

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

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

Mayor Heymann called the meeting to order at 9:20 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 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. PRESENTATION TO IRENE STELLA HONORING HER DEDICATED SERVICE TO THE BOROUGH OF CLOSTER (Requested by Mayor 11/5/14) This presentation was made in the Work Session.

4. POSSIBLE MAYORAL APPOINTMENTS TO THE FOLLOWING BOARDS:

a. PLANNING BOARD:

- 1) \_\_\_\_\_ AS CLASS IV MEMBER FOR A 4 YEAR UNEXPIRED TERM (LIGNOS) TO 12/31/17 (5. M.L. 2/27/14)
- 2) \_\_\_\_\_ AS ALTERNATE NO. 2 FOR A 2 YEAR UNEXPIRED TERM (PEREIRA) TO 12/31/15 (9.M.L. 5/8/14)
- 3) \_\_\_\_\_ AS CLASS IV MEMBER FOR A 4 YEAR UNEXPIRED TERM (NYFENGER) TO 12/31/17 (1.M.L. 10/23/14)

b. SHADE TREE COMMISSION:

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

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

The following Ordinance was introduced at the Regular Meeting held 10/8/14 and was published in The Record on 10/14/14 as stated in the Municipal Clerk's affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board in accordance with statutory requirements and copies have been made available to the general public:

**ORDINANCE NO. 2014:1177, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A301 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING FEES AND DEPOSITS, SPECIFICALLY FOR THE BOROUGH CLERK, HAWKERS, PEDDLERS AND STREET VENDORS"**

Mayor Heymann declared a Public Hearing.

Councilwoman Latner expressed her pleasure that the Council was going forward with the Ordinance and questioned the date in which the ordinance would go into effect. Mayor Heymann said that the ordinance goes into effect upon adoption.

Motion approving adoption of Ordinance No. 2014:1177 was made by Councilman Barad, seconded by Councilwoman Latner and was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Latner, Kashwick, Barad and Amitai.

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6a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 11 and 12 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.

RESOLUTIONS

7. BILL RESOLUTION – NOVEMBER 15, 2014 (Received from Deputy Treasurer 11/7/14)
8. RESOLUTION CLARIFYING THE ANNUAL SALARY FOR PART TIME POLICE RECORDS CLERK, MARY E. CERBASI (10/22/14 REGULAR MEETING AGENDA NO. 7) FOR 30 HOURS PER WEEK AT AN ANNUAL SALARY OF \$28,000 (Received from Borough Attorney 10/31/14)

In answer to Mayor Heymann, Chief Kaine advised that up to 32 hours is considered part time employment.

9. RESOLUTION AUTHORIZING THE BOROUGH OF CLOSTER TO ENTER INTO A SHARED SERVICES AGREEMENT WITH NORWOOD FOR POLICE DEPARTMENT CROSSING GUARDS AND AUTHORIZING MAYOR AND BOROUGH CLERK TO EXECUTE THE AGREEMENT (Received from Borough Attorney 10/31/14)
10. RESOLUTION AWARDDING A CONTRACT TO LUPARDI'S NURSERY, INC. TO PERFORM SIDEWALK REPAIR IN FRONT OF BOROUGH HALL AT A COST NOT TO EXCEED \$4,100 (Received from Borough Attorney 11/6/14)

MOTIONS

11. *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 _____	_____

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

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

13. MOTION APPROVING THE FOLLOWING MINUTES (ABSTENTIONS: AMITAI/BARAD):

- a. REGULAR MEETING HELD 10/22/14 (Distributed 10/30/14)
- b. WORK SESSION HELD 10/22/14 (Distributed 10/30/14)

14. MOTION GRANTING APPROVAL FOR THE PLACEMENT OF THE NATIVITY CRECHE IN FRONT OF BOROUGH HALL FROM 12/1/14 TO 1/5/15 (2. M.L. 10/30/14/ Approval received from Risk Management Consultant 10/28/14)

15. MOTION APPROVING RAFFLES APPLICATION NO. 606 FOR CLOSTER ELKS LODGE #2304 TO CONDUCT ON-PREMISE 50/50 CASH RAFFLE ON SATURDAY, 1/24/15, AT 148 RAILROAD AVENUE, FROM 7:00 P.M. TO 11:00 P.M.; DRAWING TO BE HELD AT 11:30 P.M. (Completed Application filed and appropriate fees paid 11/6/14)

16. REPORTS

- a. CONSTRUCTION OFFICIAL – OCTOBER 2014 (Received 11/5/14)
- b. FIRE CHIEF – OCTOBER 2014 (Received 11/5/14)
- c. CHIEF OF POLICE – OCTOBER 2014 (Received 11/12/14)

6b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

17. 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.

