

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – NOVEMBER 23, 2009 (MONDAY) - 7:30 P.M.

Mayor Heymann called the meeting to order at 7:35 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. OPEN PUBLIC MEETINGS ACT STATEMENT

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

3. ROLL CALL

Those present were the following:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Thomas Hennessey, John Kashwick,
David Barad (7:45 p.m.), Cynthia Tutoli and Victoria Amitai (7:55 p.m.)
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Dr. Stephen T. Boswell
Borough Engineer, Nick DeNicola
Council-Elect Arthur Braun Dolson and Alissa Latner

At this time, Mayor Heymann read a Proclamation honoring Borough Clerk, Loretta Castano, for her 22 years of dedicated service to the Borough and proclaimed her 70th birthday, November 29, 2009 , as Loretta Castano Day in the Borough of Closter.

Mayor Heymann announced that New Jersey Transit would no longer be making their timetables available to the Borough Hall.

At this time, Mayor Heymann congratulated Joseph Corrado who was a runner-up for the Road Less Traveled Contest in the Bergen Record.

Mayor Heymann distributed date books from the Borough Engineer; and Borough Engineer, Stephen Boswell wished the Borough Clerk a Happy Birthday in addition to thanking the Mayor and Council for the opportunity to be of service to the Borough of Closter.

4. MAYORAL APPOINTMENT OF _____ AS MEMBER OF THE ENVIRONMENTAL COMMISSION FOR AN UNEXPIRED 3-YEAR TERM (ISACOFF) TO 12/31/09 (4. M.L. 10/22/09)

5. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12 (a)
(Subject to 5-minute limit per General Rule No. 10)

Mayor Heymann opened the meeting to the public.

Jack Kelly, 132 Herbert Avenue, asked if the car parked in the Mayor's parking spot belonged to the Mayor noting that if not, the parking spot should be observed; and if it is not observed, the car should be ticketed.

Mr. Kelly referred to the amount of Closter debt indicated at the last Council meeting; and Borough Administrator advised that there was a bond anticipation note sale in the amount of \$1,092,000 that had been previously authorized by ordinance in prior years but had not yet been borrowed. Mayor Heymann said that the obligations had been previously authorized. Borough Administrator said that the bond anticipation note covered either capital equipment purchases or capital projects. Mayor Heymann explained that she is involved in the League of Municipalities Education Committee to see that the money goes to the schools, to make sure that Governor-Elect Christie understands that the State's obligations to the municipalities are not being fulfilled and that the property tax payers are bearing the brunt of State costs. She said she would provide Mr. Kelly with a listing of the capital items covered in the bond anticipation note.

Steve Isaacson, 97 Columbus Avenue, speaking as a member of the Environmental Commission,

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asked that the fence ordinance be re-examined noting the instances of deer being impaled on wrought iron fences with pointed spears. Mayor Heymann said that the fence ordinance allows for deer fences, which are 8 feet high; and Councilman Barad said that these types of fences are allowed in the back yard around gardens. He asked that the Environmental Commission provide their suggestions to the Council on this matter and Mr. Kashwick informed it was in the works.

Hugh Johnson, 107 Demarest Avenue, explained there is no ordinance precluding anyone from parking in the Mayor's parking spot; and noted that previous Mayors did not need a designated parking spot.

Mr. Johnson expressed his regret for his comments two weeks ago at the Council meeting. He questioned and received the opinions of Councilpersons Glidden, Hennessey, Kashwick, Barad and Tutoli regarding his presence at the Peking Duck on Election night.

Mr. Johnson announced that he has decided to rescind the recall petition of the Mayor even though he had 580 signatures; but he had determined that it would cost the taxpayers \$16,000 which was egregiously expensive considering there was only a year and one month remaining of her term.

Jack Kelly, 132 Herbert Avenue, reiterated his feeling that the Mayor's parking sign has been posted and should be observed.

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

The following Ordinance was introduced at the Regular Meeting held 10/28/09 and was published in the Press Journal on 11/5/09 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:

- a. NO. 2009:1061, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 147, PROPERTY MAINTENANCE, SPECIFICALLY SECTIONS 147-6 AND 147-13"

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

Motion approving adoption of Ordinance No. 2009:1061 was made by Councilman Glidden, seconded by Councilman Hennessey and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Tutoli. Councilwoman Amitai abstained.

7. COMMUNICATIONS

- a. MAIL LIST – NOVEMBER 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, 97 Columbus Avenue, removed Item No. 1

Item No. 1 – Received 11/6/09, dated 11/5/09 from Jim Oettinger, Director, Closter Recreation Commission to Borough Clerk c: Mayor re Letter requesting to close Ruckman and Memorial Fields for winter organized sports on the grassy portion of the field from 11/9/09 with a tentative date to reopen on 4/24/10.

