

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

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

Mayor Heymann called the meeting to order at 9:34 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 and  
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

At this time, Mayor Heymann asked for a Moment of Silence for two individuals who have served the Borough: Virginia Forde, the Borough's former Insurance Risk Manager, who passed away on November 3<sup>rd</sup> and our Electrical Inspector, Peter DiCostanzo, who passed away suddenly on October 26<sup>th</sup>.

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

| <u>OFFICE</u>               | <u>APPOINTEE</u> | <u>TERM</u> | <u>EXPIRATION</u> |
|-----------------------------|------------------|-------------|-------------------|
| ENVIRONMENTAL<br>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 October 9, 2013 and was published in The Record on October 15, 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. 2013:1151, "AN ORDINANCE AMENDING CHAPTER 200-44 OF THE CODE TO CORRECT A CODIFICATION ERROR"

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

Motion approving adoption of Ordinance No. 2013:1151 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.

5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 8, 10 and 17 was made by Councilman Barad, seconded by Councilman Glidden and declared carried upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

5. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING AND ADOPTION 12/11/13 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2013:1152, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 183 OF THE CODE OF THE BOROUGH OF CLOSTER SPECIFICALLY SECTIONS 183-45 & 183-47 (Received from Borough Attorney 10/24/13)

RESOLUTIONS

6. BILL RESOLUTION – NOVEMBER 15, 2013 (Received from Deputy Treasurer 11/8/13)
7. RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-009-011 FROM QUEEN ANNE WINE EXCHANGE, INC. T/A CASK 171 TO JBS MACK, LLC
- ~~8.~~ RESOLUTION AWARDED NON-FAIR AND OPEN CONTRACT FOR THIRD PARTY PAYROLL SERVICES FOR THE CALENDAR YEARS 2014, 2015 AND 2016 TO PAYLOCITY FOR AN APPROXIMATE COST OF \$7,500.00 PER YEAR (Received from Administrator 11/6/13)
9. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE AND RETURN REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES IN THE AMOUNT OF \$543.00 TO KEVIN LEYDEN FOR SUCCESSFUL COMPLETION OF SERVICES RENDERED FOR APPLICATION AT BLOCK 308 LOT 21, 57 BETHANY CIRCLE (Received from Deputy Treasurer 11/7/13)
- ~~10.~~ RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE AND RETURN REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES IN THE AMOUNT OF \$503.00 TO ROBERT & DOLORES WITKO FOR SUCCESSFUL COMPLETION OF SERVICES RENDERED FOR APPLICATION AT BLOCK 1710 LOT 7, 17 BOGERT STREET (Received from Deputy Treasurer 11/7/13)
11. RESOLUTION REVISING ORIGINAL RM 8/14/13 CONSENT AGENDA NO. 12 TO BE CORRECTED AS FOLLOWS REGARDING RETURN OF REMAINING LEGAL/ENGINEERING ESCROW FUNDS DEPOSITED WITH THE BOROUGH FOR MRS. KUBITIS REALTY, LLC, RE BLOCK 1303 LOT 1, 237-241 CLOSTER DOCK ROAD, ENGINEERING - \$327.25; LEGAL - \$1,322.80 – TOTAL: \$1,650.05 (Received from Deputy Treasurer 11/7/13)
12. 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 11/6/13)
13. BUDGET TRANSFER RESOLUTION NO. 1 (Received from Administrator 11/6/13)
14. RESOLUTION DECLARING A “NO BID” WITH RESPECT TO LEASE OF TELECOMMUNICATIONS TOWER (LOCATED AT 295 OLD CLOSTER DOCK ROAD) (DUE TO NO BIDS RECEIVED FOR THE BID OPENING ON 11/1/13 AT 11:00 A.M.) (Received from Administrator 11/6/13)
15. RESOLUTION ACCEPTING RESIGNATION OF PART-TIME CODE INSPECTOR (Received from Administrator 11/7/13)

MOTIONS

16. MOTION APPROVING THE FOLLOWING MINUTES (Distributed 11/1/13)  
 NO ABSTENTIONS:
  - a. REGULAR MEETING HELD 10/23/13
  - b. WORK SESSION HELD 10/23/13

- ~~17.~~ MOTION APPROVING APPOINTMENTS TO THE FOLLOWING BOARDS/COMMISSIONS:

| <u>OFFICE</u>          | <u>INCUMBENT</u>                          | <u>APPOINTEE</u> | <u>TERM</u>                    | <u>EXPIRATION</u> |
|------------------------|---|------------------|--------------------------------|-------------------|
| BOROUGH                |   |                  |                                |                   |
| HISTORIAN              | <u>William Cahill</u><br>(non-acceptance) | _____            | 1 Year                         | 12/31/13          |
| IMPROVEMENT COMMISSION |   |                  |                                |                   |
| Member/HP Liaison      | <u>Irene Stella</u><br>(resigned)         | _____            | 2 years unexp.<br>(Stella) to  | 12/31/13          |
| Member                 | <u>Tina Stratton</u><br>(non-acceptance)  | _____            | 2 Years                        | 12/31/14          |
| Member                 | <u>(Cherylin Clarke)</u><br>(resigned)    | _____            | 2 Years unexp.<br>(Clarke) to  | 12/31/13          |
| Alt. No. 1             | <u>Shiran Slutzky</u><br>(resigned)       | _____            | 2 Years unexp.<br>(Slutzky) to | 12/31/13          |

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Alt. No. 2                      Wilson Reimers                      \_\_\_\_\_                      2 Years                      12/31/14  
(non-acceptance)

18. MOTION GRANTING APPROVAL FOR THE PLACEMENT OF THE NATIVITY CRECHE IN FRONT OF BOROUGH HALL DURING THE WEEK OF 12/1/13 TO BE REMOVED DURING THE WEEK OF 1/15/14 (5. M.L. 10/31/13/Approval received from Risk Management Consultant 10/30/13)

