

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – AUGUST 13, 2014 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:20 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, David Barad,

Arthur Dolson, Victoria Amitai

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 Pierro

At this time, Mayor Heymann explained she would proceed to Agenda Item No. 5 for the sole purpose of entering into the Closed Session. See Item No. 5 below.

3. POSSIBLE MAYORAL APPOINTMENTS TO THE FOLLOWING BOARDS:

No appointments were made.

a. PLANNING BOARD:

1) _____ AS CLASS IV MEMBER FOR A 4 YEAR
UNEXPIRED TERM (LIGNOS) TO 12/31/17 (5. M.L. 2/27/14)

2) _____ AS ALTERNATE NO. 2 FOR A 2 YEAR
UNEXPIRED TERM (PEREIRA) TO 12/31/15 (9.M.L. 5/8/14)

b. SHADE TREE COMMISSION:

1) _____ AS ALTERNATE NO. 2 FOR A 4 YEAR
UNEXPIRED TERM (PATRICIA IX) TO 12/31/15

4. PRESENTATION TO THE NORTHERN VALLEY DEMAREST REGIONAL HIGH SCHOOL GREEN TEAM MEMBERS OF THE ENVIRONMENTAL COMMISSION (Requested by Mayor 6/25/14) This item was addressed in the Work Session.

5. AT APPROXIMATELY 8:15 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD – OPEN PUBLIC MEETINGS ACT RESOLUTION – INTERVIEW OF POSSIBLE CANDIDATES FOR ADMINISTRATOR (Requested by Mayor 8/7/14)

Motion approving the following Closed Session Resolution at 8:27 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, 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)(8) "A matter involving public employees/Interviews", and that the item under discussion in the closed meeting would be disclosed to the public at the conclusion of the matter which should be within 8 weeks.

Mayor Heymann resumed the Regular Meeting at 10:28 p.m.

Motion to adjourn the Regular Meeting at 10:28 p.m. and return to the Work Session was made by Councilman Barad, seconded by Councilman Dolson and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, Dolson and Amitai.

Mayor Heymann resumed the Regular Meeting at 11:17 p.m. and asked the Clerk to call the roll:

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – AUGUST 13, 2014 - 7:30 P.M.

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 Attorney Edward T. Rogan
Borough Clerk Loretta Castano
Borough Engineer Nick DeNicola
Chief of Police Dennis Kaine
OEM Coordinator, Lt. James Winters

At this time, Mayor Heymann continued with the Agenda beginning with Item No. 3, minus Item Nos. 4 and 5; and then proceeded to the Consent Agenda.

6a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 19 and 20 was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, and Dolson.

ORDINANCES

7. INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING AND ADOPTION – 9/10/14 @ 8 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

- a. ORDINANCE NO. 2014:1171, “AN ORDINANCE DESIGNATING 295 CLOSTER DOCK ROAD A HISTORIC LANDMARK AND AMENDING CHAPTER 200, ZONING, ATTACHMENT 3, DESIGNATION OF HISTORIC LANDMARKS” (Received from Borough Attorney 7/24/14)
- b. ORDINANCE NO. 2014:1172, “AN ORDINANCE AMENDING CHAPTER 171, SPECIFICALLY SECTIONS 171-13 & 171-15 REGARDING SNOW REMOVAL” (Received from Borough Attorney 7/24/14)
- c. ORDINANCE NO. 2014:1173, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING SHADE TREES” (Received from Borough Attorney 7/24/14)

Councilwoman Amitai left the meeting at 11:19 p.m.

RESOLUTIONS

8. BILL RESOLUTION – AUGUST 15, 2014 (Received from Deputy Treasurer 8/8/14)
9. RESOLUTION MEMORIALIZING THE DECISION OF THE COUNCIL (AT RM 7/23/14) REGARDING THE APPEAL BY THE RESIDENT OF 86 WAINWRIGHT AVENUE OF THE RECOMMENDED FINES AND MITIGATION FOR VIOLATION OF THE TREE ORDINANCE (Received from Borough Attorney 7/30/14)
10. RESOLUTION MEMORIALIZING MOTION MADE AT THE REGULAR MEETING HELD 7/23/14 TO MILL THE ROAD (HICKORY LANE), REPAVE THE ROAD TO THE SAME WIDTH AND INSTALL SLANTED BELGIAN BLOCK CURBS IN MOST AREAS ON THE NORTH AND SOUTH SIDE OF THE ROADWAY, ADDITIONAL INLETS, WITH THE MINIMAL REMOVAL OF TREES, WITH AN ALTERNATE BID TO INSTALL CONCRETE SIDEWALKS ON THE SOUTH SIDE (Received from Borough Attorney 8/13/14)
11. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$2,713.68 TO DOUGLAS M. STANDRIFF FOR BRIAN FEINSTEIN FOR BLOCK 2402 LOT 27 (TCJ RENDERED 5/14/14) (Received from Tax Collector 7/18/14)
12. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$2,102.00 MARC E. LIEBMAN, ESQ. FOR RAHAMIN EVAR FOR BLOCK 1605 LOT 12 (TCJ RENDERED 4/9/14) (Received from Tax Collector 7/18/14)
13. RESOLUTION AMENDING RESOLUTION NO. 17a. ADOPTED AT THE REGULAR MEETING HELD JULY 24, 2013 PROMOTING EMPLOYEES IN THE DEPARTMENT OF PUBLIC WORKS – STREETS & ROADS DIVISION (Received from Temporary CFO 7/29/14)

