

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MONDAY, DECEMBER 22, 2014 - 7:30 P.M.

Mayor Heymann called the meeting to order at 7:30 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
and Arthur Dolson
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, Dennis Kaine

The following persons were absent:

Councilwoman Victoria Amitai

Also present in the audience:

Councilman-Elect Robert DiDio

3. POSSIBLE MAYORAL APPOINTMENTS TO THE FOLLOWING BOARDS:

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)
- 3) _____ AS CLASS IV MEMBER FOR A 4 YEAR
UNEXPIRED TERM (NYFENGER) TO 12/31/17 (1.M.L. 10/23/14)

b. SHADE TREE COMMISSION:

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

4. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCES AT 8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

a. The following Ordinance was introduced at the Regular Meeting held 11/12/14 and was published in The Record on 11/18/14 as stated in the Municipal Clerk's affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public:

ORDINANCE NO. 2014:1179, "AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$18,920.15 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS

Mayor Heymann declared a Public Hearing.

In answer to Steve Isaacson, 97 Columbus Avenue, Mayor Heymann said that the ordinance would provide funding for lighting of the Ruckman Park walking trail and for the playground at Memorial Park. The parks do not close at dusk and are open all night. Councilman Kashwick said we were elected under the slogan Keep Closter Green and adding more lighting is increasing the urbanization to Closter and is wrong; and he questioned if notification of the increased lighting has been given to surrounding neighbors. Mayor Heymann noted that it is our job to provide services for our residents and the initial requests for the lighting came repeatedly from the general public. This matter has been discussed many times.

Mayor Heymann closed the Public Hearing.

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Motion approving the adoption of Ordinance No. 2014:1179 was made by Councilman Glidden, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner and Dolson. Councilpersons Kashwick and Barad voted no.

b. The following Ordinances were introduced at the Regular Meeting held Monday, 11/24/14, and were published in The Record on 12/2/14 as stated in the Municipal Clerk's or printer's affidavits of publication. Reprints of these Ordinances were posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public:

- 1) ORDINANCE NO. 2014:1180, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 147 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING PROPERTY MAINTENANCE"

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

Motion approving the adoption of Ordinance No. 2014:1180 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 and Dolson.

- 2) ORDINANCE NO. 2014:1181, "AN ORDINANCE AMENDING CHAPTER 200, SCHEDULE A, LIMITING SCHEDULE, TO CLARIFY MAXIMUM HEIGHT REQUIREMENT FOR RESIDENCE AREAS A & B"

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

Councilman Barad noted that this Ordinance is not changing the height requirement but only providing clarification of same.

Motion approving the adoption of Ordinance No. 2014:1181 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 and Dolson.

- 3) ORDINANCE NO. 2014:1182, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 183 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING VEHICLES AND TRAFFIC"

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

Councilman Barad noted that there was a restriction relative to the color of the striping in parking Lots; and this ordinance would liberalize our ability to use the color yellow in the north parking lot.

Motion approving the adoption of Ordinance No. 2014:1182 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 and Dolson.

5a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 17, 18, 21 and 22 was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

RESOLUTIONS

6. RESOLUTION AUTHORIZING CANCELLING OF MISCELLANEOUS RESERVES AND OTHER RECEIVABLES FROM CURRENT FUND (Received from Temporary CFO 12/11/14)
7. RESOLUTION AUTHORIZING CANCELLING OF COMPLETED GENERAL CAPITAL IMPROVEMENT AUTHORIZATIONS (Received from Temporary CFO 12/11/14)
8. RESOLUTION AUTHORIZING CANCELLING OF MISCELLANEOUS RESERVES FROM GENERAL CAPITAL (Received from Temporary CFO 12/11/14)
9. RESOLUTION AUTHORIZING TAX COLLECTOR TO CANCEL TAXES RECEIVABLE FOR FINAL TAX 2014 IN THE AMOUNT OF \$4,075.92 AND PRELIMINARY TAX 2015 IN THE AMOUNT OF \$4,024.88 ASSESSED TO VAN SCIVER CORP, 1 RAILROAD AVENUE, BLOCK 1104, LOT 18, AS PART OF PILOT PROGRAM (Received from Tax Collector 12/15/14)

