

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – AUGUST 14, 2013 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:37 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 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

The following persons were absent:

Councilman John C. Glidden, Jr.  
Councilwoman Alissa Latner  
Councilman John Kashwick

3. MAYORAL APPOINTMENTS (NON-SALARIED) TO THE FOLLOWING BOARDS/COMMISSIONS:

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
ENVIRONMENTAL COMMISSION			
Alt. No. 2	_____	2 Years	12/31/14

4. 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 July 24, 2013 and was published in The Record on July 30, 2013 as stated in the Borough Clerk'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:

ORDINANCE NO. 2013:1149, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING FEES AND DEPOSITS, SPECIFICALLY FOR THE BOROUGH CLERK'S FEES REGARDING ENTERTAINMENT"

Mayor Heymann declared a public hearing.

Borough Clerk questioned the procedures to be followed by her office under this new ordinance; and she requested approval for the Borough Attorney's office to review the draft application. No objections were expressed by Council members.

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

Motion approving adoption of Ordinance No. 2013:1149 was made by Councilman Dolson, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Barad, Dolson and Amitai.

5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 7 and 19 was made by Councilwoman Amitai, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Barad, Dolson and Amitai.

RESOLUTIONS

6. BILL RESOLUTION – AUGUST 15, 2013 (Received from Deputy Treasurer 8/9/13)

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES –AUGUST 14, 2013 - 7:30 P.M.

7. RESOLUTION MEMORIALIZING ACTION TAKEN AT THE REGULAR MEETING HELD JULY 24, 2013 AUTHORIZING THE MAYOR, BOROUGH ATTORNEY AND BOROUGH ADMINISTRATOR TO ENTER INTO NEGOTIATIONS WITH PROPERTY OWNERS OF 421 DURIE AVENUE, BLOCK 1003, LOT 21 BOROUGH OF CLOSTER, NEW JERSEY (Received from Borough Attorney 7/30/13)

Borough Attorney advised that this resolution would be carried to the next meeting due to the lack of Councilpersons present that voted on the original resolution.

8. RESOLUTION APPROVING CORRECTIVE ACTION PLAN FOR 2012 ANNUAL AUDIT (Received from Administrator 8/6/13), AS AMENDED

In response to Mayor Heymann's request, Borough Attorney advised the Resolution should be approved, As Amended, explaining that the change in dates from the original submission by Mr. Sheola to the Mayor and Council should be noted. Dr. Barad explained that the following "Finding" numbers would include amended "Implementation" dates to be changed from 12/31/13 to 11/1/13: Finding Nos. 2012-1, 2, 3, 8 and 9.

9. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A: 4-87 (IN THE BUDGET OF THE YEAR 2012 IN THE SUM OF \$4,400.00 NOW AVAILABLE AS A REVENUE FROM THE NJ HIGHWAY SAFETY) FOR THE "2013 DRIVE SOBER OR GET PULLED OVER" (STATEWIDE LABOR DAY CRACKDOWN GRANT) PROGRAM GRANT (Received from Administrator 8/7/13)
10. APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HICKORY LANE PROJECT (MA-2014-Closter Borough-00003) (Received from Administrator 8/6/13)
11. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE AND RETURN LIGHT POLE BOND FROM ESCROW IN THE AMOUNT OF \$3,500.00 POSTED ON 4/29/13 PURSUANT TO THE AGREEMENT FOR MRS. KUBITIS REALTY, LLC FOR REPLACEMENT OF PARKING LOT LIGHTING FOR BLOCK 1303, LOT 1 DUE TO SATISFACTORY COMPLETION OF BUILDING DEPARTMENT REQUIREMENTS AND ISSUANCE OF CERTIFICATE OF OCCUPANCY ON 7/12/13 (Received from Deputy Treasurer 8/7/13)
12. RESOLUTION AUTHORIZING THE DEPUTY TREASURER TO RELEASE AND RETURN REMAINING ZONING BOARD OF ADJUSTMENT LEGAL/ENGINEERING ESCROW FEES IN THE AMOUNT OF \$2,600.05 TO APPLICANT: MRS. KUBITIS REALTY, LLC, FOR BLOCK 1303 LOT 1, 237-241 CLOSTER DOCK ROAD DUE TO SUCCESSFUL COMPLETION OF ALL REQUIRED IMPROVEMENTS (Received from Deputy Treasurer 8/7/13)
13. RESOLUTION AUTHORIZING THE DEPUTY TREASURER TO RELEASE AND RETURN REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES IN THE AMOUNT OF \$580.00 TO APPLICANT: ANTHONY DE FALCO, FOR BLOCK 1501 LOT 15, 175 HERBERT AVENUE (Received from Deputy Treasurer 8/6/13)
14. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$3,068.17 TO CORE LOGIC, INC., P.O. BOX 961250, FORTH WORTH, TX 76161-9858, FOR TAX OVERPAYMENT IN BLOCK 1711, LOT 10; PFEIFFER, FRANCIS AND CARMEN, 51 WESTERVELT AVENUE, DUE TO TAX OVERPAYMENT PAID BY TITLE COMPANY 8/6/2013 (Received from Tax Collector 8/7/13)
15. RESOLUTION APPROVING RENEWAL OF *INACTIVE/POCKET* LICENSE SUBJECT TO 12.39 SPECIAL RULING FROM THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL FOR THE 2013-2014 LICENSE TERM FOR O'CONNORS ROSEMARIE, PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-006-007
16. RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH BOSWELL ENGINEERING TO PROVIDE ENGINEERING AND INSPECTION SERVICES FOR (2013) BARRIER FREE CURB RAMP INSTALLATIONS (PER PROPOSAL DATED 7/15/13 FOR AN AMOUNT NOT TO EXCEED \$12,050.00) (Received from Administrator 8/8/13)
17. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$5,327.81 TO LERETA, LLC, 1123 PARK VIEW DRIVE, COVINE, CA 91724 FOR BLOCK 2306, LOT 43; ABURUS, AMIR, 3 FLAMM BROOK ROAD, DUE TO TAX OVERPAYMENT (received from Tax Collector 8/7/13)
18. AT APPROXIMATELY 9:00 P.M. - OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION EXCLUDING THE PUBLIC IN ORDER TO PERMIT THE GOVERNING BODY TO DISCUSS IN EXECUTIVE SESSION, PER N.J.S.A. 10:4-13(b)(8), A PERSONNEL MATTER (Rice Notice hand delivered on 8/6/13)

