

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JULY 9, 2014 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:35 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
Superintendent of Public Works, William Dahle III

The following persons were absent:

Councilwoman Victoria Amitai

At this time, Councilwoman Latner asked for a reconsideration of the resolution on Hickory Lane. Borough Attorney advised that technically under Robert's Rules of Order a motion for reconsideration can only take place at the meeting in which the action occurred. What can be done is that a motion can be offered to discuss the further direction for the preparation of revisions if that is the consensus of the Council.

Councilman Glidden expressed his support for rescinding the resolution that was adopted at the last meeting in which the Borough Engineer was directed to prepare for Belgian block curbing and widening of Hickory Lane. He said what we are looking at now is scaling back the project to repaving the roadway so that no trees are removed; and the installation of Belgian block curbing and straightening the roadway is removed. There may or may not be curbing but that would rest on the recommendation of the Borough Engineer.

Dr. Barad said we are not prepared to decide on alternative curbing this evening since the differences need to be discussed. One consequence is we may not be able to do the project this year because of the delay but may be able to do so in stages, which may cost more. Councilwoman Latner assured the residents that all we want is to do what is best and to find the best solution. Mayor Heymann suggested that the Council consider the various possibilities that the Borough Engineer can cost out and then discuss same with a formal motion at the next meeting.

Borough Attorney said since the resolution cannot be reconsidered in accordance with Roberts Rules, this would be a rescinding of the resolution, which according to Robert's Rules would have to be noticed in advance. The Council should give direction to the Borough Engineer to address some of the concerns of the Council and place same on the Agenda for the next meeting at which time action can be taken.

In answer to Councilman Barad relative to historic preservation, Borough Attorney said he would have to research the Federal Statute 106 but he did not believe it would affect the repaving of the road. Tim Adriance said that the Statute would affect alterations, such as adding curbing, sidewalks or anything that affects the status of the roadway where the properties have historic designation which are 119 Hickory Lane and 80 Hickory Lane. The County of Bergen has a 106 Review on every project. The road is recognized by the County of Bergen as a resource but is not recognized as a designated historic site. A flush curb or one that is buried and not intrusive that would not damage the character of the lane would probably be acceptable. In answer to Councilwoman Latner, Borough Engineer advised that the grant must be expended within 18 months of award of the project which was in early May. Mayor Heymann noted that there is a delay at this time because the Department of Environmental Protection is still reviewing the project.

At this time, Borough Attorney advised that a motion be made that the Borough Engineer forebear any action based upon the Resolution from the last meeting (held June 25, 2014). It would have to be put on hold and not rescinded and nothing done based on the previously approved action until the next meeting (to be held July 23, 2014).

- 2a. The following motion was made by Councilman Glidden, seconded by Councilman Kashwick:
MOTION THAT THE BOROUGH ENGINEER FOREBEAR ANY ACTION BASED ON THE RESOLUTION ("AUTHORIZING BOSWELL ENGINEERING TO BID THE HICKORY LANE IMPROVEMENTS & BOROUGH ROAD PROGRAM") ADOPTED AT THE LAST MEETING (HELD JUNE 25, 2014)

BEFORE ROLL CALL VOTE, Councilman Barad noted that there will not be any further votes on this matter at this meeting; and the Borough Attorney advised that it would be placed on the Agenda for the next meeting at which time there will be discussion and possible action taken.

Said motion was declared carried upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

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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)

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 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

The following Ordinance was introduced at the Regular Meeting held 6/11/14 and was published in The Record on 6/17/14 as stated in the 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:

ORDINANCE NO. 2014:1170, "AN ORDINANCE ACCEPTING BLOCK 1805, LOT 1, COMMONLY KNOWN AS THE CLOSTER SWIM CLUB"

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

Motion adopting Ordinance No. 2014:1170 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.

5. PUBLIC HEARING RE HARDSHIP APPEAL OF TREE FINE – BOROUGH CODE CHAPTER 181:6C – TREES, VENTURINI, 86 WAINWRIGHT AVENUE - Requested by Borough Attorney WS 6/11/14 (16. M.L. 5/22/14)

Mayor Heymann opened the public hearing.

Robert Metzdorf, Esq. representing Phillip and Vicky Venturini said his clients have lived in Closter for 35 years and did not knowingly harm their property. Over the past two years they hired two certified tree contractors to remove three trees this year and the year before two trees. They are being charged for removing 12 trees of which 7 trees they have no knowledge. They did not know that the Borough required a permit to remove trees but have received permits for all other improvements they have done to their home. He said that the tree companies never advised the homeowner about the need for a permit and in that the contractors were negligent. They are not asking the Borough to absolve them of responsibility but ask that the financial responsibility be more reasonable. They did not remove the other trees only the five which they contracted for; and the bill from Ken's Tree Service shows the removal of marked trees on the other side of their swimming pool at a cost of \$1,795. Prior to that, Arrow Tree Service noted on their bill the following: "TREE REMOVAL IN REAR ... NORWAY MAPLE removal at a cost of \$2,889". It was noted that one tree was dead and the others were in an area that was overcrowded. Mr. Venturini said we take pride in our property, the trees are sprayed on a regular basis and we would have obtained a permit if we had known but felt the tree company should have asked if a permit had to be obtained. Councilman Barad questioned if the homeowner had a grievance against the tree contractors and Mr. Metzdorf said he would be discussing same with his clients but he believed that they did not want to be involved with litigation. His clients wish to come to a reasonable conclusion to this matter. There was a discrepancy in the amount of the fine, which was indicated at over \$11,000 in a certified letter from the Borough; but this evening Mr. Fuchs noted that same was \$7,750. He said the trees are valued at up to \$27 per square inch and you could not determine the health of the tree by looking at the stumps but one looked dead. An inspection of the stumps also indicated that three were cut this year and seven trees previously.

Marjorie Vandervoort, 103 Wainwright Avenue, said she has lived in her home since 1953; and the Venturinis are the third family living in that home with the hill bare; and that we have watched the trees grow over the years. If they only took down five trees, it did not surprise her that other trees were removed in the past to see the sunsets.

Mr. Fuchs (who had his original report dated May 5, 2014) noted that the fine was \$2,800 the value of the trees (removed without a permit) was \$4,800 and the permit fee of \$150 for a total of \$7,750. Mayor Heymann expressed her concern about the discrepancy between the figures given to the homeowner and those provided this evening. The Council will review the matter and suggested that a decision not be taken this evening.

Mayor Heymann closed the public hearing.

In answer to the Borough Attorney, Mr. Fuchs said that the tree stumps and wood were solid and the branches left on the ground seemed healthy but that one tree on the ground looked dead. He explained that you can tell the difference between a tree cut down this year and ones cut down in previous years.