CLOSTER MAYOR AND COUNCIL
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14. APPROVING RENEWAL OF *INACTIVE/POCKET* LICENSE SUBJECT TO 12.39 SPECIAL RULING FROM THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL FOR THE 2014-2015 LICENSE TERM FOR PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-011-013, RETAIL HOLDINGS (DG) LLC (Special Ruling received from the Director of the Division of Alcoholic Beverage Control on 8/1/14)
15. RESOLUTION EVIDENCING COMPLIANCE BY THE GOVERNING BODY WITH N.J.S.A. 40A:5-4 AND N.J.S.A. 40A:5-6 RE 2013 AUDIT (Audit Report rec'd. 7. M.L. 7/31/14/distributed 8/1/14) GROUP AFFIDAVIT FORM CERTIFICATION OF GOVERNING BODY RE 2013 AUDIT REPORT (to be signed by each member of the Governing Body certifying they have personally reviewed and are familiar with at least the "Letter of Comments and Recommendations" Section of the Annual Report of Audit)
16. RESOLUTION OF THE BOROUGH OF CLOSTER DIRECTING THE UNDERTAKING OF A CONTINUING DISCLOSURE REVIEW AND AUTHORIZING PARTICIPATION IN THE MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE OF THE SECURITIES AND EXCHANGE COMMISSION (Received from Bond Counsel 8/4/14)
17. RESOLUTION AWARDED BID FOR RUBBER COMPOSITE BLOCK AND RUBBER BERM TRAP SYSTEM DESIGNED FOR BALLISTIC CONTAINMENT RECEIVED AT THE BID OPENING HELD 8/5/14 AT 11:30 A.M. AWARDED CONTRACT TO ACTION TARGET, 3411 S. MOUNTAIN VISTA PARKWAY, PROVO, UT, 84606 IN AN AMOUNT NOT TO EXCEED \$108,220.51 (Received from Borough Attorney 8/13/14)
18. RESOLUTION REJECTING ALL FOUR (4) BIDS FOR EMERGENCY GENERATOR EQUIPMENT AND AUTOMATIC TRANSFER SWITCH FOR BOROUGH LIBRARY RECEIVED AT THE BID OPENING HELD 8/5/14 AT 12 NOON (Received from Borough Attorney 8/13/14)

MOTIONS

- ~~19.~~ *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	_____

- ~~20.~~ *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			2 Years Unexp. (Vacant)	
<i>Not made at ReOrg 1/2/14:</i>			to	12/31/14
Member	Vacant	_____		
Member	Vacant	_____	2 Years	12/31/15

21. MOTION APPROVING THE FOLLOWING MINUTES (NO ABSTENTIONS):
 - a. REGULAR MEETING HELD 7/23/14 (Distributed 7/31/14)
 - b. WORK SESSION HELD 7/23/14 (Distributed 7/31/14)
22. MOTION GRANTING APPROVAL FOR USE OF FIRE PREVENTION VEHICLES (771 AND 775), FIRE CHIEF'S VEHICLE (751), AND SUPPORT VEHICLE (767) FOR THE PURPOSE OF ATTENDING THE NJ STATE FIREMEN'S CONVENTION IN WILDWOOD, NJ FOR THE DATES OF 9/11/14, 9/12/14, 9/13/14 and 9/14/14 (6. M.L. 8/7/14)
23. MOTION APPROVING THE FOLLOWING APPLICATION AS NEW MEMBER OF THE KNICKERBOCKER HOOK AND LADDER COMPANY (Completed application received 8/6/14): BRIAN W. PIERRO, JR.
24. MOTION GRANTING APPROVAL FOR BOROUGH CLERK TO SIGN STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF ALCOHOLIC BEVERAGE CONTROL, APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR CLOSTER ELKS LODGE #2304, 148 RAILROAD AVENUE, CLOSTER, NJ 07624, TO SELL, DISPENSE AND SERVE WINE AND MALT ALCOHOLIC BEVERAGES ON 9/27/14 FROM 4:00 P.M. TO 10:00 P.M. FOR FUND RAISER FOR WOUNDED VETERANS (Completed application received 8/8/14)

