

oMAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING AGENDA – FEBRUARY 11, 2009 - 7:30 P.M.

1. PLEDGE OF ALLEGIANCE
 2. OPEN PUBLIC MEETINGS ACT STATEMENT
 3. ROLL CALL
 4. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12 (a)
(Subject to 5-minute limit per General Rule No. 10)
 5. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCES @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:
These Ordinances were introduced at the Regular Meeting held 1/14/08 and were published in the Press Journal issue of 1/22/09, as stated in the printer's affidavit of publication. Reprint of these Ordinances were posted on the Municipal Bulletin Board, in accordance with statutory requirements, and copies have been made available to the general public.
 - a. NO. 2009:1026, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 48 OF THE CODE OF THE BOROUGH OF CLOSTER REGARDING PERSONNEL POLICIES"
 - b. NO. 2009:1027, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 127, ARTICLE I, MISCELLANEOUS LICENSES, OF THE CODE OF THE BOROUGH OF CLOSTER"
 - c. NO. 2009:1028, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 142, PARKS AND PLAYGROUNDS"
 6. COMMUNICATIONS
 - a. MAIL LIST – JANUARY 29, 2009
 - b. MAIL LIST – FEBRUARY 5, 2009
 7. OPEN MEETING TO PUBLIC FOR COMMUNICATION ITEMS ONLY
(Subject to 5-minute per By-Laws General Rule No. 10)
 - 8a. REVIEW OF CONSENT AGENDA ITEMS
(PROCEDURE TO BE EXPLAINED BY MAYOR HEYMANN)
- ORDINANCES AND RESOLUTIONS
- 9.* INTRODUCTION OF THE FOLLOWING ORDINANCES – PUBLIC HEARING – 3/11/09 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:
 - a. NO. 2009:1032 "AN ORDINANCE PROVIDING FOR THE INSTALLATION AND OPERATION OF A TRAFFIC CONTROL SIGNAL AT THE INTERSECTION OF HOMANS AVENUE AND OAKLAND AVENUE IN THE BOROUGH OF CLOSTER"
 - b. NO. 2009:1033 "ORDINANCE AMENDING CHAPTER 92, DRIVEWAYS, OF THE CODE PURSUANT TO THE DECISION OF THE SUPERIOR COURT IN DOCKET NO. BER-L-7852-05"
 - c. NO. 2009:1034 "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 169, SOLID WASTE"
 - 10.* BILL RESOLUTION – FEBRUARY 15, 2009 TO BE PREPARED BY TREASURER
 - 11.* TEMPORARY EMERGENCY RESOLUTION (Requested by Auditor 1/21/09/Adjourned from RM 1/28/09) - TO BE PREPARED BY AUDITOR
 - 12.* RESOLUTION EXTENDING BEST WISHES TO HEALTH OFFICER, LOUIS APA, ON HIS RETIREMENT AFTER FAITHFULLY SERVING THE NEEDS OF THE CITIZENS OF THE BOROUGH OF CLOSTER FOR 33 YEARS (Received from Mayor 2/11/09)
 - 8a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING AGENDA – FEBRUARY 11, 2009 – 7:30 P.M..

ORDINANCES AND RESOLUTIONS (Continued)

- 13.* RESOLUTION PROTESTING NEW JERSEY LEAGUE OF MUNICIPALITIES RESOLUTION (LEGISLATURE 2008-03 RESOLUTION) RECOMMENDING AMENDMENT REGARDING TAX LEVIES FOR FREE PUBLIC LIBRARIES (Received from Councilwoman Tutoli 1/28/09)
- 14.* RESOLUTION AUTHORIZING APPLICATION TO COUNTY OF BERGEN OFFICE OF COMMUNITY DEVELOPMENT FOR A PORTION OF FUNDING OF A REPLACEMENT GENERATOR OF APPROXIMATELY \$95,814.00 (Received from Mayor 1/28/09)
- 15.* *POSSIBLE* APPOINTMENT OF BOROUGH ALTERNATE PROSECUTOR (Opening held 1/8/09 @ 10:30 a.m.) (Adjourned from RM 1/28/09)
- 16.* *POSSIBLE* APPOINTMENT(S) OF SALARIED EMPLOYEES (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) RESOLUTIONS TO BE PREPARED BY ACTING ADMINISTRATOR/TREASURER (Adjourned from RM 1/14/09; 1/28/09):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
ADMINISTRATOR	_____	1 Year	12/31/09
DEPUTY BOROUGH CLERK	_____	1 Year	12/31/09
OFFICE ASSISTANT (BOROUGH CLERK)	_____	1 Year	12/31/09
DEPUTY TAX COLLECTOR	_____	1 Year	12/31/09
DESK DISPATCHER			
FULL TIME	_____	1 Year	12/31/09
PART TIME	_____	1 Year	12/31/09
POLICE MATRON	_____	1 Year	12/31/09
SCHOOL CROSSING GUARD	_____	1 Year	12/31/09

