

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – MAY 28, 2014 - 7:30 P.M.

Mayor Heymann called the meeting to order at 8:45 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 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:

Councilwoman Victoria Amitai

3. POSSIBLE MAYORAL APPOINTMENTS TO PLANNING BOARD:

- a. _____ AS CLASS IV MEMBER FOR A 4 YEAR
UNEXPIRED TERM (LIGNOS) TO 12/31/17 (5. M.L. 2/27/14)
- b. _____ AS ALTERNATE NO. 2 FOR A 2 YEAR
UNEXPIRED TERM (PEREIRA) TO 12/31/15 (9.M.L. 5/8/14)

4a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 7, 12, 15, 16 and 17 was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick and Dolson. Councilman Barad voted no.

ORDINANCES

5. INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING AND ADOPTION
6/25/14 @ 8 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

- a. ORDINANCE NO. 2014:1168, “AN ORDINANCE AMENDING CHAPTER 200 AND ADOPTING THE ZONING MAP DATED DECEMBER 2013” (Adjourned from RM 5/14/14/ Revised Ordinance received from Borough Attorney 5/27/14)
- b. ORDINANCE NO. 2014:1169, “AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CLOSTER, SPECIFICALLY, CORRECTING ARTICLE XVIIIA, CONSERVATION ZONE” (Received from Borough Attorney 5/27/14)

RESOLUTIONS

6. RESOLUTION WAIVING THE SIDEWALK REQUIREMENT OF CLOSTER CODE FOR PROPERTY AT 12 FOURTH STREET, CLOSTER, NEW JERSEY (received from Borough Attorney 5/22/14)
7. ~~POSSIBLE~~ RESOLUTION RE YARD AND GARDEN DEBRIS PICK-UP SERVICE BY THE CLOSTER DPW (Discussed at WS/RM of 4/23/14/WS 5/14/14/Carried from RM 5/14/14)
8. RESOLUTION AWARDED CONTRACT FOR EXTERIOR RENOVATION AND ROOF REPLACEMENT AT CLOSTER BOROUGH HALL TO 3 SONS RESTORATION, LLC, UNION, NJ, IN THE AMOUNT OF \$499,000.00 (received from Administrator 5/14/14)

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – MAY 28, 2014 - 7:30 P.M.

9. RESOLUTION AUTHORIZING PURCHASE OF VIDEO CAMERA SYSTEM FOR BOROUGH PARKS IN THE AMOUNT OF \$20,745.00 FROM J & B LOCK AND ALARM (Received from Administrator 5/14/14)
 Councilman Kashwick questioned if the resolution posed any problems with the Open Public Records Act and Borough Administrator answered that the video has to be stored in accordance with the Open Public Records Act regulations for the appropriate length of time that is required. The video would be saved on the hard drive and eventually moved to DVR. The cameras would be located at Ruckman, Schauble, Mollicone and several other parks. The Recreation Commissioner advised that the cameras can be monitored from a computer or smart phone and if there is an incident the video can be retrieved. Police Chief said the Borough presently has the equipment to save the video.
10. *POSSIBLE* RESOLUTION AUTHORIZING MAYOR AND CLERK TO EXECUTE 2014-2016 SNOW PLOWING PROGRAM AGREEMENT WITH THE COUNTY OF BERGEN (5. M.L. 5/22/14)
11. RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS 2013 & 2014: YITZAK & RINAT EVAR V. CLOSTER (Received from Borough Attorney 5/22/14)
12. RESOLUTION AUTHORIZING THE HIRING OF TWO DPW EMPLOYEES (Received from Borough Attorney 5/22/14) Carried to the next meeting.
13. RESOLUTION MEMORIALIZING APPROVAL FOR CLOSTER RECREATION COMMISSION TO HOLD ANNUAL BARBECUES AND SOFTBALL GAMES AND SERVE BEER TO COACHES AT ALL EVENTS AT MEMORIAL FIELD BEGINNING AT 7 P.M. ON THE FOLLOWING DATES: FRIDAY, 5/23/14, FRIDAY, 6/27/14, FRIDAY, 8/28/14 (LABOR DAY WEEKEND); RAIN DATES: SUNDAY, 5/25/14, SATURDAY, 6/28/14, SATURDAY 8/30/14 (7. M.L. 5/22/14)
14. *POSSIBLE* RESOLUTION AUTHORIZING INCLUSION IN THE BERGEN COUNTY COMMUNITY DEVELOPMENT PROGRAM FOR PROGRAM YEARS 2015, 2016 AND 2017 (7/1/15 TO 6/30/18) (3. M.L. 5/15/14)

