

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JUNE 27, 2012 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:41 p.m.

1. 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 6, 2012 and to the Star Ledger and published on January 7, 2012, was 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.

2. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons Alissa Latner, John Kashwick, David Barad, Arthur Dolson and
Victoria Amitai
Borough Administrator, Richard J. Sheola
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola

The following persons were absent:

Councilman John C. Glidden, Jr.

3. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCES @8:00 P.M.

OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

A. The following Ordinances were introduced at the Regular Meeting held 4/11/12 and were published in The Record on 4/17/12 as stated in the affidavit of publication. Reprint 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.

At the Regular Meeting held 5/9/12, these ordinances were adjourned to the Regular Meeting of 5/23/12.

At the Regular Meeting held 5/23/12, these ordinances were adjourned to the Regular Meeting of 6/13/12.

At the Regular Meeting held 6/13/12, these ordinances were adjourned to this meeting.

1) ORDINANCE NO. 2012:1122: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CLOSTER AND AMENDING SCHEDULE A: LIMITING SCHEDULE"

2) ORDINANCE NO. 2012:1123: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CLOSTER AND AMENDING SCHEDULE A: LIMITING SCHEDULE TO ADD PROVISIONS FOR HISTORIC PRESERVATION AND AMENDING CHAPTER 35, ARTICLE VII, HISTORIC PRESERVATION, TO CROSS REFERENCE THE LIMITING SCHEDULE"

Borough Attorney advised that the Planning Board is still working on these Ordinances and a vote to adjourn both ordinances to the next meeting would be required.

Motion adjourning Ordinance No. 2012:1122 and Ordinance No. 2012:1123 to the Regular Meeting of July 11, 2012 was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad, Dolson and Amitai.

B. The following Ordinance was introduced at the Regular Meeting held 5/23/12 and was finally published in The Record on 6/4/12 as stated in the affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public.

ORDINANCE NO. 2012:1128: "AN ORDINANCE AMENDING AND SUPPLEMENTING

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CHAPTER 200 AND CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER
 PURSUANT TO THE RECOMMENDATIONS OF THE BOROUGH’S PLANNER AND IN
 FURTHERANCE OF AFFORDABLE HOUSING NEEDS”

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

Motion approving the adoption of Ordinance No. 2012:1128 was made by Councilman Barad, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad, Dolson and Amitai.

At this time, Mayor Heymann advised that it has been tradition to switch the office of Council President mid year; and she announced that Councilwoman Latner would be Council President for the remainder of the year. Councilman Dolson said in view of the tradition, he would hereby resign as Council President.

Motion appointing Councilwoman Alissa Latner as Council President for the duration of 2012 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad, Dolson and Amitai.

4. MAYORAL APPOINTMENTS (*NON SALARIED*) TO THE FOLLOWING COMMISSIONS (Not made at the Reorganization Meeting held 1/3/12/Adjourned from RM 1/11/12; 1/25/12; 2/8/12; 2/22/12; 3/14/12, 3/28/12; 4/11/12; 4/25/12; 5/9/12; 5/23/12; 6/13/12):

| <u>OFFICE</u> | <u>INCUMBENT</u> | <u>APPOINTEE</u> | <u>TERM</u> | <u>EXPIRATION</u> |
|--------------------------|----------------------|------------------|----------------------|-------------------|
| ENVIRONMENTAL COMMISSION | | | | |
| Alt. No. 2 | (Adam Nock resigned) | _____ | 2 Year un-expired to | 12/31/12 |
| SHADE TREE COMMISSION | | | | |
| Alt. No. 2 12/31/15 | Kathi Cochran | _____ | 4 Year | |

5a. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 6, 13 and 14 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad, Dolson and Amitai.

RESOLUTIONS

~~6. BILL RESOLUTION – JUNE 30, 2012~~

~~TO BE PREPARED BY DEPUTY TREASURER~~

7. RESOLUTION NO. 3 APPROVING RENEWAL OF (4 OF 13) LIQUOR LICENSES FOR 2012-2013

8. RESOLUTION AWARDED BID TO AJM CONTRACTORS, INC. IN THE AMOUNT OF ~~\$426,911.00~~ \$445,911.00 FOR HERBERT AVENUE, SECT. 5 & BLANCH AVENUE IMPROVEMENTS, 2012 ROAD IMPROVEMENTS, & SCHAUBLE FIELD WALKING PATH, RECEIVED AT THE BID OPENING HELD 6/8/12 @11:30 A.M. (Adjourned from RM 6/13/12) Received from Administrator 6/22/12

9. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK TO CORE LOGIC FOR 14 LISTED REAL ESTATE TAX OVERPAYMENTS (Received from Revenue office 6/21/12)

10. RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH ADMINISTRATOR TO SIGN THE 2011 BERGEN COUNTY OPEN SPACE TRUST FUND GRANT CONTRACT FOR THE PROJECT KNOWN AS SCHAUBLE PARK IMPROVEMENTS IN THE AMOUNT OF \$27,500 (DOLLAR FOR DOLLAR MATCH REQUIRED); AND AUTHORIZING THE ADMINISTRATOR TO SIGN ALL COUNTY OF BERGEN PAYMENT VOUCHERS IN CONJUNCTION WITH THE AFORESAID PROJECT (Received from Administrator 6/21/12)

11. RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH ADMINISTRATOR TO SIGN THE 2011 BERGEN COUNTY OPEN SPACE TRUST FUND GRANT CONTRACT FOR

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THE PROJECT KNOWN AS MEMORIAL PARK IMPROVEMENTS IN THE AMOUNT OF \$12,250 (DOLLAR FOR DOLLAR MATCH REQUIRED); AND AUTHORIZING THE ADMINISTRATOR TO SIGN ALL COUNTY OF BERGEN PAYMENT VOUCHERS IN CONJUNCTION WITH THE AFORESAID PROJECT (Received from Administrator 6/21/12)

11a. RESOLUTION NO. 4 APPROVING RENEWAL OF (2 OF 13) LIQUOR LICENSES FOR 2012-2013 (Approvals received from Borough Officials by 6/26/12)

11b. RESOLUTION AUTHORIZING THE BOROUGH’S REVISED AFFORDABLE HOUSING TRUST FUND SPENDING PLAN (Received from Borough Attorney 6/27/12)

MOTIONS

12. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES
 (Distributed via e-mail on 6/22/12) NO ABSTENTIONS

- a. REGULAR MEETING OF JUNE 13, 2012
- b. WORK SESSION MEETING OF JUNE 13, 2012

13.—MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS/BOARDS AND COMMISSIONS (Not made at the Reorganization Meeting held 1/3/12/Adjourned from 1/11/12; 1/25/12; 2/8/12; 2/22/12; 3/14/12; 3/28/12; 4/11/12; 4/25/12; 5/9/12; 5/23/12; 6/13/12):

| <u>OFFICE</u> | <u>INCUMBENT</u> | <u>APPOINTEE</u> | <u>TERM</u> | <u>EXPIRATION</u> |
|-------------------------------------|------------------|------------------|-------------|-------------------|
| IMPROVEMENT COMMISSION Member | Wilson Reimers | _____ | 2 Year | |
| 12/31/13 | Alt. No. 1 | Donna Arbietman | _____ | 2 Year |
| 12/31/13 | | | | |

14.—*POSSIBLE* MOTION GRANTING APPROVAL FOR CHAMBER OF COMMERCE TO POST 25 YARD SIGNS ON PRIVATE AND BOROUGH PROPERTY TO ADVERTISE THE SIDEWALK SALE TO BE HELD ON 7/26/12, 7/27/12 AND 7/28/12 (Written request incorporating locations has not been received as of the date of preparation of this Agenda) (Adjourned from RM 5/23/12; 6/13/12)

Mayor Heymann adjourned this item to the Regular Meeting of 7/11/12.

14a. MOTION GRANTING APPROVAL FOR BOROUGH CLERK TO SIGN STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF ALCOHOLIC BEVERAGE CONTROL, APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR BPO ELKS LODGE #2304, 148 RAILROAD AVENUE, CLOSTER, NJ 07624, TO DISPENSE WINE AND MALT ALCOHOLIC BEVERAGES ON 9/15/12 FROM 4:00 P.M. TO 10:00 P.M. FOR A FUND RAISER FOR ELKS CHARITIES (Completed application received 6/25/12)

15. REPORTS
 (No reports were received at the time of preparation of this Agenda)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

16. 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.11)

Mayor Heymann opened the meeting to the public.

At this time, Councilman Barad (referring to Item No. 14) asked if any action was required regarding the Chamber of Commerce request for signs. Mayor Heymann voiced her understanding that this matter was postponed to the next meeting. Borough Attorney explained the letter requested placement of the signs during the first week of July; our next Regular Meeting is July 11; and the sale does not begin until July 26. Mr. Rogan voiced his opinion that even if approval was granted on July 11, placement of the signs on the 12th is still sufficient time to advertise the event. In answer to Dr. Barad, he explained that they cannot take action to grant complete approval because it was made clear what the requirements were to do so; and that information has still not been received. He advised that as in the recent past, they could opt to approve the request subject to receipt of the required list of addresses. The Borough Administrator explained it could be subject to receipt of the addresses; and suggested the addition of the following language: subject to submission of the all the documentation: the addresses, Hold Harmless, etc. etc. receipt of, Certificate of Insurance and Hold Harmless Agreement. After some discussion, it was agreed that if action is taken, the information

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must be submitted by July 10, 2012 otherwise the information may never be received.

