

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – FEBRUARY 9, 2011 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, February 9, 2011. Mayor Heymann called the meeting to order at 8:57 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 Record and published on January 9, 2011 and to the Press Journal and published on January 13, 2011, 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

Those present were the following:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Alissa Latner, 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
Chief of Police, David Berrian

Also present in the audience were:

Property Maintenance Officer, James Whitney

4. PROCLAMATION DECLARING MARCH 2, 2011 AS "READ ACROSS AMERICA DAY"
(1a. M.L. 1/20/11)

Mayor Heymann read and so declared.

5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda Items minus Item Nos. 6, 7, 8, 12 and 17c. 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.

6. ~~INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING 3/9/11 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD: ORDINANCE NO. 2011:1087, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 18 OF THE CODE OF THE BOROUGH OF CLOSTER"~~
(Received from Borough Attorney 2/1/11)

RESOLUTIONS

7. ~~BILL RESOLUTION – FEBRUARY 15, 2011
TO BE PREPARED BY DEPUTY TREASURER~~

8. ~~POSSIBLE APPOINTMENT(S) OF SALARIED EMPLOYEES (NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/11; Adjourned from RM 1/12/11; 1/26/11):
RESOLUTION(S) TO BE PREPARED BY ADMINISTRATOR~~

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
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DEPUTY COURT

ADMINISTRATOR	Ruth F. Murphy, C.M.C.A.		1 Year	12/31/11
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9. APPOINTMENTS OF THE FOLLOWING SALARIED EMPLOYEES MADE AT

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THE REORGANIZATION MEETING HELD 1/4/11 (Which have not been accepted at time of preparation of this Agenda) TO BE PREPARED BY ADMINISTRATOR

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
DESK DISPATCHER			
FULL TIME	<u>Christopher Osenbruck</u>	Undetermined	
FULL TIME	<u>Cindy Saidel</u>	term not	
FULL TIME	<u>Maria Deegan</u>	to exceed	
FULL TIME	<u>Kathleen Goldrick</u>	1 Year	
DESK DISPATCHER			
PART TIME	<u>Charles X. Anders, IX</u>	Undetermined	
PART TIME	<u>Bryan Mone</u>	term not	
PART TIME	<u>Joseph DeSena</u>	to exceed	
PART TIME	<u>Christopher Elarde</u>	1 Year	
PART TIME	<u>Daniel Hargrave</u>		
PART TIME	<u>Michael Lafrano</u>		
PART TIME	<u>Neal Richards</u>		
PART TIME	<u>Justin Krapels</u>		
FIRE PREVENTION			
Inspector/Secretary	<u>Mark Meyers</u>	1 Year	12/31/11
Inspector/Secretary	<u>Alphonso Young, Jr.</u>	1 Year	12/31/11
Inspector/Secretary	<u>Michael Hunken</u>	1 Year	12/31/11
Inspector/Secretary	<u>Brian Pierro</u>	1 Year	12/31/11
POLICE MATRON	<u>Kathleen Goldrick</u>	1 Year	12/31/11
POLICE MATRON	<u>Cindy Saidel</u>	1 Year	12/31/11
POLICE MATRON	<u>Maria Deegan</u>	1 Year	12/31/11

10. RESOLUTION AUTHORIZING EXECUTION OF GRANT DOCUMENTS WITH THE NEW JERSEY OFFICE OF HOMELAND SECURITY AND PREPAREDNESS (\$24,608 – FY 2009 Buffer Zone Protection Program/to support target hardening of the Oradell Dam) (Received from Administrator 2/2/11)

In response to Mr. Kashwick’s inquiry, Borough Administrator explained that target hardening is the concept where you take a potential terrorist target and make it more difficult to attack. We are receiving funds because a portion of the perimeter of the dam is in Closter.

At this time, Mayor Heymann advised that unofficially United Water has relaxed its statement on access to the Cross Closter Trail and would allow the gate to be opened during the Spring, Summer and Autumn months.

11. RESOLUTION AUTHORIZING ASSIGNMENT OF AVAILABLE FUNDING FROM THE 2011 NEW JERSEY CLEAN ENERGY PROGRAM & ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT TO THE CLOSTER BOARD OF EDUCATION (\$125,000 funding/\$50,000 utilized by Borough) (Received from Administrator 2/2/11)
- ~~12.~~ RESOLUTION AUTHORIZING THE MAYOR TO SIGN CROWN CASTLE LEASE AMENDMENT (allowing placement of pad and cabinet within existing lease area of cell tower site) (Received from Administrator 2/2/11)
13. RESOLUTION AUTHORIZING A (2010) LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CONTRIBUTION ON BEHALF OF THE CLOSTER VOLUNTEER FIRE DEPARTMENT (44 MEMBERS) (Received from Administrator 2/3/11)
14. RESOLUTION AUTHORIZING RELEASE OF DEVELOPER’S (CASH) MAINTENANCE BOND IN THE AMOUNT OF \$12,340.02 FOR ROBERT ROSEN, T/A EAST HILL CONSTRUCTION FOR IMPROVEMENTS AT BLOCK 1905, LOTS 1 AND 2, 275 PIERMONT ROAD (Received from Administrator 2/3/11)
15. RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS RECEIVED FROM BOSWELL MC CLAVE ENGINEERING FOR THE PROJECT KNOWN AS 2010 CDBG BARRIER FREE SIDEWALK RAMP PROJECT (Received from Administrator 2/3/11)
16. RESOLUTION AUTHORIZING BOSWELL MC CLAVE ENGINEERING TO BID THE PROJECT

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FOR 2010 CDBG BARRIER FREE SIDEWALK RAMPS (\$50,000 GRANT) (Received from Administrator 2/3/11)

- 16a. RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AGREEMENT WITH VALLEY HEALTH MEDICAL GROUP, 15 ESSEX ROAD, STE 504, PARAMUS, NJ 07652, FOR PROFESSIONAL DRUG AND ALCOHOL TESTING SERVICES FOR 2011, IN ACCORDANCE WITH N.J.S.A. 40A:11-1 ET. SEQ., FOR A TOTAL AMOUNT NOT TO EXCEED \$2,000.00 (Received from Administrator 2/7/11)
- 16b. RESOLUTION AMENDING TEMPORARY BUDGET APPROPRIATIONS FOR 2011 (Received from Administrator 2/8/11)
- 16c. RESOLUTION SUPPORTING THE PETITION FILED BY HACKENSACK UNIVERSITY MEDICAL CENTER REQUESTING THE NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES CALL FOR THE APPLICATION OF A CERTIFICATE OF NEED ESTABLISHING A NEW ACUTE CARE HOSPITAL IN WESTWOOD