MOTIONS

15. *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	<u>Vacant</u>	_____

16. *POSSIBLE* MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS:

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

**IMPROVEMENT
 COMMISSION**

<i>Not made at ReOrg 1/2/14:</i>			2 Years Unexp. (Vacant)
Member	<u>Vacant</u>	_____	to 12/31/14

17. *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			1 Year	
Associate Member	<u>Wendy Nigro</u>	_____	to	12/31/14

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

- a. REGULAR MEETING HELD 5/14/14 (Distributed 5/22/14)
- b. WORK SESSION HELD 5/14/14 (Distributed 5/22/14)

19. MOTION GRANTING WAIVER FOR TEMPLE EMANU-EL TO HOLD TASHLICH SERVICE AT THE CLOSTER NATURE CENTER ON THURSDAY, 9/25/14, AT 5:00 P.M. (10. M.L. 5/8/14) (Approval received from Risk Management Consultant 5/14/14)

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – MAY 28, 2014 - 7:30 P.M.

20. MOTION GRANTING APPROVAL FOR JEWISH FAMILY SERVICE OF BERGEN AND NORTH HUDSON TO CONDUCT THE WHEELS FOR MEALS: A RIDE TO FIGHT HUNGER IN BERGEN COUNTY, PARTIALLY THROUGH THE BOROUGH ON SUNDAY, 6/15/14, FROM 7:00 A.M. TO 12:30 P.M. (Approval received from Risk Management Consultant 5/16/14)
21. REPORTS
 - a. CHIEF OF POLICE – APRIL 2014 (Received 5/14/14)
- 4b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA
7. *POSSIBLE* RESOLUTION RE YARD AND GARDEN DEBRIS PICK-UP SERVICE BY THE CLOSTER DPW (Discussed at WS/RM of 4/23/14/WS 5/14/14/Carried from RM 5/14/14)

Councilman Barad expressed agreement with the sign up system, which he said should be part of the resolution and should also include a commitment to educate the residents on the use of mulching lawn mowers. While we are in transition, there should be twice monthly lawn and yard debris pick up inasmuch as storing same during the hot summer months is a burden. Borough Administrator suggested that the pickup be scheduled twice a month for June, July and August only. Councilman Glidden expressed his agreement as long as it is understood that this is a trial basis and subject to change. Superintendent of Public Works said the pickup would be on the first and third Wednesday of the month.

Motion was made by Councilman Glidden, seconded by Councilman Barad authorizing the Borough Attorney to draft an amended resolution to include a mulching lawn mower education commitment and twice a month pickup of lawn and yard debris on the first and third Wednesday during the months of June, July and August. Councilman Glidden agreed to continue on a trial-by-error basis, subject to change. Dr. Barad noted there are prepared leaflets from the State we could link on the web site. Councilwoman Latner acknowledged that the Supt. of Public Works would be able to determine the number of users as a result of this procedure. In response to Ms. Latner's request, Mr. Sheola agreed that if the resolution is approved, it will be on the website. In response to Borough Attorney's request for a verbal consensus after which he will memorialize the approval in Resolution form, by a show of hands, the motion was approved.

Borough Engineer referred to a letter to the Mayor and Council relative to a request for plans for Hickory Lane; and he advised that the resident be notified that the plans would be available at Borough Hall when the project is put out to bid.

22. 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)

Janet Flotard, 290 Durie Avenue, referred to the lawn debris pickup and Mayor Heymann noted there was a general consensus that this is an experiment that will be reviewed.

Councilman Kashwick referred to the Conservation District being comprised of just municipal properties and noted that he understood that the Water Company property already has some sort of conservation easement. He said he also understood that the Water Company would be amenable to be included in the Conservation District as well, which he felt should be pursued. Mayor Heymann said she would take that to the Planning Board for their review if the Water Company was amenable.

- 22a. Motion approving the following Resolution at 9:01 p.m. was made by Councilman Kashwick, seconded by Councilwoman Latner and was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Dolson.

OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12(b)(7), "Pending or anticipated litigation or contract negotiations"; 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 weeks.

