

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – OCTOBER 10, 2012 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:28 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 John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad,
Arthur Dolson and Victoria Amitai
- Borough Administrator, Richard Sheola
- Borough Attorney, Edward T. Rogan
- Borough Clerk, Loretta Castano
- Borough Engineer, Nick DeNicola
- Chief of Police, Dennis Kaine

3. MAYORAL APPOINTMENT OF _____ TO SERVE AS MEMBER OF THE ENVIRONMENTAL COMMISSION FOR A 3-YEAR UNEXPIRED TERM (RAVIT) TO 12/31/14 (3. M.L. 6/21/12 – Resigned effective 6/17/12)

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; 6/27/12; 7/11/12; 7/25/12; 8/8/12; 8/22/12; 9/12/12; 9/24/12):

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

5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 12, 14, 15, 23 and 24 was made by Councilman Barad, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

RESOLUTIONS

6. BILL RESOLUTION – OCTOBER 15, 2012
(Received from Deputy Treasurer 10/5/12)

7. RESOLUTION AWARDED CONTRACT FOR PROFESSIONAL ARCHITECTURAL SERVICES IN CONJUNCTION WITH DESIGN AND PREPARATION OF SPECIFICATIONS FOR TWO PARK BATHROOM FACILITIES (MOLLICONE AND SCHAUBLE FIELD RESTROOMS), PER PROPOSAL DATED 9/18/12, TO JOSEPH A. CECCO, AIA, LLC IN AN AMOUNT NOT TO EXCEED \$6,300 (Received from Administrator/CFO 9/19/12)
Adjourned from RM 9/24/12

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8. RESOLUTION AUTHORIZING DEPUTY TREASURER TO REFUND THE ACCOUNT OF GIUA, BENNY JR. & DEBORAH THE AMOUNT OF \$1,253.07 FOR BLOCK 1312 LOT 13 DUE TO RECIPROCAL EASEMENT AGREEMENT ENTERED INTO ON JULY 2, 2007 PRIOR TO REDUCTION IN 2009 (2007: \$405.12 + 2008: \$847.95) Received from Collector 9/21/12
9. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS 2010, 2011 & 2012: RUSSO V. CLOSTER (Received from Borough Attorney 9/25/12)
10. RESOLUTION MEMORIALIZING ACTION TAKEN AT THE REGULAR MEETING HELD 9/24/12 WAIVING THE SIDEWALK REQUIREMENT OF CLOSTER CODE FOR PROPERTY AT 56 WHITNEY STREET, BLOCK 908, LOT 3 (Received from Borough Attorney 10/2/12)
11. RESOLUTION MEMORIALIZING ACTION TAKEN AT THE REGULAR MEETING HELD 9/24/12 AUTHORIZING THE CHAMBER OF COMMERCE'S REQUEST REGARDING THE SCARECROW WALK OF FAME (FROM 10/12/12 TO 11/1/12 IN THE DOWNTOWN AREA), SUBJECT TO RECEIPT OF REQUIRED INSURANCE AND APPROVAL BY THE BOROUGH'S RISK MANAGER (Received from Borough Attorney 10/2/12)
- ~~12.~~ RESOLUTION MEMORIALIZING APPROVAL GRANTED AT THE REGULAR MEETING HELD 9/24/12 FOR THE WAIVER OF FEES ASSOCIATED WITH BUILDING PERMIT SUB CODE APPLICATIONS IN THE AMOUNT OF \$25.00 FOR THE GENERAL CONTRACTOR REGISTRATION FEE AND \$125 FOR THE ZONING PERMIT APPLICATION FOR CLOSTER KINGDOM HALL OF JEHOVAH'S WITNESSES, 25 HARRINGTON AVENUE (Received from Borough Attorney 10/2/12)
13. GRANTING APPROVAL FOR RENEWAL OF INACTIVE/POCKET LICENSE NO. 0207-33-011-012 DUE TO RECEIPT OF 12.39 SPECIAL RULING FROM THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL DATED 9/21/12 FOR THE 2012-2013 LICENSE TERM AND 2013-2014 LICENSE TERM FOR MOO KUNG WHA RESTAURANT
- ~~14.~~ RESOLUTION APPOINTING ROBERT C. METZDORF AS A PUBLIC DEFENDER FOR AN UNEXPIRED TERM TO 12/31/12 (Received from Borough Attorney 10/3/12)
- ~~15.~~ RESOLUTION AWARDED A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ARCHITECTURAL SERVICES TO CLARKE CATON HINTZ IN CONJUNCTION WITH THE PROCESS FOR NOMINATING CLOSTER BOROUGH HALL TO THE STATE AND FEDERAL REGISTERS OF HISTORIC PLACES, PER PROPOSAL DATED 9/18/12, IN AN AMOUNT NOT TO EXCEED \$5,000 (Received from Administrator 10/4/12)
16. RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR CLOSTER FOOD LOCKER PURSUANT TO N.J.S.A. 40A:4-39 (Received from Administrator 10/4/12)
17. RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR CLOSTER POLICE CONFISCATION AND FORFEITURE FUNDS PURSUANT TO N.J.S.A. 40A:4-39 (Received from Administrator 10/4/12)
18. RESOLUTION AUTHORIZING MAYOR AND CLERK TO SIGN INTERLOCAL AGREEMENT BETWEEN THE BOROUGH OF DEMAREST AND CLOSTER BOROUGH FOR SHARED SERVICES OF GASOLINE AND DIESEL FUEL TO EXPIRE JULY 1, 2014 (Received from Administrator 10/4/12)
19. RESOLUTION AUTHORIZING MAYOR AND CLERK TO SIGN INTERLOCAL AGREEMENT BETWEEN THE BOROUGH OF DEMAREST SCHOOL DISTRICT AND CLOSTER BOROUGH FOR SHARED SERVICES OF GASOLINE AND DIESEL FUEL TO EXPIRE JULY 1, 2014 (Received from Administrator 10/4/12)

