

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – APRIL 27, 2016 - 7:30 P.M.

Mayor Glidden called the meeting to order at 8:50 p.m.

1. PROVISIONS OF OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Annual Notice of Meetings which was published in The Record and the Star Ledger on January 7, 2016, 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 John C. Glidden, Jr.
Councilpersons David Barad, Alissa Latner, Robert Di Dio, Brian Stabile, Jannie Chung and
Victoria Amitai
Temporary Borough Administrator, John C. Fry
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano
Borough Auditor, Gary J. Vinci
Borough Engineer, Nick DeNicola
Chief of Police, Dennis Kaine
Supt. of Public Works, William Dahle, III

Also present: Former Councilman Arthur B. Dolson
Temporary Chief Financial Officer/Tax Collector, Maria Passafaro

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

This Ordinance was introduced at the Regular Meeting held 3/23/16 and was published in The Record on 3/29/16 as stated in the 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. 2016:1203, CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14)

Mayor Glidden opened the public hearing.

In response to Councilman Stabile's question, Mayor Glidden explained this is the Ordinance to approve the establishment of a CAP Bank.

No one else wishing to be heard, Mayor Glidden closed the public hearing.

Motion approving adoption of Ordinance No. 2016:1203 was made by Councilman Di Dio, seconded by Councilman Barad and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Barad, Latner, Di Dio, Stabile, Chung and Amitai.

4. PUBLIC HEARING AND ADOPTION OF THE 2016 MUNICIPAL BUDGET AND RELATED RESOLUTIONS @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD

The Municipal Budget was introduced at the Regular Meeting held 3/23/16; and the Municipal Budget Summary was published in The Record issue of 3/29/16, as stated in the printer's affidavit of publication. Reprint of the Summary was posted on the Municipal Bulletin Board in accordance with statutory requirements, was posted on the Municipal Web Site pursuant to N.J.S.A. 40A:4-10; and copies have been made available to the general public. As a courtesy on 4/1/16, the Borough Clerk hand delivered a copy of the Municipal Budget to the Library Director for public inspection.

Mayor Glidden opened the public hearing.

In response to Mayor Glidden's request, the Borough Auditor apologized for not having a hard copy of the Resolution Re: Amendment to 2016 Budget and explained that the Borough Clerk would have the official copy tomorrow.

4. PUBLIC HEARING AND ADOPTION OF THE 2016 MUNICIPAL BUDGET AND RELATED RESOLUTIONS @8:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD
(Continued)

With Council approval, Mr. Vinci proceeded to read the accounts affected and the net change as follows:

Everything is in relation to the Budget which was voted on last month.
Uniform Construction Code Fees will increase \$60,000
General Administration Salaries and Wages will be reduced by \$96,000
General Administration/Other Expenses will be increased by \$70,000
Mayor and Council Other/Expenses will be reduced by \$1,500
Financial Administration/Other Expenses will be reduced by \$2,500
Planning Board Salaries and Wages will be increased by \$2,500
Police Department Salaries and Wages will be reduced by \$5,000
Police Department/Other Expenses will be reduced by \$3,000
Solid Waste Salaries and Wages will be decreased by \$4,000
Maintenance of Parks and Playgrounds/Other Expenses will be reduced by \$4,500
Recreation Commission/Other Expenses will be reduced by \$8,000

Borough Auditor explained that the Net Change on the Spending is a reduction of \$52,000. The Net Change on the Tax Levy is a reduction of \$112,000. He advised that since the Budget Amendment affects line items that have been increased or decreased by 10%, this Resolution will need to be advertised and he read as follows:

“BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government services for certification for 2016 local municipal budget so amended.

BE IT FURTHER RESOLVED that this complete amendment, in accordance with N.J.S.A. 40:4-9 be published in The Record in the issue of May 3, 2016, and that said publication contain notice of a public hearing on said amendment to be held at Borough Hall on May 11, 2016 at 7:30 p.m.”

Motion approving the Budget Amendment was made by Councilman Stabile, seconded by Councilman Di Dio and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Barad, Latner, Di Dio, Stabile, Chung and Amitai.

5. RESOLUTION RE SELF EXAMINATION OF CY 2016 BUDGET (Requested by Auditor 4/20/16) TO BE PREPARED BY BOROUGH AUDITOR

Mayor Glidden advised that the above noted Resolution will be carried to the Regular Meeting of May 11, 2016.

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

This Ordinance was introduced at the Regular Meeting held 3/23/16 and was published in The Record on 3/29/16 as stated in the 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. 2016:1204, “AN ORDINANCE ADOPTING AMENDMENTS TO THE SEPTEMBER 2014 CLOSTER PERSONNEL MANUAL”

Mayor Glidden opened the public hearing.

Councilman Barad reminded that the changes to be covered in this Ordinance reflect those which are required by the Municipal Joint Insurance Fund (JIF). Future changes may be made as recommended by the Human Resources Committee; and this is what has to be done to cover what is necessary at this time.

No one wishing to be heard, Mayor Glidden closed the public hearing

Motion approving adoption of Ordinance No. 2016:1204 was made by Councilman Barad, seconded by Councilman Di Dio and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Barad, Latner, Di Dio, Stabile, Chung and Amitai.

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – APRIL 27, 2016 - 7:30 P.M.

7. MAYORAL APPOINTMENTS* TO THE FOLLOWING BOARDS AND COMMISSIONS NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/16:

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
*Environmental Commission				
Member/Shade Tree Liaison	<u>Brian Stabile</u> (Elected to Council)	_____	3 Years (Unexp. Stabile)	31-Dec-17
*Shade Tree Commission				
Member/Environmental Commission Liaison	<u>Brian Stabile</u> (Elected to Council)	_____	5 Years (Unexp. Stabile)	31-Dec-16

No Mayoral appointments were made for the above noted Commissions

8a. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 14 and 20b. was made by Councilman Barad.

At this time, Councilman Stabile asked whether Resolution No. 20b had been adopted at the Regular Meeting held April 13, 2016. Borough Attorney advised that this was prepared for this meeting in order to clarify that the Construction Official is paid on a semi monthly basis as opposed to weekly salary in order for it to match the pay period. It doesn't affect salary or hours. Technically it is something that has to be done for purposes of filing. Councilman Di Dio asked whether State approval had been received, and Maria Passafaro, who was in the audience said no. Mr. Di Dio further questioned if the hours have been increased; and asked if we are liable if the State does not approve it. Ms. Passafaro advised as follows: After she receives a certified copy of the Resolution, she will send a letter to the Pension Board who will conduct an audit and make recommendations.

