

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – FEBRUARY 13, 2013 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:34 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
Victoria Amitai
Borough Administrator, Richard Sheola
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, Dennis Kaine

3. 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 1/9/13 and was published in The Record on 1/15/13 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. 2013:1137, "AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CLOSTER, SPECIFICALLY, CREATING ARTICLE XVIIIA, CONSERVATION ZONE"

Mayor Heymann declared a public hearing. No one wishing to be heard, Mayor Heymann closed the meeting to the public.

Borough Attorney said that the public hearing should be adjourned to the next meeting.

Motion adjourning the Public Hearing on Ordinance No. 2013:1137 to the Regular Meeting of February 27, 2013 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Amitai.

4. APPOINTMENT OF Ethel Abrams TO SERVE AS ENVIRONMENTAL COMMISSION ALTERNATE NO. 1 FOR A 2 YEAR UNEXPIRED TERM (MAYER) TO 12/31/13

5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 6, 9, and 10 was made by Councilperson Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Amitai.

ORDINANCES

6. INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING – 3/13/13 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2013:1139, "AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$50,000.00 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS" (Received from Administrator 2/7/13)

RESOLUTION

7. BILL RESOLUTION – FEBRUARY 15, 2013

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(Received from Deputy Treasurer 2/8/13)

8. TRANSFER RESOLUTION NO. 4 AUTHORIZING THE TRANSFER OF 2012 BUDGET APPROPRIATION RESERVES (Received from Administrator 2/7/13)
9. ———RESOLUTION TO EXTEND SOLID WASTE TRANSFER CONTRACT FOR ONE YEAR (Received from Borough Attorney 1/25/13)
10. ———*POSSIBLE* RESOLUTION ESTABLISHING THE ELECTION OF MEMBERS OF THE CLOSTER BOARD OF EDUCATION AS THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER SCHOOL ELECTION (Requested by Borough Attorney 2/5/13)
11. RESOLUTION AUTHORIZING THE DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$14,548.42 TO DEUTSCHE BANK, 345 PARK AVENUE, N/S/ NYC 20-103, NEW YORK, NY 10154 DUE TO OVERBILLED ACCOUNT FOR BLOCK 1308, LOT 3, FLAMM, DONALD (Received from Tax Collector 2/4/13)
12. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$62,783.08 TO US BANK CUST/SASS MUNI VI DTR FOR REDEMPTION OF TAX SALE CERTIFICATE #10-00004 RE TAX SALE HELD 9/29/10 FOR BLOCK 1806 LOT 10, 8 PIERMONT ROAD, AND CHECK IN THE AMOUNT OF \$18,500.00 FOR PREMIUM PAID AT SAID TAX SALE
(Received from Tax Collector 2/8/13)
13. RESOLUTION AUTHORIZING A (2012) LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CONTRIBUTION ON BEHALF OF THE CLOSTER VOLUNTEER FIRE DEPARTMENT (29 MEMBERS) (Received from Deputy Treasurer 2/4/13)
14. RESOLUTION AUTHORIZING A (2012) LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CONTRIBUTION ON BEHALF OF THE CLOSTER VOLUNTEER AMBULANCE AND RESCUE CORPS (27 MEMBERS) (Received from Deputy Treasurer 2/4/13)
15. RESOLUTION APPROVING ISSUANCE OF 2013 CERTIFICATE OF COMPLIANCE FOR AKSON LLC FOR THE FOLLOWING LIMOUSINE: 2011 LINCOLN TOWNCAR, VIN#2LNBL8EV9BX751794 (completed application filed, appropriate fees paid and approvals received from Borough professionals)
16. RESOLUTION OPPOSING SENATE BILL 2511 AMENDMENTS TO OPEN PUBLIC MEETINGS ACT (Requested by Mayor 2/5/13)
17. RESOLUTION IN SUPPORT OF THE FIX GUN CHECKS ACT AND OTHER MEASURES TO REDUCE GUN VIOLENCE (Requested by Mayor 1/25/13)

