF CLOSTER
(Received from Borough Attorney 5/11/09)
- ~~28b~~.* RESOLUTION RE OPPOSITION TO A PROPOSED DIVERSION OF FUNDS FROM EMERGENCY MEDICAL TECHNICAL TRAINING FUND (Received from Mayor 5/11/09)
- ~~28c~~.* RESOLUTION AUTHORIZING THE APPROPRIATE MUNICIPAL OFFICIAL, *MAYOR SOPHIE HEYMANN*, TO EXECUTE AN AGREEMENT BETWEEN THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE BOROUGH OF CLOSTER TO PROVIDE POLICE OFFICERS AS TRAFFIC DIRECTORS RE TRAIN PREEMPTION FOR TRAFFIC SIGNALS NORTH 11

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(Received from Mayor 5/9/09 @1:33 p.m.)

- 28d.* RESOLUTION ACCEPTING PROPOSAL OF BOSWELL MC CLAVE ENGINEERING DATED 1/7/09 AND AUTHORIZING BOSWELL MC CLAVE ENGINEERING TO PERFORM THE NECESSARY INSPECTION SERVICES FOR THE 2009 ROAD IMPROVEMENT PROGRAM IN AN AMOUNT NOT TO EXCEED \$150,000.00 (Received from Borough Engineer 5/13/09 @9:30 a.m.)

MOTIONS

- 29.* 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:

<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

- 30.* 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; 3/11/09; 3/25/09; 4/6/09; 4/22/09)

- 31.* APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 4/23/09) – ABSTENTION: AMITAI
 a. 1) REGULAR MEETING OF APRIL 6, 2009
 2) WORK SESSIONS OF APRIL 6, 2009
 b. APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 5/7/09) NO ABSTENTIONS
 1) REGULAR MEETING OF APRIL 22, 2009
 2) WORK SESSION OF APRIL 22, 2009

- 32.* GRANTING APPROVAL FOR RECREATION COMMISSION TO SERVE BEER TO THE COACHES AT THE BARBECUE AND SOFTBALL GAMES AT MEMORIAL FIELD TO BE CONDUCTED ON 5/22; 7/3/09 (Night) 9/4/09 (Night) AND LABOR DAY WEEK END; RAIN DATES: 5/24/09 @ 4 P.M.; 7/4/09 @ 7 P.M. AND 9/5/09 @ 4 P.M. (5. M.L. 4/30/09)

- 33.* GRANTING APPROVAL FOR BOY SCOUT TROOP 63 TO CONDUCT ANNUAL YARD SALE IN THE BOROUGH HALL PARKING LOT ON SATURDAY, 6/13/09; RAIN DATE: 6/20/09 (8. M.L. 4/30/09); AND WAIVING OF FEE (Approval received from Risk Management Consultant 4/20/09 re insurance)

- 34.* GRANTING APPROVAL FOR THE CLOSTER ELKS AND THE AMERICAN LEGION POST 111 TO HOST THE MEMORIAL DAY PARADE ON 5/25/09 (2a & 2b M.L. 5/7/09)

- 34a.* GRANTING APPROVAL FOR THE CLOSTER LIONS CLUB TO CONDUCT HOLE-IN-ONE CONTEST AT CLOSTER GOLF INC., 153 HOMANS AVENUE, CLOSTER, NJ 07624, ON 6/20/09 AND 6/21/09 FROM 9:00 A.M. TO 6:00 P.M. (Completed application received 5/12/09 and appropriate fees paid)

- 35.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:
 a. CONSTRUCTION OFFICIAL - APRIL 2009 (Received 5/5/09)

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

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Mayor Heymann previously removed Item No. 15. Councilman Glidden removed Items 21, 22 and 26. Councilman Kashwick removed Items 12c, 19 and 28. Councilman Hennessey removed Item 25. Borough Attorney removed Item 28a. Diane Larsen removed Item No. 23 and John Inglese removed Item No. 16. No action was taken on Item Nos. 29 and 30.

11b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item No. 12c, 15, 16, 19, 21, 22, 23, 25, 26, 28, 28a, 29 and 30 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.

36. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

12c. ORDINANCE NO. 2009:1042 “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$68,100.00 FROM BERGEN COUNTY MUNICIPAL PARK IMPROVEMENT & LAND ACQUISITION PROGRAM FOR PARK AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Mayor’s office 4/23/09)

Councilman Kashwick suggested that in the interest of clarity and transparency the grants should be listed with an explanation for the public. Mayor Heymann explained the uses for the grant for improvements at Ruckman Park and a bathroom to be constructed at Mollicone Park and advised that the resolutions are needed in order to receive the money from the County.

Sivert Hagen, 72 Eckerson Avenue, reminded those present at the Joint Board meeting that he had spoken strongly in opposition to cutting down trees making Mollicone woods smaller and not considering what was going to happen downstream with the addition of more impervious surfaces. Mayor Heymann said that everyone concerned is in unanimous agreement to protect as many trees as possible and continue to plant trees wherever possible. The bathroom at Mollicone Park is a replacement for a port-a-san and would be no more intrusive but much better for the community. Jim Oettinger, Recreation Director, advised that it is a pre-fab unit measuring approximately 8’ by 12’ and the ash trees that fell down or were cut down were victims of a blight that occurred during the drought. Mr. Hagen noted that there were oak trees that were cut down all in the area of the proposed bathroom location in addition to a 10’ swath on the east side of the field. The field has been expanded over the years; and less consideration has been given to a legacy for children. Mr. Oettinger asked to meet with Mr. Hagen at the field, possibly with Ray Cywinski, to inspect the area.

Marie Gonzales, 82 Legion Place, said she had attended the Joint Meeting; and when the Mollicone Park subject arose, it seemed that the speaker received a verbal reprimand about rumors; but now at this meeting it has been indicated that there was a grant application. Mayor Heymann said that she did not consider the construction of a small bathroom as a replacement for a port-a-san to be development of Mollicone Park. She did not think that the structure needed a foundation; and Borough Engineer said that the structure would conform with the Department of Environmental Protection rules and regulations. Mayor Heymann said that the Borough would go through all the proper processes and the construction would only be for a bathroom not for a recreation building. Mr. Hagen noted that the budgeted cost is \$205,000 through a Community Development grant as indicated on the Work Session Agenda, which is not a minor structure. Mayor Heymann explained that same is a report of the original grant that was not approved and should be removed from the agenda; and the approved grant was for \$68,000 for one bathroom since the Borough did not receive the grant for the other bathroom. She offered to show the plans that are in her office and there are no plans for a parking lot.

Jesse Rosenblum, 65 Knickerbocker Road, questioned how much has been budgeted for maintenance of the bathroom. Mayor Heymann said that nothing has been budgeted and it would be maintained by the Department of Public Works within their budget.

Motion of approval was made by Councilman Barad, seconded by Councilman Hennessey and declared carried by Mayor Heymann on an affirmative vote of Councilpersons Glidden, Hennessey, Barad and Tutoli. Councilpersons Kashwick and Amitai voting no.

16. RESOLUTION ACCEPTING THE LOW BID RECEIVED AT THE BID OPENING HELD 4/3/09 @ 11:30 A.M. FROM ROCKBORN TRUCKING & EXCAVATION, INC., 12 TAYLOR

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ROAD, WHARTON, NJ 07885 IN THE AMOUNT OF \$1,494,692.50 FOR THE 2009 ROAD IMPROVEMENT PROGRAM (Received from Borough Attorney 5/4/09)

Mr. Inglese of English Paving who submitted the second lowest bid for the paving job cited sections of the bid package that had not been completed by the low bidder including equipment and man power to be used on the project. He noted that the bid should not be awarded if everything is not complete. He asked that the Council reconsider since he did not want to go forward with a lawsuit. Borough Attorney said he is aware of the complaint; and after reviewing the bid, it was determined that certain information needed to be clarified. Certifications have been received from the low bidder that subcontractors would not be used; and they have the necessary equipment to perform the job. The bidder has satisfied his office from a legal standpoint to qualify as the low bidder. Mr. Inglese said that a list of equipment owned and registered to Rockborn should be submitted. Borough Attorney said that the list of equipment is less important than the use of subcontractors; and it is the concern of the Borough that the job is completed in a professional and workmanlike manner. Based on his legal analysis and the Borough Engineer's acceptance of what was submitted, the Borough would be awarding the bid to Rockborn.

