

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION NOTES – OCTOBER 24, 2012 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, October 24, 2012. Mayor Heymann called the meeting to order at 7:31 p.m.

1. PLEDGE OF ALLEGIANCE

Mayor Heymann invited all to join in the Pledge of Allegiance.

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was sent to The Record and published on January 6, 2012 and to the Star Ledger and published on January 7, 2012, was posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann  
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick,  
Arthur Dolson and Victoria Amitai (7:45 p.m.)  
Borough Administrator, Richard Sheola (7:35 p.m.)  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Deputy Borough Clerk, Arlene Corvelli  
Borough Engineer, Nick DeNicola  
Police Lieutenant, James Winters

The following persons were absent:

Councilman David Barad

At this time Mayor Heymann welcomed the Girl Scouts and presented the Bronze Award to seven Scouts who received the highest award a Junior Scout can achieve. Mayor Heymann also presented the Silver Award to two Scouts one of whom, Gabriella Tait, explained the project for which she attained the award. Francesca Costa explained her project, The Real Food Challenge, and asked for continued support. Mayor Heymann also recognized the Scout Leaders, Tina Stratton, Lucy Kramer, Gloria Tait, Manna Costa, Kay McDermott and Helen Futterknecht and presented each with a rose in appreciation of their service.

At this time, Mayor Heymann introduced Deputy Borough Clerk, Arlene Corvelli, who explained the use of the new laptop computers that have been provided to the Governing Body and provided assistance during the meeting regarding their concerns.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF OCTOBER 11, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 5a was removed by Councilman Dolson.

Item No. 5a: Received 10/10/12, dated 10/09/12 from Arthur N. Chagaris, Beattie Padovano, LLC, Planning Board Attorney, to Mayor re Copy of cover letter with LEED Certification Ordinance sent to Rose Mitchell

Councilman Dolson asked if this letter means the Planning Board is still trying to tie LEEDS and zoning together and this will come back to us again. The Borough Attorney explained the Planning Board forwarded us this letter which is now in review by the Ordinance Committee.

b. MAIL LIST OF OCTOBER 18, 2012 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 6 was removed by Councilwoman Amitai.

Item No. 6: Received 10/15/12, dated No Date from Joseph L. Basralian, Esq., Winne, Banta, Hetherington, Basralian & Kahn, P.C., Attorney for Applicant, to Borough Clerk re Notice of Planning Board Hearing scheduled to be held 10/25/12 @ 8:00 p.m. re the application of Closter Marketplace (EBA), LLC and Centennial AME Zion Church, for installation of parking spaces and sidewalks at the Church, located in Block 1310, Lot 2 and the renovation, modernization and improvement of Closter Plaza located in Block 1607, Lot 1

Councilwoman Amitai reported the Planning Board has postponed the application of Closter Marketplace to a Special Meeting scheduled for 11/8/12 at the request of the Applicant. In answer to Councilman Glidden, the Borough Engineer informed the Applicant wanted to rethink some components.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING  
(Refer to Regular Meeting Agenda of October 24, 2012)

Mayor Heymann asked if anyone wanted to address the items on the Consent Agenda. Item No. 8 was removed by Mayor Heymann; Item No. 9 was removed by the Borough Administrator; and Item No. 16 was removed by Steve Isaacson.

8. RESOLUTION APPOINTING \_\_\_\_\_ AS PUBLIC DEFENDER FOR AN UNEXPIRED 1-YEAR TERM (JUNG-HO “MIKE” YAE) TO 12/31/12 (Adjourned from RM 10/10/12) RESOLUTION RE NON-FAIR AND OPEN APPOINTMENT TO BE PREPARED BY BOROUGH ATTORNEY

Mayor Heymann advised that she would be removing Item No. 8 from the Consent Agenda and would include this appointment with the other appointments at the Reorganization Meeting. She said she had ascertained that it would not be necessary to have an interim appointment. Councilman Glidden stated his objection to the removal and said he would be offering a resolution appointing Mr. Kim at the Regular Meeting.

