

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JULY 28, 2010 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, July 28, 2010. Mayor Heymann called the meeting to order at 9:03 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was sent to the Press Journal and The Record and published in both newspapers on January 7, 2010, posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad and Arthur Dolson

Borough Administrator, Quentin Wiest

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

Tax Collector, Maria Passafaro

The following persons were absent:

Councilwoman Victoria Amitai

4. PROCLAMATIONS, PRESENTATIONS, MOMENTS OF SILENCE

5. PUBLIC HEARING @8:00 P.M. RE 2010 GREEN ACRES PLANNING INCENTIVE (PI) GRANT APPLICATION (A matching grant program for the acquisition of lands for open space and recreation purposes)

Notice of this Public Hearing was published in The Record issue of July 21, 2010.

Mayor Heymann explained that during the Work Session the Borough Administrator had explained the need for this public hearing.

Mayor Heymann opened the public hearing. No one wished to be heard. Mayor Heymann closed the public hearing.

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

6a. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 9, 19, 20, 21 and 22 was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

INTRODUCTION OF ORDINANCES (WITH PUBLIC HEARING DATE SPECIFIED)

7. INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING AND ADOPTION – 8/25/10 @7:30 OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

a. BOND ORDINANCE NO. 2010: 1070, “AN ORDINANCE OF THE BOROUGH OF

CLOSTER MAYOR AND COUNCIL  
 REGULAR MEETING MINUTES – JULY 28, 2010 – 7:30 P.M.

CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE SAFE SIDEWALKS TO TENAKILL MIDDLE SCHOOL INFRASTRUCTURE PROJECT IN AND FOR THE BOROUGH OF CLOSTER AND APPROPRIATING \$315,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$40,000 IN BONDS OR NOTES OF THE BOROUGH OF CLOSTER TO FINANCE THE SAME” (Received from Bond Counsel 7/16/10)

b. ORDINANCE NO. 2010:1071, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING FEES AND DEPOSITS, SPECIFICALLY FOR THE POLICE DEPARTMENT’S FEES FOR PRIVATE DUTY WORK (Received from Borough Attorney 7/20/10)

c. ORDINANCE NO. 2010:1072, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING FEES AND DEPOSITS, SPECIFICALLY FOR THE TAX COLLECTOR/TREASURER” (Received from Borough Attorney 7/20/10)

d. ORDINANCE NO. 2010:1073, “AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A PORTION OF RAILROAD AVENUE (Received from Borough Attorney 7/21/10)

e. BOND ORDINANCE NO. 2010:1074, - TITLE TO BE PROVIDED BY BOND COUNSEL REAPPROPRIATION ORDINANCE (\$32,000.00) (Requested by Administrator 7/23/10 @ 1:15 p.m.) TO BE PREPARED BY BOND COUNSEL (“ORDINANCE REAPPROPRIATING \$31,183.18 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR FINANCIAL SOFTWARE AND COMPUTER EQUIPMENT IN THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY”)

RESOLUTIONS

8. BILL RESOLUTION – JULY 31, 2010  
TO BE PREPARED BY DEPUTY TREASURER

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

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
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

\*\*Permissive (1b. Mail List 12/23/09 – recommended Borough Attorney review)

10. RESOLUTION IN OPPOSITION TO A-2939 AND ITS COMPANION BILL S-TBA COMPELLING DISSOLUTION OF TETERBORO, NEW JERSEY (Received from Borough Attorney 7/22/10)

11. RESOLUTION AUTHORIZING TAX COLLECTOR TO CANCEL 3<sup>RD</sup> AND 4<sup>TH</sup> QUARTERS 2010 TAXES AND PRELIMINARY 2011 TAXES ON BLOCK 309, LOT 1, ASSESSED TO BOROUGH OF CLOSTER AS OF 11/24/2008 AS PARCEL WAS CLASSIFIED AS EXEMPT, CLASS 15F PER ASSESSOR (Received from Tax Collector 7/14/10)

12. RESOLUTION INCREASING CONTRACT PRICE FOR WEST STREET IMPROVEMENTS

CLOSTER MAYOR AND COUNCIL  
 REGULAR MEETING MINUTES – JULY 28, 2010 – 7:30 P.M.

