

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MARCH 12, 2014 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:50 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 Victoria Amitai
Borough Administrator, Richard Sheola
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, Dennis Kaine
Superintendent of Public Works, William Dahle, III

The following persons were absent:

Councilman Arthur Dolson

3. POSSIBLE MAYORAL APPOINTMENT OF _____
AS CLASS IV MEMBER OF THE PLANNING BOARD FOR A 4-YEAR UNEXPIRED TERM
(LIGNOS) TO 12/31/17 (5. M.L. 2/27/14)
No appointment made

4. INTRODUCTION OF THE FOLLOWING ORDINANCE - PUBLIC HEARING, 4/9/14 @8:00 P.M.
OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD - TO BE PREPARED BY
AUDITOR

ORDINANCE NO. 2014:1155, "BOROUGH OF CLOSTER CALENDAR YEAR 2014 ORDINANCE
TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP
BANK (N.J.S.A. 40A:4-45.14)"

Motion approving introduction of Ordinance No. 2014:1155 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Amitai.

5. INTRODUCTION OF THE 2014 MUNICIPAL BUDGET AND RELATED RESOLUTIONS
PUBLIC HEARING – 4/9/14 @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE
HEARD - TO BE PREPARED BY AUDITOR
JG/JK

Motion approving introduction of the 2014 Municipal Budget 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 Amitai.

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

a. The following Ordinance was introduced at the Regular Meeting held January 22, 2014 and was published in The Record on January 28, 2014 as stated in the printer's affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public. At the Regular Meeting held 2/26/14, the public hearing and adoption was adjourned to this meeting:

ORDINANCE NO. 2014:1153, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
173, SPECIFICALLY 173-80 TO 173-92 REGARDING SIGNS"

Borough Attorney advised that because the ordinance has been revised dramatically, it will be necessary to remove same from the agenda.

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Motion removing Ordinance No. 2014:1153 from the Agenda was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Amitai.

b. The following Ordinance was introduced at the Regular Meeting held February 12, 2014 and was published in The Record on February 19, 2014 as stated in the printer's affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public.

ORDINANCE NO. 2014:1154 "AN ORDINANCE AMENDING CHAPTER 173, SUBDIVISION OF LAND AND SITE PLAN REVIEW, SPECIFICALLY SECTION 173-9, DEVELOPMENT AGREEMENTS, AND CHAPTER 103, FENCES, SPECIFICALLY SECTION 103-2, APPEALS, PURSUANT TO 2011 & 2012 ZONING BOARD MERGED ANNUAL REPORT"

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

Motion approving adoption of Ordinance No. 2014:1154 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Amitai.

7a. VOTE ON CONSENT AGENDA ITEMS

Motion to approve the Consent Agenda minus Item Nos. 8a, 8b, 15, 17, 18, 19, 20 and 21 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 Amitai.

ORDINANCES

8. INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING AND ADOPTION – 4/9/14 @ 8 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

- a. ~~BOND ORDINANCE NO. 2014:1156~~, "AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE REPAIR OF EXTERIOR WALLS AND REPLACEMENT OF ROOF AT BOROUGH HALL, BOROUGH OF CLOSTER, AND APPROPRIATING \$70,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$66,500 IN BONDS OR NOTES OF THE BOROUGH OF CLOSTER TO FINANCE THE SAME" (Received from Administrator 3/4/14)
- b. ORDINANCE NO. 2014:1157, "AN ORDINANCE APPROPRIATING \$400,000 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS" (For Exterior Renovations & Roof Repair – Borough Hall) (Received from Administrator 3/4/14)
- c. ORDINANCE NO. 2014:1158, "AN ORDINANCE AMENDING CHAPTER 200, ZONING, ARTICLE XIB, AFFORDABLE HOUSING, SPECIFICALLY, SECTION 200-54.22 AFFIRMATIVE MARKETING" (Received from Borough Attorney 3/4/14)
- d. ORDINANCE NO. 2014:1159, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING FEES AND DEPOSITS, SPECIFICALLY FOR LAND USE, POLICE DEPARTMENT AND RECREATION COMMISSION FEES" (Received from Borough Attorney 3/4/14)
- e. ORDINANCE NO. 2014:1160, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 48 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING PERSONNEL POLICIES" (Received from Borough Attorney 3/4/14)
- f. ORDINANCE NO. 2014:1161, "AN ORDINANCE ADOPTING THE 2014 CLOSTER PERSONNEL MANUAL" (Received from Borough Attorney 3/4/14)

RESOLUTIONS

9. BILL RESOLUTION – MARCH 15, 2014 (Received from Deputy Treasurer 3/7/14)
10. RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AGREEMENTS WITH THE TENANTS ON THE CELLULAR TOWER LOCATED OUTSIDE BOROUGH HALL (Received from Borough Attorney 3/4/14)