MOTIONS

18. MOTION APPROVING THE FOLLOWING MINUTES – NO ABSTENTIONS (Distributed 2/8/13)
 - a. REGULAR MEETING HELD 1/23/13
 - b. WORK SESSION HELD 1/23/13
19. MOTION GRANTING APPROVAL FOR ISSUANCE BY POLICE DEPARTMENT OF THE FOLLOWING HAWKERS AND PEDDLERS LICENSE FOR CALENDAR YEAR 2013 PER BOROUGH CODE CH. 127 (Received from Chief of Police 2/4/13 and 2/8/13):
 - 1) PERMIT NO 2013-003 – FOR ANDREW G. MALAFIS, 638 WILDWOOD ROAD, NORTHVALE, NJ 0767, TO OPERATE CATERING TRUCK FOR SALE OF COFFEE, SODAS, SANDWICHES , SUBJECT TO APPROVAL BY THE BOARD OF HEALTH
 - 2) PERMIT NO. 2013-004 – MARKETING VENTURE PARTNERS (Direct Sales and Marketing for Verizon Fios) FOR THE FOLLOWING INDIVIDUALS:
 - A. SHENGCHEN M. NIU, 60 S. MUNN AVE., APT. #909, EAST ORANGE, NJ 07018
 - B. STEPHANIE A. MANALO, 75 NEW STREET, BELLEVILLE, NJ 07109
 - C. IAN R. HUET, 49 RIDGE ROAD, FLOOR 2, RUTHERFORD, NJ 07070
 - D. TINU GEORGE VARUGHESE, 5 APPLE COURT, ROCK TAVERN, NY 12575

20. REPORTS

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- a. CONSTRUCTION OFFICIAL – JANUARY 2013 (Received 1/31/13)
- b. FIRE CHIEF – JANUARY 2013 (Received 2/7/13)
- c. CHIEF OF POLICE – JANUARY 2013 (Received 2/8/13)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

6. INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING – 3/13/13 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2013:1139, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$50,000.00 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Administrator 2/7/13)

Borough Attorney explained that a public hearing is needed because same was an appropriation ordinance. In addition, Borough Administrator explained that a Certification of Funds is also required.

Motion introducing Ordinance No. 2013:1139 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 and Amitai.

9. RESOLUTION TO EXTEND SOLID WASTE TRANSFER CONTRACT FOR ONE YEAR
(Received from Borough Attorney 1/25/13)

Michael Kafer, 261 Parsells Lane, commented that the resolution is incorrectly labeled noting that it is not an extension of a solid waste contract but an extension of a host community benefit agreement. He indicated that the resolution contains a renewal option of two additional 1-year periods and Borough Attorney said that the option is at the discretion of the Mayor and Council but that the Transfer Station does not have the same option. The option also allows for the extension 60 days after the expiration of the contract and there is no time limit but realistically the contractor would not continue to pick up. Presently the Borough is on a month-to-month pick up at this time. Borough Attorney clarified that on January 9th the recycling contract was voted upon after the proposal to combine trash and recycling pickup was voted down on January 2nd. Mr. Kafer objected saying that the recycling agreement had expired; and prior to January 9th there was no public discussion of renewing the agreement nor does it appear on the January 9th agenda. Borough Attorney said that the vendor threatened not to pick up recycling; and it was not listed on the agenda because a resolution is not required to be listed on an agenda. During the Work Session, he stated that this resolution would be voted upon and same was indicated in the Minutes of that meeting. He said at the Work Session he strongly encouraged the Mayor and Council to take action; and after Mr. Kafer left that meeting, the Council voted on the resolution. Borough Attorney said it is the Borough's policy to include as many items on the agenda as possible that we know in advance. In this particular case, the Mayor and Council on January 2nd was seriously considering combining recycling with garbage pickup; and when same was voted down, it left the Borough in the position that it did not have a contract in place for recycling. The Mayor and Council could not approve a contract in advance of having that decision made because we would have two recycling contracts. Mr. Kafer expressed opposition to the procedure followed by the governing body and opted not to let the public take part in the discussion. He said that the citizens advisory group has been asked to review the solid waste management plan which includes recycling and the host community benefit; and now you have made a decision to renew the recycling agreement in lieu of the host community benefit and without including required tonnage reports or test recycling. Borough Attorney said the recycling contract was approved for one year on January 9th but included in the agreement was a stipulation that in the event the citizens group submits something to the Council that is subsequently adopted, the contract can be canceled. He said the Council has the flexibility to get out of the contract in the event we combine the pickups. Mr. Kafer asked if it was a policy decision to have the recycling pick up services in lieu of the host community fee. Inasmuch as there has been no Council discussion, the committee is concerned that after all the work is done the Council is really not interested.

