

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – SEPTEMBER 22, 2010 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, September 22, 2010. Mayor Heymann called the meeting to order at 8:59 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 (9:09 p.m.), John Kashwick,
David Barad, Arthur Dolson, Victoria Amitai

Borough Administrator, Quentin Wiest

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

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

The following Ordinances were introduced at the Regular Meeting held 8/25/10 and were published in the Press Journal on 9/2/10 as stated in the printer's affidavit of publication. Reprints of these Ordinances were posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public:

a. ORDINANCE NO. 2010:1076, "AN ORDINANCE AMENDING ORDINANCE NO. 2009:1057"

Mayor Heymann declared the public hearing open and asked if anyone wished to be heard either for or against this Ordinance. No one wishing to be heard, Mayor Heymann closed the public hearing and asked for a motion.

Motion to adopt Ordinance No. 2010:1076 was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Dolson and Amitai.

b. ORDINANCE NO. 2010:1077, "AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$36,500.00 FROM BERGEN COUNTY OPEN SPACE TRUST FUNDS FOR THE RECONSTRUCTION OF BASKETBALL COURTS AND THE PURCHASE OF BLEACHERS AND PICNIC TABLES AT MEMORIAL FIELD IN THE BOROUGH"

Mayor Heymann declared the public hearing open and asked if anyone wished to be heard either for or against this Ordinance. No one wishing to be heard, Mayor Heymann closed the public hearing and asked for a motion.

Motion to adopt Ordinance No. 2010:1077 was made by Councilman Glidden, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Dolson and Amitai.

c. ORDINANCE NO. 2010:1078, "AN ORDINANCE APPROPRIATING A SUM NOT

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TO EXCEED \$50,000.00 FROM 2010 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE CONSTRUCTION OF BARRIER FREE CURB RAMPS IN THE BOROUGH”

Mayor Heymann declared the public hearing open and asked if anyone wished to be heard either for or against this Ordinance. No one wishing to be heard, Mayor Heymann closed the public hearing and asked for a motion.

Motion to adopt Ordinance No. 2010:1078 was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Dolson and Amitai.

5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the following Agenda Items minus Item Nos. 13, 14, 19, 21, 22, 23 and 24 was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Kashwick, Barad, Dolson and Amitai.

RESOLUTIONS

6. BILL RESOLUTION – SEPTEMBER 30, 2010
TO BE PREPARED BY DEPUTY TREASURER
7. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR THE “CLICK IT OR TICKET” PROGRAM GRANT (\$4,000.00) (Received from Administrator 9/7/10)
8. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR THE “COPS IN SHOPS” PROGRAM GRANT (\$496.88) (Received from Administrator 9/7/10)
9. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR THE 2010 NEW JERSEY “ROID GRANT” (\$10,000.00) (Received from Administrator 9/8/10)
10. RESOLUTION APPROVING CORRECTIVE ACTION PLAN FOR THE 2009 ANNUAL AUDIT (Received from Administrator 8/19/10 @4:58 p.m.)
11. RESOLUTION SETTING FEES FOR SEWER SERVICE TO ALPINE PROPERTIES (Annual rate for 2010 - \$740.00) (Received from Administrator 9/13/10)
12. RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF BERGEN AND PARTICIPATING MUNICIPALITIES OF THE RIVERSIDE COOPERATIVE (Received from Administrator 9/16/10)
13. ~~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; 7/28/10; 8/11/10; 8/25/10; 9/7/10) 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
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)

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- 14. RESOLUTION GRANTING APPROVAL FOR RELEASE AND RETURN OF THE REMAINING PLANNING BOARD ESCROW FUNDS IN THE AMOUNT OF \$203.30 TO APPLICANT, TIMBER RIDGE LLC, RE BLOCK 2302, LOT 6, 1 LAURENCE COURT, DUE TO SATISFACTORY COMPLETION OF THE IMPROVEMENTS (Received from Deputy Treasurer 9/15/10)
- 15. RESOLUTION GRANTING APPROVAL FOR RELEASE AND RETURN OF THE REMANING ZONING BOARD OF ADJUSTMENT ESCROW FUNDS IN THE AMOUNT OF \$2,306.25 TO APPLICANT, HUBSCHMAN & ROMAN ATTORNEY TRUST ACCOUNT, RE BLOCK 1701, LOT 1, 309 CLOSTER DOCK ROAD, DUE TO WITHDRAWAL OF APPLICATION (Received from Deputy Treasurer 9/15/10)
- 16. RESOLUTION GRANTING APPROVAL FOR RELEASE AND RETURN OF THE REMAINING PLANNING BOARD ESCROW FUNDS IN THE AMOUNT OF \$8,085.40 TO APPLICANT, K & H GROUP LLC, RE BLOCK 1601, LOT 1&2, 189 HOMANS AVENUE/160 CLEVELAND STREET; AND THAT \$500 BE HELD FOR RELEASE OF TWO YEAR MAINTENANCE BOND (Received from Deputy Treasurer 9/15/10)
- 17. RESOLUTION FIXING SALARIES FOR 2010 (Received from Administrator 9/16/10)
- 18. RESOLUTION ENDORSING BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT APPLICATION (Purchase of Playground Equipment at Memorial Park - \$37,500/match) (Received from Administrator 9/17/10)
- 19. RESOLUTION REFERRING NOMINATION REPORT FOR THE RESOLVERT NAGEL HOUSE AND FARM COMPLEX TO THE PLANNING BOARD (Received from Borough Attorney 9/16/10)
- 19a. RESOLUTION ACCEPTING PARIS GRANT INSTALLATION AND AUTHORIZING EXECUTION OF IMAGING CERTIFICATION APPLICATION TO THE NEW JERSEY DIVISION OF ARCHIVES & RECORDS MANAGEMENT (Received from Administrator 9/17/10 @ 4:14 p.m.)

