

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MARCH 27, 2013 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:28 p.m.

1. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was 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, Alissa Latner, John Kashwick, David Barad, Arthur Dolson
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:

Councilwoman Victoria Amitai

3a. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item No. 9 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 Dolson.

RESOLUTIONS

4. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEAR 2012: SLUTSKY V. CLOSTER (Received from Borough Attorney 3/18/13)
5. RESOLUTION AUTHORIZING THE MAYOR TO SIGN CROWN CASTLE CONSENT LETTER (Received from Borough Attorney 3/18/13)
6. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$166,648.37 TO US BANK CUST FOR PRO CAPITAL I, LLC FOR REDEMPTION OF TAX SALE CERTIFICATE #10-000019 RE TAX SALE HELD 12/10/10 FOR BLOCK 1312 LOT 16, 214 CLOSTER DOCK ROAD (Received from Tax Collector 3/19/13)
7. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RETURN AND RELEASE REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES IN THE AMOUNT OF \$407.80 TO APPLICANT: SEAN GUNDERMAN FOR PROPERTY LOCATED AT BLOCK 902, LOT 2, 16 MORRISON STREET FOR SUCCESSFUL COMPLETION OF SERVICES RENDERED (Received from Deputy Treasurer 3/20/13)
8. RESOLUTION AMENDING TEMPORARY BUDGET APPROPRIATIONS FOR 2013 - AMENDMENT NO. 3 (Received from Administrator 3/21/13)
- ~~9.~~ RESOLUTION SUPPORTING/OPPOSING S2364/A3553 REGARDING EARLY VOTING (3f. M.L. 3/7/13/Requested by Mayor 3/6/13) (Resolution of support rather than opposition requested by Councilmen Kashwick and Barad RM 3/13/13)
TO BE PREPARED BY BOROUGH ATTORNEY
10. RESOLUTION ENDORSING SUBMISSION OF THE 2012 MUNICIPAL RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND DESIGNATING CAROLE DACEY TO ENSURE PROPER FILING OF SAID APPLICATION (Received from Recycling Coordinator 3/22/13)

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MOTIONS

11. MOTION APPROVING THE FOLLOWING MINUTES – ABSTENTIONS: GLIDDEN, AMITAI
(Distributed 3/22/13):
- a. REGULAR MEETING HELD 3/13/13
 - b. WORK SESSION HELD 3/13/13

12. REPORTS

3b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

13. 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.

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

Motion approving the following Closed Session Resolution at 8:30 p.m. was made by Councilman Kashwick, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

- 14a. 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)(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 15 weeks.

Mayor Heymann resumed the Regular Meeting at 9:30 p.m.

15. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:30 p.m. was made by Councilman Kashwick, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
April 4, 2013 for approval at the
Regular Meeting to be held
April 10, 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 April 10, 2013
Consent Agenda Item No. 11a.

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MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – MARCH 27, 2013 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session at the Borough Hall on Wednesday, March 27, 2013. Mayor Heymann called the meeting to order at 7:31 p.m.

1. PLEDGE OF ALLEGIANCE

Mayor Heymann invited all to join in the Pledge of Allegiance

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Meetings which was 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

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:

Councilwoman Victoria Amitai

Also present in the audience: Jim Oettinger, Recreation Director

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF MARCH 14, 2013 – Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments.

The following items were removed: Mayor Heymann removed Item No. 1 Councilman Glidden removed Item Nos. 2 and 7.

Item No. 1. – Received 3/8/13, dated 3/6/13, from Community Health Law Project, Re Call for nominations 26th Annual Ann Klein Advocate Awards October 17, 2013. Nominations due by April 5, 2013.

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Mayor Heymann reminded the Council that the Borough was the winner in 2012 and is included in the listing of previous awardees.

Item No. 2 – Received 3/8/13, dated 3/7/13, from John L. Schettino, Board President, Northern Valley Regional High School District, Re Letter of appreciation for sending a representative to the presentation regarding the athletic fields, tennis courts and field tracks at each high school. Public presentation to be scheduled in April 2013 at Old Tappan High School. Forum to be organized for school security and safety and exploring possibility of shared services.

In answer to Councilman Glidden, Mayor Heymann said she had invited Len Albanese and the Director of Athletics from the High School to the meeting this evening but there was a scheduling conflict. She said they provided copies of the proposed bond ordinance of \$5 million but it was felt by Mr. Albanese that the project would cost \$7 million thereby increasing the cost per household. There will be a public meeting at the end of April; but in the meantime, Jim Oettinger is present in the audience this evening.