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6a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 14, 15, 16, and 19b. was made by Councilman Glidden, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson

RESOLUTIONS

- 7. BILL RESOLUTION – JULY 15, 2014 (Received from Deputy Treasurer 7/3/14)
- 8. RESOLUTION AWARDED CONTRACT UNDER THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR ONE (1) 2014 2015 OR NEWER INTERNATIONAL 7500 CAB & CHASSIS, GVWR 44,000 LBS, 4X2 DRIVETRAIN WITH HEIL PT100 20 CUBIC YARD REAR LOAD PACKER BODY TO HEIL INC. C/O VASCO VASSO SYSTEMS, INC., 159 COOK STREET, BROOKLYN, NY 11206, IN THE AMOUNT NOT TO EXCEED \$180,000.00 \$179,762.65 PER NJPA CONTRACT # 060612-ESG (Received from Administrator 6/24/14) (Correction received from Borough Attorney 7/9/14)
- 9. RESOLUTION AUTHORIZING THE BOROUGH CLERK TO BID FOR IMPROVEMENTS TO THE POLICE FIRING RANGE (Received from Administrator 6/17/14)
- 10. RESOLUTION AMENDING RESOLUTION NO. 16 ADOPTED AT THE REORGANIZATION MEETING HELD 1/2/14 DESIGNATING AUTHORIZED SIGNATURES ON BANK ACCOUNTS (Received from Mayor 7/2/14)
- 11. RESOLUTION AUTHORIZING DEPUTY TREASURER TO ISSUE RETURN OF CLOSTER ZONING BOARD OF ADJUSTMENT ENGINEERING/LEGAL ESCROW FUNDS IN THE AMOUNT OF \$742.00 TO IAN NAVEEN BIRLA FOR PROPERTY LOCATED AT BLOCK 2305, LOT 9, 246 PARSELLS LANE DUE TO DENIAL OF ZONING BOARD APPLICATION (Received from Deputy Treasurer 7/2/14)
- 12. ~~RESOLUTION APPOINTING ROBERT S. HOFFMAN AS TEMPORARY QUALIFIED PURCHASING AGENT (CERTIFICATE NO. 1008) FROM 7/1/14 TO 9/15/14 AT A SALARY OF \$50.00 PER HOUR (Received from Mayor 7/2/14)~~

Borough Attorney explained that the following revised resolution corrects the wording to indicate that the appointment is not for a salary but for a consultation fee. Wording was included that same would be under \$17,500 annually and therefore exempt from New Jersey Pay to Play. This is an interim position until someone is appointed to that position.

RESOLUTION APPOINTING ROBERT S. HOFFMANN AS TEMPORARY/INTERIM QUALIFIED PURCHASING AGENT FOR A TRIAL PERIOD FROM 7/1/14 THROUGH 9/15/14 AT A CONSULTING FEE RATE OF \$50 PER HOUR NOT TO EXCEED \$2,500 (Received from Borough Attorney 7/9/14)

- 13. RESOLUTION NO. 2 RENEWING 2014-2015 LIQUOR LICENSE FOR PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-003-007 – GJEVUKAJ RESTAURANT CORP. (Tax Clearance received 7/2/14)

MOTIONS

- 14. ~~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	_____

- 15. ~~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 Alternate No. 1	Janice Pierro	_____	2 Years Unexp. (Pierro) to	12/31/14
<i>(Janice Pierro reappointed to Member at RM 1/22/14)</i>				

IMPROVEMENT COMMISSION

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

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
RECREATION COMMISSION Associate Member	Wendy Nigro	_____	1 Year to	12/31/14

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17. MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO THE RECREATION COMMISSION
 (Requested by Jim Oettinger – 7. M.L. 7/3/14):

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
Associate Member	_____	<u>Derek Short</u>	1 Year	12/31/14
Associate Member	_____	<u>Erminio Parrella</u>	1 Year	12/31/14

18. *POSSIBLE* MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO THE FOLLOWING
 NON-SALARIED POSITIONS FOR AN UNEXPIRED 1 YEAR TERM (SHEOLA/ADMINISTRATOR)
 TO 12/31/14:

<u>OFFICE</u>	<u>APPOINTEE</u>
AFFIRMATIVE ACTION OFFICER	<u>Loretta Castano</u>
APPROPRIATE AUTHORITY	<u>Loretta Castano</u>
NJ MOTION PICTURE/TV COMMISSION Administrator	<u>Mayor Sophie Heymann</u>
PARKING RESERVE Administrator	<u>Mayor Sophie Heymann</u>
TREASURER	<u>Maria Passafaro</u>

Mayor Heymann confirmed with Mr. Kashwick that these appointments did not involve any additional compensation.

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

- a. REGULAR MEETING HELD 6/25/14 (Distributed 7/3/14)
- b. ~~WORK SESSION HELD 6/25/14 (Distributed 7/3/14)~~

Councilman Barad explained his understanding that the Work Session Minutes did not reflect a conversation between the Borough Engineer and Ree Hartwell concerning the bidding of the Hickory Lane project. He questioned if same should be revised to include this conversation; and Borough Clerk said she would review the Minutes which were removed from the Consent Agenda.

20. REPORTS

- a. CONSTRUCTION OFFICIAL – JUNE 2014 (Received 7/2/14)

6b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

21. 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.

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

Relative to the Department of Environmental Protection issue on the Swim Club property, Mayor Heymann said she would like authorization for the Borough Engineer to pursue the matter and for the Borough to make an application to Green Acres to subsidize one half of the cost. Councilman Barad said at this moment the property is contaminated but we do not know the level; and Mayor Heymann said that we would be continuing the investigation but not the remediation. Councilman Kashwick asked if Open Space money would be used to clean up the property; and Mayor Heymann said that it would not be permitted. She said the request from Green Acres was for the Borough to show activity in the account.

- 22a. The following motion 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:

MOTION AUTHORIZING BOROUGH ENGINEER TO CONTINUE THE INVESTIGATION OF THE CONTAMINATION AT THE SWIM CLUB TO DETERMINE THE EXTENT OF THE CONTAMINATION IN ACCORDANCE WITH THE PROPOSAL DATED JULY 9, 2014 NOT TO EXCEED \$46,500 – MEMORIALIZING RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY FOR REGULAR MEETING TO BE HELD 7/23/14

- 22b. The following motion was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson:

MOTION TO SUBMIT AN APPLICATION TO GREEN ACRES TO SUBSIDIZE 50% OF THE COST OF THE INVESTIGATION (OF THE CONTAMINATION AT THE SWIM CLUB TO DETERMINE THE EXTENT OF THE CONTAMINATION IN ACCORDANCE WITH THE PROPOSAL DATED JULY 9, 2014) - MEMORIALIZING RESOLUTION TO BE PREPARED BY BOROUGH ATTORNEY FOR REGULAR MEETING TO BE HELD 7/23/14

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Borough Attorney informed the Council would have to make a decision as to whether to go forward with a resolution to increase the contribution for the highest-level firemen from \$700 to \$968 and for the Ambulance Corps from \$600 to \$830 or go for a referendum on the matter. Borough Attorney was authorized to prepare a resolution to increase the contribution to the maximum amount for action at the next meeting.

