

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES - FEBRUARY 13, 2008 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, February 13, 2008. Mayor Heymann called the meeting to order at 7:33 p.m.

1. PLEDGE OF ALLEGIANCE

Mayor Heymann invited all to join in the Pledge of Allegiance.

2. OPEN PUBLIC MEETINGS ACT STATEMENT

Mayor Heymann declared that the meeting was being held in compliance with the provisions of the Open Public Meetings Act.

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann  
Councilpersons John C. Glidden Jr., Thomas Hennessey, John Kashwick,  
David Barad (7:50 p.m.), Cynthia L. Tutoli, Victoria Roti Amitai (7:40 p.m.)  
Acting Administrator/Treasurer, John DiStefano  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola  
Chief of Police, David Berrian

At this time, Mayor Heymann acknowledged all members of the audience who have served Closter and are currently serving Closter.

4. MAYORAL PROCLAMATION DECLARING FRIDAY, MARCH 3, 2008 AT READ ACROSS AMERICA DAY (5. M.L. 1/17/08)

Mayor Heymann read and so declared. She also pointed out that the head of the Library Board of Trustees, Donald Farrell, was in attendance, adding that he would answer any questions.

5. 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)

Jack Kelly, 132 Herbert Avenue, asked for clarification of the situation with Railroad Avenue regarding the fill. Mayor Heymann informed the fill was residue left under legal conditions; adding that it is currently on Borough property. She explained that Vantage will be acquiring that property and needed to assure that the property had no toxic soils; therefore, they had it tested and then signed a contract to have the soil moved. Mayor Heymann presented the DEP docket number, 080111145014; informed that the soil will be carted to either Mazza Recycling in Tinton Falls or the Salem County Utilities Authority. In response to Mr. Kelly, Mayor Heymann noted that these were in place before, but the Borough was not properly communicated; there were permits, which she read. She added that they had the permits, previously given to Keith Sager, who had given them permission because he had reviewed the paperwork. That morning, the problem was that they were not aware of all the factors. The trucks came with the legal right to be there; they had the signed contract with Vantage and had obtained permission from Keith Sager. Mayor Heymann explained we were not immediately aware of this, so they instructed Mr. Sager to stop the job. However, everything was legal and in place.

Mr. Kelly informed he had spoken to the operator on the job; and the contamination is a couple of cans and bottles; he questioned if this was in fact the contamination. Mayor Heymann informed that the test borings were made to check the contamination; there are 200 pages of investigation on this. Vantage signed the contract, received bids prior to signing it and it has nothing to do with Closter. Mr. Kelly referred to a second pile of dirt that came from excavation that went on around

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

the building. He noted he was there and questioned if it was one person responsible for the contamination result opinion. Mayor Heymann informed that there was more than one opinion obtained; and it was investigated. Borough Engineer noted he reviewed the report. Mayor Heymann explained that they have the report that Vantage completed under their own auspices, which they had to do in order to clear the building. This is done under the government auspices and everything must be done properly.

Mr. Kelly questioned whether the trucks moving the contaminated soil are required to be covered and closed. Mayor Heymann explained that she did not know the regulations involved; the Borough requires knowledge of the route through Closter and the destination of the soil. He further questioned if someone was in charge of supervising this and added that if contaminated soil was removed, it needed to be enclosed. Borough Engineer informed that it depends upon the contaminant; if the contamination level is one, this is two, which is two parts per million; this is not a can and they are talking about substance chemicals and leaching.

Mr. Kelly expressed concern that there was no supervision to see that it was carried out properly. In response to Mr. Kelly, Mayor Heymann informed that the sign that stated not to remove the dirt was placed there after the fact. Mr. Kelly added that there was a sign which stated "No Construction Here", while they were working, which is why he went there. Mayor Heymann explained that Mr. Sager stopped the job after someone notified him that it was happening; this is when he posted that sign. They had a signed contract with Vantage, which had nothing to do with Closter. Mr. Kelly reiterated that there was no supervision; but Mayor Heymann stressed that they had all the appropriate approvals. Mr. Kelly suggested they get someone to help.

At this time, Mayor Heymann informed that if Richard Ryan wished to discuss the Trail, it will not be discussed here, as it is on the Consent Agenda as Item No. 19; and there is to be discussion in the Work Session, under Item No. 5.

Jesse Rosenblum, 65 Knickerbocker Road, referred to the pile of dirt Mr. Kelly was speaking of and questioned if the Borough is spending money for its removal. Mayor Heymann confirmed that the Borough was not spending any money. In response to Mr. Rosenblum, she further confirmed that the dirt left on legal conditions was part of the street job.

Jack Caldwell, 145 Maple Avenue, explained that on January 28, 2008, he questioned the Health Officer regarding the toxicity and the problems with this material, to which he had no knowledge. He explained that if the material is detrimental to someone, he believed that the Health Department should have knowledge of it. His understanding was that their only knowledge was from the paper. He met with Mayor Heymann and Mr. DiStefano, and they explained that Vantage had arranged to take care of this material. He voiced his feeling that a second opinion should have been obtained. Mr. Caldwell noted that the environmental firm that determined the contamination also determined contamination in another site and they were proven wrong. Mayor Heymann informed she knew nothing about this and the firm was TTI.

Mr. Caldwell added that he was told by Mayor Heymann that COAH was paying for it. Mayor Heymann informed that currently, Vantage is paying for it out of their building funds. Mr. Caldwell further noted that he asked who was signing the checks; and Mayor Heymann told him that the Borough was. Mayor Heymann denied this and noted, as public record, that Vantage is signing the checks. Mr. Caldwell informed there were no DEP permit numbers on the trucks; furthermore, the driver who drives the truck to remove that material is supposed to have special endorsements on his driver's license; and he did not notice anyone questioning this. Mayor Heymann suggested that he check this with Keith Sager. Mr. Caldwell explained that if the material was so hazardous, they disturbed the piles and left it; therefore, this cannot be that bad.

In response to Mayor Heymann, Mr. DeNicola explained he saw the report and the clean-up criteria was one part per million and this was two parts per million, so it was just above the threshold. Mr. Caldwell questioned if it was necessary to spend the money to get rid of something that was only two parts per million. He informed that there are more contaminants in someone's front lawn than there are in this soil pile. Councilman Glidden noted that this was State Law; and the DEP is making them clean it up. Mr. Caldwell reiterated that he was told that this was being paid for by COAH money, which has changed since January 29, 2008. Mayor Heymann informed that since then, they had signed the contract; since Vantage has signed the contract, they are responsible for this. Vantage did not have to follow the same guidelines as a municipality. Mr. Caldwell informed that Mayor Heymann had done her homework since his prior meeting with her, and added that there is more contamination in other areas of Closter than in this pile of dirt.

Steve Isaacson, 97 Columbus, noted that Mr. Watkins was building an addition, which will increase the occupancy of the building and cutting out a lot of parking spaces. He questioned what the Borough was doing about this; Councilwoman Amitai informed the parking would be underneath. Mayor Heymann informed that this issue was taken up with the Planning Board several years ago; and they had a Resolution, including payment of parking spaces that will be missing. She answered Mr. Isaacson, explaining that he needs 20 spaces and has 6; she confirmed that Mr. Watkins was paying for 14 spaces at \$1,650 per space.

Mr. Isaacson asked that the following to go on public record: he had a conversation with Mr. DiStefano regarding the Open Space Funds based upon the article saying there are hundreds-of-thousands of dollars available. A few years ago, he asked Mr. Lenander if he could get an accounting of all of the money and how it has been spent; he received a couple of sheets with hand-written notes, which is a shocking shame. They have collected over \$1 million in the ten years they have had this tax and there is no accountability.

Mayor Heymann explained that everyone in Borough Hall is aware of this particular hole; it is totally above board, but it was done in what she termed as a "lackadaisical" fashion. The Auditors were in the Borough this week; and one task was to certify the Open Space funds. She added that the Acting Borough Administrator has informed Mr. Isaacson that once this job is completed, we will have an accurate figure in Accounting for the entire amount. Mr. DiStefano explained that once the Annual Financial Statement is completed, the funds will be verified. He confirmed it was a bulk-order, but last year they consolidated a number of Capital accounts for projects that were completed and kept open for a period of time. They are looking to do the same with the Open Space funds and they are reviewing this; within the next 30 days, there will be Resolutions to close open items; and things will be consolidated and placed in the proper framework. Mr. Isaacson noted he was curious to know where the money has gone.

6. COMMUNICATIONS

a. MAIL LIST – JANUARY 24, 2008 - Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Mr. Kashwick asked that Item No. 12 be removed.

Item No. 12 - Received 01/23/08, dated 01/17/08, from Aimee Salinas, 199 9<sup>th</sup> Street, Cresskill, NJ 07626, re request for permission to plant a tree anywhere in the Borough in the month of April and asking for confirmation as to when and where tree can be planted; Mayor Heymann

Mr. Kashwick was curious as to how to address this situation and questioned if it should be referred to the Shade Tree Commission. Mayor Heymann advised that he could handle this, noting that it could also be an Environmental Commission matter.

b. MAIL LIST – JANUARY 31, 2008 - Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

The following items were removed by the following individuals: Mayor Heymann referred to Item No. 2.