CLOSTER MAYOR AND COUNCIL  
 REGULAR MEETING MINUTES –AUGUST 14, 2013 - 7:30 P.M.

- 18a. RESOLUTION APPROVING RENEWAL OF *INACTIVE* LICENSE FOR THE 2013-2014 LICENSE TERM, FOR TOPSIDE INC., PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-012-006, SUBJECT TO 12.39 SPECIAL RULING FROM THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL (Approval received from the Division of Alcoholic Beverage Control 8/10/13)

MOTIONS

At this time, the Borough Attorney advised that the following item would have to be adjourned to the next meeting as we do not have a majority of the Council who would be able to vote:

- ~~19.~~ MOTION APPROVING THE FOLLOWING MINUTES (Distributed 8/2/13):

ABSTENTIONS: GLIDDEN, BARAD:

- a. REGULAR MEETING HELD 7/24/13
- b. WORK SESSION HELD 7/24/13

20. MOTION APPROVING APPOINTMENTS TO THE FOLLOWING BOARDS/COMMISSIONS:

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOARD OF HEALTH Alt. No. 1	<u>Dr. Jeanne Baer</u>	<u>Janice Pierro</u> (Requested by Mayor 8/8/13)	2 Years	12/31/14
BOROUGH HISTORIAN	<u>William Cahill</u> (non-acceptance)	_____	1 Year	12/31/13
HISTORIC PRESERVATION COMMISSION Member	<u>Stuart Tray (Class A)</u> (non-acceptance)	_____	4 Years	12/31/16
IMPROVEMENT COMMISSION Member/HP Liaison	<u>Irene Stella</u> (resigned)	_____	2 years unexp. (Stella) to	12/31/13
Member	<u>Tina Stratton</u> (non-acceptance)	_____	2 Years	12/31/14
Member	<u>(Cherylin Clarke)</u> (resigned)	_____	2 Years unexp. (Clarke) to	12/31/13
Alt. No. 1	<u>Shiran Slutzky</u> (resigned)	_____	2 Years unexp. (Slutzky) to	12/31/13
Alt. No. 2	<u>Wilson Reimers</u> (non-acceptance)	_____	2 Years	12/31/14

- 20a. MOTION GRANTING APPROVAL FOR BOROUGH CLERK TO SIGN STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF ALCOHOLIC BEVERAGE CONTROL, APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR THE CLOSTER COACHES ASSOCIATION, P. O. BOX 143, CLOSTER, NJ 07624, TO DISPENSE MALT ALCOHOLIC BEVERAGES ON 9/1/13 FROM 12:00 P.M. TO 9:00 P.M. AT CLOSTER VETERANS MEMORIAL PARK, HARRINGTON AVENUE; RAIN DATE: 9/7/13 (Completed application received 8/12/13)

21. REPORTS

- a. CONSTRUCTION OFFICIAL - JULY 2013 (Received 7/31/13)
- b. CHIEF OF POLICE – JULY 2013 (Received 8/8/13)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

22. 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.