SECTION 5, CHANGE ORDER #1 AND FINAL FOR VINCENT J. CONSTRUCTION, LLC  
 Contract Price: \$137,041.00; Change Order No. 1 and Final: \$18,760.20; Amended Contract  
 Price: \$155,801.20 (Received from Administrator 7/18/10)

13. RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH MID-BERGEN REGIONAL HEALTH COMMISSION (not to exceed \$6,000) RELATING TO THE PROVISION OF PROFESSIONAL, PUBLIC HEALTH SERVICES (Original amount: \$43,200) (Received from Administrator 7/20/10)
14. RESOLUTION ACCEPTING PROPOSAL RECEIVED FROM SIGNATURE INFORMATION SOLUTIONS, A TAX SEARCH FIRM, IN RETURN FOR AN ANNUAL PAYMENT OF \$200 TO PROVIDE WEEKLY ELECTRONIC DATA TRANSMISSIONS OF INFORMATION WHICH IS OPEN TO THE PUBLIC AND IS READILY AVAILABLE UPON REQUEST (Received from Tax Collector 7/14/10)
15. RESOLUTION RE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION (\$750,000/MATCH) (Received from Administrator 7/22/10)
16. REVISED RESOLUTION ADOPTING 457 DEFERRED COMPENSATION PLAN PROVIDED BY AXA-EQUITABLE ASSIGNED THE PLAN IDENTIFIER (66-PD-EQUITABLE-053107) CLOSTER BY THE DIVISION OF LOCAL GOVERNMENT SERVICES (Received from Administrator 7/22/10)
17. RESOLUTION ENTERING INTO AGREEMENT WITH COUNTY OF BERGEN FOR EMERGENCY SERVICES NOTIFICATION SYSTEM (Received from Administrator 7/22/10) (3. M.L. 6/10/10)
- 17a. RESOLUTION NO. 2 RE AD INTERIM PERMITS (Prepared by Borough Clerk 7/27/10)

MOTIONS

18. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 7/22/10) ABSTENTION: AMITAI:
  - a. REGULAR MEETING OF JULY 14, 2010
  - b. WORK SESSION OF JULY 14, 2010
19. MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/10; RM 1/13/10; 1/27/10; 2/10/10; 2/24/10; 3/10/10; 3/24/10; 4/14/10; 4/28/10; 5/12/10; 5/26/10; 6/9/10; 6/23/10; 7/14/10:

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
IMPROVEMENT COMMISSION Member	_____	2 Year	12/31/11
*SHADE TREE COMMISSION Member (Ryan) (3. M.L. 3/11/10) <i>* Mayoral Appointment</i>	_____	5 Year un- expired to	12/31/11

20. MOTION APPOINTING \_\_\_\_\_ TO SERVE AS ZONING BOARD OF ADJUSTMENT ALTERNATE. NO. 3 FOR A 2-YEAR UNEXPIRED TERM (IAFRATE) TO 12/31/10 (3. M.L. 5/27/10) (Adjourned from RM 6/9/10; RM 6/23/10; RM 7/14/10)

21. MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO FILL THE FOLLOWING APPOINTMENTS MADE AT THE REORGANIZATION MEETING HELD ON 1/4/10 (Which have not been accepted as of the time of preparation of this Agenda):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
IMPROVEMENT COMMISSION Member	_____	2 Year un- expired to	12/31/10
*SHADE TREE COMMISSION Alternate No. 2 <i>* Mayoral Appointment</i>	_____	4 Year un- expired to	12/31/11

22. MOTION APPOINTING \_\_\_\_\_ TO SERVE AS MEMBER OF THE

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES – JULY 28, 2010 – 7:30 P.M.