Item No 2. - received 01/29/08, dated 01/25/08, from Kris Kolluri, Commissioner NJ Department of Transportation to Safe Routes to School Applicant, c: Mayor; School District Supt., County Engineer, Municipal Engineer, Municipal Clerk, regarding Safe Routes to School Program deadline notice: Noon on 4/18/08; web site:

<http://www.state.nj.us/transportation/community/srts/application.shtm>; (Copy to Chief Berrian); Borough Engineer

Mayor Heymann explained they are in the process of applying for this grant, noting that they have asked for allowances for rights of way for a sidewalk along Storig Avenue, which has been requested from that grant program several times in the past. They are trying to have everything in a row this time so they have a better chance of getting this, as they really need sidewalks at this location.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

At this time, Mayor Heymann also informed that she and Mayor Emeritus, Fred Pitofsky have joined the Mayor's Wellness Campaign and they are preparing was she termed as "rhetorials" for the use of Closter, as they have in the past.

c. MAIL LIST – FEBRUARY 7, 2008 - Mayor Heymann reviewed the correspondence distributed on this date and asked if any member of the Council wished to address any matter or provide any comments.

In response to Jennifer Rothschild's request, Mayor Heymann informed that the Watershed Program would be held March 13, 2008, from 2:00 p.m. to 5:00 p.m. or 7:00 p.m. to 10:00 p.m.

The following items were removed by the following individuals: Mr. Kafer asked that Item No. 8 be removed.

Item No. 8 – Received 02/06/08, dated 02/06/08, from Michael Kafer, regarding Closter Earth Day Fair (April 5, 2008); a. Invitation for Borough's participation; b. Press Release

Michael Kafer, 261 Parsells Lane, explained he is organizing an Earth Day Fair to be held on Saturday, 4/5/08, from 11:00 a.m. to 4:00 p.m., at Tenakill School. It is an event that will be entirely free. The theme is "Green Business to Green Consumers." This will be an opportunity for residents to test drive the Smart Car and bicycles, to purchase lady bugs to kill insects in their gardens, to learn about some environmentally favorable dry cleaners, who claim to be organic, as well as hear from plumbers and heaters on HVAC and solar panels. He invited the Mayor and Council to attend, as well as to participate noting that many organizations throughout the town are participating, such as the Girls Scouts and the Cub Scouts. He informed that the website for this event is [www.clostergreen.com](http://www.clostergreen.com). Mr. Glidden questioned in what capacity Mr. Kafer is holding this event; and Mr. Kafer explained he is no longer an official of the Borough; therefore, it is strictly as a citizen. He also informed that he made a petition to the School Board, who provided their approval for this to be held at the school

7. OPEN MEETING TO PUBLIC FOR COMMUNICATION ITEMS ONLY  
(Subject to 5-minute limit per By-Laws General Rule No. 10)

Mayor Heymann opened the meeting to the public.

8a. REVIEW OF CONSENT AGENDA ITEMS  
(PROCEDURE TO BE EXPLAINED BY MAYOR HEYMANN)

Mayor Heymann reviewed the items on the Consent Agenda and asked if any member of the Council or Public wished to removed or discuss any item.

ORDINANCES AND RESOLUTIONS

9.\* INTRODUCTION OF ORDINANCE NO. 2008:1004, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35, LAND USE PROCEDURES, ARTICLE VI, HISTORIC PRESERVATION COMMISSION, OF THE CODE OF THE BOROUGH OF CLOSTER" - PUBLIC HEARING - MARCH 12, 2008 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Borough Attorney 2/6/08)

10.\* BILL RESOLUTION – JANUARY 31, 2008  
(Distributed 2/1/08)

11.\* BILL RESOLUTION – FEBRUARY 15, 2008  
TO BE PREPARED BY TREASURER

12.\* POSSIBLE RESOLUTION ACCEPTING LOW BID RECEIVED FROM Rockbourne Trucking and Excavating Incorporated, 12 Taylor Road, Wharton, NJ 07885 IN THE AMOUNT OF \$998,521.21 FOR 2007 ROAD IMPROVEMENT PROGRAM RECEIVED AT BID OPENING HELD 2/8/08 @ 11:30 A.M. (Requested by Borough Attorney 2/5/08) TO BE PREPARED BY BOROUGH ATTORNEY

At this time, Mayor Heymann read the Resolution aloud and explained contracts are usually a part of the packet; however, the bids were only taken on Friday. They are very eager to get this particular project started because of Construction restrictions in the summertime. They also want to get it ready for the roads and the parks to be available to everyone as soon as possible.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

- 13.\* RESOLUTION AUTHORIZING TREASURER TO RETURN REMAINING ESCROWS IN THE AMOUNT OF \$743.39 TO KEMSCO CONSTRUCTION, 139 HARPER STREET, NEWARK, NJ 07114, FOR POLICE TRAFFIC DIRECTOR SERVICES IN COMPLIANCE WITH LOCAL FINANCE NOTICE 2000-14 (Received from Chief of Police 1/17/07)
- 14.\* RESOLUTION APPOINTING GLENN ZESZOTARSKI TO THE POSITION OF PART-TIME DISPATCHER - 1<sup>ST</sup> YEAR FOR A 1-YEAR TERM TO 12/31/2008 (INCLUDING A 90 DAY PROBATIONARY PERIOD) AT AN HOURLY RATE OF \$12.92, EFFECTIVE 3/3/08 (Received from Chief of Police 2/6/08)
- 15.\* RESOLUTION RESPECTFULLY REQUESTING THAT THE HONORABLE ROSEMARY GAMBRELLA TAKE INTO CONSIDERATION THE FAR REACHING EFFECTS OF THE SALE OF ASSETS OF THE DEBTOR, PASCACK VALLEY HOSPITAL ASSOCIATION, PETITION FOR BANKRUPTCY, CASE NO. 07-23686, CH. 11, WHICH IS PENDING (Received from Mayor Heymann 2/6/08)
- 16.\* RESOLUTION AUTHORIZING THE BOROUGH TREASURER TO REFUND 2006 AND 2007 REAL ESTATE TAX OVERPAYMENTS IN THE AMOUNT OF \$2,998.80 TO MICHAEL VESPASIANO FBO, SUPER VALUE, INC. FOR BLOCK 502 LOT 3 DUE TO TAX COURT JUDGMENTS RENDERED 01/31/2008 (Received from Deputy Tax Collector 2/6/08)
- 17.\* RESOLUTION AUTHORIZING DEPUTY TAX COLLECTOR, IN THE ABSENCE OF A TAX COLLECTOR FOR A PERIOD OF ONE MONTH, MARCH 2008, TO HANDLE ALL THE DAY-TO-DAY ACTIVITIES OF THE TAX COLLECTOR'S OFFICE FOR THE MONTH OF MARCH 2008 (Received from Acting Administrator/Treasurer 2/7/08)
- 18.\* RESOLUTION IN SUPPORT OF A121, THE SMART CONTAINER ACT (Received from John Kashwick via email 2/8/08)
- 19.\* POSSIBLE RESOLUTION APPROVING/REJECTING REQUEST MADE BY ENVIRONMENTAL COMMISSION AT THE REGULAR MEETING HELD 1/23/08 FOR INSTALLATION OF TENAKILL BRIDGE (1. M.L. 1/31/08)
- 19a.\* RESOLUTION AUTHORIZING ISSUANCE OF CERTIFICATE OF COMPLIANCE TO JOHN PETERS PROFESSIONAL LIMOUSINES, 231 HERBERT AVENUE, BUILDING #2, CLOSTER, NJ 07624, PER N.J.S.A. 48:16-17, FOR THE FOLLOWING VEHICLE: 2008 LINCOLN NAVIGATOR VIN#5LMFL28588LJ08205 (Approval received from Risk Management Consultant 2/8/08)

MOTIONS

- 20.\* a. APPROVING THE FOLLOWING MINUTES (Distributed 1/31/08):
  - 1) SINE DIE MEETING HELD JANUARY 2, 2008 – NO ABSTENTIONS
  - 2) REORGANIZATION MEETING HELD JANUARY 2, 2008 – NO ABSTENTIONS
- b. APPROVING THE FOLLOWING MINUTES (Distributed 2/7/08):
  - 1) REGULAR MEETING HELD JANUARY 9, 2008 - NO ABSTENTIONS
  - 2) WORK SESSION NOTES OF MEETING HELD JANUARY 9, 2008 - NO ABSTENTIONS
- 21.\* APPOINTMENTS NOT MADE AT THE REORGANIZATION MEETING HELD 01/02/08; Adjourned from Regular Meetings held 01/09/08 and 01/23/08

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
APPROPRIATE AUTHORITY	John DiStefano	_____	1 Year	12/31/08
DEPUTY BOROUGH CLERK	VACANT	_____	1 Year	12/31/08
CONSTRUCTION CODE OFFICIALS				
Code Enforcement Officer	John Lazar	_____	1 Year	12/31/08
Building and Fire Inspector	John Lazar	_____	1 Year	12/31/08

