

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

REGULAR MEETING AGENDA – AUGUST 27, 2008 - 7:30 P.M.

1. PLEDGE OF ALLEGIANCE
 2. OPEN PUBLIC MEETINGS ACT STATEMENT
 3. ROLL CALL
 4. PUBLIC HEARING AND ADOPTION OF ORDINANCE NO. 2008:1018, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF CLOSTER SPECIFICALLY, ADDING CHAPTER 93, CONSTRUCTION AND REPAIR OF SIDEWALKS AND CURBS: PERMIT REQUIRED”

This Ordinance was introduced at the Regular Meeting held 8/27/08, was published in the Press Journal in its issue of 9/4/08, as stated in the printer’s affidavit of publication. Reprint of this Ordinance has been posted on the municipal bulletin board in accordance with statutory requirements and copies have been made available to the general public.
 5. MAYORAL APPOINTMENT OF _____ TO SERVE AS PLANNING BOARD ALTERNATE NO. 2 FOR AN UNEXPIRED 2-YEAR TERM (KIM) TO 12/31/2009 (8. M.L. 9/11/08)
 6. 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)
 7. COMMUNICATIONS
 - a. MAIL LIST – SEPTEMBER 11, 2008
 - b. MAIL LIST – SEPTEMBER 18, 2008
 8. OPEN MEETING TO PUBLIC FOR COMMUNICATION ITEMS ONLY
(Subject to 5-minute per By-Laws General Rule No. 10)
 - 9a. REVIEW OF CONSENT AGENDA ITEMS
(PROCEDURE TO BE EXPLAINED BY MAYOR HEYMANN)
- ORDINANCES AND RESOLUTIONS
- 10.* BILL RESOLUTION – SEPTEMBER 30, 2008
TO BE PREPARED BY TREASURER
 - 11.* RESOLUTION AUTHORIZING AD INTERIM PERMIT FOR PLENARY RETAIL CONSUMPTION LICENSE NO. 0207-33-006-006 ISSUED TO KLIP, LLC. t/a ASSEMBLY EAST HILL, 597 PIERMONT ROAD
 - 12.* RESOLUTION APPROVING THE SETTLEMENT OF A TAX APPEAL FOR THE YEARS 2006, 2007 & 2008; O&P REALTY, BLOCK 1201, LOT 1, CORNER NAUGLE STREET AND RAILROAD AVENUE (Received from Borough Attorney 5/19/08)
Adjourned from RM 5/28/08, RM 6/11/08, RM 6/25/08, RM 7/9/08, RM 7/23/08; RM 9/10/08; adjourned to this meeting.
 - 13.* RESOLUTION GRANTING APPROVAL FOR ESTIMATE #2 AND FINAL IN THE AMOUNT OF \$8,445.60 AND CHANGE ORDER #1 AND FINAL SUBMITTED BY D.R. MULLEN CONSTRUCTION CO., INC. FOR PROJECT KNOWN AS CLOSTER NATURE TRAIL, INCREASING THE CONTRACT AMOUNT TO \$78,830.99 ; AND APPROVING TWO-YEAR MAINTENANCE BOND IN THE AMOUNT OF \$11,824.65 (Received from Administrator/Treasurer 9/18/08)
 - 14.* RESOLUTION GRANTING APPROVAL FOR ESTIMATE #4 AND FINAL IN THE AMOUNT OF \$108,995.70 AND CHANGE ORDER NO. 1 AND FINAL SUBMITTED BY ROCKBORN TRUCKING COMPANY, FOR PROJECT KNOWN AS 2007 ROAD IMPROVEMENT PROGRAM; AND APPROVING THE TWO-YEAR MAINTENANCE BOND IN THE AMOUNT OF \$150,706.20) (Received from Administrator/Treasurer 9/18/08)

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING AGENDA – WEDNESDAY, SEPTEMBER 24, 2008 – 7:30 P.M.