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

Borough Attorney advised that several years ago an ordinance was adopted approving \$244,700 from the Closter Open Space Fund and approximately \$19,000 was not utilized. There was discussion to use that money for lighting at Memorial Field and Ruckman Park. A resolution would be needed to cancel a portion of the ordinance and revert the unexpended funds back to the Open Space Trust Fund. The money could then be allocated for the lighting by Ordinance. Mayor Heymann voiced her understanding that there are two amounts: one of which is the \$18,000 that must be returned to the trust fund and the \$15,000 that was allocated this past year for the lights, which would total approximately \$33,000 and the proposal for the lighting was approximately \$34,000. She said that both of these issues have been discussed for a decade. The lights at Memorial Field are for the playground and at Ruckman Field are for the walking path. In answer to questions about the brightness of the lights, Mayor Heymann noted that those lights are the portable ones used for the playing fields and are only used at game time. Councilman Glidden noted that parents have been requesting lights at the playground for the past 10 years.

10a. RESOLUTION CANCELLING BALANCES OF COMPLETED GENERAL CAPITAL IMPROVEMENT AUTHORIZATIONS ORDINANCE NO. 2011:1088

Motion of approval 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.

6a1) INTRODUCTION OF THE FOLLOWING ORDINANCE – PUBLIC HEARING – Monday, 12/22/14, @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:

ORDINANCE NO. 2014:1179, “AN ORDINANCE APPROPRIATING A SUM NOT TO EXCEED \$18,920.15 FROM THE CLOSTER OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND FOR PARK, FARMLAND, AND HISTORIC PRESERVATION IMPROVEMENTS (Received from Borough Attorney 11/12/14)

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

18a. Motion approving the following Closed Session Resolution at 9:37 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”; 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 4 weeks.

Mayor Heymann resumed the Regular Meeting at 10:05 p.m.

19. ADJOURNMENT

Motion to adjourn the Regular Meeting at 10:05 p.m. was made by Councilwoman Latner, seconded by Councilman Glidden and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on  
November 20, 2014 for approval at the  
Regular Meeting to be held  
Monday, November 24, 2014

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held November 24, 2014  
Consent Agenda Item No. 17a.

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

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

The Mayor and Council of the Borough of Closter held a Work Session on Wednesday, November 12, 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

Those present were as follows:

Mayor Sophie Heymann  
Councilpersons John C. Glidden, Jr., Alissa Latner, John Kashwick, David Barad  
and Victoria Amitai  
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

At this time, Mayor Heymann deviated from the Work Session and referred to Item No. 3 on the Regular Meeting Agenda: "PRESENTATION TO IRENE STELLA HONORING HER DEDICATED SERVICE TO THE BOROUGH OF CLOSTER".

The Mayor made a presentation to Irene Stella stating that she has contributed a great deal to the Borough of Closter in many different ways. She served on the Planning Board, Historic Commission and has brought grace, charm and optimism. Mayor Heymann presented a plaque to Irene Stella for her countless years of passionate and devoted volunteer service to the Borough.

Tim Adriance, Chairman of the Historic Preservation Commission, commented that Irene was a founding member of the Historic Commission and as such she brought energy, passion and a skill of working with and bringing people together. He pointed out her legacy of the historic street signs that she brought to the Borough. At this time he presented her with a Certificate of Appreciation.

Mayor Heymann cited other Closter residents that are being recognized: Miriam Lambert of the Closter Food Pantry in 201 Magazine and the Assistant Vice Chairman of the Nature Center, Dr. Leslie Brunell has been recognized by the Northern Valley Press.

Mayor Heymann announced that on November 15<sup>th</sup> from 11 a.m. to 5 p.m. an elegant new store Bergio's Jewelry Store would be opening on Main Street with champagne and hors d'oeuvres.

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

- a. MAIL LIST OF OCTOBER 23, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Item No. 12 was removed by Councilman Barad.

Item No. 12: Received 10/21/14, dated 10/21/14 from Mark Vangieri, CRP, Bergen County Utilities Authority Administration and Solid Waste Program Planning Manager, to Municipal Representative re 2012 Municipal Recycling Tonnage Reports final tonnage amounts for every municipality in NJ (Closter only!) Copy to Recycling Coordinator, William Dahle, III

Councilman Barad informed we have the report from Closter and inquired how we did in previous years; are we the same or increasing. Superintendent of Public Works informed our Recycling Coordinator has that information and he will provide him with the figures.

- b. MAIL LIST OF OCTOBER 30, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. Councilman Barad referred to Item No. 4 for discussion and the Borough Attorney informed Mr. Capizzi was present this evening and asked that he be invited to speak on same.