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

21.\* APPOINTMENTS NOT MADE AT THE REORGANIZATION MEETING HELD 01/02/08;  
Adjourned from Regular Meetings held 01/09/08 and 01/23/08. (continued)

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
DESK DISPATCHERS Gary Nicholas	Costa Katsapis	1 Year 12/31/08	1 Year	12/31/08
*ENVIRONMENTAL COMMISSION				
Associate Member	VACANT		1 Year	12/31/08
HEALTH, BOARD OF Alternate No. 2	Phyllis Buonomo		2 Year	12/31/09
IMPROVEMENT COMMISSION				
Member	Maria Danziger		2 Year	12/31/09
Member	Wilson Reimers		2 Year	12/31/09
Alternate No. 1	Frank Rodriquez		2 Year	12/31/09
Alternate No. 2	Bobbie Bouton- Goldberg		Unexp. 2 Year	12/31/09
RECREATION COMMISSION				
Associate Member	VACANT		1 Year	12/31/08
SHADE TREE COMMISSION				
Member	Susan Boudet		Unexp. 5 Year	12/31/09

**\*\*Clarification regarding the following appointments made at the Reorganization Meeting held 01/02/08:**

<u>OFFICE</u>	<u>INCUMBENT</u>	<u>APPOINTEE</u>	<u>TERM</u>	<u>EXPIRES</u>
<del>Records Secretary</del> Civilian Records Clerk/ Secretary - per Borough Salary Ordinance	Leslie Weatherly	<u>Leslie Weatherly</u>	1 Year	12/31/08
CONSTRUCTION CODE OFFICIALS: PLUMBING SUBCODE OFFICIAL	Giuseppe LaMastra	<u>Giuseppe LaMastra</u>	4 Year	TENURE

\* MAYORAL APPOINTMENT

Mayor Heymann referred to the title 'Records Secretary,' pointing out that this will be changed to 'Civilian Records Clerk/Secretary.'

Mayor Heymann also noted that the Borough Clerk had informed that the Plumbing Subcode Official, Giuseppe LaMastra, is being hired for a four year term, which will make him a tenured employee on the fourth year.

22.\* MOTION APPROVING RAFFLE APPLICATION NO. RA:549 FOR TEMPLE EMANUEL OF CLOSTER TO HOLD OFF-PREMISE DRAW RAFFLE (FOR PRIZES) AT TEMPLE EMANUEL, 180 PIERMONT ROAD, ON SATURDAY, 4/5/08; DRAWING TO BE HELD AT 11:00 P.M. (Completed Application received and appropriate fees paid)

23.\* GRANTING APPROVAL FOR THE BELSKIE MUSEUM TO SERVE WINE AT ITS MONTHLY OPENING RECEPTIONS DURING CALENDAR YEAR 2008 (10. M.L. 1/10/08)

24.\* MOTION GRANTING APPROVAL FOR THE AMERICAN CANCER SOCIETY/EASTERN DIVISION TO CONDUCT THE GEORGE WASHINGTON BRIDGE CHALLENGE PARTIALLY THROUGH THE BOROUGH ON SUNDAY, 6/8/08 (8. M.L. 1/24/08 - Approval received from Risk Management Consultant 2/4/08)

25.\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS

- a. CHIEF OF POLICE 2007 ANNUAL REPORT (Received 2/1/08)
- b. CONSTRUCTION OFFICIAL - JANUARY 2008 (Received 2/4/08)
- c. FIRE CHIEF - JANUARY 2008 (Received 2/7/08)

The following items were removed by the following individuals: Mr. Kashwick asked that Item Nos. 18 and 19 be removed; Mr. Rosenblum asked that Item No. 9 be removed; Mr. Kelly asked that Item No. 12 be removed.

8b. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 9, 12, 18 and 19 was made by Councilman Glidden, seconded by Councilwoman Amitai and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai

26. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

9. INTRODUCTION OF ORDINANCE NO. 2008:1004, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35, LAND USE PROCEDURES, ARTICLE VI, HISTORIC PRESERVATION COMMISSION, OF THE CODE OF THE BOROUGH OF CLOSTER" - PUBLIC HEARING - MARCH 12, 2008 @ 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Borough Attorney 2/6/08)

Jesse Rosenblum, 65 Knickerbocker Road, voiced his understanding that this Ordinance has gone through the Ordinance Committee and the introduction will be voted on this evening. He asked if there was any reason why the public cannot see a copy. Mayor Heymann explained there is no reason and he is entitled to see a copy. He asked if a copy was available; and the Borough Clerk explained that copies are provided to the Mayor and Council in their Agenda packet for review prior to the meeting; and a member of the Council gave Mr. Rosenblum a copy.

At this time, Councilman Glidden asked if it was possible to skip to Item No. 19 for discussion.

Motion to approve Item No. 9 was made by Councilman Kashwick, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai

19. POSSIBLE RESOLUTION APPROVING/REJECTING REQUEST MADE BY ENVIRONMENTAL COMMISSION AT THE REGULAR MEETING HELD 1/23/08 FOR INSTALLATION OF TENAKILL BRIDGE (1. M.L. 1/31/08)

Richard Ryan, 212 Knickerbocker Road, Closter Environmental Commission, explained that all were in attendance this evening to determine whether they want to use the Grant money for a bridge over the Tenakill Brook or for a dirt path. Closter received a grant from Bergen County over two years ago, of which they have had a few extensions. He voiced his understanding that the expiration for the \$120,000 Grant is in June of 2008. Closter has an Open Space Fund that you collect taxes for that are already there. No additional taxes will be implemented by building this bridge. In the Open Space Fund, there are hundreds of thousands of dollars and this money is supposed to be used to build things for open space for all ages to enjoy. There are not too many recreational facilities in town that apply to all different ages

At this time, Mayor Heymann advised Mr. Ryan to address the Council, as the Council will be voting on the subject.

Mr. Ryan explained he was addressing the public since the Council represents them and continued as to the Mayor's request, addressing the Council. He explained that the bridge is very important to the trail. In the Grant, it states that they have money allocated for construction of the trail for over \$110,000. He requested that a Motion be drawn that a vote be taken this evening. He also asked that Dr. Arthur Goldberg of the Environmental Commission, speak before the Council. He further noted that Closter has over 30 acres of green area, to which this bridge would provide access. Without this bridge, there is no other way into the park. He referred to an article in The Record, which states that there are currently shopping carts that can be used to hop on to cross the stream. He suggested they use the trail money from the Grant to build bridges. He welcomed all questions at this time.

Mr. Glidden explained he had concerns and suggested the Council hear from another individual.

Mayor Heymann complimented him on doing a great job and pointed out the following corrections she had: the Grant will continue to be activated as long as they work on the project; she agreed to provide this to Mr. Ryan in writing; she also read from the original application, noting that the bridge will be built; there is enough public input in that and the Council will respond; she quoted a line from a famous comedian, noting that she would like the facts to be straight.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

Arthur Goldberg, 75 Harvard Street, Borough Co-Historian, explained he has a lot of old records and was looking to see what the actual acreage of the property was. He had a recollection of 30 acres. He informed that he had found the following information: the property was purchased in 1968 by the Borough for \$200,000 from a private party; there were other properties that were bought for the public to establish Open Space; there was a remarkable group of Council members; it has been 40 years that the property has laid inactive. He provided some history of the project for a cross Borough trail, noting that the Council should take it into consideration to popularize this. He also informed that very few people in Closter know of Hagen Park (Metropolitan Tract), adding that David Scholz, Richard Ryan and he have been working on this for nearly four years, as they took on the project of finding all of the open spaces to help out the previous Administrator. He assured that they have become more sophisticated and have learned a tremendous amount during this period. Informing that they had gone to see the southern limits of Closter's land, he expressed shock to know that no one had known about the enormous amount of open space.

Dr. Goldberg continued by explaining that Richard did an incredible job of walking the property. He found a large circular horse track. According to the articles in the Record of 1968, it was described that 2/3 of this property is uplands. They are obviously wetlands. Besides the issue of the bridge, we now have available to the public a magnificent park area in which trails can go through the park. This is a major advance and it was through the diligence of the entire Environmental Commission. who spent much time trying to perfect this for the Borough. In terms of the bridge itself, it is not a bridge to nowhere. It is important to establish the bridge, as it was the key link to join the eastern and the western part of the property. It is an important link and it would be good to join it. He referred to what Richard had mentioned regarding safety, which cannot be dismissed.

Dr. Goldberg explained that to get to the Demarest Nature Center, you have to go to the east side. The bridge is important; a lot of estimates have been made as to its cost; most of them think it is a beautiful, functional structure which melts into the background. To show how important it is, in looking through what he had, he couldn't find the Metropolitan Tract listed in the Master Plan from 1987. The Ordinance is incomplete on parks. We have a remarkable group of people for the Environmental Commission; they are all very bright. They all aim to make sure it is good for Closter. He suggested they recognize the importance of these people.