Mayor Heymann said that you are misinterpreting the intent of the Council and the contract. The contract is clearly one that can be eradicated or changed if a decision is made by the Mayor and Council, to go a different route. Mr. Kafer noted that the agreement is a statement as to what services you are willing to accept in lieu of a host community fee and there has been no exploration by the governing body. Mayor Heymann said there have been a number of discussions over the years of equating the value of the recycling as opposed to the host community fee and the value of recycling as proved by the other bidders clearly states that the Borough is coming out ahead. This kind of evaluation was done with previous contracts. Mr. Kafer said the value of the services is only \$30,000 and he felt the Borough did not have to rush approval of the contract without input from other municipalities. Mayor Heymann indicated that the bids from the two other vendors separated the recycling from the remainder of the services giving the Borough a clear indication of the value of the recycling which was more than \$30,000. Councilman Barad

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thanked Mr. Kafer for his input but indicated that recycling service must be continued for the residents and the contract was renewed pending the advice from the committee.

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

10. *POSSIBLE* RESOLUTION ESTABLISHING THE ELECTION OF MEMBERS OF THE CLOSTER BOARD OF EDUCATION AS THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER SCHOOL ELECTION (Requested by Borough Attorney 2/5/13)

Councilman Barad expressed his support for moving the School Board Election to the November General Election and Councilwoman Amitai expressed her agreement.

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

Borough Attorney asked that the following Resolution be approved by the Governing Body:

17a. RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO PREPARE CORRECTED DEEDS FOR PROPERTY LOCATED AT 326 HARRINGTON AVENUE, CLOSTER, NEW JERSEY, BLOCK 1312, LOTS 12 AND 12.01 ON THE CLOSTER TAX MAP, SUBJECT TO THE BOROUGH ENGINEER'S REVIEW AND APPROVAL OF THE LEGAL DESCRIPTIONS WHICH WILL BE ATTACHED TO THE NEW DEEDS TO ENSURE THEIR COMPLIANCE WITH THE CLOSTER PLANNING BOARD SUBDIVISION PLAN DATED JANUARY 5, 2000.

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

Borough Administrator asked that the following Motion be approved by the Governing Body:

19a. MOTION ACCEPTING THE PLAN AS LAID OUT IN A MEMORANDUM DATED FEBRUARY 13, 2013 ON THE DISPOSAL OF EXCESS FIRE APPARATUS (OLD LADDER TRUCK) AND TO BE MEMORIALIZED IN A RESOLUTION AT THE MEETING OF FEBRUARY 27, 2013

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

21. 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.

Borough Attorney said there has been some discussion of rephrasing the definition of “lot” in the Zoning Ordinance; and he requested that the Ordinance Committee review the proposed recommendation.

Motion approving the following Resolution at 9:06 p.m. was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Amitai:

21a. 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.4-12(b)(7), “pending or anticipated litigation or contract negotiations”; N.J.S.A. 10:4-12(b)(5) “A matter involving the expenditure of funds for the acquisition of real property”; 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 16 weeks.

The public meeting was resumed at 11:29 p.m.

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23. ADJOURNMENT

Motion to adjourn the Regular Meeting at 11:29 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via e-mail on February 22, 2013 for
approval at the Regular Meeting to be held
February 27, 2013.

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held February 27, 2013
Consent Agenda Item No. 12a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – FEBRUARY 13, 2013 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at Borough Hall on Wednesday, February 13, 2013. Mayor Heymann called the meeting to order at 7:30 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Early Meetings which was sent to The Record and The Star Ledger and was published in both newspapers on December 18, 2012, was posted on the Municipal Clerk's bulletin board and has remained posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann

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

Borough Administrator, Richard Sheola

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, Dennis Kaine

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF JANUARY 24, 2013 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 1cII was removed by the Borough Attorney, Item No. 14 was removed by the Borough Engineer and Item Nos. 14 and 15 were removed by the Borough Clerk.