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10. RESOLUTION AUTHORIZING DEPUTY TREASURER TO REFUND UCC CONSTRUCTION PERMIT FEE TO TALYA SHUMINER FOR PROPERTY LOCATED AT 75 HIGH STREET IN THE AMOUNT OF \$264.00 ISSUED UNDER PERMIT #13-0533 PER CONSTRUCTION OFFICIAL ON 12/4/14 DUE TO WITHDRAWAL OF APPLICATION TO INSTALL A GENERATOR (Received from Deputy Treasurer 12/16/14)
11. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE AND RETURN REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES IN THE AMOUNT OF \$181.57 TO DONALD SCHMIDT FOR SUCCESSFUL COMPLETION OF SERVICES RENDERED FOR APPLICATION AT BLOCK 1301 LOT 9, 162 CLOSTER DOCK ROAD (Received from Deputy Treasurer 12/16/14)
12. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE AND RETURN SIDEWALK BOND FROM ESCROW IN THE AMOUNT OF \$730.00 POSTED ON 5/30/14, TO DONALD SCHMIDT, FOR SATISFACTORY COMPLETION OF WORK (APPROVED BY THE BUILDING DEPARTMENT ON 12/4/14) AT BLOCK 1301 LOT 9, 162 CLOSTER DOCK ROAD (Received from Deputy Treasurer 12/16/14)
13. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE AND RETURN REMAINING ZONING BOARD OF ADJUSTMENT LEGAL ESCROW FEES IN THE AMOUNT OF \$975.00 POSTED ON 12/19/13 TO ANASTASIA BURLYUK FOR PROPERTY LOCATED AT BLOCK 2206 LOT 2, 45 WALKER AVENUE, DUE TO WITHDRAWAL OF APPLICATION (Received from Deputy Treasurer 12/16/14)
14. RESOLUTION APPROVING ISSUANCE OF 2015 CERTIFICATE OF COMPLIANCE FOR ROAD STAR LIMOUSINE SERVICES FOR THE FOLLOWING LIMOUSINE: 2012 CHEVROLET SUBURBAN VIN# 1GNSKJE76CR320039 (Completed application filed, appropriate fees paid and approvals received from Borough professionals)
15. RESOLUTION APPROVING ISSUANCE OF 2015 CERTIFICATE OF COMPLIANCE FOR AKSON, LLC FOR THE FOLLOWING LIMOUSINE: 2011 LINCOLN TOWNCAR, VIN#2LNBL8EV9BX751794 (Completed application filed, appropriate fees paid and approvals received from Borough professionals)
16. TRANSFER RESOLUTION NO. 3 (Received from Deputy Treasurer 12/18/14)
- ~~17.~~ RESOLUTION CALLING FOR CERTAIN RAIL SAFETY MEASURES IN BERGEN COUNTY (Received from Councilman Kashwick 12/17/14)
- ~~18.~~ RESOLUTION OPPOSING PILGRIM PIPELINE (Received from Councilman Kashwick 12/17/14)
19. RESOLUTION APPOINTING MARIA MARSH TO THE POSITION OF 1ST YEAR CROSSING GUARD, EFFECTIVE 1/1/15, AT AN HOURLY RATE OF \$15.48 (Received from M. Passafaro 12/17/14)
20. RESOLUTION APPROVING THE “HICKORY LANE IMPROVEMENTS AND 2014 BOROUGH ROAD PROGRAM” (Received from Borough Attorney 12/18/14)

MOTIONS

- ~~21.~~ *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 _____	_____
- ~~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 Year	Unexp. (Pierro)
Alternate No. 1	<u>Janice Pierro</u>	_____	to	12/31/14
	<i>(Janice Pierro reappointed to Member at RM 1/22/14)</i>			
23. MOTION APPROVING THE FOLLOWING MINUTES (ABSTENTION: DOLSON):
 - a. REGULAR MEETING HELD 12/10/14 (Distributed 12/18/14)
 - b. WORK SESSION HELD 12/10/14 (Distributed 12/18/14)

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

5b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

17. RESOLUTION CALLING FOR CERTAIN RAIL SAFETY MEASURES IN BERGEN COUNTY
(Received from Councilman Kashwick 12/17/14)

Councilman Dolson noted that he could not possibly represent the public inasmuch as he does not know enough about the issue. It is a national issue that we diminish our reliance on foreign fuel, which in large part comes from the Middle East - an area that supports terrorism to a great degree. We should not be considering putting a stumbling block to that aim. The pipeline would also help the economy by using domestic fuel and supporting our businesses. He noted that the rail cars that travel behind his office have new fittings and the companies are responding to calls for safer equipment. Mayor Heymann said as an environmentalist she would point out that pipelines are more secure, less subject to accidents and more economically sound.