Steve Isaacson, 97 Columbus Avenue, said according to the Green Acres law, a field can be closed down for no more than 30 days; and the letter indicated for only winter sports but that rope, fences and police tape around the area is intimidating the public. The fences are being installed on a publicly owned field. He advocated the posting of a sign prohibiting organized sports rather than the installation of the fences. Councilman Barad voiced his understanding that a sign was being posted to make it clear that the fields were open but not for organized sports.

- b. MAIL LIST – NOVEMBER 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: Councilman Barad removed

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Item No. 4.

Item No. 4. – Received 11/13/09, dated 11/13/09 from William G. Dressel, Jr., Executive Director, NJS League of Municipalities to Mayor re League Alert re: New law affecting members of Local Authorities, Boards and Commissions.

In answer to Councilman Barad, Mayor Heymann noted that this matter was included in a Local Finance Notice; and a one-page form needs to be completed; and the Borough Attorney advised that other regulations must be adopted going forward in 2010.

8. OPEN MEETING TO PUBLIC FOR COMMUNICATION ITEMS ONLY

(Subject to 5-minute limit per By-Laws General Rule No. 10)

Mayor Heymann informed that Deputy Treasurer, Dee Woods, father passed away.

9a. 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.

10.* BILL RESOLUTION – NOVEMBER 30, 2009
TO BE PREPARED BY DEPUTY TREASURER

~~11.*~~ POSSIBLE APPOINTMENT(S) OF SALARIED EMPLOYEES (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) RESOLUTIONS TO BE PREPARED BY ADMINISTRATOR Adjourned from RM 1/14/09; 1/28/09; 2/11/09; 2/25/09; 3/11/09; 3/25/09; 4/6/09; 4/22/09; 5/13/09; 5/27/09; 6/10/09; 6/24/09; 7/8/09; 7/22/09; 8/12/09; 8/26/09; 9/9/09; 9/23/09; 10/14/09; 10/28/09; 11/9/09):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
DEPUTY TAX COLLECTOR	_____	1 Year	12/31/09
DESK DISPATCHER			
FULL TIME	_____	1 Year	12/31/09
POLICE MATRON	_____	1 Year	12/31/09

12.* RESOLUTION AUTHORIZING THOSE LICENSEES WHO HAVE NOT RECEIVED THEIR TAX CLEARANCE CERTIFICATES FROM THE DIVISION OF TAXATION, WHO HAVE COMPLIED WITH ALL OTHER REQUIREMENTS FOR RENEWAL OF THEIR 2009-2010 ANNUAL LIQUOR LICENSE RENEWALS, TO APPLY FOR AN AD INTERIM PERMIT UNTIL SUCH TIME AS THEIR TAX CLEARANCE CERTIFICATE IS OBTAINED FROM THE DIVISION OF TAXATION

13.* RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$910.00 TO GIARDINA, SUZANNE CAMILLE, FOR PROPERTY RECOVERED ON 5/10/09 PURSUANT TO N.J.S.A. 40A:14-157B (Received from Tax Collector 11/13/09)

14.* RESOLUTION AUTHORIZING DEPUTY TREASURER TO RETURN REMANING ESCROW IN THE AMOUNT OF \$123.72 TO JIMMY AYOUB, LOCATION MANAGER & PHOTOGRAPHY, FOR OVERPAYMENT OF POLICE SERVICES, IN ACCORDANCE WITH LOCAL FINANCE NOTICE 2000-14 (Received from Chief of Police 11/10/09)

15.* RESOLUTION AUTHORIZING DEPUTY TREASURER RETURN THE REMAINING ESCROW IN THE AMOUNT OF \$41.48 TO CORE FITNESS FOR OVERPAYMENT OF POLICE SERVICES IN ACCORDANCE WITH LOCAL FINANCE NOTICE 2000-14 (Received from Chief of Police 11/10/09)

16.* RESOLUTION APPOINTING JANINE MICERA AS PROBATIONARY CROSSING GUARD FOR A PERIOD NOT TO EXCEED 60 DAYS AT AN HOURLY RATE OF \$12.85, EFFECTIVE 11/23/09 (Received from Police Department 11/11/09)

17.* RESOLUTION ACCEPTING THE BID OF MIELE SANITATION CO., FOR THE LEASE OF A PORTION OF WELLINGTON AVENUE IN THE AMOUNT OF \$11,000 ANNUALLY , RECEIVED AT BID OPENING HELD 11/13/09 @ 11 A.M. (Received from Borough Attorney 11/16/09)