The Regular Meeting resumed at 10:35 p.m.

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

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – MAY 28, 2014 - 7:30 P.M.

24. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:35 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 June 5, 2014 for approval at the
Regular Meeting to be held
June 11, 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 June 11, 2014
Consent Agenda Item No. 35a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – MAY 28, 2014 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session on Wednesday, May 28, 2014. Mayor Heymann called the meeting to order at 7:32 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 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:

Councilwoman Victoria Amitai

Also present:

Sergeant Thomas Brueck

Mayor Heymann recognized the Closter Grade 4 Boys Team and Coaches and said that the team finished the regular season with a 9 and 5 record earning the third seed in the Bergen Travel Basketball League playoffs. In the semi-finals the team beat the Westwood team earning them a spot in the Championship Game. In the finals, Closter faced Kinnelon and scored the win to bring home the championship. Mayor Heymann presented certificates to each of the boys and their coaches as follows: Andrew Argenziano, Jesse Greenberg, Robert Haray, Karan Khemlani, Michael Mai, Matthew Rinckhoff, James Shanahan, Steven Smith, Sean Vadis, Jonathan Woo and Coach Chris Haray and Assistant Coach Joe Angenziano.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF MAY 15, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 2 was removed by Borough Administrator; Item Nos. 1fIII and 3 were removed by Borough Clerk.

Item No. 2: Received 05/09/14, dated 05/07/14 from Governor Chris Christie, to Mayor Sophie Heymann; c: Municipal Clerk, Municipal Engineer re Informing the Borough of Closter will be receiving \$149,000 for the improvement of Hickory Lane from FY2014 Municipal Aid Grant from the New Jersey Department of Transportation (Copy to Mayor Heymann 5/14/14)

Borough Administrator requested the Borough Clerk provide him a copy of this letter in order to submit a Chapter 159 for the funds. Borough Engineer explained we get half of the money up front and the remainder after completion of the project.

Item No. 1f: Received 05/15/14, dated 05/15/14 from William G. Dressel, Jr. Executive Director, NJS League of Municipalities, to boroclerk@closterboro.com re III. Michael A. Pane Award 12th Annual Award: Nominations Requested by 9/30/14 - \$500.00 to be awarded at the 99th Annual Conference of NJ League of Municipalities on 11/20/14

Borough Clerk noted the Mayor recommended Edward T. Rogan for the award this year.

Item No. 3: Received 05/12/14, dated 05/08/14 from Noreen Best, Director, Bergen County Division of Community Development, to Mayor re Informing Bergen County is scheduled to re-qualify as an Urban County entitlement group under the Community Development Block Grant Program for the three-year period from 7/1/15 through 6/30/18; Reminding the current agreement contains an automatic renewal clause and requesting passage of a Resolution stating intent to continue as a participant in the Urban County entitlement program due **6/20/14**; sample resolution enclosed

Borough Clerk noted this item is on the Agenda for possible approval this evening.

b. MAIL LIST OF MAY 22, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 8 was removed by Councilman Kashwick; Item No. 10 was removed by Borough Administrator; Item No. 5 was removed by Councilman Barad; Item No. 16 was removed by Borough Attorney; and Item No. 12 was removed by Borough Clerk.

Item No. 8: Received 05/20/14, dated 05/20/14 from Barbara Heskins Davis, PP, AICP, Vice President, Programs, The Land Conservancy of New Jersey, to Borough Clerk re Upcoming Green Acres Funding Deadline and Application Requirements – deadline **July 31, 2014** (Copy to Environmental Commission, Recreation Commission)

Councilman Kashwick questioned if there was actually any money at the State to fund Green Acres and voiced his understanding that funding has been depleted. Mayor Heymann explained she has spoken to Green Acres about this because they changed the rules and said she can explain some but not all of it. The Mayor explained that even though we have \$800,000 in reserve with Green Acres, the new rules prevent you from obtaining more monies until you have used the existing funds. The old money has to be used for the original application's stated purpose; so in other words none of it can be used, for example, for the Lustron House (historic preservation) because it was requested for the purchase of the Brooks Estate (property acquisition). In answer to Mr. Kashwick, she affirmed that money can only be used for new open

space purchases. She again welcomed any suggestions for potential land acquisition purposes.