9. RESOLUTION AWARDING 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) Adjourned from RM 10/10/12

Borough Administrator asked that this resolution be removed permanently from the Agenda inasmuch as he had spoken to the consultant; and based on the information, it is not feasible to replicate something that has been done knowing that the State Office of Historic Preservation would not look favorably on an application for this building.

16. RESOLUTION MEMORIALIZING THE AUTHORIZATION OF THE CHAMBER OF COMMERCE’S REQUEST TO USE THE ALLEY WAY BETWEEN CELEBRITY HAIR SALON AND THE EMPTY VASE ON 10/20/12 (Received from Borough Attorney 10/18/12)

Steve Isaacson, 97 Columbus Avenue, questioned the need for this resolution; and Borough Attorney said that the vote was taken that night on a verbal request; and for legal reasons, a written document memorialized the action that was taken.

- 21a. MOTION APPROVING RAFFLES APPLICATION FOR TEMPLE EMANU-EL OF CLOSTER TO CONDUCT ON-PREMISE CASINO NIGHT AT 180 PIERMONT ROAD ON THURSDAY, 11/15/12, FROM 7:30 P.M. TO 11:30 P.M. (Completed Application filed and appropriate fees paid)

The Borough Clerk requested this Motion be added to the Consent Agenda and no objections were voiced.

6. COMMITTEE REPORTS

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

1) STATUS REPORT RE CLOSTER WEBSITE – Councilman Dolson noted it is obvious that they are sitting behind computers this evening; and said it has been a long and lengthy task of evaluating and preparing for this. He voiced his opinion that it has started out very well. The Borough Clerk thanked Arlene (Corvelli, Deputy Borough Clerk) for all the work she has done setting up for the paperless meetings; and the Borough Administrator for assisting in the purchase of the required equipment. Mr. Dolson thanked all of the staff involved in the process and said he is looking forward to collecting information on the computer rather than envelopes in his house.

2) REPORT – Councilman Dolson reported on the following:  
a. Unfortunately, he missed the last two Ambulance Corps. meetings due to other commitments.  
b. Mr. Dolson asked the Board of Health to consider a selection for the vacancy that has been on the Board for quite a few months. If a selection is not made, they will appoint someone in January. The Board had their annual Mini Health Fair on 10/29; and CVS called the event successful because they gave out more flu shots that day than they have in one week’s time at the store itself. Most Borough Employees attended and there are a few left with the arrangement that they will see Dr. Farooki, who is storing the vials at his office.

6. COMMITTEE REPORTS (Continued)

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

c. The Zoning Board of Adjustment has had a lengthy application. At the last Council meeting, he reported that it was supposed to be heard at the Senior Citizens building; and at 5 p.m. that day, TD Bank permanently withdrew their application for a use variance in a residential zone.

d. Mr. Dolson had nothing new to report regarding the Municipal Budget. He noted requests have been distributed to the various departments so they can evaluate it earlier as opposed to the beginning of next year. He said he is looking forward to that process towards the end of the year.

At this time, the Borough Administrator reported that the Web Master has trained a few of the employees how to update their own web pages. He would like to extend that further by designating an employee to be able to update on behalf of advisory boards that don't have staff so those pages can be updated on a regular basis also. Councilman Dolson added that when he spoke to Kevin (Whitney, IT Coordinator) yesterday, they discussed the need for our own server to host our email. Mr. Sheola voiced his understanding that Kevin is almost done with the specifications for that. In answer to Councilwoman Amitai, Mr. Sheola said he will appoint an employee to do the updates although he has not spoken to that person yet, so he doesn't want to say who at this point. The Borough Clerk affirmed that they are able to update their pages at this point in time. The Borough Administrator said eventually they will extend the abilities to the Police Department, Department of Public Works and other operating departments.

B. PUBLIC SAFETY - GLIDDEN (DOLSON/LATNER)

1) REPORT – Councilman Glidden reported he had one item regarding Public Safety but asked Lt. Jim Winters to speak first regarding another matter.