19. REPORTS

- a. CONSTRUCTION OFFICIAL – OCTOBER 2013 (Received 10/31/13)
- b. FIRE CHIEF – OCTOBER 2013 (Received 11/5/13)
- c. CHIEF OF POLICE – OCTOBER 2013 (Received 11/5/13)

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

8. RESOLUTION AWARDDING NON-FAIR AND OPEN CONTRACT FOR THIRD PARTY PAYROLL SERVICES FOR THE CALENDAR YEARS 2014, 2015 AND 2016 TO PAYLOCITY FOR AN APPROXIMATE COST OF \$7,500.00 PER YEAR (Received from Administrator 11/6/13)

Councilman Barad asked that the language be corrected to eliminate the word “contract”; and he objected to the words “non-fair and open” noting that he would prefer the word “exception” to be used instead. Borough Attorney said the wording is within the law but does not have to be used. Councilman Barad said if the monetary value is below a certain amount, the Council has approved that same could be accepted. Borough Clerk reminded that the two require different procedures. Dr. Barad voiced his understanding of the process and Borough Attorney noted that all professional contracts have been awarded under the Fair and Open process. Councilman Dolson asked what was not fair about the process since same was advertised and several bidders submitted bids. It was decided to remove the first paragraph of the resolution.

Dr. Barad asked for clarification of the change in wording of the Resolution; Borough Administrator informed that the first paragraph is now missing; and Borough Attorney advised that it was a Resolution Awarding Third Party Payroll Services. Dr. Barad added that it was as proposed by the Borough Administrator with the redactions and corrections made during the Work Session and this meeting. Borough Attorney added that there would be deletion of any reference to the term “contract” and non-fair and open.

Motion approving the Resolution, as proposed by the Borough Administrator, with the redactions and corrections made at the Work Session and this meeting, was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

At this time, the Borough Attorney noted that during the Work Session the Council members indicated an interest in considering a resolution revising the fees that have been assessed by the tree expert pursuant to Section 181-12 of the Municipal Code. The Council reviewed the fees and have concluded that the penalties be revised downward to \$700. The applicant would still be required to pay the necessary permit fees and plant trees in accordance with recommendations of the tree expert. Councilman Kashwick noted that a police officer was called and inspected the property so the town was notified and the tree expert did have an opportunity to go there when there was still some evidence of what was done.

18a. Motion authorizing the Borough Attorney to prepare a Resolution to memorialize the above mentioned action was made by Councilman Glidden, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

18b. The following motion was made by Councilman Glidden and seconded by Councilwoman Latner:

MOTION TO ELIMINATE THE COLLECTION OF VEGETATIVE WASTE EFFECTIVE JANUARY 1, 2013

BEFORE ROLL CALL VOTE, Councilman Kashwick noted that the people not using landscapers are the ones with the least ability to handle this change which would now cause them extra work. Mayor Heymann suggested that they either mulch their clippings or have a compost pile.

Said Motion was declared carried by Mayor Heymann upon the affirmative vote of Councilperson Glidden, Latner and Dolson; Councilpersons Kashwick and Barad voted no.

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20. 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.

20a. Motion approving the following Closed Session Resolution at 9:53 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.

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 20:4-12 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)(5), “A matter involving the expenditure of public funds for the acquisition of real property”; and N.J.S.A. 10:4-12(b)(7), “ Pending or anticipated litigation or contract negotiations”; and that items under discussion in the closed meeting would be disclosed to the public at the conclusion of the matters which should be within 6 to 8 weeks.

Mayor Heymann resumed the Regular Meeting at 10:24 p.m.

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

22. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:24 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on November 21, 2013 for approval  
at the Regular Meeting to be held  
Monday, November 25, 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 November 25, 2013  
Consent Agenda Item No. 11a.

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

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

The Mayor and Council of the Borough of Closter held a Work Session Meeting on Wednesday, November 13, 2013. Mayor Heymann called the meeting to order at 7:35 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 John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad and  
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

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF OCTOBER 24, 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 Councilman Glidden; Item No. 7 was removed by Borough Clerk.

Item No. 4: Received 10/22/13, dated 10/22/13 from [mayor@closterboro.com](mailto:mayor@closterboro.com) to [boroclerk@closterboro.com](mailto:boroclerk@closterboro.com) re Forwarded email from Nancy Ghani, Account Executive, PERMA Risk Management Services re Notification of issuance of 2013 Dividend to the Borough in the amount of **\$12,538.66**; Deadline for notification of choice either to receive the dividend in the form of a check or a credit towards next year's first assessment installment: No later than **11/25/13**; if no notification is received, the entire amount will be refunded in the form of a check (Original to Richard Sheola for response)(copy to Glenn Parsells, Fred Pitofsky)

Councilman Glidden questioned how the refund figure was derived. The Borough Administrator explained that at the end of each year, each Joint Insurance Fund recalculates expenses versus revenues from prior years; and this dividend is likely from 2010 or 2011 premiums. In answer to Councilman Glidden, he explained the options are to either use the refund as a credit towards the upcoming year's first quarter premium or to request a refund check; and the Borough opted for a check so it could be placed into Surplus for the end of the year.

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Item No. 7a: Received 10/24/13, dated 10/14/13 from Thomas Fratticcioli, Subscription Manager, New Jersey Municipalities Magazine, NJS League of Municipalities to Loretta Castano re Informing *New Jersey Municipalities Magazine* is now available digitally in addition to printed copies; Individual subscriptions are now available for purchase and will be sold as print only or digital only

The Borough Clerk wished to bring this item to everyone's attention for the upcoming year's subscription service. Councilman Barad voiced his support for a digital copy. Mayor Heymann explained there is no cost difference whether it is in print or digital.

b. MAIL LIST OF OCTOBER 31, 2013 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item Nos. 4 and 5 were removed by Councilman Barad.

