

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JANUARY 14, 2009 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, January 14, 2009. Mayor Heymann called the meeting to order at 7:35 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. OPEN PUBLIC MEETINGS ACT STATEMENT

Mayor Heymann advised 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 Glidden, Thomas Hennessey, John Kashwick,

David Barad (7:49 p.m.) Cynthia Tutoli, Victoria Amitai

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

The following persons were absent:

Acting Administrator, John DiStefano

Also present in the audience were the following individuals:

Construction Official, Keith Sager

Land Use Coordinator/Zoning Board of Adjustment

& Technical Assistant, Paul Demarest

Former Councilpersons Linda Albelli and Jack Kelly

At this time, Mayor Heymann introduced G. Jeremiah Ryan, President of Bergen Community College, who gave a five-minute presentation on the services and programs offered by the College.

In response to Carl Olsson, 215 Irving Avenue, Dr. Ryan informed that the Governor did not cut higher education this year but there was a 10% increase last year. He noted that the Governor understands that higher education is a worthy investment.

In response to Councilman Glidden, Dr. Ryan explained that the College was started in 1968 in Paramus; presently the cost per credit is \$103 as compared with Princeton which is approximately \$2,000.00 per credit.

Mayor Heymann thanked Dr. Ryan for as she explained it as “putting a face onto the college” informing that she is sure many will avail themselves of the varied programs and services provided..

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

Former Councilwoman Linda Albelli, 353 High Street, expressed her outrage by the inaction of the Mayor and Council and was puzzled why the administration has not asked for the immediate dismissal of Mr. John DeStefano. She read from a prepared statement regarding Mr. DeStefano.

Hugh Johnson, 107 Demarest Avenue read from something that he had received in the mail about the settlement of a sexual harassment suit involving Mr. DiStefano. He explained that as a taxpayer, he cannot tolerate spending \$90,000 per year for the assorted jobs he has been appointed to and for the 14 female employees to be prey to this monster. He felt the Mayor and Council knew that he was complicit in this and felt there was conspiracy to hide this.

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Between November and December, he was gone more than he was here because he was in the White Plains Court with the EEOC. Councilman Barad advised him that it is not a witch hunt but a reality. Mr. Johnson noted he had contacted the State Attorney General's office who will appoint a special prosecutor to investigate this matter. He had also contacted the State Inspector General's office and the State Ethics Board in addition to leaving a message for Mr. DiStefano that he had until noon Tuesday to resign; and he has not. The governing body must accept responsibility; and he encouraged that they take action. Borough Attorney advised that this is the first meeting of the Mayor and Council since the newspaper article was published and the Mayor and Council is obligated to discuss these types of issues in Closed Session.

Dr. Barad entered the meeting at this time 7:49 p.m.

In answer to Mr. Johnson, Councilman Barad said there is a process that must be followed and after the Mayor and Council review the evidence, action will be taken.

Mayor Heymann advised Mr. Johnson that his 5 minutes to address the Mayor and Council was up.

Steve Isaacson, 97 Columbus Avenue, questioned if the governing body was going forward with the chipping fields. Mayor Heymann advised that specifications had been put out but contained a mistake and, therefore, must be re-advertised. The specifications are available in her office. He noted that the Library cut down trees on their property without any permits or plans. He questioned the Governor's proposal to waive the 2 ½ % developer's fee and its effect on the Borough. Mayor Heymann advised that this fee was to go to the State and would not affect the Borough and the reason the moratorium is being proposed is to encourage more building. He said that the website has not been updated. Relative to the pavilion, it was discussed spending \$14,000 to put up 12 posts, 6 supports and a roof which he felt was a lot of money. He felt that the DPW could have accomplished this project for \$2,000 or \$3,000; and Mayor Heymann said that the project was discussed with the DPW but it was not a job for them. The project was funded by a grant.