Said Motion was seconded by Councilwoman Chung and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Barad, Latner, Di Dio, Stabile, Chung and Amitai.

RESOLUTIONS

9. RESOLUTION REQUESTING DENIAL OF PAROLE FOR CHRISTOPHER RIGHETTI, PRISONER #59431 (3 M.L. 3/24/16/WS 4/13/16)
10. RESOLUTION MEMORIALIZING THE MOTION OF THE GOVERNING BODY ALLOWING SIGNS FOR THE EARTH FAIR, AS PROPOSED BY SIVERT HAGEN, MEMBER OF THE ENVIRONMENTAL COMMISSION, SUBJECT TO CONFORMANCE WITH ALL ZONING REGULATIONS (RM 4/13/16/Received from Borough Attorney 4/20/16)
11. RESOLUTION MEMORIALIZING THE MOTION OF THE GOVERNING BODY ALLOWING THE FIRE DEPARTMENT TO PUT UP RECRUITMENT SIGNS ALONG VERVALEN STREET ON THE RIGHT HAND SIDE, SUBJECT TO CONFORMANCE WITH ALL ZONING REGULATIONS INCLUDING SIZE REGULATIONS (RM 4/13/16/Received from Borough Attorney 4/20/16)
12. RESOLUTION MEMORIALIZING THE MOTION OF THE GOVERNING BODY TO RESERVE THE DATES FOR THE CLOSTER IMPROVEMENT COMMISSION HOE DOWN TO BE HELD (FRIDAY), 6/10/16; RAIN DATE: (SUNDAY) 6/12/16; WITH ADDITIONAL RESOLUTION TO FOLLOW UPON RECEIPT OF INDEMNIFICATIONS, INSURANCE POLICIES AND HOLD HARMLESS AGREEMENTS (RM 4/13/16/Received from Borough Attorney 4/20/16)
13. MEMORIALIZING RESOLUTION APPROVING ALLOCATION OF ADDITIONAL \$2,000 TOWARD THE AFFORDABLE HOUSING CONSORTIUM (RM 4/13/16/Received from Borough Attorney 4/20/16)
- ~~14. **RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATION (Received from Temporary CFO 4/19/16) **REQUIRING 2/3 MAJORITY VOTE~~
15. RESOLUTION OPPOSING SENATE BILLS S-781 AND S-782 WHICH ARE ATTEMPTING TO FURTHER REVISE OUR CURRENT OPRA AND OPMA LAWS (WS 4/13/16/Received from Borough Attorney 4/20/16)
16. RESOLUTION AUTHORIZING PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-001-007, NORMLIN, INC., D/B/A RUDY'S PIZZA, FROM 121 VERVALEN STREET TO 55 VERVALEN STREET EFFECTIVE MAY 1, 2016 (Notice of Intent to Transfer published in The Record on 4/14/16 and 4/21/16)

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING MINUTES – APRIL 27, 2016 - 7:30 P.M.

- 17. RESOLUTION AWARDING CONTRACT FOR PROFESSIONAL SERVICES FOR FINANCIAL ADVISORY SERVICES TO ACACIA FINANCIAL GROUP, INC., 601 ROUTE 73 NORTH, SUITE 206, MARLTON, NJ 08053 (Opening held 3/24/16 @11:30 a.m./ Received from Borough Attorney 4/20/16)
- 18. RESOLUTION RECOGNIZING MAY 1-7, 2016 AS MUNICIPAL CLERK’S WEEK (4. M.L. 4/21/16)
- 19. RESOLUTION AUTHORIZING FENCE REPAIR AT MACBAIN FARM BY DIMICK FENCE CORP., HACKENSACK, NEW JERSEY FOR AN AMOUNT NOT TO EXCEED \$5,980.00 (Received from Administrator’s office 4/21/16)
- 20. RESOLUTION AUTHORIZING THE HIRING OF ONE DPW EMPLOYEE (Received from Administrator’s office 4/21/16)
- 20a. RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO SIGN EQUIPMENT SALE AGREEMENT – SURPLUS COUNTY SNOW PLOWS (Received from Borough Attorney 4/25/16)
- ~~20b.~~ RESOLUTION INCREASING CONSTRUCTION CODE OFFICIAL, GARY MONTROY’S HOURS TO 16 HOURS PER WEEK AND A SEMI MONTHLY SALARY, SUBJECT TO STATE APPROVAL, UNTIL DECEMBER 31, 2016 (Received from Borough Attorney 4/25/16) AND REVIEWED AT THAT TIME

MOTIONS

- 21. MOTION APPROVING THE FOLLOWING MINUTES (Distributed 04/21/16): NO ABSTENTIONS:
 - a. REGULAR MEETING HELD APRIL 13, 2016
 - b. WORK SESSION HELD APRIL 13, 2016
- 22. MOTION APPROVING THE FOLLOWING *NON-SALARIED* APPOINTMENTS NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/16:

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
Treasurer	No Appointment in 2015	_____	1 Year	31-Dec-16
Board of Health				
Alternate No. 2	(<u>Jeanne Baer</u>)	_____	2 Years	31-Dec-17

No appointments were made for the above noted offices.

- 23. MOTION APPROVING THE FOLLOWING *SALARIED* APPOINTMENTS NOT MADE AT THE REORGANIZATION MEETING HELD 1/4/16:

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
Municipal Court				
Deputy Court Administrator	No Appointment in 2015	_____	1 Year	31-Dec-16

No appointment was made for the above noted office.

- 24. MOTION GRANTING APPROVAL FOR INTERNATIONAL ACADEMY OF ARTS AND SCIENCES TO USE MEMORIAL FIELD, 150 HARRINGTON AVENUE, ON SUNDAY, 5/22/16, FROM 8:30 A.M. TO 12 NOON TO CONDUCT THE IAAS FIELD DAY EVENT FOR CHILDREN AND PARENTS; RAIN DATE: SATURDAY, 6/4/16 (7. M.L. 3/10/16/Approval received from Risk Management Consultant 4/15/16)
- 25. MOTION GRANTING APPROVAL FOR LIONS CLUB CLOSTER TO CONDUCT AN ON-PREMISE 50/50 CASH RAFFLE AT THE B.P.O.E. CLOSTER LODGE NO. 2304, 148 RAILROAD AVENUE, CLOSTER ON MONDAY, 5/23/16 FROM 5:30 P.M. TO 10:00 P.M.; DRAWING TO BE HELD AT 9:00 P.M. (Fees paid 4/21/16)
- 26. REPORTS
 (None provided at the time of preparation of this Agenda)

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – APRIL 27, 2016 - 7:30 P.M.