18.* RESOLUTION TO PURSUE A “FAIR AND OPEN” PROCESS IN AWARDDING

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CONTRACTS FOR CERTAIN CONTRACTS AWARDED IN THE BOROUGH OF CLOSTER FOR THE FOLLOWING POSITIONS: ATTORNEY; BOND ATTORNEY; APPRAISER – COMMERCIAL PROPERTIES; PUBLIC DEFENDER; PROSECUTOR; ALTERNATE PROSECUTOR; ATTORNEY TO PLANNING BOARD; ATTORNEY TO THE ZONING BOARD OF ADJUSTMENT; AUDITOR; ENGINEER, INCLUDING PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT; RISK MANAGER (Received from Borough Attorney 11/11/09)

- 19.* RESOLUTION AUTHORIZING RELEASE AND RETURN OF REMAINING ESCROW FUNDS TO NINE (9) NAMED APPLICANTS WHO SATISFACTORILY COMPLETED IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF BOROUGH CODE CHAPTER 108, “FLOOD DAMAGE PREVENTION”, ARTICLE II, “ZERO INCREASE IN STORM-WATER RUN OFF” (Received from Deputy Treasurer 11/18/09)
- 20.* RESOLUTION AUTHORIZING RETURN OF BALANCE OF ESCROW MONIES TO NINE (9) NAMED APPLICANTS FOR SATISFACTORY COMPLETION OF IMPROVEMENTS, IN ACCORDANCE WITH THE REQUIREMENTS OF BOROUGH CODE CHAPTER 167, “SOIL MOVEMENT” (Received from Deputy Treasurer 11/18/09)
- 21.* RESOLUTION AUTHORIZING RELEASE OF REMAINING PLANNING BOARD ESCROW MONIES TO SEVEN (7) NAMED APPLICANTS WHO HAVE SATISFACTORILY COMPLETED ALL REQUIRED IMPROVEMENTS (Received from Deputy Treasurer 11/18/09)
- 22.* RESOLUTION AUTHORIZING RELEASE OF REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW MONIES TO TWO (2) NAMED APPLICANTS (Received from Deputy Treasurer 11/18/09)
- 23.* RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED COUNTY CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-11 (6) & N.J.A.C. 5:34-7.11c., FROM 11/23/09 TO 12/31/09: FOR DIESEL FUEL - RACHELES/MICHELE’S OIL CO., INC, BID #09-98/AWARDED BY RES.#1407 BY BOARD OF CHOSEN FREEHOLDERS, FOR DIESEL FUEL IN THE MAXIMUM AMOUNT OF \$7,500.00 (Received from Administrator 11/19/09)
- 24.* RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-11 – 12a., FROM 11/16/09 TO 12/31/09– FOR RADIO EQUIPMENT – MOTOROLA STATE CONTRACT A53804, IN THE MAXIMUM AMOUNT OF \$10,690.00 (Received from Administrator 11/20/09)
- 25.* RESOLUTION AWARDING CONTRACT FOR SITE INVESTIGATION SERVICES FOR 37 HOMANS AVENUE, BLOCK 1308, LOTS 3 & 4 KNOWN AS THE FLAMM PROPERTY, TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$9,400.00 (Received from Administrator 11/19/09)
- 26.* RESOLUTION AWARDING CONTRACT FOR ENGINEERING DESIGN AND CONSTRUCTION INSPECTION SERVICES FOR WEST STREET SECTION 5 TO BOSWELL ENGINEERING IN AN AMOUNT NOT TO EXCEED \$34,000.00 ((Received from Administrator 11/19/09)
- 27.* RESOLUTION APPOINTING MICHAEL MARINIELLO, JR., CMFO, AS BOROUGH TREASURER, TO REPORT DIRECTLY TO THE BOROUGH ADMINISTRATOR, FOR A PERIOD FROM 12/1/09 TO 12/31/09 AT THE RATE OF \$36.05 PER HOUR NOT TO EXCEED 15 HOURS PER WEEK (Received from Administrator 11/20/09)
- 28.* RESOLUTION FIXING FOLLOWING SALARIES FOR 2009 FOR BOARD OF HEALTH EMPLOYEES (Received from Administrator 11/20/09):

<u>OFFICE</u>	<u>TERM</u>	<u>AMOUNT</u>
REGISTRAR/SECRETARY	Jan. – April	\$14,897.00
REGISTRAR/SECRETARY	May & After – Increase in hrs.	32,439.94
DEPUTY REGISTRAR		6,021.63