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- 20. RESOLUTION AUTHORIZING MAYOR AND CLERK TO SIGN INTERLOCAL AGREEMENT BETWEEN BOROUGH OF HARRINGTON PARK AND CLOSTER BOROUGH FOR SHARED SERVICES OF GASOLINE AND DIESEL FUEL TO EXPIRE JULY 1, 2014 (Received from Administrator 10/4/12)
- 21. RESOLUTION AUTHORIZING MAYOR AND CLERK TO SIGN INTERLOCAL AGREEMENT BETWEEN THE NORTHERN VALLEY REGIONAL SCHOOL DISTRICT AND CLOSTER BOROUGH FOR SHARED SERVICES OF GASOLINE AND DIESEL FUEL TO EXPIRE JULY 1, 2014 (Received from Administrator 10/4/12)
- 22. RESOLUTION AWARDED CONTRACT FOR THIRD PARTY PAYROLL SERVICES TO ACTION DATA SERVICES, INC. FOR 2013 PAYROLL SERVICES (Received from Administrator 10/5/12)

MOTIONS

- 23. 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; 6/27/12; 7/11/12; 7/25/12; 8/8/12; 8/22/12; 9/12/12; 9/24/12):

<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

- 24. MOTION APPOINTING _____ AS BOARD OF HEALTH ALT. NO. 2 FOR A 2-YEAR UNEXPIRED TERM (RAVIT) TO 12/31/13 (3. M.L. 6/21/12 – Resigned effective 6/17/12)
- 25. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES: (Distributed via e-mail on 9/28/12) ABSTENTION: AMITAI
 - a. REGULAR MEETING HELD 9/24/12
 - b. WORK SESSION HELD 9/24/12
- 26. MOTION APPROVING THE FOLLOWING APPLICATION AS NEW MEMBER OF THE KNICKERBOCKER HOOK AND LADDER COMPANY (Completed application received 10/3/12): BRIAN A. GROSCHEL
- 27. MOTION GRANTING APPROVAL FOR THE POLICE DEPARTMENT TO IMPOSE A 9:00 P.M. CURFEW ON CABBAGE NIGHT, TUESDAY, 10/30/12, AND HALLOWEEN, WEDNESDAY, 10/31/12 (Received from Chief of Police 10/3/12)
- 28. MOTION GRANTING APPROVAL FOR THE RECREATION COMMISSION TO CONDUCT THE ANNUAL HALLOWEEN PARADE ON SUNDAY, 10/28/12; PARADE TO FORM BEHIND THE BOROUGH HALL AT 12:30 P.M. AND PROCEED AT 1:00 P.M. THROUGH THE CENTER OF TOWN TO TENAKILL SCHOOL FOR THE JUDGING OF COSTUMES (9. M.L. 10/4/12)
- 29. MOTION GRANTING APPROVAL FOR CLOSTER RECREATION COMMISSION TO CLOSE MEMORIAL PARK AND RUCKMAN PARK “PLAYING FIELDS (GRASSY AREA)” ON 11/5/12 WITH TENTATIVE DATE FOR REOPENING (WEATHER PERMITTING) ON 4/20/13 (11. M.L. 10/4/12)
- 30. MOTION GRANTING APPROVAL FOR ANIMAL LIFE SAVERS INC., P.O. BOX 12, PALISADES PARK, NJ 07650, TO CONDUCT OFF-PREMISE 50/50 CASH RAFFLE AT HARVEST BISTRO, 252 SCHRAALENBURGH ROAD, CLOSTER, NJ 07624, ON 12/12/12; DRAWING TO BE HELD AT 7:00 P.M. (Completed application received and appropriate fees paid 10/4/12)

- 31. REPORTS
 (None received at the time of preparation of this Agenda)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

12. RESOLUTION MEMORIALIZING APPROVAL GRANTED AT THE REGULAR MEETING HELD 9/24/12 FOR THE WAIVER OF FEES ASSOCIATED WITH BUILDING PERMIT SUB CODE APPLICATIONS IN THE AMOUNT OF \$25.00 FOR THE GENERAL CONTRACTOR REGISTRATION FEE AND \$125 FOR THE ZONING PERMIT APPLICATION FOR CLOSTER KINGDOM HALL OF JEHOVAH'S WITNESSES, 25 HARRINGTON AVENUE (Received from Borough Attorney 10/2/12)

Motion based on the precedent that it would set, the Council would reconsider its former position, with apologies, was made by Councilman Barad and seconded by Councilwoman Amitai.

BEFORE ROLL CALL VOTE, Councilman Kashwick asked for assurance that waivers had not been given to other non-profit or religious organizations. Borough Attorney said that fees have been collected from Spectrum for Living, Temple Beth-El and St. Mary's Church.

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

14. RESOLUTION APPOINTING ROBERT C. METZDORF AS A PUBLIC DEFENDER FOR AN UNEXPIRED TERM TO 12/31/12 (Received from Borough Attorney 10/3/12)

Borough Attorney explained that this appointment had not been discussed at a Council Meeting and he acknowledged that resumes had been received and reviewed. Mayor Heymann said that Mr. Metzdorf had been recommended by both the Prosecutor and the Magistrate; and his resume indicates his experience. The Borough is careful to abide by the Fair and Open process but this is a temporary appointment since Public Defender time has been granted to at least one defendant by the Judge. She voiced her understanding that she has received several resumes for the permanent appointment under the Fair and Open process. Borough Attorney said he did not believe that this appointment would qualify as an emergency since the Court date could be adjourned. Councilman Glidden said that he received a resume today from Peter Kim, a Closter resident and former member of the Planning Board. Mr. Glidden said he is a qualified attorney and he asked that he be given consideration. Borough Attorney said that the resolution is for an unexpired term to December 31, 2012. Councilman Barad noted that the resume they received was not very informative; and he would be more comfortable if we had received a written recommendation from the Prosecutor and the Magistrate.

Councilman Glidden said if it is not an emergency, we can wait until November to review the resumes and make a decision on a candidate who could ultimately be reappointed in January. Councilwoman Amitai expressed her support for Peter Kim. Councilman Barad said he is willing to make a temporary appointment in November if we can obtain more information. Borough Attorney said that although our customary process at the beginning of the year is Fair and Open, this process would be Non-Fair and Open, which is fine temporarily, and would require only resumes and quotes. Under these circumstances it would be the most expedient and economical procedure. Councilman Glidden suggested that the resumes be forwarded to the Council and action be taken at the next meeting for a temporary appointment under the Non-Fair and Open process. Borough Attorney advised that the (Political Contribution Disclosure and Stockholder Disclosure Certification) must be submitted in conjunction with the resumes in accordance with Pay to Play requirements.

Borough Attorney explained at this time that Kathy Friese had presented in the Work Session something different than the Chamber of Commerce's original request; she is asking to utilize the alley way between the Empty Vase and Celebrity for live music between 12:00 Noon and 4:00 p.m. on October 20. This will be adding more to cover both and one insurance statement will suffice.