BOARD OF ETHICS FOR AN UNEXPIRED 5-YEAR TERM (ARCHER) TO 12/31/2013  
(6. M.L. 7/15/10)

REPORTS

23 ACCEPTANCE OF THE FOLLOWING REPORTS:

a. CHIEF OF POLICE – JUNE 2010 (Received 7/13/10)

6b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

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

25. ANY OTHER MATTER WHICH MAY COME BEFORE THE GOVERNING BODY

Motion approving the following Resolution at 9:07 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 and Dolson.

25a. 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)(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 matter which should be within 6 weeks.

Mayor Heymann resumed the Regular Meeting at 9:30 p.m.

25b. Motion supporting the nomination of Borough Attorney, Edward T. Rogan, for the Michael A. Pane Memorial Award (1. M.L. 7/22/10) was made by Councilman Glidden, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

At this time, Borough Administrator advised he had reviewed the wording on the George Potterton plaque and made several corrections, which he would forward to Jim Oettinger. He explained it will be what he termed as sort of a tall standing thing and suggested that as the wording will reach ground level, it may be best that it be placed on an angled block. Councilman Glidden requested that a rendering be provided by the Recreation Commission as, at this time, he was concerned about approving the wording. Mayor Heymann voiced her opinion that for a public plaque it contained a great many details and suggested that the amount of wording be reviewed relative to its size. Mr. Glidden suggested we review a rendering and have the Recreation Commission attend the next meeting to discuss the details with them.

26. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:32 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  
August 5, 2010 for approval at the  
Regular Meeting to be held  
August 11, 2010

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held August 11, 2010  
Consent Agenda No. 18a.

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION NOTES – JULY 28, 2010 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, July 28, 2010. 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. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was sent to the Press Journal and The Record and published in both newspapers on January 7, 2010, posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann  
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad  
and Arthur Dolson  
Borough Administrator, Quentin Wiest  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola  
Chief of Police, David Berrian  
Tax Collector, Maria Passafaro

The following persons were absent:

Councilwoman Victoria Amitai

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF JULY 15, 2010 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. The following items were removed by the following individuals: Item No. 5 was removed by Borough Clerk; Item No. 8 was removed by Councilman Kashwick.

Item No. 4: Received 07/13/10, Dated 07/01/10 from Kevin Kratina, Bureau Chief, Bureau of Underground Storage Tanks, NJDEP, to Joong E. Kim, c: Closter Health Dept., Municipal Clerk, 14 Garry Road re Notice of Violation re Joong E. Kim Warehouse, 277 Herbert Avenue, Closter, EA# PEA100001-032793, Identifying # 032793, Case # 08-04-28-0857-06 (Copy to Board of Health, Construction Official, Environmental Commission)

Joseph Bianco, 7 MacArthur Avenue, requested that this Notice of Violation be transmitted to the Zoning Board of Adjustment. Mayor Heymann affirmed same.

Item No. 5: Received 07/12/10, No Date from Joseph Voto, Past Closter Trustee and Pig Roast Chairman, Closter Elks Lodge No. 2304 re Requesting permission to cordon off (North) parking lot adjacent to 148 Railroad Avenue for antique car and motorcycle display to be held 8/28/10 (Distributed 7/14/10) Copy to

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – JULY 28, 2010 - 7:30 P.M.

William Dahle, III, Chief Berrian, Glenn Parsells

Borough Clerk noted that the governing body had given approval for this request (RM 7/14/10) subject to approval by the Chief of Police. As a result of the Risk Management Consultant informing her that the Elks are required to file a Certificate of Insurance and Hold Harmless Agreement because this is Borough Property, she sent a letter to Mr. Voto informing of same; and to date no response has been received. Today, Vi Caputo (Board of Health Secretary) informed that because it is a Pig Roast, the Elks will also require approval from the Board of Health; and she was provided a copy of the letter for follow through.

