

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JANUARY 13, 2010 - 7:30 P.M.

Mayor Heymann called the meeting to order at 7:32 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, Jr., Alissa Latner, John Kashwick,
David Barad (7:35 p.m.), Arthur Dolson and Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief David Berrian (7:50 p.m.)

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

Mayor Heymann opened the meeting to the public.

Kyle Dennerlein, 7 Wilson Place, congratulated the Department of Public Works on the job the Department did during the last snowstorm. He questioned the status of the Flamm property; and Mayor Heymann advised that the Borough was ready to go to contract; but in order to obtain supplemental funding, more investigation was required by Green Acres, which turned up toxic material that must be further investigated.

Mr. Dennerlein referred to the time he was a Councilman during which the owner of the Flamm property advised the Council that he had a buyer for the property; and the Borough requested that an environmental report be done on the property. He questioned why the Borough was trying to purchase a non-buildable piece of property since there are other parcels that could be purchased

Mayor Heymann said that the property is not unbuildable under certain circumstances since wetlands can be mediated. She noted that the Environmental Commission was exceptionally eager to acquire the property because it is the gathering place for waters that would otherwise inundate Ruckman Road and Homans Avenue. The property was developed with that intention; and if it is not maintained in that way, there would be environmental problems. Borough Engineer said that preliminary investigations have been done but not a wetlands delineation. Mr. Dennerlein said that there are better things that can be done with the money; and Mayor Heymann answered that the Borough has not invested any money in the property and is not about to until things are straightened out.

Steve Isaacson, 97 Columbus Avenue, remarked that the Borough has been receiving \$40,000 per year in taxes on the Flamm property and nobody has expressed an interest in the property except for the Borough. He suggested that the Borough drop the bid for the property completely and have the owner donate the property to the Borough.

Mr. Isaacson asked for an update on the cemetery property; and Mayor Heymann said that the matter would be addressed this evening during Closed Session. Mr. Isaacson advised that he sent pictures to Councilman Barad of the locked gates at Memorial Field; and Mayor Heymann advised that only the most easterly gate on a steep hill is padlocked because the hill freezes over and that every other gate is open. Mr. Isaacson referred to the lights at the Library; and Mayor Heymann said she is looking into the matter.

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Mr. Isaacson referred to the tree that was cut at Memorial Park which he felt was not inside the park and, therefore, the Recreation Commission has no jurisdiction over same. The tree was in the DEP buffer zone and the Environmental Commission was not contacted on the matter. Mayor Heymann said that the tree was labeled as 100% dead; and, as such, is a safety issue for the Borough. Borough Engineer advised that the Department of Environmental Protection does give permission to enter a buffer to clear, prune or remove a tree that is dead or in danger of falling down; but the stump cannot be removed. Mr. Isaacson said that the fields now have tire tracks running across them with no regard to the cost for the taxpayers.

Hugh Johnson, 107 Demarest Avenue, remarked that he may be heading for Haiti. He again pleaded with the governing body to provide an equal monetary award to the Borough Clerk as the other employees inasmuch as the Borough Administrator has advised that there are sufficient funds available.

5. COMMUNICATIONS

a. MAIL LIST – JANUARY 7, 2010- 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. 4 – Received 01/6/10 from Bergen County Department of Planning and Economic Development re an Invitation to attend Master Plan Visioning Workshop to be held 1/20/2010 from 6:00 p.m. to 10:00 p.m. at the Bergen County Law and Public Safety Institute, Mahwah, NJ.

Mayor Heymann advised that the workshop for our section of the County took place in November and that she had attended same. The materials she received at the workshop are on the County Department of Planning website.

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

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

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

Mayor Heymann explained the procedure and reviewed the items on the Consent Agenda and asked if any member of the Council or Public wished to remove or discuss any item.

