

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – APRIL 10, 2013 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:23 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 published in The Record and the Star Ledger issues of January 8, 2013, 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, Berge Tombalakian  
Borough Auditor, Elizabeth Schick  
Chief of Police, Dennis Kaine  
Superintendent of Public Works, William Dahle, III

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

ORDINANCE NO. 2013:1141, "BOROUGH OF CLOSTER CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)"

This Ordinance was introduced at the Regular Meeting held 3/13/13 and was published in The Record on 3/19/13 as stated in the printer's 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.

Mayor Heymann opened the public hearing.

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

Motion approving adoption of Ordinance No. 2013:1141 was made by Councilman Kashwick, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

4. PUBLIC HEARING AND ADOPTION OF THE 2013 MUNICIPAL BUDGET AND RELATED RESOLUTIONS @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

The Municipal Budget was introduced at the Regular Meeting held 3/13/13; and the Municipal Budget Summary was published in The Record issue of 3/19/13, as stated in the printer's affidavit of publication. Reprint of the Summary was posted on the Municipal Bulletin Board in accordance with statutory requirements, was posted on the Municipal Web Site pursuant to N.J.S.A. 40A:4-10; and copies have been made available to the general public. On 3/18/13, the Borough Clerk hand delivered a copy of the Municipal Budget to the Library Director, in accordance with N.J.S.A. 40A:4-8, for public inspection.

Mayor Heymann opened the public hearing.

Borough Administrator explained that there would be a Public Hearing on the Budget before adoption of a resolution on self-examination followed by a resolution adopting the 2013 Budget. He said the budget was introduced at \$14,791,107.00 increasing the tax rate by ½ point, which on a house assessed at \$650,000 would be \$32.00 per year. It is well within the tax levy cap by \$198,000 and under the appropriation cap by \$67,000. The budget covers all contracts that are in place including the Teamsters contract, which is still in negotiation and all operating and capital expenses and debt payments as required by law.

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Motion to table the 2013 Municipal Budget to the next meeting was made by Councilwoman Amitai. (There was no second to this Motion.)

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

4a. RESOLUTION APPROVING SELF-EXAMINATION OF THE 2013 BUDGET IN ACCORDANCE WITH N.J.S.A. 40A:78b

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

In answer to Councilman Barad, Councilman Glidden advised that there are currently 17 police officers in the Department; and there is a pending retirement of one officer in July. Councilman Barad advocated maintaining the Surplus; and he could not predict how a \$30 increase in taxes would affect property values. Councilwoman Amitai questioned if members of the Council had an opportunity to review the document received in the mail this afternoon and was advised that same would not be voted upon; only the budget that was introduced 4 weeks ago.

Motion to approve the 2013 Municipal Budget as introduced was made by Councilman Glidden, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson. Councilwoman Amitai voted no.

Councilman Barad thanked the Council for the discussion on the Budget held this evening noting that it was one of the strengths of this Council.

5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 6c, 8, and 10 was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

ORDINANCES

6. INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING AND ADOPTION 5/8/13 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

a. ORDINANCE NO. 2013:1140 - “AN ORDINANCE TO DETERMINE THE BASE RATE, AMOUNT, SALARIES, WAGES, COMPENSATION, AND THE METHOD OF PAYMENT THEREOF TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF CLOSTER” (Received from Administrator 4/4/13)

b. BOND ORDINANCE NO. 2013:1142 - “AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT IN AND FOR THE BOROUGH OF CLOSTER AND APPROPRIATING \$1,363,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,294,850 IN BONDS OR NOTES OF THE BOROUGH OF CLOSTER TO FINANCE THE SAME” (Received from Bond Counsel 4/4/13)

~~e.~~ ORDINANCE NO. 2013:1143 - “AN ORDINANCE APPROPRIATING \$276,500 HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Administrator 4/13/13)

Borough Administrator advised that two items were left out of the Capital Budget for Open Space; specifically number 6 should read “Ruckman Park” instead of Memorial Park Field which has been added to the ordinance. Councilman Kashwick clarified that number 7 is for the removal and replacement of the four remaining pear trees at Ruckman Park, which will be a joint project with the Shade Tree, Environmental and Recreation Commissions. Relative to the lightning protection system, Borough Administrator advised that there would be horns in five different locations in the Borough by the fields. The sensors would be on the perimeter of the entire project, which would encompass most of the Northern Valley and the horns would be placed strategically within each municipality or each school depending on participation. The horns would be functional during the day and strobes would also be flashing. The system would operate when the storm was 10 miles distance. In answer to Councilwoman Amitai, Borough Administrator said that the lights at Memorial Park Playground would be replaced with LED lights and the existing lights could be sold. Councilman Kashwick recommended that the ordinance be removed from the agenda for amendment.