MOTIONS

- 17. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed via e-mail on 2/4/11) ABSTENTION: AMITAI
 - a. REGULAR MEETING OF JANUARY 26, 2011
 - b. WORK SESSION OF JANUARY 26, 2011

~~17e.~~ MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/11; ADJOURNED FROM RM 1/12/11; 1/26/11):

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
IMPROVEMENT COMMISSION				
Member	<u>Vacant</u>	_____	2 Years	12/31/12
Alternate No. 1	<u>Pontrelli</u>	_____	2 Year unexpired (Pereira) to	12/31/11
Alternate No. 2	<u>Jeanette DiCarlo</u>	_____	2 Years	12/31/12

18. MOTION APPROVING RAFFLES APPLICATION FOR ST. MARY R.C. CHURCH TO CONDUCT OFF-PREMISE DRAW RAFFLE ON SATURDAY, 4/16/11, AT THE SCHOOL BUILDING, 300 HIGH STREET, CLOSTER, NJ 07624; DRAWING TO BE HELD: 7:00 P.M. (Completed Application filed and appropriate fees paid 1/31/11)

19. MOTION APPROVING RAFFLES APPLICATION FOR MEN’S CLUB OF TEMPLE EMANU-EL TO CONDUCT ON-PREMISE CASINO NIGHT ON THURSDAY, 3/24/11, AT 180 PIERMONT ROAD, FROM 7:45 P.M. TO 11:30 P.M. (Completed application filed and appropriate fees paid 2/1/11)

19a. MOTION GRANTING APPROVAL FOR CLOSTER ELKS #2304, 148 RAILROAD AVENUE, CLOSTER, NJ 07624, TO CONDUCT INSTANT RAFFLES AT 48 RAILROAD AVENUE FROM 3/1/11 TO 3/1/12 AS FOLLOWS: EVERY MONDAY THROUGH FRIDAY FROM 3 P.M. TO 12 A.M.; EVERY SATURDAY FROM 12 A.M. TO 2 A.M. AND 12 P.M. TO 12 A.M.; EVERY SUNDAY FROM 12 A.M. TO 2 A.M. AND 12 P.M. TO 10 P.M. (Completed Application filed and appropriate fees paid 2/7/11)

20. ACCEPTANCE OF THE FOLLOWING REPORTS:

- a. CONSTRUCTION OFFICIAL – JANUARY 2011 (Received 2/7/11)
- b. FIRE CHIEF – JANUARY 2011 (Received 2/7/11)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

21. 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. No one wished to be heard.

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

Motion approving the following Closed Session Resolution at 9:10 p.m. was made by Councilman Kashwick, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai:

- 22a. 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 “A matter falling within the attorney client privilege; and N.J.S.A. 10:4-12(b)(8), “A matter involving public employees”; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the matters which should be within 8 - 12 weeks.”

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

23. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:50 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
February 17, 2011 for approval at the
Regular Meeting to be held
February 23, 2011

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held February 23, 2011
Consent Agenda Item No. 15a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – FEBRUARY 9, 2011 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, February 9, 2011. 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 Record for publication on January 9, 2011 and The Press Journal for publication on January 13, 2011, posted on the Municipal Clerk's bulletin board and has remained 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 (7:47 p.m.),
Arthur Dolson and Victoria Amitai

Borough Administrator, Quentin Wiest

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF JANUARY 27, 2011 – 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. 2 and 4 were removed by Councilman Kashwick; Item Nos. 9 and 13 were removed by the Borough Clerk.

Item No. 2: Received 01/20/11, dated 01/20/11 from Karen Hughes, Borough Clerk, Borough of Westwood to Mayor John Dean DeRienzo, Borough of Haworth, c: Pascack Valley Clerks re Resolution Supporting the Petition filed by Hackensack University Medical Center requesting the New Jersey Department of Health and Senior Services call for the Application of a Certificate of Need Establishing a New Acute Care Hospital in Westwood

Item No. 4: Received 01/20/11, dated 01/18/11 from Carol Dray, Borough Clerk to Municipal Clerk re Resolution Supporting the Petition filed by Hackensack University Medical Center requesting the New Jersey Department of Health and Senior Services call for the Application of a Certificate of Need Establishing a New Acute Care Hospital in Westwood

Councilman Kashwick questioned if anyone on the Council had desire to pass this Resolution. Mayor Heymann informed that she was going to discuss same later on as she has a

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corrected version to introduce in the Regular Meeting.

Item No. 9: Received 01/25/11, dated 01/24/11 from Kim Guadagno, Lt. Governor/Secretary of State, to County Clerks and Municipal Clerks re 2011 Campaign Contribution Notice, indicating that: “No holder of a public office or position shall demand payment or contribution from another holder of a public office or position for the campaign purposes for any candidate or for the use of any political party.” (Copy to Administrator for distribution to all Borough employees)

Borough Clerk reported that she provided a copy to the Borough Administrator to distribute the notice to all Borough employees, which is customarily attached to the paychecks. Borough Administrator affirmed he was going to place it on the Department Head Meeting Agenda and will follow through on same.

Item No. 13: Received 01/27/11, dated 01/26/11 from Wanda A. Worner, Borough Clerk, Borough of Northvale, to Loretta Castano re Accepting invitation to demonstrate the Borough of Northvale’s paperless meetings on 2/23/11, weather permitting.

Borough Clerk informed that this letter is acknowledging acceptance of the Mayor and Council’s invitation for Ms. Worner to perform her demonstration and requested that it be scheduled at the earliest time possible at the 2/23/11 Work Session, weather permitting. No objections were voiced.

b. MAIL LIST OF FEBRUARY 3, 2011 – 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. 2 was removed by Councilman Kashwick; Item No. 1 was removed by Steve Isaacson.