Item No. 8: Received 07/15/10, Dated 07/13/10 from John A. Spizziri, Sr., Esq. to Irene Stella, Chairperson, Historic Preservation Commission, c: Sherrell Williams Gilmartin, Mayor and Council, Planning Board, Zoning Board of Adjustment re 119 Hickory Lane, Closter, NJ, Block 2102, Lot 55; Ellen L. Brooks Trust/Sherrell Wilkins Gilmartin, Owners - response to letter of 6/30/10 and documentation received on 7/2/10 (letter only!)

Councilman Kashwick informed the Council that on Monday, 7/26/10, the Historic Preservation Commission voted to designate this particular property; and he requested that any discussion by the Council at this time be held off until the actual designation report is received from the Commission. Mayor Heymann informed that the letter received from Mr. Spizziri threatens to sue the Borough; and she wanted the Council to be aware of this.

b. MAIL LIST OF JULY 22, 2010 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. The following items were removed by the following individuals: Item No. 1 was removed by Councilman Glidden; Item No. 4 was removed by Joseph Bianco.

Item No. 1: Received 07/16/10, No Date from Gayle A. Krygier, NJS League of Municipalities, to Mayor Heymann re Request for Nomination for 8<sup>th</sup> Annual Michael A. Pane Memorial Award in the amount of \$500/tax deductible) to honor a local government professional (attorney, engineer, planner) who personifies outstanding ability, integrity, and ethics in his or her dealings with local governments)

Councilman Glidden informed he had a candidate in mind for nomination and Borough Clerk informed of same; both suggested Borough Attorney, Edward T. Rogan. Mayor Heymann requested Councilman Glidden provide the formal nomination at the Regular Meeting.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING  
(Refer to Regular Meeting Agenda of July 28, 2010)

At this time, the Governing Body reviewed the Consent Agenda items listed in the Regular Meeting Agenda; and the following item(s) were discussed: Item Nos. 7d., 7e., 12, 13, 15, 16 and 17 were removed by Borough Administrator; Item No. 10 was removed by Councilman Kashwick; Item No. 17a. was removed by Borough Clerk.

INTRODUCTION OF ORDINANCES (WITH PUBLIC HEARING DATE SPECIFIED)

7. INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING AND ADOPTION – 8/25/10 @7:30 OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

d. ORDINANCE NO. 2010:1073, “AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A PORTION OF RAILROAD AVENUE (Received from Borough Attorney 7/21/10)

In answer to Councilman Kashwick, Borough Attorney referred to events that took place in 2002-2003 when Spectrum for Living made application to the Planning Board for the apartments, which culminated in an agreement with the Borough to vacate a paper portion of Railroad Avenue. Due to a lack

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – JULY 28, 2010 - 7:30 P.M.

of communication between the Planning Board and the Council, a formal ordinance was not adopted and this issue came to light during the application for State approval by Vantage. This ordinance clarifies the record and permits Vantage to go forward.

e. BOND ORDINANCE NO. 2010:1074, - TITLE TO BE PROVIDED BY BOND COUNSEL REAPPROPRIATION ORDINANCE (\$32,000.00) (Requested by Administrator 7/23/10 @ 1:15 p.m.) TO BE PREPARED BY BOND COUNSEL (“ORDINANCE REAPPROPRIATING \$31,183.18 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR FINANCIAL SOFTWARE AND COMPUTER EQUIPMENT IN THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY”)

Borough Administrator explained that the original bond ordinance was adopted in 2007 and most of the funds have been spent with approximately \$31,000 remaining in the 2007 road improvement program and for the fire pumper, which was purchased last year. The remaining funds would be repurposed for the replacement of financial management software and computer upgrades for the Borough. Since it is a re-appropriation, a down payment is not required and the monies are available.

RESOLUTIONS

10. RESOLUTION IN OPPOSITION TO A-2939 AND ITS COMPANION BILL S-TBA COMPELLING DISSOLUTION OF TETERBORO, NEW JERSEY (Received from Borough Attorney 7/22/10)

Councilman Kashwick asked that the resolution be amended to indicate to whom the resolution would be sent.

