

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MARCH 14, 2012 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:45 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

Those present were the following:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad,
Arthur Dolson, Victoria Amitai
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, Dennis Kaine

3. INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING, 4/11/12 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD
(Requested by Administrator 3/8/12):

ORDINANCE NO. 2012:1118, "BOROUGH OF CLOSTER CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) - AMOUNT TO BE PROVIDED BY AUDITOR

Motion approving introduction of Ordinance No. 2012:1118 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

4. ~~POSSIBLE~~ RESOLUTION INTRODUCING THE 2012 MUNICIPAL BUDGET - PUBLIC HEARING – 4/11/12 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Requested by Administrator 3/8/12) - TO BE PREPARED BY AUDITOR

Motion approving introduction of the 2012 Municipal Budget was made by Councilman Dolson, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

5. MAYORAL APPOINTMENTS (NON SALARIED) TO THE FOLLOWING COMMISSIONS (Not made at the Reorganization Meeting held 1/3/12/Adjourned from RM 1/11/12; RM 1/25/12; RM 2/8/12; 2/22/12):

<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	Kathi Cochran	_____	4 Year	
12/31/15				

6. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCE @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – MARCH 14, 2012 - 7:30 P.M.

The following Ordinance was introduced at the Regular Meeting held 2/8/12 and was published in The Record on 2/14/12 as stated in the printers 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. 2012:1117, “REFUNDING BOND ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS OF THE BOROUGH AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,000,000 REFUNDING BONDS OF THE BOROUGH OF CLOSTER FOR FINANCING THE COST THEREOF”

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

Motion approving adoption of Ordinance No. 2012:1117 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.

7a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 9, 21 and 23 was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

RESOLUTIONS

8. BILL RESOLUTION – MARCH 15, 2012
TO BE PREPARED BY DEPUTY TREASURER

9. ~~RESOLUTION AUTHORIZING A CROWN CASTLE LEASE AMENDMENT (Requested by Administrator 2/3/12) TO BE PREPARED BY BOROUGH ATTORNEY (Adjourned from RM 2/8/12; RM 2/22/12) Adjourned to RM 3/28/12~~

10. RESOLUTION GRANTING APPROVAL FOR RELEASE AND RETURN OF THE REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES IN THE AMOUNT OF \$432.60 TO APPLICANT, RITA DALTO FOR SUCCESSFUL COMPLETION OF SERVICES RENDERED FOR BLOCK 904, LOT 9 (Received from Deputy Treasurer 2/29/12)

11. RESOLUTION AWARDING NEW ELECTRONICS RECYCLING CONTRACT WITH eREVIVAL OF GARFIELD, NJ, AN NJDEP REGISTERED UNIVERSAL WASTE HANDLER FOR RECYCLING OF ELECTRONIC EQUIPMENT, FOR A 3-YEAR PERIOD WITH AN OPTION FOR TWO, 1-YEAR EXTENSIONS AT THE DISCRETION OF THE BOROUGH FOR THEIR BEST QUOTATION OF \$.05 PER POUND (\$100.00 PER TON) FOR ITEMS PICKED UP (Received from Administrator 3/1/12)

Mayor Heymann explained we have been picking up these items by the Department of Public Works all along.

12. RESOLUTION SETTING FEE FOR SEWER SERVICE TO ALPINE PROPERTIES - 2012 ANNUAL RATE OF \$805.00 (Received from Administrator 3/1/12)

13. RESOLUTION OPPOSING ASSEMBLY BILL A-1338 AND SENATE BILL S-743, EXTENDING AND EXPANDING PERMIT EXTENSION ACT OF 2008 (Received from Mayor 3/8/12)

Councilman Kashwick thanked Mayor Heymann for including this resolution on the Agenda noting that this legislation could be voted upon as early as tomorrow. He urged the public to contact Senator Cardinale, Assemblywoman Schepisi and Assemblyman Schroeder expressing their opposition to this legislation.

14. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$66,534.35 TO JOHN FINAN FOR REDEMPTION OF TAX SALE CERTIFICATE #08-00006 FOR BLOCK 2001, LOT 13, ALSO KNOWN AS 32 RUTGERS

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – MARCH 14, 2012 - 7:30 P.M.