Item No. 2: Received 01/28/11, dated 01/28/11 from Arthur N. Chagaris, Beattie Padovano, LLC, to Edward T. Rogan, Esq., c: Mayor Heymann; John Lignos, Planning Bd. Chair, Closter Planning Board re Request for Proposals from a Professional Planner to Review and to Clarify Certain Language of the Master Plan of the Borough of Closter (Copy to Planning Board)

Councilman Kashwick questioned if this request differed from the Planner they appointed in the beginning of the year. Mayor Heymann affirmed it was for a different type of Planner but noted this needs to be put on hold as she received a corrected letter from Mr. Chagaris today that is not part of this Agenda. The Mayor voiced her understanding that at this point the letter should really go to the Borough Attorney rather than the Planning Board and rather than the Council to do the RFP for the Planning Board. She explained that this is an RFP for various tasks that are not part of the routine planning responsibilities and that our current Planner appointed at the Reorganization Meeting as well as any other Planner may respond to the RFP, which should be formulated in time for the next meeting. Councilwoman Amitai informed that this was provided to Arthur Chagaris weeks ago to prepare the RFP and then provide it to us for review. Mayor Heymann affirmed same and noted he only did it recently; and she has a correction which he made, but she is not comfortable with it. Mayor Heymann voiced her opinion that this needs to be further discussed. In response to Mr. Kashwick, the Mayor expressed her understanding that the Planning Board was very clear about what they wanted but in the translation to the RFP there seems to be some confusion. The Borough Attorney informed he has not seen the new letter and is only looking at it for the first time; Mayor Heymann explained it is the one she just brought with her, as Mr. Chagaris only sent it at 4:30 this afternoon because she has been after him for it.

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Item No. 1: Received 01/28/11, dated 01/25/11 from Carlene Rigsby, Verizon Franchise Services, to Borough Clerk re Verizon's Annual Remittance Statement Franchise Fee for 2010 - check received 1/28/11; hand delivered to Administrator 1/28/11

Steve Isaacson, 97 Columbus Avenue, questioned for his own personal knowledge, who was winning the race in Closter; how much money has been collected by Verizon FiOs and how much by Cablevision. He also reminded that they are not giving the town money each month from what they collect – it is another tax.

Mayor Heymann explained as follows: “as you know, the State, under various administrations, has taken money that was earmarked for municipalities and taken it to fill holes in the State budget; and I always thought that was unconstitutional – how can they do that? However, I learned today that if it's only statutory without specifically indicating it as constitutional, the State can legally take the money that's earmarked for the municipalities; so we don't have a leg to stand on and they're doing it – it's not Verizon and Cablevision only, it's all the utilities and it's other funds that have been earmarked for the municipalities”...

Mr. Isaacson asked for clarification that we will not be getting the franchise fee; that it's getting transferred to the State; and Mayor Heymann affirmed same. The Borough Administrator informed that both Cablevision and Verizon have paid us for the year because they come in January every year; and he believes that Cablevision gives us twice as much money as Verizon, so that is probably a good indicator of who does more business. Mr. Isaacson voiced his understanding that at one time, it was all one lump sum coming in from Cablevision, but then Verizon entered the picture; so he thinks it's about the same amount year to year but now it's being divided between two players. Mayor Heymann expressed to the Borough Administrator that this was actually bad news, because it turns out under newly interpreted regulations, if Verizon doesn't cover a minimum of 50% of the lines in Closter, they are no longer obligated to pay Closter taxes; and they happen to have real estate in Closter from which we may lose the proceeds.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of February 9, 2011)

Mayor Heymann asked if any member of the Council or public wished to discuss any item(s) on the Consent Agenda and invited comments at this time. Item Nos. 16a, 16b and 11 were removed by the Borough Administrator; Item No. 6 was removed by Councilman Kashwick.

RESOLUTIONS

- 16a. RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AGREEMENT WITH VALLEY HEALTH MEDICAL GROUP, 15 ESSEX ROAD, STE 504, PARAMUS, NJ 07652, FOR PROFESSIONAL DRUG AND ALCOHOL TESTING SERVICES FOR 2011, IN ACCORDANCE WITH N.J.S.A. 40A:11-1 ET. SEQ., FOR A TOTAL AMOUNT NOT TO EXCEED \$2,000.00 (Received from Administrator 2/7/11)

Borough Administrator advised that this resolution refers to an annual requirement to execute an agreement with Valley Health Medical Group to provide drug and alcohol testing for the year 2011. In the future this resolution would appear on the Reorganization Day Agenda.

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- 16b. RESOLUTION AMENDING TEMPORARY BUDGET APPROPRIATIONS FOR 2011
(Received from Administrator 2/8/11)

Borough Administrator advised that the resolution is a correction to the Temporary Budget to provide for an interest only payment on the Municipal Bond Sale purchase that took place last Spring. The payment is due on February 15, 2011.

11. RESOLUTION AUTHORIZING ASSIGNMENT OF AVAILABLE FUNDING FROM THE 2011 NEW JERSEY CLEAN ENERGY PROGRAM & ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT TO THE CLOSTER BOARD OF EDUCATION (\$125,000 funding/\$50,000 utilized by Borough) (Received from Administrator 2/2/11)

Borough Administrator explained that the Borough participates in the Direct Install Program that provided lighting in the Borough Hall, Department of Public Works and the Fire Department; and through that program \$50,000 was used for these electrical upgrades. More money is available this year in the amount of 60% through the Direct Install Program; and the remainder would be available through Energy Efficient Block Grants. Because most of the work in our buildings is complete, the upgrades are limited and the Borough can assign our monies to the Board of Education. The consultants reviewed the two Borough schools and determined that a fair amount of work could be accomplished, but Mayor and Council approval is required to assign the funds.

Councilman Barad entered the meeting at this time.

6. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING 3/9/11 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2011:1087, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 18 OF THE CODE OF THE BOROUGH OF CLOSTER”
(Received from Borough Attorney 2/1/11)

Councilman Kashwick said he believed the Borough Attorney had some issues with it. Mr. Rogan said there is a policy change as to where the nominations come from - the Mayor and Council or the intended Board. It is a philosophical matter whether it should come from an outside source. The Mayor and Council does not have to abide by it; but it allows for nominations to be made by other boards rather than the Mayor and Council itself. This ordinance eliminates the opportunity to obtain nominations from other entities. Councilman Barad said there has been a problem in implementation and obtaining nominations from other entities. He suggested that the wording be revised to obtain nominations from other entities and authorizing the Mayor and Council to make nominations if other nominations are not forthcoming in order to keep the Board of Ethics full. Borough Attorney said that the creation of a new deadline for receipt of nominations could be included.