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11. RESOLUTION AUTHORIZING THE TERMINATION OF AN AGREEMENT DATED APRIL 11, 1973 BETWEEN CLOSTER PLAZA, GRAND UNION, CITIZENS NATIONAL BANK AND THE BOROUGH OF CLOSTER (Received from Borough Attorney 3/4/14)
12. RESOLUTION TO WELCOME THE 2014 SPECIAL OLYMPICS U.S.A. GAMES AND ALL SPECIAL OLYMPICS ATHLETES AND VOLUNTEERS TO NEW JERSEY (Received from Mayor 3/3/14)
13. RESOLUTION AUTHORIZING A LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CONTRIBUTION ON BEHALF OF THE CLOSTER VOLUNTEER AMBULANCE AND RESCUE CORPS (Received from Deputy Treasurer 2/26/14)
14. RESOLUTION AUTHORIZING A LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CONTRIBUTION ON BEHALF OF THE CLOSTER VOLUNTEER FIRE DEPARTMENT (Received from Deputy Treasurer 2/26/14)
15. RESOLUTION APPROVING BIDDING FOR THE BOROUGH HALL EXTERIOR RENOVATIONS AND ROOF REPLACEMENT (Received from Administrator 3/4/14)
16. RESOLUTION AUTHORIZING AMENDMENT TO CONTRACT WITH BOSWELL ENGINEERING TO PROVIDE ENGINEERING SERVICES FOR THE HICKORY LANE PAVING PROJECT (Received from Administrator 3/4/14)
17. RESOLUTION AMENDING TEMPORARY BUDGET APPROPRIATIONS FOR 2014 (Received from Administrator 3/5/14) Removed
18. RESOLUTION ENCOURAGING PROTECTION OF NEW JERSEY PALISADES VIEWSHED (Received from Councilman Kashwick 3/5/14)
19. RESOLUTION APPROVING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-009-000-012 FROM JBS MACK, LLC, D/B/A CASK 171 TO QUEEN ANNE WINE EXCHANGE, INC. (Notice of Application for Transfer was published in The Record on 2/27/14 and 3/6/14) Adjourn to RM 3/26/14

MOTIONS

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

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>
DEPUTY COURT ADMINISTRATOR	Vacant _____	_____
P/T CLERICAL (RECREATION)	Gina Ferraro _____	_____

21. POSSIBLE MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS:

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

IMPROVEMENT COMMISSION

Not made at ReOrg 1/2/14:

Member	Vacant _____	_____	2 Years Unexp. (Vacant)
			to 12/31/14

22. MOTION GRANTING APPROVAL FOR CLOSTER PTO TO HANG A BANNER ACROSS VERVALEN STREET FROM MARCH 13, 2014 TO MARCH 21, 2014 ANNOUNCING THE PTO DANCE (1. M.L. 1/30/14/Approval received from Risk Management Consultant 2/26/14 @2:59 p.m.)
23. MOTION GRANTING APPROVAL FOR INTERNATIONAL ACADEMY OF ARTS AND SCIENCES TO USE MEMORIAL FIELD ON SUNDAY, 5/18/14, FROM 8:30 A.M. TO 12 NOON TO CONDUCT THE IAAS FIELD DAY EVENT FOR CHILDREN AND PARENTS; RAIN DATE: SUNDAY, 5/25/14 (3. M.L. 2/13/14/Approval received from Risk Management Consultant 3/5/14)
24. MOTION APPROVING THE FOLLOWING MINUTES (Distributed 3/7/14):
 - a. REGULAR MEETING HELD 2/26/14 – ABSTENTION: GLIDDEN
 - b. WORK SESSION HELD 2/26/14 – ABSTENTION: GLIDDEN

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25. REPORTS

- a. CONSTRUCTION OFFICIAL – FEBRUARY 2014 (Received 2/28/14)
- b. FIRE CHIEF – FEBRUARY 2014 (Received 3/6/14)

7b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

18. RESOLUTION ENCOURAGING PROTECTION OF NEW JERSEY PALISADES VIEWSHED
(Received from Councilman Kashwick 3/5/14)

Councilman Kashwick explained that LG Electronics proposed to construct a 143 foot building on the Palisades in Englewood Cliffs, which he felt was detrimental to Bergen County; and he requested support of the resolution from the Council members. He noted that the building would be above the tree line. Mayor Heymann advised that six Mayors from the Northern Valley area wrote a letter to LG and have been invited to meet with LG on March 31st at 5:30 p.m.

Motion of approval 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 and Amitai.