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

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES –AUGUST 14, 2013 - 7:30 P.M.

23a Motion approving the following Resolution at 8:50 p.m. was made by Councilwoman Amitai, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Barad, Dolson and Amitai:

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(4), “A collective bargaining agreement”; 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 matters which should be within 8-10 weeks.

Mayor Heymann resumed the Regular Meeting at 9:20 p.m.

Borough Attorney advised that on the Consent Agenda this evening (Item No. 18) was discussion on a personnel matter involving Borough employee Youngmin Woo, who was provided a Rice Notice by the Borough Administrator 10 days prior to this meeting, informing him that his job position and performance would be discussed. The Rice Notice provided him with the option to request that any discussion be held either in open session or closed session. At this point in the meeting, Mr. Woo has not appeared; and a notice would be placed on the door that if he arrives within the next several minutes while the Council is in Closed Session, he can knock on the door to be admitted to participate in the meeting.

18. Motion approving the following Resolution at 9:24 p.m. was made by Councilman Barad, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Barad, Dolson and Amitai:

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(8), “A matter involving public employees” and that the item under discussion in the closed meeting would be disclosed to the public at the conclusion of the matter which should be within 6-8 weeks.

Mayor Heymann resumed the Regular Meeting at 9:43 p.m.

Motion to resume the suspension of Youngmin Woo and to also send him to the Board of Ethics was made by Councilwoman Amitai, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Barad, Amitai and Dolson.

24. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:45 p.m. was made by Councilwoman Amitai, seconded by Councilman Dolson and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on  
August 23, 2013 for approval at the  
Regular Meeting to be held  
August 28, 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 August 28, 2013  
Consent Agenda Item No. 16a.

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION NOTES – AUGUST 14, 2013 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session on Wednesday, August 14, 2013. Mayor Heymann called the meeting to order at 7:33 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 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.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann  
Councilpersons 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  
Emergency Management Coordinator, Lieutenant James Winters

The following persons were absent:

Councilman John C. Glidden, Jr.  
Councilwoman Alissa Latner  
Councilman John Kashwick

In order to clarify to the public the legality of conducting a meeting this evening in the absence of three Councilpersons, Mayor Heymann read from the Mayor and Council, Borough of Closter, By-Laws which were approved 3/9/11, Section IV. "MEETINGS", A. "General Rules" No. 5. as follows: "A quorum shall be three Council Members and the Mayor or, in the absence of the Mayor, four Council members (See N.J.S.A. 40A:60-3d)".

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

- a. MAIL LIST OF JULY 25, 2013 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 3 was removed by Councilwoman Amitai; Item No. 3 was removed by Councilwoman Amitai.

Item No. 3: Received 07/19/13, dated 07/17/13 from Richard Loveless, Acting Manager, Bureau of Local Aid – District 3, State of New Jersey, Department of Transportation, to Nick DeNicola, P.E., Boswell McClave Engineering, c: Borough Clerk re Award Approval - Ruckman Road and Oakland Avenue, Closter, Bergen County, MA-13; Informing of approval of the Borough in awarding contract for the project to Cifelli & Son General Construction, Inc. in the amount of \$612,191.00; notifying of availability of State funding in the amount of \$150,000; and informing of items of non-participation

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – AUGUST 14, 2013 - 7:30 P.M.

Councilwoman Amitai questioned the items included in this project. The Borough Engineer explained what we are doing is the middle section of Ruckman Road from Reuten Drive up to Ruckman Field; replacing some guide rail, milling and surfacing; and constructing road to add sidewalks where there are none; and the same will be completed for Perry Street and Oakland Avenue. He added the project also includes curbing on High Street from Knickerbocker Road to almost Durie Avenue; and from Harrington Avenue from the school to downtown.

Mayor Heymann explained this is the approval of the bid award to the low bidder and Boswell checked out everything to make sure it is correct and requested approval of the award. She explained the bids went over a large number of dollars and this bidder was well under the estimated amount.