Councilman Barad arrived at 7:35 p.m.

Recreation Director, Jim Oettinger said he had attended a school board meeting with participants from the other sending towns at which time a presentation was given; and at this time he had no comment on the proposed project. He said it is proposed to turf other areas of the fields that are unplayable at this time; and the other major issues at the high school are the tennis courts and the track. The current turf football field is not affected by this project. The weather has affected the fields and by turfing fields at the other schools, it will allow more field availability for the local recreation programs. He felt that the proposal should go to referendum to let the residents decide. Councilman Glidden referred to a resolution from Old Tappan and he questioned who can legally put a referendum on the ballot. Borough Attorney said that it can be done by petition of residents; but because it is a regional school, it must be signed by a certain percentage of the residents of each town. The governing bodies could request that the Board of Education put the question on the ballot; and he did not believe a governing body could block the question being put on the ballot. Borough Attorney said that the Old Tappan resolution opposed the spending of the money for the project for economic reasons; and his office could prepare a resolution indicating that the proposal should go to referendum rather than take a position for or against the project.

Item No. 7 – Received 3/11/13, dated 3/7/13 from Sarah Menchise, Outreach Coordinator, Hackensack Riverkeeper, Inc., Re Mayor's Reservoir Challenge in a kayak race on Saturday, June 1, 2013 on the Oradell Reservoir.

Councilman Glidden volunteered his services to replace the Mayor in the race; and Mayor Heymann said she hoped this year he would be the winner. Councilman Glidden noted that the winner for the past two years has been Ray Cywinski whose job for United Water is to ride around in a kayak during the day to check areas of the reservoir.

Item No. 10 – Received 3/14/13, dated 3/13/13 from David M. Watkins, Esq., Re Public Notice of Zoning Board of Adjustment Special Hearing to be held 3/27/13 re Application for validation of a 6 family residential house; Block 1312, Lot 10, 318 Harrington Avenue, Aurora Bairan.

Councilman Dolson said that this item is connected to two items on the March 21st Mail List and he would include same in his report later in the evening.

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b. MAIL LIST OF MARCH 21, 2013 Mayor Heymann asked if any member of the Council or public wished to address any matter or provide any comments. The following items were removed:

The following items were removed: Borough Clerk removed Item Nos. 9, 19

Item No. 9 – Received 3/19/13, dated 3/19/13 from Kaoru Kay Yamamoto, Director, International Academy of Arts and Sciences, Re Request for permission to use Memorial Field, 150 Harrington Avenue, on Saturday, 5/19/13 from 8:30 a.m. to noon to conduct IAAS field Day Event to include children’s dances, karate performances, songs and athletic games; anticipated number of attendants is 80 children, 160 parents/adults with 15 school staff; electricity outlet required for CD player – Hold Harmless Agreement attached – Certificate of Insurance to be forwarded under separate cover.

Ms. Castano reported that the Certificate of Insurance has not yet been received, she forwarded the Hold Harmless Agreement to the Risk Management Consultant for review and approval and would be placing this item for follow up on the Borough Administrator’s Report for the next meeting.

At this time, Mayor Heymann announced that Leslie Weatherly would be returning to work tomorrow which will help with the insurance issues.

Item No. 19 – Received 3/21/13, dated 3/21/13 from Cynthia Sloane, Municipal Clerk, Borough of Lincoln Park, Re Resolution No. 13-109 approved 3/18/13 opposing S-2364 and A3553

Borough Clerk said that this legislation has passed and is on the Governor’s desk for signature. There are many objections to the legislation inasmuch as there is presently a vote by mail process, which can be used.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of March 27, 2013)

Mayor Heymann asked whether any Council person wished to discuss any item on the Consent Agenda.

5. RESOLUTION AUTHORIZING THE MAYOR TO SIGN CROWN CASTLE CONSENT LETTER
(Received from Borough Attorney 3/18/13)

Councilman Dolson questioned the scope of the consent letter; and Borough Attorney said the letter is for replacement of certain parts, which is allowed under the current lease. Crown Castle indicated that the replacement of these parts would cut down on the number of apparatus and improve the service. Our committee is meeting on Monday to discuss the renewal of the lease and the specifications to be prepared.