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29.* RESOLUTION AUTHORIZING ONE TIME PAYMENT (BONUS) IN THE AMOUNT OF \$4,000 TO THE FOLLOWING INDIVIDUALS IN APPRECIATION FOR THEIR TIRELESS EFFORTS AND COOPERATION IN MAINTAINING A SMOOTH FLOW OF BOROUGH BUSINESS DUE TO EXTENDED VACANCY IN THE POSITIONS OF TREASURER & ACTING ADMINISTRATOR DURING 2009 (Received from Administrator 11/20/09): LESLIE WEATHERLY, DEE WOODS, MARIA PASSAFARO

30.* RESOLUTION ACCEPTING MAINTENANCE BOND, APPROVING CHANGE ORDER #2 AND FINAL, AND APPROVING FINAL PAYMENT IN THE AMOUNT OF \$33,438.80 FOR THE 2009 ROAD IMPROVEMENT PROGRAM (ORIGINAL CONTRACT: \$1,494,692.50; CHANGE ORDER #1 (\$46,077.65); CHANGE ORDER #2 AND FINAL \$3,486.50: FINAL CONTRACT AMOUNT: \$1,452,101.35 – FINAL PAYMENT \$33,438.80 (Received from Administrator)

MOTIONS

31.* MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) Adjourned from RM 1/14/09; 1/28/09; 2/11/09; 2/25/09; 3/11/09; 3/25/09; 4/6/09; 4/22/09; 5/13/09; 5/27/09; 6/10/09; 6/24/09; 7/8/09; 7/22/09; 8/12/09; 8/26/09; 9/9/09; 9/23/09; 10/14/09; 10/28/09; 11/9/09

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOARD OF HEALTH ALT. NO. 2	_____	2 Year un- expired to	12/31/09
HISTORIC PRESERVATION COMMISSION/MEMBER	_____	4 Year	12/31/12
IMPROVEMENT COMMISSION MEMBER	_____	2 Year	12/31/10
ALT. NO. 2	_____	2 Year	12/31/10
RECREATION COMMISSION ASSOCIATE MEMBER	_____	1 Year	12/31/09
**SHADE TREE COMMISSION ALT. NO. 2	_____	2 Year	12/31/10

** Mayoral Appointment

32.* APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES
 (Distributed 11/12/09) ABSTENTION: TUTOLI

- a. REGULAR MEETING OF NOVEMBER 9, 2009
- b. WORK SESSION OF NOVEMBER 9, 2009

33.* MOTION APPOINTING _____ TO SERVE AS MEMBER OF THE ZONING BOARD OF ADJUSTMENT FOR AN UNEXPIRED 4-YEAR TERM (MATTES) TO 12/31/09 (14. M.L. 6/25/09) Adjourned from RM 7/8/09; 7/22/09; 8/12/09; 8/26/09; 9/9/09; 9/23/09; 10/14/09; 10/28/09; 11/9/09

34.* GRANTING APPROVAL FOR THE FRIENDS OF THE CRÈCHE TO PLACE NATIVITY CRÈCHE IN FRONT OF BOROUGH HALL DURING THE WEEK OF 12/07/09 TO BE REMOVED PRIOR TO 1/04/2010 (2. M.L. 11/05/09)

35.* GRANTING APPROVAL FOR THE CHANUKAH CEREMONY COMMITTEE TO CONDUCT CHANUKAH CEREMONY IN FRONT OF, AND ADJACENT TO THE CLOSTER SENIOR CITIZENS CENTER ON TUESDAY, 12/15/09 AT 7 P.M. AND TO ERECT A DISPLAY MENORAH IN THE AREA DESIGNATED BY THE TOWN AT BOROUGH HALL FROM 12/11/09 TO 12/20/09 (2. M.L. 11/12/09) (Approval received from Risk Management Consultant 11/6/09)

36* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

- a. CHIEF OF POLICE – OCTOBER 2009 (Received 11/20/09)

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

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Heymann previously removed Item Nos. 11, 31, 33. Councilman Barad removed Item Nos. 29, 34 and 35. Councilwoman Amitai removed Item Nos. 23, 28, and 29. Councilman Hennessey removed Item No. 25. Borough Engineer removed Item Nos. 25, 26 and 30. Borough Clerk removed Item No. 27.

9b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the consent Agenda minus Item Nos. 11, 23, 25, 26, 27, 28, 29, 30, 31, 33, 34, and 35 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.

37. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

23. RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED COUNTY CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-11 (6) & N.J.A.C. 5:34-7.11c., FROM 11/23/09 TO 12/31/09: FOR DIESEL FUEL - RACHELES/MICHELE'S OIL CO., INC, BID #09-98/AWARDED BY RES.#1407 BY BOARD OF CHOSEN FREEHOLDERS, FOR DIESEL FUEL IN THE MAXIMUM AMOUNT OF \$7,500.00 (Received from Administrator 11/19/09)

Borough Administrator advised that all County municipalities are members of a Cooperative Purchasing Group that make purchases through County contracts and a resolution is necessary.

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.

25. RESOLUTION AWARDED CONTRACT FOR SITE INVESTIGATION SERVICES FOR 37 HOMANS AVENUE, BLOCK 1308, LOTS 3 & 4 KNOWN AS THE FLAMM PROPERTY, TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$9,400.00 (Received from Administrator 11/19/09)

Borough Engineer advised that this resolution is for the site investigation of the Flamm property and the cost is 100% reimbursable through Green Acres.

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

26. RESOLUTION AWARDED CONTRACT FOR ENGINEERING DESIGN AND CONSTRUCTION INSPECTION SERVICES FOR WEST STREET SECTION 5 TO BOSWELL ENGINEERING IN AN AMOUNT NOT TO EXCEED \$34,000.00 ((Received from Administrator 11/19/09)

Borough Engineer advised that this resolution is for a 2010 Local Aid Program and half of the money would be reimbursed by the State for the inspection services. In answer to Jack Kelly, 132 Herbert Avenue, Borough Engineer explained that a survey, plans, design, bidding and construction inspections are included.

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

27. RESOLUTION APPOINTING MICHAEL MARINIELLO, JR., CMFO, AS BOROUGH TREASURER, TO REPORT DIRECTLY TO THE BOROUGH ADMINISTRATOR, FOR A PERIOD FROM 12/1/09 TO 12/31/09 AT THE RATE OF \$36.05 PER HOUR NOT TO EXCEED 15 HOURS PER WEEK (Received from Administrator 11/20/09)

Borough Clerk referred to Item No. 2 on the 12/3/09 Mail List which she distributed to the governing body this evening due to its timeliness, noting that Mr. Mariniello resigned his position as Treasurer effective November 1 and would be available for employment on December 1.

Motion of approval was made by Councilman Barad, seconded by Councilman Glidden and

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

28. RESOLUTION FIXING FOLLOWING SALARIES FOR 2009 FOR BOARD OF HEALTH EMPLOYEES (Received from Administrator 11/20/09):

<u>OFFICE</u>	<u>TERM</u>	<u>AMOUNT</u>
REGISTRAR/SECRETARY	Jan. – April	\$14,897.00
REGISTRAR/SECRETARY	May & After – Increase in hrs.	32,439.94
DEPUTY REGISTRAR		6,021.63

Borough Administrator noted that the salary for the term on January – April listed above should be \$16,219.96 and explained to Ms. Amitai that Bonnie Switzer is the Deputy Registrar.

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.

29. RESOLUTION AUTHORIZING ONE TIME PAYMENT (BONUS) IN THE AMOUNT OF \$4,000 TO THE FOLLOWING INDIVIDUALS IN APPRECIATION FOR THEIR TIRELESS EFFORTS AND COOPERATION IN MAINTAINING A SMOOTH FLOW OF BOROUGH BUSINESS DUE TO EXTENDED VACANCY IN THE POSITIONS OF TREASURER & ACTING ADMINISTRATOR DURING 2009 (Received from Administrator 11/20/09): LESLIE WEATHERLY, DEE WOODS, MARIA PASSAFARO

Councilman Barad expressed his gratitude to the three employees whom he explained as stepping up to the plate to keep us afloat when we were hurting. Councilwoman Amitai questioned how the figure of \$4,000 was reached for each employee. Mayor Heymann said that it was discussed at a Work Session and both Councilmen Barad and Glidden concurred.

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

30. RESOLUTION ACCEPTING MAINTENANCE BOND, APPROVING CHANGE ORDER #2 AND FINAL, AND APPROVING FINAL PAYMENT IN THE AMOUNT OF \$33,438.80 FOR THE 2009 ROAD IMPROVEMENT PROGRAM (ORIGINAL CONTRACT: \$1,494,692.50; CHANGE ORDER #1 (\$46,077.65); CHANGE ORDER #2 AND FINAL \$3,486.50: FINAL CONTRACT AMOUNT: \$1,452,101.35 – FINAL PAYMENT \$33,438.80 (Received from Administrator)

Borough Engineer advised that this was an overall reduction of approximately \$40,000 between Change Orders 1 and 2.