8.* BILL RESOLUTION – JANUARY 15, 2010
TO BE PREPARED BY DEPUTY TREASURER

At this time, Mayor Heymann advised that there were two Bill Resolutions for approval this evening as follows:

- a. BILL RESOLUTION – DECEMBER 31, 2009
- b. BILL RESOLUTION – JANUARY 15, 2010

9.* POSSIBLE APPOINTMENT(S) OF SALARIED EMPLOYEES (NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/10)
RESOLUTIONS TO BE PREPARED BY ADMINISTRATOR

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
*ALTERNATE PROSECUTOR	_____	1 Year	12/31/10
DEPUTY BOROUGH CLERK	_____	1 Year	12/31/10
CONSTRUCTION OFFICIAL	_____	4 Year	12/31/13
DEPUTY TAX COLLECTOR	_____	1 Year	12/31/10
DESK DISPATCHER			
FULL TIME	_____	1 Year	12/31/10
PERMANENT CLERICAL FLOATER	_____	1 Year	12/31/10
POLICE MATRON	_____	1 Year	12/31/10
**QUALIFIED PURCHASING AGENT	_____	1 Year	12/31/10

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SCHOOL CROSSING GUARD

PART TIME	_____	1 Year	12/31/10
***TREASURER	<u>Michael Mariniello</u>	1 Year	12/31/10

- * Fair and Open Process – see Consent Agenda Item No. 14
- **Permissive (1b. Mail List 12/23/09 – recommended Borough Attorney review)
- ***Borough Code Ch. 43, “Officers and Employees” Section 1, “Officers appointed annually”)

- 10.* RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEAR 2009: EUSEBIO CORP. NY (Received from Borough Attorney 12/23/09)
- 11.* RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED COUNTY CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-11 (Received from Administrator 1/7/10)
- 12.* RESOLUTION FIXING THE CFO SALARY FOR 2010 (Received from Administrator 1/7/10)
- 13.* RESOLUTION ADOPTING CASH MANAGEMENT PLAN FOR 2010 (Received from Administrator 1/7/10)
- 14.* RESOLUTION TO RE-ADVERTISE FOR BOROUGH ALTERNATE PROSECUTOR POSITIONS AND TO PURSUE A “FAIR AND OPEN” PROCESS IN AWARDING CONTRACTS FOR THESE PROFESSIONAL SERVICES IN THE BOROUGH OF CLOSTER (Received from Borough Attorney 1/7/10)
- 14a.* RESOLUTION CONTINUING TEMPORARY APPOINTMENT OF CONSTRUCTION CODE OFFICIAL AND THE TEMPORARY INCREASE IN HOURS AND COMPENSATION FOR THE PLUMBING SUBCODE OFFICIAL/BUILDING INSPECTOR (Received from Administrator 1/12/10)

At this time, Mayor Heymann noted that Giuseppe LaMastra’s wife was sworn in as a Councilperson in the Borough of Tenafly.

- 14b.* RESOLUTION AUTHORIZING EXECUTION OF DEVELOPER’S AGREEMENT RELATING TO BLOCK 1306, LOTS 1 & 2 (Received from Administrator 1/13/10)

MOTIONS

- 15.* APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES:
(Distributed 1/7/10)
 - a. SINE DIE MEETING OF JANUARY 4, 2010 – ABSTENTION: BARAD
 - b. REORGANIZATION MEETING MINUTES OF JANUARY 4, 2010 – NO ABSTENTIONS
- 16.* MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/10):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
*ENVIRONMENTAL COMMISSION			
Associate Member	_____	1 Year	12/31/10
BOARD OF ETHICS			
(R) Member		5 Year Un-	
Environmental Commission	_____	exp (Dolson)	12/31/11
*Mayoral appointment			

- 17.* GRANTING APPROVAL FOR THE BELSKIE MUSEUM TO SERVE WINE AT MONTHLY ANNUAL RECEPTIONS IN CALENDAR YEAR 2010 (3. M.L. 1/7/10)

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18* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

- a. CONSTRUCTION OFFICIAL – DECEMBER 2009 (Received 1/4/10)
- b. CHIEF OF POLICE - DECEMBER 2009 (Received 1/12/10)

The following items were removed from the consent Agenda by the following individuals: Mayor Heymann previously removed Item Nos. 9 and 16. Councilwoman Amitai removed Item 14a.