Mayor Heymann referred to radiators for Borough Hall at a maximum cost of \$44,000 to \$48,000 for installation, labor and materials; and Superintendent of Public Works noted that the units were \$1,700 each for a total of 13 units plus installation and materials in addition to extra cosmetic costs that would bring the price to approximately \$50,000. The cost of the project would come from the original building improvement budget. It was noted that the heater units would have to be ordered and there was a 10-week time line on same. Borough Attorney said that written quotations are necessary in addition to certification from the Chief Financial Officer. Superintendent of Public Works said that the project must commence by September 1st in order for the outside of the building to be properly sealed. If this goes too long and the units cannot be ordered in a timely manner, the Borough Hall will be without heat in October. He said that this project should have been included in the original architectural plans.

Borough Attorney (referred to Item No. b.2. on the Mayor's Report in the Work Session) and informed he received a phone call from the County Attorney regarding the \$175,000 Grant awarded to acquire and preserve the Harold Hess Lustron house... explaining that in the event there is a donation made, the Borough's application must be changed to *preservation* rather than *acquisition*. This would have to be done by September.

- 22c. Motion approving the following Closed Session Resolution at 10:45 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson

OMNIBUS 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 12 to 14 weeks.

23. ADJOURNMENT

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

Provided to the Mayor and Council on
July 17, 2014 for approval at the
Regular Meeting to be held
July 23, 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 July 23, 2014
Consent Agenda Item No. 20a

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – JULY 9, 2014 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session on Wednesday, July 9, 2014. Mayor Heymann called the meeting to order at 7:33 p.m.

1. PLEDGE OF ALLEGIANCE

Mayor Heymann invited all to join in the Pledge of Allegiance.

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Annual Notice of Meetings which was published in The Record and the Star Ledger on January 6, 2014, was posted on the Municipal Clerk's bulletin board and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

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
Superintendent of Public Works, William Dahle, III

The following persons were absent:

Councilwoman Victoria Amitai

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF JUNE 26, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 4 was removed by Councilman Glidden.

Item No. 4: Received 06/20/14, dated 06/16/14 from Martha Sullivan Sapp, Acting Administrator, NJDEP Green Acres Program, to Mayor Sophie Heymann re Project #0207-00-012, Closter Open Space Acquisition, Closter Borough, Bergen County; informing the noted Green Acres Project is in jeopardy of being cancelled for lack of progress; funding originally appropriated in 2000 and 2001 with additional funding approved in 2012 noting only one (1) parcel has been purchased with no additional funds disbursed since April 2009 and informing **no time extensions will be granted** (distributed 6/20/14) Copy to Environmental Commission

Councilman Glidden questioned what the date was to have a project earmarked for these funds prior to losing them. Mayor Heymann explained depending on two separate messages she received, either 7/23/14 or 7/30/14 and informed she would discuss same further under her report.

b. MAIL LIST OF JULY 3, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Councilman Kashwick removed Item Nos. 10, 11 and 12.

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Item No. 10: Received 07/01/14, dated 07/01/14 from Pat Garbe Morillo (Former Borough Historian and HP Commission Chair) re Requesting reconsideration of Historic Hickory Lane Improvements (Copy to Historic Preservation Commission)

Item No. 11: Received 07/02/14, dated 07/02/14 from Mary Mayer, 12 McCain Court re Objection to plans to upgrade Hickory Lane

Item No. 12: Received 07/02/14, dated 07/02/14 from Arthur F. Goldberg, M.D., Co-Historian, Member, Environmental Commission, Borough of Closter re Requesting reconsideration of plans to upgrade Hickory Lane until the input of the Environmental, Historic and Shade Tree Commissions may be heard (Copy to Environmental Commission, Historic Preservation Commission, Shade Tree Commission)

Mr. Kashwick explained these items pertain to the Hickory Lane Improvements Project and noted they have been receiving numerous comments regarding same; and he wished to discuss the matter further at this time. Mayor Heymann informed the DPW Committee met just prior to the meeting and discussed same and asked Councilwoman Latner to report on the matter.

Councilwoman Latner reported the Committee had received information this week regarding the grant; and the project would still be covered if there were no sidewalks or curbing installed. They are taking into consideration a lot of the letters and different issues; while there are still a lot of beliefs of wanting to do it so if it is done the right way, we are also at the point of wanting to preserve the historical nature of the road which so many are concerned about. At this point, the Committee proposes the project be done with the milling and resurfacing but not the Belgian block and curbing or widening of the road.

At this time, Mayor Heymann informed for anyone in the audience who was not present at the last meeting (on 6/25/14) what the Council voted on regarding the Hickory Lane Project which they felt was in the best interests of the Borough. She explained there has been a large public outcry against that policy and said that even though we know asphalt will not last as long and there will continue to be major water problems on the road without curbing, they felt it was their duty as a Council to provide what they felt the majority of the constituents wanted. She informed they will be taking up the issue again in the Regular Meeting.

Mayor Heymann wished to inform anyone who lives on Hickory Lane or has anything to do with the road that the Council will be including in the potential new proposal that the residents will be responsible for the sidewalk areas although there will be no sidewalks and the curb lifting. If there is damage due to water streams, the residents will be responsible for fixing those problems because this is what the residents have expressed they want.

Councilwoman Latner explained the DPW Committee had requested a lot of information and additional details from the Borough Engineer as far as the Belgian blocks and curbs and road widening; and it was explained to them that when it snows, the plows cannot go around a curb that is bending. She said this is one of the matters for which the residents will also be responsible. Mrs. Latner noted there is already a lot of damage to the existing curbs due to plowing this past winter because asphalt curbing does not hold up as well. She said although the Borough recognizes there will be water runoff and that type of problem but it is not necessarily what the Borough would recommend in terms of engineering or long term; but if this is the outcry, they are looking to come to a compromise.

Mayor Heymann noted there are several members of the Historic Preservation Commission in attendance this evening and asked them to consider designating Hickory Lane as an historic road, if they feel that strongly about the issue and they feel their constituents would agree, because this would put a stop to any further discussions on the issue.