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

34. GRANTING APPROVAL FOR THE FRIENDS OF THE CRÈCHE TO PLACE NATIVITY CRÈCHE IN FRONT OF BOROUGH HALL DURING THE WEEK OF 12/07/09 TO BE REMOVED PRIOR TO 1/04/2010 (2. M.L. 11/05/09)

35. GRANTING APPROVAL FOR THE CHANUKAH CEREMONY COMMITTEE TO CONDUCT CHANUKAH CEREMONY IN FRONT OF, AND ADJACENT TO THE CLOSTER SENIOR CITIZENS CENTER ON TUESDAY, 12/15/09 AT 7 P.M. AND TO ERECT A DISPLAY MENORAH IN THE AREA DESIGNATED BY THE TOWN AT BOROUGH HALL FROM 12/11/09 TO 12/20/09 (2. M.L. 11/12/09) Approval received from Risk Management Consultant 11/6/09)

Councilman Barad reminded he has consistently over the years objected to having religious displays in front of the Borough Hall because of separation of church and state. Councilman Kashwick expressed his agreement with the aforesaid remarks explaining that he would support the displays if located in a park or other venue rather than on government property.

Motion of approval of Item Nos. 34 and 35 was made by Councilman Hennessey seconded by

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Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Tutoli and Amitai; Councilmen Kashwick and Barad voting no.

Mayor Heymann encouraged the forming of a Committee early next year by Councilmen Barad and Kashwick find a better venue for the display of the crèche and menorah for 2010.

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

Hugh Johnson, 107 Demarest Avenue, expressed his agreement with Mr. Isaacson's remarks about the parks noting that a fence is an insult to the public and restrictive. Mayor Heymann said that she would investigate the installation of the fence. She said the intent was to prohibit organized sports not use of the park by the public. Mr. Johnson repeated his remarks from earlier in the evening for the benefit of Councilwoman Amitai who was not present at the meeting at that time.

Mr. Johnson referred to the 300th Anniversary and the clock (at Alice Barkley Square); and he requested that the Council investigate a capital expenditure for the clock for the initial expense and that he would raise voluntary contributions to make up the difference for either a repair of the existing clock or a new clock. Mayor Heymann said that Verden was at the League of Municipalities Conference; and it was explained to her that to overhaul the clock would cost \$8,000 that would include a mechanism to keep the clock on Greenwich time. She noted that in these economic times there was no funding for a new clock but if Mr. Johnson could raise the money, the Borough would be most happy to accept same. Councilman Barad asked that a proposal on the clock be presented to the Council for review.

Mayor Heymann asked for a motion to recess the Regular Meeting to go into the Work Session at 8:39 p.m.

Motion to recess the Regular Meeting at 8:39 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 8:55 p.m.

38a. Councilman Kashwick explained he had the following Resolution for consideration by the Mayor and Council, which he read aloud:

RESOLUTION AUTHORIZING MAYOR, OR THE SUCCESSOR TO THE OFFICE, TO MAKE APPLICATION FOR A NEW JERSEY COMMUNITY STEWARDSHIP INCENTIVE PROGRAM BUSINESS STIMULUS FUND (BSF) GRANT FROM THE STATE OF NEW JERSEY IN THE AMOUNT OF \$7,000 TO FUND THE FOLLOWING PROJECT: TREE PLANTING AT THE INTERSECTION OF PIERMONT AND CLOSTER DOCK ROADS

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

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

Hugh Johnson, 107 Demarest Avenue, advised that the Closter Plaza management has affected temporary repairs based on his complaint.

40. ADJOURN

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – NOVEMBER 23, 2009 (MONDAY) – 7:30 P.M.

Motion to adjourn the Regular Meeting at 8:58 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 December 3, 2009 for approval
at the Regular Meeting to be held
December 9, 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
Consent Agenda Item No. 22a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – NOVEMBER 23, 2009 (MONDAY) - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:40 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 Tutoli and Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Dr. Stephen T. Boswell and Nick DeNicola
Council-Elect Alissa J. Latner and Arthur Braun Dolson

The following persons were absent:

Chief of Police, David Berrian

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

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

3. COMMITTEE REPORTS

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

- 1) STATUS REPORT RE CAPITAL BUDGET/CAPITAL PLAN
(RM 7/9/08) – Councilman Kashwick advised he had nothing new to report.
- 2) STATUS REPORT RE CLOSTER WEBSITE – Councilman Kashwick advised he had nothing new to report.
- 3) REPORT – Councilman Kashwick reported on the following:
 - a. The Historic Preservation Commission has a meeting tonight so there was nothing to report at this time.
 - b. Shade Tree Commission - in conjunction with Eric Mattes of the Improvement Commission, he and George Futterknecht have been working on a grant proposal, and they will ask for a Resolution approving support upon return to the Regular Meeting. It is regarding an upgrade to trees at the intersection of Closter Dock and Piermont Roads. We have two historic signs on opposite corners with very old trees that are basically falling down on either side that could actually damage some of the signage. There is a field on the one corner that is conducive to planting of a number of large species of trees. In addition, we have the gas station

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – NOVEMBER 23, 2009 (MONDAY) – 7:30 P.M.

which is adjacent to that property, which, especially in the winter time, there are a lot of vehicles parked behind there that are not pleasant to look at. We are planning to do a buffer of trees along that property line. This will all come from a business stimulus fund grant which is offered by the State Department of Environmental Protection. From what he has read about the grant, it is a non-competitive grant where as long as our application is complete, we are guaranteed to get at least some money; and the amount depends on how many municipalities and counties actually apply for the grant. They are estimating it to be between \$3,000 and \$8,000. He will pass the Resolution around to consider upon return to the Regular Meeting

c. Regarding the Environmental Commission, Steve (Isaacson) has already brought up the issue of the fence. The other thing that we discussed was the status of the Conservation Zone. In the beginning of the year there was discussion of that along with the Master Plan; and perhaps the Mayor or Councilwoman Amitai can update us on what is happening with that, whether we were going ahead with designating that.

Mayor Heymann explained the last time it was discussed was early 2008 and the issue was whether we have the choice of listing in the conservation zone those lands that are already well protected by Green Acres and being on the ROSI list and that adding anything else would be very subjective. Therefore, the Planning Board, after giving it a great deal of time, decided to drop it for the time being.

B. PUBLIC SAFETY - GLIDDEN (TUTOLI/HENNESSEY)

1) REPORT - Councilman Glidden reported that a Public Safety Committee meeting was held 10 days ago. To keep the Council informed, it does appear there may be some Police Department retirements in 2010. There is no official information on that right now; but it will cause some discussions about the replacement process, the advancement process; and if there are retirements, there are certain pay outs to consider from a financial standpoint. He reiterated there was no specific information right now but he wanted the Council to be aware of it.

C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN)

1) REPORT – Councilman Hennessey advised he had no report.

D. ORDINANCE - BARAD (KASHWICK/AMITAI)

1) STATUS REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad advised he had no report but was looking forward to Councilwoman Amitai's report on the sub-committee of the Planning Board looking at the green element. Mrs. Amitai explained that she was not allowed to attend that meeting to allow for other people to attend and perhaps Mayor Heymann would have information. Mayor Heymann explained that she does not believe anything has come up so far and she apologized that they were not able to attend because they would not have upset the apple cart.

2) REPORT RE NEW LAW REGARDING ABSENTEE POLICIES FOR MEMBERS OF BOARDS, COMMITTEES... (1. M.L. 10/22/09)

(Received from Borough Attorney 11/11/09) – Borough Clerk explained that this item was recommended by the Borough Attorney's office (11/10/09) and it was requested that it be placed on Dr. Barad's report. Mr. Rogan explained this was summarized by JoAnn Riccardi. Mayor Heymann added that it is a two-page letter that explains the State statute. The Borough

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – NOVEMBER 23, 2009 (MONDAY) – 7:30 P.M.

Attorney explained that it is a newly adopted state statute and it is more of an administrative policy and will not require an ordinance.

Borough Clerk explained she had distributed this evening Local Finance Notice No. (2009-24) 11/12/09 which provided further clarification. Mayor Heymann expressed her feelings that in many cases we were ahead of the State on some of the items.

Ms. Castano questioned if by “we” the Mayor was referring to the Borough Clerk’s office. She explained that Arlene (Corvelli) has done an excellent job tracking the appointments to which she felt Arthur Dolson could attest. Ms. Castano explained that Arlene reviewed all the appointments and brought them up to date; she also indicated whether Financial Disclosure Statements are required. Borough Clerk added that we have always done the tracking with the appointments, and for a couple of years it got really hazy; but with Arlene here, we are back on track again. She continued that this is simply tightening up more because it can be seen during her reports on Oaths of Office; and she believes this is a suggestion to improve the tracking. The extra step is that now Oaths also have to be administered by all the Boards.

