

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JANUARY 8, 2014 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:22 p.m.

1. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of Early Meetings which was sent to The Record and the Star Ledger and was published in both newspapers on December 20, 2013, was posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

2. ROLL CALL

The following persons were present:

Mayor Sophie Heymann  
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad,  
Arthur Dolson and Victoria Amitai  
Borough Administrator, Richard Sheola  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola  
Chief of Police, Dennis Kaine  
Fire Chief, Brian Pierro  
Superintendent of Public Works, William Dahle, III

At this time Mayor Heymann asked for a moment of silence to honor the memory of Harold Endres who passed away this past weekend. He was a true servant of the Borough of Closter who served on the Council in addition to being a member and chairman of the Planning Board. He was a volunteer fireman, a life member of the Ambulance Corps and will be greatly missed in Closter.

2a. MAYORAL APPOINTMENTS TO PLANNING BOARD (Not made at the Reorganization Meeting held 1/2/14):

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
PLANNING BOARD Alternate No. 2	Paul Nyfenger	Christiano Pereira	2 Years	12/31/15

At this time, Borough Attorney administered the Oath of Office to Christiano Pereira.

3a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item No. 4 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.

ORDINANCES

4. INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING – 2/12/14 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

Introduction of the Ordinance was adjourned to the Regular Meeting of 1/22/14.

ORDINANCE NO. 2014:1153 “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 173, SPECIFICALLY 173-80 TO 173-92 REGARDING SIGNS” (Received from Borough Attorney 1/2/14)

RESOLUTIONS

5. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE A REFUND CHECK IN THE AMOUNT OF \$3,888.80 TO ELCHANAN I. DULITZ, ESQ. FBO KIM, HYUNE YOUNG & JUNG SUP FOR BLOCK 2211 LOT 21 (TCJ RENDERED 11/15/13) (Received from Collector 12/16/13)
6. RESOLUTION AUTHORIZING DEPUTY TREASURER TO RELEASE AND RETURN \$2,045.12 TO APPLICANT: ENVIRONMENTAL ALLIANCE INC., 121 UNION AVENUE, MIDDLESEX, NJ 08846 - ATT: BRIAN KNIGHT FOR SUCCESSFUL COMPLETION OF POLICE TRAFFIC DIRECTOR SERVICES IN COMPLIANCE WITH LOCAL FINANCE NOTICE 2000-14 (Received from Chief of Police 12/10/13)

CLOSTER MAYOR AND COUNCIL  
 REGULAR MEETING MINUTES – JANUARY 8, 2014 - 7:30 P.M.

- 7. A RESOLUTION TO REAFFIRM THE BOROUGH OF CLOSTER’S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS (Received from Borough Attorney 1/2/14)
- 7a. RESOLUTION APPOINTING RICHARD F. KEELEY TO THE POSITION OF MECHANICAL SUB-CODE OFFICIAL AND MECHANICAL INSPECTOR, EFFECTIVE 2/1/14, AT A RATE OF \$2,600.00 PER ANNUM, FOR AN AVERAGE SIX (6) HOUR WORK WEEK (Received from Administrator 1/6/14)  
 Borough Administrator voiced his understanding noted that the effective date of the appointment is 2/1/14 which coincides with the retirement of Rich Kunz.
- 7b. RESOLUTION APPOINTING JAMES C. HOFFMAN TO THE POSITION(S) OF ELECTRICAL SUB-CODE OFFICIAL, ELECTRICAL INSPECTOR, BUILDING INSPECTOR (RCS) AND MECHANICAL INSPECTOR, EFFECTIVE JANUARY 8, 2014, AT A RATE OF \$45.00 PER HOUR FOR AN AVERAGE FOURTEEN (14) HOUR WORK WEEK (Received from Administrator 1/6/14)
- 7c. TRANSFER RESOLUTION NO. 4 (Received from Administrator 1/6/14)
- 7d. RESOLUTION AUTHORIZING THE BOROUGH OF CLOSTER TO PARTICIPATE IN A MUTUAL AID PLAN AND RAPID DEPLOYMENT FORCE IN ACCORDANCE WITH THE PLAN SUBMITTED BY THE BERGEN COUNTY POLICE CHIEF’S ASSOCIATION (Received from Administrator 1/6/14)
- 7e. RESOLUTION AWARDED A CONTRACT FOR PROFESSIONAL SERVICES TO THE COUNTY OF BERGEN FOR ANIMAL CONTROL SERVICES FOR 2014 WITHOUT COMPETITIVE BIDDING PURSUANT TO N.J.S.A. 40A:11-5 AS A SERVICE BEING PROVIDED BY A GOVERNMENTAL ENTITY (Received from Administrator 1/6/14)
- 7f. RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO PREPARE A NOTICE TO BIDDERS, BID PACKAGE AND SPECIFICATIONS FOR COMPOSTING AND RELATED SERVICES AND AUTHORIZING THE BOROUGH CLERK TO ADVERTISE THE NOTICE TO BIDDERS FOR SAME (Received from Administrator 1/6/14)
- 7g. RESOLUTION RATIFYING APPOINTMENT MADE AT THE REORGANIZATION MEETING HELD JANUARY 2, 2014 OF THOMAS BETANCOURT AS MUNICIPAL COURT JUDGE FOR A 3 YEAR TERM TO 12/31/16 EFFECTIVE 1/2/14
- 7h. RESOLUTION APPROVING ISSUANCE OF 2014 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 on 1/6/14)

MOTIONS

- 7-1) MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS/BOARDS AND COMMISSIONS (Not made at the Reorganization Meeting held 1/2/14):

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOARD OF HEALTH			4 Years	Unexpired (Neusch)
Member	Mary Neusch	_____	to	12/31/14
Alternate No. 2	Roberta Murphy	<u>Dr. Jeanne Baer</u>	2 Years	12/31/15

8. REPORTS

- a. CONSTRUCTION OFFICIAL – DECEMBER 2013 (Received 1/2/14)

- 7-2) At this time, Borough Attorney proposed the following Resolution for consideration (relative to Item No. 6 on the Mail List of 12/26/14 regarding appeal of the findings of tree expert Bill Fuchs re 219 Demarest Avenue, which was discussed in the Work Session by the Governing Body with Ryan Duff, ISA, Certified Arborist and NJ Certified Tree Expert for Almstead Tree & Shrub Care Co.) to be memorialized at the Regular Meeting to be held January 22, 2014:

RESOLUTION PURSUANT TO CHAPTER 181-6 AND FEE SCHEDULE A301 FOR THE ASSESSMENT OF PERMIT FEES AND MITIGATION IN THE AMOUNT OF \$600 FOR PERMIT FEES AND MITIGATION OF THE PLANTING OF TWO TREES IN A LOCATION TO BE DETERMINED BY THE MAYOR AND COUNCIL WITH INPUT FROM THE SHADE TREE COMMISSION

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES – JANUARY 8, 2014 - 7:30 P.M.