Mayor Heymann reminded that she was on the Environmental Commission for eight years. Dr. Goldberg pointed out that she has played a major role, noting that her Liaison abilities to the Commission were outstanding. A lot of the progress would not have been possible without her input. They always listened to her and took her advice; they moved with her to make a lot of the progressive changes for the Borough. He wished to inform the audience and the Council that the amount of the work that was put in on this trail is incredible. The plans were made up by Nick DeNicola and are seven full pages, which were done three separate times. It is a major work for the Borough; it is incredible. The Environmental Commission has not had an opportunity to present the plan to the Council. They had to try to make a presentation a couple of weeks ago. He thanked the Council members who walked the property with the members of the Environmental Commission. They appreciated the response and it was very constructive.

Joe Bianco, 7 MacArthur Avenue, explained he wished to inform that he has called the Mayor's office at 6:30 a.m.; and she is here at Borough Hall every day. She handles a multitude of complaints and problems. As one citizen, he thanks her. He also thanked her for her leadership on this very important issue. He also congratulated the Council in coming to a decision, without any yelling or screaming. He explained to Dr. Goldberg that his Uncle lived on Rutgers Street, behind his house and was on the Council in the 60's. He informed the public that Green Acres was not popular back then. When he was on the Council, he pushed through with other Council members, the Green Acres program in Closter. That is how the Metropolitan Tract came to be. That was 40 years ago. Then in 1983, there was a proposal adjacent to the Metropolitan Tract, in back of the Emmaus Church, to the side of the A&P, to put condominiums. That was under his Administration. It was John Frasier, Leslie Weatherly's father, who wanted to build condominiums. The Council, at the time, wanted to keep that property green. The Council was split. At this time, he thanked Jesse Rosenblum for getting a \$10,000 anonymous donation for an additional 3.26 acres of land. Mr. Bianco received a \$6,000 anonymous donation. The price of the property was \$185,000; they were \$16,000 short. The Council came together and voted unanimously to get this property under Green Acres for \$185,000. He then donated the \$16,000 to the Closter Nature Center. He wanted to put into perspective that this property has a place in his heart and in the family's heart. He supports the bridge and being an architect, he congratulated the Environmental Commission that they came up with a design that you can't even see the bridge. He thanked them and described them to be hard workers. He thanked the Mayor



CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

and Council and Mr. Kafer. In response to Mr. Bianco, Mr. Kafer informed that the Closter Democratic Club is sponsoring his green initiative.

Mary Mayer, Environmental Commission, informed she wished to speak from the perspective of the Nature Center, and explained that she was for the construction of the bridge. Through many years of experience with the Nature Center trails, they have found that if they don't present the trails well, they don't get used. If they use Boy Scout projects that last a few years, people may start to use the trail for a while, but then it won't get used as much anymore, as the quality of the trail deteriorates. If it is your intention that the public really use this trail, then by putting a bridge of substance there that welcomes people onto the bridge, then more people will use it. She explained that nothing has been there in 30 years. If they want to add human recreation, then the bridge is a statement of their intention. She supports the bridge and explained that a quality introduction to the trail will encourage people to use it.

David Scholz, 30 Grove Street, Environmental Commission Chairman, informed he had three main points to make. He explained that the Western Bank of the Tenakill is the most direct link up to the rest of the existing trail as it progresses further north. That bridge is the connection from the eastern side. The sewer easement there is also the area that is the most capable of handling human traffic, with the least amount of damage to it. The trail itself is redeveloped through; the whole point was to try to control where people will walk to preserve pristine land. If you can control the flow, then you can control whatever negative impact may occur. That was always a major concern. It was his personal belief that if you do not make the preserved areas that Mayors and Councils in the past and present have strived so hard for, valuable to the residents of the town, the residents will start pressuring the Mayor and Council to get rid of the property to forestall expenses; and we do not want to go back to the periods of massive development. They need to preserve as much area as possible and make sure that the residents have a stake in the preservation. He pointed out that they will lose it if it has no value.

Mr. Glidden explained he walked the trail ten days ago and was amazed at what he saw, voicing his understanding that the trail must end at some point, as there are wetlands on the east side of the Tenakill. Therefore, there is the need to cross a bridge to get to the west side. Mr. Scholz explained that it forms more like a "Y," noting that one branch of the "Y" would go to the bridge, and the other branch will take a convoluted zigzag to the A&P. The section where it breaks from that "Y," all the way up to Durie Avenue will remain totally untouched. Mr. Glidden voiced his understanding as follows: if you want to walk the trail south to north from Demarest to the Nature Center, at some point, you have to cross the Tenakill. Mr. Scholz concurred with this.

At this time, Dr. Barad complimented all who were in attendance this evening for their passion and the turnout. However, he explained they can't just build a bridge and forget about the rest of the trails. He hoped they can maintain the trails. At this point, he informed he would like to approve the motion to go forward with the bridge. Mr. Kashwick seconded the motion

BEFORE ROLL CALL VOTE, in response to Donald Farrell, who asked to speak at this time, Mayor Heymann asked that the motion be held up.

Donald Farrell, 108 Columbus Avenue, informed he has walked the property with his grandchildren and he questioned why they are thinking of spending \$100,000 on building a bridge when they have the Durie Avenue Bridge and the Demarest Nature Center Bridge. He questioned whether it makes sense to spend this money on a bridge when they have the Durie Avenue Bridge to cross over to the west side. He suggested they accumulate the Green Acres/Open Space funds and spend it on something that really makes sense; not just spend it because it is there. He also suggested that they spend the \$100,000 to maintain the trail and expand it, noting that the bridge has nothing to do with maintaining Green Acres. He asked that they think long and hard about spending this money, when there are two other bridges that can serve the same purpose.

David Scholz wished to respond to Mr. Farrell's statements and informed that the funds cannot be used to maintain the trail. He also explained that it is not two football fields of space, as Mr. Farrell had indicated. If you don't have that bridge, then you would have to veer off, heading east, going all the way around toward the A&P and going all the way back up to Durie Avenue, come down Durie and go over the bridge and then get on to the continuation of the trails. It is not a matter of just 200 feet. However, Mr. Farrell explained that he had walked it about a month ago with his five grandchildren, and he didn't have to go by the A&P; he went right over the Durie Avenue Bridge. In response to Ms. Tutoli, Mr. Scholz explained that this is for everybody. Ms. Tutoli asked how the residents of Closter will find out about it. Mayor Heymann informed that she

would like to give everyone an opportunity to speak, as there are still people waiting.

Michael Prigoff, 23 Gwynne Court, explained he had attended the 1/23/08 meeting. This is the first he heard of the bridge and he gave his thoughts at the time. Since then, he has gone to look at the property. He is a good example of someone who before this issue arose, had no knowledge that there was this parkland asset. He went down with his dogs and found out firsthand the need for a way to get across the Tenakill Brook. He has also been a Boy Scout leader, who has been involved in various trail projects over the years. They haven't had the kind of assets to be able to build a structure like a bridge over the Tenakill. When he first heard about this, the cost of the bridge was off putting to him. He asked a lot of questions and voiced his understanding that most of the cost is dictated by the fact to make sure it will be an asset to the Borough for many years to come. He believes it is worth spending \$25,000 to \$45,000 of the Borough's money. He asked how much money is available in the Open Space funds; and Mayor Heymann informed they would provide an absolute accounting next week, as they are also trying to buy property with it. Mr. Prigoff then questioned what competing demands there are on the funds, as this is also something that needs to be taken into account. As a resident of Closter who likes to be outdoors and walk the trails, he was absolutely shocked to find that there was this large piece of property. He voiced his opinion that the bridge is a gateway to bring people into the park. He pointed out that this is an asset of Closter; and it should be made available for the residents to enjoy. He urged the Mayor and Council to support the Resolution.

Janet MacDonald, 19 Taillon Terrace, responded to Donald Farrell, who spoke against the bridge, explaining that there is the option of walking to the Durie Avenue Bridge. She explained that she used to be a member of the Board of Directors on the New York/New Jersey Trail Conference, which maintains 2,000 miles of trails in the New York City area. She was also Co-Editor of the New York Walk Book – 5<sup>th</sup> Edition. She explained that there were two points she wished to emphasize, specifically referring to the following statements: “Unless there is an obvious entrance, leading people in, people will not know about it;” and “They will know about the park if there is easy access.”

Ms. MacDonald voiced her belief that walkers and cars should be separated, noting that this is one of the beauties of Central Park. She explained that Olmsted won the competition for the design of Central Park because his plan had cars going across the park, of which other people are not aware. For example, the people on the bridal path are not aware of the walkers on the other path; they all have their own trails. To go from a trail to a street and cross over a car bridge, is not taking a walk in nature.