9. RESOLUTION SUPPORTING/OPPOSING S2364/A3553 REGARDING EARLY VOTING (3f. M.L. 3/7/13/Requested by Mayor 3/6/13) (Resolution of support rather than opposition requested by Councilmen Kashwick and Barad RM 3/13/13)
TO BE PREPARED BY BOROUGH ATTORNEY

Mayor Heymann indicated that the resolution would be removed from the Consent Agenda inasmuch as the legislation has already passed. She said that the Governor is most likely going to veto the legislation. Councilman Kashwick noted that the Senate had made changes to the bill that made it more

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palatable to him since it was limited to only 7 municipalities per county for the largest counties and how reimbursement would be accomplished by the State. He said he would not oppose the legislation at this point.

At this time Councilman Glidden referred to Item No. 14 on the March 21st Mail list relative to a resolution from the Borough of Old Tappan and he noted that the resolution does oppose the Northern Valley Regional High School referendum.

10. RESOLUTION ENDORSING SUBMISSION OF THE 2012 MUNICIPAL RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND DESIGNATING CAROLE DACEY TO ENSURE PROPER FILING OF SAID APPLICATION (Received from Recycling Coordinator 3/22/13)

In answer to Councilman Barad, Mayor Heymann noted that this application is required on an annual basis.

6. COMMITTEE REPORTS

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

1) STATUS REPORT RE CLOSTER WEBSITE

2) REPORT – Councilman Dolson reported that the Board of Health did not meet this month due to the lack of a quorum.

Relative to the Zoning Board, he reported that the Board has taken a position by using their by-laws that if there are repetitive postponements on the same application, the application will be dismissed without prejudice. This was done to two applications, one submitted in November 2011 and one in January 2012. Both of the applications had non-compliance issues with the Board Checklist in addition to habitual postponements, which postponements affect other applications, that are ready to go forward. He said that a re-application is not required only a re-notification by the applicant.

Councilman Dolson reported that the formal copy of the 2013 Municipal Budget was delivered to the Council members; and questions can be e-mailed to him for discussion at the budget hearing.

B. PUBLIC SAFETY - GLIDDEN (LATNER/BARAD)

1) REPORT – Councilman Glidden said there was nothing to report on Public Safety.

Relative to Recreation, Borough Administrator reported that the contract for the bathrooms was sent from the Borough Attorney's office and a pre-construction meeting has been scheduled for 10 a.m. this coming Monday morning at which time the contractor will provide the signed contract and all the required information. He reminded the contractor about the April 30th completion date but the contractor noted that contract indicates a completion date of 90 days from the start of construction; but he would do his best to meet the Borough's deadline date depending on the weather. If everything is in order, Borough Administrator will provide a Notice to Proceed on Monday.

6. COMMITTEE REPORTS (Continued)

C. PUBLIC WORKS - LATNER (DOLSON/GLIDDEN)

1) REPORT – Councilwoman Latner thanked the Borough Administrator and Superintendent of Public Works for attending the Ad Hoc Sanitation Committee meeting last month noting that they provided history and information on the subject. The next meeting is scheduled for 4/9/13. She reported that a meeting is scheduled to be held with the Fire Department next week; and Borough Administrator informed that the fire truck is scheduled for delivery tomorrow.

Councilwoman Latner reported that the Library Book Sale was a great success; and quotes are being received for anti-glare film on the east facing windows. The schools are researching lightning detectors, generators and cell towers. Borough Administrator noted that he would update the Council on sanitation negotiation in Closed Session. Mayor Heymann noted that there would be a meeting on Monday at 8 p.m. to finalize the lightning detector plan at the Harrington Park Borough Hall. She provided a copy of the proposal to the Council noting that the indicated costs are not accurate.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS –

Councilman Barad said he had missed the last committee meeting but the committee is looking into issues with the Farmers Market in addition to a discussion on trees and two family houses. Borough Attorney reported the Zoning Code Official has requested an interpretation of the Zoning Ordinance from the Zoning Board, which may solve some of the questions about two family houses. This is scheduled for the last Zoning Board meeting in April.

2) REPORT – Dr. Barad reported that he had attended the meeting of the Ambulance Corps at which time their disappointment with the lack of funding for a new ambulance in the budget was indicated. Councilman Dolson noted that the Capital Budget is a 3-year projection and the Corps had asked for a new ambulance in 2015. Councilman Barad said the Corps also indicated the need for a response vehicle. Regarding the State statute relative to EMT recertification, he asked that it not be addressed this evening since there would be a conference call on same next week in which he would be participating.