16a. The following Motion was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad, Dolson and Amitai:

MOTION APPROVING THE REQUEST BY THE CLOSTER CHAMBER OF COMMERCE TO PLACE SIGNS ON BOROUGH PROPERTY ADVERTISING THE SIDEWALK SALE TAKING PLACE ON 7/26/12, 7/27/12 AND 7/28/12 SUBJECT TO RECEIPT BY THE BOROUGH OF THE SPECIFIC ADDRESSES OF THE PROPERTIES IN QUESTION AS WELL AS A CERTIFICATE OF INSURANCE AND HOLD HARMLESS AGREEMENT APPROVED BY THE RISK MANAGER AND BOROUGH ATTORNEY'S OFFICE, ALL TO BE SUBMITTED NO LATER THAN JULY 10, 2012

In answer to the Borough Clerk, the Borough Attorney explained the recent request (for permission "to use Veterans Park located on Herbert Avenue on Saturday, 7/28/12, for Sidewalk Sale Festivities to include a variety of entertainment and tables and chairs for people to sit and relax while enjoying the day") will be considered separately at the next Regular Meeting. He explained that there is sufficient time to approve the use of Veteran's Park before the requested date. In answer to Dr. Barad, the Borough Clerk said she will inform Linda Albelli in writing of this evening's decisions.

16b. Motion approving the following Closed Session Resolution at 8:55 p.m. was made by Councilman Kashwick, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, Barad, Dolson and Amitai.

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(7) "Pending or anticipated litigation or contract negotiations"; N.J.S.A. 10:4-12(b)(5) "A matter involving the expenditure of public funds for the acquisition of real property; 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 12 weeks.

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

Mayor Heymann resumed the Regular Meeting at 9:27 p.m.

18. ADJOURNMENT

Motion to adjourn the meeting at 9:27 p.m. was made by Councilwoman Amitai, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via e-mail on July 9, 2012 for
approval at the Regular Meeting
to be held July 11, 2012

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held July 25, 2012
Consent Agenda No. 24a.

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MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – JUNE 27, 2012 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, June 27, 2012. 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 and published on January 6, 2012 and to the Star Ledger and published on January 7, 2012, was 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 Alissa Latner, John Kashwick, David Barad (7:45 p.m.),
Arthur Dolson and Victoria Amitai
Borough Administrator, Richard J. Sheola
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola

The following persons were absent:

Councilman John C. Glidden, Jr.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF JUNE 14, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 8c1 was removed by Mayor Heymann; Item No. 3 was removed by Councilman Kashwick; Item Nos. 4 and 9 were removed by the Borough Clerk.

Item No. 8: Received 06/14/12, dated 06/07/12 from Karen Mastriano, Clerk to the Board of Chosen Freeholders, to Municipal Clerk re Certified copy of following Ordinance adopted 6/6/12 (Introduced 5/2/12) (See 8b. M.L. 5/10/12): a. No. 12-15, AAn Ordinance of the County of Bergen to Amend the Bergen County District Solid Waste Management Plan (Copy to William Dahle, III)
*b. Certified copies of following Ordinances introduced on 6/6/12 and scheduled for public hearing on 6/20/12: 1. No. 12-16, ABCIA Guaranty Ordinance for Fort Lee Board of Education Project@; 2. No. 12-17, ABCIA Guaranty Ordinance for Englewood Board of Education Project@; to Honorable Chris Christie/to Municipal Clerk c. Certified copies of Resolutions adopted 6/6/12 Proclaiming: 1. June

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2012 as National Aphasia Awareness Month; 2. June 14, 2012 as Flag Day; 3. The week of June 11-17, 2012 as National Little League Baseball Week; 4. Recognizing June 15, 2012 as World Elder Abuse Month; 5. June 2012 as Scleroderma Awareness Month

Mayor Heymann explained that these are ordinances and resolutions adopted by the Bergen County Board of Chosen Freeholders; and she wished to specifically address Item No. c1 and pointed out that she is on the Board of Aphasia Awareness Association in Bergen County, which is the lead association in the country. She voiced her opinion that it is very important to get the message out to people who are suffering from the effects of stroke and can't communicate even though their intelligence is not impaired. She asked that if anyone knows someone who has not completely recovered from the effects of a stroke to please make them aware that this organization exists.

Item No. 3: Received 06/11/12, dated 06/07/12 from Valerie Vainieri Huttle, Assemblywoman 37th District and Connie Wagner, Assemblywoman 38th District, to Bergen County Freeholder Chairman John Mitchell, c: Bergen County Mayors re Informing that on 7/17/12 New Jersey municipalities are at risk of forfeiting the funds in their affordable housing trust fund accounts; and requesting that the Bergen County Board of Chosen Freeholders pass a resolution that would move the municipal funds to the County; enclosed NJ.com article re Warren County and Hackettstown agreement re same and copy of resolution to be passed in Warren County

Councilman Kashwick wished to ascertain the thought of the rest of the Council members as to how they felt about placing COAH funds with the County. Mayor Heymann voiced her understanding that this was done because it is easier to go to the County than to the State. The Legislature has passed measures to extend the 7/17/12 deadline; it passed with 51 votes and now there is great danger the Governor may veto it. She explained that any COAH funds not spent by 7/17/12 would go back to the State. The Mayor said this is an intermediary measure; and that's the only reason why Assemblywoman Huttle did this.