- 17.* RESOLUTION TO AMEND SALARIES FOR 2008 (Received from Mayor’s office 2/5/09)
- 18.* STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION (Received from Borough Attorney 2/5/09)
- 19.* RESOLUTION AUTHORIZING TREASURER TO REFUND TO FIRST AMERICAN RE TAX SVC. THE AMOUNT OF \$2,053.64 FOR 2009 TAX OVERPAYMENT FOR BLOCK 704 LOT 16 (Received from Tax Collector 2/6/09)
- 20.* AT APPROXIMATELY 9:30 P.M. - OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION EXCLUDING THE PUBLIC IN ORDER TO PERMIT THE GOVERNING BODY TO DISCUSS A MATTER OF PERSONNEL IN EXECUTIVE SESSION (Rice Notice mailed 1/30/09)

MOTIONS

- 21.* MOTION APPOINTING LOUIS APA TO SERVE AS BOROUGH HISTORIAN FOR A 1-YEAR TERM TO 12/31/09 (Requested by Borough Clerk 1/30/09)
- 22.* MOTION GRANTING APPROVAL FOR CERTAIN ROADS TO BE CLOSED THE MORNING OF 5/17/09 TO CONDUCT THE ANNUAL JERRY FINK z”1 MEMORIAL RUN/WALK, PARTIALLY THROUGH THE BOROUGH; RUN: 8:30 A.M . TO 9:15 A.M.; WALK: FROM 8:45 A.M. TO 10:15 A.M. (12. M.L. 2/5/09) Approval received from Risk Management Consultant 2/5/09.
- 23.* MOTION GRANTING APPROVAL FOR THE AMERICAN CANCER SOCIETY TO CONDUCT THE 22ND ANNUAL GEORGE WASHINGTON BRIDGE CHALLENGE PARTIALLY THROUGH THE BOROUGH ON SUNDAY, 6/14/09 (14. M.L. 12/4/08) Approval received from Risk Management Consultant 2/6/09

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING AGENDA – FEBRUARY 11, 2009 – 7:30 P.M..

8a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

MOTIONS (Continued)

24.* MOTION APPROVING THE FOLLOWING NON-SALARIED APPOINTMENTS (NOT MADE AT THE REORGANIZATION MEETING HELD 1/5/09) (Adjourned from RM 1/14/09; RM 1/28/09):

<u>OFFICE</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRATION</u>
BOARD OF HEALTH ALT. NO. 2	_____	2 Year un- expired to	12/31/09
HISTORIC PRESERVATION COMMISSION/MEMBER	_____	4 Year	12/31/12
IMPROVEMENT COMMISSION MEMBER	_____	2 Year un- expired to	12/31/09
MEMBER	_____	2 Year	12/31/10
ALT. NO. 2	_____	2 Year	12/31/10
RECREATION COMMISSION ASSOCIATE MEMBER	_____	1 Year	12/31/09
**SHADE TREE COMMISSION ALT. NO. 2	_____	2 Year	12/31/10
ZONING BOARD OF ADJUSTMENT ALT. NO. 4	_____	2 Year un- expired to	12/31/09

** Mayoral Appointment

25.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:

- a. CONSTRUCTION OFFICIAL – JANUARY 2009 (Received 2/2/09)
- b. FIRE CHIEF – JANUARY 2009 (Received 2/3/09)

8b. VOTE ON CONSENT AGENDA ITEMS

26. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

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

- a. CONTINUED DISCUSSION RE PARKING SPACE FEE (Requested by Mayor 1/18/08)
RM 9/10/08

28. DISCUSSION OF PUBLIC COMMENTS OR ANY OTHER TIMELY MATTER, IF APPROPRIATE

29. ADJOURN

ALL BUSINESS WILL TERMINATE AT 11:00 P.M.

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION AGENDA – FEBRUARY 11, 2009 - 7:30 P.M.