12. RESOLUTION INCREASING CONTRACT PRICE FOR WEST STREET IMPROVEMENTS SECTION 5, CHANGE ORDER #1 AND FINAL FOR VINCENT J. CONSTRUCTION, LLC Contract Price: \$137,041.00; Change Order No. 1 and Final: \$18,760.20; Amended Contract Price: \$155,801.20 (Received from Administrator 7/18/10)

Borough Engineer explained that the grant amounted to \$195,000, that the bid received was extremely low; therefore, additional work was added; and the change order is for that amount amending the contract price to \$155,801.20. The additional work consisted of more sidewalk, milling and paving and the amount is totally reimbursable through the grant.

13. RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH MID-BERGEN REGIONAL HEALTH COMMISSION (not to exceed \$6,000) RELATING TO THE PROVISION OF PROFESSIONAL, PUBLIC HEALTH SERVICES (Original amount: \$43,200) (Received from Administrator 7/20/10)

Borough Administrator explained that the resolution would add an additional day of service per week for our environmental specialist.

15. RESOLUTION RE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION (\$750,000/MATCH)

Borough Administrator advised that this is the resolution relative to the Public Hearing to be held this evening during the Regular Meeting. Matching funds would be required equal to the amount that is awarded.

16. REVISED RESOLUTION ADOPTING 457 DEFERRED COMPENSATION PLAN PROVIDED BY AXA-EQUITABLE ASSIGNED THE PLAN IDENTIFIER (66-PD-EQUITABLE-053107) CLOSTER

BY THE DIVISION OF LOCAL GOVERNMENT SERVICES (Received from Administrator 7/22/10)

Borough Administrator advised that the resolution is required after the State reviewed the previous resolution to provide that the Borough Administrator be named as the local plan administrator.

17. RESOLUTION ENTERING INTO AGREEMENT WITH COUNTY OF BERGEN FOR EMERGENCY SERVICES NOTIFICATION SYSTEM (Received from Administrator 7/22/10)  
(3. M.L. 6/10/10)

Borough Administrator explained that the resolution provides for the acceptance of an offer from the County of Bergen for a Reverse 911 system that is being offered to the municipalities at no cost. The system has nothing to do with Interboro Dispatch. He said that he discussed the matter with Sergeant Winters who had no objection to the offer. They will work from lists provided by the Borough and would be reviewed. Chief Berrian said that names could always be added to the listing.

- 17a. RESOLUTION NO. 2 RE AD INTERIM PERMITS (Prepared by Borough Clerk 7/27/10)

Borough Clerk advised that the resolution is necessary for the two liquor licensees who have not renewed their licenses.

6. COMMITTEE REPORTS

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

1) STATUS REPORT RE CLOSTER WEBSITE – Councilman Dolson informed that he has been visiting and auditing various pages of the website and expressed he finds it to be very current. He requested for anyone associated with a Board or Commission to request updates to provide better information for the community.

2) REPORT – Mr. Dolson informed that he did not attend the Ambulance Corps. meeting this month due to vacation and that the Board of Health does not meet in the summer.

Regarding Finance, Mr. Dolson reported he met with Maria Passafaro (Tax Collector) this past Monday and she supplied him with the certified tax rates from the County; and he informed that our budget came in right on target. They approved the same rate - .485. The total tax levy for the entire community is only going up 2.13% over last year. He expressed that everyone who worked on these budgets on every level of government did a fantastic job in trying to control spending and be sensitive to the public's financial woes. At this time, he expressed special thanks to all of the volunteers who supplied great labor to the Finance Department to get the tax bills out with such an expedient service; they had hoped to use a mailing service but time didn't allow for it. Everyone that participated is owed a great deal of thanks. Mayor Heymann asked Ms. Passafaro to announce the names of the volunteers: She named Michaela, Lois, Annie and Dee from Finance; the Dahle children; her son and Mike Mariniello. Mayor Heymann expressed that the Dahle children and the Passafaro children should get special commendation for their work.