Item No. 4: Received 06/11/12, dated 06/11/12 from Ilene S. Anesini, Executive Director, Temple Emanu-El, to Mayor re Informing (of their understanding) that in accordance with the waiver granted by the town, this year=s Tashlich Service will be held at the Closter Nature Center on Monday, 9/17/12, @ 6:00 p.m. (Copy to Parsells Agency, Nature Center Association)

The Borough Clerk explained that this letter seems more like the Temple is informing us of what they are doing, but the Borough still requires insurance that has to be provided. Additionally, she questioned if there would be water at the Nature Center by that time. Mayor Heymann noted that was a good point and said she would contact Ms. Anesini tomorrow to discuss both issues.

Item No. 9: Received 06/13/12, dated 06/09/12 from Ramesh Chan Jr., Office Administrator, USAgain, LLC Clothes Collection System re One (1) original and six (6) copies of letter of introduction and request to place a clothing drop box in Closter; (7) News That You Can Use Again newsletters with information card and business cards (Copy to Construction Official)

The Borough Clerk explained this is a request to place a clothing drop box in Closter; and she referred this item to the Construction Official because we have an ordinance directing to do so. Mayor Heymann voiced her opinion that we don't need any more clothing boxes. She asked the Borough Administrator to get back to Ramesh Chan and explain we have a full complement of clothing boxes in town and an ordinance that regulates them.

b. MAIL LIST OF JUNE 21, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. No member of the Council or public wished to remove any items for discussion.

c. MAIL LIST OF JUNE 28, 2012 - The Borough Clerk informed she had one item that will appear on the June 28th Mail List that has been placed in their folders and she wished to bring to their attention. Ms. Castano explained Item No. 7 is an additional request from the Chamber of Commerce regarding the Sidewalk Sale.

Mayor Heymann said they will be discussing this in the Work Session shortly.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of June 27, 2012)

Mayor Heymann asked if any member of the Council wished to remove any items for discussion. Item No. 8 was removed by Councilman Kashwick and Item No. 14 was removed by Mayor Heymann.

8. RESOLUTION AWARDDING BID TO AJM CONTRACTORS, INC. IN THE AMOUNT OF \$426,911.00 FOR HERBERT AVENUE, SECT. 5 & BLANCH AVENUE IMPROVEMENTS, 2012 ROAD IMPROVEMENTS, & SCHAUBLE FIELD WALKING PATH, RECEIVED AT THE BID OPENING HELD 6/8/12 @11:30 A.M. (Adjourned from RM 6/13/12) Received from Administrator 6/22/12

In answer to Councilman Kashwick, Borough Engineer explained that the walking path is going outside the fence along the dugouts and inside the outfield. Borough Engineer advised that the correct amount for the base bid including the alternate bid would be \$445,911; and the Borough Administrator said he would provide a revised Certification of Funds.

14. *POSSIBLE* MOTION GRANTING APPROVAL FOR CHAMBER OF COMMERCE TO POST 25 YARD SIGNS ON PRIVATE AND BOROUGH PROPERTY TO ADVERTISE THE SIDEWALK SALE TO BE HELD ON 7/26/12, 7/27/12 AND 7/28/12 (Written request incorporating locations has not been received as of the date of preparation of this Agenda) (Adjourned from RM 5/23/12; 6/13/12)

At this time, Mayor Heymann referred to the additional letter received from the Chamber of Commerce relative to the sale and Borough Clerk advised that a list of the sign locations would be required in addition to a Certificate of Insurance and Hold Harmless Agreement for the use of Veterans Park for sale festivities.

In answer to Linda Albelli, Angelina's Gifts & Goodies, 225 Closter Dock Road, Borough Attorney said that the Chamber of Commerce Insurance Company can issue an Acor page (Certificate of Liability Insurance) which would indicate the additional insured under the policy for the use of Veterans Park. Ms. Albelli advised that the entertainment at the park would include the school choir and possibly a DJ, which we would discuss with Police Chief Kaine. Mayor Heymann asked that all of the outstanding paperwork be provided to the Borough Administrator for approval at the next Council meeting.

Councilman Barad entered the meeting at 7:45 p.m.