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, Dolson and Amitai.

3b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

9. 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.

Mayor Heymann welcomed Brian Pierro as Fire Chief and congratulated William Dahle for the fine job he did during the last storm under difficult circumstances.

Motion approving the following Resolution at 9:35 p.m. was made by Councilman Kashwick, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad, 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 "Expenditure of funds for the acquisition of real property" and the items under discussion in the closed meeting would be disclosed to the public at the conclusion of the items which should be within 12 weeks.

Mayor Heymann resumed the Regular Meeting at 10:07 p.m.

The recorder shut down at 10:07 p.m. and the following is from the Borough Clerk's notes:

Mayor Heymann informed that the Closter Improvement Commission is attempting to improve branding of the Borough; and is in sync with Kurt Haiman who is interested in doing so. Therefore, on behalf of the CIC, Councilwoman Amitai asked if there would be any objections if Mr. Haiman was invited to attend the next Council meeting; and no objections were voiced.

Mr. Sheola informed that the Borough would be switching custodial services from The ARC of Bergen and Passaic Counties to All County Maintenance Company, as the price is cheaper than ARC. He will send them a notice on Friday.

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

11. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:09 was made by Councilman Glidden, seconded by Councilwoman Latner and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on  
January 10, 2014 for approval at the  
Regular Meeting to be held  
January 22, 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 January 22, 2014  
Consent Agenda Item No. 19c

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION NOTES – JANUARY 8, 2014 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session Meeting on Wednesday, January 8, 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 Early Notice of Meetings which was published in The Record and the Star Ledger issues of December 20, 2013, was posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann  
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad,  
Arthur Dolson and Victoria Amitai  
Borough Administrator, Richard Sheola  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola  
Chief of Police, Dennis Kaine  
Fire Chief, Brian Pierro  
Superintendent of Public Works, William Dahle, III

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF DECEMBER 12, 2013 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 10 was removed by Councilman Kashwick; Item No. 11 was removed by Councilwoman Amitai; Item Nos. 3 and 7 were removed by Borough Clerk.

Item No. 3: Received 12/06/13, dated 11/25/13 from Victoria L. Sidrow, M.P.A., President & CEO, Vantage Health System, c: Council Members, Borough Administrator re Thanking the Borough for past and continued support and requesting support for vulnerable residents by including Vantage in the 2014 Budget with a contribution (Individual letters distributed to Mayor and Council)

The Borough Clerk wished to call this item to the attention of the Governing Body for possible inclusion in the 2014 Municipal Budget.

Item No. 7: Received 12/09/13, dated 12/01/13 from Russell Kunz, Elevator Sub-Code Official/Inspector, Borough of Closter, c: Michael Sartori, Construction Code Official re Announcing resignation as Elevator Sub-Code Official/Inspector effective February 1, 2014 and thanking the Mayor and Council for the opportunity to work for the Borough for many years (Copy to Construction Official)

The Borough Clerk wished to call this item to the attention of the Governing Body for appointment of Elevator Inspector.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – JANUARY 8, 2014 - 7:30 P.M.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS (Continued)  
a. MAIL LIST OF DECEMBER 12, 2013 (Continued)

Item No. 10: Received 12/11/13 Hand del'd, dated 12/10/13 from Ilan Shemtov, 3 Laurence Court re Requesting an appearance before the Mayor and Council to discuss previously issued fines for removing trees without a permit and new plan for plantings (Copy to Bill Fuchs, Michael Sartori)

Mayor Heymann invited Mr. Shemtov to speak on behalf of his request.

Ilan Shemtov, 3 Laurence Court, reminded he had appeared before the Council previously regarding an unfortunate situation with trees on his property; and informed that he followed the directives given by the Council at that time. He noted that after further review, it appears that five (5) trees were incorrectly listed on the report from the tree inspector. He referred to trees 8, 9 and 10 from the photos taken by the town and the notes from the report stating they were in not fair or not good condition. Mr. Shemtov hired his own consultant and said a tree that has 12 feet of stem and no leaves is a poor-condition tree. The tree in the front that was reported as damaged, when the consultant said it was healthy, so they kept it. The last tree is a maple that is only two feet high.

Mr. Shemtov reiterated that it was an unfortunate situation and said of the twelve (12) trees mentioned in the report he can agree on seven (7) of them. He already planted trees that were approved/approved species by the town. The trees that were removed were not planted by him but have been in existence for years and are not approved trees. He said someone just decided at some point to plant trees without consideration for how they would grow and the conditions they required to thrive.

Mr. Shemtov said they are building a new home and the trees were taken down by accident. At this point, he has planted 12 approved trees in the proper location. He said he is not trying to excuse what happened, but rather explain that despite what happened, it has a better outcome. He invited the Council to personally view the property and voiced his opinion that the fees and fines assessed are outrageous.

Mayor Heymann inquired if Mr. Shemtov brought up his concerns about the mistakenly labeled trees; and if so, what was the outcome. Mr. Shemtov explained that he was told the photo was taken six (6) months ago and what does he (Mr. Shemtov) want from him (Mr. Fuchs). Mr. Fuchs did agree with Mr. Shemtov about the maple tree and he said he spoke to Mike Sartori about the small maple. Overall, Mr. Shemtov said he has no complaints about the Building Department; and he was not sure if he should have come back to the Council after the last time and noted he spoke to the Mayor for advice. He said he hopes they can come to a reasonable solution because he has spent over \$15,000 for the new trees; and said the fine should be suitable to what has happened and the outcome that they have already put in place.

In answer to Councilwoman Amitai, Mr. Shemtov informed they already paid the \$12,000 assessed fine. In addition, he spent \$15,000 on the new trees that were planted. Mr. Shemtov reiterated he agrees that seven (7) of the reported trees he agrees were mistakenly cut down. Mayor Heymann voiced her understanding that he is looking for a return of some of the fine paid and asked what he thought a reasonable fine would be. Mr. Shemtov said considering how much he has spent already he thinks \$5,000 would be a reasonable fine. In answer to the Borough Attorney he informed that Mr. Fuchs has not seen the receipts for the trees that were planted but noted the entire landscape plan including hardscape and landscape cost \$30,000; and he does not believe the invoice breaks down the fee by tree; but he can ask for something. In answer to the Borough Engineer, he said they were fined \$1,000 per tree.