Councilman Barad said we have two separate resolutions and we are asking for appropriate safety measures to be used in the transport of the oil; and he felt the resolutions should be supported. Regarding Resolution No. 18, he expressed agreement with Mayor Heymann that pipelines in the long run are probably safer than other forms of transportation. There have been problems with other forms of oil transportation but noted that Pilgrim Pipeline is a new organization without a track record. Councilman Kashwick said that New Jersey is becoming a crossroad for pipelines from which we are not getting any economic benefit other than lower gas prices - only a burden. He cited the type of oil to be transported and the risk to the Highlands region, which is a major source of our drinking water. In answer to Councilman Glidden, he said that the type of oil obtained from fracking has more explosive materials in it and has greater volatility. Mayor Heymann noted that the pipeline would help New Jersey.

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 and Barad with the abstention of Councilman Dolson.

18. RESOLUTION OPPOSING PILGRIM PIPELINE (Received from Councilman Kashwick 12/17/14)

Motion of approval was made by Councilman Kashwick, seconded by Councilman Barad and declared denied by Mayor Heymann upon the following vote: Councilpersons Glidden, Latner and Dolson voted no. Councilmen Kashwick and Barad voted yes.

25. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12 (a)
(Subject to 5-minute limit per By-Laws General Rule No.11)

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

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

Motion approving the following Closed Session Resolution at 9:01 p.m. 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 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)(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 6 weeks.

Mayor Heymann resumed the public meeting at 9:44 p.m.

Mayor Heymann noted the passing of Bernie Huening two weeks ago. She said he was honored by our Council two years ago. He was a very valuable volunteer who served as Trustee of the Nature Center, a Boy Scout and Cub Scout Leader, a member of the Shade Tree Commission and active in the Closter Beautification Committee.

Mayor Heymann announced that Andrew Weatherly has been honored on the Federal Level and was one of 15 disabled persons recognized for his arts, which are displayed in Washington D.C. He was honored at the Kennedy Center and will be honored by Congress this coming month. He will also be recognized by the New Jersey State Senate in March.

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Motion was made by Councilman Glidden, seconded by Councilwoman Latner that the Borough enter into negotiations with Jonathan DeJoseph, as Borough Administrator, at an annual salary of \$110,000 in two increments and that we get the contract in place and appoint him at the Reorganization Meeting. Said Motion was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Barad and Dolson. Councilman Kashwick abstained.

Borough Engineer noted that a Resolution authorizing the bidding of Hickory Lane would be needed at the first meeting in January to enable the Borough to accept bids in February thereby obtaining the best competitive prices. He also requested verification that funding for the project is available. Borough Clerk confirmed that this item would be placed on the Agenda for the first Regular Meeting to be held in January (1/14/15). He advised that the last time he spoke to the Administrator, the amount available was \$800,000 and he needed confirmation regarding same.

Councilman Glidden thanked Mayor Heymann for her many, many years of service to the Borough and the 8 years she has served as Mayor during which she provided great leadership to the Council. Councilman Barad said it has been an honor to serve with Mayor Heymann and it has been a pleasure to serve with Councilman Kashwick who was his running mate 9 years ago.

27. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:50 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
December 31, 2014 for approval at the
Sine Die Meeting to be held on Monday,
January 5, 2015.

Loretta Castano, RMC
Borough Clerk

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

Approval at the Sine Die Meeting held January 5, 2015
Consent Agenda Item No. 9a

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – MONDAY, DECEMBER 22, 2014 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session on Monday, December 22, 2014. Mayor Heymann called the meeting to order at 7:30 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.

2. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick (7:31 p.m.),
David Barad and Arthur Dolson (7:34 p.m.)
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, Dennis Kaine

The following persons were absent:

Councilwoman Victoria Amitai

The following persons were also present:

Councilman-Elect Robert A. Di Dio

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF DECEMBER 11, 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 Nos. 10 and 12 were removed by the Borough Clerk.

Item No. 6: Received 12/08/14, dated No Date from Michael Kafer, Chairman, Solid Waste Advisory Committee re Host Community Benefit Agreement

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Councilwoman Latner voiced her understanding the Borough Attorney would be following up on some of these issues this evening. She asked Carl Olsson, who was present in the audience, if Mr. Kafer would be coming to speak on the matter.

Borough Attorney advised he did look into some of the things, one of which was the Host Community Agreement in Fairview. He spoke to their Borough Attorney; and the numbers are impressive in terms of what Fairview saves; and explained that's because they do 10 times as much as Closter does with about 3,000 tons a year. Closter pays a dumping fee of \$70 per ton under the current contract which comes to \$210,000 a year. The cheapest we were able to find was in Totowa at \$65.00 per ton, which would save the Borough approximately \$15,000 just based upon tipping fees. Mr. Rogan explained that as part of the analysis, you have to look at how we would get the solid waste to Totowa; and the Superintendent of Public Works estimated there would have to be at least one trip per day. He explained when he did the math, he did not think we would require that many trips to Totowa so his calculation is based on twice a week which came to over \$10,000. He averaged the salary for an employee to drive the truck down there, which the average CDL licensed employee makes \$36.00 per hour, plus estimated wait time of 2-3 hours every trip down there.

In answer to Mrs. Latner, Borough Attorney advised he was unable to come up with tangible figures for intangible items such as wear and tear on the trucks and potential accidents. It appears that in the long run this will cost the Borough more; and the reason the Fairview agreement looks so good is because of their tonnage. Mr. Miele is permitted to do 145 tons per day per the DEP; and the Fairview agreement literally does 10 times that amount. Mr. Rogan explained that if Miele has 10 trucks a day, Closter would need 100 trucks per day to meet those numbers. In speaking with Fairview's Borough Attorney, he was told it is based on \$0.50 per ton which is exactly what we do. Fairview looked into increasing that tonnage, but the burden of proof is very difficult with a lot of time and effort involved. The reason for this is the Borough has to come up with what it costs to have the Host Community as a value has to be placed on the services the Borough provides such as cleanup and policing. For this reason, Fairview agreed to stay at \$0.50 per ton.

The Borough Attorney advised he looked into other towns and found many pay more than our \$70 per ton, up to as much as \$95 per ton; and he discounted these. He said the County is very expensive because they build in Host Community fees and taxes; and even Clarkstown has now increased in excess of \$70 per ton where they used to be much lower. In answer to Councilman Glidden, Mr. Rogan said the \$60 arrangement Hillsdale had was due to a special agreement they had with Franco who is no longer operating at all.

Councilman Barad questioned if we were ever provided a list of factors that should be considered; and Mr. Rogan advised that analysis has never been done partly because the transfer station has been here for so long it would be difficult to estimate its value. Borough Attorney agreed with Dr. Barad in that an analysis of the values of the property around the transfer station could be compared to the property values away from it in addition to properties around other commercial uses that will not go away. Mayor Heymann noted many of the lots around the transfer station are Zone A lots which retain their value. Mr. Rogan said we would need appraisals and expert testimony to do an evaluation before the BPU. Dr. Barad asked if we could dummy up on paper ourselves to get a sense of what those figures might be; and Mr. Rogan agreed same could be done internally based on our Assessor's number to see if would be worth pursuing.

Item No. 6: Received 12/09/14, dated 12/03/14 from Noreen Best, Director, County of Bergen Community Development, to Mayor Sophie Heymann Request for certified resolution appointing the following members to Community Development for a 1-year term, from 7/1/14 to 6/30/15 to

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be provided no later than 12/30/14 prior to beginning the CDBG application process: Chief Executive Officer and Alternate; Governing Body Representative and Alternate (Copy to Mayor Heymann 12/9/14)

Borough Clerk informed the Mayor had asked at the last meeting that these appointments be made at this meeting; and she informed they would be placed on the Reorganization Meeting Agenda.