Item No. 4: Received 10/28/13, dated 10/28/13 from Tim Adriance, Chair, Closter Historic Preservation Commission, to Closter Fire Department & Ladies' Auxiliary, c: Closter Mayor and Council re Informing the Historic Preservation Commission and the Closter Senior Citizens Club will be honoring the Closter Fire Department at the 11/19/13 @ 7pm "Talks with Toby" event at the Library

Councilman Barad voiced his understanding that it is unfortunate that this important event is scheduled for the same night as a Council meeting. Councilman Kashwick noted it is also taking place during the League of Municipalities Conference. Mayor Heymann voiced her support for the event and said it is worthwhile because it is devoted to the Fire Department which has a long history in Closter. Mayor Heymann explained for the audience about the "Talks with Toby" series.

Item No. 5: Received 10/30/13, dated No Date from Nick D'Amico Jr., Friends of the Creche, 127 Cedar Lane re Request for permission to place Nativity Creche in front of Borough Hall during the week of December 1, 2013; to be removed during the week of January 5, 2014 (Copy to Glenn Parsells, Chief Kaine)

Councilman Barad acknowledged this request and asked for confirmation that the Risk Management Consultant requirements have been met; to which Mayor Heymann affirmed same.

c. MAIL LIST OF NOVEMBER 7, 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 Mayor Heymann.

Item No. 1: Received 11/01/13, dated 11/01/13 from Lynn Holtzbach, 215 High Street, Closter re Appeal (per Closter Code Ch. 181-12) of Fine and Fees Assessed by the Closter Code Enforcement Bureau in conjunction with Tree Expert on 10/25/13 for removal of 4 trees at Block 902 Lot 10 without a permit - Distributed 11/1/13 (Copy to Jim Whitney)

Mayor Heymann explained that Ms. Holtzbach was in the audience and additional information was provided to the Governing Body for their review. Mayor Heymann invited Ms. Holtzbach to speak on behalf of her appeal at this time.

Lynn Holtzbach, 215 High Street read aloud her response to the Mayor and Council explaining she would like to appeal the assessed penalties for the removal of 4 trees without a permit. She explained two of the trees were actually just trunks and she was not aware that a permit was required to remove them. She voiced her opinion this is not a clear cut situation and said the one tree was struck by lightning on 9/12/13; another tree was removed at the same time to prevent any dangerous situations or property damage. Ms. Holtzbach explained when the first tree was struck by lightning, she called the Police Department immediately to inform them and then she called a tree cutter because she perceived this as a very dangerous condition. This particular tree is only about 15 feet from High Street and was very tall and old. It was about 15 feet from the sidewalk and there is a lot of traffic on High Street which has created some fear among herself and her neighbors of the potential damage from falling trees. Ms. Holtzbach explained their fears are real because several years earlier, her home sustained severe damage after a tree fell on it during a storm. The trunk had split about 5-inches from the ground and it split in several directions which caused a branch to come into her bedroom just inches from the bed. She said she did not want to have another incident like this which is why she acted quickly to have these trees removed. Additionally, last year the

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top of a tree from her neighbor's yard fell mostly into her yard and severely damaging several shrubs. Ms. Holtzbach informed she is appealing these penalties because she is a senior citizen and feels they are excessive.

Mayor Heymann asked for verification that her contractor was an experienced Closter contractor and questioned why he then took the trees down without a permit. Ms. Holtzbach responded that she was under the assumption that the contractor obtained the permit because they never had a conversation about it. He responded to her request quickly and removed the trees but they never discussed a permit. Councilman Barad voiced his opinion that the contractor is a professional and should have verified that Ms. Holtzbach obtained a permit for same because it is his responsibility to do so. Mayor Heymann asked if she was aware instead of paying an amount per tree she can pay for a replacement tree. Ms. Holtzbach indicated she understood from the correspondence she received from the Tree Expert that she could pay \$900 or plant three trees. When she asked for specific types of acceptable trees, she was told evergreens or flowering trees. In answer to Mayor Heymann she said she assumed the amount would be deducted from the \$2,800.00.

The Borough Attorney voiced his interpretation of the way the letter is written is that it is for all three trees. He explained the ordinance leaves the fining up to the Tree Expert but the decision to either affirm, modify or send back for consideration that decision is what is before the Mayor and Council this evening. He advised there should be some sort of criteria that is followed. In answer to Councilman Kashwick, Ms. Holtzbach informed she did not have a copy of the police report from the lightning strike. Chief Kaine offered to go downstairs to check the records for a report on 9/12/13.

Councilman Barad requested to see the photographs she had with her. She explained the photos show what the trees looked like before removal; and pointed out which one had been struck by lightning. She said there is still one trunk left she would like to have removed. In answer to Councilman Glidden, she voiced her understanding that there are four trees but they are counting two trunks as two trees. She noted that photos were also submitted earlier with the permit.

The Borough Attorney questioned if Ms. Holtzbach spoke to Mr. Fuchs (Certified Tree Expert) before she received the letter and addressed her concerns with him. Ms. Holtzbach said she had not, but this has been ongoing since September; and once she received the letter and called him, he referred her to Mr. Whitney (Jim, Part-Time Code Inspector). After some back and forth, he came and measured and reviewed the situation. She said she had a letter included in which she explained her concerns. At 7:55 p.m. Chief Kaine returned to the meeting with a copy of Ms. Holtzbach's incident report.

Ms. Holtzbach reiterated her main concern is that after the lightning struck the tree, it created a safety issue. She explained the permit she now has covers the previously discussed trees. She said there is still one trunk from that tree left to be removed because she was stopped by Mr. Whitney. She voiced her understanding that she will need to obtain a permit to remove that tree trunk as well because the one she currently has only covers the trees already removed.

The Borough Attorney asked if Mr. Fuchs contacted Ms. Holtzbach to discuss size or age of trees as referenced as #3 in the letter to plant three trees as mitigation or pay \$900.00. She informed he only mentioned "evergreen for evergreen" etc. but nothing regarding height or age. Councilman Kashwick recalled the ordinance does allow for multiple trunks but said it does not offer any exceptions. He questioned if she intended to remove all of the trees as shown in one of the photographs and Ms. Holtzbach affirmed same.

