

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

SINE DIE MEETING MINUTES – JANUARY 2, 2013 - 7:00 P.M.

The Mayor and Council of the Borough of Closter held a Sine Die Meeting on Wednesday, January 2, 2013. Mayor Heymann called the meeting to order at 7:00 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 Early Meetings which was sent to The Record and Star Ledger and was published on both newspapers on December 18, 2012, was posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

2. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad,
Arthur Dolson and Victoria Amitai
Borough Administrator, Richard Sheola
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, Dennis Kaine
Municipal Court Judge, Thomas Betancourt
Borough Auditor, Gary Vinci

3a. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 6 and 8 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, Dolson and Amitai.

RESOLUTIONS

4. BILL RESOLUTION – DECEMBER 31, 2012 (Received from Deputy Treasurer 12/28/12)

5. TRANSFER RESOLUTION NO. 3 (Received from Administrator/CFO 12/28/12)

~~6.~~ RESOLUTION AWARDDING CONTRACT FOR SOLID WASTE, BULK TRASH, RECYCLABLE MATERIALS & VEGETATIVE WASTE COLLECTION SERVICES (BID OPENING HELD 11/6/12 @ 10 A.M.) Received from Administrator 12/6/12 (Adjourned from RM 12/12/12/Adjourned from RM 12/26/12)

Councilman Glidden said several weeks ago he indicated that he could not support this resolution because there was not evidence that there would be compelling savings; and while privatization can be a good thing by providing savings and operating more efficiently, he has not seen the evidence of the compelling savings as yet. Mr. Glidden said he would move that this resolution be withdrawn; and if at some future time it can be shown that the savings are compelling, he would consider the resolution again. Councilman Barad expressed his agreement with the foregoing comments noting that we have a few tools to lessen the tax burden on our residents; and one way is to try to find more efficient ways to run the Borough, which may be through privatization. We benefited from the public comments at the last meeting. He hoped that a better set of bids would allow us to accomplish our goals in the future. Councilman Kashwick agreed that there should not be a vote this evening but he disagreed on the effects of privatization. While it may result in more efficiency in government, it is often at the expense of the lowest paid workers. He would recommend if we revisit this subject, the Mayor appoint a Citizen Advisory Committee to obtain feedback from the public. Councilwoman Amitai expressed her agreement that there should not be a vote this evening and that there should be a joint citizen/council committee. Once all the information is received, it should be placed on a referendum for a public vote.

7. RESOLUTION CANCELLING CAPITAL ORDINANCE BALANCES TO CAPITAL FUND BALANCE AND OPEN SPACE (Received from Administrator 12/20/12/Adjourned from RM 12/26/12)

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~~8.~~ POSSIBLE RESOLUTION AUTHORIZING THE WAIVER OF PERMIT FEES ASSOCIATED WITH REPAIRS FOR DAMAGE CAUSED BY “SUPER STORM” SANDY (Received from Borough Attorney 12/21/12/Adjourned from RM 12/26/12)

Borough Attorney explained that the draft resolution was not specific as to fees on properties to be waived due to the damage caused by Super Storm Sandy. The Construction Code Official has been requested to provide a listing of the homes that had paid fees for storm related damage repairs. The resolution would include those properties with the amount of the fee and an indication as to why the damage was storm related.

9. MOTIONS
(None received at time of preparation of this Agenda)

10. REPORTS
(None received at time of preparation of this Agenda)

The following items were removed from the Consent Agenda by the following individuals: Mayor Heymann removed Item No. 6. Borough Attorney removed No. 8 from the Consent Agenda.

3b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

~~6.~~ RESOLUTION AWARDING CONTRACT FOR SOLID WASTE, BULK TRASH, RECYCLABLE MATERIALS & VEGETATIVE WASTE COLLECTION SERVICES (BID OPENING HELD 11/6/12 @ 10 A.M.) Received from Administrator 12/6/12 (Adjourned from RM 12/12/12/Adjourned from RM 12/26/12)

Motion to not adopt the resolution was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

Councilman Barad said that the same pickup procedure would be followed and the schedule would be contained in the Borough calendar.

