

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – APRIL 23, 2014 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:24 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 Annual Notice of Meetings which published in The Record and the Star Ledger on January 6, 2014, 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 (8:29 p.m.)
Borough Administrator, Richard Sheola
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, Dennis Kaine
Superintendent of Public Works, William Dahle, III
Fire Chief, Brian W. Pierro Sr.

Also present in the audience were Borough Auditor, Liz Shick and Tax Collector/Temporary Chief Financial Officer, Marie Passafaro.

Mayor Heymann asked for a Moment of Silence on the passing of the following persons: Norma Gottemoller on April 9th who was the Borough's former Tax Collector, Treasurer, CFO and Administrator. She worked for the Borough for 22 years and prior to that was the School Administrator at St. Mary's. She will be missed by all. Borough Clerk noted that Norma was the last elected Tax Collector before the law changed. John Murphy on April 12th. He was a member of the Lions Club, Ambulance Corps and as a member of the Board of Directors of the Belskie Museum where he worked on many of the exhibits. Sam Harfouche of Goldberg's Bagels whose welcome smile and gentle manner will be sorely missed.

Victoria Amitai entered the meeting at 8:29 p.m.

3. POSSIBLE MAYORAL APPOINTMENT OF _____
AS CLASS IV MEMBER OF THE PLANNING BOARD FOR A 4-YEAR UNEXPIRED TERM
(LIGNOS) TO 12/31/17 (5. M.L. 2/27/14)

4. PUBLIC HEARING AND ADOPTION OF AMENDMENT TO 2014 MUNICIPAL BUDGET
AT @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

This Amendment was introduced at the Regular Meeting held 4/9/14 and was published in The Record issue of 4/15/14, as stated in the printer's affidavit of publication. Reprint of this Amendment was posted on the Municipal Bulletin board in accordance with statutory requirements and copies have been made available to the general public.

Mayor Heymann opened the public hearing.

Borough Administrator noted that the amendment changed a few items in the Budget including a decrease in the use of Surplus, an increase in the cell tower revenue and an adjustment in the amount of the Capital Improvement Fund to reflect the Ordinance for Borough Hall Renovation. We were able to reduce the amount for Police, Fire and Public Employee Pensions due to adjusted bills from the State. The changes reduced the Budget by \$34,000; and, as amended, the Budget will increase taxes by \$79 in the aggregate from 2013 to 2014 on an average house assessed at \$650,000. When the Budget was originally introduced, the tax increase was \$56 and the Borough still has a large CAP Bank for levy and appropriation. A narrative of the Budget, as amended, was posted on the WEB and included various charts and graphs.

Councilman Dolson explained the Budget handout that had been distributed noted the total tax levy collected of \$44,099,000, a tax collection rate of 99% and Reserve for Uncollected Taxes in the amount of \$875,000. Borough Auditor explained that the Reserve is based on the Municipal Levy and anticipated School Levy, which helps the Borough to generate Surplus from year to year; and from a fiscal standpoint, it is recommended that you stay at least half a percent or one percent below that number. If the number is reduced to \$400,000 or \$500,000 and next year you have \$800,000 in delinquent taxes,

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you would be operating at a deficit. You need to leave a cushion so that the Surplus can be rebuilt and stay in a healthy financial position. Councilman Dolson noted that a reduction in the Reserve could be used to offset the tax levy in order to provide a tax reduction. Borough Auditor said the Borough must also be aware of tax appeals; and Borough Administrator said even though the line item for tax appeals was reduced, \$130,000 still remains in the trust. Borough Attorney said that this year the appeals were lower in volume; however, there are leftover appeals from prior years that would be tried this year; and a number of the appeals are for commercial properties, which are hard to predict. Mayor Heymann expressed her agreement with Councilman Dolson's remarks on the Reserve and felt it would be safe to take more money from Surplus. Borough Auditor said that one must look at all the components of the regeneration of Surplus for use in future years. Mayor Heymann noted that this year more money has been brought into the Construction Office and Closter Plaza would be bringing considerable income. Borough Attorney said that lawsuits associated with the development of Closter Plaza must also be taken into consideration. Borough Administrator noted that in 2013, \$400,000 was budgeted for Receipts from Delinquent Taxes and we collected \$346,000 and the outstanding balance was \$214,000, which cannot exceed as a line item in the budget this year.

