

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

REGULAR MEETING MINUTES – JULY 23, 2008 - 7:30 P.M.

The Mayor and Council of the Borough of Closter held a Regular Meeting at Borough Hall on Wednesday, July 23, 2008. Mayor Heymann called the meeting to order at 7:34 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 (7:37 p.m.), Cynthia L. Tutoli, Victoria Roti Amitai

Acting Administrator/Treasurer, John DiStefano

Borough Attorney, Edward T. Rogan

Borough Clerk, Loretta Castano

Borough Engineer, Nick DeNicola

Chief of Police, David Berrian

Fire Chief, Brian Pierro

At this time, Ms. Castano also welcomed Mayor Heymann's granddaughter, Tracy, to the meeting.

4. PUBLIC HEARING AND ADOPTION OF THE 2008 MUNICIPAL BUDGET, WITH RELATED RESOLUTIONS:

The Municipal Budget was introduced at the Special Meeting held March 19, 2008. Synopsis of the Municipal Budget was published in the Press Journal on April 3, 2008, as stated in the printer's affidavit of publication. Reprint of the Synopsis was posted on the Municipal Bulletin Board, in accordance with statutory requirements, and copies have been made available to the general public. A copy of the Municipal Budget was hand delivered to the Closter Library on March 25, 2008 for review by the public, as stated in the Municipal Clerk's memo to the Mayor and Council dated March 25, 2008.

At the Regular Meeting held April 23, 2008, the public hearing and adoption of the Municipal Budget was adjourned to the Regular Meeting of May 28, 2008.

At the Regular Meeting held May 28, 2008, the public hearing and adoption of the Municipal Budget was adjourned pending receipt of word from the State regarding Extraordinary Aid.

At the Regular Meeting held July 9, 2008, Mayor Heymann adjourned the public hearing and adoption of the Budget to this meeting. (On July 11, 2008, written communication was received from the Commissioner of the Department of Community Affairs that the Borough had received \$250,000 in Extraordinary Aid (2. M.L. 7/17/08.)

At this time, Mayor Heymann announced that the Borough received \$250,000.00 in Extraordinary Aid and the Treasurer has been very active in trying to bring the Budget down so that they would meet the State mandated caps and not have to ask for Cap waiver. This would mean that the tax rate would not be as horrendous as some seem to think it is. The Budget will be ready for the next meeting and they will have an Introduction at that time. Mr. DiStefano clarified that the Amendment to the Budget would be ready. Mr. Glidden asked if they had it in cash; and Mr. DiStefano explained that they tell them they have the cash.

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5. PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCE AT 7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD:  
ORDINANCE NO. 2008:1014, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 171, STREETS AND SIDEWALKS, SPECIFICALLY ARTICLE VI, STREET EXCAVATIONS”

This Ordinance was introduced at the Regular Meeting held 6/25/08 and was published in the Press Journal issue of 7/3/08, as stated in the printer’s affidavit of publication. Reprint of this Ordinance was posted on the Municipal Bulletin Board, in accordance with statutory requirements, and copies have been made available to the general public.

Mayor Heymann declared a Public Hearing and asked whether anyone wished to be heard either for or against this Ordinance. No one wishing to be heard, Mayor Heymann closed the Public Hearing and asked for a motion of approval.

Motion to adopt Ordinance No. 2008:1014 was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad and Tutoli; Councilwoman Amitai abstained.

6. PRESENTATION BY VANTAGE HEALTH SYSTEM, INC. RE PROPOSED PROJECT AT RAILROAD AVENUE (Requested by Borough Attorney 7/16/08)

Mayor Heymann informed that they would come back to this, as Vantage was not yet in attendance.

Mayor Heymann began the open discussion at 8:30 p.m.

Vicki Sidrow, CEO of Vantage Health Systems, noted that Amelia Redow, their representing attorney, had accompanied her this evening. She explained that Vantage Health Systems is a non-profit behavioral health organization, with locations in Dumont and Englewood and they have just celebrated their 50<sup>th</sup> anniversary. They provide residential services and they currently own six residential facilities in Bergen County, four are group homes and two are permanent supportive housing, which units are rented by individuals with mental illness. The other homes are for those with mental illness, but it is more of a group-living environment.

She referred to the resolution for the PILOT agreement, and explained that this process started in 2004, when she sent a letter of request to the COAH Committee to talk to the Council about building affordable housing in Closter, which would provide very-needed housing to disabled individuals as well as help Closter with COAH credits. The process began in 2004 when there was an affordable housing section on Van Sciver Street and Railroad Ave, which was designated as such by the Borough. The lot was suggested, then another was suggested that was larger and located on Railroad Ave. The project was called Van Sciver because the initial visual property was on Van Sciver and she did not realize it was on Railroad Avenue.

Ms. Sidrow explained that the building will be a two-story efficiency apartment building, which will be rented to low and moderate income individuals with mental illness as an affordable housing project. She distributed paperwork in order to give a sense of the project, as there has been a great deal of correspondence between Vantage, the Borough Attorney, and the Mayor and Council. After a 3-4 year process, they have secured all the necessary funds. The total project is \$3.1 Million and is being funded through the Special Needs Housing Trust Fund that Governor Richard Codey signed into law, and is being financed through the New Jersey Housing and Mortgage Finance Agency (HMFA). HMFA has approved the construction portion of the loan, which is \$2.1 million; the predevelopment cost has been funded. Eight of the total rental subsidies are through the State Rental Assistance Program, the other eight are through the Department of Housing and Urban Development (HUD). The supportive services are being funded through the Division of Mental Health. She explained that the second page in the information packet delineates where the applications went. She added that Community Development gave \$730,000 and thanked the Council for approving the application, as HMFA required a match for their funding, which they received through the CD money.

Ms. Sidrow informed that the site plan was being prepared and noted it would be going to one of the Boards in August or September. They have completed some soil removal and they need the PILOT agreement- payment in lieu of taxes; they are looking for a tax abatement resolution with the PILOT, and she noted that Ms. Redow would speak regarding the finance and there was a resolution that was sent to the Borough Attorney they should have.

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Amelia Redow, of McManimon and Scotland, informed that her firm was working with Vantage in putting together the PILOT and the tax abatement agreement. She explained that in March 2008, Vantage submitted a letter request for a Payment In Lieu of Taxes (PILOT) to 4.4% of annual gross revenue. HMFA Statute allows municipalities to grant tax abatement and a PILOT for a certain percentage for projects that receive money through an HMFA mortgage; and this project qualifies for that. Under the original request, the anticipated gross rent comes to \$172,800 and the proposed PILOT would generate about \$7,000 PILOT to the Borough annually. She asked if anyone had questions regarding this.

Borough Attorney questioned why they used 4.4% as opposed to some other percentage. Ms. Redow explained that this is the percentage that worked in the original pro forma; she added that this project isn't being built to bring in revenue to Vantage, but they came to the 4.4% based on what the project could support in the form of taxes. Ms. Sidrow informed that the only revenue generated is client rents; and the individuals living there are on social security income or social security disability; so with a maximum of \$1,200 SSD or \$600 SSI, they are required to pay 1/3 of their income, with the rest subsidized through State Rental Systems or through the HUD Shelter Plus Care vouchers. They were required by HMFA to build in a vacancy rate as they do not know who will move out and how long it will take to get someone in. This is what worked for the budget and the operating costs they will have to incur maintaining the two-story apartment building.

Councilman Glidden questioned if the rent was set every year by HMFA or by the market. Ms. Sidrow explained that the rents are set by the Federal Government and by HUD; one pays up to \$777/month and the others pay \$851; however, individuals living there can only pay 1/3 of their income. In response to Mr. Glidden, Ms. Sidrow explained that this does vary by SMSA (Standard Metropolitan Statistical Area) and believed that it is based upon Bergen County, as they do this regionally. The efficiency could only charge a certain amount based on this; and the reimbursement through state rent subsidy is a set fee. This is truly the only revenue the project will take in; they are expected to maintain a reserve for any unforeseen problems. They are building as green as possible, and are going for lead certification so that ongoing operating costs will be as minimal as possible.

Councilman Glidden wished to know the occupancy needed in order to cover the expenses with the rental base. Ms. Sidrow informed that they would need close to 100%, but there is a 5% vacancy; however, the budget is really tight and they will have to do fund-raising. Councilman Kashwick referred to the \$7,000 and asked if this was a fixed amount. Ms. Redow informed that the PILOT allows for an annual increase of 4%; Ms. Sidrow confirmed that this included a rent increase; and they are permitted a 4.4% increase. She added that the HUD and State Rental Assistance Program will give the increase, as social security benefits do not increase every year. They have group homes and people who rent and they have not raised the rent, as their income does not increase. They have clients that they give \$80/month to spend, as that is all they have left after they pay their rent and have other expenses with minimal amounts of money.