Eric Mattes, 72 Primrose Lane, read letter re Amitai relative to a denial of CIC request to modify their mission statement. He expressed his disappointment that the Mayor and Council did not provide an opportunity to further discuss this matter with the CIC directly. Mayor Heymann explained that as soon as she knew they had this in mind, she suggested to Ms. Amitai that they had to discuss it further. Instead, CIC reiterated they wanted it with no changes. Councilman Kashwick informed that the matter was discussed at an Ordinance Committee meeting and has not been brought before the full Mayor and Council. He invited Mr. Mattes to a phone conference meeting of the Ordinance Committee. Mr. Mattes said he would also like to have been involved in the Belskie property and Borough Hall landscaping.

Carl Olsson, 215 Irving Avenue, asked about the reassessment. He said he had met with Appraisal Systems; and when he questioned the range of the change in assessments, the representative could not provide him with an answer. Mayor Heymann said that there could be a differential in the land values but that she would find out for him. She advised that close to 50% of the homes were physically checked out and an additional 600 were homes were checked out on a random basis in addition to new homes and those that had been renovated. The rest of the values were extrapolated from those that were confirmed. Appraisal Systems will continue to answer questions. She said that she would try to post something on the website in answer to questions.

Diane Smith, 419 Closter Dock Road, questioned if the reassessment would mean a large tax increase in 2009. Mayor Heymann answered if your home decreased close to the average decrease in the Borough, then your tax increase would be the average tax increase for the Borough which would mean within the 4% cap. If your home decreased sizably more than the 15%, the tax would be sizably less. The tax rate will go up but the tax value would go down. This makes it more fair for all residents. Borough Attorney explained that this is the first time where the assessed value was higher than fair market value and the Council requested that the reassessment be done.

Jack Kelly, 32 Herbert Avenue, noted that the valuation of his property went down and that next year the assessed value will be determined by the size of the budget. Mayor Heymann if his house value decreased by 15%, taxes on his house would go up the amount as in the past several years of approximately 4%. In addition services are being cut to reduce taxes.

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Al McWhirr, 24 Second Street, questioned if bids were put out for the pavilion. Mayor Heymann informed that the project was a state contract item. Mr. McWhirr said the Borough should cut back where it can.

Steve Isaacson, 97 Columbus Avenue, noted that at the last meeting Mr. DiStefano said we did not have to go out to bid. Mayor Heymann said that various manufacturers were checked but it did not go out to bid because it was under the bid threshold and it was bought under State contract. Borough Attorney explained that there were quotes obtained to determine an estimate of the cost but State contract items are exempt from the public bidding laws. The State, under this process, has already gotten the best prices because of bulk purchasing and, therefore, the municipality does not have to go through the additional cost of the public bidding process.

Denise Mattes, 72 Primrose Lane, questioned the location of the pavilion and the submission of contract documents. Mayor Heymann answered that the location was from the Recreation Commission and that contract documents were submitted.

Linda Albelli, 353 High Street, questioned the use of the pavilion; and Mayor Heymann advised that it would provide a shaded area for the children and families in addition to encouraging socialization. Bathrooms have been funded but not finalized as yet. Ms. Albelli remarked that Ruckman Field was one of the landing zones for North Star; and the governing body had to confer with the Police Department on the placing of various facilities. Mayor Heymann answered that the pavilion has no effect on the North Star landing place.

Jack Kelly, 32 Herbert Avenue, explained of his understanding that there was an ordinance that did not allow these things to exist.

Hugh Johnson, 107 Demarest Avenue, questioned what services are being cut. In response, Mayor Heymann advised that personnel not services are being cut. The Finance Office staff is 30% smaller than in the past, the DPW is missing 4 people and we have not stopped with that.