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24a. MOTION GRANTING APPROVAL FOR THE FOLLOWING LABOR DAY ACTIVITIES IN CELEBRATION OF CLOSTER DAY, MONDAY, 9/1/14; RAIN DATE: SATURDAY, 9/6/14; BIG MARKS INC. (AKA PEOPLE PLEASERS) (RIDES AND AMUSEMENTS); INTERNATIONAL FIREWORKS; HORIZON ENTERTAINMENT (MAGICIAN); THE WILLIES BAND; WALDWICK BAND; FRANK LERANT BAND (Approvals received from Risk Management Consultant and MEL/JIF - rec'd from Administrator's office 7/31/14)

24b. MOTION GRANTING APPROVAL FOR BOROUGH CLERK TO SIGN STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF ALCOHOLIC BEVERAGE CONTROL, APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR THE CLOSTER COACHES ASSOCIATION, P. O. BOX 143, CLOSTER, NJ 07624, TO DISPENSE MALT ALCOHOLIC BEVERAGES ON 9/1/14 FROM 12:00 P.M. TO 9:00 P.M. AT CLOSTER VETERANS MEMORIAL PARK, HARRINGTON AVENUE; RAIN DATE: 9/6/14 (Completed application received 8/12/14)

25. REPORTS

- a. CONSTRUCTION OFFICIAL – JULY 2014 (Received 8/6/14)
- b. FIRE CHIEF – JULY 2014 (Received 8/6/14)
- c. CHIEF OF POLICE – JULY 2014 (Received 8/12/14)

6b. 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)

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

27a. Motion approving the following Closed Session Resolution at 11:26 p.m. was made by Councilman Glidden, 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. 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)(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 the item(s) under discussion in the closed meeting would be disclosed to the public at the conclusion of the matters which should be within 12 weeks.

Mayor Heymann resumed the Regular Meeting at 11:33 p.m.

28. ADJOURNMENT

Motion to adjourn the Regular Meeting at 11:33 p.m. was made by Councilman Kashwick, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on August 21, 2014 for approval at
the Regular Meeting to be held
August 27, 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 August 27, 2014
Consent Agenda Item No. 21b

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – AUGUST 13, 2014 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session on Wednesday, August 13, 2014. Mayor Heymann called the meeting to order at 7:34 p.m.

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

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick (10:30 p.m.),
David Barad, Arthur Dolson and Victoria Amitai (8:00 p.m.)
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
Lt. James Winters, OEM Coordinator (10:30 p.m.)
Fire Chief, Brian Pierro

At this time, Mayor Heymann deviated from the Work Session Agenda to address the following item which was on the Regular Meeting Agenda as Item No. 4:

PRESENTATION TO THE NORTHERN VALLEY DEMAREST REGIONAL HIGH SCHOOL GREEN TEAM MEMBERS OF THE ENVIRONMENTAL COMMISSION (Requested by Mayor 6/25/14)

Mayor Heymann introduced Paul McDonald, Chairman of the Environmental Commission, who introduced Brenda Cummings, leader of the Green Team. Ms. Cummings introduced Jae Jun, member of the Green Team and Associate Member of the Environmental Commission noting his eagerness to be involved with the Team and to help out in any circumstance. He created the Green Team website and in his junior year formed the High School Green Team, whose members are Dean Livingston, Fang Woo, Pedro Rodriguez, Veer Shah and Anthony Argenziano. The members formulated a petition asking the Borough to make recycling bins available all over town but particularly downtown; and the town is presently working on making same available. The team has worked in various capacities throughout the Borough and at many festivals and events in the Borough. The boys advised the governing body of the colleges they would be attending in the fall as well as their course of study. Ms Cummings announced that the boys would be receiving Good Citizen Awards as well as a Green Angel Award from the Environmental Commission.

Mayor Heymann presented certificates to the young men and expressed her gratitude and appreciation for all their hard work.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF JULY 24, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. In answer to Councilman Glidden, the Borough Clerk noted the correct date should be “July 24, 2014”. No one wished to remove any item for discussion.

b. MAIL LIST OF JULY 31, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 8 was removed by Borough Attorney.

Item No. 8: Received 07/31/14, dated 07/29/14 from Raphael G. Jacobs, Law Offices of Jacobs and Bell, c: Mauro Squicciarini re Lots 6 and 7, Block 1810; property on unimproved street Hartford Street AND offer to the Borough to purchase said property with accompanying maps

The Borough Attorney informed this letter is a response to the one he sent last week; and he wished to discuss same in Closed Session.

c. MAIL LIST OF AUGUST 7, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 4 was removed by Borough Clerk

Item No. 4: Received 08/01/14, dated 08/24/07 from Lou-Anne S. Horsey, Valley Cottage, NY, to Loretta Castano re Photographs taken by the late Don Horsey for a “town scrapbook” or library archives – 2 PACKETS OF PHOTOS ON FILE IN BOROUGH CLERK’S OFFICE

The Borough Clerk explained that Don Horsey was the former Borough Clerk/Administrator in Harrington Park as well as a news photographer they saw at most of their meetings in the past. She invited all interested in viewing the photos to stop by her office, noted there are many photos of Mayor Emeritus Pitofsky included and said it is a nice look into the past.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of August 13, 2014)