Item No. 4: Received 10/27/14, dated 10/27/14 from Matthew G. Capizzi, Capizzi Law Offices, to Edward Rogan, Esq., Closter Borough Attorney re Copy of letter received by Borough Attorney requesting appearance before the Mayor and Council at the Regular Meeting to be held 11/12/14 re certain issues relating to fence and pool coping located on municipal property in re property located at 12 Willow Road

Matthew G. Capizzi, Esq., 11 Hillside Avenue, Tenafly, on behalf of Mrs. Galasso, regarding 12 Willow Road which she has owned since about 1994. Mrs. Galasso is in the process of downsizing and relocating and consequently has put her house up for sale and it is under contract. The Purchaser, as a customary part of the process, had a survey performed to verify that all of the improvements on the property are located on the property. We learned that a portion of the pool in the rear yard and the fence that encloses the pool are actually located on municipal property. The pool was constructed in 1997 through the customary process of filing applications, submitting plans and obtaining all required approvals. A CO was issue for both the pool and the fence; and it appears one of those things was an oversight that was not noticed until September 2014. What's unique about the property is that on the westerly side, the Borough owns a 20 foot strip of land right along her property boundary; and as a result of some additional due diligence, we learned a reinforced concrete drainage pipe runs along the center of this 20 foot wide strip of land. Mr. Capizzi provided photos showing same. There is a hedgerow that goes along the westerly side of the property separating her from her westerly neighbor; and from the street and rear yard there is no real delineation that would be municipal property. He passed the photos around to orient the governing body members who spoke among themselves. He pointed out that the gray area they see is the pool and to the left is a hedgerow.

In answer to Councilwoman Amitai, Mr. Capizzi informed he does not know who owns the hedgerow whether it is the westerly neighbor or the Borough; but he surmises, due to the easement only being a width of 20 feet, he thinks they would belong to the westerly neighbor. Mr. Capizzi explained the pool itself filled with water is on the Galasso property but the pool coping, a little over 4 feet of which is what is on the Borough's property. The fence is approximately 7.7 feet into the municipal property. Mr. Capizzi informed the issue of the coping and fence on municipal property is holding up the transaction. He proposed to enter into an agreement for an easement or license agreement to keep those items in place with concessions to allow the municipality to access the drainage pipe. Councilwoman Amitai questioned what the rule is in relation to the edge of a pool and the property line; and Borough Engineer informed it is a matter of 10 feet. Mr. Capizzi informed he has already spoken with Mr. Sinowitz (Zoning Officer) about the possibility of a Zoning Board application for variances; and he deferred to the Mayor and Council for determination. The Borough Attorney advised the governing body should further discuss the area. Mr. Capizzi noted that he is not aware of what the Borough does as far as maintenance but said Mrs. Galasso takes care of her property. Borough Attorney has already spoken to the Zoning Officer and suggested the Council hear from him as to

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the potential of municipal estoppel as mentioned in Mr. Capizzi's letter. Mr. Rogan explained the Borough is very limited in what it can do as far as an easement or license agreement in essence giving property away. Because this is fenced in, it would almost be to the exclusion of every other resident. He asked if the Council had any more questions to address them this evening to the property owner and Mr. Capizzi. He further suggested a committee discuss the matter with Mr. Sinowitz with the hopes of having an answer for Mr. Capizzi by the next meeting.

Councilman Kashwick asked if that easement was Green Acres property, and Mr. Rogan informed it was not. He said we could consider selling a portion of it if they so choose. There was a similar issue several years ago where the Borough considered selling a portion of a back piece of property for another pool situation where there was a structure partially on Borough property. The problem we encountered there was that property had been purchased with Green Acres funds, so it was not even a possibility. In this case, it is an option to sell that piece of property; and in answer to Councilman Glidden, he said it would first need to be appraised. In response to Mr. DeNicola, he explained if it is an easement that excludes the rest of the public, it is in essence giving away Borough property; you can grant an easement to use as a walkway but you cannot grant an easement to make it part of somebody's backyard.

Mr. Capizzi voiced his appreciation for the opportunity to meet with the Council this evening to explain the situation; and said he could have further discussions with Mr. Rogan to come up with potential resolutions to be presented to the Council. In reference to the municipal estoppels, Mr. Capizzi said someone else may have spoken to Mr. Sinowitz regarding same, but it was not his client's position at this time. In answer to the Borough Attorney, he informed at this time the closing is in abeyance. The issue not only affects the sale of the Willow Road property, but also the purchase of Mrs. Galasso's new property. Mayor Heymann offered that the Council will discuss it further; and if they have any questions they will be in touch with him right away.

c. MAIL LIST OF NOVEMBER 6, 2014 - Mayor Heymann asked if any member of the Council wished to address any matter or provide any comments. No one wished to remove any item for discussion.

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

Mayor Heymann asked if anyone wished to remove any items for discussion. Councilman Kashwick referred to Item No. 9; Councilman Barad referred to Item No. 14.

9. **RESOLUTION AUTHORIZING THE BOROUGH OF CLOSTER TO ENTER INTO A SHARED SERVICES AGREEMENT WITH NORWOOD FOR POLICE DEPARTMENT CROSSING GUARDS AND AUTHORIZING MAYOR AND BOROUGH CLERK TO EXECUTE THE AGREEMENT** (Received from Borough Attorney 10/31/14)

In answer to Councilman Kashwick, Mayor Heymann noted that there are a lack of crossing guards in the Borough and Norwood has a better supply upon which we can draw if need be; and this would be in place of using a police officer. Chief Kaine noted that the Borough currently has no substitute guards at this point in time and the Borough would be paying their hourly rate. Borough Attorney noted that the guards would be covered under the Norwood insurance policy; and under this resolution, Closter would not be reciprocating if Norwood was in need of additional guards.