Councilman Dolson said that the Borough has increased the tax collection rate each year; therefore he would suggest a reduction in the Reserve for Uncollected Taxes in order to reduce the tax levy. Councilman Glidden noted that he would like to see the tax rate lower but requested input from the Borough Auditor if the reduction in the Reserve was reasonable. Borough Auditor said it can be done but you would have to consider the position the Borough would be in on December 31st; and next year the Reserve may have to be increased. She recommended that the Reserve be kept as indicated in the Budget. Borough Administrator noted that a reduction of \$75,000 in the Reserve and without changing anything else, the average tax increase would be reduced from \$79 to \$59 and a reduction in the Reserve to \$700,000 would reduce the average tax increase to \$27.60. Councilman Kashwick expressed support for leaving the cushion in the Reserve for Uncollected Taxes. Borough Auditor noted that a reduction this year would mean there would be no CAP exemption if there is a significant increase for 2015. Councilmen Barad and Glidden expressed agreement with leaving the Reserve for Uncollected Taxes as indicated in the Budget.

In answer to Steve Isaacson, 97 Columbus Avenue, Borough Administrator said that the Borough actually owes over \$13,600,000 and are non-callable, which means they have to be held to a certain point in time. In 2012 the Borough did a \$5,000,000 refunding ordinance that took a lot of old issues at a higher interest rate and cast them out for a few extra years at a lower interest rate thereby lowering the debt service payments. Mr. Isaacson noted that the Borough has collected \$2.6 million in Open Space Tax and to date have acquired zero open space. Borough Attorney said that Blanch Woods was acquired and Councilman Kashwick noted that those costs were reimbursed from the State and County. Mr. Isaacson said the Borough should be purchasing land for preservation noting that the Borough did not purchase Brooks Farm when available. Mayor Heymann said that the Borough did put in an offer on the land but the owner refused to sell it to the Borough.

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

Motion to adopt the Amendment to the 2014 Municipal Budget was made by Councilman Dolson, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

5. RESOLUTION RE SELF-EXAMINATION OF BUDGET (Received from Auditor 4/3/14)

This item is to be approved prior to adoption of the Municipal Budget.

Borough Auditor explained the purpose of the Resolution and noted that next year, the Division would be required to review the Budget.

Motion adopting the Resolution 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.

6. ADOPTION OF THE 2014 MUNICIPAL BUDGET, AS AMENDED, @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

The Municipal Budget was introduced at the Regular Meeting held 3/12/14; and the Municipal Budget Summary was published in The Record issue of 3/20/14, as stated in the printer's affidavit of publication. Reprint of the Summary was posted on the Municipal Bulletin Board in accordance with statutory requirements, was posted on the Municipal Web Site pursuant to N.J.S.A. 40A:4-10; and copies have been made available to the general public. On 3/20/14, the Borough Clerk hand delivered a copy of the Municipal Budget to the Library Director, in accordance with N.J.S.A. 40A:4-8, for public inspection.

The Public Hearing on the Municipal Budget was held at the Regular Meeting of 4/9/14. Amendment to the 2014 Municipal Budget was introduced at the Regular Meeting held 4/9/14 and the public hearing is scheduled to be held this evening.

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Motion to adopt the 2014 Municipal Budget, As Amended, 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.

7. 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 3/26/14 and was published in The Record on 4/1/14 as stated in the printer'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:

BOND ORDINANCE NO. 2014:1162, "AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE REPAIR OF THE EXTERIOR WALLS AND REPLACEMENT OF ROOF AT BOROUGH HALL OF THE BOROUGH OF CLOSTER AND APPROPRIATING \$650,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$617,500 IN BONDS OR NOTES OF THE BOROUGH OF CLOSTER TO FINANCE THE SAME"

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

Motion adopting Bond Ordinance No. 2014:1162 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

8a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 20, 21, 22 and 23 was made by Councilman Glidden, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

ORDINANCES

9. INTRODUCTION OF THE FOLLOWING ORDINANCE(S) – PUBLIC HEARING AND ADOPTION 5/14/14 @8 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