1. ROLL CALL
 2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT
 3. PROFESSIONAL REPORTS
 - A. BOROUGH ATTORNEY
 - 1) REPORT
 - B. BOROUGH ENGINEER
 - 1) STATUS REPORT RE WEST STREET PROJECT (W.S. 12/10/08)
 - 2) REPORT
 4. REPORTS
 - A. ACTING BOROUGH ADMINISTRATOR
 - 1) REPORT RE PREPARATIONS FOR 2009 MUNICIPAL BUDGET
 - 2) STATUS REPORT RE BOROUGH WEBSITE
 - 3) STATUS REPORT RE CONTACT WITH FILE BANK FOR STORAGE OF RECORDS (Requested by John DiStefano at WS 10/6/08)
 - 4) STATUS REPORT RE INSURANCE ITEM(S) FOR FOLLOW UP: (none)
 - 5) REPORT
 - B. BOROUGH CLERK
 - 1) STATUS REPORT RE 2009 APPOINTMENTS
 - 2) STATUS REPORT RE 2009 OATHS OF OFFICE
 - 3) STATUS REPORT RE 2009 LICENSES
 - 4) REPORT RE 2009 MEETING DATES
 - 5) REPORT
 - C. CHIEF OF POLICE
 - 1) REPORT
 - D. MAYOR
 - 1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS:
 - a. GRANTS FILED
 1. FY 2007 NATIONAL TRAIL RECREATION GRANT - \$25,000 - \$10,000 MATCH FOR TRAIL MAINTENANCE (Extension requested???)
 2. GREEN COMMUNITIES 2008 APPLICATION FOR \$4,500 WITH A MATCHING SUM FROM CLOSTER IN THE AMOUNT OF \$1500 (Requested by Mayor Heymann 11/7/07)
 3. COMMUNITY DEVELOPMENT GRANT OF ~~\$110,000~~ \$205,000.00 FOR A.D. ACCESSIBLE BATHROOMS IN TWO PUBLIC PARKS (SHAUBLE AND MOLLICONE) RM 9/24/08 - Mayor requested at WS 10/6/08 that this addition be made to her Report in the amount of \$210,000
4. REPORTS (Continued)
 - D. MAYOR (Continued)
 - b. GRANTS AWARDED

CLOSTER MAYOR AND COUNCIL
WORK SESSION AGENDA – FEBRUARY 11, 2009 - 7:30 P.M.

1. BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND & HISTORIC PRESERVATION TRUST FUND; DUE 7/7/06; FILED BY COUNCILMAN KASHWICK - 50% LOCAL MATCH REQUIRED?- ACQUISITION OF FLAMM PROPERTY END OF RUCKMAN ROAD/HOMANS AVENUE- \$500,000 AWARDED 7/11/07 FOR BLOCK 1308, LOTS 3 AND 4, 37 HOMANS AVENUE (8.M.L.7/26/07)
2. BERGEN COUNTY OPEN SPACE TRUST FUND - 2004 FUNDING ROUND FOR MUNICIPAL PARK IMPROVEMENT AND LAND ACQUISITION PROGRAM (50% local match); APPLICATION DEADLINE: 10/29/04 (8.M.L.8/26/04) (~~\$190,000.00~~ \$120,000.00 for Recreational Trails Program/RM10/27/04 - \$120,000 Recommended Award - County Public Hearing 5/26/05)
3. NATIONAL TRAILS RECREATION PROGRAM - \$25,000 (local match of \$10,000 required) filed 12/15/05
4. ANJEC GRANT - \$20,000 requested/\$6,000 received
5. 2008 NJDOT MUNICIPAL AID PROGRAM FOR WEST STREET (SECTION 3) \$150,000 awarded (5. M.L. 12/27/07)
6. FY2008 ENHANCED 9-1-1 GENERAL ASSISTANCE GRANT- \$28,019.00 awarded (5. M.L. 04/24/08)
7. SUPER VALUE, INC./PUBLIC ENTITY GRANT - \$6,600.00 awarded for Hazardous Discharge Site Remediation – 121 Schraalenburgh Road, Block 502 Lot 3 (14. M.L. 7/3/08)
8. PROJECT GRANT APPLICATION RE BERGEN COUNTY OPEN SPACE TRUST FUND/\$68,100.00 FOR IMPROVEMENTS TO BOROUGH PARKS IN THE MUNICIPALITY OF CLOSTER; CASH-FOR-CASH MATCH – Approved RM 6/25/08 (Requested by Mayor 7/2/08) – \$68,100 awarded; Mayor reported at WS 9/10/08
9. RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT AWARD \$10,000 (for all persons with varying disabilities in the NVRS District (7. M.L. 9/11/08)