Dr. Beth Ravit, 460 Piermont Road, explained she had three points to convey. In terms of the properties that have been acquired over the years, one of the benefits of building the trail system is to raise awareness that these properties not only exist, but they are available to people in town. In terms of maintenance, the Environmental Commission agrees that they must make provisions for trail maintenance and trail signage. They have just been awarded a grant from the State to maintain existing trails and to add educational materials and signage. They will be working on same this Spring. She agrees with the Mayor that in the past, deadlines could be extended. She has concern when she reads about County Budgets being tightened. Her comfort level would be to do it within the time frame of the Grant. Mayor Heymann emphasized that the monies have been encumbered. Dr. Ravit voiced her opinion that her suggestion would be the smarter way to go. Mayor Heymann pointed out that when something is voted on by the Freeholders, the money is encumbered and it's there.

Diane Larsen, 49 John Street, questioned how much money the Borough has spent to date with DEP permitting and plans; and the Borough Engineer informed they have spent approximately \$30,000. Ms. Larsen voiced her opinion that the Borough has already invested in this project, noting that it would not be sensible to pull out now. Mayor Heymann informed that they are not pulling out. Ms. Larsen suggested they move forward with this project.

Mayor Heymann congratulated the audience with gratitude, as there was a lot of well presented passion on this subject. She also noted that they had learned a lot from the two historical background individuals. She also voiced her understanding that the bridge was chosen by the Engineers; not by the Environmental Commission. However, she was informed that this was incorrect. She pointed out that she is proud of Closter, adding that this is a wonderful group. She also explained that she is personally grateful to all, as she is sure her Council is as well.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

At this time, Mayor Heymann called the question. She also asked, for safety sake, if they could have an upper limit as to the final cost.

Mr. Glidden asked for a final approval, rather than an upper limit. The Borough Clerk recommended to the Mayor that they have a Resolution, rather than a Motion. Dr. Barad pointed out that there is already a motion on the floor; and Mayor Heymann suggested they go through with the motion and follow up with the Resolution. However, Mr. Hennessey voiced his understanding that it is a Resolution already. Borough Clerk confirmed with Borough Attorney that nothing is prepared as of yet. Mayor Heymann asked for an upper limit, so they don't out run the Grant. Mr. Glidden explained that they need to know what the Resolution is before voting on it. Dr. Barad informed that this is the final approval of the final cost. Mr. Rogan suggested they approve the Resolution, subject to final figures to be calculated by the Borough Engineer. The Mayor and Council will only approve it to go forward this evening.

Mr. Glidden clarified that the motion on the floor is the approval to go forward, subject to final approval of cost. Borough Engineer questioned if this was an authorization to go out to bid. Mayor Heymann agreed; and Mr. Rogan explained that authorization of bidding is not stated in the Resolution. Mr. Glidden asked for the Borough Attorney to advise the Council of what the Resolution is; and Mr. Rogan explained they should first pass this Resolution, allowing them to go forward and then they could approve bidding. In response to Dr. Barad, Mr. Rogan confirmed that the Resolution is approving the request of the Environmental Commission. Mayor Heymann pointed out that this is the exact way the Resolution is worded; it's a Resolution approving the request made by the Environmental Commission at the Regular Meeting held 1/23/08, for the installation of the Tenakill Bridge. She then confirmed that Dr. Barad made the Motion and Mr. Kashwick had seconded it.

BEFORE ROLL CALL VOTE, Mr. Glidden explained as follows: when he first came across this issue, he was against the Resolution, as he did not know much about it; they live in times when everything is tight; they are negotiating a new Police contract this year, which is a very expensive proposition. When he judges a project like this one, which may or may not be qualified as necessary for our well-being, safety and everything else like that; he looks at it as if the residents of Closter really want this and can prove to him that it is good now and good for his future, then he will support it; Richard Ryan has proved that to him and he is in favor of the Resolution.

Motion to of approval was made by Councilman Barad, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Amitai; Councilwoman Tutoli Voting No.

12. POSSIBLE RESOLUTION ACCEPTING LOW BID RECEIVED FROM Rockbourne Trucking and Excavating Incorporated, 12 Taylor Road, Wharton, NJ 07885 IN THE AMOUNT OF \$998,521.21 FOR 2007 ROAD IMPROVEMENT PROGRAM RECEIVED AT BID OPENING HELD 2/8/08 @ 11:30 A.M. (Requested by Borough Attorney 2/5/08) TO BE PREPARED BY BOROUGH ATTORNEY

Jack Kelly, 132 Herbert Avenue, asked for clarification as to how much money they are spending; and Mayor Heymann explained they are using approximately \$998,000. Mr. DeNicola informed that 88-90% of the money is mill and fill surface; the other ten percent will probably be utilized for Open Space funds for things such as tennis courts. He also informed that there will be inspectors on this job. In response to Mr. Kelly's inquiries, Borough Engineer explained as follows: referring to West Street, he informed that the corner was readjusted because Rockland Electric didn't relocate the pole until after the project was over; the manhole covers were dug up, as they had collapsed; the block structurally failed; he also pointed out that the remaining two manholes needed to be raised. Mr. Kelly explained that one of the problems that he had when he was on the Council was with inspection of the roads. He explained that they could never get what they contracted, as there was no supervision at the sites. Borough Engineer explained he took offense to this statement, noting that Boswell has been out on three large paving jobs of over one million dollars, where there have been no issues. In response to Mr. Kelly, Borough Engineer explained that there was an inspector on West Street, and further informed that Brane had milled the street. Referring to the job on Railroad Avenue, Mr. Kelly voiced his opinion that no one was there, adding that the curbs were cracked and broken from the big machines. He explained he is simply concerned about supervision at the job sites. Mr. DeNicola pointed out that the DOT requires them to core it to demonstrate the work. After further discussion, Mr. Kelly further insinuated that supervision is important and Mayor Heymann assured all were in agreement.

CLOSTER MAYOR AND COUNCIL

REGULAR MEETING MINUTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

Motion of approval was made by Councilman Barad, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

18. RESOLUTION IN SUPPORT OF A121, THE SMART CONTAINER ACT (Received from John Kashwick via email 2/8/08)

Mr. Kashwick explained that one week ago, on Saturday, when they had the sustainable Closter meeting at the Library, a member of the audience mentioned that one of the things they could do to help sustainable Closter was to support this Act on the state level; and he was proud to say we have it in progress.

Motion was made by Councilman Kashwick, seconded by Councilwoman Amitai and declared carried by Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

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)  
(Discussed at RM 1/23/08)

At 9:17 p.m., Mayor Heymann recessed the meeting.

At this time, Borough Clerk asked for confirmation that the discussion regarding the Parking Space Fee would be carried to the next meeting and Mayor Heymann concurred.

At 10:11 p.m., Mayor Heymann resumed the Regular Meeting and asked for two motions.

- 27b. Motion was made by Councilman Barad to not apply for the Municipal Alliance Grant, but to continue the Programs that are funded. Said Motion was seconded by Councilman Hennessey.

BEFORE ROLL CALL VOTE, Borough Attorney recommended the amount of up to \$3,000 be included in the approval.

Said Motion was declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli, and Amitai.

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

Motion approving the following Resolution at 10:11 p.m. was made by Councilman Glidden, seconded by Councilman Kashwick and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai:

- 28a. 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"; N.J.S.A. 10:4-12 (b)(5) "A matter involving the expenditure of public funds for the acquisition of real property"; and per N.J.S.A. 10:4-12(b)(8) "A matter involving public employees within the Police Department"; 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 6 to 8 weeks.

Mayor Heymann resumed the Regular Meeting at 10:38 p.m.

CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

29. ADJOURN

Motion to adjourn the meeting at 10:38 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on March 6, 2008 for approval at the  
Regular Meeting to be held  
March 12, 2008

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Loretta Castano, RMC  
Borough Clerk

Prepared by Cynthia L. Meyer  
utilizing recording and Borough  
Clerk's notes

Approved at the Regular Meeting held 3/12/08  
Consent Agenda Item No. 18a.1A





CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION NOTES - FEBRUARY 13, 2008 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:18 p.m.

1. ROLL CALL

The following persons were present:

Mayor Sophie Heymann  
Councilpersons John C. Glidden Jr., Thomas Hennessey, John Kashwick,  
David Barad, Cynthia L. Tutoli, Victoria Amitai  
Acting Administrator/Treasurer, John DiStefano  
Borough Attorney, Edward T. Rogan  
Borough Clerk, Loretta Castano  
Borough Engineer, Nick DeNicola  
Chief of Police, David Berrian

2. PROVISIONS OF OPEN PUBLIC MEETINGS ACT

Mayor Heymann declared that the meeting was being held in compliance with the provisions of the Open Public Meetings Act.

3. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY

1) STATUS REPORT RE 28 FOURTH STREET, BLOCK 17 AND 18 –  
Mr. Rogan reminded that the Borough had given an estimate for the possible purchase of the property on which they are encroaching; but the owners do not seem to be interested. He, therefore, asked the Zoning Official to issue the violations.