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

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

26a. Motion approving the following Closed Session Resolution at 9:10 p.m. was made by Councilman Glidden, seconded by Councilwoman Latner and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and 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)(5), “A matter involving the expenditure of public funds for the acquisition of real property; N.J.S.A. 10:4-12(b)(7), “Pending or anticipated litigation and contract negotiations”; N.J.S.A. 10:4-12(b)(7) “A matter falling within the Attorney-client privilege 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 10 weeks.

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

Mayor Heymann resumed the Regular Meeting at 9:48 p.m.

At this time, Mayor Heymann noted that she should have included in her earlier report that because of conditions at Ruckman and Memorial Fields due to the weather, the fields will be closed to everyone for two weeks until the parks dry out. Signs would be posted explaining the closure.

Mayor Heymann advised that the 2014 Municipal Budget which was introduced this evening is still not complete; and we will be getting an updated version. Borough Administrator said if the Budget is going to be changed, the Finance Committee would have to meet to discuss same. Councilman Glidden said that there was agreement to meet on the Budget tomorrow. Mr. Sheola said there are no mistakes but there is additional money that could be taken out; however, there was discussion during the DPW meeting relative to staffing needs for Public Works that has not be budgeted in Streets and Roads and Sanitation so there is a place to use it. Borough Clerk noted that statutorily her office has to file all documents pertaining to the Municipal Budget with the Division of Local Government Services within 5 days of introduction. Borough Administrator suggested that the Borough Clerk should send whatever she has to send, make the statutory deadlines; there is an amendment procedure prior to adoption, and if that’s the course that we take, that’s the course we take. In response to the Borough Clerk’s request if he had the additional documentation that must accompany the Budget submission, Mr. Sheola said he did not have the additional documentation but he noted that the Division usually sends out a checklist; and he will contact the Borough Auditor tomorrow to ensure that she has it.

Mayor Heymann noted that the difference under question is the amount put into the budget for salary increases for the staff, which is almost twice as large as the 2% we intended to place in the budget; and she voiced concern that the staff may be misled and there could be negative reaction from the employees. Borough Administrator said that this would affect the 15 administrative employees.

27a. Motion was made by Councilman Glidden, seconded by Councilwoman Latner to hire Keith Dombkowski as a Police Officer and authorizing the Borough Administrator to send the letter of intent which was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Amitai.

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28. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:53 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
March 21, 2014 for approval at the
Regular Meeting to be held
March 26, 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 March 26, 2014
Consent Agenda No. 19b.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – MARCH 12, 2014 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session on Wednesday, March 12, 2014. Mayor Heymann called the meeting to order at 7:35 p.m.

1. PLEDGE OF ALLEGIANCE

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

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

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

3. ROLL CALL

Those present were as follows:

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

The following persons were absent:

Councilman Arthur Dolson

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF FEBRUARY 27, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 5 was removed by Councilman Glidden.

Item No. 5: Received 02/25/14, dated 02/25/14 from John M. Lignos to Mayor Heymann re Resignation from Planning Board effective immediately (Class IV Member - 4 year term from 01/02/14 to 12/31/17)

Councilman Glidden asked about succession and Mayor Heymann explained the Vice Chair automatically takes over the meeting temporarily. She advised that the Planning Board met and elected new officers as follows: Mark Maddaloni, Chairman and Adrienne Isacoff, Vice Chair. Councilman Barad asked if after Mr. Lignos' project was complete, would he be eligible to return to the Planning Board; and the Borough Attorney said that pending an appointment, he would be.

b. MAIL LIST MARCH 6, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 3 was removed by Councilwoman Latner and Item No. 6 was removed by Councilman Kashwick.

Item No. 3: Received 03/03/14, dated 03/02/14 from Ellen Stein & Richard M. Stein, MD, 26 Collins Avenue re Comments to be read into Minutes at Mayor and Council DPW Committee Special Meeting re Garbage and Trash Collection (to be held 3/6/14) Distributed 3/6/14 (Copy to William Dahle III)

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Councilwoman Latner wished to inform that she did read this item into the record at the Special Meeting; and the Borough Clerk informed that in the Minutes of that meeting it is referred to as this Mail List item.