In answer to Councilman Barad, the Borough Attorney advised had Ms. Holtzbach applied for a permit, the Certified Tree Expert would have been notified and given the opportunity to inspect the trees prior to action being taken. Mayor Heymann explained that even if the trees are on your own property, they still have to be inspected; and after that, the property owner has the right to cut down the trees.

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Councilman Glidden thanked Ms. Holtzbach for putting the information together and voiced his position that the fines should be reduced because it was caused by a lightning strike; but he does not think removing the entire fine can be justified. Councilman Kashwick reminded there has been precedent set as earlier in the year there were two similar requests for appeal that resulted in reduction of the penalty. He explained they do allow for removal of trees in an emergency if it is causing imminent danger. He noted that the copy of the incident report delivered by Chief Kaine did not mention lightning at all; it said that branches fell. Councilman Kashwick voiced his position that he would be agreeable to reducing the penalty, but he does think some kind of penalty needs to be imposed. He reminded that people have come before them before and they have chosen to uphold the ordinance. Councilman Barad voiced his understanding that the purpose of the permit is to allow for the Tree Expert to evaluate the trees before they are gone; and in the past, we have had developers come and there are only stumps left so you had to guess what kind of tree it was unless you had a photographic memory. In this case, he feels the Tree Expert was still able to make an assessment of the value based on the timing of when the removal was ceased.

Councilman Kashwick disagreed with Councilman Barad and said it is not the professional's responsibility, but the owner's responsibility to obtain the necessary permits. Councilwoman Latner questioned if the professional should at least inform the homeowner of the requirements. The Borough Attorney advised it is the homeowner's responsibility to know what is required. Councilwoman Latner voiced her opinion that when she hires a professional, she is relying on them to know what is required since it is their field of work; and she feels a good portion of the responsibility should fall on the contractor to at least notify the client there are requirements.

Councilman Glidden suggested reducing the fine by 50% from the total of \$2,800.00 penalty, plus \$100.00 permit fee and either 3 trees in mitigation or \$900.00. Councilman Kashwick suggested that two trees could be removed from the penalty because one was obviously a danger and the other had multiple trunks. He suggested \$700.00 plus the \$100.00 permit fee and three (3) trees planted in mitigation. The Borough Attorney advised Ms. Holtzbach to speak to Mr. Fuchs prior to purchasing any trees. She informed they all should have a copy of the detailed report that Mr. Fuchs provided to Jim Whitney although she has not received a copy of same.

During a final review of the paperwork provided by Mayor Heymann regarding the issue, Councilman Kashwick questioned how and why the Code Enforcement Officer was even involved in this matter. The Borough Engineer voiced his opinion that he should not be because it has only caused confusion.

At this time, it was agreed to take a formal vote on the reduction in penalties during the Regular Meeting.

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

At this time, the Borough Administrator distributed a revised copy of Resolution No. 8 regarding the RFP for payroll services and said the revisions were based on comments received today from the Mayor:

8. RESOLUTION AWARDED NON-FAIR AND OPEN CONTRACT FOR THIRD PARTY PAYROLL SERVICES FOR THE CALENDAR YEARS 2014 and 2015 TO PAYLOCITY FOR AN APPROXIMATE COST OF \$7,500.00 PER YEAR (REVISED/Rec'd from Administrator 11/12/13)

In answer to Councilman Glidden, Mr. Sheola explained he used old Resolutions from 2010 and 2011 when a different payroll provider was being utilized and they contained language that is not really pertinent to this situation. He noted he removed the irrelevant information and revised it based on the quotation process as opposed to the issuance of an actual contract. Additionally, the original Resolution said "approximately \$7,500.00 per year" and he changed it to remove "approximately". A copy of the RFP

is attached to the new Resolution. Mr. Sheola also said the RFP called for a basis of 60 employees and on the 3<sup>rd</sup> page is a recalculation based on a 70 employee count. He explained that they could actually go up to 88 employees before they would be utilizing the full anticipated \$7,500.00 cost; and over the Summer, there are additional Recreation employees, and calculations at the end of the year for Fire Department clothing allowance which have to be counted as payroll per IRS regulations.

The Borough Attorney questioned the terms of the contract; and advised that this is not really a two year contract. Mr. Sheola explained that it is not a contract at all; and all of that language has been removed from the Resolution with the exception of the last two that a Word search missed because it does not search for words starting with capitals. Additionally, the title needs to be revised; and the Borough Attorney said to remove the word “contract”. Councilman Barad questioned if this action would obligate them over a certain time period that they should be more specific in the Resolution. Mr. Sheola said the RFP asked for pricing for two years with the option for future years. The Borough Attorney voiced his understanding that if this is all the potential provider gave us, they are guaranteeing the price for two years. Unless the Borough signs something for a specific period of time, we are only obligated for the two years. In answer to the Borough Clerk, the Administrator said he would send a final Resolution to her before he left this evening. The Borough Attorney advised the proposed changes are diminimus and could be made verbally during the Regular Meeting prior to a vote.

Mayor Heymann asked if anyone wished to discuss any items on the Consent Agenda. Item No. 5 was referred to by the Borough Clerk.

5. INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING AND ADOPTION  
12/11/13 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2013:1152, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 183 OF THE CODE OF THE BOROUGH OF CLOSTER SPECIFICALLY SECTIONS 183-45 & 183-47 (Received from Borough Attorney 10/24/13)

The Borough Clerk noted she had received this Ordinance the day after the last meeting which she had not placed on the Agenda; therefore, she subsequently placed it on an Addendum.

Mayor Heymann noted that the change in the ordinance would allow the allocation of parking spaces in the North Parking Lot; and we will follow through to get the parking lot in shape for the Holiday Season. Striping of the parking lot would follow for which there would be an expense.