8b. VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA

14. ****RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATION (Received from Temporary CFO 4/19/16) **REQUIRING 2/3 MAJORITY VOTE**

Motion of approval was made by Councilman Stabile, seconded Councilman Barad and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Barad, Latner, Di Dio, Stabile, Chung and Amitai.

20b. RESOLUTION INCREASING CONSTRUCTION CODE OFFICIAL, GARY MONTROY'S HOURS TO 16 HOURS PER WEEK AND A SEMI MONTHLY SALARY, SUBJECT TO STATE APPROVAL, UNTIL DECEMBER 31, 2016 (Received from Borough Attorney 4/25/16) AND REVIEWED AT THAT TIME

Motion of approval was made by Councilman Barad, seconded by Councilwoman Amitai and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Barad, Latner, Stabile and Amitai; Councilpersons Di Dio and Chung voted No.

27. 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 Glidden opened the meeting to the public.

No member of the public wished to be heard.

At this time, in response to Councilwoman Amitai's request for the Resolutions regarding Two Mail List items discussed in the Work Session: Awareness for Sexual Assault and Pension Merger, Borough Attorney explained he would prepare same for the next regularly scheduled meeting. He clarified that the Pension merger the Borough of Tenafly is opposing does not pertain to any Bill. They are opposing the findings of a road map report which basically was ordered by the Governor.

Regarding follow up of Mr. Pisano's request, Councilwoman Latner informed she would send the letter she received from Mr. Pisano to the Borough Clerk; and the Borough Attorney explained there was no rush on this request.

Mayor Glidden closed the meeting to the public.

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

At this time, Borough Attorney asked for approval for the following Resolution

20c. AUTHORIZING UTILIZATION OF CLOSTER POLICE FOR TRAFFIC SERVICES FOR THE 2015 BOROUGH ROAD PROGRAM.

He said it was contemplated there would be flagmen for the road work to be done but recommendation was made by the Borough Engineer to substitute police officers in their places. Therefore, he qualified that it could be done so long as the cost of those services does not increase the total cost of the project to the Borough.

Motion of approval was made by Councilwoman Latner, seconded by Councilman Barad and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Barad, Latner, Di Dio, Stabile, Chung and Amitai.

Mayor Glidden asked for a Motion to approve the following Closed Session Resolution at 9:15 p.m.

28a. The following motion was made by Councilman Di Dio, seconded by Councilman Stabile and declared carried by Mayor Glidden upon the affirmative vote of Councilpersons Barad, Latner, Di Dio, Stabile, Chung 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)(4) "A collective bargaining agreement"; 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 8-12 weeks.

Mayor Glidden resumed the Regular Meeting at 9:45 p.m.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING MINUTES – APRIL 27, 2016 - 7:30 P.M.

29. ADJOURNMENT

Motion to adjourn the Regular Meeting at 9:45 p.m. was made by Councilman Barad, seconded by Councilwoman Chung and declared unanimously carried by Mayor Glidden.

Provided to Mayor and Council
on May 5, 2016 for approval
at the Regular Meeting to be held
May 11, 2016

Loretta Castano, RMC
Borough Clerk

Prepared by Borough Clerk utilizing
notes and recording of meeting

Approved at the Regular Meeting held May 11, 2016
Consent Agenda No. 20a.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION NOTES – APRIL 27, 2016 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Work Session on Wednesday, April 27, 2016. Mayor Glidden called the meeting to order at 7:33 p.m.

1. PLEDGE OF ALLEGIANCE

Mayor Glidden 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 Notice of Meetings which was published in The Record and the Star Ledger on January 7, 2016, 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 John C. Glidden, Jr.
Councilpersons David Barad (7:38 p.m.), Alissa Latner, Robert Di Dio, Brian Stabile,
Jannie Chung and Victoria Amitai
Temporary Borough Administrator, John C. Fry
Borough Attorney, Edward T. Rogan
Borough Auditor, Gary J. Vinci
Borough Clerk, Loretta Castano
Borough Engineer, Nick DeNicola
Chief of Police, Dennis Kaine
Supt. of Public Works, William Dahle, III

The following persons were also present:

Former Councilman Arthur B. Dolson

4. REVIEW AND DISCUSSION OF COMMUNICATION ITEMS

a. MAIL LIST OF APRIL 14, 2016 – Mayor Glidden asked if any member of the Council wished to address any matter or provide any comments. Item No. 1aI was removed by Councilman Stabile; Item Nos. 7 and 8 were removed by Councilwoman Amitai.

Item No. 1.aI.: Received 04/01/16, dated 04/01/16 from Michael J. Darcy, CAE, Executive Director, NJS League of Municipalities, to Municipal Clerk re Please Contact Your Legislators on A-302, Revenue Restitution Bill Needs Amendment

Councilman Stabile explained this refers to the League's position on the proposed bill and said it will bring us back to 2008 levels of returning tax receipts from the State back to the municipalities. The League suggests the State will be taking more even though they will be giving back to the municipalities; and he voiced his confusion as to what they are referring to. He said they make it seem like this would hurt the municipalities instead of help. Mayor Glidden said he did not know the answer to Mr. Stabile's question and asked if anyone else was aware of what this means. Councilman Stabile voiced his understanding that this Assembly Bill would give the money back to the municipalities but the State would be taking it back in a different way. The Mayor said he was going to make note of this and inquire further about it.