MOTIONS

- 20. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed 9/16/10) ABSTENTION: GLIDDEN:
 - a. REGULAR MEETING OF SEPTEMBER 7, 2010
 - b. WORK SESSION OF SEPTEMBER 7, 2010
- 21. 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; 7/28/10; 8/11/10; 8/25/10; 9/7/10:

<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)	_____	5 Year un- expired to	12/31/11
* <i>Mayoral Appointment</i>			

- 22. 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; RM 7/28/10; RM 8/11/10; RM 8/25/10; RM 9/7/10)

- 23. MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO FILL THE FOLLOWING

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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	_____	4 Year un- expired to	12/31/11

**Mayoral Appointment*

24. MOTION APPOINTING _____ TO SERVE AS MEMBER OF THE BOARD OF ETHICS FOR AN UNEXPIRED 5-YEAR TERM (ARCHER) TO 12/31/2013 (6. M.L. 7/15/10) (Adjourned from RM 7/28/10; 8/11/10; 8/25/10; 9/7/10)

25. MOTION APPROVING THE FOLLOWING APPLICATION AS NEW MEMBER OF THE KNICKERBOCKER HOOK AND LADDER COMPANY: KUNAL P. PARMAR (Completed application received 9/8/10)

25a. MOTION WAIVING REQUIREMENT OF \$10 PERMIT FEE FOR CLOSTER NATURE CENTER ASSOCIATION TO CONDUCT A “SECOND R” TAG SALE (REDUCE, *REUSE*, RECYCLE) ON SATURDAY, 10/16/10, FROM 10:00 A.M. TO 4:00 P.M. (7. M.L. 9/16/10)

26. ACCEPTANCE OF THE FOLLOWING REPORTS:

- a. CHIEF OF POLICE – AUGUST 2010 (Received 9/14/10)
- b. CONSTRUCTION OFFICIAL - AUGUST 2010 (Received 9/17/10)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

19. RESOLUTION REFERRING NOMINATION REPORT FOR THE RESOLVERT NAGEL HOUSE AND FARM COMPLEX TO THE PLANNING BOARD (Received from Borough Attorney 9/16/10)

Councilman Barad requested an individual vote on the foregoing resolution. Borough Attorney advised that this resolution is to start the process before the Planning Board. Mayor Heymann suggested that the Planning Board be asked to consider the value of including or not including all of the auxiliary buildings. Borough Attorney advised that the resolution is to send the subject property to the Planning Board for review and should not include recommendations from the governing body inasmuch; changes can be recommended when it comes back from the Planning Board to the Council.

Mrs. Latner arrived at the meeting at 9:09 p.m.

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

At this time, Mayor Heymann appointed Adam Nock (as Alt. No. 2 to the Environmental Commission for an unexpired 2-year term (Bauer) to 12/30/11 subject to the completion of the Citizen Leadership Act form and pending acceptance of the resignation of his predecessor. Borough Attorney clarified that a resignation was not required as Mr. Bauer has not attended the past 3 meetings. Mayor Heymann explained that they have been unable to reach Mr. Bauer for a formal resignation; and the Environmental Commission voted last evening to vacate his position.

27. 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)

Councilman Barad advised that we have received Jerry Boyarsky’s information relative to his possible appointment to the Zoning Board of Adjustment.

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

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Motion approving the following Closed Session Resolution at 9:15 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

- 28a. 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; N.J.S.A. 10:4-12(b)(7) “Pending or anticipated litigation or contract negotiations 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 8 to 12 weeks.

Mayor Heymann resumed the Regular Meeting at 10:19 p.m.

The following motion was made by Councilman Barad:

- 28b. RESOLUTION APPROVING THE INTERBORO RESOLUTION AS AMENDED THIS EVENING.

Said Motion was seconded by Councilman Glidden.

BEFORE ROLL CALL VOTE, Borough Attorney informed that he would memorialize the resolution and advised that the resolution would restate the Borough’s position from the prior resolution supporting the Interboro Radio Communication System and the services it provides. In addition, the resolution would include certain form language that priority be given to the hiring of dispatchers in the event there is a relocation of the Interboro Radio dispatching and that appropriate salaries be offered to those existing dispatchers.