Councilwoman Amitai questioned if there was a great deal of flux in their other homes and what would happen if people could not afford to pay. Ms. Sidrow explained that there are eligibility requirements and there is an admission process; there is a great deal of paperwork for HUD and the State. The people must meet the eligibility requirements, and they know there is the fixed income these people are getting every month. They have not had a problem and two of the properties they collect the rents as landlords. She confirmed that there would be an occupant in each efficiency apartment; and explained that the permanent supportive housing is relatively new for residential programs for the mentally ill or disabled. The individuals that will be living there will have been assessed to be able to live on their own. The staffing is not as intense as what she has in the group homes, where some of them are there 24/7. These are individuals who have been at the group homes and have been given daily living skills and have learned how to use transportation, money management, cooking, cleaning, laundry; and these are individuals who are assessed to live on their own. The State really will not pay for it to be staffed for 24/7. The facility has two offices and there will be staff there daily, but there will not be staff overnight. There will be a one-bedroom onsite manager/superintendent and this person is not a clinical person; the clinical staff will be there during the day.

Mayor Heymann informed that Vantage is here to explain what they are looking for and answer any questions. The Mayor and Council will discuss in Closed Session as to the size of the PILOT. This is the opportunity for the public and Council to ask questions in order to make a decision.

Joe Bianco, 7 MacArthur Avenue, questioned if they investigated the possibility of qualifying as a Section 8, a rent subsidy certificate, whether a project based rent subsidy certificate or a portable certificate possibly to the Bergen County Housing Authority or the HUD in Newark. Ms. Sidrow explained that it might, as they already have the approvals from HUD and informed

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that the Bergen County Housing Authority is the sponsor for Vantage for Shelter Plus Care vouchers. They will be working with the BCHA to have those certificates, which will enable the support services. There are different requirements.

Mr. Bianco wished to know if there was an ability to increase the income through Section 8. Ms. Sidrow explained that she has two Section 8/11 properties and she believed those levels to be set through what they pay per unit. Mr. Bianco noted it may be worth exploring and asked the Council to review the prior PILOT with Spectrum1, which he believed was a large number. This did have more units and was put in 25 years ago, yet this is an ongoing PILOT; and he asked that past history be a guide.

Steve Isaacson, 97 Columbus Ave., explained that with a \$170,000 profit, that's \$10,000 per unit which is approximately \$1,000/month. He expressed concern about Vantage going out of business; and questioned if this happens, if the deal would be carried over to another company if sold. Mr. Rogan advised that if the company went out of business and the property could not be used to qualify for COAH, the property would revert back to the Borough, which is in the underlying contract. Ms. Redow explained that tax abatement agreement also requires that there be an HMFA mortgage on the property and unless the next owner takes on the COAH unit *and* an HMFA mortgage, the contract is void. In response to Mr. Isaacson, Ms. Redow clarified that they are in the process of working out the mortgage currently; and confirmed Mr. Isaacson's statement that the Borough would have the right to raise the PILOT.

Mr. Isaacson expressed his concern that while the residents are self-sufficient, he was worried about their transportation and where they would be able to shop. Ms. Sidrow explained that they are talking with Bergen County; and Vantage has its own fleet of vans; she added that some individuals drive themselves and some use bicycles. Mr. Isaacson pointed out that the area is very far from the business district; Ms. Sidrow explained they have been speaking to Bergen County so there will be an access van for medical appointments or shopping.

In response to Councilman Glidden, Ms. Sidrow informed that the property is across from Weyerhaeuser Company; Mr. Glidden noted that this is not a far walk from the center of town. Councilman Barad wished to know the test for qualification for the residents; he questioned who made the assessment to determine that the people could survive on independent living. Ms. Sidrow explained that the staff makes the assessment on independent living skills. They have transitional residences with a 24/7 staff for people that may have been somewhere else and they come to Vantage during the day for services. At some point, those people move out and they have been moved into apartments that they rent with their subsidies and they provide supportive services going into the home as needed. They are anticipating with this project that many of the people who are in the transitional group homes will be able to move out, as it is hard to find apartments since the rent list in Bergen County was closed for years. Those individuals who are ready and have not been able to move before would be the ones moving. This is permanent housing; if someone had to leave, they would have to evict them or they had people just voluntarily move, as people regularly do. Some will come from the transitional homes and there are hundreds of people living in Bergen County waiting for housing.

In response to Councilman Barad, Ms. Sidrow explained that their primary diagnoses are mental illness, some have learning disabilities; there are no developmental disabilities. Dr. Barad clarified that these are people who have suffered mental illness and explained that he was trying to understand. Ms. Sidrow explained that these are people who have been clinically depressed, had bipolar disorder, possibly schizophrenia, and have had a history of hospitalization; they are now either living at home with elderly parents or are living in a group home. There are four organizations in Bergen County's Residential Committee network that note who has an "open bed" when people need beds. Dr. Barad questioned what would happen if someone's condition deteriorated and they could no longer live independently; he questioned how they would be taken care of and if these people had rights as renters. Ms. Sidrow concurred that they do have rights, but that staffers will be there every day, which will be the help; these people would also probably be going back to the site in Dumont for medication visits.

Councilman Barad questioned if the people could be a burden on the municipality and Ms. Sidrow explained that they tend to keep to themselves. She further noted that the facility will have common areas and an outside area; there will be common areas for them to go. She did not envision them loitering or walking around town and causing trouble. Dr. Barad reminded her that they would be driving into town and shopping. In response to Mrs. Amitai, Ms. Sidrow noted that these individuals would be adults over the age of 18, closer to the range of people in their 30's and 40's; she added that they would not take on anyone with real medical problems as they are not prepared for this, and while someone could age in place, it would be the way anyone would be taken care of- they have had people that have lived in group homes that had moved to nursing homes. The staff is there every day, and in response to Dr. Barad, she explained that the medications involved would be for diabetes and psychotropic medication. They do not have

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other illnesses that differ from the general population. She confirmed with Councilwoman Amitai that they do, in fact, go home to visit their families and go on vacation; they also have job opportunities and she welcomed any input on this issue. She noted that job opportunities are a part of the staff's job and stated that they try to get them jobs and normalize them into the community.

In response to Councilman Hennessey, Ms. Sidrow confirmed that the residents are from Bergen County and they are tenants first. They are providing supportive services, but she confirmed with Councilman Glidden that they are not providing healthcare services to the tenants at the facility. The staff will be social workers doing case management, helping them to get jobs, helping with benefits they may be entitled to, and helping with money management. In response to Councilman Hennessey, Ms. Sidrow clarified that should they need psychiatric help, Vantage would help, but not with medical, as they would go to the hospital. She clarified that once someone has been stabilized, they do not have to see their psychiatrists weekly; the visits would be monthly and they would have their appointments in Dumont. These people are living there and would go to their doctors' appointments the way anybody would.

Councilman Kashwick clarified that there would be one resident per unit and wished to know if two individuals became romantically involved and wished to get married, what the rules would be. Ms. Sidrow explained that they recently had a couple marry and this doesn't happen often. There are rules and there is a difference between having someone visit and having overnights. Mr. Kashwick further questioned what could happen if a resident had a child. Ms. Sidrow acknowledged this as a good question and noted she would research the answer.

Councilwoman Amitai questioned if the social workers were prepared for psychiatric emergencies; Ms. Sidrow explained that the first thing they would do is try to de-escalate the situation and Bergen County has 262-Help, which is the County-wide screening program. They would call this if it was a real emergency. This doesn't really ever happen, as the residences are run well and there are eyes on people all the time. The individuals look out for each other; and it is obvious when an individual does not take his/her medication and starts to decompensate. They try and de-escalate that and get them back on track to avoid hospitalization; the staff is there to see people every day so they, hopefully, can avoid this.

Diane Larsen, 49 John Street, questioned if they do a criminal background check to see if someone is a violent person when not taking medication; she further questioned if someone goes off their medication could it be a problem. Ms. Sidrow informed they do not do criminal background checks, but they are assessed very well; and people who currently live in a group home have a known history. If someone were to come out of Bergen Regional or Graystone, they have a history of their medical records including psychiatric evaluations. They have histories of violence and fire setting and they would never put other individuals in a community with these histories.

Ms. Larsen brought up the possibility that if someone did not take their medication and expressed concern that the person could not be forced to take their medication. Ms. Sidrow affirmed that the services are all voluntary and if it got to a point, they could call 262-Help, which is the last resort. She clarified that 262-Help is Bergen County's Psychiatric Screening service and if someone is in danger of hurting themselves or others, the police and staff come; and the person is taken to Bergen Regional or Englewood. Anyone in Bergen County can call; and she informed that it is staffed by Care Plus NJ, which is a life organization such as Vantage, located in Paramus, with staff at Bergen Regional. Those who answer are clinical social workers. Chief Berrian informed that the Police utilizes 262-Help when they require professional assistance.

Joe Bianco suggested putting in an age-restricted housing rules as at the Village School so that no one under a certain age resides with a child. The \$8,000 PILOT that they will get will be wiped out by sending one child to school. He questioned if they had or have had in the past a facility in Closter. Ms. Sidrow acknowledged that they do; and it is for three people that they try to keep confident; and Mr. Bianco assured that no one even knew where it was, suggesting the program was good.