STREET, SOLD AT THE MUNICIPAL TAX SALE HELD 6/19/08 FOR 2007 DELINQUENT TAXES (Received from Collector 3/7/12)

15. RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR IMPROVEMENTS OF MUNICIPAL SIDEWALKS AND CURBS PURSUANT TO N.J.S.A. 40:65 ET AL (Received from Borough Attorney 3/8/12)
16. RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR IMPROVEMENTS OR CREATION OF MUNICIPAL PARKING SPACES PURSUANT TO N.J.S.A. 40:55 D-42 (Received from Borough Attorney 3/8/12)
17. RESOLUTION AUTHORIZING THE ADVERTISEMENT OF BIDS FOR THE LEASE OF A PORTION OF LAND NEAR THE EXISTING CELLULAR TOWER IN THE BOROUGH (Received from Borough Administrator 3/8/12)
18. RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH BOSWELL ENGINEERING TO PROVIDE ENGINEERING SERVICES IN CONJUNCTION WITH A BERGEN COUNTY OPEN SPACE TRUST FUND GRANT (in the amount of \$68,100.00) FOR SCHAUBLE FIELD IMPROVEMENTS (Additional professional services in an amount not to exceed \$8,000.00/per proposal dated 2/27/12) (Received from Administrator 3/8/12)

Borough Engineer explained that the fee proposal did not include inspection services since same could be accomplished by the Department of Public Works.

19. RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12a AS FOLLOWS (Received from Administrator 3/8/12): Commodity/Service: Radio Communication Equipment & Accessories; Vendor: Motorola Communications & Electronics Inc., PO Box 30, Bordentown, NJ 08505-0305; State Contract #: A53804; Max Amt: \$2,978.73; Commodity/Service: Office Supplies & Equipment; Vendor: Bank of America/Staples 415256, ACH Electronic Payment, 500 Staples Drive, Framingham, MA 01702; State Contract #: A77249; Max Amt: \$7,500.00
20. RESOLUTION AUTHORIZING AUTO EXPENSE STIPENDS FOR CALENDAR YEAR 2011 IN THE AMOUNT OF \$400.00 TO MARIA PASSAFARO, MICHAELA TOMANOVA AND LI-TONG CHIANG AND \$240.00 TO DOROTHY WOODS (Received from Administrator 3/8/12)

CENTENNIAL

~~21. — POSSIBLE~~ RESOLUTION RE DESIGNATION OF /AME CENTENNIAL ZION CHURCH (Requested by Councilman Kashwick RM 2/22/12)

MOTIONS

22. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES (Distributed via e-mail on 3/2/12) ABSTENTIONS: GLIDDEN/LATNER:
 - a. REGULAR MEETING OF FEBRUARY 22, 2012
 - b. WORK SESSION MEETING OF FEBRUARY 22, 2012
23. — MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS/BOARDS AND COMMISSIONS (Not made at the Reorganization Meeting held 1/3/12/Adjourned from RM 1/11/12; RM 1/25/12; RM 2/8/12; 2/22/12):

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

24. MOTION GRANTING APPROVAL FOR Closter PTO to conduct On Premise 50/50 Cash Raffle at Tenakill Middle School, 275 High Street on Friday, 4/27/12, from 7:00 p.m. - 11:00

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – MARCH 14, 2012 - 7:30 P.M.

p.m.; drawing to be held: 10:30 p.m. (Completed application filed and appropriate fees paid 3/6/12)

25. MOTION GRANTING APPROVAL FOR HADASSAH PARAMUS BAT SHEVA CHAPTER TO CONDUCT ON PREMISE DRAW RAFFLE AT TEMPLE EMANU-EL, 180 PIERMONT ROAD; ON THURSDAY, APRIL 26, 2012; FROM 6:00 P.M. TO 11:00 P.M.; DRAWINGS TO COMMENCE AT 7:30 P.M. (Completed application filed and appropriate fees paid 3/7/12)

25a. MOTION GRANTING APPROVAL FOR CLOSTER ELKS #2304, 148 RAILROAD AVENUE, CLOSTER, NJ 07624, TO CONDUCT INSTANT RAFFLES AT 48 RAILROAD AVENUE FROM 3/1/12 TO 3/1/13 AS FOLLOWS: EVERY MONDAY THROUGH FRIDAY FROM 3 P.M. TO 12 MIDNIGHT; EVERY SATURDAY FROM 12 P.M. TO 12 A.M. AND 12 A.M. TO 2 A.M.; EVERY SUNDAY FROM 12 P.M. TO 10 P.M. (Completed Application filed and appropriate fees paid 3/12/12)

26. REPORTS

- a. CONSTRUCTION OFFICIAL – FEBRUARY 2012 (Received 3/2/12)
- b. CHIEF OF POLICE - FEBRUARY 2012 (Received 3/8/12)
- c. FIRE CHIEF – FEBRUARY 2012 (Received 3/12/12)

7b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA
CENTENNIAL

21. ~~POSSIBLE~~ RESOLUTION RE DESIGNATION OF /AME CENTENNIAL ZION CHURCH (Requested by Councilman Kashwick RM 2/22/12)

Councilman Kashwick explained he wanted this item to be voted upon separately due to its importance as evidenced by the members of the public who were present this evening to express their support. He asked for and received confirmation from the Borough Attorney that the Resolution would be to authorize the Borough Attorney to prepare the Ordinance to be placed on the next meeting Agenda.

