

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JUNE 9, 2010 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:10 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, Alissa Latner, John Kashwick,
David Barad, Arthur Dolson

Borough Administrator, Quentin Wiest

Borough Attorney, Edward T. Rogan

Borough Auditor, Liz Schick

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief Financial Officer, Mike Mariniello

The following persons were absent:

Councilwoman Victoria Amitai

4. PROCLAMATIONS, PRESENTATIONS, MOMENTS OF SILENCE

5. PUBLIC HEARING AND ADOPTION OF MUNICIPAL BUDGET, AND RELATED RESOLUTIONS, @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

The Municipal Budget was introduced at the Regular Meeting held 5/12/10 and the Municipal Budget Summary was published in the Press Journal issue of 5/20/10, as stated in the printer's affidavit of publication. Reprint of the Summary was posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public. On 5/17/10, the Borough Clerk hand delivered a copy of the Municipal Budget to the Library Director in accordance with N.J.S.A. 40A:4-8 for public inspection.

Michael Kafer, 261 Parsells Lane, commented that the adoption of budgets and ordinances are of significance and should be item number one on the agenda; and the residents should not have to wait until 9:45 p.m. to be heard. He noted that the Council changed the rules of the agenda without amending the by-laws. He noted the use of non-recurring revenues in the 2010 Municipal Budget and proceeded to explain same, which he felt was not a good way to balance the budget. He pointed out the use of long-term borrowing to support current operations and back-loading entries specifically on the revenue line where the Library and Interborough Radio are being charged for 2009. He pointed out a Donation revenue line and noted that same had not been listed on an agenda as either pledged or made; and, therefore, cannot be anticipated in the Budget. In addition the residents have a right to know who is making the donation.

The Chief Financial Officer referred to the item of revenue for Interborough Radio in the amount of \$97,978 that was a late payment from one of the member municipalities and was recorded in 2010. If this payment had been received in 2009, it would have been listed in Cash Surplus Revenue. Borough Auditor explained the prepaid school tax payments are based on a schedule prepared by the School Business Administrator over the school fiscal year; and as of December 31st the town had overpaid the school because the schedule did not agree with the calendar year. If this had not been done, that amount would have been listed in surplus. The State allows the use of the prepaid school tax as a revenue in the current budget. Relative to the Library reimbursement payments, Borough Administrator advised that the calculation of the

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reimbursement costs was not made until the end of the year; and the payments were not received until 2010. Mayor Heymann noted that the previous arrangement with the Library was more informal and not formally entered into the budget. Borough Auditor said that previously the payments were entered into Miscellaneous Revenue Not Anticipated and subsequently into Surplus. Mr. Kafer questioned the Miscellaneous Revenue line item in the current and past years; and Chief Financial Officer said that the community has an option to show it as Anticipated Revenues or Miscellaneous Revenue Not Anticipated, which does not indicate a specific revenue line item. Borough Administrator noted that when a revenue is anticipated in the Budget it is usually the same as the prior year. He said that \$60,645 is the amount that had been received in 2009 but the amount received in 2008 was somewhat less. Borough Auditor advised that Unanticipated Miscellaneous Revenue does not appear in the budget but is listed in the Annual Audit and the Annual Financial Statement.

Relative to the Donation from Trust in the amount of \$47,240, Chief Financial Officer said that the Trust Accounts were reviewed; and this amount appeared as a contribution as part of a Planning Board Developers Agreement for the improvement of a street. The project was completed and the Borough is now taking the money from the trust account to reimburse the Borough. Mr. Kafer advocated the use of these funds to vacate the debt rather than paying for current operations. Relative to the \$25,000 line item, Chief Financial Officer explained that these funds are surplus from the Capital Account.

Relative to the backloading of entries, Mr. Kafer noted that the Borough Attorney had received a significant raise in his charge; and Borough Attorney advised that the contract he signed when first appointed is the same as the one for 2010. Mayor Heymann noted that there are expenses included that are not incurred by the Borough Attorney. Borough Administrator said that some additional items have been allocated in the Legal budget to deal with ongoing litigation. The allocation for the Zoning Officer shows an increase because the allocation was incorrectly recorded in 2009 under Uniform Construction Code.

Mr. Kafer referred to the Municipal Open Space Trust Fund noting that the salary line item is blank for 2008, 2009 and 2010 and should be amended because money had been set aside for same in past years.

Jesse Rosenblum, 65 Knickerbocker Road, said there should be explanatory notes on the budget for future reference. Chief Financial Officer said that the Borough is constrained by the State format; and footnotes are not permitted on the State document.

Councilman Glidden thanked Mr. Kafer for bringing Budget items to the attention of the Council and he is happy with the budget and the responses given by the professionals. Mayor Heymann appreciated the fact that Mr. Kafer studied the budget and she complimented the professional staff that prepared the budget. Borough Administrator noted that other municipalities do not post their budgets on the website prior to the public hearing. The State has not completed review of the budget and the adoption would be held at a future date.

Motion to close the public hearing and adjourn the adoption of the 2010 Municipal Budget to the next meeting (to be held June 23, 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 and Dolson.

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

The following Ordinance was introduced at the Regular Meeting held 5/12/10 and was published in the Press Journal on 5/20/10 as stated in the printer's affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public:

- a. ORDINANCE NO. 2010:1068, "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 AND CHAPTER 75, SPECIFICALLY TO ELIMINATE REFERENCES TO BICYCLE AND SKATEBOARD REGISTRATION"

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

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Motion approving adoption of Ordinance No. 2010:1068 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

7a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the following Consent Agenda Items minus Item Nos. 11, 15a., 17, 18, and 18a. was made by Councilman Glidden, seconded by Councilman Barad and declared carried upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

INTRODUCTION OF ORDINANCES (WITH PUBLIC HEARING DATE SPECIFIED)

RESOLUTIONS

- 8. BILL RESOLUTION – JUNE 15, 2010
TO BE PREPARED BY DEPUTY TREASURER
- 9. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$17,032.22 TO HAVID DEVELOPMENT, LLC AT 41 WATCHUNG PLAZA, SUITE 520, MONTCLAIR, NJ 07042, AS WELL AS A RETURN OF PREMIUM PAID AT TAX SALE IN THE AMOUNT OF \$23,000.00 FOR REDEMPTION OF TAX SALE CERTIFICATE #09-4 FOR BLOCK 1406, LOT 2, 80 PRIMROSE LANE (Received from Tax Collector 6/1/10)
- 10. RESOLUTION APPOINTING Charles Rabolli, Jr. AS ALTERNATE PROSECUTOR FOR A 1-YEAR TERM TO 12/31/10 (Resumes received 3/3/10) (Removed from RM Agenda 3/10/10; 3/24/10; 4/14/10; 4/28/10; 5/12/10; 5/26/10)
TO BE PREPARED BY ADMINISTRATOR
- ~~11.~~ 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) - 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

* (Fair and Open Process)
 **Permissive (1b. Mail List 12/23/09 – recommended Borough Attorney review)
 No appointment was made