Said motion was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson. Councilwoman Amitai voted no.

29. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:20 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 October 7, 2010 for approval
at the Regular Meeting to be held
October 13, 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 October 13, 2010
Consent Agenda Item No. 21a.

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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.

At this time Mayor Heymann asked for a Moment of Silence for the passing of Donald Wiggers who was active with the commercial interests of the Borough for a long time.

Mayor Heymann expressed her sympathy to Councilman John Glidden on the passing of his stepfather, Austin Volk, who was an active member up until the age of 91 in the Englewood Community. He was a former Mayor of Englewood and decorated during the Second World War. Councilman Glidden expressed his appreciation and said that his stepfather led a full and active life and one of great community service. Mayor Heymann asked for a Moment of Silence.

At this time Mayor Heymann introduced Troop 63 Chairman Joe Migliore who gave a presentation on scouting. He noted that the Boy Scouts are celebrating their 100th Anniversary since their founding by Chicago Publisher William Boyce and that over 100 million boys have been involved in scouting. He quoted former Senator Bill Bradley who said that the Boy Scouts stand for a set of principles that have a lot of staying power that will help you find your way through difficult times. He cited the principles under which the Boy Scouts operate; and the Scouts present in the audience recited the Boy Scout Oath and the Scout Law, which is a personal code of living. The boys lead the troop with the guidance and assistance of the adults. Troop 63 is in its 93rd year of scouting and he introduced the Scout leaders present in the audience: Steve Rolland, Scoutmaster, Assistant Scoutmasters and Committee Members, Dr. Andy Baron, Wayne Sabo, Tom Martin, Steve McCrosson and Ed Cappelluti. Troop 63's Charter Organization is the Closter Lions Club. The troop has 26 scouts ranging in age from 12 to 17. To date the troop has had 62 eagle scouts. He expressed his appreciation for the recognition given to the scouts and the work they have done and he noted some of the projects that have been accomplished by the scouts in the Borough. He hoped that in two days B.J. Scaglione would be the Troop's 63rd Eagle Scout.

Mayor Heymann presented individual certificates to the following Scouts and commended them for the projects they completed: Jeff Sabo, Keith Martin, B.J. Scaglione and Michael McCrossin.

Mayor Heymann thanked the parents, the leaders and the scouts in attendance at the meeting and said that she is the parent of three scouts and scouting is very much in her blood. She said that all of you will grow up to be valued, positive and educated members of the community who will continue community service.

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3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, John Kashwick, David Barad, Arthur Dolson
and Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola

The following persons were absent:

Councilwoman Alissa Latner

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF SEPTEMBER 9, 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 Mayor Heymann; Item No. 6 was removed by Linda Albelli;

Item No. 5: Received 09/07/10, dated 09/03/10 from Irene Stella, Chair, Historic Preservation Commission re Report of Designation Hearing for 119 Hickory Lane, Block 2102, Lot 55, The Resolvert Nagel House and Farm Complex (commonly known as “The Brooks Farm”)

Mayor Heymann informed there was a guest in the audience who wished to discuss this item and invited Mr. Spizzirri to share his comments. John Spizzirri introduced himself as the attorney representing the Ellen L. Brooks Trust and Estate, and her daughter Sherrell Wilkins-Gilmartin, who could not be present this evening because she in the State of Maine. At this time he personally congratulated the Boy Scouts and acknowledged he has experienced the difficulties encountered to become a Scout as he was one himself many years ago.

Mr. Spizzirri informed that the Mayor and Council had received a copy of the letter he sent to the Historic Preservation Commission dated 7/13/10 and explained this is his second appearance before the Mayor and Council; the first time was when Mayor Heymann was a Councilwoman. He explained that at that time, the presiding Mayor and Council had entertained the idea of designating the Brooks Farm as an historic site. At that time, Ellen Brooks was alive and had opposed the idea and requested he come before the Mayor and Council to express her opposition; which he did. As a result, the nomination was withdrawn. Since that time, the property has been dedicated to the State of New Jersey and to Bergen County with respect to the Agricultural Committee. A deed of dedication was executed by Mrs. Brooks on 7/14/04 and recorded in the Bergen County Clerk’s office. He referred to a portion of the deed located on Page 6, Paragraph 24; and explained that same clearly indicated at that time and as the present, what can and can not be done vis a vie farming on this property and what can not be done with respect to the buildings. He informed there is a law called “Right to Farm”; and the actions of this municipality may interfere with the Right to Farm to some degree. In deference to Ellen Brooks’ desire not to have it designated as a historic site and the continuation of that on part of her daughter, he explained he was present this evening to voice their opposition to the Mayor and Council as he had done in front of the Historic Preservation Commission. Mr. Spizzirri further explained the reasoning as follows: He stated the reasoning was simple and reiterated what he stated several years ago in the 2000’s; there is very little on this property contrary to Mr. Adriance’s report, and he did admit that he never made a personal inspection of this property at the Closter Historic Commission meeting some months ago. There are a lot of inaccuracies and incorrect designations. He took the opportunity to take out page 2 from his letter which referenced a chicken coop; the chicken coop is not of historic vintage; it was a dog kennel, which Mr. James W. Brooks, who was a Councilman in this