Mayor Heymann added that this is where all of us come in. She continued that some boards had no oath of office and other boards had a general one. In actuality, everything has to be done. Everyone serving the Borough on a commission or a board or even our volunteer services, has to provide an oath of office for their particular function. She knows that in almost all instances it has been done; the Planning and Zoning Board of Adjustment members have been sworn in by their respective attorneys; she has sworn in the Fire Department and Ambulance Corps. members; but there are some boards that may not have followed that; and from now on, it is mandatory.

Borough Attorney added that it cannot be as lax as it has been. In response to Dr. Barad, Mayor Heymann clarified that in addition to the oaths we will be getting back, the members actually have to be sworn in officially for their position by the chairman of that board or by the acting attorney. The law also tightens municipal absenteeism and we have that in our own ordinances. She was not aware if we needed to make any changes to that; and Mr. Rogan advised that they will be putting it on the Ordinance and Legislative Committee Agenda for review because the way the state statute reads, it gives a statutory default, but it also gives an option where the local government can lessen that amount. For instance, the Statute says 8 weeks, but it gives the option to the municipality to reduce that to 6 or 7. Missing 4 meetings in a row is statutorily considered default, but the municipality can reduce that to 3 if they so choose or leave it at the 4. He felt that is something the Ordinance Committee should look at to at least weigh its options.

3) REPORT – Nothing further to report.

E. HUMAN RESOURCES - TUTOLI (KASHWICK/BARAD)

1) STATUS REPORT RE PERSONNEL COMMITTEE MEETINGS

2) REPORT - Councilwoman Tutoli reported on the following:

a. The Library meeting is taking place this evening; therefore, there is nothing to report.

b. Mrs. Tutoli attended the Fire Department meeting and she believes they had spoken to Mr. Wiest about the leak in the roof and any possible solutions. Mr. Wiest advised they had not yet but he was sure they would be.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES – NOVEMBER 23, 2009 (MONDAY) – 7:30 P.M.

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

1) REPORT – Councilwoman Amitai reported on the following:

- a. She had no report on the Green Element from the Planning Board sub-committee but she would look into it.
- b. The Closter Improvement Commission will be participating on some level in the 300th anniversary celebration. What exactly she is not sure yet, but they do want to participate.
- c. She has not done much in the Building Department lately, but hopes at the first of the year she will get on board with the new Department Head and try to call a meeting.

4. OLD BUSINESS

Nick DeNicola reported he spoke to a Park Ranger for Camp Alpine up on the Palisades Interstate Parkway property off of Anderson Avenue. They have requested a tie in for a sanitary sewer to the Borough's sewer system probably to occur in a couple of months. That is one of the properties under part of the Agreement between Closter and Alpine that was signed in 1994 and that request will be coming shortly. He advised he did not think that was one of the properties in the agreement, but after some more investigation, it was confirmed to be. Dr. Barad questioned if the cost was the same as the hook-up for a single residence; and Mr. DeNicola explained that it was going to be a lot less volume than a single residence because it was for a single toilet facility in the Park Ranger's station as opposed to multiple bathrooms, but it would be the same hook-up fee. Mayor Heymann wanted to share the conversation she had earlier with Mr. DeNicola, as the Ranger clarified it was for a tie in for his own cabin, which is a very small flow. And the reason he gave is that the DEP is no longer allowing septics or port-a-johns within that state park area.

Mayor Heymann noted she had raised the question that if that was the case, how about all of the scouting campings that take place there for weekends. Mr. DeNicola clarified that port-a-johns were ok, because actually what they have is a direct discharge into a hole.

Dr. Barad explained that it was not our problem, it is a State problem. Mayor Heymann expressed her concern that it was an environmental issue. He clarified that it was not a Closter problem but he agreed with her concern. His concern is if it turns out that somebody comes and says they need to hook up every facility in the 100 acres, the hook up should be by building not by property. Mr. DeNicola concurred that was correct. Dr. Barad wanted to make sure they would be giving permission for that building only, not for the reservation's hook-up. Mr. DeNicola explained that since it is Green Acres property it cannot be developed. Dr. Barad added that the Scout camps were up there; and they could put a whole shower stall up there. Mrs. Amitai asked if they run a sewer pipe all the way from the top of 9W. Mr. DeNicola explained the ranger station is about 100 yards from the road, probably less and more likely 50 yards.

5. NEW BUSINESS

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

7. OPEN MEETING TO THE PUBLIC

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – NOVEMBER 23, 2009 (MONDAY) – 7:30 P.M.

8. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
9. ADJOURNMENT

Motion to adjourn the Work Session at 8:54 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 December 3, 2009 for approval
at the Regular Meeting to be held
December 9, 2009.

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held
Consent Agenda Item No. 22b.