B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

1) REPORT – Councilman Glidden informed he had nothing to report regarding Public Safety but requested a Closed Session to discuss a personnel issue.

Councilman Glidden asked if the Council received the recommendations from Jim Oettinger (Director, Recreation Commission) regarding the plaque for George Potterton; and requested they review it at this time. Councilman Glidden explained this is a request for a plaque the Recreation Commission has been working on for quite some time for the George Potterton Memorial; and they have requested the contained language for same. He continued to read the information aloud. He passed it around and requested they pass a Resolution to accept the recommendation of the Recreation Commission for the plaque which will be located at Memorial Field. Mayor Heymann reminded that Jim (Oettinger) had come before the Council many months ago (RM 2/10/10) and requested permission for this plaque; and their

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – JULY 28, 2010 - 7:30 P.M.

response was they wanted to see it prior to its creation; and this is that information. In response to Mayor Heymann, he informed he was not aware of the material to be used but explained this is the language they would like to appear on it. Dr. Barad noted there is a lot of text contained therein and questioned the size of the plaque. Mr. Glidden explained that this is not dissimilar to those found at historical sites with a lot of text; and a lot of people participated and put a lot of thought into this. Mr. Dolson pointed out it states “written in stone – 5 feet 6 inches by 5 feet 6 inches”. Dr. Barad agreed these are nice things that have been stated and they are all true and they all agree with the sentiments; but it is something that is going to be sitting in the park and it is all about the format.

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

1) REPORT – Councilwoman Latner informed there was nothing new to report regarding the DPW; and the Library had finished meeting for the summer at the end of June. Mrs. Latner informed she would not be able to attend the Fire Department meeting this month; and was unaware if anything new had developed regarding the concept of Interborough but reiterated it is still a work in progress.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad wished to call attention to Agenda Item Nos. 7b and 7c, which are Ordinances that were being introduced this evening. They are both brief but it is hard to tell what they are about based on their titles. Dr. Barad explained Item No. 7c is regarding the issues we have had regarding Alpine Sewer Hook-Ups; this Ordinance will allow the Mayor and Council to set the fee at the beginning of each year instead of locking it in as we have done in the past with a particular Ordinance. The new one will allow them discretion to set the fee on an annual basis. Item No. 7b has to do with Police overtime and he explained the overtime rate in general includes a 25% administrative cost that covers pension benefits and other items associated with pay. This new Ordinance would allow them the ability to reduce that if the overtime was going to a non-profit organization, church or temple; it has been a tradition thus far to have reduced rates for those organizations so we are trying to follow suit with our benefits structure.

Dr. Barad informed there are still a variety of Ordinances in flux; one received from the Planning Board to attempt to bring some energy conservation LEEDS things in, but it will need a lot more work before we can see it. The Planning Board, the Mayor and someone from Mr. Rogan’s office will get together in September. The Borough Attorney informed when Mr. Lignos (Chairman, Planning Board) returns they will be meeting. Dr. Barad informed this was not worth discussing yet but he will bring the issue back after it has been addressed.

2) REPORT – Dr. Barad noted the above items concluded his report.

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported there is a tentative Department Head meeting scheduled next week to discuss performance appraisals. He said he will firm up the time with Mr. Wiest and inform everyone of same.

2) REPORT – Councilman Kashwick reported on the following:

a. The Environmental Commission once again walked the proposed trail on the United Water property last evening. They are in the process of ordering the sign for Hagen Park and have received some quotes for same; they are working out size and other issues. The Commission has some minor changes to the MacBain Farm contract which they will pass along to the Borough Attorney. Mr. Kashwick thanked the students from Old Tappan who worked as their Senior Service Personnel; they had the MacDonald’s who supervised the Senior Service Personnel at their meeting last week to thank them and do a debriefing on how things went.