Mayor Heymann referred to a Resolution to be included in the Consent Agenda revising the Affordable Housing Trust Fund Spending Plan and advised that this is not a revision to the format approved at the last meeting; but in order to assure the DCA will look at this in the best possible manner, a resolution would be needed in accordance with the legislation. The Borough Attorney said

that Michael Hakim made some grammatical adjustments that do not affect the content. Mr. Hakim has been in touch with Keith Henderson at the EPA who will put this on a priority basis.

6. COMMITTEE REPORTS

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

1) STATUS REPORT RE CLOSTER WEBSITE

2) REPORT - Councilman Dolson reported on the following:

a. Ambulance Corps. has some new members and two people completed their 670 hours of training and are ready for certification. Mr. Dolson reminded that the Corps. is in the midst of their fundraising drive and they are 100% funded by donations.

b. The Board of Health did not meet last month and they customarily do not meet in the Summer; therefore, he had nothing to report.

Councilman Dolson reported he did have a conference with our IT technician, Kevin Whitney; and they discussed a lot of the issues that are out there – the foremost one being the paperless packets. Mr. Whitney informed him he would put it on high speed priority. One of the other things they discussed was the possibility of allowing some of the more experienced departments obtaining their own password to update their web page content as needed. This would allow Mr. Whitney to focus on the true nature of the position in keeping us running as opposed to conducting our day-to-day activities. Another issue that came up is streamlining the directory because the directory says one thing and the website for some of the boards and commissions says something else. They discussed removing the listing that has the links and replacing it with a directory that will automatically pull information from the specific page to the directory so that it will be as up to date as possible. Mr. Dolson said there was no discussion as to who would be doing it once the feature was incorporated.

Councilman Dolson reported there were some computer glitches in the Finance Department; and Kevin is in the process of updating one of the older computers. He has contacted the software supplier to try to work out some of the problems that they inherited as the items are updated. Mr. Dolson relayed his concerns about proper communication so that everyone understands what is happening and the reason why it is happening.

Councilman Dolson reported at this time, we are waiting for the State to adopt their budget so we can get the tax rates and find out our share of the energy receipts tax that is making its way through the House. He referred to an email from the League of Municipalities that showed the breakdown of the votes for the legislation; and he thought it was interesting to see that. Mayor Heymann voiced her opinion that as opposed to not voting, she believes a lot of people simply abstained because they were caught in a bind.

At this time, the Borough Administrator asked if Mr. Dolson addressed the issue of needing the server in the building when he spoke to Kevin. Mr. Dolson affirmed same and explained he was told the server we have now is satisfactory to run our in-house needs. Kevin mentioned the potential of getting a server to house the email system here in the building which would make it faster; and the records would actually be in the building instead of out in cyberspace. Mr. Dolson said on his own site he notices that often he will get the answer before he receives the question because of the setup. He feels this is a good recommendation and it would be more compliant with OPRA regulations.

B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

1) REPORT – Mayor Heymann informed that Councilman Glidden was on vacation and Chief Kaine was not in attendance this evening; therefore, no report would be provided.

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

1) REPORT – Councilwoman Latner reported that a DPW meeting is scheduled to be held next week to discuss the road program; and further information will be provided after same.

Councilwoman Latner reported that at the last Fire Department Meeting the possibility of having warning traffic lights by the Fire House was discussed. The members voiced some concern to

make it safer when exiting and returning to the Fire House. The Borough Administrator explained that the lights are usually triggered by the garage door opening; and it is an instant caution for drivers

6. COMMITTEE REPORTS (Continued)

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN) (Continued)

approaching. In answer to Dr. Barad, the Borough Engineer voiced his opinion that although it is a standard feature, he feels the area is open enough that there shouldn't be a problem; but he said he would look into it further.

Councilwoman Latner reported the Library Board of Trustees is meeting tomorrow night; and she is aware Mr. Sheola is reviewing the bids in terms of the handicapped accessible doors. She reminded there was a water main break near the Library the last week of school and was pleased to report there was no damage sustained.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad informed the Ordinance Committee met earlier in the month and a lot of items on the Agenda are pending action by the Planning Board. He is aware that the Planning Board Subcommittee did meet last week. At this time, Mayor Heymann explained those items did come to the Borough Attorney. Mr. Rogan explained he received the 2,000 square foot ordinance but he did not receive the LEEDS or Historic Preservation ordinances. Councilman Barad voiced his understanding that the Planning Board Attorney had asked the Council to wait until the end of June; and it is now the end of June. Councilwoman Amitai informed that the Subcommittee did discuss the issue but they wanted to bring it to the full Planning Board tomorrow night. Dr. Barad asked that she see that the item remains on the Planning Board Agenda and that it is discussed, which would help the Council greatly. In answer to the Mayor, the Borough Attorney affirmed he had received the 2,000 square foot ordinance which will be placed on the next Ordinance Committee Agenda. Dr. Barad explained there was some debate as to whether to hold a Committee meeting in July, but he feels that if they are definitely going to get something from the Planning Board, they should have one.