Item No. 12: Received 12/11/14, dated 12/11/14 from egg@dca.state.nj.us to lcastano@closternj.us; c: Chief Financial Officer, Tax Collector re a. Effective Monday, 12/15/14 the new Director of the Division of Local Government Services and Chairman of the Local Finance Board will be Timothy Cunningham as Thomas Neff is moving to the New Jersey Treasury Department to serve as Deputy Treasurer for the State Budget; b. Local Finance Notice LFN 2014-21 re CY2015 Budget Matters

The Borough Clerk wished to point out that the Local Finance Board has amended the dates for Municipal Budget introduction and adoption.

b. MAIL LIST OF DECEMBER 18, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 2 was removed by Councilman Barad.

Item No. 2: Received 12/12/14, dated 12/12/14 from Rose Mitchell, Land Use Coordinator, Historic Preservation Commission re Digital copy of Hickory Lane Nomination Report (Copy to Historic Preservation Commission – letter only!) COMPLETE COPY OF REPORT ON FILE IN BOROUGH CLERK’S OFFICE

Councilman Barad asked what the next step would be for this proposal. The Borough Attorney advised that the Mayor and Council could refer that to the Planning Board for consideration and that Board would report back to the Council. In answer to Dr. Barad, he informed the appropriate procedure at this point because of the timing of it would be to respond. The Borough Engineer voiced his understanding it was agreed to not move forward with the designation until the road improvements have been completed; and suggested they refer the nomination to the Planning Board in the Spring. Councilman Kashwick requested the Historic Preservation Commission be made aware of the Council’s intentions.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of December 22, 2014)

Mayor Heymann asked if anyone wished to remove any items on the Consent Agenda for discussion. Item No. 19 was removed by the Borough Clerk.

19. RESOLUTION APPOINTING MARIA MARSH TO THE POSITION OF 1ST YEAR CROSSING GUARD, EFFECTIVE 1/1/15, AT AN HOURLY RATE OF \$15.48 (Received from M. Passafaro 12/17/14)

In answer to the Borough Clerk, Borough Attorney said that the appointment is appropriate for passage by this Council.

6. COMMITTEE REPORTS

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

1) STATUS REPORT RE CLOSTER WEBSITE

2) REPORT – Councilman Dolson reported the Finance Committee met several weeks ago and started the preliminary assemblage of the 2015 Budget. He was able to locate and utilize former workbooks that were used at one point in time and brought them up to date. They felt as it was so late in the year that they would hold off and use the end of year totals; but said it was a great start and they made great headway.

Councilman Dolson was pleased to report the long overdue arrival of new computers for all departments working with antiques. Mayor Heymann noted there were 38 cartons delivered. Mr. Dolson said he was unsure how old that capital appropriation was but there was almost \$30,000 that had to be used for computers.

B. PUBLIC SAFETY - GLIDDEN (LATNER/BARAD)

1) REPORT – Councilman Glidden informed he had no report regarding Public Safety. He said that PBA negotiations are ongoing and they hope those will be wrapped up soon.

C. PUBLIC WORKS - LATNER (DOLSON/GLIDDEN)

1) REPORT – Councilwoman Latner reported the DPW Committee last met on 12/10/14; and Bill Dahle said it was one of the best leaf cleaning seasons the Borough has had in a long time.

Mrs. Latner reported that during one of the last storms, there was a leak in the children's room at the Library; and she hopes it has been fixed.

Councilwoman Latner attended a Northern Valley Regional High School Board meeting on behalf of Mayor Heymann on 12/4/14 which went into details of the upcoming referendum. She wished to make note that compared to the last time they tried to have a referendum, there is now more transparency. Larry Hughes (Northern Valley Regional High School District Interim Supt. of Schools) explained everything and how it's coming up; and an e-mail was sent updating all of that. She wanted to stress there will not be new turf fields this time around; and there are grants available for up to 30% of the costs. The date is 3/10/15; and in response to reactions from the last time, they are reaching out to the public with more information. When you compare what was spent in the last decade to make these repairs, it has cost more than it would to redo some of these things, especially with the available grants out there. There was also a big presentation with the 1:1 Technology; and she said it is very impressive in terms of hearing the students speak about it. There are increased communications and enhanced learning initiatives. Mrs. Latner passed around additional information regarding what she just reported for anyone interested in seeing. In answer to the Mayor, she explained a lot of this is for maintenance.