Item No. 7: Received 04/13/16, dated 04/13/16 from Lissette Aportela, MPA, RMC, CMC, Municipal Clerk, Borough of Tenafly, to Municipal Clerks re Certified copy of Resolution #16-144 Opposing Pension

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – APRIL 27, 2016 – 7:30 P.M.

and Health Benefit Study Commission Report (Copy to Pension Certifying Agent)

Councilwoman Amitai asked if the Council wished to participate in the opposition to the pension report; and asked if anyone wanted to look into it noting she does not fully understand it. Councilman Stabile explained there are two good pension plans which he believes are for fire and police; and they want to lump those plans with 4 or 5 others that are destined to become insolvent relatively soon. This creates conditions that would make all pension plans insolvent in the next 6 to 17 years; and it is basically taking the good plans and merging them with the bad and making them all bad plans so that is why there is such opposition. Councilman Stabile said if this is the plan that is being referred to, it would place a 4% increase to fund each employee which would be an unfunded mandate on the municipalities while placing a freeze on PERS and PFRS pension plans. Councilwoman Latner voiced her gratitude for Mr. Stabile's explanation and said it was the clearest one she has heard. Councilman Stabile said it makes all of the plans bad and puts the onus on the municipalities at a 4% increase for each employee. Mr. Fry said although administered through the State, the PERS and PFRS are truly local plans either fully funded in perpetuity. The other plans they are trying to roll into the good ones are truly State funded plans; and the State chose not to replenish those funds. That is one of the reasons they are in trouble; and this proposal will devalue the PERS. Councilwoman Amitai suggested, for the benefit of our employees, we pass a Resolution in opposition as well. Mr. Fry explained it's not just the employees because it affects the taxpayers too because it is funded by property taxes. The general consensus of the Council was to support the opposition and Councilwoman Amitai said she would bring it up in open session with no objections voiced.

Councilman Barad entered the meeting at 7:38 p.m.

Item No. 8: Received 04/13/16, dated 04/13/16 from Tara S. O'Grady, Village Clerk, Village of Ridgefield Park, to Municipal Clerks re Certified copy of Resolution #2016-045 adopted 4/12/16 re A Resolution Recognizing April 2016 as Sexual Assault Awareness Month (Copy to Chief of Police)

Councilwoman Amitai noted this Resolution brings awareness to sexual assault and highlighted the surprising statistics that 1 in 6 women and 1 in 33 men are affected by sexual assault. In response to Mayor Glidden, she affirmed she would offer a Resolution in open session.

b. MAIL LIST OF APRIL 21, 2016 – Mayor Glidden asked if any member of the Council wished to address any matter or provide any comments. Councilwoman Latner removed Item Nos. 1c, 3, 4 and 7; Item No. 8 was removed by Councilwoman Amitai.

Item No. 1c: Received 04/20/16, dated 04/20/16 from Michael J. Darcy, CAE, Executive Director, NJS League of Municipalities, to Municipal Clerk re Daily Update: Re Council on Local Mandates Invalidates Police Camera Mandate (Copy via e-mail on 4/20/16 to Mayor and Council, Edward T. Rogan, JoAnn Riccardi, John Fry, Sean Canning, Chief Kaine, Bonnie Switzer, Maria Passafaro)

Councilwoman Latner wished to highlight the invalidation of the Police Camera Mandate because it would have been another unfunded mandate for municipalities. Councilman Stabile asked the Borough Attorney if this would affect anything in the future; and Mr. Rogan affirmed it would not as it stands on its own.

Item No. 3: Received 04/14/16, dated 04/14/16 from Chief Dennis Kaine, to Mayor and Council; c: Sgt. Brueck, Temporary CFO, Administrator, Borough Clerk, Borough Attorney re Forwarded email from Paul F. Groffie, State of New Jersey Office of the Attorney General, Department of Law and Public Safety, Division of Highway Traffic Safety, DDEF Coordinator informing of DDEF FY 2015 Grant (7/1/14 – 6/30/15) payment in the amount of \$5,096.17

Councilwoman Latner thanked Chief Kaine for his efforts in obtaining the Drunk Driving Enforcement Grant.

Item No. 4: Received 04/19/16, dated 04/19/16 from Allison R. Saabye, City of Hackensack Clerk's Office, to Municipal Clerks re Certified copy of Resolution No. 172-16 Recognizing May 1-7, 2016 as Municipal Clerk's Week

Councilwoman Latner voiced her opinion that we would be remiss if we didn't recognize Municipal

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – APRIL 27, 2016 – 7:30 P.M.

Clerk's Week and supports the Resolution on the Agenda tonight. She said she wanted to draw attention to this office as the glue that keeps everything together here. Councilman Stabile said one of the finest ways is Resolution No. 15 on the Agenda opposing OPMA and OPRA revisions.

Item No. 7: Received 04/19/16, dated No Date from County of Bergen, Division of Cultural & Historic Affairs re Invitation to the 2016 Bergen County Historic Preservation Awards to be held Thursday, 5/5/16 @ 7:00 p.m. at "Church on the Green", The First Reformed Church of Hackensack, 42 Court Street, Hackensack; Awards to be presented to Award Category: Sophie Heymann: Leader in Historic Preservation, Closter and Tim Adriance, Bergenfield, Claire Tholl Award for Lifetime Achievement in Historic Preservation (Copy to Historic Preservation Commission)

Councilwoman Latner noted that two of our own residents are being honored, Sophie Heymann for Leadership in Historic Preservation, and Tim Adriance, Bergenfield but Chair of our Historic Preservation Commission, Award Category: Claire Tholl Award for Lifetime Achievement in Historic Preservation.

Item No. 8: Received 04/19/16, dated 04/19/16 from Keith Gagnon, LSRP, LSRP Consulting LLC, to Loretta Castano; c: Bergen County Clerk, Sam Yanovich, Health Officer, Nancy Mangieri, Director, Mary Crain, Abram Demaree Homestead Inc. re Notification of the Establishment of a Ground Water Classification Exception Area; Case Name: Super Value Getty, 121 Schraalenburgh Road, Block 502, Lot 3, Closter NJ; NJDEP PI#010877, Case #98-12-23-2010-59 (Copy to Board of Health, Construction Official, Environmental Commission)

Councilwoman Amitai asked the Borough Engineer to elaborate on this item. Mr. DeNicola explained this is because the water is contaminated and it prevents access to the groundwater; and you can't have any wells or anything of that nature. He said the notification needs to be posted to alert people they cannot access the water. Councilman Stabile said it is the same ongoing issue and it states the contamination is delineated and it impacts an offsite property.

5. REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FROM REGULAR MEETING
(Refer to Regular Meeting Agenda of April 27, 2016)

Mayor Glidden asked if anyone wished to address any of the items on the Consent Agenda. Councilwoman Chung referred to Item No. 14; Councilman Stabile referred to Item No. 15; Borough Attorney referred to Item No. 17; Councilwoman Amitai referred to Item No. 20b.

The Borough Clerk called attention to the Addendum to the Regular Meeting Agenda. She noted in addition to Councilwoman Amitai's reference to 20b, there is an item she received Monday which was time sensitive; therefore, there was a need for it to be an Addendum item. She voiced her understanding Mr. Fry would be able to explain the need for this item.