Linda Albelli, 353 High Street, remarked that when staff is cut, the efficiency of the Borough suffers in addition to a person named to a position that they are not qualified for putting us in financial disaster. When the budget was brought up, Council members did not comment on same even though deficiencies were cited. Mayor Heymann said every member of the governing body takes this and every issue very seriously; but when it comes to personnel matters, they are taken care of in closed meetings by law; and we are not at liberty to speak about these matters in public. Councilman Glidden assured the public that the Council takes the article very seriously but it is inappropriate for us to discuss a personnel matter in public.

Diane Larsen, 49 John Street, questioned where the Council is cutting back; and Mayor Heymann said that we are cutting back if you compare the categories.

5. COMMUNICATIONS

- a. MAIL LIST – JANUARY 8, 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.

Borough Clerk referred to Item No. 4 dated 01/07/09 from Donald M. Farrell, Treasurer and Board Member, Belskie Museum of Art & Science Inc., requesting approval to serve wine at the monthly opening receptions during calendar year 2009; and asked that it be placed on the Consent Agenda as an additional Motion (No. 17a.) and no objections were voiced.

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

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

Mayor Heymann 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

8.\* INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING – 2/11/09 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Borough Attorney 12/29/08):

- a. NO. 2009:1026, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 48 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING PERSONNEL POLICIES”
- b. NO. 2009:1027, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 127, ARTICLE I, MISCELLANEOUS LICENSES, OF THE CODE OF THE BOROUGH OF CLOSTER”
- c. NO. 2009:1028, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 142, PARKS AND PLAYGROUNDS”
- d. NO. 2009:1029, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTR A301-1(K), POWER TO WAIVE FEES, OF THE CODE OF THE BOROUGH OF CLOSTER”

9.\* BILL RESOLUTION – JANUARY 15, 2009 TO BE PREPARED BY TREASURER

10.\* RESOLUTION APPROVING THE SETTLEMENT OF NJEF V. CLOSTER BOROUGH, CIVIL ACTION NO. 08-3043 (JAG) (Received from Borough Attorney 1/5/09)

~~11.\*~~ RESOLUTION AUTHORIZING ADVERTISEMENT FOR BID FOR SALE OF PORTION OF LAND AT BLOCK 1718, LOT 7 (Received from Borough Attorney 12/29/08)

At this time, Mayor Heymann announced she would like to make two changes as follows: Minimum bid of \$5,000; comment about 500 feet should be 500 square feet. Ms. Amitai asked that this item be removed.

~~12.\*~~ POSSIBLE RESOLUTION AWARDING/REJECTING BID RECEIVED AT BID OPENING HELD JANUARY 8, 2009 @11:30 A.M. FOR COMPOSTING AND RELATED SERVICES - TO BE PREPARED BY BOROUGH ATTORNEY

Mayor Heymann informed the date wasn’t appropriately noted. Therefore, this is to be re-bid and taken up at a later meeting.

13.\* POSSIBLE APPOINTMENT OF BOROUGH PROSECUTOR/ALTERNATE PROSECUTOR (Opening held 1/8/09 @ 10:30 a.m.) - RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY

At this time, Mayor Heymann introduced Tom Bettancourt to all.

~~14.\*~~ POSSIBLE APPOINTMENT(S) OF SALARIED EMPLOYEES (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) RESOLUTIONS TO BE PREPARED BY ACTING ADMINISTRATOR/TREASURER:

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
ADMINISTRATOR	_____	1 Year	12/31/09
DEPUTY BOROUGH CLERK	_____	1 Year	12/31/09
OFFICE ASSISTANT (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
Nothing further on the above			

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MOTIONS

- 15.\* MOTION APPROVING THE FOLLOWING MINUTES (Distributed 1/8/09)
- a. WORK SESSION NOTES OF DECEMBER 22, 2008 – ABSTENTION: GLIDDEN
  - b. SINE DIE MEETING HELD JANUARY 5, 2009 – ABSTENTION: AMITAI
  - c. REORGANIZATION MEETING HELD JANUARY 5, 2009 – ABSTENTION: AMITAI
- 16.\* POSSIBLE MOTION GRANTING APPROVAL TO WAIVE THE \$1,000 FEE FOR VANTAGE HEALTH SYSTEMS FOR SPECIAL ZONING BOARD OF ADJUSTMENT MEETING RE SITE PLAN APPROVAL FOR BLOCK 1104, LOT 18 (3. M.L. 12/31/08)
- ~~17.\*~~ MOTION APPROVING THE FOLLOWING NON SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09):