Item No. 12: Received 07/24/13, dated 07/24/13 from [COAHmail@dca.state.nj.us](mailto:COAHmail@dca.state.nj.us) to [closterboroughclerk@yahoo.com](mailto:closterboroughclerk@yahoo.com) re COAH letter dated 6/15/13: reminding responses are due **8/2/13** and informing that if the municipality intends to rely on previously sent information to inform COAH, in writing, and indicate date of previous submission

Councilman Barad requested a status update as to where the Borough stands regarding COAH. Mayor Heymann reminded we sent our response well before 8/2/13 and we are in the clear with COAH at this time. The Borough Attorney supplemented the status noting that the attorney representing the owner of the Village School has contacted him and communicated an interest in continuing discussions. Mr. Rogan informed he had discussions with Michael Hakim (COAH Planner) and when he returns from vacation next week, they will try to schedule a meeting at Borough Hall with Mr. Watkins representing Village School so that hopefully by the next meeting we will have a sketch of what we can do as far as utilizing COAH funds.

At this time, Mayor Heymann welcomed comments from the public and no one wished to be heard.

b. MAIL LIST OF AUGUST 1, 2013 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 1 was removed by Borough Administrator; Item No. 8 was removed by Councilman Dolson and Item No. 6 was removed by the Borough Clerk.

Item No. 1: Received 07/26/13, dated 07/23/13 from Nancy A. Ghani, Account Manager, PERMA Risk Management Services, Bergen County Municipal Joint Insurance Fund, c: Via Email to: Fred Pitofsky, Fund Commissioner; Glen Parsells, Risk Management Consultant re Membership Renewal (3-year period from 1/1/2014 to 1/1/2017 @12:01 a.m.) - Bergen County Municipal Joint Insurance Fund (enclosed Renewal Resolution and Renewal Agreement)

Borough Administrator noted our Membership is expiring and offered to ask the Risk Manager to solicit bids from Non-JIF, Non-Group sources. The prices will probably be higher and they probably won't get the desired coverage; but he feels it is a good exercise to affirm to ourselves that they are getting the best value for their insurance dollars. In answer to Mayor Heymann, he voiced his understanding the process should not cost the Borough anything. Mayor Heymann voiced her sentiments that we have been a member of the JIF all along and we have had exceptional service. Mr. Sheola agreed but explained it is simply a process of double checking that should be done once every few years.

Item No. 8: Received 07/29/13, dated 07/29/13 from [EGG@dca.state.nj.us](mailto:EGG@dca.state.nj.us) to [closterboroughclerk@yahoo.com](mailto:closterboroughclerk@yahoo.com) re Letter to Tax Collector informing of Revised 2013 Income Guidelines for Real Property Tax Deduction for Senior Citizens, Disabled Persons and Surviving Spouses

Councilman Dolson explained the income threshold for Senior Citizens tax deduction is \$10,000; so now the guideline is that the property tax is more than the income.

Item No. 6: Received 07/30/13, dated 07/29/13 from Jim Oettinger, Director, Recreation Commission re Request for the Recreation Commission to have fireworks at Veterans Memorial Park on Harrington Avenue at the end of celebrations on Labor Day weekend, Sunday, 9/1/13 at approximately 9 p.m.; Rain Date Saturday, 9/7/13 (Copy to Glenn Parsells, Kevin Whitney)

The Borough Clerk informed she was unaware at this time if approvals have been received from MEL for the fireworks; and Mayor Heymann said she would follow through on same tomorrow.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – AUGUST 14, 2013 - 7:30 P.M.

c MAIL LIST OF AUGUST 8, 2013 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 4 was removed by Councilwoman Amitai.

Item No. 4: Received 08/06/13, dated 08/05/13 from Kathleen A. Donovan, Bergen County Executive, to Mayor Heymann re Informing the Borough's Application for 2013 Community Development Block Grant Funds has been approved for inclusion in Bergen County's Action Plan for the project: Handicapped Accessible Doors Borough Hall, \$10,000

Councilwoman Amitai questioned whether the funds were for the side door or the front door. The Borough Administrator said it could be used for either or both doors. Mrs. Amitai asked if there was going to be some sort of historic conformity; and Mr. Sheola explained the design of the door itself will be in accordance with period architecture; and the specs call for same with the correct ADA hardware required. In answer to Mrs. Amitai, the Administrator informed they were going to try to get both doors done because the front door can be tough on windy days.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING  
(Refer to Regular Meeting Agenda of August 14, 2013)

Mayor Heymann asked whether anyone wished to discuss any item on the Consent Agenda. Item No. 7 was removed by Councilwoman Amitai.