D. ORDINANCES - BARAD (AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad informed he had nothing to report regarding Ordinance Committee.

2) REPORT – Dr. Barad wished to remind all of those who received an invitation to the Ambulance Corps installation dinner in the beginning of February, that it will take place in Piermont.

6. COMMITTEE REPORTS (Continued)

E. HUMAN RESOURCES - KASHWICK (DOLSON/LATNER)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick noted this will be his final report to the Council; and wished to tie up some loose ends. Regarding the personnel manual, some changes still need to be made as to how vacation time is accrued.

2) REPORT – Councilman Kashwick reported on the following:

a. Shade Tree Commission – He showed Leslie Weatherly and Patricia Ix how to complete and submit the Tree City USA application which is due December 31st annually and this year's report was filed. He requested the new Shade Tree Liaison keep in mind the Mayoral Proclamation for Arbor Day each year and to keep in mind the annual accomplishment report that is due on February 15th annually to the State.

b. Historic Preservation Commission – Met earlier this month and they adopted the Historic Nomination of Hickory Lane. If the Lustron House acquisition is completed, they hope to be part of the process to have a voice as to what will be done to the structure as it is already on the State and National Register of Historic Places. Some people have furnishings they feel would be appropriate; and would like to donate that in addition to their time for maintenance of the home; and he requested these things be kept in mind.

c. Environmental Commission – Did not meet this month but there is a \$24,000 Trail Grant received from the State which is to go towards the Cross Closter Trail with upgrades to the boardwalk in Hagen Park, which was destroyed during Hurricane Irene. Dr. Barad asked that Mr. Kashwick send his requests to him which he will forward and make sure they are addressed.

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

In the absence of Councilwoman Amitai, no report was provided for the following:

- 1) REPORT RE INTERVIEWS FOR CONSTRUCTION OFFICIAL
(14. M.L. 9/11/14 - J. Zavardino declined appointment) Classified Ad posted on NJS League of Municipalities web site from 9/23/14 to 10/23/14.
- 2) REPORT RE STATUS OF DISCUSSION IN SUBCOMMITTEE RE CHANGE IN ZONE 5 (Requested by Mayor Heymann WS 8/13/14)
- 3) REPORT

7. OLD BUSINESS

8. NEW BUSINESS

Mayor Heymann informed that since this was her last full meeting, she too wished to give a final report.

Mayor Heymann cited the receipt of a Recycling Grant in the amount of \$23,445.95 and noted that same is based on the amount Closter has recycled. She reported attendance at the Riverside Cooperative which is going through a major change in leadership with Northvale as the new host; and that Closter is also involved in the Pascack Valley Mayor's Association and the Middlesex School Shared Services Program. It also might be useful pursuing the Northwest Mayor's Association, which is an effective organization.

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The Mayor said that at the Riverside meeting, it was discussed purchasing a stump grinder to be used by all of the communities but it was determined not to be as cost effective as using an outside contractor due to the expertise required to run the equipment and the frequent necessity for replacement of consumables. Microsurfacing of roads was discussed and has been recommended by the Mayor of Tenafly. It should be looked into for use on appropriate roads. She cited the message from the League of Municipalities re legislative priorities for 2015 and asked that everyone be aware of them.

Relative to the status of Borough Hall, Mayor Heymann referred to the paint on the back (north/exterior) wall which did not blend in. She had the contractor stop work immediately and summoned the architect. The wall was inspected by the principal of the firm who came and said the original architect we were assigned was very upset with us that we had interfered; but then, after reading the contract, he noted the contractor had put on a final coat when the specifications called for three coats, which should not have been applied under 50 degrees, as corroborated by Sherwin Williams. The Mayor added that Tim Adriance (Chair, Historic Preservation Commission) also pointed out that the wall should not have been painted at all at that point. Mayor Heymann said the architect made a mistake in the original proposal as to the deadline for painting. She said she received several messages from the contractor with the first saying they were leaving and not coming back until the Spring, and then the next saying they could address some items that could be worked on in this weather. At that point, she suggested to the Borough Attorney that there are a number of items left undone and a listing of same be made.