14. **POSSIBLE MOTION GRANTING APPROVAL FOR THE PLACEMENT OF THE NATIVITY CRECHE IN FRONT OF BOROUGH HALL FROM 12/1/14 TO 1/5/15 (2. M.L. 10/30/14/**  
Approval received from Risk Management Consultant 10/28/14)

In answer to Councilman Barad, Borough Clerk explained the reason for the word "*POSSIBLE*" is that there is a question as to the length of time that the holiday decorations would be in place. Mayor Heymann noted that a second-hand sled has been purchased. Borough Attorney noted the decorations that

are being installed in other communities in order to be covered by court decisions must be in proportion. It was decided to leave the length of time for the decorations to be in place as indicated in the Resolution minus the word “*POSSIBLE*”.

Mayor Heymann referred to an e-mail relative to the Borough’s police cars; and Chief Kaine explained the status of the marked and unmarked police cars, a number of which are out of service leaving five marked cars that are in service and on patrol at this time. He provided the year and mileage for each of the cars. For the Capital Budget next year, the Department is requesting two new SUV’s and for an emergency appropriation this year for a car this year. A fully equipped vehicle costs \$60,000, which includes a camera, computer and cages in accordance with the Governor’s new regulations. In the meantime, the cars that are still being upgraded have the cameras and lights installed but the Department is still waiting for the IP addresses from the State Police. If there was a new car in stock, it would take less than two months to outfit same. Mayor Heymann said that the Budget Committee would have to review the budget for available moneys for an emergency appropriation.

Mayor Heymann referred to a communication from Boswell Engineering relative to additional costs for the DPW remediation. Borough Engineer said that next round of testing has been done and 4 of the 10 wells are basically okay but 6 of the wells show contamination. He recommended cleaning the wells and it is felt that the buildup over the years is affecting the results in addition to the high salinity in the water, which exacerbates the results. The cost of the remediation and next round of testing would be approximately \$7,600.

6. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) REPORT RE NEGOTIATIONS WITH PBA LOCAL 233 (8. M.L. 8/21/14/ 8. M.L. 9/25/14) – The Borough Attorney reported he is in the process of preparing a position paper for the PBA Negotiation Committee which he plans to have to them by Monday morning. Our next meeting is scheduled for December as we had to rearrange the one scheduled for next week due to the League Conference. An email will go out tomorrow confirming the new date.

2) REPORT RE DIRECT NEGOTIATION FOR THE CONTRACT FOR SOLID WASTE TRANSFER STATION SERVICES INCLUDING THE TRANSFER, TRANSPORTATION, DELIVERY AND PAYMENT FOR DISPOSAL OF SOLID WASTE FOR THE BOROUGH OF CLOSTER (Authorized at RM 10/8/14) – Mr. Rogan reminded the DPW Committee that this contract is expiring and discussions need to commence in terms of renewing or going out to bid. We spoke briefly about it at the last meeting and he noted he does not yet have the tonnage amounts because Miele’s intake has increased with the facility closing in Hillsdale. In answer to Mr. Rogan, Superintendent of Public Works informed from what he was told, Miele is only allowed to intake a set number; and Borough Attorney said they are maxed out under public utility regulations.

3) STATUS REPORT RE APPRAISALS OF POTENTIAL ACQUISITIONS FOR THE BOROUGH (RM 9/10/14 Mayor granted approval to obtain appraisals on two properties)

4) REPORT – The Borough Attorney reported he appeared at the Appellate Division in Jersey City today for the purpose of arguing the Ordinance the Borough passed increasing the square footage from 40,000 to 45,000 in the business district. A&P’s attorney was present and oral arguments were held before a 2 person panel and they did not give any indication as to how they would rule on it but advised they would send us a written determination. The Appellate Division has no timeframe because they can take all the time they want.

Mr. Rogan informed he had two items for Closed Session regarding acquisition of public lands, specifically Village School and a matter involving public employees.

6. PROFESSIONAL REPORTS (Continued)

B. BOROUGH ENGINEER

1) STATUS REPORT RE DPW REMEDIATION (Authorized /RM 4/23/14) – Borough Engineer noted this was discussed earlier and he hopes approval can be made at the next meeting.

2) STATUS REPORT RE SWIM CLUB PHASE II CONTAMINATION INVESTIGATION (Authorized/RM 7/9/14) – Mr. DeNicola reported a majority of the sampling has been completed; and it has been determined that only the first foot of material is contaminated. They need to expand the grid to go out further. The current area covers 100 feet by 100 feet and they would like to expand to the northwest away from the pool. In answer to the Mayor, he said it was not necessary to test in front of the building. In answer to Councilman Barad, he said that it is still undetermined if it was caused by pesticides, though it seems to dissipate the further you go into the woods. In answer to Dr. Barad, he affirmed it is heading towards the wetlands. There is some contamination in the ditch running towards the Dwarskill and they have done additional sampling but don't think the contamination runs out to where the pool drains. Mr. DeNicola said the results should be in sometime in November but they anticipate those results to be negative.