Rocky Florio, owner of Rockborn Inc., said that his company has more equipment than English Paving and was a sub-contractor to them for milling up until last year and noted that it is costing the Borough money every month that the project is delayed due to the increase in the cost of oil. He urged that the project be expedited and said that the firm has its own equipment and the only portion subcontracted last year was a little concrete work.

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

19. RESOLUTION AUTHORIZING THE SUBMISSION OF SUSTAINABLE JERSEY SMALL GRANTS FUNDED BY WAL-MART (Received from Mayor's office 5/7/09)

Councilman Kashwick indicated that he felt uncomfortable entangling the Borough in a public relations scheme sponsored by a corporation. Mayor Heymann said that there are ten \$10,000 grants and four \$25,000 grants applications available and she expressed support for the application to be submitted by the Borough.

Motion of approval was made by Councilman Glidden, seconded by Councilman Hennessey and declared carried by Mayor Heymann on an affirmative vote of Councilpersons Glidden, Hennessey, Barad, Tutoli and Amitai. Councilman Kashwick voting no.

21. RESOLUTION AUTHORIZING THE HIRING OF WILLIAM ZUCKERMAN AS TREASURER AT A SALARY OF \$52,500 PER ANNUM FOR 27 HOURS PER WEEK, FOR A PROBATIONARY PERIOD OF 3 MONTHS, SUBJECT TO AMENDMENTS TO THE BOROUGH'S SALARY RESOLUTION AND APPLICABLE ORDINANCES, EFFECTIVE 6/1/09 (Received from Borough Attorney 5/6/09)

Councilman Glidden requested that this resolution be removed from the agenda and discussed during Closed Session under personnel.

Diane Smith, 419 Closter Dock Road, questioned who was doing the job at the present time. Mayor Heymann said at the present time the person is not doing the full treasurer's job, was hired as a bookkeeper temporarily and is more than qualified to advance. He is presently paid \$15 per hour, which is a ridiculous sum, but it was a test. She explained that he is an accounting professor in a New Jersey college who has CMFO and CPA certifications, is retired and does not need benefits. He wanted to come into a new field and volunteered himself. There will be a job description included in the contract that would be signed prior to the expiration of the probationary period. Borough Attorney indicated that there would be no contract for this position and Mayor Heymann said that there would be a very clear cut job description for this position and there would be no salary adjustment after the probationary period. She said that benefits are covered by federal and he would be under the limit; and, therefore, there would be no way to obtain benefits.

Maria Passafaro, Borough Tax Collector, took offense to the resolution and voiced her opinion that he is being rewarded within a two-month time with no municipal experience. She did not see the productivity and questioned the impact of his hiring on her office before he is

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hired.

Diane Larsen, 49 John Street, questioned the amount of the salary for a 27-hour week. Mayor Heymann said if he had not been hired at the \$15 per hour rate, there would be no issue because the salary that is being proposed for his qualifications and the work that is proposed for him is actually way under the market. He is being raised only because he was willing to work for a ridiculous amount, with his qualifications, for a short period of time; and if we hired off the street, we would be paying considerably more. This is a low ball salary. Maria Passafaro said it was his choice to accept the position at \$15 per hour. It was not that we created this salary. We offered that salary and he accepted it. He is here 2½ months. She is here 7 years and did not do that; and a lot of other women and a lot of other employees here cannot do that; and she took offense to it.

Diane Larsen said that Erik Lenander did the treasurer's position and the administrator's position as well as handling all of the personnel issues for \$110,000 and you are giving this person almost half that amount which she felt was rather excessive. Mayor Heymann explained that the proposed title is the title John DiStefano had; and he was making much more. Diane Larsen asked why are we going so high so fast; and Mayor Heymann said it is not a raise, it is a different job.