14. ****RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATION** (Received from Temporary CFO 4/19/16) ****REQUIRING 2/3 MAJORITY VOTE**

Councilwoman Chung asked if this Resolution creates an emergency fund. Mr. Fry explained this is a common occurrence because the Budget is not adopted in March as it used to be in the past; and a temporary budget would cover those first three months. Because of this, we need more money in the temporary budget to get us through until the Budget is adopted.

15. **RESOLUTION OPPOSING SENATE BILLS S-781 AND S-782 WHICH ARE ATTEMPTING TO FURTHER REVISE OUR CURRENT OPRA AND OPMA LAWS** (WS 4/13/16/Received from Borough Attorney 4/20/16)

Councilman Stabile said if these revisions move forward, it would require the Borough Clerk to access public records in a more expedited manner with more time and effort without any benefit to the Borough. It will put way too much onus on our Borough Clerk; and he supports the opposition.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – APRIL 27, 2016 – 7:30 P.M.

17. RESOLUTION AWARDING CONTRACT FOR PROFESSIONAL SERVICES FOR FINANCIAL ADVISORY SERVICES TO ACACIA FINANCIAL GROUP, INC., 601 ROUTE 73 NORTH, SUITE 206, MARLTON, NJ 08053 (Opening held 3/24/16 @11:30 a.m./ Received from Borough Attorney 4/20/16)

The Borough Attorney voiced his understanding the Council was going to discuss the Mayor's recommendation of Acacia Financial Group between the last meeting and tonight. He noted there is a Resolution on the Agenda based on the Mayor's recommendation but said it has not really been discussed by the Council. Mayor Glidden said the Administrator and he reviewed the submissions from the two respondents NW Financial and Acacia Financial Group. He explained a Financial Advisor advises on market conditions and timings whenever we do a bond issue or note issue. In addition, they have a responsibility for follow up disclosure and annual reports that have to go to various municipal market agencies. We took a look at the fees from both groups which were pretty much the same except Acacia had a specific fee of \$950 a year for the filing of reports and the other group just had an hourly fee for partners; so it looked like that portion favored Acacia. Mayor Glidden noted he knows both of the firms; he thinks very highly of Acacia; therefore, that would be his recommendation. Councilman Stabile asked if they would actually package the bonds and notes or is that done in house. The Mayor explained there are several professionals that get involved such as a Bond Counsel firm that drafts all of the documentation for the bond or note issue; then the Financial Advisor advises on the timing and looks at the various bids which are very complicated in municipal markets and then advises which bid to accept.

- 20a. RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO SIGN EQUIPMENT SALE AGREEMENT – SURPLUS COUNTY SNOW PLOWS (Received from Borough Attorney 4/25/16)

Mr. Fry explained this is the purchase of snow plows from the County for a fee of \$1.00 and noted DPW Superintendent made him aware of this; it was late getting to the Clerk so it needed to be put on an Addendum. He said this is essentially free equipment. Borough Clerk confirmed with Mr. Dahle the necessity of same because the equipment must be picked up from the County by May 1st. Mr. Dahle said he got a good pick with three (3) new plows and two (2) used ones; and in response to Councilman Stabile, he said they will be the property of the Borough for whatever use they choose. The Council thanked Mr. Dahle as it is a tremendous savings.

- 20b. RESOLUTION INCREASING CONSTRUCTION CODE OFFICIAL, GARY MONTROY'S HOURS TO 16 HOURS PER WEEK AND A SEMI MONTHLY SALARY, SUBJECT TO STATE APPROVAL, UNTIL DECEMBER 31, 2016 (Received from Borough Attorney 4/25/16)

Councilwoman Amitai referred to the Canning Group report and the discussion at the last meeting on the subject of the Construction Official. It was said that this would be until 12/31/16 and then it would be revisited at that time to see if the hours will be needed at that time. She noted this Resolution does not specify this; and asked that it be revised to reflect same. Borough Attorney informed the Council would revisit the issue anyway; but he agreed to the diminimus change although it is implied further action would need to be taken.

8. COMMITTEE REPORTS

A. FINANCE AND TECHNOLOGY - STABILE (BARAD/DI DIO)

1) STATUS REPORT RE CLOSTER WEBSITE – Councilman Stabile reported there are some Amendments to the Budget; and at the Mayor's request, he elaborated on same. The Finance Committee sat down to review this; and he thanked the members for taking the time to do so. He reported they removed \$113,000 from the Budget without any major impacts and that none of what they did takes away from what was used last year – the actual expenditures last year were not touched. They amended what some of the requests were; and in doing so, they found \$113,000 between salaries and wages and operating expenses. \$25,000 was removed from Administrator; \$60,000 from Uniform Construction Code; \$5,000 for School Crossing Guards that was not used last year with additional money still left over compared to 2015; \$3,000 for police vehicle equipment that was not used; \$8,000 from Recreation; \$4,500 in parks use; \$4,000 in Solid Waste Salaries & Wages; \$2,500 Miscellaneous financial expenses. He explained there is a new line item this year to track Mayor and Council expenses, which initially was about

8. COMMITTEE REPORTS (Continued)

A. FINANCE AND TECHNOLOGY - STABILE (BARAD/DI DIO) (Continued)

\$6,500 but has been reduced to \$5,000. He said that \$2,500 was added back to the Planning Board budget because there was an issue losing a court case; and they felt it was because they did not have a Planner to represent them. We didn't want that to come up again, so the funds were added for that purpose. Mr. Stabile reiterated none of this affects what was spent last year; it only affects what was requested this year.

Councilwoman Amitai asked if we had the numbers as to what the (tax) increase will be this year and Borough Auditor explained as follows: We do; the original increase tax-wise to an average home – which keep in mind the average home is \$675,000; the Budget as Introduced had the increase at \$116.00 – the increase now will be \$81.00. In response to Mrs. Amitai, he said it is about 2.5% decrease. Mr. Vinci said he needs to fine tune the dollars but last year's levy for municipal purposes was round numbers \$10.410M; and the new levy will be \$10.715M. The levy in the Budget last month was \$10.829M. He affirmed it was about \$113,000 adjustment to the levy. Mayor Glidden complimented the Finance Committee and said a 2.4% increase is a very defensible Budget. Mr. Stabile agreed in light of the fees that were forced upon us.

2) REPORT – Mr. Stabile informed there is not much going on with the Borough website except for some issues they looked into regarding the DPW website. The Mayor asked if there will be information for the DPW on the website to “gussy it up” because there have been complaints there is no information on the website for the DPW. He said a request was made for this to be added and Councilman Stabile said he will discuss same with the committee to get something on the website.