Lt. Winters wanted to make everyone aware that almost every day there have been reports in the local newspapers about luring events; and luckily there have been none here in the Northern Valley area. The Police Department had a seminar today at Tenakill School and will be at Hillside School on Friday. They will go back again next week as it is Halloween. They wanted everyone to be aware that the Department is on top of this and working very diligently with the schools. In answer to the Mayor, he affirmed the Chief wished to amend the previous motion regarding the Halloween curfew to make it between 7 p.m. and 9 p.m. subject to the direction of the Chief of Police. They wanted to see what occurs over the weekend and advise accordingly when they determine a safe time after the Chief returns on Monday.

Councilman Glidden reported the architect is in the process of doing the drawings for the bathrooms at Mollicone and Schauble; and they hope to have them done fairly soon so they can be passed to the Administrator and then, hopefully, to bid in November.

C. PUBLIC WORKS - LATNER (AMITAI/GLIDDEN)

1) REPORT – Councilwoman Latner thanked everyone involved in the installation of the new doors at the Library on behalf of the Library Board, staff and patrons. Mrs. Latner said the Fire Department is going to meet in the next few weeks and she had no report regarding the DPW.

6. COMMITTEE REPORTS (Continued)

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – In the absence of Councilman Barad, Councilman Kashwick provided an update. He reported, as the Borough Attorney mentioned earlier, that the LEEDS ordinance was discussed at the Ordinance Committee and will likely come back to the Council at the next meeting. He noted the outdoor dining ordinance is on the Agenda for introduction this evening. Mr. Kashwick reported they also discussed the Conservation Zone ordinance; and they are waiting for the Attorney to obtain a list of properties together by block and lot so they can, hopefully, discuss same again at the next Committee meeting and then present it to the Council for consideration.

2) REPORT

E. HUMAN RESOURCES - KASHWICK (BARAD/DOLSON)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported the Human Resources Committee met on 10/10/12 and they discussed longevity for an individual employee. He reported the practice round of the evaluations has been completed; and it seems to have worked well; according to the Borough Administrator, they received some very thoughtful responses. The process will be used annually starting in January 2013. The Borough Administrator reviewed all of the job descriptions prepared by the previous Administrator; and he reported they all seemed to be a fair representation of the work being completed. Mr. Kashwick said just to be sure, the job descriptions were going to be forwarded to the employees again for comment. He reported they plan to put something up on the website to let the public know what positions are available on various Boards and Commissions. There was also discussion on the organizational structure of the Borough and ways to memorialize or codify that. The Human Resources Committee is scheduled to meet again on 11/7/12 prior to the Council meeting.

2) REPORT – Councilman Kashwick reported on the following:

a. Shade Tree Commission – As the Mayor reported at the last meeting, the pruning of the trees in District 6 is going to be problematic. There are a large number of trees that were planted at the same particular time that are now aging. The Commission is going to target certain streets for this year to be able to come in under budget. They are in the process of finding locations for planting of trees before the cold weather sets in.

b. Historic Preservation Commission reviewed the plans for the Closter Plaza as it affects the Centennial AME Zion Church; and determined there would be no impact on the structure. They are in the process of planning Winter programs to take place in between January and April discussing various aspects of Closter history. He noted they discussed placement of the display cases again; and asked the Mayor if a determination was made as far as placement. Mayor Heymann said she spoke to Irene Stella only yesterday but she believes one will be placed at the Library and one at the Senior Center.

c. Environmental Commission – The Harvest Festival is scheduled for this Saturday, 10/27 at the MacBain Farm starting at 3 p.m.; and the rain date is Sunday, 10/28. Mr. Kashwick reported an individual attended the last meeting to discuss the deer issue; and the Commission said they would look into it further and advise the Mayor and Council. He also noted the gentleman was present in the audience this evening. Mr. Kashwick wanted all to be aware the Nature Center along with the Sierra Club of North Jersey Group will be having a presentation on Monday, 10/29, at 7:00 p.m. on Black Bears in New Jersey at the Nature Center.