9a. REVIEW OF CONSENT AGENDA ITEMS (Continued)

ORDINANCES AND RESOLUTIONS (Continued)

- 15.* RESOLUTION GRANTING APPROVAL FOR ESTIMATE #2 AND FINAL IN THE AMOUNT OF \$49,114.60 AND CHANGE ORDER #2 AND FINAL SUBMITTED BY HBC COMPANY, INC. FOR PROJECT KNOWN AS HOMANS AVENUE AND OAKLAND AVENUE INTERSECTION IMPROVEMENT; AND APPROVING THE TWO YEAR MAINTENANCE BOND IN THE AMOUNT OF \$10,594.50 (Received from Administrator/Treasurer 9/18/08)
- 16.* RESOLUTION RE REFUND OF 2008 TAX OVERPAYMENT IN THE AMOUNT OF \$5,206.90 TO COUNTRYWIDE TAX SERVICE FOR BLOCK 1605 LOT 12 (Received from Tax Collector's office 9/18/08)
- 17.* RESOLUTION AUTHORIZING TREASURER TO REFUND 2008 HOMESTEAD REBATE TAX OVERPAYMENTS TO THE FOLLOWING HOMEOWNERS: KILDUFF, J&A IN THE AMOUNT OF \$1,492.08 FOR BLOCK 1207 LOT 16; RUDICK, R&C IN THE AMOUNT OF \$102.81 FOR BLOCK 1705 LOT 3; FERRRELL II, EDWARD IN THE AMOUNT OF \$2,000.00 FOR BLOCK 1806 LOT 29.01; FERRARO, J&D IN THE AMOUNT OF \$1,000.00 FOR BLOCK 2102 LOT 5; AND LEE, MIN SUN &ME II IN THE AMOUNT OF \$2,000.00 FOR BLOCK 2302 LOT 26 (Received from Tax Collector's office 9/18/08)
- 18.* RESOLUTION CONFIRMING ENDORSEMENT OF COMMUNITY DEVELOPMENT GRANT IN THE AMOUNT OF \$110,000.00 FOR A.D. ACCESSIBLE BATHROOMS IN TWO PUBLIC PARKS IN THE MUNICIPALITY (This Resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds) (Received from Borough Attorney 9/18/08)
- 19.* *POSSIBLE* APPROVAL OF CLOSTER SUSTAINABLE INITIATIVE MASTER PLAN COMPONENT (Requested by Mayor 8/25/08/Adjourned from RM 9/10/08)
RESOLUTION TO BE PREPARED, IF AND WHEN APPROVED

MOTIONS

- 20.* APPOINTMENTS NOT MADE AT THE REORGANIZATION MEETING HELD 1/02/08; Adjourned from Regular Meetings held 1/09/08, 1/23/08, 2/13/08, 2/27/08, 3/12/08, 3/26/08, 4/9/08, 4/23/08, 5/14/08, 5/28/08, 6/11/08, 6/25/08, 7/9/08, 7/23/08, 8/13/08, 8/27/08, 9/13/08

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
HEALTH, BOARD OF Alternate No. 2	Phyllis Buonomo	_____	2 Year	12/31/09
IMPROVEMENT COMMISSION				
Member	Wilson Reimers	_____	2 Year	12/31/09
Alternate No. 1	Frank Rodriguez	_____	2 Year	12/31/09
Alternate No. 2	Bobbie-Bouton- Goldberg	_____	Unexp. 2 Year	12/31/09

- 21.* MOTION APPOINTING THE FOLLOWING INDIVIDUALS TO SERVE AS MEMBER(S) OF THE HISTORIC PRESERVATION COMMISSION TO FULFILL REQUIREMENT MADE BY ADOPTION OF ORDINANCE NO. 2008:1004 ON 3/12/08
 (Term to be determined by Borough Attorney in accordance with N.J.S.A. 55D-107) – Adjourned from RM 04/23/08, 5/14/08, 5/28/08, 6/11/08, 6/25/08, 7/9/08, 7/23/08, 8/13/08, 8/27/08, 9/13/08

<u>Appointee</u>	<u>Class</u>	<u>Term</u>	<u>Expiration</u>
a. _____			
b. _____			

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING AGENDA – WEDNESDAY, SEPTEMBER 24, 2008 – 7:30 P.M.