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VOTE ON CONSENT AGENDA ITEMS (Continued)

ORDINANCES (Continued)

6. INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING AND ADOPTION 5/8/13 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Continued):

- d. ORDINANCE NO. 2013:1144 - “ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW AND ADDITIONAL EQUIPMENT BY THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, AND APPROPRIATING \$18,000 THEREFOR FROM CAPITAL SURPLUS OF THE BOROUGH” (Received from Administrator 4/3/13)

The Borough Auditor left the meeting at 9:38 p.m.

- e. ORDINANCE NO. 2013:1145 – “ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW AND ADDITIONAL EQUIPMENT BY THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, AND APPROPRIATING \$8,000 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH” (Received from Administrator 4/3/13)

RESOLUTIONS

7. BILL RESOLUTION – APRIL 15, 2013 (Received from Deputy Treasurer 4/5/13)
- ~~8.~~ RESOLUTION APPOINTING \_\_\_\_\_ TO SERVE AS ALTERNATE PROSECUTOR FOR A ONE YEAR TERM TO 12/31/13 (Opening held 4/4/13 @ 11:30 a.m.)
9. RESOLUTION SUPPORTING ASSEMBLY BILL A-2753 AND SENATE BILL S-1923 REQUIRING DIRECT PAYMENT OF ENERGY TAXES TO MUNICIPAL GOVERNMENT (Received from Mayor 4/5/13)
- ~~10.~~ RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT WITH THE NORTHERN VALLEY REGION SCHOOL DISTRICT AND MUNICIPALITIES FOR AN EARLY-WARNING LIGHTNING DETECTION SYSTEM (Requested by Mayor 4/4/13)  
TO BE PREPARED BY BOROUGH ATTORNEY

MOTIONS

11. MOTION APPROVING THE FOLLOWING MINUTES – ABSTENTION: AMITAI (Distributed 4/19/13):
- a. REGULAR MEETING HELD 3/27/13  
b. WORK SESSION HELD 3/27/13
12. MOTION APPROVING REQUEST OF INTERNATIONAL ACADEMY OF ARTS AND SCIENCES TO USE CLOSTER MEMORIAL FIELD LOCATED AT 150 HARRINGTON AVENUE ON SATURDAY, 5/19/13, FROM 8:30 A.M. TO 12:00 NOON TO CONDUCT THE IAAS FIELD DAY EVENT (9. M.L. 3/21/13/Approval received from Risk Management Consultant 4/2/13)
13. MOTION GRANTING APPROVAL FOR ELKS AND AMERICAN LEGION TO CONDUCT THE ANNUAL MEMORIAL DAY PARADE ON 5/27/13 @10:30 A.M. – PARADE ROUTE AS FOLLOWS: STAGING AREA AT ST. MARY’S PARKING LOT, START ON LEGION PLACE/PROCEED EAST ON HIGH STREET; LEFT ONTO CLOSTER DOCK ROAD; CONTINUE WEST TOWARD HARRINGTON AVENUE; PARADE TO TERMINATE AT THE GATES TO MEMORIAL PARK; MEMORIAL SERVICE TO BE CONDUCTED AT THE PARK. (8. M.L. 4/4/13)
- 13a. MOTION GRANTING APPROVAL FOR CLOSTER RECREATION COMMISSION TO HOLD THE ANNUAL LITTLE LEAGUE PARADE ON SUNDAY, 4/21/13, BEGINNING AT 12:30 P.M. AT BORO HALL PROCEEDING THROUGH TOWN TO MEMORIAL FIELD FOR THE OPENING DAY CEREMONIES. KICK OFF AT 12:45 SHARP. MAYOR INVITED TO THROW OUT ONE OF THE CEREMONIAL FIRST BALLS AND COUNCIL MEMBERS INVITED TO ATTEND AT MEMORIAL FIELD AT 1 P.M.
- 13b. MOTION GRANTING APPROVAL FOR PLACEMENT OF FARMERS MARKET SIGNS PURSUANT TO THE INTERSECTIONS LISTED AND PROVIDED TO THE COUNCIL AND BE MADE PART OF THE MEMORIALIZING RESOLUTION NOS. 1 THROUGH 8, EFFECTIVE APRIL 14<sup>TH</sup>, 2013, AND CONTINUING THEREAFTER TO THE MIDDLE OF EACH MONTH UP AND THROUGH NOVEMBER 2013 PURSUANT TO CLOSTER ORDINANCE 173-83E AND SUBJECT TO ANY COUNTY PROPERTY MAINTENANCE REGULATIONS AND POLICE RESTRICTIONS - MEMORIALIZING RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY

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14. REPORTS

- a. CONSTRUCTION OFFICIAL – MARCH 2013 (Received 3/31/13)
- b. FIRE CHIEF – MARCH 2013 (Received 4/5/13)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

- 6c. ORDINANCE NO. 2013:1143 - “AN ORDINANCE APPROPRIATING \$276,500 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Administrator 4/13/13)

Motion introducing Ordinance No. 2013:1143, amended to remove number 4 (\$30,000 for) the lighting at Memorial Park, reducing the total appropriation to \$262,500, amending number 6 to read “Ruckman Park” and number 7 to read “tree removal/planting” in parks was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

15. 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. No one wishing to be heard, Mayor Heymann closed the meeting to the public.

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

- 16a. Motion to accept the Historic Preservation Commission’s recommendation designating 1 Station Court (a/k/a Railroad Station) be referred to the Planning Board for input was made by Councilman Kashwick, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

Borough Attorney advised that the Planning Board would have 60 days to review same before responding to the Mayor and Council.

Councilman Kashwick advised the public that after the Council returns from Closed Session, there is a possibility there could be a vote on the historic designation of the Lustron House.

- 16b. Councilman Barad referred to S-1650 that passed the Senate and House relative to control of EMTs. He said it is now on the governor’s desk and it seems likely that that the bill will be vetoed again. There is a new version, which is being prepared in the event of the veto. He suggested that the resolution in opposition to the bill be approved this evening. Our local EMTs oppose the bill before the Governor.

RESOLUTION OPPOSING S-1650/A2463 MAKING SWEEPING CHANGES REGARDING THE REGULATION OF EMERGENCY MEDICAL SERVICES

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

Councilman Glidden referred to the School Board request to move voting from the schools for security purposes and said same should be addressed. He said the County Clerk’s office would have to approve the new locations and suggested that the Borough Clerk forward the proposed locations to the County. Mayor Heymann noted that there was substantial preparatory work that must be done for each new location and at this point we are maintaining the status quo. Councilman Glidden said that the Council should respond to the request of the School Board. Borough Clerk voiced her understanding that if she asked the Board of Elections to review and approve the recommended locations, we cannot use the schools again which is the statutory place to hold elections. She suggested that there be a meeting with the School Board to discuss the matter. Councilman Glidden suggested that a committee consisting of the Borough Clerk, Borough Attorney and himself be formed to address the request. Borough Clerk suggested that the Chief of Police be included as a member of the committee and Chief Kaine agreed. Mayor Heymann indicated that she would follow up on the matter.

Richard Schmidt referred to the designation of the Lustron House; and Borough Attorney advised that possible acquisition of property is an exception and can be discussed in Closed Session. At the end of the Closed Session, the meeting will reopen to the public.

- 16c. Motion approving the following Closed Session Resolution at 10:10 p.m. was made by Councilman Barad, 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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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)(5), “A matter involving the expenditure of public funds for acquisition of real property”; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the matters which should be within 5 weeks.

Mayor Heymann resumed the Regular Meeting at 10:45 p.m.

- 16d. Motion accepting the recommendation of the Historic Preservation Commission on the designation of 421 Durie Avenue a/k/a the Hess Lustron House for historic designation was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick and Amitai. Councilpersons Barad and Dolson voted no.

Borough Attorney said that the matter would be referred to the Planning Board; and under the ordinance, would have 60 days to review the designation and provide their recommendation to the Mayor and Council at which point the governing body would discuss same for final decision.

Mayor Heymann opened the meeting to the public.