8b. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 9, 14a. and 16 was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

19. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

9. POSSIBLE APPOINTMENT(S) OF SALARIED EMPLOYEES (NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/10) RESOLUTIONS TO BE PREPARED BY ADMINISTRATOR

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
*ALTERNATE PROSECUTOR	_____	1 Year	12/31/10
DEPUTY BOROUGH CLERK	_____	1 Year	12/31/10
CONSTRUCTION OFFICIAL	_____	4 Year	12/31/13
DEPUTY TAX COLLECTOR	_____	1 Year	12/31/10
DESK DISPATCHER			
FULL TIME	_____	1 Year	12/31/10
PERMANENT CLERICAL FLOATER	_____	1 Year	12/31/10
POLICE MATRON	_____	1 Year	12/31/10
**QUALIFIED PURCHASING AGENT	_____	1 Year	12/31/10
SCHOOL CROSSING GUARD			
PART TIME	_____	1 Year	12/31/10
***TREASURER	<u>Michael Mariniello</u>	1 Year	12/31/10

- * Fair and Open Process – see Consent Agenda Item No. 14
- **Permissive (1b. Mail List 12/23/09 – recommended Borough Attorney review)
- ***Borough Code Ch. 43, “Officers and Employees” Section 1, “Officers appointed annually)

Motion appointing MICHAEL MARINIELLO as TREASURER of the Borough of Closter for a 1-year term to December 31, 2010 was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

14a. RESOLUTION CONTINUING TEMPORARY APPOINTMENT OF CONSTRUCTION CODE OFFICIAL AND THE TEMPORARY INCREASE IN HOURS AND COMPENSATION FOR THE PLUMBING SUBCODE OFFICIAL/BUILDING INSPECTOR (Received from Administrator 1/12/10)

In answer to Councilwoman Amitai, Borough Administrator advised that temporary appointments are permitted for 60 days at a time; and the last extension was done in November with an expiration date of January 15. It is hoped that between now and the next meeting a permanent arrangement can be made in addition to setting salaries for others in the Department. This Resolution does not make any changes in the present arrangement.

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

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

At this time, Councilman Barad explained there was a meeting with the Recreation Commission and the Commission’s position was to have the newly sodded areas make it through the year; and

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the Council's position is to not have fences. A compromise was reached to place appropriate signage which is hopefully acceptable. This year the perimeter fences would remain but not be installed next year. Snow fences would be installed around the infield to protect newly sodded areas in addition to breaking up the expanse of the field.

Motion to recess the meeting to go into the Work Session at 8:05 p.m. was made by Councilman Glidden seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

Mayor Heymann resumed the Regular Meeting at 8:43 p.m. and asked for a motion approving the following Closed Session Resolution.

- 20a. Motion approving the following Resolution at 8:43 p.m. was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai:

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)(5), "a matter involving the expenditure of public funds for the acquisition of real property; 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 matters which should be 2 weeks for contract negotiations and police issue, and 12-15 weeks for litigation and expenditure of public funds for acquisition of real property, easement waiver.

Mayor Heymann resumed the Regular Meeting at 9:50 p.m.

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

At this time, Borough Attorney explained that the Mayor and Council is desirous to have the Planning Board review again the Retail Space Square Footage Ordinance adopted by the Mayor and Council and is presently being challenged in the Court in order to establish that the review was done in a proper manner and that the Planning Board make specific findings that the increase in the square footage is consistent with the Master Plan. The request would be forwarded to the Board for action within 30 days of the request

- 21a. 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, Latner, Kashwick, Barad, Dolson and Amitai.

Before Roll Call Vote, Borough Clerk asked who would be forwarding the request to the Planning Board; and the Borough Attorney advised he would be doing so.

At this time, Borough Attorney requested the authority to prepare a new contract with the Teamsters/DPW employees consistent with terms agreed to by the bargaining parties for a 2009 increase of 3.5%, 2010 increase of 3.5%, 2011 increase of 3.5% and 2012 increase of 3.0% with other issues previously agreed upon by the contracting units and the Borough which would include but not be limited to that newly hired employees after January 1, 2009 would not be eligible for longevity until they have been employed by the Borough for a minimum of eight years which is an increase from the previous contract that provided for longevity after six years.

- 21b. Motion of approval was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

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22. ADJOURN

Motion to adjourn the Regular Meeting at 9:58 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
January 21, 2010 for approval at the
Regular Meeting to be held
January 27, 2010

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held January 27, 2010
Consent Agenda Item No. 17a.