b. As mentioned earlier, the Historic Preservation Commission voted to designate the Brooks Farm at 119 Hickory Lane and there will be further discussion at the next meeting after they receive the formal letter from the commission. They also plan to do some more historic street signs such as the ones in the West Street/Harrington Avenue District to be placed in other parts of the Borough, which could be another future Historic District.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – JULY 28, 2010 - 7:30 P.M.

c. The residents of Jason Woods Road attended the last Shade Tree Commission Meeting; and at this point, the Commission is putting off doing any planting in that district because of discord among the residents. Mr. Kashwick extended thanks on behalf of the Shade Tree Commission to the Fire Department for watering the trees at Pollack Square which are looking very well despite the recent high temperatures.

At this time, Mayor Heymann suggested while on the topic of volunteer work for the Environmental Commission, that they briefly discuss the Senior Scout Project that provided containers at Hagen Park. She explained that an Eagle Scout project provided the park with three (3) containers for recyclables and other waste matters. She voiced her opinion that this was a further way to help Keep Closter Green and to enhance even the youngsters' understanding of what we need to do to keep the planet sustainable. She informed that a formal thank you will follow to all of the volunteers that have been helping but wanted to share this project with all present.

Dr. Barad referred to Mr. Kashwick and reminded one of the items carried along on the Ordinance Committee Agenda pertains to Chapter 181 (Tree Preservation and Removal) revisions which they referred back to the Shade Tree Commission and the Environmental Commission; and he requested any responses be sent back to them. Mr. Kashwick agreed it was a good idea to send the information to them again and clarified that Chapter 181 would go to the Environmental Commission. Dr. Barad requested that Mr. Rogan ask JoAnn Riccardi to resend the information regarding same.

F. PRIVATE CONSTRUCTION, LAND USE, ZONING ENFORCEMENT & NEW BUILDINGS – AMITAI (BARAD/DOLSON)

- 1) REPORT – In the absence of Councilwoman Amitai, no report was provided.

7. OLD BUSINESS

8. NEW BUSINESS

Borough Attorney reported that a request had been received from the Recreation Commission/Fallen Angels for a contract prior to submitting a certificate of insurance. He suggested that the contract be approved subject to any and all conditions required by the Risk Manager.

9. OPEN MEETING TO THE PUBLIC FOR ANY MATTER PER NJSA 10:4-12(A) SUBJECT TO A 5 MINUTE LIMIT PER GENERAL RULE NUMBER 10) EXCEPT FOR ITEMS SCHEDULED FOR PUBLIC HEARING AT THE REGULAR MEETING

Inga Savitsky, 2 Lindemann Avenue, (10. M.L. 7/22/10) explained that there is a deed restriction on her property as part of a Zoning Board approval to maintain 10' evergreens along her property line and she has planted same twice but both times the trees have died because of invasive bamboo. She has received two warning notices and the Borough Arborist has confirmed that nothing can grow in that area. He recommended a trellis with ivy but Property Maintenance Officer, Jim Whitney, has advised by letter that same is not acceptable and the neighbors have requested a stockade fence. She informed that the bamboo is in violation of the town ordinance.

Borough Attorney advised that a deed restriction cannot be changed by the Mayor and Council; and since the deed restriction was a court order, only the Court can review this matter. He would have to discuss this matter with the Zoning Board Attorney. He added that the Mayor and Council has no authority over the Zoning Board; and since the order was signed by Judge Harris, an appeal of the order must be addressed to the Bergen County Superior Court. The Property Maintenance Officer is addressing the enforcement issue in the Zoning Board resolution. Councilman Dolson said that the Zoning Board offered to rehear the case or to have Ms. Savitsky file a new application. He said that the issue is the enforcement of a property maintenance issue. If an application to reconsider the issue is filed, it is typical that the Property Maintenance Office would hold off on issuing any summonses. Borough Attorney recommended that an application be filed with the Zoning Board for reconsideration of the planting requirement.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – JULY 28, 2010 - 7:30 P.M.