J. Ringelstein questioned the process noting the impact the decision would have on her financially and also on the Borough. She said she did not want to get rid of the house but relocate same since it makes no sense for her to try to preserve the house. Borough Attorney said the vote this evening was the second step in the process and it was not a vote to designate but to refer the recommendation of the Historic Preservation Commission to the Planning Board. The Board has 60 days from the date of receipt of the referral to review the designation and to make a decision on the designation to the Mayor and Council. Councilman Barad said the forum to discuss the merits of the designation was first at the Historic Preservation Commission and next at the Planning Board. After the decision of the Planning Board, discussion on the recommendation would be held at the Council meeting. Borough Attorney said that the Council had been provided with a designation booklet and he explained the entire designation process. Ms. Ringelstein said that the person who prepared the designation booklet had to recuse herself since she had an interest in the property; and, therefore, she felt the booklet was biased. She said at the meeting referring the designation to the Mayor and Council, the other side was not heard due to miscommunication. Mayor Heymann said that the Planning Board would be giving every opportunity for her to be heard; and the Board would study the matter in reference to the Master Plan. After a decision is made, there will be a hearing by the Mayor and Council giving another opportunity to be heard on the matter. Ms. Ringelstein said when the decision was made by the Historic Preservation Commission, the homeowner and the person holding the deed were not present due to a misunderstanding. Mayor Heymann said that the designation was only a recommendation; and the only issue before the Commission was the value of the house whereas the issue in front of the Council can be ameliorated by the effect it has on the residents in the area or the owners. The Planning Board will review it in conjunction with the Master Plan.

17. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:58 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  
April 19, 2013 for approval at the  
Regular Meeting to be held  
April 24, 2013

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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 April 24, 2013  
Consent Agenda Item No. 11a.

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WORK SESSION NOTES – APRIL 10, 2013 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, April 10, 2013. Mayor Heymann called the meeting to order at 7:32 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was published in The Record and the Star Ledger on January 8, 2013, 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, David Barad (7:35 p.m.),

Arthur Dolson, Victoria Amitai (7:34 p.m.)

Borough Administrator, Richard Sheola

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Berge Tombalakian

Chief of Police, Dennis Kaine

Superintendent of Public Works, William Dahle III

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF MARCH 28, 2013 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Borough Administrator removed Item No. 10.

Item No. 10. – Received 3/27/13, dated 3/25/13 from Alfred Butti, Commander, American Legion, Leroy S. Mead Post 111 re. The American Legion is unable to host a Memorial Day Parade due to lack of funds and lack of communication with the Elks. They will conduct a ceremony in Veterans Monument Park and request Herbert Avenue be closed to vehicle traffic between Homans Avenue and Closter Dock Road on 5/27/13.

Borough Administrator advised that the situation has changed whereby the members of the Legion, Elks and administrative staff have met; and the parade was organized for Memorial Day. Invitations have been forwarded to the various groups in town.

b. MAIL LIST OF APRIL 4, 2013 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Councilman Kashwick removed Item No. 6, Councilwoman Latner removed Item No. 3 and Councilwoman Amitai removed Item No. 9.

Item No. 3 – Received 4/1/13, dated 3/28/13 from Barbara Boyarsky, VP and General Manager, American Water Resources, Voorhees, NJ, re Information re upcoming mailing and education efforts to Closter homeowners that they are responsible for water line maintenance of the water line running through their property. Councilwoman Latner said she had seen the information being sent out and education on this

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responsibility is necessary. Mayor Heymann noted that the mailing did not go out from United Water but from a competitor somewhat in violation of appropriate marketing processes. United Water is aware of the mailing and has often sent out similar reminders in the past.

Item No. 6 – Received 4/3/13, dated 4/3/13 from Tim Adriance, Chair, Closter Historic Preservation Commission re letters and resolution re Reports on Designation Hearing and Nomination for: a. The railroad Depot Building, One Station Court, Block 1317 Lot 6 and b. Hess Lustron House, 421 Durie Avenue, Block 1003/Lot

Councilman Kashwick said the designations would be brought up in the Regular Meeting for consideration and noted that the next step would be for the Mayor and Council to refer same to the Planning Board. He commended the Commission for the work they have done on these two projects and hoped the Council would take the next step. Councilman Dolson questioned the ramifications on the property owners; and Councilman Kashwick advised there would be restrictions within the ordinance relative to the façade of the structure. Mayor Heymann said approval of the concept must be given to the Planning Board; and in the past, the Council has chosen not to pursue properties where the owner had strong feelings against the designation. Councilman Kashwick noted that there have been exceptions citing Mary Crane's property. He said a letter has been received from David Watkins, attorney for Mr. Schmidt, dated 3/14/13 but received in early April; and Borough Attorney reported on a conversation with Mr. Watkins who has concerns with due process; and the Commission should have honored his request to hold off on the hearing until he had an opportunity to object on behalf of Mr. Schmidt. Borough Attorney said he did not feel that would be a factor that would require the Mayor and Council to halt the process at this time because he would have the opportunity to make that argument before the Planning Board and the Mayor and Council.