Item No. 6: Received 03/04/14, dated 03/04/14 from Grace Grootenboer, Pr Clerk/Typist, County of Bergen, Dept. of Public Works, Mosquito Control Division, to Loretta Castano re Letter from Pete E. Pluchino, Jr., Division Director, requesting letter from the Borough authorizing the County to perform aerial spraying during mosquito breeding months to be received no later than **3/31/14** for the 2014 mosquito season (Copy to Board of Health, Environmental Commission, Jim Oettinger)

Councilman Kashwick asked who gives the permission for this to be done. Mayor Heymann explained this used to be part of the Mosquito Control Commission and they would notify us of the County's activities in the event the municipality had any concerns or objections, which she assumed Mr. Kashwick does. He explained that aerial spraying seems like overkill and a danger to the residents. The Mayor said they have been aerial spraying since the 1950's, it was started due to the mosquito and gypsy moth infestations; and since the implementation, there have not been any major infestations. In answer to the Borough Clerk, the Administrator explained they use a helicopter to aerial spray and larvae sized granules which they spray; and if they can't, they will walk in and do the heavily wooded areas on foot; but informed he could not read the Registered Environmental Health Specialist's (Michelle Netusil) handwriting. Ms. Castano said when she spoke to Michelle she was told that they normally just do ground spraying in certain areas and not aerial; so she is not sure how they should explain this. Mr. Sheola clarified if it is done aerially, they use a spray; and if it is done by hand, then they use larvae sized granules. Councilman Barad requested more information prior to the next Council meeting in order to make a decision. Mayor Heymann asked if we would be jeopardizing ourselves by granting permission; and the Borough Attorney advised he did not believe so. Mrs. Amitai asked why we would be willing to give permission to spraying when they are willing to do it by hand. She voiced her agreement with Councilmen Kashwick and Barad that she feels aerial spraying is overkill. Dr. Barad said he would like to know what exactly they would be spraying and where and if the granules are as effective as the aerial method. Mayor Heymann said they could discuss the issue further at the next meeting.

Mr. Sheola suggested to the Borough Clerk that they start a checklist as to who would be handling Mail List requests for follow through; and she voiced her understanding that it is his responsibility to do so as it deals with the REHS which is inter-departmental.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of March 12, 2014)

Mayor Heymann asked if anyone at the dais wished to discuss any of the Consent Agenda items.

Councilman Kashwick asked what we were doing regarding the bond ordinance concerning open space and the Budget. Mayor Heymann said she believed we would be taking it off the Agenda; Mr. Kashwick questioned which one and the Borough Attorney recommended that we remove from the Consent Agenda Item No 8b. Borough Administrator explained if Item No. 8b. is taken off, then Consent Agenda Item No. 8a. should also be removed since they go hand in hand. He added if the Council was interested in moving the funding at all ahead in an alternative manner, he had another (bond) ordinance this evening that appropriates \$470,000 and issues "a portion of debt therefore"; and if they so desired, he would give them that ordinance. Mr. Kashwick voiced his opinion that it would be the only way to do it. Mr. Rogan advised we cannot utilize open space money for a roof repair of Borough Hall. He added that the open space money was specifically dedicated by way of a Referendum by the voters of the Borough (in 1998) as well as regulated by State Statute. He added that the building has not been designated by the State, County or local Commission as being historic; yet, he knows there's talk about it; but as of this meeting, it has not been done; therefore, it is his legal opinion that we cannot legally spend any of that money for repair to this building.

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At this time, Mr. Rogan asked that Item No. 6b. regarding the Public Hearing on Ordinance No. 2014:1153 pertaining to Signs be removed from the Regular Meeting Agenda due to the fact that the ordinance has been significantly changed. No objections were expressed by Council members.

ORDINANCES

8. INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING AND ADOPTION – 4/9/14 @8 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

- a. BOND ORDINANCE NO. 2014:1156, “AN ORDINANCE OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE REPAIR OF EXTERIOR WALLS AND REPLACEMENT OF ROOF AT BOROUGH HALL, BOROUGH OF CLOSTER, AND APPROPRIATING \$70,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$66,500 IN BONDS OR NOTES OF THE BOROUGH OF CLOSTER TO FINANCE THE SAME” (Received from Administrator 3/4/14)
- b. ORDINANCE NO. 2014:1157, “AN ORDINANCE APPROPRIATING \$400,000 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS” (For Exterior Renovations & Roof Repair – Borough Hall) (Received from Administrator 3/4/14)

Councilwoman Amitai explained that Andy Ouzoonian, a member of the subcommittee on the remediation of Borough Hall, indicated that the bid specifications do not quote the inclusion of the repair to the roof and he had a couple of other comments which she sent late in the day. Borough Administrator noted that he had received the comments from Mr. Ouzoonian and referred same to Michael Hanrahan. He explained that including the roof would be adding one line in the notice and adding one line in the bid specifications. Mr. Sheola explained the roof repair had been included in the bid documents. He added that the second and third points made by Mr. Ouzoonian were very good housekeeping items. In answer to Councilman Barad, Borough Attorney said if the Borough Hall qualified at a later date, open space funds could arguably comply with State Statute in that you can utilize open space funds for the preservation of buildings, but it would be a policy decision by the governing body to expend open space funds for the roof of a building such as Borough Hall. He read the specific paragraphs from the Statute referring to Open Space funding in N.J.S.A. 40:12-15.7(e) as follows: “historic preservation of historic properties, structures, facilities, sites, ...” Mr. Rogan added that one could contend that putting a new roof on a historically designated building is preserving it.