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WORK SESSION NOTES – JANUARY 13, 2010 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:04 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Alissa J. Latner, John Kashwick, David Barad
Arthur B. Dolson 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

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) STATUS REPORT RE CONTRACTS:

(a) BOROUGH ADMINISTRATOR (RM 5/13/09) – Mr. Rogan advised that the Borough Administrator’s contract is still outstanding and his office will be following up to having it finalized.

(b) PROFESSIONAL SERVICES – REORG. MTG. 1/4/10 – Mr. Rogan reported that the bulk of the Professional Services contracts have been prepared and are going out this week to the professionals who were appointed at the Reorganization Meeting. He is going to hold a couple to finalize certain terms regarding financial arrangements; but for the most part, they will be going out tomorrow or Friday from his office.

At this time the Borough Attorney reported that the Request for Qualifications for the Alternate Prosecutor position did not yield any resumes or applications; and we have to re-advertise. This position is only applicable in the event that our Prosecutor, Thomas Betancourt, is unable to attend for some reason, therefore, we will always have a backup so Court will not have to be adjourned. It will be re-advertised; and, hopefully, we will be getting additional applicants to respond for that; and the Council can choose from the applicants that bid on that position.

2) REPORT – The Borough Attorney reported on the following:

a. Regarding the ratio appeal that was discussed concerning how the State calculated property values, we are waiting for Angela (Mattiace) to get one more thing. The complaint is fairly complete at this point; but we do need some statistics for her to finalize it and that needs to be filed and will be filed before 1/27/10.

b. The Borough Planner was appointed at the Reorganization Meeting; the question had been brought up as to whether that appointment was made and he confirmed that it has been.

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c. There are a number of Closed Session items to address as no action was taken at the last meeting. He will be asking for a Closed Session regarding: Collective Bargaining Agreement with the DPW Teamsters; Expenditure of public funds which is for the Flamm Property; Pending litigation of the A&P and Rosenblum lawsuits over the Irani/Closter Plaza Redevelopment; A matter involving public employees – requested by Chief Berrian to discuss Police issues; and A request from some property owners for the waiver of an underground easement.

B. BOROUGH ENGINEER

1) STATUS REPORT RE 2009 SAFE STREETS TO SCHOOL SIDEWALK PROJECT – NJDOT \$275,000 (not to exceed \$52,100) RM 6/24/09 – Mr. DeNicola reported this project encompasses a portion of Harrington Avenue, Cedar Lane and Storig Avenue behind Tenakill School. Those plans are progressing; but since it is Federal money, there are a lot of hoops to jump through including reports and certain advertisement criteria; and they are working through that. We are expecting to advertise for that in the late Spring for construction in the Summer.

2) REPORT – The West Street, Section 5 Plans have been completed and were sent to the NJDOT for approval. This is the 2010 Local Aid Project. We have \$195,000 for that project total; and our estimate is the same to complete from High Street to Closter Dock Road. This encompasses milling, resurfacing, new curbs and new aprons in some driveways. There will likely be some Resolutions on the next Regular Meeting Agenda approving the plans and advertisements for going to bid. Councilman Barad asked if this would affect the Historic District. Mr. DeNicola responded it would not since it is not on the private properties and would not affect the private properties per se in the right of way. Mayor Heymann noted we did have an issue with the Historic District during the last project. Borough Engineer reminded that last time it was on the Federal Register which was a little more problematic so it was skipped over at the homeowners' request. Mr. Kashwick clarified that we are replacing existing with like-and-kind so it does not affect that area. Mr. DeNicola further clarified in the first or second sections there were no curbs and there was a historic kind of stone type curbing, so we left it alone not to disturb the character of the property. Hopefully, authorization to go to bid will be on the next Agenda.

4. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS REPORT RE PREPARATION OF 2010 MUNICIPAL BUDGET – Mr. Wiest reported that we have closed the books for 2009 and are beginning working with the Auditors for the 2009 financial statements. Initially there will be an un-audited financial statement which will be audited; and from that, we will derive some of the information we need to prepare the 2010 Municipal Budget. He has spoken with most of the Department heads and reviewed their budget requirements for 2010 and assembled quite a bit of information. He feels it would be worthwhile to have the Finance Committee schedule a meeting in the next 7 to 10 days to start talking about the Budget. There has been no information from the State of New Jersey yet about the budget submission timetable. There is a statutory requirement that the Council introduce a budget by 2/10/10 which is rarely met in the State because the State rarely has the

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information that they need to do so. Budget introductions and adoptions have gotten later and later over the years. With the new Governor in place, he is not optimistic that this is going to move any more quickly this year. In terms of us being able to pull together our costs and expenses, we are actively doing that now; and we should meet to talk about it at the committee level.