Councilman Kashwick questioned what would be done with the wall that has already been painted. Mayor Heymann said she spoke to several of the Councilpersons about it and the consensus at first was that it was all going to be painted. Once she realized how nice it was looking with the front almost done, she came back to the Council; and it was decided to allow for more repointing in the front with clear coating. At that point, the amount for the second round of pointing was about \$25,000 and the contractor had agreed to complete same for the \$20,000 that had already been allotted. Several people have approached her thinking that to do this one time job and allow for more repointing might help us to clear coat additional surfaces.

Mayor Heymann reminded she previously brought up the Lewis Street side entrance (east side) which already has one section fully pointed, so it can be clear coated. The western wall is hardly visible so it doesn't matter if it's painted or clear coated. She feels personally that the northern wall, which is currently painted, would look much more attractive if it were clear coated; and she pointed out that neither the architect nor Tim Adriance agree with her on this point. She asked everyone to look at same and provide input. Councilman Glidden agreed wholeheartedly with the Mayor that the paint does absolutely nothing for the building. Mayor Heymann asked the Council to think about the issues because it would mean allotting more money for pointing and also getting the paint off the part which has been painted. In terms of finances, the allotment for the building, because the former Administrator put in two bond issues to allocate \$650,000, the change orders have eaten into a lot of that but there is still approximately \$100,000 left easily; and she feels it should be used to embellish the Lewis Street entrance with a nicer canopy than the existing one and to fix the sidewalk which is in great disrepair. The Mayor advised there is no rush because the weather will not allow for these items to be completed at this time but urged them to start making considerations for those items.

Relative to the Lustron House, Mayor Heymann noted she has discussed same with the County Historic Division and Tim Adriance. They recommended a caretaker who would work off the cost of the rental by providing carpentry and other services; and she requested that the Borough Attorney draft a proposal. Relative to repairs and services, she has been assured that the Borough would receive a grant for the rehabilitation; and she cited the process that would be needed would include a planner who would assess the needs and provide a plan for same. She relayed that Mr. Adriance recommended that an RFQ be put out for a General Master Plan for the Rehabilitation of the Lustron House on Durie Avenue to provide qualifications and a general estimate of the structure and reconstruction guidelines. The Mayor recommends that the cost for the planner be provided by the Borough's Open Space funds because we can't get the grant for the building itself at the same time we can get a planning grant. Borough Attorney said that the deed has not been filed as yet; and a proposal for a caretaker has been distributed for discussion purposes. He said he would need input from the Council as to how to move forward. Councilman Barad suggested a working committee to review the project.

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

In answer to Carl Olsson, 215 Irving Avenue, Borough Attorney said a number of options have been reviewed relative to tipping fees and host fees; and noted that the Fairview contract is based on tonnage that is 10 times per day what is done in Closter. Under the present DEP regulations, Miele is permitted to collect 145 tons per day but under the Fairview contract would allow up to 1,400 tons per day and open 24 hours a day. In exchange for that, tipping fees are waived; and the cost comes out to 50 cents per ton, which is the minimum under State statute. Alternatives were reviewed and most of those were over the \$70 per ton being charged at present; and the lowest, Totowa, which pays \$65 per ton. He noted that the Superintendent of Public Works cited 4 trips per week to Totowa and the average driver makes \$65,000 per year. It would take 2½ hours for each trip and it would appear that the yearly cost would be \$18,000 plus tires, insurance, gasoline and maintenance. He cited the Hillsdale agreement, which was a special deal due to a fiscal problem being faced by the contractor. He said he would provide a review of the numbers to the committee. If the Council wishes, an expert appraiser can do a review of the effect of the transfer station on the values of surrounding residences, which can be done for an appeal. Councilman Barad noted if the properties are negatively affected, it is a tax cost to the Borough; and a review can be done on an assessment value by ourselves. Mayor Heymann noted that there are major buffers between the Miele property and residential properties; and the homes close to the transfer station can be compared to those farther south.