Councilman Barad said we have a choice to either move forward or delay same until another funding method is found. Mr. Glidden expressed his approval for using open space monies.

In response to Councilwoman Amitai’s inquiry, Councilman Kashwick reported that the Historic Preservation Commission has voted to refer the designation of the building to the Mayor and Council; and the procedure would take approximately four months during which time it has to be referred to the Planning Board for a report and recommendation vote. Councilwoman Amitai voiced support for use of Open Space funding for the roof. Councilman Glidden questioned whether a conclusion was ever drawn as to how to fund the project; and the Administrator reminded he discussed funding options at the last meeting and left same with a different impression than Mr. Glidden which is why he prepared the ordinances the way he did for this evening. Mr. Glidden offered his apologies as he was not present at that meeting.

In response to Councilwoman Amitai’s inquiry, Mayor Heymann explained there is not currently any open space available for purchase in Closter which is why funds have not been used for that purpose. She said wording in the State Statute and Closter’s ordinance definitely includes Open Space, Recreation, Farmland and Historic Preservation. She noted if the building is declared historic, in her point of view it is warranted to use those funds to make the necessary repairs. She said the fact that the exterior is going to be renovated, which includes the parapets and the marble front, is historic preservation in her mind.

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In response to Mr. Kashwick's request, Borough Attorney read the specific paragraphs from the Statute N.J.S.A. 40:12-15.7(e) "historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties structures, facilities, sites, areas, or objects for historic preservation purposes".

In answer to Mr. Sheola, the Borough Attorney voiced his opinion that it is unclear from the Statute if the property or structure has to be on a State or Federal register or if local designation would be sufficient; and advised he would have to look into the matter further. Borough Administrator noted that he did not recall the calendar days contained in the specifications for completion of the work but there would be issues with cleaning the exterior walls and the roof if we got to the latter part of the year. He outlined the time line and felt that the project could start June 1st under the current scenario and Councilman Kashwick noted if we go with the other funding method, the project may be delayed until August. Mr. Rogan advised since there is not even an application pending before the Board at present, the Council should not be discussing or speculating how long it could take to designate the building. In answer to the Borough Clerk, Borough Administrator advised that there is no 20-day estoppel period for a Capital Ordinance after adoption but in the alternative funding, which is issuance of bonds or notes, the 20-day estoppel period does apply.

Mayor Heymann questioned if a Capital Ordinance was written for the entire amount as a Bond Ordinance-and same was not used because the Open Space funding would ultimately be available, could the unexpended funds in the bond issue be cancelled. Councilman Glidden said a short term note would be issued; and interest rates at this time are 1% or less. Mr. Sheola said it would cost us a couple of thousand dollars plus Bond Counsel fees or approximately \$4,000. Since he is now hearing from the Borough Attorney that the original \$180,000 shouldn't be used, neither of the ordinances can be introduced; and Bond Counsel would be asked to revise the one which he brought this evening to increase it by \$180,000 making it \$650,000 in total to cover the original estimate which is \$624,000 in change for the whole project: \$487,000 without the roof plus \$138,000 by itself. Then at the next meeting introduce the corrected (bond) ordinance and introduce a resolution cancelling the \$180,00 returning from last year to put back same into the Open Space Fund. No objections were voiced by the Council members.

- c. ORDINANCE NO. 2014:1158, "AN ORDINANCE AMENDING CHAPTER 200, ZONING, ARTICLE XIB, AFFORDABLE HOUSING, SPECIFICALLY, SECTION 200-54.22 AFFIRMATIVE MARKETING" (Received from Borough Attorney 3/4/14)
- d.

In answer to Councilwoman Amitai, Mayor Heymann said that one small phrase is being added to make the housing specifically available only to our region rather than the entire state.

- 17.——RESOLUTION AMENDING TEMPORARY BUDGET APPROPRIATIONS FOR 2014
(Received from Administrator 3/5/14)

Borough Administrator noted that this resolution should be removed from the Agenda since no capital ordinances are being introduced and no objections were expressed by Council members.