- 12. RESOLUTION REGARDING THE POLICY FOR PLANTING, PRUNING AND REMOVING TREES (received FROM Borough Attorney 6/1/10)
- 13. RESOLUTION NO. 1 RE RENEWAL OF 2010-2011 LIQUOR LICENSES
- 14. RESOLUTION APPROVING ISSUANCE OF 2010 CERTIFICATE OF COMPLIANCE TO JOHN PETERS PROFESSIONAL LIMOUSINES, 231 HERBERT AVENUE, CLOSTER, NJ, FOR THE FOLLOWING LIMOUSINE: 2010 LINCOLN TOWN CAR (10C), VIN# 2LNBL8EY7AX750268; PURSUANT TO N.J.S.A. 48:16-17; EXPIRATION: 12/31/2010 AND REQUESTING WAIVER OF REGISTRATION FEE FOR SAME (Approvals received from Risk Management Consultant and Borough Attorney 6/3/10)

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15. *POSSIBLE* RESOLUTION AUTHORIZING MAYOR TO ENDORSE A NJDEP TWA (Treatment Works Approval) PERMIT APPLICATION FOR VANTAGE HEALTH (LOT 18, BLOCK 1104) FOR THE EXTENSION OF THE SANITARY SEWER IN VAN SCIVER STREET, SUBJECT TO RECEIPT OF THE REQUISITE PAPER WORK FROM THE APPLICANT (Requested by Borough Engineer 6/1/10)
- ~~15a.~~—RESOLUTION AUTHORIZING THE BOROUGH OF CLOSTER TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C.72 (Received from Auditor 6/8/10)
- 15b. RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT, IN THE FORM TO BE APPROVED BY THE BOROUGH ATTORNEY, FOR A TWO (2) YEAR PERIOD WITH eREVIVAL LLC OF GARFIELD NJ , A NJ DEP REGISTERED UNIVERSAL WASTE HANDLER, FOR THE RECYCLING OF ELECTRONIC EQUIPMENT (Received from Administrator 6/8/10)

MOTIONS

16. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 6/3/10) ABSTENTION: AMITAI
- a. REGULAR MEETING OF MAY 26, 2010
 - b. WORK SESSION OF MAY 26, 2010
- ~~17.~~—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:

<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
No appointment was made			

- ~~18.~~—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 (Strepparava)	_____	2 Year un- expired to	12/31/10
*SHADE TREE COMMISSION Alternate No. 2 (Greer) <i>*Mayoral Appointment</i>	_____	4 Year un- expired to	12/31/11
No appointment was made			

- ~~18a.~~—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)
 No appointment was made

REPORTS

19. ACCEPTANCE OF THE FOLLOWING REPORTS:
 (~~None at time of preparation of this Agenda~~)
- a. CONSTRUCTION OFFICIAL – MAY 2010 (Received 6/8/10)

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At this time, Mayor Heymann announced that she wanted the following Resolution to be added to the Consent Agenda, which had already been voted upon:

“RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH BOSWELL ENGINEERING RELATING TO THE PROVISION OF ENGINEERING SERVICES FOR PERMIT APPLICATION FOR THE CLOSTER COMPOST FACILITY”

Councilman Kashwick asked that this matter be adjourned to the next meeting to allow sufficient time to obtain more information; and no objections were voiced by the members of the Council. Borough Attorney explained that this was not an item listed on the Consent Agenda. In response to Dr. Barad’s inquiry that his major concerns related to use of the space and over-commercialization of the public space, Mr. Kashwick explained he was also not aware that materials were being obtained from non residents. Borough Administrator encouraged the Council members to contact him in the interim with any questions on the matter to assist them in making a decision.

7b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

20. 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)

Mayor Heymann opened the meeting to the public.

Councilman Glidden thanked the Mayor for adapting to the new procedure; and the Borough Attorney for his patience.

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

21a. Motion approving the following Resolution at 9:45 p.m. was made by Councilman Kashwick, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad and Dolson.

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)(7) “Pending or anticipated litigation or contract negotiations; and that the item under discussion in the closed meeting would be disclosed to the public at the conclusion of the contract negotiations which should be within 2 to 4 weeks.”

Mayor Heymann resumed the Regular Meeting at 10:10 p.m. and asked for a motion to adjourn.

22. ADJOURNMENT

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

Provided to the Mayor and Council on
June 17, 2010 for approval at the
Regular Meeting to be held
June 23, 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 June 23, 2010
Consent Agenda Item No. 16a.

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BOROUGH OF CLOSTER

WORK SESSION NOTES – JUNE 9, 2010 - 7:30 P.M.

Mayor Heymann called the meeting to order at 7:34 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 (7:44 p.m.) and Arthur Dolson
Borough Administrator, Quentin Wiest
Chief Financial Officer, Michael Mariniello, Jr.
Borough Auditor, Elizabeth Schick
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola

The following persons were absent:

Councilwoman Victoria Amitai
Chief of Police, David Berrian

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

- a. MAIL LIST OF MAY 27, 2010 - Mayor Heymann asked if any member of the Council or Public wished to address any matter or provide any comments. No member of the Council or public wished to comment.
- b. MAIL LIST OF JUNE 3, 2010 - Mayor Heymann asked if any member of the Council or Public wished to address any matter or provide any comments. No member of the Council or public wished to comment.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of June 9, 2010)

At this time, the Governing Body reviewed the Consent Agenda and Addendum No. 1, listed in the Regular Meeting Agenda; and the following item(s) were discussed:

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- 15b. RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT, IN THE FORM TO BE APPROVED BY THE BOROUGH ATTORNEY, FOR A TWO (2) YEAR PERIOD WITH eREVIVAL LLC OF GARFIELD, NJ A NJ DEP REGISTERED UNIVERSAL WASTE HANDLER, FOR THE RECYCLING OF ELECTRONIC EQUIPMENT (Received from Administrator 6/8/10)

Mr. Wiest referred to this item, listed on Addendum No. 1, apologized to the Council for the late addition and explained he had intended to put this on for the next meeting but decided the sooner the better. He explained that we have historically accepted electronic components for recycling and they can sometimes be problematic items. We have been using a not-for-profit corporation, Urban Renewal Corporation, for some time prior to his arrival. We have been informed by Urban Renewal that the Borough will now have to pay a fee for recycling these items, whereas this service has been free of charge up until now. We have decided to reach out to other eligible recyclers for competing prices and eRevival in Garfield has offered to do it at no cost to the Borough and provide a container for the collection of these items for the next two years. This will avoid a cost we would otherwise be bearing in the future.

Mr. Dolson voiced his concern that before he was elected to the Council he had brought it to their attention that this was a toxic issue and this is what would happen. He was not listened to at the time and here we are now planning an alternative method to dispose of these items. Mayor Heymann voiced her opinion that we are providing a service to our community through a company that while separating and disposing of items, they had been training and employing indigent persons to perform a job. She believes that under their previous financial arrangements, they are unable to move forward the same way due to costs. Now we are looking at another company that feels they can offer the same service for no fee, and she feels there was nothing wrong ever, and, in fact, it was a compliment to Closter that they were able to do that for us. Mr. Dolson explained that at the time it was first considered to do this for charitable purposes, he advised the Council there was a profit organization across the street from his company who was doing it, and all of the difficulties they were having; and after bankruptcy, they have disappeared and left all of the debris behind in that building to be cleaned up by the landlord. He expressed his opinion that while doing these things for charitable issues is very important, we do not want to get stuck with these items because nobody wants to clean it up. The Mayor reminded that is why we are securing another vendor.