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municipality also, constructed after purchasing the property. There is a designation in the Addendum of the report by Mr. Adriance of 117 Hickory Lane as having historic significance. He referred to a note written to him from Mrs. Wilkins-Gilmartin and read as follows: J.W.B., who is James W. Brooks, erected several buildings on the property in the early 1950's. The house at 117 Hickory Lane was a pre-fab house built by J.W.B. in approximately 1952 as a single family dwelling for a tenant farmer to live in; it was never a kennel, it was not a bunk house; there was however a bunk house attached to the chicken coop where several Filipino workers lived at that time when they worked on the farm for Mr. Brooks. There is a portion of the original house which was constructed in the 1950's. He informed that the last time he appeared before the Mayor and Council that he had some photographs of same; but since Mrs. Brooks' passing they have not been able to locate them. It is their basic position that they do not want to give to the Borough of Closter, any rights of denial or approval of what can or cannot be done to the buildings on this site, basically because they are not historic in the sense of antiquities going back to the 1600, 1700, even 1800's. He believes the Chairlady at the Historic Commission had made the comment that they were more than 50 years old; and his response to her was "Well, Madam Chairlady, I'm over 52 but I'm certainly not historic – maybe ancient, but not historic". Being 50 years of age or more of a building does not render it as historic in that sense that we look back to the history of the State of New Jersey and the County of Bergen and the Borough of Closter as being historic back in the 1600's-1700's – that is what you're looking for. He reiterated his clients' position that they are opposed to this; they do not want this to go any further, and they request specifically that the nominating petition not be referred to the Planning Board; and requested that it be returned to the Historic Commission with a "thank you" by the Mayor and Council and the Brooks and Gilmartin families, as well as himself, and let things rest as they are today.

He spoke to Mayor Heymann and acknowledged he received the article she sent him from the Sunday paper, which he read, but informed he was not going to address same. He voiced his opinion that it was a newspaper story and that lady did the story based upon one phone call of 5 or 10 minutes to him, and at the end of the article is what he said, but where she got the rest of her information, he is not aware because he was not privy to any conversations with respect to that. He continued that Mr. Adriance has a perhaps considerable conflict of interest, because he prepared that report, and his report clearly indicated that his family lived on that property at some point in time in the past – so where he got his information from is unknown. Mrs. Gilmartin was there considerable periods of time over the years and knows the precise and exact history of each and every one of those buildings which he so ineptly presented to them tonight because he does not have the knowledge as she does, and unfortunately she could not be here. He respectfully requested that the Mayor and Council take no further action with respect to the Nominating Petition of the Historic Commission; and he thanked all for their time.

Councilman Glidden asked Mr. Spizzirri for clarification that the family's objections to the designation are primarily due to the restrictions placed on future use of the property. Mr. Spizzirri affirmed same and explained that the Borough's Ordinance at one time had a provision that has since been amended to be included - that if the property owner objected to it - it wouldn't happen; but the Ordinance makes it very clear as to what activity can be conducted and the permission that must be received from the Historic Commission. It also provides a protest of the landmark designation, which they have filed. The Ordinance prohibits any work to be done on the buildings without the approval of the Historic Commission; and that is really the major basis of their opposition to the designation. He explained they are conflicted already by virtue of the deed to that State Agricultural Commission and the County of Bergen, and again referred to Paragraph 24 of that deed which clearly sets forth same. He voiced his opinion that there is no question in their minds that the deed has the basis of authority and they do not need another governmental bureaucratic layer on top of what we already have in respect to that property. Councilman Kashwick responded to Mr. Spizzirri and explained that he believed the provision for needing the approval of the Historic Provision refers to the facades of the structure that face the public and the street but that anything they wanted could be done to the interior of the building. Mr. Spizzirri recalled to the best of his knowledge that the Ordinance talks about making any changes to the exterior of the building and perhaps even to some extent, the interior. Borough Attorney asked if Mr. Spizzirri had a copy with him and he responded that he did not have the full copy with him. Councilman Glidden voiced his opinion that he did not recall anything in the Ordinance regarding the interior of the building but acknowledged he could be mistaken.