17. ~~POSSIBLE RESOLUTION REJECTING SOLE BID FOR RUBBER COMPOSITE BLOCK AND RUBBER BERM TRAP SYSTEM DESIGNED FOR BALLISTIC CONTAINMENT RECEIVED AT THE BID OPENING HELD 8/5/14 AT 11:30 A.M. OR AWARDING CONTRACT TO ACTION TARGET, 3411 S. Mountain Vista Parkway, Provo, UT, 84605 IN AN AMOUNT NOT TO EXCEED \$108,220.51 TO BE PREPARED BY BOROUGH ATTORNEY~~ (Received from Borough Attorney 8/13/14)

Borough Clerk explained that the above noted resolution would be to award the bid.

18. ~~POSSIBLE RESOLUTION REJECTING ALL FOUR (4) BIDS FOR EMERGENCY GENERATOR EQUIPMENT AND AUTOMATIC TRANSFER SWITCH FOR BOROUGH LIBRARY RECEIVED AT THE BID OPENING HELD 8/5/14 AT 12 NOON OR AWARDING CONTRACT TO _____ IN AN AMOUNT NOT TO EXCEED \$ _____ TO BE PREPARED BY BOROUGH ATTORNEY~~ (Received from Borough Attorney 8/13/14)

Borough Attorney said that the above noted resolution rejects the four (4) bids that were received due in great part to the fact that the Borough could be receiving a grant for same as well as a protest filed by another bidder. This will delay the receipt of the generators; and the specifications must also be corrected.

At 7:53 p.m., Mayor Heymann opened the meeting to the public.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – AUGUST 13, 2014 - 7:30 P.M.

Paul Nyfenger, 347 High Street said he was here to speak on behalf of Mike Reuten and Joong Kim and to make the Council aware of a situation in the Zoning Ordinance specifically Zone 5 which are so restrictive that they are preventing us from renting to tenants who would otherwise not be rejected. Closter has a bad reputation in the business community in this area due to these restrictions. He said he had been provided with six denied sports related applications from Mr. Kim and he asked the Council to be sensitive to this situation.

Michael Reuten, owner of property off Herbert Avenue, noted that he has faced this problem in the past and has lost prospective tenants. Closter has a reputation of not being business friendly and felt that the restrictions should be addressed that would help other business in the Borough. He said that his family has owned the property for over 35 years and the restrictions were put in place in 2004 to exclude many of the permissible uses.

Councilwoman Amitai entered the meeting at 8:00 p.m.

Joong Kim, 1 Ruckman Road, said he bought his property three years ago and renovated same and found out later that same could only be half office/half medical. A number of prospective tenants were denied such as Kidsville, a national franchise, a music school and SAT school. Sean, an instructor for a corrective exercise center said he has been working in CGI for 10 years and he noted that he has been denied several times for an exercise center.

In answer to Councilwoman Amitai, Mayor Heymann said in order to get permission from the Zoning Board, the applicant was told to label the center for medical purposes.

Steve Isaacson, 67 Columbus Avenue, cited the delineation of the wetlands boundary in Norwood which will help them develop a trail system. Relative to Zone 5, the Chamber of Commerce brought this matter to the attention of the Mayor and Council and nothing has changed. Mayor Heymann noted that this Council agreed to a zoning change that would have brought Zone 5 in after Zone 4. It was referred to the Planning Board who rejected same. Mr. Isaacson referred to the exit at Closter Plaza and noted that same is in disrepair. Mayor Heymann said she would follow up on same.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE PROCESS OF NOTIFYING PROPERTY OWNERS RELATIVE TO PROPERTY MAINTENANCE (RM 6/25/14/WS 7/9/14) – The Borough Attorney informed he has followed up with notification to two property owners since the last meeting relative to property maintenance. There are now two properties that can be addressed and he will be preparing RFP's to go out to landscapers for the Council's consideration at the next meeting. Mr. Rogan identified the subject properties as 60 Anderson Avenue and 416 Piermont Road and reported that the Code Enforcement Officer has confirmed today that these properties still needed grass cutting among other things. This will be set up in such a way that we will be able to have a professional landscaper on board as a professional service to effect the maintenance of properties that have been neglected during the foreclosure process or abandoned by the property owner. The Borough will have a tax lien placed on the property to recover the costs of the maintenance. In answer to Mayor Heymann, Mr. Rogan informed he would circulate the draft RFP prior to the next meeting for review and potential consideration at the next Regular Meeting with the hopes that this could be a service taken care of annually if it continues in the future as opposed to obtaining proposals each time an issue arises.