There is nothing in the ordinance to require the Mayor and Council to hold up the process at this time; and Mr. Watkins is requesting that the matter be sent back to the Historic Preservation Commission for a rehearing. Borough Attorney said the ordinance provides that everything is now on hold for 180 days; and the Planning Board has the application for up to 60 days before reporting back to the Mayor and Council.

Tim Adriance, Bergenfield, HPC Chairman, said that the Commission uses the services of Rose in Planning who receives and delivers the mail for the Commission; and on the evening of the meeting, the mailbox was checked and there was no letter from Mr. Watkins. Subsequently a letter was received and stamped on 4/4/13. In answer to Councilman Barad, Mr. Adriance said that the charge of the Commission is to review the historical evidence of the property and to hear from the property owner on the merits of the designation. He said the property in question has been placed on the National Register and has not been significantly altered since then. Borough Attorney said hardship relief would be more appropriate before the Mayor and Council; and even though this property was brought to the Mayor and Council previously and rejected, it does not bind future Councils but it is any argument that can be made.

Leslie Ringelstein, 1 County Road, said she attended the Commission hearing at which time she explained that part of divorce decree she was awarded half of the proceeds from the sale of the property at which time there was no restriction on demolishing the house. The house is beyond repair and she provided pictures of the structure and S. Mufson of S&B Construction provided a detailed description of the repairs that would be necessary to preserve the house, which did not make sense economically. She read part of the nomination report relative to the Closter Master Plan and she also referred to a Court Order indicating that the house be sold as part of the divorce decree. There are significant differences in the appraisal report depending on historic and non-historic designation; and she believed that the Commission did not take the economic value into consideration. Councilman Kashwick said the owner of the Train Station is a willing recipient of the designation.

Item No. 9. – Received 3/28/13, dated 3/25/13 from Nick DeNicola, P.E., Project Manager to Mr. Michael Grant, Orange and Rockland Utilities re 237-241 Closter Dock Road, Lot 1, Block 1303 Notification of requirement of Borough permit for replacement pole installation (Pole No. 60267,35478)

In answer to Councilwoman Amitai, Mayor Heymann said the pole needed to be replaced because of higher power coming into the area for the rebuilding of the Kubitis property. The pole was to be relocated somewhat to the north of the present location due to safety considerations. As a result of a dispute, there was a meeting with the property owner, Borough Engineer, Borough Administrator, Orange and Rockland and herself at which time it was decided to keep the pole in its present location but bollards would be placed in front of the pole to address concerns of the Borough Engineer. The old pole, located close to the curb, is to be removed and the new one will be located further in from the curb. Orange and Rockland indicated that the wording of the ordinance did not require them to appear before the Mayor and Council. Borough Clerk said that the Borough Engineer made clear that no permit has been issued and Mayor Heymann said that Orange and Rockland normally applies for the permit. Borough Administrator said that formal approval can be held up and formal application should be filed for review by the Borough Engineer. Borough Attorney said the letter basically instructs Orange and Rockland to apply for a permit at which time the Mayor and Council can rule on the permit since the location of the pole has been cited as a safety concern by the Borough Engineer. Councilman Dolson said that the approved application before the Zoning Board required that the wires come from the next pole and go underground to the building thereby precluding the need for a pole. Councilman Dolson spoke to the builder this morning who informed he was not made aware of this condition and he had already laid the conduit to hook it up to the other pole. Borough Attorney said if this is in the Zoning Board Approval, this creates a problem for Orange and Rockland and the property owner; and the zoning approval can be enforced. Borough Engineer said installation of the bollards does not address the original safety issue; and the pole was installed without Borough approval. The Borough Engineer's office was not aware of the zoning approval but our letter indicates a strong position on the installation. Borough Attorney said if the installation is part of the approval, a certificate of occupancy should not be issued; and he would be contacting Orange and Rockland after receipt of the resolution.

Richard Schmidt, 5 Eastview Terrace asked if there would be more discussion on 421 Durie Avenue; and Borough Attorney said that same is included in the Regular Meeting Agenda. Mr. Schmidt said the correspondence was not delivered in a timely fashion and felt that the matter should be referred back to the Historic Preservation Commission.

Item No. 7. – Received 4/4/13, dated 4/2/13 from Lauren Turiello, Director of Development, Spectrum for Living re Announcement of 30<sup>th</sup> Anniversary; with request for recognition in the form of a Proclamation or letter of Recognition in honor of Spectrum for Living's achievements.