3) REPORT – The Borough Engineer reported he is wrapping up the design of Hickory Lane and will submit them to the NJDOT for approval as it is a local aid grant and they need to approve it. He expects the bidding to take place in January or February to get the best results when contractors are starting to line up their work. Mr. DeNicola said maybe a Resolution in December approving the plans and another in January authorizing Boswell to go out to bid is his anticipated plan.

7. REPORTS

A. BOROUGH ADMINISTRATOR

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

a) Mail List requests re Insurance: None at the time of preparation of this Agenda  
Mayor Heymann informed the Borough received a rebate from the 2013 (JIF) bill that we can apply to the 2015 bill or ask for a check for the amount. In the past we always applied the rebate towards the payment. This past year, the former Administrator asked for the amount in check form which then was put into the General Fund thereby enlarging the Surplus. She asked the Council for their opinions on the matter. Council members expressed their support for using the rebate towards the payment of the 2015 bill as has been past practice.

2) STATUS REPORT RE EXTERIOR REPAIRS AND ROOF REPLACEMENT AT BOROUGH HALL (Contract Awarded /RM 5/28/14 to 3 Sons Restoration, LLC, Union, NJ - \$499,000.00) – Mayor Heymann reported there were a few delays due to bad weather recently; however, they did do a very large amount of pointing that was not included in the original contract. She reminded it was discussed at the last meeting that a \$55,000 reserve fund was way surpassed by what they have completed. The power washing cannot be completed until all of the pointing is done but the front of the building is complete and washed. As a result of all of this pointing, even in the front, you can clearly see a different pattern; and they feel it is the wisest decision to paint the entire building. Mr. Dahle explained that the weatherproofing is tinted and that is how the paint is applied. In answer to Councilwoman Amitai, he voiced his understanding that about 40% of the building has not been repointed which is most of the lower part of the building. Mrs. Amitai questioned if it would be worth it to complete the other 40% because they could potentially need to be repaired in the future. Mayor Heymann disagreed and explained that some of the repaired brick could very well need to be repointed again and there is no way to tell. She said she agrees with Mrs. Amitai if they had made the original decision to fix everything, it might have been the right thing to do – but at this point, that is no longer the case. Mayor Heymann said the fact remains that even without the pointing, the building has three colors. She explained the difference in the original pointing and the repaired work. Mrs. Amitai asked if it was the Mayor's own house, wouldn't she do all of the bricks; and asked how much it would cost to finish the rest of the bricks. The Mayor surmised it could be a couple hundred thousand dollars and asked Mr. Dahle what he thought. He said he would have to inquire but warned that if that was the decision, then the building would not be sealed before

7. REPORTS (Continued)

A. BOROUGH ADMINISTRATOR (Continued)

the winter and the bad weather. Mr. Dahle commended the Mayor for her efforts to unify the appearance of the building. In answer to Mrs. Amitai, the Mayor said it took a number of days to get the quote for the additional work so it is not a simple matter to make a phone call. When we got the quote and found it would be more than the \$55,000 reserve is when the contractor said he would eat the difference. Mayor Heymann voiced her understanding that though everyone tried very hard, there are too many variations in the grouting and bricks to have it look fresh and new. The paint options are on the front of the building; and after the staff and Historic Preservation Commission weighed in on it color number 4 was chosen. In answer to Mrs. Amitai, she noted that Bill Martin from the Commission is a restoration architect and he felt very strongly that the entire building should be painted and agreed with color number 4 as well. Regarding the roof, it was meant to be started right away and the contractor reminded that since it is cold application, it cannot be done when the temperature drops below 40 degrees. They are going to wait to do the roof until the temperature goes up and voiced her understanding it will be done simultaneously with the painting. Mr. Dahle said the flashing had to be completed prior to the roof work starting. In answer to Mr. Kashwick, Mayor Heymann said the flagpole will be located on the roof.

Mayor Heymann noted the Police Department is in the throes of being redone. Mrs. Amitai asked Chief Kaine if she could have a tour of the PD one day and he agreed to same. Mayor Heymann said she looked at the front entrance marble stairs in looking at other things the building needs to be addressed and thought with the outside looking so new, the stairs really need to be fixed. She asked the architect for an estimate and the architect's fees would come out to \$4,800.00. Bill Dahle thinks he can get a much better price by going directly to the people who do the work to get a price because those stairs are cracked, dirty, worn down and need to be replaced.

Mayor Heymann pointed out another issue being the Planning and Zoning office which has been badly damaged by seeping moisture. She informed that today she received an angry call from Mr. Dahle calling it to her attention that the air conditioning and heating systems need to be done – most likely from scratch. She asked Mr. Dahle to speak regarding same.