Item No. 1cII – Received 1/22/13, dated 1/22/13, from William G. Dressel, Jr., Executive Director, League of Municipalities re Revised Open Public Meetings Act Bill introduced (S-2511) to replace S-1451. Borough Attorney explained that the proposed legislation should be a concern to most municipalities inasmuch as any committee of two or more councilpersons would be subject to the Open Public Meetings Act and would, therefore, create the need to advertise and prepare minutes. He recommended that the Council join with the League of Municipalities and other towns to voice opposition to this proposed legislation. In our form of government it would eliminate our ability to schedule matters on an ad-hoc basis and anticipate when each one of our committees are meeting and then going to the expense of publicizing the meetings annually or intermittently, which would be cost prohibitive. Borough Attorney said that a sample resolution is attached to the communication but that he had contacted the office of Loretta Weinberg, who introduced the legislation and had been advised that same was being amended. The amendment was more acceptable than the original but still not more acceptable to our form of government.

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Item No. 14 – Received 01/24/13, no date, from Wade E. Miller, P.E., Planning and Design Manager, Public Service Electric and Gas Company to Municipal Clerk re Requesting response by 4/1/13 of construction plans as well as moratorium lists to better coordinate construction programs involving installation and repair of gas facilities with road resurfacing and reconstruction program for 2013. Borough Engineer said he had advised PSE&G of the roads to be resurfaced this year including Ruckman, Perry, Oakland and the Borough Parking Lot.

Item No. 15 – Received 01/24/13, dated 01/24/13, from Joanne Newberry, Superintendent, Closter Public Schools, to Borough Clerk re Letter requesting moving of all elections out of the Closter schools due to security risks.

Borough Clerk explained that it was requested to move the elections to the Senior Center, Fire House and the Library and she subsequently contacted Mary Ann Raymundo, Board of Elections Office Supervisor, who advised that a written request from the Borough Clerk to schedule inspections of the proposed election locations would be required. Ms. Castano voiced her understanding that statutorily schools are the primary election locations and it would be up to the governing body to proceed with the request. She said she had visited the Library where there is a room that could hold three districts and the Senior Center also has the capacity to hold three districts. The use of the Fire House has the capacity to hold all six districts in addition to having a generator. The polling places are supposed to be within 1,000 feet of the voting district and must be up to current code. The schools could close for the elections thereby eliminating the security problem. Mayor Heymann said the law is clear that schools cannot refuse to have the elections but we cannot ignore the safety issue. Councilwoman Latner said access to the schools has been drastically changed; and Councilwoman Amitai suggested posting a guard in front of the school. Borough Clerk advised that during the attempt to use the Fire House (as the alternate polling place for Hillside School) for General Election, it became evident that someone must be present during the day in addition to providing sufficient tables, chairs and handicap accessibility to the location. Chief Kaine said his Department has limited staff and overtime would have to be incurred. Councilman Glidden said if we wanted to accommodate the schools, at their request, all additional costs should be absorbed by the school budget. Dr. Barad suggested that there be a meeting with the School Board to discuss the matter and Mayor Heymann said she would contact the School Superintendent. The Borough Clerk reminded the Council that the School Board Election is scheduled for April.

b. MAIL LIST OF JANUARY 31, 2013 - Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. Item No. 1 and Item No. 9 were removed by Councilman Barad.

Item No. 1 – Received 01/25/13, dated 01/16/13, from Layth Taki, Senior Vice president, Controller, Cable Operations, Cablevision to Office of the Mayor, re check in the amount of \$58,635 representing full payment of all franchise fees for the period 1/1/12 to 12/31/12.

Councilman Barad noted receipt of this check in addition to one from Verizon from a previous mail list in the amount of \$45,244.94 for FIOS Video payment.

c. MAIL LIST OF FEBRUARY 7, 2013- Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. No one wanted anything removed.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of February 13, 2013)

Mayor Heymann asked if any member of the Council wished to discuss any of the Consent Agenda items: Councilman Kashwick removed Item Nos. 6 and 10.

ORDINANCES

6. INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING – 3/13/13 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2013:1139, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$50,000.00 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS” (Received from Administrator 2/7/13) In answer to Councilman Kashwick, Borough Engineer said that the moneys are for the bathrooms.