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

27. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12 (a)
(Subject to 5-minute limit per By-Laws General Rule No.11)

Reverend Richard Collins thanked the Governing Body for the historic designation of the Church.

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

Motion approving the choice of installation of glass panels (in the bus shelter replacement at Knickerbocker Road southbound Durie Avenue) was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

29. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:04 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council via e-mail
on March 23, 2012 for approval at the
Regular Meeting to be held
March 28, 2012

Loretta Castano, RMC
Borough Clerk

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – MARCH 14, 2012 - 7:30 P.M.

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

Approved at the Regular Meeting held March 28, 2012
Consent Agenda Item No. 12a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – MARCH 14, 2012 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, March 14, 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 for publication on January 6, 2012 and to the Star Ledger and published on January 7, 2012, 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

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, Dennis Kaine

At this time Mayor Heymann extended her congratulations to Nicholas Weber on his wrestling achievements. Coach Nigro noted that Nick started wrestling in 2007 as a kindergartener and developed his skills to place many times in tournaments. He qualified for the State Tournament in his age and weight class this year. He finished first this year after an outstanding comeback. Mayor Heymann presented Nick with a plaque and the public offered a round of applause.

At this time Mayor Heymann announced the passing of VanBuskirk Demarest, Jr., of Demarest and owner of John J. Demarest. He was active in the Elks and a Charter member of Leroy S. Mead Post III. Mayor Heymann announced the passing of Al Tobia, a lifelong Closter resident, and asked for a Moment of Silence.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF FEBRUARY 23, 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.

- b. MAIL LIST OF MARCH 1, 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 MARCH 8, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item Nos. 3 and 4 were removed by Councilman Kashwick.

Item No. 3: Received 03/02/12, dated 02/29/12 from C. Nicole Sullivan, Esq., Law Office of Howard Davis, P.C., Concentration in Environmental Issues, to NJDEP Bureau of Case Assignment & Initial Notice, Site Remediation Program, c: Borough Clerk, Board of Health re Receptor Evaluation Report re DTR Automotive Site, 422 Demarest Avenue, Closter, NJ, PI: 016395 - enclosed original, executed Receptor Evaluation and three (3) scanned, PDF copies on CD (copy of originals only - NO CD) Letter only! COMPLETE REPORT ON FILE IN BOROUGH CLERK=S OFFICE (Copy to Board of Health, Construction Official, Environmental Commission - letter only!)

Item No. 4: Received 03/02/12, dated 02/29/12 from Margaret Beiran, Project Manager, BEM Systems, Inc., to Loretta Castano re Initial Receptor Evaluation Form Submission re Former Hotel Research Laboratories, Inc. property located at 48 and 58 Perry Street, Block 1318, Lots 4 and 5; SRP PI ID: G000007260 - letter only!

In answer to Councilman Kashwick, the Borough Engineer explained these notifications go to the Health Department; therefore, he is unaware of the status of these sites. He informed he would look into same and report back at the next meeting.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of March 14, 2012)

Item No. 9 was removed by the Borough Attorney, Item No. 17 was removed by Councilwoman Amitai; and Mayor Heymann removed Item No. 21.

9. RESOLUTION AUTHORIZING A CROWN CASTLE LEASE AMENDMENT (Requested by Administrator 2/3/12) TO BE PREPARED BY BOROUGH ATTORNEY (Adjourned from RM 2/8/12; RM 2/22/12)

The Borough Attorney advised that the lease is not ready for action at this time and should be carried to the next meeting.

17. RESOLUTION AUTHORIZING THE ADVERTISEMENT OF BIDS FOR THE LEASE OF A PORTION OF LAND NEAR THE EXISTING CELLULAR TOWER IN THE BOROUGH
(Received from Borough Administrator 3/8/12)

Councilwoman Amitai questioned if this Resolution relates to Item No. 9 in any way. Borough Administrator said that this resolution relates to a short-term opportunity to install ground support units to provide additional space for additional antennas on the existing tower. It would provide additional revenue to the Borough; and the lease would extend for another year and a half to two years. There is an approved plan by the Police Department for additional space; and

the Borough Attorney said an expansion of the space on the ground would require additional advertising for bids.