- a. BOND ORDINANCE NO. 2014:1164, "AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS GENERAL CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH OF CLOSTER AND APPROPRIATING \$1,505,600 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,430,570 IN BONDS OR NOTES OF THE BOROUGH OF CLOSTER TO FINANCE THE SAME" (Received from Bond Counsel 4/15/14)
- b. ORDINANCE NO. 2014:1165, "AN ORDINANCE APPROPRIATING \$21,000 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS" (Received from Administrator 4/16/14)
- c. ORDINANCE NO. 2014:1166, "A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$55,000 FOR THE ACQUISITION OF VARIOUS EQUIPMENT BY THE BOROUGH OF CLOSTER AND TO APPROPRIATE \$55,000 FROM THE CAPITAL IMPROVEMENT FUND" (Received from Administrator 4/16/14)
- d. ORDINANCE NO. 2014:1167, "ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW AND ADDITIONAL EQUIPMENT BY THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, AND APPROPRIATING \$16,335 THEREFOR FROM CAPITAL SURPLUS OF THE BOROUGH" (Received from Administrator 4/16/14)

RESOLUTIONS

10. RESOLUTION MEMORIALIZING THE APPOINTMENT OF JOSEPH ZAVARDINO AS TEMPORARY ACTING CONSTRUCTION CODE OFFICIAL FOR A PERIOD OF FOURTEEN (14) DAYS EFFECTIVE 4/11/14, MADE AT THE REGULAR MEETING HELD 4/9/14 (Received from Borough Attorney 4/15/14)
11. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE AND RETURN REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES IN THE AMOUNT OF \$933.00 TO JOSEPH M. COLELLA, ESQ. FOR SUCCESSFUL COMPLETION OF SERVICES RENDERED FOR APPLICATION AT BLOCK 1314 LOT 5, 441 HIGH STREET (Received from Deputy Treasurer 4/15/14)

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The Borough Auditor left the meeting at 9:05 p.m.

12. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE AND RETURN SIDEWALK BOND FROM ESCROW IN THE AMOUNT OF \$8,245.00 POSTED ON 9/12/11 PER EMAIL FROM BUILDING DEPARTMENT DATED 4/4/14 THAT THE APPLICANT HAS FULFILLED THE REQUIREMENTS OF THE AGREEMENT TO SKENDER GJEVUKAJ FOR PROPERTY LOCATED AT BLOCK 1903 LOT 2, 411 PIERMONT ROAD (Received from Deputy Treasurer 4/15/14)
13. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES IN THE AMOUNT OF \$500.00 TO PROPERTY OWNER DR SCHMIDT REALTY, LLC FOR PROPERTY LOCATED AT BLOCK 1301 LOTS 10 & 11, 170 & 176 CLOSTER DOCK ROAD DUE TO DUPLICATE ESCROW FEE PAYMENT (Received from Deputy Treasurer 4/15/14)
14. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$45,698.59 AND ISSUE A RETURN OF PREMIUM FROM ESCROW IN THE AMOUNT OF \$20,000.00 TO US BANK CUST FOR SASS MUNI VI DTR FOR THE REDEMPTION OF TAX SALE CERTIFICATE #11-00003 FOR PROPERTY LOCATED AT 111 PRIMROSE LANE, BLOCK 1402, LOT 23, SOLD AT THE MUNICIPAL TAX SALE HELD ON 6/30/11 FOR 2010 DELINQUENT TAXES (Received from Tax Collector 4/14/14)
15. RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A: 4-87 FOR THE “2014 DRUNK DRIVING ENFORCEMENT FUND” (Received from Temporary CFO 4/15/14)
16. RESOLUTION AUTHORIZING PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-001-006, NORMLIN, INC., D/B/A RUDY’S PIZZA, FROM 71 CLOSTER PLAZA TO PREMISES LOCATED AT 121 VERVALEN STREET, EFFECTIVE 5/9/14 (Notice of Intent to Transfer published in The Record on 4/10/14 and 4/17/14)
17. RESOLUTION AUTHORIZING AMENDMENT TO CONTRACT FOR PROFESSIONAL SERVICES WITH BOSWELL ENGINEERING TO EXPAND THE SCOPE OF SERVICES FOR A CONTRACT AWARDED 10/23/13 IN ORDER TO PROVIDE ENGINEERING SUPERVISION SERVICES FOR OVERSIGHT OF OUTSIDE CONTRACTOR FOR REPAIR OF WELL HEADS IN CONJUNCTION WITH REMEDIATION AT THE CLOSTER DPW FACILITY FOR AN AMOUNT NOT TO EXCEED \$1,200.00; **AND** AUTHORIZING BOROUGH ADMINISTRATOR TO ISSUE A PURCHASE ORDER FOR AN AMOUNT NOT TO EXCEED \$3,560.00 TO GOLDSTAR ENVIRONMENTAL FOR WELL REPAIR COSTS (Received from Administrator 4/15/14)
18. AT APPROXIMATELY 8:45 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD - CLOSED SESSION RESOLUTION EXCLUDING THE PUBLIC FROM THE NEXT PORTION OF THE MEETING IN ORDER TO PERMIT THE GOVERNING BODY TO DISCUSS THE FOLLOWING MATTER PURSUANT TO N.J.S.A. 10:4-12(b)(8), “A MATTER INVOLVING PUBLIC EMPLOYEES” (RICE NOTICE E-MAILED AND MAILED ON 4/14/14)
19. POSSIBLE RESOLUTION APPOINTING MARIA PASSAFARO AS TEMPORARY CFO FOR EFFECTIVE 5/1/14 TO DECEMBER 31, 2014 AT A PRO-RATA SALARY OF \$15,000 TO BE PREPARED BY BOROUGH ATTORNEY