Superintendent of Public Works explained that every time something needs to be replaced in Borough Hall, they replace that one thing and nothing is addressed in its entirety. Right now, we put in an air conditioning unit several years ago that took care of the offices and part of the PD. If there is a lot going in there and the department feels the need to turn on the air conditioning, then the girls in the office start calling. He proposes somebody come in to give us a master plan because we've always just added and not looked at the big picture. He said he explained to the Mayor that there are four units up here and two of them are very old. We keep our fingers crossed that they will run every year, but he feels an engineer should come in and assess our needs. Mr. Dahle said we started with the boilers and that was a good direction so he doesn't think we need to do anything more with the heating. He voiced his frustration that he gets numerous calls each week that someone is cold or an office is too hot. In answer to Mrs. Amitai, he reiterated that need a professional to come in and assess the system. Mr. Dahle explained there was a contractor here who installed the boilers and also installed the air conditioning units a while ago and he was not in charge then, so he does not know what was purchased but it does not work properly.

3) STATUS REPORT RE RE-BID FOR ACQUISITION & INSTALLATION OF EMERGENCY GENERATOR AT CLOSTER PUBLIC LIBRARY – Bid opening held 8/5/14 /@ 11:30 a.m./All Bids rejected RM 8/13/14 – To be rebid. Mayor Heymann reminded this purchase is conditioned on the receipt of a FEMA grant which we have not yet received. Lt. Winters told her it should come through by the end of the month after which time we can proceed with the rebid.

4) STATUS REPORT RE FOLLOWING CONTRACTS:  
a. POLICE FIRING RANGE PHASE I – CONTRACT AWARDED TO ACTION TARGET/RM 8/13/14 (\$108,220.51) – Chief Kaine reported they are expecting delivery tomorrow of the final backstop and it should be completed by the end of next week and ready for qualifications. In answer to the Mayor, he reminded the canopy is part of Phase II under the 2015 Budget and would need to be installed before we can rent out the range to other towns.

5) REPORT

7. REPORTS (Continued)

B. BOROUGH CLERK

1) STATUS REPORT RE 2014 APPOINTMENTS – Ms. Castano reported we are current with open appointments being maintained on the Regular Meeting Agenda. Any openings resulting from resignations received in the current mail lists will be added to the Agenda for the next Regular Meeting.

a. PREPARATIONS FOR 2015 APPOINTMENTS – On 10/15/14 we sent memos to Borough Departments, Boards and Commissions requesting recommendations to be provided to our office no later than 11/14/14. This will enable Arlene (Corvelli, Deputy Borough Clerk) time to prepare the appointment list for the Reorganization Meeting to be held Monday, January 5, 2014 to be sent out the first week of December.

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

3) STATUS REPORT RE 2014 LICENSES – Borough Clerk reported that 2014 Borough licenses are current.

Regarding 2014-2015 Liquor License Renewals, Ms. Castano informed there is still one outstanding license of the 13 in the Borough which has not been renewed for 2014-2015 due to lack of Tax Clearance Certificate.

a. PREPARATIONS FOR 2015 LICENSES - 2015 Borough Licenses memo was sent to the Chief of Police on 10/10/14 for inspections to be made of current licensees for response by 11/3/14. Since we received a report much earlier than the due date, we mailed requests on 10/28/14 for response by 12/15/14 and have received three payments to date.

4) STATUS REPORT RE 2014 MEETING DATES – Current.

a. PREPARATIONS FOR 2015 MEETING DATES - For 2015 we sent out the memo to the Chair persons and Liaisons of Borough Boards, Departments and Commissions on 10/6/14 requesting Meeting Dates. We provided them with the 2015 calendar with listing of holidays, religious holydays and special dates and 2015 Mayor and Council Work Session and Regular Meeting schedule for response by 12/1/14. Ms. Castano advised all were informed that the Reorganization Meeting will be held the first Monday in January, 1/5/15.

5) STATUS REPORT RE ELECTIONS – Ms. Castano reported the General Election was held on Tuesday, 11/4/14, from 6 a.m. to 8 p.m. and there were landslide victories at the polls this year: Mayor-Elect John C. Glidden Jr. unofficially received 1,181 votes; Councilman Dr. David H. Barad received 1,156 and Council-Elect Robert A. DiDio received 1,112. She noted these totals are before the Mail-In Ballots have been counted. Public Questions all passed with “yes” votes (No. 1 – 834; No. 2 – 884). Overall turnout at the polls was 42% which is very good. Northern Valley Regional High School Board of Education had a large contest and Ms. Castano reported receiving a large number of calls inquiring about results; which Joseph Argenziano won with 693 votes. Closter Board of Education results are: Ginsberg – 695 and Lambert – 737. After numerous inquiries as to the vacant seat, Ms. Castano spoke to Peter Iappelli today who was also waiting for results and informed that write-ins resulted in Sung H. Kwon with approximately 80 votes and Judy Parker with 10. She reminded the numbers are not final pending the count of Provisional and Mail-In Ballots.