Councilman Barad entered the meeting at 7:45 p.m.

Mrs. Amitai asked for and was given the paperwork regarding the fines that Mr. Shemtov had with him. Councilman Kashwick voiced his desire to obtain further reports and information before any decision is made regarding this matter. Mr. Shemtov provided a letter from Bill Fuchs dated 12/3/13 and a copy of the new plan for plantings at 25 Westervelt Avenue. The Borough Attorney requested a copy of the landscape bill. In answer to the Borough Engineer, Mr. Shemtov advised the trees were planted right after

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – JANUARY 8, 2014 - 7:30 P.M.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS (Continued)  
a. MAIL LIST OF DECEMBER 12, 2013 (Continued)

the 12/3/13 letter approving the new plan. Mr. Kashwick noted it says an inspection will be required upon completion and said he did not see any certification that it was inspected. Mr. Shemtov said they finished the plantings but had not called in yet for an inspection. Mr. Kashwick advised that would need to be completed before any decision is made. Mrs. Amitai asked if he could have the inspections done and come back at the next meeting when they may be able to make a decision. The Borough Attorney requested Mr. Shemtov bring a copy of the landscape bill when he returns. In answer to the Borough Engineer, he informed he was not aware of any plans to show where the previously existing trees were located. He thinks Mr. Fuchs may have it marked in his initial report but said the new plan is very similar to the old plan.

Item No. 11: Received 12/12/13, dated No Date from Chloe Lee, Durie Avenue, to Mayor, Pantelis Paliouras, Church Court, to Mayor, Matthew Park, Homans Avenue, to Mayor re \*Letters from students of Bergen County Academies in Hackensack asking for the following considerations: a. Building a sidewalk on the tennis court side of Knickerbocker Road at Northern Valley Regional High School; b. Building a “Closter Recreational Center” on the open space at the corner of Oakland Avenue and Homans Avenue, southeast of Ruckman Road, north of Kmart and to the west of the golf range; c. Shorten the duration of the red light and lengthen the duration of the green light at the intersection of Homans Avenue and Piermont Road

Councilwoman Amitai voiced her opinion that these are our young leaders of tomorrow and requested they be provided with a response. Mayor Heymann explained this was a school exercise and informed she would respond to them.

b. MAIL LIST OF DECEMBER 19, 2013 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Councilwoman Latner removed Item Nos. 3 and 9; Item No. 2 was removed by Councilwoman Amitai.

Item No. 3: Received 12/13/13, dated 12/13/13 from Chief Dennis Kaine, Closter Police Department re Information re Wellcore, a non-profit organization that establishes community coalitions to promote drug education and prevention who appeared at the Northern Valley Regional High School Board Meeting on 12/12/13; and requesting the topic be placed on a future agenda for discussion

Councilwoman Latner explained, if adopted, it would be a coalition throughout the Northern Valley and would include everything from a Google community to a brand name for the community. Mrs. Latner explained some of the services Wellcore provides and noted they also do grant writing. She explained that even though it was presented by the school system, it is a resource for the entire community. The entire fee for all of the inclusive communities would be \$33,000. She is not aware of who would contribute towards the cost but she is presenting the information because it is something that she would like to see them support along the way if it goes ahead. Mrs. Latner informed there is another meeting tomorrow night where Superintendent Nagy’s preferred vendor if RDT was approved, Sport Safe, is making a presentation. Right now Sport Safe is being investigated by the State for not following a lot of the New Jersey Statutes.

Mrs. Latner informed that tied in with this topic is the court case filed by Northern Valley parents against the School District; and said the Judge determined the Board withheld documents and directed that personal emails must be disclosed so this is basically a victory for the parents who were saying things were not being done appropriately. She said the Board may potentially be having a vote on RDT. Councilman Barad voiced his opinion he supports the efforts the company is trying to make and said he is also unclear as to what the next step might be.

In answer to the Mayor, Chief Kaine said he thinks it is an interesting concept but questioned how the cost would logistically be split between seven (7) towns. Mayor Heymann voiced her opinion that the Board of Education was trying to renege on its obligations by inviting the municipalities to the presentation because the initial payment of \$33,000 to join Wellcore is what the schools had already budgeted for the drug testing. She said if they don’t do random drug testing, they (Wellcore) could go individually to the

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – JANUARY 8, 2014 - 7:30 P.M.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS (Continued)  
b. MAIL LIST OF DECEMBER 19, 2013 (Continued)

schools. In answer to Dr. Barad, she said the schools will have to make a move; and noted they are the ones who invited Wellcore and the Mayors and Chiefs of Police from each municipality to the meeting. Further, she agreed there is a precedent as evidenced by what the region just did with the lightning detection system; and explained the fees were apportioned to each municipality based on needs. Mayor Heymann said she does not think any of these things are barriers but voiced her opinion that the schools should be funding the program completely. She said that the committee she served on to evaluate the RDT said time and again that education is the primary input here. Mrs. Latner said hopefully by 1/23/14 we will know the outcome of the proposal.

Item No. 9: Received 12/18/13, dated 12/18/13 from Michael Sartori, Construction Code Official, to Richard Sheola re Announcing resignation as Construction Official effective once a replacement has been hired and thanking the Borough for the opportunity to serve as same; and recommending Joe Zavarino as a qualified replacement

Councilwoman Latner questioned if there was an update as to who would be replacing Mr. Sartori. Mrs. Amitai informed the Building Department will be having a meeting soon to discuss same. Dr. Barad voiced his hopes that the job will be posted and candidates will be interviewed in a timely fashion.

Item No. 2: Received 12/18/13, dated 12/11/13 from Bergen County Municipal Joint Insurance Fund to Member Municipalities, c: Fund Commissioners, Risk Management Consultants, Fund Professionals re a. Notice of Annual Reorganization Meetings as follows: Bergen County Municipal Joint Insurance Fund - 1/30/14 @ 6:00 p.m. at Seasons Restaurant, Washington Township - An invitation with RSVP form enclosed separately for Mayor and Council/Administrator/Clerk ; Municipal Excess Liability Residual Claims Fund (RCF) - 1/2/14 @ 10:30 a.m. at the Forsgate Country Club, Jamesburg; NJ Municipal Environmental Risk Management Fund (EJIF) - following the RCF @10:50 a.m.; Municipal Excess Liability Joint Insurance Fund - following the EJIF @11:15 a.m.; Also requesting a copy of the Agreement between the Authority and their Risk Management Consultant with Model Agreement enclosed (Copy to Glenn Parsells, Fred Pitofsky) Posted on Municipal Clerk's Bulletin Board 12/19/13

b. Approved FY2014 Budgets approved at a public meeting held 11/25/13 for: a. Bergen County Municipal Joint Insurance Fund; b. Municipal Excess Liability Joint Insurance Fund (MEL) adopted 11/20/13; and informing the following: Environmental Joint Insurance Fund (E-JIF) adopted 10/16/13; 2013 Amended and 2014 Budgets for the Residual Claims Fund (RCF) were adopted 10/16/13 and previously mailed out 10/21/13 (copy to Glenn Parsells, Fred Pitofsky) POSTED ON BOROUGH CLERK'S BULLETIN BOARD 12/19/13!