B. PUBLIC SAFETY - LATNER (DI DIO/CHUNG)

1) REPORT – Councilwoman Latner asked the Chief when he would be available to meet and he said next month for Public Safety Committee.

Regarding the Fire Department, Mrs. Latner reported the new Chief's truck was delivered on Good Friday and it is a huge relief to the men in addition to an asset.

Mrs. Latner said she was unaware until the last Library Board meeting that Don Farrell had an accident when a porch railing gave way and he injured his neck. She has not seen or spoken to him but she believes he will be okay. Stop and Shop donated money to the Library; and it will be funding summer programs such as Yoga and STEM programs as well as the kickoff for summer reading.

Councilwoman Latner reported she attended the NVRHS Board meeting Monday night; and Dr. Gordon has been contracted for an additional year as Interim Superintendent. They introduced the Budget which, as of yesterday, is on the school's website. She highlighted the following: a roughly 1.79% budget to budget increase which is way below the 2% state cap; and they come in with a 2.8% budget to budget increase which is a lot lower than a lot of the nearby towns. By doing non-essential non-education freeze last November, there has been a savings of approximately \$300,000. Based on salary reductions from retirements and new hires, there is a decrease of \$245,000; and classes have increased by about three students per class. There are roughly \$800,000 in savings; and they are restructuring another \$180,000. They are saving with the assistants and secretarial positions in the business office. All of these efforts are keeping with their promise to lower the budget and be able to move forward with the Referendum items. Mrs. Latner reported the first bids for the tracks, tennis court and OT South Gym are already in; and they came in on time; two are under estimate, while a third is in line with the estimate. The curriculum adds 25 new courses including 7 new advanced placement courses, new career pathways and new Senior options. These are all relevant new programs that are very beneficial for the High School to have.

Mrs. Latner informed there was a meeting of the Northern Valley Coalition in March; and some of the highlights reported on this year are: safe homes where families pledge to have alcohol free homes; Ultimate Frisbee in the fall and spring; Trunk or Treat and Movie Night was held at NVD which raised money for Tomorrow's Children's Fund. They are looking into non-athletic events for Friday and Saturday nights; and both high schools have committees working on it. The Coalition is working on a video about alcohol and drugs at both schools; and they are looking into doing a Valley's Got Talent program similar to a battle of the bands where all 7 towns participate and choose the top three acts. Councilwoman Chung reminded there is a PTO fundraiser coming up; and Mrs. Latner thanked her for reminding her of same. She voiced her disappointment that she will be unable to attend this year but said it is a great fundraising event.

8. COMMITTEE REPORTS (Continued)

B. PUBLIC SAFETY - LATNER (DI DIO/CHUNG) (Continued)

Councilman Di Dio informed there will be a donation from Stop and Shop. The event will be held May 20th at Montammy Country Club. Councilwoman Amitai remarked that if you click the link for the PTO on the website, they have so many activities back to back.

C. PUBLIC WORKS - CHUNG (LATNER/STABILE)

1) REPORT – Councilwoman Chung referred to Regular Meeting Agenda Item No. 20, authorizing the hiring of one DPW employee, because there are two retirements coming up. This is to replace the first retirement last year. Mrs. Chung informed she attended (Little League) Opening Day and said the fields were amazing. She noted she circulated a photo of same; and Mrs. Latner informed that a photo is now on the website in the slideshow. Mrs. Chung voiced the sentiments of several residents who have indicated they are very happy with the mulch delivery and how impressed they were that the Borough offers this service. She reported the second DPW retirement is coming up July 1st and requested the support of the full Council to authorize a replacement for same. Councilman Stabile asked the Superintendent how sweeper training was going and Mr. Dahle informed it was going well.

D. ORDINANCES - BARAD (CHUNG/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS – Councilman Barad reported the Ordinance Committee met yesterday and they finalized the revisions to A301 Fees and Deposits which updates the appropriate placement of fees with departments and reallocates ones that needed to be moved. The Code will reflect our practice. He noted originally there was something that was to be included regarding COAH fees which needs to be discussed further. He explained we do not collect COAH fees when there are additions to existing homes; and it was thought that doing so would be another way to collect those fees in the future. They decided against including it in this ordinance revision because they don't want to tie it into regular fees. The Committee will polish up the draft and bring it back for discussion as its own ordinance which will not subject small changes to fees, rather major additions so there is not a lot of paperwork for small changes.

Dr. Barad informed Recreation Director Jim Oettinger made a request regarding a drone ordinance. He is concerned people will fly drones over the ball field while kids are playing; and that could create a problem. The Committee discussed it; and although other towns have done it, they think we could possibly do better by adding something to our "disorderly conduct" ordinance. He spoke to Chief Kaine about it and he felt it would be reasonable as well. The intent is not just for drones but any activity that would put people at risk. This Statute can be used to prosecute as a misdemeanor rather than creating a whole new ordinance. He emailed Mr. Oettinger that he would be talking about it at the meeting tonight. In response to Mayor Glidden, Chief Kaine noted there have not been any complaints; and this would fall under the criteria for disorderly person offense for putting the public at risk. In response to Councilwoman Chung, he said he has not personally seen any drones but he did see a picture Mr. Oettinger's friend took of one over one of the ball fields. Councilman Stabile said he was at Tenakill Field two weekends ago and he saw one flying overhead. He voiced his concern that one of the issues is that the drone could be 5 miles away from the person operating it; and if you can't enforce it, what's the point. You can't take the drone out of the air because it's an aircraft regulated by the FAA; and to track the drone and operator when it flies at treetop level or 1,500 feet, it would take a lot of time and effort. He voiced his personal opinion that our municipality doesn't currently have the ability to police something like this. Dr. Barad said Asbury Park put something into place; but with all of the vacationers, how can you monitor something like that. He doesn't think it is possible until there is a national registration database available. Chief Kaine said there are height restrictions under the FAA and there is pending legislation. Dr. Barad said the FAA won't monitor anything under 400 feet; and the Chief said there will be a requirement to register the drone with the FAA in accordance with size. Dr. Barad reported the Committee discussed temporary permits but they are waiting for some feedback before moving forward with that. They hope to have something in place before the end of the year.

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – APRIL 27, 2016 – 7:30 P.M.