Ms. Castano reported the Board Workers were greatly upset by the conduct of people waiting for School Board results. She was advised that one individual actually tore the tally sheet out of the hand of the Board worker who was obtaining the printout from the voting machine. Ms. Castano informed she would be inquiring as to how to handle the situation in the future. In answer to Mrs. Amitai she explained the police officers are only there to drop off and pick up the poll books; they are not there to keep the peace. She does not feel it is a police matter but rather the Board Workers themselves who should elect members to maintain order at the closing of the polls. Councilman Glidden noted that since we now hold a School Board election in conjunction with the General Election, he suggested informing future candidates of the decorum expected at the polls. Ms. Castano agreed with the Mayor that the practice of approaching the machines is illegal but explained that the names of those persons were not obtained. She affirmed that poll watchers should have a certificate and a badge identifying them but urged that they should be staying in the periphery and not approaching the Board Workers or voting machines during the closing of the polls. The Board Workers were so intimidated and confused by all of the commotion that many of them forgot to call in the telephone tallies and had to do so once they arrived at Borough Hall.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – NOVEMBER 12, 2014 - 7:30 P.M.

7. REPORTS (Continued)

B. BOROUGH CLERK (Continued)

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

a) Regarding the League of Municipalities Conference scheduled to be held in Atlantic City on 11/18, 19, 20 and 21, Ms. Castano informed that all accommodations have been paid by purchase order, attendees have been pre-registered and a memo was sent to each via e-mail with pre-registrations distributed this evening to the attendees.

b) REPORT RE PROFESSIONAL SERVICES – Ms. Castano reported that e-mail and hard copy letters were sent to current professionals for 2015 qualifications in addition to the notice being placed on the website on 10/23/14. We have received requests for criteria and follow through as they are received.

c) Codification of 2014 ordinances - Ordinance Nos. 2014:1153 to 2014:1178 plus others recently introduced are to be codified: Approximately 26 ordinances for this year will be sent to General Code for placement on the website prior to codification. (Last year approximately 17 were sent to General Code).

Ms. Castano noted this amount is double what we have traditionally codified; and as she is already over budget, for the first time, there will have to be a transfer from another department to the Borough Clerk's Budget because her budget was \$3,000 less than she had requested.

C. CHIEF OF POLICE

1) REPORT – Chief Kaine reported he sent the October report this afternoon and everyone should have received the email. The Borough Clerk noted she will be requesting approval of same on tonight's Agenda. Chief Kaine noted the Mayor already addressed some of his report inasmuch as the construction part started yesterday with the radio systems being taken out. He said he would forward everyone the vehicle mileage report he referred to earlier.

Chief Kaine reported there were no major issues on Halloween this year and thinks the email that was sent to parents was helpful. The Department will run DWI patrols during the holiday season due to a grant they received. They have also applied for the "Drive Sober or Get Pulled Over" grant but have not heard yet as far as award recipients.

The Chief referred to recent press releases and said the Department has been busy the past several weeks with a stolen car, search warrant from the Prosecutor's Office for the house on Closter Dock Road and a burglary detail where four individuals were arrested in connection with 30 burglaries in the Bergen County area. Mrs. Amitai and Mrs. Latner thanked the Chief for the diligent efforts of his Department. Mrs. Amitai voiced her concern that she heard the owner of that rental house on Closter Dock had several homes in town and asked if we could follow up on that and the Chief said that should be part of the investigation.

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANTS:

a. FILED

1. To be announced by Mayor

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 – Mayor Heymann reported this is folded into the renovation of the building and they will be installed on the Lewis Street side. She asked the Borough Clerk to remove this item from future reports.

7. REPORTS (Continued)

D. MAYOR (Continued)

b. AWARDED

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) – Mayor Heymann

noted she has explained several times in the past that since we are not using the funds to acquire the Lustron House we are not entitled to the grant. If we put in a grant application for the renovation of the building we are being highly considered for an award. Once the Council adopts the ordinance accepting ownership, she will file a grant with the Historic Preservation Office at the County to have that money reallocated to us for renovations.

c. TO BE FILED

1. To be announced by Mayor – Mayor Heymann reported that either this week or next she will be applying for CDBG grants for various improvements that are eligible – which is not too many. She informed they will be looking for a grant for bus services for Senior Citizens and handicapped persons but there are very limited choices in grants.

- 2) REPORT – Mayor Heymann referred to the Village School and the Borough Attorney informed he would like to discuss same in Closed Session. The Mayor said there will be an LEPC meeting this coming Monday (11/17/14) at 7 p.m.; LEPC is the new word acronym OEM. She invited any comments or concerns regarding the safety of the Borough be referred to her.

Mayor Heymann reminded the Best Practices Inventory recommended having a Surplus policy and that is being taken care of. She reported that COAH was supposed to work together on an approved plan as mandated by the Court and they were unable to do so; and COAH is in limbo again. In answer to Councilman Barad, she explained her concern is that our COAH Planner knows how much he billed into the long range plan for COAH more or less as the Third Round went into 2018; and he is billing us to grab the larger part of the administration budget that was handed in. The Mayor explained she has tried very hard to discourage that in discussions with him because she is not happy that he keeps billing us when he is not doing any work. The Borough Attorney suggested the Council could say that since it was a 3-3 tie, there is a moratorium and we do not wish to have any more work done until such time as direction is given from the State. No objections were voiced to same. Mr. Rogan noted everything we receive right now is speculation. Mayor Heymann explained that the COAH Planner sends her notes based on information we already receive from the League of Municipalities which she sometimes forwards to him and then bills us for it.