Maria Passafaro suggested, as she had done in the past, that the governing body have a Borough employee as liaison to the Personnel Committee to have input on behalf of the Borough employees. Mayor Heymann said that the suggestion would be discussed.

Jesse Rosenblum, 65 Knickerbocker Road, questioned if there is a State certification needed for the treasurer's job; and Mayor Heymann said no and no certification is required from the State.

Diane Smith, 419 Closter Dock Road, questioned if the Borough is paying for his CFO certification. Mayor Heymann said that the Borough has a CFO who we pay separately. Diane Smith questioned if we are paying for his entire background or only for what we need because if we are paying for an advanced degree, that is one thing; but if we are paying for less, we should be paying at that level. You do not overpay because someone is well educated only for what you need.

22. RESOLUTION AUTHORIZING THE HIRING OF QUENTIN WIEST AS BOROUGH ADMINISTRATOR AT A SALARY OF \$107,000 PER YEAR SUBJECT TO AMENDMENTS TO THE BOROUGH'S SALARY RESOLUTION AND APPLICABLE ORDINANCES AND SUBJECT TO A FULL BACKGROUND CHECK AND THE EXECUTION OF AN EMPLOYMENT CONTRACT; TO WORK A 4 ½ DAY WORK SCHEDULE, SUBJECT TO SUCCESSFUL COMPLETION OF A 3 MONTH PROBATIONARY PERIOD BEGINNING JUNE 1, 2009 (Received from Borough Attorney 5/6/09)

At this time, Councilman Glidden introduced Quentin Wiest. Mayor Heymann said that his bio is available and she welcomed him to the Borough. Mr. Wiest said that he would not take comments personally and part of the reason he is here is because the best government is closest to the people and that it has the most direct effect on your daily lives. He said he asked for the job because Closter is a great town with a great history and he looked forward to working with everyone. He thanked the Mayor and Council for their anticipated vote of support. Councilman Glidden said that he has known Mr. Wiest for a number of years and that he is the one time Mayor of Ridgewood, County Department Head under Pat Schuber and former Executive Director of the Bergen County Improvement Authority. He welcomed him to the Borough.

Diane Smith, 419 Closter Dock Road, welcomed Mr. Wiest to the Borough and questioned his experience in this area. Mayor Heymann said this is his first experience in municipal work as Business Administrator and his yearly salary would start June 1st.

Hugh Johnson, 107 Demarest Avenue, questioned if a vote would take place in Closed Session on the hiring and Borough Attorney advised that there would be no vote taken in Closed Session and the resolution is being discussed at this time. Mr. Johnson noted that the Borough had a temporary administrator for the past three years with no prior experience and did not feel that the Borough should go through this again especially at that salary. He said we need a qualified person with experience.

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Diane Larsen, 49 John Street, said that Erik Lenander at his top salary was making \$110,000 and he held three positions and by splitting them it would cost the Borough well more than that to accommodate the workload. Mayor Heymann said that Mr. Wiest is only getting a portion of the benefits and Mr. Zuckerman would be getting no benefits and if figured out, in effect, what we are paying is less than we used to pay. Benefits are another 40% of the salary.

Hugh Johnson, 107 Demarest Avenue, questioned if Mr. Lenander would be kept on as a part time employee at \$90 per hour for training purposes. Mayor Heymann said that this matter would be discussed by the Council and she would abide by the Council's decision.

Jesse Rosenblum, 65 Knickerbocker Road, questioned if Mr. Wiest would be a working Administrator as Mr. Lenander was, who would be breaking him in and if there was a State test for Administrators. Mayor Heymann said that he has enough experience to be able to do the job and there is no State test for Administrators.

Diane Larsen, 49 John Street, asked if any of the other candidates for the position have municipal qualifications and experience. Mayor Heymann said that same would be discussed later. Councilman Barad said that the Council had the opportunity to meet all of the candidates and it was his personal opinion that Mr. Wiest is the most qualified of those interviewed. Councilman Glidden hoped that everyone would give him a chance because he is a capable individual.