MOTIONS

- ~~20.~~ POSSIBLE MOTION APPROVING THE FOLLOWING APPOINTMENT(S) OF SALARIED EMPLOYEES FOR A 1 YEAR TERM TO 12/31/14 (NOT MADE AT THE REORGANIZATION MEETING HELD 1/2/14):

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>
DEPUTY COURT ADMINISTRATOR	Vacant	_____

- ~~21.~~ MOTION APPROVING THE FOLLOWING APPOINTMENT OF SALARIED EMPLOYEE FOR A 1 YEAR TERM TO 12/31/14 (MADE AT REORGANIZATION MEETING HELD 1/2/14 (Oath of Office accepting the appointment has not been received as of the time of preparation of this Agenda)

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>
RECREATION COMMISSION Assistant Director	Brian Beddoe	rec'd 4/23/14

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22. ~~POSSIBLE MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS:~~

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOARD OF HEALTH			2 Years Unexp. (Pierro)	
Alternate No. 1	Janice Pierro	_____	to	12/31/14
	<i>(Janice Pierro reappointed to Member at RM 1/22/14)</i>			

**IMPROVEMENT
 COMMISSION**

Not made at ReOrg 1/2/14:

Member	Vacant	_____	2 Years Unexp. (Vacant)	to	12/31/14
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23. MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO FILL THE FOLLOWING NON-SALARIED APPOINTMENTS MADE AT THE REORGANIZATION MEETING HELD ON 1/2/14 (Which have not been accepted as of the time of preparation of this Agenda):

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOARD OF HEALTH			4 Years	
Member	Jay Pontrelli	_____	to	12/31/17

Made at RM 1/22/14:

Alternate No. 2	Jeanne Baer	_____	2 Years	to	12/31/15
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**ENVIRONMENTAL
 COMMISSION**

Alternate No. 1	Ethel Abrams	<u>rec'd 4/23/14</u>	2 Years	to	12/31/15
Associate Member	Arthur Goldberg	_____	1 Year	to	12/31/15

**IMPROVEMENT
 COMMISSION**

Made at RM 2/12/14:

Member/Historic Preservation Commission	Susan McTigue	_____	2 Years	to	12/31/15
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**RECREATION
 COMMISSION**

Member	Richard D'Amico	<u>rec'd 4/23/14</u>	5 Years	to	12/31/18
Associate Member	Wendy Nigro	_____	1 Year	to	12/31/14
Associate Member	Stephanie Nolan	<u>rec'd 4/23/14</u>	1 Year	to	12/31/14
Associate Member	Alfredo Freyre	_____	1 Year	to	12/31/14

24. MOTION APPROVING THE FOLLOWING MINUTES (NO ABSTENTIONS):

- a. REGULAR MEETING HELD 4/9/14 (Distributed 4/21/14)
- b. WORK SESSION HELD 4/9/14 (Distributed 4/21/14)

25. REPORTS

- a. FIRE CHIEF – MARCH 2014 (Received 4/9/14)
- b. CHIEF OF POLICE – MARCH 2014 (Received 4/11/14)

8b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

26. 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)

Fire Chief Brian Pierro, 168 Herbert Avenue, advised that he had spoken to area Fire Chiefs; and a meeting would be requested with County Communications relative to fire dispatching issues. He has tried contacting the County Communication over the delays especially in dispatching for a barbeque fire and that these problems have been going on for several weeks.