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

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- 14a. RESOLUTION AUTHORIZING THE CHAMBER OF COMMERCE TO UTILIZE THE ALLEY WAY BETWEEN THE EMPTY VASE AND CELEBRITY HAIR SALON FOR LIVE MUSIC, FOOD AND FUN BETWEEN 12:00 NOON AND 4:00 P.M. ON 10/20/12, DURING THE SCARECROW WALK OF FAME, SUBJECT TO RECEIPT OF APPROVAL FROM THE RISK MANAGEMENT CONSULTANT REGARDING THE REQUIRED INSURANCE SUBMISSION”
- 14b. RESOLUTION APPOINTING BOROUGH CLERK, LORETTA CASTANO, AS ACTING BOROUGH ADMINISTRATOR DURING THE ABSENCE OF THE BOROUGH ADMINISTRATOR (FROM 10/12/12 TO 10/22/12)

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

32. 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. Noting there was no public present Mayor Heymann closed the meeting to the public.

In answer to Councilman Dolson, Borough Attorney advised that CORE Logic is a collection agency for Chase and a number of other banks.

- 32a. Motion approving the following Closed Session Resolution at 9:55 p.m. was made by Councilman Glidden seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, 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.A.A. 10:4-12(b)(7), “Pending or anticipated litigation or contract negotiations”; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the contract negotiations, litigation and matter which should be within 12 weeks.

Mayor Heymann resumed the Regular Meeting at 10:05 p.m.

33. ANY OTHER MATTER WHICH MAY COME BEFORE THE GOVERNING BODY
34. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:05 p.m. was made by Councilman Barad, seconded by Councilman Dolson and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via e-mail on October 19, 2012 for
approval at the Regular Meeting to
be held October 24, 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 October 24, 2012
Consent Agenda Item No. 22a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – OCTOBER 10, 2012 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, October 10, 2012. Mayor Heymann called the meeting to order at 7:30 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 The Star Ledger 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

The following persons were present:

Mayor Sophie Heymann

Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad, Arthur Dolson
and Victoria Amitai

Borough Administrator, Richard Sheola

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, Dennis Kaine

At this time, Mayor Heymann memorialized two citizens of Closter who passed away and had made a major impact on the community. Michael Yae was our current Public Defender and one of the first Korean born residents who brought the community together. Mikhail Zakin was known for her ceramic work and had established and was the spirit of the Old Church Cultural Center in Demarest. Mayor Heymann asked for a Moment of Silence.

Mayor Heymann introduced the originator of the picture, The Closter Horseman, Doctor Pagano. Borough Administrator said that the painting took three years to complete and tells the legendary story of the Closter Horseman whose momentous ride saved General Washington from being captured by the British on November 20, 1776. The painting was originally unveiled in 1980 and has been graciously gifted to the Borough by Dr. Pagano.

Dr. Pagano said that the painting depicts the fortitude of America and he gave the background of the story of the Closter Horseman, which started on November 19, 1776 when General Cornwallis crossed the Hudson River landing at Closter Dock to attack General Green at Fort Lee. Due to a warning by the Lone Horseman that the British were coming, the fort was empty because the troops had retreated to Hackensack to join George Washington and his troops. This is a little known story and is not recorded nor publicized as Paul Revere's ride. Dr. Pagano said it took him three years to do the research; and it is an honor to present the Borough with this original painting. At this time the painting was unveiled and Dr. Pagano read a passage from a poem by Dan Mahoney.

Kathy Friese referred to the request from the Chamber of Commerce relative to the Scarecrow Walk of Fame and said she had submitted an addendum to the letter requesting the use of the walkway

between Celebrity Hair Salon and The Empty Vase for live music and apple cider. Mayor Heymann said that if the Council is in agreement, a motion would have to be offered in the Regular Meeting.

Richard Trenk, Vice President of the Community Health Law Project said that the Ann Klein Foundation is honoring the Borough for the work done relative to special needs housing. He said that the ceremony will take place on October 18th and he invited all to attend.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF SEPTEMBER 27, 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 wished to be heard. Item Nos. 1 and 2 were removed by Steve Isaacson.

Item No. 1: Received 09/21/12, dated 09/21/12 from Elvira Testa Caputo, Secretary, Board of Health re Notification of adoption of Board of Health Ordinance No. 2012-2 (Amending Ordinance No. 2011-3)

Steve Isaacson, 97 Columbus Avenue said he was curious what this ordinance pertained to and Mayor Heymann said she believed it had to do with bees. The Borough Administrator explained this is the ordinance establishing salaries for the employees of the Board of Health.

Item No. 2: Received 09/24/12, dated 09/18/12 from Governor Chris Christie to Mayor Heymann re Notification that the Department of Environmental Protection and the Garden State Preservation Trust (GSPT) have approved Closter's Application for a Green Acres matching grant of \$325,000.00 (for the Closter Swim Club) Copy to Michael Hakim

Steve Isaacson voiced his understanding regarding an article he read in the paper saying the State has run out of Open Space money; and finds it interesting that we have now been approved for a matching grant of \$325,000 for the purchase of the Swim Club. He referred to the reverter clause in the original contract and noted it was only supposed to cost \$6,000; and questioned what is going to happen to the \$325,000. Mayor Heymann explained the way those monies are allocated allows us to swing the funds into another project with their permission. She explained that for example, when the County awards a grant, it must be used on specifically what it was asked for; but Green Acres and Open Space monies can be reallocated. We did the same when we received money for the Brooks Farm and then used it to purchase the land off Blanch Avenue; so the land is still referred to as the "Brooks Farm Grant". Mr. Isaacson asked for confirmation that the monies cannot be used for cleanup to which Mayor Heymann agreed and informed the money must be used for a purchase. She cannot divulge the properties they are considering at this time. Councilman Dolson read aloud from the letter where it states that the award of monies is contingent upon passage of legislation and noted this money is not a guarantee.

b. MAIL LIST OF OCTOBER 4, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 3 was removed by Councilman Dolson; Item Nos. 10 and 11 were removed by Councilman Barad.