c. GRANTS TO BE FILED

- 2) STATUS REPORT RE RESOLUTION CALLING FOR CHANGES TO OPRA APPROVED BY NJS LEAGUE OF MUNICIPALITIES
- 3) REPORT

5. OLD BUSINESS

- a. STATUS REPORT RE KIDDIE SOCCER/POSSIBLE POLICY ESTABLISHED BY RECREATION COMMISSION RE USE OF BOROUGH PARKS (Discussed at W.S. 11/12/08)

6. NEW BUSINESS

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

CLOSTER MAYOR AND COUNCIL
WORK SESSION AGENDA – FEBRUARY 11, 2009 - 7:30 P.M.

8. OPEN MEETING TO THE PUBLIC
9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
10. ADJOURNMENT

MAIL LIST

January 29, 2009

NO.	DATE REC'D	DATE	FROM	SUBJECT	COPY ATTACHED	AGENDA/COMMITTEE/ LIAISON
1.	01/23/09 01/27/09 01/28/09 01/29/09	01/23/09 01/27/09 01/28/09 01/29/09	William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Mayor	*Mayors Fax Advisory re: a. Sustainable Jersey Update b. S-2485, Commercial Development Fee, Affordable Housing c. Pension Payment Deferral d. 2009 Brownfield Development Area (BDA) Application e. House passes HR 1, Senate advances S.336 (Economic Recovery Package) f. February League Offerings		
2.	01/23/09	01/22/09	Paul Demarest, Land Use Coordinator, Zoning Board of Adjustment, to Charanjit Ahulwalia	*Certified copy of Zoning Board of Adjustment Resolution adopted 11/17/08, memorialized 1/21/09, approving application for use variance (FAR) and dimensional variances re Lot 11 in Block 1806, 14 Piermont Road		Hennessey/Zoning Board of Adjustment
3.	01/26/09	01/20/09	Verizon, 770 Elm Street, Manchester, NH 03101, to Closter Borough Clerk	*Check dated 12/18/08 in the amount of \$17,833.72 in payment of 2008 Franchise Fee (Original check hand delivered to Mayor Heymann on 1/26/09)		Borough Attorney
4.	01/28/09 hand del'd by Mayor	01/26/09	Joseph T. LaPaglia, President, Pascack Valley Mayors' Association, to Mayor Sophie Heymann	*Offering moral support re recent arbitrator's award of 4% retroactive for 2008 to PBA Local 233 - Closter Unit; and welcoming attendance at their next meeting to be held 2/11/09 @6:30 p.m. in Hillsdale		Mayor Heymann
5.	01/28/09	01/28/09	Michael Donovan, Orange and Rockland Utilities Inc.	*Press Release re New President and CEO		
6.	01/29/09	No date	Mr Leon Manole, 523 Deer Trail Road, Hillsdale, NJ 07642	*Supporting Mayor Heymann and Essex County Executive Joseph DiVincenzo in their efforts to fight binding arbitration for police departments		Mayor Heymann

ALSO DISTRIBUTED:

Invitation for New Jersey Conservation Foundation's 13th Annual New Jersey Land Conservation Rally to be held March 7, 2009 at Hyatt Regency, New Brunswick, New Jersey - for Environmental Commission, Planning or Land Use Board, Recreation Committee, parks and Recreation Director and Elected Officials (Received 1/23/09)