10. RESOLUTION APPOINTING _____ AS ALTERNATE PROSECUTOR FOR A 1-YEAR TERM TO 12/31/10 (Resumes received 3/3/10) (Removed from RM Agenda 3/10/10; 3/24/10; 4/14/10; 4/28/10; 5/12/10; 5/26/10)
TO BE PREPARED BY ADMINISTRATOR

Councilman Glidden referred to this item, voiced his understanding that we had received a resume for that position and asked Ms. Castano for confirmation of same. She affirmed that the resume had been distributed to the Governing Body, Attorney and Administrator for review. Mr. Glidden said he would like to see the appointment made if everyone has seen the resume; and Mayor Heymann informed him they would make the appointment at the next meeting. Mr. Glidden expressed his understanding that this item would be on for tonight. Ms. Castano explained that she informed him this appointment has been carried on the Agenda since the beginning of the year; she did not put a name in for nomination because she was not asked to do so. Mayor Heymann informed Mr. Glidden that if he wanted the appointment to be made this evening, he should have informed her before the meeting. She affirmed she will make the appointment at the next Regular Meeting.

- 15a. RESOLUTION AUTHORIZING THE BOROUGH OF CLOSTER TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C.72 (Received from Auditor 6/8/10)

Mr. Dolson referred to this item listed on Addendum No. 1, voiced his concern about the presentation of the tax bills in the past couple of years and mentioned he has brought it to their attention

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that sometimes the display is mathematically inaccurate. He added that as Chairman of the Finance Committee, this is the first time he is seeing this; and asked if this was the only vendor available. He questioned whether anyone else had bid on the project; or whether we evaluated any other vendor to go back to the previous style tax bill that did not have the financial errors on it. Borough Auditor asked for clarification that he was questioning the bills themselves and not the resolution authorizing them to be sent out. He affirmed same and expressed that if it is the same vendor we have been using the past two years, he is disappointed.

Mr. Wiest explained the Resolution is merely for the Mayor and Council, and informed it is not our intent to use the same vendor as the past two years – which was Munidex. We are talking to Edmunds right now. Mr. Dolson asked if we could see a copy of the proposed tax bill; and Mr. Wiest affirmed he would get a copy.

Mayor Heymann explained that before we dealt with Munidex, we used our own sample because it was an in-house job; it was designed and produced by Closter. When Munidex automated the tax printing system, they used a form that measured up to their software requirements. That is the particular tax form she believes he was concerned with, as was the Council; and that is why they are switching vendors. That vendor is using his form and not the one we used to have. They will see a sample - which she has already seen – and he will not find it equivalent to what we used to have. It will conform to the software that the Borough is currently using.

Ms. Schick added that Edmunds is used by numerous municipalities throughout the State. Mr. Dolson explained that he has 36 years worth of tax bills that are very clear to read which are accurate and two bills that are not. He is concerned that we are going to continue on the wrong path and not provide the taxpayers with accurate information. The Mayor reminded that when he had spoken to her about this issue in the past, his concern was a difference of one-tenth of one percent in the calculation of the tax; Mr. Dolson corrected her and advised it was two-hundredths of a percent. She said the County rounds off its numbers; therefore it comes up with a not perfect number.

Mayor Heymann said the number he was disputing was the County Open Space Tax, not the Borough Open Space Tax. Borough Auditor explained that the County Open Space Tax has been calculated on a different formula using the County's Equalized Value instead of the Borough's assessed value. Ms. Schick explained as follows: They are telling you it is one cent per hundred; but when you do the calculation, it comes out to be 12 cents, or 15 or 17 cents, rather than the 10 cents they have been telling you. They changed it last year when they certified the dates. Mr. Dolson added that further substantiates his feeling that the bills are prepared improperly because his own bills display that we collected \$69.00 for Open Space and the County collected \$58.00. So the rounding is on ours – we were the .012 and the County was the .010. He stated that if he had known this would be on the Agenda, he could have brought his bill to prove it to them.

Chief Financial Officer voiced his opinion that what Mr. Dolson was saying is correct and explained as follows: The County, as the Auditor mentioned, uses a different criteria, even though they say it is one percent, but it is on the Equalized Value; and all of the municipalities challenged the County on this; but the County did not acquiesce; they insisted on doing it on theirs and not what we were using. That particular item was incorrect on every single municipality in Bergen County. Ms. Schick added that for the 2009 certified rates, they corrected that; they went out to the actual number and they rounded. Instead of being two-tenths, now there is an extra digit so it is up three digits higher than two. Mr. Mariniello added that is for the individual rates. Mr. Dolson explained that on all of the years of tax bills, those Open Space Funds for the municipality and the County were always identical until we got the new tax bills. Mr. Mariniello explained that was from when the County changed the criteria and the Auditor so affirmed.

No one wished to discuss any further items from the Consent Agenda.

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6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE CONTRACTS:

a. BOROUGH ADMINISTRATOR (RM 5/13/09) – Mr. Rogan informed that he will be meeting with Mr. Wiest this Friday to, hopefully, finalize any contractual issues or questions.

2) REPORT – Mr. Rogan reported on the following:

a. Following up on the last meeting, he prepared a Resolution for the Mayor's signature this evening regarding the waiver of the sidewalks, but not the curbs at 551 Closter Dock Road. It was approved at the last meeting and was memorialized this evening.

b. In terms of litigations, tomorrow they have depositions for the Don Schmidt vs. the Borough of Closter and Lenny Sinowitz case. He will depose Don Schmidt tomorrow. He explained as follows for those who may not have been privy to any of this information that this is essentially between two commercial property owners over a dispute concerning whether or not there was a use change in one of the properties. The Plaintiff, Don Schmidt, is challenging Alpine Motors' operation of the building and land. On our behalf, our Zoning Officer conducted an inspection and found no violations. As part of the neighbor's suit, we were brought into the case. It is his hope that after this deposition, they will be in a position to make some kind of a summary judgment motion to try to get the Borough out of the case; it will not resolve the dispute between the two neighbors; but, hopefully, will resolve the issue as it concerns the Borough of Closter. Mr. Rogan advised he has a brief Closed Session item to discuss with the Council regarding contract negotiations.

Mr. Kashwick asked whether the property owner of 551 Closter Dock Road was notified; and Mr. Rogan advised that the property owner's attorney was so advised the day after the last Regular Meeting.

Dr. Barad questioned the order of business and a recommendation from the Planning Board having to come first from the Ordinance Committee to the Council, then it goes to the Planning Board, and back to the Council or Ordinance Committee then the Council. Specifically regarding the set of recommendations they are dealing with now, which are coming as a result of the Master Plan, would it be possible for the Council to pass a Resolution or something asking the Planning Board to create ordinances based on the Master Plan that we have already approved. The Borough Attorney advised that the Planning Board does not create ordinances.