Chief Berrian said with the administrative staff coming back to its previous level, he hoped that he could have Leslie Weatherly back in his department since he is soon to be down two people.

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

23. RESOLUTION APPOINTING ROSE MITCHELL TO THE POSITION OF LAND USE COORDINATOR FOR THE PLANNING BOARD AT AN ANNUAL RATE OF \$10,920.00 COMMENCING JUNE 1, 2009 (Received from Mayor's office 5/6/09)

Diane Larsen, 49 John Street, questioned why the Planning Board Coordinator is making less than her counterpart on the Zoning Board. Mayor Heymann said that this is only a change in the way she is being paid and the Zoning Board Coordinator said that he works three hours more per week.

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

25. RESOLUTION ACCEPTING \$6,600.00 FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND MUNICIPAL GRANT PROGRAM THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY FOR THE PRELIMINARY ASSESSMENT AS WELL AS REPORT PREPARATION OF THE SUPER VALUE, INC. PROPERTY, BLOCK 502, LOT 3 (SCHRAALENBURGH ROAD AND OLD HOOK ROAD) (Received from Mayor's office 5/6/09)

In answer to Councilman Hennessey, Mayor Heymann explained that the grant application was made on behalf of the Borough and same was approved. The money would be used to investigate the need for clean up of the property. Councilman Hennessey expressed his opposition to the grant inasmuch as we know the ground is contaminated and the grant would be used to write a report. Mayor Heymann acknowledged that there is truth in what was said but in order to get the wheels rolling to improve the property, it is necessary. The property is a burden to the neighbors because of the leaching of toxic wastes. The operations of the DEP in monitoring toxic waste are such that the Borough received a bill from the DEP for supervising the monitoring of wells in the amount of \$9,700 in 1997.

Motion of approval was made by Councilman Glidden, seconded by Councilwoman Amitai and declared carried by Mayor Heymann on an affirmative vote of Councilpersons Glidden,

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Kashwick, Barad, Tutoli and Amitai. Councilman Hennessey voting no.

26. RESOLUTION MEMORIALIZING COMMITMENT OF THE GOVERNING BODY TO THE REDEVELOPMENT OF PROPERTY KNOWN AS BLOCK 502 LOT 3 (SCHRAALENBURGH ROAD & OLD HOOK ROAD - SUPER VALUE) WITHIN A 3 YEAR PERIOD OF TIME TO PROVIDE PASSIVE OPEN SPACE (Received from Mayor's Office 5/6/09)

Councilman Glidden asked if support of the redevelopment of the property would open the Borough to liability. Mayor Heymann said there is no liability at this particular time. Borough Attorney said there would not be any liability at this time with this resolution but there may be depending on what happens later.

Motion of approval was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann on an affirmative vote of Councilpersons Glidden, Barad, Amitai and Mayor Heymann. Councilpersons Hennessey, Kashwick and Tutoli voting no.

28. RESOLUTION APPROVING SUBMISSION OF APPLICATION TO BERGEN COUNTY OPEN SPACE TRUST FUND IN THE AMOUNT OF \$68,100.00 FOR THE PURPOSE OF USING SAME IN 2008 OPEN SPACE TRUST FUNDS FOR IMPROVEMENTS TO BOROUGH PARKS; AUTHORIZING MAYOR SOPHIE HEYMANN TO BE A SIGNATORY TO THE GRANT AGREEMENT AND JOSEPH LUPPINO TO SIGN ALL COUNTY VOUCHERS SUBMITTED IN CONNECTION WITH SAME (This is a dollar for dollar match for any funds awarded in accordance with the Trust requirements) Received from Mayor's office 4/23/09

Mayor Heymann advised that this resolution is a requirement in order to obtain the funding from the County.

Motion of approval was made by Councilman Hennessey seconded by Councilman Glidden and declared carried by Mayor Heymann on an affirmative vote of Councilpersons Glidden, Hennessey, Barad, Tutoli and Amitai. Councilman Kashwick voting no.