Steve Isaacson wished the Mayor and Council to keep in mind regarding the PILOT that it appears there is more than \$170,000 in income for Vantage including counseling services that rolls into the income. The 4% may be 4% than the greater amount and they should consider this. Regarding Mr. Bianco's comments about age restrictions, he suggested that they do an occupancy requirement that it is one person per apartment no matter what, which will be up to Vantage or the Borough to enforce. He expressed concern about the proximity to Spectrum for Living, where there are people who can become dangerous. He voiced his understanding that there was an incident where a staff member raped a resident there last year at Spectrum; and these are things to keep in mind. In response to Mr. Rogan and Chief Berrian, Mr. Isaacson

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affirmed he would e-mail a copy of the article from the Suburbanite.

Ms. Sidrow wished to address the staffing issue and noted that the money for staffing comes from the Division of Mental Health, and they agreed on the amount 1½ years ago and have not received an increase either last nor this year. There is no income with the staffing; and there are no fees for the services to the clients in the residence. The money from the State for staffing pays for staffing and is not income and not profit.

Mr. Isaacson expressed concerned over the person who will be overseeing those 16 people who will be sleeping at night. Ms. Sidrow informed that this person is an on-site manager for maintenance; and during the day, this person will be another set of eyes. She clarified that people with mental illnesses take medication that tends to put them to bed fairly early as they can make them drowsy. This would be like any other apartment building; and the on-site manager is not to be the clinical oversight. They chose to put someone on site. Mr. Isaacson expressed further concern, noting that they cannot force people to take their medication and cannot guarantee that these people will be sleeping. He was concerned that there would not be enough staff to ensure that the public would be protected should something happen.

At this time, Ms. Redow wished to share more numbers prior to Closed Session. Regarding the 4.4% on the annual gross rents that would create \$7,000 given to the Borough, she wished to look at what they would usually get if the money was from taxes, which is a nonstarter, as if they did not receive the PILOT, the project would not be built. To give an idea, the municipality would generate \$10,000 in revenue from traditional taxes that would go to the municipality. With the HMFA PILOT, the municipality is receiving the whole PILOT, as opposed to traditional taxes that are shared with the school system and County; the number is not far off from what the municipality would get from conventional taxes.

Chief Berrian, who left the meeting to check in the Police Department, clarified that the “rape” that Mr. Isaacson was referring to was not a rape. There was a sexual assault two years ago by a staff member on a patient.

Mr. Bianco questioned Ms. Redow as to if there was a federal HUD development grant when this was financially structured. Ms. Sidrow explained that the only money from HUD is the Shelter Plus Care dollars; and affirmed that there was no leveraging done with tax credits and this is not a tax credit project.

Jesse Rosenblum, 65 Knickerbocker Road, questioned if there was a curfew at the residence or if these people could come and go as they please. Ms. Sidrow confirmed that they are adults like anyone else; and they could come and go as they please. Mr. Rosenblum requested they submit a copy of their audit report to the Mayor and Council for 2006 and 2007 for Vantage, to which Ms. Sidrow affirmed, as the information was public record, and she would give to the Council should they request same. Mayor Heymann informed she would in fact ask for these reports.

At 9:05 p.m. Mayor Heymann closed the meeting to the public and returned to Agenda Item No. 24.

7. 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)

Mayor Heymann opened the meeting to the public.

At this time, Mayor Heymann called on the Misses Tait to come forward. She announced that Dana and Gabby Tait wanted to honor the Closter Police Department for the wonderful work they did last weekend. She also asked Chief Berrian to come forward. The Mayor explained that these girls live directly across the street from the horrendous vehicle accident that took place on Sunday. They were so impressed with what they saw that they wanted to especially thank our Police, so they made a wonderful poster collage. Mayor Heymann thanked them, as well as the Police staff, adding that Detective Sergeant Dennis Kaine was in attendance to accept the collage.

Chief Berrian informed he wished to accept the collage on behalf of the heroes, who actually pulled the victim from the car. He also acknowledged the assistance and support from all of the surrounding Police Departments, as well as the Fire Departments and Ambulance Corps. He described it to be an heroic and wonderful effort on behalf of the Police Officers who actually removed the victim from the burning vehicle, which was upside down and on fire. Chief Berrian further noted that this was only brought in around five o'clock this evening and he was sure they would have another opportunity to accept this with the Police Officers, as well as the victim from the car, who also called him today to personally thank the Department. He thanked the girls for

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the collage.

Gloria Tait, also thanked the Police Department, adding that they are doing a great job here in Closter.

Joe Bianco, 7 MacArthur Avenue, expressed his gratitude for the Mayor's letter thanking him for the architectural plans and noted it is good to have a Mayor who responds to the public. He referred to the \$25,000.00 Grant for Spectrum, which was on this evening's Agenda, informing he was curious as to the status of the PILOT they are paying; he questioned any movement on the Spectrum 1 PILOT, which he clarified was payment in lieu of taxes. Mayor Heymann explained as follows: everyone should first know what the term "PILOT" stands for, which is a payment in lieu of taxes; the Borough Attorney is in the process of investigating the total picture; they have two Spectrum buildings: one does and one does not; they are checking that out. Mr. Bianco pointed out that Spectrum 1 has an addition on it. He also questioned if there is an application to COAH to obtain credit for what he believed to be 16 units, which was added on. In response to Mr. Bianco, Borough Attorney informed that the tax issue could be resolved by the next meeting.

Mr. Bianco also referred to the presentation to be made by Vantage this evening and asked if a determination has been made as to which board Vantage will be filing an application: Planning or Zoning. Mayor Heymann voiced her understanding that Vantage must speak with their Attorney. Mr. Bianco respectfully recommended that if it does go to the Zoning Board of Adjustment that no comment be made by the Council. Borough Attorney explained that no comments would be made by the public this evening. He added that this evening's event is simply a presentation by Vantage. There will be questions permitted from the Mayor and Council, but no comments whatsoever.

Mr. Bianco asked if they were taking comments on what he termed as the "big box" Ordinance; and Mayor Heymann welcomed his comments. Mr. Bianco explained as follows: he wished to give some history on the 40,000 square foot restriction on business space; this came about when he sat at this table; it was an application for a *Pathmark* at the corner of Homans Avenue and Piermont Road; it was a very large building, what he termed as a "mega-store"; the community did not want this to happen, so as a response to the citizens of Closter, a restriction was placed on the maximum size of a single-user store in the business district, which was 40,000 square feet; that has been on the books for at least the last 25 years; tonight, there may be no limit or an increase; he was unsure.

Mayor Heymann explained that they were not doing anything tonight, adding that this was mandated to the Ordinance Committee, who will be discussing it. Mr. Bianco highly recommended they consider 45,000. He understands it was done at the Planning Board, whether it be with or without professional assistance. The 45,000 represents a 10% increase in the square footage; 50,000 would be a 20% increase. He further explained as follows: 10% of 40,000 gives you 44,000; the A&P in town is exactly 44,510 square feet; he called their corporate office; if they are going to have stores in this area, the 45,000 seems to be in line; also in Planning and Zoning, you'll have 10,000, 20,000, 30,000 as sizes of lots or spaces; that was all predicated on an acre; as you may or may not know, the real number for a square acre is 43,560 square feet, which is in the neighborhood of 45,000; he believed that Closter should have some kind of safety valve; they don't need mega boxes or big boxes; they need a couple of mini boxes of about 45,000 square feet; he highly recommended to stay at 45,000 and see what happens; hopefully, it will take care of whatever emergent developers do come into Closter.

Mr. Glidden voiced his understanding that the resolution that has been proposed basically sets no limit on the square footage of a box that can be built. Mr. Bianco was not aware of what the resolution states. Mr. Rogan explained that Mr. Glidden's understanding was the recommendation of the Planning Board, but the Ordinance Committee recommended 50,000. Mr. Bianco also wished to comment on a new type of shopping center/plaza. He referred to Closter Plaza, describing it to be a strip center with a sea of cars. He noted that if they were to take the Closter Plaza and put a couple of mini boxes out in the parking lot somehow, it would become amenable for a pedestrian to walk within the Plaza, instead of being confronted with giant, massive parking lots. He then referred to a newly built plaza in Northvale to provide a general idea of what he was talking about explaining that this is an idea of what could happen to Closter Plaza.

Steve Isaacson, 97 Columbus Avenue, voiced his opinion that the sound system was the worst he has ever heard. He explained he was glad they passed the Ordinance pertaining to the streets; however, he voiced concern regarding a water main break on Knickerbocker Road and Durie Avenue. United Water came in and filled it in quickly, but it caved in the next day, so they had to come back. He asked if this was something that will be remedied by this ordinance. He reminded that Mr. Hennessey had come up with a good idea: the pipes are encased in a very dense

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material, sometimes concrete, so that when the road does settle, it doesn't affect the pipes underneath. He hoped the Ordinance would take care of this.

