

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – NOVEMBER 9, 2009 (MONDAY) - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Monday, November 9, 2009. Mayor Heymann called the meeting to order at 7:30 p.m.

1. PLEDGE OF ALLEGIANCE

Veteran and former Councilman Jack Kelly led 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 (7:33 p.m.) and Victoria Amitai (7:36 p.m.)

Borough Administrator, Quentin Wiest

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

The following persons were absent:

Councilwoman Cynthia L. Tutoli

Also present in the audience were: Councilman-Elect Arthur Dolson, former Councilman Jack Kelly, Historic Preservation Commission Chairman Doug Radick, Jennifer Rothschild, member Historic Preservation Commission and Zoning Board of Adjustment, Brian Beddoe, Recreation Commission Assistant Director, Maria Passafaro, Tax Collector, and Bobbie Bouton-Goldberg, member of the Historic Preservation Commission.

Mayor Heymann announced that Veterans Day observances would be held on Wednesday at the High School at 11:15 a.m. and at the Tenakill School at 1:00 p.m. and invited everyone to attend.

Mayor Heymann asked for a Moment of Silence and prayer for the 13 people who were murdered at Fort Hood.

Mayor Heymann asked for a Moment of Silence for two long time active citizens who passed away this week; Marie Kemezis who was active with the Girl Scouts and many women's organizations and Fred Zampolino who was an exempt fireman and one of the originators of the Closter First Aid Squad. His wake would be held Wednesday and Thursday at Moritz Funeral Home.

Mayor Heymann reminded everyone to think of those who are less fortunate than we are and to donate food and financial gifts to our food pantry for those who would not be able to have Thanksgiving without our help.

4. MAYORAL PROCLAMATION DECLARING NOVEMBER 25, 2009 TO DECEMBER 10, 2009 AS 16 DAYS OF ACTIVISM AGAINST GENDER VIOLENCE (8. M.L. 10/22/09)

Mayor Heymann read and so declared.

5. 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)

6. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12 (a)

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – NOVEMBER 9, 2009 (MONDAY) – 7:30 P.M.

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

Mayor Heymann opened the meeting to the public.

Jennifer Rothschild, 32 Hickory Lane, referred to Item No. 11 on the Consent Agenda and advised that she had received a letter from the Historic Preservation Commission's attorney outlining procedures to adopt the ordinance and she distributed same to the Mayor and Council.

Chief David Berrian corrected a comment he made at the last Council meeting noting that he should have said "the patrolman ought to be careful of what he says to Mr. Johnson".

Jack Kelly, 132 Herbert Avenue, referred to the Candidates Night where Mayor Heymann cited an article in the Record, which said that the taxes in Closter were the lowest in the County. He noted where the Budget showed that she was wrong. Mayor Heymann explained that the Record calculated the taxes differently than the budget and that she quoted the Record correctly.

Mr. Kelly referred to the Flamm property and questioned if test holes had been done; and Mayor Heymann said some test holes have been done but not as comprehensively as required by Green Acres.

Hugh Johnson, 107 Demarest Avenue, referred to a Police Report relative to an e-mail about the admission of uninvited guests from Mayor Heymann and forwarded to the shift by Chief Berrian. He read from the report about the police response to the Peking Duck at the request of the Mayor relative to his being an uninvited guest at an invitation only Republican Club party. He said he is a card carrying Republican who endorsed Arthur Dolson, that he was there to congratulate him and he questioned the presence of Linda Albelli at the party. Mayor Heymann said it is traditional and appropriate for the losing party to congratulate the winning party and Linda Albelli was welcomed as the conceding candidate as was Jack Kelly. Mr. Johnson said that he would be filing a criminal complaint against Mayor Heymann for discrimination and harassment.

Jack Kelly, 132 Herbert Avenue, asked if we have to keep listening to this man night after night; and he should be stopped.

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

The following Ordinances were introduced at the Regular Meeting held 10/14/09 and were published in the Press Journal on 10/22/09 as stated in the printer's affidavit of publication. Reprint of these Ordinances were posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public:

- a. NO. 2009:1058, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 48 OF THE CLOSTER CODE REGARDING PERSONNEL POLICIES, SPECIFICALLY VACATION LEAVE AND SICK LEAVE"

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

Motion approving adoption of Ordinance No. 2009:1058 was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

- b. NO. 2009:1059, "AN ORDINANCE ADOPTING THE SEPTEMBER 2009 CLOSTER PERSONNEL MANUAL"

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

Motion approving adoption of Ordinance No. 2009:1059 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

- c. NO. 2009:1060, "AN ORDINANCE ADOPTING THE CLOSTER POLICE"

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – NOVEMBER 9, 2009 (MONDAY) – 7:30 P.M.