2) STATUS REPORT RE FOLLOWING DEVELOPER'S AGREEMENTS:  
a. PLANNING BOARD - SAM LEE, CLOSTER DOCK ROAD,  
BLOCK 1305 LOTS 5 & 6 FINAL SITE PLAN APPROVAL (6. M.L.  
5/30/07) - He has discussed

this with the Land Use Clerk and the Planning Board Attorney. Mr. Chagaris is still in the process of preparing the Developer's Agreement.

3) REPORT- Mr. Rogan reported as follows:

a. He spoke to the Tax Assessor and asked for an updated value of the parking spaces. She is in the process; and it should be ready next week.

b. Regarding the MacBain Farm, he spoke to Glenn Parsells about the Certificate of Insurance they should have been provided with; and he is following up with Mr. McCaffrey.

c. The PBA filed for Arbitration for the upcoming contract, which the Borough responded to; and we are awaiting input from PERC.

d. Mr. Rogan informed he had a few items for discussion in Closed Session.



3. PROFESSIONAL REPORTS

A. BOROUGH ATTORNEY (continued)

At this time, Mayor Heymann referred to the Developer's Agreement and explained that the Zoning Board of Adjustment made its disposition of the SuperValue lot; and there was no resolution made. Mr. Rogan noted he will check with their Attorney, Michael Kates.

Councilman Hennessey questioned the two family zoning. Mr. Rogan explained he wrote an Opinion letter to Lenny Sinowitz and Keith Sager on the issue. He informed that in accordance with language from the Appellate Division from the lawsuit, he advised that the CCO should be issued on the Durie Avenue property with a provision that from a construction standpoint, it is safe; but from the zoning aspect, they will be referred to the Zoning Board of Adjustment in order to establish the legality of the two family house. The one on First Street was built in 1925; and Mr. Sinowitz has not made his decision on this, and he could refer them to the Zoning Board as well. In response to Mr. Hennessey, Mr. Rogan explained that if the house was built after 1940, depending on the zone that it is in, they would have to establish a legitimate two-family house. If it was built prior to 1940, it would pre-date the Zoning Code; and it is grandfathered. Mr. Rogan agreed with Councilman Hennessey that no one has been able to go back far enough. He added that the Ordinance Committee has included on their Agenda how they could address that issue without going back to the CCO Ordinance. He affirmed that they could consider waiving fees to the Zoning Board of Adjustment in situations such as this, but noted that this would be a temporary solution; and to address the issue properly, they need to look at the Zoning Codes and make appropriate revisions. This would avoid having to consider waiving fees every few months/years, but rather they would make the burden of proof clear to the applicant and give direction to the Zoning Board. He added that the Zoning Board has been frustrated with these applications.

Mayor Heymann explained that the Ordinance Committee is working on this and will have the appropriate wording. Mr. Rogan concurred; and noted that the next meeting is a week from Monday. In response to Mr. Hennessey, Mr. Rogan informed that this is up to Mr. Sinowitz, who has already issued a decision for the house on Durie Avenue as it was built after 1940. The one on First Street, as of yesterday, is still undecided. The CCOs were issued for both of them, as from a Construction standpoint, the house is safe. There are no violations; and they meet with the current Codes. There is no safety issue, but rather a Zoning issue.

B. BOROUGH ENGINEER

- 1) STATUS REPORT RE IMPROVEMENTS TO WEST STREET (SECTION 2) FROM BLANCH AVENUE TO HARRINGTON AVENUE, AWARDED RM 12/27/06 TO CONQUEST INDUSTRIES, LLC./\$148,735.25-

This can be removed as it was completed and the bonds have been released.

- 2) STATUS REPORT CONSTRUCTION OF PERMANENT TRAFFIC LIGHT-INTERSECTION OF HOMANS/OAKLAND AVENUES – This project is in winter shutdown. The utility companies are raising their lines: Orange and Rockland has relocated their poles already and Verizon needs to raise their lines off of the mast arm as their lines are resting on the traffic signal mast arm, which is unacceptable.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

3. PROFESSIONAL REPORTS

B. BOROUGH ENGINEER (continued)

3) REPORT RE BID OPENING HELD 2/8/08 @ 11:30 A.M. RE 2007 ROAD IMPROVEMENT PROGRAM – This was awarded to Rockborn (during the Regular Meeting this evening).

4) STATUS REPORT RE ESTIMATE FOR PEDESTRIAN BRIDGE OVER TENAKILL BROOK (Discussed at WS 1/9/08 and RM 1/23/08) - This item can be removed.

5) REPORT- Mr. DeNicola informed he would be going on vacation this week.

4. REPORTS

A. ACTING BOROUGH ADMINISTRATOR

1) REPORT RE 2008 MUNICIPAL BUDGET PREPARATIONS- These have continued; and they will be meeting next week with a tentative schedule for the Auditors the following week. The State Aid numbers and other numbers are being delayed into March; so, as they begin to get these, they will plug these into the Budget figures and see where we stand with both the 3 ½ and 4% CAPS for the year.

2) STATUS REPORT RE BOROUGH WEBSITE – This is being enhanced. As mentioned at the last meeting, ACH is being tested; and he gave a preview to Councilman Kashwick. They are finalizing the live test and hope to go live in May. He will inform the Suburbanite and place a notice on the Website.

3) STATUS REPORT RE PARIS GRANT (Approved at RM 1/9/08) – Mr. DiStefano informed he will be working with the Borough Clerk on this. Ms. Castano informed she had not received any further information; she sent the Resolutions; and as soon as she hears something, she will let him know.

4) REPORT RE INSURANCE ITEM(S) FOR FOLLOW UP:

a) JERRY FINK Z"1 MEMORIAL 5- K RUN/WALK to be held on 5/18/08  
(1. M.L.8/9/07)

5) REPORT- Mr. DiStefano reported as follows:

a. Once the ACH is finalized, they will be doing credit cards for the Fire Prevention Bureau and their billing; once that works, they will be able to do the same for the Police Alarm registration and anything else once they have the credit card established in the system.

b. The 2007 Tax Sale will be held in the month of June. They should have an exact date within the next 30 days.

B. BOROUGH CLERK

1) STATUS REPORT RE 2008 APPOINTMENTS- These are current with the items continued on the Agenda. The Borough Attorney's office is reviewing the Shade Tree Commission terms of office; and she anticipated they would soon have an amendment to the Ordinance.

2) STATUS REPORT RE 2008 OATHS OF OFFICE - Ms. Castano has received an updated report, there are approximately 15 people who have not returned their Oaths of Office; and they were appointed at the Reorganization Meeting. She advised that she would be giving the list to Mayor Heymann for follow-up and noted that if the Oath was not returned within 30 days from the appointment, it would mean there was no acceptance of the appointment.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

4. REPORTS (continued)

B. BOROUGH CLERK (Continued)

3) STATUS REPORT RE 2008 LICENSES- Her office is current with licenses. She is working on the Liquor License for Moo Kung Wha, and hoped to have it finalized by next meeting. Ms. Castano informed that Korea Palace was shut down; and once an establishment closes, the Borough Clerk is supposed to have the license pocketed. She will, therefore, be asking the Detective Bureau to obtain the license so it may be pocketed until the time that a transfer is completed. She received an application from Delmonico's; however, it is incomplete and will have to be returned to the applicant. Ms. Castano also informed that she received a call from an attorney explaining she would be handling the Modern Bar LLC transfer, but Ms. Castano has not received anything as of yet. At this time, there are four out of 13 liquor licenses in transition.

4) STATUS REPORT RE 2008 MEETING DATES- Current at this time. She received information that the Improvement Commission wanted a change in one of the dates after her staff had all the dates advertised. The Commission wants this meeting to be held on November 18. In response to Councilwoman Amitai, Ms. Castano informed that the information published was for November 25; and she would call Mrs. Amitai to confirm the requested change.

5) REPORT RE ELECTIONS

a. PRESIDENTIAL PRIMARY HELD TUESDAY, FEBRUARY 5, 2008- The turn out for this election was approximately 35%, which was good. Ms. Castano apologized to the Suburbanite reporter for not having the unofficial numbers; however, it was surprising that the Board of Elections had not required that the board workers call in the numbers.

Ms. Castano received correspondence from the Bergen County Treasurer informing that the State will pay for election expenses with submission deadline of 3/3/08. She sent a letter to the Business Administrator/Board Secretary for the Closter Board of Education asking for input regarding cost involved for overtime for custodial and security purposes; and she would provide the numbers for the Borough Clerk's personnel.

b. PREPARATIONS FOR ANNUAL SCHOOL ELECTION TO BE HELD TUESDAY, APRIL 15, 2008 – No word has been received at this time.

c. PRIMARY TO BE HELD TUESDAY, JUNE 3, 2008 - Cynthia Meyer attended the Bergen County Clerk Elections meeting received all the paperwork. Ms. Castano will send the packet to the Municipal Chairpersons for both the Republican and Democratic parties; and will have a report at the next meeting.

d. GENERAL ELECTION TO BE HELD TUESDAY, NOVEMBER 4, 2008

6) REPORT- Ms. Castano reported as follows:

a. Regarding Codification, she sent the remainder of Ordinances up to the end of 2007 to General Code asking for a complete estimate for Supplement No. 14; however, she received an estimate for Supplement No. 15. She will follow up with them after discussing same with John DiStefano. A total of 42 ordinances were sent for review and recommendation; and she will report further at the next meeting.

b. Regarding Financial Disclosure Statements, she received an e-mail from the Chairman of the Board of Ethics asking to send a memo to all Borough Officials, members of Boards and Commissions and Employees in advance informing they can download the Application on-line and send to the Borough Clerk's office since they have not received the hard copies from the State.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

4. REPORTS (continued)

B. BOROUGH CLERK (Continued)

Ms. Castano asked Borough Attorney regarding inclusion of the members of the Improvement Commission, as had been discussed in the past; and informed she would be calling him to so confirm.