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The Borough Attorney read from (Borough Code) Section 35-55b2, which indicates “actions not requiring review”; changes to the interior of structures and clarified that this is a specific delineation of what is not required for any type of review. Actions that do require an informal review of concept plans are demolition of the historic landmark, or an improvement within a historic district, relocation of the structure within a historic district, changes in the exterior architectural appearance, any new construction or improvement, site plan sub-divisions affecting a landmark, zoning variances, new paint applied to historically unpainted exterior surfaces. Mr. Spizzirri affirmed those were the exact reasons for their objections and asked if that answered Mr. Kashwick’s question. He expressed that the major concern is the exterior of the buildings and reiterated a lot of the buildings Mr. Adriance has listed as historic are not historic; he does not have the accuracy of the facts and as he indicated in an excerpt from a note to him from Mrs. Gilmartin, clearly indicate on some of these things what they are.

Jennifer Rothschild, 32 Hickory Lane, Vice Chair of the Historic Preservation Commission informed that although she is uncomfortable speaking on the subject as she recused herself from this particular hearing due to the fact that she personally knew Mrs. Brooks and Sherrell (Gilmartin) – in light of the fact that no one else is present from the Commission she will not speak about the substance. She did question the notion that Tim Adriance has a conflict because ancestors lived there; but she is not aware that would be a conflict and suggested perhaps that requires legal analysis. She voiced her opinion that it would just be better to forward the application along to hash out these arguments in a hearing; this is really not a hearing to talk about the details of the case; this is only for the Council to decide whether this goes on to the Planning Board. She informed that this was all she could speak to unless anyone had any questions and clarified she cannot speak about the Ordinance.

Mayor Heymann asked Mrs. Rothschild and Councilman Kashwick if it was the intent of the Historic Commission in designating 119 Hickory Lane to include all of the farm buildings or just the main building. Mrs. Rothschild responded that was a decision that was made not by herself but by a sub-committee that was handling this project which consisted of Tim Adriance, Bobbie Bouton-Goldberg and Grisha Davida. It was adopted by the entire Commission and they did enumerate all of the out-buildings for various reasons. She agreed that it was obvious in the agreement with the County that the house does have some protections, although not specific to our community.

Councilman Barad asked Mrs. Rothschild to explain for all in attendance the process involved as to what would happen with the application after tonight. She responded that the report already went through a hearing at the Commission level and tonight it is here for the Mayor and Council’s decision either to refer it to the Planning Board or not. If it is referred, the Planning Board would have 60 days to act and send their recommendations back to the Council; they would hold a hearing that would be open to the public and the objector; then it would come back to the Council for another hearing because then it would be a zoning change; and it does require all of those protections available to property owners under those laws. She expressed that it is by no means done, and they are barely at the beginning and perhaps getting closer to the middle depending on their decision tonight. She then apologized that Tim Adriance was not present and there was no one else available who could speak on this issue because it was her impression that at least one person had intended to be present.

Mayor Heymann invited Mr. Kashwick to comment further and he clarified that he was only part of the discussion but not the vote as he is the Council Liaison and not a voting member of the Commission. He expressed his support for the decision of the Commission and hopes the Council does move this report on to the Planning Board. Mayor Heymann asked Mrs. Rothschild if it was the position of the Commission that they feel strongly about including all of the out-buildings or if there was a possibility of only designating 119 Hickory Lane. Mrs. Rothschild responded that she does not know if she can answer that, but suggested that is something the Planning Board can consider whether that is reasonable or not or if they want to limit it to the main structure which is the oldest structure possibly in the Borough of Closter.

Mr. Spizzirri informed that was not discussed at the hearing of the Historic Commission that he attended and Mrs. Rothschild agreed that was true. Mr. Spizzirri added that if there was some way that provision of the Ordinance could be ameliorated to take away that requirement where properties have been designated to the SAC, probably would not have any opposition, though he has not discussed same with Mrs. Gilmartin and was merely suggesting it for the Mayor and Council to consider. He reiterated the

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property does have that designation already and that property can never be used other than as a farm in perpetuity.

Item No. 6: Received 09/07/10, dated 09/01/10 from Dennis McNerney, County Executive, to Mayor re 2nd Request for nomination for 2010 Volunteer of the Year Awards Ceremony - Deadline 9/10/10 (8. M.L. 7/22/10) Original to Mayor 9/7/10

Linda Albelli, 353 High Street noted that this is a second request for a nomination for 2010 Volunteer of the Year and questioned if it was submitted; Mayor Heymann affirmed a nomination was sent.

b. MAIL LIST OF SEPTEMBER 16, 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 Nos. 1, 2f and 4 were removed by Borough Clerk; Item No. 6 was removed by Steve Isaacson; Item No. 7 was removed by Jennifer Rothschild.

Item No. 1: Received 09/08/10, date 08/26/10 from Eric Mattes, Chair, Closter Improvement Commission to Councilwoman Amitai and Mayor Heymann re Resignation as Chairman of the Closter Improvement Commission for a 2-year term to 12/31/11 (Copy to Secretary, Board of Ethics)

Borough Clerk informed we will be placing the appointment on the Regular Meeting Agenda for 10/13/10 and explained it would be for a 2-year unexpired term to 12/31/11.