Mayor Heymann advised that the Board had their first meeting of the year last evening with a full complement of members. In response to the Borough Attorney’s inquiry, Dr. Barad agreed that this item should be held and amended; and Mr. Rogan advised he would provide the

governing body with something within the week.

At this time, Borough Clerk said that if members have experience on other Boards, they have a better understanding of the duties that are required. The learning curve for a new member without this understanding takes a long time. This is an important Board; and with the right people, the Board would run smoothly. Mayor Heymann informed that the Ordinance does say that the members of the Board should be familiar with the Borough.

Ms. Castano also noted that the person providing the Financial Disclosure Statements, according to the Local Finance Board, is the Secretary to the Ethics Board not the Borough Clerk. Ordinance No. 2011:1087 was removed from the Consent Agenda.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE CONTRACTS: The Borough Attorney reported that all of the Professional Services contracts have been prepared and sent out; and we have received almost all of them back already.

a. BOROUGH ADMINISTRATOR (RM 5/13/09) – Mr. Rogan reported that he spoke with Mr. Wiest; and they are waiting for one approval in terms of a retro issue on the pension clause, which he thinks should be resolved by the next meeting.

b. MAC BAIN FARM AGREEMENT – The Borough Attorney reported that there is still an issue, which he doesn't feel has anything to do with the contract; but apparently Mr. McCaffrey feels he is due money for items he hasn't submitted invoices for from the past contract. This has nothing to do with what we are doing going forward, but for whatever reason, he has not answered. Mr. Rogan sent a letter to his attorney, Richard Abrahamsen, about a week and a half ago explaining his position that one has nothing to do with the other; and if Mr. McCaffrey has an invoice, to submit it because the Environmental Commission indicated they would consider it. At this point we are awaiting both of those things; but as far as he is concerned, after meeting with Mr. McCaffrey, he feels all other issues have been resolved.

2) REPORT RE PREPARATION OF SPECIFICATIONS FOR ADVERTISEMENT OF BIDS FOR SANITATION/TRASH COLLECTION (RM 1/26/11) – The Borough Attorney reported that the specifications have been prepared and they are awaiting some supplementary documentation with some updated numbers. The Borough Administrator informed he just received the tonnage numbers from 2010 so that will be included in the documentation. They are doing one final review and will then forward it to counsel for review.

3) REPORT – The Borough Attorney informed there are a few Closed Session items regarding potential litigation, one involving a matter of public employees and one under attorney/client privilege.

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 – The Borough Engineer informed that they probably saw in the e-mails circulated today that the State is still in the process of reviewing that application. They are talking about doing test pits; and they can't do it because it's winter; it's nonsensical at this point. Mayor Heymann informed that when she was walking for her campaign, a lot of residents questioned when we would be getting our sidewalks.

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

Mr. DeNicola noted that one resident, Leon – whose last name he cannot remember, has been

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calling at least every two months asking where they are. This project is there; it just has to be reviewed by the State.

2) REPORT RE NJDOT 2011 MUNICIPAL AID PROGRAM – HERBERT AVENUE – SECTION 4 (\$150,000 awarded 1/26/11) 11. M.L. 2/3/11 – Mr.

DeNicola wished to bring a few items to the Council’s attention: We paved Herbert Avenue 1½ years ago up around the curve of Blanch (Avenue) where it turns into Herbert Avenue; the grant won’t get us the entire length of Herbert Avenue done from that point all the way to Main Street. He suggested since we started at the northern end, we should start from there and work our way south. We have more residential up there – down here, the first block from Main Street is Paulette’s Beauty Supply, who is going to reconstruct their parking lot anyway. We don’t want to pave the road then have them haul in stone and debris, which is another reason he would like to start at the other end. Likewise, it is also an issue that this is the Borough’s truck route. He received a call from a resident who was concerned about the cracking and water main breaks in the road. He explained to her that is a very heavily used truck route; and along those lines, he feels we should spend more money on the pavement rather than the curbs because the pavement really seems to be what is bothering people the most. With the consensus of the Council we could skip the curbs; they aren’t new or old; they’re in decent condition. The problem with replacing the curbs is that if we put a full height curb in at 3 inches, there is blocked water that is going to cause drainage problems on people’s lawns because it is a relatively flat area. His suggestion is to forego the curbs and do the construction of the road. In regards to the water main breaks, Mayor Heymann questioned if he could deal with the water company; and he informed he has already done so for water and gas and is waiting for a response from both in the next couple of months. The water company already called back and notified him they could not make a decision just yet; and the gas company always does thorough checks before construction of roads; so if there are any issues, they will be addressed before commencing construction.

3) REPORT – The Borough Engineer reported on the following:

a. Bathrooms at Mollicone - Mr. DeNicola reminded that we had prepared bid specs for this some time last year; and the Borough has been weighing its options whether to have a contractor bid the job or to have volunteer personnel perform the work. At this time, he questioned whether there was any direction on that. Mayor Heymann voiced her opinion that the Building Committee and Recreation Commission should discuss this. She thinks maybe they can weigh the pros and cons and see what volunteer work, if any we would get to make it a more effective building project.

b. Complaints re Hickory Lane - Ms. Rothschild called in a complaint about the damage from the winter; there has been a lot of freezing and thawing in the roadway. Mr. DeNicola noted that Hickory is rather narrow; and Mayor Heymann explained that Billy (Dahle, DPW Supt.) took care of it today. The Borough Engineer explained that there are some people who want to improve the road, but their fear is that if they do, more people will come down the street and speed; and on the other hand, they want it improved because it is in horrid condition. Mayor Heymann informed that she had spoken to at least 3 families this week; one family couldn’t care less and the other two families want it improved.

c. Handicapped Ramps – There is an issue with detectable warning surfaces for this job that we will be putting out to bid in the near future. The County contacted the State Historic Preservation Office relative to the colorization of the detectable warning surfaces of the truncated

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

domes at the corners you see; apparently they don’t feel that Safety Red is a good color. After

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some discussion, they had decided it was best if the Borough's Historic Preservation Commission made the decision. Irene Stella advised that Colonial Red would be preferable. Mayor Heymann questioned if the Borough Engineer noted at the end of Irene's report she states that the ones in the real Historic District are in place anyway; and he affirmed same. He explained that most of the wards completed in the Historic District were done by the County as part of the Harrington Road Resurfacing Project; so it wasn't even the Borough's decision.