Item No. 10: Received 05/21/14, dated 05/21/14 from Cindy Randazzo, Director, Office of Local Government Assistance, NJDEP to Municipal Clerk re NJDEP PRESS RELEASE re: Christie Administration Announces More Than \$17 Million in Clean Communities Grants for Municipalities and Counties (Bergen \$119,061) Copy to Carole Dacey, William Dahle III)

Borough Administrator requested the Borough Clerk provide him a copy of this letter in order to submit a Chapter 159 for the funds.

Item No. 5: Received 05/19/14, dated 05/14/14 from Tom Connolly, County Road Supervisor, Bergen County Department of Public Works re 2014-2016 Snow Plowing Program - two (2) copies of Municipal Snow Plowing Agreement with prices for 2014-2016 snow plowing season and request to sign and return enclosed agreements asap (Executed copy for file to be returned in October) Copy to William Dahle, III, Glenn Parsells

Councilman Barad voiced his desire to understand this contract better and asked if we were agreeing to plow the County roads located within the Borough in return for \$90 per hour. The Mayor noted the County also gives us salt for this purpose. Dr. Barad asked Bill Dahle (DPW Superintendent) how this compares to our costs. Mr. Dahle explained that if our crew does it, we are reimbursed \$90 per hour or the County subcontracts out and those towns that opted for the subcontractors said it just didn't work for them because they would come late to plow the roads. The salt agreement is that they provide it to us for the County roads and there is usually a little left over for us to use and the plowing and salting contracts are separate; but we still get the salt and have to pay for the overtime. In answer to Dr. Barad, he voiced his recollection that the agreement per hour has gone up; and in the past, we were only paid for two trucks and most of last year we were paid for three trucks. Mr. Dahle said they negotiated it differently for times when there are bad storms and more than two trucks on the road but we use our plows and trucks.

Item No. 16: Received 05/22/14, dated 05/21/14 from Robert C. Metzdorf, Attorney for Philip and Vicki Venturini re Notification of retainer by Philip and Vicki Venturini to appeal the "*Notice of Fines, Values and Permit Fees*" detailed in the Borough's letter dated 5/15/14 for the alleged violation of B.O. 181-3 "Permit Required" for property located at 86 Wainwright Avenue, Block 2211, Lot 17 to dispute the number of trees Bill Fuchs alleges were cut down (Copy to Bill Fuchs)

Borough Attorney explained this is a tree fine appeal and the complainant's attorney is asking for direction from the Borough. Mr. Rogan said, with the Council's permission, he would respond with the process informing they can appear at the next Council meeting to plead their case.

Item No. 12: Received 05/22/14, dated 05/22/14 from Vasantha L. Murthy, 140 Herbert Avenue, to Mayor Sophie Heymann; c: Borough of Closter, Council Members re Requesting issuance of a Certificate of Occupancy deeming the dwelling at 140 Herbert Avenue, Block 1, Lot 5A suitable for two-family use (Copy to Zoning Officer)

Borough Clerk informed Ms. Murthy is present in the audience to speak on behalf of her request and answer any questions the Council may have.

Vasantha L. Murthy, 140 Herbert Avenue, explained that she and her husband purchased the property on 6/10/86 as a two family dwelling. She explained it was advertised and sold to them as a two-family residence and that is how their loan for the purchase was granted. From day one this residence has been lived in, rented as and taxed as a two-family dwelling.

Ms. Murthy explained now that she is looking to sell the property, she is in a predicament because her husband has a neurological disorder so their income is slashed; and she had open heart surgery so her income is also slashed. She felt it was most beneficial to list the house on the market. She had a buyer based on the premise that it is a two-family residence; and the second floor tenant has lived there since 1998. What she realized later on is the Zoning Officer will only give her a certificate for a single family house based on the size of the lot; but noted at the time they purchased the property, it was a two-family and there was no CCO at that time. When the property change took place, it was still continued as a two-family. Ms. Murthy said she will lose her buyer if she cannot sell the home as a two-family which puts her in a bind. She thought her best option was to approach the Council to see what her options were and to request a variance.