The Borough Engineer said the spaces will be stenciled on the pavement for hourly parking in addition to signage; and the police would be inspecting the area on a regular basis to enforce the regulations. Chief Kaine explained there will be an enforcement detail assigned to the lot to regularly monitor the usage. Councilman Kashwick questioned if we have any actual evidence there are commuters using any of these spaces because he feels they are getting a bad rap for this; and it may not necessarily be caused by them. The Borough Engineer explained that the Police and DPW are both involved where it pertains to overnight parking because when people park in the unassigned spots, the DPW cannot plow, and there are many other issues as well. He noted that the striping would be done but the spaces would not be reconfigured, only re-designated, as to two-hour, overnight or regular parking. Handicap parking is not included in the two-hour parking.

Mayor Heymann said we will be able to judge how the spaces are utilized; and if the 22 designated two-hour spaces are fully occupied, more spaces could be provided. The funding for the striping and engineering would be provided from the parking fund.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT – The Borough Attorney informed he had a few updates for his report this evening. Regarding the cell tower, the bids went out and none were received again. At this point, until the end of the year, it appears that the Borough will have to take control of the tower and deal directly with the providers for the immediate future. Mr. Rogan reported that despite the fact that Crown Castle gave recommendations to the Council for modifying the specifications, they did not notify us and did not pick up a bid package. When questioned, they said it was not economically feasible for them at this time. We are in the process of getting the contracts that Crown Castle has with the providers so we can contact the suppliers directly to inform them of the situation.

Mr. Rogan reported that at a conference before Judge Andresini regarding the Watkins Farm appeal, the property owners withdrew their request for farmland status for the years under appeal indicating the costs going forward with the case did not justify their pursuing it. Mr. Rogan noted he had previously discussed with the Council his recommendation not to expend any money on experts. He informed the property owner of the Borough's decision not to move forward; and indicated it was our position that if the property owner wished to continue to pursue obtaining that status, it would be at their own expense. Partly based on the Borough's decision and the anticipated litigation costs, they withdrew their application. At this point our Tax Assessor will assess the property for the years under appeal; and the Borough will seek payment for the difference. He explained that Mr. Rosenblum, who is appealing the designation, would also have the right to appeal. In answer to Dr. Barad, Mr. Rogan clarified the property owner is choosing not to appeal those years as a farm. The Borough will assess the property for the 5 years at full value and seek the difference between the farm assessment and the full value. Mr. Rogan reminded that he attended one inspection with Angela Mattiace; and at that time, the animals were not there and they had serious doubts about them ever being there; and they determined that it was not being used as farm land. The owner appealed that decision and the County Board reversed our decision and granted their farm status in 2007. At this time, we are going to determine the difference in taxes due and wait to see if the property owner or Mr. Rosenblum decides to appeal.

The Borough Attorney reported the parking ordinance was discussed earlier; and advised the Borough Engineer is finalizing it. The ordinance for introduction tonight is not in any way specific, it is only indicating restrictions in 2-hour and overnight parking. In the event any changes need to be made, they will not affect this ordinance at all because it is only referencing the designations. It is a general ordinance that will be dictated in terms of enforcement as prepared by the Borough Engineer and approved by the Mayor and Council.

The Borough Attorney reported he had one item to discuss in Closed Session regarding the potential purchase of property.

Mr. Rogan reported he attended a meeting of the Human Resources Committee last evening; and he is in the process of reviewing the recommendations of the Committee for consistency of ordinances.

In answer to Dr. Barad, the Borough Attorney informed that the letter was sent out to Third Street; and there needs to be further discussion on what do we do with it and how to move forward. Mr. Kashwick noted he spoke with the Mayor and informed her that in order for it to be viable commuter parking, a sidewalk has to be installed and a better signal. Mayor Heymann voiced her understanding that in order to make this viable, we have to do something about the traffic light at Piermont Road and Closter Dock Road to allow pedestrians to cross safely from the Third Street area heading towards downtown. The Mayor suggested a crossing arrow and a pedestrian marker. Councilman Kashwick recommended moving the northbound bus stop before the turn rather than after it so people don't have to cross that street to get back to their cars. In answer to Mayor Heymann, he affirmed the bus stop should be on Piermont Road instead of Closter Dock Road. Councilman Dolson said at the present time the bus has to cross three lanes of traffic to make a left onto Closter Dock Road. Mr. Kashwick voiced his concerns about changing the bus route as there are commuters who live off Closter Dock Road and there are no homes along Vervalen Street, so it would be inconveniencing the commuters.

6. PROFESSIONAL REPORTS (Continued)

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 all roads have been paved and striped; and the remaining work includes installing signs, which are on backorder, and the guide rail which will start tomorrow or the next day along Ruckman Road.
- 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 this project will commence in the coming months as they have been busy with the outside work before the cold season starts.
- 3) BOROUGH ROAD ASSESSMENTS FOR THE PURPOSE OF DEVELOPING A 5-YEAR PROJECTED ROAD PROGRAM - RM 7/24/13 – The Borough Engineer reported this project will commence in the coming months as they have been busy with the outside work before the cold season starts.
- 4) HICKORY LANE TOPOGRAPHIC SURVEY – RM 7/24/13 – The Borough Engineer reported this item can be removed from his report as the project was completed and delivered to the Borough in late August or early September.
- 5) REPORT RE ENGINEERING/INSPECTION SERVICES FOR (2013) BARRIER FREE CURB RAMP INSTALLATIONS (Per 7/15/13 proposal \$12,050/Approved RM 8/14/13) – Mr. DeNicola reported this project started yesterday and will continue for the next 3, 4 or 5 days by Conte Construction. This project is totally funded by the County as they are covering the design, construction and inspections.
- 6) REPORT – The Borough Engineer informed the above items concluded his report.