8. COMMITTEE REPORTS (Continued)

D. ORDINANCES - BARAD (CHUNG/AMITAI) (Continued)

2) REPORT – Councilman Barad reported he attended the mandatory Core Training the Council Liaison and one Member must complete for the Shade Tree Commission which maintains our status and protects our liability for any town tree related problems. Dr. Barad noted yesterday was Arbor Day and it was a very cold day for it. Mayor Glidden informed he attended the plantings at both schools.

E. HUMAN RESOURCES - DI DIO (CHUNG/LATNER)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilman Di Dio reported there is no new information and things are quiet. He again welcomed Mr. Fry and thanked The Canning Group for their report.

2) REPORT – As Liaison to Closter Schools, Mr. Di Dio reported they participated in the PARCC exam; and as all are aware, there was a computer glitch from the State where nobody could log on. Closter experienced this problem so it was rescheduled and completed with the exception of students that were ill; and they are working on make-up days. We anticipate that the Closter Schools will do outstanding on the exam as they did last year.

F. LAND USE AND CONSTRUCTION - AMITAI (BARAD/STABILE)

1) REPORT – Councilwoman Amitai reported that Stop and Shop is donating pies to the Improvement Commission for the contest at the Hoe Down and they will have a table there. They are looking for a place to hang their banner which usually is placed over Vervalen Street; but she has been told the road is not really in use as it is blocked by construction equipment; so there are not a lot of people navigating it. Chief Kaine said the road is not blocked and is open to traffic. Mrs. Amitai said she will ask Chief Pierro about hanging it over Vervalen Street. The Commission has received a lot of cooperation from local people and she is grateful for same. When the time comes she will request that the Borough Clerk circulate the information to the Boards and Commissions. Chief Kaine is helping to find a crossing guard for the event. She informed she will be asking all of the emergency services and DPW to attend the meeting with Jim Oettinger on 5/6/16. At this time we are still waiting to hear back about the mechanical bull.

Regarding the Building Department, Mrs. Amitai reported that Construction Official Gary Montroy is on vacation until next Wednesday. There are 8 new constructions in town; and the Plaza is moving right along. Rudy's Pizza hopes to get a TCO this Friday; and Nonna Clementina's should be getting their TCO if not this week very soon. She voiced her understanding the grand opening of the three (3) stores in the Plaza will be taking place soon and the Mayor said it will be 5/3/16 at 12 noon.

Councilwoman Amitai reported the Department loves using the new Mitchell Humphreys system; and it is moving along smoothly with all permits being issued on it. Joe Zavardino met with Edens; and she said there are people in the Building Department daily for one thing or another regarding the Plaza. She informed that if anyone hears a complaint about overnight work, that Edens has an overnight permit for three nights running to work through the night to make the 5/3/16 opening. Chief Kaine reported they received complaints because Edens did work 2 overnights without a permit; and they were issued a permit for three days tonight through Friday. Mrs. Amitai asked if the Tax Assessor and DPW received their Mitchell Humphreys training yet; and Mr. Dahle said he did not and is waiting for Mr. Montroy to come back from vacation.

9. OLD BUSINESS

Borough Engineer referred to the Closter paving program and informed they would begin next week or the second week in May on a Monday, weather permitting. An issue came up with the traffic controller we are using; the previous Administrator requested we not utilize our Police; the Police did some inspections on this project recently and they found it a little lackluster. As Engineers, they have to report it to the police because when you see a police officer, it is different than a flag person because they carry more weight. He looked into the project budget and noted we have \$10,000 in traffic directors; therefore, we have enough to replace the flagmen with police officers with no trade-off required. It is already a provision in the contract to cover traffic controllers – not flagmen. If the Council desires, they can make the

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – APRIL 27, 2016 – 7:30 P.M.

change. Councilwoman Latner voiced her personal support for having the police as she would feel better with it especially if it is included in the budget already. Mr. DeNicola explained this issue was raised by both himself and the contractor at the pre-construction meeting. He reminded at one point the Council did not want to utilize the police although the contract has the money included in there for Police Traffic Directors. In answer to Councilman Stabile, he said he spoke to Lt. Winters; and they would schedule the police to be the most efficient like five days with two officers; and that money would be sufficient to cover it. He explained they are just milling and paving right now; and with the school and traffic, it gets a little hectic. The Borough Attorney affirmed same could be discussed in open session for a vote if there are no objections. In response to Mrs. Amitai, Borough Engineer informed the work is being done on Van Sciver from the railroad grade crossing to West Street; and the majority is milling and paving; but the last 200 feet or so involves reconstruction. She voiced her concern if it was worth it to do that portion right now because of potential construction on either side of the road. Mr. DeNicola reiterated he affirmed with the DPW Superintendent that the road needs to be repaired because it looks like Beirut.

Mayor Glidden informed last week there was a meeting with the Chamber of Commerce to discuss the paving of the South Parking Lot; and there are still a couple of impediments. The first is that we have to have agreements with the owners of the strips behind each store; the Borough owns the back postage stamp. We had discussed delaying paving Van Sciver to complete the parking lot; and because of these impediments, it cannot be done for some time; so we agreed to do Van Sciver. He said if we decide to put funds aside for the South Parking Lot, it would have to be included in the 2016 Budget. Mr. DeNicola cautioned the Borough should not only be setting funds aside for that project but also the much needed repair of the lot at Borough Hall, which has been deferred for several years. Councilwoman Amitai asked who owns the entrances to the South Parking Lot because Mr. Dahle was going to get quotes to plant a bush and install signs to direct shoppers to this parking lot. Borough Attorney informed the Borough owns the property on Closter Dock Road into the South Parking Lot next to the Red Maple; on the Durie Avenue side there are a number of different owners in that Zipse owns the bulk of it and Maurer owns a right-of-way. Borough Engineer explained the Borough only owns up to the sidewalk on Durie right now and the others own the entrance egress. In response to Mrs. Amitai, he suggested it be incorporated in another paving project because if additional improvements are planned for down the road, you don't want to have to do it twice; therefore, it should be really thought out. He reminded the first order of business is obtaining the easements to be able to do the improvement; because right now the Borough doesn't have any right to be on the property to do anything. Borough Attorney reminded we have some of the easements obtained as far back as 1999, but we had to stop due to underground contamination. Mayor Glidden said at the meeting it was discussed to put the onus on the Chamber of Commerce to get the owners on board if they want it done. Another item of discussion was that we looked into grants to do the paving; and, unfortunately, there are not. Mrs. Amitai asked if there are any grants for embellishments; and no one was aware of any such grants.