2) REPORT – Mr. Rogan reminded it was discussed earlier that a Resolution rejecting all of the bids for the Library Generator due to concerns in the wording of the specifications that were sent out is on the Agenda for approval this evening. He noted the Borough may be entitled to other monies the can utilize for this project. A Resolution memorializing the action taken at the last meeting regarding Hickory Lane has been distributed and he pointed out there will be a separate Resolution to rescind. Mr. Rogan explained the reason is because the original Resolution authorizing Boswell to do the more extensive work was a combination Resolution and he does not believe it was noticed at the last meeting but it also

6. PROFESSIONAL REPORTS (Continued)

A. BOROUGH ATTORNEY (Continued)

approved the entire 2014 Road Improvement Program; and he needs to clarify that to show the intent of the Council was only to rescind the Hickory Lane portion of the project. He advised that there should not be mixed Resolutions for projects like this in the future.

The Borough Attorney reported that pursuant to the Council's instructions at the last meeting, he prepared and sent out the Shared Fuel Agreements to the surrounding towns and school districts and has not heard anything back as of yet.

Mr. Rogan reminded he wished to discuss the letter from Mr. Jacobs regarding the Squicciarini property on Hartford Street in Closed Session under potential contract negotiations.

At this time, Councilman Barad questioned whether the issues regarding changing Zone 5 to Zone 4 were consistent with our Master Plan. The Borough Attorney advised it was a Planning Board matter. As the Mayor had indicated, the Planning Board did not agree with some of the recommendations the Council had sent over a few years back. That Board writes and interprets the Master Plan and as such is why we are required to refer it to them prior to making any changes in zoning; and he declined to offer an opinion on same so as not to step on the toes of that Board.

Councilwoman Amitai informed that there is a subcommittee that meets regularly with the Planner they hired; and Mr. Rogan suggested discussing same at the next meeting. In answer to Dr. Barad, he agreed it could come as a recommendation from the Council to make changes to the zones which they would review and report back to us with their opinion as to consistency with the Master Plan.

B. BOROUGH ENGINEER

1) STATUS REPORT RE DPW REMEDIATION (Authorized at RM 4/23/14) – The Borough Engineer reported they are doing round 2 of testing the groundwater and the samples taken last week are at the lab and we are waiting for the results to come back. He said they anticipate the same results as the first round which will allow them to seal and close 9 of the 11 wells leaving only 2 for treatment and monitoring.

2) REPORT – Mr. DeNicola reported the North Parking Lot was crack sealed and striped and was completed with assistance from the Police and DPW. The project went very well and everyone is happy with the result. Bill Dahle and Lt. Winters are working on the signage.

In answer to Dr. Barad, Chief Kaine affirmed that enforcement would take effect once the signs are up but said the display board is there right now informing about the overnight parking in certain areas.

At this time, Mayor Heymann called a recess to the Regular Meeting to conduct Administrator interviews.

At 8:20 p.m. Motion to recess the Work Session to go to the Regular Meeting, to address a closed session matter listed as Item No. 5, was made by Councilman Barad, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Barad, Dolson and Amitai.

At 10:30 p.m. Mayor Heymann resumed the Work Session and proceeded with the Administrator's Report. (Councilman Kashwick and OEM Coordinator, Lt. James Winters were present at this time.)

7. REPORTS

A. BOROUGH ADMINISTRATOR

1) STATUS REPORT RE FOLLOW UP OF BOROUGH ENGINEER
RECOMMENDATIONS RE POTENTIAL USES FOR SWIM CLUB
PROPERTY DEEDED TO THE BOROUGH (WS 5/8/13) – Mayor Heymann reported

there is nothing new regarding the Swim Club as of this date; and said the Borough Engineer is working on it. The Borough Attorney requested this item be removed from the Agenda and the Borough Engineer concurred noting there are no plans at this time to move forward.

The Borough Engineer recalled Boswell was authorized to proceed with the next phase of testing but there was a caveat that the Borough was trying to secure funding for it. He questioned if Boswell should initiate the testing before the funding is secured. Mayor Heymann explained she has had several conversations with the State on the issue and the last she was informed was that they would not pay for it. Their position is that “further investigation” is part of remediation and therefore not eligible for grant funding. The Borough Engineer voiced his opinion that this will not come to fruition and suggested the Borough proceed and pay for the investigation. In answer to Councilwoman Amitai, Mayor Heymann informed Closter’s share would be \$23,000 only if they got the grant as the total is \$46,500. Mr. DeNicola wished to clarify this is not for remediation – this is only for additional testing to determine the extent of the contamination. Mayor Heymann informed the NJDEP has the last word over Green Acres funding although Green Acres has expressed support for the project. Councilman Kashwick questioned if we were going to lose the whole sum of money we have. The Mayor explained she was worried about it as well since there is no activity in Closter but she feels that if she proceeds with the appeal, the State will not take back the funding. She reminded she has approached the Council in the past with suggested properties for acquisition without favorable response because in some cases the Council was not interested and in others the owners did not want to sell. Mayor Heymann explained to Mrs. Amitai that the Borough has a fund with \$800,00 in grant monies we are in danger of losing because we have not had any acquisition activity and the Borough Attorney clarified this is Open Space funding. She said she used the Borough’s Open Space wish list and followed through with five different properties to no avail. In answer to Mrs. Amitai, the Mayor said the money was originally granted for the acquisition of the Brooks Farm property but Mrs. Brooks did not want to sell it to us. The Borough Attorney informed that the Trautwein property is under contract with a closing scheduled for September. Councilman Dolson referred back to the Swim Club property and voiced his sentiments that although he is enthusiastic about preserving that property he is concerned about having to absorb all of these unexpected expenditures. He requested a budget be looked at overall; and in response to Mr. Kashwick, he agreed he supported spending the \$46,500 because he feels this property could be put to tremendous use to the entire community. Mayor Heymann voiced her understanding that the Borough would still be ineligible to obtain funding for this piece of property and said it could be great recreational property. Mr. DeNicola reiterated he wished to clarify the Council’s wishes prior to proceeding any further and advised he would initiate same. Mayor Heymann said there will be no impact on our budget as the funds will come from Closter’s Open Space Fund.