Councilwoman Amitai questioned if they have arranged the insurance presentation for this year to which the Borough Attorney affirmed same. Mrs. Amitai informed she was on another municipality's website and saw they have the entire JIF presentation recorded and posted on their website and she suggested Closter do the same. Mayor Heymann thanked Mrs. Amitai and said it was a good suggestion.

c. MAIL LIST OF DECEMBER 26, 2013 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 6 was removed by Councilman Kashwick; Item No. 2 was removed by Borough Attorney; Item No. 8 was removed by Borough Clerk; Item No. 7 was removed by Borough Administrator; Item No. 12 was removed by Councilman Glidden.

Item No. 6: Received 12/26/13 Hand del'd, dated No Date from Gary Ricciardi, 219 Demarest Avenue re Request to appeal findings of tree expert Bill Fuchs and informing Ryan Duff, ISA Certified Arborist and N.J. Certified Tree Expert for Almstead Tree & Shrub Care Co. will represent him in this matter (Copy to Bill Fuchs)

The Borough Clerk informed that Ryan Duff was in the audience this evening to speak on the matter. Dr. Barad voiced his concern that we are seeing a lot of appeals recently and a lot of people who are not aware of the ordinance; and questioned how we were going to educate the public on the requirements. Mayor Heymann explained that when someone comes to the Building Department, they are informed about

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS (Continued)  
c. MAIL LIST OF DECEMBER 26, 2013 (Continued)

the ordinance and the requirements; and every single landscaper or tree company in the area knows about Closter's rules. She said we often come across the situation where the company is claiming they are just a hired vendor and did not know about it, which she says is virtually impossible. Dr. Barad suggested sending a letter to each company in the area to have it on record that we sent the information to them. The Borough Attorney suggested changing the ordinance to make it the responsibility of the contractor and adding registration provisions to monitor same. Dr. Barad voiced his opinion there should be some shared responsibility – not just solely the homeowner. Mr. Rogan explained that these cases are unique to each town as they are local laws and not State UCC rules; and agreed we could work on something to inform the contractors. Councilman Dolson reminded that people have come and said they got a permit for three (3) trees or one (1) tree but fifteen (15) were removed, so he believes people are aware. Dr. Barad requested they review the ordinance to give the contractors some responsibility and to do whatever we can to further publicize the requirements. Mrs. Amitai suggested the occasional reminder posted on the Borough website for ordinances that are seemingly not general knowledge.

Mayor Heymann invited Ryan Duff, Certified Arborist representing Mr. Ricciardi to speak on the matter.

Ryan Duff, NJ Certified Tree Expert, explained he has worked in the area for over 10 years, and he was called by Mr. Ricciardi to address a tree that fell apart over his driveway. He took some photos which he passed around and explained that they show thousands of dollars' worth of damage, and one showing the limb is actually inside the car. He went to the property and assessed the tree; and determined it had over 50% die back in its canopy in addition to its location. The tree in question over the driveway is a 17-inch maple; and it is apparent in the photos there is black staining, various diseases and loss of vascular tissue from the die back in the canopy. Mr. Duff assessed that he was unable to mitigate the risk of that tree to make it reasonably safe; and he asserted that he is in the business of preserving trees.

In answer to a question posed earlier, he informed the first thing he does when he arrives at a property is question why the person wants that tree removed – is it fear, less leaves, wanting more sunlight?. He said if it appears the person wants it removed for superficial reasons, the first thing he does is find out if it can be done in that town. He informed his office reviews each town's ordinances on an annual basis to review for any changes. Mr. Duff stated that in order for a tree to be considered a "tree" as the other gentleman had mentioned, it must be at least 4 ½ feet tall. Referring back to the tree in question, he informed he concluded, in his professional opinion, there was absolutely nothing that could have been done to save that tree. Additionally, when he surveyed the property, he found four (4) more trees that were extremely hollow. Bill Fuchs came to inspect the five (5) trees and found three (3) of the trees were of no value. The maple tree was hard to determine how it looked previously because the stump was intact and it only showed some of the discoloration from the disease which resulted in the fine. The second tree, a dogwood, was cut as a result of a neighbor who was unhappy with the tree as it leaned toward the house. The way he wanted to cut it would have created a hazard down the road so he agreed to do so. He explained this tree was split about one foot above ground creating two stems, both of which were less than 5" in diameter so he did not think it would be a problem.

Mr. Duff acknowledged he had cut five (5) trees without a permit and apologized for same; and reiterated he found those five (5) trees were hazardous. He felt they were such a danger that he rescheduled jobs in order to mitigate the hazard quickly. He said he did not find out until after the job was completed that he did not follow proper procedure. In answer to Mayor Heymann, he explained that if he thought any of the trees were of any value, he would have consulted with town ordinances right away, but noted that a lot of municipalities do not have this type of ordinance in place; and said he does review the ordinances and with the information he had, he was not aware you still needed a permit to remove a hazardous tree.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS (Continued)  
c. MAIL LIST OF DECEMBER 26, 2013 (Continued)

Councilman Barad said from the best of his recollection, the ordinance allows that if the Certified Tree Expert says the tree should come down, that is sufficient; and voiced his understanding that the only thing we are missing is the permit. Dr. Barad asked how we could make sure our tree experts are aware of this requirement. Mr. Duff agreed with the earlier suggestion that a mailing would be a great idea and perhaps it should be done annually. He suggested some clarifications could be made to spell out that hazardous trees require a permit as well. Dr. Barad said the Borough agrees with mitigating hazards to prevent injury but stressed that we need to have records of things like that to dispute claims made by other residents and homeowners. Mr. Duff said he took responsibility for the issue; and reiterated that he usually does not find five (5) trees on any one property that require removal right away because they are so dangerous. He asked for the Council's consideration of the cost to replace the red maple at \$578.00 and two (2) 5-inch dogwoods at \$375.00; plus \$100 per tree in fines for a total of \$500; and the \$100 permit fee. He is asking for leniency and consideration of a sum total of \$1,553.00.