7. RESOLUTION MEMORIALIZING ACTION TAKEN AT THE REGULAR MEETING HELD JULY 24, 2013 AUTHORIZING THE MAYOR, BOROUGH ATTORNEY AND BOROUGH ADMINISTRATOR TO ENTER INTO NEGOTIATIONS WITH PROPERTY OWNERS OF 421 DURIE AVENUE, BLOCK 1003, LOT 21 BOROUGH OF CLOSTER, NEW JERSEY (Received from Borough Attorney 7/30/13)

In answer to Councilwoman Amitai, Mayor Heymann explained the history behind the resolution and Borough Attorney advised that the resolution is memorializing the verbal action that was taken at the last meeting. Councilman Barad noted that he was not at the last meeting; and Borough Attorney advised that the resolution should be carried to the next meeting when the remaining members of the Council are present to vote either for or against the resolution.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT – The Borough Attorney reminded he mentioned earlier the discussions with the attorney for Village School and they hope to have a meeting next week to see if anything can be worked out. Mr. Rogan reported that cell tower bids have been re-advertised and the bids will be accepted on 8/28/13. He reminded that there were no bidders when the first specs were advertised and that has historically been the case; we have never received a bid the first go around.

At this time, the Borough Attorney requested a Closed Session to discuss the following matters: Pending Litigation including Giua vs. the Borough of Closter and Witko vs. the Borough of Closter; and two (2) separate personnel matters – one of which is on the Agenda this evening scheduled for approximately 9:00 p.m.

B. BOROUGH ENGINEER

1) STATUS REPORT RE RUCKMAN ROAD, PERRY STREET, OAKLAND AVENUE, FIRE DEPARTMENT ENTRANCE RAMP AND CURB IMPVTS. HIGH STREET (from Legion Place to Knickerbocker Road), 2013 ROAD IMPROVEMENTS, & RUCKMAN PARK WALKING PATH (RM 5/8/13) Awarded to Cifelli and Son  
General Construction - RM 7/10/13 – The Borough Engineer reported construction should begin Tuesday on either High Street or Harrington Avenue doing the curbs. He informed this is the Local Aid project that was combined with the road resurfacing program; and the anticipated completion is at the end of September.

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER (Continued)

2) STATUS REPORT RE ZONING MAP REVISIONS TO INCLUDE PROPERTIES LISTED AS PART OF NEWLY CREATED CONSERVATION ZONE OVERLAY (RM 5/8/13) – Mr. DeNicola reported they are still waiting for recommendations from Banisch Associates because it may ultimately alter the zoning overlay. In answer to the Mayor, he informed he wished to keep this item on his report for tracking purposes.

3) BOROUGH ROAD ASSESSMENTS FOR THE PURPOSE OF DEVELOPING A 5-YEAR PROJECTED ROAD PROGRAM - RM 7/24/13 – The Borough Engineer reported Boswell was awarded this project at the last meeting; and he anticipates having it completed at the end of August. The objective is to have the plan ready for next year's program and the following 4 years. The Borough Engineer informed he would be submitting Hickory Lane for the 2014 Local Aid Grant; and reminded this year the award was only \$150,000 in Bergen County and he hopes to get that. He noted the Borough has received the grant 6 or 7 years in a row, which is highly unusual; and at some point we are bound to not get the award. Usually only half of the municipalities in Bergen County receive the grant due to the high competition – but in Passaic County all of the towns get it. In answer to Councilman Dolson, the Borough Engineer explained in the report he prepared he referred to Hickory Lane as a cut-through for County Routes 501 (Closter Dock Road) and 502 (Piermont Road); and noted the truck traffic for two commercial farms.

4) HICKORY LANE TOPOGRAPHIC SURVEY – RM 7/24/13 – Mr. DeNicola reported Boswell was awarded this project at the last meeting; and said the field work is completed. They are compiling the deeds at this time to establish rights-of-way and property lines; and have contacted the utility companies to get those mark-ups on their plans. He anticipates the project being completed in 2-3 weeks. The Borough Engineer reported this would become the base map for any improvements to Hickory Lane going forward.

5) REPORT – The Borough Engineer reported that on this evening's Agenda is the proposal for handicapped ramps on County roads (2013 Bergen County Barrier Free Curb Ramp Installations). He informed both design and inspection fees are completely reimbursable by the County although the Borough has to pay the fees up front. Mr. DeNicola estimated the fees were approximately \$4,000 for design and \$7,000 for inspection and will be reimbursed in addition to the cost of the project. In answer to Councilwoman Amitai, he informed they would be on Durie Avenue, Piermont Road, Closter Dock Road and Schraalenburgh Road and High Street in different sections.

7. REPORTS

A. BOROUGH ADMINISTRATOR

1) REPORT RE FOLLOW UP OF BOROUGH ENGINEER RECOMMENDATIONS RE POTENTIAL USES FOR SWIM CLUB PROPERTY DEEDED TO THE BOROUGH (WS 5/8/13) – The Borough Administrator reported he has been in discussions with the Borough Engineer as to whether there is a need to hire an LSRP (Licensed Site Remediation Professional) or not to manage the swim club site. Nothing has been finalized yet.