DEPARTMENT RULES AND REGULATIONS MANUAL (REVISED 2009)

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

Motion approving adoption of Ordinance No. 2009:1060 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 and Amitai.

8. COMMUNICATIONS

a. MAIL LIST – OCTOBER 29, 2009 - Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments. No one wished to be heard.

b. MAIL LIST – NOVEMBER 5, 2009 - Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

Item No. 1 – Received 11/2/09, dated 10/27/09 from David N. Grubb, Executive Director, Municipal Excess Liability Joint Insurance Fund, to member municipalities re Elected Officials' Training Seminars – the MEL will reduce each member's 2010 workers' comp claims premium by \$250 for each municipal elected official and authority commissioner who completes the course deadline of 5/1/10; Form to be completed and submitted. (Copy to Fred Pitofsky).

Mayor Heymann reminded all those going to the League of Municipalities Conference to attend this seminar and informed that she would try to set up a meeting for those who cannot attend either in this Borough or a neighboring Borough.

8c. At this time, Mayor Heymann referred to correspondence received from Recreation Director, Jim Oettinger, dated 11/5/09 (1. M.L. 11/12/09) which was distributed in the Mayor and Council packets on 11/6/09 due to the timeliness of the request. She explained that Mr. Oettinger requested permission to close the grassy area of the playing fields at Memorial and Ruckman Parks from 11/9/09 to 4/24/09 and asked for a motion of approval.

Motion of approval was made by Councilwoman Amitai and seconded by Councilman Barad.

BEFORE ROLL CALL VOTE, Brian Beddoe, Assistant Director of Recreation, clarified that fences would not be installed. Councilman Glidden explained that the request is consistent with past years; and it has resulted in one of the best fields in Bergen County. In answer to Councilman Barad, Mr. Beddoe informed that signs would be posted stating the reason and when they would be open. Dr. Barad asked whether it would be made clear that one could walk one's dog and casual use would be permitted; and Mr. Beddoe informed he would report to Mr. Oettinger about this request. Mayor Heymann suggested that a larger sign be posted providing more information to the public.

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

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

10a. 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.

11.* INTRODUCTION OF ORDINANCE NO. 2009:1062, "AN ORDINANCE OF THE BOROUGH OF CLOSTER AMENDING CHAPTER 200 ZONING ORDINANCE TO DESIGNATE HISTORIC LANDMARKS" – PUBLIC HEARING – 12/9/09 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Requested by Borough Attorney 11/6/09) TO BE PREPARED BY THE BOROUGH ATTORNEY

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – NOVEMBER 9, 2009 (MONDAY) – 7:30 P.M.

12.* BILL RESOLUTION – NOVEMBER 15, 2009
TO BE PREPARED BY DEPUTY TREASURER

13.*—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):

<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

14.* 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

15.* RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$2,325.25 TO FIRST AMERICAN R.E. TAX SERVICE, FOR BLOCK 907 LOT 36 DUE TO A TAX OVERPAYMENT CREATED BY A DUPLICATE PAYMENT IN SECOND QUARTER 2009 (Received from Tax Collector 10/29/09)

16.* RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$3,475.63 TO RISMAN, YANIV & CLARE, FOR BLOCK 606 LOT 35 , DUE TO 2009 TAX OVERPAYMENT FROM OVERAGE IN THE FOURTH QUARTER (Received from Tax Collector 11/4/09)

17.* RESOLUTION AUTHORIZING EXTENSION OF TEMPORARY APPOINTMENTS IN THE BUILDING DEPARTMENT (Requested by Administrator 11/5/09)
TO BE PREPARED BY ADMINISTRATOR

18.* RESOLUTION RATIFYING APPOINTMENT OF KEVIN WHITNEY TO SERVE AS FIRE OFFICIAL FOR A 2-YEAR TERM FROM 8/1/09 TO 7/31/11

18a.* RESOLUTION APPOINTING PUBLIC WORKS EMPLOYEE, MAREK SKOWRON, TO THE POSITION OF BUILDING MAINTENANCE/ROAD DEPARTMENT – PROBATIONARY AT THE RATE OF \$46,462.80 ANNUALLY, EFFECTIVE 11/16/09, SUBJECT TO COMPLETION OF BACKGROUND CHECK (Received from Administrator 11/9/09)

MOTIONS

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

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOARD OF HEALTH	_____	2 Year un-	
ALT. NO. 2		expired to	12/31/09
HISTORIC PRESERVATION	_____	4 Year	12/31/12
COMMISSION/MEMBER			
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

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – NOVEMBER 9, 2009 (MONDAY) – 7:30 P.M.