Mr. DeNicola explained that what takes care of this problem is that the applicant has to post a maintenance bond for the trench. If the trench settles, the applicant is responsible for fixing it before the Borough takes his maintenance bond funds to do it themselves, even though they are a utility. In response to Mr. Isaacson, Mr. DeNicola added that it is different if it is a County road, because the County has a similar Ordinance and process, so that it is not the Borough's problem; it is then dealt with at the County level.

Mr. Isaacson referred to an article he read in the paper regarding the installation of snack bars and restrooms and asked about the estimated cost of the project. Mayor Heymann explained that there is no such project. They are putting in a bathroom, storage and snack bar for when the field is in use at Ruckman Field. The appropriation for same was made two years ago; they are simply executing it now. Mr. Isaacson asked if it was the \$55,000 that was allocated in 2002. Mayor Heymann referred to Mollicone and Schauble Parks, noting that the intent is only to put bathrooms, without any snack bars at all. The way they will pay for it, if at all, is through a County grant, which they are going to request; and the due date for same is October. Mr.

DiStefano added that the bathrooms at Ruckman Field will go through Community Development. Mr. Isaacson questioned if there was any thought to leasing ADA compliant restrooms and possibly having a truck that can service all the fields in the town, as opposed to building permanent structures that they will have to maintain and seek Green Acres permission to build. In addition, they will have to deal with the DEP, they will have to provide hot and cold water, electricity, sewage, collection of materials, delivery of materials, etc. He voiced concern that we are in hard times. He assured that he was sympathetic to the ADA children, but reminded that they have been in operation without this for many years. He questioned why they would spend so much money now for a small group of children who do not live here. Mayor Heymann explained that it does not matter where they live; they are entitled to the appropriate services, as are all the other children in town. At the present time, she has received many complaints from parents, who claim that the portable system they now have is overused, overrun and unusable. They do not want this to go on forever. Mr. Isaacson suggested they continue with the current condition until the economy picks up and the town can afford it. However, Mayor Heymann insisted that the money is already there and it is not being charged to the tax payers.

Mr. Isaacson explained that he read in the paper that the Borough is allowing a pre-kindergarten soccer league from Monroe, New York, to use the fields. Mayor Heymann informed that this is up for discussion this evening, noting that he will be able to provide his input at that time. Mr. Isaacson asked if this was the reason they are spending all the money on the Recreation infrastructure so they can allow teams from out of State to use our fields. Mayor Heymann disagreed that this was the case, adding that she did not believe he had the correct facts. She reiterated that it would be discussed later in the evening.

Richard Ryan, 212 Knickerbocker Road, explained he was in attendance on behalf of the Closter Environmental Commission to ask some questions about the Tenakill Brook Bridge, the progress of same and if they are going to meet the deadline based on the work contract. Mr. DeNicola explained as follows: they had a meeting with the contractor, who indicated that he probably won't make the August 15, 2008 deadline; he is supposed to get a schedule; the Mayor, the Administrator, the contractor and Boswell Engineering sat down and had a long meeting, where it was stated that he will be assessed because he is late; he will get them a schedule and talk to the bridge manufacturer about getting the bridge expedited; when they get that date, he will inform the town. Mr. Ryan voiced his understanding that the contractor is somewhat delinquent in producing the bridge on time and Mr. DeNicola agreed. Mayor Heymann explained that Mr. DeNicola, Boswell Engineering and the Council are very much on top of this and they are very aware. This is why they called a special meeting today with the contractor, who is blaming the sub-contractor; however, the contractor was made aware that he is liable for big money. They are very serious about trying to make him perform. Mr. Ryan referred to the deadline date of August 15, 2008 and informed that they had an extension from the County for a date of October 1, 2008 for the grant for the Borough Trail. He asked if they could still meet this deadline with regard to the bridge. Mr. DeNicola informed that they didn't wish to divulge this information to the contractor, so as far as they are concerned, the deadline is August 15, 2008. If he does not make that date, there will be a possibility of a daily assessment, everyday he is late. This is what they have reiterated to the contractor several times today. Mr. Ryan asked if there was a good faith of trying to work with him to still make their deadlines so they can somehow come up with a new schedule. Mr. DeNicola explained as follows: a problem they are having is that it is not just the contractor; he has subs; he has a geotechnical sub doing the piles and he has a structural sub doing the bridge component of the contract; he's the installer; there is a group of three people, but the prime contractor is the installer, which is D.R. Mullen; this is who is responsible for delivering the job on time and this is who they met with today; this is also the person who will



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take it back to the sub-contractors and work out the soonest possible date to finish the bridge. Mr. Ryan voiced his understanding that besides the bridge manufacturer, it is also the installation of doing the piles. Therefore, there are two contractors who are delinquent. Mr. DeNicola informed that the piles are not delinquent; it is not what is holding it up. The contractor doesn't want to mobilize his equipment twice, so he is waiting to do the foundations when the bridge is coming closer. Mr. Ryan confirmed his understanding that there are specifications for a bridge that needs to be approved before it gets manufactured and right now, those specifications haven't been met by Boswell to be approved. Mr. DeNicola explained that they are in the process; they approved it today after the meeting. They got the drawings for Boswell; however, they need to get a stamped or signed and sealed set. Boswell cannot accept drawings which are not signed and sealed, because if a problem were to arise, the Borough would have no recourse. They went through all of the revisions that they issued today. In response to Mr. Ryan, Mr. DeNicola informed that the revisions pertained to some bearing issues; how the bridge sits on the abutments, some structural members, such as more detailing on the railing. The specs for the pilings and borings have also been approved. The critical path now is the bridge and the bridge manufacturer. In response to Mr. Ryan's inquiry, Mr. DeNicola informed that in order to expedite the project, they gave them the okay to move forward; however, if they do not provide the signed and sealed drawings, the work will not be accepted. Mr. Hennessey asked how long it would take to fabricate the bridge; and Mr. DeNicola indicated that they are waiting for this and Boswell estimates it would be approximately eight weeks.

8. COMMUNICATIONS

a. MAIL LIST – JULY 10, 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: Ms. Tutoli asked that Item No. 6 be removed; Borough Clerk asked that Item No. 2 be removed.

Item No. 2 - Received 07/07/08, dated 07/02/08, from Ilene S. Anesini, Executive Director, Temple Emanu-el; to Mayor Heymann, re Notice of annual Tashlich services to be held at the Closter Nature Center on Tuesday, 9/30/08 at 5 p.m. (Copy to Glenn Parsells); Correcting Motion to be placed on RM Agenda upon receipt of approval from Risk Management Consultant re Insurance

Ms. Castano explained that they have requested a correction on the timing of the Tashlich ceremony, she checked the records and discovered there was no certificate of insurance or hold harmless agreement on file, so she sent them a letter requesting same; and asked Mr. DiStefano to inform her if he received anything. Ms. Castano informed that it would be on his Agenda for follow up.

Item No. 6 - Received 07/10/08, dated 07/08/08, from Mayor Steve Weinstein, Deputy Mayor Lisa Swain, Deputy Mayor Joe Tedeschi, Councilwoman Jeanne Baratta, Councilman Ed Trawinski, Borough of Fair Lawn, re Request for support of effort to oppose County construction of a new vehicular roadway and parking lot in the County park directly abutting one of the Borough's dead end streets; attached resolution; Possible Resolution

Mr. Kashwick asked for clarification of this Ordinance and Mayor Heymann explained that they have blocked the County, who is now asking permission from Fair Lawn to get to that location another way. Ms. Tutoli clarified that she pulled this item for the same reasoning. In response to Mr. Glidden's inquiry regarding the support of the Resolution, Mr. Rogan informed that the County has backed off a little bit.

b. MAIL LIST – JULY 17, 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: Ms. Tutoli asked that Item No. 3 be removed; Mr. Hennessey asked that Item No. 2 be removed

Item No. 2 - Received 07/11/08, dated 07/11/08, from Joseph V. Doria, Commissioner, NJ Department of Community Affairs; to Mayor Heymann, re Notice of CY Municipal Property Tax Relief Act Extraordinary Aid award in the amount of \$250,000 to be used solely to reduce local property tax levy to residents of Closter

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Mr. Hennessey explained that approximately 11 towns in Bergen County received Aid and the remaining towns didn't. He asked if there were any strings attached to this, such as the town being required to pay anything back to the State. Mayor Heymann assured that there was nothing as such. She also assured it didn't affect the town's bond rating and explained as follows: not all of the towns that didn't get anything had applied; only some towns applied; in the past, Closter has not applied, because they didn't feel they had any reason to get anything; since they applied this time, they couldn't complete their Budget, which is why they had to send the Estimated Tax Bills out; there are no strings attached; you get them if you meet the requirements for Extraordinary Aid and those are fairly cut and dry; if you meet the requirements and present your case accordingly, then you're entitled to it.