Mayor Heymann informed that it turns out the large historic district the Historic Preservation Commission wanted us to approve about 4 years ago was rejected because of the numerous resident complaints; it never made it to the Council. The State apparently received a communication from the HPC as this was going on and the State has it listed as an historic district, even though it is not listed as such in the Borough; and that's how the issue of the color came about. Mr. DeNicola explained that after 3 or 4 years of this going on and the County doing the resurfacing and putting the ramps in, now they are saying the Borough can't do it.

Mrs. Amitai voiced her opinion that this could be something for the RFP for the Planner. The Mayor explained that in terms of declaring that a historic district, the first try the HPC did on this was really knocked down; so they took the smaller West Street District and got unanimous approval that time. Now may be the time to go back to the original plan seeing as how the State thinks we already approved it; but she doesn't see how it's in the purview of the Planner. In response to Dr. Barad, the Borough Engineer explained that this is a gray area – the State knows it's out there, but it isn't a formal designation. Mayor Heymann reiterated her point that it is on the State's list; and any road building or amelioration means that the State has the right to reserve its opinion on that; and it's really protection for us. Dr. Barad questioned if this was officially listed as historic as far as the State is concerned; Mayor Heymann affirmed it was and Mr. DeNicola voiced his understanding that it is just a designation, not an official listing on the historic register from what T. Robins Brown was saying. In response to Mayor Heymann he stated he thinks it is a legal difference. Dr. Barad asked the Borough Attorney to look into the matter and see what it actually is. The Borough Engineer suggested having the HPC get some more data from the State to see what actually transpired; and Dr. Barad suggested having the matter determined legally first and then we can take the steps to see how it got there.

At this time, Dr. Barad reminded that there was some discussion in the Summer about streams and trees and asked to be reminded what the outcome was. Mr. DeNicola explained that last Spring they had visited the sight on O'Shaughnessy which is better known as Anderson Brook; nothing really came of it. They had submitted a proposal to the property owner and have not heard back yet. In answer to Dr. Barad, he affirmed the ball is in the Borough's court because the property owner is waiting to see if the Borough is going to do it or if he has to do it; or if he needs to file a lawsuit. There is really no communication right now with the property owner; and if you want to be pro-active, it would be a matter of contacting him and letting him know what the Borough's position is because at this point he is uninformed.

Mr. Wiest explained that they had provided funding for initial engineering developments of a couple of sites in the 2010 Bond Ordinance; it has been set aside so we can use it. Dr. Barad questioned what the Council thought about the issue - whether we should leave it for now. Mr. DeNicola questioned what the legal position was because once we do something for one person,

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

everybody will come knocking on the door saying since we did the one thing, they need something

at their property too. Mayor Heymann informed that she must have been thinking about the issue because just today she wrote a letter to Cindy, who is the aide to the Governor dealing with the DEP. She explained that her reasoning was that under certain circumstances the DEP is now willing to consider waivers for some of their rules and regulations; so she wrote the letter explaining the situation and saying very clearly that we can't afford the permitting and engineering fee and cost of the repair according to their regulations; and that in effect, since we cannot do anything about it since we cannot afford it, we are at risk of much greater expenses down the line if we were ever sued for losing the land, or if somebody got hit by a tree that was almost uprooted because the bank can't hold the roots anymore. She asked Cindy to intervene for us with the DEP and the Governor to see if we can get a waiver. She noted that she is not holding out any great deal of hope but she is certainly letting them know we have this problem.

Councilwoman Latner questioned if there was any way to let homeowners know we are aware of the issue and, at least, taking this step; and the Mayor explained she did not want to get anybody's hopes up. Dr. Barad voiced his opinion that it is a good idea to let people know we are aware of it and we haven't forgotten; we've spoken about it again. Mayor Heymann informed she would send everyone a copy of the letter tomorrow and they could then decide whether they think it should go further.

Mr. DeNicola raised the question whether the Council felt it should or should not be a Borough issue or do they want a legal opinion first. The Borough Attorney voiced his opinion that if it is a Borough issue, we need to be very clear engineering-wise how that differs from a dozen other situations, meaning that are there things that occurred either over time or through Borough ownership of the property; or acts by the Borough that led to this problem. Mr. DeNicola explained that it is simply a natural migration of streams. Dr. Barad explained his position that he doesn't necessarily feel they should affirmatively correct this, but they should at least make their position known so the property owners can act and fix it themselves if they so desire. Mrs. Latner added that the owner could come in here after the first bad rain storm; and at least, we can say what actions were taken over the Winter; and it doesn't look like we've been forgetting it all this time. Dr. Barad said if the Mayor is successful in getting some allowances from the DEP, it could even make it less for the home owner to fix it; and we can help them understand the guidelines and what to do; so there are a variety of ways to go that protect people's property without necessarily encumbering every stream.

7. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS REPORT RE NEW BOROUGH WEB SITE – Mr. Wiest reported that one thing he would like to do in 2011 is utilize our website more to post bids and quotes that we are going out for this year. He will try to put before them more authorizations before the Council for the various quotes we go for every year and list them on there. Regarding upcoming bids, although we still have to publish the legal ads, there is no reason they can't also be posted on the web site at the same time.

2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S):

a. George Washington Bridge Challenge to be held 6/12/11 (7. M.L. 11/24/10)

Mr. Wiest reported he was informed by the Borough Clerk that the Hold Harmless Agreement has been received and forwarded to the Risk Management Consultant for approval.

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

3) STATUS REPORT RE COORDINATION OF ADVERTISEMENT OF BIDS

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FOR VARIOUS EQUIPMENT AND IMPROVEMENTS (RMA 10/13/10) - Mr. Wiest reported that he had spoken with the Borough Engineer regarding upcoming bids; and they have set a bid date of 3/3/11 for Herbert Avenue. We also have a remaining bid for a piece of DPW equipment that he is going to try to schedule for the same day at a slightly different time.