Item No. 3: Received 10/01/12, dated 09/25/12 from Paul A. Conciatori, Price, Meese, Shulman & D'Arminio, P.C., Attorneys for Applicant, TD Bank, N.A., to Borough Clerk re Zoning Board of Adjustment Public Hearing scheduled to be held 10/17/12 @ 8 p.m. at the Borough of Closter Senior Citizen's Center re application of TD Bank, N.A. for property located at 597 Piermont Road, Block 1608, Lot 1

Councilman Dolson wished to inform that there is a correction to the notice, in that the Hearing will be held in the Council Chambers on 10/17/12; not the Senior Center. Mayor Heymann noted Gail Price used to be the Borough Attorney for a period of time and said she is very familiar with Closter.

Steve Isaacson, 97 Columbus Avenue asked for advice regarding the bus route changes how to approach the Zoning Board before they approve the application to see if we can squeeze any money out of TD Bank

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to improve the intersection. Mayor Heymann voiced her opinion the right way would be for a letter to come through the Mayor and Council to the Zoning Board. She said with the Council's permission she would write that letter. The Mayor explained the Planning Board is entertaining the thought of asking Red and Tan Bus Lines to change the Route of the No. 20 bus to go along Vervalen. She said when the bus comes to the intersection of Vervalen and Closter Dock Road, instead of continuing on Closter Dock Road, the bus would go down Vervalen to Piermont Road to service the projected Closter Plaza. So far Red and Tan seems to be agreeable to the proposal except that it cannot be implemented unless there is a traffic light installed at Vervalen and Piermont, which is already a dangerous corner. A traffic light costs close to 6 figures and to finance that, she said we will ask for contributions from people who have interest in building around there: Closter Plaza, TD Bank and Wells Fargo. Mayor Heymann asked if the Council is in accord with this, she would like to write a letter to the Zoning Board asking them to bring these things up in the discussions with TD Bank. The Borough Attorney cautioned doing this because it could be perceived in the wrong light, although he affirmed the Board has the right to discuss off-site improvements. He voiced his opinion that it may not be the best idea to have the Council write the letter which could bring about a potential lawsuit. The Borough Attorney said if the Zoning Board is concerned about traffic, it would be an appropriate topic for them to approach. In response to Councilwoman Amitai, the Borough Engineer reminded it is a County road.

Mr. Isaacson informed he has spoken with the County DPW Engineering Department and was told they have regular meetings every Tuesday to review plans; and as of yet, they had not received anything. It is possible they have been submitted in the interim. He said one thing the Mayor left out is that he envisions a turning lane so the buses can safely navigate the intersection. Mr. Isaacson reminded of some of the businesses currently located on Piermont Road; and said there are some other sites that could be redeveloped in the future and could increase traffic.

Chief Kaine informed he gave 6 years of accident reports on Homans/Piermont and Piermont/Vervalen to Joe Bianco, Chair of the Zoning Board. In answer to Mrs. Amitai, he said it doesn't show that many accidents at any of those locations and most were minor. The Chief said a lot of the accidents were near the Wells Fargo bank; and the Borough Engineer said it was not poor planning on our part, rather development over time.

Mr. Isaacson said most people who get dropped off in Closter at present are dropped off at the little triangle over by the Exxon; and if the route was changed, perhaps more people would stop in the Plaza after de-boarding. He feels it would be a good improvement to promote the center and the town.

Councilman Kashwick asked if it has ever been considered to make it a "no left turn" from Vervalen onto Piermont Road. The Mayor said she has mentioned it to the Planning Board before; and she feels the least we can do is prohibit left turns at that intersection. The Borough Engineer said a traffic study would cover the bases on all of these issues.

Item No. 10: Received 10/03/12 via e-mail, dated 10/03/12 from Jim Oettinger, Director, Closter Recreation Commission, CC: Chief Dennis Kaine re Response re Ordinance No. 2012:1133, re Smoking Ban in Parks (Copy to Board of Health, Chief Kaine, Environmental Commission)

Councilman Barad asked that everyone read this letter and use it to form their conversations. Although it is not his position, Mr. Oettinger feels strongly about it and he thinks it should be taken into consideration. Councilman Barad informed he would not be present at the 10/24/12 meeting when public hearing and adoption is scheduled to take place.

Item No. 11: Received 10/03/12 via e-mail, dated 10/03/12 from Jim Oettinger, Director, Closter Recreation Commission re Field Use and Field Closing for the Winter (Fall 2012): Requesting permission to close Memorial Park and Ruckman Park playing fields (grassy areas) commencing 11/5/12 and reopening, weather permitting, on or about 4/20/13 (Copy to William Dahle, III)

Councilman Barad explained the request is not for closure of the entire field, but rather to protect the damaged playing areas and still allow access for residents to take walks or walk their dogs without

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further damaging the playing areas. He thanked the Council for their continued support.

Councilwoman Amitai asked if they should be having more discussion on Item No. 10 at this time; and was reminded the vote is not scheduled for two more weeks. She said she feels it warrants more discussion before it is voted on. Mayor Heymann said that could take place during the public hearing portion at the next meeting. Dr. Barad invited her to share her comments at this time. Mrs. Amitai voiced her understanding as to why Mr. Oettinger doesn't want the government taking away people's freedoms; but on the same token, she feels we have the right to have opinions on anything that comes into our space. She asked what other towns do. Mayor Heymann said more and more towns have passed these measures; and in some cases, they are stricter than the ones we proposed. She voiced her surprise that there was any negativity expressed regarding this type of ban; but said that is why we are elected to represent our constituents – to make decisions on things like these and weigh the pros and the cons. The Borough Attorney explained the main distinction in Mr. Oettinger's letter is that he's comparing private property and public property when speaking of personal freedoms. The proposed ordinance refers only to Borough-owned property and the Borough has the right to regulate its own properties. He wanted to point out that those are the major distinctions in the letter between public and private in terms of what the Borough can regulate.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of October 10, 2012)

Mayor Heymann asked if any member of the Council wished to discuss any item on the Consent Agenda of the Regular Meeting. Item No. 12 was removed by the Mayor; Item Nos. 7 and 10 were removed by Steve Isaacson; Borough Attorney removed Item No. 14; Borough Administrator removed Item No. 15.

7. RESOLUTION AWARDED CONTRACT FOR PROFESSIONAL ARCHITECTURAL SERVICES IN CONJUNCTION WITH DESIGN AND PREPARATION OF SPECIFICATIONS FOR TWO PARK BATHROOM FACILITIES (MOLLICONE AND SCHAUBLE FIELD RESTROOMS), PER PROPOSAL DATED 9/18/12, TO JOSEPH A. CECCO, AIA, LLC IN AN AMOUNT NOT TO EXCEED \$6,300 (Received from Administrator/CFO 9/19/12) Adjourned from RM 9/24/12

Steven Isaacson, 97 Columbus Avenue, expressed opposition to the \$6,300 fee and said he had heard it could have been done for less money.