26a. At this time, Mayor Heymann appointed Sivert Hagen as an Associate Member of the Environmental Commission for a 1 year term to December 31, 2014.

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Councilwoman Latner referred to complaints received from several residents about peddlers and vendors, specifically from Verizon, knocking on doors and the nuisance this is causing; and Mayor Heymann said that this matter should be referred to the Ordinance Committee. Chief Kaine said complaints have been received by the Department and he would contact Verizon on this matter. Borough Administrator asked that the Police Chief contact all of the vendors.

- 26b. Motion to reappoint Joseph Zavarino as Temporary Acting Construction Official effective April 23, 2014 until the return of the Construction Code Official Mike Sartori or May 14, 2014 which ever occurs first was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

MEMORIALIZING RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY

- 26c. Motion approving the following Resolution at 9:21 p.m. was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai:

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(7) "Pending or anticipated litigation or contract negotiations"; and N.J.S.A. 10:4-12(b)(8) "A matter involving public employees"; and that the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the matters which should be within 8 weeks.

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

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

- 27a. RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO PREPARE A SEPARATION AGREEMENT WITH BOROUGH ADMINISTRATOR, RICHARD J. SHEOLA, EFFECTIVE JUNE 30, 2014

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

28. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:49 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
May 8, 2014 for approval at the
Regular Meeting to be held
May 14, 2014

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held May 14, 2014
Consent Agenda Item No. 24a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – APRIL 23, 2014 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session on Wednesday, April 23, 2014. 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 Annual Notice of Meetings which was published in The Record and the Star Ledger on January 6, 2014, 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

Those present were as follows:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr. (7:52 p.m.), 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
Superintendent of Public Works, William Dahle, III
Fire Chief, Brian W. Pierro, Sr.

Those absent were as follows:

Councilwoman Victoria Amitai

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF APRIL 10, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 6 was removed by Councilwoman Latner.

Item No. 6: Received 04/08/14, dated 04/07/14 from David Hollender, 20 Johnson Court, re Expressing frustration as resident of more than 40 years regarding lack of inclusion in DPW calendar of collection of garden and yard debris; and requesting immediate reinstatement of same (Copy to William Dahle III)

Councilwoman Latner questioned when a letter has been received regarding yard and garden debris whether the resident has to be provided with any kind of response. Mayor Heymann informed

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that when she is asked, she lets them know it is still an open issue. Mrs. Latner said the issue will be discussed at the next DPW Committee meeting on 5/14/14; and so informed Mr. Hollender, who was present in the audience this evening.

b. MAIL LIST OF APRIL 17, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 3 was removed by Councilwoman Latner.

Item No. 3: Received 04/14/14, dated 04/10/14 from Katalin Mauksch, 20 Halsey Lane, to Mayor Heymann re Commending Mayor Heymann on her active participation in the community; commending the noble work of volunteers and people in action in our town; and expressing dismay at the discontinuation of garden debris collection (Copy to William Dahle, III)

Councilwoman Latner noted the author of this letter was not present this evening; and said she was going to ask the same question in regards to resident responses. Mrs. Latner thanked Mayor Heymann who offered to inform the resident of the next DPW Committee meeting where the issue will be discussed.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of April 23, 2014)

Mayor Heymann asked if any member of the Council wished to remove any of the Consent Agenda items for discussion. Mayor Heymann referred to Item No. 10; Borough Attorney referred to Item No. 19; Borough Clerk referred to Item Nos. 21 and 23.