2) REPORT RE NEW BOROUGH WEB SITE – Mr. Wiest reported that the new website is online; we changed content platforms. (Kevin) Whitney has been actively migrating information from the old site to the new site and adding new content. It is a good looking new site; and he feels it is attractive and well laid out. Mayor Heymann noted that not everything has been moved over; and Kevin is doing the best he can; and asked for patience as all of the information that was previously available plus much more will be available on the new site. Councilwoman Amitai asked if the Borough Code is available; and the Mayor responded that the code is separate from the website and is not at all involved in the change; it is on the new website.

3) STATUS REPORT RE LEASE OF A PORTION OF WELLINGTON AVENUE (AWARDED TO MIELE SANITATION CO. - R.M. 11/23/09) – Mr. Wiest reported that this lease has been finalized.

4) STATUS REPORT RE INSURANCE REQUIREMENTS FOR AMERICAN CANCER SOCIETY TO CONDUCT 23RD ANNUAL GEORGE WASHINGTON BRIDGE CHALLENGE ON 6/13/2010 (17 M.L. 12/3/09) – Borough Administrator advised he had nothing to report on this item and he will provide an update at a later time.

5) STATUS REPORT RE DEVELOPER'S AGREEMENT FOR 1 RUCKMAN ROAD (KIM) – Mr. Wiest reminded that action was taken earlier this evening to authorize the execution of the Developer's Agreement for the 1 Ruckman Road Development by Mr. Kim.

6) REPORT – Mr. Wiest advised that the above items concluded his report.

B. BOROUGH CLERK

1) STATUS REPORT RE 2010 APPOINTMENTS – Ms. Castano reported that we are current with updates on the Regular Meeting Agenda. She had received a telephone call from Frank Rodriguez who declined the appointment; it wasn't early enough for her to make any changes to the Agenda, so it will be included for the next meeting. He noted he had spoken to Eric Mattes (CIC Chairman) who is aware of it; and they will be coming up with recommendations.

2) STATUS REPORT RE 2010 OATHS OF OFFICE – Approximately 150 Oaths of Office forms were prepared by Arlene (Corvelli) and Carol (Kroepke). At the Reorganization Meeting on 1/4/10, 20 Oaths were distributed, filled out and signed. As a result, it was approximately 9% of the total that we had to mail out and have signed to be returned to our office along with Financial Disclosure Statements. We had a problem with Financial Disclosure requests being made by other departments; which she believes was from a misunderstanding on some of the forms. We had made notes that a Financial Disclosure Statement was required, but it should only come from the Borough Clerk's office or the Board of Ethics once they become organized.

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3) STATUS REPORT RE 2010 LICENSES – current.

4) STATUS REPORT RE 2010 MEETING DATES – The Annual Notice of Meetings for all Borough Boards and Commissions was published in the Press Journal and The Record on 1/7/10; sent to three newspapers for posting in accordance with the Open Public Meetings Act; and also e-mailed to Kevin Whitney who posted it on the website. There had been some questions in the past from the Historic Preservation Commission as to whether sufficient notice had been given; now everyone can check to make sure all of their meetings were advertised.

5) STATUS REPORT RE CODIFICATION OF SUPPLEMENT NO. 16 – Ms. Castano called this afternoon to check the status of the Codification; because of the timing of it and the holiday, they are still working on it; but we should be receiving some information on it shortly.

6) STATUS REPORT RE IMPLEMENTATION OF CITIZEN SERVICE ACT (LOCAL FINANCE NOTICE -LFN 2009-24, November 12, 2009) – Ms. Castano reported that this is something we are implementing slowly. She sent a memo to all Borough Boards and Commissions, after it had been reviewed and approved by the Borough Attorney; because it is not only the Borough Clerk's office sending out Oaths of Office. Now, in accordance with this Citizen's Service Act, every Board and Commission has to have the Oath of Office administered at their meetings which are returned to the Borough Clerk's office.