6. COMMITTEE REPORTS (Continued)

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

1) REPORT – Councilwoman Amitai reported the Improvement Commission met last night; they would like Billy Dahle to sell the old wreaths and she sent him an email to that effect. The Borough Administrator informed they have already started the process for the next auction and included same. The Commission expressed concern about the planters for next Spring because there is an impasse about watering the flowers. The shopkeepers don't seem to do it and Wood Landscape, who is usually very generous in gifting us with the flowers, refuses to do it unless the watering is taken care of. Mrs. Amitai recalled some discussion with the DPW about watering but noted it didn't go anywhere; and asked that in order to plan for their budget for next year, that it be placed on the list for discussion. The Commission received some more complaints about Code Enforcement in the downtown area and asked how everyone felt about it - whether they felt enforcement needed to be tightened up downtown.

At this time, Mayor Heymann noted she thought someone else would have picked up on this but there are a couple of issues. First, she commended the Improvement Commission and the Chamber of Commerce on the success of the scarecrow displays. She said they were very attractive and she enjoyed looking at them; she feels they add color to the Borough. The Mayor said it should remind everyone of how nice the planters will look next year when they are in full bloom. The Mayor said, on the other hand, there are some areas where the tree roots have severely damaged the sidewalks; and she is very concerned about that. Mrs. Amitai said Wood Landscape is supposed to be providing a quote about weed removal downtown. The Borough Administrator informed he had a report regarding the tree roots under Old Business.

Mrs. Amitai continued her report in that the Improvement Commission is preparing for the budget. This year they supplied the pumpkins and bales of hay; and she voiced her hopes that next year it could possibly be even nicer. The Commission is still working on the Music Festival which is planned to be a 4-day event in October 2013 at several different venues in town. They welcomed new Member Kathy Friese at the meeting last night, and Wilson Reimers (former Chair, CIC) agreed to help on an as-needed basis for special projects, although he is too busy to commit a lot of time.

Mrs. Amitai reported the Building Department did not meet this month; and the foregoing items concluded her report.

7. OLD BUSINESS

The Borough Engineer referred to the Yale Place sidewalk and noted that same was installed up to the utility pole at the end of the property and does not connect to the sidewalk on the other side of the pole.

8. NEW BUSINESS

Borough Administrator referred to the downtown trees and advised that he had drafted a letter to the property owners advising them that it would be their responsibility to maintain the pavers around the trees. He asked that the Council review the letter and provide comments on same by the end of business on Friday.

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

Peter Hosek, 16 Cross Street, referred to the deer population and the damage that the deer are causing to trees and shrubbery in addition to the deer droppings that create a health hazard. He felt this subject should be discussed and not ignored. Mayor Heymann said that this is a long-time problem that is getting worse; and in densely populated areas, there are no reasonable solutions. State regulations do not give us a possibility to control the deer. Lieutenant Winters said that there is an unbelievable amount of deer at night all over town; and it is an area problem that must be addressed by the State.

Mr. Hosek referred to neighborhood security citing a burglary on October 5<sup>th</sup> on Oak Street which is adjacent to his property. According to the Police Department, it occurred between 2 p.m. and 9 p.m.; and when increased police patrols were suggested, he was advised that the Department was understaffed. Mr. Hosek questioned the number of officers directing traffic for Rockland Electric and United Water construction sites. Borough Administrator advised that most of the officers directing traffic for the utility companies are working extra duty for which the companies pay the Borough for their time. There is no cost to the Borough residents. Lieutenant Winters said it is mandatory that there is a traffic control director; and Mayor Heymann said the officers are not on regular time or taking time from regular patrols.

Steve Isaacson, 97 Columbus Avenue said the 5<sup>th</sup> Annual Mac Bain Farm Harvest Fest will be held on Saturday from 3 p.m. to 6 p.m. He said that Fire Island has tried everything with the deer population to no avail. Fences are the only answer to keeping them off your property. He asked about the status of the 2,000 square foot rule and Mayor Heymann advised there is an ordinance.

Mr. Isaacson asked about signage for municipal parking lots; and Mayor Heymann said that she would follow up on same. He referred to the downtown pear trees; and Mayor Heymann noted that at one time the Department of Agriculture strongly proposed them as an ideal city shade tree. The Department made a mistake on this and we have stopped planting same. The Shade Tree Commission is concentrating on trees with a tap root that goes down, they are also mixing trees and they are planting trees that will not reach up to the electrical wires. Mr. Isaacson felt that the property owners are going to object to the maintenance of the pavers around the trees.