- 20.* APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES
(Distributed 11/5/09) ABSTENTIONS: GLIDDEN, KASHWICK

- a. REGULAR MEETING OF OCTOBER 28, 2009
- b. WORK SESSION OF OCTOBER 28, 2009

- ~~21.*~~ 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

- 21a.* GRANTING APPROVAL FOR CLOSTER ELKS LODGE #2304 TO CONDUCT THE FOLLOWING RAFFLES AT 149 RAILROAD AVENUE, CLOSTER, NJ, ON 1/23/2010
Completed applications received and fees paid 11/9/09):

- 1) ON-PREMISE 50-50 CASH RAFFLE; DRAWINGS TO BE HELD FROM 7:00 P.M. TO 11:30 P.M.
- 2) ON-PREMISE DRAW RAFFLE FOR MERCHANDISE; DRAWING TO BE HELD AT 11:30 P.M.

- 22* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

- a. CONSTRUCTION OFFICIAL – OCTOBER 2009 (Received 11/3/09)
- b. FIRE CHIEF – OCTOBER 2009 (Received 11/6/09)

The following items were removed from the Consent Agenda by the following individuals: Mayor Heymann previously removed Item Nos. 13, 19 and 21. Councilman Kashwick removed Item No. 11.

- 10b. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 11, 13, 19, and 21 was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai.

23. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

11. INTRODUCTION OF ORDINANCE NO. 2009:1062, “AN ORDINANCE OF THE BOROUGH OF CLOSTER AMENDING CHAPTER 200 ZONING ORDINANCE TO DESIGNATE HISTORIC LANDMARKS” – PUBLIC HEARING – 12/9/09 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Requested by Borough Attorney 11/6/09) TO BE PREPARED BY THE BOROUGH ATTORNEY

In answer to Councilman Kashwick, Borough Attorney advised that the ordinance as introduced is subject to the approval of the Planning Board. The Planning Board does not have veto power of the ordinance but can provide comments as provided by statute; and said comments can or cannot be accepted by the Council. The Planning Board has the right of input on the ordinance; and the governing body should seriously consider their comments. In answer to Councilwoman Amitai, Borough Attorney said that the map was contained in the original submission by the Historic Preservation Commission and the ordinance would only contain the designation of the properties by lot and block.

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 and Amitai.

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

Hugh Johnson, 107 Demarest Avenue, questioned if Fred Pitofsky is still a member of the Joint Insurance Fund and Mayor Heymann replied that he has been replaced but he continues to receive information on the subject.

Mr. Johnson questioned if there were funds available for the repair of the clock for the 300th

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – NOVEMBER 9, 2009 (MONDAY) – 7:30 P.M.

Anniversary and advised that Doug Gebhardt is willing to give the Borough a discount on restoration and would provide a letter outlining same. Borough Administrator said at the present time no funds have been provided; but if the Mayor and Council wish to provide the funding, it could be done by a capital ordinance.

Mr. Johnson questioned if anyone has read the supplemental data from the Auditor and what corrective actions have been taken. Mayor Heymann again answered that the Council signed off on the Audit as required by law and all of the necessary corrective actions have been taken.

At this time, Councilman Barad referred to Mr. Johnson's question relative to Fred Pitofsky and said that the Borough Clerk had heard from him that he is doing better and looking to participate in some of the Borough activities.

Mayor Heymann asked for a motion to recess the Regular Meeting to go into the Work Session at 8:15 p.m.

Motion to recess the Regular Meeting at 8:15 p.m. was made by Councilman Glidden, seconded by Councilwoman Amitai and declared unanimously carried by Mayor Heymann.

Mayor Heymann resumed the Regular Meeting at 8:31 p.m.