Dr. Barad asked for clarification that there are now two Oaths of Office. Ms. Castano affirmed and advised this is a new law. Mayor Heymann concurred and advised it was passed on 11/12/09; and essentially it makes a statute of something that they already have as an Ordinance in Closter but is more strict than what we have - more specific; and also virtually mandates that anyone who misses three meetings in a row be vacated from whatever Board or Commission they occupy, in addition to the items the Borough Clerk has already pointed out.

Dr. Barad voiced his opinion that it could be a good thing; but his question is why there has to be two Oaths. Ms. Castano reiterated she reported at the end of the year that the Borough Clerk's office now has to follow these rules and regulations and prepare a directory. Fortunately, over the years, the Clerk's office has always tracked appointments; but we are now mandated to prepare a directory. Dr. Barad questioned why it would take two pieces of paper that do the same thing; and asked if they would look differently. Mayor Heymann explained that the Oath they sign is one they take for each office. Each Board and Commission is now required to be sworn into that Board or Commission; which was not done previously.

Borough Clerk further explained that there is much more involved than just what it recorded in the Minutes; and she has been in constant advisement with the Borough Attorney. Her office will now be receiving a second set of Oaths in addition to the appointments made by the Mayor and Council. There seems to be some confusion as to whom the Oaths are being sworn and subscribed to. Borough Attorney advised it would be the respective Board Attorneys and Ms. Castano reiterated that people do not understand that. Mayor Heymann clarified that if the Board or Commission did not have an attorney, it would be the Chairperson. She expressed that frankly, when the State passes rules and regulations, invariably they create a lot of paperwork for the Borough Clerk and the rest of the staff. Essentially the act that was passed is the same Citizen's Act that Closter passed two years ago, and it does not change any of the terms, only defines them more clearly and adds more paperwork.

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Ms. Amitai questioned the deadline for Financial Disclosure Statements. Ms. Castano noted that at this time, we are only concerned with the newly elected and appointed who were subject to the new law requiring them to file by the end of January. Then there is the remainder of the required filers to do so by April 30. Councilman Dolson wished to add and urge that anyone who is a liaison to a Board or Commission to encourage their members to get the Financial Disclosure Statements in because it is a very difficult task for the Borough Clerk's office and the Board of Ethics. Mayor Heymann added that all should be reminded that the members must still be sworn in, whether their Board or Commission has an attorney or not. Ms. Castano reported that she has sent a memo regarding same to all Boards and Commissions with a copy of the aforementioned law, which just seems to get more confusing each year.

7) REPORT

a. Paris Grant – Ms. Castano voiced frustration that the Paris Grant just seems to be something they are unable to move along. She has received an update with a notice that some of the work that had been done was not certified; and because of this, she will not be able to continue with the Paris Grant application and the possibility of obtaining \$40,000 within that Grant unless she writes a letter explaining why some of the documents which have been scanned were never certified. She explained that most of them were done in the Building Department. Mayor Heymann mentioned the County has acquired brand new scanners that they were going to give to the second round Paris Grantees. Ms. Castano responded that Closter was supposed to be in the second round; however, due to difficulties, they have been unable to comply.

b. Elections – Yesterday, Ms. Castano received a notice along with 69 other Bergen County Clerks from the Bergen County County Clerk/Elections Division regarding the Annual Clerk's meeting which will be held on Wednesday, 2/3/10. She will provide more information regarding the Primary and General Elections after attending that meeting.

c. Professional Services – Ms. Castano reported that there is a Notice of Professional services to be published in the newspaper. She is unsure what the timing of it is although it used to be required to be published within 10 days of the Reorganization Meeting. Since we do not have the required numbers, she did research other municipalities and saw that although they also did not have the amounts, the notices were published. She provided a copy of same to Mr. Wiest and the Borough Attorney for their review and possible approval so that may be completed before she begins to advertise for any other positions.