The Borough Clerk brought this matter to the attention of Mayor Heymann who said she would have a proclamation drafted.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING  
(Refer to Regular Meeting Agenda of April 10, 2013)

At this time, Mayor Heymann referred to the 2013 Budget received from the Finance Committee calling for a 1% increase; and she felt that we should have a zero increase which she discussed with the Borough Administrator who compiled a revised budget involving different limits for surplus and a slight increase for the Police Department by not hiring two officers to attend the Academy. She said a little more would be drawn down from Surplus and noted that Surplus has increased each year since she has been Mayor. Borough Administrator said the Chief Financial Officer has confirmed the Surplus figures and he explained the figures and balances shown on the chart. Councilman Kashwick noted that the Police Budget was \$150,000 lower in 2011 than what is proposed for 2013; and Mayor Heymann indicated the amounts that would be removed from the Police budget but could be addressed by use of Surplus. Councilman Glidden expressed concern about the Police Budget and the proposal not to hire two new police officers, which would compromise public safety. Councilman Kashwick questioned the budget figures being offered and Councilman Dolson said the chart indicates a reduction of \$48,000 in police salaries, removing

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\$40,000 for new hires and removing \$28,000 for an officer no longer with the Department in addition to increasing the amount being used from Surplus and said that doesn't sound like a difference of only \$8,000. He noted the instability in Trenton and said the increase in taxes because of the budget is \$30 per household for the year. He said there is a problem with cutting the budget so close that there is no room to maneuver. If there is a need to maneuver, services and expenses would have to be cut in addition to layoffs, which he felt was not the prudent way to run the Borough. Mayor Heymann said in terms of value of living in Closter and real estate values, lower taxes mean higher values and she hoped there would be enough liquidity to offset any further State restrictions.

Councilman Kashwick agreed that there is future uncertainty and felt that Surplus should be maintained at a good level. Mayor Heymann said the Surplus is so ample and the potential for building same is so clear cut in her mind that it would take a major disaster to make a change in the validity of the size of the budget. Councilman Dolson said he did not share her enthusiasm regarding the economy citing 2008 and noted we are not in the same benefit area in 2013. Mayor Heymann felt the building economy such as a Closter Plaza renewed application assures us of a larger surplus at the end of the year. She cited the Elgin construction, which brought in \$100,000 in building revenue. Councilwoman Latner said she understands a zero increase but she had an issue with cutting the budget so close to the wire. Mayor Heymann said raising taxes lowers the interest in real estate and would be a blow to our ratables. She felt the police issue can resolve itself. Councilman Dolson referred to the construction revenue noting that the Borough does not keep the gross amount; and noted that \$385,627 was collected in construction fees; and this year, we are anticipating \$370,000 in the budget. Mayor Heymann questioned why the full realized amount generated last year was not used as a basis for this year and the Borough Auditor said you are allowed to use up to the realized amount which would maximize your revenue; but if you receive less this year, you would not have that cushion. Councilman Glidden suggested that discussion be deferred to the budget hearing later in the meeting.

Councilman Barad questioned the surplus indicated on the table received today and asked when the Mayor refers to surplus, the categories are listed as "fund balances" and wanted to know which one she was referring to as "surplus". Mayor Heymann explained the surplus figures and the balances; and Councilman Dolson noted that the budgets have increased each year; and comparing the use of surplus today with 2008 is not practical because the budget in 2008 was probably half of what it is today. Mayor Heymann said you must look at the percent utilized and we are utilizing less rather than more.

5a. VOTE ON CONSENT AGENDA ITEMS

Mayor Heymann asked whether any member of the Governing Body desired to remove any of the Consent Agenda items for discussion.

Mayor Heymann referred to the following Resolution and noted we have two excellent candidates from the last bid and she could not distinguish the best one:

8. RESOLUTION APPOINTING \_\_\_\_\_ TO SERVE AS ALTERNATE PROSECUTOR FOR A ONE YEAR TERM TO 12/31/13 (Opening held 4/4/13 @ 11:30 a.m.)

Borough Attorney advised that cost figures for the following Resolution had not been received; and it was removed from the Consent Agenda:

10. RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT WITH THE NORTHERN VALLEY REGION SCHOOL DISTRICT AND MUNICIPALITIES FOR AN EARLY – WARNING LIGHTNING DETECTION SYSTEM (Requested by Mayor 4/4/13)  
TO BE PREPARED BY BOROUGH ATTORNEY

. Councilwoman Amitai objected to field lighting being included in the Open Space Fund and Mayor Heymann said requests for lighting at Ruckman Park has been submitted for over eight years. Borough Administrator explained the lighting proposals being included.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT - Borough Attorney reported on a meeting with the Cell Tower Committee to review drafts for preparation of bid specifications. It was thought there would be additional property for storage, an increase in the height of the tower of a maximum of 10 feet for two additional providers or a carport for police vehicles. Bid alternatives could also be prepared but all bid specifications would be forwarded to the Mayor and Council. Mayor Heymann provided the bid specs from Haworth; and the Haworth Borough Administrator advised that \$36,000 was received for each antenna as income; and more antennas generate more income.