Borough Administrator read from a memorandum from Joseph Luppino, Chief Financial Officer, relative to the sale of \$1,092,000 Bond Anticipation Notes to TD Bank at an interest rate of .72% with a maturity date of May 11, 2010. The memorandum contained the names of the five bidders and bids with TD Bank being the winning bidder.

Hugh Johnson, 107 Demarest Avenue, questioned how many Oaths of Office are outstanding and Borough Clerk advised approximately six.

Mr. Johnson referred to Chief Berrian's statement at the beginning of the meeting and said it was corroborated that officers were told not to talk to him; and he asked for a clarification of the statement and for same to be heard again. Mayor Heymann advised that the minutes could be read when available.

In answer to Mr. Johnson, Councilman Barad said he wrote the letter to the editor. Mr. Johnson referred to the letter and noted that the previous acting administrator cost the Borough thousands of dollars. He again referred to the voucher for John DiStefano; and Councilman Barad indicated that the reason he had crossed out his initials on the voucher had nothing to do with his judgment as to whether he should be compensated but because he was unhappy with the way the form was being filled out and should be done properly.

Jack Kelly, 132 Herbert Avenue, questioned the Bond Anticipation Note and was advised by the Borough Administrator that it was for a six-month term.

Michael Kafer, 261 Parsells Lane, referred to the private commemorations on public property and voiced his opinion that same should not be accommodated. He supported the creation of an ad-hoc committee to determine basic rules and criteria to commemorate people. In answer to Councilman Barad, Mr. Kafer said that the Supreme Court has determined that any monument on public property, even if erected by private citizens, is a public monument.

Borough Administrator advised that a contractor has done a complete pruning of the trees at the Veterans Memorial so that the area is quite presentable for the service on Veterans Day.

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

- 25a. Motion approving the following Resolution at 8:46 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 and Amitai.

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – NOVEMBER 9, 2009 (MONDAY) – 7:30 P.M.

body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(4), “A collective bargaining agreement”; N.J.S.A. 10:4-12(b)(6), “Tactics and techniques utilized in protecting the safety and property of the public”; N.J.S.A. 10:4-12 (b)(7), Two matters falling within the attorney-client privilege”; N.J.S.A. 10:4-12(b)(8), “A matter involving public employees; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the contract negotiations, litigation and the matter which should be within 6 – 8 weeks.

Mayor Heymann resumed the Regular Meeting at 9:45 p.m.

26. ADJOURN

Motion to adjourn the Regular Meeting at 9:46 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
November 12, 2009 for approval at
the Regular Meeting to be held
November 23, 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 November 23, 2009
Consent Agenda Item No. 32a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – NOVEMBER 9, 2009 (MONDAY) - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:17 p.m.

1. ROLL CALL

The following persons were present:

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

The following persons were absent:
Councilwoman Tutoli

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

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

3. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT – Borough Attorney reported on the following items:

a. The Summary Judgment motions for A&P and Rosenblum v. Irani and the Borough of Closter were filed this past week. The Borough's contention on both of those items that as a matter of law they should both be dismissed as it applies to the Borough of Closter; which was the passage of the ordinance which increased the maximum square footage of a retail use in the business district. Those are returnable in approximately four weeks. Mr. Rogan will keep the Council updated. It is hoped that as a matter of law, the judge will rule that there was no violation of the Open Public Meetings Act, and that the ordinance was adopted in accordance with New Jersey law in terms of notice and public hearing, and that basically it is the Borough's prerogative as to regulating zoning. There is no reason for the cases to continue as it pertains to the Borough of Closter.

b. The DPW arbitrations which had been filed are now complete; we finished the second one today and we await the written opinion from both arbitrators, which he expected would be received in approximately 30 days on both issues.

c. Mr. Rogan advised he has two items for closed session regarding Collective Bargaining Agreements and an update on the DPW/Teamsters negotiations and another matter falling under attorney-client privilege which is the possible sale of Borough land.

B. BOROUGH ENGINEER

1) STATUS REPORT RE ROAD IMPROVEMENT PROGRAM

(Bid Awarded to Rockborn Trucking & Excavation, Inc.

RM 5/13/09/\$1,494,692.50) – The Borough Engineer reported that as all are

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – NOVEMBER 9, 2009 (MONDAY) - 7:30 P.M.

aware, the project has been completed and we are waiting for the contractor to do a final sign-off on the change order at which time the project will be finalized.