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 the EJIF Engineer looked at it and we are waiting to hear back from them on their opinion.
- 2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S):
  - a) Mail List requests: None at the time of preparation of this Agenda
- 3) 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) – The Borough Administrator reported as follows:

Interesting thing happened – we have several ties and I will address it at the meeting in December. We need to break those ties – hopefully, it won't take us all night even to wade through it.
- 4) REPORT RE POSSIBLE FOLLOW UP OF PRESENTATION MADE BY JOHN HATCH, PARTNER, CLARKE CATON HINTZ, ARCHITECTS FOR BOROUGH HALL EXTERIOR AT WS 8/28/13 – Mr. Sheola voiced his understanding that this will be a 2014 project. He spoke to the architect at Clarke Caton Hintz and they have agreed to redo the entire project at no cost to us. He has one proposal for lead paint testing, as it was a concern brought up by the contractors; and if lead paint is found to be present, there is an additional \$2,500.00 for the company to write specifications that would be added to the bid package. He noted he is waiting for an additional quote before proceeding.

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

5) REPORT RE RFP'S FOR THIRD PARTY PAYROLL SERVICES FOR 2014-2015 CALENDAR YEARS (published in The Record 9/20/13 and Web Site - Opening to be held 10/11/13 @ 11 a.m.) – The Borough Administrator reminded this item was discussed earlier in the meeting.

6) REPORT RE SECOND REBID FOR LEASE OF TELECOMMUNICATIONS TOWER (Notice to Bidders published in The Record on 10/19/13 – Opening held 11/1/13 @ 11 a.m.) – Mr. Sheola reiterated as the Borough Attorney reported earlier that there were no bidders for the cell tower. He said he will be in the neighborhood of Crown Castle next week; and if he has time, he may call and stop to see if he can get information from them instead of waiting for email or snail mail.

7) STATUS REPORT RE 2014 BUDGET PREPARATIONS – The Borough Administrator reported budget preparations are in progress. He reminded he previously reported the budget packages are due to him on 11/27/13; and his goal is to have a rough budget before the year is out.

8) REPORT – Mr. Sheola reported the lightning detection system is installed but not yet functioning. He explained there is one notification platform that needs to be relocated because it is in the middle of the Nature Center.

The Borough Administrator reported the HR Committee met last evening to discuss personnel policies. He informed he completed the changes he had to make today; and the Borough Attorney has a few things to provide. He anticipates another meeting or a conference call in December.

Mr. Sheola reported he spoke with the DPW Superintendent regarding staffing; and he discussed same with the Public Works Committee this evening. He hopes to have a game plan moving forward regarding staffing and equipment for the DPW.

The Borough Administrator reported he made a change to the escrow accounting system in conjunction with input from the Land Use Coordinators and Finance staff. The Land Use Coordinators will be taking on a larger role in this process effective 1/1/14. He explained the system is convoluted and causes delays in processing payments for professionals. It also kept the Land Use Coordinators out of the process which prevented knowing if there were sufficient funds in the developer's accounts at the time of applications. Mr. Sheola said he is reviewing a purchasing procedures manual he has to see if it could be applicable to the Borough.

Mr. Sheola reported he is working with the IT Coordinator and they anticipate rolling out the new email addresses on 12/2/13. Instructions will be circulated the week prior to implementation.

The Borough Administrator reminded they spoke earlier regarding vegetative waste collection for 2014. Leslie Weatherly is almost finished completing the calendar for next year; and the one item hanging us up on getting it printed is whether or not to have the DPW continue with vegetative waste pickup. The Superintendent informed there are only about 150 stops for this service in the entire town so that is not a lot of customers to be served for a lot of money to provide the service. He asked the Council to consider making a decision this evening.

Mr. Sheola reported he will be on vacation until 11/23/13 and thanked the Borough Clerk for serving as acting Administrator in his absence.

At this time, Councilman Barad wished to continue discussion as to why no bids were received for the cell tower. He questioned if this technology is becoming obsolete and said he does not understand the reasons. He said we negotiated with the provider before rebidding and thought they had worked out a reasonable proposal. Dr. Barad voiced his position that we should do more work before we invest in it because maybe we don't need it any longer. Mayor Heymann voiced her concern there are several issues involved. There does not seem to be a complete consensus; and said it is a matter of margin of profit for these locations. The Mayor asked that nobody assume conclusions when we do not have all of the information. She voiced her understanding that there was not sufficient profit to cover the overhead if a company was so ineffective that was why we ended up dealing with 4 separate people on the bids. Dr. Barad voiced his position that nobody else bid on it either; and he sees that the market is telling us there's no future for it. The Borough Attorney explained that the bid specifications had a requirement for a

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

minimum bid. He suggested talking about reducing the required minimum bid because prior discussions led us to raise the price and maybe we need to go the other way. Dr. Barad reminded that in the past they discussed maintaining the tower themselves, but ultimately they decided it was not worth it so they would continue with an outside company doing it. Now that we have the opportunity to either go into the business or lower our bid, we need to do our due diligence and find out the costs involved. In answer to Councilwoman Latner, the Mayor said Hawthorn administers its own cell tower; and they would be happy to share their information with us. Dr. Barad reiterated he feels we should do our due diligence and see if it is better to do it ourselves. He questioned if we have the manpower and expertise to be taking on a business like this; or should we just lower the minimum bid. The Borough Attorney advised that in the short term we will probably have to administer it ourselves. Mr. Sheola informed that he spoke to some other potential bidders; and part of the issue is that our tower is not in a high location. Other companies were interested in buying the leases, but that would cause us to lose control of public safety. Dr. Barad asked that the cell tower be kept at the top of the Agenda for follow through.