Borough Attorney advised that the process should be that after the Mayor and Council determines how it wants its ordinance phrased, it should be sent to the Planning Board for review, even though it was initiated by the Planning Board. If it was a conceptual matter initiated by them, to be on the cautious side, after the Council has prepared the ordinance it should be sent back to the Planning Board for review where they can say yes it is consistent with the Master Plan or no it is not. If they say it is not, then everything has to be put on hold; if they say yes it is then the Council can move forward. Dr. Barad questioned if in principle we have asked them to make recommendations to the Mayor and Council based on the Master Plan and if based on those recommendations, the Planning Board presents something in the form of an ordinance. Mr. Rogan reiterated that they can not do that – they can only pass a resolution making a recommendation; the ordinance has to be prepared here. Dr. Barad asked if it always had to be sent back to them. Mr. Rogan advised that is the issue with the Closter Plaza case; he believes if it was litigated, given what happened, we would still be okay, but to err on the side of caution, it eliminates that argument; to send it back for a final review before introduction and adoption. Dr. Barad reiterated the question that it was not possible to streamline the process as long as we have that problem with the court. Mr. Rogan disagreed and reiterated that the Planning Board does not give us an ordinance – they provide a concept for what they think would be a good idea. The Mayor and Council initially starts with the Ordinance and Legislative Committee and then drafts it into an ordinance, which then needs to be looked at because it may not be exactly what the Planning Board had in mind or requires some changes. To be on the cautious side, he feels the ordinance should be reviewed by the Planning Board and they should send a simple note back from

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them informing that they have reviewed proposed ordinance number 2010: number - and advise they feel it is or is not consistent with the Master Plan. That would avoid any argument being made at this time concerning that process. He feels unless there is some emergency, it is worth it to wait an extra week or two which potentially eliminates one count of someone's complaint regarding the process.

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 – Harrington Ave./ Storig/Cedar - Mr. DeNicola advised the project has been submitted to the NJDOT; that has federal funding in it so it will take about 4-6 weeks to review. NJDOT in Newark is very short-handed right now. Therefore, it could take longer than that. He spoke with them today because it has already been 2 ½ weeks; and they haven't even looked at it yet. He was hoping to bid that project around the end of June/beginning of July but it will most likely be sometime in August now. Mayor Heymann asked if it would be before school starts; and he stated that we had hoped to have it built by then, but it does not look like it will be forthcoming at this point.
- 2) STATUS REPORT RE IMPROVEMENTS TO WEST STREET, SECTION 5 - Awarded RM 3/10/10 to Vincent J. Construction, LLC (\$137,041) – The Borough Engineer reported that this project is slowly moving along – the contractor is a little slower than usual. The curb is all installed and the sidewalks are all improved, the plantings and stabilization of the areas of the curbs should have been done today. The next task will be to mill and resurface the road which will commence next week. Dr. Barad asked if West Street was the only street we were doing this year and Mr. DeNicola advised it is not Borough funded but NJDOT funded and fully reimbursable by them. We are not doing any other roads at this juncture and the Safe Streets to School project is thoroughly a grant so it is being funded elsewhere.
- 3) REPORT – Mr. DeNicola advised the above items concluded his report.

7. REPORTS

A. BOROUGH ADMINISTRATOR

- 1) STATUS REPORT RE 2010 MUNICIPAL BUDGET – Mr. Wiest advised the Public Hearing on the Budget is scheduled for this evening; however, we are not ready to adopt. We do have our hearing scheduled and we are five months into the year; so we are looking at our actuals to see if there are any further adjustments we can make to the Budget.
- 2) STATUS REPORT RE NEW BOROUGH WEB SITE – Mr. Wiest had no report regarding the Borough Website.
- 3) REPORT – Mr. Wiest advised the above items concluded his report.

B. BOROUGH CLERK

- 1) STATUS REPORT RE 2010 APPOINTMENTS – Ms. Castano reported the appointments are current with updates being maintained on the Regular Meeting Agenda.
- 2) STATUS REPORT RE 2010 OATHS OF OFFICE – Oaths of Office are current at this time.
- 3) STATUS REPORT RE 2010 LICENSES – Borough Licenses are current; this evening Liquor License Renewals for 2010-2011 are in process for those who have complied with all requirements. Tonight we have 5 out of 13 for approval; there are 8 outstanding who have not complied with ABC requirements and local ordinances. Ms. Castano explained to the Borough officials that inspections and compliance should be accomplished before the June 23, 2010 meeting as that is the last one to be held in the month of June. The current license term expires June 30, 2010; if there is non compliance, those licenses will not be able to operate after that date.

After the renewal of Peking Duck House license, there will be a transfer resolution on the next

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Regular Meeting Agenda if all of the requirements are met. Although there is a lot of talk about it in town and articles in the newspaper about changes, there is a legal process which she believes all involved now understand have to be followed.

- 4) STATUS REPORT RE 2010 MEETING DATES – 2010 meeting dates are current.
- 5) STATUS REPORT RE IMPLEMENTATION OF CITIZEN SERVICE ACT (LOCAL FINANCE NOTICE -LFN 2009-24, 11/12/09) – Ms. Castano reported that there are no problems at this time.
- 6) STATUS REPORT RE PREPARATIONS FOR 2010 ELECTIONS
 - a. Primary Election – Tuesday, 6/8/10 – 6 a.m. to 8 p.m. – was held yesterday and the total turnout was 4%; total number of registered voters in Closter – 5,096; total number of people who voted – 228 ; mail-ins – 34 = approximately 0.4% - .05%. It is apparent Statewide that unless there is a contest, voters are not coming out to vote in Primaries. There were a large number of Board Workers at each of the 6 districts. The two Troubleshooters assigned to Closter called the County to ascertain whether some could be moved to other municipalities requiring more board workers but were informed to let them stay in their assigned districts in Closter.
 - b. General Election – Tuesday, 11/2/10 – 6 a.m. to 8 p.m.
- 7) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – On 5/28/10 at the request of the Chairman of the Board of Ethics, the Borough Clerk’s office mailed out a memo from the Chairman to 39 individuals reminding them to file no later than 6/30/10. As of today we have received approximately 10 which we are holding to provide to the Board of Ethics Committee for review once we receive a batch of 15 to 20.
- 8) REPORT – re PARIS Grant – Ms. Castano reported that we did receive a PARIS Grant follow-up e-mail from Christine Healey, Systems Coordinator at Bergen County Clerk’s office, regarding the Clerk’s Connectivity Project; and she will be sharing the information with Mr. Wiest regarding the requirements of our I.T. person.

C. CHIEF OF POLICE

- 1) REPORT – Mayor Heymann advised that Chief Berrian had a conflict with another meeting this evening; and asked Mr. Glidden if he had a report in the Chief’s absence.

Mr. Glidden reported there was a Public Safety Committee meeting last week with the Fire Department and Ambulance Corps to discuss the subject of Interborough Radio going over to the County. Both the Fire Department and Ambulance Corps have expressed reservations about moving over to the County and disbanding Interborough. We gave them a lot of suggestions and they are going to hold some additional meetings. The sum total is that they are going to be responding to Mayor John DiRienzo of Haworth on the County proposal. The County proposed that Interborough Radio be disbanded and that all of those towns in the group go over to the County. He voiced his opinion that he personally has some reservations about the numbers and the cost savings and the safety issues. It is an ongoing process and we will see what the emergency services come back with at our next meeting.