<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
ZONING BOARD OF ADJUSTMENT ALT. NO. 4	_____	2 Year un- expired to	12/31/09

No appointments to be made by Mayor at this time.

- 17a.\* MOTION GRANTING APPROVAL FOR BELSKIE MUSEUM TO SERVE WINE AT THEIR MONTHLY OPENING RECEPTIONS HELD DURING THE YEAR 2009 (4. M.L. 1/8/09)

- 18.\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

- a. CONSTRUCTION OFFICIAL – DECEMBER 2008 (Received 01/05/09)

The following items were removed from the Consent Agenda by the following individuals: Item No. 8a was removed by the Borough Attorney; Item No. 11 was removed by Jesse Rosenblum, Item Nos. 12, 14 and 17 were previously removed by Mayor Heymann.

- 7b. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 8a and 11, 12, 14 and 17 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.

19. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

8. INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING – 2/11/09 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Borough Attorney 12/29/08):

- a. NO. 2009:1026, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 48 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING PERSONNEL POLICIES”

Borough Attorney distributed a revision which he explained is a definitional change and asked that this item be adjourned to the next Regular Meeting for introduction.

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11. RESOLUTION AUTHORIZING ADVERTISEMENT FOR BID FOR SALE OF  
PORTION OF LAND AT BLOCK 1718, LOT 7 (Received from Borough Attorney  
12/29/08)

Councilwoman Amitai questioned what the real dimensions are. Mayor Heymann explained as follows: The resolution says 500 feet; it should be 500 square feet or 100 by 5, which adds up to 500 square feet and it is in the resolution

Borough Attorney advised that when the bid is made, the actual survey will be provided; but this item should be removed for further discussion.

Jesse Rosenblum, 65 Knickerbocker Road, explained that 500 square feet, a minimum of 5,000, is \$10 per square foot. The property is assessed at \$40 per square foot. He questioned why the governing body is giving a bargain. Mayor Heymann explained that the Assessor advised that this is unproductive land and does not get the value of residential land; originally it was \$6.00 per square foot but the Mayor got the Assessor to raise it to \$10. She added that the Mayor and Council will make the decision. Mr. Rosenblum questioned why the Borough would reward someone with a discount if they violated the law and were careless. It was explained by Mr. Hennessey that the property was sold and the new homeowner inherited the problem. Mr. Rosenblum continued that it is a problem for the two owners not the Borough; and that if the buyer does not like the situation, he can sue the attorney to rescind the purchase. It was noted by Mr. Hennessey that there is little value to the Borough to retain a sliver of land.

Discussion ensued whether the Borough has to maintain this property. Construction Official informed of his knowledge that the owners always maintained it; and Mayor Heymann reminded that this matter has been pulled and no vote is necessary.

At this time, Councilwoman Amitai asked that action be taken regarding Item No. 13

13. ~~POSSIBLE APPOINTMENT OF BOROUGH PROSECUTOR/ALTERNATE PROSECUTOR (Opening held 1/8/09 @ 10:30 a.m.)~~ RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY THOMAS R. BETANCOURT FOR A 1 YEAR TERM TO 12/31/09

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

BEFORE ROLL CALL VOTE, Councilman Glidden proudly advised we have a very qualified candidate. Mr. Betancourt explained he will do his best as always. Mayor Heymann suggested that he say hello to Det. Sgt. Dennis Kaine; and Chief Berrian explained having spoken with Mr. Bettancourt the other day and scheduled a meet and greet this Tuesday with the Court Administrator.