Item No. 2f.: Received 09/13/10, dated 09/13/10 from William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Municipal Clerks re I. DLGS-News Notice Does NOT Clarify "Best Practices" Checklist; II. Governor Signs OPRA Fee Bill

Borough Clerk informed that we finally received the amount to charge for the records for the Open Public Records Act and informed of the per-page pricing as follows: \$.05 for letter size documents and \$.07 for legal size documents and larger; she added that this law will go into effect on 11/1/10. Ms. Castano recommended that this be further discussed at a Department Head Meeting at which time the Borough Attorney could inform all of the deputies who maintain records in their departments of the change in cost because it will get a little confusing. Originally it was \$0.75 for the first 10 copies; \$0.25 for the next 10 pages and \$0.10 for anything over the 20 pages. This will be a major change. Also, we cannot charge anything for our services or any of our time involved. If someone requests a CD, we can only charge the cost of the CD. Anything sent electronically, i.e. fax or email is to be sent without charge.

Item No. 4: Received 09/13/10, dated 09/07/10 from Robert A. Abbatomarco, Division of Open Space, Bergen County Department of Planning and Economic Development to Mayor re Bergen County Open Space Trust Fund - 2010 Applications - Municipal Park Improvement Program - Deadline to submit completed applications is Friday, October 8, 2010 at 4:00 p.m. (Original to Mayor 9/13/10)

Borough Clerk asked for confirmation from Mayor Heymann that we would be meeting this deadline and she affirmed same.

Item No. 6: Received 09/14/10, dated 09/13/10 from Robert P. Travers, Esq., Attorney for Applicant to Borough Clerk re Notice of Planning Board Meeting to Property Owners re Soil Removal Application by Fred A. Daibes, Daibes Brothers, Inc. re property located at Block 502, Lot 3, 121 Schraalenburgh Road to be held on 9/30/10 @ 8:00 p.m.

Steve Isaacson, 97 Columbus Avenue expressed his assumption that this is the Super Value property; and Borough Engineer affirmed same. Mr. Isaacson voiced his concerns about being a member of the Environmental Commission and not having heard anything about this until now. In response to Mr. Isaacson, Borough Engineer explained that this soil movement is an environmental clean up for remediation of the soil. He informed that this has been advertised in front of the (Planning) Board for months. In response to Mr. Isaacson, Mr. DeNicola informed that the DEP hasn't waited on that and has issued preliminary findings. They have not stated what the clean up of the site entails but the preliminary investigation will be to dig down and identify what the contaminants are and what is the extent that they

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believe it is. The next step is to actually implement the process of cleaning it up. Mr. Isaacson questioned what would happen if the plume was to go under Schraalenburgh Road; and Mr. DeNicola affirmed it would have to be addressed. He informed that right now it is only pertaining to the property itself and Super Value, not Daibes will be responsible for the clean up.

Item No. 7: Received 09/15/10, dated 09/13/10 from Jennifer Rothschild, Trustee, Closter Nature Center Association re Requesting waiver of Permit Fee for Garage Sale to hold a “Second R” tag sale on Saturday, 10/16/10 from 10 a.m. to 4 p.m.

Jennifer Rothschild, 32 Hickory Lane, informed this request was the reason she was at the meeting this evening. She explained it was a request to waive the permit fee for a garage sale the Closter Nature Center would like to hold on 10/16/10. Mrs. Rothschild informed she had fliers if anyone was interested in donating; it contains instructions for dropping off. The Borough Clerk voiced her understanding that the request was already on the Consent Agenda for this evening. Ms. Rothschild passed out a flier to each member at the dais.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of September 22, 2010)

Mayor Heymann welcomed discussion on any of the items on the Consent Agenda.

RESOLUTIONS

14. RESOLUTION GRANTING APPROVAL FOR RELEASE AND RETURN OF THE REMAINING PLANNING BOARD ESCROW FUNDS IN THE AMOUNT OF \$203.30 TO APPLICANT, TIMBER RIDGE LLC, RE BLOCK 2302, LOT 6, 1 LAURENCE COURT, DUE TO SATISFACTORY COMPLETION OF THE IMPROVEMENTS (Received from Deputy Treasurer 9/15/10)

Mayor Heymann said that she would be removing this item from the Consent Agenda noting that Timber Ridge is in bankruptcy and owes the Borough monies on other properties. She asked the Borough Attorney to review the matter.

17. RESOLUTION FIXING SALARIES FOR 2010 (Received from Administrator 9/16/10)

Councilman Dolson noted that two Committees have dealt with this issue and came up with very specific decisions and feel that they are fair and equitable to the Borough employees. He asked that the Council consider approving the resolution this evening.

19. RESOLUTION REFERRING NOMINATION REPORT FOR THE RESOLVERT NAGEL HOUSE AND FARM COMPLEX TO THE PLANNING BOARD (Received from Borough Attorney 9/16/10)

Councilman Barad requested that this resolution be removed from the Consent Agenda for an individual vote. No objections were expressed by Council members.