At this time, Councilman Barad noted they have the ability to discuss the issue more freely in the Work Session; and questioned if the road is repaved with asphalt and no curb or sidewalks, what the lifespan of the road would be. Mr. DeNicola estimated the lifespan to be approximately 25% less than it could be; and said signs of deterioration can appear within as little as two years depending on the rainfall and water runoff and other environmental conditions which are hard to predict. The rain will do the most damage to the road so it would be difficult to project when the road will next require maintenance. Mr. DeNicola's best estimate would be minimally five years out without a curb. In answer to Dr. Barad, he

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explained such maintenance would include patching, possibly stone along the end of the pavement which has been placed over the years. He explained that without maintenance, we will get undue erosion and it will undermine the pavement and cause more deterioration. He said that if the road was constructed as originally planned, the lifespan would be a good 15 years.

Dr. Barad asked for an estimated comparative cost of the changed plans versus the original over the expected lifespan noting that it is difficult to estimate. The Borough Engineer informed that if the road is done correctly it will only have to be done once every 20 years for about \$700,000. If we do it the lesser way, it will have to be redone two to three times in that same time span – maybe mill and resurface twice maybe three at the most with good upkeep. In regards to the revised plans to do blacktop, there will still be milling and resurfacing required along with reconstruction because the road is so deteriorated. The initial construction will be more expensive but thereafter will cost much less than the first time by about 30%. In answer to Dr. Barad he said the current estimate is \$450,000 so each time after would be about \$300,000. Based on stable pricing it could be approximately \$800,000 to \$900,000 over the same course of time. Dr. Barad recognized that the costs are spread over a period of time and they could increase with inflation going forward. Mr. DeNicola advised it will definitely cost more over the given comparative timeframe.

The Borough Engineer said it is up to the Borough what they want to do; and reminded that asphalt curbing will help a little but gets damaged each time a car runs over it or a plow or truck hits it so it doesn't hold up and requires much more maintenance. In answer to Councilman Kashwick he said it will only mitigate the water issues to a certain extent but two years down the line when the curb is broken and requires repairs, they will be spending good money and only getting two years of life out of it; and he does not think it's worth it. Dr. Barad asked if there would be less tree removal required under the proposed new plan; and Mr. DeNicola informed if it's only milling and resurfacing, no trees would have to be removed. He said it's when you start playing with the pavement and improving the road that certain guidelines begin from there as far as a construction standpoint. The current plan would save most if not all of the trees; the current plan calls for 10 trees to be removed. Dr. Barad noted there was a new house constructed on Hickory Lane and they installed Belgian block curbing.

Dr. Arthur Goldberg, (75 Harvard Street) said as he authored Item No. 12, and many questions have been raised and the large number of people in the audience; and the Mayor and Council give a very limited time to the public wishing to speak, he figured the best thing to do would be to read the letter he wrote so the general public would be aware of the issue they are dealing with. Dr. Goldberg explained the oldest and most historical lane is Hickory Lane, which dates back to the pre-revolutionary war period, and has been essentially unchanged since then. He said without public knowledge the Council decided to vote on making major changes to the Lane; and although improvements are needed, drastic changes are not. The Council voted for a straightening of the road and Hickory Lane lazily winds its way down Anderson Avenue to Piermont Road. Dr. Goldberg read from his letter urging the Council to hold up a vote on this issue until members of the Historic Preservation, Environmental and Shade Tree Commission have had an opportunity to study this and make their recommendations so the Mayor and Council can make an educated vote. This road has satisfied the neighborhood and community for over 250 years; and now there are those on the Council who want to destroy the historic character of the road. During the last vote, there were three Council Members in favor and three against with Mayor Heymann casting the deciding vote. He asked the Council to consider rescinding their vote and offered a few suggestions: Put on hold the implementation of the Resolution and to reevaluate the vote that was made; and refer the issue for comments and advice to the Historic Preservation, Environmental and Shade Tree Commissions and the NJDEP. Dr. Goldberg explained he had an issue a few years ago with the Temple Emanu-El site and the historic building that is located across the way where they ended up in Superior Court because his understanding is that there is a State Statute preventing any changes until historic designation is made. He noted Pat Garbe Morillo referred to same in her letter (Item No. 10) as a Section 106 review. He thanked the Mayor and Council for allowing him the opportunity to speak.

Mayor Heymann reminded there is no discussion on the issue now but there will be later on.

Mary Mayer, 12 McCain Court recalled the controversy on Hickory Lane to bring in a large establishment and the Borough tremendously supported maintaining the integrity of the street and avoiding a situation

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that would change the character of the road. She voiced her opinion this is a similar situation inasmuch as the Borough wished to maintain the integrity and support the residents who felt it was an historic thoroughfare. She noted there are existing sidewalks but they are covered with debris due to lack of maintenance by the property owners as required by the Borough Code; and she feels it would be better for those residents to address same rather than change the character of the road. Ms. Mayer expressed her support for some type of curbing, even asphalt, saying that Belgian blocks are very hard on vehicles when they make contact as Hickory Lane is a very narrow road. Ms. Mayer referred to the Borough Engineer and noted there is an area lacking sidewalks where it seems there is a lot of undercutting from the stream. She questioned if there were provisions to help curb that issue in the plan. Mr. DeNicola advised there are no current provisions as the NJDEP will not allow the Borough to install sidewalks in that area. He explained they have requested same in the past in addition to present, and the DEP will not allow installation of curb or sidewalk; their priority is stream first and people second.

At this time, Mayor Heymann said she wished to correct some misinformation and add to what Ms. Mayer discussed. She said it is true that everyone has always considered Hickory Lane to be a very special road. She referred to Ms. Mayer's comments regarding sidewalks and said that at that time, there were residents who wanted a change with sidewalks and curbs for safety reasons; and the Borough at that time responded to those requests. She explained that she and the Borough Engineer had gone to Trenton to obtain permission from the State to repair those sidewalks and were turned down. She wanted everyone to be aware of the restrictions of the DEP; and that during fact checking, the Borough was responding to requests from those vocal residents for improvements at that time. At the same time, those same residents who had been vocal no longer were, but others came forward and they responded to what the residents wanted.

The Borough Engineer explained the plan can be done with or without sidewalks but not near the stream; and the Borough Attorney cautioned there are DEP prohibitions. In answer to Ms. Mayer, Mayor Heymann explained those existing and deteriorated sidewalks are within 200 feet of the stream and cannot be repaired or rebuilt even if they were previously existing. Mr. DeNicola explained it is looked at on a case-by-case basis that there could be consideration as a sidewalk with 50% or more left could be repaired, but a sidewalk that is 25 years old and mostly deteriorated that is near a stream cannot.

Mayor Heymann informed that there will be sufficient time later in the meeting for public comment and this will allow the Governing Body to work faster. Councilman Kashwick requested the Council make an exception at this time to allow the public to further comment. Mayor Heymann requested that anyone wishing to speak not repeat any comments previously made to allow everyone wishing to speak the time to do so.