4) STATUS REPORT RE PURSUIT OF “FAIR AND OPEN” PROCESS IN AWARDING CONTRACTS FOR FIREHOUSE ROOF REPLACEMENT AND COMMUNICATIONS EQUIPMENT FOR THE FIRE DEPARTMENT TO BE AWARDED IN THE BOROUGH OF CLOSTER (RMA 11/8/10) – The Borough Administrator reported that he provided the spec he has to Kevin Whitney, who is reviewing; and he is awaiting his comments because he is familiar with some things that pertained to the roof. His comments should result in that spec being wrapped up and put out to bid.

5) REPORT RE STATUS OF FOLLOWING BID OPENINGS TO BE HELD 2/11/11 FOR THE FOLLOWING DPW EQUIPMENT (RM 1/26/11/published in The Record issue of 1/28/11): Mr. Wiest reminded that we have two bid openings scheduled for tomorrow for two pieces of DPW equipment that were approved in the 4th quarter of last year.

- a. 10 a.m. - ONE VERMEER MODEL 1800XL BRUSH CHIPPER OR EQUAL
- b. 10:30 a.m. - 2011 JD 624K WHEEL LOADER OR APPROVED EQUAL

Councilman Glidden recalled the discussion where it was agreed to place a link to the Chamber of Commerce web site on ours; and questioned if it had been placed. Mr. Wiest informed he would look into that.

At this time, Councilman Barad referred to Consent Agenda Item No. 12:

12. RESOLUTION AUTHORIZING THE MAYOR TO SIGN CROWN CASTLE LEASE AMENDMENT (allowing placement of pad and cabinet within existing lease area of cell tower site) (Received from Administrator 2/2/11)

Dr. Barad informed they would be having a phone conference this Friday or next Monday with Crown Castle. The Borough Administrator questioned if Dr. Barad wished to hold this item until a later date and he affirmed same.

Mr. DeNicola asked the Borough Administrator if he wished to place the bids for the ADA/CDBG Grant Projects on the website or hold off until they were more perfected. Mr. Wiest responded that whenever we are ready to advertise these, we will run a legal ad but also place them on the website. He informed that once we prepare the bid specs for the legal ad we would post the notice. The bidders would still have to come in and pick up the specs.

The Borough Attorney asked for clarification that Dr. Barad wished to hold item No. 12 until the next meeting on 2/23/11 and he affirmed same.

7. REPORTS (Continued)

B. BOROUGH CLERK

- 1) STATUS REPORT RE 2011 APPOINTMENTS – The Borough Clerk reported

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that appointments are current with salaried employees with appointments not yet accepted by return of their Oath of Office being carried on the Agenda; we have a lot of them on the Agenda and they are being paid. Regarding volunteer positions, a memo was sent to the appropriate liaisons on 2/4/11 for follow through and she thanked the Council for their assistance.

2) REPORT RE 2011 OATHS OF OFFICE – Ms. Castano was pleased to report the numbers for this year are much better than last year and corrected the last approximation with the solid statistics as follows: 141 Appointments were made at the Reorganization Meeting; to date 109 Oaths have been received with only 35 outstanding. In response to Mayor Heymann and Dr. Barad, Ms. Castano explained that the outstanding number includes those salaried employees who have not accepted their appointment; and the positions for Boards and Commissions will be listed on the next Regular Meeting Agenda. Dr. Barad suggested putting a notice in the paychecks for the salaried employees to remind them they need to complete the form.

3) STATUS REPORT RE 2011 LICENSES – Ms. Castano reported that of the 7 notices sent out on 11/15/10 to the licensees, payments have been received from 6 and licenses have been issued. She informed that letters were sent to the 2 establishments that had live entertainment; and response with payment was received from one; and as of today has not received a response from the last notifying either they no longer have live entertainment/or submitting a check. Therefore, she will ask the Chief to follow up on same.

4) REPORT RE 2011 MEETING DATES – Ms. Castano reported that 2011 meeting dates are current.

5) REPORT RE IMPLEMENTATION OF CITIZEN SERVICE ACT (LOCAL FINANCE NOTICE -LFN 2009-24, 11/12/09) – The Borough Clerk reported that this year is working much better than last year with Arlene's (Corvelli, Assistant to Borough Clerk) suggestion to use two different colored Oaths of Office to differentiate the Mayor and Council Oaths from the Board Oaths. We are doing very well; and as of today we have 40 Board Oaths received with only 10 outstanding; so we are making great progress.

6) REPORT RE FINANCIAL DISCLOSURE STATEMENTS – Ms. Castano reported that 33 Financial Disclosure Statement notices were sent to newly appointed/elected and reappointed members of Boards and Commissions who were required to file within 30 days of appointment; to date, 30 have been returned. We have another group of 75 appointees whose FDS are due by 4/30/11; to date, 53 have already been received. In response to Mayor Heymann, Ms. Castano voiced her opinion that there are Chairpersons who are enthusiastic and have urged their members to fill them out. The Board of Ethics met on Tuesday, 2/8/11 @ 8:30 p.m. and Ms. Castano provided them (left in the P.D.) with 53 FDS for their review and approval. Today, we received response that 38 were approved; and 11 needed to be completed or corrected. She informed that most of the reasons were either "none" was not indicated where necessary, or sources of income were not listed. Ms. Castano reported that when Mr. Reinecke brought the returns to her this afternoon, question arose as to who was going to send out the information to those people who had not answered appropriately or left information out. She informed him that last year she did it to help the Board because they were having a lot of difficulty. At this point, she requested the Borough Attorney's advice on who the responsible party for same would be: the Borough Clerk or the Board of Ethics. Mr. Rogan advised that a committee of the Board reviews the FDS and determines what needs to be corrected or sent back; but he does not think a volunteer committee is in a position administratively to have stamps, envelopes and a computer. He feels it

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

is a little burdensome for a volunteer committee to do. He explained that they should meet, review

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the forms, decide what's missing and who needs to be contacted; but he thinks the assistance needs to come from the Borough Clerk's office. In response to Ms. Castano's comment regarding past precedent, the Borough Attorney responded in the negative. Ms. Castano explained that when Mr. Reinecke came, he had told her that perhaps it "would have more clout" if it said "Board of Ethics" on it instead of her name. She agreed to assist the Board in corresponding. Mr. Rogan noted that they run the risk, depending upon who the Chairperson is, that it may or may not get done; records may or may not be saved and, as a practical matter, it makes sense.