- 28a. *POSSIBLE* RESOLUTION ACCEPTING THE LOW BID OF MIELE SANITATION CO. FOR THE PROVIDING OF SOLID WASTE TRANSFER STATION SERVICES INCLUDING THE TRANSFER, TRANSPORTATION, AND DELIVERY AND PAYMENT FOR DISPOSAL OF SOLID WASTE FOR THE BOROUGH OF CLOSTER (Received from Borough Attorney 5/11/09)

Borough Attorney explained that he had reviewed the bid after recommendations were submitted and it was his recommendation that the solid waste services be limited to a three-year term rather than a five-year term. The five-year term was bid with a CPI increase which was not comparable to what the other bidders had submitted in addition to not being requested in the bid package. For the purposes of the three-year bid, it was the low bid and it cannot be guaranteed for the five-year term, that he was the lowest bidder because we do not know what the CPI will be.

It was determined that the provision for a five-year term should be removed and the words per ton be added after \$74.

Jesse Rosenblum, 65 Knickerbocker Road, asked if the services to be provided are the same as in prior years and Mayor Heymann said that the services would be the same.

Motion of approval for a three-year term and as amended was made by Councilman Hennessey, seconded by Councilman Kashwick and declared carried by Mayor Heymann on an affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

37. 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
38. DISCUSSION OF PUBLIC COMMENTS OR ANY OTHER TIMELY MATTER, IF

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APPROPRIATE

Motion to adjourn the meeting to the Work Session at 10:13 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 10:37 p.m.

Motion approving the following resolution at 10:37 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:

- 38a. 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 litigation and matter which should be within 8 to 10 weeks.

Mayor Heymann resumed the Regular Meeting at 11:50 p.m.

39. ADJOURN

Motion to adjourn the meeting at 11:50 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
May 21, 2009 for approval at the
Regular Meeting to be held
May 27, 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 May 27, 2009
Consent Agenda Item No. 20a.

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WORK SESSION NOTES – MAY 13, 2009 - 7:30 P.M.

Mayor Heymann called the meeting to order at 10:20 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

Councilpersons: John C. Glidden, 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

Superintendent of Public Works, William Dahle III

Present in the audience:

Board of Ethics Chairman, Arthur Dolson

Quentin Wiest

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 that he would have police contract negotiations, pending litigation and personnel items to discuss in Closed Session.

.B. BOROUGH ENGINEER

- 1) STATUS REPORT RE WEST STREET PROJECT (Bid Awarded to Arnold's Roads RM 2/25/09/\$115,000) – Borough Engineer reported that the road was paved today as part of the Local Aid Program. There was a paving issue at Old Closter Dock Road and West Street; and the contractor would have to correct an error in the paving by bringing in an infrared machine to reheat the area. The project should be complete by the end of next week and the remainder of the funding can be requested thereafter.
- 2) REPORT – Borough Engineer reported on a complaint about the Mary Crain property that would be discussed in Closed Session.

4. REPORTS

A. ACTING BOROUGH ADMINISTRATOR

- 1) STATUS REPORT RE 2009 MUNICIPAL BUDGET

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- 2) STATUS REPORT RE BOROUGH WEBSITE
 - 3) STATUS REPORT RE FOLLOW UP WITH FILE BANK FOR STORAGE
- OF
- RECORDS (Requested by John DiStefano at WS 10/6/08)
- 4) REPORT RE INSURANCE ITEM(S) FOR FOLLOW UP:
 - 5) REPORT – Mayor Heymann reported that there are issues under the Acting Administrator’s report that would be discussed in Closed Session.