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

a) Mail List requests:

1. Recreation Commission Labor Day Festivities 2013 (1b. M.L. 4/25/13) and (6. M.L. 8/1/13) - No report provided.

3) STATUS REPORT RE PREPARATION OF AND POSTING OF QUOTE for local business with food handling license to sell food and beverages, not sold by other concessionaires on Labor Day, 9/2/13 - RM 6/26/13: Ins. & HH Agt.; Min donation \$100 payable to Ambulance Corps.; type of food/beverages subject to Recreation Director approval and Board of Health requirements – Mr. Sheola reported he is waiting for the Recreation Director to provide the final report of recommendations which should be available for the next meeting.

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

4) PRESENTATION BY CLARKE CATON HINTZ, ARCHITECTS FOR BOROUGH HALL EXTERIOR, @ APPROXIMATELY 7:30 P.M. (Requested by Administrator 8/8/13) – The Borough Administrator reported due to the absence of 3 Council members he asked them to hold off until the Meeting of 8/28/13 at which time a senior member of the firm will be here to discuss the project.

5) STATUS REPORT RE GOAL SETTING FOLLOW UP REPORT OF MEETING HELD 6/8/13 RECEIVED FROM REAGAN BURKHOLDER, SUMMIT COLLABORATIVE ADVISORS, LLC (6 M.L. 6/20/13 – Received 6/18/13/ Adjourned from WS 6/26/13) – Mr. Sheola reminded he sent a memo to the Council a few weeks ago asking for their input by the end of September along with the draft report so they can begin to plan for 2014.

6) REPORT RE FUTURE BID OPENINGS SCHEDULED TO BE HELD 8/28/13:  
a. 11:00 a.m. - EXTERIOR ENVELOPE REPAIRS TO BOROUGH HALL (Notice to Bidders published in The Record on 8/2/13) – The Borough Administrator reported he had a non-mandatory pre-bid conference today. Eight bidders showed up; 12 bid packages were sent out, two of which went to job centers. Potentially there are 9 bidders. In answer to Councilman Barad he informed the attendees were from all over: a couple from Union County, Morris County, one in the 609 area code but he did not know where.

b. 11:30 a.m. – REBID FOR LEASE OF TELECOMMUNICATIONS TOWER (Notice to Bidders published in The Record on 8/2/13) – No report.

7) REPORT – The Borough Administrator reported he is still working on the Administrative Code which is taking longer than he anticipated. He voiced his understanding that this is on the Ordinance Committee Agenda for the next meeting for if not full discussion, at least a preview of it.

The Borough Administrator reported he is starting work on the 2014 Budget and he is waiting for some paperwork from Harrington Park as the lead agency for the Northern Valley Schools Lightning Detection System so we can get a purchase moving forward. They hope to have installations complete by the end of the Fall season; so, at best, they could be ready for the Spring season.

At this time, Councilwoman Amitai asked for clarification of the Administrative Code project. Mr. Sheola explained he had reviewed the Borough Code and noted there are a few offices that were created along with a few individual job titles; but the vast majority of offices and departments do not exist in the Code. He further explained this will be a very fluid document until the organizational chart they have been working on is in a final form.

At this time, Councilman Barad questioned the implementation date of 12/31/13 on several of the items (on The Corrective Action Plan) and asked if they were not corrected by that date, would they then not be corrected in time for the next audit. The Borough Administrator explained those dates give us a lot of latitude but they actually anticipate the items being corrected well in advance of that date. Dr. Barad suggested listing an earlier date to prevent the image that the Borough does not plan to correct items until the last minute. Mr. Sheola affirmed he could change the dates and asked the Borough Clerk what the deadline was for filing after providing the report to the Governing Body. Ms. Castano informed the approval has to be made at this meeting because the report is due at the State no later than 8/26/13. In answer to Dr. Barad, the Borough Attorney affirmed changing the dates would be diminimus. Dr. Barad noted there are four or five items with that date; and Mayor Heymann agreed noting that if we do not correct the deficiencies well before the end of the year, we will have the same complaints in the next audit; and to prevent that, we need to show that we have corrected it for the better part of the year.

Councilman Dolson explained that the corrections are lapsed because they are really only corrected for half of the year and will still carry as deficiencies into the next year. He said it is unfortunate that there are no provisions to note that a corrective action was taken as of a certain date because they will still be found in the ensuing year.