C. CHIEF OF POLICE

1) REPORT – Chief Berrian reported as follows:

- a. The Annual Report was sent out; Mr. Glidden informed he had some questions, but would wait until the end of the report to address them.
- b. He was asked to get some information on Class 1 police officers as a result of the article on Hackensack; and he will deliver this to the Public Safety Committee.
- c. The November bomb scare at Northern Valley Regional High School/Demarest had created a great deal of overtime for the Police Department; and they will likely have this reimbursed through adjudication of the case.
- d. Chief Berrian informed of a matter for discussion in Closed Session.

At this time, Councilman Glidden referred to the Annual Report and noted that on page 9 regarding Interborough Radio Report there was a significant increase in the 9-1-1 calls. Chief Berrian explained that the State Police used to get those calls and transferred the responsibility to receive 9-1-1 cellular calls to the local Public Service Answering Points (PSAP). He explained that we have obtained that responsibility; and all the towers that are immediate to this area as well as the traffic on the Interstate Parkway, Westchester County, and Orangetown have spiked the numbers sizably.

Mr. Glidden referred to the graph on page 14 and noted that there was a large decrease in overtime hours. Chief Berrian informed that in January of 2007, he included a fourth person on the night shift as it had always incurred overtime when someone called in sick. He explained that overtime dropped dramatically due to this; that was grieved by the Union; and in August, the Council instructed him to go back to the three man drop shift. That ended in early September; and he agreed that overtime will likely increase again.

Councilman Glidden questioned the reason for the number of adult arrests declining as listed on page 23. Chief Berrian explained there is always a trend up and down. Mr. Glidden further questioned the steady drop in summonses and warnings issued as listed on Page 25. He questioned whether it was the basic attitude of the police officers not wanting to issue summonses. Prior to response by the Chief, the Borough Attorney noted that this topic is subject to the litigation which Trial is at the end of this month; and noted that it would be inappropriate for Chief Berrian to comment. In response to Mr. Glidden, Mr. Rogan confirmed that the statistics are part of the report and public knowledge. Councilman Glidden further added that shown on page 29 is the great drop-off in revenue for Municipal Court fees which he noted was staggering as well.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

4. REPORTS (continued)

D. MAYOR

1) STATUS REPORT RE FOLLOWING GRANT APPLICATIONS- Mayor Heymann informed she would only comment on those with a change.

a. GRANTS FILED

1. 2007 NJDOT LOCAL AID APPLICATION FOR IMPROVEMENTS TO WEST STREET (SECTION 3) FROM NORTH OF VAN SCIVER STREET TO HARRINGTON AVENUE (for a distance of 0.52 miles) INCLUDING MILLING, RESURFACING, DRAINAGE UPGRADES AND CURBING - COST ESTIMATE: \$485,000.00; SPONSOR REQUESTING \$388,000 IN STATE FUNDS; AND ANTICIPATES CONTRIBUTING \$58,200 (RM 7/25/07)

Borough Engineer informed that this could be removed as it was moved over to "GRANTS AWARDED"

2. FY 2007 COMMUNITY DEVELOPMENT BLOCK GRANTS:
  - a. HANDICAPPED ACCESSIBLE RAMPS/EAST SIDE OF TOWN - \$53,300-
  - b. BACKUP GENERATOR FOR THE SENIOR CENTER - \$45,000

Borough Engineer questioned if the Borough currently had money for a handicapped ramp project. Mr. DiStefano explained that this was for Borough Hall; he indicated to Ms. Castano that the one for Borough Hall, which is the one that Mr. DeNicola was indicating, is the one that they will switch funds to the Ruckman Field bathroom. Borough Engineer confirmed that the Borough actually received those Grants; and No. 2 can be removed entirely. In response to Mayor Heymann, he clarified that all of Item No. 2 can be removed including both parts a. and b. as they were both awarded.

3. FY 2007 NATIONAL TRAIL RECREATION GRANT - \$25,000 - \$10,000 FOR TRAIL MAINTENANCE (Extension requested???) - Borough Clerk noted that there was an extension and questioned the Acting Administrator as to the period of time. Councilman Kashwick added that this was one of the ones that the Environmental Commission had; and Mayor Heymann explained she wished to discuss this because it never came through the Council.

At this time, Mayor Heymann referred back to Item No. 4

4. MUNICIPAL ALLIANCE - \$14,000 (Requested to be removed at W.S. of 1/9/08; discussed at RM 1/23/08; request by Mayor 2/6/08 that it be continued to this meeting) - Mayor Heymann informed that this is actually only \$11,500 because the difference is a separate, small grant. She mentioned at the last two meetings both her and John DiStefano's concern regarding the grant, in terms of whether the administration of the grant is unworthy of the Borough's support. If the money was assigned directly to those areas that need to be covered and the money was spent directly, they would save the bureaucratic costs on both the County and local level. The Mayor distributed a message for them to see graphically; she asked the Council to review and ask questions if necessary. Acting Administrator added that Mayor Heymann worked very closely with Leslie Weatherly reviewing this.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

4. REPORTS (continued)

D. MAYOR (continued)

a. GRANTS FILED (Continued)

At this time, Borough Engineer referred to Item Nos. 1 and 2 under Mayor Heymann's report for "GRANTS FILED."

Chief Berrian, having reviewed the information, noted that the salary cost for Ms. Weatherly was under \$600 and the in-kind costs of \$6825 is applied to the in-kind costs received. It is not an out-of-pocket cost because they do not pay for volunteered time. Mayor Heymann acknowledged that there is no question about this, but informed that the Acting Administrator feels strongly that the time that Ms. Weatherly spends on this could be better spent on getting other things done. Mayor Heymann explained that in her discussions with Ms. Weatherly, she is very comfortable with this new arrangement. Mr. DiStefano further added that Ms. Weatherly feels she could accomplish more with this time. Mayor Heymann noted that the follow-up for the grants awarded is great, which for three quarters they had not received any checks and they still do not have any; Ms. Weatherly has made numerous calls to follow-up; and if the Borough doesn't get the grant money, it costs the Borough money. There are things such as this that are very difficult for the administration of that grant.

Mr. DiStefano informed that Ms. Weatherly spent a great deal of time with the Mayor; and she is very comfortable even more so now because it gives her a lot more flexibility and a lot less time spent on paperwork. She has really been chasing them for money and they still have not received the money from last year. Mayor Heymann informed all that Leslie Weatherly was the Administrator of this Grant; and they are no longer using the DARE monies, as they are no longer accepted in Closter. Leslie was administering the DARE Grant; and she looked over the Municipal Alliance Grant as well. She made the recommendations in terms of the monies. Mr. DiStefano clarified that they have not shut the door on the grant as well. In order to make the grant more palatable regarding the programs they want to use, the paperwork involved to rewrite it is substantial and they have offered to help rewrite it. If they do not get into it this year, there is a good chance they can do this next year. They will help rewrite it so the Borough can get the programs they need.

Councilman Kashwick wished to emphasize that they are not entering the program; Mayor Heymann explained that she did wish to clarify this. She noted that they are going to let everyone know that they are not entering the major portions of this and also, it will be written into the Budget so the money will be earmarked and there will be no question about it. Councilman Barad added that the programs have particular speakers; and he questioned if the Borough had access to this. Mayor Heymann informed that they do have access to any of the programs, agencies and speakers if they wanted. However, the suggestions she had did not include speakers for 2008 and added that even the programs under the Municipal Alliance were not always the same each year. She noted that should they want the speakers in the future, they have access without added bureaucratic costs. Mr. DiStefano concurred that Ms. Weatherly was very familiar with the speakers and the programs; and noted this would give her the ability to tailor the programs to the needs of the Community.

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

4. REPORTS (continued)

D. MAYOR (continued)

a. GRANTS FILED (Continued)

Mayor Heymann asked for a motion in the Regular Session to fund the programs that are valid for Closter through the Borough and not join the Alliance. Mr. DiStefano added this would be only for 2008 until they can work with them to rework the grant to meet Closter's needs.

At this time, Mayor Heymann referred to Item No. b.2.

5. 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)

6. HAZARDOUS DISCHARGE SITE REMEDIATION FUND APPLICATION (Requested by Mayor Heymann 11/7/07)

b. GRANTS AWARDED

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 for Recreational Trails Program/RM10/27/04 \$120,000 Recommended Award - County Public Hearing 5/26/05) – Mayor Heymann

acknowledged this Grant includes the Tenakill Bridge and the grant was originally at \$190,000 doubled and it went down to \$120,000, so it should be \$120,000.