Item No. 3 - Received, 07/11/08, dated 07/11/08, from William G. Dressel, Jr., Executive Director, NJS League of Municipalities, to Mayor, re Mayor's Fax Advisory re:

- a. Calendar Year 2008 Extraordinary Aid Numbers Released
- b. 2008 Budget Impact Survey (Copy to Mayor 7/15/08)
- c. Appellate Division Affirms Invalidation of Sex Offender Residency Ordinances
- d. NOTICE: TELEPHONIC HEARING TO BE HELD 7/31/08 AT 10:30 A.M. ON ISSUES RELATED TO IMMIGRANT INTEGRATION AT THE MUNICIPAL LEVEL

Ms. Tutoli explained that in looking at the other Bergen County towns, there are some that received significantly higher, such as Maywood and New Milford. She asked for clarification. Mr. DiStefano explained that it all goes back to how much each individual town requested. The State may give a percentage of what was requested, but he doesn't know for sure; the State doesn't tell them. Mayor Heymann pointed out that it depends on two things and explained as follows: it depends on whether you have exhausted other means for keeping your taxpayers in reasonable happiness and whether something happened to your community that was extraordinary that prevented you from having a better tax base to meet your obligations; some of the things that could happen, for instance, are extraordinary tax assessments and changes by the Tax Court that would affect your income by a great amount; if you had a very high unemployment rate or a very high foreclosure rate in the town; none of these things happened to Closter; it was just a gradual thing; what they had was somewhat less revenue for 2008 and the mandated expenses; that was what Closter built its case on and it was one of the issues that was plausible.

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

10a. 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 remove or discuss any item.

ORDINANCES AND RESOLUTIONS

11.\* INTRODUCTION OF ORDINANCE NO. 2008:1017, "AN ORDINANCE AMENDING SCHEDULE A:LIMITING SCHEDULE, SPECIFICALLY CHANGING THE MAXIMUM SIZE OF RETAIL STORES IN DISTRICT NO. 3 BUSINESS AREA PURSUANT TO THE RECOMMENDATION OF THE PLANNING BOARD" - PUBLIC HEARING - 8/27/08 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Borough Attorney 7/16/08)

12.\* BILL RESOLUTION – JULY 31, 2008  
TO BE PREPARED BY TREASURER

13.\* 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

Mayor Heymann pulled this.

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- 14.\* RESOLUTION AUTHORIZING MAYOR SOPHIE HEYMANN TO SIGN N.J.D.E.P. PERMIT CERTIFICATION FOR BLOCK 81.06, LOT 6, ALPINE, NEW JERSEY SASOUNESS PROPOSED SEWER CONNECTION IN ACCORDANCE WITH CLOSTER/ALPINE SEWER AGREEMENT DATED 8/5/1994, SUBJECT TO ENGINEER’S REVIEW, APPROVAL AND CONDITIONS (Requested by Borough Attorney 5/21/08)  
Adjourned from RM 5/28/08; RM 6/11/08; RM 6/25/08, RM 7/9/08  
TO BE PREPARED BY BOROUGH ATTORNEY

Mayor Heymann explained that this was not complete and pulled it.

- 15.\* 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
- 16.\* RESOLUTION CONFIRMING ENDORSEMENT OF SPECTRUM FOR LIVING 2009 CD APPLICATION IN THE AMOUNT OF \$25,000.00 FOR SPECTRUM’S NORTHERN VALLEY RESPITE AND SOCIALIZATION PROGRAM IN THE BOROUGH OF CLOSTER (This does not obligate the financial resources of the Borough) (7. M.L. 7/17/08)
- 17.\* RESOLUTION AUTHORIZING TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$31,178.40 PAYABLE TO R. ROTHMAN, 411 GRAND AVENUE, ENGLEWOOD, NJ 07631. FOR REDEMPTION OF TAX SALE CERTIFICATE #06-3 FOR BLOCK 1701 LOT 6, 501 HIGH STREET; AND TO ISSUE A CHECK IN THE AMOUNT OF \$1,100.00 (PREMIUM) TO THE AFORMENTIONED LIEN HOLDER (Received from Deputy Tax Collector 7/15/08)

MOTIONS

- 18.\* 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

<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	Maria Danziger	_____	2 Year	12/31/09
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

- 19.\* 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

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

Mayor Heymann informed that she didn’t have any appointments for Item Nos. 18 and 19.

- 20.\* MOTION APPROVING THE FOLLOWING MINUTES (Distributed 7/17/08) ABSTENTION: HENNESSEY
- REGULAR MEETING HELD JULY 9, 2008
  - WORK SESSION HELD JULY 9, 2008

- 21.\* GRANTING APPROVAL FOR THE 56<sup>TH</sup> ANNUAL PEARLE ROAD BLOCK PARTY TO BE HELD 9/13/08 FROM 2:00 P.M. TO 10:00 P.M.; RAIN DATE: 9/14/08 (3. M.L. 7/10/08)

- 22.\* ACCEPTANCE OF THE FOLLOWING MONTHLY REPORTS:
- None received at time of preparation of Agenda

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The following items were removed by the following individuals: Mayor Heymann previously removed Item Nos. 13, 14, 18 and 19; Mr. DiStefano asked that Item No. 12 be removed; Mr. Kashwick asked that Item No. 11 be removed, Steve Isaacson asked that Item No. 15 be removed.

10b. VOTE ON CONSENT AGENDA ITEMS

Motion approving the Consent Agenda minus Item Nos. 11, 12, 13, 14, 15, 18 and 19 was made by Councilman Glidden, seconded by Councilman Barad, and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

23. REVIEW AND VOTE ON ITEMS REMOVED FROM CONSENT AGENDA

11. INTRODUCTION OF ORDINANCE NO. 2008:1017, “AN ORDINANCE AMENDING SCHEDULE A: LIMITING SCHEDULE, SPECIFICALLY CHANGING THE MAXIMUM SIZE OF RETAIL STORES IN DISTRICT NO. 3 BUSINESS AREA PURSUANT TO THE RECOMMENDATION OF THE PLANNING BOARD” – PUBLIC HEARING – 8/27/08 @7:30 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD (Received from Borough Attorney 7/16/08)

Mr. Kashwick suggested that they change the amount from 50,000 square feet to 45,000 square feet on this particular Ordinance. Mrs. Amitai agreed with this since they are in the middle of doing their Master Planning with Mr. Price and it may behoove them to get a professional planner’s opinion about what number might be appropriate for the Borough. Mr. Hennessey assumed the recommendations were coming from the Planning Board to accommodate somebody and inquired about Whole Foods coming to Closter. Mayor Heymann explained that Whole Foods was coming with a plan that will presumably be more than 40,000. She was not aware whether the asking price of Whole Foods would be within the parameters. Mr. Glidden voiced his understanding that it would be within 45,000. In response to Dr. Barad, Mr. Kashwick explained that this was merely a suggestion and it was not in the form of a motion.

Dr. Barad voiced concern that they do not want to be changing the Ordinances too often. However, it seems as though being conservative in increasing would be a reasonable thing to do that would give them control. In reviewing the information that Mrs. Amitai circulated, he noticed that they seemed to get trouble over 60,000 feet. He would be comfortable with a number between 45,000 and 50,000. They do want to have the economic development that this new revitalization will give them and they do want to be able to encourage that. Mr. Kashwick added that they would want to encourage the diversity of businesses. Therefore, the smaller they keep the stores, the better off they are. Dr. Barad explained that he would support changing it to 45,000 but he hoped to discuss it further together. He also informed that when the Ordinance Committee reviewed this Ordinance, they put 50,000 in as a placeholder, but they intended for discussion to be held this evening.

Mr. Glidden questioned the Planning Board’s feelings of leaving it unlimited, as it was his understanding that this was a recommendation of the Ordinance Committee. He asked if there was any reason to leaving it unlimited. Mrs. Amitai explained as follows: they want to accommodate stores coming into town; they want our commerce to grow and that was one way to keep things open to anyone who might be interested; however, even the Planning Board needs professional advice; they have that advice right around the corner from their Master Planner, who will be meeting with the Planning Board Sub-Committee and some other people within the next month; she thinks that it would be the right thing to get his opinion; he is familiar with other towns similar in size. Dr. Barad assured they would have his opinion before they have to vote on the Ordinance. Mr. Glidden agreed that they should hear his opinion, adding that he is currently in agreement with the 45,000; he thinks there should be a restriction.

Mayor Heymann explained as follows: what they are discussing is only the degree to which they want to expand the present limiting factor; the Planning Board is not going to be hearing from the Master Planner until August 26, 2008; it would seem to her that there is no harm in introducing this because the change could be made at some later date. Dr. Barad asked if Mayor Heymann or Mrs. Amitai could ask the Professional Planner directly to comment on this. Mayor Heymann agreed that they would do so. Referring to the size of the building, Mr. Hennessey questioned if it was for a single tenant and Mayor Heymann agreed it was. Mr. Glidden inquired whether the word “tenant” was the correct term, and voiced his understanding that it is a floor space of a given building. Mr. Hennessey explained that you could have a single building with ten different stores in it and it could be 200,000 square feet. However, Mayor Heymann informed that this refers to a single entity.