In response to Mr. Olsson's inquiry, Borough Attorney explained our current contract is up. In terms of arguing about the 50 cents per ton, we would have to find an alternative to picking up our recycling or go back to picking it up ourselves while the case is pending; and they run from 9 months to 12 months before the BPU makes a decision. While that is pending, we would need a backup plan as to how we pick up our recycling. If we appeal it, Mr. Rogan said he was unsure that Mr. Miele would agree to continue on an interim basis. He agreed with Mr. Olsson that we would have to obtain all the information first, because if the land value idea and policing and clean up do not result in increased costs to the Borough, it might not be worth pursuing. Mr. Rogan added that would involve a much more detailed analysis which is not what he was asked to make.

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Steve Isaacson, 97 Columbus Avenue, questioned the progress of the search for a Borough Administrator; and Councilman Glidden said same would be discussed in Closed Session this evening. Mr. Isaacson questioned the use of Open Space funds and how much has been collected over the years. Mayor Heymann said the amount collected is required by the Borough Auditor; and she would provide the amount used the following day if he contacted her office. Mr. Isaacson said the Closter Plaza parking lot and Vervalen Street are disaster areas; and the Borough Engineer noted that once the Plaza construction is completed, they will be required to repave their full frontage from the bank to the movie theater and the Borough would pave the remaining portion. Relative to the tree trimming by DeCarlo and the original lease with Ken's Tree Care, Borough Attorney said the Borough has gone out to bid three times on this issue and entered into a three year contract this year. Mr. Isaacson said the Ken's Tree Care is making a lot of money off the land and not giving the Borough what that land is really worth. He expressed disappointment in the architect for Borough Hall, said he felt they are not doing their job and that a legal suit should be drawn against the firm.

Michael Kafer, 261 Parsells Lane, commended Mayor Heymann on the recycling grant and felt the extra money could be used to have the Recycling Coordinator provide weekly or monthly statistics on same for broadcasting to the residents with objective data. He reminded that the Solid Waste and DPW are what he referred to as a "sustainable force" noting that no one else has that in the entire area; otherwise there would be transfer station everywhere. You have a sustainable fund that you can count on annually as a budget item. He cited three budget items that we have with the name of Michael Kafer on them: the host community fee, Alpine sewer connections and the open space fund, which has generated a total of \$1,700,000; and to his knowledge, none of that has been spent to acquire real estate. Both the Mayor and Borough Attorney disagreed with Mr. Kafer; and he asked that they review their budget since the 2013 Municipal Budget did not provide current information.

Mr. Kafer suggested that the Council Chambers should have free public wifi to enable the public to log on to see agendas and resolutions; and power point presentations could be made which will be useful.

Referring to the host community benefit, he added that the Mayor and Council should be looking at the cost of the transfer station as a valuable Borough asset. Mr. Kafer said that the Borough relies too much on your professionals to monitor it for you and not your Mayor and Council. You leave it up to your Supt. of Public Works, your Attorney and Borough Administrator. It's really a Mayor and Council responsibility; and in that responsibility, you should be looking at what the costs are to this town that you can associate with the transfer station. For every single one of them, you should be charging back.

Mr. Kafer added that is the difference between Closter and Demarest. They can bring their garbage into Closter and they pay \$70 a ton, which he felt was "obscene" since they pay the same amount as Closter and we should pay something less than they pay. Nobody should bring their garbage into Closter and pay less than Closter does. That should always be your starting point with negotiations. You need to associate these costs: whether it is the destroyed roads, the destroyed railroad crossing and infrastructure. You are allowed to charge for that and should make use of it. The transfer station is not a large taxpayer to the town. It does not account more than a modest sized mc mansion in the town, in the terms of taxes, but it uses a lot more than that.

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In answer to Steve Isaacson, 97 Columbus Avenue, Mayor Heymann said that Miele takes co-mingled items; and she would make sure that the signs posted on the Department of Public Works dumpsters would be corrected which indicated that only 1 and 2 glass bottles may be dumped.

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

Motion to adjourn the Work Session at 8:37 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 December 31, 2014 for approval at the Sine Die Meeting to be held Monday, January 5, 2015.

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 Sine Die Meeting held January 5, 2015
Consent Agenda Item No. 9b