21. *POSSIBLE RESOLUTION RE DESIGNATION OF AME ZION CHURCH* (Requested by Councilman Kashwick RM 2/22/12)

Borough Attorney explained that the report of the Historic Preservation Commission was submitted to the Mayor and Council and was forwarded to the Planning Board for comment. A report was submitted by the Planning Board on March 13th and the Council can consider authorization to go forward with the designation process or reject the designation process and request additional information. At this point, some policy decisions must be made by the Council. The Planning Board did not submit the required report within 60 days, as required in Section 8 of Borough Code Chapter 35, "Historic Preservation Commission", 54, "Designation of buildings, structures, objects, sites and districts as historic"; and the Mayor and Council can take the report into consideration or not. Under the Ordinance, the Mayor and Council can act without reference to the Planning Board recommendations. The Planning Board Attorney circulated a letter dated March 13, 2012 outlining the Planning Board's actions and vote on the subject. Certain Planning Board members did not want to take any action concerning the Church because it may affect the Mayor and Council's lawsuit which is currently pending but stayed in Superior Court. The only issue remaining in Superior Court is a challenge by A&P and Mr. Rosenblum to the Borough's ordinance that increased the maximum amount of retail square footage in the retail business district. All of the other issues have been resolved. There was an issue with the Church over the granting of an easement for access.

The most important issue is the historic designation of the Church; and the guidelines are listed in the ordinance that must be considered. The report indicates that Planning Board members did not vote against the concept of an historic designation but they did not want to interfere with what they felt was a Mayor and Council decision. Borough Attorney said it was his legal opinion that the lawsuit that is pending in Superior Court does not in any way affect the reasoning as to whether the Church is designated or not.

In answer to Councilman Glidden, Borough Attorney advised that owners of contiguous property do not have to be notified on the historic designation process; and only the owner of record of the proposed designation must be notified. The Historic Preservation Commission did notify the owner of record; and representatives of the Church did appear at the hearing held by the Commission.

Reverend Richard Collins, Pastor of the Centennial AME Zion Church, said the Church is part of a conglomerate based in Charlotte, North Carolina. Bishop Hunter holds the deed and is aware of the proceedings. He said that as Pastor he is the legal representative; and he has records that establish the dates, places and names of members. He and the Church support the historic designation.

Councilman Barad clarified that Reverend Collins would be the legal representative on site. So notifying him would be the same as informing the conglomerate/corporation. We cannot make anything historic as the church is already historic; but we will hopefully designate it and give it historic designation, which will not only grant the Church with privileges but will also encumber the Church with certain responsibilities. He asked what advantage the Church would appreciate with the designation. Reverend Collins explained that of the thousands or more of their churches, very few have been designated, there are only two in this area that have been so designated:

Memorial in Hackensack and the Summit which was recently added last year; He would be proud to say he was part of something which was historic; not only in namesake but also in moving forward. He confirmed with Dr. Barad that it clearly had the Church's support.

Councilman Kashwick informed he is Liaison to the Historic Preservation Commission explaining he had a few words to say about this designation and historic preservation in general as follows: "Historic Preservation is the act of continually caring for the historic resources in our community. Historic buildings and sites are aesthetically pleasing, convey a unique sense of community and tell the stories of our past. They make up our collective community memory and create an authentic and unique experience distinctive from anywhere USA. Preserving existing buildings is the epitome of sustainability. Preserving our historic resources affords each person the opportunity to interpret and appreciate the values and ways of life of those who lived and worked here before us, establishes a sense of place to which each of us can connect and reveals what we as a Community value. Dedicated individuals and property owners worked together in the community to create a tangible link from the past through the present to the future."

Mr. Kashwick quoted from the designation report entitled "Nomination Report – Centennial AME Zion Church, November, 2012" which was prepared by the Historic Preservation Commission and read the "Reasons for Historic Designation" pp. 3 and 4.

He concluded that the designation of this Church is of utmost importance as it will be the first time the Borough has recognized the importance of its African American heritage. It's the historical worthiness of this Church and its structure on which we should be basing our decision and really nothing else. He congratulated the Historic Preservation Commission for the meticulous work they've done on the history of this Church and thanked them for making these recommendations. Therefore, Mr. Kashwick strongly urged his fellow Council members to support this designation.

Jesse Rosenblum, 65 Knickerbocker Road, cited the agreement of the Church with the Closter Plaza regarding the use of the adjoining property; and questioned if the Church has asked the Plaza if they agree with the historic designation of the Church. Mayor Heymann said the agreement between the Church and the Plaza has nothing to do with the building. Borough Attorney said there is no requirement under the ordinance that the Plaza be informed; and the historic designation has no effect on the easement or give them right of input on the designation.

Michael Kafer, 261 Parsells Lane, commended the Governing Body on the proposed ordinance.

Arnold Brown, 383 Knickerbocker Road, Englewood, said he has blood relatives who helped found this Church; and expressed his strong support for the historic designation inasmuch as it has meaning and a sense of worth in the community.