RESOLUTIONS

10. *POSSIBLE* RESOLUTION ESTABLISHING THE ELECTION OF MEMBERS OF THE CLOSTER BOARD OF EDUCATION AS THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER SCHOOL ELECTION (Requested by Borough Attorney 2/5/13)

Borough Attorney explained that this was the last night to make a decision on moving the School Board Election to the November General Election; and the proposed resolution reflects that change Councilman Kashwick expressed support for the resolution as did Councilman Barad. Mayor Heymann said that she would remove the resolution from the Consent Agenda during the Regular Meeting for a separate vote.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

- 1) REPORT – Borough Attorney advised that this evening was the last opportunity to change

the election date for the School Board Election to November 2013 from April 2013.

Relative to the status of the two pending ordinances that were introduced and referred to the Planning Board, Borough Attorney reported that the buildings per lot ordinance was discussed and same was found to be consistent with the Master Plan but the Board is making certain recommendations for modification of Paragraph E of 200-69. The Planning Board Attorney is drafting a resolution to be presented to the Board at the next meeting on February 28th. The Planning Board will act on the resolution and forward same to the Mayor and Council. Relative to the Conservation Zone Ordinance, Planning Board Attorney has indicated by telephone that the ordinance would be discussed at the next meeting.

Borough Attorney reported that a request has been received regarding the property at 326 Harrington Avenue, better known as Little Scoops; and research has indicated that the Borough did a subdivision and purchased some property from the property owner in order to construct a driveway from Main Street into the south parking lot. The Borough did pay for the land but it appears that the deed was not prepared properly. There should have been two deeds prepared, one from the original owner transferring the remainder of the property and a second deed to the new owner, the Borough of Closter. The recorded deed prepared by the property owner’s attorney at the time indicates that the Borough owns the entire piece of property and must now be corrected. Borough Engineer has now provided the correct description of the property and the process has commenced to correct the deed but he would need resolution of authorization from the Mayor and Council this evening to go forward.

Borough Attorney said he would have several items to discussed in Closed Session including possible acquisition of property and police personnel.

6. PROFESSIONAL REPORTS (Continued)

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 - Borough Engineer reported that he is in the process of preparing the paperwork for reimbursement. He said that Local Aid Applications should be announced in March or April of this year by the Governor; and the earlier we go out to bid, the better prices we would get. He said that the Borough resurfacing program should be formulated as soon as possible as one bid package. In answer to Councilman Glidden, Borough Engineer advised that the Ruckman Road paving project budget has been given to the Borough Administrator.

7. REPORTS

A. BOROUGH ADMINISTRATOR

- 1) STATUS REPORT RE MEETING HELD WITH SWIM CLUB REPRESENTATIVES RE *POSSIBLE* ACQUISITION (W.S. 6/27/12) – No report.
- 2) STATUS REPORT RE APPRAISAL OF LADDER TRUCK (Discussed at WS 8/22/12) – Borough Administrator reported that he has spoken to the Fire Chief and the Chairman of the Truck Committee and the new truck will be delivered and put in service within 4 to 6 weeks. The 1991 ladder truck was appraised at \$40,000 and there has been some interest from a department on the Outer Banks and also from private citizens. Based on discussions with the Chief and Committee it was suggested that the truck be listed on a web site for municipal auctions and listed with a reserve of \$35,000. It is listed below the appraised value because the apparatus was involved in a motor vehicle accident six weeks ago. The truck is still in service but has not been repaired even though we have the check from the insurance company. If we do not received \$35,000, our fall back position would be \$25,000; and with the insurance check would bring us to \$1,000 of the appraised value. The other option is to repair the truck and list same for \$35,000. He said last Fall old public works equipment was sold and the Borough did reasonably well; and by setting a reserve price, it means selling it for no less than \$35,000. The site does not charge a fee. Mayor Heymann said that in the past, trucks were sold at minimal prices to other departments; and there is no requirement to go through the bidding process. Borough Administrator recalled a flyer from the FBI warning municipalities about selling emergency vehicles on the open market because there was a fear they would fall into the wrong hands. The price indicated by the department in the Outer Banks was less than the \$35,000; and he felt that the our estimated cost is more than fair. In answer to Councilwoman Amitai on giving the truck away to a needy municipality, Borough Administrator said nobody has reached out to the Borough with that request.

Mr. Sheola informed that (if no objections were voiced by the Council), a motion to go forward with advertising the truck on an auction website would be added to the Regular Meeting Agenda.