The Mayor informed she has been attending the Riverside Cooperative meetings and right now they are dealing with two issues that might be of interest to us: microsurfacing – which Closter has tried in the past with very poor results, but the Co-op claims they have very good results. It is a simple coat on the road instead of milling the road to resurface it. The Borough Engineer explained it is like a very thin layer of asphalt – that is a little higher grade than asphalt that is like a driveway sealer but better. The Mayor said several towns have been very happy with it. They are also checking with the members whether we would like to participate in a preventative maintenance contract for standby generators. Superintendent of Public Works suggested the Mayor bring that to the attention of OEM Coordinator Lt. Winters. He noted the Borough is looking into additional generators and it may be worthwhile discussing with OEM.

Mayor Heymann reported she has collected 2015 Budget requests from almost every Board, Commission and Department with the exception of a few and she thanked everyone for their submissions. The Budget Committee will meet to review the initial input and prepare any transfer Resolutions that may be necessary to cover overexpenditures when Councilman Dolson returns. The Mayor said not too many departments have any excess this year so she is not sure how they will be accomplishing transfers.

8. OLD BUSINESS

Councilwoman Amitai said she wanted to have a discussion regarding bringing back the Borough Calendar in its old format that has a month at a glance. Also, she is waiting for a phone app to be able to view the calendar. Mayor Heymann noted the calendar is posted on the web and Mrs. Amitai said not a lot of people are using that these days. Mrs. Amitai explained she cannot very easily go onto her phone and log on to the Closter Borough website and pull up the calendar and get what she needs. She recommends an app for the phone that would send notifications. Mayor Heymann agreed there is some merit to that but reminded we have had trouble getting people's e-mail addresses. If there is no e-mail, you cannot send a message to those people and we only have about 400 addresses. The schools have a much larger database of e-mails but they will not share them with the Borough. It does not pay to use that technology for only 400 people. Mr. DeNicola explained there could be an app on the website that people could just download and use that way and then you don't need their e-mail address. They can download the calendar once and have the entire year. Mrs. Amitai said she would like to be able to see all of her meetings and the trash schedule in one place on her phone. Councilman Barad suggested saving the calendar as a pdf like it is on the website that can be viewed on a phone. The Mayor insisted that Mayor and Council meeting dates are listed on the recycling calendar that is mailed out in December. Councilwoman Latner noted her children do not receive printed report cards anymore – everything is online. Dr. Barad explained that making an app is very expensive and making a pdf file costs nothing. The Mayor said it's a good idea but it doesn't work. She said it cannot go on the printed calendar because there is no room for it but all the meetings appear on the website. She said she would follow through on same.

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 number of voters who turned out for the election and questioned the percentage. Borough Clerk said that she would provide the exact numbers the following day. Mr. Isaacson questioned if any bond money had been received from Closter Plaza and Mayor Heymann noted that unofficially Edens is about to purchase the bank property. He asked if a reapplication has to be made to the Zoning Board because they own a bigger piece of property and Borough Attorney said he did not think that ownership would matter unless they would be planning on doing something different with the property. In answer to Mr. Isaacson, Borough Engineer said that a permit was requested from the Building Department for 12 Willow Road and Mayor Heymann noted by State law they did not have to appear before a Board. Borough Attorney said that their surveyor or contractor made an error and what was being planned was shown on their property incorrectly and was caught by review of the survey. Mr. Isaacson referred to the pot holes in Closter Plaza and the railroad crossing and noted that he had contacted the County who would be sending someone to inspect the railroad crossing at Railroad Avenue. He referred to irregularities in the recent school election and questioned if there were cameras in the polling places. He questioned the bid threshold and noted that he submitted a bid for the Closter Calendar and he lost by \$200.00. He had asked if there was artwork for the calendar and he was told no. He, therefore, figured in his quote redoing the artwork. The printer, who won the bid, had the artwork and never gave it to the Borough, which the Borough paid for; and this was the reason why he lost the bid. He noted the time he has put in to this Borough. He also cited the proposed \$25,000 campaign and Mayor Heymann said that the Borough did not do the campaign because of the cost. He said that the best way to advertise the Borough is the calendar with a pull out section in the middle with paid-for advertising, which would pay for the cost of the calendar. Mayor Heymann said that at one time the calendar was subsidized by various banks and the Council did not continue with same.

11. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES – NOVEMBER 12, 2014 - 7:30 P.M.

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

Motion to adjourn the Work Session at 9:17 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  
November 20, 2014 for approval at the  
Regular Meeting to be held Monday,  
November 24, 2014

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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 Monday, November 24, 2014  
Consent Agenda Item No. 17b.