10. RESOLUTION MEMORIALIZING ACTION TAKEN AT THE REGULAR MEETING HELD 9/24/12 WAIVING THE SIDEWALK REQUIREMENT OF CLOSTER CODE FOR PROPERTY AT 56 WHITNEY STREET, BLOCK 908, LOT 3 (Received from Borough Attorney 10/2/12)

Steve Isaacson, 97 Columbus Avenue, expressed his opposition to this resolution inasmuch as this is a major street used by children going to school and the park.

12. RESOLUTION MEMORIALIZING APPROVAL GRANTED AT THE REGULAR MEETING HELD 9/24/12 FOR THE WAIVER OF FEES ASSOCIATED WITH BUILDING PERMIT SUB CODE APPLICATIONS IN THE AMOUNT OF \$25.00 FOR THE GENERAL CONTRACTOR REGISTRATION FEE AND \$125 FOR THE ZONING PERMIT APPLICATION FOR CLOSTER KINGDOM HALL OF JEHOVAH'S WITNESSES, 25 HARRINGTON AVENUE (Received from Borough Attorney 10/2/12)

Mayor Heymann noted that Paul Demarest has expressed concern about the precedent this resolution would set limiting income to the Borough. He pointed out that we have never granted a waiver to corporate or public entities, only to individuals for good cause. Borough Administrator advised that since 1999 the Borough has collected over \$120,000 in permit fees from non-profit organizations for work that has been done on their buildings. Mayor Heymann asked that this resolution be removed from

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consideration for review. Councilman Dolson said that the fees cover the costs of inspections. Borough Clerk advised that the request had been approved by a motion that was offered and seconded and the understanding was that only the application fees were to be waived not the fee for any services to be provided. Borough Clerk explained all requests of this nature are copied to the Department involved expecting to receive an answer in a timely fashion; and since no response was received, it was assumed there was no problem. Borough Attorney said that the resolution is a memorialization of an action taken on September 24th and the Council has the right to take another vote. Borough Attorney announced the resolution will be removed from the Consent Agenda for individual discussion.

Steve Isaacson, 97 Columbus Avenue, said that this resolution sets a precedent.

14. RESOLUTION APPOINTING ROBERT C. METZDORF AS A PUBLIC DEFENDER FOR AN UNEXPIRED TERM TO 12/31/12 (Received from Borough Attorney 10/3/12)

Borough Attorney asked that this resolution be removed from the Consent Agenda during the Regular Meeting for individual discussion.

15. RESOLUTION AWARDED A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ARCHITECTURAL SERVICES TO CLARKE CATON HINTZ IN CONJUNCTION WITH THE PROCESS FOR NOMINATING CLOSTER BOROUGH HALL TO THE STATE AND FEDERAL REGISTERS OF HISTORIC PLACES, PER PROPOSAL DATED 9/18/12, IN AN AMOUNT NOT TO EXCEED \$5,000 (Received from Administrator 10/4/12)

Borough Administrator asked that this resolution be removed from the Consent Agenda and adjourned to the next meeting.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT – The Borough Attorney reported he has one item for discussion in Closed Session that arose late this afternoon.

Mr. Rogan reported we received on the 10/4/12 Mail List (Item No. 5) the NJDEP's response to Rose Tubito, Esq., the attorney for the residents group on Hickory Lane, denying her request with regard to the environmental finding by the State. He said there is no progress to report overall on this case, which is on hold pending the filing of the conservation plan by the Metropolitan Farm. No date will be granted from the State or County Agricultural Boards until that plan is filed. Mr. Watkins, who represents the owner of the farm, has repeatedly said it is coming any day now but we have yet to receive anything.

The Borough Attorney reported his office sent out a letter to Crown Castle to clarify their position with regard to the back area of 90 square feet they requested; then they talked about maybe shifting it over by the police cars. He informed they invited Crown Castle to come to a meeting to discuss this with the Council to outline exactly what they propose to do. On another note, he reminded this contract will expire at the end of next year; and although they can continue these discussions, at some point they have to discuss rebidding the entire project. Mayor Heymann explained for anyone not aware that we have been trying to include in the proposed bids the changes in the architecture of the equipment. They have been discussing putting a roof over the section of the parking lot between Borough Hall and the building next door to safeguard the police cars. They wanted to include the specs for this into the new bid proposal. The Borough Attorney said we need to clarify from them timing wise what they want to do because they're getting a sense Crown wants to do that before the end of this contract. Mayor Heymann voiced her opinion that she thought we were very clear when we made our position to Crown; and the Borough Attorney explained Crown has not made that presentation to the Council which is why we invited them to a meeting. His opinion is that we've gotten mixed feelings from them up to this point. Councilman Dolson pointed out that we are now looking into rehabilitating Borough Hall and asked if the potential of moving the tower was brought up during those discussions. Mayor Heymann explained this idea came about as an alternative to moving the tower because it was going to be prohibitively expensive for whoever was going to do it. She

6. PROFESSIONAL REPORTS (Continued)

A. BOROUGH ATTORNEY (Continued)

said there were enormous complications in timing and in physical movement; and they thought since Crown was willing to put some extra money into the renewal of their contract that the Borough's money could be better used to improve the parking facilities for the police cars and then moving the equipment into a little building they could put on the north side of the roof line. She explained that at the present time, they had asked for but did not follow through on the 90 square feet of space just outside the area they now have to place additional equipment. Mrs. Amitai questioned how this would affect the proposed historic designation; and Mayor Heymann said the roof and the back of the building don't count; and they wouldn't impinge on any of the architectural features of the building itself. Dr. Barad explained that to move the tower would cost a lot of money; and additionally he agreed that to move it is a loss of rental revenue for the Borough; and we depend on it for our own emergencies and would have to install a relay transmitter. In answer to Mrs. Amitai the Borough Engineer explained the cost of construction of a new tower would have to be built into the new contract and then it would be less money for rental fees as a result. Borough Administrator said right now we are making about \$55,000 a year in rental fees on the tower.