Tim Adriance, Chair, Historic Preservation Commission distributed a packet of various maps indicating Hickory Lane from 1745 to 1876 to the Governing Body and noted this is one of three early roads in Closter that predate the Revolutionary War along with Old Clouster Road which became Piermont Road; and Harvard Street. At that time, these were mostly access paths to Resolvert and Baron Nagel's home; and the first time Hickory Lane shows up as a distinct road was around 1839-1840 and described the additional background of the road. Mr. Adriance voiced his opinion that Hickory Lane is a "farm lane" and agreed with the suggestion that the Historic Preservation Commission place the road on their agenda for consideration. He noted we have National Register properties on Hickory Lane, namely numbers 80 and 119, and said as a normal course of action, they perform a Section 106 Review which is done at the County Office of Cultural and Historic Affairs which is authorized by the State Historic Preservation Office to implement and make decisions regarding the list of National Register properties. Mr. Adriance applauded the Council for making the change (in position) and voiced his support for working together. He explained the history of the hickory tree in response to Councilman Barad's inquiry.

Daren Swatek, 75 Hickory Lane, informed she has lived here for 25 years and the road has never been paved; but expressed that her family has been anticipating the paving this summer. She said she was confused because after the last meeting she attended, she was under the impression the paving would take place this summer; but now it seems there are ongoing issues and that is not going to happen. Ms. Swatek wished to voice opinion on behalf of her family in support of paving the road but felt that curbing with

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asphalt would be penny-wise and pound-foolish. She hopes the Council will continue to consider Belgian blocks or traditional curbing but said she does not think sidewalks are a good choice for Hickory Lane. Though there are a lot of opinions, she wished to express hers that if the road were redone with asphalt curbing, they would be surprised as they have seen it done on Bradley and it lasted two years. She feels it would be more prudent to invest in a plan that will last for 20-30 years versus 5-8 years and having to spend the bulk of that investment again.

Mayor Heymann thanked Ms. Swatek for her comments and voiced her opinion that it shows the Council what a difficult decision this truly is to make. Ms. Swatek questioned if there was a way to pave the road and add some kind of retaining whether Belgian block or regular curb without using asphalt, adding sidewalks or widening the lane. The Borough Engineer said there is a way, similar to what was done on West Street, where they buried concrete curbing. Ms. Swatek noted someone on her street recently did Belgian blocks and said it looks great and will retain the road; and noted there are others in opposition to Belgian block but urged a compromise because she does not feel asphalt is the best option. Dr. Barad voiced his understanding that many people were under the impression that the original plans included straightening the road; and he wished to explain that they weren't going to straighten it in a literal sense as the road would still wind; they were going to widen it so the edges would be uniform distances for plowing; and the Borough Engineer affirmed same.

Dan Levine, 198 Hickory Lane, voiced his opinion there is a traffic problem with cars coming from Anderson Avenue cutting the corner onto Hickory Lane turning on the wrong side of the road. He explained there was almost an accident about a year ago as he was backing out of his driveway and a distracted female driver ended up driving onto his neighbor's driveway next to another car. She drove across the lawn to avoid a collision and he wanted to bring this to their attention for better enforcement. Mr. Levine supported retaining the "No Left Turn" onto Hickory Lane sign as it protects the residents who worked very hard to have the sign installed. They feel it reduces the number of cars using the street as a shortcut.

Mayor Heymann informed the Borough has asked the Alpine Police Department and the County Road Department to put signage on the corner of Closter Dock Road and Anderson Avenue to prevent trucks from going down Anderson Avenue and making that dangerous left turn.

Bobbie Bouton-Goldberg, 162 Anderson Avenue on the corner of Hickory Lane, wished to add that a lot of big trucks don't realize it is a dead end and they go through the sign and then have to back up onto Hickory Lane and her yard. She expressed her love for Hickory Lane and said she was encouraged by the present talks for the road and asked the Council to keep it special. She suggested speed bumps as a possibility.

In response to Councilwoman Latner, the Borough Engineer voiced his understanding from the emergency services that it could cause more injuries or damage during emergency transports. Mrs. Latner wished to reassure that they have looked at many options and they are trying to consider some of these things but noted this is something that came up against speed bumps. Dr. Barad requested Ms. Bouton-Goldberg reiterated what her impression for an improved Hickory Lane would be for the record.

Ms. Bouton-Goldberg said she would not widen the road and leave the trees; but she realizes surfacing is a problem and said she would leave that up to the experts as long as the ambiance and historical significance is retained. She said she would also leave it up to the experts in regards to curbing. On behalf of resident Bill Egan who could not be here tonight, she said he does not want to end up seeing a city street.

Amy West, 1 McCain Court on the corner of McCain Court and Hickory Lane, questioned how they proposed to slightly widen or straighten anything or install curbing without cutting down foliage – not trees. The Borough Engineer responded that to install curbing, they will definitely have to cut down some foliage and how much and where depends on the final plans. Ms. West requested the removal of the least amount of foliage possible.

Mayor Heymann clarified for Ms. West that the original plans that have been set for the past six months only included 8-10 trees be removed and nothing more and Mr. DeNicola affirmed same. Ms. West reminded that at the last meeting, she was assured there was not going to be a vote taken on the project; but after the public all left, the Council voted on the project. Dr. Barad responded that nobody ever said there

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was not going to be a vote taken as the Regular Meeting is held after the Work Session; and it is a public meeting anyone is welcome to attend. Mrs. Latner agreed and said nobody would have said no vote was going to be taken as the Resolution was on the Agenda; and Ms. West misunderstood what was going to happen. She noted the vote was taken at the end of the meeting which ran very late because they allowed the public time for comment, which they do not mind doing. Mayor Heymann informed Ms. West her time was up and Ms. West said she would review the Minutes of the meeting and perhaps the recording as well.

Ted West, 1 McCain Court, begged to disagree with the Mayor and Council and recalled the Borough Engineer saying that night that no vote could be taken that night because the DEP had to approve the plans near a C2 stream. Mr. DeNicola corrected Mr. West and said his response was regarding going out to bid; not approval of the proposed plans. Mr. West expressed his disappointment that it was not made clear a vote would be taken. Mrs. Latner apologized if Mr. West misunderstood what the Borough Engineer was taking about, invited him to review the minutes from the meeting and explained the voting happens later in the meeting; and if the public does not wish to stay, it is out of their control. Mrs. Latner wished to remind everyone that the Council members are here as volunteers to do what is the best for the entire town; and said she takes offense when Mr. West is saying that Mr. DeNicola said there would be no vote. The Borough Engineer reiterated what he said was that there could be no authorization to go to bid without DEP approval; and Mrs. Latner said that was her understanding as well.

Ree Hartwell, 1 Bradley Place, agreed with Mr. and Mrs. West and said she recalls hearing there would be no vote taken and heard no mention of authorization to bid. She said she was unable to obtain minutes from the meeting because they are not on the website. The Borough Attorney informed that minutes from the immediate past meeting are approved at the subsequent meeting; and after that time, they would be posted. Ms. Hartwell reiterated her agreement with Dr. West that they were assured no vote would be taken.