Borough Attorney reported that Tax Appeals are still being received and the date for receipt was extended. He estimated that about the same would be received as last year but said he would submit a report to the Mayor and Council. Closter is still faring well compared to other municipalities. By the next meeting, he would be able to prepare a report for distribution to the Council. Mayor Heymann explained that the deadline was April 1<sup>st</sup> but because the County had not completed its calculations for Closter and other municipalities, the deadline was extended.

Borough Attorney advised that he would have a matter for Closed Session on legal strategy for Metro Farm.

B. BOROUGH ENGINEER

- 1) 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
- 2) REPORT – Mr. Tombalakian noted that this matter was discussed earlier in the meeting.

7. REPORTS

A. BOROUGH ADMINISTRATOR

- 1) STATUS REPORT RE MEETING HELD WITH SWIM CLUB REPRESENTATIVES RE POSSIBLE ACQUISITION (W.S. 6/27/12) Committee members: Borough Attorney/Administrator/Dr. Barad
- 2) STATUS REPORT RE APPRAISAL OF LADDER TRUCK (Discussed at WS 8/22/12)
- 3) REPORT – Borough Administrator reported the park restrooms project (Construction of Restroom Facilities – Mollicone and Schauble Parks) is under way with a preconstruction meeting being held last week. The contractor has been filing the required paperwork on a timely basis; and it is hoped to complete the project prior to the 90 days allowed in the bid.

Borough Administrator referred to a memo sent to the Council, Borough Attorney and Borough Clerk, dated 4/5/13 regarding outdated emergency equipment that is no longer used. He explained that the police vehicle lighting contractor was contacted to work out a barter agreement subject to the Council's approval. All of the outdated equipment would be taken by the contractor in exchange for outfitting one of our undercover vehicles with emergency lighting and radios. The memo from the Sergeant and a list of the equipment was attached to his memo; and if approved by the Borough Attorney and the Council, a motion authorizing the exchange could be drafted. At present, the vehicle has no emergency warning lights or radio; and he felt the Barter agreement was a good deal for all involved.

The Borough Administrator advised that four students have come in for Senior Service projects for a month. He said he had several research projects for the students.

7. REPORTS (Continued)

B. BOROUGH CLERK

- 1) STATUS REPORT RE 2013 APPOINTMENTS - Borough Clerk informed that a report would be completed upon the return of the Deputy Borough Clerk on 4/15/13.
- 2) STATUS REPORT RE 2013 OATHS OF OFFICE – same as above
- 3) STATUS REPORT RE 2013 LICENSES – Borough Clerk reported that the licenses are current with the exception of a live entertainment license; and the individual should be appearing before the Mayor and Council shortly.

a. Liquor License renewals – License Renewals this year require complete 12 page applications for 13 licenses. Renewals are usually required prior to transfer but two transfers that have been in progress: Moo Kung Wha, Person to Person transfer of an inactive pocket license, had to be returned as incomplete; and Modern Bar, LLC, 540 Durie Avenue, Person to Person/ Place to Place inactive pocket license was referred to the Construction Office for update and report.

- 4) STATUS REPORT RE 2013 MEETING DATES - Meeting dates are current.
- 5) STATUS REPORT RE FINANCIAL DISCLOSURE STATEMENTS – Borough Clerk reported that a new procedure contained in Local Finance Notice 2013-13 was received on 3/27/13 and explained that the new program will go live upon receipt of information contained in Local Finance Notice 2013-14. She asked that she and the Borough Attorney meet with the Board of Ethics on the filing requirements and responsibilities. The Ethics Board will be meeting on 4/11; 5/9; 6/13; 10/10; 12/12

6) STATUS REPORT RE CODIFICATION OF ORDINANCES – Borough Clerk noted that Supplement No. 19 has been received and the Code is online.

7) STATUS REPORT RE FOLLOW UP FOR PROFESSIONAL CONTRACT POSITION/ALTERNATE PROSECUTOR –The Resolution of appointment is on the Consent Agenda this evening as Item No. 8; but would be postponed to the next meeting. The bid opening was held on 4/4/13 at 11:30 a.m., as advertised on our Web Site; two responses were received and all paperwork received was copied to the Mayor and Council, Borough Attorney and Administrator.