Borough Attorney questioned what year the house was built and Ms. Murthy referred to the records she provided; and noted when the inspector came to check the house in 1986, he had said the house could be 50-60 years old. Mr. Rogan explained there is a process for these types of requests and what she is asking may be able to be granted; but not by the Mayor and Council. He further explained there has been a recent revision to the criteria that the Zoning Officer can consider and one of those is the age of the house and whether or not it has been continuously used as a two-family since 1955. He voiced his understanding that the proofs are not easy but she may be able to find something on it and suggested she speak to the Zoning Officer. Ms. Murthy explained she did already and he advised her that he would only issue a CCO for a single family house because the lot size does not fit for a two-family; and he asked her for more information. Mr. Rogan agreed that is one of the issues that have to be considered but other issues involve the age of the house and how long it has been in use as a two-family house. In response to the Borough Attorney, Ms. Murthy explained she does not live in the residence because it was bought as an investment property; and, therefore, does not know any of the neighbors to inquire whether they are aware how long it has been used as a two family. Mr. Rogan advised that the only way Mr. Sinowitz (Zoning Officer) can grant that request is if he is provided with proof that the home was built and in fact used contiguously as a two-family prior to 1955; and if that's the case, it does not matter how big the property is. Mr. Rogan said if this is not the case, Ms. Murthy can apply to the Zoning Board of Adjustment for a variance because the Mayor and Council does not have the legal authority to grant this request.

Ms. Murthy noted the inspection report lists the property as a two-family; and he (the inspector) indicated the house is anywhere between 50 and 60 years old, which at the latest could make it the 1930's. The Mayor suggested Ms. Murthy speak to the Zoning Officer again with her paperwork as proof and said she will note that the Mayor and Council was presented with the situation at this meeting and the Borough Attorney has referred her back to him. In answer to Ms. Murthy, Mr. Rogan advised the title paperwork, deed, any surveys and bank paperwork would indicate the year the house was built; and noted this would be the fastest way to resolve her issue from reviewing the paperwork. A code inspector can check for any blatant modifications to the house. He explained one of the ways they look to see if the house was used as a two family for a period of time is to look for any additions that perhaps created new entrances or a new kitchen etc. Borough Attorney explained that if from its appearance, from a construction standpoint, it looks to be built that way and if she can establish that it was occupied before 1955, it should be approved.

Ms. Murthy explained that in the past her husband handled all of these matters but now she is doing it herself. They were supposed to close the sale on April 29th; she had an oil tank decommissioned and removed and the CCO inspection came up last week; and that is when she

was notified. The Borough Attorney reiterated the process in response to Councilwoman Latner and noted the Construction Official would still need to inspect the property to ensure there were no modifications made to convert it from a single to two-family house. In response to the Mayor, Ms. Murthy explained the first floor tenant moved out when she listed the house for sale and she decided not to rent it out again just to have problems with them moving out.

At this time, Jim Oettinger, Recreation Director, suggested Ms. Murthy call Doris Brewster who knows all about Herbert Avenue since she has lived there for quite some time and provided Mrs. Brewster's number. The Borough Attorney agreed this would be beneficial to her situation as that is how other owners have resolved the same issue with witness testimony regarding the history of the property. A written statement from a neighbor verifying the house has been a two-family since pre-1955 coupled with the inspection report and deeds should be sufficient for Mr. Sinowitz to make a determination.

Councilman Dolson noted the property record card indicates the house was built in 1924; and the Borough Attorney said Ms. Murthy did not need to worry about that being an issue any longer. Although the card indicates it is a two-family, he said that is not enough for Mr. Sinowitz because he needs to see proof it was occupied as a two-family since before 1955. As Liaison to the Zoning Board, Mr. Dolson informed the Borough holds onto property record cards for many years back and he suggested Ms. Murthy see the Assessor for old copies if they have them.

Ms. Murthy thanked the Mayor and Council for their time.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of May 28, 2014)

Borough Attorney referred to Item No. 7; Borough Administrator referred to Item No. 12.

7. *POSSIBLE RESOLUTION RE YARD AND GARDEN DEBRIS PICK-UP SERVICE BY THE CLOSTER DPW* (Discussed at WS/RM of 4/23/14/WS 5/14/14/Carried from RM 5/14/14)

Borough Attorney noted that after discussion there was public input and that Robo calls went out prior to this meeting advising that the first collection would begin on 6/4/14. The resolution would be finalized but input from the Mayor and Council would be needed on incorporation of any of the comments from the public. According to the Superintendent of Public Works, there would be one pickup in June and see how that goes.