Leslie Brunell, 2 Taylor Drive, said she lives a block in from Hickory and she wished to encourage not widening the street. She does not oppose curbing and noted the water problems from the north side travel down into the Nature Center. She asked if anything could be done to keep it as pervious as possible to please consider same. Ms. Brunell voiced her opposition to taking down trees and widening the road. She voiced her opinion that if the road is widened or straightened and trucks can make a left onto Hickory Lane, there will be fatalities on the street. In response to Dr. Barad's inquiry she voiced her opinion she would oppose removing bumps in the edges of the street to keep the speeds at a minimum.

Dr. Barad referred to the Borough Engineer and asked his opinion regarding placing curbs on one side and putting in a swale on the high side. Mr. DeNicola asked if it was made of concrete; advised if you put a grass swale, it would reduce the speed in the road but the velocity will increase because it is a steep lane; and affirmed a block swale would last longer but agreed you would have to go more into the right of way. In answer to audience comments, the Borough Engineer informed if you install the flush curbing, as on West Street, then you have to dig down and take out root systems which requires tree removal.

Mayor Heymann thanked all for their comments and input and voiced her understanding that the Council will do their best to make the best possible decision for all of Closter.

At this time, Dr. Barad informed the audience that the Council may be voting on something later, though at this time they are not sure what that will be. He invited all to stay for the vote. Councilman Glidden explained that a Council member would have to put forth a proposed Resolution and it would be voted on.

The Borough Attorney explained that votes only happen in the Regular Meeting; we are currently in a Work Session, which typically is limited to the Council talking amongst themselves but was opened to the public as a courtesy. The Resolution could be moved to be reconsidered but would have to be moved by a Council Member who voted in favor of the passing resolution and a vote to modify the previous vote would be taken. In answer to Mr. Kashwick, he advised it could not be seconded by someone who voted against the original Resolution; he concurred it would have to be two people who made the vote to open it up for discussion; and referred to Robert's Rules of Order.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of July 9, 2014)

Councilman Dolson referred to Item No. 8; Councilman Barad referred to Item No. 9; Borough Clerk referred to Item No. 12.

8. *POSSIBLE* RESOLUTION AWARDING CONTRACT UNDER THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR ONE (1) 2014 OR NEWER INTERNATIONAL 7500 CAB & CHASSIS, GVWR 44,000 LBS, 4X2 DRIVETRAIN WITH HEIL PT100 20 CUBIC YARD REAR LOAD PACKER BODY TO HEIL INC. C/O VASCO SYSTEMS, INC., 159 COOK STREET, BROOKLYN, NY 11206, IN THE AMOUNT NOT TO EXCEED \$180,000.00 PER NJPA CONTRACT # 060612-ESG (Received from Administrator 6/24/14)

In response to Councilman Dolson, Borough Attorney said the errors in the wording of the resolution have been corrected and the actual specifications have been attached.

9. *POSSIBLE* RESOLUTION AUTHORIZING THE BOROUGH CLERK TO BID FOR IMPROVEMENTS TO THE POLICE FIRING RANGE (Received from Administrator 6/17/14)

Borough Attorney said the resolution can move forward and the issues with the specifications will be corrected before publication. Borough Clerk said that the bid date would remain the same if the specifications are received in a timely manner but that the time would be changed to 11:30 a.m.

12. RESOLUTION APPOINTING ROBERT S. HOFFMAN AS TEMPORARY QUALIFIED PURCHASING AGENT (CERTIFICATE NO. 1008) FROM 7/1/14 TO 9/15/14 AT A SALARY OF \$50.00 PER HOUR (Received from Mayor 7/2/14)

The Borough Clerk noted the correct spelling of the last name should be “Hoffmann”.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

- 1) REPORT RE PROCESS OF NOTIFYING PROPERTY OWNERS RELATIVE TO PROPERTY MAINTENANCE (RM 6/25/14)
- 2) REPORT – The Borough Attorney informed the Council will need to discuss LOSAP and noted there are several members of the Fire Department in the audience. He reported he explained at previous meetings that our current LOSAP contribution rate was adopted in 1999 and set at a maximum of \$600 for Ambulance Corps and \$700 for Firefighters and included a sliding scale based on duties and other factors. The contributions have not been increased since 1999 and there have been no adjustments for CPI. Mr. Rogan explained one method of accomplishing same is to pass a Resolution locally granting CPI increases retroactive to 1999, but that would not be the maximum allowed under the law. Currently under our program we have 17 firemen that qualify for the maximum amount; 8 for the middle amount and 4 that qualified for the lowest threshold. The Ambulance Corps had 24 members that qualified for the maximum amount. If the Council adopted a Resolution the \$700 would increase to \$968 for Fire and from \$600 to \$800 for Ambulance. Mr. Rogan explained this would be the maximum the Borough could do without adopting an ordinance and placing the issue for referendum in November to go to the voters. If this is the route we choose to go, the deadlines are tight because the paperwork is required to be in to the County by 8/15/14. Mayor Heymann invited Joe Talmo and Brian Pierro to speak on the matter.

Joe Talmo, President, Knickerbocker Hook & Ladder Company said several members alerted them this year to the fact that other towns have higher contribution rates. He explained that when they initiated the program they tried to keep it at a low amount especially since we were one of the first towns to implement it and nobody knew where it was going and no increases were written in there. Some of the newer members

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

informed us that other towns are at \$1,150. Mr. Talmo was agreeable to whichever method the Borough decided to use to make the increase and had no objections if it would not take effect until 2015.

Mayor Heymann said everyone very much appreciates the volunteer services of Closter and they all want to do the best for them that they can.

In answer to Councilwoman Latner, Mr. Talmo explained LOSAP is an incentive from the State created in 1997 to try and get people to stay in volunteer organizations because it is very hard to retain memberships. It is like a 401k contribution from the Borough that operates on a sliding scale.

Chief Brian Pierro, Knickerbocker Hook & Ladder Company voiced the sentiments of the department that Closter does double the man hours of surrounding towns and we are only at \$700. He explained the membership doesn't see this money until later in life and once the issue was brought up they decided to look into it.

In answer to Mrs. Latner the Borough Attorney explained that if the issue goes to Referendum then a specific amount has to be established. The Mayor and Council would adopt an ordinance amending the original ordinance and if they were going to the maximum amount then it would have to be explained in the Referendum question the reason for it which would be to increase; and then the question would go to the voters in November. In answer to Councilman Barad, Borough Attorney advised if the Referendum was voted down then the Council could thereafter consider a Resolution.

Mayor Heymann explained that at the present time the Mayor and Council could adopt a Resolution granting an increase equivalent to the cost of living that has been missed over the years as of January 2015. If they opted not to use this method then the Referendum could grant them the maximum amount right away and that is not a sure thing; whereas the Resolution would be predictable.