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

Mr. Sheola said he will change the dates of 12/31/13 to 11/1/13 and noted he understands Dr. Barad's point but said as long as the issues are corrected by 12/31/13, we will not be written up for them for the 2013 Audit. Councilman Dolson disagreed that was not what he said – he reiterated that even if the deficiencies are corrected, they will still be noted in the 2013 Audit because they existed half of the year. Mr. Sheola voiced his understanding that as long as items are corrected by 12/31/13, they are not carried into the following year. In answer to Dr. Barad, Mr. Sheola said he will stick with the 11/1/13 date knowing what he has on his plate. The Borough Clerk asked for clarification of which items are to be changed and Mr. Sheola noted Items 1, 2, 3, 8 and 9. He informed he would send everyone a clean copy with the changes.

B. BOROUGH CLERK

- 1) STATUS REPORT RE 2013 APPOINTMENTS - The Borough Clerk reported this item is current with outstanding appointments being carried on the Agenda.
- 2) STATUS REPORT RE 2013 OATHS OF OFFICE – Ms. Castano reported there are only two Oaths outstanding at this time: Borough Historian – William Cahill and Citizen Leadership Form from Kathy Rolland, Library Board of Trustees.
- 3) STATUS REPORT RE 2013 LICENSES – Borough Clerk reported the following:
  - a. Borough Licenses – There is still one outstanding at this time which may be rectified as a result of the adoption of Ordinance No. 2013:1149 this evening.
  - b. Liquor License Renewals for 2013-2014 – Two more are on the Consent Agenda this evening for approval and there is only one outstanding waiting for Special Ruling from the Division of Alcoholic Beverage Control
- 4) STATUS REPORT RE 2013 MEETING DATES – Current.
- 5) STATUS REPORT RE ELECTIONS: Borough Clerk reported the following:
  - a. SPECIAL PRIMARY - 8/13/13 from 6 a.m. to 8 p.m. – Most people did not even realize they had received a sample ballot for this election. She informed that all board workers were required to be at their districts by 5:15 a.m. to ensure the polls would be opened at 6 a.m. The turnout for this election was .0645%. Both schools were ready and waiting thanks to Al Martin, Supervisor of Buildings and Grounds. On Friday, Hillside School looked like a war zone with alterations going on; but on Monday Al had the polling places ready for the election. Ms. Castano explained that 330 out of 5,112 registered voters came out for the election, which required 2 voting machines per district, 4 Board Workers per district; and they worked from 5:15 a.m. until approximately 8:30 p.m. to 9:00 p.m. when they delivered all the voting materials to her office for delivery to the County that night.
  - b. SPECIAL GENERAL ELECTION – Wednesday, 10/16/13, from 6 a.m. to 8 p.m. – Ms. Castano informed the Chief of Police there would likely be a request for special duty time as this special election will take place during school sessions.
  - c. GENERAL ELECTION – 11/5/13 from 6 a.m. to 8 p.m.
- 6) REPORT – The Borough Clerk reported the following:
  - a. 98<sup>th</sup> Annual League of Municipalities Conference in A.C. 11/ 19, 20 and 21 - Ms. Castano circulated a memo today to attendees of the conference asking them to fill out the Pre-Registration form to enable her to prepare the requisition, as payment is required to take place prior to 10/1/13. She informed she circulated a similar memo regarding hotel accommodations requesting response to her so she may make the necessary arrangements.
  - b. Borough Ordinances – Ms. Castano reported she sent Ordinance Nos. 2012:1134 & 1136 and 2013:1137 to 1146 to General Code for placement on the website and they now appear under the new heading “New Laws” (formerly referred to as “Legislation Not Yet Codified”). She reminded these are ordinances that have been adopted but not incorporated into the Code yet; and they are new, effective laws regardless of their codification status in the Code.

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

At this time, Mayor Heymann voiced her sentiments that this recent election was an incredible burden on the taxpayers of the State. Everyone knew this was going to be a very low turnout election; nevertheless, in Bergen County, the Board of Elections chose to handle it the same way as a major election. The Mayor reiterated there were 2 machines per district making a total of 12; 4 workers for each district making 24 total workers; this in addition to the Borough Clerk and the Deputy Clerk, who would be doing the work anyway. She voiced her opinion this was totally uncalled for; and urged if anyone felt the need to complain, to do so now because it was an extreme expense for the 330 voters that came out.

Ms. Castano explained that for a Primary Election, there have always been two machines per district. She added that all of this could have been avoided by having this election included in the General Election in November. It was the choice of the Governor to have the Special Primary Election and Special Election before the General Election. Ms. Castano voiced her frustration that the Council had voted to move the School Election to November to consolidate elections and now there are two more additional elections to be held before the end of this year.