2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S):

a) Mail List requests:

1. Recreation Commission Labor Day Festivities 2014 (7. M.L. 6/26/14) – The Borough Clerk reported this item is incomplete with one item outstanding in addition to the required insurance for the beer truck.

2. Bergen Bike Tour 9/28/14 (3. M.L. 8/7/14) – The Borough Clerk reported she is following up on this request as she just received a Certificate of Insurance and Hold Harmless Agreement which was sent to the Risk Management Consultant and subsequently bounced back. She has been in touch with the coordinator to have their insurance corrected.

3. Lubavitch on the Palisades – Placement of Menorah in front of Borough Hall from 12/16 to 12/24 AND Menorah lighting event/ Ruckman Park to be held 12/16/14@7 p.m. (8. M.L. 7/17/14 – Insurance Certificate expires 9/17/14/ HH Agt to Risk Mgt Consultant for approval) – Ms. Castano reported she sent a letter today informing that their Certificate of Insurance expires prior to the dates of their activities and an updated certificate is required before approval can be granted.

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

3) STATUS REPORT RE EXTERIOR REPAIRS AND ROOF REPLACEMENT AT BOROUGH HALL (Bid Awarded at RM 5/28/14 to 3 Sons Restoration, LLC, Union, NJ - \$499,000.00) – Mayor Heymann said she was pleased to be able to report that this project has already started and they have been having meetings with the architect and contractor every two weeks. Yesterday they reviewed samples of some of the things they will be doing; and there seems to be a good understanding between the architect and the contractor; and she hopes they will be completed within 150 days. She informed that they do not work in the rain even if the sun comes out a few hours later.

4) REPORT RE FOLLOWING BID OPENINGS:

- a. SOLID WASTE TRANSFER STATION SERVICES – To be held 9/3/14 @11:30 A.M. (Notice to Bidders/The Record 6/30/14 & Star Ledger 7/1/14)
- b. ACQUISITION & INSTALLATION OF EMERGENCY GENERATOR AT THE CLOSTER PUBLIC LIBRARY – held 8/5/14 @11:30 a.m. – Mayor

Heymann noted this item was previously discussed.

c. POLICE FIRING RANGE PHASE I - held 8/5/14 @12 Noon – The Borough Attorney noted this item is on the Agenda for approval.

5) REPORT RE THE PURCHASE AND INSTALLATION OF THIRTEEN (13)

RADIATORS FOR BOROUGH HALL (Opening to be held 8/22/14 @11:30 a.m.) Mayor Heymann explained this will be bid in two sections: the first will be the purchase of the radiators/and the second will be the installation. She hopes this will be completed before the cold season.

6) REPORT - The Borough Engineer referred back to the Swim Club item. (see 7A. Borough Administrator, Item No. 1)

B. BOROUGH CLERK

1) STATUS REPORT RE 2014 APPOINTMENTS – Borough Clerk reported we are current with open appointments being maintained on the Regular Meeting Agenda. Any openings resulting from resignations received in the current mail lists will be added to the Agenda for the next Regular Meeting.

2) STATUS REPORT RE 2014 OATHS OF OFFICE – Current.

3) STATUS REPORT RE 2014 LICENSES – Ms. Castano reported that 2014 licenses are current. Regarding 2014-2015 Liquor License Renewals, Borough Clerk informed we have one more approval on the Regular Meeting Agenda this evening which indicates a total of 12 out of 13 licenses. There is one outstanding license renewal which is JBS Mack requiring a Tax Clearance Certificate.

4) STATUS REPORT RE 2014 MEETING DATES – Current.

5) STATUS REPORT RE ELECTIONS –Nothing at this point in time.