Mr. Talmo voiced his understanding that time constraints are an issue and the Borough Attorney affirmed same saying the timeline is very tight. Mr. Rogan informed the amount would go immediately from \$700 to \$968 for the Fire Department and from \$600 to \$830 for the Ambulance Corps but that is the maximum the Council can do today considering all of the Consumer Index Pricing back to 1999 and if the issue was taken up again next year they could then only go back 1 year for 2014. In answer to Chief Pierro, he explained the ordinance would still have to be changed because the original did not include provisions for CPI. Anything over the amounts he just stated would require a Referendum.

Chief Pierro and Mr. Talmo thanked the Mayor and Council for their consideration and voiced their support for a Resolution this year with a possible Referendum in 2015 once there is more time to research the issue. Mr. Rogan noted it would also allow the Mayor and Council to reconsider the sliding scale versus the point system.

The Borough Attorney reported on the Agenda this evening is the matter of tree fine appeal by the Venturinis which will be during the Regular Meeting. Under the property maintenance issue, he is trying to come up with the specs for the quotes they would obtain for purposes of having a private landscaper address some of the abandoned properties in town. Apparently we did not have any samples to show to the local landscapers so this is not an urgent matter. They had requested a better idea of the work to be done and we had nothing to show them.

Mr. Rogan reported the Ordinance Committee has met and a number of important issues have been discussed. Drafts have been sent to the Chairman of the Committee regarding potential changes to the Administrator position. The Borough Attorney informed the foregoing items concluded his report.

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6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER

1) DPW REMEDIATION (Authorized at RM 4/23/14) – The Borough Engineer reported that a second round of testing will be done at the DPW during the first week of August to determine if some of the wells can be closed. He voiced his opinion that if all goes as planned 9 of the 11 wells will be able to be closed.

2) REPORT – Mr. DeNicola reported that the North Borough Parking Lot has been discussed inasmuch as there needs to be some crack sealing and striping. This project should commence around the time of the sidewalk sale in the 3rd of 4th week of July so he wanted to make all aware of the activity.

In regards to Hickory Lane, Mr. DeNicola apologized for anyone who misunderstood what he said at the last meeting. He said he advised the Borough cannot go to bid on the project until the DEP has approved the permits required.

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)

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

a) Mail List requests:

1. Recreation Commission Labor Day Festivities 2014 (7. M.L. 6/26/14)

3) STATUS REPORT RE EXTERIOR REPAIRS AND ROOF REPLACEMENT AT BOROUGH HALL (Bid Awarded at RM 5/28/14 to 3 Sons Restoration, LLC, Union, NJ - \$499,000.00)

4) REPORT RE FOLLOWING BID OPENINGS:

a. SOLID WASTE TRANSFER STATION SERVICES – To be held 9/3/14 @11:30 A.M. (Notice to Bidders/The Record 6/30/14 & Star Ledger 7/1/14) – Borough Clerk reported there has been no current activity to report at this time.

5) ~~ACQUISITION & INSTALLATION OF EMERGENCY GENERATOR AT THE CLOSTER PUBLIC LIBRARY – To be held 7/15/14 @11:30 a.m. (Notice to Bidders/The Record/6/28/14 & Web Site 6/30/14)~~ - Borough Clerk reported that the Library Generator

project had to be pulled, reviewed and prepared by the Borough Attorney's office.

B. BOROUGH CLERK

1) STATUS REPORT RE 2014 APPOINTMENTS - Borough Clerk reported the appointments are current with outstanding appointments being maintained on our Regular Meeting Agenda.

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

3) STATUS REPORT RE 2014 LICENSES – Ms. Castano reported the 2014 Borough licenses are current.

Regarding Liquor License Renewals for 2014-2015, Borough Clerk reported that although completed applications have been filed for the current term, three (3) inactive/pocket licensees are waiting for Special Rulings before renewal can be approved; and one (1) inactive/pocket licensee is waiting for Tax Clearance before it can be renewed.

4) STATUS REPORT RE 2014 MEETING DATES - Current

5) STATUS REPORT RE ELECTIONS – Ms. Castano reported that until we receive information for the November election, there is nothing further to report.

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

a. On 7/1/14, we sent to General Code Ordinance Nos. 2014:1154 to 1169 (14 adopted ordinances) which have been posted in the Borough Code under “New Laws”. By the end of this year we will be sending all adopted ordinances to General Code for Codification (in accordance with Gov. Christie's Best Practices).

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH CLERK (Continued)

b. Regarding League of Municipalities:

1) Magazine Subscriptions – At the Mayor’s request, as a result of memo I sent to all those listed to receive the magazine 8 out of the 20 wanted to receive same; therefore, we amended the invoice, had a requisition prepared for payment in the amount of \$152/ in place of 20@\$19 = \$380. The cost is the same for either hard copy or e-mail.

2) League Conference in AC – 11/18, 19 and 20/2014 – Hotel accommodations have been confirmed. We await more information to follow.

C. CHIEF OF POLICE

1) REPORT – Chief Kaine informed he distributed the monthly report this afternoon. He said the County has completed paving County roads and there may be a future issue on Piermont Road. Chief Kaine said during the milling process, the bridge was damaged and the engineers are evaluating the issue.

Regarding Hickory Lane, the Chief reported they have the traffic sign up there doing a traffic survey and also indicating the speeds. They have had 13 details in the past two weeks both surveying and enforcing the “No Left Turn” onto Hickory Lane from Piermont Road for which they have only issued 1 violation each for the illegal turn and for speeding. The average speed averages 32-33 mph. Once all of the information is downloaded he will provide a report.

In answer to Councilman Glidden, the Chief informed the speed limit is 25 mph and the summons issued was for driving 45 mph. In answer to Councilman Barad he informed the survey runs 24/7 and records all of the data so we will have accurate figures but it cannot register the type of vehicles that pass.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

a. FILED

b. AWARDED

1. 2013 CDBG GRANT CONTRACT #NV-CLSTR-03-13 IN THE AMOUNT OF \$10,000.00, FOR HANDICAPPED ACCESSIBLE DOORS BOROUGH HALL PROJECT FROM 7/1/13 to 6/30/14 (9. M.L. 9/12/13) Extension requested by Borough Administrator on 5/14/14
2. 2013 BERGEN COUNTY HISTORIC PRESERVATION TRUST FUND GRANT APPLICATION (\$189,000 – 50% matching funds available in Closter Open Space, Recreation, Historic Preservation and Farmland Preservation Municipal Trust Fund) TO ACQUIRE AND PRESERVE THE HAROLD HESS LUSTRON HOUSE, 421 DURIE AVENUE, B 1003, L 21 - RM 7/24/13 - \$175,000 Awarded for Historic Home Acquisition Grant Period 6/4/14 – 6/4/17- Contract No. 14-00320 (3. M.L. 7/3/14)

c. TO BE FILED

1. To be announced by Mayor

2) REPORT – Mayor Heymann informed in addition to her report, she would also address some of the items on the Administrator’s report.