Mr. Duff informed that legislation has just been passed that will tighten up the licensing of tree experts in New Jersey and it will help wipe out all uninsured and unexperienced tree care companies.

Dr. Barad thanked Mr. Duff for coming and sharing his knowledge and information with the Council; and said some fine does need to be assessed. Dr. Barad suggested fining only for the lack of permit because had they been approved, he would have been allowed to remove them as not viable regardless.

In answer to the Borough Engineer, Mr. Duff provided a copy of the report prepared by the Borough's Tree Expert Bill Fuchs. Councilman Kashwick said he sees the point of the trees not having value but agreed with the Borough Engineer's earlier comments that we are getting more appeals because we are not taking a strong stand on the ordinance; and he is not inclined to make any adjustments. In answer to Mr. Duff, he said he feels we should be enforcing our ordinance; and although he feels his pain, he reminded Mr. Duff he researches other towns and it is evident Closter requires a permit regardless of the condition of the tree. Mr. Duff agreed the fine per tree is reasonable but disagreed with the first two trees he spoke about: the red maple and the dogwood. He believes that Mr. Fuchs would agree with his assessment of the red maple although he could not see it himself. In answer to Mayor Heymann, he explained he always offers to the homeowners the option to replace the trees; and Mr. Ricciardi indicated at that time he had no intentions of doing so as he still has a lot of trees left on the property to fill in the canopy. He said the suggested fines were for not having a permit and the costs associated with the value of the replacement of the two (2) trees. Councilman Kashwick questioned if the Borough were to reduce the fines, does he think Mr. Ricciardi would be amenable to replacing those two trees; and he said he was not sure but would approach his client. Mr. Duff informed that he and his company would be willing to plant trees in town as a compromise as an alternative; and the Borough Attorney advised same was legal. Mr. Kashwick voiced support for consideration of same and informed they could not take a vote until the Regular Meeting.

Item No. 2: Received 12/20/13, dated 11/27/13 from David N. Grubb, MEL Executive Director, to Member Municipalities & Authorities, Municipal Excess Liability Joint Insurance Fund re 2014-2015 Employment Practices Liability (EPL) Program (Copy to Glenn Parsells, Fred Pitofsky- memo only!) General Counsel to complete 1 page form checking the minimum requirements for updating the plan. – CD OF MEL  
**EMPLOYEE SAFETY ORIENTATION NOVEMBER 2013 ON FILE IN CLERK'S OFFICE!**

The Borough Attorney noted the Civil Rights Policy is on our Agenda for this evening. He said they received the updates from MEL for the Personnel Manual; and they have already compiled them and put them in a draft form. The Human Resources Committee has already been discussing other changes to the personnel manual. Mr. Rogan noted we need to adopt the changes by May 1, 2014 in order to receive our discount; so he advised it should be on the Agenda in March to get it adopted and certified by the May 1<sup>st</sup> deadline. In answer to Dr. Barad, he explained that our current Personnel Manual is a combination of the previous personnel manual and the required MEL language. He affirmed that certain things that could be

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – JANUARY 8, 2014 - 7:30 P.M.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS (Continued)  
c. MAIL LIST OF DECEMBER 26, 2013 (Continued)

potentially changed would require the adoption of an ordinance; and noted he does not want this to get lost as the deadline will creep up on us.

Item No. 8: Received 12/24/13, dated 12/24/13 from Ed Piehler, Chief of Administrative Services, Office of the Bergen County Clerk, to Municipal Clerk re Notification of delivery of the 2014 Elections Calendar this week (to be distributed to Governing Body at 1/8/14 Work Session) 100 CALENDARS AVAILABLE IN THE BOROUGH CLERK'S OFFICE!

The Borough Clerk wished to note this item and invited all in attendance to feel free to take a copy of one of the 100 calendars delivered to her office.

Item No. 7: Received 12/24/13, dated 12/24/13 from [egg@dca.state.nj.us](mailto:egg@dca.state.nj.us) to [closterboroughclerk@yahoo.com](mailto:closterboroughclerk@yahoo.com)  
c: Chief Financial Officer re Local Finance Notice 2013-25 re CY 2014 Budget Matters with proposed Budget Deadline Extensions to be approved by the Local Finance Board at the January 2014 meeting

Borough Administrator wished to note that this Finance Notice outlines CY2014 Budget matters; and informed the deadlines have been changed. He believes we will be able to keep within the original schedule and said he would be sending a note to the Finance Committee to schedule some meeting dates in the next few days. Mayor Heymann noted the County usually has to have their Budget finalized before the municipal deadline; and said since they also received an extension, this will cause tax calculations to not be completed in time.

Item No. 12: Received 12/26/13, dated 12/23/13 from Wallace Nowosielecki, Treasurer/CFO, Bergen County Utilities Authority, to County Executive, Board of Chosen Freeholders, County Clerk, Municipal Clerks/Administrators - All Bergen County Municipalities re Adopted 2014 Budget of the Bergen County Utilities Authority - Water Pollution Control and Solid Waste Management (introduced 10/24/13 pursuant to N.J.A.C. 5:31-2-3) ON FILE IN BOROUGH CLERK'S OFFICE; Public Notice re Public Hearing to be held 1/23/14 @5:45 p.m. at the Administration Building of the Authority, Public Meeting Room, Foot of Mehrhof Road, Little Ferry, NJ (posted 12/26/13) re proposed 2014 Wastewater Service Charges and 2014 Solid Waste Service Charges – Memo & Public Notice only! (Copy to William Dahle, III – Memo & Public Notice only!)

Councilman Glidden noted this is the BCUA annual hearing; and questioned if we knew what our numbers were yet. Borough Administrator informed he has inquired of the BCUA Treasurer twice, who did not have the information at those times. As a general estimate, he took last year's rates and added 3 ½%. Mr. Glidden requested he try and obtain those rates before the public hearing scheduled for 1/23/14 so he may attend the meeting.

d. MAIL LIST OF JANUARY 2, 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 Councilman Barad

Item No. 3: Received 12/27/13, dated 12/23/13 from Eric Andersen, P.E., Chief Engineer/Director of Water Pollution Control Division, Bergen County Utilities Authority, to Mayor re Informing the BCUA desires to update its Wastewater Management Plan before June 2014 when it expires and would like to include the municipality in its update; requesting correspondence via letter or Resolution stating the municipality will not be requesting responsibility for creating its own wastewater management plan before it will allow the BCUA to include the municipality in its plan (Copy to William Dahle III)

Councilman Barad requested this item be followed up on. Borough Administrator referred to Item No. 3 on the Mail List of 1/2/14 noting that the BCUA needs an answer before June; and the Council authorized the Borough Administrator to write the appropriate letter.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING  
(Refer to Regular Meeting Agenda of January 8, 2014)

Mayor Heymann asked if anyone wished to discuss any of the Consent Agenda items. Borough Attorney referred to Item No. 4.

4. INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING – 2/12/14 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2014:1153 “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 173, SPECIFICALLY 173-80 TO 173-92 REGARDING SIGNS” (Received from Borough Attorney 1/2/14)

Borough Attorney noted that the Zoning Officer, Lenny Sinowitz had concern about one word in the proposed amendment 82C and requested that the word “recommendation” be changed to “decision” of the Zoning Officer. He said that the change is diminimus and the ordinance can go forward. Councilwoman Amitai asked for an addition to the ordinance to reflect membership of the Historic Commission or the Improvement Commission. Councilman Barad noted that the existing sign ordinance provides for the committee. Councilman Barad noted that there would be difficulty getting the committee together for a meeting and the purpose of the proposed ordinance was to keep the committee small and flexible. Councilman Kashwick noted that we are not requiring a member from each entity to attend the meeting but the meeting could be composed of any of these people. Borough Attorney noted that the proposed ordinance calls for 3 full members and 2 alternates, at least 4 members must be Closter residents and all members must have one of the following attributes indicated in the proposed ordinance. Mayor Heymann supported the inclusion of a member from the Historic Preservation Commission or Closter Improvement Commission to the list of members of the committee in addition to reviewing any conflict with the ordinance creating the Closter Improvement Commission.

Councilman Kashwick referred to 173-83A Lighting, which references 173-50 and he questioned if this change should be avoided because it is mentioned more than once and may cause unnecessary changes to be made in the future and Borough Attorney affirmed same. Borough Attorney noted that the membership of the committee would be revised to indicate Zoning Board, Planning Board, Historic Preservation Commission or Closter Improvement Commission and that the revised ordinance would be introduced at the Regular Meeting to be held January 22, 2014.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT – The Borough Attorney reminded that Crown Castle did not bid on the lease for the cell tower; and informed that two (2) of the three (3) tenants have been in contact with the Borough; and we have drafted a proposed lease where we would be getting at least as much if not more than we did under the Crown Castle arrangement. The only provider yet to respond to any letters had been AT&T; however, the Borough Administrator informed earlier today that he has been in contact with them. Mr. Rogan would like the Council’s permission to send a letter to AT&T indicating a time limit to respond before they are removed from the tower. In response to several Council inquiries, the Borough Attorney explained that Crown Castle had the option in the lease to not renew and turn control over to the Borough; and if we chose to, we could pay to have the tower relocated or taken down completely. Mr. Rogan advised if there were no objections, he would follow up with Crown Castle in writing; and noted that lessees who were not aware of what the arrangement was going to be had paid Crown Castle, which they in turn, have forwarded to us.

Mr. Rogan reported he sent a letter to the Mayor and Council reminding that the Transfer Station contract is concluding at the end of this year. He said the Mayor will be setting up a committee early in the year; and he advised it would be prudent to do so sooner rather than later as the public bidding requirements call for 60 days for Solid Waste contracts; and we want to have plenty of time for the process. Councilwoman Latner informed the DPW Committee is keeping it under consideration.

6. PROFESSIONAL REPORTS (Continued)  
A. BOROUGH ATTORNEY (Continued)

At this time, the Borough Attorney requested the following items be added to his Report going forward until they are concluded: Personnel Manual; Transfer Station and Cell Tower.

Mr. Rogan requested a Closed Session to discuss a matter of Affordable Housing regarding Village School and contract negotiations for property.

On a separate COAH issue, the Borough Attorney reminded we do not have a procedure in place for administration of COAH housing. We did have an applicant that was approved for two (2) affordable units subject to the COAH restrictions. He informed we are looking into the possibility of obtaining quotes from outside consultants to set up the process for the Borough which will be forwarded to the Mayor and Council for consideration when they are received. Mr. Rogan noted we need to move fairly quickly because at this point there are three (3) units ready to be occupied and we need to have a process in place.

The Borough Attorney reported he has updates on two items for Closed Session regarding potential litigation.

In answer to Councilwoman Amitai, the Borough Attorney explained that although the administration of the COAH units could be done by a Borough employee at some point, but to get the process started, he strongly advised considering hiring a consultant for one year to get things moving. Mayor Heymann informed she and the Borough Administrator have been checking out the costs for consultants; and the minimum cost for those three (3) apartments is about \$6,000; and that is the reason why they have not moved ahead faster with it.

B. BOROUGH ENGINEER

1) STATUS REPORT RE RUCKMAN ROAD, PERRY STREET, OAKLAND AVENUE, FIRE DEPARTMENT ENTRANCE RAMP AND CURB IMPVTS. HIGH STREET (from Legion Place to Knickerbocker Road), 2013 ROAD IMPROVEMENTS, & RUCKMAN PARK WALKING PATH (RM 5/8/13) Awarded to Cifelli and Son General Construction - RM 7/10/13 – The Borough Engineer reported this project is almost completed; and noted work was performed on Ruckman Road today by Verizon. The outstanding item holding up completion is the installation of guide rail on the northerly part of Ruckman, which cannot be installed until Verizon relocates their conduits containing cables. He believes it could take a few weeks to work out how to accomplish this. Upon completion the Borough will be reimbursed by the State because it is a Local Aid Project.

2) BOROUGH ROAD ASSESSMENTS FOR THE PURPOSE OF DEVELOPING A 5-YEAR PROJECTED ROAD PROGRAM - RM 7/24/13 – The Borough Engineer reported this item can be removed from his report since the report was completed and sent to the Borough Administrator in November or December.

3) REPORT RE ENGINEERING/INSPECTION SERVICES FOR (2013) BARRIER FREE CURB RAMP INSTALLATIONS (Per 7/15/13 proposal \$12,050/Approved RM 8/14/13) – The Borough Engineer reported 38 ramps were installed and the project is complete with the exception of remediation of two (2) ramps to bring them up to ADA compliance. This type of work cannot be completed until the Spring; so this project is on hold until the weather breaks. Borough Administrator noted he received the bill from the contractor; and Mr. DeNicola informed they took 10% off the bill.