E. HUMAN RESOURCES - KASHWICK (DOLSON/LATNER)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS - Councilman Kashwick reported that the Committee met this evening during which the Salary Ordinance was discussed. There was one change, which would be presented to the Council at the next meeting. The Organizational Chart, prepared by the Borough Administrator, was reviewed and there were a few modifications; and it should be distributed to the full Council for input. Goals were discussed and the Borough Administrator provided a proposal on same from another organization for discussion at the next meeting.

2) REPORT - Councilman Kashwick reported on the following Commissions:

a. The Shade Tree Commission met this month and the Arbor Day Celebration date has not been determined but will be at the end of April. A Proclamation on same would be prepared for the next Council meeting.

b. The Historic Preservation Commission had a hearing on the Certificate of Appropriateness for the Vervalen House at 125 Old Closter Dock Road where an addition on the second floor is proposed. The Commission gave concept approval but the sub-committee is seeking information on the plans. The Commission formally voted to recommend designation for 1 Station Court and

6. COMMITTEE REPORTS (Continued)

E. HUMAN RESOURCES - KASHWICK (DOLSON/LATNER) (Continued)
the Harold Hess Lustron house. Talks with Toby will take place on 4/24/13 at 1 p.m. at the Senior Center. The talk for that meeting would be the Closter inns and hotels.

c. The Environmental Commission Clean up Day is scheduled for 4/6/13 from 10 a.m. to 1 p.m. There will be two meeting locations, the Borough Hall and the Nature Center Building on Ruckman Road. Along with the Green Team, the Environmental Commission would be tabling at the Norwood Green Fair on 4/20/13. The Nature Center co-hosted a presentation on black bears with the Sierra Club last weekend. The Commission will be producing a pamphlet on sustainability. The Soup Supper is scheduled for 4/14/13 at 5 p.m. at the Nature Center.

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

1) REPORT – Due to the absence of Councilwoman Amitai, no report was given.

7. OLD BUSINESS

8. NEW BUSINESS

Mayor Heymann noted that a Closter girl is swimmer of the year for the High School. The entire Swim Team is going very well.

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

Mayor Heymann opened the meeting to the public.

Steven Isaacson, 97 Columbus Avenue, said he is no longer speaking for the Chamber of Commerce. He questioned if permits had been obtained for clear cutting trees on two properties on Durie Avenue east of Legion Place. Councilman Kashwick suggested that the Building Department be contacted immediately rather than waiting for a Council meeting; and Mayor Heymann said she would check with the Building Department the following day. Mr. Isaacson referred to the cell tower noting there is a rumor that the tower would be raised higher; and, therefore, be more of an eyesore; and he suggested that the tower be moved to the Department of Public Works. Councilman Barad said we are still dependent of the tower being located at Borough Hall since Mahwah dispatches through our service. Several sites were evaluated but at the end of the day, it would cost an inordinate amount of money to relocate facility and lost revenue. He said that the additional height would be in the neighborhood of 10 to 12 feet.

Mr. Isaacson referred to the \$7 million upgrade of the fields and noted that local recreation would benefit from the project but we would benefit more with spending the money on scholarship, technology and science rather than AstroTurf and tennis courts. He suggested that the High School purchase the swim club and build an indoor swimming facility for the school which would benefit everyone.

10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

Councilman Glidden suggested a resolution supporting the placement of a referendum on the High School project on the ballot by the School Board. Councilman Barad expressed support for the referendum. Mayor Heymann said she was happy to hear the swim club suggestion; and she noted the referendum is going to happen thereby making a resolution unnecessary. She said in the past the Council has not gotten involved in School Board issues but she would be asking the Board representative to attend a Council meeting. Councilman Kashwick said he would not support a resolution in favor of the project. Borough Attorney said the Old Tappan resolution focused on the economic times and the impact of the project on an average house. Councilman Barad asked that the Borough Attorney draft a similar resolution for consideration at the next meeting; and Councilman Glidden asked that Mayor Heymann issue a strong invitation to the school representatives to attend the Council meeting noting that the Council is considering this resolution.

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

Borough Administrator referred to the Capital Budget; and informed he planned to have the necessary ordinances prepared to move the projects forward; and he asked that any questions be referred to him.

12. ADJOURNMENT

Motion to adjourn the Work Session at 8:27 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 4, 2013 for approval at the
Regular Meeting to be held
April 10, 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 April 10, 2013
Consent Agenda Item No. 11b.