- 3) DISCUSSION RE POSSIBLE FOLLOW UP OF REQUEST FROM NJ TRANSIT FOR PROPOSED FIVE (5) ADDITIONAL BUS STOPS – VERVALEN STREET AS PART OF PLANNED NEW BUS SERVICE BY COACH USA – ROCKLAND COACH/RED & TAN (5. M.L. 11/29/12/Discussed at WS 12/12/12) – Mr. Sheola informed that this item should be removed from the Agenda.

4) REPORT – Borough Administrator reported on Budget Committee meetings and noted that DPW negotiations are still ongoing, with a meeting scheduled to be held 2/25/13 at which time it is hoped that same can be wrapped up. The Borough Auditors are reviewing the 2012 accounts in preparation for the Audit. The Borough finished 2012 by regenerating the \$925,000 that was used in the 2012 Budget plus \$300,000. He reported that he has spent time with the Department of Public Works reviewing operations and formulating an equipment replacement schedule to be included in the Budget and extend for

20 years. He wished good health to Leslie Weatherly and hoped she would be back soon.

7. REPORTS (Continued)

B. BOROUGH CLERK

- 1) REPORT RE 2013 APPOINTMENTS - Borough Clerk said that the appointments are a work in progress and an updated report should be available shortly.
- 2) REPORT RE 2013 OATHS OF OFFICE – Borough Clerk reported that an updated report was a work in progress.
- 3) REPORT RE 2013 LICENSES – Borough Clerk reported that one Live Entertainment License is still outstanding.
- 4) REPORT RE 2013 MEETING DATES – Borough Clerk reported that meeting dates are current.
- 5) REPORT RE FINANCIAL DISCLOSURE STATEMENTS – Borough Clerk reported that information has been received from the Department of Community Affairs that an on line process has been developed for filing the forms commencing in 2013. A PIN number will be used to file the forms that will be available on the Division website. The completed forms will be uploaded to the website and we will then be able to download and maintain the forms as the original statement. The public will be able to search the forms on the Division website by agency or name. The site is expected to go live no later than the end of March; therefore, the Local Finance Board will temporarily not be enforcing the provision requiring newly elected or appointed officials to file the form within 30 days of taking office but will be required to file online when the system is up and running by 4/30/13. She said that she would share the Local Finance Notice on this matter as soon as same is received.
- 6) REPORT RE CODIFICATION OF ORDINANCES – Borough Clerk said that the estimate provided would be included in the credit; therefore, the codification of Supplement No. 19 will be going forward.
- 7) REPORT RE FOLLOW UP FOR PROFESSIONAL CONTRACT POSITION/ALTERNATE PROSECUTOR – Borough Clerk said that she would advertise again for the position as soon as possible.
- 8) REPORT

C. CHIEF OF POLICE

1) REPORT – Chief Kaine said he had e-mailed the January Monthly Report to the Council. Tabletop drills were conducted with the schools including evacuation drill. The schools are happy with the procedures including the walk throughs; and the schools are keeping more secure buildings. There were no major issues during the snow storm other than morning fender benders. Officer Balderomo has been nominated for ADD and Top Gun for his performance in Drunk Driving Enforcement last year. The Department had 56 drunk driving arrests last year. Sergeant Brueck is applying for a Drunk Driving Enforcement grant. In answer to Councilman Kashwick, Chief Kane said Lieutenant Winters has been collecting personal cell phone and internet addresses in addition to adding Reverse 911 for emergencies; and Kevin Whitney has been posting information on the web page. Borough Administrator said that Lieutenant Winters would be scheduling a LAPC meeting in the near future on this matter. Councilman Kashwick requested a report on the subject. Mayor Heymann asked the members of the Governing Body and the public to broadcast the fact that in order to communicate during emergencies we need e-mail addresses and cell phone numbers because hard lines do not work when the power is out.