4) REPORT – The Borough Engineer informed the above items concluded his report.

Councilman Barad noted during the Ordinance Committee meeting yesterday, they discussed the recommendations made by the Zoning Board of Adjustment regarding ordinances that are out of line with what we are doing on a daily basis. One of the recommendations was to change the standard parking size because the one that is listed is somewhat bigger than what we are using or recommend. JoAnn Riccardi voiced her understanding to them that the Borough Engineer disagreed that the minimum requirement should be changed. Borough Engineer explained that the current ordinance reads 10 ft. by 20 ft. as a standard spot; but further in the ordinance there are caveats, so it is flexible. He noted that as a general rule of thumb, they do grant waivers from that requirement regularly. Dr. Barad questioned if because so many

6. PROFESSIONAL REPORTS (Continued)  
B. BOROUGH ENGINEER (Continued)

waivers were granted, would it not just be more logical to change the ordinance; and Mr. DeNicola informed in his fifteen (15) or so years on the Planning Board, nobody has come to request just a waiver because parking is part of the Site Plan Approval process. In answer to Dr. Barad he suggested he was not opposed to changing the ordinance and noted most applicants end up with parking spaces 9 ft. by 18 ft.; but the actual guideline literature says you could go bigger; but then you are losing parking spaces, so there is always a fine line between larger spots and less spaces. Dr. Barad suggested the Zoning Board of Adjustment made the recommendation because they thought it might simplify the process; and the Borough Engineer explained that an applicant would still need the waiver; but that in itself would not cause them to appear before either board. Dr. Barad said he would like to be able to respond to the Zoning Board. In answer to Mayor Heymann, the Borough Engineer explained there are different kinds of parking and each has its own requirements. He said he does not object to changing the Code; and he would work with the Ordinance Committee on same.

Councilman Barad inquired about the striping as approved in the North Parking Lot ordinance. Bill Dahle explained it was too cold to complete the striping at this time; but it should be completed in the Spring.

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) – The Borough Administrator reported he reached out to the E-JIF Environmental Engineer again; and they are unable to give us an answer as to whether or not the E-JIF will take on this project.
- 2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S):
  - a) Mail List requests:
    - 1) American Cancer Society (27<sup>th</sup> Annual GWB Challenge) to take place 6/8/14 (10. M.L. 12/26/13)
- 3) STATUS REPORT RE POSSIBLE FOLLOW UP OF PRESENTATION MADE BY JOHN HATCH, PARTNER, CLARKE CATON HINTZ, ARCHITECTS FOR BOROUGH HALL EXTERIOR AT WS 8/28/13 – The Borough Administrator reported we have an order in for lead paint testing; and, hopefully, we will have results soon. He reminded that CCH has offered to redo the job at no cost to the Borough and requested time for the CCH presentation to be scheduled before adoption of the Municipal Budget so we know the figures we require. He thinks the latter part of February would be ideal.
- 4) STATUS REPORT RE 2014 BUDGET PREPARATIONS – The Borough Administrator reported the Draft of the 2014 Budget is complete; and he needs to finalize the 2013 revenue numbers. Mr. Sheola advised he would be sending an email to the Finance & Budget Committee with proposed meeting dates. Additionally, he will begin scheduling meetings with Department Heads.
- 5) REPORT RE BID OPENING TO BE HELD 1/10/14 @ 11 A.M. RE EMERGENCY GENERATOR EQUIPMENT AND AUTOMATIC TRANSFER SWITCH (Notice published in The Record on 12/23/13) – Mr. Sheola reported before he finished the bid specifications, it was apparent from the last round of estimates received that we would not have enough money to do both the Senior Center and the Library; or just the Library; therefore, we chose to bid out just for the Senior Center.
- 6) REPORT – The Borough Administrator reported that the Borough Attorney stole most of his report items. He reiterated that the HR Committee is working on revisions to the personnel policy and he distributed a draft “employee complaint form” to everyone this evening. Mr. Sheola reported the new payroll system is going well, though the payroll person indicated it was overwhelming at first to switch over from the previous system. He said she indicated that the more she worked with it, the more

7. REPORTS (Continued)  
A. BOROUGH ADMINISTRATOR (Continued)

comfortable she felt using it. He said they (Finance Office) did the online training last week and he plans to do the training in the near future.

At this time, Mayor Heymann referred to the Administrator's report regarding CCH and voiced her understanding that originally they were going to provide us with new specifications and estimates at no charge so we could go right out to bid; yet, he reported they would now be coming to do a presentation. Mr. Sheola said if she wished to discuss it, they could certainly come and do so; but if there are any changes to be made, now is the time before the new package is bid out. Mayor Heymann voiced her concerns that waiting to schedule a presentation would further delay the project; and Mr. Sheola informed it could be done sooner. He explained that the only changes he is aware of that had to be made was to include whether or not there was lead paint on the exterior, which we are in the process of determining, and whether to use colored or clear sealant. This is his best recollection without being able to review his notes. Councilwoman Amitai reminded there are issues where the roof meets the wall and whether to address the issues one at a time or at the same time. Mr. Sheola explained the recommendation is to do everything all at once using a general contractor. Mayor Heymann again voiced her concerns about any delays because the project could be pushed back as far as the Summer in which case we would have an entirely different set of problems. In answer to Mr. Sheola, she said in order to be able to start work in the Summer, we have to start now to have everything in place. Councilman Barad requested that we invite all interested parties who had an opinion on it in the past.

At this time, Mayor Heymann questioned who made the decision to have the emergency generator located only at the Senior Center. Mr. Sheola explained that when the last quotes came in for the Library, they exceeded the funds we have available for 2013 Capital, so he figured one is better than none. Instead of going back and looking for supplemental appropriations, he decided to move forward; and in 2014 Capital include the Library. Mayor Heymann recalled that early on it was decided that the Library had more merit than the Senior Center; and questioned how the decision was made. Mr. Sheola explained he made the call based on funding and he didn't think at the point in time we were at he didn't want to go back and look for a supplemental appropriation to get them all done; so it stood on his shoulders. In answer to Councilwoman Latner, he said he believes he told Don Farrell but said it wouldn't hurt to remind him. He informed that if the prices are good, they will do the Senior Center first and as soon as they get the Capital Budget approved and the ordinances in place, we will do the generator at the Library.