10. RESOLUTION MEMORIALIZING THE APPOINTMENT OF JOSEPH ZAVARDINO AS TEMPORARY ACTING CONSTRUCTION CODE OFFICIAL FOR A PERIOD OF FOURTEEN (14) DAYS EFFECTIVE 4/11/14, MADE AT THE REGULAR MEETING HELD 4/9/14 (Received from Borough Attorney 4/15/14)

Mayor Heymann noted this appointment is about to lapse and asked if the Council wished to take further action. Borough Administrator advised that the Construction Official is still out of the office and suggested they extend the appointment until the Construction Official returns, with no specific date as it is not known. Borough Attorney suggested that the renewal of the appointment be made until the Construction Official returns or until the next meeting of May 14, 2014, whichever is later.

19. POSSIBLE RESOLUTION APPOINTING _____ AS TEMPORARY CFO FOR A _____ PERIOD OF TIME FROM 4/30/14 TO _____ TO BE PREPARED BY BOROUGH ATTORNEY

Borough Attorney said the appointment is due to expire and action should be taken this evening to extend it for a certain period of time. In answer to Mayor Heymann, Councilman Dolson said he did not wish to comment at this time. Councilman Kashwick voiced his satisfaction with the work that has been completed and requested the reappointment of Maria Passafaro to the end of this year. No objections were expressed by Council members.

21. MOTION APPROVING THE FOLLOWING APPOINTMENT OF SALARIED EMPLOYEE FOR A 1 YEAR TERM TO 12/31/14 (MADE AT REORGANIZATION MEETING HELD 1/2/14 (Oath of Office accepting the appointment has not been received as of the time of preparation of this Agenda)
OFFICE

RECREATION COMMISSION

Assistant Director Brian Beddoe _____

Borough Clerk reported receipt of Oath of Office from Brian Beddoe.

23. MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO FILL THE FOLLOWING *NON-SALARIED* APPOINTMENTS MADE AT THE REORGANIZATION MEETING HELD ON 1/2/14 (Which have not been accepted as of the time of preparation of this Agenda):

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
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BOARD OF HEALTH

Member	<u>Jay Pontrelli</u>	_____	to	12/31/17
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Mayor Heymann said she had contacted the Board of Health Secretary on this Oath.

Made at RM 1/22/14:

Alternate No. 2	<u>Jeanne Baer</u>	_____	to	12/31/15
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**ENVIRONMENTAL
 COMMISSION**

Alternate No. 1	<u>Ethel Abrams</u>	_____	to	12/31/15
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Associate Member	<u>Arthur Goldberg</u>	_____	to	12/31/15
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Borough Clerk reported receipt of Oath of Office from Ethel Abrams.

**IMPROVEMENT
 COMMISSION**

Made at RM 2/12/14:

Member/Historic Preservation Commission	<u>Susan McTigue</u>	_____	to	12/31/15
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**RECREATION
 COMMISSION**

Member	<u>Richard D'Amico</u>	_____	to	12/31/18
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Associate Member	<u>Wendy Nigro</u>	_____	to	12/31/14
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Associate Member	<u>Stephanie Nolan</u>	_____	to	12/31/14
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Associate Member	<u>Alfredo Freyre</u>	_____	to	12/31/14
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Borough Clerk reported receipt of Oaths of Office from Richard D'Amico, Stephanie Nolan and Alfredo Freyre.

At this time, Councilman Dolson informed that both Jay Pontrelli and Jeanne Baer

attended the last Board of Health meeting and took their Oaths of Office and they are both active Members of the Board. Borough Clerk informed the appointment is not considered accepted until the signed Oath from the appointee acknowledging acceptance of the appointment is received in her office.

6. COMMITTEE REPORTS

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

1) STATUS REPORT RE CLOSTER WEBSITE – no report.
2) REPORT – Councilman Dolson reminded having just reported the Board of Health welcomed Jay Pontrelli and Jeanne Baer as new Members two months ago. He noted the last meeting was held earlier in the day solely to adopt the Ordinance regarding fees for the Farmer’s Market vendors to change the previous scale which was determined by the vendor’s attendance and just have a flat fee. He explained that every time there was a sign up for the market, there was a fee and complete paperwork with inspections. It was deemed to be time consuming and unnecessary; and oftentimes the vendor would decide it was not worth the effort to attend. This ordinance creates a lower fee for all for the entire season.

Mr. Dolson reported there is nothing exciting going on at the Zoning Board as they have a regular schedule.