Councilwoman Amitai referred to the space between The Empty Vase and Celebrity Salon and reminded The Fish Dock wants to use that for tables and chairs for outdoor dining. She said if it is Borough property, we should consider doing something ourselves and let all the restaurants use it as opposed to one. Borough Attorney explained if we were to only have one establishment use the space, we would have to go out to bid because it is use of public property; and only one establishment would be able to use it. The Borough has the right to do whatever they want in that location, as according to the Assessor, the Borough owns that space. Mrs. Amitai suggested keeping the space and improving it ourselves and offering it to all of the restaurants. Mr. Rogan informed it would have to be open to the public – not to the restaurants. Mr. Fry noted there have been instances in some municipalities where volunteers are making these little parks to not be permanent structures; and if it is not effective in one location, they can move it around; and Princeton has been doing this. In answer to Councilman Stabile, the Borough Engineer affirmed this could be something for Borough or County Open Space funds. Mayor Glidden agreed it may be something for the Improvement Commission to look into.

10. NEW BUSINESS
11. 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, thanked everyone for the attention paid to the alleyway because he mentioned it many years ago; and he thinks it will draw people downtown. He questioned what was going on with Heidenberg Plaza; and voiced his feeling that the work does not blend in at all. Mayor Glidden explained those lights were approved by the Planning Board; and Councilwoman Amitai disagreed that they were not. Mr. DeNicola explained those are site lights that were approved by the Planning Board and there are supposed to be additional street lights that conform to Borough standards but they are not installed yet. Mrs. Amitai explained the design of the lights and said she can't imagine they would be installing six additional lamp posts. Borough Engineer suggested she speak to the Construction Official because that is what they are supposed to be doing; and the Building Department is supposed to be overseeing that project. Mr. Isaacson questioned the need for the pile-driving at Closter Plaza at the old Kmart because usually those are installed to hold extra weight. Mr. DeNicola explained they are installing a new façade which became our fact as it is not our purview to inspect same. Mr. Isaacson noted he spoke to the Building Department because there are permits that say "new construction" is ongoing; and questioned why we aren't collecting any COAH fees from it. Mr. Rogan reiterated he already explained that it was ruled on by the Assessor and the Borough Supervisor to the Assessor that it is not new construction for the purposes of COAH. It is reconstruction of an existing building. Mr. Isaacson pointed out there is new construction of a free-standing building for Bare Burger; and Councilwoman Amitai said the roof will be connected to another building. Mr. Rogan advised he would need to review the Planning Board approval. Mr. Isaacson said we are collecting COAH fees for expansions on homes, and a new shopping center is being built, and we're getting nothing for it. Mayor Glidden informed he could speak to the Building Department if he wanted to as well and Mr. Isaacson said he already did.

Mr. Isaacson questioned if a contractor is building a new apartment building in town, aren't they obligated to provide COAH units; and Borough Attorney informed it depends on the number of apartments. Mr. Isaacson questioned why isn't Village School providing COAH units and why does the Borough have to spend a million dollars for COAH units. Mr. Rogan explained that the first reason is that it gives incentive to the property owner who has done nothing with it for 20 years; and, secondly, the Borough is buying the units which we will own. We can sell the units and make the money back or rent the units and replenish the trust fund. He said if the developer built it and provided the units, the Borough would not own them; and at the time, the Council was concerned about the money being seized by the State. They had to commit the money or lose it; although, as it turns out, the Supreme Court overruled the Governor on this; but action had to be taken at that time; and the Council was unaware of that. The Borough is getting units at \$140,000 per unit which you can't buy anywhere. We can't buy seven units anywhere else in town. In response to Mr. Isaacson, he said it is pro rata; and if we get less units, then we will still have money left in the trust fund. Mr. Isaacson noted that in the Borough Attorney's response to his OPRA Request, it was shown Kitty Koo, LLC entered into the agreement; and he questioned why the new LLC running this isn't listed on that 1998 agreement. The Borough Attorney explained the new LLC did not exist at the time of the agreement; and the existing contract indicates that the Seller may assign the contract; and it is still the majority owner and just a new LLC name. Mr. Isaacson questioned the need to purchase the units; and Mr. Rogan said the Mayor and Council can flip the units the next day if they want and replenish the trust fund, now that it is protected. There has been a Declaratory Judgment Action; so when we were first brought into court by the Fair Housing Commission and the DCA who asked for the million dollars back, we were able to go to court and say here the million dollars is committed and here's a copy of the contract. The DCA was defeated. We won the case at the trial level; and they appealed it; and the Appellate Division dismissed it in part because we had that contract. Mr. Rogan explained that, as of yet, it has not been approved; and it may never get built; but if it is, then the Mayor and Council get title to however many units they can decide at that time whether they want to own four units and sell them as affordable housing or rent them to replenish the trust fund. A lot will depend on what happens with this completely volatile situation with COAH because it

CLOSTER MAYOR AND COUNCIL
WORK SESSION NOTES – APRIL 27, 2016 – 7:30 P.M.

doesn't exist right now. In response to Mr. Isaacson, he informed that as of this time, no money has changed hands; and there could have been a stipulation; but as of yet, no funds have been transferred and our responsibility will be \$140,000 per unit whether paid in increments or in full. It is still pending in front of the Zoning Board; and he does not know what it is; but we have the potential for getting a three bedroom which would get us bonus credits with the court and there is one three bedroom contemplated in the plan and that is designated for the Borough. It's possible we could get one three bedroom and two one bedrooms or maybe four one bedrooms. Mr. Isaacson urged the Council to consider buying the property on Van Sciver and West Street to get the free housing we were offered.

Mike Pisano, 44 Columbus Avenue, said he would like to request a street closure of Columbus Avenue on 6/4/16 for a block party to celebrate his wedding. Chief Kaine had no objections as long as Mr. Pisano followed the appropriate channels for the request and indicated specific closure locations like Lindemann and Eckerson. The Borough Attorney said once we receive the written request, we will process same appropriately. Mr. Pisano said he sent a request and Councilwoman Latner informed she just received a copy and would forward it for follow through.

- 12. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
- 13. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
- 14. ADJOURNMENT

Motion to adjourn the Work Session at 8:50 p.m. was made by Councilman Di Dio, seconded by Councilman Barad and declared unanimously carried by Mayor Glidden.

Provided to the Mayor and Council
on May 5, 2016 for approval at the
Regular Meeting to be held
May 11, 2016

Loretta Castano, RMC
Borough Clerk

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

Approved at the Regular Meeting held May 11, 2016
Consent Agenda Item No. 20b.