At this time, Mayor Heymann informed that Closter received a grant, as noted in the Mail List Item from Senator Cardinale. It is a \$10,000 Grant for Children with Disabilities. She explained that this covers specialized equipment for children with disabilities throughout the Northern Valley school systems. Closter has had this program for the past 9 years; and is the only town which has done this. This was patterned by River Edge and gives the children the ability to play baseball, basketball, participate in horseback riding, and they are thinking of including tennis. It is a wonderful thing that Closter is doing and she congratulated Jim Oettinger for accepting this responsibility and Leslie Weatherly for filing the Grant.

At this time, Mayor Heymann referred to Item No. c.2.

3. FY 2006 COMMUNITY DEVELOPMENT BLOCK GRANT - ACCESS RAMPS AT BOROUGH HALL \$50,750 REQUESTED/\$40,000 AWARDED 2/7/06)

4. NATIONAL TRAILS RECREATION PROGRAM - \$25,000 (local match of \$10,000 required) filed 12/15/05

5. (DCA) DOMESTIC VIOLENCE TRAINING REIMBURSEMENT GRANT FOR SWORN OFFICERS \$1,411.92 Awarded/ rec'd 9. M.L. 5/24/07)

6. ANJEC GRANT - \$20,000 requested/\$6,000 received

7. 2008 NJDOT MUNICIPAL AID PROGRAM FOR WEST STREET (SECTION 3) \$150,000 awarded (5. M.L. 12/27/07)

CLOSTER MAYOR AND COUNCIL

WORK SESSION NOTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

4. REPORTS (continued)

D. MAYOR (continued)

c. GRANTS TO BE FILED

1. MUNICIPAL ALLIANCE GRANT (\$2,000), TO PROVIDE PROGRAM AT TENAKILL SCHOOL FOR 9/07 (Reported by Mayor WS 5/9/07- WS 1/9/08)

2. APPLICATION FOR OPEN SPACE ACQUISITION PROJECTS THROUGH THE TRUST FUND'S COUNTY PROGRAM (Not more than \$500,000 to fund acquisition of Watkins Farm; Deadline 8/31/07 (RM 8/8/07) - Mayor Heymann explained that this was retracted in order to have no prejudice; and was put back in again. She explained they went further to obtain the Watkins Farm, and thought they were going to get a deal. However, she believed this was now not the case because David Watkins has returned to the discussions. Councilman Glidden informed he had heard she didn't want to sell.

3. NJDOT GRANT RE ROAD PROGRAM - At W.S. 1/9/08, the Mayor reported that the Borough will be applying for \$250,000

2) REPORT RE STATUS OF COAH 3<sup>RD</sup> ROUND HOUSING ELEMENT AND FAIR SHARE PLAN DOCUMENT COMPLETION; DEADLINE: 11/26/07 (4. M.L. 8/2/07) - The COAH second round will be adopted in June. They have to meet the third round requirements by 2018. She had some issues with the second round of COAH and has been working with Art Bernard, the COAH consultant. She will report on this further next month. It is a major issue for the Planning Board consultant to deal with.

3) POSSIBLE NOMINATION FOR CLEAN WATER NEW JERSEY AWARD; DEADLINE: 9/28/07 (8. M.L. 8/9/07) - This can be removed as it has passed.

4) STATUS REPORT RE SKATE PARK DONATION (Letter received from Borough Attorney 10/2/07) - There is nothing new to report.

a. REPORT- Mayor Heymann reported as follows:

a. She attended the Ambulance Corps. Installation Dinner; and they did an excellent job decorating the Ambulance Corps building. Everyone had a wonderful time; and she encouraged all to attend next year. Councilman Glidden informed that he had not received an invitation; Mayor Heymann explained that all the Council members were invited and encouraged all to attend this as well as the Firemen's Installation Dinner. She explained that it is a great way to mix with the people who make Closter work.

b. Joe Cioffi, who was the official printer for Closter, passed away on 2/8/08. If anyone wished to say anything, the condolence messages will go to Riewerts Funeral Home.

c. They will apply for a Safe Roads to School Grant; and she informed the Borough Engineer that she had received two Okays. Mr. DeNicola informed that this is something the Borough has to apply for online as it is one of the SAGE grants.

d. The Bar Association is having its 16<sup>th</sup> Annual Land Use Symposium at Bergen Community College on 3/29/08 from 8 a.m. to 2 p.m. Many attended last year because they had to get certification; it was very interesting; and she recommended attendance again. She offered to give anyone a ride should they need it.



CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

4. REPORTS (continued)

D. MAYOR (continued)

e. The Election Officials Training Session from the Municipal Excess Liability Joint Insurance Fund (MEL) is mandatory and is 2/27/08 at 6:15 p.m. Councilwoman Amitai is the only one who has completed this; and the Borough receives \$250 for each participant. Councilman Hennessey reported that he had already attended in Mahwah. Councilman Kashwick noted that they did not have to attend the one on 3/7/08 in Washington Township.

f. The AARP and the Seniors are sponsoring a Seniors Driving Ed program 4/21/08 and 4/22/08 from 10:30 a.m. to 2:30 p.m. Those attending will receive 2% credit on their insurance.

g. The Library has a history of Closter on tape; and Northern Valley Regional High School/Demarest translated it into a DVD, which is available at the Library and will be on the website.

At this time, Mayor Heymann referred to Item No. 2 on her report.

5. OLD BUSINESS

- a. DISCUSSION RE TENAKILL BROOK BRIDGE
- b. DISCUSSION RE CLOSTER'S PARTICIPATION IN THE MUNICIPAL ALLIANCE (Requested by Mayor 2/8/08 to be placed on Agenda)

Mayor Heymann informed that these two items were previously discussed.

6. NEW BUSINESS

DOCUMENTATION OF ACTIONS VIS-AVIS TREE INSPECTIONS (Requested by Mayor 2/8/08 to be placed on Agenda) - Mayor Heymann informed she attended a meeting with Kyle Dennerlein and Louise Ungar from the Shade Tree Commission as well as Billy Dahle from the DPW, Paul Demarest from the Building Department, Ray Cywinski as the tree specialist, Leslie Weatherly as the person who will be handling the grant, and John DiStefano. Their goal is to have a spreadsheet for follow through so that any issue with trees is taken care of and things are not done without others knowing. She hoped this would put an end to the tree problems in Closter.

Councilman Kashwick discussed it at the Shade Tree Commission meeting and they came up with ideas that they will forward to Mayor Heymann and John DiStefano. Mayor Heymann advised all that participated to indicate to Ms. Weatherly by Friday what should be included on the spreadsheet.

At this time, Mayor Heymann informed that there was a Resolution, which she would ask to be included in the packet, that she wished all to review. It was recommended by the New Jersey League of Municipalities.

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

No one wished to be heard.

CLOSTER MAYOR AND COUNCIL  
WORK SESSION NOTES- WEDNESDAY, FEBRUARY 13, 2008- 7:30: P.M.

8. OPEN MEETING TO THE PUBLIC

Jesse Rosenblum, 65 Knickerbocker Road, referred to the dilemma regarding two-family housing or multiple dwellings. He explained that the Borough had a Construction Official/Zoning Officer, Harold Benel, for 20 plus years; during that time, Closter had multiple dwellings popping up. Today, Closter is having dilemmas regarding property owners not being able to prove they have two or three family homes. There are approximately 200 multiple family dwellings in town and some may be legitimate, but many are not; and the Borough is trying to solve these property owners' dilemmas. However, whether they or the prior owner created it, the dwelling is not legal; and they are trying to bail out people who received a multiple dwelling. The Municipal Land Use Law provides a way for someone who has had a multiple dwelling for numerous years to apply for a Zoning permit. This is a shorter distance from 1940 to get a zoning permit. However, if they have someone now who buys a multiple dwelling, it is more difficult to prove that it was a multiple dwelling prior to 1940.

Mayor Heymann explained that the Borough is attempting to make clear cut rules in order to avoid these dilemmas. Mr. Rosenblum added that anyone who buys a house usually has an attorney, who should check to see if the property is a legal multiple dwelling. He referenced a case appearing before Judge Harris, noting the current owner purchased a property for a two-family; however, the prior owner converted it to a three-family. The current owner asked for and received the variance for a three-family. This is a perfect case for an illegal conversion. In response to Borough Attorney, Mr. Rosenblum clarified he wished to show a background of chicanery.

9. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

No one wished to be heard.

10. ADJOURNMENT

Motion to adjourn the Work Session at 10:10 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council on  
February 28, 2008 for approval at  
the Regular Meeting to be held  
March 12, 2008

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Loretta Castano, RMC  
Borough Clerk

Prepared by Donelle Bright  
utilizing recording and  
Borough Clerk's notes

Approved at the Regular Meeting held 3/12/08  
Consent Agenda Item No.18a.2A)