Ms. Tutoli explained that she has visions of Paramus and she hoped that when this is all being planned and discussed, - even though they want to encourage commerce - they don’t lose the

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personality of the town. Mayor Heymann was in agreement and explained that in the discussion on big boxes, the majority of the discussion centered on entities that were twice as big as the 50,000. The amount of change they are currently discussing is a relatively small change from what they have had in the past years. Mr. Glidden suggested they introduce it, adding that they would have more discussion when they hear from the Planner. Dr. Barad was curious as to whether they should introduce it as it stands and Mr. Glidden suggested they change it to 45,000 and then get a recommendation from the Planner. In response to Dr. Barad, Mr. Rogan explained that they do not have to make a motion to amend, as it has not yet been introduced. However, if it is changed again in the future, they will have to republish. He clarified that they would be introducing the Ordinance, with the exception that the square footage be reduced by 5,000 feet.

Motion to approve Introduction of Ordinance No. 2008:1017 with the change from 50,000 square feet to 45,000 square feet 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, Tutoli and Amitai.

12. BILL RESOLUTION – JULY 31, 2008  
TO BE PREPARED BY TREASURER

Mr. DiStefano informed that this item would be adjourned to the Regular Meeting of August 13, 2008.

At this time, Mr. Rogan referred to Item Nos. 13 and 14, of which the Mayor removed earlier. He informed that both Item Nos. 13 and 14 would be adjourned to the Regular Meeting of September 10, 2008.

15. 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

Steve Isaacson, 97 Columbus Avenue, voiced his understanding that Assembly East Hill already had a liquor license and questioned why they needed an Ad Interim Permit. Borough Clerk explained that they have not received a tax clearance certificate from the Division of Taxation, (cannot obtain approval for renewal) and they are given until the end of September to do so. Therefore the Borough is permitting them to stay in business until they obtain approval.

Motion to approve Item No. 15 was made by Councilwoman Amitai, seconded by Dr. Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

Mayor Heymann referred back to Item No. 6 on the Agenda at 8:30 p.m., as Ms. Sidrow had just arrived at the meeting.

24. ANY OTHER MATTER WHICH MAY PROPERLY COME BEFORE THE GOVERNING BODY  
a. CONTINUED DISCUSSION RE PARKING SPACE FEE (Requested by Mayor 1/18/08)

At 9:05 p.m., Mayor Heymann continued with the Agenda items and asked for a motion to recess the Regular Meeting. Said Motion was made by Councilman Barad, seconded by Councilwoman Tutoli and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai.

Mayor Heymann resumed the Regular Meeting at 9:55 p.m.

At this time, since Zoning Officer, Leonard Sinowitz, was in attendance, discussion took place regarding the Renaissance District. In response to Mayor Heymann's request, Mr. Sinowitz explained as follows: the Construction Official is the Administrative Officer and there is nothing in Borough Code Chapter 35; he could not determine whether or not someone would have to file an application for a permit to paint their house or building; there is a requirement in the Historical District that changes to the façade are to be brought to the attention of the Historical District; painting a façade can be construed as a change of a façade; and in that matter, it can be enforced; he questioned the mechanism to know in advance that somebody is going to paint a building; they had no way of knowing that somebody was going to paint a building, because they don't have to apply for same. Mr. Hennessey explained that if he had the designated landmark building, you need to let them know. He voiced his opinion that telling someone what color they can paint their house is unacceptable. However, Mr. Sinowitz informed that this was not a designated landmark building; it is only a building in an historic district. Referring to his

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approximated population of 8,000 people in Closter, he asked how they would know when someone was going to paint their house, unless they were to submit an application to the Construction Office. In that case, it can be determined whether the house is in the Historic District or if it is a designated house.

Mayor Heymann wished to clarify the issue and explained as follows: they are discussing the Renaissance District, which is comprised of all of Main Street; Mr. Sinowitz is correct that there is no mechanism for stopping people from painting their houses; the point is that they are getting a new owner or tenant, who will be putting in a chicken wings place next to Dunkin Donuts; they painted that façade bright, golden orange, which is totally out of keeping with what they are trying to make of the area; if it had been considered as a Renaissance building, they would have the authority to monitor it; however, there is nothing in place to require these people to get a permit before they paint.

Mr. Sinowitz explained that if they were reconstructing that front, changing the architectural details of it or renovating the windows, then there is a mechanism, because then they would need construction permits. At the time they made an application, Mr. Sinowitz could then send them to the Planning Board. From there, the Historic Preservation Commission and any other necessary parties could provide their input to the Planning Board. Mayor Heymann stressed the importance of this topic; and Mr. Hennessey voiced his opinion that they would have a difficult time trying to enforce this, without having specific landmark buildings. Mayor Heymann pointed out that they already have Main Street listed as a Renaissance District. Under those circumstances, the Historic Preservation Commission and Closter Improvement Commission have a certain degree of control over what happens. One of the things they have control over is the building façade. Mayor Heymann reiterated what Mr. Sinowitz had said earlier that if anyone came for any kind of a permit, the Historic Commission would be able to enforce its entire book of regulations on the applicant. However, even though the damage is exactly the same, they do not have to obtain permission to paint a building.

Mr. Kashwick clarified that the Historic Preservation Commission only has authority over the approximate 12 sandstone houses. Mr. Sinowitz voiced his understanding that they also have control over the Historic District and Mr. Kashwick informed that there is no Historic District; it is the Renaissance District. Mr. Sinowitz explained that the Renaissance District was adopted, noting that there is a list of Blocks and Lots. Dr. Barad pointed out that the Historic Preservation Commission and the CIC have control over it. Mr. Sinowitz advised all to read Borough Code Chapter 35.

Motion approving the following Resolution at 10:05 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick, Barad, Tutoli and Amitai:

- 24b. OMNIBUS OPEN PUBLIC MEETINGS ACT RESOLUTION authorizing the governing body pursuant to N.J.S.A. 10:4-12 to exclude the public from the next portion of the meeting in order to permit the governing body to discuss per N.J.S.A. 10:4-12 (b)(4), “A collective bargaining agreement”, and 10:4-12(b)(7), “Pending or anticipated litigation or contract negotiations; and that the item(s) under discussion in the closed meeting will be disclosed to the public at the conclusion of the litigation and matters which should be within 4-6 months.

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

Mayor Heymann resumed the Regular Meeting at 11:00 p.m.

At this time, Borough Attorney asked for approval for a motion authorizing the expenditure of not more than \$4,500 on the Flamm property acquisition to retain the services of Langan for an environmental study.

- 25a. Said motion was made by Councilman Glidden, seconded by Councilman Barad and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Barad, Tutoli and Amitai; Councilman Kashwick voting No.

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26. ADJOURN

Motion to adjourn the Regular Meeting at 11:10 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 August 7, 2008 for approval  
at the Regular Meeting to be  
held August 13, 2008

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Loretta Castano, RMC  
Borough Clerk

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

Approved at the Regular Meeting held 8/13/08  
Consent Agenda Item No. 21.a.

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REGULAR MEETING MINUTES – WEDNESDAY, JULY 23, 2008 – 7:30 P.M.



CLOSTER MAYOR AND COUNCIL  
REGULAR MEETING MINUTES – WEDNESDAY, JULY 23, 2008 – 7:30 P.M.

MAYOR AND COUNCIL  
BOROUGH OF CLOSTER

WORK SESSION NOTES – JULY 23, 2008 - 7:30 P.M.

Mayor Heymann called the meeting to order at 9:15 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. COMMITTEE REPORTS

A. FINANCE AND TECHNOLOGY - KASHWICK (GLIDDEN/TUTOLI)

1) STATUS REPORT RE CAPITAL BUDGET/CAPITAL PLAN (RM 7/9/08)  
– They received the \$250,000 in extraordinary aid and he thanked Mayor Heymann and Mr. DiStefano for their efforts in this, noting it would help them greatly this year. Regarding the estimated taxes, Mr. DiStefano gave him the steps they will put in place should they ever have another estimated tax bill in order to avoid the occurrences of this year. They are currently working on Amendments to the 2008 Budget, which they hope to have ready for the next meeting. Last week, the Finance Committee met with the Nature Center, the Environmental Commission, the Historic Preservation Commission and the Recreation Commission to review funding requests for various projects from the Open Space Fund; and the Committee is reviewing the requests and will meet again to finalize the decisions.

2) REPORT RE TRANSPORTATION MEETING HELD IN ENGLEWOOD 6/30/08 – He, Erik Lenander and Donald Winters attended the meeting; and the scope of the project was the restoration of rail service on the Northern branch line, which could go as far as Tenafly or Englewood, depending upon which plan is adopted. They were discussing the draft of the environmental impact statement; there was nothing new they reported with the exception of parking in Ridgefield Park, which they will be taking up acreage at Overpeck Park.

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3. COMMITTEE REPORTS (Continued)

A. FINANCE AND TECHNOLOGY – KASHWICK (GLIDDEN/TUTOLI) (Continued)

3) STATUS REPORT RE CLOSTER WEBSITE – They changed some procedures so that any Borough Official can e-mail Kevin Whitney directly rather than e-mailing Mr. DiStefano in order to have a more streamlined update of the Website. They will have some additional enhancements in September.