7) REPORT – The Borough Clerk reported on the following:

a. Ms. Castano reported having attempted to attend The Bergen County Clerk's Election Meeting this morning at One Bergen County Plaza in Hackensack to receive all the election paperwork; but she was unable to get into the building due to problems in the parking lot and parking garage. When Ms. Castano called the Superintendent of Elections office upon her return to Borough Hall, she was informed that even if she had been able to get into the parking lot, there would have been no place to park because they blocked off the entire top part of the parking garage. She informed that she will attempt to go to the County next week to pick it up because when she offered to go down on Friday (2/11/11) she was informed it was a County holiday.

Ms. Castano reminded that the School Election is to be held Wednesday, 4/27/11, from 2 to 9 P.M.; and the Mayor and Council Meeting is scheduled to be held Tuesday, 4/26/11.

b. CODIFICATION – We received Supplement No. 17, hard copies have been distributed to those who have Code books; the Borough Code has been updated and is on our Web site. Ms. Castano suggested that a good way to check which ordinances have been codified is to go to the end of the Code and check the "Disposition List" which shows the codification status of all Borough ordinances. Currently we are up to Ordinance No. 2010:1081. Our office will be sending another 5 Ordinances that have not been codified for placement on the website in the category of "Legislation not yet codified".

C. CHIEF OF POLICE

1) REPORT – Chief Berrian informed he had no report this evening.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

a. FILED

1. Reported by Mayor at Work Session held 12/9/09 as follows:

A) DEP Greenhouse Grant Reduction (pre-application)

B) 2011 NJDOT LOCAL AID FOR HERBERT AVENUE (WS 6/9/10/RMA 7/14/10)
\$150,000 awarded 1/26/11 – Mayor Heymann reported that we did receive this grant and the Borough Engineer is now reporting on same.

C) CDBG GRANT APPLICATION (\$20,000) TO IMPROVE ACCESSIBILITY TO THE CLOSTER PUBLIC LIBRARY (RM 8/11/10)

D) 2011 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM) Reported by Mayor WS 9/7/10

7. REPORTS (Continued)

D. MAYOR (Continued)

E) 2010 BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND

HISTORIC PRESERVATION TRUST FUND GRANT APPLICATION
(Municipal Park Improvement Program/Purchase of Playground
Equipment/Memorial Park - \$37,500/match – RM 9/22/10)

- b. AWARDED
1. CERTIFIED LOCAL GOVERNMENT GRANT (\$20,000) FOR HISTORIC PRESERVATION PLAN ELEMENT (7. M.L. 7/30/09) – Mayor Heymann informed that this grant has been completed.
 2. 2010 COMMUNITY DEVELOPMENT BLOCK GRANT FOR BARRIER FREE CURB CUTS - \$50,000 AWARDED (2. M.L. 6/17/10)
 3. BERGEN COUNTY OPEN SPACE TRUST FUND MUNICIPAL IMPROVEMENT PROGRAM 2009 Grant (\$37,000) basketball courts/Memorial Field (filed 7/27/09)
Award of \$36,500 reported WS 6/9/10
 4. NEW JERSEY COMMUNITY FORESTRY COUNCIL 2009 BUSINESS STIMULUS FUND (BSF) GRANT - \$7,000 AWARDED 8. M.L. 1/21/10 – Mayor Heymann informed that this grant has been completed.
 5. NJ BODY ARMOR REPLACEMENT FUND PROGRAM (\$2,076.94) (Approved RM 10/13/10) Mayor Heymann informed that this grant has been completed.

At this time, Mayor Heymann informed there should be a \$250,000 SIDEWALK GRANT that the Borough Engineer mentioned earlier that is not on the list.

b. TO BE FILED - To be announced by Mayor

2) REPORT – Mayor Heymann called to everyone’s attention to inform as many people as possible about PAAD recipients who are Senior Citizens and are above the threshold for Medicaid, but below regular income; they are entitled to a supplemental nutrition assistance program. She reported that approximately 2/3 of the eligible New Jersey residents are not making use of it, which is a serious issue because it is a nutrition enhancement program for people who can ill afford to lose this kind of money. She passed the flyer around and requested they let everyone they can think of know about this, including our Food Locker and the Senior Citizens.

Mayor Heymann informed that everyone has the report from the Knickerbocker Hook and Ladder Company on their desk and noted they had 31 runs in January; which she thinks is the most they’ve ever had. The Mayor voiced her opinion that they worked very hard and congratulated them for same. The Mayor informed that the Building Department fees are continuing on a strong level for January.

At this time, Mayor Heymann requested the introduction of a Resolution from Closter that is equivalent to the ones received from Westwood and Emerson upon return to the Regular Meeting. She explained that the Resolution supports the application for a new license for Pascack Valley Hospital.

At this time, Dr. Barad recalled that some time at the end of Summer or after the last Joint Meeting (of the Boards) there was some discussion to meet with Mr. (John) Lignos, (Planning Board Chair) to discuss changes for the Green Element. Mayor Heymann affirmed same and explained that is one of the reasons they are holding up the RFP (for the Planner); because they want that included. She continued that we can get a grant from ANJEC that would cover “green” regulations/ordinances, and she was hoping to be able to include that. She may or may not be able to include it; so it may end up being 2 separate things – an ANJEC grant and the RFP. She

7. REPORTS (Continued)

D. MAYOR (Continued)

informed that she needs to consult with the Borough Attorney. Dr. Barad reminded that he, the

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Mayor and the Borough Attorney were supposed to meet with Mr. Lignos. The Mayor responded that in e-mails sent since that time, it was suggested that an attorney who was familiar with the building regulations could formulate that; and that is where this is coming from. In response to Dr. Barad, she voiced her understanding that she doesn't quite know how getting an attorney first would work out; it takes a long time for a grant to be realized and we wouldn't get the grant until late Spring whereas the RFP would be ready to go out now. Mayor Heymann was not sure if they need to do the two together or if they would need to drop the ANJEC grant.