Councilman Dolson informed he wished to reserve any comments regarding finances until the Budget hearings this evening.

B. PUBLIC SAFETY - GLIDDEN (LATNER/BARAD)

1) REPORT – Chief Kaine reminded the Police Department is participating in the prescription drug take back program this Saturday; no questions will be asked; and the only thing they request is no needles please.

C. PUBLIC WORKS - LATNER (DOLSON/GLIDDEN)

1) REPORT – Councilwoman Latner reminded she previously mentioned the yard and garden debris pickup; and additional items related to same will be discussed at the next DPW Committee meeting on 5/14/14.

Ms. Latner reported the Library completed the infrared testing and they are waiting for the results for the leak in the children’s room. She extended gratitude to Julia Nock for her contribution to the Newsletter because it is nice to have that information pinpointed in same. The most recent Book Sale raised the most money ever at \$4,138.50.

Councilwoman Latner reported she has been receiving information regarding various high school issues; some even as late as today and wished to mention same. She passed around some information and explained that the Northern Valley Coalition, that has been spoken of in the past, has been created; and she has attended a few of the meetings. Mrs. Latner read the mission statement and explained all seven (7) Northern Valley towns in the high school district are members. She wished to announce there is a competition to design the logo for the Coalition and the winner will receive a \$100 iTunes gift card in addition to their logo being used; and is open to children of all ages in all of the schools. Mrs. Latner reported there will be a Northern Valley Drug Awareness forum to be held at Tenakill School on 4/30/14; and although she is getting sporadic information, there has been a lot of steam and energy going forward in light of the fallout regarding the failed RDT proposals. She noted the Municipal Alliance Officer from Haworth has secured money to have Wellcore work in their town; and the Northern Valley Coalition is hoping to be able to accomplish same. Mrs. Latner informed there will be about 9 students from each school that will meet during lunch via FaceTime or conference call to have discussions regarding student activity functions; and this allows them to communicate freely

6. COMMITTEE REPORTS (Continued)

C. PUBLIC WORKS - LATNER (DOLSON/GLIDDEN) (Continued)

without an adult audience. She said there will be a search for a Superintendent to replace Dr. Nagy and she passed additional information around.

Councilman Glidden entered the meeting at 7:52 p.m.

In answer to Mayor Heymann, Mrs. Latner explained there was a vandalism incident at the Library that was caught on their security cameras. Last week they were trying to identify the girl; and Chief Kaine informed they have. Mrs. Latner is pleased the cameras are such an asset.

At this time, Mayor Heymann invited Councilman Glidden to provide a report; he informed as he had just arrived, he did not have anything to report. Mr. Glidden asked Chief Kaine to report on any Public Safety issues (see Item 6B. above).

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad reported there was no Ordinance Committee meeting this month and they would schedule one for the coming month.

Dr. Barad reported having received an email from the Borough Administrator regarding a possible proposal for AT&T to build a cell tower at the former Swim Club site. He said he wanted to bring it up at this Work Session and noted he personally has no interest in same as it is a cross purpose from the Council's intentions. Councilmen Kashwick and Dolson concurred. Borough Administrator said he would inform AT&T regarding same.

E. HUMAN RESOURCES - KASHWICK (DOLSON/LATNER)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported the Human Resources Committee has not met this month; and he hopes they can do so in the next couple of weeks.

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

a. Shade Tree Commission – Arbor Day is Monday, 4/28/14; trees will be planted at Hillside School at 10 a.m. and at 11 a.m. there will be plantings at the Library in conjunction with Tenakill School.

b. Environmental Commission – The first Northern Valley Earth Fair is scheduled to be held Saturday, 4/26/14 in Norwood at the Community Center and Kennedy Field located at 455 Broadway from 11:00 am to 4:00 pm; and Closter will be participating along with Norwood and 3 other towns. On Saturday, 5/3/13 the Green Team will have their annual Clean-Up Day with meeting locations at Borough Hall and the Closter Nature Center at the Irving Avenue entrance by the Boy Scout cabin. The idea for this year's Senior Service Project is to have somebody go around and inspect the storm drains and make sure they are all marked "no dumping" as required by Sustainable Jersey.