At this time, Councilman Dolson asked if the changes were made to Ordinance No. 2012:1130 to reference the International Building Code; because the copy he has shows the change. The Borough Attorney clarified it was amended exactly the way the Planning Board suggested. After publication, the Zoning Board sent a letter and those suggestions are not incorporated. He referred to the letter from Michael Kates and said to incorporate those they would have to make changes at multiple points in the ordinance. In answer to Mrs. Amitai, he said if she was to check the letter that came from the Planning Board and compare it with the final version of the ordinance, it is the exact same. If they want to incorporate the Zoning Board's changes, they need to look at the entire chapter because that language is referenced in multiple places. He voiced his opinion that they are very good suggestions, but they do not address the actual ordinance they were amending. In answer to Mrs. Amitai, he clarified that Michael Kates has issue with two specific phrases in the paragraph of the ordinance they were amending; however, that same language is used throughout the rest of the ordinance which was not being changed. We said we will adopt it, as amended; and if we wanted to make the additional changes, we would review the entire ordinance. He referred to the referenced affidavit and said it could be changed to be very specific and it can be done administratively and it can always be improved without changing the ordinance.

B. BOROUGH ENGINEER

1) STATUS REPORT RE DREDGING AND RESTORATION OF RUCKMAN POND, BLOCK 1901, LOT 1 (RM 6/8/11) – The Borough Engineer reported this project has been completed. Final paperwork is due to the DEP and that will be started now. His office will contact the Bergen County Soil Conservation District for their certificate of completion.

At this time, Mayor Heymann informed for all who were not aware, that for the time being, there is not yet a balance between the live animals and fish that eat the algae, so the pond is not as clean as we would like it to be. It will take some time for the balance to be attained. Mary Mayer had written an explanation which is posted on the web site. The Borough Attorney explained he attended the Nature Center Board of Trustees meeting last night and Marc (Gussen) the Naturalist informed it is not algae, but duckweed which is healthy to help the pond regenerate itself.

2) STATUS REPORT RE HERBERT AVENUE SECTION 5 & BLANCH AVENUE IMPROVEMENTS, 2012 ROAD IMPROVEMENTS, & SCHAUBLE FIELD WALKING PATH - Awarded to AJM Contractors, Inc./\$445,911 RM 6/27/12 – The Borough Engineer reported this project has been completed but there are several punch items on the list yet to be finished. There is still ponding on Reuten Drive and some asphalt on the curbing on Cedar Lane. Those items must be completed before payment is made so this can be finalized. Hopefully these items will be rectified by 11/14/12.

3) REPORT – The Borough Engineer reported the above items concluded his report.

7. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS REPORT RE BOROUGH WEB SITE – The Borough Administrator reported the IT Supervisor provided written directions to some of the staff members so they will be able to update their departmental sections themselves instead of going through Kevin. He said he will be speaking with the staff to make sure that any content that is posted is correct, proofread and spell-checked.

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

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

Mr. Sheola requested this item be removed from his Agenda.

3) STATUS REPORT RE ADVERTISEMENT OF BIDS FOR SANITATION/TRASH COLLECTION (RM 1/26/11) (Notice to Bidders published/The Record & Star-Ledger 9/5/12) Bid opening scheduled to be held 11/6/12 @ 10 a.m. – The Borough Administrator requested this item be removed from his Agenda.

4) STATUS REPORT RE REQUEST FROM RECREATION COMMISSION (4. M.L. 11/17/11) TO REMOVE “DANGEROUS TREES” IN THE PARKS – Mr. Sheola requested this item be removed from his Agenda.

5) STATUS REPORT RE: NEW ROOF AND CHIMNEY/MASONRY WORK/ MAC BAIN FARM HOUSE (WS 12/14/11) – The Borough Administrator requested this item be removed from his Agenda.

6) STATUS REPORT RE MEETING HELD WITH SWIM CLUB REPRESENTATIVES RE *POSSIBLE* ACQUISITION (W.S. 6/27/12) Committee members: Borough Attorney/Administrator/Dr. Barad– Mr. Sheola requested this item be removed from his Agenda.

7) STATUS REPORT RE BID OPENING HELD 7/31/12 @ 11:30 A.M. FOR THE PROJECT KNOWN AS RESTROOM FACILITIES FOR MOLLICONE FIELD AND SCHAUBLE FIELD – The Borough Administrator reported there is a Resolution on the Agenda this evening to engage an architect for the design of the bathroom facilities. Once those plans have been completed, they will be given to the Borough Engineer to incorporate into a new set of specs for those two bathrooms. If the Resolution is approved, he will reach out to the architect to get in touch with the Engineer to collaborate directly in a week or so.

8) STATUS REPORT RE CORRECTIVE ACTION PLAN – 2011 MUNICIPAL AUDIT (Deadline 9/27/12) – Mr. Sheola requested this item be removed from his Agenda.

9) STATUS REPORT RE CY2012 BEST PRACTICES CHECKLIST (Deadline 9/28/12) – The Borough Administrator requested this item be removed from his Agenda.

10) STATUS REPORT RE APPRAISAL OF LADDER TRUCK (Discussed at WS 8/22/12) – Mr. Sheola requested this item be removed from his Agenda and said hopefully he will have a report at the next meeting on an appraiser for the ladder truck. He said there has been some difficulty in finding someone qualified to perform the appraisal.

11) REPORT – The Borough Administrator reported things are moving forward in general; and he hopes to be able to plug information into a skeleton budget for the next meeting so they can discuss the potential for new police officers for 2013. Although the departmental budgets aren't due until the day before Thanksgiving, he feels he can give them a good idea of what the situation will look like for next year without all the messy details.

Mr. Sheola reported, as Dr. Barad has alluded to earlier, that in his absence he is appointing the Borough Clerk as the Acting Administrator; and he will be in touch with her. Mr. Sheola said he will still receive his emails and he will call in every now and then until he returns to the office on 10/23/12. The Borough Attorney informed this action should be memorialized with a Resolution of the Mayor and Council.

Councilman Kashwick questioned if the granting of access to staff members to post on the website only included minutes or if they would be able to change content as well. The Administrator informed he would go back and look at the email from Kevin to see if there is access to the entire page but the original intent was to post minutes only. He voiced his opinion he hopes the access is for the entire page because it

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

doesn't make sense to have someone write up changes then send it to Kevin and have to wait for the changes due to his schedule. Mr. Sheola voiced his support for allowing the employees access to change the content. Councilman Kashwick clarified he wanted to know if the people with access would be restricted to certain pages and the Administrator affirmed same. In answer to Dr. Barad, he said most web sites have the feature to log who goes in and what changes they make. If problems arise, they will be able to figure out who did it. Mr. Sheola referred to the email and informed it was primarily access for the liaison areas to post minutes and agendas.