12. RESOLUTION AUTHORIZING THE HIRING OF TWO DPW EMPLOYEES (Received from Borough Attorney 5/22/14)

Borough Administrator asked that this Resolution be removed from the Consent Agenda noting that there were payroll posting errors that were not corrected in time for him to do an analysis. He said he would provide the effective date to the Borough Attorney before the next meeting.

20. MOTION GRANTING APPROVAL FOR JEWISH FAMILY SERVICE OF BERGEN AND NORTH HUDSON TO CONDUCT THE WHEELS FOR MEALS: A RIDE TO FIGHT HUNGER IN BERGEN COUNTY, PARTIALLY THROUGH THE BOROUGH ON SUNDAY, 6/15/14, FROM 7:00 A.M. TO 12:30 P.M. (Approval received from Risk Management Consultant 5/16/14)

In response to Councilman Kashwick, the Mayor said the event was for bicyclists.

At this time, Mayor Heymann opened the meeting to the public for comment.

Janet Lukach, 290 Durie Avenue, referred to the post on the website and signs on two dumpsters in addition to the Robo Call this evening on the once-a-month vegetative waste collection starting on June 4th and said it was her understanding that a vote was to take place at tonight's meeting. She said that this action does not facilitate the democratic process that would have allowed for more input. She was appreciative that there would be vegetative waste pickup; however, to go from 14 pickups in 2013 to 4 in 2014 is not a compromise. She said there is no viable reason for this cutback and she felt the pickup should return to the 2013 level because the Host Community fee foots the tab for the DPW for recycling as well as newspaper collection twice a month on Wednesdays. Ms. Lukach suggested offsetting the cost for the DPW pickup by generating revenue such as a delivery fee for the delivery of mulch to residents who request same in addition to charging landscapers for topsoil and mulch. She supported the sign up list for collection of garden debris.

Mayor Heymann said we are starting this program to see how it works; and, if necessary, it will be improved; and requested patience while the process is implemented and altered to try to make it work. Councilman Barad noted that there has not been a vote on the resolution as yet. In answer to Councilman Dolson, Councilwoman Latner noted that 10 barrels would be collected.

At this time, Recreation Commission Director, Jim Oettinger, 25 Carlson Court, advised that Tommy LaStella from 33 Willis Drive was called up to the Major Leagues (Atlanta Braves) and will be playing at Fenway Park this evening. The Council and public offered congratulations on the wonderful news.

6. COMMITTEE REPORTS

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

- 1) STATUS REPORT RE CLOSTER WEBSITE
- 2) REPORT – Councilman Dolson informed he had no report this evening.

B. PUBLIC SAFETY - GLIDDEN (LATNER/BARAD)

1) REPORT – Councilman Glidden reported the Public Safety Committee met last week at the request of the Police Department regarding work to be done at the firing range at the end of Blanch Avenue. The Council had previously granted approval for certain improvements to be made; and since that time, a local developer, Diamond Construction, wanted to contribute time and materials for the proposed structure to be utilized for training. Councilman Glidden invited Chief Kaine and Sgt. Thomas Brueck to come forward to speak about the details of the offer and the project to give everyone the benefit of the discussion they had in Committee. Mr. Glidden said it would be a great benefit to the Borough from the developer and noted Sgt. Brueck has met and

6. COMMITTEE REPORTS (Continued)

B. PUBLIC SAFETY - GLIDDEN (LATNER/BARAD) (Continued)

spoken with them on several occasions and feels comfortable they could accomplish the project. Mr. Glidden informed that the donation raises some concerns and they have asked the Borough Attorney to address some of those; and he asked for a Closed Session to discuss same this evening. Mr. Glidden informed that members of the Public Safety Committee visited the site to get a view of what was to be done there. Mayor Heymann questioned if everyone had received the response from the Borough Attorney regarding the offer.