C. CHIEF OF POLICE

1) REPORT – Chief Kaine reported the Police Department has been very busy the past two weeks with some major incidents. One incident occurred at a local restaurant involving a dishwasher and a chef where one individual was charged with aggravated assault with a deadly weapon and terroristic threats where the other person was stabbed. Over the weekend there was a theft of a pocketbook at the farmer’s market and yesterday there was a burglary. They have apprehended the suspects already; and it looks like they may have been involved in both incidents.

Chief Kaine reported the Police Department has their action plan ready for Labor Day weekend events and the upcoming religious holidays for the first two weeks of September. The Department is in the process of working with the OEM to obtain Facebook and Twitter accounts to make announcements. They currently have a Twitter account which worked well advertising for the crossing guard position and several people came in and applied for the job.

Chief Kaine reported the Drive Sober or Get Pulled Over program starts Friday (8/16/13) from 8 p.m. to 2 a.m. and will run through Labor Day. The grant awarded \$4,400 and will support marked and unmarked vehicles on the details.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

a. FILED

1. 2013 ROID GRANT (REC OPPTS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000)  
Authorization for application RM 6/13/12

b. AWARDED

1. 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) – At WS 5/8/13 Mayor Heymann reported receipt of only \$10,000 for automatic doors in Borough Hall  
2. 2013 DWI GRANT (\$4,400) NJ Department of Highway and Traffic Safety – “Drive Sober or Get Pulled Over” – WS 6/12/13

c. TO BE FILED

1. BERGEN COUNTY HISTORIC PRESERVATION TRUST FUND GRANT APPLICATION (\$189,000 – 50% matching funds available in Closter Open Space, Recreation, Historic Preservation and Farmland Preservation Municipal Trust Fund) TO ACQUIRE AND PRESERVE THE HAROLD HESS LUSTRON HOUSE, 421 DURIE AVENUE, B 1003, L 21 - RM 7/24/13

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – AUGUST 14, 2013 - 7:30 P.M.

7. REPORTS (Continued)

D. MAYOR (Continued)

1) STATUS REPORT RE FOLLOWING GRANTS:

c. TO BE FILED: Mayor Heymann added the following grant to be filed:  
2014 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY  
ABLED CHALLENGER RECREATION PROGRAM - \$5,000) – The Mayor said she hopes we will  
still file this application and will more than likely only receive \$5,000. She noted that we are still waiting for  
the payments from the 2012 and 2013 grants at this time.

2) REPORT - No report.

8. OLD BUSINESS

9. NEW BUSINESS

Mayor Heymann referred to property maintenance violation notices and advised that they had been changed several years ago to make the wording less severe; but this notice has affected people more so. Discussions have been held with the staff; and it was determined that we are not focusing on one particular area or regulation; but at this time, we do not have sufficient property maintenance staff. Additional staff would provide better control. She provided a print out of all of the violations issued and listed the procedure that is followed noting that two notices are always given before a summons is issued. Councilman Barad said there should be increased enforcement and a follow up after the initial violation notice. Councilwoman Amitai suggested that the top ten violations be included in the Borough calendar.

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

Steve Isaacson, 97 Columbus Avenue, referred to opening the Mail List to the public and Mayor Heymann clarified the procedure. Mr. Isaacson referred to the bus stop location at Closter Plaza noting that the Planning Board had questioned the applicant on this point but he said that the bus stop change would not be made unless a streetlight is placed at the location. He noted that the applicant has not submitted the plans to the County; and the Borough Engineer said any approval of the Planning Board would be conditioned upon submission and approval by the County. Mr. Isaacson noted that summonses are being given to store owners relative to A-frame signs on the road; and he asked that the Governing Body be more lenient especially to those stores in Closter Commons. Mayor Heymann noted that the Borough charges a low single permit fee. He noted that sign waivers are being requested by Closter Plaza; and suggested that a moratorium be granted to the store owners in Closter Commons.

Mr. Isaacson referred to outside tables at restaurants in Closter Commons and Closter Plaza noting that this regulation should be reviewed to bring more people to Closter. Councilwoman Amitai suggested an advertising banner across the lawn by Closter Commons. Borough Attorney reminded that the business owners can apply for a temporary sign.

11. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – AUGUST 14, 2013 - 7:30 P.M.

13. ADJOURNMENT

Motion to adjourn the Work Session at 8:37 p.m. was made by Councilwoman Amitai, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on August 22, 2013 for approval at  
the Regular Meeting to be held  
August 28, 2013

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held August 28, 2013  
Consent Agenda Item No. 16b.