She explained the ANJEC grant is for a maximum of \$15,000 and is a 50/50 matching grant. Her reaction to seeing the grant proposal was to use it to write the Green Building Element – which is one of the possibilities under the grant. Another possibility under the grant is an Environmental Resource Inventory – which ANJEC likes to support. Our last inventory was done sometime in the 1990's and sometimes they use that as background information for other grant proposals. Another possibility aside from finding an attorney to help us write those green ordinances is to use the grant to do the inventory. Dr. Barad explained that before any of the green ordinances can be written, those recommendations have to come from the Planning Board; and one of the purposes of that meeting was so the Planning Board can begin to make recommendations to the Council and we could write an ordinance based on those recommendations. Mayor Heymann affirmed that she is on the same page with him and the Borough Engineer added that he thought the Planning Board already made those recommendations. Dr. Barad responded that we have those recommendations in our Master Plan, but in order to make specific changes to our ordinance we need to have a starting point to get it going. He voiced his opinion that we need to start somewhere to get it going because it is an entire cycle and we wouldn't have gotten anything done; and this encourages us to move forward. Mr. DeNicola explained that the Planning Board made recommendations to scale down the bulk requirements across the board, but then upping them through proposed Green Elements depending on if you are Gold/Silver/Platinum certified.

The Borough Attorney explained that the Planning Board only references an organizational chart. Other than the bulk restrictions, they didn't give any recommendations to the Council as to what they were looking to do and affirmed that they provided percentages. He replied to the Borough Engineer that LEED Certification (Leadership in Energy Environmental Design) is not a criteria to put into an ordinance. Mayor Heymann informed that she had been told that the Universal International Building Code is a private organization and it is quoted and LEEDS is the same thing. Mr. Rogan agreed they could be quoted, but the Planning Board has to tell us what they want, not just refer us to the Code and ask us to look at it because that is not a recommendation. Mr. DeNicola responded to Dr. Barad that the Planning Board did make the recommendation as to what they want to do to inspire people to "go green". They brought down the bulk variance requirements for some items; but in order for other bulk requirements to go higher, they have to have a certain level of LEEDS certification. Dr. Barad affirmed that those are in the Master Plan. The Borough Engineer questioned why it couldn't be an ordinance; and the Borough Attorney responded that it could be, but we can't draw up an ordinance that says to an applicant to meet some private code; we need to have an ordinance that says exactly what we want – not something that says please comply with LEED.

Mr. DeNicola informed that our Code constantly references the BOCA Code and Mr. Rogan reminded that it is a State code and our ordinances don't allow for someone to come in and just say "generally speaking"; we have specific bulk requirements which may be based upon a code, but we determine how much of it or none of it. We can reference a State code certainly, but the IBC is a private thing that could change tomorrow. We can't have an applicant before the

7. REPORTS (Continued)

D. MAYOR (Continued)

Board where they are reviewing the application based on a private code that can change on a

whim. We could agree with a code on a given day and adopt their standards and make it part of our ordinance and review it periodically if things do change; but we can't just put the burden on the applicant or the board to be reviewing what is not even codes – they are recommendations by a private organization. We can't have an ordinance that reads they can come and get approved on their application if at that time you meet the recommendations of a private entity. Dr. Barad voiced his opinion that right now we have a global plan coming from the Planning Board but no specifics. The Borough Attorney clarified that the bulk requirements were the only thing specifically mentioned in the recommendation; and he doesn't know if this is what the Planner is being looked at for. Mr. DeNicola and Mayor Heymann agreed that if that is the case, they are not sure a Planner is what they need; and Mayor Heymann informed that is one of the reasons she is holding back on the Planner. Mr. Rogan suggested further discussion on the subject at the Joint Meeting; and everyone agreed that was the best forum.

8. NEW BUSINESS

Councilman Barad referred to an ordinance from the Borough of Emerson that requires people to dig out fire hydrants and authorizes fines for those that do not. Councilman Kashwick expressed his opposition to such an ordinance due to enforcement and the burden on the residents. He noted that the Fire Department would have difficulty during an emergency to access the fire hydrant; and if the ordinance were in place, would the Borough be liable. Councilman Glidden said he would be opposed to implementing an ordinance that could not be enforced. Mayor Heymann said that the Borough does have an ordinance that requires sidewalks to be cleared within 12 hours of a storm. Jim Whitney, Property Maintenance Officer, noted that there are 400 hydrants in Closter; and he expressed concern with the hydrants in the business zone. Sidewalk clearing violations would be mainly issued in the area of the schools; and friendly reminders were posted on the doors, which has been very effective. He expressed support for an ordinance providing for the clearing of the fire hydrants in the business district. Borough Attorney advised that residents, unless they rent their home, are not responsible for the sidewalk if someone should fall but a business owner is responsible.

In response to Ms. Amitai's question, Borough Attorney explained as follows: Under the law, residents are not responsible for their sidewalks; if someone were to fall, if it is a commercial entity, like a rental or two-family house, then they are responsible. A commercial owner/business owner is responsible. A tenant or a landlord or a commercial business, if somebody were to fall and get hurt, that person can sue; whereas they can't do so if it is a residence. For a non profit resident, there is no liability.

Relative to the By-Laws adopted in 2009, with changes in italics, Mayor Heymann noted that copies were provided to the Council members. She suggested that same be reviewed and comments be referred to the Ordinance Committee.

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

10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

Steve Isaacson, 97 Columbus Avenue, expressed opposition to the current format of the meetings noting the wait time before the public can speak at a meeting. Relative to fire hydrant location, he suggested that a locator chip be installed on each hydrant. He objected to barrier free curb cuts where there are no sidewalks. He referred to the rumor that the Borough is interested in buying the Foss property. Mayor Heymann said that same is being investigated along with other

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properties listed with Green Acres that might absorb the credit the Borough has with Green Acres. Relative to the back taxes owed by the Iranis, Borough Attorney said that a one-quarter payment has been made; and the hearing for the remainder has been adjourned for two weeks from this coming Monday.

11. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
12. ADJOURNMENT

Motion to adjourn the Work Session at 8:57 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on February 17, 2011 for approval
at the Regular Meeting to be held
February 23, 2011

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 February 23, 2011
Consent Agenda Item No. 15b.