B. BOROUGH CLERK

1) STATUS REPORT RE 2012 APPOINTMENTS - Maintaining outstanding appointments on the Regular Meeting Agenda. Ms. Castano said her office is gearing up for memo to be distributed to Borough Boards and Commissions on 10/12/12 for response by 11/2/12 for 2013 appointment recommendations.

2) STATUS REPORT RE 2012 OATHS OF OFFICE – Ms. Castano informed she had nothing new to report.

3) STATUS REPORT RE 2012 LICENSES – The Borough Clerk reported the following:
a. Annual Licenses are current – She will be preparing memo to go to the Chief of Police on 10/12/12 for inspections of the current licensees prior to 11/5/12. There are some establishments we have suggested for review for 2013 licensing.

b. Annual Liquor License Renewal – The last license to be renewed for the current license year is Moo Kung Wha which received a Special Ruling from the Division of Alcoholic Beverage Control and the Renewal is on the Consent Agenda of the Regular Meeting. It is still an inactive pocket license but there may be a transfer application to return it to the original location after it is renewed. At this time we still have a pending application for person-to-person/place-to-place transfer for Closter Rec and there are some hold-ups on that. We are aware that the Planning Board has an application pending for this location. Ms. Castano voiced her concerns that the details of the application keep changing for various reasons.

4) STATUS REPORT RE 2012 MEETING DATES – Ms. Castano reported a memo was sent to Borough Boards and Commissions providing calendars/list of holidays/holy days/Mayor and Council tentative meeting dates (2nd and 4th Wednesdays of the month/Mondays where conflicts arise) requesting return date of 12/3/12 in order to assist in preparation of the Annual Meeting Notice to be sent to two newspapers for publication in the new year. She mentioned that Mr. Kashwick had pointed out to her that there will not be a lot of deviations from the regularly scheduled days next year.

5) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – The Borough Clerk reported the Board of Ethics is scheduled to meet on 10/11/12 and they will be providing her with meeting dates. Per Borough Code Chapter 18D, "Powers and Duties of the Board of Ethics" 3. "The Board shall file an annual report of its activities to the Mayor and Council by December 15 of each year" and this should be their last activity of the year.

6) STATUS REPORT RE PAPERLESS PACKETS – Ms. Castano was pleased to report we are almost there. She said we received word from Kevin Whitney this morning at 10 a.m. but there are still some items outstanding. She hopes we will be paperless for the next meeting.

7) STATUS REPORT RE ELECTIONS – The Borough Clerk reported we are gearing up for a very special Presidential Election that should be very heavily attended. She said she and Arlene (Corvelli, Deputy Clerk) will attend the Election Meeting at Seasons on Thursday to review procedures for the upcoming election to be held on Tuesday, 11/6/12, from 6 a.m. to 8 p.m. Ms. Castano said she will send the customary memo to our Chief of Police informing of procedures to be followed. Since it is anticipated the polls will be heavily attended for this election, enforcement of closing the polls is critical. Officers are to ensure that all voters on the line at 8 p.m. have their right to vote; anyone coming in after 8 p.m. will be too late. The officers must be made aware of this procedure to ensure a smooth flowing election. October 16 is the last day for Closter residents to register to vote. Our office will be open to the public from 9 a.m. to 9 p.m. in order to be available for that purpose.

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

- 8) REPORT – The Borough Clerk reported the following:
- a. Codification: In order to comply with the mandates of the Best Practices Inventory, our office will arrange to institute a Supplement (No. 18) for those ordinances not yet codified.
 - b. Preparations for attendance at League Conference in A.C. – 11/13, 14, 15 and 16 – The pre-registrations were paid for and we are awaiting receipt of the badges. Upon receipt of same they will be distributed together with all information received regarding the Conference. This evening Ms. Castano distributed the League magazine to all subscribers which contains information regarding the Conference.

C. CHIEF OF POLICE

- 1) REPORT – Chief Kaine reported that on the holy days they had canine dogs sweep both Temples and no issues were found. There were no traffic issues to report. For the prescription drug collection they were very successful and collected 2 pails to send to the DEA. The Department was notified by CALEA that their on-site has been approved for 3 year accreditation which will take place in December.

Councilman Glidden noted that in two weeks is the public hearing regarding smoking in public parks and questioned if he was aware of some of the feedback received; and questioned if he would like to speak to any difficulties they foresee with the ordinance. Chief Kaine voiced his position that it will be tough to enforce because the only way a complaint can be signed is by a witness; and by the time a car gets down there, the person could be done smoking. Unless the witness is willing to sign a complaint, there will be no probable cause to issue a summons. The police have to witness it otherwise the complaining witness can sign a complaint and it would go in front of Judge Betancourt to determine probable cause in which case a summons would be issued and then it would go to trial.

In answer to Councilwoman Amitai, the Administrator informed we have been promised approximately 50 signs to post around the parks. If the ordinance is approved they will determine where to place the signs. Councilwoman Latner questioned what other towns do that have passed the ordinance. Chief Kaine said that Paramus has park rangers to enforce the ordinance but no other towns have it.

Councilman Glidden voiced his opinion that this is a controversial issue and there are valid arguments for both sides. Councilman Kashwick voiced his opinion that in this day and age the subject is not that controversial. He said Mayor Bloomberg has done a lot in New York City. The Borough Attorney explained that it is permitted to ban smoking in a public park as long as State law does not prohibit it. Dr. Barad voiced his understanding that passing the ordinance allows you to place the signs; and it doesn't necessarily mean it will be enforced; and Mayor Heymann agreed saying it is more conditioning people to be accustomed to the rules. The Borough Attorney said the enforcement issue is not all that different than in other situations; for example smoking in a restaurant. A police officer can't arrive 30 minutes later and arrest someone unless he sees it. The same thing stands true for running a red light.

Mrs. Latner voiced her opinion that it's getting past the initial hurdle; and it is a new generation who are more accustomed to these kinds of rules; and being able to post the signs creates an awareness. Councilman Dolson reminded of the institution of "don't feed the wildlife" ban, there was some emotion involved there too but they need to remind people that it is in the overall best interests of the general welfare of the public. Mrs. Latner said she understands Mr. Oettinger's position as he curates the parks and he should have been consulted about the ordinance to generate the conversation that they're having right now. Mayor Heymann voiced her opinion that asking people to not use specific portions of the parks this time of year is for the common good; and asking people to not smoke at the park is also for the common good. She feels it is contrary for Jim to speak to one side but not for the other. Mr. Dolson informed that although the Council only received the letter recently, Mr. Oettinger had penned a very similar one almost two months ago when the article first came out in the paper.