Mayor Heymann added when they met with the Public Safety Committee, they were asked to extend the date. Mayor DiRienzo asked to have all concerns and comments expressed by 6/20/10, which gives very little time, so the Emergency Corps members asked for an extension; and she asked Mayor DiRienzo for an extension which was granted; then they suggested a date of 8/11/10 and he said it will not do, so she will have to ask them to go back to the drawing board to come up with a date by the end of July, hopefully.

Mr. Glidden questioned what authority Mayor DiRienzo has to determine that date is unacceptable; and Mayor Heymann agreed. She voiced her opinion that perhaps he considers himself the lead person on the efforts to create a County corps. She would like to make a small correction, which she knows was not intended that way on Mr. Glidden’s part. There is no intention of disbanding Interborough as an operating unit. The Mayors will still be functional within the Interborough towns, but the idea is that all of the

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services will be transferred to the County building in Mahwah, which was meant as a come on. Many of them did go to look at that building; and she believes most who were there, left with serious concerns.

The Mayor explained that our emergency members will be meeting with their other counterparts from other districts tomorrow night to alert them that there could be some negative results from the change to the County. She does not know how this is going to play out, but she knows that our own heads of the Fire Department and Ambulance Corps are taking this very seriously and are preparing a thorough investigation.

Mr. Wiest said they had nothing to propose yet, but he has reached out to an engineering firm with some expertise in this area to see if they can provide someone to assist us in shaking down the proposal from a technical standpoint. They could look at the technology that we employ here with Interborough as well as the technology the County would employ, as well as any cost factors coming down the road as far as new equipment requirements or technology changes that would impose some unexpected burden on the Interborough communities. Hopefully, by the end of the week he will have something to show everyone in case we feel like we need a little extra support in that area.

Dr. Barad said when our emergency services came here (to the last meeting) they very cogently presented some potential problems. He questioned that when she and Councilman Glidden had visited the Mahwah facility she mentioned she had seen something there that gave her pause. Mayor Heymann clarified that she saw many things that gave her pause. She explained that our Interborough system is more than a half century old; and it has been working extremely well all those years. The safety factor involved is enormous. Because of the very quick response, we were able to save the man who was caught on Schraalenburgh Road when his car went on fire. Former Fire Chief came to her and told her that at one time, he had been on the second floor of a burning building and needed a vent desperately, and he tried to call for it on his radio. Because there was so much noise, nobody on scene was able to hear him; but at the desk here in Closter, they heard him and were able to immediately relay to the scene to shut up because Mark needed a vent. He was able to get it in time and that was another life saved because of the timing and the expertise of the local staff.

What troubled the Mayor in Mahwah is the system they are trying to set up separates callers from incoming calls. When a call comes in, it has to be fed to another caller who will call out to reach the appropriate fire department or police etc. That may not sound terribly complicated and it could go almost instantly, but almost is a big word in this case. It is not an instant reaction and it may need more than one transfer to call. That is just one thing that bothered her; and there were a number of factors with which we was uncomfortable.

The thing that she is most interested in is that from her understanding, there would be residual costs incurred in Closter that might offset whatever savings could have been going to the County. Unfortunately, because of the cost of the system, Closter cannot do it alone. The decision may not be with us in the end anyway; but we can certainly try to clarify the issues that are apparent. Dr. Barad added it could certainly underscore the additional costs and equipment that would be necessary which would be shared by everybody that came into it.

The Mayor explained the backup equipment would still be the same backup equipment in Closter and would still be our duty to maintain. Even if they take over some of those costs, it would still be ours to maintain. Right now the dispatch desk takes all of our calls. Without a dispatch desk, somebody still has to take those calls. Mrs. Latner explained that through conversations with Fire Chief Vreeland his main concern is really, to reiterate what she said in terms of safety. It is the things you may not be able to see black and white on paper, just as the dispatchers know who they are, they can tell from the tone of their voice, they know who they need to contact; it's like a step ahead. So when you talk about the idea of calls being transferred, it is brief seconds in time that could make a difference in terms of response. They are very concerned about it, because all of their equipment would need to be switched over and maintained, but safety is the most important one.

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Mayor Heymann tried to reach out to the people in charge of handling the project today and she found out that the team of consultants that was called in to arrange for all of this is still writing their report. They have not even finished it and they are trying to get us in there. She voiced her opinion that although it may be a good thing in the long run, she feels it is premature at this point and has not been thought out enough.

Mr. Glidden voiced his opinion that having toured the facility, it appears to him that the County has gone and built this big facility; and now they're looking for a way to pay for it; and they're jamming this down the throats of the towns trying to get them to come join this system. They will have egg on their faces if they don't do this quickly to pay for that facility. That is putting the burden on the backs of the towns in Interborough and other towns as well to make a decision so quickly without the facts. As an example, the County made a proposal to Interborough Radio towns and all they did was basically take the existing Agreement, repeat it, and show the town's current cost and how much the County would charge, with no explanation of the cost savings. In his opinion, it was inappropriate and it concerns him. He reminded that one thing we need to face is that the current Interborough contract expires at the end of this year. That does not mean it can't be renewed on a monthly basis or whatever period of time we want to renew it, but his biggest concerns is that he really felt like it was being shoved down their throats and it is irresponsible.

Dr. Barad questioned how many municipalities are currently with the County; and Mayor Heymann and Mr. Glidden responded that two towns, Demarest and Ridgefield, are currently at the County. Mr. Glidden expressed from his understanding that their experience has not been all that great. Mayor Heymann added that the County's officials admit that there are problems in those two towns: particularly Ridgefield, not Demarest. They claim that because they have learned from those problems, they will not reoccur in Mahwah.

D. MAYOR

- 1) STATUS REPORT RE FOLLOWING GRANTS:
 - a. GRANTS FILED – Mayor Heymann reported as follows:
 1. Reported by Mayor at Work Session held 12/9/09 as follows:
 - A) Community Development Block Grant (\$50,000) for curb cuts
 - B) Shade Tree Grant (\$11,200) for business stimulus
 - C) DEP Greenhouse Grant Reduction (pre-application)
 - Reported by Mayor at Work Session held 1/13/10 as follows:
 - D) Safer Grant (\$50,000) filed 12/18/09 on behalf of Fire Dept.
 - E) (BERGEN COUNTY OPEN SPACE TRUST FUND MUNICIPAL IMPROVEMENT PROGRAM 2009) Grant (\$37,000) for basketball courts at Memorial Field filed 7/27/09) – These funds have officially been awarded to us.
 - b. GRANTS AWARDED – Mayor Heymann had nothing to report re grants awarded.
 1. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND & HISTORIC PRESERVATION TRUST FUND; DUE 7/7/06; FILED BY 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. 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)
 3. CERTIFIED LOCAL GOVERNMENT GRANT OF \$20,000 FOR HISTORIC PRESERVATION PLAN ELEMENT (7. M.L. 7/30/09)
 4. 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