At this time, Mayor Heymann wanted to inform that Norwood took up the two issues that Closter did not take up. Dr. Barad informed that was what he was going to report on next.

2) REPORT - Councilman Barad referred to Item No. 5 in the Mail List of 6/21/12 from the Borough of Norwood regarding ordinances pertaining to PODS and generators. He voiced his opinion that he was unimpressed with the generator ordinance. Dr. Barad explained that asking for the location in regards to placement near the building was probably okay, however, they are saying they must be propane. He further explained that this increases the cost of the generator and probably would make it prohibitory for many people in Closter who would have to just sit around and be cold if they chose not to allow other generators. Dr. Barad voiced his opinion that he does not think it is appropriate because we need people to be safe and well. He does not have any objections to regulate locations. Mayor Heymann informed the Subcommittee decided that legislation was not warranted in the first place, though they found it interesting that Norwood came out with this legislation at the same time. Dr. Barad said Norwood also did a power ordinance and recalled that the Council has spoken of same about three times in the past four years and decided against such an ordinance. He said the Ordinance Committee will review it and see if there is anything they like.

At this time, Councilman Barad referred to the Sample Resolution sent by the Borough Attorney pertaining to “electronic communications” and noted he was not aware if any discussion took place during the Communications portion of the meeting. The Borough Attorney informed the sample (he provided) was received from the League of Municipalities; and voiced his understanding that Harrington Park adopted a very similar ordinance approximately three weeks ago. Mr. Rogan said he felt it was something that should be reviewed by the Council. Dr. Barad agreed and asked that

everyone review the sample. He recommended that it would provide guidelines regarding their use of email.

6. COMMITTEE REPORTS (Continued)

D. ORDINANCES - BARAD (KASHWICK/AMITAI) (Continued)

Mayor Heymann recommended that this should be incorporated into the By-Laws because it deals with the way we communicate with each other. Dr. Barad explained one thing to remember is to copy or respond only to the person who sent the email if you want to express an opinion, then take it as information and bring it to the Council for discussion.

In response to Dr. Barad's inquiry, Borough Attorney reminded that as the Open Public Meetings Act is written, there is no place where, if they need to have a debate or vote on something, they can, in something like a chat room, where it is open and everyone can see it. Mr. Rogan advised that is not recognized under the Open Public Meetings Act as it is now written. He noted that something of that nature may need to be developed in light of all of the electronic communications.

Borough Attorney further explained that there needs to be a publication of the meeting notice. In answer to Dr. Barad, he reiterated it cannot be just an email notice, not the way the law is presently written; and affirmed that also applies to conference calls only if there is a quorum. Mr. Rogan explained that a committee of three (3) can communicate and discuss as is currently done.

Dr. Barad questioned what number constitutes a quorum and the Borough Attorney advised four (4). He asked about having the Mayor attend; and Mayor Heymann said the Mayor doesn't vote. Councilman Kashwick voiced his understanding that subcommittee meetings where the Mayor is present should really have only two (2) Council members unless someone else steps out; and the Borough Attorney affirmed same. Mr. Kashwick added that we should revise that in our By-Laws as to what constitutes a Committee.

The Borough Clerk explained that the Clerks have always had to be mindful of the Open Public Meetings Act; and noted that the new technology has opened a Pandora's Box.

Mr. Rogan cautioned that although the laws have not caught up with technology, we have to be mindful of the law. He explained that the best way to move items is through a Committee because the Committee can meet, talk it out and give opinions and then come back to a Council meeting where the Chair or Mayor, whoever it may be, can report that the Committee met and made a recommendation. The matter can then be brought to the table for input and vote at that (Council) meeting.

In answer to Councilwoman Amitai, the Borough Attorney informed that any notice must be printed in the newspaper. As of right now, the Borough Clerk publishes all yearly meetings in a single notice in the beginning of the year; but if any Special Meetings are called during the year, they have to publish that notice. It is not enough to send out an email or a message on Facebook.

Dr. Barad asked what constitutes a meeting, for example if he attends a Planning Board Subcommittee meeting with two other Council members, does that constitute a meeting. The Borough Attorney explained that anyone may attend any meeting but they would not be participating in the decision-making process because they are in the audience.

In response to Dr. Barad's inquiry regarding conference calls, Borough Attorney advised there should never be any vote taken on a conference call. He reiterated that the quorum is the problem; and that is where Municipal and County officials have gotten themselves into trouble. Mr. Rogan said it used to be much more difficult where he would have to call one person, then another and so on. It is much easier now that they can have a chat with everybody; and that is what needs to be safeguarded against because it is potentially violating the Open Public Meetings Act. The key is to keep in mind a quorum because if there isn't one, you can talk all you want; but if there is a quorum, you shouldn't be

doing it at all. If there is a caucus or a social meeting and no business is being discussed, it's not a problem.