- 19.——RESOLUTION APPROVING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-009-000-012 FROM JBS MACK, LLC, D/B/A CASK 171 TO QUEEN ANNE WINE EXCHANGE, INC. (Notice of Application for Transfer was published in Record on 2/27/14 and 3/6/14)

Borough Attorney recommended that this item be carried to the next meeting to be held 3/26/14 pending further investigation.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE PERSONNEL MANUAL – The Borough Attorney reported that revisions have been made and the HR Committee held another meeting since then. Revisions have been made to the ordinance so that the adoption of the new personnel manual will be consistent with our ordinance. He noted this is Item No. 8f on tonight’s Consent Agenda for introduction. Assuming the Council is in agreement with the ordinance changes, this will enable the Borough to certify to MEL prior to the 5/1/14 deadline.

2) STATUS REPORT RE TRANSFER STATION – Mr. Rogan reported the DPW Committee of the Mayor and Council held a Special Meeting last week (on 3/6/14) to talk about the future of garbage pickup and other services in the Borough. He informed the Committee met this evening prior to the Council meeting; and he has been directed to prepare draft bid specs regarding the Transfer Station and tipping fees for review. He reminded those contracts expire at the end of this year. Mr. Rogan reminded the last time was very rushed and he said the Committee has asked him to move forward with preparing the draft specifications for the Council to review prior to any publication so the Council and public have the opportunity to provide input.

3) STATUS REPORT RE CELL TOWER – The Borough Attorney reported all three (3) cell providers who are on the tower historically have agreed to the new terms and conditions verbally; and noted the authorization for the Mayor to sign those contracts is Item No. 10 on the Consent Agenda. He said right now they are in draft form and we are just waiting for the clean copies; but if we authorize them this evening, we will get \$2,000 per month from each provider. Mr. Rogan reminded he reported at the last meeting that this will net the Borough more annually than under the arrangement we had with Crown Castle which has been the past dozen years or so.

4) REPORT – Mr. Rogan requested a Closed Session to discuss updates on some items between the last meeting and now including the Guia application that came before the Mayor and Council, the Village School and the Lustron House contract negotiations.

B. BOROUGH ENGINEER – The Borough Engineer informed he sent out his quarterly status report to the Mayor and Council which they should have received in the past few days and that provides updates on the listed topics.

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

2) REPORT RE ENGINEERING/INSPECTION SERVICES FOR (2013) BARRIER FREE CURB RAMP INSTALLATIONS (Per 7/15/13 proposal \$12,050/Approved RM 8/14/13)

3) REPORT – Mr. DeNicola wished to bring up a new issue inasmuch as Boswell provided a proposal for approval for engineering inspection services required for Hickory Lane. If the proposal is approved, he would like to request a public info session where the residents of Hickory Lane can gather to make sure everyone is on the same page and there are no surprises going forward. They can discuss the kind of curbs as well as sidewalks and where they want them installed. He believes this will make the project go smoother once we go to construction. Mr. DeNicola reminded this would not go forward until after we are notified if we received the NJDOT grant sometime in April. In answer to Councilman Glidden, he figured that if it is approved tonight, it would take about two months to do the engineering so it could go to bid sometime in June; approximately 2-3 months but closer to 3. In answer to Councilman Kashwick he affirmed that if we do not get all of the funds this year, we can certainly do it in phases.

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 informed he had nothing to report on this item.
- 2) STATUS REPORT RE FOLLOWING INSURANCE MATTER(S):
 - a) Mail List requests:
 1. American Cancer Society (27th Annual GWB Challenge) to take place 6/8/14 (10. M.L. 12/26/13) – Mr. Sheola reported no further information has been received from the American Cancer Society regarding this request.
- 3) STATUS REPORT RE ACQUISITION & INSTALLATION OF EMERGENCY GENERATOR AND AUTOMATIC TRANSFER SWITCH AT SENIOR CITIZENS CENTER (Awarded at RM 2/12/14 to Pesh-E-Lectric in the amount of \$43,950.00) – The Borough Administrator reported the contractor has ordered the generator and met with Bill Dahle to site the location. He voiced his understanding that the Seniors approved the location and they are going ahead with it. It will be installed as soon as possible but because the manufacturer is backlogged with orders, no timeline could be provided.
- 4) REPORT RE PREPARATIONS OF BID SPECIFICATIONS FOR EXTERIOR AND ROOF REPLACEMENT AT BOROUGH HALL – no report.
- 5) REPORT – Mr. Sheola reported he was preparing a memo to send to the Mayor and Council outlining all of the capital projects that would be funded by the capital budget this year provided the Budget is introduced this evening. He noted the Borough Engineer already reported on the Hickory Lane project. Mr. Sheola explained there are some acquisition deadlines if they are going to purchase vehicles via order or bid, so they would like to move that along as expeditiously as possible.

The Borough Administrator informed he had one item for Closed Session regarding contract matters. Mr. Sheola reminded he sent his weekly update for last week.