B. BOROUGH CLERK

- 1) STATUS REPORT RE 2009 APPOINTMENTS – Borough Clerk reported that Arlene Corvelli was preparing an appointment spreadsheet; and, hopefully, the office would be able to remain current to aid the Chairman of the Board of Ethics with the Financial Disclosure Statements.
- 2) STATUS REPORT RE 2009 OATHS OF OFFICE – The oaths of office would be tracked as soon as the appointment spreadsheet is completed.
- 3) STATUS REPORT RE 2009 LICENSES – Current
 - (i) 2009-2010 Liquor License Renewals –Borough Clerk reported that the license renewal applications have been forwarded to the 13 licensees and memos have been sent to Borough Officials to make the necessary inspections and provide a report by the deadline date of 6/3/09 for action by the governing body at the meeting of 6/10/09.
- 4) REPORT RE 2009 MEETING DATES – The meeting dates are current.
- 5) REPORT RE PREPARATION FOR ELECTIONS – Borough Clerk reported that the Primary Election would be held on 6/2/09 from 6 a.m. to 8 p.m. The office was open last night until 9 p.m. for voter registration and nobody showed up. The sample ballot from the County Clerk’s office was returned approving the names of the incumbents running for Council.
- 6) REPORT – Borough Clerk reported that a Paris Grant in the amount of \$800,000 had been received by the County and would be distributed to the municipalities who had applied. The Concorde Group did a needs assessment of the Closter Departments to qualify for the grant and provided an extensive report to the County. At this point some of the records that were assessed in the basement are now outside in a container and it is hoped that the records are well protected. As Custodian of Records, she expressed concern with the records not being in the building and possibly compromising our receiving a portion of the grant. Borough Clerk reported that at the Municipal Clerk’s Association of the State of New Jersey Seminar, she spoke to Joe Falca of the Division of Archives and Records Management who informed her that DARM should be contacted through an SOS to make an inspection of the records. She felt it best to inform the governing body before contacting the State since she, as Custodian of Records, was not informed of what was going on.

On June 1st, the League would be forwarding a letter outlining the choice of hotels for the Conference in November and that further discussion would be necessary to determine who would be attending and for how long.

Borough Clerk reported that 28 adopted ordinances from 2008 and 2009 have been forwarded to General Code to be included on the website.

C. CHIEF OF POLICE

- 1) REPORT – Chief Berrian reported that the Police Certification Program would require the rewriting of the police rules and regulations in order to mesh with the Employee Manual. He thanked the Borough Attorney and his associate for reviewing both documents; and the recommendations by CALEA have been accepted from a legal standpoint. The next step would be to send same to the Ordinance Committee.

D. MAYOR

- 1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS: Mayor Heymann reported on corrections to the grant applications for next months agenda including the 2008 DOT Municipal Aid Grant for West Street Section 3- \$150,000 was awarded 12/27/07. The 2008 Enhanced 911 General

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Assistance Grant - \$28,019 has been completed. 2008 Bergen County Open Space Trust Fund Grant - \$68,100 was discussed this evening and needs to be replaced on the list. 2007 National Trail Recreation Grant with match for trail maintenance has been awarded and should be removed from Grants Filed.

a. GRANTS FILED

1. FY 2007 NATIONAL TRAIL RECREATION GRANT - \$25,000 - \$10,000 MATCH FOR TRAIL MAINTENANCE (Extension requested???)
2. GREEN COMMUNITIES 2008 APPLICATION FOR \$4,500 WITH A MATCHING SUM FROM CLOSTER IN THE AMOUNT OF \$1500 (Requested by Mayor Heymann 11/7/07)
3. COMMUNITY DEVELOPMENT GRANT OF ~~\$140,000~~ \$205,000.00 FOR

A.D. ACCESSIBLE BATHROOMS IN TWO PUBLIC PARKS
 (SHAUBLE AND MOLLICONE) RM 9/24/08 - Mayor requested at WS 10/6/08 that this addition be made to her Report in the amount of \$210,000

b. GRANTS AWARDED

1. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND & HISTORIC PRESERVATION TRUST FUND; DUE 7/7/06; FILED BY COUNCILMAN KASHWICK - 50% LOCAL MATCH REQUIRED?- ACQUISITION OF FLAMM PROPERTY END OF RUCKMAN ROAD/HOMANS AVENUE- \$500,000 AWARDED 7/11/07 FOR

BLOCK 1308, LOTS 3 AND 4, 37 HOMANS AVENUE
 (8.M.L.7/26/07)