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5. Reported by Mayor Heymann at WS 1/13/10 as follows:
 - A) (GDL 2009 ENFORCEMENT AND EDUCATION CAMPAIGN, NATIONAL HIGHWAY TRAFFIC SAFETY (NHTSA) SECTION 402, STATE AND COMMUNITY HIGHWAY SAFETY GRANT (\$2,000) filed 4/9/09/awarded 5/2009
 6. Historic Preservation Grant (\$1,900 of \$2,000 awarded) for 300th Anniversary Celebration (Mayor reported on award at WS 3/10/10)
 7. 2010 ROID Grant (\$10,000) for Recreation Commission Challenge Routine (W.S. 12/9/09) (REC OPPTS FOR INDIVIDUALS WITH DISABILITIES 2010 DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM) Mayor reported on award at WS 3/10/10
- c. GRANTS TO BE FILED – Mayor Heymann reported as follows:
To be announced by Mayor
1. COPS MORE Grant - Applied this week for cops more grant – it is a federal grant and we were invited to apply for the grant because it had been refused to us; and were in the middle of the pile last year. They reached out to us and asked us to apply again; and we will be considered on a preferred status.
8. OLD BUSINESS
 9. NEW BUSINESS

At this time, Mayor Heymann announced she had items under old and new business to discuss. She called attention to the new exhibit at the Belskie. She informed all were welcome and explained that they went out of their way to solicit exhibitors/artists for a particular theme, which is Encyclopedia Britannica. Each one of these artists used one or more books of Britannica for these artworks. It was much better than she had expected it to be and she hopes everyone gets a chance to see it.

The Mayor wanted to comment on (Senate Bill) S-1 re COAH. It is coming up for a vote on 6/10/10, and it involves a number of changes from the present plan. She wanted to enumerate some of changes in COAH are going to be handled. First of all, the criteria will be totally different; that is the biggest change; and if you meet the criteria, you get substantive support. At the present time the way the criteria is set up, we do not meet them so we have to start from scratch; and all of our work has been for naught. If you do not meet the criteria, there are some other methodologies; one of them would impose for towns like ours where the projects have less than five units – 5% would automatically be set aside for low income housing. They will allow other methods of compliance, which means pay a development fee or build affordable housing not in that particular location. One of the things that is a big change is that they will allow occupancy preference for up to 50% for residents. Here before they made no such reservations at all, and in addition to which they will allow for work force housing which may be important for Closter in the long run. A municipality that adopts an ordinance that reserves 20% of its developable land for work force housing is eligible as COAH compliant. We know that there was a 2-3% fee for developments for residential and commercial. There will be a 2 ½ % for residential development; they will still have to pay a low cost housing development fee; commercial developments will have to pay nothing at all. They will discontinue the RCA agreements. We had money that we did use for RCA and we need to think about using that money according to COAH principles rather quickly, because if we don't use it the State will take it away from us and it is over \$800,000. She has some suggestions such as an Ad Hoc Committee to work on this to find out what can be done correctly. Mr. Mariniello questioned the removal of the RCA monies; and Mayor Heymann informed that they had made this public and if the monies are not used in what she believes is a 3-year period, they cannot be used anymore. At this time she asked for the Council's feelings on having a committee. Mr. Glidden was in favor and advised he would select his committee.

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Earlier, someone had mentioned that this was the completion of West Street – and there will be other applications for this kind of money and Nick (DeNicola) had a suggestion for the next possibility. The Borough Engineer suggested Herbert Avenue, which is basically the truck route in town from Blanch Avenue to Vervalen Street. It is going to be very competitive next year; and he is aware that if you received funding several years in a row, there is a very good chance you're not going to obtain funding no matter how good an application you submit; they have to spread the wealth.

Mayor Heymann asked if anyone else had a suggestion and Mr. Kashwick mentioned Harrington Avenue. Mr. DeNicola clarified that was a County road and Mr. Kashwick then questioned doing the curbs. Borough Engineer responded that only roadways qualified for these projects. Mayor Heymann asked if all in attendance were agreeable to applying using Herbert Avenue and no one voiced disagreement.

The last issue the Mayor wished to address was the system for use of abandoned or neglected properties – which are an eye sore and a health problem. The Borough Attorney was kind enough to come up with a potential way of dealing with that. Mr. Rogan explained they started to do this last year regarding foreclosed and abandoned houses where neighbors and the Borough maintenance people have complained about these properties as a health hazard. What we did is implement a system that leaves the decision with the Property Maintenance Officer; the Supt. of Public Works will then go to these houses and evaluate what needs to be done immediately such as cut grass etc. This year we had that big storm; we have the added issue of downed branches and trees that are not being moved. The system is set up to have Bill Dahle go to the property and prepare a report with an estimate of what it would cost, whether it be with our own DPW or subcontractors to do. He will then submit a certification to the Mayor and Council identifying the property by lot and block and street address and the cost of what he has estimated to be for clean up. The Mayor and Council will then approve the costs and assess it as a lien against the property; when the bank takes it over, or it is a short sale or sold to a third party, that becomes part of the back taxes; so that we get the money back; we get to take care of the problem up front and get the money back at the time of the sale. We just received another set of certifications from Bill Dahle which he does not believe the Council has yet received – so there will be a Resolution to assess the levy on the properties – and they will be distributed with the certifications of Bill Dahle; and if they have any questions, they can contact him directly to find out how the price was calculated.

Mayor Heymann invited Mr. Wiest to discuss the compost pile. He passed out a proposal received from Boswell Engineering regarding same. They discussed the possibility of getting a Class B recycling permit for the compost facility at the DPW. We have received a violation notice from the NJDEP since we are attempting to operate that facility under some exemptions in the law; and right now, we have too much material there to qualify for the exemptions. The site has been inspected; and we received the notice of violation, and although there is no penalty involved in this, we need to remediate the situation and indicate to the DEP what further action we are going to take. Ken's Tree Care operates the compost facility under a contract with the Borough that is essentially a barter arrangement where they are allowed to operate the facility provided that they take the Borough's brush and compost it there. Unfortunately, the amount of material that has been coming in from the storms earlier this year has put a heavy burden on the facility. While we have saved a tremendous amount of money out of the Borough budget and for the taxpayers by not having to dispose of this material some other way, we are now over the edge of where we should be in operating the facility under those exemptions.

After much discussion with Nick DeNicola and Frank Rossi, we have a proposal before us to move toward obtaining the Class B permit which would allow the level of operation at the facility that we are at momentarily. The question becomes whether or not the operator of the facility, Ken's, would pay for any of this to happen. His suggestion is that he does not believe it is feasible, because it will take some time to accomplish. We have less than a year to go until the completion of his contract; and by the time we obtain the permit, the benefit to the current contract will be almost nothing. If we get the permit, what we would look to do is include it in any future specifications for the site that any ongoing costs of maintaining the permit would fall to the vendor if there was one operating the site.

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The proposal is a pretty simple activity: it includes a survey, site plan and then filing with three separate entities to file the necessary applications and paperwork to the DEP, Bergen County Soil Conservation and the BCUA. The proposal is just under \$16,000 and we would have to fund this out of capital funds, budget funds or any remaining grant funds that we have for recycling. It is something to discuss and decide whether or not we are interested in proceeding. He does not see a logical alternative; he thinks the site has to operate in some fashion. The cost of simply not having the facility operate would be more than we can bear from a budgetary standpoint.

Mayor Heymann passed out a report from Ken's Tree Service that lists the services they provide for Closter and she asked the Council to keep this in mind when making their decision on Mr. Wiest's suggestion. The Borough Engineer added that there are additional fees for filing the application itself with the DEP; and since those are moving targets, he did not include filing fees for each agency in his proposal. He believes somewhere between \$5,000 and \$7,500 give or take would cover all of the necessary filing fees.