MAIL LIST

February 5, 2009

NO.	DATE REC'D	DATE	FROM	SUBJECT	COPY ATTACHED	AGENDA/COMMITTEE/ LIAISON
1.	01/30/09 02/02/09 02/03/09 02/04/09	01/30/09 02/02/09 02/03/09 02/04/09	William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Mayor	*Mayors Fax Advisory re: a. Pension Deferral Plan (Clarification to Jan. 28 letter) b. League Labor Counsel Update c. Support our Troops! d. Federal Stimulus Package NJ Local Needs Survey Results e. Helping Hand in Time of Need		
2.	01/30/09	February 2009	Timothy McDonough, Mayor, Hope, President of NJS League of Municipalities, to Mayor	Mayor's Newsline		
3.	02/02/09	02/01/09	Dave Scholz, Chairman, Environmental Commission, to Richard Ryan, Shade Tree Commission c: Mayor and Council	*Annual Tree Planting - 2009		
4.	02/02/09	01/23/09	Wade E. Miller, P.E., Planning and Design Manager, Public Service Electric and Gas Company, to Municipal Clerk	*Information requested re 2009 construction plans		Borough Engineer
5.	02/02/09	01/29/09	Ronald K. Chen, Public Advocate, to Mayor	*Rights of Tenants During Foreclosure		
6.	02/03/09	02/03/09	Adam E. Falk, Vice President, Regulatory and Government Affairs, to Ms. Celeste Fasone, Director, NJ Board of Public Utilities, Office of Cable Television	*a. Deletion of iO Sports (Copy to Cable TV Advisory Committee) b. Programmer Notification of Channel Rebrands (Copy to Cable TV Advisory Committee)		Barad/Cable TV Committee
7.	02/05/09	02/04/09	David M. Watkins	*Requests for Return of monies being held in escrows in TD Bank North for the following: a. Investors First Mortgage - \$12,070.36 b. 58 Kinderkamack Road, LLC - \$11,200.73 (Copy to Deputy Treasurer)		
8.	02/04/09	01/30/09	Ronald T. Corcory, Assistant Director,	*JNDEP Child Care Facility Approval Letter: Preferred ID#: 469274,		

9.	02/05/09	02/03/09	<p>Enforcement & Assignment Element, NJ Department of Environmental Protection, to Hyackyung Jo, Owner/Director, Miracle Kids Early Learning, 26 William Street, Closter c: Municipal Clerk</p> <p>Richard Wierer, Director of Solid Waste and Information Technology, Bergen County Utilities Authority, to Loretta Castano c: Sager Keith, Construction Code Official</p>	<p>Activity Reference Number:CCF080001, Block 1201; Lot: 13, DCF Child Care License #02MIR0001(Copy to Keith Sager)</p> <p>*Bergen County Utilities Authority (BCUA) Sewer Connection Fee Municipal Incentive Program Rebate - voucher attached to be signed and returned to BCUA on or before 2/13/08 (COPY OF LETTER AND 2ND ORIGINAL VOUCHER TO DEPUTY TREASURER ON 2/5/09 FOR FOLLOW UP) Original request - 5. M.L. 1/15/09 - copy of letter and original voucher were sent to John DiStefano on 1/13/09 for follow up by 2/1/09)</p>	<p>Acting Administrator/ Treasurer Deputy Treasurer</p>
10.	02/04/09	02/04/09	<p>Irene Stella, Acting Chairperson, Closter Historic Preservation Commission</p>	<p>*Notice of Nomination of the West Street/Harrington Avenue District approved at meeting held 1/26/09 (Resolution and list attached) Public Hearing to be held 3/23/09 @8:00 p.m. in the Borough Hall Council Chambers (Copy to Construction Official, Zoning Officer, Land Use Coordinator/Planning, Land Use Coordinator/Zoning)</p>	<p>Amitai/Planning Hennessey/Zoning & Construction</p>
11.	02/05/09	02/04/09	<p>Timothy McDonough, NJLM President, Mayor, Hope Township, NJLM, to Mayor</p>	<p>*Legislative Viewpoint: "Inside the Statehouse" Municipal Guide to Legislative Process</p>	
12.	02/05/09 (received from Leslie Weatherly)	01/23/09	<p>Ilene S. Anesini, Executive Director, Temple Emanu-El, to Mayor</p>	<p>*Request for approval to close roads the morning of 5/17/09 to conduct the Annual Jerry Fink z"l Memorial Run/Walk, partially through the Borough; the run from 8:30 a.m. to approximately 9:15 a.m.; the walk from 8:45 a.m. to 10:15 a.m. (Plans to be coordinated with Sgt. James Winters, Jim Oettinger, Glenn Parsells) Approval received from Risk Management Consultant 2/5/09.</p>	<p>RM Agenda 2/11/09</p>
13.	02/05/09	01/30/09	<p>Margaret B. Beiran, Project Manager, BEM Systems, to Hrushikesh Orza, NJ Department of Environmental Protection, Bureau of Northern Case Management c: Closter Health Dept. Closter Borough Clerk</p>	<p>*Former Hotel Research Laboratories Site, Closter, Bergen County, New Jersey, ISRA Case No. 85774, Results of Preliminary Soil Vapor Intrusion Assessment (Copy to Board of Health, Construction Official)</p>	<p>Barad/Board of Health Hennessey/Construction</p>