Kurt Haiman, (384) Blanch Avenue, said as President of the Belskie Museum, he noted that no one here except for the Mayor and the Attorney have visited the Museum. He cited the shows that have been sponsored by the museum. Mayor Heymann said that she makes an effort to announce each show during the meetings. She noted that the Museum is the only full fledged museum on the State listing and the Museum also gives us an exhibit for our small conference room.

In answer to Mr. Haiman, Mayor Heymann voiced her understanding that funding for further testing of the Swim Club property has been authorized; and the Borough Engineer said that a proposal had been submitted to the governing body. Mr. DeNicola was asked to resubmit the proposal. Mayor Heymann said that different uses for the property have been discussed but first we must find out the degree of contamination. Given the degree of contamination, consideration could be given to special needs housing. The land is under deed restriction that it must be used for non-profit recreational purposes. She said it is not very likely that the property would be used for a

pool. Councilwoman Amitai suggested that the existing structure be used for artistic purposes.

Mayor Heymann said there is a Visioning Meeting scheduled to be held on Saturday at 10 a.m. in the Council Chambers with the Borough Planner to discuss the future of our commercial and industrial districts.

In answer to Steve Isaacson, 97 Columbus Avenue, Borough Attorney said that it is our deed restriction on the Swim Club property and could be lifted by the Mayor and Council.

10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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

Mayor Heymann congratulated John Glidden III who received the Billy Mitchell Award at the Elks Club.

Mayor Heymann announced that she had attended the Ann Klein Award Ceremony where Closter received an award for the Borough's efforts in the Community Health Law Project. She also pointed out that on the web there is a 2012 Historic Preservation Plan Survey which is looking for responses on historic needs for the New Jersey DEP. She cited a publication of the United States Department of Justice which has a picture on the last page of the Police Department emblem with the Closter Horseman.

Borough Administrator said a firm was found in Philadelphia that may be able to do a desk appraisal of the ladder truck based on information and photographs. The cost for same is approximately \$300 to \$400; and an on-site appraisal would be approximately \$700 for time and incidental assessment. He said he received a request from the DPW Superintendent to hire two seasonal workers for leaf collection starting on Monday at \$12 per hour and there is money in the budget to accommodate same. No objections were expressed.

12. ADJOURNMENT

Motion to adjourn the Work Session at 9:11 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on November 2, 2012 for approval  
at the Regular Meeting to be held  
November 7, 2012

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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 November 7, 2012  
Consent Agenda Item No. 19b.

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – OCTOBER 24, 2012 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:09 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, Arthur Dolson  
and Victoria Amitai  
Borough Administrator, Richard Sheola  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Deputy Borough Clerk, Arlene Corvelli  
Borough Engineer, Nick DeNicola  
Police Lieutenant, James Winters  
Director of Recreation and Parks, James Oettinger

The following persons were absent:

Councilman David Barad

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

The following Ordinance was introduced at the Regular Meeting held 9/24/12 and was published in The Record on 10/1/12 as stated in the affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public.

ORDINANCE NO. 2012:1133, "AN ORDINANCE TO PROHIBIT SMOKING IN THE  
PUBLIC PARKS AND PARKLANDS WITHIN THE BOROUGH OF CLOSTER"

Mayor Heymann declared a public hearing.

James Oettinger, Director of Parks and Recreation, said he is not in favor of smoking which should be banned all over. He explained that the Recreation Commission was not included in any discussion of this proposed ordinance by the Mayor and Council and cited the laws banning smoking in other states such as California. He said young people are smoking in front of CVS, the movie theater and other areas of the Borough. He felt cigarette sales should be banned. He felt that the parks are hallowed ground and dedicated to those who died defending our freedom. He felt that smoking should be banned in the Borough.

Karen Blumenthal, Executive Director of Global Advisors Smoke Free Policy, cited the addictive aspects of smoking and supported a smoke free environment in public places and outdoors. Businesses and the Chamber of Commerce should be educated. Second-hand smoke is hazardous to our health. Cigarettes are not biodegradable and the butts clog waterways. She expressed her support for the proposed ordinance.