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

20. 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

Mayor Heymann informed that the Parking Authority Committee will be meeting on the matter to discuss new way to look at the issue.

b. CLOSED SESSION REGARDING THE FOLLOWING MATTER: DISCUSSION PERTAINING TO PERSONNEL ORDINANCE AND MANUAL CHANGES (Requested by Borough Attorney 9/3/08; Adjourned from RM 9/10/08, RM 9/24/08, RM 10/6/08; 10/22/08, 11/12/08, 11/24/08, 12/10/08; 12/22/08)

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Mayor Heymann recessed the Regular Meeting at 8:37 p.m. and asked for a motion approving the following Closed Session Resolution:

- 20c. . OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(4), “A collective bargaining agreement”; N.J.S.A. 10:4-12 (b)7), “Pending or anticipated litigation or contract negotiations”; and N.J.S.A. 10:4-12(b)(8), “A matter involving public employees”; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the contract negotiations; the litigation and the matter, which should be within 10-12 weeks.

The Mayor added that they would also discuss Item No. 20b in closed session.

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

Mayor Heymann resumed the Regular Meeting at 10:37 p.m.

The following actions were taken by the Council:

- 21a. Motion was made by Councilman Barad, seconded by Councilman Hennessey to approve Boswell Engineering’s proposal dated January 7, 2009, in the amount of \$40,000 for the engineering in order to construct the \$2 Million Road Program.

BEFORE ROLL CALL VOTE, Councilman Glidden requested that the motion be amended to include that it be 100% bonded and was informed by the Borough Engineer that this was solely for the engineering.

Said motion was declared carried upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai

- 21b. Motion was made by Councilman Kashwick seconded by Councilman Hennessey to approve Raymond J. Cywinski’s, proposal dated July 20, 2008 re Tree Inspection - 64 Rutgers Street. Said motion was declared carried by Mayor Heymann upon the affirmative Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai

At this time, Mayor Heymann announced that the result of one of the issues taken up in Closed Session would be that the Mayor and Council will pursue an investigation of the charges against John DiStefano; and while they are pursuing the investigation, he will be put on suspension with salary.

22. ADJOURN

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

Provided to the Mayor and Council  
on March 5, 2009 for approval at the  
Regular Meeting to be held  
March 11, 2009

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Loretta Castano, RMC  
Borough Clerk

Portions of this meeting were prepared  
by Carol A. Kroepke, RMC, utilizing  
recording and Borough Clerk’s notes

Approved at the Regular Meeting held March 11, 2009  
Consent Agenda Item No. 25a.

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AYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION NOTES – JANUARY 14, 2009 - 7:30 P.M.

Mayor Heymann called the meeting to order at 10:08 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

Councilpersons: Thomas Hennessey, John Kashwick,  
David Barad, Cynthia L. Tutoli, Victoria Amitai

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

The following people were absent:

Councilman John C. Glidden, Jr.

Acting Administrator/Treasurer, John DiStefano

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) STATUS REPORT RE 28 FOURTH STREET, BLOCK 17 AND 18 – This matter was removed by the Borough Attorney for further discussion in Closed Session. It was advised the applicants have filed for a subdivision before the Planning Board; however, the Borough Attorney reiterated further discussion in Closed Session would be necessary prior to any further activity.

2) REPORT - The Borough Attorney referenced the Flamm property, indicating funds would be available for closing possibly the first week of February, as per Mr. DiStefano. Attorney for the Flamms has been informed and will be updated accordingly in order to firm up the actual closing date.

B. BOROUGH ENGINEER

1) REPORT RE WEST STREET PROJECT (W.S. 12/10/08) – Design has been completed and submitted to the State for approval regarding Section 4. Mr. DeNicola advised of the approval to entertain bids currently. He requested a resolution at the next meeting for same in order to accept bids mid February.