6. COMMITTEE REPORTS (Continued)

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported the Human Resources Committee met a few times over the last several weeks with the Borough Administrator to get a feel of what is going on in the Borough. They would like to move forward on the new Employee Evaluations; and they hope to meet the week after next due to the holiday.

2) REPORT – Councilman Kashwick reported on the following:

a. Historic Preservation Commission met this week and they discussed a few possible designations and the text for the signs designating the Centennial AME Zion Church. They will be creating a pamphlet for realtors to use that has facts versus fiction regarding Historic Preservation. The Commission will also be starting a series called “Talks with Toby” where Orlando Tobia will be speaking starting July 12th at 1 pm at the Senior Center and all are welcome.

b. Shade Tree Commission is working on a new list of tree removals to take place in the Fall. At this time they have not heard back regarding the grant for the 5-Year Community Forestry Program, which is due to be completed by the end of the year. Right now they are performing maintenance on trees that have been planted in the past few years for things such as removing stakes and making sure they are properly mulched.

c. Environmental Commission met last Tuesday and Steve Isaacson and Dr. Arthur Goldberg will be working on sighting a trail to connect the Nature Center with the Boy Scout Camp. He informed the Commission of the Council's desire to place the bike rack at Pfeiffer Park by the bus stop on Piermont Road; and Keith Scholz is working with Bill Dahle on this project. There was additional discussion regarding the “No Dumping” signs in follow up to what was discussed with the Ordinance Committee. He explained it is not an ordinance issue since one is already in place with a fine of \$2,000, but it is a matter of changing the signs to reflect same. He was curious whether they are able to use Open Space Funds since they will be posted in properties purchased with Green Acres monies. The Borough Attorney said he would look into same and voiced his opinion that they should be able to do so. Mr. Kashwick reported the Commission is also looking to add wildflowers and bat boxes at Buzzoni Farm. He reported the Green Team met last night and they teamed with the Sierra Club to show the film “Bag-It”. The meeting was well attended by over 40 people despite some technology glitches with the equipment at the Library. Mr. Kashwick said the Nature Center is looking to have a showing of the film themselves sometime in the next month so there will be another opportunity to see it.

At this time, Councilman Kashwick requested an update regarding the Conservation Zone. He noted some disagreement with Councilwoman Amitai when the Mayor said it is one of the bills scheduled to be taken up. Mayor Heymann explained that it is part of the whole package they intend to do when they change the zoning and hire the planner to do the conservation zone. It is in his work schedule. She reported that the historic buildings issue he had previously mentioned will be addressed.

Councilman Kashwick reported he received a very nice copy of a Proclamation from the White House celebrating Lesbian, Gay, Bisexual and Transgender Pride Month.

At this time, Mayor Heymann informed she approached the Shade Tree Commission about framing the background for an ordinance to avoid permanently planting tall trees under utility wires. She explained that they considered it and understood what she was talking about and agreed completely; but said the Borough is not doing that anyway so why should there be an ordinance. The Shade Tree Commission sticks to the fact that no trees are going to be planted under the utility wires unless there is an absolute need in which case they would be under 25 feet at mature growth.

The Mayor said there are a lot of trees that are planted that never come to the Shade Tree Commission but are part of our ordinances that require trees to be planted in new housing every 100

6. COMMITTEE REPORTS (Continued)

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON) (Continued)

feet. She voiced her opinion that the ordinance should be revisited to prevent tall trees from being planted under the utility wires. In answer to Dr. Barad, the Borough Attorney voiced his opinion that it may be both a Planning Board and Shade Tree matter. Mayor Heymann affirmed there is an ordinance in place that requires a certain number of trees to be planted. Councilman Kashwick explained there are a lot of trees that are never approved by the Shade Tree Commission.

After some discussion, the Mayor clarified that her point is there are homes that are subject to the ordinance but they aren't necessarily required to come before any of the boards for anything except if it's in subdivision form. Dr. Barad suggested instead of making the ordinance too specific, they should say that in order to plant there, it must be reviewed by the Shade Tree Commission. Borough Engineer explained there are certain zones to be carefully looked at as a safety issue. Borough Attorney voiced his understanding it was already on the books to have trees to be planted reviewed by the Commission; but said he thinks it's more of a matter of policy to have the Commission review the trees before the plantings as opposed to an ordinance. Mayor Heymann voiced her opinion that there are a lot of factors involved. Dr. Barad said it would be very complex to put into an ordinance; and we have a Shade Tree Commission that has experts for these issues.