No one else wishing to be heard, Mayor Heymann closed the public hearing.

Motion of approval was made by Councilman Kashwick, seconded by Councilman Dolson.

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Councilman Glidden said he had a problem with the ordinance noting that he believed it is unenforceable and not well thought through if we as a community want to ban smoking. He therefore voted no

Councilwoman Latner also noted that she felt the ordinance was unenforceable but it is taking a step to raise awareness; therefore, she voted yes.

Councilwoman Amitai expressed her agreement with the remarks made by Jim Oettinger but cited freedoms; therefore, she voted no.

Therefore, said Motion of approval was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Latner, Kashwick, and Dolson. Councilpersons Glidden and Amitai voted no.

4. 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)
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; 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; 10/10/12):

<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

6a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 8, 9 and 19 was made by Councilwoman Amitai, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Dolson and Amitai.

ORDINANCES

7. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING – 11/19/12 (MONDAY) @ 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

ORDINANCE NO. 2012:1134, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 141 OF THE BOROUGH’S CODE CONCERNING OUTDOOR CAFES”  
 (Received from Borough Attorney 10/11/12)

RESOLUTIONS

8. RESOLUTION APPOINTING \_\_\_\_\_ AS PUBLIC DEFENDER FOR AN UNEXPIRED 1-YEAR TERM (JUNG-HO “MIKE” YAE) TO 12/31/12 (Adjourned from RM 10/10/12) RESOLUTION RE NON-FAIR AND OPEN APPOINTMENT TO BE PREPARED BY BOROUGH ATTORNEY
9. RESOLUTION AWARDING 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) Adjourned from RM 10/10/12 – removed permanently

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES – OCTOBER 24, 2012 - 7:30 P.M.

10. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE REFUND CHECKS TO LI-TONG CHIANG IN THE AMOUNT OF \$7.00 AND MARIA PASSAFARO IN THE AMOUNT OF \$10.00 REGARDING DISPOSITION OF FOUND OR RECOVERED PROPERTY HANDED OVER TO THE MUNICIPAL POLICE DEPARTMENT AND HELD FOR SIX MONTHS WITH THE OWNER NOT CLAIMING THE PROPERTY PURSUANT TO N.J.S.A. 40-157b (Received from Deputy Treasurer 10/10/12)
11. RESOLUTION AUTHORIZING CORRECTION OF THE 2012 TAX RECORD FOR BLOCK 1312, LOT 14, OWNED BY 200 CDR ASSOCIATES (Received from Borough Attorney 10/16/12)
12. RESOLUTION OPPOSING A2586 EXEMPTING PRIVATE UNIVERSITIES & COLLEGES FROM LAND USE LAW (Received from Councilman Kashwick 10/16/12)
13. RESOLUTION TO PURSUE A “FAIR AND OPEN” PROCESS IN AWARDING CONTRACTS FOR CERTAIN CONTRACTS AWARDED IN THE BOROUGH OF CLOSTER FOR THE FOLLOWING POSITIONS: BOROUGH ATTORNEY, BOROUGH BOND ATTORNEY, BOROUGH APPRAISER – COMMERCIAL PROPERTIES, BOROUGH APPRAISER – RESIDENTIAL PROPERTIES, BOROUGH PUBLIC DEFENDER, BOROUGH PROSECUTOR, BOROUGH ALTERNATE PROSECUTOR, ATTORNEY TO THE PLANNING BOARD, ATTORNEY TO THE BOARD OF ADJUSTMENT, BOROUGH PLANNER (MASTER PLAN REEXAMINATION), COAH PLANNER, BOROUGH AUDITOR, BOROUGH ENGINEER; INCLUDING PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT, RISK MANAGER, DULY LICENSED PERSONNEL TO CARRY OUT THE FOLLOWING PUBLIC HEALTH ACTIVITIES (a) PUBLIC HEALTH ADMINISTRATION: HEALTH OFFICER, ELECTRONIC INFORMATION NOTIFICATION (LINCS), HEALTH EDUCATION (b) ENVIRONMENTAL HEALTH SERVICES – REGISTERED ENVIRONMENTAL HEALTH SPECIALIST (24 Hours per week) – ALL SERVICES IN (a) & (b) SHALL MEET “PUBLIC HEALTH PRACTICE STANDARDS OF PERFORMANCE FOR LOCAL BOARDS OF HEALTH IN NEW JERSEY” (Received from Borough Attorney 10/11/12)
14. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK TO RUSSO, VINCENT & TERESA AND CHASAN LEYNER & LAMPARELLO PC IN THE AMOUNT OF \$7,861.87 FOR BLOCK 2302 LOT 52 DUE TO REDUCTION IN ASSESSMENT CREATING A TAX OVERPAYMENT FOR 2011 AND 2012 (Received from Tax Collector 10/17/12)
15. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE TREE BOND ESCROW MONIES IN THE AMOUNT OF \$5,400.00, POSTED ON 1/6/11, TO APPLICANT: LIAM SHEMTOV/QM TECHNOLOGIES INC. FOR SATISFACTORY REPLACEMENT OF TREES AT BLOCK 2303 LOT 5, 3 LAURENCE COURT (Received from Deputy Treasurer 10/18/12)
16. RESOLUTION MEMORIALIZING THE AUTHORIZATION OF THE CHAMBER OF COMMERCE’S REQUEST TO USE THE ALLEY WAY BETWEEN CELEBRITY HAIR SALON AND THE EMPTY VASE ON 10/20/12 (Received from Borough Attorney 10/18/12)
17. RESOLUTION DENYING 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 10/18/12)
18. RESOLUTION MEMORIALIZING THE APPOINTMENT OF THE BOROUGH CLERK TO ACT AS BOROUGH ADMINISTRATOR FROM MIDNIGHT OCTOBER 12 TO MIDNIGHT OCTOBER 22, 2012 (Received from Borough Attorney 10/18/12)