6) REPORT – Borough Clerk reported on the following matters:

a) Financial Disclosure Statements –Reports received from the DCA regarding outstanding FDS filings have been referred to the Board of Ethics for follow through, with copy to the Borough Attorney.

b) Municipal Clerk’s Budget – Ms. Castano reported that the Borough Clerk’s Office line item for legal advertising expenses has exceeded the budget amount allotted.

c) Regarding purging of Borough Clerk records and listing for destruction, Borough Clerk informed that Deputy Clerk Arlene Corvelli has spent a major portion of her time during the extra week we had this month in reviewing old files, applying for destruction, receiving approval and setting them up downstairs for shredding. If there is enough from other departments, we can either have them ready for the shredding event (to be held 11/8/14 at the DPW) or have them brought to the facility for shredding.

d) A brief reminder that Ordinance Nos. 1154 to 1169 are on our web site as New Laws in the Borough Codes menu.

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7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

6) REPORT

e) Regarding the League of Municipalities Conference scheduled to be held in Atlantic City from 11/18, 19, 20 and 21, Ms. Castano informed we are aware from the newspapers that hotels are closing in large numbers: Trump Plaza and Revel will be closing; Atlantic Club Hotel and Showboat will be closing the end of this month; and AC Housing will be redistributing accommodations. She was pleased to report that she had sent reservations in early which were accepted; and she is waiting for confirmations from the hotels prior to preparing requisitions for Caesars and The Sheraton.

C. CHIEF OF POLICE

1) REPORT – Chief Kaine reported he emailed the Police Department report for July yesterday. He informed the Department will be participating in the “Drive Sober or Get Pulled Over” campaign starting this Friday through Labor Day (9/1/14) using DDEF funds to pay for the shifts. They have their operational plan in place for Labor Day events. The Chief reported the Department had a busy month overall. In answer to the Borough Clerk, he reported a lot of tickets are being written and fees this year are almost \$8,000 more than was collected last year.

Councilwoman Amitai commended the Chief on upkeep for the website and the Police Department’s activities on social media. She questioned who was handling same and the Chief said Sgt. Buccola and Det. Aiello.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

a. FILED

1. APPLICATION TO GREEN ACRES TO SUBSIDIZE 50% OF THE COST OF THE INVESTIGATION BY THE BOROUGH ENGINEER TO DETERMINE THE EXTENT OF THE CONTAMINATION AT THE SWIM CLUB (Total estimated cost \$46,500 per proposal dated 7/9/14) Authorized at RM 7/23/14 – Mayor Heymann reminded the Council discussed this grant earlier and she reported it will not be awarded to the Borough for this project.

Mayor Heymann reported she did the pre-filing application for a Historic Preservation grant to restore the Lustron House which she hopes the Borough will be acquiring.

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) Extension requested by Borough Administrator on 5/14/14

2. 2013 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 - \$175,000 Awarded for Historic Home Acquisition Grant Period 6/4/14 – 6/4/17- Contract No. 14-00320 (3. M.L. 7/3/14)

c. TO BE FILED

1. To be announced by Mayor

2) REPORT – Mayor Heymann reiterated that the restoration of the Borough Hall exterior has begun and the development of Closter Plaza is slowly moving forward. The Developer’s Agreement should be completed and sent out to Edens and then it will come back to the Council and Planning Board for signature. Once it is executed, they are ready to start demolition.

7. REPORTS (Continued)

D. MAYOR (Continued)

Mayor Heymann thanked all Borough staff who assisted in preparing the tax bills for mailing which went out this morning.

Mayor Heymann referred to the Resolution in support of A-900 that was discussed at recent meetings which several Bergen County municipalities have adopted to urge simplifying the stream cleaning process. She requested a motion in the Regular Meeting to pass this Resolution and in response to the Borough Clerk, the Borough Attorney said they could get a consensus tonight and he could prepare a Resolution for the next meeting. In answer to Councilwoman Amitai, the Mayor explained that our Bergen County Legislators are the sponsors for the bill and noted almost every municipality has passed a Resolution of support. The Borough Engineer said the NJDEP is revenue driven and they would not support this because it takes away from their revenue. Councilman Kashwick expressed the Closter Environmental Commission's opposition to the bill and noted most environmental organizations oppose it because it would impact our drinking water. They feel it would give municipalities carte blanche to dredge ponds and streams which in turn diminishes the quality of water by putting more sun on the streams. Assemblypersons Auth and Schepisi are sponsors of the bill which is why most municipalities are endorsing Resolutions. Mayor Heymann explained she has been personally advocating for this for several years and admits she has a personal interest in seeing same happen. Mr. Kashwick voiced his opinion that in the short term it may be fine but we are the recipient of a lot of water from Demarest and Alpine and cleaning the streams will just make that water flow towards us faster. He said it is better to have State regulations for these things as opposed to each town being able to do what they want. Mayor Heymann voiced her opinion that Mr. Kashwick was misinterpreting the intent of this Bill and he advised he has read the thorough legislation. Councilman Dolson informed he read something on the internet about this and it is supposed to be for debris removal only; not intended to impact the beds or the flow. Mr. Kashwick explained this taking out the exemption for less than 500 feet and C-1 streams. In answer to Mr. Dolson, the Borough Engineer explained it means that you can clean a C-1 stream for up to 500 feet which you currently cannot do without a permit from the DEP. The Mayor voiced her understanding that Councilman Kashwick's concerns are flooding and impacting drinking water; while her concern is erosion. In answer to Mr. Dolson, Mr. DeNicola explained the DPW can remove a tire or broken tree but to do a stream cleaning project the Borough would incur \$5,000 in NJDEP permit fees, plus \$15,000 - \$20,000 in engineering and permitting fees. In answer to Mrs. Amitai he said as an engineer they are not fans of having to go to the State for things that need to be done because all 3 stream cleaning projects would require permits, fees and more time to wait so he is not a DEP fan. Mayor Heymann said it would be one thing if the permit fees were reasonable, but the more issues there are the more expensive it gets. She noted there are several properties losing land every day due to erosion. Mr. Kashwick reiterated his concerns of the impact it would have on drinking water and runoff into Closter if all the surrounding towns could do what they wanted without a permit.