- 9a. REVIEW OF CONSENT AGENDA ITEMS (Continued)
- MOTIONS (Continued)
- 22.* MOTION APPROVING THE FOLLOWING MINUTES:
- a. REGULAR MEETING HELD AUGUST 27, 2008 (Distributed 9/11/08)
ABSTENTION: KASHWICK
 - b. WORK SESSION HELD SEPTEMBER 10, 2008 (Distributed 9/18/08)
ABSTENTION: TUTOLI
- 23.* MOTION GRANTING APPROVAL FOR THE POLICE DEPARTMENT TO IMPOSE A 9:00 P.M. CURFEW ON CABBAGE NIGHT, 10/30/08, AND HALLOWEEN, 10/31/08 (Received from Chief of Police)
- 24.* GRANTING APPROVAL FOR TEMPLE BETH EL NURSERY SCHOOL TO CONDUCT SPECIAL EVENT, COMMEMORATING THEIR 50TH ANNIVERSARY, AT SCHAUBLE PARK, ON SUNDAY, 9/21/08 FROM 2 P.M. TO 5 P.M.; WITH 2 HOURS FOR SET UP AND 1 HOUR FOR CLEAN UP; THE FOLLOWING EVENTS TO BE HELD: TWO BOUNCY INFLATABLES; TWO MECHANICAL RIDES; 2 PORTA JOHNS (Approval provided by Risk Management Consultant on 9/12/08; copied to Borough Clerk 9/17/08)
- 25.* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:
- a. CHIEF OF POLICE – AUGUST 2008 (Received 9/18/08)
- 9b. 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
 - b. CLOSED SESSION REGARDING THE FOLLOWING MATTER: DISCUSSION PERTAINING TO PERSONNEL ORDINANCE AND MANUAL CHANGES (Requested by Borough Attorney 9/3/08; Adjourned from 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.

CLOSTER MAYOR AND COUNCIL
REGULAR MEETING AGENDA – WEDNESDAY, SEPTEMBER 24, 2008 – 7:30 P.M.

MAIL LIST
September 11, 2008

NO.	DATE REC'D	DATE	FROM	SUBJECT *COPY ATTACHED	AGENDA/COMMITTEE/ LIAISON
1.	09/08/08	NO DATE	Borough of Emerson, to Borough Clerk	*Notice of Planning Board Redevelopment Hearing to be held 9/24/08 @ 8:00 p.m at Emerson Junior/Senior High School, 131 Main Street, to discuss the possible redevelopment of an area on Kinderkamack Road in the Borough of Emerson pursuant to the Local Redevelopment and Housing Law	Amitai/Planning
2.	09/08/08	NO DATE	Allen M. Belle, Esq., Jacobs and Bell, P.A., to Borough Clerk	*Notice re Zoning Board of Adjustment Hearing to be held 9/17/08 @ 8 p.m. re Appeal of Denial by Zoning Officer of valid non-conforming two family use; seeking Use Variance and bulk variances for Applicant: Ruth Elizabeth Watson, for Block 912, Lots 9, 19 Julia Street	Hennessey/Zoning
3.	09/08/08	09/04/08	Valerie Coniglio, Clerk to the Board of Chosen Freeholders, to the Municipal Clerk	*Copy of the following County Ordinances introduced 9/3/08 and scheduled for public hearing 9/17/08: a. <u>No. 08-47</u> , AORDINANCE OF THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE EXECUTION OR ACKNOWLEDGMENT AND DELIVERY BY THE COUNTY OF BERGEN OF CERTAIN AGREEMENTS IN CONNECTION WITH THE BERGEN COUNTY IMPROVEMENT AUTHORITY=S BERGEN COUNTY LEASE BANC PROGRAM@ b. <u>No. 08-48</u> , ABOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AT OVERPECK PARK AND THE BERGEN EQUESTRIAN CENTER, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$11,200,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$10,200,000 BONDS OR NOTES OF THE COUNTY FOR FINANCING PART OF THE COST THEREOF@	

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING AGENDA – WEDNESDAY, SEPTEMBER 24, 2008 – 7:30 P.M.

4.	09/09/08	09/09/08	William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Mayor	<p><i>*Membership Fax Advisory re:</i> a. Michael A. Pane Memorial Award, for presentation at the NJLM Annual Conference in November; Nominations requested by 9/30/08</p> <p><i>*Mayor's Fax Advisory re:</i> b.1) Important Conference Sessions- LAND USE (Copy to Acting Land Use Clerk) 2) Legislative Development: I. Permit Extension Act (Copy to Construction Official) II. Financial Disclosure for Local Officers (Copy to Board of Ethics) 3) Appellate Division Rules that Municipality Need Only Provide Curbside Trash Collection for Apartment Complex 4) 2009 Pension Cost Budget Shock (Copy to Joseph Luppino) 5) Proclamation - October - National Planning Month (Copy to Acting Land Use Clerk)</p>	Borough Attorney
5.	09/10/08	09/09/08	Louise G. Ungar, Secretary, Shade Tree Commission	<i>*Recommendation of appointment of Thomas Reinecke to the Closter Board of Ethics (Unexpired 5-year term (Prigoff/D) to 12/31/2011</i>	Action taken at RM 9/10/08
6.	09/10/08	09/02/08	Lorraine L. McMackin, Municipal Clerk, Borough of Norwood	<i>*Certified copy of Resolution No. 08:150 adopted 9/2/08 Objecting to the Unfair and Unequal Reductions in State Aid and the Importance of State Mandated Costs</i>	
7.	09/10/08	09/03/08	Joseph V. Doria, Commissioner, NJ Department of Community Affairs, to Mayor Heymann	<i>*Notice of Recreational Opportunities For Individuals with Disabilities Grant Award in the amount of \$10,000 to provide funds for recreational sports activities to all persons with varying disabilities in the Northern Valley Regional School District</i>	Mayor Heymann
8.	09/10/08	09/06/08	Cherilyn Martinez, Secretary, Planning Board	<i>*Certified Copy of Planning Board Resolution adopted 8/6/08 deeming the position of Planning Board Member, Alternate No. 2 vacant as a result of accrued absences of Peter Kim (Alt. No. 2 for a 2-year term to 12/31/09)</i>	R.M. Agenda 9/24/08