Mayor Heymann wished to discuss the fact that we will lose the Open Space monies reserved for us if we do not bring in some project between July 23 and the following week. She said she has been trying very hard to find properties and all of the ones she found with the suggested pricing received negative comments. However, she did discover that we could pursue the contamination of the Swim Club and would most likely be eligible for funding. She said if the Council was in agreement, we could ask the Borough Engineer to pursue same. If they approve, we would request the State for 50% of the cost for additional investigation. Boswell’s proposal is at \$46,500 and with that funding that means the Borough would only have to cover \$23,250. She invited the Borough Engineer to speak to same.

6. PROFESSIONAL REPORTS (Continued)

D. MAYOR (Continued)

Mr. DeNicola informed he is not familiar with the funding aspect of this but reminded they submitted a remediation proposal known as an RI – Remedial Investigation Report, to the Borough in 2011 to uncover the extent of the problem. The Borough has not pursued same as of yet and the Report would determine the extent of the contamination and quantify it. As the Mayor said, he agreed it is reimbursable in part by the State. Mr. DeNicola explained the Borough could address it or the person who potentially buys the property from the Borough would have to do it but that most likely the Borough would have to do it. Mayor Heymann reminded there was a letter from a previous Mail List with an offer that was so low that they felt did not even warrant discussion.

Mayor Heymann reported there was a meeting this past Tuesday to finalize all of the details for the building renovations. The contractor has already left some equipment here in anticipation of the start date next Tuesday (7/15/14). They will begin at the top of the building and work their way down. She said we will need to make an adjustment on our plans because the architect did not fully consider a particular issue. The Mayor explained that in order to safeguard the impermeability of the outer wall some of the air conditioning units that are built into the outer walls will have to be removed. Unfortunately, some of them are tied into our winter radiators which prior to having air conditioning installed in the building, these units would circulate the cool air from outside to the interior of the building. In order to remove these units which is necessary to maintain the exterior of the building, we will have to replace the radiators. She requested Council consideration for replacement radiators.

Mayor Heymann reminded there was a lawsuit regarding the pavers on Main Street because the shade trees bring up the pavers and become a hazard. It's an issue that is not terribly expensive to fix but it needs to be addressed; and she asked the Council to walk down Main Street and think of what they want to do about it.

The Mayor said on the Mail List there was discussion regarding stream cleaning in reference to the Resolution passed by Westwood and she realizes there are mixed feelings about it so she asks everyone to investigate the issue. She thinks there has been misinformation on both sides; and she hopes to have additional information for the next meeting.

Mayor Heymann voiced her understanding that the Library Generator and Police Firing Range bids are under control. She asked that if the Council is in agreement, they file for the remedial investigation at the Swim Club.

8. OLD BUSINESS

- a. POSSIBLE FOLLOW THROUGH RE CONTRACT WITH CGI COMMUNICATIONS, INC. FOR 2014 COMMUNITY SHOWCASE VIDEO PROGRAM (Discussion held at WS 6/25/14)

Mayor Heymann said she had forwarded information about this program to the Council and explained she thought it would be great publicity for the town. Councilman Glidden noted that he did not feel the company should have a link on the Borough's website and Councilman Kashwick agreed.

9. NEW BUSINESS

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, referred to the improvement of Hickory Lane and questioned if the Department of Environmental Protection would allow anything to be built on the north side of the road. Borough Engineer noted that nothing can be built where the stream is within 25 feet of the roadway which is an inner buffer. Mr. Isaacson cited the corner of Hickory Lane and Piermont Road curb and Borough Engineer said there is no curb by the Schwinger property. Borough Engineer said there was some type of intermediate micro-surfacing of Hickory Lane done in the late 90's and in 2002 there was a meeting on same. Mr. Isaacson noted that with the retail business increasing the truck and retail traffic and improvement of the roadway, sidewalks are necessary for safety. Relative to the moving of the bus stop on Piermont Road and the installation of a path, Mayor Heymann said it is being done step by step. The north parking lot is about to be improved and further improvements would be discussed. In answer to Councilman Barad, Mr. Isaacson said he would like to see Hickory Lane left the way it is.

Christine Procida, 30 Hickory Lane, said that half of Hickory Lane has been repaved by PSE&G and it is already starting to deteriorate. She said that you cannot keep throwing money away by improving the roadway without curbing but she did not support widening the road nor removing any of the large trees.

Jayne Rubinfeld-Waldron, 20 Piermont Road, said if curbing is necessary, the flush curbing done on West Street should be considered. Borough Engineer said that this curbing is lower and flush with the pavement to prevent erosion of the pavement. There would still be erosion behind the curbing.

Ted West, 1 McCain Court, questioned what would be done with the Lustron House if the Borough owned same. Borough Attorney advised that this matter is before the Zoning Board of Adjustment and cannot be discussed by the Council.

Jim Oettinger, 25 Carlson Court, questioned how much was paid for the lightning detection system noting that a refund should be requested since the system did not go off this evening during a game when there was lightning in the area. He said the game was called by the umpires. He cited the number of meetings he had attended on the safety of the system. Mayor Heymann said that this should be investigated but noted that the Ruckman Park detectors have been going off during the past few days.

Ree Hartwell noted if there was a vote this evening she expressed support for repaving Hickory Lane, some curbing, but not Belgian block, no cutting down the trees, keeping the character of the road as it is and not spending \$800,000 of tax payer money. She said she would investigate the curbing on West Street.

Christina Procida, 30 Hickory Lane, questioned if drainage work would be included since same is needed on the roadway and Borough Engineer said that some drainage is involved in the project.

Amy West, 1 McCain Court, cited the water from Anderson Avenue pouring right past her house because of the pitch on Anderson Avenue. Borough Engineer noted that the stream is not being improved as part of this project. The runoff from Alpine and the steep road have exacerbated the velocity of the runoff. When the water runs down the gutter it erodes the road because there is no curbing and not enough drainage and these are all problems of the road. The bank of the stream is not eroding the road and there is no way to install a sidewalk in that area unless there is an easement from the property owner. She said that if you widen the street, the only people who will profit is Metropolitan Plant by getting easier access to their commercial enterprise and what would be the benefit to the residents

11. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – JULY 9, 2014 - 7:30 P.M.

13. ADJOURNMENT

Motion to adjourn the Work Session at 9:35 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on
July 17, 2014 for approval at the
Regular Meeting to be held
July 23, 2014

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held July 23, 2014
Consent Agenda Item No. 20c