2) REPORT – The Borough Engineer referenced the proposed resurfacing program inquiring on the status of same. The Borough Clerk advised she had e-mailed same to the Mayor and Council indicating there was a paper copy. Mr. DeNicola asked if there were questions regarding same stating there were two options

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available; \$1,000,000 or \$2,000,000 projects which would complete approximately 20 or 40 roads respectively.

Upon questions from the Mayor, Borough Engineer explained that \$3 million is the total for the entire Borough with some streets omitted because of their size and expense. Discussion ensued regarding whether the project is feasible at this time. Ms. Amitai wondered if Closter had funding available, while Dr. Barad questioned the possibility of Federal funding. The Borough Engineer cautioned against relying upon funds of this nature as it is questionable that every municipality will receive funding. Mayor Heymann advised she discussed this with the Borough Engineer as soon as the stimulus was recognized for this purpose.

Discussion continued regarding funding opportunities with Mr. DeNicola advising that the engineering portion could be completed now, with construction delayed until more favorable costs can be realized. Mayor Heymann explained that capital improvement monies are different from money spent on operating expenses. To plan to spend the money on a road building project would help two ways by feeding into general stimulus package and unemployment. With interest rates falling, the cost of money is much less in addition to the cost of asphalt thereby getting a lower bid price. 5% of the bond cost would be included in the budget.

The engineering cost would be \$30,000 for the 1 million project and \$40,000 for the 2 million project. Action would have to be taken at a regular meeting to go forward with the project.

4. REPORTS

A. ACTING BOROUGH ADMINISTRATOR

1) REPORT RE PREPARATIONS FOR 2009 MUNICIPAL BUDGET – Mayor Heymann said that continuity would be maintained.

3) STATUS REPORT RE BOROUGH WEBSITE – Mayor Heymann said that a different system for monitoring the website would be implemented and she had asked Leslie Weatherly to provide a spread sheet on the grants. Relative to the website, information has not been submitted to the web master by the various boards and commissions.

3) STATUS REPORT RE CONTACT WITH FILE BANK FOR STORAGE OF RECORDS (Requested by John DiStefano at WS 10/6/08) – No Report

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

a. INSTALLATION OF SIGN FOR “PARKING ONLY ON SUNDAY FROM 9 A.M. TO 3 P.M.” ON HARRINGTON AVENUE IN FRONT OF THE NEW

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LIFE CHURCH OF NEW JERSEY (10. M.L. 7/3/08) – Chief Berrian advised that the sign had been installed and the item could be removed from the Agenda.

- b. 22<sup>nd</sup> ANNUAL GEORGE WASHINGTON BRIDGE CHALLENGE  
SPONSORED BY THE AMERICAN CANCER SOCIETY TO BE HELD  
6/14/09 (14. M.L. 12/04/08) – No Report

B. BOROUGH CLERK

- 1) STATUS REPORT RE 2009 APPOINTMENTS – As follow up to the Reorganization meeting held 1/5/09, Ms. Castano has placed on the Agenda under two separate categories those salaried appointments not made and the non-salaried appointments not made for possible follow up.
- 2) STATUS REPORT RE 2009 OATHS OF OFFICE – Although 31 Oaths were signed at the Reorganization Meeting held 1/5/09, there were 136 appointments made; Ms. Castano reported having combined the Oath to include all offices of the appointee as she could not follow up by herself in a timely fashion and the Oaths would be sent to the Board Chairpersons for signature of the appropriate members and returned to her upon completion.
- 3) REPORT ON 2009 ANNUAL LICENSES - Only 4 responses have been received and a report will be provided to the Chief of Police for follow up.
- 4) REPORT ON 2009 MEETING DATES - The 2009 list of meeting dates has been sent to the Press Journal, The Record and also to Kevin Whitney which he will adapt into the Word program for placement on the Web site.
- 5) REPORT - A meeting would be scheduled with the Personnel Committee and the Finance Committee to discuss need for help in the Clerk's office.