Amy Heller, 38 George Street, Harrington Park, said she started an online petition supporting the designation; and to date, over 400 people have signed same. She presented a copy of the petition to the Mayor and Council and Borough Clerk.

Steve Isaacson, 97 Columbus Avenue, expressed his support for the designation of the Church and noted that the easement has been recorded which means that the Plaza knows what is going on. He questioned the Planning Board's reason for not approving the designation because of the ongoing lawsuit. Borough Attorney referred to the letter from the Planning Board Attorney, which

indicated that certain members of the Board were worried that taking action would affect the position of the Mayor and Council concerning the balance of the consolidated cases. The Board members did not want to interfere with any decisions concerning the consolidated cases, which should be left to the Mayor and Council. Mr. Isaacson said that the Planning Board Attorney should have advised the members that the designation had nothing to do with the pending litigation.

Bill Cahill, 242 Harrington Avenue, expressed support for the designation. He explained that there are people who attend this Church whose roots in this community go back very far, 18th century. He explained that we think of the Dutch sandstones but forget they were built with African American slave labor; we forget the vital importance of the African Americans in this community from the very beginning. He, therefore, strongly urged the Mayor and Council to support the designation.

In answer to Councilman Kashwick, Borough Attorney said that the Resolution on the Agenda authorizes the preparation of the necessary ordinance

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) SUSTAINABLE DEVELOPMENT ORDINANCE (Requested by Borough Attorney 4/6/11) – The Borough Attorney reported this ordinance is still being worked on; therefore, he had nothing new to report.

2) STATUS REPORT RE CROWN CASTLE PROPOSAL – The Borough Attorney reminded this was discussed earlier and is being carried.

3) REPORT – The Borough Attorney reported there are tax appeals coming in. The deadline to file tax appeals is April 1st. He further reported there was an appeal of a decision by the judge in favor of the Borough regarding the Watkins Farm; Mr. Rosenblum has filed an appeal to the Appellate Division. Mr. Rogan informed he will give a detailed report after April 1st.

At this time, Councilman Barad informed the Ordinance Committee is in the process of looking to create an incentive for historically designated sites similar to the incentives offered in LEEDS ordinances.

B. BOROUGH ENGINEER

The Borough Engineer referred to his Quarterly Status report and provided updates as follows:

1) STATUS REPORT RE 2009 SAFE STREETS TO SCHOOL SIDEWALK PROJECT NJDOT \$275,000 - Authorization to proceed rec'd 8/9/11; Awarded to Marini Bros. Construction Co., Inc. at RM 10/12/11 – The Borough Engineer reported this is set to commence in the next 2-3 weeks; the trees have been marked off by the contractor and will be preserved in an effort to save them as requested by the Council.

2) STATUS REPORT RE HERBERT AVENUE IMPVTS., SECTION 4 (2011 NJDOT Municipal Aid - \$145,846; Closter - \$5,000), MEMORIAL FIELD BASKETBALL COURT IMPROVEMENTS (2009 Bergen County Open Space Trust Fund \$37,500/Closter Open Space Trust Fund \$37,500) AND RUCKMAN ROAD IMPROVEMENTS & CRACK SEALING (remaining Funds from 2009 Road Improvement Program - \$51,895) Contract awarded (RM 4/26/11) to AJM

Contractors – The Borough Engineer reported this was put on hold to get a

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

freeze/thaw cycle of the courts, which backfired because there has not been much of a freeze. The basketball courts have sat for about 6 months to allow time for settlement and consolidation of the soil. The project is scheduled to resume in 2-3 weeks.

3) STATUS REPORT RE DREDGING AND RESTORATION OF RUCKMAN POND, BLOCK 1901, LOT 1 (RM 6/8/11) – The Borough Engineer reported the Borough received all permits including the DEP and Bergen County Soil Conservation District permits. This project is done and ready to go. He reminded of the responsibilities of the Bergen County Mosquito Commission and noted they still have a backlog. At this time, the pumping is to start mid-May and the Mosquito Commission is anticipated to start the dredging in the first week of June. The Borough Engineer reported the Environmental Commission, the DPW and the Nature Center are on board with the current plans. In response to Mr. Glidden, Borough Engineer informed that the pond will be emptied when the dredging takes place.

4) REPORT – The Borough Engineer informed the above items concluded his report.

7. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS REPORT RE BOROUGH WEB SITE – The Borough Administrator informed he had nothing new to report regarding the web site. He spoke to Kevin Whitney today who reported he is actively pursuing working on the paperless packet project and anticipated the end of the month to put things into action.