4) STATUS REPORT RE IN-KIND MATCH OF \$25,000 FOR COMMUNITY FORESTRY GRANT (Work to be done by DPW) RM 6/27/07 – Mr. Kashwick

and George Futterknecht marked the remaining trees to be planted. Due to some resident requests to not plant trees, they will be adjusting their schedule and will be finalizing shortly.

5) REPORT – Councilman Kashwick reported as follows:

a. Regarding the Environmental Commission, Home Depot is accepting the compact fluorescent light bulbs, which will enable recycling of these light bulbs in order to eliminate mercury from entering into the way-stream. The DPW did a great job of installing all the landmark tree signs; the Commission is currently looking for nominations for the 2008 landmark trees and he noted that suggestions would be welcome.

b. The harvest at the MacBain Farm is coming in and the farm looks to be good this year.

c. There will be another newsletter from the Historic Preservation Commission coming at the end of the summer; the Commission is also working on display for the Library in November and a tour of the cemetery on October 18, which is the same day as Farm Day.

d. In reference to the Shade Tree Commission, due to the recent storm, a number of trees have been classified as weak and hazardous, which will be added to a tree removal list.

Leslie Weatherly has been doing a good job on keeping the list for the tree removals as well as handling questions regarding the tree plantings. He also thanked William Dahle and the DPW for their work during the storms.

At this time, Councilman Hennessey noted that the tree monuments could be easily vandalized and questioned if the signs were imbedded in concrete. In response to Councilman Kashwick, Councilwoman Amitai agreed the signs should be set in concrete as well. Mr. Hennessey suggested imbedding the pole for the sign in concrete below ground.

Councilwoman Tutoli questioned if anything could be done about the cars that park on the grass at Mollicone Park and the side streets during games. Mr. Kashwick informed that this is something Recreation needed to look at and noted that they could pass a resolution to prevent this. Councilwoman Amitai suggested putting signs prohibiting parking on the grass.

B. PUBLIC SAFETY - GLIDDEN (HENNESSEY/TUTOLI)

1) REPORT – Councilman Glidden reported as follows:

a. He thanked the Police Department for their work on Schraalenburgh Road Monday evening.

C. PUBLIC WORKS - HENNESSEY (AMITAI/GLIDDEN)

1) REPORT- Councilman Hennessey reported that the DPW, Buildings and Grounds Committee did not meet this month, as he was on vacation, but he will have a report next month.

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3. COMMITTEE REPORTS (Continued)

D. ORDINANCES - BARAD (KASHWICK/AMITAI)

1) REPORT RE ORDINANCE COMMITTEE MEETINGS HELD 6/9/08 AND 7/15/08 VIA CONFERENCE CALL – They discussed the store size at the last meeting, but this was already discussed this evening.

2) REPORT

- a. The Board of Health is meeting tomorrow night, and he will be attending; therefore, he will not be attending the Board of Education meeting.
- b. The Cable Committee will be meeting and he will report at the next meeting.

E. HUMAN RESOURCES - TUTOLI (KASHWICK(/BARAD)

1) REPORT RE PERSONNEL COMMITTEE MEETINGS – Councilwoman Tutoli informed that the Personnel Manual is continuing to be reviewed and revised; there is no time for final completion, but they hope to make additional progress before the next meeting.

2) REPORT – Nothing further to report.

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

1) REPORT – Councilwoman Amitai reported as follows:

a. The Closter Improvement Commission would like to begin to recognize property owners in the Downtown section who have done something to improve the outside of their building; they are looking into how to recognize these people. They are currently looking into presenting them with a plaque, which will be created by the Historic Preservation Commission and CIC. They are also looking to be informed when Whole Foods appears before the Planning Board, or whomever they need to appear before in order to know what will be happening. She informed that they are looking to find out the budget for the CIC, to which Mr. DiStefano noted that he should have the figures in a few days. Mrs. Amitai explained she will reach out to Riley, who installs the Christmas decorations in order to find out how much space is required to store them; they are hoping to find a storage place and do the work in the Borough.

The Improvement Commission is excited for their invitation to opine at the Flamm Property regarding the passive park, in order to make it look the most appealing. They are looking to meet with the Environmental Commission on that subject. They are also in the process of reworking their mission statement, which they will run by whoever is overlooking issues such as these. They are waiting to see what will happen with Fitzgerald and the signage outside of Borough Hall; there is also a new subcommittee who would like to look at the Sign Ordinance to see if they could create a flyer with simplified information for newcomers to town who would like to have a business with a sign. These people would be able to avoid having to read a 65-page ordinance. Dr. Barad clarified that they are not looking to change the ordinance, but rather create an explanatory pamphlet.

They are in the process of obtaining quotes for the power washing of sidewalks; and while they do not have the money in the budget to do anything now, they could return to the information when the time came.

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3. COMMITTEE REPORTS (Continued)

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

(Continued)

At this time, Councilwoman Amitai questioned if they could have a collection point in town for the fluorescent light bulbs, which would encourage recycling. Mayor Heymann explained that there are currently very few of these bulbs, as they have an 8,000-hour lifetime. Councilman Kashwick also noted that they are very dangerous to store; and the town would be liable if anyone was injured. This was clarified that it would be similar to the call for paint can recycling periodically throughout the year.

Mayor Heymann referred to Mrs. Amitai's mentioning of the paint can recycling and explained that this was for oil-based paint only, as water-based paint can be dried out and disposed of in the regular rubbish. Mrs. Amitai suggested adding tips like this to the website. Councilman Hennessey informed that the DPW does not take any paint cans, including latex or oil cans. Mayor Heymann expressed her understanding that the DPW informed her that they would take the dried water-based paint cans and it would be recycled at Bergen Community College. Mr. Hennessey expressed concern that people would dump their latex or oil paints into the sewer and allow for the can to dry out so it would be taken away; he noted he would ask Mr. Dahle, as he wasn't sure if the DPW would take any cans.

Councilman Glidden explained that the Bergen County Utilities Authority takes hazardous waste four times per year, which is what this paint is considered. He removed some of this from his own house this weekend. Mr. Hennessey informed they had a collection at Bergen Community College. Mayor Heymann noted that she and Mr. Glidden tried to have a local pick up for items like this, but there was no location in the area that would work. Councilman Glidden concurred, noting there would have to be a huge parking lot, as people line up to empty their cars.

4. OLD BUSINESS

No one wished to be heard.

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)

Mayor Heymann informed that the issues are that if someone pays to use the park, they would be faced with the question as to how to make rules to deny use by others. This is the second application in two months, and she clarified that they did not approve the use to Northern Valley Sports Academy, but rather put them on hold in order for them to file the necessary documents. NVSA did not submit those documents and, while their concept was approved, since there was no submission, they did not get approval. In reference to Mr. Glidden's comments, Mayor Heymann clarified that they approved the concept under those circumstances at that time.

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5. NEW BUSINESS (Continued)

Mayor Heymann asked to think about the new issues as follows: should they ever rent anything to anyone, should they rent under certain circumstances or avoid all of these and make only available to family parties and houses of worship as was done in the past. There is also the issue of the new tennis courts, where a tennis instructor is using these courts, is being paid for his services; and there are no restrictions at this time. She wished to hear some thoughts. In response to Ms. Tutoli and Mr. Kashwick, Mayor Heymann clarified that one person is using them and there are no time limits posted currently. Councilman Barad explained that once those postings are made, it doesn't matter who is playing there, as long as the limit is kept. If the court is occupied all day, this is not appropriate. He added that he is not comfortable with renting out public spaces to anyone. He expressed his understanding that they need funds, but explained that these are public spaces that everyone pays to use; and starting a precedent of renting out to people is "double-dipping."

Mayor Heymann explained that they are currently paying for County Parks and these are rented out to for-profit organizations, which would be the same thing; and there is precedence. Councilman Kashwick explained he did not oppose the Northern Valley Sports Academy; however, he opposes out-of-state entities using the spaces, as these spaces should be available for the community to use whenever they want it. Mayor Heymann explained the benefits of Kiddie Soccer as follows: they would only use it during school hours, when no one else is using it; and they would provide another educational/recreational outlet for the children in this community. In response to Dr. Barad, she clarified that the program would be available to young preschoolers.

Councilman Glidden explained that he was not against renting out the park, and he supported the renting to NVSA as it had some benefits, including funding into town; and it appeared that the majority of children would be from Closter. This would not have prevented the residents from using the facilities when they were there. He suggested this be on a case-by-case basis; he was not 100% comfortable with Kiddie Soccer and would have to see more information about it. In response to Mayor Heymann, he clarified that renting out the space should be on a case-by-case basis where those that wish to use the facility apply to do so and they have a discussion regarding the appropriateness for that time. As a set of guidelines, the most important thing is the preservation of the assets; then the benefits of the residents from having the rental there; and having income from the rental is a help.