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

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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)

7. REPORTS (Continued)

D. MAYOR (Continued)

1) STATUS REPORT RE FOLLOWING GRANTS:

a. FILED (Continued)

2. 2013 ROID GRANT (REC OPPS 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)

b. AWARDED

1. CDBG GRANT APPLICATION (\$20,000) TO IMPROVE ACCESSIBILITY TO THE CLOSTER PUBLIC LIBRARY (RM 8/11/10) (Award received 11. M.L. 7/7/11) (Contract authorized for execution/RM 10/12/11) -Mayor Heymann said this grant has been completed and can be removed from the Agenda.
2. 2012 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000) Authorization for application RM 6/8/11/Awarded \$5,000 (8. M.L. 5/31/12) Grant/Loan Agreement No. 2012-05157-0351-00 - Mayor Heymann said this grant has been completed and can be removed from the Agenda.
3. 2011 BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT – LAND ACQUISITION IN THE AMOUNT OF \$283,000 FOR THE PURCHASE OF BLOCK 1805, LOT 1, COMMONLY KNOWN AS THE CLOSTER SWIM CLUB AT BLANCH AVENUE (RM 8/10/11)/Awarded \$283,000 (7. M.L. 6/14/12)
4. 2011 BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT – MUNICIPAL PARK IMPROVEMENTS – MATCHING GRANT IN THE AMOUNT OF \$40,000 FOR SCHAUBLE AND MEMORIAL PARK IMPROVEMENTS (RM 8/10/11)/ Awarded \$12,500 for Memorial Park Batting Cage/Bleachers and \$27,500 for Schauble Park Walking Path (7. M.L. 6/14/12) Memorial Park Contract No. 12-00280/Schauble Park Contract No. 12-00281
5. DEPARTMENT OF ENVIRONMENTAL PROTECTION IN AN AMOUNT NOT TO EXCEED \$3,000.00 TO FUND THE FOLLOWING PROJECT: COMMUNITY FORESTRY MANAGEMENT PLAN, GREEN COMMUNITIES GRANT (50% match of total project amount) (Authorized RM 2/22/12) Award reported by Mr. Kashwick/WS 11/19/12

c. TO BE FILED - To be announced by Mayor

2) REPORT - Mayor Heymann congratulated the residents of Closter listed in the 201 Magazine as being the best in the County in their categories including Jersey Nick's Car Wash, John Peters Professional Limousines, Rudy's Ristorante and Pizza.

Mayor Heymann reported on a meeting with Mayors, Legislators and Cabinet Directors held last week during which she brought up the issue of public transportation for the Northern Valley; and Transportation Director Jim Simpson was sympathetic to her concerns about the lack of public transportation.

The Mayor said that the Mayors Wellness Campaign will be sponsoring the Battle of the Bulge this year which will include a contest between various Northern Valley Communities. As soon as there are 100 participants, the contest will start; and the sign in locations for free weigh ins are at CGI in Closter and the JCC in Tenafly. The Library will provide a section for this campaign including a book display and registration forms that will also be included on the website. She will also be contacting the churches,

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synagogues and the Chamber of Commerce. Mayor Heymann said she did a small video on Channel 1 on the subject including upcoming activities and she is asking that the Council and staff register.

8. OLD BUSINESS

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

In answer to Tom Keane, 453 High Street, Mayor Heymann explained we are discussing the matter and that we can ask that the period of time for the warning to be extended. Borough Attorney said the Council has been trying to solve this problem for several years which dates back to an ordinance change, when the Court found it unenforceable since it overstepped the boundaries of the Zoning Board. During the last 30 days, he reviewed the issue and contacted the Zoning Official in addition to scheduling a meeting with the official and the Zoning Board Attorney and Chairman to try and made the burden easier. Presently, owners of two family houses have to go back to 1940; and we are trying to find a way to insure that people who have violated the Zoning Code by buying homes and converting same are not given a pass as opposed to people who have bought homes built before 1940 and have continued using the home as a two family. He hoped to report on same to the Council within 30 days.

Alexander Dranov, 172 Crescent Street, spoke in support of reducing gun violence; and the Borough Attorney advised that the Resolution on the subject was included in the Regular Meeting Consent Agenda.

Steve Isaacson, 97 Columbus Avenue, said he missed the first meeting of the Citizen Trash Committee due to his son's graduation from EMS Training. He referred to his suggestion of constructing a park between the Borough park and Lewis Street; and Mayor Heymann said she has spoken to the Borough Administrator and we would try to get a Community Development grant for same. Mr. Isaacson complained about the Red and Tan Bus service and felt other bus lines should be approached for service. He expressed his support for moving the school election to November and close the schools on that date.

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 8:34 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council via
e-mail on February 22, 2013 for approval
at the Regular Meeting to be held
February 27, 2013

Loretta Castano, RMC
Borough Clerk

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

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Approved at the Regular Meeting held February 27, 2013
Consent Agenda Item No. 12b.