At this time, Dr. Barad informed the Borough Clerk that he did not see the motion to approve the Nature Center Garage Sale on the Consent Agenda. Ms. Castano voiced her understanding that it was under Motions.

6. COMMITTEE REPORTS

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

- 1) STATUS REPORT RE CLOSTER WEBSITE
- 2) REPORT – Councilman Dolson reported as follows:
 - a. Board of Health – He attended the meeting this month which was rather lengthy, but a standard meeting because they were off for 2 months during the Summer, but business is continuing as usual.
 - b. Zoning Board of Adjustment – They are at their third application for the John Street re-zoning issue that has been an ongoing issue and has been delayed. Mr. Wiggers had requested a postponement because he was going to be going on vacation.
 - c. Finance Committee – As he mentioned earlier regarding Item No. 14, the finances have already been discussed. Mr. Dolson advised he had nothing further to report.

B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

- 1) REPORT - Councilman Glidden reported it was his understanding that Chief Berrian sent out an e-mail earlier today regarding overtime; and he requested to discuss same in Closed Session. Regarding Recreation, a meeting was held this week to discuss the feelings and results of the Labor Day festivities here in Closter; and he feels it was unanimous that it was well done and everybody had a good time. There was some serious discussion about moving the date of the Labor Day activities next year to Sunday from Monday; it seemed like a fairly strong consensus that this was a good idea. This is just informational to Council members. He explained that the day after Labor Day, school starts and it seems to be a preference to everybody to move that to Sunday. Mr. Glidden informed that the fireworks were great and a good time was had by all; Ms. Castano asked how the sky divers were and he responded they were great as well.

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

- 1) REPORT – Mayor Heymann informed that Councilwoman Latner was absent due to parental duties to attend Back To School Night for her children and is expected later in the meeting; therefore, no report was provided.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

- 1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad reported that the Ordinance Committee met on 9/1/10 and they discussed some fee changes and had some interesting interaction with Planning Board recommendations that they decided they were no longer recommending. They are moving along with a full agenda for the upcoming Fall with some things that have come up and will be meeting again.
 - a. STATUS REPORT ON CHAPTER 181 (TREE PRESERVATION AND REMOVAL) REVISIONS RECEIVED FROM SHADE TREE AND ENVIRONMENTAL COMMISSION (Discussed/WS 7/28/10)
 - b. STATUS REPORT RE CONSERVATION ZONE RECOMMENDATIONS TO THE PLANNING BOARD (Requested by Mayor/WS 8/25/10)

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

- 1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported that the Personnel Committee had several meetings over the last couple of weeks discussing the resolution and personnel issues.
- 2) REPORT – Councilman Kashwick reported on the following:
 - a. The Historic Preservation Commission does not meet again until next week and he reported on last month's meeting in August.
 - b. The Shade Tree Commission is moving ahead with the sidewalk repair test on Trautwein Crescent. There were a couple of sidewalks where they were able to show residents exactly how

6. COMMITTEE REPORTS

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

2) REPORT (Continued)

to mitigate tree sidewalk situations. They also wanted to bring to the attention of Quentin (Wiest, Borough Administrator) about the Budget item where the trees that were moved earlier in this year were charged to their budget; they understand that it is done that way but in the future they wanted to protest the idea that money was being taken from their budget without forewarning. He told the Commission he would bring it up and has now done so. At this time he asked for everyone's thoughts for George Futterknecht, who had a cardiac event last Friday night and he hopes everyone's thoughts will be with him and his family during this time. Mayor Heymann said she believed he would be getting a pacemaker; and Dr. Barad added that he visited Mr. Futterknecht at Englewood Hospital yesterday and he looks good; he hopes to be out next week.

c. The Environmental Commission had a very productive meeting last night. The 3rd Annual Harvest Festival at the MacBain Farm will take place on 10/23/10 at 4 p.m.; rain date is 10/24/10 at 4 p.m. It will be similar to previous years with pumpkin painting, a bonfire, s'mores and those sort of activities. Regarding the contract with John McCaffrey, Mr. Kashwick informed the Borough Attorney that he believed Mary Mayer had conversations with John and he was okay with the contract. Mr. Rogan responded that he received an e-mail from Mr. McCaffrey regarding same. Mr. Kashwick voiced his opinion that we would have some closure on this matter soon. The Commission is going ahead with the new sign for Hagen Park which will be placed at the corner of Durie Avenue and Tenakill Street. They are also requesting a re-dedication of that park for the Mayor and Council and to include both sides of the Tenakill Brook and the Annex; and it be themed on a park in honor of Olaf and Ingabourg Hagen. He has been asked to bring the request forth for consideration and was not sure of the procedure to do so. Mr. Kashwick reported that there was more discussion regarding the Conservation Zone for the Nature Center. Since we are doing just Nature Center property at this time, the Commission is also requesting that Block 1501, Lot 26 be included in the Nature Center so that land is also included in the zone. The Borough Engineer clarified that the location of this lot is on the corner of Reuten Drive and Ruckman Road.