C. CHIEF OF POLICE

1) REPORT – Chief Kaine reported that the March monthly reports were forwarded to everyone. The Department is participating in the DEA Prescription Drug Program on Saturday, 4/27/13 between 10 a.m. and 2 p.m. at the rear parking lot of the DPW. Expired prescriptions are acceptable but no syringes will be accepted due to possible contamination. Flyers are being picked up from the DEA for distribution in various locations and same will be posted on the Borough web site. The digital sign-board has been located at some of the local parks due to complaints about dog owners not picking up after their pets.

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. 2013 ROID GRANT (REC OPPTS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000) Authorization for application RM 6/13/12
3. 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)

7. REPORTS (Continued)

D. MAYOR (Continued)

1) STATUS REPORT RE FOLLOWING GRANTS:

b. AWARDED

1. 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)
2. 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
3. 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) Award reported by Mr. Kashwick/WS 11/19/12

c. TO BE FILED - To be announced by Mayor

2) REPORT - Mayor Heymann read a letter from Jim Oettinger recapping the Easter Egg Hunt held on 3/30/13 and thanking the Mayor and Council for the updated facilities at Memorial Park and to the Police Department, DPW and Fire Department for their hard work and dedication. Mayor Heymann referred to the Proclamation on the Agenda for Energy Tax Relief and she supplied information on same to the Council. The Arbor Day Proclamation was read by Councilman Kashwick. Councilman Glidden advised that a motion would be needed this evening to approve the Little League Parade on Sunday, 4/21/13 beginning at 12:30 p.m. at Borough Hall and ending at Memorial Field for Opening Day Ceremonies. Mayor Heymann has been invited to throw out a ceremonial first ball and the Council members have been invited to attend. Mayor Heymann said she would like to discuss a real estate acquisition matter in Closed Session.

8. OLD BUSINESS

Councilman Kashwick questioned the status of the fields at Northern Valley High School; and Mayor Heymann advised that Len Albanese said he did not find it necessary to come to the Council because there would be a major meeting at the High School with an open public session. A letter was received from the Office of the High School Superintendent indicating the same reason and inviting the Council to a meeting on 5/6/13 at the Old Tappan High School. If more information is needed thereafter, a member of the Board would attend a Council meeting. Councilman Kashwick requested a resolution for the next meeting opposing this project. Councilman Barad expressed his agreement.

9. NEW BUSINESS

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

Mayor Heymann opened the meeting to the public.

Katherine Friese, 139 Alpine Drive, acting as Event Planner for the Chamber of Commerce, provided the Farmer Market sign placement list to the Council and asked for permission to place the signs. She asked for approval for the signs to be placed each month for a few days starting on the 15<sup>th</sup> of each month on

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Thursday, Friday, Saturday and Sunday with removal on Monday. The signs, with the printing in color and the Chamber logo, measuring 2' by 3' would be placed at the busy intersections, not interfering with traffic starting tomorrow. The market would continue for a period of 30 weeks until 11/10/13 depending on weather and farmer availability. She advised that the Chamber will also be participating in the Memorial Day Parade. A motion of approval would be included in the Regular Meeting Consent Agenda.

Steve Isaacson, 97 Columbus Avenue, commended Councilman Kashwick for the proposed resolution on the High School project; and expressed his support for education where there should be more focus for the use of our tax dollars rather than recreation and field lighting. Mayor Heymann noted that the original lights were from the Polo Grounds in New York City. Mr. Isaacson referred to the Lustron house on the market for \$389,000 to save an historic landmark and felt that the Borough should buy the house and lease same for Senior or COAH housing or for a museum. He noted that the Trautwein Farm is for sale; and instead of spending money on recreation, these significant pieces of property should be purchased with the Open Space funds. He cited the Borough of Teaneck on the use of Open Space funds where half is used for land acquisition and the other half to building. He encouraged the Council to think proactively. Mayor Heymann indicated that she had requested a discussion on real estate acquisition this evening in Closed Session. Mr. Isaacson said he agreed with Councilman Dolson on the budget and that a cushion is needed and noting that the stock market is a bubble.

Mayor Heymann closed the meeting to the public.

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 9:24 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on April 19, 2013 for approval at the  
Regular Meeting to be held  
April 24, 2013

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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 April 24, 2013  
Consent Agenda No. 11b.