2. BERGEN COUNTY OPEN SPACE TRUST FUND - 2004 FUNDING ROUND FOR MUNICIPAL PARK IMPROVEMENT AND LAND ACQUISITION PROGRAM (50% local match); APPLICATION DEADLINE: 10/29/04 (8.M.L.8/26/04)
 (\$190,000.00 \$120,000.00 for Recreational Trails Program/RM10/27/04 - \$120,000 Recommended Award - County Public Hearing 5/26/05)

3. NATIONAL TRAILS RECREATION PROGRAM - \$25,000 (local match of \$10,000 required) filed 12/15/05

4. ANJEC GRANT - \$20,000 requested/\$6,000 received

5. 2008 NJDOT MUNICIPAL AID PROGRAM FOR WEST STREET 3) \$150,000 awarded (5. M.L. 12/27/07)

(SECTION

6. FY2008 ENHANCED 9-1-1 GENERAL ASSISTANCE GRANT- \$28,019.00 awarded (5. M.L. 04/24/08)

7. SUPER VALUE, INC./PUBLIC ENTITY GRANT - \$6,600.00 awarded for Hazardous Discharge Site Remediation – 121 Schraalenburgh Road, Block 502 Lot 3 (14. M.L. 7/3/08)

8. PROJECT GRANT APPLICATION RE BERGEN COUNTY OPEN SPACE TRUST FUND/\$68,100.00 FOR IMPROVEMENTS TO BOROUGH PARKS IN THE MUNICIPALITY OF CLOSTER; CASH-FOR-CASH MATCH – Approved RM 6/25/08 (Requested by Mayor 7/2/08) – \$68,100 awarded; Mayor reported at WS 9/10/08 – CONTRACT NO. OST-CSR-08 – 03/01/09-4/30/10 (Various Park Improvements)

D. STATUS REPORT RE FOLLOWING GRANT APPLICATIONS:

b. GRANTS AWARDED (Continued)

9. RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT AWARD \$10,000 (for all persons with varying disabilities in the NVRS District (7. M.L. 9/11/08)

c. GRANTS TO BE FILED

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

- 3) REPORT – At this time, Mayor Heymann outlined the financing for the road program that included a \$1.6 million bond anticipation due 6/1 wedded with the \$1.615 million road program including costs and engineering bringing the total of the bond anticipation note to \$3,407,464. Interest only, not principal,

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payments are made; and, therefore, would not impact the budget specifically until at least one year hence and probably two years hence. The interest rate is 1.25%; however a discount of \$14,000 to \$16,000 will be received which then makes the actual rate .84%. The maturity date for the BAN is May 11, 2010 at which time it can be renewed depending on the interest rate; and the Borough is allowed to fund projects through bond anticipation notes for two years before turning same into a bond. The purchaser of the bond anticipation note is the Bergen County Improvement Authority; and same was arranged and signed off by Joe Luppino.

5. OLD BUSINESS

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

6. NEW BUSINESS

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

8. OPEN MEETING TO THE PUBLIC

Sivert Hagen, 72 Eckerson Avenue, noted that the Mayor went past grants filed and he requested to hear the figures for the Community Development Grant – Accessible Bathrooms in Two Public Parks. Mayor Heymann said that this grant would be taken off the next agenda.

Hugh Johnson, 107 Demarest Avenue, advised that Jim Crimmins had asked him why he had not gotten his bond returned; and he requested that Mr. Crimmins be contacted on this matter. He noted that the financial clerks have been through a horrendous time the past few weeks with taxpayers verbal abuse. He referred to the projector at the Library, which he understood was purchased. Mayor Heymann said that we had already owned that projector. He advised the Council that he was witness to a telephone call during the planting of the trees at Tenakill School; and the recipient of the call is on a Borough Commission and the message was that there is a rumor about a policeman. He said that he left a message about the rumor for Mayor Heymann. He asked Mayor Heymann to refute it and to tell her cohort to stop it because it is not right, not fair and is an insult.

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

10. ADJOURNMENT

Motion to adjourn the Work Session and return to the Regular Meeting was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann at 10:40 p.m.

Council

Provided to the Mayor and

on May 21, 2009 for approval at
the Regular Meeting to be held
May 27, 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 May 27, 2009
Consent Agenda Item No. 20b.

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