11. 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.

Diane Smith, 419 Closter Dock Road, said that the public needs a rationale as to when garbage collection would be addressed in the future. Councilman Barad indicated that it would be published in the Record and on the website. Borough Attorney said there was no discussion at the last meeting on this matter by either members of the public or the governing body. A decision would have to be made tonight and if no vote is taken, the bids expire on January 5th.

Steve Isaacson, 97 Columbus Avenue, expressed support for a vote this evening and Borough Attorney explained that the procedure the Council follows is to talk about a topic, listen to the public and then take a vote on the subject. Mr. Isaacson said that the recycling contract expired two days ago and now it is mentioned in the resolution. Borough Attorney said that recycling has always been a part of the resolution. The recycling contract has never been renewed prior to December 31st and the reason it was not renewed this year was if we were going to privatize, it would be built into the sanitation contract. It was also included in the bid specifications provided to the vendors. Mr. Isaacson questioned if anyone had contacted the other towns to which Miele Sanitation provides garbage pick up service to determine the amount saved by these municipalities. Mayor Heymann said that the municipalities had renewed the contracts because they were satisfied with the service. She said this particular contract bid was in the public domain for over a year.

Michael Kafer, 261 Parsells Lane, said this is a ceremonial night and we do not usually conduct serious business but this was caused by the governing body. He thanked the governing body for informing him by quoting the minutes, which indicated that they have neglected the roads and the sewers of this town. He said in addition there has been no discussion on the host community fee, which can be collected for bringing solid waste of approximately 30,000 tons into a private transfer station in the town. Because Closter is a host community, the State says we must bear the burden of the environmental and health hazards associated with processing solid waste. Host fees are used to mitigate the off site impact of solid waste facilities and to compensate the reasonable municipal costs associated with the facility such as road maintenance and improvements. The residential district that abuts this transfer station has depressed values with lesser assessments and ratables. These garbage trucks and tractor trailers erode our roads and business district. The Borough had an agreement that instead of collecting a fee, the solid waste transfer station would pick up recyclables twice a month. He recommended that since the agreement has expired, the Borough should collect a fee of \$5.00 per ton, which would generate approximately \$100,000 in revenue which would be ongoing and sustainable and could be used to support the Department of Public

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Works. The Borough also needs a solid waste management plan and he supported the formation of an ad hoc committee.

Mayor Heymann said the host community fee that can be imposed by law is 50 cents per ton but can be negotiated for more. The Borough attempted to put the fee in place many years ago but neither the contractor nor the State was willing to go along with same. In the meantime the host community fee was included in the bid proposal but the benefit to Closter as to the value of the recycling is considerably more than 50 cents per ton. The Borough is not losing money under the current procedure.

Peter Iappelli, 32 Whitney Street, representing the Closter Public Schools, cited the great shared services agreement with the Borough whereby the Borough picks up our trash; and he questioned if the resolution is adopted, would the schools be included since he did not believe that to be the case. Borough Administrator said he did not have a complete set of the final bid; and, therefore, could not be sure what was included. Mayor Heymann gave her assurances that if the bid is rewritten, the schools would be included. Mr. Iappelli cited the safety reasons for having the DPW continue to collect the trash at the schools.

Marie Hartwell, 1 Bradley Place, expressed support for the establishment of a committee in addition to a town referendum on garbage collection. She indicated that she did not want a private sanitation company.

John Hyland, 427 Closter Dock Road, questioned if the proposed referendum could occur at the General Election so that everyone could vote without declaring party affiliation; and Mayor Heymann said that the governing body would take that into consideration. Borough Attorney said that any type of referendum would be open to all voters irrespective of their party.

Seeing no one else desiring to speak, Mayor Heymann closed the meeting to the public.

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

13. ADJOURNMENT

Motion to adjourn the Sine-Die Meeting at 7:32 p.m. was made by Councilman Barad, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
via web portal on January 4, 2013 for
approval at the Regular Meeting to be
held January 9, 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 January 9, 2013
Consent Agenda Item No. 11c.