d. Follow Up from previous Mail Lists – Ms. Castano noted that in two Mail Lists there were possible Resolutions to be addressed. The first is (7.M.L. 12/17/09) from Rahway re OPRA and she asked Mayor Heymann if anything could be salvaged from this Resolution. The Mayor affirmed and assured she was already working on it. Regarding the Resolution sent by Twp. of Marlboro (4.M.L. 12/23/09) re unfunded mandates, she asked if there was any direction regarding same. Mayor Heymann responded that she was not sure if this particular Resolution does the trick although she does sympathize with it. Ms. Amitai asked if we could tweak the unfunded mandates Resolution; and the Mayor explained that it needs to be looked at from scratch. Just freezing new ones won't do us much good; and we need to get on top of that. She continued that if anyone was interested, the League of Municipalities magazine from December and January had excellent articles on the subject. She encouraged the Council to read the articles as they contain a lot of information on this subject; and further encouraged reporters to get a hold of and read same. Mr. Glidden added that the League also has a very strong committee on unfunded mandates too, which is getting excellent press.

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C. CHIEF OF POLICE

1) REPORT – Chief Berrian informed that the 200 Club awarded the Borough a small grant of \$1,580.00 which will go a long way. He has put in for some LED illuminating stop signs for our most dangerous intersection - Closter Dock Road and High Street. It is on a County road; and Nick (DeNicola) will need to see if the County will accommodate us on this request. Mayor Heymann thanked Chief Berrian for putting in this request.

At this time, Chief Berrian explained he would like to meet with the two new Council members on the Public Safety Committee to take a walk through the Police Department and show them around and fill them in on some of the ongoing things. Councilman Glidden advised he would call a Special Meeting of the Public Safety Committee within the next two weeks. The Chief wanted to review the past year of events in the Police Department for the benefit of Councilpersons Dolson and Latner. In September 2008, he, the Mayor and several others attended a seminar on the CALEA, an acronym for the Commission on Accreditation for Law Enforcement Agencies. The Borough of Closter signed a contract in January with the Rodgers Group, who is an outside professional agency that assists police departments in this pursuit. The benefits of being an accredited police department is that you have a more professional department, meeting 112 accepted standards of law enforcement. Every level of arrest evidence; Rules and Regulations; Policy and Procedure, etc. The benefits are certainly necessary in this litigious society. One of the benefits is our insurance rates go down; and there is less vulnerability to exposure for civil lawsuits. We began working aggressively in March with the accreditation; and he wanted to commend Sgt. Dennis Kaine who has been at the forefront of this. This is all coming to an end at the end of this month when the accreditation team from the State Chiefs Association will assign two assessors to the Closter PD on Sunday, 1/31/10, and Monday, 2/1/10. It takes two days for the assessors to review piece of paper generated, and to look for conformance and compliance with everything we have been required to do in the past 9-10 months. It is a comprehensive folder which has been assembled for their review. He encourages the Mayor and Council to be available at some point during that assessment period to come in and meet them to see what has been done. Also placed in the paper, as required for the final accreditation process, is to notify the public so that if anyone has anything they wish to say, it is in the paper as to the particular day and hours which are 10:00 -12:00, with the specific phone number and extension during which the assessors will take any public comments - good, bad; whatever. It is a comprehensive process; and we look forward to the assessment dates being over, and the final interview in March in Princeton by the accreditation board at which time the whole process will be officially over.

Chief Berrian reiterated the Borough Attorney's earlier comment that he had a Closed Session matter for later.

Ms. Amitai questioned if this was a pass or fail type of thing or do they get a grade or areas of improvement. Chief Berrian responded that it is a pass/fail type of thing if there are certain standards that are not up to date. If it is minor, we can fix it there; otherwise, they will have to come back. Mayor Heymann congratulated the Northern Valley Press for printing a very comprehensive article on this subject coverage. A Press Release has been submitted to the other papers, which have not yet done so; but it is in the Northern Valley Press if anyone is interested, and they can get all of the details.

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D. MAYOR

At this time Mayor Heymann noted she has a few announcements. First, she wanted to call attention to the fact that there is a major emergency in Haiti. All of us should be participating to the best of our ability. She and the Borough Clerk had passed around any information they had received from the Mayors. She also has a list of OXFAM. Haiti is already the poorest country in the Western hemisphere and this was very destructive.

The Mayor received a note from the Volunteer Bureau of Bergen County reminding that Martin Luther King Day was intended to be an on day; not an off day. It is to be an on day meaning helping as a volunteer, in particular in memory of Martin Luther King. She wanted to pass this around because Borough offices are closed next Monday, 1/18/10, and if anyone has the time, they have organized special volunteer opportunities that will commemorate that day in a meaningful manner.