Sgt. Thomas Brueck distributed illustrations of the proposed facility and explained how the offer from Diamond Engineering came to light. Officer Fehsal, firearms instructor, had approached the Building Department several weeks ago to find out if any homes had been approved for demolition so the Police Department can use them for training. Sgt. Brueck explained that Charles Panahi, Diamond Engineering owned two houses and he wholeheartedly and without restriction let the men go inside and take down doors and whatever else they needed. Officer Fehsal continued his conversation with Mr. Panahi and explained the PD often trains at the gun range. Sgt. Brueck announced the Department had received a generous inheritance from a Closter resident in the amount of \$52,000; and they decided to put most of that money into fixing up the range with the assistance of Capital funds from the Borough to obtain some mandatory equipment. During that conversation, Mr. Panahi offered his assistance and accompanied Officer Fehsal to the range, where it was explained to him that one of their future dreams is to have a 20-foot by 25-foot range house. The first floor is primarily for storage and the second floor is an observation area with seating; and he explained a lot of the equipment purchased with the bequest is very expensive and computer operated and needs a large area to set up all of the controls and operate it. Mr. Panahi, after hearing this made an offer to help but Sgt. Brueck noted construction of the structure was not offered right away because it was not something that could be done overnight. Instead, he offered that when he has his contractors in town doing work to have them do overtime; for example if foundation work was being done one day, then that crew would come work on the foundation of the range house; and when it was time for framing, they would come to do the framing work when other projects permitted. Mr. Panahi said it was something that could be spread out over three or four months. Sgt. Brueck recognized the need for approval to build a structure on Borough property and added that they will also need electric run to the building to operate the equipment. He reached out to the Borough Attorney to discuss the legality of such a donation; and at this time, they await advice. Borough Attorney explained he did look into the request and provided his concerns to the Council today for discussion in Closed Session this evening.

Sgt. Brueck said regardless of the acceptance of the donation one issue they face is getting electric to the structure and the other being if the Council turns down the donation this evening, will the Police Department be able to build a structure at some point in the future on that land, noting it is not part of the Conservation Zone. He explained the additional benefit to the Borough as other towns would come to use the range and that revenue would support its upkeep. In answer to Councilman Barad, Sgt. Brueck explained the structure they would like to build is in addition to the firing range itself which will be built regardless. He explained that the bullet trap is a self-contained unit that will sit in front of the berm and actually has nothing to do with the bullet catch itself; each lane will be able to hold 100,000 rounds on their own.

6. COMMITTEE REPORTS (Continued)

B. PUBLIC SAFETY - GLIDDEN (LATNER/BARAD) (Continued)

Dr. Barad noted he visited the range on Memorial Day with Councilman Glidden, who said the proposed location of the structure is back a little more towards the parking lot area. Sgt. Brueck explained that some time ago a previous firearms instructor had placed the fence in the wrong location; therefore, they are actually shooting from 50 yards and their shotguns and long guns they have to shoot at 50 yards and reduced targets at 150 feet. When you pull into the parking lot, you can see halfway between the road and the fence where the yardage should be, and that's where the structure would be built. In answer to Dr. Barad he affirmed they do not have sufficient yardage at this time; and they are forced to shoot at reduced targets; which is not really effective for training. As far as parking, there is a dirt pile that will be removed so the parking lot will not need to be expanded, noting only four or five cars would be present at any given time. Sgt. Brueck explained there used to be power that ran from the old Collis house to the range but it was cut off some time ago; and though the pole is still there, it would cost us \$5,000 to hook up to it because it requires a junction box. We have one we saved from an accident that we can use but Orange & Rockland is sending a representative to discuss options with them. He indicated that he didn't think it would be a problem to drop a pole in front of the range on Blanch Avenue which would need only 75 feet of electrical and could be run underground; and the cost wouldn't even come close.

Dr. Barad inquired as to what the cost would be if we were to fund the proposal entirely by ourselves; and Sgt. Brueck informed it would be around \$250,000. He estimated the value of the building work being offered by Diamond Engineering to be approximately \$50,000. In answer to Dr. Barad, Borough Administrator explained we have appropriated \$150,000 in the Capital Budget to start the project primarily for the bullet catch fencing and berm. Mr. Sheola said some of the berms we can do and a minimal amount of fencing and there was a portion of funding allotted for paving. Sgt. Brueck explained the Department is in the process of finishing their spring qualifications after which time they would have a very tight window of 12-14 weeks to get everything up and running. He noted that other municipalities frequently call to use our range and they always have say no; but if this can be completed, we will have JIF insurance; and it can be utilized for a shared services agreement for training and would allow for training during inclement weather.

Borough Administrator explained when the capital funding was put into place, there was no building being contemplated. In answer to Dr. Barad, he affirmed we have not passed a Resolution expending any of those funds yet but said he would like to authorize going out to bid at the June 11th meeting after the estoppel period has run because none of the components are available on a State contract. Councilman Kashwick asked if the Swim Club property would be suitable for use; and Sgt. Brueck explained it was not, citing the history of the current range. As far as lighting, he explained they don't do much night shooting because they are using goggles, which is very unrealistic. Down the road the plan is to install some type of simple alarm system with two cameras which would double for monitoring the mulch piles.