2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S): The Borough Administrator informed he had nothing to report regarding the following insurance matters:

a. Report re follow up of insurance requirements for use of Senior Center (WS 10/26/11)

b. Report re follow up of following Mail List requests:

1. American Cancer Society (3. M.L. 11/10/11) request to conduct 25th Annual George Washington Bridge Challenge partially through the Borough on 6/10/12

2. American Diabetes Association (7. M.L. 11/10/11) request to conduct Tour de Cure partially through the Borough on 6/3/12

3. St. Paul's Anniversary Committee (9. M.L. 1/19/12) request to hold a block party on 9/9/12, time TBA

4. Annual Jerry Fink z"l Memorial Run/Walk (2. M.L. 2/9/12) partially through the Borough on 5/6/12

5. Demarest Swim Club request to hold 1st Annual Charity Sprint Triathlon Race partially through the Borough on 6/3/12 (5. M.L. 2/2/12)

3) FOLLOW UP REPORT RE ROLL OFF TRUCK (Contract received 6/23/11) - The Borough Administrator reported the roll-off truck has been delivered.

4) STATUS REPORT RE PREPARATION OF SPECIFICATIONS FOR ADVERTISEMENT OF BIDS FOR SANITATION/TRASH COLLECTION (RM 1/26/11) - The Borough Administrator reported the specifications for this will be done before the end of the month. He explained they have been spending more time on the Budget lately; but he will be returning to this project shortly.

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

5) REPORT RE STATUS OF STREET SWEEPER (CONTRACT AWARDED/RM 12/14/11) – The Borough Administrator reported the street sweeper has been delivered. He reported this item is complete.

6) STATUS REPORT RE REQUEST FROM RECREATION COMMISSION (4. M.L. 11/17/11) TO REMOVE “DANGEROUS TREES” IN THE PARKS - The Borough Administrator reported a silver maple is scheduled to be taken down.

7) STATUS REPORT RE FOLLOW UP OF REQUEST BY CONSTRUCTION OFFICIAL FOR APPOINTMENT OF BACK-UP ELECTRICAL INSPECTOR ON PER DIEM BASIS (1.M.L. 12/1/11/WS 11/21/11) – The Borough Administrator reported we have a candidate for back-up electrical inspector. He explained there is a little issue as the original idea was to appoint someone to that position and pay them per inspection as opposed to an annual salary. Right now in our ordinance we only have a salary for the position; so we may have to make a change before the appointment is made to allow for a per inspection basis of payment.

8) STATUS REPORT RE: NEW ROOF AND CHIMNEY/MASONRY WORK/ MAC BAIN FARM HOUSE (WS 12/14/11) – The Borough Administrator reported we received the third quote; so we will be moving ahead with that shortly.

9) REPORT RE BID OPENING FOR 2012 RECREATION FIELD MAINTENANCE AND 2012 RECREATION UNIFORMS – The Borough Administrator reported the advertisement is on website right now. Final information was received today from Mr. Oettinger regarding the uniforms, so that will be up on the web site in the next day or two.

10) REPORT RE ~~PREPARATIONS FOR BID OPENING TO BE HELD 3/15/12 @11~~ A.M. RE CONSOLIDATION STUDY (RFP published in The Record 2/14/12) - The Borough Administrator reported we advertised for bids but none were received. We had some vendors contact us for information but we did not receive any proposals. This will return to the Public Safety Committee for consideration.

11) REPORT – The Borough Administrator informed he had one item regarding the dredging at Ruckman Pond. He received a phone call late today from a representative of the Boy Scouts, who have a cabin near the site. The representative informed that they had heard about the project but have not been included in the loop; so he informed he asked Mr. Dahle to reach out to the Boy Scouts to discuss how it will impact them and the possible use of the site near Ruckman Pond.

B. BOROUGH CLERK

1) STATUS REPORT RE 2012 APPOINTMENTS – The Borough Clerk reported appointments are current; and outstanding appointments are being maintained on the Regular Meeting Agenda.

2) STATUS REPORT RE 2012 OATHS OF OFFICE – Ms. Castano reported that 117 Oaths of Office have been sent out and 105 have been received as of 3/12/12; and she will be providing reports to the Department Heads asking them to follow through to ensure we have 100% acceptance of the appointments.

3) STATUS REPORT RE 2012 LICENSES – Current.

4) STATUS REPORT RE 2012 MEETING DATES – Current.

5) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – Borough

Clerk reported she sent two batches of Financial Disclosure Statements which were received by the Board of Ethics and reviewed and approved. At this point we have a total of 54 statements that

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

will be due on 4/30 but another notice will have to be sent by the Board of Ethics. Their next meeting is scheduled to be held 4/12/12 @ 8:30 p.m. where they will be reviewing the statements received in the interim.