2) STATUS REPORT RE 2009 SAFE STREETS TO SCHOOL SIDEWALK PROJECT – NJDOT \$275,000 (not to exceed \$52,100) RM 6/24/09 – This project is currently in the design phase and will probably go out to bid in late Winter for construction in the Summer after school is over.

3) REPORT – Borough Engineer noted the above items concluded his report.

4. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS REPORT RE 2009 MUNICIPAL BUDGET – Borough Administrator reported that at this meeting he would normally distribute spreadsheets for the Municipal Budget; however, Maria Passafaro's office is in the process of processing retro payments to employees, which will significantly change the spreadsheets that you see. When that is completed, an updated copy will be provided.

2) STATUS REPORT RE BOROUGH WEB SITE – Kevin Whitney is actively migrating contents of our current website over to the new website. It is not live yet, although he advised he could provide an address for a mock-up of how the new website would appear. The intent is to turn it on at least by the end of the year and perhaps sometime in December.

3) REPORT RE BID OPENING TO BE HELD 11/13/09 @ 11:00 A.M. FOR THE LEASE OF A PORTION OF WELLINGTON AVENUE – After finalizing the bid specifications, we did finally advertise the bids for the lease of a portion of Wellington Avenue, and that bid opening is currently scheduled for 11 a.m. on Friday, 11/13.

4) REPORT RE BAN SALE - \$1,092,000 (to be reported during the Regular Meeting in accordance with the requirements of the Local Bond Law) Mr. Wiest announced that the Borough had a bond anticipation note sale recently; these are funding up previously approved capital ordinances. There is an obligation for the Chief Financial Officer to report the results of that note sale to the Mayor and Council and we should put that into the record when we come out of the work session. A copy of Mr. Luppino's memo has been provided to all showing that \$1,092,000 in bond anticipation notes were sold with an interest rate of 0.72% with a maturity date of May 11th. The purchaser was TD Bank. There were 5 bidders, with TD Bank being the winner and Valley National Bank with an aggressive bid finishing in second place.

5) REPORT – Mr. Wiest reported that the above items concluded his report with the exception of some personnel items for closed session.

B. BOROUGH CLERK

1) STATUS REPORT RE 2009 APPOINTMENTS – Borough Clerk reported that 2009 Appointments are current.

a. REPORT RE 2010 APPOINTMENTS – Ms. Castano advised that a memo was sent 10/9/09 to all Borough Boards and Commissions for response by 11/9/09. As of today, we have received 9 responses of the 16. We are following through with the remainder for their recommendations.

2) STATUS REPORT RE 2009 OATHS OF OFFICE – Ms. Castano reported that there are 6 Oaths that have not been return after 3 attempts to contact them. In the future, after 30

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – NOVEMBER 9, 2009 (MONDAY) - 7:30 P.M.

days our office will be able to track it; and if we don't have the returned Oaths of Office, those appointments will be open again to be filled.

3) STATUS REPORT RE 2009 LICENSES – We are current for 2009. As far as liquor licenses are concerned, we are continuing one license, which is Assembly East. Their Tax Clearance Certificate has not been approved; therefore, they will be carried to the end of the year. Hopefully, by the end of the year, which is the way it occurred last year, they will actually have a Tax Clearance Certificate and their license can be renewed for 2010.

a. REPORT RE 2010 LICENSES – Ms. Castano reported that as a result of her memo being returned rapidly from the Police Department, we sent letters to the 5 licensees for response and payment by 11/30/09. They are Live Entertainment; Second Hand Gold/Silver Jewelry and Theater. We previously issued 11 licenses per year.

4) STATUS REPORT RE 2009 MEETING DATES – Recently there was a change in the Recreation Meeting. Upon receipt of notice of the need for change, we had it advertised in two newspapers as we usually do, and the Recreation Commission will be meeting tomorrow instead of today due to a scheduling conflict.

a. 2010 MEETING DATES – A memo was sent on 10/9/09 to Borough Boards and Commissions for response by 12/4/09. Currently we have 4 responses and are awaiting 9 more as a total of 11 were sent out.

5) REPORT RE 2009 GENERAL ELECTION – Borough Clerk reported that Council-Elect Arthur Dolson was here this evening; and, noted that, hopefully, we would have Council-Elect Alissa Latner attend the next meeting. She did send a letter congratulating both on their election victory and invited them to attend the meeting; Ms. Castano thanked Mr. Dolson for coming.