At this time, Mayor Heymann voiced her concerns regarding pick up of vegetative waste that it is not a productive way to utilize our staff. She reminded only 150 homes use the service so that requires a crew to go out two Wednesdays a month through town to make collections in the Summer; and she feels there are a lot of ways to deal with this issue for the decreasing number of families that do not use a landscaper. The Mayor said she leaves her clippings on the lawn; and Dr. Barad said he never takes his clippings out and composts them instead. In answer to Mr. Kashwick, the Administrator explained that branches are totally separate from vegetative waste. He noted the Superintendent told him this evening that a lot of times the crew will go out and there is a big pile of what looks like grass clippings but it turns out there are branches or debris underneath it; then the crew has to take the time to sort it out and it slows them down. Dr. Barad asked for clarification of what Mr. Sheola said earlier about the service not being worthwhile because not a lot of people use it; and questioned whether it would be worthwhile if more families used it. Mayor Heymann affirmed it would be worthwhile because it is a service that costs all taxpayers money; and only a few homes are benefitting from it. She feels that most people can learn to mulch their own clippings. Councilman Glidden voiced his understanding that the Public Works Committee discussed the issue this evening; and the general consensus was to deep six the service. Councilwoman Latner said because it is not economically worth it, to discontinue the service for all of the reasons put forth before. That manpower could be used in other needed areas of the DPW. In answer to Mr. Kashwick, the Administrator affirmed there would still be the option to drop off the clippings at the DPW.

At this time, Mayor Heymann asked if anyone objected to a motion to effect the decision (during the regular meeting) and no one voiced any objections.

At this time, Councilman Glidden asked the Administrator to comment on the park bathroom project and he advised he would do so in executive session.

B. BOROUGH CLERK

- 1) STATUS REPORT RE 2013/2014 APPOINTMENTS – The Borough Clerk reported we are current with outstanding appointments being maintained on the Regular Meeting Agenda. Regarding 2014 Appointments, a request for recommendations was sent on 10/16/13 to all Boards, Commissions and Departments for response by 11/15/13.
- 2) STATUS REPORT RE 2013 OATHS OF OFFICE – Ms. Castano reported this item is current.
- 3) STATUS REPORT RE 2013/2014 LICENSES – Borough Clerk reported that the 2013 licenses are current. Regarding the 2014 Borough licenses issued by her office, Ms. Castano reported that a memo was sent on 11/4/13 to all licensees for second hand gold/silver, live entertainment and theater with response date of 12/16/13.

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

4) STATUS REPORT RE 2013/2014 MEETING DATES - Borough Clerk reported that the 2013 meeting dates are current; and she reminded that if any special meetings are to be called, which are not listed on the Annual Notice of Meetings which was published in two newspapers, that a notice is to be sent to two newspapers informing of the date, time and place of the meeting and the purpose of same in accordance with the Open Public Meetings Act. Regarding the 2014 Meeting Dates, Ms. Castano reported that a memo was sent to all Borough Boards and Commissions on 10/7/13 for response by 12/2/13.

5) STATUS REPORT RE GENERAL ELECTION – 11/5/13 from 6 a.m. to 8 p.m.  
Borough Clerk reported that the election results indicated approximately 35% of the 5,094 registered Closter voters came out for this election. It was a busy day, the provisional ballots were counted last evening and the election results are yet to be certified. Recount has to be requested by 11/20/13 and we have no problem in Closter as evidenced in some municipalities.

6) REPORT RE PREPARATIONS FOR CODIFICATION OF ORDINANCE NOS. 2012:1134 TO 2013:1151 AS CODE SUPPLEMENT NO. 20 – Ms. Castano reported being made aware by our Administrator that \$4,000 was included in her budget for codification. Therefore we will be submitting all the Ordinances which have been adopted by the end of 2013 to General Code for codification as Supplement No. 20 in early 2014 in conformity with the Best Practices Inventory.

7) REPORT RE RFP'S FOR 2014 PROFESSIONAL SERVICES (Posted on the Web Site 10/24/13 – Opening to be held 11/20/13 @ 10:30 a.m.) - Borough Clerk will provide a report to the governing body, Borough Attorney, Borough Administrator, Chairpersons of the Planning Board and Zoning Board of Adjustment after the opening is held on November 20, 2013.

8) REPORT – Ms. Castano reported on the following items:  
a. 98th Annual League Conference – November 18-21, 2013, Atlantic City –  
Pre-registrations and hotel confirmations have been provided to all who plan to attend. The November edition of the League of Municipalities magazine is being distributed to all this evening. It contains further information regarding the League Sessions scheduled to be held.

b. The Borough Clerk's office successfully had 15 boxes that were approved for destruction were destroyed on the Borough's paper shredding day held at the DPW on 11/2/13. Due to the diligent work of Deputy Clerk, Arlene Corvelli, the procedure to obtain all necessary approvals was accomplished completely electronically from start to finish in 4 days. As a result of our use of ARTEMIS with the information obtained by Arlene in classes she attended and with the cooperation of our IT Coordinator, Kevin Whitney, we now have more room in Clerk's office. In the future, we plan to have a meeting scheduled to inform the department heads how to utilize Artemis to assist them in obtaining permission to destroy their records without having to prepare paper requests.

c. As mentioned at our last meeting, Arlene attended a Seminar on 9/20/13 titled "Open Source Government: Privacy v. Transparency; When OPRA Meets the Web" and found out that the instructor Joe Adams, Owner/Operator of Moth and Fire LLC; a web design and consulting firm, offered to come to the Borough to provide a seminar to the department heads. I would like to suggest that this take place during a Staff meeting and ask Mr. Sheola if this would meet his approval. Mr. Sheola asked Ms. Castano to follow through with having Mr. Adams attend our Staff Meeting which is to be held on 12/12/13.

d. The New Jersey League of Municipalities is offering their annual Orientation seminar for Newly Elected, Re-Elected and Experienced Municipal Officials to be held on Saturday, 1/11/14, from 8:30 a.m. to 3:30 p.m. in Rutherford at the Renaissance Meadowlands Hotel (4. M.L. 11/14/13). Councilwoman Amitai has informed of her interest in attending the session. We will be obtaining more information regarding registration; and once I receive it, I will ask all who are interested in attending to let me know, and I will prepare the required requisition for processing.