MOTIONS

19. 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)

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- 20. MOTION APPOINTING STUART TRAY AS CLASS A MEMBER OF THE HISTORIC PRESERVATION COMMISSION TO FILL AN UNEXPIRED 4 YEAR TERM (LOBOSCO – CLASS C) TO 12/31/12 (Requested by Mayor Heymann 10/15/12)
- 21. 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; 10/10/12):

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

- 21a. MOTION APPROVING RAFFLES APPLICATION FOR TEMPLE EMANUEL OF CLOSTER TO CONDUCT ON-PREMISE CASINO NIGHT AT 180 PIERMONT ROAD ON THURSDAY, 11/15/12, FROM 7:30 P.M. TO 11:30 P.M. (Completed Application filed and appropriate fees paid)
- 22. MOTION APPROVING THE FOLLOWING MAYOR AND COUNCIL MINUTES: (Distributed via web portal on 10/19/12) NO ABSTENTIONS
  - a. REGULAR MEETING HELD 10/10/12
  - b. WORK SESSION HELD 10/10/12

23. REPORTS

- a. FIRE CHIEF – SEPTEMBER 2012 (Received 10/5/12)
- b. CHIEF OF POLICE – SEPTEMBER 2012 (Received 10/12/12)
- c. CONSTRUCTION OFFICIAL – SEPTEMBER (Received 10/17/12)

6b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

- 8. RESOLUTION APPOINTING \_\_\_\_\_ AS PUBLIC DEFENDER FOR AN UNEXPIRED 1-YEAR TERM (JUNG-HO “MIKE” YAE) TO 12/31/12 (Adjourned from RM 10/10/12) RESOLUTION RE NON-FAIR AND OPEN APPOINTMENT TO BE PREPARED BY BOROUGH ATTORNEY

Mayor Heymann explained that the time frame is not an urgent one and it would be cleaner to follow the Fair and Open Process rather than separate it for 6 weeks. She has other concerns that would have to be taken up in Closed Session; and recommended that the Council wait until January for the appointment.

Councilman Glidden noted that the wording of the resolution indicated that the appointment would expire at the end of the year.