6) REPORT – The Borough Clerk reported on the following items:

a. CODIFICATION – She is awaiting approval from the Administrator to have the ordinances codified as Supplement No. 16. Mr. Wiest advised he would let her know.

b. LEAGUE CONFERENCE – A.C. – The conference is almost here and we finally received the pre-registrations certificates this past Friday, 11/6/09. She will be sending a memo to those who plan to attend which will contain the pre-registrations and information regarding their hotel reservations.

C. CHIEF OF POLICE

1) REPORT- Chief Berrian reported that he has a closed session matter regarding public safety.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS:

a. GRANTS FILED

(None at this time)

b. GRANTS AWARDED

1. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND & HISTORIC PRESERVATION TRUST FUND; DUE 7/7/06; FILED BY

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – NOVEMBER 9, 2009 (MONDAY) - 7:30 P.M.

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) Regarding the Flamm property, the amount awarded was \$245,000. Mr. Wiest added that the County sent us notification of \$245,000 but after a conversation with the County Administrator last week, he agreed to take another look at a suggestion Mr. Wiest had made one more time. He did put in one more pitch to try and get more from the County but at this point it is \$245,000.

At this time, Mayor Heymann wanted to clarify that it was not a \$500,000 award, it would be more like \$245,000 or more; and we will get a good portion of the balance from Green Acres after we have complied with their request for further environmental reports. A proposal from Boswell as to that amount has been distributed and what they need to do to make this happen.

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) – Mayor Heymann noted that we did receive a \$94,000 check, which was the maximum grant for the amount that we have already spent. That means there is another \$26,000 on each side of the ledger still available to spend; which means \$52,000 that we still have that we can spend on the Trail Program.

3. NATIONAL TRAILS RECREATION PROGRAM - \$25,000 (local match of \$10,000 required) filed 12/15/05 - \$6,500/Match \$2,800 – No report.
4. SUPER VALUE, INC./PUBLIC ENTITY GRANT - \$6,600.00 awarded for Hazardous Discharge Site Remediation – 121 Schraalenburgh Road, Block 502 Lot 3 (14. M.L. 7/3/08) – No report.
5. CERTIFIED LOCAL GOVERNMENT GRANT OF \$20,000 FOR HISTORIC PRESERVATION PLAN ELEMENT (7. M.L. 7/30/09) – No report.
6. COMMUNITY DEVELOPMENT BLOCK GRANT - \$7,000.00 Grant for Senior Center Security System (7. M.L. 6/4/09) Mayor Heymann clarified that there are some other minor repairs included in that grant.

c. GRANTS TO BE FILED
(None at this time)

- 2) REPORT – Mayor Heymann noted that the above items concluded her report.

Councilman Kashwick asked about the Donald Flamm property. He voiced his understanding that after the resolution was passed, they could go ahead with the closing and wanted to know if that was accurate. Mr. Wiest responded that we were free to schedule a closing; and we have been dialoguing with Green Acres over their side of this but we are not waiting for that. Green Acres has suggested some things they would like us to do and we are pursuing all of those things, but we can set a date.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – NOVEMBER 9, 2009 (MONDAY) - 7:30 P.M.

Jack Kelly, 132 Herbert Avenue, asked if we could close before doing test holes. Mayor Heymann responded if we had done test borings; they have just not been as thorough as Green Acres required. It matched the requirements of the County grant which we are getting. She invited Mr. Kelly if he knew something we did not know to share it with them. Mr. Kelly stated that he wanted test boring. Mayor Heymann clarified that they did do the tests. The Borough Attorney further clarified there was an environmental study done on the property and that was enough for the County's satisfaction. Green Acres has different criteria, which is now requiring something in addition (to what has been done). There are 2 standards; the County has one standard, and Green Acres has another. When the Borough was first looking into it, it was looking at the County grant because it was anticipated that the County grant would be significantly higher than it turned out to be.

5. OLD BUSINESS
6. NEW BUSINESS
7. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE
8. OPEN MEETING TO THE PUBLIC
9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
10. ADJOURNMENT

Motion to adjourn the Work Session at 8:38 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on November 12 , 2009 for approval
at the Regular Meeting to be held
November 23, 2009.

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held November 23, 2009
Consent Agenda Item No. 32b.