At this time, Borough Administrator wished to comment on the Senior Service Projects, noting he had some concerns regarding same and has spoken to Paul MacDonald (Chair, Environmental Commission) about them. Additionally, he contacted the Risk Management Consultant because there will potentially be 17 and 18 year olds driving their personal vehicles around town and there are potential insurance liabilities. Mr. MacDonald suggested getting the Seniors to a location and providing them with the appropriate maps and safety gear to have them walk about town.

6. COMMITTEE REPORTS (Continued)

E. HUMAN RESOURCES - KASHWICK (DOLSON/LATNER) (Continued)

At this time, Councilman Glidden wished to report that this Sunday (5/4/14) is Opening Day for Little League; and the parade will start at Borough Hall at 12:30 p.m. and continue to Memorial Field for the baseball toss. Mr. Glidden said he was happy to announce that the bathrooms at Mollicone and Schauble have received Temporary Certificate of Occupancy; and, therefore, will be usable this season.

Councilman Kashwick wished to note that the Historic Preservation Commission does not meet until next week; therefore, he had no report.

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

1) REPORT – Councilwoman Amitai was not present at this time; therefore, no report was provided.

7. OLD BUSINESS

8. NEW BUSINESS

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

Mr. Bruno, 22 Jane Street, advised that his mother's house has a shared driveway, the new neighbor is looking to construct a fence, and he had concerns about same due to his mother's health issues. He presented diagrams of the proposal; and he has spoken to the Building Department who noted that with the new code, a fence can be erected. He explained that the deed to his mother's home does not contain a reference to the shared driveway. Borough Engineer said that would indicate that it is a common sideline/not a shared driveway. Mayor Heymann suggested that he contact the Zoning Officer again on this matter; and Mr. Bruno indicated that the Zoning Officer has contacted the neighbor. Mr. Bruno was told to revisit the Zoning Officer and request a review of the diagram and coordinates. Mayor Heymann said she would also contact the Zoning Officer.

Janet Lukach, 290 Durie Avenue, referred to the yard and garden debris program; and Borough Attorney explained that a motion had been previously made at a Council meeting to discontinue the service, which had not been listed on the Agenda. He advised that a motion is a temporary policy decision and either needs to be reaffirmed more formally by either a resolution or an ordinance. It is a policy decision not to provide a service previously provided. The law has not been changed and the Council has to address same. Ms. Lukach said she felt the service should be resumed; and Councilwoman Latner said that the matter is being discussed. Mayor Heymann said that a small portion of the taxes goes to the DPW and only a small portion covers this service. Borough Attorney said the taxes go towards a budget and there are policy decisions as to how the money is spent. In this situation, the motion is not sufficient and the Council needs to take action. There could be a recommendation from the Committee at the Regular Meeting to be held on May 14th.

Steven Isaacson, 97 Columbus Avenue, questioned the switching of the bus route; and Mayor Heymann said we are working right now to make sure buses keep running in Closter. The Borough Engineer said that the buses would not operate without a signal; and that same was addressed by the

CLOSTER MAYOR AND COUNCIL
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Planning Board noting that the Plaza did not include a signal in the application. Mr. Isaacson noted that with future development in the area and traffic in the area, a traffic signal would be needed. He cited the parking problem in Closter, which should be addressed; and he also cited the trees that have been cut down on the southerly side of Vervalen Street. Mayor Heymann said that the Borough is looking into the matter. Mr. Isaacson referred to a story he heard about the Borough paying an exterminator to put rat poison into a retention basin by the old farm and Councilman Dolson said that the Board of Health is aware of same. Mr. Isaacson referred to the potholes on County roads and the proposal to mark them with paint so that motorists could avoid same. He referred to the sign ordinance and noted that a temporary sign needs a zoning permit. Councilman Barad noted that the ordinance requires a permit so that the Borough knows where there would be signs; and this is a more liberal sign ordinance. Mr. Isaacson asked if a paper recycling bid would be put in Borough Hall.

Mayor Heymann noted that the Borough was awarded a \$24,000 trail grant that Mr. Isaacson and Councilman Kashwick worked on.

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

Motion to adjourn the Regular Meeting at 8:25 p.m. was made by Councilman Kashwick, seconded by Councilman Glidden and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
May 8, 2014 for approval at the
Regular Meeting to be held
May 14, 2014

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held May 14, 2014
Consent Agenda Item No. 24b.