ALSO DISTRIBUTED:

Minutes of the Regular Meeting held August 27, 2008

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING AGENDA – WEDNESDAY, SEPTEMBER 24, 2008 – 7:30 P.M.

MAIL LIST
 September 18, 2008

NO.	DATE REC'D	DATE	FROM	SUBJECT *COPY ATTACHED	AGENDA/COMMITTEE/ LIAISON
1.	09/12/08	09/12/08	William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Mayor	<p><i>*Mayor's Fax Advisory re:</i></p> <ul style="list-style-type: none"> a. Important Conference Sessions CLEAN AND GREEN b. NJ Clean Energy Conference to be held 10/17/08 from 8 a.m. to 5p.m. at the Hyatt Regency Hotel in Jersey City c. Important Information: Conference Information ALL NEW CONSULTING SESSION NEW DAY NEW TIME to be held 11/18/08 from 12 noon to 2 p.m. d. Affordable Housing: COAH Litigation Update e. SCI Issues Report on Procurement of Fire Trucks (Copy to Kevin Whitney, Chief Brian Pierro) f. Session Day Wrap-up 	John DiStefano Borough Attorney
2.	09/15/08	09/12/08	Farouk Ahmad, P.E., Director, Bergen County Department of Planning and Economic Development; to Mayor Heymann	*Bergen County Comprehensive Farmland Preservation Plan Farms Being Considered for Preservation	Mayor Heymann
3.	09/15/08	09/13/08	Andrew Waring, P.G., Principal, Mercury Environmental; to Borough Clerk	<p><i>*Notification of Proposed Groundwater CEA</i></p> <p>Former Donald R. Schmidt, Inc. Property 277 Herbert Avenue (Block 1306, Lot 1) Closter Borough, Bergen County, New Jersey NJDEP Case No. 99-08-06-0940-02 (Copy to Dave Scholz)</p>	Borough Engineer Kashwick/Environmental

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING AGENDA – WEDNESDAY, SEPTEMBER 24, 2008 – 7:30 P.M.

4.	09/15/08	09/11/08	Senator Gerald Cardinale, 39 th District	*Notice of Grant Award in the amount of \$15,000 from the New Jersey Department of Community Affairs for the Recreational Opportunities for Individuals with Disabilities program (7. M.L. 9/11/08 - DCA advised of \$10,000 Grant)	Mayor Heymann/Grants
5.	09/15/08	09/12/08	Karen Floo, Acting Manager, Office of Community Relations, NJ DEP; to Municipal Clerk	*Information re adoption of new rules for public notification and outreach when certain work is conducted at contaminated sites (Copy to Lou Apa, Dave Scholz, Loretta Castano)	Barad/Board of Health Borough Clerk
6.	09/16/08	NO DATE	Saverio C. Cereste, Attorney for Applicant; to Borough Clerk	*Notice of Planning Board hearing to be held 09/25/08 @t 8:00 p.m. regarding the application of Alexander Chuchalov for a soil movement permit and approval for the excavation of 631 cubic yards of soil with the removal of 424 cubic yards at Block 2305, Lot 18, 499 Homans Ave	Amitai/Planning Board
7.	0916/08	09/12/08	William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Municipal Clerks	*Notice of Proposed Dues Increase of 2% effective calendar year 2009; to be voted on at the Annual Meeting to be held at the Sheraton Hotel on 11/21/08	Mayor Heymann John DiStefano/ 2009 Budget
8.	09/16/08	09/15/08	Cherilyn Martinez, Acting Land Use Clerk; to Anthony Giulini c: Mayor and Council Keith Sager, Construction Official Leonard Sinowitz, Zoning Officer	*Certified Copy of Zoning Board of Adjustment Resolution adopted 7/16/08 granting variance approval to Anthony and Maria Giulini at Block 510, Lot 9, 28 Haring Street	Hennessey/ Zoning Board of Adjustment
9.	09/16/08	09/08/08	Cherilyn Martinez, Acting Land Use Clerk; to David M. Watkins, Esq. c: Mayor and Council Keith Sager, Construction Official Leonard Sinowitz, Zoning Officer Arthur Chagaris, Esq. Planning Board Attorney Nick DeNicola, Planning Board Engineer	*K&H Group, LLC, Block 1601, Lots 1&2, 189 Homans Avenue - certified copy of Planning Board Resolution dated 07/02/08 granting Major Site Plan Approval - DEVELOPER'S AGREEMENT REQUIRED!	Amitai/Planning Board Borough Attorney Borough Engineer