Councilman Barad expressed his opinion that there needed to be substantial benefit to Closter residents in order to justify using these parks in this way. He was not sure this existed in this case, nor did he know how to measure this benefit. Councilman Glidden explained that, in the case of Northern Valley Sports Academy, they were going to look at what they did this year and review the benefits for next year. Councilwoman Amitai agreed with Councilman Barad, and noted she would call neighboring communities to find out what they do. Mayor Heymann asked that they all think about this further; and informed they would post rules at the tennis courts keeping the time for use to 1 hour. In response to Councilman Kashwick, Mayor Heymann explained that they could not put a residency requirement on this as it was Countyfunded; Dr. Barad noted it was from the Open Space fund.

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5. NEW BUSINESS (Continued)

Councilwoman Tutoli asked how this was different than yoga in the library. Mr. Rogan explained that the tennis court is not the property of the Borough and that the yoga instructor does not receive money from the library. Ms. Tutoli noted that the library receives money from the program and questioned why the Borough shouldn't receive money in the same fashion with the tennis courts. Mr. Rogan advised that they could lease out the tennis courts, but they would have to have a public hearing and the highest bidder would get the tennis courts. However, this would raise the philosophical question whether they wanted to do that. Councilmen Barad and Glidden expressed their opinion that this should not be done, and agreed with Mr. Rogan that someone standing at the courts for 8 hours and collecting money is offensive.

Councilman Hennessey questioned if it was necessary to collect rent to use the fields in order for someone to use them. He suggested not charging the group, but rather having them post a maintenance bond in case the field is damaged, they can restore it. Mr. Rogan explained that the Statute allows for non-profit, charitable and philanthropic organizations to have the space for one day with no rent. If it is a profit-making entity, they do not have to charge rent, but they must put it up for bid, as other entities may want the fields. This is typically done for long-term use; for example, if they are renting out the fields in the summer to a group for soccer, they have to go out to bid, as they are a profit-making entity. They would be using public lands to make money; and the town is obligated to get the best price. Councilman Hennessey explained that they would be allowing a local business to use the fields for activities for local kids; they would not have to charge money for this and they would not have to put it out for bid. Mr. Rogan disagreed, explaining that they would have to go out to bid, and if no one bids on it, they could give it to the bidder for \$1, but if someone bids \$1,000, they would have to give it to that entity.

Mayor Heymann informed the Council she had sent a memo listing the pros and cons regarding this; and reminded that Councilwoman Amitai would be obtaining information from other towns, which she will report on. She asked that this remain on the Agenda for September. Councilman Barad referred to her list and referenced the "con" that stated the fields could be abused from overuse and the rentals would not pay for repairs and maintenance. He suggested that if one were to do this, they could set the rental at a rate to include this. Mayor Heymann clarified that she wished to warn this could happen.

At this time, Mayor Heymann informed she had a few announcements. The Council received a memo regarding the COAH suit that the New Jersey League of Municipalities is participating in with other organizations regarding the COAH regulations. In order for the Borough to participate, the League wants a contribution of \$500, which they do not have. It may be of interest to know that the COAH regulations at this time are relatively favorable to Closter compared to other municipalities. If anyone wished to support the League and contribute, someone can move to that effect, which they can bring up in Open Session or in August or September.

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5. NEW BUSINESS (Continued)

Councilman Glidden asked for clarification regarding the proposal in the Legislature to limit the ability of one town paying another town to take on their COAH obligations. Mayor Heymann informed this is not a proposal, but is law and what they had before was the ability of a community to pay for COAH housing in another community, which they did for many years. What they collected went into a kitty, and they paid Fairview a legal amount that started at \$25,000 and went up to \$80,000. These agreements are no longer valid as of this week, which is a problem, as it is one of the ways they fulfill their COAH obligations. She informed that COAH is in the process of certifying the third round; Closter had it certified last year; however, due to the rule changes from the suit, they are starting over with a required new application with new rules by 12/31/08. Because these new rules are being challenged in court, they do not know when these will be the actual rules; yet, they do have an obligation under COAH that they must put in place prior to 12/31/08. Therefore, she is investigating various COAH planners to determine what to do and they have another month or two before they need to decide.

Councilwoman Amitai referred to Art Bernard, explaining he knew the Borough's previous reports on COAH; Mayor Heymann informed that he would be someone she will be asking. They also have others; and Mr. Bernard is in Middlesex County and is very difficult to reach part of the time. Their situation is not that complex and there are other planners closer to the situation in some of the communities around here and may be more helpful.

Mayor Heymann reported that she sent a letter to the neighboring Mayors regarding the way side horns and has not heard any responses as of yet. She then referred to the tree situation, explaining that they have been using the figure of 10 feet in a right-of-way. In response to Mr. DiStefano, she noted this would not be further discussed this evening.

Mayor Heymann informed that they have Daniel, who is an intern with the University of Delaware, and she had him work on developing an organizational chart with her help as well as the help of John DiStefano. She distributed same and asked them to review, fill it out and send it back. In response to Mrs. Amitai, Mayor Heymann explained that Daniel had input about one dozen shared services on this list. One of the tasks she has asked Daniel to do was accumulate a list of shared services that the Borough participates in and to find out what unfunded mandates are the most difficult to deal with. Regarding the latter, there was a questionnaire that was sent around and they asked for five.

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

No one wished to be heard.



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7. OPEN MEETING TO THE PUBLIC

Hugh Johnson, 107 Demarest Avenue, inquired about the status of Keith Sager and questioned what he was at this time. Mayor Heymann informed that personnel issues are not discussed in open session. In response to Mr. Johnson, Mr. Rogan clarified there will not be a discussion regarding personnel this evening in Closed Session. Mr. Johnson further questioned the Personnel Committee, asking if a female employee has sent a complaint to the Committee. Ms. Tutoli notified she had not received any complaint; Mr. Johnson explained that the procedure would be that if a Borough employee has a complaint, it would go to the Personnel Committee, and it is reviewed by that Committee.

Mr. Rogan advised that the Borough has an Employee Manual that explains that anytime an employee has a dispute, there are steps that one can take. If the dispute is between co-employees, that employee can go to the Department Head. If the dispute is between the employee and the Department Head, then that employee can go to the Acting Administrator. If the dispute is with the Acting Administrator, that employee can go directly to the Personnel Committee. At any step along the way, if that employee is not satisfied with the resolution, they have the right to appeal and go before the Mayor and Council; all of this is outlined in Closter's handbook. Mr. Rogan confirmed to Mr. Johnson that all Closter employees are given and sign for that handbook.

Mr. Johnson informed that he was greeted this evening by Jennifer Rothschild, a member of the Zoning Board of Adjustment, and she applauded him for his efforts regarding the abuse that the Construction Code Official has leveled on certain people. In response to Mr. Rogan, Mr. Johnson explained that she had complained to the Borough and Council a year ago; and she stated that the Borough and Council did absolutely nothing. Mr. Rogan informed that if she had a complaint to make to the Council, she could write a letter and follow up; he stressed it would be more appropriate for the person who made the complaint to come before the Council either in writing or in person to say they were not satisfied. Mr. Johnson stated that Mrs. Rothschild was afraid and she had informed him of this.

Mr. Johnson explained that he was with Mayor Heymann two Fridays ago and he was aware of a leak in the Zoning Board room (Meeting Room); it was a leak with water, which he observed containing black insulation. He reminded that they had mold problems in the past and several years ago, OSHA made the statement that the level of mold in the building was acceptable. He did not believe any level of mold was acceptable, as it is dangerous, it produces illness and infections; and he asked for comment on same. He stated that the mold was painted over, they have a problem with the roof and the insulation was completely black. Mayor Heymann clarified that he was assuming black insulation meant mold, which is not the case, as the insulation can color without being moldy. Mr. Johnson did not agree, and Mayor Heymann explained there was a serious leak, and water can leave deposits before the leak came through the ceiling tiles. These deposits can leave all different colors and OSHA came to inspect and investigate.

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7. OPEN MEETING TO THE PUBLIC (Continued)

Mr. Johnson questioned who inspected the leak; and Mayor Heymann informed that many people inspected it, including the air conditioning people. In response to Mr. Johnson, Mayor Heymann stated that she did not know if there was mold, and neither did he, as they do not recognize mold. She confirmed that she assumed Mr. Johnson to not recognize mold; to which he informed he could. Mayor Heymann hoped that the health of the Borough employees was not in jeopardy and noted that OSHA has seconded that, noting it was acceptable. Mr. Johnson questioned how she could justify an acceptable level of mold. He also asked if the Board of Health has inspected and accepted same. In response to Councilman Glidden, he clarified that OSHA did report that there was an acceptable amount of mold.

8. DISCUSSION OF PUBLIC COMMENTS, IF APPROPRIATE

No one wished to be heard.

9. ADJOURNMENT

Motion to adjourn the Work Session at 9:55 p.m. was made by Councilman Barad, seconded by Councilman Glidden and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council  
on July 31, 2008 for approval at  
the Regular Meeting to be held  
August 13, 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  
Consent Agenda Item No. 21.b.