Mayor Heymann said that the application must be made to the Zoning Board of Adjustment; and if an affirmative decision is made, the deed restriction must be addressed with the Court. In the meantime this should be explained to the Property Maintenance Officer. Mr. Whitney, who was present in the audience, informed that no summons has been issued but we might have to in order to enforce the Zoning Board decision. Ms. Savitsky said that the neighbor is clearly violating the ordinance with the bamboo and felt action should be taken by the Property Maintenance Officer in this matter. Borough Attorney said that he would speak with the Property Maintenance Officer on this matter and he would provide a letter to her indicating his findings.

Doris Heise, (61 Taillon Terrace), advised that 20 years ago a variance application was made by the Savitskys to construct a house 5 feet off the property line to which she and her husband objected; and a decision was made to erect a green fence in addition to a drainage pit. Later, a request was made to construct a second floor which was approved over our objections. The view is unsightly and the value of our house has been lessened because of this. Borough Attorney said that both of these arguments should be presented to the Zoning Board of Adjustment.

Herzel Bador, 62 O'Shaughnessy Lane, referred to a stream problem (previously addressed at W.S. 6/9/10); Borough Engineer advised that his office had submitted a proposal to the Mayor and Council; and the funding for same is being reviewed. Borough Administrator said that funding for the project is not available at this time but that same would be addressed as a capital item. Mayor Heymann expressed concern about the matter; noting that there are similar problems in the area. Borough Engineer explained the type of work that must be done which would include armoring the bank and realigning the stream all of which would require DEP approval. He said that he would contact the resident directly to discuss the matter.

Jerry Boyarsky, 102 Venus Drive, said that he had assisted the Mayor in raising funds for the 300<sup>th</sup> Anniversary; and as part of the discussion, we were asked to resuscitate the Chamber of Commerce. A lot of effort was put forward; and between 25 to 30 property and business owners have joined. There are two major concerns relative to Closter Plaza and the purchase of the Flamm property. Borough Attorney explained that there are two separate lawsuits by A&P and Jesse Rosenblum relative to Closter Plaza and there is a case management hearing scheduled to be held 8/5/10. The Planning Board approval will go to trial and should be resolved by the Fall after a date is set. Mayor Heymann said we are trying to expedite the matter and the Borough has three attorneys working on the case. She said that the Record published a clear article on the status of this matter.

Relative to the Flamm property, Mayor Heymann said that a final decision has not been made on this matter. Councilman Glidden said that a decision was made not to purchase the property because of environmental issues; and Borough Attorney advised that at this time the contract has been cancelled. Mr. Boyarsky said that the property is wet and can never be used for commercial development; and it would be ridiculous for the Borough to purchase same. To lose \$50,000 a year in taxes is also ridiculous. Councilman Glidden expressed his appreciation for the work done on the Chamber of Commerce. Louise Boyarsky said that the Chamber website has been renovated and she expressed concern about the increase in taxes on the commercial properties. Mayor Heymann said that the assessments are set by the Tax Assessor not by the Mayor and Council. She expressed her thanks for the enormous job they did for the 300<sup>th</sup> Anniversary.

Mike Pisano, 44 Columbus Avenue, expressed concern about the condition of Closter Plaza. Mayor Heymann said that the Property Maintenance office has been on top of this issue for over a year, summonses have been issued and fines have been levied by the court. Some repairs have been made but there are legal restrictions.

Evan Kellish, 56 Mac Arthur Avenue, referred to the one way traffic diversion on Railroad Avenue during construction; and asked the Police Chief to address the matter.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – JULY 28, 2010 - 7:30 P.M.

10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
11. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
12. ADJOURNMENT

Motion to adjourn the Work Session at 9:05 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on August 5, 2010 for approval at the  
Regular Meeting to be held  
August 11, 2010

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Loretta Castano, RMC  
Borough Clerk

Prepared by Arlene Corvelli and  
Carol Kroepke, RMC, utilizing recording  
and Borough Clerk's notes

Approved at the Regular Meeting held August 11, 2010  
Consent Agenda No. 18b