B. BOROUGH CLERK

- 1) STATUS REPORT RE 2014 APPOINTMENTS – The Borough Clerk reported that 114 appointments were made at the Reorganization Meeting and her office is following through on same.
- 2) STATUS REPORT RE 2014 OATHS OF OFFICE – Ms. Castano explained the procedure her office has implemented for delivery of the Oaths and Citizen Leadership Forms.
- 3) STATUS REPORT RE 2014 LICENSES – The Borough Clerk reported once Road Star Limousine is approved this evening, all of the annual license renewals will be completed for 2014.
- 4) STATUS REPORT RE 2014 MEETING DATES – Ms. Castano reported the Annual Notice of 2014 meetings was sent to The Record and Star-Ledger, was published on 1/6/14, posted on the Clerk's bulletin board ; and thanks to Kevin (Whitney, IT Coordinator) is also on our website.
- 5) STATUS REPORT RE PREPARATIONS FOR CODIFICATION OF ORDINANCE NOS. 2012:1134 TO 2013:1152 AS CODE SUPPLEMENT NO. 20 – The Borough Clerk reported she sent a request and received a quote from General Code Publishers; and once Edmunds is rolled over to 2014, she will process the requisition to institute this Supplement. Ms. Castano will refer same to the Administrator for his approval because it did come in under what we had appropriated for that line item in 2013.
- 6) REPORT – Ms. Castano voiced her concern that, as evidenced by our Mail List items, we need to have some procedure in place for appeals regarding trees. She suggested the matter be forwarded to the Ordinance Committee; and offered recommendations from her office. Ms. Castano informed that when people call or stop by her office asking about the procedure, we advise them to write a letter to the Mayor

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – JANUARY 8, 2014 - 7:30 P.M.

7. REPORTS (Continued)  
B. BOROUGH CLERK (Continued)

and Council requesting same which will be placed on a Mail List to be reviewed at the next Council Meeting. They then have to wait for the governing body to review their Mail List request. She voiced her concern that it takes too long /sometimes up to three (3) meetings or more before there is a resolution to each issue. It is a very time consuming process and unfair to the individual(s) making an appeal as well as the Governing Body since insufficient information is provided to the Mayor and Council for them to make an informed decision with all the facts.

The Borough Attorney voiced his opinion that an ordinance amendment would not be required because the current one is rather flexible; therefore, we could implement something procedurally. Mr. Rogan suggested that although the ordinance says to write a letter and then a hearing is scheduled with the Mayor and Council, we have been kind of doing it ad hoc as opposed to setting firm dates. Ms. Castano suggested her office set up a recommendation for procedure which she would forward to all for their review and comment; and no objections were voiced.

The Borough Clerk reported we rescheduled the meeting regarding "When OPRA Meets the Web" presented by Joe Adams, Owner/Operator of Moth and Fire LLC, a Web design and consulting firm, to be presented after our second meeting of the month, on 1/23/14 @9:30 a.m. Our Borough Administrator will be attempting to obtain continuing education units for the 1 hour presentation. It will help assist our employees to work with their computers, teach them how to better access their information and issues dealing with OPMA and OPRA and email and privacy issues.

C. CHIEF OF POLICE

1) REPORT – Chief Kaine reported the Department participated in the "Drive Sober or Get Pulled Over" campaign from 12/6/13 to 1/2/14. We were not awarded grant funds from the N.J. Division of Highway Traffic Safety for this program; however, we used our Drunk Driving Enforcement Fund (DDEF) monies to participate regardless. The Chief reported four (4) DWI arrests were made and 69 motor vehicle summonses were issued. In 2013 we had 36 DWI arrests for the year.

Chief Kaine reported that last year Bergen County Prosecutor John Molinelli issued a proclamation regarding forming a Bergen County Regional SWAT Team. After a series of arduous background and physical tasks, Officer Fehsal was selected to join the SWAT Team. He will be invaluable to the Borough as he will be receiving free training from various agencies; and additionally, the Prosecutor's Office will give the Department \$5,000 a year to cover any overtime costs incurred while Officer Fehsal may be out participating. Congratulations were offered to Chief Kaine and the Police Department for their efforts and support of the officers and each other.

In answer to Councilman Barad, the Chief explained the SWAT Team is always on call, but local priorities will prevail as the County's SWAT Team is also on call.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS: Mayor Heymann informed she had nothing new to report regarding grants. She reiterated that the Borough Attorney will be following up on the Lustron House in Closed Session in addition to the Village School.

a. FILED

1. BERGEN COUNTY HISTORIC PRESERVATION TRUST FUND GRANT APPLICATION (\$189,000 – 50% matching funds available in Closter Open Space, Recreation, Historic Preservation and Farmland Preservation Municipal Trust Fund) TO ACQUIRE AND PRESERVE THE HAROLD HESS LUSTRON HOUSE, 421 DURIE AVENUE, B 1003, L 21 - RM 7/24/13

b. AWARDED

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

c. TO BE FILED

1. To be announced by Mayor

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – JANUARY 8, 2014 - 7:30 P.M.

7. REPORTS (Continued)
  - D. MAYOR (Continued)
    - 2) REPORT
8. OLD BUSINESS
  - a. TELECOMMUNICATIONS TOWER (Requested by Councilman Barad at WS 11/13/13/Discussed at WS 11/25/13) – This item was already discussed earlier in the meeting.
9. NEW BUSINESS
  - a. WELLCORE (Requested by Councilwoman Latner/3. M.L. 12/19/13) – This item was already discussed earlier in the meeting.
10. OPEN MEETING TO THE PUBLIC FOR ANY MATTER PER NJSA 10:4-12(A) SUBJECT TO A 5-MINUTE LIMIT (PER GENERAL RULE NUMBER 11) EXCEPT FOR ITEMS SCHEDULED FOR PUBLIC HEARING AT THE REGULAR MEETING

Steve Isaacson, 97 Columbus Avenue, asked for an update on the change for the bus route and the traffic signal at Piermont and Vervalen; and Councilwoman Amitai said that the resolution was not ready for the last Planning Board meeting. Mayor Heymann said that the County Planning Board has been notified about the traffic signal and a meeting with the Board would be scheduled. Mr. Isaacson referred to the development of Trautwein Farm and possible traffic concerns. Mayor Heymann said that there have been informal discussions on a possible 50,000 square foot structure. Relative to the ADA ramps, Borough Engineer said that they have not been inspected as yet. Mr. Isaacson referred to the tree issue and felt that precedents should not be set for resolving these problems. The building department should make applicants aware of the Borough ordinances.
11. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
12. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
13. ADJOURNMENT

Motion to adjourn the Work Session at 9:22 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 January 17, 2014 for approval  
At the Regular Meeting to be held  
January 22, 2014

---

Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held January 22, 2014  
Consent Agenda Item No. 19d