B. BOROUGH CLERK

- 1) STATUS REPORT RE 2014 APPOINTMENTS – The Borough Clerk reported we are carrying current vacancies on the Agenda for possible appointments. She informed an updated roster has been posted in the portal for review and recommendations for appointments.
- 2) STATUS REPORT RE 2014 OATHS OF OFFICE – Ms. Castano reported 114 appointments were made at the Reorganization Meeting; 18 were made after the Reorganization Meeting (total 132); 4 appointments were declined; and to date, 108 Oaths have been received. 46 Citizen Leadership Forms have been distributed and 29 have been received.
- 3) STATUS REPORT RE 2014 LICENSES – The Borough Clerk reported there is a Place-to-Place Transfer for a Plenary Consumption liquor license issued to Normlin, Inc. t/a Rudy's to move their establishment across Closter Plaza from #71 Closter Plaza to #121 Vervalen Street. A memo was sent to the Borough Officials yesterday for review and report; and responses have already been received from the Fire Official and Zoning Officer. The target Agenda date is April 9th; as Rudy's has to be out by April 1st. Ms. Castano noted this transfer is moving along faster than most.
- 4) STATUS REPORT RE 2014 MEETING DATES – Ms. Castano reported this item is current.
- 5) STATUS REPORT RE CODIFICATION OF ORDINANCE NOS. 2013:1137 TO 2013:1152 AS CODE SUPPLEMENT NO. 20 – The Borough Clerk reported the codification of Supplement No. 20 has been completed with ordinances through the end of December 2013 in the code online. Distribution of printed Supplements will be completed by Friday.

CLOSTER MAYOR AND COUNCIL
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7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

6) REPORT RE ELECTIONS – Ms. Castano reported that on 2/26/14 she and Arlene (Corvelli, Deputy Borough Clerk) attended The Bergen County Clerk’s Election Meeting at which time they were provided with the information and forms for the Primary Election to be held 6/3/14 from 6 a.m. to 8 p.m. Ms. Castano distributed the forms to the Chairpersons of the Democratic and Republican Committee persons and noted this year County Committee is also elected. The filing date for petitions for Mayor and Councilpersons and County Committee to be submitted to the Borough Clerk is Monday, 3/31/14, by 4 p.m.

7) REPORT – Ms. Castano reported the following:

a. 2014 FINANCIAL DISCLOSURE STATEMENTS (FDS) – We are still receiving bits of information from the Division of Local Government Services as to how they are going to handle filing for 2014. The Borough Attorney has been provided guidance on who should be required to file and has requested the Mayor and Council provide input as to whether they have any additional persons they believe should file to be included in the Roster. Ms. Castano noted there was still time and the most recent emails from the Division indicate they do not have a procedure in place.

c. PROCEDURE RE APPEAL TO GOVERNING BODY RE ASSESSED FINES RESULTING FROM VIOLATION OF CLOSTER CODE CHAPTER 181, "TREE PRESERVATION AND REMOVAL, PURSUANT TO CH. 181-12 APPEALS – (At the Work Session held 1/8/14) Ms. Castano had suggested her office set up a form for recommendation for implementation of a procedure for appeals; but she said it seems as though the process (as indicated in the Code) is beginning to work. Ms. Castano noted that after a certified copy of the Resolution is provided to the Code Enforcement Officer and Tree Expert, a charge is provided to the Construction Office and the person responsible for payment is notified.

C. CHIEF OF POLICE

1) REPORT – Chief Kaine reported he sent out the Police Department Monthly Report on Monday and all should have received it. He explained the Department has been busy with the past winter; and now that the Spring thaw is coming, there are a lot of water main breaks. Borough Hall was affected last week by a break in Main Street by Closter Dock Road and Herbert Avenue that also caused a lot of businesses to close down after 5 p.m. The crews worked all night until 3 a.m. to make the repairs. The Chief said the diner took the biggest hit from the closure.

Chief Kaine reported the past few weeks they received 34 applications for Police Officer and it was narrowed to 22 that were interviewed by a Senior Officer. The top three candidates were interviewed by the Public Safety Committee last week and the number one candidate will meet with us in Closed Session tonight.

At this time, Mayor Heymann wished to comment that she received a call from a resident of Old Tappan who had gotten two flat tires here in town from hitting a few potholes; and the woman informed her that Officer Krapels was exceptionally kind and thorough; and she was very pleased with the service she received in Closter. Councilman Barad pointed out that the areas next to the railroad tracks are the worst areas in town right now and asked if it was CSX property. The Chief explained that CSX came out last week to inspect the areas and said they would get back to us on it. He said there is also an area down by Railroad Avenue by Elgen Manufacturing (10 Railroad Avenue). The Borough Engineer explained that Railroad Avenue is a privately owned spur; and in response to the Mayor, he said they were told at a Planning Board meeting by Elgen that it was not CSX property. Mayor Heymann voiced her understanding from what she was told that Elgen wants to use the property and they have to apply to CSX for permission for same. In answer to Dr. Barad, the Mayor said she understands that we cannot repair the road because it belongs to CSX. The Borough Engineer agreed to look into the matter again; and said that the last time they checked into it, Elgen owned that part of the roadway but they could not find the deed. Dr. Barad voiced his opinion that people in our town are suffering because of this; and we owe them a road that is in good condition. Chief Kaine informed he would also look into it again with CSX.