6) STATUS REPORT RE PAPERLESS PACKETS – Ms. Castano informed we are waiting patiently; and her realistic prediction is that we will have it up and running by June.

7) STATUS REPORT RE CODIFICATION – Borough Clerk reported we received Supplement No. 18 from General Code and hard copies were provided to those individuals who still maintain Code Books: The Mayor, Borough Attorney, and three in her office that are maintained. The Code on the web site is updated and current with Supplement No. 18.

8) ELECTIONS – Ms. Castano reported two important deadlines regarding two different elections are approaching:

a. **Primary - Filing date for Local Partisan Candidates and County Committee Candidates** to file petitions for the June Primary Election: Monday, 4/2/12, hand delivered to the Borough Clerk's office by 4:00 p.m.

Deadline date to change party affiliation in order to vote in the June Primary Election which will be held 6/5/12 is Wednesday, 4/11/12.

b. **Annual School Election:** to be held Tuesday, 4/17/12 – 2 p.m. to 9 p.m. – Borough Clerk informed she obtained the list of the candidates from the newspaper on 2/29/12 on 2/29/12. The incumbents are: Anthony Linn, Grace Park, Dina Marinaccio; and the three other candidates are Jesse Rosenblum, Judy Parker, Steven Isaacson.

Last day to register to vote in School Election is 3/27/12. The Borough Clerk's office will be open to the public from 9 a.m. to 9 p.m.

9) REPORT – Ms. Castano informed the above items concluded her report.

C. CHIEF OF POLICE

1) REPORT – Chief Kaine reported another arrest was made a week and a half ago at Closter Massage for prostitution. The Bergen County Prosecutor's office sent an undercover in and he was propositioned about 15 minutes into the scheduled appointment. They were closed down for the day; and all of the information has been forwarded to the Borough Attorney. A copy of an ordinance from Norwood was forwarded to Mr. Rogan, who informed it does not apply to our present situation. The Borough Attorney informed he circulated a legal opinion and explained that the Norwood ordinance and other ordinances that required licensing with massage parlors was voided when the State determined that it would be the sole deciding factor in terms of licensing; State law pre-empted local laws.

Chief Kaine reported seven members of the force participated in the Dr. Seuss Read-A-Thon at the Hillside School with kindergarteners and first graders. A few other members, including himself participated in the Special Olympics Polar Bear Plunge two weeks ago in Sandy Hook.

The Chief reported we will be participating again this year in the D.E.A. buy-back prescription drug program. The event will be held Saturday, 4/28/12; and information will be posted on the web site and in local newspapers.

At this time, Councilman Glidden announced there will be a Public Safety Committee

meeting on Tuesday, 4/20/12; and he will report on same at the next meeting.

7. REPORTS (Continued)

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

a. FILED

1. 2012 ROID GRANT (REC OPPTS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000) Authorization for application RM 6/8/11
2. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT – LAND ACQUISITION IN THE AMOUNT OF \$283,000 FOR THE PURCHASE OF BLOCK 1805, LOT 1, COMMONLY KNOWN AS THE CLOSTER SWIM CLUB AT BLANCH AVENUE (RM 8/10/11)
3. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT – MUNICIPAL PARK IMPROVEMENTS – MATCHING GRANT IN THE AMOUNT OF \$40,000 FOR SCHAUBLE AND MEMORIAL PARK IMPROVEMENTS (RM 8/10/11)
4. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM SUPPORTING THE DESIRE OF THE ENVIRONMENTAL COMMISSION TO OBTAIN A GRANT IN A MAXIMUM AMOUNT OF \$25,000 TO FUND THE EXTENSION OF THE CROSS CLOSTER TRAIL PROJECT; SAID GRANT PROGRAM REQUIRES A CASH MATCH OF 20% OF THE AMOUNT AWARDED OR A MAXIMUM AMOUNT OF \$6,250.00 (Authorized RM 2/8/12) – Mayor Heymann explained the Environmental

Commission applied for this grant and they intend to meet with the Demarest Environmental Commission to formulate the grant to include both Demarest and Closter.

5. DEPARTMENT OF ENVIRONMENTAL PROTECTION IN AN AMOUNT NOT TO EXCEED \$3,000.00 TO FUND THE FOLLOWING PROJECT: COMMUNITY FORESTRY MANAGEMENT PLAN, GREEN COMMUNITIES GRANT (50% match of total project amount) (Authorized RM 2/22/12)

b. AWARDED

1. CDBG GRANT APPLICATION (\$20,000) TO IMPROVE ACCESSIBILITY TO THE CLOSTER PUBLIC LIBRARY (RM 8/11/10) (Award received 11.M.L. 7/7/11) (Contract authorized for execution/RM 10/12/11)
2. 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) (Contract authorized for execution/RM 10/12/11)

c. TO BE FILED - To be announced by Mayor

- 2) REPORT – Mayor Heymann reported on the following:

The League of Municipalities is asking Councils as a whole to indicate any areas they feel would be appropriate for a workshop or conference to be held at the November Annual Meeting. She asked them to put on their thinking caps to think of issues requiring clarification and discussion.