Sgt. Brueck reiterated the request was for permission to run electric, to build on the facility and to accept the donation of time and materials from Diamond Engineering. Chief Kaine reminded they have donated us knock down houses in the past. They thanked the Mayor and Council for their time.

6. COMMITTEE REPORTS (Continued)

C. PUBLIC WORKS - LATNER (DOLSON/GLIDDEN)

1) REPORT – Councilwoman Latner reported there was DPW phone call regarding vegetative waste pickup that went out tonight and an email went out last week. The Library has received three (3) proposals for the waterproofing and roof work that needs to be done. Mrs. Latner noted the Northern Valley Coalition is meeting tonight and gave the web address for additional information: www.nvcoalition.org.

In answer to Mr. Sheola, Mrs. Latner affirmed that Kevin Whitney set up the vegetative waste email address and reported it is live now.

At this time, Councilman Barad informed when the vegetative waste resolution comes up, he will be proposing twice a month pickup. He noted there has been an increase in newspaper articles about the “heroin epidemic”; and Mrs. Latner described the community outreach efforts to educate the public. Mayor Heymann noted there is a cover page article in *Governing* magazine this month and suggested visiting the website to obtain a copy of the article. Dr. Barad voiced his support for twice a week vegetative waste pickup, suggested strong education regarding mulching and shared his personal experience having recently started to mulch himself.

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad reported the Committee had an interesting meeting yesterday and unusually, nothing was resolved. They discussed making changes to the snow removal ordinance based on Mr. Kashwick’s extensive research and it was determined there are still many issues to consider including keeping fire hydrants and walkways clear, which was a big problem this past winter. There have been complaints about the DPW plowing and then coming by and dumping it again putting the snow back on someone’s property. Although it will still be the property owner’s responsibility to clear it, we want to be clear that will happen. Dr. Barad reported the Committee did come to an agreement about raising the hawkers and peddlers license fees and they are looking into legalities of their proposal.

E. HUMAN RESOURCES - KASHWICK (DOLSON/LATNER)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Kashwick reported the Human Resources Committee met earlier in the month to discuss the salary resolution and offered to discuss same in Closed Session this evening if anyone wished to do so.

2) REPORT - Councilman Kashwick reported the following:

a. Environmental Commission – They have been meeting with representatives from NY/NJ Trail Conference to discuss the upgrades to the trail for the grant the Borough received. The Senior Service volunteers have been working with the DPW and Environmental Commission Chairman, Paul MacDonald, making sure we have those water labels on all of our storm drains. They are also working on a garden at the Buzzoni Farm with assistance from the DPW.

b. Shade Tree Commission had a very successful Arbor Day event and they had great press coverage. Mr. Kashwick extended his thanks to all those involved. He thanked Mr. Sheola and Leslie Weatherly for their assistance fulfilling their request from several months ago to have two trees planted on Perry Street.

c. Historic Preservation – As Mr. Kashwick was on vacation last week, he was unable to attend the meeting; therefore, had no report this evening.

6. COMMITTEE REPORTS (Continued)

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

1) REPORT – Mayor Heymann informed that Councilwoman Amitai is in India at present but wished to inform on her behalf. The Mayor reminded the Improvement Commission is sponsoring a major craft fair event at the Closter Commons on June 1st and said details are posted on the website, bulletin boards, email blasts and on signs posted throughout town. She urged everyone to come out and attend.

7. OLD BUSINESS

8. NEW BUSINESS

9. OPEN MEETING TO THE PUBLIC FOR ANY MATTER PER NJSA 10:4-12(A) (SUBJECT TO A 5-MINUTE LIMIT PER GENERAL RULE NUMBER 11) EXCEPT FOR ITEMS SCHEDULED FOR PUBLIC HEARING AT THE REGULAR MEETING

10. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

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

12. ADJOURNMENT

Motion to adjourn the Work Session at 8:44 p.m. was made by Councilman Kashwick, seconded by Councilman Glidden and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on June 5, 2014 for approval at the
Regular Meeting to be held
June 11, 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 June 11, 2014
Consent Agenda Item No. 35b.