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7. REPORTS (Continued)

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS: Mayor Heymann informed she had nothing new to report regarding grants.

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

2) REPORT – Mayor Heymann wished to make a few announcements.

Mayor Heymann said each year Meals on Wheels invites Mayors to go along with them to give it some publicity; but they are also doing an interesting fundraiser they asked her to publicize to which she gladly obliged. She said it may interest some and it is not a major expense and they would like to get as many people involved as possible. They have 300 goals so there is a limit to how many people can participate in it.

At this time, Mayor Heymann wished to compliment (Cadet Capt.) John C. Glidden III, New Jersey Wing of Civil Air Patrol (CAP) Teaneck Composite Squadron, for being selected as the winner of the Amelia Earhart Award as published in local newspapers. She passed the article around for all to take a look at.

Mayor Heymann announced that Sally Tayeb, owner of Zendiggi Kebab House, thought we needed to encourage more bicycle riding in the Borough in order to get more young people to participate in what's going on down on Main Street and at the Plaza. Ms. Tayeb suggested putting up small bicycle racks in town to encourage riding up to the businesses. The Mayor passed around a sample and explained they are vintage inspired and only hold two bicycles so they don't take up a lot of space. Her recommendation was 6 for Main Street; and because they are expensive, the Mayor suggested asking some of the businesses in town to sponsor those racks as we did with the lights in town. In answer to the Borough Clerk, Mayor Heymann advised the racks would be on the sidewalk in the Borough right-of-way. Councilman Kashwick reminded that the Environmental Commission has been trying to accomplish this for several years; and said they were told the Chamber of Commerce wanted to do this. They wanted to be responsible for it as opposed to the Borough. The Borough Administrator said we could approach the Chamber of Commerce and ask if they were in fact interested in doing this. Mayor Heymann voiced her understanding that the Chamber can't afford it which has been the problem. Mr. Sheola voiced his opinion that the Chamber could solicit donations better than they could.

8. OLD BUSINESS

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

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Steve Isaacson, 97 Columbus Avenue, said originally the bike racks were his pet peeve and basically same are not expensive but limit sidewalk area in addition to outdoor seating. Relative to the spur, he noted that the Borough has to deal with Miele Sanitation as well as Elgen. The Borough Engineer said the only repair would occur in the roadway. Mr. Isaacson asked for the reason why Mr. Lignos has resigned; and Mayor Heymann said there would be a potential conflict. He questioned why there was no mention of the DPW Committee meeting this week inasmuch as the committee was supposed to report to the Council; and the Borough Attorney said that professional reports are given this evening and committee reports are given at the next meeting. Mr. Isaacson referred to an article about low enrollment in Little League; and Mayor Heymann said the enrollment is as large but is concentrated on different teams. Baseball is not as well enrolled. Mr. Isaacson cited the \$5 million project to build 2 baseball fields at the high school. Mr. Isaacson requested a copy of the 1973 agreement with Closter Plaza; and Borough Attorney provided same. Borough Attorney explained that prior to the adoption of the Municipal Land Use Law, if a private property was to be developed, the Planning Board would approve the application; and in the case of the Closter Plaza, in between the Grand Union and Grand Way, there is a roadway connecting Vervalen Street to Homans Avenue. This roadway needed an agreement which was entered into with the Borough of Closter. Since the last application, the Planning Board has approved a redesign; and the existing pathway would not be in existence but the agreement must be extinguished.

Jesse Rosenblum, 65 Knickerbocker Road, referred to the agreement with Closter Plaza; and Borough Attorney said that no other entity is in existence except the Borough; therefore, the agreement must be extinguished.

In answer to Steve Isaacson, 97 Columbus Avenue, Borough Attorney said that K-Mart has a lease with Irani personally; not as a corporation and owns the entire property.

Borough Administrator pointed out two plaques in the rear of the room presented to the Boy Scouts and recently returned for proper display. The display would be a perpetual recognition. Mayor Heymann explained the choices for display and asked for input from the governing body and the members of the audience.

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 8:50 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 March 21, 2014 for approval at
the Regular Meeting to be held
March 26, 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 March 26, 2014
Consent Agenda Item No. 19c.