In response to Dr. Barad, Mrs. Latner replied there was a savings of roughly \$186,000. Dr. Barad voiced his opinion that one presumes that Ken's is saving us about \$190,000 because they are nice; one presumes they are making a profit on the product they produce. In order to fully understand this, it might be useful to know what kind of profit that is; and what is their margin. There is a give and a take in every business.

Mr. DeNicola voiced his opinion that since we will likely be going out to bid for this in the near future, having a Class B permit would allow the facility to achieve this legally and may be more valuable to Ken or a competitor who wants that. Dr. Barad asked for further clarification for the Council to know what the up side would look like. The Borough Engineer suggested speaking to Bill Dahle about that as he may have a better idea. Mr. Wiest explained that if we have a licensed Class B facility, which we have never had, then it should be significantly more interesting to other bidders. He does not feel it should necessarily be a barter contract in the future. It is not clear to him that someone should not be paying the Borough to come in there to operate it within the guidelines. Since we have never sought this before, we have an arrangement historically. Mayor Heymann reminded that the facility itself is valuable because the kind of land needed to build something like this is scarce in Bergen County; and there are many communities in Bergen County that do not have this ability at all and pay very high fees to use somebody else's facility. She suggested that whatever they decide to do, a motion would be appropriate when the time comes. Mr. Wiest explained he has a draft Resolution available as they were not aware if the Council would be comfortable taking action on it tonight otherwise it is something that we can bring up at the next meeting. He passed out a copy to the Council members. Mr. Wiest explained it is a professional award; and since Boswell has a yearly contract, this is a type of amendment to it. Similarly, a few months back we had awarded a contract to Boswell for basketball court resurfacing pursuant to this grant we are getting, and this is the same type of thing.

Mr. DeNicola wanted to make all aware that the citation from the DEP stated that the Borough needed a Class B recycling permit to conduct the operations; and that is the basis on which they made the proposal. During the inspection process, the DEP may say go directly to a Class B as we earlier stated. We are operating under what is called a Class C exemption. They may say, after further inspection and analysis, that we need to go to a Class C then to a Class B; and the only reason they do that is for the money. It is a slight possibility.

Mr. Kashwick asked if our volume goes down in the future, would we really need to do this as the storm was unusual. Mr. Wiest explained we routinely operate with a lower volume, so we wouldn't normally need this. In his dialogue with Ken's, their position is that a matter of ongoing routine is the amount of material we bring in from the residents may bring us out of compliance. The implication is that we would have to limit the service in some way. Generally our intent is to take brush; and we have ended up taking a lot more than brush, which was exacerbated by the storms. The feeling is that we would really have to cut back to stay within the exempt criteria where we hoped to be. Mr. Kashwick voiced his concern

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that if we have a Class B, that it becomes more of a business operating back there; and they will want to expand which will become a burden.

Mayor Heymann informed that she gets calls regularly from other communities wanting to use our compost facilities and asking how they can tie into it. She voiced her opinion that she would dismiss right away his concern of overbuilding; and if he has concerns about the impact on the neighborhood, she suggested he go take a look and see how much empty space is there right now. To her, it looks like there is a lot of space. Mr. DeNicola informed there is an annual fee for operating a Class B facility that should absolutely be passed on to the vendor.

10. 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

Steve Isaacson, 97 Columbus Avenue, voiced his concern that according to Closter Code, the Recreation Commission controls parks, playgrounds and fields; and the Environmental Commission controls nothing. He would like to see the Code changed, because it was his understanding that the Environmental Commission was supposed to have control of the passive recreation and the parks. He asked the Mayor to elaborate and she questioned the point he was trying to make. He clarified that when reading the Closter Code, the Environmental Commission controls nothing; all they do is make studies and recommendations. Mr. Oettinger and the Recreation Commission control all open space in the town. Mr. Rogan affirmed and said it is compliant with statutory regulations that the Environmental Commission is an advisory board. Mr. Isaacson requested the Code be changed to reflect what they have been told up until now that they were in charge; he feels it is putting too much power in one person's hands. Mr. Rogan advised that may be, but whether or not an Environmental Commission can be in control – he is not clear what Mr. Isaacson means – are they asking for a budget? Mr. Isaacson explained they just want to be the regulatory body for those lands and requested that the Ordinance Committee look further into the issue. He is not happy with Recreation – after all of the time he has spent volunteering, he feels he has a better understanding than most others. Also, according to Closter Code, the Borough is supposed to maintain all of the open space, parks and recreation facilities. In the meantime, projects are being given out to people like Mr. Lupardi; and he questioned why the Borough isn't doing this. Mayor Heymann explained that when the Borough gives out a contract, it is still the Borough performing its duties. Mr. Isaacson questioned if those services were ever put out for bid. Mr. Wiest explained that the services they discussed flow through him; and he is responsible for getting the quotes on those services; prior to his arrival last year he does not know what was done. He clarified that the work is not given out by the Recreation Commission. It is given out either by the Borough with himself as the agent, or if it is beyond a certain dollar figure, by the Mayor and Council. Mr. Isaacson questioned still why the work was not being done by our own DPW – why are we hiring an outside contractor. Mayor Heymann explained that it is to save taxpayers money; and in response to his question, she replied that not too many years ago, the DPW had five more employees than it does now. Even then, it wasn't capable of doing all of that extra contracting work – and if he was to check with other communities, they contract out a much larger proportion of their DPW work than we do. Mr. Isaacson reiterated his opinion that the Code should be clarified so people can understand what the wording actually means. Mr. Isaacson referred to the chipping field where Ken's Tree Care is, and asked what percentage of that is coming from Closter. Mayor Heymann referred him to the chart; and he responded that he does not want to see the chart as he is asking the question of her. She again referred to the sheets and said there is a tremendous amount coming from Closter. He reiterated that does not answer his question and suggested a person stand at the gate for a week and record the trucks going in and out of the facility.

Mr. Isaacson then referred to what he termed as the touchy subject of Mr. (Hugh) Johnson being approved as a candidate and not being allowed in the building. He expressed that he would like to see that modified

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to perhaps allow him in the building after 5:00 p.m. for meetings, since he is a citizen. Mr. Rogan advised that was not done by the Mayor and Council – and they have never taken any action on that because he has constitutional issues regarding that. He reminded that is a directive of a court order and only Mr. Johnson can ask for it to be modified. Legally, Mr. Rogan has had some questions about the Court's decision, but it was not our position to represent Mr. Johnson. He has the right to have an attorney go in and modify the order. In response to Mr. Isaacson, Mr. Rogan explained the order says any communications must go through the Police Chief. He does not believe it says the Chief can amend the order.

At this time Mr. Isaacson referred to a list of the Open Space monies showing what everyone was given except for Recreation. Mr. Wiest clarified that they have a list that shows everybody. He informed his list shows the disbursements made to the DPW from the Open Space monies and questioned those payments; his understanding was that those were contributions in kind – instead it is being taken out of open space and being given back to the DPW. Mayor Heymann explained that was exactly right – it is a contribution in kind from the Borough as opposed to being a contribution from the bank. Mr. Isaacson expressed his confusion as the money looks like it was taken out of open space monies and given to the DPW – he questioned what the Borough's contribution was. The Mayor explained that was the contribution and he reiterated it looks like they are being paid by the Borough and the contribution is funded by the taxpayers through open space. Mr. DeNicola agreed that was the Borough's contribution and Mr. Isaacson questioned the legality – Mayor Heymann assured him it was perfectly legitimate.