At this time, the Mayor announced that this Sunday at 2 p.m., a new exhibit will open at the Belskie Museum called “7 Great American Photo Artists”. She informed she has the pamphlet for anyone interested in additional information. Mayor Heymann announced, for members in the audience that were not regular spectators, that we have the best museum in Bergen County bar none. She explained that new exhibits appear every month and they are really very special, very well mounted pieces, very well selected and a joy to behold.

8. OLD BUSINESS

- a. POSSIBLE DESIGNATION OF AME ZION CHURCH (Requested by Councilman Kashwick/RM 2/22/12) – discussed previously under “REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING”
- b. REVIEW OF ADDITIONAL CHOICE RE NJDOT REPLACEMENT OF BUS SHELTER AT KNICKERBOCKER ROAD SOUTHBOUND DURIE AVENUE
ORIGINAL CHOICE: “FRAME COLOR – DARK GREEN TRENTON STYLE” – APPROVED R.M. 2/22/12; FURTHER CHOICE TO BE MADE RE PANELS: GLASS OR METAL MESH.

Mayor Heymann noted that an additional choice for panel must be made in addition to installing bus shelters at other locations in addition to installing benches. The Borough Engineer has reviewed several locations. Borough Engineer noted that New Jersey Transit has refused to install a shelter at the bus stop on Main Street by Herbert Avenue going eastbound because it did not meet the requirements for a new bus stop location even though it is an existing one.

Christian Holl, 275 Durie Avenue, referred to the bus stop across from his property, noted that the glass is broken and should be replaced with glass rather than wire mesh to provide better visibility. He said it should be rebuilt on a raised slab. He noted there is no curb and sidewalk by the bus stop, which is a safety issue; and he urged the Borough to install same from Durie Avenue to Mollicone Park. He referred to a letter from 2009 that the curb and sidewalk along Knickerbocker Road would be the next project; and to date, nothing has been done. Mr. Holl cited safety and drainage issues. He noted that he has replaced the sidewalk on Durie Avenue. Borough Engineer said that the Borough can undertake a curbing project in that area; but when curbing is installed, it blocks drainage from the roadway. A drain would have to be installed at a low spot to facilitate the drainage.

Bill Cahill, 242 Harrington Avenue, noted that traffic has increased and expressed support for the curb installation.

9. NEW BUSINESS

10. OPEN MEETING TO THE PUBLIC FOR ANY MATTER PER NJSA 10:4-12(A) SUBJECT TO A 5-MINUTE LIMIT (PER GENERAL RULE NUMBER 11) EXCEPT FOR ITEMS SCHEDULED FOR PUBLIC HEARING AT THE REGULAR MEETING

A citizen from Oradell commended the Mayor and Council for moving forward the designation of the Church and cited the importance of the structure.

In answer to Jennifer Rothschild, 32 Hickory Lane, Mayor Heymann informed that the Resolution for the Church is included for action on the Regular Meeting Consent Agenda.

In answer to Steve Isaacson, 97 Columbus Avenue, Borough Engineer said that even though there is a bus stop on Main Street by Herbert Avenue, New Jersey Transit will not install a bus shelter because it does not meet the current criteria for a bus stop. Mr. Isaacson expressed approval for the raised platform at the bus stop but cited possible safety issues. He suggested rehabilitation of the corner with the installation of a curb and sidewalk from the intersection to the

bus stop. Borough Engineer said that the installation of the curb and sidewalk could create right-of-way and setback issues.

Mr. Isaacson referred to the building of a disabled persons facility in Demarest noting that same would be located near public transportation; and since the Closter facility is not near public transportation, maybe a better location could be found. He questioned the Borough obligation relative to COAH Round 1 and 2. Mayor Heymann said that the Borough is up to date with COAH and the Court has reinstated COAH. The Borough would have to meet new criteria if Round 3 is resurrected.

Mr. Isaacson referred to the 14 route and the TD Bank application; and was advised by the Borough Attorney that this matter should be addressed with the Zoning Board of Adjustment. Mr. Isaacson said that a traffic light would be needed in that area; and the taxpayers should not be saddled with the expense.

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

Motion to adjourn the meeting at 8:45 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via e-mail on March 23, 2012
for approval at the Regular Meeting
to be held March 28, 2012

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 March 28, 2012
Consent Agenda Item No. 12b.