The Borough Attorney referred to Code Chapter 59, "Shade Tree", 4. "Planting and removal of trees; notice and hearings; emergencies." C. ("Shade trees and shrubs in right-of-way: approval required. No shade tree or ornamental shrub shall be planted on the public right of way of the Borough until such tree or shrub shall first have been approved and the place where it shall be planted is designated by the Shade Tree Commission.") He said, as the ordinance reads now, any trees or shrubs in the Borough right-of-way require approval of the Shade Tree Commission and reiterated that it is a procedural and enforcement issue. In answer to the Mayor, Mr. Rogan clarified that by definition, trees in the right-of-way are shade trees; if they are not in the right-of-way, they are not shade trees and are private trees. He said he would contact the Construction Official and approach the Ordinance Committee if any recommendations are made.

F. LAND USE AND CONSTRUCTION – AMITAI (BARAD/DOLSON)

1) REPORT – Councilwoman Amitai reported on the following:

a. Improvement Commission asked Councilwoman Amitai to remind everyone there will be a concert with approximately 100 people in the orchestra on 8/18/12 at 8:00 p.m. at Northern Valley Demarest High School. The program is in conjunction with the CIC and Sejong Educational Service, who will receive a small donation from us. The Commission discussed the 4-day concert they would like to hold in October 2013 and has reached out to Chris Rock because they think that would be a big draw.

b. Planning Board subcommittee did pull the exterior generator ordinance; and, hopefully, there won't be any complaints because they are only used for emergency situations. Mayor Heymann explained the biggest concern in Closter was unreasonable noise levels; and the Norwood ordinance did not speak of noise at all. Dr. Barad explained that Norwood eliminated the noise entirely by requiring propane run generators which are very quiet. Councilman Dolson said the newer generators look similar to external air conditioners and run on natural gas, so they are probably located where electric service comes into the house because the main power has to be shut off to use the generator. Dr. Barad voiced his concern that those models are very expensive costing thousands of dollars.

Mrs. Amitai reported that the ordinance pertaining to outdoor cafes was agreed upon and Mr. Chagaris will be providing them with a copy. She said the COAH issue will be discussed at the Planning Board tomorrow night. The Historic Preservation ordinance was approved at 0.5 percent and some of the

terminology needs revision. She noted that since the Ordinance Committee meets next Tuesday, they will not have anything in time for them to discuss on their Agenda.

6. COMMITTEE REPORTS (Continued)

F. LAND USE AND CONSTRUCTION – AMITAI (BARAD/DOLSON) (Continued)

At this time, Mayor Heymann reported that the Planning Board contracted with Frank Banisch months ago to cover certain clarifications regarding the Master Plan. She said the contract was signed and didn't get anywhere quickly so Mr. Chagaris called him to contact us. She reported that was a week ago Saturday; and they have not heard back from him since then. The Mayor said she will go back and push him because he said he wanted to speak to the Council to obtain everyone's input.

7. OLD BUSINESS

Relative to the Swim Club acquisition, Borough Administrator said he would need a member of the Council to form a subcommittee on this matter with himself and the Borough Attorney. Councilman Barad agreed to be on the subcommittee. Mr. Sheola thanked him for his quick response.

8. NEW BUSINESS

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 11) EXCEPT FOR ITEMS SCHEDULED FOR PUBLIC HEARING AT THE REGULAR MEETING

Nathan Amitai, 35 Wendy Lane, advised that Judge Carroll extended the temporary restraining order against Metropolitan Plant Exchange for an additional 90 days with additional restrictions including compliance with the Deed of Easement, Article VII, that says they cannot move soil or dig or do anything that would affect the flooding or water table as stated. The group continues to ask for the Conservation Plan; and Borough Attorney said that he had e-mailed a request to Ms. Parker of the United States Agricultural Board but an answer has not been received as yet. County Counsel has represented that this is a privileged document under the Homeland Security Act and that same was not discoverable.

Mr. Amitai asked that the Mayor and Council file a motion with the Court to release that document since the new owner is planning to file a new conservation plan. Mayor Heymann noted that the plan in question is not a current plan but a plan filed by Mrs. Brooks, which expired when the farm was sold. Borough Attorney said that the plan submitted by the farmer tells the Agricultural Board what is going to be done; and the Brooks submission said that there would be chickens on the farm. The new owner has one year from the date of purchase to provide a plan to the Agricultural Board; and the owner's attorney made a representation to Judge Carroll today that he expects to submit the plan to the Agricultural Board by July 14. Judge Carroll said that he is not inclined to release the conservation plan given the representation by the County that it is a privileged document and not subject to OPRA or the Freedom of Information Act. He did not know if the new plan would be available to the Borough but we may get access to the plan or portions of it because of the action pending before the Farm Board. Mayor Heymann said that there is no reason why the members of the Council would withhold the document; and as soon as the Conservation Plan is submitted, a request would be made for same.

10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

11. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE

GOVERNING BODY

12. ADJOURNMENT

Motion to adjourn the meeting at 8:40 p.m. was made by Councilwoman Amitai, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via e-mail on July 9, 2012 for
approval at the Regular Meeting
to be held July 11, 2012

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held July 25, 2012
Consent Agenda Item No.24b.