The last point he wished to make was regarding the transfer station. He informed that he had made a suggestion on his message board. He expressed most of the problem with the Transfer Station is the fact that there are people and contractors that operate with personal license plates to go in and out of there 5 or 6 times a day, what would be the harm and if they would like to pay him, he will do it – to have someone stand there at the gate and record the license plate and permit number – no commercial vehicles – and give maybe one or two dumps for free. He suggested hiring a non-union person getting away from contract negotiations and union issues. Everybody he has spoken to is annoyed about it; he is annoyed about it – and they all want it back. There are two ways to do it: either the Borough can hire someone or he can stand in front with a petition and ask people to sign it stating they want the transfer station back – this is an election year.

Herzel Bador, 62 O'Shaughnessy Lane, wished to address a problem with trees and the stream near his yard. He stated the stream used to be 5 to 6 feet and it is now over 20 feet wide. Mayor Heymann asked for clarification he was referring to the stream. He continued that everything was falling around his house. The Mayor responded that she is aware of the problem and she had Billy Dahle (Supt. of Public Works) take a look at his yard; and the issue is that it is hard to determine whose yard is being impacted. He stated that he knows where his property is and where the Borough's property is, and he had a big hole in his back yard that is very close to the house – about 5 feet from his house. The next hole that he has, the house is going to fall apart. Trees are falling around and people might get hurt and this is going to be on their heads. Mayor Heymann reiterated she is aware there is a problem; however, solving the problem has many ramifications. We have streams all over town that are eroding the nearby properties. She expressed her understanding that nothing has happened yet but tree roots are coming out. He responded that it is happening - his fence is falling apart and trees are falling onto his neighbor's yards. He referred to pictures he brought and pointed out in one that they could see the stuff on the fence and it is falling apart. Borough Attorney asked Mr. Bador if he could get a copy of his property survey to bring them. Mr. DeNicola informed him that his rear property line is not the Borough's; it is the Kim's property off Homans Avenue. He referred Mr. Bador to a map he had and showed him the property lines. Mr. Bador informed that he had a survey completed about 2 weeks ago; and the Borough Attorney advised he would obtain a copy of same from the Zoning Department, he will confer with the Borough Engineer; and someone will get back to Mr. Bador.

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Kyle Dennerlein, 7 Wilson Place, explained he wanted to build on what Steve (Isaacson) said about cutting the grass and no bid contracts. On our website where it says BIDS/RFP'S, he does not see anything there about cutting grass. He referred to Mr. Wiest's earlier comment that everything goes through his office and questioned how these companies become aware there is a project. Mr. Wiest explained it is almost everything but the actual cutting which the DPW does – but it is for fertilizer, pesticides etc. If it is over the bid threshold it becomes a public bid; but in this case, he does not believe it was. He reached out to three companies and they received 2; and he will provide them to him. Mr. Dennerlein continued that the streams dump into the reservoirs; and questioned what kind of pesticides are being put down. Mayor Heymann explained that we are very careful about any pesticides put down – that is why our roads are covered with poison ivy – because we don't want to use any pesticides. In response to his question, she answered that only a State certified pesticide person can put them down. Mr. Wiest mentioned he was not clear as to where Mr. Dennerlein was referring to but now he understands and informed that they do have data sheets for the pesticides for Borough property. Mayor Heymann responded that they do have records and incidentally it is investigated all the time. He then reminded that there have been no bid contracts in at least the past 10 years. Mr. Wiest informed that they are trying to change that. He stated he was not aware of these issues until after he was off the Council, but he has brought them up in the past and nothing has been done about them. He wanted to make all aware and hopes now something will happen.

Mr. Dennerlein questioned our current bond rating – Mr. Glidden responded that it is A-1. He moved on to the Municipal Budget and referred to “Current Fund Anticipated Revenue” on Sheet 7 – Borough of Harrington Park Gasoline. Borough Attorney advised that was pertinent to the Municipal Budget which could be addressed during the Regular Meeting.

Mr. Dennerlein stated a while back money was set aside for Ruckman Park bathrooms and snack stand and requested an update. The Mayor responded that the money was allocated several years ago and plans were drawn up - taken back - and we have new plans are now; we have almost completed materials cost and get volunteers to do the actual building and it should be happening. Mayor Heymann responded to his question that it will be completed in 2010.

Jesse Rosenblum, 65 Knickerbocker Road, referred to the recent conversation regarding the fertilizer on the parks. He asked that the fertilizing be stopped because it ends up in the reservoir; and the Mayor responded that it does not; it ends up nourishing the grass. He said he reads in the newspaper that there is fertilizer appearing in every body of water causing blooms and problems. Why does the park or field have to be so green – why can't it be natural. The Borough Engineer advised that you can't play on dirt – you need a cushion. Mayor Heymann informed Mr. Rosenblum that the most common nutrient polluter of the streams is phosphorous, which comes from soap suds that people use in their washing machines. That provides a lot more than the fertilizers that go on the fields because most of it is absorbed – soap products are not absorbed. In response to his statement, she informed him that we are not farmers; and they are allowed to use different fertilizers by edict that we do not use in a suburban setting. Mayor Heymann reminded him that he has a home in this community; and he is proud of the fact that he lives in a town with a good ratable base and it is worth something – and he affirmed. She explained that one of the reasons is because this community provides a lot of services for its residents, and one of those services is the parks. A majority of the people in Closter are willing to pay for the costs of those services. Mr. Rosenblum discusses home values maintaining their current value in a balanced market; and the Mayor responded that despite the market, the ratios remain the same and the ratios desirable community as opposed to a non-desirable community remain the same.

Referring back to the compost facility, Mr. Rosenblum questioned what materials are in excess. In prior years he has asked for a 5 yard load of compost; and the DPW may be too busy now, but if he or other

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homeowners want compost, they could take 1,000 or more yards. She responded that it is the intention of the DPW to go back to providing free compost; and they plan to go back to doing so soon. He questioned if we could reach out to farmers and have them pick it up and place it on their fields to get rid of it. She replied that the issue was not getting rid of it the issue is processing it. Mr. DeNicola explained we are limited to 4 times a year and 7,500 total cubic yards of material. The DEP has caught the Borough twice in being excess of that. For clarification, he explained it is the grinding and chipping process of making the compost.

Mr. Rosenblum referred to the paving of streets and asked that on Vervalen and some other streets, when they pave do they do one half then the other half since Vervalen Street has a crack down the middle. Mr. DeNicola explained the process. Mr. DeNicola advised that had to have been done 15 to 20 years ago. It is the first place it will fail. And it is not worth spending more money to insure it will not occur as getting 20 years out of the life of paving is more than sufficient.

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

Motion to adjourn the Work Session at 9:09 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 June 17, 2010 for approval at the
Regular Meeting to be held
June 23, 2010

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held June 23, 2010
Consent Agenda Item 16b.