CLOSTER MAYOR AND COUNCIL
 REGULAR MEETING AGENDA – WEDNESDAY, SEPTEMBER 24, 2008 – 7:30 P.M.

10.	09/18/08	09/12/08	Bernadette P. McPherson, Bergen County Freeholder, Liaison Bergen County Film Commission; to Mayor Heymann	*Notice of The Reel Jersey Film Festival to be held by the Bergen County Film Commission at the Williams Center in Rutherford from 9/25/08 to 9/29/08; invitation to attend film symposium to be held at the Bergen County Academies and Technical School @ 10 a.m.; also, request for copy of film ordinance and info to be provided re filming taking place in the municipality (Copy to Glynis Burke)	John DiStefano Borough Clerk
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ALSO DISTRIBUTED:

Work Session Notes of September 10, 2008

The Recycling Bin - Vol. XX, Issue No. 3 – Summer 2008 -

Bergen County's Open Space *Momentum* - Vol. 4, No. 2, Summer 2008 Rec'd 09/16/08

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION AGENDA – AUGUST 27, 2008 - 7:30 P.M.

1. ROLL CALL
2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT
3. COMMITTEE REPORTS
 - A. FINANCE AND TECHNOLOGY - KASHWICK (GLIDDEN/TUTOLI)
 - 1) STATUS REPORT RE CAPITAL BUDGET/CAPITAL PLAN
(RM 7/9/08)
 - 2) STATUS REPORT RE TRANSPORTATION MEETING HELD IN
ENGLEWOOD 6/30/08
 - 3) STATUS REPORT RE CLOSTER WEBSITE
 - 4) STATUS REPORT RE IN-KIND MATCH OF \$25,000 FOR COMMUNITY
FORESTRY GRANT (Work to be done by DPW) RM 6/27/07
 - 5) REPORT
 - B. PUBLIC SAFETY - GLIDDEN (HENNESSEY/TUTOLI)
 - 1) REPORT
 - C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN)
 - 1) REPORT
 - D. ORDINANCES - BARAD (KASHWICK/AMITAI)
 - 1) STATUS REPORT RE ORDINANCE COMMITTEE MEETINGS
 - 2) STATUS REPORT RE DISCUSSION WITH CABLEVISION FOR
RENEWAL OF ITS MUNICIPAL CONSENT - PH held 9/10/08
 - 3) REPORT
 - E. HUMAN RESOURCES - TUTOLI (KASHWICK(/BARAD)
 - 1) REPORT RE PERSONNEL COMMITTEE MEETINGS
 - 2) REPORT
 - F. LAND USE AND CONSTRUCTION - AMITAI (BARAD/HENNESSEY)
 - 1) REPORT
4. OLD BUSINESS
5. NEW BUSINESS
 - a. KIDDIE SOCCER (Requested by Mayor 7/3/08)
 - b. DISCUSSION OF POSSIBLE POLICY RE USE OF BOROUGH PARKS
(Requested by Mayor 7/18/08/Discussed (WS 7/23/08)
 - c. STATUS REPORT RE ORGANIZATION CHART (Discussed WS 8/27/08)
(Requested by Mayor 8/20/08)
 - d. STATUS REPORT RE COAH PLANNER (Discussed WS 7/23/08) (Requested by
Mayor 8/20/08) Appointment made RM 9/13/08
 - e. JOINT BOARD MEETING HELD 9/13/08 (Requested by Mayor 8/20/08)

CLOSTER MAYOR AND COUNCIL
WORK SESSION AGENDA – WEDNESDAY, SEPTEMBER 24, 2008

6. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY
7. OPEN MEETING TO THE PUBLIC
8. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE
9. ADJOURNMENT