REPORT - Relative to Ordinance Codification, Earl Babb of General Code advised that those ordinances not ready for codification could be included on the website at no cost to the Borough when same has been renovated.

The County has contacted the Clerk to perform a records inventory under the Paris Grant Program and to meet with the department heads on same.

C. CHIEF OF POLICE – No Report

D. MAYOR

- 1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS: Mayor Heymann reported there is nothing new on the grants listed on the Agenda.

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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. (DCA) DOMESTIC VIOLENCE TRAINING REIMBURSEMENT GRANT FOR SWORN OFFICERS \$1,411.92 Awarded/ rec=d 9. M.L. 5/24/07) – remove this asked chief.
5. ANJEC GRANT - \$20,000 requested/\$6,000 received
6. 2008 NJDOT MUNICIPAL AID PROGRAM FOR WEST STREET (SECTION 3) \$150,000 awarded (5. M.L. 12/27/07)
7. FY2008 ENHANCED 9-1-1 GENERAL ASSISTANCE GRANT- \$28,019.00 awarded (5. M.L. 04/24/08)
8. SUPER VALUE, INC./PUBLIC ENTITY GRANT - \$6,600.00 awarded for Hazardous Discharge Site Remediation – 121 Schraalenburgh Road, Block 502

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Lot 3 (14. M.L. 7/3/08)

9. 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
10. 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

- 1) STATUS REPORT RE RESOLUTION CALLING FOR CHANGES TO OPRA APPROVED BY NJS LEAGUE OF MUNICIPALITIES
- 2) Mayor Heymann referred to a complaint received relative to tree removal at the Belskie property and a report on the trees inspected by R. Cywinski. The other complaint referred to was new construction at 64 Rutgers Street where a great number of trees were damaged. This item was also included in a report by R. Cywinski and discussed with the Shade Tree Commission. The 3 Norway Spruce Trees involved should be mitigated to 12 trees with a minimum of 4” diameter. In addition to the aforesaid mitigation, a contribution to the Closter Shade Tree Commission of \$300 per replacement tree or a combination of planting and contribution equivalent to 12 trees. A fine could be imposed for killing the trees up to \$2,000 per tree with a replacement value of the trees which was calculated at \$17,272. It was felt that the Building Department should pursue this matter. After discussion on soil removal and shade tree removal permit, it was felt that permits should not be issued until the Planning Board has made a decision on an application. Relative to the fine, the Borough Attorney noted there could be some resistance on the part of the developer but that the fine was in line with the ordinance.

Mayor Heymann announced that there would be a Special Public meeting on January 21, 2009 of the Westwood Mayor and Council at the Westwood Community Center on Jefferson Avenue at 8PM and a presentation would be given by Hackensack University Medical Hospital on the certification of Hackensack University North at Pascack Valley.

On a question about the ADA grant for the bathrooms at Ruckman Field, Mayor Heymann informed that Jim Oettinger would be obtaining the material under State contract and plans and permits would have to be submitted. It was noted that

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there would have to be a bid for the contractor.

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

Hugh Johnson, 107 Demarest Avenue, complimented the Mayor for the manner in which she handled the Closter Plaza sign which was vastly improved.

He then voiced his opinion that the members of the public should not have to wait for closed session to be held in the beginning of the meeting.

He asked where the (Acting) Administrator was and the Mayor explained he has a cardiac condition and has been having tests.

Mayor's signs are being framed by Mary Ann Farrell

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 10:31 p.m.

Provided to the Mayor and Council  
on March 5, 2009 for approval at  
the Regular Meeting to be held  
March 11, 2009.

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Loretta Castano, RMC  
Borough Clerk

Prepared by Carol A. Kroepke, RMC  
utilizing recording and Borough  
Clerk's notes

Approved at Regular Meeting held March 11, 2009  
Consent Agenda Item No. 25b1)