7. REPORTS (Continued)

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

a. FILED

1. 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)
2. 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)
3. 2013 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000) Authorization for application RM 6/13/12
4. 2013 CDBG GRANT APPLICATION IN THE AMOUNT OF \$326,300 TOWARDS POTENTIAL \$435,000 RENOVATION/REHABILITATION PROJECT FOR THE EXTERIOR OF BOROUGH HALL (Authorized RM 9/24/12)

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. 2012 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000) Authorization for application RM 6/8/11/Awarded \$5,000 (8. M.L. 5/31/12) Grant/Loan Agreement No. 2012-05157-0351-00
3. 2011 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)/Awarded \$283,000 (7. M.L. 6/14/12)
4. 2011 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)/ Awarded \$12,500 for Memorial Park Batting Cage/Bleachers and \$27,500 for Schauble Park Walking Path (7. M.L. 6/14/12) Memorial Park Contract No. 12-00280/Schauble Park Contract No. 12-00281

c. TO BE FILED - To be announced by Mayor

Mayor Heymann reported there are no changes regarding any of the grants.

2) REPORT – Mayor Heymann reported as follows:

a. They finally had to cut down the trees at Memorial Park and that cost just over \$4,700.00. It turns out the tree they had been trying to save was totally rotted inside and she passed around photos of same. She said they do want to replace trees they cut down. Mayor Heymann explained the reasoning behind fines for violating the tree cutting ordinance and said those fines are used to plant new trees. The Borough does not ultimately pay for the trees. She noted there are quite a few trees around town that need to be taken down but there is no money for it at this time. The trees at Memorial Field are accidents waiting to happen. The Mayor explained that on the other hand, sometimes people cut down healthy tree; and reminded there were two such cases recently where they imposed a fee and a fine. She explained we have the “Grand Daddy” of those issues in front of us now on Old Closter Dock Road. She distributed copies of pictures of a lot that was clear cut of 22 trees. The Building Department calculated the potential cost of cutting those trees the cost maximizing all of the fees and fines we could impose would be \$85,960.00. In all fairness, she checked the calculations herself. She noted that the amusing thing is the

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7. REPORTS (Continued)

D. MAYOR (Continued)

attorney for the homeowner is Rose Tubito; and her letter stated that no clearing of the property occurred and no removal of any trees regulated by the Borough Code were removed. Mayor Heymann voiced her disbelief that an attorney would write such a letter when our staff has taken pictures of the property.

b. For anyone who is not aware Judge Carroll of the Superior Court had imposed fees to be repaid for losing a civil case to Jesse Rosenblum in the amount of \$7,000 and an additional \$40,000 to be given to Temple Emanu-El. She noted it is important to realize it was the 20th time he complained about the Temple; and he has not paid the last round of fees imposed; and now he is due to pay over \$100,000 in fees.

c. Mayor Heymann made the following announcements and asked that they be shared with everyone's constituents:

1. The Borough Shredding Event will be held Saturday, 11/3/12, from 9 a.m. to 12 p.m. at the DPW.

2. Tomorrow morning at 7:30 a.m., Harrington Park is having a meeting of Mayors and School Officials and possibly some of the golf course officials to discuss lightning warning mechanisms. The Borough Administrator plans to attend with the Mayor on behalf of Closter. The intent is to cooperate in the Valley to get one large unit or separate units for everyone; but it is evident we need to do something now that we have been warned.

3. The Ann Klein Awards invitation has been passed out and she would be delighted if someone from the Council would attend with her.

4. At the 10/24/12 Council meeting they will be recognizing some Girl Scouts

5. At the 11/7/12 meeting they will be recognizing the Ambulance Corps. with a special surprise for them. That meeting will begin in the Senior Center so the Ambulance Corps. and their families can attend and then they will move back to Borough Hall.

6. On 10/27/12 at 10 a.m. at the Closter Library there will be a "visioning meeting" run by Frank Banisch for the Planning Board to gather suggestions for improving Main Street and the industrial area. The meeting needs to be advertised.

d. Mayor Heymann announced that this past Saturday she attended the Fire Parade in Demarest and she noted there was not a large attendance from Closter. At the same time as the parade, one of the firemen was getting married, so that decimated the attendance from Closter. On the other hand, Cresskill did not show up at all and Old Tappan only had one engine there. She voiced her discouragement that it used to be a big event.

8. OLD BUSINESS

Councilman Kashwick noted that the Council has been straying from the By Laws by allowing the public to speak earlier in the meetings. Mayor Heymann said that as the officiant of the meeting, she has the right to change agenda times; and when people are asked to speak out of turn, it is usually for ceremonies. She voiced her opinion that allowing the public to speak on other items when current is acceptable as long as they comply with the five-minute limitation. Councilman Kashwick felt that allowing for five minutes to speak during each portion allows for a delay in the meeting; and Councilman Glidden concurred. Councilman Barad said it is a public meeting and as long as the Council has the first word on these topics he does not mind the public giving their opinion. Councilman Kashwick indicated that it is not proper decorum and the public becomes part of the meeting. Councilman Dolson said it is pre-emptive and it becomes recommendations as if they are sitting at the Council table. Borough Clerk explained the intent with having a Work Session first followed by a Regular Meeting was to allow the Council to have a free discussion regarding the topics; and the meeting is opened to the public later on.

9. NEW BUSINESS

Dr. Barad was intrigued with Mr. Bianco's suggestion to open up the industrial zone for artists. He said it is a wonderful idea to use areas not being used and opening them up to a benefit of the entire town. It would have to start with the Planning Board and we should not forget the suggestion for the future of the town. Mayor Heymann said that it could be brought up at the meeting of October 27th and she noted that the Planning Board has already discussed same because it is a progressive idea and doable. She noted

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that the Belskie Museum is the only real museum in Bergen County. Councilwoman Amitai said there are grant monies available.

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

Motion to adjourn the Work Session at 9:28 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 October 19, 2012 for
approval at the Regular Meeting
to be held October 24, 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 October 24, 2012
Consent Agenda Item No. 22b.