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

1) REPORT – Councilwoman Amitai reported on the following:

a. The Building Department did not meet this month but she does have a few things to report. There are a few demolitions coming up in town; revenue in the department has been up since March and it is consistently up; Peking Duck will have the interior demolished; and Vantage Health is almost ready to be approved and released. We have some Code Enforcement going on with 2-family houses. A new pizza store named Sparky's is opening up where the old pool supplies store was located.

b. Planning Board: Capital Hardware application for the Planning Board has been postponed by Mr. Watkins.

c. Improvement Commission: Mrs. Amitai informed that Louise and Jerry Boyarsky were in the lobby and she was curious if they would like to have one of their members attend the CIC meetings as they used to have a representative until it was defunct for some time. She suggested Lisa Smith from The Bootery; and Mr. Boyarsky responded that she has a very busy schedule with a 2nd store in Ridgewood; however, he will keep her updated as to where they (Chamber of Commerce) stand. Mrs. Amitai informed that meetings are held on the 4th Thursday of the month. She reminded that it would need to be made legal by appointment and requested he think about who they would like to recommend. Mrs. Amitai noted a correction to the meeting date for this month should be 9/28/10 and apologized if the mistake in the Borough calendar inconvenienced anyone.

7. OLD BUSINESS

8. NEW BUSINESS

Borough Engineer referred to the sidewalk program completed two years ago on Knickerbocker Road, Piermont Road and Harrington Avenue. He advised that there have been some issues with the sidewalks that had been installed and that he had notified Arnold's Roads that they would be given 10 business days to replace slabs before their Bonding Company is notified.

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

In answer to Jennifer Rothschild, 32 Hickory Lane, Mayor Heymann pointed out the painting donated to the Borough was painted by Helga Olsen. It depicts the stream going into the pond off Irving Avenue and was exhibited at the Library during her show. In addition another painting will be exhibited on the opposite wall from painter and illustrator Bill Angresano.

Mrs. Rothschild questioned if sidewalks would be installed after the Peking Duck renovation. Borough Engineer said that whenever a structure is improved, it is required by law to install sidewalks. Mrs. Rothschild asked how an application is made for a landmark tree and was advised that applications are made to the Environmental Commission.

Kyle Dennerlein, 7 Wilson Place, questioned the cost of the Potterton Memorial and was advised by Mayor Heymann that there was no cost to the Borough. Mr. Dennerlein requested an accounting breakdown of the monies that have come into Closter Recreation during the years 2003 and 2004 to see if better prices can be obtained. Mayor Heymann said that all of the money that comes into Recreation goes directly into the Finance Office and that she would obtain the information for him.

Steve Isaacson, 97 Columbus Avenue, as a member of the Environmental Commission, said that vacating the Edgar Street that connects the lot to the Nature Center was also mentioned. He referred to the snack stands and bathrooms in the parks and questioned who paid for utilities. Mayor Heymann said that these costs are paid by the Borough; and Borough Administrator explained that the utility portion of the budget is not broken down by Department.

Mr. Isaacson questioned if Ken's Tree Care is still under a cease-work operation. Borough Administrator advised that the situation at the compost area has been remediated; and the volume on site has been reduced below the statutory requirement. The Borough filed for an exempt activity under the regulations.

Mr. Isaacson said that there are many old historic buildings in the Borough and cited the Brooks Farm as being part of our history; in spite of whether the buildings are historic or not, the farm has been in operation for over 50 years and should be preserved and protected.

Linda Albelli, 353 High Street, referred to two family homes noted in the Council Reports and Councilwoman Amitai answered that these homes would be going before the Zoning Board of Adjustment and Councilman Dolson said that same are scheduled for committee hearings and subsequently Board hearings to determine legality. Mrs. Albelli referenced her parents' home in Closter, which was purchased in 1959 as a two-family home and taxed as such. Mayor Heymann said that purchasing a two-family home does not make it a two-family home, but if it is on our records as a two-family home or it can be proved that it existed prior to 1940, it would be a legal two-family home. Borough Attorney said that if a question arose, it must be proven through Borough records that it was in use prior to the adoption of the zoning code.

Linda Albelli questioned if the snack stand at Memorial Park is still being leased out; and if the snack stand

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at Ruckman Park would also be leased. Borough Administrator said he had no knowledge of a lease but he would make inquiries. Councilman Glidden said it is possible to hire a vendor but he had no knowledge of a lease. Ms. Albelli referred to the Potterton Memorial and questioned who made the donations for same and would they be recognized in the future. Mayor Heymann answered that they probably would be recognized in the future. She said that Tony Lupardi did the design and provided all of the materials and stone and installed same in a two week period.

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

Motion was made by Councilman Glidden, seconded by Councilman Kashwick to adjourn the Work Session at 8:48 p.m. and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on October 7, 2010 for approval
at the Regular Meeting to be held
October 13, 2010.

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 October 13, 2010
Consent Agenda Item No. 21b.