Mayor Heymann informed in the Regular Meeting she would be nominating individuals to serve on a Sign Review Committee which is part of what the new sign ordinance required. She reminded there was a previously appointed committee but they have not been meeting as necessary and getting things done so she will be appointing Wayne Sapper, Yasmine Sarier, Irene Stella and Jeanne Stella.

Mayor Heymann said Main Street repaving is a very important issue that has to be grappled with and she sent several possibilities to everyone to consider. Mrs. Amitai requested this item be addressed at the next meeting due to the late hour.

At 11:00 p.m., the Borough Attorney informed they have exceeded the publicly advertised item on the Agenda for conclusion of Borough Business and said a consensus would need to be taken to be able to continue the meeting because they are still in the Work Session; and no objections were voiced.

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Mayor Heymann informed information would be disseminated regarding Borough inventory when they read the corrective measures regarding the Audit report. She arranged for the company that performed the inventory in 2011 under Quentin Wiest to come back and do an update that will cost \$2,500. They can come in October and she will place it on the next Agenda for approval.

8. OLD BUSINESS

- a. POSSIBLE FOLLOW THROUGH RE CONTRACT WITH CGI COMMUNICATIONS, INC. FOR 2014 COMMUNITY SHOWCASE VIDEO PROGRAM (Discussion held at WS 6/25/14) – In response to the Borough Clerk's inquiry, Mayor Heymann informed that due to the late hour, she would save this matter to the next meeting for discussion.

9. NEW BUSINESS

- a. POSSIBLE PARTICIPATION IN THE MAYOR'S WELLNESS CAMPAIGN- ADVANCED CARE PLANNING INITIATIVE (Requested by Mayor 8/6/14) – Mayor Heymann hoped that the Council would agree to same.

Appointment of Construction Official – Councilwoman Amitai said she would be scheduling a committee meeting on the matter.

Mayor Heymann requested permission to change the payroll service which has been poor up to this point. Councilman Dolson advised that he would be helping the Temporary Chief Financial Officer with an analysis and it is hoped to have the right payroll system in operation by the end of the year.

Mayor Heymann noted that there are utility bills that do not match and must be investigated for possible duplicate payments.

Councilman Barad advised that the Ordinance Committee would be looking at the possible appointment of a sitting Council member for a potential job within the Borough; and would have to review two ordinances requiring amendment to effect same.

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

James Winters, OEM Coordinator, advised that the Borough was informed by the State that it has been awarded a grant in the amount of \$120,000 for generator equipment. The amount requested was to supply equipment for the Senior Citizen Center and the Library; and since the Senior Center has been supplied with a generator, the entire amount can be used for the Library. If there is money left over, it is requested that same be used for the Department of Public Works since the existing generator is a 1940's version that had been donated to the fire house in 1980. Present diesel engines are tiered and the present generator is a minus 5. The initial quote would be of the type installed in the Senior Center, which cost approximately \$45,000. To complete both projects, the Borough would have to pay an additional \$20,000 to \$30,000; and the grant paperwork detailing the project, which is due 9/5/14 would include the Library and the DPW garage. The work cannot start until the grant is received.

In answer to Councilman Dolson, Lt. Winters said the grant process is for either diesel or natural gas and the town would make that decision. There are advantages to both and we are also looking into other options. He said he had not reviewed the specifications for the Senior Center but had reviewed the ones for the Library where he found a mistake. Borough Engineer said that diesel is old school at this point; and since he is not proficient in generators, he would look into same and report to the Council. Relative to the placement of the Library generator, Lt. Winters noted that the specifications said the Borough would do a certain amount of work for same, which he felt should be the contractor's responsibility. He said he would work with the Borough Attorney's office on this matter.

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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 11:15 p.m. was made by Councilman Glidden, seconded by Councilwoman Amitai and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
August 21, 2014 for approval at the
Regular Meeting to be held
August 27, 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 August 27, 2014
Consent Agenda Item No. 21b