Motion appointing Peter Kim as Public Defender was made by Councilman Glidden, seconded by Councilwoman Amitai.

Councilwoman Amitai noted that this was a perfect opportunity to try someone without a long-term commitment. Borough Attorney said a public defender is called in when someone qualifies for financial reasons and must be approved by the Court. He said there are a couple of cases pending but there are no DWI cases that must be heard within a specified time frame. Mayor Heymann asked that action on this matter be delayed until after a discussion of same in Closed Session. Borough Attorney said that the matter would remain on the Agenda and be re-addressed after the Closed Session.

- 24. 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)

Jim Oettinger, 25 Carlson Court, asked if the Mayor and Council had received a request from the Supply Group to have a fundraiser at the park on November 3rd. The Borough Administrator advised that the request had been received in his office yesterday afternoon and a response has not been received from the Risk Management Consultant. Mr. Oettinger said he is

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not opposed to the request but the fundraiser would have to be moved to Schauble Park because Memorial Park would be closed at that time. Borough Clerk said the organization has been late each time they have made the request for use of the park and should follow the appropriate procedures in order to obtain permission from the Governing Body.

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

Lieutenant James Winters requested a motion amending the resolution relative to the Halloween Curfew due to recent events and explained that the Reverse 911 would be used to make the announcement. Borough Administrator asked that he be a part of any discussion before a decision is made on the curfew by the Police Department. Jim Oettinger noted that in towns where the luring has occurred, an 8 p.m. curfew has been established; and he would notify the coaches of the curfew on Cabbage Night.

25a. The following motion was made by Councilwoman Amitai, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Dolson and Amitai. Councilman Kashwick voted no citing violation of civil rights:

MOTION TO AMEND THE CURFEW TIME, TO BE DETERMINED BY THE CHIEF OF POLICE IN CONSULTATION WITH THE BOROUGH ADMINISTRATOR, WITH PROPER NOTICE THROUGH THE SCHOOLS AND REVERSE 911

25b. Motion approving the following Resolution at 9:50 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Dolson and Amitai.

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(7), "Pending or anticipated litigation or contract negotiations"; and N.J.S.A. 10:4-12(b)(8), "A matter involving public employees"; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the litigation and matter which should be within 8 weeks.

Mayor Heymann resumed the Regular Meeting at 10:30 p.m.

8. RESOLUTION APPOINTING \_\_\_\_\_ AS PUBLIC DEFENDER FOR AN UNEXPIRED 1-YEAR TERM (JUNG-HO "MIKE" YAE) TO 12/31/12 (Adjourned from RM 10/10/12) RESOLUTION RE NON-FAIR AND OPEN APPOINTMENT TO BE PREPARED BY BOROUGH ATTORNEY

Motion approving the appointment of Peter H. Kim as Public Defender through 12/31/12 was made by Councilman Glidden, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Dolson and Amitai. Councilwoman Latner abstained and Councilman Kashwick voted no.

18a. RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR AND THE BOROUGH ATTORNEY TO RESPOND TO THE BOROUGH OF DEMAREST REGARDING THEIR REQUEST FOR FULL INDEMNIFICATION FOR ANY FUTURE ENVIRONMENTAL CONTAMINATION TO THE PROPERTY (REGARDING THE INTERLOCAL AGREEMENT FOR SHARED SERVICES OF GASOLINE AND DIESEL FUEL)

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

18b. RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR AND BOROUGH ATTORNEY TO PREPARE A DRAFT AGREEMENT WITH THE BOROUGH OF RIVERVALE FOR THE PURPOSES OF A SHARED EMPLOYEE IN THE LAND USE DEPARTMENT.

Motion of approval was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried upon the affirmative vote of Councilpersons Glidden, Latner, and Kashwick. Councilman Dolson and Councilwoman Amitai voted no.

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At this time, Councilman Glidden thanked the Borough Clerk for the paperless packets but noted that the Borough Seal (prepared by the IT Coordinator) should be green as it is on our letterhead.

26. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:35 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on November 1, 2012 for approval  
at the Regular Meeting to be held  
November 7, 2012

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held November 7, 2012  
Consent Agenda Item No. 19a.