7. REPORTS (Continued)

C. CHIEF OF POLICE

1) REPORT – Chief Kaine reported the Police Department Monthly Report was e-mailed last week. There were no major incidents during Halloween and the 9:00 p.m. curfew worked out fine. He reported one child was bitten in the face by a dog and released the same night. Chief Kaine reported two new vehicles were delivered and are being pinstriped and retrofitted and one vehicle is having the E-Ticket system installed so he expects them to be in service shortly.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

a. FILED

1. 2013 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$10,000) Authorization for application RM 6/13/12
2. 2014 ROID GRANT (REC OPPS FOR INDIVIDUALS WITH DISABILITIES DIFFERENTLY ABLED CHALLENGER RECREATION PROGRAM - \$5,000) Authorization for application RM 8/28/13
3. 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

b. AWARDED

1. 2013 CDBG GRANT CONTRACT #NV-CLSTR-03-13 IN THE AMOUNT OF \$10,000.00, FOR HANDICAPPED ACCESSIBLE DOORS BOROUGH HALL PROJECT FROM 7/1/13 to 6/30/14 (9. M.L. 9/12/13)

c. TO BE FILED

1. To be announced by Mayor.

2) REPORT – Mayor Heymann wished to provide an update on the Lustron House. She said Richard Schmidt, the owner of the house, was kind enough to let her know he has someone interested in moving the house off that property. The Mayor anticipates the Borough furthering their preservation efforts and checking to see if it can be moved. She spoke with Bergen County and New Jersey Historic Preservation offices. They told her they will help us obtain a grant to move the house; and they will also help us move the house to one of our open spaces. In studying where it could be relocated, the eastern side of Schauble Park to a lot on Haring Street near Demarest Avenue was determined to be the best choice. She said she has no idea whether this would be feasible. Mayor Heymann voiced her understanding this is the best way possible to try to preserve the house; otherwise it will be carted off in parts to Alpine; therefore, this has to be done in the immediate future.

In response to inquiries from Councilman Dolson and Dr. Barad, Mayor Heymann explained the house would be disassembled. She said the Historic Preservation Commission is very interested in preserving the house because it is an asset to Closter but she has not had any luck with house moving companies. The Mayor explained we would be moving the house intact because once you disassemble it, you cannot put it back together. There are issues that could complicate the trip, even if a short distance, but she feels it may still be worth the effort.

Councilman Kashwick voiced his support for pursuing this option but noted he would need to check out the location. In answer to the Borough Engineer, Mayor Heymann informed that Green Acres gave the okay to use the property for the Lustron House. She said she would need to apply and it would become part of the transaction. Mr. Kashwick said the Historic Preservation Commission will be meeting Monday and he would like them to fully review this and provide a recommendation. Dr. Barad said the Borough would be accepting ownership and would be responsible for the costs of maintenance, so we have to factor in those things. He said we should know what the costs involved would be because there are a lot of variables.

8. OLD BUSINESS

- a. REVIEW OF 2011 & 2012 MERGED ANNUAL REPORT RECEIVED FROM ZONING BOARD OF ADJUSTMENT (9. M.L. 10/17/13)

Mayor Heymann noted that the report should be reviewed and noted two specific items, which would be brought up with the Planning Board and thereafter to the Ordinance Committee. One item is the definition of surfaces, whether impervious or pervious that has a great deal to do with development. The other item was the definition of places of worship as recommended by the Zoning Board. She noted that the Borough has 14 houses of worship. Councilman Barad noted that the other matter was setbacks in residential areas, which the Zoning Board has recommended to be the average on the street or the expressed setback, whichever is greater. New construction would have to be the expressed setback; and this would raise many issues that would have to be discussed by the Planning Board. Relative to impervious coverage, the Borough Engineer noted that there would be a looser rein on the substances, which would affect the use of the property and the Borough's drainage system. Councilman Kashwick referred to the definitions for surfaces and noted that the proposal by the Zoning Board would make the definitions more consistent across the board. Mayor Heymann said there are two issues relative to how pervious a surface can be and how it affects land use in Closter since the more pervious surfaces are allowed, the density in the Borough would be increased.

Mayor Heymann reported that the Planning Board would be meeting on Closter Plaza at which time the objector's professionals would be providing testimony.

Relative to the mandatory drug testing in the High School, Mayor Heymann said that the committee would vote on a report in January.

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

Steve Isaacson, 97 Columbus Avenue, questioned the status of the Menorah; and Councilwoman Latner said it would be installed on the Wednesday night before Thanksgiving. Mr. Isaacson said instead of putting a camera on Ruckman Field it should be installed in the North Parking Lot so that the police could review same at any given time. He noted that tons of wood chips had been dumped on the Swim Club property around the parking lot last year. He extended congratulations to Councilman Glidden and Councilwoman Amitai on their reelection in addition to noting that only 330 votes were cast in the School Board Election. He suggested that the Mayor and Council discuss appointment of the members of the School Board and that the people should be educated regarding filing deadlines for candidates. He referred to the bus route switch, which he supported.

In answer to Jesse Rosenblum, 65 Knickerbocker Road, Borough Attorney said that David Watkins has not filed an application for 2014 (for Farmland Assessment) and said if more than the past 3 years are deemed to have been taxed at full value and the property sold, there would be no rollback. The rollback would benefit the town in the event a farmer takes advantage of the tax credit and then sells and develops. A farm status can change year to year depending on the usage; and two different tax courts and the Appellate Division have ruled that in those particular years, it was a farm. He said we represent the Tax Assessor and do not judge as to whether the land is a farm or not. Both judges in that particular case separately and independently have ruled that the property is a farm in addition to the Appellate Division. Statutorily the Tax Assessor is the one who assesses all property in the Borough.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – NOVEMBER 13, 2013 - 7:30 P.M.

11. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
12. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
13. ADJOURNMENT

Motion to adjourn the Work Session at 9:34 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on November 21, 2013 for approval  
at the Regular Meeting to be held  
Monday, November 25, 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 November 25, 2013  
Consent Agenda Item No. 11b.