Mayor Heymann wanted to call attention to a very long time teacher, Nel Munson, who was a lifetime resident of Closter and the Valedictorian of Closter High School when she attended there. She has passed away at the age of 97 and wanted to mention that in commemoration.

1) **STATUS REPORT RE FOLLOWING GRANTS** - There is a grant just filed that is not yet on the list. It is called the Safer Grant which was filed for on behalf of the Fire Department. We applied for the grant of \$50,000, which was extremely complex, and she is not sure we will get anywhere, but felt it was worthwhile trying. This was filed on 12/18/09.

a. **GRANTS FILED** – Mayor Heymann reported that the following Grants are all pending:

1. Reported by Mayor at Work Session held 12/9/09:
 - A) Historic Preservation Grant (\$2,000) for proposed 300th Anniversary Celebration
 - B) Community Development Block Grant (\$50,000) for curb cuts
 - C) Shade Tree Grant (\$11,200) for business stimulus
 - D) DEP Greenhouse Grant Reduction (pre-application)

b. **GRANTS AWARDED** – Mayor Heymann reported that there are additional grants awarded that have not been reported:

(i) GDL Grant which was filed on 4/9/09 for \$2,000 which was received in May 2009.

(ii) Open Space Grant filed on 7/27/09 for \$37,000 for the basketball courts at Memorial Field and they will receive notification on that very soon.

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) – No report.

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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) – The Mayor reported that the County gave us the final payment in the amount of \$94,340; so this item can be removed.

3. NATIONAL TRAILS RECREATION PROGRAM - \$25,000 (local match of \$10,000 required) filed 12/15/05 - \$6,500/Match \$2,800 – We received on these two grants on 12/21/09 \$25,000 against a \$25,000 grant; and \$6,500 against a \$6,500 grant; so this item can be removed.

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) – We did receive \$6,000 and \$600.00 had to be returned (to us) for our expenses. We did get the grant money; however, the grant is still in the process of being serviced.

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) RM 10/28/09 - alarm repairs, window replacement, roof support columns and sidewalk improvements – We filed the bills and the project is complete; but we have not yet received the money. The Borough Administrator confirmed we are not in receipt of the money.

c. GRANTS TO BE FILED – Mayor Heymann noted that this is a grant that has actually been completed.

1. 2010 ROID Grant (\$10,000) for Recreation Commission Challenge Routine (W.S. 12/9/09) – We received the full amount of the grant just this past year.

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

5. OLD BUSINESS

No one wished to be heard.

6. NEW BUSINESS

No one wished to be heard.

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

No one wishing to be heard, Mayor Heymann opened the meeting to the public.

8. OPEN MEETING TO THE PUBLIC

Hugh Johnson, 107 Demarest Avenue, informed the Borough Engineer that at the Demaree

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House, inexplicably, the pole is missing the sign. Mr. DeNicola advised that he had spoken to the Closter Building Department; and they most likely took care of it. Mr. Johnson continued that there has been an issue on private property regarding trees uprooting them. The trees are on Borough property; and the homeowners have received several letters asking them to maintain them. He reminded that there is the same issue right outside Borough Hall; and Mayor Heymann agreed that this was the worst sidewalk in town. He suggested that it be addressed before they ask other homeowners to address same.

Regarding his clock project – he has 3 weeks to place an order; not to pay for another 3 weeks. He will be soliciting and he has received commitments from some people towards the estimated cost of \$25,000; he expressed they must feel the same that what we have had since 1999 is horrible. It looks terrible. He has been in conference with the Borough Administrator who has said there was enough in the budget for a capital expenditure to help him try to defray the cost as much as possible. Mr. Johnson asked the Council to consider his request for same as well as his previous requests for consideration of a bonus for the Borough Clerk, he would appreciate it.

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

10. ADJOURNMENT

Motion to adjourn the Work Session was made by Councilman Kashwick, seconded by Councilwoman Amitai and declared unanimously carried by Mayor Heymann at 8:44 p.m.

Provided to the Mayor and
Council on January 21, 2010
for approval at the Regular Meeting
to be held January 27, 2010.

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held January 27, 2010
Consent Agenda Item No. 17b.